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Appendix C: Metrics and Non-Metrics on Sexual Assault



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Appendix C: Metrics and Non-Metrics on Sexual Assault

In collaboration with the White House, the Department of Defense (DoD) developed the following metrics and “non-metrics” in 2014 to help illustrate and assess DoD progress in sexual assault prevention and response (SAPR). As part of the development process, DoD canvassed sexual assault programs throughout the nation to identify potential points of analysis.

Unfortunately, DoD could not find widely accepted, population-based metrics to serve as a reference. Therefore, DoD developed the following twelve metrics and five “non-metrics” in a collaborative process involving DoD SAPR program experts and researchers. For the purposes of this document, the term “metric” describes a quantifiable part of a system’s function. Inherent in performance metrics is the concept that there may be a positive or negative valence associated with such measurements. In addition, adjustments in inputs to a process may allow an entity to influence a metric in a desired direction. For example, DoD aspires to encourage greater reporting of sexual assault by putting policies and resources in place to this end. Therefore, increases in the number of sexual assault reports may indicate that DoD’s efforts may be working.

DoD coined the term “non-metric” to describe aspects or outputs of the military justice system that should not be “influenced,” or be considered as having a positive or negative valence in that doing so may be considered inappropriate or unlawful under military law.

Figures A through W illustrate points of analysis for metrics and non-metrics. **In select instances, DoD presents metric data from Fiscal Year (FY) 2014 when FY15 data are unavailable.** For instance, DoD only administers the Active Duty survey that estimates past-year sexual assault prevalence every even-numbered year. Thus, DoD draws prevalence data included in metrics 1a, 1b, 1c, 2, and 9b from FY14 estimates. In addition, data from the *Survivor Experience Survey (SES)*¹ are not available this FY. For this reason, metrics 7, 9c, and 10 do not include SES data and instead use data from the *Military Investigation and Justice Experience Survey (MIJES)*. Similar to the SES, the MIJES assesses victims’ experiences after reporting a sexual assault. However, the MIJES only surveyed victims who made an Unrestricted Report of sexual assault to assess their experiences with the investigative and military justice process. The MIJES recruited a small sample of respondents and results of the study are not representative of the entire population of victims.

Metrics

Metric 1: Past-Year Prevalence of Unwanted Sexual Contact

DoD uses the *Workplace and Gender Relations Survey of Active Duty Members (WGRA)* to assess the prevalence, or occurrence, of sexual assault in the Active Duty over a year’s time. The Defense Manpower Data Center (DMDC) normally conducts the WGRA in accordance with the quadrennial cycle of human relations surveys outlined in Section 481 of Title 10, USC. In the National Defense Authorization Act (NDAA) for FY12, Congress directed DoD to survey the

¹ http://sapr.mil/public/docs/reports/FY14_POTUS/FY14_DoD_Report_to_POTUS_Annex_2_DMDC.pdf

Active Duty members every two years. Thus, past-year estimated prevalence rates are available for Calendar Year (CY) 2006, FY10, FY12, and FY14. The Department will collect prevalence data again in FY16.

In 2013, the leadership of the Senate Armed Services Committee requested that DoD arrange for an independent entity to survey and assess sexual assault prevalence. In accordance with this request, DoD contracted the RAND Corporation (RAND) to administer the *Military Workplace Study (RMWS)*, which served as the 2014 *WGRA*.

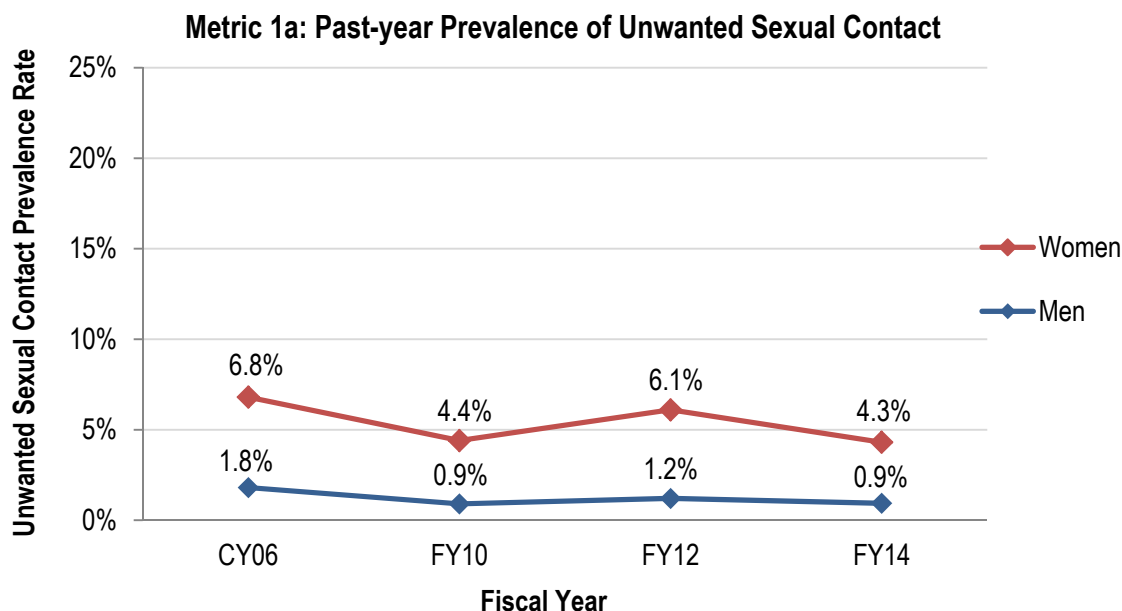
RAND created and simultaneously administered two versions of the survey:

- *WGRA* form: One version employed DMDC's prior form questions about unwanted sexual contact (USC). USC is the *WGRA* survey term for the sexual crimes between adults, prohibited by military law, ranging from abusive sexual contact to rape. RAND drew these survey questions from the 2012 *WGRA* to allow for a level of comparison with previous years' survey data.
- *RMWS* form: RAND also developed and administered a new measure to assess past-year prevalence of sexual assault. RAND closely aligned the items on the *RMWS* form with legal language describing the elements of sexual assault crimes in the Uniform Code of Military Justice (UCMJ). Therefore, when describing the *RMWS* form, we refer to "sexual assault," rather than USC. RAND found that the *RMWS* form produced statistically similar prevalence rates as the *WGRA* form. However, the *RMWS* form was determined to be better suited for a crime prevalence survey. Consequently, the next Active Duty prevalence survey, which DMDC will administer in 2016, will employ the *RMWS* measure of sexual assault.

