Statement of Priorities for Response to Sexual Violence in the Military

Sexual violence—including abuse of children, sexual harassment, and sexual assault—is a pervasive problem in the U.S. military. The Department of Defense reports that there were 3,374 reported sexual assaults and 26,000 anonymous incident reports in 2012 alone, and there were likely many more survivors who chose not to make such statements or report other forms of sexual violence. While sexual violence is in no way limited to the armed forces, recent public outcry over particularly inflammatory incidents provide an opportunity to make substantive changes in the culture surrounding, and in particular the response to, sexual violence. Our brave service members deserve respect and safety from everyone around them. These shifts are imperative for the safety of all service members and will make the military an example to civilian society of integrity and responsibility with regard to this issue. In addition, preventing sexual violence and responding to survivors will enhance our military readiness. Mutual trust and respect are key to service members’ performance and well-being.

The following sections provide the National Task Force to End Sexual and Domestic Violence’s (NTF) broad recommendations regarding the prevention and response to military sexual assault (MSA). They are not tied to particular pieces of legislation pending in the Congress.

**Prevention:**

Sexual violence occurs across a spectrum of acts, from lewd or sexist comments to rape, and victims include children and adults of all sexes. Prevention of all forms of sexual violence remains the key to ensuring safety for service members and their families and a professional, respectful work environment for all service members. The most effective tool in preventing sexual violence is social norm change – ie, transforming the military’s current culture and attitudes regarding gender and gender roles. Although the NTF appreciates that the military has taken many recent steps to address sexual violence, social norm change requires a multi-pronged strategy that improves upon and expands current military efforts and makes it clear that perpetrators will be held accountable for engaging in such behavior or allowing such behavior to occur.
NTF recommends the following changes to address prevention of sexual violence:

- Create an office within each branch that is devoted to sexual violence prevention.
- Strengthen standards for personnel in sexual violence prevention roles.
- Ensure that all service members receive training on sexual violence that includes: awareness of the spectrum of acts constituting sexual violence, including the connection between sexual harassment and sexual violence; prohibited acts and consequences; bystander intervention; reporting procedures; and available services/assistance. Current modules on the “buddy system” and victims’ actions are not adequate in preventing sexual violence.
- Ensure that all service members receive such training on sexual violence at multiple instances throughout their time in the armed forces. NTF applauds the military for ensuring that all service members receive training on sexual assault at the beginning of their service, but repetition of broader training will improve retention of the information and reinforce the seriousness with which the military treats this issue.
- Clearly communicate that perpetrating sexual violence, or allowing subordinates to engage in such behavior, will engender a swift response with serious consequences.
- Prohibit any person who trains service members from engaging in sexual relationships with trainees.
- Prohibit persons with a history of sex-related crimes from enlisting in the armed forces.
- Immediately discharge current service members with sexual violence-related convictions in civilian courts.

Survivor Services:
Sexual violence creates short- and long-term needs for survivors. It is important to recognize every survivor of sexual assault responds differently to the attack and thus a range of services as options, but not requirements, will be most effective in meeting that individual’s needs. In addition, services should be available on an on-going basis, as each survivor will be ready for a particular service at a different time. Survivors should not be forced to engage in any services or processes that they do not feel are right for them; for example, survivors should have access to mental health services even if they are not interested in pursuing a court martial or other legal response to the assault. Finally, all members of the armed forces, their families, and associated personnel ages 12 and older should have access to these services, regardless of active duty status.

NTF recommends the following changes to improve survivor support mechanisms:

- Require that each brigade have at least one trained Sexual Assault Nurse Examiner to respond to all survivors requesting evidence collection.
- Require that evidence collection kits be retained for 5 years even if the survivor does not initially want to press charges.
• Require that all service members receive information about their reporting options, including information about the limits of confidentiality and availability of support services for each option.

• Ensure that all survivors receive their rights guaranteed under the Crime Victims’ Rights Act.

• Provide survivors with time off to receive services on or off base, as they prefer. These services should be accessible without requiring that their commanding officers be informed of the purpose of these visits.

• Ensure that survivors can access care through the Veterans Administration without a diagnosis of PTSD.

• Provide survivors with special counsel to provide legal advice and, if the survivor wishes, representation in a court martial.

• Prohibit retaliation against survivors for reporting assaults and require that the Inspector General investigate all allegations of retaliation.

• At the survivor’s request, allow the commander to transfer the survivor or accused in order to ensure the survivor’s safety.

• Train Sexual Assault Response Coordinators and Victim Advocates on working with immigrant victims, including a basic overview of protections under immigration law that are specific to immigrant victims. At a minimum, the Department and Services should share the USCIS brochure entitled, Immigration Options for Victims of Crimes, with immigrant service members and with non-service member victims who report sexual harassment and assault.

• Ensure that all training and response efforts recognize and validate the experiences of survivors of all sexes and those who are assaulted by members of the same sex. Ensure that all survivors are treated with respect regardless of the nature of the assault.

Offender Accountability:
NTF supports offender accountability that meets the needs of the survivor and community. NTF recommends that the military retain a range of options to meet these needs and not institute mandatory court martial nor long mandatory long minimum sentences. All options should emphasize the seriousness of sexual violence and be instituted with the survivor’s best interests in mind. The statute of limitations on sex crimes should be removed so that survivors may pursue legal options when they are ready or when the evidence is available to support a court martial.

In order to ensure accountability, Congress should make the following changes to the handling of sexual assault reports and court martials:

• Require commanding officers to inform the investigative division immediately after receiving a report of a sexual assault. The commanding officer should also enter the report into an electronic database within 48 hours (or as soon as possible if there are internet connectivity problems).
• Remove the decision of whether and how to proceed with a court martial from the chain of command for the survivor and accused. In other words, at no point should commanding officers have control over the sexual assault report nor the prosecution of the case.
• Appoint special prosecutors to handle sexual assault cases within the military justice system. These prosecutors should have a rank of at least Lieutenant Colonel in order to ensure that experienced officers are responsible for these cases.
• Prohibit commanding officers from overturning or mitigating guilty verdicts and sentences.
• Require convicted service members to receive a punitive separation or dishonorable discharge.
• Note all substantiated complaints of sexual violence in a convicted service member’s personnel records.
• Promptly enter all convicted service members into the civilian sex offender database.
• Retain all reports (unrestricted and restricted) for at least 50 years.
• Periodically review reports and case files—while maintaining confidentiality—to ensure compliance with new procedures.
• Ensure uniform treatment of sexual violence cases across the Department.

Next Steps:
NTF looks forward to working with Members of Congress in their efforts to make the military a safer place for all service members and encourages swift action in making these recommendations law.