



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



SAPRO FREQUENTLY ASKED QUESTIONS

JUNE, 2017

SAPRO General

- **What is SAPRO, when was it established, and what is it responsible for?**

The Sexual Assault Prevention and Response Office (SAPRO) was established in 2005 and serves as the Department's single point of authority for sexual assault policy relating to prevention and response. The office also provides oversight to ensure that each of the Service's Sexual Assault Prevention and Response (SAPR) programs complies with Department of Defense (DoD) policy. The goals of DoD's SAPR policy are to specifically enhance and improve:

 - Victim care by developing robust support resources and victim-focused professionals.
 - Prevention by formulating and educating on interventions that reinforce a culture of prevention.
 - System accountability by ensuring all program elements function as intended, comply with policy, meet legislative requirements, and operate effectively.

- **Why did DoD create an office to handle sexual assault policy?**

In February 2004, former Secretary of Defense Donald H. Rumsfeld directed a review of all programs related to treatment and care of sexual assault victims among the Services and the DoD. The Care for Victims of Sexual Assault Task Force (Task Force) was charged with recommending changes to increase prevention, promote reporting, enhance the quality and support provided to victims, and improve accountability for offender actions.

In April 2004, the Task Force released a report with a series of findings and recommendations, and also determined there was a need for a single point of accountability within the DoD for sexual assault policy. This specific recommendation led to the establishment of the Joint Task Force for Sexual Assault Prevention and Response in October 2004. The Task Force quickly fulfilled its mandate to develop and implement a sexual assault policy by January 2005.

In October 2005, the Department of Defense issued a Department of Defense Directive (DoDD 6495.01) that codified DoD policy on sexual assault prevention and response for the Military services, and replaced the Task Force with a permanent Sexual Assault Prevention and Response Office (SAPRO) to oversee the policy.

- **What are the DoD directives and instructions that pertain to sexual assault?**

DoD Directive (DoDD) 6495.01 and DoD Instruction (DoDI) 6495.02 provide policy and responsibility guidance to the Office of the Secretary of Defense, the Military service Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense. The term

“Military services” refers to the Army, the Navy, the Marine Corps, and the Air Force, which also includes their respective National Guard and Reserve components (10 USC101(d)(3)).

- **Do the Military services have sexual assault program offices as well?**
Yes. All four services have permanent sexual assault prevention and response program offices that work closely with the DoD SAPRO.
- **Does each branch of the Military follow the same SAPRO protocol?**
Each Service follows the same broad protocols laid out by SAPRO, and customizes it for their specific service and mission environments. In other words, SAPRO sets the baseline or core standards to follow, and the Services decide how they will implement. For example, every person in DoD must receive training on sexual assault, how to prevent it, and how to assist a victim. SAPRO gives the services that mandate and they develop the training programs to suit their unique needs. SAPRO then provides oversight to make sure that this process is adhered to.
- **Are there consistent prevention and response training standards for each of the Military services?**
Yes. The DoD policy mandated baseline training requirements to ensure uniformity across services. However, minor differences in terminology and procedures exist between the military services to accommodate each services unique culture and mission. Services are encouraged to expand their training programs beyond the minimum requirements set by the policy, and adapt their programs for maximum effectiveness in each Service’s unique environment.
- **Why are there two sexual assault reporting options?**
Privacy concerns are frequently cited as a barrier to reporting sexual assault. Some victims would opt to forego medical care and counseling if it meant becoming involved in a criminal investigation. To overcome this barrier, DoD instituted Restricted Reporting to encourage victims to come forward and receive confidential medical care and advocacy services. Restricted Reporting allows for evidence collection and a sexual assault forensic examination. Evidence for prosecuting the case is kept anonymously for a year by the service investigative agency, in case the victim changes his or her reporting option to an Unrestricted Report (which subsequently) triggers an investigation by the service investigative agency.
- **How prevalent is sexual assault?**
Sexual assault is the nation’s most underreported violent crime. In this country, a sexual assault occurs approximately every 90 seconds. Sexual assault does not discriminate. It affects men, women, and children of all racial, cultural, and socioeconomic backgrounds.
- **Has there been an increase in sexual assaults reported in DoD?**
Yes. There has been an increase in the number of sexual assaults reported. The key word in the previous sentence is reported. Before implementation of the two reporting options, there were likely sexual assaults in which victims never reported the crime. This does not mean that sexual assault in the military is on the rise. Rather, given the Restricted Reporting option, more sexual assault victims appear to be coming forward and seeking services. This is a good news message. As victims continue to gain more confidence in the new reporting options and services, it is hoped that many will choose

