



December 2017

SEXUAL VIOLENCE

Actions Needed to Improve DOD's Efforts to Address the Continuum of Unwanted Sexual Behaviors

Accessible Version

GAO Highlights

Highlights of [GAO-18-33](#), a report to the Committee on Armed Services, U.S. Senate

Why GAO Did This Study

Unwanted sexual behaviors in the military—including sexual harassment, sexual assault, and domestic violence involving sexual assault—undermine core values, unit cohesion, combat readiness, and public goodwill. Recent studies suggest that these behaviors are part of a “continuum of harm,” which DOD defines as a range of interconnected, inappropriate behaviors that are connected to the occurrence of sexual assault and that support an environment that tolerates these behaviors.

Senate Report 114-255 included a provision for GAO to review efforts by DOD to prevent unwanted sexual behaviors in the military. GAO assessed the extent to which DOD has (1) policies on sexual harassment that include CDC principles and relevant legislative elements; (2) processes for maintaining and reporting consistent data on incidents of unwanted sexual behaviors; and (3) overarching efforts, including a prevention strategy, to address unwanted sexual behaviors across the continuum of harm. GAO reviewed DOD policies and pertinent databases, and interviewed agency officials.

What GAO Recommends

GAO recommends that DOD fully include in its new policy on sexual harassment CDC’s principles for sexual violence prevention and mechanisms for anonymous reporting, develop standard data elements and definitions for reporting sexual harassment incidents, and incorporate in its overarching prevention strategy

View [GAO-18-33](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or farrellb@gao.gov.

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What GAO Found

The Department of Defense’s (DOD) policies on sexual harassment include some but not all of the Centers for Disease Control’s (CDC) principles for preventing sexual violence and include most relevant legislative elements. GAO identified six principles from CDC’s framework for preventing sexual violence, which CDC defines as including sexual harassment. GAO found that Office of the Secretary of Defense (OSD) and military service policies generally include CDC’s principles regarding prevention strategies, but none address risk and protective factors, which identify conditions or behaviors that might heighten or lower the risk of sexual harassment victimization or perpetration, respectively. Additionally, a statutory provision in fiscal year 2013 mandated that DOD, among other things, develop a comprehensive sexual harassment policy that includes prevention training, mechanisms for anonymous reporting, and mechanisms for resolving incidents of sexual harassment. OSD and service policies are generally consistent with those required elements except for the inclusion of anonymous reporting. DOD is developing a new department-wide policy that will address sexual harassment, but it is too early to determine how the policy will address these issues. Without policies that include CDC’s principles and mechanisms for anonymous reporting, DOD may miss opportunities to address and potentially reduce incidents of unwanted sexual behaviors. Finally, a statutory change in fiscal year 2017 redefined sexual harassment for certain purposes so it is no longer defined solely as a form of sex discrimination but is recognized also as an adverse behavior on the spectrum of behavior that can contribute to an increase in the incidence of sexual assault. While officials indicated a need to update policies, they were unclear on the full implications, if any, of this change.

DOD has processes for maintaining and reporting consistent data on incidents of unwanted sexual behaviors including sexual assault and incidents of domestic violence that involve sexual assault, but does not have similar processes for maintaining and reporting data on incidents of sexual harassment. Specifically, DOD uses centralized databases to maintain and report data on incidents of sexual assault and domestic violence that involve sexual assault, but relies on military service-specific databases for information on incidents of sexual harassment. DOD has not established standard data elements and definitions to guide the services in maintaining and reporting data on sexual harassment. Inconsistencies in data elements and definitions generally mean that one service may be maintaining data that is more or less detailed than, or that differs from, the data maintained by other services. Such inconsistencies may create difficulties in reporting department-wide sexual harassment data, since the individual service data must be adapted to fit reporting requirements.

DOD has several overarching efforts to address unwanted sexual behaviors across the continuum of harm, including developing an overarching prevention strategy. However, it is unclear whether the strategy under development will contain key elements for long-term and results-oriented strategic planning such as long-term goals, strategies to achieve goals, and metrics to gauge progress. Without incorporating these elements into its overarching prevention strategy, DOD may not be in a position to effectively coordinate and integrate prevention activities and reduce instances of unwanted sexual behaviors.

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Abbreviations

DOD	Department of Defense
DSAID	Defense Sexual Assault Incident Database
CDC	Centers for Disease Control and Prevention
FAP	Family Advocacy Program
FY	Fiscal Year
FR2	Force Risk Reduction
MIJES	Military Investigation and Justice Experience Survey
NDAA	National Defense Authorization Act
ODMEO	Office of Diversity Management and Equal Opportunity
OSD	Office of the Secretary of Defense
SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
WGRA	Workplace and Gender Relations Survey of Active Duty Members

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December 18, 2017

The Honorable John McCain
Chairman
The Honorable Jack Reed
Ranking Member
Committee on Armed Services
United States Senate

Unwanted sexual behaviors in the military—including sexual harassment, sexual assault, and domestic violence involving sexual assault—undermine core values, unit cohesion, combat readiness, and public goodwill. Recent studies by the Department of Defense (DOD) and the RAND Corporation suggest that unwanted sexual behaviors do not exist in isolation but are part of a “continuum of harm.”¹ DOD defines this continuum of harm as a range of interconnected, inappropriate behaviors that are connected to the occurrence of sexual assault and support an environment that tolerates these behaviors. According to RAND, servicemembers who experienced sexual harassment or gender discrimination also experienced higher rates of sexual assault, and approximately one-third of servicemembers who are sexually assaulted stated that the offender sexually harassed them before the assault.

Concerned about the prevalence of unwanted sexual behaviors, Congress has taken a number of legislative actions. Among other provisions, Congress in 2008 mandated that DOD implement a centralized, case-level database for the collection and maintenance of information regarding sexual assaults.² In 2011, Congress mandated that DOD publish annual reports on all sexual assaults involving servicemembers.³ In 2013, Congress mandated that DOD develop a

¹ DOD, *2016 Workplace and Gender Relations Survey of Active Duty Members* (May 2017) and RAND Corporation, *Improving Oversight and Coordination of Department of Defense Programs That Address Problematic Behaviors among Military Personnel* (Santa Monica, CA, 2017).

² Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, Pub. L. No. 110-417, § 563 (Oct. 14, 2008).

³ Ike Skelton National Defense Authorization Act for Fiscal Year 2011, Pub. L. No. 111-383, § 1631 (Jan. 7, 2011).

comprehensive sexual harassment policy and a plan for data collection.⁴ Most recently, in 2016, Congress changed the definition of sexual harassment for purposes of investigations by commanding officers into complaints of harassment, and also mandated that DOD report on the annual number of incidents of domestic violence, including those involving sexual assault, whether substantiated or unsubstantiated.⁵ In 2016, Congress also took actions regarding hazing in the military—another problem behavior that may or may not have a sexual component—by mandating that DOD establish a data collection system for hazing, improve hazing training, and issue annual reports on hazing.⁶

We have reported previously on DOD's efforts to prevent and respond to unwanted sexual behaviors in the military, as well as on other problem behaviors such as hazing. In 2016, we reported on DOD and Coast Guard efforts to prevent and track incidents of hazing in the military and recommended, among other things, that DOD and the Coast Guard issue guidance on the collection and tracking of hazing incident data and evaluate the prevalence of hazing.⁷ DOD and the Department of Homeland Security, which oversees the Coast Guard, concurred with all of our recommendations and have begun taking actions to address them.⁸ In 2015, we reported on our evaluation of DOD's sexual assault prevention strategy—based Centers for Disease Control's (CDC) sexual violence framework—and made five recommendations to improve upon and implement that strategy.⁹ DOD concurred with those five

⁴ National Defense Authorization Act for Fiscal Year 2013, Pub. L. No. 112-239, §579 (Jan. 2, 2013).

⁵ National Defense Authorization Act for 2017, Pub. L. No. 114-328, §§ 548 and 574 (Dec. 23, 2016)(*codified at* 10 USC §1561(e)).

⁶ Pub. L. No. 114-328, § 549 (2016).

⁷ GAO, *DOD and Coast Guard: Actions Needed to Increase Oversight and Management Information on Hazing Incidents Involving Servicemembers*, [GAO-16-226](#) (Washington, D.C.: Feb. 9, 2016).

⁸ In December 2015, DOD addressed one of our recommendations, to establish a requirement for the Secretaries of the military departments to provide additional clarification to servicemembers to better inform them as to how to determine what is or is not hazing by issuing an updated policy on hazing and bullying. See DOD Memorandum, *Hazing and Bullying Prevention and Response in the Armed Forces* (Dec. 23, 2015). The remaining recommendations to DOD have not yet been implemented.

⁹ GAO, *Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy and to Help Ensure It Is Effectively Implemented*, [GAO-16-61](#) (Washington, D.C.: Nov. 4, 2015).

recommendations and is currently in the process of implementing them. This is one of several reviews we have conducted on sexual assaults in the military. We last reviewed DOD's sexual harassment program in 2011 and made five recommendations, including that DOD establish an oversight framework to help guide the department's efforts to prevent and address sexual harassment incidents and that DOD specify uniform data elements that the military services should use when collecting and reporting information on formal sexual harassment complaints.¹⁰ DOD concurred with our recommendations but did not implement them. In 2010, we reported on domestic abuse at DOD and recommended that DOD establish an oversight framework to guide its efforts in preventing and treating domestic abuse.¹¹ DOD concurred and implemented this recommendation. Additional information on our prior related work is provided at the end of this report.

Senate Report 114-255, accompanying a bill for the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017, included a provision that we review efforts by DOD to prevent unwanted sexual behaviors in the military.¹² We assessed the extent to which DOD has (1) policies on sexual harassment that include CDC principles and relevant legislative elements; (2) processes for maintaining and reporting consistent data on incidents of unwanted sexual behaviors; and (3) overarching efforts, including a prevention strategy, to address unwanted sexual behaviors across the continuum of harm.

For our first objective, we obtained and reviewed Office of the Secretary of Defense (OSD) and service-level sexual harassment policies.¹³ We

¹⁰ GAO, *Preventing Sexual Harassment: DOD Needs Greater Leadership Commitment and an Oversight Framework*, [GAO-11-809](#) (Washington, D.C.: Sept. 21, 2011).

¹¹ GAO, *Military Personnel: Sustained Leadership and Oversight Needed to Improve DOD's Prevention and Treatment of Domestic Abuse*, [GAO-10-923](#) (Washington, D.C.: Sept. 22, 2010).

¹² S. Rep. No. 114-255 (2016).

¹³ DOD Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program* (Aug. 18, 1995)(incorporating Change 2, effective June 8, 2015); Air Force Instruction 36-2706, *Equal Opportunity Program, Military and Civilian* (Oct. 5, 2010)(incorporating Air Force Guidance Memorandum 2017-01, effective Feb. 9, 2017); Marine Corps Order 1000.9A, *Sexual Harassment* (May 30, 2006); Office of the Chief of Naval Operations Instruction 5300.13, *Navy Sexual Harassment Prevention and Response Program* (July 24, 2017); Army Regulation 600-20, *Army Command Policy, Chapter 7: Prevention of Sexual Harassment* (Nov. 6, 2014).

compared the policies with a framework developed by CDC for preventing sexual violence, which CDC defines as including non-contact unwanted sexual behaviors, sexual harassment, and physical sexual assault.¹⁴ We reviewed CDC's framework for preventing sexual violence as well as our report on DOD's sexual assault prevention strategy to identify six principles that an organization can include in a sexual violence prevention strategy or policy.¹⁵ DOD previously used this framework to guide its strategy for preventing sexual assault.¹⁶ The socioecological model that underpins and informs CDC's prevention framework is based on the concept of addressing the health of a given population by identifying common risk and protective factors and applying effective, tested strategies.¹⁷ In addition, we reviewed DOD's sexual harassment policies to determine the extent to which they included three elements identified in section 579 of the NDAA for FY 2013, which directed, among other things, that DOD develop a comprehensive policy on sexual harassment.¹⁸ The three elements are (1) prevention training for members of the armed forces; (2) mechanisms for reporting sexual harassment, including mechanisms for anonymous reporting; and (3) mechanisms for resolving sexual harassment that include the prosecution of

¹⁴ CDC, *Sexual Violence Prevention: Beginning the Dialogue* (Atlanta, GA: 2004) and *Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements* (Atlanta, GA: 2014).

