

GAO

Testimony

Before the Subcommittee on National Security and Foreign Affairs, Committee on Oversight and Government Reform, House of Representatives

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For Release on Delivery  
Expected at 10:00 a.m. EDT  
Thursday, July 31, 2008

MILITARY PERSONNEL

Preliminary Observations  
on DOD's and the Coast  
Guard's Sexual Assault  
Prevention and Response  
Programs

Statement of Brenda S. Farrell, Director  
Defense Capabilities and Management



Highlights of [GAO-08-1013T](#), a testimony before the Subcommittee on National Security and Foreign Affairs, Committee on Oversight and Government Reform, House of Representatives

## Why GAO Did This Study

In 2004, Congress directed the Department of Defense (DOD) to establish a comprehensive policy to prevent and respond to sexual assaults involving servicemembers. Though not required to do so, the Coast Guard has established a similar program. This statement addresses the extent to which DOD and the Coast Guard (1) have developed and implemented policies and programs to prevent, respond to, and resolve sexual assault incidents involving servicemembers; (2) have visibility over reports of sexual assault; and (3) exercise oversight over reports of sexual assault. This statement draws on GAO's preliminary observations from an ongoing engagement examining DOD's and the Coast Guard's programs to prevent and respond to sexual assault. In conducting its ongoing work GAO reviewed legislative requirements and DOD and Coast Guard guidance, analyzed sexual assault incident data, and obtained through surveys and interviews the perspective on sexual assault matters of more than 3,900 servicemembers stationed in the United States and overseas. The results of GAO's survey and interviews provide insight into the implementation of the programs but are nongeneralizable.

GAO expects to issue its final report in August 2008 and to make a number of recommendations to improve implementation of sexual assault prevention and response programs and improve oversight of the programs in both DOD and the Coast Guard.

To view the full product, including the scope and methodology, click on [GAO-08-1013T](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or [farrellb@gao.gov](mailto:farrellb@gao.gov).

July 31, 2008

## MILITARY PERSONNEL

### Preliminary Observations on DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs

#### What GAO Found

DOD and the Coast Guard have established policies and programs to prevent, respond to, and resolve reported sexual assault incidents involving servicemembers; however, implementation of the programs is hindered by several factors. GAO found that (1) DOD's guidance may not adequately address some important issues, such as how to implement its program in deployed and joint environments; (2) most, but not all, commanders support the programs; (3) program coordinators' effectiveness can be hampered when program management is a collateral duty; (4) required sexual assault prevention and response training is not consistently effective; and (5) factors such as a DOD-reported shortage of mental health care providers affect whether servicemembers who are victims of sexual assault can or do access mental health services. Left unchecked, these challenges can discourage or prevent some servicemembers from using the programs when needed.

GAO found, based on responses to its nongeneralizable survey administered to 3,750 servicemembers and a 2006 DOD survey, the most recent available, that occurrences of sexual assault may be exceeding the rates being reported, suggesting that DOD and the Coast Guard have only limited visibility over the incidence of these occurrences. At the 14 installations where GAO administered its survey, 103 servicemembers indicated that they had been sexually assaulted within the preceding 12 months. Of these, 52 servicemembers indicated that they did not report the sexual assault. GAO also found that factors that discourage servicemembers from reporting a sexual assault include the belief that nothing would be done; fear of ostracism, harassment, or ridicule; and concern that peers would gossip.

Although DOD and the Coast Guard have established some mechanisms for overseeing reports of sexual assault, neither has developed an oversight framework—including clear objectives, milestones, performance measures, and criteria for measuring progress—to guide their efforts. In compliance with statutory requirements, DOD reports data on sexual assault incidents involving servicemembers to Congress annually. However, DOD's report does not include some data that would aid congressional oversight, such as why some sexual assaults could not be substantiated following an investigation. Further, the military services have not provided sufficient data to facilitate oversight and enable DOD to conduct trend analyses. While the Coast Guard voluntarily provides data to DOD for inclusion in its report, this information is not provided to Congress because there is no requirement to do so. To provide further oversight of DOD's programs, Congress, in 2004, directed DOD to form a task force to undertake an examination of matters relating to sexual assault in which members of the Armed Forces are either victims or offenders. However, as of July 2008, the task force has not yet begun its review. Without an oversight framework, as well as more complete data, decision makers in DOD, the Coast Guard, and Congress lack information they need to evaluate the effectiveness of the programs.

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Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to be here today to discuss issues related to the Department of Defense's (DOD) and Coast Guard's programs to prevent, respond to, and resolve reported incidents of sexual assault. As you know, sexual assault is a crime that contradicts the core values that DOD, the military services,<sup>1</sup> and the Coast Guard expect servicemembers to follow, such as treating their fellow members with dignity and respect. Recognizing this, Congress in 2004 directed the Secretary of Defense to develop a comprehensive policy for DOD on the prevention of and response to sexual assaults involving servicemembers, including an option that would enable servicemembers to confidentially disclose an incident of sexual assault. Since 2005, active duty servicemembers have had two options for reporting an alleged sexual assault: (1) *restricted*, which allows victims of sexual assault to disclose a sexual assault incident to specific individuals and receive medical care and other victim advocacy services without initiating a criminal investigation; and (2) *unrestricted*, which entails notification of the chain of command and may trigger a criminal investigation. Although these requirements do not apply to the Coast Guard, which is overseen by the Department of Homeland Security, the Coast Guard has adopted similar reporting options.

