



DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE

Department of Defense Annual Report on Sexual Assault in the Military

Fiscal Year 2013



The estimated cost of report or study for the Department of Defense is approximately \$1,441,000 for the 2014 Fiscal Year. This includes \$183,000 in expenses and \$1,258,000 in DoD labor.

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

PERSONNEL AND
READINESS

APR 22 2014

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 (NDAA) 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 analysis.


The enclosed "Department of Defense Fiscal Year 2013 Annual Report on Sexual Assault in the Military" presents Department of Defense (DoD) statistics and analysis of reports of sexual assault during FY 2013 and discusses policy and program improvements to the Department's Sexual Assault Prevention and Response (SAPR) program. 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 P.L. 111-383 and P.L. 112-239.

This report is organized according to the DoD SAPR Strategic Plan, which presents a multidisciplinary approach with initiatives and objectives in five lines of effort to achieve unity of effort and purpose across the Department. The lines of effort are Prevention, Investigation, Accountability, Advocacy/Victim Assistance, and Assessment.

During FY 2013, the Department focused on improving victim response and support services. In FY 2014, the Department will intensify our efforts to prevent the crime and will implement the "2014-2016 DoD Sexual Assault Prevention Strategy." A successful prevention strategy addresses the entire continuum of harm and includes a wide range of integrated elements addressing accountability, community involvement, communication, deterrence, incentives, and harm reduction.

A similar letter and the Department's report will be sent to the Chairman of the House Committee on Armed Services. The Department appreciates your commitment to the well-being of our Service members and we look forward to working with you and your colleagues on this important issue.

Sincerely,


Jessica L. Wright
Acting

Enclosure:
As stated

cc:
The Honorable James M. Inhofe
Ranking Member



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

PERSONNEL AND
READINESS

APR 22 2014

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

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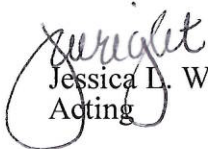
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Sincerely,


Jessica L. Wright
Acting

Enclosure:
As stated

cc:
The Honorable Adam Smith
Ranking Member

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ASSESSMENT OF PROGRESS

Each year, the Department of Defense (DoD) reports on sexual assault programs, initiatives, and policy enhancements developed and implemented during the prior fiscal year (FY). The Department also documents information about sexual assault reports made by and against Service members, as well as the disposition (outcomes) of allegations made in Unrestricted Reports. The following is a brief synopsis of last year's key finds compared to this year's key findings.

LAST YEAR'S KEY FINDINGS – FY 2012 (OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012)

- Reports of Sexual Assault
 - Reports of sexual assault increased in three of four Military Services. In total, the DoD received 3,374 reports of sexual assault involving one or more Service members as either the victim or alleged subject (suspect) – a five percent increase over the 3,192 reports of received in FY11.
 - Of the 3,374 reports, about 60 percent involved Service member on Service member crime.
 - The 3,374 reports involved 2,828 Service member victims making a report for an incident that occurred while they were in military service.¹ (Figure 1)
 - Of the 3,374 reports in FY12, 2,558 were Unrestricted Reports and 816 remained Restricted at the end of the year.
 - Approximately four percent of the 3,374 reports of sexual assault were for sexual assault incidents that occurred prior to a member's military service.
- **Estimated Past-Year Prevalence of Sexual Assault**
 - Of those surveyed, 6.1 percent of Active Duty women and 1.2 percent of Active Duty men indicated experiencing unwanted sexual contact² (USC) in the 12 months prior to being surveyed.³ These prevalence rates indicate that approximately 26,000 Active Duty members experienced some form of USC in the year prior to being surveyed.

¹ A total of 2,949 Service member victims were actually involved in the 3,374 reports, but 121 of the victims made reports for events that occurred to them before they entered military service; an additional 655 civilian victims reported sexual assault allegations against a Service member. Civilian victim reports that involve a Service member as the alleged offender are fully investigated, but are not included in this analysis so as to better provide an understanding of the victimization of Service members.

² USC is the survey term that describes the crimes in the Uniform Code of Military Justice (UCMJ) that constitute sexual assault, which range from penetrating crimes, such as rape, to non-penetrating crimes, such as 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.

³ The Department uses the *Workplace and Gender Relations Survey of Active Duty Members* (WGRA) to estimate the past-year prevalence of sexual assault (USC) among Active Duty Service members. The Defense Manpower Data Center (DMDC) has administered the WGRA on a regular basis since 1995.

- Of the 6.1 percent of Active Duty women surveyed who indicated experiencing USC: 31 percent reported a completed penetration, 26 percent reported attempted penetration, 32 percent reported unwanted sexual touching, and 10 percent did not specify the USC experienced.
- Of the 1.2 percent of Active Duty men surveyed who indicated experiencing USC: 10 percent reported a completed penetration, 5 percent reported attempted penetration, 51 percent reported unwanted sexual touching, and 34 percent did not specify the USC experienced.
- **Command Action**
 - Of the 2,661 subjects with case dispositions reported in FY12, the Department had legal authority⁴ over 1,714 (64 percent) of them.
 - Of the 1,714 Service member cases considered by convening authorities, sufficient evidence existed to take some kind of action against 1,124 of them (66 percent). This action could have been for a sexual assault crime or any other misconduct identified during the criminal investigation. (Figure 2)
 - Of the 880 subjects who received action on a sexual assault offense (Figure 3):
 - 68 percent had court-martial charges preferred (initiated)
 - 18 percent were entered into nonjudicial punishment proceedings under Article 15, Uniform Code of Military Justice (UCMJ)
 - 15 percent received an adverse administrative action or discharge

THIS YEAR'S KEY FINDINGS – FY 2013 (OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013)

- **Reports of Sexual Assault**
 - Reports of alleged sexual assault increased in all four Military Services. In total, the DoD received 5,061 reports of alleged sexual assault involving one or more Service members as either the victim or alleged subject (suspect) – a 50 percent increase over the 3,374 reports of received in FY12.
 - Of the 5,061 reports, about 54 percent involved Service member on Service member crime.
 - The 5,061 reports involved 4,113 Service member victims making a report for an incident that occurred while they were in military service.⁵ (Figure 1)
 - Of the 5,061 reports in FY13, 3,768 were Unrestricted Reports and 1,293 remained Restricted at the end of the year.
 - Approximately 10 percent of the 5,061 reports of sexual assault were for sexual assault incidents that occurred prior to a member's military service.

⁴ 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.

⁵ A total of 4,605 Service member victims were actually involved in the 5,061 reports, but 492 of the victims made reports for events that occurred to them before they entered military service; an additional 913 civilian victims reported being sexually assaulted by a Service member. Civilian victim reports that involve a Service member as the alleged offender are fully investigated, but are not included in this analysis so as to better provide an understanding of the victimization of Service members.

- **Estimated Past-Year Prevalence of Sexual Assault**
 - No USC rate is available, as no survey was conducted during this fiscal year. A survey is being fielded in 2014 to update past-year prevalence rates of USC and sexual harassment.⁶
- **Command Action**
 - Of the 3,234 subjects with case dispositions reported in FY13, the Department had legal authority over 2,149 (66 percent) of them.
 - Of the 2,149 Service member cases considered by convening authorities for action, sufficient evidence existed to take some kind of action against 1,569 of them (73 percent). This action could have been for a sexual assault crime or any other misconduct identified during the criminal investigation. (Figure 2)
 - Of the 1,187 subjects who received action on a sexual assault offense (Figure 3):
 - 71 percent had court-martial charges preferred (initiated)
 - 18 percent were entered into nonjudicial punishment proceedings under Article 15, UCMJ
 - 12 percent received an adverse administrative action or discharge

SUMMARY

The Department assesses the unprecedented increase in reports received in FY13 as consistent with a growing level of confidence in the DoD response system. This year, a record number of victims sought assistance and care by making a report. Since 2006, the average annual increase in reports of sexual assault has been approximately five percent. In FY13, reports of sexual assault increased by 50 percent from FY12. Given the relatively unchanged rates of unwanted sexual contact since 2006 (between four percent and seven percent for women and between one percent and two percent for men), it is unlikely the increase in reports this year is due to increased crime.

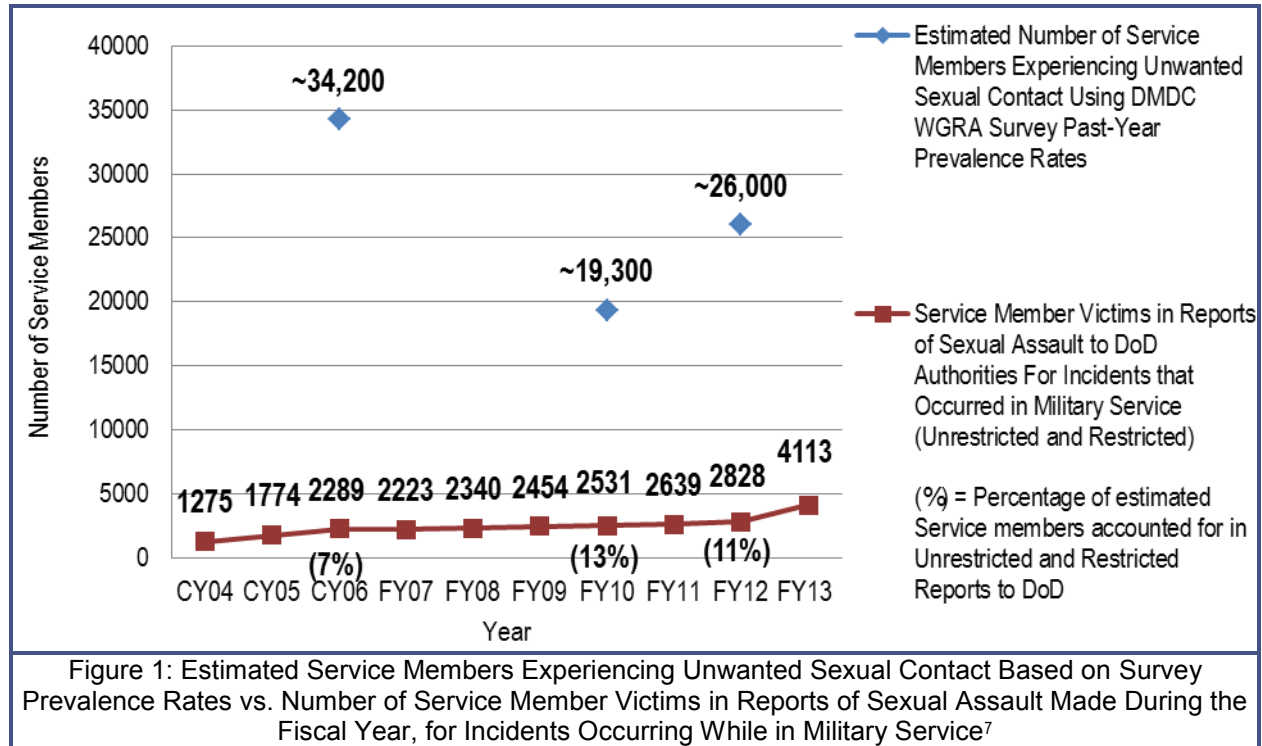
Scheduled for release in April 2015, the *2014 Workplace and Gender Relations Survey of Active Duty Members (WGRA)* will update rates of past-year prevalence of USC.

Provisions enacted in FY13, such as the special victims' advocacy program, will further support victim participation in the military justice system.

Despite improvements in reporting, sexual assault remains a persistent problem. The Department is committed to ensuring that the needs of the victims are addressed while ensuring the interest of justice is served. While holding offenders appropriately accountable sends a strong deterrence message to those that might commit the crime, further progress in reducing the prevalence of sexual assault can only come through prevention. During FY14, the Department will intensify our efforts to prevent the crime and will implement a coordinated, DoD-wide prevention strategy designed to reduce the occurrence of sexual assault. The Department will also continue to provide victims

⁶ The *WGRA* is conducted every two years by the Secretary of Defense, as required by 10 USC section 481. In 2013, the Secretary directed that the *2014 WGRA* be conducted by an agency external to the Department. Results of the *2014 WGRA* will be reported in the FY14 Annual Report, to be released in April 2015.

advocacy and support services to help victims along their path of recovery. In addition, the Department will continue implementing and improving a comprehensive and multi-disciplinary Sexual Assault Prevention and Response (SAPR) program that inspires reporting, provides a high quality response system, and holds offenders appropriately accountable.



⁷ This graph depicts the estimated number of Service members who experienced USC in the past year (based on the WGRA's year prior to being surveyed prevalence rates), versus the number of Service member victims in actual reports of sexual assault made to the DoD in the years indicated. Note that although 4,605 Service members were involved in sexual assault reports in FY13, 492 of them made a report for events that occurred prior to their entry into military service.

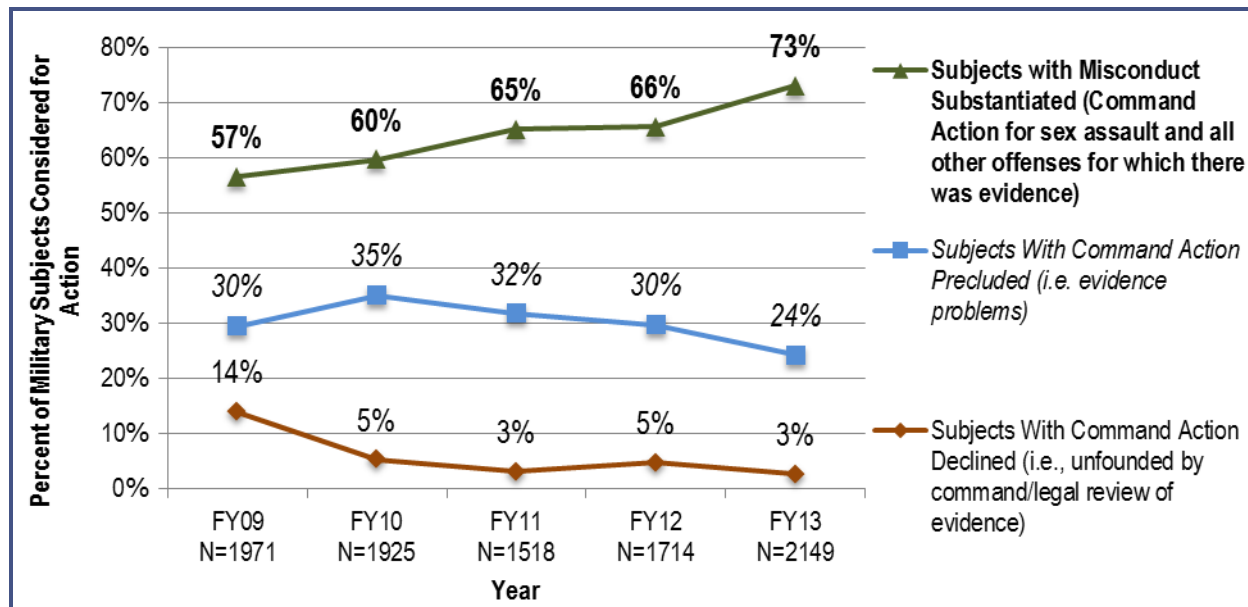


Figure 2: Percentage of Military Subjects with Misconduct Substantiated, Command Action Precluded, and Command Action Declined, FY09 to FY13

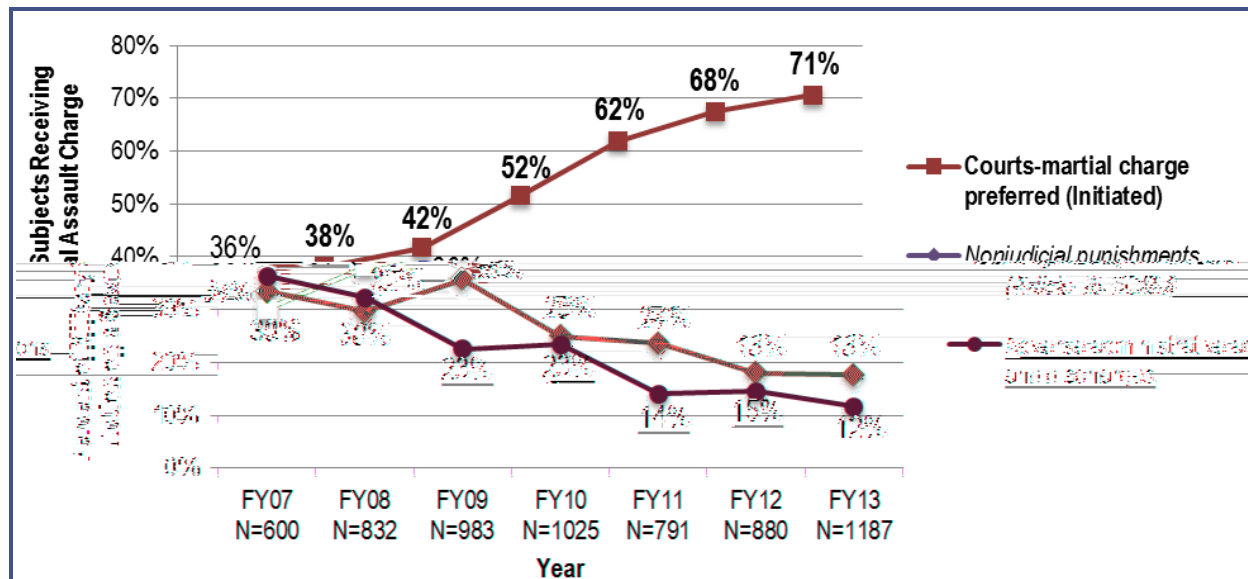


Figure 3: DoD Command Action for Military Subjects Under DoD Legal Authority, and for Whom Sufficient Evidence Existed to Support Action, FY07 to FY13

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

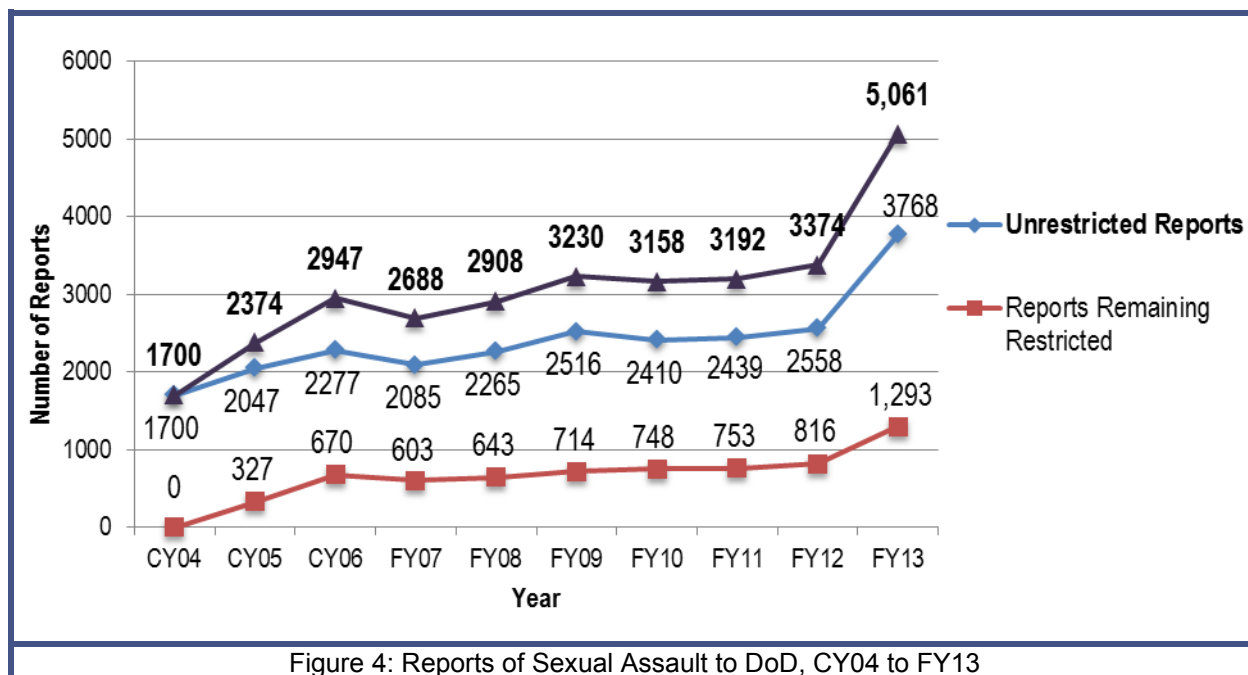
The Department also developed a set of metrics that more frequently measure SAPR program progress.¹³ Throughout FY13, the Joint Chiefs, the Military Services, and DoD SAPRO worked to develop an initial set of metrics and harmonize surveys and other sources of data that support the metrics. An initial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

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

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

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

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



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

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

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

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

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

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

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

INTRODUCTION

REPORT REQUIREMENT

This report is the *DoD FY13 Annual Report on Sexual Assault in the Military*.¹⁷ This is the Department's tenth annual report on sexual assault in the military; it describes sexual assault reports that were made during FY13 (October 1, 2012 through September 30, 2013).¹⁸ This report also describes many of the Department's sexual assault programs, initiatives, and policy enhancements developed and implemented during FY13. The report organizes and communicates the Department's progress using the five lines of effort from the *DoD SAPR Strategic Plan*, revised and published in May 2013.

DoD SAPR STRATEGIC PLAN

The *DoD SAPR Strategic Plan* is the authoritative guidance to all stakeholders and defines Department priorities, objectives, and initiatives with regards to SAPR. In FY13, the DoD SAPRO and the Military Services revised the *DoD SAPR Strategic Plan* to align with and operationalize the key tasks defined in the Joint Chiefs of Staff's (JCS) Strategic Direction to the Joint Force.¹⁹ The 2013 update to the *DoD SAPR Strategic Plan* is the first since 2009, when the plan was originally published. The *DoD SAPR Strategic Plan* presents a multidisciplinary approach with initiatives and objectives in five lines of effort to achieve unity of effort and purpose across the Department. The lines of effort are Prevention, Investigation, Accountability, Advocacy/Victim Assistance, and Assessment. (see Figure 5, below.) (see Enclosure 1 to read the *DoD SAPR Strategic Plan* in its entirety.)

In May 2013, the Secretary of Defense directed the implementation of the revised *DoD SAPR Strategic Plan*. In collaboration with the JCS and the Service SAPR program representatives, DoD SAPRO developed an initial set of program metrics associated with certain lines of effort and established standard operating procedures for tracking the Department's progress in the implementation of the tasks.²⁰

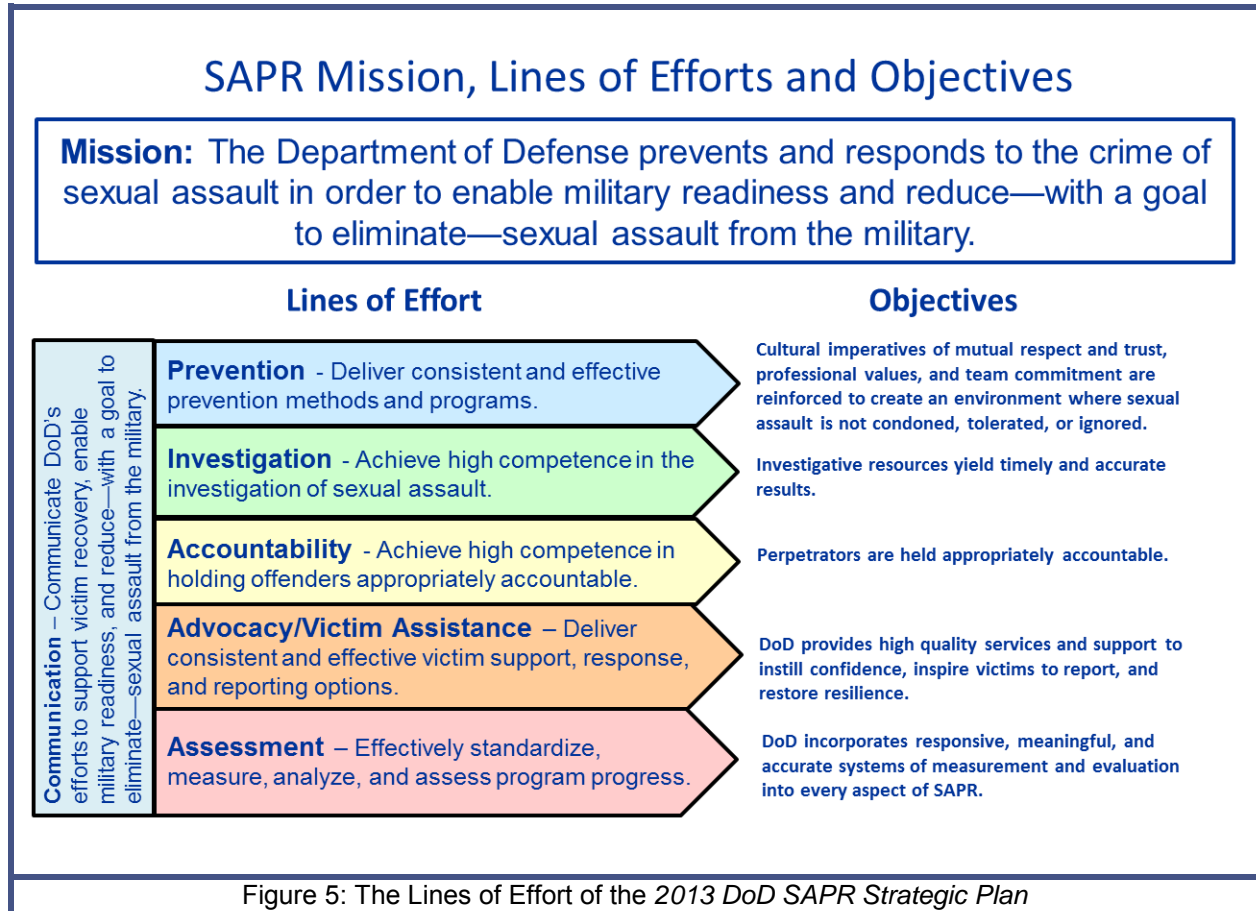
Through his May 2013 memo, the Secretary of Defense also directed the Military Services to align their programs with the *DoD SAPR Strategic Plan*. The Military Services wrote individual SAPR Strategic Plans that aligned with the *DoD SAPR Strategic Plan* and reported back to the Secretary of Defense on their alignment in July 2013.

¹⁷ The report satisfies the following statutory reporting requirements: section 575 of NDAA for FY13 (P.L. 112-239); sections 1602 and 1631 of Ike Skelton NDAA for FY11 (P.L. 111-383); section 567 of NDAA for FY10 (P.L. 111-84); and section 596 of NDAA for FY06 (P.L. 109-163).

¹⁸ 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.

¹⁹ JCS's Strategic Direction to the Joint Force was issued in May 2012.

²⁰ For more information about the established metrics, see the "Developing New Measures of Assessment: Metrics" section of this report.



OVERSIGHT

Eliminating sexual assault in the military is one of the Department of Defense's highest priorities. The Secretary of Defense is committed to continually assessing and improving the Department's SAPR efforts. To support this effort, the Acting Under Secretary of Defense (USD) for Personnel and Readiness (P&R) and the Director of DoD SAPRO provided weekly updates to the Secretary of Defense and other senior Department leaders on the progress of new and ongoing SAPR initiatives, development of new policy, and implementation of legislation. The Secretary used these regularly scheduled meetings to consider recommendations from senior leadership and hold Department leaders accountable to further enhance SAPR policies and program.

To foster program consistency and unity of effort across the Military Services and the NGB, the Director of DoD SAPRO hosts regular SAPR Integrated Product Team (IPT) meetings with DoD and Military Service SAPR leadership.²¹ Established in FY10, the SAPR IPT provides a forum for the oversight of program execution, clarification of policy

²¹ Department of Defense Instruction (DoDI) 6495.02 (Enclosure 3) requires a minimum of bi-monthly meetings. The SAPR IPT met more frequently than bi-monthly during FY13.

matters, and sharing of important research and best practices. In FY13, the SAPR IPT guided the development of policies and programs to comply with new legislation and directives from the Secretary of Defense.

During FY13, the White House National Security Staff created standing oversight bodies to support SAPR program execution and progress. In cooperation with the White House Council on Women and Girls and the Office of the Vice President, the National Security Staff created the Health of the Force (HOF) Coordinating Group and Working Group. The HOF Coordinating Group is comprised of the USD(P&R), the Vice Chairman of the JCS, the Vice Chiefs of Staff of the Military Services, and the Assistant Commandant of the Coast Guard. The HOF Coordinating Group, on behalf of the President and Vice President, provides oversight and coordinate solutions that require White House executive action.

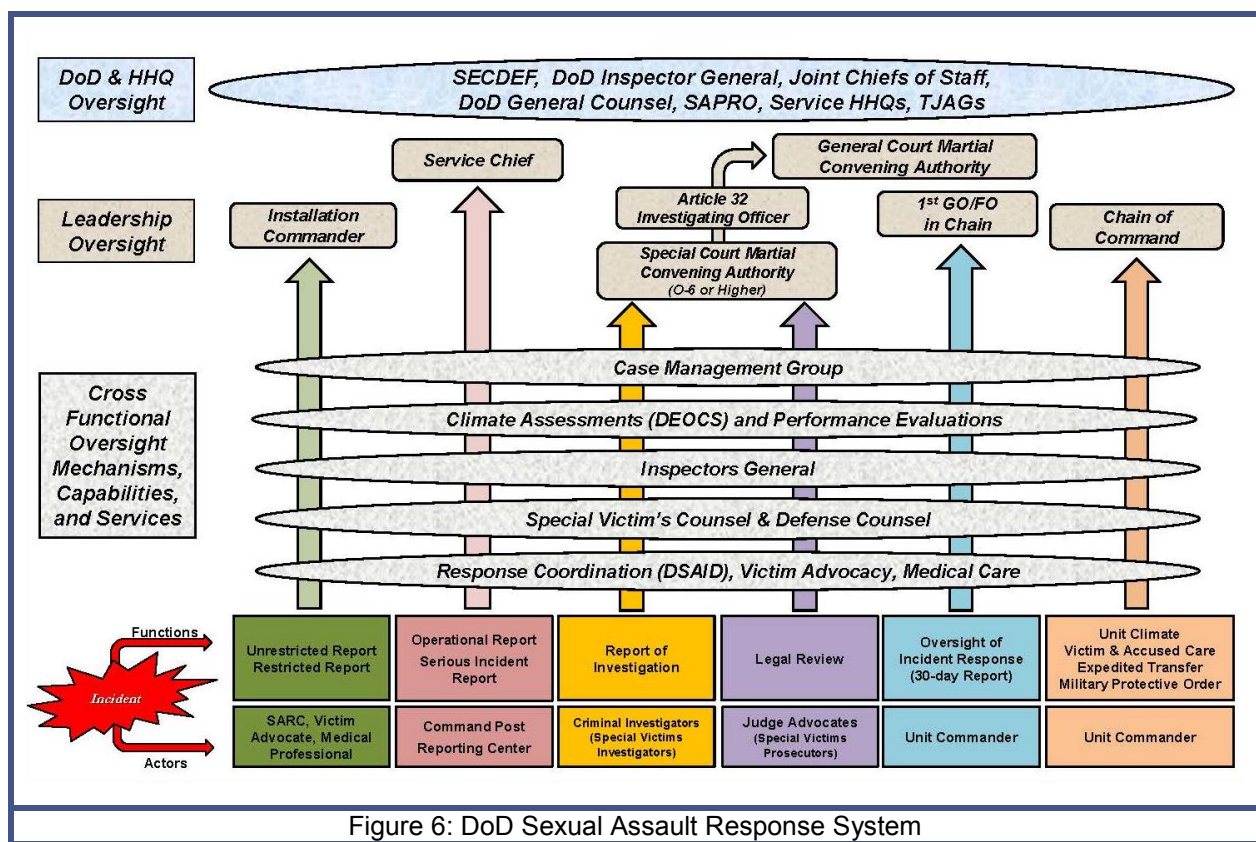


Figure 6: DoD Sexual Assault Response System

The graphic in Figure 6 depicts the Department's oversight functions and actors that are engaged when a sexual assault is reported. This graphic demonstrates the Department's integrated system of check and balances that provide for:

- Professional advocacy;
- Independent investigations and legal review;
- Elevated disposition decisions;
- General officer first response oversight;
- Command engagement to ensure safety and victim care; and

- Cross functional oversight mechanisms, capabilities, and services that enable a comprehensive and concerted policy to respond to a report of sexual assault, and the accountability provided by the Secretary of Defense, the JCS, and DoD SAPRO.

This system is built on the foundation of our DoD strategic approach and is grounded in law and policy. It incorporates promising practices of each Service and initiatives directed by the Secretary of Defense to strengthen sexual assault response and oversight. The Department's oversight and response system has been vastly improved in recent years—particularly in FY12 and FY13. Enhancements have professionalized advocacy, fielded specially-trained investigators and prosecutors, enhanced the administration of military justice, provided new protections and services to victims, enhanced legal advocacy, increased commander accountability for establishing appropriate climates, and provided new roles and oversight for the entire response system. Initiatives implemented during FY13 are described throughout this report.

The sexual assault response system also demonstrates how the unit commander does not have sole responsibility for all aspects of the response system. There are multiple cross-functional and parallel actors with oversight mechanisms, capabilities, and services to create checks and balances that ensure the system is delivering care, ensuring safety, and responding with independent investigations and elevated decision-making. The system of checks and balances also ensures that every report of sexual assault is competently and thoroughly investigated, offenders are held appropriately accountable, and leaders are providing oversight to ensure the system is working.

POLICY ENHANCEMENTS

In FY13, the Department implemented numerous policy changes. Most notably, the Department reissued the SAPR program DoD Directive (DoDD 6495.01) and DoD Instruction (DoDI 6495.02), with a range of new policies, training requirements, and safety measures.²² These changes reflect feedback from survivors and advocacy groups, as well as the Military Services, NGB, military investigators, DoD Office of General Counsel, and DoD Health Affairs. These updated policy documents also incorporate recommendations from the Government Accountability Office (GAO), the DoD IG, and the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS), as well as requirements from the NDAA FY09, FY11, FY12, and FY13. The updated Directive also aligns the definition of “sexual assault” with changes to Articles 120 and 125 of the UCMJ, legislated in the FY12 NDAA²³.

Key policy enhancements implemented by the reissuance of DoDD 6495.01, DoDI 6495.02, and the release of other Department directives and instructions include:

PREVENTION POLICY ENHANCEMENTS

- ✓ A requirement for the DoD SAPRO Director to develop strategic program guidance, joint planning objectives, and standard terminology in support of DoD SAPR policies.²⁴
- ✓ Enhanced and standardized requirements for Annual SAPR Training, Accessions training, Professional Military Education (PME), Pre- and Post-Deployment training, Pre-Command training, General Officer/Flag officer (GO/FO) and Senior Executive Service (SES) training, military recruiters, and training for civilians who supervise military personnel.
- ✓ A requirement for commanders to meet with the SARC within 30 days of taking command for one-on-one SAPR training. The training must address a variety of topics, including crime report trends for the unit and area of responsibility, as well as Restricted Reporting confidentiality parameters.
- ✓ Specialized requirements for the following responders: SARCs, SAPR VA, healthcare personnel and providers assigned to a Military Treatment Facilities (MTF), MCIOs, judge advocates (JA), legal assistance attorneys, and chaplains.

