



# Department of Defense Annual Report on Sexual Assault in the Military

Fiscal Year 2015



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

MAY 2 2016

The Honorable John McCain  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Section 1631 of the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011 (Public Law 112-383) requires the Secretary of Defense to submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on the sexual assaults involving members of the Armed Forces during the preceding year, including reports from each of the Military Departments.

The enclosed "Department of Defense Fiscal Year 2015 Annual Report on Sexual Assault in the Military" presents statistics and analysis of reports of sexual assault during FY 2015 and discusses policy and program improvements to the Sexual Assault Prevention and Response program of the Department of Defense (DoD). The numerical data and statistics contained in this report are drawn from metrics identified in the Department's evaluation plan, which fulfills additional reporting requirements outlined in the NDAA's for FYs 2011, 2012, 2013, and 2015.

This year's report includes feedback from the "2015 Focus Groups on Sexual Assault Prevention and Response" and the "2015 Military Investigation and Justice Experience Survey." This feedback indicates that Service members remain concerned about retaliation associated with making a sexual assault report. The Department must continue to emphasize a climate of dignity and respect where male and female victims alike are empowered to report this crime. Sustained, targeted actions are also required to prevent sexual assault and other misconduct that contribute to the crime.

While this report documents progress to address sexual assault, more must be done to eliminate this crime. The DoD will continue in FY 2016 to implement enduring culture change so that this country's most important fighting resource – our men and women in uniform – can operate in a command climate without sexual assault.

I am sending a similar letter, with the Department's report, to the Chairman of the House Committee on Armed Services.

Sincerely,

Peter Levine  
Acting

Enclosure:  
As stated

cc:  
The Honorable Jack Reed  
Ranking Member



UNDER SECRETARY OF DEFENSE  
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The Honorable William M. "Mac" Thornberry  
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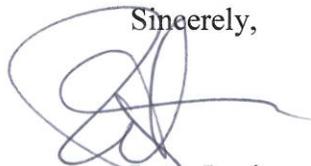
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Peter Levine  
Acting

Enclosure:  
As stated

cc:  
The Honorable Adam Smith  
Ranking Member



*Department of Defense  
Annual Report on Sexual Assault in the Military  
Fiscal Year 2015*

The estimated cost of report or study for the Department of Defense is approximately \$6,936,000 in Fiscal Years 2015-2016. This includes \$5,440,000 in expenses and \$1,497,000 in DoD labor.

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# Executive Summary

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The Department of Defense established the Sexual Assault Prevention and Response Office in 2005 to promote prevention, encourage increased reporting of the crime, and improve response capabilities for victims. The Office, in coordination with the Military Services, has been leading critical change in the Department for the past 10 years.

The Department's Sexual Assault Prevention and Response program is prevention-focused with an uncompromising commitment to victim assistance. Sexual assault prevention and response policies and actions are evidence-based and data driven. Through victim feedback, collaboration with external partners and Congressional leaders, and inter-Service collaboration on best practices, the Department continues to improve and advance its Sexual Assault Prevention and Response Program.

The Department is accountable for the execution of the sexual assault prevention and response initiatives directed by the Secretary of Defense, as well as the implementation of comprehensive Congressional legislation, to include the most sweeping reform of sexual assault prevention and response provisions in the Uniform Code of Military Justice since 1968. Recent data show evidence of progress in the Department's ability to prevent and respond to sexual assault. Nonetheless, there is still much more work to do.

Section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) requires the Department to provide Congress with an annual report on sexual assaults involving members of the Armed Forces. This report satisfies that requirement.

## Fiscal Year 2015 Program Efforts

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The Department of Defense worked aggressively during fiscal year 2015 to address six key program efforts:

- Advancing sexual assault prevention,
- Encouraging greater reporting,
- Reporting sexual harassment complaints,
- Improving response to male victims,
- Combatting retaliation associated with sexual assault reporting, and
- Tracking accountability in the military justice system.

These efforts all align toward a common end, which is to reduce with the goal to eliminate, sexual assault from the military. To identify the fiscal year 2015 program efforts, the Department looked at current and past year survey, focus group, and sexual assault reporting data to explain the breadth and depth of the issue areas. The report then outlines the actions that the Department, Military Services, and National Guard Bureau have taken during fiscal year 2015.

The Department also completed several assessment tools, such as the *2015 Workplace and Gender Relations Survey for Reserve Component Members*, the *2015 Focus Groups on Sexual Assault Prevention and Response Among Active Duty Members*, the *2015 Military Investigation and Justice Experience Survey*, and the *2015 QuickCompass of Sexual Assault Prevention and Response Related Responders* in order to learn more about the major issues facing the Department's Sexual Assault Prevention and Response program. Information gathered from this survey data will help to inform the Department's future program efforts.

Department and military leaders are committed to ongoing assessment of sexual assault prevention and response programs to

measure progress toward intended outcomes.

## Fiscal Year 2015 Sexual Assault Data Findings

The 6,083 victims in reports of sexual assault included:

- 5,240 Service member victims;
- 804 victims who were U.S. civilians, foreign nationals, and others who were not on Active Duty with the Armed Forces; and
- 39 victims with data not available on Service member status

The Military Services received a total of 6,083 reports of sexual assault involving Service members as either victims or subjects throughout fiscal year 2015, which represents a 1% decrease from the reports made in fiscal year 2014.<sup>1</sup> Although many of these reports were for incidents that occurred in fiscal year 2015, some incidents

occurred in prior years. Of the 6,083 reports of sexual assault, 5,240 were Service member victims who made a report. Of those 5,240 Service member victims, 504 victims (approximately 10%) made a report for incidents that occurred before they entered into Military Service.

The United States military allows victims to make Unrestricted or Restricted Reports of sexual assault. The Military Services received 4,584 Unrestricted Reports involving Service members as either victims or subjects, a 2% decrease from fiscal year 2014. The Military Services initially received 1,900 Restricted Reports involving Service members as either victims or subjects. Four hundred and one (21%) of the initial Restricted Reports later converted to Unrestricted Reports. These 401 converted Restricted Reports are now counted with the Unrestricted Reports. Of the

<sup>1</sup> As used in this report, the term “victim” includes alleged victims and the use of the terms “subject”, “offender”, or “perpetrator” does not convey any presumption about the guilt or innocence of any individual, nor does the term “incident” or “report” substantiate an occurrence of a sexual assault.

initial Restricted Reports, 1,499 reports remained Restricted at the end of fiscal year 2015, a 2% increase from fiscal year 2014. The Services do not investigate Restricted Reports and do not record the identities of alleged perpetrators.

The Department takes appropriate action in every case where it has jurisdiction. This year, the Department had jurisdiction to take some kind of disciplinary action against 72% of military subjects. Disciplinary action was not possible for the remaining 28% of military subjects due to evidentiary or other legal factors, such as unfounded by command/legal review, victim declined to participate, insufficient evidence, statute of limitations expired, or victim died before completion of the military justice action. Appendices B and C of this report detail sexual assault data from fiscal year 2015.

The major survey conducted in fiscal year 2015 was the *Workplace and Gender Relations Survey for Reserve Component Members*; results can be found in Annex 1 of this report. A survey to estimate fiscal year 2015 sexual assault prevalence for the Active Duty Force was not conducted this year as it is only collected on a biennial basis pursuant to Section 481 of Title 10 United States Code. Last year’s survey results, however, indicated that the estimated prevalence of sexual assault within the Military Services decreased significantly for women and trended downward for men, when compared to estimated prevalence rates measured in fiscal year 2012. The Department will conduct a survey this coming fiscal year and its results will be included in the fiscal year 2016 Annual Report to update estimated prevalence rates for the Active Duty Force.

## Fiscal Year 2015 Sexual Harassment Data Findings

The Services and the National Guard Bureau received, processed, and referred for investigation a total of 657 Military Equal Opportunity formal complaints alleging sexual harassment in fiscal year 2015. Subsequent

to an appropriate investigation, complaints are found to be substantiated or unsubstantiated. Ninety-one reports remained open and pending resolution at the close of the fiscal year, leaving 566 complaints closed in fiscal year 2015.

Substantiated sexual harassment complaints are complaints containing at least one founded allegation of sexual harassment as documented in a report of investigation or inquiry.<sup>i</sup> Substantiated complaints comprised

315 of the 566 complaints (56%) closed in fiscal year 2015.

Unsubstantiated sexual harassment complaints are complaints without any founded allegations of sexual harassment as documented in a report of investigation or inquiry. Unsubstantiated complaints comprised 251 of the 566 (44%) complaints closed in fiscal year 2015.

# Introduction

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This report is the Department of Defense (DoD) Fiscal Year (FY) 2015 Annual Report on Sexual Assault in the Military. The report satisfies the following statutory reporting requirements:

- Section 542 of Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act (NDAA) for FY 2015 (Public Law (P.L.) 113-291);
- Section 575 of NDAA for FY 2013 (P.L. 112-239); and
- Section 1631 of Ike Skelton NDAA for FY11 (P.L. 111-383).

The Secretary of Defense directed in May 2015 a force-wide sexual assault and sexual harassment prevalence survey be conducted biennially using measures created for the *2014 RAND Military Workplace Study (RMWS)*. In alternate years, the Defense Manpower and Data Center (DMDC) will conduct force-wide focus groups, as was done during FY15. By utilizing both surveys and focus groups, the Department will gain a more comprehensive picture of the state of the Sexual Assault and Prevention Response (SAPR) program.

This is the first year DMDC conducted its *Focus Groups on Sexual Assault Prevention and Response Among Active Duty Members (FGSAPR)* as part of an alternating survey and focus group assessment cycle in support of the Annual Report. Each Service chose two geographically dispersed contiguous United States installations to participate in the focus groups. The focus group topics include perceptions about sexual assault and sexual harassment, reporting, retaliation for reporting sexual assault, the role of social media in retaliation, perceptions of leadership emphasis on SAPR, and culture with respect to sexist behavior, sexual harassment, and sexual assault.

DMDC conducted three additional surveys to provide supporting information for the FY15 Annual Report: the *Military Investigation and Justice Experience Survey (MIJES)*, the *QuickCompass of Sexual Assault Prevention and Response Related Responders (QSAPR)*, and the *Workplace and Gender Relations Survey of Reserve Component Members (WGRR)*.

The *2015 MIJES* is the first DoD survey to assess survivors’ experiences with the investigative and military justice processes. It assessed survivor opinions and self-reported experiences with the investigative and legal processes associated with making a formal report of sexual assault. The *2015 MIJES* was a voluntary and anonymous survey. Participants included Service members who filed an Unrestricted Report of an alleged sexual assault by a military perpetrator whose case was completed. The *2015 MIJES* recruited a small sample of respondents and results of the study are not representative of the entire population of survivors. Overall results of the *2015 MIJES* (Annex 3) indicate respondents are satisfied with their experience with the investigative and military justice system with the majority (77%) indicating they would recommend others who experience a sexual assault to make a report.

The *2015 QSAPR* assessed the opinions, self-reported experiences, and self-reported outcomes of the frontline staff who are responsible for executing SAPR programs within the Services and Reserve Components. DMDC invited all Sexual Assault Response Coordinators (SARC) and SAPR Victim Advocates (VA) certified through the Department’s Sexual Assault Advocate Certification Program (D-SAACP) to take the survey. Overall, the majority of respondents (83%) indicated that they were trained on issues relating to sexual assault prevention and response and given the opportunity to work on these issues to gain

experience. Full results of the 2015 QSAPR can be found in Annex 4.

Section 481 of Title 10 of the United States Code (U.S.C) requires the Department to conduct the *WGRR* every 2 years. Members of the Army National Guard (ARNG), Army Reserves, Navy Reserve, Marine Corps Reserve, Air National Guard, and Air Force Reserve were able to complete the survey online and in person. Survey questions ask respondents about their experience of sexual assault, outcomes associated with reporting an incident of sexual assault, and gender-related Military Equal Opportunity (MEO) violations. Overall, results of the 2015 *WGRR* (Annex 1) show there was no change in the estimated sexual assault prevalence rates for Reserve Component women or men between 2014 and 2015. In FY15, 3.2% of Reserve Component women and 0.6% of Reserve Component men indicated having experienced sexual assault. The next *Workplace and Gender Relations Survey of Active Duty Members (WGRA)* will utilize the same methodology, as developed by RAND, and will be conducted by DMDC for the FY16 Annual Report.

This is the Department's 12th Annual Report on sexual assault, and it covers sexual assault reports made during FY15 (October 1, 2014 through September 30, 2015). Enclosed with this report are supplementary reports from the Secretaries of the Military Departments, the Chief of the National Guard Bureau (NGB), and DMDC.

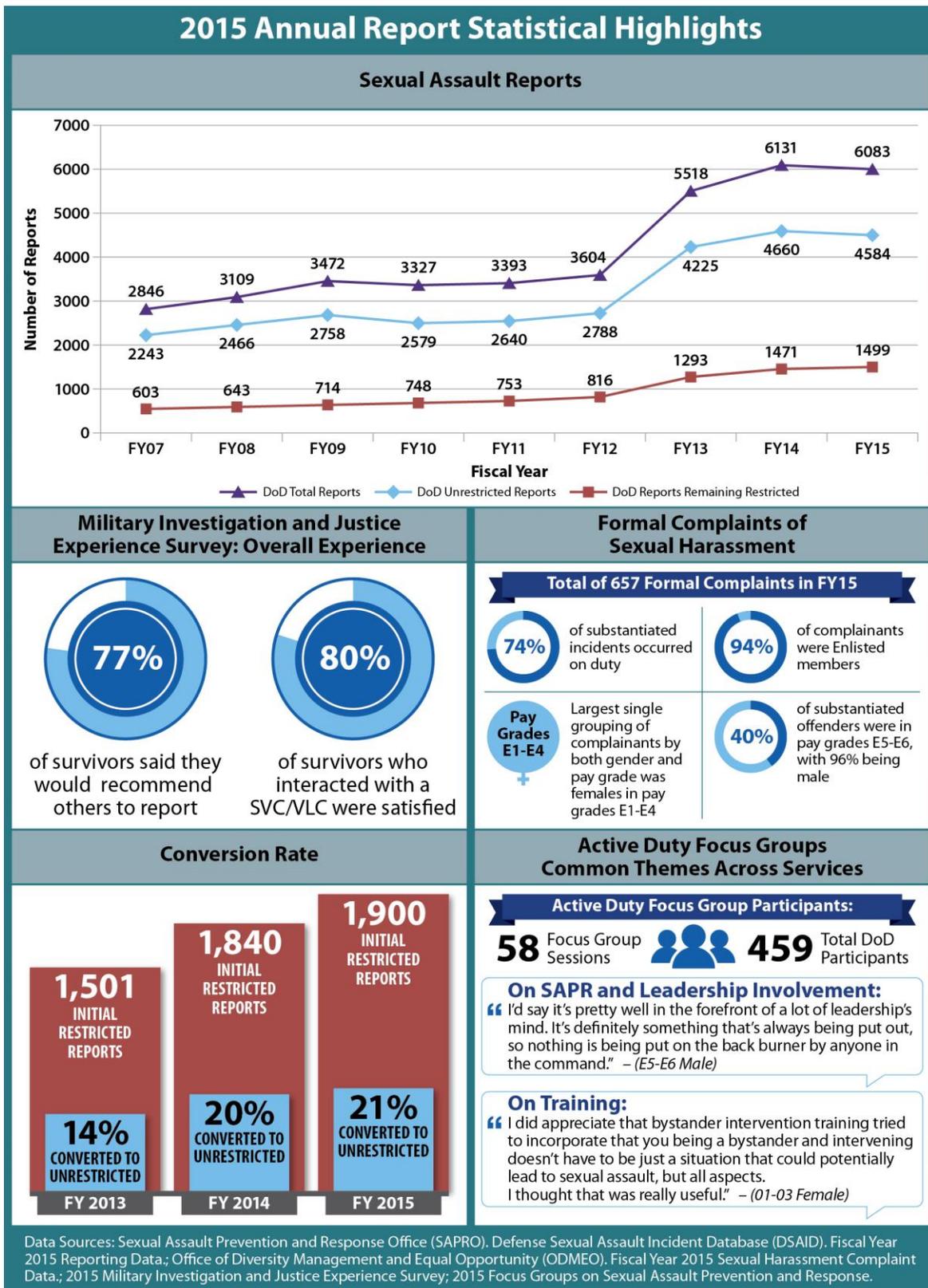
SAPR personnel handle contact sexual crimes by adults against adults, as defined in Articles 120 and 125 of the Uniform Code of Military Justice (UCMJ) and Article 80, attempts to commit these offenses. Sexual assaults between spouses or intimate partners fall under the purview of the Family

Advocacy Program (FAP). Appendix I of this year's report contains preliminary data on domestic abuse related sexual assaults (sexual abuse) that were reported to FAP in FY15. Within DoD, FAP is the proponent for domestic abuse, and child abuse and neglect. Sexual abuse of spouses and intimate partners is a subset of domestic abuse.

