



# DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE

## Department of Defense Annual Report on Sexual Assault in the Military

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Fiscal Year 2011

April 2012



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UNDER SECRETARY OF DEFENSE  
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APR 12 2012

PERSONNEL AND  
READINESS

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

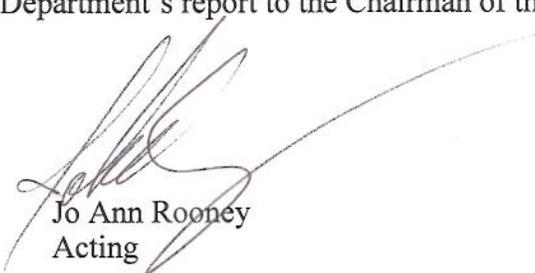
Dear Mr. Chairman:

Section 1631(d) of Public Law (P.L.) 111-383, 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 reports of sexual assaults provided by the Military Departments, along with his analysis. The issue of sexual assault falls under my purview, and I have been asked to respond.

The "Department of Defense Fiscal Year 2011 Annual Report on Sexual Assault in the Military" presents the Department's statistics and analysis of reports of sexual assault during FY11, discusses policy and program improvements to sexual assault, and outlines future plans to enhance support to victims of sexual assault. 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 section 1602 of P.L. 111-383.

In FY11, the Department worked to revise the Sexual Assault Prevention and Response (SAPR) Policy to include congressional mandates outlined in the FY11 NDAA. The reissuance of the comprehensive SAPR Policy will reflect these efforts and will be included in the FY12 annual report. In addition, under the leadership of the Secretary of Defense, several new policies have been recently implemented regarding expanded legal assistance, expedited transfers, and document retention. There is more to do, and the Department is actively pursuing additional efforts at all levels of leadership. The Department stands committed to its goal of ensuring military readiness by establishing an environment free of the threat of sexual assault.

I am sending a similar letter and the Department's report to the Chairman of the House Committee on Armed Services.

  
Jo Ann Rooney  
Acting

Enclosure:  
As stated

cc:  
The Honorable John McCain  
Ranking Member



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APR 12 2012

PERSONNEL AND  
READINESS

The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

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Jo Ann Rooney  
Acting

Enclosure:  
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 Department of Defense (DoD), and the Department's leadership has a zero tolerance policy against it. It is an affront to the basic American values we defend, and may degrade military readiness, subvert strategic goodwill, and forever change the lives of victims and their families.

Unfortunately, sexual assault is also a crime that is significantly underreported, both within and outside of the Military Services. In 2005, the Department established the Sexual Assault Prevention and Response (SAPR) Program to promote prevention, encourage increased reporting of the crime, and improve response capabilities for victims. The DoD Sexual Assault Prevention and Response Office (SAPRO) is responsible for the policy that supports the SAPR Program and the oversight activities that ensure its effectiveness. In Fiscal Year (FY) 2011, DoD SAPRO worked with the Military Services and other Department representatives to clarify the SAPR Policy and incorporate requirements outlined in federal law.

Section 1631 of Public Law (P.L.) 111-383, the Ike Skelton National Defense Authorization Act for FY11, requires the Secretary of Defense to submit to the Committees on Armed Services an annual report on sexual assaults involving members of the Armed Forces. Section 567 of P.L. 111-84 and section 596 of P.L. 109-163 establish additional reporting elements to be included in the report. This year's report presents the Department's programmatic activities and provides statistical analysis of reports of sexual assault during FY11 (October 1, 2010, through September 30, 2011). Enclosed within this report are supplementary reports from the Secretaries of the Military Departments as well as the National Guard Bureau.

In addition, section 1602 of P.L. 111-383 directed the Secretary of Defense to develop and implement an evaluation plan for assessing the effectiveness of the DoD Sexual Assault Prevention and Response Program. For the past four years, the Department has worked to identify appropriate metrics to evaluate the SAPR Program. The numerical data and statistics contained in the FY09 report, FY10 report, and this report are drawn from metrics identified in the Department's evaluation plan. The plan, which is a living document, will continue to be expanded in forthcoming years as the Defense Sexual Assault Incident Database (DSAID) is launched and surveys are expanded to incorporate additional performance indicators. Consistent with the requirements outlined in P.L. 111-383, the plan continues to identify metrics for the Military Services to report annually to ensure the safest and most secure living and working environments with regard to preventing sexual assault.

DoD SAPRO organizes and validates its accomplishments using the five overarching priorities within the *DoD-Wide SAPR Strategic Plan*. The Plan's five priorities are:

1. Institutionalize Prevention Strategies in the Military Community
2. Increase the Climate of Victim Confidence Associated with Reporting
3. Improve Sexual Assault Response
4. Improve System Accountability
5. Improve Stakeholder Knowledge and Understanding of SAPR

**Institutionalize Prevention Strategies:** The Department seeks to reduce the number of sexual assaults through institutionalized prevention efforts that influence the knowledge, skills, and behaviors of Service members to stop a sexual assault before it occurs. In FY11, the Department continued to promote the “Hurts One. Affects All.” social marketing campaign through training videos, public service announcements, and readiness-themed posters. The Military Services also implemented a variety of training and education programs for Service members that featured bystander intervention and other prevention methods.

**Increase Confidence in Reporting:** The Department is working toward this second priority by striving to improve the confidence Service members have in the reporting process, engendering a positive command climate, enhancing education about reporting options, and reducing stigma and other barriers that deter reporting. The Department also works to increase victims’ confidence in the military justice process. The Department’s goal is to increase the number of victims of sexual assault who come forward to report a sexual assault. In FY11, the Military Services received a total of 3,192 reports of sexual assault involving Service members, which reflects a 1 percent increase in overall reporting from FY10. Of the 3,192 reports of sexual assault in FY11, 2,439 were Unrestricted Reports. The Military Services initially received 877 Restricted Reports; at the request of the victim, 124 reports were converted from Restricted to Unrestricted Reports, leaving 753 reports remaining Restricted in FY11.

**Improve Sexual Assault Response:** The Department is improving its response to victims of sexual assault through programs, policies, and activities that enhance victim assistance and augment the military justice process. DoD SAPRO launched the DoD Safe Helpline, a confidential 24/7 hotline resource for sexual assault victims, which since its launch in April 2011 through the end of FY11 assisted more than 770 individuals through its online and telephone hotline sessions and texting referral services. DoD SAPRO also collaborated with the Pennsylvania Coalition Against Rape to implement the next phase of an educational curriculum to improve civilian rape crisis center support of military victims. In addition, the Department revised and reissued the forensic exam form and associated healthcare provider instructions to ensure sexual assault victims receive care that reflects national standards, and each of the Military Services continued to implement SAPR training for the first responders responsible for carrying out sexual assault response.

**Improve System Accountability:** System accountability is achieved through data collection, analysis, and reporting of case outcomes as well as review of ongoing SAPR efforts to attain desired programmatic solutions. The Department made significant strides in the development of the Defense Sexual Assault Incident Database in FY11 and continued efforts to standardize case disposition definitions as they pertain to investigations of sexual assault. In FY11, commanders had sufficient evidence to take disciplinary action against 989 subjects. For the 791 subjects who could be disciplined for a sexual assault offense, 62 percent had courts-martial charges preferred (initiated) against them, 24 percent received nonjudicial punishment under Article 15 of the Uniform Code of Military Justice, and 14 percent received a discharge or another adverse administrative action. This represents a 10 percentage point increase in

courts-martial charges preferred from FY10. The remaining 198 subjects could not be charged with a sexual assault offense but were charged with other misconduct.

**Improve Stakeholder Knowledge:** Improved knowledge and understanding of SAPR by stakeholders is accomplished by communicating the benefits of SAPR programs, conducting and disseminating research specific to SAPR in the military environment, and taking steps to publicize the SAPR Program and its progress. In FY11, the Department focused on fostering new relationships with the Department of Veterans Affairs and the Defense Advisory Committee on Women in the Services. DoD SAPRO also participated in numerous briefings and conferences, which allowed for increased education and outreach outside of the military community. In addition, the Military Services engaged in SAPR outreach, both on-base and in local communities. Examples of activities in FY11 include hosting educational workshops, establishing Memoranda of Understanding with medical facilities and rape crisis centers, and building SAPR awareness among responders.

## INTRODUCTION

The reports of sexual assault described in this annual report were made during Fiscal Year (FY) 2011 (October 1, 2010, through September 30, 2011). More information on reported sexual assaults in FY11 is provided in the Statistical Data section of this report.

This report is the Department's fifth annual report done on a FY basis. Annual reports from 2004 to 2006 were based on the calendar year.

## POLICY ENHANCEMENTS

In FY11, a main focus of the Department of Defense (DoD) Sexual Assault Prevention and Response Office (SAPRO) was the enhancement of SAPR capabilities across the five priorities through the reissuance of the Sexual Assault Prevention and Response (SAPR) Policy. The SAPR Directive (DoD Directive (DoDD) 6495.01), *Sexual Assault Prevention and Response (SAPR) Program*, and SAPR Instruction (DoD Instruction (DoDI) 6495.02), *Sexual Assault Prevention and Response Program Procedures*, constitute the complete SAPR Policy in accordance with section 577 of Public Law (P.L.) 108–375, the Ronald W. Reagan National Defense Authorization Act (NDAA) for FY05.

Currently, the SAPR Policy addresses applicability, responsibilities, and procedures for the SAPR Program. In FY11, DoD SAPRO worked with the Military Services and other Department representatives to clarify the SAPR Policy and incorporate requirements outlined in section 596 of P.L. 109-163, the NDAA for FY06; sections 532 and 583 of P.L. 109-364, the John Warner NDAA for FY07; sections 561, 562, and 563 of P.L. 110-417, the Duncan Hunter NDAA for FY09; and sections 566 and 598 of P.L. 111-084, the NDAA for FY10, and P.L. 111-383, the NDAA for FY11.

Proposed changes to the SAPR Policy will:

- Require that sexual assault patients be treated as emergency cases in Military Treatment Facilities;
- Clarify the Department's existing reporting options and expand the categories of individuals eligible to elect the Restricted and Unrestricted Reporting options;
- Require the Military Services to formally align their prevention strategies to the Spectrum of Prevention, consistent with the DoD Sexual Assault Prevention Strategy, which consists of six pillars of influence and intervention;
- Enhance specialized SAPR training for commanders, senior enlisted leaders, Sexual Assault Response Coordinators (SARC), SAPR Victim Advocates (VA), investigators, law enforcement officials, chaplains, healthcare personnel, and legal personnel;
- Provide for a consistent definition of the term 'substantiated';
- Clarify commander responsibilities; and

- Provide DoD SAPRO with the authority to conduct oversight of the Department's SAPR Program.

The goal of DoD Policy is a culture free of sexual assault through an environment of prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances the safety and well-being of military members. In FY11, DoD SAPRO finalized changes to the Directive and began the coordination process. Both the Directive and Instruction are expected to be published in FY12. DoD SAPRO will update the Military Services on specific changes and continue working to coordinate sexual assault-related policy documents from other Department entities, such as the DoD Inspector General (IG). In addition, the Department intends to expand its policy evaluation plan in forthcoming years to continue to assess progress and gaps in the implementation of the SAPR Policy across the Military Services. Per NDAA requirements, the Department kept congressional leaders apprised of changes through a Policy Progress Report.

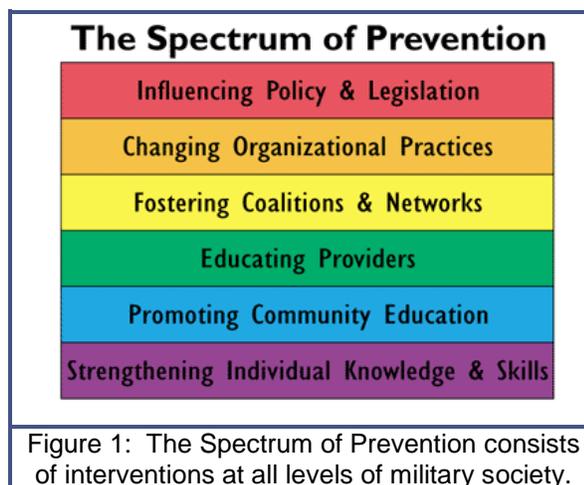
DoD SAPRO also worked with the Military Services and other DoD components to issue guidance on document retention, expedited transfers, and expanded legal assistance for sexual assault victims. This guidance will be issued in early FY12.

## PRIORITY 1: INSTITUTIONALIZE PREVENTION STRATEGIES IN THE MILITARY COMMUNITY

The Department seeks to reduce the number of sexual assaults through institutionalized prevention efforts that influence the knowledge, skills, and behaviors of Service members to stop a sexual assault before it occurs. When discussed in this report, prevention refers to population-based or system-level strategies, policies, and actions that impede the occurrence of sexual assault.

Through the *DoD Sexual Assault Prevention Strategy*, the Department takes a comprehensive approach to sexual assault prevention by designing interventions for the peer, community, organizational, and societal levels.

The central tenet of this strategy is the Spectrum of Prevention, which depicts six levels of influence and intervention ranging from individuals to organization-wide policy. By addressing sexual assault at each of the six levels, the Department seeks to reduce the number of military sexual assaults and have its prevention messaging reach all members of the DoD community.



In FY11, the Department undertook prevention efforts that support the *DoD Sexual Assault Prevention Strategy*. The Military Services have put comprehensive prevention strategies in place to actively engage commanders and senior enlisted leaders in sexual assault prevention training and awareness efforts, promote the publication of prevention campaign materials, and develop Service member bystander intervention skills.

## PREVENTION TRAINING AND EDUCATION FOR SERVICE MEMBERS



Figure 2: Cherrone A. Hester, installation SARC and Program Manager, speaks to the Marines who attended the “Take a Stand” train the trainer course at Gray Research Center in November 2010.

Training and education of Service members play an integral role in the prevention of sexual assault. DoD SAPRO sought to increase knowledge of prevention strategies through training implemented at all levels. Service members received annual awareness training, per SAPR Policy. Sexual assault awareness training is also a mandatory component of all accession, professional military education, and pre-command training.<sup>1</sup>

In FY11, the Military Services implemented a variety of training and education programs for Service members that featured bystander intervention and other prevention methods:

- The Army initiated Phase III (Achieving Cultural Change) of its “I. A.M. Strong” campaign in April 2011, which focused on fostering an environment free of sexual assault and harassment. The Army also fielded new mandatory unit SAPR training, which included an interactive self-study video, “Team Bound.”
- The Navy implemented bystander intervention training at its three largest “A” Schools (i.e., recruit technical training) and conducted SAPR workshops in 13 Fleet Concentration Areas, focusing on a multifaceted approach to sexual assault prevention. The Navy also initiated a Department-level prevention pilot program focusing primarily on junior sailors at Training Support Center Great Lakes.
- The Marine Corps implemented interactive bystander intervention training, “Take a Stand,” for noncommissioned officers. The Marine Corps also evaluated the training for potential inclusion in formal schoolhouse training.
- The Air Force trained 200 facilitators during a three-day train-the-trainer course to assist SARCs in the delivery of the 90-minute bystander intervention training at installations worldwide. In addition, the Air Force Space Command developed and released “A Real Story,” a 10-minute video based on a true incident of bystander intervention.

<sup>1</sup> DoDI 6495.02. *Sexual Assault Prevention and Response Program Procedures*. Washington, DC: DoD.

- The Air National Guard has trained 300 bystander intervention training facilitators during the past two years and is scheduled to train 95 more in FY12. In FY11, the Army National Guard issued guidance to all units to utilize the three-tiered Sexual Harassment/Assault Response and Prevention (SHARP) prevention training videos at the individual, unit, and leadership levels.

DoD SAPRO also continued to promote the “Hurts One. Affects All.” social marketing campaign, a research-based prevention initiative developed through a contract with Men Can Stop Rape (MCSR), a national non-profit organization known for its sexual violence prevention messaging and outreach activities.<sup>2</sup> In FY09, MCSR and the Department solicited feedback from active duty and Reserve component members as well as commanders, SARCs, and SAPR VAs to identify prevention messages that resonated with Service members. As a result of this feedback, DoD SAPRO, in collaboration with the Military Services, produced a bystander intervention training video, a public service announcement, and 20 Military Service-specific campaign posters focusing on readiness, which were all released in FY11.<sup>3</sup>

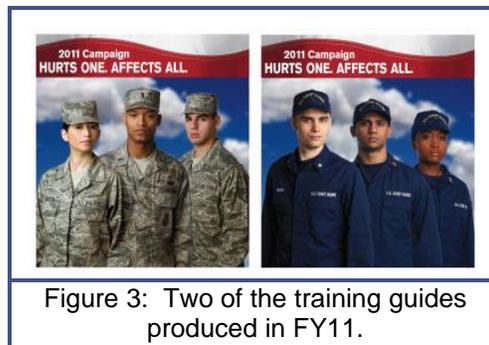


Figure 3: Two of the training guides produced in FY11.

## WAY AHEAD FOR FY12

In FY12, DoD SAPRO will seek to improve its ability to measure the effectiveness of the Department’s prevention efforts by integrating metrics, collecting feedback on training funded by DoD SAPRO, and soliciting funding to conduct research to assess the effectiveness of training and awareness strategies.

## PRIORITY 2: INCREASE THE CLIMATE OF VICTIM CONFIDENCE ASSOCIATED WITH REPORTING

Another primary area of focus for DoD SAPRO is to increase the number of sexual assault victims coming forward and the percentage of sexual assaults that are reported. The Department’s statistics indicate that in 2010, approximately 14 percent of the estimated incidents of unwanted sexual contact were reported to a military authority.<sup>4</sup> Underreporting of this crime poses a serious challenge to military readiness, as the potential consequences of sexual assault can be physically and mentally debilitating. The Department seeks to increase reporting by improving the confidence Service members have in the reporting process, engendering a positive command climate, enhancing education about reporting options, and reducing stigma and other barriers that deter reporting. The Department also works to increase victims’ confidence in the

<sup>2</sup> Any reference to any non-federal entity is not intended to be an endorsement of that entity by the DoD.

<sup>3</sup> Available: <http://www.sapr.mil/index.php/saam/2011-materials>.

<sup>4</sup> DoD. (2011). Fiscal Year 2010 DoD Annual Report on Sexual Assault in the Military. Washington, DC: DoD. [Online]. Available: <http://www.sapr.mil/index.php/annual-reports>.

military justice process, recognizing that a significant barrier to reporting is a common belief among victims that nothing will be done after a sexual assault is reported.<sup>5</sup> The ultimate goal of these efforts is to increase the number of victims who access essential care, assistance, and services.

To encourage greater reporting by sexual assault victims, the Department offers Service members two reporting options: Restricted Reporting and Unrestricted Reporting. Restricted Reporting allows victims to confidentially access medical care and advocacy services without initiating an official investigation or command notification. When a victim makes an Unrestricted Report, it is referred for investigation and command is notified. As with Restricted Reporting, victims may receive healthcare, counseling, and advocacy services. However, in an Unrestricted Report, details of the sexual assault incident are provided to command and law enforcement. SARCs and SAPR VAs stationed at every installation help victims understand these reporting options.<sup>6</sup>

## PROGRAM ENHANCEMENTS

In FY11, DoD SAPRO collaborated with other DoD entities to increase education and awareness of the Department's reporting options. In FY11, through an initiative with the Defense Equal Opportunity Management Institute (DEOMI), staff from DoD SAPRO conducted a "SAPR 101" training course for personnel serving as Equal Opportunity (EO) Advisors. The purpose of the course was to increase understanding of the complexity of definitions, potential interrelationships, and different reporting and response mechanisms associated with sexual assault and EO.<sup>7</sup> Following the training course, DoD SAPRO staff administered a feedback survey to course participants. After participating in the course, 82 percent of survey respondents agreed or strongly agreed that the course increased their knowledge of the SAPR Program, and 99 percent of respondents agreed or strongly agreed that they understood the difference between sexual assault and sexual harassment. As a result of this positive feedback, DEOMI agreed to integrate basic SAPR education into the EO Advisor, Equal Employment Opportunity, and Leadership Team Awareness courses it offers.

In FY11, the Military Services used a variety of channels and methods to help military personnel understand the reporting options available to sexual assault victims:

- The Army continued a pilot program which extended the Restricted Reporting option to eligible military dependents over the age of 18 in U.S. Army Europe who are not federal civilian employees. In FY11, the Department granted an

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<sup>5</sup> DoD. (2011). *2010 Workplace and Gender Relations Survey of Active Duty Members (WGRA)*. Washington, DC: Defense Manpower Data Center (DMDC). [Online]. Available: <http://www.sapr.mil/index.php/research>.

<sup>6</sup> For more detailed information on the Department's reporting options and procedures, please see Appendix B, DoD Sexual Assault Prevention and Response (SAPR) Program Overview.

<sup>7</sup> DoDD 1020.02. *Diversity Management and Equal Opportunity in the Department of Defense*. Washington, DC: DoD. In accordance with DoDD 1020.02, sexual harassment falls under the purview of the Department's Diversity Management and Equal Opportunity program.

exception to policy until the option is permanently incorporated into DoDD 6495.01.<sup>8</sup>

- The Navy provided revised SAPR Commander's Toolkits to commanding officers within 90 days of their assumption of command to help commanders understand their important role in creating a climate where victims feel comfortable reporting.
- The Marine Corps aired public service announcements focusing on reporting options, discussed reporting options during safety stand downs, and published reporting flow charts. In addition, commanders initiated semi-annual Operational Pauses and discussed sexual assault in small group forums.
- The Air Force Space Command produced and will soon release a video, "A Survivor's Story," which depicts how a victim's decision to make an Unrestricted Report resulted in an investigation and prosecution.<sup>9</sup>

Finally, the launch of the DoD Safe Helpline in April 2011 provided victims of sexual assault with an additional means of accessing information on the reporting options and resources available. For more details about the Safe Helpline, refer to the Improve Sexual Assault Response section of this report.

## VICTIM CONFIDENCE IN THE MILITARY JUSTICE PROCESS

The Department also worked to improve sexual assault victims' experience with investigative processes, as victims' confidence in these processes can influence their decision to make a Restricted or Unrestricted Report. Specifically, as previously noted, the Department began reviewing the current DoD and Military Service policies and procedures governing legal assistance to victims, expedited transfers, and document and evidence retention while exploring opportunities for greater standardization across the Military Services. The Department will continue to provide legal assistance to victims of crime to help familiarize them with the military justice process and available victim services.