¹⁵ See [GAO-16-61](#).

¹⁶ GAO has previously reported that CDC's public health and socioecological models provide a foundational guide for preventing sexual violence. See [GAO-16-61](#).

¹⁷ According to CDC, the six categories, or principals as they are referred to in this report, represent three core ideas that are important to understanding the public health approach to violence prevention. First, risk and protective factors are important in that they identify research and theory based targets for prevention efforts. Prevention efforts that operate by addressing empirically-supported risk and protective factors are more likely to impact sexual violence outcomes. Second, public health identifies three levels at which prevention can occur: primary, secondary, and tertiary. All levels are important but not every protection strategy will include all three forms of prevention, depending on the goals and mission of the institution or organization. Third, CDC recommends comprehensive strategies that address risk and protective factors across the levels of social ecology (referred to as "risk domains" in this report). Consideration of these three tenets of the public health approach to violence prevention is helpful to assess whether a prevention strategy has considered these factors and is employing a public health approach to violence prevention.

¹⁸ Pub. L. No. 112-239, § 579 (2013).

perpetrators.¹⁹ Two of our analysts independently reviewed the policies and determined the degree to which each element was included.

For our second objective, we reviewed DOD reports to Congress that provide incident data regarding unwanted sexual behaviors, including DOD's most recent annual report on sexual assault in the military.²⁰ We identified the databases that generate the reported data and reviewed the processes for assuring the consistency of data in those databases. In evaluating the reported data, we reviewed pertinent statutory provisions and DOD guidance.²¹ We also reviewed Standards for Internal Control in the Federal Government that address agencies' use of quality data and our prior reports evaluating sexual assault data.²²

For our third objective, we obtained information on current efforts within OSD to develop an overarching strategy across the continuum of harm. We reviewed our prior work to identify key elements of strategic plans, which include (1) a mission statement, (2) long-term goals, (3) strategies to achieve goals, (4) external factors that could affect goals, (5) use of metrics to gauge progress, and (6) evaluations of the plan to monitor goals and objectives.²³ We also identified collaborative efforts by OSD offices that guide and oversee programs for addressing unwanted sexual behaviors. We obtained information on the purpose and scope of each effort, as well as on the participating offices. We interviewed DOD officials in positions designed to integrate activities across the continuum of harm

¹⁹ Pub. L. No. 112-239, §579(a)(1)(A)-(C) (2013).

²⁰ DOD, *Department of Defense Annual Report on Sexual Assault in the Military: Fiscal Year 2016* (May 1, 2017).

²¹ Pub. L. No. 111-383, § 1631 (2011). DOD Manual 6400.01, Vol. 2, *Family Advocacy Program: Child Abuse and Domestic Abuse Incident Reporting System* (Aug. 11, 2016).

²² GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014); *Sexual Violence Data: Actions Needed to Improve Clarity and Address Differences Across Federal Data Collection Efforts*, [GAO-16-546](#) (Washington, D.C.: July 19, 2016); and *Military Personnel: DOD Has Processes for Operating and Managing Its Sexual Assault Incident Database*, [GAO-17-99](#) (Washington, D.C.: Jan.10, 2017).

²³ GAO's leading practices for sound strategic management planning are derived from prior work related to strategic planning. For example, GAO, *Managing for Results: Critical Issues for Improving Federal Agencies' Strategic Plans*, [GAO/IGD-97-180](#) (Washington, D.C.: Sept. 16, 1997); and *Defense Logistics: Actions Needed to Improve the Marine Corps' Equipment Reset Strategies and the Reporting of Total Reset Costs*, [GAO-11-523](#) (Washington, D.C.: Aug. 4, 2011).

to determine current activities and initiatives that the department is undertaking to address coordination. In identifying DOD's collaborative efforts, we reviewed our prior work on collaboration among federal agencies but we did not assess the effectiveness of the department's collaborative efforts.²⁴

We conducted this performance audit from August 2016 to December 2017, in accordance with generally accepted government auditing standards. Those 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. Further details on our scope and methodology are presented in appendix I.

Background

DOD Definitions of Unwanted Sexual Behaviors

DOD has defined various types of unwanted sexual behaviors, including sexual assault, sexual harassment, and domestic violence.

- Sexual assault: DOD defines sexual assault as intentional sexual contact, characterized by use of force, threats, intimidation, abuse of authority, or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific Uniform Code of Military Justice offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts.²⁵
- Sexual harassment: DOD defines sexual harassment as a form of sex discrimination that involves unwelcome sexual advances, requests for

²⁴ See GAO, *Results-Orientated Government: Practices that Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: Oct. 21, 2005); *Managing for Results: Key Considerations for Implementing Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012); and *Fragmentation, Overlap, and Duplication: An Evaluation and Management Guide*, [GAO-15-49SP](#) (Washington, D.C.: Apr. 14, 2015).

²⁵ DOD Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program* (Jan. 23, 2012) (incorporating Change 3, Apr. 11, 2017).

sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; (2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.²⁶ However, as noted earlier, a provision of the NDAA for FY 2017 changed the definition of sexual harassment for the military for purposes of investigations by commanding officers so that it is no longer defined solely as a form of sex discrimination, but is recognized as an adverse behavior on the spectrum of behavior that can contribute to an increase in the incidence of sexual assault. We discuss this changed definition of sexual harassment later in this report.

- Domestic violence: DOD defines domestic violence as an offense under the United States Code, the Uniform Code of Military Justice, or state law involving the use, attempted use, or threatened use of force or violence against a person, or a violation of a lawful order issued for the protection of a person who is a current or former spouse, a person with whom the abuser shares a child in common or a current or former intimate partner with whom the abuser shares or has shared a common domicile.²⁷ Sexual assault of spouses and intimate partners is a subset of domestic violence.

²⁶ This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment. See Department of Defense Directive 1350.2.

²⁷ DOD Instruction 6400.06, *Domestic Abuse Involving DOD Military and Certain Affiliated Personnel* (Aug. 21, 2007)(incorporating Change 4, May 26, 2017).

DOD Entities with Key Roles and Responsibilities in Addressing Unwanted Sexual Behaviors

Various offices and organizations within DOD play a role in addressing unwanted sexual behaviors in the military. The Under Secretary of Defense for Personnel and Readiness is responsible for developing the overall policy and guidance for the department's efforts to prevent and respond to instances of sexual assault, except for criminal investigative policy matters assigned to the DOD Inspector General and legal processes in the Uniform Code of Military Justice.

DOD's Sexual Assault Prevention and Response Program

The Under Secretary of Defense for Personnel and Readiness oversees the Sexual Assault Prevention and Response Office (SAPRO), which serves as the department's single point of authority, accountability, and oversight for its sexual assault prevention and response program. The responsibilities of the Under Secretary of Defense for Personnel and Readiness and SAPRO with regard to sexual assault prevention and response include providing the military services with guidance and technical support and facilitating the identification and resolution of issues; developing programs, policies, and training standards for the prevention of, reporting of, and response to sexual assault; developing strategic program guidance and joint planning objectives; overseeing the department's collection and maintenance of data on reported alleged 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 mandated annual reports to Congress on sexual assaults involving servicemembers.

The Secretaries of the military departments are responsible for establishing policies for preventing and responding to sexual assault within their respective military service, and for ensuring compliance with DOD's policy. Further, they are responsible for establishing policies that ensure commander accountability for program implementation and execution. Each military service has established an office that is responsible for overseeing and managing the military service's sexual assault prevention and response program. Each military service also maintains a primary policy document on its sexual assault prevention and

response program.²⁸ Much like DOD's directive and instruction on sexual assault prevention and response, the military service policies outline responsibilities of relevant stakeholders, including commanders, sexual assault response coordinators, and victim advocates and training requirements for all personnel.

DOD's Military Equal Opportunity Program

The Under Secretary of Defense for Personnel and Readiness has responsibility for developing the overall policy for DOD's military equal opportunity program and monitoring compliance with the department's policy.²⁹ According to the policy, all servicemembers are afforded equal opportunity in an environment free from harassment, including sexual harassment, and unlawful discrimination on the basis of race, color, national origin, religion, sex (including gender), and sexual orientation. The chain of command is used as the primary and preferred channel to (1) identify and correct unlawful discrimination practices, (2) process and resolve complaints of unlawful discrimination or harassment, to include sexual, and (3) ensure that military equal opportunity matters are taken seriously and acted on as necessary.³⁰ The Office of Diversity Management and Equal Opportunity (ODMEO) oversees the department's efforts to promote equal opportunity, diversity, and inclusion management, and to help prevent unlawful discrimination and harassment throughout DOD.³¹ The Defense Equal Opportunity Management Institute develops training and studies on equal opportunity. Behaviors under the purview of the military equal opportunity program include unlawful discrimination on the basis of color, national origin, race, religion, or sex.³²

²⁸ See *Army Regulation 600-20, Army Command Policy, Chapter 8: Sexual Assault Prevention and Response Program* (Nov. 6, 2014); *Air Force Instruction 90-6001, Sexual Assault Prevention and Response (SAPR) Program* (May 21, 2015) (incorporating Change 1, Mar. 18, 2016); *Secretary of the Navy Instruction 1752.4B, Sexual Assault Prevention and Response* (Aug. 8, 2013); and *Marine Corps Order 1752.5B, Sexual Assault Prevention and Response (SAPR) Program* (Mar. 1, 2013).

²⁹ DOD Directive 1350.2.

³⁰ DOD Directive 1350.2.

³¹ DOD Directive 1020.02E, *Diversity Management and Equal Opportunity in the DOD* (June 8, 2015) (incorporating Change 1, Effective Nov. 29, 2016).

³² DOD Directive 1350.2.

The Secretaries of the military departments are responsible for developing policies to prevent unlawful discrimination and harassment, (including sexual harassment), ensuring compliance with DOD's policy, and establishing both formal and informal means of resolving complaints. The chain of command is the primary and preferred channel for identifying and correcting discriminatory practices and resolving servicemembers' complaints of sexual harassment.³³ The military services encourage servicemembers to resolve any complaints of sexual harassment they may have at the lowest possible level first.

For servicemembers who wish to report a complaint of sexual harassment, DOD provides two complaint options—formal and informal. A formal complaint is an allegation of sexual harassment that a complainant submits in writing to the authority designated for the receipt of such complaints in military service implementing guidance. Formal complaints require specific actions to be taken, are subject to timelines, and require documentation of the actions taken, in accordance with federal law.³⁴ In contrast, an informal complaint is an allegation of sexual harassment, made either orally or in writing, which is not submitted as a formal complaint. Informal complaints may be resolved directly by the complainant, such as by confronting the individual or by involving another individual or the chain of command. Servicemembers who elect to resolve their complaints informally may submit a formal complaint if they are dissatisfied with the outcome of the informal process. In 2014, DOD directed the military services to develop implementing instructions and mechanisms for reporting instances of sexual harassment anonymously.³⁵

DOD's Family Advocacy Program

The Deputy Assistant Secretary of Defense for Military Community and Family Policy under the Under Secretary of Defense for Personnel and Readiness is responsible for the development and oversight of policy for the military departments to implement a coordinated community response approach to addressing domestic abuse. The DOD Family Advocacy Program (FAP) office provides guidance and technical assistance to the

³³ DOD Directive 1350.2.

³⁴ 10 U.S.C. § 1561.

³⁵ Undersecretary of Defense (Personnel and Readiness) Memorandum, *Policy Memorandum-Prevention and Response to Sexual Harassment* (with attachment) (Sept. 19, 2014).

military departments and DOD components to support their efforts to address, among other things, domestic abuse.³⁶

The Secretaries of the military departments are responsible for developing military service-wide policies, supplementary standards, and instructions to provide for the requirements within their respective installations FAPs.³⁷ Each military service has established a FAP that is responsible for overseeing and managing, among other things, the installation-level FAPs and the military service's domestic violence and domestic abuse prevention and response programs.³⁸ When domestic abuse does occur, the military service installation FAP conducts a risk assessment and works to ensure the safety of the victims and help military families overcome the effects as well as change destructive patterns.