This year's report is different from previous years. DoD continues to use the Annual Report as an opportunity to assess its SAPR program; however, this year it also highlights areas of significant focus for FY15. The report begins by discussing the SAPR Program Principles, Prevention, and Response, which are the foundation to the Department's program. It then outlines six key FY15 program efforts – advancing sexual assault prevention, encouraging greater reporting, reporting sexual harassment complaints, improving response to male victims, combatting retaliation associated with sexual assault reporting, and tracking accountability of sexual assault cases – where the Department took significant action to accomplish its mission to reduce, with the goal to eliminate, sexual assault from the military. The report also discusses its plan for a way forward in FY16 and beyond in each respective program effort.

These program efforts are not inclusive of every aspect of the crime of sexual assault, nor do they detail every action that the Department, Military Services, and NGB are taking to prevent and respond to this crime. They do highlight what the Department worked on aggressively during FY15 to sustain and enhance its prevention and response system, through both programmatic initiatives and policy changes to combat sexual assault.

# Spotlight: FY15 Data



# SAPR Program Principles

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Prevention of and response to sexual assault are the foundations of DoD's SAPR program. The Department's multifaceted prevention approach engages leaders at all levels and requires a personal commitment from every Service member to uphold military core values. DoD's response system encourages victims to report and facilitates recovery with the help of professional SARCs and SAPR VAs. The Department notes that sexual assault incidents are reports made by victims; however, they do not necessarily reflect the outcome of the allegation.

## Sexual Assault Prevention

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Sexual assault is a serious problem for U.S. society as a whole and can have lasting, harmful effects on victims and their family, friends, and communities.<sup>ii</sup> In the U.S. military, sexual assault not only produces these problems, but also negatively impacts readiness. The harmful effects of the crime degrade the military units' ability to fight and meet the demands of the national military strategy.

The goal of sexual assault prevention is to build awareness and stop the crime from happening in the first place. Prevention efforts should ultimately decrease the number of individuals who perpetrate sexual assault and the number of individuals who become victims. Many prevention approaches aim to reduce the factors that make the crime more likely while increasing the factors that protect people from harm.

Research has consistently shown that sexual assault is most likely to occur in environments where there are unhealthy social factors. Such factors include gender discrimination, sexual harassment, and other problems that degrade or devalue individuals and their contributions in the workplace.<sup>iii,iv</sup>

Based on this and other evidence, sexual assault prevention efforts in the military aim to advance a culture of dignity and respect for all who serve. Military leaders at all levels are the center of gravity in establishing a healthy command climate. The Department's prevention programs focus on reinforcing the cultural imperatives of mutual respect and trust, professional values, and team commitment to create an environment where sexist behaviors, sexual harassment, and sexual assault are not condoned, tolerated, or ignored.

The Department's prevention efforts are designed to empower military members to identify and intervene in situations at risk for sexual assault, give leadership the tools to regularly assess unit climate, and hold leaders appropriately accountable for their efforts to improve unit climate. The *2014-2016 DoD Sexual Assault Prevention Strategy* guides sexual assault prevention programs throughout the DoD. This strategy is part of the Department's ongoing and evolving work to provide leaders with the means to institutionalize sexual assault prevention policies and practices.

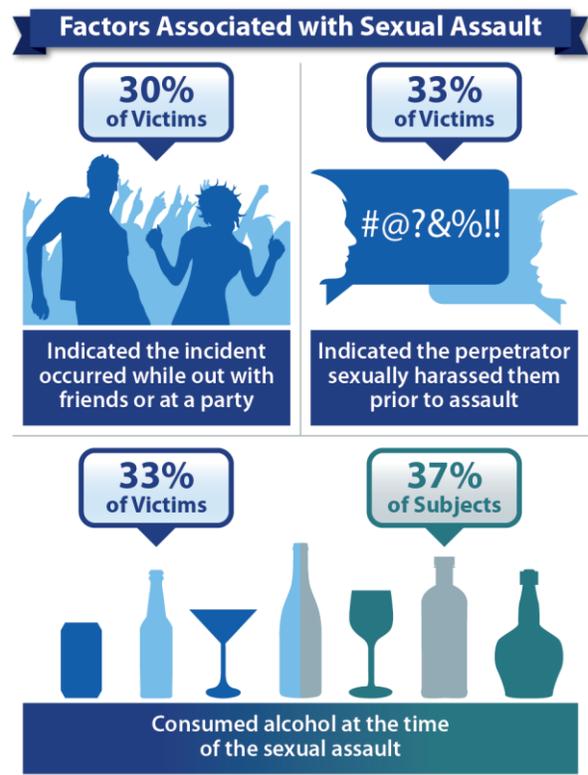
We know that sexual assault in both the U.S. and military populations occurs much more often than is reported to authorities. While no one can know exactly how often sexual assault occurs, scientifically constructed surveys of a given population provide the best estimate for understanding the extent of the problem. The Department employs force-wide surveys to track the past-year estimated prevalence of sexual assault. Past-year estimated prevalence rates provide an estimate of how many military members experienced sexual assault in the twelve months prior to completing the survey. For example, an estimated 4.9% of active duty women and 1.0% of active duty men experienced sexual assault in FY14 according to the *2014 RMWS*.<sup>v</sup> This indicates that an estimated 20,300 Service members

experienced one of the range of crimes that meet DoD's definition of sexual assault, a decrease from an estimated 26,000 Service member victims in FY12. The Department finds it difficult to identify which initiatives are having the greatest impact on decreasing the occurrence of the crime, given the complexity of the problem and the wide variety of prevention initiatives underway. Such complexities are largely the reason why the Department has not been able to sustain steady decreases in past-year estimated prevalence of the crime from year to year, despite the overall decrease in sexual assault estimated prevalence for men and women since 2006.<sup>vi</sup>

Survey data not only estimate how many military members may have experienced the crime in a given year; the data also give us a better understanding about how sexual assault is committed. As in the civilian sector – and contrary to common belief – most sexual assaults are perpetrated by someone known to the victim. In reality, a small minority of sexual assaults are perpetrated by strangers in attacks that resemble most media portrayals. Instead, the vast majority of crimes are perpetrated by people known to the victim, from school, work, and other social encounters. Most female and male respondents to the 2014 RMWS indicated they knew their alleged offender(s) (93% and 85%, respectively). Further, 57% of all respondents indicated their alleged offender was someone they considered a friend or acquaintance.

Military research further suggests that sexual assault and sexual harassment are interrelated problems. The 2014 RMWS demonstrated a clear relationship between sexual harassment with sexual assault. Military women who indicated experiencing a sexual assault in the past year were about 14 times more likely to indicate experiencing sexual harassment than women who did not indicate a past-year sexual assault. Men who indicated experiencing a past-year sexual assault were about 49 times more likely to indicate experiencing sexual harassment. It is

important to note that *sexual harassment does not necessarily cause sexual assault*, but the two problems are highly correlated. Sexual harassment may be used as a means to groom or control a victim. About one-third of survey respondents who endorsed an experience of sexual assault indicated that the alleged offender(s) sexually harassed them before the assault, and one-third indicated that the alleged offender(s) sexually harassed them after the assault. As noted earlier, the presence of sexual harassment within the unit climate may also be perceived that this behavior and other forms of misconduct may be tolerated or ignored – an important consideration for someone seeking to perpetrate sexual assault.



Surveys also indicate that age, marital status, and other demographic factors can increase one's risk for victimization. However, more modifiable risk factors are largely the focus of the Department's prevention strategy. For example, effective prevention also requires an understanding of the role alcohol plays in the perpetration of sexual assault. One-third of participants in the 2014

RMWS who indicated experiencing a sexual assault also indicated that they had been drinking at the time of the assault (33%), with a higher proportion of women indicating alcohol use than men (41% of women; 25% of men). Even though the 2014 RMWS indicates that alcohol use is present in some sexual assaults, the setting of the sexual assault is likely to influence the role of alcohol in the crime. For example, alcohol's role in the crime may be diminished in sexual assaults that occur in the workplace or during duty hours, or in locations where use of alcohol has been prohibited.

The 2014 RMWS found that about one-half of those who drank any alcohol indicated that the alleged offender(s) had bought or given them a drink just prior to the assault (51%). More than a third indicated the alleged offender(s) had been drinking alcohol at the time of the assault (37%) with women indicating this to be true more often than men (50% of women; 24% of men). This could be because male victims were more likely to indicate their assaults occurred during duty hours or at their workplace, when it is less likely that alcohol would be present. During the past few years, the Department and the Military Services have been working to modify alcohol policies to address not only individual use, but also its pricing, serving, and availability in the military community.

Many of the prevention approaches in use throughout the Department focus on the perpetrator and persons who might be present in situations potentially at risk for sexual assault, known as "bystanders." Strategies focused on the perpetrator attempt to change risk and protective factors for sexual assault to reduce the likelihood that an individual will engage in sexually violent behavior. The goal of "bystander" prevention strategies is to change social norms supporting sexual assault and empower men and women to intervene with peers to prevent an assault from occurring. Other prevention strategies address social norms, policies, or laws in communities to reduce the

perpetration of sexual assault throughout the military population.

The Department identified its leaders as the center of gravity in sexual assault prevention because of a military leader's ability to set proper expectations for conduct within the unit and responsibility to hold subordinates appropriately accountable for behavior. For example, results from the Defense Equal Opportunity Management Institute (DEOMI) *Organizational Climate Surveys (DEOCS)* administered in FY15 found greater self-reported bystander intervention among respondents who indicated a more positive command climate within their units, compared to those with a less positive command climate.

The Department is committed to taking these and other actions that reinforce a military culture where every Service member across the Joint Force understands their role in upholding ethical standards of behavior as a way to prevent sexual assault.

## Sexual Assault Response

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The Department's response system aims to empower victims, facilitate recovery, and encourage crime reporting. The DoD SAPR program allows confidential reporting, provides legal representation for military victims of sexual assault, and connects victims with professional first responders and care. The Department has configured its response resources based on understanding how the crime of sexual assault affects the military.

Few victims of sexual assault, including those in the military as well as in the civilian sector, choose to report the crime to an authority. Despite FY14 being a record year for sexual assault reporting in the DoD, the number of victims who chose to make a report accounted for about 23% of the estimated number of Service members believed to be victimized in the past year. Many victims do not report because they want to forget about the incident and move

on, they do not want people to know, they think it is not serious enough to report, or because they do not want people to see them as weak.<sup>vii</sup>

The Department enacted Restricted Reporting in 2005 as a result of many victims having concern for their privacy and how others might perceive them. Restricted Reports allow victims to access care and support without command involvement, launching an investigation or engaging in the military justice process. While the Department desires an environment where all victims feel free to make an Unrestricted Report, some victims will never be comfortable participating in the military justice process. Restricted Reporting provides victims with a means to heal while still respecting their desire for confidentiality. Restricted Reporting allows Service members to convert their report at any time to an Unrestricted Report and participate in the military justice process. In FY15, 21% of victims making a Restricted Report converted to an Unrestricted Report.

Reporting the crime has implications for victims' health and wellbeing. Victims who report the crime are more likely to engage in medical care and support services that can help them restore their lives.<sup>viii</sup> Military victims and eligible civilian victims of sexual assault in DoD may access a variety of medical care, mental healthcare, legal services, and spiritual support options. In addition, Sexual Assault Forensic Examinations (SAFE) are available under either the Restricted or Unrestricted Reporting option.

Military women comprise the highest proportion of victims making Unrestricted and Restricted Reports. They are also more likely to engage care and support services, as well as undergo a SAFE. Female Service members are more likely to participate in military justice actions than their male counterparts. However, survey results indicate that more military men experience sexual assault than women each year. As a result, the Department's response services

must be seen as being equally helpful to victims of both sexes.

Efforts to encourage greater reporting by Service members emphasize the top reasons victims indicated for reporting the crime on scientific surveys of the military population. These reasons include: to stop the alleged offender from hurting others; because someone told them or encouraged them to report; and to stop the alleged offender from hurting them again.<sup>ix</sup> Ultimately, services offered by the Department must meet the needs of victims.

The Department of Justice's Office for Victims of Crime identifies three important categories of victim needs:<sup>x</sup>

- **Safety and security:** Because victims often are physically and emotionally devastated by the crime, service providers should first address their physical needs, including medical care and basic daily necessities. Victim safety is addressed in DoD by requiring response personnel to conduct a safety assessment for every victim of sexual assault. Any identified safety concerns may be addressed through a variety of measures, including law enforcement response, pre-trial custody for the accused, military protective orders, civilian protective orders, expedited transfers of the accused, and expedited transfers for the victim, if the victim so requests and is approved for such transfer.
- **Ventilation and validation:** Victims of crime often need to talk to someone about what has happened to them. Service providers can listen to victims and help them understand that their feelings are normal and justifiable. Effective victim advocacy and assistance can only be provided by trained and knowledgeable professionals who are known and available to Service members. The Department's efforts to professionalize key sexual assault response personnel

seek to develop and sustain a cadre of skilled and prepared individuals. Resources for victims include advocacy services from certified SARCs and SAPR VAs. SARCs and SAPR VAs can help victims connect with additional services from legal counsel, healthcare, and counseling professionals within the Department. However, not all victims are ready to engage response services directly. For this reason, the Department created the DoD Safe Helpline, a hotline service that provides confidential and anonymous support from trained crisis intervention staff. Safe Helpline staff are also trained to connect victims with local military and civilian response services, should they desire to more directly engage support in their communities.

