

1 (Retired) Fred Borch, who currently serves as  
2 Regimental Historian, U.S. Army Judge Advocate's  
3 Generals Corps, and also from Captain Robert Crow,  
4 who's a representative of the Joint Services  
5 Committee.

6 Mr. Borch will discuss the historical  
7 context surrounding today's military justice system  
8 and the Uniform Code of Military Justice, and the  
9 role of the commander in the code. Captain Crow  
10 will take us through a hypothetical sexual assault  
11 case, walk us through its progress within the  
12 military justice system, from the victim's report  
13 of the crime to its adjudication.

14 These presentations are broad and will  
15 undoubtedly generate more questions than answers,  
16 but they will provide a necessary foundation for  
17 the Panel's work.

18 Thank you very much for your attention.  
19 Professor Addington?

20 DR. ADDINGTON: Yes, great. I would like  
21 to thank the Judge and also the Panel for inviting  
22 me to present before you today. My goal and my

1 hope is that I am able to provide some context for  
2 victimization and reporting issues to assist you in  
3 your charge.

4 My focus, as Judge Jones mentioned, is on  
5 civilian crime data, that's my area of expertise  
6 where I do my research and my work, but also at  
7 Judge Jones' request, she asked me to do some  
8 comparisons with the military data that are  
9 available and also to make some comments about the  
10 workplace gender relations survey that was done,  
11 possible suggestions, and future work that can be  
12 done, so I'll be doing that as well:

13 And I'm going to start with a general  
14 overview of our sources of crime data, just to kind  
15 of get us started this morning. For the civilian  
16 crime data we have two main sources of national  
17 crime data, and these include the Uniform Crime  
18 Reporting Program, which basically reports to  
19 police, so the filter is that the crime, the  
20 incident was reported to police by the victim or  
21 somebody else, so that's known to police. These  
22 are local and state crime data that are collected

1 by the FBI.

2 And then we also have a kind of a  
3 complementary data source to the UCR, and that's  
4 the National Crime Victimization Survey. I'll be  
5 focusing my comments on that. Those are survey  
6 data and they really get at one of the weaknesses  
7 of the police data, which is underreporting of  
8 crime, what we call the dark figure of crime, and  
9 to get a better understanding of the crime picture,  
10 and I'll talk more about that in a second.

11 And these complement the military sources  
12 that you'll hear more about, I won't mention too  
13 much about these because you'll be hearing from the  
14 folks from the SAPRO Office, and basically it's the  
15 Department of Defense Sexual Assault Data, which is  
16 based on the unrestricted reports, again, the  
17 filter is that somebody has come forward to give  
18 that information.

19 And then there are two surveys that are  
20 done, one is by the Department of Defense, the DMDC  
21 Workplace Gender Relations Survey, that will be the  
22 focus of my comparison, but also the Centers of

1 Disease Control has done the National Intimate  
2 Partner Sexual Violence Survey, NISVS--everyone has  
3 to have an acronym--and they've done a military  
4 sample and some of that information was provided in  
5 the most recent SAPRO Report.

6 So, those are two surveys that get at,  
7 again, trying to get at the underreporting of  
8 sexual assault issues, and also crime issues more  
9 broadly.

10 And I'm going--as I mentioned, I'm going  
11 to focus on victim and civilian data and I was  
12 asked to do some comparisons and I'll guess what  
13 I'll say is they'll be rather crude, basic  
14 comparisons, and that's because there is a  
15 challenge with looking at two data systems. There  
16 are different ways data are collected that can  
17 affect the results obtained. And so, the issues to  
18 be mindful of--and if I could have the next slide,  
19 this is one of those little wonky slides, I'll  
20 apologize for that but it basically gets at the  
21 issues of the survey design, and there are certain  
22 differences between the NCVS, the civilian data,

1 and the military data, that's the WGRA data, and  
2 probably the largest one is the scope of what's  
3 included. In the civilian data, we're looking at  
4 sexual violence, which is basically completed,  
5 attempted, and threatened rape and sexual assault.  
6 What the military data also includes in addition to  
7 that are the non-consensual sexual touching,  
8 those types of fondling incidents can be included  
9 in NCVS, but what the WTRA survey does, it  
10 explicitly screens for those, so it asks people  
11 about that, so you might get more accounts of that  
12 and I think that's reflected a bit in the data  
13 where you've got about a third of the incidents  
14 that are reported are the non-consensual sexual  
15 touching, about a quarter are attempts for sexual  
16 intercourse, oral, or anal sex, and then another  
17 third are completed sexual intercourse, oral, and  
18 anal sex.

