

APPENDIX B: Metrics on Sexual Assault



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METRICS AND NON-METRICS ON SEXUAL ASSAULT

In collaboration with the White House, the Department of Defense (DoD) developed the following metrics and “non-metrics” to help evaluate DoD progress in sexual assault prevention and response (SAPR). As part of the development process, DoD canvassed sexual assault programs throughout the nation to identify potential points of analysis.

Unfortunately, DoD could find no widely accepted, population-based metrics to serve as a reference. Therefore, DoD developed the following twelve metrics and six “non-metrics” in a collaborative process involving DoD SAPR program experts and researchers. The term “metric” is used to describe a quantifiable part of a system’s function. Inherent in performance metrics is the concept that there may be a positive or negative valence associated with such measurements. In addition, adjustments in inputs to a process may allow an entity to influence a metric in a desired direction. For example, it is the stated intent of DoD to encourage greater reporting of sexual assault. Therefore, increases in the number of sexual assault reports may be an indicator that such a policy may be having the desired effect.

DoD coined the term “non-metric” to describe aspects or outputs of the military justice system that should not be “influenced,” or be considered as having a positive or negative valence in that doing so may be considered inappropriate or unlawful under military law.

Metric and non-metric points of analysis are illustrated and explained in Figure A through Figure X. In the 2014 *Report to the President of the United States on Sexual Assault Prevention and Response*¹ (*Report to the President*), DoD provided provisional statistical data on sexual assault for fiscal year (FY) 2014. These data were deemed provisional because there was insufficient time to thoroughly and completely receive and validate data for all FY 2014 reports. In the current report, DoD provides final statistical data on sexual assault in FY 2014. Small differences between the provisional statistical data and the final data stem from DoD’s comprehensive data validation efforts in the time since the *Report to the President*.

¹ Available at: <http://sapr.mil/index.php/annual-reports>

METRICS

METRIC 1: PAST-YEAR PREVALENCE OF UNWANTED SEXUAL CONTACT

DoD uses the *Workplace and Gender Relations Survey of Active Duty Members* (*WGRA*) to assess the prevalence, or occurrence, of sexual assault in the active duty over a year's time. This survey is normally conducted by Defense Manpower Data Center (DMDC) and required as part of the quadrennial cycle of human relations surveys outlined in Title 10 U.S. Code, Section 481. In the National Defense Authorization Act (NDAA) for FY 2012, Congress directed DoD to survey the active duty every two years, which allows DoD to assess the prevalence of sexual assault more frequently. Thus, past-year prevalence rates are available for Calendar Year (CY) 2006, FY 2010, FY 2012, and FY 2014.

In 2013, the leadership of the Senate Armed Services Committee requested that DoD arrange for an independent survey to assess sexual assault prevalence. In accordance with this request, the RAND Corporation (RAND) was contracted to administer the *Military Workplace Study* (*RMWS*), which served as the 2014 *WGRA*.

RAND created and simultaneously administered two versions of the survey:

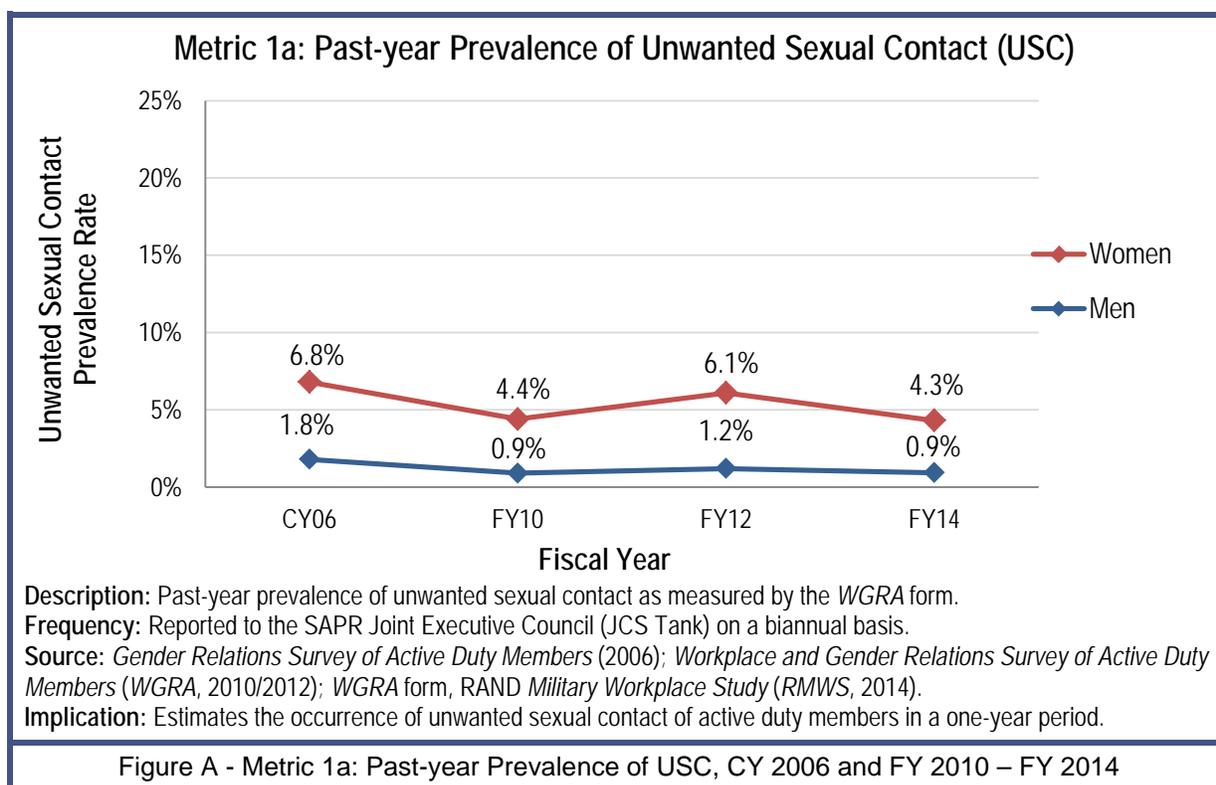
- 1) *WGRA* form: One version employed DMDC's prior form questions about unwanted sexual contact (USC). USC is the *WGRA* survey term for the sexual crimes between adults, prohibited by military law, ranging from abusive sexual contact to rape. Survey questions were drawn from the FY 2012 *WGRA* to allow for some level of comparison with previous years' survey data. Past-year prevalence estimates in this report are primarily drawn from this *WGRA* measure as part of the FY 2014 *RMWS*.
- 2) *RMWS* form: RAND also developed and administered a new measure to assess past-year prevalence of sexual assault that found statistically similar prevalence rates as the *WGRA* form. The newer items on the *RMWS* form were designed to closely align with legal language that describes the crimes constituting sexual assault in the Uniform Code of Military Justice (UCMJ). When describing the *RMWS* form, we refer to sexual assault, rather than USC, because the *RMWS* more closely aligns with UCMJ legal language. The differences between the *WGRA* and the *RMWS* forms are explained in detail in RAND's report.²

As with all victim surveys, RAND classifies Service members as having experienced sexual assault based on their memories of the event as expressed in their survey responses. It is likely that a full review of all evidence would reveal that some respondents whom RAND classifies as not having experienced sexual assault actually did have one of these experiences. Similarly, some whom RAND classifies as having experienced a crime or violation may have experienced an event that would not meet

² Available here: <http://sapr.mil/index.php/research>

the minimum DoD criteria. A principal focus of RAND's survey development was to minimize such errors, but they cannot be eliminated in a self-report survey.

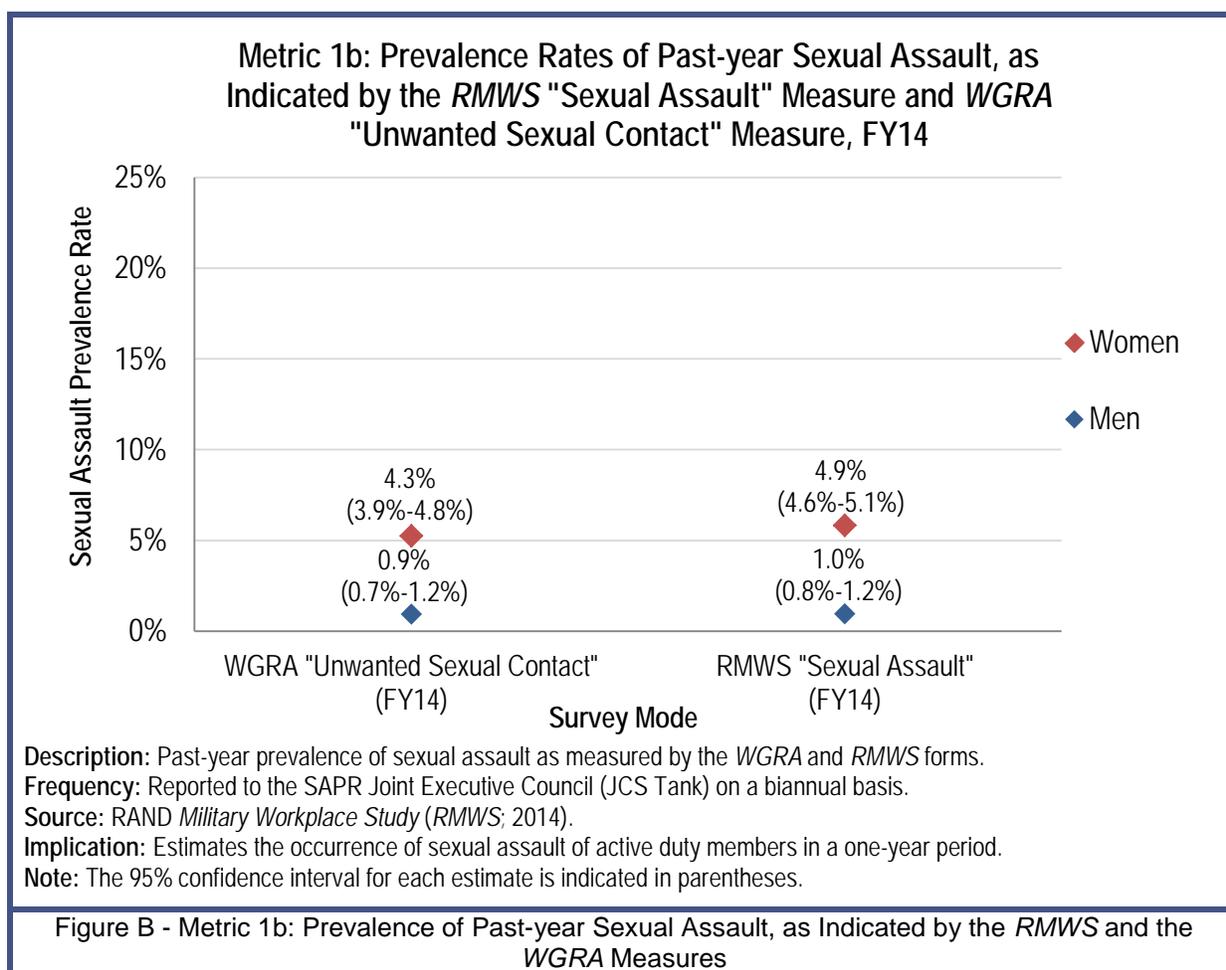
Metric 1a (Figure A) illustrates the past-year rates of USC among active duty women and men for CY 2006, FY 2010, FY 2012, and FY 2014 using comparable survey questions across time. USC involves a wide range of sexual contact offenses, to include intentional sexual contact that occurred against a person's will or that occurred when a person did not or could not consent. In FY 2014, the *WGRA* form of the *RMWS* revealed that an estimated 4.3% of active duty women and an estimated 0.9% of active duty men experienced an incident of USC in the past 12 months prior to survey completion.³ For active duty women, the FY 2014 USC rate is statistically lower than the USC rate found in FY 2012 (4.3% versus 6.1%, respectively). For active duty men, the FY 2014 USC rate is statistically the same as the USC rate found in FY 2012 (0.9% versus 1.2%, respectively).



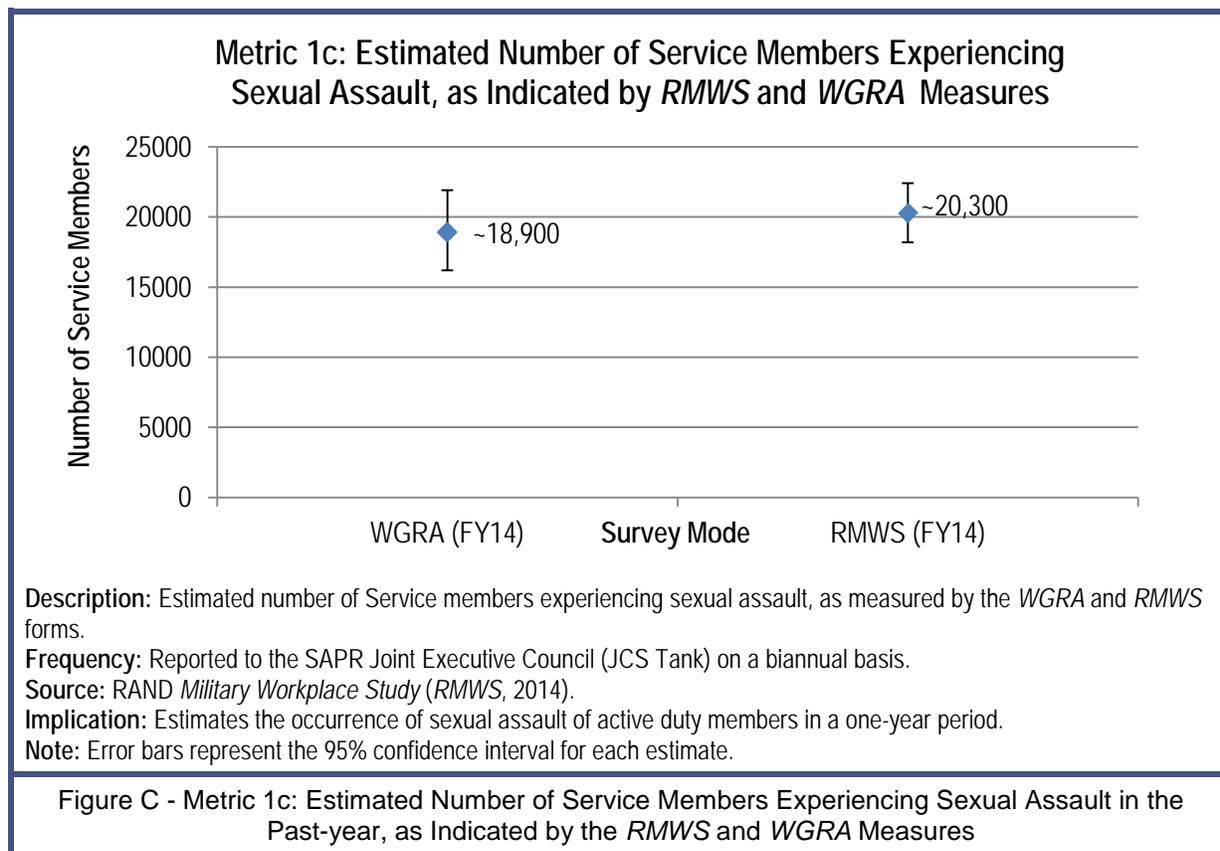
³ RAND used scientific weighting to estimate prevalence rates that were representative of the entire active duty population. RAND provides confidence intervals for all statistics that are interpreted as population estimates. The estimated 4.3% prevalence rate among women has a confidence interval of 3.9% to 4.8%, meaning that we can infer with 95% confidence that the prevalence of USC among active duty women is between 3.9% and 4.8%. The estimated 0.9% prevalence rate among men has a confidence interval of 0.7% to 1.2%, meaning that we can infer with 95% confidence that the prevalence of USC among active duty men is between 0.7% and 1.2%. Full methodological details and results are included in the RAND Military Workplace Study Report in Annex 1.