Mr. Chairman, you have recognized the need to shed light on this important issue. Specifically, you asked GAO to examine sexual assault prevention and response programs at the military academies as well as at military installations within DOD and the Coast Guard and during deployments. In response, we issued a report in January 2008 that reviewed programs to address sexual assault and sexual harassment at the military and Coast Guard academies.<sup>2</sup> This August, we will issue our follow-on report examining DOD's and the Coast Guard's programs to prevent and respond to sexual assault, including during deployments. A draft of this report is currently with the agencies for comment. Thus, our findings and recommendations have not been finalized.

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<sup>1</sup>For purposes of this testimony, we use the term "military services" to refer collectively to the Army, Air Force, Navy, and Marine Corps. While the Coast Guard is a military service, it generally falls under the control of the Department of Homeland Security and not the Department of Defense. Therefore, we address the Coast Guard separately from the other military services.

<sup>2</sup>GAO, *Military Personnel: The DOD and Coast Guard Academies Have Taken Steps to Address Incidents of Sexual Harassment and Assault, but Greater Federal Oversight Is Needed*, GAO-08-296 (Washington, D.C.: Jan. 17, 2008).

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My testimony today is based on our preliminary observations from our ongoing work requested by this committee. Specifically, my testimony today will address the extent to which DOD and the Coast Guard

- have developed and implemented policies and programs to prevent, respond to, and resolve sexual assault incidents involving servicemembers;
- have visibility over reports of sexual assault involving servicemembers; and
- exercise oversight over reports of sexual assault involving servicemembers.

To obtain our preliminary observations, we reviewed legislative requirements; reviewed DOD's, the military services', and the Coast Guard's guidance and requirements for the prevention of, response to, and resolution of sexual assault; analyzed sexual assault incident data; and visited 15 military installations in the United States and overseas to assess implementation of the programs. At the installations we visited, we met with sexual assault prevention and response program coordinators; victim advocates; judge advocates; medical and mental health personnel; criminal investigative personnel; law enforcement personnel; chaplains; various military commanders, including company and field grade officers; and senior enlisted servicemembers. We also obtained the perspective of more than 3,900 servicemembers by administering a total of 3,750 confidential surveys to a nonprobability sample of randomly selected servicemembers and conducting more than 150 one-on-one, structured interviews with randomly selected servicemembers at 14 of the 15 locations we visited. Our survey is the first since 2006 to obtain the perspectives of selected servicemembers in each military service and the Coast Guard on sexual assault issues and the first to assess sexual assault issues in the Coast Guard since the restricted reporting option became available in December 2007. Because we did not select survey and interview participants using a statistically representative sampling method, our survey results and the comments provided during our interview sessions are nongeneralizable and therefore cannot be projected across DOD, a service, or any single installation we visited. However, the survey results and comments provide insight into the command climate and implementation of sexual assault prevention and response programs at each location at the time of our visit.

We conducted this performance audit from July 2007 through July 2008 in accordance with generally accepted government auditing standards. Those

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standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Summary

DOD has taken positive steps to respond to congressional direction by developing and implementing policies and programs to prevent and respond to reported sexual assault incidents involving servicemembers, and the Coast Guard has taken similar steps on its own initiative. Commanders are also taking action against alleged sexual assault offenders. However, (1) DOD's guidance may not adequately address some important issues, such as how to implement its program in deployed or joint environments; (2) most but not all commanders support the programs; (3) program coordinators' effectiveness can be hampered when program management is a collateral duty; (4) required sexual assault prevention and response training is not consistently effective; and (5) factors such as a DOD-reported shortage of mental health care providers affect whether servicemembers who are victims of sexual assault can or do access mental health services. For example, at the installations we visited, we found that commanders—that is, company and field grade officers—had taken actions to address incidents of sexual assault and were generally supportive of sexual assault prevention and response programs; however, at three of the installations we visited, program officials told us of meeting with resistance from commanders when attempting to advertise, in barracks and work areas, the programs or the options for reporting a sexual assault. Also, although DOD and the Coast Guard require that all servicemembers receive periodic training on their respective sexual assault prevention and response programs, our nongeneralizable survey, interviews, and discussions with servicemembers and program officials revealed that a majority, but not all, servicemembers are receiving the required training and that some who have received it still would not know or were not sure how to report a sexual assault using the restricted reporting option.

We found, based on responses to our survey and a 2006 DOD survey, the most recent available, that occurrences of sexual assault may be exceeding the rates being reported, suggesting that DOD and the Coast Guard have only limited visibility over the incidence of these occurrences. We recognize that the precise number of sexual assaults involving servicemembers is not possible to determine and that studies suggest sexual assaults are generally underreported in the United States.

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Nonetheless, our findings indicate that some servicemembers may choose not to report sexual assault incidents for a variety of reasons, including the belief that nothing would be done or that reporting an incident would negatively impact their careers. In fiscal year 2007, DOD received 2,688 reports of alleged sexual assault, brought with either the restricted or unrestricted reporting option, involving servicemembers as either the alleged offenders or victims. The Coast Guard, which did not offer the restricted reporting option during fiscal year 2007, received 72 reports of alleged sexual assault brought with the unrestricted reporting option during that time period. However, servicemembers told us that they were aware of alleged sexual assault incidents involving other servicemembers that were not reported to program officials, and a 2006 Defense Manpower Data Center survey found that of the estimated 6.8 percent of women and 1.8 percent of men who experienced unwanted sexual contact<sup>3</sup> during the prior 12 months, the majority chose not to report it.<sup>4</sup>

While DOD and the Coast Guard have established some mechanisms for overseeing reports of sexual assault involving servicemembers, both lack an oversight framework, and DOD lacks key information needed to evaluate the effectiveness of sexual assault prevention and response programs. DOD's instruction charges the Sexual Assault Prevention and Response Office with evaluating the effectiveness of the sexual response prevention and response program. Our prior work has demonstrated the importance of outcome-oriented performance measures to successful program oversight and that an effective plan for implementing initiatives and measuring progress can help decision makers determine whether initiatives are achieving desired results.<sup>5</sup> However, neither DOD nor the Coast Guard has developed an oversight framework that includes clear objectives, milestones, performance measures, or criteria for measuring progress. Congress also lacks visibility over the incidence of sexual assaults involving Coast Guard members because the Coast Guard is not required to provide these data to Congress. Further, because the military services are not providing DOD with the installation- and case-specific

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<sup>3</sup>The 2006 *Gender Relations Survey of Active Duty Members* defines unwanted sexual contact to include rape, nonconsensual sodomy (oral or anal sex) or indecent assault (unwanted, inappropriate sexual contact or fondling) that can occur regardless of gender, age, or spousal relationship.

