

## **USAFA FINDINGS - MS. WALKER AND MEDIA**

**JUNE 19, 2003**

Brig Gen Rand: Good afternoon, everyone. We're going to do a single-subject briefing today announcing the report of the Working Group concerning the deterrence of, and response to, incidents of sexual assault at the U.S. Air Force Academy. So what I'd like you to do is limit your questions to that subject. The briefer is the Honorable Mary Walker, the General Counsel of the Air Force. She's going to highlight the key elements of the report, and then she'll be glad to take your questions. You should have been given copies of the report. It will also be accessible on the Air Force website and the briefing is -- and the questions are all on the record. Ms. Walker, over to you.

MS. WALKER: Good afternoon. It's my pleasure, after several months of long, hard work, to be here to discuss with you today the report of the Working Group on the deterrence of, and response to, incidents of sexual assaults at the U.S. Air Force Academy.

I'd like to thank, first of all, the Working Group, my fellow members of the group, and our staff team, who worked so hard on this matter. Many gave up nights and weekends with their families for many long weeks in order to pursue the facts in this case and respond to the Secretary's directive.

This investigation began -- not many of you may know this -- six months ago, when the Secretary and leadership received an email that wasn't initially directed to them. It was an email from a female cadet directed to other female cadets that asserted there was a problem of sexual

assault at the Air Force Academy, and that it was being ignored by Air Force leadership, or the Academy leadership. And the Secretary immediately sent that to me and asked me to convene a Working Group of the highest levels of the Air Force that would look at this issue, and that would examine the cadet complaints in light of the policies, programs, and practices at the Academy to respond to incidents of sexual assault, and to determine if we needed to make changes.

That was our charter, and we began work immediately. We received briefings; we looked at information. We recognized that we had a lot of work to do that could only be done in the field. And so, we convened a staff team that we sent to the Academy that spent weeks there doing this work. They interviewed over 280 witnesses and personnel at the Academy, cadets, including victims of sexual assault, and they looked up over thousands of pages of documents going back to the 10-year period that our review was to cover.

The Sexual Assault Program at the Academy was initially developed in 1993 by then Superintendent General Hosner (sp) in response to an incident of sexual assault that had been alleged at the time, and we wanted to look at the 10-year period following it through 2002, so that we could see how that program had been developed, how it had been implemented, leadership's involvement over time in light of the cadet complaint, so we'd have a background, a backdrop for that.

And I wanted to let you know that even as we were reviewing that and accumulating that, we were keeping the Secretary and the Chief apprised, and in March, I provided them with a

memorandum that contained preliminary findings of the Working Group. And based on that, and their own review and inquiry that had been proceeding, they adopted the Agenda for Change on March 26<sup>th</sup> that took preliminary steps to make significant changes at the Academy, changes in programs, policies, and practices to address what we were finding even then.

Meanwhile, our review continued. We had interviewed additional witnesses, continued to review and accumulate evidence, and now we have what is essentially the final report before you today. And this report contains additional findings, additional recommendations, many of which have been implemented by the Agenda for Change, but because we make additional recommendations, they're now being reviewed by the Secretary and the Chief. We anticipate additional measures will be implemented as well.

There are other reviews that are pending you should be aware of. Initially, when we were given this charter, the Secretary determined that it would be best if the Air Force Inspector General would review individual cases where complaints had been made by the cadets, victims, about the handling of their cases. Some had been talking to Congress, some to the media, some to us. We had established a hotline, basically telephone, email access, so they could communicate directly with us. Anyone who had a complaint about their case was referred directly to the Inspector General, and it wasn't limited to the 10-year period that we were looking at. So that review continues. It is not yet completed. I don't have a date for you. There is no date to give.

Whenever it's done, it will be done.

In addition, the DoD Inspector General is looking not only at our cases and our review, but also all the academies, the other military academies. And then the Secretary of Defense Office of Personnel and Readiness is also reviewing policies and programs at the three military academies. And then, of course, there's the outside panel that has recently been convened in response to Congressional legislation, and that panel has just now begun. We will be briefing them on our report, which we believe informs the debate, but they, too, will have additional information and advice to offer the Secretary and the Chief that will contribute to the final recommendations, and the Secretary and the Chief will of course determine what ultimately should be done with further appropriate action.

I wanted to briefly give you some of the information from the report. I realize you've received it today, and you may not have a chance to review it. There is an Executive Summary at the beginning, but it's still to give you some information.

We recognize that it was difficult to establish the scope of the sexual assault issue at the Academy, principally because the Academy employed a unique definition of sexual assault that was broader in some respects than the crimes that sexual assault would cover. In addition, there were problematic aspects to that definition in that the issue of consent, the training materials further broadened it, and you'll see it's discussed extensively in the report that reports of sexual assault, even if true, might not amount to a crime that could be prosecuted. So that was -- so when we have bare allegations, we don't know in all cases whether they would be an action -- something that could be actionable under the Military Justice Code.

In addition, the Academy had a unique program. This was by design, in 1993, to encourage the reporting of sexual assault, which as you know, is an underreported crime in society, in all aspects; such that they wanted the victims to feel comfortable coming forward in a confidential setting. This is, of course, a policy call, and they made the policy call early on to allow the victims not only to report what information they wanted to report, and sometimes they would not give us the name of the assailant, or enough information to really investigate, nor did they want the case investigated, and they were basically allowed to, in some respects, control that process. that process.

