

1     SAPRO Office.  And, sir, I'll let you intro since  
2     you know the expertise of your folks.

3                   COLONEL METZLER:  Absolutely.  Judge  
4     Jones, members of the Panel, thank you for having  
5     us here today.  It is our great honor to come tell  
6     you about our approach to preventing and responding  
7     to sexual assault in the Department of Defense.

8                   With me today is Dr. Nate Galbreath, who  
9     is the Senior Executive Advisor to the Director of  
10    SAPRO.  He's also a clinical psychologist and a  
11    forensics expert.  He has talked with many of you  
12    before, and today he will be here particularly  
13    because of his expertise and background in  
14    research, his expertise on this entire topic.  And  
15    Dr. Galbreath has also led our metrics development  
16    effort, and he can talk to you about the theory  
17    behind what we're doing and what we're doing in  
18    anticipation of bringing you the full numbers on  
19    the 7th.

20                  Dr. Elise Van Winkle is the Branch Chief  
21    of Research at DMDC.  She runs our Workplace and  
22    Gender Relations Surveys.  Some of the things we'll

1 be talking about today is reporting and prevalence  
2 of the crime and there are open questions about  
3 whether more reports means whether there's more  
4 crime, or if there's more victim confidence. And  
5 she's the expert on prevalence, and she can answer  
6 many of those questions.

7 We'd like to start first just by saying  
8 first off that sexual assault is a crime. It runs  
9 counter to the values of our institution, and we  
10 are committed to reducing, with the goal of  
11 eliminating, sexual assault in the armed forces.  
12 And today what we intend to do is share with our  
13 approach, one that is grounded in research, and  
14 data, experience, and feedback from victims, and  
15 practitioners, and experts who work in this field.  
16 And we have many of them with us today. We've  
17 brought several of our staff who have a lifetime of  
18 experience in working with the problem of sexual  
19 assault. So if there's a question that these  
20 experts can't answer, we have folks in the room who  
21 can. And so, ma'am, that's what we wanted to do  
22 today.

1                   We've prepared a briefing as a guide.  
2   Obviously we would like this to be a dialogue and  
3   have a discussion, share with your views of what  
4   our research tells us. But what we wanted to start  
5   out with, and I know we're not going electronics,  
6   so I'll just say we're moving onto the next slide.

7                   We wanted to talk about our analysis of  
8   the problem. And we think that developing  
9   solutions to problems, solving the problem of  
10   sexual assault has to be informed by our  
11   understanding of the problem. So we've developed a  
12   strategy. We've developed a policy construct.  
13   We've developed an oversight construct. We've  
14   developed training and mechanisms for changing  
15   behavior and attitudes and knowledge based on our  
16   research and our understanding of the problem. So  
17   we're going to talk about some of that, and as we  
18   go through, we're going to present a lot of  
19   information, and then hopefully we can have a  
20   dialogue.

21                  I understand that we have about 90  
22   minutes. We are happy to stay as long as you have

1 questions, or until the water runs out.

2 CHAIRWOMAN JONES: Okay, fair enough.

3 Thank you, Colonel. Go ahead.

4 COLONEL METZLER: So this is what we  
5 wanted to cover today. We want to talk about the  
6 nature of the problem, again the foundational  
7 understanding of the problem, the vision that we  
8 have moving forward and our strategic approach.  
9 Talk to you about our responsive oversight, our  
10 metrics, what we're doing to improve victim  
11 confidence, and offer some closing thoughts.

12 So if we could go to slide three. Very  
13 briefly and very succinctly, we have a problem, and  
14 that problem is that based on our confidential  
15 surveys, we estimate that there are approximately  
16 26,000 victims of sexual assault, of unwanted  
17 sexual contact. Many of you have talked about the  
18 surveys, and we had an entire hearing on the  
19 surveys and the methodology. There is a debate  
20 about the validity of that survey. If you have any  
21 of those questions, Dr. Van Winkle can answer those  
22 questions. But we believe in it, and this is our

1 estimate of the problem.

2 And to solve the problem, we have to be  
3 very clear about what that problem is. And our  
4 first and most clear statement is we estimate that  
5 there are potentially up 26,000 victims of some  
6 form of unwanted sexual contact, ranging from  
7 unwanted touching to rape.

8 PROFESSOR HILLMAN: Judge Jones?

9 CHAIRWOMAN JONES: Yes.

10 PROFESSOR HILLMAN: Pardon me. I do have  
11 questions about that. Should we wait until later,  
12 or would you like us to address those now?

13 CHAIRWOMAN JONES: What would make the  
14 most sense? Why don't we address them maybe at the  
15 -- well, I don't know.

16 COLONEL METZLER: We're going to talk  
17 about prevalence in just a slide or two, and we  
18 could probably have a long discussion on  
19 prevalence.

20 CHAIRWOMAN JONES: Oh, okay, great. Why  
21 don't you tell us when you've finished your subject  
22 matter, and then we can -- we could do it that way.

1 COLONEL METZLER: Unfortunately in that  
2 same time period when we estimate there's this many  
3 victims, we only have 3,374 reports of sexual  
4 assault. Now, it's important to understand that  
5 that equates to one military subject or one  
6 military victim. That's how we account for it.  
7 Each report could have multiple military subjects  
8 or multiple military victims or civilian subjects  
9 or victims. So 3,374 doesn't equate to 3,374  
10 offenses, and fill in the blank. But that's the  
11 way that we count and account for each victim and  
12 each subject.

13 The most significant problem we have is  
14 underreporting, and we're going to talk about why  
15 victims report and why they don't report in a  
16 minute. But there's a number of victims who will  
17 never report and tell us they will never report.  
18 There are some victims who will call an anonymous  
19 hotline, the DoD Safe Helpline. There are some  
20 that will make a restricted report and seek care,  
21 and there are some that will make that unrestricted  
22 report. And we are trying to reach all of them and

1 encourage them to report because that's how we get  
2 care to our victims, and that's the immediate  
3 bridge that we get to accountability.

4           What's the profile of the incident? It's  
5 18- to 24-year-olds. It's happening on our  
6 installations between people who are close in rank.  
7 They're non-stranger rapes. These are people who  
8 know each other typically. It's off duty, but on  
9 the base, and there's significant alcohol  
10 involvement. And one of the things that we like to  
11 point out when we talk about the problem in the  
12 military, and this really drives the types of  
13 solutions that we are instituting and developing,  
14 is the nature of trauma.

15           So what the experts tell us, and one of  
16 them is sitting right next to me, and he can talk  
17 about this more. When there's a sexual assault  
18 between people who know each other and people who  
19 entrust their lives to each other, what the experts  
20 tell us is that trauma rises to the level of  
21 incest; that these are people who -- and I know it.  
22 I've felt it. I've been downrange with people that

1 I trusted my life to. To be violated in that way  
2 in the family, in that trusted unit, makes the  
3 trauma especially heinous. And we need to  
4 understand that as we develop solutions to move  
5 forward.

6           Unfortunately, after a victim reports,  
7 there are perceived high levels of ostracization  
8 and retaliation. And we need to understand that,  
9 and we need to get after that in our climate, and  
10 that's why we have the last bullet there. It's  
11 critical for commanders and leaders to be part of  
12 the solution because climate is a big part of it.  
13 And so, that's a very broad statement of the nature  
14 of the problem.

15           To talk very specifically about  
16 prevalence, the next chart shows you what our  
17 workplace and general relations survey show. And  
18 we see a range of prevalence that is somewhat  
19 consistent for men and for women, about one percent  
20 for men and about four to seven percent for women.

21           And at this point, it's probably a good  
22 place to stop and have a discussion about

1 prevalence.

2 CHAIRWOMAN JONES: Do you want to go  
3 ahead, Beth? Yeah.

4 PROFESSOR HILLMAN: Thank you, yes, I  
5 would. So one of the challenges that we've heard  
6 from criminal justice statisticians about the  
7 survey and the projection of the number of  
8 incidents over the last year is that the survey  
9 was, I think they call it, unbounded. This is what  
10 I remember of the criticism, and you may actually  
11 be able to put it more precisely than me. But that  
12 is that the survey went out to persons and asked  
13 about a time -- a certain period of time in which  
14 you were trying to -- so we're trying to get the  
15 calendar year incidents so we have an annual  
16 estimate, right?

17 And that persons who get that survey, who  
18 have experienced a traumatic event, even if that  
19 traumatic event didn't happen during the time  
20 boundary of that survey, they're likely to draw on  
21 that experience and report positively on the survey  
22 because this is their opportunity to make that.