The Military Services also worked to increase victims' confidence in the military justice process by developing and maintaining resources to effectively and appropriately investigate allegations of sexual assault:

- The Army maintained a cadre of Highly Qualified Experts, special investigators, special victim prosecutors, and U.S. Army Criminal Investigation Laboratory (USACIL) examiners. Additionally, the Army's trial counsel training on sexual assault prosecution included instruction on how to work with victims, and Special Victim Prosecutors were taught interview and trial preparation techniques aimed at avoiding re-victimization.

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<sup>8</sup> DoDD 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, was reissued on January 23, 2012.

<sup>9</sup> Additional details on the Military Services' programmatic efforts can be found in the enclosed individual Military Service reports.

- The Navy finalized its revision of the advanced trial advocacy courses that train litigators involved in sexual assault cases and assigned a senior civilian sexual assault litigator to fill the position of Deputy Director of the Trial Counsel Assistance Program. The Navy also created a multidisciplinary training module to educate commanders on the military justice process.
- The Marine Corps conducted six different training courses during FY11, providing in-person training to more than 118 trial counselors. The training primarily focused on sexual assault litigation and included content on victims' rights and the Victim and Witness Assistance Program (VWAP).
- The Air Force hired and trained additional Air Force Office of Special Investigations (AFOSI) agents as part of the total 24 agents authorized and funded by the Secretary of the Air Force. The agents were placed at locations with histories of high sexual offense caseloads and were utilized primarily to conduct sexual offense investigations and serve as local subject matter experts.

## REPORTING PROCESS CHALLENGES

Several barriers to reporting still persist in the DoD community. Informal messages from leadership, peers, and the media may unintentionally reinforce the fear and skepticism associated with reporting. Other reasons for not reporting cited by active duty men and women in the DMDC *2010 Workplace and Gender Relations Survey of Active Duty Members (WGRA)* included not wanting anyone to know, thinking their report would not be kept confidential, and thinking nothing would be done about their report.<sup>10</sup> In FY11, DoD SAPRO worked with both internal and external stakeholders to engender a more positive command climate and reduce stigma and other barriers that deter reporting.

The Military Services also identified several challenges to reporting in different environments and worked to resolve these issues. Transportation and communication challenges, as well as the close nature of military personnel, made the provision of Sexual Assault Forensic Examinations (SAFE) and the maintenance of Restricted Reporting confidentiality more difficult in Combat Areas of Interest (CAI). Facilitating warm hand-offs of re-deploying victims, tracking services when victims seek off-base resources, establishing clear protocols in joint environments, and ensuring understanding of the reporting options available to National Guard members on Title 10 orders also remained challenging. Memoranda of Understanding (MOU) between the Military Services in joint environments and the deployment of DSAID are intended to resolve some of these issues. For more details about DSAID, refer to the Improve System Accountability section of this report.

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<sup>10</sup> DoD. (2011). *2010 WGRA*. Washington, DC: DMDC. [Online]. Available: <http://www.sapr.mil/index.php/research>.

## **DEFENSE EQUAL OPPORTUNITY CLIMATE SURVEY**

For several years, DEOMI has provided unit commanders with a real-time assessment of their command climate related to discriminatory behavior and attitudes through use of the *Defense Equal Opportunity Climate Survey (DEOCS)*. The *DEOCS* is a questionnaire that measures climate factors associated with military EO and civilian equal employment opportunity issues as well as organizational effectiveness factors.

In FY11, DoD SAPRO and DMDC worked with DEOMI to develop and integrate into the *DEOCS* questions pertaining to evaluation of the SAPR Program. Some of these questions were derived from the DMDC *WGRA* along with surveys of commanders. By the end of FY11, questions had been drafted, and DoD SAPRO was working with DEOMI to finalize this new section of the survey. In the future, responses to these survey items will provide commanders with a more complete picture of their command climate and provide the Department with valuable aggregate data on the SAPR Program.

## **WAY AHEAD FOR FY12**

Moving forward, DoD SAPRO will continue efforts to increase victims' confidence in the reporting and military justice processes with assistance from those familiar with the military justice system. DoD SAPRO will also finalize document retention and expedited transfer policies, provide input as the DoD IG develops its new policy for sexual assault investigations, and revise DD Form 2910, Victim Reporting Preference Statement. In addition, DEOMI will incorporate basic SAPR education into all courses offered. Finally, DoD SAPRO plans to host a Survivor Summit to hear directly from sexual assault victims who reported and discuss opportunities for improving the SAPR Program.

## **PRIORITY 3: IMPROVE SEXUAL ASSAULT RESPONSE**

As the Department's single point of authority for the SAPR Program, DoD SAPRO is responsible for the policies and procedures that govern the Department's multi-pronged approach to sexual assault response. As a result, increasing the availability, access to, and quality of response for victims of sexual assault is a primary focus of DoD SAPRO. The Department continued to seek improvements in its response capability through programs, policies, and activities that enhance victim assistance and augment the military justice process.

## **PROGRAM ENHANCEMENTS**

Throughout FY11, DoD SAPRO collaborated with the response community, both within and outside the Department, to improve the availability of and access to essential victim services. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and the DoD SAPRO Director attended the Military Services' SAPR Summits to publicize Department initiatives aimed at strengthening essential victim services and demonstrate to commanders and other senior leaders how they could champion the

SAPR program and enhance SAPR response within their Military Service. Additional response initiatives undertaken by the Department in FY11 are described below.

### **DoD SAFE HELPLINE**

In April 2011, the Department launched DoD Safe Helpline as a crisis support service for adult Service members of the DoD community who are victims of sexual assault. Available 24/7 worldwide, users can “click, call or text” for anonymous and confidential support. Safe Helpline is owned by the Department and operated by the non-profit Rape, Abuse and Incest National Network (RAINN), the nation’s largest anti-sexual violence organization, through a contractual agreement with DoD SAPRO.<sup>11</sup>

Safe Helpline boasts a robust database of military and civilian services available for referral. The database also contains SARC contact information for each Military Service, the National Guard, and the Coast Guard as well as referral information for legal resources, chaplain support, healthcare services, the Department of Veterans Affairs (DVA) National Suicide Prevention Lifeline, Military OneSource, and 1,100 civilian rape crisis affiliates.



Figure 4: In April 2011, DoD SAPRO launched the DoD Safe Helpline.

DoD SAPRO implemented a broad integrated outreach campaign for the Safe Helpline, which included a variety of launch events with RAINN and senior government officials outside of the Department. Launch events held at the Pentagon included two banner unveilings, a ribbon cutting ceremony, and a live demonstration of the Safe Helpline’s online capabilities. DoD SAPRO involved military senior leadership, including the Joint Chiefs of Staff and the Combatant Commands, in the launch of the Safe Helpline, helping the resource reach Service members through every level of command. In addition, DoD SAPRO developed and facilitated more than 30 senior Military Service and DoD leadership and training briefings; established 11 Memoranda of Agreement with DoD offices, the Military Services, the National Guard, the Coast Guard, and the DVA; and created data collection tools and issue resolution mechanisms to ensure proper operation and maintenance of the Safe Helpline.

Between its launch in April through the end of FY11, the Safe Helpline had more than 16,300 unique visitors to its website. Additionally, the DoD Safe Helpline assisted more than 770 individuals through its online and telephone hotline sessions and texting referral services.

<sup>11</sup> Any reference to any non-federal entity is not intended to be an endorsement of that entity by the DoD.

## STRENGTHENING MILITARY-CIVILIAN COMMUNITY PARTNERSHIPS TO RESPOND TO SEXUAL ASSAULT: PHASE II



Figure 5: Navy Commander Meghann Marez and Army MAJ Erin Flaherty fill out DD Form 2911, *Forensic Medical Report: Sexual Assault Examination*, during a training exercise.

In FY11, DoD SAPRO continued its collaborative training partnership with the Department of Justice (DOJ) Office for Victims of Crime (OVC) and the Pennsylvania Coalition Against Rape. In FY09, DoD SAPRO completed Phase I of this initiative, resulting in an interactive two-day training curriculum that better equipped civilian agencies to assist military victims of sexual assault and their families. By working with civilian rape crisis centers, the Department helps ensure Service members can receive assistance that considers their military-specific needs, even when they seek assistance off-base.

Phase II was implemented in FY11 and consisted of designing a regional training program for civilian entities conducted by SAPR Program representatives and civilians. The trainers included a SARC, a Judge Advocate (JA), and a VA from the civilian community. These trainers led three regional training sessions for civilian rape crisis center VAs from around the country. Training sessions took place in regions with high populations of Service members.

### REISSUANCE OF DD FORM 2911, FORENSIC MEDICAL REPORT: SEXUAL ASSAULT EXAMINATION

In FY11, the Department undertook several initiatives to improve victims' access to quality healthcare services, helping to ensure continuity of medical care in both deployed and non-deployed environments. DoD SAPRO revised and reissued Department of Defense (DD) Form 2911, *DoD Sexual Assault Forensic Examination Report*, and its accompanying instructions for victims and subjects. DoD SAPRO led the revisions through a working group, which included members from the Military Service SAPR programs, Office of the Assistant Secretary of Defense for Health Affairs (OASD(HA)), Military Service legal and investigative offices, and USACIL.

The revised DD Form 2911 clarifies procedures, provides detailed instructions for evidence collection, and improves procedures for the examination of victims.

The DD Form 2911 was designed to provide comprehensive guidance to military healthcare practitioners conducting the exam. The revisions are consistent with national standards set by DOJ's *A National Protocol for Sexual Assault Medical*

*Forensic Examinations: Adults/Adolescents.*<sup>12</sup> This DOJ protocol was recently adopted by the Department as the standard of care for sexual assault victims.

### **OTHER COLLABORATIVE EFFORTS TO PROVIDE VICTIMS BETTER HEALTH AND PSYCHOLOGICAL CARE**

DoD SAPRO also communicated with healthcare providers through the Health Affairs Sexual Assault Integrated Product Team (HA-SAIPT). OASD(HA) established the HA-SAIPT in October 2009 to facilitate effective and efficient coordination of sexual assault response in the DoD medical community. The HA-SAIPT also instituted communications channels which align OASD(HA) and SAPR policies.

Finally, the Center for Deployment Psychology (CDP) at the Uniformed Services University of Health Sciences continued to include sexual assault and SAPR Program information in its training program for deploying mental health providers, nurses, and chaplains. For the past three years, the CDP has provided instruction on working with the SAPR Program in a deployed clinical setting with the intent to improve access to quality mental healthcare for sexual assault victims in deployed environments.

### **DoD WORKING GROUP ON VICTIM ASSISTANCE**

DoD SAPRO worked with the Military Services and other DoD offices to improve the effectiveness and standardization of response to victims of all crimes, including sexual assault and harassment. The DoD Working Group on Victim Assistance, led by DoD SAPRO and comprised of victim assistance-related offices at the Office of the Secretary of Defense (OSD) level and Military Service representatives, was established in January 2011 to explore opportunities for achieving efficiencies, improvements, and standardization in victim assistance.

The DoD Working Group determined that standards for victim assistance were needed across the Department. The DoD Working Group drafted standards that establish a foundational level of assistance for victims of crime and harassment across the military community, regardless of victim assistance-related DoD program or location. These standards are intended to be consistent with those established by national victim assistance organizations and also incorporate the unique needs of the military community.<sup>13</sup> In addition, the DoD Working Group drafted a charter for a senior-level Victim Assistance Leadership Council to promote efficiencies, coordinate victim assistance-related policies, and assess the implementation of victim assistance standards across the Department's victim assistance-related programs.

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<sup>12</sup> DOJ. (2004). *A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents*. Washington, DC: DOJ.

<sup>13</sup> For example: DeHart, D.D. (2003). *National Victim Assistance Standards Consortium: Standards for Victim Assistance Programs and Providers*. Columbia, SC: Center for Child and Family Studies, University of South Carolina.

## ***SARC AND SAPR VA CREDENTIALING/CERTIFICATION WORKING INTEGRATED PRODUCT TEAM***

DoD SAPRO explored ways to maximize the quality of support from SARCs and SAPR VAs through a SARC and SAPR VA Credentialing/Certification Working Integrated Product Team (WIPT), which included representation from each Military Service and the National Guard. The Credentialing/Certification WIPT was established in January 2011 to explore credentialing and certification options and the development and institutionalization of standards for responding to needs of sexual assault victims in order to professionalize the role of SARCs and SAPR VAs.

The Credentialing/Certification WIPT proposed coordinating with a national organization and began considering requirements for administration and funding of the certification program. Additionally, the Credentialing/Certification WIPT drafted a competencies framework aimed at professionalizing the practice of sexual assault victim advocacy and ensuring the effectiveness of SARC and SAPR VA training. Once finalized, the proposed certification program consisting of credentialing that meets national standards, a competencies framework, and training oversight will help standardize the assistance provided to sexual assault victims. It will also professionalize roles within the SAPR Program and ensure all victims receive assistance from a certified SARC or SAPR VA.

## ***EFFECTIVENESS MEASURES***

In FY11, DoD SAPRO conducted a systematic review of published literature on sexual assault and developed a DoD Sexual Assault Victim Reporting Experience framework to organize the available empirical research, case studies, best practices, and policies that identify, explain, and prescribe how responders assist victims of sexual assault. This framework informed the development of the SARC and SAPR VA competencies framework and common DoD standards for victim assistance described above.

## ***RESPONDER TRAINING***

The Department understands that providing continuous and relevant training to all responders is critical to offering quality assistance to victims. In FY11, DoD SAPRO continued to support specialized training initiatives for responders to victims of sexual assault. In particular, DoD SAPRO provided approximately \$516,000 in funding to the Military Services to conduct JA training. Approximately 310 JA attorneys were trained by the Military Services in FY11 using DoD SAPRO funds.

In FY11, each of the Military Services continued to implement SAPR training for the first responders responsible for carrying out sexual



Figure 6: As the SARC and Program Manager of the SAPR Program for the Texas Army and Air National Guard, Maj. Paula Rodriguez ensures Service members who are victims of sexual assault receive the assistance they need.

assault response. These first responders include SARCs, SAPR VAs, commanders, legal counsel (i.e., Criminal Investigators and JAs), law enforcement, and healthcare personnel.

Below is a summary of training provided to SARCs, SAPR VAs, commanders, criminal investigators, and JAs. Additional details on the trainings conducted in FY11 can be found in the enclosed individual Military Service reports.

### ***SARCs and VAs***

- The Army trained 440 new SAPR VAs, Unit Victim Advocates (UVA), and Deployable Sexual Assault Response Coordinators (DSARC), including 73 newly appointed UVAs and DSARCs in the Army National Guard and Army Reserve.
- 70 Navy SARCs participated in 40 hours of annual refresher training; approximately 25 percent of the SARCs were newly hired employees who also participated in foundational training online. Of the 3,352 active SAPR VAs across the Navy, 2,245 received initial training, and 2,322 received the required 10 hours of refresher training.
- 136 Marine Corps SARCs received initial and refresher training, and 730 Uniformed VAs received initial and refresher training.
- 75 new Air Force SARCs received training, and 161 existing SARCs received annual refresher training. All 3,159 available SAPR VAs, which included 994 new SAPR VAs, received mandatory 40-hour training before they were allowed to assist victims.

### ***Commanders***

- The Army trained 229 Brigade Commanders, 610 Battalion Commanders, and 197 Command Sergeants Major on the responsibilities of SHARP as a commander's program.
- Navy SARCs trained 2,353 commanders on their roles and responsibilities within the Navy's SAPR Program. Additionally, more than 50 prospective commanders and Executive Officers within Navy Medicine received SAPR training.
- 376 Marine Corps commanders received training.
- 400 Air Force Wing and Vice Wing Commanders and Group Commanders received SAPR training. Installation SARCs also provided SAPR training to 8,476 Squadron Commanders and First Sergeants. Major commands also conducted commander courses and SARCs presented a session on SAPR.

### ***Criminal Investigators***

- All Army Criminal Investigation Command (CID) agents who investigate or supervise agents who investigate sexual assault allegations received training developed and fielded by the United States Army Military Police School.
- Navy SARCs trained 138 military and 161 civilian Criminal Investigators on their role in the Navy SAPR program; in addition, 48 Navy Criminal Investigative

Service (NCIS) special agents received advanced training on sexual assault investigations.

- 68 Marine Corps Criminal Investigators received training.
- 203 AFOSI agents received training in a Basic Special Investigations Course, 18 agents received training in an Advanced General Crimes Investigations Course, and 2,043 AFOSI agents completed an Investigative Sexual Assault Response Training Refresher Course.

### *Judge Advocates*

- The Army Judge Advocate General's (JAG) School and Legal Center provided first responder training to 700 Army JAGs, including 104 Army Reserve and 91 Army National Guard JA Officers.
- Navy SARCs trained 346 staff JAs on their role in the Navy SAPR program; the Naval Justice School (NJS) also trained 180 Navy JAs on sexual assault.
- All 82 Marine student JAs trained at the NJS Basic Lawyer Course received initial SAPR training. The Marine Corps Trial Counsel Assistance Program provided detailed courses of instruction on the investigation and prosecution of sexual assault cases to an additional 118 Marine staff JAs, trial counsel, and military justice supervisors.
- More than 1,400 Air Force JAs and paralegals received training at formal courses conducted by The JAG School. In addition, more than 1,000 JAGs and paralegals viewed webcasts on sexual assault-related topics, and hundreds more attended training conducted at other venues.

### **WAY AHEAD FOR FY12**

Moving forward, DoD SAPRO plans to expand the Safe Helpline to Service members transitioning from active duty to veteran status. Also in FY12, the DoD Working Group on Victim Assistance will submit its final recommendations to the USD(P&R) and plans to establish a senior-level Victim Assistance Leadership Council.<sup>14</sup> In addition, the Credentialing/Certification WIPT will deliver DoD SAPR recommendations on the development of a DoD sexual assault advocate certification program, to include a competencies framework and a plan for oversight of SARC and SAPR VA training, in early FY12. The group also plans to obtain funding and finalize the requirements for the administration of the certification program. Finally, DoD SAPRO plans to provide funding for a specialized investigator training course, conduct an assessment of SAPR training for officers selected for command and senior noncommissioned officers, explore ways to enhance sexual assault response at joint bases, host a Survivor Summit and a meeting with SARCs to discuss ways to strengthen sexual assault response and share best practices, and evaluate the accessibility of SAPR services for members of the Reserve Component.

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<sup>14</sup> The final recommendations from the DoD Working Group on Victim Assistance were approved by Department leadership in February 2012.

## PRIORITY 4: IMPROVE SYSTEM ACCOUNTABILITY

DoD SAPRO serves as the Department's single point of authority, accountability, and oversight for the sexual assault program, except for legal processes provided under the Uniform Code of Military Justice (UCMJ) and criminal investigative policy matters. As oversight authority for the SAPR Program, DoD SAPRO focuses on improving the accountability, reliability, and sustainment of SAPR services. System accountability is achieved through data collection, analysis, and reporting of case outcomes. Consistent review of ongoing SAPR efforts, through collaboration with DoD stakeholders, assists in attaining desired programmatic solutions.

In March 2011, the USD(P&R) delivered a memorandum to the Secretary of Defense calling for the initiation of a more comprehensive and uniformed approach to SAPR across the Department and recommending the assignment of a General Officer with operational experience to provide direct oversight of DoD SAPRO. A Major General was assigned as the Director of DoD SAPRO in July 2011, improving system accountability through enhanced cooperation from all DoD organizations involved in sexual assault matters.

### PROGRAM ENHANCEMENTS

To ensure the accountability of SAPR services, DoD SAPRO continued to improve data collection, analysis, and reporting through the continued development of the DSAID, data standardization, and other oversight activities.

### *DEFENSE SEXUAL ASSAULT INCIDENT DATABASE*

P.L. 110-417, the Duncan Hunter NDAA for FY09, directs the Secretary of Defense to implement a centralized case-level database for the collection and maintenance of information regarding sexual assaults involving members of the Armed Forces. In FY08 and FY09, an Integrated SAPR Data Collection and Reporting Working Group defined and designed a database in accordance with federal acquisition milestones.

The result, DSAID, is set to become operational in FY12, with three primary functions:

- **Case management**, enabling easier, more efficient input and maintenance of sexual assault case data;
- **Ad hoc query and reporting**, standardizing processes for data analysis and comparison and helping meet congressional reporting requirements; and
- **Business management**, supporting SAPR VA profile management and improving case-level accountability.

This integrated database will enhance transparency of sexual assault-related data, promote accurate and timely reporting of sexual assaults, and enhance analysis and trend identification capabilities to inform policy and the Department's SAPR oversight activities.

DoD SAPRO continued to make progress on DSAID development in FY11 and kept Congress apprised of progress through semiannual reports. DoD SAPRO also established the DSAID Change Control Board, which includes representation from the Military Services and provides a formal framework to manage updates or modifications to DSAID.

### **DATA STANDARDIZATION AND REPORTING**

DoD SAPRO worked to enhance data reliability by continuing to standardize the inquiry language used in data collection. Specifically, DoD SAPRO adjusted questions in several Military Service surveys used to take pulse checks on sexual assault experience and perceptions across various demographics within the Military Services. For example, DoD SAPRO revised existing questions and provided new questions for several DMDC surveys and focus groups and Military Service Academy (MSA) focus groups. DoD SAPRO also began reviewing SARC and SAPR VA surveys within the Reserve component.

DoD SAPRO also continued to facilitate the standardization of case disposition definitions as they pertain to investigations of sexual assault. In FY11, DoD SAPRO participated in a working group hosted by the DoD IG to develop common definitions in collaboration with Military Criminal Investigative Organizations (MCIO). This activity assisted in standardizing key investigation language across the Military Services, allowing for more consistent analysis of data on sexual assault case outcomes. This effort also addressed the Congressional mandate to develop a definition for the term “substantiated;” it also fulfilled a recommendation from the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS).<sup>15, 16</sup>

In addition to working towards standardization within the Military Services, DoD SAPRO also conducted an assessment of the SAPR programs at the MSAs. *The DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies* is due to Congress annually in December, in accordance with P.L. 109-364, the NDAA for FY07. The Academic Program Year (APY) 2010-2011 report identified best practices that can be shared across the MSAs and provided each MSA with recommendations for improvements specific to its SAPR program. The MSAs will provide an update on implementation before the end of the next APY. The Department will follow up with the academies every six months thereafter to ensure all actions are completed.