The downside was that command, in some cases, didn't get the information it needed to respond appropriately or to investigate or bring assailants to justice. And so, the Secretary and the Chief, with their Agenda for Change, decided to make a policy change, and now all cases -- all reports - - excuse me -- all allegations of sexual assault will be investigated and that's being implemented now. But when we look at the numbers, it's very difficult.

But having said that, we found there were an average of 14 allegations of sexual assault per year during the 10-year period that we examined, or a total of 142 allegations. Some of these are bare allegations. They were not investigated because either the victim didn't cooperate or didn't want it investigated, or command didn't have enough information to investigate it.

These involved fewer than 5 percent of the female cadets and fewer than 1 percent of the male cadets. That's not to say that any sexual assault is acceptable. None is. However, we want to be clear that we're talking about a very small percentage of the cadet population.

Of the cases they were able to investigate, there were 61 of them in the 10-year period. Forty of them involved cadet-on-cadet incidents. We recognize some of the allegations of assault may have been assault that took place before a cadet came to the Academy, or might have taken place at home, might have involved civilians. So we're talking -- when you get down to it, there were -- of the investigated cases, there were 40 that involved cadet-on-cadets. Nineteen of those involved allegations of rape. Three of those were recanted or withdrawn.

About half of the investigated cases did not provide sufficient evidence for action to be initiated under the Uniform Code of Military Justice. There were many factors involved in that. It could be, for example, that even after a thorough investigation, it was impossible to identify the assailant. In some cases, there were difficult fact patterns involving issues of consent or mistake of fact, and in some cases, the subject would have passed the lie detector test.

There is a section in the Leadership portion of the report, at the very end, right before the Findings and Conclusions, which examines the cases, and I would direct your attention to that review. I'll mention it just a little bit later as well, but it will give you some sense for the difficult fact patterns in some of these cases.

Importantly, the Working Group concluded there was no systematic acceptance of sexual assault at the Academy over this 10-year period we examined, no institutional avoidance of responsibility. There was no systematic maltreatment of cadets who reported sexual assault

incidents, and that's very responsive to the cadet complaints initially that appeared to suggest that was happening.

What we did find was considerable attention to the process and the programs put in place. That is, they had a well-developed program stood up initially in '93, added to over time, and it was designed to be responsive to and supportive of the victims. However, we also found process and cultural factors which were problematic, and we made specific recommendations as to change with respect to those, and I will mention some. We believe that together, and given in the last several years, less active involvement from some of the leadership and some of the command aspects of the Sexual Assault Program, via competing demands for their time, that it produced a less than optimal environment in which to respond to reports of sexual assault. And that is probably reflected in some of the complaints of the cadets that complained to us, and those have been, again, the subject of recommendation for change.

To mention some of the process and cultural issues that we identified that required change, on the process side, I mentioned the definition and the policy call that had been made in 1993 that the process would be somewhat controlled by the victim. Actually, what we decided was that the definition should be clarified, that the cadets should know what are the crimes of sexual assault. We need to be very clear on the issue of what is consent. Instead of saying that alcohol impairment precludes consent; that's not correct. They need to understand that merely because they've been drinking and are not intoxicated and can still give consent, that that really is a factor they need to be aware of. So we made recommendations for training, as well. So the process has

been changed by the Secretary and the Chief in their Agenda for Change, responsive to our preliminary findings consistent with the ones we make today.

We also noted a lack of feedback to the cadet victims on what was happening. Some of them felt their complaints were being ignored when, in fact, they weren't being ignored. There was action taken, but if it wasn't sufficient to go to an Article 32 hearing, then what would happen is they would take other action, and you'll see that in the report. We document that. In some cases, the subject must be disenrolled because there were lesser infractions such as drinking or fraternizing that we could identify. The Academy took action, but sometimes, that wasn't conveyed to the cadet victim due to Privacy Act concerns, and we have regulations in place that, in some cases, were more restrictive than the Act required. The Secretary has directed me to make changes in those regulations so that we can provide the victim with the full extent of information allowed by the law, and we will be -- and we are working on that now.

The issue of amnesty was another thing that we found confusing in the process. By design in 1993, the victim was generally to be provided amnesty for any infractions that they had committed in the context that gave rise to the assault; for example, underage drinking. And that policy was discretionary, again, by design, but we did not believe it was well understood by either leadership or by the cadets, and that policy, by the Agenda for Change, has been changed now to be much clearer.

On the cultural side, we found several issues. I'm only going to mention a few. In the report they're documented more fully. We found the cadet authority structure was problematic; that is

to say that the freshmen cadets were represented in the victims more than you would think based on your class numbers. For example, 53 percent of the victims are freshmen, whereas 29 percent of the cadets at the Academy are freshmen. So that we examined that and found that the way that the freshmen are brought in, and the lower status as to the other cadets, because the whole idea here is to train military leaders; and as they rise in seniority, we want to be able to give them more responsibility and more authority over the more junior cadets, but for some freshmen, that makes them more vulnerable. So we have made recommendations on re-examining some aspects of the cadet authority structure.

