

# ARMY NEWS SERVICE

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## Army Develops Policy to Address Acts of Sexual Assault

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<http://tradoc.monroe.army.mil/casemate/stack/061104assault.htm>

WASHINGTON – The Army is devising a policy that will re-emphasize that all offenses of sexual assault must be reported to the Criminal Investigation Command, officials have announced.

A task force spent 90 days conducting a detailed review of the Army's current policies and programs on sexual assault. One of the findings was that while all commanders had taken action against assailants accused of sexual assault, not all were going through the proper investigation channels, said Darlene Sullivan, a task force member.

The task force was assembled from various Army organizations and began looking into how the Army addresses matters of sexual assault in February. Acting Secretary of the Army, Les Brownlee, authorized the task force.

The task force recommendations were approved by Brownlee, and were briefed to the House Armed Services Committee June 3 by Reginald J. Brown, the assistant secretary of the Army for Manpower and Reserve Affairs.

There were nine shortfalls the task force noted in its 80-page report. One major finding pointed out there was no standard way of handling sexual assault cases, making it hard to collect data and keep track of what services had been rendered to victims.

There were 24 recommendations made to improve the system. One was to develop a sexual assault policy for inclusion in Army Regulation 600-20, Army Command Policy. The chief of personnel, Army G-1 is responsible for the overall sexual assault policy.

The policy will define sexual assault as alleged offenses of rape, forcible sodomy, assault with intent to commit rape or sodomy, indecent assault or an attempt to commit any of these offenses, Sullivan said. The definition is the same one used by the Department of Defense in its recent report "Care for Victims of Sexual Assault."

The roles and responsibilities of commanders from major command to unit level will be addressed in the new policy and become a part of AR 600-20, said Lt. Col. John McPhaul of Army G-1.

"Commanders must create a command climate where victims feel comfortable reporting

acts of sexual assault,” said Sullivan. “Rape is one of the most unreported crimes nationwide.

“As a first sergeant, if you don’t know your Soldier was attacked or raped, how can you protect that Soldier? What if you put that Soldier on guard duty with his or her attacker?

It’s imperative that leaders know that prevention, training and assistance are a commander’s responsibility.”

Company commanders will no longer have the authority to sign the disciplinary paperwork for Soldiers who are accused of a sexual offense, when the cases don’t go to court. The battalion commander’s signature will be required, Sullivan said.

Department of the Army form 4833, Commander’s Report of Disciplinary or Administrative Action, is a permanent record that states what a Soldier was accused of, and what action was taken against him.

Sullivan said the task force found that about 20 percent of the commanders had not filled out the form because of operational tempo. Another recommendation of the task force is to alter the form, so that instead of stating administrative action was taken against a Soldier, his or her specific punishments will be listed on the form.

Commanders alone cannot round out a successful program to prevent sexual assault, according to the task force. Commanders alone cannot be the judge, juror and prosecutor.

In AR 600-20 one of the responsibilities commanders will have is to assign a unit victim advocate to support victims of sexual assault. It is important to keep the victim and the chain of command informed of all case actions as they occur with the case. The unit victim advocate will work to provide emotional support to victims while assisting them in the step-by-step processes involved, McPhaul said.

Other agencies whose roles will be outlined in the chapter will include CID, the Provost Marshal, the Surgeon General, Staff Judge Advocate and Assistant Chief of Staff for Installation Management (Community and Family Support Center), McPhaul said.

“The Army agencies already have some procedures in place and know what to do, and are doing it, if an act of sexual assault occurs,” McPhaul said, “but we must develop comprehensive policy of dealing with sexual assault from awareness/prevention, to victim support and data collection.

“We are developing a mechanism that gets all the agencies in concert with each other by establishing a policy that deals with sexual assault not only in garrison but in a deployed setting as well,” McPhaul said.

Training requirements will also be addressed in the regulation, McPhaul said. Within the next 60 to 90 days, new chapters will be added to the regulation and staffed with the

field, he added.

Training and Doctrine Command is currently devising lesson plans on the prevention of sexual assault to be included in all professional development schools, refresher courses at the unit level and additional training for law enforcement, medical and legal personnel, Sullivan said.

When looking for ways to improve the Army's policies and programs, the task force sought advice from outside agencies to include Department of Veteran Affairs; National Organization of Victim Assistance; Rape, Abuse, and Incest National Network (RAINN); The Miles Foundation, Navy, Coast Guard and the University of Arizona and Purdue University in Indiana.

Both universities were given grants from the Department of Justice for their prevention programs, Sullivan said. The age category for the Soldiers who report the assaults and their assailants are in the same age category as the university students, she added. Nearly 84 percent of alleged perpetrators were identified as junior Soldiers, and 95 percent of the victims were in the rank of staff sergeant and below, according the task force report.