

**COMPARATIVE SYSTEMS SUBCOMMITTEE
ISSUE ASSESSMENT- STATISTICS & SURVEYS**

SUBCOMMITTEE MISSION STATEMENT:

Assess and compare military and civilian systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses, under 10 U.S.C. 920 (Article 120, Uniform Code of Military Justice (UCMJ)).

SUBCOMMITTEE OBJECTIVES AND SCOPE:

Assess and compare court-martial conviction rates for adult sexual assault crimes with those in the Federal and State courts for similar offenses and the reasons for any differences.

Identify best practices from civilian jurisdictions that may be incorporated into any phase of the military system.

ISSUES:

- *How do the military sexual assault conviction rates compare with those in civilian jurisdictions? Explain the reason for those differences.*
- *What other comparable data exists to measure the problem of sexual assault in the military and civilian jurisdictions?*
- *How could DoD improve its data collection and survey methods in order to develop more reliable data.*

REPORT OUTLINE:

I. Methodology and Overview of Subcommittee Analysis

- A. Meetings/discussions held
- B. Presenters heard
- C. Installations visited
- D. Materials reviewed
- E. Relevant RFIs:

II. Can Military and Civilian Conviction Rates Be Compared?

- A. Sources of statistical information
 - 1. UCR as a guide or not
 - 2. Cf. testimony/resources from Spohn, Addington, Lynch, Schenck
 - 3. National Science Foundation
 - 4. CDC
 - 5. BJS
 - 6. DOD & Services – do they track the same information?
- B. Challenges & Issues arise due to the differences in systems
 - 1. Differences from start to finish – investigator discretion, ways to receive report & responsibility to act on reports, prosecutor’s role, discovery, forms of preliminary hearings/GJ/Art. 32, to alternate disposition options (Art. 15, administrative separation, rank reduction, etc)

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2. Sentencing comparison issues – prison term length, monetary penalties, probation, parole, sentencing by judge or jury/panel

III. Identify & Compare Conviction Rates by the Relevant Offense

- A. Identify Comparable Offenses & the Conviction Rates
 1. Penetrative offenses:
 - a.Federal
 - b.State
 - c.Military
 2. Non-penetrative offenses: Federal, State, Military
 - a.Federal
 - b.State
 - c.Military
- B. What Percentage of contested trials resulted in a conviction to a charged sexual assault offense, a lesser included offense, hung jury/mistrial, or acquittal?

IV. Surveys: Data Collection & Statistical Issues

- A. Describe the purpose, method used, and results of Military Surveys
 1. WGRA
 2. Command Climate
 3. DOD IG victim experience surveys
 4. Other Victim satisfaction surveys
- B. Describe the purpose, method used, and results of Civilian Surveys
- C. Compare and asses military surveys v. civilian surveys
 1. What are the problems with the surveys?
 2. Is the data comparable?

V. Findings Based on Above Evidence: *Based on the Statistical Information of Reporting, Victim Satisfaction, and Conviction Rates, How does the overall problem of sexual assault in the military compare to the greater U.S. civilian sector?*

VI. Recommendation(s)