

41. (ALL) Please provide sexual assault-related military justice statistics (FY 2007- FY 2013, unless otherwise noted; if this information was not previously tracked, please provide the data for at least FY13), including the following:

41a. Cases overturned per Art 60,

DoD	DoD SAPRO does not track these cases. Available from the Military Service OTJAGs.
USA	<p>The following are the numbers of cases in which the General Court-Martial Convening Authority, pursuant to Article 60, UCMJ, set aside the finding of guilty to least <i>one</i> specification of Article 120, UCMJ, in a particular case following the announcement of the findings at trial. Mere inclusion in the data below does not mean that <i>all</i> findings in a particular case were set aside by the convening authority pursuant to Article 60, UCMJ.</p> <p style="text-align: center;">FY07 FY08 FY09 FY10 FY11 FY12 FY13</p> <p>Article 60 Actions to Set Aside 1+ Spec:                    1        0        2        1        7        1        1</p> <p>None of these cases were the result of the convening authority acting exclusively in a clemency authority to set aside all findings and sentence. In the majority of these cases, convening authority action was taken to correct legal error, comply with the terms of a pretrial agreement, or to comply with rules for courts-martial or military jurisprudence.</p>
USAF	<p>In the past 5 years, the convening authority (CA) has disapproved findings of guilt in 5 cases where the accused was convicted of a sexual assault offense:</p> <ol style="list-style-type: none"> <li>1. U.S. v. Lt Col James Wilkerson III <ol style="list-style-type: none"> <li>a. 26 Feb 13. Accused convicted of one specification of aggravated sexual assault and one specification of abusive sexual contact, both under Art 120, and three specifications of conduct unbecoming an officer under Art 133. CA disapproved all findings of guilt.</li> </ol> </li> <li>2. U.S. v. A1C Christopher Klein <ol style="list-style-type: none"> <li>a. 6 Aug 12. Accused convicted of one specification of wrongful sexual contact under Art 120. CA changed the finding of guilty to a finding of guilty to the lesser included offense of assault consummated by a battery under Art 128.</li> </ol> </li> <li>3. U.S. v. Capt Matthew Herrera <ol style="list-style-type: none"> <li>a. 9 Feb 12. Accused convicted of one specification of aggravated sexual assault under Art 120. CA disapproved this finding of guilt. <ol style="list-style-type: none"> <li>b. NOTE: Member punished by nonjudicial punishment for indecent conduct under Art 120 for “engaging in a sexual act with [same victim in Art 120 guilty finding] under circumstances in which there was a substantial risk that the act could be witnessed by someone else” in conjunction with disapproval of the findings.</li> </ol> </li> </ol> </li> <li>4. U.S. v. SrA Timothy Lowe, Jr. <ol style="list-style-type: none"> <li>a. 8 Dec 10. Accused convicted of one specification of wrongful sexual contact under Art 120. CA disapproved the finding of guilt.</li> </ol> </li> </ol>

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	<p>b. NOTE: Member punished by nonjudicial punishment for wrongful sexual contact under Art 120 for the same misconduct in conjunction with disapproval of findings, and the punishment imposed was a reduction to E-1, forfeiture of \$723 pay, suspended for 6 months, and 45 days extra duty.</p> <p>5. U.S. v. TSgt Kenneth Williamson</p> <p>a. 4 Nov 09. Accused convicted of one specification of communicating indecent language under Art 134 and one specification of wrongful sexual contact under Art 120. CA approved a finding of communicating indecent language but changed the finding of guilty of wrongful sexual contact to a finding of guilty to the lesser included offense of assault consummated by a battery under Art 128.</p>
USN	The Navy does not track a specific metric for this data.
USMC	Regarding Article 60, from 2010-2012 the Marine Corps had 1768 special and general courts-martial result in findings of guilty. In seven cases out of 1768 (.4%), the Convening Authority (CA) took action to disapprove findings of guilty. None of the seven cases involved a CA disapproving a finding of guilty on a sexual assault offense.
USCG	<p>From the 2010 to 2013, Coast Guard Convening Authorities have taken action on findings pursuant to Article 60 in 4 cases. Of the cases with dismissal of a finding, 3 involved sexual assault charges.</p> <p>Of the 3 sexual assault cases, the Convening Authorities took action to dismiss part of the findings – i.e. a specific specification of which the accused was convicted of. Two cases involving dismissal of specifications were unrelated to the sexual assault findings, and involved convictions of unlawful entry. In both cases, the specifications relating to the sexual assault were affirmed. One case involved dismissal of a specification of wrongful sexual contact; however the remaining specification of aggravated sexual contact was approved.</p> <p>The one remaining case involved a drug related charge. In that case, the courts-martial members found the accused guilty of a single specification of possession of marijuana, and not guilty of other drug related specifications. In that case the Convening Authority dismissed the remaining single specification of drug possession.</p>

41b. Conviction rates for sexual assault and related cases (listed by offense),

DoD	<p><b>*RSP Note* All documents provided through the non-publically accessible links have been downloaded and have been attached to the corresponding responses.</b></p> <p>Available military justice statistics were previously provided to the RSP in the slide deck provided. Data is provided for all sexual assault cases, but not available by offense. See slides 50 and 51 provided in the Q#41 RSP slide deck located at: <a href="https://pmev2.bah.com/sites/DSAID/Document_Transfer/Forms/AllItems.aspx">https://pmev2.bah.com/sites/DSAID/Document_Transfer/Forms/AllItems.aspx</a></p>
USA	<p style="text-align: center;"><b>Sexual Assault Statistics by Offense FY 2007 through FY 2013</b></p> <p>An individual court-martial case may be represented in more than one offense category below. All conviction rates are based on cases</p>

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tried to completion.

	2007	2008	2009	2010	2011	2012	2013
<b>Abusive Sexual Contact</b>							
Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	0	0	7	9	15	27	24
Cases Tried to Completion	0	5	35	37	41	55	107
Cases Convicted of Above Sex Offense	0	1	13	19	22	22	50
Rate	N/A	20.00 %	37.14 %	51.35 %	53.66 %	40.0 0%	46.73 %
Cases Convicted of Above Sex Offense or LIO	0	2	19	24	24	27	57
Rate	N/A	40.00 %	54.29 %	64.86 %	58.54 %	49.0 9%	53.27 %
Cases Convicted on Any Charge	0	4	29	30	38	42	88
Rate	N/A	80.00 %	82.86 %	81.08 %	92.68 %	76.3 6%	82.24 %
<b>Aggravated Sexual Abuse of a Child</b>							
Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	0	0	0	1	1	3	2
Cases Tried to Completion	0	2	5	3	7	6	13
Cases Convicted	0	2	3	2	6	2	10
Rate	N/A	100.0 0%	60.00 %	66.67 %	85.71 %	33.3 3%	76.92 %
Cases Convicted of Above Sex Offense or LIO	0	2	5	2	6	2	10
Rate	N/A	100.0 0%	100.0 0%	66.67 %	85.71 %	33.3 3%	76.92 %
Cases Convicted on Any Charge	0	2	5	3	7	4	12
Rate	N/A	100.0 0%	100.0 0%	100.0 0%	100.0 0%	66.6 7%	92.31 %
<b>Aggravated Sexual Assault</b>							
Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	0	1	8	16	21	33	36
Cases Tried to Completion	0	12	51	62	78	88	91
Cases Convicted	0	6	19	33	42	40	45
Rate	N/A	50.00 %	37.25 %	53.23 %	53.85 %	45.4 5%	49.45 %
Cases Convicted of Above Sex Offense or LIO	0	7	25	37	43	43	48
Rate	N/A	58.33 %	49.02 %	59.68 %	55.13 %	48.8 6%	52.75 %
Cases Convicted on Any Charge	0	10	38	52	69	61	72
Rate	N/A	83.33 %	74.51 %	83.87 %	88.46 %	69.3 2%	79.12 %
<b>Aggravated Sexual Contact</b>							
Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	0	1	7	12	18	28	17
Cases Tried to Completion	0	9	27	30	39	42	54
Cases Convicted	0	4	13	16	18	21	26
Rate	N/A	44.44	48.15	53.33	46.15	50.0	48.15

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		%	%	%	%	0%	%
Cases Convicted of Above Sex Offense or LIO	0	6	18	20	18	23	28
Rate	N/A	66.67%	66.67%	66.67%	46.15%	54.76%	51.85%
Cases Convicted on Any Charge	0	9	23	28	35	37	46
Rate	N/A	100.00%	85.19%	93.33%	89.74%	88.10%	85.19%
<b>Assault w/Intent to Commit Rape</b>							
Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	1	0	2	0	5	5	4
Cases Tried to Completion	4	4	1	1	3	4	5
Cases Convicted	0	0	0	0	1	2	3
Rate	0.00%	0.00%	0.00%	0.00%	33.33%	50.00%	60.00%
Cases Convicted of Above Sex Offense or LIO	1	3	0	0	2	2	3
Rate	25.00%	75.00%	0.00%	0.00%	66.67%	50.00%	60.00%
Cases Convicted on Any Charge	2	4	1	1	3	2	4
Rate	50.00%	100.00%	100.00%	100.00%	100.00%	50.00%	80.00%
<b>Assault w/Intent to Commit Sodomy</b>							
Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	1	0	0	0	1	0	1
Cases Tried to Completion	0	1	0	3	1	0	0
Cases Convicted	0	0	0	2	1	0	0
Rate	N/A	0.00%	N/A	66.67%	100.00%	N/A	N/A
Cases Convicted of Above Sex Offense or LIO	0	0	0	3	1	0	0
Rate	N/A	0.00%	N/A	100.00%	100.00%	N/A	N/A
Cases Convicted on Any Charge	0	1	0	3	1	0	0
Rate	N/A	100.00%	N/A	100.00%	100.00%	N/A	N/A
<b>Indecent Acts or Liberties</b>							
Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	19	17	10	9	14	38	22
Cases Tried to Completion	57	54	62	49	49	37	61
Cases Convicted	40	38	41	35	39	26	40
Rate	70.18%	70.37%	66.13%	71.43%	79.59%	70.27%	65.57%
Cases Convicted of Above Sex Offense or LIO	44	41	42	35	39	26	43
Rate	77.19%	75.93%	67.74%	71.43%	79.59%	70.27%	70.49%
Cases Convicted on Any Charge	49	48	48	40	46	31	53
Rate	85.96%	88.89%	77.42%	81.63%	93.88%	83.78%	86.89%
<b>Rape</b>							

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Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	26	20	11	20	16	35	32
Cases Tried to Completion	84	58	44	60	70	78	102
Cases Convicted	32	17	15	18	30	36	39
Rate	38.1 0%	29.31 %	34.09 %	30.00 %	42.86 %	46.1 5%	38.24 %
Cases Convicted of Above Sex Offense or LIO	48	30	21	23	36	48	50
Rate	57.1 4%	51.72 %	47.73 %	38.33 %	51.43 %	61.5 4%	49.02 %
Cases Convicted on Any Charge	70	45	36	44	58	62	77
Rate	83.3 3%	77.59 %	81.82 %	73.33 %	82.86 %	79.4 9%	75.49 %
<b>Sexual Abuse of a Child</b>							
Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	0	0	0	0	0	1	4
Cases Tried to Completion	0	0	0	0	0	0	10
Cases Convicted	0	0	0	0	0	0	8
Rate	N/A	N/A	N/A	N/A	N/A	N/A	80.00 %
Cases Convicted of Above Sex Offense or LIO	0	0	0	0	0	0	9
Rate	N/A	N/A	N/A	N/A	N/A	N/A	90.00 %
Cases Convicted on Any Charge	0	0	0	0	0	0	10
Rate	N/A	N/A	N/A	N/A	N/A	N/A	100.0 0%
<b>Sexual Assault</b>							
Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	0	0	0	0	0	1	15
Cases Tried to Completion	0	0	0	0	0	0	49
Cases Convicted	0	0	0	0	0	0	30
Rate	N/A	N/A	N/A	N/A	N/A	N/A	61.22 %
Cases Convicted of Above Sex Offense or LIO	0	0	0	0	0	0	32
Rate	N/A	N/A	N/A	N/A	N/A	N/A	65.31 %
Cases Convicted on Any Charge	0	0	0	0	0	0	38
Rate	N/A	N/A	N/A	N/A	N/A	N/A	77.55 %
<b>Sodomy by Force and Without Consent</b>							
Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	7	7	5	12	7	19	16
Cases Tried to Completion	38	21	32	33	41	48	39
Cases Convicted	17	7	15	15	17	16	21
Rate	44.7 4%	33.33 %	46.88 %	45.45 %	41.46 %	33.3 3%	53.85 %
Cases Convicted of Above Sex Offense or LIO	23	13	20	17	17	20	25
Rate	60.5 3%	61.90 %	62.50 %	51.52 %	41.46 %	41.6 7%	64.10 %

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	Cases Convicted on Any Charge	32	19	29	23	34	37	34
	Rate	84.2 1%	90.48 %	90.63 %	69.70 %	82.93 %	77.0 8%	87.18 %
	<b>Sodomy w/Child</b>							
	Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	2	2	3	1	1	5	4
	Cases Tried to Completion	13	18	17	11	23	21	23
	Cases Convicted	8	10	12	9	18	18	17
	Rate	61.54 %	55.56 %	70.59 %	81.8 2%	78.26 %	85.71 %	73.91 %
	Cases Convicted of Above Sex Offense or LIO	10	12	12	9	19	18	17
	Rate	76.92 %	66.67 %	70.59 %	81.8 2%	82.61 %	85.71 %	73.91 %
	Cases Convicted on Any Charge	11	15	14	10	23	19	19
	Rate	84.62 %	83.33 %	82.35 %	90.9 1%	100.0 0%	90.48 %	82.61 %
	<b>Wrongful Sexual Contact</b>							
	Cases Arraigned but not Tried to Completion (dismissed/withdrawn)	0	4	4	12	25	31	15
	Cases Tried to Completion	0	8	20	31	48	58	56
	Cases Convicted	0	5	11	11	19	26	28
	Rate	N/A	62.50 %	55.00 %	35.48 %	39.58 %	44.8 3%	50.00 %
	Cases Convicted of Above Sex Offense or LIO	0	6	11	11	20	32	32
	Rate	N/A	75.00 %	55.00 %	35.48 %	41.67 %	55.1 7%	57.14 %
	Cases Convicted on Any Charge	0	8	16	22	39	49	45
	Rate	N/A	100.0 0%	80.00 %	70.97 %	81.25 %	84.4 8%	80.36 %
USAF	Conviction rates for FY11 and FY12 are provided in the waterfall slides in response to question 12 (Tabs 26 and 27).							
USN		<b>Total Tried Cases</b>	<b>Total tried cases containing a non-withdrawn Article 120/125</b>	<b>Cases containing a conviction on at least one Article 120/125</b>	<b>Cases where all Article 120/125 charges resulted in not guilty</b>	<b>Conviction Rate on Article 120/125</b>		
	GCM	119	60	36	24	60%		
	SPCM	172	14	9	5	64%		
	<b>Total</b>	<b>291</b>	<b>74</b>	<b>45</b>	<b>29</b>	<b>61%</b>		
USMC	<p>The Marine Corps CMS was initially designed as a tool to track post-trial processing of courts-martial, not as a data collection tool. Since its inception in 2010, the Marine Corps has modified CMS to include some data collection capabilities. However, the Marine Corps currently only has reliable data for FY12 and FY13.</p> <p>In FY12, the Marine Corps prosecuted 33 general courts-martial (GCM) and 34 special courts-martial (SPCM) for sex offenses (adult and child), for a total of 67 cases that went to a court-martial. Of those 67 cases, the Marine Corps attained</p>							

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	<p>convictions in 16 cases for penetration offenses, 11 cases for contact offenses, eight cases for other non-consensual sexual misconduct (i.e. indecent acts), and 26 cases for collateral misconduct (adultery, fraternization, underage drinking, etc.). Therefore, the Marine Corps had a total conviction rate of 91% and a 52% conviction rate on sex offenses.</p> <p>In FY13, the Marine Corps prosecuted 81 GCMs and 46 SPCMs for sex offenses (adult and child), for a total of 127 cases that went to a court-martial. Of those 127 cases, the Marine Corps attained convictions in 31 cases for penetration offenses, 15 cases for contact offenses, 14 cases for other non-consensual sexual misconduct (i.e. indecent acts), and 43 cases for collateral misconduct (adultery, fraternization, underage drinking, etc.). Therefore, the Marine Corps had a total conviction rate of 81% and a 47% conviction rate on sex offenses.</p>																		
USCG	<p>Conviction rates for sexual assault and related cases is presented in the following table:</p> <table border="1"> <thead> <tr> <th></th> <th>2009</th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> </tr> </thead> <tbody> <tr> <td>Rape, sexual assault</td> <td>66%</td> <td>75%</td> <td>33%</td> <td>50%</td> <td>75%</td> </tr> <tr> <td>wrongful contact, abusive sexual contact</td> <td>40%</td> <td>33%</td> <td>22%</td> <td>25%</td> <td>50%</td> </tr> </tbody> </table> <p>Conviction rates were calculated as the ratio of number of convictions for sex offenses (including a conviction for the lesser included offense), to the total number of tried cases with findings.</p>		2009	2010	2011	2012	2013	Rape, sexual assault	66%	75%	33%	50%	75%	wrongful contact, abusive sexual contact	40%	33%	22%	25%	50%
	2009	2010	2011	2012	2013														
Rape, sexual assault	66%	75%	33%	50%	75%														
wrongful contact, abusive sexual contact	40%	33%	22%	25%	50%														

41c(i). Please list by type of court-martial, and

DoD	DoD SAPRO does not currently have this information.
USA	<p>Data from the Fiscal Year 2012 Annual Report to Congress on Sexual Assault in the Army indicates that there were 424 cases in which sexual assault charges were preferred. Of those 424 cases preferred, 290 of the cases were completed by the end of FY 2012 and included in the Annual Report. Approximately 65% of the completed cases or 189 cases proceeded to trial by court-martial on at least one sexual assault specification.</p> <p>Generally, the U.S. Army Court of Criminal Appeals does not track the number of cases <i>referred</i> to court-martial, but rather the number of cases in which at least one specification of at least one charge has been <i>arraigned</i> by a court-martial. The following are the numbers of cases which went to arraignment which included at least</p>

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one specification of a sexual offense, regardless of outcome.

The following also shows the number of cases in which an Article 32, UCMJ, Investigation was completed. Generally, an Article 32, UCMJ, Investigation is required before any case may be referred to a general court-martial; however, an accused in a case may voluntarily waive this prerequisite either as a condition of a pretrial agreement or unconditionally. Cases referred to a special court-martial are not required to be investigated pursuant to Article 32, UCMJ, but an Article 32 may have been completed if the chain of command initially recommended a general court-martial and an investigation was completed pursuant to Article 32. Also, there are some instances that following the Article 32 investigation, the investigating officer recommends dismissal of some or all of the charges followed by either no action or administrative/nonjudicial action by the command. After the convening authority has reviewed the report of the investigating officer, the commander, with the advice of the trial counsel or staff judge advocate, makes an informed disposition decision and may dismiss the charges in order to pursue an alternate disposition if warranted by the circumstances.

The following information is only for those cases in which the convening authority has taken initial action and the record of trial has been forwarded to the U.S. Army Court of Criminal Appeals. There may be other cases which are still at the installation level in which the convening authority has not taken action and would not be reflected in the summary below, this is particularly true for Fiscal Year 2013 cases. Therefore, the numbers reflected below are not identical to the numbers which would have been included in an Annual Report to Congress.

	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
<b>GCMs Arraigned on SA Charge(s)</b>	<b>185</b>	<b>154</b>	<b>177</b>	<b>216</b>	<b>217</b>	<b>286</b>	<b>360</b>
ROT Received by ACCA	185	154	177	216	217	279	182
Art. 32 Done [1]	138	126	138	178	187	234	154
Rate	74.59%	81.82%	77.97%	82.41%	86.18%	83.87%	84.62%
<b>BCD-SPCM Arraigned on SA Charge(s)</b>	<b>13</b>	<b>19</b>	<b>19</b>	<b>23</b>	<b>25</b>	<b>24</b>	<b>41</b>
ROT Received by ACCA	2	4	6	7	6	7	7

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	Art. 32 Done [1]	0	0	0	1	0	1	0
	Rate	0.00%	0.00%	0.00%	14.29%	0.00%	14.29%	0.00%
	<b>Total Cases Arraigned on SA Charge(s)</b>	<b>198</b>	<b>173</b>	<b>196</b>	<b>239</b>	<b>242</b>	<b>310</b>	<b>401</b>
	ROT Received by ACCA	187	158	183	223	223	286	189
	Art. 32 Done [1]	138	126	138	179	187	235	154
	Rate	73.80%	79.75%	75.41%	80.27%	83.86%	82.17%	81.48%
	[1] Information is not known until the record of trial is received by Army Court of Criminal Appeals.							
USAF	The Air Force inputs for the FY13 SAPR annual report are not complete at this time. Prior year data is included in the DoD SAPR annual report.							
USN	See above chart.							
USMC	See (b).							
USCG	The number of sexual assault cases referred to court-martial in FY13 is presented in the following table:							
		General Court Martial		Special Court Martial	Summary Court Martial			
		Article 32 Hearings Conducted	General Court Martial Referral					
	FY 2013	18	12	10	3			

41c(ii) Include whether an Article 32 hearing occurred,

DoD	DoD SAPRO does not currently have this information.
USA	See consolidated answer above.
USAF	The Air Force inputs for the FY13 SAPR annual report are not complete at this time. Prior year data is included in the DoD SAPR annual report.
USN	The Navy does not track a specific metric for this data.
USMC	In FY13, 90 of the 127 cases went to an Article 32.

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USCG	See Table.
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41d. Number of cases involving sexual assault allegations resulting in nonjudicial punishment,

DoD	See slide 48 provided in the Q#41 RSP slide deck located at <a href="https://pmev2.bah.com/sites/DSAID/Document_Transfer/Forms/AllItems.aspx">https://pmev2.bah.com/sites/DSAID/Document_Transfer/Forms/AllItems.aspx</a>					
USA	Data from the Fiscal Year 2012 Annual Report to Congress on Sexual Assault in the Army indicates nonjudicial punishment imposed in 117 cases for sexual assault crimes. Each of these offenses involved a non-penetrative sexual assault offense. The vast majority of cases involved an unwanted touch over the clothing. No penetrative offense was disposed of with nonjudicial punishment. Fiscal Year 2013 data is not currently available.					
USAF	The Air Force inputs for the FY13 SAPR annual report are not complete at this time. Prior year data is included in the DoD SAPR annual report.					
USN	The Navy does not track a specific metric for this data.					
USMC	In FY13 the Marine Corps had 16 cases in which there was a sexual assault allegation that eventually went to NJP. However, of those 16 cases, only two involved a sex offense. The two sex offense NJPs were for contact offenses.					
USCG	The number of sexual assault allegations resulting in nonjudicial punishment is presented in the following table:					
		<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
	Number of Non-judicial Punishment Cases	18	9	11	22	4

41e. Number of cases in which an SJA advised a commander to dispose of a case in a particular way and the commander declined to follow that advice,

DoD	DoD SAPRO does not track this information. This information may possibly be available in a small set of anecdotal cases from the Service OTJAGs.
USA	The U.S. Army does not track the requested data. However, anecdotally, this is extremely rare. An initial disagreement between a commander and legal advisor generally prompts an in-depth discussion of the issues between the commander and the legal advisor until a consensus is reached.
USAF	Commanders declined to prosecute a case their Staff Judge Advocate (SJA) recommended for trial in 22 of 2,511 cases tried from 1 Jan 10 – 23 Apr 13 (less than 1%). Of those 22, there were 10 in which a superior commander preferred charges and 12 where no commander preferred charges. This data is for all cases, not just sexual assault cases.
USN	The Navy does not track a specific metric for this data.
USMC	The Marine Corps does not normally track this information, but surveyed the fleet on this issue for FY 2012 in response to a request for information (RFI). The Marine Corps found that convening authorities took action consistent with their SJA's recommendation for all cases that were disposed of during FY12.
USCG	Reviewing the last three years of sexual assault cases with completed investigations

**Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.**

	involving an accused Coast Guard service member (198 cases), the Coast Guard identified one case where the commander decided to dispose of the case differently than the Staff Judge Advocate's recommendation. In that particular case, the SJA recommended the case be referred to a general court-martial; the Convening Authority chose to refer the case to a special court-martial. The case is currently pending.
--	--

41f. Number of cases involving sexual allegations resulting in an officer's resignation in lieu of a court-martial,

DoD	See slide # 5 of the FY12 Flow Chart for a rollup of these cases. Provided in the Q#41 slide deck located at <a href="https://pmev2.bah.com/sites/DSAID/Document_Transfer/Forms/AllItems.aspx">https://pmev2.bah.com/sites/DSAID/Document_Transfer/Forms/AllItems.aspx</a>																
USA	Data from the Fiscal Year 2012 Annual Report to Congress on Sexual Assault in the Army indicates that of the 424 cases in which sexual assault charges were preferred, 4 resulted in an officer's Resignation in Lieu of a Court-Martial. The Fiscal Year 2013 data is not currently available.  To give an indication of the timing of the resignations, the following are Resignations in Lieu of Court-Martial where the Officer was separated <i>after</i> arraignment but <i>prior</i> to findings. The following do not include resignations which were accepted prior to arraignment or post-trial resignations.  <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>FY07</th> <th>FY08</th> <th>FY09</th> <th>FY10</th> <th>FY11</th> <th>FY12</th> <th>FY13</th> </tr> </thead> <tbody> <tr> <td>Officer Resignations</td> <td>0</td> <td>0</td> <td>0</td> <td>1</td> <td>1</td> <td>1</td> <td>0</td> </tr> </tbody> </table>		FY07	FY08	FY09	FY10	FY11	FY12	FY13	Officer Resignations	0	0	0	1	1	1	0
	FY07	FY08	FY09	FY10	FY11	FY12	FY13										
Officer Resignations	0	0	0	1	1	1	0										
USAF	This data is included in the DoD SAPR Annual Report for FY10-FY12. In FY12 the data is aggregated in the data matrices. In FY10-FY11, the data is included with the case synopses. FY12- 0 FY11- 0 FY10- 0																
USN	Total: 5 FY-13: 0 FY-12: 0 FY-11: 0 FY-10: 2 (2 O-3) FY-09: 2 (2 O-3) FY-08: 0 FY-07: 1 (1 O-4)																
USMC	There were no officers who were approved for a resignation in lieu of trial in FY13.																
USCG	From FY 2007 – FY 2013, there was a total of one officer with a resignation in lieu of trial with a pending Article 120 charge.																

