UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

MAR 14 2006

PERSONNEL AND READINESS

The Honorable John W. Warner
Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510-6050

Dear Mr. Chairman:

I am forwarding to you the enclosed reports from the Military Services as required in Section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. The Department has reviewed the scope and extent of the sexual assault reports in Calendar Year 2005 involving members of the Armed Forces and the prevention and response policy in place during the year in response to incidents of sexual assault.

During the past year, the Department has maintained collaborative efforts with the Services, members of Congress, and national experts to address the crime of sexual assault within our ranks. As a result, the Joint Task Force for Sexual Assault Prevention and Response transitioned to a permanent office, Sexual Assault Prevention and Response Office, within the Office of the Secretary of Defense to be the single point of accountability for the Department's sexual assault policy. The Joint Task Force and the SAPR Office have continued to refine the comprehensive policy as set forth in Public Law 108-375.

The enclosed reports provide data on reported sexual assault allegations involving members of the Armed Forces that occurred in Calendar Year 2005. They also summarize the policies and procedures that DoD and the Military Services implemented to provide a solid foundation for improving prevention of sexual assault, to enhance support for those who report being assaulted, and to increase accountability.

I am sending a similar letter and the Department's report to the Chairman and Ranking Member of the House Committee on Armed Services.

Sincerely,

David S.C. Chu

Enclosures:
As stated

cc:
The Honorable Carl Levin
Ranking Member

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PERSONNEL AND
READINESS

MAR 14 2006

The Honorable Duncan Hunter
Chairman
Committee on Armed Services
U. S. House of Representatives
Washington, D.C. 20515-0552

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cc:
The Honorable Ike Skelton
Ranking Member

Executive Summary:

Overview

The Department's Sexual Assault Prevention and Response program has made great progress during the past year. We established a comprehensive response structure, a protocol to ensure a consistent level of care and support for victims of sexual assault, and improved prevention efforts through an aggressive training and education program, to be conducted throughout every Service member's career at both the unit level and at all professional military education programs. Moreover, the Department of Defense (DoD) implemented a fundamental change in how the Department responds to sexual assault by instituting a confidential reporting structure for victims of sexual assault.

These accomplishments underscore DoD's efforts to transform into action its total commitment to sexual assault prevention and response. In addition to implementing confidential reporting of sexual assaults in 2005, the Department introduced exacting standards of training for first responders and procedures for storing evidence collected as part of restricted reporting. Moreover, DoD released a permanent directive articulating the Department's sexual assault policy, and completed a soon to be released Instruction that specifies procedures and other sexual assault policy provisions.

The Military Services established sexual assault program offices at all major installations and collaborated with DoD to train more than 1,000 Sexual Assault Response Coordinators and Victim Advocates to conduct those programs. They have also trained more than 1,000,000 service members and have integrated sexual assault awareness instruction into initial entry training and professional military education.

Recognizing that some victims choose to forego any support services to avoid participating in a criminal investigation, the Department implemented confidential reporting. Since June 14, victims may now elect to make a restricted report and receive services from sexual assault program staff, healthcare providers, and chaplains without notifying command channels or law enforcement. Restricted reporting also provides victims the time, care and empowerment to consider pursuing an investigation at a later date. Data from 2005 show that this policy has met expectations.

Reporting Requirement:

The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Section 577, requires the Department to provide an annual summary of the reported allegations of sexual assault and reports received from each Secretary of the Military Departments. The Service reports provide data on the number of alleged sexual assaults against members of the Armed Forces and the number of alleged sexual assaults by members of the Armed Forces that were reported to military officials during the year; and

a synopsis of the disciplinary action taken in each substantiated case. The report also summarizes the policies, procedures and processes in place or implemented during the year in response to incidents of sexual assault involving Service members and the Military Departments Secretary's assessment; and any plans for Service actions that will be taken during the following year related to the prevention of and response to sexual assault involving service members.

Additional Reporting Option for 2005:

DoD now allows two options for reporting sexual assault: restricted reporting and unrestricting reporting. In June 2005, DoD introduced a new Confidential reporting option for victims of sexual assault, referred to as a 'restricted report'. Sexual assault, as referred to here, includes the allegations of rape, nonconsensual sodomy, indecent assault, and attempts to commit any of these offenses. The restricted report option enables victims to receive services from sexual assault program staff, healthcare providers, and chaplains. However, command authorities and military criminal investigative organizations (MCIOs) are not notified and no investigation is conducted. Unrestricted reporting is a continuation of previous policy and includes the provision of healthcare as well as command notification and an investigation conducted by an MCIO.

