

**SJR**

**20**

<TARGET><BILL>SJR 20</BILL><SUBJECT>SJR  
20</SUBJECT><COMM>SJUD28</COMM></TARGET>

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSJR 20(JUD)  
 Fiscal Note Number: 1  
 (S) Publish Date: 3/28/14

Identifier: SJR20-LEG-3-27-2014  
 Title: MILITARY SEXUAL TRAUMA  
 Sponsor: WIELECHOWSKI  
 Requester: Senate Judiciary

Department:  
 Appropriation:  
 Allocation:  
 OMB Component Number: 0

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

initial version
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**FISCAL NOTE ANALYSIS #1**

**STATE OF ALASKA  
2014 LEGISLATIVE SESSION**

**BILL NO. CSSJR 20(JUD)**

**Analysis**

This resolution has no fiscal impact.



**DEPARTMENT OF DEFENSE  
SEXUAL ASSAULT PREVENTION  
AND RESPONSE**

Volume I

**Department of Defense Annual Report on  
Sexual Assault in the Military**

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Fiscal Year 2012



The unclassified portion of this report is available for the Department of Defense at approximately \$0.14 per page for the 2012 Fiscal Year. This includes 211,111,000 to approximately 220,000,000 to OIG staff.

Classified as Unclassified Date: 3-4-2014



PERSONNEL AND  
READINESS

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

2012 9 2012

The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Section 1631(d) of Public Law (P.L.) 111-383, the Ike Skelton National Defense Authorization Act for Fiscal Year (FY) 2011, requires the Secretary of Defense to submit to the Committees on Armed Services reports of sexual assaults provided by the Military Departments, along with his analysis. Sexual assault prevention and response (SAPR) falls under my purview, and I have been asked to respond.

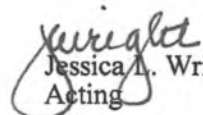
The "Department of Defense Fiscal Year 2012 Annual Report on Sexual Assault in the Military" presents Department of Defense (DoD) statistics and analysis of reports of sexual assault during FY12, discusses policy and program improvements to sexual assault, and outlines future plans to enhance support to victims of sexual assault. The numerical data and statistics contained in this report are drawn from metrics identified in the Department's evaluation plan, which fulfills additional reporting requirements outlined in section 1602 of P.L. 111-383. The report responds to additional reporting requirements in section 567 of P.L. 111-84 and section 596 of P.L. 109-163. An interim report required by section 578 of P.L. 112-239 is provided at Enclosure 5 to the report.

In FY12, the Department reissued the SAPR Directive and the Joint Chiefs of Staff released strategic guidance to operationalize the SAPR Program across the Total Force. Under the leadership of the Secretary of Defense, new policies and programs were implemented regarding initial disposition authority, victim communications, sexual assault advocate certification, reporting options, records retention, expedited transfers, and SAPR support services.

There is more to do and the Department is actively pursuing additional efforts at all levels of leadership. In FY13, the Department will revise the DoD-wide SAPR strategic plan, implement new Department-wide SAPR policy, and broaden the scope of the SAPR Program by significantly expanding goals and objectives related to improving accountability and investigations within the Department. The Department stands committed to its goal of reducing, with a goal of eliminating the crime of sexual assault in the Armed Forces.

Thank you for your commitment to our Service members. I am sending a similar letter to the Chairman of the House Committee on Armed Services.

Sincerely,

  
Jessica L. Wright  
Acting

**Enclosure:**  
As stated

**cc:**  
The Honorable James M. Inhofe  
Ranking Member



PERSONNEL AND  
READINESS

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

MAY 3 2012

The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

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Sincerely,

  
Jessica L. Wright  
Acting

Enclosure:  
As stated

cc:  
The Honorable Adam Smith  
Ranking Member

*Courts-Martial for a Sexual Assault Offense*

As noted previously, of the 880 military subjects against whom disciplinary action was initiated for a sexual assault offense, 594 had court-martial charges preferred against them (**Exhibit 10, Point R**). Exhibit 12 illustrates what happened to these subjects after their commanders preferred court-martial charges. The dispositions and the sentences imposed by courts-martial are for those subjects with at least one sexual assault charge adjudicated in FY12. Of the 594 subjects who had court-martial charges preferred against them in FY12, 460 subjects' court-martial outcomes were completed by the end of the FY:

**What percentage of Service member subjects charged and tried for sexual assault offenses were convicted in FY12, and what kind of punishment did they receive?**

**79% of Service members tried for a sexual assault offense were convicted of at least one charge at trial.**

**Most subjects received four kinds of punishment: Confinement, a Fine or Forfeiture of Pay, Reduction in Rank, and a Punitive Discharge or Dismissal.**

- Court-martial charges were dismissed against 88 subjects. However, commanders used evidence gathered during the sexual assault investigations to take nonjudicial punishment against 16 of the 88 subjects. Most of the 16 subjects who received nonjudicial punishment were adjudged three categories of punishment: reductions in rank, fines or forfeitures, and restrictions on liberty.
- Seventy subjects were granted a resignation or were discharged instead of court-martial.
- Of the 302 subjects whose cases proceeded to trial: 238 subjects (79 percent) were convicted, and most convicted Service members received at least four kinds of punishment: confinement, reduction in rank, fines or forfeitures, and a discharge (enlisted) or dismissal (officers) from service.
- Sixty-four subjects (21 percent) were acquitted.

Resignations and discharges in lieu of court-martial are granted by the Department in certain circumstances. These separation actions may only occur after court-martial charges have been preferred against the accused. For such an action to occur, the accused must initiate the process. Resignation or discharge in lieu of court-martial requests include a statement of understanding of the offense(s) charged and the consequences of administrative separation, an acknowledgement that any separation could possibly have a negative characterization, and an acknowledgement that the accused is guilty of an offense for which a punitive discharge is authorized or a summary of the evidence supporting the guilt of the accused. These statements are not admissible in courts-martial should the request ultimately be disapproved. Discharges of enlisted personnel in lieu of court-martial are usually approved at the Special Court-Martial Convening Authority level. Resignations of officers in lieu of court-martial are approved by the Secretary of the Military Department.

In FY12, 62 of 66 enlisted members who received a discharge in lieu of court-martial were separated Under Other Than Honorable Conditions (UOTHC), the lowest characterization of discharge possible administratively (two subjects received General discharges, and information was not available for the other two). The UOTHC

discharge characterization is recorded on the Service member's DD Form 214, Record of Military Service, and significantly limits separation and post-service benefits from the Department and DVA. Military Service policies direct that those Service members convicted on a sexual assault charge who do not receive a punitive discharge at court-martial should be processed for administrative discharge. This requirement for administrative separation processing was codified in the NDAA for FY13.

