DoD Sexual Assault Prevention and Response Update

December 4, 2013
DACOWITS Meeting

Agenda

- Status Report on SECDEF Initiatives
- Oversight and Accountability
- Assessment Line of Effort
- DoD Metrics

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SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE

SecDef Initiatives
Outcomes/Status

LOE	Memo	SecDef Initiatives	Outcomes/Status
Prevention VA/Advocacy Assessment	17 May	Sexual Assault Stand-down *(Active & Reserve Components Implement Stand-down)* OPR: Secretaries of the Military Depts, CJCS, CNGB	- Deliberate & purposeful commander and leader engagement - SARC, VA, Recruiter credentials reviewed; refresher training - DON & USAF: expanded reviews: Instructors, SANEs, Chaplains; - Army: Published expansive review guidance **- Active: Completed 30 Jun 13 ; Reserves: Completed 30 Sep 13**
Prevention	6 May	Ensuring Appropriate Command Climate *(Visual Inspections)* OPR: DoD Components via USD/P&R	- Comprehensive DoD-wide inspections resulted in: removal of inappropriate, sexually explicit and offensive items; counseling and disciplinary action where needed; involvement of leaders - Components committed to regular inspections; **- Completed 5 Aug 13**
Prevention Assessment	6 May	Enhancing Commander Accountability *(Elevate Command Climate Surveys)* OPR: USD(P&R), ODMEO	- DEOMI Climate Survey (DEOCS) elevated to next echelon commander - DEOCS 4.0 will commence Jan 14; approx. 100K/month **- Policy published 25 Jul 13**
Investigation	14 Aug	Ensuring Investigative Quality *(Evaluate Closed SA Investigations – Recurring)* OPR: DoD IG	- DoD IG developed and provided plan to SECDEF - Office of Violent Crime, DoD IG, will conduct adult sexual assault closed case review of FY13 cases in calendar year 2014 **- Public announcement planned for Dec 2013**
Prevention	6 May	Ensuring Safety *(Recruiting Organizations, MEPS, ROTC)* OPR: Secretaries of the Military Depts, CNGB (via USD/P&R)	- Assessments found: SAPR training implemented in recruiting orgs, MEPS, & ROTC; recruiters are vigorously screened; - USMEPCOM identified 6 areas to improve (e.g., adding VAs, improved inbriefs) **- Tracking implementation of recommendations for MEPS**
VA/Advocacy	14 Aug	Expanding Victim's Rights *(Executive Order– victims' input to post-trial action phase)*	- Manual for Courts-Martial amendment was drafted and forwarded to OMB to provide victims the right to make written submission to convening authority **- Completed 9 Oct 13**
Prevention	6 May	Enhancing Commander Accountability *(Develop methods of assessing commander effectiveness)* OPR: Service Chiefs, CNGB (via USD/P&R)	- Army & Navy: Issued new Directives requiring SAPR and command climate included in performance ratings; USAF: Revised policy to include SAPR and CC (effective 1 Jan 14); USMC: Revising fitness reports to include climate elements **- Tracking Implementation in Air Force (Jan 14) and Marine Corps**
VA/Advocacy	6 May	Improving Response & Victim Treatment *(Implement/monitor improved methods; solicit victim input)* OPR: Secretaries of the Military Depts, CNGB (via USD/P&R)	- All Services improving training; DON: Using surveys, in-person meetings to solicit input; 119% increase in reports this past year; Army: sensing sessions by Vice Chief; semi-annual SHARP Summit; AF: survivors assisting with training curriculum; **Completed 19 Nov 13**

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SecDef Initiatives
Outcomes/Status

LOE	Memo	SecDef Initiatives	Outcomes/Status
VA/Advocacy	6 May	Ensuring Victim's Rights *(Align military justice practice w/ Crime Victims' Rights Act)* OPR: OGC	- DoD is amending DoDI 1030.2 to include all of the rights provided by the Crime Victims' Rights Act (CVRA) for victims in federal civilian criminal cases - DoD Joint Service Committee on Military Justice is preparing Manual for Courts-Martial (MCM) amendment to incorporate all of the rights provided by the CVRA - DoDI amendment is more expeditious, putting protections in place more quickly, while MCM amendment promotes victims' rights' enforceability; **In progress**
Accountability VA/Advocacy	6 May	Improving Victim's Counsel *(Evaluate Special Victims Counsel pilot program)* OPR: OGC	- Air Force's pilot indicate overwhelming victim satisfaction with the program - Data from the USAF pilot suggest that victims who are represented by legal counsel are three times more likely to convert restricted reports of sexual assault to unrestricted reports compared to unrepresented victims; **Completed Nov. 6, 2013**
Accountability VA/Advocacy	14 Aug	Improving Victim Legal Support *(Field Special Victims Counsel)* OPR: Secretaries of the Military Depts (via USD/P&R)	- USAF: SVC program in place since Jan 13 (60 part-time, 24 full-time JAGs) - Army: identifying 45 judge advocates; Navy: Feature a Chief of Staff, a Deputy, & 29 judge advocates; USMC: 9 judge advocates, 6 Victims' Legal Counsel offices **- IOC: Completed 19 Nov 2013; FOC: due Jan 2014 (on track)**
Prevention	14 Aug	Standardizing Protections *(Recruiter-recruit/trainer-trainee relationships)* OPR: USD(P&R), Recruiters (MPP); Trainers (Readiness)	- Service policies found to be similar but not consistent in terminology, level of responsibility, & specificity of prohibited actions - Joint DTM policy document under development to ensure consistency - **Policy in internal DoD coordination**
Assessment	14 Aug	Elevating Oversight *(Sexual Assault Incident Oversight Reports to GO/FO)* OPR: USD(P&R)	- Draft policy developed -- Sexual Assault Incident Report Oversight (SAIRO) DTM; **- Policy in internal DoD coordination**
Accountability	14 Aug	Enhancing Pretrial Investigations *(JAGs as Article 32 Investigative Officers)* OPR: OGC	- Army: Mandated only JAGs may serve as Article 32 IOs in sexual assault cases - Navy: Will require JAGs serve as Art 32 IOs in Navy & USMC sexual assault cases - Air Force: Mandated only JAGs may serve as Article 32 IOs in sexual assault cases - **In progress**
VA/Advocacy	14 Aug	Enhancing Protections *(Balanced Expedited Transfer Options)* OPR: Secretaries of the Military Depts via USD/P&R	- Policy review of DoD and Service policies on-going - Authority to transfer victim or subject in place - **In progress**
Investigation Accountability VA/Advocacy	6 May	Assessing Military Justice Systems *(Response Systems Panel)* OPR: OGC, Response Systems Panel, Secretaries of the Mil Depts	**- In progress** **- Report due 1 June 2014**

