

STATEMENT OF

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BEFORE THE

**HOUSE ARMED SERVICES COMMITTEE
TOTAL FORCE SUBCOMMITTEE**

ON

“SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES”

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Congressman McHugh and distinguished members of the Committee, on behalf of the men and women of the United States Army, I appreciate the opportunity to appear before you today to address the findings and recommendations of the Army Sexual Assault Task Force and the Army's commitment to support victims of sexual assault. The Army is committed to taking care of Soldiers. Sexual Assault is a criminal offense that has no place in our Army. It degrades our mission readiness by devastating our ability to work effectively as a team and is incompatible with the values we teach our Soldiers and demand of our leaders. Discipline, morale, and values have always been the foundation upon which our Army units build and maintain readiness. The Committee can be certain that it is Army policy to take every allegation of sexual assault seriously and thoroughly investigate all such allegations.

On February 6, 2004, the Acting Secretary of the Army directed the establishment of a task force with an aggressive timeline, to accomplish the following tasks:

- Conduct a detailed review of the effectiveness of the Army's policies on reporting and addressing allegations of sexual assault
- Review the current processes to ensure a climate in which victims feel free to report allegations and in which leaders understand their responsibilities to support victims and to investigate allegations
- Recommend changes or additions to current policies, programs, and procedures to provide clear guidance for reporting and addressing sexual assault allegations and protocols for victim support.

The Task Force brought together a multidisciplinary team of military and civilian professionals with extensive experience from 14 organizations across the Department of the Army. With the assistance of contract statisticians, analysts, and other experts, the Task Force assessed current Army policies, programs, and procedures and examined available data pertaining to investigations, disposition of offenses, victim services and command climate. This assessment included a review of sexual assault reporting procedures. The Task Force examined the Army functional organizations that deal with sexual assault, including those concerned with law enforcement/criminal investigation, legal, medical, chaplain, training and family advocacy matters. The Task Force's recommendations are broad based and cover Army policies, programs and procedures, unit and institutional training, and command climate.

Additionally, my staff worked closely with Ms. Ellen Embrey and the DoD Task Force on Care for Victims of Sexual Assault. We provided two military officers who served on that Task Force as they examined current programs and assessed how to best tackle sexual assault and how to address the needs of the victims within DoD. The Task Force discovered that sexual assaults are a challenge to military as well as the civilian community. I commend Ms. Embrey and the members of the Task Force for producing such a sensitive and comprehensive report in such a short time period.

The Army Task Force's findings centered on five key areas: 1) policy, program proponent, and integration; 2) education, prevention, training, communication, and command climate; 3) incident response, investigation, and action taken; 4) victim

services; 5) data collection, reporting, evaluation, and program improvement. The findings include the following:

1. The Army's sexual assault prevention and response policies and programs are not integrated among supporting organizations. The Surgeon General, Provost Marshal General (PMG), The Judge Advocate General, and Criminal Investigation Division, (CID) have policies and programs in place that address reporting, investigation, victim support, and data collection related to sexual assault cases that come to the attention of the chain of command, the military police (MP), or CID. However, the Army lacks an overarching policy that identifies a proponent or a clear set of responsibilities directing the various organizations involved to coordinate with each other. Without an integrated program and an overarching policy, the Army does not have a clear picture of sexual assault issues, which results in a fragmented rather than an integrated approach to handling sexual assault.

2. Privileged and confidential avenues of communication exist; however, they are not widely recognized throughout the Army as a confidential avenue for victims of sexual assault. Media reports and victim advocate organizations have expressed concerns that some victims are reluctant to report allegations of sexual assault to their chain of command and that there is a lack of confidential reporting mechanisms available for Soldiers seeking assistance and guidance. The Task Force found that there were several confidential avenues of communication that Soldiers could use to seek assistance and guidance without informing their chain of command, i.e., military chaplains, legal assistance attorneys, psychotherapists, and the Army's One Source Program. The Task Force concluded that existing confidential avenues of communication are adequate, but they need to be well known to ensure victims are aware they exist. Awareness of such confidential avenues of communication would help victims who are reluctant to report an allegation to find pre-report confidential advice and assistance.

3. Current human relations training programs do include prevention of sexual harassment but only address sexual assault prevention and response to a minor extent. Training related to sexual assault is taught only in Initial Entry Training, Drill Sergeant School, and the Senior Officer Legal Orientation Course. Required "Prevention of Sexual Harassment" training and other human relations classes do not cover sexual assault prevention.