19 And, again, a few of the other  
20 differences, there are differences in mode, that is  
21 how the survey is conducted. NCVS, it's an in-  
22 person/telephone survey. The military survey was a

1 web survey. Again, it's not necessarily one's  
2 better or worse, there's just differences that can  
3 affect the data that are obtained, and the web-  
4 based, actually, probably is one reason that  
5 there's a lower response rate for the military  
6 data. Web-based surveys are kind of akin to mail-  
7 in surveys, they tend to have a lower response rate  
8 than in-person or telephone surveys.

9           The context of the survey, the military  
10 survey is more of a--I would say a workplace  
11 oriented. The title of the survey and actually the  
12 first 30 questions, I was able to obtain a copy of  
13 the survey earlier this week. About the first 30  
14 questions of the instrument are about workplace, so  
15 somebody might be primed more for a workplace type  
16 of response. The National Crime Victimization  
17 Survey is a crime survey. Again, pros and cons  
18 with that.

19           People might think of crime a particular  
20 way, might not think of somebody that they know or  
21 that sort of thing in a crime survey versus a  
22 workplace survey might be more primed to somebody

1 in your workplace, so it's just a different context  
2 there.

3           And then with regard to the identification  
4 and classification of these incidents, that the  
5 NCVS does a pretty extensive screener  
6 questionnaire, asks a lot of specific cues of the  
7 respondent to get them to remember different  
8 things, asks them about did the incident happen,  
9 occurred by somebody that you know, different  
10 locations, different specific behaviors, and then  
11 vets those with a very extensive incident report  
12 that gathers data, and the military survey does  
13 that all in one step where they describe the type  
14 of behavior, did you experience this in the past 12  
15 months, yes or no, and then asks about the one  
16 event with the greatest effect, and that appears to  
17 be a respondent-defined, what they viewed as the  
18 greatest effect, so it's not necessarily the most  
19 recent incident or what maybe on the outside might  
20 seem serious to somebody, but is the most effect to  
21 that particular respondent.

22           And then if I could have the next slide

1 please. So, I talked a bit about the NCVS already,  
2 so I'll just briefly sum up here. Again, it's an  
3 omnibus crime survey, so it's not just about rape,  
4 sexual assault. There are surveys out there that  
5 are just about rape sexual assault, but the NCVS is  
6 an omnibus survey. It covers many different non-  
7 fatal violent crimes as well as property crimes.  
8 It's a household-based survey that's nationally  
9 representative. They ask each household member age  
10 12 and above about their victimization experience  
11 in the past six months, and it gives a lot of  
12 details, again, because of that incident report, a  
13 lot of details about unreported crimes and the  
14 incident itself.

15 If I could have the next slide please.

16 So, in addition to the design issues I  
17 mentioned, there are just a few points I wanted to  
18 mention that might affect comparisons ongoing from  
19 the data that I'm presenting.

20 With the NCVS data, as I mentioned, it's  
21 12 and above. The data I'm presenting are not age-  
22 adjusted. So, the military are all adults, so

1 there's going to be a little bit of slippage there.  
2 And also for the NCVS rape sexual assault data, it  
3 is a relatively rate, I mean, we don't want any  
4 rape and sexual assault to occur, but it is a  
5 relatively rare crime, especially when you're  
6 looking at a six-month reference period. So, the  
7 details that I'll provide are based on female  
8 victims of rape sexual assault and also use a  
9 couple years of data, so that's just a limitation  
10 there.

11 Most of the findings I present are from  
12 the BJS Report, female victims of sexual violence,  
13 1994 to 2010, and all the military data are from  
14 the most recent SAPRO reports.

15 So, now we'll get to--with all that lead  
16 up, I'll get you some data here.

17 So, the next slide is--I like this  
18 introductory slide because it gives a context of  
19 the issues, both the trends over time, this is  
20 serious, non-fatal violent crime reported to the  
21 NCVS, again, this is all ages and both sexes, so  
22 just to provide that context, and you'll see, of

1 the serious violent crime, everything is pretty  
2 much dropping over time. That's pretty consistent  
3 with police data that we've seen, and also that the  
4 most serious violent crimes are aggravated  
5 assaults, so it's about four per thousand  
6 individuals over age 12. Rape sexual assault is  
7 0.9 in 2011, 0.9 per thousand individuals over age  
8 12, and just to provide some context, in 2011, for  
9 property crimes, the property crime of theft, 104--  
10 the rate was 104 per thousand over age 12. So, it  
11 kind of gives you a difference of the--again, we  
12 don't want any serious violent crime to occur, but  
13 relatively speaking, it's a fairly rare occurrence.

