

DoD Policy on Prevention and Response to Sexual Assault

January 4, 2005



Historical Background

- **February 2004: Secretary Rumsfeld directed a review of DoD treatment and care of sexual assault victims**
- **April 2004: Care for Victims of Sexual Assault Task Force report released**
- **September 2004: Care for Victims of Sexual Assault Conference addressed five foundational issues:**
 1. **Definition of Sexual Assault**
 2. **Privacy and Confidentiality**
 3. **Transparency**
 4. **Response Capability**
 5. **Crimes Committed by Citizens of Another Country**
- **October 2004: DoD Leadership Summit convened and consensus was reached on Conference recommendations**
- **Consensus served as framework for DoD policy creation**

Joint Task Force Sexual Assault Prevention and Response

- **October 2004: Joint Task Force Sexual Assault Prevention and Response established as single point of accountability on sexual assault policy matters**
 - Led by Brigadier General KC McClain
 - Eight-person multi-service team stood up for one year on 12 Oct 04 as interim step to permanent office
 - Charged to develop policies, guidelines and standards for sexual assault prevention, reporting, response, and accountability

Joint Task Force Sexual Assault Prevention and Response (cont.)

- **First priority: Develop DoD sexual assault policy**
 - **Incorporate recommendations set forth in the Task Force Report on Care for Victims of Sexual Assault**
 - **Comply with Public Law 108-375, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005**

DoD Sexual Assault Policy Objectives

- **Enhance and Improve:**
 - **Education and training programs to help prevent sexual assaults**
 - **Treatment and support of victims**
 - **System of investigating and prosecuting offenders**

Overview of DoD Policy Changes

1. **Definition of Sexual Assault**
2. **Commander Checklist**
3. **Response Capability for Sexual Assault**
4. **Increased Victim Support**
5. **Collaboration with Civilian Authorities for Sexual Assault Victim Support**
6. **Training Standards for Service Members**
7. **Training Standards for Response Groups**
8. **Training Standards for Pre-Deployment Information on Sexual Assault and Response**
9. **Collateral Misconduct**
10. **Administrative Separations**
11. **FY 04 Data Call**

Meeting the Needs of Victims

- **Ensure uniformity in the standards of care**
 - Provide for victim safety and protection
 - Ensure victims receive the best care possible
 - Provide a coordinated and timely response to their case
- **Our studies and consultations showed that we need to:**
 - Improve victim protection
 - Treat victims with dignity and respect
 - Offer victims the medical treatment, care and counseling they deserve

Definition of Sexual Assault

- **Provides a clear Department-wide definition of sexual assault for training and educational purposes**
- **Delineates distinctions between “sexual harassment”, “sexual assault“, and “other sex-related offenses”**
- **Eliminates confusion and uncertainty about which actions constitute which offense**

Response Capability for Sexual Assault

- **Creates a framework for an integrated sexual assault response capability worldwide**
- **Establishes the position of Sexual Assault Response Coordinator (SARC):**
 - **Standardized term utilized throughout DoD and the Services**
 - **Serves as the single point of contact to coordinate sexual assault victim care**
 - **Reports to a senior level of Command designated by the Services**
 - **Responsible for tracking the services provided to the victim from initial report of a sexual assault, through disposition**
 - **Maintains oversight responsibility for the Victim Advocate**
 - **Tracks the dispositions of all military sexual assault cases for their designated area of responsibility**
 - **Provides regular updates on status of a case**
 - **Responsible for training and reporting**

Response Capability for Sexual Assault (cont.)

- **Services will use a case management model**
- **Case management includes:**
 - Reviewing cases
 - Improving reporting
 - Facilitating monthly victim updates
 - Discussing process improvement to ensure system accountability and victim access to quality services

Confidential Reporting of Sexual Assault

- **The Department is committed to, and currently developing, policy that will provide for confidential reporting**
- **The complexity of the issue requires due diligence and prudence to ensure that the Department implements a viable program**

Training Standards on Sexual Assault

- **Three Policy Memorandums:**
 - **Training Standards for Service Members**
 - **Training Standards for Response Groups**
 - **Training Standards for Pre-Deployment Information on Sexual Assault and Response**

Training Standards

- **Establishes baseline training requirements for all Military Services on Sexual Assault Prevention and Response**
 - **The Services to train personnel on policy changes**
 - **Training to be provided at all initial entry training, including officer training**
 - **Services to conduct annual sexual assault awareness training updates**
- **Pre-deployment training to include information on sexual assault prevention and response**

Training Standards (cont.)

- **DoD will develop baseline training standards for first responder groups to ensure that any Service member who is assaulted receives the same level of response, regardless of service branch location.**
- **First Responder Groups**
 - **Health Care Providers**
 - **Victim Advocates**
 - **Law Enforcement/Criminal Investigators**
 - **Judge Advocate General Officers**
 - **Chaplains**

New Policy Provides Increased Command Accountability

- **Requires immediate referral of all unrestricted reported sexual assaults to investigative services**
- **Requires Services to designate senior Command level to handle sexual assault cases**
- **Provides guidelines for Commanders on the handling of collateral offenses that occur in conjunction with a sexual assault**
- **Provides Commanders a checklist to guide their handling of a sexual assault report**

Next Steps for Joint Task Force

- **Work with Services on implementation of the Department's Sexual Assault Prevention and Response Programs**
- **Issue DoD Directive**
- **Provide on-going oversight of Sexual Assault Programs**
- **Evolve to Permanent Office by October 2005**