DEPARTMENT OF DEFENSE
SEXUAL ASSAULT PREVENTION AND RESPONSE

Department of Defense Annual Report on Sexual Assault in the Military

Fiscal Year 2014

The estimated cost of report or study for the Department of Defense is approximately $8,002,000 in Fiscal Years 2014-2015. This includes $7,161,000 in expenses and $841,000 in DoD labor.

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

PERSONNEL AND
READINESS

APR 29 2015

The Honorable John McCain
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Section 1631 of 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 of the Senate and House of Representatives an annual report on the sexual assaults involving members of the Armed Forces during the preceding year, including reports from each of the Military Departments.

The enclosed "Department of Defense Fiscal Year 2014 Annual Report on Sexual Assault in the Military" presents statistics and analysis of reports of sexual assault during FY 2014 and discusses policy and program improvements to the Sexual Assault Prevention and Response (SAPR) program of the Department of Defense (DoD). 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 the NDAAs for FY 2011, 2012, and 2013.

This report documents considerable progress to address sexual assault in the military. While there are positive indicators, more must be done to eliminate the crimes that constitute sexual assault and implement enduring culture change. In FY 2015, the DoD will continue to work together with the Services to incorporate best practices and reforms that improve our ability to address the crime.

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

Sincerely,

Brad Carson
Acting

Enclosures:
As stated

cc:
The Honorable Jack Reed
Ranking Member

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

PERSONNEL AND
READINESS

APR 29 2015

The Honorable Mac Thornberry
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

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Brad Carson
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As stated

cc:
The Honorable Adam Smith
Ranking Member

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EXECUTIVE SUMMARY

Sexual assault is a crime that has no place in the United States Armed Forces.[1] The Department of Defense worked aggressively during fiscal year 2014 to sustain and enhance its prevention and response system, through both programmatic initiatives and policy changes to combat sexual assault. The Department of Defense has many options in place to help victims[2] recover, address their safety, document the alleged crime, and understand their legal options.

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 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).[3,4] The report presents the Department's programmatic activities and policy enhancements and also provides an analysis of reports of sexual assault made during fiscal year 2014 (October 1, 2013 through September 30, 2014). Included with this report are supplementary reports from the Secretaries of the Military Departments, the Chief of the National Guard Bureau, and a report submitted by RAND Corporation for the *2014 RAND Military Workplace Study*.[5]

REPORT TO THE PRESIDENT OF THE UNITED STATES ON SEXUAL ASSAULT PREVENTION AND RESPONSE

In December 2013, the President of the United States directed the Secretary of Defense to provide a report on the Department's progress in addressing the issue of sexual assault, to include a review of the military justice system, by December 2014. As delivered to the White House on December 4, 2014, and shared with Congress, the *Report to the President of the United States on Sexual Assault Prevention and Response* encompassed the key programmatic initiatives and policy enhancements

[1] Department of Defense Directive 6495.01 defines sexual assault as intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The crime of sexual assault includes a broad category of sexual offenses consisting of the following specific Uniform Code of Military Justice offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.

[2] The use of the terms "victim" or "survivor" as they appear in this report are not intended to presume the commission of a crime or the guilt or innocence of any individual.

[3] The report also satisfies the following additional statutory reporting requirements: section 542 of Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291); section 575 of National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239); section 567 of National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84); and section 596 of National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163).

[4] The Department's SAPR program is governed by Department of Defense Directive 6495.01, "Sexual Assault Prevention and Response Program," and Department of Defense Instruction 6495.02, "Sexual Assault Prevention and Response Program Procedures."

[5] Of 477,513 Department of Defense Active Duty Service members invited to take the survey, 145,300 participated (about 30%). The respondents included 34% of the women sampled and about 28% of the men sampled.

undertaken by the Department in fiscal years 2012 through 2014, with accompanying rationale, as well as synopses and evidence of progress.

The report also contained information from the new *Survivor Experience Survey*[6] and a military focus group effort on sexual assault prevention and response, both fielded by the Defense Manpower Data Center; top-line results of the *RAND Military Workplace Study;* and provisional statistical data on the Department's fiscal year 2014 reports of sexual assault. Provisional metrics and non-metrics developed by the Department, and approved by the White House, were also provided to assess strengths and opportunities for improvement in the Department's sexual assault prevention and response program. In order to avoid duplication of effort and reporting, this report – the *Fiscal Year 2014 Annual Report on Sexual Assault in the Military* – is intended to provide Congress with an update to the information included in the *Report to the President*, as well as other information required by law.

Data Validation Efforts for Fiscal Year 2014 Annual Report

In the *Report to the President*, the Department provided provisional statistical data on sexual assault for fiscal year 2014. These data were deemed provisional because there was insufficient time to thoroughly and completely collect and validate the thousands of reports and case dispositions received in fiscal year 2014.

In this report, the Department provides final statistical data. Comprehensive data validation efforts by the Department, in the intervening time between the two reports account for small differences between the provisional statistical data and the final data presented here.

FISCAL YEAR 2014 DATA FINDINGS

From fiscal year 2012 to fiscal year 2013, there was an unprecedented 53% increase in victim reports of sexual assault. In fiscal year 2014, the high level of reporting seen in fiscal year 2013 was sustained with 6,131 reports[7] of sexual assault[8] (see Figure 1, below). This figure represents an increase of 11% over fiscal year 2013 numbers. In

[6] The *Survivor Experience Survey* is an on-going survey of sexual assault survivors who volunteer to provide feedback on their experiences with the sexual assault response system. Data described in this report refer to a sample of 151 survivors who participated in the survey from June 4 to September 22, 2014. The results of the *Survivor Experience Survey* may not be representative of all survivors in the force.

[7] Each report consists of an official report documented by a Sexual Assault Response Coordinator and/or Military Criminal Investigative Organization of an allegation of adult sexual assault that falls under Uniform Code of Military Justice articles defining rape, sexual assault, aggravated sexual contact, abusive sexual contact, nonconsensual sodomy, and attempts of these crimes.

[8] Sexual assault is an underreported crime. This means the number of sexual assaults estimated to occur each year vastly outnumbers reports made to DoD authorities. While sexual assault remains underreported, the Department views increased reporting of the crime as beneficial for victims. Reporting allows victims to engage restorative care and services. In addition, it allows the Department to hold offenders appropriately accountable.

fiscal year 2014, victims made 4,660 Unrestricted Reports[9] and 1,840 initial Restricted Reports[10] of sexual assault. At the close of fiscal year 2014, 1,471 reports remained Restricted. Over time, the percentage of victims who convert their Restricted Reports to Unrestricted Reports has remained relatively stable with an average of 15%. However, in fiscal year 2014, the conversion rate increased to 20%.

Overall, surveys of sexual assault victims suggest that those who reported their sexual assault were satisfied with their decision. According to the *2014 RAND Military Workplace Study*, approximately 72% of Service member victims who indicated that they reported their sexual assault said they would make the same decision if they had to do it over again. Furthermore, according to the *Survivor Experience Survey*, 73% of Service member victims who participated in the survey indicated that, based on their overall experience of reporting, they would recommend that others report.

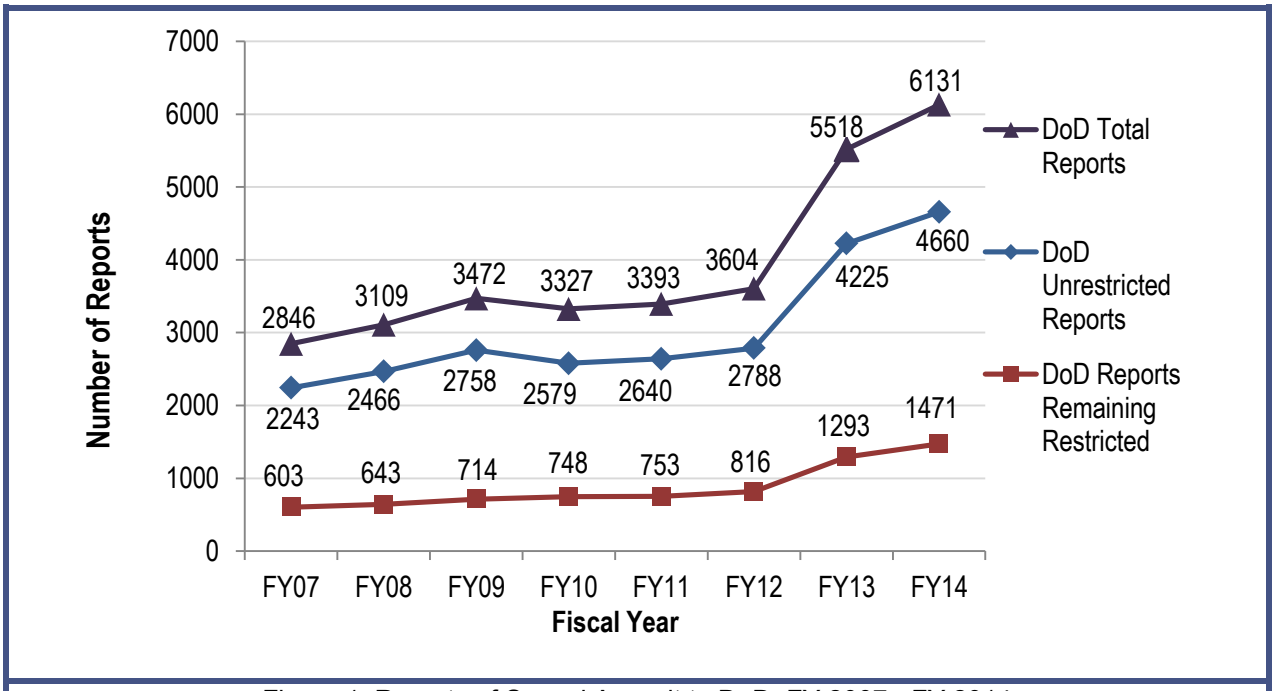

Figure 1: Reports of Sexual Assault to DoD, FY 2007 - FY 2014

[9] An Unrestricted Report of sexual assault is a report that is provided to command and/or law enforcement for investigation.

[10] Restricted Reporting allows victims to confidentially access medical care and advocacy services without triggering an investigation. Victims may convert their Restricted Report to an Unrestricted Report at any time and participate in the military justice process.

According to the *2014 RAND Military Workplace Study,* the percentage of active duty women who experienced unwanted sexual contact in the past year declined from an estimated 6.1% in 2012 to an estimated 4.3% in 2014, a statistically significant decrease.[11] For active duty men, the estimated prevalence rate of unwanted sexual contact trended downwards from 1.2% in 2012 to 0.9% in 2014.[12, 13, 14] Based on these prevalence rates, an estimated 18,900 Service members experienced unwanted sexual contact in 2014, down from the 26,000 Service member victims estimated in 2012.[15]

Assessment of Progress

Out of the 6,131 reports of sexual assault in FY 2014, there were 4,768 Service Member *victims* who made a report for an incident that occurred during military Service[16], a 16% increase from FY 2013. As reflected in Figure 2, 25%, or about 1 in 4 of the estimated 18,900 Service member victims who experienced unwanted sexual contact made a Restricted or Unrestricted Report for an incident that occurred during military service. In fiscal year 2012, 11%, or about 1 in 10 of the estimated Service members who experienced the crime reported it. The estimated 25% reporting rate in fiscal year 2014 is the highest ever recorded for the Military Services. In other words, in fiscal year 2014, the estimated gap between reporting and prevalence among Service

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[11] RAND Corporation used scientific weighting to estimate prevalence rates that were representative of the entire active duty population. Full methodological details and results are included in Annex 1.

[12] RAND Corporation administered two versions of the prevalence survey; the *Workplace and Gender Relations Survey* form used questions from past surveys to allow for historical comparison and the *RAND Military Workplace Study* form used questions more closely aligned with legal language. Unwanted sexual contact is the *Workplace and Gender Relations Survey* term for the range of sexual crimes between adults. Unwanted Sexual Contact 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. "Sexual assault," instead of unwanted sexual contact, is used when referring to the *RAND Military Workplace Study* form because that version of the survey more closely aligns with legal language. Past-year prevalence rates described in this report are primarily drawn from the *Workplace and Gender Relations Survey* form.

[13] The decrease in prevalence for active duty men from 2012 to 2014 was not statistically significant.

[14] The *Workplace and Gender Relations Survey of Active Duty Members* is conducted every two years by the Department, as required by 10 United States Code Section 481. In 2013, the Secretary directed that the 2014 *Workplace and Gender Relations Survey of Active Duty Members* be conducted by an agency external to the Department. Therefore, RAND Corporation conducted the survey to determine the 2014 unwanted sexual contact prevalence rate.

[15] As with all victim surveys, RAND classifies service members as experiencing sexual assault, sexual harassment, or gender discrimination based on their memories of the event as expressed in their survey responses. It is likely that a full review of all evidence would reveal that some respondents whom RAND classifies as not having experienced sexual assault, sexual harassment, or gender discrimination based on their survey responses actually did have one of these experiences. Similarly, some whom RAMD classifies as having experienced a crime or violation may have experienced an event that would not meet the minimum DoD criteria. A principal focus of RAND's survey development was to minimize both of these types of errors, but they cannot be completely eliminated in a self-report survey.

[16] Although 5,284 Service member victims made sexual assault reports in FY 2014, 516 of them made a report for events that occurred prior to their entry into military service. This leaves 4,768 victims who made a report for an incident that occurred during military service.

members decreased to its narrowest point since the Department began tracking these data. When Service members who experienced sexual assault come forward to make a report, the Department can provide victims with support and hold offenders appropriately accountable.

