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

PERSONNEL AND
READINESS

NOV 2 2 2004

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (M&RA)
ASSISTANT SECRETARY OF THE NAVY (M&RA)
ASSISTANT SECRETARY OF THE AIR FORCE (M&RA)

SUBJECT: Data Call for CY04 Sexual Assaults (JTF-SAPR-003)

In preparation for the Secretary of Defense's report to the House and Senate Armed Services Committees, I am requesting your assistance in providing, by January 28, 2005, the following data on sexual assaults within your Service that were reported to military officials during CY04:

- The number of sexual assaults against Service members by Service members.
- The number of sexual assaults against Service members by non-Service members.
- The number of sexual assaults by Service members against non - Service members.
- The number of actions taken for each reported sexual assault in the above categories:
  - Investigations opened during the CY;
  - Of those investigations opened during the CY, the number completed during the CY;
  - Of those investigations opened during the CY, those still pending civilian/military disposition at the end the CY.
  - Final disposition to be reported:
    - civilian criminal court action
    - court-martial
    - Article 15, UCMJ, action (non-judicial punishment)
      other adverse military administrative actions
      -- administrative discharge in lieu of court-martial
      -- administrative discharge in lieu of disciplinary action as noted above
      -- other specified administrative actions to include letter of caution, letter of reprimand/memorandum (not issued at article 15 hearing or court-martial)
    - no actions taken and reason why not (report the reason no action taken as short and succinct as possible such as: insufficient evidence, victim recanted, death of offender, etc…)
      (Note: Indicate multiple actions taken on one offense.)

- The policies, procedures and processes in place or implemented during CY04 in response to incidents of sexual assault involving Service members.
- Any plans for Service actions that will be taken during CY05 related to the prevention of and response to sexual assault involving Service members specifically in the areas of: advocacy, healthcare provider/medical response, mental health, counseling, investigative services, legal services, and chaplain response.

For the purposes of this request, sexual assault cases include alleged offenses of rape (Article 120, UCMJ), forcible sodomy (Article, 125, UCMJ), indecent assault (Article 134, UCMJ; Para. 63, Part IV, Manual for Courts-Martial), and an attempt to commit any of these offenses (Article 80, UCMJ). Exclude all cases involving a child (i.e., a person who at the time of the assault had not yet attained the age of 16).

This data call is the basis for quarterly and annual reports until the DIBRS system is fully implemented to include the data fields necessary for comprehensive reporting. In the quarterly reports the policies and plans actions are not required. Quarterly reports are due as follows: April 15, 2005, for investigations opened during the period of January 1 – March 31; July 15, 2005, for investigations opened during the period of April 1 – June 30; and October 14, 2005, for investigations opened during the period of July 1 – September 30. The final quarterly report shall be included as part of the CY annual report. Each quarterly report and subsequent annual reports shall update the status of those previously-reported investigations that were reported as opened, but not yet completed or with action pending at the end of a prior reporting period. Once final action taken is reported, that specific investigation no longer needs to be reported. This reporting system will enable us to track sexual assault cases from date of initiation to completion. Additional data will be requested from the Services at a later date to report the tracking of victims' case management.

Your cooperation in this matter is sincerely appreciated. My POC for this action is Brigadier General K.C. McClain, USAF, Commander, Joint Task Force Sexual Assault Prevention and Response.

David S. C. Chu

David S. C. Chu

Attachment:
As stated

cc:
Deputy Commandant USMC (M&RA)
Director, Joint Staff

HR 4200
Section 577

(f) ANNUAL REPORT ON SEXUAL ASSAULTS- (1) Not later than January 15 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.

(2) Each report on an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(B) A synopsis of, and the disciplinary action taken in, each substantiated case.

(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

(D) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.

(3) Each report under paragraph (1) for any year after 2005 shall include an assessment by the Secretary of the military department submitting the report of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

(4) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on the report. The Secretary shall submit each such report not later than March 15 of the year following the year covered by the report.

(5) For the report under this subsection covering 2004, the applicable date under paragraph (1) is April 1, 2005, and the applicable date under paragraph (4) is May 1, 2005.