As with all victim surveys, RAND classifies Service members as having experienced sexual assault based on their memories of the event as expressed in their survey responses. It is likely that a full review of all evidence would reveal that some respondents whom RAND classifies as not having experienced sexual assault actually did have one of these experiences. Similarly, some whom RAND classifies as having experienced a crime or violation may have experienced an event that would not meet the minimum DoD criteria. A principal focus of RAND's survey development was to minimize such errors, but they cannot be eliminated in a self-report survey.

Metric 1a (Figure A) illustrates the past-year rates of USC among Active Duty women and men for CY06, FY10, FY12, and FY14 using comparable survey questions across time. USC involves a range of sexual contact offenses, to include intentional sexual contact that occurred against a person's will, or that occurred when a person did not or could not consent. In FY14, the *WGRA* form of the *RMWS* revealed that an estimated 4.3% of Active Duty women and an estimated 0.9% of Active Duty men experienced an incident of USC in the 12 months prior to being surveyed.² For Active Duty women, the FY14 USC rate is statistically lower than the USC rate found in FY12 (4.3% versus 6.1%, respectively). For Active Duty men, the FY14 USC rate is statistically the same as the USC rate found in FY12 (0.9% versus 1.2%, respectively), despite showing a downward trend.

² RAND used scientific weighting to estimate prevalence rates that were representative of the entire Active Duty population. RAND provides confidence intervals for all statistics that are interpreted as population estimates. The estimated 4.3% prevalence rate among women has a confidence interval of 3.9% to 4.8%, meaning that we can infer with 95% confidence that the prevalence of USC among Active Duty women is between 3.9% and 4.8%. The estimated 0.9% prevalence rate among men has a confidence interval of 0.7% to 1.2%, meaning that we can infer with 95% confidence that the prevalence of USC among Active Duty men is between 0.7% and 1.2%.



Description: Past-year prevalence of unwanted sexual contact as measured by the *WGRA* form.

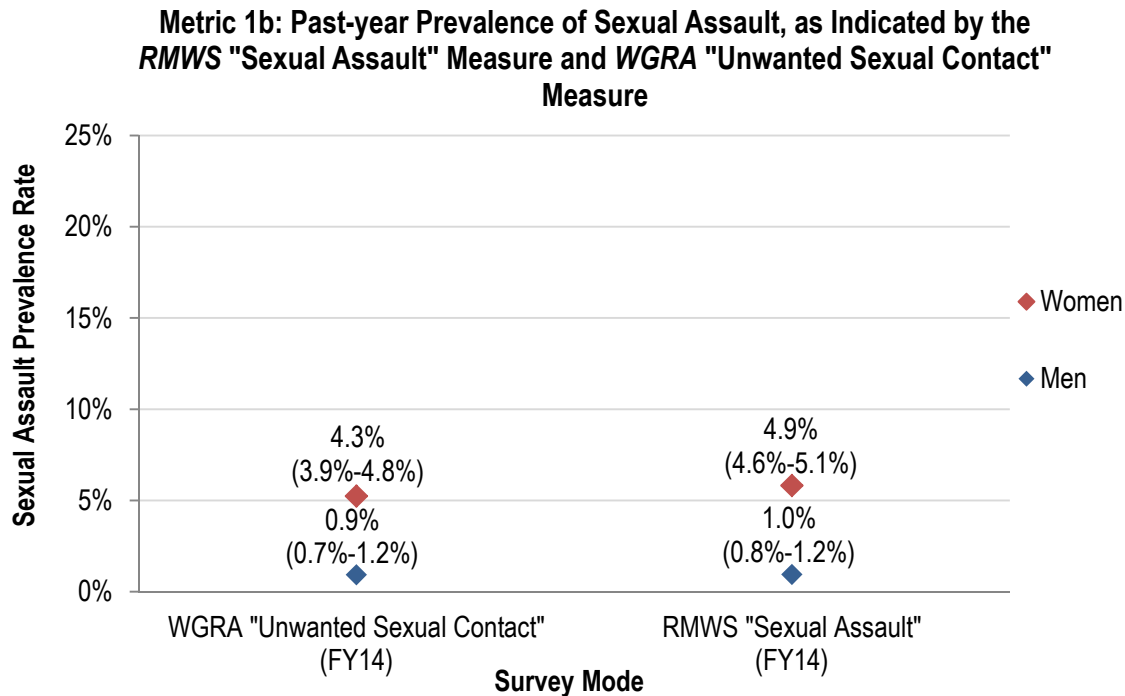
Source: *Gender Relations Survey of Active Duty Members* (2006); *Workplace and Gender Relations Survey of Active Duty Members (WGRA, 2010 and 2012)*; *WGRA form, RAND Military Workplace Study (RMWS, 2014)*.

Implication: Estimates the occurrence of unwanted sexual contact of Active Duty members in a one-year period.

Figure A - Metric 1a: Past-year Prevalence of Unwanted Sexual Contact, CY06 and FY10 – FY14³

Metric 1b (Figure B) displays the 2014 rates of USC as determined by the *WGRA* measure, designed by DMDC, and the new measure of sexual assault developed by RAND (*RMWS* form). For Active Duty men and women, the rates of sexual assault as estimated by the two methods are about the same. However, the methodological differences employed by the *RMWS* form appear to provide a “crime rate” that more closely aligns with legal terminology in the UCMJ.

³ DoD did not obtain new data for this metric in FY15; DMDC will conduct the survey that estimates prevalence of sexual assault during FY16.



Description: Past-year prevalence of sexual assault as measured by the *WGRA* and *RMWS* forms.

Source: RAND *Military Workplace Study (RMWS, 2014)*.

