



DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE

Volume I

Department of Defense Annual Report on Sexual Assault in the Military

Fiscal Year 2012

The estimated cost of report or study for the Department of Defense is approximately \$514,000 for the 2013 Fiscal Year. This includes \$111,000 in expenses and \$403,000 in DoD labor.

Generated on 2013Apr15

RefID: 5-9DB8000



UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

MAY 9 2013

The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Section 1631(d) of Public Law (P.L.) 111-383, the Ike Skelton National Defense Authorization Act for Fiscal Year (FY) 2011, requires the Secretary of Defense to submit to the Committees on Armed Services reports of sexual assaults provided by the Military Departments, along with his analysis. Sexual assault prevention and response (SAPR) falls under my purview, and I have been asked to respond.

The "Department of Defense Fiscal Year 2012 Annual Report on Sexual Assault in the Military" presents Department of Defense (DoD) statistics and analysis of reports of sexual assault during FY12, discusses policy and program improvements to sexual assault, and outlines future plans to enhance support to victims of sexual assault. The numerical data and statistics contained in this report are drawn from metrics identified in the Department's evaluation plan, which fulfills additional reporting requirements outlined in section 1602 of P.L. 111-383. The report responds to additional reporting requirements in section 567 of P.L. 111-84 and section 596 of P.L. 109-163. An interim report required by section 578 of P.L. 112-239 is provided at Enclosure 5 to the report.

In FY12, the Department reissued the SAPR Directive and the Joint Chiefs of Staff released strategic guidance to operationalize the SAPR Program across the Total Force. Under the leadership of the Secretary of Defense, new policies and programs were implemented regarding initial disposition authority, victim communications, sexual assault advocate certification, reporting options, records retention, expedited transfers, and SAPR support services.

There is more to do and the Department is actively pursuing additional efforts at all levels of leadership. In FY13, the Department will revise the DoD-wide SAPR strategic plan, implement new Department-wide SAPR policy, and broaden the scope of the SAPR Program by significantly expanding goals and objectives related to improving accountability and investigations within the Department. The Department stands committed to its goal of reducing, with a goal of eliminating the crime of sexual assault in the Armed Forces.

Thank you for your commitment to our Service members. I am sending a similar letter to the Chairman of the House Committee on Armed Services.

Sincerely,


Jessica L. Wright
Acting

Enclosure:
As stated

cc:
The Honorable James M. Inhofe
Ranking Member



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

MAY 3 2013

The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Section 1631(d) of Public Law (P.L.) 111-383, the Ike Skelton National Defense Authorization Act for Fiscal Year (FY) 2011, requires the Secretary of Defense to submit to the Committees on Armed Services reports of sexual assaults provided by the Military Departments, along with his analysis. Sexual assault prevention and response (SAPR) falls under my purview, and I have been asked to respond.

The "Department of Defense Fiscal Year 2012 Annual Report on Sexual Assault in the Military" presents Department of Defense (DoD) statistics and analysis of reports of sexual assault during FY12, discusses policy and program improvements to sexual assault, and outlines future plans to enhance support to victims of sexual assault. The numerical data and statistics contained in this report are drawn from metrics identified in the Department's evaluation plan, which fulfills additional reporting requirements outlined in section 1602 of P.L. 111-383. The report responds to additional reporting requirements in section 567 of P.L. 111-84 and section 596 of P.L. 109-163. An interim report required by section 578 of P.L. 112-239 is provided at Enclosure 5 to the report.

In FY12, the Department reissued the SAPR Directive and the Joint Chiefs of Staff released strategic guidance to operationalize the SAPR Program across the Total Force. Under the leadership of the Secretary of Defense, new policies and programs were implemented regarding initial disposition authority, victim communications, sexual assault advocate certification, reporting options, records retention, expedited transfers, and SAPR support services.

There is more to do and the Department is actively pursuing additional efforts at all levels of leadership. In FY13, the Department will revise the DoD-wide SAPR strategic plan, implement new Department-wide SAPR policy, and broaden the scope of the SAPR Program by significantly expanding goals and objectives related to improving accountability and investigations within the Department. The Department stands committed to its goal of reducing, with a goal of eliminating the crime of sexual assault in the Armed Forces.

Thank you for your commitment to our Service members. I am sending a similar letter to the Chairman of the Senate Committee on Armed Services.

Sincerely,


Jessica L. Wright
Acting

Enclosure:
As stated

cc:
The Honorable Adam Smith
Ranking Member

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
INTRODUCTION.....	6
PRIORITY 1: INSTITUTIONALIZE PREVENTION STRATEGIES IN THE MILITARY COMMUNITY	6
POLICY AND PROGRAM ENHANCEMENTS	7
Prevention Training	9
THE IMPACT OF EFFORTS TO INSTITUTIONALIZE PREVENTION STRATEGIES IN THE MILITARY COMMUNITY	11
SEXUAL ASSAULT PRIOR TO MILITARY SERVICE AND SINCE ENTERING MILITARY SERVICE ..	15
SEXUAL ASSAULT IN THE MILITARY AND CIVILIAN SECTORS	16
SEXUAL ASSAULT PREVENTION IN FY13	16
PRIORITY 2: INCREASE THE CLIMATE OF VICTIM CONFIDENCE ASSOCIATED WITH REPORTING.....	17
POLICY AND PROGRAM ENHANCEMENTS	19
Continued Education and Awareness	19
VICTIM CONFIDENCE IN THE MILITARY JUSTICE PROCESS	21
REPORTING PROCESS CHALLENGES.....	22
THE IMPACT OF EFFORTS TO INCREASE THE CLIMATE OF VICTIM CONFIDENCE ASSOCIATED WITH REPORTING	23
VICTIM CONFIDENCE IN REPORTING IN FY13.....	27
PRIORITY 3: IMPROVE SEXUAL ASSAULT RESPONSE	27
POLICY AND PROGRAM ENHANCEMENTS	27
Policy Changes	27
DoD Safe Helpline.....	30
DoD Standards for Victim Assistance	31
DoD Sexual Assault Advocate Certification Program.....	31
Strengthening Military-Civilian Community Partnerships to Respond to Sexual Assault	32
Survivor Summit and SARC Summit.....	32
RESPONDER TRAINING	33
SARCs and SAPR VAs	33
Commanders.....	34
Criminal Investigators.....	34
Medical Personnel.....	34

Judge Advocates.....	35
Continued Education in Recovery Care	35
THE IMPACT OF EFFORTS TO IMPROVE SEXUAL ASSAULT RESPONSE	35
SEXUAL ASSAULT RESPONSE IN FY13.....	37
PRIORITY 4: IMPROVE SYSTEM ACCOUNTABILITY	38
POLICY AND PROGRAM ENHANCEMENTS	38
Pre-Command and Senior Enlisted SAPR Training Evaluation.....	39
Data Standardization, Collection, and Reporting.....	39
Defense Sexual Assault Incident Database	41
OVERSIGHT ACTIVITIES.....	42
Tracking of Oversight Recommendations	42
RESEARCH AND EFFECTIVENESS MEASURES.....	43
THE IMPACT OF EFFORTS TO IMPROVE SYSTEM ACCOUNTABILITY	45
SYSTEM ACCOUNTABILITY IN FY13.....	45
PRIORITY 5: IMPROVE STAKEHOLDER KNOWLEDGE AND UNDERSTANDING OF SEXUAL ASSAULT PREVENTION AND RESPONSE	46
STAKEHOLDER OUTREACH AND COLLABORATION.....	47
COMMUNICATIONS TACTICS	49
Outreach Campaigns	50
SAPR Source	50
Sexual Assault Awareness Month.....	50
THE IMPACT OF EFFORTS TO IMPROVE STAKEHOLDER KNOWLEDGE AND UNDERSTANDING OF SAPR.....	50
SAPR AWARENESS IN FY13	51
STATISTICAL DATA ON SEXUAL ASSAULT	52
BACKGROUND ON DOD SEXUAL ASSAULT DATA	52
What It Captures:	52
<i>Reports of Sexual Assault</i>	52
<i>Subject Dispositions</i>	53
Who It Describes:.....	54
When It Happened:	55
How It's Gathered:	56
Why It's Collected:	56
OVERVIEW OF REPORTS OF SEXUAL ASSAULT MADE IN FY12	57
FY12 UNRESTRICTED REPORTS OF SEXUAL ASSAULT	60
Crimes Alleged in Unrestricted Reports	62

Investigations of Unrestricted Reports	64
Sexual Assault Subject Dispositions in FY12	65
Military Subjects Considered for Disciplinary Action	68
Military Justice.....	70
<i>Courts-Martial for a Sexual Assault Offense</i>	71
<i>Nonjudicial Punishment</i>	74
<i>Administrative Discharges and Adverse Administrative Actions</i>	75
<i>Probable Cause Only for a Nonsexual Assault Offense</i>	76
<i>Subjects Outside DoD Legal Authority</i>	77
<i>Unfounded Allegations of Sexual Assault</i>	79
Demographics of Victims and Subjects in Completed Investigations	80
<i>Victims</i>	80
<i>Subjects</i>	83
FY12 REPORTS OF SEXUAL ASSAULT IN COMBAT AREAS OF INTEREST	84
Sexual Assaults Perpetrated by Foreign Nationals Against Service Members.....	86
Demographics of Unrestricted Reports in CAIs.....	86
<i>Victims</i>	86
<i>Subjects</i>	86
Demographics of Restricted Reports in CAIs	87
FY12 RESTRICTED REPORTS OF SEXUAL ASSAULT	87
Demographics of Restricted Reports of Sexual Assault.....	88
FY12 SERVICE REFERRAL INFORMATION	90
CONCLUSION	91
APPENDIX A: PUBLIC LAWS GOVERNING THE REPORT	93
APPENDIX B: DOD SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM OVERVIEW	97
SEXUAL ASSAULT IN THE MILITARY ENVIRONMENT	97
SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE HISTORY.....	97
MILITARY DEFINITION OF SEXUAL ASSAULT	98
DEPARTMENT'S REPORTING OPTIONS AND PROCEDURES.....	99
VICTIM CARE IN THE DEPARTMENT OF DEFENSE	101
APPENDIX C: LIST OF ACRONYMS.....	104
APPENDIX D: FY12 AGGREGATE DATA MATRICES	107

LIST OF FIGURES (Programmatic Section)

Figure 1: The Spectrum of Prevention consists of interventions at all levels of the DoD community.....	7
Figure 2: DEOCS Prevention Item One. Results shown for August 2012.	8
Figure 3: DEOCS Prevention Item Two. Results shown for August 2012.	8
Figure 4: Maj Gen Mike Basla, Air Force Space Command Vice Commander (left), addresses Airmen at Peterson Air Force Base on bystander intervention and the importance of sexual assault prevention.	9
Figure 5: Rates of USC from the DMDC <i>WGRA</i> , 2006 through 2012.	12
Figure 6: Estimated Service Members Experiencing Unwanted Sexual Contact Calculated Using the DMDC <i>WGRA</i> , 2006 to 2012.	13
Figure 7: Average Bystander Intervention Climate Composite Scores in the Department of Defense, April to August 2012. Higher scores indicate a more favorable climate.	15
Figure 8: Reports of Sexual Assault to DoD and Number of Service Member Victims Accounted for in Sexual Assault Reports, CY04 – FY12.....	24
Figure 9: Service Member Victims in Reports of Sexual Assault to DoD vs. Estimates of Service Members Experiencing Unwanted Sexual Contact, CY04–FY12.....	25
Figure 10: The DoD Safe Helpline Mobile App provides on-the-go access to resources and tools to help manage the effects of sexual assault.....	30
Figure 11: Ohio National Guard members were among more than 250 community participants in the inaugural Race to Eliminate Sexual Violence 5K run in Columbus, Ohio, in April 2012.....	32
Figure 12: Col Mary Reinwald, then-director of the Marine Corps SAPR program, provides remarks at the SARC Conference in April 2012.	33
Figure 13: Percentage of military subjects for whom disciplinary action was not possible because victim(s) declined to participate in the military justice process, FY09–FY12.....	37
Figure 14: Gen Raymond Odierno, Army Chief of Staff, speaks at the 2012 Army SHARP Summit.	46
Figure 15: Air Force Brig Gen Andrew Mueller, Commander, 81 st Training Wing, Keesler Air Force Base, with SAPR Staff and SAPR VAs at the April 2012 “Walk a Mile in Her Shoes” event in Biloxi, Mississippi.....	48
Figure 16: In April 2012, the Department hosted a ceremony to present six SARCs with the Exceptional SARC Award.....	51

LIST OF EXHIBITS (Statistical Data Section)

Exhibit 1: Reports of Sexual Assault and Investigations Completed in FY12	57
Exhibit 2: Total Reports of Sexual Assault Made to the Department — Unrestricted Reports and Restricted Reports, CY04–FY12.....	58
Exhibit 3: Service Member Victims in DoD Sexual Assault Reports, CY04–FY12	59
Exhibit 4: Victim Reporting Rates of Sexual Assault by Military Service, FY07–FY12 ..	60
Exhibit 5: Unrestricted Reports of Sexual Assault by Service Member Involvement, FY12	61
Exhibit 6: Unrestricted Reports of Sexual Assault by Service Member Involvement, FY07–FY12.....	61
Exhibit 7: Offenses Originally Alleged in Unrestricted Reports of Sexual Assault, FY12	62
Exhibit 8: Offenses Originally Alleged in Unrestricted Reports of Sexual Assault, FY08–FY12	63
Exhibit 9: FY12 Subjects Outside DoD Legal Authority	66
Exhibit 10: Dispositions of Subjects Under DoD Legal Authority, FY12	68
Exhibit 11: Breakdown of disciplinary actions taken against subjects for sexual assault offenses, FY07–12	70
Exhibit 12: Dispositions of Subjects Against Whom Sexual Assault Courts-Martial Charges Were Preferred, FY12.....	73
Exhibit 13: Dispositions of Subjects Receiving Nonjudicial Punishment, FY12	75
Exhibit 14: Dispositions of Subjects for Whom There was Only Probable Cause for Nonsexual Assault Offenses, FY12.....	77
Exhibit 15: Subjects Investigated for Sexual Assault by the Department Who Were Outside Its Legal Authority, FY09–FY12	79
Exhibit 16: Subjects with Unfounded Allegations in Completed DoD Investigations of Sexual Assault, FY09–FY12	80
Exhibit 17: Gender of Victims in Completed Investigations of Unrestricted Reports, FY12	81
Exhibit 18: Age of Victims in Completed Investigations of Unrestricted Reports, FY12	81
Exhibit 19: Grade or Status of Victims in Completed Investigations of Unrestricted Reports, FY12.....	82
Exhibit 20: Gender of Subjects in Completed Investigations of Unrestricted Reports, FY12	83
Exhibit 21: Age of Subjects in Completed Investigations of Unrestricted Reports, FY12	83
Exhibit 22: Grade or Status of Subjects in Completed Investigations of Unrestricted Reports, FY12.....	84
Exhibit 23: Total Reports of Sexual Assault in CAIs: Unrestricted Reports and Restricted Reports, FY07–FY12	85
Exhibit 24: Iraq and Afghanistan: Unrestricted Reports, FY07–FY12.....	85

Exhibit 25: Iraq and Afghanistan: Restricted Reports, FY07–FY12	86
Exhibit 26: Total Number of Reports that Were Initially Made as Restricted, the Remaining Number of Restricted Reports, and the Number of Reports that Converted, FY07–FY12	88
Exhibit 27: Gender of Victims Making Restricted Reports, FY12	88
Exhibit 28: Age of Victims Making Restricted Reports, FY12	89
Exhibit 29: Grade or Status of Victims Making Restricted Reports, FY12	89
Exhibit 30: Average Number of Service Referrals per Victim of Sexual Assault, FY07–FY12	90
Exhibit 31: SAFEs Reported by the Military Services, FY07–FY12	91

LIST OF TABLES

Table 1: Unrestricted Reports of Sexual Assault by Alleged Offense and Military Status, FY12	64
Table 2: Status of Investigations of Sexual Assault in FY12	65
Table 3: Military Subject Dispositions in FY12	69

LIST OF ENCLOSURES

Enclosure 1: Department of the Army
Enclosure 2: Department of the Navy
Enclosure 3: Department of the Air Force
Enclosure 4: National Guard Bureau
Enclosure 5: Report on Department of Defense Policy Required by Section 578, FY2013 NDAA

LIST OF ANNEXES

Annex A: <i>2012 Workplace and Gender Relations Survey of Active Duty Members</i>
Annex B: <i>2012 Workplace and Gender Relations Survey of Reserve Component Members</i>
Annex C: <i>2012 QuickCompass of Sexual Assault Response Coordinators</i>
Annex D: Centers for Disease Control and Prevention, <i>Prevalence of Intimate Partner Violence, Stalking, and Sexual Violence Among Active Duty Women and Wives of Active Duty Men – Comparisons with Women in U.S. General Population, 2010 – Technical Report</i>

EXECUTIVE SUMMARY

Sexual assault is a crime that has no place in the Department of Defense (DoD). It is an attack on the values we defend and on the cohesion our units demand, and forever changes the lives of victims and their families. In 2005, the Department established the Sexual Assault Prevention and Response (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 policies that define the SAPR program and the oversight activities that assess its effectiveness.¹

Federal law requires the Department to provide Congress with an annual report on sexual assaults involving members of the Armed Forces. This report presents the Department's programmatic activities and provides analysis of reports of sexual assault made during fiscal year (FY) 2012 (October 1, 2011, through September 30, 2012). Enclosed within this report are supplementary reports from the Secretaries of the Military Departments and the Chief of the National Guard Bureau.

Additionally, this year's report assesses the Department's progress in the areas of prevention, reporting, response, and improved knowledge of SAPR using the results of the Defense Manpower Data Center (DMDC) *2012 Workplace and Gender Relations Survey of Active Duty Members (WGRA)*, *2012 Workplace and Gender Relations Survey of Reserve Component Members (WGRR)*, and the *2012 QuickCompass of Sexual Assault Response Coordinators (QSARC)*.^{2,3,4} Also enclosed are data and analysis from the Centers for Disease Control and Prevention (CDC) technical report, *Prevalence of Intimate Partner Violence, Stalking, and Sexual Violence Among Active Duty Women and Wives of Active Duty Men – Comparisons with Women in U.S. General Population, 2010*, and the *Report on Department of Defense Policy Required by Section 578, FY2013 NDAA*.^{5,6}

¹ Responsibility for criminal investigative matters and legal processes that apply to sexual assault and other crimes are assigned to the Department of Defense (DoD) Inspector General (IG) and the Judge Advocates General of the Military Departments, respectively.

² The *2012 Workplace and Gender Relations Survey of Active Duty Members (WGRA)* is provided in its entirety as a separate document and posted at <http://www.sapr.mil/index.php/research>.

³ The *2012 Workplace and Gender Relations Survey of Reserve Component Members (WGRR)* is provided in its entirety as a separate document and posted at <http://www.sapr.mil/index.php/research>.

⁴ The *2012 QuickCompass of Sexual Assault Response Coordinators (QSARC)* is provided in its entirety as a separate document and posted at <http://www.sapr.mil/index.php/research>.

⁵ Black, M.C. & Merrick, M.T. (2010). *Prevalence of Intimate Partner Violence, Stalking, and Sexual Violence Among Active Duty Women and Wives of Active Duty Men – Comparisons with Women in U.S. General Population, 2010*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

⁶ National Defense Authorization Act (NDAA) for Fiscal Year 2013, Public Law (P.L.) 112-239, Section (Sec.) 578 (2013).

DoD SAPRO organizes and reports Department progress in the SAPR program using the five overarching priorities within the *DoD-Wide SAPR Strategic Plan*. The Plan's five priorities are:

1. Institutionalize Prevention Strategies in the Military Community;
2. Increase the Climate of Victim Confidence Associated with Reporting;
3. Improve Sexual Assault Response;
4. Improve System Accountability; and
5. Improve Stakeholder Knowledge and Understanding of SAPR.

Institutionalize Prevention Strategies in the Military Community: The goal of this priority is to establish a military culture free of sexual assault. The Department seeks to reduce, with the goal to eliminate, the number of sexual assaults involving Service members through policy and institutionalized prevention efforts that influence knowledge, skills, and behaviors. In FY12, the Military Services implemented and continued a variety of training and education programs for Service members that featured bystander intervention and other prevention methods. DoD surveys indicate that the vast majority of Service members are receiving prevention training, hearing key prevention concepts, and reporting an intention to take active steps to prevent sexual assault. Although measuring the overall impact of prevention efforts is difficult, the Department uses the *WGRA* to estimate the prevalence (occurrence) of unwanted sexual contact (USC) involving Service members in a given year.⁷ In the *2012 WGRA*, 6.1 percent of Active Duty women and 1.2 percent of Active Duty men indicated they experienced some kind of USC in the 12 months prior to being surveyed. For women, this represents a statistically significant increase over the 4.4 percent USC rate measured in 2010. The change in the USC rate for men from 2010 to 2012 was not statistically significant. The increased USC rate for women and the unchanged USC rate for men this year indicate that the Department has a persistent problem and much more work to do in preventing sexual assault in the Armed Forces.⁸ To that end, DoD SAPRO began to incorporate the 2012 Joint Chiefs of Staff (JCS) *Strategic Direction to the Joint Force on Sexual Assault Prevention and Response* into an updated *DoD-Wide SAPR Strategic Plan*.⁹ This new approach will be structured around five multidisciplinary and complementary lines of effort: Prevention, Investigation, Accountability, Victim Assistance (Advocacy), and Assessment.

⁷ The term "unwanted sexual contact" (USC) is the survey term for contact sexual crimes between adults prohibited by military law, ranging from rape to abusive sexual contact. USC involves intentional sexual contact that was against a person's will or occurred when the person did not or could not consent. The term describes completed and attempted oral, anal, and vaginal penetration with any body part or object, and the unwanted touching of genitalia and other sexually-related areas of the body.

⁸ The *2012 WGRA* was conducted in the last quarter of FY12. Many of the latest Military Service prevention programs and directives from the Secretary of Defense were not initiated or issued until September 2012 or the first quarter of FY13. As a result, the impact of the Department's most recent efforts is not reflected in the *2012 WGRA* results.

⁹ DoD Joint Chiefs of Staff (JCS), *Strategic Direction to the Joint Force on Sexual Assault Prevention and Response*, May 2012.

Increase the Climate of Victim Confidence Associated with Reporting: The goal of this priority is to increase the number of victims who make a report of sexual assault. The Department strives to increase sexual assault reporting by improving Service members' confidence in the military justice process, creating a positive command climate, enhancing education and training about reporting options, and reducing stigma and other barriers that deter reporting. In FY12, there were 3,374 reports of sexual assault involving Service members. These reports involved one or more Service members as either the victim or subject (alleged perpetrator) of an investigation. The 3,374 reports involved a range of crimes prohibited by the Uniform Code of Military Justice (UCMJ), from abusive sexual contact to rape. This represents a 6 percent increase over the 3,192 reports of sexual assault received in FY11, thus providing the Department greater opportunities to provide victim care and to ensure appropriate offender accountability.

The 3,374 reports involved 2,949 Service member victims. Of the 3,374 reports of sexual assault in FY12, 2,558 were Unrestricted Reports. The Military Services initially received 981 Restricted Reports. At the request of the victim, 165 reports were converted from Restricted to Unrestricted, leaving 816 reports remaining Restricted in FY12. In April 2012, the Secretary of Defense directed that effective June 28, 2012, in certain sexual assault cases, the initial disposition authority for disciplinary actions taken under the UCMJ be elevated to commanders in the O-6 grade (that is, colonel or Navy captain) or higher who possess at least special court-martial convening authority, to ensure these cases are handled by seasoned, more senior commanders with advice of legal counsel.

Improve Sexual Assault Response: The goal of this priority is to improve the quality of the Department's response to victims of sexual assault through programs, policies, and activities that advance victim care and enhance victims' experience with the criminal investigative and military justice processes. In FY12, the DoD Safe Helpline, the Department's confidential 24/7 hotline resource for sexual assault victims, received more than 49,000 unique visitors to its website and more than 4,600 individuals received specialized care through its online chat, telephone helpline, and texting referral services.¹⁰ The Department also implemented several policy changes in FY12 via Directive-Type Memoranda (DTM) and the reissuance of DoD Directive (DoDD) 6495.01, "Sexual Assault Prevention and Response Program." These changes included a new expedited transfer policy, providing victims who make an Unrestricted Report of sexual assault the option to request an expedited transfer from their assigned command or base. This year, 216 of 218 requests for expedited transfer were approved. Another policy change required the retention of most sexual assault records for 50 years to improve the availability of documents for Service members and veterans who reported the crime. Other policy changes incorporated sexual assault victims into the definition of emergency care and encouraged mental healthcare referrals for victims upon first contact with medical professionals. Additionally, the Military Services began

¹⁰ Each computer IP address is counted once and the unique visits number does not represent sexual assault victims.

implementing the FY12 National Defense Authorization Act (NDAA) requirement to assign at least one full-time Sexual Assault Response Coordinator (SARC) and SAPR Victim Advocate (VA) to each brigade or equivalent unit level.¹¹ Throughout the year, the Military Services also provided updated and improved training to thousands of first responders across the Department.

Improve System Accountability: The goal of this priority is to ensure the SAPR program functions as it was intended. System accountability is achieved through data collection, analysis, and reporting of case outcomes, as well as through oversight review of SAPR program components. In FY12, the Department completed development of and deployed the Defense Sexual Assault Incident Database (DSAID), a secure, centralized, case-level data system for documenting sexual assault reports and managing cases. The Department also continued to standardize case disposition definitions, resulting in a standardized definition for the term “substantiated.” At the end of FY12, the Military Services reported dispositions for 2,661 of the 3,288 military and civilian subjects receiving or waiting for a disposition for the allegations against them at the close of FY12.¹² Investigations determined that 947 of the 2,661 subjects were either outside the legal authority of the Department or a military criminal investigative agency determined the allegations were unfounded (false or baseless).¹³

The remaining 1,714 subjects investigated for sexual assault were presented to military commanders for consideration of disciplinary action. Of the 1,714 military subjects, commanders could not take action against 509 due to evidentiary problems. Eighty-one of the 1,714 military subjects received no disciplinary action because commanders determined the criminal allegations were unfounded (false or baseless). Commanders had sufficient evidence to take disciplinary action against 1,124 of the 1,714 military subjects. Of the 1,124 subjects, sexual assault charges were substantiated for 880 subjects for whom it was determined a sexual assault offense warranted discipline. For the remaining 244 subjects, evidence supported command action for other misconduct discovered during the sexual assault investigation (such as making a false official statement, adultery, underage drinking, or other crimes under the UCMJ), but not a sexual assault charge. Command actions for sexual assault charges and other misconduct charges included court-martial charge preferrals, nonjudicial punishment, administrative discharges, or other adverse administrative actions. Sixty-eight percent of subjects receiving disciplinary action for a sexual assault had court-martial charges preferred against them.

Improve Stakeholder Knowledge and Understanding of SAPR: The goal of this priority is to ensure stakeholders know the Department is proactively working to combat

¹¹ NDAA for FY12, P.L. 112-81, 125 Stat. 1432, Sec. 584 (2012).

¹² In order to comply with Congressional reporting requirements, the Department’s sexual assault data represents a 12-month snapshot in time. Consequently, at the end of FY12, 627 of the 3,288 subject dispositions were still in progress and will be reported in forthcoming years’ reports.

¹³ Subjects outside the Department’s legal authority include unidentifiable offenders, civilians or foreign nationals, military subjects being prosecuted by a civilian or foreign authority, or subjects who died or deserted before the conclusion of the investigation and/or disciplinary action.

the crime of sexual assault in the military, demonstrate the Department's sustained efforts, and communicate the Department's long-term commitment to achieving its objectives. In FY12, the Secretary of Defense, JCS, and Military Service leadership demonstrated sustained engagement and resolve to eliminate sexual assault from the Armed Forces by promoting senior leadership involvement in SAPR programs, fostering collaboration among the Military Services and civilian stakeholders, and reinforcing ownership of both the problem and solutions. The Department reached out to victims of sexual assault, civilian advocacy groups, and veterans' organizations to inform them of SAPR program progress and gain their feedback. The Secretary of Defense took an active role by authoring new policies, directing the evaluation of programs, and increasing awareness of the Department's commitment to combating sexual assault.

INTRODUCTION

This report is the *DoD FY12 Annual Report on Sexual Assault in the Military*. It fulfills the following statutory requirements:

- Section 1631 of Public Law (P.L.) 111-383, the Ike Skelton NDAA for FY11, requires the Secretary of Defense to submit to the Committees on Armed Services an annual report on sexual assaults involving members of the Armed Forces.
- Section 1602 of P.L. 111-383 requires the Secretary of Defense to develop and implement an evaluation plan for assessing the effectiveness of the DoD SAPR program. The Annual Report is consistent with these evaluation plan requirements.
- Section 567 of P.L. 111-84, the NDAA for FY10, and Section 596 of P.L. 109-163, the NDAA for FY06, specify additional reporting elements pertaining to data collection and case tracking to be included in the Annual Report.

This report is the Department's ninth annual report; it describes sexual assault reports that were made during FY12 (October 1, 2011, through September 30, 2012).¹⁴ This report organizes and validates the Department's accomplishments using the five overarching priorities within the *DoD-Wide SAPR Strategic Plan*, published December 2009.

PRIORITY 1: INSTITUTIONALIZE PREVENTION STRATEGIES IN THE MILITARY COMMUNITY

The goal of this priority is to establish a military culture free of sexual assault. Sexual assault is a crime that takes a toll on the victim and diminishes the Department's capability by undermining core values, degrading mission readiness, potentially jeopardizing strategic alliances, and raising financial costs. The Department seeks to reduce, with a goal to eliminate, sexual assault through institutionalized prevention efforts and policies that empower Service members to stop a sexual assault before it occurs. When discussed in this report, prevention refers to population-based or system-level strategies, policies, and actions that aim to decrease the number of individuals who perpetrate sexual assault and the number of individuals who are sexual assault victims.

¹⁴ Annual reports from 2004 to 2006 were based on the calendar year; annual reports from 2007 to the present are based on the fiscal year.

POLICY AND PROGRAM ENHANCEMENTS

The Department continued to take a comprehensive approach to sexual assault prevention in FY12 by designing interventions at the peer, community, and organizational levels.

In January 2012, the Department revised and reissued DoDD 6495.01, which included a requirement that the Military Services align their prevention strategies with the DoD Sexual Assault Prevention Strategy.¹⁵ The central tenet of this strategy is the Spectrum of Prevention, which describes six levels of influence and intervention, ranging from individuals to organization-wide policy (Figure 1).¹⁶ By addressing sexual assault prevention at each of the six levels in military society, the Department seeks to promote a culture where all members of the DoD community understand their role in prevention and act to reduce the occurrence of sexual assault in the military.



In order to improve military commanders' understanding of the prevention culture and climate within their units, DoD SAPRO and DMDC worked with the Defense Equal Opportunity Management Institute (DEOMI) to develop six SAPR-focused questions for inclusion in the DEOMI Organizational Climate Survey (DEOCS) and Air Force Unit Climate Assessment surveys.¹⁷ These surveys provide commanders with a real-time assessment of their command climate related to discriminatory attitudes and behaviors.

Included among the new SAPR questions are two questions that specifically address the propensity for unit members to intervene in situations at risk for sexual assault. The two questions allow a commander to assess how well unit members understand prevention concepts and whether or not members feel empowered to act in a given situation. One question is situation-based and asks respondents to indicate *which action* they would take if in a given situation. The second question presents a scenario to respondents and asks at *which point they would most likely intervene* if they witnessed the escalating situation. Figures 2 and 3 below are drawn from the responses to these two questions in surveys administered in August 2012.

¹⁵ Department of Defense Directive (DoDD) 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," was reissued on January 23, 2012. 32 Code of Federal Regulations (CFR) Part 103 Final Rule (RIN 0790-AI37).

¹⁶ National Sexual Violence Resource Center, *Sexual Violence and the Spectrum of Prevention: Towards a Community Solution*, 2006.

¹⁷ All of the Military Services, with the exception of the Air Force, use the DEOMI Organizational Climate Survey (DEOCS).

Suppose you see a Service member put something in a person's drink. You're unsure what it was and question if your eyes were playing tricks on you. What are you most likely to do in this kind of situation?

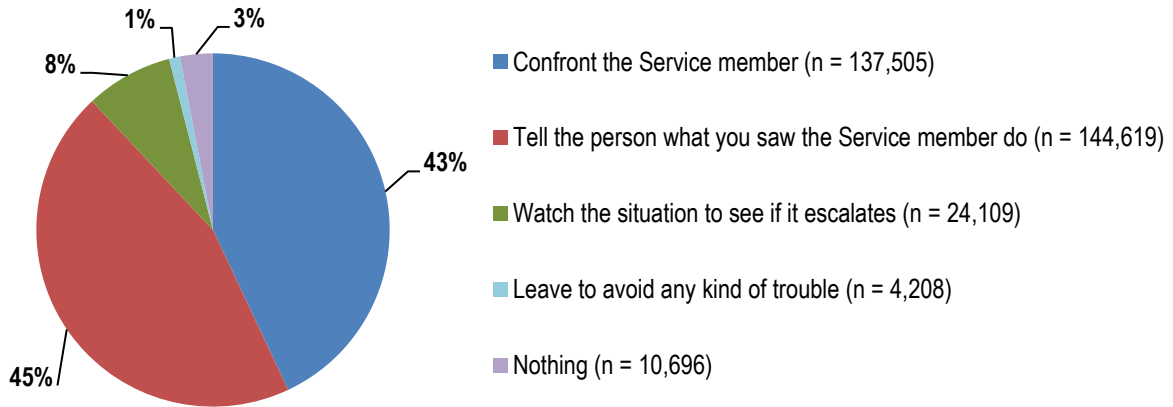


Figure 2: DEOCS Prevention Item One. Results shown for August 2012.

Imagine you go TDY for some training. The first night you go to a restaurant/bar with a large group of colleagues, whom you just met. At what point would you intervene in the following escalating situation?