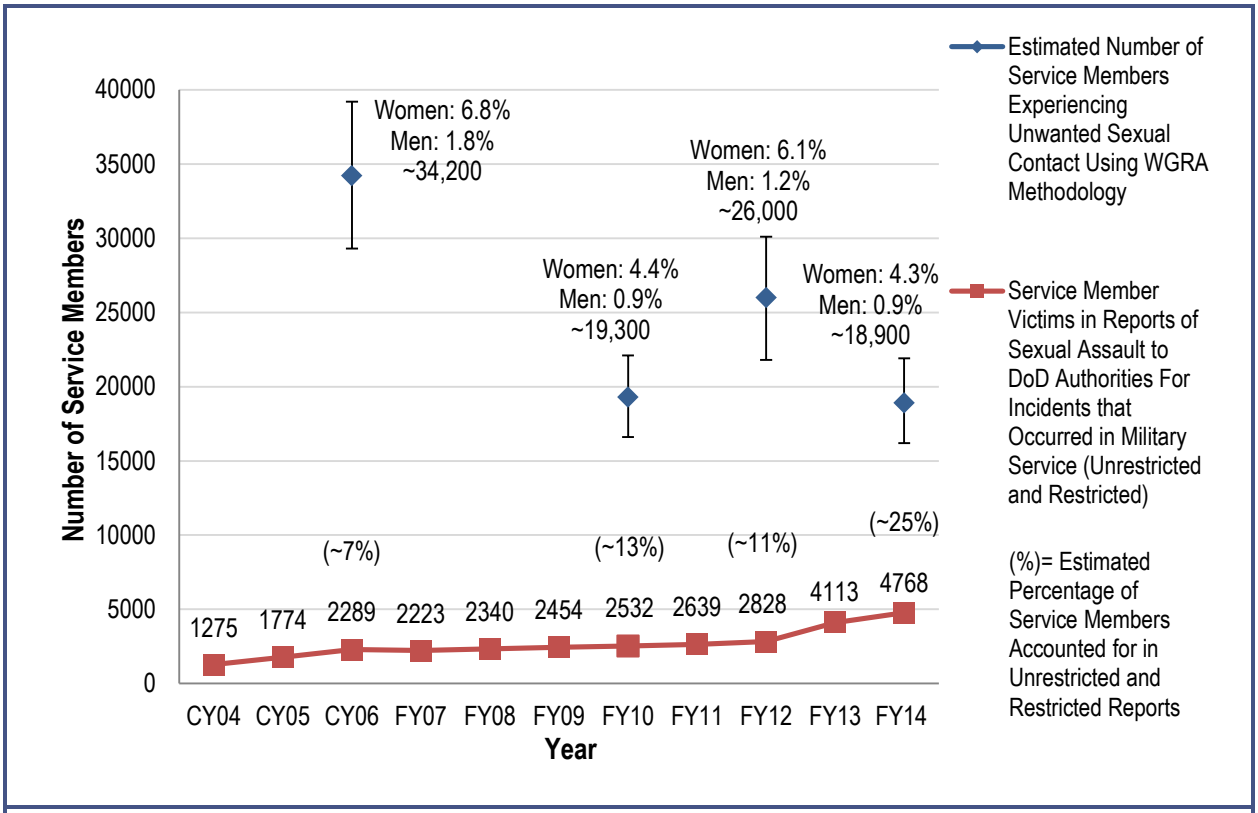

Figure 2: Estimated Number of Service Members Experiencing Unwanted Sexual Contact Based on Past-Year Prevalence Rates versus Number of Service Member Victims in Reports of Sexual Assault for Incidents Occurring During Military Service, CY 2004 – FY 2014[17]

Efforts to Assess and Address Retaliation

Following the President's request in 2013 for a report on sexual assault, the Department selected a number of metrics to measure progress in sexual assault prevention and response, including a metric to assess "perceived retaliation."[18] Historically, the Department has asked about retaliation on surveys to better assess victim well-being

[17] This graph depicts the estimated number of Service members who experienced unwanted sexual contact in the past year (based on the *Workplace and Gender Relations Survey of Active Duty Members* estimated prevalence rates), versus the number of Service member victims in actual reports of sexual assault made to the Department in the years indicated. Note that although 5,284 Service members were victims and/or subjects in sexual assault reports in fiscal year 2014, 516 of them made a report for events that occurred prior to their entry into military service.

[18] It should be noted that the survey data collected provides broad perceptions of retaliation that do not necessarily align with actionable offenses that meet the elements of proof required for a charge of retaliation under military law.

and to understand the stressors victims experience following a report of sexual assault. The Department of Defense collects this information in order to better adjust support programs and tailor services and training to match victims' needs. The White House-approved metric will enhance the Department's ability to measure progress in this area.

In order to gain a more comprehensive understanding of retaliation perceived by victims, the Department sought multiple sources of data:

- Command Climate Perspective (*Defense Equal Opportunity Management Institute Organizational Climate Survey)*
  - The *Defense Equal Opportunity Management Institute Organizational Climate Survey* included six items to assess command climate indicators of retaliation against victims who choose to report sexual assault. Overall, Service members who completed the *Defense Equal Opportunity Management Institute Organizational Climate Survey* in 2014 perceived the potential for retaliation from their command and unit members to be low (i.e., they perceived a favorable climate associated with reporting).
- The *2014 RAND Military Workplace Study*
  - Of the 4.3% of women who indicated experiencing unwanted sexual contact in the past year and who reported the matter to a military authority or organization, 62% perceived some form of professional or social retaliation, administrative action, and/or punishment associated with their report (53% social retaliation, 35% adverse administrative action, 32% professional retaliation, and 11% punishment for infraction[19]). However, because the data do not provide for the circumstances regarding administrative action or actions, which victims perceive as professional retaliation, we are unable to draw any conclusions regarding these numbers. Data for men were not reportable due to the small number of male respondents in this category.

[19] On the *2014 RAND Military Workplace Study*, RAND provided the following as examples of professional retaliation: loss of privileges, denied promotion/training, and transferred to less favorable job. RAND provided the following as examples of social retaliation: being ignored by coworkers and being blamed for the situation. Examples of adverse administrative actions on the *2014 RAND Military Workplace Study* included being placed on medical hold, placed on a legal hold, and transferred to a different assignment. On the survey, RAND provided the following as examples of infractions for which victims were cited: underage drinking or fraternization. Adverse administrative actions and punishment for infractions are not included under the category of "professional retaliation" because these actions are not necessarily retaliatory. They could occur after a sexual assault report to address victim safety and health concerns or to address collateral misconduct under military law. However, if these actions are taken with the intention of penalizing a victim for reporting a sexual assault, they could be considered professional retaliation.

- The *2014 Survivor Experience Survey*
  - In the *Survivor Experience Survey,* a similar pattern was observed concerning retaliation, with 59% of respondents perceiving social retaliation and 40% of respondents perceiving professional retaliation.

In order to better assess the experience of retaliation and identify potential points for intervention, the Department plans to conduct a systematic review of retaliation allegations made to the Service commands and Inspectors General. In addition, the Department will revise its survey questions to better align with Department policy and law addressing reprisal and ostracism. Finally, the Department will follow up on installation case management group execution of inquiring about allegations of retaliation during monthly meetings.[20] These attempts to better define the scope of the problem and capture the efforts taken to address this unacceptable behavior will inform Department-wide efforts to prevent retaliation associated with reporting sexual assault.

NDAA Requirement Implementation

The last three National Defense Authorization Acts focused significantly on sexual assault prevention and response issues with 71 sections of law containing more than 100 unique requirements, to include 16 congressional reporting requirements. The National Defense Authorization Act for Fiscal Year 2014 includes 33 sections of law, representing more than 50 individual provisions within those 33 National Defense Authorization Act sections. It contains the most sweeping reform to the Uniform Code of Military Justice since 1968, with 16 military justice provisions.

Implementation of the fiscal year 2014 provisions is ongoing, and many have already been implemented. The issuance of policy documents, including Change 2 to the Sexual Assault Prevention and Response Instruction, updates to Military Personnel Policy,[21] and revisions of two Inspector General policy documents,[22] incorporate the remaining provisions.

Programmatic and Policy Updates Implemented in Fiscal Year 2014

From fiscal year 2012 to fiscal year 2014, the Secretary of Defense directed 41 initiatives that fundamentally reformed how the military prevents, responds to, and

[20] This was required by the Secretary of Defense in his memorandum that was published in December 2014. The memo can be found here: http://www.sapr.mil/public/docs/reports/FY14_POTUS/FY14_DoD_Report_to_POTUS_SecDef_Initiatives.pdf.
[21] Department of Defense Instruction 1304.33, "Protecting Against Inappropriate Relations During Recruiting and Entry Level Training," January 28, 2015.
[22] Section 1732 (2) In-progress. The Inspector General is developing uniform policy regarding case determinations.

adjudicates sexual assault.[23] Throughout the year, the Department worked diligently to comply with these initiatives. By the end of the fiscal year, 6 initiatives remained in progress. Many of the Secretary of Defense initiatives have been codified in National Defense Authorization Acts.

The Department of Defense Sexual Assault Prevention and Response Office organizes and reports the Department's progress in the sexual assault prevention and response program using the five lines of effort from the *Department of Defense Sexual Assault Prevention and Response Strategic Plan*, revised and published in April 2013 and updated in January 2015. The five lines of effort are aligned across the Military Services and the National Guard Bureau, providing a coordinated approach to sexual assault prevention and response. During fiscal year 2014, the Department implemented several programmatic and policy enhancements to meet the objectives of the lines of effort:

- Prevention: In fiscal year 2014, the Department continued its focus on prevention through the *2014-2016 Department of Defense Sexual Assault Prevention Strategy*. The new strategy provides a roadmap for the delivery of consistent and effective prevention initiatives through empirically based promising practices. It considers the complex interplay between individual, relationship, community, and societal factors and allows the Department to address those factors that put people at risk for experiencing or perpetrating violence. While there is no single "silver bullet" solution, this innovative prevention strategy allows for new promising practices to be incorporated, assessed, and adapted accordingly.
- Investigation: The objective of the Investigation Line of Effort is to achieve high competence in the investigation of sexual assault. In order to reach this objective, the Department established the Special Victim Investigation and Prosecution Capability, which became fully operational in January 2014. This initiative is not a specific person or team but a capability available globally throughout the Department to investigate and prosecute adult sexual assault offenses. The personnel who are part of the capability receive specialized training for their roles, which enhances the Department's ability to produce timely and accurate investigative results.
- Accountability: Holding offenders[24] appropriately accountable is the objective of the Accountability Line of Effort, and victim participation in the military justice process is key to holding offenders appropriately accountable. As a means to

[23] At the time of publishing this report, a total of 50 initiatives were directed by the Secretary of Defense. Thirty-five of the 50 have been completed, 4 are awaiting the Secretary's review, and 11 are in progress. These initiatives also include measures to be implemented by the Military Service Academies. The progress that the Military Service Academies have taken to implement the initiatives was discussed in the *Department of Defense Annual Report on Sexual Harassment and Violence at the Military Service Academies, Academic Program Year 2013-2014.*

[24] The use of the terms "offenders" or "perpetrators" as used in this report is not intended to make any suggestions or conclusions as to whether the commission of a crime occurred.

provide advice and advocacy, as well as empower victims to participate in the justice system, in addition to the specialized prosecution capability noted above in the Special Victim Investigation and Prosecution Capability, the Military Departments established the Special Victims' Counsel/Victims' Legal Counsel Program, which reached full operating capability in January 2014. These programs provide victims with military judge advocates who provide independent, personalized legal advice and representation to victims of sexual assault, protecting their rights and empowering them to successfully navigate the military justice system.

- Advocacy/Victim Assistance: Throughout fiscal year 2014, Department efforts also focused on the delivery of consistent and effective victim support, response, and reporting options. The Department implemented provisions to expand victims' rights by giving them the opportunity to provide input during the post-trial action phase. The Department also took steps to enhance screening criteria for personnel working with victims and issued guidance regarding document retention for 50 years regardless of the type of the report. All of these efforts demonstrate the Department's continued commitment of providing victims with a dynamic sexual assault prevention and response system.
- Assessment: In fiscal year 2014, the Department of Defense took steps to effectively standardize, measure, analyze, assess, and report program progress. The Defense Manpower Data Center fielded, across all Department components, the first ever *Survivor Experience Survey*, which also provided data included in the *Report to the President*. The purposes of the *Survivor Experience Survey* were to capture feedback on victim satisfaction with the response system, assess the impact of recent initiatives and policies on victims, and meet the *Report to the President* requirement. The feedback from the *2014 Survivor Experience Survey* allows the Department to analyze its program and make more informed decisions on future initiatives.

WAY FORWARD

This report shows that, in fiscal year 2014, the estimated prevalence of sexual assault decreased across the Department and that the estimated proportion of victims choosing to report the crime has increased to an unprecedented level. Despite these positive indicators, the Department of Defense's commitment to progress is enduring and includes ongoing work with the Services to incorporate best practices and reforms that improve its ability to address the crime. 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.

The Department of Defense continues to implement the Response Systems to Adult Sexual Assault Crimes Panel recommendations, Secretary of Defense initiatives, and National Defense Authorization Act requirements. Furthermore, the Secretary of Defense issued additional initiatives today. The Secretaries of the Military Departments, in collaboration with the Acting Under Secretary of Defense for Personnel and

Readiness, will incorporate insights derived from the *2014 RAND Military Workplace Study* into prevention training for sexual harassment, sexual assault, and reporting-related retaliation. Additionally, the Acting Under Secretary of Defense for Personnel and Readiness will assess clinical interventions that address the specific needs of men and women who are seeking treatment for sexual assault. The Acting Under Secretary of Defense for Personnel and Readiness will also conduct force-wide sexual assault and sexual harassment prevalence surveys biennially for the Military Services and National Guard, using the measures created for the *2014 RAND Military Workplace Study*, consistent with title 10 United States Code section 481. In alternate years, force-wide focus groups will be conducted by the Defense Manpower Data Center to obtain feedback from the field. To better respect Service member survey burden and privacy, all other entities within the Department of Defense will refrain from conducting force-wide surveys for determining the prevalence of sexual assault and sexual harassment. The surveys and focus groups will be developed and conducted in collaboration with the Secretaries of the Military Departments, the Chiefs of the Military Services, and the National Guard Bureau. Finally, the Acting Under Secretary of Defense for Personnel and Readiness, in collaboration with the Secretaries of the Military Departments and the Department of Defense Inspector General, will establish a comprehensive strategy to prevent retaliation against Service members who report or intervene on behalf of the victim in instances of sexual assault and other crimes.