to eventually opt for Unrestricted Reporting and enable the military to hold perpetrators accountable.

- **Why is this issue important to the military?**

The military reflects the society it serves. It is a microcosm of our greater society and in turn faces the same obstacles as the civilian world. Although the population of the armed services is unique in many ways, we are not immune from sexual assault, and we share common concerns. Sexual assault is incompatible with core military values. Sexual assault weakens unit trust and creates dissention, which ultimately undermines the state of military readiness. It is important for US citizens to know and understand the challenges their war fighters face. DoD SAPRO is committed to educating the general public about the actions taken to combat sexual assault in the military.

- **Many people (within and outside of the military) expect the military to address societal issues before they are addressed in the civilian population. What are the challenges with this expectation?**

The military often leads the way in addressing social issues before they are widely addressed in the civilian population. The public holds the military to a higher standard. One of the unique challenges this presents is that, each week, the hundreds of new Service members coming into the military must learn and adopt these high performance standards from the moment they arrive. With this unique challenge, also comes a unique opportunity that the civilian community does not have: required training. Each Service member – no matter the rank – must undergo annual training on sexual assault prevention and response. That required training is not seen within the civilian community.

- **What is the Department doing to prevent retaliation against those who experience sexual assault?**

The Department views retaliation associated with crime and misconduct reporting as a significant concern. It is committed to eliminating retaliatory behavior, improving resources for reporters of retaliation, and providing tools for commanders, supervisors, and peers to prevent and respond to retaliation against those who report violations. In 2016, DoD released a comprehensive strategy and implementation plan to bolster its response system and increase protections for Active Duty, Reserve, and National Guard members who report sexual assault or sexual harassment while performing Active Service or Inactive Duty training and subsequently perceive retaliation associated with their report. The strategy also applies to uniformed witnesses, bystanders, and first responders related to those reports or complaints who also perceive some kind of retaliation for their involvement.

SAPR Initiatives

- **What type of training do VAs and SARCs receive? Do they get any kind of legal training?**

DoD SARCs and SAPR VAs do not receive legal training. Legal assistance is provided to victims through the legal assistance attorney. All SARCs must receive initial and periodic refresher training on several critical areas, including their roles and responsibilities, command relationship, case management skills, reporting options and required reports. Likewise, all VAs receive initial and refresher training on a wide range of areas including policy, reporting options, sensitivity training, command relationships,

crisis support resources and victim rights. A full listing of the required training elements for SARCs and VAs is in DoDI 6495.02.

Definitions

- **How does the DoD define “sexual assault”?**

Sexual assault is not the name of a crime under the Uniform Code of Military Justice (UCMJ); rather, it is a term specifically defined by Department of Defense Directive 6495.01. The DoD uses the term “sexual assault” to refer to contact sex crimes by adults against adults. It encompasses all sex crimes under the UCMJ ranging from indecent assault to rape. The definition of sexual assault states:

For the purpose of this Directive and SAPR awareness training and education, the term sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. It includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. Consent shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion, or when the victim is asleep, incapacitated, or unconscious.

- **Does DoD use the term “military sexual trauma”?**

No. Military sexual trauma, or MST, is the term created by Congress and used by the Department of Veterans Affairs (DVA) to refer to experiences of sexual assault or repeated, threatening acts of sexual harassment throughout the course of one's military career. The term is used for screening, diagnosing, and treating the psychological trauma and other mental health problems that stem from sexual assault or harassment. This broad definition of MST allows the DVA to identify and treat as many veterans as possible.