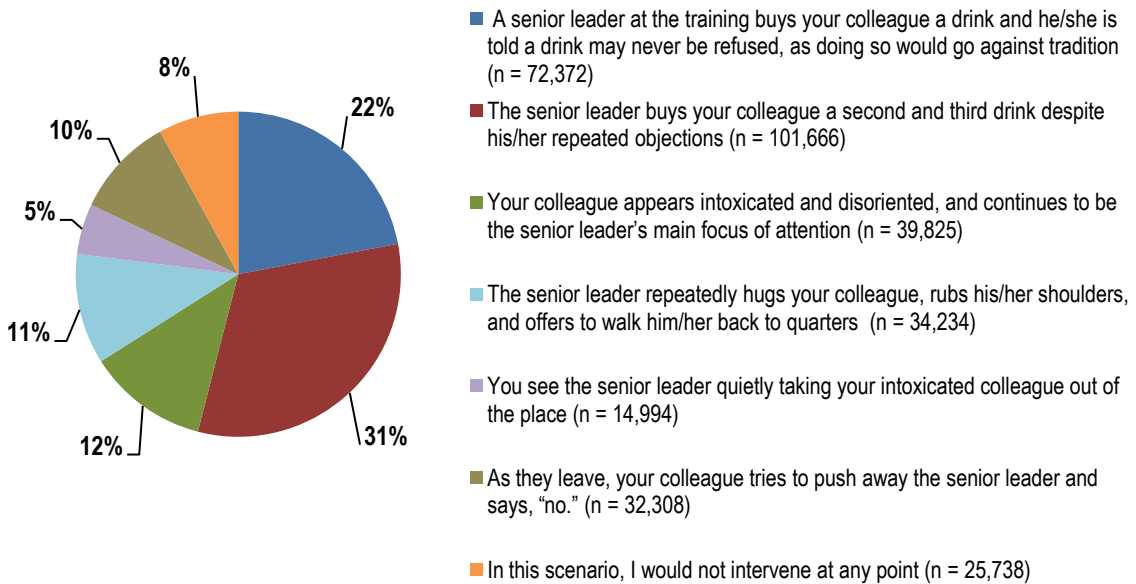


Figure 3: DEOCS Prevention Item Two. Results shown for August 2012.

In FY12, the Department and the Military Services also continued outreach efforts at the “Promoting Community Education” level of the Spectrum of Prevention, aimed at introducing new values, thinking processes, and relationship skills that are incompatible with violence and promote non-violent relationships. Additional outreach initiatives are described in *Priority 5: Improve Stakeholder Knowledge and Understanding of SAPR*.

Prevention Training

In addition to outreach, the training of Service members plays an integral role in the prevention of sexual assault. Service members received annual awareness and prevention training, per SAPR policy. Sexual assault awareness and prevention training is also a mandatory component of all accession, professional military education, and pre-command training.¹⁸ Additional information on the Department’s SAPR efforts for pre-command and senior enlisted training is included in *Priority 4: Improve System Accountability*.

FY12 witnessed criminal and other misconduct allegations reported at Lackland Air Force Base. As a result, the Secretary of Defense directed the Military Services to perform a comprehensive assessment of all initial military training of enlisted personnel and commissioned officers to ensure a safe and secure environment. This direction required each of the Military Services to review several key areas, including the selection, training, and oversight of basic training instructors and leaders who directly supervise initial military training. The Secretary of Defense also directed the Military Services to review the instructor-to-student ratio, the ratio of leaders in the chain of command to instructors, and the potential benefits of an increase in female instructors. In addition, the Military Services were directed to review their internal controls to identify and prevent inappropriate behavior throughout initial military training; student accessibility to SAPR programs; the timing, contact, and delivery of SAPR-related training; and the timing and effectiveness of processes for gathering student feedback. The Military Services will report on their findings from these assessments in the first quarter of FY13. DoD SAPRO will use the results to standardize SAPR training core competencies and learning objectives for introductory training environments.

In FY12, the Military Services implemented a variety of prevention training and education programs for Service members:

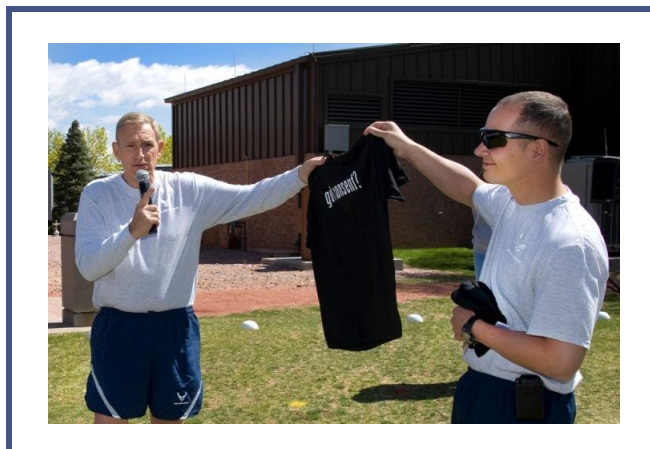


Figure 4: Maj Gen Mike Basla, Air Force Space Command Vice Commander (left), addresses Airmen at Peterson Air Force Base on bystander intervention and the importance of sexual assault prevention.

¹⁸ DoD Instruction (DoDI) 6495.02, “SAPR Program Procedures,” March 2013.

- The Army continued Phase III (Achieving Cultural Change) of the “I. A.M. Strong” campaign, which focused on fostering an environment free of sexual assault and harassment. The Army revised and fielded new Sexual Harassment/Assault Response and Prevention (SHARP) training in several of the Army’s professional military education curricula for enlisted soldiers and officers.
- The Navy implemented bystander intervention training across all applicable “A” school (technical training) locations, training 312 instructors Navy-wide, impacting 27,945 students, and delivering 1,746 sessions. Additionally, the Navy developed and executed “Take the Helm” training in 6 months for senior officers and enlisted leaders to raise SAPR program awareness, explain effective sexual assault prevention approaches, focus on leader responsibilities, and promote the command’s role in creating a culture of dignity and respect.
- The Marine Corps implemented a comprehensive Command Team Training program, which emphasized the responsibility of commanders to establish and maintain a positive command climate. Additionally, the Marine Corps completed “Take a Stand” training for junior noncommissioned officers (NCO) in August 2012. “Take a Stand” is a bystander intervention program that was designed to be taught by junior NCOs to young enlisted members in their units. The principles of bystander intervention were also embedded in video-based Ethical Decision Games (EDG) for required all-hands training. The EDGs are guided discussions that use fictional scenarios of sexual assault to promote candid exchanges between marines, challenge and alter pre-existing assumptions about the crime, clearly define what constitutes sexual assault, and demonstrate how sexual assault undermines the values of the Marine Corps.
- The Air Force concluded its Service-wide Bystander Intervention Training, which was designed to provide airmen with knowledge to recognize potentially harmful situations and take action to mitigate possible harm to their fellow wingmen. The training concluded on June 30, 2012, and served as the Air Force and Air National Guard sexual assault awareness and prevention training for all military personnel and for civilian supervisors of military personnel. The training was designed to address three different audiences: men, women, and leaders. During each 90-minute class, instructors led participants through several scenarios to stimulate discussion about behaviors that can create environments that allow a perpetrator to act.

THE IMPACT OF EFFORTS TO INSTITUTIONALIZE PREVENTION STRATEGIES IN THE MILITARY COMMUNITY

Few organizations in the world have the ability to develop evidence-based curricula, train millions of people, invest substantial resources, and measure outcomes throughout its entire population over time. The U.S. Armed Forces has this capability and leverages it to develop, implement, evaluate, and revise their comprehensive prevention approach. The Department believes that these capabilities will ultimately allow it to model effective solutions for the nation.

The ultimate goal of any prevention program is to reduce the number of sexual assaults that occur. However, sexual assault produces stigma, fear, and shame for its victims. These concerns discourage and deter victims from reporting the crime in both civilian and military society. Because sexual assault is greatly underreported, it is difficult to assess changes in the number of offenses that might have occurred during a given time. Instead, published research tends to focus on other more tangible, measurable outcomes such as changes in knowledge, skills, and behaviors associated with prevention. Another factor that complicates assessment of progress is that researchers find it difficult to deliver prevention interventions consistently and effectively across large groups of people. Effective prevention work is not one-size-fits-all, and it must be tailored for the intended audience; the Department is no different.¹⁹ In FY12, there were 1.39 million people on Active Duty, with an additional 820,000 in the Reserve Component. The Department must provide training programs that produce meaningful and lasting change in knowledge, skills, and behavior and are appropriate to the unique Military Service missions of all 2.2 million people in the U.S. Armed Forces. The Department is committed to producing lasting cultural change and reporting its progress regularly.

As part of this effort, DoD SAPRO works with DMDC to measure some of the Department's progress with the *WGRA*. The Department uses the *WGRA* to officially measure the prevalence, or occurrence, of sexual assault in the military over a year's time.²⁰ Beginning this year, the survey was changed from a 4-year cycle to a 2-year cycle in order to more frequently assess the Department's SAPR progress.²¹

In 2012, the *WGRA* showed that 6.1 percent of Active Duty women and 1.2 percent of Active Duty men experienced an incident of USC in the 12 months prior to the survey.

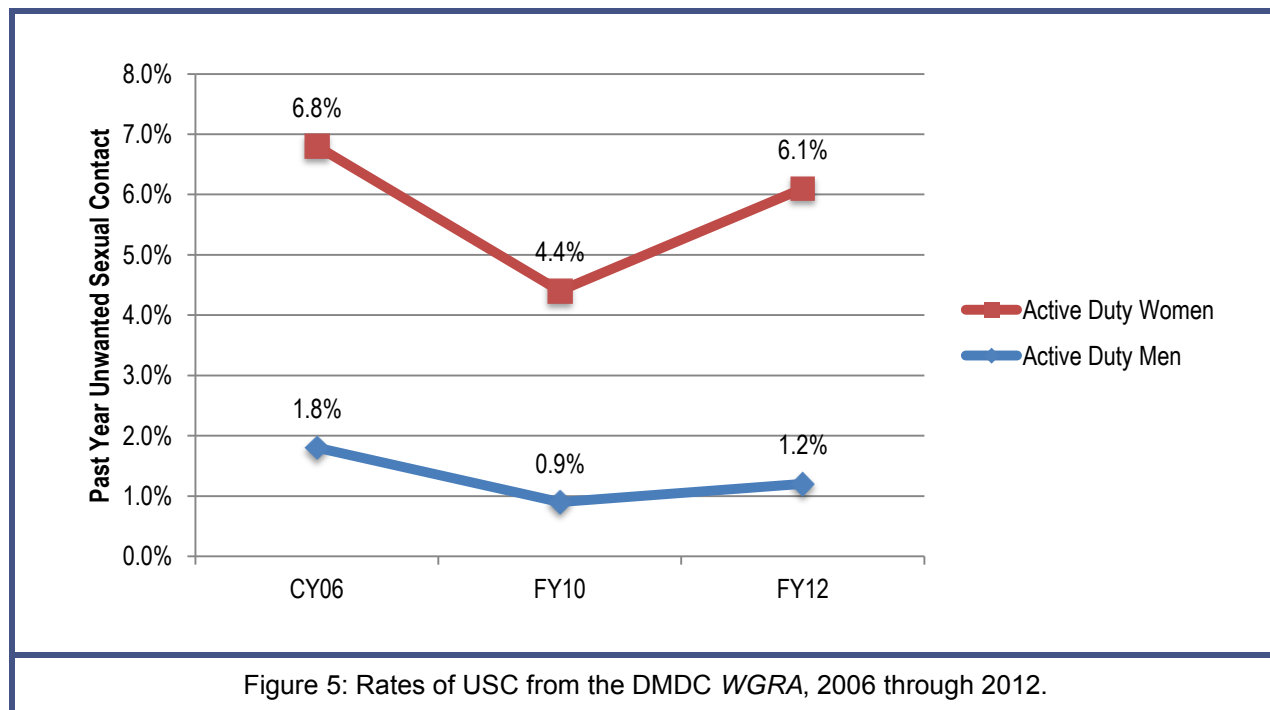
¹⁹ Morrison, S., Hardison, J., Mathew, A., & O'Neil, J. (2004). *An Evidence-Based Review of Sexual Assault Preventive Intervention Programs*. Washington, DC: Department of Justice (DOJ). Available at <https://www.ncjrs.gov/pdffiles1/nij/grants/207262.pdf>.

²⁰ *Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) Report* (2009). Washington, DC: DoD. Recommendation 3b2: The Secretary of Defense conducts a biannual gender relations survey of an adequate sample of Service members to evaluate and manage DoD's SAPR program.

²¹ *DTF-SAMS Report* (2009). Recommendation 3.

USC is the survey term for the range of contact sexual crimes between adults prohibited by military law, ranging from rape to abusive sexual contact.²²

For Active Duty women, the 2012 USC rate is a statistically significant increase from the USC rate found in 2010 (6.1 percent versus 4.4 percent, respectively). For Active Duty men, there was no statistically significant change in the USC rate between 2012 and 2010 (1.2 percent versus 0.9 percent). Figure 5 illustrates the USC rates from 2006 to 2012 for Active Duty women and men.



The *WGRA* is designed so that the results accurately represent the Active Duty force. The design allows the Department to use weighted counts of survey respondents and Military Service end strength on record with DMDC to roughly estimate the number of victims of sexual assault in the years for which data is available. Estimates derived from the rates of USC in the 2012 *WGRA* suggest that there may have been approximately 26,000 Service members who experienced some form of USC in the year prior to being surveyed. This estimate suggests that there may have been approximately 7,000 more Service members who experienced some kind of USC in 2012 than in 2010, but also suggests that there may have been approximately 11,000 fewer Service members who experienced some form of USC in 2012 than there

²² USC involves intentional sexual contact that was against a person's will or occurred when the person did not or could not consent. The term describes completed and attempted oral, anal, and vaginal penetration with any body part or object, and the unwanted touching of genitalia and other sexually-related areas of the body.

were in 2006.²³ Figure 6 illustrates the estimated number of Active Duty members who may have experienced USC from 2006 to 2012.²⁴

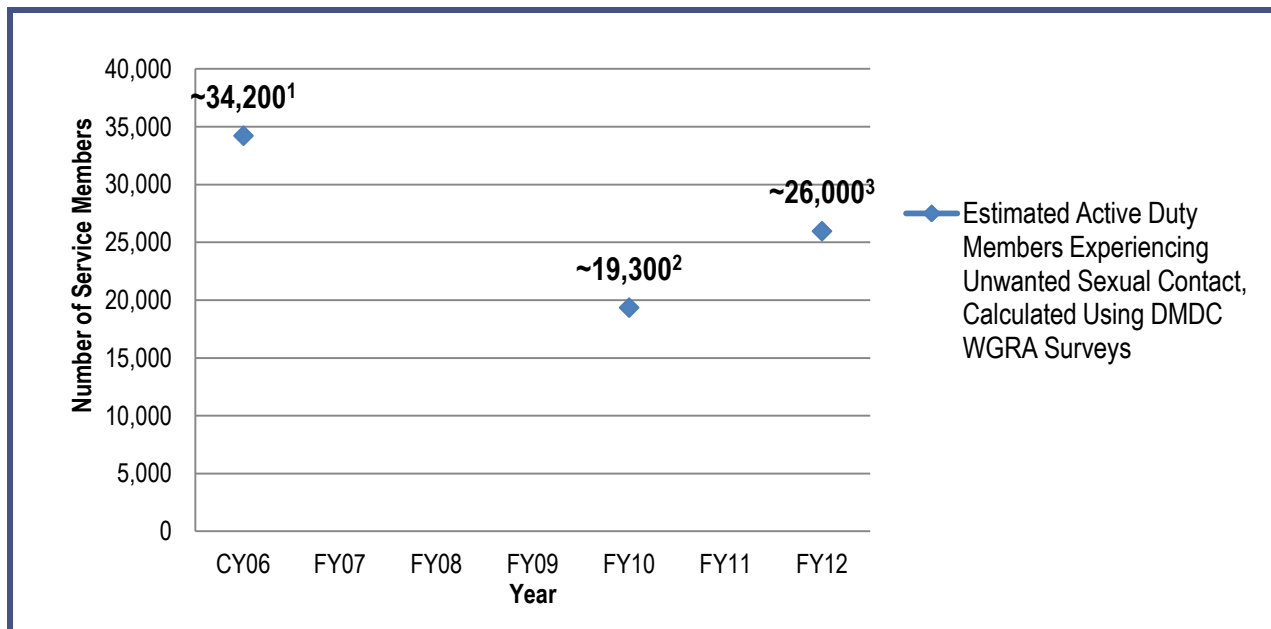


Figure 6: Estimated Service Members Experiencing Unwanted Sexual Contact Calculated Using the DMDC WGRA, 2006 to 2012.

Notes:

1. This estimate is computed using weighted population estimates of the 6.8 percent of Active Duty women and 1.8 percent of Active Duty men who indicated they experienced an incident of unwanted sexual contact in the 12 months prior to the 2006 WGRA.
2. This estimate is computed using weighted population estimates of the 4.4 percent of Active Duty women and 0.9 percent of Active Duty men who indicated they experienced an incident of unwanted sexual contact in the 12 months prior to the 2010 WGRA.
3. This estimate is computed using weighted population estimates of the 6.1 percent of Active Duty women and 1.2 percent of Active Duty men who indicated they experienced an incident of unwanted sexual contact in the 12 months prior to the 2012 WGRA.

Other results from the 2012 WGRA show progress in prevention. Ninety-six percent of Active Duty women and 97 percent of Active Duty men indicated they received sexual assault training in the past year. When asked to rate aspects of the training:

- 94 percent of women and men agreed the SAPR training provided a good understanding of what actions are considered a sexual assault (for women and men, the 2012 percentage is significantly higher than 2010).

²³ The 2006 WGRA USC rate was 6.8 percent for Active Duty women and 1.8 percent for Active Duty men. Following the same methodology of using USC prevalence rates against Military Service end strength, there were an estimated 34,000 Active Duty members who may have experienced USC in 2006.

²⁴ The 2012 WGRA was conducted in the last quarter of FY12. Many of the latest Military Service prevention programs and directives from the Secretary of Defense were not initiated or issued until September 2012 or the first quarter of FY13. As a result, the impact of the Department's most recent efforts is not reflected in the 2012 WGRA results.

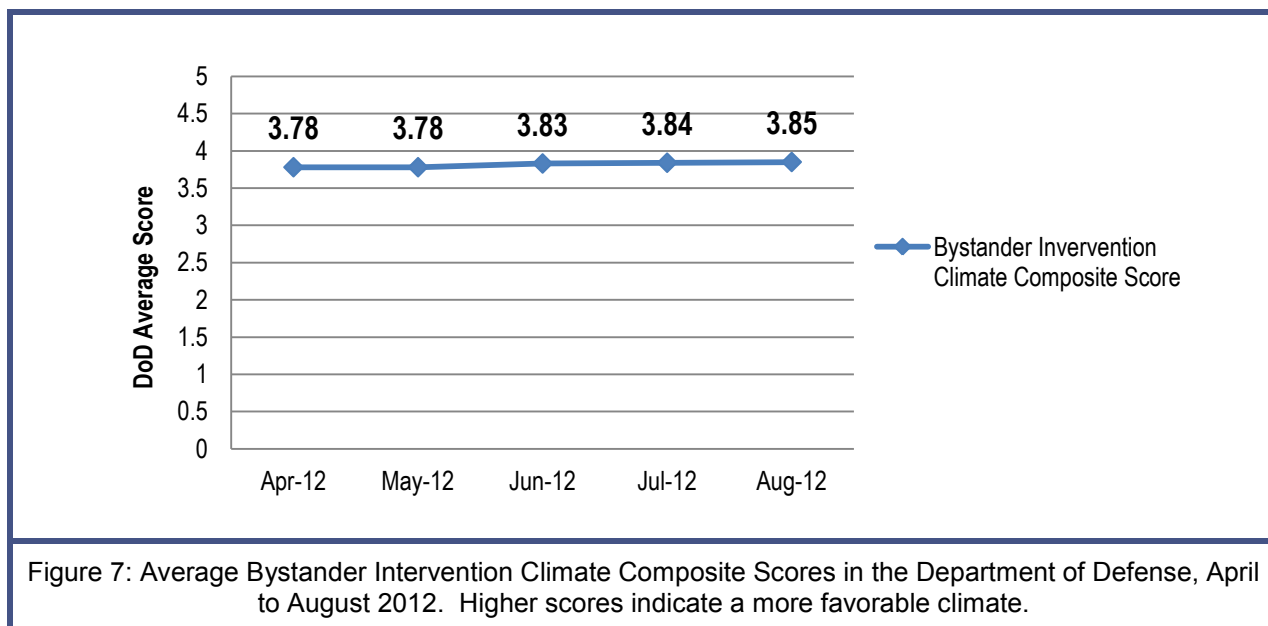
- 94 percent of women and men agreed the SAPR training taught that the consumption of alcohol may increase the likelihood of sexual assault (for women and men, the 2012 percentages are significantly higher than 2010).
- 93 percent of women and men agreed the SAPR training taught how to avoid situations that might increase the risk of being a victim of sexual assault (for women and men, the 2012 percentage is significantly higher than 2010).
- 92 percent of women and 93 percent of men agreed that the SAPR training taught how to intervene when they witness a risky situation involving a fellow Service member (for women and men, the 2012 percentages are significantly higher than 2010).

These increases indicate that prevention training and programs are widespread throughout the U.S. Armed Forces, reaching Service members and addressing key prevention topics.

Monthly DEOCS reports also indicated continued progress in unit prevention climate. Between March 2 and September 17, 2012, there were a total of 473,345 completed online DEOCS and Air Force Unit Climate Assessment surveys.^{25,26} As discussed previously, the survey includes two bystander intervention questions. One question asks respondents to indicate which action they would take if they found themselves in a given situation. The second question asks at which point respondents would most likely intervene if they witnessed an escalating situation. In order to more easily measure progress, DEOMI statistically transforms the responses for these two questions into a five-point scale. Items are coded such that a high score indicates a more favorable climate. Figure 7 illustrates the improving bystander climate within the Department. While month-to-month changes appear small, they are statistically significant due to the large sample sizes involved (sample sizes ranged from a low of 61,000 respondents in June to a high of 112,000 respondents in July).

²⁵ The DEOCS does not use a representative sample of respondents. Data described here reflects a monthly convenience sample of military and civilian respondents requested to take the survey by their unit leadership. Consequently, findings of the DEOCS cannot be generalized to the entire Active Duty.

²⁶ All of the Military Services, with the exception of the Air Force, use the DEOCS.



SEXUAL ASSAULT PRIOR TO MILITARY SERVICE AND SINCE ENTERING MILITARY SERVICE

While the Department's primary prevention focus is to reduce the number of sexual assaults involving Service members, other initiatives are underway to address special populations within the Department that may require more targeted interventions. According to long-standing civilian research, sexual victimization is a likely risk factor for subsequent victimization.²⁷ Recognizing this, the Department added new items to the 2012 WGRA to understand the extent to which Service members have experienced USC *prior* to entering military service and *since* entering military service.

The 2012 WGRA asked respondents to indicate if they had experienced USC prior to entering military service. Thirty percent of women and six percent of men indicated they experienced USC prior to entry into the military. Respondents were also asked to indicate if they had experienced USC since entering military service. Including experiences of USC in the past 12 months, 23 percent of women and 4 percent of men indicated they experienced USC since joining the military.²⁸

Men and women who indicated experiencing USC prior to entering the military were also over-represented in the percentage of Service members who experienced USC in the past year. In other words, Service members with a pre-service history of USC

²⁷ Classen C.C., Palesh O.G., & Aggarwal R. (2005). *Sexual Revictimization: A Review of the Empirical Literature. Trauma, Violence, & Abuse*. Vol 6: 103-129.

²⁸ This variable was constructed by combining the USC rate for the past 12 months with the survey item that asked respondents who did not experience USC in the past 12 months if they had experienced USC since joining the military. This variable is designed to give an overall percentage of Active Duty men and women who have experienced USC in their military career.

accounted for a larger-than-expected proportion of those experiencing USC in the past year.

SEXUAL ASSAULT IN THE MILITARY AND CIVILIAN SECTORS

The CDC *National Intimate Partner and Sexual Violence Survey (NISVS)* is an ongoing, nationally representative telephone survey that collects detailed information on intimate partner violence (IPV), sexual violence, and stalking victimization of adult women and men in the United States. The survey collects data on both past-year and lifetime experiences of violence. CDC developed *NISVS* to better describe and monitor the magnitude of these forms of violence in the United States. In 2010 – the initial year of the *NISVS* – the Department, Department of Justice (DOJ), and CDC worked together to include two random samples from the military: Active Duty women and wives of Active Duty men. Based on the survey design, the *NISVS* allowed for a first-time comparison of civilian and military rates of IPV, sexual violence, and stalking. The *NISVS* civilian sample involved about 9,000 civilian women. The *NISVS* military sample involved about 2,800 DoD women (1,408 Active Duty women and 1,428 wives of Active Duty men). Statistical controls were applied to ensure that age and marital differences between these three groups did not distort the survey results. The definitions of IPV, sexual violence, and stalking used in the *NISVS* military report were aligned to closely match DoD definitions. “Contact sexual violence” in particular was aligned to the DoD definition of the range of crimes under the UCMJ constituting an adult sexual assault. Some of the key findings of the survey are:

- The risk of contact sexual violence for military and civilian women is the same, after controlling for age and marital status differences between these groups.
- With few exceptions, the past year and lifetime prevalence (occurrence) of IPV, sexual violence, and stalking in the civilian and military populations are quite similar, with no statistically significant differences.
- Active Duty women were significantly less likely than civilian women to indicate that they experienced IPV in the 3 years prior to the survey.
- Active Duty women were less likely to experience stalking than civilian women.
- A deployment history appears to impact Active Duty women’s experience of IPV and sexual violence. Active duty women with a deployment history had higher rates of IPV and sexual violence than women without a deployment history. These differences appeared in the past 3-year and lifetime prevalence rates, but were not present in the past-year prevalence rates. This suggests that IPV and sexual violence are problems that may develop over time for Active Duty women who have deployed.

SEXUAL ASSAULT PREVENTION IN FY13

Despite unprecedented attention and involvement from senior leadership, enhanced SAPR policies and training, and outreach to key stakeholders, sexual assault remains a persistent problem in the military. Current efforts to improve the Department’s investigative and prosecutorial capabilities are important, but are not enough to solve

this problem. Prevention-focused policies and initiatives are also necessary to achieve lasting cultural change. DoD SAPRO will work with the Military Services to implement initiatives that establish and foster a command climate in which bystanders are empowered to intervene in situations where there is a risk for sexual assault; sexist behavior and sexual assault are not condoned, tolerated, or ignored; victims are supported and do not fear retaliation for reporting; care is delivered; and offenders are held appropriately accountable for their crimes. Commanders and their leadership teams are critical to ensuring unit climates promote and enforce dignity, respect, and safety.

In FY13, the Department will expand upon the JCS *Strategic Direction to the Joint Force on Sexual Assault Prevention and Response* in a revised *DoD-Wide SAPR Strategic Plan*. In this effort, DoD SAPRO will partner with the Military Services to review and update the Department's Sexual Assault Prevention Strategy. DoD SAPRO also plans to:

- Promote initiatives that address sexual assault against male victims;
- Host outreach meetings with external advocacy organizations and educational institutions to share prevention best practices; and
- Develop standardized core competencies and learning objectives for a variety of SAPR trainings, including accession, annual refresher, and pre-deployment training, as well as professional military education.

Additionally, the Department will implement the requirement to provide an explanation of SAPR policies and resources to all Service members at the time of (or within 14 duty days after) their initial entrance on Active Duty or into a duty status with a Reserve Component, as mandated in the FY13 NDAA.²⁹

PRIORITY 2: INCREASE THE CLIMATE OF VICTIM CONFIDENCE ASSOCIATED WITH REPORTING

The goal of this priority is to increase the number of victims making a report of sexual assault. The Department seeks to increase the reporting rate by improving the confidence that Service members have in the military justice process, ensuring they receive the support they desire during this process, enhancing the education they receive about reporting options, and reducing stigma and other barriers that deter reporting.

To encourage greater reporting by sexual assault victims, the Department offers two reporting options: Restricted Reporting and Unrestricted Reporting. Restricted Reporting allows victims to confidentially access medical care and advocacy services without initiating an official investigation or command notification. When a victim makes an Unrestricted Report, they can receive the same healthcare, counseling, and advocacy services. However, the report is also referred to a Military Criminal

²⁹ NDAA for FY13, P.L. 112-239, Sec. 574 (2013).

Investigation Organization (MCIO) for investigation and command is notified. SARCs and SAPR VAs supporting every installation throughout the world help victims understand these reporting options and access care.³⁰

In FY12, there were 3,374 reports of sexual assault involving Service members. This represents a 6 percent increase over the 3,192 reports of sexual assault received in FY11. The 3,374 reports received in FY12 involved 2,949 Service member victims. Additional information about the reports received this year and historical trends are described in the *Statistical Data on Sexual Assault* portion of this report.

Due to the underreporting of this crime in both military and civilian society, reports to authorities do not necessarily equate to the actual prevalence (occurrence) of sexual assault. In fact, the Department estimates that about 11 percent of the sexual assaults that occur each year are reported to a DoD authority. This is roughly the same pattern of underreporting seen in other segments of civilian society.³¹

Underreporting of sexual assault interferes with the Department's efforts to provide victims with needed care and its ability to hold offenders appropriately accountable. Concerns about loss of privacy and negative scrutiny by others often act as barriers that keep civilian and military victims from reporting. According to the *2012 WGRA*, of the Active Duty women who indicated experiencing USC and did not report it to a military authority, the top three reasons for not reporting were as follows:

- 70 percent did not want anyone to know;
- 66 percent felt uncomfortable making a report; and
- 51 percent did not think the report would be kept confidential.

Due to the relatively small numbers of Active Duty men who indicated experiencing USC and did not report it to a military authority, there was considerable variance in the responses and most responses were not reportable. However, the three reasons for which data was reportable were:

- 22 percent believed they or others would be punished for other infractions or violations, such as underage drinking;
- 17 percent thought they would not be believed; and
- 16 percent thought their performance evaluation or chance for promotion would suffer.

³⁰ For more detailed information on the Department's reporting options and procedures, see *Appendix B: DoD Sexual Assault Prevention and Response Program Overview*.

³¹ Kilpatrick, D., Resnick, H., Ruggiero, K., Conoscenti, L., & McCauley, J. (2007). *Drug-Facilitated, Incapacitated, and Forcible Rape: A National Study*. Washington, DC: DOJ. Publication No.: NCJ 219181. Available at <http://www.ncjrs.gov/pdffiles1/nij/grants/219181.pdf>.

POLICY AND PROGRAM ENHANCEMENTS

In FY12, the President signed an executive order establishing Military Rule of Evidence (MRE) 514, "Victim-Victim Advocate Privilege," which protects communications between victims and their SARC or SAPR VA.³² While there are certain exceptions, the privilege allows the victim to refuse to disclose, and prevent any other person from disclosing, confidential communications between the victim and a SAPR VA, when the communication was made for the purpose of obtaining advice or assistance. The enactment of this rule was the culmination of significant efforts by the Department to address victims' privacy concerns and promote confidence in the reporting process. It also was responsive to a recommendation made by the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) in its 2009 report.³³

Continued Education and Awareness

DoD SAPRO continued its efforts with other DoD entities to increase education and awareness of the Department's reporting options. DoD SAPRO collaborated with the Office of the DoD Inspector General (IG) on a prospective, voluntary, anonymous victim experience survey by supporting the development of the research instrument and methodology. The experiences of current victims will serve to inform improvements in the handling of future cases and identify additional means by which to encourage additional victim reporting.

In January 2012, DoD SAPRO collaborated with the DEOMI to embed SAPR lessons into DEOMI curriculum. SAPR education was integrated into the Equal Opportunity (EO) Advisor, Equal Employment Opportunity (EEO), and Leadership Team Awareness Seminar courses offered at DEOMI. SAPR lessons provide information about the relationship between sexual harassment and sexual assault, describe the differences in reporting and response between sexual assault and equal opportunity, and improve attendee skills with practical exercises.³⁴ These programs help equip EO and EEO professionals with education and training on how to properly address and refer complainants' concerns of sexual harassment and sexual assault. The training is provided by DEOMI certified instructors with senior DoD SAPRO staff participation.

A total of 628 students from across the Military Services completed SAPR lessons at DEOMI in FY12. Overall, the response to both military and civilian DEOMI courses has been positive: average participant ratings of the SAPR lesson course content and effectiveness ranged from 3.1 to 3.8 out of a possible rating of 4.0 in post-course evaluations. SAPR lessons addressed a key finding by the DTF-SAMS that confusion persisted regarding the difference between sexual harassment and sexual assault.³⁵

³² Military Rule of Evidence (MRE) 514, "Victim advocate -Victim privilege" (2012).

³³ *DTF-SAMS Report (2009)*.³³ Recommendation 20c.

³⁴ DoDD 1020.02, "Diversity Management and Equal Opportunity in the Department of Defense," February 2009. In accordance with DoDD 1020.02, sexual harassment falls under the purview of the Department's Diversity Management and Equal Opportunity program.

³⁵ *DTF-SAMS Report (2009)*. Recommendation 3c.

Moving forward, DEOMI plans to integrate a 2-hour, discussion-based SAPR lesson into the Senior Executive Seminar.

In FY12, the Military Services and the National Guard Bureau employed a variety of means to help military personnel understand the reporting options available to sexual assault victims.

- The Army made reporting a key topic in all Army training, including mandatory annual unit training, and pre- and post-deployment training. Additionally, reporting was included in SHARP training at all Army installation newcomer orientations. Local commands, leaders, and soldiers throughout the Army also spread awareness of reporting options by disseminating outreach materials on installation grounds, websites, newspapers, and public service announcements (PSA).
- The Navy embarked on a heavy marketing campaign via brochures, posters, websites, and PSAs to publicize the SAPR program, including information about Restricted and Unrestricted Reporting and the DoD Safe Helpline. Navy installation websites prominently featured information describing crisis response services and reporting options.
- The Marine Corps included reporting information in all SAPR training initiatives, briefs, and promotional materials. Marine Corps installation websites, newspaper articles, and 24/7 helplines also provided information on reporting options.
- The Air Force leveraged its annual SAPR Leader Summit as an opportunity to re-emphasize the difference between Restricted and Unrestricted Reporting and discuss the advantages and disadvantages of each option. Examples of local efforts include the Pacific Air Forces' use of the local Commander's Access Channel and dorm safety bulletin boards to publicize SARC contact information and reporting options.
- The Chief of the National Guard Bureau and Directors and senior enlisted leaders of the Army and Air National Guard released PSAs publicizing the availability of the DoD Safe Helpline as a 24/7 crisis support service across the world. Additionally, each state National Guard SAPR program provided resources to Soldiers and Airmen through PSAs, billboards, and Sexual Assault Awareness Month (SAAM) events.

