



DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE

Department of Defense Fiscal Year 2009 Annual Report on Sexual Assault in the Military

March 2010





**OFFICE OF THE SECRETARY OF DEFENSE
SEXUAL ASSAULT PREVENTION
AND RESPONSE OFFICE**

DoD Fiscal Year (FY) 2009 Annual Report on Sexual Assaults in the Military Services

TAB 1: FY09 Department of Defense Annual Report
on Sexual Assaults in the Military Services

TAB A: FY09 Department of the Army Report

TAB B: FY09 Department of the Navy Report

TAB C: FY09 Department of the Air Force Report



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SEXUAL ASSAULT PREVENTION
AND RESPONSE OFFICE**

TAB 1



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“The Department has a no-tolerance policy toward sexual assault. This type of act not only does unconscionable harm to the victim; it destabilizes the workplace and threatens national security.”

- Secretary of Defense Robert M. Gates

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LETTER FROM THE DIRECTOR



Dear Members of Congress,

Each year we are pleased to provide Congress a report on the progress of the Department of Defense (DoD) in preventing and responding to the crime of sexual assault. This year's report, *Department of Defense Fiscal Year 2009 Annual Report on Sexual Assault in the Military*, documents the considerable advances the Department made in sexual assault prevention, response, and program oversight from October 1, 2008, through September 30, 2009.

As detailed throughout this report, our progress is real. We have been working to standardize, professionalize, and institutionalize our program across the Department. Every Service member should have the expectation of serving in any location around the world without the threat of sexual assault.

Progress has been possible as a result of the collaborative efforts within the Department. Drawing on the promising practices of our counterparts in the civilian community, we have raised the tempo of preventing and responding to this crime to an all-time high. Credit for building this momentum falls to the unwavering commitment of the dedicated men and women—both civilian and military—who share responsibility for implementing the Sexual Assault Prevention and Response (SAPR) Program. Each of the key players in the Department—the Army, Navy, Air Force, Marine Corps, National Guard, and Reserve Component—should be recognized for making these policies part of how the Department does business every day.

Our commitment is steadfast because behind each report is an individual whose life is changed forever. To each we send our heartfelt support.

Our vision is simple: Enable military readiness by establishing a culture free of sexual assault. In 2009, we made significant progress. In the coming years, we will continue our efforts with unrelenting resolve because one sexual assault is too many.

This is our duty!

A handwritten signature in black ink, reading "Kaye Whitley".

Kaye Whitley, Ed.D.
Director
Sexual Assault Prevention and Response Office

I. EXECUTIVE SUMMARY

Sexual assault is a crime that is incompatible with service in the United States (U.S.) Armed Forces. It undermines core values, degrades military readiness, subverts goodwill, and forever changes the lives of victims and their families. In 2005, the Department enacted the Sexual Assault Prevention and Response (SAPR) Program to encourage increased reporting of the crime, facilitate improved access to victim care, better organize response resources, and promote prevention. The Department's vision is to enable military readiness by establishing a culture free of sexual assault. The Sexual Assault Prevention and Response Office (SAPRO) within the Office of the Secretary of Defense is responsible for the policy that supports this program and oversight activities that ensure its effectiveness. The Department of Defense (DoD) policy requires each Military Service to maintain its own SAPR program, investigate Unrestricted Reports of sexual assaults, and hold subjects appropriately accountable.

Section 577(f) of Public Law (PL) Number (No.) 108-375 requires the Secretary of Defense to submit an annual report to Congress on sexual assaults involving members of the Armed Forces. Additional reporting requirements are specified by Section 596(c) of PL No. 109-163 and Section 583 of PL No. 109-364. This report fulfills those requirements and describes sexual assaults reported during fiscal year (FY) 2009, which is from October 1, 2008 through September 30, 2009. Supporting reports from the Secretaries of the Military Services are included in the appendices of this report.

This report discusses improvements to SAPR policy and programs, provides statistics and analysis of reported sexual assaults, and outlines plans to enhance support to victims and prevent the crime. As detailed in this report, the Department made significant progress in its program goals during FY09.

The Department's goal is to prevent sexual assault through institutionalized prevention efforts that influence the knowledge, skills, and behaviors of Service members to stop a sexual assault before it occurs. At the beginning of the year, the Department provided its *Sexual Assault Prevention Strategy* to the senior leadership of each Military Service. As part of this comprehensive strategy, the Department deployed a social marketing campaign during its observance of Sexual Assault Awareness Month (SAAM). In support of the DoD strategy, the Secretary of Defense met with the Service Secretaries in July 2009 on the topic of sexual assault in the military. Also, each of the Military Services held General Officer and other senior leadership summits to communicate the importance of sexual assault prevention and the commander's role in the SAPR program. The Military Services also expanded prevention training by adapting and implementing empirically supported civilian programs, as well as creating their own research-based curricula.

The Department seeks to increase the reporting of sexual assault by improving military members' confidence in the military criminal justice process, enhancing the education they receive about reporting options, and reducing the stigma and other barriers that deter reporting. The SAPR policy enacted in 2005 has encouraged as many as 700

additional victims to report each year by offering a confidential reporting option, called Restricted Reporting. This year, 2,670 military victims reported sexual assault, which reflects an 11-percent increase in reporting from FY08. While the numbers of reports have increased, the rates of reporting have increased as well. This year, the Department received 2.0 reports of sexual assault per thousand Service members, which is an increase from the 1.6 reports per thousand in FY07 and the 1.8 reports per thousand in FY08. Given that most sexual assaults are not reported, the Department expects that this increase in reporting behavior reflects a greater proportion of victims coming forward, not an increase in crime.¹ To continue this reporting trend, the Department refined SAPR training requirements for members in accession training and pre-command training, issued memoranda to encourage greater privacy and reduce stigma for individuals using mental health resources, and developed projects to encourage help-seeking behaviors. As required by Department policy, the Military Services provided annual SAPR program training or refresher training to the Force during FY09.

The Department is improving victim resources and the capabilities of personnel who respond to sexual assault allegations. The Department seeks sexual assault response improvements through programs, policies, and activities that advance victim care and enhance the military criminal justice process. Sexual Assault Response Coordinators (SARC) and Victim Advocates (VA) are responsible for ensuring medical, counseling and legal support services are available for victims of sexual assault. This year, SARCs and VAs made an average of 1.8 support service referrals for victims making Unrestricted Reports, and 1.4 support service referrals for victims making Restricted Reports. As part of the priorities set by the Secretary of Defense, SAPRO worked with the Military Criminal Investigative Organizations (MCIO) (Army Criminal Investigations Command [USACID], Naval Criminal Investigative Service [NCIS], and Air Force Office of Special Investigations [AFOSI]) to create a DoD sexual assault investigators course, obtained funds for military trial counsel training initiatives, and collaborated with the Pennsylvania Coalition Against Rape (PCAR) on an educational curriculum to improve civilian rape crisis center support of military victims. The Department is also revising and expanding SAPR program training requirements for military personnel to include: commanders, law enforcement personnel, investigators, trial counsel, and military judges. This year, the Military Services trained hundreds of SARCs and VAs to provide direct support to victims. In addition, the Military Services either added or were planning to add more than 100 criminal investigators dedicated to sexual assault investigations.

The Department is ensuring the SAPR program works as intended. This “system accountability” is achieved through data collection, analysis, and reporting of case outcomes, as well as review of ongoing SAPR efforts to ensure the desired programmatic solutions are being attained. In order to improve data collection, analysis, and case management, the Department initiated the development of the Defense Sexual Assault Incident Database (DSAID). The Military Services have agreed to

¹ Estimates show that between 22 to 41.6 percent of the sexual assaults that occur in America are reported to police according to the U.S. Department of Justice (2008). *Criminal Victimization, 2007*. Washington, DC: Author.

update their own data systems to support DSAID, making it the Department's official source for sexual assault reporting and analysis once established. Also, throughout FY09, representatives from SAPRO, other DoD components, and the Military Services worked collaboratively to improve SAPR program strategic planning and oversight. This year, the Military Services reported the outcomes of cases using newly implemented, standardized definitions. In FY09, 2,284 sexual assault investigations were completed, involving 2,279 military subjects who were under the legal authority of the Uniform Code of Military Justice (UCMJ). At the end of FY09, 299 of the subjects had not yet received a final disposition of their case and will be reported on next year. Of the remaining 1,980 subjects, the Department was precluded from taking action against 997 for reasons including insufficient evidence of any offense existed, the victim declined to participate in the military criminal justice process, and the allegations were determined to be unfounded.² The remaining 983 subjects received final disposition of their case during FY09. Of these, 42 percent had court-martial charges preferred (initiated), 36 percent received punishment under Article 15 of the UCMJ, and 22 percent received a discharge or another adverse administrative action. This year, SAPRO and the Military Departments assisted in reviews of the SAPR program by the Government Accountability Office (GAO) and the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS). Both organizations are scheduled to release reports with findings and recommendations in early FY10.

The Department wants its stakeholders to know about its progress in SAPR. Knowledge and understanding of the SAPR program by Congress, DoD leadership, and other stakeholders develops as a result of the Department communicating the benefits of SAPR programs, conducting and disseminating research specific to SAPR in the military environment, and ensuring uniform definitions and reporting processes across the Military Services. This year, the SAPRO Director and representatives from the Military Services testified at congressional hearings about the progress being made in SAPR programming throughout the Department. In addition, the Military Services created steering committees and held summit meetings to involve civilian and military leadership as champions of the SAPR program. The Military Services also launched research projects to better understand the incidence of sexual violence among military personnel.

² Unfounded is a determination that the allegations, as made against the subject, do not meet all legal elements of any of the SAPR sexual assault offenses. These cases are either false or baseless. Interviews with MCIOs and other data indicate that false reports are rare, as reported by DTF-SAMS and the Defense Task Force-Sexual Health and Violence at the Military Service Academies. For more information, please see "Concerns about False Reporting" in the DTF-SAMS report, dated December 2009, page 33, and Finding 20B, page 34, of the Defense Task Force-Sexual Health and Violence at the Military Service Academies, dated June 2005.

II. INTRODUCTION

This report is the *Department of Defense Fiscal Year 2009 Annual Report on Sexual Assault in the Military*, required by Section 577 of Public Law (PL) Number (No.) 108-375, National Defense Authorization Act (NDAA) for fiscal year (FY) 2005. Section 596 of PL No. 109-63, the NDAA for FY06, and Section 583 of PL No. 109-364, the NDAA for FY07, impose additional requirements for the report.

The sexual assault reports described in this annual report were made during FY09, which runs from October 1, 2008 through September 30, 2009. This is the Department's third annual report done on an FY basis. Before FY07, annual reports from the Department were based on the calendar year (CY). Congressional revisions to Article 120 of the Uniform Code of Military Justice (UCMJ) on October 1, 2007, drove the Department to align its reporting collection period from CY to FY.

III. SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE DEPARTMENT OF DEFENSE

A. SEXUAL ASSAULT IN THE MILITARY ENVIRONMENT

Leading studies indicate that most sexual assaults that occur in America are not reported to law enforcement.^{3 4} The Department's own statistics indicate that only 20 percent of unwanted sexual contacts are reported to a military authority.⁵ Underreporting poses a serious challenge to military readiness because the potential costs and consequences of sexual assault are extremely high. Chronic psychological consequences may include depression, post-traumatic stress disorder, and substance abuse.⁶ In the Armed Forces, sexual assault not only degrades individual resilience but also erodes unit integrity. Service members risk their lives for each other and seek to keep fellow Service members out of harm's way. Sexual assault breaks this important bond and tears apart military units. An effective fighting force cannot tolerate sexual assault within its ranks. Sexual assault is incompatible with military culture, and the costs and consequences for mission accomplishments are unbearable.

³ Estimates show that between 22 to 41.6 percent of the sexual assaults that occur in America are reported to police according to the U.S. Department of Justice (2008). *Criminal Victimization, 2007*. Washington, DC: Author.

⁴ Rand, M., Rennison, C., and U.S. Department of Justice. (2002). *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992–2000*. Washington, DC: Rennison, Callie Marie. Retrieved from <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1133>.

⁵ U.S. Department of Defense (2008). *2006 Workplace and Gender Relations Survey of Active Duty Members*. Washington, DC: Defense Manpower Data Center. Retrieved from http://www.sapr.mil/contents/references/WGRA_OverviewReport.pdf.

⁶ U.S. Department of Health and Human Services Centers for Disease Control and Prevention (2007). *Understanding Sexual Violence Fact Sheet, 2007*. Washington, DC: Author. Retrieved from <http://www.cdc.gov/ncipc/pub-res/images/SV%20Factsheet.pdf>.

B. SEXUAL ASSAULT PREVENTION AND RESPONSE HISTORY

In 2004, the Department aggressively changed its approach to sexual assault prevention and response (SAPR) after learning of reports of sexual assault from Service members deployed to Iraq and Kuwait. On February 5, 2004, then-Secretary of Defense Donald Rumsfeld directed the Department to undertake a 90-day review of all sexual assault policies and programs and recommend changes to increase prevention, promote reporting, enhance the quality and support provided to victims, and improve accountability for subject actions. The Department of Defense (DoD) Care for Victims of Sexual Assault Task Force was created, and it later identified 35 key findings relevant to sexual assault policies and programs among the Military Services and the Department. The Task Force proposed nine broad recommendations for immediate, near-term, and long-term corrective action.

The Department established the Joint Task Force for Sexual Assault Prevention and Response (JTF-SAPR) in October 2004 to develop a comprehensive SAPR policy for the Department based on the recommendations of the Care for Victims of Sexual Assault Task Force. The JTF-SAPR authored 13 Directive-Type Memoranda (DTM) that fundamentally changed DoD policy, including the addition of a confidential reporting option for victims. The DTMs are the foundation of the two policy documents used today: DoD Directive (DoDD) 6495.01, *The Sexual Assault Prevention and Response (SAPR) Program*, and DoD Instruction (DoDI) 6495.02, *Sexual Assault Prevention and Response Program Procedures*.^{7 8} DoDI 6495.02 was modified in FY08 to strengthen initial policy by closing DoD-identified gaps and clarifying Military Service responsibilities.

The DoD-wide change in policy was also intended to address events at the Military Service Academies (MSA). In 2003, after receiving reports from cadet victims, former member of Congress, Tillie Fowler, was appointed to lead a review of the treatment of women at the U.S. Air Force Academy (USAFA). Based on the findings of the Fowler Commission at the USAFA, the Task Force on Sexual Harassment and Violence at the MSAs was launched in 2004. Congress directed this task force to assess and make recommendations concerning how the Departments of the Army and the Navy could more effectively address sexual harassment and assault at the U.S. Military Academy (USMA) and the U.S. Naval Academy. Congress later passed legislation to require an annual assessment of the MSAs' SAPR programs by the Department.

In October 2005, the Department established the Sexual Assault Prevention and Response Office (SAPRO) to take over as the single point of responsibility for SAPR policy in the Department. However, medical care, legal processes, and criminal investigations remained the responsibility of the Office of the Assistant Secretary of Defense (OASD) for Health Affairs (HA), the Judge Advocates General (JAG) of the Military Services, and the DoD Inspector General (IG), respectively. In the last 5 years, the Department has developed a prevention strategy, increased reporting, improved

⁷ DoD Directive 6495.01 is current as of October 6, 2005.

⁸ DoD Instruction 6495.02 is current as of November 13, 2008.

care and response to victims, implemented program oversight, and expanded knowledge of the SAPR program among Service members.

C. DEFINITION OF SEXUAL ASSAULT

The military definition of “sexual assault” does not refer to one specific crime; rather, it encompasses a range of sex crimes that represent a broad spectrum of offenses from rape or nonconsensual sodomy to wrongful sexual contact, as well as attempts to commit these offenses. Consequently, the definition of sexual assault in the military is broader than rape. During the time period of this report, DoDD 6495.01 defines sexual assault as follows:

For the purpose of this Directive and SAPR awareness training and education, the term ‘sexual assault’ is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts. ‘Consent’ means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused’s use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent.⁹

Sexual assault is also defined in military law, as laid out in the UCMJ. The sexual crimes that fall under SAPR policy are included in Article 120, Rape, Sexual Assault, and Other Sexual Misconduct, and Article 125, Sodomy.^{10 11} Article 120 includes the crimes of rape, aggravated sexual assault, aggravated sexual contact, and abusive sexual contact. For incidents that occurred before the UCMJ changes on October 1, 2007, sexual assault included rape, nonconsensual sodomy, indecent assault, and attempts to commit these acts. Article 125 includes the crime of forcible sodomy. Attempts to commit these crimes are also included under the SAPR policy.

⁹ U.S. Department of Defense (2008). DoD Directive 6495.01. *Sexual Assault Prevention and Response (SAPR) Program*. Washington, DC: Author. E2.1.13.

¹⁰ U.S. Department of Defense (2008). Uniform Code of Military Justice. Article 120, *Rape and Carnal Knowledge*. Washington, DC: Author. Retrieved from <http://www.au.af.mil/au/awc/awcgate/ucmj2.htm#920.%20ART.%20120.%20RAPE%20AND%20CARNAL%20KNOWLEDGE>.

¹¹ U.S. Department of Defense (2008). Uniform Code of Military Justice. Article 125, *Sodomy*. Washington, DC: Author. Retrieved from <http://www.au.af.mil/au/awc/awcgate/ucmj2.htm#925.%20ART.%20125.%20SODOMY>.

Non-contact sexual crimes, such as indecent exposure, stalking, and incidents of sexual harassment, are not included in this document. Sex crimes against children and spouses are also not contained in this report.

D. VICTIM CARE

When the Department adopted SAPR policy in 2005, it used existing promising practices from the civilian community as a framework to shape the military's response system. This system comprises professionals from several disciplines who work as a team to provide expert care for victims worldwide 24 hours a day, 7 days a week.

Victim care begins immediately upon the report of a sexual assault. At the heart of the sexual assault response system are the Sexual Assault Response Coordinators (SARC) and Victim Advocates (VA). Every military installation in the world, both in garrison and deployed, have SARCs and VAs who provide a human element to the Department's response. They assist victims by providing them with three fundamental principles of victim care: safety and security, a place to ventilate and to be validated, and the ability to predict and be prepared.¹²

First, victims need to feel safe. SARCs and VAs work with victims to identify and address issues related to their physical safety, as well as concerns about re-victimization by the perpetrator or others who might retaliate against the victim for making a report. Second, victims need to talk about what happened. Although they are not therapists, SARCs and VAs are trained to be attentive listeners. Their job is not to gather details about the assault but rather to validate victims' reactions to and feelings about the incident in a non-judgmental way. Finally, victims need to know their options, their legal rights, and what actions will likely follow. SARCs and VAs explain the reporting options and how they may affect the victim's future. SARCs and VAs listen to victims' needs and then connect them with appropriate resources, including medical care, mental healthcare, legal advice, and spiritual support. They ensure that Service members are not left alone to navigate the potentially daunting process of reporting a sexual assault. They also support victims in decision making. Victims who elect to make an Unrestricted Report, which involves command notification, are also kept informed of the progress of their report via information gathered by the SARC at monthly multidisciplinary case management meetings. These meetings allow the SARC to coordinate care and remain aware of the case status as the case progresses through investigation and prosecution. As a result of the dedication of SARCs and VAs, victims have access to information about how their case is proceeding and what will happen next.¹³

SARCs manage an installation or unit's SAPR program, serving as the single point of contact to coordinate victim care and track the services provided to each victim. While the SARC primarily provides management and oversight of victim services, VAs provide

¹² In this report, the term "ventilate" means to examine, discuss, or investigate freely and openly.

¹³ The fundamental principles of victim care are commonly used by practitioners in federal victim assistance agencies, such as the U.S. Department of State.

direct assistance to victims. VAs also help victims navigate the military's response network. SARCs and VAs are the core of the response system, but they receive a great deal of help from other members of the team, including healthcare and mental healthcare providers, chaplains, commanders, investigators, judge advocates (JA), and victim and witness assistance personnel (VWAP).

Healthcare providers treat sexual assault victims both physically and psychologically. Physicians, physician assistants, and nurses all contribute to treating injuries, managing the risk of sexually transmitted infections, and sometimes gathering evidence during a sexual assault forensic exam (SAFE). Psychologists, psychiatrists, social workers, and other mental health professionals assist the victim in restoring the function and resilience lost in the sexual assault.

Chaplains provide spiritual support to victims of sexual assault. Generally, information communicated to chaplains during spiritual counseling is privileged, and, therefore, kept confidential.¹⁴ Chaplains may be an additional resource for victims of sexual assault in both Restricted and Unrestricted Reports. The definitions of Restricted and Unrestricted Reports are found in the *Reporting Options* section of this report.

Law enforcement, criminal investigators, VWAP personnel, and JAs also support victims. While a case is being investigated and prosecuted under an Unrestricted Report, VWAP personnel help victims understand their legal rights, understand and participate in the military criminal justice process, and obtain needed resources. This support helps minimize the risk of secondary victimization and increases the likelihood that victims will stay with the process through its conclusion.^{15 16} This type of support also helps the victim through the recovery process.¹⁷

Commanders at all levels have a unique responsibility to support sexual assault response as they set the tone and expectations in their units. Through a commander's commitment to SAPR policies and programs, he or she can demonstrate firsthand the Department's resolve to preventing sexual assaults while working to reduce the fear and stigma associated with reporting.

At the policy level, the Department continues to strengthen internal and external partnerships with organizations that help care for victims. Within the Department, SAPRO works closely with OASD for HA, the Office of the Judge Advocate General (OTJAG), Military Criminal Investigative Organizations (MCIO), Military OneSource, Office of Diversity Management and Equal Opportunity (DMEQ), the DoD Family Advocacy Program (FAP), the DoD IG, Office of the Secretary of Defense (OSD) Legal

¹⁴ Communications made to a chaplain as a formal act of religion or a matter of conscience according to the Military Rule of Evidence 503.

¹⁵ U.S. Department of Defense (2007). DoD Directive 1030.1, *Victim and Witness Assistance*. Washington, DC: Author.

¹⁶ U.S. Department of Defense (2004). DoD Instruction 1030.2, *Victim and Witness Assistance Procedures*. Washington, DC: Author.

¹⁷ Campbell, R. (2006). *Rape Survivors' experiences with the legal and medical systems*. *Violence Against Women*, 12(1), 30–45.

Policy, and the offices of the Military Service Secretaries. Federal partners include the U.S. Department of Homeland Security (DHS) (U.S. Coast Guard), U.S. Department of Veterans Affairs (DVA), U.S. Department of Justice (DOJ) (Office for Victims of Crime [OVC], Office on Violence Against Women, and National Institute of Justice), U.S. Department of Health and Human Services, Centers for Disease Control, and U.S. Department of State. In addition, the Department works with community partners, including many state coalitions against sexual assault; PCAR; the Rape, Assault, Incest National Network (RAINN); the National Organization for Victim Assistance (NOVA); Men Can Stop Rape (MCSR); and the National Sexual Violence Resource Center (NSVRC).

E. REPORTING OPTIONS

The Department offers two sexual assault reporting options: Restricted and Unrestricted Reporting. The creation of the Restricted Reporting option in June 2005 was a critical addition to the program. Restricted Reporting allows victims to confidentially access medical care and advocacy services. DoDD 6495.01 defines it as:

*A process used by a Service member to report or disclose that he or she is the victim of a sexual assault to specified officials on a requested confidential basis. Under these circumstances, the victim's report and any details provided to a healthcare provider, the Sexual Assault Response Coordinator (SARC), or a Victim Advocate (VA) will not be reported to law enforcement to initiate the official investigative process unless the victim consents or an established exception is exercised under this Directive.*¹⁸

The Department defines Restricted Reporting as a confidential reporting method “that allows a Service member to report or disclose to specified officials that he or she has been the victim of a sexual assault. This reporting option gives the member access to medical care, counseling, and victim advocacy, without requiring those specific officials to automatically report the matter to law enforcement or initiate an official investigation.”¹⁹ This covered communication is defined as “verbal, written, or electronic communications of personally identifiable information concerning a sexual assault victim or alleged assailant provided by the victim to the SARC, VA, or healthcare personnel related to his or her sexual assault.”²⁰

Restricted Reporting does more than allow victims to confidentially access medical care. It preserves the possibility of future prosecution by allowing victims to anonymously receive SAFEs. Following the examination, military law enforcement holds the evidence under an anonymous alphanumeric identifier for up to 1 year. Although victims may convert their reports from Restricted to Unrestricted at any time, evidence

¹⁸ U.S. Department of Defense (2008). DoD Directive 6495.01. *Sexual Assault Prevention and Response (SAPR) Program*. Washington, DC: Author. E2.1.10.

¹⁹ U.S. Department of Defense (2008). DoD Directive 6495.01. *Sexual Assault Prevention and Response (SAPR) Program*. Washington, DC: Author. E2.1.2.

²⁰ U.S. Department of Defense (2008). DoD Directive 6495.01. *Sexual Assault Prevention and Response (SAPR) Program*. Washington, DC: Author. E2.1.3.

gathered during the forensic examination is destroyed 1 year from its collection date. One month before the expiration of that year, the SARC contacts the victim to determine if he or she would like to convert to an Unrestricted Report and participate in the military criminal justice process. Restricted Reporting allows for the preservation of evidence that would be otherwise unavailable.

Although Restricted Reporting does not disclose the identity of the victim or trigger the investigative process, commanders are provided with limited information about the incident, which allows them to address force protection concerns. In this way, the Department is able to honor a victim's privacy while taking steps to keep others safe. The Department is also able to offer victims care and treatment that they may have foregone without this confidential option.

It should be noted that because of the state laws that mandate reporting by healthcare providers, sexual assault victims cannot make a Restricted Report if they seek medical care or forensic exams in the state of California.²¹

Although departmental policy allows for confidential Restricted Reports, it encourages victims to make Unrestricted Reports that allow the Department to investigate and hold subjects accountable. Victims who initially make a Restricted Report may change their selected reporting option and participate in an official investigation at any time. In addition, if information about a sexual assault comes to a commander's attention or to the attention of law enforcement independent of a victim's report, an investigation will be initiated.

Under Unrestricted Reporting, when a victim reports an incident of sexual assault, the matter is referred for investigation and victim's rights apply.²² As in Restricted Reporting, victims may receive healthcare, counseling, and advocacy services. However, in an Unrestricted Report, details of the incident are reportable to command and law enforcement.

DoDD 6495.01 defines Unrestricted Reporting as:

A Service member who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his or her allegation should use existing reporting channels (e.g., chain of command, law enforcement, or report the incident to the SARC). When notified of a reported sexual assault, the SARC will immediately assign a VA. Additionally, at the victim's discretion or request, the healthcare provider shall arrange a SAFE to be conducted,

²¹ California's mandatory reporting laws also impact victims in Arizona for whom the nearest military treatment facility is in California. Please refer to each U.S. state and territory mandatory reporting laws for specific information.

²² U.S. Department of Defense (2007). DoD Directive 1030.1, *Victim and Witness Assistance*. Washington, DC: Author, 4.4.

*which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know.*²³

SARCs and VAs work with victims to help them understand the reporting options described above. To ensure victims make informed choices, the Department developed the Department of Defense (DD) Form 2910, *Victim Reporting Preference Statement*, which fully explains the benefits and the limitations of each reporting option. This form is completed by the victim with the assistance of the SARC or VA in every case.²⁴

F. SEXUAL ASSAULT ADVISORY COUNCIL BACKGROUND

Guiding SAPR policy is the Sexual Assault Advisory Council (SAAC), which was established by DoDI 6495.02.²⁵ SAAC members and advisors include representatives from DoD offices, including the Military Services, and federal partners. The Under Secretary of Defense (USD) for Personnel and Readiness (P&R) serves as the Chair of the SAAC. The Deputy Under Secretary of Defense (DUSD) for Plans (P) serves as the Executive Secretary.

The SAAC has four primary duties. First, the body advises the Secretary of Defense on policies for sexual assault issues involving members of the Armed Forces. Second, the group coordinates policy and reviews SAPR policies and programs. Third, the SAAC monitors the progress of program elements. Fourth, it assists in developing policy guidance for the education, training, and awareness of DoD personnel regarding SAPR matters.

The SAAC has four subcommittees that bring together Military Services and federal partners to assist with the military's endeavor to prevent and respond to sexual assault. Each subcommittee has a Military Service co-chair and a SAPRO co-chair and are organized by the following functional areas: Policy and Accountability, Training, Research, and Outreach. During FY09, the subcommittees met to refine and improve SAPR policy and programs discussed throughout this report and reported accomplishments to the SAAC.

IV. FY09 SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM HIGHLIGHTS

SAPRO achieved several significant accomplishments in FY09. Additional details about SAPRO's activities can be found in the *Prevention*, *Response*, and *Oversight* sections of this report.

²³ U.S. Department of Defense (2008). DoD Directive 6495.01. *Sexual Assault Prevention and Response (SAPR) Program*. Washington, DC: Author. E2.1.16.

²⁴ See Appendix, Tab J, DD Form 2910, "Victim Reporting Preference Statement," which explains and documents a victim's elected reporting option.

²⁵ U.S. Department of Defense (2008). DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*. Washington, DC: Author. 5.9.

A. EDUCATING ON SEXUAL ASSAULT PREVENTION

Preventing sexual assault in the military was the centerpiece of the Department's SAPR activities in FY09. A key component of the *Sexual Assault Prevention Strategy* is the promotion of community education initiatives that focus on prevention. In FY08, prevention experts recommended that the Department develop a social marketing campaign that would tie together the many interventions across the "spectrum of prevention" within the military society.²⁶ Social marketing involves the application of commercial marketing principles, along with other concepts and techniques, to achieve specific behavioral goals for a social good.²⁷ For example, Mothers Against Drunk Driving (MADD) has used a very effective social marketing campaign since the 1970s to change societal attitudes about drunk driving and to encourage prevention by asking for someone's car keys.

In FY09, SAPRO worked with MCSR, a non-profit organization nationally renowned for its sexual assault prevention messaging and programming, to assist in the development of a military-wide social marketing campaign for the Military Services. The theme for this campaign was "My Strength Is for Defending: Preventing Sexual Assault Is Part of My Duty." The campaign's central focus was on the importance of bystander intervention, which empowers individuals to act in emergency situations when other people are present. The materials developed as part of this social marketing campaign included video and audio public service announcements (PSA), themed DoD and Service-specific posters, poster discussion guides, a *Command Resource Guide*, a new prevention-oriented web address, and an updated exhibit booth.²⁸ These outreach materials were distributed to more than 300 locations worldwide. This initiative is discussed in greater detail in the *Prevention* section of this report.

B. SECRETARY OF DEFENSE'S SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM PRIORITIES

In FY08, Secretary of Defense Robert Gates identified the following four priorities in SAPR programming:

- Reducing stigma associated with sexual assault reporting
- Ensuring sufficient commander training
- Ensuring investigator training and resourcing
- Ensuring trial counsel training and resourcing.

Throughout FY09, the Department focused on the execution of these priority areas.

²⁶ The "Spectrum of Prevention" comprises influencing policy and legislation, changing organizational practices, fostering coalitions and networks, educating providers, promoting community education, and strengthening individual knowledge and skills.

²⁷ The National Social Marketing Centre (2006). *What is social marketing?* Retrieved January 27, 2010 from the National Social Marketing Centre's web site: <http://www.nsmcentre.org.uk/what-is-social-marketing.html>.

²⁸ The *Commander Resource Guide* can be found at www.myduty.mil.

The following list includes several initiatives undertaken this year by the Department to advance the Secretary's priorities:

- Designed the social marketing campaign to demonstrate behaviors supportive of sexual assault reporting in order to reduce the stigma associated with reporting
- Issued a memorandum signed by USD Intelligence and USD P&R to emphasize that a victim's use of mental health counseling following a crime is not, in and of itself, a reason to revoke or deny a security clearance in order to reduce the stigma associated with reporting and encourage the use of support services²⁹
- Issued a DTM to revise command notification requirements to dispel stigma associated with those who receive mental healthcare³⁰
- Reviewed pre-command SAPR program training in four Military Departments, one National Guard Bureau (NGB) unit, and one Reserve unit via the Policy Assistance Teams (PAT)
- Revised commander training requirements in DoDI 6495.02 to ensure sufficient training and accountability throughout every level of command
- Issued a *Command Resource Guide* to the SAPR program as part of the Department's Sexual Assault Awareness Month (SAAM) observance
- Drafted a sexual assault investigators training course Statement of Work in anticipation of a contracting action on this course in FY10
- Identified and obtained funding for a trial counsel training course
- Briefed the Secretary of Defense in July 2009 to discuss Military Service SAPR programs, resourcing, and progress on the four priorities (presented by the Secretaries of the Military Departments)
- Briefed the USD P&R to discuss SAPR programming and the Secretary's priorities (presented by the Assistant Secretaries for Manpower and Reserve Affairs [M&RA] of the Military Departments).

C. OVERSIGHT FRAMEWORK FOR SEXUAL ASSAULT PREVENTION AND RESPONSE

In FY09, the Department set out to define a roadmap to institutionalize SAPR oversight activities across the Military Services. The *Oversight Framework for SAPR* lays out the oversight process for the entire Department to implement over a 3-year timeframe, with SAPRO as the lead implementer. Two independent documents inform the *Oversight Framework for SAPR*: (1) the *DoD-Wide SAPR Strategic Plan* and (2) the *SAPRO Strategic Plan*. These documents are composed of detailed activities for the Military Services and SAPRO, respectively. These two strategic plans are considered "living

²⁹ Memorandum for Secretaries of the Military Services entitled "Mental Health Counseling and Treatment and Security Clearances" can be found in Appendix, Tab F.

³⁰ Directive-Type Memorandum (DTM) 09-006, "Revising Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Military Personnel," can be found in Appendix, Tab E.

documents” and can be reviewed annually for modifications. The processes laid out in the *Oversight Framework for SAPR* will track progress toward implementation of the actions in these documents. Together, these documents provide a uniform guideline for the future of SAPR programs. All three documents are discussed further in the *Oversight* section of this report.

D. SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE REORGANIZATION

Execution of the *DoD-Wide SAPR Strategic Plan* and *Oversight Framework for SAPR*, as well as the day-to-day work to improve SAPR in the Department, will require SAPRO to fill current vacancies and augment the number of full-time positions. During FY09, SAPRO created a plan to reorganize and add additional manpower, bringing the total number of projected SAPRO positions to 21. As the reorganization is finalized, the Department will consider recommendations by the Government Accountability Office (GAO) and the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS), which could affect the final office configuration.

V. SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM RESPONSIBILITIES AND INITIATIVES

A. PREVENTION

Many reasons exist to prevent sexual assault in the military. First, sexual assault levies a tremendous human toll. Although identifiable costs to both military and civilian society are associated with sexual assault, the greatest costs cannot be measured; they can only be seen and experienced when talking to a victim. Sexual assault disrupts lives and can destroy the human spirit. Although many victims will recover, some will never be the same soldiers, sailors, airmen, or marines. Their lives will be forever altered. Co-workers, families, and friends of victims all feel loss as well—the loss of a part of someone for whom they care. This human toll, the greatest of all costs, is what drives the Department to prevent the crime before it occurs and provide victims with quality care.

Within the military, sexual assault is a crime that undermines core values. Although each Military Service has its own list and description of “core values,” there is considerable overlap, especially regarding “Honor” and “Integrity,” which are values typically described by the Military Services as demonstrating outstanding ethical and moral behavior. Other aggregate values include “Commitment,” “Service Before Self,” “Respect,” and “Courage.” Sexual assault undermines these qualities, diluting the validity and essence of all that the Armed Forces represent in not only the minds of military personnel but also the United States.

