



Report of  
**The Defense Task Force**

on

**Sexual Assault**  
in the  
**Military Services**

**December 2009**

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**DEFENSE TASK FORCE ON SEXUAL ASSAULT IN THE MILITARY SERVICES**

2850 EISENHOWER AVENUE, SUITE 100  
ALEXANDRIA, VIRGINIA 22314

December 1, 2009

The Honorable Robert M. Gates  
Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Dear Mr. Secretary:

We are pleased to submit the report of the Defense Task Force on Sexual Assault in the Military Services. This report fulfills the requirements of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Subtitle K, Section 576 and guidance provided in the charge. The Task Force first convened August 11, 2008; this report is a culmination of fact-finding and analysis from our dedicated Members who represent all the Military Services and leaders and experts from the civilian sector. The findings and recommendations we provide are based on the sixty installations we have visited in sixteen states and nine countries, which included six locations in-theater and six visits with Service Members returning from Afghanistan and Iraq as directed by that legislation.

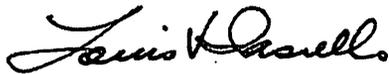
Our report recognizes the significant progress the Department has made in responding to the victims of sexual assault since the establishment of its Sexual Assault Prevention and Response (SAPR) program in 2005. However, this report points to the need for more structural, organizational, and strategic clarity for progress to continue. Our recommendations cover the spectrum from strategic proposals to specific actions that would improve prevention, victim response, and accountability. There is a critical need to designate funding and resources for the SAPR Program. As part of this process of institutionalization, standardizing terminology and program design across all the Military Services is critical. A number of findings and recommendations point to the fact that sexual assault programs must be given a more permanent place within the military organization and culture.

The Task Force expresses sincere appreciation to all of those who contributed to this report. We especially want to thank the Service Members who gave of their time and

talent by participating in focus groups, answering surveys, and sharing their experiences as we conducted site visits and collected data.

The vast majority of the men and women in the Military Services serve with honor and personal dignity, and many put themselves in harm's way to protect our Nation's freedoms. We present these findings and recommendations with confidence that the Department of Defense will continue to move forward in its efforts to eliminate the scourge of sexual assault, a crime that is an anathema to the values and ethic of our military.

Sincerely,



Louis V. Iasiello, PhD  
Task Force Co-Chair



Millicent Wasell  
Task Force Co-Chair

# DEFENSE TASK FORCE ON SEXUAL ASSAULT IN THE MILITARY SERVICES

To the Secretary of Defense  
To the Secretary of the Army  
To the Secretary of the Navy  
To the Secretary of the Air Force

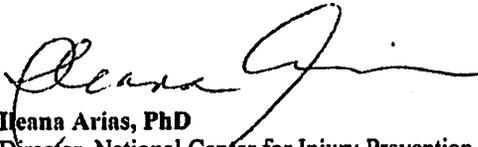
We, the appointed members of the Defense Task Force on Sexual Assault in the Military Services, do hereby submit the results of our findings and offer our best recommendations to improve the overall readiness of the US Armed Forces.



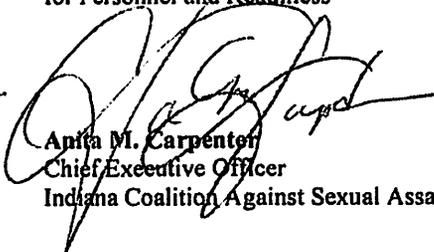
**Louis V. Iasiello, PhD, Co-Chair**  
Rear Admiral, U.S. Navy (Retired), 14<sup>th</sup> Chief  
of Navy Chaplains (USN, USMC, USCG)



**Millicent Wasell, Co-Chair**  
Former Advisor to the Under Secretary of Defense  
for Personnel and Readiness



**Heena Arias, PhD**  
Director, National Center for Injury Prevention  
and Control  
Centers for Disease Control and Prevention



**Anita M. Carpenter**  
Chief Executive Officer  
Indiana Coalition Against Sexual Assault



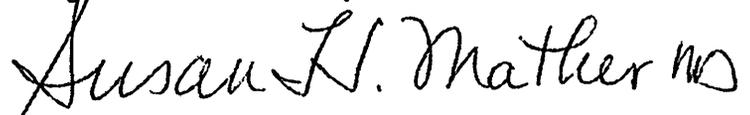
**Sharon K.G. Dunbar**  
Brigadier General, US Air Force  
Director, Manpower, Organization and  
Resources