VICTIM CONFIDENCE IN THE MILITARY JUSTICE PROCESS

Victims' confidence in the military justice process is believed to influence their decision to report a sexual assault and ultimately participate in military justice actions. For example, of the Active Duty women who indicated on the 2012 WGRA that they experienced USC and did not report it, 50 percent believed that nothing would be done with their report, and 43 percent heard about negative experiences other victims went through who reported their situation.

The Department's reissuance of a revised DoDD 6495.01 aimed to encourage reporting by protecting victims of sexual assault from coercion, retaliation, and reprisal in accordance with DoDD 7050.06, "Military Whistleblower Protection."³⁶ In addition, it expanded the categories of persons who are eligible for Restricted Reporting to include military dependents 18 years of age and older, thus enhancing available services for an important part of the DoD community.

In an April 2012 memorandum, the Secretary of Defense directed that, effective June 28, 2012, in certain sexual assault cases, the initial disposition authority under the UCMJ be elevated to commanders who possess at least special court-martial convening authority and who are in the O-6 grade (that is, colonel or Navy captain) or higher.³⁷ A primary focus of this action is to put sexual assault cases under the consideration of seasoned, senior commanders who are advised by legal counsel.

In FY12, the Military Services and the National Guard Bureau successfully implemented the Secretary of Defense directive to elevate disposition authority.

- The Army enhanced implementation through annual training for soldiers, professional military education for leaders, and training for judge advocates (JA) and commanders. Finalized guidance will be included in an upcoming revision to AR 600-20, Army Command Policy.
- The Navy Office of the Judge Advocate General (JAG) enhanced implementation by providing training that ensured familiarity with changes to UCMJ Article 120 and the directive's impact on the handling of sexual assault allegations.
- The Marine Corps implemented and expanded the directive to also include aggravated sexual contact, abusive sexual contact, rape of a child, sexual assault of a child, sexual abuse of a child, and any attempts to commit those offenses, and for all other alleged offenses arising from or relating to the same incident.
- In the National Guard, the Adjutant General (O-8) holds initial disposition authority for disciplinary decisions when the matter falls outside the jurisdiction of the Army Criminal Investigative Division (CID) and the Air Force Office of Special

³⁶ DoDD 6495.01, "SAPR Program," January 2012. 32 CFR Part 103 Final Rule (RIN 0790-AI37).

³⁷ DoD Secretary of Defense Memorandum, "Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases," April 20, 2012.

Investigations (AFOSI), and when civilian law enforcement declines to investigate.

The Military Services and the National Guard Bureau also worked to increase victim confidence in the military justice process by developing and maintaining resources to better investigate and address allegations of sexual assault.

- The Army maintained 21 special victim investigators and 19 special victim prosecutors at major Army installations who focused almost exclusively on sexual assault cases. In addition, staff JAs were required to appoint Victim-Witness Liaison personnel to advise victims of their crime victim rights, help them seek assistance, and prepare them for the military justice process.
- The Naval Criminal Investigative Service (NCIS) initiated the NCIS Text & Web Tip Line, an anonymous tip collection system that provides Service members direct and real-time feedback. This service gives Service members a discreet, secure, and anonymous reporting option to express concerns while minimizing fear of retaliation.
- The Marine Corps published Bulletin 5813, *Detailing of Trial Counsel, Defense Counsel, and Article 32, UCMJ, Investigating Officers*, ensuring that JAs performing such functions possess the appropriate expertise to perform their duties. Additionally, NCIS conducted 389 sexual assault awareness briefings to more than 48,000 Service members and civilians as part of the NCIS Crime Reduction Campaign. Ninety-five NCIS employees, special agents, investigators, and support personnel also received advanced sexual assault investigation training, which included victim interviewing and interaction techniques.
- The Air Force Office of Special Investigations developed an eight-day advanced Sex Crimes Investigations Training Program (SCITP) and authored a new policy to improve agents' ability to investigate these types of crimes. SCITP attendees were taught the Cognitive Interview technique, which was designed to enhance victim and witness recall of crime details.
- National Guard Bureau Instruction 0400.01 established a trained sexual assault investigator in each state and created the Judge Advocate Office of Complex Investigations, which provides an investigator upon request of the state Adjutants General. Investigators attended the Army's Sexual Assault Investigators' Course to learn how to conduct sensitive and thorough investigations of sexual assault. These investigators will document the facts in sexual assaults reports when the offender is not investigated by a civilian authority and also falls outside military legal authority.

REPORTING PROCESS CHALLENGES

The DoD community continues to face several reporting process challenges. In deployed environments, sexual assault response procedures must be continually revised as forces redeploy within or depart the area. In addition, communication

difficulties within combat zones or amongst geographically dispersed units have the potential to slow response to a victim in need of support.

While the Military Services and joint bases have created guidance to address sexual assault reporting and victim support at joint bases, the Department plans to initiate an assessment of SAPR services in joint base environments in FY13.

The Military Services have also identified challenges with maintaining confidentiality of some Restricted Reports due to the occasional improper disclosure to command by first responders. The Military Services will continue educational and training efforts to ensure Service members and first responders have a clear understanding of reporting options and the exceptions to Restricted Reporting. The Military Services also identified several challenges to tracking victim services, particularly in instances when victims re-deploy, move between installations or components, transition from title 10 to title 32 status, or when cases are investigated by local civilian law enforcement. The Military Services are striving to resolve these issues by enhancing coordination prior to deployment; developing relationships with off-post agencies through the implementation of written agreements; and facilitating cross-training with local agencies, including rape crisis centers, hospitals, and law enforcement. DSAID will also improve continuity of care by facilitating the transfer of cases and standardizing data collection.

THE IMPACT OF EFFORTS TO INCREASE THE CLIMATE OF VICTIM CONFIDENCE ASSOCIATED WITH REPORTING

Underreporting of sexual assault interferes with the Department's ability to provide victims with needed care and hinders the Department in holding offenders appropriately accountable. Much remains to be done to improve reporting as DoD estimates indicate the majority of victims experiencing USC do not make a sexual assault report.

However, with the SAPR program implementation in 2005, there has been a 98 percent increase in the number of sexual assaults reported to the Department. Each year, the Department receives reports of sexual assault from both military and civilian victims. The Department responds to all reports of sexual assault, but it looks to the number of Service member victims in sexual assault reports as a key metric of program progress in *Priority 2: Increase the Climate of Victim Confidence Associated with Reporting*. Since the SAPR program was implemented, the number of Service members accounted for in reports of sexual assault has increased by 131 percent. Figure 8 illustrates the overall increase in reporting and the increase in the number of Service members accounted for in sexual assault reports since 2004.

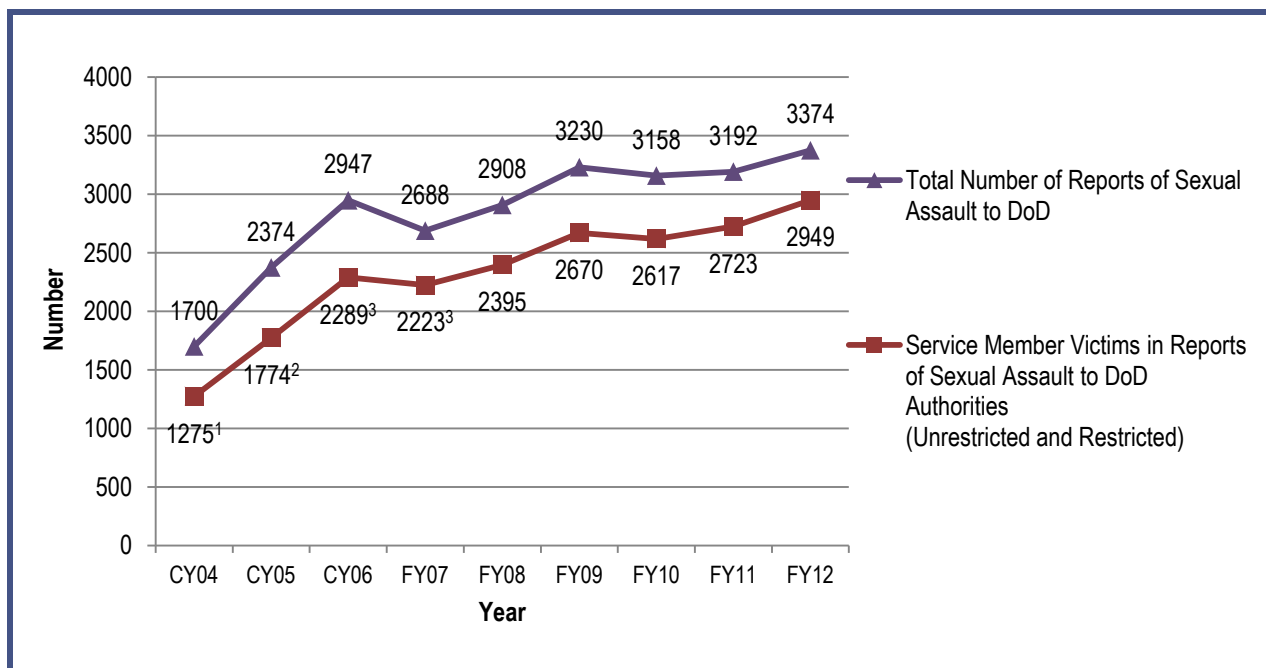


Figure 8: Reports of Sexual Assault to DoD and Number of Service Member Victims Accounted for in Sexual Assault Reports, CY04 – FY12.

Notes:

1. CY04 was prior to the implementation of Restricted Reporting. The 1,275 reports for the year are Unrestricted Reports by Service member victims only.
2. The 1,774 reports of sexual assault in CY05 contain both Unrestricted and Restricted Reports by Service member victims; however, Restricted Reporting was initiated in June 2005. Therefore CY05 has only half a year of Restricted Reports.
3. CY06 and FY07 share one quarter's worth of data (October through December 2006) because of the change from CY to FY reporting. For reporting analysis purposes, both CY06 and FY07 contain 12 months' worth of sexual assault reports.
4. The remaining victims in Reports of Sexual Assault to DoD are non-Service members (e.g., civilians, foreign nationals, etc.) who reported being sexually assaulted by a Service member.

Another metric to measure progress in *Priority 2* tracks the difference between the number of Service members who indicate experiencing USC on the *WGRA*, and the number of Service member victims in sexual assault reports. This “gap” in reporting is illustrated in Figure 9. Although reports to DoD authorities are unlikely to account for all of USC estimated to occur in a given year, it is the Department’s intent to narrow this gap and reduce the underreporting of sexual assault in the military community.

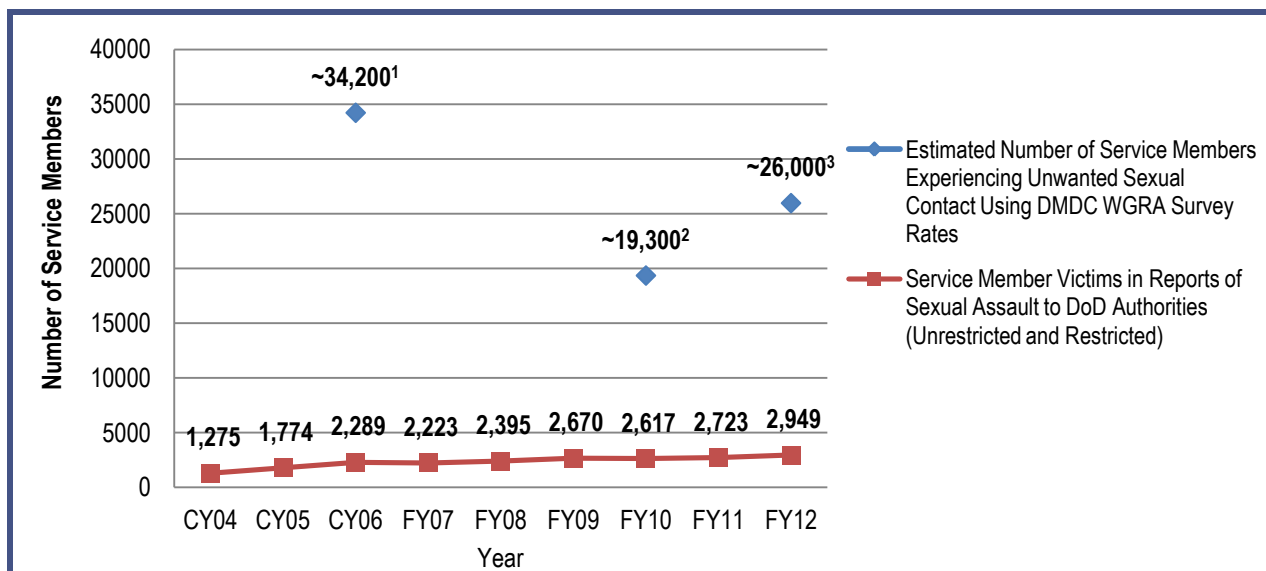


Figure 9: Service Member Victims in Reports of Sexual Assault to DoD vs. Estimates of Service Members Experiencing Unwanted Sexual Contact, CY04–FY12.

Notes:

1. The 2,289 Service member victims in Unrestricted and Restricted Reports of sexual assault to DoD authorities in CY06 accounted for approximately 7 percent of the estimated number of Service members who may have experienced unwanted sexual contact (~34,200) that year, as calculated using data from the 2006 WGRA.
2. The 2,617 Service member victims in Unrestricted and Restricted Reports of sexual assault to DoD authorities in FY10 accounted for approximately 14 percent of the estimated number of Service members who may have experienced unwanted sexual contact (~19,300) that year, as calculated using data from the 2010 WGRA.
3. The 2,949 Service member victims in Unrestricted and Restricted Reports of sexual assault to DoD authorities in FY12 accounted for approximately 11 percent of the estimated number of Service members who may have experienced unwanted sexual contact (~26,000) that year, as calculated using data from the 2012 WGRA.

The Department expects that the “gap” between the survey-estimated number of Service members experiencing USC and the number of Service members accounted for in actual sexual assault reports can be reduced in two ways:

- Over time, the effects of the many prevention initiatives taking hold across the Department, are expected to reduce past year prevalence rates of USC, as measured by the WGRA. As rates decrease, the estimated number of Service members who experience USC in a given year should also decrease.
- Over time, initiatives that encourage victims to report and improve the military justice process are expected to increase the number of Service members who choose to make an Unrestricted or Restricted Report.

The 2012 WGRA found that 6.1 percent of Active Duty women experienced USC in the year prior to being surveyed. Thirty-three percent of those women indicated they reported it to a military authority. The below lists the top three reasons they chose to

report:³⁸

- 72 percent indicated they thought it was the right thing to do;
- 67 percent indicated they wanted to seek closure on the incident; and
- 67 percent indicated they wanted to stop the offender from hurting others.

Ninety-six percent of Active Duty women and 97 percent of Active Duty men indicated on the *2012 WGRA* they received sexual assault training in the past 12 months. Of the Active Duty members who received the training:

- 94 percent of women and men indicated the training explained the reporting options available if a sexual assault occurs (for women and men, the 2012 percentages are significantly higher than the percentages in 2010);
- 92 percent of women and 93 percent of men indicated the training explained the points of contact for reporting sexual assault (for women and men, the 2012 percentage is significantly higher than the percentages measured in 2010); and
- 92 percent of women and 93 percent of men indicated the training explained the resources available for victims (for men, the 2012 percentage is significantly higher than the percentage measured in 2010; there are no statistically significant differences for women between 2012 and 2010).

These findings indicate that the vast majority of Service members are informed of the reporting options available, and are aware of the appropriate points of contact and other victim resources in the SAPR program.

The *2012 WGRA* also found a number of indicators of the level of confidence that Active Duty members have in their unit climate:

- 91 percent of women and 94 percent of men indicated that, to a large extent, they are willing to encourage someone who has experienced sexual assault to report it;
- 80 percent of women and 88 percent of men indicated their leadership does well in promoting a unit climate based on mutual respect and trust;
- 73 percent of women and 85 percent of men indicated their leadership does well to create an environment where victims would feel comfortable reporting; and
- 70 percent of women and 83 percent of men indicated that, to a large extent, they would feel free to report sexual assault without fear of reprisals.

Despite this progress in training and climate, the *2012 WGRA* also found several indicators that Service members who experienced USC did not feel as confident about reporting:

³⁸ Survey results for men were not reportable.

- Of those women who experienced USC and did not report it, 47 percent indicated fear of retaliation or reprisal as the reason for not reporting, and 43 percent had heard about the negative experiences of other victims who reported their situation.³⁹
- Of those women who experienced USC and did report it to a military authority:⁴⁰
 - 31 percent indicated they experienced social retaliation only;
 - 26 percent indicated they experienced a combination of professional retaliation, social retaliation, administrative action, and/or punishments;
 - 3 percent indicated they experienced professional retaliation only; and
 - 2 percent indicated they experienced administrative action.

This data suggests that the experience of USC and the experiences of others who chose to report may negatively impact a Service member's perceptions about the consequences associated with reporting. Additional work is needed to reduce the negative consequences of reporting and to encourage more victims to come forward.

VICTIM CONFIDENCE IN REPORTING IN FY13

In FY13, the Department plans to reissue DoD Instruction (DoDI) 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," requiring all SARCs and SAPR VAs to be appropriately trained on the implementation of MRE 514, "Victim-Victim Advocate Privilege." The reissuance of the Instruction will also expand the categories of individuals eligible to elect Restricted and Unrestricted Reporting options. DoD SAPRO also plans to hold summits to invite victims of sexual assault to discuss their experiences with the SAPRO Director and offer recommendations for improving the reporting process.

PRIORITY 3: IMPROVE SEXUAL ASSAULT RESPONSE

The goal of this priority is to improve the quality of the Department's response to victims of sexual assault through programs, policies, and activities that advance victim care and enhance the victim's experience with the criminal investigative and military justice processes.

POLICY AND PROGRAM ENHANCEMENTS

Policy Changes

In December 2011, the Department issued DTM 11-062, a records retention policy intended to improve the availability of documents for Service members and veterans who reported being a victim of sexual assault while serving in the Armed Forces. Specified records associated with Unrestricted Reports will be retained for 50 years. Because victims making Restricted Reports have requested a higher level of privacy,

³⁹ Survey results for men were not reportable.

⁴⁰ Survey results for men were not reportable.

specified Restricted Report records will be retained for at least 5 years.⁴¹ Changes in records retention provides victims improved access to their information for use in matters with other agencies, such as with the Department of Veterans Affairs (DVA).⁴² In compliance with this Directive, DoD SAPRO added an upload functionality to DSAID for digital storage of the victim's Department of Defense (DD) Form 2910, Sexual Assault Reporting Preference Statement.

The Department also implemented DTM 11-063, an expedited transfer policy for victims who file an Unrestricted Report of sexual assault. The policy provides victims the option to request a transfer from their assigned command or base, or to a different location within their assigned command or base.⁴³ The transfer can include the victim's dependents and spouse as well. Commanders must provide a response to victims making an expedited transfer request within 72 hours. Should the victim's request be declined by their commander, the victim may appeal the request to the first general officer/flag officer in their chain of command, who must also provide a response within 72 hours of receipt. In FY12, 216 of 218 requests for expedited transfer were approved.

- The Army approved 84 of 86 requests.⁴⁴
- The Navy approved 43 of 43 requests.
- The Marine Corps approved 34 of 34 requests.
- The Air Force approved 48 of 48 requests.
- The Army National Guard approved 5 of 5 requests; the Air National Guard approved 2 of 2 requests.

The Department further improved SAPR support services through the reissuance of a revised DoDD 6495.01, which now requires that sexual assault victims be treated as emergency cases in military treatment facilities, regardless of whether physical injuries are evident. It also requires that a victim's needs be assessed for immediate medical or mental health intervention, regardless of the victim's apparent behavior. DoD policy states that the SAPR program shall focus on the victim and provide care that is gender-responsive, culturally-competent, and recovery-oriented. The Directive also increases access to certain SAPR support services for military spouses, adult military dependents,

⁴¹ The NDAA for FY13, enacted January 2, 2013, has since altered this provision and requires that documents associated with a Restricted Report be maintained for 50 years at the victim's request.

⁴² DoD Directive-Type Memorandum (DTM) 11-062, "Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault," December 2011. Specifically, records consist of the DD Form 2910, DD Form 2911, Sexual Assault Forensic Examination Report, and investigative documentation associated with the report. Note: The policies in DTM 11-062 are now found in the DoDI 6495.02 available at <http://sapr.mil/index.php/law-and-dod-policies>.

⁴³ DoD DTM 11-063, "Expedited Transfer of Military Service Members Who File Unrestricted Reports of Sexual Assault," December 2011. Note: The policies in DTM 11-063 are now found in the DoDI 6495.02 available at <http://sapr.mil/index.php/law-and-dod-policies>.

⁴⁴ Of the two Army expedited transfer requests denied, the allegation was deemed not credible by CID in one case, and an administrative separation of the victim was in progress at the time of the assault in the other case.

DoD civilians stationed abroad, and DoD U.S. citizen contractors in combat areas, ensuring they have access to key support services regardless of location.⁴⁵

The Military Services and National Guard Bureau began implementing the FY12 NDAA requirement to assign at least one full-time SARC and SAPR VA to each brigade or equivalent unit level.⁴⁶

- The Army published Executive Order 221-12, *Sexual Harassment/Assault Response and Prevention Program Synchronization Order*, directing all Army commands to immediately appoint one full-time SARC and SAPR VA at each brigade or equivalent organization. Commands filled these positions with existing resources, pending implementation of a permanent manning solution beginning in FY13.
- The Air Force resourced a SARC for each Air Force installation. A standard core personnel document is currently in classification with Air Force Personnel Center to employ full-time SAPR VAs by October 1, 2013.
- The Navy approved the hiring of 132 full-time civilian SARCs and SAPR VAs for FY13. Nine of the newly hired SARCs will be established as Regional SARCs to streamline communication and ensure better coordination and consistency of services between Commander, Navy Installations Command (CNIC), regional leadership, and unit SARCs.
- The Marine Corps approved a phased hiring plan for 25 full-time civilian SARCs and 22 full-time civilian SAPR VAs for FY13.
- The National Guard Bureau resourced a full-time SARC at each Joint Force Headquarters-State, the equivalent to a brigade for title 32 National Guard personnel under The Adjutant General. Existing technician allocations will be utilized to fulfill the requirement for full-time SAPR VAs.

⁴⁵ It also fulfilled recommendations from DTF-SAMS Recommendation 22 (for DoD civilians) and the DoD IG (for U.S. citizen contractors).

⁴⁶ NDAA for FY12, P.L. 112-81, 125 Stat. 1432, Sec. 584 (2012).

DoD Safe Helpline

In April 2011, the Department launched the DoD Safe Helpline as a crisis support service for adult Service members of the DoD community who are victims of sexual assault. The DoD Safe Helpline is available 24/7 worldwide, and users can “click, call or text” for anonymous and confidential support. Safe Helpline is owned by DoD and operated through a contractual agreement by the non-profit Rape, Abuse and Incest National Network (RAINN), the nation’s largest anti-sexual violence organization.⁴⁷ Safe Helpline boasts a robust database of military, civilian, and veteran services available for referral. The database also contains SARC contact information for each Military Service, the National Guard, and the Coast Guard, as well as referral information for legal resources, chaplain support, healthcare services, DVA resources (benefit claims, healthcare, and National Suicide Prevention Lifeline), Military OneSource, and 1,100 civilian rape crisis affiliates. In FY12, Safe Helpline received more than 49,000 unique visitors to its website and helped more than 4,600 individuals through its online chat sessions, telephone helpline sessions, and texting referral services.⁴⁸

In FY12, DoD SAPRO required RAINN to incorporate a course on the neurobiology of trauma to provide Safe Helpline staff with skills to better understand and address the impact of sexual assault on a survivor’s thoughts, behaviors, and relationships. Additionally, DoD SAPRO expanded the umbrella of services offered through the Safe Helpline. A mobile enhanced website was developed to respond to the growing population of mobile device users. The Department also collaborated with DVA and the Department of Labor to connect Transitioning Service members (TSM) who are victims of sexual assault with resources such as counseling, assistance in benefits determinations, transitions, and employment. TSMs are defined as those Service members who are within 12 months of separation or 24 months of retirement from the Armed Forces.

DoD Safe Helpline also has a Safe Helpline Mobile Application for smartphones to give members of the military community free access to resources and tools to help manage the short- and long-term effects of sexual assault (Figure 10). Users can also use the app to connect with live sexual assault response professionals via phone or anonymous

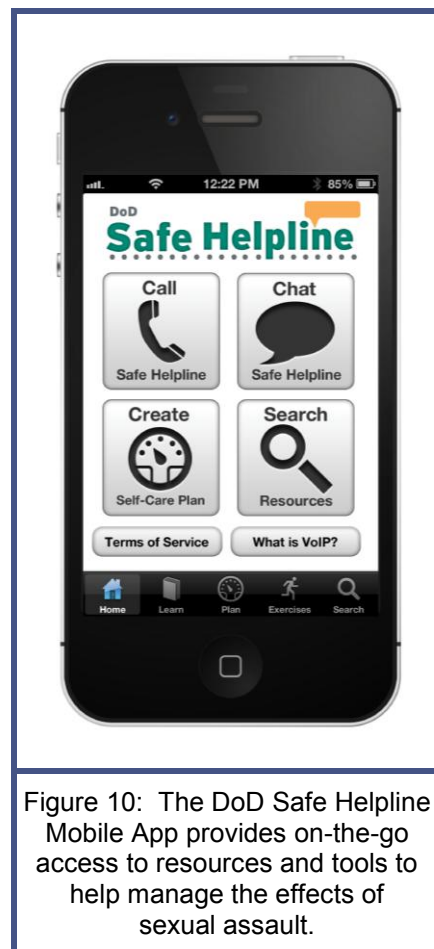


Figure 10: The DoD Safe Helpline Mobile App provides on-the-go access to resources and tools to help manage the effects of sexual assault.

⁴⁷ Any reference to any non-federal entity is not intended to be an endorsement of that entity by DoD.

⁴⁸ Each computer IP address is counted once and the unique visits number does not represent sexual assault victims.

online chat. Furthermore, the app allows users to create a customized self-care plan that, once downloaded, may be accessed without an Internet connection.

DoD Standards for Victim Assistance

In FY12, DoD SAPRO led an initiative within the Department to develop a set of broad standards to guide all DoD victim assistance-related programs. The standards, which were developed by a working group with representation from 20 DoD offices, require personnel working within the military community to engage with crime and harassment victims, and use an approach that emphasizes ethics, competence, and a common foundation of assistance services. The standards are aligned to those published by the National Victim Assistance Standards Consortium.⁴⁹ In addition, the Under Secretary of Defense (USD) for Personnel and Readiness (P&R) approved the establishment of a Victim Assistance Leadership Council, which will monitor the implementation of the standards and provide a forum for senior DoD leaders to exchange information and collaborate on issues affecting victims.

DoD Sexual Assault Advocate Certification Program

DoD SAPRO established and implemented the DoD Sexual Assault Advocate Certification Program (D-SAACP) in FY12. The D-SAACP is designed to standardize sexual assault response to victims and professionalize DoD victim advocacy. The program consists of three prongs:

- A credentialing infrastructure for SARCs and SAPR VAs;
- A framework for skill-based competencies, which identifies and organizes the core knowledge, skills, and attitudes for performing sexual assault victim advocacy; and
- The evaluation and oversight of SARC and SAPR VA training.

A primary objective of the D-SAACP is to ensure consistent preparation of SARCs and SAPR VAs. DoD SAPRO began evaluating the Military Services' SARC and SAPR VA training in FY12, with the goal to develop standardized core competencies, learning objectives, and best practices. DoD SAPRO plans to complete its evaluation and disseminate recommendations to the Military Services in FY13. Successful implementation of these components is expected to increase the consistency of training, enhance the quality of support that victims receive, and build confidence in the Department's ability to respond to sexual assault. The D-SAACP addresses a congressional mandate and is responsive to a DTF-SAMS recommendation that members of the Armed Forces who report they were sexually assaulted be afforded the assistance of a nationally certified VA.⁵⁰⁻⁵¹

⁴⁹ National Victim Assistance Standards Consortium, *Standards for Victim Assistance Programs and Providers*, May 2003.

⁵⁰ *DTF-SAMS Report* (2009). Recommendation 20b.

⁵¹ NDAA for FY12, P.L. 112-81, 125 Stat. 1433, Sec. 584 (2012).

DoD SAPRO contracted with the National Organization for Victim Assistance to aid the creation of certification standards and administer the certification process through the National Advocate Certification Program. The D-SAACP application became available to SARCs and SAPR VAs in September 2012. All SARCs and SAPR VAs must be certified by October 2013 to comply with congressional requirements; the Military Services are on track to meet this requirement.

Strengthening Military-Civilian Community Partnerships to Respond to Sexual Assault



Figure 11: Ohio National Guard members were among more than 250 community participants in the inaugural Race to Eliminate Sexual Violence 5K run in Columbus, Ohio, in April 2012.

In FY12, DoD SAPRO continued its collaborative training partnership with the DOJ Office for Victims of Crime (OVC). Phase I and II of this initiative resulted in an interactive 2-day training that better equipped civilian agencies around the country to assist military victims of sexual assault and their families. In FY12, DoD SAPRO worked with OVC on Phase III which includes providing updates to the training curriculum that reflect the newest DoD policies on sexual assault and a plan to launch four

additional regional trainings, bringing the total to eight. By encouraging civilian rape crisis centers to establish partnerships with local military installations, the Department helps ensure Service members can receive assistance that considers their military-specific needs, even when they seek assistance off-base.

Survivor Summit and SARC Summit

DoD SAPRO hosted a Survivor Summit and SARC Summit in FY12. The summits were designed to assess the impact and effectiveness of the SAPR program in meeting the needs of sexual assault survivors and discuss new policy enhancements. The summits provided DoD SAPRO an invaluable opportunity to hear directly from sexual assault survivors and SARCs, whose feedback will inform improvements to SAPR services, programs, and policies.

RESPONDER TRAINING

In FY12, DoD SAPRO continued to support specialized training initiatives for responders to victims of sexual assault. For example, to improve skills in investigating and addressing sexual assault cases, DoD provided \$1.3 million in funding for a special victims unit investigations course at the U.S. Army Military Police School (USAMPS), Ft Leonard Wood, Missouri. Attendance at

this course was made available to JAs from the Military Services, the National Guard, the MCIOS, and the Coast Guard Investigative Service.



Figure 12: Col Mary Reinwald, then-director of the Marine Corps SAPR program, provides remarks at the SARC Conference in April 2012.

In FY12, each of the Military Services and National Guard continued first responder SAPR training. “First responders” include SARCs, SAPR VAs, commanders, legal counsel, law enforcement, and healthcare personnel. Below is a summary of training provided to SARCs, SAPR VAs, commanders, criminal investigators, and JAs. Additional details on the trainings conducted in FY12 can be found in the enclosed Military Service and National Guard Bureau reports.

SARCs and SAPR VAs

- The Army trained 8,495 personnel slated for duty as a SARC or SAPR VA (including Active, Guard, and Reserve) via SHARP Mobile Training Teams using the 80-hour SHARP certification curriculum.
- The Navy provided initial training to 22 new SARCs and 3,844 SAPR VAs, as well as 10 hours of refresher training to 3,020 SAPR VAs. Additionally, 4,567 Active Duty SAPR VAs were trained and qualified to operate in a deployed environment.
- The Marine Corps provided 38 new SARCs with the 40-hour victim advocacy training necessary for credentialing. 372 SAPR VAs and Unit VAs received victim advocacy or quarterly refresher training conducted by an installation SARC. Additionally, 84 SARCs were trained and qualified to operate in a deployed environment.
- The Air Force trained 70 new SARCs in a 40-hour course, and 96 SARCs received training to operate in a deployed environment. Additionally, 5,145 SAPR VAs received training, to include deployment training.

- The National Guard provided 40 hours of initial training to 79 SARCs and 799 SAPR VAs. Within the Air and Army National Guard, 170 SARCs and 38 SAPR VAs received refresher training.

Commanders

- The Army provided SHARP training to 203 brigade commanders, 593 battalion commanders, and 409 Command Sergeants Major.
- Navy SARCs trained a total of 2,058 commanders on their roles and responsibilities within the Navy's SAPR program. Additionally, 296 prospective commanding and executive officers, 180 Command Master Chiefs/Chiefs of the Boat, and 205 Flag and General Officers received SAPR training prior to assuming command or a senior leadership position.
- In the Marine Corps, over 70 commanders and 50 Sergeants Major received SAPR training in the form of Command Team SAPR Training. Additionally, 81 General Officers were trained at a SAPR General Officer Symposium and 59 senior enlisted leaders were trained on SAPR at the Sergeants Major Symposium in FY12.
- The Air Force trained 4,592 Wing, Vice Wing, and Group commanders in SAPR.
- The Air National Guard trained 794 commanders in bystander intervention.

Criminal Investigators

- All Army Criminal Investigation Command agents who investigate sexual assault allegations received refresher training developed by USAMPS. More than 1,600 military and civilian criminal investigators from across DoD were also trained at USAMPS on sexual assault investigative techniques.
- Navy SARCs trained 264 criminal investigators on their role in the Navy SAPR program. Additionally, 95 NCIS employees, special agents, investigators, and support personnel received advanced training on sexual assault investigations.
- Sixty-seven new special agents in the Marine Corps completed basic training that met DoD standards for sexual assault investigation training.
- In the Air Force, 2,046 criminal investigators received Annual Periodic Sexual Assault Investigations Training and 24 completed the Sex Crimes Investigation Training Program. Additionally, 170 criminal investigators attended the Basic Special Investigations Course and 17 attended the Advanced General Crimes Investigation Course.
- The National Guard Bureau trained 10 sexual assault investigators at the Army's Special Victims Unit Investigations course at USAMPS.

Medical Personnel

- In the Army, 188 physicians, physician assistants, and registered nurses completed the Medical Command Sexual Assault Medical Forensic Examiner training.

- The Department of the Navy trained 27,513 medical first responders and 132 forensic examiners for both the Navy and Marine Corps.
- The Air Force provided 24,680 Air Force medics with first responder SAPR training for healthcare providers.

Judge Advocates

- The Army JAG Legal Center and School provided first responder training to 757 Army JAs, including 215 Army Reserve and 135 Army National Guard JA Officers. The Army also trained 454 trial counsel and 151 defense counsel in sexual assault issues.
- The Naval Justice School trained 178 Navy JAs on sexual assault. Examples of courses include Prosecuting Alcohol Facilitated Sexual Assault Cases, Defending Sexual Assault Cases, and Sexual Assault Investigation and Prosecution.
- The Marine Corps Trial Counsel Assistance Program trained 295 JAs in sexual assault investigation and prosecution. Most trial counsel attended at least two training sessions.
- In the Air Force, The Judge Advocate General's School (TJAGS) provided formal training to over 1,400 JAs and paralegals. Additionally, over 1,000 JAGs and paralegals viewed webcasts on sexual assault-related topics, and hundreds more attended training conducted at venues other than TJAGS.
- Air National Guard trained 451 JAs in bystander intervention.

