

Annex 3: Independent Review Commission on Sexual Assault in the Military: Implementation Overview



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Background

The Department of Defense (DoD) is implementing historic reforms to fundamentally change how sexual assault is addressed in the military. In February 2021, at the direction of President Joseph Biden, Secretary of Defense (SD) Lloyd Austin III launched an independent review commission to recommend new approaches to prevent and respond to sexual assault in the military. The Independent Review Commission on Sexual Assault in the Military (IRC) published its findings on July 2, 2021, providing DoD with 82 recommendations for the Department’s consideration. Following the report’s release, in keeping with his intent to accept the IRC recommendations wherever possible, Secretary Austin directed Deputy Secretary Kathleen Hicks to develop an implementation roadmap.¹ The Secretary of Defense approved this roadmap on September 22, 2021.

The main body of this year’s Annual Report on Sexual Assault in the Military documents key actions the Department has taken in Fiscal Year 2021 (FY21) to implement the IRC recommendations as approved by the Department, which culminated in the development of the Department’s Implementation Roadmap. The Department remains committed to implementing reforms informed by the work of the IRC. As such, this Report summarizes DoD’s actions to date.

Initial Implementation Actions

The Department moved quickly on assessment and planning for implementation of the IRC recommendations wherever possible. During the first quarter of FY22, the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) issued guidance for the Offices of Primary Responsibility (OPRs) to implement the approved IRC recommendations. OPRs used this guidance to determine how to develop implementation plans based on their specific mission requirements. This was necessary due to the variability across the OPRs in their starting points and the nature of their mission.

USD(P&R) also directed each OPR to develop Plans of Action and Milestones (POAMs) using a standardized template. The Office of the USD(P&R) (OUSD(P&R)) worked with OPRs to review all POAMs addressed by the Implementation Roadmap and Department guidance according to their timeline, intent, and quality. Table 1 details the timeline of implementation actions to date.

Table 1. Timeline of Actions

Action	Date
SD issues Secretary of Defense Memorandum “Commencing DoD Actions and Implementation to Address Sexual Assault and Sexual Harassment in the Military” and Implementation Roadmap.	September 22, 2021
USD(P&R) issues enterprise-wide guidance for implementing Tier 1 recommendations.	October 13, 2021
USD(P&R) issues enterprise-wide guidance for implementing Tier 2 recommendations. OPRs submit POAMs and implementation plans for Tier 1 recommendations to USD(P&R).	November 12, 2021

¹ Secretary of Defense. (September 22, 2021). Commencing DoD Actions and Implementation to Address Sexual Assault and Sexual Harassment in the Military. [IRC Implementation Roadmap](#)

Action	Date
USD(P&R) issues enterprise-wide guidance for implementing Tier 3 and 4 recommendations. OPRs submit POAMs and implementation plans for Tier 2 recommendations to USD(P&R).	December 15, 2021
OPRs submit POAMs and implementation plans for Tier 3 and 4 recommendations to USD(P&R).	January 31, 2022
OUSD(P&R) collaborates with OPRs to review and revise POAMs and implementation plans as needed. As of the end of March 2022, all POAMs and implementation plans have been finalized and approved by OUSD(P&R).	December 2021 to March 2022

Secretary of Defense Guidance to Implement Military Justice Changes

The Department is working to implement the military justice reforms directed by the National Defense Authorization Act (NDAA) for Fiscal Year 2022. Additionally, between October 2021 and March 2022, Secretary of Defense Austin issued three memoranda providing guidance on the following:

- Guidance to the Military Services to implement **IRC recommendation 1.4** on establishing career litigation billets for prosecutors, defense counsel, special victims' counsel, and military judges, and a career track for military criminal investigators;
- Guidance to the Military Services to implement **IRC recommendation 1.7.e** on establishing funding for defense counsel to control their own access to litigation resources; and,
- Policies for the Military Departments' Offices of Special Trial Counsel and their personnel.

Implementation Status Report to Congress

On March 15, 2022, President Joseph Biden signed into law the Consolidated Appropriations Act, 2022, Division C, which includes the DoD Appropriations Act, 2022. The House Appropriations Committee Report accompanying the Act requested that the Secretary of Defense, in coordination with the Secretaries of the Military Departments, submit a report to the House and Senate Appropriations Committees (HAC/SAC) on DoD's progress implementing recommendations from the IRC and funding requirements for each effort.²

In April 2022, the Department submitted to Congress the *IRC: Implementation Status Report and Funding Requirements*, documenting actions DoD has taken to implement the IRC recommendations.

IRC Outcome Metrics Evaluation Report

The Implementation Roadmap also directed USD(P&R) to develop a report and metrics to assess recommendation implementation effectiveness and monitor progress. The *IRC: Outcome Metrics Evaluation Report*, signed by USD(P&R) on May 11, 2022, outlines a process and methodology for tracking implementation progress of the approved IRC recommendations across OPRs.

In developing the methodology, OUSD(P&R) analyzed implementation plans from the Military Departments, Military Services, National Guard Bureau (NGB), and Office of Force Resiliency, interviewed key stakeholders, conducted a proof-of-concept study, and used data call results on eight priority IRC recommendations. This approach allows for variation in implementation plans

² H.R. 117-88 (2022). <https://www.congress.gov/117/crpt/hrpt88/CRPT-117hrpt88.pdf>

across the OPRs while enabling DoD to monitor implementation progress, make comparable assessments, and identify implementation roadblocks. Overall, OUSD(P&R) found that IRC implementation activities are occurring in line with planned timelines. Metrics have been designed to allow each OPR to assess its progress and identify potential challenges in implementation.

Implementation Way Forward

While the Department employed manually gathered data for IRC status briefings and reports thus far, OUSD(P&R) will use automated data capture approaches in a centrally-managed database to standardize OPR updates to the implementation metrics moving forward. OUSD(P&R)'s tracking approach involves alternating updates to IRC Lines of Effort at quarterly intervals to Department senior leaders. In addition, OUSD(P&R) will continue to collaborate with the Military Departments, Military Services, NGB, and Office of the Secretary of Defense Components to address identified barriers and delays, and proactively anticipate and mitigate future barriers.