CDC and Its Sexual Violence Prevention Efforts

CDC is one of the major operating components of the Department of Health and Human Services, which serves as the federal government's principal agency for protecting the health of U.S. citizens. As part of its health-related mission, CDC serves as the national focal point for developing and applying disease prevention and control, environmental health, and health promotion and education activities. CDC, among other things, conducts research to enhance prevention, develops and advocates public health policies, implements prevention strategies, promotes healthy behaviors, fosters safe and healthful environments, and provides associated training.

In 1992, CDC established the National Center for Injury Prevention and Control as the lead federal organization for violence prevention. The center's Division of Violence Prevention focuses on stopping violence,

³⁶ DOD Instruction 6400.06, *Domestic Abuse Involving DOD Military and Certain Affiliated Personnel* (Aug. 21, 2007)(incorporating Change 4, May 26, 2017).

³⁷ DOD Manual 6400.01, Volume 1, *Family Advocacy Program (FAP): FAP Standards* (Mar. 3, 2015)(incorporating Change 1, Apr. 5, 2017).

³⁸ See Air Force Instruction 40-301, *Family Advocacy Program* (Nov. 16, 2015) (incorporating Change 1, Oct. 12, 2017); Army Regulation 608-18, *The Army Family Advocacy Program* (Oct. 30, 2007)(incorporating Rapid Action Revision, Sept. 13, 2011); Marine Corps Order 1754.11, *Marine Corps Family Advocacy and General Counseling Program* (Mar. 26, 2012); Office of the Chief of Naval Operations Instruction 1752.2B, *Family Advocacy Program (FAP)* (Apr. 25, 2008).

including sexual violence, before it begins and works to achieve this by conducting research on the factors that put people at risk for violence, examining the effective adoption and dissemination of prevention strategies, and evaluating the effectiveness of violence prevention programs. In 2004, CDC published a framework for effective sexual violence prevention strategies. This framework includes prevention concepts and strategies, such as identifying risk and protective factors (i.e., factors that may put a person at risk for committing sexual assault or that, alternatively, may prevent harm). CDC's framework defines sexual violence as including non-contact unwanted sexual behaviors, sexual harassment, and physical sexual assault.

Continuum of Harm

DOD has acknowledged that connections exist across the continuum of unwanted sexual behaviors including sexual harassment and sexual assault and that this continuum of harm is reflected in key documents that guide prevention and response activities. For example, SAPRO has also reported that certain behavior and activities, such as hazing, can lead to sexual assault. Additionally, DOD's Prevention Roundtable and 2014-2016 Sexual Assault Prevention Strategy have both adopted CDC's definition of "prevention" as it applies to sexual violence. CDC defines sexual violence to include sexual harassment and sexual assault.

In 2014 and 2017, DOD contracted with RAND to conduct independent assessments of behaviors across the continuum of harm, including sexual assault and sexual harassment.³⁹ In its 2014 report, RAND found that (1) 34 percent of male servicemembers who were surveyed reported that the sexual assault was part of a hazing incident, (2) servicemembers who experienced sexual harassment or gender discrimination in the past year also experienced higher rates of sexual assault, and (3) approximately one-third of servicemembers who are sexually assaulted stated the offender sexually harassed them before the assault. In its 2017 report, RAND found that (1) people are more likely to engage in problematic behaviors, such as sexual harassment, if that person perceives that peers and leaders condone those actions and (2) some organizations

³⁹ See RAND Corporation, *Improving Oversight and Coordination of Department of Defense Programs That Address Problematic Behaviors Among Military Personnel* (2017) and RAND Corporation, *Sexual Assault and Sexual Harassment in the U.S. Military: Top-Line Estimates for Active-Duty Service Members from the 2014 RAND Military Workplace Study* (2014).

responsible for addressing unlawful discrimination and sexual harassment lack adequate policies, plans, information systems, and resources needed to establish a departmental approach to certain behavioral issues, inform senior leadership about these problems, and ensure that leadership's decisions about problematic behaviors are uniformly enforced.

CDC research revealed that behaviors such as bullying and homophobic teasing in early adolescence are significant predictors of sexual harassment over time. According to the CDC, these youth are at an increased potential to perpetrate sexual violence and engage in sexually harassing behavior.⁴⁰ In response, CDC recommends that communities work to prevent all types of violence from occurring and coordinate and integrate responses to violence in a way that recognizes these connections. CDC's research has also established that survivors of one form of violence are more likely to be victims of other forms of violence, that survivors of violence are at higher risk for behaving violently, and that people who behave violently are more likely to commit other forms of violence. Further, CDC states that violence prevention and intervention efforts that focus on only one form of violence can be broadened to address multiple, connected forms of violence to increase the public health impact.⁴¹

DOD's Policies on Sexual Harassment Include Some but Not All of CDC's Principles and Most Relevant Legislative Elements

DOD's policies on sexual harassment include some but not all of CDC's principles and most relevant legislative elements. OSD and military service-specific sexual harassment policies generally include prevention strategies that CDC has identified in its principles for sexual violence prevention but leave out risk and protective factors, as well as risk domains. Additionally, DOD's sexual harassment policies include most elements identified in section 579 of the NDAA for FY 2013, but do not

⁴⁰ See CDC, *Applying Science. Advancing Practice: The Bully-Sexual Violence Pathway in Early Adolescence*. (December 2013).

⁴¹ See CDC and the Prevention Institute, *Connecting the Dots: An Overview of the Links Among Multiple Forms of Violence* (July 2014).

consistently include mechanisms for anonymous reporting. ODMEO officials stated that they plan to issue a new policy that is intended to focus on sexual harassment and other forms of harassment, but it is too early to know whether that policy will include all the CDC principles or mechanisms for anonymous reporting. We also noted during our review that most existing policies have not yet been updated to reflect a provision in the fiscal year 2017 NDAA that redefined sexual harassment for certain purposes so it is no longer defined solely as a form of sex discrimination but is recognized also as an adverse behavior on the spectrum of behaviors that can contribute to an increase in the incidence of sexual assault.

DOD's Sexual Harassment Policies Include Some of CDC's Principles for Preventing Sexual Violence but Not Others

DOD's sexual harassment policies include some of the principles that have been developed by CDC as part of a framework for preventing sexual violence, but other principles are not included. OSD includes sexual harassment as part of its broader military equal opportunity policy.⁴² It addresses, among other things, processes for preventing and responding to cases of discrimination, including sexual harassment; education and training in equal opportunity; and complaints processing. The military services' policies on sexual harassment cover similar topics, such as chain of command responsibilities, complaint processing, and definitions for sexual harassment; however, they have some differences.⁴³ For example, while all policies include provisions on sexual harassment prevention training, the Army's and the Navy's policies include specific characteristics of effective training. Both policies also specify what should be included in trainings for different levels of the chain of command. The Marine Corps and Air Force policies simply state that commanders must conduct sexual harassment prevention training.

⁴² DOD Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program* (Aug. 18, 1995)(incorporating Change 2, effective June 8, 2015).

⁴³ Air Force Instruction 36-2706, *Equal Opportunity Program, Military and Civilian* (Oct. 5, 2010)(incorporating Air Force Guidance Memorandum 2017-01, effective Feb. 9, 2017); Marine Corps Order 1000.9A, *Sexual Harassment* (May 30, 2006); Office of the Chief of Naval Operations Instruction 5300.13, *Navy Sexual Harassment Prevention and Response Program* (July 24, 2017); Army Regulation 600-20, *Army Command Policy, Chapter 7: Prevention of Sexual Harassment* (Nov. 6, 2014).

CDC's framework defines sexual violence as including non-contact unwanted sexual behaviors, sexual harassment, and physical sexual assault.⁴⁴ We applied six principles for sexual violence prevention from CDC's framework to DOD's sexual harassment policies. These principles are:

- Risk factors: Factors that may put people at risk for sexual violence perpetration or victimization, such as an organizational climate that either explicitly or implicitly condones sexual harassment.
- Protective factors: Factors that may protect high-risk people from harm, such as an organizational climate that promotes respect amongst personnel at all levels.
- Primary strategies for prevention: Strategies that occur before sexual violence takes place to prevent initial perpetration, such as sexual harassment prevention training.
- Secondary strategies for prevention: Immediate responses after sexual violence has occurred to address the early identification of victims and the short-term consequences of violence, such as mechanisms for reporting instances of sexual harassment and immediate interventions.
- Tertiary strategies for prevention: Long-term responses after sexual violence has occurred to address the lasting consequences of violence and sex-offender treatment interventions, such as long-term treatment of the victim and perpetrator.
- Risk domains: Levels at which risk and protective factors should be categorized, including: individual, relationship, community, and societal. In its sexual assault prevention strategy, DOD adapted risk domains to the military population, using the levels of: individual, relationship, leaders at all levels, military community, and society.⁴⁵

Our comparison of DOD sexual harassment policies with CDC's framework for preventing sexual violence showed that the policies include some of the principles in the framework but not others (see table 1.)

⁴⁴ See CDC, *Sexual Violence Prevention: Beginning the Dialogue and Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements* (2004).

⁴⁵ CDC does not use the term "risk domains" but instead refers to this construct as "levels of the social ecology" (individual, relationship, community, and societal) where risk and protective factors exist and interact to create a physiological, psychological, socio-cultural, and physical environment that either encourages or discourages sexual violence.

Table 1: Extent to Which Department of Defense (DOD) Sexual Harassment Policies Include Centers for Disease Control and Prevention's (CDC) Principles

	Risk factors	Protective factors	Primary strategies for prevention	Secondary strategies for prevention	Tertiary strategies for prevention	Risk domains	Total principles included in policy
Office of the Secretary of Defense	Not Included	Not Included	Included	Included	Not Included	Not Included	2 of 6
Army	Not Included	Not Included	Included	Included	Included	Not Included	3 of 6
Navy	Not Included	Not Included	Included	Included	Included	Not Included	3 of 6
Marine Corps	Not Included	Not Included	Included	Included	Included	Not Included	3 of 6
Air Force	Not Included	Not Included	Included	Included	Not Included	Not Included	2 of 6

✓did include | x did not include.

Source: GAO analysis of DOD policies and CDC sexual violence prevention framework | GAO-18-33

Our analysis showed that the OSD and the Air Force policies each include two of the six principles in CDC's framework, and the Army, the Navy, and the Marine Corps policies include three principles. Specifically, the policies generally identify sexual harassment prevention training for the armed forces, a primary strategy for prevention. In addition, the policies generally outline mechanisms for reporting and responding to sexual harassment, considered a secondary strategy for prevention. The Army, the Navy, and the Marine Corps policies outline counseling support and referral services, as well as specifying the options available for administrative or judicial punishment, including discharge from service for perpetrators, which can be considered to be tertiary strategies for prevention.

Common elements missing from DOD's sexual harassment policies are risk factors and protective factors, which identify conditions or behaviors that might heighten or lower the risk of sexual harassment victimization or perpetration, respectively. Examples of risk factors for sexual violence identified by the CDC include, but are not limited to, alcohol and drug use, hypermasculinity, emotionally unsupportive family environments, general tolerance of sexual violence within the community, and societal norms that support male superiority and sexual entitlement. Examples of protective factors from the CDC include emotional health and connectedness, and empathy and concern for how one's actions affect others. Additionally, RAND identified an organizational climate that is oppositional to sexual violence as a protective factor. The policies also

did not include risk domains, which would categorize risk and protective factors at the individual, relationship, community, and society levels. ODMEO officials told us that they are familiar with the CDC framework and are considering using it as a source of best practices for a new sexual harassment prevention strategy.⁴⁶ DOD has previously used CDC's sexual violence prevention framework to guide its sexual assault prevention strategy.⁴⁷

In the absence of more comprehensive policies on sexual harassment that fully include principles in the CDC framework for sexual violence prevention, DOD may be missing opportunities to address and potentially reduce incidents of sexual harassment in the military population based on risk and protective factors and effective, tested strategies. Specifically, DOD may be missing the opportunity to identify risk factors, which would help to recognize situations where individuals and populations may be at a higher risk of sexual harassment perpetration or victimization; identify protective factors to lower the risk of sexual harassment; develop mechanisms to address sexual harassment across risk domains—at the individual, relationship, community, and society levels; and develop tertiary strategies, or long-term responses after sexual violence has occurred to address the lasting consequences of violence and sex-offender treatment interventions.