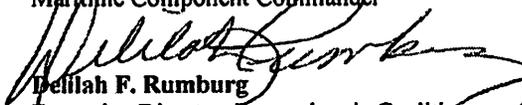
**Jill M. Grant**  
Colonel, US Army  
Chief, Army Litigation Division  
Judge Advocate General's Corps



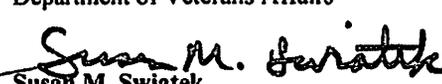
**Donald P. Henry**  
Captain, US Navy  
Assistant Chief of Staff for Intelligence,  
Commander THIRD Fleet Joint Task Force  
Maritime Component Commander



**Susan H. Mather, MD**  
Retired Chief Officer, Office of Public Health and  
Environmental Hazards  
Veterans Health Administration  
Department of Veterans Affairs



**Bellah F. Rumburg**  
Executive Director, Pennsylvania Coalition  
Against Rape and the National Sexual Violence  
Resource Center



**Susan M. Swiatek**  
Colonel, US Marine Corps  
Judge Advocate

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**THE SECRETARY OF DEFENSE  
WASHINGTON, THE DISTRICT OF COLUMBIA**

**OCT 3 2005**

**MEMORANDUM FOR MEMBERS OF THE DEFENSE TASK FORCE ON  
SEXUAL ASSAULT IN THE MILITARY SERVICES**

**SUBJECT: A Charge to Achieve Excellence**

Pursuant to Public Law 108-375, I hereby charge the Defense Task Force on Sexual Assault in the Military Services (the SAMS Task Force) to examine matters relating to sexual assault cases in which members of the Armed Forces are either victims or commit acts of sexual assault. I seek your recommendations for ways by which civilian leaders within the Department of Defense and leadership within the Armed Forces may continue to improve the Department's response to matters relating to sexual assault.

You are about to embark on the third major effort concerning these matters during my tenure as the Secretary of Defense. We are making progress. We now have new and improved policies in place that enhance our support and care of victims, improve our prevention efforts, and increase offender and system accountability. However, as with any new policies, the proof is in the implementation. Although these policies are still maturing, I ask you to assess service implementation with particular emphasis on the training and education provided to our military and civilian personnel. I also urge you to operate in close coordination with the Director of the Sexual Assault Prevention and Response Office, the Department's single point of accountability for sexual assault policy matters.

Your report to me and to the Secretaries of the Military Departments shall include your findings, as well as an assessment of, and recommendations for, measures to improve the items listed at the attachment. In addition, you should consider the findings and recommendations of previous reviews and investigations of sexual assault conducted by the Department of Defense and the Armed Forces. Your report must also include the following:

- Recommendations to overcome any barriers impacting the effective implementation of DoD policy for the Prevention and Response to Sexual Assault.
- The findings, to include best practices, and conclusions of the task force.
- Any recommendations for changes to policy and law that the task force considers appropriate.
- Other areas of concern not previously addressed in prior reports.



**OSD 12633-05**

Your report is due one year after you initiate your assessment. The scope of your work is more comprehensive than your past effort, but our efforts to eliminate this anathema to honorable service are critically important. Prompt action is essential. To that end, I encourage you to be swift as well as thorough.

A handwritten signature in black ink, appearing to be 'D. R. [unclear]', written in a cursive style.

Attachment  
Topics for Assessment

## **TOPICS FOR ASSESSMENT**

**(1) Victim care and advocacy programs.**

Are the training and policies for victim response adequate to ensure that all victims receive the prescribed standard of care regardless of the location?

Are the Combatant Commanders' implementations of these new policies effective in the deployed locations?

**(2) Effective prevention.**

Are Service members who may be bystanders to sexual assault able to recognize indicators and prevent assault from occurring?

**(3) Collaboration among military investigative organizations with responsibility or jurisdiction.**

Are investigative organizations working cooperatively?

**(4) Coordination and resource sharing between military and civilian communities, including local support organizations.**

What opportunities exist to leverage other existing federal, state and local programs to address sexual assault prevention and response involving members of the Armed Forces?