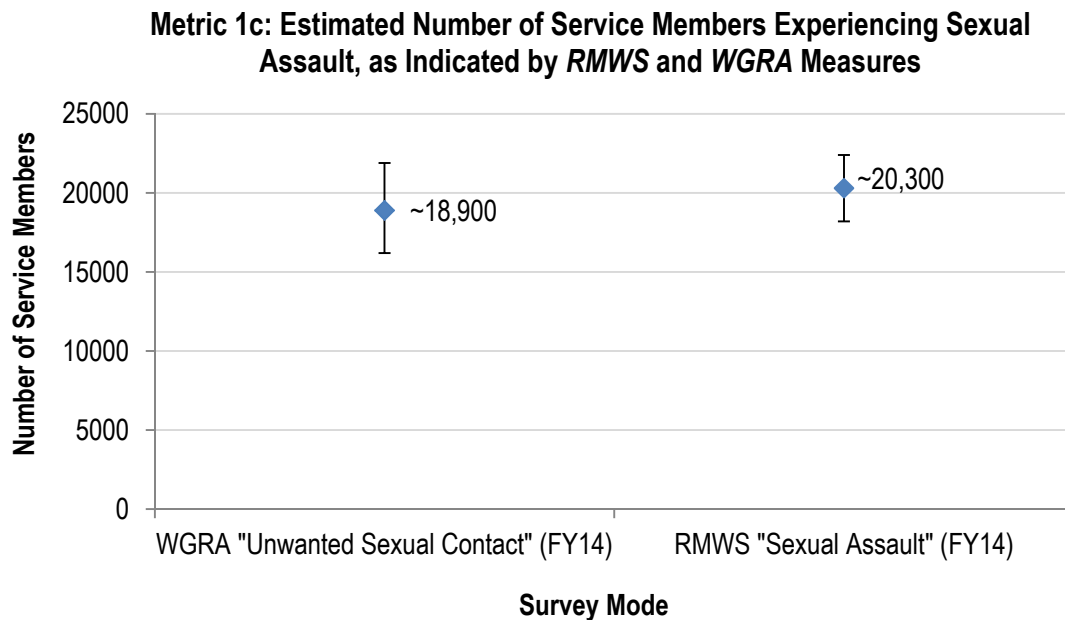
Implication: Estimates the occurrence of sexual assault of Active Duty members in a one-year period.

Note: The 95% confidence interval for each estimate is indicated in parentheses.

Figure B - Metric 1b: Past-year Prevalence of Sexual Assault, as Indicated by the *RMWS* and the *WGRA* Measures, FY14⁴

Metric 1c (Figure C) displays the 2014 estimated number of Service members who experienced sexual assault as determined by the *WGRA* measure designed by DMDC and the *RMWS* measure of sexual assault developed by RAND. As with metric 1b, the number of Active Duty men and women who experienced sexual assault in the past-year as estimated by the two methods is not statistically different.

⁴ DoD did not obtain new data for this metric in FY15; DMDC will conduct the survey that estimates prevalence of sexual assault during FY16.



Description: Estimated number of Service members experiencing sexual assault, as measured by the *WGRA* and *RMWS* forms.

Source: RAND *Military Workplace Study (RMWS, 2014)*.

Implication: Estimates the occurrence of sexual assault of Active Duty members in a one-year period.

Note: Error bars represent the 95% confidence interval for each estimate.

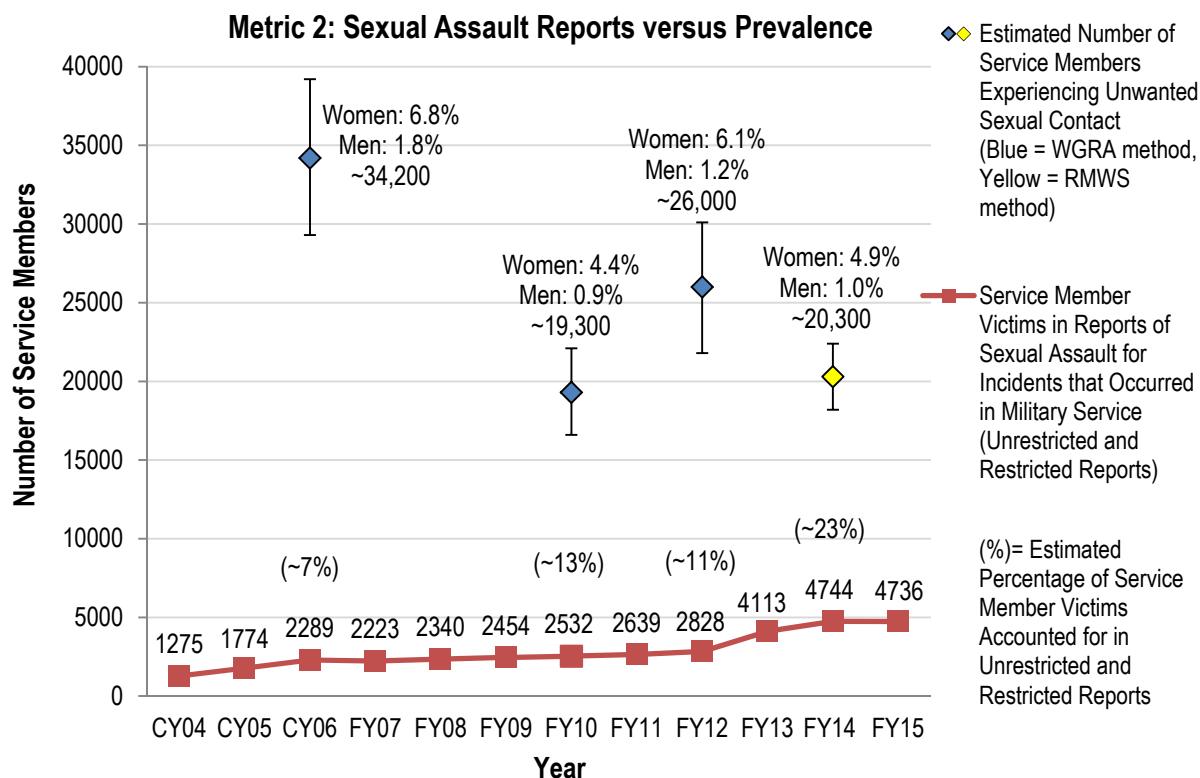
Figure C - Metric 1c: Estimated Number of Service Members Experiencing Sexual Assault, as Indicated by the *RMWS* and *WGRA* Measures, FY14⁵

Metric 2: Prevalence versus Reporting

Underreporting occurs when crime reports to law enforcement fall far below statistical estimates of how often a crime may actually occur. Nationally, sexual assault is one of the most underreported crimes, with estimates indicating that between 65% and 84% of rapes and sexual assaults are not reported to police.⁶ Underreporting also occurs within DoD. Underreporting of sexual assault interferes with DoD's ability to provide victims with needed care and prevents the Department from holding offenders appropriately accountable. In order to better understand the extent to which sexual assault goes unreported, metric 2 compares the estimated number of Service members who may have experienced sexual assault, as calculated with data from the *RMWS* form, with the number of Service member victims in sexual assault reports for incidents occurring during military service.

⁵ DoD did not obtain new data for this metric in FY15; DMDC will conduct the survey that estimates prevalence of sexual assault during FY16.

⁶ National Research Council. (2014). *Estimating the Incidence of Rape and Sexual Assault*. Panel on Measuring Rape and Sexual Assault in Bureau of Justice Statistics Household Surveys, C. Kruttschnitt, W.D. Kalsbeek, and C.C. House, editors. Committee on National Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.



