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**Written Testimony of Lynn Rosenthal, Chair**  
**Independent Review Commission on Sexual Assault in the Military,**  
**before the**  
**House Armed Services Military Personnel Sub Committee**

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Chairwoman Speier, Ranking Member Gallagher and Distinguished Members of the Sub Committee:

Thank you for the opportunity to present the findings and recommendations of the Independent Review Commission on Sexual Assault in the Military (IRC).

The IRC was charged with the mission to improve how the military addresses sexual harassment and sexual assault, with recommendations across four lines of effort: accountability; prevention; climate and culture; and victim care and support. To ensure a robust assessment of each area, we recruited twelve highly-qualified experts from outside of the Department of Defense (DoD) and the Services, three of whom are with me today. This multidisciplinary team came from the fields of civilian criminal justice, victim advocacy, sexual violence prevention and response, and public health research. Five of the IRC's members are former military commanders, and two served as judge advocates prior to their careers as federal prosecutors.

Our final report, *Hard Truths and the Duty to Change*, presents a comprehensive view of the challenges the military must confront to eradicate sexual violence. In total, the IRC made 82 recommendations that we believe offer feasible, evidence-informed solutions to the problems DoD and the Services face. Because leadership is at the heart of military culture and unit climate, these recommendations target leaders at all levels.

As this committee knows so well, 20,000 Service members are sexually assaulted every year, though fewer than 8,000 report, and far fewer see action fewer see action taken on their cases in the military justice system,

which includes judicial and non-judicial components of discipline<sup>1,2</sup>. Far more experience sexual harassment<sup>3</sup>.

For decades, Senior leaders have said that there is no tolerance for sexual harassment, and that sexual assault “has no place in our military.” And yet in the daily lives of many Soldiers, Airmen, Sailors, Marines and Guardians, sexual harassment goes unchecked, and demeaning language, which sets the stage for greater harassment, is ignored. As one senior enlisted officer told us “Zero tolerance is actually 100% tolerance.” This has resulted in broken trust between Service members and commanders.

This damaged trust has consequences for the **military justice system**, which the IRC found is ill-equipped to handle sensitive crimes like sexual assault and domestic violence. These crimes are interpersonal in nature and have the potential to be re-traumatizing to victims as their cases move forward. Further, the current system puts legal decisions about these complex cases in the hands of commanders whose leadership is better suited to other aspects of the care of Service members, which includes both prevention and response. For this reason, the IRC has recommended shifting prosecution decisions to experienced special victim prosecutors outside the chain of command. There is a detailed explanation of what we mean by special victims, why we recommend this approach, and how this would work in the LOE 1 report.

Creating a dedicated cadre of specialized prosecutors with significant experience and training is essential to improving the response to these cases. The IRC emphasizes, however, that making changes to the military justice system alone will not reduce sexual assault. Investing in prevention,

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<sup>1</sup> Breslin, R., Davis, E., Hylton, K., Hill, A., Klauberg, W., Petusky, M., Klahr, A. (2019). 2018 Workplace and Gender Relations Survey of Active Duty Members: Overview Report. Report No. 2019-027. Alexandria, VA: Office of People Analytics, 26. <https://apps.dtic.mil/sti/citations/AD1072334>

<sup>2</sup> DoD SAPRO. (2021). Appendix B: Statistical Data on Sexual Assault. Fiscal Year 2020 Annual Report on Sexual Assault in the Military, p.11.

[https://www.sapr.mil/sites/default/files/Appendix\\_B\\_Statistical\\_Data\\_On\\_Sexual\\_Assault\\_FY2020.pdf](https://www.sapr.mil/sites/default/files/Appendix_B_Statistical_Data_On_Sexual_Assault_FY2020.pdf)

<sup>3</sup> In FY19, DoD reported 1,640 complaints of sexual harassment from the Services and the NGB. The 2018 WGRA revealed that a total of 116,300 Service members indicated experiencing sexual harassment (nearly 1 in 10 Service members: 24% of women, 6% of men). Put another way: Only 1.4% of Service members who experienced sexual harassment ever reported it. See: DoD. (2020). Fiscal Year 2019 Annual Report on Sexual Assault in the Military, Appendix F: Sexual Harassment Assessment, p. 3.

[https://www.sapr.mil/sites/default/files/7\\_Appendix\\_F\\_Sexual\\_Harassment\\_Assessment.pdf](https://www.sapr.mil/sites/default/files/7_Appendix_F_Sexual_Harassment_Assessment.pdf) & 2018 Workplace and Gender Relations Survey of Active Duty Members, p. 43.

[https://www.sapr.mil/sites/default/files/Annex\\_1\\_2018\\_WGRA\\_Overview\\_Report\\_0.pdf](https://www.sapr.mil/sites/default/files/Annex_1_2018_WGRA_Overview_Report_0.pdf)

improving command climates, and enhancing victim care and support are equally necessary.

The IRC's climate and culture experts identified how **outdated social and gender norms** contribute to a culture of hostility toward women in the Services that allows sexual harassment and assault to continue. I refer you to the LOE 3 report for detailed findings, including a graphic chart about what can happen to women when they come in to male-dominated units. This hostility extends to anyone who is seen as the "other"- for example, a recent analysis from RAND found that gay men experience sexual assault at 9 times the rate of other men<sup>4</sup>.

