

STATEMENT

OF

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BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

SUBCOMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS

UNITED STATES HOUSE OF REPRESENTATIVES

OVERSIGHT HEARING ON

SEXUAL ASSAULT IN THE MILITARY

FEBRUARY 24, 2010

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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
NATIONAL SECURITY AND FOREIGN AFFAIRS SUBCOMMITTEE

Introduction

Mr. Chairman, Ranking Member Flake, I am pleased to be here today to provide you an update on the significant progress the Department of Defense has made in combating the crime of sexual assault. In my comments below, my goal is to ensure you are aware of the significant inroads in institutionalizing the sexual assault prevention and response program, as well as to identify what we have yet to accomplish.

I would like to begin by saying that our starting point is now—and has always been—that one sexual assault is too many. Sexual assault is a crime and this crime is incompatible with service in the United States Armed Forces. It undermines core values, degrades military readiness, subverts strategic goodwill, and forever changes the lives of victims and their families. 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 accomplishment are unbearable.

As you may recall, 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 enhance military readiness by establishing a culture free from sexual violence. Since the institution of that policy, the

Office of the Secretary of Defense and each of the Service Secretaries have implemented extensive programs to achieve that vision. Our Service members deserve nothing less.

History

Before detailing our recent progress, let me first provide a brief reminder of the history of the Department's efforts to combat sexual assault within the military. In 2004, the Department aggressively changed its approach to sexual assault prevention and response after hearing 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 offender actions. The 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.

In response to these recommendations, 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. In addition, the JTF-SAPR considered the requirements specified in NDAA FY05 directing the Department to have a sexual assault policy in place by January 1, 2005.

The JTF-SAPR authored 13 Directive-Type Memoranda (DTM) that fundamentally changed DoD policy, including the addition of a confidential reporting option for victims. These DTMs were the foundation of the two policy documents used today: DoD Directive (DoDD) 6495.01, *The Sexual Assault Prevention and Response (SAPR) Program*,¹ and DoD Instruction (DoDI) 6495.02, *Sexual Assault Prevention and Response Program Procedures*.² DoDI 6495.02 was modified in FY09 to strengthen initial policy by closing DoD-identified gaps and clarifying Military Service responsibilities.

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. (Medical care, legal processes, and criminal investigations remain the responsibility of the Office of the Assistant Secretary of Defense for Health Affairs, the Judge Advocates General of the Military Services, and the DoD Inspector General, respectively.) The Director of SAPRO, Dr. Kaye Whitley, is also testifying today and will offer a detailed account of SAPRO's accomplishments.

I would like to acknowledge the work of the Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS). After the work we had done to get policies, procedures, programs and structure in place, it was important to know if we got it right. The Task Force has given us important work to do in order to further advance the Department's response to this crime.

¹ DoD Directive 6495.01 is current as of November 7, 2008.

² DoD Instruction 6495.02 is current as of November 13, 2008.

Secretary of Defense Initiatives on Sexual Assault

I can assure you that the issue of sexual assault gets attention at the highest levels of the Department. For example, to offer further guidance to the policies put in place in 2005, in FY08, Secretary of Defense Robert Gates identified four priorities in SAPR programming:

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

In FY09, the Secretaries of the Military Departments briefed the Secretary of Defense on their progress toward addressing these priorities. As noted below, significant progress has been made in each area:

- ***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. To overcome this, the Department has addressed stigma in training at all levels of the military, from accession, pre-command, post-deployment integration, as well as mandatory annual refresher training. The messages delivered via training sessions are reinforced by educational outreach efforts. Through a Department-wide awareness campaign, called “Real Warriors”, Service members are getting the message that reaching out for help in times of need is a sign of strength. These training and outreach initiatives

emphasize that reporting sexual assault and seeking care is not just acceptable in the military; it is desirable.

- ***Ensuring Sufficient Commander Training and Accountability***

Numerous actions were taken to improve commander training and accountability in FY09. For example, in many different venues, the Secretary of Defense, Military Service Secretaries, and other senior Military Service leaders have communicated expectations to commanders in the field that they will actively support the DoD SAPR program. Also, the Military Services were tasked to work with their staffs to identify key components of the Military Service's SAPR program for assessment.

As a function of the Department's oversight mission, the Department conducted a review of commander training to ensure it was compliant and effective. Through Policy Assistance Team (PAT) visits to eight sites, the Department found that 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.