Description: Estimates the percentage of Service member incidents captured in reports of sexual assault (Restricted and Unrestricted Reports).

Sources: Service reports of sexual assault (CY04 to FY13) and Defense Sexual Assault Incident Database (DSAID, FY14 and FY15); *Gender Relations Survey of Active Duty Members* (2006); *Workplace and Gender Relations Survey of Active Duty Members* (WGRA, 2010/2012); *RAND Military Workplace Study* (RMWS, 2014), RMWS form.

Implication: Capturing a greater proportion of sexual assault incidents in reports to DoD improves visibility over the extent of the problem. It is the Department's goal to decrease the prevalence of sexual assault through prevention, while encouraging a greater number of victims to make a Restricted or Unrestricted Report. Increased reporting allows a greater number of victims to obtain needed assistance, and gives the Department an opportunity to hold offenders appropriately accountable.

Note: Error bars represent the 95% confidence interval for each estimate.

Figure D - Metric 2: Sexual Assault Reports versus Prevalence, CY04 – CY06 and FY07 – FY15⁷

Each year, DoD receives reports of sexual assault from military and civilian victims. DoD responds to all reports of sexual assault; however, a focus on Service member victim reports of sexual assault for an incident occurring during military Service allows for comparison with prevalence estimates. Figure D illustrates the difference between reports and the estimated number of military victims. Although reports to DoD authorities are unlikely to capture all sexual assaults estimated to occur in a given year, DoD's goal is to encourage greater Service member reporting of sexual assault.

⁷ DoD updated this metric to reflect the RMWS form prevalence estimates for FY14. The FY14 Annual Report displayed the WGRA form estimate in this metric to demonstrate the trend between FY14 and prior years. The Department will use the RMWS form to obtain prevalence estimates going forward.

As Figure D shows, the 4,744 Service member victims making a report of sexual assault to DoD authorities in FY14 accounted for approximately 23% of the estimated number of Service members who may have experienced sexual assault that year (~20,300). In FY12, 2,828 Service member victims made reports to DoD authorities, accounting for about 11% of the 2012 USC prevalence estimate (~26,000). The conclusion of this metric is that fewer sexual assaults occurred in FY14 than in FY12, while a larger number of victims chose to report the crime in FY14 than in any previous year. FY15 reports are largely the same as in FY14 (i.e., there were 8 fewer Service member reports in FY15 than in FY14).

Although male Service members account for the majority of the survey-estimated victims of sexual assault (just over 10,600 men and just over 9,600 women in FY14), a greater proportion of female victims reported their assault. Specifically, 38% (3,671) of survey-estimated female victims, but only 10% (1,073) of male victims, made a report of sexual assault for an incident occurring during their military service in FY14.

The Department anticipates that initiatives to increase reporting combined with prevention efforts that reduce the overall occurrence of sexual assault will further the progress illustrated in this metric. In effect, over time DoD expects that:

- Initiatives to build victims' confidence in the system should increase the number of Service members who choose to make an Unrestricted or Restricted Report.
- The effects of prevention initiatives implemented across DoD should reduce past-year prevalence rates of sexual assault, as measured by the *WGRA*.

Metric 3: Bystander Intervention Experience in the Past Year

In FY12 and FY13, DoD Sexual Assault Prevention and Response Office (SAPRO) worked with the Defense Equal Opportunity Management Institute (DEOMI) and Service representatives to develop questions that assess SAPR climate for unit commanders. As DEOMI phased out an old version of this survey, a new version of the DEOMI Organizational Climate Survey (*DEOCS*) was administered in the field, and it included these newly developed SAPR questions. Therefore, figures for FY14 span from the second to fourth quarter of FY14 (i.e., January to September 2014). FY15 *DEOCS* data are available for the entire FY, but the figures below only include data from January to September 2015 to allow for comparison to FY14 (see metrics 3, 4, 9a, and 11). A total of 539,706 Active Duty respondents completed the SAPR questions on the *DEOCS* from January to September 2015 (Table A).

Table A - Sample Sizes for *DEOCS* Respondents (January – September 2015)

Sample size (N)	539,706
Men	460,748
Women	78,958
Junior Enlisted (E1-E3)	98,183
Junior NCO (E4-E6)	293,600
Remaining Ranks (E7-E9, W1-W5, O1 & Above)	147,923

The DEOCS included two items to assess respondents' bystander intervention experiences in the past 12 months. The first item asked whether participants *observed* a situation they believed could have led to a sexual assault within the past 12 months. If respondents answered "yes" to this question, the survey prompted them to answer a second question identifying the response that most closely resembled their actions:

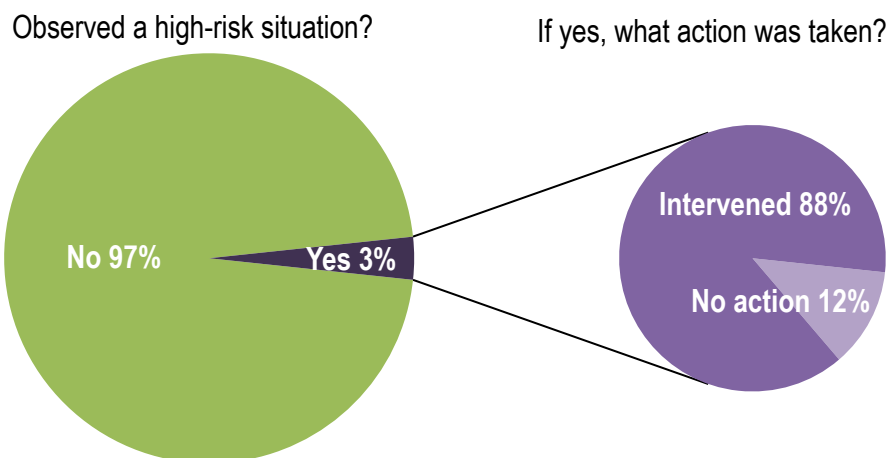
In the past 12 months, I observed a situation that I believe was, or could have led to, a sexual assault:

- Yes
- No

Response to this situation (select the response that most closely resembles your actions):

- I stepped in and separated the people involved in the situation
- I asked the person who appeared to be at risk if they needed help
- I confronted the person who appeared to be causing the situation
- I created a distraction to cause one or more of the people to disengage from the situation
- I asked others to step in as a group and diffuse the situation
- I told someone in a position of authority about the situation
- I considered intervening in the situation, but I could not safely take any action
- I decided not to take action

Metric 3a and 3b: Bystander Intervention



	% Observed High-risk Situation	If Observed, % Intervened
January - September 2015	3%	88%

Description: Service member responses to: “In the past 12 months, I observed a situation that I believed was, or could have led to, a sexual assault” and, if they observed a high-risk situation, what action they took.