Reports of Alleged Cases of Sexual Assault Involving Members of the Armed Forces

In 2005, the Services received 2,374 reports of alleged cases of sexual assault involving members of the Armed Forces. Much of this 674-report increase can be attributed to restricted reporting. Those reports accounted for 435 (65%) of the increase. At the victims' choice, 108 (25%) converted to unrestricted reports, resulting in a total of 2,047 unrestricted reports that MCIOs investigated. Although restricted reporting only began on June 14, this option together with the introduction of an extensive training program and greater awareness of sexual assault have paved the way to removing some barriers to reporting. Since numerous studies indicate that sexual assault is the most underreported violent crime in America, the Department's goal is to establish a climate of confidence that encourages reporting.

REPORTS OF ALLEGED SEXUAL ASSAULT	CY Total
Total # reported sexual assaults involving a service member victim and/or service member alleged offender	**2,374**
Unrestricted reports:	**2,047**
# restricted reports	435
# changed to unrestricted reports	108
Restricted reports remaining	**327**

Another part of the increase can be attributed to a policy change by the Army. Prior to 2005, the Army completed an initial investigation before assigning case numbers. If the initial investigation indicated unfounded or insufficient evidence, no case number was assigned. As a result, these reports were not included in previous reports. The decision to include all complaints impacted most aspects of unrestricted reports. In particular, it increased the percentage of reports identified as unfounded/unsubstantiated while decreasing the percentage of cases in which actions were taken against alleged offenders. While the change does result in an increase, it allows for a more complete accounting of all complaints.

Status of Investigations of Sexual Assault Involving Members of the Armed Forces

Of the 2,047 unrestricted reports, MCIOs completed 1,386 investigations (68%) by December 31, 2005, even though 51% of the reported assaults occurred in the third and fourth quarters of the year. The 2006 annual report will address the 661 investigations still pending completion at the end of CY 05.

TOTAL # INVESTIGATIONS	2,047
# Pending completion as of 31 December 2005	661
# Completed this year (involving one or more offenders)	1,386

Disposition of Completed Investigations

MCIOs have completed 1,386 investigations involving 1,474 alleged offenders. Sexual assault cases sometimes include more than one offender per one victim. Nine percent (123) of the completed cases involved more than one offender, victim, or both. Forty-four alleged offenders are civilians or foreign nationals who are not subject to Uniformed Code of Military Justice (UCMJ) authority. Military commanders also could take no action against 163 unidentified offenders or against 641 alleged offenders in cases that were unsubstantiated/unfounded, lacked lack sufficient evidence, or the victim recanted.

Of the 626 alleged offenders whose investigations were completed, 352 were awaiting final action as of December 31, 2005. Commanders took punitive action against 274 offenders in completed investigations involving sexual assault and related offenses. Command dispositions included: 79 courts-martial, 91 non-judicial punishments, and 104 adverse actions and discharges. The 2006 annual report will address the 352 offenders of completed investigations who were awaiting final dispositions of their offenses at the end of CY 05.

MILITARY COMMANDERS DISPOSITION OF ALLEGED OFFENDERS IN COMPLETED INVESTIGATIONS	626
Being Processed for Final Action (As of December 31, 2005)	**352**
Punitive Action Taken	**274**
# Court-martial	79
# Nonjudicial Punishment	91
# Adverse Actions and discharges	104

NO JURISDICTION OF DISPOSITION OF ALLEGED OFFENDERS IN COMPLETED INVESTIGATIONS	848
Civilian court action/foreign authority action	44
Un-identified Offender; Punitive Action Not Possible	163
Unsubstantiated/Unfounded/Insufficient Evidence	641

Completion of Reported Sexual Assaults for Calendar Year 2004:

This report also addresses the 468 CY 04 investigations that were not complete on December 31, 2004, and the 317 offenders still pending final disposition actions at the end of 2004. Final actions were taken in 420 investigations, and 48 investigations remain ongoing. The revised table of CY04 investigations and final disposition actions cannot be compared to the current 2005 report until the 2005 pending investigations and final disposition actions are completed to ensure an accurate total of all reports for each separate year.