Continued Education in Recovery Care

Some victims who experience a sexual assault on Active Duty do not disclose until they separate or are about to separate from service. DoD SAPRO staff regularly briefed the SAPR program to incoming Wounded Warrior Care and Transition Policy Recovery Care Coordinators and Veteran Affairs Military Sexual Trauma Coordinators. This training arrangement increases the Coordinators' awareness of SAPR resources.

DoD SAPRO also continued to educate deploying mental health providers and chaplains through the Center for Deployment Psychology (CDP) at the Uniformed Services University of the Health Sciences, Bethesda, Maryland. For the past 4 years, CDP has invited DoD SAPRO staff to provide instruction on working with victims and the SAPR program in a deployed environment.

THE IMPACT OF EFFORTS TO IMPROVE SEXUAL ASSAULT RESPONSE

The Department has substantially increased and refined the training and resources of military professionals working in sexual assault response since launching the SAPR program in 2005. Each year, thousands of investigators, attorneys, healthcare providers, chaplains, commanders, SARCs, and SAPR VAs participate in specialized training on how to best engage with and care for sexual assault victims.

The 2012 WGRA found, of the Active Duty women who indicated they reported a situation of unwanted sexual contact to a DoD authority, most were offered a variety of support services:⁵²

- 82 percent were offered counseling services;
- 75 percent were offered sexual assault advocacy services;
- 71 percent were offered chaplain services;
- 65 percent were offered legal services; and
- 60 percent were offered medical or forensic services.

It should be noted that persons on Active Duty reporting a sexual assault are entitled to all of the services listed. Victims may access these services directly, without the help or recommendation of SAPR personnel. However, SARCs and SAPR VAs are taught to recommend certain services based on what they perceive are the needs of the victim. These recommendations may be reflected in the survey responses listed above.

The 2012 WGRA also asked the respondents who reported a situation of USC to a DoD authority to rate their satisfaction with the services and reporting experience. Responses, condensed into three groups as “satisfied,” “neither satisfied nor dissatisfied” and “dissatisfied,” are shown for Active Duty women:⁵³

- 61 percent were satisfied with the quality of sexual assault advocacy services they received, and 16 percent were dissatisfied;
- 52 percent were satisfied with the quality of counseling services they received, and 15 percent were dissatisfied;
- 49 percent were satisfied with the quality of medical care they received, and 13 percent were dissatisfied;
- 35 percent were satisfied with the reporting process overall, and 34 percent were dissatisfied;
- 33 percent were satisfied with the amount of time investigation process took/is taking, and 35 percent were dissatisfied; and
- 26 percent were satisfied with how well they were/are kept informed about the progress of their case, and 48 percent were dissatisfied.

It is the Department’s goal that every victim who makes an Unrestricted Report will want to participate in the military justice process. DoD case disposition statistics indicate most victims of sexual assault who make an Unrestricted Report participate in the process. For some victims, participating in the military justice process may be too stressful or upsetting; it is important that victims make the final decision to participate. This year, commanders could not take any kind of disciplinary action against 11 percent of subjects (196 of 1,714 military subjects presented to commanders for consideration

⁵² Survey results for men were not reportable.

⁵³ Survey results for men were not reportable.

of action) because the victim(s) in the case declined to participate in the military justice process. Figure 13 illustrates the percentage of subjects over the past 4 years for whom commanders could not take action because the victim(s) declined to participate. The Department will continue to enhance the training, capabilities, and resources of all those working with sexual assault victims such that victims who want to participate feel confident that they will be supported.

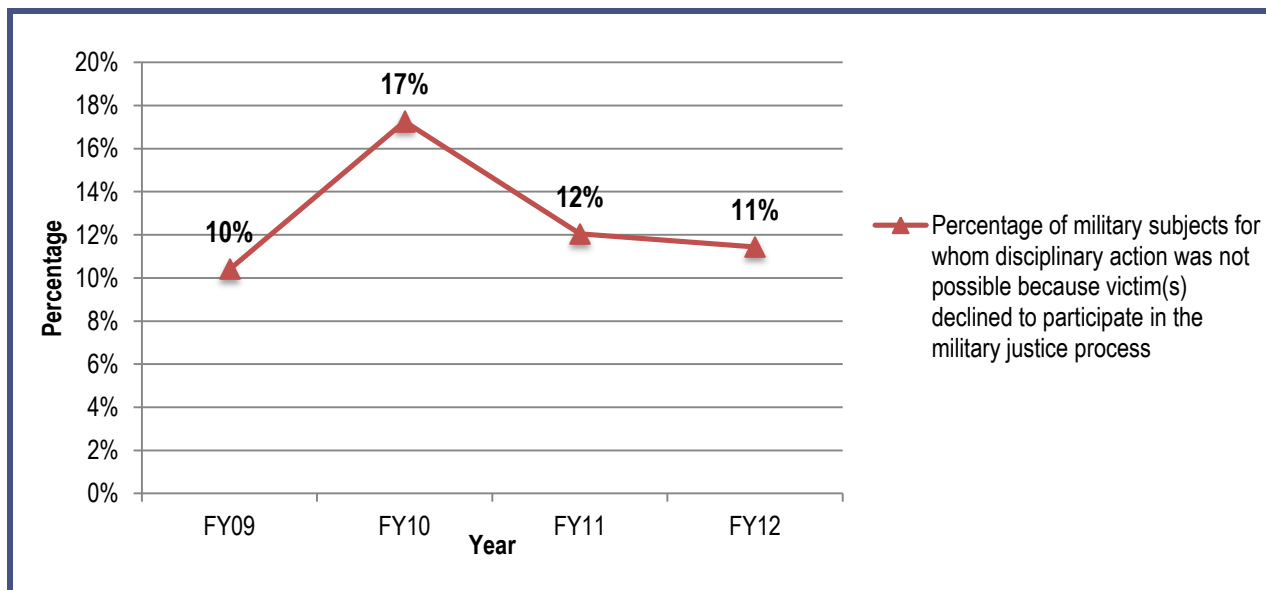


Figure 13: Percentage of military subjects for whom disciplinary action was not possible because victim(s) declined to participate in the military justice process, FY09–FY12.

Note:

It is the Department's goal that every victim who makes an Unrestricted Report will want to participate in the military justice process. However, it is important the victim makes the final decision to participate, as the process may be too stressful or upsetting for some.

SEXUAL ASSAULT RESPONSE IN FY13

Moving forward in FY13, DoD SAPRO plans to sustain DoD Safe Helpline operations and remain responsive to the needs of sexual assault victims. One way the Department will continue to respond to survivors' needs is through the launch of *Safe HelpRoom* in the spring of 2013 to allow military sexual assault survivors to connect with one another in a moderated and secure online environment. DoD SAPRO will also fully execute the D-SAACP to meet the congressional mandate for SARC and SAPR VA certification by October 2013. The Department plans to continue its financial support of the USAMPS special victims unit investigations course; however, such action is subject to limitations on spending anticipated for FY13. To further support response improvements, the Department plans to:

- Implement policy by which victims in the Reserve Component who are sexually assaulted while on Active Duty may remain in active status to continue treatment and support, as directed by the FY13 NDAA;

- Continue to collaborate with other DoD offices, DVA, and victim assistance organizations to enhance continuity of care during the transition from military to civilian life;
- Define roles for Victim/Witness Assistance Personnel in the DoD Special Victims Capability, as directed by the FY13 NDAA;
- Implement Department policy addressing the means to retain specified records associated with Restricted Reports for 50 years, at the request of the victim; and^{54,55}
- Improve SARC and SAPR VA completion of annual refresher training to ensure SARCs and VAs have a consistent understanding of the medical and mental health resources available at their respective locations, as recommended by the Government Accountability Office (GAO) report titled *DoD Has Taken Steps to Meet the Health Needs of Deployed Service Members, but Actions are Needed to Enhance Care for Sexual Assault Victims*, published January 2013.⁵⁶

PRIORITY 4: IMPROVE SYSTEM ACCOUNTABILITY

The goal of this priority is to ensure the SAPR program functions as it was intended. DoD SAPRO serves as the Department's single point of authority, accountability, and oversight for the sexual assault program, except for legal processes provided under the UCMJ and criminal investigative matters⁵⁷. As oversight authority for the SAPR program, DoD SAPRO focuses on improving the accountability, reliability, and sustainment of SAPR services. System accountability is achieved through standardized data collection, analysis, and reporting of case outcomes, as well as review of ongoing SAPR efforts to ensure that the desired programmatic and problem solutions are being attained.

POLICY AND PROGRAM ENHANCEMENTS

In addition to implementing the reporting process and sexual assault response improvements described earlier, the SAPR Directive reissued in January 2012 also requires the Military Services to coordinate all policy changes with the USD(P&R); align their strategic plans to the Department's SAPR Strategic Plan; and, in coordination with the USD(P&R), implement recommendations to improve the effectiveness of their policies and programs. Furthermore, the revised SAPR Directive requires that the

⁵⁴ NDAA for FY13, P.L. 112-239, Sec. 577 (2013).

⁵⁵ The FY13 NDAA requirement to retain specified records associated with Unrestricted Reports was addressed by the issuance of DTM 11-062. DoD DTM 11-062, "Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault," December 2011. Note: The policies in DTM 11-062 are now found in the DoDI 6495.02 available at <http://sapr.mil/index.php/law-and-dod-policies>.

⁵⁶ Government Accountability Office Report No.13-182 (2013). *Military Personnel: DoD Has Taken Steps to Meet the Health Needs of Deployed Service Members, but Actions are Needed to Enhance Care for Sexual Assault Victims*. Available at www.gao.gov/assets/660/651624.pdf.

⁵⁷ DoDD 6495.01, "SAPR Program," January 2012. Legal processes and criminal investigations are the responsibility of the Offices of the JAGs of the Military Departments and the DoD IG, respectively.

terms “SARC” and “SAPR VA” be used as standard terms throughout the Department to help victims identify and access SAPR program assistance.

During FY12, the Department assigned military officers to DoD SAPRO to assist with mission execution, fulfilling a DTF-SAMS recommendation and congressional mandate.⁵⁸⁻⁵⁹

Pre-Command and Senior Enlisted SAPR Training Evaluation

On January 18, 2012, the Secretary of Defense directed an assessment of SAPR training provided by the Military Services to officers selected for command and senior enlisted leaders.⁶⁰ DoD SAPRO led this effort with the assistance of Service representatives. The assessment team evaluated both the method of delivery and content of SAPR training to identify strengths and areas for improvement.

The evaluation team found that the Military Services had integrated SAPR training into pre-command and senior enlisted leader courses. In addition, some SAPR messages were consistently presented and bolstered by senior Service leader support. Most SAPR training featured expert instructors. The best training employed practical exercises and provided sufficient course time to apply learning. However, training varied in length and content across the Military Services.

Based on findings of the assessment, the team recommended the development of standardized core competencies, learning objectives, and supporting training materials to be used in all pre-command and senior enlisted SAPR training. The team also recommended the development of take-away tools and the use of metrics to evaluate learning and training effectiveness.

On September 25, 2012, the Secretary of Defense forwarded the team’s report and directed the Military Services and the USD(P&R) to work together to develop and implement standardized core competencies, learning objectives, and methods of objectively assessing the effectiveness of pre-command and senior enlisted SAPR training. The memorandum also directed the Military Services to implement additional changes to this training for class start dates after March 30, 2013. The goal of these changes is to enhance commanders and senior enlisted leaders’ ability to establish and support SAPR programs within their units, as required by the reissued SAPR Directive.

Data Standardization, Collection, and Reporting

DoD SAPRO worked in FY12 to enhance data reliability by continuing to standardize the definitions used for data collection. Specifically, DoD SAPRO created and refined items in the Department surveys used to measure the effectiveness of SAPR programs, the experience of victims, and Service member perceptions regarding sexual assault.

⁵⁸ DTF-SAMS Report (2009). Recommendation 5c.

⁵⁹ Ike Skelton NDAA for FY11, P.L. 111-383, 124 Stat. 4432, Sec. 1611 (2011).

⁶⁰ DoD Secretary of Defense Memorandum, “Evaluation of Pre-Command Sexual Assault Prevention and Response Training,” is provided in its entirety as a separate document and posted at <http://www.sapr.mil/index.php/news>.

As noted earlier in this report, DoD SAPRO and DMDC worked with DEOMI to develop SAPR-focused items for inclusion in the DEOCS, providing commanders with a real-time assessment of their command climate.

DoD SAPRO also continued to facilitate the standardization of case disposition definitions as they pertain to investigations of sexual assault across the Military Services. In FY12, the Department reached agreement on and codified a standardized definition of the term “substantiated,” addressing a congressional mandate and fulfilling a recommendation from DTF-SAMS.⁶¹⁻⁶² This definition is included in the IG DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” issued January 25, 2013.⁶³

A substantiated report of sexual assault is an Unrestricted Report that was investigated by an MCIO, provided to the appropriate military command for consideration of action, and found to have sufficient evidence to support the command’s action against the subject. Actions against the subject include court-martial charge preferral, Article 15 UCMJ punishment, administrative discharge, and other adverse administrative actions that result from a report of sexual assault or other associated misconduct (for example, adultery and housebreaking).

DoD SAPRO also conducted its annual assessment of the SAPR programs at the U.S. Military Service Academies (MSA). The *Annual Report on Sexual Harassment and Violence at the MSAs* is due to Congress in December, in accordance with P.L. No. 109-364, the FY07 NDAA. The Academic Program Year (APY) 2010-2011 report was provided to Congress in December 2011. One of the findings of the assessment was that the U.S. Military Academy (USMA) was not in full compliance with SAPR policies and program recommendations.

In August 2012, DoD SAPRO staff members returned to review USMA progress in complying with the recommendations made in the APY 2010-2011 Report. DoD SAPRO found that of 39 outstanding action items, 32 items had been completed and 7 were still in progress. As a result, USMA was found to be in compliance with all four SAPR program strategic priorities. SAPRO also identified several USMA actions as promising best practices for dissemination to the other MSAs.

During the remainder of FY12, DoD SAPRO developed the APY 2011-2012 report, incorporating data from the MSAs’ self-assessments as well as results from the *2012 Service Academy Gender Relations Survey* conducted by DMDC. The MSAs also provided DoD SAPRO with 6-month status updates on their implementation of past years’ recommendations and items for action. The APY 2011-2012 report was delivered to Congress in December 2012.

⁶¹ Ike Skelton NDAA for FY11, P.L.111-383, 124 Stat. 1434, Sec. 1631, (2011).

⁶² *DTF-SAMS Report* (2009). Recommendation 3.

⁶³ DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” January 2013.

Defense Sexual Assault Incident Database

In FY12, the Department completed development and deployed DSAID, a secure, centralized case-level data system for documenting sexual assault reports and managing cases. The system is used directly by SAPR personnel in the Air Force, Marine Corps, Navy, and National Guard and interfaces with the Army's Sexual Assault Data Management System (SADMS). Initially, the Department of the Navy planned to have the following three information systems interface with DSAID: the Sexual Assault Victim Intervention Case Management System (SAVI CMS), the Sexual Assault Incident Reporting Database (SAIRD), and the Consolidated Law Enforcement Operations Center (CLEOC). However, the Navy opted to interface CLEOC with DSAID and discontinue use of SAVI CMS and SAIRD in FY13. This decision improves the standardization of sexual assault data across the Department and saves time and resources by eliminating the requirement to develop or maintain interfaces for these systems.

DSAID enables the Department to meet evolving congressional reporting requirements, improve oversight of victim case management, and use standardized data to inform SAPR program improvements.⁶⁴ In support of DSAID, DoD SAPRO undertook the following actions in FY12:

- Completed all DoD and federal certification and accreditation compliance requirements;
- Activated the system for use by all the Military Services;
- Integrated data from the Air Force Investigative Information Management System and the Army SADMS; and
- Conducted 27 training sessions for the Military Services and the National Guard, for over 360 authorized users.

DoD SAPRO also initiated a Post-Implementation Review (PIR) of DSAID to answer whether the expected business outcomes and benefits of DSAID were being realized and if not, what remedies were indicated. The PIR evaluated 11 areas of DSAID functionality, including functional requirements and implementation, system performance, and stakeholder satisfaction. Although DSAID has been operational for only a short period of time, the PIR indicated no major problems. The PIR showed that 8 of the 11 evaluation areas were completed or in progress and on track. As part of the PIR, SAPRO administered an online SARC satisfaction questionnaire and conducted interviews with Service Program Managers. Based on the interviews and communications conducted during the PIR, DSAID stakeholders reported that implementation of the database had been effective, with DSAID meeting their needs in all areas. The PIR was submitted for leadership review and approval, which is expected in FY13. Moving forward, DoD SAPRO will continue to assess DSAID's functional

⁶⁴ NDAA for FY06, P.L. 109-163, 119 Stat. 3282, Sec. 596 (2006).

capabilities and stakeholder satisfaction on a yearly basis to meet case management needs and identify areas for improvement.⁶⁵

OVERSIGHT ACTIVITIES

The Director of DoD SAPRO continued to host bi-monthly SAPR Integrated Process Team (IPT) meetings with Military Service SAPR leadership to discuss policy and program issues. Established in FY10, the SAPR IPT provides a forum for the oversight of key issues and clarification of policy matters. It also serves as an information clearinghouse and functions to refine legislation into policy and programs.

In FY12, the SAPR IPT guided the development of policies and programs to comply with legislation, including the establishment of a DoD Special Victims Capability for the investigation and prosecution of sexual assault cases, requirements for the dissemination of SAPR program and policy information, retention of records on disciplinary and administrative proceeding outcomes, requirements for organizational climate assessments, and additional services for Reserve and National Guard members. The SAPR IPT also acted as a forum for sharing important research and best practices from the civilian community. Information and findings from the SAPR IPT have been included in briefings to the USD(P&R) and the Secretary of Defense.

This year, the Military Services also provided individual SAPR program briefings to the SAPRO Director. These briefings highlighted Service programs and reviewed best or promising practices and initiatives.

Tracking of Oversight Recommendations

Another oversight function for DoD SAPRO was to continue to monitor the progress and completion of the remaining recommendations from DTF-SAMS, which submitted its report in December 2009 to Congress and the Secretary of Defense. The report provided 91 recommended changes to the SAPR program in 4 primary areas: strategic direction, prevention and training, response to victims, and accountability. At the end of FY12, only 19 recommendations remained open. The Military Services or the applicable DoD Component is to address these recommendations. Ten of the remaining 19 other recommendations will be closed upon the reissuance of DoDI 6495.02.

DoD SAPRO also continued to monitor the completion of the remaining SAPR program recommendations from the GAO. Since 2004, the GAO has conducted 4 assessments and provided a total of 25 recommendations pertaining to SAPR policies and programs. At the end of FY12, the Department had implemented 19 of the 25 recommendations. The remaining six are in progress, including three recommendations that pertain to sexual assault investigations and fall under the purview of the DoD IG. DoD SAPRO

⁶⁵ The Department completed the D

continues to monitor the completion of all remaining recommendations and conduct oversight over the recommendations for which it has responsibility.

The Military Services and the National Guard Bureau also conducted oversight of their individual SAPR programs in FY12.

- The Army Criminal Investigation Command IG completed evaluations of services related to sexual assault investigations. General findings verified, with few exceptions, that investigations of sexual assaults were conducted in a thorough and timely manner and met the investigative standards of the command. Monthly, local Sexual Assault Review Boards were identified as the primary forum to share best practices, identify lessons learned, and assess local program implementation.
- The CNIC executed oversight of the Navy SAPR program through the development of program guidance standards, trainings, and resources for victim care and support. Compliance with guidance and policy was reviewed regularly through a robust accreditation process. Monthly webinar trainings with SARCs, an annual SARC training conference, and regular SAPR updates to CNIC provided opportunities for oversight and reviews of local SAPR programs.
- The Marine Corps IG conducted regular and no-notice inspections of the Marine Corps SAPR program with the use of an extensive checklist developed by the Headquarters Marine Corps (HQMC) SAPR program. The HQMC SAPR program also continued monthly audits of all 24/7 sexual assault helplines.
- The Air Force Assistant Secretary chaired the SAPR Executive Steering Group (ESG) comprised of stakeholders dedicated to the eradication of sexual assault within the Air Force. The ESG convened twice in FY12, providing senior leaders an opportunity to discuss and improve the Air Force SAPR program. Moving forward, in addition to ensuring senior SAPR policy oversight, the ESG will also begin reporting to the Community Action Information Board senior leadership body to increase information sharing.
- The National Guard Bureau Manpower and Personnel SAPR Directorate provided quarterly reports to the Chief, National Guard Bureau, on state annual progress in implementing all program guidance and training. Oversight areas included data submissions on training numbers, state-conducted SAPR VA trainings, case review meetings, SAPR VA refresher training, SARC conference calls for training updates, and SARC refresher training requirements.

RESEARCH AND EFFECTIVENESS MEASURES

DoD SAPRO collaboration on DMDC surveys and focus groups in FY12 helped identify gaps, trends, and areas of concern in research and effectiveness measures. DoD SAPRO provided input into the development and refinement of such surveys as the *WGRA*, *WGRR*, *QSARC*, and *Service Academy Gender Relations Survey*. Notably, the Department moved the Active Duty and Reserve Component surveys from a 4-year

cycle to a 2-year cycle. This action complies with a DTF-SAMS recommendation for more frequent measurement in the SAPR program.⁶⁶

Selected results from the 2012 WGRA are detailed throughout this report. The 2012 QSARC was fielded in July and August 2012 and responses were received from more than 280 eligible respondents. The survey was designed to assess the effectiveness of the SAPR programs within the Military Services, and assist in addressing a DTF-SAMS recommendation to review Reserve Component SAPR programs and policies to ensure compliance with DoDI 6495.02.⁶⁷ According to the 2012 QSARC, 56 percent of SARCs indicated their duties as a SARC are a collateral duty (an additional duty to another primary duty), 25 percent indicated their SARC duties are primary, and 19 percent indicated their SARC duties are primary along with other duties. Forty percent of SARCs indicated other duties interfere with their SARC duties to a large or very large extent. Nearly all SARCs (97 percent) indicated receiving SARC training and 28 percent received additional training to help prepare them to perform SARC duties in a deployed environment. Eighty-eight percent of SARCs indicated they were well-prepared to interact with victims. Additionally, approximately two-thirds of SARCs indicated satisfaction to a large extent about the resources their SAPR program has been provided.

The DoD Family Advocacy Program (FAP) and SAPRO collaborated on the *Prevalence of Intimate Partner Violence, Stalking, and Sexual Violence Among Active Duty Women and Wives of Active Duty Men – Comparisons with Women in U.S. General Population, 2010*. The project was a joint effort between the CDC National Center for Injury Prevention and Control, the National Institutes of Justice, and the Department. This CDC-conducted survey provided the Department with a reliable prevalence estimate for contact sexual violence among Active Duty women and female spouses of military men, which aligned closely to similar findings in the 2010 WGRA.⁶⁸ Another primary finding of the survey was that the risk of lifetime and past-year contact sexual violence is the same for military women and civilian women. CDC's technical report is provided at Enclosure 5.

The Military Services conducted several research initiatives in FY12.

- The Army Research Institute conducted the Spring 2012 Sample Survey of Military Personnel to determine views from soldiers on a range of sexual assault issues. Additionally, the revised Army Command Policy required commanders to conduct the DEOCS within 30 days of assuming command, again at 6 months,

⁶⁶ DTF-SAMS Report (2009). Recommendation 3.

⁶⁷ DTF-SAMS Report (2009). Recommendation 7.

⁶⁸ The term "contact sexual violence" (CSV) is the CDC's survey term for contact sexual crimes between adults. Careful effort was made to align the definition of "contact sexual violence" with the definition of "unwanted sexual contact," the Department's survey term for the same behaviors. CSV and USC both involve intentional sexual contact that was against a person's will or occurred when the person did not or could not consent. The terms describe completed and attempted oral, anal, and vaginal penetration with any body part or object, and the unwanted touching of genitalia and other sexually-related areas of the body.

and annually thereafter. The DEOCS results have helped commands to identify training opportunities, create lessons learned, and determine victims' propensity to report.

- The Marine Corps collaborated with DMDC and SAPRO to survey 40,000 male marines and all female marines in the 2012 *WGRA*. This larger-than-usual sample allows for greater precision in understanding the impact of sexual assault on the Marine Corps and possible areas for prevention. Additionally, the Marine Corps used the DEOCS results to measure command climate as it relates to sexual assault, identify improvements, and further inform victim care and prevention efforts.
- The Air Force Community Action Information Board reviewed the SAPR climate questions and included them in the Air Force's Unit Climate Assessment to identify positive and negative trends in SAPR programming.

THE IMPACT OF EFFORTS TO IMPROVE SYSTEM ACCOUNTABILITY

This annual report continues to integrate programmatic accomplishments, military research findings, and sexual assault report statistical data to highlight program strengths and areas for improvement. As recommended by the GAO, the Department will continue to use this report as an oversight tool to communicate progress in policy and program improvements.

SYSTEM ACCOUNTABILITY IN FY13

In FY13, DoD SAPRO will continue oversight initiatives to ensure the SAPR program works as designed. Planned for FY13:

- DSAID will receive an additional interface for communication with Navy CLEOC by the end of the second quarter of FY13. In addition, modifications to data capture and reporting of case synopses will be required to comply with new provisions in the FY13 NDAA. The Department will also field online user training for the system and continue to collaborate with the Military Services to improve and refine data capture and reporting;
- In response to the Secretary of Defense's directive, DoD SAPRO will work with the Military Services to complete development and dissemination of standardized core competencies and learning objectives for pre-command and senior enlisted SAPR training;
- The Department will continue to identify sexual assault metrics to communicate DoD and Service SAPR program progress;
- The JCS will conduct quarterly SAPR Joint Executive Council meetings designed to inform and sustain senior leader involvement, assessment, and emphasis on all aspects of the DoD SAPR program; and
- DoD SAPRO plans to begin a Reserve Component SAPR program review, examine SAPR Services at joint bases, and evaluate the effectiveness of the expedited transfer policy.

PRIORITY 5: IMPROVE STAKEHOLDER KNOWLEDGE AND UNDERSTANDING OF SEXUAL ASSAULT PREVENTION AND RESPONSE



Figure 14: Gen Raymond Odierno, Army Chief of Staff, speaks at the 2012 Army SHARP Summit.

The goal of this priority is to ensure stakeholders are informed of the Departments' efforts to combat the crime of sexual assault in the military, and communicate long-term commitment to achieving SAPR program objectives. The Department communicates these important messages to victims, commanders and military leaders, the DoD community, advocacy groups, Congress, and the American people.

Each of the Military Services and the National Guard Bureau leveraged senior leader and commander support to impact stakeholder understanding of the SAPR program.

- The Secretary, Chief of Staff, and Sergeant Major of the Army each spoke at the 5th Annual SHARP Summit, which was aimed at senior leaders and their SHARP program personnel. The Army also developed and implemented the SHARP Communication-Engagement Plan, resulting in more than 50 legislative engagements, media interviews, and other events in the first 120 days of the plan's execution. Army leaders were an integral part of the Engagement Plan, addressing SHARP topics at both internal and public events. This effort received favorable feedback from congressional staff and advocacy groups.
- At the Chief Naval Officer's direction, during SAAM 2012, all Naval commands held unprecedented SAPR 2-hour stand-downs consisting of face-to-face discussions for all assigned members. To facilitate stand-downs, the Chief of Naval Personnel and the Center for Professional and Personal Development provided commands complete training modules, which included facilitation guides and taped interviews of Navy leaders discussing the problem of sexual violence.
- The Marine Corps held a SAPR General Officer Symposium in July 2012 and provided SAPR training at the Sergeants Major Symposium in August 2012. Additionally, SAPR messaging was incorporated into Welcome Aboard briefs conducted by commanders. Finally, SAPR 8-day briefs were implemented to

establish leadership engagement at the onset of each Unrestricted Report of sexual assault.

- In April 2012 the Air Force conducted its annual SAPR Leader Summit, where participants heard from leadership and national experts on a variety of sexual assault topics. To supplement discussions, the Air Force distributed a Wing Commander's SAPR Guide, developed by subject matter experts, current Wing Commanders, and Command Chiefs. The guide included statistics, facts, and talking points to help installation leaders speak authoritatively on the topic of sexual assault to airmen under their command.
- The National Guard held its second SAPR Leadership Summit in November 2011 to promote awareness for state senior leaders and effect culture change within each command. The Chief of the National Guard Bureau opened the Summit, and both state and wing SARCs attended along with nearly 200 state senior leaders.

STAKEHOLDER OUTREACH AND COLLABORATION

DoD SAPRO managed a proactive stakeholder communications approach to engage a broad audience in FY12. In particular, the Department worked with the Secretary of Defense, JCS, and Service leadership to enhance senior leadership involvement in SAPR programs, fostering collaboration among the Military Services and solidifying the communication of SAPR policies. The Secretary of Defense took an active role in authoring new policies, directing the evaluation of programs, and increasing awareness of the Department's commitment to combating sexual assault. The Joint Chiefs of Staff also worked to improve SAPR services by collaborating with the Military Services, DoD SAPRO, and others in the SAPR community to develop its *Strategic Direction to the Joint Force on Sexual Assault and Response*. To further the objectives of this strategic direction, the Department is developing a capstone strategy that will provide Military Service-wide ownership, solutions, and solidarity across multiple lines of effort. Integral to this approach are communications that ensure stakeholders are informed of the Department's efforts in combating the crime of sexual assault and its commitment to achieving this goal.

In addition to strengthening relationships with military leadership, DoD SAPRO also participated in numerous meetings, briefings, and conferences with external stakeholders, which enabled increased education and awareness outside of the military community. The DoD SAPRO Director actively engaged with Members of Congress to inform them on SAPR initiatives, address areas of concern, identify



Figure 15: Air Force Brig Gen Andrew Mueller, Commander, 81st Training Wing, Keesler Air Force Base, with SAPR Staff and SAPR VAs at the April 2012 “Walk a Mile in Her Shoes” event in Biloxi, Mississippi.

shared goals and legislative objectives, and solicit feedback on areas for improvement and future collaboration. DoD SAPRO strives to improve congressional and general public understanding of the SAPR program and build confidence in the Armed Forces’ commitment to stand by its core values; sexual assault will not be condoned, tolerated, or ignored.

The DoD SAPRO Director also participated in an extensive number of interviews with national, regional, and local media to generate awareness and explain SAPR services. The Department collaborated with a wide variety of stakeholders in FY12, to include:

- White House Council on Women and Girls;
- DOJ OVC and the Office of Violence Against Women;
- National advocacy groups;
- Veteran groups and veteran service organizations;
- U.S. Institute of Peace;
- Academic groups and subject matter experts;
- Non-profit organizations;
- United Nations;
- The government of Australia;
- Norwegian Defence Force; and
- The Peace Corps.

The Military Services and the National Guard Bureau also engaged in SAPR outreach in FY12, both on-base and in local communities.

- The Army Soldier Show, a SHARP-sponsored production featuring a wide range of popular music and stage presentations, was performed 49 times at 33 Army installations in FY12. The Army SHARP program also sponsored the Army Concert Tour for the fourth year in a row. At these events, more than 100,649 soldiers, civilians, and family members received messaging about sexual assault and sexual harassment prevention.
- Navy SARCs collaborated with 45 rape crisis centers, 55 schools, and other civilian community organizations in FY12. Other civilian-military partnerships included over 260 collaborations with law enforcement agencies and medical facilities, resulting in several written support agreements. Additionally, SARCs engaged in over 443 collaborations with fellow Navy SARCs and over 150 collaborations with other Military Service SARCs to evaluate the effectiveness of their response, coordinate programming efforts, and ensure that victim services are streamlined and address victims' needs.
- The Department of the Navy sponsored performances of "No Zebras, No Excuses," an educational stage show with content pertinent to SAPR, at the majority of Marine Corps installations. In addition, the Marine Corps Commandant's Spring 2012 Heritage Tour included stops at over 25 bases and stations and reinforced that leadership take reports of sexual assault seriously, with the hope that victims of sexual assault will be more confident to come forward.
- The Air Force partnered with a variety of local organizations, including rape crisis centers, domestic violence coalitions, hospitals, high schools, and family advocacy groups. The SAPR program at Pacific Air Forces expanded communications and outreach by means of spouse orientation briefings, radio interviews, SAPR skits, and on-base college classes about sexual assault and victim care.
- The National Guard Bureau presented information on the DoD Safe Helpline to over 1,000 stakeholders from Yellow Ribbon, family program volunteers, chaplains, and transition assistance advisors at the April 2012 Professional Development Seminar. Additionally, state-level monthly case management board meetings facilitated relationships with law enforcement subject matter experts, state Attorneys General, rape crisis centers, district attorney's offices, and others. Several of these subject matter experts participated in sexual assault prevention trainings during FY12.

COMMUNICATIONS TACTICS

In FY12, in addition to using traditional media, DoD SAPRO also leveraged integrated outreach campaigns and diverse communications channels and tools, including an online newsletter and multiple events during SAAM to educate and inform. These innovative tools allowed the Department to reach victims, care-givers, first responders, and policy advocates to advance its goals.

Outreach Campaigns

The DoD Safe Helpline integrated outreach campaign was successfully implemented through a variety of channels. Safe Helpline materials, created for SARCs, SAPR VAs, public affairs officers, and transition assistance programs included brochures, magnets, and information cards. Concurrently, DoD SAPRO participated in various promotional events, including a series of PSAs and a robust set of advertising and digital media, aimed at raising usage rates among DoD community members seeking information. For example, after Safe Helpline services were aired following an episode of the television series “Private Practice” on sexual assault in the military, website monthly usage spiked by nearly three-fold.

SAPR Source

For several years, the Department’s eNewsletter – the *SAPR Source* – has been used to convey program and policy updates and SAPR events to a wide-ranging audience. In FY12, DoD SAPRO broadened the distribution of the newsletter to include key civilian and federal stakeholders. Published editions highlighted the following:

- The Army’s innovative SAPR efforts, updated DoD Sexual Assault Forensic Examination (SAFE) Kits, chaplain training on DoD Safe Helpline, DSAID implementation, and the *National Action Plan on Women, Peace, and Security* (October 2011 edition);
- The Navy’s innovative SAPR efforts, policy revisions, and the MSA Report (February 2012 edition); and
- The Marine Corps’ SAPR efforts, the 2012 Exceptional SARC Award Ceremony, the release of the FY11 Annual Report, and the inclusion of sexual assault questions in the DEOCS (May 2012 edition).

