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Prepared Statement

of

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Regarding

Military Services Prevention of, and Response to, Sexual Assault

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Chairman Tillis, Ranking Member Gillibrand, and other distinguished Members of the Subcommittee – Thank you for having me here today to discuss sexual assault prevention and response in the military.

I am extremely concerned by the results of the most recent survey of the Service Academies indicating another increase in rates of sexual assault —and about many of the trends and data we are seeing in regards to sexual misconduct within the military at large. However, I sit before you committed and dedicated to making this right. We are leaders in changing culture - you all have provided us the resources and authorities to tackle this - yet our rates show we have not yet solved this complex and difficult challenge.

To be clear, these are not merely data points in yet another DoD report. They are dedicated Service members who volunteered and stepped forward out of commitment and loyalty to our nation. That's why our commitment to solving this problem is absolute. We have a profound, sacred obligation to our Service

members and their safety. Our commitment to their well-being must be no less than the commitment they made when they stepped forward and volunteered to our country. The Department remains committed to our goals of ending sexual assault in the military, providing the highest-quality response to Service members, and holding offenders appropriately accountable.

As you are aware, my office oversees the Department's programs and policies that address our critical challenges including sexual assault, harassment, suicide, and drug use. The Sexual Assault Prevention and Response Office is the Department's authority on this issue and unifies the prevention and response efforts of the Army, Marine Corps, Navy, Air Force, and National Guard. All of the behaviors within my portfolio are challenging issues we, as a society, have not yet solved. As the Department of Defense, we are the ones who have been entrusted by this country to lead the way. We must lead, and we are working to do just that.

The offices under me develop policies and programs aimed at reducing harmful behaviors and preventing violence. We inform our efforts by relying on quantitative and qualitative data from the force and from our partnerships with other experts in this field who have dedicated their lives to addressing these harmful behaviors.

The Department has a tremendously robust data surveillance system we employ to report on the scope of sexual assault within the force. It is this transparency that allows us to have open conversations about our progress and the considerable work we have left to do.

We assess our efforts in a number of ways. We conduct scientific surveys every other year to understand the scope of sexual assault and harassment in the force. We conduct focus groups in the survey off-years to detect emerging issues. And, we study sexual assault reporting data each year so we can understand more about those who made the courageous decision and come forward to report. While we want annual prevalence –

that is, the number of people experiencing sexual assault each year – to go down, we want the rates of reporting to go up.

We have been measuring ourselves in this fashion, using scientific methods, for more than ten years. Scientific surveys provide us the top line estimates for how many Service members, including cadets and midshipmen, have experienced these prohibited behaviors in the past year. While we recognize we will see some variations in rates over time, we want this number to progressively decline over time until we eliminate the crime from the ranks. Our last survey with the active force in 2016 found that past-year prevalence of sexual assault had decreased by a third for women and two thirds for men over the past decade. But we are not seeing this same progress in the Military Service Academies. This is gravely concerning.

In addition to our prevalence estimates, we closely track the number of reports we receive. It may seem counterintuitive, but we want reporting numbers to increase. We want more members to come forward to report so we can hold offenders appropriately

accountable and provide restorative care. We have seen progress in this area as well; our rates of sexual assault reporting more than quadrupled over the last decade, going from 7 percent in 2006 to 32 percent in 2016. But again it is extremely concerning that we are not seeing this same progress in the Service Academies.

We also know it is a very personal decision as to whether someone will come forward and report the experiences they may have had. In both civilian and military sectors of our society, the vast majority of survivors never report the crime. Unfortunately we cannot, as an institution, hold offenders appropriately accountable without individuals feeling comfortable coming forward and reporting. While we will not always be able to address the very personal reasons some individuals choose not to report, we must remove any systematic barriers. To that end, we offer choices in reporting, helping resources, and restorative care, designed to empower victims on their personal pathway to recovery. This includes offering restricted reporting where a member can

confidentially access healthcare, advocacy services, and legal services without an investigation or disclosure to command. And we know a share of Service members later convert their Restricted Report to Unrestricted and participate in the military justice process. We are now working to expand this process to more specifically address repeat offenders.

All Service members who make the decision to report and participate in the military justice system are offered the assistance of their own attorney to represent and support them throughout the process. These Special Victims' Counsel are resources not found in civilian jurisdictions.

As many of you know, fear of retaliation complicates and degrades our efforts to bring more victims forward. Our scientific surveys indicate that retaliation is perceived by an appreciable portion of Service members who make a report. While not all behaviors perceived as retaliatory meet the legal threshold for prosecution, the behaviors that our members indicate experiencing are often incongruent with our expectations for

dignity and respect and gravely undermine all of our efforts in this space.