Second, sexual assault degrades mission readiness and combat effectiveness. Mission readiness defines a unit’s ability to deploy quickly and efficiently, determining its ability to successfully intervene in combat situations. Sexual assault reverberates throughout a

unit and beyond, degrading readiness by devastating the military's ability to work effectively as a team. Victims may not be able to fulfill their duties or may otherwise have their ability to perform the mission compromised. Unit leadership attention shifts from the normal duties involved in maintaining readiness to addressing an alleged perpetrator's misconduct or witness and victim needs and restoring the unit's cohesion and trust. Divisiveness may exist not only within a unit but also between units when an alleged perpetrator, witnesses, and the victim are in different units.

Third, sexual assault subverts strategic goodwill. U.S. military bases are strategically situated in countries across the world, and military personnel represent the goodwill of the Department to the foreign national population.

Sexual assault also takes a financial toll. Although the financial costs and loss of critical skills as a result of sexual violence in the Military Services cannot be conclusively determined, research findings from the civilian community indicate that such costs may be very high. For instance, Post, et al. (2002) estimated that the tangible and intangible costs of women 18–69 years of age who were sexually assaulted in Michigan during 1996 totaled \$6.5 billion.³¹ In addition, in 2007, the Minnesota Department of Public Health estimated that each sexual assault perpetrated against a person over 18 in that state cost an average of \$139,000 in medical and mental healthcare for victims, lost work and other quality-of-life issues, victim services, and criminal justice costs.³²

The Department estimates that the legal expenses it incurs as a result of sexual violence in the military are considerable. For instance, the estimated expenses of a sexual assault case with an Article 32 hearing, a 3-day trial with members, and at least one expert consultant is approximately \$40,000.³³ In FY07, there were 181 sexual assault-related courts-martial; therefore, the legal costs alone were estimated to be more than \$7 million for that year.³⁴

A discussion of the Department's enhanced prevention work is provided in the sections below. This work includes expansion of the DoD prevention program, leadership support of the *Sexual Assault Prevention Strategy*, Military Service prevention training and education, and prevention outreach and collaboration.

³¹ Post, L.A., Mezey, N.J., Maxwell, C., and Wibert, W.N. (2002). *The rape tax: Tangible and intangible costs of sexual violence*. *Journal of Interpersonal Violence*, 17(7), 773-782.

³² Press release, *Cost of sexual assault in Minnesota was approximately \$8 billion in 2005*. Retrieved from <http://www.health.state.mn.us/news/pressrel/cost071707.html>.

³³ Numbers are based on DoD estimates.

³⁴ Numbers are based on DoD estimates.

1. Expansion of the Department of Defense Prevention Program

In the early stages of the SAPR program, the Department focused on implementing its new response structure for victims. However, since 2007, the Department has been collaborating with the nation's experts to develop a prevention strategy for the military and validate SAPR programs. Early on, the Department's prevention requirements largely consisted of awareness training about policy, services available to victims, consequences of sexual assault for a subject, and incompatibility of sexual assault with military core values. Since 2007, the Department has undertaken a more comprehensive approach to prevention by leveraging its members to intervene in situations that might lead to a sexual assault. The current strategy envisions prevention interventions at every level of military society from the policymakers at the top to individuals in the lowest ranks, tied together by a powerful social marketing campaign.

The Department collaborated with the nation's experts to assist in the development of the Sexual Assault Prevention Strategy and the validation of SAPR programs.

2. Leadership Support of the Sexual Assault Prevention Strategy

The Department continued implementation of the *Sexual Assault Prevention Strategy*, which was developed in FY08 with the assistance of several of the nation's civilian and military experts. It is the centerpiece of the Department's SAPR efforts in FY09. Given the differing cultures of the Military Services, the document was created as both a resource and a guide for the Military Services' prevention efforts.

The strategy uses the Spectrum of Prevention as the framework for creating a national benchmark prevention program. The Spectrum of Prevention describes several populations and levels of influence from the social ecology of an organization that are appropriate targets for intervention (i.e., at the level of the individual, peer group, community, organization, and society).³⁵

Interventions range from training for individuals at the lowest level to influencing policy at the highest levels of an organization. By addressing sexual assault at each of the six levels of the Spectrum, the Department's goal is to be at the forefront of prevention nationally and provide a model for others to follow.³⁶

The Spectrum of Prevention

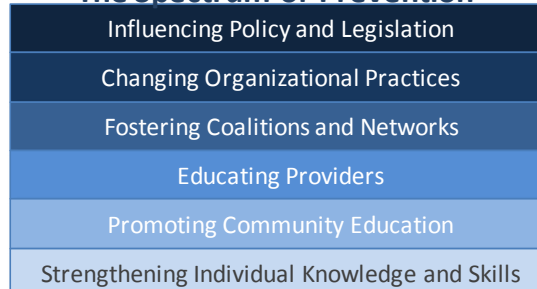


Figure 1: The Spectrum of Prevention consists of interventions at all levels of military society.

³⁵ David, R., Parks, L., and Cohen, L. (2006) *Sexual Violence and the Spectrum of Prevention: Towards a Community Solution*. Enola, PA: The National Sexual Violence Resource Center. Retrieved from <http://www.preventioninstitute.org/pdf/SV%20spectrum%20article.pdf>.

³⁶ McGann, P., Schewe, P. (2008). *DoD Prevention Strategy*. Washington, DC: U.S. Department of Defense.

In January and February 2009, the Principal Deputy Under Secretary of Defense for P&R, DUSD (Plans), and the SAPRO Director personally briefed the *Sexual Assault Prevention Strategy* to senior leaders in each of the four Military Services and the NGB. Also in January 2009, SAPRO and the strategy's co-authors from MCSR briefed the plan and a supporting social marketing campaign to the Military Service Deputy Chiefs of Staff for Personnel, as well as the M&RAs. The goal of these briefings was to demonstrate the Department's commitment to prevention and to ask the senior leadership of each Military Service to engage the Armed Forces on this topic. The Military Services have also engaged their members on the importance of the *Sexual Assault Prevention Strategy* through training, conferences, and program revisions. For example, the U.S. Marine Corps (USMC) conducted a workshop with representatives from the Ground Training Branch to revise the program of instruction conducted in recruit training in order to better support the *Sexual Assault Prevention Strategy*.

The SAPRO Director also presented the *Sexual Assault Prevention Strategy* at a meeting of the professional staff of the Senate Armed Services Committee.

An important activity for FY10 will be to update the *Sexual Assault Prevention Strategy*, which was developed before the *DoD-Wide SAPR Strategic Plan* and *Oversight Framework for SAPR*. Consequently, the Prevention Strategy will need to be revised to align with the *DoD-Wide Strategic Plan*, incorporate feedback from the Military Services, and reflect the recommendations made by various oversight bodies. In addition, SAPRO and the Military Services will identify which prevention actions and initiatives from the *DoD-Wide Strategic Plan* should be implemented and will develop an action plan and timeline to achieve them. Both the *DoD-Wide SAPR Strategic Plan* and *Oversight Framework for SAPR* are further discussed in the *Oversight* section of this report.

3. Military Service Prevention Training and Education

Every Service member has a role in preventing sexual assault and promoting bystander intervention as an effective prevention strategy. As a first step in combating sexual assault, the Department requires all Service members in both active duty and Reserve Component to receive annual awareness training. In addition, sexual assault awareness instruction is currently a mandatory component of all accession training, professional military education programs, and pre-command courses.³⁷

However, awareness is not synonymous with prevention. Nearly all Service members know that sexual assault is a crime that is incompatible with Military Service and is a gross violation of their obligation to protect their fellow warriors from harm. Nevertheless, sexual assault continues to happen in both the military and the civilian community. Therefore, just knowing something is wrong is not a deterrent. A comprehensive prevention effort is actually much more complicated than "just say no." In fact, prevention comprises several initiatives.

³⁷ Department of Defense. DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*. Washington, DC: Author. E3.2.1. and E3.2.1.1.

Chief among the components of the *Sexual Assault Prevention Strategy* is bystander intervention education. The bystander effect can be understood as someone being less likely to intervene in an emergency situation when other people are present. Bystander intervention education is designed to empower people to act in such situations. The Department desires such empowerment to build on the core military values of honor, respect, courage, integrity, and a “protect your fellow soldier, marine, shipmate, or airman” attitude. Men and women must be taught the skills to intervene effectively and safely in situations of sexual misconduct and other circumstances contributing to a climate where sexual assault is more likely to occur. A bystander program affords all members of the Department the opportunity to play a role in preventing their “brothers and sisters” in the military from becoming victims or perpetrators of sexual assault.

Within the past 10 years, a significant number of articles and studies have appeared in relation to the bystander approach and sexual assault.^{38 39 40 41} This large body of research has identified a variety of contributing factors that can help or hinder the pathway to prevention. Drawing from this, the Department has identified the two following goals of bystander education:

- *Develop the Motivation to Act.* All members of the Military Services, regardless of their rank or title, should possess a basic awareness of why the prevention of sexual assault in the military is a positive act, especially as it connects to military values, mission readiness, goodwill, and strong, healthy interpersonal relationships.
- *Apply the Skills to Act.* Individuals should come away from sexual assault education with the knowledge, attitudes, beliefs, and skills necessary to protect themselves and their fellow Service men and women from ever perpetrating sexual assault or being victimized.

Such prevention initiatives in the Department will only have a lasting effect if the leadership of the Military Services supports them. Consequently, the Military Services focused their initial prevention efforts by enlisting their senior leaders as agents of change and held the following prevention-focused meetings in FY08 and FY09:

All Military Service senior leaders are increasing their emphasis on the importance of sexual assault prevention.

³⁸ Banyard, V.L., Moynihan, M.M., and Plante, E.G. (2007). *Sexual violence prevention through bystander education: An experimental evaluation*. Journal of Community Psychology. 35(4), 463–481.

³⁹ Berkowitz, A.D. (2002). *Fostering Men’s Responsibility for Preventing Sexual Assault*. In P.A. Schewe (Ed.), *Preventing Violence in Relationships: Interventions Across the Life Span*. Washington DC: APA Books, 107–136.

⁴⁰ Cummings, K.M., and Armenta, M. (2002). *Penalties for peer sexual harassment in an academic context: The influence of harasser gender, participant gender, severity of harassment, and the presence of bystanders*. Sex Roles, 47(5-6), 273–280.

⁴¹ Kilmartin, C. and Berkowitz, A.D. (2005). *Sexual assault in context: Teaching college men about gender*. Mahwah, NJ, US: Lawrence Erlbaum Associates Publishers, 127.

- Department of the Army Sexual Assault Prevention and Risk Reduction Training Summit (Three- and Two-Star General Officers in attendance; September 2008)
- Department of the Air Force Sexual Assault Prevention and Response Leader Summit (Wing and Vice Wing Commanders in attendance; November 2008)
- Department of the Army “I. A.M. Strong” Sexual Harassment/Sexual Assault Prevention Summit (Senior Enlisted leadership in attendance; April 2009)
- Department of the Navy Sexual Assault Prevention and Response Summit (Senior Navy and Marine Corps officers in attendance; September 2009).^{42 43}



Figure 2: Chief of Naval Operations (CNO) Adm. Gary Roughead delivers remarks during the Department of the Navy SAPR Summit in Washington, DC.

The sustainability of prevention initiatives ultimately lies with military commanders. Senior leadership summits like those listed above demonstrate a new level of commitment to the prevention of sexual assault in the military.

In addition to senior leader sexual assault prevention education, the Military Services worked to develop and refine prevention training. Examples of Military Service prevention training initiatives include the following:

- The Department of the Air Force is currently fielding a well-researched bystander intervention training program that has been designed in three modules: Training for Men, Training for Women, and Training for Leaders. Considerable evaluation and testing occurred before the release of these materials. The anticipated launch for force-wide training is January 2010.
- Within the Department of the Army, the Commanding General of U.S. Army Europe hosted a full-day training event, which focused on bystander intervention, for 149 of his senior military and civilian leaders.

All the Military Services have incorporated Catharsis Productions' "Sex Signals," an audience-interactive program that includes skits dealing with dating, rape, and consent.

⁴² Following the Summit, the Chief of Naval Personnel established a weekly Cross-Functional Team with all key stakeholders to change culture and enhance the prevention of sexual assault in the USN. At the same time, the Assistant Commandant of the USMC convened a high-level Operational Planning Board, and subsequently established an Executive Steering Committee supported by an Action Officer Working Group, to develop and implement a revised strategy for SAPR in the USMC.

⁴³ At the Summit, the Secretary of the Navy established a Secretariat-level Department of the Navy Sexual Assault Prevention and Response Office, led by a senior official who reports directly to the Secretary.

- The USMC revitalized its “Mentors in Violence Prevention (MVP)” Train-the-Trainer program at the Non-Commissioned Officer Academies.
- The Department of the Navy has expanded its number and types of prevention training venues and has accessed civilian agencies to enhance the visibility of SAPR training programs.

To ensure all Military Service training programs include prevention education at every level, the SAAC Training Subcommittee produced revised training requirements in DoDI 6495.02, Enclosure 3.⁴⁴ Specifically regarding accession training, annual refresher training, professional military education, and leadership development training, the following was added: “*Training shall address prevention and behaviors that may reduce sexual assault including bystander intervention, risk reduction, and obtaining affirmative consent.*”⁴⁵ Although many of the Military Services are already expanding their training to include these new requirements, these changes will become mandatory when the policy is reissued in FY10.



Figure 3: “Sex Signals”: The audience reacts to the material in the Catharsis Production of Sex Signals in the Flyers Theater, U.S. Army (USA).

As the Military Services continue to develop additional prevention interventions, they are also developing methods for measuring program effectiveness. Most training targets the modification of knowledge, skills, and behaviors associated with deterring criminal behavior or mitigating fact-based risks. The *Sexual Assault Prevention Strategy* provided a summary of promising prevention practices to guide development of programs. Civilian experts working in the area of sexual assault prevention have yet to arrive at a widely agreed-upon set of outcome metrics for prevention programs and social science research has yet to produce evaluative methods that reliably track personal and social behavior change beyond a few months. Nevertheless, the Department is working to identify metrics or other evaluative means to track prevention program progress.

4. Prevention Outreach and Collaboration

In FY09, the Department effectively focused on its prevention outreach efforts through various communication channels and activities.

The Sexual Assault Advisory Council Subcommittee on Outreach

The SAAC Outreach Subcommittee meets on a monthly basis and includes SAPRO subject matter experts (SME), representatives from each of the four Military Services,

⁴⁴ The SAAC Training Subcommittee reviews current SAPR training, determines whether SAPR training requirements are being met, identifies any extant training gaps, and explores new training methods.

⁴⁵ U.S. Department of Defense (2008). DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*. Washington, DC: Author. E3.

representatives from the National Guard, and federal partners.⁴⁶ The SAAC Outreach Subcommittee develops an outreach plan for the Department on SAPR matters within and outside the Department, evaluates the effectiveness of past and present messaging efforts, identifies networking opportunities and strategies, and reviews and selects various media for outreach opportunities. This subcommittee also works to advance components of the *Sexual Assault Prevention Strategy*.

Typical discussion items and accomplishments of the SAAC Outreach Subcommittee in FY09 included strategizing worldwide outreach initiatives for SAAM, collaborating on themes for the DoD sexual assault social marketing campaign, and discussing and implementing Military Service-level sexual assault outreach initiatives. These monthly meetings ensure sexual assault messaging and initiatives from the Department remain consistent and complementary.

The DoD Sexual Assault Social Marketing Campaign

A key component of the Department's strategy is to promote community education about prevention. Prevention experts recommended that the Department develop a social marketing campaign that would tie together the many interventions across the "spectrum" of military society.⁴⁷ Social marketing applies commercial marketing principles to programs designed to influence the voluntary behavior of a target population in order to improve both personal and societal welfare.

The Department worked with MCSR, a non-profit organization nationally renowned for its striking prevention work and messaging, to assist in the development of a social marketing campaign for the Military Services. MCSR had previously utilized a similar campaign nationally and had proven through research that the chosen theme resonated across different demographics.

The campaign was designed to not only demonstrate key bystander intervention techniques but also encourage victim support and reporting of sexual assault. Before the campaign was launched, SAPRO conducted focus groups, consisting of both men and women, with SARCs, VAs, and enlisted representatives across the four Military Services. A variety of themed posters were shown to the groups to gauge how well the messages resonated. Based on the findings from the focus groups, the theme and materials were updated before the campaign was launched. The theme, "My Strength Is for Defending: Preventing Sexual Assault Is Part of My Duty," focused on the ability of every Service member to prevent sexual assault by taking an active role in looking out for the welfare of friends and co-workers. It also highlighted the linkage of preventing sexual assault to promote each Service member's responsibility for mission readiness.

The Department developed and actively participated in the social marketing campaign.

⁴⁶ A Subject Matter Expert is an individual who is an expert in a particular area.

⁴⁷ McGann, P., Schewe, P. (2008). *DoD Prevention Strategy*. Washington, DC: U.S. Department of Defense. 18.

One of the most impactful components of the social marketing campaign was the development of customized Military Service-specific posters highlighting key concepts in sexual assault prevention.



Figure 4: Selected posters from the DoD social marketing campaign. Additional campaign posters can be found in Appendix, Tab D.



Figure 5: The Army Sexual Harassment/Assault Response and Prevention (SHARP) program launched a social marketing campaign in FY09. Entitled "I. A.M. Strong," the campaign also focused on the theme of strength and urged the individual soldier to Intervene, Act, and Motivate others to prevent sexual assault. SAPRO and the Army worked together to develop a joint branding campaign.

2009 Sexual Assault Awareness Month

The largest outreach initiative in FY09 was the Department's observance of SAAM. Nationally, SAAM occurs in April and is committed to raising awareness and promoting the prevention of sexual violence through the use of special events and public education. SAAM provides an annual opportunity to highlight the Department's program. The Department used the month as a backdrop to disseminate several key messages, including sexual assault prevention; emphasizing a climate of confidence in which sexual assault and the attitudes that promote it are not tolerated; education for victims of sexual assault to receive the care and support they need; and that subjects are held accountable for their actions.



Figure 6: Representatives of the Navy SAPR Program display sexual assault prevention campaign materials to House of Representatives professional staff members at a congressional reception in Washington, DC.

Prevention-themed materials for the social marketing campaign were disseminated throughout SAAM 2009. They consisted of the following:

- Two video and two audio PSAs through the Armed Forces Radio and Television Service and the SAPRO website
- Poster with the theme, "My Strength Is for Defending, Preventing Sexual Assault Is Part of My Duty"
- Four customized Military Service-specific posters highlighting key concepts in prevention and response
- Four discussion guides with content that expanded on the themes in the Military Service-specific posters. SARCs at each installation received the guides as lesson plans for Service member briefings. The guides also contained questions and recommended answers to spark open dialogue with Service members on the prevention of sexual assault
- A *Command Resource Guide* describing the Department's SAAM observance and how best to support the SAPR program
- A new prevention-oriented web address (www.myduty.mil) that links to the Department's updated website and includes revised and expanded help for victims, help for friends and supervisors of victims, and prevention information

All Military Services planned and developed outreach activities and materials for launch during SAAM.

- An updated exhibition booth with the Department's new branding. This booth was debuted in April 2009 at the Pentagon and staffed for SAAM by the National Capitol Region SARCs and SAPRO staff.

The posters and discussion guides were distributed to SARCs throughout the world and materials were made available electronically through SAPRO's website. The DoD sexual assault campaign materials and the Military Services' individual prevention campaigns were also featured in a reception for members of Congress and their staff held at the Capitol Visitors Center in April 2009.



Figure 7: Individuals from around Okinawa begin the Kadena Air Force Base SAAM 5K run/walk on April 12, 2009. The run was one of many events scheduled by area SARCs to raise awareness throughout the month.

To demonstrate leadership commitment to the SAPR program—and for the first time in DoD history—Secretary of Defense Robert M. Gates issued the 2009 SAAM memorandum, marking the Department's observance of the month-long event. In addition, the Chairman of the Joint Chiefs of Staff (JCS), Admiral Mike Mullen, appeared in a PSA in support of the SAPR program.

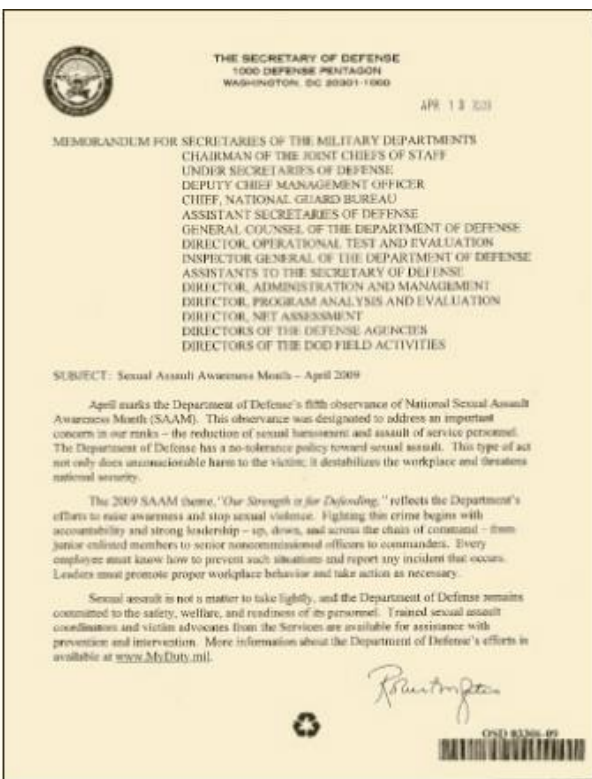


Figure 8: SAAM Observance Letter signed by the Secretary of Defense and image taken from Sexual Assault PSA featuring Admiral Mike Mullen, Chairman, JCS. The SAAM Observance Letter can be found in Appendix, Tab I.

A common outreach practice used by Military Service leadership has been the dissemination of senior leadership memoranda and letters setting the expectations of Service members in the area of sexual assault. For example, the USMC Commandant issued a White Letter to commanders and All-Marine (ALMAR) message traffic to USMC as a whole. Subjects of the letters were *Commander's Responsibilities in Addressing Sexual Assault* and ALMAR Letter *Expectation of Ethical Conduct*.

Additional Prevention Outreach Activities

In April and June 2009, SAPRO hosted two prevention-themed webinars via the SAPRO website. These webinars, facilitated by MCSR, focused on the importance of engaging men in the prevention of sexual assault. The first webinar, held during SAAM, provided techniques to help SARCs and VAs engage men as allies in sexual assault prevention. The second webinar, held in June, focused on bystander intervention theory, bystander intervention training for young men, and methods of involving Service men in sexual assault prevention.

SAPRO staff members also provided subject matter expertise to other civilian and military organizations by participating in or discussing the Department's prevention efforts at several conferences throughout FY09, including:

- The Annual Meeting of the Defense Advisory Committee on Women in the Service (March 2009)
- The First Annual National Conference on the Primary Prevention of Men's Violence Against Women (April 2009)⁴⁸
- The DoD Symposium on Alcohol and Sexual Assault (April 2009)
- The 14th International Conference on Violence, Abuse, and Trauma (September 2009).

Throughout FY09, press interviews on the Department's prevention initiatives were conducted with *The New York Times*, National Public Radio, *Chicago Sun Times*, *Military Times*, *Marie Claire* magazine, Alaska Nightly News Radio, The Diane Rehm Show, and the Dot Mil Docs radio show. These interviews were granted to publicize DoD's SAAM observance and social marketing campaign and to educate external audiences on the Department's commitment to sexual assault prevention.

The Department also placed the print prevention advertisement shown in Figure 9 in the *Military Officers Association Magazine*, *Military Times*, *Stars and Stripes*, and Military.com.

⁴⁸ SAPRO's Director and SAPRO's Deputy Director for Policy were honored by the conference leadership for their work in sexual assault prevention in the Armed Forces.



Figure 9: Print prevention advertisement found in various publications.

The *SAPR Source* newsletter was disseminated via the SAPRO website, the SAPRO page on Defense Knowledge Online ([DKO], a DoD social networking site), and the Department's Family Policy website, Military Homefront.⁴⁹ The newsletter is designed to share the latest information on SAPR programs and initiatives within the military. Each newsletter contains a message from the Director, SAPR program stories from the field, a spotlight article on SARCs and VAs, and important SAPR events. This outreach vehicle highlights top prevention initiatives from the Department.

During FY09, the Department worked with the Armed Forces Radio and Television Service (AFRTS) to produce a variety of audio and video PSAs. In the fall of 2008, a series of short spots were created to prevent alcohol-facilitated sexual assault, assist male victims of sexual assault, and advertise reporting options for victims. During FY09, SAPRO began working with the AFRTS creative staff to script four new radio PSAs and four television PSAs for distribution through the Armed Forces Networks and the Pentagon Channel. When released in FY10, the PSAs will demonstrate key concepts in bystander intervention, victim assistance, and the impact sexual assault can have on unit readiness.

University Visits

The Secretary of Defense requested assistance from the Association of American Universities (AAU) to identify promising campus SAPR programs. With the help of AAU and DOJ (OVW), SAPRO identified 10 college programs for further research. SAPRO made contact with these universities to collect and review additional program

⁴⁹ <http://www.militaryhomefront.dod.mil/>.

information, and identified the University of Kentucky and Rutgers, The State University of New Jersey for site visits.

SAPRO staff members completed visits with the University of Kentucky and Rutgers, The State University of New Jersey and took away lessons on several innovative prevention programs. The “Green Dot” program at the University of Kentucky is an innovative violence prevention strategy based on research about social diffusion theory, bystander intervention, and perpetrator behaviors. At Rutgers, members of Students Challenging Realities and Educating Against Myths (SCREAM) Theater participate in improvisational theater performances that educate their peers on sexual assault prevention and encourage bystander intervention. Both of these innovative programs are based in research, have data to support their efficacy, and have promise for and applicability to the SAPR program. As the *Sexual Assault Prevention Strategy* is refined during the next year, SAPRO will determine how to incorporate these programs’ best practices into the revised strategy.

B. RESPONSE

SAPRO is responsible for the policies and procedures governing the multidisciplinary approach to sexual assault response adopted by the Department in CY05. As a policy organization, SAPRO embeds research-supported guidance and best practices from the civilian community in the DoDD 6495.01 and DoDI 6495.02. Building on the solid foundation of existing response capabilities, the Department’s FY09 focus was on strengthening response capability, improving training, and reducing barriers to reporting sexual assault.

A discussion of the Department’s diverse and innovative response efforts follows in the sections below. These efforts include response capabilities for victim care, response standardization, responder training, and response outreach and collaboration.

1. Response Capabilities for Victim Care

The Department’s response to victims of sexual assault is delivered through three program functions, which are available to victims 24 hours a day, 7 days a week. First, each victim who reports a sexual assault is provided with

All Military Services maintained a 24 hour/day, 7 day/week response capability for victims.

the assistance of a SARC or VA who explains reporting options, services available, accession of those services, and resources available for assistance with navigating the military criminal justice process. They assist victims with care by providing safety and security, an opportunity for victims to ventilate and be validated, and expertise to predict and prepare victims for the road ahead. Second, victims have a choice in how the crime is reported through Restricted and Unrestricted Reporting options. This choice corresponds to their wishes for privacy and desired level of participation in the military criminal justice process. Third, a team of highly trained professionals is available to assist with medical care, counseling, spiritual support, and legal resources. Should the

victim choose an Unrestricted Report, the Department policy requires that each reported allegation is criminally investigated to the full extent of the law.

All the Military Services work to sustain constant response capabilities for victims. For example, in FY09 the U.S. Navy (USN) worked to increase their number of SARCs and is moving toward the promising practice of civilianizing SARC billets. Similarly, the USMC has laid the foundation to hire 15 installation SARCs, which it modeled after a U.S. Air Force (USAF) practice. The U.S. Army (USA) has implemented Virtual SARC training through the use of CD-ROMs, workbooks, and teleconferences as an interim solution until newly appointed SARCs can receive mandatory in-person training. The USAF implemented a three-day SARC Contingency Course for SARCs identified to deploy to the U.S. Central Command (CENTCOM) area of responsibility (AOR). This course equips SARCs to complete the SAPR mission in a deployed environment that presents unique challenges and limiting factors.

2. Standardizing Response Capabilities

Before 2005, response efforts varied across the Military Services. To ensure all victims receive the same quality of care, the Department has developed policies that standardize response activities. Through work in the SAAC Policy and Accountability Subcommittee and the Training Subcommittee throughout FY09, SAPRO revised and made additions to response policy guidance for more consistent program implementation in the field.⁵⁰ The SAAC Policy and Training Subcommittees reviewed DoD SAPR policy, identified necessary modifications, and advised the SAAC of recommendations for modifications. These changes will be reflected when the policy is reissued in FY10 and are further discussed below.

Policy Changes to Standardize Response

A significant revision to DoDI 6495.02, Enclosure 8, made in FY08, addressed the previous inconsistencies among line of duty (LOD) processes for the Reserve Component, particularly in relation to Restricted Reporting.⁵¹ In compliance with the DoD-directed policy modifications, each Military Service updated its own policies so members of the Reserve Component making Restricted Reports could continue with confidential care following demobilization in FY09, with the exception of the USAF, whose final policy revisions are pending. DoD SAPR policy offers a victim confidential care and treatment via Restricted Reporting. However, in order for a member of the Reserve Component to continue receiving care under a Restricted Report after

⁵⁰ Per recommendations from the Government Accountability Office (GAO) (2008). *Report No. 08-924: Military Personnel: DoD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges*. Washington, DC: Author. Retrieved from <http://www.gao.gov/new.items/d08924.pdf>.

⁵¹ The Reserve Component includes the Army and Air National Guard and the Reserves of the Army, Marine Corps, Navy, and Air Force.

demobilization, a victim is required to obtain a LOD determination.⁵² Because command involvement is inherent in the LOD determination, this process conflicts with the covered communication offered by the Restricted Reporting option.

In October 2007, Congress directed changes to Article 120 of the UCMJ. In FY08, the Department updated the definition of sexual assault to address these changes. In FY09, the investigative definitions were drafted to update the new DoDI 6495.02, Enclosure 14, to identify the crimes addressed by SAPR policy and to revise case disposition categories. Definitions for cases categorized as “unsubstantiated/unfounded, insufficient evidence, victim recanted, and death” were drafted. Also, modifications to the definition for “final disposition” for input to the DoDI 6495.02 Glossary were drafted to include referral to court martial, non-judicial punishment, or administrative actions.⁵³ In addition, Enclosures 8 and 14 were drafted to include categories for subject desertion, victim’s death, and “commander declined action per Manual for Courts-Martial (MCM) Rules for Court Martial (RCM) 306(c)” as reasons why command action was either precluded or declined.⁵⁴ These standardized data definitions are intended to promote consistency in reporting of case dispositions.⁵⁵ These changes will be incorporated and published when the policy is reissued in FY10.

Revisions to DoDD 6495.01, Paragraphs 5.6 and 5.7, were also drafted to ensure JCS and combatant commands (COCOM) SAPR policy requirements are included in all planning and further direct commanders of COCOMs and other defense agencies to ensure infrastructure and logistical requirements are in place to support sexual assault response in theater and joint environments. These changes will be incorporated and published when the policy is reissued in FY10.

Regulations promulgated in accordance with Section 701 PL No.109-364, the NDAA for FY07 allowed all TRICARE beneficiaries to receive SAFEs from civilian providers as part of their coverage. In the past, the law limited this benefit to only Service members

⁵² A line of duty (LOD) determination is an administrative tool for determining a member’s duty status at the time an injury, illness, disability, or death is incurred. On the basis of the LOD determination, the member may be entitled to benefits administered by the Department, or exposed to liabilities. The key is the nexus between the injury, illness, disability, or death and the member’s duty status. In the case of sexual assault while mobilized, this determination is often straightforward and allows the member’s medical benefits to continue. However, the LOD determination itself is usually made by someone in the command structure who cannot maintain a Restricted Report under the DoD policy.

⁵³ Once reissued in FY10, Enclosure 14 will be the “Sexual Assault Offense – Investigative Definitions and Flow Chart.” The current Enclosure 14, DD Form 2911, “Forensic Medical Report: Sexual Assault Examination,” was deleted. When reissued, DoDI E3.2.7.3.1. will refer healthcare providers to use the most current addition of the form. Copies of DD Form 2911 can be obtained at <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2911.pdf>.

⁵⁴ U.S. Department of Defense (2008). DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*. Washington, DC: Author.

⁵⁵ Commander declined action is pursuant to MCM RCM 306(c)(1). Unlike “unfounded,” where the allegation does not satisfy all the elements of a sexual assault offense, and “Insufficient Evidence of Any Offense,” where the elements are facially met but the evidence just doesn’t have the amount or quality to justify action, the RCM 306(c)(1) reason is where the elements and sufficiency of the evidence are there, but command action is not warranted as a matter of discretion because of other factors RCM 306 advises commanders to consider -- mitigating or extenuating circumstances, etc.

and SAFEs conducted at military treatment facilities. This extension of coverage took effect on October 1, 2009, and fulfills the requirement of Section 701 of PL No.109-364, the NDAA for FY07.

The Department further recognizes that providing continuous and relevant training to all Service members at all levels of leadership is critical to ensuring a standardized reporting process, response, and offering victims quality care. "Professional Military Education and Leadership Development Training," "Pre-Command Training," "Flag and General Officers/Senior Executive Service," "Civilians Who Supervise Service Members," "Accessions Training," "Annual Training," "Pre-Deployment Training" and "Post-Deployment Reintegration Training" were drafted for either modification or inclusion in the DoDI 6495.02, Enclosure 3, to address the specific training needs of each of the identified groups.⁵⁶ Policy changes will address expansion of training topics, specific times for when the training is to occur, and response and prevention resources available to the groups. These changes will be incorporated and published when the policy is reissued in FY10.

Additional training requirements in DoDI 6495.02, Enclosure 6, were drafted to include "Law Enforcement," "Military Criminal Investigative Organizations," and "Judge Advocates." The training additions seek to improve working relationships among all responders, as well as provide responders with additional information to improve their ability to work with victims, recover evidence, and understand sex offender behavior. An additional requirement was drafted to identify that the Military Services are responsible for addressing SAPR training for military judges. These changes will be incorporated and published when the policy is reissued in FY10.

Finally, DoDI 6495.02, Enclosure 3, of the Department's policy was drafted to reflect how SARCs and designated Service personnel maintain and capture reports of sexual assault in DSAID or their Military Service's supporting information system and will address interface requirements. These changes will be incorporated and published when the policy is reissued in FY10.

In line with these changes, the Military Services worked toward standardizing response capabilities in their SAPR policies. For example, after an internal review of their SAPR program by the Air Force IG, a checklist on case investigations was incorporated in Air Force Instruction (AFI) 36-6001, *Sexual Assault Prevention and Response Program*.

Tracking Victim Reports and Service Referrals

Each Military Service is required to share its Restricted and Unrestricted Reports, as well as victim service referral information, with SAPRO each year. Report and referral information offers the Department an initial indicator of the sexual assault reporting climate and allows the opportunity to examine and monitor the relationship between the two.

⁵⁶ U.S. Department of Defense (2008). DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*. Washington, DC: Author. E3.