- **Prediction and preparation:** Victims often are not sure what will happen next. Service providers can help offset the feelings of powerlessness and loss of control victims may experience after a crime by providing timely information. SARCs and SAPR VAs are often the first to provide victims in the DoD with information about reporting options, available services, and an overview of the military justice process. However, feedback from victims indicated that they desired a greater voice in the military justice process. The Special Victims' Counsel (SVC) Program, known as the Victims' Legal Counsel (VLC) Program in the Navy and the Marine Corps, was established in August 2013. These uniformed attorneys provide military and other eligible victims with advice, advocacy, and legal representation in the military justice system.

Victims of sexual assault should not fear repercussions associated with reporting the crime. Nonetheless, Department research indicates that many victims of sexual assault who reported the matter perceived some kind of retaliation associated with doing so. Such retaliation can take the form of reprisal, ostracism, and other forms of maltreatment.

Sexual assault victims deserve protection from these abuses. The Department expanded its efforts to address retaliation considerably over the last two years. These actions and plans for the future are addressed in greater detail later in this report.

Sexual assault allegations are difficult to investigate and prosecute in both the military and civilian sectors. Many victims delay making a report due to concerns about loss of privacy and the negative scrutiny of others. Over time, perishable evidence may be lost, memories fade, and corroborating testimony may become influenced by a variety of factors. In order to address these and other challenges, the Military Services fielded a Special Victims Investigation and Prosecution (SVIP) Capability in FY13. This capability is comprised of specially trained Military Criminal Investigative Organization (MCIO) investigators, judge advocates, paralegals, and victim witness assistance personnel to support victims of sexual assault, child abuse, and domestic violence. While this capability is configured differently in each of the Military Services, the goal of the program is to provide timely, effective, and collaborative investigations and prosecutions. SVIP-identified personnel must complete specialized training before being assigned to these duties.

Documentation storage and retrieval is another important part of the Department's response efforts. Victims of sexual assault must be allowed to obtain information about their report for any lawful purpose, including making a claim for compensation to the Department of Veterans Affairs. Department policy requires documents pertaining to a sexual assault report and any subsequent investigation must be kept for a minimum of 50 years. The MCIOs are responsible for maintaining investigative information, as well as the DoD Form (DD) 2911, *DoD SAFE Report*, when it has been completed in conjunction with an Unrestricted Report. For victims making an Unrestricted Report, their DD Form 2910, *Victim Reporting Preference Statement* is maintained by the DoD Sexual

Assault Incident Database (DSAID). Currently, DD Form 2910s for victims making a Restricted Report are maintained at the installation where the report was made. However, work is in progress to expand DSAID to store DD Form 2910s securely for victims making Restricted Reports.

Efforts to improve victim response and increase reporting are important because they connect victims with restorative care and support. Such efforts also provide the Department the only means with which to hold alleged offenders appropriately accountable. Military justice processes are outside the purview of the SAPR program. Nonetheless, SAPR professionals supporting victims have a very strong role in helping victims navigate and participate within the justice process. For this reason, Unrestricted sexual assault cases are reviewed monthly at installation Case Management Group meetings (CMGs). Such meetings allow senior commanders to ensure that appropriate care and services have been offered to victims and that cases are progressing through the investigative and military justice processes. CMGs also allow commanders the ability to review and improve local response efforts. These meetings also update a case's status, which a victim's immediate commander must provide to him or her on a monthly basis.

Oversight of the response system allows DoD leadership to validate that victims are being provided with appropriate care and support. A number of oversight actions have been enacted over the past several years, including the Sexual Assault Incident Response Oversight (SAIRO) Report. The SAIRO Report provides general and flag officer level commanders with oversight within eight calendar days over the local response to a sexual assault report. The report includes information about the incident, advocacy services offered, actions to address victim safety, and other facts to help senior leaders better understand how victims are being supported subsequent to their report.

The Department's sexual assault response system strives to be a benchmark for the nation. As further needs are identified, the Department will consider how to expand or refine its response capabilities to meet those needs.

The data used to define the SAPR Principles of Prevention and Response informed the Department's decision to focus on six key program efforts taken by the Department in FY15 as outlined in the next section of this report.

# Results of FY15 Program Efforts and Planned FY16 Activities

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# Advancing Sexual Assault Prevention

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The Department's prevention efforts are designed to decrease the occurrence of sexual assault, empower military members to identify and intervene in situations at risk for sexual assault, give leadership the tools to regularly assess unit climate, and hold leaders appropriately accountable for their efforts to improve unit climate.

## FY15 Assessment of Progress

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The Department, in collaboration with the White House, developed a number of metrics for the DoD SAPR Program in FY14. The measures that pertain to prevention are reviewed below.

### Past-Year Estimated Prevalence of Sexual Assault

The Department's primary measure of progress with regard to prevention is the past-year estimated prevalence of sexual assault. This is an estimated measure of how often Service members experience behaviors consistent with sexual assault in a 12 month period. When last measured in FY14, an estimated 4.9% of military women and an estimated 1.0% of military men indicated experiencing some form of sexual assault in the year prior to being surveyed. The rates measured in FY14 are down from rates seen in calendar year (CY) 2006 (an estimated 34,200 victims) and FY12 (an estimated 26,000 victims), but are similar to the rates seen in FY10 (about 19,300 victims).<sup>xi</sup>

Past-year estimated prevalence is measured by the *WGRA* conducted by the DMDC. This survey is conducted every two years. It is next scheduled for FY16. Consequently, there is no update this year for this measure. The Department is sensitive to the need for timely data; however, it must also remain sensitive to the demands placed on Service members to answer the personal questions required to derive this important

statistic. The RAND Corporation made several recommendations to the Department after it conducted the *2014 RMWS*. RAND advised against yearly surveys of the active duty on this measure for two reasons. First, RAND found little evidence that past-year estimated prevalence of sexual assault changed detectably from year to year. Second, RAND noted that annual survey requests to military members on this topic may have the unintended consequence of reducing survey participation, making the results of any such survey unhelpful. Consequently, in May 2015 the Secretary of Defense directed that the Department remain on a biennial cycle for sexual assault surveys. In survey off-years, the Department conducts focus groups at military installations to identify emerging trends and better understand the context surrounding its survey results.

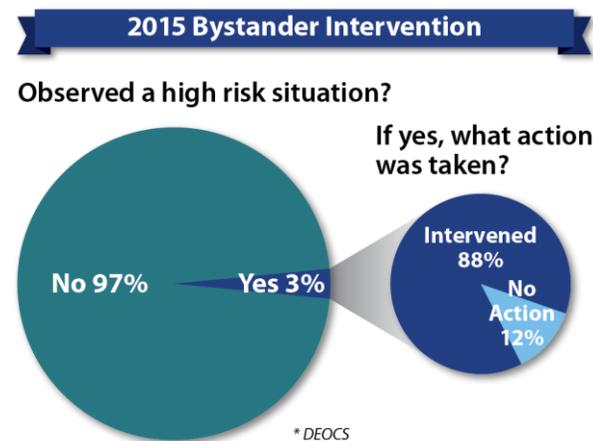
### Bystander Intervention Experience in the Past Year

The *DEOCS* is a commander's management tool that allows them to proactively assess critical organizational climate dimensions of their military units. Commanders will offer the *DEOCS* on an annual basis or within 120 days of taking command.

Results of the *DEOCS* continue to show that Service members are willing to intervene in situations they believe to be at risk for sexual assault. However, a relatively small percentage of military members witnessed such a situation in the 12 months prior to being surveyed with the *DEOCS*.

This finding essentially replicates the pattern of results observed in 2014's *DEOCS* results, as well as the *2014 RMWS*. *DEOCS* results indicate that out of the nearly 540,000 Active Duty military members surveyed from the second to fourth quarters of FY15<sup>xii</sup>, about 3% indicated observing a situation they

believed was, or could have led to a sexual assault. However, of those 3% that saw a situation, 88% indicated that they took some kind of action in response. Such responses included things like stepping in to separate people involved in the situation, asking the person at risk if they needed help, and telling someone in authority about the situation.<sup>xiii</sup> The 88% of Service members indicating they intervened is a slight increase from the 87% observed in FY14's results.



The fact that such a large portion is willing to intervene when confronted with a risky situation is reassuring. This finding suggests that approximately 16,000 Service members took some kind of action to prevent what they thought might have been a situation at risk for sexual assault. Ideally, everyone would intervene in such situations. Encouraging all to take some kind of action, or at least consider how they might safely diffuse the situation, lies at the heart of DoD bystander intervention training. Greater empowerment and emphasis on knowing what can and should be done may further increase the percentage of Service members taking action. The other challenge for the Department is to help Service members become more aware of risky situations, or better recognize such situations when they occur. Unfortunately, there are few easy solutions for these challenges, as the Department's current needs in this area surpass available research on bystander intervention. In fact, until the Department

fielded this question to its people, there was no population-based data in the United States to indicate how often people recognized risky situations after receiving bystander intervention training.

Further analyses of the DEOCS results for FY15 indicate that leadership encouragement appears to make a positive difference in the percentage of Service members choosing to intervene in situations at risk for sexual assault. Ninety-three percent of respondents in units whose commanders encouraged bystander intervention to a great extent indicated they took action. In comparison, 76% of military survey respondents who indicated their commander encourages bystander intervention to little or no extent indicated they took action. This finding underscores the Department's view that leadership is the center of gravity for its prevention efforts.

### Addressing the Continuum of Harm

Another metric included in the DEOCS climate survey is an assessment of how well the respondents' leadership promotes a climate based on mutual respect and trust.<sup>xiv</sup> The results of this metric are an index measure that combines answers to the following questions on the survey:

*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*

Department and Service averages for the results of this metric in both FY14 and FY15 provide a favorable assessment of how well leadership promotes a healthy climate with regard to sexual assault. Most Service members give their chain of command relatively high marks on this index – about 3.5 on a 4.0 scale. However, there are some apparent differences in responses based on

sex and rank. Women tend to rate the chain of command slightly lower than do men, and those respondents of lower rank tend to rate the chain of command lower than do those respondents of higher rank.

## **Actions Taken in Support of the 2014-2016 DoD Sexual Assault Prevention Strategy**

The *2014-2016 DoD Sexual Assault Prevention Strategy* uses a comprehensive framework to enhance the military environment, influence behavior, and reduce the occurrence of the crime. The strategy drew insights from both civilian and military experts to address prevention efforts at each level of the social environment.

Civilian experts define the social environment levels as the individual, relationships, the local community, and society as a whole. In the military, the social environment also includes military units, the installations and locations where units operate together, and the leadership that influences every level of the military social environment. Military leaders are the center of gravity in establishing healthy command climates. Leadership influence extends across every level of the military social environment.

The objectives of the *2014-2016 DoD Sexual Assault Prevention Strategy* are to achieve unity of effort and purpose across all of DoD in the execution of sexual assault prevention; to develop objective criteria for measuring progress; and to publish tasks that operationalize the Prevention Strategy. The strategy's vision is to promote a military environment where every Service member lives and operates in a climate of mutual respect, free from sexual violence, and are motivated and empowered to intervene against inappropriate behaviors. The mission calls for DoD to execute proactive and comprehensive sexual assault prevention policies and programs in order to enable

military readiness and reduce, with a goal to eliminate, sexual assault from the military.

## **Action Impacting the DoD Community Sphere of Influence**

The actions described below reflect changes in law, policy, and practice that are intended to support prevention work throughout the DoD community. These actions drive or support prevention activities and strategy execution at all subordinate levels of the military social environment (Figure 1).



Figure 1: DoD Social Ecological Model

## **Incorporated DoD Prevention Strategy in Updated SAPR Policy**

The Department reissued DoD Directive (DoDD) 6495.01, *Sexual Assault Prevention and Response Program*, in January 2015, requiring all Service prevention strategies to align with the *2014-2016 DoD Sexual Assault Prevention Strategy*. The Department also reissued DoD Instruction (DoDI) 6495.02, *Sexual Assault Prevention and Response Program Procedures*, in July 2015. Updates to this instruction included policy recommendations from the Response Systems Panel (RSP),<sup>xv</sup> initiatives directed by

the Secretary of Defense, and changes in law that support prevention work. For example, DoDI 6495.02 codified policy for unit commanders to conduct annual climate assessments, implement a unit prevention program that reflects the findings from their climate assessment, and employ prevention concepts in SAPR curriculum and training.

### Communicated the Prevention Strategy through SAPR Connect

*DoD SAPR Connect* is the Department's prevention collaboration and information sharing Community of Practice (CoP). DoD *SAPR Connect* leverages face-to-face meetings, virtual resources, webinars, and a community toolkit to comprehensively communicate the *2014-2016 DoD Sexual Assault Prevention Strategy* and provide support to those working at every level of the DoD organization. More than 1,500 *DoD SAPR Connect* members have a variety of channels for information sharing on prevention initiatives to include videos, new research, policy documents, briefings, and campaign plans.



Figure 2: The Four Pillars of SAPR Connect

*DoD SAPR Connect* quarterly webinars further expand current information-sharing efforts. The Department has hosted webinars over the past two years with SAPR personnel and other Service members from around the world. SAPRO designs these virtual meetings

to emphasize the overarching prevention strategy and details on how the topic for that particular session ties back into the strategy. In FY15, an average of 200 people participated in the five webinars that addressed strategy program elements such as obtaining community involvement, employing effective communications, and engaging leadership support.

A 2015 survey of SAPR personnel indicated that SARCs and SAPR VAs throughout the military find the information on *SAPR Connect* to be helpful. Seventy-Nine percent of SARCs and 80% of SAPR VAs who were familiar with *SAPR Connect* indicated they learned something from the virtual portal that helped them improve their prevention activities.

### Action Impacting the Installation Sphere of Influence

The actions described below reflects prevention work intended to most impact the installations where military people live and work.

### Designed the Installation Prevention Project

SAPRO launched the Installation Prevention Project (IPP) in response to a December 2014 Secretarial initiative, directing a multi-year project to customize prevention efforts at select military installations. This small, pilot effort intends to identify installation and community risk factors for sexual assault and develop associated actions leadership can take to mitigate sexual violence.

The IPP is DoD's first comprehensive effort to conduct a systematic review and assessment of the effectiveness of sexual assault prevention programs at the installation level. The IPP will gain insights and lessons learned as to how the Service SAPR programs are interpreting and executing the *2014-2016 DoD Sexual Assault Prevention Strategy* and how installations and

units are interpreting Service strategic guidance on sexual assault prevention.

The IPP will engage commanders and units stationed at four military installations and one joint base.

### Revised Alcohol Policies

Analyses of survey responses and reports of sexual assault incidents indicate that the use of alcohol by both the alleged offender and the victim play a role in the crime. Educating individuals about alcohol use and abuse is an important means to help people understand the risks associated with drinking – including increased risk of sexual assault. However, research indicates that the availability of alcohol and how it is served may play an important role in prevention of violence, including sexual violence.<sup>xvi</sup> In May 2014, the Secretary of Defense directed that the Military Services review and revise their alcohol policies to address factors beyond individual use. In FY15, the Services reported that all had complied with this review.

Throughout DoD, installation commanders are altering the availability, service, and use of alcohol in a number of environments. For example, some commanders have stopped selling alcohol at base convenience stores that are co-located with military barracks. Others have limited the amount of alcohol that may be stored in the barracks and dormitories. Leadership at other installations have reached out to the local community and provided hotel and bar operators with contact information to report military members using alcohol irresponsibly.