### **OVERSIGHT ACTIVITIES**

DoD SAPRO conducted SAPR Integrated Product Team (IPT) meetings with key SAPR stakeholders. Established in FY10, the SAPR IPT advises the Department on SAPR policies, programs, and practices. In FY11, the SAPR IPT revised its guiding charter, expanding and formalizing membership within the Department. The SAPR IPT consists of only DoD and Military Service leadership, ensuring candid dialogue on key sexual

<sup>15</sup> Ike Skelton NDAA for FY 2011, Public Law 111-383, 124 Stat. 4137 (2011).

<sup>16</sup> DoD. (2009). Recommendation 28a. DTF-SAMS Report. Washington, DC: DoD.

assault issues. The SAPR IPT chair enlarged the membership of the SAPR IPT to include members of OSD and all of the Military Services, as recommended by the DTF-SAMS.<sup>17</sup> The SAPR IPT members began meeting bi-monthly to discuss SAPR programmatic issues and to disseminate and share best practices.

Another oversight function was the implementation of recommendations from DTF-SAMS, which submitted a report in December 2009 to Congress and the Secretary of Defense on its year-long assessment of the SAPR Program. The report provided significant recommended changes to the SAPR Program in four primary areas: strategic direction, prevention and training, response to victims, and accountability. Nine recommendations were closed in FY11. Additionally, eight recommendations were partially closed by action from the Military Services. DoD SAPRO continues to monitor the completion of the remaining recommendations and ensure proper oversight.

The Military Services also conducted oversight of their individual SAPR programs in FY11:

- Throughout FY11, the Army CID IG completed evaluations of investigative services related to sexual assault cases. General findings verified, with few exceptions, that sexual assault investigations were conducted in a thorough and timely manner and met the investigative standards of the command. In addition, the U.S. Army Europe SHARP Program Task Force conducted five Staff Assistance Visits in FY11, which included interviews and focus groups.
- The Commander, Navy Installation Command, executed oversight of the Navy SAPR program through the development of program guidance standards, trainings, and resources. Compliance with guidance and policy was reviewed regularly through a robust accreditation process. Monthly webinar trainings with the SARCs, an annual SARC training conference, and regular SAPR program updates provided opportunities for local oversight and reviews of SAPR programs.
- Subject matter experts from the Headquarters Marine Corps SAPR program conducted regular, standardized inspections. Eighteen inspections were conducted in FY11; 15 unit programs were found to be mission capable, and three were deemed non-mission capable.
- The Secretary of the Air Force directed a top-to-bottom review of the Air Force SAPR program, which was completed in March 2011. The review focused on Gallup survey results and recommendations, recommendations from the DTF-SAMS, FY11 NDAA changes to the SAPR Program, recent installation-level IG inspections, and oversight visits to four commands and eight installations.
- The National Guard has a SAPR Advisory Council (SAPRAC) in place, which meets at least two times each year to discuss program oversight. The SAPRAC consisted of two Joint Force Headquarters SARC representatives from seven different regions.

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<sup>17</sup> DoD. (2009). Recommendation 4b. DTF-SAMS Report. Washington, DC: DoD.

## RESEARCH AND EFFECTIVENESS MEASURES

DoD SAPRO participation in survey development helped identify gaps, trends, and areas of concern. For instance, the 2010 QuickCompass of Military Members survey administered by DMDC included questions on unwanted sexual contact, giving the Department another data point for better understanding of the types of crimes experienced and the past year incidence rate of sexual assault among Service members.

The Military Services conducted several research initiatives in FY11.

- The U.S. Army Research Institute Spring 2011 Sample Survey of Military Personnel addressed whether Active Soldiers received sexual harassment and sexual assault prevention training in the last 12 months; their perceptions of the effectiveness of this training; and their perceptions of their chain of command's likely response to reports of sexual assault in their unit. The results indicated that, depending upon gender and rank, 85 to 96 percent of Soldiers said it was very likely or moderately likely that their current chain of command would be supportive if someone in their unit were to report a sexual assault incident.
- From June through September 2011, the Department of the Navy SAPRO conducted a Web-based, anonymous, and voluntary Department-wide survey on sexual assault. Its immediate purpose was to establish a baseline measure of sexual assault incidence using a standardized process. More than 115,000 active duty Sailors and Marines participated in the survey. Preliminary impressions suggest little change in the underlying incidence of sexual assault and a strong correlation between young age and sexual assault risk.
- The Air Force SAPR program contracted with Gallup, Inc., to conduct a confidential Web-based survey of Air Force personnel to estimate the incidence and prevalence of sexual assault among its ranks. It targeted a total of 100,000 Air Force personnel, to include all ranks and all age groups. The results of the report, which was released in March 2011, provided a more accurate baseline from which to assess progress towards combating sexual assault.

## WAY AHEAD FOR FY12

In FY12, DoD SAPRO will focus on improving system accountability through a variety of channels. DoD SAPRO and its support team plan to bring DSAID to full deployment decision and then launch. Next steps include ensuring compliance through the Defense Information Assurance Certification and Accreditation Process and conducting user acceptance testing. DoD SAPRO is also creating a training plan and curriculum to provide users with the resources they need to use the database. DSAID training efforts will focus first on Air Force and National Guard Bureau users. In addition, DoD SAPRO will continue to host bi-monthly SAPR IPT meetings to discuss policy and program issues and receive individual SAPR program briefings from each Military Service. DoD SAPRO will also obtain additional military billets to support the SAPR Program and provide Service member perspectives on all SAPR issues. Finally, DoD SAPRO will

continue conducting data calls to ensure implementation of DTF-SAMS recommendations, monitoring progress quarterly until closure.

## PRIORITY 5: IMPROVE STAKEHOLDER KNOWLEDGE AND UNDERSTANDING OF SEXUAL ASSAULT PREVENTION AND RESPONSE

DoD SAPRO's final area of focus is on improving proactive communication of SAPR information to stakeholders both within and outside the DoD community. Improved knowledge and understanding of SAPR by stakeholders is accomplished by communicating the benefits of SAPR programs, conducting and disseminating research specific to SAPR in the military environment, and taking steps to publicize the SAPR Program and its progress.

Each of the Military Services leveraged senior leader and commander support of its SAPR program to help further raise Service member awareness of sexual assault in FY11:



Figure 7: At a Joint Base McGuire-Fort Dix leadership summit, leaders sign "commitment" documents to eradicate sexual assault.

- The Army SHARP Mobile Training Team conducted Senior Leader Training at each installation. Participants received a video introduction from the Army Chief of Staff; examined the continuum of behavior associated with sexual violence; and discussed roles, responsibilities, and available resources.
- The United States Fleet Forces Command N1 leadership attended the Department of the Navy SAPR Summit in May 2011 and provided a brief on SAPR efforts across the fleet; the Commander, Navy Installations Command, also attended all three days of the summit.
- The Commandant and Sergeant Major of the Marine Corps (SMMC) recorded video segments to be included in bystander intervention training and a newly developed SAPR video resource library; the SMMC also hosted a Sexual Assault Summit.
- The Air Force conducted its third annual SAPR Leader Summit at the beginning of FY11, which provided senior leaders with extensive background information and highlights from the previous year to help them improve the SAPR program at their respective installations. In addition, the Secretary and Chief of Staff of the Air Force signed a memorandum to all Airmen highlighting information from the Gallup survey and the importance of leadership and individual Airmen in addressing sexual assault.
- The National Guard Bureau held the inaugural SAPR Leadership Summit in November 2010 and a National Guard Bureau Joint Senior Leadership Conference shortly thereafter. The Chief, National Guard Bureau, used the Joint

Senior Leadership Conference as an opportunity to bring the SAPR program to the attention of the state Adjutants General and highlight the importance of sexual assault prevention training.

## STAKEHOLDER OUTREACH AND COLLABORATION

DoD SAPRO managed a proactive stakeholder communications approach to engage a wide range of stakeholders on DoD SAPR programs and policies. In FY11, DoD SAPRO focused on fostering two new working relationships: one with the DVA, and another with the Defense Advisory Committee on Women in the Services (DACOWITS).

Collaboration between the Department and the DVA focused on establishing a process to ensure a continuum of care for victims of sexual assault. Both organizations have seen the need to care for victims of sexual assault beyond active duty. Additionally, some victims may wait to report a sexual assault experience until they are under DVA care. In FY11, DoD SAPRO and DVA began to create procedures to facilitate the transition from DoD to DVA resources and also began working with the DVA on education efforts to make sexual assault victims aware of what documentation they might need should they seek assault-related benefits once they transition to veteran status.

In FY11, the DoD SAPRO Director began performing program oversight for DACOWITS. Established in 1951, DACOWITS is comprised of civilian and retired military women and men who are appointed by the Secretary of Defense to provide advice and recommendations on matters and policies relating to the recruitment, retention, treatment, employment, integration, and well-being of highly qualified professional women in the Armed Forces.

In addition to establishing relationships with DVA and DACOWITS, DoD SAPRO also participated in numerous briefings and conferences, which allowed for increased education and awareness outside of the military community. For example, DoD SAPRO collaborated with the DOJ OVC to provide input to Vision 21, an initiative to expand the vision and impact of the crime victim services field.

Additionally, DoD SAPRO participated in briefings with the following groups in FY11:

- The White House Council on Women and Girls
- DOJ, to include OVC
- Academic Groups
- Veteran Groups
- Non-Profit Organizations
- North Atlantic Treaty Organization
- United Nations
- Norwegian Defense Force

- Peace Corps
- Wounded Warrior Care and Transition Policy Recovery Care Coordinators
- Members of Congress and their staff

The Military Services engaged in SAPR outreach, both on-base and in local communities. Examples of activities in FY11 include hosting educational workshops, establishing MOUs with medical facilities and rape crisis centers, and building SAPR awareness among responders. Specifically:

- The Army Soldier Show, a high-energy ensemble production featuring a range of popular music and stage spectacles, was performed 106 times at more than 50 Army installations in FY11; “I. A.M. Strong” commercials were aired during each performance. The Army SHARP program also sponsored the Army Concert Tour for the third year in a row.
- The Marine Corps developed a SAPR newsletter for senior leaders to enhance awareness of the SAPR program and address specific topics of interest. It also established a SharePoint site to facilitate communication with field staff on SAPR issues.
- The Air Combat Command SARC met with the Sexual Assault Program Directors at Harvard University and Duke University to discuss campus safety, prevention ideas, and ways victims, survivors, and advocates can safely share their stories. The SARC also consulted with the University of North Carolina’s Prevent Institute to explore potential opportunities to develop high functioning, multidisciplinary sexual assault prevention teams.
- The National Guard Bureau has developed and implemented briefings for a variety of stakeholders, to include senior leaders, Yellow Ribbon program managers, Family Program volunteers, chaplains, National Guard Bureau Surgeon Office, Office of Chief Counsel, Recruiting and Retention Program, Directors of Physiological Health, Warrior Transition Program Manager, Office of Special Investigations, Criminal Investigation Division, and Army Training and Doctrine Command.

## COMMUNICATIONS CHANNELS AND TOOLS

In FY11, DoD SAPRO not only used traditional methods for reaching stakeholders, but also leveraged diverse communications channels and tools to broaden stakeholder reach.

### *SAPR SOURCE*

For several years, DoD SAPRO has used a newsletter—the *SAPR Source*—to convey program and policy updates and SAPR events to the SAPR community. Posting this newsletter on its website (<http://www.sapr.mil>) in soft copy has aided DoD SAPRO in reaching a larger audience of both public and private organizations. The January 2011 edition highlighted current events and innovative work done by a Military Service.

## SEXUAL ASSAULT AWARENESS MONTH

In April 2011, the Department observed Sexual Assault Awareness Month (SAAM) with the rest of the Nation. Highlighting SAAM each year gives the Department an opportunity to join a national effort to raise awareness and promote the prevention of sexual violence through special events and public education.

To launch SAAM, DoD SAPRO hosted a ceremony honoring SARCs from each Military Service, as well as the Coast Guard and the National Guard Bureau, recognizing individuals whose work was particularly noteworthy and who demonstrated outstanding service. By publicizing the exceptional work of SARCs, the Department honored these professionals, calling attention to the comprehensive services available to victims of sexual assault.



Figure 8: Men and women of the 42<sup>nd</sup> Security Forces squadron at Maxwell Air Force Base running in formation with "Got Consent" t-shirts.

As part of SAAM and in recognition of the important partnership with the DVA, DoD SAPRO gave presentations to more than a dozen DVA facilities across the country. The goal of these presentations was to ensure that those helping veterans were aware of DoD SAPR programs and, at the same time, listen for any recommendations on how DoD programs might be improved. Evaluations from these sessions suggested that it was very helpful for DVA staff to learn the details of the SAPR Program. DoD SAPRO also used comments from the sessions to help structure the broader DoD-DVA partnership.

## WAY AHEAD FOR FY12

In the coming FY, DoD SAPRO will continue its outreach efforts to educate and inform key audiences as well as build broader alliances to increase awareness of the Department's SAPR efforts. One key area for ongoing involvement is supporting the efforts of those who work with our wounded, ill, and injured. DoD SAPRO staff will continue to brief the SAPR Program to incoming Wounded Warrior Care and Transition Policy Recovery Care Coordinators to increase awareness of SAPR resources and provide an opportunity to discuss what to do if a Service member or veteran talks about a sexual assault.

In addition, because of the potential long-term impact of sexual assault on a victim, DoD SAPRO plans to expand its work with several federal partners to ensure that active duty personnel and veterans are aware of how they can get help and support if they were victims of sexual assault. In particular, DoD SAPRO will continue to collaborate with the DVA to establish a continuum of care and begin exploring the potential for developing complementary records retention policies.

Working with Congress will also continue to be an important effort for DoD SAPRO. The Department seeks to inform members of Congress on its SAPR initiatives as well as solicit feedback on areas for improvement.

Finally, DoD SAPRO will continue to utilize integrated marketing techniques to deliver its message in FY12. For example, DoD SAPRO plans to run radio spots highlighting the SAPR Program, including the DoD Safe Helpline; these spots will target younger Service members. Additionally, DoD SAPRO will update its strategic communications plan, publish the *SAPR Source* e-newsletter on a quarterly basis, and continue to meet with the Military Services and other stakeholders on an ongoing basis to coordinate efforts.

## STATISTICAL DATA ON SEXUAL ASSAULT

### BACKGROUND ON DoD SEXUAL ASSAULT DATA

#### *WHAT IT CAPTURES:*

##### Reports of Sexual Assault

- DoD sexual assault data captures the Unrestricted and Restricted Reports of sexual assault made to the Department during a FY.
- In the context of the DoD statistics that follow, an Unrestricted Report of sexual assault is an allegation by one or more victims against one or more suspects (referred to in the Department as “subjects of investigation” or “subjects”) that will be referred to and investigated by an MCIO (Army CID, NCIS, or AFOSI).
- Data on Restricted Reports is limited, because these are reports of sexual assault made to specified parties within the Department (i.e., SARC, SAPR VA, or healthcare provider) that allow the report to remain confidential and allow the victim to seek care and services. Given the victim’s desire for confidentiality, these reports are not investigated. Victims are not required to provide many details about these sexual assaults. As a result, only data about the victim and the offense is recorded. Subject identities are not requested or maintained by the Department.
- The Department’s sexual assault reporting statistics include data about contact sexual crimes by adults against adults, as defined in Articles 120 and 125 of the UCMJ. This data does not include sexual assaults between spouses or intimate partners that fall under the purview of the DoD Family Advocacy Program (FAP). While most victims and subjects in the following data are age 18 or older, DoD statistics also capture some victims and subjects who are aged 16 and 17. Service members who are approved for early enlistment prior to age 18 are included in this category. Because the age of consent under the UCMJ is 16 years, military and civilian victims aged 16 and older who do not fall under FAP are included as well. These factors may further complicate comparisons between civilian and DoD data, as federal surveys and statistics about sexual assault typically only capture individuals aged 18 and older.
- The DoD uses the term “sexual assault” to refer to a range of crimes, including rape, aggravated sexual assault, nonconsensual sodomy, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, and attempts to commit these offenses, as defined by the UCMJ.
  - When a report is listed under a crime category, it means the crime was the most serious of the infractions reported by the victim or investigated by investigators. It does not necessarily reflect the crime(s) used to support court-martial charges or some other form of disciplinary action against a subject.

- The number of sexual assaults reported to DoD authorities in FY11 *does not* necessarily reflect the number of sexual assaults that may have occurred in that FY.
- Civilian research indicates victims only report a small fraction of sexual assaults to law enforcement. For example, of the 1.1 million U.S. civilian women estimated to have experienced nonconsensual vaginal, oral or anal penetration in 2005, only about 173,800 (16%) ever reported the matter to police. For the estimated 673,000 U.S. civilian college-aged women who experienced nonconsensual vaginal, oral, or anal penetration, only about 77,395 (11.5%) reported it to the police.<sup>18</sup> (It should be noted that the definition of sexual assault used in this research is narrower than the DoD definition of sexual assault.)
- This reporting behavior is mirrored in the U.S. Armed Forces. As noted in the FY10 Annual Report on Sexual Assault in the Military, the Department estimates that 2,617 (14%) of the 19,000 Service members who are estimated to have experienced one of the various offenses captured in the DoD definition of sexual assault reported the matter to a DoD official in FY10. For more information, refer to the FY10 report, available at <http://www.sapr.mil/index.php/annual-reports>.

### Subject Dispositions

- Once the investigation of an Unrestricted Report is complete, the Department requires the Military Services to provide the outcome of the cases against each subject named in an investigation. These are called “subject dispositions.”
- The Department holds those Service members who have committed sexual assault appropriately accountable based on the available evidence.
  - Legal authority for the Department is limited to Service members who are subject to the UCMJ and, therefore, its military justice jurisdiction. Except in rare circumstances, a civilian is not subject to the UCMJ for the purpose of court-martial jurisdiction or other military justice discipline. In FY11, there were no such civilians tried by a court-martial for perpetrating sexual assault.
    - Each year, the Department lacks jurisdiction over several hundred subject in its investigations. These are the civilians, foreign nationals, and unidentified subjects who are reported to have sexually assaulted Service members.
    - Local civilian authorities in the U.S. and our host nations hold primary responsibility for prosecuting U.S. civilians and foreign nationals, respectively, who perpetrate sexual assault against Service members.
    - In a number of cases each year, a civilian authority or host nation will assert its legal authority over a Service member. This typically occurs

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<sup>18</sup> Kilpatrick, D., Resnick, H., Ruggiero, K., Conoscenti, L., and McCauley, J. (2007). *Drug-facilitated, incapacitated, and forcible rape: A national study*. Washington, DC: U.S. Department of Justice.

when Service members are accused of sexually assaulting a civilian or foreign national.

- A civilian authority, such as a state, county or municipality, may prosecute Service members anytime they commit an offense within its jurisdiction. In some cases, the civilian authority may agree to let the military exercise its UCMJ jurisdiction to prosecute the Service member. However, prosecution decisions rest with the civilian authority (i.e., the military cannot take the case away). Service member prosecutions by civilian authorities are made on a case-by-case and jurisdiction-by-jurisdiction basis.
- A host nation's ability to prosecute a Service member is subject to the Status of Forces Agreement (SOFA) between the U.S. and the foreign government. SOFAs vary from country to country.
- The subject's military commander is responsible for reviewing the investigation and taking appropriate action when supported by sufficient evidence.
  - Commanders do not make such decisions by themselves. Military attorneys assist commanders in identifying the charges that can be made, the appropriate means of addressing such charges, and punishments that can be administered if supported by the evidence.
  - There are many cases each year when disciplinary action is precluded (i.e., not possible) due to legal issues or evidentiary problems with a case. For example, when the investigation fails to show sufficient evidence of an offense to prosecute or when the victim declines to participate in the justice process, a commander may be precluded from taking disciplinary action against a subject.
- In the data that follows, when more than one disposition action is involved (e.g., when nonjudicial punishment is followed by an administrative discharge), subject disposition is only reported once per subject. This is done according to the most serious disciplinary action taken, which in descending order is preferral of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative action.

### **WHO IT DESCRIBES:**

- Unrestricted and Restricted Reports capture sexual assaults committed by and against Service members. However, people outside of the U.S. Armed Forces sometimes victimize a Service member or can be victimized by a Service member. Information describing these victims and subjects is also included in the following statistics.
  - An Unrestricted Report of sexual assault can include one or more victims, one or more subjects, and one or more crimes. **Therefore, the number of reports does not equal the number of victims or the number of subjects.**

- Restricted Reports, by policy, only involve one victim reported per incident. In Restricted Reports, no personally identifying information is maintained for alleged subjects.
- Demographic information on victims and subjects is only drawn from *completed investigations* of Unrestricted Reports and from SARC records of victims in Restricted Reports.

### **WHEN IT HAPPENED:**

- The information in this report is drawn from sexual assault reports made to the Military Services during FY11 (October 1, 2010 to September 30, 2011).
- The data that follows is a snapshot in time. In other words, the following information describes the status of sexual assault reports, investigations, and subject dispositions on September 30, 2011—the last day of FY11.
  - Many investigations extend across FYs. For example, it often takes several months to investigate a report of sexual assault. As a result, those investigations that were opened toward the end of the FY typically carry over to the next FY.
  - Subject dispositions can also extend across FYs. As a result, a substantial portion of dispositions are “pending” or not yet reported at the end of the year. The Department tracks these pending dispositions and requires the Military Services to report on them in subsequent years’ reports.
  - Under the Department’s SAPR Policy, there is no time limit as to when someone can report a sexual assault to a SARC or MCIO. Thus, in any given year, the Department may not only receive reports about incidents that occurred during the current year, but also incidents that occurred in previous years or prior to a Service member’s enlistment or commissioning but were not reported until the current year.
    - For incidents that occurred prior to the changes made to the UCMJ on October 1, 2007, the term “sexual assault” referred to the crimes of rape, nonconsensual sodomy, indecent assault, and attempts to commit these acts.

### **HOW IT’S GATHERED:**

- Data about Unrestricted Reports of sexual assault reports is drawn from official investigations conducted by the MCIOs.
- SARCs collect data about Restricted Reports of sexual assault and forward it to the Military Service SAPR program offices.
- Each FY, the USD(P&R) submits a data call to the Military Departments to collect the required statistical and case synopsis data. DoD SAPRO aggregates and analyzes this data.

***WHY IT'S COLLECTED:***

- Congress requires data about the number of sexual assault reports and the outcome of the allegations made against each subject.
- The Department also collects this data to inform SAPR policy, program development, and oversight.