1 It's just sort of an irresistible or a predictable  
2 response to the survey that has a time limit.

3 So if we don't do follow up on the survey,  
4 the positive reports in the survey, then we  
5 actually overestimate the number of incidents that  
6 occurred during that calendar year. Now, others  
7 heard some of this. I don't know if there's a --  
8 but does that -- first, does that criticism ring  
9 true to you, or does it make sense, and what's your  
10 response to that?

11 DR. VAN WINKLE: I think it makes sense.  
12 I actually hadn't heard that one. We've been  
13 dealing with a lot of criticism about -- that the  
14 survey was unscientific, and a lot of unfounded  
15 criticism about the methodology.

16 To speak to your question, we do ask about  
17 sexual -- unwanted sexual contact since they've  
18 joined the military, and we ask about unwanted  
19 sexual contact prior to joining the military. So  
20 we do have those time periods as well.

21 I understand what you're saying about the  
22 unwanted sexual contact within the last 12 months.

1 You know, I think -- I'm just trying -- having just  
2 heard it right now, I'm trying to think of -- we  
3 haven't looked into the data to see if that may  
4 have been occurring and to see, and I'd have to get  
5 back to you on that. We haven't really seen any  
6 evidence of that in terms of the -- if that we were  
7 happening, we would expect some increases across  
8 all of the sub populations, and we didn't see that.

9 So we didn't see an increase between 2010  
10 and 2012 for active duty men. We didn't see an  
11 increase for active duty women in the Army or  
12 active women in the Air Force. We also ran a  
13 concurrent reserve component, Gender Relation  
14 Survey at the same time, and we didn't see an  
15 increase for the reserve component within any of  
16 those sub populations. So it sounds like that  
17 would be something that we would expect to see  
18 those increases, and we didn't. But that would be  
19 something that I'd have to look into further.

20 DR. GALBREATH: I think that there's  
21 another issue, though, that you're getting at,  
22 which is this idea that with any self-report where

1 we ask someone to take a survey and tell us about  
2 their experience, a self-report is subject to a  
3 number of biases, and that's just inherent in  
4 asking people questions like this. But for every  
5 person that might bring a -- and this is the idea  
6 of random sampling and why the science says this is  
7 why you do random samples of populations, is for  
8 every person that might do that, there might be  
9 another person who doesn't tell us about their  
10 experience on the survey.

11 And so, the idea behind that randomness is  
12 that those biases that might push the numbers one  
13 way or another eventually wash out, and you get a  
14 central point of -- at least of an estimate. And I  
15 think that that's something that we all look at as  
16 far as, you know, these are estimates that we  
17 drive.

18 DR. VAN WINKLE: Certainly that -- we have  
19 heard this idea that, well, the people who  
20 responded to your survey are those have an axe to  
21 grind. And that does speak to what Dr. Galbreath  
22 said, which is that we do -- as a statistician, do

1 you have trust in randomness for every person who  
2 says that they were -- that they experienced  
3 unwanted sexual contact and may not have, you know,  
4 that person who did experience unwanted sexual  
5 contact, but doesn't report it on the survey.

6 And then, also our -- we do weighting on  
7 the -- statistical weighting on the back end of our  
8 data. And that accounts for a lot of this inherent  
9 bias that people talk about about people who may be  
10 more prone to -- well, the best phrase I've heard  
11 is have that axe to grind. And in the weighting  
12 process, we make sure that those sub groups don't  
13 hold -- aren't over represented throughout the  
14 weighting process when we weight up to the full  
15 population. I can speak to the science part of  
16 that more if people are interested in it, but --

17 MAJOR GENERAL (RET.) ALTENBURG: To follow  
18 up on Professor Hillman's question, and it hadn't  
19 occurred to me until she asked the question. But  
20 how many questions are there on the survey?

21 DR. VAN WINKLE: Ninety-four.

22 MAJOR GENERAL (RET.) ALTENBURG: How long

1 does it take people to fill it out?

2 DR. VAN WINKLE: It depends. The survey  
3 is web-based, and it has what's called skip logic  
4 in it. So it really depends on the experiences of  
5 the respondent that's taking the survey. For some  
6 of them, they can get through the survey relatively  
7 quickly because they skip out of some of those  
8 questions. For those who have experienced unwanted  
9 sexual contact, they do get into the bank of  
10 questions that asks more specifically about what  
11 they experienced, as well as some additional  
12 questions about resources. So a typical time frame  
13 we're looking at is between 15, 25, 30 minutes.

14 MAJOR GENERAL (RET.) ALTENBURG: Can you  
15 tell how many people start it and then just walk  
16 away from it because it's too large?

17 DR. VAN WINKLE: We do. We conduct what  
18 we call a drop-off analysis to determine where  
19 people drop off in a survey. We've been conducting  
20 the Gender Relations Survey of active duty members  
21 since 1988, so we have a good deal of information  
22 about what questions lead to drop-offs. Typically

1 when they start a survey, they complete a survey.  
2 We don't have any issues. We're always concerned  
3 about are there questions that we ask that are  
4 really showing a significant drop-off in the  
5 response rates? When we do see that, we work with  
6 SAPROs, who alter the question structure or to move  
7 that question to the end to try to avoid the drop-  
8 offs. We don't have any indication that that's  
9 happening in great numbers.

10 And we also conducted non-response bias  
11 analyses, which we're in the midst of doing for  
12 2012 to ensure that those people who respond to the  
13 survey are no different than those who do not  
14 respond.

15 MAJOR GENERAL (RET.) ALTENBURG: The  
16 specific question that Professor Hillman's comments  
17 prompted for me are, is the question, did you have  
18 unwanted sexual contact in this year, or is it  
19 since you came in the service?

20 DR. VAN WINKLE: We ask both. So the  
21 unwanted sexual contact question, we maintained  
22 consistency in 2005, and that's the question that

1 it asks about the 12-month period of time. We also  
2 ask have you experienced unwanted sexual contact  
3 since joining the military. It's a separate  
4 question. And then, we ask a separate question  
5 about whether they've experienced unwanted sexual  
6 contact prior.

7 MAJOR GENERAL (RET.) ALTENBURG: So if her  
8 point has validity, then someone who came in in  
9 2004 and took the 2005 ceremony didn't report --  
10 survey, sorry -- didn't report, took the 2009  
11 survey, didn't report, this incident occurred when  
12 she or he first came in the service in 2004,  
13 reports it in 2012. Somebody could not report it  
14 several times and then finally say, I'm going to  
15 report it this time. Is that right?

16 DR. VAN WINKLE: Sure. I think that  
17 statistically, that could certainly happen. And,  
18 again, that's where we are looking at. We're  
19 looking at large numbers. We wouldn't anticipate  
20 that may happen, that large enough numbers, and  
21 certainly in our weighting process some of that  
22 would get accounted for in our sub groups, in the

1 way we weight the sub groups out.

2 So that may be -- it would probably be  
3 more of an issue with the unweighted numbers in the  
4 raw sample, which we don't report those out. We  
5 always weight the data up to the full population  
6 within our sub groups if and when we recommend. So  
7 a lot of that would be accounted for.

8 MAJOR GENERAL (RET.) ALTENBURG: Do you  
9 agree that some of the criticism that you get is  
10 really unfair because they're trying to compare you  
11 to criminal justice statistics in the civilian  
12 sector?

13 DR. VAN WINKLE: Some of the criticism  
14 we've received about our methodology has been  
15 absolutely unfounded and often represents -- it's  
16 either individuals who don't understand the  
17 scientific survey process, or it's individuals who  
18 are more used to the civilian surveys. Some of the  
19 criticism is valid for civilian surveys.

20 One of the biggest differences is that  
21 when you're conducting surveys, so much of it  
22 depends on your knowledge of the population. The

1 Defense Manpower Data Center, the surveys is one  
2 division. One of the major functions of DMDC is  
3 the Repository of Military Personnel Data. So  
4 we're responsible for DEERs, and we hold all of the  
5 data on military personnel in real time, and we use  
6 that. We pull that in for our survey.

7 We know the population better than anybody  
8 else, and when you're in the civilian world, you  
9 have a little bit more of a difficult time knowing  
10 what your population looks like. We have an  
11 amazing amount of detail. We don't ask questions  
12 about service, gender, K-grade. We don't need to.  
13 It's a confidential survey. It's not anonymous.  
14 We pull that information in in order to provide  
15 accurate results, and that's something that you  
16 really just don't have the ability to do in the  
17 civilian world. You have to rely on self-report  
18 demographics.

19 So it's been a little bit of both. We've  
20 been frankly surprised by some of the criticism,  
21 that it's really people who just haven't even read  
22 our stat methods report, or, again, it's based on

1 some of that misinformation. Understandable, but  
2 misinformation.