INTRODUCTION

REPORT REQUIREMENT

This report is the Department of Defense (*DoD) Fiscal Year (FY) 2014 Annual Report on Sexual Assault in the Military*.[25] This is the Department's 11th Annual Report on sexual assault covering sexual assault reports made during FY 2014 (October 1, 2013 through September 30, 2014).[26] This report also describes many of the Department's sexual assault prevention programs, initiatives, and policy enhancements developed and implemented during FY 2014. The report organizes and communicates the Department's progress using the five lines of effort (LOE) from the *DoD Sexual Assault Prevention and Response (SAPR) Strategic Plan*, which was revised in FY 2015.

REPORT TO THE PRESIDENT OF THE UNITED STATES ON SEXUAL ASSAULT PREVENTION AND RESPONSE

On December 20, 2013, President Barack Obama directed the Department to provide a comprehensive report detailing major improvements in DoD's SAPR programs, including reforms to the military justice system.

In December 2014, the Secretary of Defense provided the President with the requested report, illustrating the substantial progress made by the Department in the preceding three years. The full DoD report, *Report to the President of the United States on Sexual Assault Prevention and Response*, was also shared with Congress and can be found at http://www.sapr.mil/index.php/annual-reports. In addition, each of the Military Departments, the National Guard Bureau (NGB), and the United States Coast Guard (USCG) provided supplemental reports detailing their respective progress. The DoD Office of General Counsel (OGC) also provided a synopsis of the recent reforms to the military justice system. The executive summary from the President's report is enclosed at Annex 2 of this report.

The *Report to the President* also contained:

- Provisional data and analyses of sexual assault reports made in FY 2014;
- Top-line results from the *2014 RAND Military Workplace Study (RMWS)*;
- Results from the new *2014 Survivor Experience Survey (SES)* fielded by the Defense Manpower Data Center (DMDC); and
- Results from the Service member focus group effort also fielded by the DMDC.

In order to avoid duplication of effort and reporting, this *FY 2014 Annual Report on Sexual Assault in the Military* provides an update on some information first disclosed in

[25] The report satisfies the following statutory reporting requirements: section 542 of Carl Levin and Howard P. "Buck" McKeon NDAA for FY 2015 (Public Law (P.L.) 113-291); section 575 of NDAA for FY 2013 (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).
[26] Annual reports from 2004 to 2006 were based on the calendar year (CY); annual reports from 2007 to the present are based on the fiscal year (FY).

the *Report to the President.* In addition, this report includes an overview of the Department's FY 2014 SAPR programmatic and policy enhancements, a summary of completed Secretary of Defense-directed initiatives, and an update on the Department's efforts to comply with National Defense Authorization Act (NDAA) requirements, and final statistical data and analyses of reports of sexual assault involving Service members and case dispositions from FY 2014.

OVERSIGHT ACTIONS

Eliminating sexual assault in the military is one of DoD's highest priorities. The Secretary of Defense and the Department leadership are committed to continually assessing and improving the Department's SAPR efforts. The DoD SAPR Office (SAPRO) is the single oversight body responsible for continuous assessment of the Department's SAPR strategy. SAPRO utilizes both qualitative and quantitative data collection and analysis methods, including surveys, focus groups, and sexual assault reporting data to evaluate the effectiveness of the Department's overall SAPR programs. The Secretaries of the Military Departments and the NGB also perform Service-specific internal assessments.

To foster program consistency and unity of effort across the Military Services and the NGB, the Director of DoD SAPRO continued to host regular SAPR Integrated Product Team (IPT) meetings with DoD and Military Service SAPR leadership.[27] The SAPR IPT provides a forum for the oversight of program execution, policy matters, and sharing of important research and best practices. In FY 2014, the SAPR IPT guided the development of policies and programs to comply with new legislation and initiatives from the Secretary of Defense.

DoD SAPR Strategic Plan

The *DoD SAPR Strategic Plan* defines the Department's SAPR priorities, objectives, and initiatives. In FY 2013, DoD SAPRO 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.[28] The *DoD SAPR Strategic Plan* presents a proactive and multidisciplinary approach with initiatives and objectives in five LOEs to achieve unity of effort and purpose across the Department in reducing, with a goal of eliminating, sexual assault. The LOEs outlined in Figure 3, are:

- Prevention;
- Investigation;
- Accountability;
- Advocacy/Victim Assistance; and

[27] DoDI 6495.02 requires a minimum of bi-monthly meetings. The SAPR IPT met more frequently than bi-monthly during FY 2014.
[28] JCS's Strategic Direction to the Joint Force was issued in May 2012.

- Assessment.

The *DoD SAPR Strategic Plan* also contains 89 tasks, organized by LOEs, to be completed within four different timelines: Short (0-1 Year), Medium (1-2 Years), Long (2-3 Years), and Continual (Ongoing/Cyclical). Of the 89 original tasks, the Department completed 24 of 25 short-term tasks, as well as 4 medium-term tasks by the end of FY 2014. The tasks completed in FY 2014 are presented in this report, and the Department continues to work on the completing the in progress tasks. The *DoD SAPR Strategic Plan* was reviewed and updated during the beginning of January 2015.

Figure 3: The Lines of Effort and Objectives of the *2013 DoD SAPR Strategic Plan*

SECRETARY OF DEFENSE INITIATIVES

From FY 2012 to FY 2014, the Secretary of Defense directed 41 initiatives that fundamentally reformed how the military prevents, responds to, and adjudicates sexual assault. In FY 2014 alone, the Secretary of Defense directed 12 of the 41 initiatives. The initiatives have rapidly advanced substantial changes to the Department's approach to prevention and response. The efforts have included promoting a healthy command climate, enhancing training across all LOEs, revising SAPR policies and strategy regarding victim rights and care, and improving accountability measures for investigations and the military justice process. The Department works diligently to comply with the directives issued by the Secretary of Defense. By the end of the FY

2014, 6 initiatives were in progress. Many of the Secretary of Defense initiatives have been codified in NDAAs.

OUTSIDE EVALUATIONS

To further improve the SAPR program, the Department supported the following outside evaluations during FY 2014.

The Response Systems to Adult Sexual Assault Crimes Panel

Section 576 of the NDAA for FY 2013[29] directed Secretary of Defense to establish the Response Systems to Adult Sexual Assault Crimes Panel (RSP) "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 section 920 of title 10, United States Code (U.S.C.) (Article 120 of the Uniform Code of Military Justice (UCMJ)), for the purpose of developing recommendations regarding how to improve the effectiveness of such systems." The RSP released its report, including 132 recommendations for DoD, on June 27, 2014. During the latter half of FY 2014 and the beginning of FY 2015, the Department evaluated and approved the majority of RSP recommendations. In FY 2015, the Department will implement the approved recommendations and recommendations approved in part, and continue its assessment of the remaining recommendations. The status of the RSP recommendations will be reported in the FY 2015 Annual Report.

Government Accountability Office

Since 2008, the Government Accountability Office (GAO) has published the findings and recommendations from engagements evaluating DoD SAPR policies, programs, and functions. In September 2014, GAO published its report on actions taken to prevent sexual assault during initial military training and made five recommendations to the Department.[30] To date, DoD has implemented 26 of 32 recommendations from the engagements and is working to implement the remaining 6. Five of the six come from the report on preventing sexual assault during initial military training, and an update on meeting two of the five are provided in the Department of the Air Force (AF) Report at Enclosure 3. Additionally, at the end of FY 2014, there were two ongoing GAO assessments: an assessment of policies and programs pertaining to male victims of sexual assault and a review of DoD's efforts to prevent sexual assault. The GAO provided its report on policies and programs pertaining to male victims in March 2015 and its report on DoD's prevention efforts are due later in FY 2015.

[29] Section 576 of the NDAA for FY 2013 was amended by the NDAA for FY 2014.

[30] GAO-14-806, "Military Personnel: DoD Needs to Take Further Actions to Prevent Sexual Assault During Initial Military Training," September 9, 2014 (GAO Code 351840). Available here: http://www.gao.gov/assets/670/665632.pdf.

PROGRAM AND POLICY ENHANCEMENTS

In FY 2014, the Department implemented numerous SAPR policy and program enhancements to its multi-disciplinary approach to combatting sexual assault. Many of these initiatives, program improvements, and policy enhancements were also presented in the *Report to the President*, which provided a detailed 3-year overview of the Department's SAPR efforts. This report highlights the progress made on these initiatives during FY 2014 and provides page references to the *Report to the President,* where applicable, for more information.

LINE OF EFFORT 1: PREVENTION PROGRAMS AND INITIATIVES

Sexual assault prevention efforts advance a culture of dignity and respect for all who serve. Service members are at the heart of the Department's efforts; they are empowered to safely act when they see inappropriate behaviors and situations at risk for sexual assault. The desired end state for the Prevention LOE 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.

The primary outcome measure associated with prevention efforts is a change in the past-year prevalence of the crime. Given the wide variety of prevention initiatives underway across the Department, it is difficult to identify which are having an impact on the occurrence of the crime. In fact, no entity or institution has been able to identify or prescribe a scientifically supported course of action that prevents sexual assault. Nonetheless, past Department research suggests that sexual assault tends to occur less frequently in military units where sexual harassment and other disrespectful behaviors are less prevalent.[31] Consequently, Department efforts, such as the Advance and Sustain Appropriate Culture and Review of Alcohol Policies initiatives, focus on enhancing climates of dignity and respect, empowering military members to identify and intervene in situations at risk for sexual assault, giving leadership the tools to regularly assess unit climate, and holding leadership appropriately accountable for their unit climates.

According to the *2014 RMWS,* the estimated percentage of surveyed active duty women who experienced unwanted sexual contact (USC)[32] in the past year declined from 6.1% in 2012 to 4.3% in 2014, a statistically significant decrease. For active duty men, the prevalence rate of USC trended downwards from 1.2% in 2012 to 0.9% in

[31] Harned, M.S., Ormerod, A.J., Palmieri, P.A., Collinsworth, L.L. & Reed, M. (2002). "Sexual assault and other types of sexual harassment by workplace personnel: a comparison of antecedents and consequences," *Journal of Occupational Health Psychology 7(2):* 174-88.
[32] USC is the *Workplace and Gender Relations Survey* proxy term for the crimes that constitute sexual assault under Department policy.

2014.[33] Based on these prevalence rates, it is estimated that 18,900 Service members experienced USC, down from the 26,000 estimated in 2012. Although USC rates in 2014 are down significantly from those observed in 2006, the rates observed this year are about what they were in 2010. To achieve further progress, the Department must sustain the downward trend in prevalence rates in subsequent years. As a result, continued focus on sexual assault prevention remains a priority.

According to the *2014 RMWS*, an experience of past year sexual assault is highly correlated with an experience of past year sexual harassment. Compared to those who did not experience sexual harassment, those who did experience such incidents were more likely (14 times more likely among female Service members and 49 times more likely among male Service members) to experience sexual assault in the past year. Furthermore, about a third of Service member victims indicated that the alleged perpetrator(s) sexually harassed them before the sexual assault and a third indicated that the alleged perpetrator(s) sexually harassed them after the assault. Correlations were also found between gender discrimination and sexual assault. Sexual assault and sexual harassment are co-occurring problems that require continued DoD attention. An overview of these and other *RMWS* findings can be found in Annex 1 of this report.

Completed Prevention Strategic Plan Tasks

In FY 2014, the Department completed the following prevention tasks presented in the *DoD SAPR Strategic Plan*:

- Updated and published the DoD Sexual Assault Prevention Strategy;[34] and
- Developed a military community of practice (CoP) focused on primary prevention of sexual assault.

Secretary of Defense Prevention Initiatives

Secretary of Defense Prevention Initiatives

	Action	Status
Standardize Protections	In progress	→
Advance and Sustain Appropriate Culture	In progress	→
Review Alcohol Policies	In progress	→
Develop Collaborative Forum for Sexual Assault Prevention	Complete	●
Training	Complete	●

● Complete → In progress ✖ No Progress

[33] The decrease in prevalence for active duty men from 2012 to 2014 was not statistically significant. The 2014 prevalence rates presented in this section were calculated by RAND Corporation using the "USC" measure from prior administrations of the *WGRA,* in order to provide an accurate comparison with previous rates. Additional information on the RAND study can be found in Annex 1.
[34] *2014-2016 DoD Sexual Assault Prevention Strategy*, April 30, 2014, can be found here: http://sapr.mil/index.php/prevention/prevention-strategy

The enhancements made in FY 2014 to meet the requirements of the Secretary of Defense prevention initiatives aim to deliver consistent and effective prevention methods and programs that reduce, with a goal to eliminate, sexual assault.

Standardize Protections

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 were consistent across the Military Services. This initiative was codified into law in the NDAA for FY 2014.[35] The Office of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) reviewed the pertinent policies. The Office of the USD(P&R) is drafting policy to address the issues identified.

Advance and Sustain Appropriate Culture

On May 1, 2014, to further enhance prevention programs, the Secretary of Defense directed the Secretaries of the Military Departments, in conjunction with the Chiefs of the Military Services and NGB, to update and integrate gender-responsive and culturally competent programs for leaders and Service members to address healthy relationships, active bystander intervention, social courage, and core values that support the establishment of mutual respect. In addition, the Secretary of Defense directed the Chiefs of Military Services to review policies that influence culture and behavior on military installations and in units and adjust policy within their purview, as appropriate.

Throughout FY 2014, the Military Departments and NGB worked to expand and revise gender-responsive and culturally competent programs aimed to advance and sustain appropriate culture. The Military Departments and NGB will brief the Secretary of Defense on implementation plans, methods, and recommendations in FY 2015.