14 If I could have the next slide, please.

15 I'm putting these data on the same slide,  
16 but the caveat is that they're not really  
17 comparable, and so we've got civilian--I'm trying  
18 to get a little bit of information for each group--  
19 so, for the civilian NCVS data, the total rate of  
20 sexual violence has dropped over time, so it's gone  
21 from, as I said, five per thousand females over age  
22 12 1.8 per thousand females over age 12, and in

1 2010 we had about--slightly over a quarter of a  
2 million rape sexual assaults, so that's 270,000--  
3 100,000, I'm sorry.

4 But, again, and then the military data,  
5 again, with--it's based on percentages, so it's  
6 slightly different in, one, that we've got the  
7 different ages accounted for, so the NCS, we've got  
8 12 and above, the military data is all adult,  
9 Active Duty females, and then with the scope, we  
10 also have the larger scope of unwanted sexual  
11 contact that's included in the military data as  
12 opposed to the sexual violence in NCVS.

13 And also with the military we're looking  
14 more at a prevalence rate, so the details are based  
15 on the event with the most--the greatest effect on  
16 the victim, so it's just one per that person, so  
17 it's a prevalence as opposed to an instant data  
18 point there.

19 And also with regard to kind of trends,  
20 we've got three points for the military, so it's  
21 kind of difficult to discern a particular trend  
22 when you've got three data points as opposed to

1 several years of data with NCVS.

2 A couple slides about victim demographics.  
3 Again, this is one slide I'll show you that shows  
4 male versus female victims. As I mentioned, about  
5 9 percent of all rape sexual assaults from the  
6 years 2005 to 2010 in the NCVS, involved male  
7 victims, and because it's a fairly small rate, it's  
8 hard to do any further disaggregation of particular  
9 characteristics, so this just gives you kind of an  
10 overall picture of the male versus female victims  
11 of sexual violence.

12 And so the victim and offender demographic  
13 characteristics, and again, these are female  
14 victims of all ages over age 12, we find that rape  
15 sexual assault is a crime of younger women, under  
16 age 34, involves people from lower income  
17 households living in rural areas versus suburban  
18 areas, not many differences in race ethnicity that  
19 were found in the rates of sexual violence, and  
20 that offenders tended to be older and tended to be  
21 white, based on the NCVS data for 2005, 2010.

22 Some comparisons here, and again, this is

1 kind of an illustration of whether the differences  
2 are due to design features of the surveys or actual  
3 differences of the underlying populations, or some  
4 of both. So, here we've got, in the civilian data,  
5 they tend to be one offender, so 90 percent involve  
6 one offender. With the military data we found  
7 about a quarter--or the military found about a  
8 quarter that were multi offenders. Question  
9 whether there's a difference in the underlying  
10 population, there's something different going on in  
11 the military, or because the person was responding  
12 to the incident with the greatest effect, one could  
13 imagine that an incident involving multiple  
14 offenders might have a greater effect on a victim  
15 than an incident involving one.

16           Victim-offender relationship. With the  
17 civilian data we find that about a third involve an  
18 intimate partner, that can be a spouse or boyfriend  
19 or girlfriend, and 7 percent involve an intimate  
20 partner with military data. Again, it's not clear,  
21 based on just these numbers, whether there's a  
22 difference because of the design. Certainly the

1 NCVS does cue for intimate partner type of  
2 victimization experiences, whether there's a  
3 difference in the population, whether there's a  
4 difference because of the workplace-oriented nature  
5 of the military survey. And again, both types of  
6 sexual assault areas involved some kind of use of  
7 alcohol; it seemed to be common in both of those.

8           With regard to the location activity, here  
9 it's kind of challenging to compare the data  
10 because there are different questions that are  
11 asked, and so with the civilian data, home  
12 location, particularly the victim's home, is a very  
13 common occurrence or place where rape sexual  
14 assault occurs, and activities, not surprisingly  
15 because you're at home, your sleeping, your  
16 activities around that home, it kind of parallels  
17 that location.