**(5) Reporting procedures, data collection, tracking of cases, and use of data on sexual assault by senior military and civilian leaders.**

Has the prescribed case management model been implemented effectively?

**(6) Oversight of sexual assault programs, including development of measures of the effectiveness of those programs in responding to victim needs.**

Is the training provided to Sexual Assault Response Coordinators effective to fulfill their role as the center of gravity for Sexual Assault Prevention and Response at the installation level?

Do the Coordinators function effectively?

**(7) Military Justice issues.**

Is military justice in the joint commands being exercised or left for component commanders?

Should joint commands exercise military justices over personnel assigned or attached?

**(8) Progress in developing means to investigate and prosecute assailants who are foreign nationals.**

Are the Combatant Commanders' implementations of these new policies effective in deployed locations?

**(9) Adequacy of resources supporting sexual assault prevention and victim advocacy programs, particularly for deployed units and personnel.**

Are current resources adequate to support the requirements established by recent DoD policies?

**(10) Training of military and civilian personnel responsible for implementation of sexual assault policies.**

Are military and civilian leaders responsible for sexual assault prevention and response policy implementation adequately trained and supported?

What is the effectiveness of the training related to sexual assault prevention and response provided to Commanders?

How well has sexual assault prevention and response training been incorporated into their commands?

Do the DoD and Service training programs adequately incorporate the definition of sexual assault and the behaviors that constitute sexual assault?

**(11) Programs and policies, including those related to confidentiality, designed to encourage victims to seek services and report offenses.**

**(12) Other issues identified by the Task Force relating to sexual assault.**

## EXECUTIVE SUMMARY

This executive summary highlights key recommendations and findings in this report. For a full exposition of recommendations and findings, see specific sections addressing Strategic Direction, Prevention and Training, Response to Victims, and Accountability.

## TASK FORCE CHARGE

The Task Force on Sexual Assault in the Military Services was established on October 3, 2005, pursuant to Section 576 of Public Law 108-375, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, to examine matters relating to sexual assault in which members of the Armed Forces are either victims or commit acts of sexual assault. The Task Force consisted of five members from the Department of Defense (DOD): one civilian official from the Office of the Secretary of Defense (OSD) and one Service Member from each Military Service; and five members from outside the Department of Defense.

## METHODOLOGY

In compiling this report, the Task Force gathered and analyzed information from two detailed data calls to the Office of the Secretary of Defense (OSD), the Joint Chiefs of Staff (JCS), the Combatant Commands, and the Military Services. We conducted site visits at sixty installations in the United States, the Middle East, the Pacific Rim, and Europe, including deployed locations. During these site visits, we interviewed key decision makers and service providers responsible for addressing sexual assault. We also conducted focus groups at each site to assess Service Members' understanding of sexual assault, as well as military sexual assault prevention and response programs, policies, and practices. With the assistance of the Defense Manpower Data Center (DMDC), the Task Force developed, administered, and then analyzed results of surveys of Sexual Assault Response Coordinators (SARCs), their supervisors and Victim Advocates (VAs). Within the realm of military justice, we conducted extensive interviews with prosecutors, defense counsel, military judges, convening authorities, and senior policy officials, and we made site visits at the US Disciplinary Barracks (USDB) at Fort Leavenworth, Kansas, Naval Consolidated Brig at Miramar, California, and Department of Defense forensic laboratory at Fort Gillem, Georgia. We considered results from our review of hundreds of criminal investigative files from the Military Services, as well as interviews with law enforcement officials during site visits and within the Washington, D.C. region. The Task Force sought public comment at each of our site visits and public meetings. More than sixty victims of sexual assault provided information for our consideration. We generated this report based upon the efforts outlined above, a thorough review of related reports, studies, and articles, and a series of subcommittee and full Task Force public meetings.

## CULTURAL CONTEXT

Sexual assault occurs in all cultures, but the conditions under which it occurs and the responses to it differ based on the values and norms of the culture. Military culture is a part of American culture, but in many ways has its own values, rules, customs, and norms. Therefore, sexual assault in the Armed Services cannot be addressed in exactly the same way as it is in civilian society. The Task Force believes, however, that culture change is essential for the Military Services to improve how they prevent and address sexual assault. This section addresses key components of military culture as they relate to sexual assault: training, chain of command, unit cohesion, military operations, and readiness. The Task Force developed our findings and recommendations based on this military cultural context.