3 CHAIRWOMAN JONES: What about the  
4 criticism that you have such a low response rate?

5 DR. VAN WINKLE: Right.

6 CHAIRWOMAN JONES: That's the one you hear  
7 frequently.

8 DR. VAN WINKLE: So we have heard that,  
9 and a couple of things on that. The response --  
10 the low response rate --

11 CONGRESSWOMAN HOLTZMAN: Could you just  
12 tell us what the response rate is, please?

13 DR. VAN WINKLE: Absolutely. So went out  
14 to 108,000 active duty members, so that was the  
15 number of active duty members that were surveyed.  
16 And we got a 24 percent response rate, which  
17 represents about 23,000 active duty members.

18 The reason that response rate is an issue,  
19 there's a number of reasons. Non-response bias is  
20 one, which is that idea of do your respondents  
21 represent those people who didn't respond. One of  
22 the other issues with response rate is, do you have

1 enough people answering your survey to construct  
2 accurate, reliable estimates? This is a problem  
3 for people who are conducting the survey for the  
4 first time, or a survey on a population for the  
5 first time. They don't really have an idea of what  
6 kind of response rate they're going to get.

7           Statisticians know how many people are  
8 within each of the sub groups, and when I say "sub  
9 groups," it's a scientific process called  
10 stratification where you look at the  
11 stratifications of your population. For us, we  
12 cross gender, by pay grade, minority status,  
13 deployment status, and service, so we have 255 sub-  
14 groups. So one sub group would be female, E-4  
15 minorities in the Army that have been deployed in  
16 the last 12 months.

17           We've been conducting the survey, Gender  
18 Relation Surveys, for -- since 1988, so over 20  
19 years. We have a very good understanding of the  
20 response rates within each of those cells. So we  
21 do know about how many people we're going to get  
22 in, and we know how many people we need in each of

1 those sub groups to construct accurate estimates.

2 So across all military surveys, we've seen  
3 a decline in response rates for everybody. DMDC  
4 typically gets the highest response rates. Service  
5 level response rates can be much lower. For  
6 example, in 2010, we conducted the WGRA, and at the  
7 same the Air Force conducted a Gallup survey where  
8 they contracted out to Gallup. For Air Force, we  
9 got a little bit over a 40 percent response rate.

10 In that same year, Gallup got a 19 percent response  
11 rate.

12 So we are typically higher than others.  
13 At the same time, we know so much about what we  
14 expect for a response rate. We go out to enough  
15 people within those sub groups so that we can  
16 guarantee that we'll get enough people back in. So  
17 when you look at the response rates over time,  
18 they're decreasing, but if you actually look at the  
19 number of people we went out to in the surveys,  
20 those have been increasing for DMDC. As we know,  
21 the response rates have decreased.

22 CONGRESSWOMAN HOLTZMAN: What's DMDC,

1 please?

2 DR. VAN WINKLE: Oh, the Defense Manpower  
3 Data Center.

4 CONGRESSWOMAN HOLTZMAN: Okay.

5 DR. VAN WINKLE: So we've been going out  
6 to more people in order to adjust for the declines  
7 in response rates across all military service. So  
8 when you look at the actual people who respond,  
9 we've been stable over time at around 23,000. Does  
10 that make any sense?

11 CHAIRWOMAN JONES: Does the 24 percent  
12 count people who began it but didn't complete it?

13 DR. VAN WINKLE: No. Twenty-four percent  
14 are those respondents who meet the eligibility  
15 criteria, which is six months in the service and  
16 below flag officer rank. And they have to have  
17 completed 50 percent of the survey, including the  
18 critical question which is the unwanted sexual  
19 contact question.

20 CHAIRWOMAN JONES: So there are some  
21 counted that didn't complete the survey.

22 DR. VAN WINKLE: Yes, and that's one of

1 the first analyses we do is that drop-off analysis  
2 where we try to determine where people have fallen  
3 out to make sure that we're not -- we don't have an  
4 issue with that.

5 CHAIRWOMAN JONES: Because I thought I had  
6 heard a much lower response rate than 24 percent.  
7 So maybe that was the distinction?

8 DR. VAN WINKLE: It could be, although we  
9 don't typically release the completion. I guess if  
10 someone had gone to our statistical methods report,  
11 we detail all of it, and they may have been able to  
12 see how many people responded versus what are  
13 considered completers. But, yeah, I've heard a lot  
14 of different numbers, but 24 percent is our  
15 response rate.

16 CONGRESSWOMAN HOLTZMAN: Could I ask a few  
17 questions? First of all, you said you go out and  
18 reach out. What does that mean? That means after  
19 the survey comes in, you go out and contact more  
20 people?

21 DR. VAN WINKLE: No.

22 CONGRESSWOMAN HOLTZMAN: No? Okay.

1 DR. VAN WINKLE: So the way our process  
2 works is that we construct our sampling. At the  
3 beginning we do our sampling approach, and we  
4 determine -- we look at the number of members in  
5 the force, and we break it down by our subgroups,  
6 how many --

7 CONGRESSWOMAN HOLTZMAN: Oh, so this is  
8 not a -- this is a sampling?

9 DR. VAN WINKLE: Yeah.

10 CONGRESSWOMAN HOLTZMAN: Oh. I didn't  
11 understand that. So you don't send this survey out  
12 to the whole --

13 DR. VAN WINKLE: No.

14 CONGRESSWOMAN HOLTZMAN: Oh, okay.

15 DR. VAN WINKLE: No, we do scientific  
16 sampling --

17 CONGRESSWOMAN HOLTZMAN: I got it, okay.

18 DR. VAN WINKLE: -- based on the industry  
19 standards.

20 CONGRESSWOMAN HOLTZMAN: Got it. Okay.

21 DR. VAN WINKLE: So 108,000. And we go  
22 out. We did --

1 CONGRESSWOMAN HOLTZMAN: That's all right.

2 I'm not going --

3 DR. VAN WINKLE: Okay.

4 CONGRESSWOMAN HOLTZMAN: I have no more  
5 questions about that. I just didn't understand  
6 that.

7 COLONEL METZLER: And I think it's  
8 probably important to also know that Dr. Galbreath  
9 and I get asked this question all the time about  
10 our confidence in the survey. I'll say it, but Dr.  
11 Van Winkle can talk to it. We have 95 percent  
12 confidence in the data.

13 CONGRESSWOMAN HOLTZMAN: I'm not asking  
14 that question. I have no doubt about that.

15 MAJOR GENERAL (RET.) ALTENBURG: I have  
16 one other --

17 CONGRESSWOMAN HOLTZMAN: Excuse me. Can I  
18 just finish going through this?

19 MAJOR GENERAL (RET.) ALTENBURG: Oh, I  
20 thought you were --

21 CONGRESSWOMAN HOLTZMAN: I'm not finished.  
22 I don't know whether you're going to address this

1 later, but you have an incident profile. Are you  
2 going to talk about that, because I want to know  
3 about what doesn't fall into this profile, too.

4 Okay, so that's a later conversation or --

5 DR. GALBREATH: We'll make sure we hit it.

6 CONGRESSWOMAN HOLTZMAN: Okay. And then,  
7 45 percent of the women -- I'm sorry. Forty-five  
8 percent of the women in the survey who've  
9 experienced unwanted sexual contact in the military  
10 say they've experienced it prior to being in the  
11 military. I'm looking on page --

12 DR. VAN WINKLE: Those are of the men and  
13 women who had experienced --

14 CONGRESSWOMAN HOLTZMAN: Right.

15 DR. VAN WINKLE: Yeah.

16 CONGRESSWOMAN HOLTZMAN: In the last 12  
17 months. And what's the percentage of the women and  
18 the men who did not experience unwanted sexual  
19 contact? What is their experience outside the  
20 military?

21 DR. VAN WINKLE: I have my -- one of our  
22 research psychologists is back there with all of

1 the data, so he can pull up that number for you.

2 CONGRESSWOMAN HOLTZMAN: Okay. Yeah, I'd  
3 like to understand that. And --

4 DR. GALBREATH: The question is, how many  
5 of them who didn't report this year experienced  
6 unwanted sexual contact prior to --

7 CONGRESSWOMAN HOLTZMAN: No. My question  
8 is, of those who reported unwanted sexual contact,  
9 you say 45 percent of the women say that they've  
10 had unwanted sexual contact outside the military,  
11 before they got into the military.

12 DR. GALBREATH: Yeah.

13 CONGRESSWOMAN HOLTZMAN: I want to know  
14 that figure is for women who did not and men who  
15 did not experience unwanted sexual contact in the  
16 military. What was their experience prior to that?  
17 I want to have a comparative number. I want to  
18 understand what this means. Okay.