INVESTIGATION POLICY ENHANCEMENTS

- ✓ Clarification of existing requirements for all adult sexual assault investigations to be conducted by MCIOs (i.e., Army Criminal Investigations Command [CID],

²² DoDD 6495.01, “SAPR Program,” Incorporating Change 1 was published on April 30, 2013. Available at: <http://www.sapr.mil/index.php/dod-policy/directives-and-instructions>.

²³ FY12 NDAA, Subtitle D – Military Justice and Legal Matters.

²⁴ *Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) Report* (2009). Washington, DC: DoD. Recommendation 3a.

Naval Criminal Investigative Service [NCIS], and Air Force Office of Special Investigations [AFOSI]).²⁵

ACCOUNTABILITY POLICY ENHANCEMENTS

- ✓ Establishment of procedures that provide each Service member who reports a sexual assault with the opportunity to consult with legal assistance counsel, and in cases where the victim may have been involved in collateral misconduct, to consult with defense counsel. Also clarifies an existing requirement for the Department of Defense (DD) Form 2701, *Initial Information for Victims and Witnesses of Crime* (detailing victims' rights), to be distributed to the victim in Unrestricted Reports by DoD law enforcement agents.
- ✓ Revision of the list of UCMJ offenses for which sex offender notification is required and added the requirement of notifying the United States Marshals Service Sex Offender Targeting Center.^{26, 27}

ADVOCACY/VICTIM ASSISTANCE POLICY ENHANCEMENTS

- ✓ A mandate that sexual assault victims be informed of the option to request a Military Protective Order in an Unrestricted Reporting case.
- ✓ Policy for expedited transfers of victims making a credible report of sexual assault.
- ✓ Document retention policy to improve storage and retrieval of the DD Form 2910, *Victim Reporting Preference Form* (wherein the victim elects a Restricted or Unrestricted Report), and the DD Form 2911, the forensic examination report.
- ✓ Standards and periodic training for healthcare personnel on safeguarding a victim's Restricted Report.²⁸
- ✓ Directions for SARCs to provide a response to sexual assault victims that is gender-responsive, culturally-competent, and recovery-oriented. Further directs SARCs to explain to the victim that the services of the SARC and SAPR VA are optional and may be declined, in whole or in part, at any time.²⁹
- ✓ Requirement for the Surgeons General of the Military Departments to use the Department of Justice's (DOJ) *A National Protocol for Sexual Assault Medical Forensic Examinations* as the standards for forensic examination of victims of sexual assault (Source: DOJ Office on Violence Against Women). The Surgeons General must also implement processes that provide sexual assault patients with priority treatment as emergency cases.

²⁵ DoDI 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," Incorporating Change 1, May 1, 2014.

²⁶ DoDI 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority," March 11, 2013.

²⁷ DTF-SAMS Report (2009). Recommendation DUSD (Plans) LTR 3.

²⁸ Government Accountability Office Report No. 13-182 (2013). *MILITARY PERSONNEL: DoD Has Taken Steps to Meet the Health Needs of Deployed Servicewomen, but Actions Are Needed to Enhance Care for Sexual Assault Victims*. Available at <http://www.gao.gov/assets/660/651624.pdf>.

²⁹ DTF-SAMS Report (2009). Recommendation 21b.

- ✓ Establishment of a DoD-wide SARC and SAPR VA certification program and a requirement for all SARCs and SAPR VAs performing victim advocacy duties to be certified through this program.
- ✓ Requirement for victims to receive a clear explanation of the SAPR program, the available reporting options, exceptions to the Restricted Reporting option, and protections of communications provided under Military Rule of Evidence (MRE) 514, Victim-Victim Advocate privilege.³⁰
- ✓ Established the DoD Safe Helpline as the universal hotline to provide crisis intervention and information to sexual assault victims and others in the DoD community.³¹

ASSESSMENT POLICY ENHANCEMENTS

- ✓ Requirement for the Case Management Group (CMG) chair to request a safety assessment be conducted by trained personnel for each sexual assault victim and report the assessment at the CMG meeting. If a victim is assessed to be in a high-risk situation, the CMG chair will immediately stand up a multi-disciplinary high-risk response team to continually monitor and take steps to maintain the victim's safety.
- ✓ Policy for the creation, implementation, and maintenance of the DSAID.

PROGRAM OVERSIGHT POLICY ENHANCEMENTS

- ✓ Requirement for a GO/FO or an SES civilian to serve as the Director, DoD SAPRO, who is the single point of authority, accountability, and oversight for the DoD SAPR program.
- ✓ Requirement for the USD(P&R) and DoD SAPRO to update the Deputy Secretary of Defense on SAPR policies on a semi-annual basis.
- ✓ Direction for the SAPR IPT to serve as the implementation and oversight arm of the DoD SAPR Program.
- ✓ Requirement for an officer from each of the Armed Forces in the grade of O-4 or above to serve at SAPRO for a minimum tour length of 18 months.

WAY AHEAD

In FY14, the Department plans to:

- Issue policy to assign responsibilities and prescribe procedures for the oversight, management, and implementation of D-SAACP.
- Issue policy for the implementation of a Special Victim Capability across the Department of Defense, providing a distinct, recognizable group of appropriately skilled personnel to investigate and prosecute, as appropriate, the following covered offenses:
 - Unrestricted Reports of adult sexual assault;

³⁰ DTF-SAMS Report (2009). Recommendation 20c.

³¹ DTF-SAMS Report (2009). Recommendation 27.

- Unrestricted Reports of domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm; and
- Child abuse involving sexual assault and/or aggravated assault with grievous bodily harm.
- Update instructions for enlisted and officer separations that allow a member, who made a report of sexual assault and is subsequently recommended for involuntary separation, to request GO/FO review of the circumstances of and grounds for the involuntary separation. The updated Instructions will also require processing for administrative separation those Service members who were convicted of certain sexual assault offenses at court-martial, but did not receive a punitive discharge as punishment.
- Issue a change to DoDI 6495.02, "SAPR Program Procedures," so that the SAPR DoDI will conform to new legislation established by the FY13 NDAA.

PROGRAM ENHANCEMENTS AND IMPROVEMENTS

In FY13, the Department implemented numerous SAPR program improvements to reflect changes in DoD policy, Secretary of Defense directives, and legislation. This section highlights progress made on these program improvements and the implementation initiatives during FY13. The programs and initiatives are organized by line of effort.

LINE OF EFFORT 1: PREVENTION PROGRAMS AND INITIATIVES

Prevention is the first line of effort in the *DoD SAPR Strategic Plan*. The objective of the Prevention line of effort is to deliver consistent and effective prevention methods and programs that reduce, with a goal to eliminate, the prevalence of sexual assault. The desired end state is to reinforce the cultural imperatives of mutual respect and trust, professional values, and team commitment to create an environment where sexist behaviors, sexual harassment, and sexual assault are not condoned, tolerated, or ignored. Prevention includes developing and sustaining a climate of dignity and respect, training and education, and mitigating criminal threats.

Enhancing prevention programs was an area of increased focus in FY13. Prior to FY13, a Prevention Team was established within DoD SAPRO and resourced with subject matter experts in military leadership, training curriculum development, thought innovation, and communications. During FY13, the Prevention Team developed innovative ideas and undertook initiatives to implement the tasks in the Prevention line of effort.

Updated the DoD Sexual Assault Prevention Strategy

A key prevention task in the DoD SAPR Strategy is to conduct a collaborative review to update the *2008 DoD Sexual Assault Prevention Strategy*. During FY13, the DoD SAPRO Prevention Team embarked on a four-phased plan to revise the *2008 DoD Sexual Assault Prevention Strategy*.

During FY13, the DoD SAPRO Prevention Team completed Phase I, the Planning and Research Phase. Phase I was comprised of two key tasks. In Task 1, the DoD SAPRO Prevention Team conducted research and analysis to understand factors in the current military environment and culture that give rise to sexual assault. In Task 2, the team developed processes and instruments to identify and assess evidence-based prevention programs, organizational practices, and research from subject matter experts for best or promising practices for possible inclusion in the prevention strategy.

Phase II, which involves deployment of innovation and assessment teams, was initiated in May 2013 and will continue into FY14 (through November 2013). Phase II consists of two tasks—which are also tasks listed in the *DoD SAPR Strategic Plan*. Task 1 uses the tools created in Phase I to assess prevention programs, organizational practices, and research. Task 2 consists of researching and identifying innovative ideas to improve overall prevention program effectiveness and outcomes.

The Prevention Team held more than 45 online, telephone, and in-person sessions with subject matter experts to identify proven and successful prevention practices. Subject

matter experts included representatives from sexual assault prevention, victim advocacy, and training organizations; large public universities (e.g., Pennsylvania State University, University of Michigan, the University of Maryland); government agencies (e.g., Federal Bureau of Investigation, The Centers for Disease Control and Prevention [CDC]); and subject matter experts who have experience working in the DoD environment.³² Sources for researching and identifying innovative prevention programs included sexual assault internet databases (e.g., PreventConnect, National Sexual Violence Resource Center); internal and external literature reviews; and foreign militaries (e.g., Australia). Figure 7 depicts many of the programs assessed and organizations interviewed during site visits by the Prevention Team during FY13.

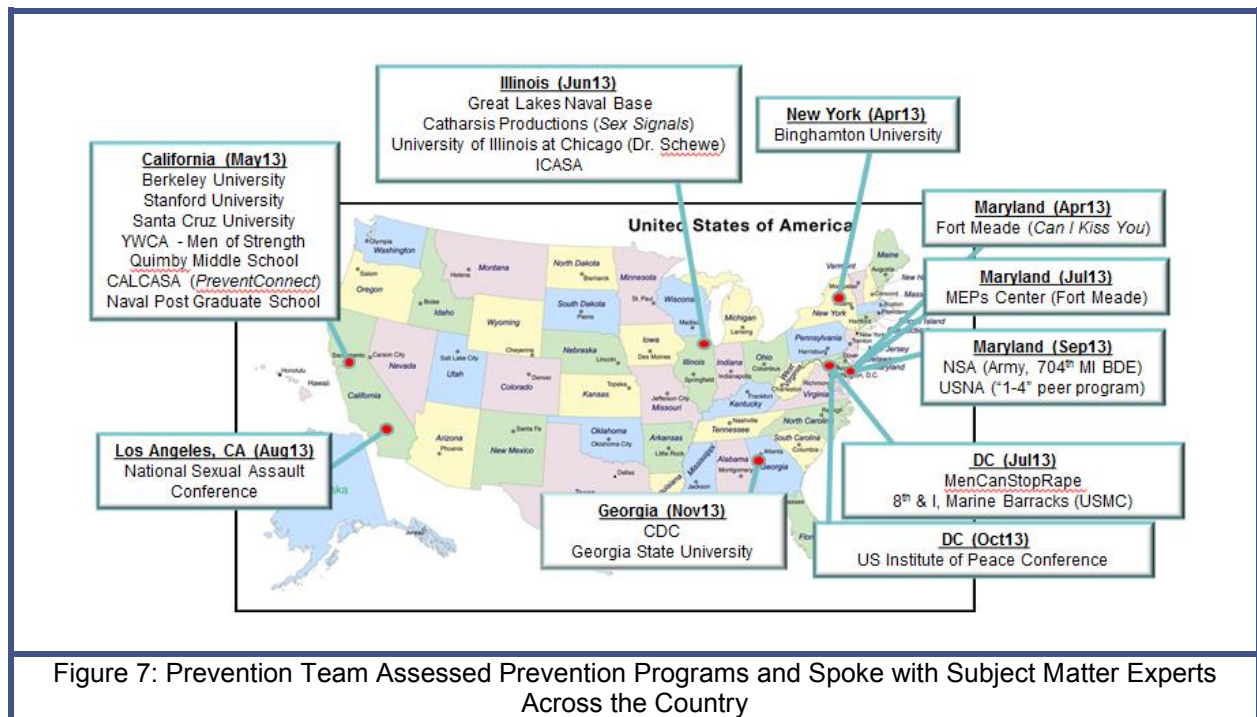


Figure 7: Prevention Team Assessed Prevention Programs and Spoke with Subject Matter Experts Across the Country

The Phase III, Prevention Strategy Revision and Update, will be the focus of the first half of FY14. The DoD SAPRO Prevention Team will consolidate the research and observations from Phases I and II to form the revised *Sexual Assault Prevention Strategy*. The DoD SAPRO Prevention Team will coordinate with the Military Services to review findings and develop a unified *DoD Sexual Assault Prevention Strategy*. This phase ends with the publication of a revised prevention strategy, currently slated for Spring 2014.

Phase IV, consists of two key tasks: developing metrics to assess the effectiveness of the *DoD Sexual Assault Prevention Strategy* and annually revising and updating the strategy.

³² Any reference to any non-federal entity is not intended to be an endorsement of that entity by DoD.

Improved the Command Climate

Conducted SAPR Stand-downs across the Military Services

In May 2013, the Secretary of Defense directed the Secretaries of the Military Departments, the Chairman of the JCS, the Chiefs of the Military Services, and the Chief of the NGB to collaborate with the Combatant Commanders to develop and implement SAPR stand-downs.³³ The goal of the stand-downs was for leaders, recruiters, SARCs, SAPR VAs, and every member of the Armed Forces to clearly understand that they are accountable for fostering a climate where sexist behaviors, sexual harassment, and sexual assault are not tolerated, condoned, or ignored and where all adhere to the core values of dignity, trust, and respect.

The stand-down plans included three elements: the active review of credentials and qualifications of currently serving recruiters, SARCS, and SAPR VAs; refresher training on ethics and standards for recruiters, SARCS, and SAPR VAs; and purposeful and direct commander and leader engagement with Service members and civilian employees on SAPR principles and command climate.

The Secretary of Defense reviewed and approved the implementation plans developed by each of the Military Services and directed that all stand-downs be completed by July 1, 2013 for the Active Component. The Reserve Component initiated their stand-down commensurate with the Active Component, with the goal of completing as much as possible by July 1, 2013, and fully complete no later than September 30, 2013.³⁴

Conducted Visual Inspections across the Military Services

Also in May 2013, the Secretary of Defense directed the Military Services to conduct visual inspections to ensure an environment free from degrading or offensive materials. The visual inspections were conducted during the spring and summer of FY13. As the Military Services conducted their inspections, actions were taken as appropriate, including removing offensive and degrading materials, counseling of personnel if offensive materials were found, and pursuing disciplinary action where supported by evidence. Overall, the inspection resulted in the removal of unacceptable materials from DoD workplaces.

Assessed Commander Effectiveness

In May 2013, the Secretary of Defense directed the Military Services to enhance commander accountability by developing methods to assess commanders' performance in establishing command climates of dignity and respect and incorporating sexual assault prevention and victim care principles into their leadership approach.

In response, the Military Services developed and implemented substantive changes to their respective Officer and Non-Commissioned Officer (NCO) evaluation systems:

³³ A stand-down is defined as temporary cessation of activities for specific purpose.

³⁴ Active Component completed June 2013, Reserve Component completed September 2013.

- The Army issued a Directive in September 2013 requiring all raters to assess officers and NCOs on their respective performance evaluation reports on establishing climates of dignity and respect and adhering to SAPR principles.³⁵
- The Navy published a Directive in August 2013 requiring that officer and enlisted performance evaluations clearly evaluate the individual's contribution to a productive and professional command climate, where sexual harassment and assault, hazing, discrimination, and other inappropriate conduct are not tolerated.³⁶
- The Marine Corps reviewed its performance evaluation system to ensure it promotes command climate accountability, to include reviewing the potential benefits of 360° assessments for O-5/O-6 commanding officers and increasing the transparency of accountability for misconduct.³⁷
- The Air Force revised its policy on officer and enlisted evaluation systems, clearly defining officer and NCO responsibilities to create healthy unit climates, including sexual assault prevention and victim care.³⁸
- The National Guard will execute the aforementioned Army and Air Force directives.

All policies are currently in effect.

Conducted a Review to Ensure Consistency in Policies Prohibiting Inappropriate Relationships

In August 2013, the Secretary of Defense ordered a review to ensure current policies prohibiting inappropriate relations between recruiters and recruits and trainers and trainees are consistent across the Military Services. The Offices of the Deputy Assistant Secretary of Defense for Military Personnel Policy (MPP) and Readiness reviewed the pertinent policies. The policies were found to be similar in most aspects, but varied in terminology, level of responsibility, and the specificity with which prohibited actions are identified.

In response, MPP and Readiness will collaborate during FY14 to draft policy that addresses the gaps and inconsistencies identified.

Implemented Training Enhancements

Pre-command and Senior Enlisted Leader SAPR Training

In January 2012, the Secretary of Defense directed DoD SAPRO to evaluate and report on the Military Services' SAPR training provided to prospective commanders and senior enlisted leaders. Upon review and receipt of the report, the Secretary of Defense directed the Military Services to develop and implement standardized core

³⁵ Army Directive 2013-20, "Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program," September 27, 2013

³⁶ NAVADMIN Message 1952Z Aug 13, "Navy Performance Evaluation Changes"

³⁷ Deputy Commandant for Manpower and Reserve Affairs memorandum, "Enhancing Commander Accountability," September 19, 2013

³⁸ Air Force Instruction 36-2406, "Officer and Enlisted Evaluation Systems," January 1, 2014

competencies and learning objectives applicable to pre-command and senior enlisted leader SAPR training and to develop and implement methods for objectively assessing the effectiveness of such training. In March 2013, the standardized core competencies and learning objectives were released to the Military Services and the NGB. During FY13, the Military Services implemented a dedicated block of SAPR instruction for commanders and senior enlisted leaders that allowed sufficient time to achieve the learning objectives; developed Commander's Guides for SAPR; and assessed commanders' and senior enlisted leaders' understanding and mastery of key SAPR concepts and skills.

SAPR Training Core Competencies and Learning Objectives

In September 2012, the Secretary of Defense directed the Secretaries of the Military Departments to develop and implement standardized core competencies and learning objectives for other courses involving SAPR. This effort was also responsive to sections 584 and 585 of the NDAA FY12, which mandated consistent SAPR training across the Military Services and NGB. During FY13, DoD SAPRO, the Military Services, NGB, and training experts collaborated to develop standardized core competencies and learning objectives for the following SAPR courses: Annual Refresher, Accessions, Pre-deployment, Post-deployment, Chaplain, PME, SARC, and SAPR VA. The Military Services collaborated and shared best practices to ensure agreement and consistency in training. The revised curricula, based on these core competencies and learning objectives, will be implemented in a coordinated effort among the Military Services, the NGB, and the entire DoD community during FY14. The core competencies and learning objectives satisfy the FY12 NDAA requirements and can be found at <http://www.sapr.mil/index.php/prevention>.

Explanation of SAPR Policies and Resources within 14 Days of Entrance

In FY13, the Department implemented a requirement in section 574 of the FY13 NDAA to explain DoD sexual assault policy and the SAPR resources available to new Service members. The policy and resources are now explained within 14 days of the member's initial entrance to Active Duty or into a duty status with a reserve component.

Ensuring Safety in Recruiting Organizations, Reserve Officer Training Corps (ROTC), and Military Entrance Processing Stations (MEPS) Programs

In May 2013, the Secretary of Defense directed assessments of the selection, SAPR training, and oversight of recruiters; the dissemination of program information to potential and actual recruits; and the assessment of prevention and education programs in ROTC environments and curricula. The Military Departments, the NGB, and the Office of the Deputy Assistant Secretary of Defense for MPP began conducting reviews in FY13.

The Army reviewed credentials of currently-serving recruiters and refresher training for recruiters; conducted an extensive series of internal assessments of the Sexual Harassment/Assault Response and Prevention (SHARP) program; reviewed its selection process for certain positions, to include recruiters; and conducted a review of the U.S Army Recruiting Command (USAREC) force. The Army also added a requirement for specialized SHARP instruction for its recruiters, and implemented a revised training support package for recruiter training. Additionally, the Army developed

a distributed learning program for future Soldiers that can be accessed and used in Recruiting Stations.

The Department of Navy (DON) assessed SAPR programs in recruiting environments through site visits to 27 Navy and Marine Corps locations. At each location, assessment staff met with command leadership, interviewed stakeholders, and conducted focus groups with applicants and trainees. DON SAPRO assessed SAPR training programs for ROTC environments by working directly with the Naval Service Training Command headquarters organization.

The Air Force evaluated SAPR curriculum at all venues of training utilizing a cross-functional Recruiter Analysis Group and a multidisciplinary ROTC Curricula and Environment IPT. Areas of focus included recruiter selection, training and oversight, and ROTC curricula and environments.

The National Guard Bureau assessment was limited to a review of SAPR programs in recruiting organizations since the Directors of the Army National Guard (ARNG) and the Air National Guard (ANG) do not have purview over ROTC programs or MEPS. The ARNG conducted data calls to carry out its assessment: one to determine whether states hired recruiters in accordance with Active Guard Reserve hiring policy, and another to assess the status of ethics and annual refresher training for recruiters. For its assessment, the ANG leveraged the Dissuade, Deter, Detect Initiative implemented by the Air Force Recruiting Service as a benchmark for reviewing and identifying enhancements to processes in ANG Recruiting and Retention.

The U.S. Military Entrance Processing Command (USMEPCOM) conducted an assessment of its SAPR Program beginning in May 2013. The assessment focused on ensuring applicant safety during processing at MEPS and examining prevention and response for MEPS staff. As part of its review, USMEPCOM provided a briefing to the DoD SAPR Executive Committee during an on-site visit to the Baltimore MEPS on July 16, 2013.

SAPR Lessons included in the Defense Equal Opportunity Management Institute (DEOMI) Curriculum

In FY13, DoD SAPRO continued its partnership with DEOMI to include SAPR lessons in DEOMI curriculum. SAPR lesson topics include the relationship between sexual harassment and sexual assault and the differences in reporting and response between sexual assault and equal opportunity (EO). The curriculum improves attendee skills with practical exercises.³⁹ These programs help equip EO and equal employment opportunity (EEO) professionals with skills to properly address and refer complainants' concerns of sexual harassment and sexual assault. The training is provided by DEOMI certified instructors with participation from senior DoD SAPRO staff.

Over 779 students attended SAPR lessons presented by DEOMI in FY13. Students are asked to provide feedback on the course after they have returned to the field

³⁹ Department of Defense Directive (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.

(approximately one to six months after the SAPR lesson, depending on DEOMI course). During FY13, a total of 186 students completed the student post evaluations of the SAPR lesson. The results of these evaluations are presented in this report to affect improvements to the quality and effectiveness of the SAPR lessons. 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 3.6 out of a possible rating of 4.0 in post-course evaluations.

DEOMI also provides a SAPR lesson in the Leadership Team Awareness Seminar (LTAS), a five-day resident, student-centered training program, for senior leaders with an orientation on the intrapersonal, interpersonal, and organizational aspects of human relations issues in order to gain an understanding of their impacts on unit cohesion and mission effectiveness. The target audience for this seminar is senior officers (commanders and key staff/department heads [O-3 to O-6]) and senior enlisted advisors (E-7 to E-9), as well as civilians including legal officers, chaplains, and inspector general personnel in leadership positions. In FY13, over 163 military and DoD civilian personnel representing all of the Military Services attended the LTAS SAPR lessons presented by DEOMI.



Figure 8: DEOMI SFC Michael L. Christian, DEOMI Equal Opportunity Advisor Course Instructor, presents a SAPR lesson during an Equal Opportunity Advisor Course

Observed Sexual Assault Awareness Month

Sexual Assault Awareness Month (SAAM) is recognized across the country every April by both civilian and military communities. The Department developed its FY13 theme, "We own it...We'll solve it...Together!" to emphasize a collective approach to combatting sexual assault. Throughout April, military and civilian employees of the Department heard messages from the President of the United States and senior Department leaders:

- President Barack Obama signed a Presidential Proclamation declaring April 2013 as National SAAM. In his proclamation, the President wrote, "we must also recommit to ending [sexual assault] in our military – because no one serving our country should be at risk of assault by a fellow Service member."⁴⁰
- The Secretary of Defense released a video message to the force and published a written message, "We are strong because of our values of service, sacrifice and loyalty -- and doing what is right. We watch out for each other and respect each

⁴⁰ President of the United States Proclamation, *National Sexual Assault Awareness and Prevention Month, 2013*, March 29, 2013.

other. By drawing on these strengths, we can and we must stop sexual assault within our ranks.”⁴¹

- The Acting USD(P&R) distributed field guidance and published a memo in which she stressed the “sustained vigilance,” “steadfast team effort,” and personal commitment required for the prevention of sexual assault.⁴² The Acting USD(P&R) also served as keynote speaker at the SAAM kick-off event at Aberdeen Proving Grounds.
- The Chairman of the JCS published a video message in which he urged every Service member to work to prevent the crime from occurring and encouraged victims to seek help they need.

Commanders throughout the Military Services were encouraged to recognize the professionalism of their newly D-SAACP-certified SARCs and SAPR VAs during SAAM. SAPRO recognized the Exceptional SARCs of the year from each Service, the NGB, and the Coast Guard. The SARCs were recognized for their outstanding efforts in assisting sexual assault victims and their exceptional commitment to preventing this crime. The honorees included: Army Sgt. 1st Class Josalette Simmons, Fort Bragg, N.C.; Kathleen Schofield, Naval Air Station Whidbey Island, Wash.; Marine Corps Maj. Robyn Mestemacher, 1st Marine Expeditionary Force; Janaee Stone, Hill Air Force Base, Utah; Army Capt. Jennifer Hunt, National Guard Joint Force Headquarters, Fla.; and Kristin Cox, Coast Guard District 13.

DoD SAPRO developed SAAM materials that were made available to support installation and unit sexual assault prevention and education efforts. Event ideas, SAAM messages from senior leaders, field guidance, sample media materials, and graphics were among the materials available for reproduction and distribution to support local SAAM campaigns. The Department also hosted a display in the Pentagon calling attention to the importance of sexual assault prevention. Finally, the DoD Safe Helpline supported the efforts of military installations during SAAM by providing outreach materials and by manning information booths to help raise awareness of the Department’s anonymous crisis intervention resource.

⁴¹ DoD Secretary of Defense Release No: 200-13, Message to the Department of Defense from Secretary Hagel on Sexual Assault Awareness and Prevention Month, April 2, 2013.

⁴² Acting USD(P&R) Memorandum, “Sexual Assault Awareness Month – April 2013,” April 3, 2013.

LINE OF EFFORT 2: INVESTIGATION PROGRAMS AND INITIATIVES

Investigation is the second line of effort in the *DoD SAPR Strategic Plan*. The objective of Investigation is to achieve high competence in the investigation of sexual assault. The end state is where investigative resources yield timely and accurate results. The MCIOs conduct all investigations of unrestricted sexual assault reports in accordance with the DoDI 6495.02, DoDI 5505-18, “Investigation of Adult Sexual Assault” (published January 25, 2013), and applicable Military Service regulations. Victim confidence and participation is integral to a thorough investigation, and investigative techniques must maximize the recovery of physical and testimonial evidence while minimizing the potential for victim re-traumatization.

The Department’s investigative programs, initiatives, and policy enhancements developed and implemented during FY13 are described below.

Established a Special Victim Capability

In 2012, the Secretary of Defense proposed legislation for the development of a Special Victim Capability within each of the Military Services. This initiative was ultimately included as section 573 of the FY13 NDAA, which required the Secretary of Defense to prescribe regulations mandating that the Secretary of each Military Department establish a Special Victim Capability for the purpose of investigating and prosecuting allegations of special victim offenses (child abuse, domestic violence, and sexual assault) and providing support for the victims of such offenses. Section 573 required all Military Departments to have an initial special victim capability available no later than January 2014.

DoD SAPRO conducted working groups throughout FY13 to support the creation of the Special Victim Capability in the Military Services. The working groups created objectives, milestones, and a timeline for the implementation for the capability, which is grounded on the following key principles:

- The Special Victim Capability is a capability—not a specific person or team—to provide each of the Military Services flexibility in implementation. At the same time, there is standardization and consistency in the delivery of the Special Victim Capability across the Department.
- The Special Victim Capability is available globally where our DoD members serve and where incidents are investigated and prosecuted, as appropriate.

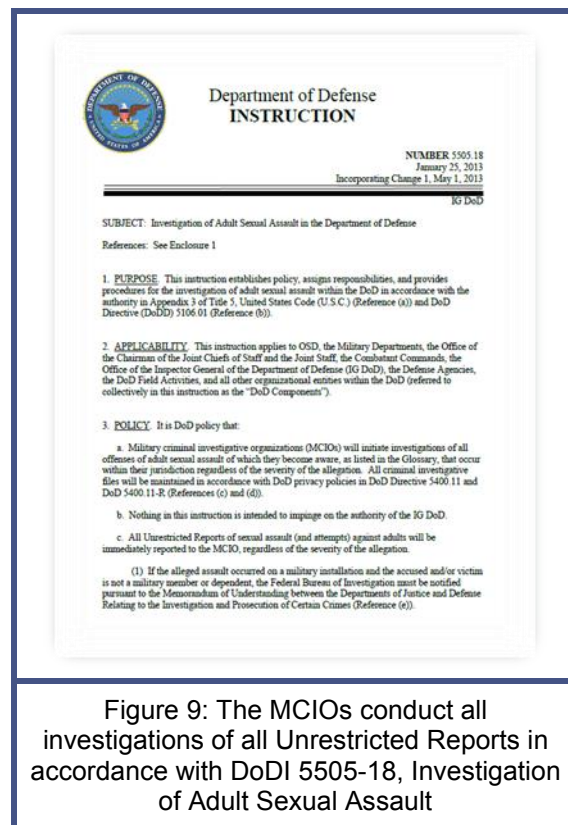


Figure 9: The MCIOs conduct all investigations of all Unrestricted Reports in accordance with DoDI 5505-18, Investigation of Adult Sexual Assault

- The Special Victim Capability qualifying offenses are defined as child abuse (involving sexual abuse and/or grievous bodily harm), domestic violence (involving sexual assault and/or aggravated assault with grievous bodily harm), and adult sexual assault offenses.
- Personnel who are part of the Special Victim Capability include criminal investigators, JAs, Victim Witness Assistance Program (VWAP) personnel, and paralegal support personnel, who receive specialized training for their role in the Special Victim Capability.

In accordance with section 573(e) of the FY13 NDAA, the Department will provide a report on the establishment of the Special Victim Capabilities within the Military Services. The report will be submitted in FY14 after the Department conducts a thorough analysis of the proposed investigative and prosecution capabilities in conjunction with the DoD IG, the Military Services, the Judge Advocates General (JAG), and the MCIOs.⁴³ A review of the full operating capability will be included in the FY14 Annual Report.

⁴³ The Acting USD(P&R) submitted the report *Establishment of Special Victim Capabilities Within the Military Departments to Respond to Allegations of Certain Special Victim Offenses* on December 12, 2014. The report outlined how the Special Victim Capability will enable the Department to deliver a distinct, recognizable group of professionals collaborating to provide effective, timely, and responsive worldwide victim support, and a capability to investigate and prosecute special victim offenses.

DoD IG Assessed MCIO Initial and Annual Training

In February 2013, the DoD IG published findings and recommendations for MCIO initial and annual training in a report titled, *Evaluation of the Military Criminal Investigative Organizations' Sexual Assault Investigation Training*. The evaluation focused on the following questions: “What sexual assault investigation training do the MCIOs provide?;” “How do the MCIOs ensure that sexual assault investigation training is effective?;” and “How do the MCIOs leverage their resources and expertise?” The comprehensive evaluation consisted of interviews; a compliance check with DoDI 6495.02; a review of curriculum; processes used by the MCIOs to measure effectiveness; end-of-course critiques course and exercise grade sheets; criteria for practical exercise; graduation and supervisory validation survey reports; performance objectives; and instructor biographies and training certifications.

The DoD IG found that each MCIO provides initial baseline, periodic refresher, and advanced sexual assault investigation training to assigned criminal investigative personnel who may conduct sexual assault investigations. The training hours devoted to initial baseline training tasks were found to be varied among the MCIOs.

All MCIO training academies measured the effectiveness of initial and advanced training courses, and they use the results to adjust training content to increase effectiveness. However, the MCIOs do not measure the effectiveness of periodic refresher training. CID attempted to consolidate advanced sexual assault investigation training with the other Services' MCIOs. Instead of this consolidation, CID and NCIS share highly qualified and subject matter experts to assist with training course development and delivery. Also, CID assisted NCIS by instructing at their advanced sexual assault investigation training course.

The DoD IG issued several recommendations in its report. The DoD IG recommended that the Director, NCIS ensure lesson materials for initial sexual assault investigation training covers all essential training tasks.⁴⁵ The DoD IG also recommended that the Director and Commanders of the MCIOs form a working group to review (1) initial baseline sexual assault investigation training programs to establish common criteria and

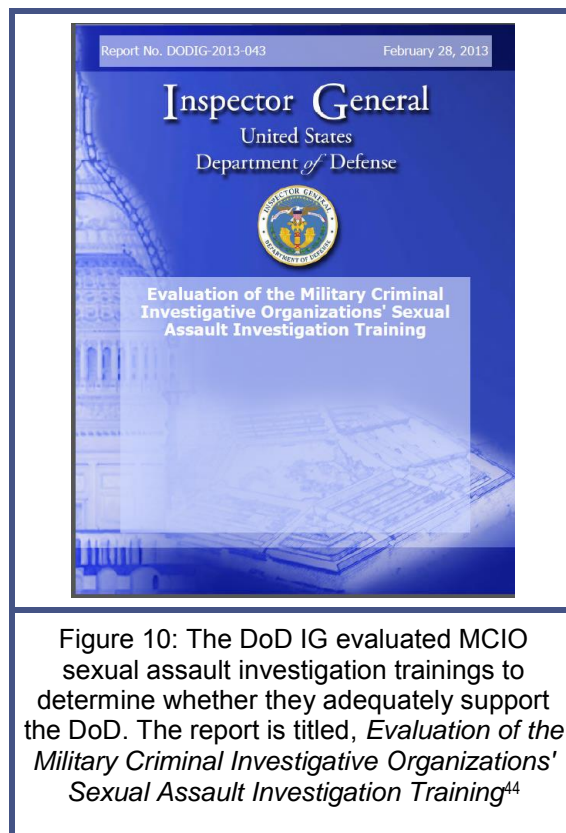


Figure 10: The DoD IG evaluated MCIO sexual assault investigation trainings to determine whether they adequately support the DoD. The report is titled, *Evaluation of the Military Criminal Investigative Organizations' Sexual Assault Investigation Training*⁴⁴

⁴⁴ The DoD IG Report Number is DODIG-2013-043.

