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Provisional Metrics on Sexual Assault Fiscal Year 2014

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PROVISIONAL METRICS ON SEXUAL ASSAULT

At the request of the White House, the Department of Defense developed the following metrics and “non-metrics” to help evaluate DoD progress in sexual assault prevention and response. As part of the development process, the Department 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. Consequently, the Department 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 some 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 also allow an entity to influence a metric in a desired direction. For example, it is the stated intent of the Department to encourage greater reporting of sexual assault. Consequently, increases in the number of sexual assault reports may be an indicator that such a policy may be having the desired effect.

The Department chose to coin 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.

METRICS

Metric 1: Past-Year Prevalence of Unwanted Sexual Contact

The Department uses the Workplace and Gender Relations Survey of Active Duty Members (WGRA) to estimate the prevalence, or occurrence, of sexual assault in the active duty over a year’s time. This survey process is normally conducted by the Defense Manpower Data Center 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 for Fiscal Year (FY) 2012, Congress directed the Department to survey the active duty every two years, which allows the Department to more frequently estimate the prevalence of sexual assault. Thus, past-year prevalence estimates are available for Calendar Year (CY) 2006, FY 2010, FY 2012, and FY 2014.

Since 2002, the Defense Manpower Data Center (DMDC) has conducted the Workplace and Gender Relations Surveys. However, in 2013, the leadership of the Senate Armed Services Committee requested that the Department arrange for an independent survey to estimate sexual assault prevalence. In accordance with this request, the RAND Corporation (RAND) was contracted to administer the Military Workplace Study (RMWS) which will serve as the 2014 WGRA. RAND created and simultaneously administered two versions of the survey:

- 1) One version employed DMDC’s prior form questions about sexual assault (unwanted sexual contact) and sexual harassment, drawn from the FY 2012

Workplace and Gender Relations Survey of Active Duty Members, allowing for some level of comparison with previous years' survey data (WGRA form administered by RAND). Past-year prevalence estimates in this report are primarily drawn from this WGRA measure as part of the FY 2014 RAND Military Workplace Study.

- 2) RAND also developed and administered a new measure to estimate past-year prevalence of sexual assault and sexual harassment (RMWS form) that found statistically similar prevalence rates as the WGRA form. The newer items on the RMWS form were designed to closely track with the legal language describing the crimes that constitute sexual assault in the Uniform Code of Military Justice (UCMJ) and the legal definition of sexual harassment in federal law. The differences between the WGRA and the RMWS forms are explained in greater detail in RAND's initial findings, attached to this report (Annex 1). RAND will be conducting additional analysis this winter and will provide greater detail about the similarities and differences of these two measures with DoD's Annual Report to Congress, to be released in April 2015.

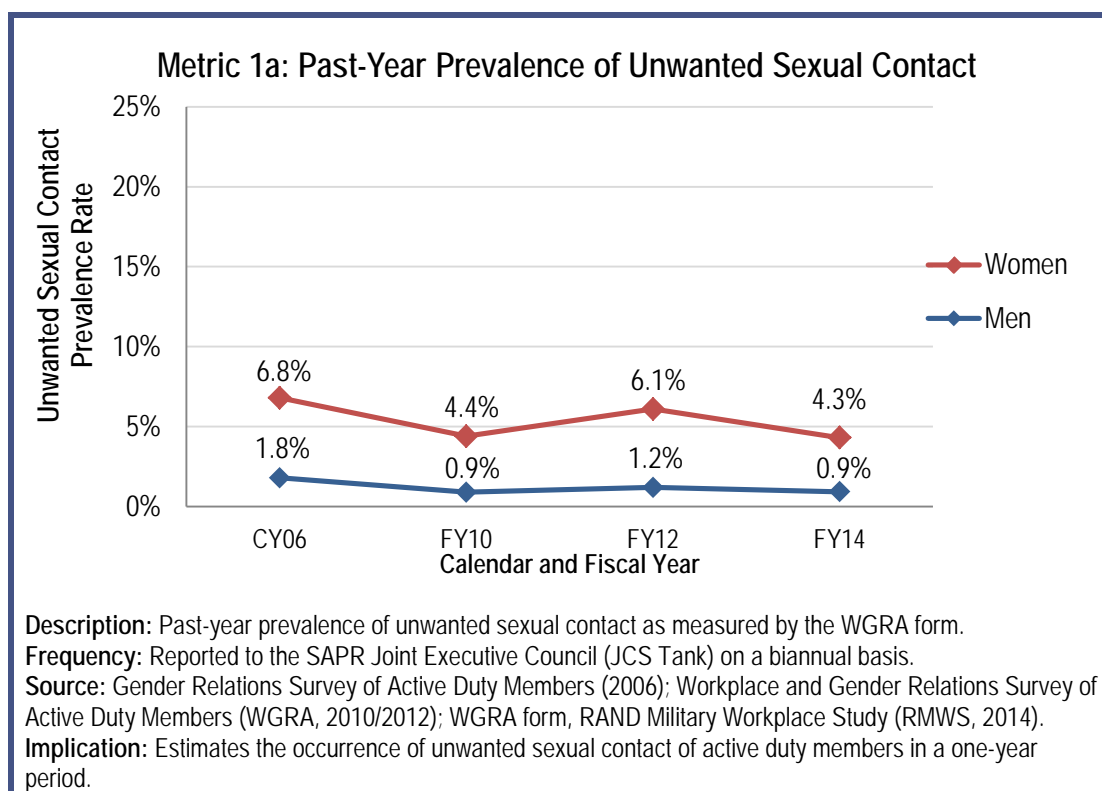


Figure A- Metric 1a: Past-Year Prevalence of Unwanted Sexual Contact, CY 2006 and FY 2010 – FY 2014

Metric 1a (Figure A) illustrates the past-year rates of unwanted sexual contact among active duty women and men for CY 2006, FY 2010, FY 2012, and FY 2014 using similar survey questions across time. Unwanted sexual contact (USC) is the DMDC survey term for the range of contact sexual crimes between adults, prohibited by military law, ranging from rape to abusive sexual contact (Figure A). USC involves 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, RAND's Military Workplace Study, using the WGRA methodology, revealed that 4.3 percent of active duty women and 0.9 percent of active duty men experienced an incident of USC in the past 12 months prior to survey completion. For active duty women, the FY 2014 USC rate is statistically lower than the USC rate found in FY 2012 (4.3 percent versus 6.1 percent, respectively). For active duty men, the FY 2014 USC rate is statistically the same as the USC rate found in FY 2012 (0.9 percent versus 1.2 percent, respectively).

The decreased prevalence of USC for women suggests that, overall, active duty personnel experienced less crime in FY 2014 than they did in FY 2012. Nonetheless, sexual assault remains a persistent problem that requires continued DoD attention.

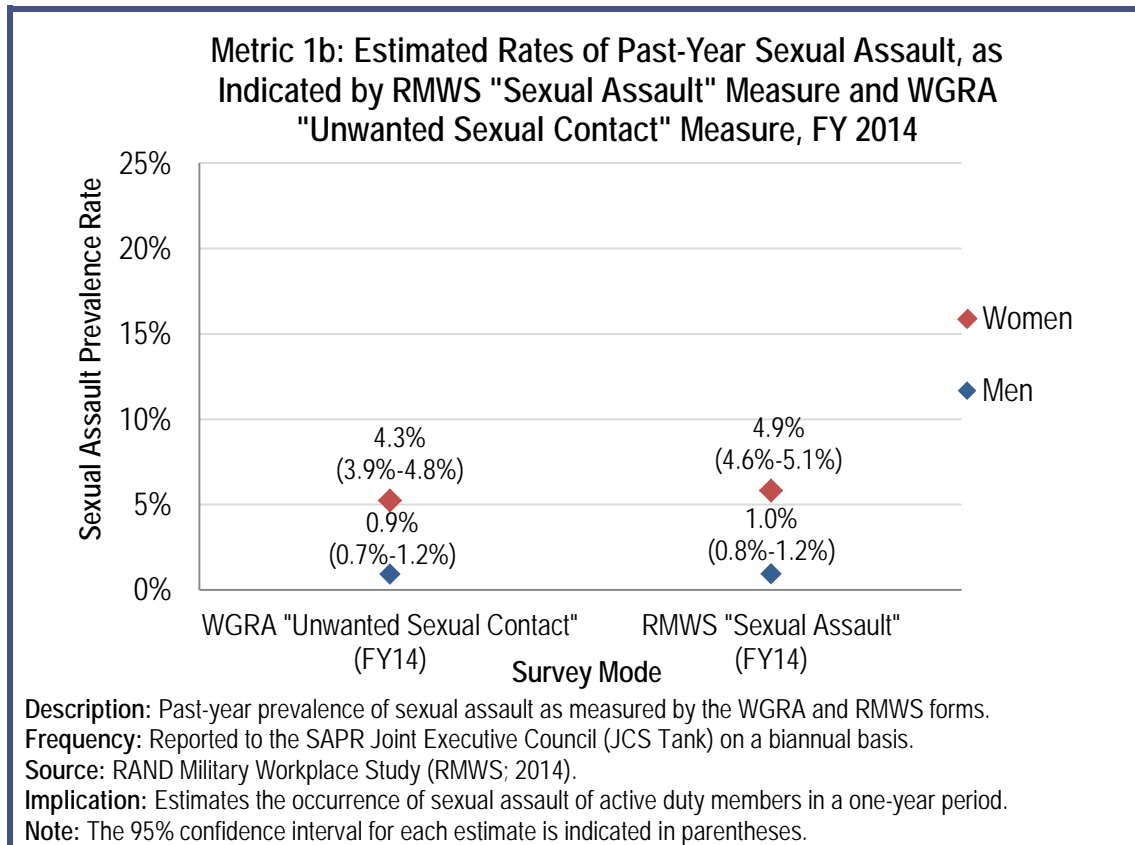


Figure B- Metric 1b: FY 2014 Estimated Rates of Past-Year Sexual Assault, as Indicated by the RAND Military Workplace Study (RMWS) "Sexual Assault" Measure and the Workplace Gender Relations Survey (WGRA) "Unwanted Sexual Contact" Measure

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). 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 appear to provide a "crime rate" that more closely aligns with legal terminology in the UCMJ. Nonetheless, these results

are provisional and subject to additional analysis that will be made available with the FY 2014 Annual Report to Congress, due in April 2015.

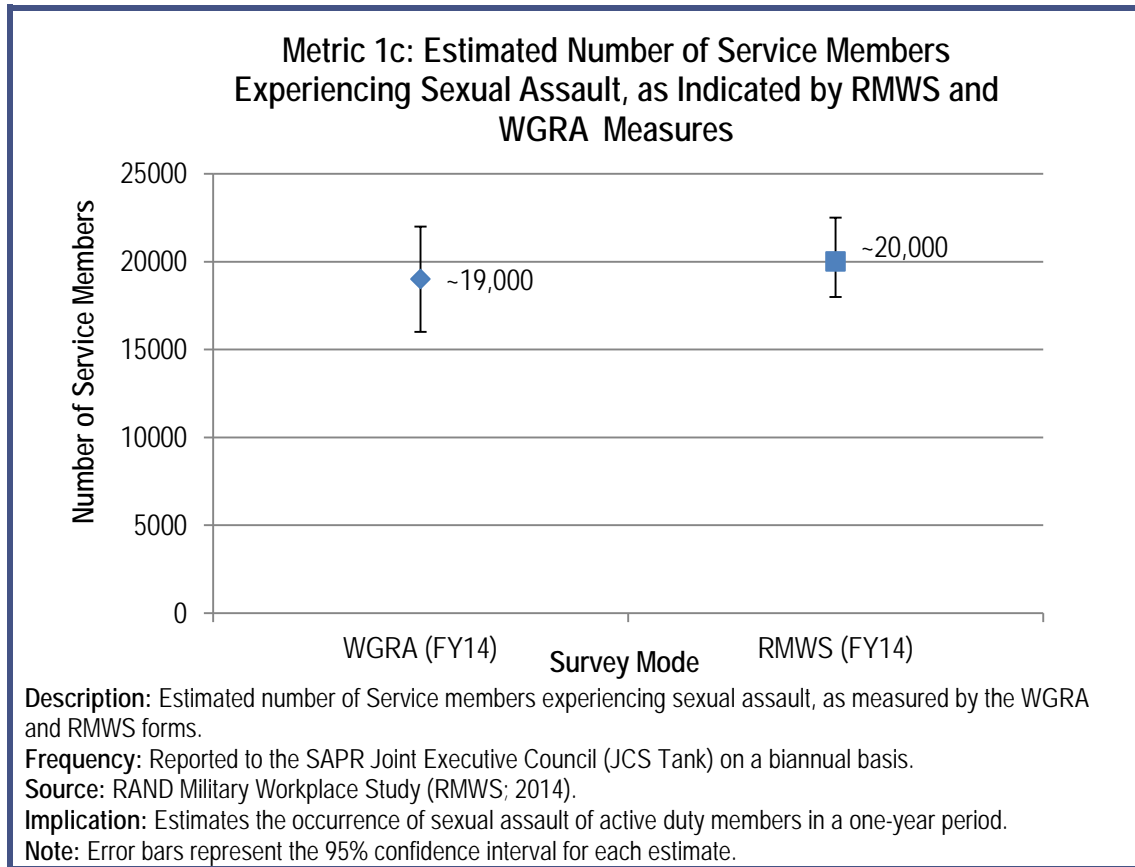


Figure C- Metric 1c: FY 2014 Estimated Number of Service Members Experiencing Sexual Assault in the Past-Year, as Indicated by the RAND Military Workplace Study (RMWS) “Sexual Assault” Measure and the Workplace Gender Relations Survey (WGRA) “Unwanted Sexual Contact” Measure

Metric 1c (Figure C) displays the 2014 estimated number of Service members experiencing unwanted sexual contact 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 have experienced sexual assault in the past-year as estimated by the two methods is about the same.