18           What might be most comparable to the  
19 military data is that 12 percent who said that they  
20 were sexually assaulted at work of the civilian  
21 data--again, these aren't age adjusted, so we'd  
22 want to age adjust those for 18 and above to make

1     them more comparable to the military, but again  
2     there might be, and probably likely is, differences  
3     between the military and civilian world and  
4     work/home/leisure activity, depending on where the  
5     person is living and working, especially in the  
6     military. So, that's something that would be worth  
7     exploring.

8             And also with regard to the military, the  
9     activity, 41 percent happening during the work day  
10    or duty hours, question, what does that mean when  
11    you're in combat, when you're deployed and that  
12    sort of thing, how long does that work day expand?  
13    It's not clear from the data, but I think it would  
14    be a worthwhile issue to pursue to better  
15    understand the risk and the exposure that those  
16    individuals have.

17            So, this gives us--this next slide gives  
18    us a context for understanding rape sexual assault  
19    reporting to police in connection with other  
20    violent crime, and I think the big takeaway message  
21    here is for other violent crime, serious violent  
22    crime of robbery and aggravated assault, a majority

1 of those are reported and that with rape sexual  
2 assault, it's kind of the polar opposite, it's the  
3 opposite, so a majority are not reported. So, you  
4 have about 65 percent of those not being reported.

5 Then the next slide I have, it gives a  
6 little bit of comparison between the two groups,  
7 the military and the civilian. I'd caution drawing  
8 strong comparisons based on this, one due to the  
9 age adjustment issue with the NCVS, these are all  
10 females 12 and above, and also with the military it  
11 would be important, I think, to disaggregate by  
12 type of unwanted sexual contact. What's the  
13 difference between reporting for unwanted touching  
14 versus attempted sexual intercourse, completed  
15 sexual intercourse, and that sort of thing? I'll  
16 talk a little bit more about some of the  
17 disaggregation that I'd recommend exploring in a  
18 minute, but I think that those would be important  
19 to look at.

20 When we look at reasons reported to  
21 police, with the NCVS they do ask all reasons why  
22 they've reported to the police and then they follow

1 up saying what was the most important. The  
2 military data is just all the reasons, so that's  
3 why the percentages are a little different here.

4 And so, I think you see some similar  
5 patterns with regard to what's the most important  
6 or why people are--why female victims are  
7 reporting, the idea of wanting the offender to stop  
8 hurting them, not wanting to hurt others, a duty to  
9 report it, and that sort of thing. Again, I think  
10 this is a place where it would be important to  
11 disaggregate based on type of unwanted sexual  
12 contact in the military data to better understand,  
13 you know, who's reporting it and why, their  
14 motivations for reporting.

15 And the next slide gives us some  
16 information about not reporting to police or  
17 military authorities. It's a little difficult to  
18 compare these data because the response categories  
19 are different for the two different data sources,  
20 and so both--actually, probably one response that's  
21 common to both data sets is the fear of reprisal,  
22 and so that's the most important reason, and the

1 civilian data why these aren't reported to police,  
2 and in the military survey, it was 47 percent said  
3 that they feared reprisal from the offender. And,  
4 again, those were all response categories; they  
5 could answer more than one for those answers.

6           And then finally, I wanted to just make  
7 some concluding remarks. I know I've gone through  
8 a lot of information quickly here, but I wanted to  
9 just, one, sum up the civilian data that I provided  
10 to you, which is, rape sexual assault is a serious  
11 crime, but when you look at it in comparison with  
12 other serious violent crimes, the rates are lower  
13 than those serious violent crimes, and it's been  
14 declining over time.

15           It tends to be a crime of younger women  
16 and low-income women. It also tends to be a crime  
17 that involves known offenders and incidents that  
18 occur in the victim's and around the victim's home,  
19 and it's a crime where there's not a lot of  
20 reporting. You've got, as I said, about 65 percent  
21 are not reported to police. When victims do report  
22 it's because they want to prevent the current crime

1 from continuing or to prevent future  
2 victimizations, and not reporting is often due to  
3 fear of reprisal, that's one of the big concerns  
4 for not reporting.

5 One of the things that Judge Jones asked  
6 me to do is to kind of give us some comments about  
7 the current military survey that I received--  
8 actually I received it on Monday. I mean, I guess  
9 I have two thoughts on that, one is that I think  
10 there's a lot that can be done with the current  
11 data that are collected, and I say exploit the  
12 data, and that I mean as a researcher you have to  
13 understand, I want to squeeze as much out of data  
14 sources as you can, and I think that there's a lot  
15 that can be done with the current data given the  
16 caveats of the limitations of the problems and that  
17 sort of thing, that can inform the panel and its  
18 charge.