In addition to these quantitative metrics, the Department conducts focus groups, in the off-year from the scientific survey, to hear directly from Academy students and active duty members. This process allows us to often get a sense of trends or culture shifts that may be occurring. In 2017 we went out to the active force and received some feedback that was troubling. Specifically, active duty members across the Services indicated a burgeoning gender divide. Male and female Service members alike noted a discomfort between the sexes. Some Service members told us they felt uncomfortable interacting professionally with members of the opposite sex. Service members who had been in the Department for some time highlighted some positive environmental shifts, including the belief that outward behaviors that were once dismissed as a part of the culture are no longer tolerated. However, other participants indicated that troubling



behaviors still transpire but are now more covert, less obvious, and take place on line.

Over the last decade we have seen some periods of progress, but our history also shows that sexual assault rates can rebound – as they have in the Academies. And the sentiments from our most recent active duty focus groups echoed some culture concerns similar to what we heard in the Academies prior to the rebound in rates we saw in 2016. We know we must adjust our approaches as we analyze trends and patterns in the data and as the science evolves.

Our prior prevention efforts - that coincided with the reduction in prevalence within the active duty force- mark the early stages of prevention across the Department. Specifically, we focused on building awareness of the problem and an understanding that sexual assault is preventable. We infused training with preventative practices, such as bystander intervention, and identified and addressed unique prevention needs within the Department, such as the magnitude and impact

of male Service members' experiences of sexual assault. In this stage we found several best practices, including our systematic assessment of prevalence of sexual assault across the total force, adaptation and implementation of evidence-based prevention training for entry level Service members, and the creation of forums for sharing best practices and lessons learned across the Military Departments.

These early efforts were necessary, but not sufficient, to reduce and eliminate sexual assault across the Department. Activities focused on raising awareness about the crime likely contributed to increases in victim reporting and access of support services, but recent civilian-sector research suggests awareness programming does not always translate into the desired long-term behavior change necessary to sustain progress. Measurable and sustained reductions in sexual assault require a strategic approach.

To push sexual assault rates down further and sustain progress, we are aligning sexual assault prevention activities at all

levels of the Department with the current state of sexual assault prevention science. In addition, the Department will align sexual assault prevention policy and oversight with scientific standards for sustaining organization-level impact.

This means that we are building on our current prevention efforts by ensuring that the Department is poised to identify, implement, and evaluate sexual assault prevention activities that effectively meet each organization's unique needs.

We recognize the limitations of a top-down, one-size-fits-all approach to prevention and understand that measureable change across the Department is achievable only if measureable change is occurring in each Service. Therefore, we are empowering leaders and a prevention workforce by equipping them with effective prevention planning, assessment, and evaluation tools. By implementing a prevention planning process that is the cornerstone of a public health approach to prevention, we are bringing rigorous methods to sexual assault prevention that military leaders use in other aspects of warfighting.

The path that we are on together is not an easy one. We all recognize that true progress against this horrible problem is more akin to a marathon than a sprint. We have made the commitment to being in this battle for the long run. To be frank, progress in our response efforts has come from leadership emphasis, your continued engagement on this issue, and relatively quick programmatic and procedural changes. Progress with prevention is not quite as intuitive or expedient. Some argue that greater deterrence through heavier criminal penalties is key. Others suggest that better training and awareness of the problem is the solution. Yet others press for greater employment of inspirational speakers to win hearts and minds. All of these may be beneficial, but none of them in isolation will take us to where we need to be. In sum, there is no single solution to the problem of sexual assault. We must all be resolved to learning how to coordinate and execute many different evidence-based activities, each targeting specific factors that will erode the cultural and environmental foundations of this problem, stone by stone. It is

through these combined efforts that we have the best chances for progress.

Combatting these challenges is not just another job assignment I have to address, it is my life's work. My experiences both outside Federal Government and within the Department have made me an eyewitness to the human toll that sexual assault can take. I have held countless hands in hospitals during sexual assault forensic exams and in courts during testimonies and verdicts. I have spent time holding a survivor as they sobbed on the floor of a convenience store because they saw someone who looked a lot like the person that raped them. I have driven to a hospital at two in the morning because my client tried to take her life rather than live with the memories of her sexual trauma. I have held on tightly to a 12 year old girl in a Boston Police Department as she tearfully looked through a photo line-up to try to identify the man that raped her in an abandoned parking lot as she walked home from school. I have spoken personally to, and received emails from, brave and amazing military members who

want nothing more than to serve this country honorably, but have instead been subjected to this abhorrent crime.

This is personal. And I take it personally. I am not alone. I have spoken directly with the Acting Secretary of Defense, the Service Secretaries, and the Military Chiefs. I have heard their shared concern, their frustration, and their commitment to eliminating this misconduct from the ranks. They do understand the devastation of this crime. And while we all recognize the impact on the mission, we also recognize there are names and faces and souls behind each of these reports. At every corner of our military, we must do better. We can do better. We are capable of bring better. And we are committed to being transparent as we tackle this significant problem. We will return each year to tell you about our progress and our challenges with our annual results through our Fiscal Year reports for active duty forces and Academic Program Year reports for the MSAs. Your interest, your insights, and your support are always welcomed.

Thank you for everything you do to partner with the Department on this important issue.