Metric 2: Prevalence versus Reporting

Underreporting occurs when crime reports to law enforcement fall far below scientific 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

percent of rapes and sexual assaults go unreported to police.⁷ Underreporting also occurs within the Department of Defense. Underreporting of sexual assault interferes with the Department'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 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, the Department receives reports of sexual assault from both military and civilian victims. The Department 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 direct 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 the Department's goal to increase Service member victim confidence in reporting sexual assault. The increase in reporting, combined with efforts to reduce the overall occurrence of the crime through prevention efforts, is expected to narrow the "gap" between prevalence and reporting.

As Figure D shows, 4,608 Service member victims in Unrestricted and Restricted Reports of sexual assault made to DoD authorities in FY 2014 accounted for approximately 24 percent of the estimated number of Service members who may have experienced unwanted sexual contact that year ($19,000 \pm 3,000$). This represents a decrease in underreporting (e.g., the gap between reports received and the survey-estimated number of victims) since 2012, when 2,828 Service member victims in reports to DoD authorities accounted for about 11 percent of the 2012 USC prevalence estimate ($\sim 26,000$).

⁷ 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.

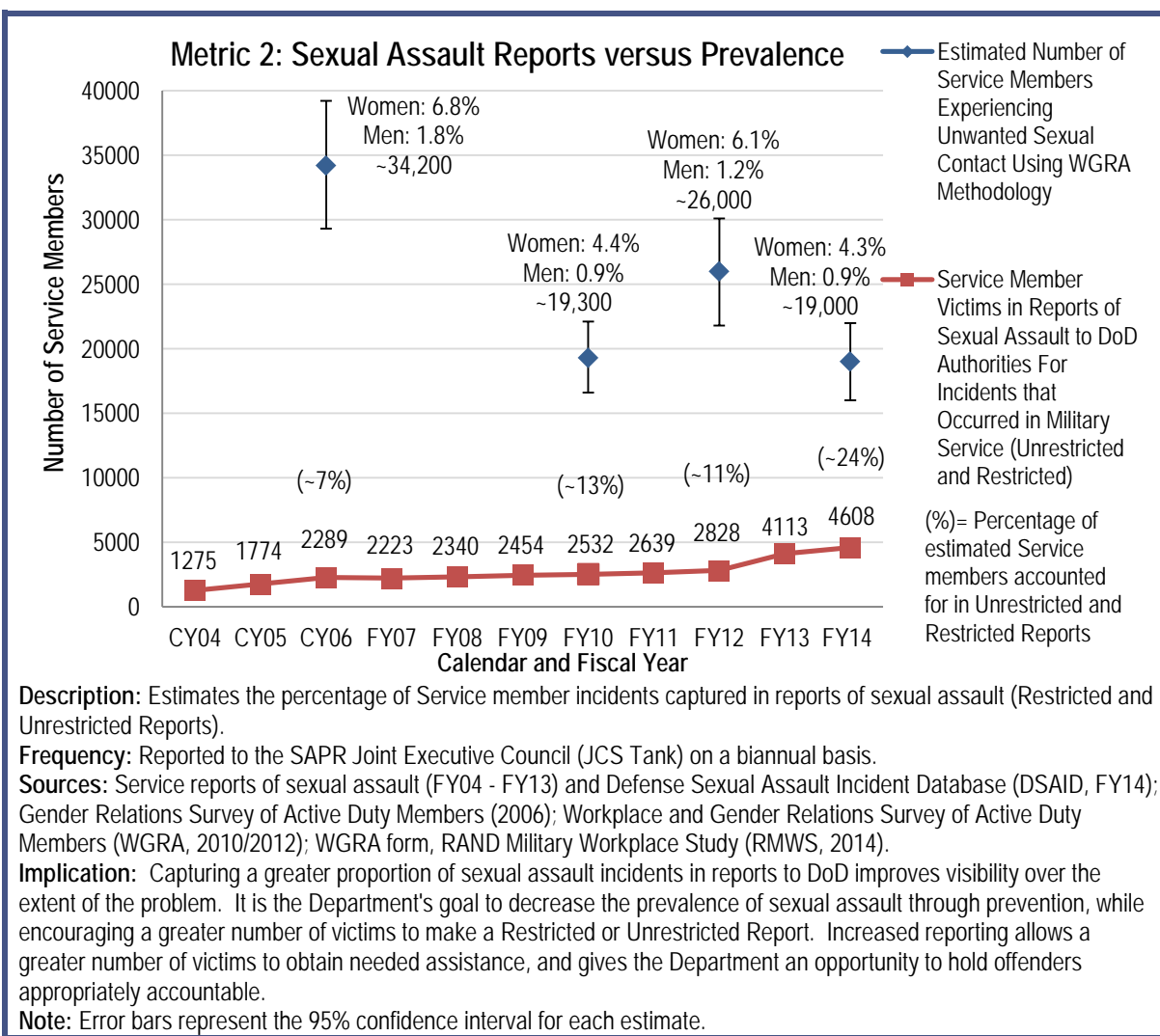


Figure D- Metric 2: Sexual Assault Reports versus Prevalence

The Department expects that the “gap” between the survey-estimated number of Service members experiencing USC and the number of Service members accounted for 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 the many prevention initiatives implemented across the Department 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 DEOCS Command Climate Survey⁸ 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.

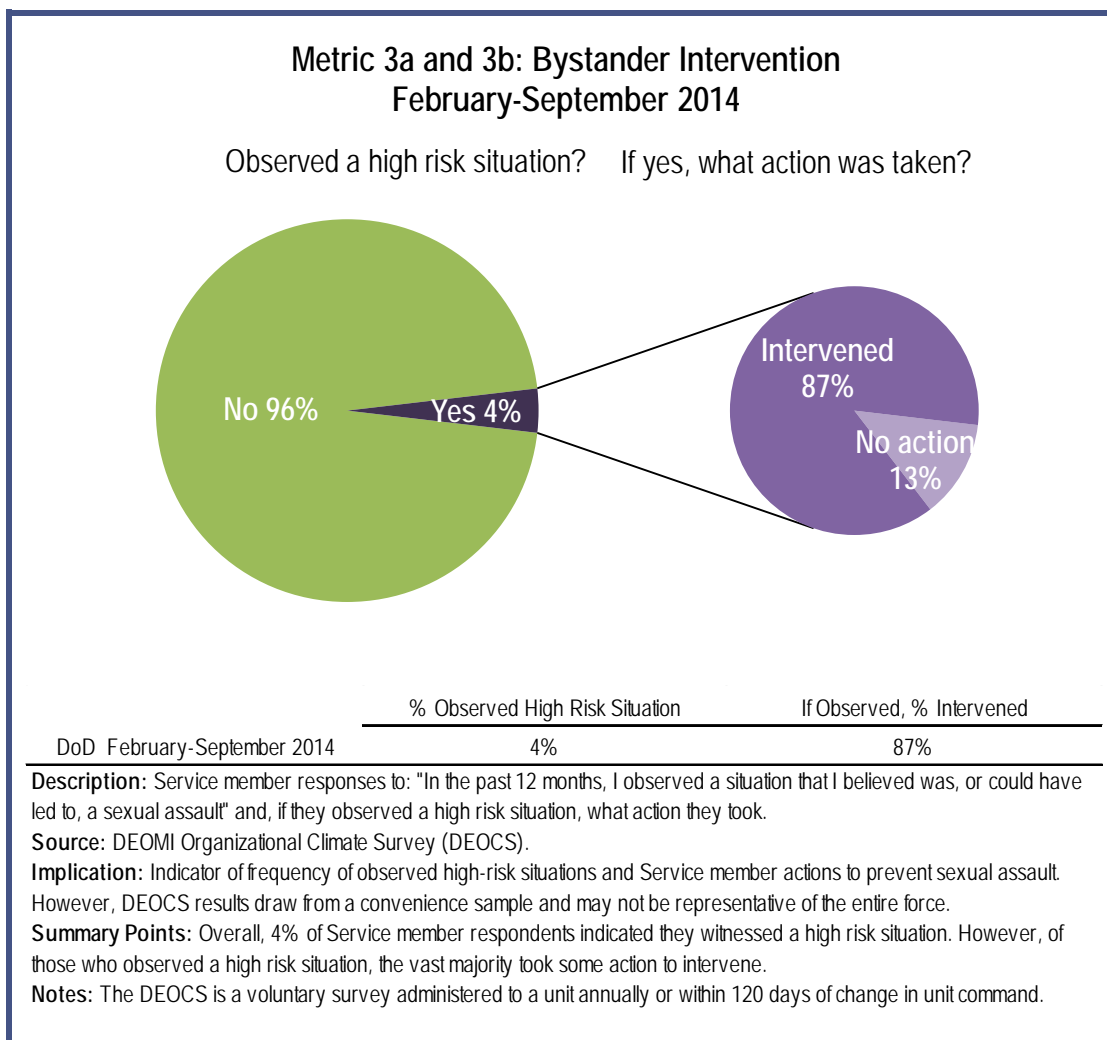


Figure E- Metric 3a and 3b: Bystander Intervention in the Past 12 Months, 2014

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: In the past 12 months, I observed a situation that I believe was, or could have led to, a sexual assault:

- Yes
- No

⁸ Additional information about the DEOCS Command Climate Survey can be found above in the "How It Is Gathered" section of this report (p. 5).

In response to this situation (Select the one response that most closely resembles your actions):

- 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 to not take action.

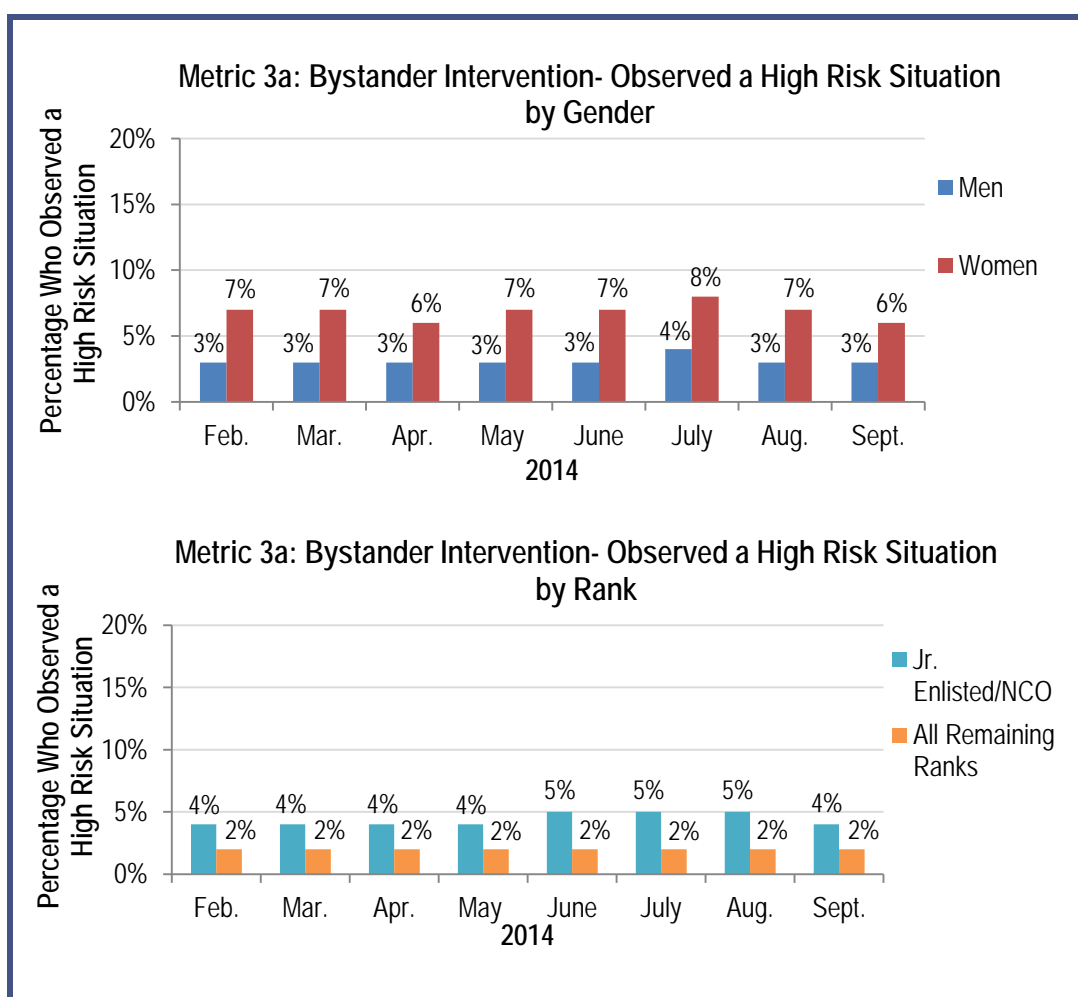


Figure F- Metric 3a: Bystander Intervention- Observed a High Risk Situation by Gender and Rank

