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

PERSONNEL AND
READINESS

MAY 27 2010

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

Dear Mr. Chairman:

Pursuant to Section 576(e) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375, I am forwarding to you the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) Report. The Department, in conjunction with the Military Services, has conducted a thorough review and analysis of the report. The enclosed assessment provides the Department of Defense response to the report.

The DTF-SAMS recognized the significant progress the Department has made in responding to the victims of sexual assault since the establishment of the Sexual Assault Prevention and Response program in 2005; however, improvements still need to be made. The Department of Defense, including the Military Departments, generally agreed with a majority of the recommendations and believes that upon implementation, the recommendations with which the Department concurs will greatly advance the Department's vision to enable military readiness by establishing a culture free of sexual assault. The implementation of the specific recommendations that improve the care of victims, strengthen reporting options, and enhance the Sexual Assault Response Coordinators' support to commanders will be addressed in Fiscal Year 2010 in collaboration with each of the Military Departments, including their respective Reserve Components and the National Guard.

I express my deep appreciation to the DTF-SAMS members for their hard work and diligence in assessing program efforts throughout the Department of Defense, including the Military Departments. The Department of Defense takes this issue and the recommendations from the Task Force very seriously, and accepts responsibility for implementing the changes needed.

I am sending a similar letter to the Chairman and Ranking Member of the Senate Committee on Armed Services.

Sincerely,

Clifford L. Stanley

Enclosures:
As stated

cc:
The Honorable Howard P. "Buck" McKeon
Ranking Member

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

PERSONNEL AND
READINESS

MAY 27 2010

The Honorable Carl Levin
Chairman, Committee on Armed Services
United States Senate
Washington, DC 20510

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I am sending a similar letter to the Chairman and Ranking Member of the House Committee on Armed Services.

Sincerely,

Clifford L. Stanley

Enclosures:
As stated

cc:
The Honorable John McCain
Ranking Member

ASSESSMENT
DEFENSE TASK FORCE ON SEXUAL ASSAULT IN THE MILITARY SERVICES REPORT

REPORT

Overview

On December 1, 2009, the Department of Defense received the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) report completed pursuant to Section 576(e) of the National Defense Authorization Act (NDAA) Fiscal Year (FY) 2005, Public Law 108-375. The Department finds that the Task Force has fulfilled its charge and the Report stands as evidence of the many hours worked, miles logged, and days served enhancing the safety of our men and women in uniform. The comprehensive assessment, findings, and accompanying recommendations will be of great consequence as the Department continues to move forward in its efforts to enable military readiness by establishing a culture free of sexual assault.

Assessment Highlights

In 2005, when the Sexual Assault Prevention and Response Office (SAPRO) was established, the Department designed its Policy to allow the Military Services flexibility in addressing matters relating to sexual assault. The Task Force assessment found that the individual approach taken by each Service has shown creative initiative and produced substantive programs to support victims and prevent sexual assault, despite ongoing contingency operations and limited resources. However, this individualized approach by each Service appears to have also produced unintentional gaps in care and program effectiveness that cannot be allowed to persist, especially in joint base environments. As with other more established Department programs, victims of this crime should be able to expect a consistency of support and care regardless of their location. The Task Force findings have underscored the continuing challenges associated with standardizing, professionalizing, and institutionalizing a relatively new program. Moreover, by adding individual supplemental letters addressed to the Judge Advocate General of the Military Departments, the Staff Judge Advocate to the Commandant of the Marine Corps and to the Inspector General, the Task Force has identified and emphasized the need for an institutionalized collaborative approach to respond to sexual assault victims and for the Department to be unwavering in holding offenders accountable.

The Task Force divided its findings and recommendations into four topics: strategic direction, prevention and training, response to victims, and accountability. The Department generally agrees with the recommendations made in the report and the individual letters sent to the Deputy Under Secretary of Defense for Plans, the Office of the Inspector General, and the senior uniformed legal official of the Military Services. The specific recommendations that improve the care of victims, strengthen reporting options, and enhance the Sexual Assault Response Coordinators' (SARC) support to

commanders will be addressed in FY10 in collaboration with each of the Military Departments, including their respective Selected Reserve.

The Department specifically notes four areas impacting the Task Force recommendations.

- The first, Recommendation 1, would have us place responsibility for SAPRO directly under the Deputy Secretary of Defense (DEPSECDEF). The DEPSECDEF recognizes the need for higher-level attention and has agreed to place the Deputy's Advisory Working Group (DAWG) in the Sexual Assault Prevention and Response (SAPR) oversight framework. The DAWG, a Department of Defense (DoD) senior leadership advisory group, is a highly-effective enterprise governance forum which he chairs, established to communicate the senior leadership's direction, and focuses on operational-level decision-making (outputs) and socialization across the Department as it pertains to budget issues and technical programs. The Department believes that placing the DAWG within the SAPR oversight framework will strengthen and institutionalize the responsibilities and authorities needed for successful implementation of the SAPR policies.