⁴⁵ The Director, NCIS commented that all essential training tasks are addressed; however, not all are well-detailed in lesson plans and slides. (DODIG-2013-043, page 28.)

minimum requirements, (2) periodic refresher sexual assault investigation training programs to establish common criteria and minimum requirements for measuring effectiveness,⁴⁶ and (3) advanced sexual assault investigation training programs to further capitalize on efforts to leverage training resources and expertise.

The full text of the report can be found here:
<http://www.dodig.mil/pubs/documents/DODIG-2013-043.pdf>.

DoD IG Assessed MCIO Investigative Sufficiency and Compliance

In July 2013, the DoD IG published its findings from an evaluation of the MCIOs' sexual assault investigations that were completed in 2010. The report is titled, *Evaluation of the Military Criminal Investigative Organizations Sexual Assault Investigations*.⁴⁷ DoD IG conducted its evaluation to determine whether the MCIOs completed investigations as required by DoD, Military Service, and MCIO guidance. Their evaluation focused on the following question: "Did the MCIOs investigate sexual assaults as required by guiding policies and procedures?" The review was based on a random sampling of completed cases closed in 2010 involving the sexual assaults of adult victims defined under Articles 120 and 125 of the UCMJ.

The DoD IG found that 89 percent of MCIO investigations that were reviewed met or exceeded the investigative standards or did not have significant deficiencies. The DoD IG returned cases with significant deficiencies (11 percent) to the MCIOs for corrective action.

The DoD IG issued several recommendations in its report. The first recommendation was that the Director and Commanders of the MCIOs implement measures to improve crime scene processing, evidence collection, supervision, and documentation to reduce investigative deficiencies. The second recommendation was that the Commanders of CID and AFOSI evaluate their existing policies regarding the collection of clothing worn by suspects and victims subsequent to a sexual assault. The third recommendation made was for the Director of NCIS to evaluate current policy regarding the timely

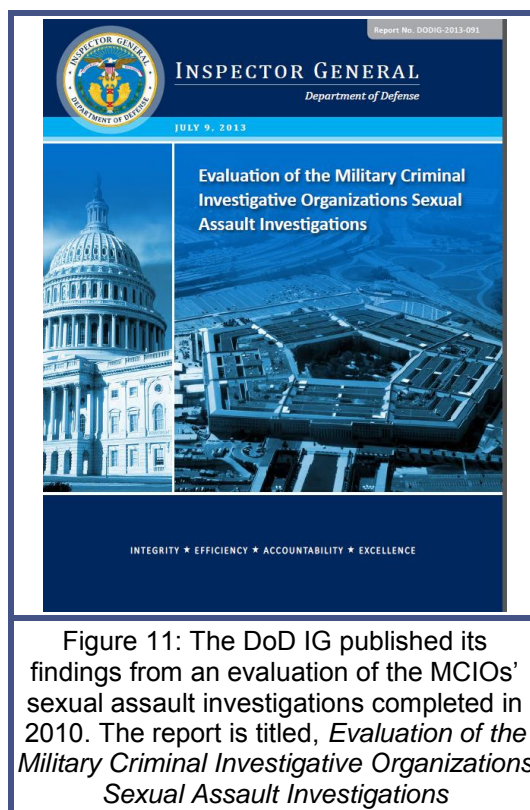


Figure 11: The DoD IG published its findings from an evaluation of the MCIOs' sexual assault investigations completed in 2010. The report is titled, *Evaluation of the Military Criminal Investigative Organizations Sexual Assault Investigations*

⁴⁶ The MCIOs objected to efforts to improve periodic refresher training; however, they concurred with recommendations to improve initial baseline training and to review advanced training and work toward leveraging resources, advising they have begun many new initiatives relative to sexual assault investigation training. (DODIG-2013-043, pages 28-31)

⁴⁷ The DoD IG Report Number is DODIG-2013-091.

notification and coordination with servicing JAs upon the initiation of sexual assault cases, as well as the continued coordination with the servicing JAs until final case disposition. The fourth recommendation was that the Commander of CID and Director of NCIS evaluate existing policy guidance regarding the timely completion of records checks. The final recommendation was for the Director of NCIS to implement policy requiring SARC notifications and documentation.

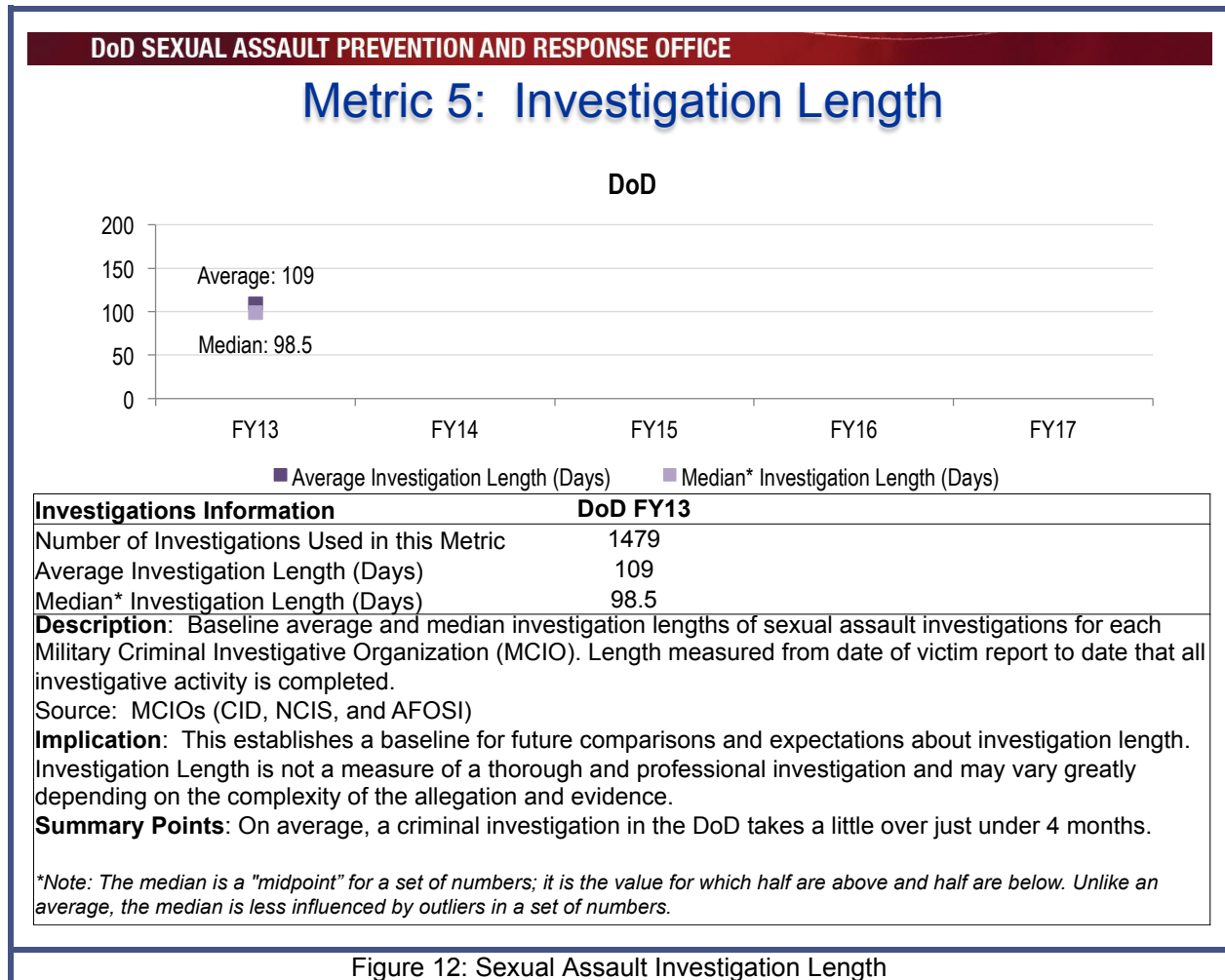
The full text of the report can be found here:

<http://www.dodig.mil/pubs/documents/DODIG-2013-091.pdf>.

The Secretary of Defense recognized the value of this thorough examination and in his August 2013 SAPR memo requested that the DoD IG evaluate the adequacy of closed sexual assault investigations on a recurring basis.

Established Metric: DoD Investigation Length

As part of the effort to create metrics to measure improvements in SAPR programming under the *FY13 DoD Strategic Plan*, the Joint Chiefs approved a metric that tracks the average and median length of a sexual assault investigation. On average in FY13, it took about 109 days to conduct a sexual assault investigation. It should be noted that investigation length is not a measure of a thorough and professional investigation. The time it takes to conduct an investigation may vary greatly depending on the complexity of the allegation and evidence, among other factors. Figure 12 illustrates the metric data for investigation length.



LINE OF EFFORT 3: ACCOUNTABILITY PROGRAMS AND INITIATIVES

Holding alleged offenders appropriately accountable is the objective of the Accountability line of effort. The Department provides a fair and equitable system of accountability that promotes justice and assists in maintaining good order and discipline. Attorneys and commanders are a critical part of this system of accountability and are the center of gravity to the third line of effort. Commanders have the responsibility of establishing good order and discipline, holding perpetrators appropriately accountable, and establishing a climate that is intolerant of behaviors that give rise to sexual assault. The Staff JAs, prosecutors, and defense attorneys promote justice through their respective roles in the military justice system—either directly to a military commander, when prosecuting a sexual assault case or other crime under the UCMJ, or supporting a victim or defendant as legal assistance counsel.

The Department’s accountability programs, initiatives, and policy enhancements developed and implemented during FY13 are described below.

Established Special Victims' Counsel/Advocacy Programs

Victim participation and engagement throughout the entire military justice process is critical to holding offenders appropriately accountable. Providing legal advice and representation to sexual assault victims give victims' confidence that they will be treated fairly as they navigate the criminal justice process.

The Air Force began its Special Victims' Counsel (SVC) pilot program in January 2013. The SVC pilot program provides Airmen and other eligible persons who report they are a victim of sexual assault the opportunity to be assigned a special victims' counsel. SVCs are Active Duty JAs whose sole role is to represent victims in an attorney-client relationship throughout the investigation and military justice process. For the Air Force, each SVC works under the direction of the Air Force Legal Operations Agency in Washington, DC.

SVC attends victim interviews with investigators, trial counsel, and defense counsel, and answer questions their clients have about the investigatory and military justice processes. Sexual assault victims are assigned a SVC within 48 hours (when practicable) of the SVC Program Office receiving a request.

Given the initial success of the Air Force pilot program and the affirmation from the United States Court of Appeals for the Armed Forces (US CAAF), the Secretary of Defense directed the Secretaries of the Military Departments in August 2013 to establish a special victims' advocacy program to provide legal advice and representation to victims throughout the military justice process.⁴⁸ The Military Departments were required to have initial operating capability in place by November 2013 and have full operating capability by January 2014. Information on the DoD-wide implementation of this program will be included in the FY14 Annual Report. Initial feedback from victims who have been provided this representation has been overwhelmingly positive.

Provided Information to the Independent Review and Assessment Panel (Response Systems Panel)

Section 576 of the FY13 NDAA required the Secretary of Defense to establish a Response Systems to Adult Sexual Assault Crimes Panel. The panel is a federal advisory committee consisting of nine appointees, five of whom were appointed by the Secretary of Defense and four of whom were appointed by the Chairmen and Ranking Members of the Senate and House Armed Services Committees.

The panel was directed to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under the UCMJ. The panel will submit a report of its findings and recommendations to the Senate and House Armed Services Committees. The report is due in June 2014.

⁴⁸ To support the establishment of the special victims' advocacy programs, Congress appropriated \$25M in the FY14 Appropriations Bill to the Department for transfer to the Army, Air Force, Navy, and Marine Corps for the purposes of establishing of the program.

During FY13, the Department supported the Response System Panel's review and assessment by presenting multiple briefings; and providing large volumes of documentation and information regarding DoD programs, initiatives, and policies on sexual assault response systems. DoD SAPRO continues to be responsive to the information requests of the Response Systems to Adult Sexual Assault Crimes Panel as they review DoD practices and recommend improvements to DoD response systems.

Created a New DSAID Case Synopsis Module

In FY13, the Department initiated work to create a case synopsis module in DSAID to streamline capturing and reporting case outcomes across the Military Services. The Military Service's legal officers will use the case synopsis module to validate subject dispositions, track subject case outcomes, and record subject punishment information, as applicable. The Department aggregates and analyzes this data to amend, if necessary, SAPR policy, program development, and oversight. This module will also assist in the reporting of the several thousand cases appended to the DoD's Annual Report each year, as required by legislation.

Updated Policy that Impacts Sex Offender Registration Programs

The DoD revised and reissued DoDI 1325.07, "Administration of Military Correctional Facilities and Clemency and Parole Authority," in FY13 to implement policy, assign responsibilities, and prescribe procedures to carry out the administration and operation of military correctional programs and facilities and military clemency and parole programs. Included in this revision are requirements for collection of deoxyribonucleic acid (DNA) samples from each person who is or has been convicted of a qualifying military offense and expansion of the requirements to take DNA samples at arrest or similar appropriate stages of the military law enforcement and investigation process. This revision also changes the offenses for which sex offender notification is required, and adds a notification requirement to the United States Marshals Service Sex Offender Targeting Center.⁴⁹

Also in FY13, the DoD IG began evaluating the Department's compliance with provisions of the Sex Offender Registration and Notification Act (SORNA), which mandates registration of Service members convicted of certain sexual offenses. The report will be released in FY14.

Reviewed Article 60 of the UCMJ

To enhance the administration of justice, the Secretary directed the Office of the DoD General Counsel in March 2013 to conduct a review of authorities under Article 60 of the UCMJ. The Secretary of Defense also directed the Office of the General Counsel to develop a legislative proposal outlining any recommended changes to Article 60 of the UCMJ. Following this review, the Secretary of Defense recommended that Congress change military law so that a convening authority would no longer have the authority to set aside a conviction for major offenses, such as sexual assault. Convening authorities

⁴⁹ DTF-SAMS Report (2009). DUSD (Plans) LTR Recommendation 3.

would also be required to explain in writing any changes made to the findings or sentences of a court-martial.

Congress included changes to Article 60 in section 1702 of the FY14 NDAA, which the Department will implement in FY14. These changes are intended to increase the confidence in the military justice system.

Judge Advocates Directed to Serve as Article 32 Investigating Officers

In his August 2013 memorandum, the Secretary of Defense directed the Military Services to implement policy that mandates JAs to serve as investigating officers for all Article 32 hearings on sexual assault offense charges. Implementation of this policy was set for FY14 and will be addressed in the FY14 Annual Report.

LINE OF EFFORT 4: ADVOCACY/VICTIM ASSISTANCE PROGRAMS AND INITIATIVES

Advocacy and Victim Assistance is the fourth line of effort in the *DoD SAPR Strategic Plan*. The objective is to deliver consistent and effective victim support, response, and reporting options, with the end state of providing high quality services and support to instill confidence and trust, strengthen resilience, and inspire victims to report. Survivors are offered and provided advocacy services, medical care, counseling, legal assistance, victim witness assistance, and chaplain services when requested and in a safe environment that encourages reporting and respects confidentiality. Critical to successful advocacy and victim assistance are trained and knowledgeable professionals who are known and available to Service members and whose services and programs inspire victim reporting.

The Department's advocacy and victim assistance programs, initiatives, and policy enhancements developed and implemented during FY13 are described below.

Expanded Victim Rights

The Department worked in FY13 to expand the legal rights of a sexual assault victim following the report of a sexual assault. Granting victims additional legal rights encourages reporting and participation in the military justice process.

Incorporating Victim Rights into Military Justice Practice

In May 2013, the Secretary of Defense directed the General Counsel to develop a method to incorporate the rights afforded to victims through the Crime Victims' Rights Act into military justice practice, to the extent appropriate.⁵⁰ Findings and recommendations are due in FY14.

Established New DoD Policy on Standards for Victim Assistance Services

During FY13, DoD SAPRO continued working with other DoD offices to develop new Department policy on victim assistance. DoDI 6400.07, "Standards for Victim Assistance Services in the Military Community," establishes policy, assigns

⁵⁰ During FY14, the Department is implementing section 1701 of the FY14 NDAA, which mandates crime victims' rights be incorporated into military law. Article 6b of the Uniform Code of Military Justice (UCMJ) now sets forth basic rights of crime victims. This new provision of the UCMJ was enacted by Congress on December 26, 2013.

responsibilities, and sets competency, ethical, and foundational standards for sexual assault prevention and response, victim-witness assistance, military equal opportunity and domestic abuse programs.⁵¹ The standards are consistent with the Standards for Victim Assistance Programs and Providers, established by the National Victim Assistance Standards Consortium, but also incorporates the unique needs of the military.⁵² This new instruction further establishes the DoD Victim Assistance Leadership Council as a forum to promote efficiencies, coordinate victim assistance-related policies, and assess the implementation of victim assistance standards across the DoD.

Considering Crime Victims' Input in Post-Trial Action Phase

In his August 2013 memorandum, the Secretary of Defense directed the Office of the General Counsel to develop draft language for an Executive Order to amend the Manual for Courts-Martial to provide victims of crime the opportunity to provide input to the post-trial action phase of courts-martial. The General Counsel is expected to develop language in FY14 that will be submitted to the President for consideration in an Executive Order.

Retaining Victim Records for an Extended Period of Time

With the reissuance of the DoDI 6495.02 in FY13, the Department implemented policy for the extended retention of DD Forms 2910 and 2911 in cases of Restricted Reports, when requested by the victim.⁵³ Section 1723 of the FY14 NDAA, passed into law in December 2013, mandated the retention of these forms for 50 years in all Restricted Reporting cases, regardless of whether it is requested by the victim. The Department's SAPR policy will be updated to reflect this requirement.

Enhanced Victim Protections

The Department worked in FY13 to enhance victim protections. Granting additional protections may give victims confidence to seek the support they need.

Implemented Policy Allowing the Administrative Reassignment or Transfer of Service Member Accused of Sexual Offense

The Secretary of Defense ordered the Secretaries of the Military Departments in 2013 to develop and implement policy allowing the administrative reassignment or transfer of a Service member who is accused of committing a sexual offense, balancing the interests of the victim and the alleged offender. In March 2013, DoDI 6495.02 was released and allows for such reassignment or transfer of a member who is accused of committing a sexual assault or related offense.⁵⁴ In FY14, the Military Services will review and update their respective policies to conform to the Secretary of Defense's

⁵¹ Published November 25, 2013.

⁵² DeHart, D.D. (2003). *National Victim Assistance Standards Consortium: Standards for Victim Assistance Programs and Providers*. Columbia, SC: Center for Child and Family Studies University of South Carolina.

⁵³ DoDI 6495.02, Paragraph 4.p.(2), "SAPR Program Procedures," Incorporating Change 1, February 12, 2014. Available at <http://www.sapr.mil/index.php/dod-policy/directives-and-instructions>.

⁵⁴ DoDI 6495.02, Enclosure 5, 5.b.(11), "SAPR Program Procedures," Incorporating Change 1, February 12, 2014. Available at: <http://www.sapr.mil/index.php/dod-policy/directives-and-instructions>.

directive and DoDI 6495.02. The policies will also fulfill the requirements of section 1713 of the FY14 NDAA.

Issued Updated Security Clearance Guidance Supporting Victims of Sexual Assault

In FY13, the Director of National Intelligence issued new guidance to support victims of sexual assault who hold or wish to hold a government security clearance. Question 21 on Standard Form 86, "Questionnaire for National Security Positions," asks whether the applicant has in the last seven years consulted a health care professional regarding an emotional or mental health condition or if they were similarly hospitalized. The following language was added to Question 21.2:

"Please respond to this question with the following additional instruction: Victims of sexual assault who have consulted with a health care professional regarding an emotional or mental health condition during this period strictly in relation to the sexual assault are instructed to answer No."

The added exemption came after a comprehensive review, in consultation with the members of Congress, DoD, other Federal agencies, and victim advocacy groups. Prior to this guidance, some victims may have been reluctant to seek mental health counseling for fear they may have had to disclose the counseling on their application.

Implementing and Monitoring Methods to Improve Victim Treatment by Peers, Co-Workers, and Chains of Command

In his May 2013 memorandum, the Secretary of Defense ordered the Secretaries of the Military Departments to enhance response and victim treatment by:

- Improving overall victim care and trust in the chain of command;
- Increasing reporting; and
- Reducing the possibility of ostracizing victims by implementing and monitoring methods to improve victim treatment by their peers, co-workers, and chains of command.

The Military Departments were instructed to solicit victim input for the development of these methods. In addition, the Department is using interviews, focus groups, and sensing sessions with victims and victim assistance personnel to assess the quality of service victims receive from responders (i.e., healthcare, military justice, and sexual assault prevention and response). The Department is also developing a victim experience survey in FY14 to better understand the victim's perspective in the response system and identify areas for improvement. The Military Departments will submit their methods to improve response and victim treatment in FY14.

Improved and Expanded Victim Services

The Department worked in FY13 to improve and expand direct victim services and to train and prepare knowledgeable professionals whose services support victims along their path of recovery. It is critical that every survivor is treated with the sensitivity they deserve, the privacy they prefer, and the responsive support they need. Consistent and effective response may inspire other sexual assault victims to come forward and make a report.

Completed fielding of the D-SAACP

In accordance with section 584 of FY12 NDAA, the Department fully implemented the D-SAACP in FY13. The development and implementation of this certification program for SARCs and SAPR VAs also fulfills recommendations made by DTF-SAMS.⁵⁵ At the conclusion of FY13, the Department had certified over 22,000 SARCs and SAPR VAs through the D-SAACP.

Table 1: Number D-SAACP Certified SARCs and SAPR VAs by end of FY13



Service	Certified SARCs and SAPR VAs
Army	11,714
Navy	4,583
Marine Corps	1,642
Air Force	2,243
National Guard	2,683
Total	22,865

Each D-SAACP applicant had to submit letters of recommendation from supervisors and senior commanders attesting to their professional ability, their willingness to perform the job duties, and assuring the requisite background check has been completed. Other requirements include an acknowledgement of the applicant's adherence to a professional code of ethics and proof of 40 hours of National Advocate Credentialing Program⁵⁶ (NACP)-approved training. To recognize SARCs and SAPR VAs with advanced experience, the Department established a tiered certification with four levels – starting at Level I, for those serving as entry level SARCs and SAPR VAs, and going through Level IV, representing those with eight or more years of service to victims.

The National Organization for Victim Assistance (NOVA) administers the D-SAACP through a contract with DoD SAPRO. NOVA's organization encompasses a network of over 14,000 crime and crisis victim assistance professionals dedicated to competent, committed, and compassionate service.

A NOVA review committee comprised of civilian sexual assault victim advocacy experts confirms each application meets the certification requirements. Certification is valid for two years, after which certified SARCs and SAPR VAs can reapply with updated letters of recommendation, memoranda of evaluation of experience, and proof of 32 hours of required continuing education, among other requirements. In coordination with the D-SAACP, DSAID access is now restricted to SARCs certified through the D-SAACP.

D-SAACP will continue to certify qualified SARCs and SAPR VAs through FY14 and beyond. The certification of SARCs and SAPR VAs enhances the quality of support victims receive, professionalizes the role of victim advocacy, and encourages the development of victim advocacy expertise throughout the Department. Given the successful implementation of this program, Service members can be confident they

⁵⁵ DTF-SAMS Report (2009). Recommendation 6a6 and 16.

⁵⁶ National Advocate Credentialing Program was launched in 2003 as the first voluntary credentialing program available to civilian crime victim advocates nationwide.

have access to professional victim advocates and that all survivors will be treated with dignity and respect throughout their recovery and the justice process.

Developed an Advanced Training Course for Certified SARCs and SAPR VAs

DoD SAPRO and the Military Services collaborated with the DOJ Office of Justice Programs (OJP), Office for Victims of Crimes (OVC) during FY13 to develop an advanced training course for SARCs and SAPR VAs. The 20-hour online course, called “Advanced Military Sexual Assault Advocate Training (AMSAAT),” provides advanced sexual assault victim advocacy skills training by leveraging gaming technology to produce an interactive, online environment designed specifically for a military audience. This training will be housed at OVC. Course participation authorization will be limited to D-SAACP-certified SARCs and SAPR VAs as the course is intended to expand upon skills learned during initial training.

The AMSAAT curriculum is based on OVC Training and Technical Assistance Center (TTAC) learning development best practices and DoD policy, and incorporates key elements of the DoD’s SARC and SAPR VA Training Competencies Framework (see “Improved Victim Services: Developed Standardized Core Competencies and Learning Objectives Specifically for SARCs and SAPR VAs,” below). In particular, course participants will learn how to better comprehend a survivor’s perspective; understand the intricacies in his/her role as an advocate for victims of sexual assault in a military setting; provide crisis management support in complex or particularly sensitive cases; fully understand the ethical implications of an advocacy role; and train other Service members for sexual assault awareness.

The course will provide an advanced training option for SARCs and SAPR VAs that counts toward the DoD certification requirement for continuing education credits. AMSAAT is scheduled to launch in FY14.

Developed Standardized Core Competencies and Learning Objectives Specifically for SARCs and SAPR VAs

DoD SAPRO, in conjunction with the Military Services, developed standardized core competencies and learning objectives specifically for SARCs and SAPR VAs in FY13. Each core competency is based upon mandates from DoDI 6495.02 and incorporates the D-SAACP framework. DoDI 6495.02 requires that SAPR training leverages adult learning theory, which includes interaction and group participation.⁵⁷ DoDI 6495.02 also requires that SAPR VA training be scenario-based, interactive, and provide for instructor-critiqued role play wherein a trainee SAPR VA offers crisis intervention to a sexual assault victim.⁵⁸ The SARC and SAPR VA core competencies include:

- Apply the SAPR program to aid victims of sexual assault;
- Demonstrate awareness of the impact of sexual assault on victims;
- Respond to victim reports and manage crises effectively;
- Coordinate services and advocate for victims;

⁵⁷ DoDI 6495.02, Enclosure 10, 2.a.(2), “SAPR Program Procedures,” Incorporating Change 1, February 12, 2014. Available at <http://www.sapr.mil/index.php/dod-policy/directives-and-instructions>.

⁵⁸ DoDI 6495.02, Enclosure 10, 7.b.(2), “SAPR Program Procedures,” Incorporating Change 1, February 12, 2014. Available at <http://www.sapr.mil/index.php/dod-policy/directives-and-instructions>.

- Conduct prevention activities;
- Communicate effectively;
- Facilitate education and training;
- Uphold ethical standards; and
- Manage the SAPR program at the installation level.

Learning objectives are defined for each of the above core competencies. Considerations and recommendations applying adult learning theory concepts and learning strategies are also included for each of the nine core competencies.

The core competencies and learning objectives fulfill the requirements outlined in the guidance issued by the Acting USD(P&R) in September 2013 directing the Military Departments to implement standardized core competencies and learning objectives in courses conducted in FY14. The core competencies and learning objectives also meet the FY12 NDAA requirements (sections 584 and 585) that the Military Departments provide consistent SAPR training to all members of the Armed Forces and DoD civilian employees. The complete reference of core competencies and learning objectives for SARCs and SAPR VAs can be found at

http://www.sapr.mil/public/docs/prevention/SAPR_SARC-VA_20130808.pdf.

Expanding SARC and SAPR VA Training on the Victim-Victim Advocate Privilege

The revised DoDI 6495.02 requires training for all SARCs and SAPR VAs on the implementation of MRE 514.^{59, 60} MRE 514 provides a victim with the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made between the victim and a SAPR VA, in a case arising under the UCMJ, if the communication was made for the purpose of facilitating advice or supportive assistance to the victim.⁶¹ Training on the MRE 514 is included in the core competencies and learning objectives for SARCs and SAPR VAs. The protection of communications with an advocate allows for victims a greater opportunity to explore and better understand their options under the SAPR program.

⁵⁹ DoDI 6495.02, Enclosure 6, 1.c., "SAPR Program Procedures," Incorporating Change 1, February 12, 2014. Available at <http://www.sapr.mil/index.php/dod-policy/directives-and-instructions>.

⁶⁰ *DTF-SAMS Report* (2009). Recommendation 20.

⁶¹ MRE 514, (a), "General Rule of Privilege," (2012).

Sustained the DoD Safe Helpline

The Department sustained and enhanced services delivered through the DoD Safe Helpline in FY13.⁶² The DoD Safe Helpline is a confidential, anonymous crisis support service for Service members of the DoD community affected by sexual assault. Safe Helpline provides live, one-on-one expert advice and information. Available 24/7 globally, users can “click, call or text” for anonymous and confidential support.

When users visit the DoD Safe Helpline, the staff provides one-on-one tailored assistance and offers a variety of up-to-date service referrals for resources on and off military bases and installations. Service referrals include information for SARCs, along with military police, legal, medical, mental health, and spiritual military resources. The referral database also houses information for civilian affiliate rape crises centers and the Department of Veterans Affairs (DVA) resources for helpline users seeking information and crisis support away from the military response system.

Additionally, DoD SAPRO collaborated with the Department of Labor (DOL) and the DVA to enhance resources for transitioning Service members (TSMs). Leveraging the Safe Helpline's existing infrastructure, the Department presents to TSMs clear and easily accessible information on counseling, benefits determinations, transitions, and employment. This enables TSMs to access those resources provided by DOL and DVA for long-term support upon leaving the military. By bridging the gap from the DoD to these resources, the Department provides a continuum of care to Service members as they transition to veteran status.

The DoD Safe Helpline is administered by the Department via a contract with the non-profit Rape, Abuse & Incest National Network (RAINN). Safe Helpline is staffed by approximately eighty personnel who work from RAINN's office in Washington, DC. Safe Helpline staff complete 70 hours of training on sexual assault crises intervention, neurobiology of trauma, and the military.⁶³ They also participate in monthly in-service trainings and receive clinical supervision and ongoing support from professional supervisors. Safe Helpline staff must undergo criminal background checks to be eligible for employment.

In FY13, over 130,000 people received information at the DoD Safe Helpline website and 7,429 people were helped through a live chat, telephone session, or texting service.

In FY13, DoD SAPRO was awarded the American Telemedicine Association's 2013 President's Award for Innovation for the DoD Safe Helpline Mobile Application, the



Figure 13: DoD SAPRO was awarded the American Telemedicine Association's 2013 President's Award for Innovation for the DoD Safe Helpline Mobile Application”

⁶² *DTF-SAMS Report* (2009). Recommendation 27.

⁶³ Safe Helpline training curriculum is approved by the NACP.

nation's first sexual assault response application (app).⁶⁴ The American Telemedicine Association gives the award to the most novel use of technology leading to innovative health applications and social services support. The app allows Service members transitioning to civilian life to have access to critical resources that assists in managing the short and long-term effects of sexual assault. The app contains the option for users to record their current emotional state and create tailored self-care plans to address sadness, hopelessness, and feelings of disconnectedness. App users can communicate with live sexual assault response professionals via phone or anonymous online chat from their mobile devices for support. Users can also navigate resources (e.g., disability assistance, medical benefits, housing help, and employment assistance), or search for resources near their base or installation. The app is available free to DoD personnel. Since inception, the app has been downloaded 3,783 times.

Expanded the DoD Safe Helpline

In response to a need for peer support services identified by users of the Safe Helpline, the Department augmented the Safe Helpline to include the Safe HelpRoom, the nation's first secure, moderated peer-to-peer support forum. Launched in FY13, the Safe HelpRoom hosts twice weekly group chat sessions during which survivors can connect with and support one another in a moderated and secure online environment. Since inception, 52 sessions have been hosted at SafeHelpline.org.

Access to peer support helps survivors to feel less lonely, isolated or judged. Extensive research shows that speaking with peers can lead to improved coping skills, a greater sense of adjustment and reduced stress, depression, and anxiety. Survivors report that they appreciate practical advice and information about coping options from peers. Offering an online forum helps overcome barriers to assistance some victims face, given that it is free, anonymous, and available anywhere via the Internet.

While not intended to replace counseling, the Safe HelpRoom contributes to the Department's efforts to provide a continuum of high quality services for victims. It is completely anonymous; it does not track IP addresses and complies with rules that prohibit the sharing of personally identifiable information.

Collaborated with Civilian Community Victim Advocates for Holistic Victim Care

"Strengthening Military-Civilian Community Partnerships to Respond to Sexual Assault" is an interactive two-day training that encourages civilian rape crises centers to establish partnerships with local military installations in order to more effectively respond to the needs of sexual assault victims in the military. The course development was a collaborative effort between the DOJ, OJP, OVC, the Pennsylvania Coalition Against Rape (PCAR), Military Services, and DoD SAPRO. The training was initially

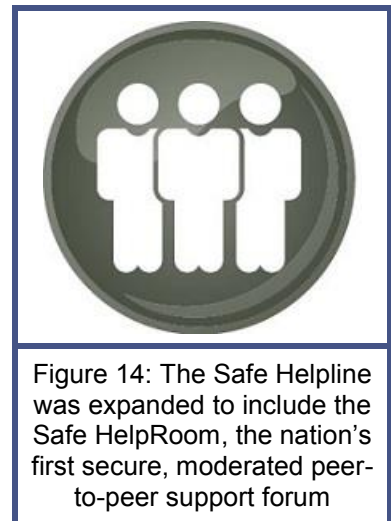


Figure 14: The Safe Helpline was expanded to include the Safe HelpRoom, the nation's first secure, moderated peer-to-peer support forum

⁶⁴ A feature introduced in FY12.

developed by PCAR with grant funding by OVC and has been expanded over the last three years by OVC.

In FY13, OVC TTAC revised and updated the training materials, conducted train-the-trainers event in Washington, DC to develop a cadre of 50 local victim advocates to present the training program in communities across the United States, and conducted three initial regional trainings in areas near military installations (San Diego, CA; Columbia, SC; and Salemburg, NC).

This training provides civilian rape crises centers with knowledge of military culture, response protocol, and installation support for military members, and supports the establishment of partnerships with local military installations. This initiative also supports a DTF-SAMS recommendation (Engage with Community Organizations) to strengthen civilian partnerships and promotes the awareness of the DoD Safe Helpline.⁶⁵

Provided Recovery Care Coordinator Training

During FY13, DoD SAPRO continued to provide quarterly training to Recovery Care Coordinators (RCC).⁶⁶ DoD SAPRO training for RCCs introduces sexual assault reporting options and emphasizes the importance of connecting Service members with a SARC when it appears the Service member wants to discuss a past sexual assault. During FY14, DoD SAPRO will work on an online training program for RCCs who are unable to attend the in-person training prior to working in the field.

Always Consider the Voices of Victims: Survivor Forums

The DoD SAPRO Director held two Survivor Forums in FY13. The dual purposes of the Survivor Forums are to gain a heightened understanding of victim experiences and treatment in military units and to better understand the investigative, accountability, and advocacy response systems from a victim's perspective. The DoD SAPRO Director spoke individual volunteer victims, male and female, commissioned officer and enlisted. The sexual assaults experienced by the survivors were all Unrestricted Reports and represented crimes ranging from rape to abusive sexual contact.