Of the respondents who completed the DEOCS in FY 2014, about 4 percent indicated they 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 better understand

differences in responding by certain demographic groups, the Department conducted subsequent comparisons as follows:

- Male 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 (W1 to W5)/officer (O1 and above) respondents.

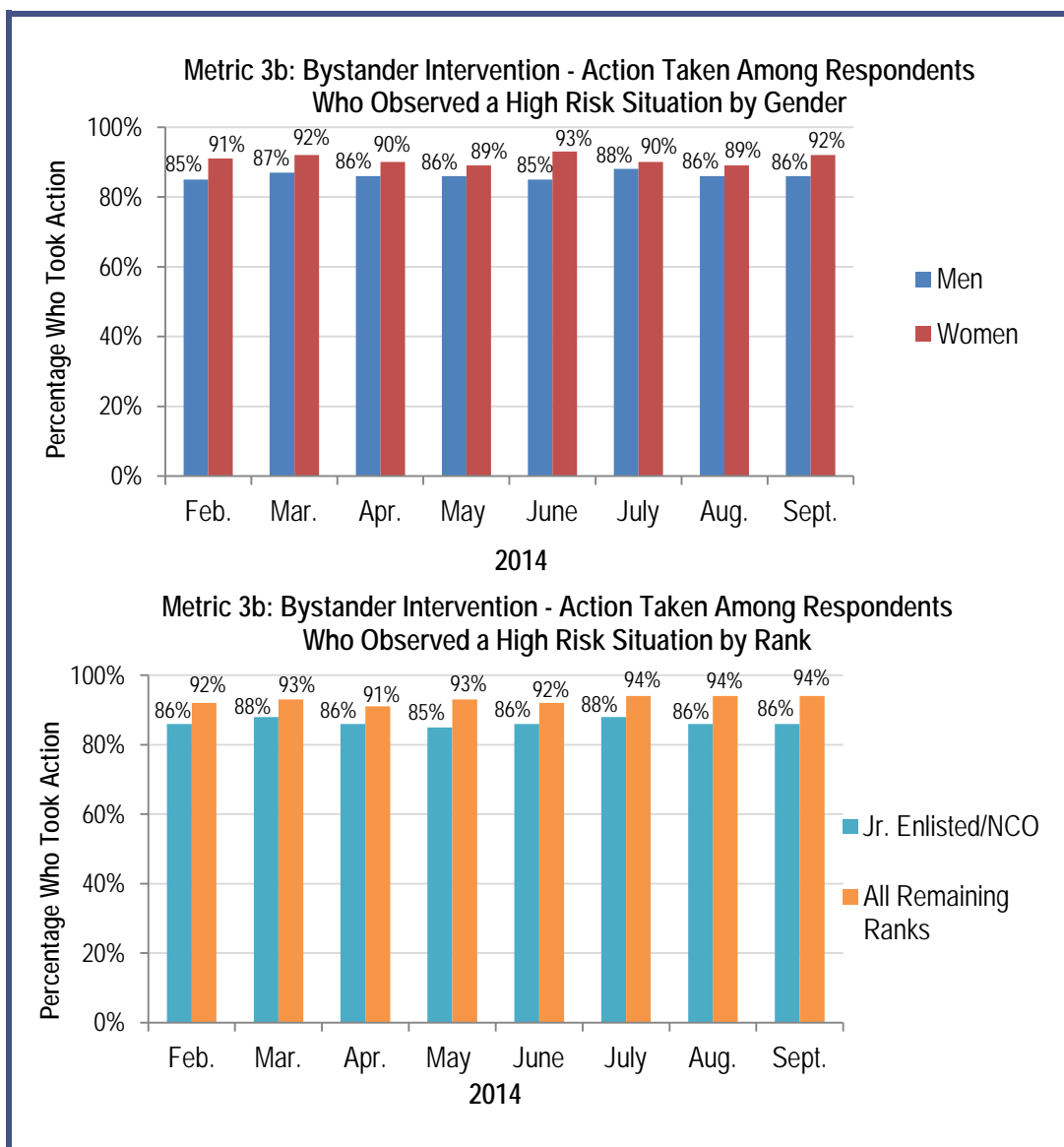


Figure G- Metric 3b: Bystander Intervention- Action Taken Among Respondents Who Observed a High Risk Situation by Gender and Rank

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.

Metric 4: Command Climate Index – Addressing Continuum of Harm

Respondents who completed the DEOCS Command Climate Survey 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”, and are coded such that a high score indicates a more favorable climate.

To what extent does your chain of command:

1. Promote a unit climate based on “respect and trust.”
2. Refrain from sexist comments and behaviors.
3. Actively discourage sexist comments and behaviors.

The responses to these three items were then combined into an index, still using a 4 point scale. The data displayed represent the average monthly responses from the demographic groups. Overall, DEOCS respondents indicated a very favorable command climate. Perceptions of command climate are less favorable among junior enlisted members and non-commissioned officers (3.3 out of 4.0; E1-E3 and E4-E6, respectively), compared to senior enlisted Service members and officers (3.6 out of 4.0; E7-E9, W1-W5, and O1 and above, respectively). Moreover, perceptions of command climate are slightly less favorable among women than among men (Figure H).

While between 100,000 and 200,000 personnel take 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. 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. However, 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. The Department will be reviewing its metric methodology in the forthcoming year to identify strengths and areas for improvement.

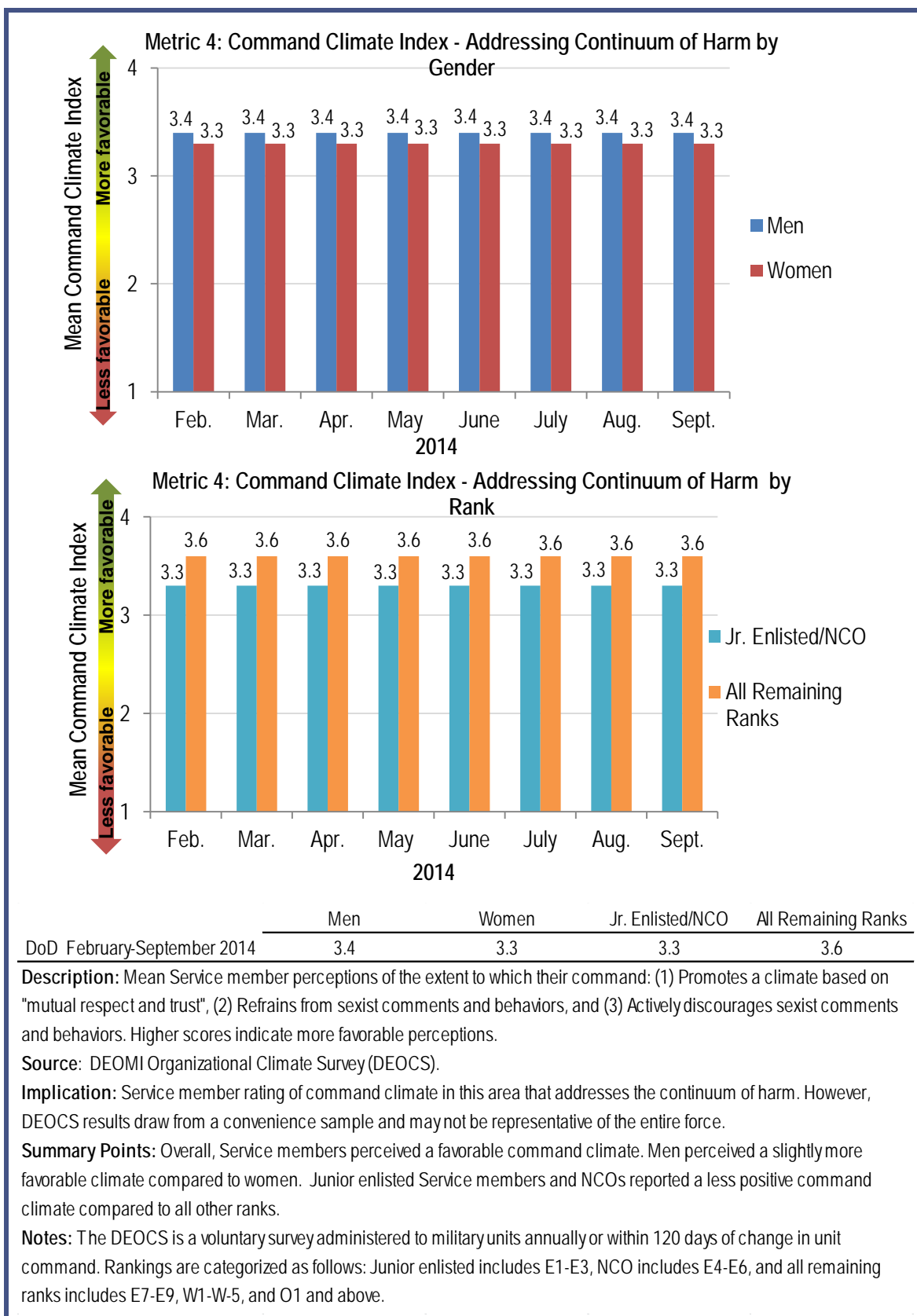


Figure H- Metric 4: Command Climate Index- Addressing Continuum of Harm by Gender and Rank

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. The Department 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 impact 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 allow the Department to assess its resources and investigative capabilities moving forward.