<sup>4</sup>The 95 percent confidence interval for this estimate is +/- 1 percent.

<sup>5</sup>GAO, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations*, GAO-03-669 (Washington, D.C.: July 2, 2003).

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data beyond what is statutorily required for inclusion in the department's annual report, DOD lacks the means to fully execute its oversight role. Also, some data included in DOD's annual reports to Congress could be misleading and do not provide some information needed to facilitate congressional oversight or understanding of victims' use of the reporting options. In addition, Congress directed DOD in 2004 to form a task force to undertake an examination of matters relating to sexual assault in which members of the Armed Forces are either victims or offenders, but, as of July 2008, the task force has not yet begun its review. As a result, DOD and the Coast Guard are not able to fully evaluate the effectiveness of their programs in achieving their goals, and lacking visibility over the incidence of sexual assaults in the military, congressional decision makers are impeded in judging the overall successes, challenges, and lessons learned from the programs.

We discussed the preliminary observations that are contained in this statement with officials in both DOD and the Coast Guard. Overall, DOD officials agreed with the need to take further action to improve implementation and oversight of the department's program. They emphasized that the department has focused on program implementation versus program oversight to date. They highlighted several areas in need of further attention, including examining whether there is a need for additional guidance that addresses implementation of its program in deployed and joint environments, providing the military services with specific resources for the program, training, access to mental health services, and enhancing oversight of the program. For example, they stated they are in the process of examining whether it is necessary to revise DOD's guidance with regard to implementing the program in deployed and joint environments. They also stated they are beginning to develop preliminary standards that they expect will serve as the foundation for the department's baseline performance measures and evaluation criteria. Representatives from the military services expressed concerns over our preliminary finding that some commanders do not support the sexual assault prevention and response program. They stated that they would look into this issue further in an effort to address any potential problems. In addition, service officials told us that they did not want to provide DOD with installation-level data, unless required to do so, because of concerns that data may be misinterpreted or that even nonidentifying data about a victim may erode victim confidentiality. DOD officials emphasized the importance of having access to the military service's installation-level data for purposes of analysis and oversight. Coast Guard officials also emphasized that the Coast Guard has focused on program implementation versus program oversight to date. They stated

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that they would be willing to provide Congress with data on reported sexual assaults. In addition, they stated that moving forward they will work to leverage any changes DOD makes to improve implementation and oversight of its program.

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## Background

In October 2004, Congress included a provision in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005<sup>6</sup> that required the Secretary of Defense to develop a comprehensive policy for DOD on the prevention of and response to sexual assaults involving members of the Armed Forces. The legislation required that the department's policy be based on the recommendations of the *Department of Defense Task Force on Care for Victims of Sexual Assaults*<sup>7</sup> and on such other matters as the Secretary considered appropriate. Among other things, the legislation required DOD to establish a standardized departmentwide definition of sexual assault, establish procedures for confidentially reporting sexual assault incidents, and submit an annual report to Congress on reported sexual assault incidents involving members of the Armed Forces.

In October 2005, DOD issued DOD Directive 6495.01,<sup>8</sup> which contains its comprehensive policy for the prevention of and response to sexual assault, and in June 2006 it issued DOD Instruction 6495.02,<sup>9</sup> which provides guidance for implementing its policy. DOD's directive defines sexual assault as "intentional sexual contact, characterized by the use of force, physical threat or abuse of authority or when the victim does not or cannot consent. It includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. 'Consent' shall not be deemed or construed to mean the failure by the

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<sup>6</sup>Pub. L. No. 108-375 § 577 (2004).

<sup>7</sup>In February 2004, the Secretary of Defense directed the Under Secretary of Defense for Personnel and Readiness to undertake a 90-day review to assess sexual assault policies and programs in DOD and the services and recommend changes to increase prevention, promote reporting; enhance the quality and support provided to victims, especially within combat theaters; and improve accountability for offender actions. Among the recommendations of the task force was that DOD establish a single point of accountability for all sexual assault policy matters within the department.

<sup>8</sup>Department of Defense Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program* (Oct. 6, 2005).

<sup>9</sup>Department of Defense Instruction 6495.02, *Sexual Assault Prevention and Response Program Procedures* (June 23, 2006).

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victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion, or when a victim is asleep, incapacitated, or unconscious.”

The Under Secretary of Defense for Personnel and Readiness has the responsibility for developing the overall policy and guidance for the department’s sexual assault prevention and response program. Under the Office of the Under Secretary of Defense for Personnel and Readiness, DOD’s Sexual Assault Prevention and Response Office (within the Office of the Deputy Under Secretary of Defense for Plans) serves as the department’s single point of responsibility for sexual assault policy matters.<sup>10</sup> These include providing the military services with guidance, training standards, and technical support; overseeing the department’s collection and maintenance of data on reported sexual assaults involving servicemembers; establishing mechanisms to measure the effectiveness of the department’s sexual assault prevention and response program; and preparing the department’s annual report to Congress.