Review Alcohol Policies

In May 2014, the Secretary of Defense directed the Military Departments and NGB to review and revise, as necessary, alcohol policies to address risk factors beyond the individual use of alcohol. This effort is designed to shape the environment for making responsible choices, and includes engaging with local community leaders, collaborating with off-post businesses to modify alcohol sales practices, and enhancing cooperation between the installation and the local community. The Military Departments and NGB will brief the Secretary of Defense on implementation plans, methods, and recommendations in FY 2015.

Develop Collaborative Forum for Sexual Assault Prevention

On May 1, 2014, the Secretary of Defense directed USD(P&R) to establish an implementation plan for a CoP to share promising prevention practices and lessons learned. In FY 2014, the Department established *DoD SAPR Connect,* which is the Department's collaboration and information-sharing CoP. *DoD SAPR Connect* has membership from all four Services and the National Guard, including many personnel from overseas locations. Additional details on the *DoD SAPR Connect CoP* can be found on pages 45-46 in the *Report to the President* and in the "FY 2014 Prevention Programmatic Highlights" portion below.

[35] Section 1741 of the NDAA for FY 2014.

Evaluate Commander SAPR Training

On May 1, 2014, the Secretary of Defense directed the USD(P&R) to assess the effectiveness of the 2013 core competencies and learning objectives in pre-command and senior enlisted leader SAPR training to ensure all leaders are educated on sexual assault policies and provided the appropriate prevention tools.

In FY 2014, DoD officials observed a sample of each Service's pre-command and senior enlisted leader SAPR training and found progress in both the quality and the quantity of training since 2012. More information on SAPR training enhancements is provided on pages 52-53 in the *Report to the President*.

FY 2014 Prevention Programmatic Highlights

In addition to the Secretary of Defense initiatives, the Department implemented several other efforts in support of the Prevention LOE in FY 2014. This section provides highlights of the significant accomplishments.

Released 2014-2016 DoD Sexual Assault Prevention Strategy

On May 1, 2014, Secretary Hagel announced the *2014-2016 DoD Sexual Assault Prevention Strategy*, which provides a wide range of integrated programs to enhance the military environment, influence behavior, and reduce the occurrence of the crime. The strategy was informed by the work of civilian experts and is focused on shaping the environment where Service members live and work. The *Prevention Strategy* expands on the initial strategy published in 2008 and provides authoritative guidance on delivering consistent and effective prevention methods and programs for the Services. More detail on the *Prevention Strategy* can be found on pages 41-44 of the *Report to the President*.

Began Developing Guides to Prevent Sexual Assault in the Military

Recognizing that commanders have the responsibility to execute important components of the *Prevention Strategy*, DoD began developing a series of prevention guides targeted at all levels of command. The guides will be released in FY 2015 and FY 2016.

Developed DoD SAPR Connect CoP

Figure 4: The Four Pillars of the *SAPR Connect CoP*

In FY 2014, DoD developed a CoP to allow the Department to leverage and advance research, as well as share promising practices and lessons learned with external experts, federal partners, Military Services, advocacy organizations, and educational institutions for the prevention of sexual assault. *DoD SAPR Connect* is the Department's collaboration and information-sharing CoP. Comprised of four pillars (see Figure 4), *DoD SAPR Connect* leverages face-to-face meetings, virtual resources, webinars, and a community toolkit. *DoD SAPR Connect* involved participation from all four Services and the National Guard, including many personnel from overseas locations. By the end of FY 2014, *DoD SAPR Connect* had 332 members on the virtual platform, held its first prevention roundtable[36], and had an average of 221 participants in four webinars covering topics such as peer-to-peer mentorship, new soldier sponsorship, characteristics of sexual assault offenders, and the *DoD Sexual Assault Prevention Strategy.*

Announced Prevention Innovation Award

In FY 2014, the Department announced the launch of the Sexual Assault Prevention Innovation Award to annually recognize groups or individuals (military or civilian) from each military component who have contributed or developed an innovative concept, methodology, or approach to positively impact sexual assault prevention efforts either on an installation, or in a deployed environment. The first awardees will be announced in FY 2015. More information on the 2014 Prevention Innovation Award is located on pages 54-55 of the *Report to the President*.

[36] The objective of the Prevention Roundtable is to establish a forum for communication in which participants share information on DoD sexual assault prevention efforts and requirements.

Observed Sexual Assault Awareness Month

Figure 5: The 2014 SAAM Poster

In April 2014, the Department observed Sexual Assault Awareness Month (SAAM) with the theme "Live Our Values: Step Up to Stop Sexual Assault." The month offers an opportunity to build on existing momentum to fight the crime of sexual assault and to promote a culture of dignity and respect within the military community.

USD(P&R) encouraged the entire DoD community to raise awareness about the problem of sexual assault and its impact on mission readiness. Major General Jeffrey J. Snow, Director, SAPRO, visited troops at Fort Belvoir, Virginia, to kick off SAAM and described how important social courage and bystander intervention are in the Department's efforts to eliminate sexual assault.

SAAM also served as an opportunity to advertise the multi-disciplinary approach to prevention and victim advocacy, specifically the initiatives implemented by DoD in recent years to assist victims, including the DoD Safe Helpline, the Special Victims' Counsel (SVC)/Victims' Legal Counsel (VLC)[37] program, and the support offered by the Department's credentialed Sexual Assault Response Coordinators (SARC) and SAPR Victim Advocates (VA), among others. Major General Snow and Secretary of Defense Hagel also visited the DoD Safe Helpline office to commemorate SAAM and the anonymous hotline's 3rd Anniversary.

The 2014 Exceptional SARCs were recognized during SAAM for their outstanding efforts in assisting victims of sexual assault and for their commitment to preventing this crime. The 2014 awardees are:

- Army Master Sergeant Richard V. Fry, 21st Theater Sustainment Command, Germany;
- Ms. Shannon M. Moyer, Naval Air Station Lemoore, California;
- Ms. Midge M. Scott, Marine Corps Recruit Depot, Parris Island, South Carolina;
- Ms. Cindy W. Graver, Robins Air Force Base, Georgia;
- AF Major Katherine Maines, Joint Force Headquarters, Connecticut; and
- Mr. Christopher Hooper, 8th Coast Guard District, Missouri.

Further details on DoD's SAAM activities are on pages 53-54 of the *Report to the President*.

[37] The VLC is Navy's SVC program.

LINE OF EFFORT 2: INVESTIGATION PROGRAMS AND INITIATIVES

Victim confidence and participation are integral to a thorough investigation. Investigative techniques that maximize the recovery of physical and testimonial evidence while minimizing the potential for victim re-traumatization benefit the military justice process. The purpose of the Investigation LOE is to ensure timely and accurate results.

Completed Investigation Strategic Plan Tasks

In FY 2014, the Department completed the following Investigation LOE tasks presented in the *DoD SAPR Strategic Plan*:

- Established the Special Victim Investigation and Prosecution (SVIP) capability;[38]
- Developed procedures to ensure early coordination between Military Criminal Investigative Organizations (MCIO) and Judge Advocates (JAs) when initiating sexual assault investigations;
- Established a Working Group to review initial baseline, periodic refresher, and advanced sexual assault investigation training in order to establish common criteria, measures of effectiveness, and leverage training resources and expertise;
- Established SVIP case assessment protocol for open and closed sexual assault, child abuse, and domestic violence cases;
- Developed policy to ensure sexual assault documentation (DD Form 2911) is retained in accordance with NDAA for FY 2013; and
- Reviewed existing procedures to ensure all sexual assault allegations are referred to an MCIO.

Secretary of Defense Investigation Initiatives

Secretary of Defense Investigation Initiatives

	Action	Status
Ensure Investigative Quality	In progress (reoccurring)	➔

● Complete ➔ In progress ✖ No Progress

The objective of the Investigation LOE is achieving high competence in the investigation of sexual assault, and the Secretary of Defense initiative help to meet this objective.

[38] The Special Victim Capability, described in prior Department materials has since been re-named the Special Victim Investigation and Prosecution (SVIP) capability so as not to be confused with the Special Victims' Counsel (SVC) program, which provides attorneys to represent the interests of victims of sexual assault in the military justice process.

Ensure Investigative Quality

In FY 2013, the DoD Inspector General (IG) completed its first evaluation of MCIO sexual assault investigations with adult victims to determine whether the MCIOs completed investigations as required by DoD, Military Service, and MCIO guidance. DoD IG found 89% of MCIO investigations closed (completed and adjudicated) in 2010 met investigative standards or had only minor deficiencies. DoD IG returned cases with significant deficiencies (11%) to the MCIOs for corrective action.

Figure 6: The DoD IG Seal

In August 2013, the Secretary of Defense requested DoD IG to evaluate the adequacy of closed sexual assault investigations on a recurring basis to ensure investigative quality.

In FY 2014, DoD IG evaluated MCIO adult sexual assault investigations that were initiated on or after January 1, 2012 and closed in FY 2013 to determine whether they were completed as required by DoD, Military Service, and MCIO guidance; the results of this evaluation were published in March 2015.[39]

In FY 2016, DoD IG plans to evaluate MCIO adult sexual assault investigations closed in 2015. Additionally, in FY 2016, DoD IG will gather data associated with any potential impact the SVC[40] program has had on investigations.

FY 2014 Investigation Programmatic Highlights

In addition to the Secretary of Defense initiative, the Department implemented several other efforts in support of the Investigation LOE in FY 2014. This section provides highlights of the significant accomplishments.

Provided Report on SVIP Capability

On December 12, 2013, the Department provided a report to the Committees on Armed Services of the Senate and House of Representatives on the SVIP capability as required by section 573 of the NDAA for FY 2013.[41] The report described the Military Departments' plans and timelines for establishing SVIP capabilities, along with an assessment of those plans and timelines. The SVIP capability became fully operational in January 2014.

The report found that the Department's collective capability is organized differently in each Military Service:

[39] DoD IG found, in its report published on March 24, 2015, that nearly all adult sexual assault investigations were completed as required by guiding policies. Of 536 MCIO investigations, 532 (99%) met investigative standards or had only minor investigative and/or administrative deficiencies.

[40] The SVC program is discussed in the Accountability LOE.

[41] *Establishment of Special Victim Capabilities within the Military Departments to Respond to Allegations of Certain Special Victim Offenses* can be found here: http://www.sapr.mil/index.php/annual-reports.

- The Army assigned 23 Special Victim Prosecutors (SVP) dedicated to the handling of sexual assault and family violence cases. Army SVPs work with U.S. Army Criminal Investigation Command (CID) special agents and Special Victim Unit (SVU) investigative teams at over 65 installations worldwide to investigate and prosecute special victim offenses. The Army also retained several highly qualified experts (HQE) who have served as civilian criminal prosecutors to provide training, mentorship, and advice to JAs and CID special agents across the globe.
- The Navy has nine regional-based Senior Trial Counsel who collaborate with Naval Criminal Investigation Service (NCIS) special agents to investigate, review, and prosecute special victim cases. Those nine Senior Trial Counsels are all Military Justice Litigation Career Track qualified litigation specialists, and they supervise approximately 35 prosecutors worldwide. All nine regional prosecution departments have been specially trained and certified to prosecute adult sexual assault cases under the Navy's SVIP capability. The Navy also created a Trial Counsel Assistance Program (TCAP) with case review and prosecution reach-back and support capabilities. TCAP attorneys can also be detailed to prosecute complex cases. The Navy also has several civilian and HQE positions, through which civilian attorneys with extensive prosecution experience provide assistance to trial counsel in complex and sexual assault cases and specialized training.
- The Marine Corps established specially qualified, geographically assigned Complex Trial Teams comprised of 48 special qualified victim Trial Counsels and each led by a seasoned Regional Trial Counsel providing special victim prosecutorial expertise and support. The Marine Corps also established HQE positions, through which civilian attorneys with extensive litigation and court-martial experience provide assistance to trial counsel in complex and sexual assault litigation. Marine Corps JAs also team with NCIS special agents in special victim cases. Furthermore, the Marine Corps recently increased the opportunity for its JAs to receive graduate-level education in criminal law.
- The AF maintains a team of 16 Senior Trial Counsels (STC), including 10 who are members of the AF SVU-STC, working alongside 24 Air Force Office of Special Investigations (AFOSI) special agents located at 16 AF installations with a high number of reported sexual offenses. The AF has also established a reach-back capability situated at Joint Base Andrews, Maryland, which is comprised of the AFOSI Sexual Assault Investigation and Operations Consultant and the Judge Advocate General Corps SVU Chief of Policy and Coordination, who provide expert assistance for investigators and JAs in the field.
- Additionally, the Department established criteria for measuring the effectiveness and impact of the SVIP capability from investigative, prosecutorial, and victim perspectives. The criteria are:
    - Percentage of SVIP cases preferred, compared to overall number of courts-martial preferred in each FY;

- Percentage of special victim offense courts-martial tried by, or with the direct advice and assistance of, a specially trained prosecutor;
- Compliance with DoD Victim Witness Assistance Program (VWAP) reporting requirements to ensure victims are consulted with and regularly updated by SVIP legal personnel;
- Percentage of specially trained prosecutors and other legal support personnel having received additional and advanced training in SVIP topical areas; and
- Victim feedback on the effectiveness of SVIP prosecution and legal support services and recommendations for possible improvements; participation by victims will be voluntary and provide for confidentiality to the extent allowed by law, feedback mechanisms will be coordinated and standardized within each Military Service so that victims do not have to unnecessarily complete multiple questionnaires, and these mechanisms will be used to gain a greater understanding of the reasons why a victim who filed an Unrestricted Report elected or declined to participate at trial and whether SVIP prosecution and legal support services had any positive impact on this decision.[42]

- Each Service provided FY 2014 data for these measures of effectiveness and can be found in their annual reports, which are enclosures to this report.

To foster growth in the SVIP Capability and SVC programs, Congress appropriated $25M in FY 2014 for expanding the Department's competencies in investigation and prosecution of allegations of sexual offenses.[43] Funding was distributed to the Military Services to improve training and resourcing of attorneys serving as SVCs, help increase reporting, improve victim assistance, enhance investigative capability, and ultimately improve victim confidence in the Department's comprehensive response system.