Source: DEOMI *Organizational Climate Survey (DEOCS)*.

Implication: Indicator of frequency of observed high-risk situations and Service member actions to prevent sexual assault. However, *DEOCS* results draw from a convenience sample and may not represent the entire force.

Summary Points: Although most Service members did not witness a high-risk situation, the majority of those who did witness such situations took action to intervene.

Note: The *DEOCS* is voluntary and administered annually by units or within 120 days of a change in command.

Figure E - Metric 3a and 3b: Bystander Intervention, 2015

Of the respondents who completed the *DEOCS* in FY15, about 3% indicated they had observed a situation they believed was, or could have led to, a sexual assault (i.e., a high-risk situation). However, of those who observed a high-risk situation, the vast majority took some action to intervene (Figure E).

In order to understand response differences between demographic groups, DEOMI conducted subsequent comparisons as follows:

- Male respondents compared to female respondents
- Junior enlisted (E1 to E3) and junior non-commissioned officer (E4 to E6) respondents compared to senior enlisted (E7 to E9), warrant officer (W1 to W5), and officer (O1 and above) respondents

Compared to men, women were more likely to observe a high-risk situation and more likely to intervene. Officers and senior enlisted Service members were less likely to observe a high-risk situation, but more likely to intervene when compared to junior enlisted members and junior non-commissioned officers. Overall, responses did not change from FY14 to FY15 (Figure F and Figure G).

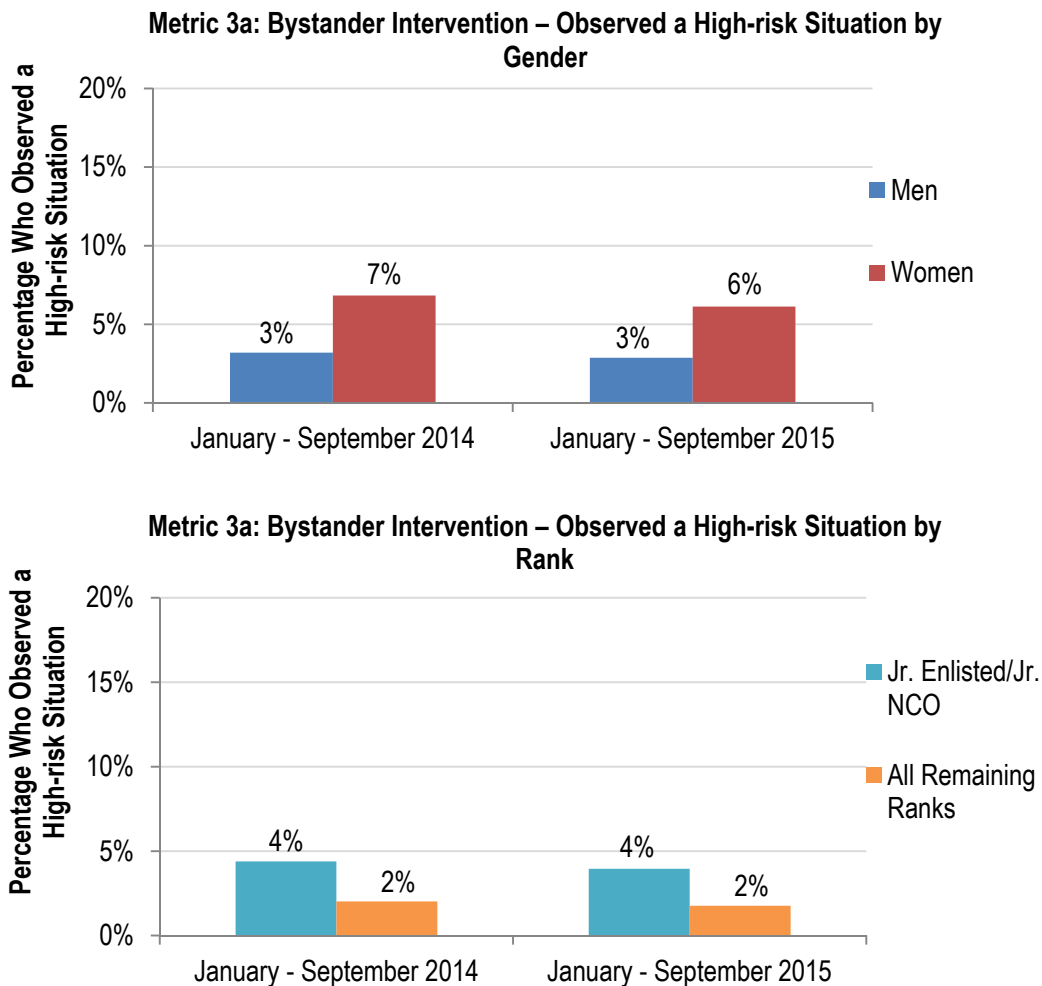


Figure F - Metric 3a: Bystander Intervention – Observed a High-risk Situation by Gender and Rank, 2014 – 2015