In DOD, active duty servicemembers have two options for reporting a sexual assault: (1) *restricted*, and (2) *unrestricted*. The restricted reporting option permits a victim to confidentially disclose an alleged sexual assault to select individuals and receive care without initiating a criminal investigation. A restricted report may only be made to a Sexual Assault Response Coordinator, victim advocate, or medical personnel. Because conversations between servicemembers and chaplains are generally privileged, a victim may also confidentially disclose an alleged sexual assault to a chaplain. In contrast, the unrestricted reporting option informs the chain of command of the alleged sexual assault and may initiate an investigation by the military criminal investigative organization of jurisdiction. Since December 2007, the Coast Guard has employed a similar definition of sexual assault as well as similar options for reporting a sexual assault in its guidance, Commandant Instruction 1754.10C.<sup>11</sup>

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<sup>10</sup> Except for legal processes provided under the Uniform Code of Military Justice and Manual for Courts-Martial and criminal investigative policy matters that are assigned to the Judge Advocates General of the military services and DOD’s Inspector General, respectively.

<sup>11</sup> Commandant Instruction 1754.10C, *Sexual Assault Prevention and Response Program (SAPRP)* (Dec. 20, 2007).

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At the installation level, the coordinators of the sexual assault prevention and response programs are known as Sexual Assault Response Coordinators in DOD and as Employee Assistance Program Coordinators in the Coast Guard. Other responders include victim advocates, judge advocates, medical and mental health providers, criminal investigative personnel, law enforcement personnel, and chaplains.

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## DOD's and the Coast Guard's Programs to Prevent and Respond to Sexual Assault

DOD has taken positive steps to respond to congressional direction by establishing policies and a program to prevent, respond to, and resolve reported sexual assault incidents involving servicemembers, and the Coast Guard, on its own initiative, has taken similar steps. Further, we found that commanders are taking action against alleged sexual assault offenders. However, we also found that several factors hinder implementation of the programs, including (1) guidance that may not adequately address how to implement DOD's program in certain environments, (2) inconsistent support for the programs, (3) limited effectiveness of some program coordinators, (4) training that is not consistently effective, and (5) limited access to mental health services.

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### DOD Has Taken Some Steps to Respond to Congressional Direction, and the Coast Guard on Its Own Initiative Has Made Similar Progress

In response to statutory requirements, DOD has established a program to prevent, respond to, and resolve sexual assaults involving servicemembers. DOD's policy and implementing guidance for its program are contained in DOD Directive 6495.01 and DOD Instruction 6495.02. Specific steps that DOD has taken include

- establishing a standardized departmentwide definition of sexual assault;
- establishing a confidential option to report sexual assault incidents, known as restricted reporting;
- establishing a Sexual Assault Prevention and Response Office to serve as the single point of accountability for sexual assault prevention and response;
- requiring the military services to develop and implement their own policies and programs, based on DOD's policy, to prevent, respond to, and resolve sexual assault incidents;
- establishing training requirements for all servicemembers on preventing and responding to sexual assault; and

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- reporting data on sexual assault incidents to Congress annually.

Although not explicitly required by statute, the Coast Guard has had a sexual assault prevention and response program in place since 1997. In December 2007, the Coast Guard, on its own initiative, updated its instruction to mirror DOD's policy and to include a restricted option for reporting sexual assaults.

In DOD, each of the military services has also established a Sexual Assault Prevention and Response office with responsibility for overseeing and managing sexual assault matters within that military service.<sup>12</sup> The Coast Guard's Office of Work-Life, which falls under the Commandant of the Coast Guard, is responsible for overseeing and managing sexual assault matters within the Coast Guard.

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### Commanders Are Taking Action against Alleged Sexual Assault Offenders

A key aspect of the DOD's and the Coast Guard's efforts to address sexual assault is the disposition of alleged sexual assault offenders. In both DOD and the Coast Guard, commanders are responsible for discipline of misconduct, including sexual assault, and they have a variety of judicial and administrative options at their disposal. During the course of our ongoing work, we found that commanders at the installations we visited were supportive of the need to take action against alleged sexual assault offenders and were generally familiar with the options available to them for disposing of alleged sexual assault cases. Commanders' options are specified in the Uniform Code of Military Justice (UCMJ) and the Manual for Courts-Martial and include

- trial by court-martial, the most severe disposition option, which can lead to many different punishments including death, prison time, and punitive separation from military service;
- nonjudicial punishment, pursuant to Article 15 of the UCMJ, which allows for a number of punishments including reducing a member's grade, seizing a portion of pay, and imposing restrictions on freedom; and

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<sup>12</sup>Except for the Navy, which refers to its program as Sexual Assault Victim Intervention, each of the military services refers to its program as Sexual Assault Prevention and Response.

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- administrative actions, which are corrective measures that may result in a variety of actions including issuing a reprimand, extra military instruction, or the administrative withholding of privileges.

In some cases, commanders may also elect to take no action, such as if evidence of an offense is not sufficient. However, there are also instances in which commanders cannot take action, such as if the alleged offender is not subject to military law or could not be identified, if the alleged sexual assault is unsubstantiated or unfounded, or if there is insufficient evidence that an offense occurred.

In determining how to dispose of alleged sexual assault offenders, commanders take into account a number of factors that are specified in the Manual for Courts-Martial. Some of the factors that commanders take into account include the character and military service of the accused, the nature of and circumstances surrounding the offense and the extent of harm caused, and the appropriateness of the authorized punishment to the particular accused or offense. Further, commanders' decisions are typically made after consulting with the supporting legal office (e.g., judge advocate).