Although prevalence among female Service members decreased from FY 2012 to FY 2014, women are still at much higher risk of USC than their male counterparts are, as are junior enlisted Service members compared to those of higher rank. Additionally, an experience of past-year sexual assault is highly correlated with an experience of past-year sexual harassment. Compared to those who did not experience sexual harassment, those who did experience such incidents were more likely to experience sexual assault in the past-year (14 times more likely among female Service members and 49 times more likely among male Service members).

Metric 1b (Figure B) displays the 2014 rates of unwanted sexual contact as determined by the *WGRA* measure, designed by DMDC, and the new measure of sexual assault developed by RAND (*RMWS* form). For active duty men and women, the rates of sexual assault as estimated by the two methods are about the same. However, the methodological differences employed by the *RMWS* form appear to provide a “crime rate” that more closely aligns with legal terminology in the UCMJ.



Metric 1c (Figure C) displays the 2014 estimated number of Service members experiencing sexual assault as determined by the *WGRA* measure designed by DMDC and the *RMWS* measure of sexual assault developed by RAND. As with Metric 1b, the number of active duty men and women who experienced sexual assault in the past-year as estimated by the two methods is not statistically differentiable.

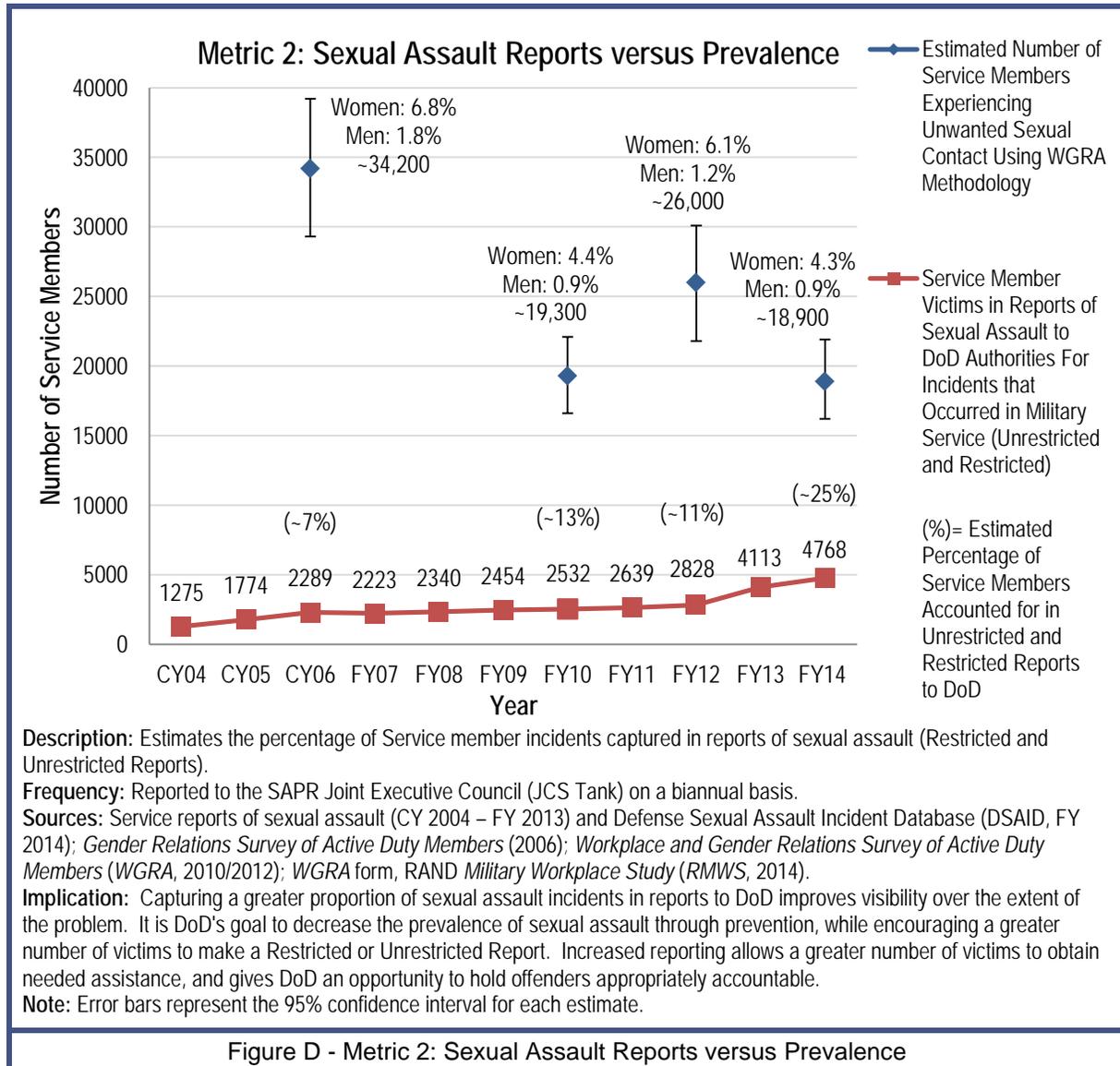


METRIC 2: PREVALENCE VERSUS REPORTING

Underreporting occurs when crime reports to law enforcement fall far below statistical estimates of how often a crime may actually occur. Nationally, sexual assault is one of the most underreported crimes, with estimates indicating that between 65% and 84% of rapes and sexual assaults are not reported to police.⁴ Underreporting also occurs within the DoD. Underreporting of sexual assault interferes with DoD's ability to provide victims with needed care and prevents the Department from holding offenders appropriately accountable. Much remains to be done to improve reporting as DoD estimates indicate that most military victims who experience USC do not make a sexual assault report. In order to better understand the extent to which sexual assault goes

⁴ National Research Council. (2014). *Estimating the Incidence of Rape and Sexual Assault*. Panel on Measuring Rape and Sexual Assault in Bureau of Justice Statistics Household Surveys, C. Kruttschnitt, W.D. Kalsbeek, and C.C. House, editors. Committee on National Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

unreported, Metric 2 compares the estimated number of Service members who may have experienced USC, as calculated with data from the *WGRA* form (administered by RAND), with the number of Service member victims in sexual assault reports for incidents occurring during military service.



Each year, DoD receives reports of sexual assault from both military and civilian victims. DoD responds to all reports of sexual assault; however, a focus on Service member victim reports of sexual assault for an incident during military Service allows for comparison with *WGRA* prevalence estimates. The difference between reports and the estimated number of military victims is illustrated in Figure D. Although reports to DoD authorities are unlikely to capture all USC estimated to occur in a given year, it is DoD's goal to increase Service members' confidence in reporting sexual assault. The increase in reporting, combined with efforts to reduce the overall occurrence of sexual assault

through prevention efforts, is expected to narrow the “gap” between prevalence and reporting.

As Figure D shows, 4,768 Service member victims in Unrestricted and Restricted Reports of sexual assault made to DoD authorities in FY 2014 accounted for approximately 25% of the estimated number of Service members who may have experienced USC that year (~18,900). This represents a decrease in underreporting (e.g., the “gap” between reports received and the survey-estimated number of victims) since FY 2012, when 2,828 Service member victims in reports to DoD authorities accounted for about 11% of the 2012 USC prevalence estimate (~26,000).

Although male Service members account for the majority of the survey-estimated victims of USC (about 10,400 men and 8,500 women in FY 2014), a greater proportion of female victims reported their assault. Specifically, 43% (3,686) of survey-estimated female victims, but only 10% (1,082) of male victims, made a report of sexual assault for an incident occurring during their military service.

DoD expects that the “gap” between the survey-estimated number of Service members experiencing USC and the number of Service members accounted for in sexual assault reports to DoD authorities can be reduced in two ways:

- Over time, initiatives to build victims’ confidence in the system are expected to increase the number of Service members who choose to make an Unrestricted or Restricted Report.
- Over time, the effects of prevention initiatives implemented across DoD are expected to reduce past-year prevalence rates of USC, as measured by the *WGRA*.

METRIC 3: BYSTANDER INTERVENTION EXPERIENCE IN THE PAST-YEAR

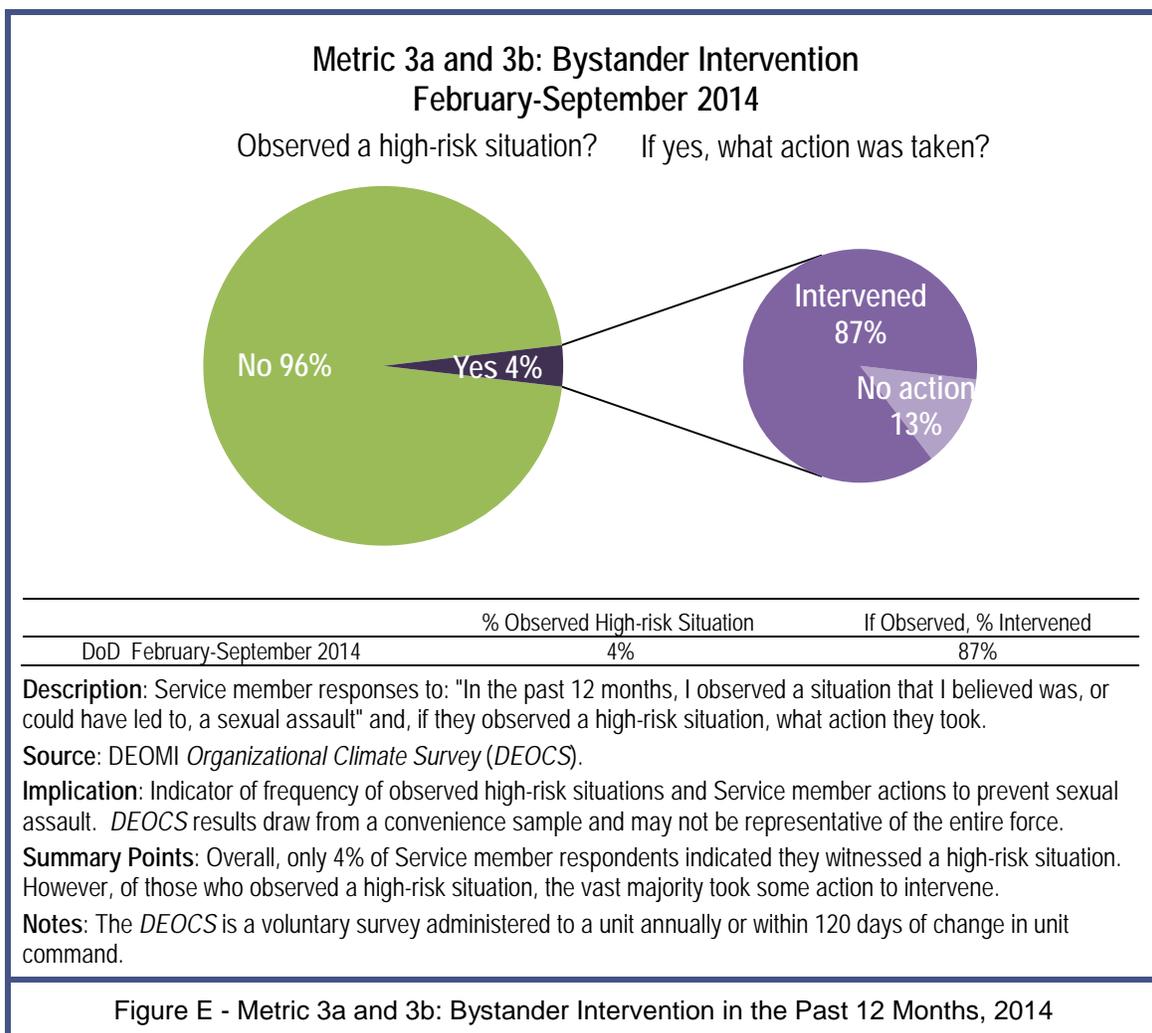
The Defense Equal Opportunity Management Institute (DEOMI) *Organizational Climate Survey (DEOCS)*⁵ included two items to assess respondents’ bystander intervention experiences in the past 12 months. The first item asked whether participants *observed* a situation they believed could have led to a sexual assault within the past 12 months. If respondents answered “yes” to this question, they were prompted to answer a second question to identify the response that most closely resembled their actions. The two items are listed below:

1. *In the past 12 months, I observed a situation that I believe was, or could have led to, a sexual assault:*
 - Yes
 - No
2. *In response to this situation (select the one response that most closely resembles your actions):*

⁵ Additional information about the *DEOCS* can be found above in the “How It Is Gathered” section of this report (p. 8 of Appendix A).

- *I stepped in and separated the people involved in the situation*
- *I asked the person who appeared to be at risk if they needed help*
- *I confronted the person who appeared to be causing the situation*
- *I created a distraction to cause one or more of the people to disengage from the situation*
- *I asked others to step in as a group and diffuse the situation*
- *I told someone in a position of authority about the situation*
- *I considered intervening in the situation, but I could not safely take any action*
- *I decided not to take action*

Of the respondents who completed the DEOCS in FY 2014, about 4% indicated they had observed a situation they believed was, or could have led to, a sexual assault (i.e., a high-risk situation). However, of those who observed a high-risk situation, the vast majority took some action to intervene (Figure E).