The Military Service MCIOs (Army Criminal Investigations Command [USACID], Naval Criminal Investigative Service [NCIS], AFOSI) collect Unrestricted Reports. SARC's usually collect Restricted Reports and forward them to their Military Service's SAPR program.⁵⁷

Since 2005, the Department and Military Services have manually aggregated reports for reporting in the *Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies*, this annual report, and other official communications. Given the need for greater visibility and reporting trend analysis, the Department requests quarterly reports on Restricted and Unrestricted Reports from the Services to more effectively monitor reporting trends and ensure a climate of confidence.

More recently, the Department initiated the creation of DSAID. DSAID will satisfy Section 563 of PL No. 110-417, the NDAA for FY09, in which Congress legislated that the Department develop and implement a centralized, case-level database for the collection and maintenance of information regarding sexual assaults that involve a member of the Armed Forces. In FY09, the Department coordinated across the Military Services and National Guard to make significant progress on the design of DSAID. Once operational, the database will offer a Military Service-wide automated and standardized method for reporting data. DSAID is further discussed in the *Oversight* section of this report.

As with reporting, ensuring that each and every sexual assault victim has the opportunity to access available resources through service referrals is critical to aiding victims along the road to recovery. Informing victims of available resources and assisting victims in accessing these resources are standard components of the SAPR program. SARC's and VAs are responsible for ensuring that victims have access to medical treatment, counseling, and legal advice. Referrals for these services are made to both military and civilian sources. A referral for service can happen at any time while the victim is receiving assistance from a SARC or VA, and may happen several times throughout the military criminal justice process.

In FY09, there were 5,570 service referrals for military and civilian victims who reported a sexual assault to the Department, a substantial increase over the 2,660 referrals made to all victims in FY08 and the 583 referrals made to military victims in FY07. SARC's and VAs made an average of 1.8 service referrals to victims making Unrestricted Reports, which is an increase from the 0.7 average service referrals for care made in FY08. For victims making Restricted Reports, SARC's and VAs provided an average of 1.4 service referrals, which is an increase from the 1.0 average service referrals made in FY08, and the 0.5 average service referrals made in FY07. The Military Services varied in the average number of referrals they reported making per victim:

⁵⁷ The SARC is the primary collector of data on Restricted Reports. However, under certain circumstances a Victim Advocate, a SARC's administrator, or a higher level manager acting on behalf of the SARC may collect Restricted Report data.

- The USA provided an average of 0.4 referrals per victim making an Unrestricted Report, and 0.6 referrals per victim making a Restricted Report.
- The USMC provided an average of 1.6 referrals per victim making an Unrestricted Report, and 1.2 referrals per victim making a Restricted Report.
- The USN provided an average of 4.3 referrals per victim making an Unrestricted Report, and 2.8 referrals per victim making a Restricted Report.
- The USAF provided an average of 5.8 referrals per victim making an Unrestricted Report, and 1.4 referrals per victim making a Restricted Report.

The Department believes that victims should be informed of every resource available to them, and will continue to engage in activities that will increase the military community's awareness of these services in FY10.

3. Responder Training

The Department recognizes that providing continuous and relevant training to all responders is critical to offering quality care to victims. In response to GAO's findings, the SAAC Training Subcommittee conducted PAT visits in FY09 to review troop and commander training across the Military Services.⁵⁸ The Department's PAT visits found that the Military Services had implemented training programs as required by DoD policy. However, they also identified inconsistencies and deficiencies in the training programs. Further information on PAT visits can be found in the *Oversight* section of this report.

The Military Services sustained their level of training and curriculum for first responders, commanders, and troops.

The Department's PAT visits found that the Military Services had implemented training programs as required by DoD policy. However, they also identified inconsistencies and deficiencies in the training programs. Further information on PAT visits can be found in the *Oversight* section of this report.



Figure 10: Students participate in interactive practical exercises during the third annual SAPR certification workshop held at Fort McCoy, USA.

In response to the findings, the SAAC Training Subcommittee began work to standardize and institutionalize training for each responder role, leveraging promising practices from both the military and civilian communities and conducting a comparative analysis of DoD and Military Service training policies. Extensive policy updates will be made to training sections of DoDI 6495.02, Enclosures 3 and 6 when the policy is reissued, which are further discussed in the *Policy Changes to Standardize Response* section of this report.

In FY09, all four Military Services aggressively continued to institute SAPR training initiatives for all first responders. Outstanding examples exist of this collective focus on providing high-quality and comprehensive

⁵⁸ Government Accountability Office (2008). *Report No. 08-924: Military Personnel: DoD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges.* Washington, DC: Author. Retrieved from <http://www.gao.gov/new.items/d08924.pdf>.

training, which are highlighted in this section. For instance, Army installation SAPR personnel trained 4,187 newly appointed Unit Victim Advocates and Deployable Sexual Assault Response Coordinators (DSARC). In addition, Army SAPR Program Managers trained 90 DSARCs and 290 Unit Victim Advocates in the Iraqi Theater of Operation. Further, the USN provided SAPR training to 11,925 healthcare personnel, 80 forensic examiners, and 44 medical providers on the proper procedures required to perform a SAFE. The USMC's JA Division was actively engaged in improving the quality of sexual assault litigation training for its personnel and provided specialized instruction to 137 staff JAs. Finally, the USAF delivered specialized sexual assault-oriented courses to 1,201 AFOSI agents.

Training Policy for Responders

As discussed in the *Policy Changes to Standardize Response* section of this report, the SAAC Training Subcommittee began its review of training requirements for all DoD responders in FY09, to include first responders, commanders, and joint and deployed personnel. The remaining responder training requirements for healthcare personnel, chaplains, VWAP, SARCs, and VAs will be reviewed, and changes will be recommended, as needed, in training revisions for FY10.

The SAAC Training Subcommittee found that all Military Services were in compliance with training policy.

Through PAT visits, the Department found that while the Military Services were in compliance with DoD training policy, considerable variation existed in the status of SAPR personnel (military, civilian, or contractor), the training provided, the requirement for collateral duties, and the screening and assignment of military personnel to VA duty. These PAT findings were provided to the DTF-SAMS in FY09. The Department will consider the Task Force's recommendations on SARC and VA selection and staffing outlined in its December 2009 report.

In addition, FY08 PAT visits found that SARC personnel required additional training to manage interactions with the military criminal justice process. In the past, SARCs and VAs have been compelled to testify about private conversations with victims, which may erode the viability and credibility of the Restricted Reporting option. Consequently, the Department will examine whether it is possible to provide greater protection under military law to victims' conversations with SARCs and VAs. Such privacy enhancements may require the professionalization of SARCs and VAs across the Department and the Military Services. Again, the Department will consider the DTF-SAMS recommendations on protected communications between SAPR personnel and victims.

Training revisions will also be drawn from professional standards in civilian agencies. Specifically, the Medical Working Group of the SAAC Training Subcommittee will convene in FY10 to further refine the training standards for healthcare providers delivering services to victims of sexual assault. At that time, the Department will also review all future training and overall policy revisions in conjunction with DTF-SAMS and

GAO findings and recommendations. Once complete, training for all responders will be standardized across the Military Services.

Secretary of Defense SAPR Program Priorities

As mentioned in the *FY09 SAPR Program Highlights* section of this report, in October 2008 the Secretary of Defense directed the Department to conduct a comprehensive review of four areas. These areas have become SAPR program priorities for response efforts. In FY09, the Secretaries of the Military Departments briefed the Secretary of Defense on these areas and other components of their SAPR programs. The following sections describe the action taken in each of the four priorities.

Reducing Reporting Stigma

Despite the SAPR policy changes, education, and training instituted during the past five years, a DoD-wide survey indicated that most Service members are reluctant to report being the victim of a sexual assault.⁵⁹ In reviewing this matter, the Department found several persistent barriers to reporting. The first is that the SAPR program is relatively new to military culture. As with other new programs, Service members may be reluctant to report until the program proves itself to be permanent, trustworthy, and effective. Second is the fear of not being believed, shame over being victimized, concern about privacy, and concern that nothing will be done. Third, reporting one's own victimization and seeking help are mistakenly believed to go against the strength, honor, and courage inherent in military values. Finally, reporting sexual assault is perceived to have lasting career and security clearance repercussions.

To overcome the above factors, the Department has addressed stigma in training at all levels of the military, from accession, pre-command, post-deployment integration, and mandatory annual refresher training to informal and ad-hoc training resources. Also, the Restricted Reporting option was enacted to address the victim fears and privacy concerns noted above.

The Military Services addressed reporting stigma through training and senior leadership outreach.

Approximately 700 victims report a sexual assault each year using this option.⁶⁰ DoD outreach initiatives have also emphasized that reporting sexual assault and seeking care is not just acceptable in the military; it is desirable. For example, in FY09 at the USMA at West Point, the Chief of the Community Mental Health relocated his office to USMA's Center for Personal Development and meets with each new cadet one on one to familiarize him or her with available services. This individualized approach at a common area where numerous cadet services are offered may lead more USMA cadets to seek assistance if the need arises.

In FY09, the Department took the following actions to reduce reporting stigma:

⁵⁹ U.S. Department of Defense (2008). *2006 Workplace and Gender Relations Survey of Active Duty Members*. Washington, DC: Defense Manpower Data Center. Retrieved from http://www.sapr.mil/contents/references/WGRA_OverviewReport.pdf.

⁶⁰ This number is based on Military Service reporting statistics from FY05 to FY09.

- Identified opportunities for DoD leadership to publicly support the SAPR program and encourage reporting⁶¹
- Expanded the Department's social marketing campaign, PSAs, and other forms of communication to encourage reporting and highlight the Unrestricted and Restricted Reporting options, and disseminated these messages through the Armed Forces Networks, Pentagon Channel, DoD websites, and print media. In addition, Military Service leadership communicated the topic of reporting stigma to Flag Officers and Senior Enlisted during the FY09 SAPR Leadership Summits
- Reviewed training programs and policy to ensure investigators and attorneys are trained in interviewing methods that reduce re-victimization and recommended revisions as appropriate
- Clarified Question 21 on the application for security clearances to ensure that reporting a sexual assault, in and of itself, would not prevent the issuance of a security clearance⁶²
- Issued a DTM on July 2, 2009, called "Revising Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Military Personnel" to reduce stigma through notification standards parallel to those for reporting any other health issue^{63 64}
- Issued a memorandum on November 20, 2009, that was signed by the USDs for Intelligence and P&R, reaffirming the Department's strong endorsement that personnel should "seek professional help to address all health-related concerns, either mental or physical" and emphasizing that a victim's use of mental health counseling following a crime, in and of itself, is not a reason to revoke or deny a security clearance.⁶⁵

Ensuring Sufficient Commander Training

Numerous actions were taken to improve commander training and accountability in FY09. First, the USD P&R worked with the Secretary of Defense to identify opportunities for the Secretary, Military Service Secretaries, Chairman of the JCS, and

⁶¹ See the Military Service SAPR Leadership Summits, Secretary of Defense's Sexual Assault Awareness Month Memorandum, and Admiral Mullen's public service announcement in the Prevention section.

⁶² Question 21 on the application for security clearances was revised in April 2008 to eliminate the requirement for reporting the use of mental health counseling on security clearance applications under certain circumstances.

⁶³ DTM 09-006, "Revising Command Notification Requirements to Dispel Stigma in Providing Mental Health Care to Military Personnel," can be found in Appendix, Tab E.

⁶⁴ The DTM provides more specific standards for healthcare providers regarding when to notify commanders of the involvement of military members with mental health services; provides more explicit balance between patient confidentiality rights and the commander's right to know for operation and risk management decisions; and reduces stigma through notification standards parallel to those for reporting any other health issue.

⁶⁵ Memorandum for Secretaries of the Military Services entitled "Mental Health Counseling and Treatment and Security Clearances" can be found in Appendix, Tab F. In addition, the memorandum reminded adjudicators that "no negative inference concerning eligibility for access to classified information may be made solely on the basis of mental health counseling" and that they must adhere to uniform national adjudicative guidelines when evaluating information concerning mental health counseling.

other senior Military Service leaders to communicate the expectation to commanders in the field that they will actively support the DoD SAPR program. Support of the SAPR program includes fostering a climate of respect and non-tolerance of sexual assault among all members and working to reduce the stigma associated with reporting a sexual assault. Second, the Military Services were tasked to work with their respective IGs to identify key components of the Military Service's SAPR program for assessment. Multiple indicators of evidence of a commander's program support were to be identified, including unit climate and unit training on SAPR. Under DoD policy, commanders are responsible for ensuring annual training on sexual assault prevention and awareness is provided at all levels, for all ranks, and as needed throughout the mission cycle (e.g., pre-deployment and safety stand-downs). Third, the Department conducted a review of commander training to ensure it was appropriate and current, and recommended revisions accordingly. Topics for commander training will include sources of DoD and Military Service-specific sexual assault guidance, the Restricted Reporting option, victim rights under the VWAP, victimology, information on sex offenders, information on victim recantations and false reports, deployment issues, responsibilities under the UCMJ, and General Courts-Martial Convening Authority guidelines for use in review of sexual assault cases.⁶⁶ Future training will be structured to include concrete examples of supportive behavior to the program and the chance to practice skills or answer questions.

The Military Services have also worked to ensure SAPR commander training is instituted. For example the USA embedded SAPR training in professional military education at training institutions, including specific training support packages for pre-commissioning, junior leaders, drill sergeants, and senior leaders. Also, based on the findings of a Secretary of the Navy-directed review, the USMC began developing a distance-learning course for small unit leaders, recognizing that one third of Marines are in transit at any given time.

Ensuring Investigator Training and Resourcing

In early FY09, the Military Services jointly reviewed MCIO training and recommended to the Department that training standards be revised to ensure training requirements reflect the needs of law enforcement and military criminal investigators responsible for addressing issues and procedures applicable to sexual assault cases.⁶⁷

In FY09, the Military Services developed and implemented actions to ensure investigator training and resourcing.

⁶⁶ Victimology is the scientific study of victimization, including the relationships between the victims and the offenders, the interactions between victims and the criminal justice system- that is, the police and courts, and corrections officials- and the connections between victims and other societal groups and institutions, such as the media, businesses, and social movements, according to: Karmen, A. (1990). *Crime Victims: An Introduction to Victimology*. Belmont, CA: Wadsworth. 3.

⁶⁷ U.S. Department of Defense (2008). DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*. Washington, DC: Author. E6.3.4. and E6.3.5.

The Military Service MCIOs augmented investigative manpower to support the investigation of Unrestricted Reports. Each of the Military Service Secretaries developed a plan for applying the investigative manpower and ensuring these assets remain available in locations where they are most needed. The USACID added authorizations for 30 sexual assault investigators at installations around the country. Investigators received advanced training in interviewing and investigative methods that establish productive working relationships with victims and minimize chances of re-victimization. The USACID also added 7 Highly Qualified Expert positions as resources for investigation, policy development, training, and prosecution of sexual assault. The USA is also funding specialized training for prosecutors and mobile training teams to train all USACID battalions on current sexual assault investigation methods. The USN developed a Memorandum of Understanding (MOU) between the AFOSI, USACID, and NCIS to provide guidance, investigative authority, and clarified responsibilities on joint bases. The USAF added 23 AFOSI agents, and one full-time trainer, dedicated and trained to do sexual assault investigations.

The Military Services targeted initiatives to provide specialized training to investigators.

Given the complexity of sexual assault cases, fully accredited investigators need an opportunity to improve their skills or refresh their knowledge base in sexual assault investigation. The Department has developed a plan for a centralized sustainment course for sexual assault investigations. The course is expected to provide hands-on, interactive, advanced instruction on sexual assault investigation and related topics. Curriculum development is expected to commence in FY10.

Ensuring Trial Counsel Training

In early FY09, the Military Services jointly reviewed trial counsel training. Training standards will be revised to ensure training requirements reflect the needs of JAs who are responsible for addressing issues and procedures applicable to sexual assault cases.⁶⁸

In addition, the Military Services recommended that the Department fund a specialized training program for JAs involved in sexual assault cases that rely on the use of joint resources for OTJAG communities and expert instructors from the civilian and military communities. SAPRO does not have oversight of legal processes. However, SAPRO secured funding to assist the Military Services with training development.

The Department provided funds to the Military Services in June 2009 to initiate this effort. As the lead for distribution of the funding, SAPRO offered financial support to each Military Service for training support and the USAF retained a portion to execute joint training. After reviewing feasible joint training options, the Military Services contracted for online training for trial counsel was the most practical solution and would maximize the opportunity to practice and gain skills and experience in a risk-free

⁶⁸ U.S. Department of Defense (2008). DoD Instruction 6495.02. *Sexual Assault Prevention and Response Procedures*. Washington, DC: Author. Enclosure 6.3.6.

environment. Together, the Military Services identified a 22-module training program that will provide trial counsel with the information and practice necessary to prepare to prosecute sexual assault cases.

The Department has a contract to develop the *Sexual Assault Trial Counsel Electronic Training System* to provide e-learning and simulated training for each of the 22 modules. This system will support and enhance the current DoD and JA sexual assault training and response objectives.

Aside from the joint training effort, the Military Services have utilized the trial counsel funding in several ways. The Navy Judge Advocate General (JAG) partnered with other Military Service JAs to develop an interactive training module on sexual assault litigation. The USMC has written a proposal to develop a Trial Counsel Assistance Program at the JA Division, Military Law Branch to enhance overall litigation support to the field. The USAF hosted sexual assault training for military judges at the Annual Interservice Military Judges Seminar. The USAF also sent JAs, paralegals, and VWAP personnel to training at the 35th Annual North American Victim Assistance Conference, the Enforcing Victims' Rights Conference, the Advanced Domestic Violence and Sexual Assault course, and the Army VWAP training course. The USA added 15 special prosecutors at major Army installations to focus exclusively on sexual assault cases, similar to civilian Special Victim Units (SVU).

The Department plans to provide additional training funds in FY10 to the Services for trial counsel training sustainment.

4. Response Outreach and Collaboration

Training and Educational Products

The Department produced or contributed to production of valuable training and educational materials for responders to sexual assault in FY09.

In FY08, SAPRO concluded a collaborative training project with the Military Services, the National Guard, PCAR, and DOJ's OVC, entitled *Strengthening Military-Civilian Community Partnerships to Respond to Sexual Assault*. The project consisted of an interactive two-day training curriculum that helps civilian agencies assist military victims of sexual assault and their families. This co-sponsored training program was an effective way for SAPRO to share knowledge on military systems, protocols, and culture to improve services to military sexual assault victims. It also helped build SAPRO's awareness of the perspectives and initiatives of its community partners. A facilitator's guide and participant's manual for this project were finalized in FY09.⁶⁹ The Department, PCAR,

The Department leveraged promising practices of civilian agencies in assisting military victims of sexual assault.

⁶⁹ Materials are available at <http://www.sapr.mil/HomePage.aspx?Topic=Training&PageName=Resources.htm>.

and OVC are currently researching the possibility of a second phase of this project. Pending OVC funding, the effort would involve partnering SARCs and JAs with local civilian rape crisis center supervisors to perform training throughout the country using the new curriculum.

Other response efforts will include working with RAINN in order to improve care to military sexual assault victims. In FY08, SAPRO explored options that would provide victims with enhanced resources. In doing so, it consulted with RAINN, the nation's largest anti-sexual assault organization. RAINN hosts the only secure, live, web-based National Sexual Assault Online Hotline with anonymous chat capability, which enables victims of sexual assault to reach out to receive help via an instant-messaging type format. RAINN also operates the National Sexual Assault Hotline, which provides help to victims telephonically on a toll-free number. In its collaboration with SAPRO, RAINN will enhance its telephonic and on-line hotlines to provide additional avenues for military members that will provide victims with crisis support and information about reporting securely and anonymously, and will also connect victims with a local SARC.

SAPRO prepared and disseminated a *Command Resource Guide* during SAAM that advised commanders, SARCs, and VAs on how to communicate a balanced message about sexual assault in their units. The guide was designed to be a centralized resource for SAPR information. In terms of sexual assault response, the guide provides commanders step-by-step instructions on what to do if someone they supervise has been sexually assaulted, from ensuring the victim is at a safe location to making certain that the victim knows his or her rights in the military criminal justice process. As part of the guide, a *Commander's Checklist* provides specific, detailed steps to follow as a victim's commander and as a subject's commander. The guide also provides general information to SARCs, VAs, and MCIOs on what assistance to provide victims and helpful tips for working with victims and each other during the investigative process.⁷⁰

In its 2008 review of the SAPR program, the GAO recommended that the Department address factors that prevent or discourage Service members from accessing mental health services following a sexual assault.⁷¹ Although SAPRO does not have oversight of mental health services, the Office collaborated with the Defense Center of Excellence (DCoE) for Psychological Health and Traumatic Brain Injury and the OASD (HA) throughout the year to support the development of the "Real Warriors" campaign. The campaign is a multimedia public education effort designed to combat the stigma associated with seeking psychological healthcare and to encourage Service members, veterans, and their families to use the psychological health resources available to them. Through the campaign, the Department is spreading the message that reaching out is a sign of strength.⁷² Also, the Department chartered an HA Sexual Assault Task Force to

⁷⁰ *Command Resource Guide* is available at http://www.sapr.mil/Contents/SAAM/SAPRO_SAAm_09_Resource_Guide/pdf.

⁷¹ GAO (2008). *Report No. 08-924: Military Personnel: DoD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges*. Washington, DC: Author. Retrieved from <http://www.gao.gov/new.items/d08924.pdf>.

⁷² Campaign information is available at <http://www.dcoe.health.mil/ForWarriors/RealWarriorsCampaign.aspx>.

address the GAO's recommendation that the Department evaluate and develop an action plan to address factors that may prevent or discourage Service members from seeking mental health services. In March 2009, the Task Force released a report that included a number of action-oriented recommendations intended to improve the availability of mental healthcare.

In addition, SAPRO staff collaborated with the Department's HA Office, IG's Office, Office of the General Counsel (OGC), and the OSD Legal Policy Office to ensure a unified approach in the Department's outreach to sexual assault victims and responders. One outcome of the Department's internal collaboration was the creation of a brochure, *Victims' Rights in Action*, for use by victims and SAPR professionals as a guide to victims' rights within the military criminal justice process.⁷³

2009 SAAM and the Social Marketing Campaign

During SAAM 2009, as mentioned in the *Prevention* section of this report, SAPRO created response outreach products linked to the military-wide social marketing campaign, "My Strength Is for Defending: Preventing Sexual Assault Is Part of My Duty." Response posters with images of men and women of the military were created with themes such as "Let's report it" and "I'm glad you checked out your options."⁷⁴ The purpose of the posters was to demonstrate concepts in bystander intervention and reporting options while modeling supportive behavior for victims of sexual assault. Discussion Guides were disseminated with the posters to assist SARCs and VAs in educating men and women on how to report a sexual assault and support fellow Service members who have been victimized. Open dialogue highlighted the responsibility of everyone in a unit to intervene and report a sexual assault, as well as to care for a victim of sexual assault.

The Military Services highlighted bystander intervention concepts and reporting options during SAAM.

Response-Related Conferences and Testimony

SAPRO staff members provided subject matter expertise to other civilian and military organizations by participating in several response and professional conferences throughout FY09, including:

- DVA Military Sexual Trauma Coordinator Training (October 2008 and August 2009)
- National Institutes of Health/Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury Conference on Trauma Spectrum Disorders: The Role of Gender, Race, and Other Socioeconomic Factors (October 2008)
- Naval Justice School Basic Lawyer Course (November 2008)

⁷³ The *Victims' Rights in Action* brochure offers an explanation of the military criminal justice process, including the Department's definition of victims and witness and a Victim's Bill of Rights. It can be found in Appendix, Tab G.

⁷⁴ The DoD social marketing campaign posters can be found in Appendix, Tab D.

- National Institute on the Prosecution of Sexual Violence (December 2008)
- American Academy of Forensic Sciences Annual Meeting (February 2009)
- AFOSI Region 8 Sexual Assault Investigations Course (March 2009)
- Congressional Reception on SAPR initiatives occurring across the Armed Services (April 2009)
- U.S. Air Force Base, Air Mobility Command, Charleston, South Carolina, along with the Naval Weapons Station and the Tri-County Joint Community: Keynote speech for SAAM event (April 2009)
- USA ROTC Program SAPR Training at Morgan State University, Baltimore, MD (April 2009)
- Sexual Assault Nurse Examiner Training, Naval Medical Center, Bethesda, MD (May 2009)
- DOJ, U.S. Attorney's Office, Victim Witness Program Issues Seminar (May 2009)
- National Center for Victims of Crime 2009 National Conference (June 2009)
- U.S. Department of Veterans Affairs Annual Military Sexual Trauma Conference (August 2009)
- National Sexual Assault Conference (September 2009)
- 14th International Conference on Violence, Abuse, and Trauma (September 2009).

In January 2009, the Department provided testimony on victim care and advocacy at a House Armed Services Committee (HASC), Subcommittee on Military Personnel hearing. The purpose of this testimony was to explain the reporting options available to Service members, the victim care program that was created, how the Department tracks victim care, and the challenges the Department faces in caring for military sexual assault victims. The challenges faced in sexual assault response included state mandatory reporting laws, jurisdictional challenges, LOD limitations, and investigation and prosecution training and experience issues. The SAPRO Director highlighted that the Department and Congress must partner to refine and expand policy to better serve Service member victims of sexual assault.

Additional Response Outreach Activities

In October 2009, SAPRO hosted a response webinar, attended by SARCs and VAs, focused on how to facilitate an effective Sexual Assault Response Team (SART).⁷⁵ The session was facilitated by representatives from End Violence Against Women International.

⁷⁵ A SART is composed of professionals involved in immediate response to disclosures of sexual assault. A core SART commonly includes SARCs, VAs, health care providers, and law enforcement representatives. Prosecutors and forensic scientists also are often involved, but more as consultants than first responders.



Figure 11: Each Military Service was recognized at the Exceptional Sexual Assault Response Coordinators Awards program in April 2009.

In FY09, SAPRO created a site on DKO as an alternate means to disseminate program resources, including the 2009 social marketing campaign materials. SAPRO also hosted discussion forums on DKO for SAPR program professionals to share response tips, techniques, and best practices with other SAPR personnel around the world. SAPRO staff also participated as a guest “blogger” on the OASD HA Military Health System blog and authored an article on sexual assault response for military healthcare providers.⁷⁶ Additionally, in FY09, the Department continued to enhance its social marketing efforts by creating a Facebook page, entitled “Department of Defense Sexual Assault Prevention and Response Office.”

As previously mentioned, the *SAPR Source* newsletter provides the latest information on SAPR programs and initiatives within the military. During FY09, articles on response included *Fostering a Culture of Support for Psychological Health*, *Assault Victims Find Empowerment in Restricted Reporting*, and spotlight articles on Military Service SARCs and VAs. This outreach vehicle is an effective way to highlight top response stories and initiatives from Department programs.

Each Military Service developed a SAPR website, which links directly from SAPRO’s website, to provide easily accessible information to military victims of sexual assault.

The SAPRO website, www.sapr.mil, provides a wide range of information for military victims of sexual assault, including step-by-step instructions on what to do if you are a sexual assault victim, a friend of a sexual assault victim, or the commander of a sexual assault victim.

Acknowledging the Dedication of SARCs

During SAAM 2009, five SARCs from the Military Services were honored during the first Exceptional Sexual Assault Response Coordinators Awards program, which was hosted by SAPRO at the Pentagon. The ceremony recognized Military Service SARCs whose work demonstrated outstanding achievement in support of their fellow Service members. The SARC is often the first person a victim contacts following a sexual assault. The knowledge, dedication, and commitment of SARCs form the cornerstone of the Department’s response strategy. By publicizing the exceptional work of SARCs, the Department hopes to not only honor these professionals but also call attention to the excellent services available to victims of sexual assault.

⁷⁶ The article is available at <http://www.health.mil/mhsblog/Article.aspx?ID=529>.

C. OVERSIGHT

As articulated in DoDI 6495.02, SAPRO is the single point of responsibility for sexual assault policy matters, except for the legal processes provided under the UCMJ and criminal investigative matters.⁷⁷ As part of its policy responsibilities, SAPRO engages in several annual internal and external oversight activities. The Department defines oversight as monitoring, analyzing, and reporting on policies, processes, and performance to improve SAPR capabilities throughout the Department.⁷⁸

A discussion of the Department's oversight activities follows in the sections below. These activities include the SAAC, the *Oversight Framework for SAPR* and strategic planning documents, oversight activities, reporting, external SAPR program reviews, congressional hearings, and oversight outreach and collaboration.

1. Sexual Assault Advisory Council

In late 2008, the SAAC, one of the Department's SAPR oversight bodies, was briefed on the results of the PAT visits to the U.S. Pacific Command (PACOM), as well as on the *Sexual Assault Prevention Strategy*. The SAAC also discussed how to extend the SAPR program to DoD civilian employees and U.S. civilian contractors deployed to combat areas. Council members also heard an introductory briefing on the Secretary of Defense's four SAPR program priorities. Finally, the SAAC reviewed the GAO's recommendations for the program and was briefed on the development of the Department's new centralized case-level database. SAAC activities are further discussed in the *Sexual Assault Prevention and Response in the Department of Defense* and *Response* sections of this report.

The Military Services continued to participate in working groups with each SAAC subcommittee.

The Military Services have also engaged in oversight activities through the creation of Military Service-specific oversight bodies. For example, in addition to contributing to the DoD SAAC, the Secretary of the Navy, with the CNO, Commandant of the USMC, and Department of the Navy SAPRO, convened the first Department of the Navy SAAC to review SAPR activities. Also, personnel from the USN established a Cross-Functional Team to meet weekly with key stakeholders of the SAPR program to ensure all aspects of the program are being appropriately addressed.

⁷⁷ U.S. Department of Defense (2008). DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*. Washington, DC: Author.

⁷⁸ U.S. Department of Defense (2009). *DoD-Wide Oversight Framework*. Washington, DC: Author.

2. Oversight Framework for Sexual Assault Prevention and Response and Strategic Planning Documents

In response to a GAO recommendation, the Department accomplished the formal development of the *Oversight Framework for SAPR*, which was launched in FY08 and continued to be developed in FY09.⁷⁹ As part of the development process, SAPR community members, including representatives from the Military Services, the Reserve Component, the U.S. Coast Guard, and other DoD components, including the OGC, Office of the Inspector General (OIG), and HA, were consulted to identify requirements for the new DoD framework.

Based on prior internal and external reviews of the program, SAPRO and SAPR community members identified several challenges faced by the Department's previous approach to oversight including an unclear definition of oversight and what it entails; inconsistent analysis and reporting on performance across the Department; continuing misperception and inquiry about the progress of SAPR programming by external sources; and media scrutiny related to high-profile cases.

The resulting product, the *Oversight Framework for SAPR*, is the Department's stated vision for the SAPR program. It remedies the above challenges and creates a standardized approach for monitoring, analyzing, and reporting on the SAPR program through several activities. First, it develops a SAPR oversight program that enables the Department to consistently and effectively gauge and advise on how well policy is executed. Second, it standardizes oversight monitoring, evaluation, and reporting procedures across the Department. Third, it defines oversight activities that are measurable, incorporates lessons learned and leading practices, and aligns with the achievement of program goals. Lastly, it gains key stakeholder support, input, and buy-in for development and roll-out of the new oversight program.

The *Oversight Framework* lays out how the Department will track progress and does not stand alone. Two other documents, the *DoD-Wide SAPR Strategic Plan* and the *SAPRO Strategic Plan*, lay out what activities will be implemented and thus tracked under the framework.

The *DoD-Wide SAPR Strategic Plan* for FY10–15 contains five objectives for achieving the Department's vision. The first objective is to

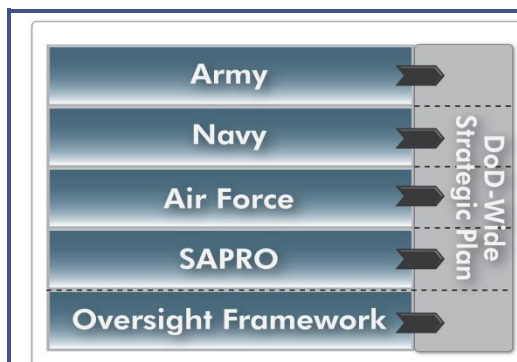


Figure 12: Department SAPR goals and objectives are rolled up into the DoD-Wide Strategic Plan. SAPRO implements the Oversight Framework.

The Department has aligned its strategic objectives to create the "DoD-Wide SAPR Strategic Plan."

⁷⁹ Government Accountability Office (2008). *Report No. 08-924: Military Personnel: DoD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges*. Washington, DC: Author. Retrieved from <http://www.gao.gov/new.items/d08924.pdf>.

institutionalize prevention strategies in the military community. The Department seeks to prevent sexual assaults through institutionalized efforts that influence the knowledge, skills, and behaviors of military members to reduce sexual assaults in the DoD community. The second objective is to increase the climate of victim confidence associated with reporting. The priority of reporting focuses on increasing the number and percentage of sexual assaults reported, with additional emphasis on increasing the proportion of Unrestricted Reporting. The third objective is to improve sexual assault response through programs, policies, and activities that advance victim care and enhance the military criminal justice process. The fourth objective is to 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 ensure the desired programmatic solutions are being attained. The fifth objective is to improve knowledge and understanding of sexual assault prevention and response, which results from military leadership and other stakeholders communicating the benefits of SAPR programs, conducting and disseminating research specific to SAPR in the military environment, and employing uniform definitions and reporting processes across the Military Services.

The second document is the expanded and revised *SAPRO Strategic Plan*, which builds off of DoD-wide SAPR priorities articulated in the *DoD-Wide Strategic Plan* by detailing the goals, objectives, and actions for SAPRO during the next five years. The *SAPRO Strategic Plan* is a detailed account of SAPRO strategies and tactics needed to develop and track the following goals. The first goal is to develop, maintain, and disseminate policies, programs, and standards for SAPR, conducting oversight of SAPR policies and programs to ensure compliance with DoD policy and consistency in the quality and effectiveness of the programs. The second goal is to establish and maintain a rigorous data collection process and research agenda. The third goal is to engage in activities that enhance the quality of care and support provided to victims, as well as to promote prevention and reporting of sexual assault within a Total Force. The fourth goal is to ensure all stakeholders understand that the Department is dedicated to eliminating sexual assault within its ranks and is executing ambitious programs to prevent this crime, respond to victims, and ensure system accountability. The fifth goal is to achieve consistently superior results that maintain a world-class, fully resourced SAPR program and maximize stakeholder value, integrity, and credibility by ensuring the right people are in place to carry out the mission.

3. Oversight Activities

Policy Assistance Team Visits

As a function of the Department's oversight mission, PAT visits were implemented in FY08 to determine how well SAPR policy and programs have been implemented, identify opportunities to refine DoD policy, and provide immediate programmatic feedback to stakeholders in the field. PAT teams comprised SAPRO SMEs and Military Service representatives.

Based in part on findings from the FY08 PAT visits, as well as a GAO recommendation, the FY09 PAT visits focused specifically on the review of Military Service accession and commander training.⁸⁰ In last year's review, the Department found that:

*SAPR program awareness training does not appear to be adequately retained by military personnel. PATs found that many junior enlisted could not describe the concepts surrounding reporting options or resources. In addition, not all responders had received the required program training and additional specialized training. Policy review of all training requirements is needed because training was only minimally effective in educating the troops.*⁸¹

In FY09, a team from the SAAC Training Subcommittee comprising SMEs from SAPRO and representatives from the Military Services visited eight sites. The installations and bases included every Military Service training, as well as an Army Reserve Command and Army NGB Recruit Sustainment Program.

Summaries of the visit findings for FY09 are in the sections below.