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## Several Factors Hinder Implementation of DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs

Despite taking positive steps to implement programs to prevent and respond to reported sexual assault incidents involving servicemembers, we identified several factors during the course of our ongoing work that, if not addressed, could continue to hinder implementation of the programs.

*DOD's guidance may not adequately address some important issues.* DOD's directive and instruction may not adequately address how to implement the program when operating in deployed or joint environments. Program officials we met with overseas told us that DOD's policies do not sufficiently take into account the realities of operating in a deployed environment, in which unique living and social circumstances can heighten the risks for sexual assault and program resources can be widely dispersed, which can make responding to a sexual assault challenging. Similarly, program officials told us there is a need for better coordination of resources when a sexual assault occurs in a joint environment. At one overseas installation we visited, Coast Guard members told us that they were confused about which program they fell under—DOD's or the Coast Guard's—and thus who they should report an alleged sexual assault to. Installations can also have multiple responders responsible for responding to an assault, potentially leading to further confusion.

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*While most commanders support the programs, some do not.* DOD's instruction requires commanders and other leaders to advocate a strong program and effectively implement DOD's sexual assault prevention and response policies. The Coast Guard's instruction similarly requires that commanders and other leaders ensure compliance with the Coast Guard's policies and procedures. Though we found that commanders—that is, company and field grade officers, at the installations we visited have taken actions to address incidents of sexual assault, some commanders do not support the programs. For example, at three of the installations program officials told us of meeting with resistance from commanders when attempting to place, in barracks and work areas, posters or other materials advertising the programs or the options for reporting a sexual assault. In some cases, commanders we spoke with told us that they supported the programs but did not like the restricted reporting option because they felt it hindered their ability to protect members of the unit or discipline alleged offenders. Commanders who do not support the programs effectively limit servicemembers' knowledge about the program and ability to exercise their reporting options.

*Program coordinators' effectiveness can be hampered when program management is a collateral duty.* To implement sexual assault prevention and response programs at military installations, DOD and the services rely largely on Sexual Assault Response Coordinators, while the Coast Guard relies on Employee Assistance Program Coordinators. However, we found that there are a variety of models for staffing these positions. DOD's instruction leaves to the military services' discretion whether these positions are filled by military members, DOD civilian employees, or DOD contractors, and thus whether Sexual Assault Response Coordinators perform their roles as full-time or collateral duties. In the Coast Guard, Employee Assistance Program Coordinators are full-time federal civilian employees, but they are also responsible for simultaneously managing multiple programs, including sexual assault prevention and response, for a designated geographic region. We found that the time and resources dedicated to implementing sexual assault prevention and response programs varies, particularly when the program coordinators have collateral duties.

*Training is not consistently effective.* Although DOD and the Coast Guard require that all servicemembers receive periodic training on their respective sexual assault prevention and response programs, our nongeneralizable survey, interviews, and discussions with servicemembers and program officials revealed that a majority, but not all, servicemembers are receiving the required training, and that some

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servicemembers who have received it may not understand how to report a sexual assault using the restricted reporting option. For example, a survey we administered at 14 military installations revealed that while the majority of servicemembers we surveyed had received the required training, the percentage of servicemembers who responded that they would not know how to report a sexual assault using the restricted reporting option ranged from 13 to 43 percent for the seven installations where we administered our survey in the United States and from 13 to 28 percent for the seven installations where we administered our survey overseas. To date, neither DOD nor the Coast Guard has systematically evaluated the effectiveness of the training provided. Servicemembers who have not received the required training or are otherwise not familiar with their respective programs incur the risks of not knowing how to mitigate the possibility of being sexually assaulted or how to seek assistance if needed, or risk reporting the assault in a way that limits their option to maintain confidentiality while seeking treatment.

*Access to mental health services may be limited.* DOD and the Coast Guard both require that sexual assault victims be made aware of available mental health services, and in 2007, DOD's Mental Health Task Force recommended that DOD take action to address factors that may prevent some servicemembers from seeking mental health care. However, we found that several factors, including a DOD-reported shortage of mental health care providers, the inherent logistical challenges of operating overseas or in geographically remote locations in the United States or overseas, and servicemembers' perceptions of stigma associated with mental health care can affect whether servicemembers who are victims of sexual assault can or do access mental health services. We also did not find any indication that either DOD or the Coast Guard are taking steps to systematically assess factors that may impede servicemembers who are victims of sexual assault from accessing mental health services.

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## Visibility over Reports of Sexual Assault

We found, based on responses to our nongeneralizable survey and a 2006 DOD survey, the most recent available, that occurrences of sexual assault may be exceeding the rates being reported, suggesting that DOD and the Coast Guard have only limited visibility over the incidence of these occurrences. We recognize that the precise number of sexual assaults involving servicemembers is not possible to determine and that studies suggest sexual assault are generally underreported in the United States. Nevertheless, our findings indicate that some servicemembers may choose not to report sexual assault incidents for a variety of reasons, including the

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belief that nothing would be done or that reporting an incident would negatively impact their careers.

In fiscal year 2007, DOD received 2,688 reports of alleged sexual assault made with either the restricted or unrestricted reporting option involving servicemembers as either the alleged offenders or victims. The Coast Guard, which did not offer the restricted reporting option during fiscal year 2007, received 72 reports of alleged sexual assault made using the unrestricted reporting option during this same time period. At the 14 installations where we administered our survey, 103 servicemembers indicated that they had been sexually assaulted within the preceding 12 months. Of these, 52 servicemembers indicated that they did not report the sexual assault incident. The number who indicated they did not report the sexual assault ranged from one to six servicemembers per installation.