In order to understand response differences between certain demographic groups, DEOMI conducted subsequent comparisons as follows:

- Male respondents compared to female respondents
- Junior enlisted (E1 to E3)/non-commissioned officer (E4 to E6) respondents compared to senior enlisted member (E7 to E9)/warrant officer (WO1 to CWO5)/officer (O1 and above) respondents

Compared to men, women were more likely to observe a high-risk situation and more likely to intervene (Figure F and Figure G). Officers and senior enlisted Service members were less likely to observe a high-risk situation, but more likely to intervene (Figure F and Figure G) when compared to junior enlisted members and non-commissioned officers.

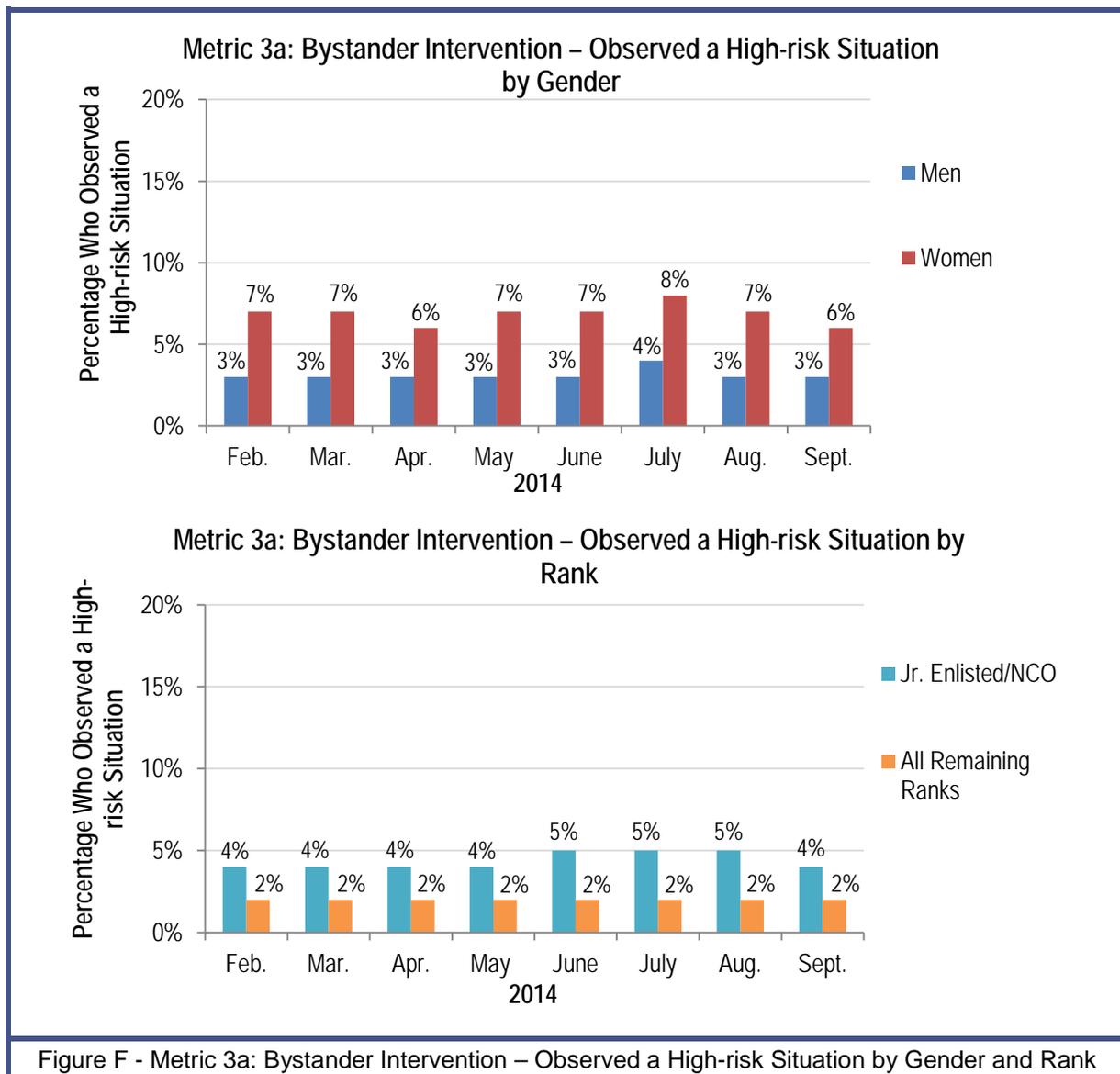
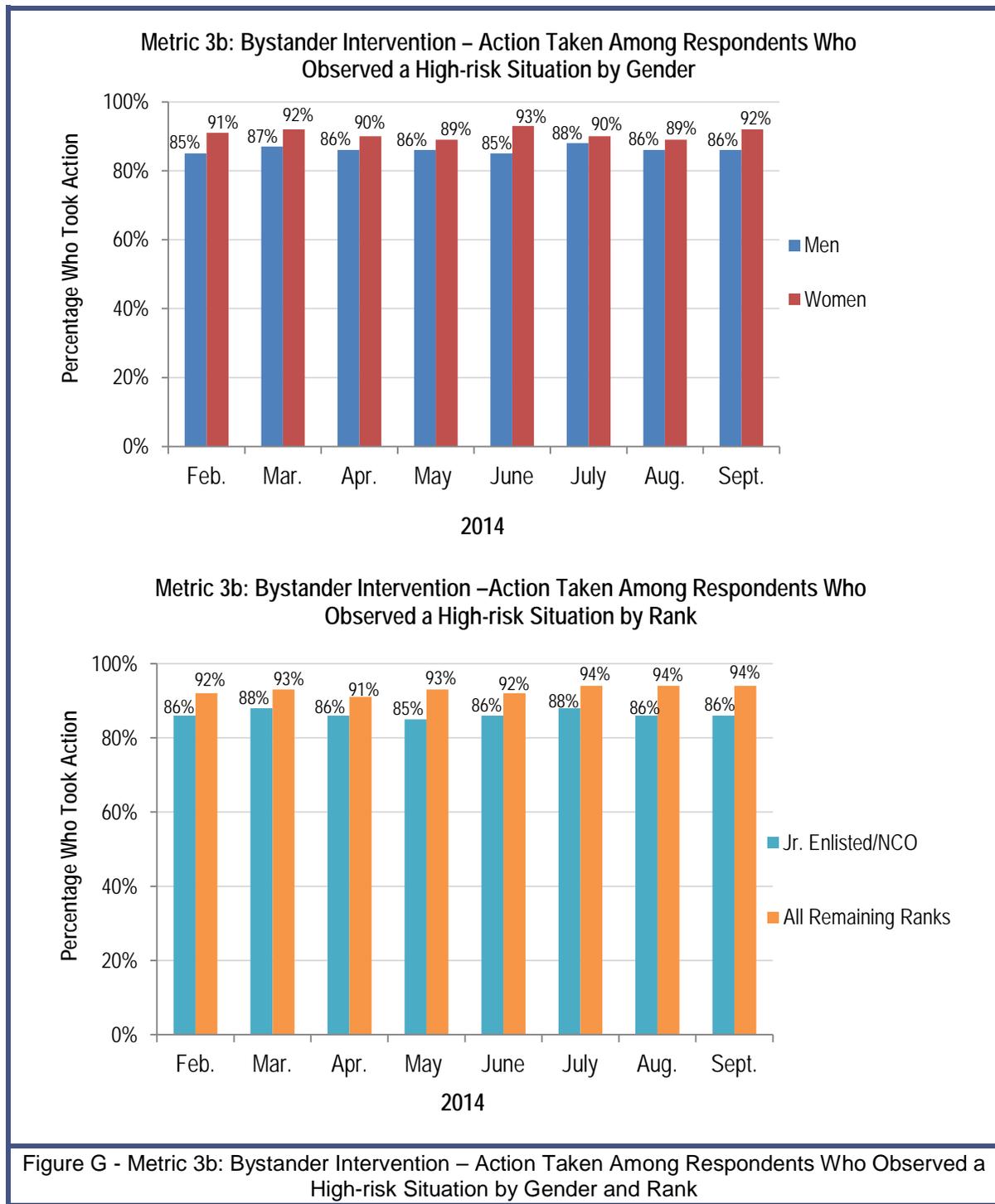


Figure F - Metric 3a: Bystander Intervention – Observed a High-risk Situation by Gender and Rank



METRIC 4: COMMAND CLIMATE INDEX – ADDRESSING CONTINUUM OF HARM

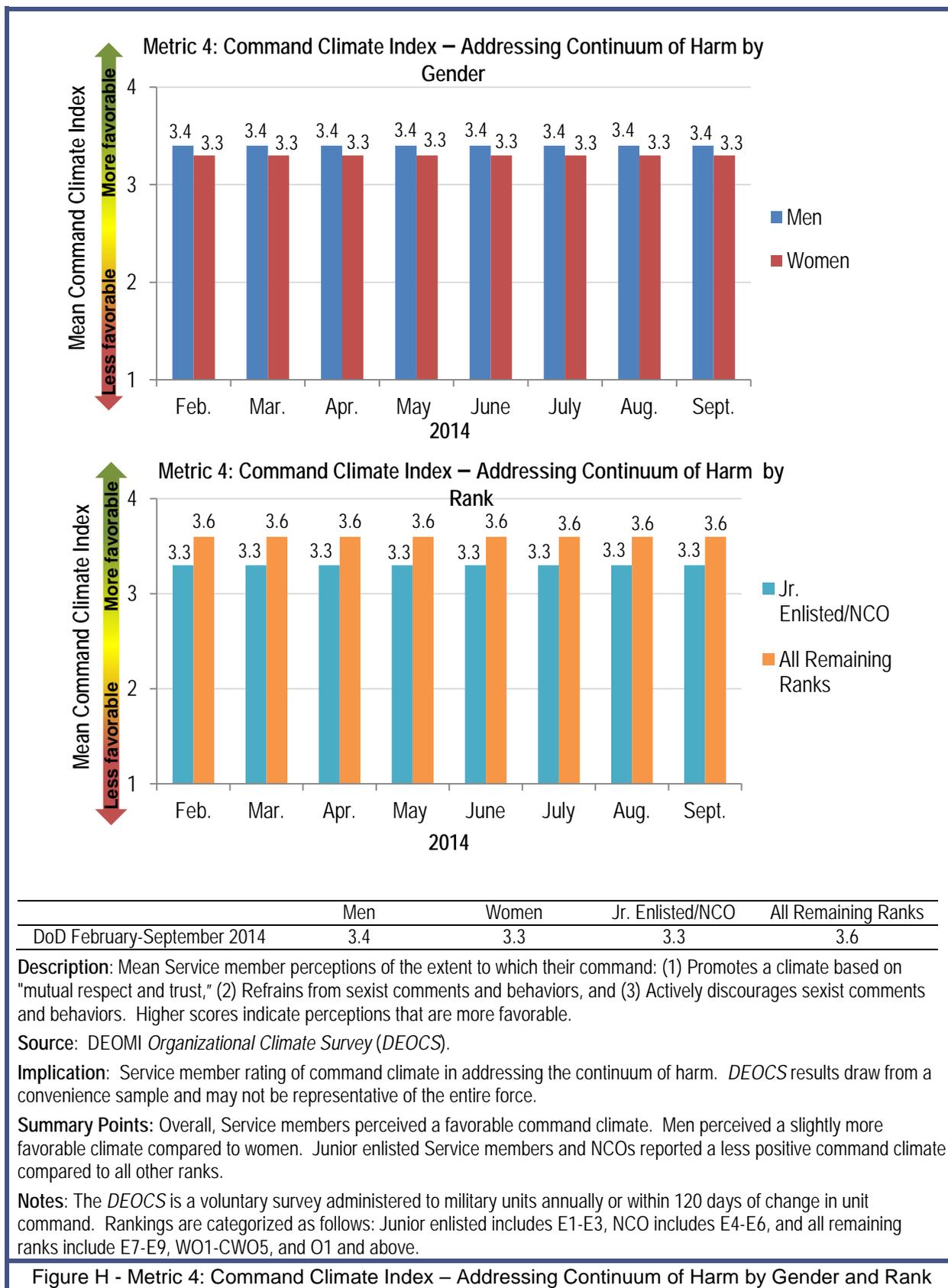
Respondents who completed the *DEOCS* answered three questions about their perceptions of the extent to which their leadership promotes a climate based on mutual respect and trust. These items, listed below, use a four-point scale ranging from “Not at All” to “Great Extent.” A high score indicates a more favorable climate.