Summary Worksheet

<b>FISCAL YEAR 2012 SUMMARY OF UNRESTRICTED SEXUAL ASSAULT REPORTS INVOLVING SERVICE MEMBERS</b>		<b>FY12 Totals</b>
<b>Total Service Member victims in all investigations closed in FY12*</b>		<b>1320</b>
<b>Service Member victims whose reports of sexual assault could be substantiated*</b>		<b>817</b>
<b>Total Service Member subjects in all investigations closed in FY12**</b>		<b>1406</b>
<b>Service Member subjects against whom sexual assault reports could be substantiated**</b>		<b>749</b>
<b>Sexual Assault Investigations Involving Service Members Opened and Completed in FY12</b>		<b>FY12 Totals</b>
# Service Member victims identified in investigations initiated and closed in FY12*		783
# Service Member victims whose reports of sexual assault could be substantiated*		467
# Service Member subjects identified in investigations initiated and closed in FY12		665
# Service Member subjects against whom sexual assault reports could be substantiated		410
<b>Sexual Assault Investigations Involving Service Members Opened Prior to FY12 and Completed in FY12</b>		<b>FY12 Totals</b>
# Service Member victims identified in Pre-FY12 investigations closed in FY12*		537
# Service Member victims whose reports of sexual assault could be substantiated*		350
# Service Member subjects identified in Pre-FY12 investigations closed in FY12		741
# Service Member subjects against whom sexual assault reports could be substantiated		339
<p>*Does not include victims from Restricted Reports, per mandate in PL 111-383; Also does not include victims from investigations where command action had yet to be reported. Also does not include victims from investigations where command action had yet to be reported.</p> <p>**Does not include subjects from investigations where command action had yet to be reported.</p>		
<b>FISCAL YEAR 2012 SUMMARY OF RESTRICTED SEXUAL ASSAULT REPORTS INVOLVING SERVICE MEMBERS</b>		<b>FY12 Totals</b>
# Service Member Victims initially making Restricted Reports		227
# Service Member Victims who converted from Restricted Report to Unrestricted Report in the current FY*		53
# Service Member Victim Reports Remaining Restricted		174

## 1a. Unrestricted Reports (A-K)

ARMY FY12 UNRESTRICTED REPORTS OF SEXUAL ASSAULTS IN THE MILITARY	
<b>A. FY12 REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses) BY or AGAINST Service Members.</b>	<b>FY12 Totals</b>
Note: The data about Unrestricted Reports in Sections A and B below is raw, uninvestigated information about allegations received during FY12. These Reports may not be fully investigated by the end of the fiscal year.	
<b># VICTIMS in FY12 Unrestricted Reports</b>	<b>1398</b>
# Service Member victims	1104
# Non-Service Member victims	294
<b># Unrestricted Reports in the following categories</b>	<b>1249</b>
# Service Member on Service Member	768
# Service Member on Non-Service Member	277
# Non-Service Member on Service Member	53
# Unidentified Subject on Service Member	151
<b># Unrestricted Reports of sexual assault occurring</b>	<b>1249</b>
# On military installation	845
# Off military installation	386
# Unidentified location	18
<b># Investigations Initiated (From FY12 Unrestricted Reports)</b>	<b>1249</b>
# Investigations pending completion as of 30-SEP-12	379
# Completed Investigations as of 30-SEP-12	870
<b># All Restricted Reports received in FY12</b>	<b>227</b>
# Converted from Restricted Report to Unrestricted Report*	53
<b># FY12 RESTRICTED REPORTS REMAINING RESTRICTED</b>	<b>174</b>
<b>B. DETAILS OF UNRESTRICTED REPORTS RECEIVED IN FY12</b>	<b>FY12 Totals</b>
<b>Length of time between sexual assault and Unrestricted Report</b>	<b>1249</b>
# Reports made within 3 days of sexual assault	471
# Reports made within 4 to 30 days after sexual assault	347
# Reports made within 31 to 365 days after sexual assault	330
# Reports made longer than 365 days after sexual assault	101
# Unknown	0
<b>Time of sexual assault</b>	<b>1249</b>
# Midnight to 6 am	344
# 6 am to 6 pm	312
# 6 pm to midnight	286
# Unknown	307
<b>Day of sexual assault</b>	<b>1249</b>
# Sunday	211
# Monday	87
# Tuesday	72
# Wednesday	83
# Thursday	96
# Friday	123
# Saturday	270
# Unknown	307
<b>C. SUMMARY OF ALL INVESTIGATIONS OF UNRESTRICTED REPORTS COMPLETED IN FY12</b>	<b>FY12 Totals</b>
<b># Total Investigations completed during FY12</b>	<b>1330</b>
# Investigations opened in FY12 and completed in FY12	870
# Of these investigations with more than one victim, more than one subject, or both	163
# Investigations opened prior to FY12 and completed in FY12	460
# Of these investigations with more than one victim, more than one subject, or both	94
<b># SUBJECTS in all investigations completed during FY12</b>	<b>1455</b>
<b># Service Member subjects in completed investigations</b>	<b>1220</b>
# Your Service Member subjects investigated by your Service	1207
# Other Service Member subjects investigated by your Service	13
# Non-Service Member subjects in your Service's investigations	70
# Unidentified subjects in your Service's investigations	165
<b># VICTIMS in all investigations completed during FY12</b>	<b>1500</b>
<b># Service Member victims</b>	<b>1140</b>
# Service Member victims own Service's investigations	1102
# Other Service Member victims in your Service's investigations	38
# Non-Service Member victims in your Service's investigations	360
# Unidentified victims in your Service's investigations	0

1a. Unrestricted Reports (A-K)

<b>F. COURTS-MARTIAL ADJUDICATIONS AND OUTCOMES (Sexual Assault Charge).</b> This section reports the outcomes of courts-martial for sexual assault crimes completed during the Fiscal Year. It combines outcomes for court actions reported in Sections D and E above.		<b>FY12 Totals</b>
<b># Total Subjects with Courts-Martial Charge Preferred (Initiated) for a Sexual Assault Charge in FY12</b>		<b>424</b>
# Subjects whose courts-martial action was NOT completed by the end of FY12		133
# Subjects for whom no court-outcome data was available		1
<b># Subjects whose courts-martial action was completed by the end of FY12</b>		<b>290</b>
# Subjects whose court-martial was dismissed		44
# Subjects with dismissed court charges who subsequently received NJP		13
# Subjects who resigned or were discharged in lieu of court-martial		57
# Subjects who were officers that resigned in lieu of court-martial		34
# Subjects who were enlisted that were discharged in lieu of court-martial		53
<b># Subjects with court-martial charges proceeding to trial on a sexual assault charge</b>		<b>189</b>
# Subjects Acquitted of Charges		36
<b># Subjects Convicted of Any Charge at Trial</b>		<b>153</b>
Punishments Imposed (For each convicted subject, count all forms of punishment imposed)		
# Subjects receiving confinement		111
# Subjects receiving reductions in rank		122
# Subjects receiving fines or forfeitures		112
# Subjects receiving a punitive discharge		85
# Subjects receiving restriction or some limitation on freedom		12
# Subjects receiving extra duty		7
# Subjects receiving hard labor		7
<b>G. Nonjudicial Punishments Imposed (Sexual Assault Charge).</b> This section reports the outcomes of nonjudicial punishments for sexual assault crimes completed during the Fiscal Year. It combines outcomes for nonjudicial punishment actions reported in Sections D and E above.		<b>FY12 Totals</b>
<b># Total Subjects with Nonjudicial Punishment (Article 15) for a Sexual Assault Charge in FY12</b>		<b>117</b>
# Subjects whose nonjudicial punishment action was not completed by the end of FY12		3
# Subjects for whom nonjudicial punishment data was not available		0
<b># Subjects whose nonjudicial punishment action was completed by the end of FY12</b>		<b>114</b>
# Subjects whose nonjudicial punishment was dismissed		7
<b># Subjects administered nonjudicial punishment</b>		<b>107</b>
Punishments Imposed (For each punished subject, count all forms of punishment imposed)		
# Subjects receiving correctional custody		0
# Subjects receiving reductions in rank		66
# Subjects receiving fines or forfeitures		79
# Subjects receiving restriction or some limitation on freedom		62
# Subjects receiving extra duty		71
# Subjects receiving hard labor		30
# Subjects receiving a reprimand		13
# Subjects receiving an administrative discharge subsequent to nonjudicial punishment		0