Sexual Assault Awareness Month

In April 2012, the Department observed SAAM. Highlighting SAAM each year gives the Department an opportunity to join a national effort to raise awareness and promote the prevention of sexual violence through special events and public education. DoD SAPRO also hosted the 2012 Exceptional SARC Awards Ceremony honoring SARCs from the Military Services, the National Guard, and the Coast Guard. Serving as guest speakers, the Director of the White House Adviser on Violence Against Women and the Deputy Director of the DVA Veterans Benefits Administration joined DoD senior leadership in recognizing individuals who demonstrated outstanding service. By publicizing the exceptional work of SARCs, the Department honored these professionals, calling attention to the comprehensive services available to victims of sexual assault.

THE IMPACT OF EFFORTS TO IMPROVE STAKEHOLDER KNOWLEDGE AND UNDERSTANDING OF SAPR

The Department’s goal is to increase stakeholder awareness and support of its SAPR programs and policies. Greater stakeholder knowledge results when the Department communicates SAPR program successes and challenges; disseminates SAPR-specific

research drawn from the military environment; and deploys transparent, informative, and timely messaging to victims, military leaders, the broader DoD community, advocacy groups, Congress, and the public through a variety of outreach channels.

Given the findings from the 2012 *WGRA*, it appears the SAPR program effectively reaches the Department's key stakeholder group—Service members. The 2012 *WGRA* found:

- 66 percent of women and 73 percent of men indicated that they are aware of the DoD Safe Helpline;
- 67 percent of women and 74 percent of men were aware of their installation's SAAM programs; and
- 56 percent of women and 67 percent of men were aware of DoD's sexual assault prevention-themed website (www.myduty.mil).

The Department also communicated SAPR program information to other stakeholders in a variety of venues, including congressional hearings and briefings, press interviews, PSAs, and organizational meetings. Improvements in stakeholder knowledge resulting from these activities are more difficult to assess because the information recipients are outside the Department's current measurement authority.

SAPR AWARENESS IN FY13

In FY13 DoD SAPRO will continue its outreach efforts to educate and inform key audiences, and build broader alliances to increase awareness, understanding, and inputs for the Department's SAPR efforts. In particular, DoD SAPRO will host meetings with federal partners and veteran service organizations to share best practices. The Department also plans to continue ongoing collaboration with the Military Services, Members of Congress, and other stakeholders, including the White House Council on Violence Against Women.



Figure 16: In April 2012, the Department hosted a ceremony to present six SARC's with the Exceptional SARC Award.

STATISTICAL DATA ON SEXUAL ASSAULT

BACKGROUND ON DoD SEXUAL ASSAULT DATA

What It Captures:

Reports of Sexual Assault

- The Department uses the term “sexual assault” to refer to a range of crimes, including rape, sexual assault, nonconsensual sodomy, aggravated sexual contact, abusive sexual contact, and attempts to commit these offenses, as defined by the UCMJ. When a report is listed under a crime category, it means the crime was the most serious of the infractions alleged by the victim or investigated by investigators. It does not necessarily reflect the final findings of the investigators or the crime(s) addressed by court-martial charges or some other form of disciplinary action against a subject.
- Pursuant to reporting requirements levied by Congress, DoD sexual assault data captures the Unrestricted and Restricted Reports of sexual assault made to the Department during an FY that involves a military subject and/or a military victim.
- In the context of the DoD statistics that follow, an Unrestricted Report of sexual assault is an allegation by one or more victims against one or more suspects (referred to in the Department as “subjects of investigation” or “subjects”) that will be referred to and investigated by an MCIO (CID, NCIS, or AFOSI).
- Data on Restricted Reports is limited, because these are reports of sexual assault made to specified parties within the Department (that is, SARC, SAPR VA, or healthcare provider) that allow the report to remain confidential and the victim to seek care and services. Given the victim’s desire for confidentiality, these reports are not investigated and victims are not required to provide many details about these sexual assaults. As a result, only data about the victim and the offense is recorded. Subject identities are not requested or maintained by the Department.
- The Department’s sexual assault reporting statistics include data about contact sexual crimes by adults against adults, as defined in Articles 120 and 125 of the UCMJ. This data does not include sexual assaults between spouses or intimate partners that fall under the purview of DoD FAP, nor does this data include sexual harassment which falls under the purview of EO. While most victims and subjects in the following data are aged 18 or older, DoD statistics also capture some victims and subjects aged 16 and 17. Service members who are approved for early enlistment prior to age 18 are included in this category. Because the age of consent under the UCMJ is 16 years, military and civilian victims aged 16 and older who do not fall under FAP are included as well.
- The number of sexual assaults reported to DoD authorities in FY12 *does not* necessarily reflect the number of sexual assaults that occurred in FY12.
 - Civilian research indicates victims only report a small fraction of sexual assaults to law enforcement. For example, of the 1.1 million U.S. civilian

women estimated to have experienced nonconsensual vaginal, oral, or anal penetration in 2005, only about 173,800 (16 percent) said they reported the matter to police. For the estimated 673,000 U.S. civilian college-aged women who experienced nonconsensual vaginal, oral, or anal penetration, only about 77,395 (11.5 percent) indicated they reported it to the police.⁶⁹ The definition of sexual assault used in this college sample refers to penetrating crimes only. Consequently, it captures fewer crimes than the DoD definition of sexual assault, which encompasses both penetrating and non-penetrating sexual offenses, and attempts to commit these offenses.

- This reporting behavior is mirrored in the U.S. Armed Forces. Over the past 6 years, the Department estimates that fewer than 15 percent of military sexual assault victims report the matter to a military authority.

Subject Dispositions

Once the investigation of an Unrestricted Report is complete, Congress requires the Military Services to provide the outcome of the allegations against each subject named in an investigation. These are called “subject dispositions.”

- The Department holds those Service members who have committed sexual assault appropriately accountable based on the available evidence.
 - Legal authority for the Department is limited to Service members who are subject to the UCMJ and, therefore, its military justice jurisdiction. Except in rare circumstances, a civilian is not subject to the UCMJ for the purpose of court-martial jurisdiction or other military justice discipline. In FY12, there were no such civilians tried by a court-martial for allegedly perpetrating sexual assault.
 - Each year, the Department lacks jurisdiction over several hundred subjects in its investigations. These are the civilians, foreign nationals, and unidentified subjects who are reported to have sexually assaulted Service members.
 - Local civilian authorities in the United States and our host nations overseas hold primary responsibility for prosecuting U.S. civilians and foreign nationals, respectively, for allegedly perpetrating sexual assault against Service members.
 - In a number of cases each year, a civilian authority or host nation will assert its legal authority over a Service member. This typically occurs when Service members are accused of sexually assaulting a civilian or foreign national.
 - A civilian authority, such as a state, county, or municipality, may prosecute Service members anytime they commit an offense within its jurisdiction. In some cases, the civilian authority may agree to let the military exercise its

⁶⁹ Kilpatrick, D., Resnick, H., Ruggiero, K., Conoscenti, L., & McCauley, J. (2007). *Drug-Facilitated, Incapacitated, and Forcible Rape: A National Study*.

UCMJ jurisdiction to prosecute the Service member. However, prosecution decisions rest with the civilian authority (that is, the military cannot take the case away). Service member prosecutions by civilian authorities are made on a case-by-case and jurisdiction-by-jurisdiction basis.

- A host nation's ability to prosecute a Service member is subject to the Status of Forces Agreement (SOFA) between the United States and the foreign government. SOFAs vary from country to country.
 - The subject's military commander is responsible for reviewing the investigation and taking appropriate action when supported by sufficient evidence.
 - Commanders at all levels of responsibility do not make disposition decisions by themselves. Military attorneys assist commanders in identifying the charges that can be made, the appropriate means of addressing such charges, and the punishments that can be administered if supported by the evidence.
 - There are many cases each year when disciplinary action is not possible due to legal issues or evidentiary problems with a case. For example, when the investigation fails to show sufficient evidence of an offense to prosecute or when the victim declines to participate in the justice process, a commander may be precluded from taking disciplinary action against a subject.
- In the data that follows, when more than one disposition action is involved (for example, when nonjudicial punishment is followed by an administrative discharge), subject disposition is only reported once per subject. This is done according to the most serious disciplinary action taken, which in descending order is preferral of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative action.

Who It Describes:

- Unrestricted and Restricted Reports capture sexual assaults committed by and against Service members. However, people outside of the U.S. Armed Forces sometimes commit sexual assault against a Service member or can be sexually assaulted by a Service member. Information describing these victims and subjects is also included in the following statistics.
- An Unrestricted Report of sexual assault can include one or more victims, one or more subjects, and one or more crimes. **Therefore, the number of reports received in a given year does not usually equal the number of victims or the number of subjects in those reports.**
- Restricted Reports, by policy, only involve one victim per reported incident.
 - No Personally Identifying Information is maintained for alleged subjects.
 - Subsequent to a change in DoD policy through the reissuance of DoDD 6495.01 in January 2012, military dependents (aged 18 and over) may now

make Restricted Reports of sexual assault. By law, the statistics provided to Congress are limited to those reports of sexual assault that involve Service members as either a victim or a subject. Consequently, Restricted Reports by adult military dependents alleged to involve a Service member (other than spouse or intimate partner) as the offender are now included in the Department's annual statistics. Restricted Reports by adult military dependents that did not involve a Service member are recorded but not included in statistical analyses or reporting demographics.

- Demographic information on victims and subjects is only drawn from *completed investigations* of Unrestricted Reports and from SARC records of victims in Restricted Reports.

When It Happened:

- The information in this report is drawn from sexual assault reports made to the Military Services during FY12 (October 1, 2011, to September 30, 2012).
- The data that follows is a snapshot in time. In other words, the following information describes the status of sexual assault reports, investigations, and subject dispositions on September 30, 2012 (the last day of FY12).
 - Many investigations extend across FYs. For example, it often takes several months to investigate a report of sexual assault. As a result, those investigations that were opened toward the end of the FY typically carry over to the next FY.
 - Subject dispositions can also extend across FYs. As a result, a substantial portion of dispositions are “pending” or not yet reported at the end of the year. The Department tracks these pending dispositions and requires the Military Services to report on them in subsequent years' reports.
 - Under the Department's SAPR policy, there is no time limit as to when someone can report a sexual assault to a SARC or MCIO. Consequently, in any given year, the Department may not only receive reports about incidents that occurred during the current year, but also incidents that occurred in previous years.
- Reports are also sometimes made for sexual assaults that occurred prior to a Service member's enlistment or commissioning. When this occurs, the Department provides care and services to the victim, but may not be able to punish the offender if he or she is not subject to military law.
- Military law has changed several times:
 - For incidents that occurred prior to the changes made to the UCMJ on October 1, 2007, the term “sexual assault” referred to the crimes of rape, nonconsensual sodomy, indecent assault, and attempts to commit these acts.
 - For incidents that occurred between October 1, 2007 and June 27, 2012, the term “sexual assault” referred to the crimes of rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, nonconsensual sodomy, and attempts to commit these acts.

- For incidents that occur on or after June 28, 2012, the term “sexual assault” refers to the crimes of rape, sexual assault, aggravated sexual contact, abusive sexual contact, nonconsensual sodomy, and attempts to commit these acts.

How It's Gathered:

- Data about Unrestricted Reports of sexual assault reports is drawn from official investigations conducted by the MCIOs.
- SARCs collect data about Restricted Reports of sexual assault and forward it to the Military Service SAPR program offices.
- Each FY, the USD(P&R) submits a data call to the Military Departments to collect the required statistical and case synopsis data. DoD SAPRO aggregates and analyzes this data.

Why It's Collected:

- Congress requires data about the number of sexual assault reports and the outcome of the allegations made against each subject.
- The Department also collects this data to inform SAPR policy, program development, and oversight.

OVERVIEW OF REPORTS OF SEXUAL ASSAULT MADE IN FY12

This section closely follows the flow chart shown in Exhibit 1. Points in the flow chart have been labeled with a letter that corresponds to the information in the text that follows.

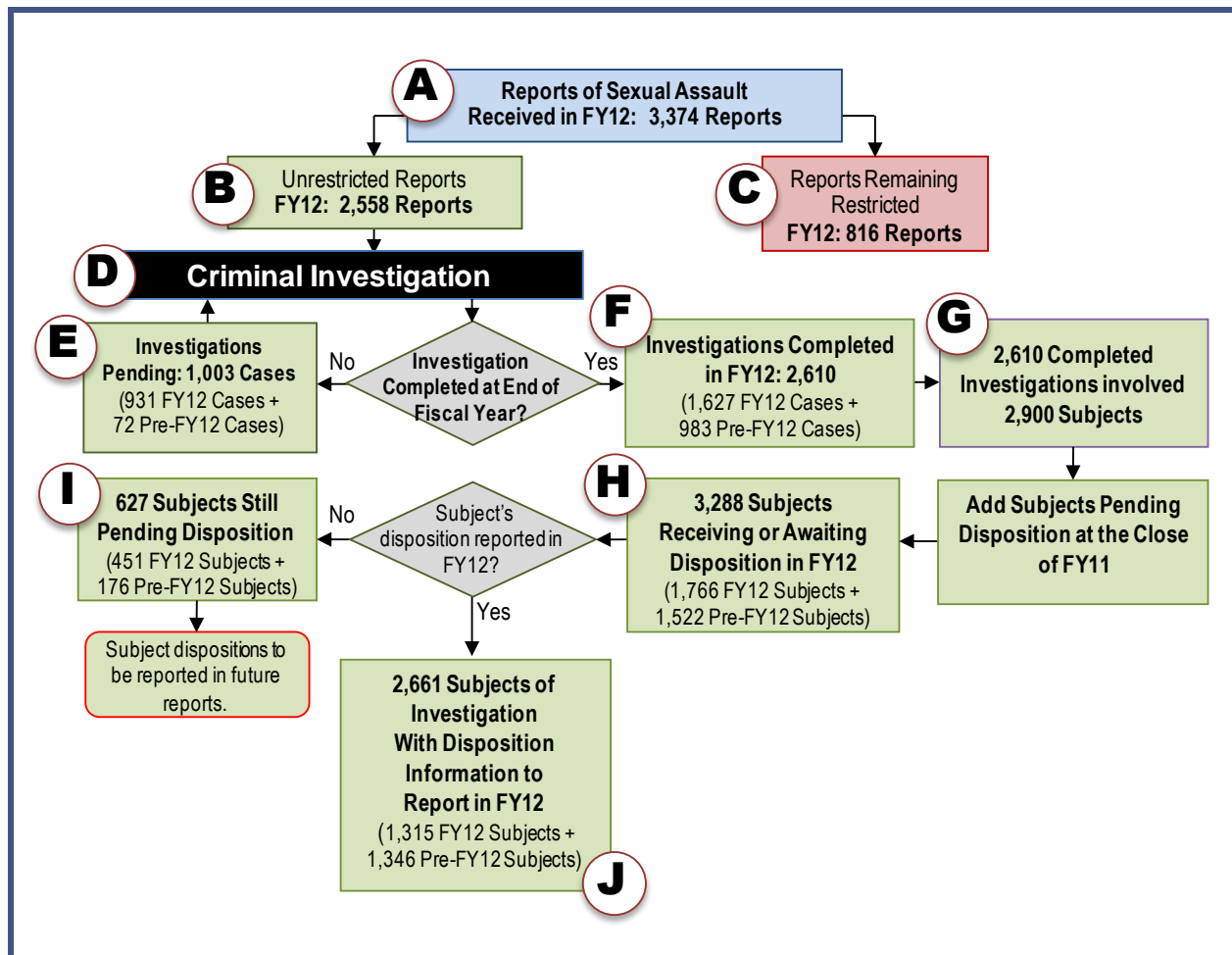


Exhibit 1: Reports of Sexual Assault and Investigations Completed in FY12

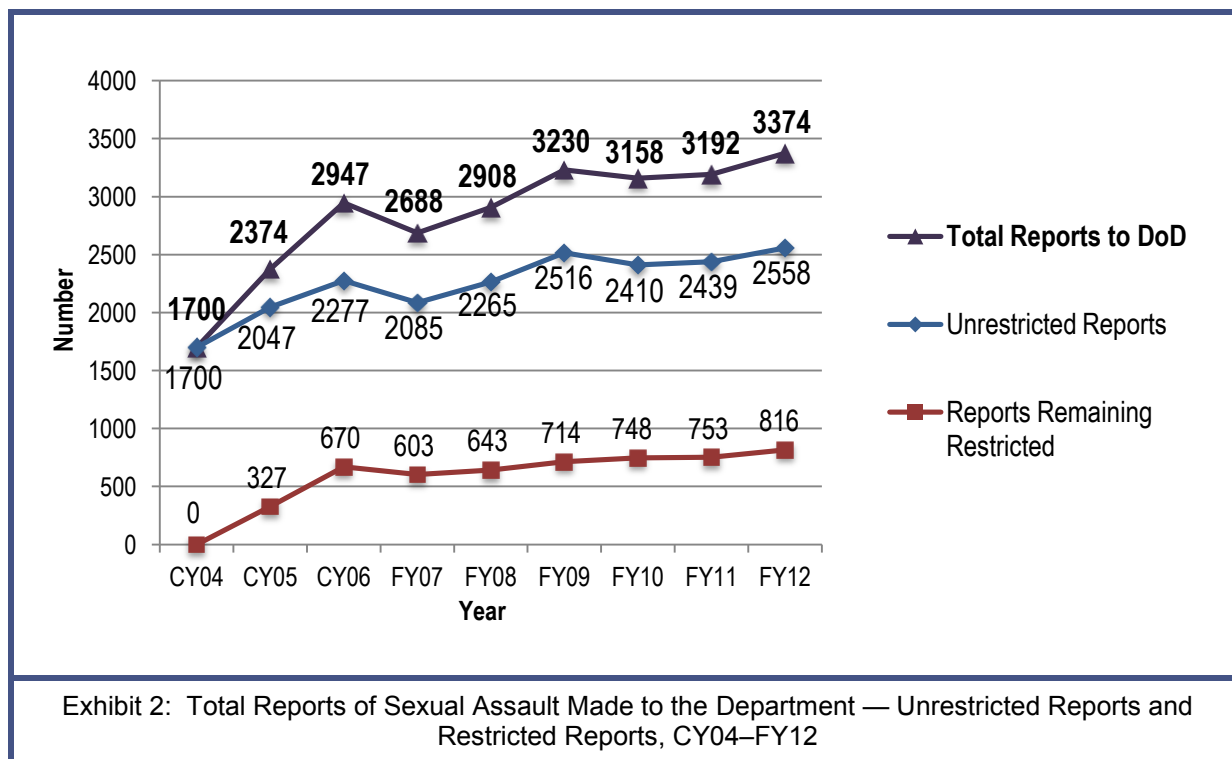
Note:

For incidents that occur on or after June 28, 2012, the term “sexual assault” refers to the crimes of rape, sexual assault, aggravated sexual contact, abusive sexual contact, nonconsensual sodomy, and attempts to commit these acts.

In FY12, the Military Services received a total of 3,374 reports of sexual assault involving Service members as either victims or subjects, which represents a 6 percent increase from the 3,192 reports made in FY11 (**Exhibit 1, Point A**, and Exhibit 2). It should be noted that these reports may be about incidents that occurred in FY12 or in prior years.

How many sexual assault reports were made in FY12?
3,374 Reports
(2,558 Unrestricted Reports + 816 Reports Remaining Restricted)

- The Military Services received 2,558 Unrestricted Reports involving Service members as either victims or subjects, a 5 percent increase from FY11 (**Exhibit 1, Point B**, and Exhibit 2). Of these 2,558 Unrestricted Reports, 80 percent were about incidents that occurred in FY12, 19 percent were about incidents that occurred from FY08 to FY11, and less than 1 percent were about incidents occurring in FY07 and prior.
- The Military Services initially received 981 Restricted Reports involving Service members as either victims or subjects, a 12 percent increase from FY11. One hundred sixty-five (17 percent) of the initial Restricted Reports later converted to Unrestricted Reports. These 165 converted Restricted Reports are now counted with the Unrestricted Reports. There were 816 reports remaining Restricted at the end of FY12 (**Exhibit 1, Point C**, and Exhibit 2). Per the victim’s request, the remaining Restricted Reports were confidential and were not investigated. No subject identities were officially recorded with Restricted Reports.



In the 3,374 reports received by the Department, there were a total of 3,604 victims, including 2,949 Service member victims of sexual assault (Exhibit 3). In FY12, 2,166 Service members made (2,001) or converted to (165) an Unrestricted Report; 783 Service members made and maintained Restricted Reports.

Research shows that reporting the crime is most victims' primary link to getting medical treatment and other forms of assistance.⁷⁰ The Department's SAPR policy encourages increased reporting of sexual assault, works to improve response capabilities for victims, and works with and encourages victims to willingly participate in the military justice process. Since FY07, there has been an overall upward trend in reporting behavior.

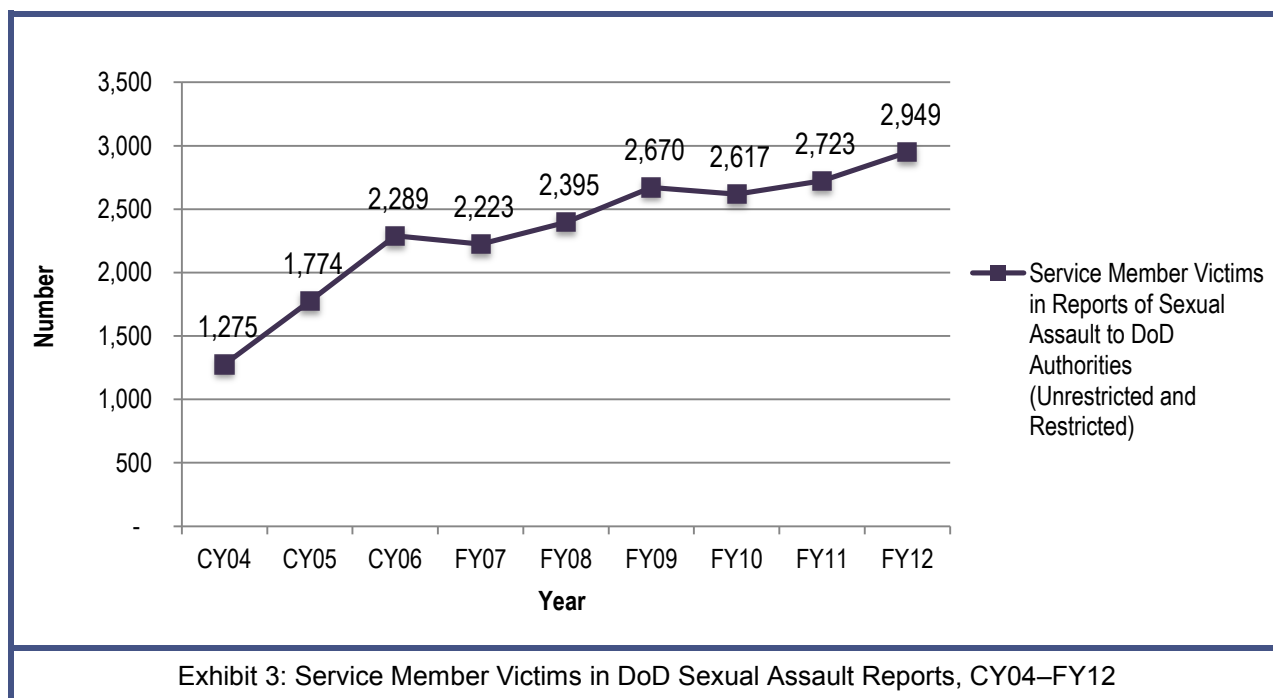
Exhibit 3 demonstrates the increase in the number of Service member victims making reports of sexual assault from Calendar Year (CY) 2004 to FY12.

In the 3,374 reports of sexual assault made in FY12, what was the total number of victims?
3,604 total victims

Why are there more victims than reports?
An Unrestricted Report of sexual assault can include one or more victims, one or more subjects, and one or more crimes. Therefore, the number of reports received in a given year does not usually equal the number of victims or the number of subjects in those reports.

Of the 3,604 victims, how many were Service members?
2,949 Service member victims

Who were the other victims?
The remaining 655 victims were U.S. civilians, foreign nationals, and others who were not on Active Duty with the U.S. Armed Forces.



⁷⁰ DOJ (2002). *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992–2000*. Washington, DC: Rennison, Callie Marie.

Exhibit 4 shows the rates of victim reporting by Military Service during the past six FYs.

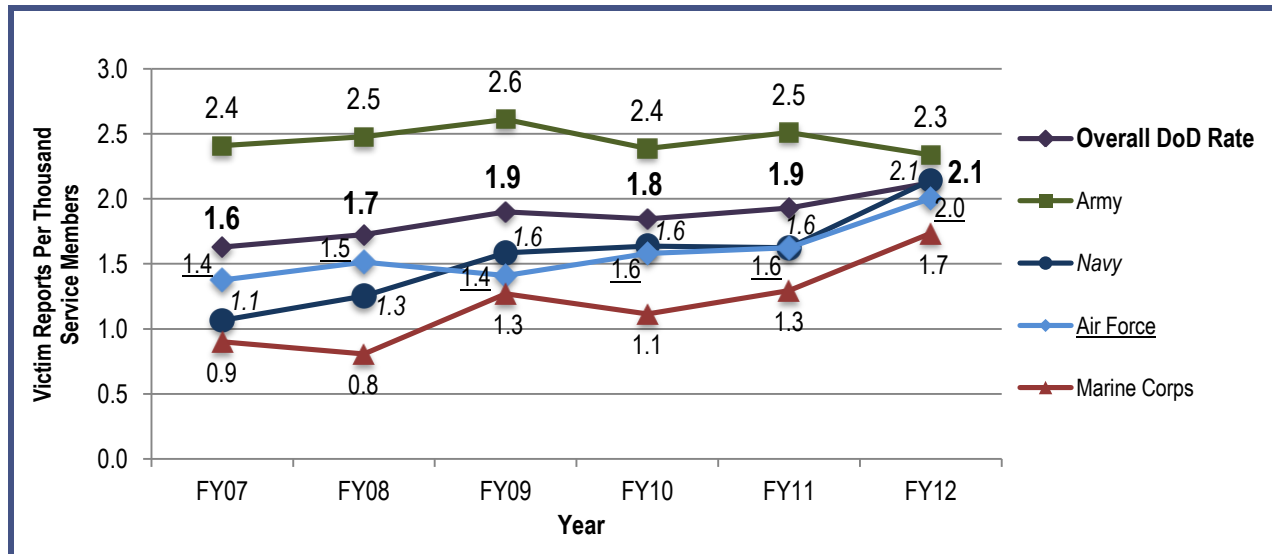


Exhibit 4: Victim Reporting Rates of Sexual Assault by Military Service, FY07–FY12

Note:

Victim reporting rates are calculated using the number of Service member victims in Unrestricted and Restricted Reports and Active Duty Military Service end strength for each year on record with DMDC.

FY12 UNRESTRICTED REPORTS OF SEXUAL ASSAULT

Data from Unrestricted Reports is collected and reported to the Department by the MCIOs. In FY12, there were 2,558 Unrestricted Reports of sexual assault involving Service members as either the subject or victim of a sexual assault (**Exhibit 1, Point B**); 1,985 (76 percent) of the 2,558 Unrestricted Reports involved Service members as victims. Because some incidents involved multiple victims, 2,166 Service member victims were involved in these 1,985 Unrestricted Reports.

Why show a reporting rate?
A reporting rate allows for the comparison of reports across groups of different sizes. Reporting rates also allow for year after year comparisons, even when the total number of people in a group has changed.

Thirty-three victims made an Unrestricted Report for an incident occurring prior to their enlistment or commissioning.

Each year, the majority of sexual assault reports received by the MCIOs involve the victimization of Service members by other Service members. In FY12, 1,590 of the 2,558 Unrestricted Reports (62 percent) involved allegations of Service member-on-Service member sexual assault.

Exhibit 5 illustrates how Service members were involved in Unrestricted Reports of sexual assault received in FY12.

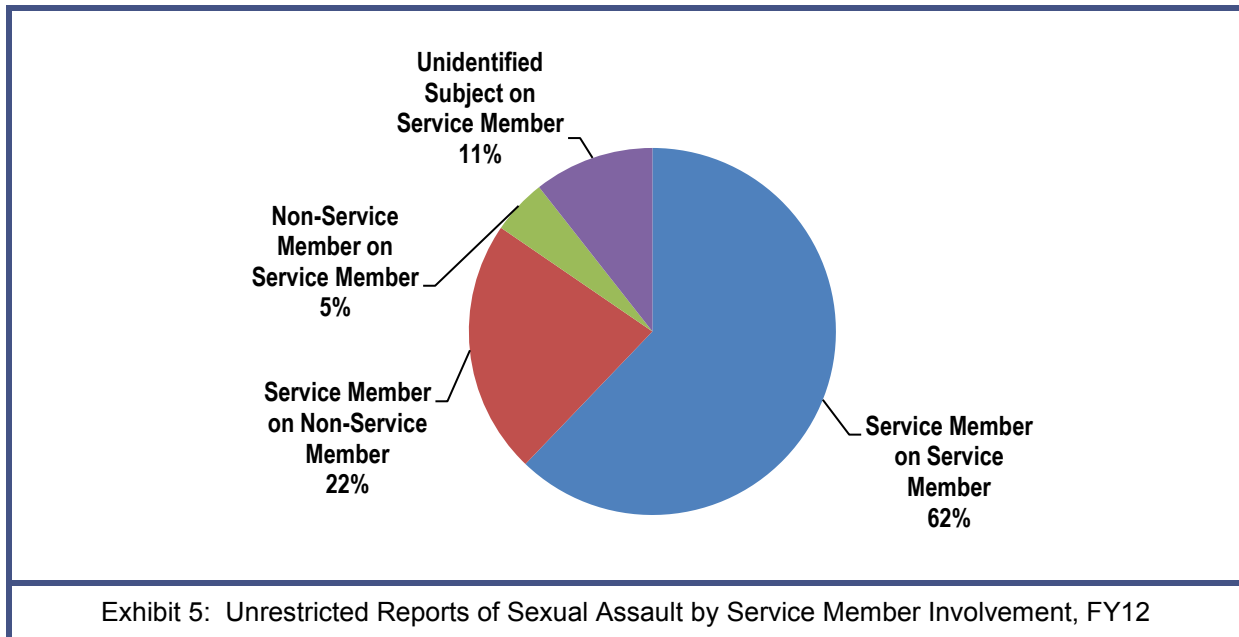
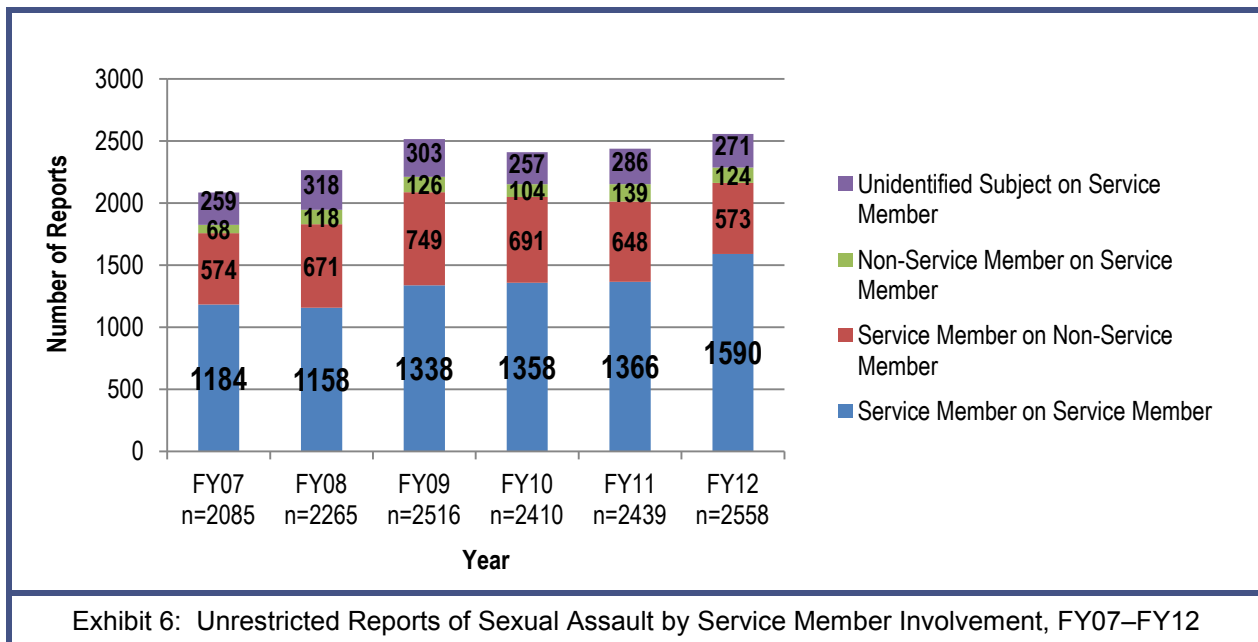


Exhibit 6 illustrates how Service members have been involved in Unrestricted Reports of sexual assault over the past six reporting periods.



Crimes Alleged in Unrestricted Reports

In the 2,558 Unrestricted Reports made to the Department in FY12, the majority of offenses alleged were in three categories: rape; aggravated sexual assault and sexual assault; and abusive and wrongful sexual contact. MCIOs categorize Unrestricted Reports by the most serious offense *alleged* in the report, which may not ultimately be the same offense for which evidence supports a misconduct charge, if any.

What crimes are alleged in most reports?
Most Unrestricted Reports of sexual assault involve three crimes: rape, aggravated sexual assault/sexual assault, and abusive/wrongful sexual contact.

Exhibit 7 shows the proportions of offenses as originally alleged in Unrestricted Reports in FY12.