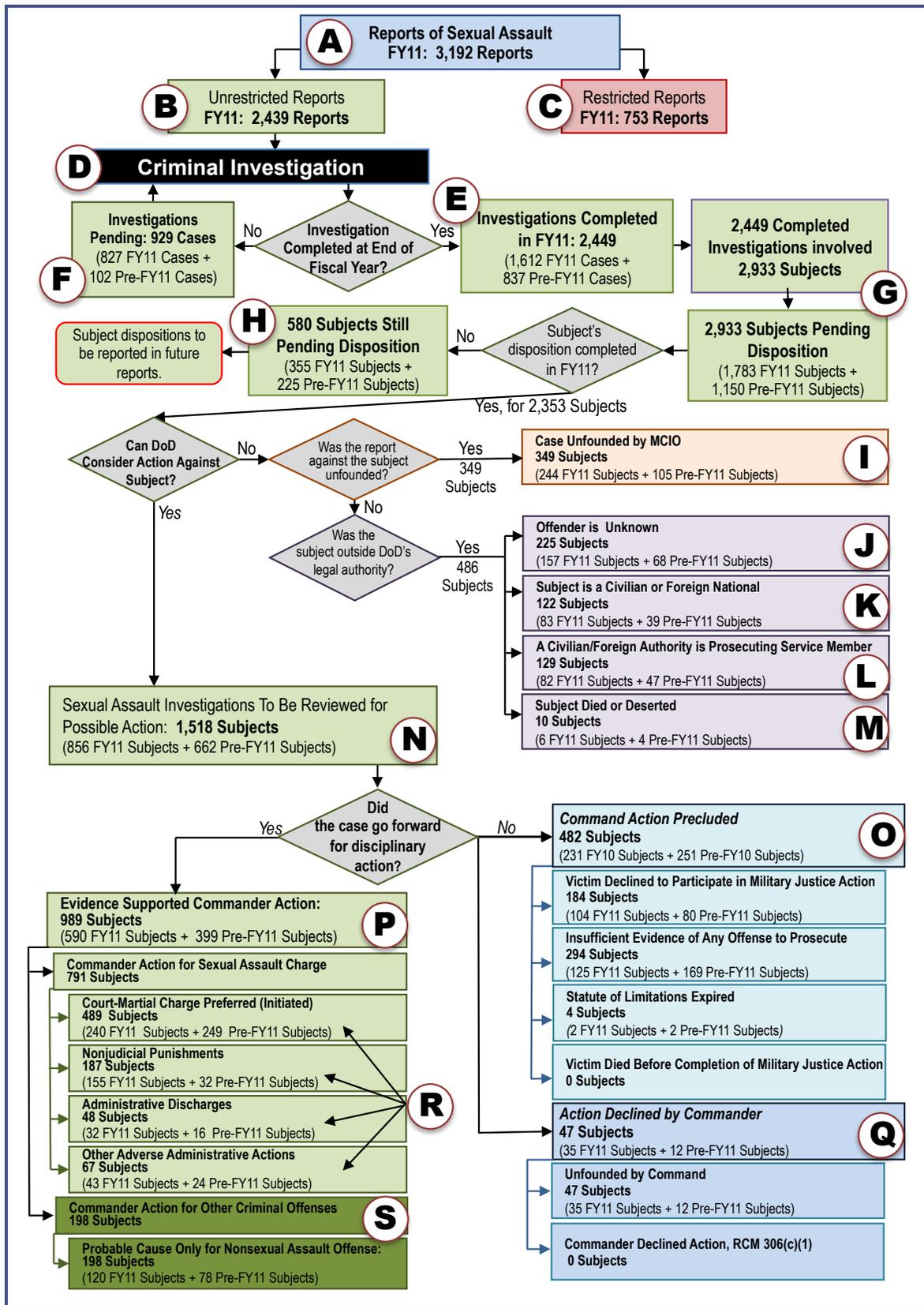


Exhibit 1: Flow of Reports, Investigations, and Subject Dispositions in FY11

## OVERVIEW OF REPORTS OF SEXUAL ASSAULT MADE IN FY11

This section closely follows the flow chart shown in Exhibit 1. Points in the flow chart have been labeled with a letter that corresponds to the information in the text that follows.

In FY11, the Military Services received a total of 3,192 reports of sexual assault involving Service members as either victims or subjects, which represents a 1% increase from the 3,158 reports made in FY10 (**Exhibit 1, Point A** and Exhibit 2). It should be noted that these reports may be about incidents that occurred in FY11 or in prior years.

**How many sexual assault reports were made in FY11?**

**3,192 Reports**

*(2,439 Unrestricted Reports + 753 Reports Remaining Restricted)*

- The Military Services received 2,439 Unrestricted Reports involving Service members as either the subject or victim of sexual assault, a 1% increase from FY10 (**Exhibit 1, Point B**). Of these 2,439 Unrestricted Reports, 84% were about incidents that occurred in FY11, 14% were about incidents occurring from FY08 to FY10, and 2% were about incidents occurring in FY07 and prior.
- The Military Services initially received 877 Restricted Reports involving Service members as victims of sexual assault. One hundred twenty four (14%) of the initial Restricted Reports later converted to Unrestricted Reports. These 124 converted Restricted Reports are now counted with the Unrestricted Reports. The 753 reports remaining Restricted in FY11 (**Exhibit 1, Point C**) is a 0.7% increase over the 748 reports remaining Restricted at the end of FY10. Per the victim’s request, the remaining Restricted Reports were confidential and were not investigated. No subject identities were officially recorded with Restricted Reports.

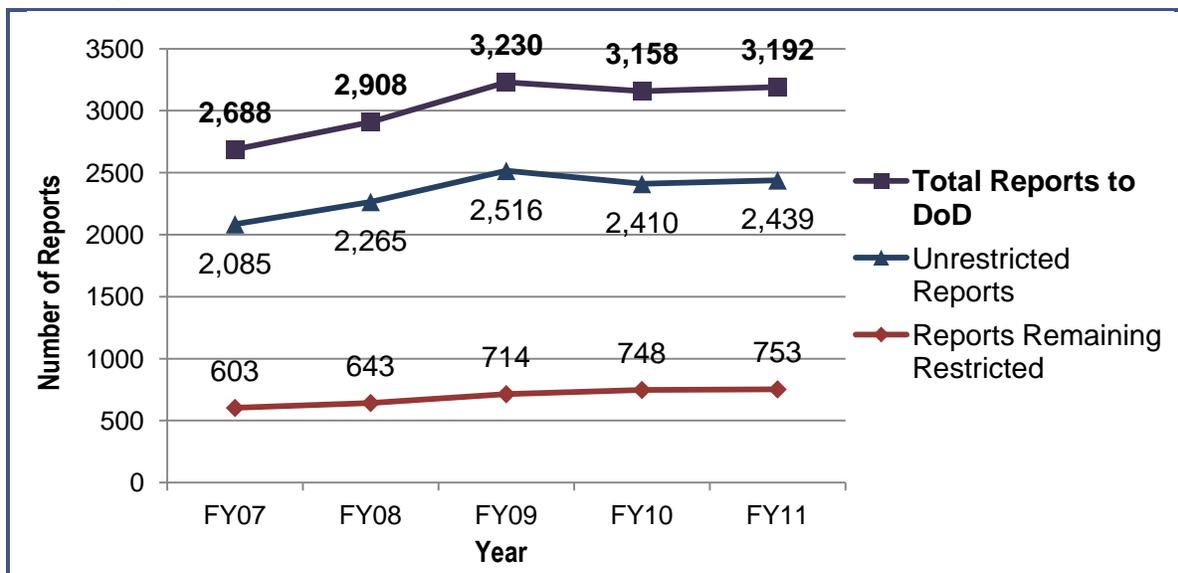


Exhibit 2: Total Reports of Sexual Assault Made to the Department — Unrestricted Reports and Restricted Reports, FY07–FY11.

In the 3,192 reports received by the Department, there were a total of 3,393 victims, including 2,723 Service member victims of sexual assault (Exhibit 3). In FY11, 1,970 Service members made (1,846) or converted to (124) an Unrestricted Report; 753 Service members made and maintained Restricted Reports.

Research shows that reporting the crime is most victims' primary link to getting medical treatment and other forms of assistance.<sup>19</sup>

The Department's SAPR Policy encourages increased reporting of sexual assault, works to improve response capabilities for victims, and works with and encourages victims to willingly participate in the military justice process. Since FY07, there has been an upward trend in reporting behavior. Exhibit 3 demonstrates the increase in the number of Service Member victims making reports of sexual assault from FY07 to FY11.

**How many victims were in the 3,192 reports of sexual assault?**  
**3,393 Victims**

*Why don't the number of reports and number of victims match?*

*A single Unrestricted Report may involve multiple victims. As a result, the number of victims in Unrestricted Reports usually exceeds the number of Unrestricted Reports (Restricted Reports involve just one victim each).*

**How many Service members reported being a victim of a sexual assault in FY11?**  
**2,723 Service Member victims**  
*(1,970 victims in Unrestricted Reports + 753 victims in Restricted Reports)*

*Who were the other victims?*

*The remaining 670 victims were U.S. civilians, foreign nationals, and other people who were not on active duty with the U.S. Armed Forces.*

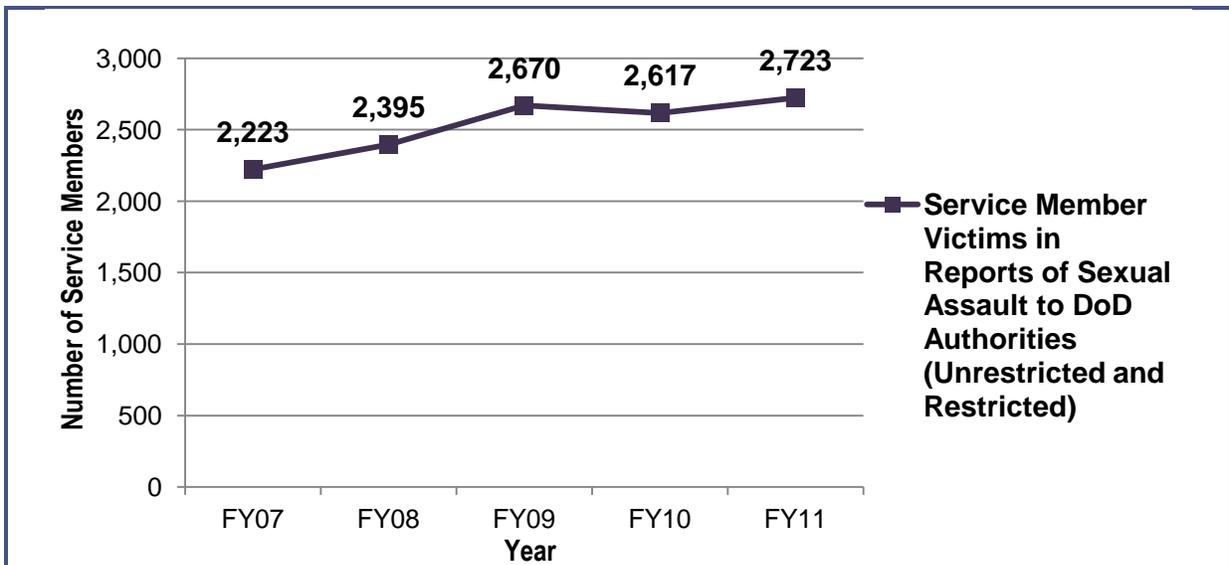


Exhibit 3: Service Member Victims in Reports of Sexual Assault, FY07–FY11.

<sup>19</sup> DOJ. (2002). *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992–2000*. Washington, DC: Rennison, Callie Marie.

Exhibit 4 shows the rates of victim reporting by Military Service during the past five FYs.

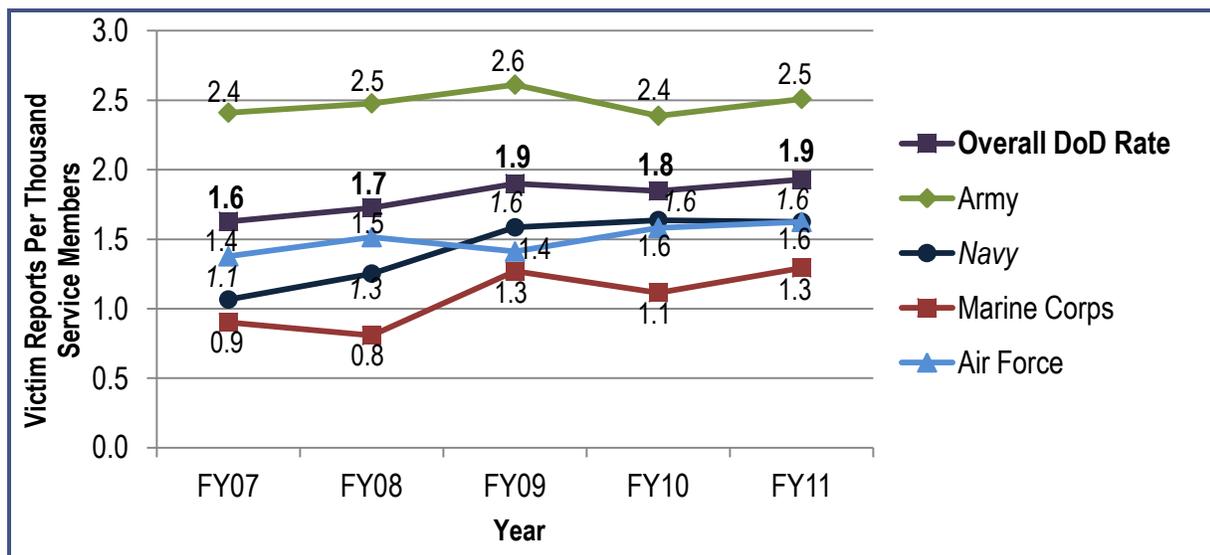


Exhibit 4: Total Victim Reporting Rates of Sexual Assault by Military Service, FY07–FY11. Victim reporting rates are calculated using the number of Service member victims in Unrestricted and Restricted Reports and active duty Service end strength for each year on record with DMDC.

### FY11 UNRESTRICTED REPORTS OF SEXUAL ASSAULT

Data from Unrestricted Reports is collected and reported to the Department by the MCIOs.

In FY11, there were 2,439 Unrestricted Reports of sexual assault involving Service members as either the subject or victim of a sexual assault (**Exhibit 1, Point B**).

**Why show a reporting rate?**  
*A reporting rate allows for the comparison of reports across groups of different sizes. Reporting rates also allow for year after year comparisons, even when the total number of people in a group has changed.*

- 1,791 (73%) of the 2,439 Unrestricted Reports involved Service members as victims. Because some incidents involved multiple victims, 1,970 Service member victims were involved in these 1,791 Unrestricted Reports.
- Eighteen victims made an Unrestricted Report for an incident occurring prior to their enlistment or commissioning.

Each year, the majority of sexual assault reports received by the MCIOs involve the victimization of Service members by other Service members.

- In FY11, 1,366 Unrestricted Reports (56%) involved allegations of Service member-on-Service member sexual assault. Exhibit 5 illustrates how Service members were involved in sexual assault reports received in FY11.

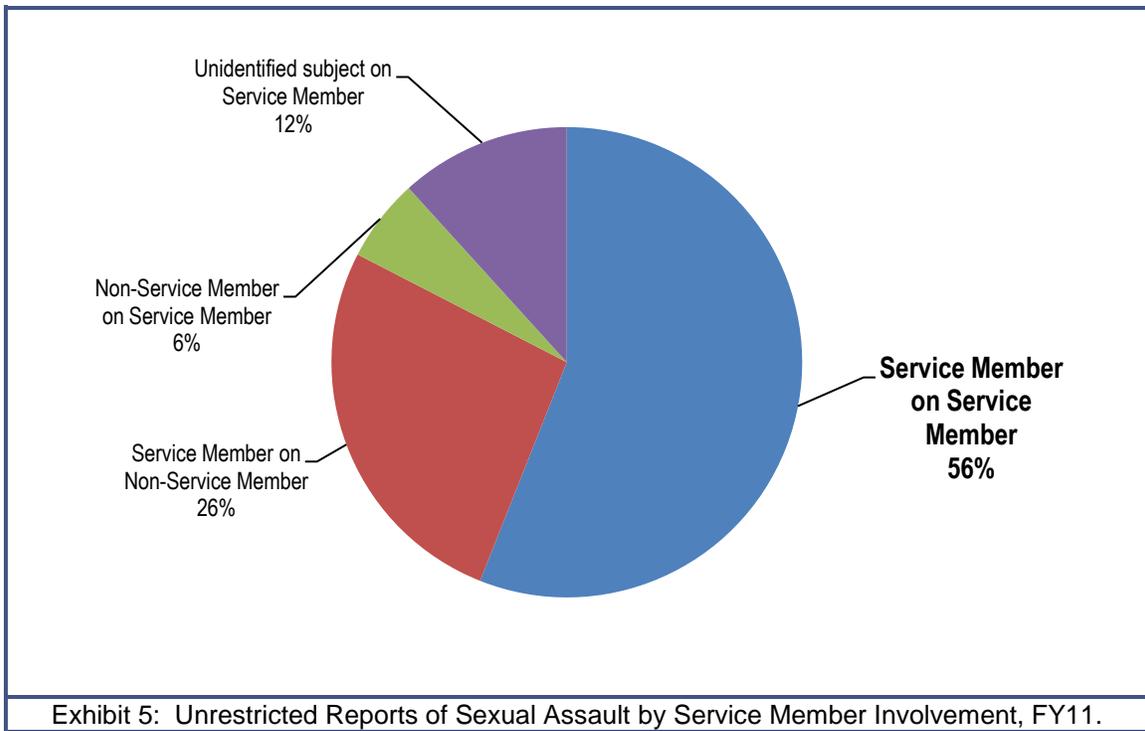
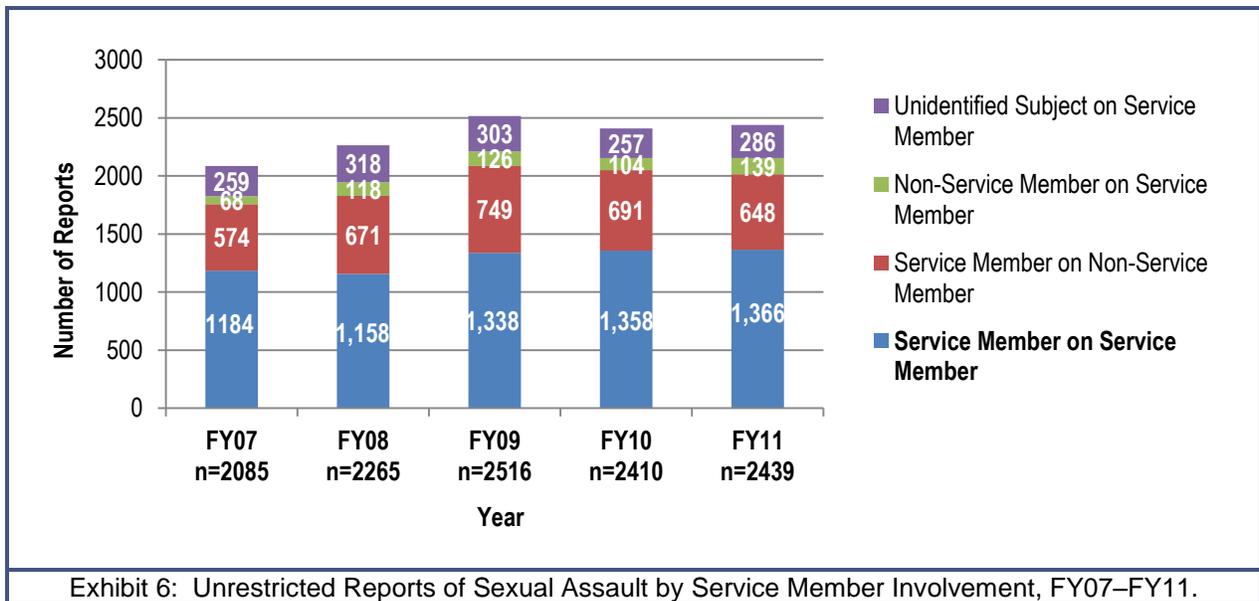


Exhibit 6 illustrates how Service members have been involved in sexual assault reports over the past five reporting periods.

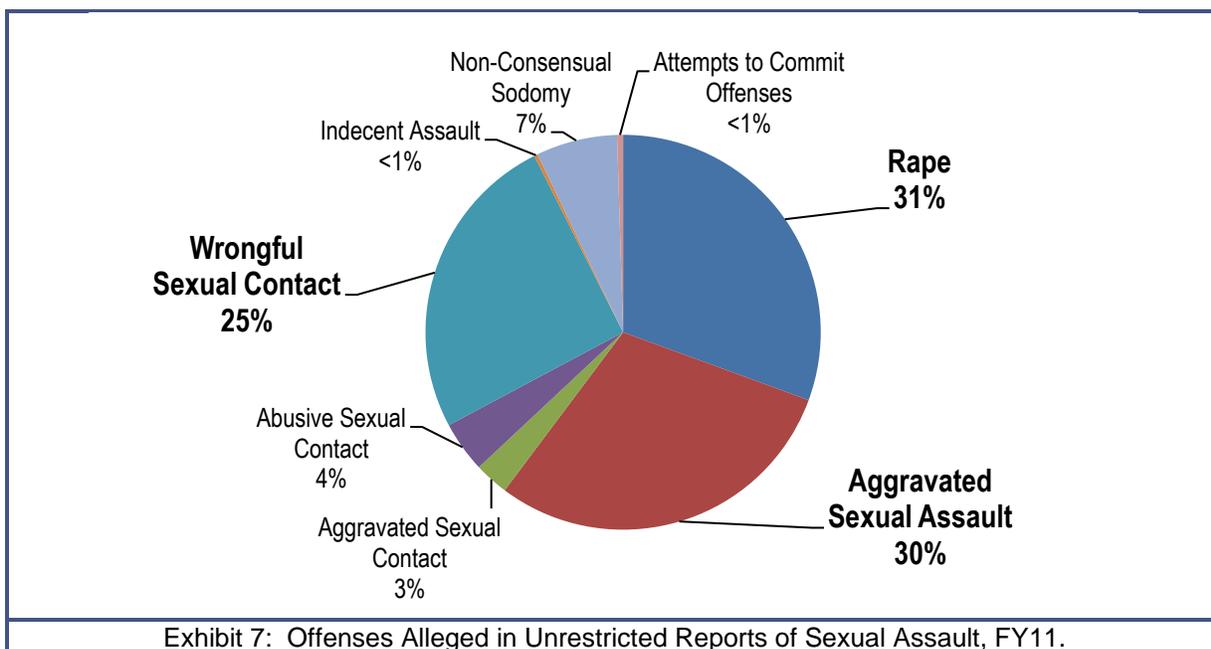


### CRIMES ALLEGED IN UNRESTRICTED REPORTS

In the 2,439 Unrestricted Reports made to the Department, the majority of offenses alleged were in three categories: Rape, Aggravated Sexual Assault, and Wrongful Sexual Contact. MCIOS categorize Unrestricted Reports by the most serious offense alleged in the report, which may not ultimately be the offense for which the available evidence supports, if any. Exhibit 7 shows the proportions of offenses as originally alleged. Exhibit 8 shows how the proportions of originally alleged offenses have remained roughly the same since FY09.<sup>20</sup>

**What crimes are alleged in most reports?**

*Most Unrestricted Reports of sexual assault involve three crimes: Rape, Aggravated Sexual Assault, and Wrongful Sexual Contact.*



<sup>20</sup> Due to changes in the FY12 NDAA, the names of offenses will change effective June 28, 2012 and, therefore, subsequent years' reports will reference a different list of UCMJ offenses.