The insights gained from the DoD SAPRO Director's personal conversations with sexual assault survivors allows DoD SAPRO to better assess the impact of the SAPR program on individuals and to evaluate possibilities for program and policy improvements. Survivors said they chose to share their experiences with the DoD SAPRO Director because they want to help prevent others from being treated badly after reporting a sexual assault. The survivors left the forums knowing their voices were heard and that their input will be used to inform the Department's prevention and response efforts.

⁶⁵ DTF-SAMS Report (2009). Recommendation 19.

⁶⁶ The Recovery Coordination Program (RCP) provides the support of Recovery Care Coordinators (RCCs) to wounded, ill, and injured Service members to ensure they get the non-medical support they need to create the life they want. The Care Coordination Directorate of the Office of Warrior Care Policy is responsible for policy and oversight of the Recovery Coordination Program.

Established Metrics

As part of the effort to create metrics to measure improvements in SAPR programming under the *FY13 DoD Strategic Plan*, the Joint Chiefs approved several metrics that track victim reporting and support. These metrics are illustrated and explained in Figures 15 to 19.

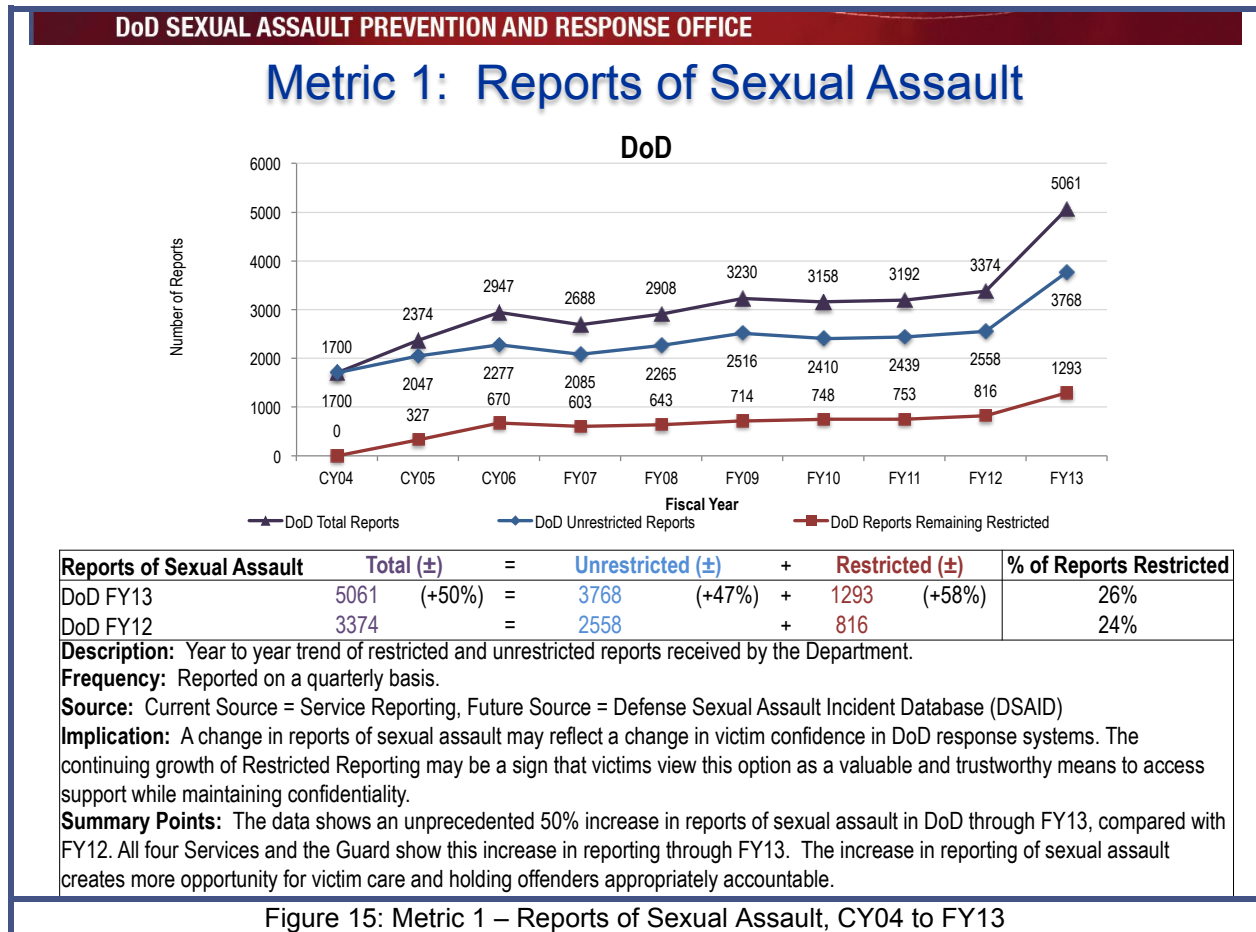
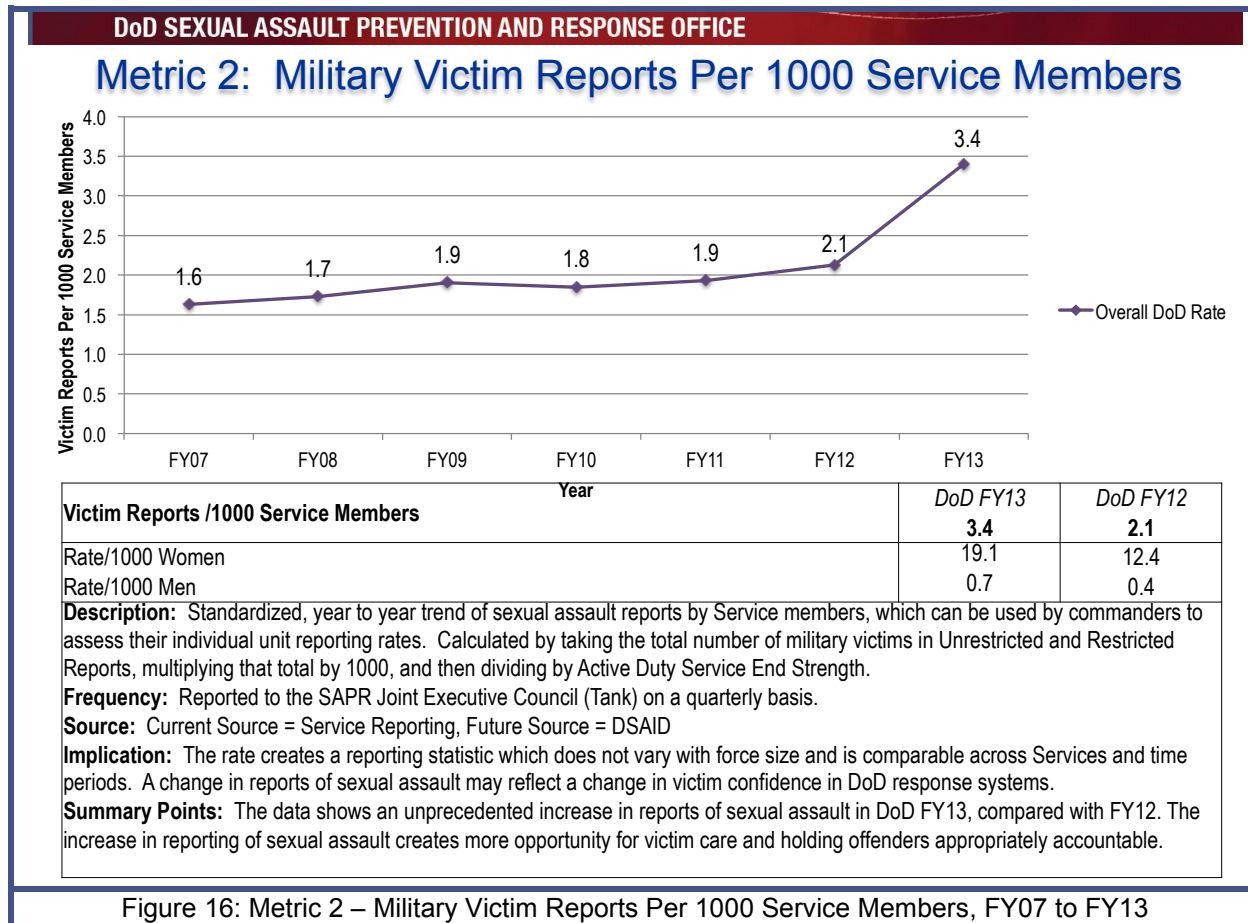
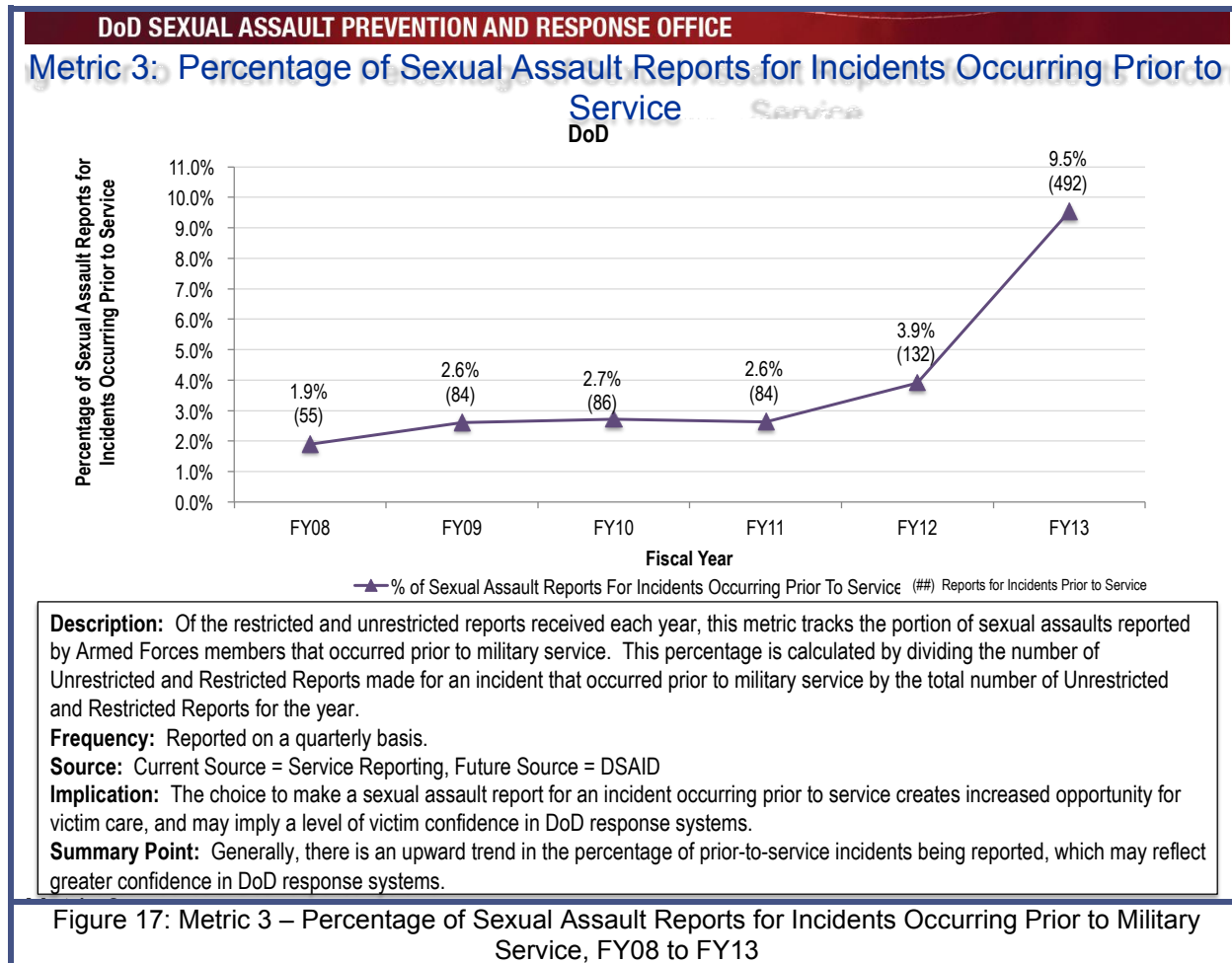
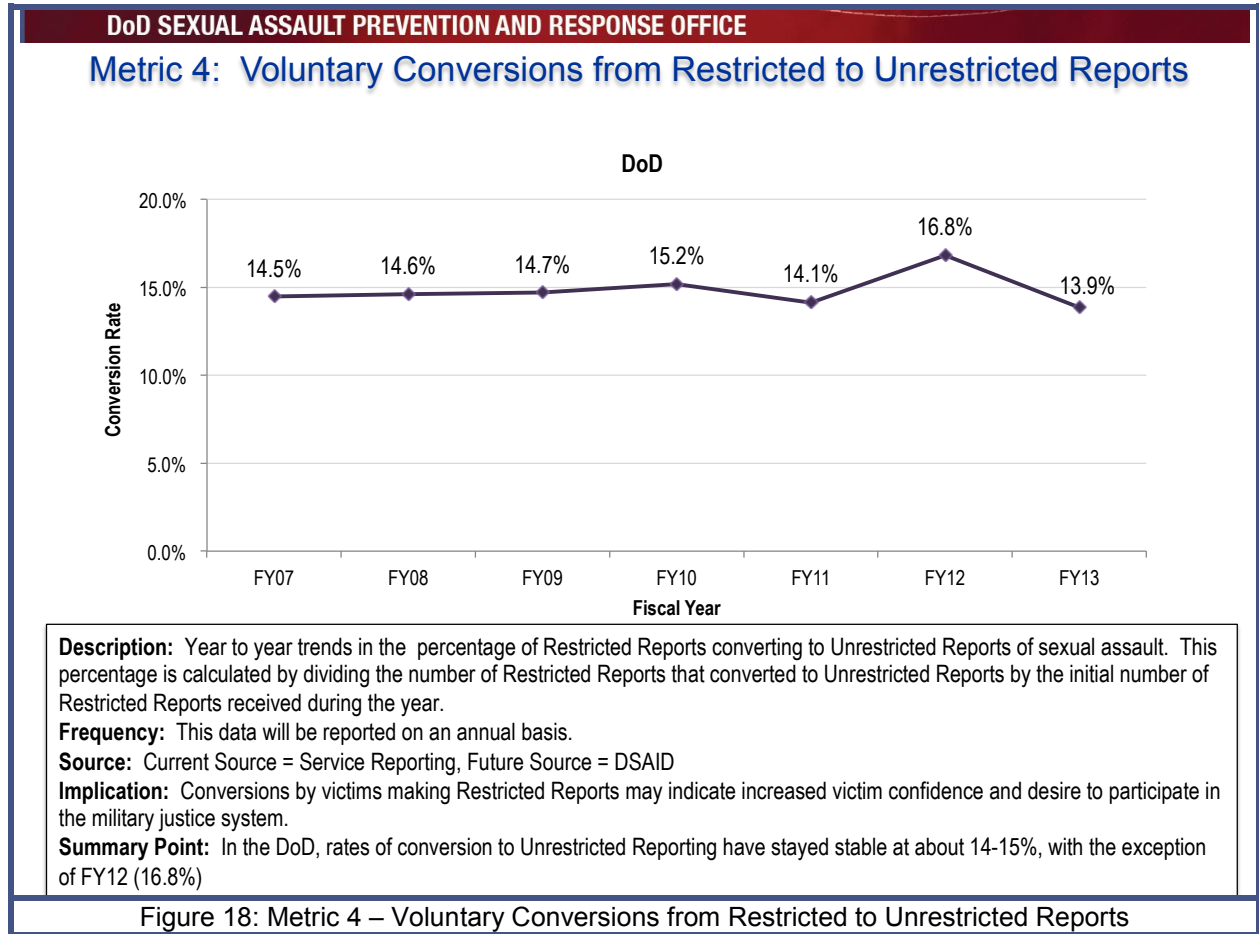
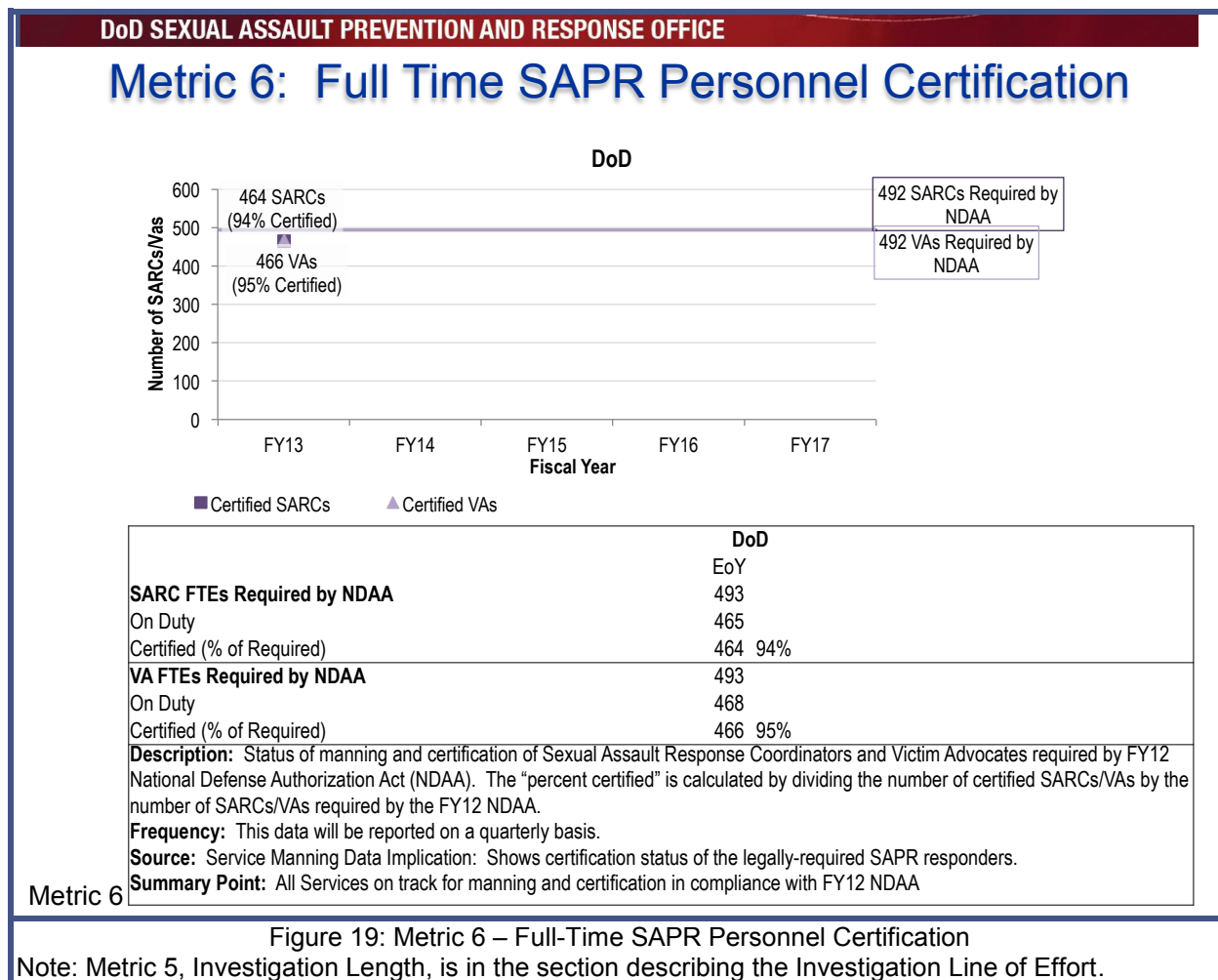


Figure 15: Metric 1 – Reports of Sexual Assault, CY04 to FY13









LINE OF EFFORT 5: ASSESSMENT PROGRAMS AND INITIATIVES

The fifth line of effort in the *DoD SAPR Strategic Plan* is Assessment. The Department aims to effectively standardize measure, analyze, assess, and report program successes. Assessment is an enduring process of data collection and analytics designed to improve program effectiveness, and is embedded within the four other lines of effort. The end state is to incorporate responsive, meaningful, and accurate systems of measurement and evaluation into every aspect of SAPR programs in order to determine their effectiveness.

The Department’s assessment programs, initiatives, and policy enhancements developed and implemented during FY13 are described below.

Established New Requirements for Command Climate Surveys

Section 572 of the FY13 NDAA mandated that the commander of each military unit, within 120 days of assuming command and at least annually thereafter while retaining command, conduct a climate survey for purposes of preventing and responding to sexual assaults in their unit. The *DEOMI Organizational Climate Survey (DEOCS)*

includes an opportunity for members of the Armed Forces to express their opinions regarding the manner and extent to which their leaders, including commanders, handle organizational, EO, and EEO issues within a unit. In FY13, the *DEOCS* was expanded to include questions pertaining to sexual assault prevention and response.

In an effort to enhance commander accountability and improve insight into command climate, the Secretary of Defense directed in May 2013 that the results of the annual command climate surveys be provided to the next level up in the chain of command (within 30 days of receiving the results). Providing commanders the results of their subordinates' annual command climate surveys enhances accountability and improves insight into climate at every level of the chain of command.

The policy was implemented in July 2013 through a memorandum signed by the Acting USD(P&R) ("Command Climate Assessments"). By the end of the calendar year, the Military Departments and the NGB had published operating instructions and regulations implementing this requirement as follows:

- The Secretary of the Army published Army Directive 2013-29, *Army Command Climate Assessments*, on December 23, 2013 and is applicable to Active and Reserve forces.
- The Chief of Naval Operations issued NAVADMIN 336/13 message, *Guidance on Command Climate Assessments* on December 30, 2013, which is also applicable to Active and Reserve forces. This guidance identifies timelines within the parameters of DoD guidance and requires commanding officers to assess three of the following areas: survey results, record reviews, personal interviews, observations, or focus groups. This message also mandates that the *DEOCS* will be used to meet the climate survey requirement and Equal Opportunity Advisors/Program Managers will track and maintain oversight of the climate assessment process.
- The Marine Corps released MARADMIN 464/13 message *Command Climate Assessments* on September 17, 2013, directing changes to the command climate assessment program applicable to Active and Reserve forces. This directive specifies timelines that are within the parameters of DoD guidance and tasks commanders with ensuring all members administratively attached to their commands have the opportunity to participate in the assessment process. It also mandates that the *DEOCS* and the Marine Corps Command Climate Survey (MCCCS) be used and instructs commanding generals to track compliance.
- The Air Force Deputy Chief of Staff for Manpower, Personnel and Services (A1) released an e-mail message to Major Command Vice Commanders on July 31, 2013, providing the DoD guidance on command climate assessments for implementation within the Department of the Air Force. The Air Force followed up the email message with implementing instructions and processing procedures that identifies timelines within the parameters of DoD guidance. The message informs Air Force leadership of the transition from the Unit Climate Assessment (UCA) instrument to the *DEOCS* and that the EO offices are identified to conduct climate assessments for commanders.
- The Chief, NGB issued a policy memorandum, *National Guard Command Climate Assessment Policy*, on November 19, 2013, directing the NGB to

implement DoD command climate assessment guidance. This policy specifies timelines that are within the parameters of DoD guidance.

Tracked Command Climate Survey Results

In FY12, DoD SAPRO worked with DEOMI to develop questions to help assess SAPR climate for unit commanders. A number of measurements were tracked in FY13 on data available at that time.⁶⁷

A total of 1,562,897 respondents completed the SAPR questions on the *DEOCS* and Air Force UCA from the beginning of data collection (2 March 2012) through the end of the period analyzed (23 December 2013). Of these 1,562,897 respondents:

- 473,345 responded during the 2012 Baseline
- 430,873 responded during FY13 Quarter (Q)3
- 384,216 responded during FY13 Q4, and
- 274,463 responded during FY14 Q1.

In samples of this size, small differences may be statistically significant but not practically significant.⁶⁸ Therefore, DEOMI analysts created subsets of the dataset to test for mean differences between the FY13 Q4 and FY14 Q1 datasets. For this trend analysis, analysts selected to sample approximately 10 percent of the data in order to reduce the probability that significant results are not practically significant. A resulting total of 38,652 cases were randomly selected from the FY13 Q4 dataset and 27,588 cases were randomly selected from the FY14 Q1 dataset. The table below displays the demographic composition of all four random samples included in the trend graphs that follow.

Table 2: Data Collection Dates of Those Surveyed

	2012 Baseline	FY13 Q3	FY13 Q4	FY14 Q1
Sample size (n)	47,472	42,931	38,652	27,588
Males	38,890	34,836	31,257	22,601
Females	8,582	8,095	7,395	4,987
Junior Officer	3,619	3,424	3,158	2,341
Senior Officer	2,251	2,118	1,666	1,447
Junior Enlisted	29,828	26,463	23,556	16,676
Senior Enlisted	4,641	4,402	3,905	2,771

Perceptions of Leadership Support. The survey included two questions regarding the perceptions of leadership support for sexual assault prevention and response. A

⁶⁷ Data is not available for Q1 and Q2 in FY13 due to a contract dispute that interfered with the collection and analysis of *DEOCS* results. Quarter 1, FY14 data was included to help provide additional content and evidence of progress. Caution should be taken in interpreting *DEOCS* results. The *DEOCS* uses a convenience sample, meaning that it is only valid for the individuals to whom the survey was administered at the time identified. As a result, the information presented cannot be reliably “trended” and may not be representative of the DoD as a whole.

⁶⁸ For example, changes of a tenth of a percentage may be statistically significant, but such a change may not necessarily reflect a meaningful shift in the opinions of the population being surveyed.

five-point Likert scale ranging from “*Strongly Agree*” (5) to “*Strongly Disagree*” (1) was used for the perception of leadership support for sexual assault prevention and response items. Items are coded such that a high score indicates a more favorable climate. These item stems are listed below:

1. My leadership promotes a climate that is free of sexual assault.
2. My leadership would respond appropriately in the event a sexual assault was reported.

Of the individuals who took the *DEOCS*, officers reported higher perceptions of leadership support for SAPR than did enlisted members (Figure 20). Men reported higher perceptions of leadership support for SAPR than women (Figure 21).

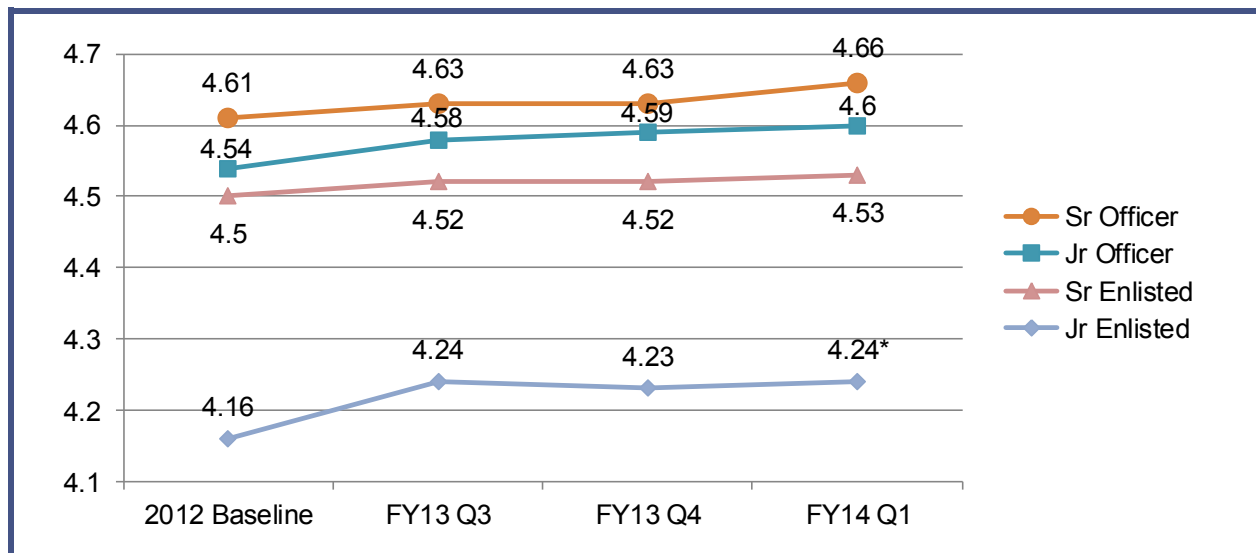


Figure 20: Mean DoD Perceptions of Leadership Support for SAPR, by Rank

Note: Higher scores indicate more favorable perceptions. Response scale is from 1 to 5. Results are plotted to illustrate differences between groups.

* Statistically significant increase from FY13, Q4 to FY14, Q1.

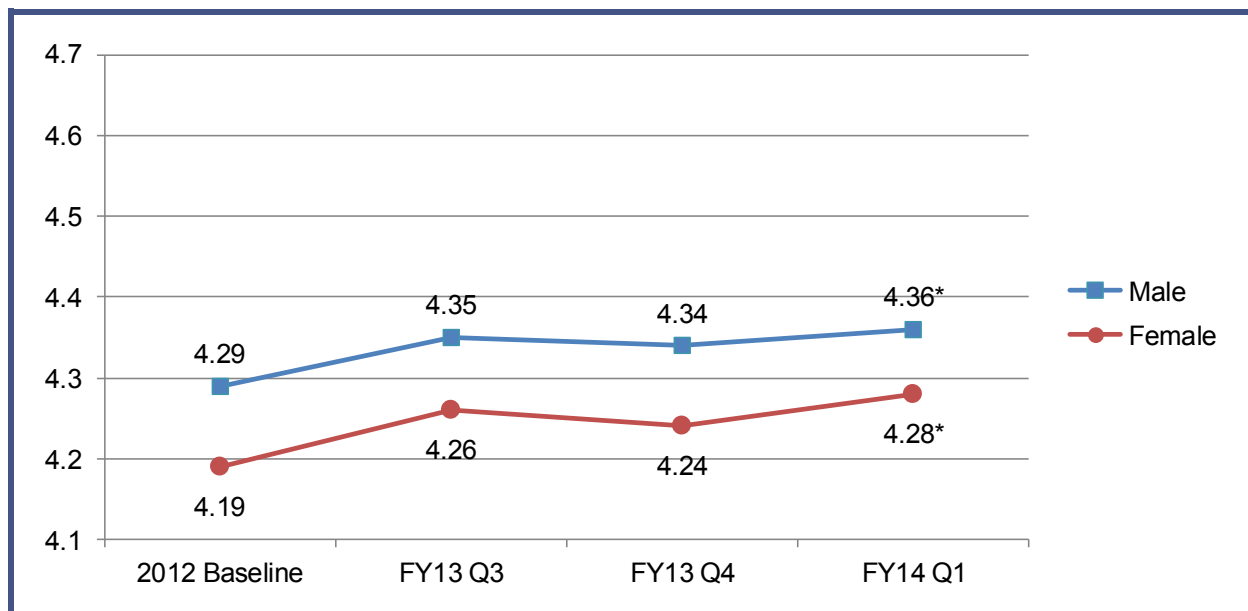


Figure 21: Mean DoD Perceptions of Leadership Support for SAPR, by Gender

Note: Higher scores indicate more favorable perceptions. Response scale is from 1 to 5. Results are plotted to illustrate differences between groups.

* Statistically significant increase from FY13, Q4 to FY14, Q1.

Perceptions of Barriers to Reporting Sexual Assault. The survey includes one question regarding “*Perceptions of Barriers to Reporting Sexual Assault.*” This item is listed below along with the response options that identify ten potential barriers and an option to select “*none of the above.*”

- Which of the following would be reasons why a victim of sexual assault would not report the incident within your unit (*Mark all that apply*):
 - Lack of privacy/confidentiality
 - Stigma, shame, fear
 - Fear of being reduced in the eyes of the commander or colleagues
 - Fear of disciplinary action due to victim’s misconduct
 - Fear of re-victimization
 - Fear of operational impacts on training, security clearances, and overseas deployments
 - Not knowing how to report
 - Not thinking anything would be done
 - Not wanting to get fellow Service members (e.g., perpetrator, bystanders) in trouble for actions or collateral misconduct
 - Concern Victim Advocate (VA) will not keep restricted report confidential
 - None of the above, sexual assaults would be reported

The percentages shown represent the proportion of respondents that perceived no barriers to reporting sexual assault within their units. A higher percentage means that fewer barriers to reporting were perceived by those surveyed. Surveyed officers

perceived fewer barriers to reporting than did enlisted members who were surveyed (Figure 22). Men surveyed perceived fewer barriers to reporting than did women who were surveyed (Figure 23).

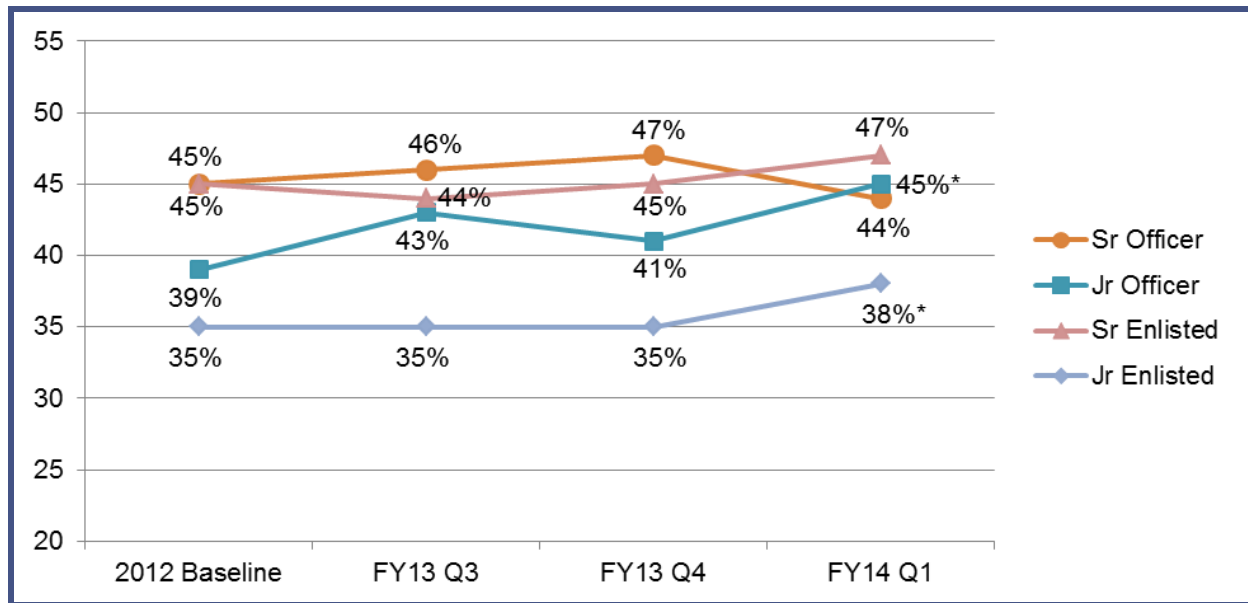


Figure 22: Percentage of DoD Members Surveyed Perceiving Zero Barriers to Reporting Sexual Assault within Their Unit, by Rank
 Note: Higher scores indicate more favorable perceptions.
 * Statistically significant change from FY13, Q4 to FY14, Q1.