Commander Training

The goals of the FY09 PAT visits were to determine how well Military Services provided training in accordance with SAPR policy requirements for commander training, assess the quality of training, identify best practices and opportunities to refine DoD policy, and provide immediate feedback to stakeholders.⁸² To determine this, PATs met with commanders, instructors, and SARCs at each location where training was reviewed.

Overall, the observed training met the requirements of DoDI 6495.02, and PATs found no problems with the training as implemented. Each Military Service had fully institutionalized SAPR into its commander training and each employed well-qualified, knowledgeable instructors with a SARC, service program manager, or certified instructor conducting the trainings. Team members also noted a clear commitment on behalf of SAPR personnel and command to institutionalize commander SAPR training for pre-command participants.

Ensuring adequate time for SAPR training was found to be the greatest challenge because of the quantity of information commanders are required to know. However, each of the Military Services was found to work well within the time constraints. Trainings also varied in format, class size, structure, and length. All trainings utilized case scenarios and group discussions.⁸³ Future PAT visits will continue to oversee

⁸⁰ Government Accountability Office (2008). *Report No. 08-924: Military Personnel: DoD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges*. Washington, DC: Author. Retrieved from <http://www.gao.gov/new.items/d08924.pdf>.

⁸¹ U.S. Department of Defense (2008). *Department of Defense Fiscal Year 2008 Report on Sexual Assault in the Military*. Washington, DC: Author, 12.

⁸² FY09 PAT Visits Checklists for Accession and Commander Training, which were used in FY09, can be found in the Appendix, Tab H.

⁸³ Trainings incorporate best practices consistent with the Adult Learning Theory according to: Malcolm S. Knowles (1950) *Informal Adult Education*, Chicago: Association Press, 9-10., and Knowles, M. S. and

commander training and apply additional tools currently in development by the Department to measure training effectiveness.

These findings validated draft policy requirement revisions the SAAC Training Subcommittee recommended for commander training in DoDI 6495.02, Enclosure 3, which will be included in the FY10 reissuance. The revised training policy is expected to enhance the effectiveness of the training. Details of these changes can be found in the *Response* section of this report.

Accession Training

The goals of FY09 PAT accession training visits were to determine how well Military Services provide training in accordance with SAPR policy, assess the quality of training, identify best practices and opportunities to refine DoD policy, and provide immediate feedback to stakeholders.⁸⁴

Overall, the training appeared to be engaging and informative, as demonstrated by audience interaction and feedback to instructors. All observed training met the requirements of DoDI 6495.02, as applicable.

As with commander training, each Military Service has fully institutionalized SAPR accession training for basic trainees and technical school students. Instructors appeared well-qualified and knowledgeable about the subject matter. PAT members noted a clear commitment on behalf of the commands to institutionalize accession SAPR training for new recruits and those in technical training. The accession trainings varied in context and length of time based on the individual needs of the specific Military Service. All accession training involved case scenarios and utilized group discussions. Training involving leadership participation by commanders or senior enlisted leaders appeared to be the most effective and is considered a best practice.

All Military Services fully institutionalized SAPR commander and accession training.

The Department plans to develop tools to measure the effectiveness of accession training programs and will continue to evaluate accession SAPR training to ensure policy compliance and quality consistency in FY10.

Knowles, H. F. (1955) *How to Develop Better Leaders*, New York: Association Press, and Knowles, M. S. and Knowles, H. F. (1959). *Introduction to Group Dynamics*, Chicago: Association Press. Revised edition 1972 published by New York: Cambridge Books.

⁸⁴ Accession training is training that a Service member receives upon initial entry into service through advanced individual training.

Policy Compliance Reviews

Based on PAT visit findings in FY08, the Department conducted a review of Military Service and Unified Combatant Command (UCC) SAPR policies to assess compliance with DoDD 6495.01 and DoDI 6495.02. This was the first full review of Military Service and UCC SAPR policies since the inception of the program in 2005.

The Department conducted policy compliance reviews.

Military Service SAPR Policy Review

In FY09, the Department reviewed each of the Military Service SAPR policy documents to identify inconsistencies with DoDI 6495.02. Overall, the review found that the Military Service policies were in alignment with DoD policy. However, discrepancies were identified in three major areas. First, SAPR training was not standardized across the Military Services. Second, LOD determination processes had not been modified to address Reserve Component victim privacy and care following a Restricted Report. Third, communication and collaboration was varied and sporadic across the Military Services.

The individual Military Services indicated plans to address the discrepancies noted. Specifically, in compliance with the DoD-directed LOD policy modifications, each Military Service updated its own policies so members of the Reserve Component making Restricted Reports could continue with confidential care following demobilization in FY09, with the exception of the USAF, whose final policy revisions are pending.⁸⁵

To complete the work accomplished in FY09, the Department will continue to address the gaps identified in training and communication-related Military Service SAPR policy by collaborating with the Military Services to review their updated policy guidance and plans to mitigate discrepancies.

⁸⁵ The Department of the Army published interim guidance revising LOD procedures to address Restricted Reporting and LOD procedures. The procedures protect the identity of victims who elect Restricted Reporting on the LOD form. The Department of the Navy and Marine Corps policies comply with DoDD 6595.01 and DoDI 6495.02. SECNAVINST 1770.3D is the Navy's policy on managing line of duty. The SECNAVINST and OPNAVINST will be revised to state explicitly all personnel authorized to receive covered communications for the purpose of making a LOD Determination; and to identify such disclosures as exceptions to the prohibition of disclosing covered communications in a case of restricted reporting. The Department of the Air Force published an interim change to Air Force Instruction 36-6001, *Sexual Assault Prevention and Response (SAPR) Program*, that incorporates the necessary policy changes to enhance the LOD processes for Reserve Component. The change to Air Force Instruction 36-2910, Line of Duty Determinations, which provides additional guidance for operational and field level implementation, is currently in final coordination for approval.

Unified Combatant Command Policy Review⁸⁶

Joint and deployed environments present unique challenges for sexual assault response efforts. Deployed units may face difficulties protecting the identity of victims in Restricted Reports, ensuring SAFE kit availability and victim care, transporting SAPR personnel and victims, and tracking services provided to victims because of differences between Military Services' SAPR program implementation. In addition, not all units arrive in theater with the required number of trained SARCs and VAs. Generally, each Military Service operates its own program without any Joint Headquarters program management element within the combat zone. To correct these issues, the Department initiated a UCC policy review.

In FY09, the Department assessed the policy gaps that existed between UCC SAPR policies and DoDD 6495.01 and DoDI 6495.02. The UCC's review included CENTCOM, U.S. European Command (EUCOM), PACOM, U.S. Special Operations Command (SOCOM), U.S. Southern Command (SOUTHCOM), U.S. Strategic Command (STRATCOM), U.S. Transportation Command (TRANSCOM), and U.S. Africa Command (AFRICOM).

Because UCC SAPR policies are intended to complement Military Service policies, criteria for this review were based on whether the UCC had written and published a SAPR program policy letter, Directive, Regulation, Instruction, or MOU with host installations within its AORs and whether those documents comply with DoD SAPR policy.

Overall, the UCCs maintain a variety of SAPR policy documents. However, per SOCOM Regulation 600-8, *Sexual Assault Prevention and Response (SAPR)*, "Each Military Service provides specific guidance for their members in accordance with DoDDs. USSOCOM guidance does not supersede Military Service policies but is intended to complement existing policies."⁸⁷ The review found that this view is shared by all UCCs. In addition, there is a wide variance between individual UCC SAPR policies regarding how a UCC complies with the intent of DoD SAPR policies. Although some UCCs specifically mention DoD and Military Service policies, others have vague policies that are not sufficiently specific.

To address these policy gaps, the Department will review UCC responses and provide updated policy guidance to the JCS policy, as needed.

In addition, the SAAC Policy and Accountability Subcommittee formed a Joint Environmental Working Group to address concerns stemming from the gap in Joint Publication (JP) 1-01, dated October 16, 2006. The working group recommendations are now published in JP 1-01, Appendix C, *Support Issues*, and reflect additional SAPR

⁸⁶ A UCC is a U.S. joint military command that is composed of forces from two or more Services. UCC has a broad and continuing mission and is organized either on a geographical basis or on a functional basis.

⁸⁷ U.S. Department of Defense (2008). Southern Command (SOCOM) Regulation 600-8, *Sexual Assault Prevention and Response (SAPR)*. Washington, DC: Author.

guidance per DoD requirements.⁸⁸ This step will ensure joint and COCOM planning adequately address DoD SAPR policy.

Major Case Review, Victim, and General Inquiries from the Field

The Department also provides oversight of the Military Services by reviewing high-interest cases after their closure. This review allows the Department to evaluate how its SAPR policy was applied and executed. In addition, the Department works with the Military Services to resolve victim inquiries and general inquiries made through SAPRO's website. This information is used to inform policy, resolve conflicts that arise through policy application, and enhance program implementation.

The Military Services also provide oversight on their own special interest cases. For example, the USN collaborated with Department of the Navy OTJAG to conduct a review of 50 closed NCIS investigations during FY08 to determine what types of cases are being reported in order to identify trends.

4. Reporting

Each year, the Department complies with the reporting requirements set forth in Section 577(f) of PL No. 108-375, the NDAA for FY05, by submitting the *DoD Annual Report on Sexual Assault in the Military*.

The Department complied with the reporting requirements of congressionally mandated reports.

The Department also complies with the reporting requirements established in Section 532 of PL No. 109-364, the NDAA for FY07, by submitting the *DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies*.

Additional reporting requirements were created in Section 596(c) of PL No. 109-163, the NDAA for FY06, and Section 583 of PL No. 109-364, the NDAA for FY07.

FY09 Reporting Changes and Challenges

The Department has remained flexible, incorporating and executing new congressional reporting requirements and enhancing the reporting process each consecutive year since 2005. Past changes include the transition from CY to FY reporting periods and accounting for the revision to Article 120 of the UCMJ. These alterations have made it difficult to identify emerging statistical trends.

The Department has continued to work with the Military Services to fulfill Section 532 of PL No. 109-364, the NDAA for FY07, which directs the Military Services to submit aggregate sexual assault data to the Department quarterly. This aggregate data

⁸⁸ U.S. Department of Defense (2006). Joint Chiefs of Staff Publication 1-01, *Joint Publications System, Joint Doctrine and Joint Tactics, Techniques, and Procedures Development Program*. Washington, DC: Author, Appendix C.

collected in the *Department of Defense Fiscal Year 2009 Report on Sexual Assault in the Military* includes new case disposition categories.⁸⁹

Defense Sexual Assault Incident Database

Section 563 of PL No. 110-417, the 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.

To accomplish this task, the SAAC Policy and Accountability Subcommittee convened the Integrated SAPR Data Collection and Reporting Working Group, consisting of representation from all of the Military Services, National Guard, OASD for Reserve Affairs, JCS, OASD (HA), and SAPRO in the first quarter of 2008. Together, the working group created a design proposal that provided high-level concepts for DSAID. The group submitted a proposal to the Department, which it accepted and delivered to Congress by the January 2009 deadline. During the second quarter, the Department began work to further define and design DSAID. As of the end of FY09, the system will have three major functions and will receive data from all four of the Military Services and the National Guard. These functions include: ad-hoc query and reporting to meet congressional reporting requirements; case management, which enables SARCs to input and maintain sexual assault cases; and business management in support of SAPR Program Manager administration and case management.

The Department collaborated to begin the development of DSAID.

The development of a database of this size is a complicated, time-consuming process. However, the Department has made substantial progress, and it is anticipated that a Request for Proposal (RFP) will be released in the near future.

The Department will continue to work with the Military Services and other stakeholders to further develop DSAID in FY10. It will submit four reports to Congress on DSAID's progress in FY10 and two reports each year thereafter.⁹⁰ In addition, Section 567 of PL No. 111-84, the NDAA for FY10, establishes supplementary reporting requirements that must be incorporated into the DSAID.

Standardized Data Definitions

This year, the Department continued efforts to standardize data definitions across the Military Services through the SAAC Policy and Accountability Subcommittee. Particularly, the Subcommittee's Legal and Investigative Working Group developed a

⁸⁹ This satisfies Government Accountability Office (2008). *Report No. 08-924: Military Personnel: DoD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges*. Washington, DC: Author. Retrieved from <http://www.gao.gov/new.items/d08924.pdf>.

⁹⁰ The Congress (2010). Public Law Number 111-084. *The National Defense Authorization Act*. Washington, DC: Author, Sections 567 and 598.

new case flow chart and corresponding case disposition data definitions, which are discussed in the *Response* section of this report.

In support of the DSAID development process, the Department has been meeting with the Military Service SAPR programs and the MCIOs to better understand how their systems categorize and report sexual assaults. The Military Services have agreed to update their data systems to match

The Department began standardizing data definitions to ensure accurate sexual assault reporting.

DSAID requirements as needed. Once each Military Service system has been mapped and standardized, DSAID will be constructed to receive data in a way that allows for comparison and trend analysis of sexual assault reporting throughout the Department. This construction will further promote and enhance data uniformity and reliability. The Department will continue work to standardize data definitions in FY10.

Empirical Research and Evaluation Initiatives

In FY09, the Department developed measures to determine Service member knowledge of reporting options and the likelihood that they would engage in bystander intervention behaviors. These measures will be fielded in FY10.

The Department is also sponsoring the FY10 Sexual Assault Gender Relations Survey. Through close work with SAPRO, the Defense Manpower and Data Center (DMDC) will revise the survey to craft questions that will more closely examine the climate surrounding reporting and confidence in the system among members of Active Duty and Academy populations.

The Military Services have also engaged in intensive research efforts to collect data on sexual assault attitudes and perceptions, reporting climate, prevalence and incidence of sexual assault, and SAPR training programs. For example, the USA Research Institute conducted the 2009 Sample Survey of Military Personnel to address perceptions of SAPR training and command responses to reports of sexual assault.

All Military Services engaged in intensive research efforts to collect data on sexual assault attitudes and perceptions, reporting climate, prevalence and incidence of sexual assault, and SAPR training programs.

In addition, the USAF has initiated a study to conduct a year-long cross-sectional study for the prevalence and incidence of sexual assault in the Air Force.

The Department plans to continue the development of tools to measure the effectiveness of accession training programs in order to regularly oversee the accession SAPR training, which will ensure policy compliance and quality consistency throughout FY10. Additionally, the Department will implement an empirical evaluation of the DoD sexual assault social marketing campaign in FY10.

DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies

The *DoD Annual Report on Sexual Harassment and Violence at the U.S. MSAs for Academic Program Year (APY) 2008–2009* will be provided to Congress in December 2009. The assessment, conducted in FY09, found that all three MSAs have made progress in refining their respective prevention and response programs for both sexual harassment and sexual assault. As implemented by the MSAs, DoD policy, training, and prevention practices provided a comprehensive and consistent response structure to support and care for victims.⁹¹

The *DoD Annual Report on Sexual Harassment and Violence at the U.S. MSAs for APY 2008–2009* resulted from the continued successful collaboration within the Department. DoD assessment teams performed thorough reviews of the MSA SAPR programs for both DoD and Military Services policy compliance. These reviews required the assessment team members to meet with MSA leadership, perform in-depth interviews with SAPR personnel and off-base resource representatives, and examine and analyze investigative and prosecutorial case files.^{92 93} In addition, DMDC conducted focus groups of cadets and midshipmen. Each assessment team comprised both SAPRO SMEs and Military Service representatives. Based on feedback from Military Service representatives, the Department drafted modifications to the DoDI 6495.02 that will expand and clarify guidance to the Military Services regarding their roles and responsibilities in the MSA SAPR assessment process in order to further ensure future success.

5. External Sexual Assault Prevention and Response Program Reviews

The Department was subject to several external SAPR program reviews in FY09 described in the sections below.

The Department participated in GAO, DTF-SAMS, and DoD IG investigations.

The Government Accountability Office

Prior to FY09, the GAO had conducted two reviews of the SAPR program since its inception in 2005. A third GAO review of the SAPR program was initiated at the beginning of FY09.

In August 2008, GAO issued a report indicating that although the Department had taken positive steps to prevent and respond to sexual assault, several factors hindered

⁹¹ The MSA for Academic Program Year 2008–2009 can be found at www.sapr.mil.

⁹² SAPR personnel interviewed included each Military Service Academy's SARC; VA; law enforcement personnel; military criminal investigator or investigative organization; trial counsel; defense counsel; VWAP; chaplain; mental health personnel; and medical personnel.

⁹³ Off-base resource representatives included personnel from the local Rape Crisis Centers and off-base medical personnel, including Sexual Assault Nurse Examiners, who have a MOU with each MSA.

program implementation.⁹⁴ In that report, GAO made several recommendations to improve DoD programs, including developing an oversight program and creating measures of effectiveness. The Department concurred with all of the recommendations in the report and incorporated them into items for action during the remainder of FY08 and FY09.

In November 2008, the Chairman of the House Committee on Oversight and Government Reform (HOCR), Subcommittee on National Security and Foreign Affairs requested that GAO continue to monitor the Department's efforts to strengthen implementation and oversight of the SAPR program. This new review is to assess the extent to which the Department implemented previous recommendations, whether the Department addressed a congressional requirement to establish a centralized case-level sexual assault incident database, and whether the Military Services strengthened their respective SAPR programs.

The Department participated in GAO's review by holding briefings on DoD programs, providing documentation, and writing responses that demonstrated the Department's improvement of policies and programs in the short time since GAO issued the preceding report. The GAO report is expected to be released in January 2010. The Department will review findings and issue responses at that time.

Defense Task Force on Sexual Assault in the Military Services

The DTF-SAMS was established on October 3, 2005, pursuant to Section 576 of PL No. 108-375, the NDAA for FY05, to examine matters relating to sexual assault in which members of the Armed Forces are either victims or perpetrators of sexual assault. The DTF-SAMS consists of five members from the Department and five members from outside the Department. Over the course of the year, SAPRO responded to two data calls from the task force, provided several briefings on SAPR policy and programs, and attended public meetings of the Task Force.

The DTF-SAMS report will be submitted to the Secretary of Defense on December 1, 2009. The Department's response to the Task Force's findings will be included in a separate report to Congress due in March 2010.

DoD Inspector General

In FY09, a DoD IG report recommended that the Department consider modifying SAPR policy to include DoD contractors who are both U.S. citizens and contingency contractor personnel authorized to accompany U.S. Armed Forces stationed outside of the Continental U.S. (OCONUS).⁹⁵

⁹⁴ Government Accountability Office (2008). *Report No. 08-924: Military Personnel: DoD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges*. Washington, DC: Author. Retrieved from <http://www.gao.gov/new.items/d08924.pdf>.

⁹⁵ The DoD Inspector General (2009). *Project No. D2008-D000CE-0221.000: Efforts to Prevent Sexual Assault/Harassment Involving DoD Contractors During Contingency Operations*. Washington, DC: Author.

The Department will continue to address the extension of SAPR policy to DoD civilians and DoD contractors, particularly in areas of contingency operations such as Iraq and Afghanistan as addressed in the DoD IG report. The Department will explore all legal, acquisitions, and contract issues associated with this suggested expansion.

The Military Services also engaged in internal oversight activities through their OIG. For example, the IG of the USMC collaborated with the IG of the Navy to conduct the Command/Unit Inspection Program, a deep examination of the SAPR program.

6. Congressional Hearings and Reports

The Department maintained open communication on SAPR policies and programs throughout FY09.

In January 2009, the SAPRO Director and Military Service SARCs testified at a hearing on Victim Care and Advocacy called by the HASC, Subcommittee on Military Personnel. The SAPRO Director described the sexual assault reporting options for Service members, care available in the SAPR program, and victim care tracking. The Director also discussed SAPR program challenges, including state mandatory reporting laws that interfere with Restricted Reporting, LOD limitations, and the difficulties associated with balancing the needs of the victim with the needs of the military criminal justice process.

In March 2009, the SAPRO Director and Military Service SAPR program representatives testified about the Department's prevention initiatives at a second hearing called by the HASC, Subcommittee on Military Personnel. The HASC also invited civilian experts from the California Coalition Against Sexual Assault and Oklahoma State University to discuss best practices in prevention and to comment on the Department's progress. At this time, the SAPRO Director described the *Sexual Assault Prevention Strategy* and DoD leadership's involvement with SAPR and debuted the social marketing campaign developed with MCSR assistance.

In June 2009, the HOCR, Subcommittee on National Security and Foreign Affairs held a hearing on the context and causes of sexual assault in the military. No DoD representative was called to testify. However, the Subcommittee invited experts from the civilian community to provide insight into the nature of sexual assault and what factors might contribute to sexual violence within the military.

The Department will continue this dialogue in FY10 through several reports that have been legislated by Congress. These reports have response dates that are in rapid succession ranging from December 2009 to April 2010 and are listed in the *Way Ahead* section of this report.

7. Oversight Outreach and Collaboration

Report Communications

In addition to responding to numerous inquiries from Congress, the IG, the GAO, the DTF-SAMS, and other organizations throughout the year, the Department coordinates and prepares several mandated annual reports, including the *DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies* and the *DoD Annual Report on Sexual Assault in the Military*.

Several outreach materials and events are prepared and coordinated to communicate the findings of each report to various audiences. These outreach activities include tailored briefings, frequently asked questions, report summaries, press releases, press conferences, and one-on-one interviews with the media.

Military Service Oversight Outreach

In July 2009, the Department engaged DoD organizations to discuss the development of the *DoD-Wide SAPR Strategic Plan* and to identify requirements for the new *Oversight Framework for SAPR*. To gather valuable input from its stakeholders on SAPR oversight, SAPRO conducted an offsite session with SAPR community members, including representatives from the Military Services, the Reserve Component, the U.S. Coast Guard, and other DoD components, including the OGC, OIG, and HA.

Each of the SAAC subcommittees described in this report has a Military Service co-chair and a SAPRO co-chair. Subcommittee members include representatives from SAPRO staff, Military Service M&RAs, Service SAPR Program Managers, and federal partners.

VI. AGGREGATE REPORT OF SEXUAL ASSAULT INCIDENTS

The Department's sexual assault statistics include all contact sexual crimes by adults, as defined in the Uniform Code of Military Justice (UCMJ). These crimes include rape, aggravated sexual assault, nonconsensual sodomy, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, and attempts to commit these offenses. For incidents that occurred prior to the UCMJ changes on October 1, 2007, sexual assault included rape, nonconsensual sodomy, indecent assault, and attempts to commit these acts.^{96 97}

⁹⁶ U.S. Department of Defense (2008). Uniform Code of Military Justice. Article 120, *Rape and Carnal Knowledge*. Washington, DC: Author. Retrieved from <http://www.au.af.mil/au/awc/awcgate/ucmj2.htm#920.%20ART.%20120.%20RAPE%20AND%20CARNAL%20KNOWLEDGE>.

⁹⁷ U.S. Department of Defense (2008). Uniform Code of Military Justice. Article 125, *Sodomy*. Washington, DC: Author. Retrieved from <http://www.au.af.mil/au/awc/awcgate/ucmj2.htm#925.%20ART.%20125.%20SODOMY>.

In fiscal year (FY) 2009, there were a total of 3,230 reports of sexual assault involving military Service members, representing an 11-percent increase from FY08.⁹⁸

- The Military Services received 2,516 Unrestricted Reports involving Service members as the subject and/or victim of sexual assault (an 11-percent increase from FY08).
- The Military Services initially received 837 Restricted Reports involving Service members as victims of sexual assault (an 11-percent increase from FY08).
 - 123 (or 14.7 percent) of the Restricted Reports received later converted to Unrestricted Reports at the victims' request, leaving 714 remaining Restricted Reports.
- 2,670 Service members reported they had been the victim of a sexual assault. Of those:
 - 1,956 Service members made (1,833) or converted (123) to an Unrestricted Report.
 - 714 Service members made and maintained Restricted Reports.

As noted previously, sexual assault is one of the most underreported crimes in the United States. Estimates suggest that only a small percentage of sexual assaults are ever reported to the police.⁹⁹ This reporting behavior is mirrored in the U.S. Armed Forces. The Department's own statistics indicate that only 20 percent of Service members who experience unwanted sexual contact report the matter to a military authority.¹⁰⁰ Because reporting is frequently the first step in getting assistance, the Department enacted a new policy in 2005 to encourage more victims to come forward.¹⁰¹ Since that time, there has been an upward trend in reporting behavior. It should be noted that increased reporting of sexual assault does not necessarily reflect a rise in the annual number of incidents of sexual assault. Rather, the Department expects that by encouraging more victims to come forward via Restricted and Unrestricted Reporting, it will capture a greater proportion of the sexual assaults that occur each year.

While one sexual assault is too many, the overall increase in reporting behavior is encouraging. The more military members who report this crime, the greater the ability of the Department to provide resources to victims of sexual assault and hold perpetrators accountable for their offenses. The Department expects that yearly increases in reporting will indicate improved Service member confidence in the Department's sexual

⁹⁸ The total number of reports (3,230) is derived from the number of Unrestricted Reports (2,516) and Restricted Reports (714).

⁹⁹ Rand, M., Rennison, C., and U.S. Department of Justice. (2002). *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992–2000*. Washington, DC: Rennison, Callie Marie. Retrieved from <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1133>.

¹⁰⁰ Department of Defense (2008). *2006 Workplace and Gender Relations Survey of Active Duty Members*. Washington, DC: Defense Manpower Data Center.

¹⁰¹ U.S. Department of Defense (2008). DoD Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures*. Washington, DC: Author.

assault prevention and response (SAPR) program. Exhibit 1 shows the increase in total number of reports made to the Department in the past three FYs.

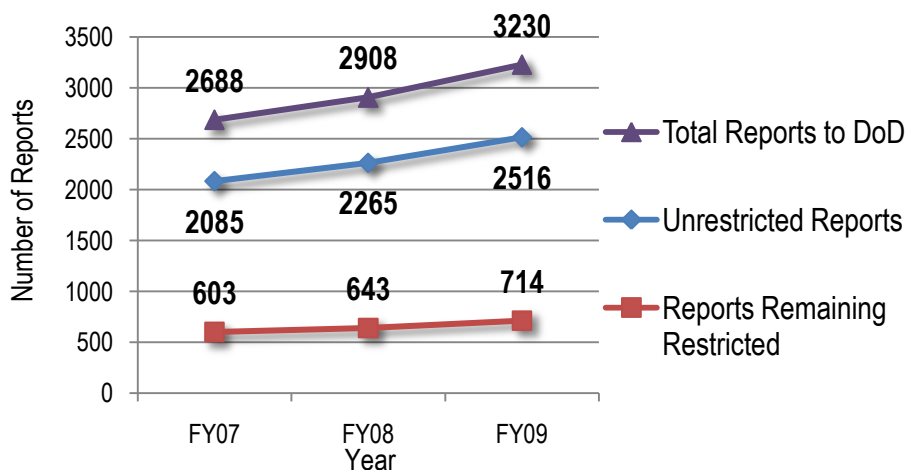


Exhibit 1: Total reports of sexual assault to the Department, Unrestricted Reports, and remaining Restricted Reports, FY07–09.

Exhibit 2 shows the reporting rates during the past three FYs.

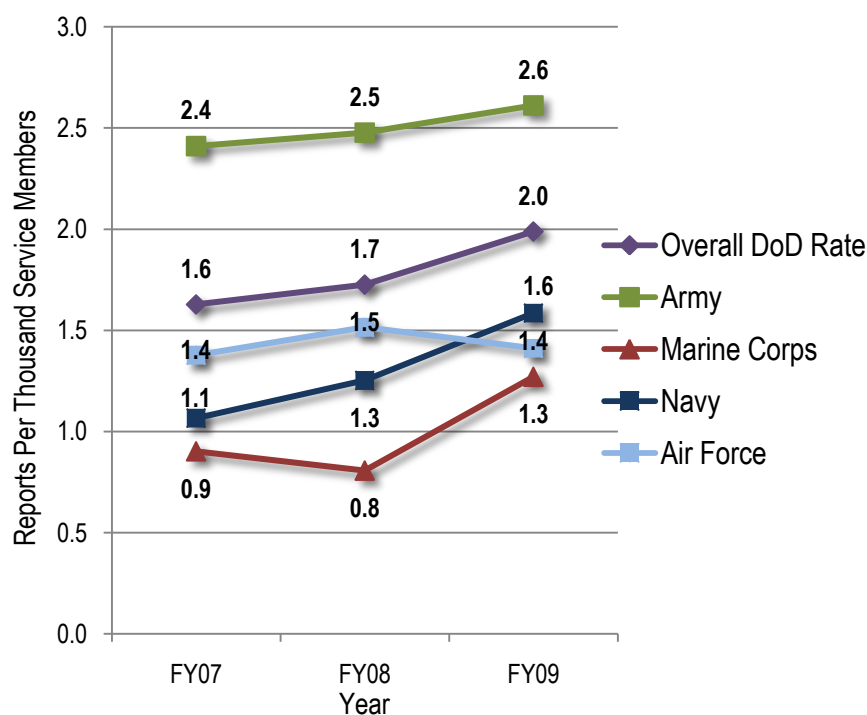


Exhibit 2: Reporting rates of sexual assault by Service, FY07–09. Reporting rates are calculated using Service member victims and active duty Service end strength. Rates listed are reports per thousand Service members.

A discussion of the aggregate sexual assault incidents occurring in FY09 follows in the sections below. This includes an analysis of Unrestricted Reports, Restricted Reports, and Reports in Combat Areas of Interest (CAI).

A. FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULT

Data from Unrestricted Reports are collected and reported to the Department by the Military Criminal Investigative Organizations (MCIO), which are the Army Criminal Investigations Command (USACID), the Naval Criminal Investigative Service (NCIS), and the Air Force Office of Special Investigations (AFOSI).¹⁰²

In FY09, there were 2,516 Unrestricted Reports of sexual assault involving Service members as the subject and/or victim of a sexual assault (see Table 1).¹⁰³

- 1,767 (70 percent) Unrestricted Reports involved Service members as victims. Because some incidents involved multiple victims, there were 1,956 Service member victims involved in the 1,767 reports of sexual assault.
 - 132 military victims made an Unrestricted Report and obtained services for a sexual assault that occurred prior to military service.
- 2,516 criminal investigations were initiated, and 2,284 criminal investigations were completed in FY09.¹⁰⁴
 - 1,569 of these criminal investigations were completed by the end of FY09; the results of the other 947 investigations will be reported in forthcoming years' reports.
 - 715 criminal investigations from prior reporting periods (FY08 and earlier) were also completed during FY09.

¹⁰² An Unrestricted Report of sexual assault is a report that is provided to command and/or law enforcement for investigation.

¹⁰³ The term "subject" is used in the Armed Forces to denote the suspected perpetrator of an offense.

¹⁰⁴ Depending on the complexity of the allegation, the investigation can take a few weeks to several months to complete. Consequently, sexual assault investigations and the outcome of cases may cross reporting periods.

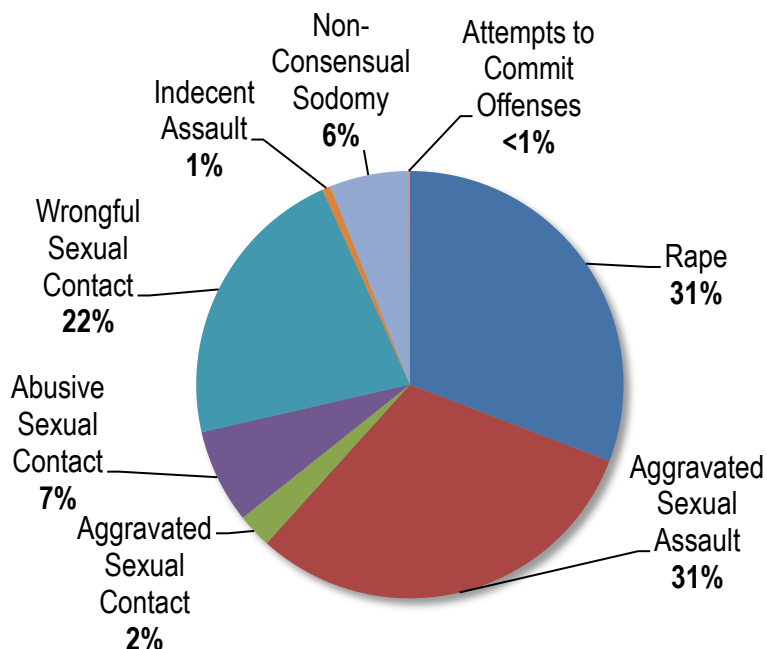


Exhibit 3: Crimes investigated in Unrestricted Reports of sexual assault, FY09.

Table 1: Unrestricted Reports of sexual assault by offense and service affiliation.

Type of Offense	Total Unrestricted Reports	Number of Reports Involving Service Members as Victims	Number of Reports Involving Non-Service Members as Victims
Rape	776	464	312
Aggravated Sexual Assault	776	552	224
Aggravated Sexual Contact	66	44	22
Abusive Sexual Contact	179	148	31
Wrongful Sexual Contact	550	433	117
Indecent Assault	16	13	3
Nonconsensual Sodomy	149	110	39
Attempts to Commit Offenses	4	3	1
Total Unrestricted Reports in FY09	2,516	1,767	749

Every year the MCIOs receive a considerable number of reports of sexual assault that involve the victimization of Service members by Service members. In FY09, 1,338 Unrestricted Reports (or 53 percent of the Unrestricted Reports) involved allegations of Service member on Service member sexual assault. In FY08, 51 percent Unrestricted

Reports and 57 percent of FY07 Unrestricted Reports involved Service member on Service member sexual assaults.

Exhibit 4 illustrates how Service members are involved in sexual assault reports.

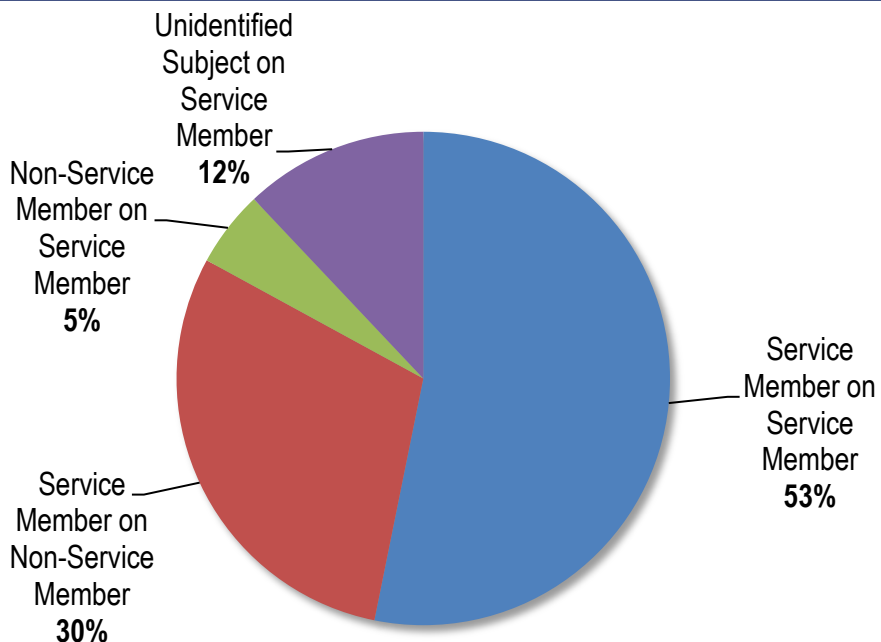


Exhibit 4: Unrestricted Reports of sexual assault by Service affiliation, FY09.

Exhibit 5 illustrates across three reporting periods how Service members are involved in sexual assault reports.