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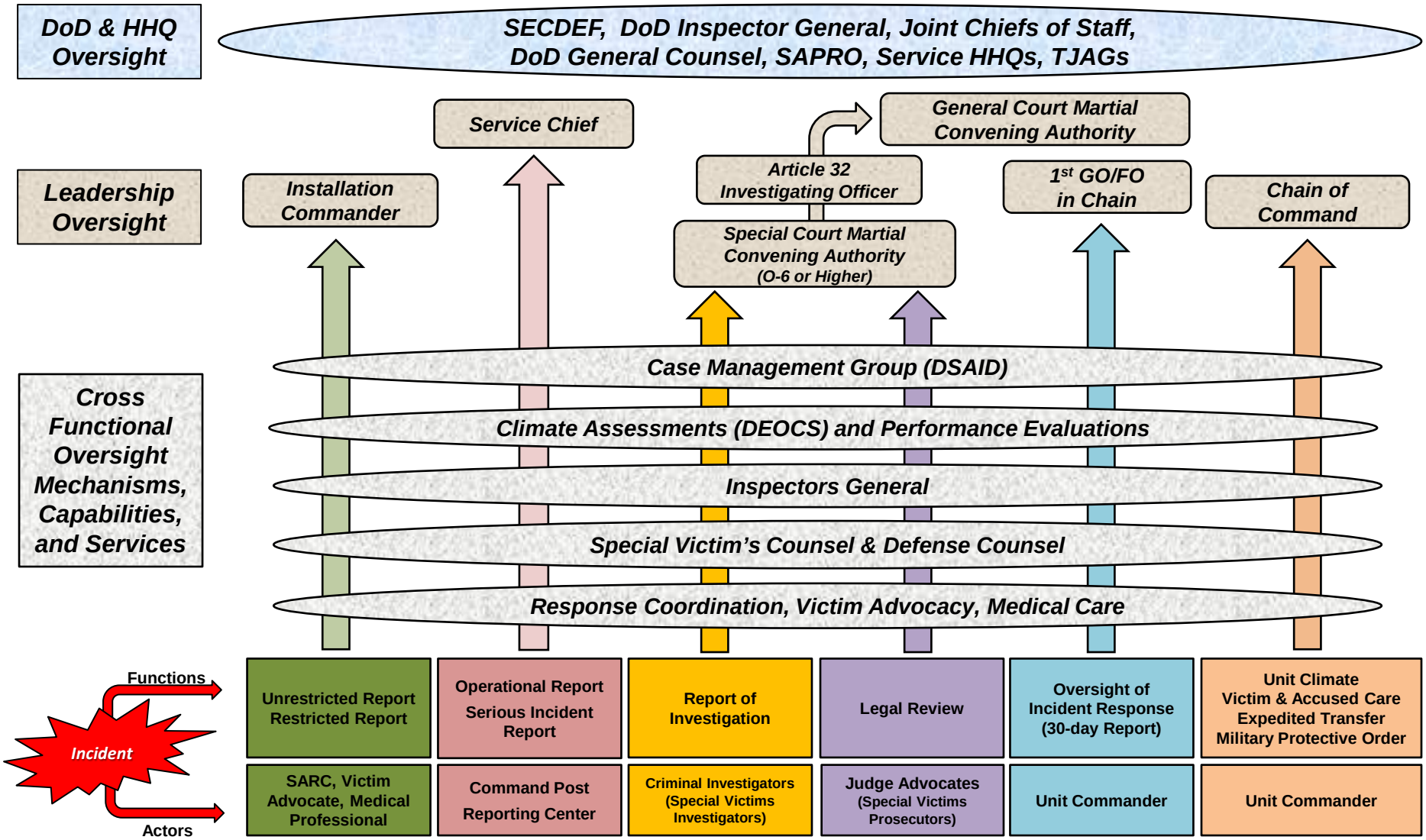
Sexual Assault Response & Oversight

Integrated System of Checks & Balances



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SAPR Mission, Lines of Effort and End States

Mission: The Department of Defense prevents and responds to the crime of sexual assault in order to enable military readiness and reduce—with a goal to eliminate—sexual assault from the military.