1a. Unrestricted Reports (A-K)

<b>H. Other Actions Taken</b> . This section reports other disciplinary action taken for subjects who were investigated for sexual assault. It combines outcomes for subjects in these categories listed in Sections D and E above.	<b>FY12 Totals</b>
<b># Subjects receiving an administrative discharge or other separation for a sexual assault offense</b>	<b>60</b>
<b># Subjects receiving other adverse administrative action for a sexual assault offense</b>	<b>56</b>
<b>I. COURTS-MARTIAL ADJUDICATIONS AND OUTCOMES (Non-sexual assault offense)</b> . This section reports the outcomes of courts martial for subjects who were investigated for sexual assault, but upon review of the evidence there was only probable cause for a non-sexual assault offense. It combines outcomes for subjects in this category listed in Sections D and E above.	<b>FY12 Totals</b>
<b># Total Subjects with Courts-Martial Charge Preferred for a non-sexual assault offense in FY12</b>	<b>0</b>
# Subjects whose courts-martial action was NOT completed by the end of FY12	0
# Subjects for whom no court-outcome data was available	0
<b># Subjects whose courts-martial action was completed by the end of FY12</b>	<b>0</b>
# Subjects whose court-martial was dismissed	0
# Subjects with dismissed court charges who subsequently received NJP	0
# Subjects who resigned or were discharged in lieu of court-martial for a non-sexual assault offense	0
# Subjects who were officers that resigned in lieu of court-martial	0
# Subjects who were enlisted that were discharged in lieu of court-martial	0
<b># Subjects with court-martial charges proceeding to trial on a non-sexual assault offense</b>	<b>0</b>
# Subjects Acquitted of Charges	0
<b># Subjects Convicted of Any Charge at Trial</b>	<b>0</b>
Punishments Imposed (For each convicted subject, count all forms of punishment imposed)	
# Subjects receiving confinement	0
# Subjects receiving reductions in rank	0
# Subjects receiving fines or forfeitures	0
# Subjects receiving a punitive discharge	0
# Subjects receiving restriction or some limitation on freedom	0
# Subjects receiving extra duty	0
# Subjects receiving hard labor	0
<b>J. Nonjudicial Punishments Imposed (Non-sexual assault offense)</b> . This section reports the outcomes of nonjudicial punishments for subjects who were investigated for sexual assault, but upon review of the evidence there was only probable cause for a non-sexual assault offense. It combines outcomes for subjects in this category listed in Sections D and E above.	<b>FY12 Totals</b>
<b># Total Subjects with Nonjudicial Punishment (Article 15) for a non-sexual assault offense in FY12</b>	<b>52</b>
# Subjects whose nonjudicial punishment action was not completed by the end of FY12	2
# Subjects for whom nonjudicial punishment data was not available	4
<b># Subjects whose nonjudicial punishment action was completed by the end of FY12</b>	<b>46</b>
# Subjects whose nonjudicial punishment was dismissed	4
<b># Subjects administered nonjudicial punishment for a non-sexual assault offense</b>	<b>42</b>
Punishments Imposed (For each punished subject, count all forms of punishment imposed)	
# Subjects receiving correctional custody	0
# Subjects receiving reductions in rank	34
# Subjects receiving fines or forfeitures	36
# Subjects receiving restriction or some limitation on freedom	29
# Subjects receiving extra duty	35
# Subjects receiving hard labor	0
# Subjects receiving a reprimand	3
# Subjects receiving an administrative discharge subsequent to nonjudicial punishment	0
<b>K. Other Actions Taken (Non-sexual assault offense)</b> . This section reports other disciplinary action taken for subjects who were investigated for sexual assault, but upon review of the evidence there was only probable cause for a non-sexual assault offense. It combines outcomes for subjects in these categories listed in Sections D and E above.	<b>FY12 Totals</b>
<b># Subjects receiving an administrative discharge or other separation for a non-sexual assault offense</b>	<b>21</b>
<b># Subjects receiving other adverse administrative action for a non-sexual assault offense</b>	<b>19</b>

2. Restricted Reports

ARMY FY12 RESTRICTED REPORTS OF SEXUAL ASSAULT	
<b>A. FY12 RESTRICTED REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses).</b>	<b>FY12 TOTALS</b>
<b># TOTAL victims initially making Restricted Reports</b>	<b>227</b>
# Service Member victims making Restricted Reports	226
# Non-Service Member Victims making Restricted Report involving a Service Member Subject	1
<b># Total victims who converted from Restricted Report to Unrestricted Report in the current FY*</b>	<b>53</b>
# Service Member victims who converted from Restricted Report to Unrestricted Report in current FY	53
# Non-Service Member victims who converted from Restricted Report to Unrestricted Report in current FY	0
<b># TOTAL victim reports remaining Restricted</b>	<b>174</b>
# Service Member victim reports remaining Restricted	173
# Non-Service Member victim reports remaining Restricted	1
<b># Reported sexual assaults involving Service Members in the following categories</b>	<b>227</b>
# Service Member on Service Member	70
# Non-Service Member on Service Member	11
# Service Member on <b>Non-Service Member</b> (entitled to a RR by DoD Policy)	1
# Unidentified subject on Service Member	145
<b>B. INCIDENT DETAILS</b>	<b>FY12 TOTALS</b>
<b># Reported sexual assaults occurring</b>	<b>227</b>
# On military installation	68
# Off military installation	106
# Unidentified location	53
<b>Length of time between sexual assault and Restricted Report</b>	<b>227</b>
# Reports made within 3 days of sexual assault	72
# Reports made within 4 to 30 days after sexual assault	64
# Reports made within 31 to 365 days after sexual assault	47
# Reports made longer than 365 days after sexual assault	29
# Unknown	15
<b>Time of sexual assault incident</b>	<b>227</b>
# Midnight to 6 am	77
# 6 am to 6 pm	31
# 6 pm to midnight	84
# Unknown	35
<b>Day of sexual assault incident</b>	<b>227</b>
# Sunday	44
# Monday	18
# Tuesday	22
# Wednesday	23
# Thursday	24
# Friday	36
# Saturday	46
# Unknown	14
<b>C. RESTRICTED REPORTING - VICTIM SERVICE AFFILIATION</b>	<b>FY12 TOTALS</b>
<b># Service Member VICTIMS</b>	<b>226</b>
# Army victims	194
# Navy victims	6
# Marines victims	2
# Air Force victims	3
# Coast Guard	0
# Unknown	21