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. Future PAT visits will continue to oversee commander training and apply additional tools currently in development by the Department to measure training effectiveness.

- ***Ensuring Investigator Training and Resourcing***

In early FY09, the Military Services jointly reviewed Military Criminal Investigative Organization training and recommended to the Department that training standards be revised to ensure requirements reflect the needs of law enforcement and military criminal investigators responsible for addressing issues and procedures applicable to sexual assault cases. Each of the Services provides basic training to their military criminal investigators, as well as some form of advanced training. While sexual assault and ancillary topics are addressed, these basic courses lack the time or detail needed for advanced investigative techniques specific to sexual assault. In addition, Service courses do not regularly reach all investigators at a given career point.

In FY10, the Department has begun to develop a scope of work to develop an advanced sexual assault investigations course for DoD criminal investigators. This course will provide sustainment training to experienced investigators that increases relevant knowledge and skills, as identified by experts from both the DoD and the civilian sector. The course will be for both military and civilian criminal sexual assault investigators with the DoD. The course is expected to be a mix of classroom training and practical exercises with interactions with simulated victims, witnesses, and

perpetrators. In FY2010, the Department has planned resources of \$3 million to support this Service training.

- ***Ensuring Trial Counsel Training***

In early FY09, the Military Services jointly reviewed trial counsel training and recommended to the Department that training standards be revised to ensure requirements reflect the needs of Judge Advocates who are responsible for addressing issues and procedures applicable to sexual assault cases. Together, the Military Services identified a 22-module training program that would provide trial counsel with information and practice necessary to prepare to prosecute sexual assault cases. As the next step, the Department put a contract in place 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 Judge Advocate sexual assault training and response objectives.

In FY09, more than \$2 million was directed toward Service trial counsel training as well as joint training. Additional joint training is being planned for FY10 and beyond.

Military Service Commitment: Senior Leadership Involvement

In addition to the initiatives of Secretary Gates, each of the Military Services has implemented broad-based programs designed to prevent sexual assault and respond should it occur. The underlying assumption for all Service efforts is simple: Every Service member has a role in preventing sexual assault. As a first step in combating

sexual assault, the Department requires all Service members in both Active and Reserve Components to receive annual awareness training. In addition, sexual assault awareness instruction is a mandatory component of all accession training, professional military education programs, and pre-command courses.

These training efforts tie into the broader goal of the Department and the Services to achieve a culture change related to sexual assault. As with any issue affecting our culture, lasting change occurs when senior leaders throughout the Department demonstrate their commitment to fighting this crime. In working with each of the Services on this issue, I can tell you the commitment of the Military Services' leadership is clear and unwavering.

As illustration of this high-level commitment, leadership in each of the Services held prevention-focused meetings in FY08 and FY09, including the following:

- 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 Officer and 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).

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

Military Service Commitment: Service Member Training

In addition to senior leader education, the Military Services have been developing prevention training for every level of their organization. While each training program ties back to the concepts of sexual assault prevention, each of the Services has customized their training initiatives. Examples from the Services include:

- The Department of the Air Force is currently fielding a well-researched prevention training program designed in three modules: Training for Men, Training for Women, and Training for Leaders.
- Within the Department of the Army, the Commanding General of U.S. Army Europe hosted a full-day training event for 149 of his senior military and civilian leaders.
- The Department of the Navy has expanded its number and type of prevention training venues and has accessed civilian agencies to enhance the visibility of SAPR training programs.
- The U.S. Marine Corps revitalized its “Mentors in Violence Prevention” Train-the-Trainer program at the Non-Commissioned Officer Academies.

Measuring Training Effectiveness

While training is the starting point of changing our culture, we can't stop there. Most training targets the modification of knowledge, skills, and behaviors associated

with deterring criminal behavior and mitigating risks, but we also need to know if this training is effective and lasting. Are our Service members retaining and acting on the information they learn in these sessions? To answer that question, the Military Services are developing methods for measuring program effectiveness.

This will be a tough problem to solve. 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. Also, 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.

Funding Support

No matter how important the issue, success will be difficult unless a program is appropriately funded over the long term. I can tell you that because of the importance of this issue to the Department, we have invested a significant amount of time and planned resources to our sexual assault prevention efforts.