Many alcohol servers in the Military Services' facilities are required to take a course in serving alcohol responsibly and safely intervening when someone needs help. The Services' annual reports contain additional examples of these efforts to promote more responsible availability, service, and use of alcohol.

## Actions Impacting the Military Unit Sphere of Influence

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The actions described below reflect prevention work intended to affect the military unit.

### Promoted Unit Health with Climate Assessments

FY15 was the second full year military unit commanders were required to conduct unit climate assessments in accordance with the FY13 NDAA. The Secretary of Defense directed in May 2013 that the results of these assessments be shared with the unit commander's immediate supervisor. In addition, the Secretary further directed commanders be held accountable for their efforts to promote healthy climates.

A chief component of the unit climate assessment is the DEOCS. Commanders are required to administer this survey to unit members within 120 days of assuming command, and annually thereafter. The survey is voluntary for all personnel, including Active Duty, Reserve, National Guard, and DoD civilians.

In FY15, 17,534 military units took the DEOCS. Over 1,256,000 respondents, including over 786,000 Active Duty respondents, answered questions pertaining to SAPR, sexual harassment, suicide prevention, discrimination, and other problems that influence unit readiness and climate. As detailed earlier in this section, there are a number of items that commanders employ to address sexual assault prevention. Results and analysis of DEOCS results are provided quarterly to each of the Services' SAPR offices.

The survey is only one component of the climate assessment process. Once the survey results have been obtained, unit commanders must discuss the results with their immediate supervisors, gather additional information from unit members, develop a plan to address any challenges identified by

the assessment process, and work throughout the year to ensure his or her command team is taking action to promote a healthy work environment.

Holding commanders accountable for their efforts to promote a healthy climate is an important feature of this process. Each of the Services has developed a means to assess an officer's work to promote a healthy command climate on their annual evaluation/fitness reports. In addition, the Department began work in FY15 to develop a means by which senior commanders can use DEOCS data to help identify which of their subordinate units might need additional leadership engagement on SAPR climate matters, and which units might act as benchmarks for others. This approach will identify both positive and negative trends in the survey results from annual administrations of the survey within each unit.

### **Action Impacting the Relationship Sphere of Influence**

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The actions described below reflect sexual assault prevention work intended to impact relationships in the military social environment. As much of the work in this area is Military Service specific, examples from the Services are included below. Additional information about these efforts is available in the Military Department reports enclosed to this document.

#### **Implemented First Line Supervisor Training**

The Secretary of Defense directed the Military Services in December 2014 to develop and implement training for first line supervisors to further advance a climate of dignity and respect, and prevent the potential for retaliation associated with reporting of sexual assault. All Services indicated in their FY15 annual reports that they have completed their plans for developing this training and are implementing it throughout a number of venues, including pre-command

training, enlisted leadership academies, and professional military education.

#### **Expanded Peer Mentorship and Sponsorship**

Promoting healthy relationships among peers, partners, family, and friends has shown promise as a means to enhance a healthy command climate and prevent sexual assault. Analysis from prior criminal cases indicates that some alleged offenders targeted individuals who were new and unfamiliar with the military, arrive on a new installation, or are new to a unit. The Services have developed a number of initiatives to provide peer support and sponsorship throughout the force:

- Army – The Army continued to provide “Got Your Back” training. This 90-minute, facilitated, interactive lecture was conducted at over 3,000 training events throughout the year. The program is taught by a man and woman team and focuses on language in relationships, understanding the continuum of harm, the cycle of non-stranger rape, and bystander intervention.
- Navy – The Navy continued mentorship programs to target at-risk populations, including junior officers and enlisted members, for opportunities to interact and learn from senior leadership. One benchmark example of a peer-based group is the United States Naval Academy's Sexual Harassment Assault Prevention Education (SHAPE) Program. SHAPE provides peer-facilitated, small group discussions about sexual harassment and sexual assault that are designed to empower midshipmen with increased awareness and bystander intervention skills. The SHAPE curriculum is continuously updated based on feedback from Peer Educators, midshipman, and data from surveys and focus groups.
- Marine Corps – The Marine Corps Leadership Development (MCLD) Program was approved to replace the

Marine Corps Sponsorship Program. MCLD already highlighted transitioning Marines as an area of challenge and considers transitions as “danger areas” for negative behaviors. The MCLD for new Service members focuses not only on the immediate transition, but also on the continued growth of the Marines.

- Air Force – As a follow-on to bystander intervention training, the Air Force developed 12 “Flip the Script” training modules in 2015. These modules were designed for small group discussions and maximizing dialog among peers. Both the “Rape Culture” and “Sustaining a Culture of Respect” modules aim to increase an Airman’s understanding that supporting a culture of respect will reduce sexual assault. The intent of these “Flip the Script” modules is to create a dialog among peers, promote communication on issues surrounding sexual assault, provide discussion on how to respond to victims of sexual assault, and understand that language and the words we use are powerful tools to combat this issue.

## **Actions Impacting the Individual Sphere of Influence**

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The actions described below reflect prevention work intended to most impact an individual’s role in the military social environment.

### **Continued Bystander Intervention Training**

DoD policy requires the Services and NGB to employ the active bystander intervention approach as part of required annual SAPR training, professional military education, and other prevention initiatives. This approach is based on the premise that many sexual assaults begin in social settings where others may detect a potential offender’s attempts to groom and isolate a potential victim. The Services are designing these education and training efforts to improve knowledge, teach intervention, victim

empathy, consent, acceptable behavior, and healthy relationships – all of which are important parts of a prevention program. The following are examples of efforts that the Services and NGB are taking to implement this program element:

- Army – The Army’s Sexual Harassment/Assault Response and Prevention (SHARP) Annual Refresher Training consists of online and face-to-face training where soldiers learn the key components of the SHARP program. Face-to-face training, vignettes, and scenarios all highlight peer responses to victims and alleged offenders.
- Navy – The goal of the FY15 Bystander Intervention to the Fleet (BI2F) training was to empower Sailors to intervene, stop, or prevent behaviors not aligned with the Navy Ethos and core values. Sailors were taught direct and indirect techniques to safely and effectively “step-up and step-in.”
- Marine Corps – The Marine Corps developed a series of trainings called Ethical Discussion Groups (EDG). The EDGs employ video vignettes and small group discussion to focus on incidents surrounding a sexual assault. This approach allows individual Marines to think about how they would act in similar situations and prepare to intervene.
- Air Force – In FY15, training was developed for wing and squadron commanders, first sergeants, and supervisors to have group discussions about bystander intervention. The training is designed to help educate Airmen about this active approach to prevention and encourage them to intervene. The module is also meant as a guide for leadership to lead group discussions with their Airmen with the intent to identify behaviors that could require intervention. Developing trust in leadership is an important part of empowering people to act when they see situations at risk for a crime.
- NGB – Teaching bystander intervention techniques and sharing awareness information are primary techniques used

by NGB SARCs to help achieve the prevention end state.

## **Actions to Develop Leadership Support of Sexual Assault Prevention**

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Leaders at all levels of the military social environment are the center of gravity for the prevention of sexual assault. When leaders establish safe and respectful unit climates, sexual assault and other readiness impacting problems are less likely to happen. Leadership support is an essential part of the Department's approach to prevention.

### **Empowered Leaders at All Levels**

The Services have developed a number of initiatives to empower Service members to be leaders who prevent sexual assault:

- Army – The Sergeant Major of the Army started the “Not in My Squad” initiative in FY15 to focus on the well-being, safety, and dignity of all Soldiers, and to support strengthening junior leaders’ ability to improve unit climate.
- Navy – Local commanders assess their command climate in comparison with Navy and DoD averages, and take action to address specific areas of concern.
- Marine Corps – Headquarters Marine Corps (HQMC) SAPR began revamping its SAPR Leadership Toolkit in FY15 to feature a robust suite of tools from which leaders at all levels can choose the information, approaches, and tools that directly apply to their Marines.
- Air Force – The Secretary, Chief of Staff, and Chief Master Sergeant of the Air

Force introduced the SAPR Strategy for the Air Force, underlining the importance of treating everyone with respect.

- NGB – The NGB hosts monthly Guard Senior Leadership Updates that play an important role in disseminating SAPR initiatives and strategies to leaders throughout the National Guard.

## **Way Forward on Prevention in FY16**

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### **Create the 2017-2021 Sexual Assault Prevention Plan of Action**

An updated Prevention Plan of Action is required to move the Department forward. Much has been accomplished with the *2014-2016 DoD Prevention Strategy*. However, more must be done to advance the effectiveness of sexual assault prevention programming in the military. SAPRO is leading the effort now to develop the new plan.

### **Launch the DoD Prevention Collaboration Forum**

The Department and Military Services initiated greater coordination with other DoD programs that address readiness impacting problems, including FAP, the Defense Suicide Prevention Office, and the Office of Diversity Management and Equal Opportunity (ODMEO). DoD SAPRO expects that a collaborative forum with other DoD and Service agencies will help identify efficiencies and common areas of support that can be leveraged in a unified approach to prevention.

# Encouraging Greater Sexual Assault Reporting

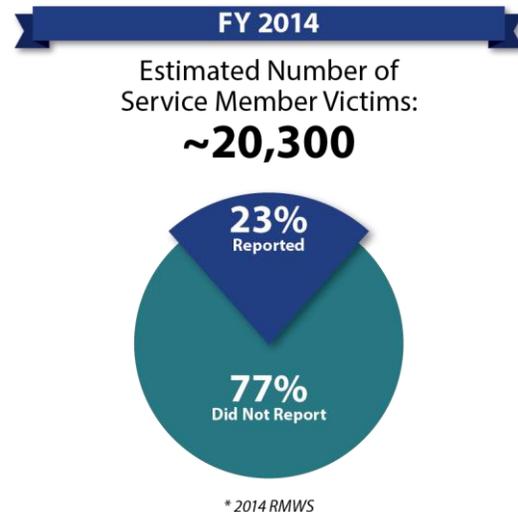
The Department's response system aims to empower victims, facilitate recovery, and encourage crime reporting. Victims who report the crime are more likely to engage medical care and support services that can help them restore their lives.<sup>xvii</sup> Efforts to improve victim response and increase reporting are important because they connect victims with restorative care and support. In addition, reports of sexual assault provide the Department the only means with which to hold alleged offenders appropriately accountable.

## FY15 Assessment of Progress

The Department received 1,700 reports of sexual assault in 2004, the year before the creation of the SAPR program. The SAPR program launch in 2005, with Restricted and Unrestricted Reporting options, contributed to a 40% increase in sexual assault reporting from 2004 to 2005. The following year, another 24% increase in reporting occurred. However, between FY07 and FY12, minor increases in reporting occurred. In FY13, unprecedented leadership emphasis on the program contributed to a 53% increase in reporting, followed by another 11% increase in FY14.<sup>xviii</sup> Individuals making an Unrestricted Report prompts command notification, commencement of investigation, and SAPR services; whereas, in the case of a Restricted Report, individuals receive SAPR Services.

This year the Military Services received a total of 6,083 reports of sexual assault involving Service members as either victims or subjects. This total represents a less than 1% decrease from the reports made in FY14. Of the total 6,083 reports, 5,240 Service member victims made a report. Most reported incidents in FY15 occurred in FY15; however, some incidents occurred in prior years and/or

prior to military service. Of the 5,240 Service member victims, 504 reports (approximately 10%) made by Service members this year involved incidents that occurred before the victim entered into military service. The 6,083 reports of sexual assault included 4,584 Unrestricted Reports and 1,499 Reports that remained Restricted at the end of FY15.<sup>xix</sup> Unrestricted Reports decreased by 1% while Restricted Reports increased by 2%. Each year, Restricted Reports account for less than a quarter of all sexual assault reports.



Twenty-three percent – or nearly 1 in 4 – of the estimated 20,300 Service member victims who indicated experiencing a sexual assault on the *2014 RMWS* made a Restricted or Unrestricted Report for an incident that occurred during Military Service in FY14.<sup>2</sup> Department data indicates that only 7% of an estimated 34,200 Service member victims made a similar report in 2006. In sum, fewer sexual assaults occurred in the military

<sup>2</sup> FY14 estimated prevalence information is offered to demonstrate the proportion of victims making a sexual assault report to the Department. No prevalence survey was conducted in FY15, but will be updated with the *2016 WGRA*.

in FY14 than in 2006, but a greater percentage of victims chose to report the crime. The Department assesses these changes in past year estimated prevalence and reporting behavior as due – at least in part – to the growth of SAPR programs over the past ten years.

Despite the substantial increase in reporting over the past ten years, a significant number of sexual assaults go unreported each year. Some victims may never consider reporting a sexual assault, as they may minimize the incident or cope in other private ways. Victims responding to the *2014 RMWS* endorsed the following as the main reasons for not reporting the incident:

- Thought it was not serious enough to report (18%)
- Wanted to forget about it and move on (17%)
- Took other actions to handle the situation (13%)

The Department must be willing to address and overcome the perceived barriers that keep Service members from making a report. According to the *2014 RMWS*, the next main reasons for not reporting focus on concerns about the DoD response system:

- You were worried about retaliation by a supervisor or higher up (6%)
- You did not think anything would be done (6%)
- You did not want more people to know (6%)
- You felt partially to blame (6%)

These findings were supported by the responses from the *2015 FGSAPR*. Focus group participants discussed likely reasons for not reporting an incident of sexual assault including fear of negative reactions from peers, impact on reputation, and concern of possible repercussions for collateral misconduct.

One major effort directed at encouraging greater reporting was the creation of the SVC

and VLC in FY14. These specially trained military attorneys represent the victim throughout the military justice process. The role of the SVC/VLC is to advise victims on the investigative and military justice processes and protect the rights afforded to these victims. Unfortunately, some participants in the *2015 FGSAPR* conducted in FY15 expressed a lack of awareness of these programs.

Survivors who responded to the *2015 MIJES<sup>xx</sup>* also echoed this focus group finding. Seventy-two percent of the respondents who interacted with a SVC/VLC indicated that they were unaware of the SVC/VLC program prior to making a report of sexual assault.

Any effort to encourage greater reporting must help victims weigh the benefits and risks associated with reporting. The Department employed this perspective and other scientific research, victim feedback, and focus group results to inform its efforts in FY15.

## **FY15 Actions to Encourage Greater Reporting**

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### **Updated DoDI 6495.02 to Expand Victims' Rights and Resources**

Victims must be confident that, should they report, they will be treated fairly. Part of that fair treatment is to ensure they know and can exercise their rights. In FY15, DoDI 6495.02 was reissued to codify recommendations from the RSP, initiatives directed by the Secretary of Defense, and changes to current law. Specifically, the updated DoDI added a requirement for victims to be provided with an explanation of the right to consult with an SVC/VLC and the availability of other types of legal assistance. Victims must receive this explanation at the time they initially report a sexual assault.

The reissued Instruction also clarified Line of Duty procedures for victims in the Reserve Component. Previous iterations of DoDI 6495.02 required Military Service-specific guidance to ensure that collateral

misconduct<sup>xxi</sup> was addressed in a manner that was consistent and appropriate to the circumstances, and at a time that encouraged continued victim cooperation. However, no such guidance was established for victims in the Reserve Component undergoing a Line of Duty determination. Reissued policy now directs that the victim's alleged collateral misconduct associated with a sexual assault incident will be excluded from consideration as intentional or gross negligence for purposes of receiving medical care. This change allows sexual assault victims continued access to medical and mental health services.

