

Annex 2: Independent Review Commission on Sexual Assault in the Military Implementation Update



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Implementation Status Update

The Department of Defense (DoD) is taking unprecedented action to implement the historic reforms recommended by the Independent Review Commission on Sexual Assault in the Military (IRC) as approved by Secretary of Defense Lloyd Austin III to prevent and respond to sexual assault in the military. The main body of this year's Annual Report on Sexual Assault in the Military documents key actions the Department took in Fiscal Year 2022 (FY22) to implement the IRC recommendations wherever possible. This annex provides an implementation status update.

As of March 2023, significant implementation action was undertaken for 21 approved IRC recommendations (Table 1). The implementation of many more recommendations is underway or will begin this calendar year.

Table 1. Approved IRC Recommendations and Actions

| Count | Recommendation | Implementation Action |
|-------|---|--|
| 1 | 1.4: Professionalized career billets for military justice personnel handling special victim crimes. | The Military Departments updated their implementation plans in light of the National Defense Authorization Act (NDAA) for FY22 and the Secretary of Defense's section 532 policy guidance for the Offices of the Special Trial Counsel. |
| 2 | 1.5: Judge-alone sentencing in all noncapital general and special courts-martial and establishment of sentencing parameters. | President signed "Memorandum on the Prescription of Method of Designating a Member of the Military Sentencing Parameters and Criteria Board" on June 21, 2022. Additional action pending. |
| 3 | 1.7.f: Article 128b of the Uniform Code of Military Justice (UCMJ) should be amended to include dating violence. | DoD submitted a legislative proposal to amend the UCMJ in accordance with DoD Directive (DoDD) 5500.01, "Preparing, Processing, and Coordinating Legislation, Executive Orders, Proclamations, Views Letters, and Testimony." Additional action pending. |
| 4 | 2.1.a: The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) should define the competencies leaders must have to oversee prevention. | DoD Instruction (DoDI) 6400.11 "Primary Prevention Policy for Prevention Workforce and Leaders," published on December 20, 2022, defined competencies. |
| 5 | 2.2.a: USD(P&R) should develop a model for a dedicated and capable prevention workforce. | The Prevention Workforce Model was signed by USD(P&R) on June 13, 2022. |
| 6 | 2.2.b: USD(P&R) should develop a professional credential for the prevention workforce. | DoDI 6400.11 "Primary Prevention Policy for Prevention Workforce and Leaders" defined the professional credential for the prevention workforce. In September 2022, a credentialing entity was identified and funded. |
| 7 | 2.6.b: USD(P&R), the Services, and the NGB should continually review and update all policies that unnecessarily restrict data | DoDI 6400.11 "Primary Prevention Policy for Prevention Workforce and Leaders" was published, and the Services and the NGB evaluated and updated policies in |

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| | collection on important populations of Service members. | accordance with the DoDI. This instruction now addresses and alleviates restrictions on data collection on important populations of Service members. |
| 8 | 2.8: USD(P&R) should update the Department's prevention strategy, including the DoD Prevention Plan of Action (PPoA), to incorporate approved IRC recommendations. | PPoA 2.0 signed by USD(P&R) on May 27, 2022. |
| 9 | 4.3.c: Allow survivors flexibility to take non-chargeable time off for seeking services or time for recovery from sexual assault. | "Clarification of Convalescent Leave Policy for Service Members Recovering from Sexual Assault" was signed October 20, 2022. |
| 10 | 4.3.e: Study the methods our allies have used to make amends to survivors, including restorative engagement to acknowledge harm, and potential victim compensation. | Completed. |
| 11 | 4.4.a: Establish a Defense Sexual Assault and Sexual Harassment Center of Excellence that administers a core curriculum of trauma and response trainings for all Sexual Assault Prevention and Response Victim Advocates (SAPR VAs) and Sexual Assault and Response Coordinators (SARCs), chaplains, and other response personnel. | Completed. |
| 12 | CC 1: DoD should immediately make sexual harassment victims eligible for SAPR services and undertake a review of all policies and structures tasked with addressing elements of the military's sexual harassment response. | Memorandum signed by USD(P&R) on September 14, 2022, made sexual harassment victims eligible for SAPR services if requested. Review of policies is ongoing. |
| 13 | CC.3.a: Designated independent judge advocates should replace commanders in deciding whether a charge should be tried by a court-martial and, if so, whether by a special or general court-martial (i.e., the referral decision) in domestic violence cases. | Lead Special Trial Counsel have been Senate confirmed and designated pursuant to the NDAA for FY 2022. Additional action pending. |
| 14 | CC.3.b: DoD should establish a mechanism to track prevalence of domestic abuse/intimate partner related sexual assault by collecting information on the victim-perpetrator relationship in the <i>Workplace and Gender Relations Surveys of Active-Duty Members (WGRA)</i> , and <i>Workplace and Gender Relations Surveys of Reserve Component Members (WGRR)</i> . | The 2021 <i>WGR</i> survey was published and incorporated the ability to estimate the prevalence of intimate partner-related unwanted sexual contact incidents as a form of intimate partner violence. |
| 15 | CC.3.c: USD(P&R) should immediately publish the reissuance of DoDI 6400.06, | DoDI 6400.06, "DoD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated |

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| | "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel." | Personnel" and associated policy clarification memo published December 15, 2021. |
| 16 | CC.4.b: DoD should require the collection of data regarding sexual orientation and gender identity on the <i>WGRA</i> and <i>WGRR</i> . | Completed. |
| 17 | CC.4.c: DoD should ensure the <i>WGRA</i> and <i>WGRR</i> publish both past-year prevalence, prior to joining the military prevalence, and lifetime prevalence of sexual assault by race and ethnicity, sexual orientation, and gender identity. | Completed. |
| 18 | CC.4.d: DoD Sexual Assault Prevention and Response Office (SAPRO) should work with the Centers for Disease Control and Prevention (CDC) Division of Violence Prevention to request that future reports of the military supplement to the <i>National Intimate Partner and Sexual Violence Survey (NISVS)</i> include a breakdown of past-year and lifetime prevalence by race/ethnicity. | Completed. |
| 19 | CC.4.e: DoD should ensure the <i>WGRA</i> and <i>WGRR</i> publish sexual harassment prevalence data by race and ethnicity, sexual orientation, and gender identity. | Completed. |
| 20 | CC.4.h: DoD should require the collection of data regarding sexual orientation and gender identity on the <i>Workplace and Equal Opportunity Survey of Active Duty (WEOA)</i> and the <i>Workplace and Equal Opportunity Survey Reserve Component Members (WEOR)</i> . | Completed. |
| 21 | CC.4.i: DoD should ensure the <i>Workplace and Equal Opportunity</i> surveys of military members publish past-year prevalence rates for racial/ethnic harassment by gender identity and sexual orientation. | Completed. |

As of March 2023, implementation of the remaining approved recommendations is underway or will begin this calendar year. One IRC recommendation is directed to Congress; therefore, the Department cannot provide a status for that recommendation. One recommendation (2.7.b) is under consideration by the Department.¹ Tables 2 through 6 provide a status update organized by Line of Effort (LOE). The LOEs focus on accountability, prevention, culture and climate, victim care and support, and cross cutting recommendations, respectively.

¹ Recommendation 2.7.b: USD(P&R) should submit a legislative proposal providing authorization and funding for the NGB to conduct recurring National Guard unit inspections and staff assistance visits for prevention oversight and assistance.

Based on timelines outlined in the Department’s Implementation Roadmap signed by the Secretary of Defense on September 22, 2021, all approved recommendations will be implemented by FY30. Tier one approved recommendations are estimated to be implemented by FY27. Approved recommendations in tiers two and three are estimated to be implemented by FY28. Tier four approved recommendations are estimated to be implemented by FY30.