Who are the SVIP capability team members?
MCIO Investigators
VWAP Personnel
Paralegal Support Personnel
Trial Counsels

Improved Training in Support of SVIP Capability Implementation

Also in FY 2014, the Department developed and issued investigative and legal policies to implement the SVIP capability. DoD IG developed policy and procedures for the MCIOs for the implementation of SVIP capability in the Directive-type Memorandum (DTM) 14-002 – "The Establishment of Special Victim Capability within the Military

[42] Please see page 10 of the *Establishment of Special Victim Capabilities within the Military Departments to Respond to Allegations of Certain Special Victim Offenses* report.
[43] The SVC program is discussed in the Accountability LOE section of this report.

Criminal Investigative Organizations."[44] According to DTM 14-002, the selection of MCIO investigators for the SVIP capability is contingent on their completion of specialized training. At a minimum, DTM 14-002 requires this training to cover the following competencies:

- Legal jurisdiction for conducting criminal investigations;
- Elements of proof for SVIP covered offenses;
- Crime scene management;
- Deoxyribonucleic Acid (DNA) collection requirements;
- Identifying, obtaining, preserving, and transporting forensic evidence;
- Rights of crime victims and available victim and witness assistance, support, and counseling services available;
- Sensitivities associated with child abuse victims, including but not limited to interviewing techniques, Sexual Assault Forensic Examination (SAFE) kits, risk factors, and protective orders; and
- Sensitivities associated with victims of sexual assault, including but not limited to interviewing techniques, impact of trauma, SAFE kits and medical treatment, counseling, victim support, establishing victim trust and transparency, impact of alcohol and drugs, and protective orders.

The Office of Legal Policy developed policy and procedures for SVIP legal personnel in DTM 14-003, "DoD Implementation of Special Victim Capability Prosecution and Legal Support."[45] DTM 14-003 establishes the standards for the selection, certification, and training of SVIP prosecutors and legal support personnel and outlines the training program for SVIP prosecutors, which must include:

- The elements of proof for SVIP offenses;
- Effective interviewing techniques and the impact of trauma on memory;
- Legal issues and sensitivities associated with sexual assault victims;
- Legal issues and sensitivities associated with child abuse victims; and
- Legal issues and sensitivities associated with victims of domestic violence;

The Department's SVIP capability program is also discussed on pages 66-68 and pages 81-82 of the *Report to the President*.

DoD IG Evaluated MCIOs' Sexual Assault Investigation Policies

In September 2014, DoD IG published findings and recommendations for the MCIOs in its report, *Evaluation of the Military Criminal Investigative Organizations' Adult Sexual*

[44] DTM 14-002 can be found here: http://www.sapr.mil/index.php/dod-policy/dod-and-service-policy. DTM 14-002 was superseded by DoDI 5505.19, "Establishment of SVIP Capability within the MCIOs," which was published on February 3, 2015.
[45] DTM 14-003 can be found here: http://www.sapr.mil/index.php/dod-policy/dod-and-service-policy.

Assault Investigation Policies.[46] DoD IG evaluated the MCIOs' policies and procedures to determine whether they aligned with DoD and Military Service mandates, as well as Council for Inspectors General on Integrity and Efficiency (CIGIE) Quality Standards for Investigations (QSI) and generally accepted law enforcement adult sexual assault investigative techniques.

DoD IG found that the MCIOs' adult sexual assault investigation policies and procedures support each agency's need for a thorough sexual assault investigation. The MCIOs have incorporated nearly all DoD and Service adult sexual assault investigative requirements into their policies. Although not mandated by DoD, the MCIOs have also incorporated, directly or indirectly, the pertinent CIGIE QSIs relating to conducting criminal investigations, including sexual assault, and those that facilitate a thorough and well-written report of investigation. The MCIOs address almost all of the pertinent International Association of Chiefs of Police (IACP) investigative actions in their policies.

DoD IG issued four recommendations in its report. It recommended that the MCIOs evaluate IACP adult sexual assault investigative techniques identified as not currently aligned within MCIO policy for their relevance and applicability and consider incorporating them into their adult sexual assault investigation policy guidance. Secondly, the report recommended that the Director, NCIS and the Commander, AFOSI evaluate their procedures addressing actions to be taken relating to victim collateral misconduct in a sexual assault investigation. Furthermore, it recommended that the Director, NCIS and the Commander, AFOSI evaluate the benefits and efficiencies of including DoD and Service sexual assault investigative policy in MCIO policies. Finally, DoD IG recommended that the Director, NCIS evaluate the policy verbiage related to the discussion of the victim preference statement with the victim, specifically, the language used to demonstrate a possible consequence of a victim's decision not to cooperate, to eliminate implied victim blaming.

LINE OF EFFORT 3: ACCOUNTABILITY PROGRAMS AND INITIATIVES

Achieving high competence in holding alleged offenders appropriately accountable is the objective of the Accountability LOE. The program enhancements implemented in FY 2014 under the Accountability LOE aim to achieve this objective.

Completed Accountability Strategic Plan Tasks

In FY 2014, the Department completed the following tasks presented in the *DoD SAPR Strategic Plan*:

- Enhanced sexual assault training for attorneys and military judges;
- Conducted assessment of DoD Pilot Program for SVC;

[46] DODIG-2014-108, "Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigation Policies," September 16, 2014. The full report is available here: http://www.dodig.mil/pubs/documents/DODIG-2014-108.pdf.

- Established and supported independent review and assessment panels required under the section 576 of the NDAA for FY 2013;
- Expanded the availability, sequencing, and scope of commanders' legal courses across the Services;
- Assessed effectiveness of the policy to elevate initial disposition authority in certain sexual assault cases to commanders, in the grade of O-6 or higher, who possess Special Court-Martial Convening Authority;
- Updated policies on separation of sexual offenders; and
- Increased SAPR first responder knowledge of Military Rule of Evidence (MRE) 514 (Victim Advocate-Victim Privilege).

Secretary of Defense Accountability Initiatives

Secretary of Defense Accountability Initiatives

	Action	Status
Assess Military Justice Systems	Complete	●
Improve Victims' Counsel	Complete	●
Improve Victim Legal Support	Complete	●
Enhance Pretrial Investigation	Complete	●

● Complete → In progress ✖ No Progress

The Department strives for a fair and equitable system of accountability that promotes justice and assists in maintaining good order and discipline. The Secretary of Defense Accountability Initiatives uphold and enhance the ways in which the military justice system encourages victim participation, while maintaining the rights of the accused.

Assess Military Justice Systems

In May 2013, the Secretary of Defense called upon the RSP[47] to accelerate its review and provide final recommendations within 12 months of the panel's first meeting. This initiative[48] was codified into law with the NDAA for FY 2014.[49]

In June 2014, RSP delivered its final report to the Secretary and Committees on Armed Services of the Senate and House of Representatives, which included 132 recommendations. After careful consideration, Secretary Hagel approved the majority of the recommendations, 88 full recommendations and 10 in part, and disapproved 1

[47] Section 576 of the NDAA for FY 2013, as amended by the NDAA for FY 2014, directed the Secretary of Defense to establish the RSP "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 section 920 of title 10, U.S.C. (Article 120 of the UCMJ), for the purpose of developing recommendations regarding how to improve the effectiveness of such systems."
[48] In addition to Accountability, Assess Military Justice System is an initiative that also falls within the Investigation and Victim Assistance/Advocacy LOEs.
[49] Section 1722 of the NDAA for FY 2014.

recommendation.[50] Of the remaining, 6 were referred to working groups for further study, 11 are under review by the Joint Services Committee on Military Justice, and 16 are under consideration by the Military Justice Review group.[51]

The USD(P&R) is responsible for overseeing the RSP recommendation implementation and is the office of primary responsibility for 59 recommendations. In FY 2014, the Department reviewed all 132 recommendations and provided an office of primary responsibility and, if necessary, an office of coordinating responsibility for all approved recommendations. After an initial review of the recommendations, DoD determined that the following 10 recommendations were already implemented:

- Develop/implement military crime victimization survey;
- Utilize the results from the *Workplace and Gender Relations Survey of Active Duty Members (WGRA)* to assess attitudes, identify areas for improvement, and revise workplace policies;
- Analyze raw data collected from surveys using independent research professionals to assess how DoD can improve responses to sexual assault;
- Use UCMJ definitions of sexual assault offenses in military crime victimization surveys;
- Refrain from additional formal statements of what accountability, rights, and responsibilities a member of the Armed Forces has with regard to matters of sexual assault prevention and response;
- Ensure sexual assault reporting options are clarified for all members of the military;
- Clarify that DoD Safe Helpline is the single military 24/7 sexual assault crisis hotline for Service members;
- Establish an easily remembered DoD Safe Helpline number similar to website name;
- Continue training all levels of law enforcement personnel on potential biases and inaccurate perceptions of victim behavior; and
- Maintain the requirement for an investigator to notify the prosecution section of the Staff Judge Advocate legal office of an Unrestricted Report as soon as practicable, but no later than 24 hours.

A major area of focus for the RSP was assessing the role of the commander in the military justice system. The RSP concluded that military justice system reforms should

[50] The recommendation that was disapproved was to develop and implement policy that, when information comes to military police about an instance of sexual assault by whatever means, the first step in an investigation is to advise the victim that she or he has the right to speak with a special victim counsel before determining whether to file a Restricted or Unrestricted Report, or no report at all.
[51] Secretary of Defense memorandum, Subject: Department of Defense Implementation of the Recommendations of the Response Systems to Adult Sexual Assault Crimes Panel, December 15, 2014.

not include removing prosecutorial discretion from military commanders. As the RSP found: "The evidence does not support a conclusion that removing convening authority from senior commanders will reduce the incidence of sexual assault, increase reporting of sexual assaults, or improve the quality of investigations and prosecutions of sexual assault cases in the Armed Forces."[52] Additional DoD discussion of the RSP and its report can be found on pages 34-35 and pages 88-89 of the *Report to the President*.

Improve Victims' Counsel

Figure 7: U.S Air Force Special Victims' Counsel Program Received 2014 Federal Service Award

In May 2013, the Secretary of Defense directed an evaluation of the AF SVC pilot program to ensure that victims are provided advice and assistance they need to understand their rights and to feel confident in the military justice system. The AF began its SVC pilot program in January 2013. SVCs are Active Duty JAs whose role is to represent victims in an attorney-client relationship in the investigation and court-martial process. Sexual assault victims are assigned an SVC within 48 hours (when practicable) of the SVC Program Office receiving a request.

The Department published its report in FY 2014 and found that the SVC pilot program was well received by victims who used its services. The report provided the results from a victim impact survey that was fielded by the Military Justice Division, AF Legal Operations Agency on March 20, 2013. The survey found:

- 90% were "extremely satisfied" with the advice and support the SVC provided during the Article 32 hearing and court-martial;
- 98% would recommend other victims request an SVC;
- 91% indicated their SVC advocated effectively on their behalf; and
- 94% indicated their SVC helped them understand the investigation and court-martial processes.

Improve Victim Legal Support

Due to the benefits observed in the AF SVC program, 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.

[52] The RSP report is available at www.responsesystempanel.whs.mil.

Each Service reached full operational capability in January 2014. This Secretary of Defense initiative[53] was codified in section 1716 of the NDAA for FY 2014. Additional details of the SVC program are found on pages 78-81 of the *Report to the President*.

Enhance Pretrial Investigations

In his August 2013 memorandum, the Secretary of Defense directed the Secretaries of the Military Services to implement policy, mandating JAs serve as investigating officers for all Article 32 hearings on sexual assault offense charges. Section 1702 of the NDAA for FY 2014 contained a provision generally requiring that, starting in late 2014, preliminary hearing officers presiding over Article 32 hearings are to be JAs. Unlike that provision, the Secretary of Defense's policy allows for no exceptions to the JA requirement in sexual assault offense cases. As of December 3, 2013, all the Military Departments complied with this requirement. This initiative is also discussed on page 84 of the *Report to the President*.

FY 2014 Accountability Programmatic Highlights

In addition to the Secretary of Defense initiatives, the Department implemented several other efforts in support of the Accountability LOE in FY 2014. This section provides highlights of the significant accomplishments.

DoD IG Evaluated DoD Compliance with the Sex Offender Registration and Notification Act

On August 29, 2014, DoD IG concluded an evaluation of the Department's compliance with the Sex Offender Registration and Notification Act (SORNA), established by Title I of the "Adam Walsh Child Protection and Safety Act of 2006" (P.L. 109-248).[54] It also evaluated whether the Department effectively accounted for registered sex offenders with access to DoD facilities. DoD IG found the Department was compliant with SORNA registration requirements. However, DoD IG recommended a number of actions to improve reporting, accountability, and monitoring of registered sex offenders within the Department. Overall USD (P&R) and the Secretaries of the Military Departments management comments were responsive and agreed with our recommendations.

Updated Policies on Separation of Sexual Offenders

In FY 2014, the Services reviewed and updated their policies, as necessary, to ensure that Service members who have been convicted for a sexual assault, but not adjudged a punitive discharge, are entered into administrative discharge proceedings by the Military Services.

- In November 2013, the Secretary of the Army issued Army Directive 2013-21, "Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses," to require the initiation of separation proceedings for any Soldier convicted of a sex offense. Decisions to retain

[53] This initiative is also a VA/Advocacy LOE effort.

[54] DODIG-2014-103, "Evaluation of DoD Compliance with the Sex Offender Registration and Notification Act," August 29, 2014. Full report is available here: http://www.dodig.mil/pubs/documents/DODIG-2014-103.pdf.

enlisted Soldiers convicted of a sex offense are referred for the exercise of Secretarial plenary authority under Army Regulation 635-200, "Active Duty Enlisted Administrative Separations."