2. Restricted Reports

D. DEMOGRAPHICS FOR FY12 RESTRICTED REPORTS OF SEXUAL ASSAULT	FY12 TOTALS
<b>Gender of VICTIMS</b>	<b>227</b>
# Male	35
# Female	176
# Unknown	16
<b>Age of VICTIMS</b>	<b>227</b>
# 16-19	45
# 20-24	73
# 25-34	55
# 35-49	14
# 50-64	0
# 65 and older	0
# Unknown	40
<b>Grade of Service Member VICTIMS</b>	<b>226</b>
# E1-E4	147
# E5-E9	31
# WO1-WO5	2
# O1-O3	12
# O4-O10	0
# Cadet/Midshipman	0
# Academy Prep School Student	0
# Unknown	34
<b>Status of Service Member VICTIMS</b>	<b>226</b>
# Active Duty	192
# Reserve (Activated)	0
# National Guard (Activated - Title 10)	6
# Cadet/Midshipman	2
# Academy Prep School Student	0
# Unknown	26
<b>VICTIM Type</b>	<b>227</b>
# Service Member	226
# DoD Civilian	
# DoD Contractor	
# Other US Government Civilian	
# US Civilian (DoD Dependent Over Age 18)	1
# Foreign national	
# Foreign military	
# Unknown	0
<b>E. RESTRICTED REPORTING FOR A SEXUAL ASSAULT THAT OCCURRED PRIOR TO JOINING SERVICE</b>	<b>FY12 TOTALS</b>
<b># Service Member VICTIMS making a Restricted Report for Incidents Occurring Prior to Military Service</b>	<b>13</b>
# Service Members Making A Restricted Report for an Incident that Occurred Prior to Age 18	2
# Service Member Making a Restricted Report for an Incident that Occurred After Age 18	7
# Service Members Choosing Not to Specify	4
<b>F. RESTRICTED REPORTS CONVERSION DATA (DSAID USE ONLY)</b>	<b>FY12 TOTALS</b>
* The Restricted Reports are reports that converted to Unrestricted Reports are counted in the total number of Unrestricted Reports listed in Worksheet 1a, Section A.	

3. Victim Services

ARMY FY12 SUPPORT SERVICES FOR VICTIMS OF SEXUAL ASSAULT	
<i>NOTE: Totals of referrals and military protective orders are for all activities during the reporting period, regardless of when the sexual assault report was made.</i>	
<b>A. SUPPORT SERVICE REFERRALS TO SERVICE MEMBER VICTIMS FROM UNRESTRICTED REPORTS:</b>	<b>FY12 TOTALS</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY Resources (Referred by DoD)</b>	<b>1,591</b>
# Medical	412
# Mental Health	349
# Legal	585
# Chaplain/Spiritual Support	170
# Rape Crisis Center	
# Victim Advocate/Uniformed Victim Advocate	28
# DoD Safe Helpline	7
# Other	40
<b># CIVILIAN Resources (Referred by DoD)</b>	<b>536</b>
# Medical	47
# Mental Health	53
# Legal	17
# Chaplain/Spiritual Support	0
# Rape Crisis Center	419
# Victim Advocate	0
# Rape Crisis Helpline	
# Other	0
<b># Cases where SAFEs were conducted</b>	<b>168</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	<b>0</b>
<b># Military victims making an Unrestricted Report for an incident that occurred prior to military service</b>	<b>16</b>
<b>B. FY12 MILITARY PROTECTIVE ORDERS (MPO)* AND EXPEDITED TRANSFERS - UNRESTRICTED REPORTS</b>	<b>FY12 TOTALS</b>
<b># Military Protective Orders issued during FY12</b>	<b>189</b>
<b># Reported MPO Violations in FY12</b>	<b>0</b>
# Reported MPO Violations by Subjects	0
# Reported MPO Violations by victims of sexual assault	0
# Reported MPO Violations by Both	0
*In accordance with DoD Policy, Military Protective Orders are only issued in Unrestricted Reports. A Restricted Report cannot be made when there is a safety risk for the victim.	
# Unit/Duty expedited transfer requests by Service Member victims of sexual assault	20
# Unit/Duty expedited transfer requests by Service Member victims Denied	3
# Installation expedited transfer requests by Service Member victims of sexual assault	66
# Installation expedited transfer requests by Service Member victims Denied	0
<b>C. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS IN RESTRICTED REPORTS:</b>	<b>FY12 TOTALS</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY Resources (Referred by DoD)</b>	<b>370</b>
# Medical	153
# Mental Health	117
# Legal	31
# Chaplain/Spiritual Support	51
# Rape Crisis Center	
# Victim Advocate/Uniformed Victim Advocate	8
# DoD Safe Helpline	0
# Other	10
<b># CIVILIAN Resources (Referred by DoD)</b>	<b>158</b>
# Medical	3
# Mental Health	13
# Legal	1
# Chaplain/Spiritual Support	0
# Rape Crisis Center	141
# Victim Advocate	0
# DoD Safe Helpline	
# Other	0
<b># Cases where SAFEs were conducted</b>	<b>38</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	<b>0</b>

3. Victim Services

CIVILIAN DATA	
D. SEXUAL ASSAULT SERVICES TO NON-SERVICE MEMBERS (DOD CIVILIANS, DEPENDENTS, CONTRACTORS, ETC)	FY12 TOTALS
<b># Non-Service Members assisted in the following categories:</b>	<b>145</b>
# Service Member on Non-Service Member	111
# Non-Service Member on Non-Service Member	12
# Unidentified Subject or Undisclosed Affiliation on Non-Service Member	22
<b>Gender of Non-Service Members Assisted</b>	<b>145</b>
# Male	3
# Female	139
# Unknown	3
<b>Age of Non-Service Members Assisted</b>	<b>145</b>
# 16-19	22
# 20-24	52
# 25-34	44
# 35-49	13
# 50-64	2
# 65 and older	0
# Unknown	12
<b>Non-Service Member Type</b>	<b>145</b>
# DoD Civilian	10
# DoD Contractor	1
# Other US Government Civilian	0
# US Civilian	126
# Foreign National	8
# Foreign Military	0
# Unknown	0
<b># Support service referrals for Non-Service Members in the following categories</b>	
<b># MILITARY Resources (Referred by DoD)</b>	<b>260</b>
# Medical	76
# Mental Health	44
# Legal	102
# Chaplain/Spiritual Support	24
# Rape Crisis Center	0
# Victim Advocate/Uniformed Victim Advocate	9
# DoD Safe Helpline	1
# Other	4
<b># CIVILIAN Resources (Referred by DoD)</b>	<b>143</b>
# Medical	20
# Mental Health	28
# Legal	10
# Chaplain/Spiritual Support	0
# Rape Crisis Center	85
# Victim Advocate	0
# DoD Safe Helpline	0
# Other	0
<b># Cases where SAFEs were conducted</b>	<b>45</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	<b>0</b>