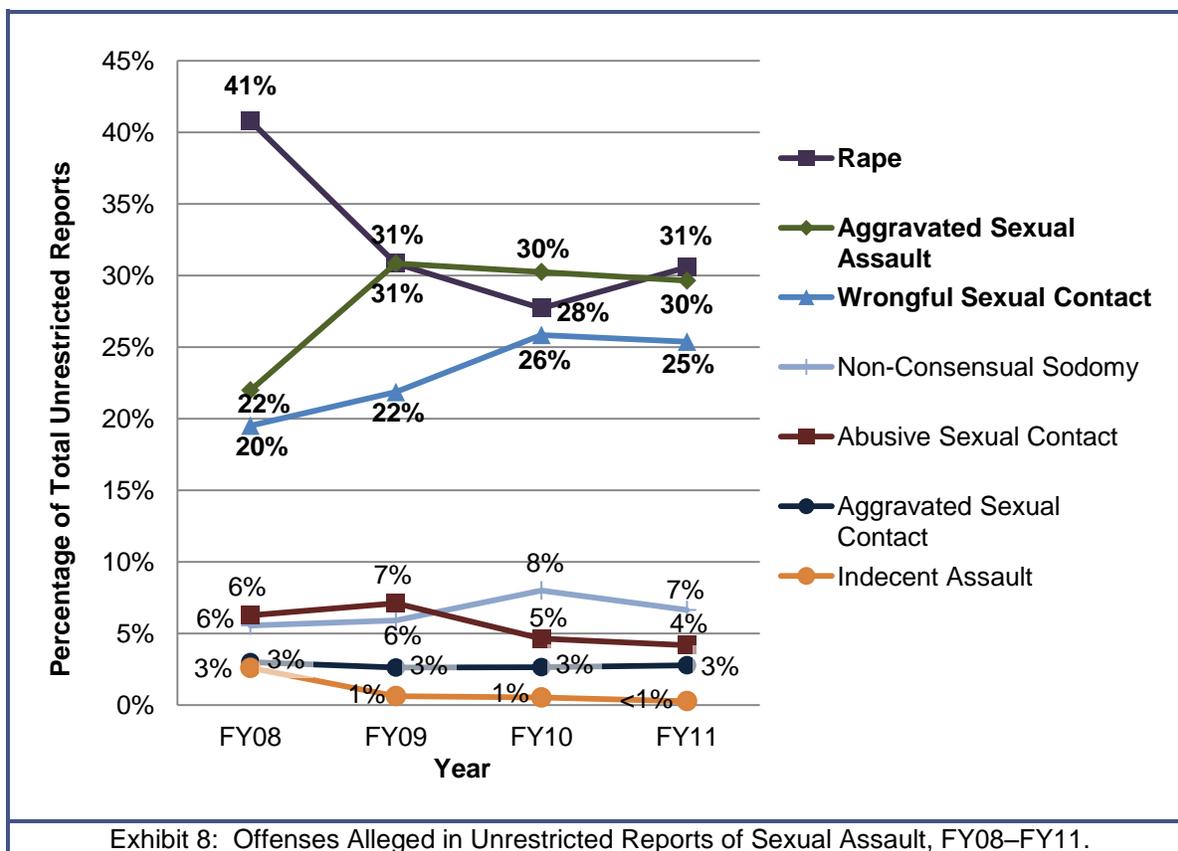


Table 1 shows the breakdown of sexual assaults by offense originally alleged and the military status of the victim.

Table 1: Unrestricted Reports of Sexual Assault by Offense and Military Service Affiliation, FY11

Most Serious Offense Alleged in Report	Total Unrestricted Reports	=	Number of Reports Involving Service Members as Victims	+	Number of Reports Involving Non-Service Members as Victims
Rape	746		471		275
Aggravated Sexual Assault	723		527		196
Aggravated Sexual Contact	68		56		12
Abusive Sexual Contact	102		77		25
Wrongful Sexual Contact	619		519		100
Indecent Assault	7		6		1
Nonconsensual Sodomy	162		126		36
Attempts to Commit Offenses	12		9		3
<b>Total Unrestricted Reports in FY11</b>	<b>2,439</b>		<b>1,791</b>		<b>648</b>

## INVESTIGATIONS OF UNRESTRICTED REPORTS

According to DoD policy, each Unrestricted Report requires an investigation. Consequently, there were 2,439 sexual assault investigations initiated in FY11 (**Exhibit 1, Point D**). The length of an investigation depends on a number of factors, including:

- The offense alleged
- The location of the victim, subject, and witnesses
- The need for evidence to be processed by a crime laboratory

Depending on these and other factors, investigation length may range from a few months to over a year. Consequently, sexual assault investigations and their outcomes can span multiple reporting periods. There were 2,449 sexual assault investigations completed during FY11. Table 2 lists the number of investigations that were opened and completed in FY11, the number of investigations that were opened in *prior years* (FY10 and before) and completed in FY11, and the number of investigations opened in FY11 and prior years that were still pending completion at the end of FY11.

Table 2: Status of Investigations of Sexual Assault in FY11.

	Total	= Investigations Opened in FY11	+ Investigations Opened Prior to FY11
MCIO Investigations of Unrestricted Reports of Sexual Assault in FY11	3,378	2,439	939
<b>Investigations Completed as of September 30, 2011</b> (involving one or more subjects)	<b>2,449</b>	<b>1,612</b>	<b>837</b>
Investigations Still Pending as of September 30, 2011	929	827	102

- By the end of FY11, the MCIOs completed 2,449 sexual assault investigations. Of the 2,439 investigations initiated in FY11, 1,612 investigations were completed by the end of FY11. The other 837 investigations completed in FY11 were opened in years prior to FY11 (**Exhibit 1, Point E**).
- The outcomes of the remaining 827 sexual assault investigations join 102 investigations from FY10 and prior years still pending completion. The outcomes of these 929 investigations will be reported in future reports (**Exhibit 1, Point F**).

## DISPOSITION OF SUBJECTS IN COMPLETED INVESTIGATIONS

The 2,449 investigations closed in FY11 involved a total of 2,933 subjects (**Exhibit 1, Point G**).<sup>21</sup>

- The 1,612 sexual assault investigations opened and closed in FY11 involved 1,783 subjects.

<sup>21</sup> Some of the reports involved more than one subject.

- The 837 investigations opened in years prior to FY11 and closed in FY11 involved 1,150 subjects.

The goals of a criminal investigation are to identify what crimes have been committed, who has been victimized, and who may be held accountable for the crime. The Department holds those Service members who have committed sexual assault appropriately accountable based on the available evidence. However, the Department's sexual assault data represents a snapshot in time. Consequently, at the end of FY11, 580 of the 2,933 subject dispositions were still in progress and will be reported in forthcoming years' reports (**Exhibit 1, Point H**).

The remaining 2,353 subjects in DoD investigations involved Service members, U.S. civilians, foreign nationals, and subjects that could not be identified.

A chief difference between the civilian and military legal systems is that a civilian prosecuting attorney may review the evidence and, if appropriate, file charges against all identified suspects within the attorney's area of legal authority. However, for the vast majority of cases in the military justice system, commanders are limited to taking legal or disciplinary action against only those military members under the legal authority of the UCMJ. Each year, the Department does not have jurisdiction over several hundred subjects in its investigations. When the subject of an investigation is a U.S. civilian, a foreign national or an unidentified subject, they fall outside the Department's legal authority. In FY11, the Department could not take action against 835 subjects because they were outside the Department's legal authority, they could not be identified, or because the allegations of sexual assault against them were unfounded.

**Can the Department take action against everyone it investigates?**  
*No. In FY11, the Department could not take action against 835 subjects because they were outside the Department's legal authority, they could not be identified, or the allegations of sexual assault against them were unfounded.*

When an MCIO makes a determination that available evidence indicates the individual accused of sexual assault did not commit the offense, or the offense was improperly reported or recorded as a sexual assault, the allegations against the subject are considered to be unfounded. As a result, no action is taken against the accused.

- Allegations against 349 subjects were unfounded by an MCIO during FY11 (**Exhibit 1, Point I**).

The Department's authority extends to those persons subject to the UCMJ. As a result, 486 subjects of DoD investigations fell outside its legal authority:

- There were 225 subjects who remained unidentified despite a criminal investigation (**Exhibit 1, Point J**).
- The Department could not take action against 122 civilians or foreign nationals because they were not subject to military law (**Exhibit 1, Point K**).

- A civilian or foreign authority asserted its authority over 129 Service members (**Exhibit 1, Point L**).
- Ten subjects died or deserted before disciplinary action could be taken against them (**Exhibit 1, Point M**).

### *MILITARY SUBJECTS CONSIDERED FOR DISCIPLINARY ACTION*

In FY11, 1,518 subjects investigated for sexual assault were military Service members (**Exhibit 1, Point N** and Table 3). However, legal factors sometimes prevent disciplinary action from being taken against some subjects. For example, commanders were precluded from taking disciplinary action against 482 of these military subjects because there was insufficient evidence of an offense to prosecute, the victim declined to participate in the military justice process, or the statute of limitations had expired (**Exhibit 1, Point O**). These factors do not fall under the discretion of a military commander to remedy and precluded these military subjects from receiving disciplinary action. Commanders declined taking action against 47 military subjects because they determined the sexual assault allegations against those subjects were unfounded (**Exhibit 1, Point Q**).

For 989 military subjects, commanders had sufficient evidence and the legal authority to support some form of disciplinary action (**Exhibit 1, Point P**). When more than one disposition action has been involved, subject disposition is only reported once per subject. This is done according to the most serious disciplinary action taken, which in descending order is preferral of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative action.

The following represents the command actions taken for the 791 subjects for whom it was determined a sexual assault offense warranted discipline: 62% (489 subjects) had courts-martial charges preferred (initiated) against them, 24% (187 subjects) received nonjudicial punishment under Article 15 of the UCMJ, and 14% (115 subjects) received a discharge or another adverse administrative action (**Exhibit 1, Point R**).

For 198 subjects, evidence supported command action for other misconduct that came to light during the sexual assault investigation (such as making a false official statement, adultery, and other crimes under the UCMJ) but not a sexual assault offense. Of these 198 military subjects where probable cause only existed for a nonsexual assault offense: 9% (17 subjects) had court-martial charges preferred against them; 46% (92 subjects) received nonjudicial punishment; and 43% (85 subjects) received some form of adverse administrative action or discharge (no data was available for the remaining 2% of subjects) (**Exhibit 1, Point S**).

**What percentage of Service member subjects who received disciplinary action for sexual assault had court martial charges preferred against them?**

**62%**

*The proportion of military subjects who had court-martial charges preferred for a sexual assault offense has increased steadily since FY07, when only 30% of these subjects had charges initiated against them.*

Table 3: Military subject dispositions in FY11.

Subject Disposition Category	Total Military Subjects in FY11 =	Subjects in Investigations Opened and Closed in FY11 +	Subjects in Investigations Opened Prior to FY11 and Closed in FY11
<b>Military Subjects in Sexual Assault Cases Reviewed for Possible Disciplinary Action</b>	<b>1,518</b>	<b>856</b>	<b>662</b>
<b>Evidence-Supported Commander Action</b>	<b>989</b>	<b>590</b>	<b>399</b>
<i>Court-Martial Charge Preferred (Initiated)</i>	489	240	249
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	187	155	32
<i>Administrative Discharge</i>	48	32	16
<i>Other Adverse Administrative Action</i>	67	43	24
<i>Probable Cause Only for Nonsexual Assault Offense</i>	198	120	78
<b>Commander Declined Action</b>	<b>47</b>	<b>35</b>	<b>12</b>
<i>Unfounded by Command</i>	47	35	12
<i>Commander Declined Action, per Rules for Courts-Martial 306(c)(1)</i>	0	0	0
<b>Commander Action Precluded</b>	<b>482</b>	<b>231</b>	<b>251</b>
<i>Victim Died</i>	0	0	0
<i>Victim Declined to Participate in the Military Justice Action</i>	184	104	80
<i>Insufficient Evidence to Prosecute</i>	294	125	169
<i>Statute of Limitations Expired</i>	4	2	2

## MILITARY JUSTICE

This information that follows describes what happens once military subject's commander has decided to take disciplinary action. For sexual assault offenses, commanders have been relying upon the use of courts-martial for a growing proportion of military subjects involved in sexual assault offenses. Exhibit 9 shows that, from FY07 to FY11, commanders' use of courts-martial charges against military subjects for sexual assault offenses increased from 30% in FY07 to 62% in FY11. During the same time period, reliance upon nonjudicial punishment, adverse administrative actions, and administrative discharges decreased substantially.

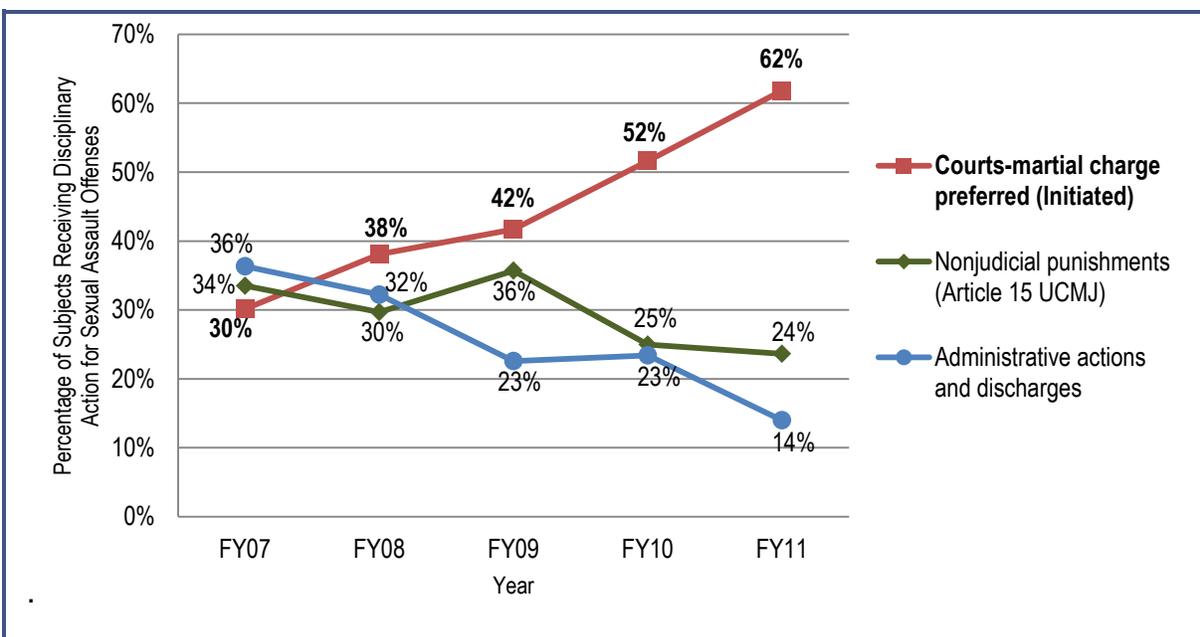


Exhibit 9: Breakdown of disciplinary actions taken against subjects for sexual assault offenses, FY07–FY11.

**Notes:**

1. Percentages are of subjects found to warrant disciplinary action for a sexual assault offense only. Other misconduct (false official statement, adultery, etc.) is not shown.
2. Percentages listed for FY09 exceed 100% due to rounding of percentages to the nearest whole point.

**Courts-Martial**

As noted previously, of the 791 military subjects who had disciplinary action initiated on a sexual assault offense, 489 had court-martial charges preferred against them (**Exhibit 1, Point R**). Exhibit 10 illustrates what happened to these subjects after their commanders preferred court-martial charges. The dispositions and the sentences imposed by courts-martial are for those subjects with at least one sexual assault charge adjudicated in FY11. Of the 489 subjects who had court-martial charges preferred against them in FY11, 370 subjects’ court-martial outcomes were completed by the end of the FY. Of the 240 subjects whose cases proceeded to trial, 80% were convicted, and most convicted Service members received at least four kinds of punishment: confinement, reduction in rank, fines or forfeitures, and discharge (enlisted) or dismissal (officers) from service. Thirty-nine subjects were allowed to resign or were discharged instead of court-martial. Court-martial charges were dismissed against 91 subjects.

**What percentage of Service member subjects tried for sexual assault charges were convicted in FY11, and what kind of punishment did they receive?**

*80% of Service members were convicted of at least one charge at trial of an offense ranging from Rape to Wrongful Sexual Contact within the Department’s definition of sexual assault.*

*Most subjects received four kinds of punishment:*

- *Confinement*
- *A Fine or Forfeiture of Pay*
- *Reduction in Rank*
- *A Punitive Discharge or Dismissal*

However, commanders used evidence gathered during the sexual assault investigation to take nonjudicial punishment against 25 of the 91 subjects. Most of the 25 subjects who received nonjudicial punishment received three kinds of punishment: reductions in rank, fines or forfeitures, and restrictions on liberty.

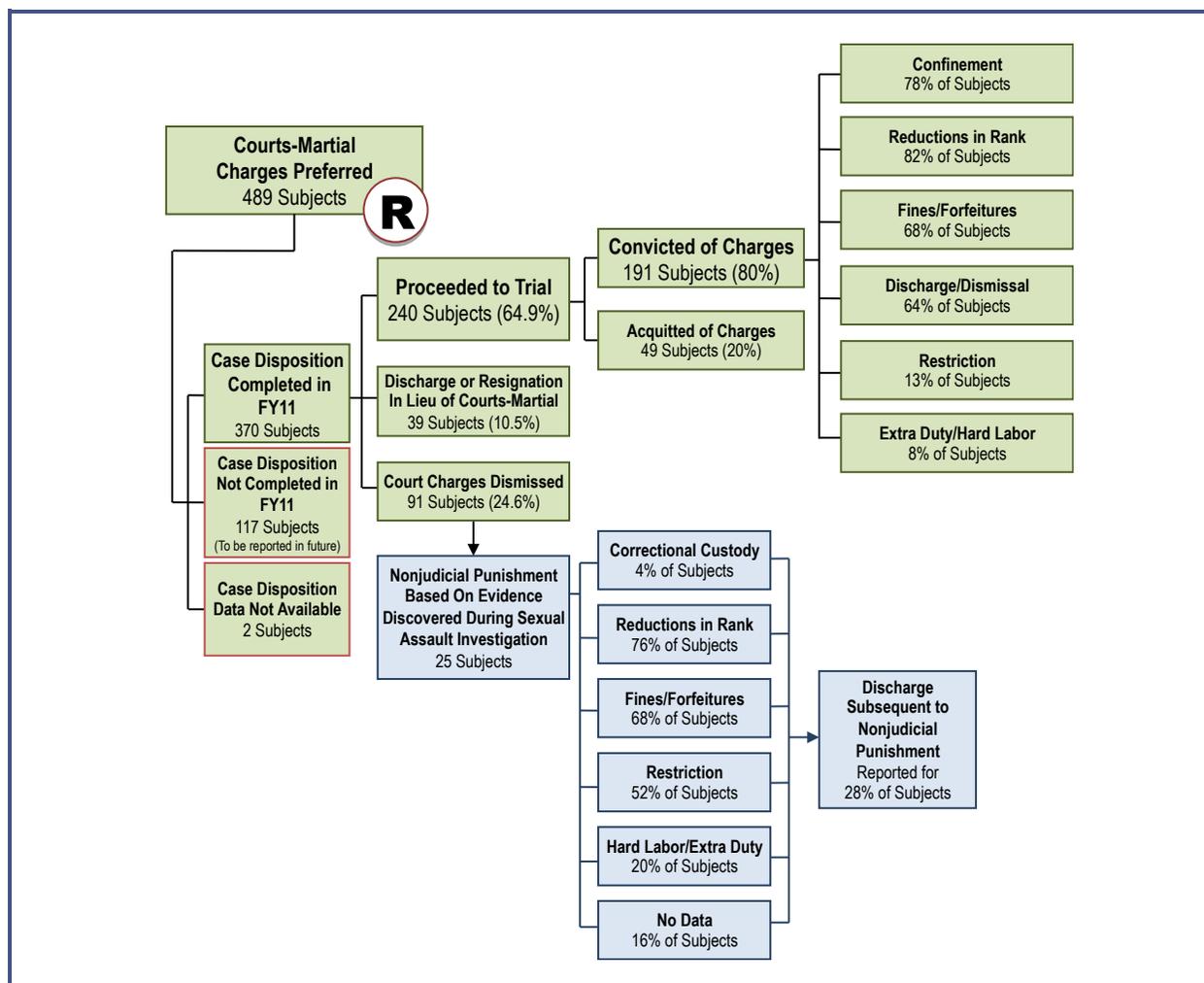


Exhibit 10: Dispositions of Subjects Against Whom Courts-Martial Charges Were Preferred, FY11.

