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The Data on Military Sexual Assault: What You Need to Know



SOURCE: AP/Susan Walsh

From left, Judge Advocate General of the Army Lt. Gen. Dana Chipman; Army Chief of Staff Gen. Ray Odierno; Joint Chiefs Chairman Gen. Martin Dempsey; and Legal Counsel to the Chairman of the Joint Chiefs of Staff Brig. Gen. Richard Gross, arrive on Capitol Hill in Washington, Tuesday, June 4, 2013, to testify before the Senate Armed Services Committee hearing on pending legislation regarding sexual assaults in the military.

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Last month the Joint Chiefs of Staff and Judge Advocate Generals of the Armed Forces testified before the Senate Committee on Armed Services on various proposals to combat sexual assault in the military. At the hearing, there was significant confusion among both senators and military officials as to whether sexual harassment was included in the Defense Department's estimates that 26,000 sexual assaults were committed in the armed forces between 2011 and 2012. Some

indicated that if sexual harassment were included in the estimates, then the data could potentially overstate the severity of the problem of sexual misconduct in the military.

The data do, in fact, distinguish between harassment and sexual assault, although the survey instrument is by no means perfect. The military still needs to improve how it collects data on sexual assaults and sexual misconduct so that we can fully understand the scope of the problem.

What is disheartening, however, is how the quality of the data is being used as a means to resist a number of reforms aimed at curbing the rising rates of sexual assault in the military based on what we do know both from available data and victim testimony. A young female Marine assigned to the Pentagon recently wrote an op-ed arguing that the Defense Department study was so bad that “no conclusions can be drawn from it,” and she later stated in an interview that military reform based on the data would only “perpetuate the problem” of sexual assault in the ranks.

Amid these claims that the data are useless or overstate the sexual assault problem, there is a lack of discussion on the ways in which the numbers actually understate the severity of the crisis. It would be irresponsible for military officials and members of Congress to dismiss military sexual assault reform because they view the data as exaggerative without also considering the way in which the data fail to capture a number of other sexual crimes.

Here are the key facts you need to know about the data on military sexual assault.

- **The data distinguish between harassment and sexual assault.** The research made a clear distinction between physical and nonphysical sexual misconduct. The survey differentiated between two different categories of behavior: “unwanted sexual contact” and “unwanted gender-related behavior.” The former captures the crimes of abusive sexual contact, rape, forcible sodomy, and attempts to commit those offenses. The latter captures sexual harassment and other unwanted behavior such as unwanted sexual comments.

Despite claims that “someone looking at you sideways” is counted as sexual assault—on par with physical crimes such as rape and nonconsensual sodomy—the survey instrument plainly demonstrates that this is not the case. Sexual harassment and rape are not lumped into a single category of “sexual assault” that exaggerates the frequency of unwanted sexual contact in the Pentagon estimates.

- **Sexual misconduct that is not legally considered “assault” is not innocuous behavior.** The estimate that 26,000 active-duty service members experienced unwanted sexual contact in 2012 is based only on the number of surveyed service members who reported unwanted sexual contact, not those who

reported unwanted gender-related behavior. Sexual harassment, or “unwanted gender-related behavior,” however, includes a set of behaviors that should be very concerning even if they weren’t included in the estimates.

For example, 8 percent of surveyed women who experienced unwanted gender-related behavior experienced sexual coercion, which includes “quid pro quo,” where a service member is coerced into sexual acts because of threats to his or her job security or career advancement. In other words, by not including serious sexual harassment in its 26,000-person figure, the Pentagon actually under-reports the scope of its problem with sexual misconduct and does not, as some have claimed, overstate the problem of sexual assault.

- **The 26,000-person figure does not include crimes committed at service academies, where sexual assault may actually be more prevalent than in the armed forces overall.** Sexual assaults, or unwanted sexual contact, at service academies are reported separately from sexual assaults across the rest of the armed forces. Yet the prevalence of unwanted sexual contact at the service academies is comparable—and in some cases higher—than in the service branches overall. For example, the overall prevalence of unwanted sexual contact among servicewomen in 2012 was 6.1 percent, but the overall prevalence of unwanted sexual contact for female cadets and midshipmen at the U.S. Air Force Academy and U.S. Naval Academy was 11.2 percent and 15.1 percent, respectively, that same year. By not including the assaults estimated to have occurred at the academies in its 26,000-person estimate, the Department of Defense understates the scope of its sexual assault problem, at least as it pertains to the service academies.
- **The data do not capture the number of perpetrators in the military, which may be larger than the number of victims.** The 26,000-person figure does not estimate the number of perpetrators in the military—it estimates the number of service members who experienced at least one incident of unwanted sexual contact. According to the survey, however, 26 percent of women who experienced unwanted sexual contact reported that the crime committed against them was perpetrated by multiple offenders, and that particular statistic has remained fairly consistent over time.
- **The data do not capture repeat sexual abuse or multiple assaults against the same victim by different perpetrators.** Service members are asked to answer the questions based only on the most serious incident that occurred in the previous 12 months. The data do not capture how many times a victim has been attacked, however, therefore does not provide information on repeat abuse.

- **The data do not count crimes perpetrated by military personnel against civilians, including civilian intimate partners or minors on military bases.** Sexual crimes committed against civilians by military personnel are not captured in the 26,000-person figure because the Workplace and Gender Relations Survey is administered only to active-duty personnel. Sexual crimes committed by military personnel against civilians, civilian intimate partners of military personnel, and minors on military bases are referred to the military's Family Advocacy Program, which is separate from the military justice system. These cases are not included in the Sexual Assault Prevention and Response Office Annual Report's discussion of sexual crimes that are reported to military authorities.

On the one hand, offering criticism of the military sexual assault data is constructive because it is imperative that the Defense Department improves the rigor of its survey methodology. Sampling issues, particularly for male troops, raise significant concerns about the reliability of certain information presented. On the other hand, focusing on the quality of the data has become a means for members of Congress and military officials to dodge further reform by insisting that the data is meaningless, if not wrong. Little attention has also been paid to the fact that the data understate the problem in several important ways.

The bottom line is that the data are pulled from 22,792 completed surveys of active-duty personnel, a margin of error is provided for each survey question, and the results are reliable enough to provide some valuable information about what is going on in the military as it relates to sexual assault. Fortunately, we do not need to rely solely on the available quantitative data to know that the military has a problem with sexual assault. Policymakers can reference the near-weekly scandals involving sexual assault in the military that make headlines; an in-depth documentary, "The Invisible War," which captures the experiences of victims; and the numerous available testimonies of the brave men and women who have spoken out about their own experiences with military sexual assault. Whether the military has a problem should not be at issue in the debates on Capitol Hill—only the question of how we address it.

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