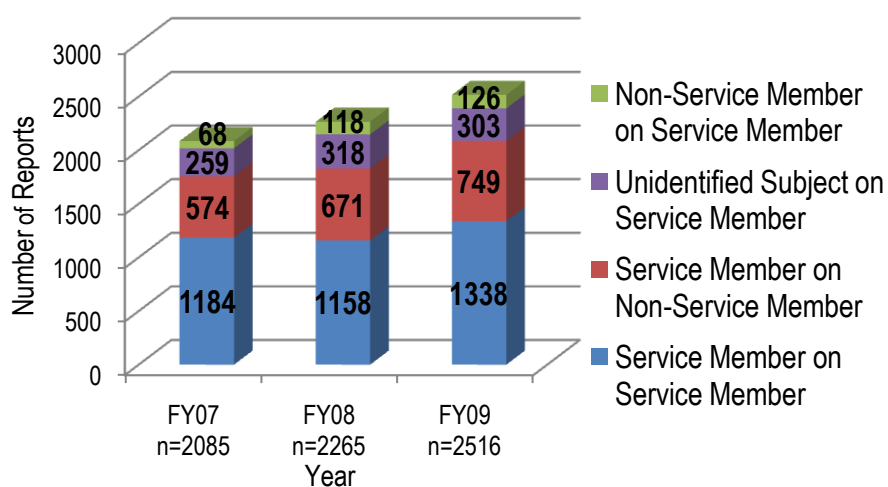


Exhibit 5: Service members as victims and subjects in Unrestricted Reports of sexual assault, FY07–09.

1. Disposition of Completed Investigations

After an Unrestricted Report of sexual assault is made, it is typically referred to a MCIO for investigation. Depending on the complexity of the allegation, the investigation can take a few weeks to several months to complete. Consequently, sexual assault investigations and the outcome of cases may cross reporting periods. The following section includes data about investigations of sexual assault that were opened and completed in FY09, as well as data about pending investigations from prior years that were completed in FY09 (see Table 2). There were 2,284 investigations of sexual assault completed during FY09.

Table 2: Investigations from FY09 and prior years completed in FY09.

Investigations Completed in FY09	Reports Made Prior to FY09	Reports Made During FY09	Total FY09
Investigations of Unrestricted Reports of sexual assault opened in FY09 or pending from prior years	755	2,516	3,271
Investigations Completed as of 30-Sep-09 (involving one or more subjects)	715	1,569	2,284
Investigations still pending as of 30-Sep-09	40	947	987

When an Unrestricted Report is investigated, the goal of the investigation is to identify what crimes have been committed, who has been victimized, and who may be held accountable for the crime. It is the intent of the Department to hold subjects accountable when available evidence supports such action. The 1,569 criminal investigations opened and closed in FY09 involved 1,698 subjects.¹⁰⁵ The investigations opened in FY08 and prior years and closed in FY09 involved 1,185 subjects. While many of these 2,883 subjects were Service members under the legal authority of the Department, 91 subjects were civilians and foreign nationals not subject to military law, 179 were Service members being prosecuted by a civilian or foreign authority, and 151 were not identified despite a thorough investigation. In addition, the MCIOs determined that allegations against 151 of the subjects were unfounded.

This year, the Department implemented new disposition categories to better account for the outcomes of investigations and actions taken against subjects. Exhibit 6 shows the flow of sexual assault reports from initial allegation through final disposition. These categories will assist the Department in identifying areas for additional research and analysis.¹⁰⁶

¹⁰⁵ Some of the reports involved more than one offender.

¹⁰⁶ Commander declined action is pursuant to MCM RCM 306(c)(1). Unlike "unfounded," where the allegation does not satisfy all the elements of a sexual assault offense, and "Insufficient Evidence of Any Offense," where the elements are facially met but the evidence just doesn't have the amount or quality to justify action, the RCM 306(c)(1) reason is where the elements and sufficiency of the evidence are there, but command action is not warranted as a matter of discretion because of other factors RCM 306 advises commanders to consider -- mitigating or extenuating circumstances, etc.

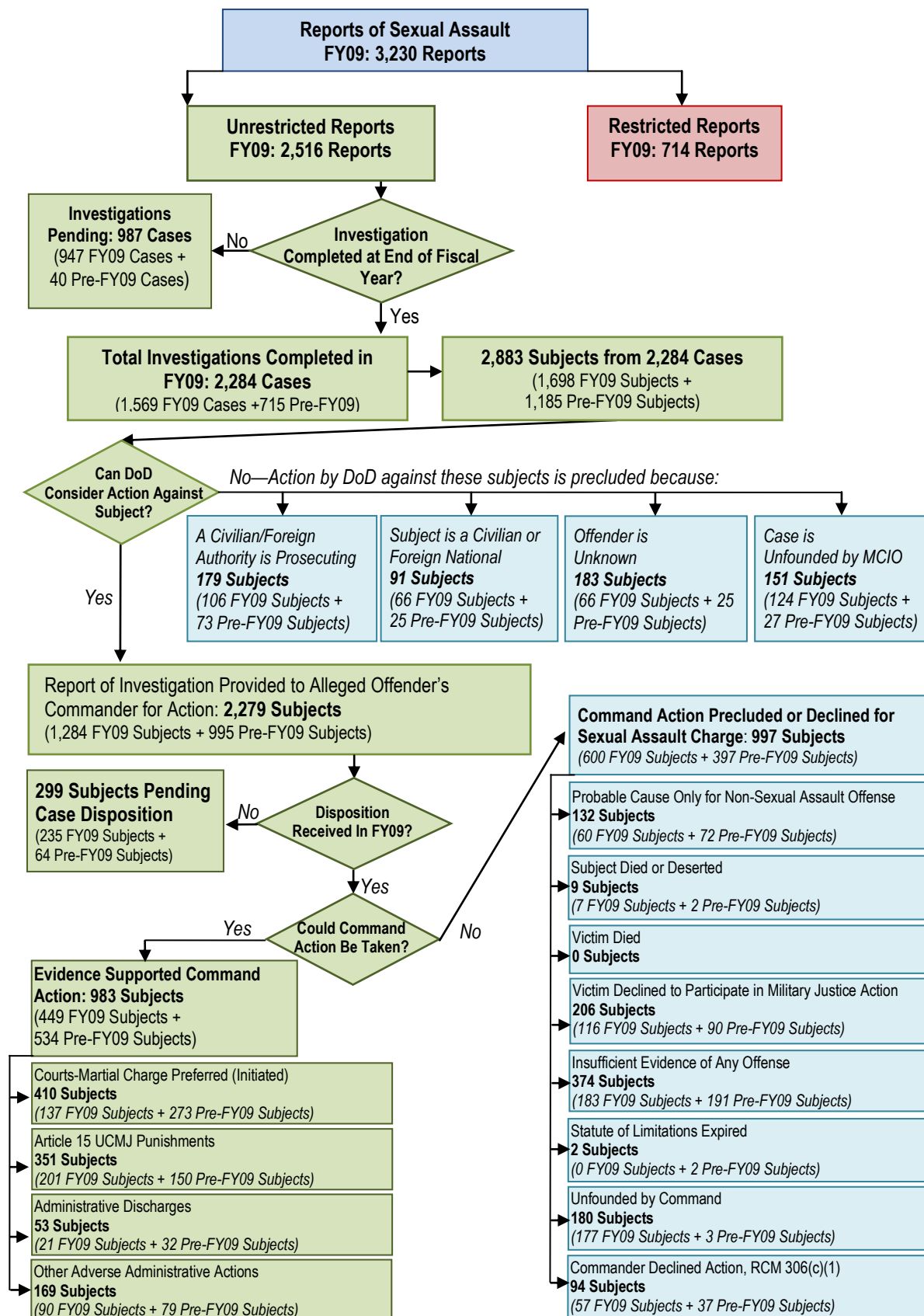


Exhibit 6: Flow of cases from initial report through final disposition, FY09.

- Reports of investigation on 2,279 subjects were provided to military commanders for action in FY09. At the close of the reporting period, 299 subjects had yet to receive a final disposition. Action against these subjects will be reported in a future annual report.¹⁰⁷
- For investigations completed in FY09, commanders had jurisdiction and sufficient evidence of a crime to support taking disciplinary action against 983 subjects. The actions taken have been as follows:
 - 410 courts-martial charges preferred (initiated)
 - 351 nonjudicial punishments (Article 15, UCMJ)
 - 53 administrative discharges
 - 169 other adverse administrative actions.

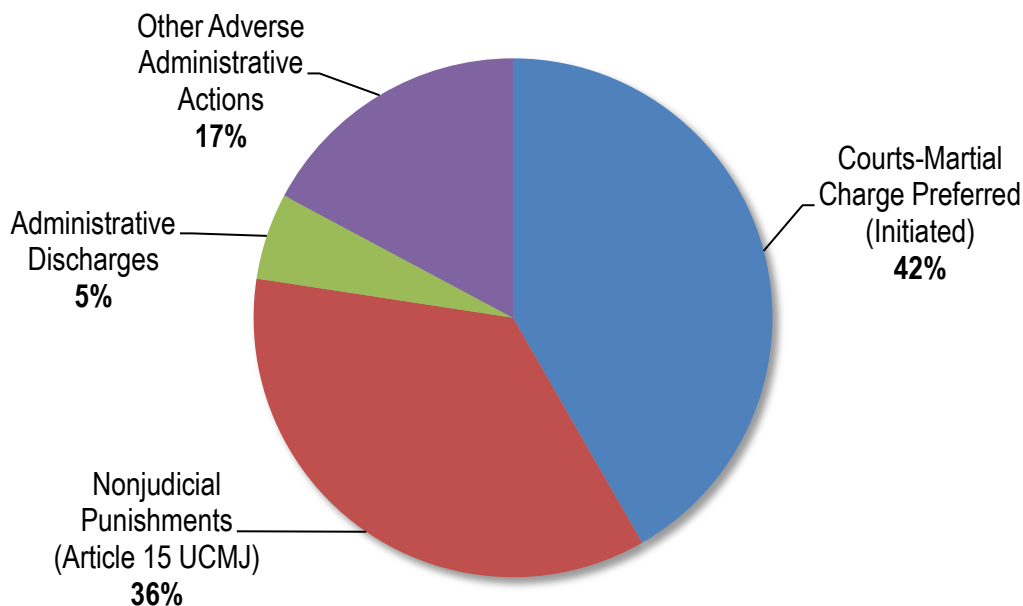


Exhibit 7: Disciplinary action taken against subjects from investigations completed in FY09.

¹⁰⁷ The Department requests that the Military Departments provide disposition information on each subject of a completed investigation of an Unrestricted Report. The Department requests that the total number of subjects reported captures the number of subjects for whom final disposition has been received, as well as the number of subjects for whom final disposition was not yet available at the close of the FY09 (listed as “pending completion” in Sections D and E of DoD Worksheets 1a and 4a). This is because there can be a several month delay between the date a subject’s case has been investigatively completed and referred to command for action, and the date that a subject receives final disposition on his or her case. This delay often goes across reporting periods for a significant amount of subjects. Unlike the Army and Air Force, the Naval Criminal Investigative Service does not count a subject’s case as “completed” until the subject receives final disposition. Consequently, Navy and Marine Corps case disposition totals have been adjusted in the DoD statistics to account for the Navy’s reporting differences.

- For 997 subjects whose cases were completed in FY09, command action for sexual assault charges was precluded or declined for the following reasons:
 - Investigation of the allegations against 132 subjects disclosed probable cause for only a non-sexual assault offense.
 - 9 subjects died or deserted before action could be taken against them.
 - The victim declined to participate in military justice actions against 206 subjects.
 - Investigation of the allegations against 374 subject disclosed insufficient evidence of any offense.
 - 2 subjects could not be prosecuted because the statute of limitations had expired.
 - Review of the investigations by command found that the allegations against 180 subjects were unfounded.
 - Commanders of 94 subjects declined taking action in accordance with Rules for Court Martial, Section 306, Paragraph (c)(1).

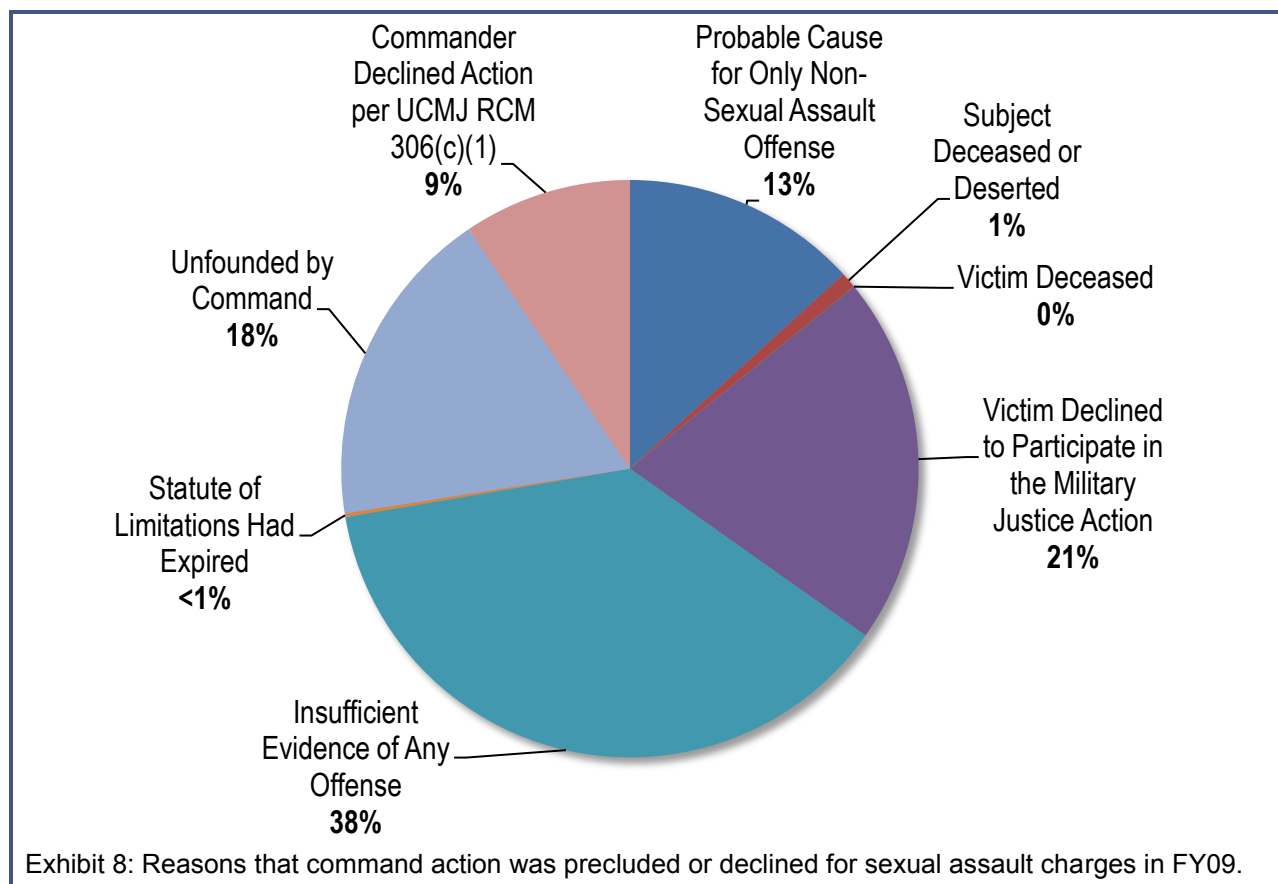


Table 3: Dispositions of subjects from investigations completed in FY09.

	Reports Made Prior to FY09	Reports Made During FY09	Total FY09
Total Subjects	995	1,284	2,279
Subjects Pending Disposition as of 30-Sep-09	64	235	299
Command Action Precluded or Declined for Sexual Assault Charges	397	600	997
<i>Probable Cause Only for Non-Sexual Assault Offense</i>	72	60	132
<i>Subject Died or Deserted</i>	2	7	9
<i>Victim Died</i>	0	0	0
<i>Victim Declined to Participate in Military Justice Action</i>	90	116	206
<i>Insufficient Evidence of Any Offense</i>	191	183	374
<i>Statute of Limitations Expired</i>	2	0	2
<i>Unfounded by Command</i>	3	177	180
<i>Commander Declined Action, per MCM RCM 306(c)(1)</i>	37	57	94
Evidence Supported Command Action	534	449	983
<i>Courts-Martial Charge Preferred (Initiated)</i>	273	137	410
<i>Nonjudicial Punishments (Article 15, UCMJ)</i>	150	201	351
<i>Administrative Discharges</i>	32	21	53
<i>Other Adverse Administrative Actions</i>	79	90	169

2. Demographics of Unrestricted Reports

The following demographic information is drawn from the 1,569 investigations of sexual assault that were initiated and completed during FY09. These investigations involved 1,711 victims and 1,698 subjects. There were 253 investigations that involved more than one victim, more than one subject, or multiple victims and subjects.

Victims

Exhibits 9, 10, and 11 show that the vast majority of victims tend to be female, under the age of 25, and from junior enlisted ranks, respectively.

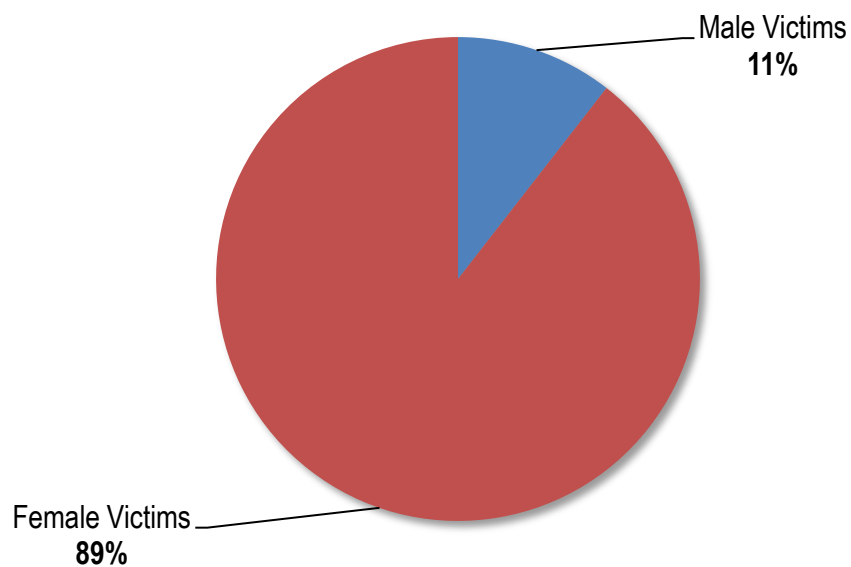


Exhibit 9: Gender of victims in completed investigations of Unrestricted Reports, FY09.

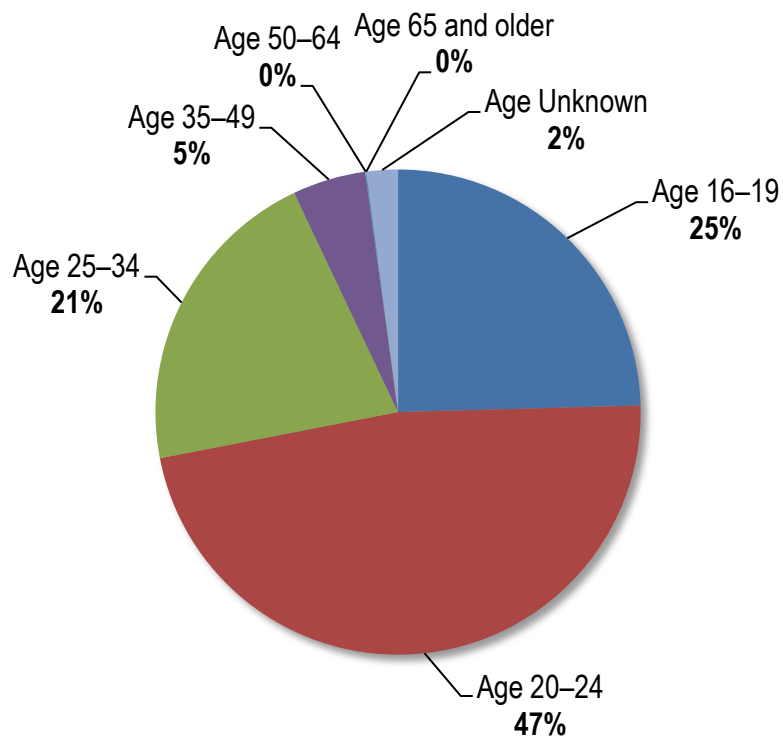


Exhibit 10: Age of victims in completed investigations of Unrestricted Reports, FY09.

Note: The category "Age 16-19" is used because the relevant sex crimes charged under the UCMJ apply to victims aged 16 and older.

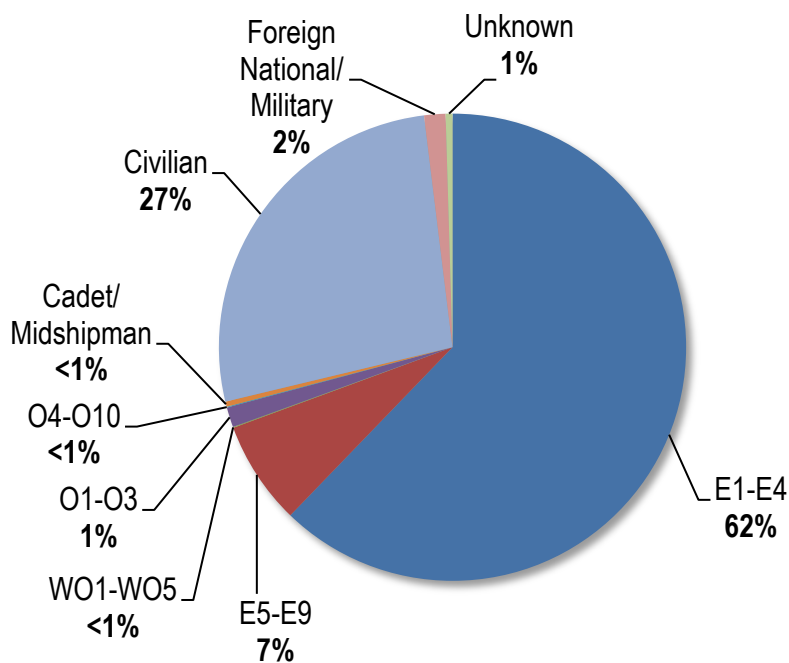


Exhibit 11: Grade of victims in completed investigations of Unrestricted Reports, FY09.

Subjects

Exhibits 12, 13, and 14 show that the vast majority of subjects tend to be male, under the age of 35, and from junior enlisted ranks, respectively.

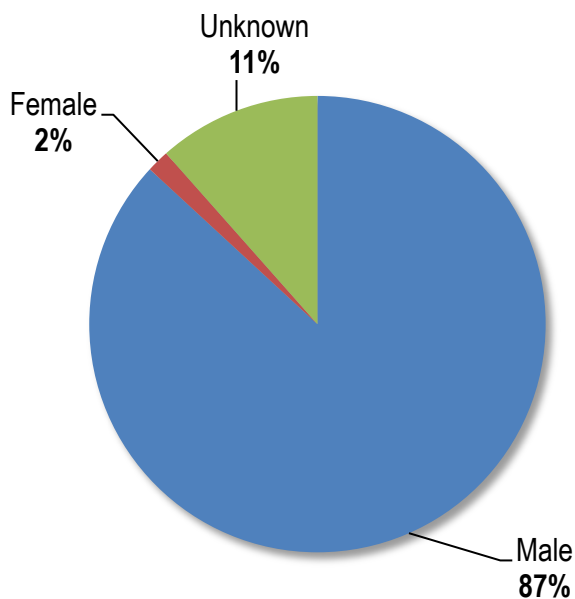


Exhibit 12: Gender of subjects in completed investigations of Unrestricted Reports, FY09.

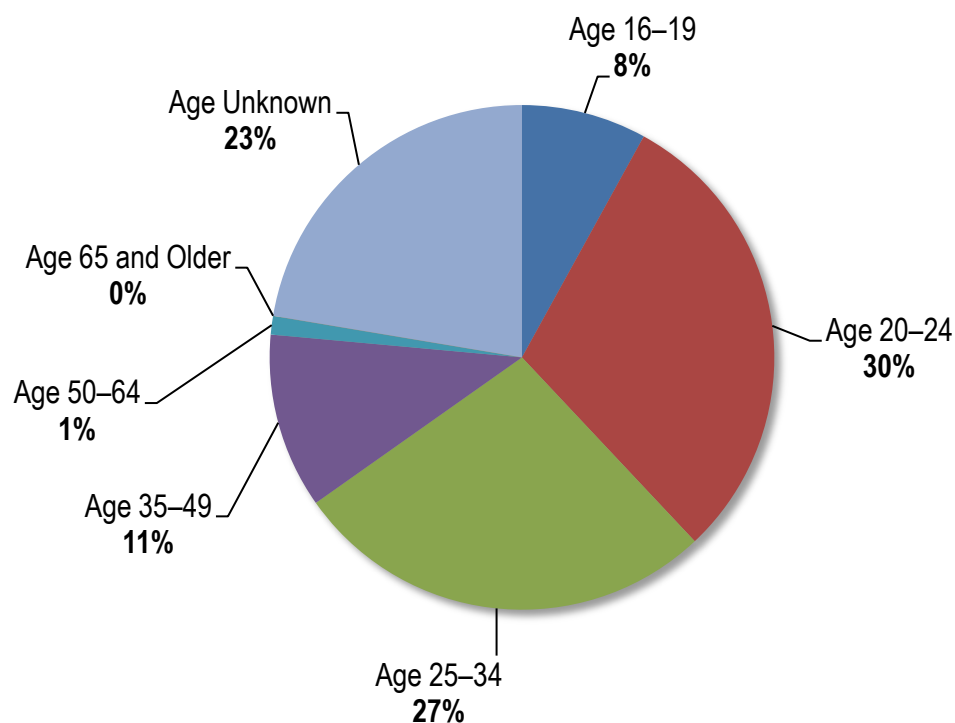


Exhibit 13: Age of subjects in completed investigations of Unrestricted Reports, FY09.

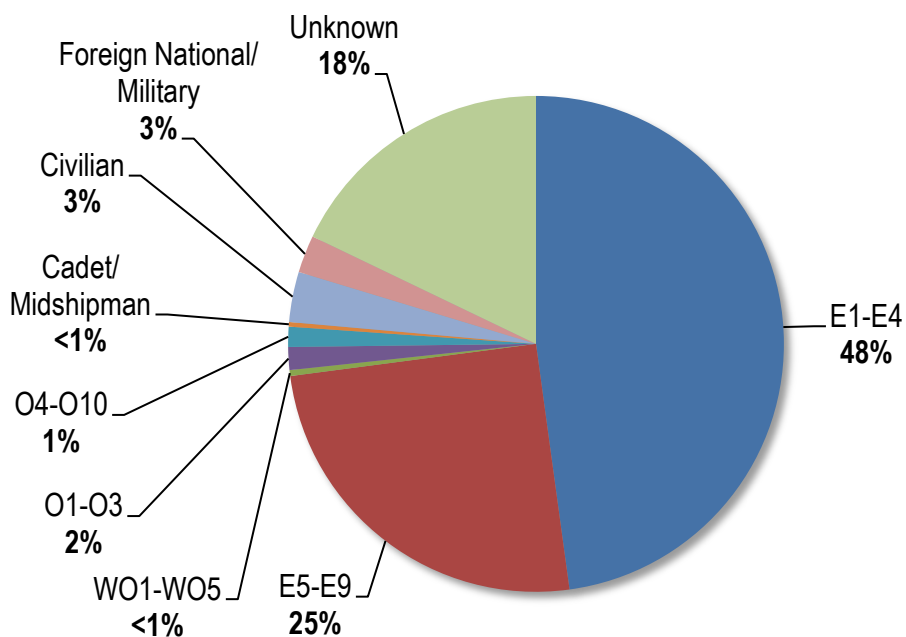


Exhibit 14: Grade of subjects in completed investigations of Unrestricted Reports, FY09.

B. FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT

Sexual Assault Response Coordinators (SARC) and Victim Advocates (VA) typically collect information for Restricted Reports. Because Restricted Reports are confidential, covered communications, as defined in DoD policy, SAPR personnel only collect limited data about the victim and the allegation being made.¹⁰⁸ 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 FY09, there were 837 Restricted Reports of sexual assault:

- Of the 837 reports, 123 (or 14.7 percent) converted to Unrestricted Reports at the request of the victim.
- At the close of FY09, 714 reports remained Restricted.¹⁰⁹
- 84 military victims made a Restricted Report and obtained services for a sexual assault that occurred prior to military service.

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

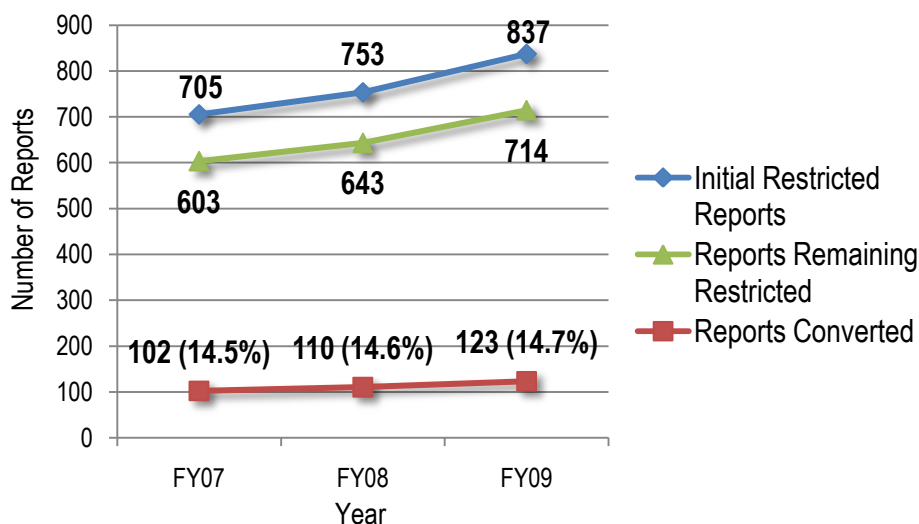


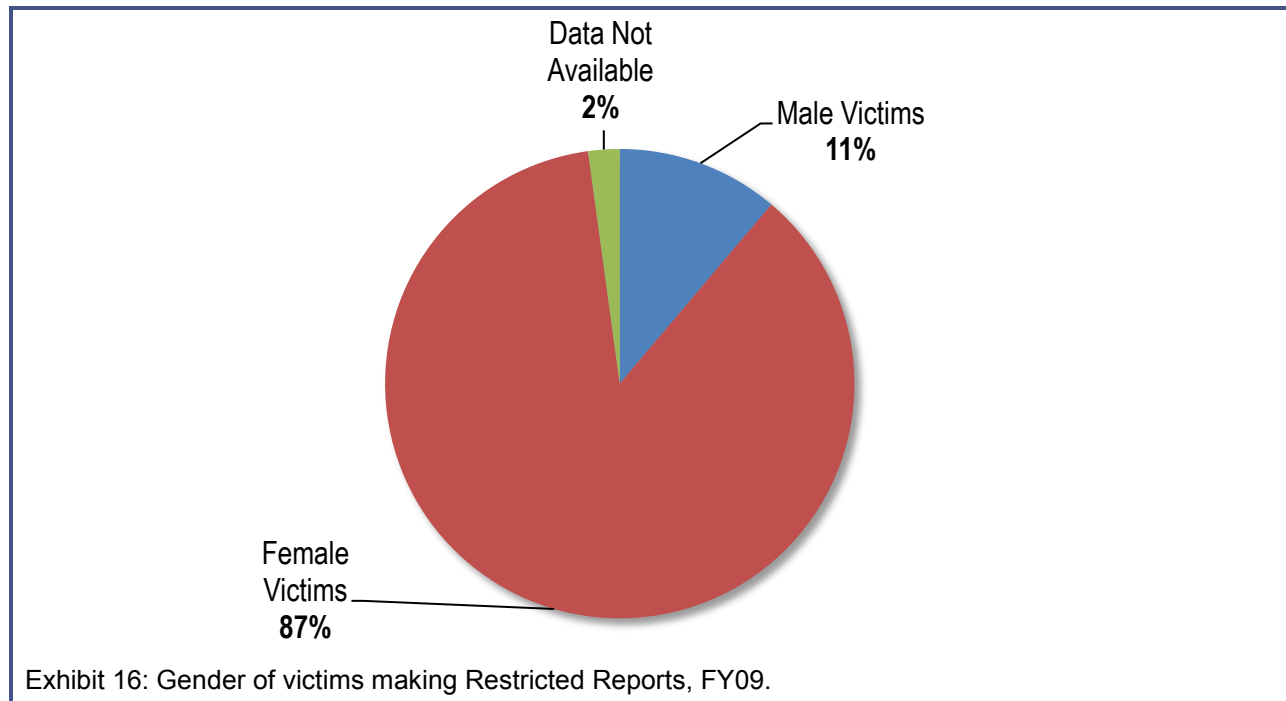
Exhibit 15: Total number of reports that were initially made as Restricted, the remaining number of Restricted Reports, and the number of reports that converted, FY07–09. The percentages in parentheses are the percentage of cases that converted from a Restricted Report to an Unrestricted Report at the victim's request.

¹⁰⁸ U.S. Department of Defense (2008). DoD Directive 6495.01. *Sexual Assault Prevention and Response (SAPR) Program*. Washington, DC: Author. E2.1.2. and E2.1.3.

¹⁰⁹ The Restricted Reports that converted to Unrestricted Reports are included in the total 2,516 Unrestricted Reports cited earlier.

1. Demographics of Restricted Reports of Sexual Assault

The following information pertains to Service members who have made a Restricted Report of sexual assault. Exhibits 16, 17, and 18 show that victims who made a Restricted Report are primarily female, under the age of 25, and in a junior enlisted rank, respectively.



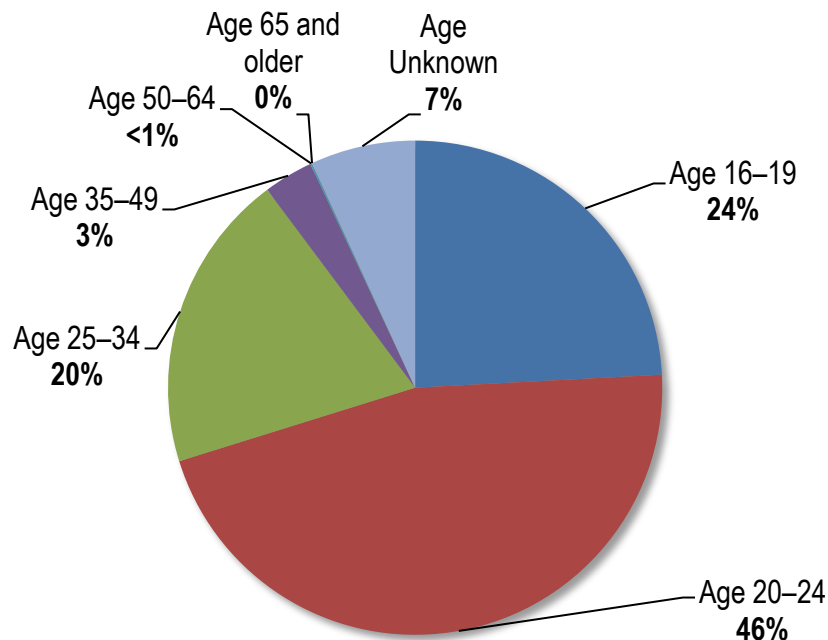


Exhibit 17: Age of victims making Restricted Reports, FY09.