**Notes:**

1. The Military Services reported that 489 subjects of sexual assault investigations had court-martial charges preferred against them for a sexual assault offense.
2. Of the 489 subjects who had court-martial charges preferred against them, 117 subjects were still pending court action at the end of FY11. Disposition data was not available for 2 subjects.
3. Of the 370 subjects whose courts-martial were completed in FY11, 240 subjects proceeded to trial, 39 subjects were allowed to resign or received a discharge instead of trial, and 91 subjects had court-martial charges dismissed against them at some point in the justice proceedings.
4. In cases in which a resignation or discharge in lieu of court-martial is requested and approved, the characterization of the discharge is Under Other Than Honorable Conditions, unless a higher characterization is justified (See also the discussion of administrative discharge characterizations in the “Administrative Discharges and Adverse Administrative Actions” section of the report). Of the 91 subjects with dismissed charges, commanders imposed nonjudicial punishment on 25 subjects. Most of these 25 subjects received three kinds of punishment: a rank reduction, a fine or forfeiture, and restriction of their liberty for a period of time.
5. Of the 240 subjects whose cases proceeded to trial, 191 (80%) were convicted. Conviction by courts-martial may result in a combination of punishments. Consequently, convicted Service members could be adjudged one or more of the punishments listed. However, in most cases, they received at least four kinds of punishment: confinement, a reduction in rank, a fine/forfeiture, and a discharge. Discharges adjudged by courts-martial were either Bad Conduct Discharges or Dishonorable Discharges.

## Nonjudicial Punishment

Nonjudicial punishment is administered in accordance with Article 15 of the UCMJ and empowers commanding officers to impose penalties on Service members when there is sufficient evidence of minor UCMJ violation. The member may demand trial by court-martial instead of accepting punishment by the commander. Nonjudicial punishment allows commanders to address some types of sexual assault and other misconduct by Service members that may not warrant prosecution in a military or civilian court. The DoD definition of sexual assault includes a wide range of offenses ranging from unwanted sexual contact to rape. With nonjudicial punishment a commander can take a variety of corrective actions, including demotions, fines, and restrictions on liberty. Nonjudicial punishment often serves as the grounds for discharging military subjects with a less than an honorable discharge.

**Do military commanders use nonjudicial punishment as their primary means of discipline for sexual assault crimes?**

**No.**

***Less than a quarter of subjects who received disciplinary action for a sexual assault crime received nonjudicial punishment in FY11. Most subjects (62%) had court-martial charges preferred against them.***

Of the 791 military subjects who received disciplinary action on a sexual assault offense, 187 received nonjudicial punishment (**Exhibit 1, Point R**). Exhibit 11 denotes the outcomes of nonjudicial punishment actions taken against subjects on a sexual assault charge in FY11. Of the 168 subjects whose nonjudicial punishments were completed in FY11, 93% of subjects were found guilty by the commander and issued punishment. Most subjects who received nonjudicial punishment received at least three kinds of punishment: reduction in rank, a fine or forfeiture of pay, and restriction of their liberty for a period of time. In addition, almost half of these subjects received extra duty or hard labor as part of their punishment. For 6% of subjects, the nonjudicial punishment served as grounds for a subsequent administrative discharge.

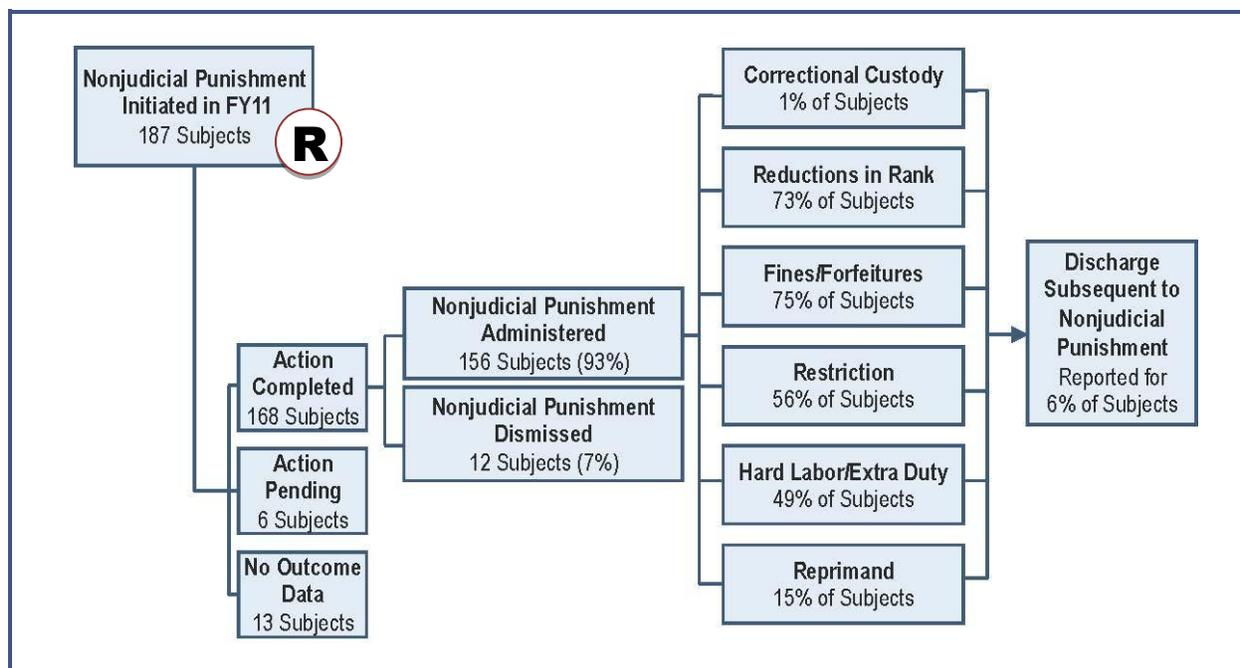


Exhibit 11: Dispositions of Subjects Receiving Nonjudicial Punishment, FY11.

**Notes:**

1. The Military Services reported that 187 subjects of sexual assault investigations disposed in FY11 were considered for nonjudicial punishment.
2. Of the 168 subjects who were considered for nonjudicial punishment, 6 subjects were still pending action at the end of FY11. Nonjudicial punishment outcome data was not available for 13 subjects.
3. Of the 168 subjects whose nonjudicial punishments were completed in FY11, 156 subjects (93%) were found guilty by the commander and issued punishment. The remaining 12 subjects (7%) were found not guilty.
4. Nonjudicial punishment may result in a combination of penalties. Consequently, Service members found guilty can be administered one or more kinds of punishments. However, for most of the cases, convicted Service members received at least three kinds of punishment: a reduction in rank, a fine/forfeiture, and a restriction on their liberty for a period of time. Almost half of the subjects awarded nonjudicial punishment were given hard labor or extra duty.
5. For 6% of subjects, the nonjudicial punishment contributed to the rationale supporting an administrative discharge.

### Administrative Discharges and Adverse Administrative Actions

Commanders administratively discharged 48 subjects investigated for a sexual assault offense (**Exhibit 1, Point R**). There are three types of administrative discharges: Honorable, General, and Under Other Than Honorable Conditions (UOTHC). General and UOTHC discharges may limit those discharged from receiving full entitlements and benefits from the DVA. Most of these 48 subjects received either a General or a UOTHC discharge.

In FY11, commanders took adverse administrative actions against 67 subjects investigated for a sexual assault offense (**Exhibit 1, Point R**). These actions consist of Letters of Reprimand, Letters of Admonishment, and Letters of Counseling. These actions may also include but are not limited to denial of re-enlistment, the cancellation of

a promotion, and the cancellation of new assignment orders. Adverse administrative actions are typically used when the misconduct alleged is of a lesser degree or when available evidence does not support more serious disciplinary action.

### Probable Cause Only for a Nonsexual Assault Offense

The sexual assault investigations conducted by the MCIOs sometimes do not find sufficient evidence to support disciplinary action against the subject on a sexual assault charge. However, the investigations sometimes uncover other forms of chargeable misconduct. When this occurs, the Department holds those Service members who have committed other misconduct appropriately accountable based on the available evidence. In FY11, commanders took action against 198 subjects who were originally investigated for sexual assault allegations, but evidence only supported action on nonsexual assault misconduct, such as making a false official statement, adultery, assault, or other crimes (**Exhibit 1, Point S**). Exhibit 12 denotes the outcomes of the disciplinary actions taken against subjects for nonsexual assault offenses in FY11.

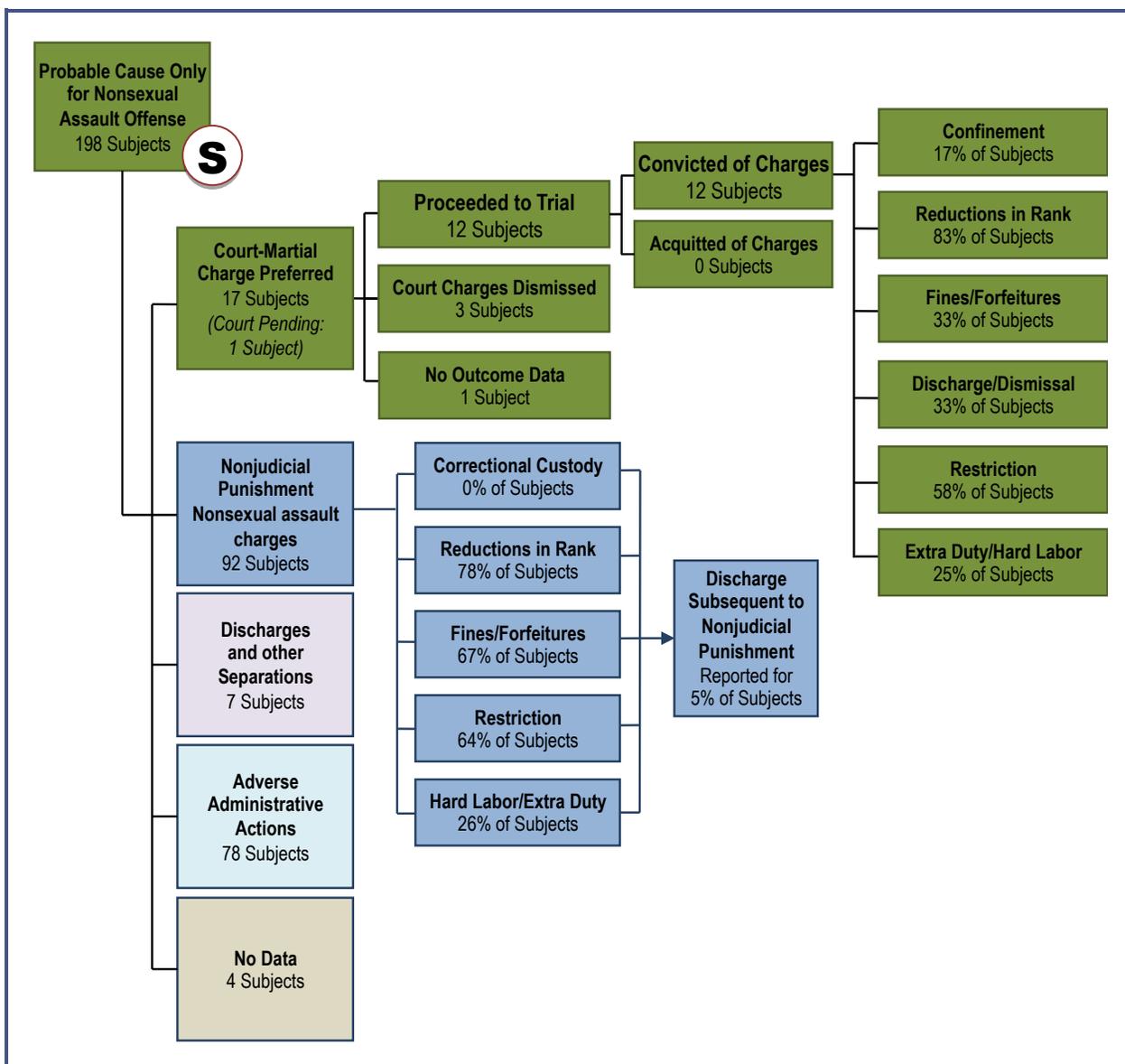


Exhibit 12: Dispositions of Subjects for Whom There was Only Probable Cause for Nonsexual Assault Offenses, FY11.

**Notes:**

1. The Military Services reported that investigations of 198 subjects only disclosed evidence of misconduct not considered to be a sexual assault offense under the UCMJ.
2. Of the 198 subjects, 17 subjects had court-martial charges preferred against them, 92 subjects were administered nonjudicial punishment, 7 subjects received a discharge or separation, 78 subjects received adverse administrative action, and no data was available for disciplinary action against 4 subjects.
3. Of the 12 subjects whose cases proceeded to courts-martial, all were convicted of the charges against them. Most convicted Service members were adjudged a reduction in rank and a restriction on their liberty for a period of time.
4. Of the 92 subjects who were considered for nonjudicial punishment, 91 were ultimately found guilty. Most subjects received three kinds of punishment: a reduction in rank, a fine or forfeiture of pay, and a restriction on their liberty for a period of time.

### Subjects of Sexual Assault Investigations Outside DoD Legal Authority

As previously discussed, each year the Department does not have jurisdiction over several hundred subjects in its investigations. When the subject of an investigation is a U.S. civilian, a foreign national or an unidentified subject, they fall outside the Department’s legal authority to take any action. Civilian authorities in the U.S. and the governments of our host nations hold primary responsibility for prosecuting U.S. civilians and foreign nationals, respectively, who are accused of perpetrating sexual assault against Service members. In a small percentage of cases each year, a state or host nation will assert its jurisdiction over a Service member. This typically occurs when a Service member is accused of sexually assaulting a civilian or foreign national at a location where the civilian or foreign authorities possess jurisdiction.

A civilian authority may prosecute a Service member anytime they commit an offense within its jurisdiction. Sometimes civilian authorities agree to let the Department prosecute the Service member. However, such decisions are made on a case-by-case and jurisdiction-by-jurisdiction basis. A host nation’s ability to prosecute a Service member is subject to the SOFA between the U.S. and the foreign government. SOFAs vary from country to country. From FY09 to FY11, the percentage of subjects investigated for sexual assault found to be outside the Department’s legal authority varied between 13% and 21%. Exhibit 13 depicts the proportion of subjects investigated by the Department for sexual assault that were outside its legal authority from FY09 to FY11.

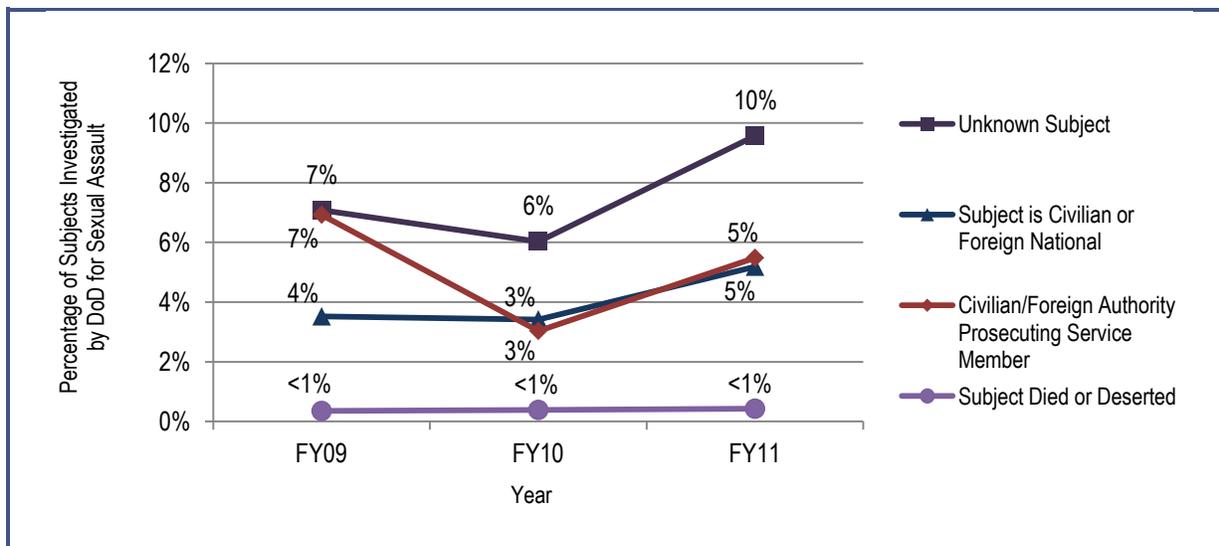


Exhibit 13: Subjects investigated for sexual assault by the Department that were outside its legal authority, FY09–FY11.

**Notes:**

1. In FY09, 462 (18%) of the 2,584 subjects in completed sexual assault investigations were outside its legal authority.
2. In FY10, 335 (13%) of the 2,604 subjects in completed sexual assault investigations were outside its legal authority.
3. In FY11, 486 (21%) of the 2,353 subjects in completed sexual assault investigations were outside its legal authority.

The Military Services have not consistently reported dispositions for military subjects identified in a DoD sexual assault investigation that were prosecuted by a civilian or foreign authority. However, a review of the dispositions that were reported and completed for the past three FYs disclosed that the crimes alleged to have been committed by military subjects were either not completely investigated or not prosecuted by a civilian or foreign authority. In FY09, 70% of military subjects under a civilian or foreign authority received no legal action. In FY10, 38% of military subjects under a civilian or foreign authority received no legal action. In FY11, 84% of military subjects under a civilian or foreign authority received no legal action.

The Military Services also have not consistently reported dispositions for civilian and foreign subjects identified in DoD sexual assault investigations. A review of the dispositions that were reported and completed for the past three FYs disclosed that there was not enough information reported to do a meaningful analysis, as no foreign or civilian subject disposition data was available for the majority of these subjects in FY09 and FY10. In FY11, the DoD IG drafted policy to address the complete reporting of dispositions of all subjects investigated by MCIOs. Once this policy is issued, it is expected that dispositions for civilian and foreign nationals will be better documented in forthcoming years.

### Unfounded Allegations of Sexual Assault

The goals of a criminal investigation are to determine who has been victimized, what offenses have been committed, and who may be held accountable. When the allegations in an Unrestricted Report are investigated, one possible outcome is that the evidence discovered by the investigation demonstrates that the accused person did not commit the offense. When this occurs, the allegations are determined to be unfounded, meaning false or baseless (**Exhibit 1, Point I and Point Q**). Allegations may be unfounded either by the MCIO that investigates the crime or by the military commander reviewing the investigation's available evidence in determining whether disciplinary action is possible according to the high legal standards required. Exhibit 14 shows that while there has been some variation in who determines whether allegations are unfounded, there has been a small rise (4%) in the overall percentage of subjects with unfounded allegations since FY09.

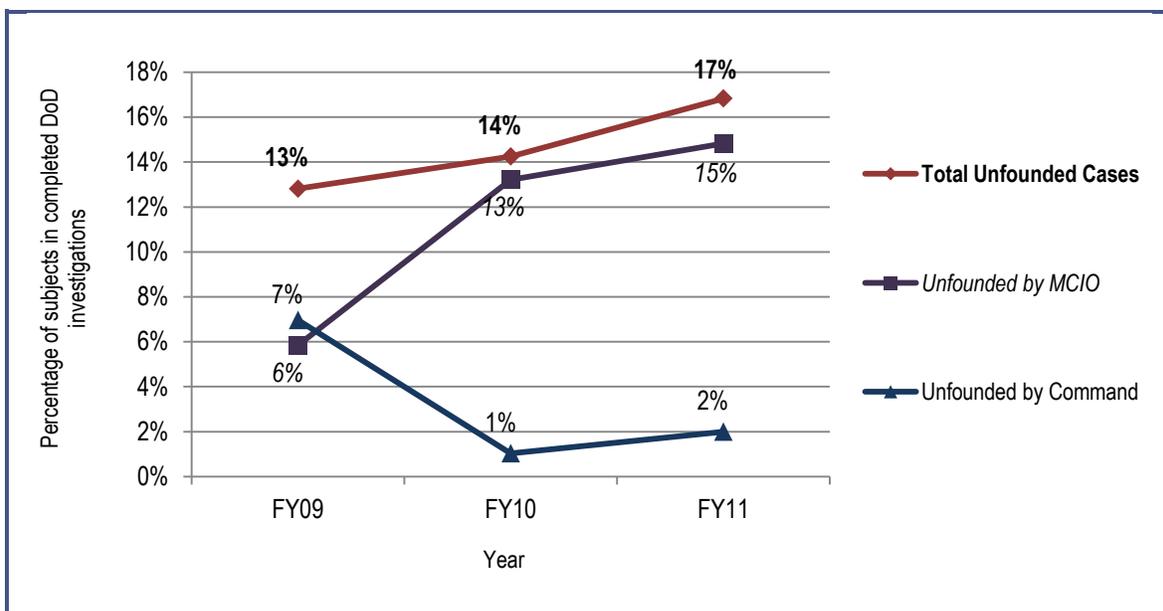


Exhibit 14: Subjects with unfounded allegations in completed DoD investigations of sexual assault, FY09–FY11.

**Notes:**

1. In FY09, 331 (13%) of the 2,584 subjects in completed sexual assault investigations had unfounded allegations.
2. In FY10, 371 (14%) of the 2,604 subjects in completed sexual assault investigations had unfounded allegations.
3. In FY11, 396 (17%) of the 2,353 subjects in completed sexual assault investigations had unfounded allegations.

### DEMOGRAPHICS OF VICTIMS AND SUBJECTS IN COMPLETED INVESTIGATIONS

The following demographic information was gathered from the 1,612 investigations of sexual assault initiated and completed in FY11. These investigations involved 1,783 victims and 1,783 subjects. Two hundred seventy four of the 1,612 investigations involved multiple victims and/or multiple subjects. It should be noted that most victims and subjects in the following data are over the age of 18 (Exhibit 16). However, DoD statistics also capture some victims and subjects who are aged 16 and 17. Service members who are approved for early enlistment prior to age 18 are included in this category. Because the age of consent under the UCMJ is 16, military and civilian victims aged 16 and older who do not fall under the FAP program are included as well. These factors may further complicate comparisons between civilian and DoD data, as federal surveys and statistics about sexual assault typically only capture individuals aged 18 and older.

#### Victims

Exhibits 15, 16, and 17 shows that the vast majority of victims in investigations tend to be female, under the age of 25, and of junior enlisted grades, respectively.