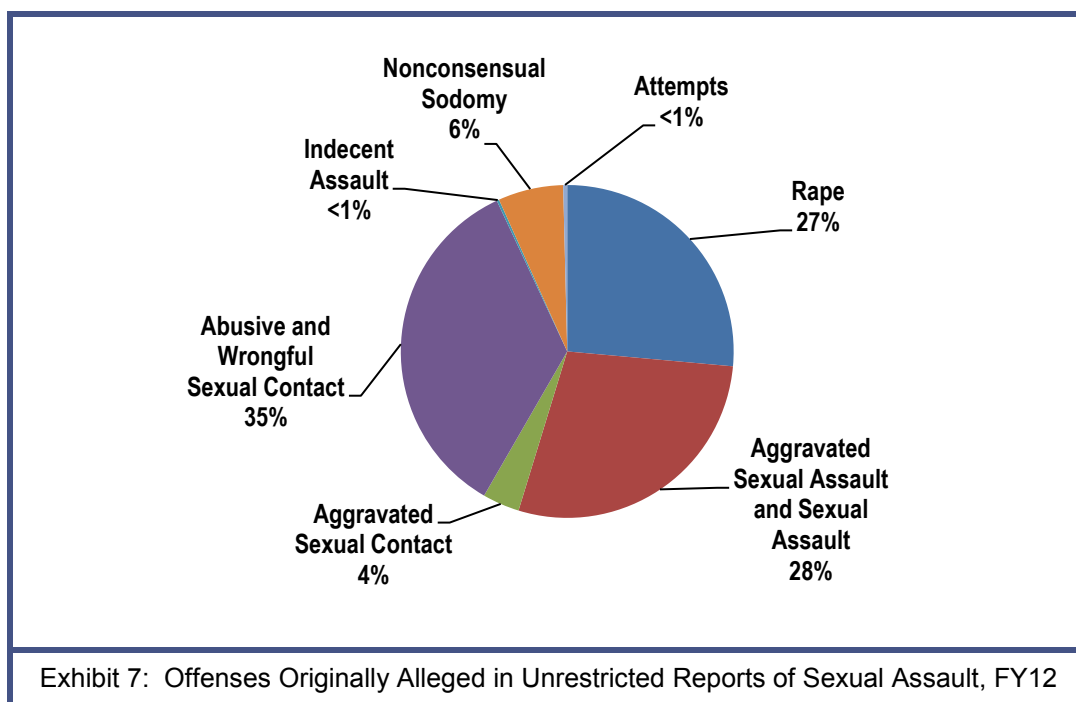
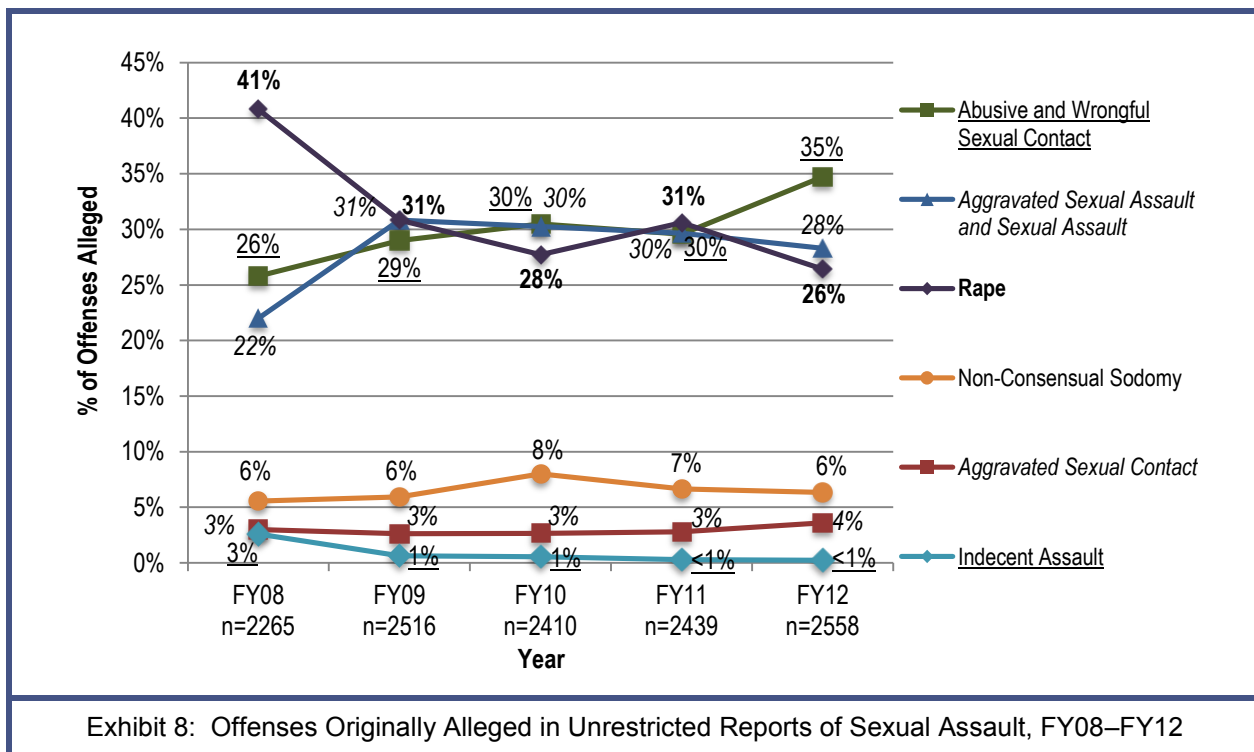


Exhibit 8 shows how the proportions of originally alleged offenses in Unrestricted Reports have remained roughly consistent since FY09.⁷¹



⁷¹ The DoD SAPR program uses the term “sexual assault” to refer to the range of crimes in military law that constitute contact sexual offenses between adults. Since 2004, there have been three versions of Article 120, Uniform Code of Military Justice (UCMJ), which defines some of those crimes. Prior to FY08, the UCMJ offenses that constituted “sexual assault” were: Rape (Article 120), Nonconsensual Sodomy (Article 125), Indecent Assault (Article 134), and Attempts to commit these crimes (Article 80). From FY08 to June 27, 2012, the UCMJ offenses that constituted “sexual assault” were: Rape (Article 120), Aggravated Sexual Assault (Article 120), Aggravated Sexual Contact (Article 120), Abusive Sexual Contact (Article 120), Wrongful Sexual Contact (Article 120), Nonconsensual Sodomy (Article 125), and Attempts to commit these crimes (Article 80).

Since June 28, 2012, the UCMJ offenses that constitute “sexual assault” are: Rape (Article 120), Sexual Assault (Article 120), Aggravated Sexual Contact (Article 120), Abusive Sexual Contact (Article 120), Nonconsensual Sodomy (Article 125), and Attempts to commit these crimes (Article 80). Note: Misconduct addressed by the offense “Aggravated Sexual Assault” became “Sexual Assault.” “Wrongful Sexual Contact” as a separate offense was eliminated. Misconduct previously addressed by “Wrongful Sexual Contact” is now captured by the offense “Abusive Sexual Contact.” For analysis purposes and to better depict the crimes in the most current version of the UCMJ, “Aggravated Sexual Assault” and “Sexual Assault” have been combined into one category, and “Abusive Sexual Contact” and “Wrongful Sexual Contact” have been combined into one category in Exhibits 7 and 8.

Table 1 shows the breakdown of Unrestricted Reports of sexual assault by offense originally alleged and the military status of the victim.

Table 1: Unrestricted Reports of Sexual Assault by Alleged Offense and Military Status, FY12

Most Serious Offense Alleged in Report	Total Unrestricted Reports	= Number of Reports Involving Service Members as Victims	+ Number of Reports Involving Non-Service Members as Victims
Rape	676	467	209
Aggravated Sexual Assault and Sexual Assault	724	573	151
Aggravated Sexual Contact	92	70	22
Abusive Sexual Contact	308	252	56
Wrongful Sexual Contact	580	478	102
Indecent Assault	6	6	0
Nonconsensual Sodomy	162	129	33
Attempts to Commit Offenses	10	10	0
Total Unrestricted Reports in FY12	2,558	1,985	573

Investigations of Unrestricted Reports

According to DoD policy, each Unrestricted Report requires an investigation. Consequently, there were 2,558 sexual assault investigations initiated in FY12 (**Exhibit 1, Point D**). The length of an investigation depends on a number of factors, including:

- The offense alleged;
- The location and availability of the victim, subject, and witnesses;
- The amount and kind of physical evidence gathered during the investigation; and
- The length of time required for crime laboratory analysis of evidence.

Depending on these and other factors, investigation length may range from a few months to over a year. Consequently, sexual assault investigations and their outcomes can span multiple reporting periods. There were 2,610 sexual assault investigations completed during FY12 (**Exhibit 1, Point F**).

Table 2 lists the number of investigations that were opened and completed in FY12, the number of investigations that were opened in *prior years* (FY11 and before) and completed in FY12, and the number of investigations opened in FY12 and prior years that were still pending completion at the end of FY12.

Table 2: Status of Investigations of Sexual Assault in FY12

	Total	Investigations Opened in FY12	Investigations Opened Prior to FY12
MCIO Investigations of Unrestricted Reports of Sexual Assault Opened or Ongoing in FY12	3,613	2,558	1,055
Investigations Completed as of September 30, 2012 (involving one or more subjects)	2,610	1,627	983
<i>Investigations Still Pending as of September 30, 2012</i>	1,003	931	72

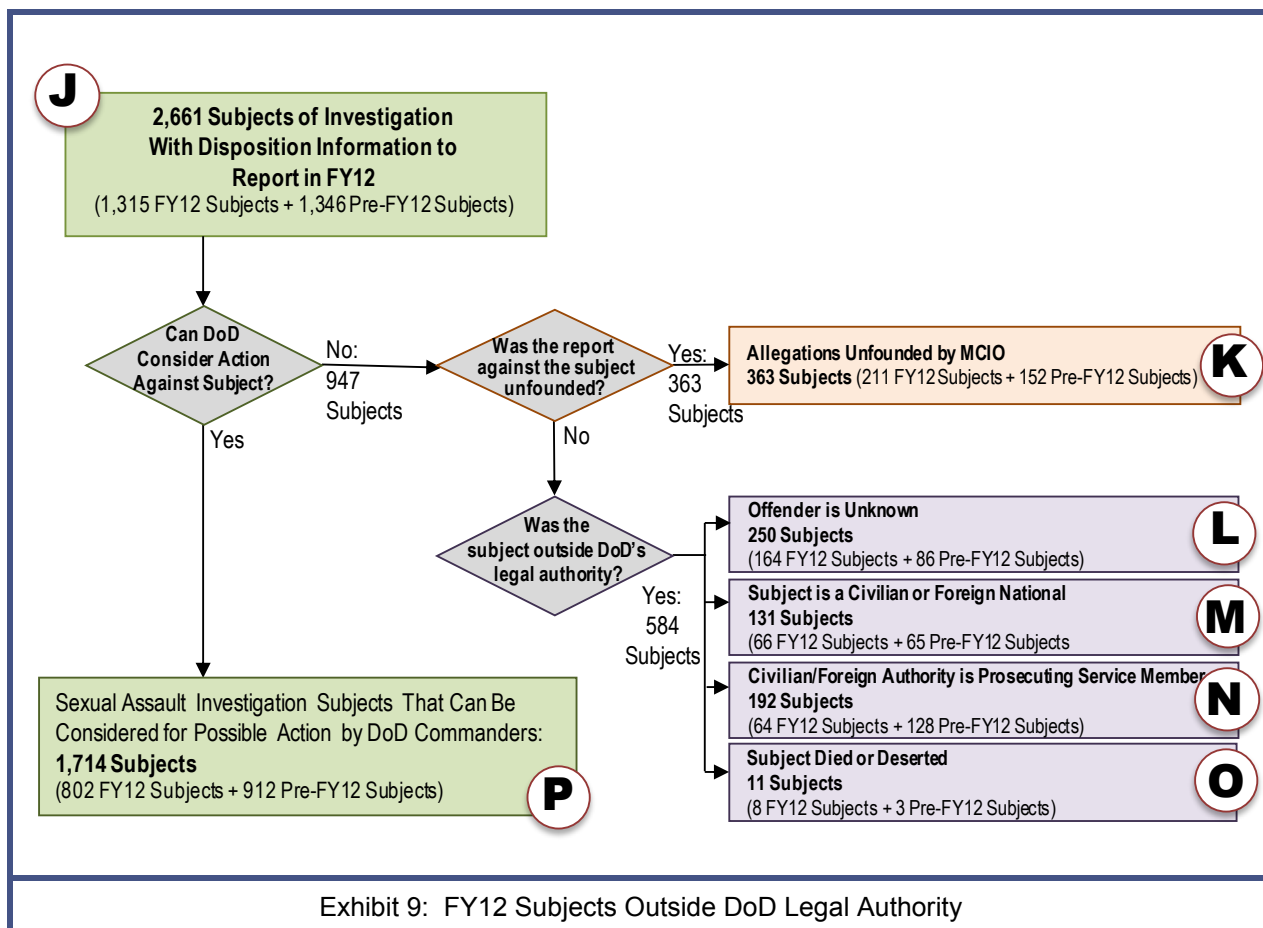
- By the end of FY12, the MCIOs completed 2,610 sexual assault investigations. Of these 2,610 investigations, 1,627 investigations were open and completed during FY12. The other 983 investigations completed in FY12 were opened in years prior to FY12 (**Exhibit 1, Point F**).
- The outcomes of the remaining 931 sexual assault investigations opened in FY12 but not completed by September 30, 2012, join 72 investigations from FY11 and prior years still pending completion. The outcomes of these 1,003 investigations will be documented in future reports (**Exhibit 1, Point E**).

Sexual Assault Subject Dispositions in FY12

Congress requires the Department to report on the dispositions (outcomes) of the sexual assault allegations made against Service members. At the end of FY11, there were 388 subjects whose investigations were complete, but disposition had not yet been reported to the Department. Taken with the 2,900 subjects from the investigations completed in FY12 (**Exhibit 1, Point G**), there were 3,288 subjects receiving or waiting for a disposition for the allegations against them at the close of FY12 (**Exhibit 1, Point H**).

The goals of a criminal investigation are to identify what crimes have been committed, who has been victimized, and who may be held accountable for the crime. The Department seeks to hold those Service members who have committed sexual assault appropriately accountable based on the available evidence. However, in order to comply with Congressional reporting requirements, the Department's sexual assault data represents a 12-month snapshot in time. Consequently, at the end of FY12, 627 of the 3,288 subject dispositions were still in progress and will be reported in forthcoming years' reports (**Exhibit 1, Point I**).

The 2,661 subjects in DoD investigations for whom dispositions were reported in FY12 included Service members, U.S. civilians, foreign nationals, and subjects that could not be identified (**Exhibits 1 and 9, Point J**).



A chief difference between the civilian and military legal systems is that in the civilian system, a prosecuting attorney may review the evidence and, if appropriate, file charges against all identified suspects within the attorney's area of legal authority. **However, for the vast majority of cases in the military justice system, commanders are limited to taking legal or disciplinary action against only those Service members who are subject to the UCMJ.** Each year, the Department lacks jurisdiction over several hundred subjects in its sexual assault investigations. In FY12, the Department could not consider taking action against 947 subjects because the allegations of sexual assault against them were unfounded or because they were outside the Department's legal authority (for example, they could not be identified, they were civilian or foreign nationals, they were being prosecuted by a civilian or foreign authority, or they had died or deserted).

Can the Department take action against everyone it investigates?
No. In FY12, the Department could not take action against 947 subjects because they were outside the Department's legal authority, they could not be identified, or the allegations of sexual assault against them were unfounded.

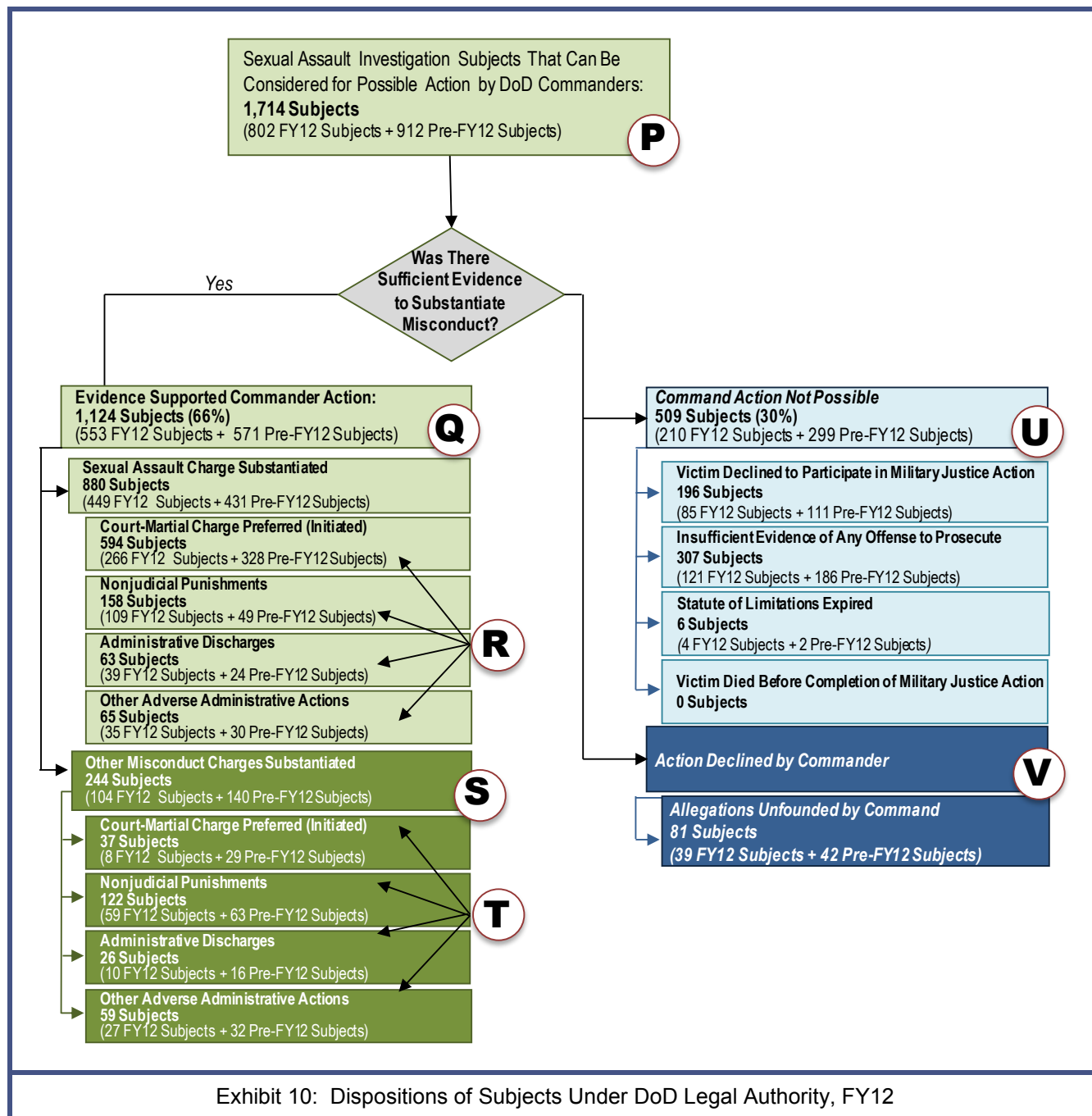
When an MCIO makes a determination that available evidence indicates the individual accused of sexual assault did not commit the offense, or the offense was improperly

reported or recorded as a sexual assault, the allegations against the subject are considered to be unfounded. As a result, no action is taken against the accused.

- Allegations against 363 subjects were unfounded (false or baseless) by an MCIO during FY12 (**Exhibit 9, Point K**).

The Department's legal authority extends only to those persons subject to the UCMJ. As a result, 584 subjects of DoD investigations fell outside its authority for disciplinary action:

- There were 250 subjects who remained unidentified despite a criminal investigation (**Exhibit 9, Point L**).
- The Department could not take action against 131 civilians or foreign nationals because they were not subject to military law (**Exhibit 9, Point M**).
- A civilian authority or foreign government asserted its authority over 192 Service members (**Exhibit 9, Point N**).
- Eleven subjects died or deserted before disciplinary action could be taken against them (**Exhibit 9, Point O**).



Military Subjects Considered for Disciplinary Action

In FY12, 1,714 subjects investigated for sexual assault were Service members under the authority of the Department (**Exhibit 10, Point P**, and Table 3). However, legal factors sometimes prevent disciplinary action from being taken against some subjects. For example, commanders were unable to take disciplinary action against 509 of these military subjects because there was insufficient evidence of an offense to prosecute, the victim declined to participate in the military justice process, or the statute of limitations had expired (**Exhibit 10, Point U**). In addition, commanders declined to take action

against 81 military subjects because, after a review of the facts of the case with a military attorney, they determined the allegations against those subjects were false or baseless (unfounded) (**Exhibit 10, Point V**).

Table 3: Military Subject Dispositions in FY12

Subject Disposition Category	Military Subject Dispositions Reported in FY12	Subjects in Investigations Opened and Closed in FY12	Subjects in Investigations Opened Prior to FY12 and Closed in FY12
Military Subjects in Sexual Assault Cases Reviewed for Possible Disciplinary Action	1,714	802	912
Evidence-Supported Commander Action	1,124	553	571
Sexual Assault Offense Action	880	449	431
<i>Court-Martial Charge Preferred (Initiated)</i>	594	266	328
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	158	109	49
<i>Administrative Discharge</i>	63	39	24
<i>Other Adverse Administrative Action</i>	65	35	30
Evidence Only Supported Action on a Non-sexual Assault Offense	244	104	140
<i>Court-Martial Charge Preferred (Initiated)</i>	37	8	29
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	122	59	63
<i>Administrative Discharge</i>	26	10	16
<i>Other Adverse Administrative Action</i>	59	27	32
Commander Declined Action	81	39	42
<i>Unfounded by Command</i>	81	39	42
Commander Action Precluded	509	210	299
<i>Victim Died</i>	0	0	0
<i>Victim Declined to Participate in the Military Justice Action</i>	196	85	111
<i>Insufficient Evidence to Prosecute</i>	307	121	186
<i>Statute of Limitations Expired</i>	6	4	2

For 1,124 military subjects, commanders had sufficient evidence and the legal authority to support some form of disciplinary action for a sexual assault offense or other misconduct (**Exhibit 10, Point Q**). When more than one disposition action has been involved, subject disposition is only reported once per subject. This is done according to the most serious disciplinary action taken, which in descending order is preferral of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative action.

The following represents the command actions taken for the 880 subjects for whom it was determined a sexual assault offense warranted discipline: 68 percent

What percentage of Service member subjects who received disciplinary action for sexual assault had court-martial charges preferred against them in FY12?
68%

The proportion of military subjects against whom court-martial charges were preferred for a sexual assault offense. In FY07, 30% of subjects had charges preferred against them.

(594 subjects) had courts-martial charges preferred (initiated) against them, 18 percent (158 subjects) were entered into proceedings for nonjudicial punishment under Article 15 of the UCMJ, and 15 percent (128 subjects) received a discharge or another adverse administrative action (**Exhibit 10, Point R**).

For 244 subjects, evidence supported command action for other misconduct discovered during the sexual assault investigation (such as making a false official statement, adultery, underage drinking, or other crimes under the UCMJ), but not a sexual assault charge (**Exhibit 10, Point S**). Of these 244 military subjects for whom probable cause existed only for a nonsexual assault offense: 15 percent (37 subjects) had court-martial charges preferred against them, 50 percent (122 subjects) were entered into proceedings for nonjudicial punishment, and 35 percent (85 subjects) received some form of adverse administrative action or discharge (**Exhibit 10, Point T**).

Military Justice

The information that follows describes what happens once a military subject's commander has found that there is sufficient evidence to take disciplinary action. Exhibit 11 shows that, from FY07 to FY12, commanders' referral of court-martial charges against military subjects for sexual assault offenses increased from 30 percent of subjects in FY07 to 68 percent of subjects in FY12. During the same period, reliance upon nonjudicial punishment, other adverse administrative actions, and administrative discharges decreased substantially.

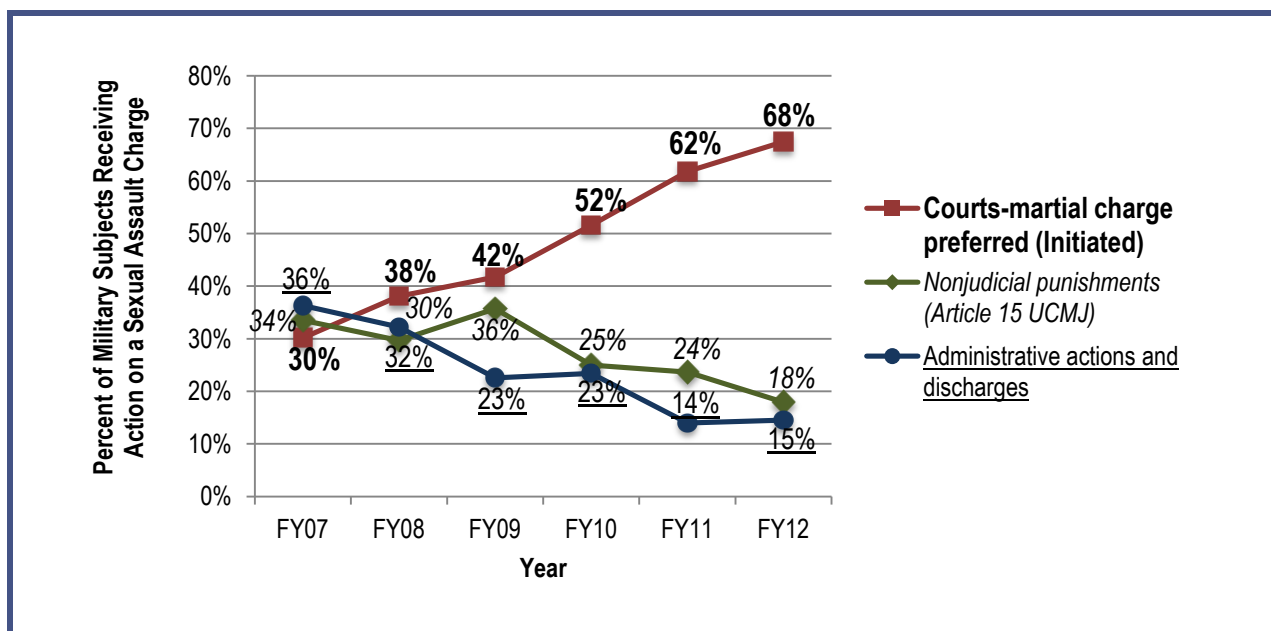


Exhibit 11: Breakdown of disciplinary actions taken against subjects for sexual assault offenses, FY07–12

Notes:

1. Percentages are of subjects found to warrant disciplinary action for a sexual assault offense only. Other misconduct (false official statement, adultery, etc.) is not shown.
2. Percentages listed for some years exceed 100% due to rounding of percentages to the nearest whole point.

Courts-Martial for a Sexual Assault Offense

As noted previously, of the 880 military subjects against whom disciplinary action was initiated for a sexual assault offense, 594 had court-martial charges preferred against them (**Exhibit 10, Point R**). Exhibit 12 illustrates what happened to these subjects after their commanders preferred court-martial charges. The dispositions and the sentences imposed by courts-martial are for those subjects with at least one sexual assault charge adjudicated in FY12. Of the 594 subjects who had court-martial charges preferred against them in FY12, 460 subjects' court-martial outcomes were completed by the end of the FY:

What percentage of Service member subjects charged and tried for sexual assault offenses were convicted in FY12, and what kind of punishment did they receive?
79% of Service members tried for a sexual assault offense were convicted of at least one charge at trial.
Most subjects received four kinds of punishment: Confinement, a Fine or Forfeiture of Pay, Reduction in Rank, and a Punitive Discharge or Dismissal.

- Court-martial charges were dismissed against 88 subjects. However, commanders used evidence gathered during the sexual assault investigations to take nonjudicial punishment against 16 of the 88 subjects. Most of the 16 subjects who received nonjudicial punishment were adjudged three categories of punishment: reductions in rank, fines or forfeitures, and restrictions on liberty.
- Seventy subjects were granted a resignation or were discharged instead of court-martial.
- Of the 302 subjects whose cases proceeded to trial: 238 subjects (79 percent) were convicted, and most convicted Service members received at least four kinds of punishment: confinement, reduction in rank, fines or forfeitures, and a discharge (enlisted) or dismissal (officers) from service.
- Sixty-four subjects (21 percent) were acquitted.

Resignations and discharges in lieu of court-martial are granted by the Department in certain circumstances. These separation actions may only occur after court-martial charges have been preferred against the accused. For such an action to occur, the accused must initiate the process. Resignation or discharge in lieu of court-martial requests include a statement of understanding of the offense(s) charged and the consequences of administrative separation, an acknowledgement that any separation could possibly have a negative characterization, and an acknowledgement that the accused is guilty of an offense for which a punitive discharge is authorized or a summary of the evidence supporting the guilt of the accused. These statements are not admissible in courts-martial should the request ultimately be disapproved. Discharges of enlisted personnel in lieu of court-martial are usually approved at the Special Court-Martial Convening Authority level. Resignations of officers in lieu of court-martial are approved by the Secretary of the Military Department.

In FY12, 62 of 66 enlisted members who received a discharge in lieu of court-martial were separated Under Other Than Honorable Conditions (UOTHC), the lowest characterization of discharge possible administratively (two subjects received General discharges, and information was not available for the other two). The UOTHC

discharge characterization is recorded on the Service member's DD Form 214, Record of Military Service, and significantly limits separation and post-service benefits from the Department and DVA. Military Service policies direct that those Service members convicted on a sexual assault charge who do not receive a punitive discharge at court-martial should be processed for administrative discharge. This requirement for administrative separation processing was codified in the NDAA for FY13.

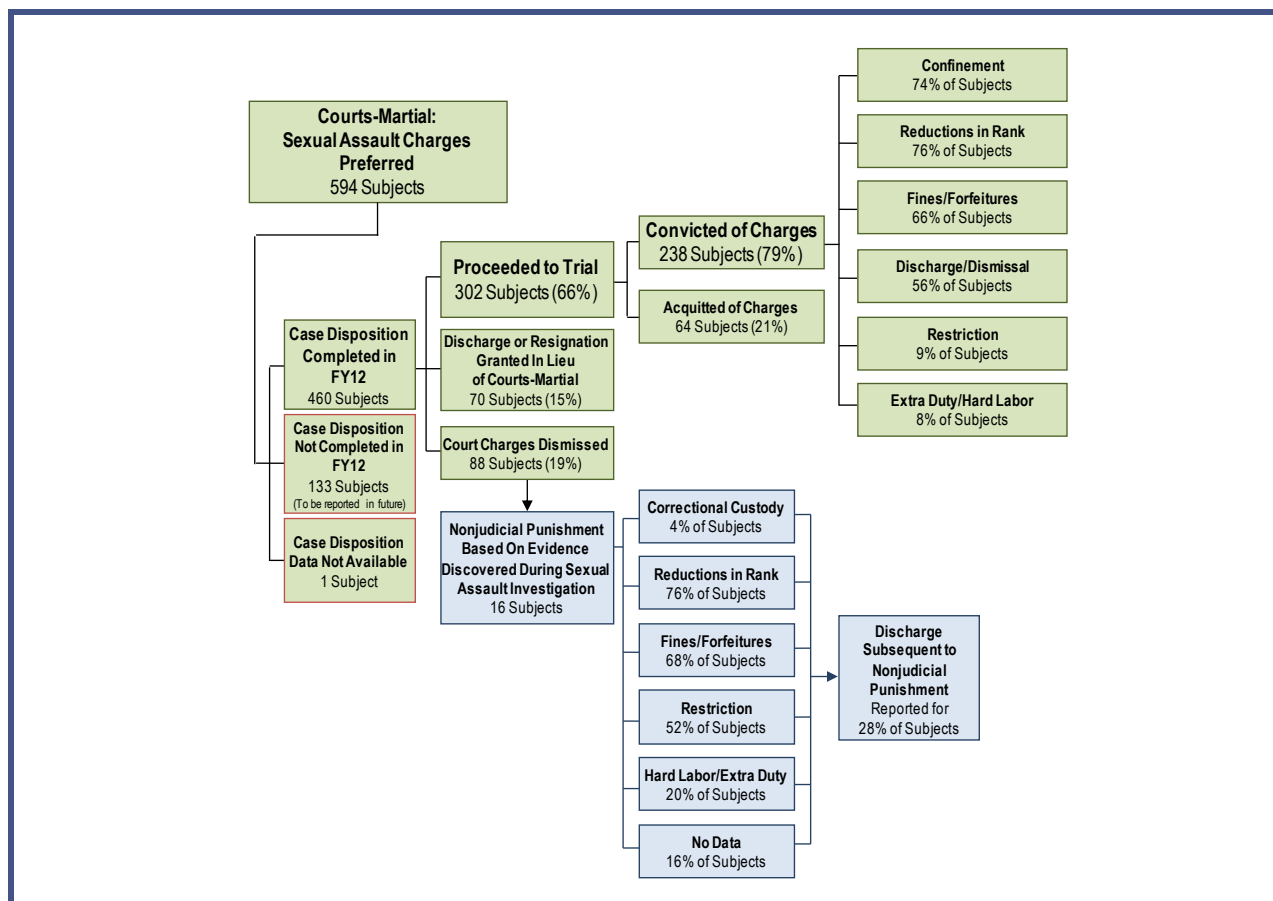


Exhibit 12: Dispositions of Subjects Against Whom Sexual Assault Courts-Martial Charges Were Preferred, FY12

Notes:

1. The Military Services reported that 594 subjects of sexual assault investigations had court-martial charges preferred against them for a sexual assault offense.
2. Of the 594 subjects who had court-martial charges preferred against them, 133 subjects were still pending court action at the end of FY12. Disposition data was not available for 1 subject.
3. Of the 460 subjects whose courts-martial were completed and reported in FY12, 302 subjects proceeded to trial, 70 subjects were granted a discharge or resignation in lieu of court-martial, and 88 subjects had court-martial charges dismissed.
4. In cases in which a discharge or resignation in lieu of court-martial is requested and approved, the characterization of the discharge is UOTHC, unless a higher characterization is justified (see also the discussion of administrative discharge characterizations in the “Administrative Discharges and Adverse Administrative Actions” section of the report). Of the 88 subjects with dismissed charges, commanders imposed nonjudicial punishment on 16 subjects. Most of these 16 subjects received three kinds of punishment: a rank reduction, a fine or forfeiture of pay, and restriction of their liberty for a period of time.
5. Of the 302 subjects whose cases proceeded to trial, 238 (79%) were convicted. Conviction by courts-martial may result in a combination of punishments. Consequently, convicted Service members could be adjudged one or more of the punishments listed. However, in most cases, they received at least four kinds of punishment: confinement, a reduction in rank, a fine or forfeiture of pay, and a punitive discharge (bad conduct discharge or dishonorable discharge). Service policy in FY12 directed or strongly recommended mandatory processing for administrative separation for those convicted Service members not receiving a punitive discharge. FY13 NDAA now requires mandatory administrative separation processing for all Service members convicted of a sexual assault offense.