19 And are you trying to understand also why  
20 there's a drop-off in the reporting? Do people  
21 feel that somehow this information is going to be  
22 traced to them?

1 DR. VAN WINKLE: A little bit later, I

2 know they're going to be covering --

3 CONGRESSWOMAN HOLTZMAN: Oh, okay. Fine.

4 DR. VAN WINKLE: -- reasons for reporting  
5 and not reporting.

6 CONGRESSWOMAN HOLTZMAN: Okay.

7 DR. VAN WINKLE: And we'll talk a bit more  
8 about that.

9 CONGRESSWOMAN HOLTZMAN: Thank you.

10 DR. VAN WINKLE: And in terms of your  
11 question, we'll get to that. He'll pull that up,  
12 and I'll get back to you.

13 CONGRESSWOMAN HOLTZMAN: Okay.

14 COLONEL METZLER: Are you talking about  
15 the actual reports to law enforcement or reports to  
16 a SARC, are you talking about responding to a  
17 survey when you say "reporting?"

18 CONGRESSWOMAN HOLTZMAN: I'm just talking  
19 about the same -- I want the same number that you  
20 give me here. You give a number here in this  
21 footnote or key finding. Key finding number three.  
22 I want those -- if you just put --

1 DR. VAN WINKLE: Who did not.

2 CONGRESSWOMAN HOLTZMAN: -- the word "not"

3 after the word "who," who did not experience --

4 sorry. That's what I want the same numbers for.

5 DR. VAN WINKLE: We'll get those pulled

6 out for you.

7 CONGRESSWOMAN HOLTZMAN: Thank you.

8 CHAIRWOMAN JONES: Professor, generally

9 about the survey, I think that's where we're at

10 now.

11 PROFESSOR CORN: I can wait until the end.

12 CHAIRWOMAN JONES: Okay. Why don't you --

13 PROFESSOR HILLMAN: May I -- sorry.

14 CHAIRWOMAN JONES: Beth, yeah. No, no.

15 PROFESSOR HILLMAN: One thing on the

16 survey. Did your construction -- DoD's

17 construction of the survey, to what extent was it

18 -- the implementation and development of it limited

19 by resources?

20 DR. VAN WINKLE: Not at all.

21 PROFESSOR HILLMAN: More specifically,

22 were there things that you would do if you had more

1 resources in terms of getting valid numbers, or do  
2 you -- did you --

3 DR. VAN WINKLE: Oh, sure. I think  
4 that --

5 PROFESSOR HILLMAN: So what would help  
6 you? That's what I want to know. What would make  
7 you more than 95 percent confident in the data or  
8 give you information that you don't already have?

9 DR. VAN WINKLE: Right. You know, I  
10 think, and one of the things that we've already  
11 been working with SAPRO about, one of the  
12 limitations is that when you really get into the  
13 smaller numbers, and we hit this problem when we're  
14 looking at male survivors of unwanted sexual  
15 contact who have reported. That's a group that's a  
16 small number. DMDC does not report out estimates  
17 that we aren't confident in, and that results in  
18 some what are called not reportables. And that  
19 means the numbers are too small or there's too much  
20 variability in the answer, or in the weighting  
21 process we lost some of the stability of the  
22 estimate that we have.

1           One of the things we've been working with  
2   SAPRO is to go out to a census of women in 2014,  
3   which is our next planned survey, and increase the  
4   sample size of men to 25 percent in order to get  
5   more data in those smaller groups. And that's  
6   something SAPRO has agreed to assist with because  
7   obviously that data would assist us.

8           We also are somewhat limited when we're --  
9   on our non-response bias analysis. We use a  
10   variety of strategies to determine if we have  
11   potential bias, but that's another thing that we've  
12   been working on to assist in our funding and our  
13   ability to conduct post surveys or going back out  
14   to the folks, not necessarily to discuss unwanted  
15   sexual contact because this is a very unique  
16   construct. You can't call up somebody like you  
17   would -- you know, for example, we do -- DMDC does  
18   surveys for the Voting Assistance Program. And we  
19   could call those people who didn't respond and say,  
20   you didn't respond to the survey, how did you  
21   actually vote, could you give us that information?  
22   And that informs our non-response bias.

1           You can't really call up people and say,  
2   hey, you didn't tell us whether you were unwanted  
3   -- you know, you experienced unwanted sexual  
4   contact, can you give us that information on the  
5   phone. But you can ask about other questions in  
6   order to inform non-response bias. That is an  
7   expensive venture. So we -- those are the types of  
8   things that would assist us.

9           I'm looking at my statistician back there  
10   to see if there was anything else that seemed to  
11   limit us in terms of the construction.

12           MR. FALK: We were kind of responding to  
13   your -- the initial question here, too. So you  
14   were talking a little bit about the non-response  
15   bias analysis, and we're looking at that right now.  
16   But it's an expensive method of going back and  
17   surveying folks. It's too late to do that.

18           The mode you were talking about also, we  
19   didn't contact these folks and sample by the phone,  
20   so that could also have an effect on the overall  
21   estimate. But we are looking at a few different  
22   common methods for non-response bias, like late

1 responders, and folks that are more late in the  
2 survey process to actually respond. Those are more  
3 likely to be non-respondents, so we're looking at  
4 those late responders as a proxy for non-responders  
5 and comparing those numbers to see if there's any  
6 differences there. Also --

7 DR. VAN WINKLE: But all of those things  
8 we have the resources to do right now. But in  
9 terms of what we would need resources, financial  
10 resources, for those other parts. But the actual  
11 construct of the survey we haven't been limited by  
12 resources.

13 PROFESSOR HILLMAN: Thank you.

14 CHAIRWOMAN JONES: Okay.

15 COLONEL METZLER: This discussion is  
16 really important because really what it does is it  
17 shows the depth of research, the rigor that we put  
18 into understanding the problem of sexual assault,  
19 and the expertise that we're applying to it. And  
20 so, we are confident in our prevalence estimates  
21 and how that applies to the size of the force.

22 And on the next chart, you can see how

1 that breaks down into the ranges of experiences.  
2 And so, you can see here when we apply those  
3 prevalence rates from 2012 to the size of the  
4 force, the 6.1 percent of women who experience  
5 unwanted sexual contact and 1.2 percent of men,  
6 this is -- these are the numbers. And we estimate  
7 about 12,000 women and almost 14,000 men.

8 A lot of people don't understand that just  
9 the sheer numbers, that we estimate more men than  
10 women are being sexually assaulted, and that's  
11 important to understand the problem, because then  
12 when you look at the experiences reported, you'll  
13 see that men in a very large number, 34 percent, on  
14 an anonymous survey won't even say what happened to  
15 them. So we understand that there's significant  
16 stigma associated with a man who's been sexually  
17 assaulted, whether by a man or a woman. And their  
18 sexual identity, how they identify themselves,  
19 whether it is perceived as a weakness, and in the  
20 cohort of the military ethos, that is something  
21 that men do not want to portray. And so, this is a  
22 -- this is, again, understanding the problem.

1           You can also see that when Colonel Alan  
2 Metzler started this process and our number was  
3 19,000, I thought, you know, that must be 15,000  
4 unwanted touchings or grabs. Clearly that's not  
5 the case. Clearly that's not the case. Clearly  
6 this is a range of offenses, and the data has  
7 stayed fairly consistent over the Workplace and  
8 Gender Relation Surveys that we compare over time.

9           And so, you see that there are significant  
10 numbers of penetrations or attempted penetrating  
11 offenses, 57 percent for women in this last survey.  
12 So this is serious crime, and we estimate that it  
13 is happening, and we believe the folks that are  
14 telling us that this happened to them. And so,  
15 this contributes to our understanding and the  
16 development of the approach that we take.

17           If you could go to the next slide, you'll  
18 see that --

19           CHAIRWOMAN JONES: Oh, I'm sorry.  
20 Colonel?

21           COLONEL TURNER: Thank you. Given this is  
22 about the role of the commander and in particular,

1 part of that for some commanders is convening  
2 authority, I'm wondering if you have breakouts.  
3 Your last bullet on slide four talks about the 18  
4 percent of the active duty women, 22 percent of the  
5 men, indicate the offender was unknown or in the  
6 local community. So we take that out from the  
7 convening authority in terms of jurisdiction.

8 The majority of offenders, do you have a  
9 breakout of how many of the rest -- I'm not going  
10 to do the math in public -- minus 18 percent. How  
11 many of the rest of that are alleged to have been  
12 military members who are subject to our  
13 jurisdiction of the command?

14 DR. GALBREATH: Not off the top of my  
15 head, but we can definitely get that for you. The  
16 bottom line is the vast majority, and I can't tag a  
17 percentage to it, but that is our understanding.  
18 And that's true for not only our surveyed  
19 information, but also the vast majority of reports  
20 of sexual assault involve military on military  
21 sexual.

22 COLONEL TURNER: When you say "reports of

1 sexual assault," do you mean to NCIOs?

2 DR. GALBREATH: Yes.

3 COLONEL TURNER: Commanders as opposed  
4 to --

5 DR. GALBREATH: Unrestricted and  
6 restricted reports.

7 COLONEL TURNER: But you don't know what  
8 those numbers are for reports to civilian  
9 commanders -- civilian law enforcement.

10 DR. GALBREATH: We do not.

11 CONGRESSWOMAN HOLTZMAN: But just to  
12 follow up, the meaning of the word "unidentified"  
13 means know their identity?

14 DR. GALBREATH: We did not know their  
15 identity.

16 CONGRESSWOMAN HOLTZMAN: And they're not  
17 military.

18 DR. GALBREATH: They're not.

19 CONGRESSWOMAN HOLTZMAN: Okay.

20 COLONEL METZLER: So if we could go to  
21 slide six. We talked about our estimates of the  
22 level of crime. Now, this is the actual reports of

1 sexual assault that were made and recorded and that  
2 we responded to. And DoD is unique, and I know  
3 that the full Panel is looking at many  
4 institutions. But we account for every report that  
5 comes in all the way through disposition of every  
6 case. And you know that's in our annual reports,  
7 and we could show you how each case is disposed of,  
8 how it's investigated and accounted for.

9           This shows the overall report since we  
10 began reporting. You can see that there's a  
11 general relationship between restricted and  
12 unrestricted reporting, about three to one. And  
13 you can also see that there's a historical increase  
14 of about five percent on average per year of our  
15 reporting. And when we start talking about our  
16 metrics and we look at victim behavior and we look  
17 at why they don't report, seeing an increase in  
18 reporting should be a sign of victim confidence,  
19 that they are seeking care and that they are coming  
20 forward to help the process of holding offenders  
21 appropriately accountable. And so, when we report  
22 to you the metrics, you will see a dramatic

1 increase over this historical rate of increase  
2 that's about five percent.

3           And we also included on this chart a  
4 breakdown of the most serious crime that was  
5 alleged. There's a lot of discussion that we don't  
6 know the difference between sexual harassment and  
7 rape. In fact, the last two charts show that we  
8 very clearly understand, what we estimate the range  
9 of offenses of penetrating and non-penetrating  
10 offenses and the actual breakdown of the most  
11 serious crimes alleged. These are in our annual  
12 reports. We brief this to everyone, and we're very  
13 forthcoming about the exact breakdown of the  
14 offenses in the reporting.

15           PROFESSOR CORN: Colonel, can I ask you a  
16 question about that?

17           COLONEL METZLER: Yes, sir.

18           PROFESSOR CORN: You state you're  
19 extremely confident about the breakdown of  
20 offenses, but that ultimately is based on the  
21 respondent's response to the question, correct?

22           COLONEL METZLER: Well, on the prevalence

1 survey, yes. This is actual reports of people who  
2 reported to law enforcement, who made a report to  
3 their sexual assault response coordinator, their  
4 SARC. We filled out a Duty Form 2910, their  
5 election form. They've made a restricted or  
6 unrestricted report, and we started the process.

7 PROFESSOR CORN: Okay.

8 COLONEL METZLER: So these numbers are  
9 accurate counts of the most serious crimes alleged.

10 DR. GALBREATH: They're categorized by a  
11 -- with a collaborative approach by both the  
12 military criminal investigative organization and  
13 their servicing staff judge advocate.

14 PROFESSOR CORN: Okay.

15 COLONEL METZLER: So that leads really to  
16 probably the biggest problem that we have as a  
17 department. Apart from the fact that we have it  
18 happening is the fact that it's vastly  
19 underreported. And this chart shows you on slide  
20 seven the relationship between our estimates of the  
21 crime, again, at a 95 percent confidence rate, and  
22 the actual reports that walk in the door. So you

1 can now very clearly articulate that we have  
2 significant underreporting.

3 We talked to victims, we talked to experts  
4 in the field, and we know that we need to increase  
5 reporting. And so, we are very focused on  
6 increasing reporting. We're also very focused on  
7 why victims report and why they don't report. And  
8 so, on the next two charts, we break --

9 CONGRESSWOMAN HOLTZMAN: Before you go.

10 COLONEL METZLER: Yes, ma'am.

11 CONGRESSWOMAN HOLTZMAN: Excuse me. On  
12 page 7, I'm not following the arithmetic here. You  
13 have 2,949 as your total, but if I add 816 and 558  
14 -- 2,558, I get 3,774, as you indicated on page 6.

15 COLONEL METZLER: Yes. Yes, ma'am.

16 CONGRESSWOMAN HOLTZMAN: How do you get  
17 29?

18 COLONEL METZLER: So the line across the  
19 bottom of slide seven is the service member victims  
20 in unrestricted and restricted reports. The number  
21 -- the 3,374 that you see on the previous slide are  
22 the total unrestricted and restricted reports that

1 includes not only service member victims, but also  
2 civilian victims that have been perpetrated against  
3 by military offenders. And so, in order to do an  
4 apples to apples comparison, we pull out the  
5 military victims that report versus the military --  
6 the people -- the military people that told us on  
7 the survey that they experienced unwanted sexual  
8 contact.

9 Do you have any other questions?

10 CHAIRWOMAN JONES: Go ahead. Thank you.

11 COLONEL METZLER: So our focus is on  
12 building confidence and an increase in reporting.  
13 And again, that's informed by research as well. At  
14 this time I'll turn it over to Dr. Galbreath and  
15 Dr. Van Winkle to talk about why victims report or  
16 don't report.

17 DR. GALBREATH: So if we are to address  
18 the vast underreporting, the challenge that we have  
19 there, which is not only an issue that's present in  
20 military data, it's also present in our civilian  
21 world as well. And I'll show you the most recent  
22 analysis of the National Crime Victimization Survey

1 run by the Department of Justice and Justice Act.

2 But if you take -- if you really want to  
3 understand how do we get more victims to come  
4 forward, how do we increase reporting so we can  
5 increase visibility over the crime so that we can  
6 bring more services and care to victims, and so  
7 potentially that we can also hold more offenders  
8 accountable, as we won't be able to do that without  
9 a victim -- official victim report be it an  
10 unrestricted report, you've got to look at why  
11 victims do and do not report.

12 So what you see on the slide -- on slide  
13 number eight in front of you are the reasons for  
14 why victims told us that they decided to report.  
15 So these are from the 6.1 percent of women and the  
16 1.2 percent of men who in the year prior to being  
17 surveyed experienced unwanted sexual contact, and  
18 then decided to report it to a DoD authority. And  
19 the reasons that you see why they did it are listed  
20 there. You'll notice that the top three reasons  
21 for women: it was the right thing to do, to seek  
22 closure on the incident, to stop the offender from

1 hurting others.

2 And so, clearly if we're going to appeal  
3 to many people to come forward, that's something  
4 that should enter our dialogue and our conversation  
5 with victims, and so to increase victim confidence  
6 that this is an outcome of what will occur should  
7 they decide to make a report.

8 The other aspect, though, if you go to the  
9 next slide, on slide number nine, you'll see the  
10 reasons for not reporting. And these are the  
11 people who told us that they did experience  
12 unwanted sexual contact in the year prior to being  
13 surveyed, but then chose not to make a report to  
14 anyone. And you'll notice that the top three  
15 reasons for women are largely privacy concerns and  
16 related, that they didn't want anyone to know, that  
17 they felt uncomfortable making the report, and they  
18 didn't think their report would be kept  
19 confidential.

20 And that is really the -- those are the  
21 primary things that really enters a victim's mind.  
22 They're not thinking about anything down the line

1 in regards to the military justice system about  
2 who's going to make a decision about this or that.  
3 What they're really looking for are will my  
4 confidentiality be protected? Will I be respected?  
5 Will I experience some kind of a negative result as  
6 the result of making this report? These are all  
7 things that are -- that enter their mind.

8 And Dr. Van Winkle has a little bit more  
9 information that she can share about some general  
10 patterns in reporting, depending on the kind --  
11 type of crime the person said they experienced.

12 DR. VAN WINKLE: Yeah. So one of the  
13 things, as I mentioned, that my agency, DMDC, does  
14 is conduct surveys for gender relations in service  
15 academies. And one of the things we noticed in the  
16 last survey was that there were some differences in  
17 reasons for reporting based on the behavior they  
18 experienced. And we saw a similar pattern for the  
19 WGRA, which is the active duty survey, and that is  
20 that those who experienced unwanted sexual touching  
21 were more likely to report reasons, and when I say  
22 "more likely," I mean that the percentages were

1 higher, not statistically. We haven't run that to  
2 see if it's statistical yet.