Note: The category "Age 16-19" is used because the relevant sex crimes charged under the UCMJ apply to victims aged 16 and older.

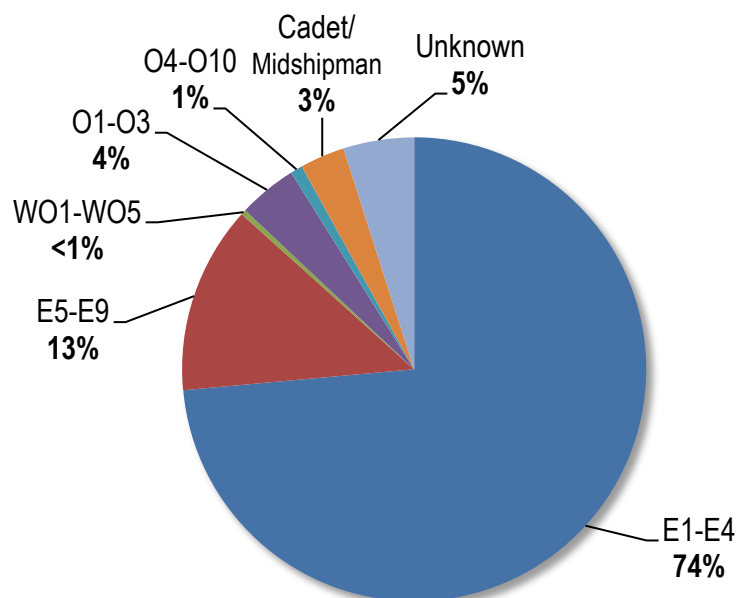


Exhibit 18: Grade of victims making Restricted Reports, FY09.

2. Demographics of Restricted Reports, FY07–09

The distribution of gender, age, and grade of victims making Restricted Reports since FY07 has remained relatively stable (see Exhibits 19, 20, and 21).

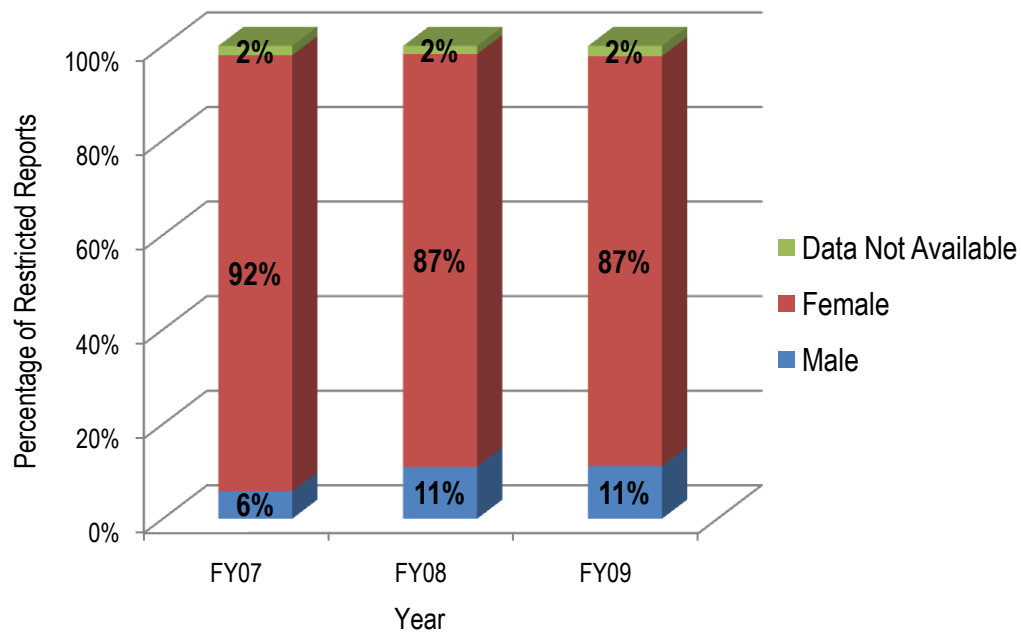


Exhibit 19: Gender of victims making Restricted Reports, FY07–09.

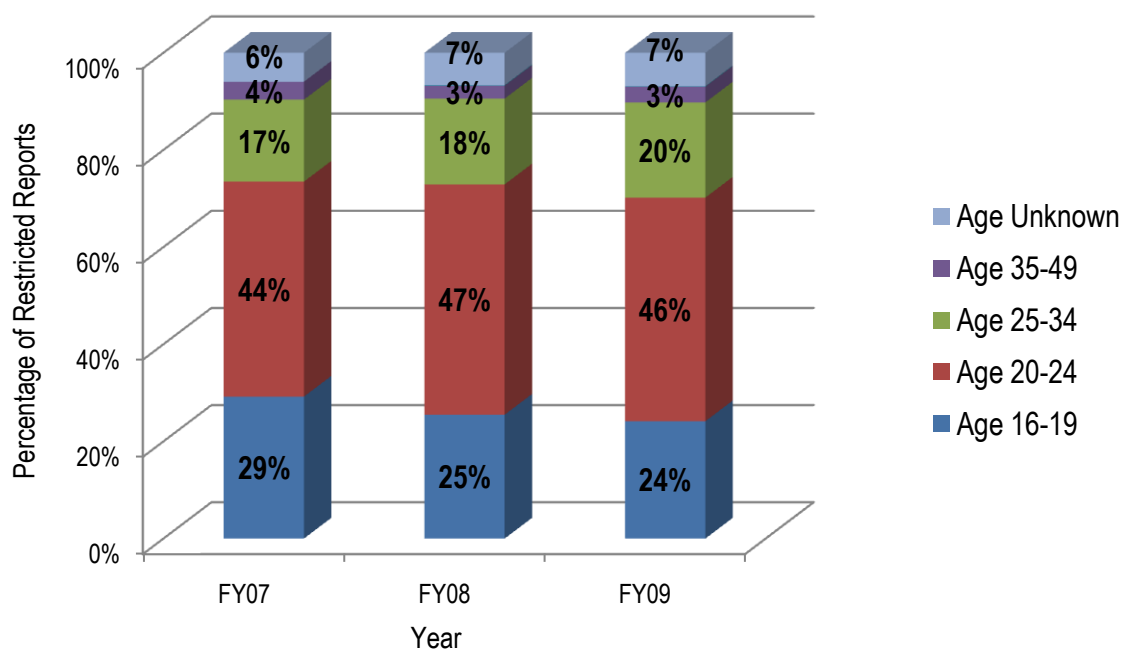


Exhibit 20: Age of victims making Restricted Reports, FY07–09. Categories accounting for less than 1 percent of reports have been deleted from this graph.

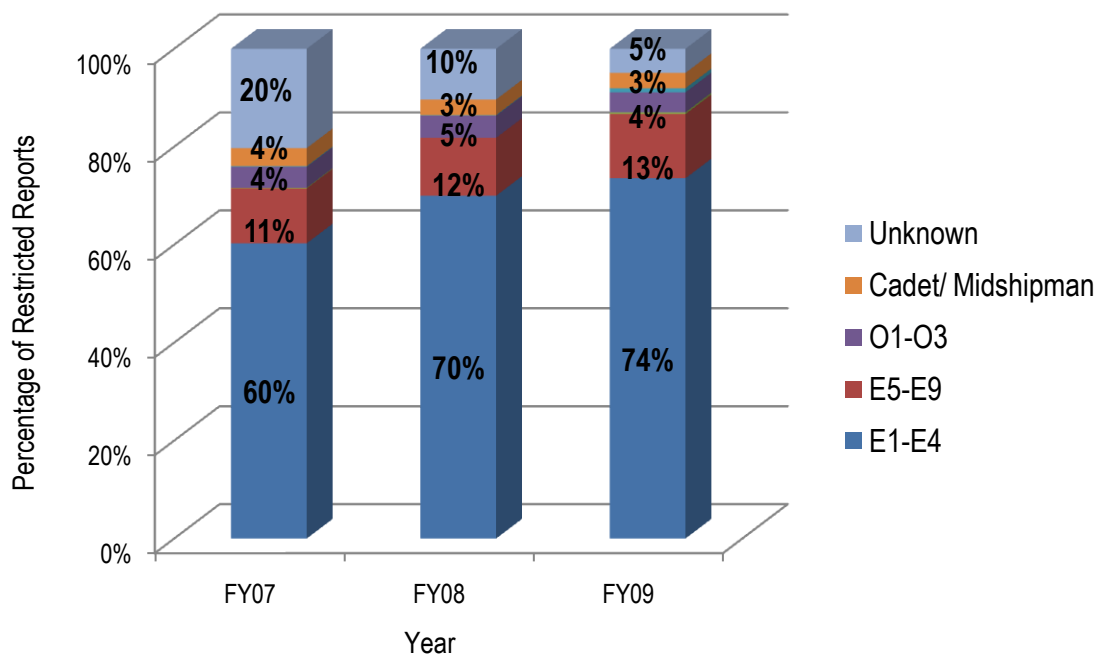


Exhibit 21: Grade of victims making Restricted Reports, FY07–09. Categories accounting for less than 1 percent of reports have been deleted from this graph.

C. FY09 REPORTS OF SEXUAL ASSAULT IN COMBAT AREAS OF INTEREST

For the purposes of this year's report, CAIs include Bahrain, Iraq, Jordan, Lebanon, Syria, Yemen, Egypt, Djibouti, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates, Iran, Pakistan, Afghanistan, and Kyrgyzstan. Arduous conditions in CAIs make sexual assault response and data collection very difficult. However, SARCs and VAs are in place in all of these areas. Larger field hospitals are supplied with sexual assault forensic examination (SAFE) kits for evidence collection. SAPR personnel work hard to get requested services and treatment to victims. The data reported below have been included in the total number of Unrestricted and Restricted Reports described in previous sections.

In FY09, there were 279 reports of sexual assault in CAIs. This represents a 16-percent increase in CAI reporting from FY08, very similar to the 11-percent increase seen in overall reporting noted previously.¹¹⁰ 215 (or 77 percent) of the 279 reports occurred in Iraq and Afghanistan. Exhibit 22 shows the history of Unrestricted and Restricted Reporting in CAIs since FY07.

- 224 reports were Unrestricted Reports, of which 149 (or 67 percent) were made in Iraq and 32 (or 14 percent) were made in Afghanistan. The remaining 43 were made in Kuwait (21), Bahrain (5), United Arab Emirates (5), Qatar (4), Jordan (3), Egypt (2), Djibouti (1), and Kyrgyzstan (1).
- 58 reports were initially made as Restricted Reports. Three reports (or 5 percent) were converted to Unrestricted Reports at the victims' request, leaving 55 Restricted Reports. Twenty-six (or 45 percent) of the 58 Restricted Reports were made in Iraq, and 8 (or 14 percent) were made in Afghanistan. The remaining 24 Restricted Reports were made in Kuwait (11), Qatar (10), Bahrain (1), Djibouti (1), and Kyrgyzstan (1).

¹¹⁰ On page 41 of the FY08 Annual Report on Sexual Assault in the Military, the text mistakenly notes that there were 251 total reports of sexual assault in combat areas of interest. In fact, there were 241 reports of sexual assault in CAI; 204 were Unrestricted Reports and 37 were reports remaining Restricted. Ten converted Restricted Reports that had already been counted with the 204 Unrestricted Reports were added in error to the overall total.

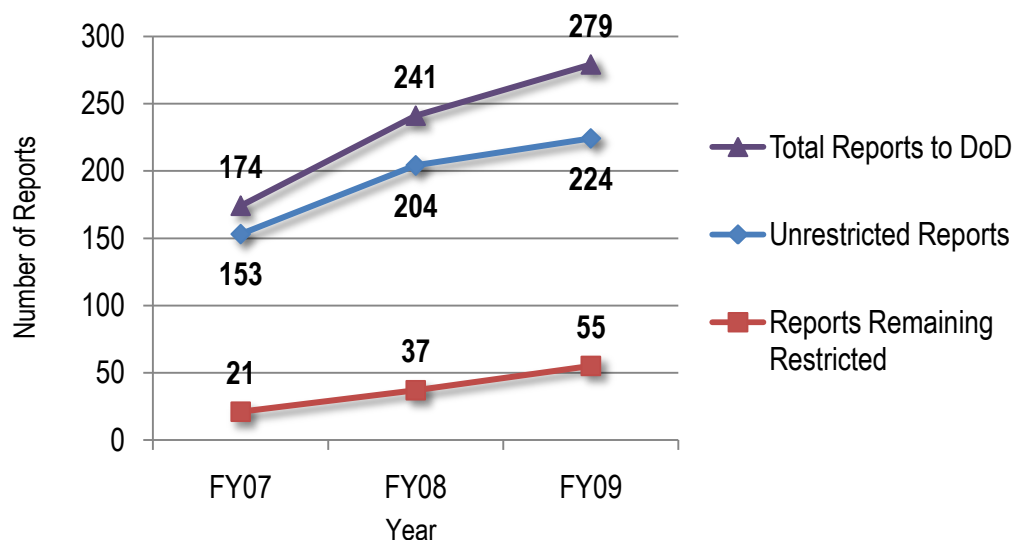


Exhibit 22: Total reports of sexual assault in CAIs, Unrestricted Reports, and Restricted Reports, FY07–09.

1. Demographics of Unrestricted Reports in Combat Areas of Interest

Demographic information about the Unrestricted Reports of sexual assault in CAIs was drawn from the investigations opened and closed during FY09. These 174 investigations involved 189 victims and 183 subjects. Sixteen investigations involved more than one victim, more than one subject, or multiple victims and subjects.

Victims

Exhibits 23, 24, and 25 demonstrate that victims in CAIs who make Unrestricted Reports are mostly female, under the age of 25, and in a junior enlisted rank.

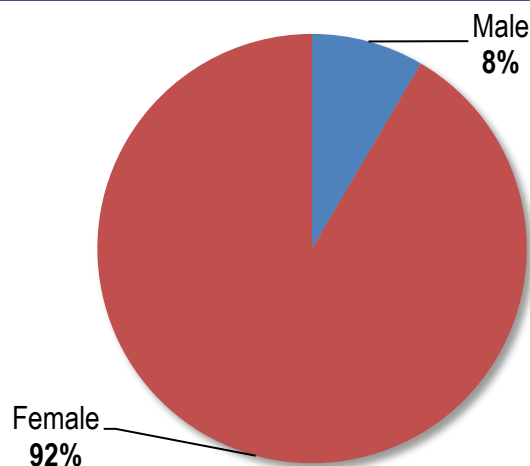


Exhibit 23: Gender of victims in completed investigations of Unrestricted Reports, CAI, FY09.

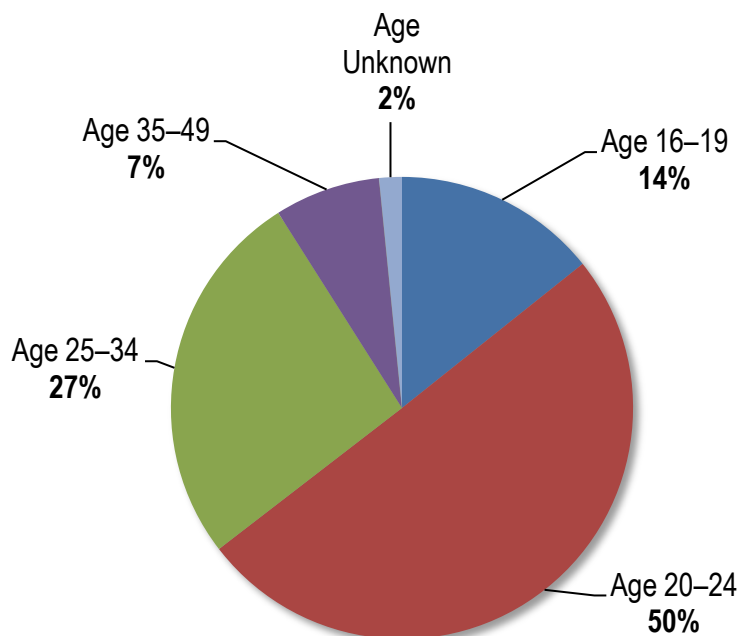


Exhibit 24: Age of victims in completed investigations of Unrestricted Reports, CAI, FY09. Categories with zero entries are not shown.

Note: The category "Age 16-19" is used because the relevant sex crimes charged under the UCMJ apply to victims aged 16 and older.

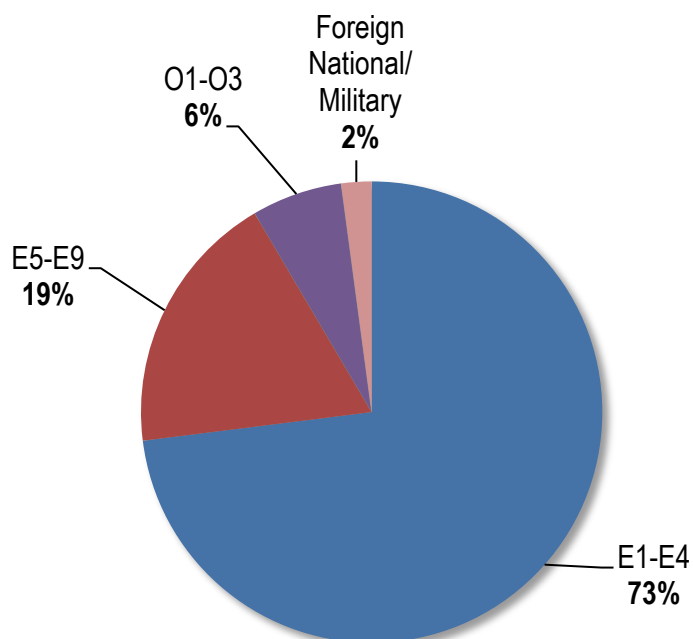


Exhibit 25: Grade of victims in completed investigations of Unrestricted Reports, CAI, FY09. Categories with zero entries are not shown.

Subjects

Exhibits 26, 27, and 28 show that the vast majority of subjects in Unrestricted Reports made in CAIs tend to be male, under the age of 35, and from an enlisted rank, respectively.

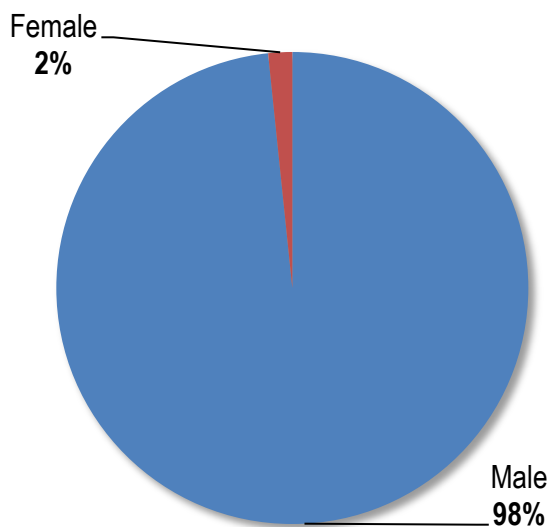


Exhibit 26: Gender of subjects in completed investigations of Unrestricted Reports, CAI, FY09.

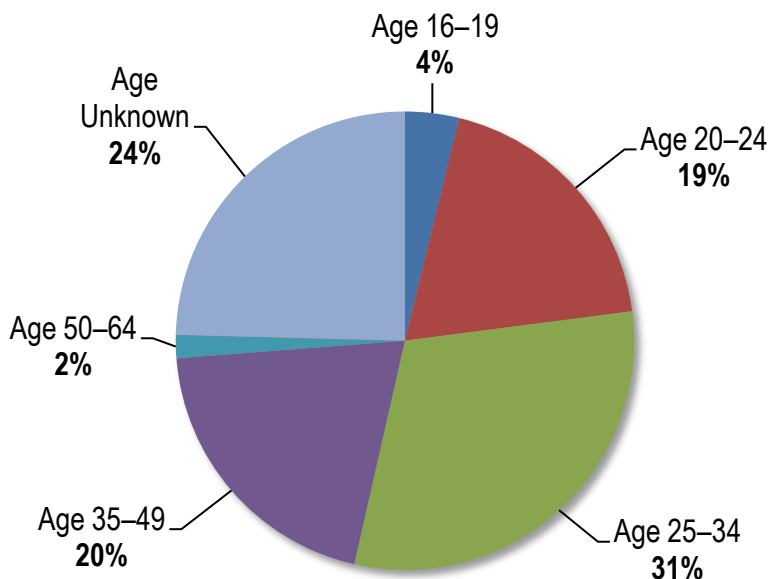


Exhibit 27: Age of subjects in completed investigations of Unrestricted Reports, CAI, FY09. Categories with zero entries are not shown.

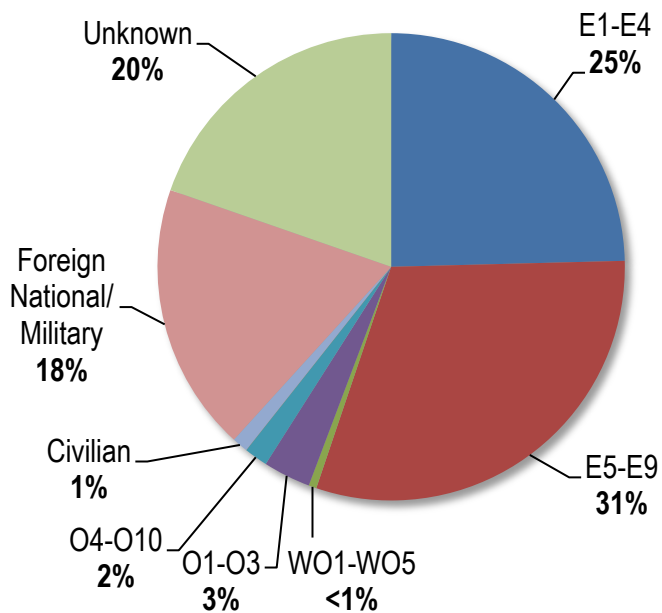


Exhibit 28: Grade of subjects in completed investigations of Unrestricted Reports, CAI, FY09. Categories with zero entries are not shown.

2. Demographics of Restricted Reports in Combat Areas of Interest

Exhibits 29, 30, and 31 show that the 58 victims initially making Restricted Reports of sexual assault in CAIs were mostly female, under the age of 35, and from a junior enlisted rank, respectively.

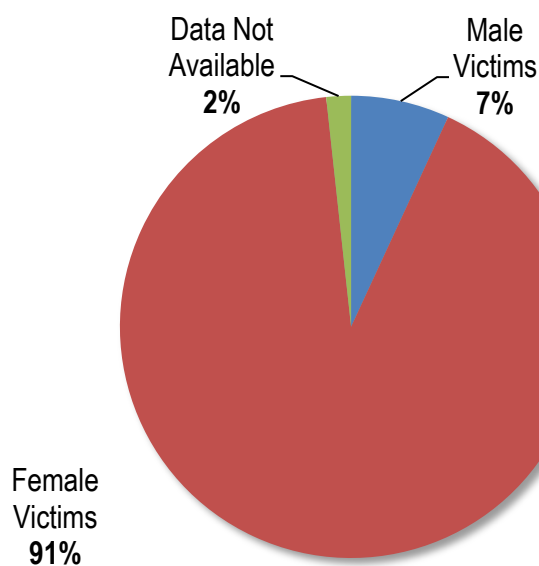


Exhibit 29: Gender of victims making Restricted Reports in CAI, FY09.

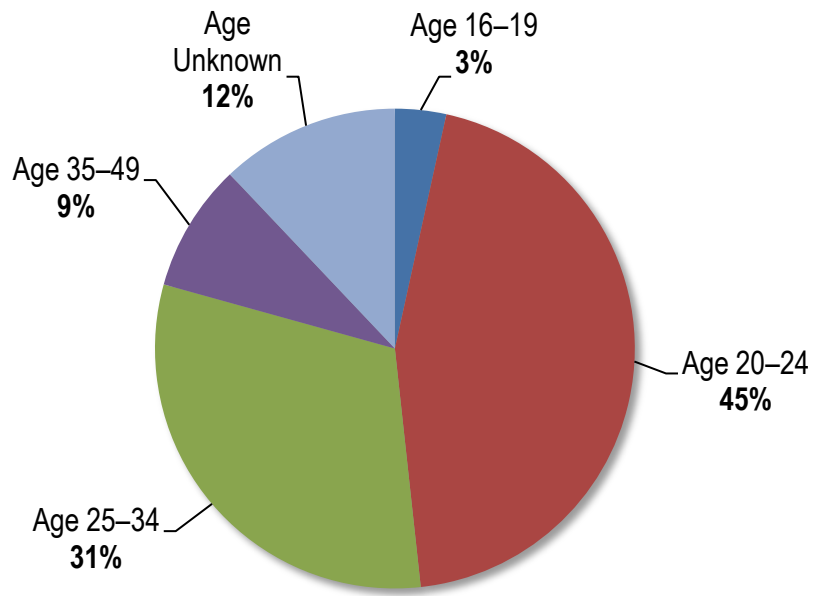


Exhibit 30: Age of victims making Restricted Reports in CAI, FY09. Categories with zero values are not shown.

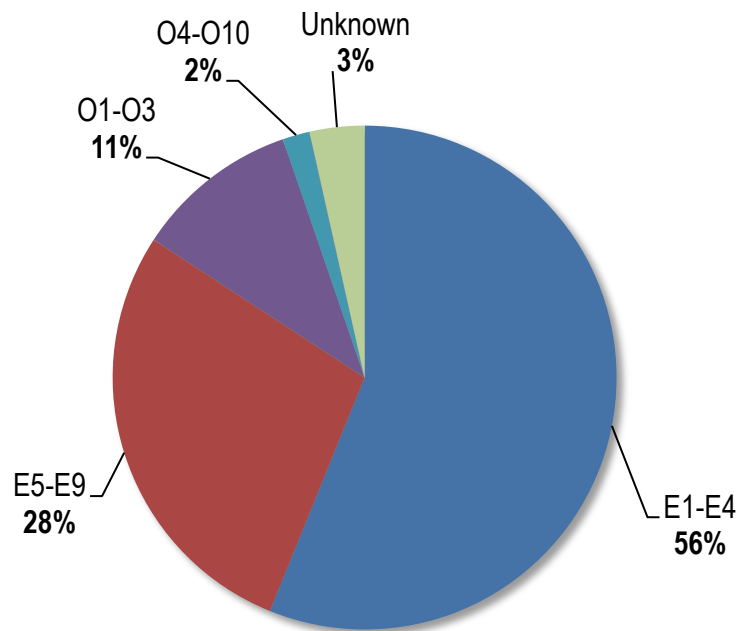


Exhibit 31: Grade of victims making Restricted Reports in CAI, FY09. Categories with zero values are not shown.

VII. WAY AHEAD FOR PROGRAM

Fiscal year (FY) 2010 will provide many opportunities for the Department to further plan, improve, and communicate about the sexual assault prevention and response (SAPR) program.

FY10 PROGRAM PLANNING

The SAPR program is considered an integral part of the Department's larger planning and review processes. The *USD P&R Strategic Plan* includes the goal of establishing a culture free of sexual assault with four objectives for FY10–12. Additionally, the impact of sexual assault prevention and response programming is to be reported in the Military Status of Forces Balanced Scorecard.

The strategic plans developed in FY09 for the SAPR program require continued refinement and implementation. Objectives must now be prioritized and broken down into action items with progress milestones and timelines for completion. To accomplish this, the Department will continue to implement the *Oversight Framework* and develop measurements and other indicators of program effectiveness. The Sexual Assault Prevention and Response Office (SAPRO) will consider software options for automating plan management and oversight tracking to better coordinate the synchronization of objectives, actions, and timelines with stakeholders. SAPRO will also host strategic planning meetings with representatives from the Military Services in FY10. Finally, as the need for expanded SAPR programming grows, SAPRO will continue to grow to meet those needs, with the expected additional billets to the office in FY10 to support greater program oversight and enhancement.

FY10 PROGRAM IMPROVEMENTS

The Department will continue developing the Defense Sexual Assault Incident Database (DSAID) and anticipates releasing a Request for Proposal (RFP) in the near future.

Also, the Department will continue to aggressively pursue standardizing response methods across the Military Services through the reissuance of both the DoD Directive 6495.01 and the DoD Instruction 6495.02 in FY10.

Although the final reports of the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS) and the Government Accountability Office (GAO) were not expected until FY10, the Department began studying both organizations' draft program recommendations in FY09 and the first part of FY10. Once the final reports are received, the Department will consider all findings and recommendations for action. Any changes to be implemented are expected to substantially enhance the Department's abilities to prevent sexual assault, support victims, and hold subjects accountable.

FY10 PROGRAM COMMUNICATION

The Department will be communicating about the SAPR program in many ways during FY10.

Given the success of the 2009 DoD sexual assault social marketing campaign, SAPRO plans to refresh and expand its prevention messaging. The updated campaign will build on the concepts of military readiness and bystander intervention. During the summer of 2009, SAPRO and Men Can Stop Rape (MCSR) obtained feedback on the 2009 campaign from focus groups representing the Military Services, National Guard, and U.S. Coast Guard. As done previously, the updated campaign will be tested with Sexual Assault Response Coordinators (SARC), Victim Advocates (VA), commanders, and other members of the Military Services. This campaign is expected to launch in FY10.

SAPRO is currently redesigning its website to enhance its usefulness to those seeking assistance or information. The website will be broken into two separate sites. One site, www.myduty.mil, has been designed as a resource for victims of sexual assault. It will also feature advice for friends and supervisors of victims, as well as prevention information. It will debut in December 2009. The second site, www.sapr.mil, will support the needs of SARCs, VAs, and those seeking information about the SAPR program. The new websites were user tested in the summer of FY09 and www.sapr.mil is scheduled to be deployed in the second quarter of FY10.



Figure 13: Screenshots of both www.sapr.mil and www.myduty.mil websites.

SAPRO also collaborated with the Armed Forces Networks to develop four new television and radio public service announcements (PSA) as part of its social marketing campaign to encourage sexual assault reporting and prevention. These PSAs went into production in late FY09 and should be deployed into DoD communication channels in the forthcoming year.

Congress has legislated four new reports on the SAPR program for FY10, in addition to the two already produced annually (this annual report and the *DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies*). In addition, the DTF-SAMS and GAO reviews of the program will require detailed analyses and responses to each organization's recommendations. In addition, the Department will address the following:

- Response to *GAO Report 10-215, Military Personnel: Additional Actions Are Needed to Strengthen DoD's and the Coast Guard's Sexual Assault Prevention and Response Programs*
- Four updates to Congress on DSAID in January, February, April, and August 2010, per Section 567 and Section 598 of PL No. 111-84, the NDAA for FY10
- Response to the Report of DTF-SAMS
- Supplemental reporting requirements legislated in Public Law Number 111-84:
 - TRICARE coverage for SAFEs
 - SAFE capabilities in combat zones and recommended improvements
 - New prevention initiatives
 - Updated training programs
 - DSAID and service data systems
 - Implementation of DTF-SAMS recommendations
 - SAPR program resourcing
 - New military protective order policy
- Response to the DoD Inspector General Report, *Efforts to Prevent Sexual Assault/Harassment Involving DoD Contractors During Contingency Operations Report Response*
- Response to the findings of the Deputy Secretary of Defense's regulatory review, which recommended the inclusion of contractor personnel in SAPR policy
- *DoD Annual Report on Sexual Harassment and Violence at the U.S. Military Service Academies: Academic Program Year 2009–2010*
- *Department of Defense Fiscal Year 2010 Annual Report on Sexual Assault in the Military.*

VIII. CONCLUSION

As part of the larger U.S. society, members of the Military Services experience the same cultural influences and attitudes that stigmatize victims and perpetuate the crime of sexual assault. That said, the American public expects more from its men and women in uniform. Consequently, the Department is taking the opportunity to build a national benchmark program to prevent sexual assault and provide unparalleled support for victims.

One sexual assault in the military is too many. The best way to address sexual assault is to prevent it. As a result, the Department is employing its most effective resource—its people—to identify situations that lead to sexual assault and to safely intervene. Achieving the necessary shift in attitudes, beliefs, and behaviors across the several generations represented in a force of more than 2 million is no small undertaking. Time and substantial resources are being dedicated specifically to this purpose. The Department stands committed to its goal of ensuring military readiness by establishing a culture free of sexual violence. This country and its men and women in uniform deserve nothing less.

APPENDIX A: DATA MATRICES

APPENDIX A: DATA MATRICES

FY09 Unrestricted Reports of Sexual Assault

Part 1

FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULT IN THE MILITARY	
A. FY09 REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses) INVOLVING MILITARY MEMBERS (BY or AGAINST Service Members)	FY09 Totals
# VICTIMS in FY09 Unrestricted Reports	2758
# Service Member victims	1956
# Non-Service Member victims	802
# Unrestricted Reports in the following categories	2516
# Service Member on Service Member	1338
# Service Member on Non-Service Member	749
# Non-Service Member on Service Member	126
# Unidentified Subject on Service Member	303
# Unrestricted Reports of sexual assault occurring	2516
# On military installation	1552
# Off military installation	920
# Unidentified location	44
# Investigations Initiated (From FY09 Unrestricted Reports)	2516
# Investigations pending completion as of 30-SEP-09	947
# Completed Investigations as of 30-SEP-09	1569
# Restricted Reports	837
# Converted from Restricted Report to Unrestricted Report*	123
# FY09 RESTRICTED REPORTS REMAINING RESTRICTED	714
B. DETAILS OF UNRESTRICTED REPORTS IN FY09	FY09 Totals
Length of time between sexual assault and Unrestricted Report	2516
# Reports made within 3 days of sexual assault	1178
# Reports made within 4 to 30 days after sexual assault	658
# Reports made within 31 to 365 days after sexual assault	494
# Reports made longer than 365 days after sexual assault	114
# Unknown	72
Time of sexual assault	2516
# Midnight to 6 am	904
# 6 am to 6 pm	468
# 6 pm to midnight	739
# Unknown	405
Day of sexual assault	2516
# Sunday	486
# Monday	234
# Tuesday	211
# Wednesday	205
# Thursday	248
# Friday	354
# Saturday	588
# Unknown	190
C. SUMMARY OF INVESTIGATIONS OF UNRESTRICTED REPORTS (INITIATED AND COMPLETED IN FY09)	FY09 Totals
# Investigations initiated and completed during FY09	1569
# Investigations with more than one victim, subject, or both	253
# SUBJECTS in the completed investigations	1698
# Your Service Member subjects	1334
# Service Member subjects from other Services	29
# Non-Service Member subjects	96
# Unidentified subjects	239
# VICTIMS in the completed investigations	1711
# Your Service Member victims	1174
# Service Member victims from other Services	485
# Non-Service Member victims	52
# Unknown	0

Unrestricted Reports of Sexual Assault Part 2

D. FINAL DISPOSITIONS FOR SUBJECTS IN FY09 INVESTIGATIONS	FY09 Totals
# SUBJECTS in FY09 completed investigations	1698
DoD Action Precluded:	414
# Unknown Subjects	118
# Unfounded by Investigative Agency	124
# Civilian or Foreign Authority Prosecutions of Persons Subject to the UCMJ	106
# Civilian or Foreign Authority Prosecutions of Persons NOT Subject to the UCMJ	66
# Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**	600
# Probable cause for only non-sexual assault offense	60
# Subject deceased or deserted	7
# Victim deceased	0
# Victim declined to participate in the military justice action	116
# Insufficient evidence of any offense	183
# Statute of limitations had expired	0
# Unfounded by Command	177
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	57
# Subjects pending completion of command action as of 30-SEP-09	235
# Subjects for whom command action was completed as of 30-SEP-09	449
# Evidence Supports Command Action for the following FY09 Sexual Assault Subjects	449
# Courts-martial charge preferred (Initiated)	137
# Nonjudicial punishments (Article 15 UCMJ)	201
# Administrative discharges	21
# Other administrative actions	90
E. FINAL DISPOSITIONS FOR SUBJECTS IN Pre-FY09 INVESTIGATIONS (From prior year investigations completed in FY09)	FY09 Totals
# Total Number of Investigations from CY04 to FY08 pending completion at the end of FY08	755
# Pre-FY09 Investigations STILL PENDING completion as of 30-SEP-09	40
# Pre-FY09 Investigations completed of 30-SEP-09	715
# SUBJECTS from Pre-FY09 investigations completed as of 30-SEP-09	1185
# Final FY09 DISPOSITIONS for SUBJECTS from FY04 to FY08 investigations that were completed in FY09	1185
DoD Action Precluded:	190
# Unknown Subjects	65
# Unfounded by Investigative Agency	27
# Civilian or Foreign Authority Prosecutions of persons subject to the UCMJ	73
# Civilian or Foreign Authority Prosecutions of Persons NOT Subject to the UCMJ	25
# Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**	397
# Probable cause for only non-sexual assault offense	72
# Subject deceased or deserted	2
# Victim deceased	0
# Victim declined to participate in the military justice action	90
# Insufficient evidence of any offense	191
# Statute of limitations had expired	2
# Unfounded by Command	3
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	37
# Subjects pending completion of command action as of 30-SEP-09	64
# Subjects for whom command action was completed as of 30-SEP-09	534
# Evidence Supports Command Action for the following Pre-FY09 Sexual Assault Subjects	534
# Courts-martial charge preferred (Initiated)	273
# Nonjudicial punishments (Article 15 UCMJ)	150
# Administrative discharges	32
# Other administrative actions	79
* The total number of reports that converted to Unrestricted Reports are included in the total number of Unrestricted Reports provided in Section A.	