To what extent does your chain of command:

- *Promote a unit climate based on “respect and trust”*
- *Refrain from sexist comments and behaviors*
- *Actively discourage sexist comments and behaviors*

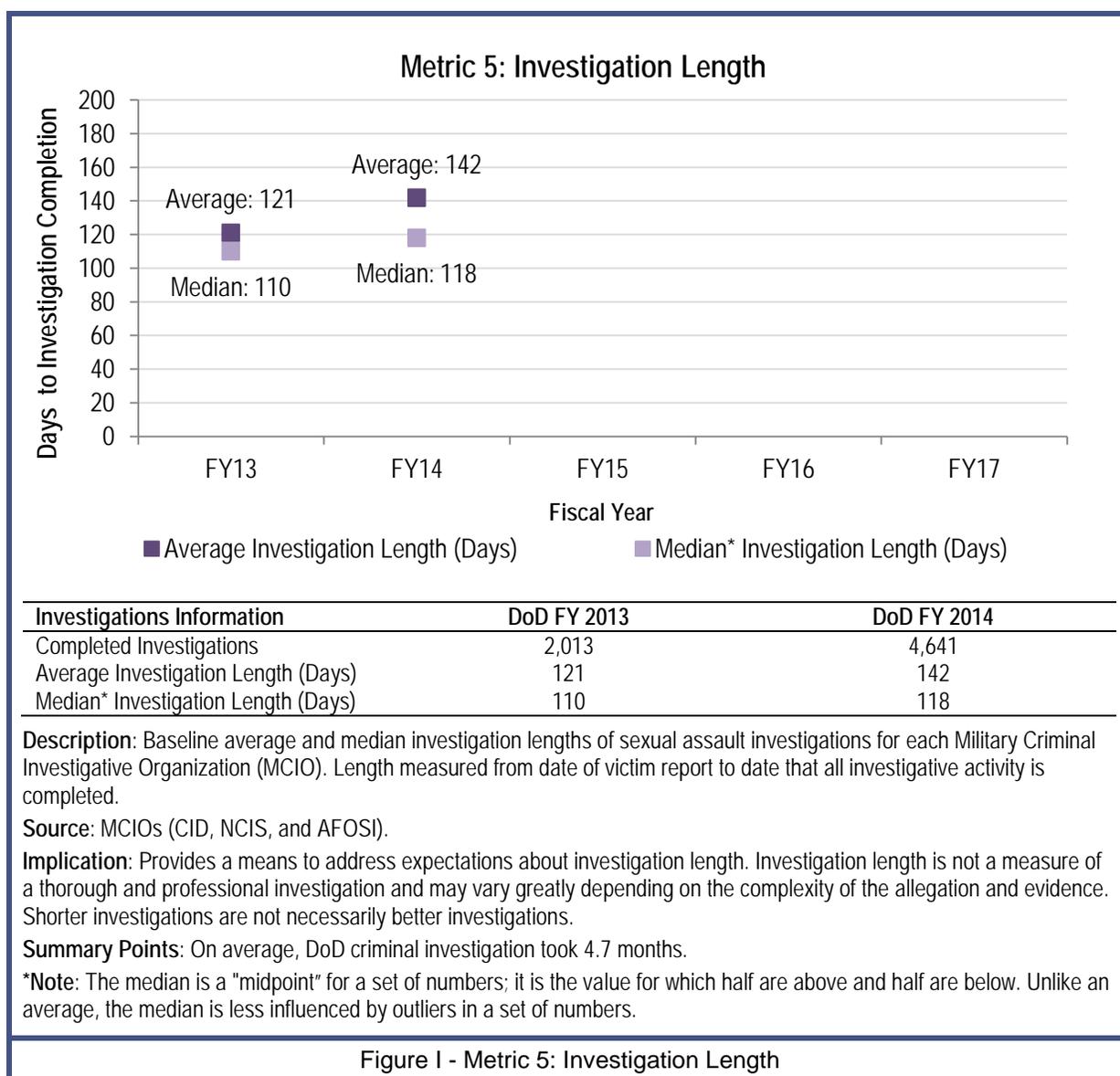
The responses to these three items were then combined into an index, using a four-point scale. The data displayed represent the average monthly responses from each of the demographic groups. Overall, *DEOCS* respondents indicated a favorable command climate. Perceptions of command climate are less favorable among junior enlisted members and non-commissioned officers (3.3 out of 4.0), compared to senior enlisted Service members and officers (3.6 out of 4.0). Moreover, perceptions of command climate are slightly less favorable among women than among men (Figure H).

Although between 100,000 and 200,000 personnel complete the *DEOCS* each month, the respondents may not be completely representative of the force as a whole. However, the consistency indicated in monthly results is notable, given that each month represents a different group of respondents. It is important to note that this is the first year that the *DEOCS* results have been used in this way, and the data have not been fully analyzed to determine scientific reliability and validity, representativeness, and sensitivity to changes in the military population. The *DEOCS* remains a valuable tool to assess climate on the unit level. Nonetheless, the inferences that can be made in combining the data of many units for a DoD-wide or Service-wide picture of climate are subject to limitations. DoD will be reviewing its metric methodology in the forthcoming year to identify strengths and areas for improvement.



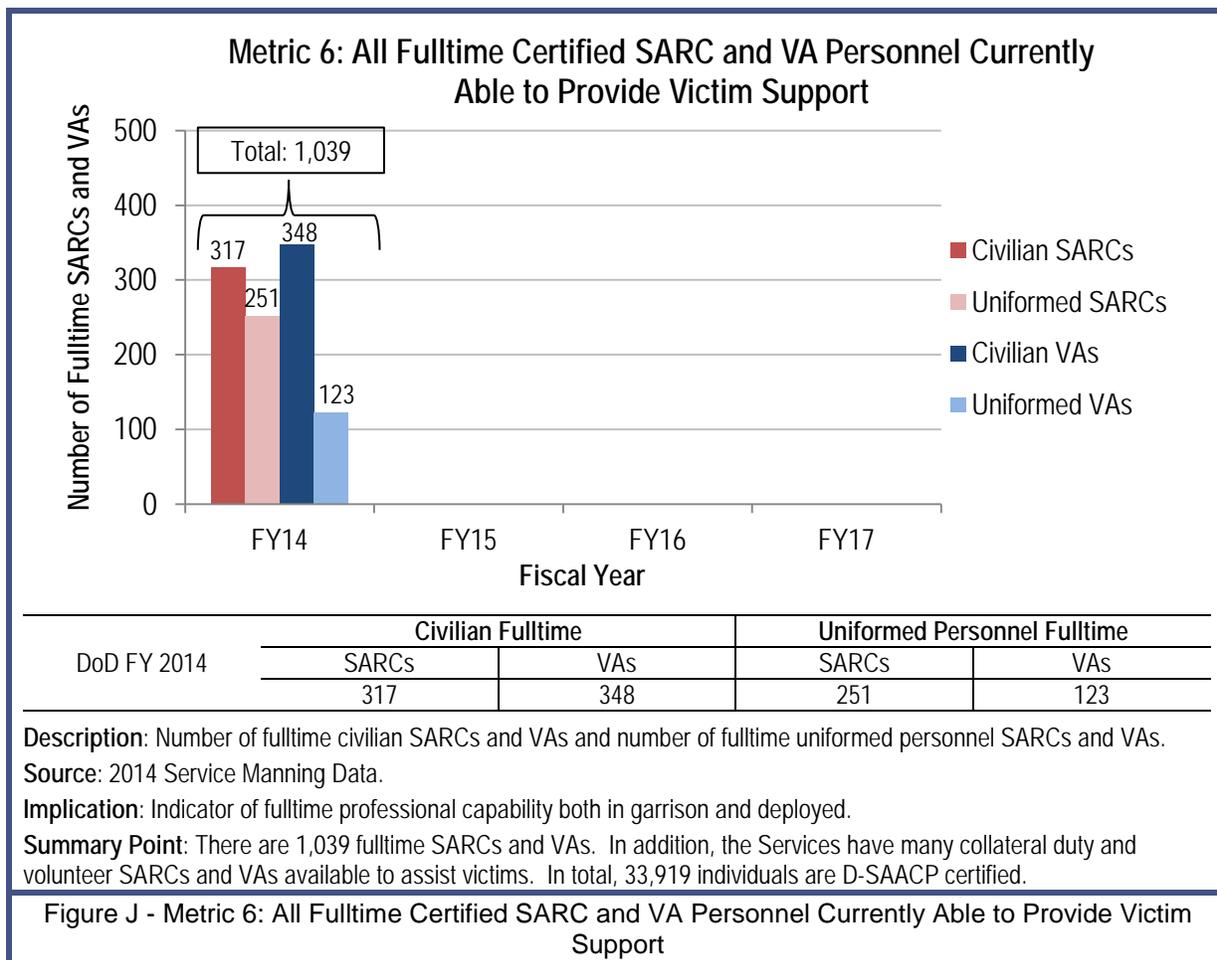
METRIC 5: INVESTIGATION LENGTH

As illustrated in Figure I, it took an average of 142 days, or 4.7 months, to complete a sexual assault investigation in FY 2014, up slightly from the 121 day average investigation length in FY 2013. DoD began tracking investigation length in FY 2013; therefore, data from previous fiscal years are not available. It is important to note that the length of an investigation does not necessarily reflect an investigation’s quality. The time it takes to conduct an investigation depends on a variety of factors, including the complexity of the allegation, the number and location of potential witnesses involved, and the laboratory analysis required for the evidence. Thus, the factors that affect investigation length vary on a case-by-case basis. Knowledge of the average length of a sexual assault investigation will help inform victims about the investigative process and allows DoD to assess its resources and investigative capabilities moving forward.



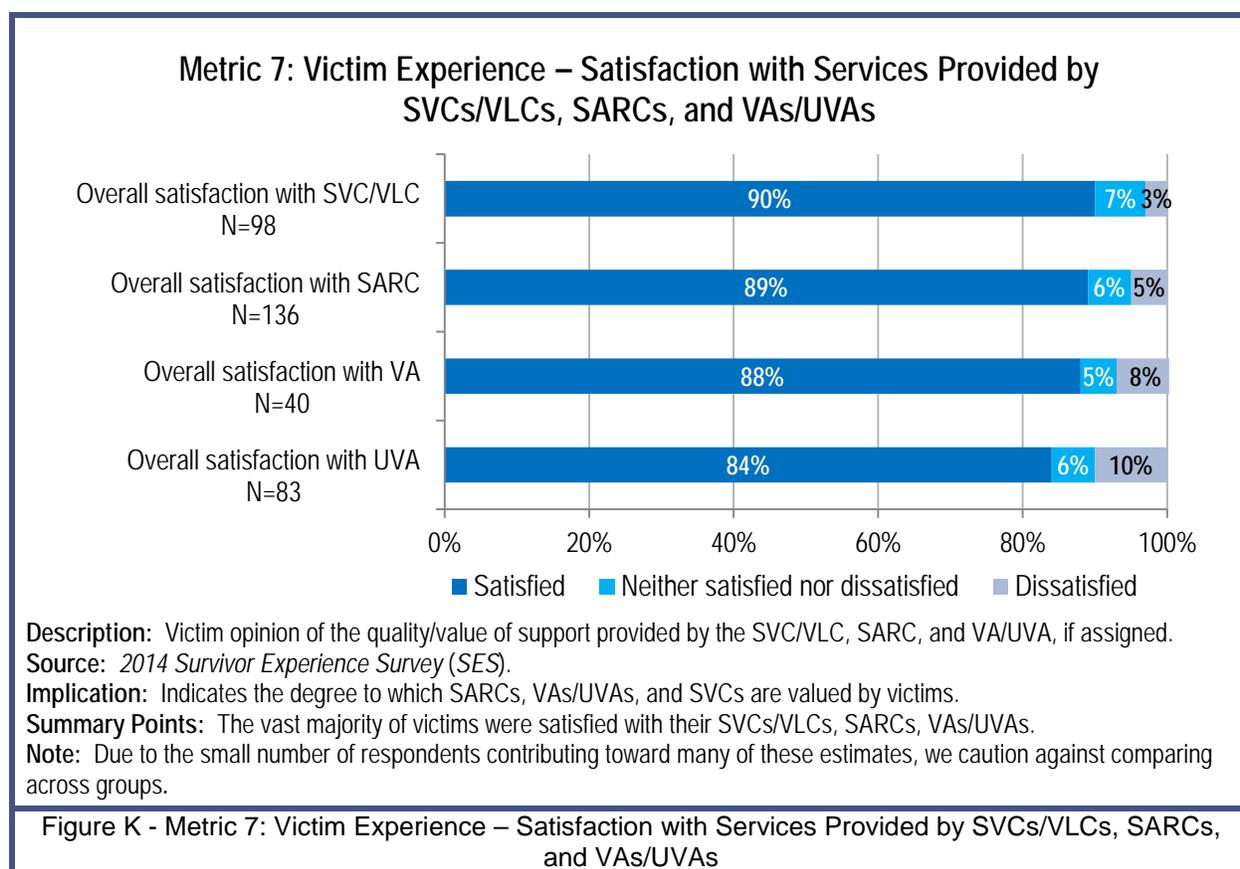
METRIC 6: ALL FULLTIME CERTIFIED SEXUAL ASSAULT RESPONSE COORDINATOR AND VICTIM ADVOCATE PERSONNEL CURRENTLY ABLE TO PROVIDE VICTIM SUPPORT

As illustrated in Figure J, there are 1,039 fulltime civilian and Service member Sexual Assault Response Coordinators (SARCs), Victim Advocates (VAs), and Uniformed Victim Advocates (UVAs) working to provide victim support. In addition to fulltime SARCs and VAs/UVAs, the Services also employ collateral duty Service member SARCs and UVAs to provide support to victims on a part-time basis.



METRIC 7: VICTIM EXPERIENCE – SATISFACTION WITH SERVICES PROVIDED BY SEXUAL ASSAULT RESPONSE COORDINATORS, VICTIM ADVOCATES, AND SPECIAL VICTIMS’ COUNSEL/VICTIMS’ LEGAL COUNSEL

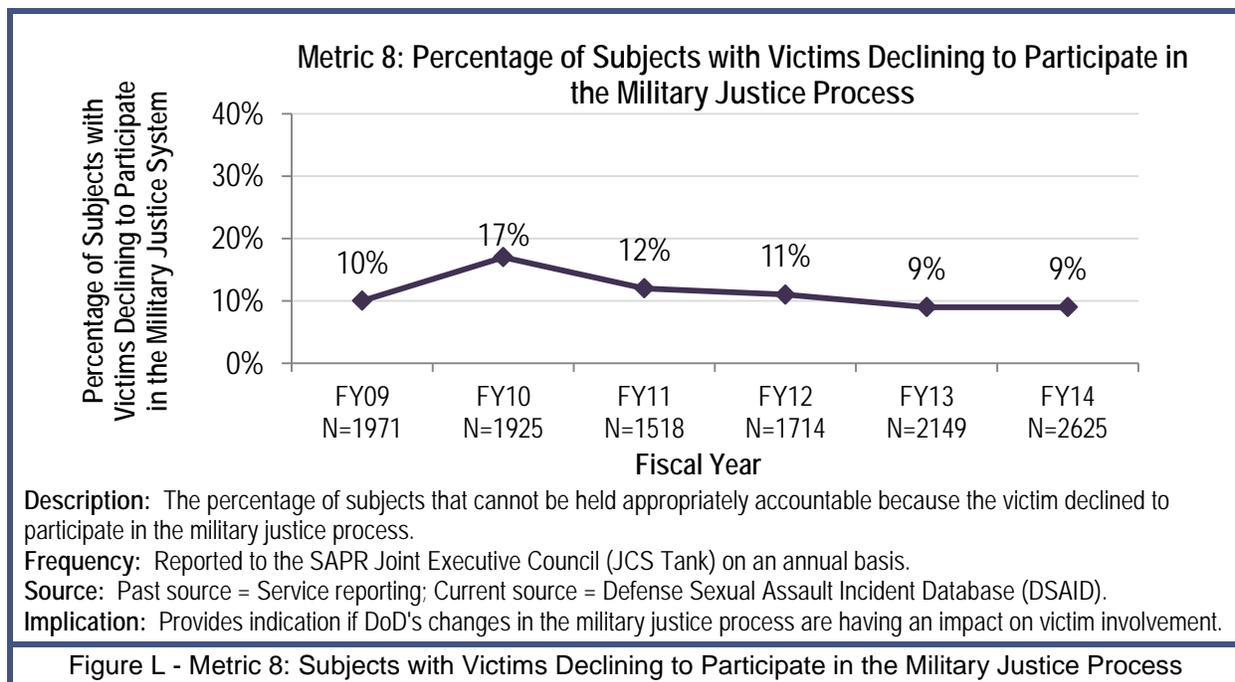
Survivors who completed the *2014 Survivor Experience Survey (SES)*⁶ reported the extent to which they were satisfied with the services provided by their SARC, VA, UVA and Special Victims’ Counsel/Victims’ Legal Counsel (SVC/VLC). As illustrated in Figure K, the vast majority of survivors expressed satisfaction with the services provided by their SARCs, VAs/UVAs, and SVCs/VLCs. The *SES* is the first Department-wide effort to assess victims’ experiences with the DoD response system. DoD will continue to administer the *SES* on an ongoing basis to assess survivors’ needs and experiences in an effort to improve victim services.