- The Department of the Navy (DON) has official policies in the Navy and the Marine Corps to ensure that Service members who have been convicted for a sexual assault, but not adjudged a punitive discharge, are entered into administrative discharge proceedings.
  - The Navy was already compliant with this requirement. In May 2009, the Office of the Chief of Naval Operations (OPNAV) issued Instruction 1752.3, "Policy for Sex Offender Tracking, Assignment, and Access Restrictions within the Navy," which provides guidance on separation of sexual assault offenders. Additionally, Military Personnel Manual 1900-040, "Transfer to the Retired List, Retired Reserve, or the Fleet Reserve in a Restricted Status," issued in September 2008, prohibits a convicted sex offender from entering any installation, facility, or property under the cognizance of DON.
  - In November 2013, DON issued Marine Corps Order 1900.16, "Separation and Retirement Manual," requiring mandatory processing for separation following the first substantiated incident, or substantiated attempted incident, of sexual misconduct. Also, in June 2014, DON issued All Navy 050/14, "Implementation of Section 1705 of the NDAA for FY 2014 Related to Court-Martial Jurisdictional Limits and Minimum Sentences for Certain Sex Offenses," which requires mandatory dismissal or dishonorable discharge for convictions for certain sex offenses.
- AF was also in compliance with this requirement. Change 7, issued in 2004, to AF Instructions 36-3206, "Administrative Discharge Procedures for Commissioned Officers," and 36-3208, "Administrative Discharge of Airmen," mandate initiation of discharge proceedings for any member who has committed sexual assault.

Increased SAPR First Responder Knowledge of MRE 514 (Victim Advocate-Victim Privilege)

In FY 2014, each of the Services worked to increase first responder knowledge of MRE 514, Victim-Victim Advocate privilege. Subject to certain exceptions, 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 SARC and 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.[55]

- The Army SARC and SAPR VA certification training includes significant blocks of instruction on MRE 514.
- MRE 514 awareness training is covered in the 40-hour training required for Navy SARCs and SAPR VAs to earn initial certification and re-certification.

[55] MRE 514, (a), "General Rule of Privilege."

- A separate MRE 514 brief is included in the mandatory 40-hour SAPR VA training for Marine Corps SAPR personnel and is taught by a judge advocate. Additional training is provided in all iterations of customized SARC training to facilitate practical application of MRE 514.
- All AF SARCs and SAPR VAs attend the SARC Course at Maxwell Air Force Base. The course includes a lesson on MRE 514, which encompasses a thorough explanation of the victim advocate-victim privilege by a JA.

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

In the Department, sexual assault victims are offered and provided advocacy services, medical care, counseling, legal assistance, victim witness assistance, and chaplain services. 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 facilitate victim reporting.

Completed Advocacy/Victim Assistance Strategic Plan Tasks

In FY 2014, the Department completed the following tasks presented in the *DoD SAPR Strategic Plan*:

- Assessed and improved portability of victim services in deployed environments;
- Developed policy to ensure victims are provided appropriate rights, protections, and services and extend crime victims' rights to victims of offenses under the UCMJ; and
- DoD IG Investigations of allegations of retaliatory personnel actions taken.

Secretary of Defense Advocacy/Victim Assistance Initiatives

Secretary of Defense Advocacy/Victim Assistance Initiatives

	Action	Status
Improve Response and Victim Treatment	Complete	●
Ensure Victim's Rights	In progress	→
Expand Victim Rights	Complete	●
Enhance Protections	Complete	●
Sensitive Position Screening	Complete	●
Improve Response for Male Victims	In progress	→

● Complete → In progress ✖ No Progress

The objective for the Advocacy/Victim Assistance LOE is to deliver consistent and effective victim support, response, and reporting options. The actions taken to meet the requirements of the Secretary of Defense Advocacy/Victim Assistance Initiatives enhance the Department's ability to provide effective victim support.

Improve Response and Victim Treatment

To improve victim care and trust in the chain of command, increase reporting, and reduce the possibility of ostracizing victims, Secretary of Defense directed the

Secretaries of the Military Departments to implement and monitor methods to improve victim treatment by peers, co-workers, and chains of command.

Secretary of Defense instructed Military Departments to solicit victim input for the development of these methods. The Army utilized discussion groups led by the Vice Chief of Staff and gave victims the opportunity to speak at its semi-annual SHARP Command Summit. The DON used surveys and in-person meetings with victims to solicit input. The AF provided survivors with the opportunity to assist with developing training curriculum.

Ensure Victim's Rights

In May 2013, the Secretary of Defense directed OGC to develop a method to incorporate the rights afforded to victims through the Crime Victims' Rights Act (18 U.S.C.) 3771) (CVRA) into military justice practice, to the extent appropriate. Section 1701 of the NDAA for FY 2014 extended similar rights to those presented in CVRA, aligning military justice practice with federal civilian CVRA. In FY 2015, the Department is slated to forward a recommendation to the President on relevant changes for the Manual for Courts-Martial (MCM).[56] Ensuring victim rights is also discussed in the *Report to the President* on page 84.

Expand Victim Rights

In his August 2013 memorandum, the Secretary of Defense directed DoD General Counsel to develop a recommendation for an Executive Order to amend the MCM to provide victims the opportunity to have input to the post-trial action phase of courts-martial, in order to ensure that victims have a voice throughout the entire justice process. The DoD General Counsel's recommendation was incorporated into an Executive Order published on June 13, 2014.[57]

Enhance Protections

The Secretary of Defense ordered the Secretaries of the Military Departments in FY 2013 to develop and implement policy allowing the administrative reassignment or transfer of a Service member who is accused of committing a sexual offense, providing enhanced victim protection and balancing the interests of the victim and the alleged offender. In FY 2014, the Military Services reviewed, updated as necessary, and briefed their respective policies to conform to the Secretary of Defense's initiative.

- The Army was already compliant with this requirement. The Department of the Army issued the "Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault" directive on October 3, 2011.
    - This directive allows Army commanders to conduct expedited transfer for members who are either the victim of a sexual assault or accused of committing a sexual assault or related offense, if they deem such action is in the best interests of both the victim and the accused.

[56] In FY 2015, the Department forwarded a recommendation to the President on relevant changes for the MCM.
[57] Section 1706 of the NDAA for FY 2014 imposed a similar requirement.

- The DON has official policies in the Navy and the Marine Corps regarding the administrative reassignment or transfer of both victims of sexual assault and those accused of committing sexual assault.
  - The Navy was also in compliance with this requirement. The OPNAV Instruction 1752.1B, "Navy Sexual Assault Victim Intervention Program," issued in 2006, includes guidance in sexual assault cases to relocate the victim or alleged offender until the case is legally settled and/or the victim is considered out of danger when the victim and alleged offender are assigned to the same command.
  - The Marine Admin Message 031/14 "Administrative Reassignment or Transfer of Marines Accused of Sexual Assault or Related Offense," signed in January 2014, provided implementing guidance to commanders on the consideration of, and processes for, transfer of members accused of sexual assault or a related offense.
- The Department of the AF issued the AF Guidance Memorandum (AFGM) to AF Instruction (AFI) 36-2110 "Assignments" on January 1, 2014. This AFGM to AFI 36-2110 incorporates new guidelines for the reassignment of AF members who were sexually assaulted and approved for expedited transfer, as well as for the reassignment of AF alleged offenders accused of sexual assault or related offense.

These policies also fulfill the requirements outlined in the NDAA for FY 2014.[58]

Sensitive Position Screening

On 23 June 2014, the Secretary of Defense approved four recommendations to enhance screening, selection, training, and/or certification/licensure for personnel assigned to those sensitive positions in which they directly engage, support, or instruct the newest and most vulnerable Service members:

- SARC and SAPR VAs;
- Recruiters;
- Healthcare providers performing SAFE;
- Initial entry/basic training instructors for officers and enlisted Service members;
- MCIO investigators who conduct criminal investigations and support the DoD SVIP capability;
- SVIP capability legal team: prosecutors, paralegals, and VWAP personnel selected to support the SVIP capability; and
- SVC.

[58] Section 1713 of the NDAA for FY 2014.

Background information regarding this initiative is discussed on page 120 of the *Report to the President*.

Improve Response for Male Victims

In May 2014, the Secretary of Defense directed the Secretaries of the Military Departments, in conjunction with the Chiefs of the Military Services and NGB, to implement and monitor methods to improve reporting and enhance efforts to encourage male victims to seek assistance. The Military Departments are to solicit male victim input in the development of these methods. The Military Departments were directed to provide implementation plans and methods in FY 2015. Additional information about male victims is provided in Appendix C of this report.

FY 2014 Advocacy/Victim Assistance Programmatic Highlights

In addition to the Secretary of Defense initiatives, the Department implemented several other efforts in support of the Advocacy/Victim Assistance LOE in FY 2014. This section provides highlights of significant accomplishments.

Issued Guidance on Retention of DD Form 2910 and DD 2911

Section 1723 of the NDAA for FY 2014 mandated the retention of Department of Defense (DD) Form 2910, *Victim Reporting Preference Statement*, and DD Form 2911, *DoD Sexual Assault Forensic Examination Report* for 50 years, in order to maintain an additional record of the sexual assault report, regardless of the type of report or whether such retention was requested by the victim.[59] In July 2014, the USD(P&R) issued a memorandum to the Services and NGB directing they implement interim policy to immediately meet the NDAA requirement as DoD develops a long-term solution. The Department will issue a change to DoD Instruction (DoDI) 6495.02, “SAPR Program Procedures” to capture this retention requirement.

[59] Section 1723 of the NDAA for FY 2014.

Sustained the DoD Safe Helpline

Figure 8: RAINN Director Scott Berkowitz gives Secretary of Defense Hagel a tour of the Safe Helpline facility in April 2014.

The DoD Safe Helpline is a confidential, anonymous crisis support service for the DoD community affected by sexual assault. Safe Helpline provides live, one-on-one expert advice, information, and resources for survivors of sexual assault. Available 24/7 globally, users can "click, call or text" for anonymous and confidential support.[60]

The number of new visitors to the Safe Helpline website in FY 2014 was a 47% increase from the number of new visitors in FY 2013, and a 330% increase from the number of new visitors in FY 2012. This increase in visits largely reflects Department efforts to publicize the service. This increased visibility is essential so that survivors and others in the DoD community can access help and get information when and where they need it. Website visitors may directly search the Safe Helpline database of SARCs and other first responders in order to find referral and contact information. From FY 2013 to FY 2014 the number of searches increased by 214%.

From FY 2013 to FY 2014, the total number of Safe Helpline phone user contacts increased by 70%, and the total number of online user contacts increased by 25%. In FY 2014, 5,984 phone users and 2,513 online users contacted the Safe Helpline. The most frequently discussed topics for both male and female users were reporting options, emotional and social consequences of the assault, and mental health services. In FY 2014, nearly half of users who discussed a sexual assault event also discussed barriers to reporting.[61] User satisfaction with the Safe Helpline continues to remain high. Average feedback ratings are consistently over 4.0 on scale from 1 (strongly disagree) to 5 (strongly agree).Additional information illustrating the variety of referrals and the importance that SARCs and other military support staff play in providing services to Safe Helpline users can be found in Appendix F.

Certified Additional SARCs and SAPR VAs

The Department fully implemented the DoD Sexual Assault Advocate Certificate Program (D-SAACP) in FY 2013. In FY 2014, the program played an important role in ensuring DoD victim assistance and advocacy professionals provide a consistent, high standard of quality care to survivors of sexual assault. D-SAACP provides survivors with the assurance that their SARC and SAPR VA have undergone a rigorous review, are knowledgeable about resources and services, and are equipped to provide victim advocacy within the military structure. Since the program was launched in FY 2012,

[60] The DoD Safe Helpline is located here: https://www.safehelpline.org/.
[61] The DoD Safe Helpline is an anonymous and confidential service and does not collect information that identifies any of its users.

over 35,000 SARCs and SAPR VAs have been certified through the D-SAACP process. In FY 2014 alone, over 13,000 SARCs and SAPR VAs were certified. Additional information on the D-SAACP program can be found on pages 106-109 of the *Report to the President*.

Sustained Survivor Meeting

In place since 2010, the biannual Survivor Meetings provide the SAPRO Director with the opportunity to speak directly with victims of sexual assault who have reported the incident within the previous three years. Direct victim feedback in this venue provides insights into the toll this crime takes on its victims and the DoD community. This feedback enables SAPRO to see how SAPR policy and Service program execution affect the individual. In FY 2014, the Survivor Meetings took place in March and September and were attended by a total of 12 survivors (male and female), from each Service and NGB.

Increased Reporting

It is the Department's goal to not only prevent sexual assault, but also to increase the proportion of victims who choose to report. Reporting allows victims to engage restorative care and services. In addition, it allows the Department to hold offenders appropriately accountable. While the estimated prevalence of the crime is down from FY 2012 to FY 2014, the overall reporting of sexual assault in the same period increased substantially. Reporting increased by 53% from FY 2012 to FY 2013, and increased by another 11% from FY 2013 to FY 2014.

In FY 2014, 5,284 Service member victims made an Unrestricted or Restricted Report. Of the 5,284 Service member victims, there were 516 who made a report of sexual assault for an incident occurring prior to military service and 4,768 who made a report for an incident that occurred during military service.

The 4,768 Service members who made a sexual assault report in FY 2014 for an incident that occurred during military service accounted for approximately 25% of the estimated number of Service members who may have experienced unwanted sexual contact. Thus, DoD estimates that it received a report from 1 in 4 military victims of sexual assault in 2014, up from just 1 in 10 in 2012.

While DoD would like all victims to consider reporting the crime, the Department respects a victim's right not to choose to report. Consequently, victims may access the DoD Safe Helpline to speak anonymously with specially trained personnel who can provide them with crisis intervention, information, and resources 24 hours a day, 365 days a year. In addition, Restricted Reporting continues as a trusted option for confidentially accessing support and services, without having to participate in a criminal investigation or the military justice process. Victims who file a Restricted Report also have the option to convert to an Unrestricted Report. Over time, the percentage of victims who convert their Restricted Reports to Unrestricted Reports has remained relatively stable with an average of 15%. However, in FY 2014, the conversion rate increased to 20%. Additional information about the reports received this year and historical trends are described in the *Statistical Data on Sexual Assault* (Appendix A) portion of this report.

Combatting Retaliation

Figure 9: Sailors and Marines participate in a 5K run in support of Sexual Assault Awareness Month 2014 on the flight deck of the aircraft carrier USS Harry S. Truman.