In a move to further institutionalize the SAPR programs, in FY09 program element codes were established for the individual SAPR programs. FY10 SAPR resources will approximately increase from \$111 million Department-wide to \$113 million in FY11. Looking at SAPRO specifically, funding requirements increased from \$5 million in FY09 to more than \$23 million in FY10; nearly a fivefold increase in funding support. These investments will enable the Department to conduct oversight of sexual

assault prevention and response policies and program implementation to ensure compliance with DoD policy and consistency in the quality and effectiveness of programs.

SAPR Program Institutionalized in DoD Strategic Planning

In the area that I oversee, Personnel and Readiness, the issue of sexual assault has been included in past strategic plans, but with the new strategic plan I signed in December, the emphasis is even greater. In connecting the issue to readiness, our intent is to create a culture free of sexual assault. To assess our effectiveness in getting there, we have included four new performance objectives in the Personnel and Readiness Strategic Plan for FY10-FY12. Those objectives will address:

- Awareness of prevention and response programs, and confidence in the response programs;
- Implementation of the Defense Sexual Assault Incident Database;
- Care of victims; and
- Actual reports compared to responses to anonymous survey.

We are developing baseline statistics for these measures in FY10. Once in place, our performance on these objectives will help us track progress on awareness and implementation of desired program elements.

Being included in the Personnel and Readiness Strategic Plan will ensure that the issue of sexual assault is considered in how the Department does business each day. In addition, because of the complexity and breadth of the SAPR program, the Department developed the *DoD-Wide SAPR Strategic Plan FY10-15* which is a

compilation of the SAPR-specific strategic plans from the Military Services and SAPRO. Each of the Military Services and SAPRO has had individual plans in the past—and continue to do so—but with this new DoD-wide SAPR document, we can start to see the areas of greatest leverage across the Department as well as potential gaps.

Our Strategic-Level Focus: Victim Care

The strategic planning documents I reference above are built around three key pillars: victim care, prevention and system accountability. I would like to offer a few details from the Department-level perspective on how we are addressing each pillar. Dr. Whitley will add more detail on SAPRO-specific activities.

Starting with victim care: The Department is improving victim resources and the capabilities of personnel who respond to sexual assault allegations. When the Department adopted SAPR policy in 2005, it used 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, seven 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 (SARCs) and Victim Advocates (VAs). Every military installation in the world, both in garrison and deployed, have SARCs and VAs who provide the human element to the Department's response. In addition to ensuring the victims are safe, the SARCs and

VAs provide the victim with a person to whom they can talk about their experience and be validated, while also laying out resources available to victims.

We know that victim care is an issue that must be addressed through multiple channels—both inside and outside the Department. Within the Department, we continue to strengthen internal and external partnerships with organizations that help care for victims. For example, the Department is working with the non-profit Rape, Abuse, and Incest National Network to expand its nationally recognized hotline (telephone and web-based) so military victims can be directed to appropriate care. Since the crime of sexual assault is a challenge facing our entire country—not just DoD—ties with our federal partners and non-profits are key to ensuring we share best practices and identify trends. In the coming year, we intend to continue this information-sharing effort as we work toward developing practices that will benefit Americans inside and outside the military community.

Our Strategic-Level Focus: Prevention

While we need to be able to react to the needs of a victim, we must also be pushing with equal intent to prevent this crime in the first place. In working with the experts in this field, we know that a comprehensive prevention effort is actually much more complicated than “just say no.” In fact, prevention comprises several initiatives.

The Department’s *Sexual Assault Prevention Strategy* draws together many of these initiatives with specific focus on 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, and integrity and a “protect your fellow soldier, marine, shipmate, or airman” attitude. 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.

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 *DoD Sexual Assault Prevention Strategy* to the senior leadership of each Military Service and the National Guard Bureau. As part of this comprehensive strategy, the Department deployed a social marketing campaign during its observance of Sexual Assault Awareness Month (SAAM), setting the expectation that preventing sexual assault is part of everyone’s duty. 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.

Our Strategic-Level Focus: System Oversight and Accountability

A key component of the success of any program is tracking to ensure all the moving parts are working as desired, that is, that programs are being implemented as planned and on deadline. To that end, the Department has directed significant effort to ensure a robust oversight and accountability system is in place. 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 and problem solutions are being attained.