⁶ Available at: <http://sapr.mil/index.php/research>

METRIC 8: PERCENTAGE OF SUBJECTS WITH VICTIMS DECLINING TO PARTICIPATE IN THE MILITARY JUSTICE PROCESS

The Services reported that DoD commanders, in conjunction with their legal advisors, reviewed and made case disposition decisions for 2,625 subjects in FY 2014. However, the evidence did not support taking disciplinary action against everyone accused of a sexual assault crime. For example, disciplinary action may be precluded when victims decline to participate in the military justice process. In FY 2014, 9% of accused subjects whose cases were presented to command for consideration of action did not receive disciplinary action because their victims declined to participate in the justice process. As illustrated in Figure L, the percentage of subjects with victims declining to participate remained steady from FY 2009 to FY 2014, with the exception of an increase in FY 2010. Although the majority of victims participate in the justice process, DoD will continue to pursue avenues for greater and sustained victim involvement in the justice system. Recent initiatives, such as the SVCs, Counsel/Advocacy Program, are expected to encourage greater victim participation and engagement with the military justice process.



METRIC 9: PERCEPTIONS OF RETALIATION

The Department's goal is to have a climate of confidence where victims feel free to report sexual assault without any concern of retaliation or negative repercussions for doing so. In an attempt to gather information about perceptions of retaliation as they relate to sexual assault reporting, DoD pulled data from three sources.

Given the challenges associated with interpreting these data, DoD sought to sample a number of domains to get as full a picture of this phenomenon as possible. It should be

noted that these sources provide data on victim's broad perceptions of retaliation that do not necessarily align with actionable offenses that meet the elements of proof required for a charge of retaliation under military law.

- Command Climate Perspective (*DEOCS*)
- RAND *Military Workplace Study (RMWS)*
- *Survivor Experience Survey (SES)*

A. Command Climate Perspective

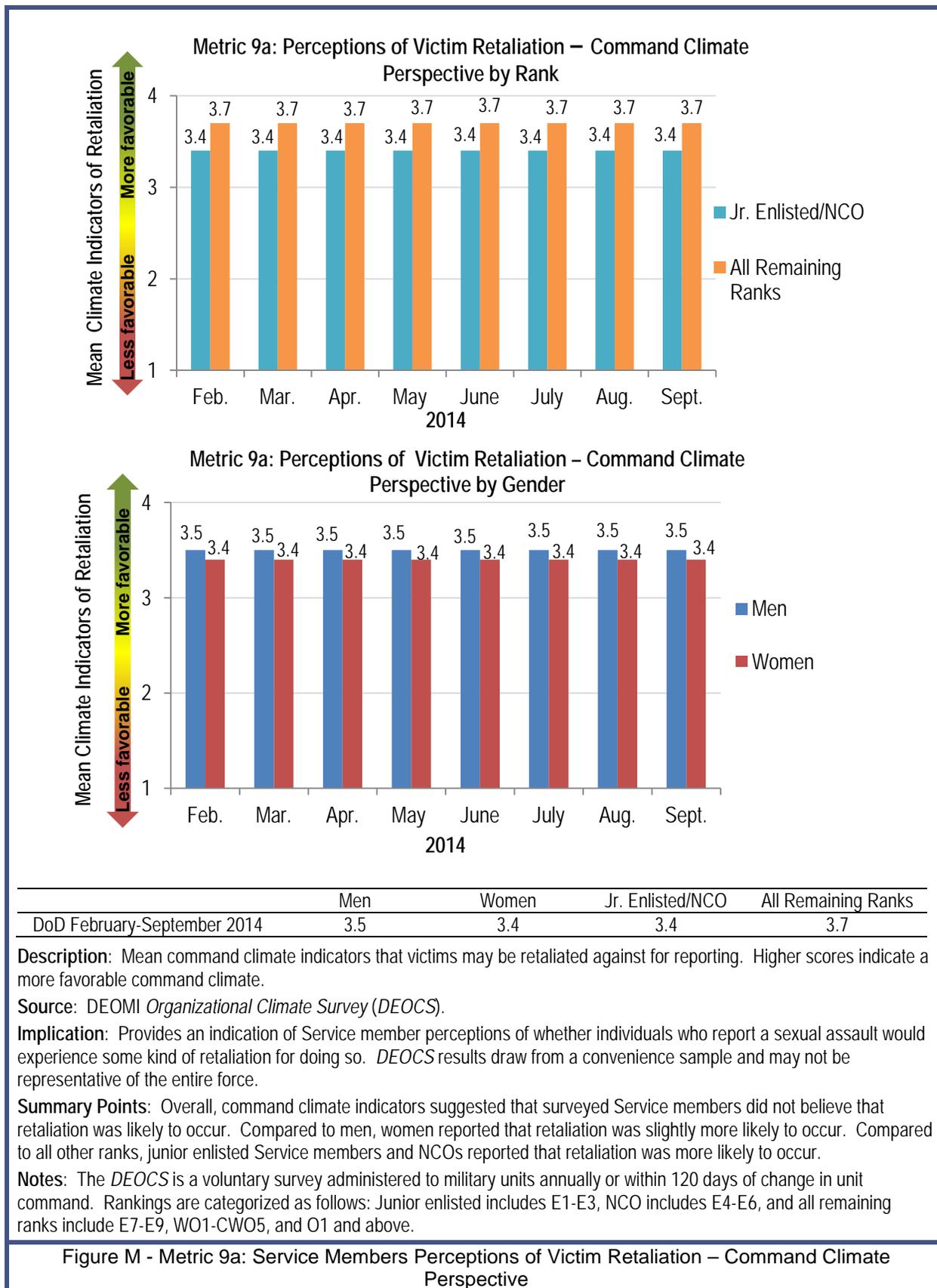
The *DEOCS* included six items to assess the extent to which Service members believed their command or units would retaliate against victims who reported a sexual assault. The items used a four-point scale ranging from "Not at all likely" to "Very likely." The responses to the items listed below were coded such that a high score indicates a more favorable climate and combined into a four-point index:

If someone were to report a sexual assault to your current chain of command, how likely is it that:

- *Unit members would label the person making the report a troublemaker*
- *Unit members would support the person making the report*
- *The alleged offender(s) or their associates would retaliate against the person making the report*
- *The chain of command would take steps to protect the safety of the person making the report*
- *The chain of command would support the person making the report*
- *The chain of command would take corrective action to address factors that may have led to the sexual assault*

Overall, Service members who completed the *DEOCS* perceived the potential for retaliation from their command and unit members to be unlikely (i.e. they perceived a favorable climate). However, men (3.5 out of 4.0) perceived a slightly more favorable climate with a lower likelihood of retaliation compared to women (3.4 out of 4.0; Figure M). Moreover, senior enlisted Service members and officers (3.7 out of 4.0) perceived a more favorable climate and perceived that retaliation was less likely to occur compared to junior enlisted Service members and non-commissioned officers (3.4 out of 4.0). Although between 100,000 and 200,000 personnel complete the *DEOCS* each month, the respondents may not be completely representative of the force as a whole. The consistency indicated in monthly results is notable, given that each month represents a different group of respondents.⁷

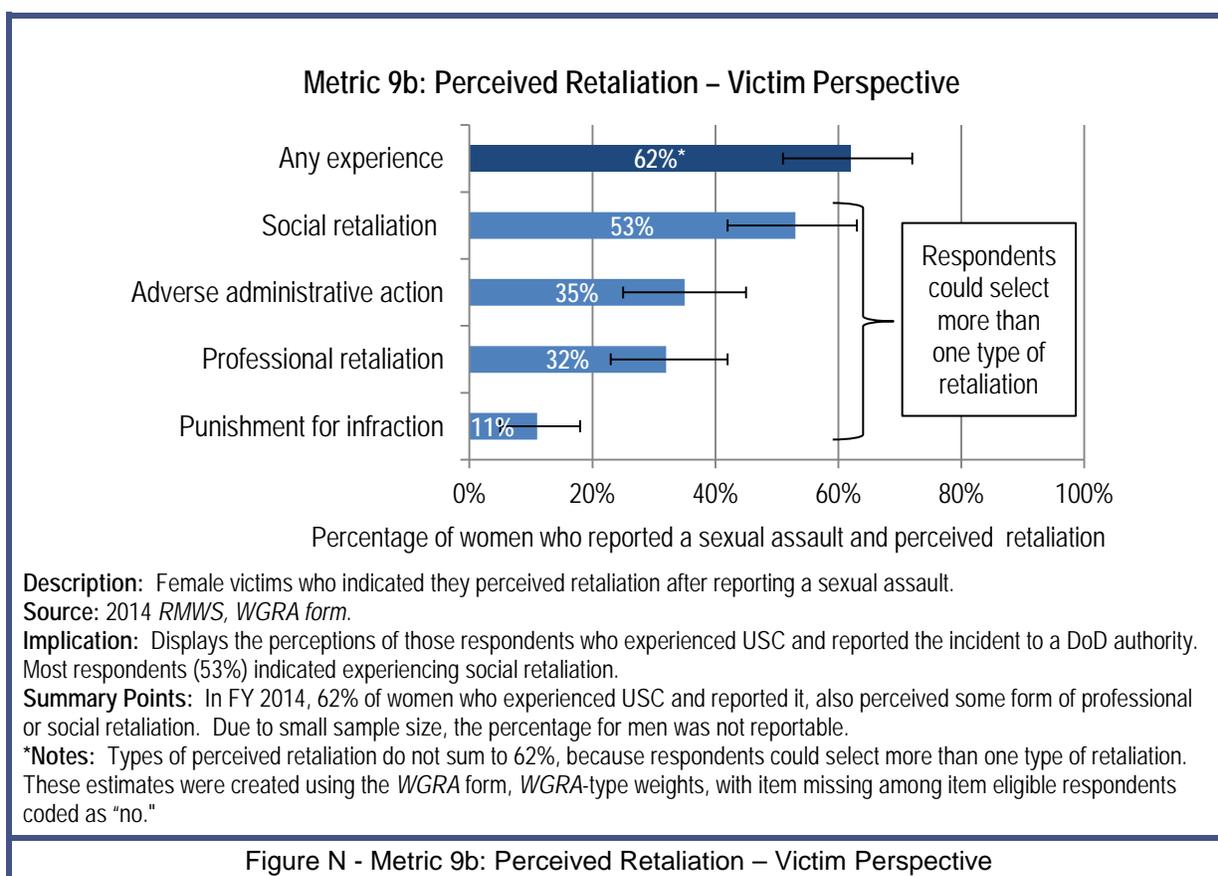
⁷ As previously stated, this is the first year that the *DEOCS* results have been used in this way, and the data have not been fully analyzed to determine scientific reliability and validity, representativeness, and sensitivity to changes in the military population.



B. The RAND Military Workplace Study – WGRA Responses

According to the WGRA form, of the women who indicated experiencing USC in the year preceding the survey, and who reported the matter to a military authority or organization, 62% perceived some form of professional or social retaliation, an administrative action, and/or a punishment. Figure N displays the specific types of experiences. The results of the WGRA form, shown in Figure N, were not statistically different from the results on retaliation from the RWMS form.⁸

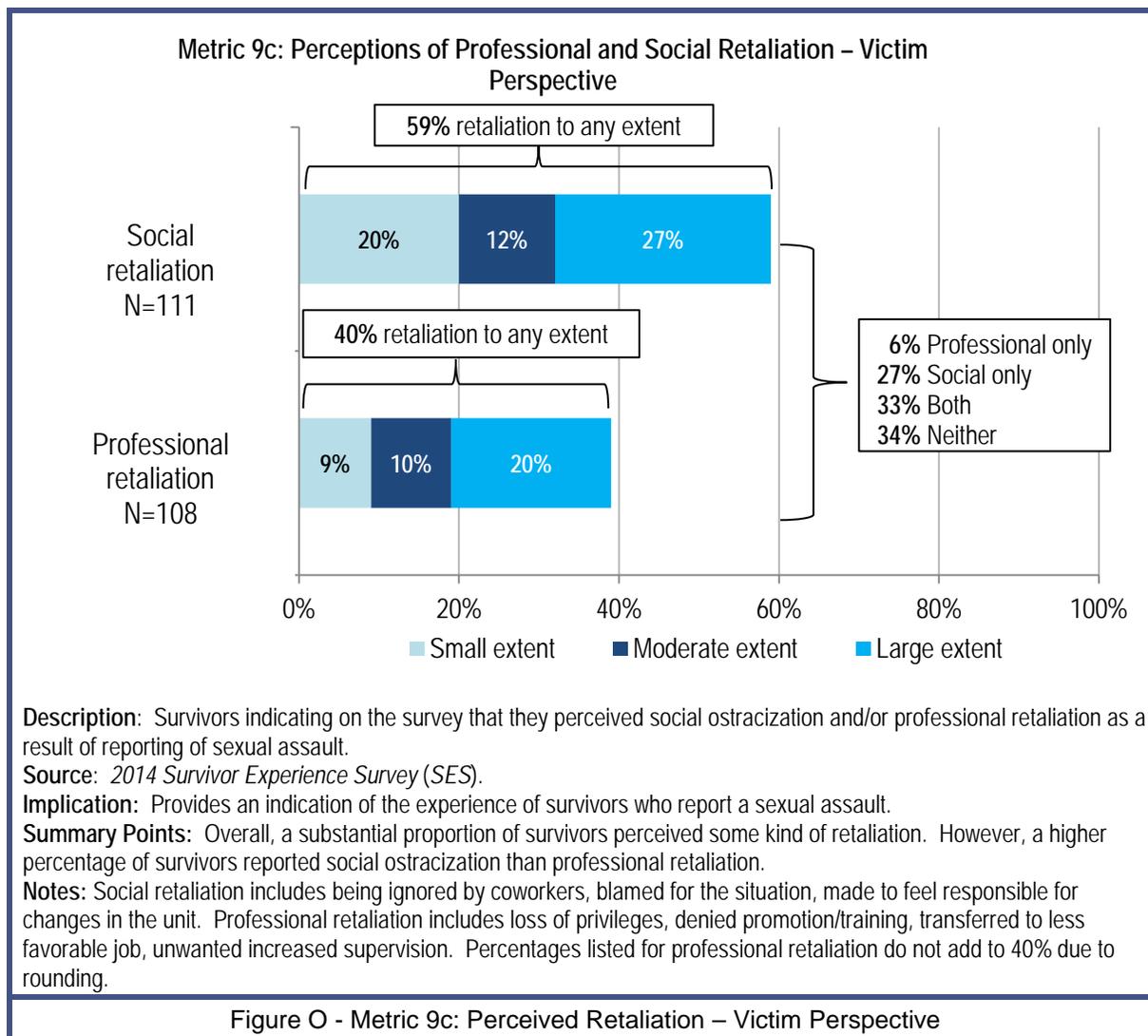
Adverse administrative actions and punishment for infractions are not included under the category of "professional retaliation" in Figure N because these actions are not necessarily retaliatory. They could occur after a sexual assault report to address victim safety and health concerns or to address collateral misconduct under military law. However, if these actions are taken with the intention of penalizing a victim for reporting a sexual assault, they could be considered professional retaliation.