Respondents to our survey also told us that they were aware of alleged sexual assault incidents involving other servicemembers that were not reported to program officials. DOD's fiscal year 2007 annual report and a Coast Guard program official further support the view that servicemembers are not reporting all sexual assault incidents, as does the Defense Manpower Data Center's *2006 Gender Relations Survey of Active Duty Members*,<sup>13</sup> administered between June and September 2006. Issued in March 2008, the Defense Manpower Data Center survey found that of the estimated 6.8 percent of women and 1.8 percent of men in DOD who experienced unwanted sexual contact during the prior 12 months, the majority (an estimated 79 percent of women and 78 percent of men) chose not to report it.<sup>14</sup> The Defense Manpower and Data Center report did not include data for the Coast Guard, but, at our request, the center provided information showing that an estimated 3 percent of female and 1 percent of male Coast Guard respondents reported experiencing unwanted sexual contact during the prior 12 months.<sup>15</sup>

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<sup>13</sup>Defense Manpower Data Center *2006 Gender Relations Survey of Active Duty Members* (DMDC Report No. 2007-022, March 2008). The weighted response rate was 30 percent.

<sup>14</sup>For the DOD female population, this is an estimate of 6.8 percent with a margin of error of +/-1 percent. For the male population, this is an estimate of 1.8 percent with a margin of error of +/-0.6 percent. The margins of error are calculated with a 95 percent confidence interval.

<sup>15</sup>For the Coast Guard female population, this is an estimate of 3 percent with a 95 percent level of confidence with a margin of error of +/-3 percent. For the male population, this is an estimate of 1 percent with a margin of error of +/-1 percent.

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While the survey results suggest a disparity between the actual number of sexual assault incidents and the number of those reported, this is largely an expected result of anonymous surveys. Whereas formal reports, whether restricted or unrestricted, involve some level of personal identification and therefore a certain amount of risk on the part of the victim, the risks and incentives for service members making anonymous reports are very different. Hence, anonymous survey results tend to produce higher numbers of reported incidents. Another factor obscuring the visibility that DOD and Coast Guard officials can have over the incidence of sexual assault is the fact that many of the individuals to whom the assaults may be reported—including clergy and civilian victim care organizations, civilian friends, or family—are not required to disclose these incidents. As a result, while DOD and the Coast Guard strive to capture an accurate picture of the incidence of sexual assault, their ability is necessarily limited.

Our survey data revealed a number of reasons why respondents who experienced a sexual assault during the preceding 12 months did not report the incident. Commonly cited reasons by survey respondents at the installations we visited included: (1) the belief that nothing would be done; (2) fear of ostracism, harassment, or ridicule by peers; and (3) the belief that their peers would gossip about the incident. Survey respondents also commented that they would not report a sexual assault because of concern about being disciplined for collateral misconduct, such as drinking when not permitted to do so; not knowing to whom to make a report; concern that a restricted report would not remain confidential; the belief that an incident was not serious enough to report; or concern that reporting an incident would negatively impact their career or unit morale. The Defense Manpower Data Center's 2006 *Gender Relations Survey of Active Duty Members* identified similar reasons why servicemembers did not report unwanted sexual contact, including concern that reporting an incident could result in denial of promotions, assignment to jobs that are not career enhancing, and professional and social retaliation.

However, servicemembers also reported favorable results after reporting unwanted sexual contact to military authorities, including being offered counseling and advocacy services, medical and forensic services, legal services, and having action taken against alleged offenders. Respondents to our survey indicated they were supportive of the restricted reporting option as well. For example, a junior enlisted female observed that the military is going to great lengths to improve the ways that sexual assault can be reported and commented that "in my opinion, people will be more likely to report an incident anonymously." Similarly, a female senior

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officer commented that “giving the victim a choice of making a restricted or unrestricted report is a positive change and allows that person the level of privacy they require.”

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## DOD and the Coast Guard’s Oversight over Reports of Sexual Assault

DOD and the Coast Guard have established some mechanisms for overseeing reports of sexual assault involving servicemembers. However, they lack the oversight framework necessary to evaluate the effectiveness of their sexual assault prevention and response programs, and DOD lacks key information from the military services needed to evaluate the effectiveness of department’s program. DOD’s annual reports to Congress may not effectively characterize incidents of sexual assault in the military services because the department has not clearly articulated a consistent methodology for reporting incidents and the means of presentation for some of the data does not facilitate comparison. In addition, the congressionally directed Defense Task Force on Sexual Assault in the Military Services has yet to begin its review, although DOD considers its work to be an important oversight element.

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### Oversight Mechanisms in DOD and the Coast Guard

DOD’s directive establishes the department’s oversight mechanisms for its sexual assault prevention and response program and assigns oversight responsibility to DOD’s Sexual Assault Prevention and Response Office (within the Office of the Deputy Under Secretary of Defense for Plans).<sup>16</sup> DOD’s Sexual Assault Prevention and Response Office is responsible for

- developing programs, policies, and training standards for the prevention, reporting, response, and program accountability of sexual assaults involving servicemembers;
- developing strategic program guidance and joint planning objectives;
- storing and maintaining sexual assault data;

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<sup>16</sup>DOD’s instruction requires the Sexual Assault Prevention and Response Office to serve as the single point of responsibility for sexual assault policy matters, except for legal processes provided under the Uniform Code of Military Justice and Manual for Courts-Martial, and criminal investigative policy matters that are assigned to the Judge Advocates General of the military services and DOD’s Inspector General, respectively.

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- establishing institutional evaluation, quality improvement, and oversight mechanisms to periodically evaluate the effectiveness of the department's program;
  - assisting with identifying and managing trends; and
  - preparing the department's annual report to Congress.