### Issued New Policy to Promote a Professional Response

The Department trains SARC's to assist and advocate for victims, coordinate with installation leadership, and manage relationships with military and civilian agencies that support victims. SARC's and SAPR VAs must maintain a specialized skillset to provide a professional response to sexual assault victims. The D-SAACP ensures that appropriate personnel are appointed, appropriately trained, and possess the requisite level of knowledge and expertise to assist victims throughout the reporting and recovery process. All SARC's and SAPR VAs must be certified through the D-SAACP. The certification program was adapted from the National Advocacy Credentialing Program to meet the unique needs of the military primary responsibility.

The Department issued DoDI 6495.03, *The Department of Defense Sexual Assault Advocate Certification Program* in FY15. This new policy formalized requirements for all SARC's and SAPR VAs to be designated as Office of Personnel Management positions of public trust. SARC's and SAPR VAs must undergo enhanced background investigations every five years, in addition to the Department's re-screening every three years, and complete the D-SAACP suitability reviews. D-SAACP policy standardizes the process for obtaining new certifications,

renewing certifications, suspending, revoking, and re-instating certifications.

Over 1,100 new SARC's and 11,000 SAPR VAs earned certifications in FY15. This exceeds the minimum legal requirement to have one full-time SARC and SAPR VA per brigade or equivalent unit. In 2015, 818 SARC's re-certified, with 273 (33%) meeting standards to be able to earn a higher certification level. In addition, 4,424 SAPR VAs re-certified, with 215 (5%) re-certified at a higher level. Higher certification levels have additional training and experience requirements.

### Improved Response and Victim Treatment

The Secretary of Defense directed the Secretaries of the Military Departments in May 2013 to implement and monitor methods to improve victim care and trust in the chain of command, increase reporting, and reduce the possibility of ostracizing victims. The Services and NGB continue to provide DoD with updates on their efforts to improve overall victim care and trust in the chain of command. For FY15 these efforts include:

- Army – The Army has conducted panels that include sexual assault victims to discuss the improvement of policies, programs, and services that affect victims of sexual assault.
- Navy – Navy leadership emphasizes the need to ensure confidentiality, supporting victims' dignity and fair treatment while ensuring a thorough investigation. Navy efforts to build trust in sexual assault response are ongoing at all levels, and include continued training for commanders that emphasizes the importance of confidentiality and supporting the privacy of victims. Additionally, SAPR commanding officer toolkit briefings are conducted for all Command Triad members.
- Marine Corps – Marine Corps commanders are provided a SAPR Monthly Snapshot that updates the chain of command on the total number of

reports filed each month and details on a quarterly basis what Marines perceive as possible barriers to reporting, allowing commanders to tailor prevention efforts to areas that need improvement.

- Air Force – The Air Force SAPR Program implemented several initiatives, such as funding non-medical guides for sexual assault victims traveling to testify in their sexual assault cases, authorizing non-rated periods on military performance reports for sexual assault victims experiencing trauma that may affect their duty performance, and expanding sexual assault prevention and response services to civilian employees in a pilot project.
- NGB – NGB continues to train to destigmatize reporting so victims feel comfortable in reaching out to their battle buddies for help.

### **Conducted the Military Investigation and Justice Experience Survey to Better Understand Victims' Experience with the Military Justice Process**

The *2015 MIJES* is a voluntary and anonymous survey designed to assess the investigative and legal processes experienced by survivors. The *MIJES* represents an important step in understanding the experiences of survivors. The survey sampled Active Duty and Reserve Component Service members who made a report of sexual assault and who had a completed case between April 1, 2014 and March 31, 2015. Data drawn from the study is not generalizable to the full population of survivors due to the method of recruiting participants (convenience sample). Full results from the *2015 MIJES* can be found in Annex 3.

Despite about three-quarters of respondents feeling that the military justice process was difficult to maneuver, 77% indicated that they would encourage another survivor to make a report (54% would recommend an Unrestricted Report and 23% would recommend a Restricted Report). The Department saw similar results in FY14.

According to the *2014 RMWS*, about 70% of Service member victims who indicated that they reported their sexual assault said they would make the same decision if they had to do it over again. This is important considering how difficult the process often is. It not only speaks to the potential benefit of reporting within the military, but also to the benefit of many of the SAPR resources provided to survivors of sexual assault.

Survey respondents who indicated they interacted with SAPR resources were generally satisfied with these interactions. This was especially true for the 61% of respondents who interacted with SVC/VLCs. Of those who interacted with a SVC/VLC, 80% specified that they were satisfied with their SVC/VLC during the military justice process.

### **Way Forward on Improving Reporting**

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#### **Increase Reporting through Leadership Engagement**

Service members continue to be unaware of victim resources and policy changes according to the *2015 FGSAPR*. The Department, Military Services, and NGB must communicate the available victim resources in order to increase reporting of sexual assaults and confidence in the military justice system.

The *MIJES* provides important insights about victims' experiences with the military justice system. A focused campaign effort leveraging the results of the *2015 MIJES*, should help communicate to Service members the availability of victim resources and increase confidence in the reporting system.

#### **Conduct Assessments to Measure Effectiveness of Case Management Groups**

Victims often make the decision to report based on the positive or negative perception

of the response system at their installation. As a way to provide oversight and ensure CMGs are meeting standards in policy, assessments of the effectiveness of CMGs will be conducted in FY16 at the top two sexual assault reporting installations for each Military Service.

### **Engage Victims through Social Media**

Victims often scan the environment for information, assistance, and resources soon after being sexually assaulted. In the 21st century, any such environmental scan is often conducted, at least in part, through the

Internet. The Department established the DoD Safe Helpline, with an online presence for this reason. Safe Helpline staff is available 24/7 worldwide via on-line chats, phone calls, or texts, and through its mobile app.

Safe Helpline staff and DoD SAPRO will expand Safe Helpline's online presence through a new social media campaign in FY16. The social media campaign will communicate available victim resources and increase awareness with the goal of assisting victims in their decision to make a sexual assault report.

# Reporting Sexual Harassment Complaints

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The Department is firmly committed to eliminating sexual harassment from the Armed Forces. Sexual harassment is fundamentally at odds with the obligation of DoD military and civilian personnel to treat each other with dignity and respect. Sexual harassment jeopardizes combat readiness and mission accomplishment, weakens trust within the ranks and erodes unit cohesion.

## Oversight Responsibilities and Department Initiatives

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ODMEO has broad responsibility for the DoD MEO program, which includes oversight for policy development, standardized training and education, and data collection and analysis of Department-wide military sexual harassment complaints. This section provides a summary of the Department's military sexual harassment prevention and response outcomes for FY15. Detailed complaint activity and implications for updated guidance are contained in the "Fiscal Year 2015 Department of Defense Report on Substantiated Incidents of Sexual Harassment."<sup>xxii</sup>

## Definition of Sexual Harassment

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Section 1561 of Title 10, U.S.C defines "sexual harassment" as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- Such conduct has the purpose or effect of unreasonably interfering with an

individual's work performance or creates an intimidating, hostile, or offensive working environment.

This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for Service members and may include conduct on or off duty, 24 hours a day.)

Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Service member or civilian employee is engaging in sexual harassment. Similarly, any Service member or civilian employee who makes deliberate or repeated unwelcome verbal comments, nonverbal, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

## Overall Complaint Totals

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The Services and the NGB received, processed, and referred for investigation a total of 657 MEO formal complaints alleging sexual harassment in FY15. Subsequent to an appropriate investigation, complaints are found to be substantiated or unsubstantiated. At the close of the fiscal year, 566 reports were resolved, and 91 reports remained open and pending resolution.

Substantiated sexual harassment complaints contain at least one founded allegation of sexual harassment as documented in a report of investigation or inquiry. Substantiated complaints comprised 56% (315) of the 566 complaints closed in FY15.

Unsubstantiated sexual harassment complaints are complaints without any founded allegations of sexual harassment as documented in a report of investigation or inquiry. Forty-four percent (251) of the 566 complaints closed in FY15 were unsubstantiated.

## Top Line Results

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The Services and the NGB continue to employ Service-specific information management systems to collect, store, and analyze sexual harassment complaint information and provide to the ODMEO for compilation and analysis.

### Complainant Characteristics

There were 332 complainants associated with the 315 formal substantiated cases. Complainants were predominantly female (265 of 332; 80%). Enlisted members comprise 94% of complainants (313 of 332). More specifically, Service members in pay grades E1-E4 account for 70% of all complainants (231 of 332). The largest single grouping of complainants by both gender and pay grade was females in pay grades E1-E4 (186 of 332; 56%). Additionally, 20% (67 of 332) of complaints were filed by male Service members, of which 67% (45 of 67) were enlisted males in pay grades E1-E4. Regardless of gender, officer Service members represent 5% of complainants (18 of 332).

### Offender Characteristics

Out of the 315 formal substantiated cases, gender and pay grade information was reported for 314 offenders. These individuals were predominantly enlisted males (265 of 314; 84%). Forty percent of all identified offenders were in pay grades E5-E6 (126 of 314) of which 96% (121 of 126) were male. Female enlisted Service members accounted for 4% of all offenders (11 of 314). Male officer Service members represent 6% (20 of 314) of the 314 offenders. No female officer Service member offenders were reported.

Repeat offenders represent nine percent of the reported population (28 of 314).

### Location and Nature of Substantiated Incidents

Seventy-four percent of substantiated incidents occurred on duty (233 of 315). Because substantiated complaints may involve multiple allegations of sexually harassing behavior, a total of 353 types of allegations were reported. The most frequently reported allegations involved crude and/or offensive behavior (193 of 353; 55%). All other reported allegations were characterized as unwanted sexual attention<sup>xxiii</sup> (137 of 353; 39%) and sexual coercion<sup>xxiv</sup> (23 of 353; 7%).

### Timeliness of Reporting and Investigation

DoD policy requires that, to the extent practicable, commanders will forward complaint information or allegations to a general court-martial convening authority (GCMCA) within 72 hours of receipt. Ninety-two percent of all formal complaints (604 of 657) were forwarded to the GCMCA and 90% of these (546 of 604) were appropriately forwarded within 72 hours.

### Accountability

Of the 314 offenders, 46 offenders were pending disciplinary action at the close of fiscal year 2015. The remaining 268 received a total of 291 corrective actions. Offenders may receive more than one type of corrective action. For example, an offender may receive a letter of reprimand (administrative action) and non-judicial punishment. Out of the 291 total actions, 47% were non-judicial punishments, 38% were adverse or administrative actions (e.g., chapter discharge or letters of reprimand), 5% were discharges in lieu of court-martial or other disciplinary action, 6% went to court-martial, and 3% were classified as "other."

## Trends and Way Forward

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### Oversight Framework Enhancements

Recognizing the need for greater leadership commitment and accountability to promote, support, and enforce sexual harassment prevention and response policies and programs, the Department is expeditiously revising the policy and compliance strategy. Enhancements will include: clear definitions, standardized reporting procedures, and clear guidance for addressing incidents in joint environments. Particular emphasis will be placed on enhancing prevention and response training and education, and standardizing data collection and tracking.

### Training and Education

The efficacy of current sexual harassment training requires closer examination. Given the reported levels of alleged inappropriate conduct by the junior- and mid-tier enlisted force, current sexual harassment prevention training may not be achieving the desired outcomes. The Department will coordinate with Services to review training being offered at accession points and junior-mid-tier enlisted PME. Further, the Department will investigate research opportunities to evaluate training currently being offered across the organization, how it is received by the trainees, how it influences individual behaviors going forward, and what policy

adjustments are needed to effectively address this problematic behavior. Research might illuminate other methods, beyond training, that would also achieve desired behaviors.

### Standardized Data Collection and Tracking

Through collaboration with the Services and NGB, the Department is currently reviewing the sexual harassment data collection framework to obtain more specific information on each case. Paired with more robust analyses of Service-level trends among substantiated and unsubstantiated allegations, this information could provide further granularity on potential causes of problematic behavior and posture proposed policy or operational responses. Analysis should relate Service efforts to review efficacy of prevention training, ensure leadership accountability to actively monitor command and organizational climates, and thoroughly and adequately address incidents of sexual harassment. Such analysis should include concrete prescriptive actions to continuously enhance efforts to prevent and respond to sexual harassment.

The Department is working to deploy a standardized database that would capture specifics on each sexual harassment incident. Such a database would enable centralized data collection, reporting, and analysis across the Department.

# Improving Response to Male Sexual Assault Victims

The 2014 RMWS identified important differences between the sexual assault experiences of male and female Service members. In FY15, the Department worked to further understand these differences and apply them to policies and programs throughout the military.

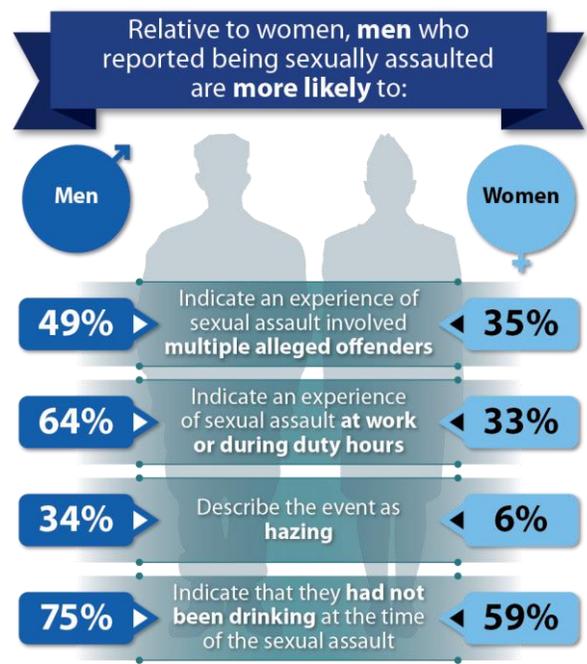
## FY15 Assessment of Progress

### Summary of Military Male Sexual Assault Research

Sexual assault is a crime that affects both men and women in the military. While women are at higher risk for sexual assault, male Service members account for the majority of the survey-estimated victims of sexual assault (10,600 men vs. 9,600 women in FY14). This is due to the fact that the military is roughly 85% male. However, a greater proportion of female victims report their assault to military authorities. Specifically, about 38% of survey-estimated female victims made a report of sexual assault in FY14 for an incident occurring during Military Service, but only about 10% of survey-estimated male victims made a report of sexual assault in FY14. This reporting disparity between men and women is also seen in the civilian sector.<sup>xxv</sup>

The 2014 RMWS found that the reporting gap between male and female victims extends beyond official crime reports. Male victims are less likely than female victims to tell *anyone* about their sexual assault. Compared to female victims, a lower percentage of male victims told a friend or family member, a SARC, a SAPR VA, or mental healthcare provider about their sexual assault. However, about 21% of male and female victims indicated telling their supervisor or chain of command about their sexual assault.