Importantly, we found that the cyber domain can be as strong an influence on unit climate as real-time interactions, and that leaders are poorly equipped to deal with sexual harassment and other abuses that take place in this ever-changing environment. We've made a series of recommendations to improve unit climate, including better methods to select, develop and evaluate leaders and better data collection to track online harassment.

The IRC found **critical deficiencies in the workforce** that is charged with managing sexual harassment and sexual assault, including lack of expertise across the board. These deficiencies have multiple causes, including frequent changes of station for Service members in these roles, the lack of career tracks and military billets for these essential jobs, and unfunded or under-funded mandates that require the Services to "make it fit" without the right manpower.

Nowhere is this more apparent than in victim care, where there are thousands of collateral duty (part-time) victim advocates across the Services. Many of these Service members are "voluntold" to be their unit's advocate in their off-hours. By day, they have a separate military job. Some are passionate about being part of the solution and supporting victims. But the idea that a mechanic or logistics specialist will have the skills to effectively address the complexities of sexual assault is an affront to victims.

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<sup>5</sup> Black, M., & Merrick, M. (2013). Prevalence of Intimate Partner Violence, Sexual Violence, and Stalking among Active Duty Women and Wives of Active Duty Men—Comparisons with Women in the U.S. General Population, 2010. CDC, National Center for Injury Prevention and Control. [https://www.sapr.mil/public/docs/research/2010\\_National\\_Intimate\\_Partner\\_and\\_Sexual\\_Violence\\_SurveyTechnical\\_Report.pdf](https://www.sapr.mil/public/docs/research/2010_National_Intimate_Partner_and_Sexual_Violence_SurveyTechnical_Report.pdf)

In the military justice system, **the lack of career tracks and billets** for prosecutors, investigators and special victims counsel results in a lack of experience and expertise, which has been called the Achilles heel of military justice. In every Service, regular rotations of personnel are destabilizing for all parties. One survivor the IRC met with told us that over the course of her case, she had two different prosecution teams and four different Special Victims Counsel. And, her victim advocate deployed before the trial.

These workforce deficiencies also extend to **prevention**. Many military leaders are committed to preventing sexual assault, but they don't know what prevention is and how it differs from response. Because the military lacks a dedicated prevention workforce, these leaders are not equipped with the right personnel to increase their understanding. Instead, prevention is assigned to personnel who are not trained in public health or prevention science and who lack the capacity, through no fault of their own, to design, implement and evaluate prevention initiatives. The military requires the resources to make the long-term investment in a qualified prevention workforce. The LOE 2 report provides a blueprint for how to do this, including establishing a prevention research center and increasing the military's understanding of perpetration. It is in the best interests of DoD to learn more about the risks they take in recruiting individuals to the force, and this includes studying and piloting compatibility assessments.

Finally, the IRC found that **victims carry a heavy burden** whether they report sexual assault or not. Every sexual assault survivor we interviewed who made an unrestricted report told us that they regretted doing so, and most who had made restricted reports said that their assaults were not kept confidential. Nearly all survivors we talked to said they had contemplated or attempted suicide. We've made a series of recommendations to improve victim care and support, including shifting SARCs and victim advocates out of the command structure; largely eliminating collateral duty victim advocates; and professionalizing a full-time sexual assault response workforce. When survivors are believed and cared for by command, it can be lifesaving. The recommendations in LOE 4 provide the structure and tools to enable commanders to be the leaders that survivors need them to be.

We also identified the need to **improve the response to domestic violence**, which is inherently linked to sexual assault. In addition to civilian military spouses, Service members are at risk for domestic violence. 1 in 3 Active Duty women have experienced violence from an intimate partner—*which can include sexual violence*—in their lifetimes<sup>5</sup>. Recognizing this, the IRC has made several recommendations to improve the military's response to domestic violence, including establishing court-ordered protection orders that can be enforced off-installation.

The hard truths in this report present a challenging picture, but the IRC believes that with leadership and resources, significant progress can be made. Most importantly, the IRC rejects the notion that shifting legal decisions about prosecution diminishes the unique role of commanders in addressing sexual harassment and assault. By shaping unit climates built on safety and respect, changing the culture, and protecting victims from negative consequences of reporting sexual harassment and sexual assault, commanders remain the key to solving this problem.

Thank you.

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<sup>5</sup> Black, M., & Merrick, M. (2013). Prevalence of Intimate Partner Violence, Sexual Violence, and Stalking among Active Duty Women and Wives of Active Duty Men—Comparisons with Women in the U.S. General Population, 2010. CDC, National Center for Injury Prevention and Control. [https://www.sapr.mil/public/docs/research/2010\\_National\\_Intimate\\_Partner\\_and\\_Sexual\\_Violence\\_SurveyTechnical\\_Report.pdf](https://www.sapr.mil/public/docs/research/2010_National_Intimate_Partner_and_Sexual_Violence_SurveyTechnical_Report.pdf)