We also found that cadets were more loyal to their peers than they were to Air Force values, and that would mean, for example -- and it begins in basic training where they're taught to hang together as a group and work to help each other, which is good. However, in the context of infractions, you would find that sometimes infractions like drinking alcohol, where the rules would preclude that, would not be reported because they wanted to be more loyal, again, to their peers than they would be to the fact that there was a rule being violated that could be seen as contributory, even to sexual assault incidents. So we've made recommendations as to how you might re-emphasize and train for loyalty to values over loyalty to peers, and also, loyalty to peers who have earned trust, as opposed to blind loyalty.

There was a lack of emphasis on good character and training for sexual assault deterrents.

There's plenty of training in sexual assault deterrents, but we felt it should emphasize more character development and training for a responsible exercise of authority.

In addition, we found alcohol was a factor in 40 percent of the cadet-on-cadet cases; that is to say, either or both had been drinking, and it was contributing to the issue of assault. And we make recommendations as to alcoholic use, enforcement, et cetera; not that the rules weren't being enforced, but that there was a perception among the cadets that they weren't being enforced. So we need to deal with that.

And then another factor that the report discusses is the gender-climate issue. We found that jokes and cutting remarks were still persisting at the Academy, despite programs to counter sexual harassment, had been there from the beginning; had dealt with it, but still persisted. We also found that in some cases, that might be squadron-specific because some female cadets did not see it as a factor. Others saw it as a significant factor. And so we recommend things like unit assessments where specific squadrons can be looked at to see what the issues are.

Importantly, we think Academy leadership should be provided with statistics and surveys that are valid, but are properly administered every year, and they're provided with that information, so that they can monitor this issue and assess trends, and to compare ourselves to other academies, other institutions. We really weren't able to do that now, and that's something I know that the Department of Defense is looking at across the academies.

The last thing in the report, we discuss leadership's involvement over time, how they stood up the program, developed it, were involved in it, monitored the issues, and we reviewed generally the cases where the Academy command had made a decisions. That was done by a subset of the

staff team having prosecution expertise, and they basically concluded generally that the cases decided were done so within the reasonable bounds of discretion.

There was one case they disagreed with, although close. They would have referred it for Article 32 hearing, and there were four others in which it was -- they were so close, they couldn't reach an agreement or have an opinion.

The report makes 43 findings and conclusions, 36 recommendations, and 12 areas were identified for further study, where either we didn't have the time or the charter, but we felt these were significant issues that should be looked at. We've made several of those, and as I said, the Agenda for Change deals with many of the recommendations, and the Secretary and the Chief have the report now. They will be reviewing it for further appropriate action.

I'm happy to take your questions.

Q: Steve McIntyre of CNN. I wanted to ask you about the -- I think this was addressed in the Agenda for Change, where the idea of amnesty for --

MS. WALKER: Yes.

Q: -- minor or less serious infractions, because it seemed like that was a big part of the (inaudible) substantiated, and then they would be punished for lesser infractions --

MS. WALKER: Right.

Q: How do you get around that? And is that -- that is part -- is that part of the recommendation and how do you (inaudible)?

MS. WALKER: It is. That was part of our preliminary findings and recommendations in March. They're also reflected in the report now. The Agenda for Change, the Secretary and the Chief adopted on March 26 and speaks to that issue as well, and makes clear now that amnesty will be provided for both the cadet victim and anyone involved in the activity giving rise to the assault with a few notable exceptions. The assailant will get no amnesty, and the senior cadet involved in that activity will not be given amnesty because as a matter of leadership, he or she should take responsibility for the more junior cadets.

So for example, if you have a party where there is fraternization, i.e., a freshman involved with upperclassmen and underage drinking going on, you have infractions. And if there's an assault in that situation -- I'm just -- this has been actual cases -- all would be given amnesty that is not disciplined for those real violations, except for the assailant and the senior cadet, and anyone else who impedes the investigation. Those are the categories and that's now being implemented at the Academy.

Q: (Inaudible) of CBS. You said that fear of discipline and its effects on cadets (inaudible) reluctant to report sexual assault. What that line tells me is (inaudible), we would have reported

sexual assault, but these factors prevented us from doing it. Is that what you were finding, a sort of hidden sexual assault problem (inaudible) being reported?

MS. WALKER: There were numerous pieces of evidence we had to examine that spoke to that issue. For example, we had surveys, although of questionable trustworthiness, because they would vary over time and lack of response, et cetera, but we had surveys that indicated 70 percent or more of the cadets feared peer reprisal if they were to report instances of sexual harassment -- peer reprisal being a real issue -- fear of ostracism, fear of being separated out from the group, that sort of thing. So we have survey information, but also, we had anecdotal information or witness information that indicated there was some fear. In recent years, there was a concern about discipline because discipline was being emphasized as a result of some incidents that had happened a few years ago. So it's a combination of things that come together that would determine whether a cadet would report an assault or not.

You know, it's a personal concern about, you know, the issue of shame associated with this crime. There's also fear of, you know, being identified by the other cadets as different, or being ostracized, peer reprisals. And then there was, you know, "We don't want it to affect our career." There are lots of factors playing in whether a victim would decide to report, and individual victims might have identified different factors.

Q: So are you saying for the most part, it's a problem of perception, rather than actual problem of abuse not being reported?

MS. WALKER: I think that actual abuse is not being reported.

Q: In other words, were cadets coming up and saying to you, "I would have reported these assaults, but these factors led me not to"?