FY09 Unrestricted Reports of Sexual Assault – Demographics
Part 1

FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULT - DETAILS BY GENDER, STATUS, AND OFFENSE																			
F. REPORTED SEXUAL ASSAULT INVOLVING SERVICE MEMBERS (BY OR AGAINST SERVICE MEMBERS) IN THE FOLLOWING CATEGORIES FOR ALL FY09 INVESTIGATIONS (OR)																			
	Male on Male	Female on Male	Female on Female	Unknown on Male	Unknown on Female	FY09 Totals													
# Service Member on Service Member	2061	173	13	17	28	224	2,516												
# Service Member on Non-Service Member	1175	140	7	14	0	1,336	0												
# Non-Service Member on Service Member	740	16	0	3	0	749	0												
# Undenied Subject on Service Member	105	15	6	0	0	126	0												
	41	12	0	0	28	222	303												
REPORTS MADE IN FY09																			
G. REPORTED SEXUAL ASSAULT INVOLVING SERVICE MEMBERS (BY OR AGAINST SERVICE MEMBERS) IN THE FOLLOWING CATEGORIES FOR ALL FY09 INVESTIGATIONS (OR)																			
ALL FY09 INVESTIGATIONS (OR)																			
	Rape (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)		Rape (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)
# Service Member on Service Member	50	16	9	0	68	64	8	18	40	40	658	712	58	161	510	131	131	4	2,516
# Service Member on Non-Service Member	22	11	4	0	24	38	6	10	30	30	0	0	0	0	0	0	0	0	1,336
# Non-Service Member on Service Member	16	3	2	0	28	19	2	5	7	7	0	0	0	0	0	0	0	0	749
# Undenied Subject on Service Member	11	0	0	0	18	1	0	2	0	0	0	0	0	0	0	0	0	0	126
# TOTAL Service Member Victims	32	14	7	0	38	50	6	14	41	7	0	0	0	0	0	0	0	0	1,956
# Service Member Victim: Female	31	11	2	0	38	48	4	9	34	3	0	0	0	0	0	0	0	0	1,655
# Service Member Victim: Male	1	3	5	0	0	2	0	5	7	4	0	0	0	0	0	0	0	0	291
TIME OF INCIDENT BY OFFENSE TYPE FOR UNRESTRICTED REPORTS OF SEXUAL ASSAULT MADE IN FY09																			
	Rape (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)		Rape (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)
# Day of sexual assault	50	16	9	0	68	64	8	18	40	40	658	712	58	161	510	131	131	4	2,516
# 6 am to midnight	20	8	5	0	36	22	5	7	17	17	0	0	0	0	0	0	0	0	466
# Unknown	18	3	1	0	11	18	0	3	7	2	0	0	0	0	0	0	0	0	739
Day of sexual assault	50	16	9	0	68	64	8	18	40	40	658	712	58	161	510	131	131	4	2,516
# Sunday	4	1	0	0	5	12	1	1	2	10	0	0	0	0	0	0	0	0	485
# Monday	2	0	0	0	2	4	1	1	3	3	0	0	0	0	0	0	0	0	42
# Tuesday	2	0	0	0	2	4	1	1	3	3	0	0	0	0	0	0	0	0	42
# Wednesday	6	3	0	0	4	4	0	0	1	2	0	0	0	0	0	0	0	0	201
# Thursday	3	3	0	0	7	4	1	2	6	3	0	0	0	0	0	0	0	0	243
# Friday	6	2	0	0	10	8	1	2	6	1	0	0	0	0	0	0	0	0	354
# Saturday	15	3	0	0	18	11	0	3	6	2	0	0	0	0	0	0	0	0	120
# Unknown	15	3	0	0	18	11	0	3	6	2	0	0	0	0	0	0	0	0	120
DEMOGRAPHICS ON VICTIMS IN COMPLETE FY09 INVESTIGATIONS																			
	Rape (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)		Rape (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)	Aggravated Assault (Art. 120)	Attempted Sexual Offense (Art. 120)	Wrongful Contact (Art. 120)	Alloperative Contact (Art. 120)
Gender of VICTIMS	17	15	5	0	57	44	7	16	46	46	379	367	35	152	467	73	73	4	1,711
# Male	0	3	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	180
# Female	17	12	3	0	57	43	6	16	46	46	379	367	35	152	467	73	73	4	1,531
# Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Age of VICTIMS	17	15	5	0	57	44	7	16	46	46	379	367	35	152	467	73	73	4	1,711
# 18-24	7	2	1	0	15	12	2	4	22	2	0	0	0	0	0	0	0	0	104
# 25-34	7	4	1	0	17	12	0	3	14	0	0	0	0	0	0	0	0	0	295
# 35-44	2	1	0	0	6	3	1	3	3	0	0	0	0	0	0	0	0	0	265
# 45 and older	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	92
# Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Grade of VICTIMS	17	15	5	0	57	44	7	16	46	46	379	367	35	152	467	73	73	4	1,711
# E1-E4	7	3	0	0	22	28	3	9	31	4	0	0	0	0	0	0	0	0	34
# E5-E6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1082
# WO1-WO5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	151
# O1-O3	1	2	0	0	2	0	0	0	1	0	0	0	0	0	0	0	0	0	25
# O4-O10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
# Civilian	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
# Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Service of VICTIMS	17	15	5	0	57	44	7	16	46	46	379	367	35	152	467	73	73	4	1,711
# Army	9	8	3	0	20	20	5	6	22	3	0	0	0	0	0	0	0	0	787
# Navy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
# Marines	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	212
# Air Force	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
# Coast Guard	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	135
# Civilian	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
# Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	485
Status of VICTIMS	17	15	5	0	57	44	7	16	46	46	379	367	35	152	467	73	73	4	1,711
# Active Duty (enlisted)	3	12	0	0	22	22	3	10	22	2	0	0	0	0	0	0	0	0	118
# Active Duty (officer)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
# National Guard (Active)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	64
# Civilian	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	485
# Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
# Civilian	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
# Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**FY09 Restricted Reports of Sexual Assault
Part 1**

FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT IN THE MILITARY	
A. FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses)	FY09 TOTALS*
# Service Member VICTIMS in Restricted Reports	834
# Reported sexual assaults AGAINST Service Member victims in the following categories	834
# Service Member on Service Member	427
# Non-Service Member on Service Member	123
# Unidentified subject on Service Member	284
# Reported sexual assaults occurring	834
# On military installation	366
# Off military installation	444
# Unidentified location	24
B. INCIDENT DETAILS	FY09 TOTALS*
Length of time between sexual assault and Restricted Report	834
# Reports made within 3 days of sexual assault	344
# Reports made within 4 to 30 days after sexual assault	180
# Reports made within 31 to 365 days after sexual assault	162
# Reports made longer than 365 days after sexual assault	88
# Unknown	60
Time of sexual assault incident	834
# Midnight to 6 am	287
# 6 am to 6 pm	110
# 6 pm to midnight	288
# Unknown	149
Day of sexual assault incident	834
# Sunday	127
# Monday	72
# Tuesday	52
# Wednesday	62
# Thursday	62
# Friday	124
# Saturday	180
# Unknown	155
C. RESTRICTED REPORTING - VICTIM SERVICE AFFILIATION	FY09 TOTALS*
# VICTIMS	834
# Army victims	327
# Navy victims	171
# Marines victims	33
# Air Force victims	280
# Coast Guard	0
# Unknown	23

**FY09 Restricted Reports of Sexual Assault
Part 2**

D. DEMOGRAPHICS FOR FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT		FY09 TOTALS*
Gender of VICTIMS		834
# Male		93
# Female		723
# Unknown		18
Age of VICTIMS		834
# 16-19		201
# 20-24		384
# 25-34		164
# 35-49		27
# 50-64		1
# 65 and older		0
# Unknown		57
Grade of VICTIMS		834
# E1-E4		612
# E5-E9		111
# WO1-WO5		3
# O1-O3		34
# O4-O10		7
# Cadet/Midshipman		26
# Civilian		0
# Foreign national/military		0
# Unknown		41
Status of VICTIMS		834
# Active Duty		711
# Reserve (Activated)		19
# National Guard (Activated)		52
# Civilian		0
# Cadet/Midshipman		26
# Unknown		26
*Note: There were a total of 837 Restricted Reports during FY09, however the US Marine Corps only provided data on the cases that remained Restricted. As a result, the Department can only provide demographics on 834 of the 837 Restricted Reports.		

FY09 Support Services for Victims of Sexual Assault

FY09 SUPPORT SERVICES FOR VICTIMS OF SEXUAL ASSAULT IN THE MILITARY	
<i>NOTE: Totals of referrals and military protective orders are for all activities during the reporting period, regardless of when the sexual assault report was made (current or prior quarters).</i>	
A. SUPPORT SERVICE REFERRALS TO MILITARY VICTIMS FROM UNRESTRICTED REPORTS:	FY09 TOTALS
# Support service referrals for VICTIMS in the following categories	
# MILITARY facilities	2,638
# Medical	1,007
# Counseling	1,109
# Legal	522
# CIVILIAN facilities (Referred by DoD)	966
# Medical	374
# Counseling	442
# Legal	150
# Cases where SAFEs were conducted	399
# Cases where SAFE kits or other needed supplies were not available at time of victim's exam	18
# Military Victims making an UR that received service referrals for an incident that occurred prior to military service	132
B. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS IN RESTRICTED REPORTS:	FY09 TOTALS
# Support service referrals for VICTIMS in the following categories	
# MILITARY facilities	771
# Medical	340
# Counseling	399
# Legal	32
# CIVILIAN facilities (Referred by DoD)	211
# Medical	78
# Counseling	124
# Legal	9
# Cases where SAFEs were conducted	158
# Cases where SAFE kits or other needed supplies were not available at time of victim's exam	0
# Military Victims making a RR that received service referrals for an incident that occurred prior to military service	84
C. SUPPORT SERVICE REFERRALS TO NON-MILITARY (DOD CIVILIANS, CONTRACTORS, ETC) VICTIMS:	FY09 TOTALS
# Support service referrals for VICTIMS in the following categories	
# MILITARY facilities	472
# Medical	159
# Counseling	223
# Legal	90
# CIVILIAN facilities (Referred by DoD)	512
# Medical	136
# Counseling	277
# Legal	99
# Cases where SAFEs were conducted	123
# Cases where SAFE kits or other needed supplies were not available at time of victim's exam	3

FY09 Unrestricted Reports of Sexual Assault Combat Areas of Interest Part 1

COMBAT AREAS OF INTEREST - FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULTS IN THE MILITARY	
A. FY09 COMBAT AREAS OF INTEREST (CAI) REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses) INVOLVING MILITARY ME	FY09 Totals
# VICTIMS in FY09 Unrestricted Reports in Combat Areas of Interest	259
# Service Member victims	249
# Non-Service Member victims	10
# Unrestricted Reports in the following categories	224
# Service Member on Service Member	131
# Service Member on Non-Service Member	7
# Non-Service Member on Service Member	40
# Unidentified Subject on Service Member	46
# Unrestricted Reports of sexual assault occurring	224
# On military installation	209
# Off military installation	14
# Unidentified location	1
# Investigations (From FY09 Unrestricted Reports)	224
# Pending completion as of 30-SEP-10	50
# Completed as of 30-SEP-10	174
# Restricted Reports in Combat Areas of Interest	58
# Converted from Restricted Report to Unrestricted Report*	3
# FY09 RESTRICTED REPORTS REMAINING RESTRICTED	55
B. FY09 DETAILS OF UNRESTRICTED REPORTS IN COMBAT AREAS OF INTEREST	FY09 Totals
Length of time between sexual assault and Unrestricted Report	224
# Reports made within 3 days of sexual assault	116
# Reports made within 4 to 30 days after sexual assault	54
# Reports made within 31 to 365 days after sexual assault	41
# Reports made longer than 365 days after sexual assault	11
# Unknown	2
Time of sexual assault	224
# Midnight to 6 am	53
# 6 am to 6 pm	46
# 6 pm to midnight	67
# Unknown	58
Day of sexual assault	224
# Sunday	28
# Monday	19
# Tuesday	31
# Wednesday	25
# Thursday	26
# Friday	14
# Saturday	24
# Unknown	57
C. SUMMARY OF INVESTIGATIONS OF UNRESTRICTED REPORTS (INITIATED AND COMPLETED IN FY09) IN CAI	FY09 Totals
# Investigations initiated and completed during FY09	174
# Investigations with more than one victim, subject, or both	16
# SUBJECTS in the completed investigations	183
# Your Service Member subjects	109
# Service Member subjects from other Services	3
# Non-Service Member subjects	36
# Unidentified subjects	35
# VICTIMS in the completed investigations	189
# Your Service Member victims	179
# Service Member victims from other Services	4
# Non-Service Member victims	6
# Unknown	0

FY09 Unrestricted Reports of Sexual Assault Combat Areas of Interest Part 2

D. FINAL DISPOSITIONS FOR SUBJECTS IN FY09 INVESTIGATIONS IN COMBAT AREAS OF INTEREST	FY09 Totals
# SUBJECTS in FY09 completed investigations	183
DoD Action Precluded:	44
# Unknown Subjects	20
# Unfounded by Investigative Agency	11
# Civilian or Foreign Authority Prosecutions of Persons Subject to the UCMJ	1
# Civilian or Foreign Authority Prosecutions of Persons NOT Subject to the UCMJ	12
# Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**	50
# Probable cause for only non-sexual assault offense	3
# Subject deceased or deserted	1
# Victim deceased	0
# Victim declined to participate in the military justice action	9
# Insufficient evidence of any offense	11
# Statute of limitations had expired	0
# Unfounded by Command	20
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	6
# Subjects pending completion of command action as of 30-SEP-09	32
# Subjects for whom command action was completed as of 30-SEP-10	57
# Evidence Supports Command Action for the following FY09 Sexual Assault Subjects	60
# Courts-martial charge preferred (Initiated)	10
# Nonjudicial punishments (Article 15 UCMJ)	24
# Administrative discharges	1
# Other administrative actions	25
E. FINAL DISPOSITIONS FOR PRE-FY09 SUBJECTS IN COMBAT AREAS OF INTEREST (From investigations opened prior to FY09 that were completed in FY09)	FY09 Totals
# Total Number of Investigations from CY04 to FY09 pending completion at the end of FY09	43
# Pre-FY09 Investigations STILL PENDING completion as of 30-SEP-10	1
# Pre-FY09 Investigations completed of 30-SEP-10	42
# SUBJECTS from Pre-FY09 investigations completed as of 30-SEP-10	97
# Final FY09 DISPOSITIONS for SUBJECTS from FY04 to FY09 reports and investigations that were completed in FY09	97
DoD Action Precluded:	4
# Unknown Subjects	3
# Unfounded by Investigative Agency	0
# Civilian or Foreign Authority Prosecutions of persons subject to the UCMJ	0
# Civilian or Foreign Authority Prosecutions of Persons NOT Subject to the UCMJ	1
# Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**	34
# Probable cause for only non-sexual assault offense	0
# Subject deceased or deserted	0
# Victim deceased	0
# Victim declined to participate in the military justice action	0
# Insufficient evidence of any offense	16
# Statute of limitations had expired	0
# Unfounded by Command	17
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	1
# Subjects pending completion of command action as of 30-SEP-10	1
# Subjects for whom command action was completed as of 30-SEP-10	58
# Evidence Supports Command Action for the following Pre-FY09 Sexual Assault Subjects	59
# Courts-martial charge preferred (Initiated)	24
# Nonjudicial punishments (Article 15 UCMJ)	20
# Administrative discharges	0
# Other administrative actions	15
* The total number of reports that converted to Unrestricted Reports are included in the total number of Unrestricted Reports provided in Section A.	

FY09 Unrestricted Reports of Sexual Assault Combat Areas of Interest Demographics Part 1

[illegible]

**FY09 Restricted Reports of Sexual Assault
Combat Areas of Interest
Part 1**

COMBAT AREAS OF INTEREST - FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT IN THE MILITARY	
A. FY09 COMBAT AREAS OF INTEREST - RESTRICTED REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses)	FY09 TOTALS
# Service Member VICTIMS in Restricted Reports	58
# Reported sexual assaults AGAINST Service Member victims in the following categories	58
# Service Member on Service Member	27
# Non-Service Member on Service Member	1
# Unidentified subject on Service Member	30
# Reported sexual assaults occurring	58
# On military installation	46
# Off military installation	10
# Unidentified location	2
B. FY09 INCIDENT DETAILS	FY09 TOTALS
Length of time between sexual assault and Restricted Report	58
# Reports made within 3 days of sexual assault	16
# Reports made within 4 to 30 days after sexual assault	6
# Reports made within 31 to 365 days after sexual assault	20
# Reports made longer than 365 days after sexual assault	11
# Unknown	5
Time of sexual assault incident	58
# Midnight to 6 am	17
# 6 am to 6 pm	14
# 6 pm to midnight	18
# Unknown	9
Day of sexual assault incident	58
# Sunday	4
# Monday	8
# Tuesday	10
# Wednesday	7
# Thursday	5
# Friday	5
# Saturday	8
# Unknown	11
C. RESTRICTED REPORTING - VICTIM SERVICE AFFILIATION	FY09 TOTALS
# VICTIMS	58
# Army victims	39
# Navy victims	2
# Marines victims	0
# Air Force victims	15
# Coast Guard	0
# Unknown	2

**FY09 Restricted Reports of Sexual Assault
Combat Areas of Interest
Part 2**

D. DEMOGRAPHICS FOR FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT	FY09 TOTALS
Gender of VICTIMS	58
# Male	4
# Female	53
# Unknown	1
Age of VICTIMS	58
# 16-19	2
# 20-24	26
# 25-34	18
# 35-49	5
# 50-64	0
# 65 and older	0
# Unknown	7
Grade of VICTIMS	58
# E1-E4	32
# E5-E9	16
# WO1-WO5	0
# O1-O3	6
# O4-O10	1
# Cadet/Midshipman	0
# Civilian	0
# Foreign national/military	0
# Unknown	3
Status of VICTIMS	58
# Active Duty	47
# Reserve (Activated)	0
# National Guard (Activated)	8
# Civilian	0
# Cadet/Midshipman	0
# Unknown	3

**FY09 Restricted Reports of Sexual Assault
Combat Areas of Interest – Location of Restricted Reports**

COMBAT AREAS OF INTEREST - LOCATION OF FY09 RESTRICTED REPORTS	
E. TOTAL # FY09 COMBAT AREAS OF INTEREST -RESTRICTED REPORTS OF SEXUAL ASSAULT	FY09 Totals
<i>TOTAL RESTRICTED ASSAULTS IN COMBAT AREAS OF INTEREST</i>	<i>58</i>
Arabian Peninsula, Iraq & Red Sea	
Bahrain	1
Iraq	26
Jordan	0
Lebanon	0
Syria	0
Yemen	0
Djibouti	1
Egypt	0
Kuwait	11
Oman	0
Qatar	10
Saudi Arabia	0
United Arab Emirates	0
South Asia	
Iran	0
Pakistan	0
Afghanistan	8
Other	
Kyrgyzstan	1

FY09 Support Services for Victims of Sexual Assault Combat Areas of Interest

COMBAT AREAS OF INTEREST: FY09 SUPPORT SERVICES FOR VICTIMS OF SEXUAL ASSAULT IN THE MILITARY	
<i>NOTE: Totals of referrals and military protective orders are for all activities during the reporting period, regardless of when the sexual assault report was made (current or prior quarters).</i>	
A. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS FROM UNRESTRICTED REPORTS:	FY09 TOTALS
# Support service referrals for VICTIMS in the following categories	
# MILITARY facilities	81
# Medical	37
# Counseling	31
# Legal	13
# CIVILIAN facilities (Referred by DoD)	3
# Medical	0
# Counseling	1
# Legal	2
# Cases where SAFEs were conducted	11
# Cases where SAFE kits or other needed supplies were not available at time of victim's exam	0
# Military Victims in UR that received service referrals for an incident that occurred prior to military service	0
B. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS FROM RESTRICTED REPORTS:	FY09 TOTALS
# Support service referrals for VICTIMS in the following categories	
# MILITARY facilities	35
# Medical	17
# Counseling	18
# Legal	0
# CIVILIAN facilities (Referred by DoD)	0
# Medical	0
# Counseling	0
# Legal	0
# Cases where SAFEs were conducted	6
# Cases where SAFE kits or other needed supplies were not available at time of victim's exam	1
# Military Victims in RR that received service referrals for an incident that occurred prior to military service	0
C. SUPPORT SERVICE REFERRALS FOR NON-MILITARY (DOD CIVILIANS, CONTRACTORS, ETC) VICTIMS:	FY09 TOTALS
# Support service referrals for VICTIMS in the following categories	
# MILITARY facilities	2
# Medical	1
# Counseling	0
# Legal	1
# CIVILIAN facilities (Referred by DoD)	1
# Medical	0
# Counseling	1
# Legal	0
# Cases where SAFEs were conducted	0
# Cases where SAFE kits or other needed supplies were not available at time of victim's exam	0

APPENDIX B: LIST OF ACRONYMS

APPENDIX B: LIST OF ACRONYMS

AAU	Association of American Universities
AFI	Air Force Instruction
AFOSI	Air Force Office of Special Investigations
AFRICOM	U.S. Africa Command
AFRTS	Armed Forces Radio and Television Service
ALMAR	All-Marine
AOR	Area of Responsibility
APY	Academic Program Year
CAI	Combat Area of Interest
CENTCOM	U.S. Central Command
CID	Criminal Investigations Command
CNO	Chief of Naval Operations
COCOM	Combatant Command
CY	Calendar Year
DCoE	Defense Center of Excellence
DD	Department of Defense (Form)
DKO	Defense Knowledge Online
DHS	U.S. Department of Homeland Security
DMDC	Defense Manpower and Data Center
DMEO	Office of Diversity Management and Equal Opportunity
DoD	U.S. Department of Defense
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
DOJ	U.S. Department of Justice
DSAID	Defense Sexual Assault Incident Database
DSARC	Deployable Sexual Assault Response Coordinator
DTF-SAMS	Defense Task Force on Sexual Assault in the Military Services
DTM	Directive-Type Memorandum
DUSD	Deputy Under Secretary of Defense

DUSD-P	Secretary of Defense for Plans
DVA	U.S. Department of Veterans Affairs
EUCOM	U.S. European Command
FAP	Family Advocacy Program
FY	Fiscal Year
GAO	Government Accountability Office
HA	Health Affairs
HASC	House Armed Services Committee
HOCR	House Committee on Oversight and Government Reform
I. A.M.	Intervene Act Motivate
IG	Inspector General
JA	Judge Advocate
JAG	Judge Advocate General
JCS	Joint Chiefs of Staff
JP	Joint Publication
JTF-SAPR	Joint Task Force Sexual Assault Prevention and Response
LOD	Line of Duty
M&RA	Manpower and Reserve Affairs
MADD	Mothers Against Drunk Driving
MCIO	Military Criminal Investigative Organization
MCM	Manual for Courts-Martial
MCSR	Men Can Stop Rape
MOU	Memorandum of Understanding
MSA	Military Service Academy
NCIS	Naval Criminal Investigative Service
NDAA	National Defense Authorization Act
NGB	National Guard Bureau
No.	Number
NOVA	National Organization for Victim Assistance
NSVRC	National Sexual Violence Resource Center

OASD	Office of the Assistant Secretary of Defense
OCONUS	Outside the Continental United States
OGC	Office of the General Counsel
OIG	Office of the Inspector General
OSD	Office of the Secretary of Defense
OTJAG	Office of the Judge Advocate General
OVC	Office for Victims of Crime, U.S. Department of Justice
OVW	Office on Violence Against Women, U.S. Department of Justice
P&R	Personnel and Readiness
PACOM	U.S. Pacific Command
PAT	Policy Assistance Team
PCAR	Pennsylvania Coalition Against Rape
PL	Public Law
PSA	Public Service Announcement
QDR	Quadrennial Defense Review
RAINN	Rape, Abuse, and Incest National Network
RCM	Rules for Court Martial
RFP	Request for Proposal
SAAC	Sexual Assault Advisory Council
SAAM	Sexual Assault Awareness Month
SAFE	Sexual Assault Forensic Examination
SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
SARC	Sexual Assault Response Coordinator
SART	Sexual Assault Response Team
SCREAM	Students Challenging Realities and Educating Against Myths
SHARP	Sexual Harassment and Assault Response and Prevention
SME	Subject Matter Expert
SOCOM	U.S. Special Operations Command
SOUTHCOM	U.S. Southern Command

STRATCOM	U.S. Strategic Command
SVU	Special Victims' Unit
TRANSCOM	U.S. Transportation Command
UCC	Unified Combatant Command
UCMJ	Uniform Code of Military Justice
USA	U.S. Army
USACID	U.S. Army Criminal Investigative Command
USAF	U.S. Air Force
USAFA	U.S. Air Force Academy
USD	Under Secretary of Defense
USMA	U.S. Military Academy
USMC	U.S. Marine Corps
USN	U.S. Navy
USSOCOM	U.S. Special Operations Command
UVA	Uniformed Victim Advocates
VA	Victim Advocates
VWAP	Victim Witness Assistance Program

**APPENDIX C:
LAWS GOVERNING THE ANNUAL REPORT
ON SEXUAL ASSAULT IN THE MILITARY**

**APPENDIX C: LAWS GOVERNING THE DEPARTMENT OF DEFENSE
ANNUAL REPORT ON SEXUAL ASSAULT IN THE MILITARY****PUBLIC LAW 108-375****Sec. 577. Department Of Defense Policy And Procedures On Prevention
And Response To Sexual Assaults Involving Members Of The Armed Forces.****(f) Annual Report on Sexual Assaults.—**

(1) Not later than January 15 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.

(2) Each report on an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(B) A synopsis of, and the disciplinary action taken in, each substantiated case.

(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

(D) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.

(3) Each report under paragraph (1) for any year after 2005 shall include an assessment by the Secretary of the military department submitting the report of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

(4) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on the report. The Secretary shall submit each such report not later than March 15 of the year following the year covered by the report.

(5) For the report under this subsection covering 2004, the applicable date under paragraph (1) is April 1, 2005, and the applicable date under paragraph (4) is May 1, 2005.

PUBLIC LAW 109-163**Sec. 596. Improvement To Department Of Defense Capacity To Respond To Sexual Assault Affecting Members Of The Armed Forces.**

(c) Additional Matters for Annual Report on Sexual Assaults.--Section 577(f)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1927; *10 U.S.C. 113* note) is amended--

(1) by redesignating subparagraph (D) as subparagraph (G); and

(2) by inserting after subparagraph (C) the following new subparagraphs:

“(D) A description of the implementation during the year covered by the report of the tracking system implemented pursuant to section 596(a) of the National Defense Authorization Act for Fiscal Year 2006, including information collected on cases during that year in which care to a victim of rape or sexual assault was hindered by the lack of availability of a rape kit or other needed supplies or by the lack of timely access to appropriate laboratory testing resources.

“(E) A description of the implementation during the year covered by the report of the accessibility plan implemented pursuant to section 596(b) of the National Defense Authorization Act for Fiscal Year 2006, including a description of the steps taken during that year to provide that trained personnel, appropriate supplies, and transportation resources are accessible to deployed units in order to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.

“(F) A description of the required supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources needed, and in fact in place, in order to be able to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.”

PUBLIC LAW 109-364**Sec. 583. Inclusion in Annual Department of Defense Report on Sexual Assaults of Information on Results of Disciplinary Actions.**

Section 577(f)(2)(B) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1927) is amended to read as follows:

“(B) A synopsis of each such substantiated case and, for each such case, the disciplinary action taken in the case, including the type of disciplinary or administrative sanction imposed, if any.”

Uniform Code of Military Justice**Subchapter X. Punitive Articles**

Section 920. Article 120. Rape and carnal knowledge

(A) Any person subject to this chapter who commits an act of sexual intercourse with a female not his wife, by force and without consent, is guilty of rape and shall be punished by death or such other punishment as a court-martial may direct.

(B) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a female not his wife who has not

attained the age of sixteen years, is guilty of carnal knowledge and shall be punished as a court-martial may direct.

(C) Penetration, however slight, is sufficient to complete either of these offenses.

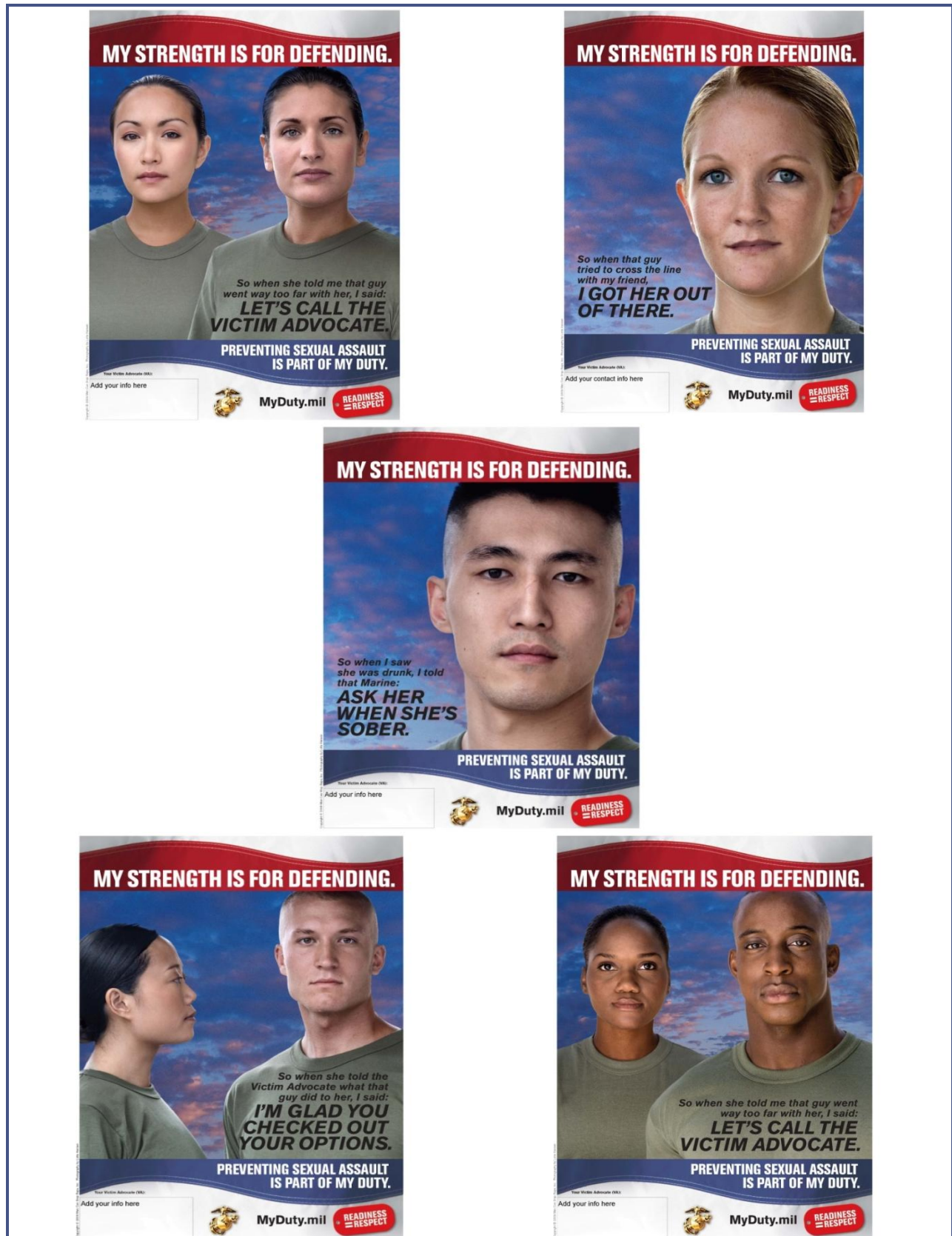
Uniform Code of Military Justice**Subchapter X. Punitive Articles****Section 925. Article 125. Sodomy**

(a) Any person subject to this chapter who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense.

(b) Any person found guilty of sodomy shall be punished as a court-martial may direct.

**APPENDIX D:
DOD SOCIAL MARKETING CAMPAIGN POSTERS**

APPENDIX D: DEPARTMENT OF DEFENSE SOCIAL MARKETING
CAMPAIGN POSTERS







**APPENDIX E: DIRECTIVE-TYPE MEMORANDUM 09-006
REVISING COMMAND NOTIFICATION REQUIREMENTS TO
DISPEL STIGMA IN PROVIDING MENTAL HEALTH CARE TO
MILITARY PERSONNEL**

**APPENDIX E: DIRECTIVE-TYPE MEMORANDUM 09-006: *REVISING
COMMAND NOTIFICATION REQUIREMENTS TO DISPEL STIGMA
IN PROVIDING MENTAL HEALTH CARE TO MILITARY
PERSONNEL***PERSONNEL AND
READINESSOFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JUL 2 2009

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

SUBJECT: Directive-Type Memorandum 09-006—Revising Command Notification
Requirements to Dispel Stigma in Providing Mental Health Care to Military
Personnel

References: See Attachment 1

Purpose. In accordance with the authority in Department of Defense (DoD) Directive 5124.02 (Reference (a)), this Directive-Type Memorandum (DTM):

- Establishes policy to act on the conclusions of the Department of Defense Task Force on Mental Health Report (reference (b)), which finds that the current low thresholds for notifying commanders of Service members' involvement in mental health care result in members not seeking treatment, yet continuing in their operational roles, while their problems grow worse.
- Provides more specific standards for health care providers regarding when to notify commanders of the involvement of military members with mental health services pursuant to paragraph C7.11.1. of DoD 6025.18-R (reference (c)) and parts 160 and 164 of Title 45, Code of Federal Regulations (reference (d)).
- Provides more explicit balance between patient confidentiality rights and the commander's right to know for operation and risk management decisions.