3 For unwanted sexual touching, we were  
4 interested in calling out the offender, identifying  
5 the offender. So we saw higher rates for "identify  
6 a fellow military member who is acting  
7 inappropriately" or "discourage other potential  
8 offenders." For those who experienced completed  
9 rape or sodomy, they had higher percentages for  
10 those reasons where they needed resources. So  
11 "seek help dealing with an emotional event," the  
12 incident, that was very high for that group. So  
13 that was one of the patterns we've seen now for  
14 both the service academies and for active duty.

15 In terms of reasons for not reporting, the  
16 top two reasons were the same across all behaviors.  
17 For unwanted sexual touching, we had higher  
18 percentages for "you thought it was not important  
19 enough to report," which makes some sense, and for  
20 those with completed, "you were afraid retaliation  
21 or reprisal." Again, the top two reasons were  
22 still the reasons for all those behaviors, but we

1 did see some higher percentages among those groups.

2 PROFESSOR HILLMAN: One question.

3 CHAIRWOMAN JONES: Please.

4 PROFESSOR HILLMAN: And that runs to  
5 there's so little that you can draw from the  
6 limited responses you get from men who report here,  
7 that I notice even what you report here, women and  
8 the ones that are listed for men, it's actually  
9 much -- those things are all more significant to  
10 women than they are to men. I mean, they checked  
11 that box more often.

12 For instance, "you fear that you or others  
13 would be punished." That's at 22 percent. That's  
14 at 23 percent women. "You thought you wouldn't be  
15 believed." That's at 17 percent for men, but it's  
16 at 43 percent for women. So women, even in those  
17 particular -- it's just -- it's remarkable that  
18 long list, like pulling off the top few, you're  
19 actually -- they have a tremendous -- this is a  
20 lot, right? The fact that this list is so long and  
21 these percentages are so high, there are a whole  
22 lot of reasons not to report.

1 DR. GALBREATH: Absolutely. And so,  
2 getting at those reasons has got to be central to  
3 any remedy or fix that anyone decides to put into  
4 place in the military system. You've got to  
5 address a lot of those -- a lot of these reasons.  
6 And it's -- and, of course, these are -- this is  
7 empirically validated data. This is the third time  
8 that we've run a lot of this information in our  
9 surveys for reasons for reporting or not reporting,  
10 and they're very often very similar from year to  
11 year as far as the outcomes of this information  
12 goes.

13 While anecdotes are helpful in guiding us  
14 in designing questions to ask and understanding the  
15 experience of an individual victim, empirical  
16 research really gets at the heart of things and  
17 understanding the depth to which these challenges  
18 exist across a population of people. And so, a  
19 data driven approach is the one that the Department  
20 has selected to use so that we can ensure that we  
21 are not missing anything. We want to make sure we  
22 understand the full depth and range.

1           In addition to that, we also conduct other  
2     qualitative measures to make sure that we're not  
3     missing anything as well. And DMDC conducts a  
4     variety of focus groups for us. We also have  
5     victim sensing sessions with the Director of SAPRO  
6     so that we not -- we don't just miss this hard,  
7     qualitative data, but we also supplement that with  
8     the -- or excuse me, hard quantitative data with  
9     the qualitative data that's out there as well.

10           CONGRESSWOMAN HOLTZMAN: May I ask a  
11     question, please? I'm uncomfortable with the  
12     second criterion listed on page 9: "You felt  
13     uncomfortable making a report." What does that  
14     mean? What do you take from that? Uncomfortable  
15     in what way? You felt uncomfortable because you  
16     didn't want anyone to know, or -- I mean, is this  
17     really just another way of answering the other  
18     question? It seems so vague.

19           DR. GALBREATH: There is some overlap  
20     between all of these. I mean, I think certainly  
21     these come into play. We've been working on fine  
22     tuning all the different response sets that are out

1 there, and we also have a fill in the blank box  
2 that a victim can write in their exact reason.

3 CONGRESSWOMAN HOLTZMAN: Okay.

4 DR. GALBREATH: And they do an analysis  
5 for that as well.

6 CONGRESSWOMAN HOLTZMAN: Just a follow up.  
7 So "you do not think anything would be done," if  
8 you take the margin of error here, that could be  
9 actually the third item, couldn't it? "You do not  
10 think anything would be done."

11 DR. VAN WINKLE: So the margin of error,  
12 you mean in terms of the range?

13 CONGRESSWOMAN HOLTZMAN: Yeah, right.  
14 Right. If you said that this was inaccurate by  
15 seven percent and you added plus seven percent to  
16 it, it would be your third item on the list.

17 DR. VAN WINKLE: I hear what you're  
18 saying. The estimates that we provide, you're  
19 right.

20 CONGRESSWOMAN HOLTZMAN: No, no. I'm just  
21 -- that's just the preliminary question because I'm  
22 going to follow it up.

1 DR. VAN WINKLE: Okay.

2 CONGRESSWOMAN HOLTZMAN: But that's right,  
3 so that the -- if you took the margin of error  
4 here, the number could be 57 percent, and,  
5 therefore, it would be the number three item.

6 DR. VAN WINKLE: Okay.

7 VICE ADMIRAL (RET.) HOUCK: And vice  
8 versa.

9 CONGRESSWOMAN HOLTZMAN: Right. It could  
10 be below, right.

11 DR. GALBREATH: Below.

12 DR. VAN WINKLE: Right.

13 CONGRESSWOMAN HOLTZMAN: Okay. But all  
14 I'm saying is that that could be something related  
15 to the command structure or the military justice  
16 system or whatever.

17 DR. VAN WINKLE: Uh-huh.

18 CONGRESSWOMAN HOLTZMAN: Do you have these  
19 items further broken down by the nature of the  
20 sexual offense? In other words, you did some  
21 interesting discussion about touching versus  
22 penetration. "Did you not think anything would be

1 done?" Is that also with regard -- and do you have  
2 that breakdown with regard to penetration versus  
3 touching?

4 DR. VAN WINKLE: Yeah. So I can -- let me  
5 -- yes. So that was about 60 percent for both  
6 unwanted sexual touching and completed. And then  
7 it was about 40 percent for attempted when you  
8 broke that down by the behavior.

9 CONGRESSWOMAN HOLTZMAN: So there was the  
10 same response for sexual touching -- I mean, for  
11 touching as completed act.

12 DR. VAN WINKLE: Yes.

13 CONGRESSWOMAN HOLTZMAN: Okay. "You do  
14 not think anything would be done." Okay. Thank  
15 you.

16 PROFESSOR CORN: So there's no -- if you  
17 answer yes to these, there's no automatic menu that  
18 brings you into providing more clarity on why. So,  
19 for example, "you thought it was not important  
20 enough to report" would seem to me would trigger a  
21 number of follow-on questions: why didn't you  
22 think it was important. And then links back to

1 other questions, "because I didn't think anything  
2 would be done about it," "because I wanted to  
3 protect my career." In other words, they're making  
4 a cost benefit analysis. It's just that open box  
5 that they get to fill in the blank?

6 DR. VAN WINKLE: They have those choices,  
7 so those are the ones that they select. And then,  
8 they can provide other reasons where they fill that  
9 in.

10 But, yes, you're right. And what we  
11 typically do is in every iteration, we fine tune it  
12 based on the comments, based on what we may need to  
13 know. So in 2014, we'll take some of those where  
14 we need to know more information and try to get a  
15 little bit more granularity.

16 DR. GALBREATH: At the same time, though,  
17 it's a balancing act. We have to be really  
18 judicious about the number of questions and how  
19 much drill down we ask a victim of sexual assault  
20 to tell us on a survey like this, because we're  
21 already -- they already have the longest version of  
22 this survey based on the skip logic that Dr. Van

1 Winkle talked about, is that if you say yes to the  
2 unwanted sexual contact question, you have a much  
3 longer survey than someone who says no to that.  
4 And that additional time is a lot to ask of  
5 someone. That is, you're asking them to recall a  
6 very stressful, undesirable crime in their life,  
7 and we just don't -- we just are very judicious  
8 about how much drill down we go for.

9 PROFESSOR CORN: Right, but it seems to me  
10 that the tradeoff for that is if you're trying to  
11 use it to inform, you know, policy responses to  
12 figure out why somebody feels it's not important to  
13 report, then you would need to know whether or not  
14 they feel that way because they're -- they have a  
15 lack of confidence in the response system or  
16 because they're prioritizing their confidentiality.