MS. WALKER: Well, most of the victims we talked to had reported, so I don't know that -- but they also described an atmosphere where there was some concern about discipline for infractions, which we discussed the amnesty. That's why that change was made. And we also saw a process that -- and these were actual victim complaints -- that when a cadet did make an allegation of assault, there was a process that responded to them in a less than coordinated fashion. For example, they might be first exposed to the Cadet Counseling Center by design, then the Victim Advocate. But they wouldn't have, for example, a lawyer or an OSI, an Office of Special Investigations Agent, which we now will have on our first responder team, which comes out of the report and the Secretary and the Chief's action, that will explain to them the process: here is the investigation process; here's the legal process.

And so, there was some fear associated with that process, and they didn't understand it; they didn't get a lot of feedback. That's changed. So we did have actual victim statements to us as to what were the concerns, or what didn't go right when they did report, and that was helpful to us.

Q: (Inaudible) with AP. In those five cases identified, the one where the report felt they should have prosecuted the case and four where they (inaudible), is there any further action that's going to be taken on the five cases, or are there statute of limitations issues?

MS. WALKER: There's a statute of limitations issue on the one case, although the cadet did not graduate. He was not -- I believe he was disenrolled. That's discussed in the report in that section at the end. And the other four, they -- the cases were so close, they couldn't reach an opinion. So, no, obviously, that's one where, you know, commanders could disagree and they disagreed, so they couldn't reach an opinion.

Q: During those five cases, the attackers, are they looking to an Air Force --

MS. WALKER: No, no, no, no, no.

Q: (Inaudible).

MS. WALKER: Right.

Q: (Inaudible) the other four --

MS. WALKER: You'll have to look at the report for the individual action in those cases. It is discussed. As I said, it's the last section before the Findings and Conclusions, and they take you step-by-step through all those cases. Obviously, we don't give names, but they give the facts generally, so you get a sense for why the fact situations were so difficult and why there's such close calls.

Q: (Inaudible). Can you give examples in the report where you found that they might have been taking a policy step that was intended for the purposes but it wasn't followed through on, or where they didn't follow through, or the execution was a problem? Thinking about the --

MS. WALKER: I can think of several. First of all, the initial policy call to allow the victim to control the process so the victim would feel comfortable was one where it was done for the best intentions, but we now disagree with that policy call, and have made a recommendation for change and this Chief and Secretary agreed, and have made the change. When they responded to cadets making an allegation of sexual assault, the process was there. All the elements were there to provide the victim with what he or she would need, but they didn't always respond in a coordinated fashion. And so, individual victims might get, you know, a piece of the offering that the Air Force would normally bring to them in terms of support, and I think some of that is reflected in what we heard from the cadets. And that's why the first responder team, that's now going to have all the elements on it that would bring the support to the victim they need, including legal, investigative, medical, command, chaplain. All those elements will be available and clearly presented. In fact, the cadets will know at the beginning of the year. Here's the team you're going to see if this ever happens. And so, that will be coordinated. So with the best motives, they had the expertise. They weren't bringing it in in a coordinated fashion in all cases.

Q: (Inaudible).

MS. WALKER: Yes.

Q: Are you concerned, based on what you saw in the structures there that there's a large group of people out there that you'll never know about, that never came forward back then, or (inaudible)?

MS. WALKER: Your characterization of a large group is difficult. I will tell you, and we can acknowledge in our society, in the military, everywhere, that sexual assault is an underreported crime. It doesn't matter how engaged your leadership is, how many correct processes you have in place, how supportive you are of the victims, some will never report because it's a crime of shame. Sometimes their own actions are involved. They just don't want to do that, and that's why some will go to private sector clinics; that's why some will deal with it in their own terms. Some of it doesn't happen at the Academy. It happens at home, when they're on vacation. They may later report. They may even ask for some counseling at our counseling center, but they may not ever want it reported, and they may refuse to cooperate. That happens in some cases where it's not brought to Article 32 hearings because the victim just won't cooperate.

So, yes, to answer your question. It is underreported. There are some we're not going to know about, and I don't think it's because of the processes we have in place. So much of it is that there is always going to be some. That's why they set up the process to begin with to allow the victim to control it, to allow it to be confidential, because they wanted to encourage reporting. Even with that, they didn't have the reports in all cases. We know there were some that went to private counseling centers in the community, but when we approached the counseling center and said, "Please, go to the victims you talk to, and see if they'll talk to us in confidence, you know, in the scope of our investigation." And they did ask them and they declined, and that tells me

they just don't want to deal with it. They don't want to bring it up again. And there were others who of course did come forward, but not all. This one, and then we'll come back.

Q: Ann McCrue (sp) with the "Denver Post." I hope I'm not -- I'm going to quote this close to what it is. I can't find the exact spot, but if you can just (inaudible) systemic problem, such as the command structure or the (inaudible) climate issues that either allow these things to happen or prevented the cadets from reporting. And I wonder if you could talk about how these things can (inaudible) because they seem to sort of be in conflict with each other that would allow this climate to exist, and yet there's not a systemic problem.

MS. WALKER: Sure. Let me explain that. First of all, the conclusions I gave were no systemic acceptance of sexual assault, no institutional avoidance of responsibility, and no systematic maltreatment of cadets. We had programs in place, for example, to deal with the issue of gender climate and sexual harassment from the beginning, and certainly from 1983, when General Hosner saw a need for the Center for Character Development because, in fact, the way the harassment issue came to him was not in the context of gender climate, but in the context of racial harassment. And so, he wanted to stand up the Center for Character Development to deal with that issue.