Not only do men and women report the crime differently, they also experience the crime differently. The 2014 RMWS found that male victims are more than five times more likely than female victims are to indicate that their most impactful experience of sexual assault in the past year<sup>xxvi</sup> involved an event they considered to be hazing (34% of male victims versus 6% of female victims). These male respondents perceived the incident as serving to humiliate or abuse them, as opposed to having some kind of sexual intent. Some male victims who experience such incidents may not even consider making a report because they do not perceive the incident as a sexual assault. An experience of past-year sexual assault was highly correlated with an experience of past-year sexual harassment among both male and female victims; however, the relationship between sexual assault and sexual harassment was many times stronger for men who indicated experiencing a sexual assault in the past year.



A greater share of surveyed male victims, when compared to female victims, indicated that their most impactful incident of sexual assault in the prior year involved multiple perpetrators (49% of male victims versus 35% women), occurred while they were at work (64% of men versus 33% of women), and did not involve alcohol. Three-quarters of male victims indicated that they experienced multiple incidents of sexual assault within the past year compared to 55% of female victims. According to the 2014 RMWS, 43% percent of female victims and about one-third of male victims indicated experiencing a penetrative sexual assault. When male victims indicated they experienced a penetrative sexual assault, they were more likely than female victims to indicate they also experienced physical injuries or threats of violence.

DoD SAPRO used this data to guide Department actions in FY15 to further address male victimization.

## **FY15 Actions to Improve Response for Male Victims**

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### **Enhanced DoD Safe Helpline Staff Capabilities to Respond to Male Victims**

Male and female victims alike are concerned about seeking support or services because they fear negative reactions from friends, family, organizations, and institutions. Many victims find it easier to first talk to someone anonymously, rather than talk to a friend or loved one. The Department collaborated with Safe Helpline staff leaders in FY15 to assist men who may be struggling to disclose their assault. The subsequently developed Safe Helpline staff member training addresses the special needs of male victims with regard to obtaining crisis intervention, support, information, and resources – both on base and off base.

Training content was created based on input from civilian and DoD experts and the Rape, Abuse, Incest National Network (RAINN). RAINN has provided services and information to DoD from its experience

serving tens of thousands of male visitors through the National Sexual Assault Hotlines. Included in the Safe Helpline training is a module that subject matter experts (SME) created specifically for RAINN that utilizes best practices for supporting male survivors of sexual trauma.

Available gender data indicates that about 38% of callers to Safe Helpline were men in FY15. Qualitative data about reporting concerns indicated that stigma and perceptions about sexual orientation were quite prominent for men who used the service.

Safe Helpline also incorporated male-specific content on its website. The updated content explains DoD reporting options and directs male visitors to military and civilian resources where they can get additional information and make an Unrestricted or Restricted Report. The updated male content on the Safe Helpline website is meeting a need with 2,209 unique visitors to this section of the website in FY15. More information of the usage of the Safe Helpline can be found in Appendix G.

### **Developed a Training Module on Male Victimization for SARCs and SAPR VAs**

DoD SAPRO developed an “Outreach to Male Survivors” module for SARCs and SAPR VAs to earn continuing education credit in the D-SAACP Advanced Advocacy Course. The Advanced Advocacy Course is a unique distance-learning opportunity produced by the National Organization for Victim Assistance that teaches its course in virtual classrooms for SARCs and SAPR VAs. The course will include 15 different modules. The male victims module learning objective will address the following:

- Understanding the estimated prevalence of male victims in the military;
- Identifying the effects of sexual assault on male victims;
- Understanding why male victims may not report, and

- Recognizing ways to reach male survivors.

### Implemented Methods to Improve Response and Outreach to Male Victims

The Services and NGB continue to provide DoD with updates on their efforts to improve response to male victims, to include implementing and monitoring methods to improve reporting of male sexual assault. For FY15 these efforts include.

- Army – SHARP personnel learned from webinar sessions featuring SMEs about myths surrounding male sexual assault, how best to communicate to males on the subject of sexual assault, and how to facilitate greater reporting by male victims.
- Navy – Navy training sessions highlight that both men and women can be victims of sexual assault. SARCs utilize gender inclusive scenarios and topics specifically related to male victims. Additional emphasis during training is placed on hazing, including the damage it causes and the direct correlation of hazing to sexual assaults.
- Marine Corps – HQMC SAPR developed and executed a social media engagement campaign specifically intended to reach out to male Marines. The overall goal of this campaign was to raise awareness about male victimization and to highlight available resources.
- Air Force – The Air Force conducted a Prevention Summit in January 2015 at which a focus group consisting of Air Force Male Survivors was held.
- NGB – The Connecticut ARNG collaborated with the Navy and Air Force to create a mandatory training titled, “Flip the Script,” which focuses on male victimization and victimology to include scenarios of female-on-male and male-on-male sexual assault. This training was integrated into Connecticut National Guard units, especially the infantry, to address the hyper-masculinity culture.

### Analyzed Current Male Victim Outreach Practices

DoD conducted an analysis of current Service and NGB male victim outreach practices in FY15 as the first part of a new effort to improve DoD support for male victims. The analysis compared current Service and NGB practices to standards based on independent reviews of DoD programs, relevant scientific research, and changes in law made through NDAAs.

DoD SAPRO’s analysis focused on the Services’ and NGB’s responses to the May 2014 Secretary of Defense initiative to improve reporting for male victims. DoD SAPRO found that current Service and NGB training and outreach practices included male victim scenarios and information about sexual assault in the form of hazing, bullying, and other abusive and/or humiliating acts – the kinds of incidents many men indicated experiencing on the *2014 RMWS*. DoD SAPRO also found that the Services have made male victim-specific outreach updates to websites, public service announcements, and education materials. All Service and NGB feedback indicated ongoing efforts to seek expert assistance, conduct further research, and use data to inform practices that address male victimization.

DoD SAPRO’s review identified several areas that require further action:

- **Place greater emphasis on the connection between sexual assault and sexual harassment.** According to the *2014 RMWS*, men who indicated experiencing a sexual assault in the past year were 49 times more likely than non-victimized men to also experience sexual harassment. Service and NGB SAPR programs need to work more closely with their MEO programs to ensure that sexual harassment programs and policies address the experience of men and link to sexual assault resources.
- **Engage unit leaders to a greater extent.** Commander and senior enlisted

leader involvement in outreach to male victims is an essential step in establishing a healthy command climate that encourages crime reporting. Military leaders must be armed with sufficient information to dispel myths about male sexual assault and combat stigma associated with victimization. The Service and NGB awareness training materials reviewed by SAPRO lacked a robust information base to help leaders with this effort. Data from the *2014 RMWS* suggests that men may respond slightly better than women to messages that emphasize the duty to report the crime and that reporting may discourage other potential offenders.<sup>xxvii</sup>

- **Capture more data specific to male victims.** More comprehensive data gathering is needed to develop evidence-based practices for military men. All Service and NGB feedback indicated some efforts to seek expert assistance, conduct research, or use data to inform practices that address male sexual assault. As an example, all of the Military Services have participated in inter-service male reporting working groups, which provided avenues to share promising practices and collaborate on male outreach efforts. Additionally, the Services and NGB regularly solicit male victim feedback through various means, including survivor summits and victim surveys.
- **Develop metrics specific to male victim programming.** The Department developed a series of metrics in 2014 to assess its progress in sexual assault prevention and response. However, other than measuring past-year estimated

prevalence of sexual assault by sex, none of these measures specifically targeted efforts to address male victimization. Neither the Services nor NGB have developed their own male program metrics. Such metrics are needed to assess effectiveness and guide male victim outreach programs.

## Way Forward on Male Victim Response

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### Create Male-Specific Safe HelpRoom Sessions

Safe HelpRoom is an anonymous, confidential, peer-to-peer group chat service on SafeHelpline.org that allows sexual assault survivors in the military to connect with, and support, one another in a moderated and secure online environment. The Department will work with Safe Helpline to develop male-specific Safe HelpRoom sessions in FY16.

The Department's policy is for all SAPR program support to be gender-responsive. Research indicates that men and women in recovery may benefit from separate support services.

### Develop a Plan of Action to Address Male Victimization and Prevention

The Department will merge the analysis conducted in FY15 with other research, focus group results, and expert advice to develop a plan of action to prevent and respond to sexual assault of men in the military.

# Combatting Retaliation Associated with Sexual Assault Reporting

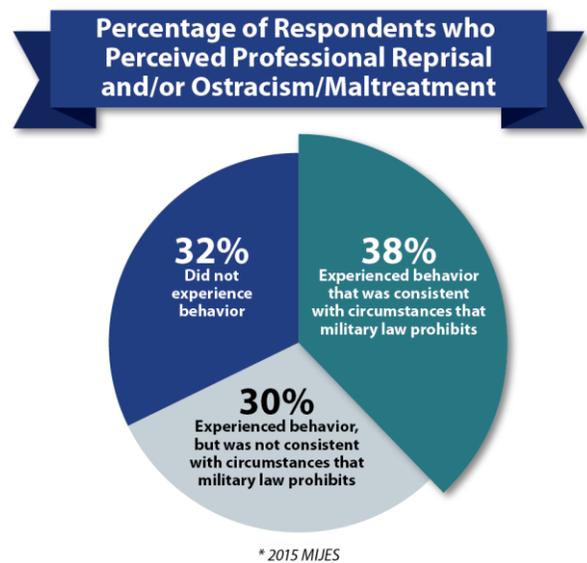
Military victims of sexual assault within DoD have indicated they were subjected to abusive behavior by their co-workers, exclusion by their peers, or disruption of their career. Retaliation<sup>xxviii</sup> not only harms the lives and careers of victims, bystanders/witnesses, and first responders, but also undermines military readiness and weakens the culture of dignity and respect. Without question, retaliation has no place in the Armed Forces.

## FY15 Assessment of Progress

Retaliation of any kind is prohibited within DoD. Nonetheless, about two-thirds of female *RMWS* respondents who indicated experiencing a sexual assault in 2014 and reported it to a DoD authority, also indicated experiencing some kind of social or professional retaliation associated with doing so.

Retaliation includes a range of actions, however, not all of these actions are criminal. The Department's survey items on 2014 *RMWS* did not allow for the identification of the kinds of behaviors victims encountered or the context in which victims experienced them. The measures only asked participants about broad categories of behavior (e.g., "social retaliation"). The Department created a new measure of retaliation to address these limitations, which was piloted with uniformed military survivors in the 2015 *MIJES*, to gain a better understanding of the broad range of negative experiences associated with reporting and what portion of such experiences could be addressed with investigative and/or legal approaches. These measures will be on the next *WGRA* where the Department will be able to see if the results will extend to the full Active Duty population.

The *MIJES* asked respondents to identify specific negative outcomes they experienced as a result of reporting a sexual assault. Follow-up questions then assessed the perceived intent of the retaliator as gleaned by the survey participant. Retaliation affecting Service members' professional opportunities typically constitutes reprisal.<sup>xxix</sup> Ostracism involves improper exclusion from social acceptance.<sup>xxx</sup> Maltreatment, acts of cruelty or oppression are acts committed against a reporter of sexual assault that may include physical or psychological force or threat of force.



Overall, 68% of respondents endorsed at least one negative experience associated with their report of sexual assault. However, once the context of those negative experiences was assessed, only 38% of the respondents' responses were consistent with the kinds of circumstances that military law prohibits concerning reprisal, ostracism, and maltreatment. Victim endorsements of these survey items do not constitute a report of retaliation, nor do they constitute a finding under the law that the victim experienced some form of retaliation.

Participants in the 2015 FGSAPR indicated that from their observations social exclusion or ostracism by peers is considered the most common form of retaliation. If professional reprisal occurs, participants indicated that it is more subtle, such as being given unfavorable tasks or being moved to another shift. This suggests that commanders need more training on victims' perception of retaliation, to include unintended consequences.

The Department has executed multiple initiatives to combat retaliation. The SAPR DoDI was updated to incorporate new policy provisions, training requirements, external recommendations, and procedures at the installation level that impact victims, first responders, and bystanders. The DoD Safe Helpline added information on retaliation resources on the website and trained staff members who field calls 24/7 to accurately refer callers who indicate they have experienced retaliation to the appropriate authorities.

The Department views retaliation associated with crime reporting as a significant concern and is committed to eliminating retaliatory behavior, improving resources for victims, and providing tools for commanders, supervisors, and peers to prevent and respond to retaliation.

## **FY15 Retaliation Data**

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The Military Services and NGB provided data on allegations of retaliation they received in FY15 in relation to reports of sexual assault or complaints of sexual harassment. The data is limited in scope, however, because survey estimates indicate the majority of individuals who perceive retaliation associated with these forms of misconduct do not officially report their allegations. Furthermore, the Department has not yet updated its data capabilities to capture allegations of retaliation in a standardized way. Information submitted by the Military Services and NGB vary depending on Service/NGB requirements

(e.g., Navy only provided cases in which the investigation was completed whereas the other Services and NGB provided information on completed and ongoing investigations).

In FY15, the Department requested two sources of data.

- 1. CMG Retaliation Allegation Data:** The Military Services and NGB provided data on all retaliation allegations discussed at CMG meetings between March 1, 2015 and September 30, 2015, involving victims, witnesses/bystanders, and first responders associated with reports of sexual assault. This data does not likely represent all retaliation allegations because victims, witnesses/bystanders, and first responders who experience retaliation can decide whether they want to have their experience discussed at a CMG.
- 2. Data on Investigations of Alleged Retaliation:** The Military Services and NGB provided data on all FY15 allegations of retaliation investigated and/or handled by Service/NGB or DoD Inspectors General (IG), MCIOS, Law Enforcement, and Commander-Directed Inquiries. This data pertains to allegations of retaliation associated with Unrestricted Reports of sexual assault or formal/informal complaints of sexual harassment.

DoD analysis of the data submitted indicates that some overlap exists between the allegation information submitted from the CMGs and the investigative activity. This is to be expected, as allegations referred from the CMG will likely be reviewed and/or investigated by the agencies submitting investigative activity information. Nonetheless, each data source offers a different perspective on the retaliation allegations. The CMG data provides information on initial actions taken to refer allegations to the appropriate agency and provide support for the individual making the allegation. The data on investigations

provides greater detail on actions taken to officially assess the allegations, gather evidence, protect the parties involved, and hold offenders appropriately accountable.

### CMG Retaliation Data

DoDI 6495.02 requires the Military Services and NGB to review new and ongoing sexual assault cases each month within their installation CMGs. In FY14, the Secretary of Defense directed that the CMGs also discuss allegations of retaliation and take action to refer such allegations to the appropriate agency for follow-up. This process facilitates the provision of services to those who experience retaliation, while allowing the CMG better oversight of situations where retaliation may be occurring. This year, 106 individuals requested their allegation of retaliation be submitted through the CMG process. Victims of sexual assault made the vast majority of retaliation allegations (103). In addition, one witness/bystander and two first responders submitted their retaliation allegations through the CMG.

Of the 106 retaliation allegations, 57 alleged ostracism and/or cruelty/oppression/maltreatment, 32 alleged reprisal, 3 alleged another criminal offense in relation to the report of sexual assault, and 14 alleged a combination of retaliation and other misconduct. Women made the majority of retaliation reports: 90 women and 16 men alleged retaliation through the CMG. Furthermore, individuals alleging retaliation most often indicated that they experienced it from multiple individuals of both genders (54 allegations) and that the alleged retaliator(s) was not the alleged perpetrator of sexual assault (89 allegations).