19 And I would divide those into three areas.  
20 One is that I think you can break out a lot of the  
21 data by type of unwanted sexual contact and I think  
22 that would be very helpful to understand the

1 patterns of what's going on, are there certain  
2 areas where maybe the military is doing a better  
3 job with, is it the unwanted sexual touching, is it  
4 the completed sexual assaults, you know, what's  
5 kind of going on, is there a difference or is it  
6 kind of similar all over. And I think  
7 disaggregating it by those types of behaviors would  
8 be really useful with regard to, for example, where  
9 it occurred, on a military installation, what's  
10 going on there? When the respondent says, well,  
11 there were negative reactions to the incident, they  
12 wanted to leave the military or transfer, is it  
13 more--what we objectively say, more serious,  
14 completed sexual intercourse versus unwanted sexual  
15 touching?

16 Those are definitely doable analyses and  
17 could really inform the reporting, as I mentioned  
18 before, where they reported, on a military  
19 installation, if they're reporting to both military  
20 and civilian, that's telling versus reporting to  
21 just the military if you're kind of following up by  
22 saying, well, I'm also telling the civilians

1 because I don't know if the military sources are  
2 going to help me out here, I think that's an  
3 important thing to look at. Whether they're making  
4 a restricted, unrestricted, or a converted report  
5 based on the activity they experienced, the reasons  
6 for reporting, as I mentioned before, why they  
7 didn't report and the reasons for not reporting,  
8 satisfaction with the services, are female victims  
9 or also male victims more likely to be satisfied  
10 with services if they experience a completed sexual  
11 intercourse versus unwanted touching? It would be  
12 useful to know that to better understand where the  
13 military is maybe doing a better job, maybe where  
14 to pinpoint additional questions, or is it kind of  
15 similar across all types of behaviors?

16 The other thing that I think would be  
17 useful to do is look at rates. There are certain  
18 areas where, it seems to me from the data, that you  
19 had certain percentages of activity occurring that  
20 seemed low, so for basic training it was a fairly  
21 small percentage, but the question is, well, who's  
22 at risk for that? How many women are in basic

1 training that would be at risk? So one could say,  
2 well, it might be a small percentage of the victims  
3 who report it, but there aren't a lot of women in  
4 basic training. That's just me as a civilian, I  
5 don't know the numbers, but it would be important  
6 to know the risk of exposure to different areas of  
7 training, of combat, of, you know, deployment, that  
8 sort of thing, so those areas where it occurred, so  
9 to better understand what's going on there.

10           And then another area that I think would  
11 be, as a researcher who's analyzed these kinds of  
12 data, the survey asks women--well, victims, if  
13 you're dissatisfied with what happened--so, if  
14 you're dissatisfied with certain services, why?  
15 And they are supposed to write out why. That's  
16 juicy information. I'm sorry, as a researcher I'm  
17 saying, but that's really interesting to better  
18 understand, if we want to know why, what's going  
19 on, what the problems are, to hear from the  
20 victims, I was dissatisfied and this is the reason  
21 why. Now, sometimes those narrative data aren't  
22 great, sometimes people don't fill them in, but

1 it's certainly worth looking at. It's something  
2 I've done with my work. I'm a visiting fellow with  
3 the Bureau of Justice Statistics and working on the  
4 National Crime Victimization Survey and when it's  
5 like--some of the questions say "other", looking at  
6 that other gives you a really good context for  
7 understanding and it can provide follow up  
8 information that would be quite useful.

9           Again, also asked the question of, would  
10 you do the same thing all over, so if you've  
11 reported it either as restricted or unrestricted  
12 report, and then they say, if you wouldn't do this  
13 again, why not? And that information is there. I  
14 think that would be very interesting to, again,  
15 explore, exploit, to better understand what's  
16 there. Then that allows--so, if you're looking at  
17 improving an instrument or additional questions,  
18 that gives you some data points to start building  
19 on that, that information, it's all--it's there,  
20 presumably. I haven't seen the data, but my view  
21 of the survey would indicate that those are  
22 possibilities to be explored.

1           And then with the survey itself, you know,  
2 we can talk about kind of more global changes if  
3 you wanted to kind of change the--again, going back  
4 to those design features of the scope, how they're  
5 screened, the mode, focusing on whether it's  
6 specific rape sexual assault survey versus a more  
7 omnibus workplace gender relations survey, as well  
8 as particular questions.