So what I'm saying is that leadership didn't avoid the issue. They saw the issue. They stood up programs. They stood up a center to deal with it. Notwithstanding that, it is still there. I believe that's true in our society and corporate America and in the military. I think there are always going to be individuals who don't want to follow the rules, who have their biases, and our job at

the Academy is to raise military leaders for the future. Those individuals who have those biases, who would be abusing power, taking advantage of their role and not exercising power ethically, we need to identify them; we need to get rid of them, and that's the job the Academy has.

So even with programs, you're going to have problems, and what we're saying is, we need to give greater attention to some of these. We've made recommendations for how to do that, and we need to stay diligent. In fact, one of the recommendations we make is that we need to look at a review of cadets prior to commissioning to see if they're worthy of commissioning. Just because you graduate doesn't mean you're commissionable as an officer, and we need to separate those two. It's one of our further study areas is that we really think there ought to be a review. It's something General Hosner saw. He called for [it] early. It has not yet been implemented. We think it's something that should be considered because there may be behavior that's can to be looked at and said that this is really somebody we don't want as an officer in the Air Force.

Additionally, we make a recommendation they should look at new cadets coming in. In other words, not just look at young students who have great grades, you know, great leadership potential and athletes, but that we also look at character if there is a way to identify that early on before they even come to the Academy. Again, those are areas for further study.

Q: (Inaudible). Can you give me specifics on the changes in the -- not the command structure, but the -- I forget the exact word -- the oversight of each of the classes in terms of their authority. You had said there's going to be some changes in that. Can you specify exactly?

MS. WALKER: Well, a couple of things. The Secretary and the Chief, in the Agenda for Change, did implement, or actually called for, a mentor program where senior cadets would be taking responsibility to mentor the more junior ones. In addition, for example, reflected in the amnesty policy, the most senior cadet would be held responsible for the infractions of more junior cadets. So that if a senior cadet walks into a party where there's drinking, underage drinking and fraternization going on, he or she knows they need to take action because if something happens, they're going to be held responsible.

In addition, we have called for a review of the whole system whereby the freshman class is more subordinate, is more vulnerable, perhaps; just to take a look at that to see if maybe some changes shouldn't be in order. And then we call for several specific recommendations, for example, assertiveness training. We suggested that they might test some of the freshmen, or all of them, to see if assertiveness is an issue, and if so, to provide assertiveness training for them, so that they're better able to know when inappropriate requests are made of them and feel like they can say no to those, and we recommend that they be allowed to say no to those. And they are taught that, but obviously, from some of the cases, we have an issue still to deal with there.

Q: (Inaudible). You mentioned the subordinate situation. Oh, I'm sorry. Paul Corison (sp) of CNN. When you mentioned the subordinate situation, is that to say that what you found so far, if you are going to be looking at the (inaudible), represent any sort of a predator situation where an upper-class person is almost on the lookout for someone who's vulnerable, and over whom they can exert authority and create a scenario for sexual assault?

MS. WALKER: Well, let me go back to the percentages involved, just as an example, the male cadets. Fewer than 1 percent of the male cadets were involved in any of the sexual assault incidents, so that you may have a few who would abuse power, or who would take advantage of another more vulnerable condition. Because they are freshmen, they don't have the same ability to exercise authority, as the senior cadets. And so, you're always going to have those. Our job at the Academy would be to weed those out, to identify them, and when we're talking about assailants accused in sexual assault cases, we need to fully prosecute those where the evidence supports it.

Q: (Inaudible). You said one of the observations was an unclear definition of sexual assault, and a confusion over the term consent based on the fact that Air Force personnel are obligated to use the MJ. Where is the confusion? What's unclear about the definition of sexual assault?

MS. WALKER: Well, and it's dealt with extensively in the report. Basically, the definition of assault includes elements that would not be crimes, and particularly on the issue of consent, it's broad, and the training materials the cadets are given broadens it even further. And so basically - and we know this from some of the investigation reports, that some of the cadets had a sexual encounter. They didn't consider it an assault until a few days later when they were talking to other cadets and someone said to them, "Well, we just got training, and if you were drinking, you couldn't consent," and then they filed an allegation of assault. So we know we have a problem, that they aren't being given the clear definitions. They don't understand it and that's a fault of the training, and that will be corrected.

What that does is it creates unrealistic expectations that their case will be prosecuted, and in some cases, the cadets are saying, “You know, I reported this. You didn’t take it to an Article 32. You didn’t prosecute it.” Well, that may be one of the issues.

Q: (Inaudible). On a follow-up, what would you say to parents or to a young woman who’s going to the Academy, is this something they need to worry about? Is this a threat to them?

MS. WALKER: I would not say that. Remember, fewer than 5 percent of females at the Academy were involved in these incidents. I daresay that at some of the higher learning institutions in America, the percentages are much greater. What I would say is that there are ways to become informed, protect you. We provide training; we provide physical defense training; we provide training in the definition of assault. We are -- the Academy is run to raise military leaders, and we provide character development, and we provide training in an atmosphere where they’re encouraged to be all they can be, and the women have proven they can be successful at the Academy. There is no question about that.