We have benefitted to date from the efforts of the DTF-SAMS and the GAO which have been in the field reviewing our work. Now we need to institutionalize our own oversight framework. To that end, throughout FY09, representatives from Office of the Secretary and the Military Services worked collaboratively to define a roadmap to institutionalize SAPR oversight activities. The resulting document, *Oversight Framework for SAPR*, lays out the oversight process for the entire Department to implement over a three-year timeframe, with SAPRO as the lead implementer.

The starting point for the development of this oversight strategy was the identification of the challenges faced by the Department’s previous approach to oversight. In response to these challenges, the *Oversight Framework for SAPR* created a standardized approach for monitoring, analyzing, and reporting on the SAPR program through several activities. Once fully implemented, the Oversight Framework will be a process for the Department to track how we are doing against desired activities articulated in the Department’s various strategic plans.

Defense Sexual Assault Incident Database

In order to improve data collection, analysis, and case management, the Department initiated the development of the Defense Sexual Assault Incident Database (DSAID), as mandated in NDAA FY09. The Military Services have agreed to update

their own data systems to support DSAID, making it the Department's official source for sexual assault reporting and analysis. This centralized, case-level database will capture and enable the analysis of comprehensive sexual assault data to inform sexual assault policy development, program implementation, and victim care provision within the Armed Forces.

Representatives of the Department have provided several briefings to various committees since the database was first mandated. Since the last briefings to Congress in August 2009, DoD has made significant progress towards launching DSAID's development. This progress includes the completion of mandatory acquisition documentation, requirements analyses and creation, and policy regulations. Steps were taken to coordinate proactively with the Services to ensure their ability to use DSAID once implemented. This early coordination is intended to speed the implementation of the database.

The Department is in the process of identifying an appropriate vendor to develop and maintain DSAID. On January 15, 2010, DoD released its Request for Proposal and following the completion of the required contracting review process, DoD expects to award this contract in the third quarter of Fiscal Year 2010. At that time, the developer will be required to provide an updated project timeline.

External SAPR Reviews

In addition to the ongoing reviews done by the Office of the Secretary of Defense and the Military Services, the Department has recently assisted in reviews by several organizations not directly involved with SAPR programs, including the DoD Inspector

General (IG), Government Accountability Office (GAO), and Defense Task Force on Sexual Assault in the Military Services (DTF-SAMS).

Starting with the DoD IG, its FY09 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. In response to this recommendation, we are currently in the process of developing SAPR policy to address this recommendation. 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 own OIGs. For example, the IG of the USMC collaborated with the IG of the Navy to conduct the Command/Unit Inspection Program, an in-depth examination of the SAPR program. Further, the Department plans to launch a review of the Reserve Component.

The GAO has also been conducting reviews of the DoD SAPR program as requested by this committee. The Department has participated in GAO's review by holding briefings on DoD programs, providing documentation, and writing responses to demonstrate the Department's improvement of policies and programs in the short time since GAO issued the preceding report. We look forward to reviewing and implementing the GAO's recommendations.

As noted earlier, the DTF-SAMS was established on October 3, 2005, to examine matters relating to sexual assault in which members of the Armed Forces are

either victims or perpetrators of sexual assault. Over the course of the year, the Department has 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 was submitted to the Secretary of Defense in December 2009. Our response to the Task Force's findings will be reported to Congress in March 2010.

Without a doubt, our programs and policies have benefitted from the many thoughtful recommendations offered by SAPR stakeholders both inside and outside the Department. We welcome and will consider any observation, recommendation or "good idea" that could help eliminate sexual assault in the Armed Forces.

Significant Progress with More to Do

As noted throughout this testimony, we have made significant progress in addressing sexual assault, but we recognize we have more to do. The coming years will provide many opportunities for the Department to further plan, improve, and communicate about the SAPR program. For example, we will continue to develop DSAID so we can obtain a more accurate picture of how and where we need to expand our prevention and response elements. We will continue to aggressively pursue standardizing response methods across the Military Services. Finally, we look forward to addressing the findings and recommendations from both the GAO and DTF-SAMS, knowing that each report has recommended changes that we expect to substantially enhance the Department's abilities to prevent sexual assault, support victims, and hold offenders accountable.

In closing, let me restate our fundamental belief: 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 two 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.

Thank you for your interest and support. I would be happy to address any additional questions you might have.