Communication – Communicate DoD's efforts to support victim recovery, enable military readiness, and reduce—with a goal to eliminate—sexual assault from the military.

Lines of Effort	End States
Prevention - Deliver consistent and effective prevention methods and programs.	**Cultural imperatives of mutual respect and trust, professional values, and team commitment are reinforced to create an environment where sexual assault is not tolerated.**
Investigation - Achieve high competence in the investigation of sexual assault.	**Investigative resources yield timely and accurate results.**
Accountability - Achieve high competence in holding offenders appropriately accountable.	**Perpetrators are held appropriately accountable.**
Advocacy – Deliver consistent and effective victim support, response, and reporting options.	**DoD provides high quality services and support to instill confidence, inspire victims to report, and restore resilience.**
Assessment – Effectively standardize, measure, analyze, and assess program progress.	**DoD incorporates responsive, meaningful, and accurate systems of measurement and evaluation into every aspect of SAPR.**

Assessment Line of Effort

Methods:

The Department's SAPR program is a dynamic program.

- We frequently launch new initiatives intended to prevent the crime, foster victim confidence, and increase accountability.
- We must continually assess our progress and effectiveness as a key part of our DoD SAPR Strategic Plan.
- To this end, the Department has developed an initial set of six SAPR metrics, with more under development.

Sources:

- Defense Sexual Assault Incident Database (DSAID)
- Defense Manpower Data Center (DMDC)
- Defense Equal Opportunity Climate Survey (DEOCS)
- Service manning data

Improving Victim Confidence

DoD's multi-disciplinary approach employs numerous initiatives to improve victim confidence:

- **Commander Tools to improve Prevention and Response**: Core Competency Training; Command Climate Surveys; Elevated Disposition Authority; Protective Orders; Expedited Transfers (Victim and Suspect).
- **Legal Representation for Victims**: With Attorney-Client privilege and representation in justice actions.
  - Air Force launched pilot program in Jan 2013; SECDEF directed all-Service implementation by 1 Jan 14.
- **Victim Choice:** Reporting, Medical Care, Forensic Exam, Expedited Transfer, Legal Assistance.
- **Safety Assessments for Every Victim**: Provides risk assessment and consideration of victims' concerns.
- **Every Sexual Assault Case Treated as a Medical Emergency**: DoD policy ensures standards for appropriate medical care and counseling, mandating military facilities treat sexual assaults as emergencies.
- **Every Unrestricted Report Referred for Investigation:** All Unrestricted Reports must be referred to a Military Criminal Investigative Organization – DoD policy forbids internal or commander-driven investigations.
- **Specially-Trained Investigators and Prosecutors**:
  - Special Teams fielded for sexual assaults, child abuse, and serious domestic violence cases
  - Training: Effect of trauma on memory; counterintuitive victim behaviors; special interviewing techniques.
- **Victim-Victim Advocate Privilege**: Protects victims' care and communications with SAPR personnel.
- **Professionally certified SARCs and VAs – 22,000+ across DoD**:
  - Defense Sexual Assault Advocate Certification Program in full effect on 1 Oct.
  - Certifies first responders who are foundation of our care coordination and advocacy effort.
- **DoD Safe Helpline/Mobile App/Safe HelpRoom**: Anonymous, worldwide, 24/7 support via online chat, telephone, & texting services enabling crisis intervention and warm handoffs to local first responders.

Advancing Culture Change

DoD's multi-disciplinary approach is a sustained, long-term commitment to promote the professional values, standards, and culture of dignity and respect we desire:

- **DoD-wide SAPR Stand Down**: Credential check and re-training for every currently serving recruiter, Sexual Assault Response Coordinator, and Victim Advocate; Command engagement with all troops.
- **DoD-wide Workplace Inspections**: Reinforced standards for command climates promoting dignity and respect; conducted by Services on recurring basis.
- **Enhancing Commander/Leader Accountability:** Services changing their officer and NCO evaluation systems to formally assess leaders on how they perform in establishing climates of dignity and respect.
- **Ensuring Safety:** Improve effectiveness of SAPR programs in recruiting organizations, Military Entrance Processing Stations, and ROTC curricula for our newest and aspiring Service members.
- **Elevating Command Oversight of Response Systems**: Developing DoD-wide standard for review of sexual assault cases. First General Officer/Flag Officer in the chain will review cases within 30 days of report to assess involvement and/or sufficiency of advocacy services, health care, victim safety, investigative response, and legal support.
- **Expanding Victims' Rights**: DoD-proposed Executive Order amending Manual for Courts-Martial, providing victims of crime the opportunity to provide input in post-trial phase of Court-Martial and incorporation of Crime Victim Rights into military justice practice.