And yet, in any institution, there will be this risk for women and men. It’s not just women. We had victims who were males as well, and so, it’s just a sense of not only protecting yourself, making life decisions. We have a street smarts class we give the freshmen that gives them some of the, you know, wise counsel of you know you don’t go off to Denver on a weekend with alcohol and upperclassmen. That’s just smarts, you know. So I would say that it’s not going to be an issue for most of them and they just need to make wise decisions. And if it happens,

notwithstanding those wise decisions, we'll do everything we can to investigate and to follow up and to provide them with support. That's the goal of the program and that's the goal of the recommendations and the changes.

Q: (Inaudible). You mentioned that there were more investigation after you presented preliminary findings. Could you highlight findings that were made (inaudible) that maybe haven't been addressed yet?

MS. WALKER: First of all, let me note that the report and the recommendations sections highlights each recommendation as to whether it was identified in the earlier memorandum, and whether it was dealt with in the Agenda for Change. So if you have a recommendation with no asterisk -- you know, that's the way we marked them -- you will know that it's a brand new recommendation. So I might not be able to remember all those, but we've identified them for you in the report.

Basically, what we did -- some of the issues were spotted early, the major issues, because we were talking to victims, we were talking to focus groups at the Academy. So we got a lot of this early, but what we did in the follow-on investigation was to put the flesh on the bone. We went back and talked to everybody. We looked at all the documents. We filled in the evidence. We clarified statements. We looked specifically at the development of the program and leadership's involvement over time, and that meant interviewing people that were no longer there. In some places, we had to strap them down and make arrangements to interview them. So that was a lot

of it. I can't think of a particular recommendation now. Some of them are more fine points, but they're identified for you in the report.

Q: I'm sorry. Just to clarify something you said earlier: the other academies (inaudible) or review policies?

MS. WALKER: The Department of Defense is looking at all three academies, and some, for example, they want to be able to have statistics that are comparable among the academies, and they want a common definition and they want statistics kept so they can compare them. To my knowledge, that isn't now being done, but it's a goal and that will probably be the subject of change, and I know that's part of their inquiry. And I think that's important because when this first came to us, the first thing we wanted to know is, is it an issue at the other academies? What are they doing about it? Their program is modeled after ours, their programs. Yet, there are probably differences and they may be important differences and we want to know about that.

The only statistics I've seen, and I can't recall them, the numbers were comparable. So it's something that we need to look at across the board, not just at the Air Force Academy, but all the military academies. And I know that's what the Department has committed to, and I think that's a really useful exercise the Working Group would have loved to have had that, and that's something we need for the future.

Q: (Inaudible) no uncertain terms that they wanted some accountability. They wanted some indication of who's responsible. This report says that there was maybe not the intention that it was requisite (inaudible), but there doesn't seem to be any real accountability in this report.

MS. WALKER: Well, let me remind you, our charter was to look at policies, programs and practices, and to advise the Secretary in light of the cadet complaints if there were any changes that needed to be made, and we've done that. In addition, there's an inquiry the Secretary is looking at, but it's in a sense somewhat separate from this report, though the report does speak to it. And that is, were there any barriers put up by individuals to the reporting of a sub? I don't believe we can -- I don't believe we really found that here. And then, I mean, it's a combination of many things that come together that might be barriers to reporting or impediments to reporting.

And then the other issue was, was there any leader who had information and didn't act on it; in other words, a command issue? And that -- there's some discussion of that in the report, and that's up to the Secretary and the Chief if they're going to take action based on that, or pursue additional information. We are not the Inspector General's Office, and therefore, it's really not within the purview of the Working Group to specifically review individuals. But we did try and give the Secretary a feel for leadership's involvement over time, and I think there's some of that reflected here. And then it would be up to the Secretary and the Chief how they want to pursue that, what action they think is appropriate from a command standpoint because command can be held responsible, to information command had and didn't act upon.

Q: (Inaudible).

MS. WALKER: I think they were really new demands. One of them was September 11 and all the security issues that changed physically and otherwise, the Academy property, and required extensive involvement for leadership. There were a number of glider incidents they had. The facts are not really at my command right now, but those are mentioned, I believe, in the report. And there was in the '90s an A76 review that put them through a lot that demanded their time and attention, so those kinds of things. They were really different, but demanded leadership's attention.

The other thing that happened, we noted in the report and we made a recommendation for change, is that the commandant, the number two at the Academy, changes more frequently than the superintendent, and when they come in as new general officers, there's a lot of demands on them. They're sent off for framing for a number of weeks. They are often called to serve on safety boards that take them physically away from the Academy. And one of our recommendations is to make the changes there, either elevate their stature to a two-star general or excuse them from some of that because you can't attend to the issues if you're not there. And that was legitimate absences. It's just that it really competed for their time.

Q: (Inaudible).

MS. WALKER: Well, the report does two things. At the beginning, it discusses the 1993 program and how it developed over time, and that also reflects leadership's involvement because

leadership was basically doing it. And then at the end of the report, there's a leadership section which speaks to command's involvement, competing demands on the command time. And for example, some commanders emphasize different things. One commander emphasized the alcohol rules, and took swift and stern discipline action when he saw any violations of that, and even though that's not directly dealing with a sexual assault, it certainly was related and we recognized that. Some commanders met extensively with the various components of the Academy that would respond to assault. Other commanders emphasized character development and got very involved in that.