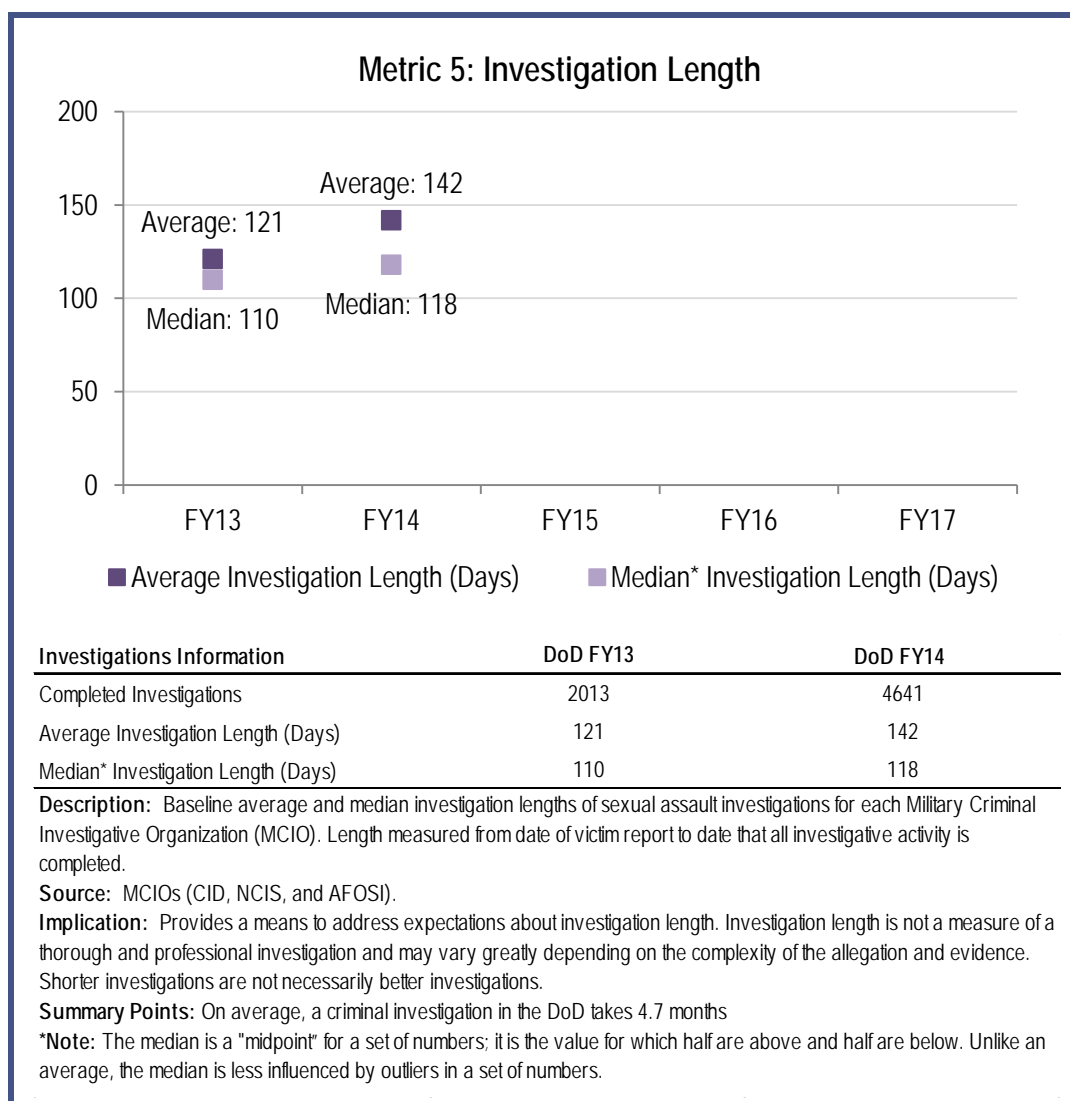


Figure I- Metric 5: Investigation Length

Metric 6: All Fulltime Certified SARC and VA personnel Currently Able to Provide Victim Support

As illustrated in Figure J, there are 1,039 fulltime civilian and Service member SARCs and VAs working to provide victim support. In addition to fulltime SARCs and VAs, the Services also employ collateral duty Service member SARCs and VAs to provide support to victims on a part-time basis.

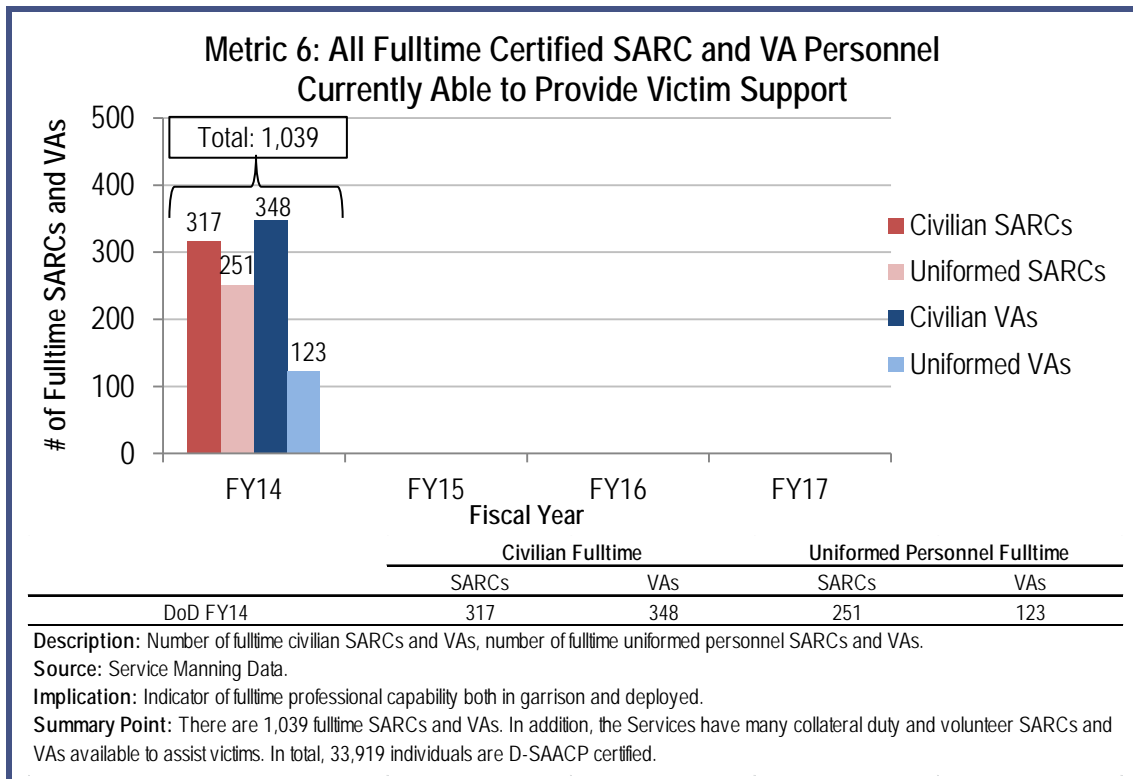


Figure J- Metric 6: All Fulltime Certified SARC and VA Personnel Currently Able to Provide Victim Support

Metric 7: Victim Experience – Satisfaction with Services Provided by SARCs, VAs/UVAs, and SVCs/VLCs

Survivors who completed the Survivor Experience Survey (SES) reported the extent to which they were satisfied with the services provided by their SARC, VA, UVA and Special Victim's Counsel/Victim's 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. The Department will continue to administer the Survivor Experience Survey on an ongoing basis to assess survivors' needs and experiences in an effort to improve victim services. See Annex 2 for additional information about the SES.

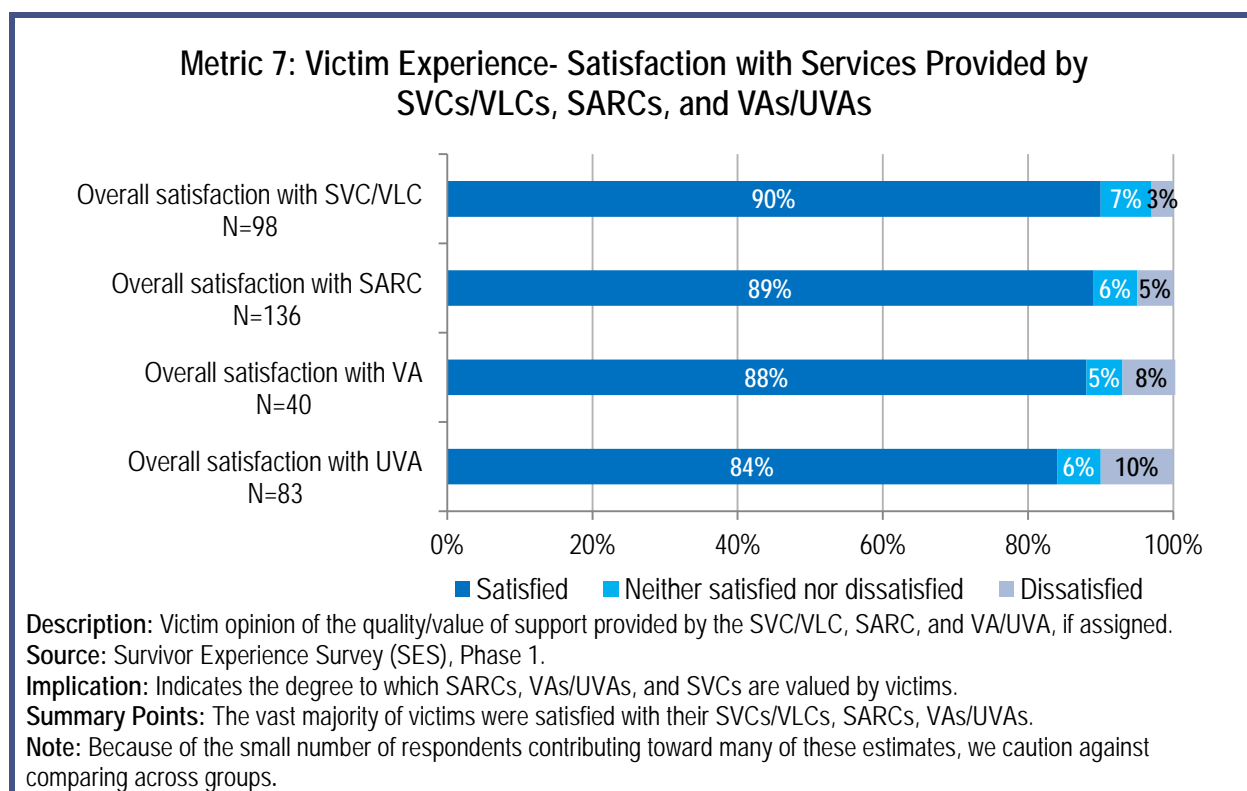


Figure K- Metric 7: Victim Experience- Satisfaction with Services Provided by SVCs/VLCs, SARCs, and VAs/UVAs

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 2,419 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 is precluded (not possible) when victims decline to participate in the military justice process. In FY 2014, 10 percent 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 a small increase in FY 2010. Although the majority of victims participate in the justice process, the Department continues to seek avenues for greater and sustained victim involvement in the justice system. Recent initiatives, such as the Special Victims' Counsel/Advocacy Program, are expected to encourage greater victim participation and engagement with the military justice process.

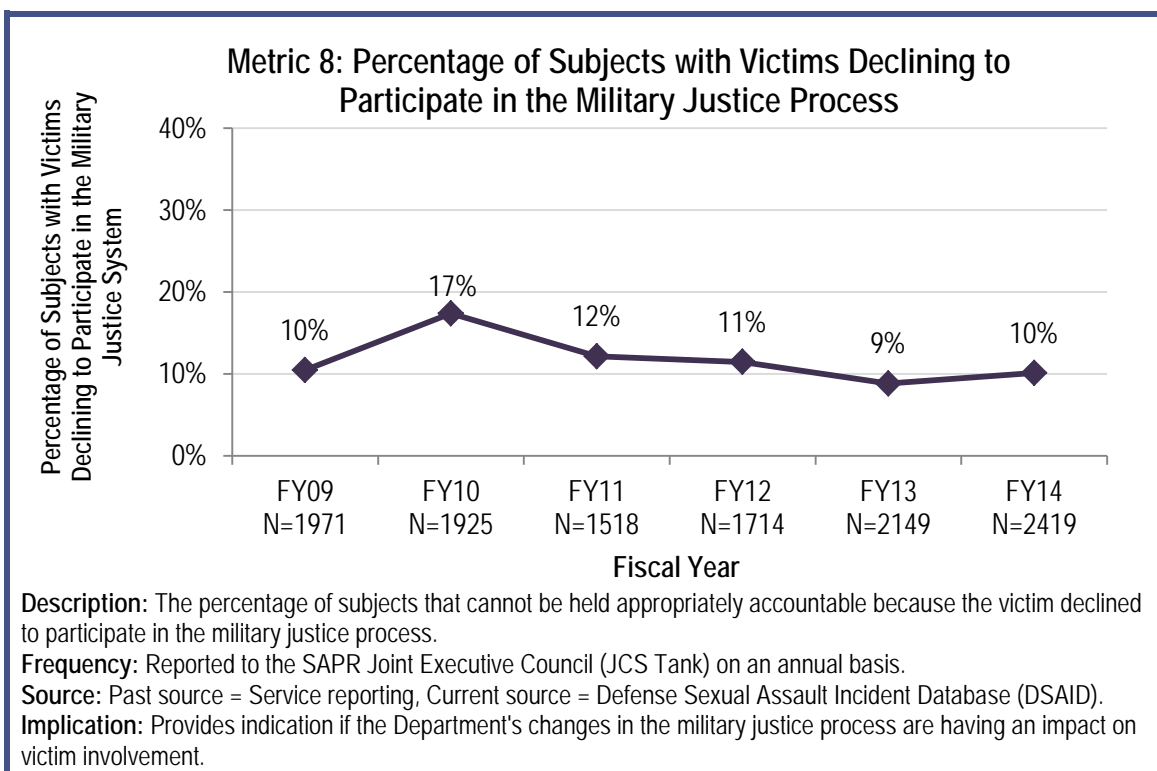


Figure L- Metric 8: Subjects with Victims Declining to Participate in the Military Justice Process

Metric 9: Perceptions of Retaliation

It is the goal of the Department to have climate of confidence where victims feel free to report sexual assault, without any concern of retaliation or negative repercussions for doing so. It should be noted that for the following data, the Department did not conduct any follow-up or verification of the perceptions reported. As a result, someone who indicates that they perceived retaliation may not actually know why people are behaving

in a particular way towards him or her. It could be because the victim made a report of sexual assault or because of some other reason unknown to the victim.