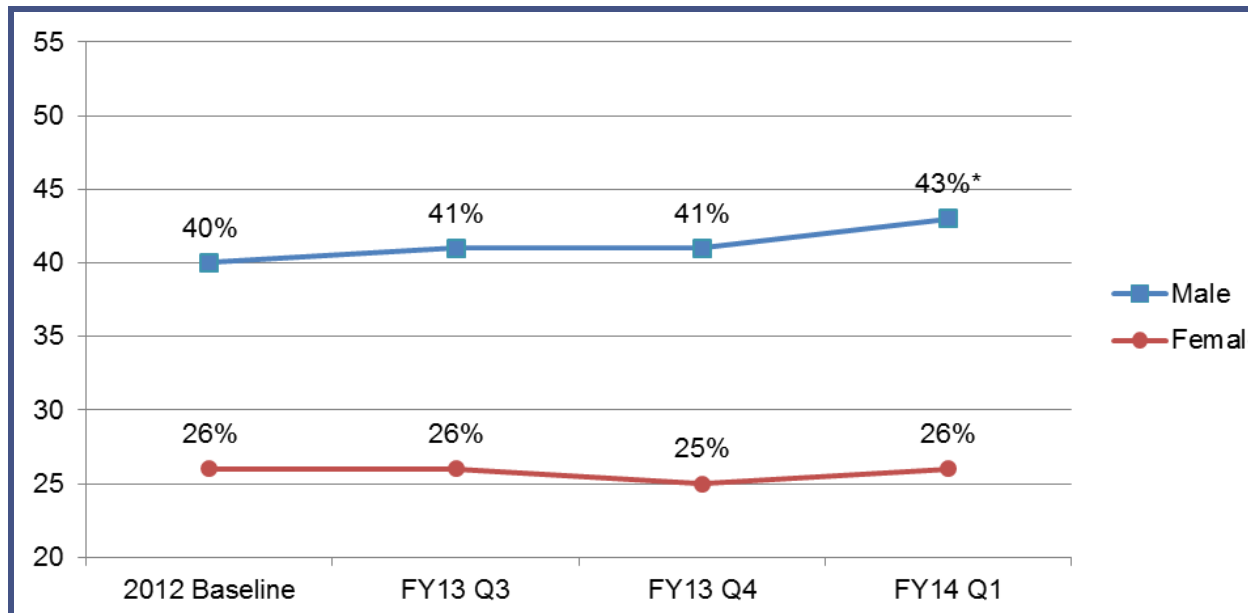


Figure 23: Percentage of DoD Members Surveyed Perceiving Zero Barriers to Reporting Sexual Assault within Their Unit, by Gender
 Note: Higher scores indicate more favorable perceptions.
 * Statistically significant increase from FY13, Q4 to FY14, Q1.

Bystander Intervention Climate. The survey includes two *Bystander Intervention Climate* questions. These items are listed below. One item is situation-based and asks respondents to indicate *which action* they would take if in a given situation. The second item presents respondents with a scenario and asks at *which point they would most likely intervene* if they witnessed the escalating situation.

- 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?
 - Nothing
 - Leave to avoid any kind of trouble
 - Watch the situation to see if it escalates
 - Tell the person what you saw the Service member do
 - Confront the Service member
- 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?
 - A senior leader at the training buys your colleague a drink and he/she is told a drink may never be refused, as doing so would go against tradition
 - The senior leader buys your colleague a second and third drink despite his/her repeated objections
 - Your colleague appears intoxicated and disoriented, and continues to be the senior leader's main focus of attention
 - The senior leader repeatedly hugs your colleague, rubs his/her shoulders, and offers to walk him/her back to quarters
 - You see the senior leader quietly taking your intoxicated colleague out of the place
 - As they leave, your colleague tries to push away the senior leader and says, "no"
 - In this scenario, I would not intervene at any point

The "*Bystander Intervention Climate*" questions are scored by combining responses to create a composite score. The composite score is coded such that a high score indicates a more favorable climate for Bystander Intervention by the individuals surveyed. These scores reflect the collective intentions of the individuals surveyed. This means as a whole, the responses from the individuals in the groups scoring more highly selected an earlier or more assertive intervention in the given situations. Junior enlisted members scored lower than the other rank groups on Bystander Intervention Climate (Figure 24). Males scored lower than females (Figure 25).

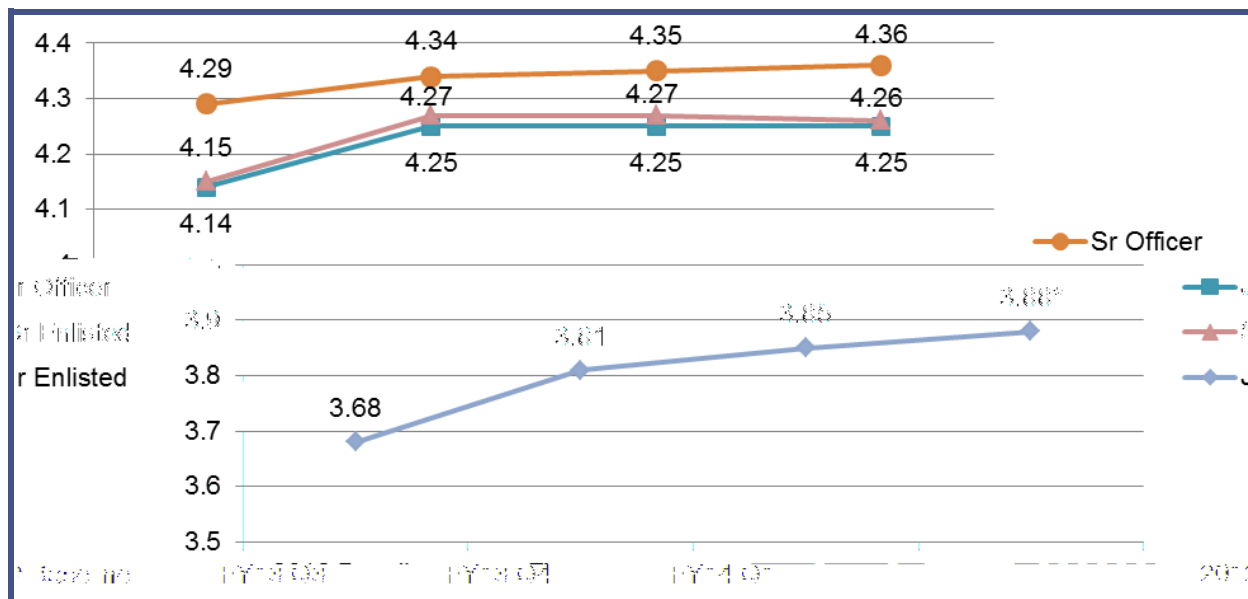


Figure 24: Mean DoD Bystander Intervention Climate Trends, by Rank of those Surveyed

Note: Higher scores indicate more favorable perceptions.

* Statistically significant increase from FY13, Q4 to FY14, Q1.

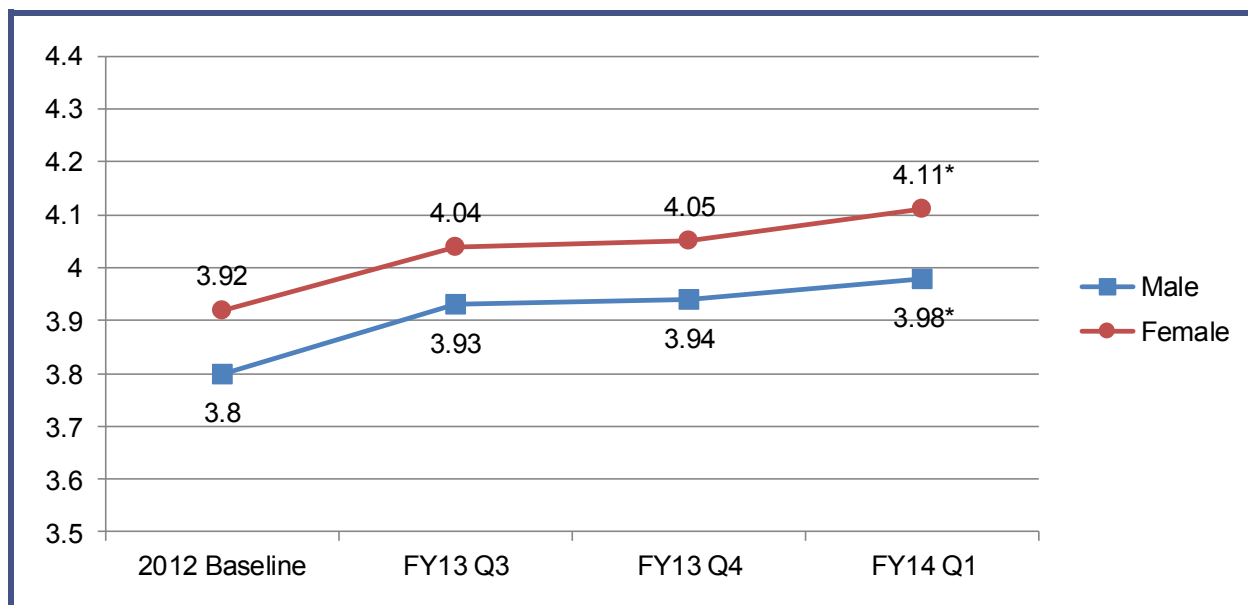


Figure 25: Mean DoD Bystander Intervention Climate Trends, by Gender of those Surveyed

Note: Higher scores indicate more favorable perceptions.

* Statistically significant increase from FY13, Q4 to FY14, Q1.

Knowledge of Sexual Assault Reporting Options. The survey includes one item regarding respondent’s *Knowledge of Sexual Assault Reporting Options*. Response options are “true” or “false,” with “true” being the correct answer. The item is listed below.

A restricted report allows a Service member to report a sexual assault and get help, but without notifying command or criminal investigators. (True)

The following figures depict percentages of correct responses to the *Knowledge of Sexual Assault Reporting Options* question across the DoD of those surveyed by demographic variables as collected by the DEOCS and Air Force UCA. Junior officer respondents answered the question more accurately than junior enlisted respondents (Figure 26).

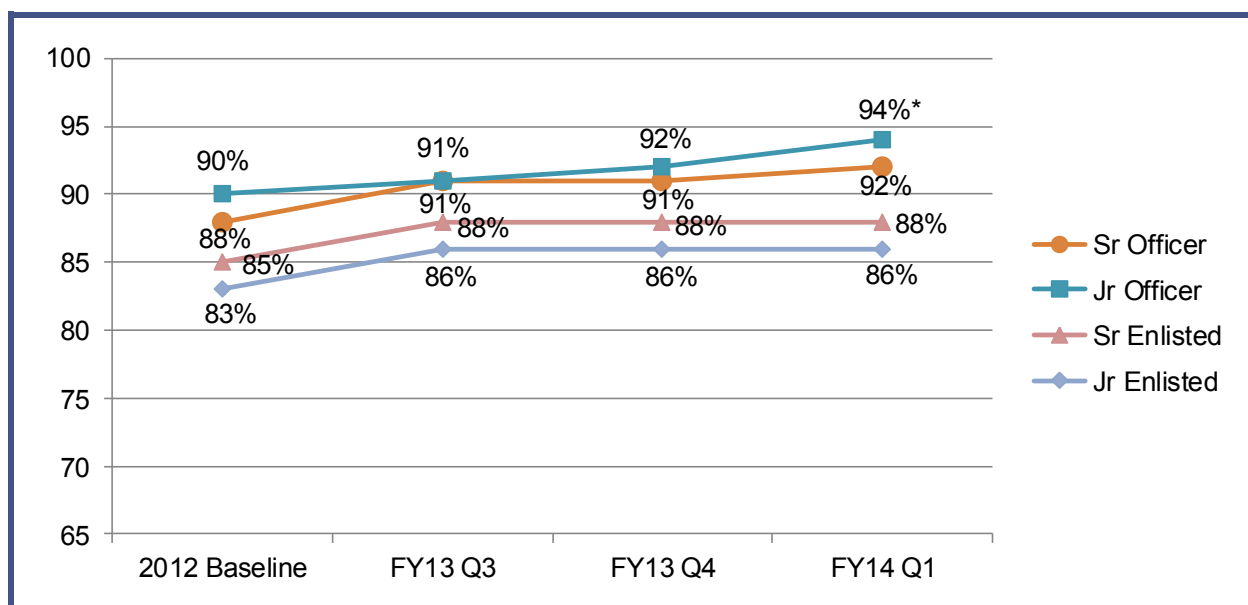


Figure 26: Percentage of Correct Responses to the Knowledge of Sexual Assault Reporting Options Question, by Rank of Members Surveyed

Note: Higher scores indicate more correct responses.

* Statistically significant increase from FY13, Q4 to FY14, Q1.

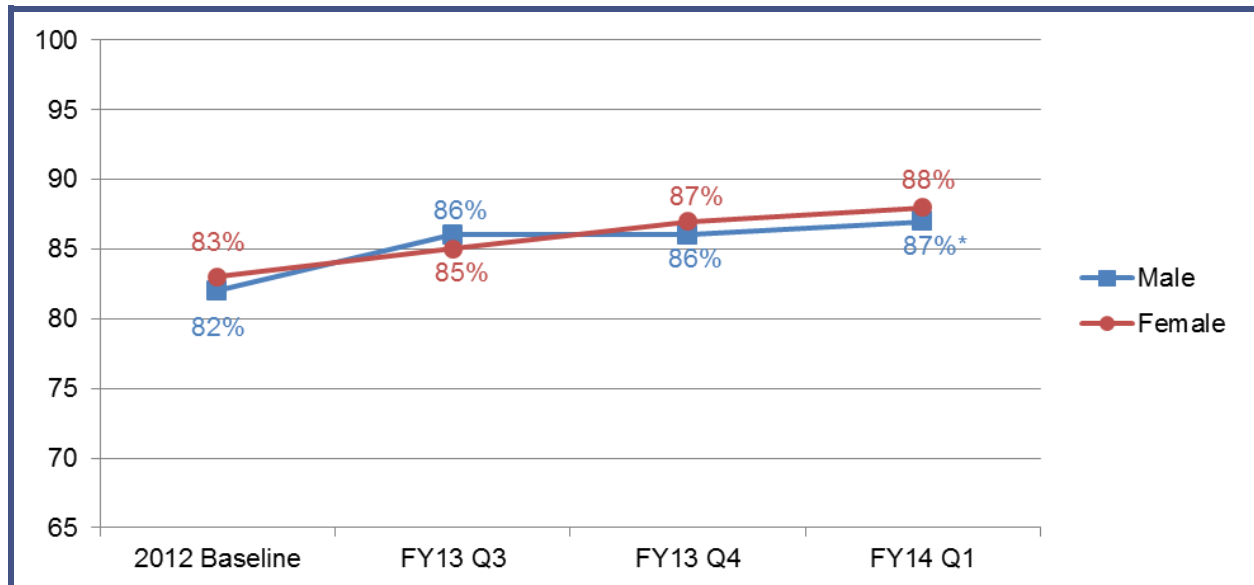


Figure 27: Percentage of Correct Responses to the Knowledge of Sexual Assault Reporting Options Question, by Gender of Members Surveyed

Note: Higher scores indicate more correct responses.

* Statistically significant increase from FY13, Q4 to FY14, Q1.

Elevated Sexual Assault Incident Oversight by Requiring Incident Oversight Reports to be Taken to GO/FO

In August 2013, the Secretary of Defense directed the Acting USD(P&R) to develop policy, standardized across the Military Services, that requires status reports of unrestricted sexual assault allegations and actions taken to the first GO/FO within the chain of command, without delaying reporting to the relevant MCIO. DoD SAPRO drafted a Directive-Type Memorandum (DTM) outlining this requirement, titled “Sexual Assault Incident Report Oversight (SAIRO),” that will be coordinated with the Military Services in FY14.

Maintained and Refined DSAID

The FY09 NDAA directed the DoD to develop a centralized, case-level database for the collection and maintenance of information regarding sexual assaults involving a member of the Armed Forces. The database is called the DSAID. DSAID enhances a SARC’s ability to provide comprehensive and standardized victim case management. DSAID also enables DoD to meet Congressional reporting requirements and conduct improved oversight of case management.⁶⁹ DSAID was implemented in FY12 for the Air Force and NGB. It

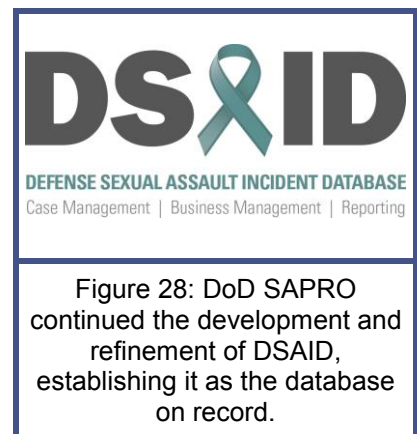


Figure 28: DoD SAPRO continued the development and refinement of DSAID, establishing it as the database on record.

⁶⁹ DTF-SAMS Report (2009). Recommendation 28a1 and 28b1.

became fully operational by the beginning of FY13, with the integration of all Military Services and the NGB either entering data manually or electronically interfacing with an existing Service system.

During FY13, DoD SAPRO continued the development and refinement of DSAID to establish it as the system of record to populate the *FY14 DoD Annual Report on Sexual Assault in the Military*. During FY13, the following accomplishments were made with regards to DSAID:

- Achieved acquisition full deployment, having completed all compliance processes to successfully acquire and deploy an information technology system;
- Completed integration of the Department of Navy's Consolidated Law Enforcement Operations Center (CLEOC) system;
- Enhanced the expedited transfer functionality to capture more information and allow for the tracking of multiple transfers;
- Modified functionality for SARCs to upload a DD Form 2910 for Unrestricted Reports, thus enhancing access to documentation to assist victims in obtaining a record copy of the form;
- Implemented a reporting functionality for Service SAPR Program Managers, to include quarterly and annual reports, Military Service Academy (MSA) reports, and real-time standard reports;
- Implemented a web based, self-guided training solution for SARCs and SAPR PMs consisting of simulations demonstrating DSAID's capabilities;
- Included D-SAACP certification information for SARC and SAPR VA profiles to track certification status;⁷⁰
- Added a case synopsis module to ease the documentation of subject case disposition, military justice outcomes, and punishments, as appropriate; and
- Began implementation of an interface with Army's Criminal Investigation/Intelligence System (ACI²) to capture sexual assault investigative data, rendering DSAID as the enterprise solution for the Department (will be completed in the second quarter of FY14).

In accordance with the section 563 of the FY09 NDAA, the Department has met all required mandates for database development. The Department has also adhered to the revised delivery timeline while providing bi-annual status updates detailing implementation progress of DSAID. The Department has also certified DSAID for compliance with all security requirements and is accredited for operation by the Designated Approval Authority Representative.

DoD SAPRO continues to enhance DSAID according to internal and external requirements, while collaborating with the system developer and the Military Services throughout the full system development lifecycle, in accordance with industry best practices. The Department will continue to work with the Military Services to refine the process and gain greater data integrity.

⁷⁰ Section 584 of NDAA F12 requires all member or civilian employees assigned to duty as a SARC or SAPR VA to have obtained certification.

Developing New Measures of Assessment: Metrics

A key objective of the Department's SAPR program is to report program progress in preventing sexual assault and caring for victims. Historically, SAPR statistics, data trends, and measures of program effectiveness have been collected and assessed annually with the Military Services and the JCS. The statistics and analysis of reports have been presented in this annual report, which also support reporting on sexual assault-related policy and program improvements.

The *DoD SAPR Strategic Plan* directs the development of a set of metrics that measure SAPR program effectiveness on a more frequent basis than the Annual Report. Throughout FY13, DoD SAPRO worked with the Military Services to develop a set of metrics to assess the effectiveness of our programs in prevention, accountability, investigations, advocacy/victim assistance, and assessment. The metrics are referred to as SAPR Metrics 1.0.

SAPR Metrics 1.0 consists of six, Military Service-validated data points that measure trends and capture snapshots of programs and initiatives. The trends measured include:

- Metric 1 – Reports of Sexual Assault;
- Metric 2 – Military Victim Reports Per 1000 Service Members;
- Metric 3 – Percentage of Sexual Assault Reports for Incidents Occurring Prior to Service; and
- Metric 4 – Voluntary Conversions from Restricted to Unrestricted Reports.

The snapshots captured in SAPR Metrics 1.0 include:

- Metric 5 – Investigation Length; and
- Metric 6 – Full Time SAPR Personnel⁷¹ Certification.

The data originate from the following sources:

- DSAID;
- DEOCS;
- DMDC's *Workplace and Gender Relations Surveys (WGR)*;
- MCIO Reports of Investigation; and
- Reports of Trial and other military justice data sources.

Many of these sources have also historically been used to assess program progress annually in this report, and will be relied upon to measure SAPR program effectiveness on a more frequent basis as appropriate.

DoD SAPRO coordinated with the White House, the JCS, and the Military Services to gain consensus on the data points and resources used to assess progress. The DoD will continue to refine and develop additional metrics and transparently report the findings. The official FY13 data for the six metrics have been embedded in

⁷¹ For purposes of Metric 6, "Full Time SAPR Personnel" is limited to SARCs and SAPR VAs.

Investigation (Metric 5) and Advocacy/Victim Assistance (Metrics 1, 2, 3, 4, and 5) sections of this report.

Harmonized Survey Methodologies

During FY13, DoD SAPRO conducted a collaborative effort with the Joint Staff and the Military Services to harmonize survey methodologies, frequency, and key metrics. Since 2006, the Department has conducted the *Workplace and Gender Relations Survey of Active Duty Members (WGRA)*. The *WGRA* is the primary instrument the DoD uses to assess the prevalence, or occurrence, of sexual assault and sexual harassment in the military over a year's time. The *WGRA* also measures some of the Department's progress and victim satisfaction. The *WGRA* has been conducted in 2006, 2010, and 2012. Beginning in FY14, DoD will conduct the *WGRA* every two years as mandated by section 481 of title 10 U.S. Code.^{72,73} In accordance with the Congressional mandate, the *WGRA* results set the statistical standard in these areas for the Department on a biennial basis. In odd years, the Military Services will conduct, at their discretion, their own surveys, focus groups, and program assessments to measure progress of their respective SAPR programs.

⁷² Pursuant to the requirement in section 570 of the FY13 NDAA

⁷³ *DTF-SAMS Report* (2009). Recommendation 3b2.

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 or administrative 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 alleged offenders (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). The number of Unrestricted Reports is based on data received from the MCIOs.
- 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. Alleged subject identities in Restricted Reports 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 and Article 80, attempts to commit these offenses. This data does not include sexual assaults between spouses or intimate partners that fall under the purview of DoD Family Advocacy Program (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 FY13 *does not* necessarily reflect the number of sexual assaults that occurred in FY13.

- 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.⁷⁴ 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 civilian reporting behavior is mirrored in the U.S. Armed Forces. Over the past seven years, the Department estimates that fewer than 20 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 generally 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 FY13, 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 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 UCMJ jurisdiction over its members. Service member prosecutions by civilian authorities are made on a case-by-case and jurisdiction-by-jurisdiction basis.

⁷⁴ 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>.

- 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.
- Upon completion of a criminal investigation, the MCIO conducting the investigation provides a report documenting its evidentiary findings to the subject's military commander and the servicing staff judge advocate for review and legal action, as appropriate. However, for the crimes of rape, sexual assault, nonconsensual sodomy, and attempts to commit these crimes, a convening authority who is at least a special court-martial convening authority and in the grade of O-6 (colonel or Navy captain) or higher retains initial disposition authority.
 - The special court-martial convening authority is responsible for determining what initial disposition action is appropriate, to include whether further action is warranted and, if so, whether the matter should be resolved by court-martial, nonjudicial punishment, or adverse administrative action. The special court-martial convening authority's initial disposition decision is based upon his or her review of the matters transmitted, any independent review, and consultation with a judge advocate. Subordinate unit commanders may provide their own recommendations regarding initial disposition to the convening authority.
 - 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, a commander may be precluded from taking disciplinary action against an alleged offender when the investigation fails to show sufficient evidence of an offense to prosecute or when the victim declines to participate in the justice process.
 - 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. The configuration of Unrestricted

Reports is determined by the MCIOs, as they are the primary source of Unrestricted Reporting information. **Therefore, the number of Unrestricted Reports received in a given year does not usually equal the number of victims or the number of subjects in those reports.**⁷⁵

- 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 FY13 (October 1, 2012, to September 30, 2013).
- 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, 2013 (the last day of FY13).
 - 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 Department authority. 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

⁷⁵ This approach will change in FY14 (October 1, 2013 to September 30, 2014), when DSAID becomes the system of record for reporting sexual assaults by and against Service members.

punish the offender if he or she is not subject to military law. At the victim's request, Department authorities may assist the victim in contacting the appropriate civilian or foreign law enforcement agency.

- The definition of "sexual assault" in the UCMJ has changed several times over the last several years:
 - 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

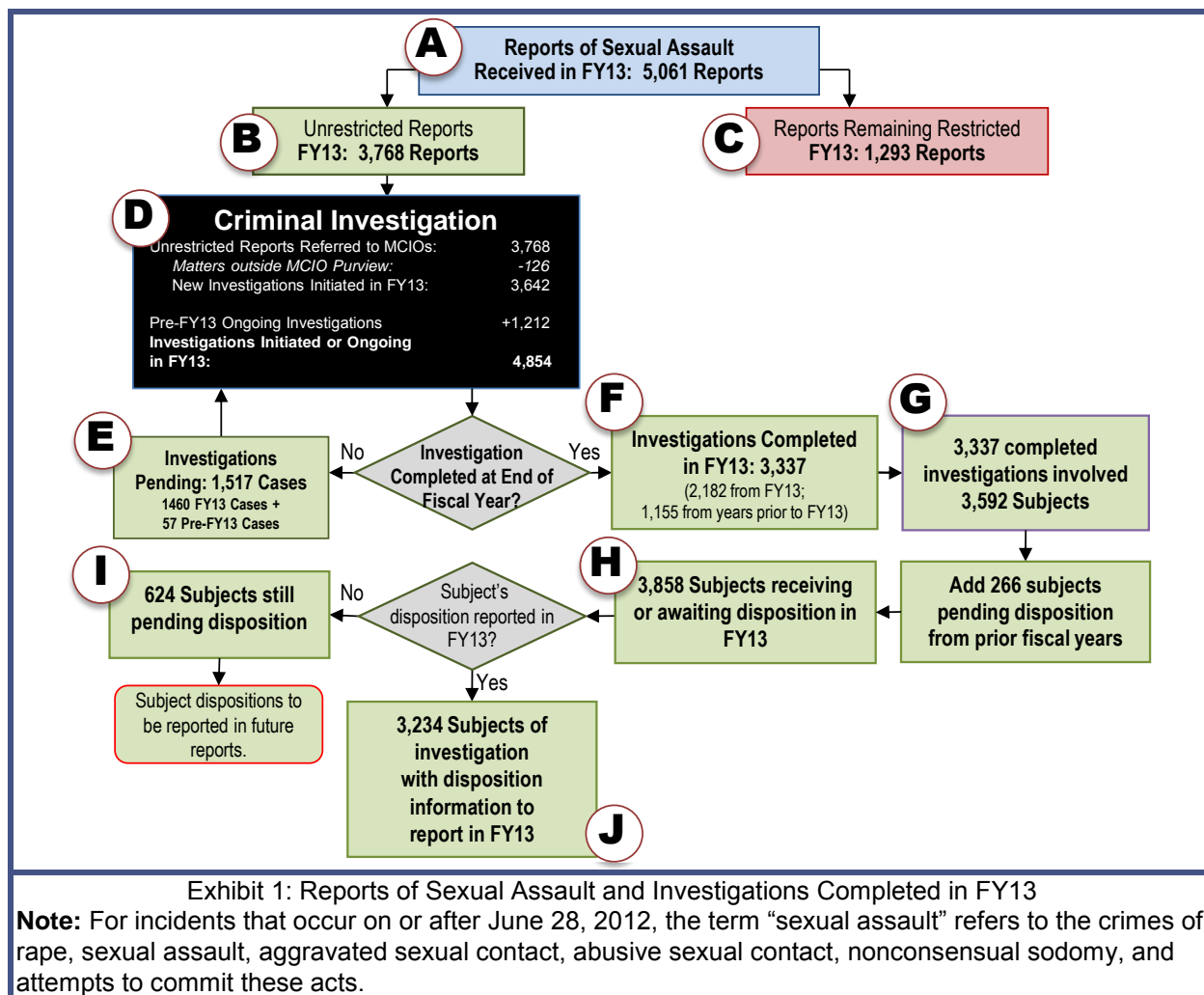
- Data about Unrestricted Reports of sexual assault reports is drawn from official investigations conducted by the MCIOs.
- SARCs collect data about Restricted Reports of sexual assault and forward it to the Military Service SAPR program offices.
- Each FY, the USD(P&R) submits a data call to the Military 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 FY13

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.



In FY13, the Military Services received a total of 5,061 reports of sexual assault involving Service members as either victims or subjects (**Exhibit 1, Point A**, and Exhibit 2), which represents a 50 percent increase from the 3,374 reports made in FY12. It should be noted that while many of these reports may be about incidents that occurred in FY13, some incidents may have occurred in prior years. Of the 5,061 reports, 492 (or approximately 10 percent) were made for incidents that occurred prior to the victim entering military service.

How many sexual assault reports were made in FY13?
5,061 Reports
(3,768 Unrestricted Reports + 1,293 Reports Remaining Restricted)

- The Military Services received 3,768 Unrestricted Reports involving Service members as either victims or subjects (**Exhibit 1, Point B**, and Exhibit 2), a 47 percent increase from FY12. Of the 3,768 Unrestricted Reports, 106 (or 3 percent) were made for incidents that occurred prior to the victim entering military service.
- The Military Services initially received 1,501 Restricted Reports involving Service members as either victims or subjects, a 58 percent increase from FY12. Two-hundred eight (208) (14 percent) of the initial Restricted Reports later converted

to Unrestricted Reports. These 208 converted Restricted Reports are now counted with the Unrestricted Reports. There were 1,293 reports remaining Restricted at the end of FY13 (**Exhibit 1, Point C**, and Exhibit 2). Of the 1,293 Reports Remaining Restricted, 386 (or 30 percent) were made for incidents that occurred prior to the victim entering military service. Per the victim’s request, the remaining Restricted Reports were confidential and not referred for investigation. No subject identities were officially recorded with Restricted Reports.

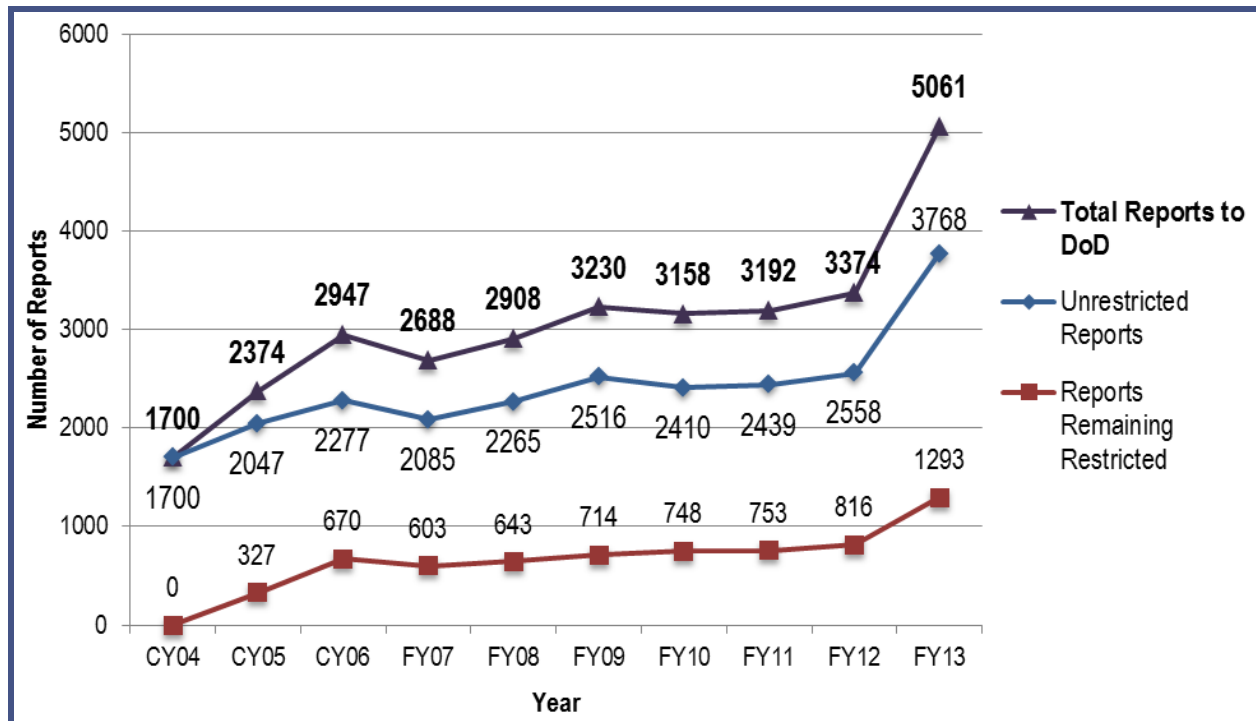


Exhibit 2: Total Reports of Sexual Assault Made to the Department — Unrestricted Reports and Restricted Reports, CY04–FY13

In the 5,061 reports received by the Department, there were a total of 5,518 victims, including 4,605 Service member victims of sexual assault (Exhibit 3). In FY13, 3,150 Service members made an Unrestricted Report and 191 Service members converted to an Unrestricted Report for a total of 3,341 Unrestricted Reports by Service members. One-thousand two-hundred sixty-four (1,264) 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.⁷⁶ 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. This year, there was an unprecedented 50 percent increase in the reporting of sexual assault involving military members. Based on prior, past-year prevalence rates of sexual assault and other factors, the Department attributes this increase in reporting to more victims coming forward to report a crime, and may not be due to an overall increase in crime.