So we discuss it. Commands that -- the command was involved over time, but their involvement varied by commander in terms of the issues and what they sought to emphasize. And in the last several years, we note there was a decrease. There was a committee, I think I mentioned, that was designed to coordinate the Academy's response to sexual assaults. It's called the Sexual Assault Services Committee, and that committee began to decrease in the frequency of its meetings, and we think that was a problem because that was a key point at which a lot of elements came together. And when they didn't meet as frequently, then the response wouldn't be as coordinated and they wouldn't have the same oversight and involvement. So we speak to that, but it's difficult to say one person is responsible for that because you'll see when you read the report, so many people were involved and all really were involved in some way in the issue, but it varied over time.

Q: (Inaudible).

MS. WALKER: Well, the last several years, we thought that they weren't as involved. Now, that isn't to say that the commanders in the last several years didn't take specific actions. They did, and you'll see that in the report, but overall, we didn't believe they were as involved as in the earlier years when the program was being stood up and being fleshed out and being added to.

Q: (Inaudible).

MS. WALKER: Well, it's both. It's the committee, which brought together elements that was chaired by either the commandant or the vice commandant, and then typically, the vice commandant. And then we looked at individual commanders involved in leadership at the Academy over time and what they did or didn't do. So you'll see that in the report.

Q: (Inaudible). Your panel has taken a 10-year snapshot now since the program began. Would you characterize things -- what was it, 14 assaults a year on average? Would you characterize things as getting better or getting worse over that time frame, with reports from Senator Allard's office, for example. He's got 60 reports of allegations.

MS. WALKER: Well, first of all, I should -- yes, I should clarify those are allegations, in some cases, bare allegations. We don't know if they could be substantiated. You know, the only thing I can say about that is that it didn't really vary that much over time until -- and I think it was 2002 -- when the counseling center allegations arose. And the consensus of the counseling center at the time seemed to be the program's working more on reporting. Whether that meant

there was an absolute increase in the number of reported assaults, or just an increase in reports, is very difficult, and we were not able to judge. You can't judge based on the information we had.

Now, reporting to a Congressman who's, you know, publishing that he's interested in it is a different issue altogether. Those may include, and probably did, outside the 10-year time period. Some of the ones that came, I believe, to Congress were ones that did report to the Academy because they were ones we interviewed, that we know there was some overlap. But I am sure there are those who did not report -- as we said, it's an underreported crime -- did not report their allegations, and even when invited and giving them a number they can speak directly to the Working Group, declined to do so. So it's a bigger issue than we'll ever be able to get our arms around in our society, and our institutions and we're not unique there.

Q: (Inaudible). Can you clarify the numbers for me on the 1 percent and the 5 percent?

MS. WALKER: Sure.

Q: Are you talking about (inaudible) disconnect there. Are you talking about 1 percent of the males who are involved as victims, or are we talking about --

MS. WALKER: It could be either. It could be either, but remember that not all of the incidents alleged took place at the Academy. Some of them, in fact, were incidents that took place before the cadet arrived at the Academy, but were reported to the Academy because the cadet was seeking counseling or some other support or help. Some of them may involve civilians, either a

civilian assailant or a civilian victim. So that's why the disconnect. You're not going to have 5 percent female and 5 percent male. And in some cases, there might be more than one victim for a single assailant.

Q: That would be my next question.

MS. WALKER: And that's in the report.

Q: Can you tell us? Do you know how many cases you had an assailant that would (inaudible) more than one?

MS. WALKER: There were just a few. It's in the report. I don't have the exact number, but it's in the report. But there's a disconnect because of all the factors involved in what an allegations could consist of.

Q: (Inaudible). Were there any incidents where the faculty or people on the staff at the Academy who were perpetrators?

MS. WALKER: You know, I only recall one, and I don't know if that was in our 10-year time period. I recall that from the press, and I think that was way before our 10-year period, and I would only ask you to look at the report. In the examination of the 43 cases in which command had final disposition authority, the last section before the Findings and Conclusions, the specific

facts of the cases are given. Some of those did involve civilians. I don't remember if any involved faculty at all.

We did have complaint of faculty discrimination. I don't want to say "discrimination" -- of sexual harassment, gender climate issues where, at least in one case I'm familiar with, a cadet interviewed said that there were times in the classroom where the faculty member would distinguish between female and male in the classroom; that is to say, he might say something -- and I'm not going to get this right -- but he might say something like, "Well, let's hear from one of our female cadets." And the female cadet didn't like being singled out as being female. She just wanted to be a cadet. So that was a time when a faculty member did something that the cadet saw as contributing to a gender climate that wasn't friendly to them, but I cannot recall an instance. I'm not saying there aren't any, but yet I'd have to direct you to the report.

Any other questions?

Q: Yes. (Inaudible). The reason that this has become such a big public issue (inaudible) came out and said, "I was assaulted. The Academy didn't do right by me, and didn't care about what happened to me," or whatever. It's my understanding of your report and what you talked about that you're not seeing any sort of systematic problem at the Academy. The Academy does care. You're saying the Academy had things in place. Given the fact that those women are out there, we assume, hoping for some sort of resolution to this, what would you say to them if they asked you about it?