9           And I know I've been going on here for a  
10 little while, but I'd be happy to talk to the panel  
11 more about those kinds of details if you're  
12 interested in that kind of work. So, I don't want  
13 to take up too much time from Ms. Rumburg.

14           CHAIR JONES: Thank you, professor. Any  
15 questions or comments?

16           PANEL MEMBER McGUIRE: I've got a  
17 question.

18           CHAIR JONES: Yes.

19           PANEL MEMBER McGUIRE: Pertaining to the  
20 police data, the--I'm assuming municipal police,  
21 state police, county police and then campus police?  
22 And, you know, I was thinking of the demographics

1 that we're working with here, that 18-34 year old  
2 demographic and given a lot of that demographic  
3 resides on college campuses. The reporting and  
4 jurisdictional threshold of some campuses police,  
5 when it's reported to campus police, they sometimes  
6 retain it there and they're not reporting it  
7 possibly through the municipal. So, that's why I  
8 was just wondering, when you got the police  
9 reports, where did that come from? Is that--

10 DR. ADDINGTON: Sure. And that's a good  
11 question. With a lot of these data sources, you do  
12 have kind of overlapping jurisdictions is what we  
13 might call those, and so for the FBI, the Uniformed  
14 Crime Reporting Program Data, and those weren't any  
15 of the data that I presented, but if you're  
16 interested I could certainly help you out getting  
17 those data, but they do have--they're from local  
18 police, they are from campus, there are campus  
19 police that are included in those data, they're  
20 state police, they're county police, so they're all  
21 different police organizations that are included in  
22 those data.

1           So, depending on where the victim or  
2           whoever is making the--reporting to the police,  
3           making that incident known to police, it could be  
4           through the campus police. And also it depends on  
5           their relationship with municipal police. There  
6           might be certain things that it's reported to  
7           campus police but then the municipal police take  
8           over in the investigation--

9           PANEL MEMBER MCGUIRE: Right.

10          DR. ADDINGTON: --or something like that.  
11          But those data are definitely included in the UCR  
12          data.

13          PANEL MEMBER MCGUIRE: Okay. Thank you.

14          CHAIR JONES: Liz.

15          PANEL MEMBER HOLTZMAN: Thank you very  
16          much for your presentation. Just a couple of  
17          questions.

18                 First of all, if someone were to massage  
19                 the data, as you've asked or suggested be done,  
20                 what kind of task would that be? How long would it  
21                 take for the narratives that you mentioned exist,  
22                 to be analyzed and reported on? Are we talking

1 about a 10-year job?

2 DR. ADDINGTON: Oh, no, no, no.

3 PANEL MEMBER HOLTZMAN: Are we talking  
4 about a couple months? Are we talking about just  
5 push a computer button and get it in a second?  
6 What are we talking about?

7 DR. ADDINGTON: Between a second and 10  
8 years, no. But actually it--well, it depends on a  
9 few things, right, it depends on, in some ways, the  
10 number of people that you have. It's certainly not  
11 going to take ten years. It depends on the number  
12 of--and, again, I don't have--I have the frequency  
13 for the number of dissatisfied that might be in  
14 there, but I don't know the actual numbers on that.

15 Depending on the number of narratives and  
16 then how long they are and how complex, I could see  
17 it taking, you know, maybe a few months with a team  
18 of researchers that are doing coding of those. It  
19 certainly would not be something that would take  
20 ten years or five years or that sort of thing.

21 Unfortunately, because it's what we call  
22 qualitative data, it's not necessarily pushing a

1 button so much as some of the other comparisons I  
2 was mentioning where you're looking at what we call  
3 contingency tables or putting a couple variables  
4 together. That's not quite as easy as pushing a  
5 button, but more relatively, you know, you have a  
6 statistical program that you can utilize there.

7 PANEL MEMBER HOLTZMAN: But this would be  
8 very helpful, do you think?

9 DR. ADDINGTON: Yes.

10 PANEL MEMBER HOLTZMAN: To the military in  
11 terms of understanding how to improve dealing with  
12 victims? Am I correct?

13 DR. ADDINGTON: I completely agree with  
14 that. And, again, the one caveat with narrative  
15 data is it depends on how--you know, what you got--  
16 what the person puts on--decides to write up,  
17 whether they do or not. We all know, I'm sure from  
18 our own experiences, of taking surveys or filling  
19 out forms, we can be more or less detailed,  
20 depending on our interest, our time, and that sort  
21 of thing.