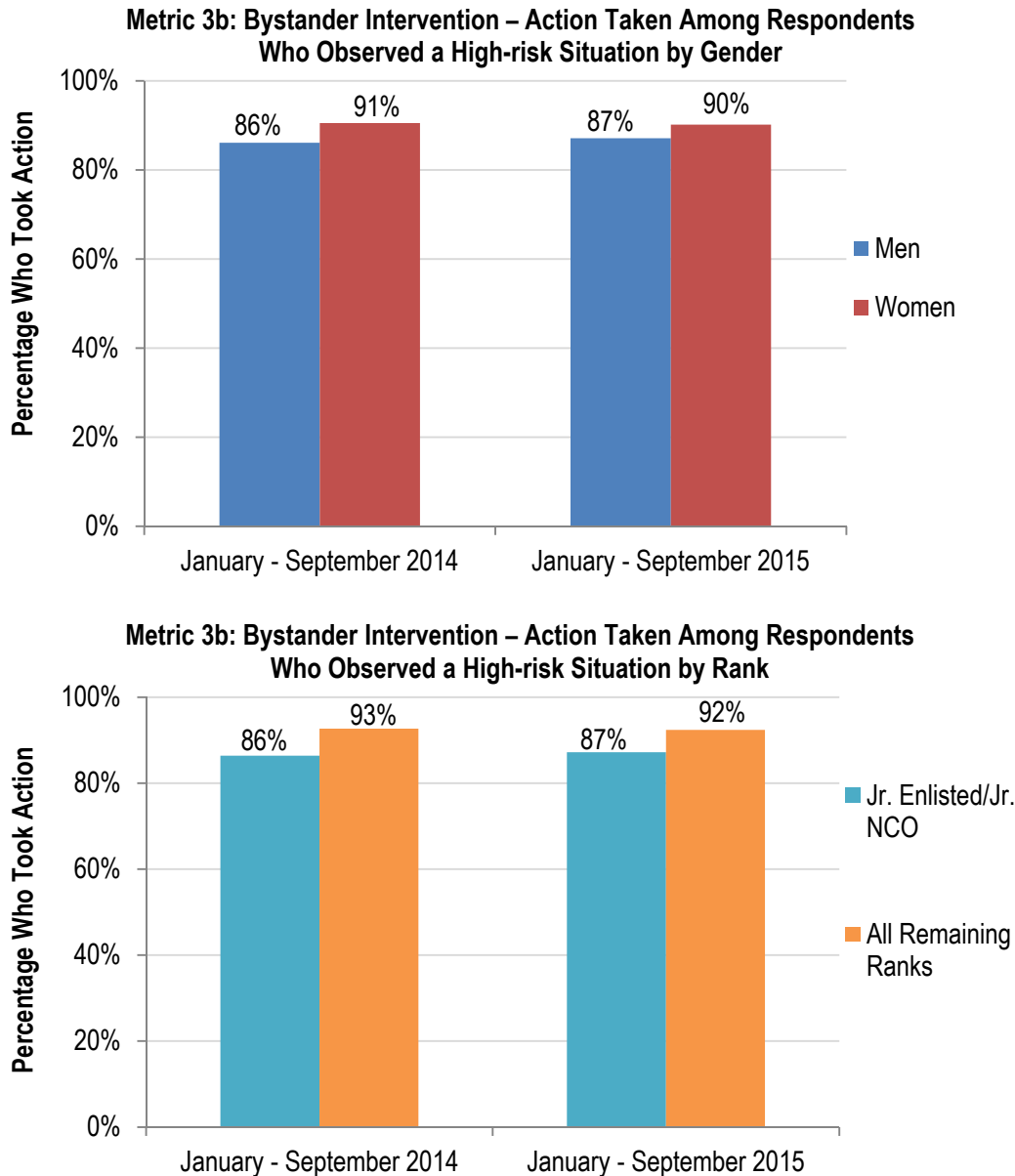


Figure G - Metric 3b: Bystander Intervention – Action Taken Among Respondents Who Observed a High-risk Situation by Gender and Rank, 2014 – 2015

DEOMI conducted additional analyses to assess the relationship between bystander intervention and other items on the *DEOCS*. These analyses suggest that respondents had a higher likelihood of observing a high-risk situation if they perceived their home or work environment as unsafe, compared to those who perceived their home or work environment to be safe. For example, nearly 20% of individuals who said they felt “unsafe” at work also reported observing a situation that was, or could have led to, a sexual assault in the past 12 months. In contrast, only 3% of individuals who reported feeling “safe” from sexual assault at work also indicated they observed a high-risk situation.

Additionally, respondents with higher perceptions of chain of command support for bystander intervention were more likely to indicate that they took action after observing a high-risk situation, compared to respondents with lower perceptions of chain of command support for bystander intervention. Approximately 93% of respondents who indicated their chain of command encourages bystander intervention to a “great extent” also indicated they took action after observing a high-risk situation. In contrast, only 76% of respondents who indicated that their commander does *not* encourage bystander intervention also indicated they took action following the observation of a high-risk situation.

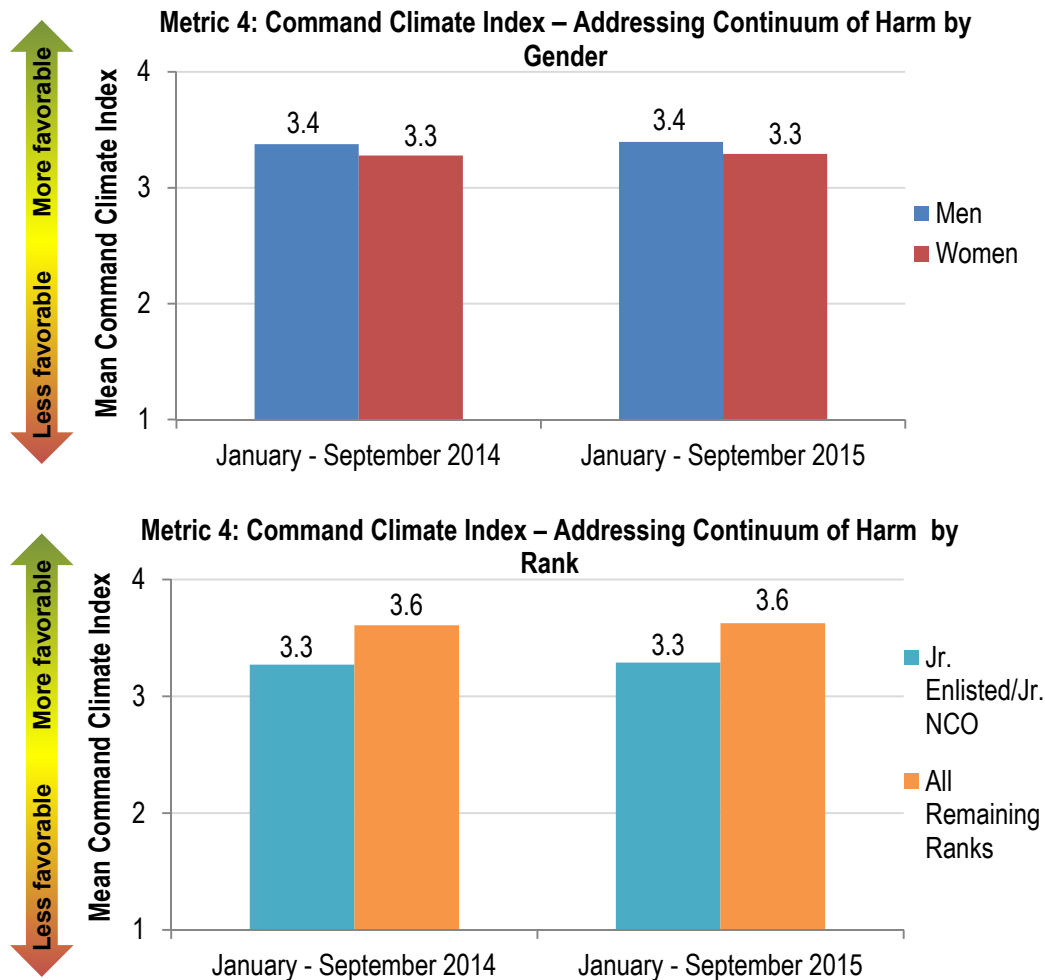
Metric 4: Command Climate Index – Addressing Continuum of Harm

Respondents who completed the *DEOCS* answered three questions about their perceptions of the extent to which their leadership promotes a climate based on mutual respect and trust. These items, listed below, use a four-point scale ranging from “Not at All” to “Great Extent.” A high score indicates a more favorable climate.

