

1 Introduction

The Department of Defense is unequivocal in its commitment that victims of sexual assault be protected, treated with dignity and respect, provided proper medical and psychological care, and that the perpetrators of such assaults be held accountable in accordance with recognized principles of due process and the rules of law.

This report contains the findings and recommendations of the Department of Defense Care for Victims of Sexual Assault Task Force. The findings are intended to provide a high level, comprehensive assessment of the strengths, weaknesses, and gaps in current DoD and Service policies regarding care of sexual assault victims.

The goals of this Task Force were to be honest in our approach to our task and open-minded about opportunities to make a difference. In the course of the review, we sought to understand culture, command structures, and resource limitations when evaluating appropriate courses of action needed to fill gaps in policies and procedures, particularly as they pertain to in-theater care.

Sexual assaults are a challenge to our nation, and the military is not immune to this challenge. In the short timeframe available to plan and execute this review, and summarize our findings and recommendations, we tried to focus on the critical factors that need to be addressed in dealing with sexual assault in the military.

Reviewing Sexual Assault in the Military

“Sexual assault will not be tolerated in the Department of Defense.”

—Secretary of Defense, Donald Rumsfeld

To this end, on February 5, 2004, Secretary of Defense Donald Rumsfeld directed the Under Secretary of Defense for Personnel and Readiness, Dr. David S. C. Chu, to undertake a 90-day review of all sexual assault policies and programs among the Services and DoD and recommend changes necessary to increase prevention, promote reporting of sexual assaults, enhance the quality and support provided to victims of sexual assault, especially within combat theaters, and improve accountability for offender actions.

Review Plan

On February 13, 2004, the Under Secretary of Defense for Personnel and Readiness established the Department of Defense Care for Victims of Sexual Assaults Task Force. Its first task was to formulate a review plan, which included the following:

- ❑ Request sexual assault incidence and demographic data from the Services
- ❑ Request and review current DoD-wide, Service-wide and Combatant Command-wide sexual assault policies and programs

- ❑ Examine research literature on sexual assault
- ❑ Discuss sexual assault prevention, reporting, response, and disposition issues with commanders, non-commissioned officers, junior enlisted personnel, service providers (medical, mental health, victim advocate, victim’s witness assistance, chaplains, law enforcement, investigative agent, and legal personnel), and victims
- ❑ Consult with subject matter experts within the Department of Defense, other federal agencies, civilian experts, and sexual assault support organizations about matters with respect to prevention, reporting, response, and disposition of sexual assault cases.

Task Force Approach

Data Call

The Task Force requested Service-specific data on their programs and policies for preventing, responding to, and prosecuting sexual assault incidents, as well as incidence data for cases reported during calendar years 2002–2003, where the identified victim was a uniformed service member at the time of the incident. It should be noted that there is no specific offense of “sexual assault” under the punitive articles of the UCMJ. Depending upon what is being evaluated and the circumstances involved, DoD and the Services have consolidated a number of separate UCMJ offenses into the term “sexual assault” when reviewing cases or trends. For the purposes of this report, the Task Force worked from the following definition:

“Sexual assault cases include the alleged offenses of rape, forcible sodomy, assault with intent to commit rape or sodomy, indecent assault, or an attempt to commit any of these offenses.”¹

Additional information requested included: gender, age, and location demographics of victims and offenders, as well as data on the timeframes between incident and report, medical care provided to victim(s), the case’s beginning, initial and final investigational and command disposition. Also requested were all sexual assault studies, reports, and training materials. The Services were asked to report on victim advocacy services and describe mechanisms for reporting sexual assault. In a separate request, the Task Force asked each Unified Combatant Command to provide any studies, reports, policies, training, and best practices they had in place that would enhance reporting, responding, and prosecuting cases arising in joint operational environments. Combatant Commanders were specifically asked to address availability and accessibility of medical and mental health care, and victim’s rights information. (See Appendix A, *Data Call, Services and Combatant Commands*.)

Focus Group Discussions

To evaluate the effectiveness of DoD and Service policies and programs for prevention of sexual assault, supportive care for sexual assault victims, and how well these programs transition to a combat theater, the Task Force conducted site visits at military bases in the Continental United States (CONUS) and U.S. Central Command (CENTCOM).

Additionally, the Task Force met via video teleconference with U.S. Pacific Command (PACOM) focus groups in Korea. In these sessions at 21 locations, we heard the first-hand accounts of local command and noncommissioned officer leaders, junior enlisted, care

¹As these offenses are defined in Articles 120, 125, and 134 of the Uniform Code of Military Justice.

providers, victim advocates, legal and investigative personnel. Victims were also given an opportunity to meet with the Task Force individually, anonymously via telephone, or within groups. In all, we had personal contact with more than 1,300 individuals.

Working from scripted questions (see Appendix B, *Focus Group Questions*), the focus groups discussed issues such as command climate, barriers to reporting, prevention and support policies and practices, feedback mechanisms, best practices, and recommendations for improvements. Comments from focus group participants were obtained with the assurance that their individual comments would not be attributed to them or their organizations.

Literature Review

The Task Force conducted a thorough literature review on sexual assault to examine current knowledge, civilian sexual assault protocols, and best practices. (See Chapter 6, *Literature Review*.) Additionally, the Task Force identified and reviewed previous studies, reports, and other public proceedings on matters involving sexual harassment, sexual discrimination, and sexual misconduct in DoD to better inform them on issues of longstanding concern and relevance to the charter of this review. (See Appendix C, *Chronology of Surveys, Reports, and Hearings 1988–2004*).

Consultation with Experts on Issues Relating to Sexual Assault

The Task Force met with other principal staff within the Office of the Secretary of Defense, outside experts from the Departments of Justice and the Department of Veterans Affairs, as well as respected experts from academia and rape crisis support organizations.

Hotline

On March 3, 2004, the Task Force established a Sexual Assault Hotline to allow victims and other individuals to have an opportunity to share their experiences and thoughts with the Task Force. The hotline was established so the Task Force would have the fullest accounting of the problem to better serve victims and affect policies regarding victim support and care. From March 3, 2004 through April 28, 2004 the call center received a total of 143 calls. Of those calls, 71 calls were for general information and to verify the phone numbers. The remaining 72 calls were from individuals who wanted to share insights directly related to our review objectives. The composition of these callers spanned from victims, family members of victims, other service members, or those with an opinion they wished to share with the Task Force. The information we received from the hotline calls is integrated into the findings of the report, along with the information we received from our data call and from the focus groups.

Conclusion

The Task Force recognizes that this issue is very complex, and its resolution is critical to the well-being of military service members. Within the limited time available to the Task Force, the recommendations are intended to be a starting point for increased DoD attention to the policy development, command emphasis, and resourcing necessary to resolve sexual assault concerns. DoD policies, programs, and procedures are necessary, but will not be sufficient to resolve the sexual assault problems found by this Task Force Review, without renewed emphasis and the clear, immutable commitment of unit commanders.