Total # Investigations Completed From 2004	Actions taken in 2005	'Old' 2004 Totals	'New' 2004 Totals
# Completed this year (involving one or more offenders)	420	1232	1,652
Disposition Of Alleged Offenders In Completed Investigations and uncompleted disposition actions from 2004	753	1362	1,798
Punitive Action Taken	330	342	672
# Court-martial	137	113	250
# Nonjudicial Punishment	102	132	234
# Adverse Actions and discharges	91	97	188
Being Processed for Final Action (As of December 31, 2005)	80	340	103
Civilian court action/foreign authority action	41	51	92
Un-identified Offender; Punitive Action Not Possible	76	278	354
Unsubstantiated/Unfounded/Insufficient Evidence	226	351	577

Comparison to other DoD Data

The DoD *Care for Victims of Sexual Assault Task Force Report* determined that the Services were not collecting like data that could be compared due to inconsistent and incomplete databases and different definitions. The 2002 and 2003 reports only contain service members as victims, whereas the CY04 report includes assaults involving service members as victims and/or offenders. The 2005 report also contains service members who elected restricted reporting of their sexual assault. The CY04 and CY05 reports provide two similar data sets on sexual assaults, but more reports are needed to establish trends and comparisons and to determine the effectiveness of the DoD and Service policies on sexual assault.

Comparison to Outside DoD Agencies

As with the DoD Care for Victims of Sexual Assault Task Force Report, the Annual Reports of Sexual Assaults rate are **NOT** comparable to those published by the Federal Bureau of Investigation's Uniform Crime Reporting Program (UCR). The UCR records only founded cases of rape and attempted rape against women, while DOD tracks all reported founded and unfounded cases of sexual assault, which includes rape, nonconsensual sodomy, indecent assault, and attempts to commit any of these offenses. The UCR also deletes reports that are later proven to be unfounded.

DoD Policy Actions:

The Department continued to work collaboratively with the Services, members of Congress, and national experts to address the crime of sexual assault within the military. The Joint Task Force for Sexual Assault Prevention and Response which stood up in October 2004 transitioned to the DoD Sexual Assault Prevention and Response Office (SAPRO). This permanent office remains the single point of accountability for sexual assault policy within the Department.

DoD released its sexual assault policy framework in January 2005 in a series of Directive-Type Memoranda (DTMs). The Department consolidated and refined the overarching policy contained in the DTMs and published a DoD Directive in October 2005. The DoD Instruction is in the final coordination stages and will provide the details and procedures of the Department's Sexual Assault Policy.

SAPRO is completing development of a Defense Case Record Management System to ensure case resolution to victims and coordinate support services referred for or requested by victims.

SAPRO is also planning a Sexual Assault Response Coordinator (SARC) Conference for June 2006 for installation SARCs to discuss issues, lessons learned, and best practices.

Military Service Policy and Program Actions:

The Military Services have continued to work aggressively over the last year to adapt and implement their sexual assault prevention and response programs to comply with DoD policy in all areas including restricted reporting, initial and recurring training, and a 24/7 response capability at all locations.

Their annual reports are included in full as enclosures. Highlights of each Military Service's Sexual Assault Prevention and Response activities are summarized below.

Army:

The Army's Sexual Assault Prevention and Response Policy became effective in February 2006 and has been disseminated throughout the Army. The Army has instituted new investigative procedures for sexual assault and revised its policy regulations. At each installation and for the deployed environment, the Army has SARCs and Unit Victim Advocates (UVAs), and has developed National Guard Bureau advocacy program structure. The Army has trained over 1,300 SARCs and UVAs for CONUS, OCONUS, and CENTCOM. All Army units conducted initial required annual sexual assault awareness training, and over 80% of all field CID agents received training on sexual assault and various other related sexual assault topics. The Army Inspector General began a compliance inspection of the Army program of CONUS, OCONUS, and Central Command area of operations locations in November 2005. The U.S. Army Criminal Investigation Laboratory (USACIL) added forensic examiners and improved processes to reduce DNA processing time from 142 days in November 2004 to 56 days in November 2005, four days less than the congressionally mandated processing goal.

Navy:

The Navy is adapting its Sexual Assault Victim Intervention (SAVI) program, which was established in 1994, to comply with the DoDD and draft DoDI policy required from the FY05 NDAA. This transition from a program management to case management approach incorporated the following changes: SAVI Coordinators changed roles to become SARCs; coordination meetings were increased in frequency; 24/7 response capability was implemented; DoD Confidentiality policy was implemented, training modules were rewritten and expanded; the Fleet and Family Support Management Information System was launched; and SARC training was completed (125 staff members trained).

Marine Corps:

The Marine Corps has implemented a 24/7 response capability in all locations, and the Marine Corps Reserve will have at least two Uniformed Victim Advocates reporting to the Command SARC. The Marine Corps has implemented the DoD Confidentiality policy; instituted the Sexual Assault Case Management Committee; conducted training for 721 UVA, 69 SARCs, 236 Chaplains, 49 Civilian VA; and 828 senior leaders; developed and implemented pre-deployment training; revised professional training curricula (Marine Corps Training and Education Command); and modified the Sexual Assault Incident Reporting Database (SAIRD).

Air Force:

The Air Force implemented an aggressive plan to address prevention and response to sexual assault. Offices of primary responsibility were designated within Headquarters, Major Commands, and at installation level. Mandatory Air Force-wide sexual assault awareness training began, and 356,305 airmen have been trained as of 31 December 2005. Air Education Training Command also began a multi-tiered, multi-year training strategy developing training modules to reach basic accession sources through all levels of professional military education. The Air Force has 201 permanent SARC and support personnel who have received an intensive 40 hour SARC program of instruction. Some of the SARCs and VAs have been assigned to deployed areas, and the Air Force has instituted a First Responder training program. In addition, the Air Force provided funding assistance to USACIL to support improved evidence processing.

Conclusion

DoD Sexual Assault Prevention and Response program has made great progress in 2005. Restricted reporting and other procedures have reduced barriers to reporting, and they have prompted more victims to receive medical care and other services. The Department will continue to refine its policies and collaborate closely with the Military Services. They have vigorously implemented training throughout the Active and Reserve Components, and the Military Services have laid a solid foundation for eliminating sexual assault from their ranks.

The tabular report on the following page details sexual offenses involving members of the Armed Forces in 2005. Section 1 provides an overview of all assaults. Section 2 summarizes completed investigations. Section 3 enumerates final disposition actions for alleged offenders in completed investigations. Section 4 updates CY 2004 reports that were pending final action or completion of an investigation as of December 31, 2004.

CALENDAR YEAR 2005 REPORT -- SEXUAL OFFENSES INVOLVING MEMBERS OF THE ARMED FORCES

CALENDAR YEAR 2005 REPORT -- SEXUAL OFFENSES INVOLVING MEMBERS OF THE ARMED FORCES

REPORTS OF SEXUAL ASSAULT FOR: (rape, nonconsensual sodomy, indecent assault, attempts of these offenses)	DoD CY Total
Total # reported sexual assaults **BY** service members, and/or Total # reported sexual assaults **AGAINST** service members for the year in the below categories	**2,374**
# service member on service member	1,072
# service member on non-service member	600
# non-service member on service member	84
# un-identified subject on service member	291
Total # restricted reports	435
# changed to unrestricted reports	108
# remaining restricted reports	**327**
Total # **INVESTIGATIONS**:	**2047**
#Pending completion	661
#Completed this year	1,386

SYNOPSIS OF THE COMPLETED INVESTIGATIONS:	DoD CY Total
Total # of completed investigations	1386
Total # investigations with more than one victim, subject, or both	123
Total # of **SUBJECTS** in the completed investigations:	**1474**
# of service member subjects	1,149
# of non-service member subjects	78
# of un-identified subjects	247
Total # of **VICTIMS** in the completed investigations:	**1495**
# of service member victims	1,075
# of non-service member victims	420

FINAL DISPOSITION ACTIONS FOR THE SUBJECT:	DoD CY Total
Total # Final Dispositions for Subjects in the following categories:	**1474**
# of un-identified subjects	163
# unsubstantiated/unfounded, insufficient evidence, victim recanted, death of subject, etc	641
# Civilian/foreign authority	44
# Pending final actions and Transfers as of 31 Dec 2005	352
# completed	274
Disposition for Sexual Assault and Related Offenses:	**274**
# Court-martial	79
# Nonjudicial Punishment	91
# Discharge in lieu of court-martial	18
# Discharge in lieu of disciplinary action	24
# Other Administrative action	62

CY 2004 FINAL DISPOSITION ACTIONS FROM PENDING CATEGORIES:	DoD CY Total
Total # **INVESTIGATIONS**:	**468**
#Pending completion	48
#Completed this year	420
# **SUBJECTS** from Completed investigations	436
# Pending final dispositions as of 31 Dec 04	317
Total # Final Dispositions for **SUBJECTS**:	**753**
# of un-identified subjects	76
# unsubstantiated/unfounded, insufficient evidence, victim recanted, death of offender, etc	226
# Civilian/foreign authority	41
# Pending final actions and Transfers as of 31 Dec 2005	80
# completed	330
Disposition for the Sexual Assault and Related Offenses:	**330**
# Court-martial	137
# Nonjudicial Punishment	102
# Discharge in lieu of court-martial	26
# Discharge in lieu of disciplinary action	9
# Other Administrative action	56