- **What is the difference between “Restricted Reporting” and “Unrestricted Reporting”?**

Restricted Reporting allows victims to confidentially access medical care and advocacy services without initiating an official investigation or command notification. When a victim makes an Unrestricted Report, it is referred for investigation, and command is notified. As with Restricted Reporting, victims may receive healthcare, counseling, and advocacy services. However, in an Unrestricted Report, details of the sexual assault incident are provided to command and law enforcement.

Chain of Command – Culture

- **Is sexual assault/harassment a leadership problem? How is it being addressed?**

Setting the right climate for Service members is a leadership responsibility. This means every level of leadership has a moral duty to keep Service members safe from those who would attack their dignity and honor, and to hold perpetrators appropriately accountable. Service members need to have a clear understanding of what is expected of them and the consequences for misconduct. These messages are carried through to commanders through their regular training.

It is important that commanders have a clear picture of the climate within their unit so they know if victims would feel comfortable coming forward and that it is clear that sexual assault will not be tolerated. Commanders have access to a valuable survey tool to help them track the unit's climate related to sexual assault. The Defense Equal Opportunity Climate Survey includes questions designed to provide commanders with a snapshot of their unit's unique command climate.

- **If a victim feels his or her command is not taking a sexual assault report seriously, is there anyone outside the chain of command they can or should report it to?**
Yes. If victims feel that command is not taking a sexual assault report seriously, they may contact their Service Inspector General, the Department's Inspector General, SAPRO, or provide details to the staff at the DoD Safe Helpline who will bring it to SAPRO's attention. Victims may also contact their military criminal investigative organization.

Investigations – Prosecution – Victim Legal Assistance

- **Should there be more aggressive pursuit and prosecution of perpetrators?**
Sexual assault cases are some of the toughest cases to investigate and prosecute. However, by Department policy, every Unrestricted Report of sexual assault must be fully investigated. By law, the Department must account for the action taken against every subject identified in a sexual assault investigation. Once a report has been made, successful prosecution hinges on good evidence gathered by investigators and victim participation. Expedient reporting and collection of evidence is believed to produce better quality cases and prosecutions. Consequently, investigators and judge advocates need specialized training to ensure they can obtain the best evidence and effectively use it in court. Victims also have the option to make a Restricted Report, meaning that they can receive support services without initiating an investigation, which precludes command action.
- **Why can't you remove the commanders from the investigative chain?**
Commanders are not part of the investigative chain. By DoD policy, commanders must forward all Unrestricted Reports of sexual assault to a Military Criminal Investigative Organization—e.g., a unit that is separate and independent from the chain of command—to investigate the allegations. Once the investigators have completed their work, a commander reviews the investigative report and, in collaboration with a military attorney, decides what military justice action is appropriate based on the evidence.
- **Doesn't having a commander involved in prosecution pose a conflict of interest?**
The ability to impose proper standards of behavior has always been viewed as a command responsibility. Inherent in that responsibility is the authority to address misconduct and offenses by subordinates and impose discipline, according to the facts and circumstances of each case. By removing discipline from the commander's purview, it jeopardizes the commander's ability to achieve mission success and maintain good order and discipline. Further, it isolates commanders from their command by requiring them to establish and maintain good order and discipline while denying them the ability to address misconduct. The military justice system recognizes the distinct role of commanders and their unique ability to create a climate of mutual respect and support within their units. To do this, commanders must be given the tools to address this challenge head on.

- **Is there anyone assigned or available to accompany the victim through the judicial process other than the prosecutor?**

The Victim-Witness Assistance Program assists the victim through the court process. The SAPR VA may also assist the victim. In addition, a victim may approach a legal assistance advisor who can explain the military justice system and can identify services and support which might be available to victims of sexual assault.