3. Victim Services

E. FY12 RESTRICTED REPORTS OF SEXUAL ASSAULT FROM NON-SERVICE MEMBERS	FY12 TOTALS
<b># Non-Service Member victims making Restricted Report</b>	<b>0</b>
# Non-Service Member victims who converted from Restricted Report to Unrestricted Report in current FY	0
<b># Non-Service Member victim reports remaining Restricted</b>	<b>0</b>
<b># Restricted Reports from Non-Service Member victims in the following categories:</b>	<b>0</b>
# Non-Service Member on Non-Service Member (entitled to a RR by DoD Policy)	0
# Unidentified Subject or Undisclosed Affiliation on Non-Service Member	0
<b>Gender of Non-Service Member VICTIMS</b>	<b>0</b>
# Male	0
# Female	0
# Unknown	0
<b>Age of Non-Service Member VICTIMS</b>	<b>0</b>
# 18-19	0
# 20-24	0
# 25-34	0
# 35-49	0
# 50-64	0
# 65 and older	0
# Unknown	0
<b>VICTIM Type</b>	<b>0</b>
# DoD Civilian	0
# DoD Contractor	0
# Other DoD Government Official	0
# US Civilian (DoD Dependent Over Age 18)	0
# Unknown	0
<b># Support service referrals for Non-Service Member VICTIMS in the following categories</b>	<b>0</b>
<b># MILITARY Resources</b>	<b>0</b>
# Medical	0
# Mental Health	0
# Legal	0
# Chaplain/Spiritual Support	0
<b># CIVILIAN Resources (Referred by DoD)</b>	<b>0</b>
# Victim Advocate/Uniformed Victim Advocate	0
# DoD Safe Helpline	0
# Other	0
<b># CIVILIAN Resources (Referred by DoD)</b>	<b>0</b>
# Medical	0
# Mental Health	0
# Legal	0
# Chaplain/Spiritual Support	0
# Rape Crisis Center	0
# Victim Advocate	0
<b># Other</b>	<b>0</b>
# Other	0
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	<b>0</b>

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## SENATOR BILL WIELECHOWSKI

SJR20: Military Sexual Trauma

### MEMO

#### *Department of Defense Annual Report on Sexual Assault in the Military FY12*

The Department of Defense Annual Report on Sexual Assault in the Military FY 12 is a 729 page document. We have taken out pages 1 – 5, 82-85,185-186,189-190, and 194-198 of the PDF. We feel that this does a good job of demonstrating the prevalence of sexual assault in the Military without the need of printing the entire document.

The entire document can be found online at the United States Department of Defense Sexual Assault Prevention and Response website in the “Reports to Congress” section, or directly at <http://www.sapr.mil/index.php/annual-reports>.

# Military Sexual Trauma

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## ***What is military sexual trauma (MST)?***

Military sexual trauma, or MST, is the term used by VA to refer to experiences of sexual assault or repeated, threatening sexual harassment that a Veteran experienced during his or her military service. The definition used by the VA comes from Federal law (Title 38 U.S. Code 1720D) and is "psychological trauma, which in the judgment of a VA mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the Veteran was serving on active duty or active duty for training." Sexual harassment is further defined as "repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character."

More concretely, MST includes any sexual activity where a Servicemember is involved against his or her will -- he or she may have been pressured into sexual activities (for example, with threats of negative consequences for refusing to be sexually cooperative or with implied better treatment in exchange for sex), may have been unable to consent to sexual activities (for example, when intoxicated), or may have been physically forced into sexual activities. Other experiences that fall into the category of MST include unwanted sexual touching or grabbing; threatening, offensive remarks about a person's body or sexual activities; and threatening and unwelcome sexual advances. The identity or characteristics of the perpetrator, whether the Servicemember was on or off duty at the time, and whether he or she was on or off base at the time do not matter. If these experiences occurred while an individual was on active duty or active duty for training, they are considered by VA to be MST.



## ***How common is MST?***



VA's national screening program, in which every Veteran seen for health care is asked whether he or she experienced MST, provides data on how common MST is among Veterans seen in VA. National data from this program reveal that about 1 in 5 women and 1 in 100 men respond "yes," that they experienced MST, when screened by their VA provider. Although rates of MST are higher among women, because there are so many more men than women in the military, there are actually significant numbers of women and men seen in VA who have experienced MST.

It's important to keep in mind that these data speak only to the rate of MST among Veterans who have chosen to seek VA health care; they cannot be used to make an estimate of the actual rates of sexual assault and harassment experiences among all individuals serving in the U.S. Military. Also, although Veterans who respond "yes" when screened are asked if they are interested in learning about MST-related services available, not every Veteran who responds "yes" necessarily needs or is interested in treatment. MST is an experience, not a diagnosis, and Veterans' current treatment needs will vary.

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## How can MST affect Veterans?

MST is an experience, not a diagnosis or a mental health condition, and as with other forms of trauma, there are a variety of reactions that Veterans can have in response to MST. The type, severity, and



duration of a Veteran's difficulties will all vary based on factors like whether he/she has a prior history of trauma, the types of responses from others he/she received at the time of the MST, and whether the MST happened once or was repeated over time. Although the reactions men and women have to MST are similar in some ways, they may also struggle with different issues. Race/ethnicity, religion, sexual orientation, and other cultural variables can also affect the impact of MST.

Although trauma can be a life-changing event, people are often remarkably resilient after experiencing trauma. Many individuals recover without professional help; others may generally function well in their life, but continue to experience some level of difficulties or have strong reactions in certain situations. For some Veterans, the experience of MST may continue to affect their mental and physical health in significant ways, even many years later. Some of the experiences both female and male survivors of MST may have include:

**Strong emotions:** feeling depressed; having intense, sudden emotional reactions to things; feeling angry or irritable all the time

**Feelings of numbness:** feeling emotionally 'flat'; difficulty experiencing emotions like love or happiness

**Trouble sleeping:** trouble falling or staying asleep; disturbing nightmares

**Difficulties with attention, concentration, and memory:** trouble staying focused; frequently finding their mind wandering; having a hard time remembering things

**Problems with alcohol or other drugs:** drinking to excess or using drugs daily; getting intoxicated or "high" to cope with memories or emotional reactions; drinking to fall asleep

**Difficulty with things that remind them of their experiences of sexual trauma:** feeling on edge or 'jumpy' all the time; difficulty feeling safe; going out of their way to avoid reminders of their experiences

**Difficulties in relationships:** feeling isolated or disconnected from others; abusive relationships; trouble with employers or authority figures; difficulty trusting others

**Physical health problems:** sexual difficulties; chronic pain; weight or eating problems; gastrointestinal problems

Although posttraumatic stress disorder (PTSD) is commonly associated with MST, it is not the only diagnosis that can result from MST. For example, VA medical record data indicate that in addition to PTSD, the diagnoses most frequently associated with MST among users of VA health care are depression and other mood disorders, and substance use disorders.