Nonjudicial Punishment

Nonjudicial punishment is administered in accordance with Article 15 of the UCMJ and empowers commanding officers to impose penalties on Service members when there is sufficient evidence of a minor offense under the UCMJ. Nonjudicial punishment allows commanders to address some types of sexual assault and other misconduct by Service members that may not warrant prosecution in a military or civilian court. With nonjudicial punishment a commander can take a variety of corrective actions, including demotions, fines, and restrictions on liberty. Nonjudicial punishment may support a rationale for discharging military subjects with a less than an honorable discharge. The Service member may demand trial by court-martial instead of accepting nonjudicial punishment by the commander.

Do military commanders use nonjudicial punishment as their primary means of discipline for sexual assault crimes?

No.

Only 18% of subjects who received disciplinary action for a sexual assault crime received nonjudicial punishment in FY12. Most subjects (68%) had court-martial charges preferred against them.

Of the 880 military subjects who received disciplinary action on a sexual assault offense, 158 received nonjudicial punishment (**Exhibit 10, Point R**).

Exhibit 13 denotes the outcomes of nonjudicial punishment actions taken against subjects on a sexual assault charge in FY12. Of the 154 subjects whose nonjudicial punishments were

completed in FY12, 93 percent of subjects were found guilty by the commander and received punishment. Only one of the administered nonjudicial punishments was for a penetrating sex offense (nonconsensual sodomy). Most subjects who received nonjudicial punishment received at least four kinds of punishment: reduction in rank, a fine or forfeiture of pay, restriction of their liberty for a period of time, and extra duty or hard labor. Available Military Service data indicated that for two subjects (1 percent of those punished) the nonjudicial punishment served as grounds for a subsequent administrative discharge. However, the actual number of discharges may have been higher, as all related discharge actions may not have been completed in the current FY.

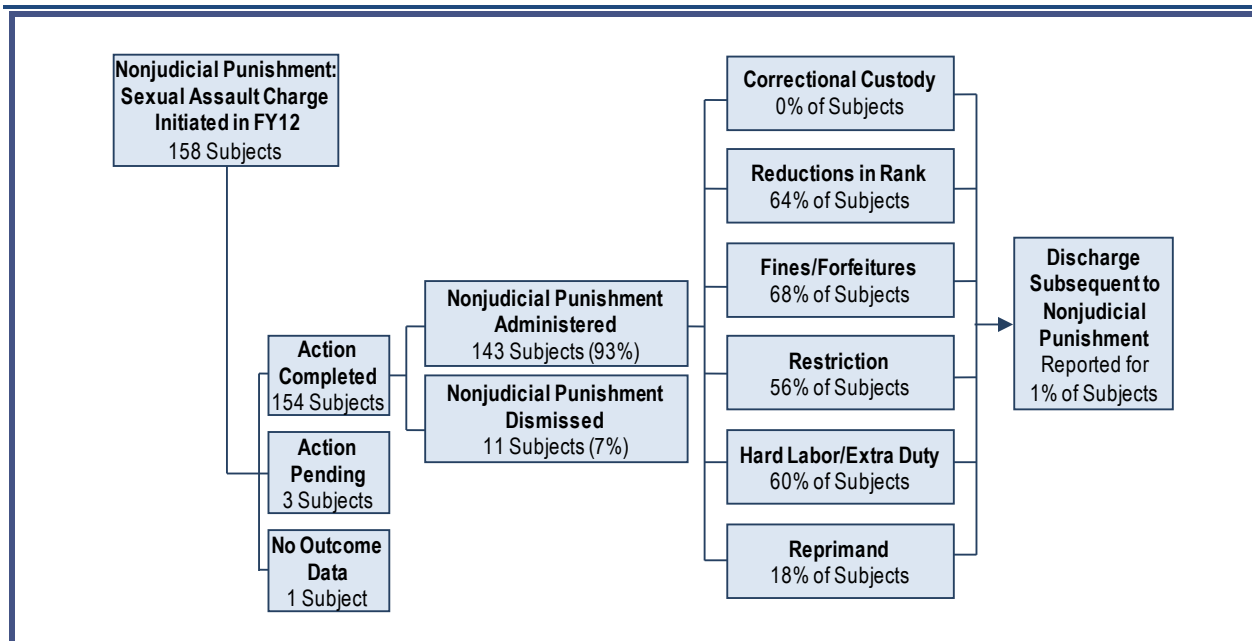


Exhibit 13: Dispositions of Subjects Receiving Nonjudicial Punishment, FY12

Notes:

1. The Military Services reported that 158 subjects of sexual assault investigations disposed in FY12 were considered for nonjudicial punishment.
2. Of the 158 subjects considered for nonjudicial punishment, 3 subjects were still pending action at the end of FY12. Nonjudicial punishment outcome data was not available for 1 subject.
3. Of the 154 subjects whose nonjudicial punishments were completed in FY12, 143 subjects (93%) were found guilty by the commander and issued punishment. The remaining 11 subjects (7%) were found not guilty.
4. Nonjudicial punishment may result in a combination of penalties. Consequently, Service members found guilty can be administered one or more kinds of punishments. However, for most of the cases, convicted Service members received at least four kinds of punishment: a reduction in rank, a fine or forfeiture of pay, a restriction on their liberty for a period of time, and hard labor or extra duty.
5. For two subjects (1% of those punished), the nonjudicial punishment contributed to the rationale supporting an administrative discharge.

Administrative Discharges and Adverse Administrative Actions

Commanders administratively discharged 63 subjects investigated for a sexual assault offense in FY12 (**Exhibit 10, Point R**). There are three types of administrative discharges: Honorable, General, and UOTHC. General and UOTHC discharges may limit those discharged from receiving full entitlements and benefits from DVA. Most of these 63 subjects received either a General (39 subjects) or a UOTHC (14 subjects) discharge (characterization of discharge was unavailable for 10 subjects).

In FY12, commanders took adverse administrative actions against 65 subjects investigated for a sexual assault offense (**Exhibit 10, Point R**). Adverse administrative actions are typically used when available evidence does not support more serious disciplinary action. These actions consist of Letters of Reprimand, Letters of Admonishment, and Letters of Counseling. These actions may also include but are not limited to denial of re-enlistment, the cancellation of a promotion, and the cancellation of new or special duty orders.

Probable Cause Only for a Nonsexual Assault Offense

The sexual assault investigations conducted by the MCIOs sometimes do not find sufficient evidence to support disciplinary action against the subject on a sexual assault charge. However, the investigations sometimes uncover other forms of chargeable misconduct. When this occurs, the Department seeks to hold those Service members who have committed other misconduct appropriately accountable based on the available evidence. In FY12, commanders took action against 244 subjects who were originally investigated for sexual assault allegations, but evidence only supported action on non-sexual assault misconduct, such as making a false official statement, adultery, assault, or other crimes (**Exhibit 10, Point S**). Exhibit 14 denotes the outcomes of the disciplinary actions taken against subjects for nonsexual assault offenses in FY12.

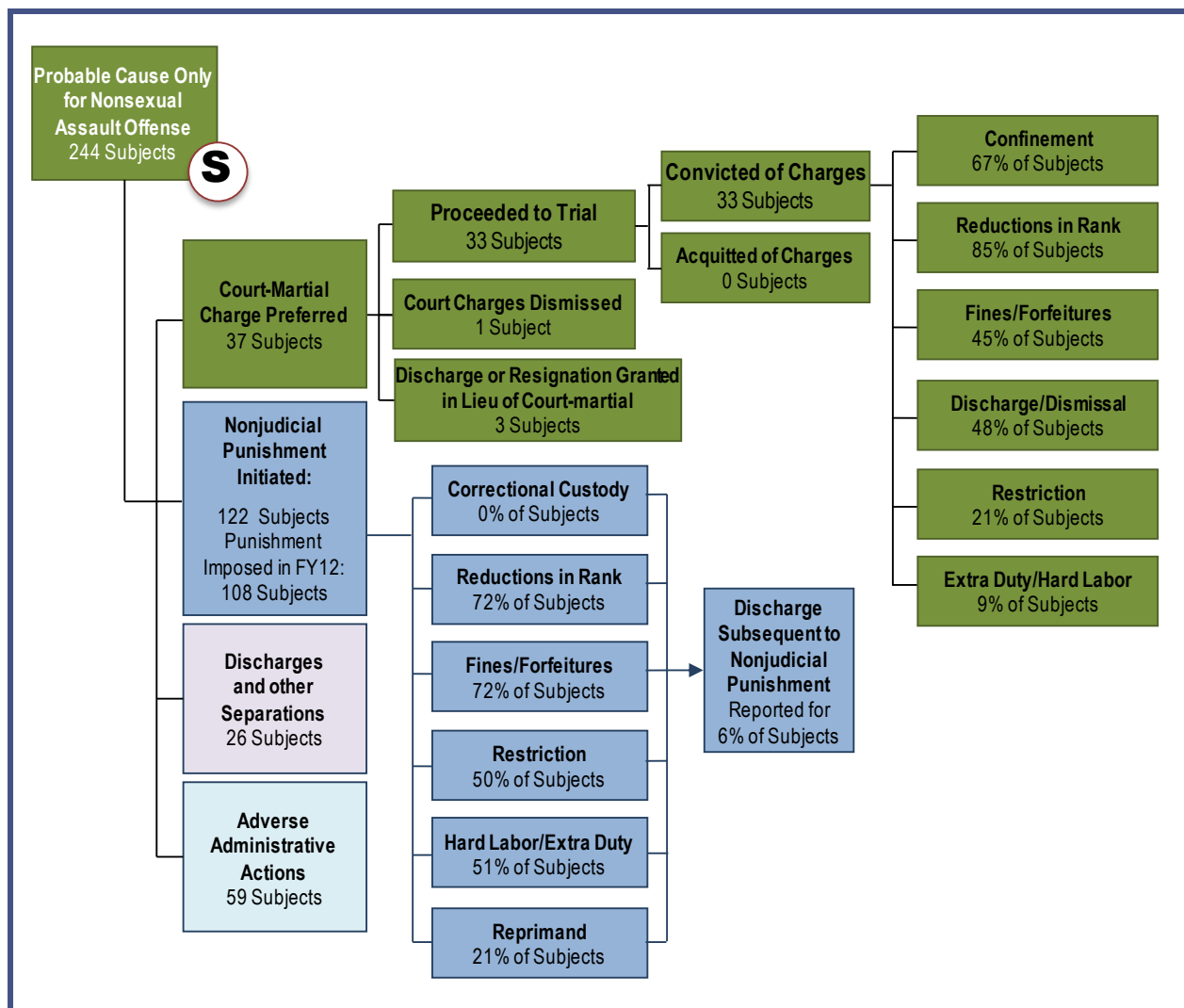


Exhibit 14: Dispositions of Subjects for Whom There was Only Probable Cause for Nonsexual Assault Offenses, FY12

Notes:

1. The Military Services reported that investigations of 244 subjects only disclosed evidence of misconduct not considered to be a sexual assault offense under the UCMJ.
2. Of the 244 subjects, 37 subjects had court-martial charges preferred against them, 122 subjects were entered into nonjudicial punishment proceedings, 26 subjects received a discharge or separation, and 59 subjects received adverse administrative action.
3. Of the 37 subjects whose cases proceeded to courts-martial, 33 subjects were convicted of the charges against them. Most convicted Service members were adjudged confinement and a reduction in rank.
4. Of the 122 subjects considered for nonjudicial punishment, 108 were ultimately found guilty. Most subjects received four kinds of punishment: a reduction in rank, a fine or forfeiture of pay, a restriction on their liberty for a period of time, and hard labor or extra duty.

Subjects Outside DoD Legal Authority

As previously discussed, each year the Department does not have jurisdiction over several hundred subjects in its sexual assault investigations. When the subject of an investigation is a U.S. civilian, a foreign national, or an unidentified subject, they fall

outside the Department's legal authority to take any action. Civilian authorities in the United States and the governments of our host nations have primary responsibility for prosecuting U.S. civilians and foreign nationals, respectively, who are accused of perpetrating sexual assault against Service members. In a small percentage of cases each year, a state or host nation will assert its jurisdiction over a Service member. This typically occurs when a Service member is accused of sexually assaulting a civilian or foreign national at a location where the civilian or foreign authorities possess jurisdiction.

A civilian authority may prosecute a Service member anytime they commit an offense within its jurisdiction. Sometimes civilian authorities agree to let the Department prosecute the Service member. However, such decisions are made on a case-by-case and jurisdiction-by-jurisdiction basis. A host nation's ability to prosecute a Service member is subject to the SOFA between the United States and the foreign government. SOFAs vary from country to country. From FY09 to FY12, the percentage of subjects investigated for sexual assault found to be outside the Department's legal authority varied between 13 percent and 22 percent. Exhibit 15 depicts the proportion of subjects investigated by the Department for sexual assault that were outside its legal authority from FY09 to FY12.

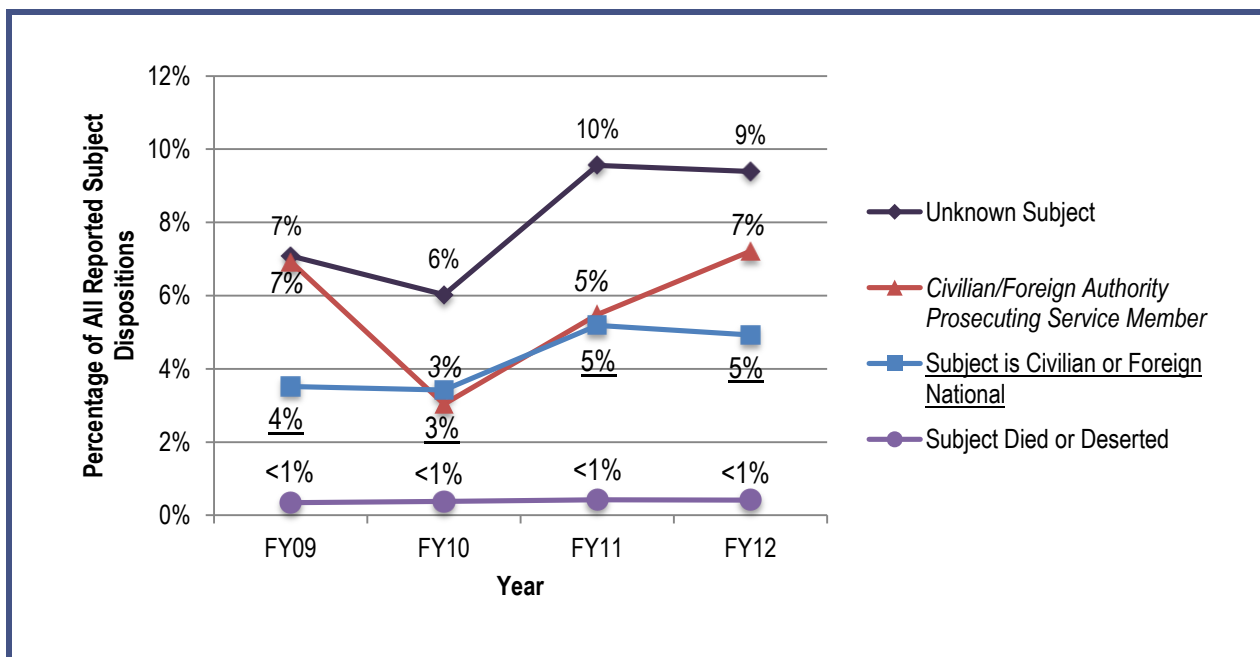


Exhibit 15: Subjects Investigated for Sexual Assault by the Department Who Were Outside Its Legal Authority, FY09–FY12

Notes:

1. In FY09, 462 (18%) of the 2,584 subjects in reported dispositions were outside the legal authority of the Department.
2. In FY10, 335 (13%) of the 2,604 subjects in reported dispositions were outside the legal authority of the Department.
3. In FY11, 486 (21%) of the 2,353 subjects in reported dispositions were outside the legal authority of the Department.
4. In FY12, 584 (22%) of the 2,661 subjects in reported dispositions were outside the legal authority of the Department.

Unfounded Allegations of Sexual Assault

The goals of a criminal investigation are to determine who has been victimized, what offenses have been committed, and who may be held accountable. When the allegations in an Unrestricted Report are investigated, one possible outcome is that the evidence discovered by the investigation demonstrates that the accused person did not commit the offense. When this occurs, the allegations are determined to be unfounded, meaning false or baseless (**Exhibit 9, Point K, and Exhibit 10, Point V**). Allegations may be unfounded either by the MCIO that investigates the crime or by the military commander reviewing the investigation’s available evidence in determining whether disciplinary action is warranted. Exhibit 16 shows that while there has been some variation in who has determined whether allegations were unfounded, there has been a small rise (4 percent) in the overall percentage of subjects with unfounded allegations since FY09.

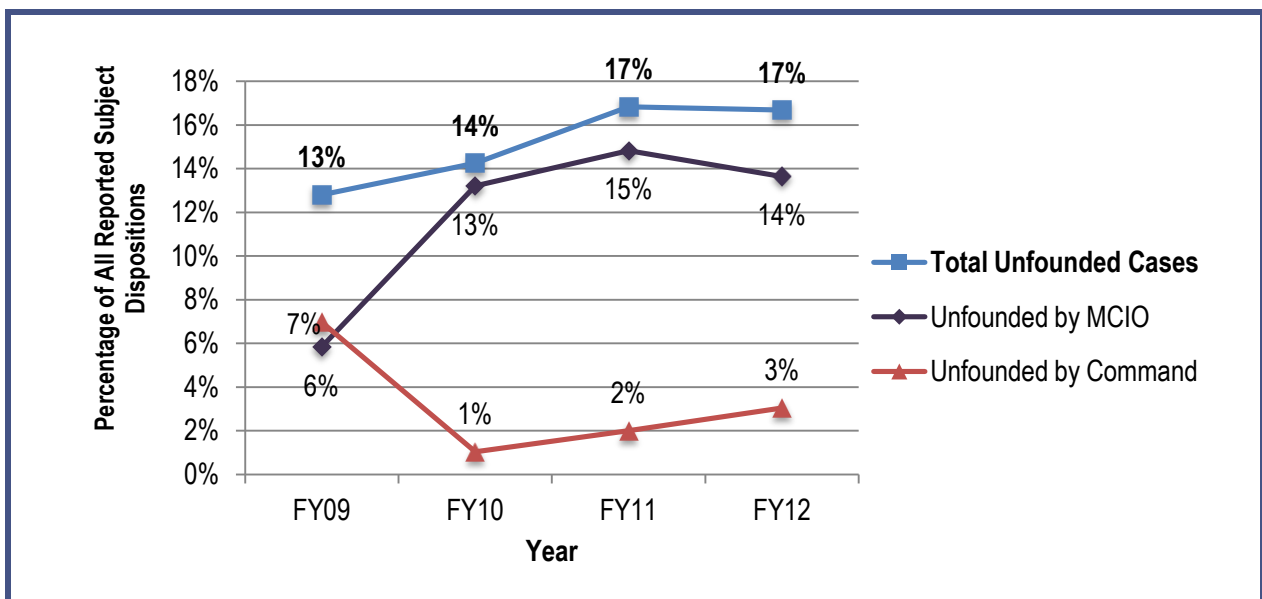


Exhibit 16: Subjects with Unfounded Allegations in Completed DoD Investigations of Sexual Assault, FY09–FY12

Notes:

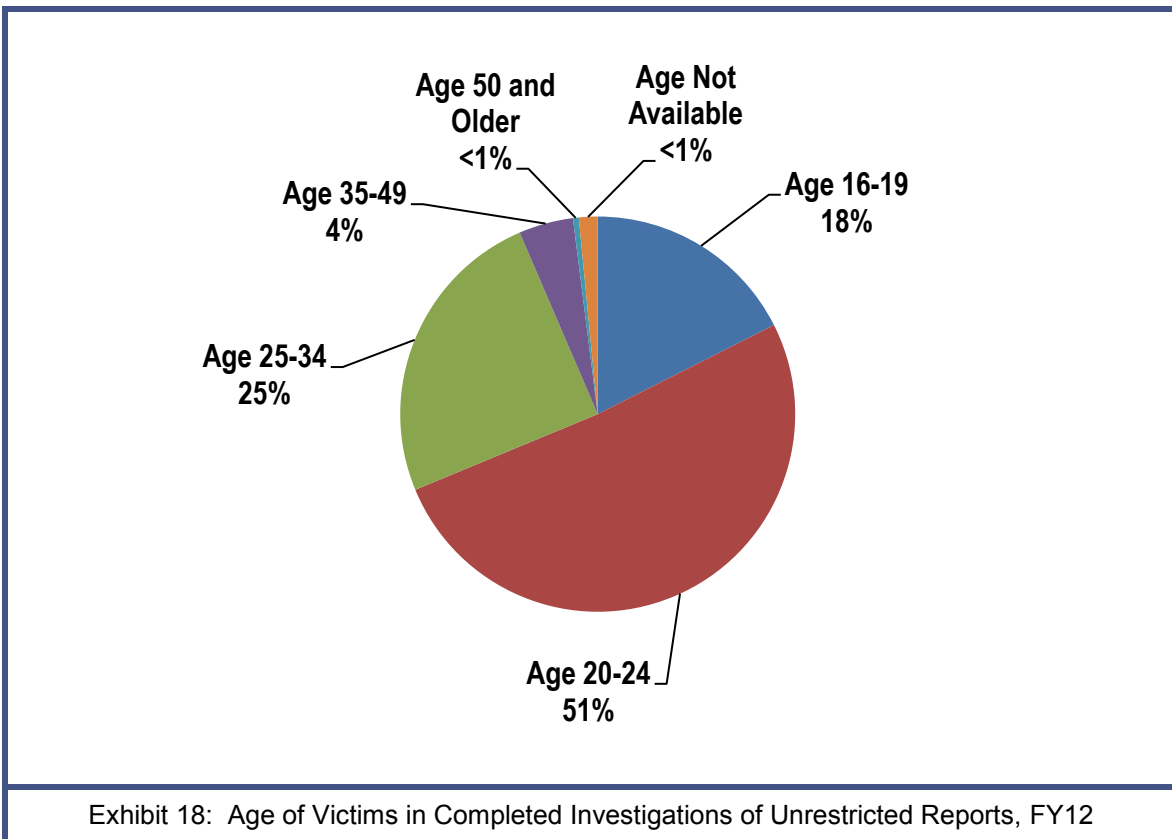
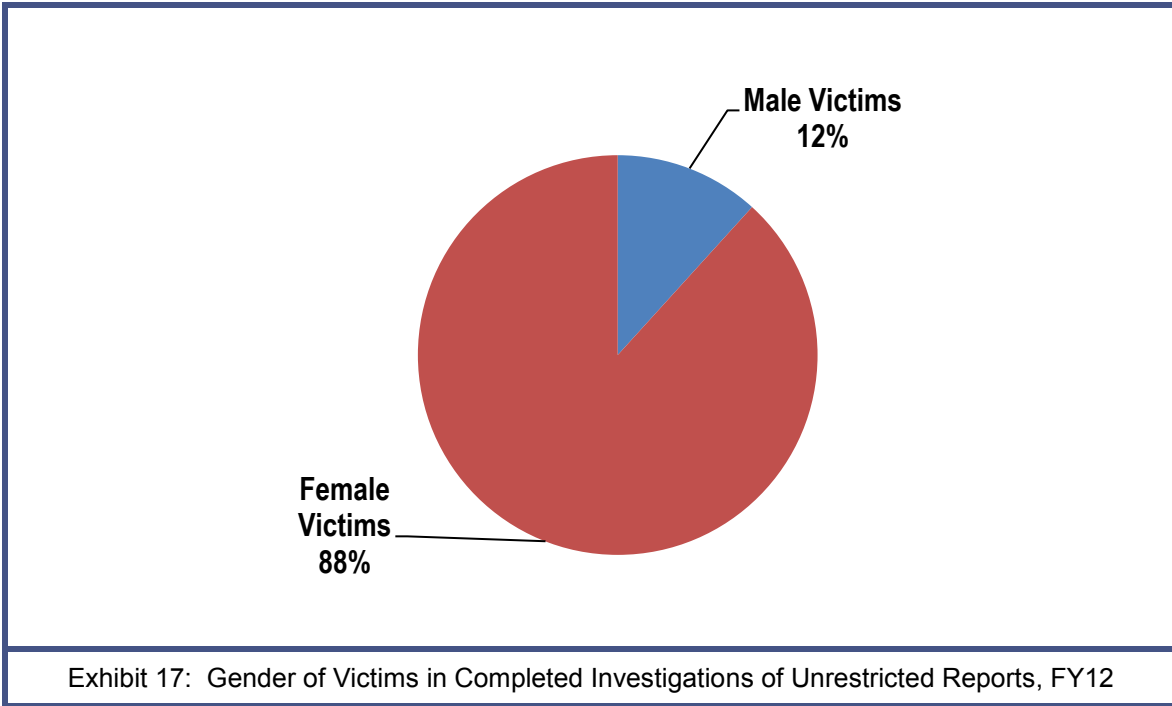
1. In FY09, 331 (13%) of the 2,584 subjects in reported dispositions had unfounded allegations.
2. In FY10, 371 (14%) of the 2,604 subjects in reported dispositions had unfounded allegations.
3. In FY11, 396 (17%) of the 2,353 subjects in reported dispositions had unfounded allegations.
4. In FY12, 444 (17%) of the 2,661 subjects in reported dispositions had unfounded allegations.

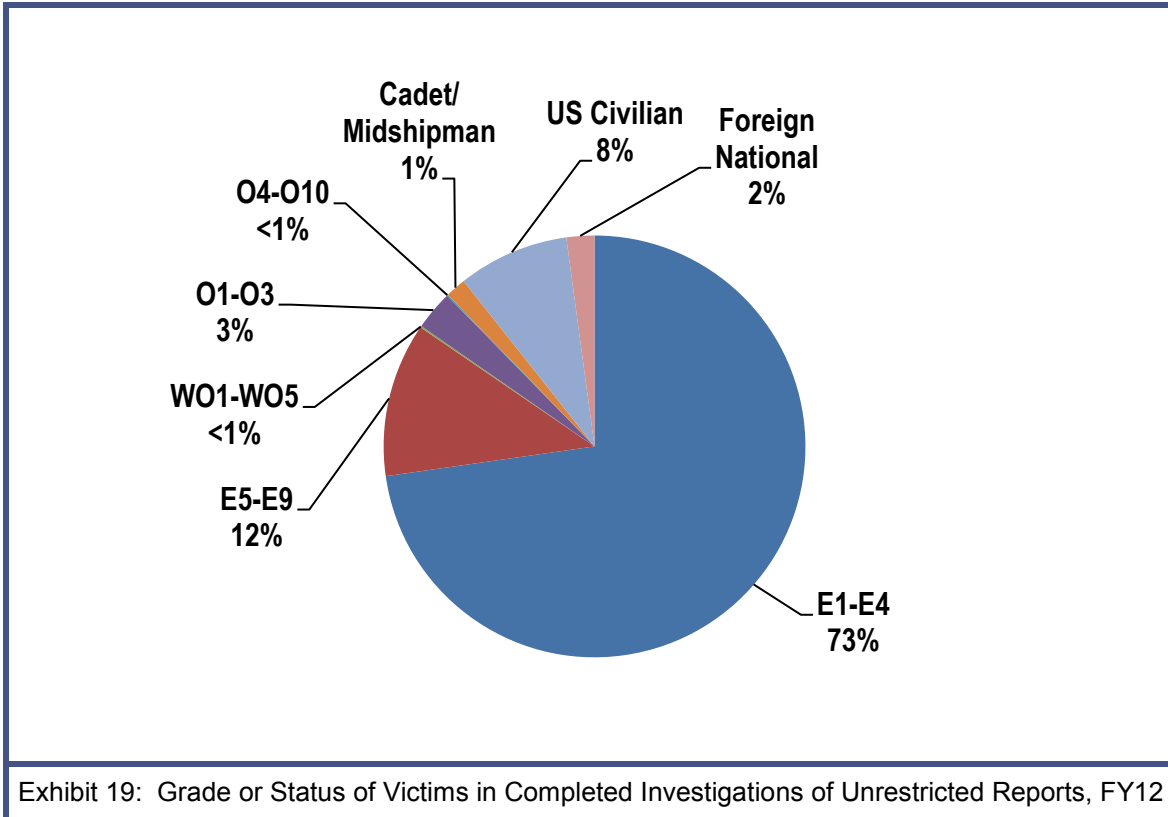
Demographics of Victims and Subjects in Completed Investigations

The following demographic information was gathered from the 2,610 investigations of sexual assault initiated and completed in FY12. These investigations involved 2,940 victims and 2,900 subjects. Four hundred thirty of the 2,610 investigations involved multiple victims and/or multiple subjects.

Victims

Exhibits 17, 18, and 19 illustrate that the vast majority of victims in investigations tend to be female, under the age of 25, and of junior enlisted grades, respectively.





Subjects

Exhibits 20, 21, and 22 show that the vast majority of subjects of investigations tend to be male, under the age of 35, and of junior enlisted grades, respectively.

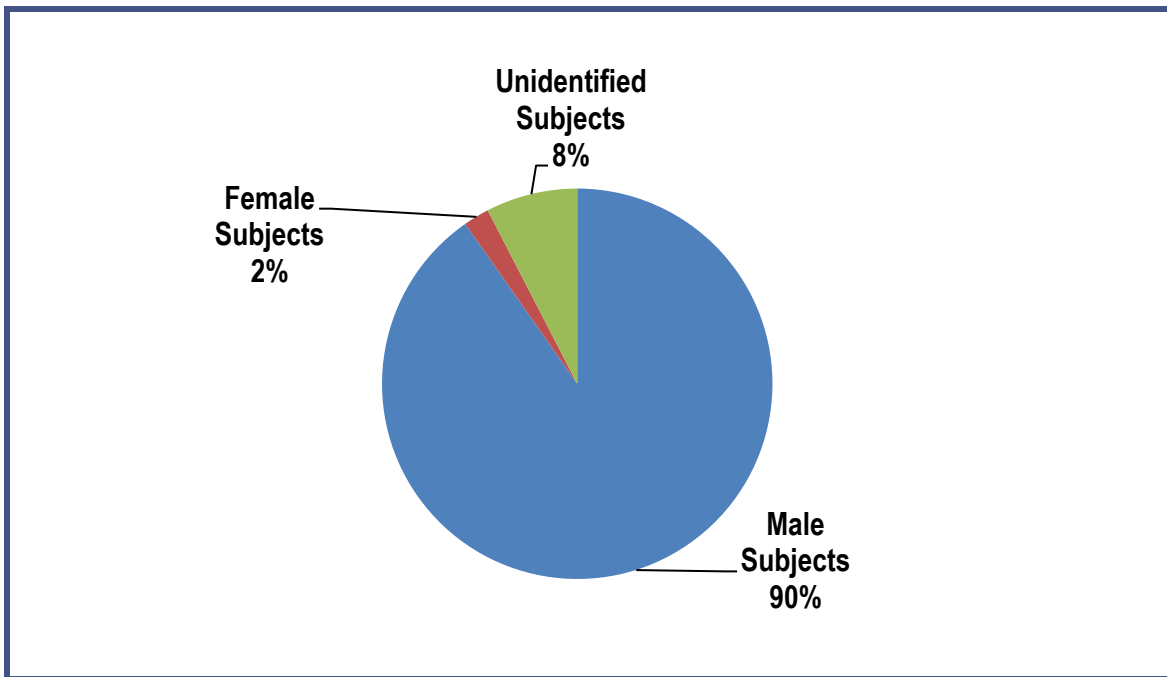


Exhibit 20: Gender of Subjects in Completed Investigations of Unrestricted Reports, FY12

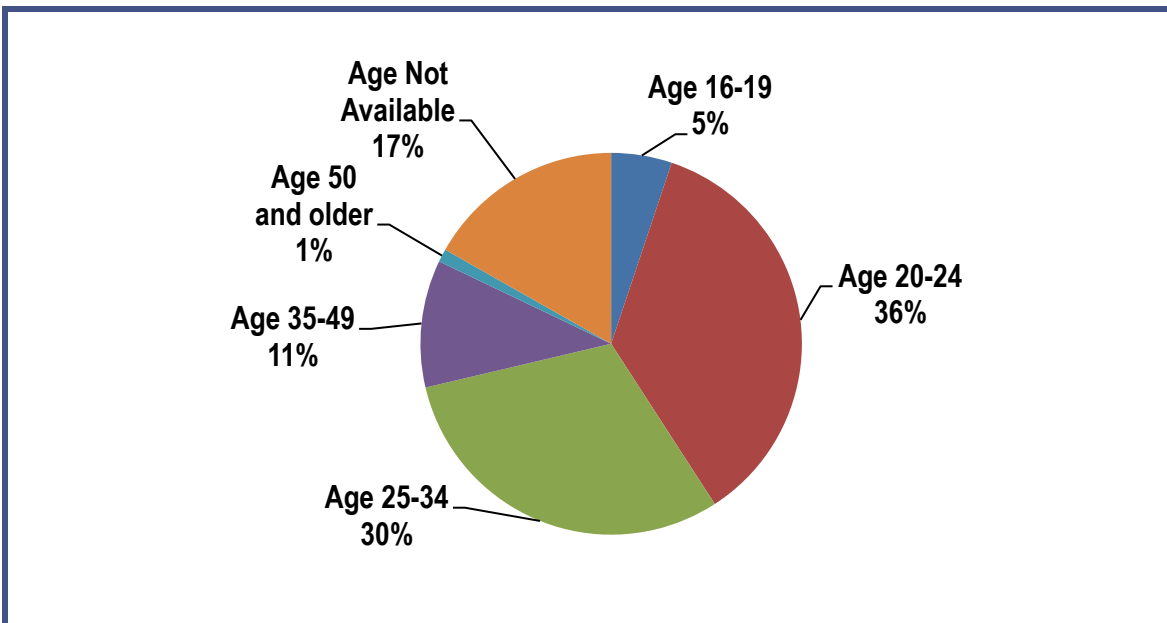
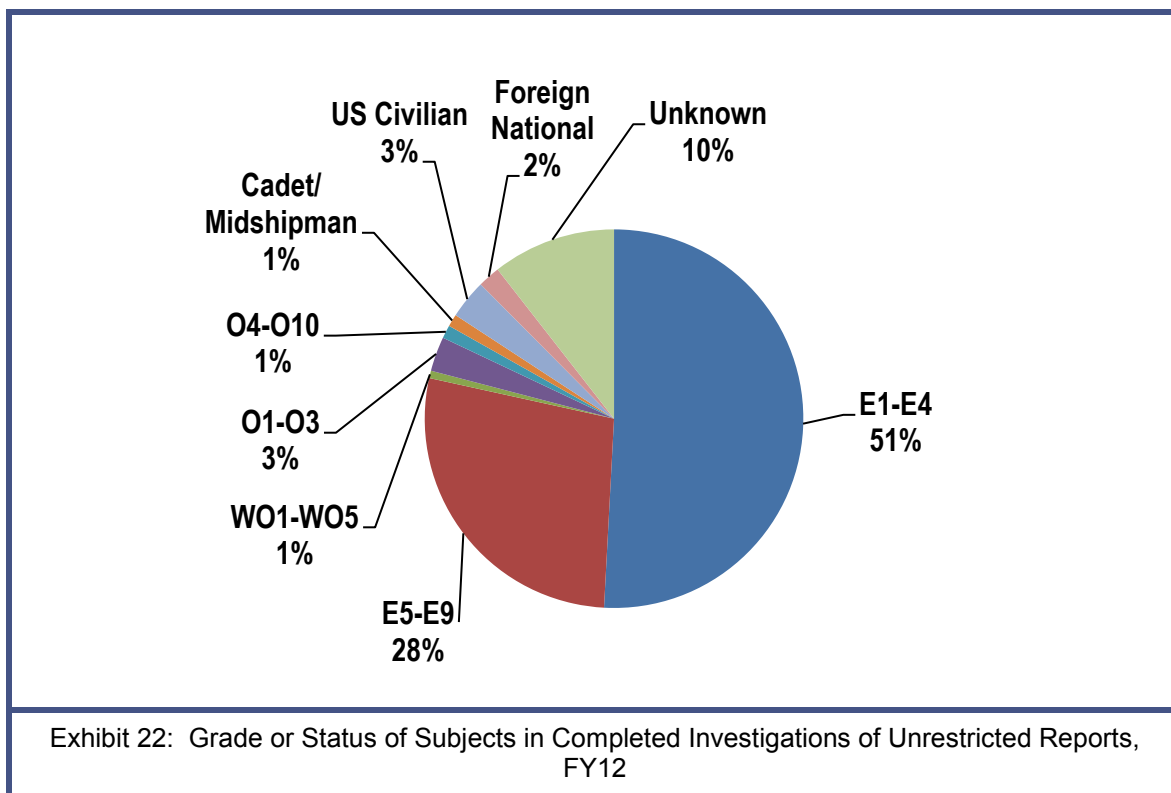


Exhibit 21: Age of Subjects in Completed Investigations of Unrestricted Reports, FY12



FY12 REPORTS OF SEXUAL ASSAULT IN COMBAT AREAS OF INTEREST

Arduous conditions in combat areas of interest (CAI) make sexual assault response and data collection very difficult. However, SARCs, SAPR VAs, and other SAPR personnel are in place in all of these areas. SAPR personnel are diligent in getting requested services and treatment to victims. The data reported below is included in the total number of Unrestricted and Restricted Reports described in previous sections.

