

## **A CALL TO ACTION**

### ***The Department of Defense Must Support Victims of Rape and Hold Offenders Accountable***

**February 24, 2011**

The Pennsylvania Coalition Against Rape, the Iowa Coalition Against Sexual Assault and the National Alliance to End Sexual Violence call upon the Department of Defense to take aggressive steps to change the culture within the military services. We ask that changes be made to create a culture which prioritizes the safety and well-being of its members by proudly working to prevent sexual violence, respond to and support victims, and meaningfully hold offenders accountable and disrupt opportunities to offend.

On February 15, 2011, a group of US Veterans consisting of 15 women and 2 men filed a federal class-action lawsuit against the Department of Defense, Defense Secretary Robert Gates and his predecessor, Donald Rumsfeld. The stories of rape and the response of military personnel shared by the plaintiffs reveals military culture that is permissive of a continuum of sexual assault behaviors, which fails to prioritize safety and support for victims, and which protects and enables offenders. We are saddened to see that measures taken during the past seven years to prevent sexual assault within the US Military and to improve services to victims and investigatory processes have not had meaningful impact.

In 2004, the National Alliance to End Sexual Violence provided written testimony to the Total Force Subcommittee of the House Armed Services Committee in the US House of Representatives. This testimony pointed out a lack of understanding of victim needs, offender accountability, community safety and prevention with regard to sexual assault, as evidenced by the content of the Department of Defense "Care for Victims of Sexual Assault Task Force Report." Since that time, experts in the fields of sexual assault prevention, victim treatment, criminal investigation and medical care have participated in task forces and issued reports with numerous recommendations to assist the US Military in changing policies, procedures and military culture with the aim of reducing sexual assaults and increasing supports to victims.

Some progress has been made, but like the plaintiffs in this case, we agree that the steps have been too small, taken too long, and are too marginalized to have made the impacts which were originally intended. The treatment suffered by the victims in this lawsuit, both at the hands of their perpetrators and at the hands of commanders, colleagues and “the military” as a whole when they reported these crimes, is outrageous. As leaders in the anti-sexual assault movement, we call on the Department of Defense and Congress to take immediate measures to further remedy this shameful environment:

1. Support legislation to strengthen sexual assault prevention and response within the military. Provisions included by Congresswoman Slaughter in the National Defense Authorization Act (NDAA) introduced in December, 2010, and the Defense Sexual Trauma Response, Oversight, and Good Governance Act (Defense STRONG Act), soon to be reintroduced by Congresswoman Tsongas, provide greatly needed enhancements to existing sexual assault response protocols and give victims in the military access to legal counsel and increases sexual assault prevention training at all levels of the armed services.
2. Additionally, we urge the Department of Defense to work with Congress to enact a comprehensive military justice privilege for communications between a Victim Advocate and/or a hotline/helpline worker and a victim of sexual assault.
3. The Department of Defense must implement the 2009 recommendations made by the Defense Task Force on Sexual Assault in the Military Services.
  - a) Oversight for all activities aimed at preventing, reducing and responding to sexual assault must be strategically located within the top tier of the chain of command with the Deputy Secretary of Defense.
  - b) Prioritize the creation of an overarching comprehensive prevention strategy aimed at altering military cultural norms which may or may not be the same as those within civilian cultures. We call upon the Department of Defense to work with civilian experts to create a strategy which includes strategic direction, prevention , response and accountability. Adequate funding, time and support from commanders must be a part of a successful plan.

- c) Improve responses to reported sexual assault by creating safety and options for victims. This includes providing confidential or restricted reporting mechanisms which protect the identity of victims, access to appropriate medical care for victims of any gender, and enhancing access to both military and civilian based victim services.
4. The Department of Defense must acknowledge the unique nature of the crime of sexual assault and change military reporting procedures to afford victims with immediate access to the military judicial process, bypassing unit commanders who presently have discretion, but inadequate training and expertise, to decide whether a report is “credible” and should be reported to other military investigative bodies.

The federal government has recognized the importance of continually improving civilian legal responses to sexual assault reports and has invested millions of dollars to train law enforcement personnel, prosecutors, victim advocates and judges to appropriately respond to these crimes and ultimately improve the safety of communities. Many communities have instituted special investigation, prosecution and court systems due to the unique nature of these crimes and rampant misinformation associated with sexual assault perpetrators, victims and what is “normal” following an assault. Constant training is prioritized for all personnel involved to optimize outcomes for safe communities. The Department of Defense is urged to do the same, and to consult with successful civilian models to identify military procedures which currently block victim access to military justice systems and ultimately increase the risk of additional offenses being committed by perpetrators not held accountable.

5. The Department of Defense must acknowledge the serial nature of sexual offenders and the seriousness of their crimes and act to protect the safety of both military and civilian communities by consulting with civilian experts in the treatment of sex offenders to determine appropriate penalties and behavioral interventions for those who commit these crimes.

Enlisted sex offenders only differ from civilian sex offenders with regard to their employer. Civilian experts in sex offender treatment know that reductions of pay, assignment of extra duties, administrative actions by employers, reassignment or transfer to a new location, reprimands, admonishments, censures or rebukes do not elicit a behavior change to stop sexual offending.

The Department of Defense must cease use of these actions as punishment or intervention, and instead impose meaningful penalties and effective treatment strategies. Sex offender treatment experts know that some offenders respond well to treatment and can learn to change their behaviors, particularly when provided appropriate supervision and support. The Department of Defense must incorporate individual offender accountability in addition to system accountability if they are to have an overarching comprehensive plan to prevent and respond to sexual assault.