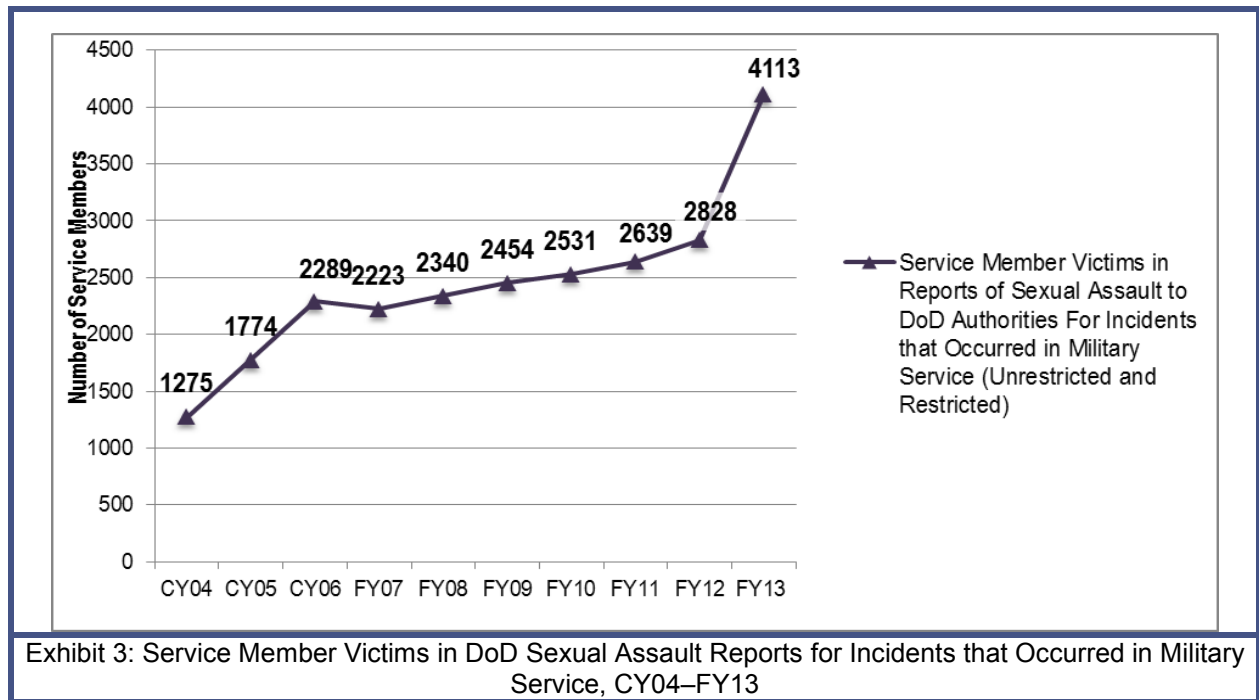
In 5,061 reports of sexual assault made in FY13, what was the total number of victims?
5,518 total victims

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 Unrestricted Reports received in a given year does not usually equal the number of victims or the number of subjects in those reports.

Of the 5,518 victims, how many were Service members?
In FY13, there were 4,605 Service member victims in sexual assault reports, however 4,113 Service members made a report for an incident that occurred to them while in military service.

Who were the other victims?
The remaining 913 victims were U.S. civilians, foreign nationals, and others who were not on Active Duty with the U.S. Armed Forces.

Exhibit 3 demonstrates the increase in the number of Service member victims making reports of sexual assault from Calendar Year (CY) 2004 to FY13. The reports were for incidents occurring to the member while in military service.



⁷⁶ DOJ (2002). *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992–2000*. Washington, DC: Rennison, Callie Marie.

Exhibit 4 demonstrates 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 narrowed this year, given the increase in reports of sexual assault. The Department assesses the increase in reports as unlikely to have resulted from increased crime, given historical prevalence rates and other factors.

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, prevention initiatives 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 system are expected to increase the number of Service members who choose to make an Unrestricted or Restricted Report.

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 between prevalence and reporting in order to reduce the underreporting of sexual assault in the military community.

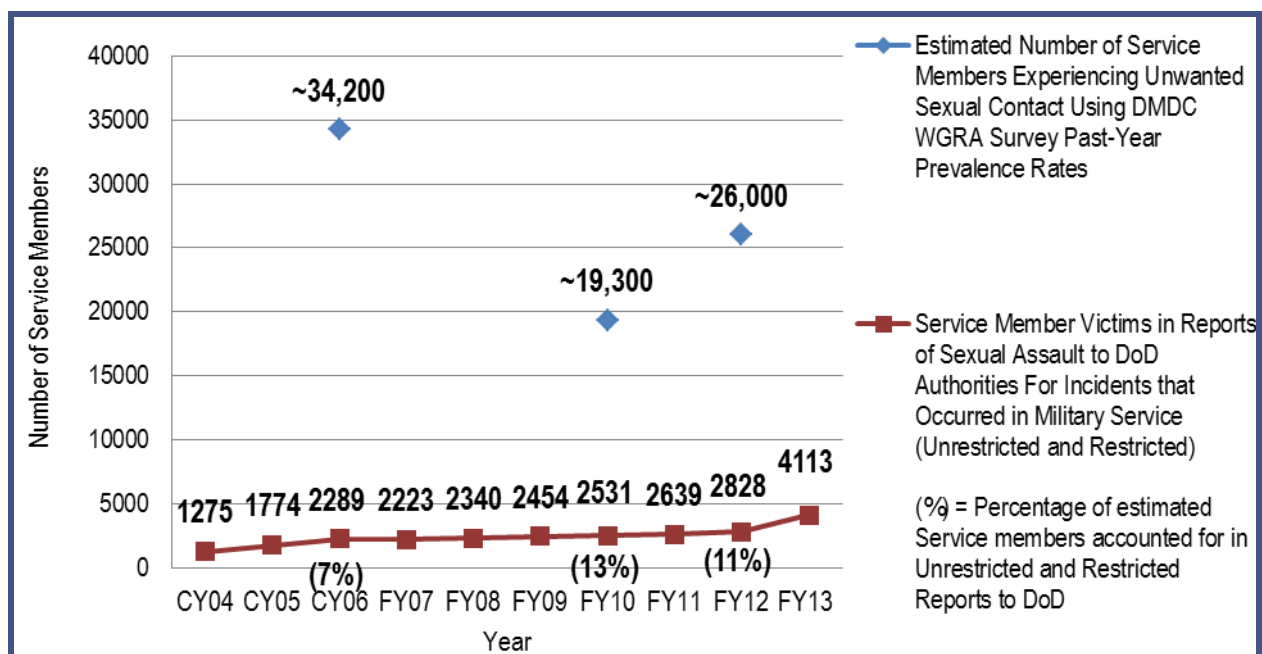


Exhibit 4: Estimated Service Members Experiencing Unwanted Sexual Contact Based on Past-Year Prevalence Rates vs. Number of Service Member Victims⁷⁷ in Reports of Sexual Assault Made During the Fiscal Year, for Incidents Occurring While in Military Service, CY04–FY13

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 2,531 Service member victims in Unrestricted and Restricted Reports of sexual assault to DoD authorities in FY10 accounted for approximately 13 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 2,828 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*.

⁷⁷ This graph depicts the estimated number of Service members who experienced USC in the past year (based on *WGRA* past-year prevalence rates), versus the number of Service member victims in actual reports of sexual assault made to the DoD in the years indicated. Note that although 4,605 Service members were involved in sexual assault reports in FY13, 492 of them made a report for events that occurred prior to their entry into military service. This leaves 4,113 making a report for an incident that occurred during military service.

Exhibit 5 shows the rates of victim reporting by Military Service during the past seven FYs.

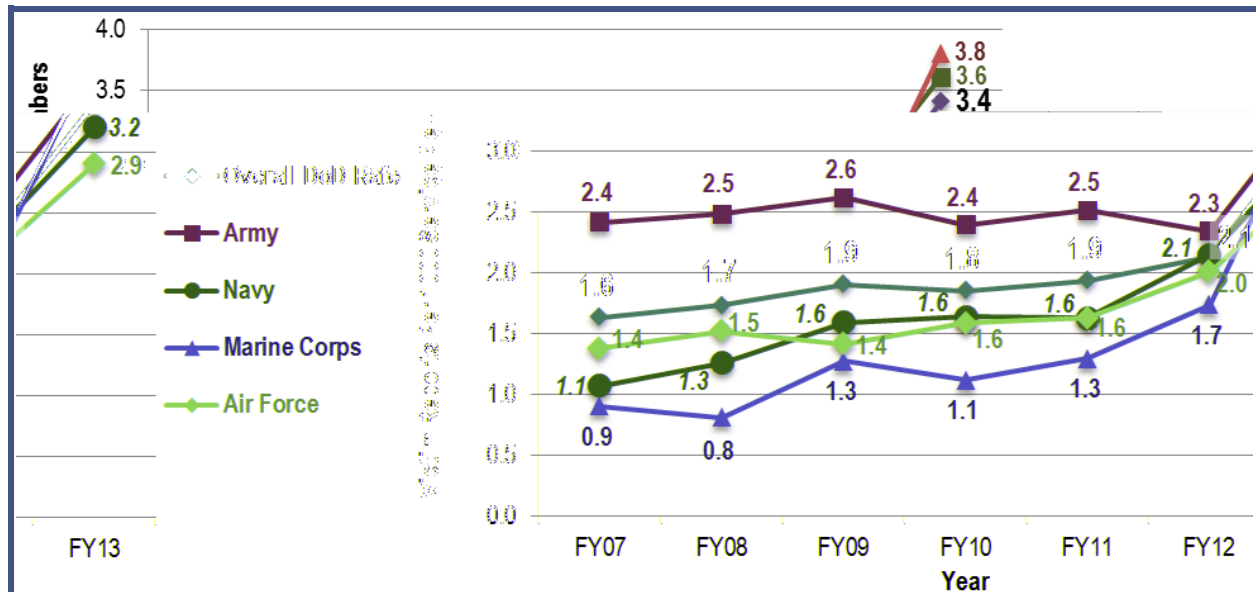


Exhibit 5: Victim Reporting Rates of Sexual Assault by Military Service, FY07–FY13
(Reports of Sexual Assault Per 1,000 Service Members)

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.

FY13 UNRESTRICTED REPORTS OF SEXUAL ASSAULT

Data from Unrestricted Reports is collected and reported to the Department by the MCIOs. In FY13, there were 3,768 Unrestricted Reports of sexual assault involving Service members as either the subject or victim of a sexual assault (**Exhibit 1, Point B**); 2,962 (79 percent) of the 3,768 Unrestricted Reports involved Service members as victims. Because some incidents involved multiple victims, 3,341 Service member victims were involved in these 2,962 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.

Each year, the majority of sexual assault reports received by the MCIOs involve the victimization of Service members by other Service members. In FY13, 2,310 of the 3,768 Unrestricted Reports (61 percent) involved allegations of Service member-on-Service member sexual assault (**Exhibit 6 and 7**).

Exhibit 6 illustrates how Service members were involved in Unrestricted Reports of sexual assault received in FY13.

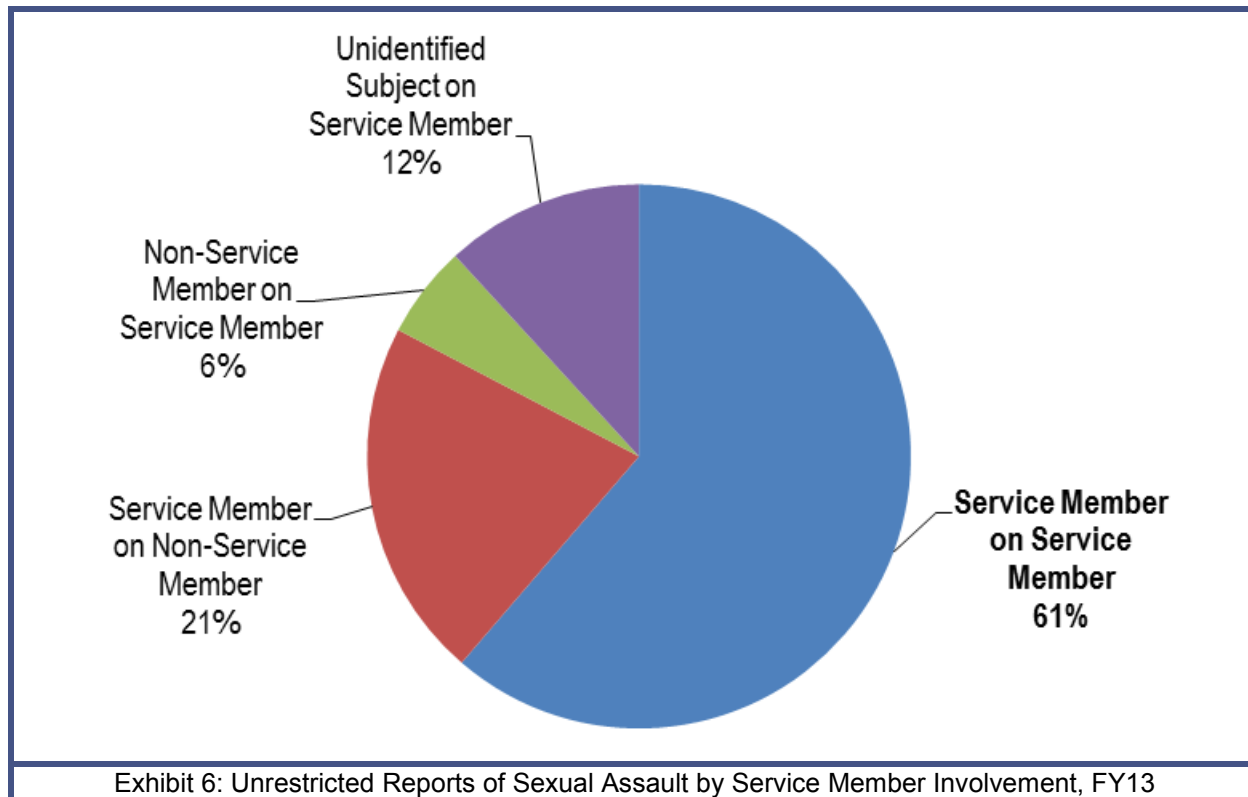
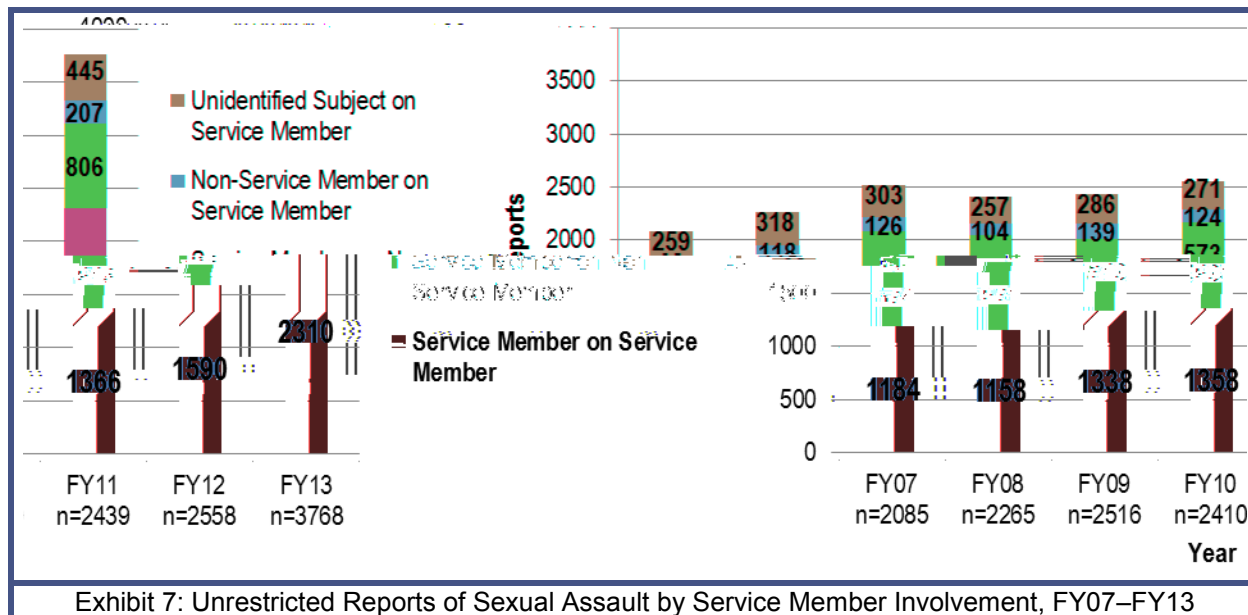


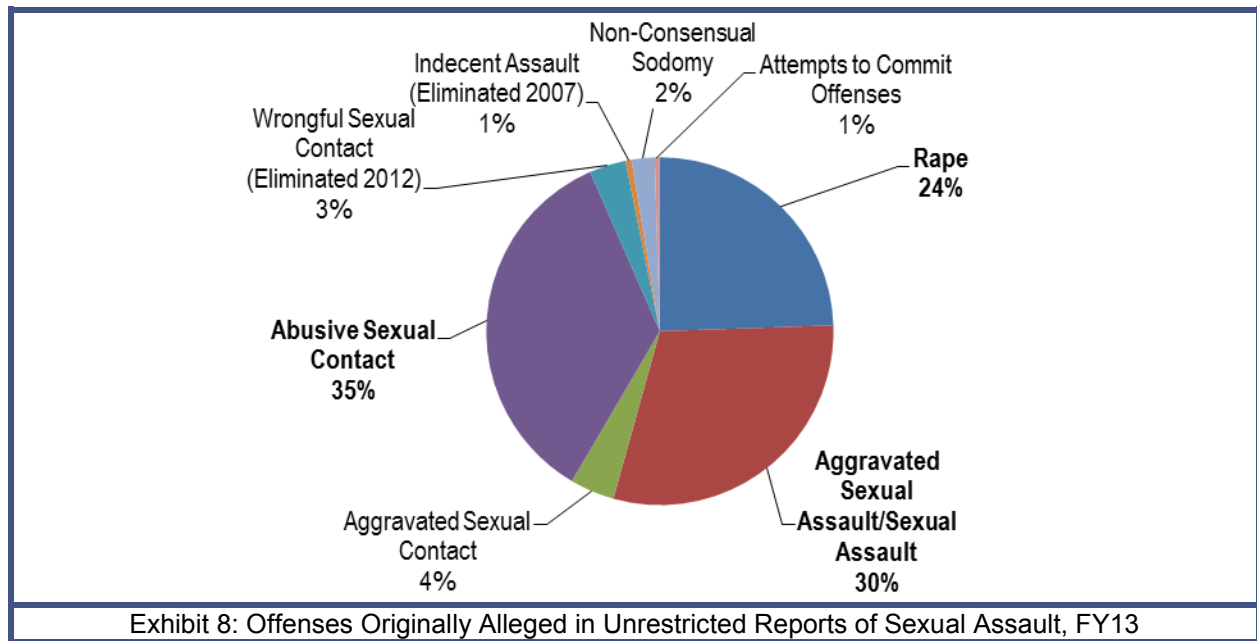
Exhibit 7 illustrates how Service members have been involved in Unrestricted Reports of sexual assault over the past seven reporting periods.



Crimes Alleged in Unrestricted Reports

In the 3,768 Unrestricted Reports made to the Department in FY13, the majority of offenses alleged were in three categories: rape; aggravated sexual assault/sexual assault; and abusive 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. Exhibit 8 shows the proportions of offenses as originally alleged in Unrestricted Reports in FY13.⁷⁸

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



⁷⁸ 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.”

Table 3 shows the breakdown of Unrestricted Reports of sexual assault by offense originally alleged and the military status of the victim.

Table 3: Unrestricted Reports of Sexual Assault by Alleged Offense and Military Status, FY13

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	922	649	273
Aggravated Sexual Assault and Sexual Assault	1125	868	257
Aggravated Sexual Contact	156	122	34
Abusive Sexual Contact	1317	1100	217
Wrongful Sexual Contact	128	114	14
Indecent Assault	21	21	0
Nonconsensual Sodomy	81	71	10
Attempts to Commit Offenses	18	17	1
Total Unrestricted Reports in FY13	3768	3195	573

Investigations of Unrestricted Reports

According to DoD policy, all Unrestricted Reports must be referred for investigation by an MCIO. However, reports received for incidents prior to military service usually cannot be investigated when the alleged offender is not subject to military law. In FY13, MCIOs initiated 3,642 sexual assault investigations (**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 type 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. Of the 3,337 sexual assault investigations completed during FY13 (**Exhibit 1, Point F**), 2,182 were opened in FY13 and 1,155 were opened in years prior to FY13.

- The outcomes of 1,460 sexual assault investigations that were opened in FY13 but not completed by September 30, 2013, will be documented in future reports (**Exhibit 1, Point E**).

The MCIOs reported that 81 of the 3,592 subjects in investigations completed in FY13 had a previous investigation for a sexual assault allegation.

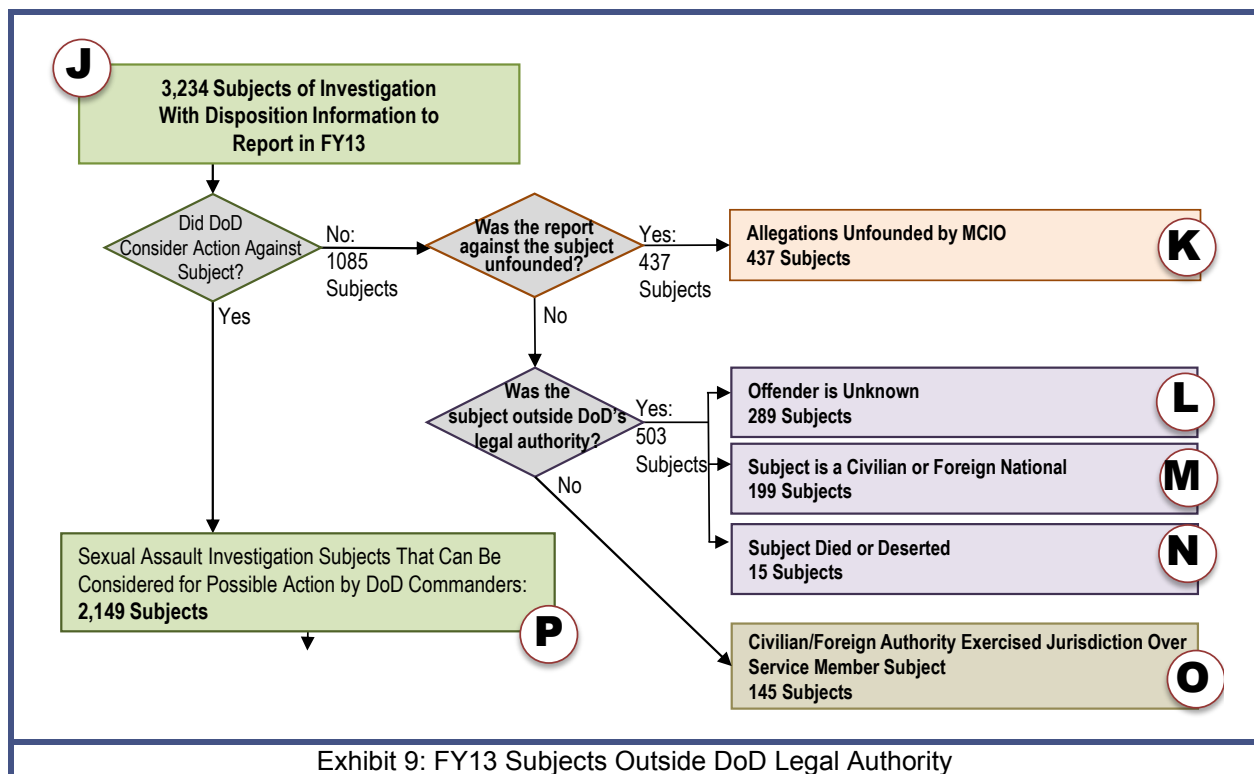
Sexual Assault Subject Dispositions in FY13

Congress requires the Department to report on the dispositions (outcomes) of the sexual assault allegations made against Service members. At the end of FY13, there

were 3,858 subjects receiving or waiting for a disposition for the allegations against them at the close of FY13 (**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 FY13, 624 of the 3,858 subject dispositions were still in progress and will be reported in forthcoming years’ reports (**Exhibit 1, Point I**).

The 3,234 subjects from DoD investigations for whom dispositions were reported in FY13 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**

Can the Department take action against everyone it investigates?

No. In FY13, the Department could not take action against 1,085 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.

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 FY13, the Department could not consider taking action against 1,085 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).

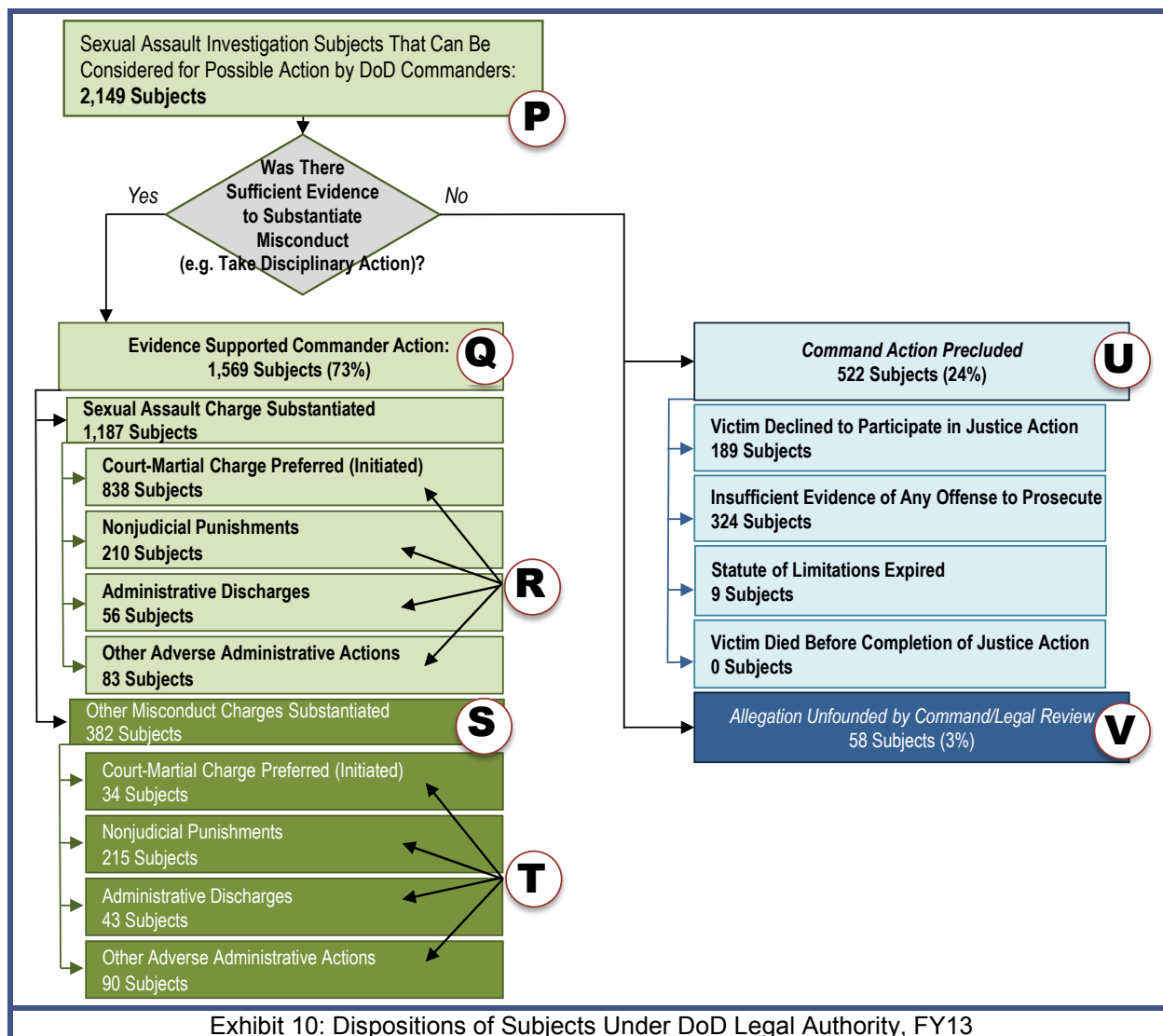
When an MCIO makes a determination that available evidence indicates the individual accused of sexual assault did not commit the offense, or the offense was improperly reported or recorded as a sexual assault, the allegations against the subject are considered to be unfounded. As a result, no action is taken against the accused.

- Allegations against 437 subjects were unfounded (false or baseless) by an MCIO during FY13 (**Exhibit 9, Point K**).

The Department's legal authority extends only to those persons subject to the UCMJ. As a result, 503 subjects of DoD investigations fell outside its authority for disciplinary action:

- There were 289 subjects who remained unidentified despite a criminal investigation (**Exhibit 9, Point L**).
- The Department could not take action against 199 civilians or foreign nationals because they were not subject to military law (**Exhibit 9, Point M**).
- Fifteen (15) subjects died or deserted before disciplinary action could be taken against them (**Exhibit 9, Point N**).

While a Service member is always under the legal authority of the Department, sometimes a civilian authority or foreign government will exercise its legal authority over a Service member who is suspected of committing a crime within its jurisdiction. This year, a civilian or foreign authority addressed the alleged misconduct of 145 Service member subjects (**Exhibit 9, Point O**).



Military Subjects Considered for Disciplinary Action

In FY13, 2,149 subjects investigated for sexual assault were Service members under the legal authority of the Department (**Exhibit 9 and 10, Point P** and Table 4). However, legal factors sometimes prevent disciplinary action from being taken against some subjects. For example, commanders were unable to take disciplinary action against 522 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** and Table 4). In addition, commanders declined to take action against 58 military subjects because, after a review of the facts of the case with a military attorney, they determined the allegations against those subjects were unfounded (**Exhibit 10, Point V** and Table 4). Since FY07, the percentage of Service member subject for whom command action is precluded or declined has decreased. Exhibit 11A illustrates that DoD authorities were able to hold a larger percentage of Service member subjects appropriately accountable in FY13 than in FY07.

Table 4: Military Subject Dispositions in FY13

Subject Disposition Category	Military Subject Dispositions Reported in FY12
Military Subjects in Sexual Assault Cases Reviewed for Possible Disciplinary Action	2,149
Evidence-Supported Commander Action	1,569
Sexual Assault Offense Action	1,187
<i>Court-Martial Charge Preferred (Initiated)</i>	838
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	210
<i>Administrative Discharge</i>	56
<i>Other Adverse Administrative Action</i>	83
Evidence Only Supported Action on a Non-sexual Assault Offense	382
<i>Court-Martial Charge Preferred (Initiated)</i>	34
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	215
<i>Administrative Discharge</i>	43
<i>Other Adverse Administrative Action</i>	90
Unfounded by Command/Legal Review	58
Commander Action Precluded	522
<i>Victim Died</i>	0
<i>Victim Declined to Participate in the Military Justice Action</i>	189
<i>Insufficient Evidence to Prosecute</i>	324
<i>Statute of Limitations Expired</i>	9

For 1,569 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** and Table 4). 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 preferential of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative action.

The following represents the command actions taken for the 1,187 subjects for whom it was determined a sexual assault offense warranted discipline: 71 percent (838 subjects) had court-martial charges preferred (initiated) against them, 18 percent (210 subjects) were entered into proceedings for nonjudicial punishment under Article 15 of the UCMJ, and 12 percent (139 subjects) received a discharge or another adverse administrative action (**Exhibit 10, Point R** and Table 4).

What percentage of Service member subjects who received disciplinary action for sexual assault had court-martial charges preferred against them in FY13?

71 percent

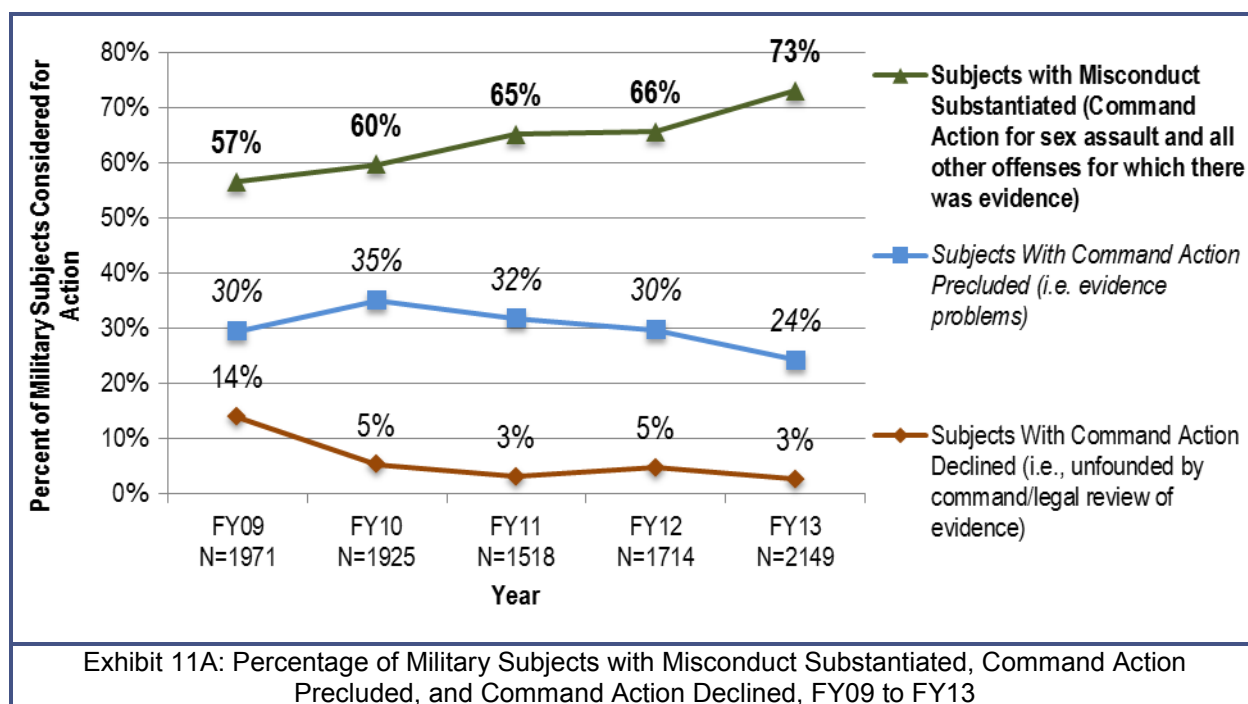
In FY07, only 30 percent of subjects receiving disciplinary action had court-martial charges preferred against them.

For 382 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** and Table 4). Of these 382 military subjects for whom

probable cause existed only for a nonsexual assault offense: 9 percent (34 subjects) had court-martial charges preferred against them, 56 percent (215 subjects) were entered into proceedings for nonjudicial punishment, and 35 percent (133 subjects) received some form of adverse administrative action or discharge (**Exhibit 10, Point T** and Table 4).

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 11B shows that from FY07 to FY13, commanders' referral of court-martial charges against military subjects for sexual assault offenses increased from 30 percent of subjects in FY07 to 71 percent of subjects in FY13. During the same period, reliance upon nonjudicial punishment, other adverse administrative actions, and administrative discharges decreased substantially.