To what extent does your chain of command:

- Promote a unit climate based on “respect and trust”
- Refrain from sexist comments and behaviors
- Actively discourage sexist comments and behaviors

DEOMI combined the responses to these three items into an index. The data displayed compare the average responses from each of the demographic groups between 2014 and 2015. Overall, in 2014 and 2015, *DEOCS* respondents indicated a favorable command climate. Perceptions of command climate are slightly less favorable among women than among men (Figure H). Perceptions of command climate are less favorable among junior enlisted members and junior non-commissioned officers (3.3 out of 4.0 in 2015), compared to senior enlisted Service members and officers (3.6 out of 4.0 in 2015).



	Men	Women	Jr. Enlisted/Jr. NCO	All Remaining Ranks
January - September 2015	3.4	3.3	3.3	3.6

Description: Mean Service member perceptions of the extent to which their command: (1) Promotes a climate based on "mutual respect and trust," (2) Refrains from sexist comments and behaviors, and (3) Actively discourages sexist comments and behaviors. Higher scores indicate perceptions that are more favorable.

Source: DEOMI *Organizational Climate Survey (DEOCS)*.

Implication: Service member rating of command climate in this area addresses the continuum of harm. However, *DEOCS* results draw from a convenience sample and may not be representative of the entire force.

Summary Points: Overall, Service members perceived a favorable command climate. Men perceived a slightly more favorable climate compared to women. Junior enlisted Service members and junior NCOs reported a less positive command climate compared to all other ranks.

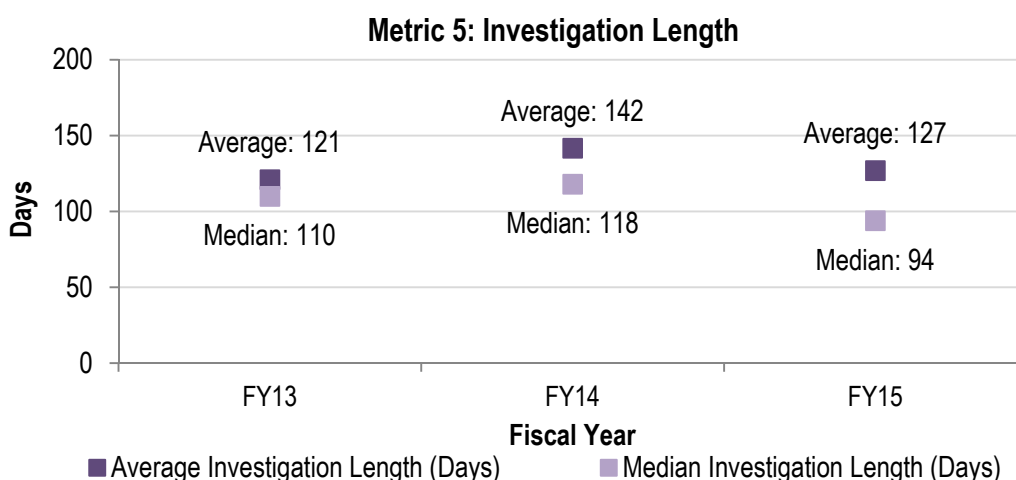
Notes: The *DEOCS* is a voluntary survey administered to military units annually or within 120 days of change in unit command. Rankings are categorized as follows: junior enlisted includes E1-E3, junior NCO includes E4-E6, and all remaining ranks include E7-E9, W1-W5, and O1 and above.

Figure H - Metric 4: Command Climate Index – Addressing Continuum of Harm by Gender and Rank, 2014 – 2015

Although thousands of DoD personnel complete the *DEOCS* each month, the respondents may not completely represent the force as a whole. It is important to note that DEOMI has not yet fully analyzed *DEOCS* data to determine scientific reliability and validity, representativeness, and sensitivity to changes in the military population. Consequently, DoD is limited in the inferences it can make from aggregating unit-level data up to the Service or DoD-level. Nonetheless, the *DEOCS* remains a valuable tool to assess climate at the unit level.

Metric 5: Investigation Length

As illustrated in Figure I, it took an average of 127 days (4.2 months) to complete a sexual assault investigation in FY15, down slightly from the 142 day average investigation length in FY14. DoD began tracking investigation length in FY13; therefore, data from prior FYs are not available. It is important to note that the length of an investigation does not necessarily reflect an investigation's quality. The time it takes to conduct an investigation depends on a variety of factors, including the complexity of the allegation, the number and location of potential witnesses involved, and the laboratory analysis required for the evidence. Thus, the factors that affect investigation length vary on a case-by-case basis. Knowledge of the average length of a sexual assault investigation helps to inform victims about the investigative process and allows DoD to assess its resources and investigative capabilities moving forward.



Investigation Information	FY14	FY15
Number of Completed Investigations	4,641	4,319
Average Investigation Length (Days)	142	127
Median* Investigation Length (Days)	118	94

Description: Baseline average and median investigation lengths of sexual assault investigations for each Military Criminal Investigative Organization (MCIO). Length measured from date of victim report to date that all investigative activity is completed.

Source: MCIOs (CID, NCIS, and AFOSI).

Implication: Provides a means to address expectations about investigation length. Investigation length is not a measure of a thorough and professional investigation and may vary greatly depending on the complexity of the allegation and evidence. Shorter investigations are not necessarily better investigations.