41g. Number of cases involving sexual allegations resulting in an enlisted member's administrative discharge in lieu of a court-martial,

DoD	<b>*RSP Note* All documents provided through the non-publically accessible links</b>
-----	--

**Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.**

	<p><b>have been downloaded and have been attached to the corresponding responses.</b></p> <p>See slide # 5 of the FY12 Flow Chart for a rollup of these cases. Provided in the Q#41 slide deck located at <a href="https://pmev2.bah.com/sites/DSAID/Document_Transfer/Forms/AllItems.aspx">https://pmev2.bah.com/sites/DSAID/Document_Transfer/Forms/AllItems.aspx</a></p>																
USA	<p>Data from the Fiscal Year 2012 Annual Report to Congress on Sexual Assault in the Army indicates that of the 424 cases in which sexual assault charges were preferred, 53 resulted in an enlisted member's administrative Discharge in Lieu of Court-Martial. The Fiscal Year 2013 data is not currently available.</p> <p>To give an indication of the timing of the resignations, the following are Discharges in Lieu of Court-Martial where the Soldier was administratively separated after arraignment but prior to findings. The following do not include post-trial administrative discharges.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>FY07</th> <th>FY08</th> <th>FY09</th> <th>FY10</th> <th>FY11</th> <th>FY12</th> <th>FY13</th> </tr> </thead> <tbody> <tr> <td>Enlisted Chapter 10s</td> <td>11</td> <td>5</td> <td>10</td> <td>13</td> <td>17</td> <td>30</td> <td>21</td> </tr> </tbody> </table>		FY07	FY08	FY09	FY10	FY11	FY12	FY13	Enlisted Chapter 10s	11	5	10	13	17	30	21
	FY07	FY08	FY09	FY10	FY11	FY12	FY13										
Enlisted Chapter 10s	11	5	10	13	17	30	21										
USAF	<p>This data is included in the DoD SAPR Annual Report for FY10-FY12. In FY12 the data is aggregated in the data matrices. In FY10-FY11, the data is included with the case synopses.</p> <p>FY12- 6 FY11- 6 FY10- 2</p>																
USN	The Navy does not track a specific metric for this data.																
USMC	There were three enlisted members who were approved for separations in lieu of trial in FY13.																
USCG	From FY 2007 – FY 2013, there were a total of 10 enlisted members with separations in lieu of trial with pending Article 120 charges.																

41h. Number of sexual assault cases in FY11, FY12, and FY13 that were guilty pleas versus contested trials,

DoD	DoD SAPRO does not track this information. This information may possibly be available from Service OTJAGs.																																								
USA	<table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>FY07</th> <th>FY08</th> <th>FY09</th> <th>FY10</th> <th>FY11</th> <th>FY12</th> <th>FY13</th> </tr> </thead> <tbody> <tr> <td>Total Cases Arraigned:</td> <td>198</td> <td>173</td> <td>196</td> <td>239</td> <td>242</td> <td>310</td> <td>401</td> </tr> <tr> <td>Guilty Plea Cases:</td> <td>68</td> <td>60</td> <td>59</td> <td>82</td> <td>77</td> <td>95</td> <td>122</td> </tr> <tr> <td>Mixed Plea Cases:</td> <td>35</td> <td>18</td> <td>22</td> <td>18</td> <td>38</td> <td>43</td> <td>39</td> </tr> <tr> <td>Fully Contested:</td> <td>95</td> <td>95</td> <td>115</td> <td>139</td> <td>127</td> <td>172</td> <td>240</td> </tr> </tbody> </table>		FY07	FY08	FY09	FY10	FY11	FY12	FY13	Total Cases Arraigned:	198	173	196	239	242	310	401	Guilty Plea Cases:	68	60	59	82	77	95	122	Mixed Plea Cases:	35	18	22	18	38	43	39	Fully Contested:	95	95	115	139	127	172	240
	FY07	FY08	FY09	FY10	FY11	FY12	FY13																																		
Total Cases Arraigned:	198	173	196	239	242	310	401																																		
Guilty Plea Cases:	68	60	59	82	77	95	122																																		
Mixed Plea Cases:	35	18	22	18	38	43	39																																		
Fully Contested:	95	95	115	139	127	172	240																																		
USAF	This data is not tracked and provided as part of the SAPR annual reports. The Air Force did not track this data as part of inputs to the FY11 and FY12 SAPR annual reports so this data is unavailable for those years. This data is not a requirement for the FY13 SAPR annual report. However, once the Air Force has compiled inputs for the FY13 annual report, we will be able to review case dispositions to provide a response to this question for FY13.																																								
USN	In FY13, 28 of the 45 total convictions on sexual assault were fully contested (no																																								

**Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.**

	guilty plea on any SA charge). All of the 29 sexual assault cases resulting in not guilty (given above) are assumed to be contested. This results in 57 of the total 74 sexual assault cases having been contested (77%). We do not have data for years prior to FY13.												
USMC	In FY12 there were 21 guilty pleas. In FY13 there were 36 Guilty pleas.												
USCG	The number of sexual assault cases in FY11, FY12 and FY13 that were guilty pleas versus contested trials is presented in the following table,												
	<table border="1"> <thead> <tr> <th></th> <th>2011</th> <th>2012</th> <th>2013</th> </tr> </thead> <tbody> <tr> <td>Guilty Pleas</td> <td>5</td> <td>3</td> <td>7</td> </tr> <tr> <td>Contested Trials</td> <td>4</td> <td>4</td> <td>2</td> </tr> </tbody> </table>		2011	2012	2013	Guilty Pleas	5	3	7	Contested Trials	4	4	2
	2011	2012	2013										
Guilty Pleas	5	3	7										
Contested Trials	4	4	2										

41i. Number of service members 'processed' for administrative separation after conviction of a sexual assault offense when they did not receive punitive discharges,

DoD	DoD SAPRO did not have visibility or data collection over this part of the judicial process in FY12. FY13 data collection, when completed, should reflect this information.
USA	<p>In calendar year 2012, of the 192 Soldiers convicted of a sexual assault, 174 (91%) received a punitive discharge as part of the adjudged sentence. The remaining 18 Soldiers were subject to Army regulations requiring processing for administrative separation.</p> <p>The U.S. Army does not centrally track the number of Soldiers in a fiscal year who are convicted of a sexual assault offense but do not receive a punitive discharge as part of the approved sentence that are "processed" for administrative separation or administratively separated. However, current Army policies provide for the identification and administrative separation of these Soldiers.</p> <p>Under Army Regulations 600-20, 635-200 and 27-10, Soldiers convicted by a civilian or foreign court of a sexual assault offense and Soldiers convicted at court-martial who do not receive a punitive discharge are required to be processed for separation. The Criminal Law Division of the Office of The Judge Advocate General and the Office of The Provost Marshall General's office run data calls periodically to identify these Soldiers and reminders of the regulatory requirements are sent to Staff Judge Advocate offices by the Criminal Law Division to ensure compliance. In the event that a Soldier is retained after the administrative separation process is complete, the Soldier is coded with a "L8" movement code by Human Resources Command that prohibits certain assignments, overseas assignments and housing entitlements.</p> <p>On 7 November 2013, the Secretary of the Army published Army Directive 2013-21 requiring any Soldier who was retained after the administrative separation proceedings to be considered for separated under the Secretary's plenary authority in Army Regulation 635-200, Chapter 5.</p>
USAF	AMJAMs does not track administrative separation. The system that tracks

**Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.**

	administrative separations, WASP (web-based administrative separation program) is not linked to AMJAMs, so there is no way to link administrative separations to court-martial convictions. This data point was not required as part of the SAPR annual report until FY13. The Air Force will be able to provide this information for FY13 when inputs for the FY13 annual report are compiled.
USN	<p>Sexual assault is so detrimental to good order and discipline, mission readiness, and appropriate standards of performance and conduct, that processing for administrative separation is mandatory. Accordingly, all service members convicted of a sexual assault offense who did not receive a punitive discharge in a court-martial are processed for administrative separation in accordance with the Navy's mandatory processing policy. This policy is contained in Military Personnel Manual (MPM) 1910-233. MPM 1910-233 states:</p> <p>“Commanding officers (COs) must process individuals for separation who have committed the following, based on reliable evidence: Sexual Misconduct - rape, sexual assault, stalking, forcible sodomy, child sexual abuse, possession or distribution of child pornography, incestuous relationships, or any sexual misconduct that could be charged as a violation of or an attempt to violate reference (a) articles 120, 120a, 120b, or 120c; or equivalent criminal statute as a result of either misconduct due to commission of a serious offense or civilian conviction.”</p> <p>Mandatory processing is also required for individuals who commit “sexual harassment under the following circumstances:</p> <p>(1) Threats or attempts to influence another's career or job in exchange for sexual favors;  (2) Rewards (including bribes to influence favorably another's career) in exchange for sexual favors; or  (3) Unwanted physical contact of a sexual nature which, if charged as a violation of reference (a), could result in a punitive discharge.”</p>
USMC	In FY12 eight were processed for administrative separation. In FY13 six were processed for administrative separation.
USCG	No response provided.

41j. Number of service members administratively separated after a conviction of a sexual assault offense when they did not receive punitive discharges,

DoD	DoD SAPRO did not have visibility or data collection over this part of the judicial process in FY12.
USA	See consolidated response at 41i.
USAF	AMJAMs does not track administrative separation. The system that tracks administrative separations, WASP (web-based administrative separation program) is not linked to AMJAMs, so there is no way to link administrative separations to court-martial convictions. This data point was not required as part of the SAPR annual report until FY13. The Air Force will be able to provide this information for FY13 when inputs for the FY13 annual report are compiled.
USN	The Navy does not track a specific metric for this data.

**Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.**

USMC	In FY12 eight were separated. In FY13 six were separated, one is still pending.
USCG	Between FY09 to FY13, 18 members were administratively separated after a court-martial with no adjudged punitive discharge.

41k. The number of sexual assault cases the military prosecuted after being declined by civilian jurisdictions, and

DoD	DoD SAPRO does not have uniform data collection in this area. This information may possibly be available from the MCIOs and OTJAGs.
USA	The U.S. Army does not specifically collect the requested data. However, on 6 November 2013, The Judge Advocate General of the Army provided the Chair of the Response Systems Panel a non-exhaustive sampling of 79 cases, in which an Army commander chose to prosecute an off-post offense that the civilians either declined to prosecute or could not prosecute. Those cases, representing allegations made by 97 victims, resulted in a 78% conviction rate. Those cases were provided from jurisdictions across the Army and reflect the willingness of commanders to pursue difficult cases to serve the interests of both the victims and our community.
USAF	The Air Force does not formally track this data point. However, in response to a similar request received through the office of the Chairman of the Joint Chiefs of Staff, the Air Force provided a non-exhaustive list of 10 sexual assault cases in which an Air Force commander elected to pursue court-martial charges after the local civilian authorities declined to prosecute. The Air Force has a policy of maximizing jurisdiction of offenses allegedly committed by Air Force members IAW AFI 51-201, Administration of Military Justice, para. 2.6.
USN	In FY13, the Navy prosecuted five sexual assault cases after the cases were declined by civilian jurisdictions. There are no statistics for prior fiscal years.
USMC	From February 2010 through June 2013 the Marine Corps prosecuted 28 cases involving sexual misconduct that civilian jurisdictions declined to prosecute. The Marine Corps obtained convictions for Article 120 offenses in 14 of those cases and convictions for collateral misconduct in five additional cases.
USCG	From 2012 to 2013, the Coast Guard has taken military justice action in 12 cases involving adult and child sexual assault crimes after civilian law enforcement declined to prosecute.  The breakdown of those cases are as follows:  Guilty at General Court-Martial: 5 Acquitted at General Court-Martial: 2 Pending (e.g. Art 32 or GCM stage): 2 Dismissed after Article 32: 2 Alternative Disposition (e.g. NJP): 1

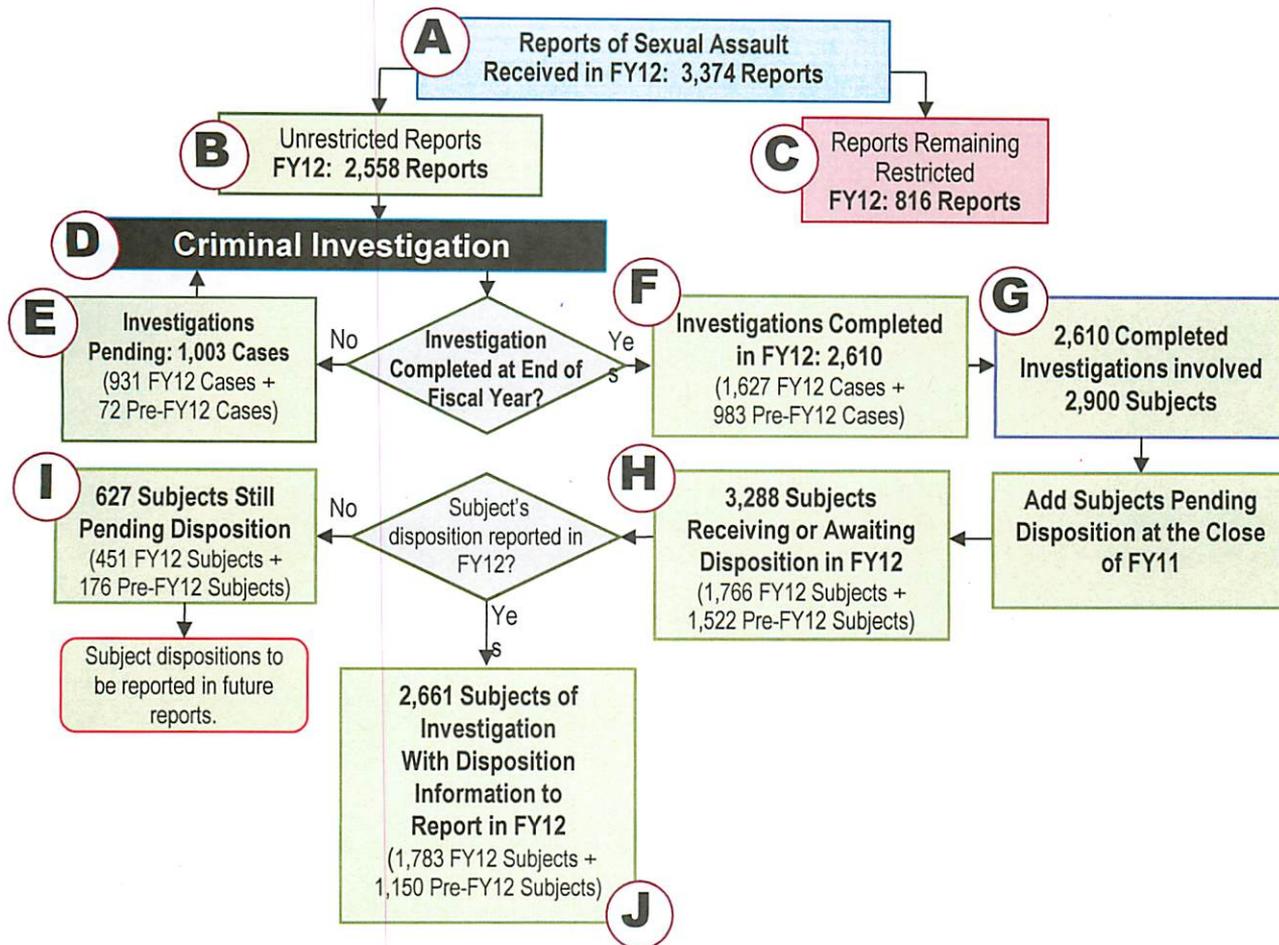
41l. Any other military justice statistics that may be helpful for the RSP to conduct a comparison with civilian jurisdictions.

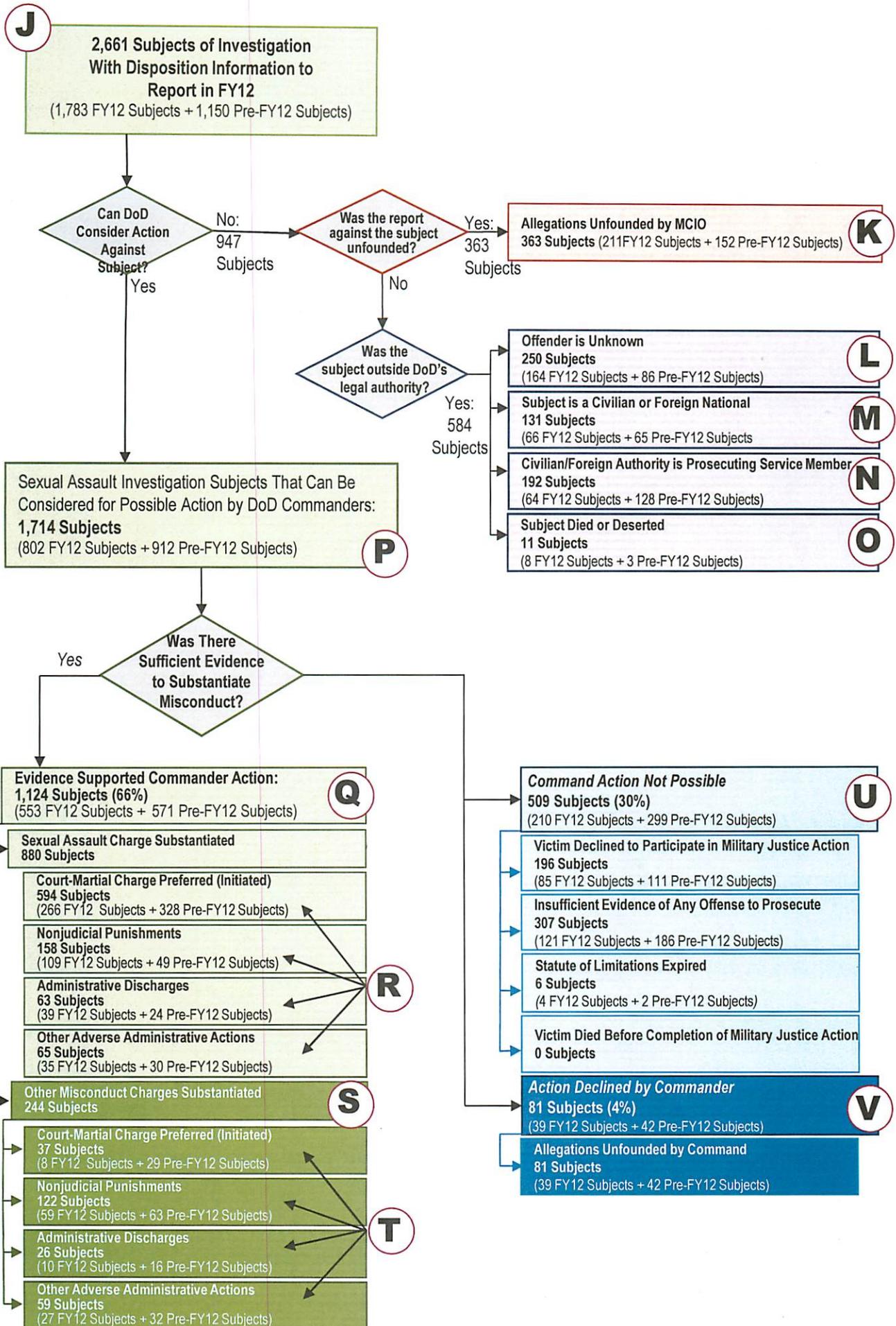
DoD	DoD SAPRO does not track this information. This information may possibly be available from Service OTJAGs.
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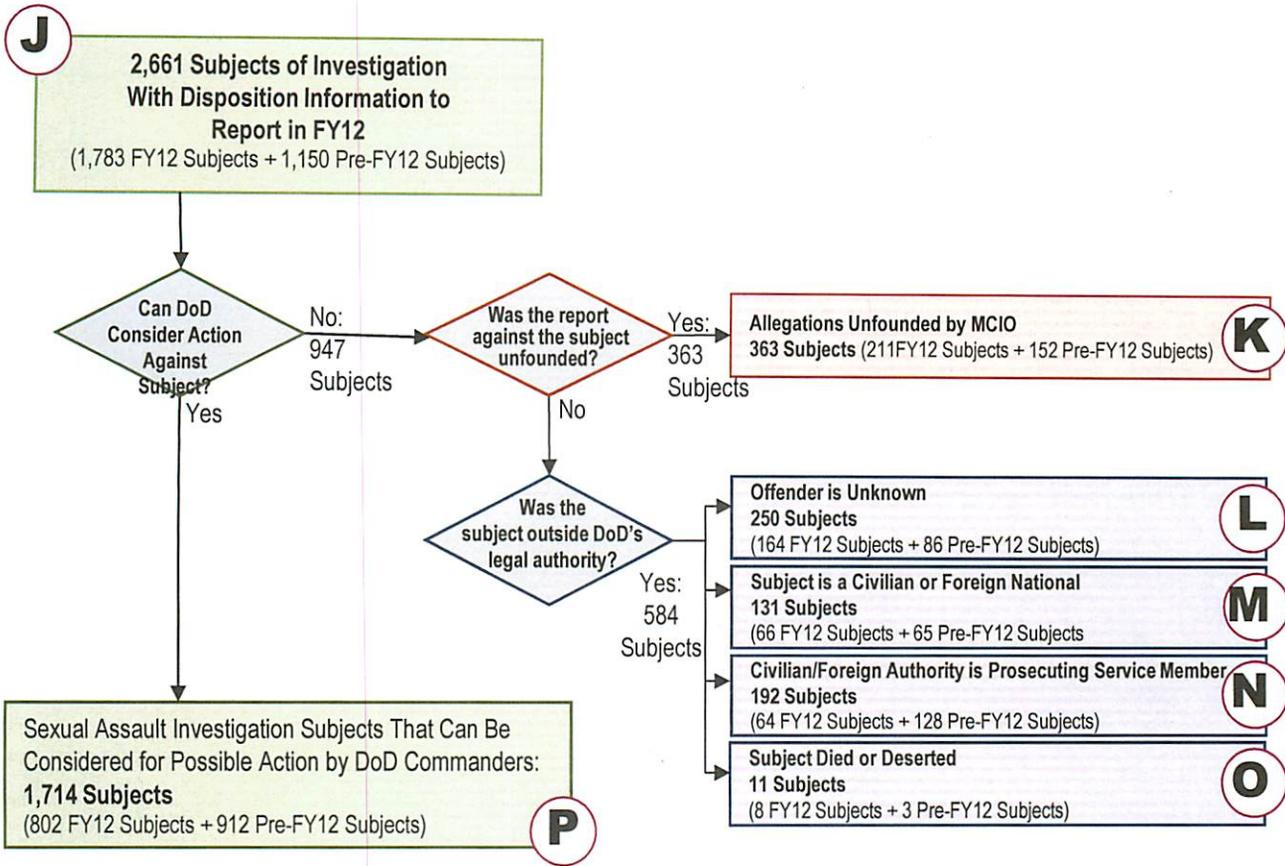
**Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.**

USA	None.
USAF	The JSC-SAS report on Civilian Sexual Assault Investigation, Prosecution, and Victim Services, will provide further helpful information the RSP may use to compare sexual assault in the military to sexual assault in civilian jurisdictions.
USN	None.
USMC	None.
USCG	The Coast Guard has no additional statistical comparisons with civilian jurisdictions.

**Narrative responses have been consolidated by the Response Systems Panel (RSP). Please forgive formatting errors in text and data. Source documents for narrative responses can be obtained by contacting the RSP.**







Sexual Assault Investigation Subjects That Can Be Considered for Possible Action by DoD Commanders:  
**1,714 Subjects**  
 (802 FY12 Subjects + 912 Pre-FY12 Subjects) **P**

Was There Sufficient Evidence to Substantiate Misconduct?