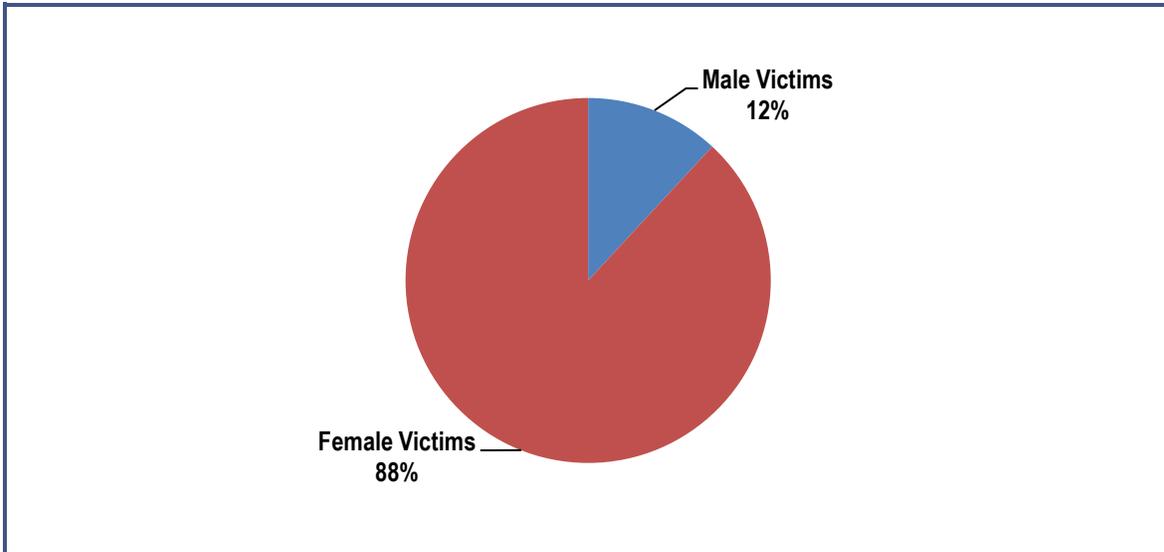


Exhibit 15: Gender of Victims in Completed Investigations of Unrestricted Reports, FY11.

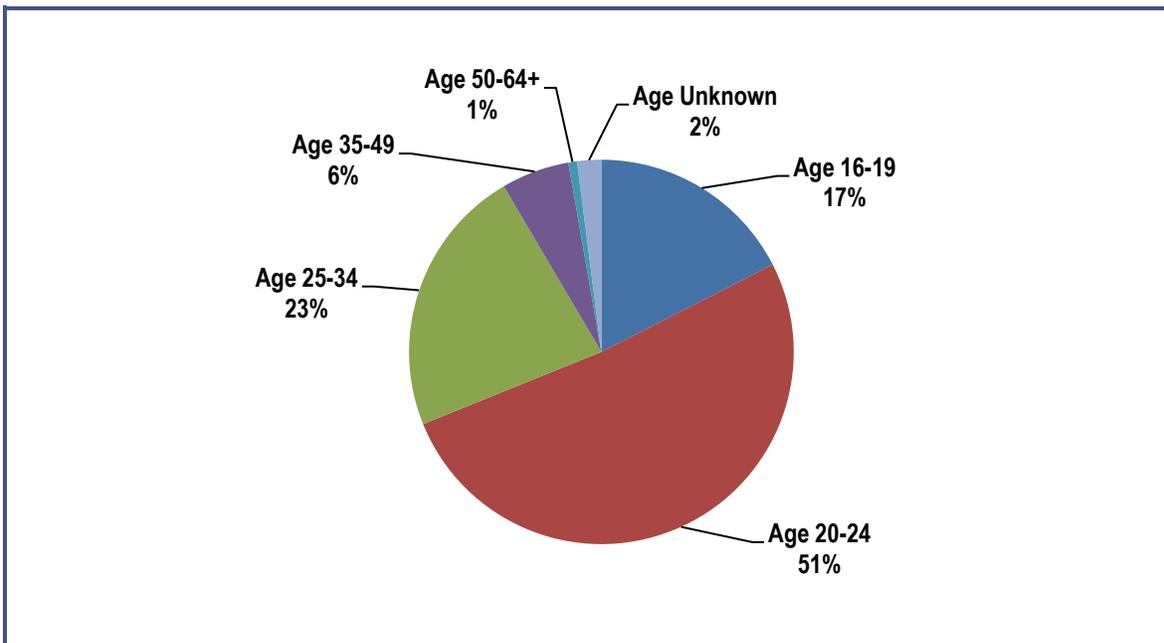
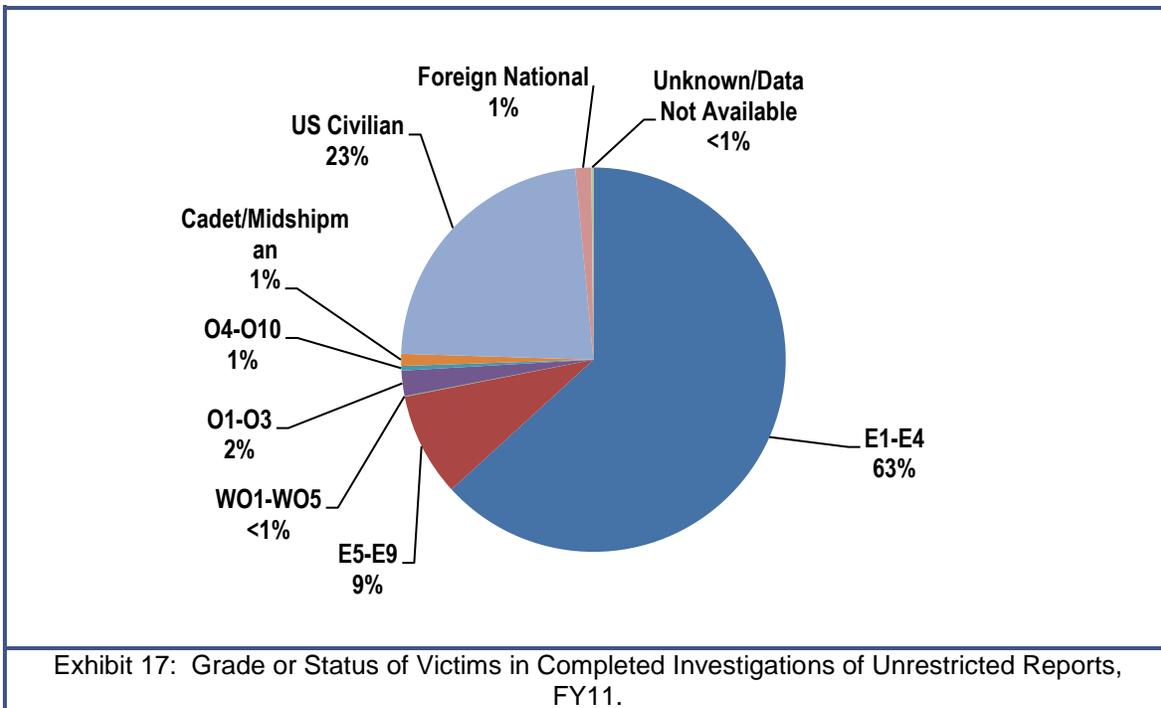
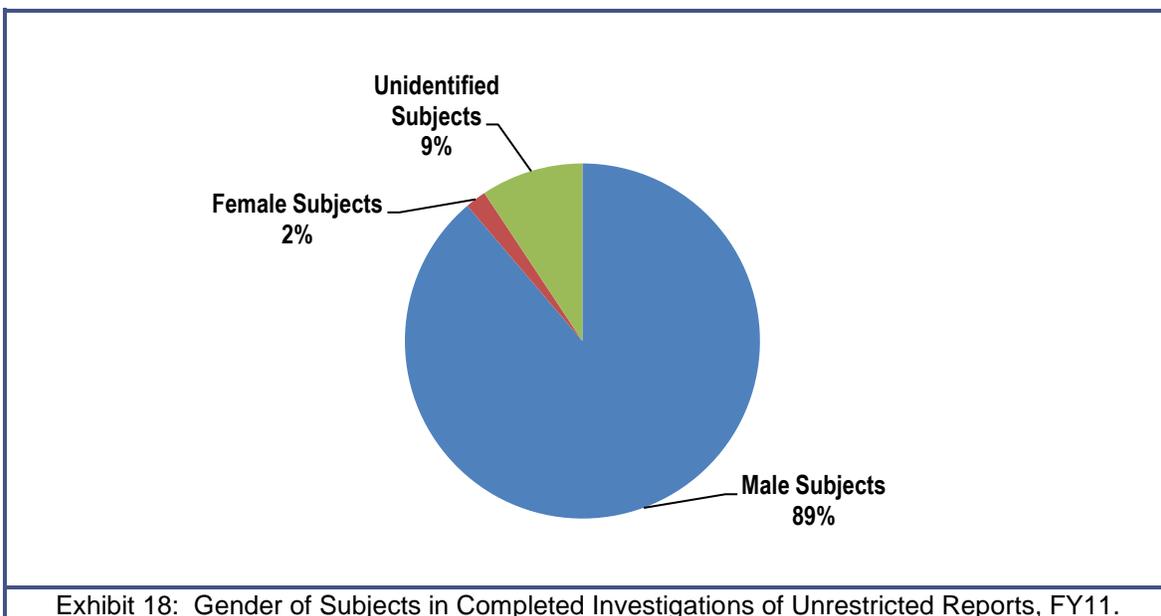


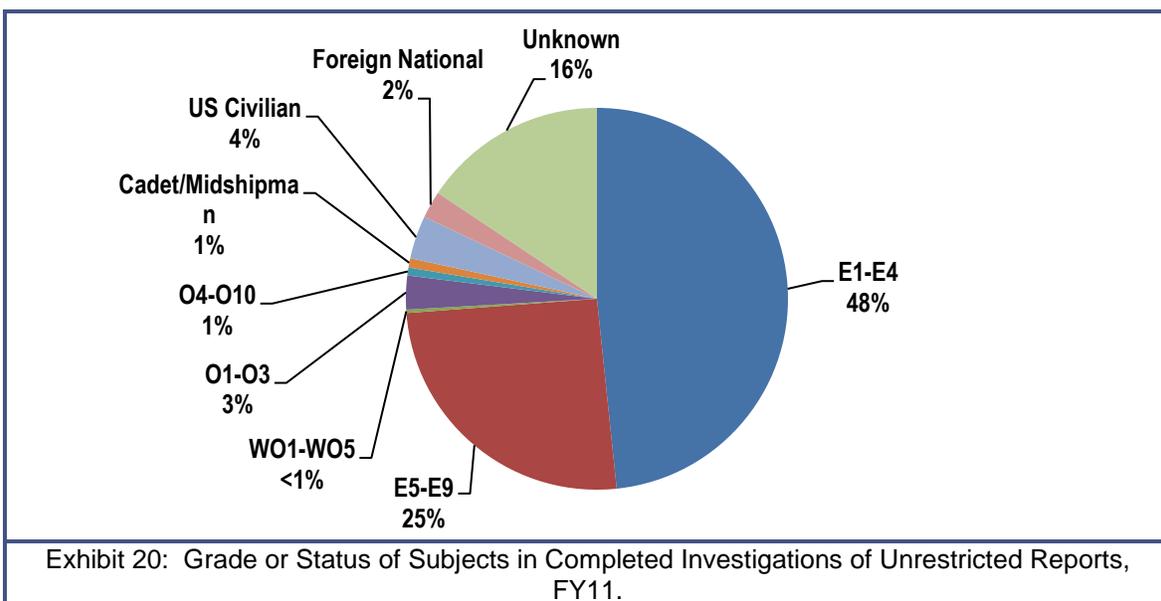
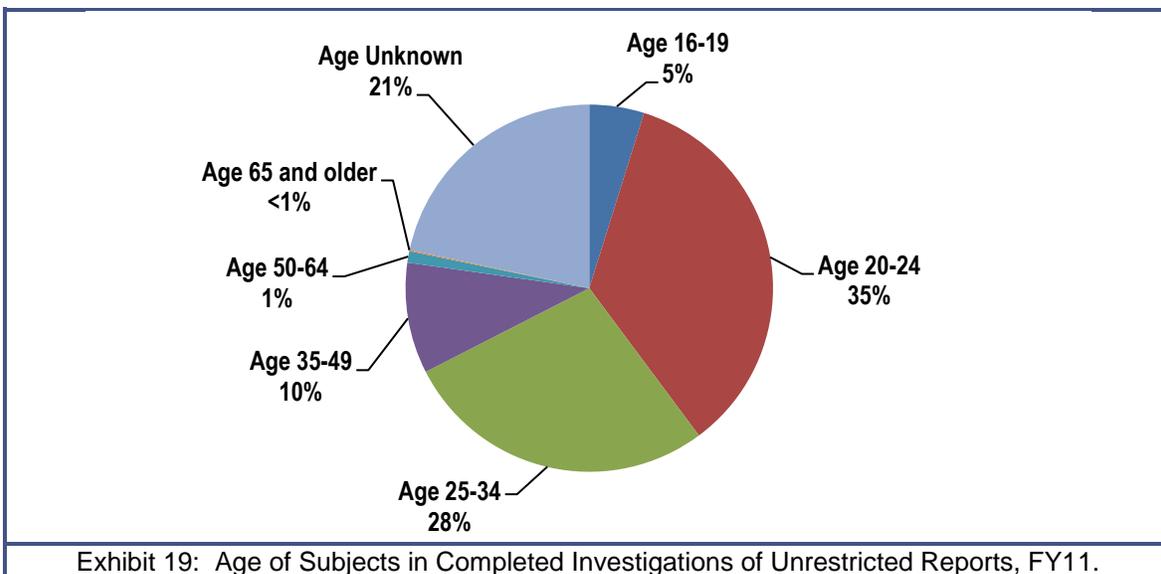
Exhibit 16: Age of Victims in Completed Investigations of Unrestricted Reports, FY11.



**Subjects**

Exhibits 18, 19, and 20 show that the vast majority of subjects of investigations tend to be male, under the age of 35, and of junior enlisted grades, respectively.





### FY11 REPORTS OF SEXUAL ASSAULT IN CAIs

Arduous conditions in CAIs make sexual assault response and data collection very difficult. However, SARCs, SAPR VAs, and other SAPR personnel are in place in all of these areas. SAPR personnel are diligent in getting requested services and treatment to victims. The data reported below is included in the total number of Unrestricted and Restricted Reports described in previous sections.

**In which CAIs were most sexual assaults reported?**  
*Iraq and Afghanistan.*

In FY11, there were 261 reports of sexual assault in CAIs. This number reflects a 3% decrease in overall reporting in CAIs from FY10. The 225 Unrestricted Reports in FY11 represent a decrease of 5.5% from FY10. There were 36 reports remaining Restricted

in FY11. Exhibit 21 illustrates the history of Unrestricted and Restricted Reporting in CAIs since FY07. Exhibits 22 and 23 show reporting patterns in Iraq and Afghanistan.

Of the 225 Unrestricted Reports, 67 (30%) were made in Iraq and 115 (51%) were made in Afghanistan. The remaining 43 were made in Kuwait (18), Bahrain (11), Kyrgyzstan (3), the United Arab Emirates (3), Qatar (2), Saudi Arabia (2), Djibouti (1), Oman (1), Pakistan (1), and Uganda (1).

There were 46 initial Restricted Reports in CAIs, which is the same number that was reported in FY10. Ten reports (22%) were converted to Unrestricted Reports at the victims' request, leaving 36 reports as Restricted.

Of the 46 initial Restricted Reports, 18 (39%) were made in Iraq, and 16 (35%) were made in Afghanistan. The remaining 12 Restricted Reports were made in Kuwait (7), Bahrain (2), Djibouti (1), Qatar (1), and the United Arab Emirates (1).

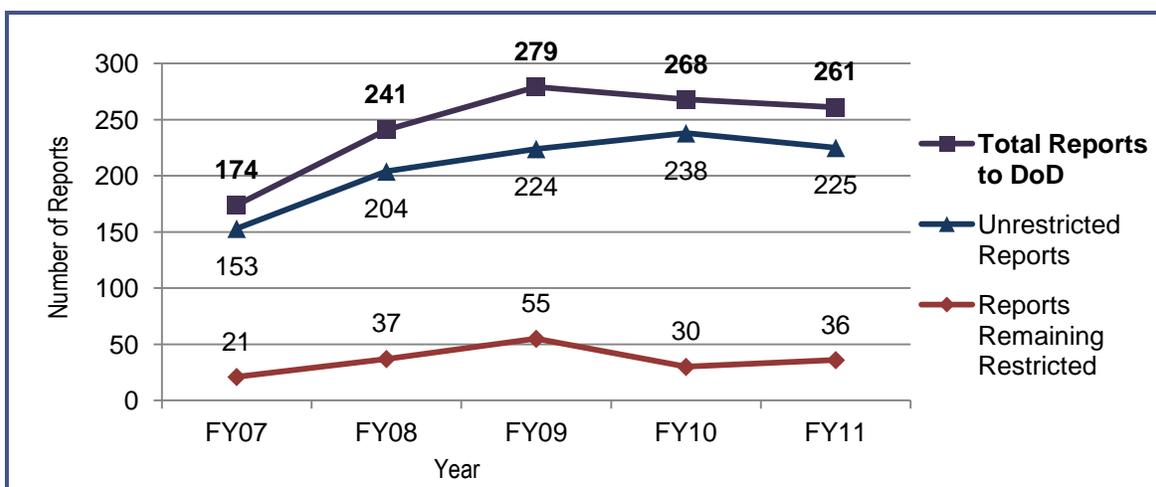


Exhibit 21: Total Reports of Sexual Assault in CAIs: Unrestricted Reports and Restricted Reports, FY07–FY11.

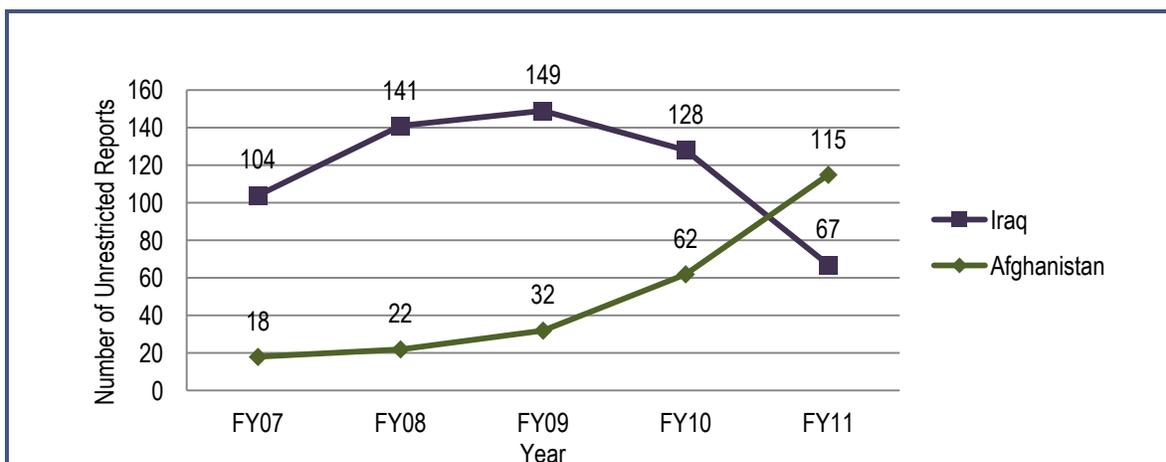
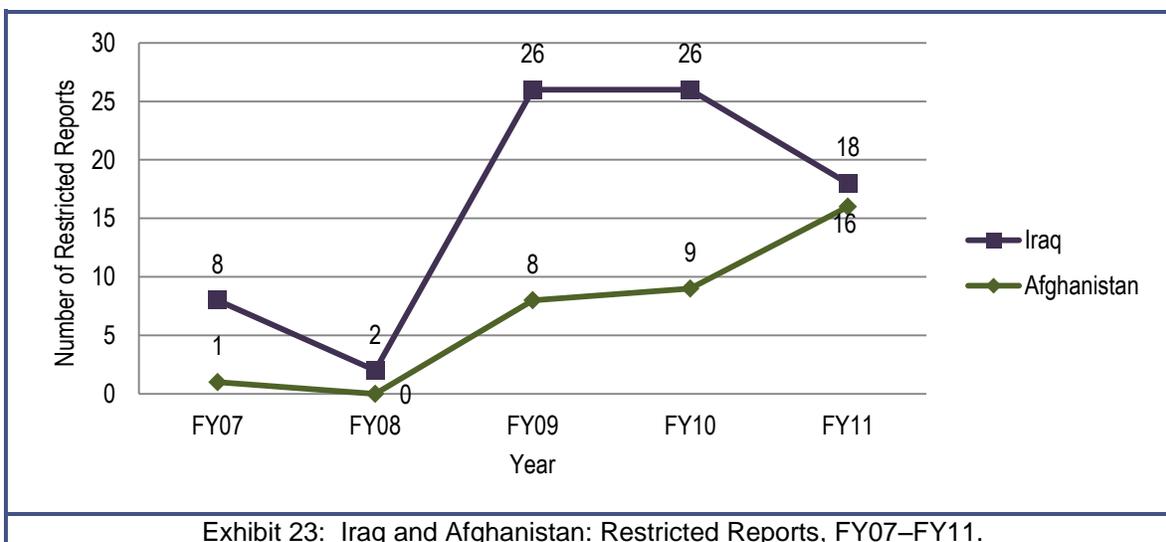


Exhibit 22: Iraq and Afghanistan: Unrestricted Reports, FY07–FY11.