Given the challenges associated with interpreting this data, the Department sought to sample a number of domains to get as full a picture of this phenomenon as possible:

- A. Command Climate Perspective
- B. The RAND Military Workplace Study
- C. The Survivor Experience Survey

A. Command Climate Perspective

The DEOCS survey included six items to assess command climate indicators that victims may be retaliated against for reporting. The items used a four-point scale ranging from “Not at all likely” to “Very likely.” The responses to the items listed below were reverse 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:

1. Unit members would label the person making the report a troublemaker.
2. Unit members would support the person making the report.
3. The alleged offender(s) or their associates would retaliate against the person making the report.
4. The chain of command would take steps to protect the safety of the person making the report.
5. The chain of command would support the person making the report.
6. 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 that 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 (E7-E9, W1-W5, and O1 and above, respectively; 3.7 out of 4.0) perceived a more favorable climate and that retaliation was less likely to occur compared to junior enlisted Service members and non-commissioned officers (E1-E3 and E4-E6, respectively; 3.4 out of 4.0). While between 100,000 and 200,000 personnel take 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.⁹

⁹ As stated earlier, 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. However, 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. The Department will be reviewing its metric methodology in the forthcoming year to identify strengths and areas for improvement.

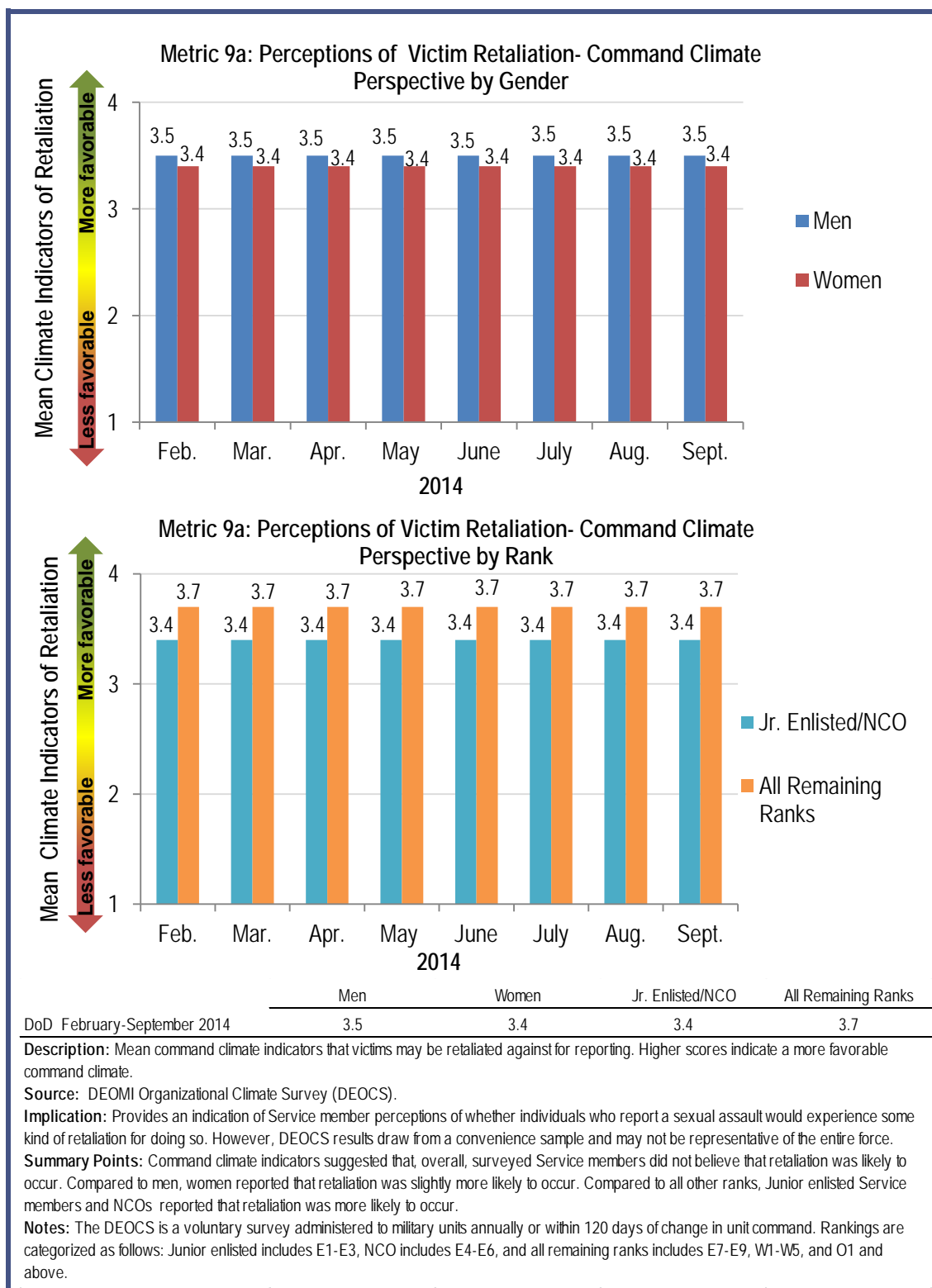


Figure M- Metric 9a: Service Members Perceptions of Victim Retaliation – Command Climate Perspective

B. The RAND Military Workplace Study – WGRA Responses

Of the 4.3 percent of women who indicated experiencing Unwanted Sexual Contact in the year preceding the survey, and who reported the matter to a military authority or organization, 62 percent perceived some form of retaliation, administrative action, and/or punishment. Specifically, the types of retaliation experienced are shown below in Figure N:

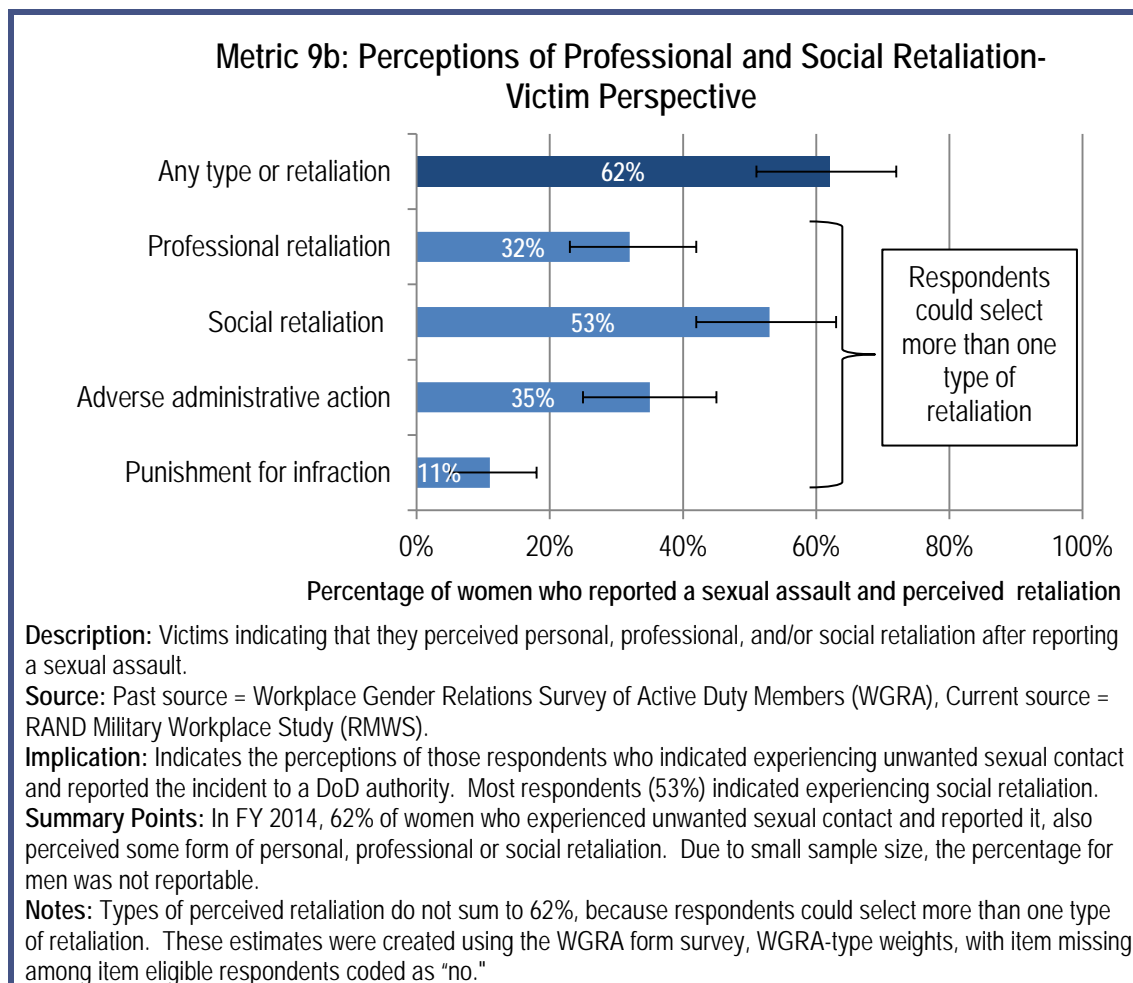


Figure N- Metric 9b: Perceived Retaliation – Victim Perspective

C. Victim Perspective: Survivor Experience Survey (SES)

In the SES, a similar pattern was observed, with 59 percent of respondents perceiving social retaliation and 40 percent perceiving professional retaliation (Figure O). The SES involves a convenience sample of victims 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 the 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.