- The second, Recommendation 7, proposes that Congress require the Secretary of Defense to conduct a separate review of sexual assault prevention and response in the Reserve Components. The Department acknowledges the merit of reviewing the effectiveness of its SAPR policies as it specifically pertains to the Reserve Components and has begun the detailed planning to accomplish this review in an expeditious manner. The Department has already incorporated the National Guard Bureau and Reserve Affairs into its Oversight Framework and will continue to work closely with their respective SAPR program managers to ensure program accountability.

- Third, with respect to recommendations 3a, 5c, 6a5, 6a6. 6a7, 6b2, 25a, and 28a3, and consistent with the responsibilities and operational needs of the Secretaries of the Military Departments, the Department will continue to collaborate with the Services to ensure program improvements such as consistent terminology, establishing minimum baseline standards for positions and reviewing organizational structures, and establishing response team protocols. However, after thoughtful deliberations by the Department, the following recommendations will not be implemented as recommended as is explained below:

    - Recommendation 6a5: The Department cannot, as a whole, endorse the discontinuance of the use of Unit Victim Advocates (UVAs). UVAs are a critical resource throughout the Reserve and National Guard components; also at geographically dispersed locations within the Army and deployed

Navy and Marine Corps forces. Embedding properly qualified and trained UVAs in these types of units contributes to improving culture, enhancing commitment to eliminating sexual assault, and provides essential continuity of services in units or locations that otherwise may not have the capability.

- Recommendation 6a6: The Department does not agree with the Task Force recommendation to impose minimum grade requirements for victim advocates. Grade requirements may not be the best indicator of a quality victim advocate. Instead, using proper screening techniques, standardized selection criteria, and developing and implementing specialized training may serve as a more effective means of providing this vital service to victims.

- Recommendation 6b2: Although the practice of a response team is already in place throughout the Department, assembling response team members within 24-hours of each report could seriously interfere with the need to gather investigative information and evidence quickly, and to ensure effective victim support, particularly in a deployed environment or at large military installations. While periodic team reviews are valuable, other mechanisms of communication and coordination are just as effective on a day-to-day basis. We do agree on the need for protocols and we will work with the Services to establish appropriate protocols for response teams.

- Recommendation 25a: The Department agrees with establishing sexual assault forensic examiner education programs at military teaching hospitals (with the flexibility to use civilian training hospitals as needed) to train licensed medical professionals. However, since medics and corpsmen are not qualified licensed medical professionals, and are therefore not authorized to conduct SAFEs, the Department would not recommend the training be provided to these individuals.

- Recommendation 28a3: The Department agrees with the Task Force recommendation to establish a consistent definition of "substantiated." However it should be noted that the Service MCIOs do not make a case determination of substantiated or unsubstantiated. The responsibility to make the determination decision falls under the purview of the Commander.

- Reference Appendix K letter to the Judge Advocate Generals and the Staff Judge Advocate to the Commandant of the Marine Corps: The Department does not endorse the Task Force recommendation to restrict the Services' latitude to select Article 32 investigating officers. In accordance with the Manual for Courts-Martial, the convening authority must appoint a

commissioned officer, major or above, or with legal training as an Article 32 hearing officer.

- Fourth, with respect to Recommendation 29b, while we agree that the military law enforcement agencies should report and conduct joint, or monitor, investigations with civilian law enforcement agencies for cases involving sexual assault, we do not agree that that military law enforcement agencies should obtain written agreements with local law enforcement agencies that clearly state what agency shall be notified when the victim or offender is a Service Member. While we believe it is important for the military law enforcement agencies to work with local law enforcement agencies on matters of DoD interest, it is unrealistic to expect that military law enforcement agencies will be able to get written agreements with the local law enforcement agencies. Military law enforcement agencies are expected to develop close liaison with local law enforcement agencies so they are notified of crimes that impact military personnel. Written agreements, which are not legally enforceable and which numerous local law enforcement agencies are likely to refuse, do not enhance coordination of sexual assault investigations.

Many of the report recommendations were either previously implemented by the Department, including the Military Departments or are currently in the process. Examples include (but are not limited to):

- Reference recommendations 3a, 3c and 6a1-7, which address standardization, professionalization and institutionalization of Sexual Assault Response Coordinators (SARC) and Victim Advocates (VA): The Department will collaborate with the Services to develop meaningful standards that will work within the respective missions and structures of the Services and is in the process reviewing policy to make changes concerning SARC and VA certification. Although the certification of a VA in the civilian sector is voluntary, the Department believes that certification brings credibility and professionalism to the role of VAs and will better serve victims of sexual assault.

- Reference recommendation 3d for Service Secretaries to set forth clear guidance to all commanders: During FY09, all the Services conducted senior-level summits.

    - In November 2008, the Air Force hosted the first annual SAPR Leader Summit. The Secretary of the Air Force, Chief of Staff, and Chief Master Sergeant of the Air Force addressed the attendees, who included the Wing or Vice Wing Commanders of Air Force installations. Other participants were from functional first responders, major commands, sister Services, DoD SAPRO, other government agencies/Congressional staff and

nationally-recognized subject matter experts. In November 2009, a second summit was held. The Secretary of the Air Force, the Assistant Vice Chief of Staff, and the Chief Master Sergeant of the Air Force spoke.