⁸ On the RWMS form, 54.5% of female Service members who made an official report of sexual assault perceived retaliation (44% social, 28% professional, 25% adverse actions, and 10% punishments).

C. Survivor Experience Survey

A pattern similar to the *RMWS* was observed in the *SES results*, with 59% of respondents perceiving social retaliation and 40% perceiving professional retaliation (Figure O). The *SES* draws from a convenience sample of survivors who responded to a SARC’s invitation to take the survey. Nonetheless, the results on this item were within the margins of error associated with a similar item from the *WGRA* form, administered by RAND (Figure N), giving a good indication that the respondents to the *SES* had similar experiences as those respondents in the more representative *RMWS*.



That there is retaliation perceived of any kind is a serious concern; however, additional information from the *SES* gives a greater understanding of the overall impact of those experiences on individuals. Respondents were asked to rate their level of agreement with a number of items that described their experience with their unit commander/director. Of the 64% of respondents who made an Unrestricted Report and spoke to their unit commander/director in response to the sexual assault, more than two-thirds

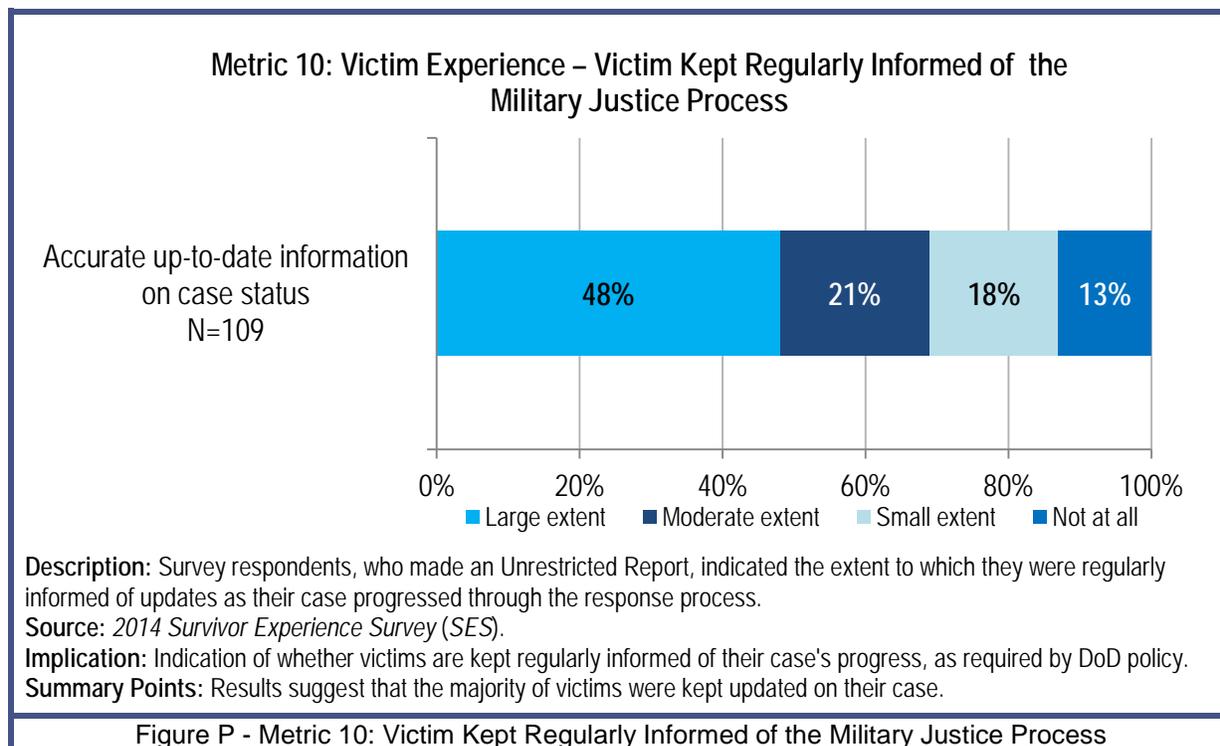
agreed the unit commander/director *supported them* (82%), *took steps to address their privacy and confidentiality* (80%), *treated them professionally* (79%), *listened to them without judgment* (78%), and *thoroughly answered their questions* (70%). Across these items, less than one-fifth (between 14 and 18%) of respondents indicated they disagreed with those statements. Of the 64% of respondents who made an Unrestricted Report and spoke to their unit commander/director in response to the sexual assault, almost three-quarters (73%) indicated that they were satisfied with the unit commander/director's response to the report of sexual assault, whereas 16% indicated they were dissatisfied.

SES respondents were less satisfied with the response of other members of their chain of command. Of the 81% of respondents who made an Unrestricted Report and spoke to another member in their chain of command in response to the sexual assault, about two-thirds (61%) indicated that, overall, they were satisfied with the other member's response to the report of sexual assault. More than one quarter (29%) indicated they were dissatisfied with the other member's response to the sexual assault. Based on this, respondents to the *SES* appeared to have a better experience working with their commander than they did with others lower in their chain of command. This finding, while limited to the *SES*, may have broader applicability to DoD training initiatives, in that over the past two years DoD has worked to improve pre-command training for officers and senior enlisted members. Furthermore, this finding suggests that expanded leadership training on the SAPR program for other members of the chain of command may be warranted.

Finally, one finding from the *SES* provides additional insight about survivors' satisfaction with DoD's sexual assault response system. Given the potential impact of survivors' experiences on the future decisions of others survivors, one of the ways DoD measures progress is to assess whether respondents who report a sexual assault would recommend others report as well. In the 2014 *SES*, nearly three quarters (73%) of respondents indicated, based on their overall experience of reporting, that *yes*, they would recommend others report their sexual assault, whereas 14% of respondents indicated *no*, and 13% were *unsure* if they would recommend others report their sexual assault.

METRIC 10: VICTIM EXPERIENCE – VICTIM KEPT REGULARLY INFORMED OF THE MILITARY JUSTICE PROCESS

As displayed in Figure P, 69% of victims who completed the *SES* reported that they were, to a large or moderate extent, kept informed of their case's progress. DoD policy requires that victims are kept informed of the legal proceedings against the alleged perpetrator of their sexual assault. Commanders hold primary responsibility for informing victims on a monthly basis about the progress on their cases.



METRIC 11: PERCEPTIONS OF LEADERSHIP SUPPORT FOR SAPR

The *DEOCS* included two questions on leadership support for SAPR. The items listed below used a four-point scale ranging from “Not at All” to “Great Extent.” The responses to the following items were coded such that a high score indicates higher perceived support.

To what extent does your chain of command:

- *Encourage victims to report sexual assault?*
- *Create an environment where victims feel comfortable reporting sexual assault?*

The responses to these items were combined into an index and averaged across all military respondents to the *DEOCS* each month. Overall, Service members who completed the *DEOCS* reported that their command supported sexual assault reporting by victims. While an overall encouraging trend was observed in *DEOCS* results, there is much work to be done to address observed differences in perceptions of command support for SAPR by gender and rank. Consistent with the pattern of results for previous *DEOCS* metrics, men (3.6 out of 4.0) perceived greater command support for victim reporting compared to women (3.4 out of 4.0; Figure Q). Additionally, senior enlisted Service members and officers perceived greater command support for SAPR (3.7 out of 4.0) compared to junior enlisted members and non-commissioned officers (3.5 out of 4.0).

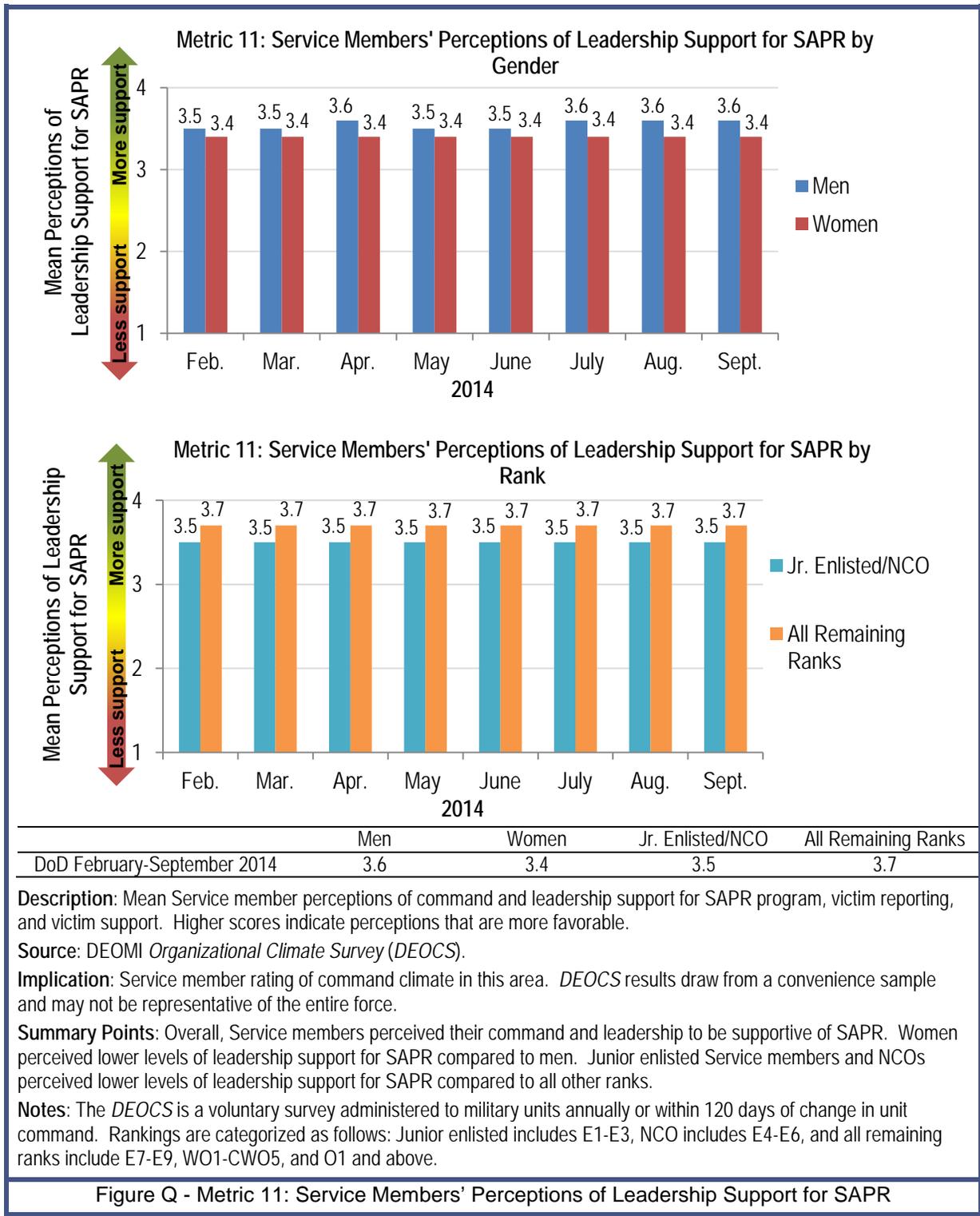
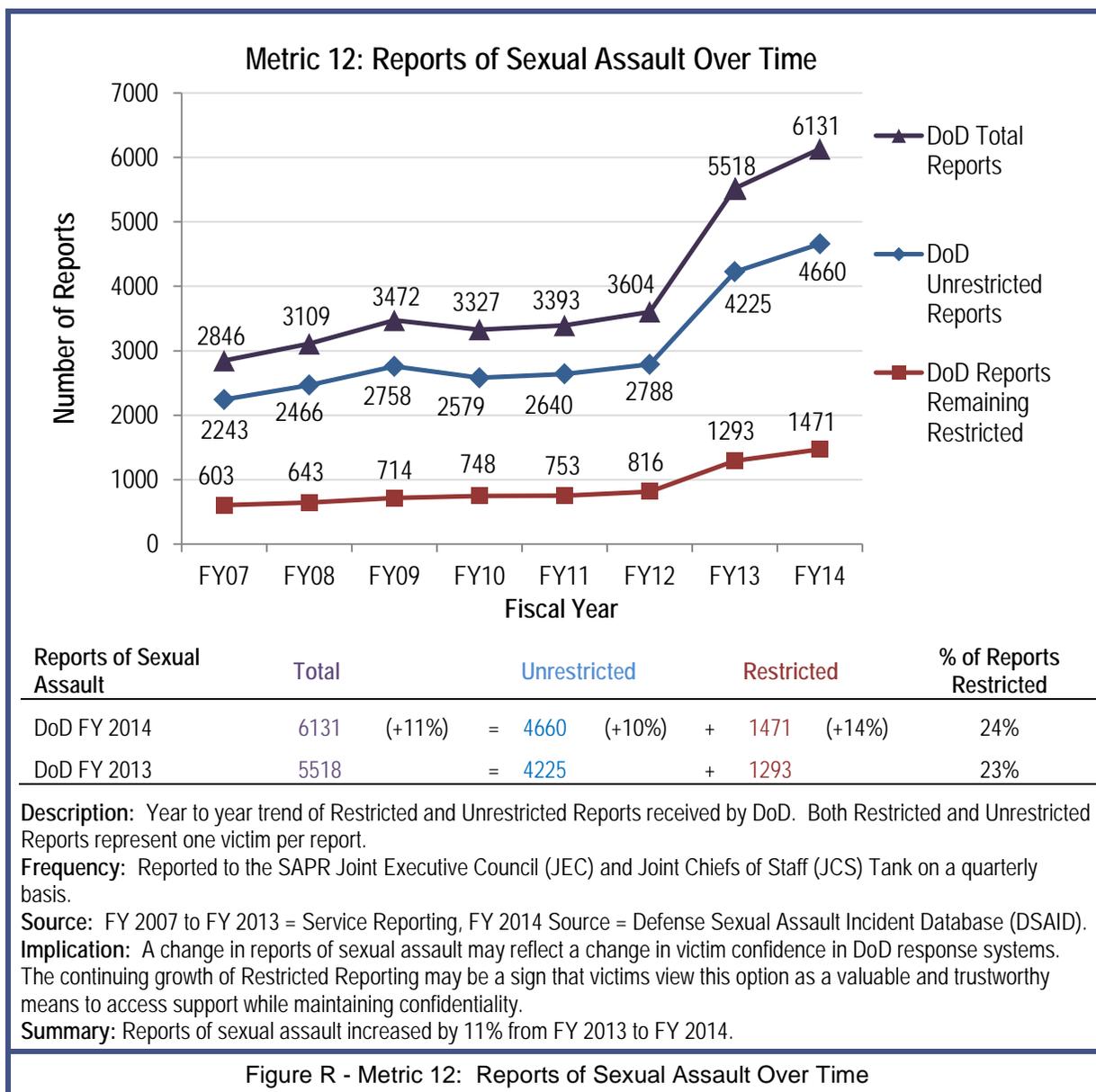