Yes

**Evidence Supported Commander Action:**  
**1,124 Subjects (66%)**  
 (553 FY12 Subjects + 571 Pre-FY12 Subjects) **Q**

**Sexual Assault Charge Substantiated**  
**880 Subjects**

**Court-Martial Charge Preferred (Initiated)**  
**594 Subjects**  
 (266 FY12 Subjects + 328 Pre-FY12 Subjects)

**Nonjudicial Punishments**  
**158 Subjects**  
 (109 FY12 Subjects + 49 Pre-FY12 Subjects)

**Administrative Discharges**  
**63 Subjects**  
 (39 FY12 Subjects + 24 Pre-FY12 Subjects)

**Other Adverse Administrative Actions**  
**65 Subjects**  
 (35 FY12 Subjects + 30 Pre-FY12 Subjects)

**R**

**Other Misconduct Charges Substantiated**  
**244 Subjects** **S**

**Court-Martial Charge Preferred (Initiated)**  
**37 Subjects**  
 (8 FY12 Subjects + 29 Pre-FY12 Subjects)

**Nonjudicial Punishments**  
**122 Subjects**  
 (59 FY12 Subjects + 63 Pre-FY12 Subjects)

**Administrative Discharges**  
**26 Subjects**  
 (10 FY12 Subjects + 16 Pre-FY12 Subjects)

**Other Adverse Administrative Actions**  
**59 Subjects**  
 (27 FY12 Subjects + 32 Pre-FY12 Subjects)

**T**

**Command Action Not Possible**  
**509 Subjects (30%)**  
 (210 FY12 Subjects + 299 Pre-FY12 Subjects) **U**

**Victim Declined to Participate in Military Justice Action**  
**196 Subjects**  
 (85 FY12 Subjects + 111 Pre-FY12 Subjects)

**Insufficient Evidence of Any Offense to Prosecute**  
**307 Subjects**  
 (121 FY12 Subjects + 186 Pre-FY12 Subjects)

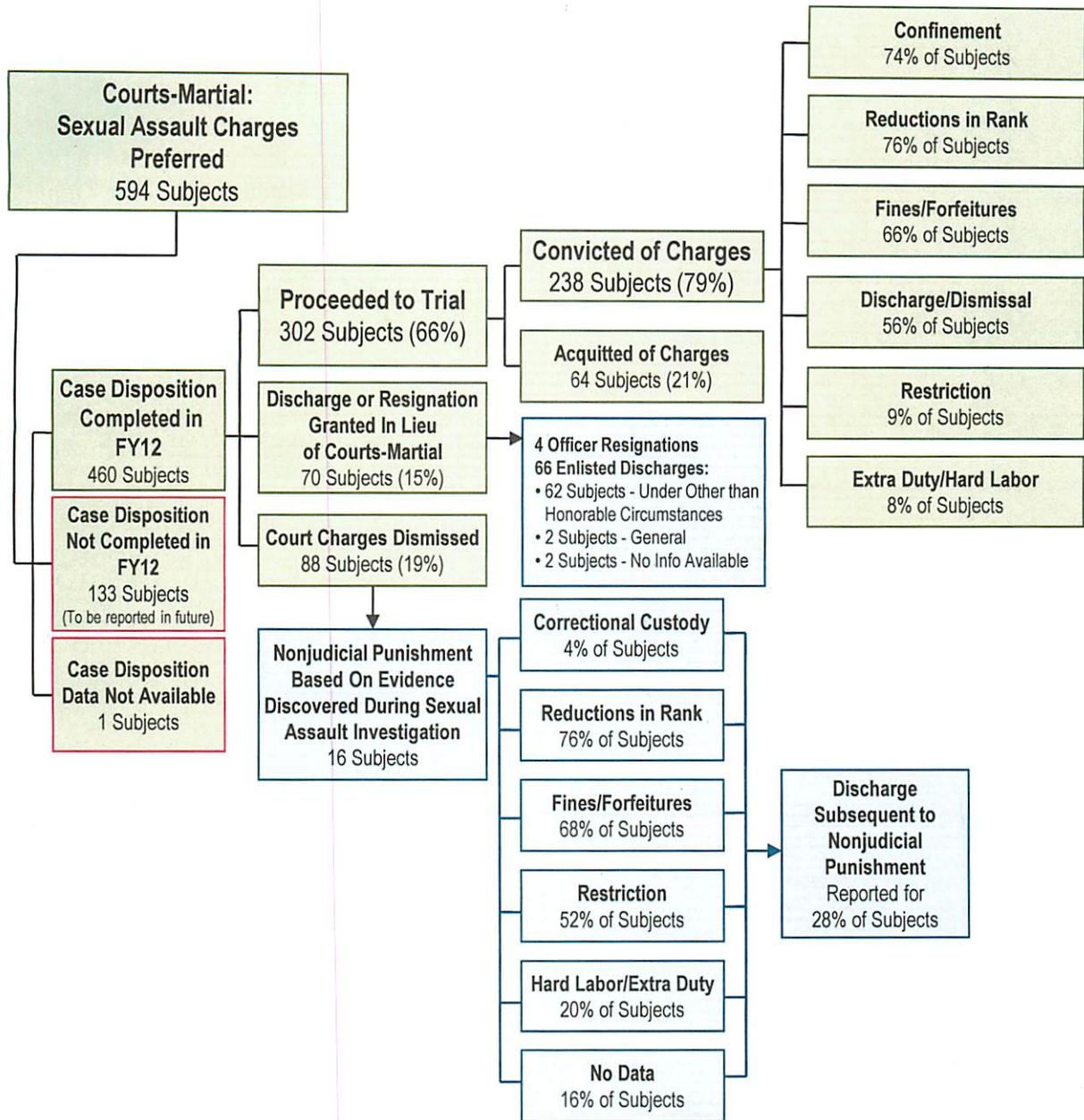
**Statute of Limitations Expired**  
**6 Subjects**  
 (4 FY12 Subjects + 2 Pre-FY12 Subjects)

**Victim Died Before Completion of Military Justice Action**  
**0 Subjects**

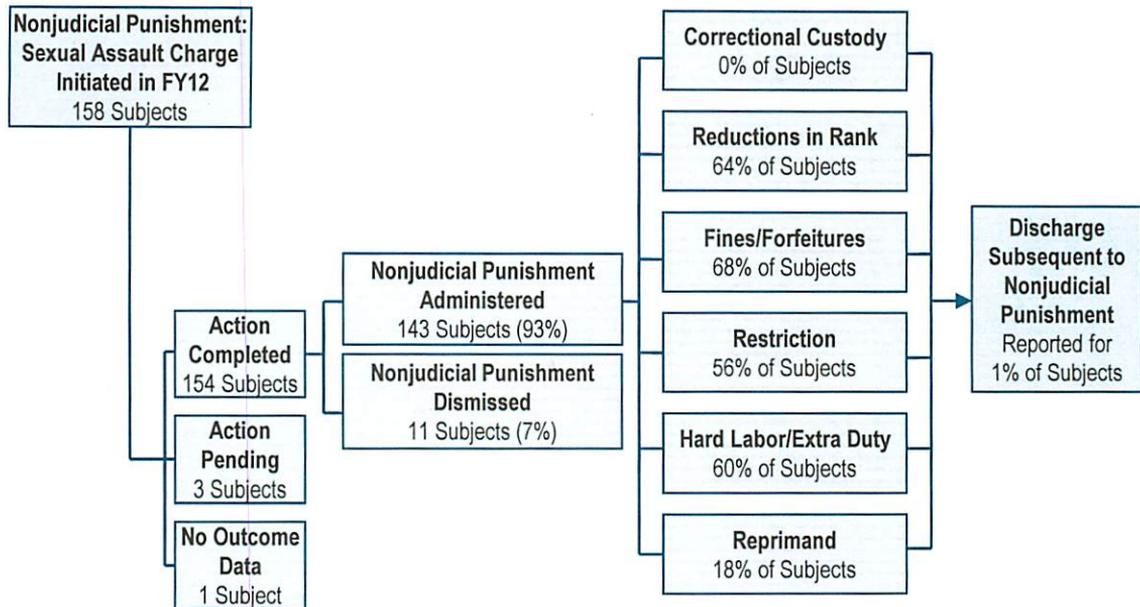
**Action Declined by Commander**  
**81 Subjects (4%)**  
 (39 FY12 Subjects + 42 Pre-FY12 Subjects) **V**

**Allegations Unfounded by Command**  
**81 Subjects**  
 (39 FY12 Subjects + 42 Pre-FY12 Subjects)

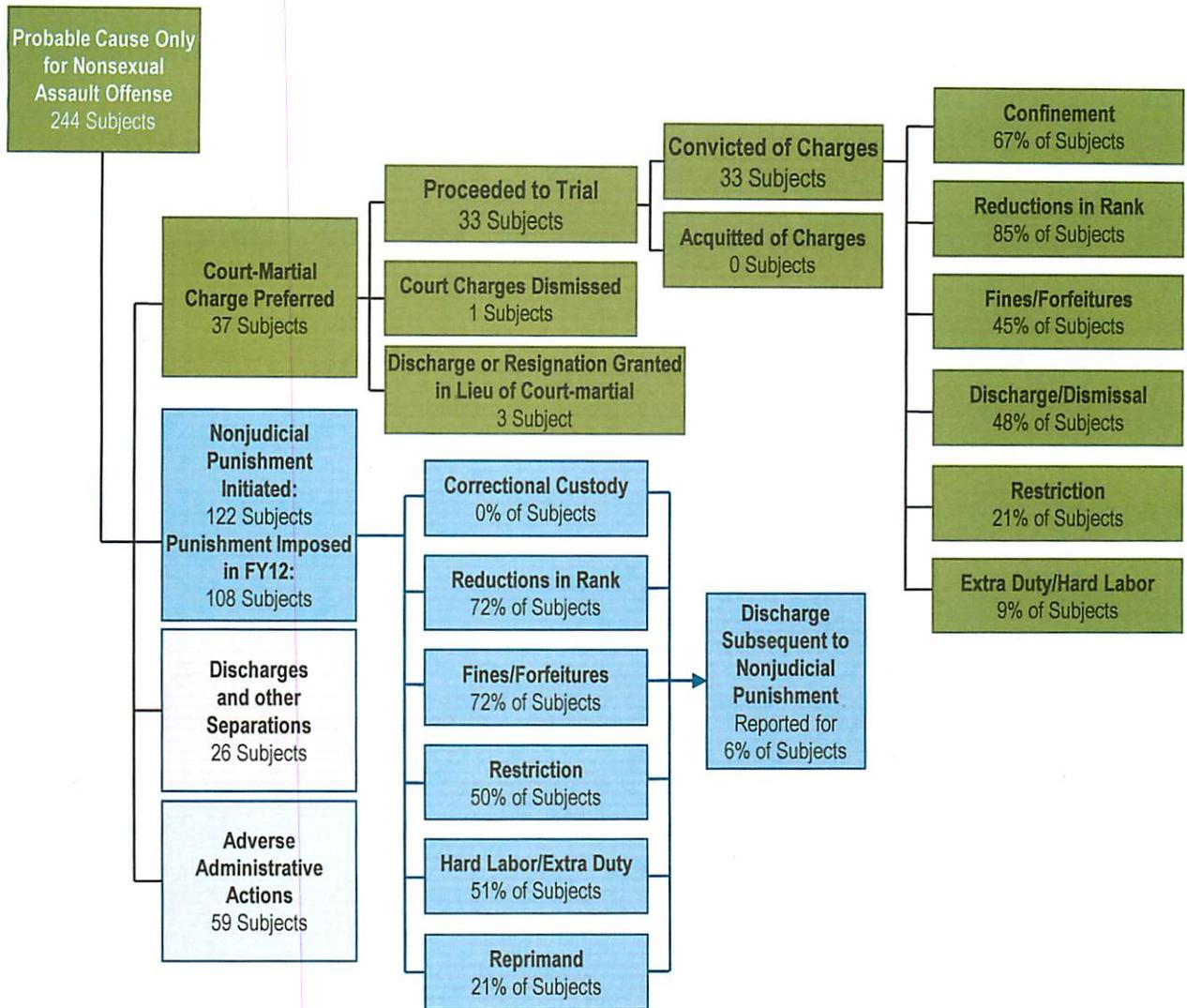
# FY12 Court-Martial Outcomes (Sexual Assault Offense)



# NJP Outcomes (Sexual Assault Offense)



# FY12 Non-sexual assault offenses





DEPARTMENT OF DEFENSE  
SEXUAL ASSAULT PREVENTION  
AND RESPONSE OFFICE

# Department of Defense Sexual Assault Prevention and Response Program

Response Systems Panel  
June 27, 2013

000991

## Purpose

- Provide overview of DoD sexual assault reporting
- Describe DoD survey methodology and top line results
- Explain DoD SAPR Strategy and Lines of Effort
- Identify past reviews of the DoD Sexual Assault Prevention and Response Program

## DoD and SAPRO Mission

### DoD Mission

- The Department of Defense prevents and responds to the crime of sexual assault in order to enable military readiness and reduce - with goal to eliminate - sexual assault from the military

### SAPRO Mission

- Serve as the DoD's single point of authority, system accountability, and oversight for the sexual assault prevention and response program, except for:
  - Criminal investigative matters that are the responsibility of DoD IG
  - Legal processes that are the responsibility of the Judge Advocates General of the Military Departments

# **Overview of DoD Sexual Assault Reporting**

## What is Sexual Assault?

- In the DoD, sexual assault is an overarching term that encompasses a range of contact sexual assault offenses between adults, prohibited by the Uniform Code of Military Justice
- Offenses are charged based on the act perpetrated, the level of force used, and the ability of the victim to consent
- Includes the UCMJ offenses of:
  - Rape (Art 120)
  - Sexual Assault (Art 120)
  - Forcible Sodomy (Art 125)
  - Attempts to Commit (Art 80)
  - Aggravated Sexual Contact (Art 120)
  - Abusive Sexual Contact (Art 120)

“Sexual assault” is not the same as “Military Sexual Trauma” (MST), a term used by Department of Veteran’s Affairs for documenting medical conditions and Service-connected disabilities, which includes experiencing **sexual harassment and/or sexual assault** at any point during one’s military career.

## Two Reporting Options

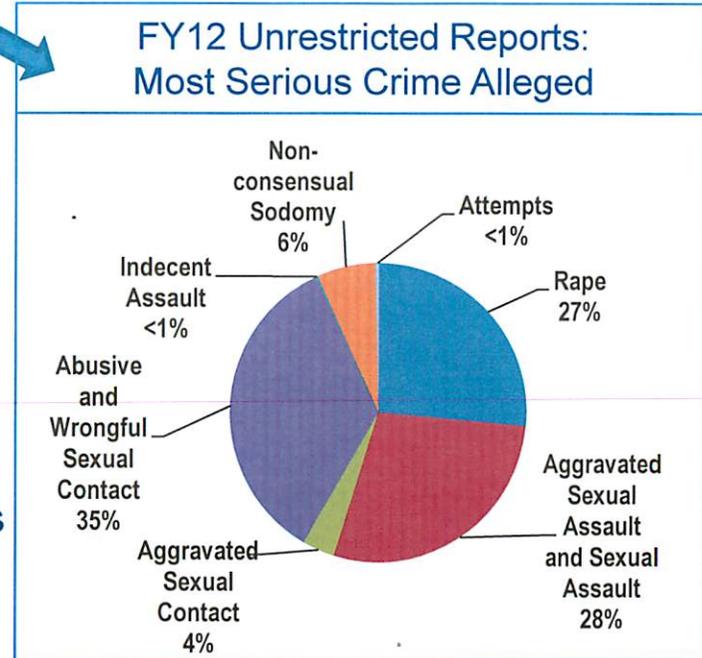
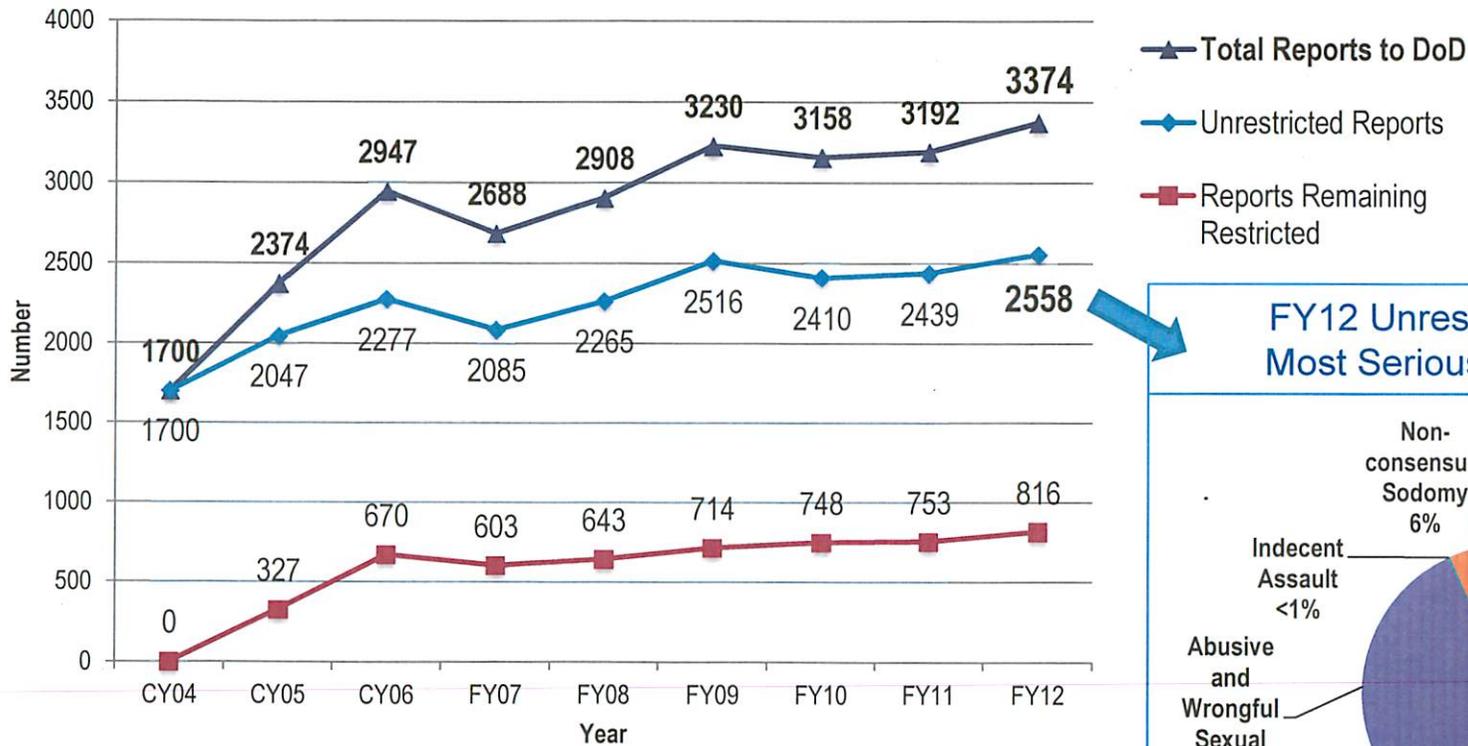
### Unrestricted Report

- Victim receives medical care, counseling, and advocacy services
- Commander is notified
- Report made to law enforcement to initiate the criminal investigation

### Restricted Report

- Victim confidentially discloses to specific individuals
  - Sexual Assault Response Coordinator/Victim Advocate
  - Healthcare Personnel
- Command informed of assault (for safety reasons) but victim's name or other identifying information not provided
- Victim receives treatment and services, but no investigation initiated
- First offered in June 2005
  - Each year, about 15% of restricted reports switch to unrestricted

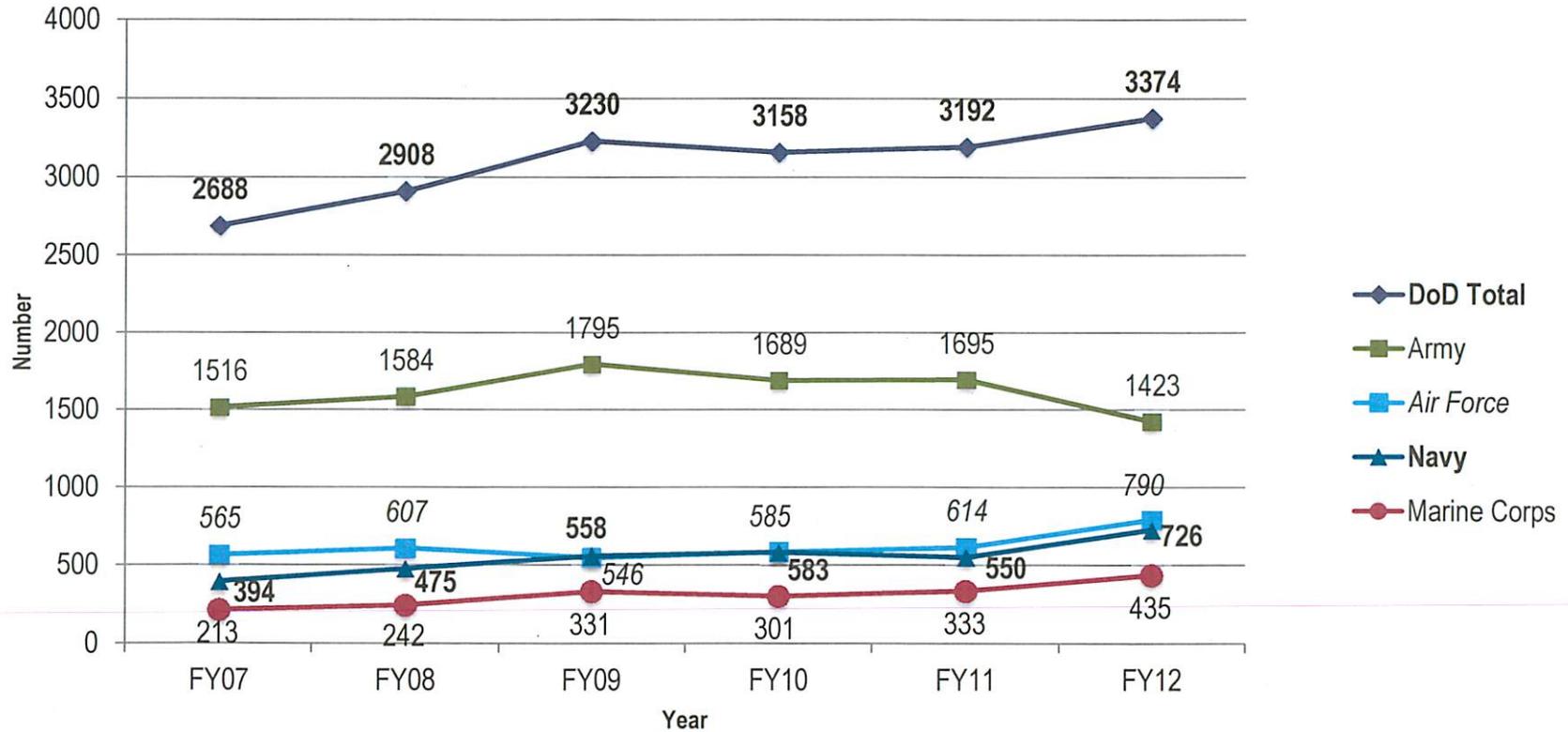
# Reports of Sexual Assault: CY04-FY12



- Reports of sexual assault include military members as either victims or alleged perpetrators.
- In FY12, overall reporting increased 6% from FY11
  - Unrestricted Reporting increased by 5%
  - Reports remaining Restricted increased by 8%
- 121 Reports in FY12 were for an incident occurring prior to service
- Restricted Report Conversions increased from 14.1% in FY11 to 16.8% in FY12

000997

# Sexual Assault Reports by Service, FY07-12



Three of four Services showed an approximate 30% increase in reporting in FY12.

866000

## Demographics in Majority of Unrestricted Reports

- Victim
  - Female
  - 18–24 years old
  - Junior enlisted (E1 – E4)
  - Occurring off duty at home station
- Subject
  - Male
  - 18 to 34 years old
  - Enlisted
  - Trend toward slightly higher rank than victim
  - Not a stranger to victim
  - Alcohol commonly the only weapon

# **DOD Survey Methodology and Top Line Results**

## Why Survey?

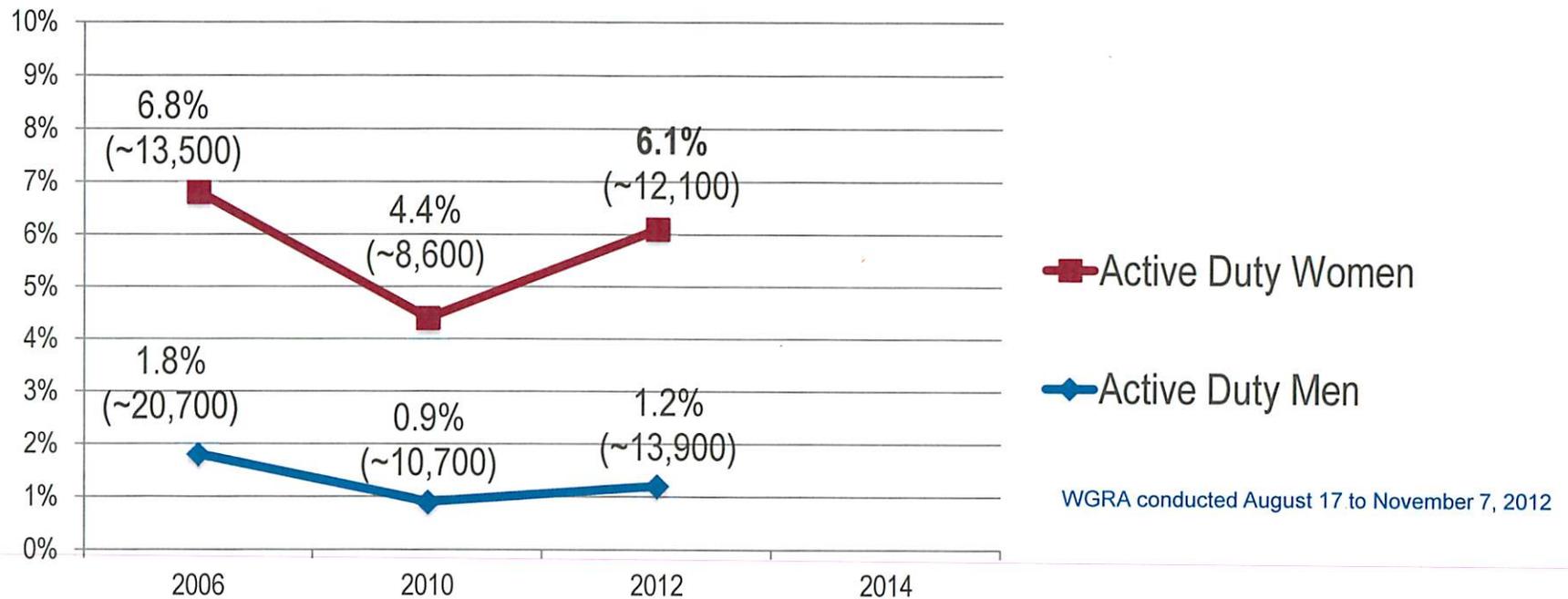
- National civilian statistics indicate that sexual assault is “under reported”
  - Determined through surveys of civilian population
    - Most persons indicating they experienced sexual assault also indicate they did not report it to law enforcement
    - Crime reports to police only account for 15 to 20% of what would be expected based on national surveys
- Population surveys help estimate the extent of a problem
  - Centers for Disease Control and Prevention and the Department of Justice conduct periodic, national surveys on sexual assault for this purpose
- SAPRO uses the *Workplace and Gender Relations Survey* to estimate the prevalence of sexual assault and sexual harassment in the military
  - “Unwanted sexual contact” is the survey term for the crimes that constitute sexual assault under military law
    - Survey research shows that terms like “rape” and “sexual assault” have different meanings to people
    - Unwanted sexual contact describes specific behaviors, instead of offenses, to improve consistency in item response

## Unwanted Sexual Contact (USC)

- **Definition and measure of USC in the WGRA:**
  - USC is measured by asking members to refer to experiences in the past 12 months in which they experienced any of the following intentional sexual contacts that were against their will or which occurred when they did not or could not consent:
    - Sexually touched them (e.g., intentional touching of genitalia, breasts, or buttocks) or made them sexually touch someone;
    - Attempted to make them have sexual intercourse, but was not successful;
    - Made them have sexual intercourse;
    - Attempted to make them perform or receive oral sex, anal sex, or penetration by a finger or object, but was not successful; or
    - Made them perform or receive oral sex, anal sex, or penetration by a finger or object.
  - A member is counted in the USC prevalence rate if he or she replied “yes” to any of the behaviors listed.
- **USC one situation:**
  - On the survey, members who had indicated they experienced USC were asked to consider the “one situation” occurring the past 12 months that had the greatest effect on them. With that one situation in mind, members then reported on the circumstances surrounding that experience (e.g., who were the offenders, where did the behaviors occur, were drugs/alcohol involved, was the experience reported, were there any repercussions because of reporting the incident).