DoD SAPR Metrics 1.0

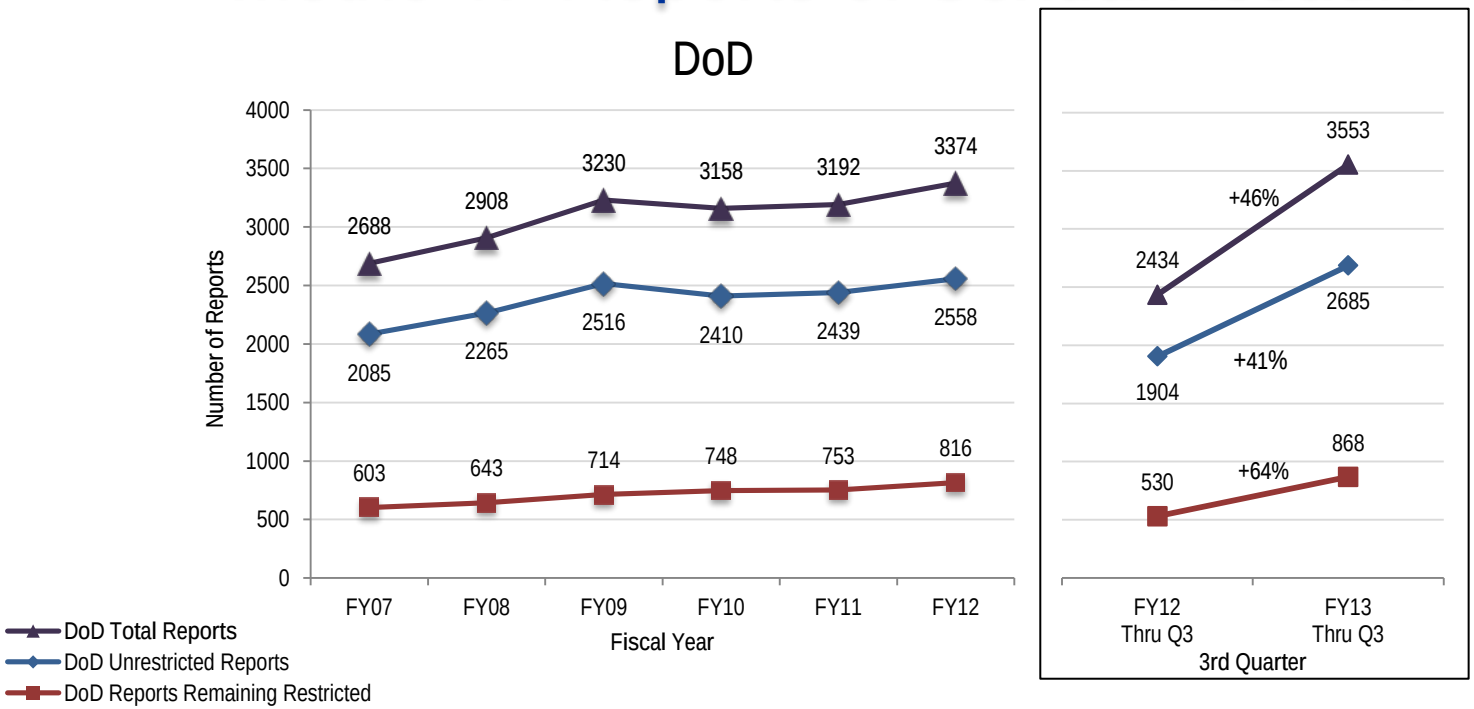
Trends

- Metric 1 – Reports of Sexual Assault
- Metric 2 – Military Victim Reports Per 1000 Service Members
- Metric 3 – Percentage of Sexual Assault Reports for Incidents Occurring Prior To Service
- Metric 4 – Voluntary Conversions from Restricted to Unrestricted Reports

Snapshots

- Metric 5 – Investigation Length
- Metric 6 – Full Time SAPR Personnel Certification

Metric 1: Reports of Sexual Assault



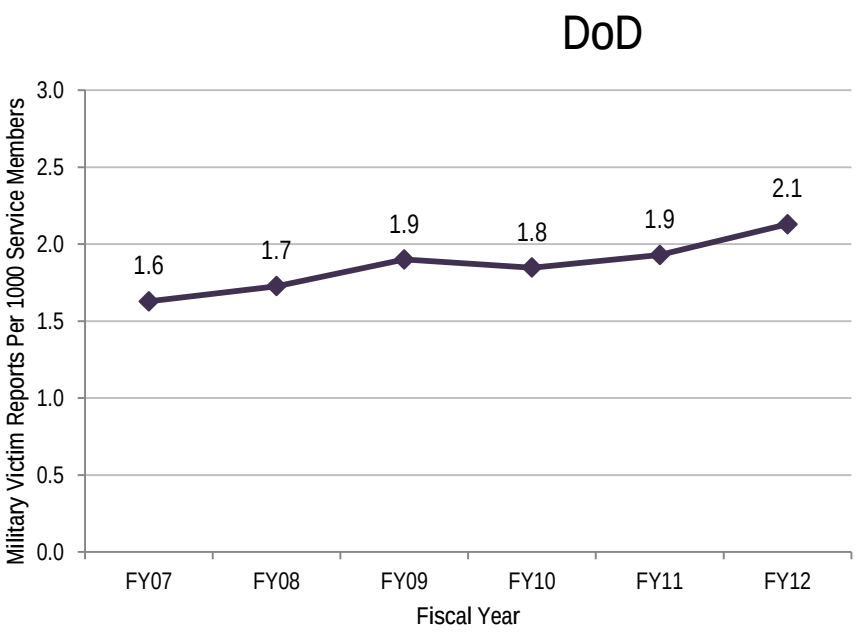
Complete FY13 Data Not Yet Available

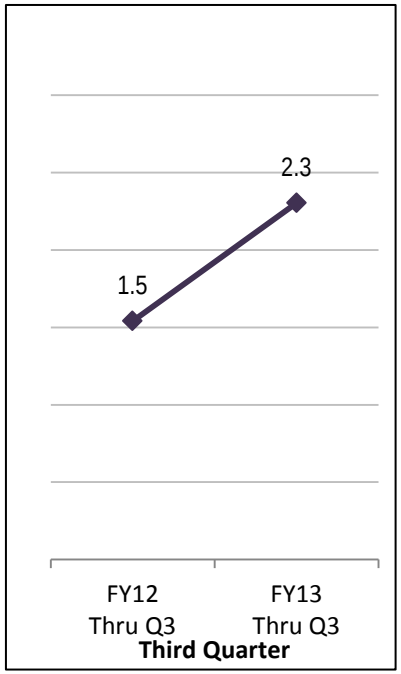
Reports of Sexual Assault	Total (+/-)		=	Unrestricted (+/-)		+	Restricted (+/-)		% of Reports Restricted
DoD FY13 Thru Q3	3553	(+46%)	=	2685	(+41%)	+	868	(+64%)	25%
DoD FY12 Thru Q3	2434		=	1904		+	530		22%