DOD's Sexual Harassment Policies Include Most Elements Mandated in the NDAA for FY 2013, but Some Do Not Include Mechanisms for Anonymous Reporting

DOD's sexual harassment policies include three elements required by section 579 of the NDAA for FY 2013 but some do not include one element involving the anonymous reporting of incidents. Section 579 mandated that DOD, among other things, develop a comprehensive sexual harassment policy that includes the following elements: (1) prevention training for members of the armed forces; (2) mechanisms for

⁴⁶ ODMEO officials told us that they are developing a research-informed sexual harassment strategy that will draw on a review of best practices in sexual harassment prevention. They are collaborating with SAPRO and other DOD stakeholders, including the Office of People Analytics and the Defense Suicide Prevention Office, to develop this strategy

⁴⁷ For our analysis of DOD's sexual assault prevention strategy and its incorporation of the elements in CDC's framework, see [GAO-16-61](#).

reporting sexual harassment, including mechanisms for anonymous reporting; and (3) mechanisms for resolving sexual harassment that include the prosecution of perpetrators.⁴⁸ In 2014, the Office of the Undersecretary of Defense for Personnel and Readiness issued a policy memorandum addressing the provisions of Section 579 and directed the military services to develop implementing instructions that include mechanisms for anonymous reporting.⁴⁹

We compared DOD's policies with the required elements in section 579 and found that OSD and military service policies generally include required elements except for the element focused on DOD including anonymous reporting in its policies for sexual harassment. The OSD, Army, and Marine Corps policies do not include anonymous reporting, while the Air Force policy and a new Navy policy do.⁵⁰ Officials from ODMEIO said that providing an option for anonymous reporting is important because it increases the odds that incidents will be reported. ODMEIO officials also told us that the services have hotlines that servicemembers can use to anonymously report complaints of sexual harassment, and the Air Force and Navy policies note that their respective military servicemembers have options for anonymous reporting. While the military services may have mechanisms in place for anonymous reporting of sexual harassment, these mechanisms are not included in OSD's policy—as required by section 579—or the policies of two of the Services, those of the Army and the Marine Corps. Without including anonymous reporting of sexual harassment complaints in DOD's sexual harassment policies, the statutory requirement for anonymous reporting may be interpreted and applied inconsistently throughout the military services, or left unmet.

⁴⁸ See, National Defense Authorization Act for Fiscal Year 2013, Pub. L. No. 112-239, §579 (Jan. 2, 2013). Prosecution of perpetrators is outlined in the Uniform Code of Military Justice (UCMJ).

⁴⁹ Undersecretary of Defense (Personnel and Readiness) Memorandum, *Policy Memorandum-Prevention and Response to Sexual Harassment* (with attachment) (Sept. 19, 2014).

⁵⁰ Chief of Naval Operations Instruction 5300.13. This instruction, which was issued in July 2017, replaced Office of the Chief of Naval Operations Instruction 5354.1F. The prior policy did not include mechanisms for anonymous reporting.

Development of New OSD Harassment Policy May Provide Opportunities for Enhanced Oversight and More Consistent Approaches

OSD is developing a new policy—planned to be issued in fiscal year 2018—that will specifically focus on various forms of harassment, including sexual harassment, hazing, and bullying. ODMEIO officials who are developing the new policy stated that it is intended, among other things, to enhance oversight of sexual harassment prevention and response within the department.⁵¹ However, because the policy is under development, it is too early to determine how the policy will address the CDC principles and anonymous reporting, as discussed earlier. Further, it is unclear how OSD plans to improve oversight and whether it intends to include performance goals, objectives, milestones, and metrics as we previously recommended in 2011.⁵²

Although OSD in 2014 directed the military services to improve their oversight of sexual harassment, none of the military services were able to demonstrate that they had implemented all the required elements. Specifically, DOD's 2014 policy memorandum addressing the provisions of section 579 also directs the military services to develop a sexual harassment oversight framework to be reviewed quarterly by a senior leadership forum that includes long-term goals, objectives, and milestones; criteria for measuring progress; results-oriented performance measures to assess effectiveness of service sexual harassment policies and programs; standards for holding leaders accountable for promoting, supporting, and enforcing policies, plans and programs; and strategies to implement the oversight framework.

While some of the military services have included elements of the oversight framework directive from the 2014 policy memorandum, none of them were able to provide information that demonstrated that they had fulfilled all requirements set forth by that policy memorandum. For instance, when asked, none of the military services were able to provide

⁵¹ According to ODMEIO officials, the new policy will contain guidance to enhance oversight of the prevention and response to sexual harassment; training on sexual harassment prevention and response; mechanisms for reporting incidents of sexual harassment; mechanisms for reporting incidents of sexual harassment anonymously; and mechanisms for responding to and resolving incidents of sexual harassment.

⁵² [GAO-11-809](#).

details that they have senior leader forums that review their oversight efforts on a quarterly basis. Officials from the Air Force told us that they were waiting for ODMEO to release a new sexual harassment policy before establishing the oversight framework. Officials from the Navy referred us to their July 2017 sexual harassment policy, which instructs the Navy Sexual Harassment Prevention and Equal Opportunity Office to develop and implement standards for holding leaders accountable for promoting, supporting, and enforcing sexual harassment prevention and response policies, plans, and programs, and to develop results-oriented performance measures to assess the effectiveness of sexual harassment prevention and response policies and programs. Officials from the Army referred us to their SHARP Campaign Plan, which outlines methods to hold leaders accountable for taking appropriate action to address sexual harassment; goals and objectives for the program; and ways to measure program effectiveness. The Marine Corps did not respond to our request for information regarding an oversight framework for sexual harassment.

A new department-wide policy on sexual harassment could be helpful to the military services as they review and update their respective policies. As noted earlier, military service policies have some differences in how they address aspects of sexual harassment. The Marine Corps told us that they have been waiting for additional guidance from OSD before updating their sexual harassment policies. However, following publicized incidents of Marines posting inappropriate photos on line of female servicemembers without their consent, the Marine Corps updated its guidance in May 2017 adding “the distribution or broadcasting of an intimate image, without consent” to its list of sexual harassment incidents that mandate separation processing.⁵³ Additionally, in May 2017, a Marine Corps official said the service was revising its sexual harassment policy. The Navy updated its sexual harassment policy in July 2017 without additional guidance from OSD.

We also noted during our review that most existing policies have not yet been updated to reflect a provision in the fiscal year 2017 NDAA that redefined sexual harassment for certain purposes so it is no longer defined solely as a form of sex discrimination but is recognized also as an adverse behavior on the spectrum of behavior that can contribute to an increase in the incidence of sexual assault. We asked DOD officials from

⁵³ *Modification to Marine Corps Order 1900.16, Marine Corps Separation and Retirement Manual (MARCORSEPMAN)-Paragraphs 4103.2 and 6210.8 (May 9, 2017).*

several offices about the implications of this change. They identified some actions they will take, but the full implications, if any, of the change are unclear. Officials from the Assistant Secretary of Defense for Readiness said that there are no significant implications of the sexual harassment definition change beyond making conforming revisions to policy documents and guidance. ODMEO officials said that adjusting to the new definition of sexual harassment would not significantly affect their work at the OSD level, since they are already updating their sexual harassment policy to reflect this change and since sexual harassment is expected to remain within the responsibilities of ODMEO. They added that the military services will likely have to adjust to the new definition of sexual harassment, but did not offer details in how they would have to adjust.

The Navy's new policy dated July 2017 reflects the new definition, but the other military services have yet to incorporate the change. Officials from SAPRO said that they are working with ODMEO to revise surveys on unwanted sexual behaviors to reflect the new definition. SAPRO officials further stated that sexual harassment should remain under ODMEO's purview since ODMEO personnel are trained specifically in sexual harassment response. Officials from the Army's SHARP program said that the new definition means that sexual harassment will more often be considered misconduct, and taken more seriously.

Since OSD is in the process of updating its policy, we are not making any recommendations. However, it will be important for OSD and the military services to address our prior recommendation regarding improving the oversight framework as well as incorporating the new definition of sexual harassment required by the fiscal year 2017 NDAA while updating their policies.

DOD Has Processes for Maintaining and Reporting Consistent Data on Incidents of Sexual Assault and Domestic Abuse That Involves Sexual Assault, but Does Not Have Reasonable Assurance of Consistent Data on Sexual Harassment

DOD has processes for maintaining and reporting consistent data on sexual assault incidents and domestic violence incidents that involve

sexual assault, but the department does not have similar assurance of consistent data on incidents of sexual harassment. SAPRO and FAP each use centralized databases that enable them to maintain and report consistent data on those incidents that fall under their purview. In contrast, DOD relies on military service-specific databases on sexual harassment incidents and does not have assurance of consistent data from these databases because it has not established standard data elements and definitions to guide the military services in maintaining and reporting these data.

DOD Has Developed and Plans to Further Improve Centralized Databases That Enable It to Maintain and Report Consistent Data on Sexual Assault Incidents and Domestic Violence Incidents That Involve Sexual Assault

DOD uses centralized databases to maintain and report data on sexual assault incidents in the military and domestic violence incidents involving sexual assault. Specifically, SAPRO and the military services use the Defense Sexual Assault Incident Database (DSAID), and FAP uses the DOD Central Registry. These databases maintain data on incidents that are included in statutorily required annual reports to Congress on sexual assaults in the military. In 2011, Congress mandated that DOD provide annual reports that include:

- the number of sexual assaults committed against and by members of the armed forces that were reported to military officials, including unsubstantiated and substantiated reports with a synopsis of each substantiated case organized by offense and the action taken, including disciplinary actions;
- the policies, processes, and procedures implemented by the Secretary concerned during the year covered by the report in response to incidents of sexual assaults;
- the number of substantiated sexual assault cases in which the victim is deployed where the assailant is a foreign national; and
- a description of the implementation of the accessibility plan, including a description of the steps taken to ensure that trained personnel,

appropriate supplies, and transportation resources are available to deployed units.⁵⁴

The most recent DOD annual report on sexual assault was issued in May 2017 and covered fiscal year 2016.⁵⁵ The report includes data on the number of both restricted and unrestricted reports of sexual assault involving servicemembers.⁵⁶ The report also contains separate enclosures for the Army, the Navy (including the Marine Corps), the Air Force, and the National Guard, as well as annexes on the Workplace and Gender Relations Survey of Active Duty Members (WGRA) and the Military Investigation and Justice Experience Survey (MIJES).⁵⁷ The WGRA annex discusses topics including the continuum of harm and the MIJES annex contains information on closed cases of sexual assault.

SAPRO and FAP both contributed sexual assault incident data to the fiscal year 2016 report, and our review of the underlying databases found that data elements and definitions were defined and management was able to process the data into consistent information. Specifically, the two databases used are the:

- DSAID Data on Sexual Assault Incidents: DSAID captures DOD-wide data on certain incidents of sexual assault that involve a

⁵⁴ Pub. L. No. 111-383 § 1631 (2011). In 2004 Congress mandated DOD to publish annual sexual assault reports. See, Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Pub. L. No. 108-375, §577 (Oct. 28, 2004).

⁵⁵ *Department of Defense Annual Report on Sexual Assault in the Military: Fiscal Year 2016* (May 2017).

⁵⁶ Service members and other eligible victims can make restricted or unrestricted reports. Restricted reports are kept confidential, so they are not investigated. Unrestricted reports go through an investigation process. Victims may choose to convert a restricted report to an unrestricted report at any time. A substantiated incident results from an unrestricted report that has been investigated and found to have sufficient evidence to support disciplinary action. See Department of Defense Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program* (Jan. 23, 2012) (incorporating Change 3, Apr. 11, 2017) and DOD Instruction 6495.02, *Sexual Assault Prevention and Response (SAPR) Program Procedures* (Mar. 28, 2013) (incorporating Change 3, May 24, 2017).