17 And so, you've got 50 percent for "didn't  
18 think anything would be done," and 70 percent for  
19 "didn't want anyone to know." And then, another  
20 one high up, "you wanted it to stay -- you were  
21 worried it wouldn't stay confidential." They seem  
22 intertwined to me, right? If you're worried it

1 wouldn't be confidential, you're instinctually not  
2 going to be thinking about I want to report this  
3 and what will be done. Your priority is I don't  
4 want anybody to know about it.

5 COLONEL METZLER: Exactly. And the  
6 understanding that there is this group of people  
7 who tell us I will never report. I mean, we can  
8 all give an anecdotal example, one of my best  
9 friends that I've known for 27 years in the  
10 military.

11 PROFESSOR CORN: Sure.

12 COLONEL METZLER: She told me after I got  
13 this job, I was raped and I would never report. So  
14 we have to continue to put policy in place that can  
15 reach every single one of these victims. And  
16 there's a lot of different ways to get to them, and  
17 so there's not just one thing you can do, but you  
18 have to do a range of things to try and capture all  
19 the different motivations that victims tell us in  
20 their decision calculus. And the nuance between "I  
21 didn't want anyone to know" and "I didn't think it  
22 would be kept confidential" are different. They

1 truly are different. They both sound the same, but  
2 they're different. And so, in the decision  
3 calculus of every victim, we're trying to get after  
4 all of these folks. So you're absolutely right.

5 DR. GALBREATH: And the words that you  
6 said have come out of my mouth more than a couple  
7 of times as far as the additional analysis that we  
8 need to do and the ability to drill down. One of  
9 the things that we're doing to get at that is that  
10 we need a much larger sample size so that we can do  
11 these additional drill downs. And so, that's why  
12 for the 2014 survey, we have decided to do a census  
13 of women and 25 percent of men -- a sample of the  
14 25 -- a 25 percent sample of men, which is going to  
15 essentially yield an entire sample size of about  
16 500,000. We're going to survey a third of the  
17 active force in 2014, at least invite them to take  
18 the response. So if we have a similar response  
19 rate, we're going to be able to do a lot of these  
20 additional analyses that you're talking about.

21 PROFESSOR CORN: Right. And just to tag  
22 onto Colonel Turner, I mean, obviously we're

1 looking at a very specific question, which is what  
2 the proper role of the military commander, and is  
3 the current structure adequate. So the question,  
4 "you didn't think anything would be done," without  
5 follow on is -- it leaves you kind of wanting  
6 because what you really want to know is I didn't  
7 think anything would be done because I didn't think  
8 my commander would care about it, or nobody would  
9 respond to it, et cetera, et cetera. But that's  
10 not --

11 COLONEL METZLER: And there's a logic of  
12 having that discussion about the purpose of the  
13 Panel, because it really is just looking at one  
14 aspect of a very complex problem and the  
15 decision --

16 PROFESSOR CORN: The decision. I saw your  
17 follow-on slide with the totality approach that  
18 you're using this to influence, right?

19 COLONEL METZLER: Right. So it's not just  
20 one thing about the role of the commander. There's  
21 multiple commanders, and we'll talk about that as  
22 well.

1 CHAIRWOMAN JONES: One more question from  
2 Admiral Houck.

3 VICE ADMIRAL (RET.) HOUCK: Yeah. So  
4 these are probably easy, and I apologize for not  
5 knowing the answer to them because I suspect at  
6 some point along the way, we've already covered  
7 them. But what was the period of questioning for  
8 your survey?

9 DR. GALBREATH: It was deployed in --

10 DR. VAN WINKLE: September to November.  
11 It was about a six-week period of time.

12 DR. GALBREATH: September, November 2012.

13 VICE ADMIRAL (RET.) HOUCK: And at that  
14 point, September, November of 2012, had the  
15 Department of Defense -- and I guess I'm asking you  
16 maybe, and you may or may not know. Had the  
17 Department of Defense at that point implemented the  
18 option for individuals to request transfer and to  
19 request that an alleged perpetrator be transferred?

20 So were those tools -- were those devices  
21 in place at the time these questions were asked?

22 COLONEL METZLER: Yes. They went into

1 effect about nine months prior, so in December of  
2 2011 when the two directive type memorandums were  
3 signed by the Secretary of Defense on documentation  
4 retention and expedited transfer. And at the time,  
5 expedited transfer did address the option of moving  
6 an offender as well as a victim.

7           Recently when the Secretary of Defense put  
8 out his guidance in August, he wanted to  
9 reemphasize to leaders that we want to allow  
10 victims to choose the method of their healing, and  
11 they get choices. But you should also consider,  
12 and it's in my policy, to consider balancing the  
13 options available and whether or not that victim  
14 may choose to heal where she is and move the  
15 offender somewhere else. And so, yes, those  
16 policies were in place.

17           VICE ADMIRAL (RET.) HOUCK: But you were  
18 asking essentially then during this survey for  
19 people to talk about two things, if I understand it  
20 -- one, what's happened during the past year, and  
21 also have you ever. Both of those were in play  
22 here. And these changes about being able to be

1 transferred yourself or requesting a transfer of  
2 the perpetrator were all just sort of being  
3 implemented during the period that you were asking  
4 about. During one of the periods you were asking  
5 about had not been implemented during the "had you  
6 ever."

7 COLONEL METZLER: Yes, and there were  
8 other things, too, the elevation of disposition  
9 authority. And we looked at disposition, which is  
10 what you're looking at in some regards. And the  
11 Secretary directed that it be elevated to an  
12 independent O-6, a more senior commander who can  
13 make that judgment.

14 VICE ADMIRAL (RET.) HOUCK: Yeah, that was  
15 during the summer of 2012.

16 COLONEL METZLER: That was in June.

17 VICE ADMIRAL (RET.) HOUCK: Yeah.

18 COLONEL METZLER: So that is -- the data  
19 from last year also includes that change. And so,  
20 we haven't fully --

21 VICE ADMIRAL (RET.) HOUCK: Well, I would  
22 take issue with that. I'm not sure the data

1 includes that change because that was made in June  
2 of 2012.

3 COLONEL METZLER: The reporting data.

4 VICE ADMIRAL (RET.) HOUCK: And your  
5 survey was taken in September-ish, right?

6 COLONEL METZLER: Sir, our reporting data  
7 of victims who chose to report, that was part of  
8 the year that we --

9 VICE ADMIRAL (RET.) HOUCK: Right. It was  
10 all within the same period.

11 COLONEL METZLER: So about half or three-  
12 quarters of the way through --

13 VICE ADMIRAL (RET.) HOUCK: Gotcha.

14 COLONEL METZLER: -- the Fiscal Year.  
15 This will be the first full year where we had  
16 elevated disposition authority where we could  
17 potentially match our --

18 CHAIRWOMAN JONES: But do I have this  
19 right that we still wouldn't know whether they were  
20 responding to previous sexual assaults or just the  
21 ones in the past year when they responded to  
22 reasons for not reporting?

1 DR. VAN WINKLE: That would only be for  
2 those who experienced it in the last 12 months.

3 CHAIRWOMAN JONES: So that's clear.

4 DR. VAN WINKLE: Yes. They would only get  
5 that question if they had answered it.

6 CHAIRWOMAN JONES: If they said it --

7 DR. VAN WINKLE: Yes.

8 CHAIRWOMAN JONES: -- was within the last  
9 12 months. Okay.

10 DR. VAN WINKLE: Yes.

11 COLONEL HAM: If I could point out, ma'am,  
12 we have the survey. The full Panel members have  
13 the actual survey instrument, and we can provide it  
14 to the Subcommittee members as well. It's an  
15 unanswered survey.

16 CHAIRWOMAN JONES: I'm sorry. I didn't  
17 hear you, Colonel.

18 COLONEL HAM: We have the survey  
19 instrument that the full Panel members already have  
20 if the Subcommittee members are interested in it.  
21 It's an actual unanswered survey.

22 CHAIRWOMAN JONES: All right.

1           PROFESSOR CORN: I just have -- because I  
2 think you're going to go next to the use of the  
3 information. But in terms of the assessment of the  
4 problem where you have the unrestricted report and  
5 the delta between the unrestricted report and the  
6 number of responses to indicate that they've been  
7 victims of unwanted sexual contact, is there any  
8 way to account for the possibility that some of  
9 these reports are not -- wouldn't be credible if  
10 they had been actually reported? That there's a  
11 subjective belief that you've been the victim of  
12 unwanted or improper sexual contact.

