

EXECUTIVE SUMMARY

Sexual assault is a crime that has no place in the Department of Defense (DoD). It is an attack on the values we defend and on the cohesion our units demand, and forever changes the lives of victims and their families. In 2005, the Department established the Sexual Assault Prevention and Response (SAPR) program to promote prevention, encourage increased reporting of the crime, and improve response capabilities for victims. The DoD Sexual Assault Prevention and Response Office (SAPRO) is responsible for the policies that define the SAPR program and the oversight activities that assess its effectiveness.¹

Federal law requires the Department to provide Congress with an annual report on sexual assaults involving members of the Armed Forces. This report presents the Department's programmatic activities and provides analysis of reports of sexual assault made during fiscal year (FY) 2012 (October 1, 2011, through September 30, 2012). Enclosed within this report are supplementary reports from the Secretaries of the Military Departments and the Chief of the National Guard Bureau.

Additionally, this year's report assesses the Department's progress in the areas of prevention, reporting, response, and improved knowledge of SAPR using the results of the Defense Manpower Data Center (DMDC) *2012 Workplace and Gender Relations Survey of Active Duty Members (WGRA)*, *2012 Workplace and Gender Relations Survey of Reserve Component Members (WGRR)*, and the *2012 QuickCompass of Sexual Assault Response Coordinators (QSARC)*.^{2,3,4} Also enclosed are data and analysis from the Centers for Disease Control and Prevention (CDC) technical report, *Prevalence of Intimate Partner Violence, Stalking, and Sexual Violence Among Active Duty Women and Wives of Active Duty Men – Comparisons with Women in U.S. General Population, 2010*, and the *Report on Department of Defense Policy Required by Section 578, FY2013 NDAA*.^{5,6}

¹ Responsibility for criminal investigative matters and legal processes that apply to sexual assault and other crimes are assigned to the Department of Defense (DoD) Inspector General (IG) and the Judge Advocates General of the Military Departments, respectively.

² The *2012 Workplace and Gender Relations Survey of Active Duty Members (WGRA)* is provided in its entirety as a separate document and posted at <http://www.sapr.mil/index.php/research>.

³ The *2012 Workplace and Gender Relations Survey of Reserve Component Members (WGRR)* is provided in its entirety as a separate document and posted at <http://www.sapr.mil/index.php/research>.

⁴ The *2012 QuickCompass of Sexual Assault Response Coordinators (QSARC)* is provided in its entirety as a separate document and posted at <http://www.sapr.mil/index.php/research>.

⁵ Black, M.C. & Merrick, M.T. (2010). *Prevalence of Intimate Partner Violence, Stalking, and Sexual Violence Among Active Duty Women and Wives of Active Duty Men – Comparisons with Women in U.S. General Population, 2010*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

⁶ National Defense Authorization Act (NDAA) for Fiscal Year 2013, Public Law (P.L.) 112-239, Section (Sec.) 578 (2013).

DoD SAPRO organizes and reports Department progress in the SAPR program using the five overarching priorities within the *DoD-Wide SAPR Strategic Plan*. The Plan's five priorities are:

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

Institutionalize Prevention Strategies in the Military Community: The goal of this priority is to establish a military culture free of sexual assault. The Department seeks to reduce, with the goal to eliminate, the number of sexual assaults involving Service members through policy and institutionalized prevention efforts that influence knowledge, skills, and behaviors. In FY12, the Military Services implemented and continued a variety of training and education programs for Service members that featured bystander intervention and other prevention methods. DoD surveys indicate that the vast majority of Service members are receiving prevention training, hearing key prevention concepts, and reporting an intention to take active steps to prevent sexual assault. Although measuring the overall impact of prevention efforts is difficult, the Department uses the *WGRA* to estimate the prevalence (occurrence) of unwanted sexual contact (USC) involving Service members in a given year.⁷ In the *2012 WGRA*, 6.1 percent of Active Duty women and 1.2 percent of Active Duty men indicated they experienced some kind of USC in the 12 months prior to being surveyed. For women, this represents a statistically significant increase over the 4.4 percent USC rate measured in 2010. The change in the USC rate for men from 2010 to 2012 was not statistically significant. The increased USC rate for women and the unchanged USC rate for men this year indicate that the Department has a persistent problem and much more work to do in preventing sexual assault in the Armed Forces.⁸ To that end, DoD SAPRO began to incorporate the 2012 Joint Chiefs of Staff (JCS) *Strategic Direction to the Joint Force on Sexual Assault Prevention and Response* into an updated *DoD-Wide SAPR Strategic Plan*.⁹ This new approach will be structured around five multidisciplinary and complementary lines of effort: Prevention, Investigation, Accountability, Victim Assistance (Advocacy), and Assessment.