⁵⁷ The WGRA is a survey administered to active duty servicemembers, focused on assessing unwanted gender-related behaviors in the workplace and used to evaluate sexual harassment and sexual assault activities at DOD. The WGRA contains analyses on topics such as the continuum of harm. The MIJES is an anonymous survey designed to assess the investigative and legal processes experienced by military members who have made a report of sexual assault, have gone through the military investigation process, and have agreed to voluntarily participate in the MIJES. DOD also administers a reserve component survey every 2 years.

servicemember or in some cases, when a sexual assault involves a servicemember's spouse or adult family member or a DOD civilian or contractor. However, FAP-related sexual assault incidents are not captured in DSAID. Using information generated by DSAID, SAPRO includes both substantiated and unsubstantiated reports of sexual assault in its annual report.

In 2017, we reviewed DSAID and found that DOD had taken steps to ensure the quality and consistency of data in DSAID as well as to monitor the data entered into the system.⁵⁸ In addition, OSD had provided the military services with definitions for required data elements in the database, which include details on the incident, victim, and alleged offender. In addition, we identified several technical challenges with the system, including issues with the system's speed and ease of use; interfaces with other external DOD databases; and users' ability to query data and generate reports. At the time of the report's release, DOD had plans to modify DSAID. As of July 2017, DOD officials told us that they are still in the process of making modifications to DSAID to resolve or alleviate the technical challenges for users.

- DOD Central Registry Data on Domestic Abuse Incidents Involving Sexual Assault: The DOD Central Registry captures DOD-wide data on reports of domestic abuse on populations within FAP's purview, including on family members of servicemembers as well as on their intimate partners.⁵⁹ The DOD Central Registry includes details of each case such as the status of cases, the demographics of the perpetrator and victim, the specific type of abuse, and other details surrounding the incident. FAP officials explained that they do not use the "substantiated" and "unsubstantiated" terminology like SAPRO does. Rather, FAP, which is not responsible for determining criminal or legal disposition, uses the terms "met criteria" and "not met criteria" for maltreatment. This difference in terminology has to do with FAP's process for determining if an incident meets the clinical criteria to be classified as abuse for the purpose of developing an

⁵⁸ [GAO-17-99](#).

⁵⁹ FAP defines an "intimate partner" as a person with whom the victim shares a child in common, or a person with whom the victim shares or has shared a common domicile. The Central Registry also captures data on child abuse incidents. FAP officials told us that instances of child-on-child sexual abuse are not captured in the Central Registry and that data on these types of instances are maintained by civilian law enforcement.

intervention/treatment plan for both the victim and the offenders involved in the allegations of domestic violence.⁶⁰

Incidents that are determined as having met criteria are entered into the DOD Central Registry. We reviewed the DOD Central Registry and found that it includes well defined data elements and descriptions for collecting data on cases of domestic violence including those that involve sexual assault. The data in the DOD Central Registry includes 46 discrete data elements, including the relationship between the victim and perpetrator, the timeline of the case, and actions taken and treatments administered in response to the incident. The elements are defined and described in an OSD policy.⁶¹

In its annual reporting to Congress, FAP provides the number of domestic violence incidents involving sexual assault that met criteria and the total number of instances of domestic violence that did not meet criteria. However, FAP does not maintain or report data on the total number of reported domestic violence incidents that specifically involve sexual assault. That is because only the details of cases that meet criteria are recorded in the DOD Central Registry. A FAP official said that the military services likely have more detailed information about cases that did not meet the criteria, but it does not collect these data in the DOD Central Registry. A provision in the NDAA for FY 2017 requires DOD to submit an annual report on child abuse and domestic abuse incident data, including the number of incidents reported during the year involving the physical or sexual abuse of a spouse, intimate partner, or child.⁶² This report is to be submitted simultaneously with submission of DOD's annual sexual assault report to Congress. FAP officials told us that they are currently working with SAPRO to ensure that all reported incidents of domestic violence involving sexual assault, including those that did not meet the criteria, are included in the annual sexual assault report.

⁶⁰ Incident Determination Committees are installation-level organizations chaired by the installation or garrison commander. Core members of the committee include the chair; the senior enlisted noncommissioned officer advisor to the installation commander or garrison commander; a representative from the installation Staff Judge Advocate's office; a representative from the office of the Provost Marshal, security forces investigation, or Navy Base Security; and the FAP manager or FAP supervisor of clinical services.

⁶¹ DOD Manual 6400.01, Vol. 2, *Family Advocacy Program (FAP): Child Abuse and Domestic Abuse Incident Reporting System* (Aug. 11, 2016).

⁶² Pub. L. No. 114-328, § 574 (2016)

DOD Reports Annually on Sexual Harassment, but Does Not Have Reasonable Assurance That the Military Services Maintain Consistent Data on Sexual Harassment Incidents

Though not required to do so, DOD has included sexual harassment incident data in an appendix of its annual report on sexual assault in the military.⁶³ The appendix provides information on the total number of sexual harassment reports over the fiscal year and the total number of substantiated sexual harassment reports. It also breaks down complaints by sex, service, and pay grade. ODMEIO generates the reported data through annual data calls to each military service; however, it does not have assurance that the services maintain consistent data on sexual harassment incidents consistent with federal standards of internal control.

The military services maintain sexual harassment incident data in military service-specific databases, and there is no centralized database similar to DSAID or the Central Registry. The military service databases are intended to collect data on formal complaints. According to the military services, the Army, the Air Force, and the Marine Corps use web-based systems, and the Navy tracks data using an Excel spreadsheet. Each service has a discrete process for entering and performing quality checks on sexual harassment incident data in its respective database, as shown in table 2.

Table 2: Military Services’ Respective Sexual Harassment Databases and Processes for Entering Data and Performing Quality Checks

Military service	Database	Personnel who enter the data	Data quality checks performed
Air Force	MicroPact’s iComplaints and Intellitrak	<ul style="list-style-type: none"> Equal opportunity personnel at Air Force installations 	<ul style="list-style-type: none"> Quarterly reviews from the major command strategic advisors Inspections
Army	Integrated Case Reporting System (ICRS)	<ul style="list-style-type: none"> Sexual Assault Response Coordinators 	<ul style="list-style-type: none"> Comparisons of input provided manually by data calls from ICRS
Navy	Excel spreadsheet	<ul style="list-style-type: none"> Sexual Harassment Prevention and Equal Opportunity personnel who enter data from operational reports 	<ul style="list-style-type: none"> Information is checked by a second Sexual Harassment Prevention and Equal Opportunity individual

⁶³ *Department of Defense Annual Report on Sexual Assault in the Military: Fiscal Year 2016*, Appendix H, *Sexual Harassment Data* (May 1, 2017).

Military service	Database	Personnel who enter the data	Data quality checks performed
Marine Corps	Discrimination and Sexual Harassment (DASH) database	<ul style="list-style-type: none"> Equal opportunity advisors 	<ul style="list-style-type: none"> Oversight responsibility of the Equal Opportunity Advisor DASH is linked with the Marine Corps personnel system to capture official data from the personnel file

Source: GAO analysis of military service database information. | GAO-18-33

Although the military services perform some data quality checks as shown in table 2, ODMEIO does not have assurance the military services are maintaining consistent data because it has not defined standard data elements and definitions for the information in their databases. Rather, the individual military services have established their own data elements and definitions. We compared data elements and definitions from each of the military services and found that there are several data elements that remain consistent throughout the services. For example, each military service records whether the complainant and offender are in the same unit, what their relationship is to each other, and the disposition of cases.

However, we also found inconsistencies in data fields and their definitions across the military services, and some of the military services have data fields and definitions that do not exist in other databases. For example, the Marine Corps records whether or not the incident involves alcohol or drug use, which the rest of the military services do not record, and the military services record dates differently between their respective databases. For example, the Air Force records an initial date, the date the complaint form was signed, the date the general court martial was sent, the date the legal review was completed, and the final review date. The Marine Corps records the date the incident was reported, the date the incident occurred and whether the incident occurred over multiple dates; the dates associated with notifications and status updates to general courts martial proceedings; the dates associated with steps in the investigation, including any extensions; the dates associated with dispositions; and the dates associated with appeals. Additionally, the military services have different ways of categorizing sexual harassment incidents, as shown in table 3.

Table 3: Military Services' Respective Categories for Sexual Harassment Incidents

Military service	Data field	Data description
Army	Harassed type	<ul style="list-style-type: none"> Crude/offensive behavior Unwanted sexual attention Sexual coercion

Military service	Data field	Data description
Air Force	Confirmed type	<ul style="list-style-type: none"> Crude/offensive Behavior Unwanted sexual behavior Sexual coercion Verbal, physical, nonverbal, other
Navy	Nature of allegation	<ul style="list-style-type: none"> Crude/offensive behavior Unwanted sexual attention Sexual coercion Not applicable
Marine Corps	Type of sexual harassment	<ul style="list-style-type: none"> Crude/offensive behavior Unwanted sexual attention Sexual coercion

Source: Department of Defense | GAO-18-33

As shown in table 3, while some data descriptions are similar—for instance, each of the military services include crude/offensive behavior, unwanted sexual attention, and sexual coercion—there are differences as well. The Air Force also categorizes sexual harassment into verbal, nonverbal, physical, and other, for example, whereas the other military services’ top-level categories are different. The Navy has a “not applicable” category that it describes as sexual harassment complaints that do not fall under sexual harassment, and only the Air Force has an “other” category. Because the military services have different descriptors for similar data fields, DOD cannot ensure that the services are categorizing similar types of sexual harassment in the same way.

In addition, we found that the Army is more detailed in characterizing different types of sexual harassment. Specifically, as shown in table 4, the Army has an additional data field that provides more detailed descriptions of three types of sexual harassment; the other military services’ respective databases do not have this level of detail.

Table 4: Descriptions of Three Types of Sexual Harassment That the Army Provides in Its Database

Type of sexual harassment	Description
Verbal	Making sexual jokes and sexual comments; using sexually explicit profanity; sexually oriented cadences; using terms of endearment; making sexually oriented threats; whistling in a sexually suggestive manner; and describing certain attributes of one’s physical appearance in a sexual manner.
Nonverbal	Blowing kisses, licking lips in a suggestive manner, displaying sexually oriented printed materials, sending sexually oriented messages, displaying sexually oriented screensavers, staring, or “undressing with eyes,” and winking.
Physical	Touching, pinching, grabbing, cornering, blocking passageway, patting, bumping, providing unsolicited back or neck rubs, and kissing.

Source: Department of Defense | GAO-18-33

Because the Army has this additional data field, it can capture information on multiple types of harassment that may occur in a single incident. The other military services, in contrast, do not have this capability in their respective databases. To illustrate, if one case of sexual harassment involved both verbal and nonverbal forms of sexual harassment, the Army could choose a more specific characterization to describe the incident, while the other military services would characterize the incident in more general terms.

ODMEO officials are considering adapting an existing system to track instances of sexual harassment department-wide. That system, called Force Risk Reduction (FR2), is currently used to track safety issues like military injuries, civilian workers' compensation claims, and casualty notifications at DOD. ODMEO recently completed a pilot of the system with the Marine Corps, the Navy, and the Army to test whether it would be useable for adaptation for sexual harassment data, and is planning a second pilot to include the Air Force and the National Guard Bureau.

According to ODMEO officials, their adaptation of FR2 is intended to collect aggregate-level sexual harassment data from the military services, and the military services will continue to operate and rely on their individual databases to maintain more detailed case-level information on incidents. For example, ODMEO's adaptation of FR2 would not have details such as descriptions of specific incidents, or information on dates associated with investigations or appeals. These types of data will continue to be maintained in the service systems. ODMEO officials told us that their new data system, if implemented, is not designed to collect case-level details in order to avoid personally identifiable information.

Federal internal control standards state that management should define the identified information requirements at the relevant level and requisite specificity for appropriate personnel. Management should also process the obtained data into quality information. Consistency of information meets the identified information requirements when relevant data from reliable sources are used.⁶⁴ While DOD is exploring implementing a system to track instances of sexual harassment department-wide, as currently planned this system will not collect case-level details and

⁶⁴ [GAO-14-704G](#).

individual military service systems will continue to be relied upon for this type of information.