In which CAIs were most sexual assaults reported?
Iraq and Afghanistan.

In FY12, there were 239 reports of sexual assault in CAIs. This number reflects an 8 percent decrease in overall reporting in CAIs from FY11. Exhibit 23 illustrates the history of Unrestricted and Restricted Reporting in CAIs since FY07. Exhibits 24 and 25 show reporting patterns in Iraq and Afghanistan.

The 212 Unrestricted Reports in FY12 represent a decrease of 6 percent from the 225 Unrestricted Reports in FY11. Of the 212 Unrestricted Reports, 23 (11 percent) were made in Iraq and 132 (62 percent) were made in Afghanistan. The remaining 57 were made in Kuwait (19), Bahrain (15), the United Arab Emirates (12), Djibouti (2), Jordan (2), Kyrgyzstan (2), Qatar (2), Egypt (1), Oman (1), and Saudi Arabia (1).

There were 28 initial Restricted Reports in CAIs, a 39 percent decrease from the initial 46 Restricted Reports in FY11. One Restricted Report converted to an Unrestricted Report during the FY, leaving 27 reports remaining Restricted in FY12.

Of the 28 initial Restricted Reports, 6 (21 percent) were made in Iraq and 7 (25 percent) were made in Afghanistan. The remaining 15 Restricted Reports were made in Qatar (10), Kuwait (2), Bahrain (1), Egypt (1), and Kyrgyzstan (1).

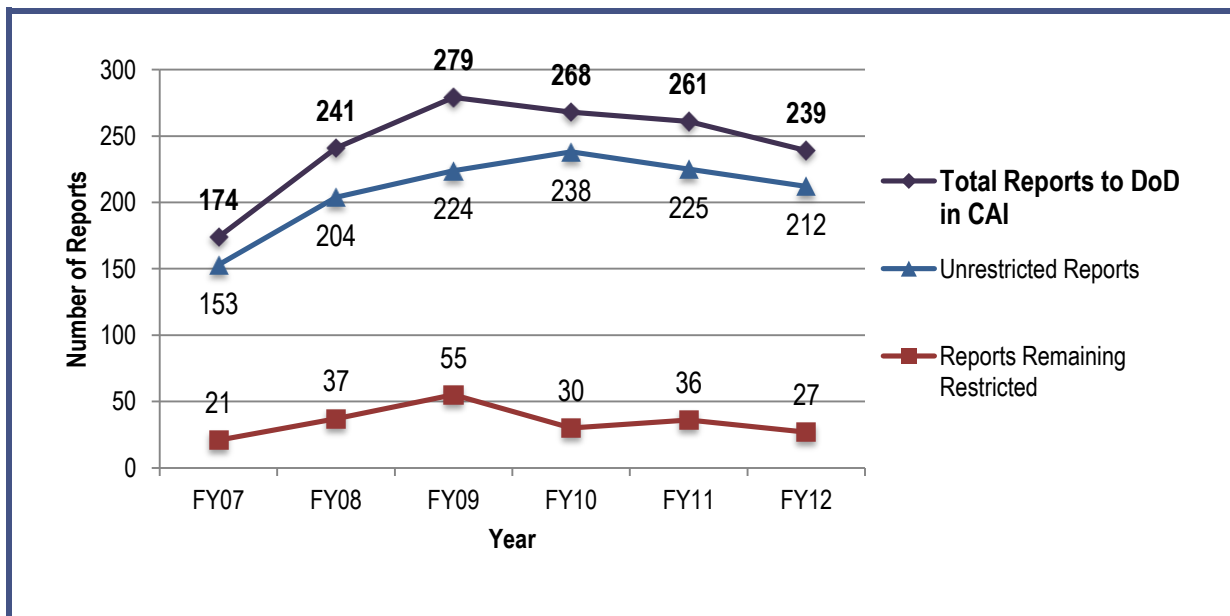


Exhibit 23: Total Reports of Sexual Assault in CAIs: Unrestricted Reports and Restricted Reports, FY07–FY12

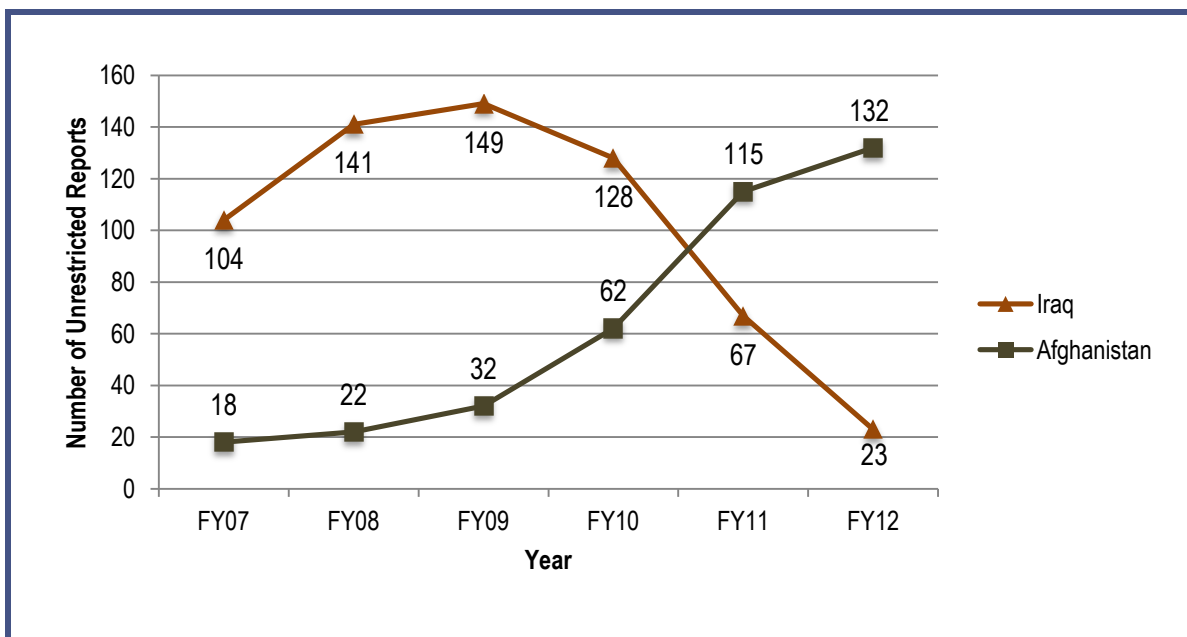
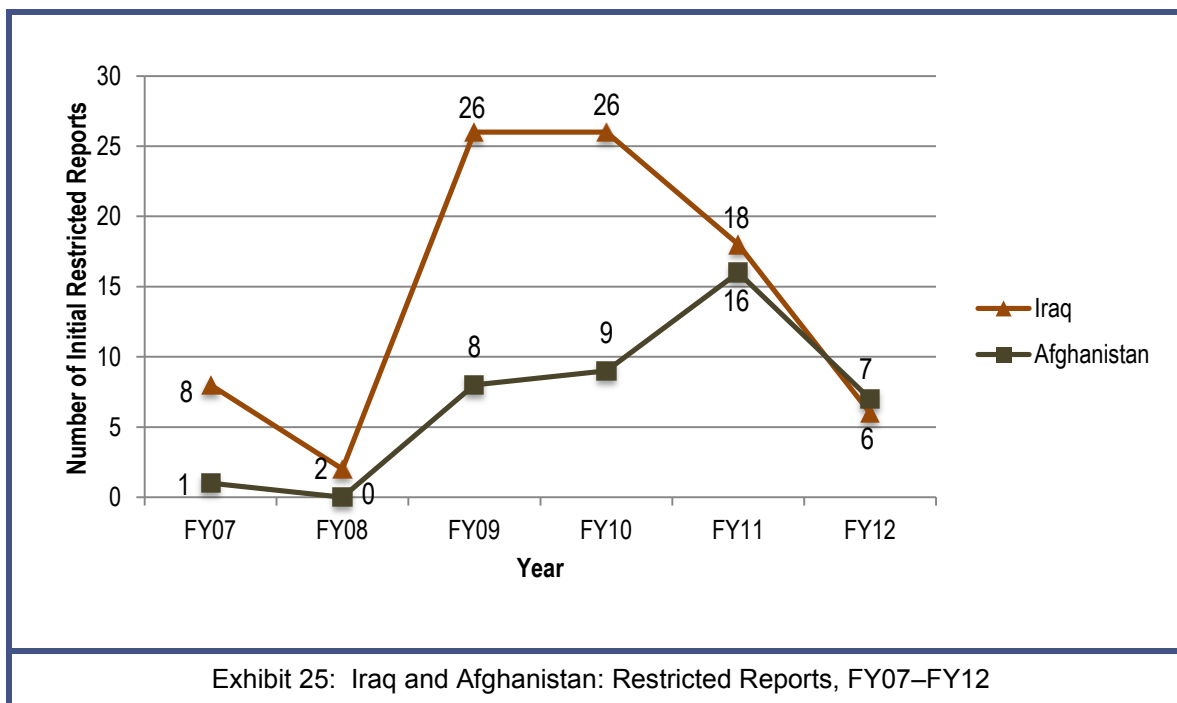


Exhibit 24: Iraq and Afghanistan: Unrestricted Reports, FY07–FY12



Sexual Assaults Perpetrated by Foreign Nationals Against Service Members

This year the Military Services reported that 54 foreign national subjects were suspected to have committed sexual assaults against Service members. Of the 54 male subjects, 37 were foreign national civilians and 17 were foreign Service members.

Demographics of Unrestricted Reports in CAIs

Demographic information about the Unrestricted Reports made in CAIs was drawn from the investigations closed during FY12. These 216 investigations involved 243 victims and 216 subjects. Thirty-nine investigations involved more than one victim, more than one subject, or multiple victims and subjects.

Victims

The demographics of victims in CAIs who made Unrestricted Reports mirror the demographics of victims in all Unrestricted Reports made to the Department, in that they are mostly female Service members, under the age of 25, and of a junior enlisted grade.

Subjects

The demographics of subjects in Unrestricted Reports made in CAIs mirror the demographics of subjects in all Unrestricted Reports made to the Department, in that they are mostly male Service members, under the age of 35, and of an enlisted grade.

Demographics of Restricted Reports in CAIs

The 28 victims who initially made Restricted Reports of sexual assault in CAIs mirror the demographics of victims in all Restricted Reports made to the Department, in that they were mostly female Service members, under the age of 25, and of a junior enlisted grade.

FY12 RESTRICTED REPORTS OF SEXUAL ASSAULT

SARCs and SAPR VAs collect information from victims in Restricted Reports. Because Restricted Reports are confidential, covered communications as defined in Department policy, SAPR personnel only collect limited data about the victim and the allegation being made. As with Unrestricted Reports, Restricted Reports can be made for incidents that occurred in prior reporting periods and incidents that occurred prior to military service.

How many Restricted Reports convert to Unrestricted Reports each year?
On average, about 15% of victims convert their Restricted Reports to Unrestricted Reports.

In FY12, there were 981 initial Restricted Reports of sexual assault. Of the 981 reports, 165 (17 percent) converted to Unrestricted Reports at the request of the victim. This means the victims chose to participate in a criminal investigation and the military justice process. At the close of FY12, 816 reports remained Restricted.⁷²

Over time, the percentage of victims desiring to convert their Restricted Reports to Unrestricted Reports has remained relatively stable at about 15 percent. FY12 was the first year that the percent of victims converting their report rose above 16 percent. This means more victims converted their reports so they could participate in the military justice system. Exhibit 26 shows the Restricted Reports and conversion rates for the past six FYs.

⁷² The 165 Restricted Reports that converted to Unrestricted Reports are included in the total 2,558 Unrestricted Reports cited earlier.

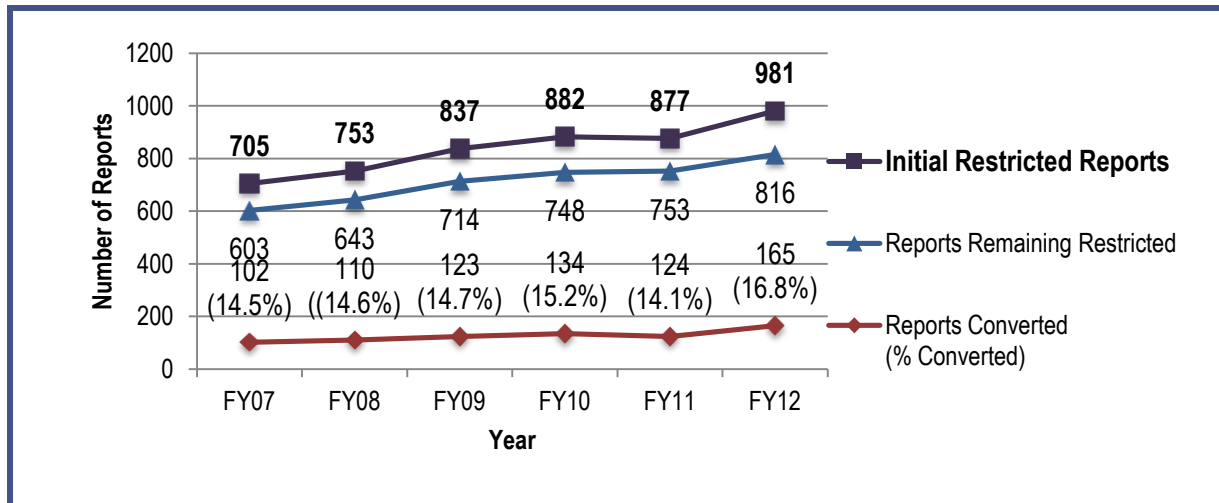


Exhibit 26: Total Number of Reports that Were Initially Made as Restricted, the Remaining Number of Restricted Reports, and the Number of Reports that Converted, FY07–FY12

Note:

The percentages in parentheses are the percentage of cases that converted during that time period from a Restricted Report to an Unrestricted Report.

Demographics of Restricted Reports of Sexual Assault

Exhibits 27, 28, and 29 show that victims who made a Restricted Report were primarily female, under the age of 25, and of a junior enlisted grade.

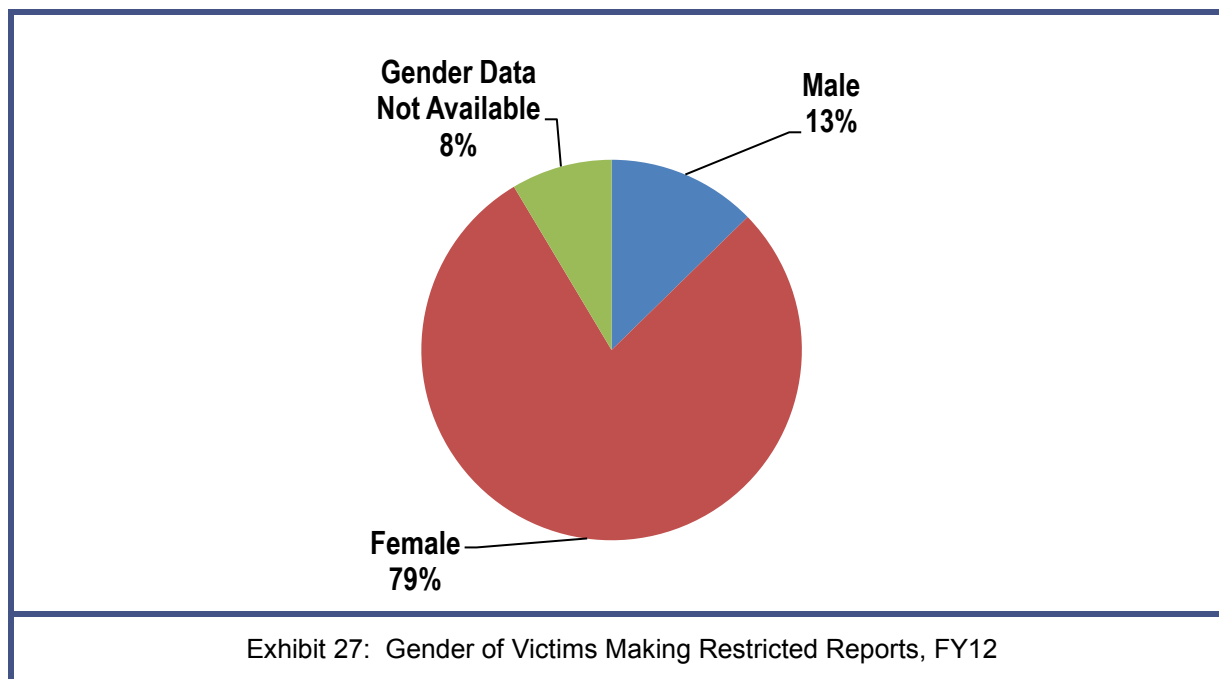


Exhibit 27: Gender of Victims Making Restricted Reports, FY12

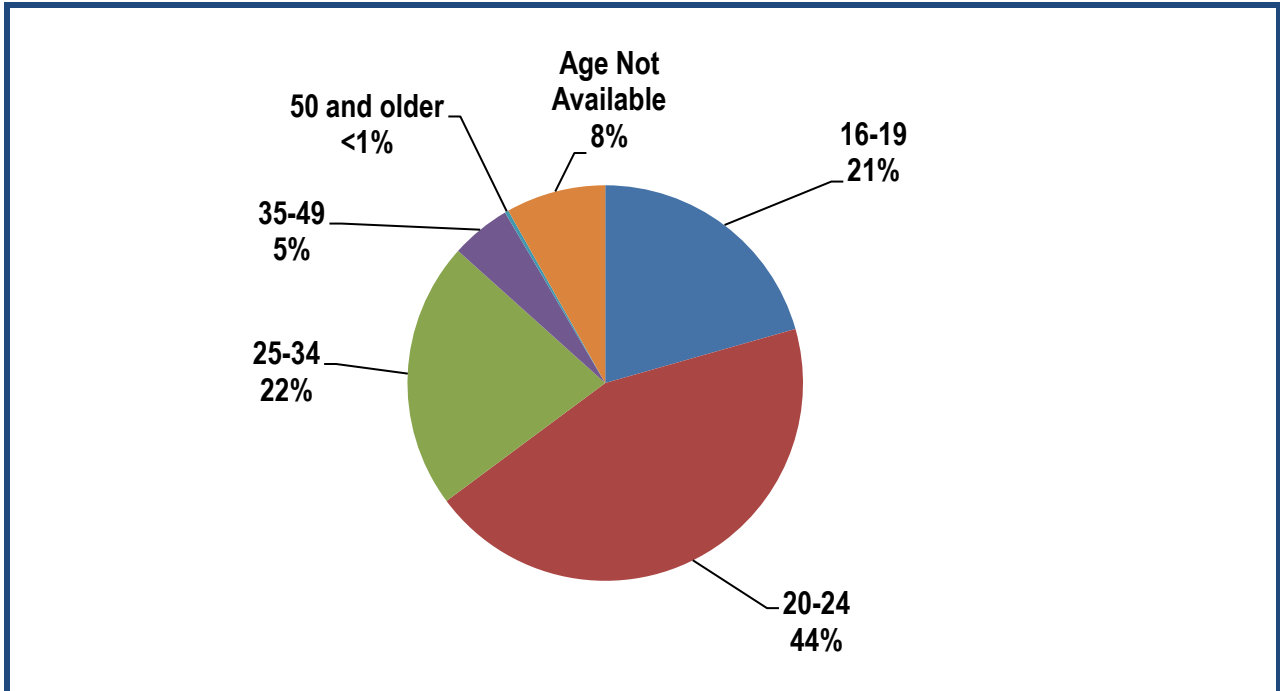


Exhibit 28: Age of Victims Making Restricted Reports, FY12

Note:

Categories with zero values are not shown.

The category “Age 16–19” is used because the relevant UCMJ sex crimes apply to victims aged 16 and older.

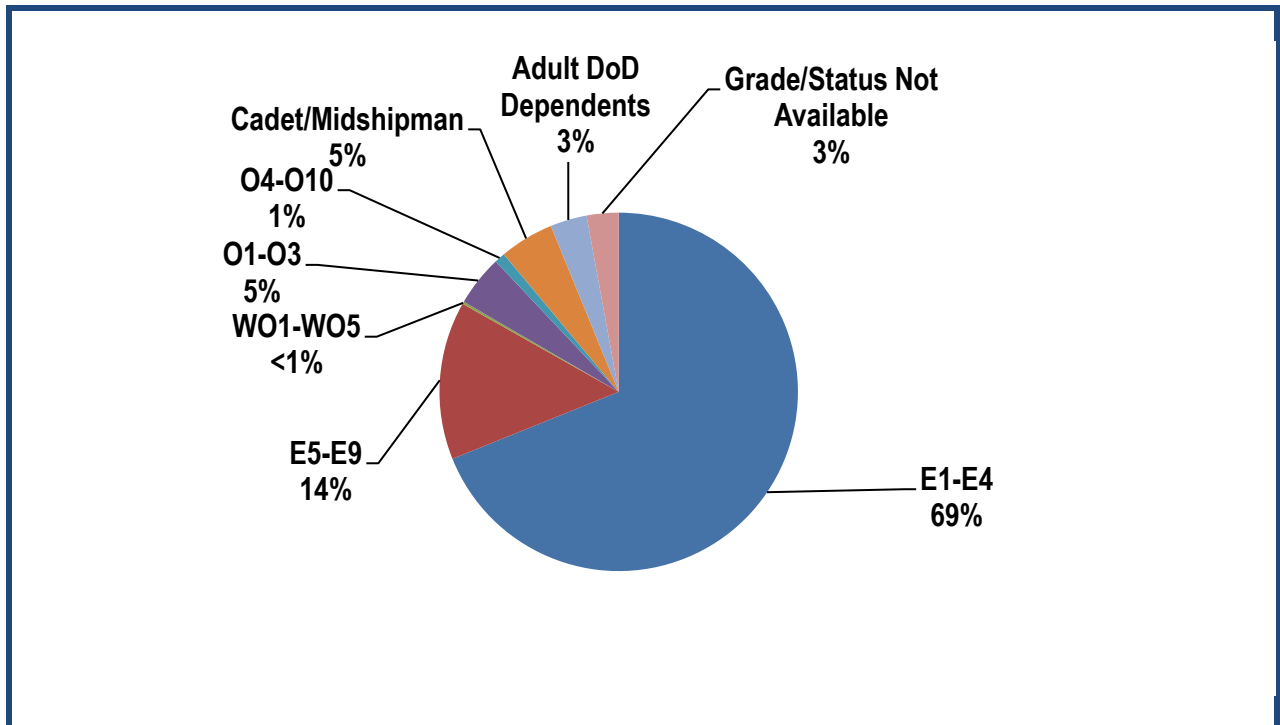


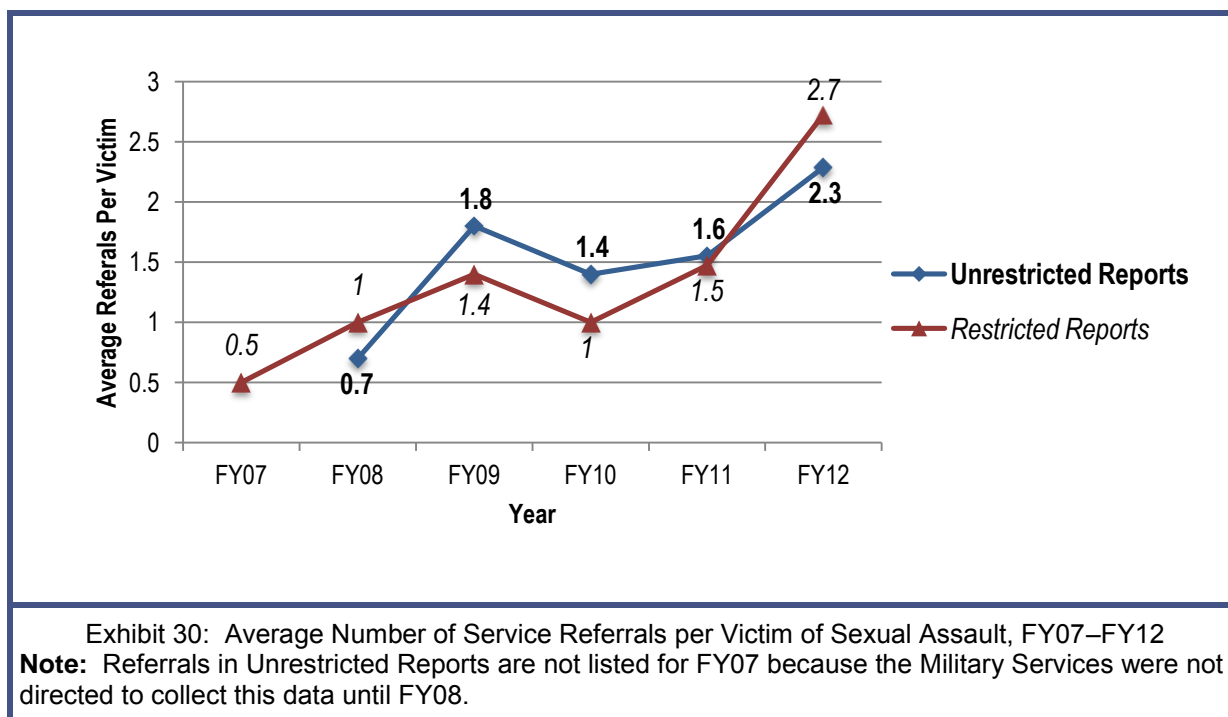
Exhibit 29: Grade or Status of Victims Making Restricted Reports, FY12

FY12 SERVICE REFERRAL INFORMATION

SARCs and SAPR VAs are responsible for ensuring victims have access to medical treatment, counseling, legal advice, and other support services. Referrals for these services are made to both military and civilian resources. A referral for service can happen at any time while the victim is receiving assistance from a SARC or SAPR VA and may happen several times throughout the military justice process. This year, SARCs and SAPR VAs made an average of 2.3 service referrals to victims making Unrestricted Reports. For victims making Restricted Reports, SARCs and SAPR VAs made an average of 2.7 service referrals per victim. Exhibit 30 shows the average number of referrals to victims in sexual assault reports from FY07 to FY12.

The Military Services varied in the average number of referrals per victim:

- The Army provided an average of 1.7 referrals per victim making an Unrestricted Report and 3.0 referrals per victim making a Restricted Report.
- The Navy provided an average of 2.7 referrals per victim making an Unrestricted Report and 2.1 referrals per victim making a Restricted Report.
- The Marine Corps provided an average of 7.9 referrals per victim making an Unrestricted Report and 3.6 referrals per victim making a Restricted Report.
- The Air Force provided an average of 1.9 referrals per victim making an Unrestricted Report and 2.7 referrals per victim making a Restricted Report.



The Military Services reported there were a total of 582 SAFEs conducted during FY12. Exhibit 31 depicts the reported number of SAFEs conducted for military and civilian

victims of sexual assault from FY07 to FY12. The decision to undergo a SAFE always belongs to the victim.

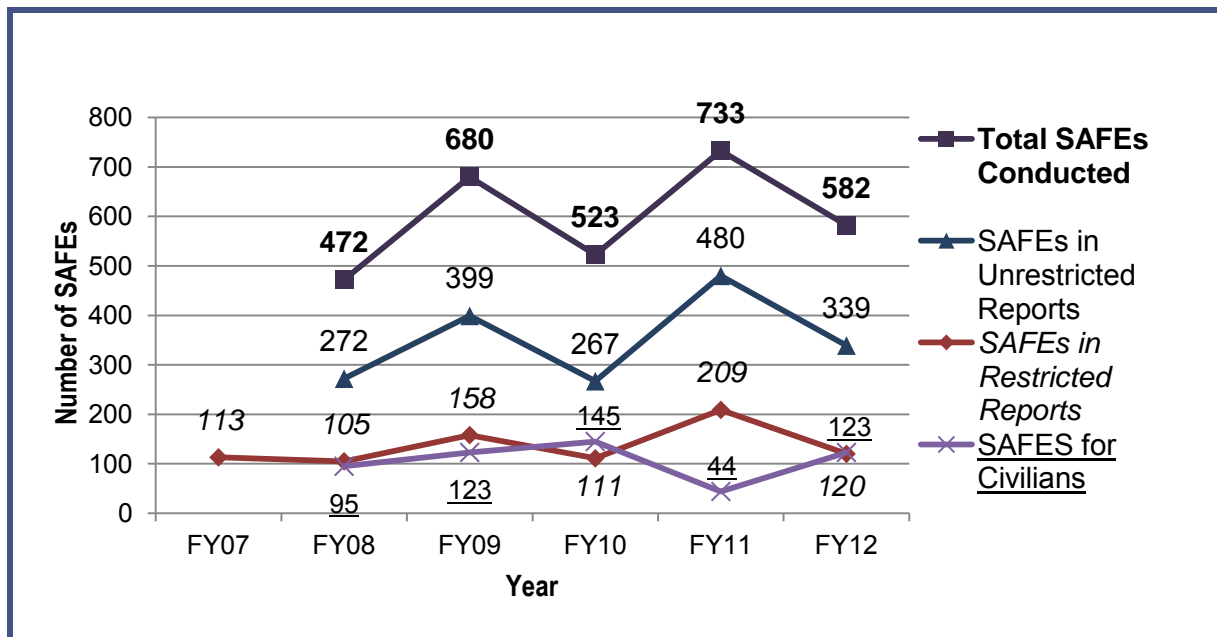


Exhibit 31: SAFEs Reported by the Military Services, FY07–FY12

Note: SAFEs for Unrestricted Reports and Restricted Reports. Civilians are not listed for FY07 because the Military Services were not directed to collect this data until FY08.

CONCLUSION

One sexual assault in the military is one too many. In FY12, the Department was guided by the five SAPR strategic priorities to address the crime of sexual assault on multiple fronts: institutionalizing prevention, encouraging reporting, improving response, enhancing system accountability, and increasing SAPR understanding and awareness.

This is the last annual report to employ the 2009 *DoD-Wide SAPR Strategic Plan* as a framework. In future reports, the Department will organize and report its accomplishments according to an updated strategic plan currently under development. The plan will expand upon the *JCS Strategic Direction to the Joint Force on SAPR*. The Joint Chiefs, Commandant of the Coast Guard, and representatives from the Department and the Military Services penned this strategic direction for commanders and leaders to improve awareness of sexual assault, operationalize commitment, and facilitate dialogue and open communications. The plan will be structured around five lines of effort: Prevention, Investigations, Accountability, Victim Assistance (Advocacy), and Assessment. These lines of effort operationalize the JCS strategic direction by linking SAPR tasks to responsible DoD organizations and incorporating existing and new measures of effectiveness for the SAPR program.

In addition, DoDI 6495.02, "Sexual Assault Prevention and Response Program Procedures," will undergo the final phases of the reissuance process. The revised policy will incorporate several NDAA requirements, including data collection and reporting requirements for DSAID, certification of SARCs and SAPR VAs, updated SAPR training standards for Service members, expedited transfers of Service members who file Unrestricted Reports, document retention, and training on MRE 514, "Victim-Victim Advocate Privilege."

Sexual assault is a crime that undermines trust within military units and is an affront to the basic values our Service members defend. While the Department has taken a multi-faceted approach to fundamentally change the way the Department confronts sexual assault, there is still much work to do. The Department's solution is to strive to prevent the crime from occurring in the first place, through effective training and awareness programs and strong leadership from top to bottom. But when a crime does occur, the Department must ensure it has responsive and comprehensive systems in place to provide protection and high-quality advocacy and care for victims, and appropriate accountability for offenders.

The reduction and eradication of sexual assault requires sustained focus and resources that produce cultural change, both in the military and in the U.S. population as a whole. The Department is fully committed to making this enduring change, so that our men and women of the U.S. Armed Forces may serve in an environment free of the threat of sexual assault.