⁷ The term "unwanted sexual contact" (USC) is the survey term for contact sexual crimes between adults prohibited by military law, ranging from rape to abusive sexual contact. USC involves intentional sexual contact that was against a person's will or occurred when the person did not or could not consent. The term describes completed and attempted oral, anal, and vaginal penetration with any body part or object, and the unwanted touching of genitalia and other sexually-related areas of the body.

⁸ The *2012 WGRA* was conducted in the last quarter of FY12. Many of the latest Military Service prevention programs and directives from the Secretary of Defense were not initiated or issued until September 2012 or the first quarter of FY13. As a result, the impact of the Department's most recent efforts is not reflected in the *2012 WGRA* results.

⁹ DoD Joint Chiefs of Staff (JCS), *Strategic Direction to the Joint Force on Sexual Assault Prevention and Response*, May 2012.

Increase the Climate of Victim Confidence Associated with Reporting: The goal of this priority is to increase the number of victims who make a report of sexual assault. The Department strives to increase sexual assault reporting by improving Service members' confidence in the military justice process, creating a positive command climate, enhancing education and training about reporting options, and reducing stigma and other barriers that deter reporting. In FY12, there were 3,374 reports of sexual assault involving Service members. These reports involved one or more Service members as either the victim or subject (alleged perpetrator) of an investigation. The 3,374 reports involved a range of crimes prohibited by the Uniform Code of Military Justice (UCMJ), from abusive sexual contact to rape. This represents a 6 percent increase over the 3,192 reports of sexual assault received in FY11, thus providing the Department greater opportunities to provide victim care and to ensure appropriate offender accountability.

The 3,374 reports involved 2,949 Service member victims. Of the 3,374 reports of sexual assault in FY12, 2,558 were Unrestricted Reports. The Military Services initially received 981 Restricted Reports. At the request of the victim, 165 reports were converted from Restricted to Unrestricted, leaving 816 reports remaining Restricted in FY12. In April 2012, the Secretary of Defense directed that effective June 28, 2012, in certain sexual assault cases, the initial disposition authority for disciplinary actions taken under the UCMJ be elevated to commanders in the O-6 grade (that is, colonel or Navy captain) or higher who possess at least special court-martial convening authority, to ensure these cases are handled by seasoned, more senior commanders with advice of legal counsel.

Improve Sexual Assault Response: The goal of this priority is to improve the quality of the Department's response to victims of sexual assault through programs, policies, and activities that advance victim care and enhance victims' experience with the criminal investigative and military justice processes. In FY12, the DoD Safe Helpline, the Department's confidential 24/7 hotline resource for sexual assault victims, received more than 49,000 unique visitors to its website and more than 4,600 individuals received specialized care through its online chat, telephone helpline, and texting referral services.¹⁰ The Department also implemented several policy changes in FY12 via Directive-Type Memoranda (DTM) and the reissuance of DoD Directive (DoDD) 6495.01, "Sexual Assault Prevention and Response Program." These changes included a new expedited transfer policy, providing victims who make an Unrestricted Report of sexual assault the option to request an expedited transfer from their assigned command or base. This year, 216 of 218 requests for expedited transfer were approved. Another policy change required the retention of most sexual assault records for 50 years to improve the availability of documents for Service members and veterans who reported the crime. Other policy changes incorporated sexual assault victims into the definition of emergency care and encouraged mental healthcare referrals for victims upon first contact with medical professionals. Additionally, the Military Services began