To help provide oversight of the department's program, in 2006 DOD established a Sexual Assault Advisory Council, which consists of representatives from DOD's Sexual Assault Prevention and Response Office, the military services, and the Coast Guard. The Sexual Assault Advisory Council's responsibilities include advising the Secretary of Defense on the department's sexual assault prevention and response policies, coordinating and reviewing the department's policies and programs, and monitoring progress. The military services have also established some oversight mechanisms, though these efforts are generally focused on collecting data. Though Coast Guard representatives attend meetings of DOD's Sexual Assault Advisory Council, the Coast Guard has few other formal oversight mechanisms in place to oversee its sexual assault prevention and response program. According to program officials with whom we spoke in both DOD and the Coast Guard, to date their focus has been on program implementation, as opposed to program evaluation.

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### DOD and the Coast Guard Do Not Have an Oversight Framework in Place to Evaluate the Effectiveness of their Sexual Assault Prevention and Response Programs

Though DOD and the Coast Guard have established some oversight mechanisms, neither has established an oversight framework for their respective sexual assault prevention and response programs, which is necessary to ensure the effective implementation of their programs. Our prior work has demonstrated the importance of outcome-oriented performance measures to successful program oversight and shown that having an effective plan for implementing initiatives and measuring progress can help decision makers determine whether their initiatives are achieving desired results.<sup>17</sup> In reviewing DOD's and the Coast Guard's programs, we found that neither has established an oversight framework because they have not established a comprehensive plan that includes such things as clear objectives, milestones, performance measures, and criteria for measuring progress, nor established evaluative performance

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<sup>17</sup>GAO-03-669.

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measures with clearly defined data elements with which to analyze sexual assault incident data. Because DOD's and the Coast Guard's sexual assault prevention and response programs lack an oversight framework, their respective programs, as currently implemented, do not provide decision makers with the information they need to evaluate the effectiveness of the programs or to determine the extent to which the programs are helping to prevent sexual assault from occurring and to ensure that servicemembers who are victims of sexual assault receive the care they need.

During the course of our ongoing work, we found a number of areas demonstrating the need for an oversight framework. For example, although DOD's Sexual Assault Prevention and Response Office is responsible for establishing institutional program evaluation, quality improvement, and oversight mechanisms to periodically evaluate the effectiveness of the department's programs, it has yet to establish qualitative or quantitative metrics to facilitate program evaluation and assess effectiveness. As a specific example, DOD has not yet established metrics to determine the frequency with which victims were precluded from making a confidential report using the restricted reporting option or reasons that precluded them from doing so.

Additionally, we found that neither DOD nor the Coast Guard has established performance goals, such as a goal to ensure that a specific percentage of servicemembers within a unit have received required training. In the absence of such measures, Sexual Assault Prevention and Response Office officials in DOD told us that they currently determine the effectiveness of DOD's program based on how well the military services are complying with program implementation requirements identified by DOD.

Importantly, both DOD and the Coast Guard recognize the need to establish an oversight framework in addition to their existing oversight mechanisms. For example, the Sexual Assault Advisory Council is in the initial stages of developing performance measures and evaluation criteria to assess program performance and identify conditions needing attention. However, DOD has not yet established time frames for developing and implementing these measures. DOD also is working with the military services to develop guidelines to permit, among other uses, consistent assessment of program implementation during site visits. In addition, Coast Guard program officials told us that they plan to conduct reviews of their program for compliance and quality in the future and plan to leverage any metrics developed by DOD to assess their program. Further, the Coast Guard Investigative Service has begun to conduct limited trend analysis on

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reported incidents, including the extent to which alcohol or drugs were involved in alleged sexual assaults.

Without an oversight framework to guide program implementation, DOD and the Coast Guard also risk not collecting all of the information needed to provide insight into the effectiveness of their programs. In reviewing DOD's program, we found that the military services encountered challenges providing requested data because the request to do so was made after the start of the data collection period. For example, with the exception of the Army, none of the military services was able to provide data as part of the fiscal year 2007 annual report to Congress on sexual assaults involving civilian victims, such as contractors and government employees. Similarly, while there is no statutory reporting requirement, the Coast Guard voluntarily participates in DOD's annual reporting requirement by submitting data to DOD's Sexual Assault Prevention and Response Office. However, DOD does not include these data in its annual report, and the Coast Guard does not provide these incident data to Congress because neither is required to do so. As a result, at the present time Congress does not have visibility over the extent to which sexual assaults involving Coast Guard members occur.

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#### DOD Lacks Access to Data to Conduct Comprehensive Cross-Service Analysis over Time

Though DOD's Sexual Assault Prevention and Response Office is responsible for assisting with identifying and managing trends, it is not able to conduct comprehensive cross-service trend analysis of sexual assault incidents because it lacks access to installation- or case-level data that would facilitate such analyses. DOD officials told us that the military services will not provide installation- or case-level incident data beyond those that are aggregated at the military service level. These data are generally limited to information needed to meet statutory requirements for inclusion in the annual report to Congress. In discussing this matter with the military services, service officials told us they do not want to provide installation- or case-level data to DOD because they are concerned (1) the data may be misinterpreted, (2) even nonidentifying data about the victim may erode victim confidentiality, and (3) servicemembers may not report sexual assaults if case-level data are shared beyond the service-level. However, without access to such information, DOD does not have the means to identify those factors, and thus to fully execute its oversight role, including assessing trends over time. For example, without case-level data, DOD cannot determine the frequency with which sexual assaults are reported in each of the geographic combatant commands to better target resources over time.