Fortunately, people can recover from experiences of trauma, and VA has effective services to help Veterans do this.

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## How has VA responded to the problem of MST?

VA is strongly committed to ensuring that Veterans have access to the help they need in order to recover from MST.

- Every VA health care facility has a designated MST Coordinator who serves as a contact person for MST-related issues. This person can help Veterans find and access VA services and programs. He or she may also be aware of state and federal benefits and community resources that may be helpful.
- Recognizing that many survivors of sexual trauma do not disclose their experiences unless asked directly, VA health care providers ask every Veteran whether he or she experienced MST. This is an important way of making sure Veterans know about the services available to them.
- All treatment for physical and mental health conditions related to experiences of MST is provided free of charge. VA has services available to meet Veterans where they are at in their recovery, whether that is focusing on strategies for coping with challenging emotions and memories or, for Veterans who are ready, actually talking about their MST experiences in depth.
- To receive free treatment for mental and physical health conditions related to MST, Veterans do not need to be service connected (or have a VA disability rating). Veterans may be able to receive this benefit even if they are not eligible for other VA care. Veterans do not need to have reported the incident(s) when they happened or have other documentation that they occurred.
- MST-related services are available through every VA health care facility and every facility has providers knowledgeable about treatment for the aftereffects of MST. Many have specialized outpatient mental health services focusing on sexual trauma. Vet Centers also have specially trained sexual trauma counselors.
- Nationwide, there are programs that offer specialized sexual trauma treatment in residential or inpatient settings. These are programs for Veterans who need more intense treatment and support.
- To accommodate Veterans who do not feel comfortable in mixed-gender treatment settings, some facilities have separate programs for men and women. All residential and inpatient MST programs have separate sleeping areas for men and women.



In addition to its treatment programming, VA also provides training to staff on issues related to MST, including a mandatory training on MST for all mental health and primary care providers. VA also engages in a range of outreach activities to Veterans and conducts monitoring of MST-related screening and treatment, in order to ensure that adequate services are available.

## How can Veterans get help?

For more information, Veterans can speak with their existing VA health care provider, contact the MST Coordinator at their nearest VA Medical Center, or contact their local Vet Center. A list of VA and Vet Center facilities can be found at [www.va.gov](http://www.va.gov) and [www.vetcenter.va.gov](http://www.vetcenter.va.gov). Veterans should feel free to ask to meet with a clinician of a particular gender if it would make them feel more comfortable.

Veterans can also learn more about VA's MST-related services online at [www.mentalhealth.va.gov/msthome.asp](http://www.mentalhealth.va.gov/msthome.asp) and see video clips with the recovery stories of Veterans who have experienced MST at <http://maketheconnection.net/stories-of-connection/military-sexual-trauma>.



QUICK FACTS  
APRIL 2012

## ***Rape, Sexual Assault and Sexual Harassment in the Military*** ***The Quick Facts***

Despite over 25 years of Pentagon studies, task force recommendations and congressional hearings, rape, sexual assault and sexual harassment continue to occur at alarming rates year after year. In addition to the devastating effects of sexual violence on survivors and their families, rape, sexual assault and sexual harassment threaten the strength, readiness and morale of the U.S. military, undermining U.S. national security.

### **THE CRISIS**

\* 3,192 military sexual assaults were reported in fiscal year 2011, an increase of 1% from fiscal year 2010 and a 1.1% decrease from 2009.<sup>i</sup>

\* While sexual assaults are under-reported, this problem is exacerbated in military settings. In 2010, out of the 19,000 sexual assaults that occurred in the military, the Department of Defense (DOD) estimates that only 13.5% of survivors reported assault.<sup>ii</sup> It is difficult to determine the number of assaults in 2011 since the *Workplace and Gender Relations Survey of Active Duty Member (WGRA)* was not conducted in 2011.

\* In 2010, approximately 55% of women and 38% of men reported that their assailant sexually harassed or stalked them prior to the incident of rape or sexual assault.<sup>iii</sup>

\* In 2011, 1518 of the 3192 reported sexual assaults were considered actionable<sup>iv</sup> by the military, a decrease of 22% from the previous year. Prosecution rates for sexual predators are astoundingly low—in 2011, less than 8% of reported cases went to trial. Of the cases that went to trial, 191 subjects were convicted, resulting in 148 offenders serving jail sentences and 122 being discharged. An estimated 10% of perpetrators resigned in lieu of courts-martial (RILO), which effectively means the military allowed rapists to quit their jobs in order to avoid facing charges.<sup>v</sup>

\* The Department of Defense does not maintain a military sex offender registry that can alert service members, unit commanders, and military families to the presence and movement of sexual predators within the military population.

### **CONSEQUENCES OF MILITARY RAPE, SEXUAL ASSAULT AND SEXUAL HARASSMENT**

\* While experiences of rape, sexual assault, and sexual harassment are strongly associated with a wide range of mental health conditions for both men and women veterans, MST<sup>vi</sup> is the leading cause of PTSD among women veterans, while combat trauma is the leading cause of PTSD among men.<sup>vii</sup>

\* Rape, sexual assault, sexual harassment and their attendant consequences are often risk factors for homelessness among women veterans. 39% of homeless women veteran VHA users screened positive for MST in FY2010 compared to 22% of all women VHA users.<sup>viii</sup>

\* Stress, depression and other mental health issues associated with surviving rape, sexual assault and sexual harassment make it more likely that survivors will experience high rates of substance abuse and will have difficulty finding work after discharge from the military.<sup>ix</sup>

#### **THE AFTERMATH: PROBLEMS WITH ACCESSING BENEFITS AND TREATMENT**

\* Some evidence suggests that rape, sexual assault and sexual harassment survivors who have been treated in military medical settings experience a “second victimization” while under care, often reporting increased rates of depression and PTSD.<sup>x</sup>

\* Female rape, sexual assault and sexual harassment survivors who have used VHA services reported a lower quality of care and dissatisfaction with VHA services compared to women using outside care.<sup>xi</sup>

\* While women and men both face enormous barriers to receiving VA disability compensation for MST-related PTSD, evidence indicates that men receive higher compensation ratings than women.<sup>xii</sup>

#### **THE COSTS OF MILITARY RAPE, SEXUAL ASSAULT AND SEXUAL HARASSMENT**

\* In FY 2010 alone, 108,121 veterans screened positive for MST. 45.7% (49,388) of these survivors were men.<sup>xiii</sup> In 2010, 68,379 veterans had at least one VHA outpatient visit for conditions related to MST; 39% (26,904) of these patients were men.<sup>xiv</sup>

\* With veterans from Afghanistan and Iraq, 75.9% of these vets that screened positive for MST utilized care within a year. Gender was the biggest predictor of utilization, with men using less care than women.<sup>xv</sup>

\* The Veterans Administration (VA) spends approximately \$10,880 on healthcare costs per military sexual assault survivor. Adjusting for inflation, this means that in 2010 alone, the VA spent almost \$872 million dollars on sexual assault-related healthcare expenditures.<sup>xvi</sup>

#### **WHAT SWAN DOES: ADVOCATING FOR JUSTICE, HEALING THE WOUNDS**

\* SWAN is spearheading a national movement to end rape, sexual assault and sexual harassment in the military using litigation, legislative remedies, media advocacy and public education. In order to achieve sexual assault policy reform in the military, SWAN's focus is on the following three areas: protecting victims, prosecuting and punishing sex offenders, and providing civil remedies to service members in cases of sexual assault.