¹⁰ Each computer IP address is counted once and the unique visits number does not represent sexual assault victims.

implementing the FY12 National Defense Authorization Act (NDAA) requirement to assign at least one full-time Sexual Assault Response Coordinator (SARC) and SAPR Victim Advocate (VA) to each brigade or equivalent unit level.¹¹ Throughout the year, the Military Services also provided updated and improved training to thousands of first responders across the Department.

Improve System Accountability: The goal of this priority is to ensure the SAPR program functions as it was intended. System accountability is achieved through data collection, analysis, and reporting of case outcomes, as well as through oversight review of SAPR program components. In FY12, the Department completed development of and deployed the Defense Sexual Assault Incident Database (DSAID), a secure, centralized, case-level data system for documenting sexual assault reports and managing cases. The Department also continued to standardize case disposition definitions, resulting in a standardized definition for the term “substantiated.” At the end of FY12, the Military Services reported dispositions for 2,661 of the 3,288 military and civilian subjects receiving or waiting for a disposition for the allegations against them at the close of FY12.¹² Investigations determined that 947 of the 2,661 subjects were either outside the legal authority of the Department or a military criminal investigative agency determined the allegations were unfounded (false or baseless).¹³

The remaining 1,714 subjects investigated for sexual assault were presented to military commanders for consideration of disciplinary action. Of the 1,714 military subjects, commanders could not take action against 509 due to evidentiary problems. Eighty-one of the 1,714 military subjects received no disciplinary action because commanders determined the criminal allegations were unfounded (false or baseless). Commanders had sufficient evidence to take disciplinary action against 1,124 of the 1,714 military subjects. Of the 1,124 subjects, sexual assault charges were substantiated for 880 subjects for whom it was determined a sexual assault offense warranted discipline. For the remaining 244 subjects, evidence supported command action for other misconduct discovered during the sexual assault investigation (such as making a false official statement, adultery, underage drinking, or other crimes under the UCMJ), but not a sexual assault charge. Command actions for sexual assault charges and other misconduct charges included court-martial charge preferences, nonjudicial punishment, administrative discharges, or other adverse administrative actions. Sixty-eight percent of subjects receiving disciplinary action for a sexual assault had court-martial charges preferred against them.

Improve Stakeholder Knowledge and Understanding of SAPR: The goal of this priority is to ensure stakeholders know the Department is proactively working to combat

¹¹ NDAA for FY12, P.L. 112-81, 125 Stat. 1432, Sec. 584 (2012).

¹² In order to comply with Congressional reporting requirements, the Department’s sexual assault data represents a 12-month snapshot in time. Consequently, at the end of FY12, 627 of the 3,288 subject dispositions were still in progress and will be reported in forthcoming years’ reports.

¹³ Subjects outside the Department’s legal authority include unidentifiable offenders, civilians or foreign nationals, military subjects being prosecuted by a civilian or foreign authority, or subjects who died or deserted before the conclusion of the investigation and/or disciplinary action.

the crime of sexual assault in the military, demonstrate the Department's sustained efforts, and communicate the Department's long-term commitment to achieving its objectives. In FY12, the Secretary of Defense, JCS, and Military Service leadership demonstrated sustained engagement and resolve to eliminate sexual assault from the Armed Forces by promoting senior leadership involvement in SAPR programs, fostering collaboration among the Military Services and civilian stakeholders, and reinforcing ownership of both the problem and solutions. The Department reached out to victims of sexual assault, civilian advocacy groups, and veterans' organizations to inform them of SAPR program progress and gain their feedback. The Secretary of Defense took an active role by authoring new policies, directing the evaluation of programs, and increasing awareness of the Department's commitment to combating sexual assault.