Figure Q - Metric 11: Service Members' Perceptions of Leadership Support for SAPR

Metric 12: Reports of Sexual Assault Over Time

Reports of sexual assault are imperative for DoD to track for several reasons. The number of sexual assault reports received each year indicates:

- Number of victims who were sufficiently confident in the response system to make a report,
- Number of victims who gained access to DoD support and services, and
- Number of victims who may be willing to participate in the military justice system to hold offenders appropriately accountable.



In FY 2014, the Military Services received 6,131 reports of alleged sexual assault involving Service members as either victims or subjects, which represents an 11% increase from the 5,518 reports made in FY 2013 (Figure R). It should be noted that while these reports were received in FY 2014, some reported incidents occurred in prior years. Of the 6,131 reports, 516 (approximately 8%) were made by Service members for incidents that occurred prior to their entering military service.⁹

- The Military Services received 4,660 Unrestricted Reports involving Service members as either victims or subjects, a 10% increase over FY 2013.
- The Military Services initially received 1,840 Restricted Reports involving Service members as either victims or subjects. Of the 1,840 initial Restricted Reports, 369 (20%) reports later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. There were 1,471 reports remaining restricted, a 14% increase over FY 2014.

The increase in reporting from FY 2013 to FY 2014 is more modest than the increase in reporting from FY 2012 to FY 2013. This is not surprising given that there was an unprecedented 53% increase in reporting in FY 2013. In FY 2014, the high level of reporting seen in FY 2013 was sustained.

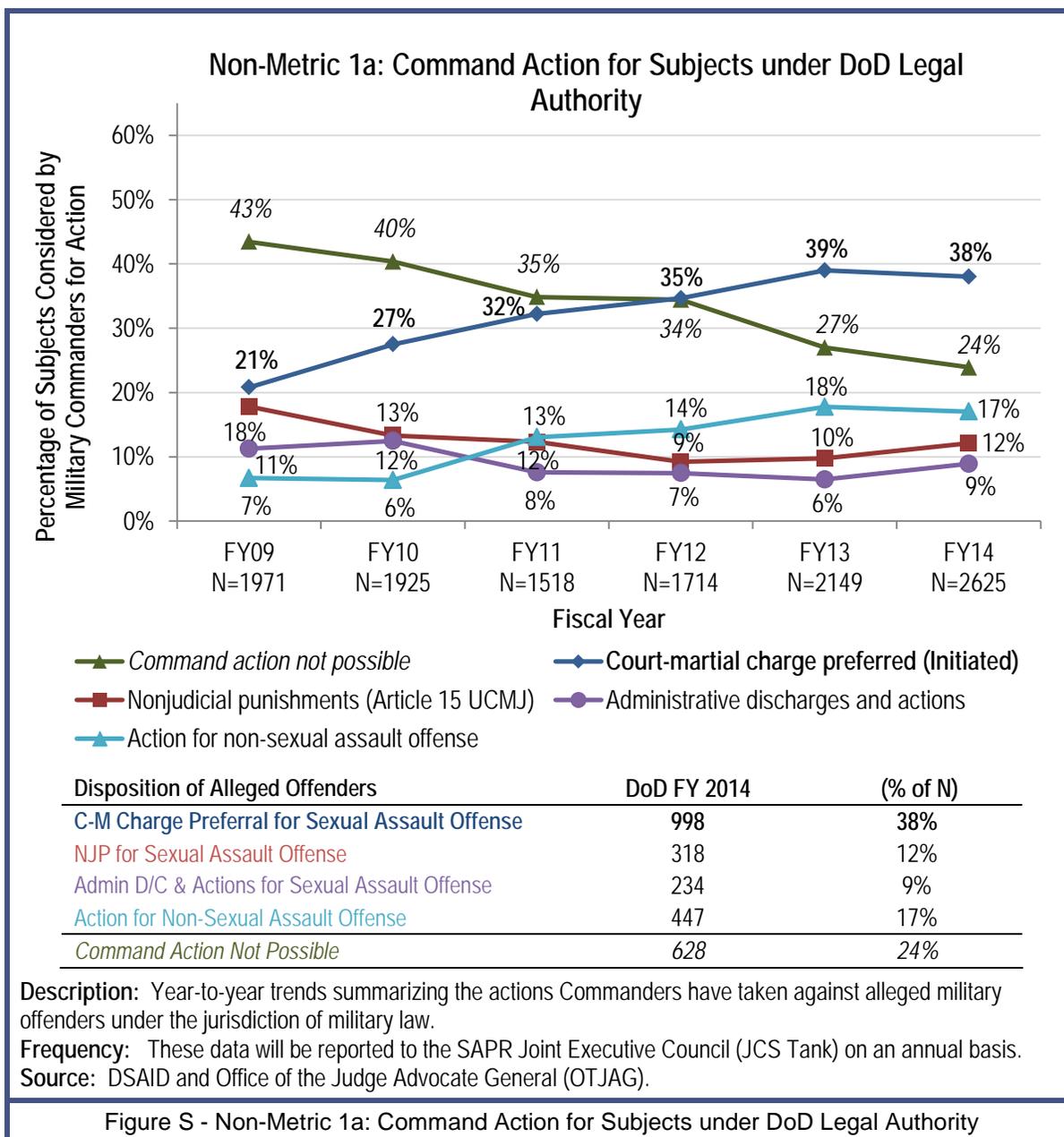
NON-METRICS

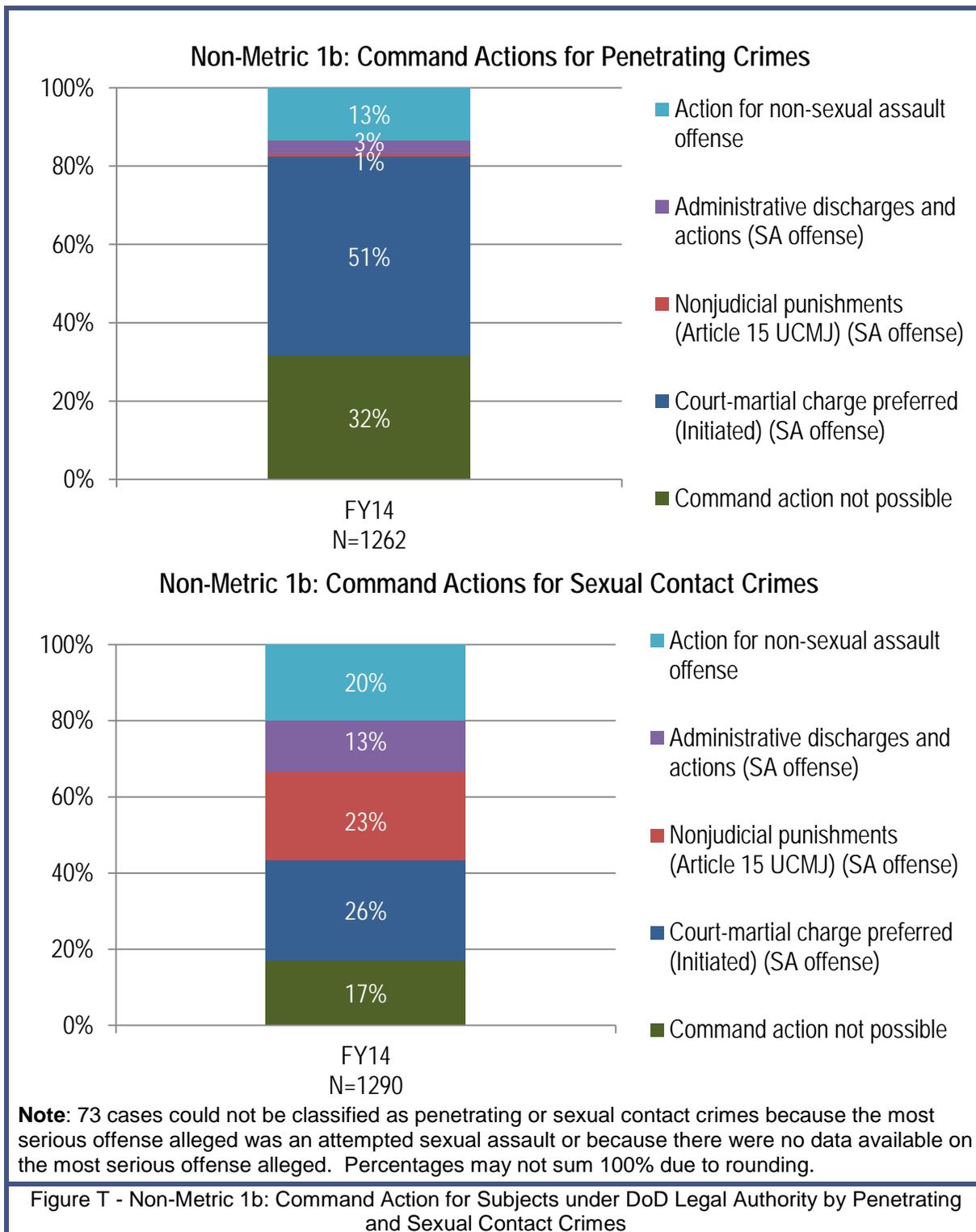
NON-METRIC 1: COMMAND ACTION – CASE DISPOSITIONS

The following information is for those subjects' cases whose investigations were complete and case disposition results were reported in FY 2014. In FY 2014, 2,625 subjects investigated for sexual assault were primarily under the legal authority of DoD. However, as with the civilian justice system, evidentiary issues may have prevented disciplinary action from being taken against some subjects. In addition, commanders declined to take action on some subjects after a legal review of the matter indicated that the allegations against the accused were unfounded, meaning they were determined to be false or baseless. Command action was not possible in 24% of the cases considered for action by military commanders (Figure S) in FY 2014.

⁹ Prior to FY 2014, an Unrestricted Report of sexual assault may have included one or more victims and one or more subjects. DoD relied upon the Military Criminal Investigative Organizations (MCIOs) to provide the number of Unrestricted Reports each year, and the subsequent number of victims and subjects associated with those reports. In FY 2014, DoD moved to the Defense Sexual Assault Incident Database (DSAID) as the primary source of reporting statistics with each Unrestricted Report corresponding to a single victim.

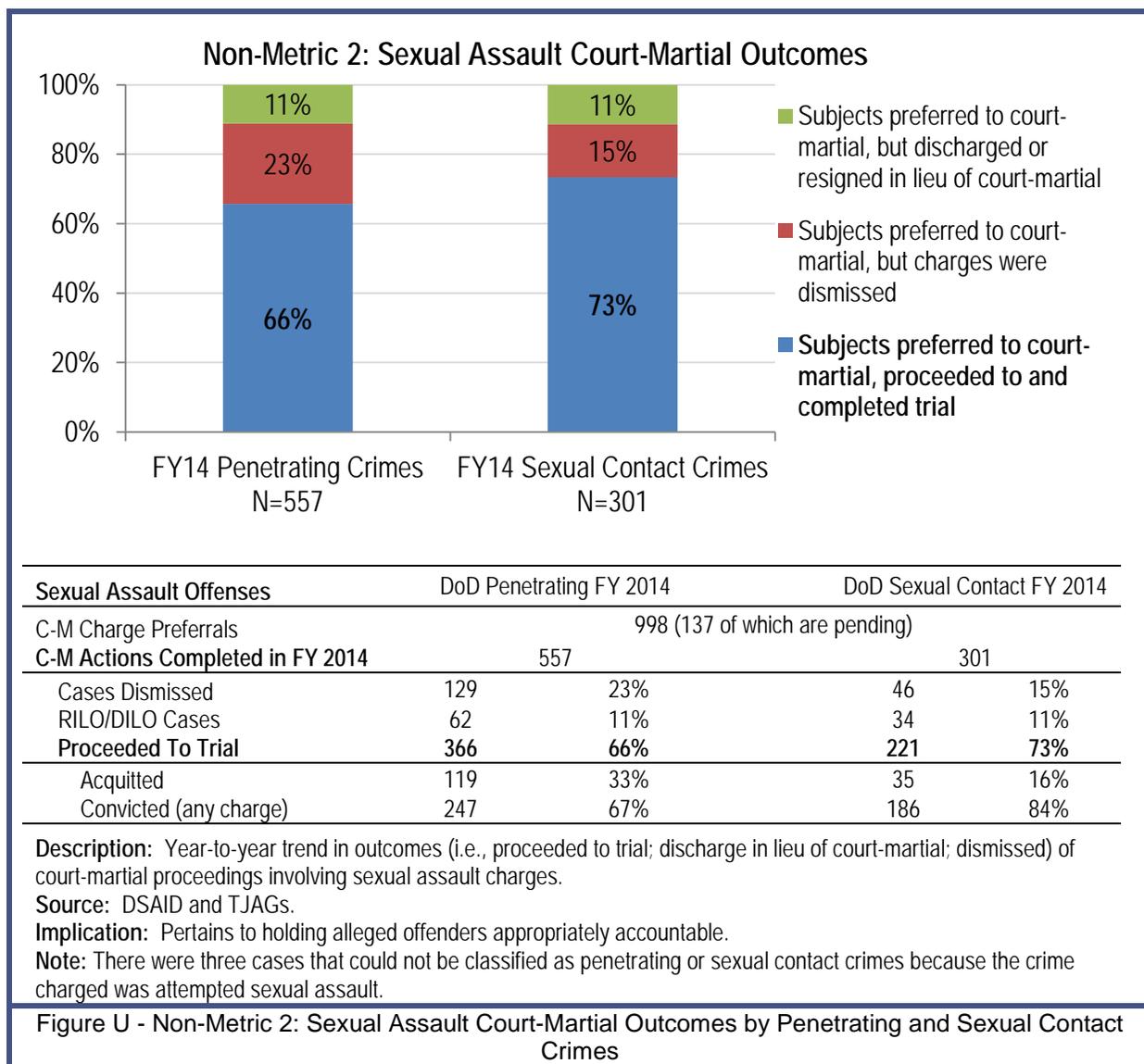
For the remaining 76% of cases considered for command action, commanders had sufficient evidence and legal authority to support some form of disciplinary action for a sexual assault offense or other misconduct. Figure S displays command action taken from FY 2009 to FY 2014 and Figure T displays command action in FY 2014 for penetrating versus sexual contact crimes. Since FY 2007, the percentage of subjects who had charges preferred to court-martial has steadily increased and the percentage of subjects for whom command action was not possible has steadily declined.