- In April 2009, the Army convened a week-long Sexual Assault Prevention Summit to roll-out Phase II of its prevention strategy (Army-wide Conviction) which includes educating Soldiers to understand their moral responsibility to intervene and stop sexual assault and harassment. The Secretary of the Army, Chief of Staff of the Army, and Sergeant Major of the Army addressed the attendees, who included over 100 Sergeants Major and 50 General Officers.

- In September 2009, the Department of the Navy (DON) held its first Sexual Assault Prevention Summit that brought 80 Flag and General Officers and Senior Executives together to interact with recognized experts in the field and learn more about developing an effective, comprehensive prevention strategy. Immediately following, the Navy and Marine Corps each conducted service-specific operational planning team sessions to jump start their respective development of future prevention efforts. Simultaneously, the Secretary of the Navy established the new DON Sexual Assault and Prevention and Response Office headed by a Senior Executive reporting directly to him as his primary agent for developing Secretariat-level policy, monitoring, and coordinating DON-wide efforts to prevent and respond to sexual assault.

- Reference recommendation 4c for Service Secretaries to create committees at the Service level paralleling the DoD Sexual Assault Advisory Committee:

  - In 2008, the Army chartered a SAPR General Officer Steering Committee (GOSC). The SAPR GOSC is responsible to the Chief of Staff of the Army for recommending major management strategies, policies, plans, processes, and resources necessary to adequately prevent and respond to incidents of sexual assault within the Army.

  - In 2009, the DON established its own Sexual Assault Advisory Council, chaired by the Secretary with membership including the Chief of Naval Operations, Commandant of the Marine Corps, the Director of DON SAPRO, Naval Criminal Investigative Service, Judge Advocate General, Medical, Reserve Component and other key stakeholders. The mission of the DON SAAC is to advise on and monitor the implementation and effectiveness of SAPR policies, programs, and practices to combat sexual assault within the Department of the Navy.

- Reference recommendation 5c to include a Victim Advocate within the SAPRO functions and structure: SAPRO has filled the position of Victim Advocate. This individual will continue to collaborate with the Services to address specific victim care at the installation level. This individual will also provide oversight of the victim advocacy program to include policy revisions and program improvements.

- Reference recommendation 6a1 that SARCs be full-time service members or DoD civilian employees:

    - Since 2005, the Air Force has provided full-time civilian and military SARCs at installations and major commands. Installation positions are civilian GS12 with social science experience, or if military, are at a minimum in the grade of Captain (O-3). In addition, Air Force military SARC's provide full-time deployment capability.

    - The Army has already begun the process of developing a concept plan to implement this recommendation pending resource and funding review.

- Reference recommendation 20c to enact privilege communication between a VA and victim: The Department is currently reviewing this matter.

- Reference recommendation 22a to expand services to family members, DoD civilians, and contractors: The Department is exploring expansion of the SAPR policy to include contractors and DoD civilians deployed in contingency operations and military dependents over 18. The Department will work with the Services to address: contractual (employee/employer relationships), practical, and legal obligations, such as Title VII of the Civil Rights Act, clarification of "appropriate" services offered, and impact on resources. In the meantime, the Army was granted an exception to policy to run a pilot program to extend the restricted reporting option to all adult civilian beneficiaries of the military healthcare system in Europe. The pilot began March 1, 2010.

- Reference recommendation 27 to establish a universal hotline to facilitate victim reporting: The Department is exploring the possibility of establishing a national web-based hotline in addition to the existing Military OneSource 24/7 telephone/internet resource.

- Reference recommendation 28b1 that the Department implement a database on sexual assault incidents in an expedited manner: On January 15, 2010, the Department released its request for proposal (RFP) to establish a contract for the development, implementation, and maintenance of the Defense Sexual Assault Incident Database (DSAID).

- Reference recommendation 29c, which directs a follow-up review by military justice experts of the effectiveness of Article 120, Uniform Code of Military Justice (UCMJ): The Joint Services Committee on Military Justice has completed a review of Article 120, UCMJ, and has recommended amendments. The General Counsel of the Department of Defense currently is reviewing those proposed amendments.

- Reference recommendation 30b1 that Joint commanders maintain oversight and continue to allow component commanders the opportunity to exercise jurisdiction to dispose of alleged offenses on a case by case basis: Joint and deployed environments present unique challenges for sexual assault response efforts. The Department completed a Unified Combatant Command policy review in FY09 to address those challenges.

Way Ahead

The Department will develop an executable action plan, prioritize actions, and address resourcing for many of the changes recommended. In addition, the Department will seek to highlight the "promising practices" spearheaded by each Service, and work tirelessly to implement them in our continued efforts to enable military readiness by establishing a culture free of sexual assault throughout DoD.