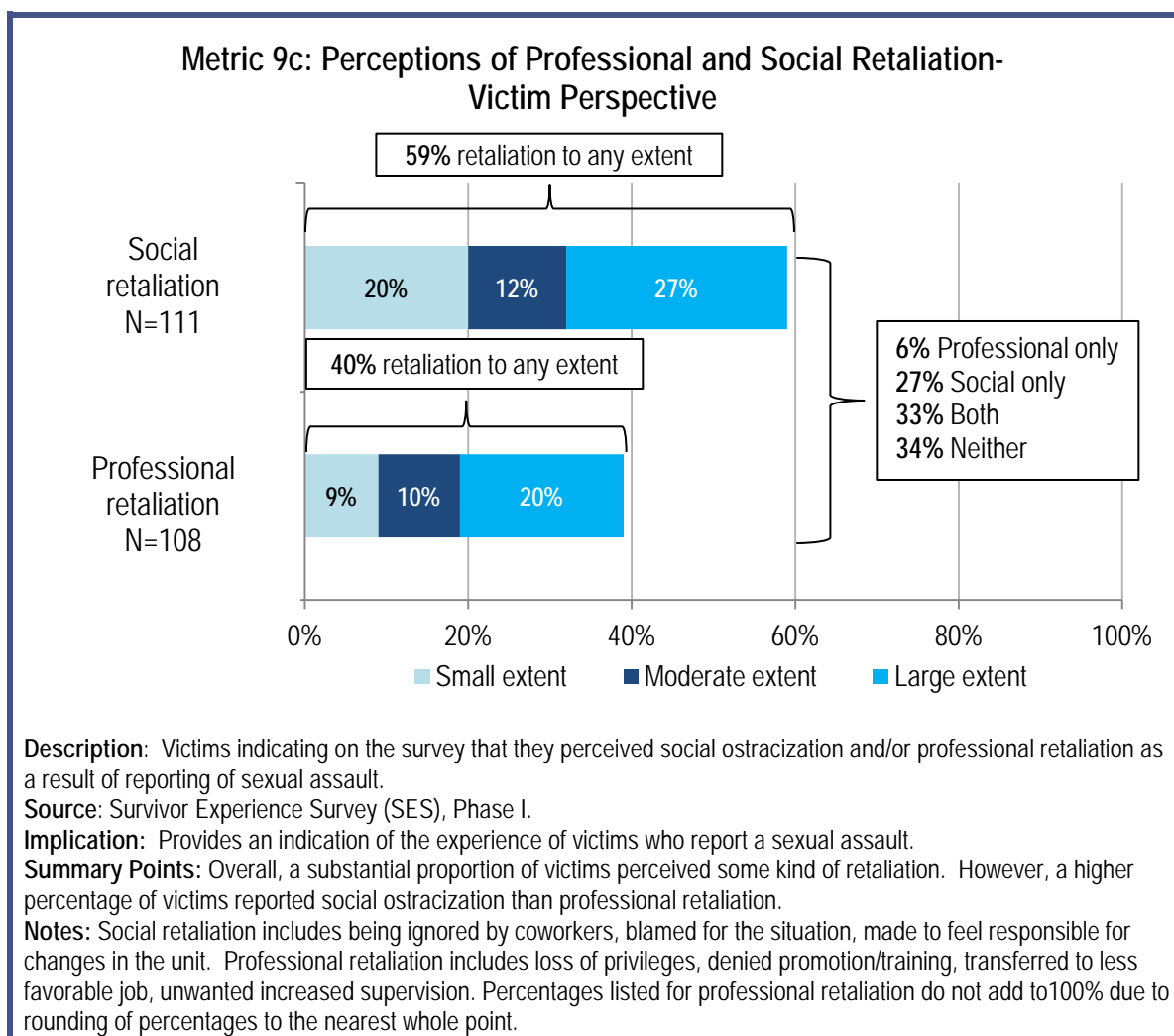


Figure O- Metric 9c: Perceived Retaliation – Victim Perspective

That there is retaliation perceived of any kind is concerning, however additional information from the SES gives a greater understanding of the overall impact of those experiences on the individual. 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 percent 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 percent), *took steps to address their privacy and confidentiality* (80 percent), *treated them professionally* (79 percent), *listened to them without judgment* (78 percent), and *thoroughly answered their questions* (70 percent). Across these items, less than one-fifth (between 14 and 18 percent) of respondents indicated they disagreed with those statements. Of the 64 percent of respondents who made an Unrestricted Report and spoke to their unit commander/director in response to the sexual assault, almost three-quarters (73 percent) indicated that overall they were satisfied with the unit commander/director's response to the report of sexual assault, whereas 16 percent indicated they were dissatisfied.

Respondents to the SES were less satisfied with other members of their chain of command. Of the 81 percent 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 percent) indicated that overall they were satisfied with the other member's response to the report of sexual assault. More than one quarter (29 percent) 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 in their chain. 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. This finding suggests that expanded leadership training on the SAPR program for other members of the chain of command may be warranted.

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

See Annex 2 for a full description of the methodology and results of the SES.

Metric 10: Victim Experience – Victim Kept Regularly Informed of the Military Justice Process

As displayed in Figure P, 69 percent 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 be kept informed of the legal proceedings against the accused perpetrator of their sexual assault. Commanders hold primary responsibility for informing victims on a monthly basis about the progress on their cases.

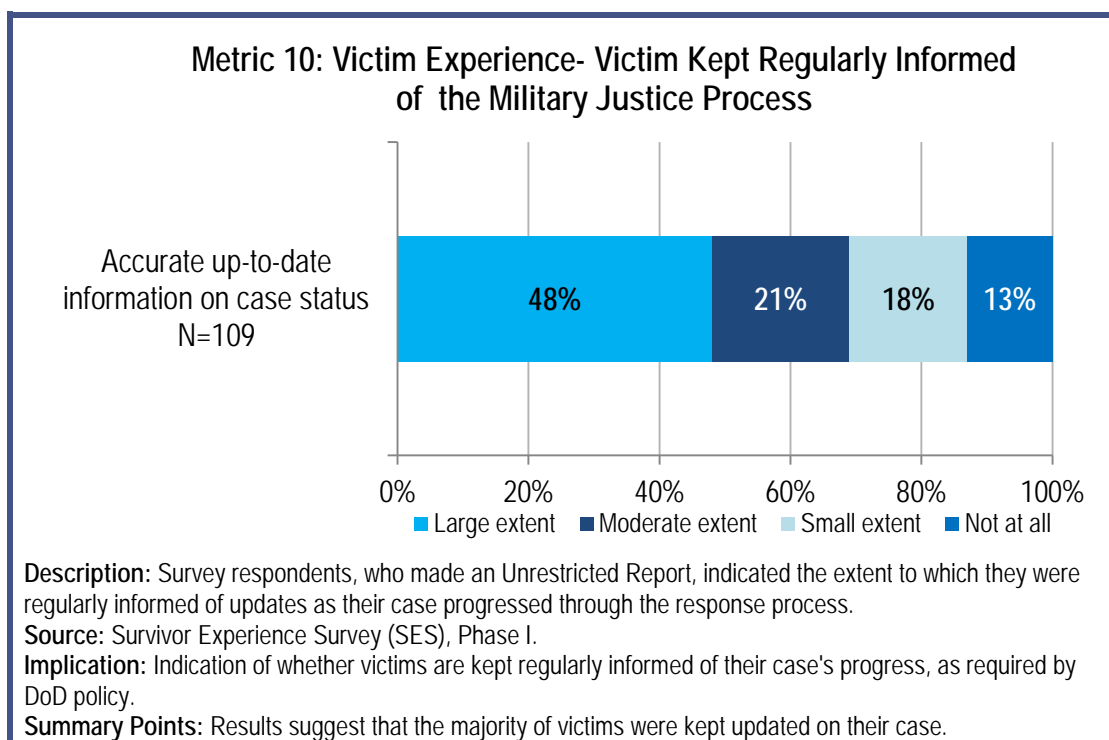


Figure P- Metric 10: Victim Experience – Victim Kept Regularly Informed of the Military Justice Process

Metric 11: Perceptions of Leadership Support for SAPR

The DEOCS command climate survey included two questions on leadership support for sexual assault prevention and response. 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:

1. Encourage victims to report sexual assault.
2. 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 supported 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 (E7-E9, W1-W5, and O1 and above, respectively) perceived greater command support for SAPR (3.7 out of 4.0) compared to junior enlisted members and non-commissioned officers (E1-E3 and E4-E6, respectively; 3.5 out of 4.0).

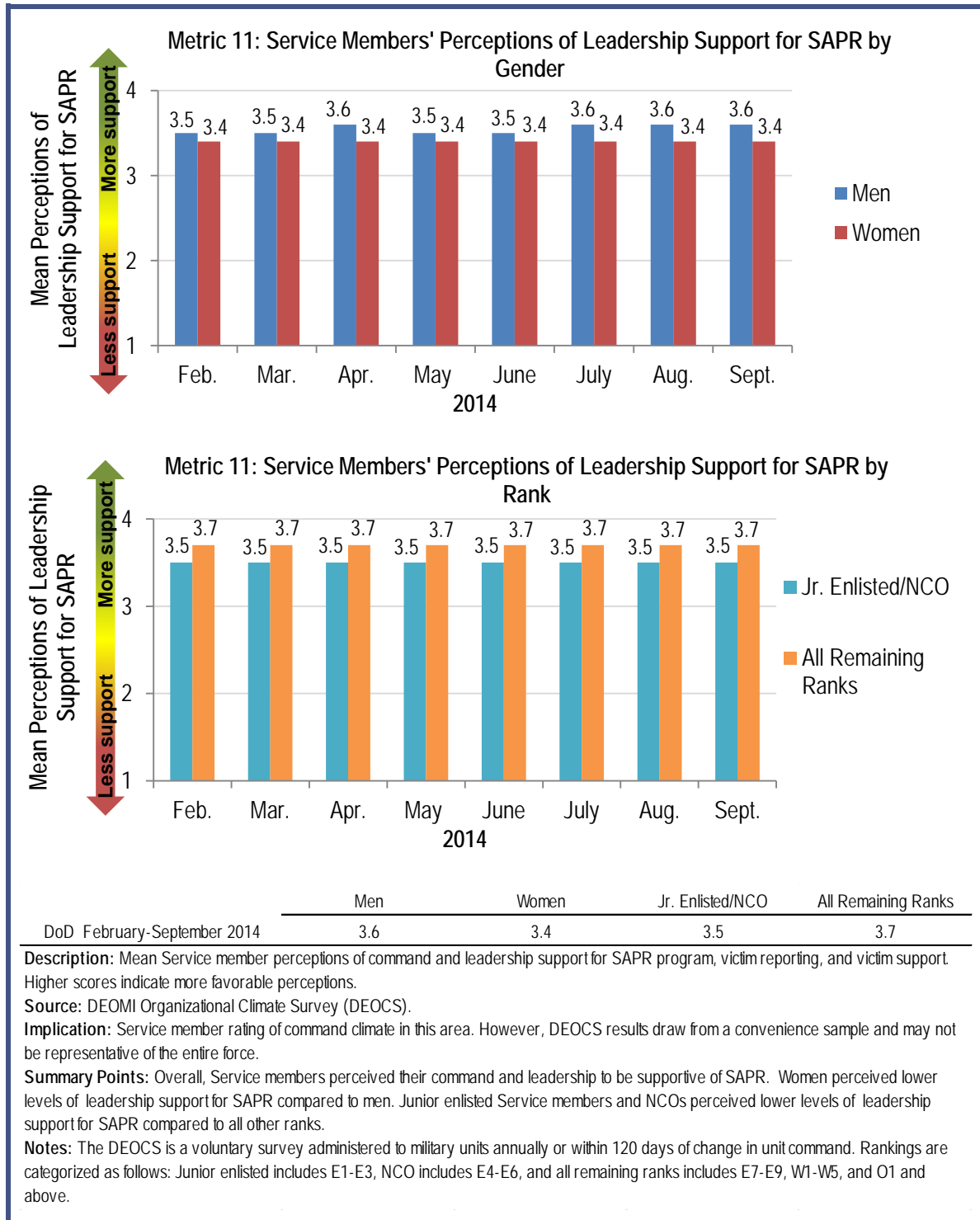


Figure Q- Metric 11: Service Members' Perceptions of Leadership Support for SAPR

Metric 12: Reports of Sexual Assault over Time

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

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

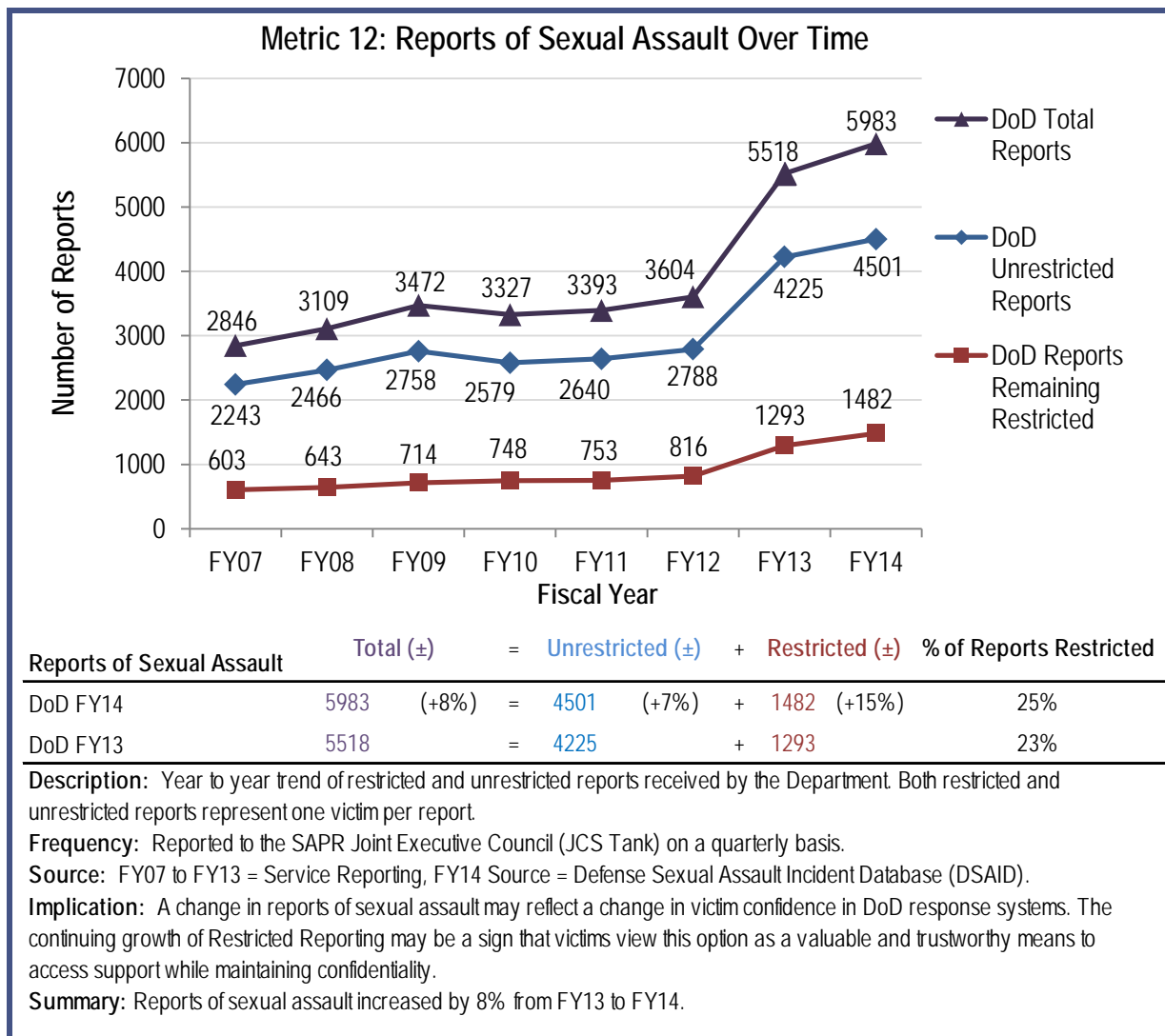


Figure R- Metric 12: Reports of Sexual Assault Over Time

In FY 2014, the Military Services received a total of 5,983 reports of sexual assault involving Service members as either victims or subjects, which represents an 8 percent 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 may have occurred in prior years. Of the 5,983 reports, 513 (or approximately 9 percent) were

made by Service members for incidents that occurred prior to their entering military service.¹⁰