Inconsistencies in data elements and definitions among the military services generally mean that one military service may be maintaining sexual harassment data that are more or less detailed than sexual harassment data maintained by other military services, or that is simply different from the data maintained by other military services. Additionally, inconsistent data elements and definitions may create difficulties in reporting sexual harassment data from the military services to OSD for a department-wide report, since ODMEIO has to adapt data from the services to fit reporting requirements. Without standard data elements and definitions for sexual harassment data, DOD will continue to lack assurance about the consistency of these data across the military services.

DOD Has Several Overarching Efforts to Address Unwanted Sexual Behaviors across the Continuum of Harm

DOD has several overarching efforts to address unwanted sexual behaviors across the continuum of harm. Specifically, the department established an office to oversee the integration and coordination of unwanted sexual behaviors in 2015 and is in the process of developing an overarching prevention strategy. However, because the strategy is under development, it is unclear whether it will contain key elements for long-term and results-oriented strategic planning. DOD also has ongoing collaborative efforts to address unwanted sexual behaviors along the continuum of harm. Specifically, we identified 15 collaborative efforts, including regular meetings, Integrated Product Teams, and working groups that involve multiple entities that address unwanted sexual behaviors.⁶⁵

DOD Is Developing an Overarching Prevention Strategy to Address the Continuum of Harm, but It Is Unclear

⁶⁵ For selected mechanisms that the federal government uses to facilitate interagency collaboration, see *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012).

Whether DOD Will Include Key Elements of a Long-Term, Results-Oriented Strategy

DOD has taken steps to integrate activities related to the continuum of harm and is in the process of developing an overarching prevention strategy. Based on its research, DOD has sought to understand and define the continuum of harm, including the shared characteristics that contribute to increased unwanted sexual behaviors along the continuum and implications for prevention and response efforts. Also, in November 2015, DOD established a new entity—the Office of the Executive Director for Force Resiliency, within the Office of the Assistant Secretary of Defense for Readiness—to oversee policies and initiatives related to the continuum of harm. Specifically, the Executive Director for Force Resiliency was expected to provide senior leader policy guidance and oversight on high visibility departments that include SAPRO and ODMEO. In November 2016, the Office of the Executive Director for Force Resiliency was absorbed under the Assistant Secretary of Defense for Readiness. According to the Assistant Secretary of Defense for Readiness, the functions of the Office of the Executive Director for Force Resiliency remain and coordination of the efforts of several offices that address the continuum of harm continues.

Officials from the Assistant Secretary of Defense for Readiness and SAPRO told us that they are drafting an overarching prevention strategy to encompass behaviors along the continuum of harm. However, because the strategy is still under development, its contents and timelines are unclear. We have previously identified six elements of strategic management planning that are key for establishing a long-term, results-oriented strategic planning framework: (1) a mission statement, (2) long-term goals, (3) strategies to achieve goals, (4) external factors that could affect goals, (5) the use of metrics to gauge progress, and (6) evaluations of the plan to monitor goals and objectives.⁶⁶

By incorporating the elements of a comprehensive and results-oriented strategy into its overarching prevention strategy, the department will be better positioned to effectively coordinate and integrate prevention activities and reduce unwanted sexual behaviors. A mission statement, along with long-term goals and strategies to achieve those goals, should help to focus efforts in integrating prevention activities, and metrics and

⁶⁶ [GAO/GGD-97-180](#) and [GAO-11-523](#).

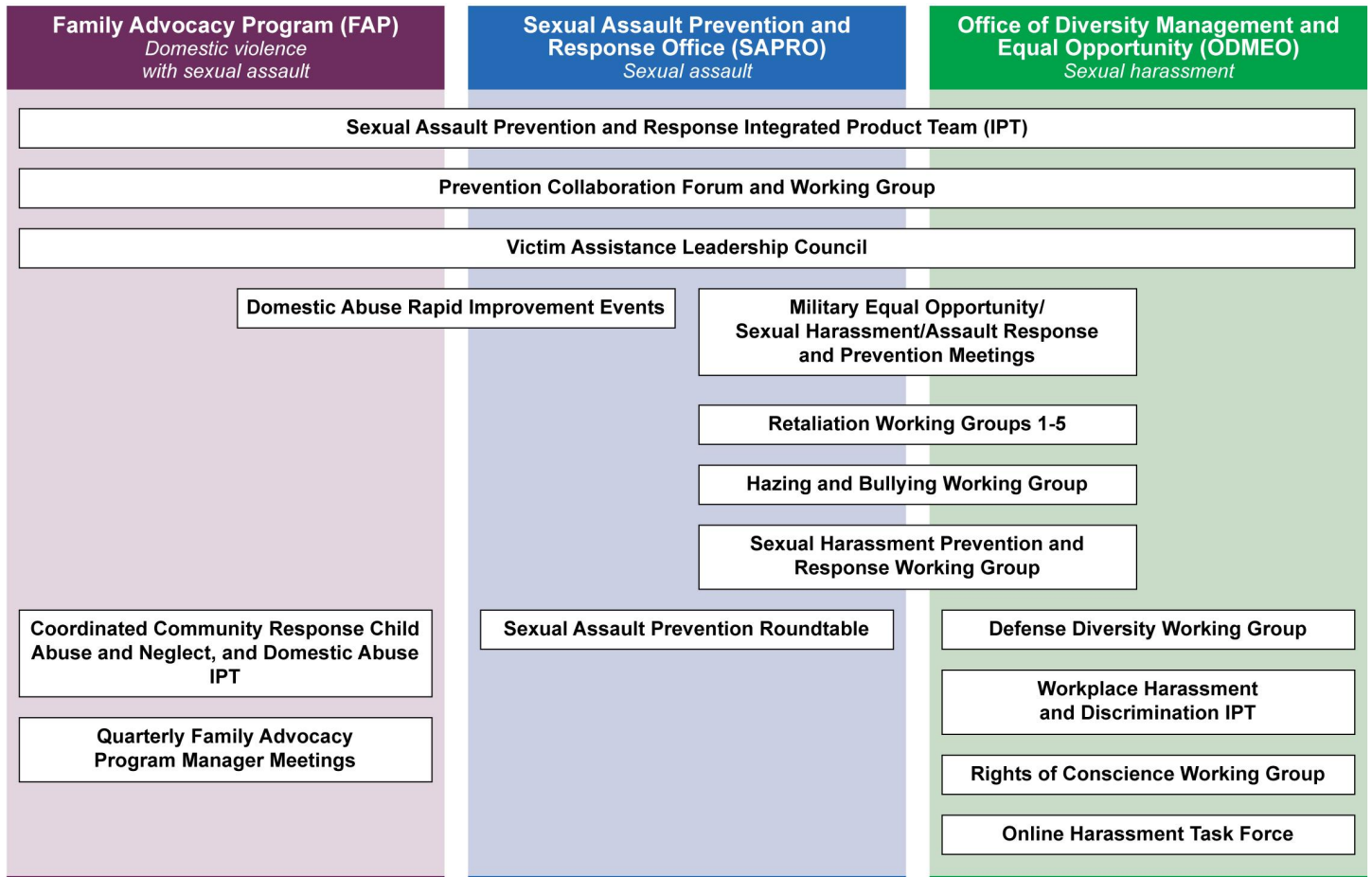
evaluations will allow the department to gauge progress and make changes as necessary, while also accounting for external factors that may impact progress towards goals.

DOD Has Ongoing Collaborative Efforts to Address Behaviors along the Continuum of Harm

Our review identified 15 collaborative efforts that DOD has used to address behaviors along the continuum of harm, including sexual harassment, sexual assault, and domestic violence involving sexual assault. Three of these efforts are cross-cutting between all three of the key OSD stakeholders—ODMEO, FAP, and SAPRO—and five involve cross-cutting efforts by at least two of the key stakeholders.⁶⁷ Figure 1 lists DOD's 15 collaborative efforts.

⁶⁷ We have previously reported that federal agencies use a variety of mechanisms when collaborating on issues. These collaborative mechanisms can be used to address a range of purposes including policy development; program implementation; oversight and monitoring; information sharing and communication; and building organizational capacity, such as staffing and training. Frequently, agencies use more than one mechanism to address an issue. See [GAO-12-1022](#).

Figure 1: The Department of Defense’s Collaborative Efforts Addressing Unwanted Sexual Behaviors



Source: GAO analysis of Department of Defense information. | GAO-18-33

Regarding the three cross-cutting efforts involving all three of the key stakeholders,

- The Sexual Assault Prevention and Response Integrated Product Team provides a forum for OSD, the military departments, and the National Guard Bureau to address sexual assault prevention efforts. The team meets bimonthly and serves as the implementation and oversight arm for DOD’s Sexual Assault Prevention and Response (SAPR) program. The team also coordinates new policies; reviews existing SAPR policies and programs to ensure they are consistent with applicable instructions; and monitors the progress of program elements including DOD’s SAPR strategic plan tasks, DOD’s sexual

assault prevention strategy tasks, and implementation of NDAA-related sexual assault issues. SAPRO leads this effort.

- The Prevention Collaboration Forum and working group develops coordinated prevention approaches that address factors impacting personnel readiness such as sexual harassment, sexual assault, and domestic violence involving sexual assault. According to its proposed charter, the focus of the forum is on enhancing the health of military unit and family climates as well as strengthening and promoting the resiliency and readiness of the total force through a coordinated effort around integrated policies, collaborative direction of research, alignment of resources, analysis of gaps, and synchronization of activities. The Assistant Secretary of Defense for Readiness leads this effort with SAPRO providing administrative and facilitation support.
- The Victim Assistance Leadership Council advises the Under Secretary of Defense for Personnel and Readiness on policies and practices related to victim assistance across DOD. According to its charter, the council provides a forum for senior leaders to exchange information and collaborate on issues affecting victims of all forms of crime and harassment within DOD, including but not limited to victims of sexual harassment, sexual assault, and domestic violence involving sexual abuse. Leadership rotates between SAPRO, FAP, and ODMEO and other offices.

Regarding the cross-cutting efforts involving two of the three key stakeholders, the Sexual Harassment Prevention and Response Working Group is led by ODMEO and includes SAPRO. The group was established to evaluate how to best position sexual harassment prevention and response policy and oversight and to leverage technology to automate annual reporting requirements. The four other cross-cutting efforts are (1) the hazing and bullying working group, (2) retaliation working groups created under the SAPR Integrated Process Team,⁶⁸ (3) domestic abuse rapid improvement events, and (4) ODMEO and SHARP meetings.

The remaining collaborative efforts we identified are specific to FAP, SAPRO, and ODMEO. For example, the Sexual Assault Prevention Roundtable is a forum for representatives from OSD, the military departments, and the National Guard Bureau to share information on sexual assault prevention efforts and requirements. According to its

⁶⁸ Once their tasks were completed these working groups ceased to function, with the majority finalizing their activities by January 2017.

charter, the roundtable's activities include, among other things, sharing promising practices and prevention updates; discussing challenges in prevention program implementation, including servicemember training, and identifying approaches to address them; identifying metrics to assess the impact and effectiveness of prevention efforts, and opportunities to collaborate on research projects; and tracking the implementation of prevention tasks identified in the DOD SAPR strategy. SAPRO leads this effort. The Defense Diversity Working Group is an ODMEO-specific group that collaborates with various OSD and military service offices on military and civilian diversity and inclusion issues and implements mandated diversity plans and programs.