Table 2. Status of Approved IRC Recommendations, LOE 1: Accountability

| Count | Recommendation | Action | Status |
|-------|---|--|-----------|
| 1 | 1.1: Establishment of Offices of Special Victims Prosecutors and removing prosecution of sexual assaults and related crimes out of the military chain of command. | The Military Departments established the Offices of Special Trial Counsel, issued initial training and educational policies, and assigned Lead Special Trial Counsel. The Military Departments will submit implementation plans to SASC (Senate Committee on Armed Services) and House Armed Services Committee (HASC) as required by section 531 of NDAA for FY 2022. | On track. |
| 2 | 1.2: Independent, trained investigators for sexual harassment and mandatory initiation of involuntary separation for all substantiated complaints. | The Services and NGB have begun appointing Investigating Officers outside of the command where the victim alleged a complaint. | On track. |
| 3 | 1.3: Study of judge-ordered Military Protective Orders for victims of sexual assault and related offenses. | A study is underway. | On track. |
| 4 | 1.6: Expedite processing of proposed Executive Orders (EO) regarding military justice, including those currently awaiting issuance. | DoD actions for this recommendation are completed. | Pending. |
| 5 | 1.7.a and b: The Military Justice Review Panel (MJRP) has been directed to study Article 32, Preliminary Hearings. The MJRP has been directed to study Article 34, Advice to | Ongoing. | Pending. |

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| | Convening Authority Before Referral to Trial. | | |
| 6 | 1.7.c: JSC on Military Justice has drafted a proposed EO to establish a preponderance of the evidence standard for non-judicial punishment. | Ongoing. | Pending. |
| 7 | 1.7.d: The method of selection of court-martial panel members should be revised. | Ongoing. | Pending. |
| 8 | 1.7.e: The Secretary of Defense should direct the Services to establish funding appropriate for defense counsel control of their own resources. | Ongoing. | DoD action to implement is on track. |
| 9 | 1.8: Study caseloads to attain the optimum timeline for the military justice process. | Planning for study is underway. | On track. |

Table 3. Status of Approved IRC Recommendations, LOE 2: Prevention

| Count | Recommendation | Action | Status |
|-------|--|--|-----------|
| 1 | 2.1.b: The Services and the NGB should develop and hold leaders appropriately accountable for prevention. | Ongoing. | On track. |
| 2 | 2.1.c: The Services and the NGB should equip all leaders to develop and deliver informed prevention messages in formal and informal settings. | Ongoing. | On track. |
| 3 | 2.2.c: The Services should determine the optimum full-time prevention workforce, and equip all echelons of active duty, reserve, and guard organizations. | The Department adapted the Prevention Workforce Model for each component to determine staffing needs, and the Services and NGB developed position descriptions based on the model. Hiring is underway. | On track. |
| 4 | 2.3.a: The Services and the NGB should resource and implement prevention strategies at organizational and community levels. | DoD partnered with CDC to develop guidance to support implementation of this recommendation. | On track. |

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| 5 | 2.3.b: USD(P&R) should identify a non-clinical Office of Secretary of Defense (OSD)-level Office of Primary Responsibility (OPR) for alcohol policy and develop relevant policy guidance and oversight. | Ongoing. | On track. |
| 6 | 2.4: Modernize prevention education and skill-building to reflect today's generation of Service members. | Ongoing. | On track. |
| 7 | 2.5.a: The Services and the NGB should institute a pilot program to link Service members with resources and support. | Implementation of the pilot programs is underway. | On track. |
| 8 | 2.5.b: The Services and the NGB should employ virtual platforms to provide support to all Service members. | Ongoing. | On track. |
| 9 | 2.6.a: DoD should establish a dedicated research center for the primary prevention of interpersonal and self-directed violence. | DoD is working with CDC and Library of Congress to conduct research projects identified in the FY23 Integrated Prevention Research agenda. | On track. |
| 10 | 2.6.c: The Secretary of Defense should immediately authorize operational testing of the Air Force Compatibility Assessment, or similar tool, with a cross-Service pre-accession sample, allowing for important research and intervention development. | Research to inform implementation is underway. | On track. |
| 11 | 2.6.d: USD(P&R) should commission research on gender and masculinities to develop effective social marketing strategies to facilitate primary prevention efforts. | Study is underway. | On track. |
| 12 | 2.7.a: The NGB should develop Army National Guard and Air National Guard prevention strategies aligned with DoD's PPOA based on the National | NGB has published a National Guard Prevention Strategy. Additional actions are ongoing. | On track. |