- The Military Services received 4,501 Unrestricted Reports involving Service members as either victims or subjects, a seven percent increase over FY 2013.
- The Military Services initially received 1,824 Restricted Reports involving Service members as either victims or subjects. Of the 1,824 initial Restricted Reports, 342 (19 percent) reports later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. There were 1,482 reports remaining restricted, a 15 percent 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 the increase in FY 2013 was an unprecedented 50 percent. In FY 2014, Service members sustained the high level of reporting seen in FY 2013.

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, 2,419 subjects investigated for sexual assault were Service members who were primarily under the legal authority of the Department. 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. Taken together, command action was not possible in 27 percent of the cases considered for action by military commanders (Figure S) in FY 2014.

For the remaining 73 percent 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 preferred for court-martial has steadily risen and the percentage of subjects for whom command action was not possible has steadily declined. During the same period, commanders' use of nonjudicial punishment, other adverse administrative actions, and administrative discharges has decreased.

¹⁰ Prior to FY 2014, an Unrestricted Report of sexual assault may have included one or more victims and one or more subjects. The Department relied upon the Military Criminal Investigative Organizations to provide the number of unrestricted reports each year, and the subsequent number of victims and subjects associated with those reports. In FY 2014, the Department moved to the Defense Sexual Assault Incident Database (DSAID) as the primary source of reporting statistics.

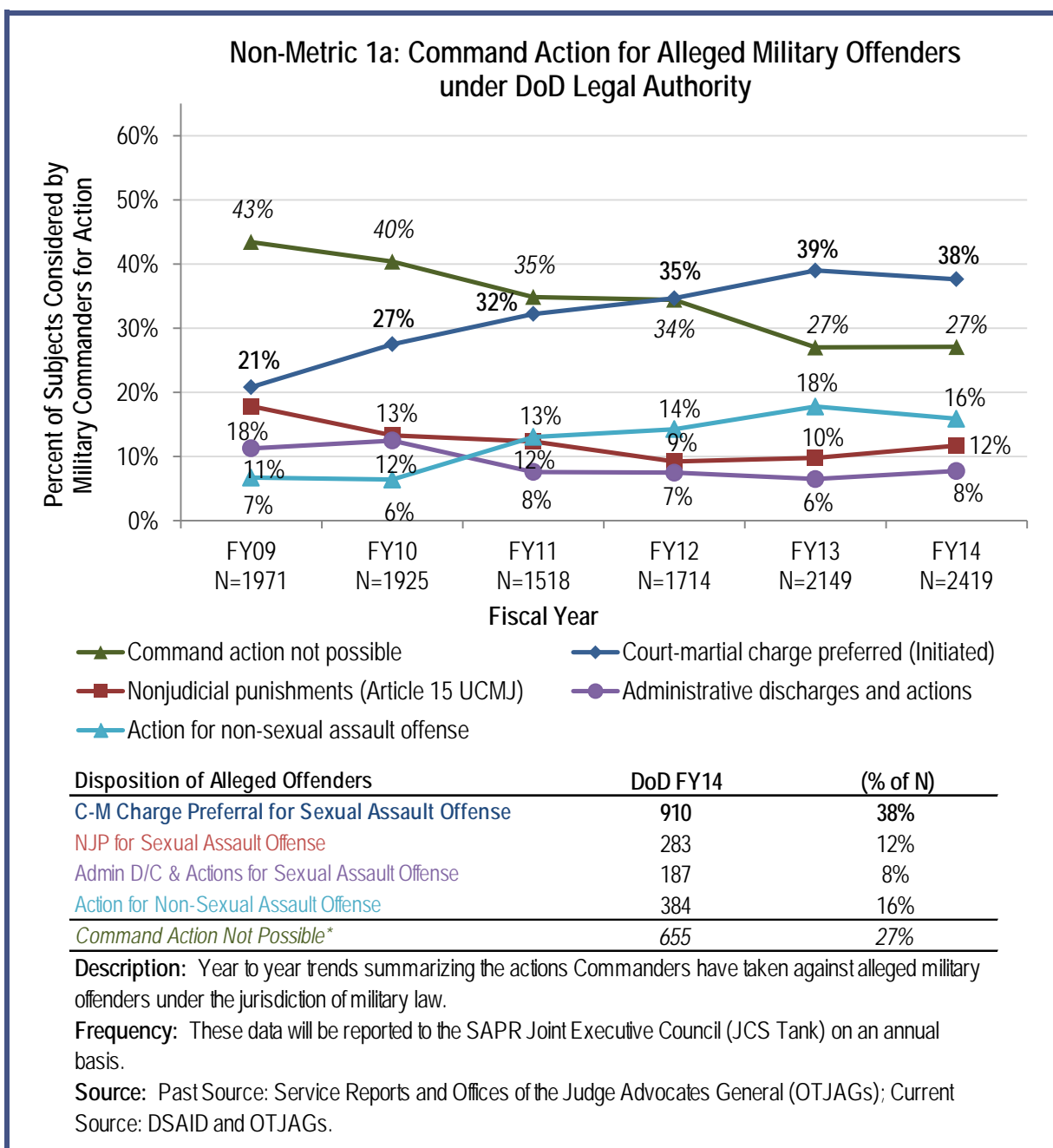


Figure S- Non-Metric 1a: Command Action for Alleged Military Offenders under DoD Legal Authority

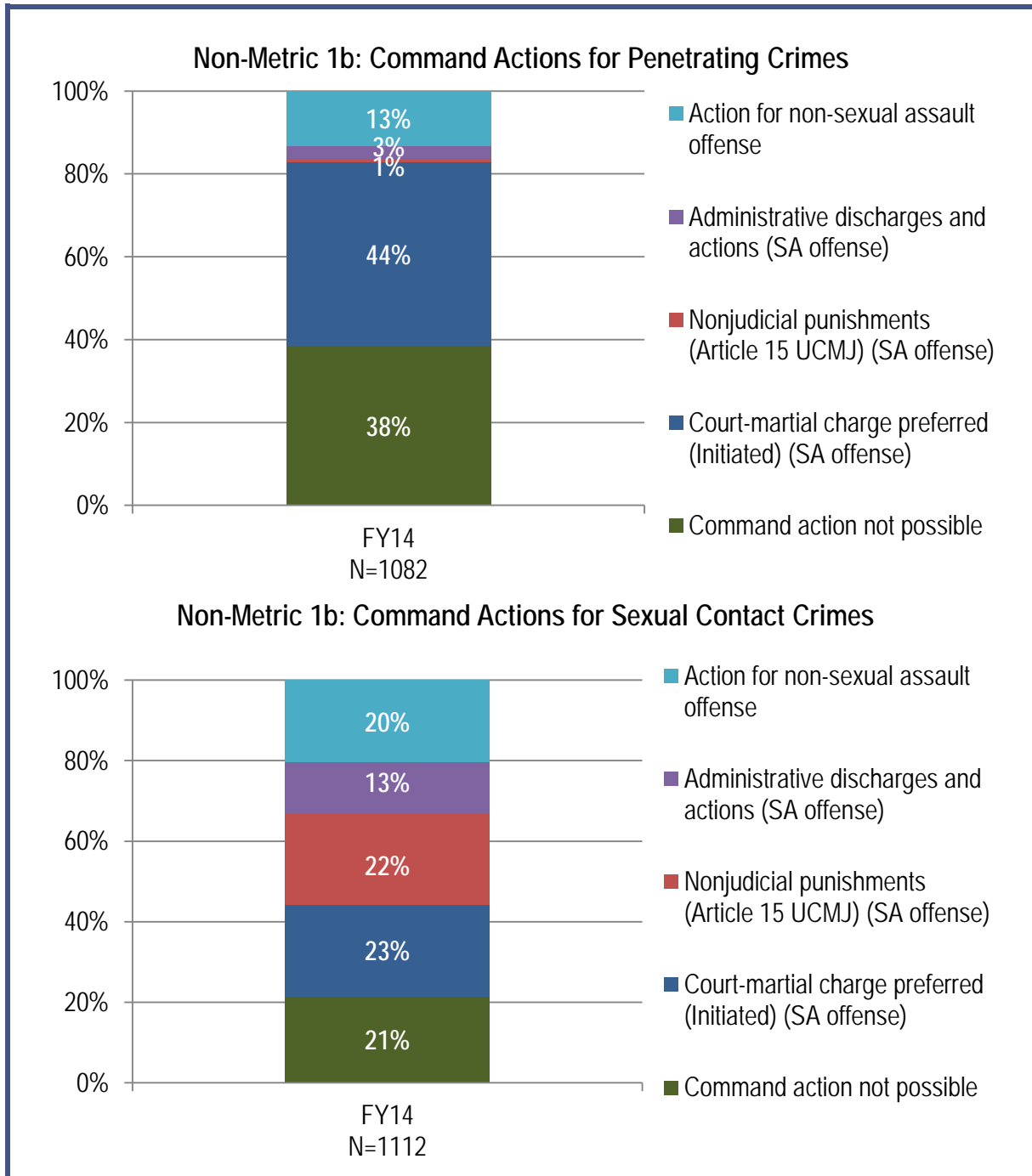


Figure T- Non-Metric 1b: Command Action for Alleged Military Offenders under DoD Legal Authority by Penetrating and Sexual Contact Crimes

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 proceed to trial. In certain circumstances, the Department grants a resignation or discharge in lieu of court-martial (RILO/DILO). Furthermore, Article 32 (pre-trial) hearings can result in a recommendation for dismissal of charges. However, commanders can use evidence gathered during sexual assault investigations and evidence heard in an Article 32 hearing to impose a nonjudicial punishment against subjects for whom court-martial charges were dismissed or not recommended based on the evidence available. As seen in Figure U, the majority of cases preferred to court-martial, for both penetrating and sexual contact offenses, proceeded to trial. However, the percentage of penetrating crime cases dismissed was higher than the percentage of sexual contact crime cases dismissed.