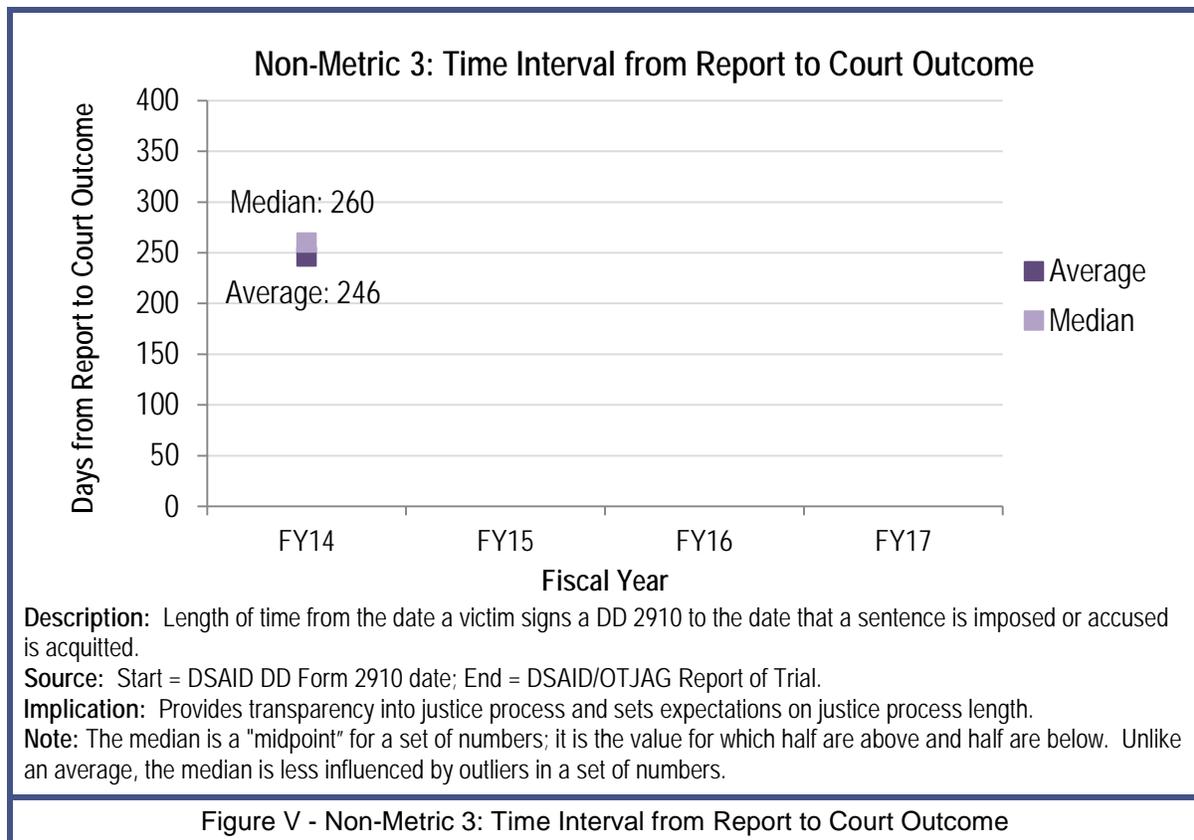
NON-METRIC 2: COURT-MARTIAL OUTCOMES

Figure U illustrates subject outcomes in the court-martial process, displayed by type of crime (penetrating versus sexual contact). Not all cases preferred to court-martial proceeded to trial. In certain circumstances, DoD may approve a resignation or discharge in lieu of court-martial (RILO/DILO). Furthermore, Article 32 (pre-trial) hearings can result in a recommendation to dismiss all or some of the charges. Commanders may use evidence gathered during sexual assault investigations and evidence heard at an Article 32 hearing to impose a nonjudicial punishment (NJP) against subjects. As seen in Figure U, the majority of cases preferred to court-martial, for both penetrating and sexual contact offenses, proceeded to trial.



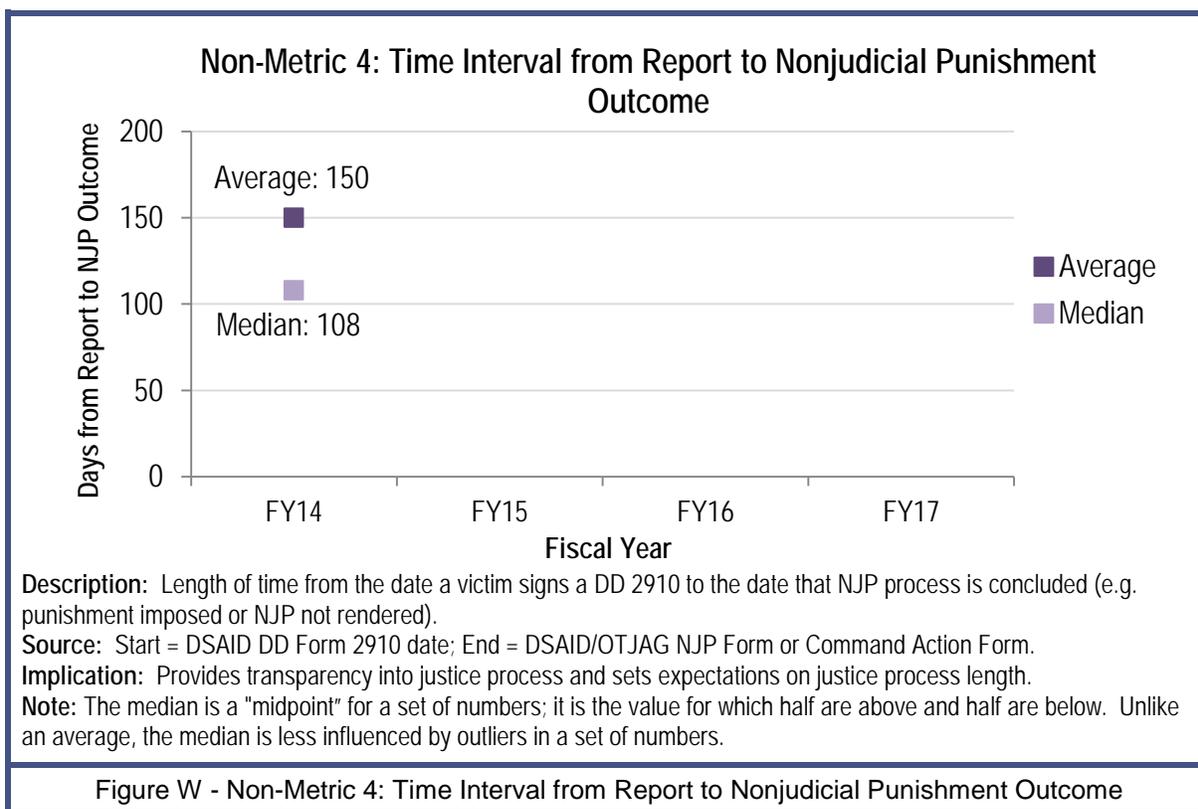
Non-Metric 3: Time Interval from Report of Sexual Assault to Court Outcome

As illustrated in Figure V, the mean and median length of time from the date a victim reported a sexual assault to the date that court-martial proceedings concluded, was 246 days (8.1 months) and 260 days (8.5 months), respectively. This is the first year that DoD has collected these data. There are a variety of factors, such as the complexity of the allegation, the need for laboratory analysis of the evidence, the quantity and type of legal proceedings, availability of counsel and judges, and other factors that likely affect the interval of time between a report of sexual assault and the conclusion of a court-martial. That notwithstanding, knowledge of the average amount of time between a report and the end of a court-martial is useful because it improves the transparency of the military justice process and helps to inform victims about what to expect.



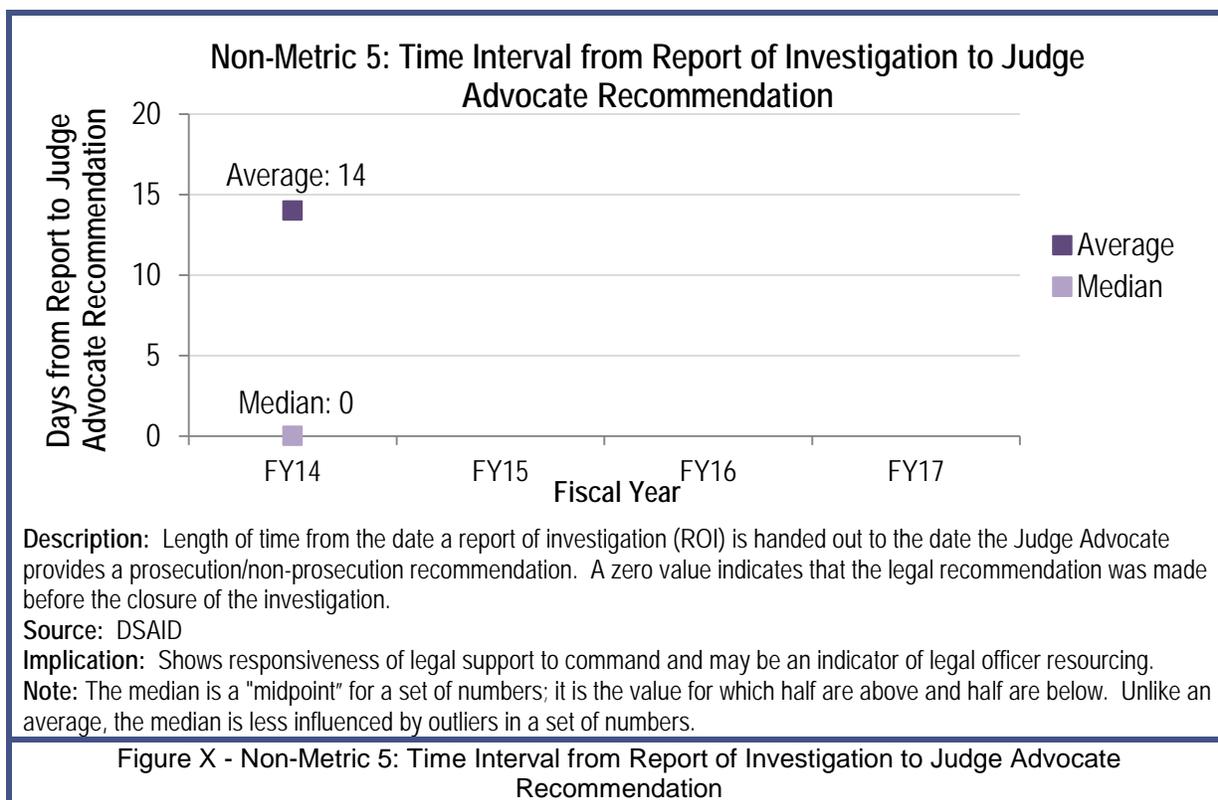
NON-METRIC 4: TIME INTERVAL FROM REPORT OF SEXUAL ASSAULT TO NONJUDICIAL PUNISHMENT OUTCOME

The mean and median length of time from the date a victim signs a DD 2910 to the date that the NJP process is concluded (e.g. punishment imposed or NJP not rendered) was 150 days (4.9 months) and 108 days (3.5 months), respectively (Figure W). This is the first year that DoD collected these data. Similar to non-metric 3, there are a variety of factors that influence the interval of time between a report of sexual assault and the conclusion of a NJP. However, knowledge of the average amount of time between a report and the end of NJP proceedings improves the transparency of the NJP process and helps to set appropriate expectations.



NON-METRIC 5: TIME INTERVAL FROM REPORT OF INVESTIGATION TO JUDGE ADVOCATE RECOMMENDATION

As illustrated in Figure X, the mean and median length of time from the date a report of investigation was provided to command, until the date a judge advocate made a disposition recommendation to the commander of the accused, was 14 days and 0 days, respectively. A zero value indicates that the legal recommendation was made before the closure of the investigation. As for non-metrics 3 and 4, there is no expected or set time for this to occur.



NON-METRIC 6: DoD ACTION IN SEXUAL ASSAULT CASES DECLINED OR NOT FULLY ADDRESSED BY CIVILIAN OR FOREIGN JUSTICE SYSTEMS

Each of the Services were directed by the Joint Chiefs to collect 5 to 10 cases where the military justice system was better able to address the misconduct alleged than the involved civilian or foreign justice system. This is not to say that the military justice system is superior to other justice systems, but rather it has the flexibility to address certain types of misconduct that other systems cannot. For full descriptions of these selected cases, refer to the Army, Department of Navy, and Air Force Reports in the *Report to the President* (Enclosures 1-3).¹⁰

¹⁰ Available here: <http://sapr.mil/index.php/annual-reports>