# Past-Year Prevalence of Unwanted Sexual Contact

## Percent of Active Duty Members, by Gender

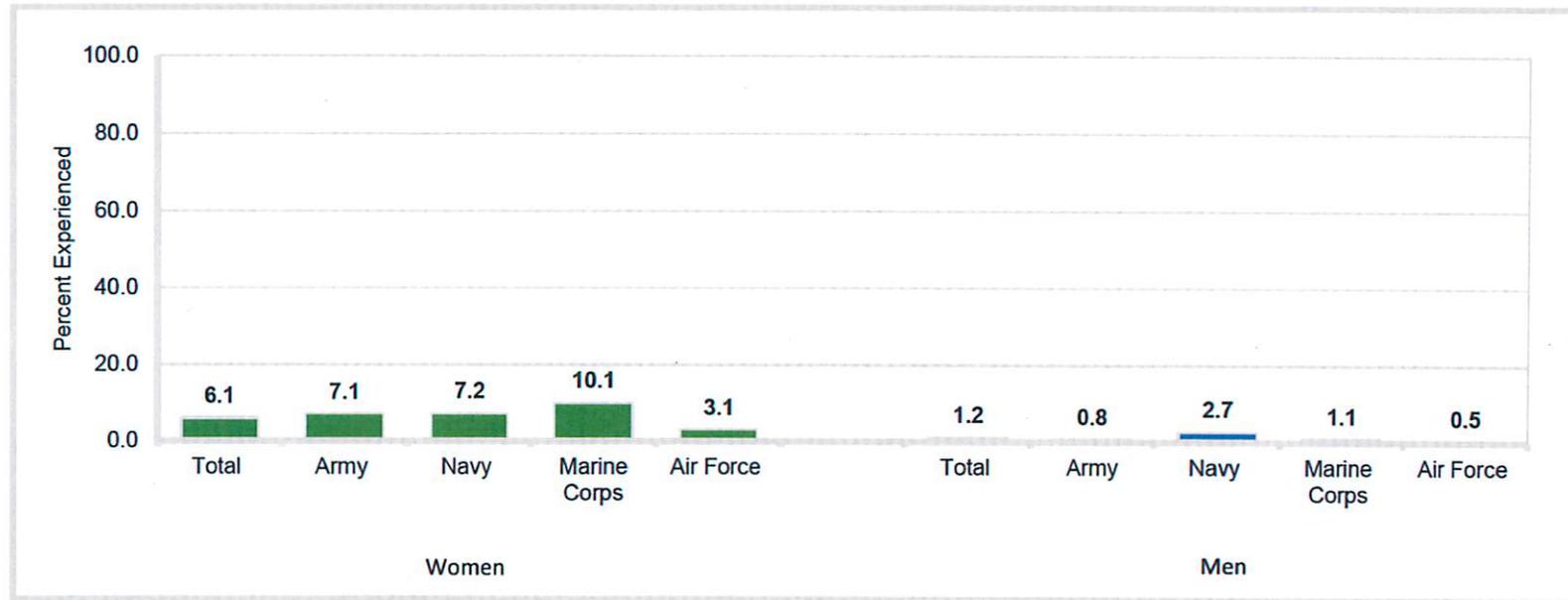


### Key findings:

- In 2012, 6.1% of women and 1.2% of men indicated experiencing USC
- For women, the 2012 percentage is statistically significantly higher than 2010; there are no statistically significant differences for men between 2012 and 2010
- Of the women and men who experienced USC in the past 12 months, 45% of these women and 19% of these men also experienced USC prior to entering the military
- Only 18% of active women and 22% of active men indicated the offender was either unidentified or a person in the local community; the majority of offenders were primarily military members or DoD civilians/contractors

# Past-Year Prevalence of Unwanted Sexual Contact

Percent of Active Duty Women and Men, by Service



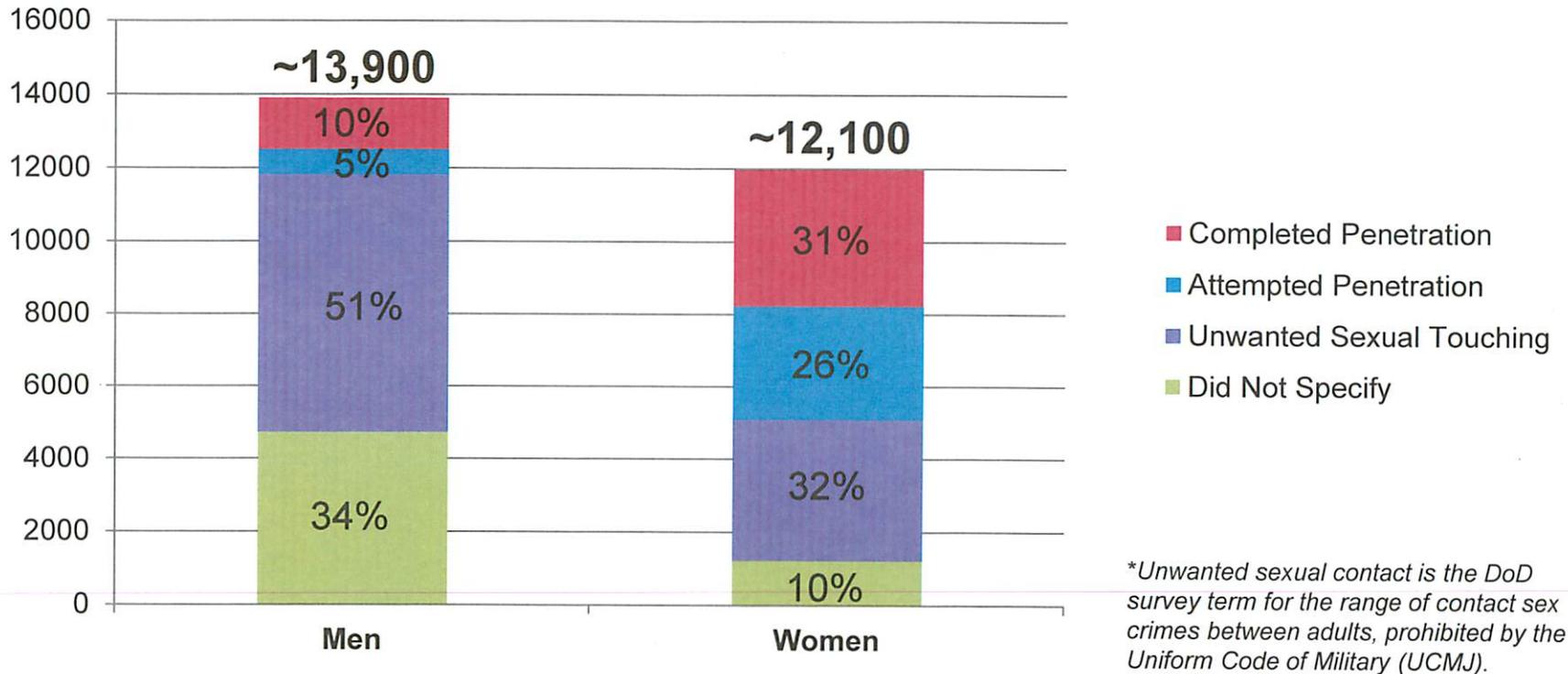
## Key findings:

- Marine Corps women were more likely than women in the other Services to indicate experiencing USC
- Air Force women were less likely than women in the other Services to indicate experiencing USC
- For Navy and Marine Corps women, the 2012 percentages are statistically significantly higher than 2010 (7.2% vs. 4.4% and 10.1% vs. 6.6%, respectively); there are no statistically significant differences for men between 2012 and 2010

# Unwanted Sexual Contacts\* Experienced

Estimates from 2012 WGRA

001005

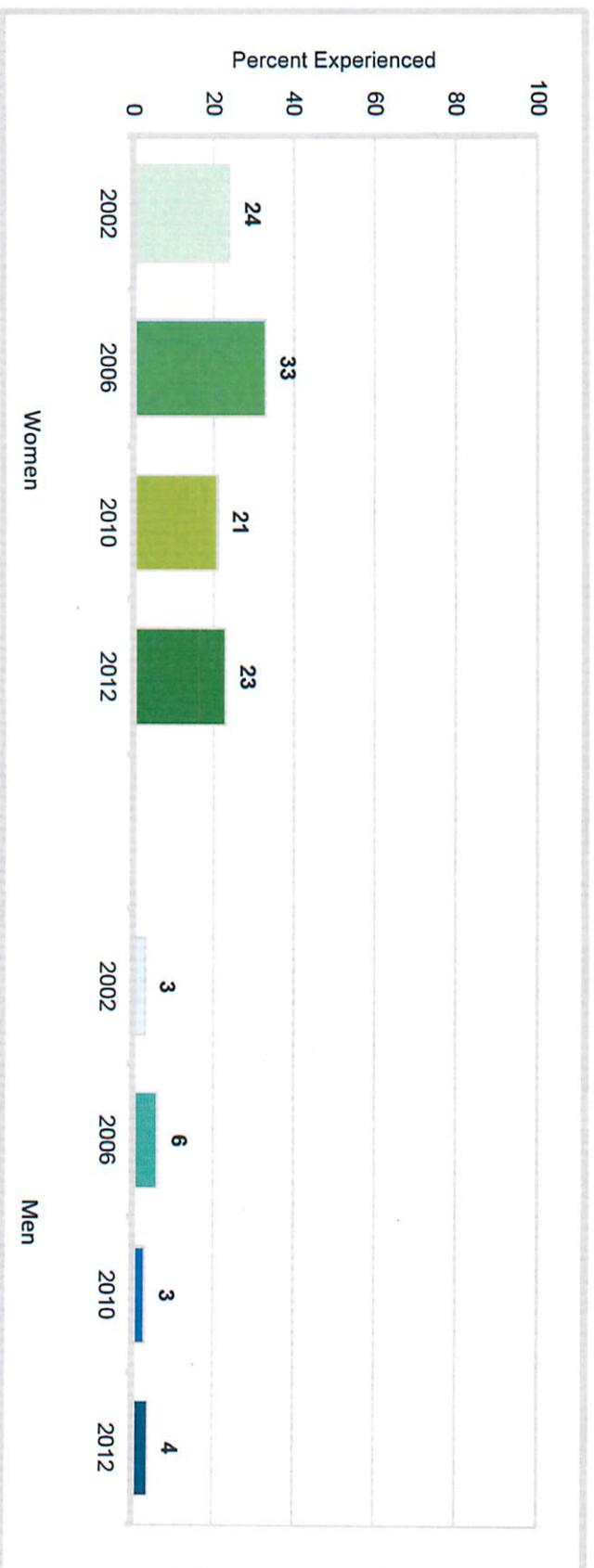


### Key Findings:

- Of active duty members who indicated USC via the WGRA, about 31% of women and 10% of men experienced a completed oral, anal, or vaginal penetration
- The proportions of behavior shown are statistically unchanged from 2010

# Sexual Harassment Incident Rate

Percent of Active Duty Members, by Gender



## Key Findings:

- Survey results found that 23% of women and 4% of men indicated experiencing sexual harassment in the past year; these rates are statistically unchanged from 2010
- Members who experience USC also experience sexual harassment at a higher rate than members who do not experience USC
  - Of the 6.1% of women experiencing USC in the past year, 77% also experienced sexual harassment
  - Of the 1.2% of men experiencing USC in the past year, 52% also experienced sexual harassment

## Perceptions of Retaliation

- Perceptions about retaliation differ, depending on your experience
- Active Duty members in general believe they would be free to report a sexual assault without experiencing retaliation:
  - 70% of women and 83% of men indicated they would feel free to report sexual assault without fear of reprisals
- Those members who indicated experiencing unwanted sexual contact have a different perception:
  - Of women who experienced unwanted sexual contact and reported it to a military authority, 62% indicated they perceived some form of retaliation as a result of reporting the situation
    - Respondents could pick from one or more of the following:
      - Social retaliation
      - Professional retaliation
      - Administrative action
      - Punishment
  - Data are not reportable for men

# **DOD-wide Sexual Assault Prevention and Response Strategy**

- **Sustain multi-pronged approach – no single “silver bullet” solution**
  - Requires sustained progress, persistence, innovation, and multi-disciplinary approach in prevention, investigation, accountability, victim assistance & assessment
- **Expand prevention efforts to reinforce cultural imperatives of mutual respect and trust, team commitment, and professional values**
- **Recognize that sexual harassment is strongly correlated with sexual assault**
- **Ensure victim focus to help overcome vast underreporting**
  - Every victim needs to be treated with respect, dignity, and sensitivity
  - Reporting is an essential bridge to victim care and accountability
- **Sustain commitment to holding offenders appropriately accountable – we are improving investigative and accountability efforts through Special Victims Capability, UCMJ Panels, and comprehensive oversight actions**
- **Continue to educate frontline commanders and leaders at all levels and hold them accountable in establishing a culture of dignity and respect**

**Mission:** The Department of Defense prevents and responds to the crime of sexual assault in order to enable military readiness and reduce—with a goal to eliminate—sexual assault from the military.

### Lines of Effort

### Objectives

**Communication** – Communicate DoD’s efforts to support victim recovery, enable military readiness, and reduce—with a goal to eliminate—sexual assault from the military.

- Prevention** - Deliver consistent and effective prevention methods and programs.
- Investigation** - Achieve high competence in the investigation of sexual assault.
- Accountability** - Achieve high competence in holding offenders appropriately accountable.
- Advocacy** – Deliver consistent and effective victim support, response, and reporting options.
- Assessment** – Effectively standardize, measure, analyze, and assess program progress.

- Cultural imperatives of mutual respect and trust, professional values, and team commitment are reinforced to create an environment where sexual assault is not tolerated.
- Investigative resources yield timely and accurate results.
- Perpetrators are held appropriately accountable.
- DoD provides high quality services and support to instill confidence, inspire victims to report, and restore resilience.
- DoD incorporates responsive, meaningful, and accurate systems of measurement and evaluation into every aspect of SAPR.

# Advocacy - Victim Assistance

## Major Initiatives Completed

- Launched DoD Safe Helpline to give victims 24/7 global access to crisis support staff.
- Implemented expedited transfer policy for victims making that request
- Enacted Military Rule of Evidence 514 improving protection of communications between victims and advocates
- Conduct recurring Survivor Summits to ensure policy making is informed by the voices of victims
- Expanded the DoD Safe Helpline to include a moderated Safe HelpRoom to advance victim support services

## Ongoing and Future Actions

- Implementing DoD SARC/VA certification program with National Organization for Victim Assistance
- Expanding Service manning of full-time equivalent SARC and VA positions to all brigade or equivalent units, as directed in NDAA FY12
- Standardizing core competencies and learning objectives for DoD-wide training of SARCs and VAs
- Developing means for retaining documentation associated with Restricted Reporting for 50 years, while maintaining victim confidentiality

# **Past Reviews of DoD Sexual Assault Prevention and Response**

## Reviews of Sexual Assault in the Military, 2003-2008

- September 2003: **Fowler Commission**
  - Reviewed sexual harassment and violence at US Air Force Academy
    - <http://www.defense.gov/news/Sep2003/d20030922usafareport.pdf>
- April 2004: **Care for Victims Task Force**
  - Recommendations for fundamentally changing how DoD prevents and responds to sexual assault
    - <http://www.defense.gov/news/may2004/d20040513satfreport.pdf>
- 2004: **Joint Task Force – Sexual Assault Prevention and Response**
  - Implemented DoD policies based on recommendations of Care for Victims Task Force
    - DoD Instruction 6495.01, Sexual Assault Prevention and Response Program
    - DoD Instruction 6495.02, Sexual Assault Prevention and Response Program Procedures
      - <http://www.sapr.mil/index.php/law-and-dod-policies/directives-and-instructions>
- June 2005: **Defense Task Force on Sexual Harassment and Violence at the Military Service Academies**
  - Reviewed sexual harassment and violence at US Military Academy and US Naval Academy
    - [http://www.defense.gov/home/pdf/High\\_GPO\\_RRC\\_tx.pdf](http://www.defense.gov/home/pdf/High_GPO_RRC_tx.pdf)

## Reviews of Sexual Assault in the Military, 2008-2010

- 2008: **Government Accountability Office**
  - Engagement 08-296: *The DOD and Coast Guard Academies Have Taken Steps to Address Incidents of Sexual Harassment and Assault, but Greater Federal Oversight Is Needed*
    - <http://www.gao.gov/assets/280/271245.pdf>
  - Engagement 08-924: *DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges*
    - <http://www.gao.gov/new.items/d08924.pdf>
  - Engagement 08-1013T: *Preliminary Observations on DoD's and the Coast Guard's Sexual Assault Prevention and Response Programs*
    - <http://www.gao.gov/assets/130/120945.pdf>
- 2009: **Defense Task Force on Sexual Assault in the Military Services**
  - Reviewed implementation of DoD SAPR policy across the Services
    - [http://www.sapr.mil/public/docs/research/DTFsAMS-Rept\\_Dec09.pdf](http://www.sapr.mil/public/docs/research/DTFsAMS-Rept_Dec09.pdf)
- 2010: **Government Accountability Office**
  - Engagement 10-405T: *DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs Need to Be Further Strengthened*
    - <http://www.gao.gov/assets/130/124050.pdf>

## Reviews of Sexual Assault in the Military, 2010-2013

- 2010: **Government Accountability Office**
  - Engagement 11-579: *Oversight and Better Collaboration Needed for Sexual Assault Investigations and Adjudications*
    - <http://www.gao.gov/assets/320/319962.pdf>
- 2011: **Government Accountability Office**
  - Engagement 12-571R: *Prior GAO Work on DOD's Actions to Prevent and Respond to Sexual Assault in the Military*
    - <http://www.gao.gov/assets/590/589780.pdf>
- 2013: **US Commission On Civil Rights**
  - Briefing: *Sexual Assault in the Military*
    - [http://www.usccr.gov/calendar/trnscrpt/Transcript\\_01-11-13.pdf](http://www.usccr.gov/calendar/trnscrpt/Transcript_01-11-13.pdf)
- 2013: **Government Accountability Office**
  - Engagement 13-182: *DOD Has Taken Steps to Meet the Health Needs of Deployed Servicewomen, but Actions Are Needed to Enhance Care for Sexual Assault Victims*
    - <http://www.gao.gov/assets/660/651624.pdf>

# Questions?

DoD Sexual Assault Prevention and Response Office  
4800 Mark Center Drive, Suite 07G21  
Alexandria, VA 22311  
571-372-2657

Major General Gary Patton; [gary.patton@wso.whs.mil](mailto:gary.patton@wso.whs.mil)  
Dr Nate Galbreath; [nate.galbreath@sapr.mil](mailto:nate.galbreath@sapr.mil)

# **Back Up Slides**

**Back Up Slides:  
Overview of DoD  
Sexual Assault Reporting Statistics**

## Data Collection

- Currently required by *National Defense Authorization Acts (NDAA) for FY11, FY12 and FY13*
  - Laws require:
    - Reports of sexual assault made to the Department by and against Service members
    - Dispositions and prosecution outcomes of alleged perpetrators
    - Synopses of substantiated cases
    - Administration of the Workplace and Gender Relations Survey every two years
  - The Department uses the Annual Report on Sexual Assault in the military inform Congress of this information, as well as:
    - Oversight actions and progress to improve sexual assault prevention and response (SAPR)
    - Research that further describes the problem of sexual assault in the military and civilian sectors
    - Initiatives to comply with program recommendations by oversight bodies

## Where Does DoD get its data?

001020

- **Unrestricted Reports of Sexual Assault**

- Data on initial allegations and closed investigations originates with the Military Criminal Investigative Organizations (MCIOs):
  - Army Criminal Investigations Division
  - Naval Criminal Investigative Service
  - Air Force Office of Special Investigations
- Data on subject dispositions is provided by both the MCIOs and the Service Offices of the Judge Advocate General

- **Restricted Reports of Sexual Assault**

- All data provided by Sexual Assault Response Coordinators
- No personally identifying information is recorded to preserve victim privacy

*Note: Data reporting is expected to be fully automated by the Defense Sexual Assault Incident Database starting October 1, 2013.*

# How does DoD count its reports?

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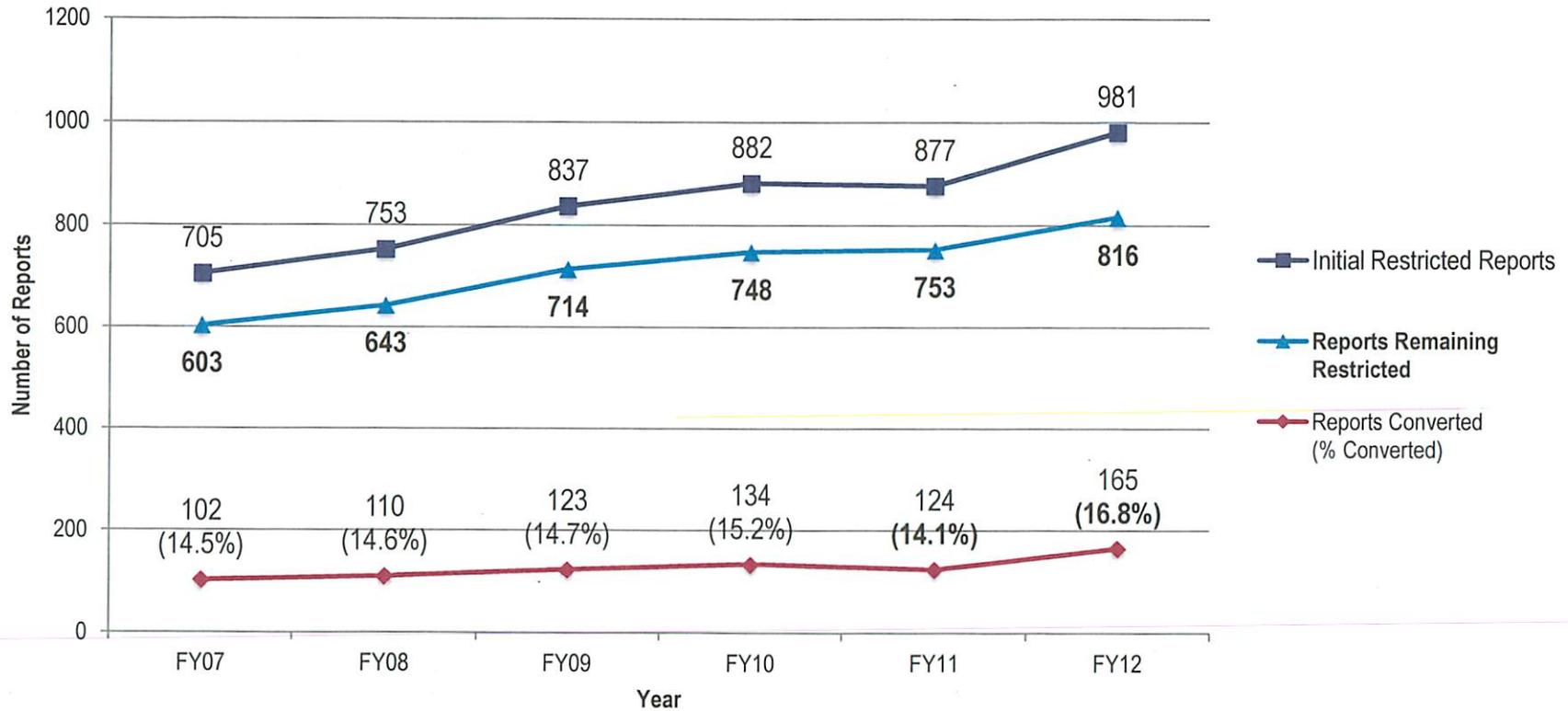
- **Unrestricted Reports of Sexual Assault**

- Most Unrestricted Reports involve a single victim and a single subject
  - About 200 reports each year involve multiple victims and/or multiple subjects
  - The MCIOs determine how many victims and subjects are “packaged” in a single report.
  - Consequently, a single report may involve one or more subjects and one or more victims
- The vast majority of Unrestricted Reports of Sexual Assault receive an investigation by an MCIO
  - MCIOs may only investigate alleged offenders who are subject to the UCMJ
  - MCIOs may monitor or assist in the investigation of a civilian or foreign offender who sexually assaults a military member, but may not hold prime responsibility
  - MCIOs may not be able to investigate or monitor an investigation when military members report being sexually assaulted by civilian or foreign offenders in remote o
- Upon conclusion of a criminal investigation, the Department must account for the disposition of each alleged offender.
- Since Fiscal Year 2009, the DoD has included a detailed flow chart in its Annual Report to document reports received, investigations opened and closed, and offender cases disposed.