\* Through our National Peer Support Helpline, SWAN provides confidential peer support, legal referrals and counseling referrals to service women and service men, veterans and family members of survivors of rape, sexual assault and sexual harassment in the military.

**For more information, please contact [policy@servicewomen.org](mailto:policy@servicewomen.org) or call (212) 683-0015 x324.**

*SWAN is a national civil rights organization founded and led by women veterans. SWAN's vision is to transform military culture by securing equal opportunity and the freedom to serve in uniform without the threat of harassment, discrimination, intimidation or assault. SWAN also seeks to reform veterans' services on a national scale to guarantee equal access to quality health care, benefits and resources for women veterans and their families.*

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- <sup>i</sup> Department of Defense, SAPRO. 2012. "Fiscal Year 2011 Annual Report on Sexual Assault in the Military." Available: [http://www.sapr.mil/media/pdf/reports/Department\\_of\\_Defense\\_Fiscal\\_Year\\_2011\\_Annual\\_Report\\_on\\_Sexual\\_Assault\\_in\\_the\\_Military.pdf](http://www.sapr.mil/media/pdf/reports/Department_of_Defense_Fiscal_Year_2011_Annual_Report_on_Sexual_Assault_in_the_Military.pdf);
- Department of Defense, DMDC. 2011. "2010 Workplace and Gender Relations Survey of Active Duty Members." Available: [http://www.sapr.mil/media/pdf/research/DMDC\\_2010\\_WGRA\\_Overview\\_Report\\_of\\_Sexual\\_Assault.pdf](http://www.sapr.mil/media/pdf/research/DMDC_2010_WGRA_Overview_Report_of_Sexual_Assault.pdf).
- <sup>ii</sup> Department of Defense. SAPRO, 2011.
- <sup>iii</sup> Department of Defense, DMDC, 2011.
- <sup>iv</sup> Actionable cases are sexual assault allegations that have been investigated by the service's criminal investigations office and found to be both substantiated and within the jurisdiction of the military's criminal justice system.
- <sup>v</sup> Department of Defense, SAPRO. 2012.
- <sup>vi</sup> The phrase Military Sexual Trauma (MST) is the official term for the psychological trauma that may result from military rape, sexual assault and sexual harassment. SWAN considers the term a euphemism and prefers to call these crimes and violations what they are—rape, sexual assault and sexual harassment. The term "MST" masks the severity of this crisis, and it is important to properly name these egregious acts committed against our men and women in uniform.
- <sup>vii</sup> Street et al. 2008. "Sexual harassment and assault experienced by reservists during military service: Prevalence and health correlates." *Journal of Rehabilitation Research and Development* 45: 409-420; Kang et al. 2005. "The role of sexual assault on the risk of PTSD among Gulf War veterans." *Annals of Epidemiology* 15(3):191-195.
- <sup>viii</sup> Vanessa Williamson and Erin Mulhall. 2009. "Invisible Wounds: Psychological and Neurological Injuries Confront a New Generation of Veterans." New York: Iraq and Afghanistan Veterans of America.
- <sup>ix</sup> Skinner et al. 2000. "The Prevalence of Military Sexual Assault Among Female Veterans' Administration Outpatients." *Journal of Interpersonal Violence* 15 (3):291-310.
- <sup>x</sup> Rebecca Campbell and Sheela Raja. 2005. "The Sexual Assault and Secondary Victimization of Female Veterans: Help-Seeking Experiences with Military and Civilian Social Systems." *Psychology of Women Quarterly* 29 (1): 97-106.
- <sup>xi</sup> Kelly et al. 2008. "Effects of Military Trauma Exposure on Women Veterans' Use and Perceptions of Veterans Health Administration Care." *Journal of General Internal Medicine* 23 (6):741-747.
- <sup>xii</sup> In conjunction with the ACLU, SWAN filed a Freedom of Information Act (FOIA) request to obtain data concerning gender differences in compensation awarded for MST-related PTSD claims. Based on data analyzed for fiscal years 2008-2010, men are more likely than women to receive 70% and 100% ratings for MST-related PTSD claims ( $p < .001$ ). See also Department of Veterans Affairs, Office of Inspector General. 2010 "Review of Combat Stress in Women Veterans Receiving VA Health Care and Disability Benefits." Washington, D.C.: Office of Inspector General.
- <sup>xiii</sup> Department of Veterans Affairs, Office of Inspector General. 2010. "Review of Inappropriate Copayment Billing for Treatment Related to Military Sexual Trauma." <http://www4.va.gov/oig/54/reports/VAOIG-09-01110-81.pdf>.
- <sup>xiv</sup> Department of Veterans Affairs, Office of Mental Health Services. 2011. "Summary of Military Sexual Trauma-related Outpatient Care Report, FY 2010." Washington, D.C.: Department of Veterans Affairs, Office of Mental Health Services.
- <sup>xv</sup> Jessica, Turchik A., Pavao Joanne, Mark Hanna, and Kimerling Rachel. "Utilization and Intensity of Outpatient Care Related to Military Sexual Trauma for Veterans from Afghanistan and Iraq." *Journal of Behavioral Health Services and Research* (2012).
- <sup>xvi</sup> Suris et al. 2004. "Sexual Assault in Women Veterans: An Examination of PTSD Risk, Health Care Utilization, and Cost of Care." *Psychosomatic Medicine* 66: 749-756.

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## Sen. Murkowski decries sexual misconduct in Alaska National Guard

By SEAN COCKERHAM

Daily News Washington bureau November 20, 2013

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WASHINGTON -- Sen. Lisa Murkowski on Wednesday cited sexual misconduct problems in the Alaska National Guard for her support of a proposal to take decisions on prosecuting sex crimes away from military commanders.

"The recent experiences that I have had as a senator from Alaska with the transparency of decisions made within the chain of command, I believe, leave much to be desired," the Republican said in a speech on the floor of the Senate.

Murkowski said she is learning of problems from the news media, rather than from commanders. She cited a **McClatchy Newspapers/Anchorage Daily News story** from last month in which senior chaplains in the Alaska National Guard alleged that a sexual assault and harassment problem has festered for years without adequate response.