### SEXUAL ASSAULTS PERPETRATED BY FOREIGN NATIONALS AGAINST SERVICE MEMBERS

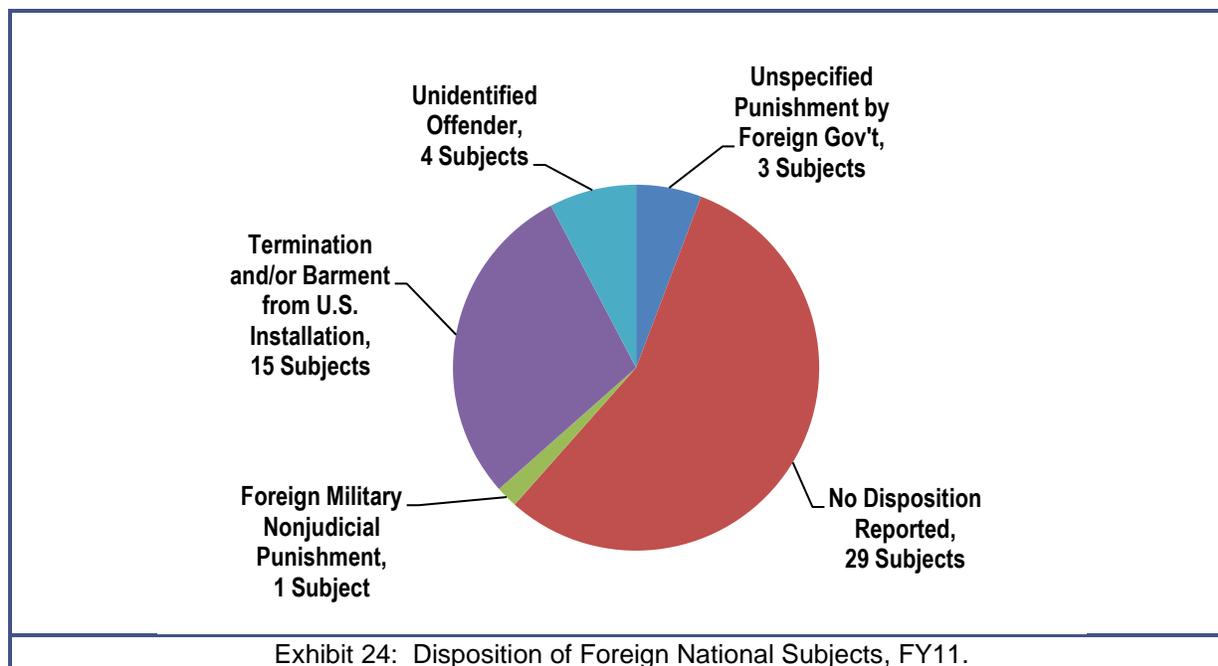
This year the Military Services reported a total of 42 Unrestricted Reports of sexual assault suspected to be committed by foreign national subjects against deployed Service members, with all but one of the sexual assaults occurring in CAIs. The 42 Unrestricted Reports involved 43 female victims and 52 male subjects. All 43 female victims were Service members. Of the 52 male subjects, 43 were foreign nationals and 9 were foreign military members. The assaults took place in the locations listed in Table 4. The Military Services were inconsistent in reporting the dispositions of foreign national subjects involved in these reports. Available dispositions for the 52 subjects are displayed in Exhibit 24. As previously noted, in FY11 the DoD IG drafted policy language requiring the MCIOS to report the dispositions of all subjects investigated for sexual assault. Once this policy is issued, it is expected that the dispositions and adjudications of cases involving foreign nationals will be reported more completely.

**How many Restricted Reports convert to Unrestricted Reports each year?**

*On average, 14% to 15% of victims convert their Restricted Reports to Unrestricted Reports.*

Table 4: Locations of Unrestricted Reports of Sexual Assault Suspected to be Committed by Foreign Nationals in FY11.

Country	Number of Reports
Afghanistan	27
China	1
Egypt	1
Iraq	8
Kuwait	2
Kyrgyzstan	1
Overseas, Country Not Specified	2
<b>Total Reports</b>	<b>42</b>



### ***DEMOGRAPHICS OF UNRESTRICTED REPORTS IN COMBAT AREAS OF INTEREST***

Demographic information about the Unrestricted Reports made in CAIs was drawn from the investigations opened and closed during FY11. These 170 investigations involved 194 victims and 190 subjects. Twenty-nine investigations involved more than 1 victim, more than 1 subject, or multiple victims and subjects.

#### **Victims**

The demographics of victims in CAIs who made Unrestricted Reports mirror the demographics of victims in all Unrestricted Reports made to the Department, in that they are mostly female, under the age of 25, and of a junior enlisted grade.

#### **Subjects**

The demographics of subjects in Unrestricted Reports made in CAIs mirror the demographics of subjects in all Unrestricted Reports made to the Department, in that the vast majority are male, under the age of 35, and of an enlisted grade.

### ***DEMOGRAPHICS OF RESTRICTED REPORTS IN COMBAT AREAS OF INTEREST***

The 46 victims who initially made Restricted Reports of sexual assault in CAIs mirror the demographics of victims in all Restricted Reports made to the Department, in that they were mostly female, under the age of 35, and of a junior enlisted grade.

## FY11 RESTRICTED REPORTS OF SEXUAL ASSAULT

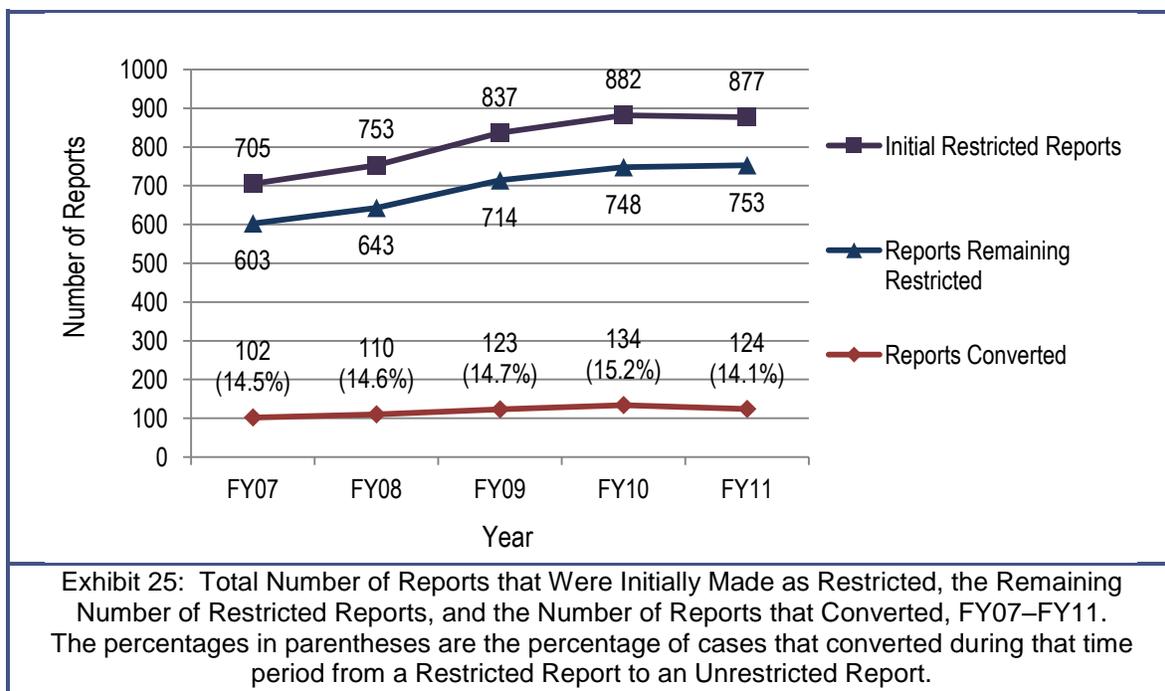
SARCs and SAPR VAs collect information from victims in Restricted Reports. Because Restricted Reports are confidential, covered communications as defined in Department policy, SAPR personnel only collect limited data about the victim and the allegation being made. As with Unrestricted Reports, Restricted Reports can be made for incidents that occurred in prior reporting periods and incidents that occurred prior to military service.

In FY11, there were 877 initial Restricted Reports of sexual assault.

Of the 877 reports, 124 (14) converted to Unrestricted Reports at the request of the victim.

At the close of FY11, 753 reports remained Restricted.<sup>22</sup>

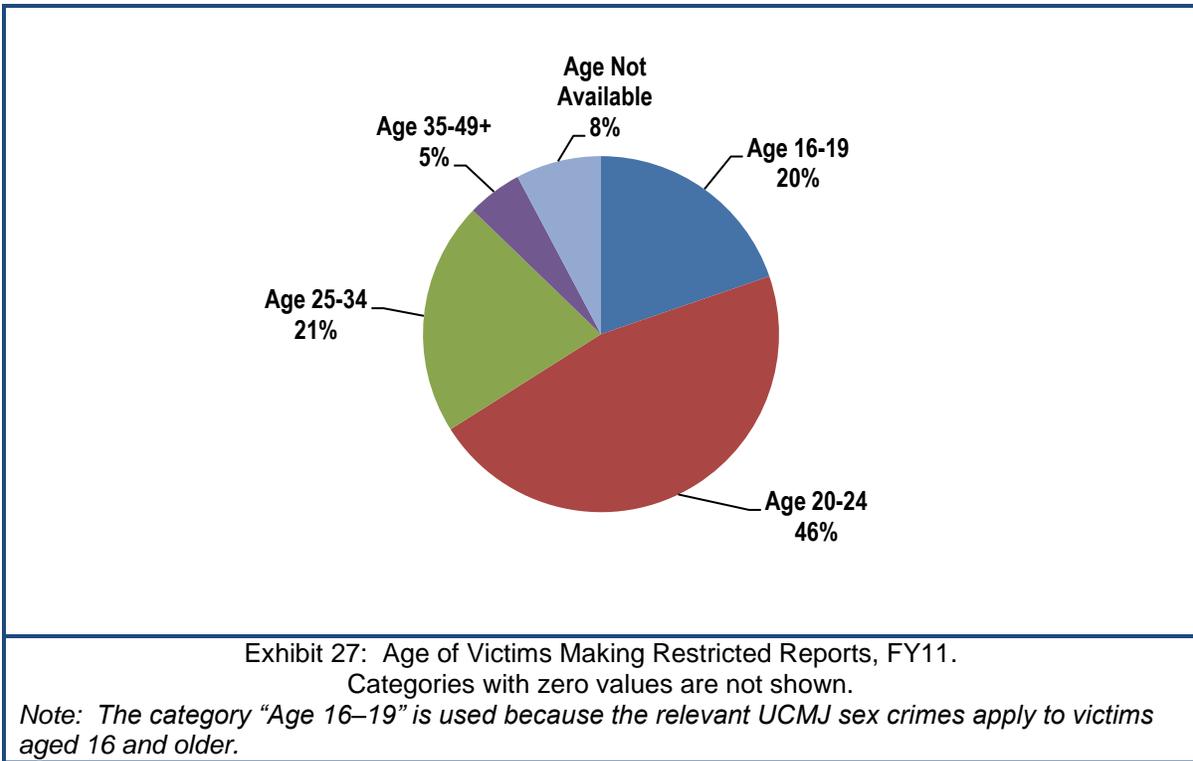
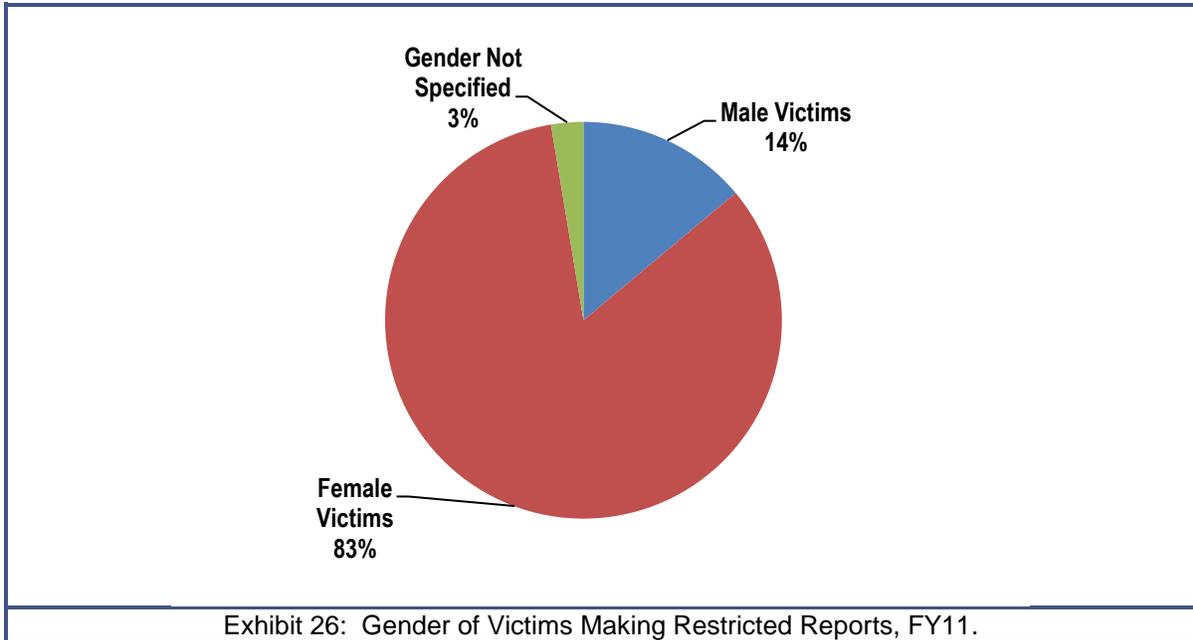
The percentage of victims desiring to convert their Restricted Reports to Unrestricted Reports has remained relatively stable at about 15%. Exhibit 25 shows the Restricted Reports and conversion rates for the past five FYs.

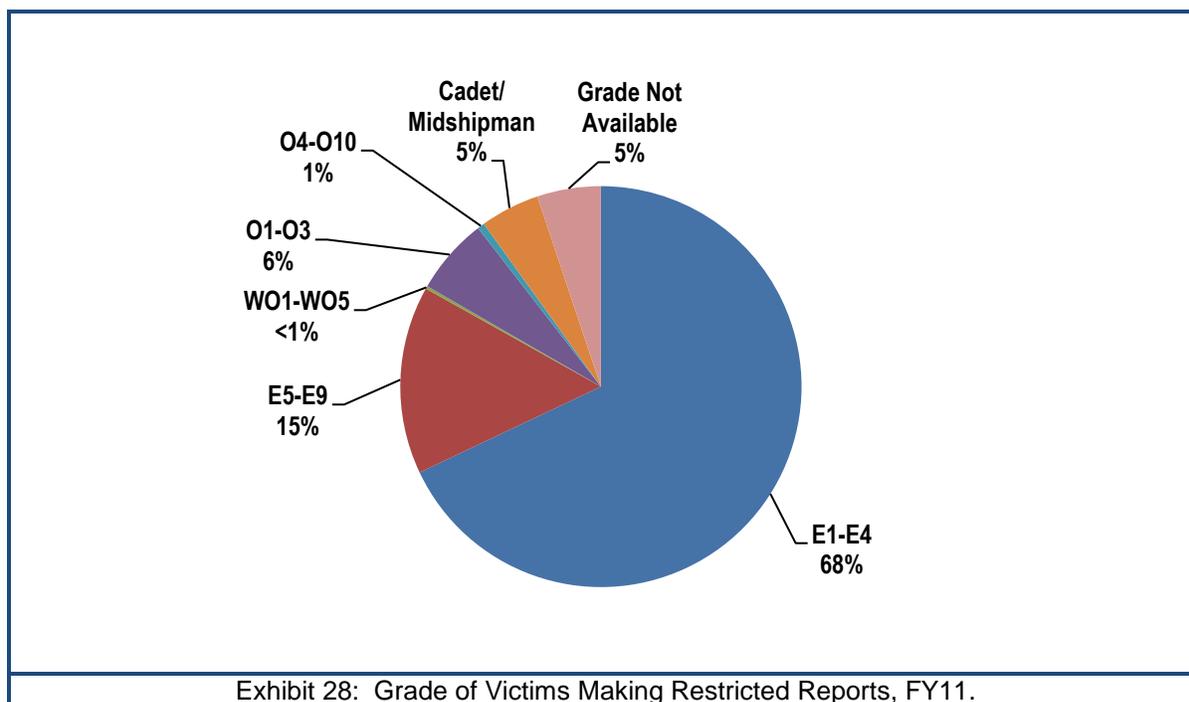


## DEMOGRAPHICS OF RESTRICTED REPORTS OF SEXUAL ASSAULT

Exhibits 26, 27, and 28 show that victims who made a Restricted Report were primarily female, under the age of 25, and of a junior enlisted grade.

<sup>22</sup> The Restricted Reports that converted to Unrestricted Reports are included in the total 2,439 Unrestricted Reports cited earlier.





## FY11 SERVICE REFERRAL INFORMATION

SARCs and SAPR VAs are responsible for ensuring victims have access to medical treatment, counseling, legal advice, and other support services. Referrals for these services are made to both military and civilian resources. A referral for service can happen at any time while the victim is receiving assistance from a SARC or SAPR VA and may happen several times throughout the military justice process. This year, SARCs and SAPR VAs made an average of 1.6 service referrals to victims making Unrestricted Reports. For victims making Restricted Reports, SARCs and SAPR VAs made an average of 1.5 service referrals per case. Exhibit 29 shows the average number of referrals to victims in sexual assault reports from FY07 to FY11.

The Military Services varied in the average number of referrals per victim:

- The Army provided an average of 0.5 referrals per victim making an Unrestricted Report and 0.8 referrals per victim making a Restricted Report.
- The Navy provided an average of 2.8 referrals per victim making an Unrestricted Report and 2.7 referrals per victim making a Restricted Report.
- The Marine Corps provided an average of 2.2 referrals per victim making an Unrestricted Report and 2.0 referrals per victim making a Restricted Report.
- The Air Force provided an average of 3.7 referrals per victim making an Unrestricted Report and 1.5 referrals per victim making a Restricted Report.

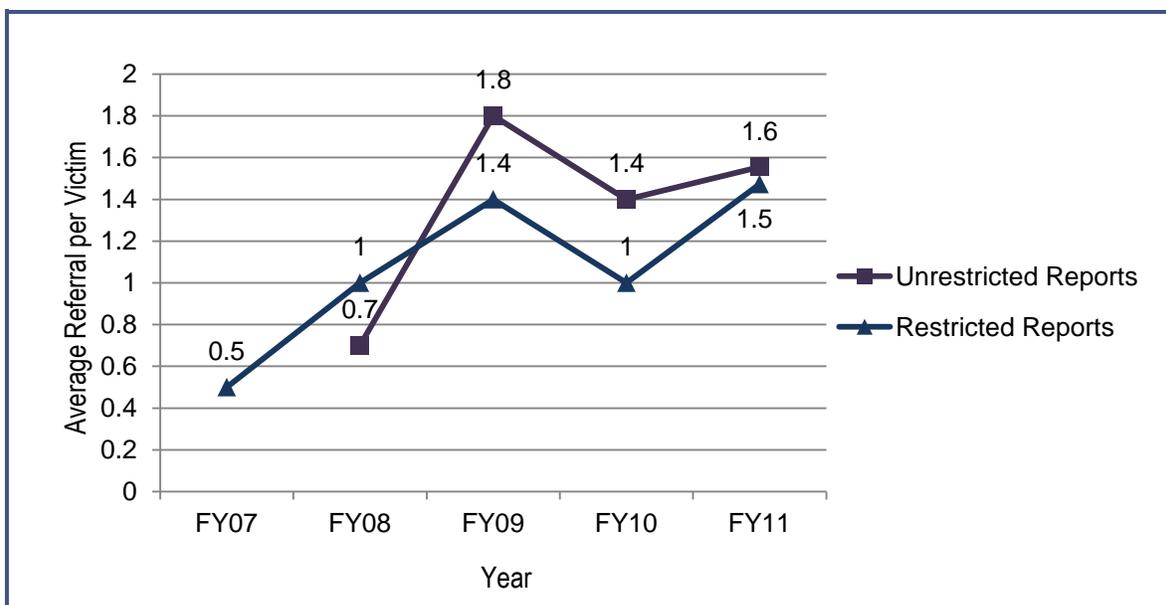


Exhibit 29: Average Number of Service Referrals per Victim of Sexual Assault, FY07–FY11.  
**Note:** Referrals in Unrestricted Reports are not listed for FY07 because the Military Services were not directed to collect this data until FY08.

The Military Services reported there were a total of 733 SAFEs conducted during FY11. This represents a 40% increase over the 523 SAFEs reported in FY10. Exhibit 30 depicts the reported number of SAFEs being conducted for military and civilian victims of sexual assault from FY07 to FY11.

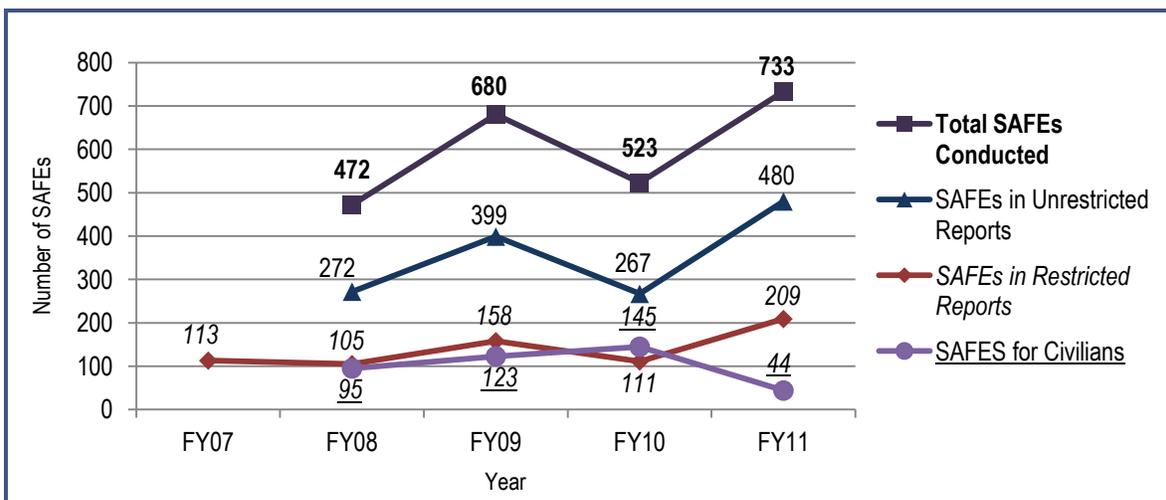


Exhibit 30: SAFEs Reported by the Services, FY07–FY11.  
**Note:** SAFEs for Unrestricted Reports and Restricted Reports. Civilians are not listed for FY07 because the Military Services were not directed to collect this data until FY08.

## CONCLUSION

One sexual assault in the military is one too many. The Department developed the five SAPR strategic priorities to address the crime of sexual assault on multiple fronts: institutionalizing prevention, encouraging reporting, improving response, enhancing system accountability, and increasing SAPR understanding and awareness.

FY12 will provide many opportunities for the Department to make further progress on each of the five priorities outlined in the *DoD-Wide SAPR Strategic Plan*. In addition to the plans previously described, the Department will focus on publishing the revised SAPR Directive and Instruction, expanding the categories of person eligible to receive SAPR support services, enhancing training for personnel investigating and prosecuting these crimes, assessing SAPR training for officers selected for command and senior noncommissioned officers, and establishing a continuum of care for victims transitioning from active duty to veteran status. The Department also plans to issue enhanced policies to govern expedited transfers for military victims of sexual assault and retention of sexual assault-related records, establish a sexual assault advocate credentialing and certification program, and fully implement DSAID.

Sexual assault is a crime that undermines trust within military units and is an affront to the basic values our Service members defend. While the Department has taken bold steps to prevent and respond to sexual assault, there is still much work to do. The Department is committed to ensuring the safety, dignity, and well-being of its people—the men and women of our Armed Forces deserve nothing less.