- **Restricted Reports of Sexual Assault**

- Every Restricted Report involves a single victim
- No subject data is captured

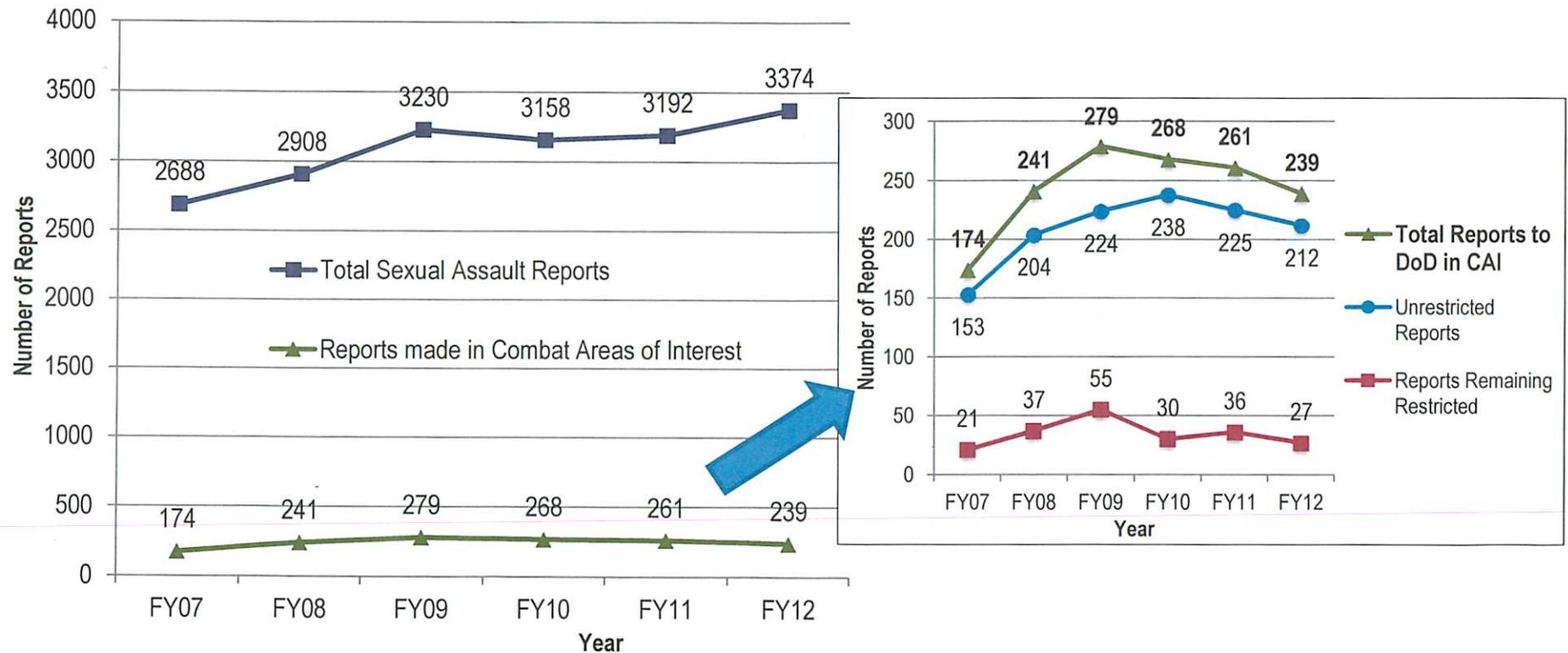
# Restricted Report Conversions, FY07-12



- A greater percentage of Restricted Reports converted to Unrestricted Reports in FY12 (17%) than in any previous year

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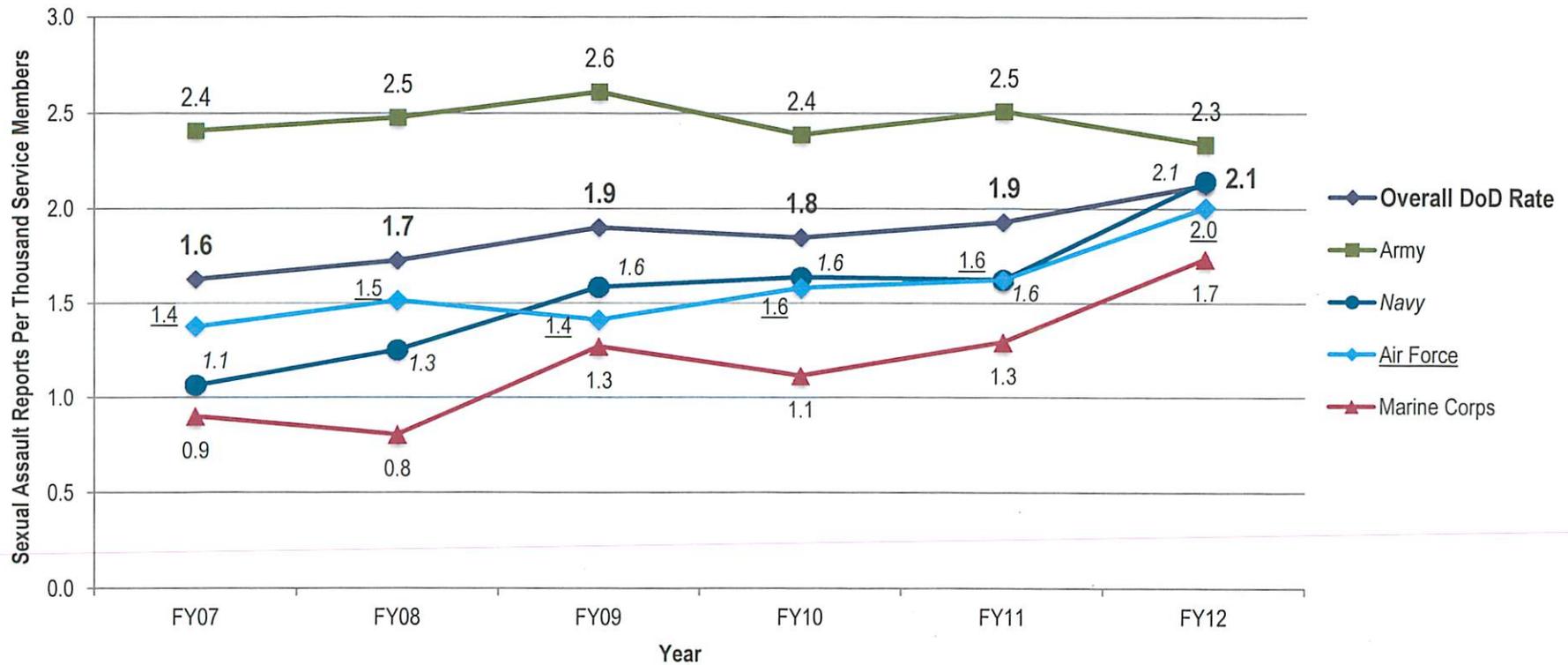
# Reports of Sexual Assault in Combat Areas of Interest (CAI): FY07-FY12



Notes:

- Combat Areas of Interest (CAIs) were defined in Fiscal Year 2006 and reported for the first time in Fiscal Year 2007. CAIs reflect locations where DoD has forward deployed forces or areas directly supporting Operation Iraqi Freedom/Operation Enduring Freedom. They have since varied to reflect redeployment of forces to new locations.
  - In Fiscal Year 2012, these countries included: Afghanistan, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kyrgyzstan, Kuwait, Lebanon, Oman, Pakistan, Qatar, Saudi Arabia, Syria, United Arab Emirates, and Yemen.
- These are only the reports made in country. Survey data and anecdotal information indicates there may have been many more reports that either went unreported, or were reported by the victim upon redeployment to home station.

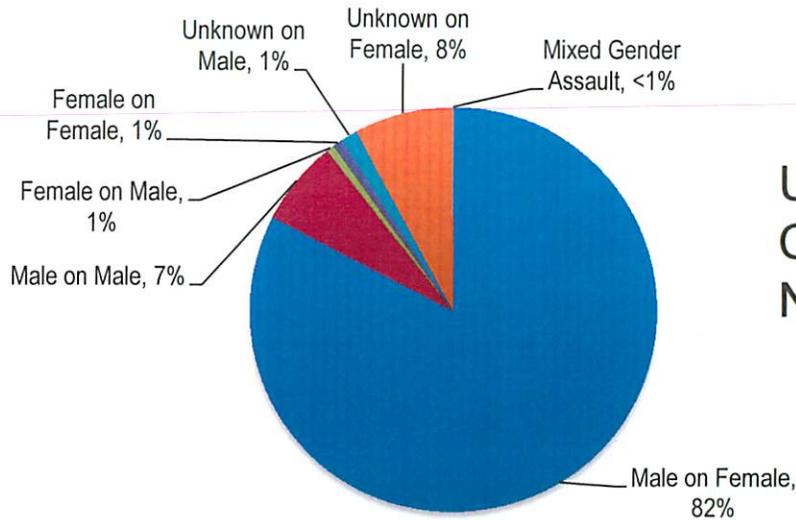
# Sexual Assault Reports Per Thousand Service Members by Service, FY07-12



## Reports of Sexual Assault, FY07-12 by Gender

001025

Unrestricted Reports	Male on Female	Male on Male	Female on Male	Female on Female	Unknown on Male	Unknown on Female	Mixed Gender Assault	Unrestricted Report Totals
FY12	2101	194	23	26	44	154	16	<b>2558</b>
FY11	2004	176	20	23	34	182	0	<b>2439</b>
FY10	2012	158	14	27	44	155	0	<b>2410</b>
FY09	2061	173	13	17	28	224	0	<b>2516</b>
FY08	1864	123	14	9	23	232	0	<b>2265</b>
FY07	1742	143	6	9	20	165	0	<b>2085</b>
<b>Totals</b>	<b>11784</b>	<b>967</b>	<b>90</b>	<b>111</b>	<b>193</b>	<b>1112</b>	<b>16</b>	<b>14273</b>



Unrestricted Reports by Gender  
Cumulative, FY07-12  
N=14,273

## National Guard Reports, FY12

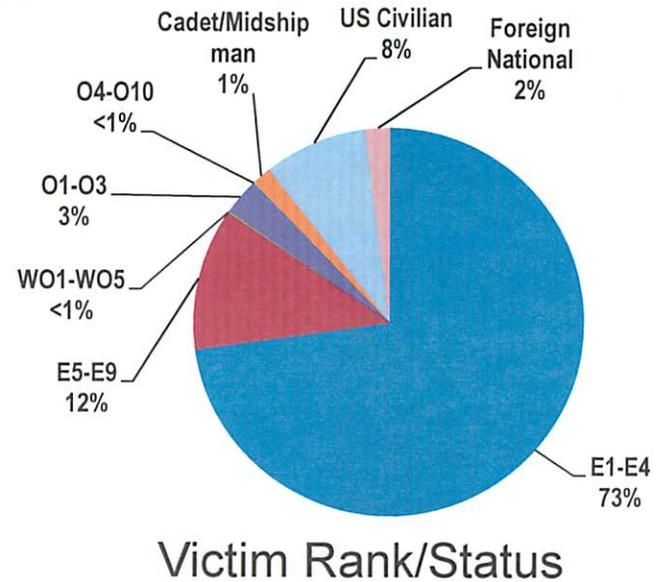
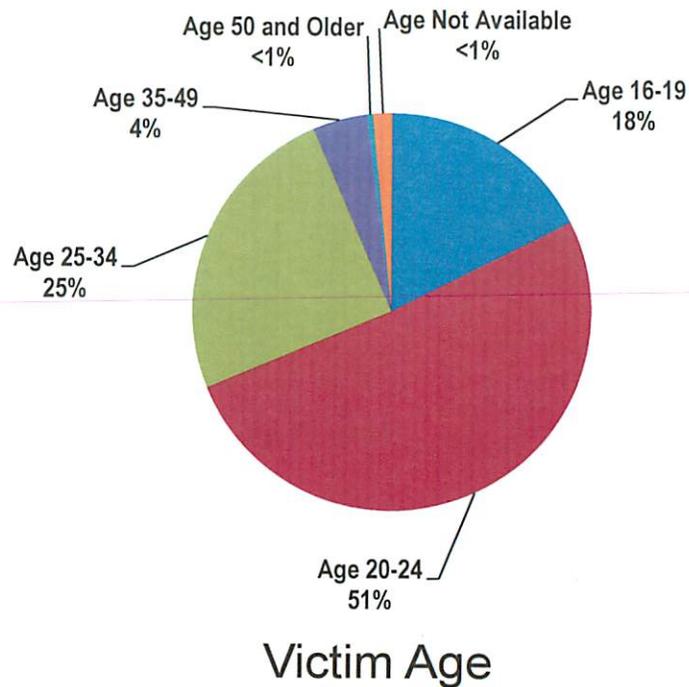
920100

- Active duty Army and Air Force data include National Guard incidents that occurred while the victim was on active duty orders, and reported when the victim was in either Title 10 or Title 32 status.
- Sexual assaults received by National Guard Sexual Assault Response Coordinators (SARC) and SAPR Victim Advocates (VA)
  - Report made when victims are in Title 32, State, and other statuses
  - Incident may have occurred when victim was in any status
  - Means for standardizing sexual assault reporting by the National Guard and collecting subject disposition data are under development
- 201 sexual assaults not captured by Active Component data
  - Army National Guard: 153 Reports
  - Air National Guard: 48 Reports

### Notes:

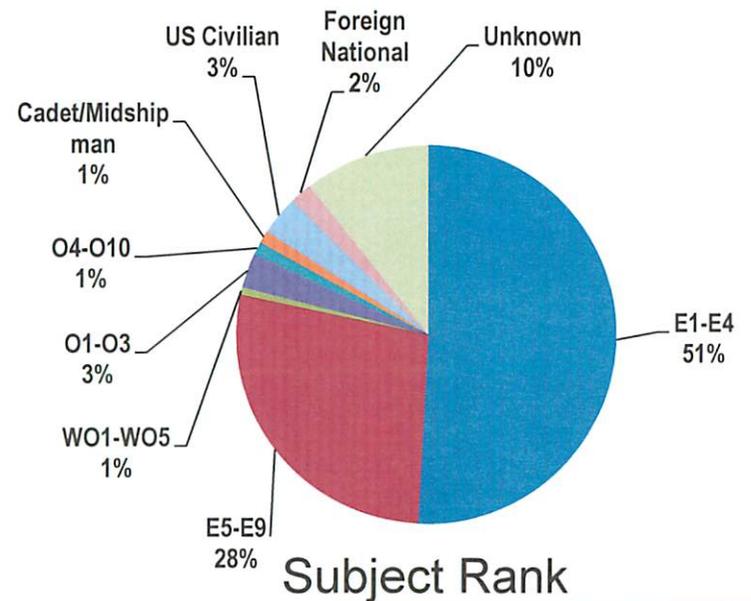
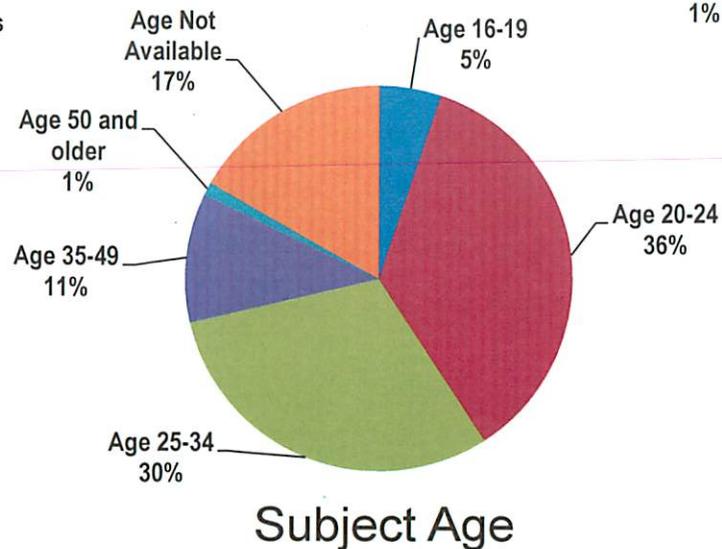
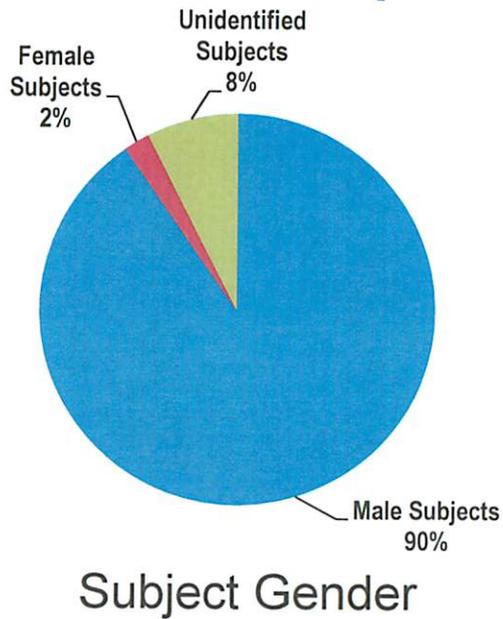
- This is the first year for which the DoD has received standardized data for the National Guard
- DSAID use by NGB in Fiscal Year 2013 will further standardize reporting

# Victim Demographics, Completed Investigations (Unrestricted Reports), FY12



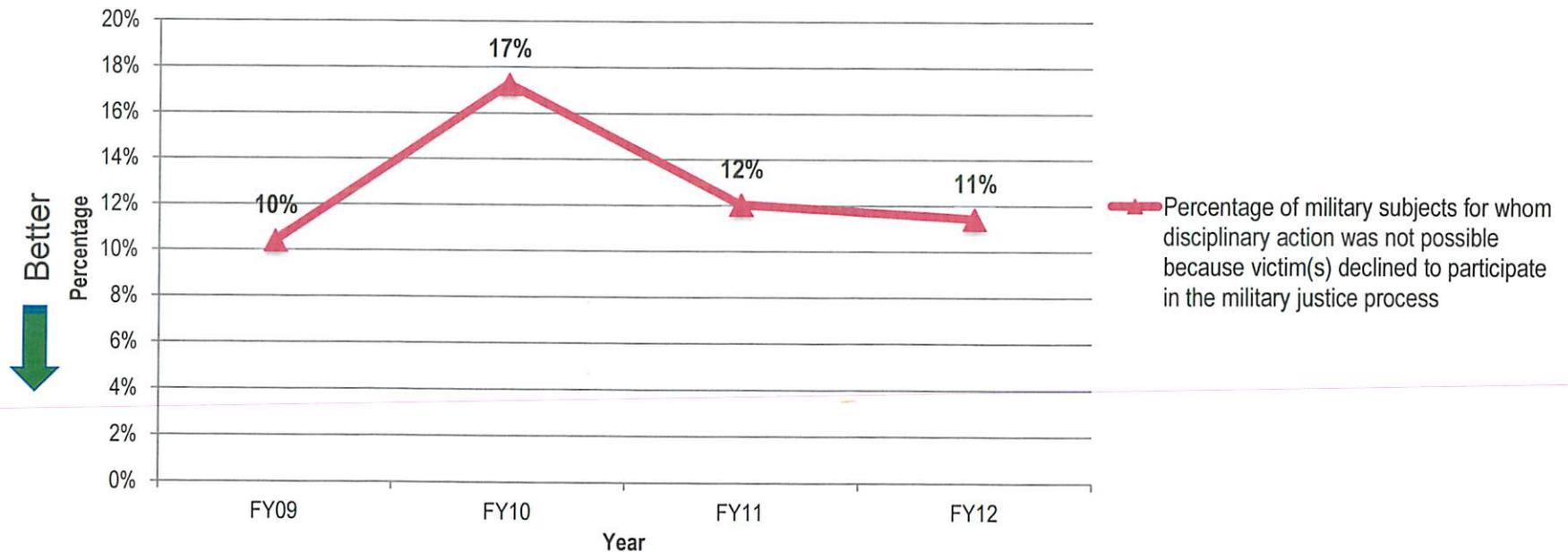
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# Subject Demographics, Completed Investigations (Unrestricted Reports), FY12



# Victims' Contribution to Command Action

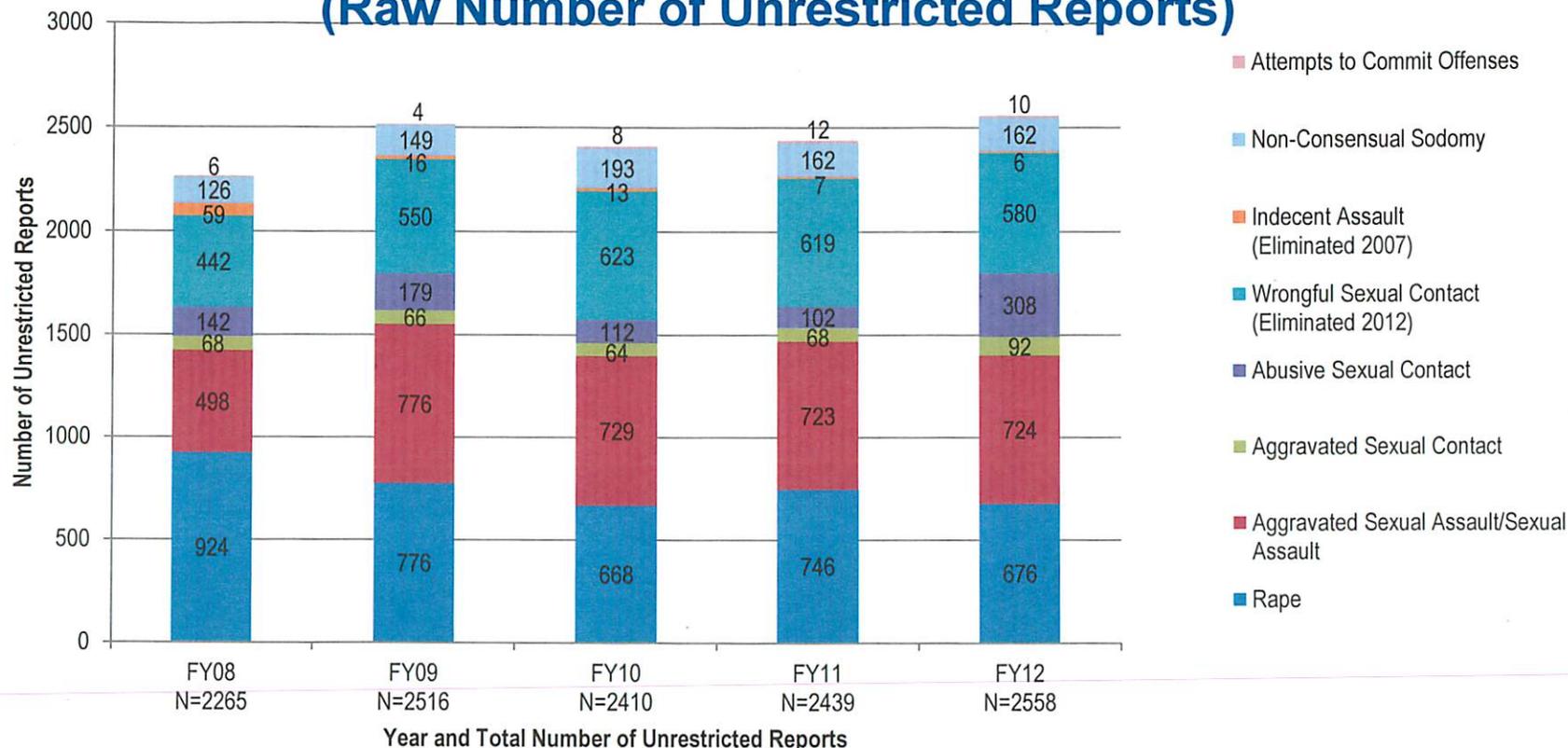
## Alleged Offenders Without Command Action Because Victims Declined to Participate



Victims will come forward when they perceive that commanders and subordinate leaders have set a climate where victims receive support and care and sexual assault reports are taken seriously.