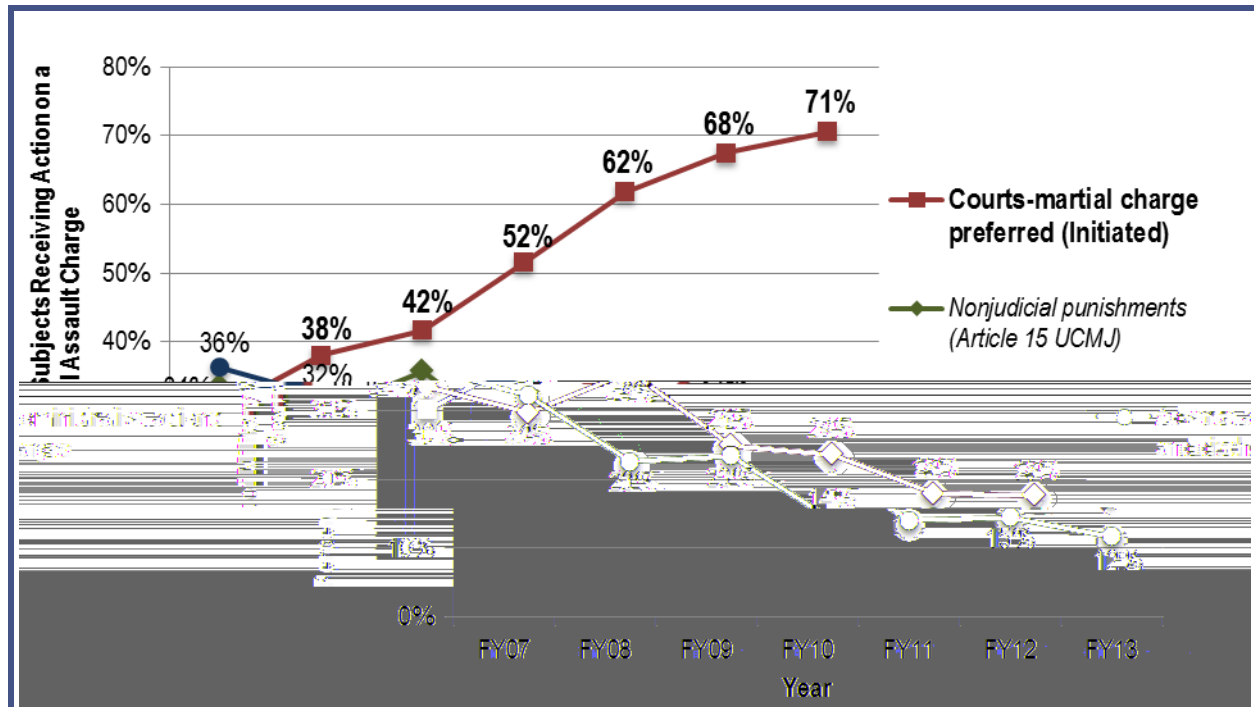


Exhibit 11B: Breakdown of disciplinary actions taken against subjects for sexual assault offenses, FY07 to 13

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 percent due to rounding of percentages to the nearest whole point.

Courts-Martial for a Sexual Assault Offense

As noted previously, of the 1,187 military subjects against whom disciplinary action was initiated for a sexual assault offense, 838 had court-martial charges preferred against them (**Exhibit 10, Point R** and Table 4). Exhibit 12 illustrates what happened to these subjects after court-martial charges were preferred on them. The dispositions and the sentences imposed by courts-martial are for those subjects with at least one sexual assault charge adjudicated in FY13. Of the 838 subjects who had court-martial charges preferred against them for at least one sexual assault charge in FY13, 707 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 FY13, and what kind of punishment did they receive?

77 percent of Service members tried for a sexual assault offense were convicted of at least one charge at trial. The convictions included any charged crime or lesser included offense (a sexual assault or some other charge such as burglary, physical assault, etc.)

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 133 subjects. However, commanders used evidence gathered during the sexual assault investigations to take nonjudicial punishment against 26 of the 133 subjects. The punishment

may have been for any kind of misconduct for which there was evidence. Most of the 26 subjects who received nonjudicial punishment were adjudged two categories of punishment: reductions in rank and fines.

- Ninety (90) subjects were discharged or granted a resignation in lieu of court-martial.
- Of the 484 subjects whose cases proceeded to trial: 370 subjects (76 percent) were convicted on any charge at court-martial. 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.
- Sex offender registration was required for 197 military members convicted for a qualifying offense at court-martial.
- One-hundred fourteen subjects (114) (24 percent) were acquitted of all charges.

Resignations and discharges in lieu of court-martial are granted 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 FY13, 83 of 84 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 (the characterization of discharge was not available for 1 subject granted a discharge in lieu of court-martial). 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 FY13 NDAA. This year, the Services documented that 40 convicted subjects that did not receive a punitive discharge or dismissal will be processed for administrative separation from military service.

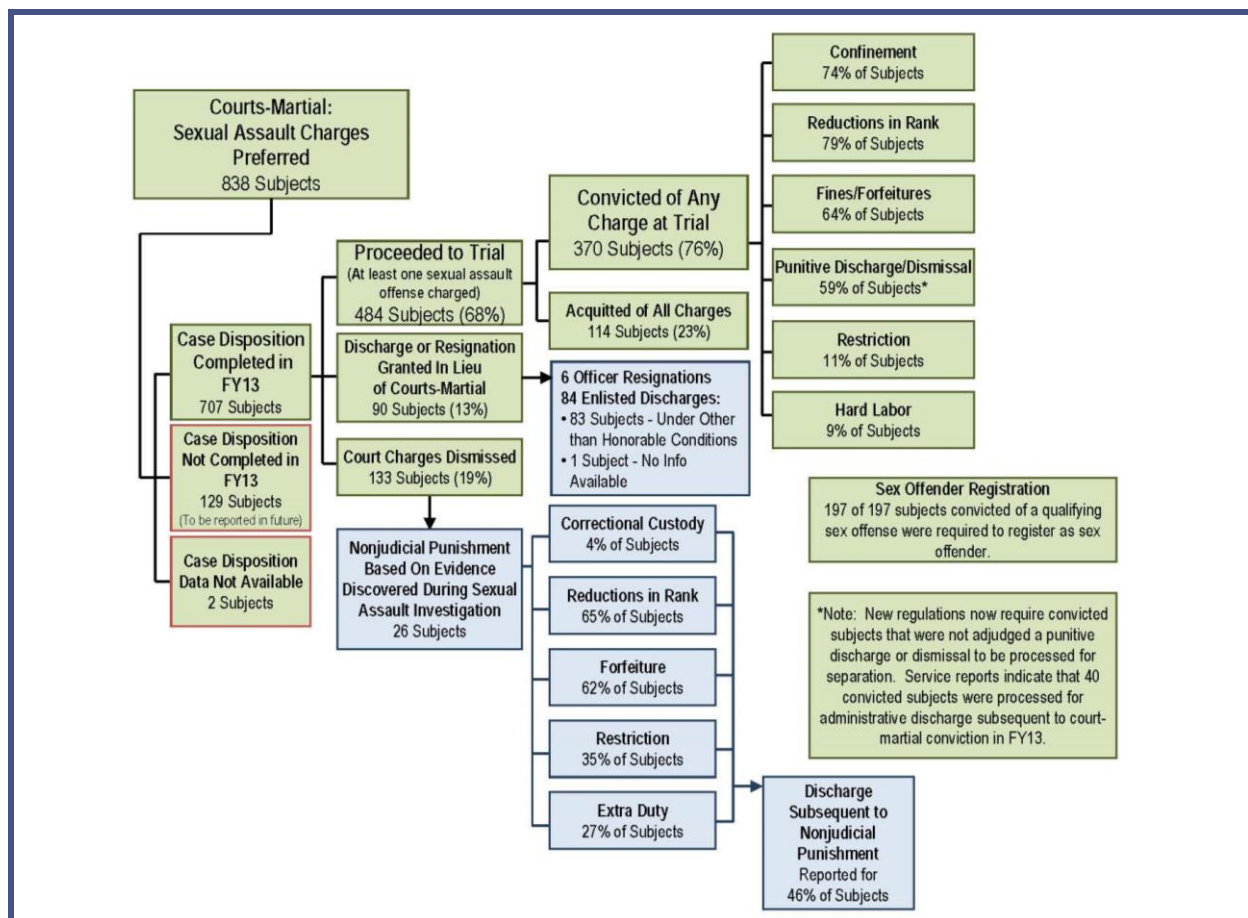


Exhibit 12: Dispositions of Subjects Against Whom Sexual Assault Courts-Martial Charges Were Preferred, FY13

Notes:

1. The Military Services reported that 838 subjects of sexual assault investigations had court-martial charges preferred against them for a sexual assault offense.
2. Of the 838 subjects who had court-martial charges preferred against them, 129 subjects were still pending court action at the end of FY13. Disposition data was not available for 2 subjects.
3. Of the 707 subjects whose courts-martial were completed and reported in FY13, 484 subjects proceeded to trial, 90 subjects were granted a discharge or resignation in lieu of court-martial, and 133 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 133 subjects with dismissed charges, commanders imposed nonjudicial punishment on 26 subjects. Most of these 26 subjects received two kinds of punishment: a reduction in rank and a forfeiture.
5. Of the 484 subjects whose cases proceeded to trial, 370 (76 percent) were convicted of at least one charge. 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 forfeiture of pay, and a punitive discharge (bad conduct discharge, dishonorable discharge or dismissal (officers)). The 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.

Of the 1,187 military subjects who received disciplinary action on a sexual assault offense, 210 received nonjudicial punishment (**Exhibit 10, Point R** and **Table 4**). Exhibit 13 denotes the outcomes of nonjudicial punishment actions taken against subjects on a sexual assault charge in FY13. Of the 199 subjects whose nonjudicial punishments were completed in FY13, 94 percent of subjects were found guilty by the commander and received punishment. Nearly all of the administered nonjudicial punishments were for a non-penetrating sex offense. Most subjects who received nonjudicial punishment received at least four kinds of punishment: reduction in rank, a forfeiture of pay, restriction of their liberty for a period of time, and extra duty. Available Military Service data indicated that for 46 subjects (25 percent of those administered nonjudicial punishment) the nonjudicial punishment served as grounds for a subsequent administrative discharge. Characterizations of these discharges were as follows:

- Honorable Discharge: 5 Subjects
- General Discharge: 19 Subjects
- Under Other Than Honorable: 17 Subjects
- Uncharacterized: 3 Subjects
- Pending Characterization: 2 Subjects

Total: 46 Subjects

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

No.

Only 18 percent of subjects who received disciplinary action for a sexual assault crime received nonjudicial punishment in FY13. Most subjects (71 percent) had court-martial charges preferred against them.

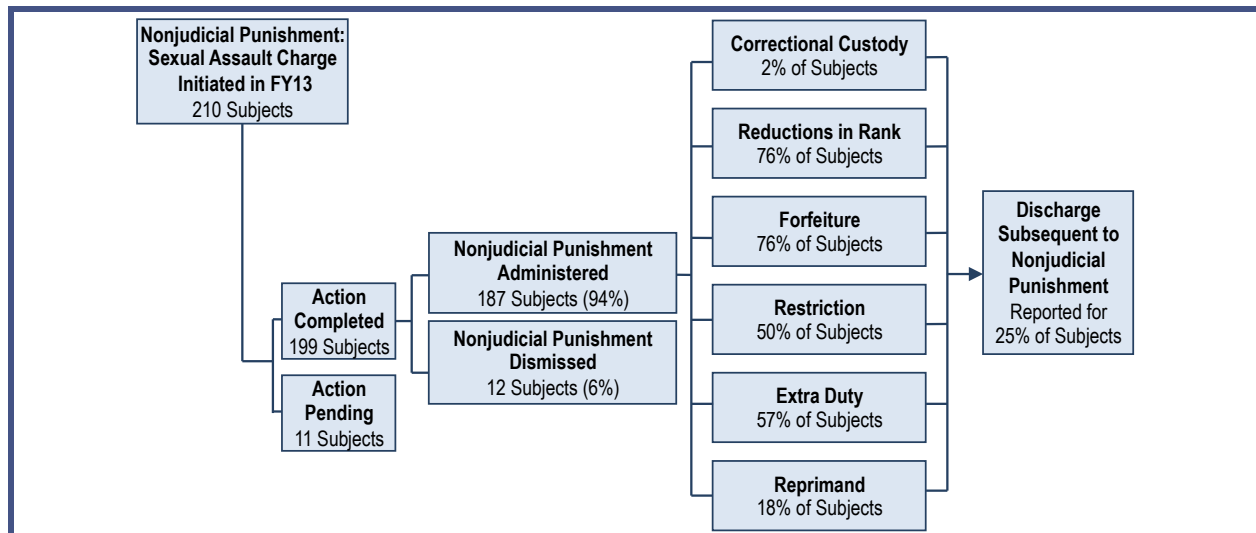


Exhibit 13: Dispositions of Subjects Receiving Nonjudicial Punishment, FY13

Notes:

1. The Military Services reported that 210 subjects of sexual assault investigations disposed in FY13 were considered for nonjudicial punishment.
2. Of the 210 subjects considered for nonjudicial punishment, 11 subjects were still pending action at the end of FY13.
3. Of the 199 subjects whose nonjudicial punishments were completed in FY13, 187 subjects (94 percent) were found guilty by the commander and issued punishment. The remaining 12 subjects (6 percent) 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 forfeiture of pay, a restriction on their liberty for a period of time, and extra duty.
5. For 46 subjects (25 percent of those punished), the nonjudicial punishment contributed to the rationale supporting an administrative discharge.

Administrative Discharges and Adverse Administrative Actions

A legal review of evidence sometimes indicates the court-martial process or nonjudicial punishments are not appropriate means to address allegations of misconduct against the accused. However, military commanders have other means at their disposal to hold offenders appropriately accountable. Administrative discharges may be used to address an individual's misconduct, discipline or poor suitability for continued service. There are three characterizations of administrative discharge: Honorable, General, and Under Other Than Honorable. General and UOTHC discharges may limit those discharged from receiving full entitlements and benefits from both the DoD and the DVA. Commanders processed 56 subjects in sexual assault investigations for administrative discharge in FY13 (**Exhibit 10, Point R** and Table 4). Only one member was retained after facing an administrative discharge board. Characterizations of these discharges were as follows:

- | | |
|--|-------------------|
| • Honorable Discharge: | 1 Subjects |
| • General Discharge: | 30 Subjects |
| • Under Other Than Honorable Conditions: | 10 Subjects |
| • Uncharacterized: | 7 Subjects |
| • <u>Pending Characterization:</u> | <u>7 Subjects</u> |

Total: 55 Subjects

In FY13, commanders took adverse administrative actions against 83 subjects investigated for a sexual assault offense (**Exhibit 10, Point R** and Table 4). Adverse administrative actions are typically used when available evidence does not support more serious disciplinary action. Adverse administrative actions can have a serious impact on one's military career, have no equivalent form of punishment in the civilian sector, and may 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. Cadets and midshipmen are subject to an administrative disciplinary system at the MSA. These systems address misconduct that can ultimately be grounds for disenrollment from the Academy and, when appropriate, a requirement to reimburse the government for the cost of education.

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 FY13, commanders took action against 382 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 and 14, Point S** and Table 4). Exhibit 14 denotes the outcomes of the disciplinary actions taken against subjects for nonsexual assault offenses in FY13.

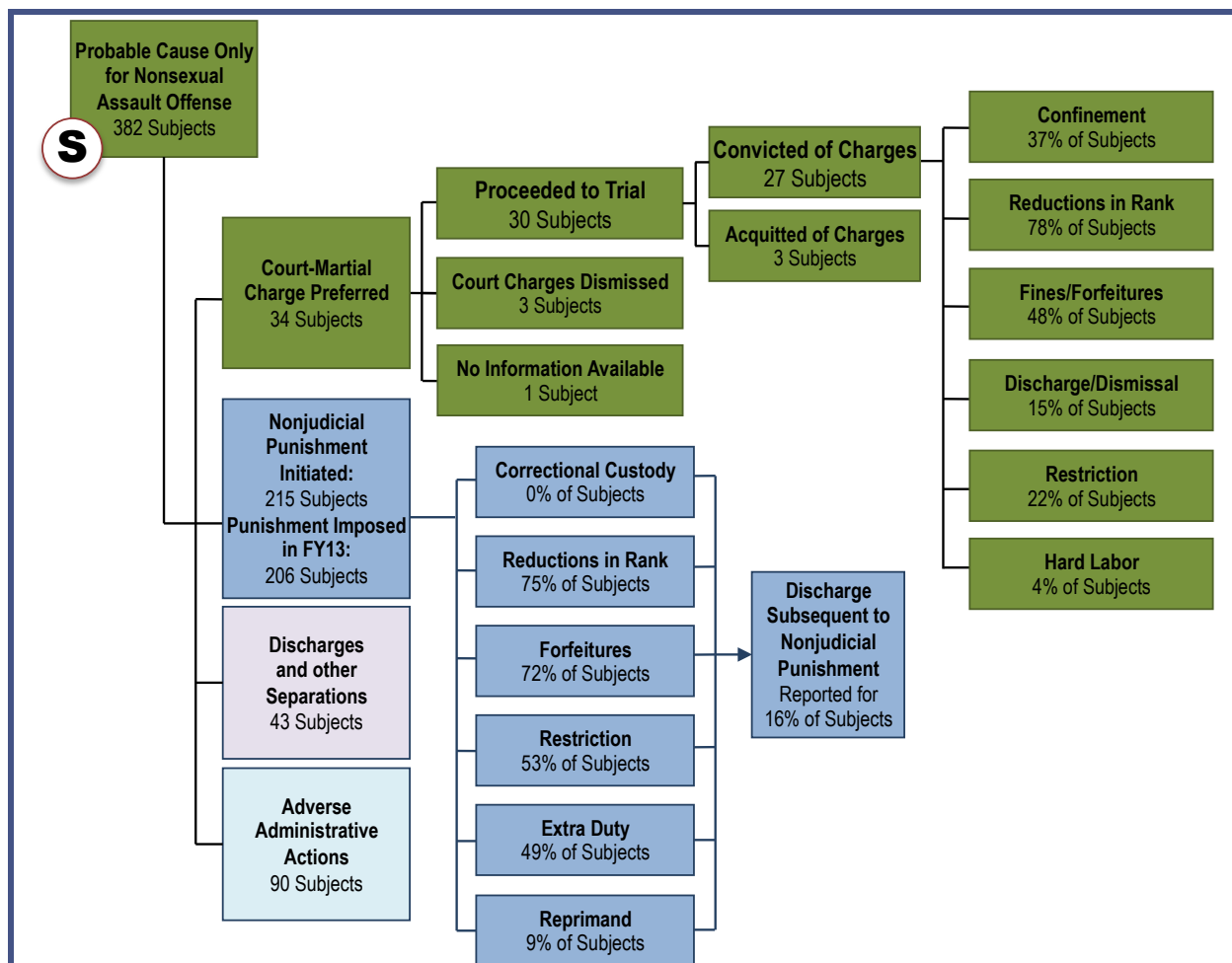


Exhibit 14: Dispositions of Subjects for Whom There was Only Probable Cause for Nonsexual Assault Offenses, FY13

Notes:

1. The Military Services reported that investigations of 382 subjects only disclosed evidence of misconduct not considered to be a sexual assault offense under the UCMJ.
2. Of the 382 subjects, 34 subjects had court-martial charges preferred against them, 215 subjects were entered into nonjudicial punishment proceedings, 43 subjects received a discharge or separation, and 90 subjects received adverse administrative action.
3. Of the 30 subjects whose cases proceeded to courts-martial, 27 subjects were convicted of the charges against them. Most convicted Service members were adjudged a reduction in rank.
4. Of the 215 subjects considered for nonjudicial punishment, 206 were ultimately found guilty. Most subjects received three kinds of punishment: a reduction in rank, a forfeiture, and 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 legal authority over a Service member to

address alleged misconduct. 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.

While Service members are always under the legal authority of the Department, a civilian or foreign authority may choose to exercise its authority over a Service member anytime he or she is suspected of committing an offense within its jurisdiction. Sometimes civilian and foreign 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 FY13, the total percentage of subjects investigated by the Department for sexual assault found to be either outside the Department's legal authority or under the authority of another jurisdiction varied between 13 percent and 21 percent as depicted in Exhibit 15.

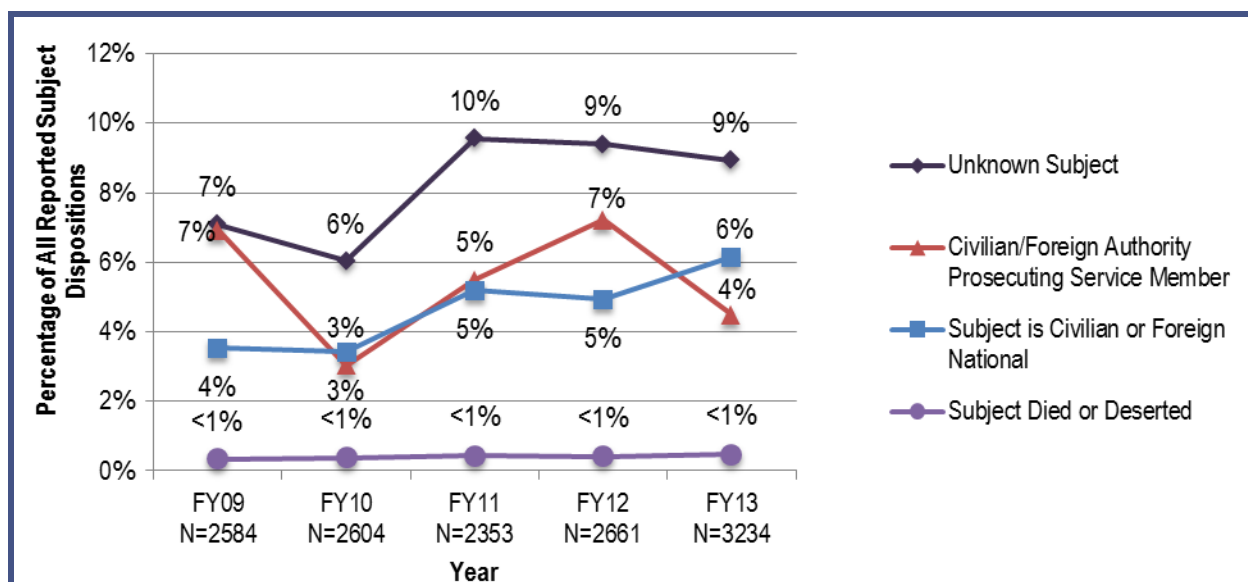


Exhibit 15: Subjects Investigated for Sexual Assault by the Department Who Were Outside Its Legal Authority, FY09–FY13

Notes:

1. In FY09, 462 (18 percent) of the 2,584 subjects in completed dispositions were outside the legal authority of the Department or under the authority of another jurisdiction.
2. In FY10, 335 (13 percent) of the 2,604 subjects in completed dispositions were outside the legal authority of the Department or under the authority of another jurisdiction.
3. In FY11, 486 (21 percent) of the 2,353 subjects in completed dispositions were outside the legal authority of the Department or under the authority of another jurisdiction.
4. In FY12, 584 (22 percent) of the 2,661 subjects in completed dispositions were outside the legal authority of the Department or under the authority of another jurisdiction.
5. In FY13, 648 (20 percent) of the 3,234 subjects in completed dispositions were outside the legal authority of the Department or under the authority of another jurisdiction.

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 MCIIO that investigates the crime or by the disposition authority and legal officers 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, the overall percentage of subjects with unfounded allegations has remained about the same since FY09.

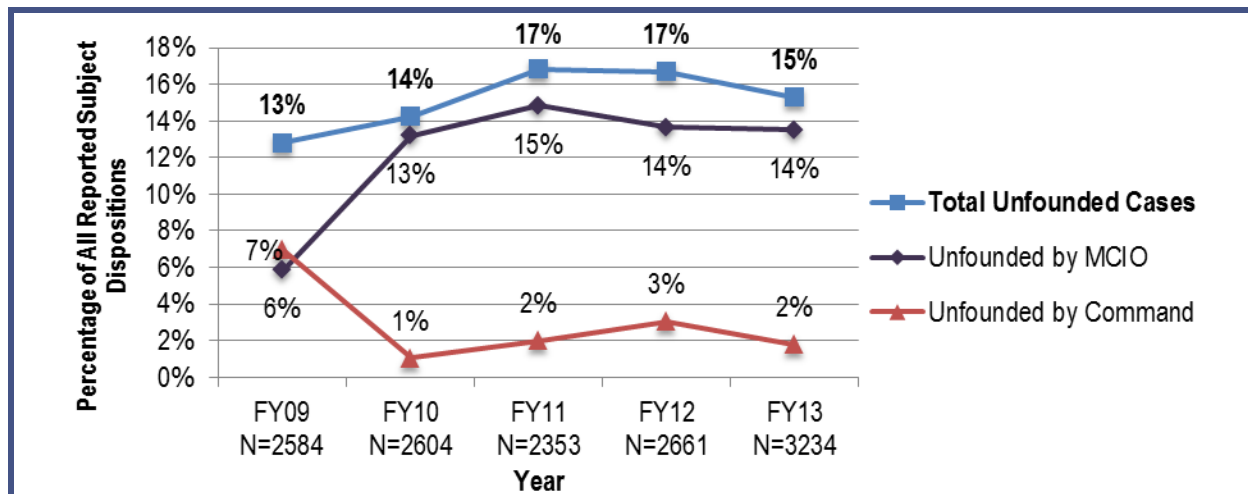


Exhibit 16: Subjects with Unfounded Allegations in Completed DoD Investigations of Sexual Assault, FY09–FY13

Notes:

1. In FY09, 331 (13 percent) of the 2,584 subjects in completed dispositions had unfounded allegations.
2. In FY10, 371 (14 percent) of the 2,604 subjects in completed dispositions had unfounded allegations.
3. In FY11, 396 (17 percent) of the 2,353 subjects in completed dispositions had unfounded allegations.
4. In FY12, 444 (17 percent) of the 2,661 subjects in completed dispositions had unfounded allegations.
5. In FY13, 495 (15 percent) of the 3,234 subjects in completed dispositions had unfounded allegations. *Numbers in chart do not add due to rounding.*

Demographics of Victims and Subjects in Completed Investigations

The following demographic information was gathered from the 3,337 investigations of sexual assault completed in FY13. These investigations involved 3,674 victims and 3,592 subjects. Two-hundred ninety-five (295) of the 3,337 investigations involved more than one victim, more than one subject, or multiple victims and 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.

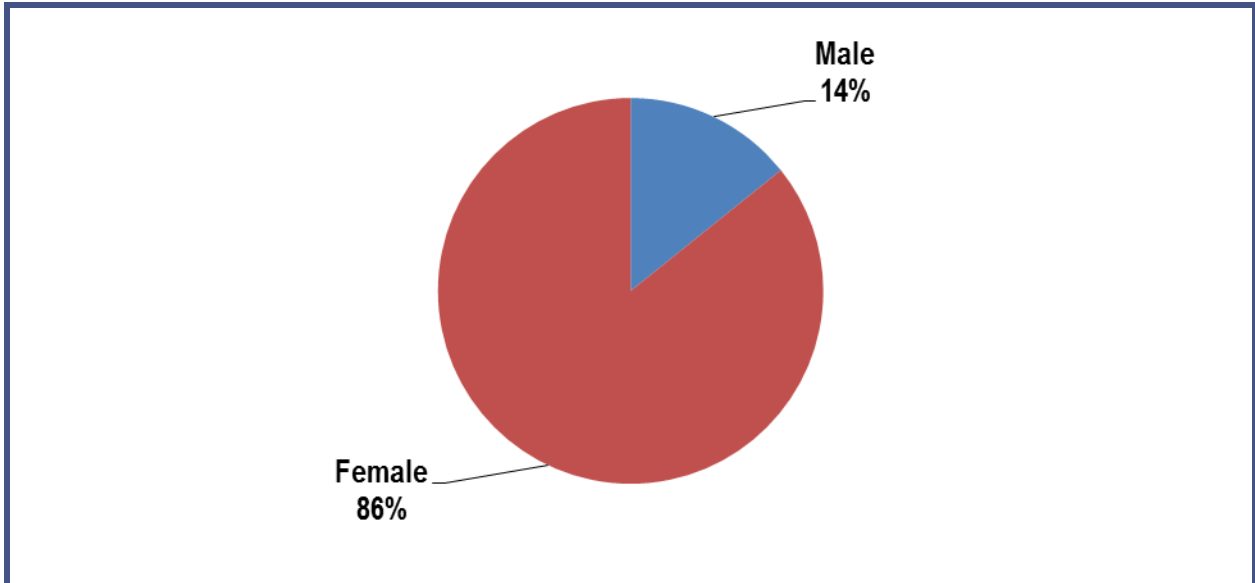


Exhibit 17: Gender of Victims in Completed Investigations of Unrestricted Reports, FY13

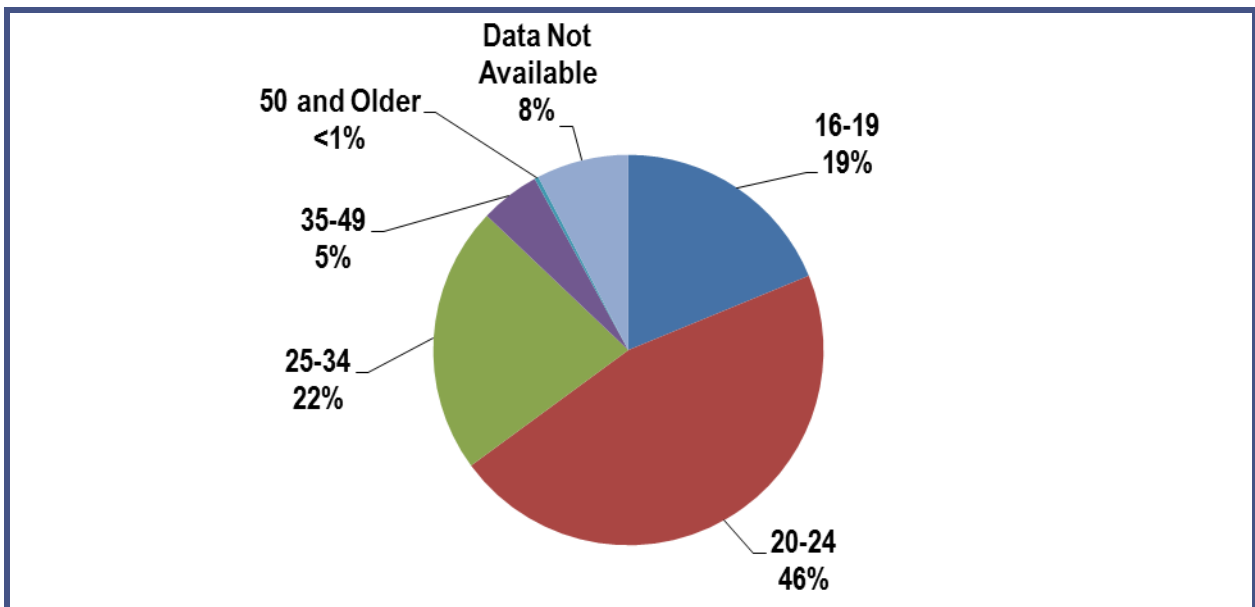


Exhibit 18: Age of Victims in Completed Investigations of Unrestricted Reports, FY13