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| | Guard's unique construct and missions. | | |
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Table 4. Status of Approved IRC Recommendations, LOE 3: Culture and Climate

| Count | Recommendation | Action | Status |
|-------|--|--|-----------|
| 1 | 3.1: USD(P&R) should codify in policy and direct the development and implementation of metrics related to sexual harassment and sexual assault as part of readiness tracking and reporting. | OUSD(P&R) is conducting a study to inform this recommendation. | On track. |
| 2 | 3.2: USD(P&R) should direct the Services and the NGB to educate the force about sexual harassment and sexual assault within the context of the Services' core values. | DoDI 6495.02 Vol 2 directs Services to implement this action. | On track. |
| 3 | 3.3.a: Collect data to measure the problem of cyber harassment (and related harms). | Study is underway. | On track. |
| 4 | 3.3.b: Educate leaders on cyber harassment and technology-facilitated sexual harassment and sexual assault. | Training content development is underway. | On track. |
| 5 | 3.3.c: Hold Service members appropriately accountable who engage in cyber harassment and other forms of technology-facilitated sexual harassment and sexual assault. | Ongoing. | On track. |
| 6 | 3.4.a: Elevate and standardize the gender advisor workforce. | Ongoing. | On track. |
| 7 | 3.4.b: Use qualitative data as part of indicators for Defense Objective One of the Women Peace and Security (WPS) Strategic Framework. | Ongoing. | On track. |
| 8 | 3.4.c: Integrate a gender analysis into the military's planning & operational frameworks. | Ongoing. | On track. |
| 9 | 3.4.d: Review and revise Professional Military Education (PME) and DoD | Ongoing. | On track. |

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| | schoolhouse curricula to mainstream WPS priorities. | | |
| 10 | 3.4.e: Congress should support DoD's inclusion of Personnel & Readiness in WPS implementation and codify in legislation. | Directed to Congress. | N/A |
| 11 | 3.5.a: Use qualitative data to select and develop the right leaders. | Use of qualitative data to select and develop leaders is ongoing. | On track. |
| 12 | 3.5.b: Include a meaningful narrative section in performance evaluations for officers and Non-Commissioned Officers (NCOs). | Narrative content development for performance evaluations is underway. | On track. |
| 13 | 3.6: Building a climate for the reduction of sexual harassment and sexual assault as a fundamental leader development requirement. | Ongoing. | On track. |
| 14 | 3.7.a: USD(P&R) should develop a standardized "pulse survey" tool that would enable unit-level commanders to collect real-time climate data on sexual harassment and sexual assault from Service members in their units between required administrations of the <i>Defense Organizational Climate Survey (DEOCS)</i> . | DoDI 6400.11 codifies the requirement for the pulse survey. Service implementation is ongoing. | On track. |
| 15 | 3.7.b: The Secretary of Defense should direct the Services and the NGB to develop a formal system to share climate survey data at the unit level and initiate and evaluate corrective action plans. | Ongoing. | On track. |
| 16 | 3.7.c: USD(P&R) should accelerate efforts to develop a validated "Climate Benchmark" to measure healthy and unhealthy climate at the unit level. | Data analysis to inform implementation is underway. | On track. |
| 17 | 3.7.d: The Secretary of Defense should assess | Study is underway. | On track. |

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| | whether current DoD policies, relevant components, and the Service-level Equal Opportunity workforce have the capacity to help commanders resolve climate issues. | | |
| 18 | 3.8: The Services and the NGB should publish the nature and results of all disciplinary actions related to sexual misconduct and disseminate this information to troops periodically. | Ongoing. | On track. |

Table 5. Status of IRC Recommendations, LOE 4: Victim Care and Support

| Count | Recommendation | Action | Status |
|-------|---|--|-----------|
| 1 | 4.1.a: Move SARCs and SAPR VAs from the command reporting structure. | The Services and the NGB conducted a SAPR Workforce Study and analyzed requirements to move SARCs and SAPR VAs from the command reporting structure. | On track. |
| 2 | 4.1.b: Eliminate collateral duty for SARCs and SAPR VAs, with exceptions for ships, submarines, and isolated installations. | Ongoing. | On track. |
| 3 | 4.1.c: Explore the co-location of SAPR and Sexual Harassment/ Assault Response Program (SHARP) with other special victim services, such as Family Advocacy Program (FAP), to improve coordination, collaboration, and consistency in victim support. | Ongoing. | On track. |
| 4 | 4.1.d: The Secretary of Defense will ensure victims can receive forensic healthcare evidence collection and appropriate medical care in all locations, including in deployed and isolated environments. Medical personnel in | Ongoing. | On track. |