Description: Year to year trend of restricted and unrestricted reports received by the Department.
Frequency: Reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.
Source: Current Source = Service Reporting, Future Source = Defense Sexual Assault Incident Database (DSAID)
Implication: A change in reports of sexual assault may reflect a change in victim confidence in DoD response systems. The continuing growth of Restricted Reporting may be a sign that victims view this option as a valuable and trustworthy means to access support while maintaining confidentiality.
Summary Points:

- The data shows an unprecedented 46% increase in reports of sexual assault in DoD through Q3 FY13, compared with Q3 FY12. All four Services and the Guard show this increase in reporting through Q3, FY13.
- The increase in reporting of sexual assault creates more opportunity for victim care and holding offenders appropriately accountable.

Metric 2: Military Victim Reports Per 1000 Service Members





Complete FY13 Data Not Yet Available

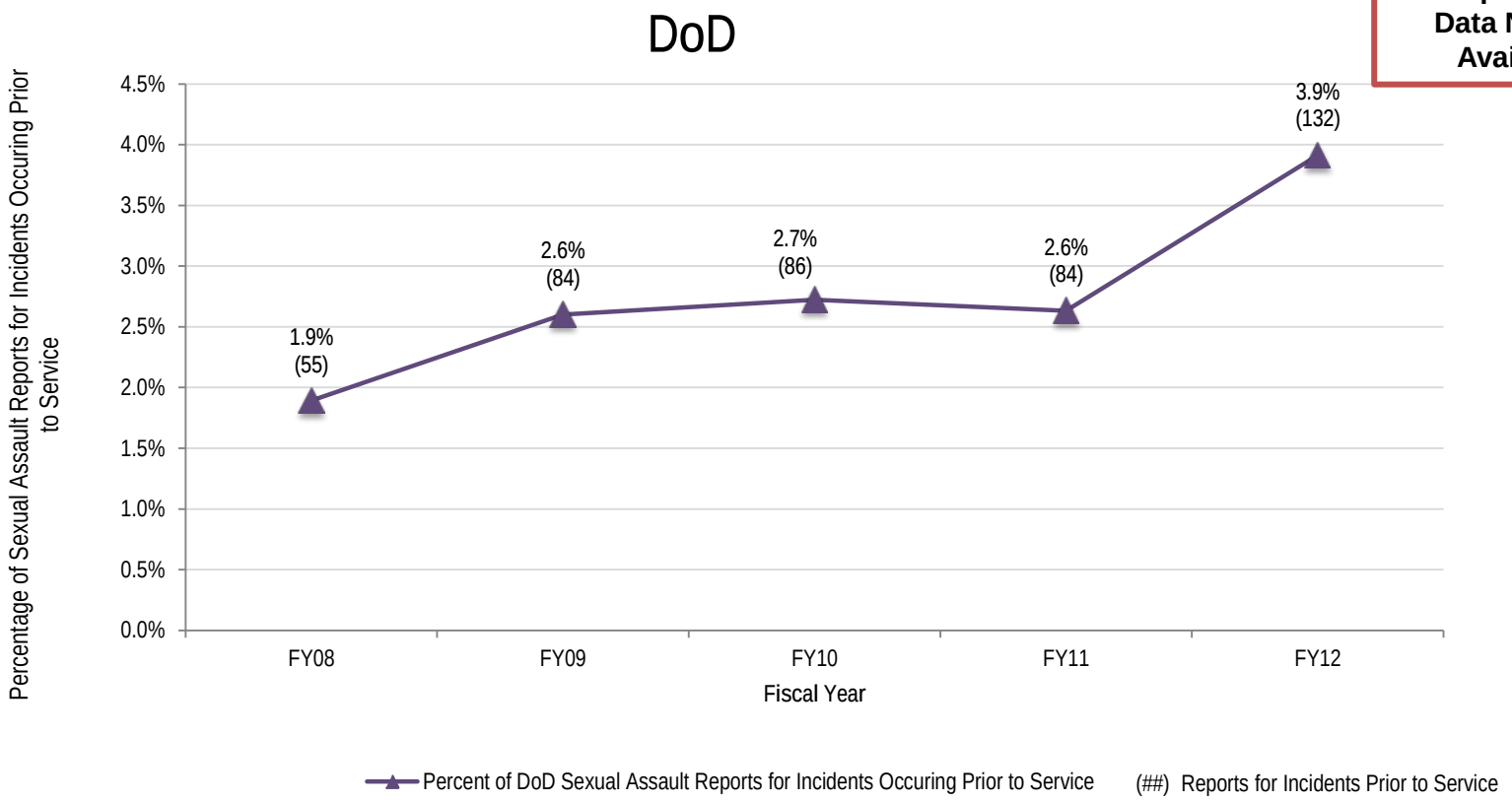
Victim Reports /1000 Service Members	*DoD Thru FY13, Q3* **2.3**	*DoD Thru FY12, Q3* **1.5**
Rate/1000 Women		12.4
Rate/1000 Men		0.4