4. Response and action taken when a sexual assault is reported vary among commanders. Army regulations require that all serious crimes be reported to CID. Although CID receives reports on incidents of rape and forcible sodomy, less severe forms of indecent assaults are often investigated only at the unit level and not always reported. The Task Force, through the Staff Judge Advocates in the CENTCOM Theater of Operations, went to all commanders to determine whether all reported incidents of sexual assault had been dealt with in accordance with existing rules and regulations. The Task Force was able to determine that commanders took action but did not always report the offenses to the MP or CID, nor did they complete the Commander's Report of Disciplinary or Administrative Action (DA Form 4833). Even in those cases reported to CID, the Task Force found that commanders sometimes failed to thoroughly complete DA Form 4833. Because of the failure to report the disposition of cases or to thoroughly complete DA Form 4833, PMG and CID do not have complete information in their

databases. This in turn, may contribute to an impression of a commander's "... indifference to sexual assaults."

5. Timing of actions taken against victims for minor offenses related to a sexual assault can have a negative impact on victim reporting; also, the review of the United States Military Academy sexual assault prevention and response program indicated that the possibility of adverse action against sexual assault victims for acts such as fraternization, underage drinking, or drunk and disorderly conduct may adversely impact victims' decisions to report sexual assault. If a sexual assault is reported and action is taken against the victim for the minor misconduct *before* action is taken against the alleged perpetrator of the sexual assault, a victim may feel unfairly treated by the criminal justice system. Perception of such unfair treatment can adversely affect future victims'

6. A backlog of DNA evidence is waiting for processing at the United States Army Criminal Investigation Laboratory (USACIL). The USACIL is the only laboratory authorized to conduct DNA forensic testing for the DoD. The demand for DNA testing in a wide variety of criminal, operational, and administrative cases has more than doubled in the last 4 years and is expected to continue to increase. Current laboratory resources are not sufficient to meet increased demand.

7. Commanders have multiple options to protect victims, and each situation requires consideration of its own specific facts and circumstances. Existing legal options include pretrial confinement or restriction and a Military Protective Order (MPO) of the alleged perpetrator, and relocation or reassignment of the alleged perpetrator or victim. Temporary relocation of the victim or alleged perpetrator lowers the chances of incidental contact prior to resolution of the case.

8. The Army lacks an integrated, synergistic approach for delivering support and services to sexual assault victims. Despite the availability of services for victims in garrison and deployed environments, no single entity integrates these services. The Army needs a proponent to act on behalf of the chain of command and the victim to ensure that appropriate services are offered and provided, and that necessary follow-up is conducted for the victim and the program.

9. The Army lacks an integrated approach for collecting, analyzing, and evaluating sexual assault cases. The Army lacks a centralized system to document all relevant data regarding sexual assault cases, including care provided to the victim, resolution of the investigation, and any disciplinary action. The Task Force realizes that important information that could provide greater understanding about how well the Army sexual assault prevention and response policies and procedures are working is not being collected. Currently all available Army data on sexual assaults, victims, and alleged perpetrators reside in disparate systems across several Army organizations. This decentralization makes it difficult to follow victims, alleged perpetrators, and cases between services, components, and organizations. The Army does not possess a full set of assessment tools to ascertain sexual assault rates, reporting rates, and victims' perceptions of their treatment and the support services available to them. Although some useful data on sexual assault are collected, there is no Army-wide, standard set of metrics and procedures to track cases, evaluate programs and services, or to account for those victims who do not report.

After weeks of research and compilation of data the Task Force presented the following summarized recommendations to the Acting Secretary of the Army:

- Create a policy focused on education, prevention, integrated victim support, thorough investigation, appropriate action, timely reporting, follow-up, and feedback.
- Create sustained, comprehensive, progressive, and sequential training that integrates sexual assault topics into all leadership, Army values, and human relations training.
- Establish a program structure to provide support to sexual assault victims through Victim Advocates and Victim Advocate Coordinators.
- Establish a structured system for documentation, quarterly assessment, reporting, and program improvement at the installation, major command, and Headquarters, Department of the Army (HQDA), levels.

In conclusion, I would like to emphasize, that the report delivered to the Acting Secretary of the Army represents comprehensive review of the Army's policies, programs, and procedures as they pertain to prevention, response, and care for victims of sexual assault. The findings reinforce the belief that the proactive involvement by leaders at all levels is the key to successfully addressing sexual assault in the Army. The recommendations are important first steps toward increasing the awareness and prevention of sexual assault, improving the command climate in which Soldiers feel safe to report assaults, and ensuring that victims receive appropriate care and support. Once again, thank you for the opportunity to appear before you today and I look forward to answering your questions.