22 But it certainly would be worth exploring

1 to see what information is there, to see--it might  
2 be a complete bust, but I've been impressed with  
3 my--as, again, as I said, with my work with the  
4 NCVS data and looking at some of those other  
5 categories where they're putting in some additional  
6 information, to get patterns, to understand a  
7 little bit better what's going on in the victim's  
8 mind or the paradigms of the responses that we  
9 thought somebody might give to, you know,  
10 particular question and realizing, no, there's a  
11 whole other area out there that we hadn't really  
12 thought about, about why, you know, 'somebody is  
13 dissatisfied or other responses to a question.

14 PANEL MEMBER HOLTZMAN: The breakdown of  
15 the information that you also recommended by the  
16 nature of the sexual misconduct, let's describe it  
17 in that way, could that be done with the existing  
18 data collection?

19 DR. ADDINGTON: Yes. Yes, because--

20 PANEL MEMBER HOLTZMAN: How long would  
21 that take to do?

22 DR. ADDINGTON: That wouldn't take--and,

1 of course, I'm speaking on behalf of the SAPRO  
2 office, sure they can do it in two seconds--

3 PANEL MEMBER HOLTZMAN: Okay.

4 DR. ADDINGTON: But I would think that  
5 that would not take long to do because my  
6 understanding of the data--and, again, I haven't  
7 seen actual--the caveat, I haven't seen the actual  
8 data. I've seen the survey instrument, I've worked  
9 with other surveys and done analyses of other  
10 survey instruments, so this is kind of my  
11 extrapolating on that, but basically the survey  
12 asks a person, did this happen to you, yes or no,  
13 how many times, and then they say, based on the  
14 incident that had the greatest effect on you, what  
15 was the behavior that was involved in that.

16 So, you could get the behavior and then  
17 from that question and then do the analyses with  
18 the other, kind of do a contingency table analyses.

19 PANEL MEMBER HOLTZMAN: I don't want to  
20 take up too much more time, but I just wanted to  
21 ask you, can you make some recommendations about  
22 how you would change this form and why?

1 DR. ADDINGTON: Yeah, I can make--do you  
2 want me to make those right now or do you--

3 PANEL MEMBER HOLTZMAN: If you have some  
4 thoughts now, that would be great.

5 DR. ADDINGTON: Sure. Again, I kind of  
6 would break those down into whether--

7 PANEL MEMBER HOLTZMAN: If that's okay  
8 with the chair?

9 CHAIR JONES: Sure.

10 DR. ADDINGTON: That I think we've got two  
11 areas there, so one is kind of the global large  
12 changes, like if you wanted to change this--again,  
13 the context taking out of that workplace survey and  
14 making it a true kind of rape sexual  
15 assault/unwanted sexual contact survey and focusing  
16 on it, there's been quite a lot of research and  
17 design efforts looking at this area.

18 In fact, National Academy of Sciences had  
19 a panel looking at some of the best practices to  
20 study sexual victimization issues. There's--I  
21 would recommend maybe screening and classifying in  
22 two different steps, so the screening of the

1 particular behaviors. Right now, basically, the  
2 incidents defined for the victim--these are the  
3 behaviors where you could not consent, a lot of  
4 kind of sophisticated--not to say that, you know,  
5 people getting the survey are not bright people,  
6 but, you know, laypeople about consent and those  
7 kinds of things, and so asking, you know, did this  
8 happen to you, yes or no--one of the issues I find  
9 with the consent is that later on in the survey,  
10 people are asked, well, were you drugged, were you  
11 threatened with ruining your reputation, things  
12 that somebody might not have thought about as being  
13 against their consent or kind of a way of forcing  
14 sexual activity, but then you have to make it  
15 through the initial identification that you were--  
16 did experience unwanted sexual activity to get  
17 those questions.

18           So, another survey instrument might kind  
19 of break that out more and put that up front so  
20 that the person knows that we are talking about  
21 somebody threatening to ruin your reputation as  
22 being a lack of consent, we are talking about

1 somebody drugging you. So, bringing those up, up  
2 front so that everyone has a clearer definition, is  
3 thinking about the same thing, and then classifying  
4 those later on, so getting at the behaviors first  
5 and then classifying them as unwanted sexual  
6 activity or touching or sexual intercourse or that  
7 sort of thing so that there's a more uniform  
8 understanding.