The newspaper report also described how the Alaska guard is investigating recruiters accused of rape.

Murkowski said that, following the story, she asked senior leaders of the Washington, D.C.,- based National Guard Bureau what they knew about the allegations.

"You know what the answer was?" Murkowski said. "They read it about it in the news clippings."

Murkowski said there's a "broken link in the chain" if senior leaders are unaware of such serious allegations. She said they can't act if the facts are buried.

She also cited media reports of sexual affairs at the Army National Guard's 49th Missile Defense Battalion at Fort Greely in Alaska. The commander of the battalion ended up being suspended for the misconduct.

Murkowski said there are suggestions of other problems as well. She said a guardsman at Fort Greely alleged he was unlawfully detained for days in an electrical closet on the base when his chain of command intervened in a child custody dispute that he was having with another member of the Guard. Murkowski said she asked for an investigation, but that the military is refusing to tell her the result of the probe.

"Are we supposed to call this military justice?" she said.

Murkowski also said on the Senate floor that an Alaskan whom she nominated for a military service academy was sexually assaulted at the academy, and that she spoke with a woman who alleged she was repeatedly drugged, raped and then dumped in the Bering Sea by superior officers when she was serving in the Navy 20 years ago at the remote post of Adak.

Murkowski's comments came as the Senate debated an amendment by Sen. Kirsten Gillibrand, D-N.Y., to remove sexual assault and other serious crimes from the normal military chain of command, called the

Uniform Code of Military Justice, or UCMJ. Gillibrand's proposal would turn court-martial decisions on such crimes over to a cadre of legal professionals.

The proposal is opposed by military officials, with their sentiment expressed by the three service associations representing former members of the Air Force, Army and Navy.

"The key to stopping sexual assault in the military is holding commanders at all levels accountable for their command climate," wrote retired Air Force Lt. Gen. George K. Muellner, chairman of the board of the Air Force Association. "Stripping away UCMJ authority from commanders would deprive them of the necessary leadership role that accountability demands of leaders."

The Senate did not vote on the proposal Wednesday.

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## Alaska National Guard members face accusations of sexual misconduct

By SEAN COCKERHAM

Daily News Washington Bureau February 23, 2014

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WASHINGTON -- A dozen members of the Alaska National Guard face charges of sexual misconduct in what members of the guard call a severe problem in the ranks.

Five were members of the guard's recruiting unit and are alleged to have committed the offenses against potential recruits, new recruits, subordinates and others.

Two of those recruiters also allegedly threatened the National Guard investigator and one was arrested last month after being accused of saying he was going to blow up a building on Joint Base Elmendorf-Richardson in Anchorage.

The investigations come as current and former members of the Alaska National Guard, including chaplains, have said there is a serious sexual assault and harassment problem that needs to be dealt with.

The Alaska guard said it has a dozen sexual misconduct investigations, most of which are now complete. The investigations are followed by internal board hearings to weigh the evidence and decide whether the soldiers should be forced out of the service.

Maj. Candis Olmstead said four are sexual assault cases, four are sexual harassment cases and four represent other misconduct, which could include inappropriate consensual relationships. The cases are administrative, not criminal.

The Alaska National Guard would give no specifics of the alleged offenses. The guard also would not release the names of the soldiers involved, although two have been identified.

Lt. Col. Jane Wawersik, a former Anchorage police officer investigating the misconduct allegations, obtained a 20-day protective order last summer against one of those soldiers, Master Sgt. John Nieves. She said in court documents that she was investigating Nieves and he told his counselor at Fort Richardson he had a plan to harm her.

Nieves, a former recruiting commander, told the court the alleged threat was an overreaction. In an interview he expressed a desire to clear his name of the misconduct allegations.

Another member of the recruiting unit, Master Sgt. Jarrett Carson, said last year that "I want to kill" the investigator, according to an internal memo by Command Sergeant Major Bradford Quigley.

"I asked MSG Carson if he really felt like he could harm himself or anyone else to which he replied 'I wouldn't harm myself, I love myself too much to do that, but I am not so sure about that investigator,'" Quigley wrote in the memo.

Anchorage police last month arrested Carson for "terroristic threats" after he allegedly threatened to blow up one of the buildings on the base over a pay issue.

Carson's commanders took the threat seriously because he was under investigation by the guard, according to the police report. The building was evacuated and searched with bomb-sniffing dogs, the report said, and police also searched Carson's vehicle. No explosives were found.

Carson said in an interview that the "terroristic threat" case was dismissed.

"Eighteen years in the military and I am being called a terrorist now," Carson said.

Carson said he did not threaten the National Guard investigator last year and has not even been told of what sexual misconduct the guard is charging him with.

Carson said he couldn't make a statement while the process is ongoing but expected to soon be cleared.

The sexual misconduct allegations could force the soldiers under investigation out of the guard, but it's questionable whether law enforcement will follow up with criminal prosecution.

The guard said four cases were turned over to local law enforcement, which did not pursue them. One of those cases, though, is being pursued further by national military investigators from the Washington, D.C.,-based Office of Complex Investigations.

In other cases, either the alleged victim did not want to pursue assistance from law enforcement or the misconduct charges didn't rise to the level of a crime.

Issues in the Alaska National Guard aren't limited to the Anchorage base. The commander of the Army National Guard's 49th Missile Defense battalion was recently relieved from command at Fort Greely in Delta Junction after complaints he condoned extramarital affairs on the base that provides America's main defense against a missile attack

Both U.S. senators from Alaska said they are troubled by problems in the guard, an organization that reports to the governor's office. Alaska Sen. Lisa Murkowski recently said in a speech on the Senate floor that the chain of command is lacking transparency when it comes to sexual misconduct issues.

Brigadier Gen. Catherine Jorgensen, the Alaska Army National Guard's chief of staff, said in a written statement that sexual assault, harassment and even inappropriate consensual relationships aren't tolerated.

"Although the process may seem long, it is imperative that we exercise diligence, respecting due process, privacy, and the rights of the individuals involved," she said. "As we become aware of misconduct of any kind, we address it appropriately."

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SENATOR BILL WIELECHOWSKI

## Sponsor Statement

### *Senate Joint Resolution 20: Military Sexual Trauma*

Senate Joint Resolution 20 addresses the disturbing and all-too-prevalent issue of sexual trauma in the Armed Forces.

Sexual assault and sexual harassment continue to occur in the military despite 25 years of task force recommendations, and congressional hearings, and initiatives by the military. This undermines morale within the military and threatens the strength, readiness of our forces.

Efforts made by the Department of Defense have resulted in a slight increase in reports, but still, victims face threats of retaliation because of the current reporting process. This resolution supports the bipartisan efforts of Congress change the way sexual assault in the military is reported. The proposal to reform the system would allow for a confidential reporting system for individuals who experience sexual assault while serving in the military. S967 the "Military Justice Improvement Act" makes the necessary changes.

This is a nation-wide issue that affects military families across the country. It is critical that Alaskans take a stand against this scourge.