Conclusions

Studies by DOD and others have shown that unwanted sexual behaviors do not exist in isolation but are part of a range of interconnected, inappropriate behaviors that are connected to the occurrence of a sexual assault. While DOD has policies and procedures to prevent and respond to these types of unwanted behaviors, some of the policies do not include key elements like anonymous reporting of sexual harassment and principles in the CDC framework for sexual violence prevention. Fully including these elements in the department's policies can help ensure that the military services are interpreting and applying prevention and response efforts consistently and may also decrease the risk of perpetration or victimization related to instances on unwanted sexual behaviors. Further, DOD has developed reliable data systems for collecting and reporting data on some of the unwanted sexual behaviors including sexual assault and instances of domestic violence with sexual assault. However, inconsistencies in sexual harassment data elements and definitions may be creating difficulties in developing department-wide reports on unwanted sexual behaviors. Improving and standardizing data collection efforts will not only improve the quality of data that DOD and the military services collect but may also increase the ability for DOD to further develop its understanding of the connection between unwanted sexual behaviors. Finally, DOD officials have stated that they are in the early stages of developing an overarching strategy to address the interconnected nature of the range of unwanted sexual behaviors. To ensure that the department is appropriately concentrating its efforts to prevent and respond to the full range of unwanted behaviors, it is important that DOD include elements of a long-term, results-oriented strategy into its overarching prevention strategy. In doing so, DOD will be

in a better position to effectively coordinate and integrate prevention activities and ultimately reduce instances of unwanted sexual behaviors.

Recommendations for Executive Action

We are making the following four recommendations to DOD:

The Under Secretary of Defense for Personnel and Readiness should fully include in the new policy for sexual harassment the principles in the Centers for Disease Control's framework for sexual violence prevention, including risk and protective factors, risk domains, and tertiary strategies. (Recommendation 1)

The Under Secretary of Defense for Personnel and Readiness should include in the new policy for sexual harassment mechanisms for anonymous reporting of incidents consistent with section 579 of the National Defense Authorization Act for FY 2013. (Recommendation 2)

The Under Secretary of Defense for Personnel and Readiness should (1) direct the Office of Diversity Management and Equal Opportunity to develop standard data elements and definitions for maintaining and reporting information on sexual harassment incidents at the military service level, and (2) direct the military services to incorporate these data elements and definitions into their military service-specific databases. (Recommendation 3)

The Under Secretary of Defense for Personnel and Readiness should direct the Assistant Secretary of Defense for Readiness to incorporate in its continuum of harm prevention strategy all the elements that are key for establishing a long-term, results-oriented strategic planning framework. The elements are (1) a mission statement, (2) long-term goals, (3) strategies to achieve goals, (4) external factors that could affect goals, (5) use of metrics to gauge progress, and (6) evaluations of the plan to monitor goals and objectives. (Recommendation 4)

Agency Comments and Our Evaluation

We provided a draft of this report to DOD and CDC for review and comment. In its written comments, DOD concurred with three recommendations and partially concurred with one, noting planned actions to address this recommendation. DOD's comments are reprinted


in their entirety in appendix II. DOD and CDC also provided technical comments, which we incorporated into the report as appropriate.

DOD concurred with our three recommendations that DOD fully include in the new policy for sexual harassment the principles in the CDC's framework for sexual violence prevention, that DOD also include in the new sexual harassment policy mechanisms for anonymous reporting, and that DOD incorporate in its continuum of harm strategy all the elements that are key for establishing a long-term, results-oriented strategic planning framework.

With regard to our recommendation that DOD develop standard data elements and definitions for maintaining and reporting information on sexual harassment incidents and direct the military services to incorporate these into their databases, DOD partially concurred and stated that while a 2013 policy memorandum provides standard data elements and definitions, the services collect other data elements based on their unique needs. DOD stated that ODMEO will conduct a review to determine compliance with DOD reporting requirements and identify emerging policy modifications or changes/additions to standard definitions.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, and the Director, Centers for Disease Control and Prevention. In addition, the report is available at no charge on the GAO website <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-3604 or farrellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix III.



Brenda S. Farrell
Director, Defense Capabilities and Management

Appendix I: Scope and Methodology

To determine the extent to which the Department of Defense (DOD) has policies on sexual harassment that include Centers for Disease Control and Prevention (CDC) principles and relevant legislative elements, we obtained and reviewed Office of the Secretary of Defense (OSD) and service-level sexual harassment policies.¹ We compared the policies with a framework developed by the CDC for preventing sexual violence, which CDC defines as including non-contact unwanted sexual behaviors, sexual harassment, and physical sexual assault.² CDC's model is based on the concept of addressing the health of a given population based on common risk and protective factors and effective, tested strategies. We reviewed CDC's framework for preventing sexual violence as well as our report on DOD's sexual assault prevention strategy to identify six principles that an organization can include in a sexual violence prevention strategy or policy:³

- Risk factors: Factors that may put people at risk for sexual violence perpetration or victimization, such as an organizational climate that either explicitly or implicitly condones sexual harassment;
- Protective factors: Factors that may protect high-risk people from harm, such as an organizational climate that promotes respect among personnel at all levels;
- Primary strategies for prevention: Strategies that occur before sexual violence takes place to prevent initial perpetration, such as sexual harassment prevention training;

¹ DOD Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program* (Aug. 18, 1995)(incorporating Change 2, effective June 8, 2015); Air Force Instruction 36-2706, *Equal Opportunity Program, Military and Civilian* (Oct. 5, 2010)(incorporating Air Force Guidance Memorandum 2017-01, effective Feb. 9, 2017); Marine Corps Order 1000.9A, *Sexual Harassment* (May 30, 2006); Office of the Chief of Naval Operations Instruction 5300.13, *Navy Sexual Harassment Prevention and Response Program* (July 24, 2017); and Army Regulation 600-20, *Army Command Policy, Chapter 7: Prevention of Sexual Harassment* (Nov. 6, 2014).

² CDC, *Sexual Violence Prevention: Beginning the Dialogue* (Atlanta, GA: 2004) and *Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements* (Atlanta, GA: 2014).

³ GAO, *Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy and to Help Ensure It Is Effectively Implemented*, [GAO-16-61](#) (Washington, D.C.: Nov. 4, 2015).

- Secondary strategies for prevention: Immediate responses after sexual violence has occurred to address the early identification of victims and the short-term consequences of violence, such as reporting mechanisms and immediate interventions;
- Tertiary strategies for prevention: Long-term responses after sexual violence has occurred to address the lasting consequences of violence and sex-offender treatment interventions, such as the long-term treatment of the victim and perpetrator; and
- Risk domains: Levels at which risk and protective factors should be categorized, including: individual, relationship, community, and society. DOD has previously adapted risk domains to the military population, using the levels of: individual, relationship, leaders at all levels, military community, and society.⁴

DOD previously used CDC's framework for preventing sexual violence in the department's 2014-2016 Sexual Assault Prevention Strategy.⁵ In addition, we reviewed the OSD and service-level sexual harassment policies to determine the extent to which they included three elements identified in the National Defense Authorization Act (NDAA) for FY 2013, which directed DOD to develop a comprehensive policy that includes sexual harassment prevention training for the armed forces; mechanisms for reporting incidents, including mechanisms for anonymous reporting; and mechanisms for responding to and resolving instances of sexual harassment, including for the prosecution of perpetrators.⁶ Two GAO analysts independently reviewed the policies and determined whether or not each element was included. Any discrepancies were resolved through discussion and consultation with a third analyst. We interviewed officials in the Under Secretary of Defense for Personnel and Readiness' Office of Diversity Management and Equal Opportunity, who oversee department-wide policy on sexual harassment, to obtain an understanding of their roles and processes regarding sexual harassment as well as the status of

⁴ CDC does not use the term "risk domains" but instead refers to this construct as "levels of the social ecology" (individual, relationship, community, and societal) where risk and protective factors exist and interact to create a physiological, psychological, socio-cultural, and physical environment that either encourages or discourages sexual violence.

⁵ Department of Defense, 2014-16 Sexual Assault Prevention Strategy (Apr. 30, 2014); GAO has previously reported that CDC's public health and socioecological models provide a foundational guide for preventing sexual violence. See GAO, *Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy to Help Ensure It Is Effectively Implemented*, [GAO-16-61](#) (Washington, D.C.: Nov. 5, 2015).

⁶ Pub. L. No. 112-239, §579 (2013).

policy development in that area. We also interviewed officials from military equal opportunity offices in the Air Force, the Navy, and the Marine Corps, as well as officials from the Army's Sexual Harassment/Assault Response and Prevention Office to obtain an understanding of the service sexual harassment offices and roles, as well as the status of updates to their respective policies.

To determine the extent to which DOD has processes for maintaining and reporting consistent data on incidents of unwanted sexual behaviors, we reviewed DOD reports to Congress that provide incident data regarding unwanted sexual behaviors, including DOD's most recent annual report on sexual assault in the military.⁷ We identified the databases that generate the reported data and evaluated the processes for assuring the quality and consistency of data in those databases—including the Defense Sexual Assault Incident Database, which maintains sexual assault data; the Central Registry database, which maintains data on domestic violence involving sexual assault; and various military service-level databases that maintain sexual harassment data. To evaluate DOD's reported data we reviewed pertinent statutory provisions, DOD guidance, and the Standards for Internal Control in the Federal Government that address agencies' use of quality data and our prior reports evaluating sexual assault data.⁸ In evaluating the reported data, we obtained and reviewed statutory provisions with reporting requirements, as well as DOD guidance on data collection for sexual harassment, sexual assault, and domestic violence involving sexual abuse.⁹ With regard to DOD efforts to collect and maintain sexual assault

⁷ DOD, *Department of Defense Annual Report on Sexual Assault in the Military: Fiscal Year 2016* (Washington, D.C.: May 1, 2017).

⁸ See National Defense Authorization Act for Fiscal Year 2011, Pub. L. No. 111-383, §1631 (2011). Also see DOD Manual 6400.01, Vol. 2, *Family Advocacy Program: Child Abuse and Domestic Abuse Incident Reporting System*, Volume Two (Aug. 11, 2016); GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014); *Sexual Violence Data: Actions Needed to Improve Clarity and Address Differences Across Federal Data Collection Efforts*, [GAO-16-546](#) (Washington, D.C.: July 19, 2016); and *Military Personnel: DOD Has Processes for Operating and Managing Its Sexual Assault Incident Database*, [GAO-17-99](#) (Washington, D.C.: Jan. 10, 2017).

⁹ See Ike Skelton National Defense Authorization Act for Fiscal Year 2011, Pub. L. No. 111-383, §§ 548 and §1631 (Jan. 7, 2011)(*codified at* 10 U.S.C. § 1562 note); National Defense Authorization Act for Fiscal Year 2013, Pub. L. No. 112-239, §579 (Jan. 2, 2013); and National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, §§543-§545, 548, 574 (Dec. 23, 2016).

data, we met with OSD, Navy, Air Force, and Marine Corps officials in their respective Sexual Assault Prevention and Response offices as well as officials in the Army's Sexual Harassment/Assault Response and Prevention office. We also reviewed our prior report on DOD's Defense Sexual Assault Incident Database and our prior report that evaluated sexual assault data across agencies.¹⁰ To determine whether DOD has processes for collecting and maintaining consistent data for domestic violence with sexual assault, we obtained and compared data elements and processes from DOD's Central Registry database, which contains data for domestic violence throughout the department.¹¹ We also obtained and reviewed policies that outline processes for collecting and reporting domestic violence involving sexual abuse data, and interviewed officials from Family Advocacy Program offices in OSD and the Army, Navy, Marine Corps, and Air Force to determine data reliability and comprehensiveness. To determine the extent to which reports of sexual assault, including reports of sexual assault among servicemembers and reports of domestic abuse involving sexual assault, meet statutory requirements for reporting, we reviewed DOD reports to Congress that provide sexual assault incident data, including DOD's most recent annual report on sexual assault in the military and compared those reports with requirements in the NDAA for FY 2011, which directs DOD to report the total number of substantiated and unsubstantiated sexual assault incidents, among other things.¹² With regard to sexual harassment data, we interviewed officials in the Under Secretary of Defense for Personnel and Readiness' Office of Diversity Management and Equal Opportunity, as well as officials from the Military Equal Opportunity offices in the Air Force, Marine Corps, and Navy, and officials from the Army Sexual Harassment/Assault Response and Prevention office. We collected and compared data fields and data definitions from the Army, Navy, Marine

¹⁰ GAO, *Military Personnel: DOD Has Processes for Operating and Managing Its Sexual Assault Incident Database*, [GAO-17-99](#) (Washington, D.C.: Jan. 10, 2017) and *Sexual Violence Data: Actions Needed to Improve Clarity and Address Differences Across Federal Data Collection Efforts*, [GAO-16-546](#) (Washington, D.C.: July 19, 2016)

¹¹ DOD Manual 6400.01, Vol. 2, *Family Advocacy Program: Child Abuse and Domestic Abuse Incident Reporting System*, Volume Two (Aug. 11, 2016).