## RECOMMENDATIONS AND FINDINGS

The Task Force divided our assessment into four critical topics: strategic direction, prevention and training, response to victims, and accountability. These topics will be addressed in order.

### Strategic Direction

#### Organizational Placement of the Sexual Assault Prevention and Response Office (SAPRO)

The Task Force believes that the current placement of SAPRO within OSD has constrained critical aspects of the Sexual Assault Prevention and Response (SAPR) Program. We recommend SAPRO receive higher-level attention to effect greater progress. Specifically, the Task Force recommends that the Deputy Secretary of Defense take responsibility for SAPRO for at least one year and until the Secretary of Defense apprises Congress that the Program is meeting established institutional goals.

#### Program Funding

During our field assessments, the Task Force repeatedly observed sexual assault prevention and response program funding to be sporadic and inconsistent. Commanders and their staffs frequently noted that sexual assault prevention and response was yet another unfunded program mandate to be resourced locally.

Personnel in the SAPRO expressed similar concerns. Predictable and distinct funding is essential to building a credible and stable foundation for the SAPR Program. Without consistent program funding, SAPR will continue to be viewed as a program that lacks permanence. Accordingly, the Task Force recommends that DOD include SAPR in its budgeting process and ensure adequate funding is allocated to the Military Services.

#### Functions and Structure of SAPRO

The Task Force determined that SAPRO does not provide either policy or oversight for several of its significant responsibilities. Moreover, SAPRO does not interface with operating forces or military officials responsible for accountability. Because SAPRO has limited itself to policy matters, it does not provide individual victim assistance. Therefore, the Task Force recommends DOD:

- Revise the structure of SAPRO to reflect the expertise necessary to lead and oversee its primary missions of prevention, response, training, and accountability;
- Appoint to SAPRO a director at the general or flag officer level, active duty military personnel from each Service, and an experienced judge advocate; and
- Establish a Victim Advocate position whose responsibilities and authority include direct communication with victims.

With this improved organizational structure, SAPRO must also establish standards to assess and manage the Program and ensure the Services comply with these standards. Further, SAPRO must be actively engaged in prevention policy development and legislation.

## **Sexual Assault Prevention and Response Program Personnel**

The Task Force concluded that permitting the Services to adopt their own terminologies and personnel structures for sexual assault prevention and response has adversely affected the quality and consistency of sexual assault prevention and response support services. Accordingly, we recommend that the Secretary of Defense establish uniform sexual assault prevention and response terminology and core structures at the execution level to ensure consistency among the Services.

It is also our assessment that the duties and responsibilities of Sexual Assault Response Coordinators are inherently governmental and must not be performed by contractor personnel. Accordingly, the Secretary of Defense should require that SARCs be full-time military or DOD civilian personnel, with each installation or similar organizational level having a SARC and Deployable SARC (DSARC). A DSARC will deploy with each unit at the brigade, wing, or equivalent level unless SARC support is available at the deployed location. For these reasons, SAPRO must develop standardized duty descriptions for the SARC and DSARC to ensure qualified personnel are appointed to fill these critical positions, and to clarify roles and responsibilities. The Task Force further recommends that the Secretaries of the Military Departments ensure that SARCs and DSARCs have direct access to senior commanders and other commanders within their areas of responsibility.

The Task Force concluded that DOD would be better served by fewer but better qualified and more senior Victim Advocates. Specifically, we found that the current Unit Victim Advocate (UVA) program is not effective. We recommend this program be replaced with a small cadre of trained and credentialed personnel, recognized as qualified by the general court-martial convening authority, to provide better victim support.

The Task Force makes additional recommendations with regard to improving sexual assault program oversight, metrics, visibility of trends, and trend analysis.