Description: Standardized, year to year trend of sexual assault reports by Service members, which can be used by commanders to assess their individual unit reporting rates. Calculated by taking the total number of military victims in Unrestricted and Restricted Reports, multiplying that total by 1000, and then dividing by Active Duty Service End Strength.
Frequency: Reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.
Source: Current Source = Service Reporting, Future Source = DSAID
Implication: The rate creates a reporting statistic which does not vary with force size and is comparable across Services. A change in reports of sexual assault may reflect a change in victim confidence in DoD response systems.
Summary Points:

- The data shows an unprecedented increase in reports of sexual assault in DoD through Q3 FY13, compared with Q3 FY12. All four Services and the Guard show an increase in reporting through Q3, FY13.
- The increase in reporting of sexual assault creates more opportunity for victim care and holding offenders appropriately accountable.

Metric 3: Percentage of Sexual Assault Reports for Incidents Occurring Prior to Service

Complete FY13 Data Not Yet Available

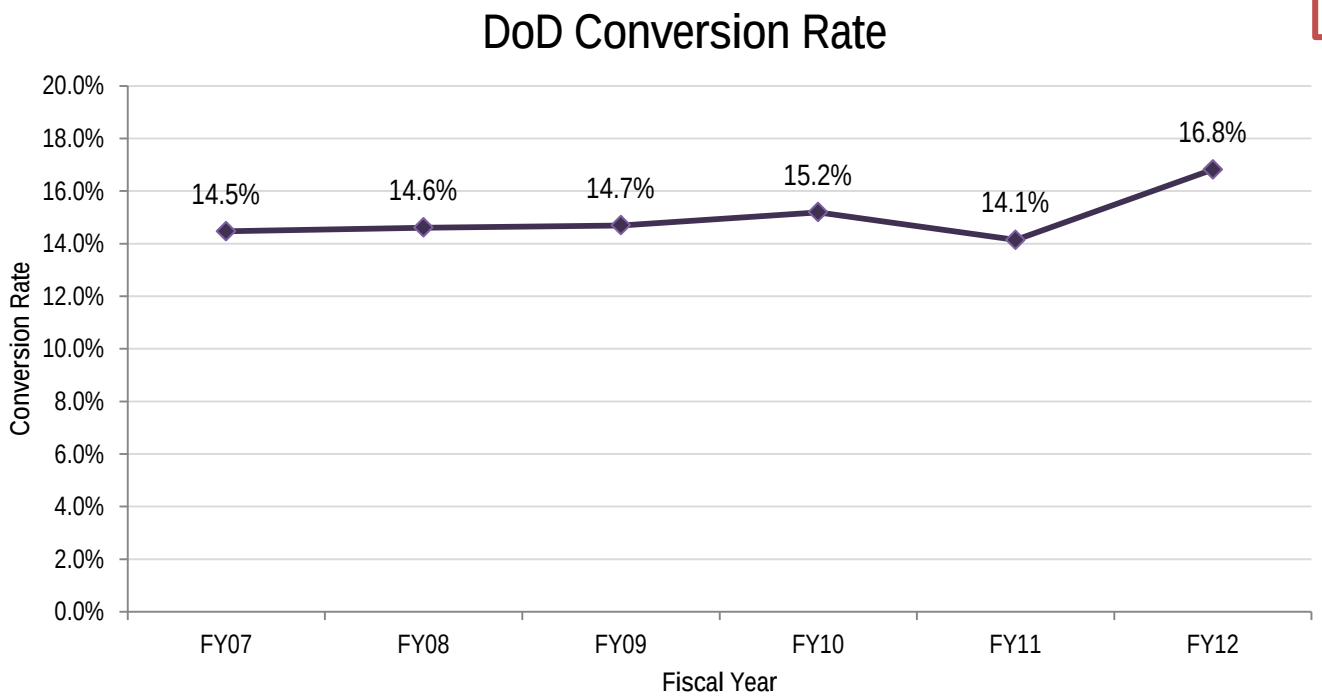


Description: Of the restricted and unrestricted reports received each year, this metric tracks the portion of sexual assaults reported by Armed Forces members that occurred prior to military service. This percentage is calculated by dividing the number of Unrestricted and Restricted Reports made for an incident that occurred prior to military service by the total number of Unrestricted and Restricted Reports for the year.
Frequency: Reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.
Source: Current Source = Service Reporting, Future Source = DSAID
Implication: The choice to make a sexual assault report for an incident occurring prior to service creates increased opportunity for victim care, and may imply a level of victim confidence in DoD response systems.
Summary Point:

- Generally, there is an upward trend in the percentage of prior-to-service incidents being reported, which may reflect greater confidence in DoD response systems.

