



DEPARTMENT OF THE ARMY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
2200 Army Pentagon  
Washington, DC 20310-2200

November 6, 2013

REPLY TO  
ATTENTION OF:

The Judge Advocate General

Honorable Barbara Jones  
Response Systems to Adult Sexual  
Assault Crimes Panel  
One Liberty Center  
875 North Randolph Street, Suite 150  
Arlington, Virginia 22203-0101

Dear Judge Jones and Members of the Response System Panel:

Thank you for the opportunity to provide statements and testimony from military sexual assault victims regarding their experiences. The voices of victims are critical to any review of the military's five lines of efforts for prevention, investigation, accountability, advocacy, and assessment.

One Army victim will testify at the public meeting on November 8, 2013. I am mindful that a victim in a judicial or administrative action still pending appellate review should not provide testimony that could undermine that proceeding. Moreover, I do not want to ask victims to testify in a public hearing with media present. Behavioral health experts advise me that even friendly contact from a prosecutor or a victim advocate to a victim can trigger or revive trauma. The goals of the Army Sexual Harassment/Assault Response and Prevention Program, set forth in Army Regulation 600-20, paragraph 8-1, include ensuring sensitive and comprehensive treatment to restore victims' health and well-being – essentially to allow victims the opportunity to reach their full potential as Soldiers. I am concerned that asking any victim to testify again in public puts them at risk for re-victimization and is at odds with our stated goals. As a result of these concerns, I have selected Command Sergeant Major Julie Guerra to testify before you as I am personally convinced that she has sufficient distance in time from her assault and sufficient maturity and experience to speak publically without behavioral health consequences.

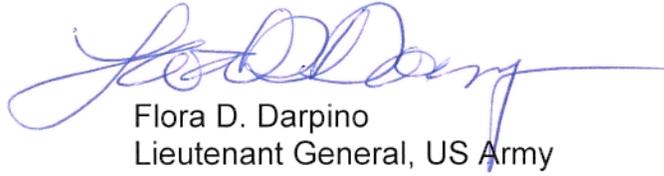
Having said this, I want the panel to understand that the vast majority of sexual assault victims appear to be satisfied with the services that they receive. In the 2012 Defense Manpower Data Center (DMDC) Workplace and Gender Relations Survey, of the 72% of women who made an unrestricted or a converted report of unwanted sexual contact to a military authority, 69% were satisfied with the Victim Advocate assigned to them, only 16% reported being dissatisfied and the remaining 15% had no opinion.

Anecdotally, Staff Judge Advocates, Sexual Assault Response Coordinators, Victim Advocates and Victim Witness Liaisons receive unsolicited letters, emails, and phone

calls from victims and their families who express gratitude for the efforts of Army personnel. I have enclosed a sampling of these testimonials, redacted to preserve privacy, to provide you with a sense of the compassionate, dedicated care and advocacy that Army first responders and attorneys have provided. The enclosed letters, emails or summaries of phone conversations represent over one hundred victims in recent Army courts-martial. Victim care and attention to victim needs has been at the core of the training for the Army's Special Victim Prosecutor Program. As a result, only 6% of our victims have declined to cooperate with continued investigation or prosecution after initially reporting a sexual assault.

I have also enclosed a non-exhaustive sampling of compelling individual stories of justice, identifying 79 cases, in which victims of sexual assault were given their day in court, because an Army commander chose to prosecute an off-post offense that the civilians either declined to prosecute or could not prosecute. Those cases, representing allegations made by 97 victims, resulted in a 78% conviction rate. These cases were provided from jurisdictions across the Army and reflect my belief that Army commanders are willing to pursue difficult cases to serve the interests of both the victims and our community. Although I have declined to contact individually the victims in these cases to testify before you, I am confident that these victims found some degree of satisfaction and vindication in our system.

Sincerely,



Flora D. Darpino  
Lieutenant General, US Army  
The Judge Advocate General

Enclosures