## **Prevention and Training**

Since its establishment, DOD SAPRO has focused on increasing general awareness about sexual assault and developing an effective response process; sexual assault prevention has historically received less focus. Recent prevention efforts center primarily on “bystander intervention;” although positive, these initiatives are not guided by an overarching prevention strategy in which “effective prevention” is clearly defined. Accordingly, the Task Force recommends that SAPRO develop a comprehensive prevention strategy that encompasses strategic direction, prevention, response, and accountability. This strategy must guide SAPR initiatives, processes, training, and communication plans. Service-specific prevention activities and programs must also align with DOD’s strategy. Given the importance of developing a comprehensive prevention strategy, we recommend that SAPRO work in close collaboration with the Military Services and national experts in sexual assault prevention.

The Task Force found that SAPRO has no systematic evaluation plan or feedback mechanism for assessing overall effectiveness of sexual assault prevention and response training efforts. We thus recommend that SAPRO develop a plan to routinely evaluate the efficacy and effectiveness of its prevention strategy based on intended outcomes at DOD and Military Service levels. The Task Force realizes that availability of proven science-based prevention evaluation models is limited; therefore, we recommend that SAPRO collaborate with civilian experts in designing a systematic evaluation plan. DOD should include results from these prevention program assessments in its annual report to Congress.

Effective training is a critical component of a successful prevention strategy. However, the Task Force found sexual assault prevention and response training was predominantly computer-based, or conducted

## Executive Summary

with briefing slides in large group settings with mixed ranks and genders, and focused principally on awareness and reporting options instead of prevention. Commanders and other unit leaders are not routinely involved or participate in sexual assault prevention and response training for their personnel, and training for DOD civilian personnel does not occur consistently. Likewise, training among the Reserve Components varies across the Services, states, and locations.

Accordingly, the Task Force recommends that SAPRO develop training policies and exercise oversight over Military Service training programs. Sexual assault prevention and response training must strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault. Given the importance of leadership involvement in sexual assault prevention and response, we recommend this training be tailored to levels of leadership responsibility (e.g., first-line supervisors and leaders, commanders, senior enlisted personnel) as well as be developmental over the course of military or government service. Specialized sexual assault prevention and response training for responders and care providers is similarly essential.

The Task Force has concerns with the adequacy of sexual assault prevention efforts in military recruiting environments. In this regard, we recommend the Military Services review recruiter screening and selection criteria and training, and ensure prospective recruits are aware of the SAPR Program, military recruiter conduct requirements, and procedures to report recruiter offenders.

## Response to Victims

The Department of Defense has made demonstrable progress in providing assistance to victims of sexual assault. Restricted reporting that permits a victim to obtain immediate care and counseling without engaging law enforcement and command authority is an important first step in respecting the needs of victims of sexual assault. However, much remains to be accomplished.

Communications between sexual assault victims and Victim Advocates are afforded no privilege under military law. In contrast, thirty-five states provide a privilege for communications between a victim and a Victim Advocate. The absence of a privilege limits the effectiveness of Victim Advocates in the military community. Accordingly, the Task Force recommends that Congress enact a comprehensive military justice privilege for communications between a Victim Advocate and a victim of sexual assault.

Effective Victim Advocates are essential to a victim-centered SAPR Program. In the civilian community, Victim Advocates are trained to provide privileged communications during crisis intervention and longer-term support. Military victims of sexual assault need and deserve comparable services; however, DOD requires only minimal education and no formal certification for its Victim Advocates. Although these Victim Advocates perform commendable victim support, they lack the qualifications necessary for privileged communications with victims of sexual assault. The Task Force therefore recommends that the Secretary of Defense ensure that members of the Armed Forces who report they were sexually assaulted be afforded the assistance of a nationally certified Victim Advocate.

The Task Force found that sexual assault victims are frequently dissatisfied with how they are treated during the investigative process. One reason is that victims participate in this process without fully understanding their rights and what to expect. Although active duty victims may confidentially communicate with a military attorney at any time during the investigative process, many are unaware of this right or the meaning of “privileged communication.” Furthermore, many victims believe that the prosecutor will represent their interests in the process. Ensuring that victims understand their rights, and the limitations of these rights, will help minimize victim confusion during the investigative process. Accordingly, the Task Force recommends that the Secretary of Defense ensure that members of the

Armed Forces who report they were sexually assaulted be given the opportunity to consult with legal counsel qualified in accordance with Article 27(b), Uniform Code of Military Justice (UCMJ). We further recommend that victims be informed of their opportunity to consult legal counsel as soon as they seek assistance from a SARC or any other responsible official.