¹² See Pub. L. No. 111-383, §1631 (2011). DOD, *Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2016* (May 1, 2017); *Department of Defense Annual Report on Sexual Assault in the Military, Appendix H: Sexual Harassment Data* (May 1, 2017); and *Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2016, Appendix J: Domestic Abuse Related Sexual Assault* (May 1, 2017).

Corps, and Air Force offices that address sexual harassment. We compared the data elements to determine whether the data elements and definitions across the services are consistent.

To identify the extent to which DOD has overarching efforts, including a prevention strategy, to address unwanted sexual behaviors across the continuum of harm, we met with officials in the Office of the Assistant Secretary of Defense for Readiness and DOD's Sexual Assault Prevention and Response office. We reviewed our prior work and provisions from the Government Performance and Results Act to identify key elements that should be included in strategic plans as well as standards for coordinating within agencies. Key elements include (1) mission statement, (2) long-term goals, (3) strategies to achieve goals, (4) external factors that could affect goals, (5) use of metrics to gauge progress, and (6) evaluations of the plan to monitor goals and objectives. We identified and reviewed coordinating mechanisms used by OSD and the service offices that guide and oversee efforts to address unwanted sexual behaviors. We reviewed DOD, RAND Corporation, and CDC reports that addressed the continuum of harm and the relationship between the various forms of unwanted sexual behaviors.¹³ We interviewed officials from OSD and service-level Sexual Assault Prevention and Response, Family Advocacy, and Military Equal Opportunity offices and the Army's Sexual Harassment/Assault Response and Prevention to identify the various efforts in which they participate. We also collected and reviewed charters and meeting notes for integrated product teams and working groups to identify their intended purposes, their activities, their membership, and whether they involved multiple offices addressing unwanted sexual behaviors. In identifying DOD's collaborative efforts, we also reviewed our prior work on collaboration among federal agencies but we did not assess the effectiveness of department's collaborative efforts.¹⁴

¹³ DOD, *2016 Workplace and Gender Relations Survey of Active Duty Members* (May 2017); RAND Corporation, *Improving Oversight and Coordination of Department of Defense Programs That Address Problematic Behaviors Among Military Personnel* (2017); RAND Corporation, *Sexual Assault and Sexual Harassment in the U.S. Military: Top-Line Estimates for Active-Duty Service Members from the 2014 RAND Military Workplace Study* (2014); and CDC, *Connecting the Dots: An Overview of the Links Among Multiple Forms of Violence* (July, 2014).

¹⁴ GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012).

We conducted this performance audit from August 2016 to December 2017 in accordance with generally accepted government auditing standards. Those 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.

Appendix II: Comments from the Department of Defense



READINESS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

NOV 30 2017

Ms. Brenda S. Farrell
Director, Defense Capabilities and Management
U.S. Government Accountability Office
441 G Street, NW
Washington DC 20548

Dear Ms. Farrell:

Thank you for the opportunity to respond to the Government Accountability Office (GAO) draft report, GAO-18-33, "Sexual Violence: Actions Needed to Improve DoD Efforts to Address the Continuum of Unwanted Sexual Behaviors" (GAO Code 101088), as well as GAO's recommendations. The Department of Defense (DoD) response to GAO's recommendations, including an addendum containing technical edits to address inaccurate information as part of DoD's response, is enclosed.

I have also enclosed the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) memorandum, "Information and Data on Substantiated Incidents of Sexual Harassment," dated August 30, 2013, and the USD(P&R) policy memorandum, "Prevention and Response to Sexual Harassment," dated September 19, 2014, which relate to the DoD responses to GAO recommendations 2 and 3. My point of contact for this issue is Ms. Shirley Raguindin, who can be reached at (703) 571-9331, or shirley.s.raguindin.civ@mail.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth P. Van Winkle".

Elizabeth P. Van Winkle, Ph.D.
Principal Director, Force Resiliency

Enclosures:
As stated

DOD's second enclosure, the Under Secretary of Defense for Personnel and Readiness memorandum, is not included in this appendix.

**Department of Defense (DoD) Response to Government Accountability Office (GAO)
Recommendations**

**Sexual Violence: Actions Needed to Improve DoD Efforts to Address the Continuum of
Unwanted Sexual Behaviors (GAO-18-33)**

GAO's Four Recommendations to DoD:

Recommendation 1. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) should fully include in the new policy for sexual harassment the guiding principles in the Centers for Disease Control's framework for sexual violence prevention, including risk and protective factors, risk domains, and tertiary strategies.

DoD's Response: Concur.

Recommendation 2. USD(P&R) should include in the new policy for sexual harassment mechanisms for anonymous reporting of incidents consistent with Section 579 of the National Defense Authorization Act (NDAA) for FY 2013.

DoD's Response: Concur. The USD(P&R) policy memorandum, *Prevention and Response to Sexual Harassment*, dated September 19, 2014, includes provisions for anonymous reporting consistent with Section 579 of the NDAA. The Department is including these mechanisms and its new overall comprehensive harassment policy.

Recommendation 3. USD(P&R) should (1) direct the Office of Diversity Management and Equal Opportunity (ODMEO) to develop standard data elements and definitions for maintaining and reporting information on sexual harassment incidents at the Service level, and (2) direct the Military Services to incorporate these data elements and definitions into their service-specific databases.

DoD's Response: Partially Concur. While the USD(P&R) policy memorandum, *Information and Data on Substantiated Incidents of Sexual Harassment*, dated August 30, 2013, provides standard data elements and definitions for each of the military departments, consistent with Section 579 of the NDAA. The Department recognizes that the Services collect other data elements based on their unique needs; however, ODMEO will conduct a review to determine compliance with DoD reporting requirements and identify emerging policy modifications or changes/additions to standard definitions.

Recommendation 4. USD(P&R) should direct the Assistant Secretary of Defense for Readiness to incorporate in its continuum of harm prevention strategy all the elements that are key for establishing a long-term, results-oriented strategic planning framework. The elements include (1) a mission statement, (2) long-term goals, (3) strategies to achieve goals, (4) external factors that could affect goals, (5) use of metrics to gauge progress, and (6) evaluations of the plan to monitor goals and objectives.

DoD's Response: Concur.

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Brenda S. Farrell, (202) 512-3604 or farrellb@gao.gov

Staff Acknowledgments

In addition to the staff named above, key contributors to this report include Thomas Gosling (Assistant Director); Isabel Band; Matthew Bond; Vincent Buquicchio; Caroline DeCelles; Mae Jones; Kirsten Lauber; and Brian Pegram.

Appendix IV: Accessible Data

Agency Comment Letter

Text of Appendix II: Comments from the Department of Defense

Page 1

NOV, 30, 2017

Ms. Brenda S. Farrell

Director, Defense Capabilities and Management

U.S. Government Accountability Office 441 G Street, NW

Washington DC 20548 Dear Ms. Farrell:

Thank you for the opportunity to respond to the Government Accountability Office (GAO) draft report, GAO-18-33, "Sexual Violence: Actions Needed to Improve DoD Efforts to Address the Continuum of Unwanted Sexual Behaviors" (GAO Code 101088), as well as GAO's recommendations. The Department of Defense (DoD) response to GAO's recommendations, including an addendum containing technical edits to address inaccurate information as part of DoD's response, is enclosed.

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Sincerely,

Elizabeth P. Van Winkle, Ph.D. Principal Director, Force Resiliency

Enclosures:

As stated

Page 2

Department of Defense (DoD) Response to Government Accountability Office (GAO) Recommendations

Sexual Violence: Actions Needed to Improve DoD Efforts to Address the Continuum of Unwanted Sexual Behaviors (GAO-18-33)

GAO's Four Recommendations to DoD:

Recommendation 1.

The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) should fully include in the new policy for sexual harassment the guiding principles in the Centers for Disease Control's framework for sexual violence prevention, including risk and protective factors, risk domains, and tertiary strategies.

DoD's Response: Concur.

Recommendation 2.

USD(P&R) should include in the new policy for sexual harassment mechanisms for anonymous reporting of incidents consistent with Section 579 of the National Defense Authorization Act (NDAA) for FY 2013.

DoD's Response: Concur.

The USD(P&R) policy memorandum, Prevention and Response to Sexual Harassment, dated September 19, 2014, includes provisions for anonymous reporting consistent with Section 579 of the NDAA. The Department is including these mechanisms and its new overall comprehensive harassment policy.

Recommendation 3.

USD(P&R) should (1) direct the Office of Diversity Management and Equal Opportunity (ODMEO) to develop standard data elements and definitions for maintaining and reporting information on sexual

harassment incidents at the Service level, and (2) direct the Military Services to incorporate these data elements and definitions into their service-specific databases.

DoD's Response: Partially Concur.

While the USD(P&R) policy memorandum, Information and Data on Substantiated Incidents of Sexual Harassment, dated August 30, 2013, provides standard data elements and definitions for each of the military departments, consistent with Section 579 of the NDAA. The Department recognizes that the Services collect other data elements based on their unique needs; however, ODMEO will conduct a review to determine compliance with DoD reporting requirements and identify emerging policy modifications or changes/additions to standard definitions.

Recommendation 4.

USD(P&R) should direct the Assistant Secretary of Defense for Readiness to incorporate in its continuum of harm prevention strategy all the elements that are key for establishing a long-term, results-oriented strategic planning framework. The elements include

(1) a mission statement, (2) long-term goals, (3) strategies to achieve goals, (4) external factors that could affect goals, (5) use of metrics to gauge progress, and (6) evaluations of the plan to monitor goals and objectives.

DoD's Response: Concur.

Related GAO Products

Sexual Assault: Better Resource Management Needed to Improve Prevention and Response in the Army National Guard and Army Reserve. [GAO-17-217](#). Washington, D.C.: February 27, 2017.

Military Personnel: DOD Has Processes for Operating and Managing Its Sexual Assault Incident Database. [GAO-17-99](#). Washington, D.C.: January 10, 2017.

Sexual Violence Data: Actions Needed to Improve Clarity and Address Differences Across Federal Data Collection Efforts. [GAO-16-546](#). Washington, D.C.: July 19, 2016.

DOD and Coast Guard: Actions Needed to Increase Oversight and Management Information on Hazing Incidents Involving Servicemembers. [GAO-16-226](#). Washington, D.C.: February 9, 2016.

Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy and to Help Ensure It Is Effectively Implemented. [GAO-16-61](#). Washington, D.C.: November 4, 2015.

Military Personnel: Actions Needed to Address Sexual Assaults of Male Servicemembers. [GAO-15-284](#). Washington, D.C.: March 19, 2015.

Military Personnel: DOD Needs to Take Further Actions to Prevent Sexual Assault during Initial Military Training. [GAO-14-806](#). Washington, D.C.: September 9, 2014.

Military Personnel: DOD Has Taken Steps to Meet the Health Needs of Deployed Servicewomen, but Actions Are Needed to Enhance Care for Sexual Assault Victims. [GAO-13-182](#). Washington, D.C.: January 29, 2013.

Preventing Sexual Harassment: DOD Needs Greater Leadership Commitment and an Oversight Framework. [GAO-11-809](#). Washington, D.C.: September 21, 2011.

Military Justice: Oversight and Better Collaboration Needed for Sexual Assault Investigations and Adjudications. [GAO-11-579](#). Washington, D.C.: June 22, 2011.

Military Personnel: DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs Need to Be Further Strengthened. [GAO-10-405T](#). Washington, D.C.: February 24, 2010.

Military Personnel: Additional Actions Are Needed to Strengthen DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs. [GAO-10-215](#). Washington, D.C.: February 3, 2010.

Military Personnel: DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges. [GAO-08-924](#). Washington, D.C.: August 29, 2008.

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.: January 17, 2008.

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