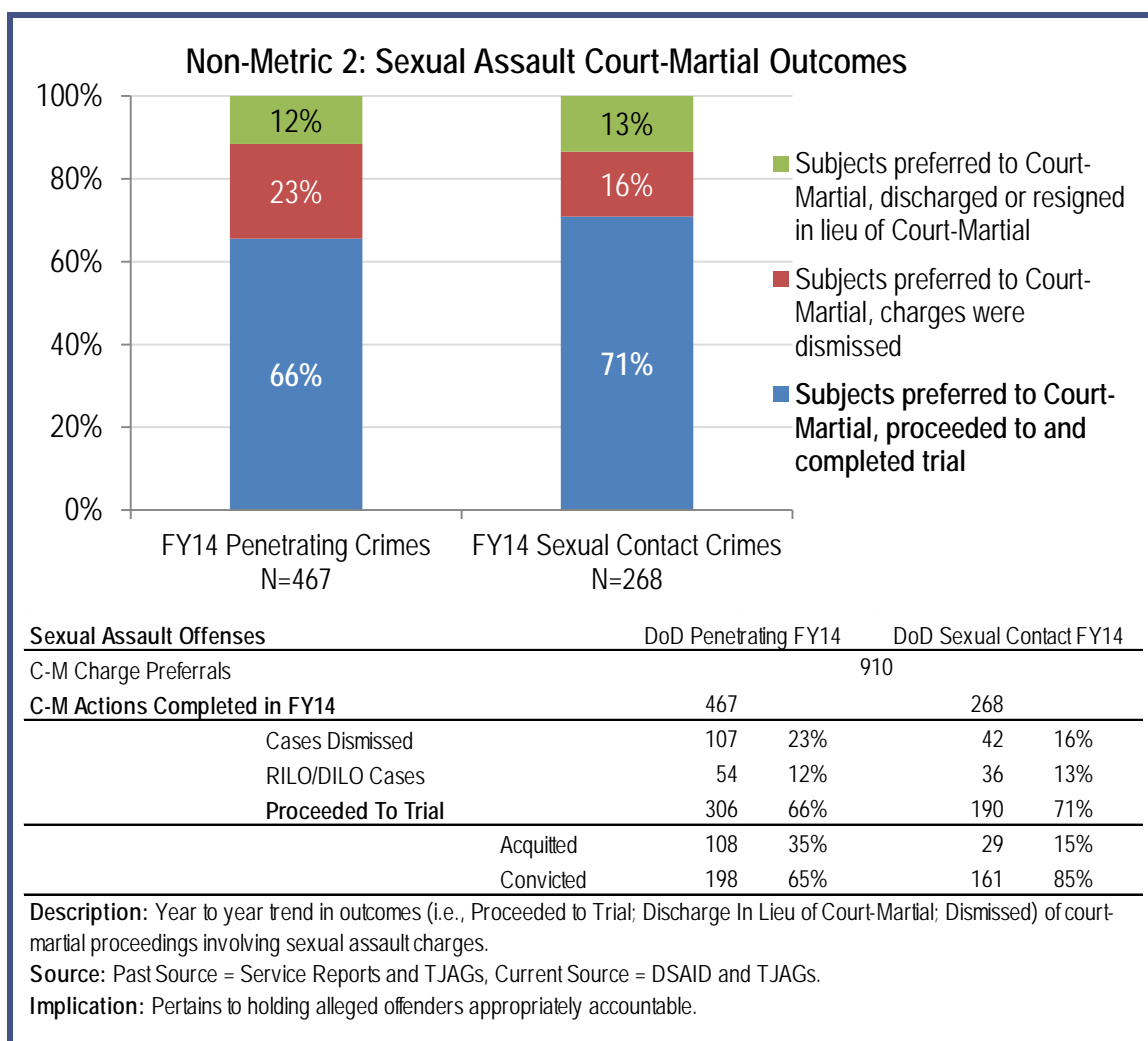


Figure U- Non-Metric 2: Sexual Assault Court-Martial Outcomes by Penetrating and Sexual Contact Crimes

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 278 days (9.1 months) and 267 days (8.8 months), respectively. This is the first year that the Department has collected this 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 impact 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 will inform victims about what to expect.

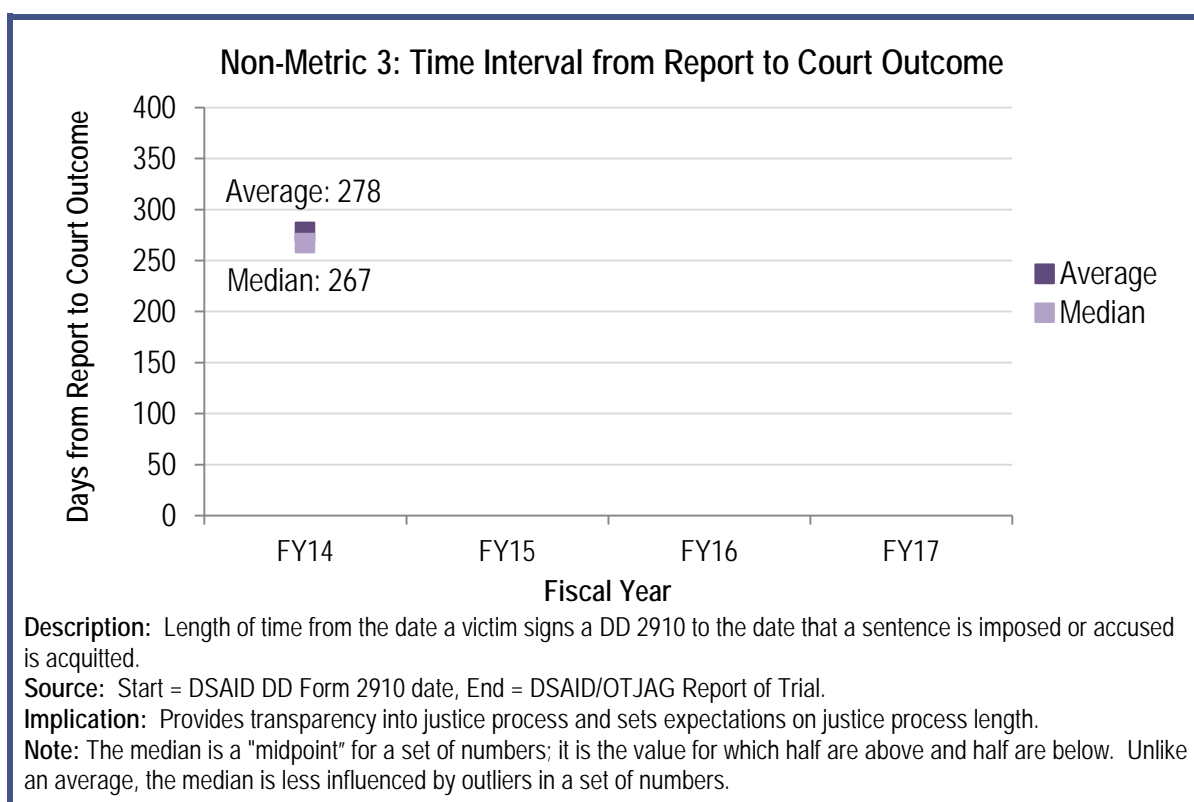


Figure V- Non-Metric 3: Time Interval from Report to Court Outcome

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 reported a sexual assault to the date that nonjudicial punishment proceedings concluded was 123 days (4 months) and 108 days (3.5 months), respectively (Figure W). This is the first year that the Department collected this 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 nonjudicial punishment. However, knowledge of the average amount of time between a report and the end of nonjudicial punishment proceedings improves the transparency of the nonjudicial punishment process and will help to set appropriate expectations.

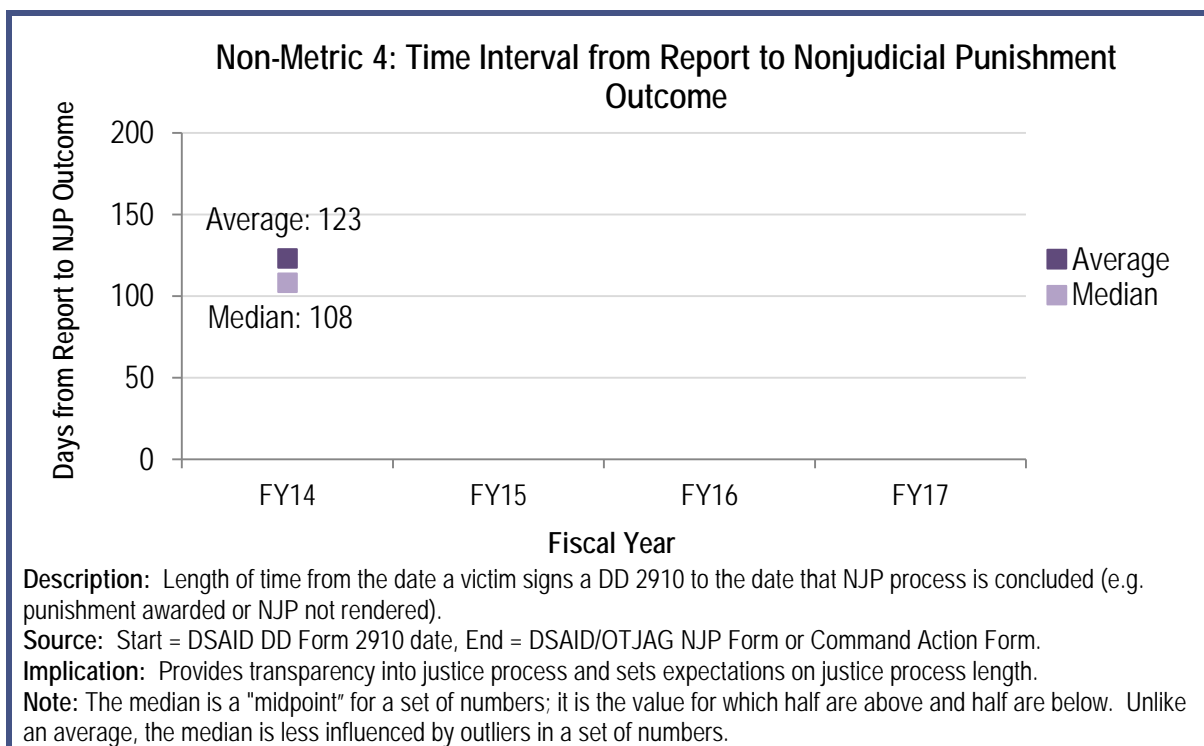


Figure W- Non-Metric 4: Time Interval from Report to Nonjudicial Punishment Outcome

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 12 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. For cases where the legal recommendation for prosecution or non-prosecution was made before the investigation was closed, this was most likely due to the substantive involvement of judge advocates in the investigative process, as intended in the Departments Special Victim Investigation and Prosecution capability.

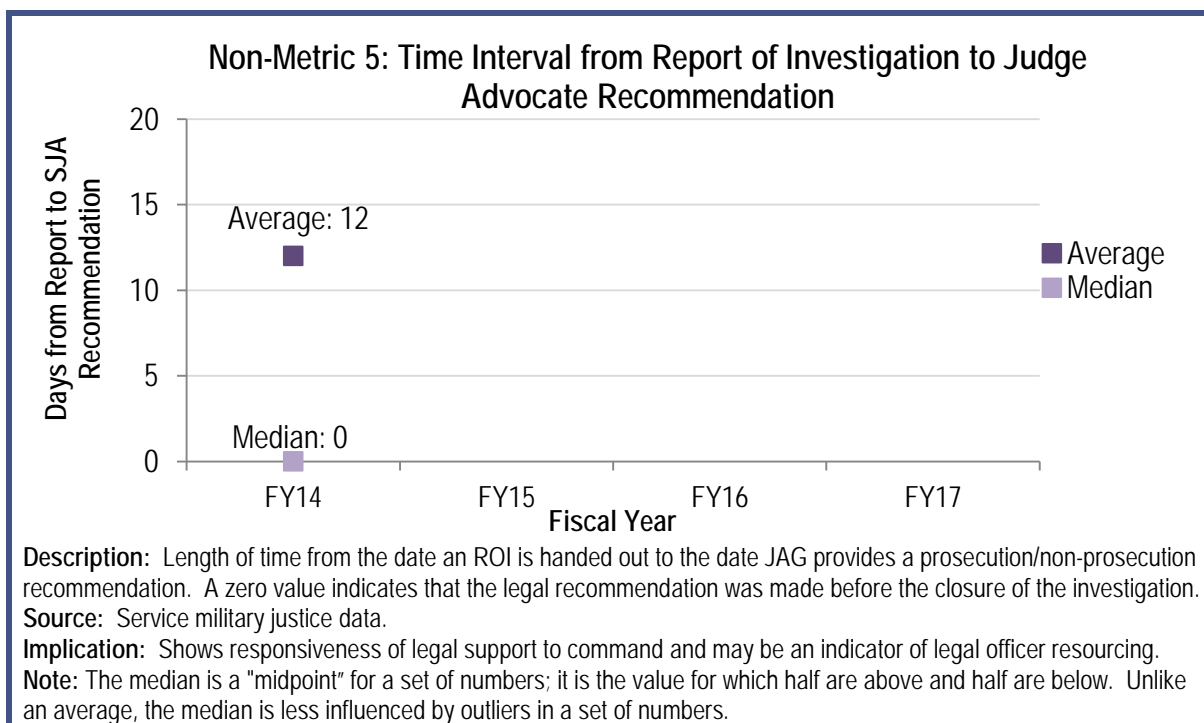


Figure X- Non-Metric 5: Time Interval from Report of Investigation to Judge Advocate Recommendation

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 five to ten 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 and capability to address certain types of misconduct that other systems cannot. For full descriptions of these selected cases, please refer to the Army, Navy, and Air Force Reports (Enclosures 1-3).