Metric 4: Voluntary Conversions from Restricted to Unrestricted Reports

Complete FY13 Data Not Yet Available



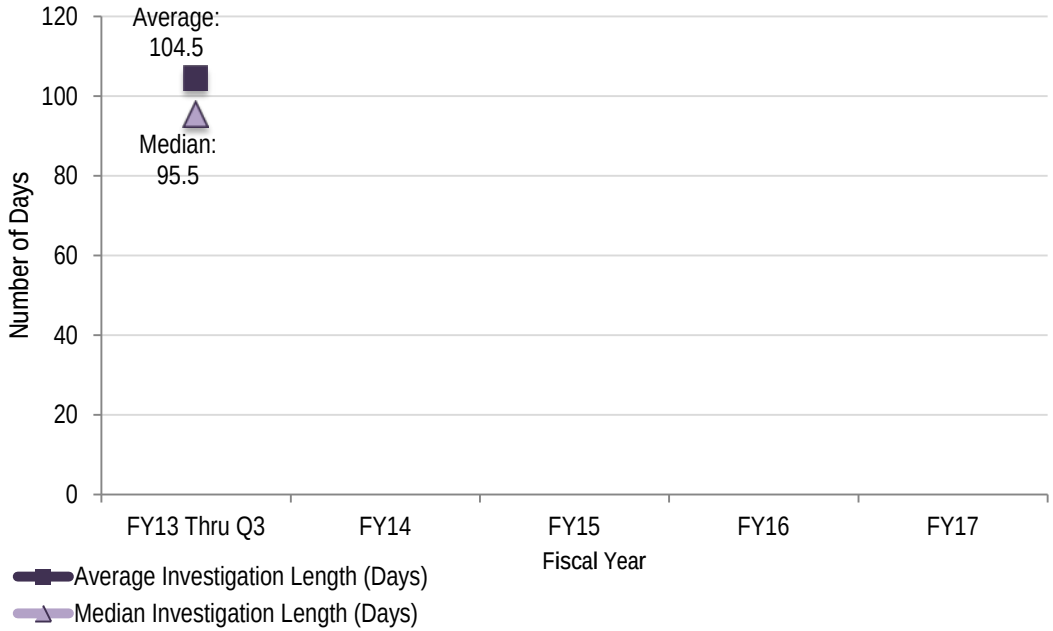
Description: Year to year trends in the percentage of Restricted Reports converting to Unrestricted Reports of sexual assault. This percentage is calculated by dividing the number of Restricted Reports that converted to Unrestricted Reports by the initial number of Restricted Reports received during the year.
Frequency: This data will be reported to the SAPR Joint Executive Council (Tank) on an annual basis.
Source: Current Source = Service Reporting, Future Source = DSAID
Implication: Conversions by victims making Restricted Reports may indicate increased victim confidence and desire to participate in the military justice system.
Summary Point:

- In the DoD, rates of conversion to Unrestricted Reporting have stayed stable at about 14-15%, with the exception of FY12 (16.8%)

“Snapshots”

- Metric 5 – Investigation Length
- Metric 6 – Full Time SAPR Personnel Certification

Metric 5: Investigation Length



Complete FY13 Data Not Yet Available

Investigations Information	DoD Thru FY13, Q3
Completed Year to Date	1479
Average Investigation Length (Days)	104.5
Median* Investigation Length (Days)	95.5

Description: Baseline average and median investigation lengths of sexual assault investigations for each Military Criminal Investigative Organization (MCIO). Length measured from date of victim report to date that all investigative activity is completed.

Frequency: This data will be reported to the SAPR Joint Executive Council (Tank) on a quarterly basis.

Source: MCIOs (CID, NCIS, and AFOSI)

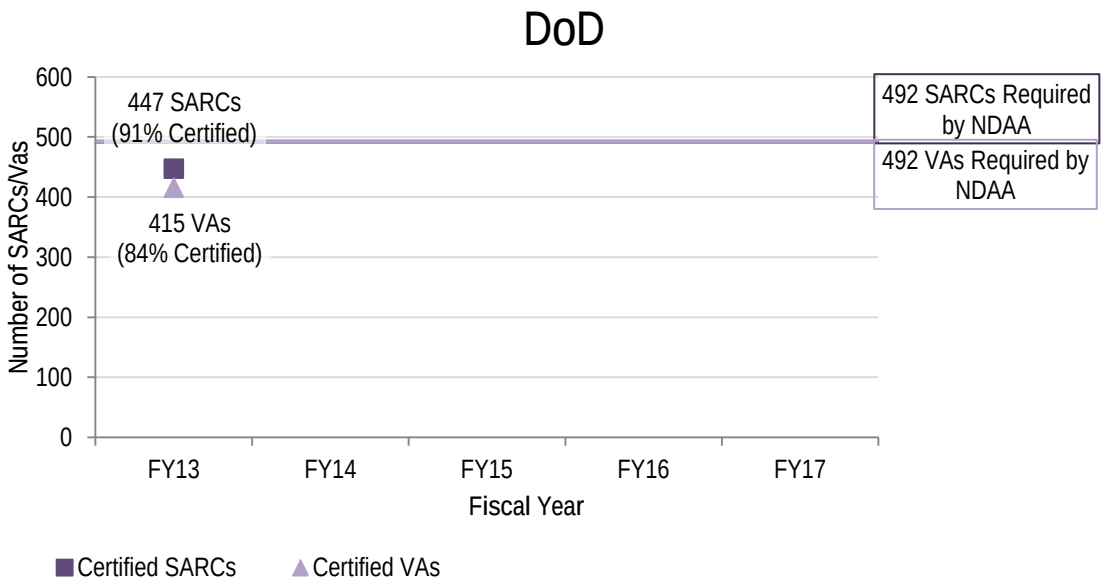
Implication: This establishes a baseline for future comparisons and expectations about investigation length. Investigation Length is not a measure of a thorough and professional investigation and may vary greatly depending on the complexity of the allegation and evidence

Summary Point:

- On average, a criminal investigation in the DoD takes a little over 3 months

**Note: The median is a "midpoint" for a set of numbers; it is the value for which half are above and half are below. Unlike an average, the median is less influenced by outliers in a set of numbers.*

Metric 6: Full Time SAPR Personnel Certification



	DoD
	EoY
SARC FTEs Required by NDAA	492
On Duty	471
Certified (% of Required)	447 (91%)
VAs FTE Required by NDAA	492
On Duty	444
Certified (% of Required)	415 (84%)

Description: Status of manning and certification of Sexual Assault Response Coordinators and Victim Advocates required by FY12 National Defense Authorization Act (NDAA). The "percent certified" is calculated by dividing the number of certified SARCs/VAs by the number of SARCs/VAs required by the FY12 NDAA.