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| | deployed and isolated environments where law enforcement personnel are not immediately available will be trained in non-intrusive techniques to help victims identify and preserve evidence to avoid loss. | | |
| 5 | 4.2.a: Increase access to and visibility of civilian community-based care. | Ongoing. | On track. |
| 6 | 4.2.b: DoD will explore whether allowing Service members full access to Veterans Affairs (VA) services, without a referral is feasible, mitigates stigma associated with help seeking, and does not adversely impact the Services' ability to receive readiness-impacting feedback from VA health care providers. | Data sharing agreement established with the Veterans Benefits Administration. Additional implementation action is ongoing. | On track. |
| 7 | 4.2.c: Expand access to Catch a Serial Offender Program (CATCH) to include victims of sexual harassment and enable Service members to self-service access to CATCH. | Study underway to inform implementation. | On track. |
| 8 | 4.2.d: Create survivor-led peer support programs that allow for in-person, virtual, and telephone interaction. | Research on peer support programs to inform implementation. | On track. |
| 9 | 4.2.e: Amplify victims' rights and services in the post-trial period. | Ongoing. | On track. |
| 10 | 4.3.a: Implement the No Wrong Door approach to sexual harassment, sexual assault, and domestic abuse across the Services and the NGB. | Ongoing. | On track. |
| 11 | 4.3.b: Institute a "Commander's Package" from the SAPR VA with recommendations for victim care and support. | Ongoing. | On track. |
| 12 | 4.3.d: Increase victim agency and control of the response process by: | Ongoing. | On track. |

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| | maximizing adherence to survivor preference on reporting status, and centering survivor preferences in expedited transfers. | | |
| 13 | 4.4.b: Develop training to build the capacity of SARCs and SAPR VAs to provide culturally competent care to Service members from communities of color, LGBTQ+ Service members, religious minorities, and men. | Training development is underway. | On track. |
| 14 | 4.4.c: Revise and update training modules on appropriate response to sexual assault and sexual harassment in Professional Military Education (PME) for officers and non-commissioned officers (NCOs). | Training updates are underway. | On track. |
| 15 | 4.4.d: Use an action research model to identify root problems, test interventions, and create best practices with survivors' input. | Ongoing. | On track. |

Table 6. Status of IRC Recommendations, Cross-Cutting

| Count | Recommendation | Action | Status |
|-------|---|---|-----------|
| 1 | CC.2: DoD must undertake a comprehensive approach to professionalizing, strengthening, and resourcing the workforce for SAPR across the board. | Services and the NGB completed workforce studies. | On track. |
| 2 | CC.4.a: DoD should require the collection of data regarding sexual orientation and gender identity in DSAID. | Ongoing. | On track. |
| 3 | CC.4.f: DoD should evaluate ways to better collect data, via existing DoD-wide surveys, on the role of race/ethnicity on the experience of sexual harassment (i.e., racialized | Ongoing. | On track. |

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| | sexual harassment) in the military. | | |
| 4 | CC.4.g: DoD should require the Services and the NGB to publish data for all sexual harassment complaints. | Assessment regarding capabilities needed to facilitate collection and publication of this data is underway. | On track. |
| 5 | CC.4.j: DoD should evaluate ways to better collect data, via existing DoD-wide surveys, on the role of gender in the experience of racial/ethnic harassment and discrimination in the military. | Study is underway. | On track. |
| 6 | CC.4.k and CC.4.l: DoD should commission qualitative research to better understand the experiences of racial/ethnic minority service women and their perceptions of climate, attitudes and experiences with sexual assault and sexual harassment, and gender and racial discrimination. DoD SAPRO should dedicate a segment of its iterations of the Military Service Gender Relations (MSGR) Focus Groups to understanding the experiences of racial and ethnic minority service members and survivors. | Ongoing. | On track. |
| 7 | CC.5: The Secretary of Defense should establish a Senior Policy Advisor for Special Victims. The Senior Policy Advisor should be supported by the new position of the DoD Special Victim Advocate. | Ongoing. | On track. |

Implementation Way Forward

OUSD (P&R) will continue to collaborate with the Military Departments, Military Services, NGB, and Office of the Secretary of Defense Components to implement all recommendations as approved by the Secretary of Defense.