One of the main goals of the Advocacy/Victim Assistance LOE is to instill confidence in victims to know that when they report a sexual assault, there is no reason to fear retaliation. While retaliation of any kind is prohibited within DoD, an appreciable portion of Service members in the *2014 RMWS* indicated experiencing social or professional retaliation associated with their sexual assault report. The Department asks about retaliation on surveys to better assess victims' well-being and to understand the stressors victims experience following a report of sexual assault. DoD collects this information in order to provide input to leadership to help them understand the destructive nature of retaliation. This information also helps the Department to adjust support programs and tailor services and training to match victims' needs, as well as to raise awareness about this issue with commanders. However, recent victims' survey responses indicate broad perceptions of alleged retaliation that may not necessarily align with actionable offenses that meet the elements of proof required for a charge of retaliation under military law. DoD fully recognizes that sexual assault is a highly underreported crime in the military (and society at large) and that the fear of retaliation is a barrier to reporting. While DoD seeks to remedy victims' perceptions of alienation by peers and reprisal by other parties, these perceptions are only one piece of a retaliation charge. Other factors, such as the intent of the individual suspected of reprisal and the behavior experienced by the victim, must be investigated before criminal offenses can be charged. Therefore, the Department employs a system that not only allows for handling retaliation allegations in the military justice system, but also with administrative actions that can address inappropriate behavior that falls short of the criminal elements of proof.

In FY 2014, each Service implemented new regulations against retaliation and ostracism. Retaliation includes taking or threatening to take an adverse personnel action or withholding or threatening to withhold a favorable personnel action, with respect to a member of the Armed Forces because the member reported a criminal offense. Additionally, retaliation may include social ostracism and such acts of maltreatment, as designated by the Secretaries of the Military Departments, committed by peers of the victim or by other Service members because the member reported a criminal offense, made with the intent to deter reporting or otherwise impede the administration of justice.[62] Violation of Service regulations could result in criminal

[62] See generally Section 1709 of the NDAA for FY 2014.

prosecution under Article 92 of the UCMJ – "Failure to Obey Orders or Regulation" and/or Article 93 – "Cruelty and Maltreatment." In addition, Service member victims can avail themselves of the following resources to report retaliation or ostracism:

- Report to their commander;
- Request an Expedited Transfer;
- Request a Safety Transfer, if they fear violence;
- Request a Military Protective Order and/or Civilian Protective Order;
- File a Military Equal Opportunity Complaint;
- Report to a SARC at a different installation;
- Report to a commander outside their Chain of Command; and
- Report to the DoD IG Defense Hotline.

Third parties can also file a DoD IG Defense Hotline complaint when they witness retaliation.

The Department identified retaliation associated with sexual assault reporting as one of its metrics for the *Report to the President*. This was based on the results from the *2012 WGRA* that indicated victims who reported the crime perceived social and professional retaliation associated with their report. In order to gain a better understanding of the scope of the problem, the Department assessed retaliation through multiple data sources, including:

- *Defense Equal Opportunity Management Institute Organizational Climate Survey (DEOCS)*
- The *2014 RMWS*
- The *2014 SES*

Command Climate Perspective

The *DEOCS* included six items to assess command climate perceptions associated with reporting of sexual assault and how those who make a report are viewed.[63] The items used a four-point scale ranging from "Not at all likely" to "Very likely." Overall, Service members who completed the *DEOCS* in 2014 perceived the potential for retaliation from their command and unit members to be unlikely (i.e. they perceived a favorable climate associated with reporting sexual assault). However, on average men (3.5 on a 4.0 scale) perceived a slightly more favorable reporting climate, with a lower likelihood of retaliation, compared to women (3.4 on a 4.0 scale). Moreover, senior enlisted Service members and officers (E7-E9, W1-W5, and O1 and above, respectively; 3.7 on a 4.0 scale) perceived that retaliation was less likely to occur compared to junior enlisted

[63] The *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 organization, equal opportunity, and equal employment opportunity issues within a unit.

Service members and non-commissioned officers (E1-E3 and E4-E6, respectively; 3.4 on a 4.0 scale).

The *2014 RMWS*

Of the 4.3% of women who indicated experiencing USC in the past year and who reported the matter to a military authority or organization, 62% perceived some form of professional or social retaliation, administrative action, and/or punishment associated with their report (53% social retaliation, 35% adverse administrative action, 32% professional retaliation, and 11% punishment for infraction). [64] However, because the data do not provide for the circumstances regarding administrative action or actions, which victims perceive as professional retaliation, we are unable to draw any conclusions regarding these numbers. Data for men were not reportable due to the small number of male respondents in this category.

The *2014 SES*

In the *SES*, a similar pattern was observed, with 59% of respondents perceiving social retaliation and 40% of respondents perceiving professional retaliation. [65] The *SES* involves survivors who responded to an invitation to take the survey (a convenience sample). Nonetheless, the results on this item were comparable with results obtained through the *2014 RMWS*, giving a good indication that the respondents to the *SES* had similar experiences with retaliation as those respondents in the more representative *RMWS*.

Across DoD surveys, most Service members give their senior unit leadership high marks in creating a climate that supports sexual assault reporting and does not penalize a victim for reporting. However, the *2014 SES* indicated that this highly favorable rating does not extend all the way down the chain of command. As a result, the Secretary of Defense directed in December 2014 that the Services were to create training for enlisted members and junior officers serving as first-line supervisors that helps them identify and prevent retaliation.

In order to better assess the experience of retaliation and identify potential points for intervention, the Department plans to conduct a systematic review of retaliation allegations made to the Service commands and Inspectors General. In addition, the Department will revise its survey questions to better align with Department policy and law addressing reprisal and ostracism. Also, the Department will follow up on installation case management group (CMG) execution of the Secretary's directive to inquire about allegations of retaliation during monthly meetings. These attempts to better define the scope of the problem and capture the efforts taken to address this

[64] On the *2014 RAND Military Workplace Study,* RAND provided the following as examples of professional retaliation: loss of privileges, denied promotion/training, and transferred to less favorable job. RAND provided the following as examples of social retaliation: being ignored by coworkers and being blamed for the situation. Examples of adverse administrative actions on the *2014 RAND Military Workplace Study* included being placed on medical hold, placed on a legal hold, and transferred to a different assignment. Examples of infractions for which victims were cited included underage drinking or fraternization.

[65] The *SES* is also discussed in the Assessment LOE section of this report.

unacceptable behavior will inform Department-wide efforts to prevent retaliation associated with reporting sexual assault.

LINE OF EFFORT 5: ASSESSMENT PROGRAMS AND INITIATIVES

Assessment is an enduring process of data collection and analysis designed to improve program effectiveness and is embedded within the four other LOEs. The enhancements implemented in FY 2014 under the Assessment LOE aim to achieve the end state of incorporating responsive, meaningful, and accurate systems of measurement and evaluation into every aspect of the SAPR program.

Completed Assessment Strategic Plan Tasks

In FY 2014, the Department completed the following tasks presented in the *DoD SAPR Strategic Plan*:

- Implemented a dispositions and case synopsis module into the Defense Sexual Assault Incident Database (DSAID);
- Harmonized DoD and Services' survey methodologies, frequency, and key metrics to effectively standardize, measure, analyze, assess, and report program progress; and
- Oversaw the implementation of Defense Task Force on Sexual Assault in the Military Services recommendations.

Secretary of Defense Assessment Initiatives

Secretary of Defense Assessment Initiatives

	Action	Status
Elevate Oversight	Complete	●
Develop Standardized Voluntary Survey for Victims and Survivors	Complete	●

● Complete → In progress ✖ No Progress

Under the Assessment LOE, the Department's objective is to effectively standardize measure, analyze, assess, and report SAPR program successes. The actions taken in support of the Secretary of Defense Assessment initiatives help to ensure the overall effectiveness of the Department's SAPR program.

Elevate Oversight

In August 2013, the Secretary of Defense directed the USD(P&R) to develop policy, standardized across the Military Services, which requires status reports of unrestricted sexual assault allegations and actions taken to the first General Officer/Flag Officer (GO/FO) within the chain of command, without delaying reporting to the relevant MCIO. This was also required per the NDAA for FY 2014.[66] USD(P&R) issued DTM 14-007 outlining this requirement, titled "Sexual Assault Incident Report Oversight (SAIRO)"

[66] Section 1743 of the NDAA for FY 2014.

that was published in FY 2014. The status reports must be completed within 8 days of an Unrestricted Report via a DD Form 2910 or an initiation of an independent investigation of sexual assault by a MCIO. Although a SAIRO Report is not required for Restricted Reports, a SARC does inform his/her commander when an incident occurs without providing personally identifiable information (PII) of the victim or alleged offender.

The SAIRO Report is prepared by the assigned immediate commander with input from the SARC and MCIO, and submitted to the required O-6 or GO/FO as outlined in the SAIRO DTM. This oversight creates visibility and transparency of the response to victims for senior leaders and system accountability.

The Department continually seeks to improve DoD's response to victims and the SAIRO Report is another pathway to ensuring that victims receive the resources and support they deserve. The SAIRO Report assures that victims are offered healthcare, victim advocacy, timely investigation, safety assessments, notice of expedited transfers and military protective orders, and the legal services of a SVC/VLC. This initial report elevates oversight of the immediate response system elements.

Develop Standardized Voluntary Survey for Victims and Survivors

In FY 2014, the Chiefs of the Military Services and NGB were required to develop and participate in a standardized victim survey. This tool is to provide victims or survivors the opportunity to provide feedback on their experiences with SAPR victim assistance, the military health system, the military justice process, and other areas of support.

The *2014 SES* provided data included in the *Report to the President*. The purposes of the *SES* were to:

- Capture critical feedback on victim satisfaction and confidence in the system;
- Assess the impact of recent initiatives and policies on victims; and
- Meet the *Report to the President* requirement.

A more detailed explanation of the *SES* can be found in the *Report to the President* on page 125.

FY 2014 Assessment Programmatic Highlights

In addition to the Secretary of Defense initiatives, the Department implemented several other efforts in support of the Assessment LOE in FY 2014. This section provides highlights of the significant accomplishments.

Maintained and Refined DSAID

Defense Sexual Assault Incident Database (DSAID) captures case information input by the Military Service and NGB SARCs about both Restricted and Unrestricted Reports, enhances a SARC's ability to provide comprehensive and standardized victim case management, enables properly trained legal officers to input and validate case disposition data, supports Service SAPR program management, provides improved oversight of how sexual assault cases are managed, and enables the Department to meet Congressional reporting requirements.[67] DSAID may only be accessed by D-SAACP certified SARCs, Service legal officers, and SAPR Program Managers. In FY 2014, Army SARCs were brought into the system, making DSAID the common case management and reporting tool across the Department. At the request of the USCG, the Department is now working to integrate USCG SARCs into DSAID in FY 2015.

Figure 10: DSAID Logo

Other enhancements to DSAID since FY 2013 include:

- Expanding expedited transfer functionality to capture more information and allow for the tracking of multiple transfers;
- Modifying functionality for SARCs to upload a scanned image of a DD Form 2910, *Victim Reporting Preference Statement,* for Unrestricted Reports, enhancing long-term availability of documentation to assist survivors in obtaining a record copy of the form;
- Implementing a reporting functionality for Service SAPR Program Managers to generate quarterly and annual Service reports, Military Service Academy (MSA) reports, and customized data queries; and
- Implementing a web-based, self-guided training solution for SARCs and SAPR Program Managers consisting of simulations of DSAID's capabilities.

Given the great interest in case outcome information, the Department created a centralized case disposition module to streamline capturing and reporting case outcomes across the Military Services. Implemented by the Department in FY 2014, this enhancement enables Service legal officers to validate subject case dispositions entered by SARCs, track subject case outcomes, and record subject punishment information, as applicable. The Department aggregates and analyzes this data to support Department metric and non-metric[68] information and inform SAPR policy. For

[67] P.L. 110-417, Section 563 (a) and (d).

[68] "Non-metrics" are items that address the military justice process. There will be no effort to affect these aspects or outcomes, as doing so may constitute illegal command influence on military justice. However, given the substantive interest in the military justice system and how it functions, these items will be used to describe or illustrate certain aspects of the system.

the first time, DSAID provided the data to produce this Annual Report and will continue to do so in the future.

The Department certified DSAID for compliance with all security requirements and is accredited for operation by the Designated Approval Authority (DAA) Representative. 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. Additional details on the Department efforts to continually enhance DSAID can be found on pages 123-125 of the *Report to the President*.

Responded to the GAO's Recommendations in "DoD Needs to Take Further Action to Prevent Sexual Assault During Initial Military Training"

In September 2014, the GAO released *DoD Needs to Take Further Action to Prevent Sexual Assault During Initial Military Training*. It concluded that DoD has taken a number of actions to prevent, investigate, and respond to sexual assault. However, recruits and other junior enlisted Service members appear to be especially vulnerable to sexual assault and related misconduct. The AF has been proactive in addressing how to improve the climate during basic training to prevent sexual assault since a number of allegations became known in 2012. Following these allegations, the AF completed an evaluation of the basic military training environment. This commander-directed investigation resulted in 46 specific action items for change in the basic military training environment.

According to the GAO, AF officials believe that their actions as a whole have improved the climate at basic training. However, GAO added that until the AF identifies a timeframe for establishing performance goals and measures to evaluate the effectiveness and improvements resulting from its actions taken, it will be unable to gauge its progress or take corrective actions when needed to address unforeseen problems that may arise or actions that are not working as intended. The AF provided an update on its actions to meet the recommendations from the GAO in its annual report, located at Enclosure 3 of this report.

OVERARCHING TENETS

In addition to the five LOEs in the *DoD SAPR Strategic Plan,* two overarching tenets that intersect all LOEs are provided: Communications and Policy. These tenets are essential to refining a professional military culture and command climate and set conditions required to optimize program implementation.