MS. WALKER: Well, a few things. I think if they were to read the report, and it will be available publicly, they will find that some of their complaints have been -- if not all -- have been addressed in changes. And some of their perceptions of, for example, being ignored, would now be explained and they would understand they weren't ignored. Action was taken; they weren't aware of it. I think when you read the section on the cases at the end, you'll see that the factual issues are very difficult. And in some cases, the subject passed a polygraph test on the issue of consent or force, and they were not aware of that, and that's one of the reasons prosecution or the Article 32 hearing might not have gone forward.

You know, I think we can say to them that their issues are being addressed, and have been addressed. The other thing is, after those that had complaints about their individual cases, they were referred to the Inspector General's Office, and he's looking at every one of those, re-interviewing the victims. So they may now be in process to have their case specifically reviewed. I don't have the exact number of the cases he's reviewing. As I said, he's not limited to the time period we decided to look at, the 10-year period. Some of his are outside that period, before the 10-year period, for example.

Q: Is this report to be considered a unanimous view of the group? Is there a provision for minority views?

MS. WALKER: Really, there were no minority views from the Working Group. What we did was, each member of the Working Group was given the report while it was still in draft and asked to comment on it. And in many cases, they contributed additional facts, additional

information, or they raised questions, and we had to go pursue them. Those were all addressed. Basically, it is a collective report, but I can't think of anyone asking for a minority opinion.

Then the only time where there were disagreements that are reflected in the report had to do with the prosecution portion of the staff team that looked at the 43 cases that were within command's purview, and where I said in four cases, they couldn't reach agreement because the cases were so close, that's reflected in there.

Q: (Inaudible). Is there any concern that in taking the option of reporting out of the victim's hands, you're going to have even less victims willing to come forward?

MS. WALKER: Well, it's always a concern, and as I said, it's a policy call. There are those who could argue for the confidential process, but when you're training military leaders, it's really important to understand if there's an assailant, we want to make sure that case is investigated, and if the person is guilty, they're brought to justice. So it's really important in the military context, and that's the way we do it in the rest of the Air Force. We're conforming now the Academy to the rest of the Air Force, and that's important. Command's involved. Command deals with the issues. Command takes discipline. That is the Air Force in the military model, and that's what we felt was important.

And we recognize that when you say, "All allegations will be investigated. All reports will be followed up," that some may be reluctant because they don't want to have their case investigated. And what we've tried to do to counter that is we've tried to emphasize that the

victims' privacy would be protected, and we're committed to that. And with the first responder team, we will provide the support to the victim to make him or her feel like they really are not only supported, but a part of that process, understand it, and are not affected negatively by it. We've also taken measures to emphasize that the cadets at the Academy need to have responsibility for weeding out any among them who would abuse authority or power, or take advantage of others.

And in so saying, we have also said that any reprisals by other cadets, any ostracism, will not be tolerated, and leadership, both cadet and officer, will be working toward that end. So we're trying to balance the policy change in favor of the victim, so that victims will not be reluctant to report. That's what we're trying to do in the recommendations, and that's what the Secretary and the Chief have emphasized in the Agenda for Change.

Q: (Inaudible). Is it also for cases that somebody else reports other than the victim, like I'm a roommate or I'm at the party?

MS. WALKER: Absolutely. If somebody is aware of an assault having taken place, they can also report and should.

Q: (Inaudible). And the victim, again, won't have a choice in that? It's just --

MS. WALKER: Well, let's just say that it will be investigated. Whether the -- and to what extent the victim cooperates is always the victim's choice, and there have been some that

wouldn't cooperate, and that's why, frankly, it's difficult to refer some to Article 32 hearing or to prosecute them because if the victim won't testify and won't give her side of the story -- or him, in the case of a male -- it can make it difficult. So we encourage them, though. And in fact, leadership has sometimes spent a long time talking to an individual victim to get them to see the importance.

Remember, these are cadets that are going to become officers. They're going to serve together, and you wouldn't want to have a victim fail to pursue a charge of sexual assault, if that individual who was the assailant, in fact, and may someday be either her subordinate or his subordinate or commanding officer. I mean, that's an environment where you really need to pursue these, and that's what we've opted in favor of in the policy change.

Q: (Inaudible).

MS. WALKER: Well, first of all, while freshmen are disproportionately represented in the victims, 53 percent, there's the others. They're not the only victims. So the issue of sexual assault is not confined to a particular class. It could be a senior male or a female cadet, and that has been the case in some instances. But as to the freshmen, there is a particularly vulnerability, both because they're brand new; they don't have the authority or the power; and there may be a few, less than 1 percent, who might abuse that authority above them. You know, some of the sexual assault instances that took place between cadets of the same class, so it's not always an upperclassman, although upperclassmen are more often the assailants.

Q: (Inaudible).

MS. WALKER: No. We didn't --

Q: (Inaudible).

MS. WALKER: We didn't have that information, and to the degree we had any information, it was very difficult to compare, very much apples and oranges. We didn't feel those comparisons were valid. However, we do make a recommendation that statistics be kept so that such comparisons can be made in future.

Q: (Inaudible).

MS. WALKER: They don't have the same definitions; they don't keep the same numbers; they don't -- it's just that there's a lot of differences. You have to extrapolate upon extrapolations to get anything, and we just didn't feel that was useful, but we think it should be done in future. The more apt comparison, of course, is to military academies because you have factors such as, you know, authority of the upper class over the lower class, but we weren't even able to do that because we didn't have data on the other two service academies.

Thank you.

STAFF: Thank you.