13           I mean, you in the survey raised the point  
14 about attempted penetration and penetration. And  
15 only thinking of it through the lens of somebody  
16 who teaches criminal law, I mean, that is the act  
17 element of the crime of rape or forcible sodomy.  
18 It is not the crime in and of itself. There are  
19 other elements to it, which include a mental  
20 element.

21           So you're defining a problem, it seems to  
22 me, without -- or maybe you have factored this in.

1 That's what I'm asking. Do you factor in the  
2 possibility that some people who subjectively  
3 believe they've been victims of improper sexual  
4 contact would be cases that wouldn't even pass a  
5 probable cause analysis?

6 DR. GALBREATH: Of course. I mean, that's  
7 true for anything because we know that based on the  
8 behavioral anchors in the questions, which you can  
9 review for yourself, anything -- you know, we ask  
10 did any of these things occur. But then also part  
11 of that question is, when you did not or could not  
12 consent.

13 PROFESSOR CORN: Okay.

14 DR. GALBREATH: And so, that is -- I can  
15 tell you that having treated a number of victims on  
16 a whole range of crimes, they're very clear they  
17 understand those circumstances under which they did  
18 not and could not consent. Now, whether it means  
19 all legal elements under the UCMJ is another issue  
20 because we can't necessarily design a question that  
21 estimates level of force or the other legal  
22 elements or circumstances that are there, because

1 victims just don't check that stuff off in their  
2 mind when they're being -- when they're  
3 experiencing a crime.

4 PROFESSOR CORN: No, that's very helpful,  
5 that question.

6 DR. VAN WINKLE: The other thing to add to  
7 that is that in 2005 when we were constructing the  
8 metric for unwanted sexual contact, we constructed  
9 that in collaboration with DoD IG in order to  
10 capture those behaviors that were prohibited by the  
11 UCMJ on sexual assault. And that was one of the  
12 concerns is to make sure that the behaviors we  
13 captured were, as best we could, would fit into the  
14 law under UCMJ.

15 COLONEL HAM: Ma'am, might I ask one  
16 question?

17 CHAIRWOMAN JONES: Sure.

18 COLONEL HAM: It's kind of a follow-on to  
19 something that Professor Hillman asked. Some of  
20 the criticism we've heard in addition to the low  
21 response rate of 24 percent versus about 87 percent  
22 for the National Crime Victims Survey, and the

1 bounding issue of 12 months versus six months for  
2 the National Crime Victims Survey is the -- is one  
3 that you've pointed out, in fact, Dr. Galbreath,  
4 which is there's no follow up to verify the  
5 criminal event, which we understand there's  
6 multiple in-person follow-ups to verify the  
7 criminal event in the National Crime Victims  
8 Survey, so that you know you have an event, and  
9 then you can tell how many are reported. So how do  
10 you respond to that criticism?

11 DR. GALBREATH: I think that as far as our  
12 survey goes, I mean, I guess that would go along  
13 the lines of if we had unlimited resources, what  
14 else could we do? We certainly could begin to  
15 phone people that -- and do some kind of follow-up  
16 analysis with people that checked "yes" on the  
17 unwanted sexual contact.

18 And if we worked that into our informed  
19 consent, that is certainly something that we could  
20 do. The drawback of doing that is -- you want to  
21 get that?

22 DR. VAN WINKLE: I would caution against

1 that. You know, part of our confidence in the  
2 estimate we get is our promise to the respondent  
3 that we will never merge identifying information  
4 with their responses. The minute we contact them,  
5 and this is something that we face with  
6 confidential surveys. We will sometimes get what  
7 we call hot comments, and this is something all --  
8 DMDC conducts a number of surveys, the status  
9 reports of surveys, et cetera. When we get a  
10 comment where they express a threat to themselves  
11 or others, we do follow up. We take that very  
12 seriously.

13           The minute that we use our power to  
14 connect their name and address and phone number  
15 with the responses of the survey, we have violated  
16 their privacy and confidentiality. We go through a  
17 number of steps to ensure that we're doing that  
18 only when we absolutely have to. The respondents  
19 do have confidence we won't ever do that. So to  
20 follow up with them, we really -- as a researcher,  
21 I would have concern that we might lose some of  
22 that confidence that we won't violate their

1 identity. These are people that don't want to be  
2 known.

3 COLONEL HAM: But the number is being used  
4 as a number of verified criminal events, which it  
5 isn't, which is a main criticism.

6 DR. GALBREATH: Oh, no. We never say that  
7 our survey results are verified criminal events.  
8 That is not part of our voice track. And if  
9 someone has entered into that, then that's  
10 something that -- that's also not accurate for the  
11 National Crime Victimization Survey. There's  
12 nobody that goes out and then links that  
13 information up with a law enforcement report, and  
14 then tracks it through the system. That does not  
15 exist.

16 COLONEL HAM: Not in the sense that it's  
17 reported, but that it is an offense under the law.  
18 It is an offense under the law that they're going  
19 to count. Whether or not it's been prosecuted or  
20 whatever is another question.

21 DR. GALBREATH: And with that methodology,  
22 the NCVS is very good about giving you an idea for

1 those people whom they contact. One of the places  
2 where the NCVS falls down where I think we have  
3 greater power is that they're very limited about  
4 who they contact. And they contact households and  
5 people within a given household, which misses a lot  
6 of our single individuals, or people in between the  
7 ages of 18 and 24 that are not living in a  
8 household, that are in a college environment or out  
9 living on their own that might not fall into this  
10 -- into their catchment.

11 And so, as a result I would offer to you  
12 that there are limitations within the NCVS, too.  
13 The reason why they get to quote a very high  
14 response rate is because they do call people, which  
15 is not an approach that we've taken in the  
16 Department of Defense.

17 CONGRESSWOMAN HOLTZMAN: Excuse me, one  
18 question. You said that you could link up the  
19 names with -- the information with the respondents?

20 DR. VAN WINKLE: We never do.

21 CONGRESSWOMAN HOLTZMAN: But you never do.  
22 But do the respondents know that that's a

1 possibility, and so is that part of the reason for  
2 privacy concerns?

3 DR. VAN WINKLE: Well, it's not a  
4 possibility. I mean, we just simply don't do it.  
5 DMDC uses an identification number, and that's how  
6 we link all records, so we don't ever link the  
7 name.

8 So the respondents know it's a  
9 confidential survey, but we say in our privacy  
10 statement we will never link your name and  
11 identifying information to your responses, except  
12 in the event where you verbalize a threat to  
13 yourself or others in some of the opening comment  
14 fields. So we provide them that promise.

15 We can do things, and one of the things  
16 we've been working with SAPRO, we can do a lot of  
17 things using the ID, unique identifier number. So  
18 one of the things we are interested in looking at  
19 is for those people who said they experienced  
20 unwanted sexual contact on previous surveys, what  
21 did their career trajectory look like in terms of  
22 separations, why they separated, that type of

1 information.

2 We can do that without ever putting a name  
3 to that file record by using the identification  
4 number. But in terms of is it possible, it is  
5 possible. We will never do that.

6 CONGRESSWOMAN HOLTZMAN: Okay.

7 DR. GALBREATH: Any other questions on  
8 that one?

9 (No response.)

10 DR. GALBREATH: The next slide is slide  
11 number 10. That is the National Crime  
12 Victimization Survey. I just wanted to -- this is  
13 offered to give you a notional understanding that  
14 the DoD is not the only environment where there is  
15 substantial underreporting. The NCVS is offered as  
16 a notional sense of that. It is the methodologies  
17 that they use and the methodologies that we use  
18 make our surveys largely non-comparable. But just  
19 to give you an idea that -- just to give you proof  
20 that we're not the only ones that experience, you  
21 know, underreporting of the crime, you'll see in  
22 that Table 8 inside that box, that's the percentage

1 of cases that went unreported according to the  
2 victim. They did not follow up and report those to  
3 the police.

4 Alan, do you want take a couple? Can we  
5 go to slide 11? And so, as you can see --

6 CONGRESSWOMAN HOLTZMAN: Do you have the  
7 numbers for men? Could you provide them? This  
8 only deals with women.

9 DR. GALBREATH: For the NCVS? This was a  
10 summary analysis that they did just for women.  
11 They have not released a summary for men.

12 CONGRESSWOMAN HOLTZMAN: Okay. Thanks.

13 COLONEL METZLER: That leads us to -- now,  
14 that's our definition of the problem: high  
15 prevalence, vast underreporting, a variety of  
16 reasons for underreporting, and an understanding of  
17 the profile of this crime, which leads us to how do  
18 we as a Department intend to solve the problem?

19 So the foundational approaches that are  
20 listed here are the types of things that we're  
21 thinking about as we build our comprehensive  
22 program. It has to be multi-pronged or it has to