9           Also, I would say, maybe changing that--  
10 the incident that has the greatest effect on you,  
11 I'm just not certain what that means. I think it  
12 has different meaning to different people, which  
13 there's some benefits to that if you're thinking  
14 this is the most serious one to these particular  
15 victims, but it's not clear. And it's also not  
16 clear to me how many--how frequently, at least in  
17 the data I got, the frequencies weren't reported  
18 out, so if everyone's reporting one, well then the  
19 greatest effect doesn't really matter too much, but  
20 if people are reporting five or six or seven, what  
21 does that mean.

22           And then there are specific things with

1 questions and that's sort of thing. I mean, that's  
2 starting to get into the weeds a little bit there,  
3 but I'd be happy to make further recommendations.  
4 It might be something that's better done in a memo  
5 or something like that to the panel, but I'd be  
6 happy to work with you further with that if that's  
7 of interest.

8 PANEL MEMBER HOLTZMAN: That would be  
9 great, personally.

10 CHAIR JONES: One last question.  
11 Professor.

12 PANEL MEMBER HILLMAN: Thank you. If I  
13 could just follow up on the surveying issue. One  
14 of our struggles here is that this is an iceberg  
15 that we don't know the shape of, and if we don't  
16 have a baseline, we have trouble comparing data  
17 across time as well as across different  
18 institutions and systems of investigation and  
19 prosecution.

20 How often has the NCVS changed this  
21 surveying, questions, methods?

22 DR. ADDINGTON: And that's a great

1 question because that's always the kicker, right,  
2 so you learn a little bit and you want to change it  
3 because you realize, oh, I should have asked this  
4 question, or something. But with the NCVS,  
5 basically it's had one major redesign that occurred  
6 and that was implemented in 1992 and right now,  
7 actually, I'm part of the current redesign, they're  
8 looking at redesigning it again, so I've been  
9 working--I'm a visiting fellow with BJS right now  
10 and working with them on the crime survey.

11 But actually one of the interesting things  
12 in 1992 that was added was specific questions, and  
13 I said that does screening and then an incident  
14 report, that basically kind of that's the behaviors  
15 that are reported in the screener. Well, one of  
16 the things that changed in 1992 was a screener  
17 specifically asking about, you know, unwanted  
18 sexual activity because before that it was seen  
19 that the federal government shouldn't be asking  
20 about rape sexual assault.

21 So, it was kind of a new--a change, so  
22 when the survey was implemented in the 1970s, those

1 were questions that--rapes and sexual assaults were  
2 reported to the survey, but were reported because  
3 victims were responding to general questions about  
4 assaultive behavior and so in the 1992 redesign,  
5 those questions were specifically asked.

6 And so that's often why you see, if you  
7 look at BJS, data with the NCVS you often see it  
8 starts in 1992 or 1993 with that redesign period,  
9 and implemented a lot of other changes as well, but  
10 basically the questions have remained pretty stable  
11 since 1992.

12 PANEL MEMBER HILLMAN: Thank you.

13 CHAIR JONES: Professor Addington, thank  
14 you very much.

15 DR. ADDINGTON: You're welcome.

16 CHAIR JONES: We're going to take you up  
17 on your offer to help us and I know one of the  
18 questions will also be about--and I don't want an  
19 answer now--whether a computer and online survey is  
20 the best approach. I understand that this survey  
21 had a very low percentage of return rate, if that's  
22 the right way to put it, and that some of the

1 surveys weren't even complete.

2 But, in any event, we will be talking to  
3 you. Thanks very much.

4 DR. ADDINGTON: As I mentioned to you, I'm  
5 more than happy. I think that this is an  
6 incredibly important issue and I'm more than happy  
7 to continue working with the panel and assisting in  
8 whatever way I can. So, thank you.

9 CHAIR JONES: Thanks. Ms. Rumburg.

10 MS. RUMBURG: Yes, good morning.  
11 Chairwoman Jones, thanks for asking me, and it's a  
12 pleasure to be here today with the panel.

13 My name, again, is Delilah Rumburg and I  
14 have been with PCAR for 18 years, and prior to  
15 that, starting in 1981, I was the director of a  
16 battered women's shelter as well, so I have that  
17 experience behind me.

18 PCAR is the oldest coalition in the  
19 country. We were organized in 1975 and our primary  
20 mission is to work for the elimination of sexual  
21 violence and for the rights and needs of victims of  
22 sexual assault.