# DoD SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE

## Unrestricted Reports by Most Serious Offense Alleged, FY08-12 (Raw Number of Unrestricted Reports)

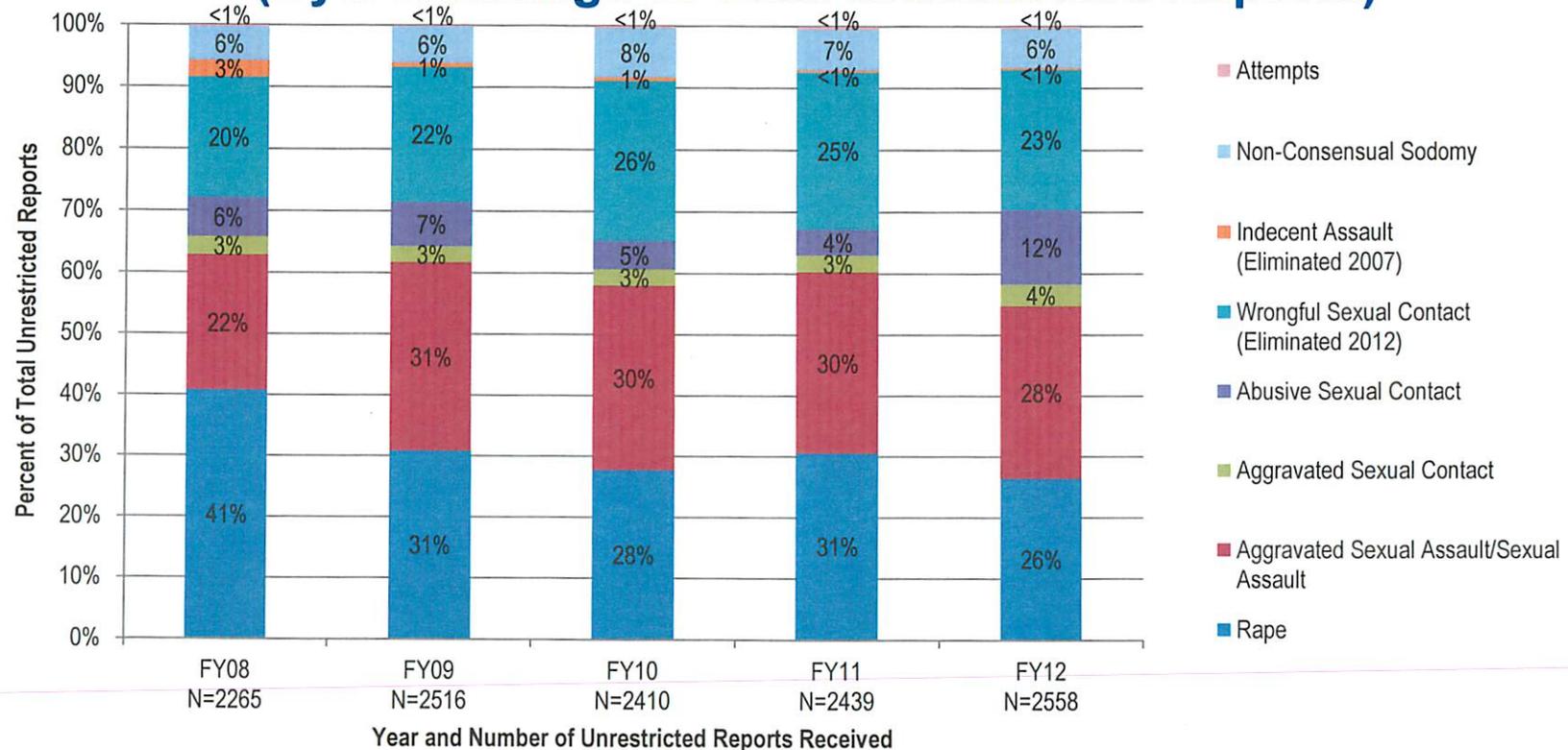


**Notes:**

- Prior to Fiscal Year 2008, the Uniform Code of Military Justice (UCMJ) offenses that constituted “sexual assault” for the Sexual Assault Prevention and Response (SAPR) Program were Rape (Article 120), Indecent Assault (Article 134), Forcible (non-consensual) Sodomy (Article 125), and Attempts (Article 80). Fiscal Year 2007 was not included on this chart because these categories are not comparable to subsequent years’ alleged offenses Unrestricted Reports.
- From October 1, 2007 until June 27, 2012, the UCMJ offenses that constituted “sexual assault” for the SAPR Program were Rape, Aggravated Sexual Assault, Aggravated Sexual Contact, Abusive Sexual Contact, Wrongful Sexual Contact (all addressed in Article 120), Forcible (non-consensual) Sodomy (Article 125), and Attempts (Article 80).
- Since June 28, 2012, the UCMJ offenses that constitute “sexual assault” for the SAPR Program are Rape, Sexual Assault, Aggravated Sexual Contact, Abusive Sexual Contact (all addressed in Article 120), Forcible (non-consensual) Sodomy (Article 125), and Attempts (Article 80).

# DoD SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE

## Unrestricted Reports by Most Serious Offense Alleged, FY08-12 (By Percentage of Total Unrestricted Reports)



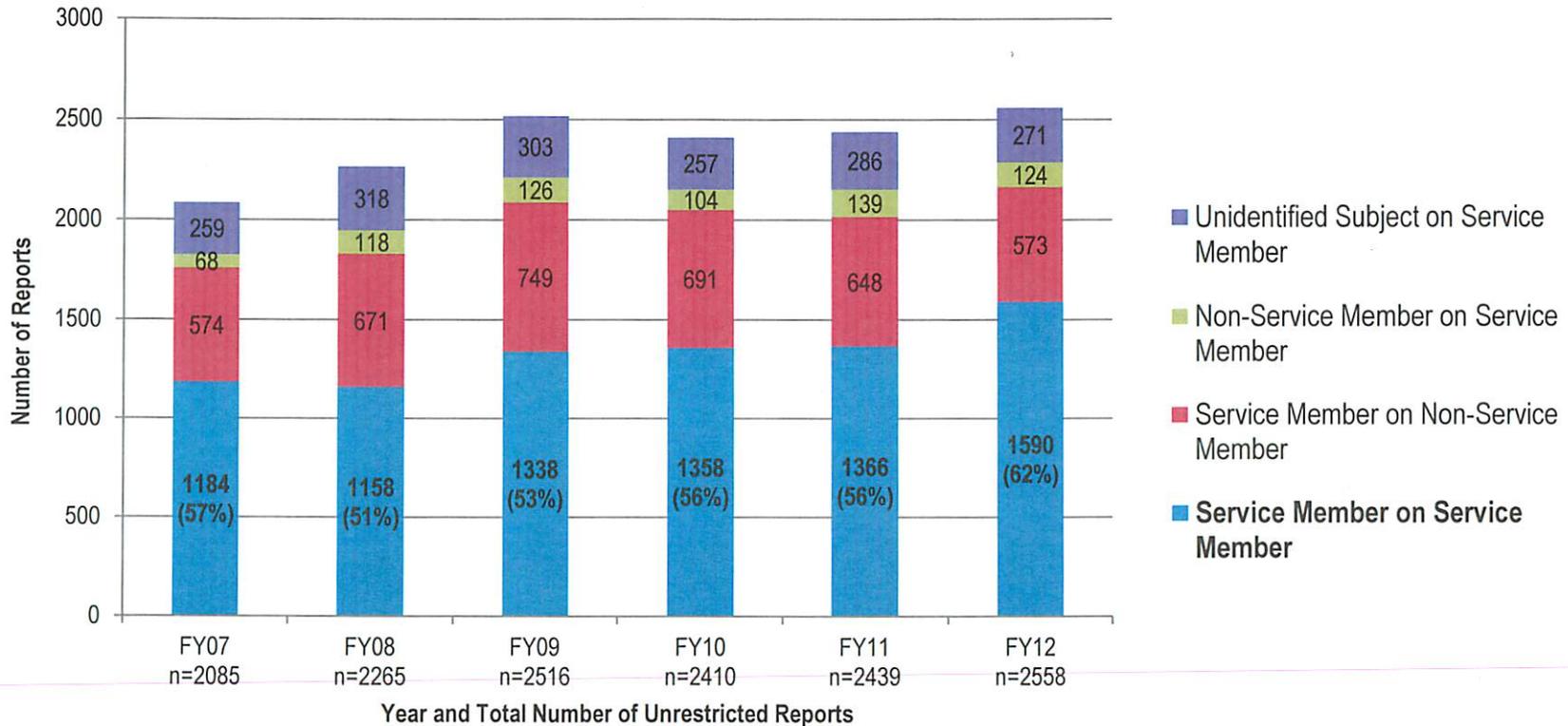
**Notes:**

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DoD SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE

Unrestricted Reports by Alleged Offender on Victim, FY07-12



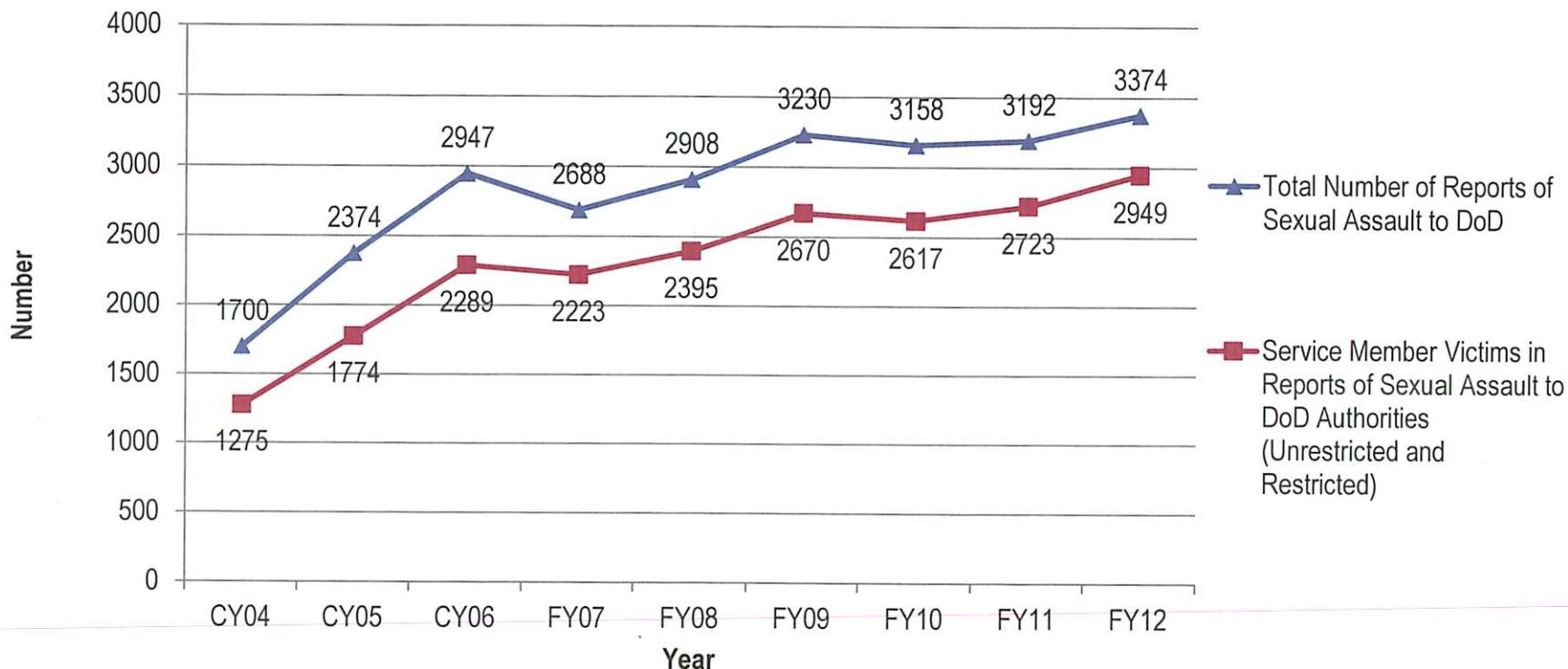
Notes:

- The percentages appearing below the numbers in the **Service Member (offender) on Service Member (victim)** category represent the percent of total Unrestricted Reports received during the Fiscal Year accounted for by that category of report.

001032

# DoD SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE

## Total Reports of Sexual Assault and Service Member Victims, CY04-12



### Notes:

- Each year the DoD must report to Congress all sexual assaults perpetrated BY (“accused”) and AGAINST (“victims”) Service Members. This total number of reports involving accused and victimized Service members is represented by the purple line above.
- The red line represents just the number of victimized Service members in the sexual assault reports made to the Department.
  - An analogous number of accused Service members in each year’s reports is not available, as the identity of alleged perpetrators is not always known at the outset of an allegation.

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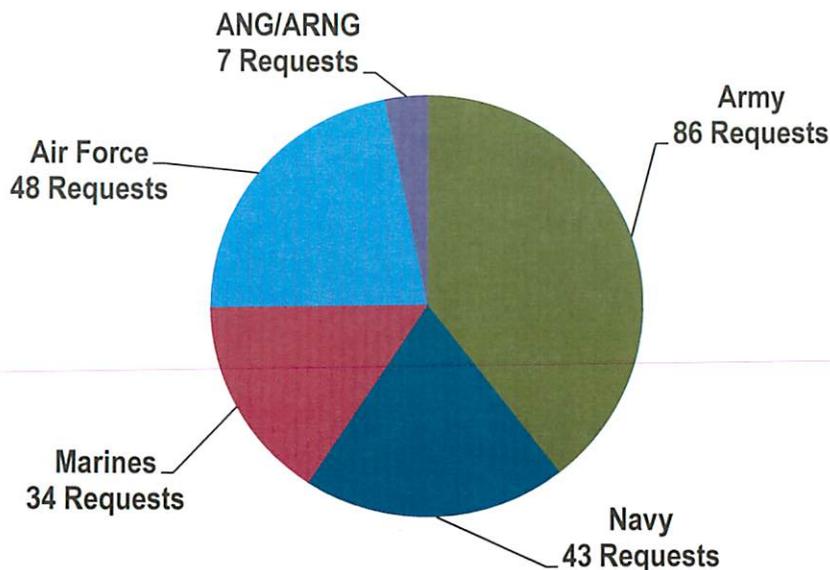
# Reports of Sexual Assault, FY07-12

001034

Service		FY07	FY08	FY09	FY10	FY11	FY12
DoD Total	<b>Total</b>	<b>2688</b>	<b>2908</b>	<b>3230</b>	<b>3158</b>	<b>3192</b>	<b>3374</b>
	Unrestricted	2085	2265	2516	2410	2439	2558
	Restricted	603	643	714	748	753	816
Army	<b>Total</b>	<b>1516</b>	<b>1584</b>	<b>1795</b>	<b>1689</b>	<b>1695</b>	<b>1423</b>
	<b>(% of DoD)</b>	<b>(56%)</b>	<b>(54%)</b>	<b>(56%)</b>	<b>(53%)</b>	<b>(53%)</b>	<b>(42%)</b>
	Unrestricted	1245	1328	1512	1390	1394	1249
	Restricted	271	256	283	299	301	174
Navy	<b>Total</b>	<b>394</b>	<b>475</b>	<b>558</b>	<b>583</b>	<b>550</b>	<b>726</b>
	<b>(% of DoD)</b>	<b>(15%)</b>	<b>(16%)</b>	<b>(17%)</b>	<b>(18%)</b>	<b>(17%)</b>	<b>(22%)</b>
	Unrestricted	280	334	405	441	408	527
	Restricted	114	141	153	142	142	199
Marines	<b>Total</b>	<b>213</b>	<b>242</b>	<b>331</b>	<b>301</b>	<b>333</b>	<b>435</b>
	<b>(% of DoD)</b>	<b>(8%)</b>	<b>(8%)</b>	<b>(10%)</b>	<b>(10%)</b>	<b>(10%)</b>	<b>(13%)</b>
	Unrestricted	191	216	299	254	282	333
	Restricted	22	26	32	47	51	102
Air Force	<b>Total</b>	<b>565</b>	<b>607</b>	<b>546</b>	<b>585</b>	<b>614</b>	<b>790</b>
	<b>(% of DoD)</b>	<b>(21%)</b>	<b>(21%)</b>	<b>(17%)</b>	<b>(19%)</b>	<b>(19%)</b>	<b>(23%)</b>
	Unrestricted	369	387	300	325	355	449
	Restricted	196	220	246	260	259	341

## Expedited Transfers

- 218 Transfers Requested
  - 216 Approved
    - 1 Denied (Army) – Member Administrative Separation in progress at time of report
    - 1 Denied (Army) – Case deemed not credible by Army Criminal Investigation Command



Services are approving victim requests for expedited transfer.

001035

# FY12 Annual Report Disciplinary Action Summary

3,288 Total Subjects from Unrestricted Reports (FY12 and rolled over from prior FYs)  
- 627 Subject jurisdiction and disposition yet to be determined (rolled to future FYs)

2,661 Subject Dispositions Completed in FY12  
- 363 Subjects-Allegations Unfounded by Military Criminal Investigative Organization

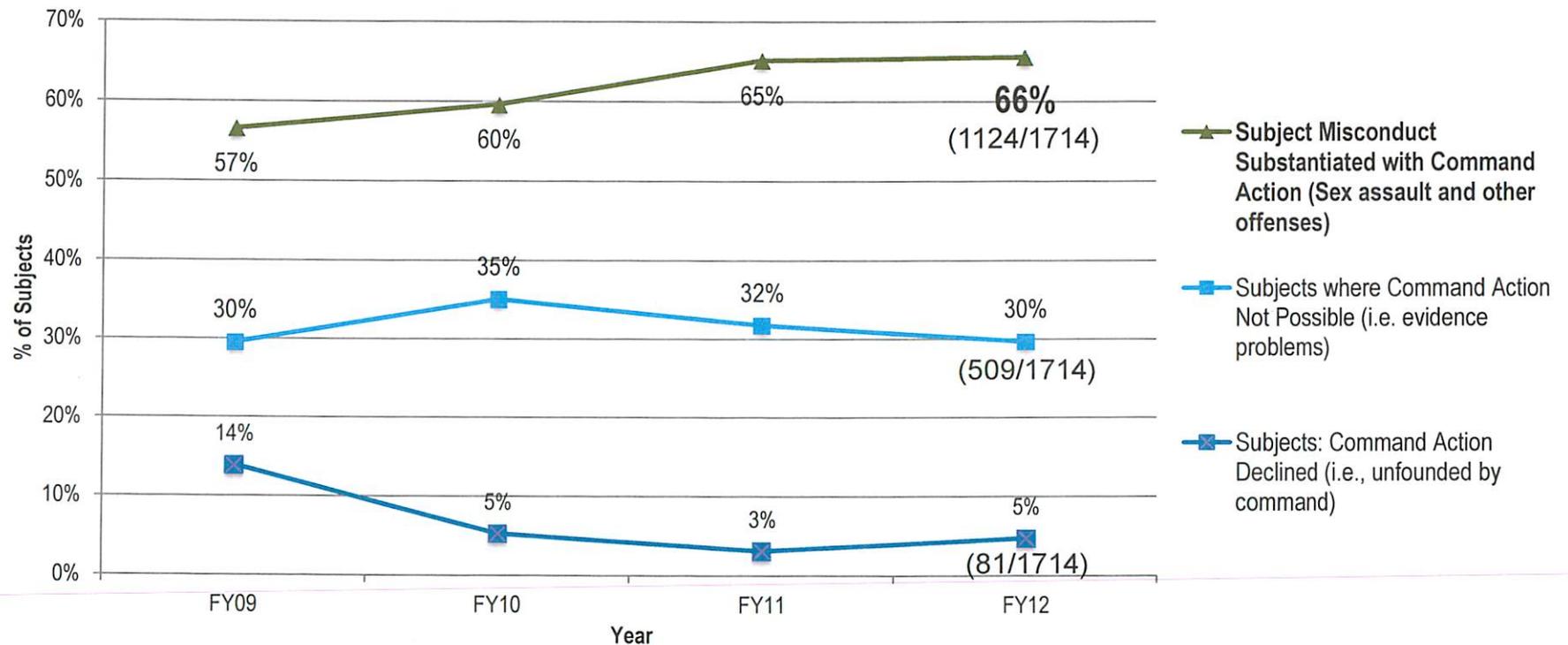
2,298 Potential Perpetrators  
- 392 Civilian, Unknown or Deserter Subjects

1,906 Service Member Subjects  
- 192 Service Member Under Civilian Jurisdiction

1,714 Service Member Subjects – Command Action Considered

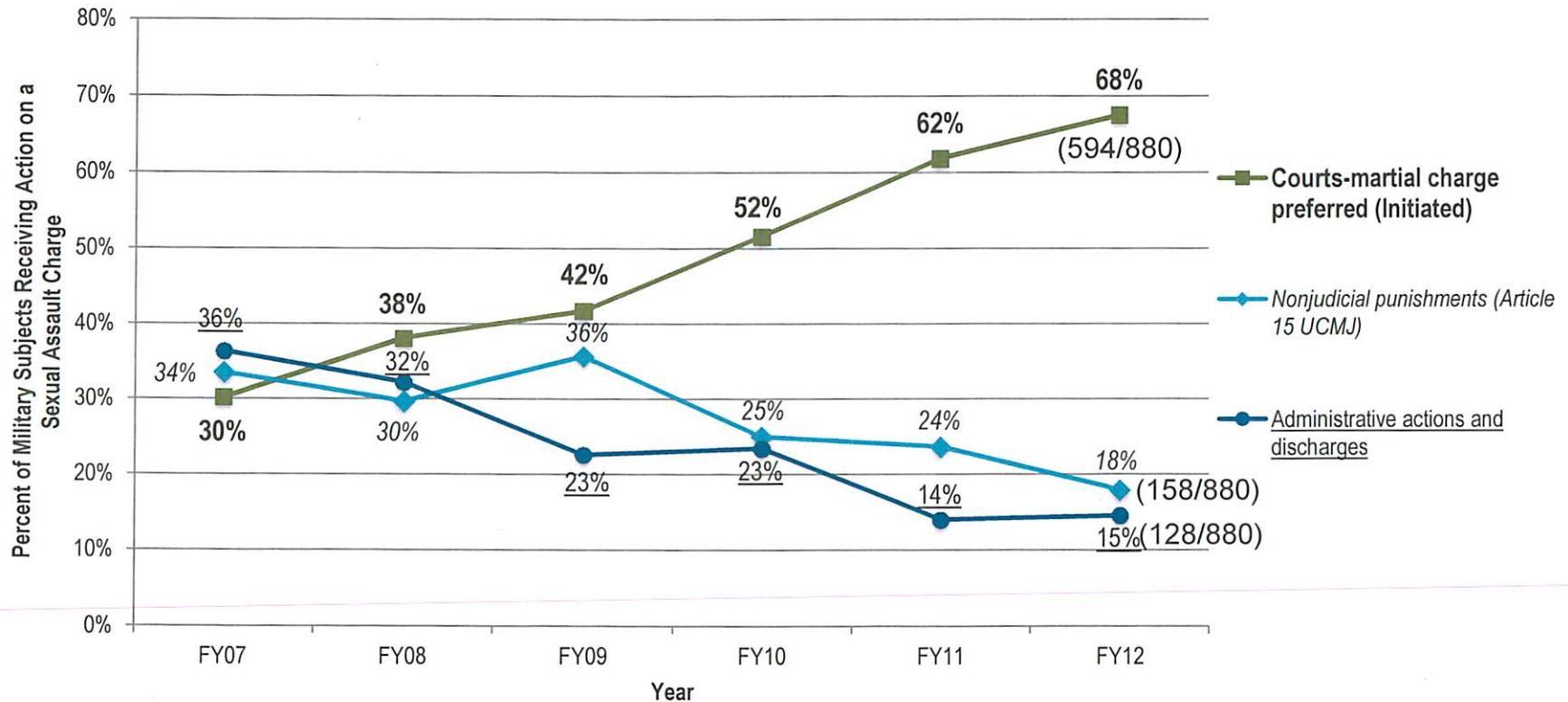
- Action Taken: 66% (1124/1714)
- 594 Court-Martial Charge Preferred
  - 158 Nonjudicial Punishments
  - 128 Adverse Administrative Actions or Discharges
  - 244 Action on Non-Sexual Assault Offenses
    - *590 Subjects - Command Action Not Possible or Declined*
      - *388 Subjects - Insufficient evidence of a crime to prosecute or unfounded*
      - *196 Subjects - Victims declined to participate in justice system*
      - *6 Subjects - Statute of limitations exceeded for crime alleged*

# Military Subject Outcomes



- In FY12, commanders considered 1,714 military subjects for possible action; two-thirds received some form of disciplinary action
- The other third of military subjects could not be disciplined because of evidence problems or because the commander determined the allegations were unfounded (false or baseless)

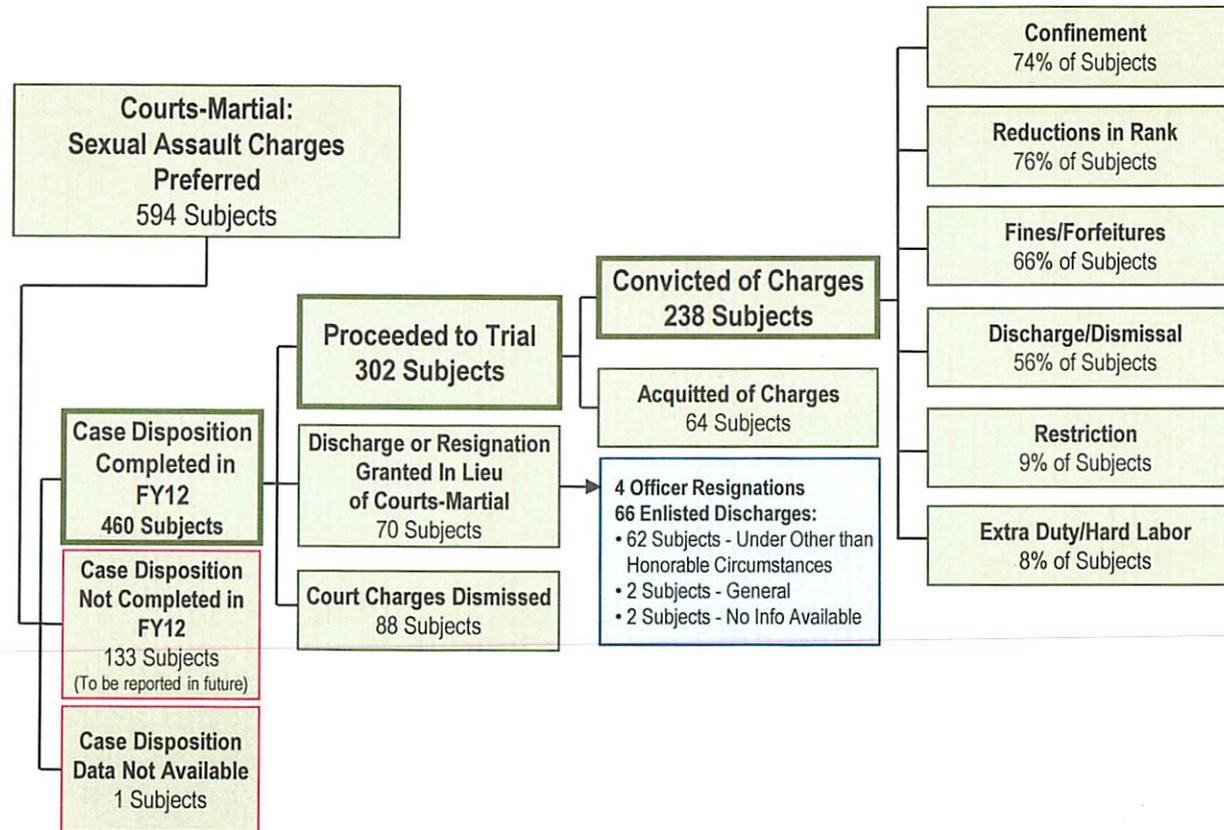
# Command Action in Sexual Assault Offenses



- Since FY07, commanders are increasingly addressing allegations of sexual assault by preferring court-martial charges, when the subject is under the legal authority of the Department and there is sufficient evidence to do so.
- In FY12, 1 of the 158 NJPs administered was for a penetrating crime (forcible sodomy). The remaining NJPs were for non-penetrating crimes or other misconduct.

