

Policies Around Sexual Assault within the United States Military

Sexual assault in the United States military is an unfortunate, prevalent truth that affects both female and male soldiers. The issue is so widespread, in fact, that the result has its own diagnosis: Military Sexual Trauma (MST). Recently, I viewed *The Invisible War* (2012), directed by Kirby Dick, a documentary about rape within the United States military. The film was a back-and-forth between heartbreaking testimonies from veteran victims and horrifying statistics about the prevalence of rape compared to the lack of prosecution. Before starting my research on the topic of rape within the United States military, I already had the expectation that I would hear a lot about the failures of our government and justice system when dealing with these cases. Unfortunately, I learned that not only are sexual assault cases that occur in the military severely mishandled, but they are also allowed, and even encouraged in some cases.

One document published by the Defence Technical Information Center titled "Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2014" claims that, "Eliminating sexual assault in the military is one of DoD's highest priorities. The Secretary of Defense and the Department leadership are committed to continually assessing and improving the Department's SAPR efforts. The DoD SAPR Office (SAPRO) is the single oversight body responsible for continuous assessment of the Department's SAPR strategy. SAPRO utilizes both qualitative and quantitative data collection and analysis methods, including surveys, focus groups, and sexual assault reporting data, to evaluate the effectiveness of the Department's overall SAPR programs. The Secretaries of the Military Departments and the NGB also perform Service-specific internal assessments. To foster program consistency and unity of effort

across the Military Services and the NGB, the Director of DoD SAPRO continued to host regular SAPR Integrated Product Team (IPT) meetings with DoD and Military Service SAPR leadership. The SAPR IPT provides a forum for the oversight of program execution, policy matters, and the sharing of important research and best practices. In FY 2014, the SAPR IPT guided the development of policies and programs to comply with new legislation and initiatives from the Secretary of Defense.” The DoD SAPR Strategic Plan is laid out in five parts: prevention, investigation, accountability, advocacy/victim assistance, and assessment. I would like to note that this 2014 report was only the eleventh annual report on sexual assault within the United States military. SAPRO, the Sexual Assault Prevention Response Office, was founded in October 2004. “The task force developed a new DoD wide sexual assault policy, and the policy was officially in place on January 1, 2005.”

As civilians, we have a sense of what our options are if we are (God forbid) raped. These include filing a police report, having a rape kit done, seeking counseling, and confiding in others. The only thing that is worse than experiencing a nightmare once is being trapped in it. Unfortunately, for Trina McDonald of the United States Navy, this was the case. McDonald was stationed in remote Adak, Alaska, for just a couple of months before she was drugged and raped for the first time, but not the last. And if you’re wondering why it kept happening to Trina McDonald, I assure you it was not for a lack of trying to get away. McDonald was in an isolated location, the only woman among a handful of men, men who threatened to kill her if she reported them. If you’re like me, you're thinking that she should have gone to the police anyway, that they would have protected her. Here’s the kicker—it was the military police that were

raping her. McDonald explains that any calls off base were monitored by the police. She would spend phone calls sobbing to her father to get her out of there, but could not explain when he asked why, out of fear for her life. Trina was living a nightmare and did not know when she would wake up. McDonald was trapped.

Trina McDonald's situation may seem like an extreme case, but this state of being trapped consumed many of the veteran victims who shared their testimonies for the documentary. But how could this be? There must be a system in place to help victims of sexual assault seek justice—or offer support at the very least. Technically, on paper, there is. However, no survivor interviewed for the documentary saw any form of justice or received any level of care.

The United States Department of Defense Sexual Assault Prevention and Response Policy offers victims two options, the first of which is Unrestricted Reporting, which allows “adult victims of sexual assault to report crimes without requesting confidentiality of their allegations. DoD law enforcement initiates an investigation, and the chain of command is notified. Unrestricted Reporting allows victims to receive medical treatment, advocacy services, legal support, and eligibility for expedited transfer. In addition, Unrestricted Reporting allows victims of sexual assault to report retaliation in the SAPR program.” A report on the new DoD sexual assault policy put into place in 2005 outlines the role of the “Case Management Group (CMG) Review for Unrestricted Reports of Sexual Assault”, stating that it “requires the CMG chair to request a high-risk safety assessment be conducted by trained personnel of each sexual assault victim at each CMG meeting. If the victim is assessed to be in a high-risk

situation, the CMG chair will immediately stand up a multi-disciplinary high-risk response team to continually monitor the victim's safety, by assessing danger and developing a plan to manage the situation." The issue with this, however, is one that many victims interviewed for the film ran into: it leaves the decision on whether or not a case constitutes any of these actions. It tells us that victims will be supported only if the CMG chair deems it valid. Unfortunately, many victims are told that they welcomed the assault, are overreacting, and need to suck it up, or are lying about their assault.

The second option for victims is Restricted Reporting, which allows "adult victims of sexual assault to confidentially report the crime to specified individuals without triggering an investigation. Information provided to the chain of command does not reveal personally identifying information about the victim or alleged offender. Restricted Reporting allows the victim to receive legal advice, medical treatment, and advocacy services." But whether Restricted Reports and the victim's identity are respected is questionable. Restricted Reporting also means that the victim can not be considered for their eligibility for expedited transfer. It also means that the chain of command is not responsible for or concerned with continually monitoring the situation and the victim's safety. One infuriating aspect of this reporting option is that although sexual assault is explicitly referred to as a "crime" in the DoD SAPR "Victim Reporting Options Guide", the procedures in place do not come close to treating it as such.

Rape has nothing to do with eager romance or poor judgment. Military men will also rape their male counterparts. Homosexuality plays no role in the prevalence of sexual assault within the military. It is purely an act of power and violence against whoever the predator deems the right target. Since *The Invisible War* was released in

2012, there have been “changes” in procedures concerning how sexual assault within the military is handled. Whether or not these action programs are actually used is an answer that only newer victims of Military Sexual Trauma know.

In *The Invisible War* (2012), Elle Helmer of the United States Marine Corps explains how alcohol consumption played a role in her experiences. Helmer tells us that the company would be taken out to the bars and expected to drink—an activity funded by the Marine Corps. Helmer remembers being told to take shots. She was forced to make up for skipping a drink and having a glass of water by taking extra shots. Elle Helmer was told, more than once, by her superior that it was a command to drink. It was the same, often drunk, superior that would let himself into her room and her bed, physically abuse her, and rape her. In the “Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2014” document, there is a whole section concerning policies around alcohol consumption, part of which states, “In May 2014, the Secretary of Defense directed the Military Departments and NGB to review and revise, as necessary, alcohol policies to address risk factors beyond the individual use of alcohol. This effort is designed to shape the environment for making responsible choices, and includes engaging with local community leaders, collaborating with off-post businesses to modify alcohol sales practices, and enhancing cooperation between the installation and the local community.” In 2014, alcohol was mentioned 617 times throughout the document. In the “Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2022” document, alcohol policies no longer have a section. The word alcohol is used only once throughout the entire report—in a citation, nonetheless.