The Task Force makes further recommendations that relate to improving medical care for victims of sexual assault, particularly those in deployed areas, improving care of victims in training status, and ensuring gender appropriate care for male victims of sexual assault.

## **Accountability**

### **DOD's Annual Report on Sexual Assaults in the Military**

The Task Force has concerns with data included in the annual report to Congress and thus questions the utility of this report. We provide a series of recommendations for DOD to better comply with data requirements specified by Congress, while at the same time providing consistent and comparable data. Specifically, the Task Force recommends that the Secretary of Defense:

- Separately report the number of sexual assaults involving Service Member victims and number of sexual assaults involving Service Member offenders;
- Have The Judge Advocates General (TJAG) verify the accuracy of the report's disposition information, to include their Services' courts-martial data;
- Require the Inspector General (IG) to establish a consistent definition of the term "substantiated" and ensure military criminal investigative organizations (MCIOs) only provide synopses of those cases to the Secretary of Defense;
- Provide Congress case synopses for substantiated cases only and organize the synopses into categories from the most to the least serious cases;
- Establish a consistent policy on whether to include data for domestic violence or child victim cases, and ensure the Services comply accordingly; and
- Ensure that a database on sexual assault incidents in the Armed Forces is implemented in an expedited manner, and it tracks case disposition.

To ensure the database is developed, implemented, and maintained, the Task Force recommends that Congress fund the information database on sexual assault incidents in the Armed Forces that it mandated in Section 563 of Public Law 110-417.

At the request of the Secretary of Defense, the Task Force examined reporting procedures, data collection, case tracking, and use of sexual assault data by senior military and civilian leaders. We determined that the case management model prescribed in the DOD Directive and the DOD Instruction has not been implemented. Although a substitute is being developed, progress remains slow.

## **THE MILITARY JUSTICE PROCESS**

A new, comprehensive Article 120 of the Uniform Code of Military Justice (UCMJ) went into effect on October 1, 2007. Practitioners consistently advised Task Force members that the new Article 120 is cumbersome and confusing. Prosecutors expressed concern that it may be causing unwarranted acquittals. In addition, significant issues related to the constitutionality of Article 120's statutory affirmative defense of "consent" and to lesser included offenses have evolved. Accordingly, the Task Force recommends that the Secretary of Defense direct a follow-up review of the effectiveness of Article 120, UCMJ.

The military justice system has an important role in victim care and recovery. As such, trial counsel must inform and consult with victims at every significant stage of the military justice process. The Task Force found that neither victims nor other military personnel were routinely informed of the results of disciplinary actions relating to sexual assault. We recommend that victims and other Service Members be so informed.

## JOINT BASING AND JOINT COMMANDS

At the request of the Secretary of Defense, the Task Force examined the impact of increasingly joint operations on the SAPR Program. Commanders and their legal advisors are well aware that military justice authority follows command lines. For the most part, the Task Force found few issues with the manner in which commanders are exercising their UCMJ authority. Although the SAPR Program follows Service lines, most joint commands and Service proponents find practical accommodations between the two lines of authority. Law enforcement authorities (MCIOs) have reached similar accommodations in joint commands. It is our assessment that practical problems arising in this context are minimal. Hence, the Task Force recommends that the Secretary of Defense continue to monitor Service sexual assault prevention and response programs and military justice and jurisdictional processes to ensure consistent treatment of similarly situated victims and offenders across the Services.

## CONCLUSION

Over the past fifteen months, this Task Force conducted a detailed assessment of DOD programs, policies, and practices that address sexual assaults involving members of the Armed Forces – as either victims or assailants. The Department's progress in addressing sexual assault since the establishment of the SAPR Program in 2005 is evident, but uneven. Specifically, DOD has made significant progress in improving response to victims' needs; we have noted success when commanders take an active role. However, greater focus and effort are required to fully address the spectrum of sexual assault prevention and response. With this in mind, the Task Force offers major recommendations concerning strategic direction and oversight of the SAPR Program, prevention and training strategies, response to victims, and accountability. Our recommendations highlight the need for institutional change to more effectively prevent sexual assault and address related issues. Doing so is not only ethically and morally correct, but also essential to military readiness – all the more critical at this time in our Nation's history.