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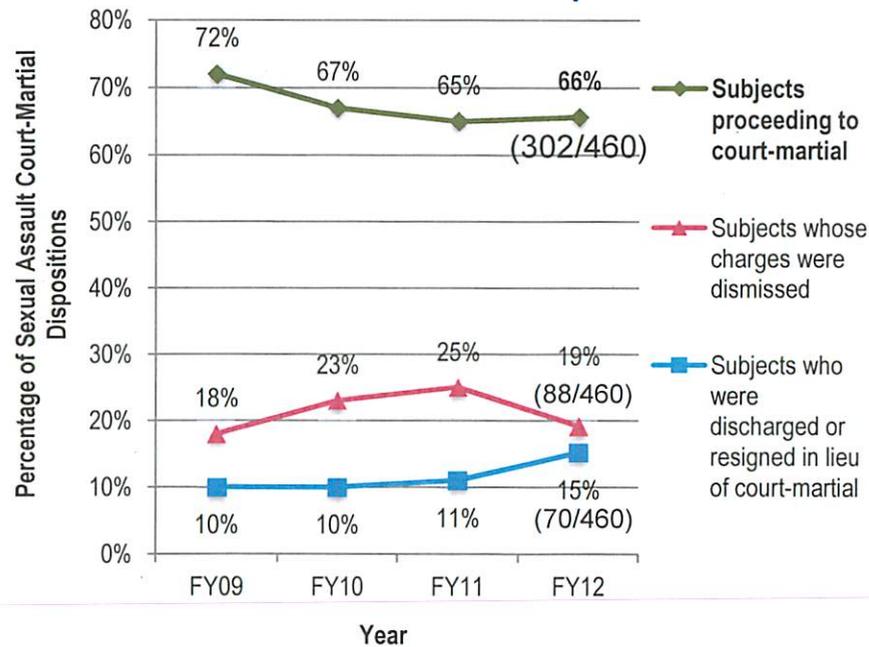
# Sexual Assault Court-Martial Outcomes



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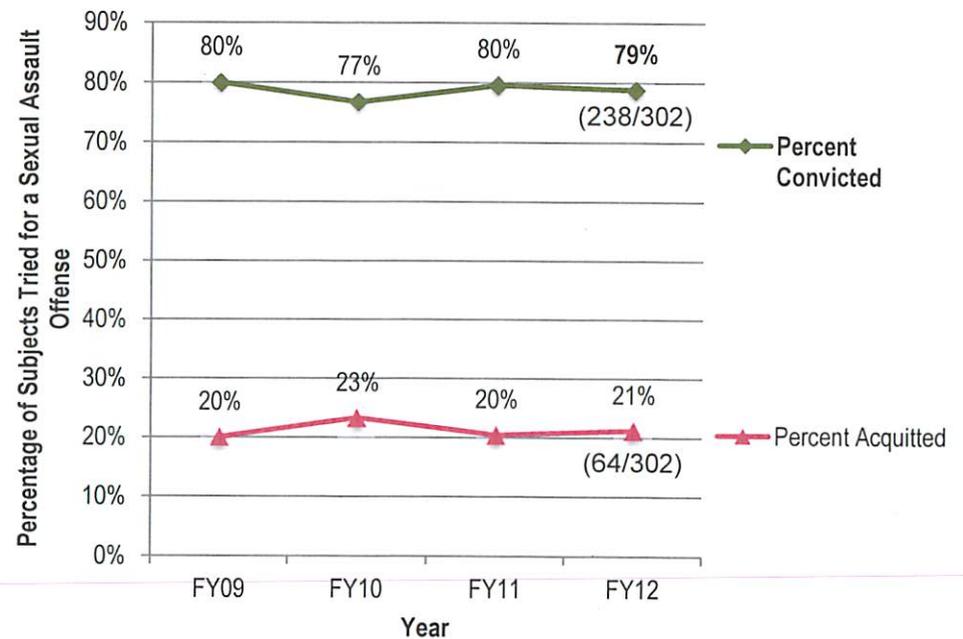
# Sexual Assault Court-Martial Outcomes

### Pre-Trial Case Dispositions



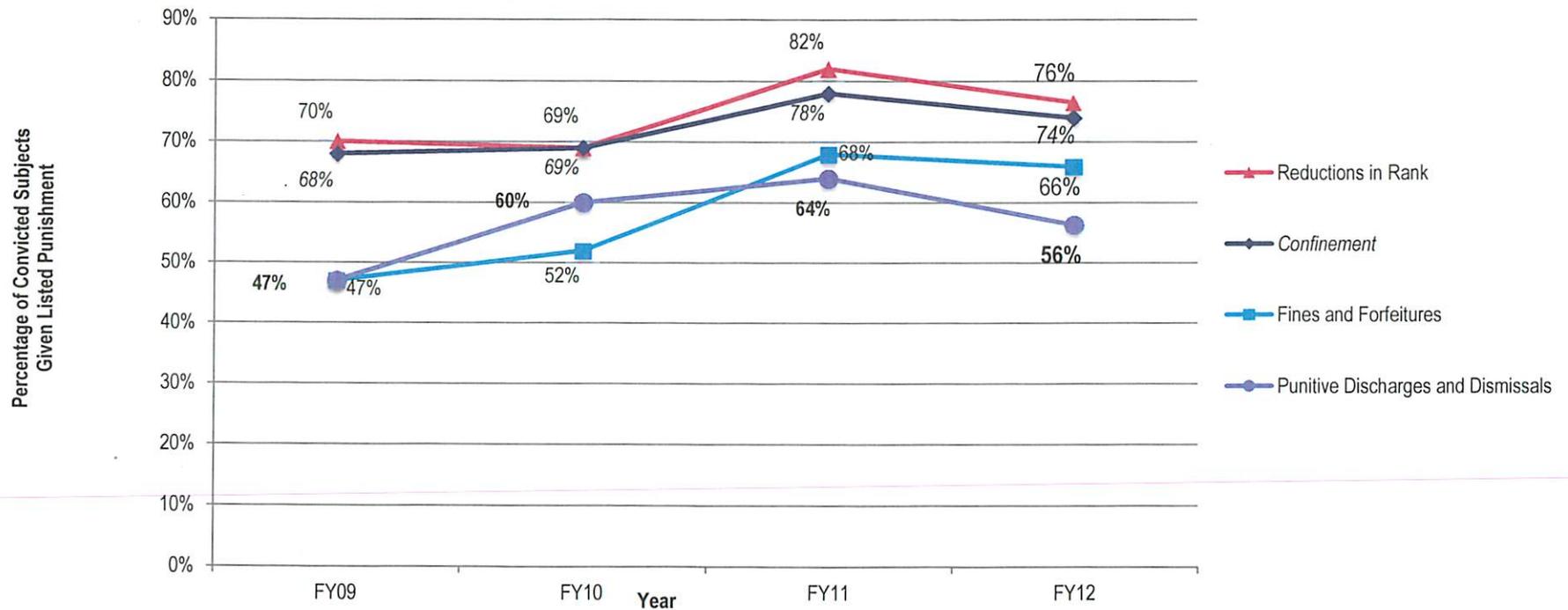
About two-thirds of subjects charged with a sexual assault offense proceed to court-martial

### Court-Martial Results



Over the past four years, of the subjects proceeding to court-martial for a sexual assault offense, about 80% are convicted of at least one offense at court-martial.

# Court-Martial Punishments\* for Cases Proceeding to Trial in FY12



\*Convicted members may be awarded one or more punishments.

Fewer subjects received the most serious punishments in FY12, as compared with punishments awarded in FY11.

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**Back Up Slides:  
DoD Survey Methodology  
and Top Line Results**

## The Workplace and Gender Relations Survey

- The Defense Manpower Data Center (DMDC) selects a representative sample of the Active Duty population in its surveys.
  - A number of demographic and other variables are matched to ensure the sample is an accurate representation of the active force, including (but not limited to) gender, race, rank, Service, and deployment status. For these groups, “oversampling” is employed, which ensures there will be enough respondents in these groups to make accurate estimates for each group.
  - DMDC has used consistent methodology and questions to survey the force on sexual assault and harassment since 2006. Therefore, results are comparable year after year (2006 results can be compared to 2010 and 2012).
  - Past administrations of the survey have helped identify those demographic groups that traditionally have low response rates (e.g., younger age and lower rank). For these groups, “oversampling” is employed, which ensures there will be enough respondents of these types for the sample to remain representative.
- DMDC invited 108,000 active duty members to take the WGRA in 2012.
  - The survey was taken 100% on-line this year.
  - There was a weighted response rate of 24%; this was down from 32% in 2010. (This means there were over 25,900 responses)
- DMDC tabulates the results and uses advanced statistical techniques to ensure that the results remain representative
  - The WGRA is unlike any other survey because it is confidential – not anonymous. DMDC knows the demographics of respondents and those members that don’t respond. This information is used to further increase the representativeness of -- or accuracy -- of the responses.
- The statistical sample of active duty members was designed to ensure that results of the WGRA are statistically valid (accurate) and reliable (consistently repeatable) to 95% confidence.
- The statistical controls employed ensure that the responses to the WGRA survey are generalizable (valid for) the overall active duty population as a whole.
  - Margins of error are cited to show the precision of an estimate given a level of confidence (95 percent in this case)
  - Margins of error depend on a number of things, but are most influenced by the number of people responding to a particular item; it should be noted that more respondents to an item only increases the precision of the response (narrows the margin of error).

## Unwanted Sexual Contact (USC)

- **Definition and measure of USC:**

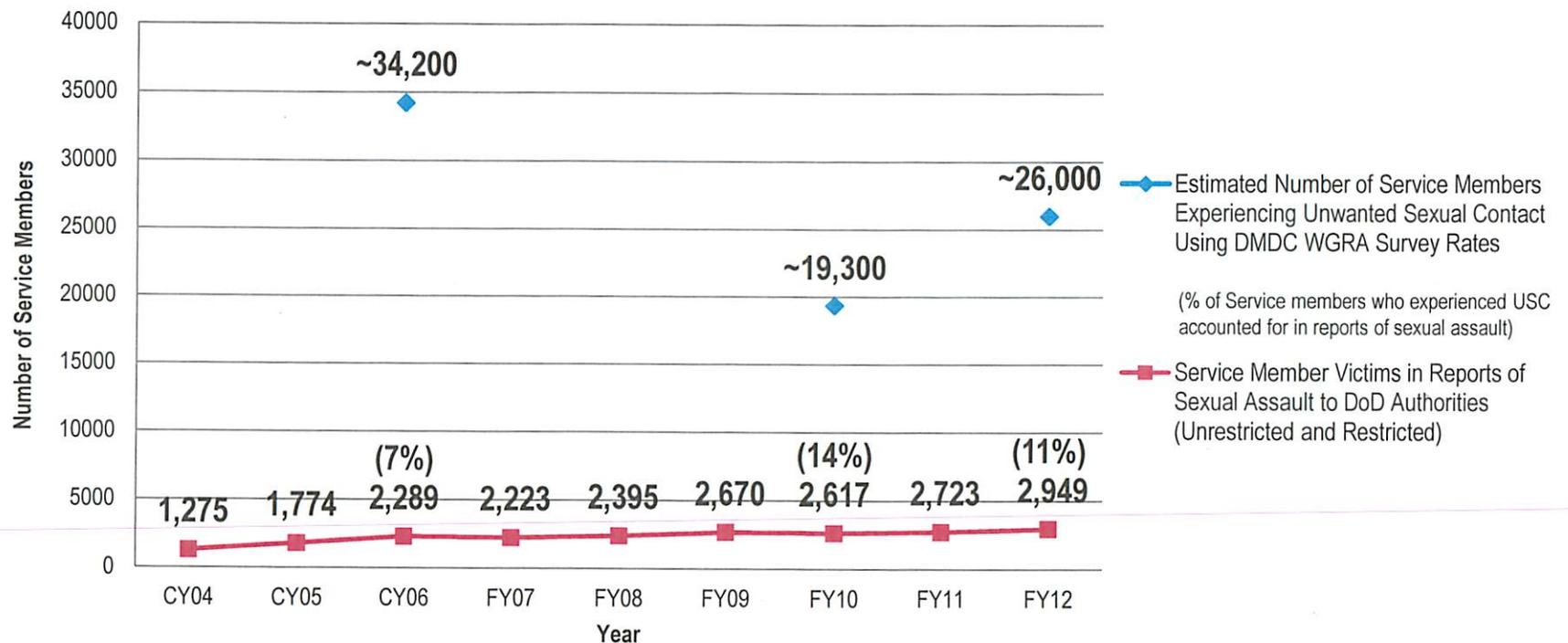
- The 2012 WGRA includes a measure of USC (i.e., sexual assault). Although this term does not appear in the UCMJ, it is used to refer to a range of activities and it is an umbrella term intended to include certain acts prohibited by the UCMJ.
- USC is measured in the 2012 WGRA by asking members to refer to experiences in the past 12 months in which they experienced any of the following intentional sexual contacts that were against their will or which occurred when they did not or could not consent in which someone:
  - Sexually touched them (e.g., intentional touching of genitalia, breasts, or buttocks) or made them sexually touch someone;
  - Attempted to make them have sexual intercourse, but was not successful;
  - Made them have sexual intercourse;
  - Attempted to make them perform or receive oral sex, anal sex, or penetration by a finger or object, but was not successful; or
  - Made them perform or receive oral sex, anal sex, or penetration by a finger or object.
- A member is counted in the USC incident rate if he or she replied “yes” to any of the behaviors listed.

- **USC one situation:**

- On the survey, members who had indicated they experienced USC were asked to consider the “one situation” occurring the past 12 months that had the greatest effect on them. With that one situation in mind, members then reported on the circumstances surrounding that experience (e.g., who were the offenders, where did the behaviors occur, were drugs/alcohol involved, was the experience reported, were there any repercussions because of reporting the incident).

# Prevalence versus Reporting

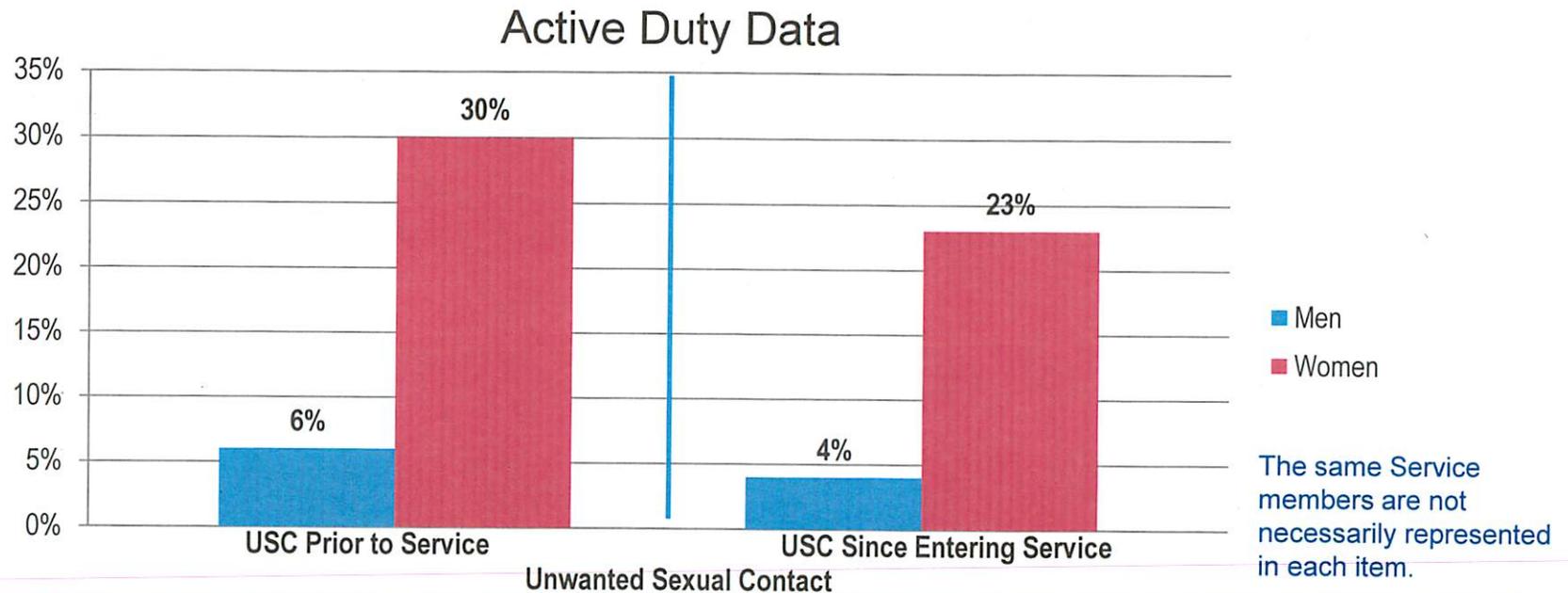
Service Member Victims in Reports of Sexual Assault to DoD vs. Estimates of Service Members Experiencing USC, CY04–FY12



- In FY12, the gap between estimated prevalence and reporting of sexual assault widened compared to FY10, using identical methodologies
- Increased prevalence estimate is most likely attributable to increased USC experienced by active duty women

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# Unwanted Sexual Contact: Prior to Service and Since Entering Service



### Key Findings:

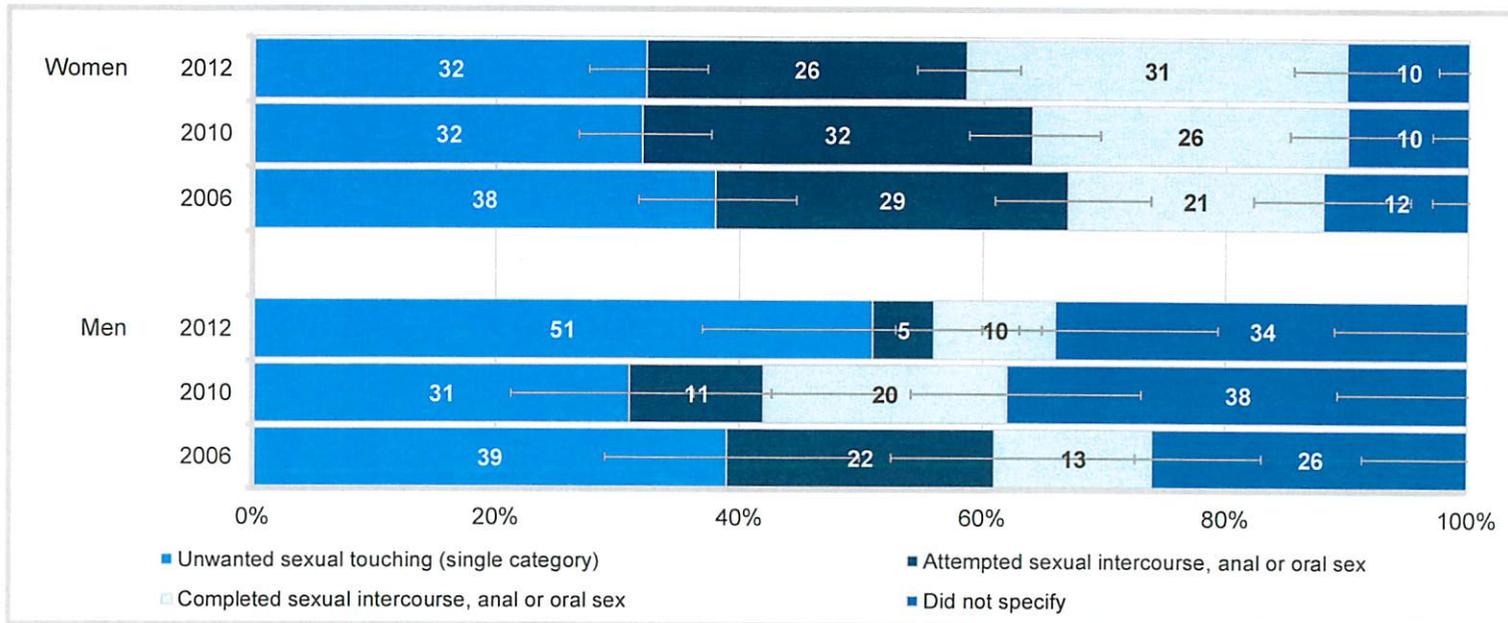
- WGRA/WGRR results indicate that a considerable proportion of the female active duty force has experienced USC at some point, either before joining the service or since joining the service
- WGRA/WGRR results confirm civilian research that a history of sexual assault is a significant risk factor for future sexual assault
  - Voluntary initiatives to help service members address their history of sexual assault may ultimately help reduce the prevalence of USC
- WGRA results align with similar measures on the *2011 Health Related Behaviors Survey* (Tri-care Management Authority, 2013)

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# Most Serious Unwanted Sexual Contact Behaviors Experienced in the One Situation

## Percent of Active Duty Members Who Experienced Unwanted Sexual Contact



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• **Overall findings for the 6.1% of women and 1.2% of men who experienced unwanted sexual contact in 2012 :**

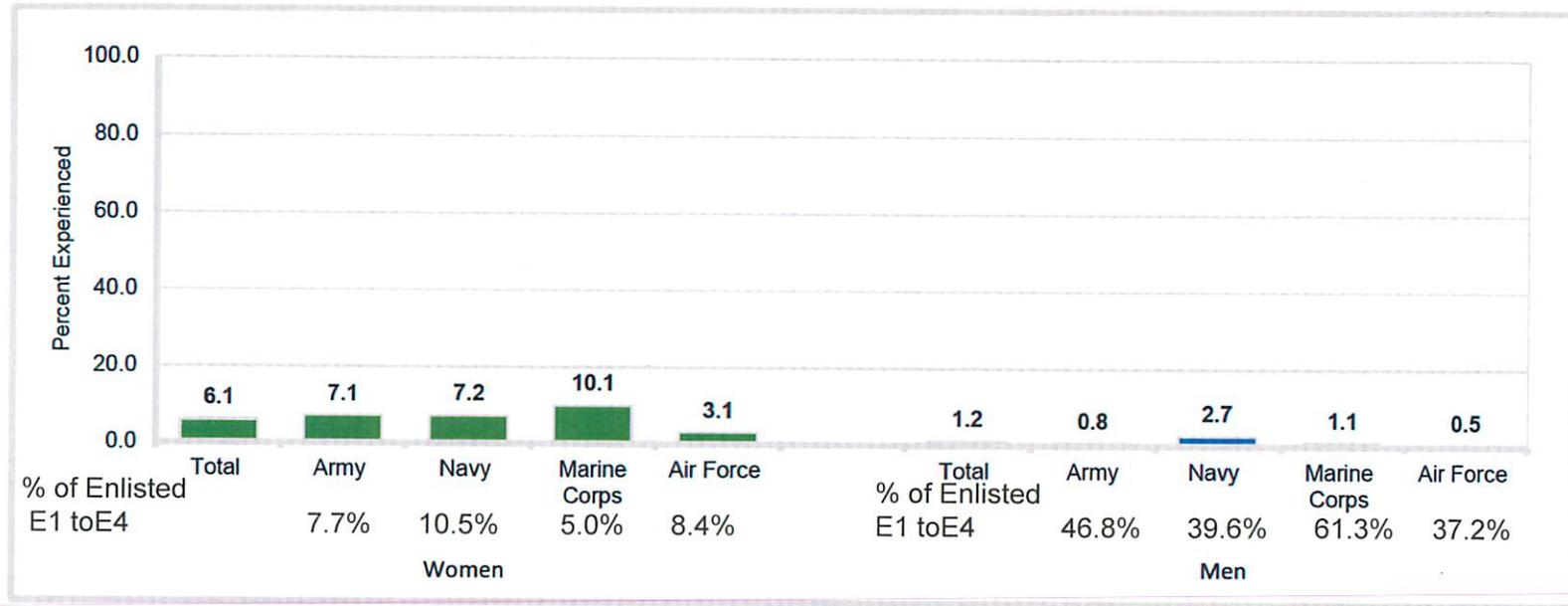
- 32% of women and 51% of men indicated experiencing *unwanted sexual touching*
- 26% of women and 5% of men indicated experiencing *attempted sexual intercourse, anal or oral sex*
- 31% of women and 10% of men indicated experiencing *completed sexual intercourse, anal or oral sex*
- 10% of women and 34% of men *did not indicate* what behaviors they experienced