Frequency: This data will be reported to the SAPR Joint Executive Council (Tank) on an quarterly basis.

Source: Service Manning Data

Implication: Shows certification status of the legally-required SAPR responders.

Summary Point:

- All Services on track for manning and certification in compliance with FY12 NDAA

DoD SAPR Metrics 2.0
Proposed

Additional Trend Metrics

- Metric 7 – Command Action for Military Subjects under DoD Legal Authority
- Metric 8 – Sexual Assault Court-Martial Outcomes
- Metric 9 – Reporting vs. Prevalence (Biennial *Workplace and Gender Relations Survey*)
- Metric 10 – Percentage of Subjects With Victims Declining To Participate in Military Justice Action
- Metric 11 – Percentage of Penetrating Crimes in Workplace and Gender Relations Surveys
- Metric 12 – Interval Between Incident and Report

Additional Snapshot Metrics

- Metric 13 – DoD IG Closed Sexual Assault Investigation Review
- Metric 14a – Chain of Command Confidence Index by Gender
- Metric 14b – Chain of Command Confidence Index by Rank
- Metric 15a – Intent To Report a Sexual Assault by Gender
- Metric 15b – Intent to Report a Sexual Assault by Rank
- Metric 16a – Bystander Intervention Index by Gender
- Metric 16b – Bystander Intervention Index by Rank
- Metric 17a – Perceived Barriers To Reporting by Gender
- Metric 17b – Perceived Barriers To Reporting by Rank

Conclusion

- The Department's SAPR program is a dynamic program.
  - We frequently launch new initiatives intended to prevent the crime, foster victim confidence, and increase accountability.
  - We regularly assess our progress and effectiveness as a key part of our DoD SAPR Strategic Plan.
- As part of our assessment efforts, the Department has developed an initial set of six SAPR metrics, with more under development.
- The initial FY 13 metrics data – through Q3 – shows an expected increase in victim reports of sexual assault when compared to FY 12
  - This is a historically underreported crime – meaning much more crime occurs than is ever reported to DoD authorities.
  - Under current conditions, we assess this increase in reporting is most likely due to greater victim confidence, as a result of improved victim support services, sustained senior leader engagement, enhanced investigative and legal capabilities, and a better-educated force.
  - Contributing to the overall increase is a significant increase in reports of sexual assault for incidents that occurred prior to military service, another sign of victim confidence.
- More reporting offers greater opportunities to provide victim care and hold offenders appropriately accountable.
- How we treat current victims will impact future victims' decisions to report. We must treat survivors of this crime with the sensitivity they deserve, the privacy they prefer, and the responsive support they need.

Backup

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Enhanced Command and Senior Enlisted Leader Training

- **Jan 2012 -- SECDEF mandated evaluation of Pre-Command and Senior Enlisted Leader (PCC-SEL) SAPR Training**
- **May 2012 -- Report to SECDEF delivered**
- **Sep 2012 -- SECDEF mandated development of standardized Core Competencies/Learning Objectives (CCs-LOs)**
- **Dec 2012 -- Standards completed – SECDEF directed implementation**
- **Apr 2013 -- Services implemented CCs-LOs for all PCC-SEL training**

Core Competencies	Resulting Learning Objectives
Core Competency 1: Sexual Assault in the Military **Refresh understanding of basic concepts of sexual assault**	- Recognize sexual assault myths, facts, and trends - Define sexual assault and sexual harassment, differentiate between the two, and review the relevant articles of UCMJ
Core Competency 2: Prevention **Understand risks and circumstances associated with sexual assault incidence and the proactive measures to prevent sexual assault and associated destructive behaviors within their command**	- Recognize environments where sexual offenses occur - Define and identify strategies for bystander intervention - Define and identify strategies for risk reduction - Define and identify strategies for obtaining affirmative consent - Identify command climate strategies for preventing assaults
Core Competency 3: Advocacy and Response **Understand the essential elements of quality victim care response programs and the roles and responsibilities of victim service providers**	- Recognize impact of trauma on victim's behavior and ability to communicate clearly - Employ tactics to minimize re-victimization - Identify commander responsibilities for sexual assault response, privileged communications, victim care and encourage victims to report sexual assault
Core Competency 4: Investigations and Accountability **Understand the complexity of sexual assault crimes and the appropriate investigation and disposition options available**	- Recognize commander responsibilities regarding sexual assault investigative procedures - Recognize commander responsibilities during judicial process
Core Competency: 5: SAPR Program Leadership **Understand commander's and senior enlisted leader's roles in fostering a command environment free of sexual assault**	- Understand applicable SAPR programs, policies & procedures - Identify key elements of an effective command SAPR program, to include roles and responsibilities of key personnel