Completed Overarching Tenet Strategic Plan Tasks

The tasks provided for the Communications Tenet are continual efforts that the Department sustains each fiscal year.[69] For the Policy Tenet, DoD completed the following tasks in FY 2014:

- Modified policy provisions for command climate assessments;
- Modified policy provisions for dissemination of sexual assault information (e.g., hotline phone numbers and internet websites);
- Modified policy provisions for general education campaign for correction of military records when victims experience retaliation;
- Modified policy for record of dispositions of Unrestricted Reports;
- Established policy to require GO/FO review of and concurrence with a recommendation to involuntarily separate a Service member who made an Unrestricted Report of sexual assault if the Service member requests a GO/FO review;
- Established policy for the use of DoD funds and facilities for pregnancy termination as an option in cases of rape and incest;
- Established/reinforced policies to ensure recruits convicted of sexual assault offenses do not receive accession waivers and to require mandatory processing for administrative separation of Service members convicted of committing a sexual assault, when their sentence does not include a punitive discharge.

Key Accomplishment: Established/Reinforced Policies Regarding Recruits Convicted of Sexual Assault Offenses

In FY 2014, the Services reviewed and established new policies, as necessary, to ensure recruits convicted of sexual assault offenses do not receive accession waivers and to require mandatory processing for administrative separation of Service members convicted of committing a sexual assault.

At DoD level, DoD Directive (DoDD) 6495.01, “Sexual Assault Prevention and Response Program;” DoDI 6495.02, “SAPR Program Procedures;” DoDI 1332.14, “Enlisted Administrative Separations;” and DoDI 1332.30, “Separation of Regular and Reserve Commissioned Officers” provide policy guidance to meet the objective of this task. DoDI 1332.14 and DoDI 1332.30 were both published in FY 2014.

DoDD 6495.01 states:

> *Enlistment or commissioning of personnel in the Military Services shall be prohibited and no waivers are allowed when the person has a qualifying conviction (see Glossary) for a crime of sexual assault.*[70]

[69] Please see page16 of the *DoD SAPR Strategic Plan* for a complete listing of the Communications tasks.

DoDI 6495.02 states:

> *DoD prohibits granting a waiver for commissioning or enlistment in the Military Services when the person has a qualifying conviction (see Glossary) for a crime of sexual assault or is required to be registered as a sex offender*.

DoDI 1332.14 states:

> *Prescribe internal procedures to ensure enlisted Service members who are convicted of a covered sexual offense and are not punitively discharged are processed for administrative separation in accordance with section 572(a)(2) of Reference (c), as described in the procedures of this instruction.*

DoDI 1332.30 states:

> *That any commissioned officer convicted of rape or sexual assault as defined in subsection (a) or (b) of section 920 of Reference (d), forcible sodomy as defined in section 925 of Reference (d), or an attempt to commit one of those offenses, and who is not punitively discharged for such a conviction, will be processed for administrative separation once the conviction is final, in accordance with section 572(a)(2) of Reference (c).*

Key Accomplishment: Established Policy to Require GO/FO Review of an Involuntarily Separation of a Service Member Who Made an Unrestricted Report

In order to enhance victim protections, the Office of USD(P&R) published DoDI 1332.14 and DoDI 1332.30 in FY 2014, which require a GO/FO review of and concurrence with a recommendation to involuntarily separate a Service member who made an Unrestricted Report of sexual assault if the Service member requests a GO/FO review.

DoDI 1332.14 states:

> *An enlisted Service member who made an Unrestricted Report of sexual assault and who is recommended for involuntary separation from the Military Services within 1 year of final disposition of his or her sexual assault case may request a general or flag officer (G/FO) review of the circumstances of and grounds for the involuntary separation.*

DoDI 1332.30 states:

> *A commissioned officer who made an Unrestricted Report of sexual assault and who is recommended for involuntary separation from military service within 1 year of final disposition of his or her sexual assault case may request a G/FO review of the circumstances of and grounds for the involuntary separation. This requirement expands the requirement of section 578 of Reference (c) to ensure*

[70] DoDD 6495.01, "SAPR Program," Incorporating Change 1, April 30, 2013. 32 CFR Part 103 Final Rule (RIN 0790-AI37). Available at: http://www.sapr.mil/index.php/dod-policy/directives-and-instructions.

that an involuntary separation is not initiated in retaliation for making an Unrestricted Report of sexual assault.

NDAA REQUIREMENT IMPLEMENTATION

The last three NDAAs focused significantly on SAPR issues with 71 sections of law containing more than 100 unique requirements, to include 16 congressional reporting requirements. The NDAA for FY 2014 includes 33 sections of law, representing more than 50 individual provisions pertaining to SAPR. It represents the most sweeping reform to the UCMJ since 1968, with 16 military justice provisions. The NDAA for FY 2014 mandates eight distinct reports to assure congressional oversight. Seven of the eight required congressional reports were submitted by the end of FY 2014. The final report on the recently commenced Judicial Proceedings Panel (section 1731 of the NDAA for FY 2014) is expected to be submitted by the panel in 2017.

Of the 41 Secretary of Defense initiatives since December 2011, 19 are now in law following the passage of the FY 2014 and prior NDAAs. The NDAA for FY 2014 alone codifies eight Secretary of Defense initiatives.

Implementation of these provisions is well underway with many provisions fully implemented. The initiatives and congressional requirements are also being incorporated in the revision of DoDI 6495.02, including Change 2.[71] The following highlights three provisions that the Department implemented from a comprehensive list of implemented NDAA for FY 2014 provisions:

- First, each of the Services have implemented regulations addressing retaliation, ostracism, and maltreatment of sexual assault victims, making these acts punishable under Article 92, UCMJ;[72]
- Second, the Department has issued policy requiring a SAIRO report be completed within 8 days of a sexual assault report. These oversight reports allow senior leaders visibility into the steps being taken to offer the victim medical and mental healthcare, advocacy, legal services, and to capture the progress of the initial investigation;
- Third, the Department also updated its document retention policy for the DD Form 2910, wherein victims document their reporting option, and the DD Form 2911, the SAFE report. This was the third change in document retention requirements since 2011, as the NDAAs for FY 2012 and FY 2013 also had their

[71] Sec. 1732 (2) of the NDAA for FY 2014 In-progress. IG developing uniform policy regarding case determinations.

[72] While evidence of these acts may be punishable under military law, the Department recognized that there may be instances where the behavior falls short of the evidentiary requirements for military justice proceedings but require attention nonetheless. In January 2015, the Secretary of Defense directed DoD OGC, DoD IG, and the Secretaries of the Military Departments to conduct a comprehensive review of the means available to address both social and professional retaliation, to include appropriate social media conduct.

own requirements. Both forms are now automatically retained for 50 years, allowing victims to access their records for any lawful purpose, including their application for disability benefits and other assistance.

The Department remains committed to the effective and efficient implementation of the NDAA requirements.

WAY FORWARD IN FY 2015

This report and the *Report to the President* document considerable progress in FY 2014 and prior years to address sexual assault in the military. While there are positive indications that the many steps taken to prevent and respond to sexual assault are having desired effects, more must be done to eliminate the crime. In FY 2015, DoD will continue to work together with the Services to incorporate best practices and reforms that improve its ability to address this crime.

IMPLEMENT THE NDAA FOR FY 2015 REQUIREMENTS

The NDAA for FY 2015 included further amendments to the UCMJ, which the Department will implement in FY 2015. Examples of these military justice provisions include:

- Section 532 – Modifying when depositions may be ordered;
- Section 533 - Codifying SVC representation for members of the Reserve and National Guard who are the victims of sex-related offenses;
- Section 534(b) - Ensuring that victims are consulted concerning their preference for prosecution by military or civilian authorities for offenses in the United States and that their preference is considered;
- Section 536 – Requiring the modifications of the military rules of evidence to produce “general military character” evidence of an accused is not admissible for purposes of showing the probability of innocence of the accused for certain specified offenses, including sexual assault; and
- Section 537 – Modifying the psychotherapist-patient privilege.

UPDATE DOD POLICY AND STRATEGIC PLAN

Understanding the need for continuous improvement, the Department will release an update of DoDI 6495.02, “Sexual Assault Prevention and Response Program Procedures,” and has already updated the *DoD SAPR Strategic Plan*. The updated DoDI 6495.02 will reflect requirements from the FY 2014 and prior NDAAs, as well as a number of RSP recommendations. The revised *DoD SAPR Strategic Plan,* released in January 2015, contains 50 new tasks based on NDAA for FY 2014 requirements, Secretary of Defense initiatives, and input from the SAPR IPT. Going forward, DoD SAPRO will continue to track the Department’s progress implementing the Strategic Plan tasks.

ADDITIONAL SECRETARY OF DEFENSE INITIATIVES

With the release of the *Report to the President*, Secretary Hagel issued additional initiatives to address some of the challenges identified in the *Report* that DoD will address in FY 2015. These initiatives are:

- Installation Prevention Project: To advance knowledge and understanding of successful intervention policies, the Secretaries of the Military Departments, the Chiefs of the Military Services and the USD(P&R) will conduct a multi-year initiative to customize prevention efforts at select military installations. This effort will identify installation and community risk factors for sexual assault and develop associated actions leadership can take to mitigate sexual violence.
- Enhance First Line Supervisor Skills and Knowledge: To further advance a climate of dignity and respect, and prevent the potential for retaliation associated with reporting, the Chiefs of the Military Services and the NGB will augment all supervisor training to address the role of the supervisor in unit sexual assault prevention and response programs. This training will apply to all junior officers, junior enlisted supervisors, and civilian employees who supervise military members. Curriculum will emphasize the importance of engaging with subordinates on sexual assault prevention and response, recognizing the signs of possible acts of retaliation, and provide the opportunity to practice leadership skills to promote a healthy command climate.
- Engage Command to Prevent Retaliation: To enhance victim safety and recovery, the Chiefs of the Military Services and the NGB will develop new procedures for installation commanders who serve as the SAPR CMG Chair. These procedures will require installation commanders to regularly assess, and refer for appropriate corrective action, all reports from a victim, witness, or first responder of retaliation, ostracism, maltreatment, or reprisal in conjunction with a report of sexual assault.
- Provide Feedback to the Force: To encourage greater victim reporting and demonstrate Department and Service progress, the Secretaries of the Military Departments will provide the findings in the *Report to the President* to all Service members in an interactive manner.

OPERATIONALIZE THE PREVENTION STRATEGY

In FY 2015, the Department will continue with the implementation of the *2014-2016 DoD Sexual Assault Prevention Strategy*. Efforts are focused on operationalizing the strategy to ensure Service members at every level of the Department have the knowledge and tools to prevent this crime. Given the importance of future leaders in ensuring an enduring solution, the Department will expand its efforts to target Junior Reserve Officer Training Corps and Reserve Officer Training Corps units to prepare them to address SAPR issues upon accession or commissioning. DoD SAPRO will expand its collaboration with universities and MSAs to share promising prevention practices.

ONGOING GAO REPORTS

In October 2013, GAO announced that it will be reviewing DoD's programs for male victims. Recently, the GAO concluded its review and presented six recommendations to improve DoD's SAPR services for male Service members. DoD is currently working with the GAO to better apply its data in ways that inform decision-makers about the needs of male victims, evaluate what men might need that is different from women in the form of treatment, enhance provider training, and improve messaging. The Department is committed to preventing sexual assault throughout the entire force and improving response services to meet the needs of both male and female Service members. Appendix C presents GAO's recommendations and discusses the progress the Department has already made in addressing the recommendations, as well as the Department's plans for future progress in this area.

In July 2014, GAO announced an additional review of DoD's SAPR program, specifically the Department's efforts to prevent sexual assault in the military. The GAO is examining how DoD developed its *2014-2016 Sexual Assault Prevention Strategy* and how it is being implemented. The GAO's final report and recommendations for DoD's prevention efforts will be published in FY 2015.

CONCLUSION

The actions taken in FY 2014 reflect DoD's ongoing commitment to preventing this crime, through a carefully constructed system of checks and balances that provide professional advocacy, independent investigations and legal analysis, command engagement to ensure safety and victim care, and cross functional oversight mechanisms, capabilities, and services that enable a comprehensive response to a report of sexual assault.

Despite a great deal of progress, more work needs to be done to combat sexual assault in the military. The Department remains focused on leveraging its culture and core values to continue a tradition consistent with society's highest expectations of its military's standards. Every Service member deserves a military where sexist behaviors, sexual harassment, and sexual assault are not tolerated, condoned, or ignored. To this end, leaders have the tools to assess and promote an appropriate command climate where sexual assault and other destructive behaviors are prevented, sexual assault reporting is encouraged, and victim support is unparalleled.

DoD continues to implement the RSP recommendations, Secretary of Defense initiatives, and NDAA requirements. Furthermore, the Secretary of Defense issued additional initiatives today. The Secretaries of the Military Departments, in collaboration with the Acting USD(P&R), will incorporate insights derived from the *2014 RMWS* into prevention training for sexual harassment, sexual assault, and reporting-related retaliation. Additionally, the Acting USD(P&R) will assess clinical interventions that address the specific needs of men and women who are seeking treatment for sexual assault. The Acting USD(P&R) will also conduct force-wide sexual assault and sexual harassment prevalence surveys biennially for the Military Services and National Guard, using the measures created for the *2014 RMWS*, consistent with title 10 U.S.C. section 481. In alternate years, focus groups will be conducted by the DMDC to obtain feedback from the field. To better respect Service member survey burden and privacy, all other entities within the DoD will refrain from conducting force-wide surveys for determining the prevalence of sexual assault and sexual harassment. The surveys and focus groups will be developed and conducted in collaboration with the Secretaries of the Military Departments, the Chiefs of the Military Services, and NGB. Finally, the Acting USD(P&R), in collaboration with the Secretaries of the Military Departments and the DoD IG, will establish a comprehensive strategy to prevent retaliation against Service members who report or intervene on behalf of the victim in instances of sexual assault and other crimes.

Prepared by the Department of Defense
Sexual Assault Prevention and Response Office

www.sapr.mil (For Program and Policy)
www.myduty.mil (For Victim Care)