• **Significant findings for the 6.1% of women and 1.2% of men who experienced unwanted sexual contact in 2012 :**

- There are no statistically significant differences in the types of behaviors for women by Service (data on men are not reportable)
- There are no statistically significant differences for women or men overall between 2012 and 2010 or 2006
  - For Navy women, the percentage who indicated completed sexual intercourse, anal or oral sex is statistically significantly higher than 2006; for Marine Corps women, the percentage is statistically significantly lower

# Past-Year Prevalence of Unwanted Sexual Contact

Percent of Active Duty Women and Men, by Service



**Key findings:**

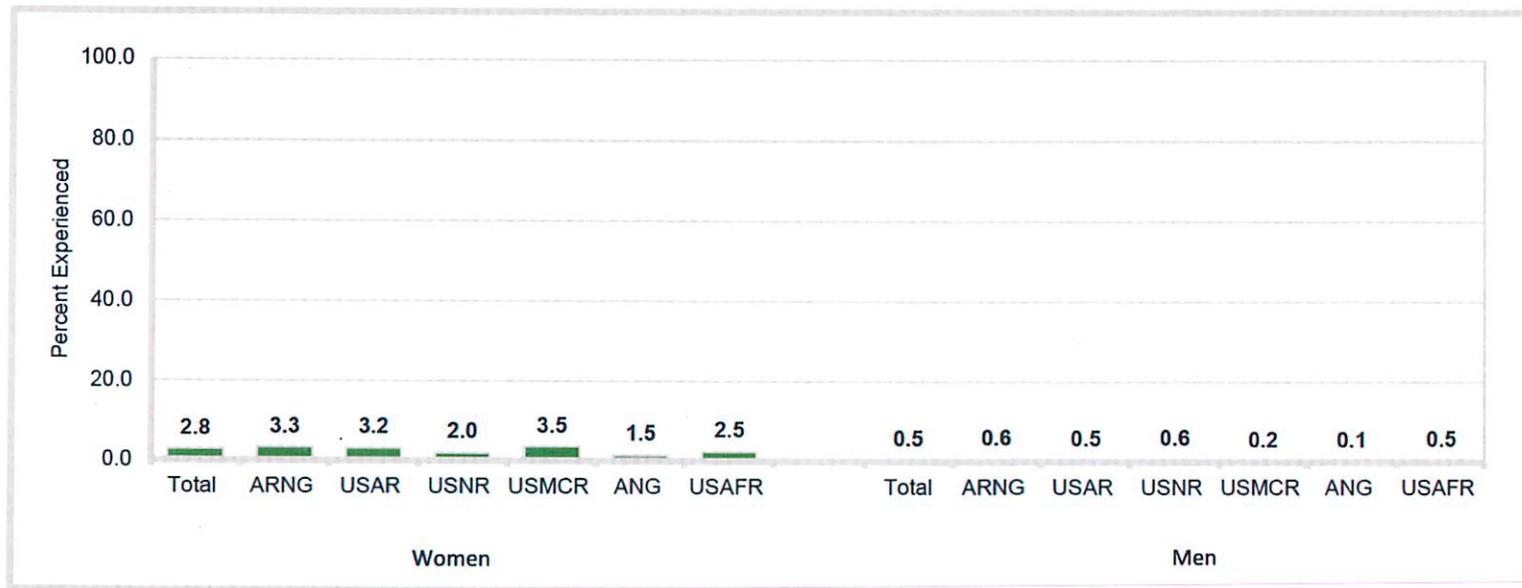
- Marine Corps women were more likely than women in the other Services to indicate experiencing USC
- Air Force women were less likely than women in the other Services to indicate experiencing USC
- For Navy and Marine Corps women, the 2012 percentages are statistically significantly higher than 2010 (7.2% vs. 4.4% and 10.1% vs. 6.6%, respectively); there are no statistically significant differences for men between 2012 and 2010

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# Past-Year Prevalence of Unwanted Sexual Contact

*Workgroup and Gender Relations Survey of the Reserve Component (WGRR)*

Percent of Reserve Component Women and Men, by Service



WGRR conducted April 23 to June 28, 2012

### Key findings:

- Overall, 2.8% of reserve component women and 0.5% of reserve component men indicated experiencing some form of USC in the year prior to being surveyed
  - No statistically significant differences among the Reserve components for 2012
  - No statistically significant differences for women or men by Reserve Component between 2012 and the survey's last administration in 2008

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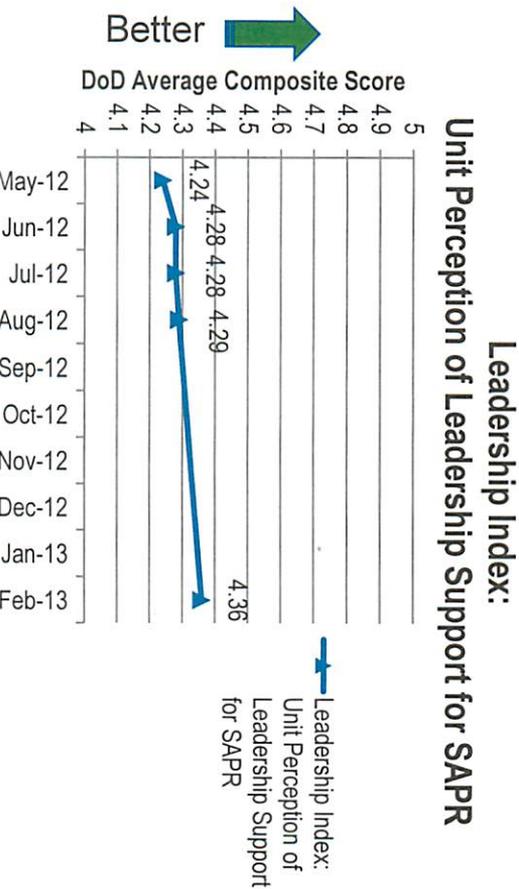
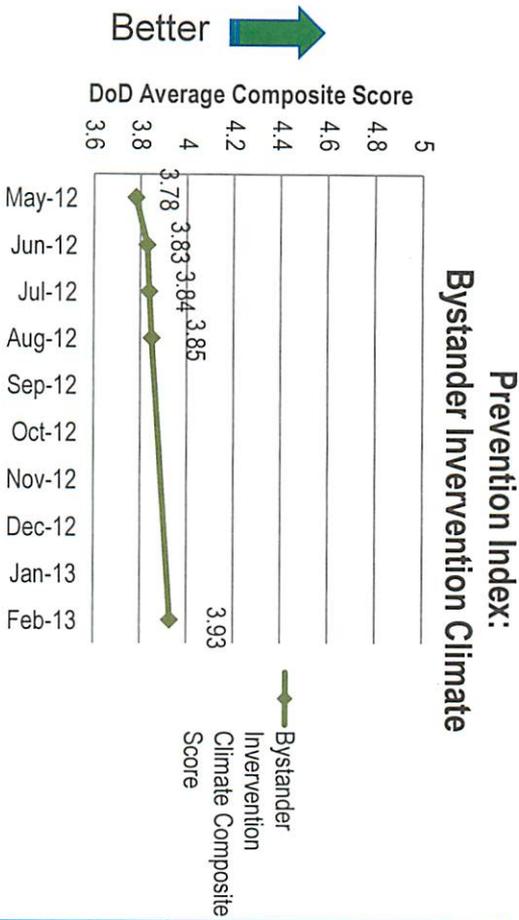
## Civilian Sector Comparisons: Prevalence

- **2010 National Intimate Partner and Sexual Violence Survey** – Centers for Disease Control and Prevention (2013) – *Gold Standard*
  - Risk for contact sexual violence (oral, anal, vaginal penetration or sexual contact without consent) is the same for women in the military and civilian sector, after adjusting for differences in age and marital status
    - Risk is the same for past year, past three years, and lifetime prevalence measures
- **Campus Sexual Assault Study** – Krebs, et. al. (2007)
  - 19% of college women experienced a sexual assault (attempted or completed oral, anal, vaginal penetration or sexual contact without consent) at some point in their 4 year college career
  - 21% of active duty women (ages 18-24) experienced USC (attempted or completed oral, anal, vaginal penetration or sexual contact without consent) at some point in their military career (DMDC, 2012)
- **Drug-facilitated, Incapacitated, and Forcible Rape: A National Study** – Kilpatrick, et. al. (2007)
  - 0.9% of U.S. women (all ages) and 5.2% of U.S. college women experienced a sexual assault (attempted or completed oral, anal or vaginal penetration without consent) in the 12 months prior to the survey
  - About 3.5% of active duty women experienced a sexual assault (attempted or completed oral, anal or vaginal penetration without consent) in the 12 months prior to the survey (DMDC, 2012)

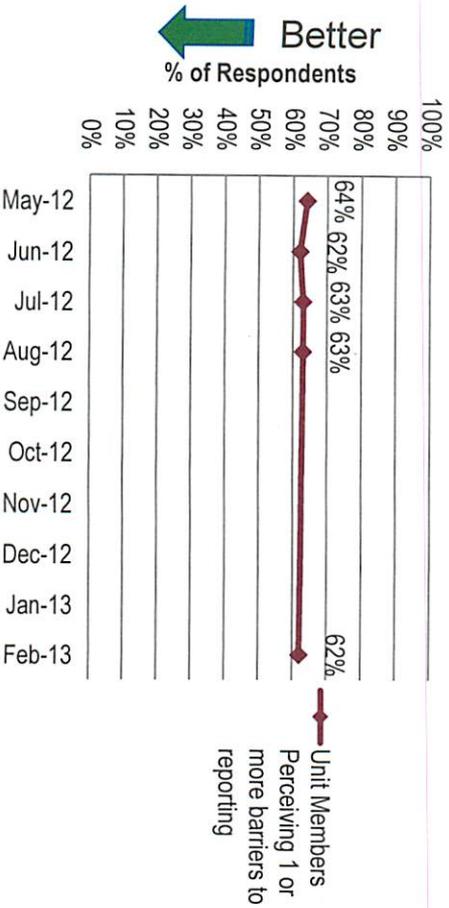
**Overall, most studies indicate the risk for sexual assault is about the same for women in the military and civilian sectors of U.S. society.**

# Command Climate Assessment Tools

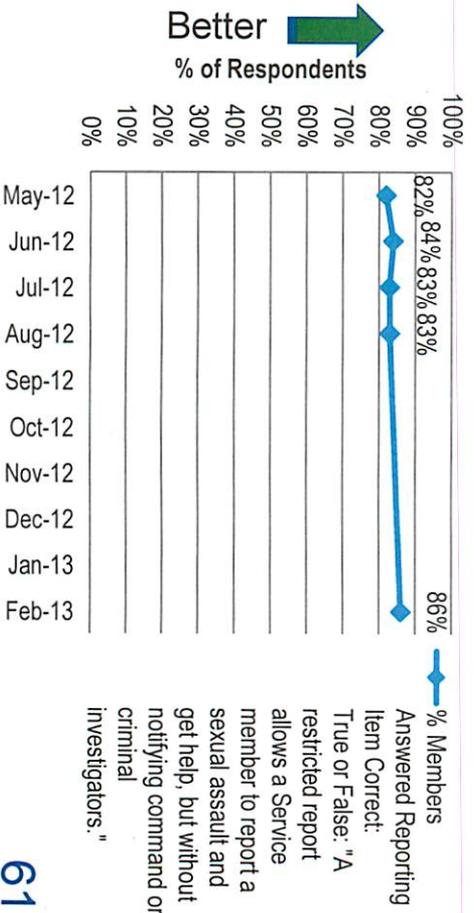
Obtained from DEOMI Organizational Climate Survey (DEOCS)



## Barriers to Reporting



## Reporting Knowledge



**Back Up Slides:  
DoD-wide Sexual Assault Prevention and  
Response Strategy**

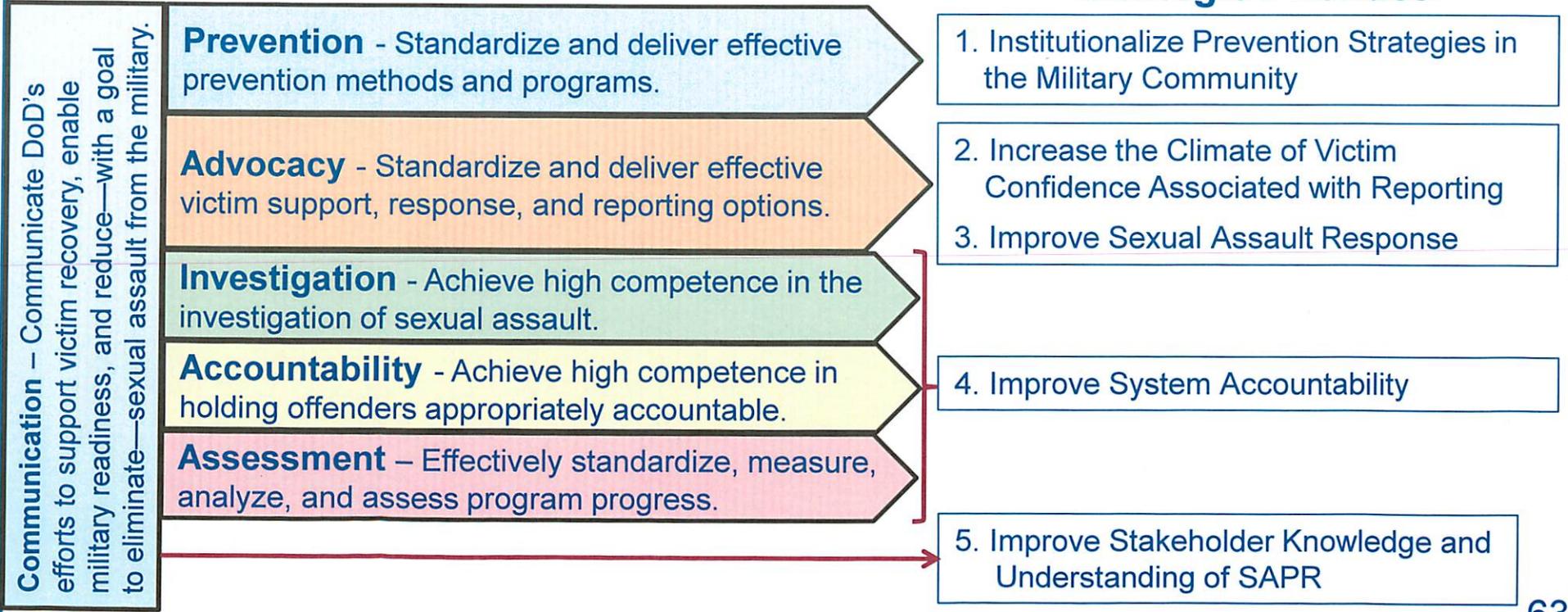
# Joint Chiefs of Staff (JCS) Strategic Direction to the Joint Force

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**Mission:** The DoD prevents and responds to the crime of sexual assault in order to enable military readiness and reduce—with a goal to eliminate—sexual assault from the military

## 2012 JCS Lines of Effort

## 2009 DoD-Wide SAPR Strategic Priorities



(As of 10 May 2013)

**Strategic Plan**

*The desired end state to be achieved is:*

Enduring culture change -- requiring leaders at all levels to foster a command climate where sexist behaviors, sexual harassment, and sexual assault are not tolerated, condoned, or ignored; a climate where dignity and respect are core values we live by and define how we treat one another; where victims' reports are treated with the utmost seriousness, their privacy is protected, and they are treated with sensitivity; where bystanders are motivated to intervene to prevent unsafe behaviors; and a climate where offenders know they will be held accountable by a strong and effective system of justice.



# Prevention

## Major Initiatives Completed

- Services launched a wide range of enhanced training programs using interactive and adult learning methods and emphasizing bystander intervention
- Published revised DoD Sexual Assault Program policy, enhancing procedures and standardizing DoD SAPR efforts
- Standardized SAPR core competencies and learning objectives are being taught in DoD-wide pre-command and senior Non Commissioned Officer (NCO) training courses
- Services conducted SECDEF-directed evaluations of their respective Military Academy all SAPR programs as well as evaluations of their respective initial military training environments; the results are under senior leader review

## Ongoing and Future Actions

- Standardized SAPR core competencies and learning objectives are under development for SAPR training courses for basic training, victim advocates, and continuing professional military education
- Expanding research on effective support services and preventive programs for male sexual assault victims
- Conducting outreach with targeted universities, communities, and experts in advocacy groups on prevention program best practices

# Investigation

## Major Initiatives Completed

- Revised Sexual Assault Forensic Exam kit to improve victim care and align evidence collection with national standards (SAPRO)
- Implemented DoD policy to retain investigative documentation for 50 years for Unrestricted Reports (DoD IG)
- Published new DoD policy on sexual assault investigation standards, requiring all sexual assault investigations are conducted by independent and professional Military Criminal Investigative Organizations (DoD IG)

## Ongoing and Future Actions

- Developing policy for Special Victim Capability, in accordance with FY13 NDAA, which will include standardized selection, training, and certification standards for Special Victim investigators (DoD-wide)
- Conducting a review of sexual assault investigations for investigative sufficiency and compliance; audit is completed and results are under senior leader review (DoD IG)
- Conducting a review of Sex Offender Registry Programs and compliance with the Sex Offender Registration and Notification Act (DoD IG)

# Accountability

## Major Initiatives Completed

- In 2012, Services and NGB fielded specialized personnel and/or teams such as Complex Trial Teams, Special Victim Prosecutors and Trial Counsel Assistance programs to deliver enhanced capability in the prosecution of sexual assault cases.
- In June 2012, DoD elevated initial disposition decisions to O-6 level (Colonel or Navy Captain) for cases of rape, sexual assault, forcible sodomy and attempts.
- In Jan 2013, Air Force launched a pilot Special Victim Counsel program with the intent to provide victims of sexual assault legal representation during all phases of investigation, prosecution, and victim recovery.
- In Mar 2013, DoD General Counsel conducted a review of UCMJ Article 60; this review informed SECDEF legislative proposal to limit actions by court-martial convening authority.

## Ongoing and Future Actions

- DoD is developing policy for Special Victim Capability, in accordance with FY13 NDAA, which will include standardized selection, training, and certification standards for Special Victim prosecutors and paralegals.
- In conjunction with Congress, DoD is establishing and supporting the FY13 NDAA-mandated independent Response Systems and Judicial Proceedings Panels.

# Assessment

## Major Initiatives Completed

- In 2011, established SAPR Integrated Process Team, comprised of senior OSD and Service SAPR program managers, as a standing body that meets regularly to review and advise on SAPR matters.
- In Apr 2012, added sexual assault questions to DoD Command Climate Surveys and implemented policy to conduct assessments within 120 days for new commanders and annually thereafter.
- In Oct 2012, fielded Defense Sexual Assault Incident Database as record system for sexual assault case management and data collection.
- In Nov 2012 conducted inaugural Joint Chiefs of Staff quarterly SAPR Joint Executive Council as DoD's senior standing military oversight body for SAPR matters.

## Ongoing and Future Actions

- Continue to prepare two NDAA-mandated annual SAPR reports to Congress
- Developing metrics to support and assess the progress along all lines of effort of the DoD-wide Strategic Plan

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U.S. AIR FORCE

# Disposition of 522 Sexual Assault Subjects (FY11)

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Number of subjects	522
Subjects awaiting command action	-68
Any command action precluded	-92
<b>SUBTOTAL</b>	<b>362</b>

Civ/Foreign Prosecution	20
Subj is Civ/Foreign Nat'l	21
Offender Unknown	50
Subj Died/Deserted	1

**Cases presented to Commanders for Action 362 (69%)**

Cmd Action Precluded/Declined for SA – 249	
Prob cause only for non-SA offense	98
Insufficient evidence of any offense	81
Victim declined to participate	65
Unfounded by command	5
Commander declined action	0
Unfounded by invest agency	0

Commander took Action for SA – 113	
CM Preferred (Initiated)	79
Nonjudicial Punishment	33
Admin Discharge	0
Other Admin Action	1

**Prosecution Rate: AF: 22% (79/362)**  
**Conviction Rate (for sexual assault offense): AF: 48% (21/44)**

 <b>Disposition of 399 Sexual Assault Subjects (FY12)</b> U.S. AIR FORCE																											
		<table border="1"> <tr> <td>Civ/Foreign Prosecution</td> <td>12</td> </tr> <tr> <td>Subj is Civ/Foreign Nat'l</td> <td>13</td> </tr> <tr> <td>Offender Unknown</td> <td>17</td> </tr> <tr> <td>Subj Died/Deserted</td> <td>1</td> </tr> </table>	Civ/Foreign Prosecution	12	Subj is Civ/Foreign Nat'l	13	Offender Unknown	17	Subj Died/Deserted	1																	
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<b>SUBTOTAL</b>	<b>177</b>																										
<b>Cases presented to Commanders for Action 177 (44%)</b>																											
<table border="1"> <thead> <tr> <th colspan="2">Cmd Action Precluded/Declined for SA -- 121</th> </tr> </thead> <tbody> <tr> <td>Prob cause only for non-SA offense</td> <td>54</td> </tr> <tr> <td>Insufficient evidence of any offense</td> <td>32</td> </tr> <tr> <td>Victim declined to participate</td> <td>24</td> </tr> <tr> <td>Unfounded by command</td> <td>11</td> </tr> <tr> <td>Commander declined action</td> <td>0</td> </tr> <tr> <td>Unfounded by invest agency</td> <td>0</td> </tr> </tbody> </table>		Cmd Action Precluded/Declined for SA -- 121		Prob cause only for non-SA offense	54	Insufficient evidence of any offense	32	Victim declined to participate	24	Unfounded by command	11	Commander declined action	0	Unfounded by invest agency	0	<table border="1"> <thead> <tr> <th colspan="2">Commander took Action for SA -- 56</th> </tr> </thead> <tbody> <tr> <td>CM Preferred (Initiated)</td> <td>42</td> </tr> <tr> <td>Nonjudicial Punishment</td> <td>14</td> </tr> <tr> <td>Admin Discharge</td> <td>0</td> </tr> <tr> <td>Other Admin Action</td> <td>0</td> </tr> </tbody> </table>		Commander took Action for SA -- 56		CM Preferred (Initiated)	42	Nonjudicial Punishment	14	Admin Discharge	0	Other Admin Action	0
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<b>Prosecution Rate: AF: 24% (42/177)</b>		<b>Conviction Rate (for sexual assault offense): AF: 57% (13/23)</b>																									

Talking Points

NOTE: This slide is based on data that is currently undergoing an audit and review prior to their inclusion in the DoD Report to Congress due 30 April 2012."

- This slide tracks the 399 Subjects from investigations completed in FY12. While 179 were still pending action at end of the fiscal year, command action was precluded for 43 subjects for the reasons noted in the top right box
- On the left, command action for a SA offense was precluded or declined for the reasons noted
- On the right, commanders took action for SA for 56 subjects, including preferring charges in 42
- No OSD standard on calculating, but current OSD/GC Proposal:
- Prosecution Rate: Not measured against unrestricted reports but against those cases where evidence supported command action for sexual assault
  - In FY12, Air Force had a 75% prosecution rate (FY11-70%)
  - FY12 OSD and other service rates not yet available (FY11 rates: OSD – 62% (489/796); USAF – 70% (79/113); Army—60% (272/457); Navy—55% (67/121); USMC: 71% (71/100))
- Conviction Rate: Not measured against unrestricted reports but against the cases that actually proceeded to trial
  - Even though the Air Force took tough cases to trial, the Air Force had a conviction rate of 87% for any offense, (FY 11 AF rate of 80% same as the OSD rate)
  - An important disclaimer to this conviction rate is that it includes convictions for any offense—a conviction rate for a sexual assault offense in FY12 was 59% (FY11 was 48% (21/44))
  - FY12 OSD and other service rates not yet available (FY11 rates: FY11: OSD – 80% (191/240); USAF – 80% (35/44); Army—82% (79/96); Navy—70% (28/40); USMC: 82% (49/60))
- Alternate means of calculating
  - Prosecution Rate: Measure preferred cases against the cases presented to commanders for action (excluding cases where prosecution not objectively possible)
    - FY 12 rate 24%. FY12 OSD and other service rates not yet available (FY11: OSD:-27%; AF-22% (79/362))
  - Conviction Rate: Use only convictions for sexual assault offenses based on cases referred to trial for sexual assault offenses
    - AF: FY12 57% (13/23)
    - OSD data not available as the convictions tracked for any offense (not just

convictions for sexual assault offenses) in the SAPRO report

**Background Notes:**

“Unfounded by command “includes cases are determinations made by a commander with supporting legal advice that the cases were:

- (1) False cases. Evidence obtained through an investigation shows that an offense was not committed nor attempted by the subject of the investigation.
- (2) Baseless cases. Evidence obtained through an investigation shows that alleged offense did not meet at least one of the required elements of a UCMJ offense constituting the SAPR definition of sexual assault or was improperly reported as a sexual assault.