CMGs throughout the Department were able to act on 101 out of the 106 allegations. The table below displays all the actions taken. Over half of all allegations received multiple actions. Common actions included referring the information to command (30%), transferring the alleged retaliator or the individual who made the allegation, at his/her request (20%), and command interventions to address the situation (15%). The 5 allegations that did not receive action were due to the individual declining to pursue an Inspector General (IG) referral (1), the individual declining to request any action (2), an unsubstantiated allegation (1), or unspecified reasons (1).

Case Management Group Actions Taken to Address Alleged Retaliation	Count of Actions
Information referred to IG	16
Information referred to Command	65
Information referred to MCIO	8
Information referred to MEO	3
Retaliation reporter or alleged retaliator(s) moved or transferred	42
Safety plan updated for retaliation reporter	12
Military protective order issued or civilian protective order obtained by reporter	17
Command intervened to address allegations or situation (e.g., stopped maltreatment, addressed social exclusion, enhanced workplace protections)	33
Alleged retaliator(s) later held appropriately accountable following a referral of the allegation by the CMG	10
Other action taken	8
<i>TOTAL actions taken for the 101 allegations with reported action</i>	214

**Note:** CMGs meet monthly throughout the Department of Defense to review progress on sexual assault cases in the military justice system. Starting in FY14, the Secretary of Defense directed the CMGs to consider allegations of retaliation from sexual assault victims, bystanders who intervened, and first responders. CMGs have no ability to investigate allegations of retaliation themselves, but instead must refer all allegations to appropriate authorities. Such referrals are captured in the first four rows of this table. However, CMGs have the ability to direct a number of safety and administrative actions to protect those alleging retaliation. These actions are in the remaining rows of this table. The number of actions taken is greater than the total number of retaliation allegations because the CMGs took multiple steps to address retaliation allegations brought to their attention.

## Data on Investigations of Alleged Retaliation

Persons seeking to make an allegation of retaliation have a variety of avenues with which to report, depending on the type of misconduct being alleged. Reprisal allegations must be reported to DoD and Service IGs. Ostracism and maltreatment allegations associated with sexual assault allegations may be investigated by an MCIO or another DoD law enforcement agency, or may be referred to unit commanders for investigation and resolution – all depending upon the circumstances and matters being alleged.

The Military Services and NGB received 142<sup>xxx</sup> retaliation reports in FY15 associated with sexual assault or sexual harassment reports. The following entities investigated or handled these reports: DoD or Service IGs (46%), MCIOs (16%), Law Enforcement (1%), Chain of Command (25%), Chain of Command and another program (8%).<sup>xxxii</sup> Additionally, 1% of allegations were reported to a non-DoD agency and 2% of reports were missing information on the program handling the case. Of the 142 retaliation reports, nearly two-thirds (62%) were related to an Unrestricted Report of sexual assault, with the remainder related to formal complaints of sexual harassment (7%), informal complaints of sexual harassment (6%), or not specified (25%).

The analysis that follows yields results that are quite different from what the Department has seen in its confidential survey results. Survey results indicate that ostracism and maltreatment are the forms of alleged misconduct most often perceived by persons who have experienced a sexual assault in the past year and reported it to the Department. Reprisal is perceived about half as much. However, the results that follow will largely reflect reprisal allegation outcomes

because the majority of the following information comes from the DoD and Service IGs. The IG is exclusively tasked with investigating reprisal allegations in the DoD.

Over half (58%) of retaliation reporters in this collection of data alleged reprisal while 10% alleged reprisal and other misconduct (ostracism, cruelty/oppression/maltreatment, and/or other criminal offenses). The remaining reports of retaliation included allegations of ostracism and/or cruelty/oppression/maltreatment (22%) or other criminal offenses (10%). Nearly three-quarters of reports involved female victims. Sixty-one percent of reports involved a man or multiple men as alleged retaliators while nearly a third of reports included multiple men and women as alleged retaliators (27%). The majority of alleged retaliators (73%) were not the alleged perpetrator of the associated sexual assault or sexual harassment. Most frequently, alleged retaliators were in the chain of command of the reporter (58%), followed by peers, co-workers, friends, or family members of the reporter (19%), a superior not in their chain of command of the reporter (11%), an individual associated with the alleged perpetrator of sexual assault/sexual harassment (7%), or unknown/investigation pending (5%).

The Military Services and NGB took a number of actions to address these retaliation allegations. The range of possible/known actions varies by agency; therefore, the table below presents results by the organization responsible for handling the report. Compared to reports addressed through the chain of command, reports handled by IGs, MCIOs, and Law Enforcement agencies often require lengthier investigations. As seen in the table below, 48% of IG cases and 63% of MCIO/Law enforcement cases are still under investigation, whereas only 17% of cases handled by the chain of command are pending.

Outcomes of Reports Addressed by IG; MCIO/Law Enforcement; and/or Command <sup>1</sup>	Reports Addressed by Service/NGB/DoD IG	Reports Addressed by MCIOs or Law Enforcement	Reports Addressed by Command <sup>3</sup>	Total Reports <sup>4</sup>
Still under investigation/ Action pending or referred for action	32 (48%)	15 (63%)	8 (17%)	55 (40%)
No action taken/Action not possible <sup>2</sup>	26 (39%)	6 (25%)	14 (29%)	46 (33%)
Action taken	8 (12%)	3 (13%)	26 (54%)	37 (27%)
<b>TOTAL<sup>5</sup></b>	<b>66 (100%)</b>	<b>24 (100%)</b>	<b>48 (100%)</b>	<b>138 (100%)</b>

**Notes:**

1. This table accounts for the outcomes of formal reports of retaliation made to the DoD and Service Inspectors General, the Military Criminal Investigative Organizations/Law Enforcement, and/or Command. Making a formal report is a separate and distinct process from submitting an allegation of retaliation through the CMG. However, since CMGs often forward allegations to investigative agencies, there is some overlap between the information submitted from the CMGs and the formal reports of retaliation.
2. No action taken or action not possible can include unfounded/unsubstantiated, insufficient evidence, unknown or civilian retaliator, reporter declined to participate, involved party died/deserted, no official complaint/complaint withdrawn.
3. Twelve of the retaliation cases handled by Command were also handled by/reported to other organizations (IG; MCIO/Law Enforcement; Command; and/or non-DoD organization).
4. A total of four reports were not included in the table above. One report was not included because it was reported to a non-DoD organization. An additional three reports were not included, because the organization addressing the retaliation allegation was not specified.
5. Some percentages do not sum to 100% due to rounding.

A smaller percentage of cases handled at the IG or MCIO/Law Enforcement level have actions associated with them (12% and 13%, respectively), compared to cases handled by command (54%). This is largely due to the higher number of incomplete IG and MCIO investigations as well as the fact that IGs and MCIOs will only report on outcomes for the alleged retaliator, not on actions taken to support the reporter of retaliation (e.g., expedited transfer, updated safety plan, etc.). Outcomes reported by command will include actions related to both the alleged retaliator and the reporter of retaliation.

Service/NGB and/or DoD IG indicated eight actions taken for the cases in their purview (a higher level DoD or Service agency assumed investigative responsibility for seven of these cases and one case

involved a civilian complainant who was informed of his/her options). MCIO/Law Enforcement indicated three actions taken for the cases in their purview (one administrative discharge for the retaliator, one other adverse administrative action for the retaliator, and one case in which the retaliator received a court-martial for another offense).

Reports of retaliation handled by the chain of command resulted in a range of actions, shown in the table below. The most frequent actions included transfer at the request of the retaliation reporter or transfer of the alleged retaliator (12), military protective orders or civilian protective orders obtained by the retaliation reporter (9), safety plans updated for the retaliation reporter (7), and informal/verbal counseling of the alleged retaliator (7).

Actions Taken by Command to Address Retaliation <sup>1</sup>	Count of Actions Taken by Command <sup>2</sup>
Nonjudicial punishment for alleged retaliator(s)	2
Administrative discharge for alleged retaliator(s)	1
Other adverse administrative action for alleged retaliator(s)	3
Informal/verbal counseling of alleged retaliator(s)	7
Briefings/trainings for alleged retaliator(s) and/or unit/installation	4
New policies implemented by command in unit/installation	1
Unfavorable personnel action, punishment, or administrative action against the retaliation reporter reversed	3
Negative treatment of retaliation reporter put to a stop through command intervention or other action	2
Retaliation reporter and/or alleged retaliator(s) moved (transferred, relocated, reassigned)	12
Military protective order issued or civilian protective order obtained by retaliation reporter	9
Safety plan updated for retaliation reporter	7
Other	1
<i>TOTAL actions taken for the 26 reports of retaliation, handled by command, with reported action in FY15<sup>3</sup></i>	52

**Notes:**

1. This table accounts for the actions taken by Command in response to formal reports of retaliation. Making a formal report is a separate and distinct process from submitting an allegation of retaliation through the CMG.
2. Twelve of the retaliation cases handled by command were also handled by/reported to other organizations (IG; MCIO/Law Enforcement; Command; and/or non-DoD organization).
3. The number of actions taken is greater than the total number of reports of retaliation because multiple responses could be selected.

## **FY15 Retaliation Prevention and Response Actions**

### **Revised Survey and Focus Group Questions to Better Align with Department Policy and Law Addressing Retaliation**

The Department needed a better understanding of retaliatory behaviors and how these behaviors align with a legal definition of retaliation. The Department revised its survey questions to more closely align with relevant language in policy and law to provide a more complete picture of the nature of sexual assault victims' perceived experiences of retaliation. This report is able

to provide more comprehensive data than in previous reports due to the aforementioned revisions of survey and focus group questions.

The Department also revised the *WGRA* to more effectively assess retaliatory behavior and outcomes across the Active Duty Force. The results of the next iteration of the *WGRA* will be used to inform the FY16 Annual Report.

The *2015 MIJES* (Annex 3) assessed experiences of retaliation as indicated by the victim. The survey asked victims to identify any specific negative outcomes they

experienced as a result of reporting their sexual assault.

The 2015 QSAPR (Annex 4) assessed current retaliation prevention and response steps from the perspective of first responders. The survey asked SARCs and SAPR VAs about the CMG response to experiences of retaliation allegations reported by victims of sexual assault, bystanders/witnesses of sexual assault, and first responders to sexual assault victims.

### **Updated DoDI 6495.02 to Establish Comprehensive Retaliation Training Requirement and Procedures**

To combat retaliation, the Department is working to clarify in policy what constitutes retaliation and what are the reporting options and resources available for someone who experiences retaliation associated with a report of sexual assault. DoDI 6495.02 was reissued in FY15 to implement recommendations from the RSP, initiatives directed by the Secretary of Defense, and changes to current law. Specifically, explaining what constitutes retaliation, reprisal, ostracism, and maltreatment in accordance with Service regulations and Military Whistleblower Protections. Additionally, the updated policy requires SARCs and SAPR VAs to inform victims of the resources available to report instances of retaliation, reprisal, ostracism, or maltreatment.

Victims of sexual assault are not only protected under the new requirements. The updated DoDI protects SARCs and SAPR VAs from retaliation, reprisal, ostracism, and maltreatment related to the execution of their duties and responsibilities, as well as, witnesses and bystanders who intervene to prevent sexual assaults or those who report sexual assaults.

Under these new requirements all supervisors in the victim's chain of command, officer and enlisted, are required to take appropriate measures to protect the victim

when they become aware of allegations of retaliation, reprisal, ostracism, or maltreatment.

The updated DoDI also establishes comprehensive retaliation training requirements and procedures to enlist commanders in protecting those who report or intervene to prevent a sexual assault. Training is required to utilize scenarios to facilitate discussion of appropriate behavior, to include discussing potential resentment of peers for victims who report a sexual assault, or others who provide support to victims (e.g. witnesses, SAPR personnel, SVC/VLC). Apart from the general training requirement for all Service members, there is also a requirement of specialized training for all supervisors (officer, enlisted, and civilian) down to the most junior supervisor.

The Secretary of Defense directed the Chiefs of the Military Services and the NGB in a December 2014 memorandum to engage commanders to prevent retaliation by developing new procedures for installation commanders who serve as the SAPR CMG Chair. These new procedures ensure the CMG Chair asks CMG members if the victim, witnesses, bystanders who intervened, SARCs and SAPR VAs, responders, or other parties to the incident have experienced any incidents of retaliation, reprisal, ostracism, or maltreatment. This requirement was also added to the DoDI 6495.02. If any allegations are reported, the CMG Chair will forward the information to the proper authority or authorities.

### **Expanded DoD Safe Helpline as a Way to Report Retaliation**

The DoD Safe Helpline is a crisis support service for the DoD community affected by sexual assault. Safe Helpline provides live, one-on-one expert resources and information for survivors of sexual assault. Available 24/7 globally, users can “click, call, or text” for anonymous and confidential support.<sup>xxxiii</sup>

Due to its confidential nature, easy access, and global availability, the DoD Safe Helpline was expanded to provide an additional option for Service members who believe they have experienced retaliation to safely and securely report their experience to either DoD SAPRO or the DoD IG. Information pages and web links on how and where to report retaliation that occurs after reporting a sexual assault were added to SafeHelpline.org. Safe Helpline staff have also been trained on the FY14 NDAA's definition of retaliation, the DoD IG Whistleblower Protection Act, and the DoD IG Hotline so that they can assist any Service member who calls the hotline.

Safe Helpline users are now able to find information on how to report an alleged retaliation incident to DoD SAPRO or directly to the DoD IG via safehelpline.org or using the military feedback form located on safehelpline.org.

### **Created the Retaliation Prevention and Response Strategy**

The Secretary of Defense directed the establishment of a comprehensive strategy to prevent retaliation against Service members who report or intervene on behalf of the victim in instances of sexual assault or other crimes. DoD SAPRO collaborated with key Service and Office of the Secretary of Defense (OSD) representatives to develop a strategy to respond to this initiative.

The Retaliation Prevention and Response Strategy details policy and procedures related to retaliation against victims who report a sexual assault and first responders, such as SARCs and SAPR VAs.

The Retaliation Prevention and Response Strategy targets five issue areas:

- Standardizing the definition of retaliation across the Department;
- Implementing a data-driven approach to inform retaliation prevention and response, including a centralized process to integrate data from retaliation cases;
- Creating a standardized retaliation reporting and resolution process to ensure strong and supportive systems of investigation and accountability;
- Creating a comprehensive system of support for those who report retaliation; and,
- Educating and preparing DoD personnel to prevent retaliation and create a just culture intolerant of retaliation.

The strategy will align Departmental efforts in combatting retaliation related to reports of sexual assault and complaints of sexual harassment. It will include protections for bystanders who intervene, as well as first responders who experience retaliation related to the execution of their duties and responsibilities.

### **Way Forward on Retaliation Prevention and Response**

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#### **Implement the Retaliation Prevention and Response Strategy**

The next step in combatting retaliation is to operationalize the Retaliation Prevention and Response Strategy in FY16. The Department began implementing the strategy in February 2016 and will continue to further define actions to address the five issue areas through working groups co-led by OSD and Military Service representatives.