DTM 09-006

- Reduces stigma through notification standards parallel to those for reporting any other health issue.
- Is effective immediately. This DTM shall become a new DoD Instruction within 180 days.

Applicability. This DTM:

- Applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within DoD.
- Does not affect health care provider disclosures to command authorities when a member obtains mental health services other than those listed in attachment 2.

Policy. It is DoD policy that:

- Health care providers shall balance notification of a member's commander with operational risk management, as with any other health concern.
- In making a disclosure pursuant to the circumstances in attachment 2, health care providers shall provide the minimum amount of information to satisfy the purpose of the disclosure. In general, this shall consist of the diagnosis, a description of the treatment prescribed or planned, impact on duty or mission, recommended duty restrictions, and the prognosis.

Responsibilities. Medical treatment facility commanders will assure providers are aware of command notification policies and the requirement for compliance.

Procedures. See attachment 2.

DTM 09-006

Releasability. UNLIMITED. This DTM is approved for public release and is available on the Internet from the DoD Issuances Web site at <http://www.dtic.mil/whs/directives>.



Gail H. McGinn

Deputy Under Secretary of Defense (Plans)
Performing the Duties of
the Under Secretary of Defense
(Personnel and Readiness)

Attachments:
As stated

DTM 09-006

ATTACHMENT 1REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) Section 5.1.4. of the Department of Defense Task Force on Mental Health Report, "An Achievable Vision: Report of the Department of Defense Task Force on Mental Health Final Report," June 2007¹
- (c) DoD 6025.18-R, "DoD Health Information Privacy Regulation," January 24, 2003
- (d) Parts 160 and 164 of title 45, Code of Federal Regulations
- (e) DoD Directive 6490.1, "Mental Health Evaluations of the Members of the Armed Forces," October 1, 1997
- (f) DoD Instruction 6490.4, "Requirements for Mental Health Evaluations of Members of the Armed Forces," August 28, 1997
- (g) DoD Instruction 6400.06, "Domestic Abuse Involving Military and Certain Affiliated Personnel," August 21, 2007
- (h) DoD Instruction 5210.42, "Nuclear Weapon Personnel Reliability Program (PRP)," October 16, 2006
- (i) DoD Instruction 1010.6, "Rehabilitation and Referral Services for Alcohol and Drug Abusers," March 13, 1985

¹ Available through the Internet at <http://www.ha.osd.mil/dhb/mhtf/MHTF-Report-Final.pdf>.

DTM 09-006

ATTACHMENT 2PROCEDURES1. HEALTH-CARE PROVIDERS. Health care providers shall:

a. Notify a commander when a member presents with a mental health condition in these circumstances:

(1) Harm to Self. The provider believes there is a serious risk of self-harm by the member.

(2) Harm to Others. The provider believes there is a serious risk of harm to others. This includes any disclosures concerning child abuse or domestic violence consistent with Department of Defense (DoD) Instruction 6400.06 (reference (g)).

(3) Harm to Mission. The provider believes there is a serious risk of harm to a specific military operational mission. Such serious risk may include disorders that significantly impact impulsivity, insight, and judgment.

(4) Special Personnel. The member is in the Personnel Reliability Program (DoD Instruction 5210.42 (reference (h))) or is in a position that has been pre-identified by Service regulation or the command as having mission responsibilities of such potential sensitivity or urgency that normal notification standards would significantly risk mission accomplishment.

(5) Inpatient Care. The member is admitted or discharged from any inpatient mental health or substance abuse treatment facility, as these are considered critical points in treatment of Active Duty members in mental health systems and support nationally recognized patient safety standards.

(6) Acute Medical Conditions Interfering With Duty. The member is experiencing an acute mental health condition or acute medical regimen that impairs the member's ability to perform his or her duties.

(7) Substance Abuse Treatment Program. The member has entered into a formal outpatient or inpatient treatment program consistent with DoD Instruction 1010.6 (reference (i)) for the treatment of substance abuse or dependence. Those who seek alcohol-use education, who have not had an alcohol referral incident (such as arrest for driving under the influence) do not require command notification unless they also choose

DTM 09-006

to be formally evaluated and are diagnosed with a substance abuse or dependence disorder.

(8) Command-Directed Mental Health Evaluation. The mental health services are obtained as a result of a command-directed mental health evaluation consistent with reference (f).

b. When commander notification is required, provide the minimum amount of information to satisfy the purpose of the disclosure.

c. Maintain records of disclosure of protected health information consistent with chapter 13 of reference (c).

2. COMMANDER DESIGNATION. Notification to a commander pursuant to this DTM shall be to the commander personally or to another person specifically designated in writing by the commander for this purpose.

3. COMMANDERS. Commanders shall protect information provided pursuant to this DTM, as they should with any other health information. Information provided shall be restricted to personnel with a need for the information. Such personnel shall also be accountable for protecting the information. Commanders must also reduce stigma through positive regard for those who seek mental health assistance to restore and maintain their mission readiness, just as they would view someone seeking treatment for any other medical issue.

LIST OF COORDINATING OFFICIALS FOR DTM 09-006
 "Revising Command Notification Requirements to Dispel Stigma in Providing Mental Health
 Care to Military Personnel"

Director of Program Analysis and Evaluation	E. N. Gardner, LtGen, USMC Principal Deputy	April 17, 2009
General Counsel, DoD	Paul S. Koffsky Deputy for Personnel and Health Policy	April 14, 2009
Inspector General, DoD	Donald M. Horstman Deputy for Policy and Oversight	April 14, 2009
Director of Administration and Management	Craig H. Glassner, Director, Executive Services Directorate for Michael L. Rhodes, Acting	April 28, 2009
Under Secretary of Defense for Intelligence	John C. Koziol Deputy Under Secretary of Defense for Joint and Coalition Warfighter Support	May 7, 2009
Assistant Secretary of Defense for Legislative Affairs	No response	
Assistant to the Secretary of Defense for Intelligence Oversight	William Dugan	April 2, 2009
Secretary of the Army	Danny Pummill Director of Operations, Office of the Assistant Secretary (Manpower and Reserve Affairs) Performing the Duties of Principal Duty Assistant Secretary (Manpower and Reserve Affairs)	April 23, 2009
Secretary of the Navy	Harvey C. Barnum, Jr., Acting Assistant Secretary (Manpower and Reserve Affairs)	April 27, 2009
Secretary of the Air Force	Ronald A. Winter, Acting Assistant Secretary (Manpower and Reserve Affairs)	May 1, 2009
Chairman of the Joint Chiefs of Staff	No response	

**APPENDIX F:
MEMORANDUM ON MENTAL HEALTH
COUNSELING AND TREATMENT AND
SECURITY CLEARANCES**

**APPENDIX F: MEMORANDUM ON MENTAL HEALTH COUNSELING
AND TREATMENT AND SECURITY CLEARANCES****OFFICE OF THE SECRETARY OF DEFENSE**

WASHINGTON, DC 20301-1000

NOV 20 2009

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

Subject: Mental Health Counseling and Treatment and Security Clearances


In April 2008, we issued a joint memorandum to all Department of Defense (DoD) personnel reaffirming the Department's strong endorsement that personnel should "seek professional help to address all health-related concerns, either mental or physical." The purpose of this memorandum is to reiterate that counseling and treatment for mental or physical health, in and of itself, is not a reason to deny or revoke a security clearance. Indeed, many types of mental health counseling and treatment, to include treatment which results from being the victim of a crime, such as rape or sexual assault, are usually not a concern with regard to security clearances.


Unfortunately, DoD civilian personnel and Service members still sometimes avoid or delay seeking mental health counseling or treatment because they are concerned that doing so will jeopardize their security clearance. Some feel embarrassed that others will find out about their mental health problems or fear that seeking help now will cause personnel security officials and commanders to question their judgment or stability later. This concern reflects a misunderstanding of the reason personnel are asked about their mental health history on security clearance applications. Personnel security officials are responsible for identifying applicants with mental or personality disorders which are likely to cause behavior that endangers security. In doing so, they must also distinguish this group of applicants from those cases where an individual's reasons for seeking mental health counseling and treatment do not constitute a valid security concern.

Executive Order 12968, *Access to Classified Information*, states that "no negative inference concerning eligibility for access to classified information may be made solely on the basis of mental health counseling." Adjudicators must adhere to uniform national adjudicative guidelines when evaluating information concerning mental health counseling. Seeking professional care for mental health issues is a positive course of action that, by itself, will not jeopardize a security clearance. On the contrary, failure to

seek care when needed actually increases the likelihood that psychological distress may escalate to a more serious mental condition, which in turn could cause behaviors that would be of security concern. Through the training programs they provide, leaders, security professionals, counselors, and victim advocates must encourage personnel to seek treatment and counseling for issues that affect mental health and must also reinforce the idea that utilization of mental health treatment options is a positive course of action. Education is crucial to dispelling the myths and removing the stigma associated with seeking professional help.

The attachment provides answers to some frequently asked questions regarding mental health counseling and treatment as they relate to security clearances. Again, we encourage all employees to seek care when needed, regardless of the issue, knowing that getting professional assistance is the best way to maintain optimal individual performance and sustain our Nation's security.


James R. Clapper, Jr.
Under Secretary of Defense for
Intelligence


Gail H. McGinn
Performing the Duties of the
Under Secretary of Defense for
Personnel and Readiness

Attachment:
As stated

Frequently Asked Questions

1. If I seek mental health counseling or treatment for a condition that is not excluded from being reported on question 21 of the Standard Form 86 Questionnaire for National Security Positions (SF 86), how will it affect the decision on whether to grant or renew my security clearance?

Your decision to seek counseling or treatment is viewed as a positive sign that you recognize a problem may exist and are willing to take steps towards resolving it. Early intervention is often a key to successful resolution. On the other hand, letting your mental health problem grow until your behavior endangers security may lead to a negative decision on your clearance.

2. If I have received counseling or treatment from a mental health professional for reasons other than the exclusions listed on question 21 of the SF 86, what happens when I am investigated or reinvestigated for my security clearance?

You will have to report the counseling or treatment on your personnel security questionnaire (the SF 86). During an interview, the background investigator will ask standard questions about the length and reasons for your mental health counseling or treatment and its outcomes.

3. Does it make a difference if I enter this counseling or treatment voluntarily, without it being required by a supervisor or court?

Yes. Voluntarily seeking help is a definite plus in the later decision by personnel security officials regarding whether to grant or renew your security clearance. The fact that you have voluntarily sought counseling or treatment for a mental health problem does not suggest that your problem is more serious than someone who has not. Instead, it shows that you are aware of the problem and are trying to deal with it in a responsible manner. This voluntary action is considered positive evidence of reliability and a willingness to fulfill personnel security responsibilities. When the investigation results are later reviewed to make a security clearance decision, the fact that you voluntarily sought professional help will be a significant positive factor in the decision.

4. How do I get help if I have a problem that requires mental health counseling or treatment?

You can receive quick professional help by contacting the Employee Assistance Program (EAP), Military One Source, or Counseling Services that are offered at your workplace. These free government-sponsored programs can assist you in finding a local mental health professional who can help you with your mental health problem. If an EAP is not available, you can seek help from mental health professionals located in your local area.

APPENDIX G:
THE *VICTIM RIGHTS IN ACTION* BROCHURE

APPENDIX G: VICTIM RIGHTS IN ACTION BROCHURE**DoD's Victim and Witness Definitions**

The DoD uses the following definitions for victim and witness, but more information may be available through your installation's Victim Witness Assistance Program, which is usually located in the installation legal office (Judge Advocate).

A **victim** is a person who has suffered direct physical, emotional, or financial harm as a result of a crime committed in violation of the Uniform Code of Military Justice. Victims of crime in other jurisdictions are also included if any portion of the investigation is conducted primarily by a DoD component. Such individuals include, but are not limited to, the following:

- Military members and their families
- DoD civilian employees, contractors, and their family members (when stationed outside the continental United States). However, in stateside locations this group is not eligible for some services, such as medical care in military medical facilities.
- Children or people needing representation. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term, victim, includes one of the following (in order of precedence): a spouse, legal guardian, parent, child, sibling, another family member, or another person designated by a court or legal authority.

A **witness** is a person who provides information or evidence about a criminal offense within the investigative responsibility of the DoD. When the witness is a minor, the term witness includes a minor's family member or legal guardian. The term does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.

Victim Witness Assistance Program

Once an investigation is initiated, a Victim-Witness Liaison (VWL) is available to assist sexual assault victims. A VWL assists victims with exercising their federally mandated rights and with navigating the criminal justice system. VWLs also provide information on services and resources, and interact with lawyers and commanders. VWLs help ensure the victim's situation is respected, that victims have a voice in the process, and that victims are kept informed of the status of the investigation and prosecution.

Resources

To locate your Victim-Witness Liaison, you should contact your local installation's office of the Staff Judge Advocate or base legal office.

For additional information or to find Victim-Witness Assistance Points of Contact:

DoD Victim and Witness Assistance Council
<http://www.defenselink.mil/vwac>

Office for Victims of Crime (Department of Justice)
<http://www.ojp.usdoj.gov/ovc>



Department of Defense

Issued by the Secretary of Defense, Office of
Legal Policy
Prepared by the Sexual Assault Prevention and
Response Office



Victims' Rights In Action



Department of Defense Victim and Witness Assistance Programs

The Department of Defense Victim Witness Assistance Program assists victims of crime – including sexual assault – by providing information and access to resources. DoD Directive 1030.01, *Victim and Witness Assistance* (April 23, 2007) and DoD Instruction 1030.2, *Victim and Witness Procedures* (June 4, 2004) implement statutory requirements for the DoD programs. These DoD policies also provide guidance for assisting victims and witnesses of crime from initial contact through investigation, prosecution, and confinement. Particular attention is paid to victims of serious and violent crime, including child abuse, domestic violence, and sexual misconduct.

Victim's Bill of Rights

The Directive includes a DoD Victims' Bill of Rights, which resembles the Federal Crime Victims' Bill of Rights. DoD law enforcement and legal personnel directly engaged in the detection, investigation, or prosecution of crimes are responsible for ensuring that victims of military-related crime are accorded the following rights:

1. Be treated with fairness and respect for the victim's dignity and privacy.
2. Be reasonably protected from the accused offender.
3. Be notified of court proceedings.
4. Be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.
5. Confer with the attorney for the Government in the case.
6. Receive available restitution.
7. Be provided information about the conviction, sentencing, imprisonment, and release of the offender.

Additionally, court-martial convening authorities, as well as clemency and parole boards, shall consider making restitution to the victim a condition of pretrial agreements, sentence reduction, clemency, and parole. They may consider victim statements on the impact of crime when reviewing a case.

Victims' rights are more than the discrete rights created by specific statutes or judicial decisions. Victims' rights are about the victims' participation in the criminal justice system and about changing the culture of that system to accommodate such participation.

During the Investigation:

- Protection
- Privacy
- Information
- Respectful Treatment

During Command Decision-Making Phase:

- Protection
- Privacy
- Information
- Consultation
- Restitution
- Respectful Treatment

During Prosecution:

- Protection
- Privacy
- Information
- Notification
- Attendance
- Consultation
- Restitution
- Respectful Treatment
- Victim Impact

Post-Prosecution:

- Information
- Privacy
- Victim Impact

42 USC § 10601 et seq.
18 USC § 1512-1514
Victim-Witness Assistance Program
Department of Defense Directive 1030.1
Department of Defense Instruction 1030.2

Important DoD Information Forms for Victims

Victim and witness assistance programs throughout DoD use standard forms to advise victims and witnesses of their rights during all stages of a case. Each military service is also required to provide DoD an annual report indicating the numbers of victims and witnesses who have received assistance and services. The following chart lists the DoD forms number, the title of the form, when they are used, and their purpose.

DD Form 2701

Initial Information for Victims and Witnesses of Crime
Initial Contact

Provides notice to victims and witnesses on rights and information on the military justice system and points of contact

DD Forms 2702/2703

Court Martial Information for Victims and Witnesses of Crime
and

Post-Trial Information for Victims and Witnesses of Crime
Prosecution

Provides notice to victims and witnesses on rights during court-martial proceedings and process and during the command's decision-making process

DD Forms 2704/2705

Victim/Witness Certification and Election Concerning Inmate Status
and

Victim/Witness Notification of Inmate Status
Confinement

Provides information to victims and witnesses on the offender's sentence, confinement status, clemency and parole hearings and release from confinement

DD Form 2706

Annual Report

Provides statistical information to DoD on assistance rendered to victims and witnesses

**APPENDIX H:
FY09 PAT VISITS COMMANDER AND ACCESSION TRAINING
CHECKLISTS**

**APPENDIX H: FY09 PAT VISITS COMMANDER AND ACCESSION
TRAINING CHECKLISTS**

Accession Training			
The Military Service:			
	YES	NO	comments
1. Provides mandatory education and training in SAPR as part of the overall effort to achieve sexual assault awareness and prevention within the Department of Defense. - DoDI E3.2.1.			
	YES	NO	comments
2. Publicizes policies and procedures for reporting a sexual assault. DoDI 5.7.3. <ul style="list-style-type: none"> • Restricted Reporting and Unrestricted Reporting 			
Provides information regarding the availability of:			
	YES	NO	comments
3. Advocacy - DoDI 5.7.3. <ul style="list-style-type: none"> • SARC and VA 			
	YES	NO	comments
4. Medical treatment - DoDI 5.7.3. <ul style="list-style-type: none"> • Sexual Assault Forensic Exam (SAFE) • Medical Care 			
	YES	NO	comments
5. Referral services - DoDI 5.7.3. <ul style="list-style-type: none"> • Resources, e.g., legal, medical, counseling, etc. 			
	YES	NO	comments
6. Makes personnel aware that sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts.			

Focuses this training to ensure that all Service members have a working knowledge of:			
	YES	NO	comments
7. What constitutes sexual assault - DoDI E3.2.1.1.			
	YES	NO	comments
8. Why sexual assaults are crimes - DoDI E3.2.1.1.			
	YES	NO	comments
9. The meaning of consent - DoDI E3.2.1.1.			
Provides personnel with information on and ensures Service members are aware of:			
	YES	NO	comments
10. The reporting options available to them - DoDI 5.7.3.1 and DoDI E3.2.1.1. <ul style="list-style-type: none"> Restricted Reporting and Unrestricted Reporting 			
	YES	NO	comments
11. The exceptions and/or limitations of each option - DoDI 5.7.3.1. and DoDI E3.2.1.1.			
	YES	NO	comments
12. Uses the term sexual assault as defined in DoD Directive 6495.01 ¹¹¹ in all training programs. - DoDI E3.2.1.2.			

¹¹¹ Definition of Sexual Assault: "For the purpose of this Directive and SAPR awareness training and education, the term "sexual assault" is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts. "Consent" means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent." - DoDD 6495.01, October 6, 2005

	YES	NO	comments
13. Emphasizes the distinction between the terms sexual assault and sexual harassment which is defined in DoD Directive 1350.2. ¹¹² - DoDI E3.2.1.2.			
	YES	NO	comments
14. Tracks and maintains records of participation in the training			

Policy References

DoD Directive 6495.01, October 6, 2005

DoD Instruction 6495.02, June 23, 2006

¹¹² Definition of Sexual Harassment: A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment. This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for Military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Commander Training (O-6 LEVEL TRAINING)			
Does the training accomplish the following:			
	YES	NO	comments
15. Ensure commanders understand SAPR policies to effectively implement them within their level of command responsibility. - DoDI E3.1			
	YES	NO	comments
16. Ensure commanders understand policies and procedures for reporting a sexual assault. DoDI 5.7.3. <ul style="list-style-type: none"> • Restricted Reporting and Unrestricted Reporting • Exceptions and limitations associated with each type of reporting 			
	YES	NO	comments
17. Ensure commanders understand what type of advocacy services and support are available through the SAPR program for personnel within their level of command responsibility - DoDI 5.7.3. <ul style="list-style-type: none"> • SARC and VA roles 			
	YES	NO	comments
18. Ensure commanders understand what type of medical treatment is available for victims of sexual assault through the SAPR program for personnel within their level of command responsibility - DoDI 5.7.3. <ul style="list-style-type: none"> • Sexual Assault Forensic Exam (SAFE) • Medical care 			
	YES	NO	comments
19. Ensure commanders understand that there are a variety of referral services available for victims of			

sexual assault - DoDI 5.7.3. <ul style="list-style-type: none"> Resources, e.g., legal, medical, counseling, etc. 			
	YES	NO	comments
20. Ensure commanders understand the definition of sexual assault as specified in the DoDI. - DoDI E3.2.1.2			
Focuses this training to ensure that all Service members have a working knowledge of:			
Upon completion of the training a participant should be able to explain the following in their own words:			
	YES	NO	comments
21. What constitutes sexual assault - DoDI E3.2.1.1.			
	YES	NO	comments
22. That sexual assaults are crimes - DoDI E3.2.1.1.			
	YES	NO	comments
23. The definition of consent - DoDI E3.2.1.1.			

Provides personnel with information on and ensures Service members are aware of:			
	YES	NO	comments
24. Ensure commanders understand the distinction between the terms sexual assault and sexual harassment which is defined in DoD Directive 1350.2. ¹¹³ - DoDI E3.2.1.2.			
	YES	NO	comments
25. The agency or schoolhouse conducting the training tracks and maintains records of participation in the training			

Policy References

DoD Directive 6495.01, October 6, 2005

DoD Instruction 6495.02, June 23, 2006

¹¹³ Definition of Sexual Harassment: A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment. This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for Military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Commander Responsibilities			
To help establish the comprehensiveness of the training, the SAAC Training Subcommittee will review the training on the following additional topics related to commander responsibilities:			
Overall Responsibilities			
	Y	N	Comments
2. Management responsibility for effective implementation of SAPR policies - DoDI E3.1.			
	Y	N	Comments
3. Responsibility to advocate a strong SAPR program - DoDI E3.1.			
Training and Prevention			
	Y	N	Comments
4. Responsibility to ensure education and training is provided that enables Service members to prevent and appropriately respond to incidents of sexual assault - DoDI E3.1.			
	Y	N	Comments
5. Annual training requirements for Service members			
	Y	N	Comments
6. Receiving regular SAPR updates from the SARC - DoDI E3.2.5.2.2.			
	Y	N	Comments
7. Using case data from the SARC to mitigate risk factors in the environment			
Response			
	Y	N	Comments
8. Responders and their roles			
	Y	N	Comments
9. Sexual assault reporting procedures –restricted and unrestricted			
	Y	N	Comments
10. Role of the Sexual Assault Case Management Group			

	Y	N	Comments
11. The <i>Commander's Checklist for Unrestricted Reports of Sexual Assault</i> - DoDI E5. <ul style="list-style-type: none"> • Victim's Commander • Alleged Offender's Commander • Unit Commander of Victim and/or Alleged Offender <ul style="list-style-type: none"> ○ Prevention ○ In the Event of a Sexual Assault 			
	Y	N	Comments
12. Sexual Assault Forensic Exam (SAFE) and/or medical care			
	Y	N	Comments
13. Taking action on collateral misconduct by victim may be delayed. - DoDI E3.2.12.			
	Y	N	Comments
14. Responsiveness to a victim's desire to discuss his or her case - DoD E3.2.4.5.			
	Y	N	Comments
15. Disposition authority for sexual assault cases - DoDI E12.			
	Y	N	Comments
16. Reviewing administrative separation actions involving victims of sexual assault which occur within 1 year of an Unrestricted Report of sexual assault - DoDI E3.2.14.			
	Y	N	Comments
15. Consideration of victim wishes regarding reassignment of offender or victim to separate them.			
	Y	N	Comments
17. Procedures to protect the SARC and VA from coercion, discrimination, or reprisals - DoDI E3.2.15.			

Policy References

DoD Directive 6495.01, October 6, 2005

DoD Instruction 6495.02, June 23, 2006

Quality of Training			
To ASSESS THE QUALITY of the training, the SAAC Training Subcommittee will review the training for its consistency with the following best practices:*			If unsatisfactory, discuss the reasons why with the instructor and note in the comments section below.
Incorporates practices consistent with Adult Learning Theory:			
	YES	NO	Comments
26. Trainer attempts to break trainees into small groups (30 people or less per training class)			
	YES	NO	Comments
27. Use of at least one scenario that allows student to apply concepts learned			
	YES	NO	Comments
28. Use of two or more delivery mechanisms (e.g., lectures, discussion groups, videos, handouts, slides, skits)			
	YES	NO	Comments
29. Actively solicits group participation and interaction			
	YES	NO	Comments
30. Instructor establishes ground rules for training (As demonstrated by setting the stage to acknowledge the difficult nature of the subject matter and creating a trusting environment. Additionally, victims/survivors may be present, some may need to leave the room; instructor has arranged for support if needed)			
	YES	NO	Comments
31. Instructor has demonstrated evidence of training preparation and motivates students. (For example, Instructor does not read from a script, makes eye contact with students, asks questions to check understanding)			

Imparts knowledge, skills, and behaviors:			
	YES	NO	Comments
32. Students demonstrate comprehension of topics presented			
Demonstrates the following three:			
	YES	NO	Comments
a. Understanding what sexual assault is (see DoDI definition ¹¹⁴)			
	YES	NO	Comments
b. Understanding the Restricted and Unrestricted Reporting options and how to access them			
	YES	NO	Comments
c. Understands that there is 24/7 help available and how to make contact with resources			
	YES	NO	Comments
d. Demonstrates concepts of safe Bystander Intervention			

*Best Practices are based on the following:

- (1) "Cone of Learning" developed and revised by Bruce Hyland from material by Edgar Dale, Edgar Dale, Audio-visual Methods in Teaching (3rd Edition). Holt, Reinhart, and Wilson (1969).
- (2) Reception, Processing and Response Principles from Booth-Butterfield, S., Welbourne, J., Williams, C., and Lewis, V. (2007). Formative field experiments of a NIOSH *Alert to reduce the risks to fire fighters from structural collapse: Applying the cascade framework. Health Communication*.
- (3) Speck, M. (1996, Spring). Best practice in professional development for sustained educational change. *ERS Spectrum*, 33-41.

Speck (1996) notes that the following important points of adult learning theory should be considered when professional development activities are designed for educators: "Adults will

¹¹⁴ Definition of Sexual Assault: "For the purpose of this Directive and SAPR awareness training and education, the term "sexual assault" is defined as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (to include unwanted and inappropriate sexual contact), or attempts to commit these acts. "Consent" means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent." - DoDD 6495.01, October 6, 2005

commit to learning when the goals and objectives are considered realistic and important to them. Application in the 'real world' is important and relevant to the adult learner's personal and professional needs. Adults want to be the origin of their own learning and will resist learning activities they believe are an attack on their competence. Thus, professional development needs to give participants some control over the what, who, how, why, when, and where of their learning. Adult learners need to see that the professional development learning and their day-to-day activities are related and relevant. Adult learners need direct, concrete experiences in which they apply the learning in real work. Adult learning has ego involved. Professional development must be structured to provide support from peers and to reduce the fear of judgment during learning. Adults need to receive feedback on how they are doing and the results of their efforts. Opportunities must be built into professional development activities that allow the learner to practice the learning and receive structured, helpful feedback. Adults need to participate in small-group activities during the learning to move them beyond understanding to application, analysis, synthesis, and evaluation. Small-group activities provide an opportunity to share, reflect, and generalize their learning experiences. Adult learners come to learning with a wide range of previous experiences, knowledge, self-direction, interests, and competencies. This diversity must be accommodated in the professional development planning. Transfer of learning for adults is not automatic and must be facilitated. Coaching and other kinds of follow-up support are needed to help adult learners transfer learning into daily practice so that it is sustained." (pp. 36–37)

Request Service IG tools for measuring effectiveness, and consider incorporating relevant aspects where appropriate before finalizing.

**APPENDIX I:
SECRETARY OF DEFENSE SEXUAL ASSAULT
AWARENESS MONTH MEMORANDUM**

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AWARENESS MONTH MEMORANDUM**

THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

APR 13 2009

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
CHIEF, NATIONAL GUARD BUREAU
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Sexual Assault Awareness Month – April 2009

April marks the Department of Defense's fifth observance of National Sexual Assault Awareness Month (SAAM). This observance was designated to address an important concern in our ranks – the reduction of sexual harassment and assault of service personnel. The Department of Defense has a no-tolerance policy toward sexual assault. This type of act not only does unconscionable harm to the victim; it destabilizes the workplace and threatens national security.

The 2009 SAAM theme, "*Our Strength is for Defending*," reflects the Department's efforts to raise awareness and stop sexual violence. Fighting this crime begins with accountability and strong leadership – up, down, and across the chain of command – from junior enlisted members to senior noncommissioned officers to commanders. Every employee must know how to prevent such situations and report any incident that occurs. Leaders must promote proper workplace behavior and take action as necessary.

Sexual assault is not a matter to take lightly, and the Department of Defense remains committed to the safety, welfare, and readiness of its personnel. Trained sexual assault coordinators and victim advocates from the Services are available for assistance with prevention and intervention. More information about the Department of Defense's efforts is available at www.MyDuty.mil.



OSD 03306-09



**APPENDIX J:
DEPARTMENT OF DEFENSE FORM 2910**

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VICTIM REPORTING PREFERENCE STATEMENT <i>(Please read Privacy Act Statement before completing this form.)</i>	
1. REPORTING PROCESS AND OPTIONS DISCUSSED WITH THE VA OR SARC	
a. I, (Full name) _____, had the opportunity to talk with a Victim Advocate (VA) or a Sexual Assault Response Coordinator (SARC) before selecting a reporting option.	
b. UNRESTRICTED REPORTING - REPORTING A CRIME WHICH IS INVESTIGATED.	
INITIALS	I understand that law enforcement and my command will be notified that I am a victim of sexual assault and an investigation will be started. I understand I can receive medical treatment, advocacy services, and counseling, and an optional sexual assault forensic examination to collect evidence if indicated. The full range of victim protection actions may be available to me, such as being separated from the offender(s) or receiving a military protective order against the offender. Any misconduct on my part may be punished, but at the discretion of the commander may be delayed until after the sexual assault charge(s) is resolved.
c. RESTRICTED REPORTING - CONFIDENTIALLY REPORTING A CRIME WHICH IS NOT INVESTIGATED.	
	(1) I understand that I can confidentially receive medical treatment, advocacy services, and counseling, and an optional sexual assault forensic exam to collect evidence if needed, but law enforcement and my command will NOT be notified. My report will NOT trigger an investigation; therefore, no action will be taken against the offender(s) as the result of my report.
	(2) I understand that there are exceptions to "Restricted Reporting" (see back). If an exception applies, limited details of my assault may be revealed to satisfy the exception.
	(3) I understand that if I have not made an "Unrestricted Report" within 1 year of any evidence collected, it will be destroyed and no longer available for any future investigation or prosecution efforts.
	(4) I understand that all state laws, local laws or international agreements that may limit some or all of DoD's restricted reporting protections have been explained to me. In _____, medical authorities must report the sexual assault to _____.
	(5) I understand that the SARC will provide information that does not reveal my identity, nor that of my offender, to the responsible senior commander within 24 hours of my "Restricted Report" or within 48 hours if at a deployed location and extenuating circumstances apply. This information is required for the purposes of public safety and command responsibility.
	(6) I understand that by choosing "Restricted Reporting," the full range of victim protection actions may not be available, such as being separated from the offender(s) or receiving a military protective order against the offender(s).
	(7) I understand that if I talk about my sexual assault to anyone other than those under the "Restricted Reporting" option (SARC, sexual assault victim advocate, or healthcare providers), and chaplains, it may be reported to my command and law enforcement which could lead to an investigation.
	(8) I understand that I may change my mind and report this offense at a later time as an "Unrestricted Report," and law enforcement and my command will be notified. Delayed reporting may limit the ability to prosecute the offender(s). If the case goes to court, my victim advocate and others providing care may be called to testify about any information I shared with them.
	(9) I understand that if I do not choose a reporting option at this time, my commander and investigators will be notified.
PRIVACY ACT STATEMENT AUTHORITY: Section 301 of Title 5, United States Code. and Chapter 55 of Title 10, United States Code. PRINCIPAL PURPOSE(S): Information on this form will be used to document elements of the sexual assault response and/or reporting process and comply with the procedures set up to effectively manage the sexual assault prevention and response program. ROUTINE USE(S): None. DISCLOSURE: Completion of this form is voluntary; however, failure to complete this form with the information requested impedes the effective management of care and support required by the procedures of the sexual assault prevention and response program.	
DD FORM 2910, NOV 2008	
<div style="text-align: right;"> Reset </div>	

Adobe Designer 8.0

2. CHOOSE A REPORTING OPTION <i>(Initial)</i>	
<input type="checkbox"/>	a. Unrestricted Report. I elect Unrestricted Reporting and have decided to report that I am a victim of sexual assault to my command, law enforcement, or other military authorities for investigation of this crime.
<input type="checkbox"/>	b. Restricted Report. I elect Restricted Reporting and have decided to confidentially report that I am a victim of sexual assault. My command will NOT be provided with information about my identity. Law enforcement or other military authorities will NOT be notified unless one of the exceptions applies. I understand the information I provide will NOT start an investigation or be used to punish an offender.
3. RESTRICTED REPORT CASE NUMBER <i>(If applicable)</i>	
4.a. SIGNATURE OF VICTIM	b. DATE (YYYYMMDD)
5.a. SIGNATURE OF SARC/VICTIM ADVOCATE	b. DATE (YYYYMMDD)
6. I have reconsidered my previous selection of "Restricted Reporting," and I would like to make an "Unrestricted Report" of my sexual assault to authorities for a possible investigation.	
a. SIGNATURE OF VICTIM	b. DATE (YYYYMMDD)
c. SIGNATURE OF SARC/VICTIM ADVOCATE	d. DATE (YYYYMMDD)
<p align="center">EXCEPTIONS TO "RESTRICTED REPORTING"</p> <p>In cases in which members elect restricted reporting, disclosure of covered communications is authorized to the following persons or organizations when disclosure would be for the following reasons:</p> <ol style="list-style-type: none"> 1. Command officials or law enforcement when authorized by the victim in writing. 2. Command officials or law enforcement to prevent or lessen a serious and imminent threat to the health or safety of the victim or another person. 3. Disability Retirement Boards and officials when required for fitness for duty for disability retirement determinations. Disclosure is limited to only that information necessary to process the disability retirement determination. 4. SARC, victim advocates or healthcare provider when required for the direct supervision of victim services. 5. Military or civilian courts when ordered, or if disclosure is required by Federal or state statute. <p>SARCs, victim advocates and healthcare providers will first consult with the servicing legal office to determine whether the criteria of any of the above exceptions apply, and whether they have a duty to comply by disclosing the information.</p> <p>NOTICE: DOCUMENTATION FOR RECORD KEEPING PURPOSES. Victims are advised to maintain a signed and dated copy of this form for their records. This form may be used by the victim in other matters before other agencies (e.g., Department of Veterans Affairs) or for any other lawful purpose.</p>	
DD FORM 2910 (BACK), NOV 2008	
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DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE