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## DOD Data Reported to Congress Could Be Misinterpreted

DOD reports data to Congress annually on the total number of restricted and unrestricted reported incidents of sexual assault. However, in reviewing DOD's annual reports to Congress, we found that the reports may not effectively characterize incidents of sexual assault in the military services because the department has not clearly articulated a consistent methodology for reporting incidents and the means of presentation for some of the data does not facilitate comparison. For example, meaningful comparisons of the data cannot be made because the respective offices that provide the data to DOD measure incidents of sexual assault differently. In the military services, Sexual Assault Response Coordinators, who focus on victim care, report data on the number of sexual assault incidents brought using the restricted reporting option based on the number of victims involved. In contrast, the criminal investigative organizations, which report data on the number of sexual assault incidents brought using the unrestricted reporting option, report data on a per "incident" basis, which may include multiple victims or alleged offenders. We believe that this lack of a common means of presentation for reporting purposes has prevented users of the reports from making meaningful comparisons or drawing conclusions from the reported numbers.

Further, DOD's annual report lacks certain data that we believe would facilitate congressional oversight or understanding of victims' use of the reporting options. For example, while DOD's annual report provides Congress with the aggregated numbers of investigations during the prior year for which commanders could not take action against alleged offenders, those aggregated numbers do not distinguish cases in which evidence was found to be insufficient to substantiate an alleged assault versus the number of times a victim recanted an accusation or an alleged offender died. Also, though DOD's annual report documents the number of reports that were initially brought using the restricted reporting option and later changed to unrestricted, it includes these same figures in both categories—that is, the total number of restricted reports and the total number of unrestricted reports. An official in DOD's Sexual Assault Prevention and Response Office told us that because the military services do not provide detailed case data to DOD that the department is not able to remove these reports from the total number of restricted reports when providing information in its annual report. However, we believe that the double listing of these figures is confusing.

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## Congressionally Directed Defense Task Force on Sexual Assault in the Military Services Has Not Yet Begun Its Review

To provide further oversight of DOD's sexual assault prevention and response programs, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005<sup>18</sup> required that the Defense Task Force on Sexual Assault in the Military Services conduct an examination of matters relating to sexual assault in cases in which members of the Armed Forces are either victims or offenders.<sup>19</sup> As part of its examination, the law directs the task force to assess, among other things, DOD's reporting procedures, collection, tracking, and use of data on sexual assault by senior military and civilian leaders, as well as DOD's oversight of sexual assault prevention and response programs. The law does not require an assessment of the Coast Guard's program. Senior officials within the Office of the Under Secretary of Defense for Personnel and Readiness have stated that they plan to use the task force's findings to evaluate the effectiveness of DOD's sexual assault prevention and response programs. However, as of July 2008, this task force has yet to begin its review.

Senior task force staff members we spoke with attributed the delays to challenges in appointing the task force members and member turnover. As of July 2008, however, they told us that all 12 task force members were appointed and that their goal is to hold their first open meeting, and thus begin their evaluation, in August 2008. They also told us that they project that by the end of fiscal year 2008 DOD will have expended about \$15 million since 2005 to fund the task force's operations—with much of this funding going towards the task forces' operational expenses, such as salaries for the civilian staff members, contracts, travel, and rent. The law directs that the task force submit its report to the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force no later than 1 year after beginning its examination. If such a goal were met, the task force's

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<sup>18</sup>Pub. L. No. 108-375 § 576 (2004).

<sup>19</sup>The Defense Task Force on Sexual Assault in the Military Services is an extension of the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies established by the Secretary of Defense pursuant to the National Defense Authorization Act for Fiscal Year 2004, Pub. L. No. 108-136 § 526 (2003). The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 directed that the task force studying the academies be renamed and begin carrying out the new functions required by the National Defense Authorization Act for Fiscal Year 2005 once it had completed its duties under the National Defense Authorization Act for Fiscal Year 2004. The National Defense Authorization Act for Fiscal Year 2005 also allowed the Secretary of Defense to change the composition of the task force after it completed its work related to the academies and before it began to carry out its new functions. The Defense Task Force on Sexual Harassment and Violence at the Military Service Academies submitted its report on June 30, 2005.

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evaluation could be complete by August 2009. However, at this time it is uncertain whether the task force will be able to meet this goal.

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## Concluding Observations

In closing, we believe that DOD and the Coast Guard have taken positive steps to prevent, respond to, and resolve reported incidents of sexual assault. However, a number of challenges—such as limited guidance for implementing DOD’s policies in certain environments, some commanders’ limited support and limited resources for the programs, training that is not consistently effective, limited access to mental health services, and a lack of an oversight framework—could undermine the effectiveness of some of their efforts. Left unchecked, these challenges could undermine DOD’s and the Coast Guard’s efforts by eroding servicemembers’ confidence in the programs, decreasing the likelihood that sexual assault victims will turn to the programs for help when needed, or by limiting the ability of DOD and the Coast Guard to judge the overall successes, challenges, and lessons learned from their programs. We expect to make a number of recommendations in our final report to improve implementation and oversight of sexual assault prevention and response programs in both DOD and the Coast Guard. Our final report will also include DOD’s and the Coast Guard’s response to our findings and recommendations once they have had an opportunity to further review our draft report.

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Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I would be happy to answer any questions you may have at this time.

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## GAO Contact and Acknowledgments

If you have any questions on matters discussed in this testimony, please contact Brenda S. Farrell at (202) 512-3604 or [farrellb@gao.gov](mailto:farrellb@gao.gov). Key contributors to this statement include Marilyn K. Wasleski (Assistant Director), Joanna Chan, Pawnee A. Davis, K. Nicole Harms, Wesley A. Johnson, Ronald La Due Lake, Stephen V. Marchesani, Amanda K. Miller, and Cheryl A. Weissman.

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