# Tracking Accountability of Sexual Assault Cases

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Reports of sexual assault provide the Department the only means with which to hold alleged offenders appropriately accountable. The following section highlights the outcomes of offender accountability actions completed in FY15. Information in this section is drawn from the Statistical Section and Metrics Section, which are Appendices B and C to this report, respectively.<sup>xxxiv</sup> Investigations and military justice processes are within the purview of the DoD IG and the Judge Advocates General of the Military Services, respectively. In order to meet requirements established in law, DoD SAPRO works with the MCIOs and Service judge advocates to collect, analyze, and report investigative and justice case outcomes.

## FY15 Assessment of Progress

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### Tracking Through the Justice System

There were 6,083 total sexual assault reports made to DoD authorities in FY15. At the end of the FY, 1,499 reports remained Restricted, meaning that no investigation or justice action is to be expected from those reports at this time. Victims in those reports will remain confidential, unless they choose at some point in the future to change their Restricted Report to an Unrestricted Report and participate in the military justice system.

The 4,584 Unrestricted Reports were referred to the MCIOs for investigation. MCIOs are independent investigative agencies. As such, they consolidate and organize sexual assault allegations (e.g., Unrestricted Reports) into cases following their own investigative logic and procedures. Consequently, an MCIO investigation or “case” may involve one victim and one alleged offender, or many victims and many alleged offenders. MCIOs completed 2,344

investigations of reports referred to them in FY15. They also completed 1,576 cases from allegations referred to them in prior FYs.

A criminal investigation took an average of about four months to complete in FY15. Of the investigations initiated in FY15, 1,502 investigations were still pending completion by the end of the FY. The Department will report on the outcomes of those cases in forthcoming years’ reports.

Command action and case disposition information was reported for 3,386 subjects in FY15. There are 2,235 subject case dispositions yet to be reported. These dispositions will be included in forthcoming years’ reports. What follows are the case outcomes for the 3,386 subjects for whom the Department has disposition information.

The Department takes legal and disciplinary action against alleged offenders whenever it has legal authority and sufficient evidence to do so. However, the Department can only prosecute subjects under its legal authority. A total of 541 subjects fell outside of DoD’s legal authority. Investigators lacked sufficient evidence to establish the identities of 418 subjects in FY15, despite having conducted a thorough investigation. In addition, the Department could not prosecute 111 civilians and foreign nationals accused of crimes because they were not subject to military law. Finally, 12 subjects died before legal proceedings were completed in their cases.

A civilian or foreign authority may choose to exercise its legal authority over a military member when he or she is accused of committing a crime within its jurisdiction. The Department retains legal authority over these military members, but must abide by local laws and Status of Forces Agreements with civilian and foreign authorities, respectively.

Civilian and foreign governments exercised their jurisdiction over 62 military subjects in FY15.

DoD considered action against 2,783 military subjects who fell under the legal authority of the Department and were not prosecuted by civilian/foreign authorities. Military commanders, in collaboration with their legal advisors, reviewed the investigations conducted by criminal investigators and determined that evidence supported some kind of action for 2,013 subjects. However, commanders could not take action against 697 subjects in FY15 because investigations yielded insufficient evidence to prosecute (420 subjects), victims declined to participate in the military justice action (257 subjects), the statute of limitations expired (19 subjects), and the victim died before legal proceedings against the subject concluded (1 subject).

Not every sexual assault allegation yields evidence of a crime after being investigated. When this occurs, commanders in consultation with their legal officers, determine the allegations are unfounded, meaning they are either baseless or false. Baseless allegations involve improperly reported matters. A prime example of this is when a third party reports something they believe to be a crime, but in fact there is no evidence whatsoever that a crime occurred. Other allegations turn out to be false, meaning that the investigation found evidence that the crime did not occur, or the accused did not commit the crime. This year, commanders unfounded allegations against 73 subjects.

Most of the accountability actions taken against the 2,013 subjects receiving command action this year involved sexual assault offenses. Overall, 1,437 subjects received action for a sexual assault offense. Actions for these subjects included court-martial charge referrals (926 subjects), nonjudicial punishment proceedings (303 subjects), and discharges or adverse administrative actions (208 subjects). The

remaining 576 subjects received action on a non-sexual assault offense, such as a false official statement, adultery, or assault. Details on the 576 subjects in this category appear in Appendix B to this report. The remainder of this section will focus on the subjects receiving action on a sexual assault allegation.

Not all court actions started in a given year finish by the end of the year. In FY15, 813 subjects' court cases finished by the end of the year, outcomes for the remaining 113 subjects' cases will follow in future years' reports. Of the 813 subjects whose cases completed in FY15, 67% (543 subjects) proceeded to trial, 14% (111 subjects) had court-martial charges dismissed, and 20% (159 subjects) were granted a discharge or resignation instead of a court-martial.

The 543 subjects who proceeded to trial in FY15 had cases that involved at least one sexual assault charge. Military courts convicted 413 subjects out of 543 (76%) of one or more charges at trial. For the 413 subjects convicted:

- 161 subjects' most serious convictions involved a penetrating offense (e.g., rape; sexual assault)
- 93 subjects' most serious convictions involved a sexual contact offense (e.g., aggravated or abusive sexual contact)
- 159 subjects' most serious convictions involved some other charged offense

Subjects convicted of a penetrating crime were more likely than subjects convicted of sexual contact or other crimes to get all four of the most serious punishments imposed by courts-martial: confinement, reductions in rank, fines/forfeitures of pay, and punitive discharges/dismissals. There were 255 subjects convicted of a qualifying sex offense who were required to register as sexual offenders.

## Way Forward for FY16

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### Create a Full Year Accountability Analysis Using FY14 Reports of Sexual Assault

The Department uses the Annual Report to provide an overview of the sexual assault reports, investigations, and case dispositions that take place during the FY. Reported data reflects a snapshot of the progress of cases through the justice system on the last day of the FY being reported. Some Unrestricted

Reports that occur during a given FY are not fully investigated and adjudicated in time for this reporting cycle. Outcomes of cases initiated in previous FYs must also be reported. The outcome of this process is a composite picture of the state of cases in the military justice system. It is therefore difficult to trend what happened to the specific FY cases. The Department plans to analyze the outcomes of all Unrestricted Reports made in FY14. This will provide us a more complete picture of the actions taken on reports from a single year.

# Summary

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The actions taken in FY15 reflect DoD's ongoing commitment to preventing sexual assault and ensuring that victims receive comprehensive support services. The *FY 2015 Annual Report on Sexual Assault in the Military* outlined key program efforts – sexual assault prevention, encouraging greater reporting, reporting sexual harassment complaints, response to male victims, retaliation prevention and response, and accountability of sexual assault cases – where the Department took significant action to accomplish its mission of reducing, with the goal to eliminate, sexual assault from the military.

These program efforts are not inclusive of every aspect of the crime of sexual assault, nor does this report detail every action that the Department, Military Services, and NGB are taking to prevent and respond to this crime. Additional program highlights can be found in Appendix A of this report. The Department continues to assess its programs

and policies to ensure that it is effectively addressing the needs of Service members. Feedback from surveys and focus groups of active and reserve Service members is key in this effort. While there are positive indications that the many steps taken to prevent and respond to sexual assault are having the desired effects, more must be done to eliminate this crime.

The Department will continue working on these efforts in FY16. The Department will create the 2017-2021 Sexual Assault Prevention Plan of Action, launch the DoD Prevention Collaboration Forum, increase reporting through leadership engagement, create male-specific Safe HelpRoom sessions, develop a plan of action to address male victimization and prevention, and implement the Retaliation Prevention and Response Strategy.

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<sup>i</sup> An allegation can be founded by an investigating officer. The disposition of the incident is deemed substantiated or unsubstantiated by the commander.

<sup>ii</sup> Sexual Violence: Prevention Strategies. (2016). Centers for Disease Control and Prevention. Retrieved February 28, 2016, from <http://www.cdc.gov/violenceprevention/sexualviolence/prevention.html>.

<sup>iii</sup> Harned, M. S., Ormerod, A. J., Palmieri, P. A., Collinsworth, L. L., & Reed, M. (2002). Sexual assault and other types of sexual harassment by workplace personnel: A comparison of antecedents and consequences. *Journal of Occupational Health Psychology*, 7, 174-188.

<sup>iv</sup> Morral, A. R., Gore, K. L., & Schell, T. L. (2015). Sexual Assault and Sexual Harassment in the US Military. Volume 2. Estimates for DoD Service Members from the 2014 RAND Military Workplace Study. RAND National Defense Research Institute, Santa Monica, CA.

<sup>v</sup> Morral, Gore, and Schell (2015).

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<sup>vi</sup> In 2006, 6.8% of surveyed military women and 1.8% of surveyed military men indicated experiencing unwanted sexual contact in the year prior to being surveyed. This suggests that in 2006 as many as 34,200 Service members (20,700 men and 13,500 women) experienced a behavior consistent with the Department's definition of sexual assault. The estimated prevalence rates measured in 2014 are roughly a third lower for women and about half the rate for men measured in 2006.

<sup>vii</sup> Morral, Gore, and Schell (2015).

<sup>viii</sup> Rennison, C. M. (2002). Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000. Retrieved February 28, 2016 from Bureau of Justice Statistics: <http://bjs.ojp.usdoj.gov/content/pub/pdf/rsarp00.pdf>.

<sup>ix</sup> Morral, Gore, and Schell (2015).

<sup>x</sup> Victim Assistance Checklists (April 2008). U.S. Department of Justice: Office for Victims of Crime. Retrieved February 28, 2016 at: <http://www.ovc.gov/publications/infores/ServingVictimsAbroad/checklist.html>.

<sup>xi</sup> See Metric 1 in the Metrics Section, which is Appendix C to this report.

<sup>xii</sup> New questions to assess SAPR climate were administered in the DEOCS beginning January 2014. Therefore, figures for FY14 span from January 2014 to September 2014. FY15 DEOCS data is available for the entire FY, but to allow for comparison to FY14, figures are presented from January 2015 to September 2015 (see Appendix C in this report for FY14 to FY15 comparisons).

<sup>xiii</sup> See Metric 3 in the Metrics section, which is Appendix C to this report.

<sup>xiv</sup> See Metric 4 in the Metrics Section, which is Appendix C to this report.

<sup>xv</sup> Response Systems to Adult Sexual Assault Crimes Panel Report Available: <http://responsesystemspanel.whs.mil>.

<sup>xvi</sup> World Health Organization (2009). *Preventing Violence by Reducing the Availability and Harmful Use of Alcohol*. Available: [http://www.who.int/violence\\_injury\\_prevention/violence/alcohol.pdf](http://www.who.int/violence_injury_prevention/violence/alcohol.pdf).

<sup>xvii</sup> Rennison, C. M. (2002). Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000. Retrieved February 28, 2016 from Bureau of Justice Statistics: <http://bjs.ojp.usdoj.gov/content/pub/pdf/rsarp00.pdf>.

<sup>xviii</sup> Increases in reporting of sexual assault do not necessarily imply an increase in crime. Sexual assault is an underreported crime, meaning that reports to authorities account for only a small portion of the sexual assaults estimated to occur each year. Consequently, sexual assault reports are not a measure of prevalence – how often the crime occurs in a given timeframe.

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<sup>xix</sup> Service members who make a Restricted Report may convert it to an Unrestricted Report at any time. DoD reporting statistics always note the number of unconverted Restricted Reports at the end of the FY. Service members made 1,900 Restricted Reports in FY15, but 401 (21%) converted their report at some time during the FY, leaving 1,499 reports Restricted on September 30, 2015.

<sup>xx</sup> The *2015 MIJES* was a voluntary and anonymous study designed to assess survivors' experiences with military justice process. The survey sampled Active Duty and Reserve Component Service members who made an Unrestricted Report and whose military subject had a completed case between April 1, 2014 and March 31, 2015. Data drawn from the study is not representative of the full population of survivors due to the method of recruiting participants (convenience sample). The *MIJES* represents an important new step in understanding the experiences of survivors. The Department is aware of no other military or civilian justice system that has systematically studied survivor opinions and self-reported experiences with the investigative and legal processes associated with sex crimes. Full results from the *2015 MIJES* can be found in Annex 3.

<sup>xxi</sup> Collateral misconduct by a victim is sometimes self-disclosed when victims report sexual assault. The most common cited form of collateral misconduct is a victim's report of sexual assault that occurred while he or she was engaged in under-age drinking. Victims often consider this a worrisome barrier to reporting sexual assault because of the victim's fear of punishment for what often times is a minor offense.

<sup>xxii</sup> "Fiscal Year 2015 Department of Defense Report on Substantiated Incidents of Sexual Harassment" can be found on ODMEO's website: <http://diversity.defense.gov/Reports.aspx>.

<sup>xxiii</sup> Unwanted sexual attention is defined in the 2013 DoD Report on Substantiated of Sexual Harassment as unwanted attempts to establish a sexual relationship.

<sup>xxiv</sup> Sexual Coercion is defined in the 2013 DoD Report on Substantiated of Sexual Harassment as classic quid pro quo instances of special treatment or favoritism conditioned on sexual cooperation.

<sup>xxv</sup> Rennison, C. M. (2002). Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000. Retrieved February 28, 2016 from Bureau of Justice Statistics: <http://bjs.ojp.usdoj.gov/content/pub/pdf/rsarp00.pdf>.

<sup>xxvi</sup> Respondents to the *2014 RMWS* may have experienced one or more incidents of sexual assault in the past year. However, consistent with prior Department surveys, respondents were asked to answer a series of questions about the one sexual assault incident that had the greatest effect on them.

<sup>xxvii</sup> Very few men responding to the *2014 RMWS* indicated experiencing a sexual assault in the past year that they reported to a DoD authority. As a result, RAND was not able to report out the percentage of men who endorsed a variety of reasons for reporting the crime. However, available DoD total estimates indicate that men likely endorsed these two reasons at a higher rate than did women.

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<sup>xxviii</sup> Retaliation for reporting a criminal offense can occur in one of three ways: reprisal (as legally defined in 10 U.S.C § 1034), ostracism, or maltreatment.

<sup>xxix</sup> Reprisal can involve a range of unjustified personnel actions, such as interfering with promotion, unreasonably downgrading someone's evaluation, or unfairly denying an award. Title 10 U.S.C. § 1034.

<sup>xxx</sup> Examples of ostracism include improper exclusion from social acceptance, activities or interactions due to reporting or planning to report a crime; victim blaming and bullying. Specific definitions of ostracism differ across the Department; Air Force Instruction 36-2909; Secretary of the Navy Instruction (SECNAVIST) 5370.7D; Army Directive 2014-20.

<sup>xxxi</sup> SVCs/VLCs identified 39 additional reports of alleged retaliation. However, because no further information was provided on these 39 cases, they were not included in the retaliation data summarized above.

<sup>xxxii</sup> One case handled by DoD IG was also reported to a non-DoD agency. One case handled by MCIOs also involved Service/NGB law enforcement. The twelve cases handled by the Chain of Command and another program included involvement from one or more of the following: DoD IG, Service/NGB IG, MCIOs, law enforcement, and/or non-DoD entities.

<sup>xxxiii</sup> The DoD Safe Helpline can be found here: <https://www.safehelpline.org/>.

<sup>xxxiv</sup> This section closely follows Figure 1: Reports of Sexual Assault and Investigations Completed in FY15 found in Appendix B: Statistical Data on Sexual Assault.

# Prepared by the Department of Defense Sexual Assault Prevention and Response Office (SAPRO)

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