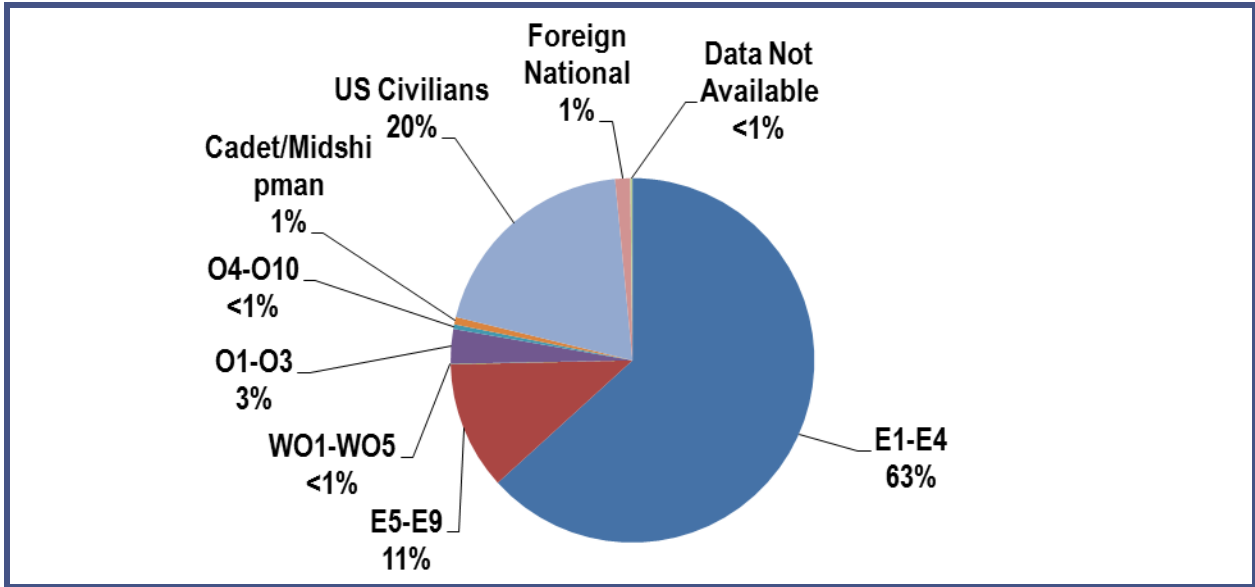
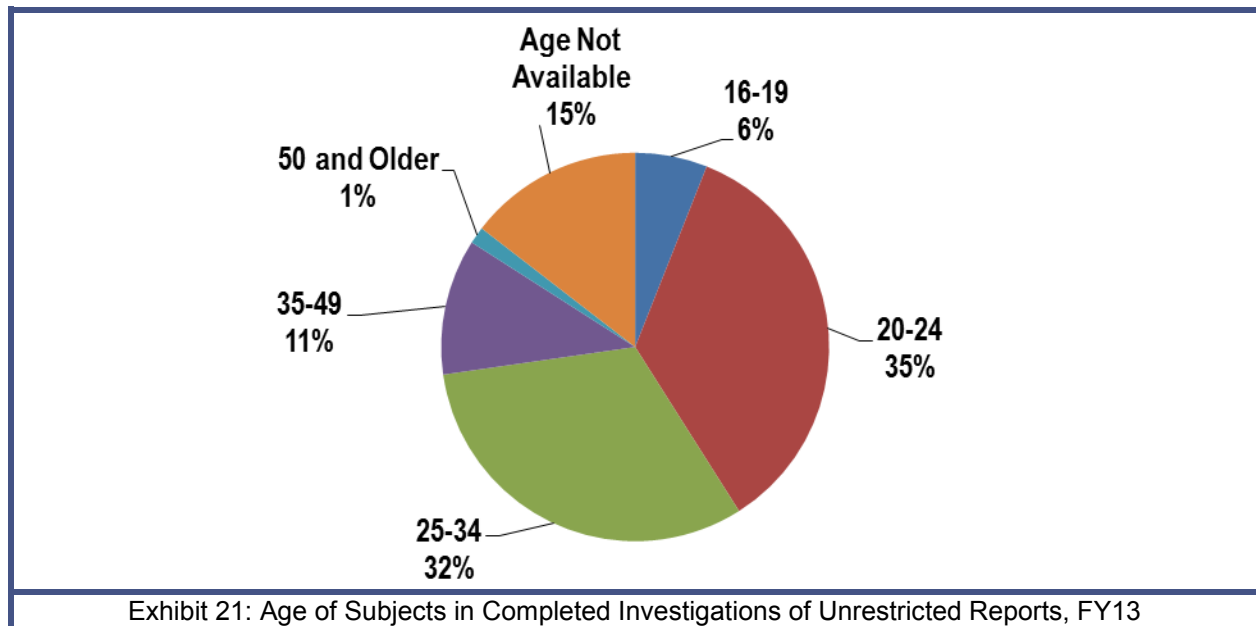
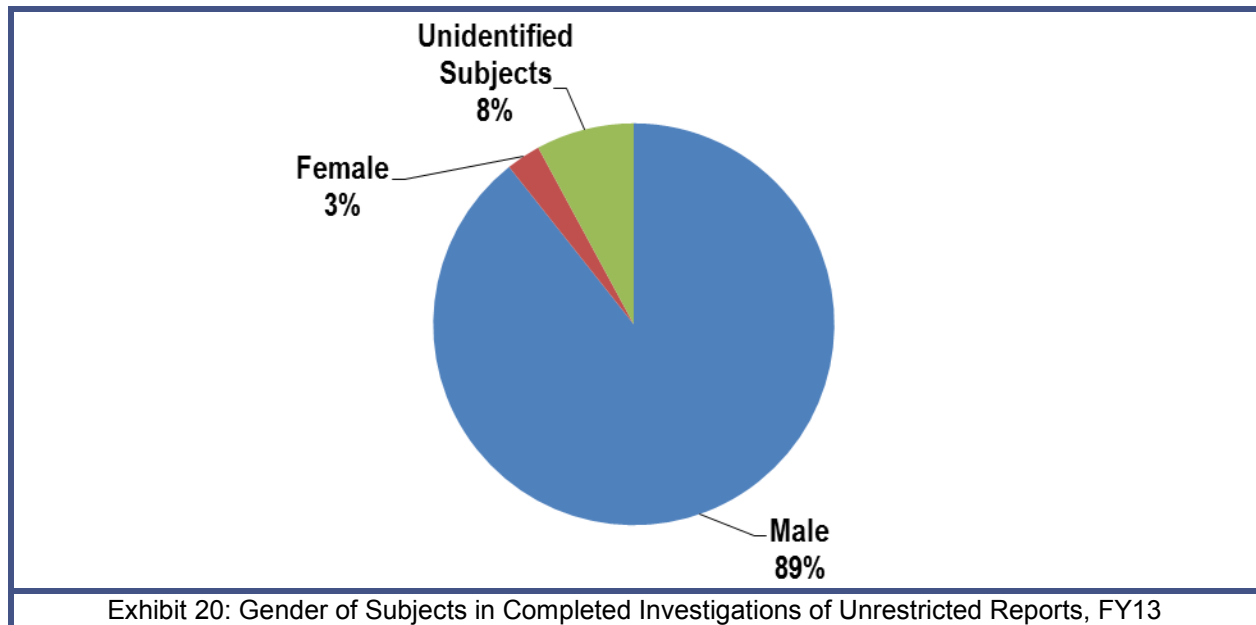
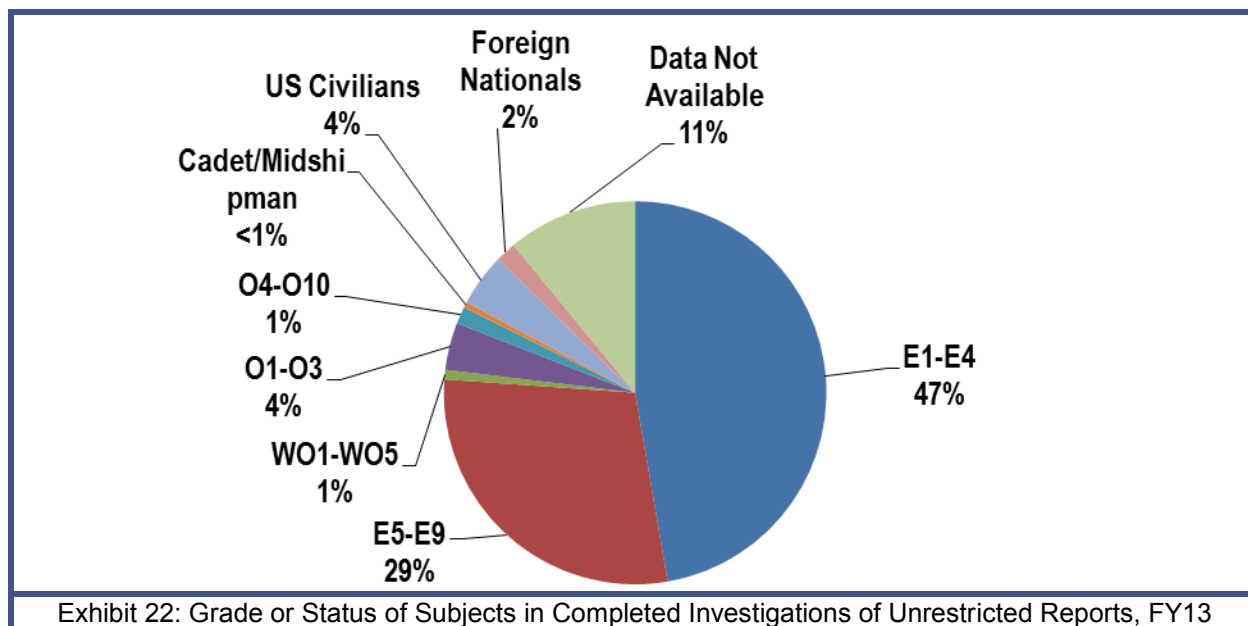


Exhibit 19: Grade or Status of Military Victims in Completed Investigations of Unrestricted Reports, FY13

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.





FY13 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 FY13, there were 301 reports of sexual assault in CAIs. This number reflects an 26 percent increase in overall reporting in CAIs from FY12. 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 247 Unrestricted Reports in FY13 represent an increase of 17 percent from the 212 Unrestricted Reports in FY12. Of the 247 Unrestricted Reports, 23 (11 percent) were made in Iraq and 142 (57 percent) were made in Afghanistan. The remaining Unrestricted Reports were made in Kuwait (21 reports), Qatar (16), Bahrain (15), the United Arab Emirates (11), Jordan (5), Djibouti (4), Oman (3), Egypt (3), Kyrgyzstan (3), and Saudi Arabia (1).

There were 58 initial Restricted Reports in CAIs, an increase from the initial 28 Restricted Reports in FY12. Four Restricted Reports converted to an Unrestricted Report during the FY, leaving 54 reports remaining Restricted in FY13.

Of the 58 initial Restricted Reports, 11 were made in Iraq and 26 were made in Afghanistan. The remaining Restricted Reports were made in Kuwait (7 reports), Qatar (6), Bahrain (2), Kyrgyzstan (2), United Arab Emirates (2), Egypt (1), and Saudi Arabia (1).

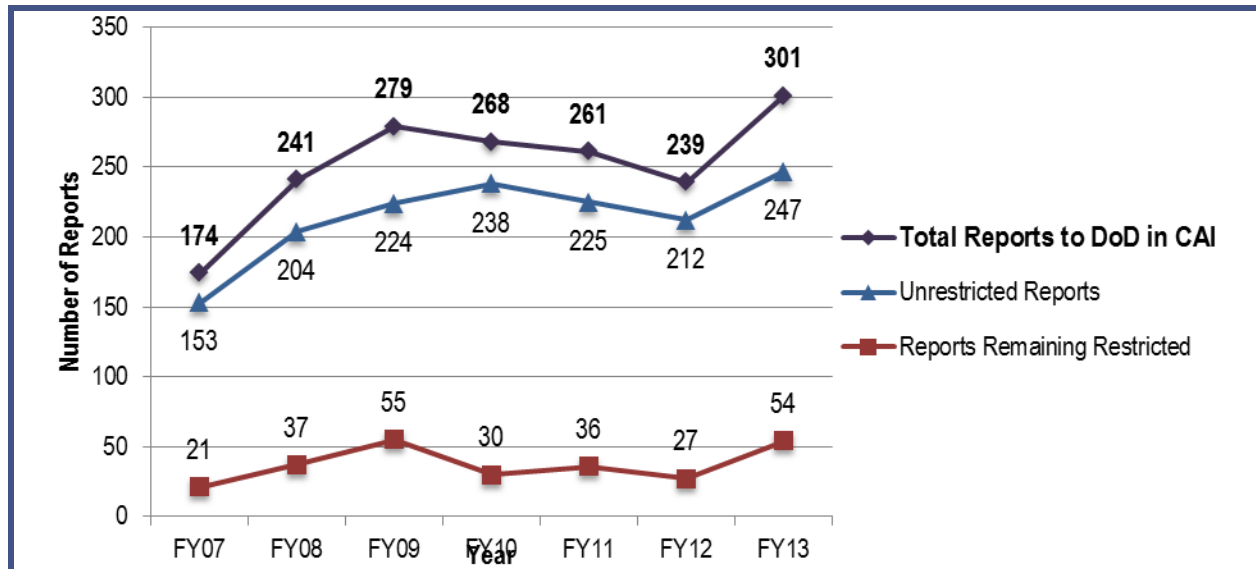


Exhibit 23: Total Reports of Sexual Assault in CAIs: Unrestricted Reports and Restricted Reports, FY07–FY13

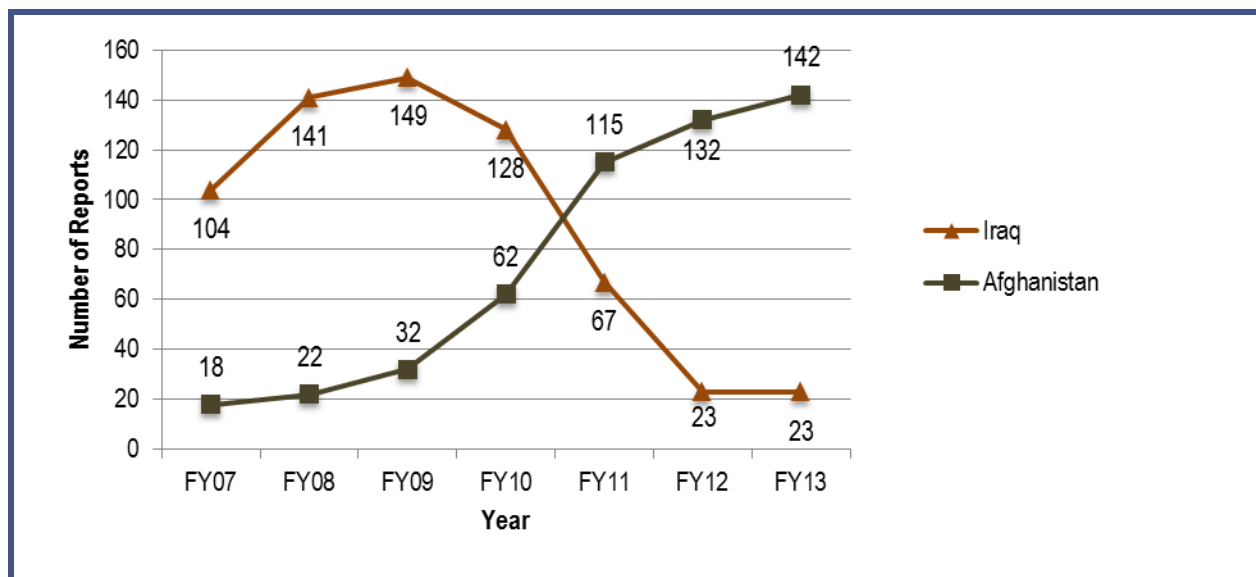
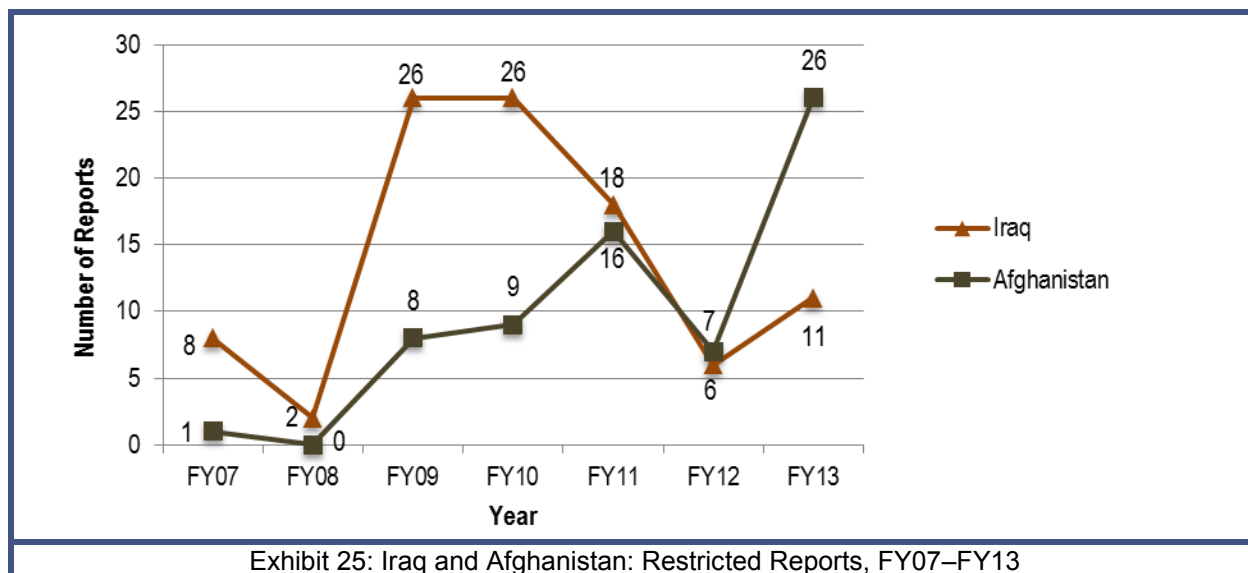


Exhibit 24: Iraq and Afghanistan: Unrestricted Reports, FY07–FY13



Sexual Assaults Perpetrated by Foreign Nationals Against Service Members

This year the Military Services reported that 63 foreign national subjects were suspected to have committed sexual assaults against Service members. Of the 63 male subjects, 51 were foreign national civilians and 12 were foreign military members. Last year in FY12, 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 military members.

Demographics of Unrestricted Reports in CAIs

Demographic information about the Unrestricted Reports made in CAIs was drawn from the investigations closed during FY13. These 251 investigations involved 267 victims and 267 subjects. Thirty-eight (38) 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 are similar to the demographics of victims in all Unrestricted Reports made to the Department, in that they are mostly female Service members (84 percent), under age 25 (50 percent)⁷⁹, and of a junior enlisted grade (71 percent).

Subjects

The demographics of subjects in Unrestricted Reports made in CAIs are similar to the demographics of subjects in all Unrestricted Reports made to the Department, in that they are mostly male Service members (83 percent), under the age of 35 (52 percent), and in an enlisted grade (86 percent).

⁷⁹ Thirty-three (33) percent of victims in CAI were 25-34 years of age.

Demographics of Restricted Reports in CAIs

The 58 victims who initially made Restricted Reports of sexual assault in CAIs are similar to the demographics of victims in all Restricted Reports made to the Department, in that they were mostly female Service members (78 percent). However, victims making Restricted Reports in CAIs tended to be a little older (75 percent were under age of 35) and of higher rank (52 percent were E1 to E4; 36 percent were E5 to E9) than victims making Restricted Reports in general.

FY13 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

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

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.

In FY13, there were 1,501 initial Restricted Reports of sexual assault. Of the 1,501 reports, 208 (14 percent) converted to Unrestricted Reports. At the close of FY13, 1,293 reports remained Restricted.⁸⁰

This year, 386 Service Members made a Restricted Report for an incident that occurred to them prior to entering military service, representing approximately 10 percent of the 5,061 reports of sexual assault.

Of these 386 Service members:

- 213 members indicated the incident occurred prior to age 18
- 146 members indicated the incident occurred after age 18
- 27 members declined to specify one of the two categories listed above

Over time, the percentage of victims desiring to convert their Restricted Reports to Unrestricted Reports has remained relatively stable at about 15 percent. Exhibit 26 shows the Restricted Reports and conversion rates for the past seven FYs.

⁸⁰ The 208 Restricted Reports that converted to Unrestricted Reports are included in the total 3,768 Unrestricted Reports cited earlier.

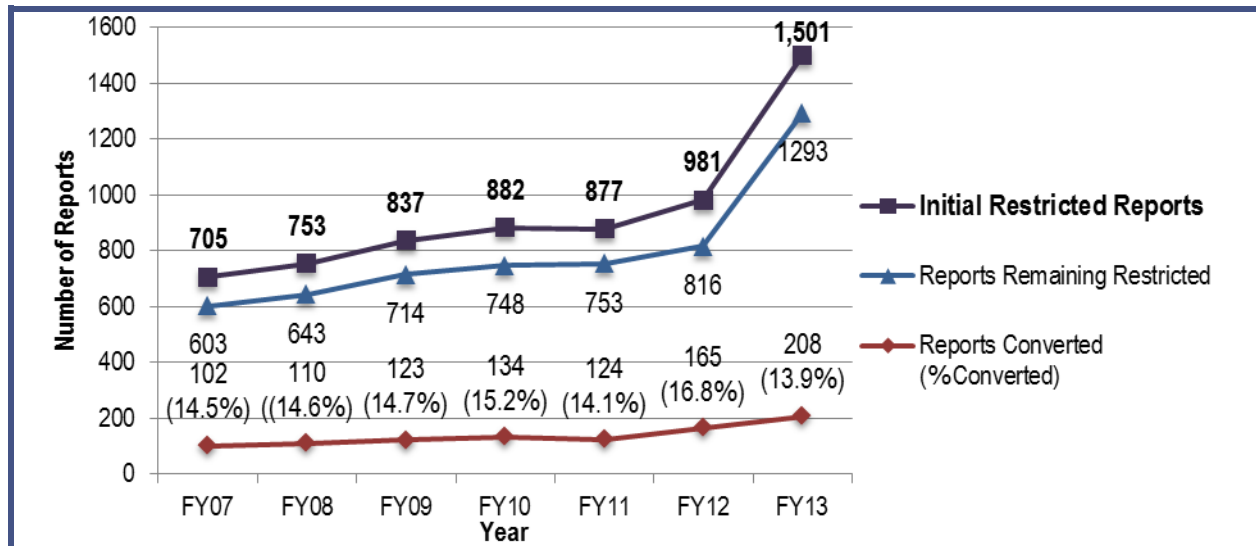


Exhibit 26: Total Number of Reports that Were Initially Made as Restricted, the Remaining Number of Restricted Reports, and the Number of Reports that Converted, FY07–FY13

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.

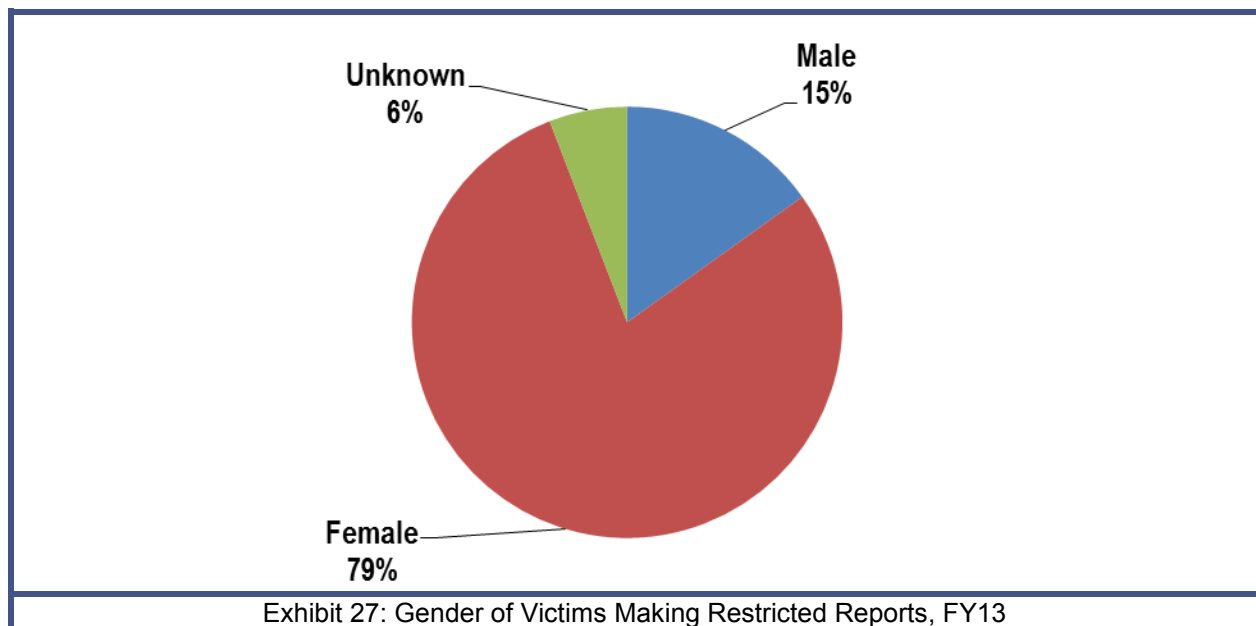


Exhibit 27: Gender of Victims Making Restricted Reports, FY13

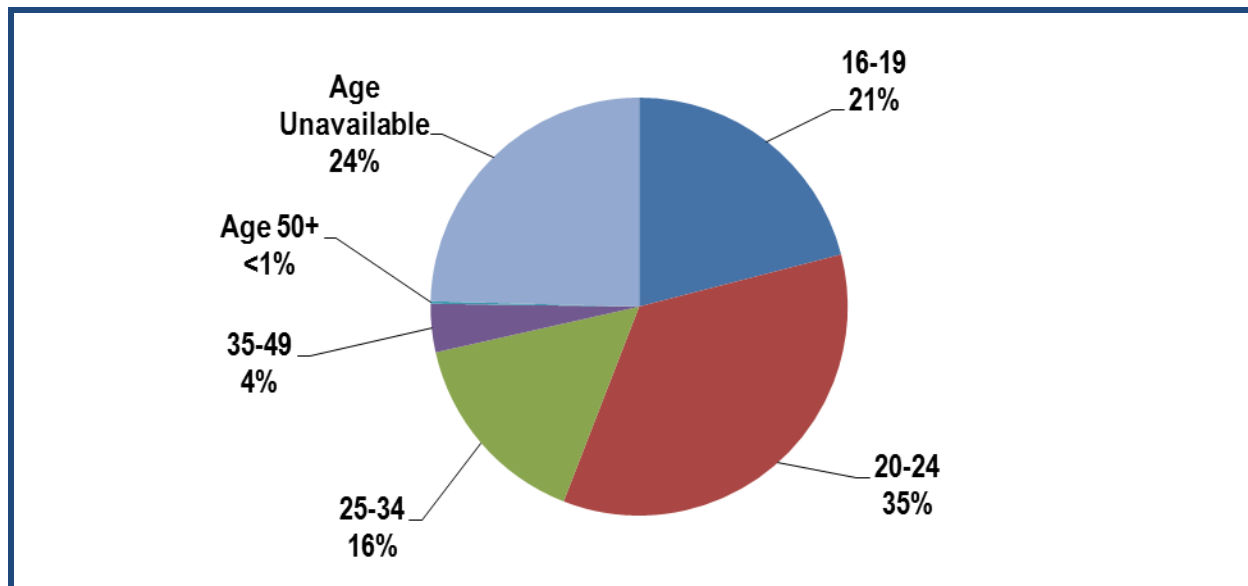


Exhibit 28: Age of Victims Making Restricted Reports, FY13

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.

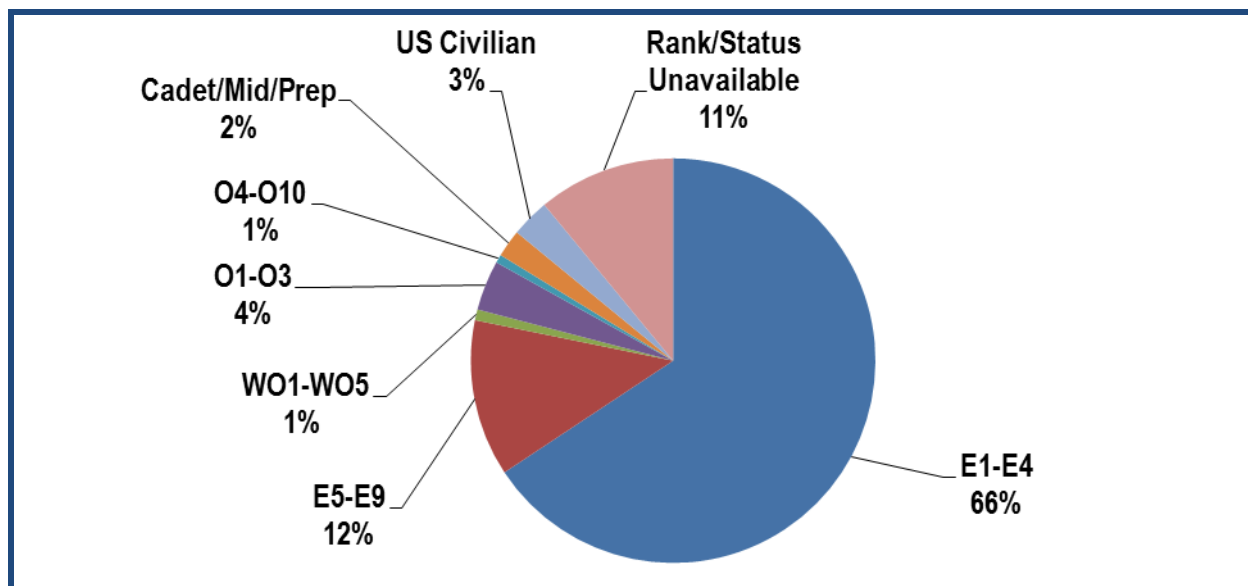


Exhibit 29: Grade or Status of Victims Making Restricted Reports, FY13

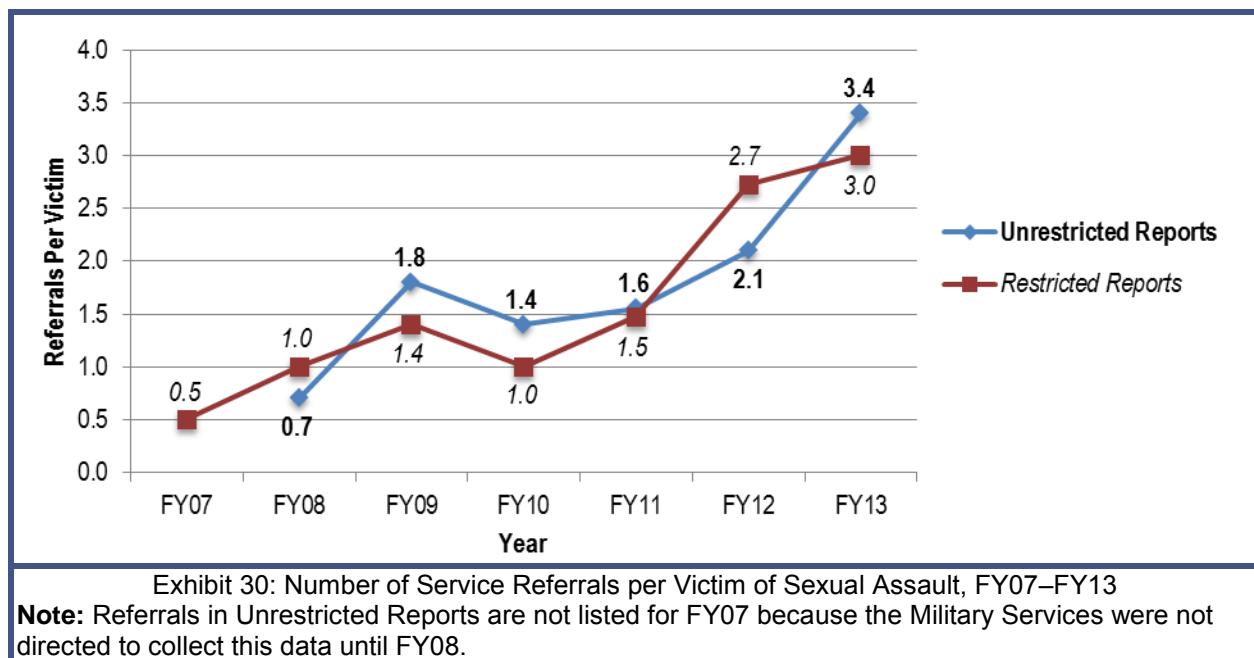
FY13 SERVICE REFERRAL INFORMATION

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 3.4 service referrals per victim making an Unrestricted

Report. For victims making Restricted Reports, SARC and SAPR VAs made 3.0 service referrals per victim. Exhibit 30 shows the number of referrals per victim in sexual assault reports from FY07 to FY13.

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

- The Army made 1.6 referrals per victim making an Unrestricted Report and 2.5 referrals per victim making a Restricted Report.
- The Navy made 3.7 referrals per victim making an Unrestricted Report and 3.3 referrals per victim making a Restricted Report.
- The Marine Corps made 8.2 referrals per victim making an Unrestricted Report and 4.3 referrals per victim making a Restricted Report.
- The Air Force 4.3 referrals per victim making an Unrestricted Report and 2.1 referrals per victim making a Restricted Report.



The Military Services reported there were a total of 625 SAFEs conducted during FY13. Exhibit 31 depicts the reported number of SAFEs conducted for military and civilian victims of sexual assault from FY07 to FY13. The decision to undergo a SAFE always belongs to the victim.

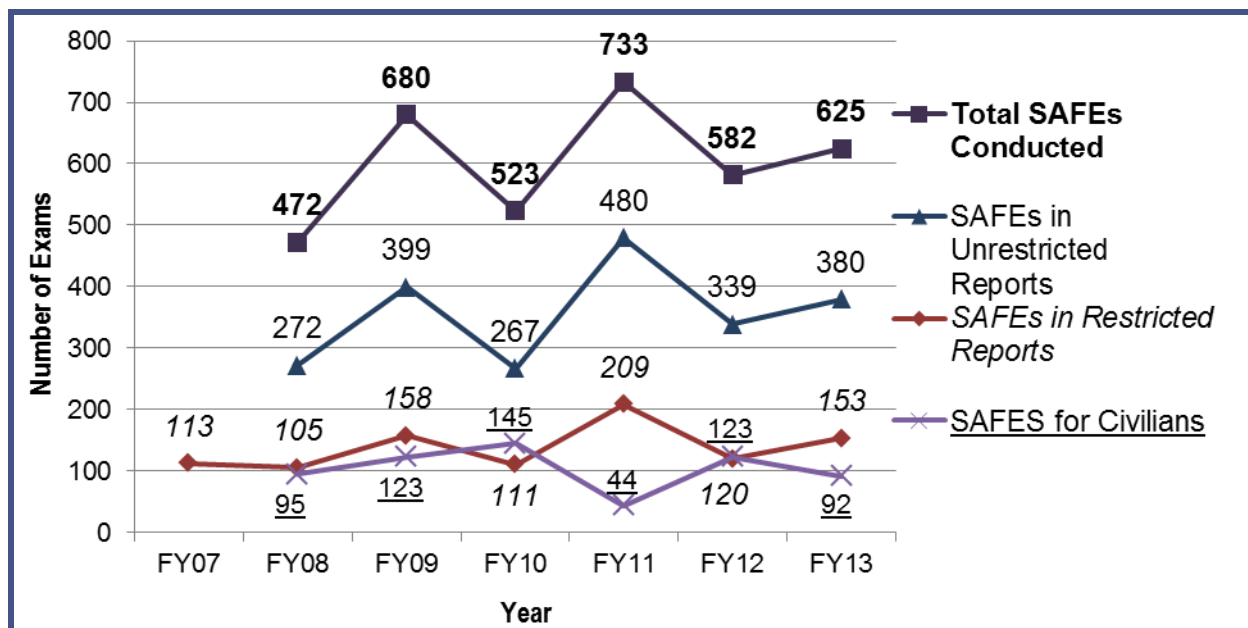


Exhibit 31: SAFEs Reported by the Military Services, FY07–FY13

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

FY13 EXPEDITED TRANSFERS

Since FY12, the Department has allowed victims of sexual assault to request an expedited transfer from their assigned units. This may take the form of a move to another duty location on the same installation, or it may involve moving to a new installation entirely. Requests for transfers are made to the unit commander, who has 72 hours to act on the request. Should the request be declined, the victim may appeal the decision to the first GO/FO in his/her commander’s chain of command. The GO/FO then has 72 hours to review the request and provide a response back to the victim. The following table shows the number of expedited transfers and denials for both FY12 and FY13.

Table 5: Expedited Transfers and Denials for both FY12 and FY13

Transfer Type	FY12	FY13
Number of victims requesting a change in Unit/Duty Assignment (Cross-Installation Transfers)	57	99
Number Denied	2	3
Number of victims requesting a change in Installation (Permanent Change of Station)	161	480
Number Denied	0	11
Total Approved	216	565

Reasons for transfer disapproval are listed in the Victim Services Section of Appendix D, FY13 Aggregate Data Matrices.

CONCLUSION

The *FY13 Annual Report on Sexual Assault in the Military* describes the aggressive actions the Department has undertaken during FY13 to implement a multi-disciplinary approach to combatting sexual assault. FY13 was the first year the Department organized its efforts along the five lines of effort as described in the *DoD SAPR Strategic Plan*. The efforts undertaken by the Department and the Military Services have improved victim confidence—more sexual assault victims in FY13 are reporting and accessing support services. The Department established and expanded programs that provide dedicated legal support to victims, provided improved victim advocacy services, and increased training and awareness for the entire force. Yet, sexual assault continues to be a serious challenge facing our military.

During FY14, the Department will continue to implement and execute comprehensive reforms established in FY13 and continue to provide and improve victim advocacy services. But at the same time, going forward the Department will intensify our efforts to prevent the crime. The *2014-2016 DoD Sexual Assault Prevention Strategy* will provide authoritative guidance on delivering consistent and effective prevention methods and programs. The plan will identify leaders at all levels as critical components in our prevention efforts and integrates accountability, community involvement, communication, deterrence, incentives, and harm reduction.

The Department remains focused on implementing enduring culture change. Every Service member must participate in creating a culture where sexist behaviors, sexual harassment, and sexual assault are not tolerated, condoned, or ignored. Leaders will be held accountable for establishing the appropriate command climate. The Department's success relies on the full participation of every Service member and leader in implementing this culture change.