SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1000

AUG 14 2013

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
CHIEFS OF THE MILITARY SERVICES
COMMANDERS OF THE COMBATANT COMMANDS
CHIEF OF THE NATIONAL GUARD BUREAU
DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION
DIRECTOR, OPERATIONAL TEST AND EVALUATION
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Sexual Assault Prevention and Response

Eliminating sexual assault from our Armed Forces remains one of our top priorities. This effort requires our absolute and sustained commitment to providing a safe environment in which every Department Service member and civilian is free from the threat of sexual harassment and assault. Our success depends on a dynamic and responsive approach. We, therefore, must continually assess and strive to improve our prevention and response programs.

On May 6, 2013, I directed a range of initiatives designed to strengthen our program in the areas of commander accountability, command climate, victim advocacy, and safety. Today, I am directing immediate implementation of the following additional measures to gain greater consistency of effort and enhance oversight, investigative quality, pretrial investigations, and victim support:

- Improving Victim Legal Support: Secretaries of the Military Departments shall establish a special victim's advocacy program best suited for that Service that provides legal advice and representation to the victim throughout the justice process. Each Service will identify and periodically share best practices, and will establish an initial operating capability not later than November 1, 2013, and a fully established program by January 1, 2014.

- Expanding Victim Rights: General Counsel shall develop draft language for an Executive Order to amend the Manual for Courts Martial to provide victims of crime the opportunity to provide input to the post-trial action phase of courts-martial. Deliver your proposal to me not later than October 15, 2013.

- Enhancing Protections: Secretaries of the Military Departments shall develop and implement policy allowing the administrative reassignment or transfer of a member who is accused of committing a sexual assault or related offense, balancing interests of the victim and accused. Implement this provision not later than January 1, 2014.

- Standardizing Protections: Under Secretary of Defense for Personnel and Readiness shall ensure current policies prohibiting inappropriate relations between trainers and trainees and recruiters and recruits are consistent across the Services. Report your findings to me not later than November 1, 2013.

- Elevating Oversight: Under Secretary of Defense for Personnel and Readiness shall develop policy, standardized across all the Services, that requires status reports of unrestricted sexual assault allegations and actions taken to the first general/flag officer within the chain of command, without delaying reporting to the relevant military criminal investigation organization. Implement this policy not later than November 1, 2013.

- Enhancing Pretrial Investigations: Secretaries of the Military Departments shall mandate that judge advocates serve as investigating officers for all Article 32 hearings on sexual assault offense charges. Implement this policy not later than December 1, 2013.

- Ensuring Investigative Quality: I am requesting that the Department of Defense Inspector General plan to evaluate the adequacy of closed sexual assault investigations on a recurring basis. Respond to this request within 30 days.

Preventing the crime of sexual assault remains our focus. In addition, when a crime does occur, we must ensure that victims' rights are respected, they are provided responsive and timely support, and related investigations and judicial proceedings, if appropriate, are conducted in a thorough, professional, and fair manner. To this end, the measures outlined above will strengthen our overall sexual assault prevention and response programs and efforts. Remember, we are all accountable and responsible for eliminating this crime from our ranks.

Thank you.

cc:
Deputy Secretary of Defense