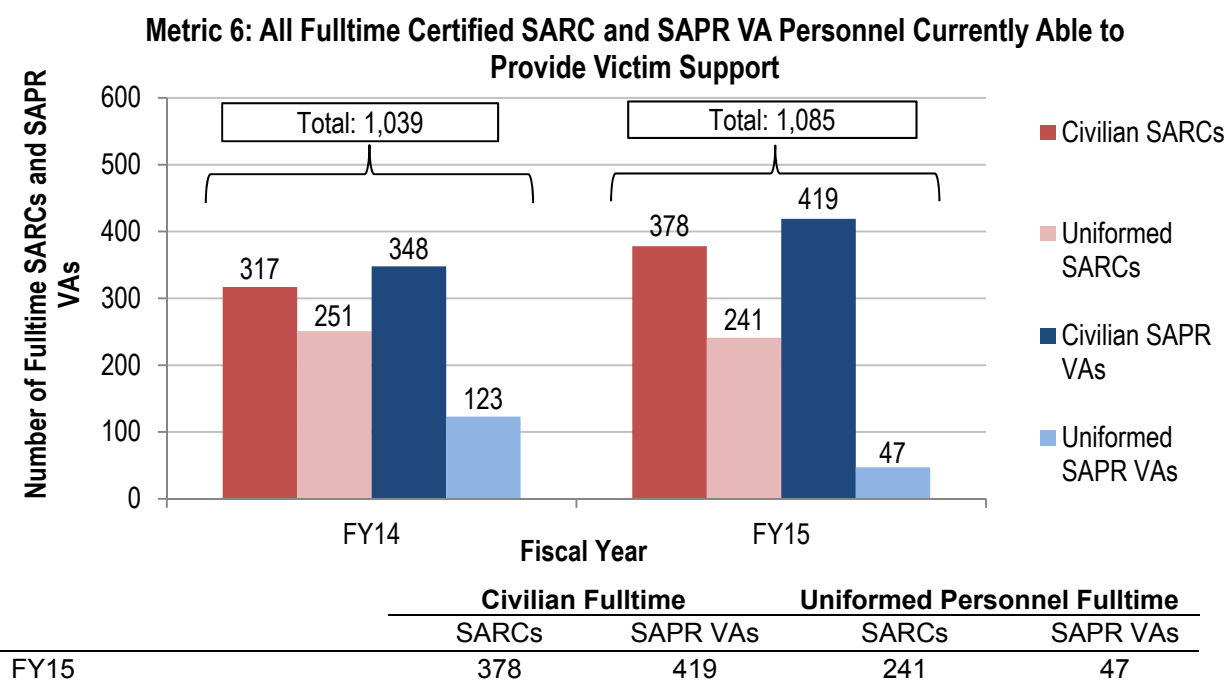
Summary Points: On average, a criminal investigation in DoD takes 4.2 months.

* The median is a “midpoint” for a set of numbers; it is the value for which half are above and half are below. Unlike an average, the median is less influenced by outliers in a set of numbers.

Figure I - Metric 5: Investigation Length, FY13 – FY15

Metric 6: All Fulltime Certified Sexual Assault Response Coordinator and SAPR Victim Advocate Personnel Currently Able to Provide Victim Support

As illustrated below, there are 1,085 fulltime civilian and Service member Sexual Assault Response Coordinators (SARCs), SAPR Victim Advocates (VAs), and Uniformed SAPR Victim Advocates (UVAs) working to provide victim support. In addition to fulltime SARCs and SAPR VAs/UVAs, the Services also employ collateral duty Service member SARCs and UVAs to provide support to victims on a part-time basis.



Description: Number of fulltime civilian SARCs and SAPR VAs, number of fulltime uniformed SARCs and SAPR VAs.

Source: Service Manning Data.

Implication: Indicator of fulltime professional capability both in garrison and deployed.

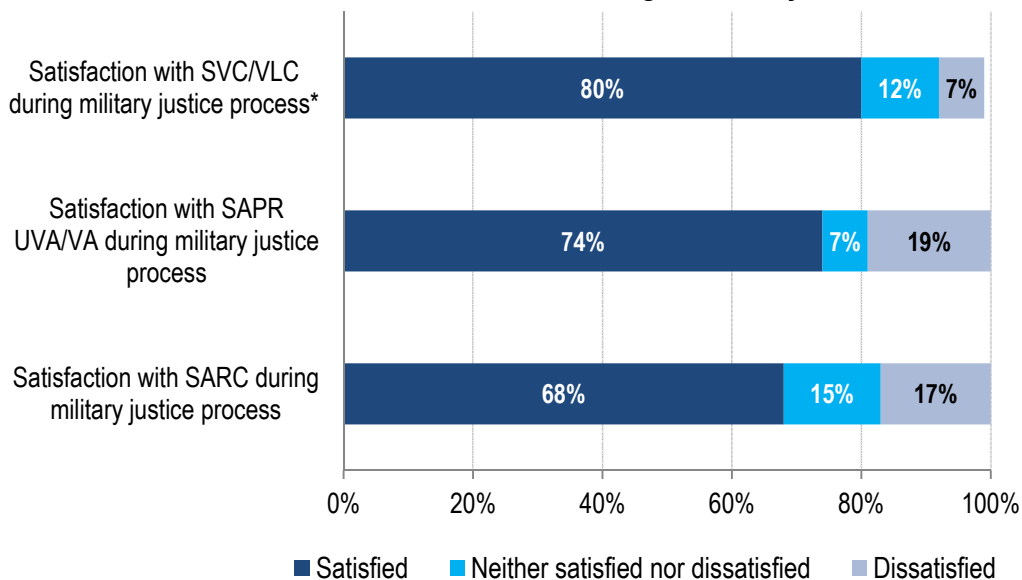
Summary Point: There are 1,085 fulltime SARCs and SAPR VAs. In addition, the Services have many collateral duty and volunteer SARCs and SAPR VAs available to assist victims. In total, 21,283 individuals across the Services are D-SACP certified.

Figure J - Metric 6: Fulltime Certified SARC and SAPR VA Personnel Currently Able to Provide Victim Support, FY14 – FY15

Metric 7: Victim Experience – Satisfaction with Services Provided by Sexual Assault Response Coordinators, SAPR Victim Advocates, and Special Victims' Counsel/Victims' Legal Counsel during the Military Justice Process

In 2015, DMDC conducted the *Military Investigation and Justice Experience Survey (MIJES)* to assess the investigative/legal experiences of victims who made Unrestricted Reports. Overall, the majority of respondents to the *MIJES* indicated that they were satisfied with their Special Victims' Counsel/Victims' Legal Counsel (SVC/VLC), SARC, and SAPR VA/UVA during the military justice process (68% to 80% indicated that they were satisfied). The *MIJES* recruited a small sample of respondents and results of the study may not be representative of the entire population of military victims who participated in the military justice system.

Metric 7: Victim Experience – Satisfaction with SVC/VLCs, SARC, and SAPR VAs/UVAs during the Military Justice Process



Description: Victim opinion of the quality/value of support provided by the SVC/VLC, SARC, and SAPR VA/UVA, if they interacted with these individuals during the military justice process.

Source: 2015 Military Investigation and Justice Experience Survey (MIJES).

Implication: Indicates the degree to which victims value SARCs, SAPR VAs/UVAs, and SVCs.

Summary Points: The vast majority of victims who took the survey and interacted with SVCs/VLCs, SARCs, and/or SAPR VAs/UVAs during the military justice process were satisfied with the support provided.

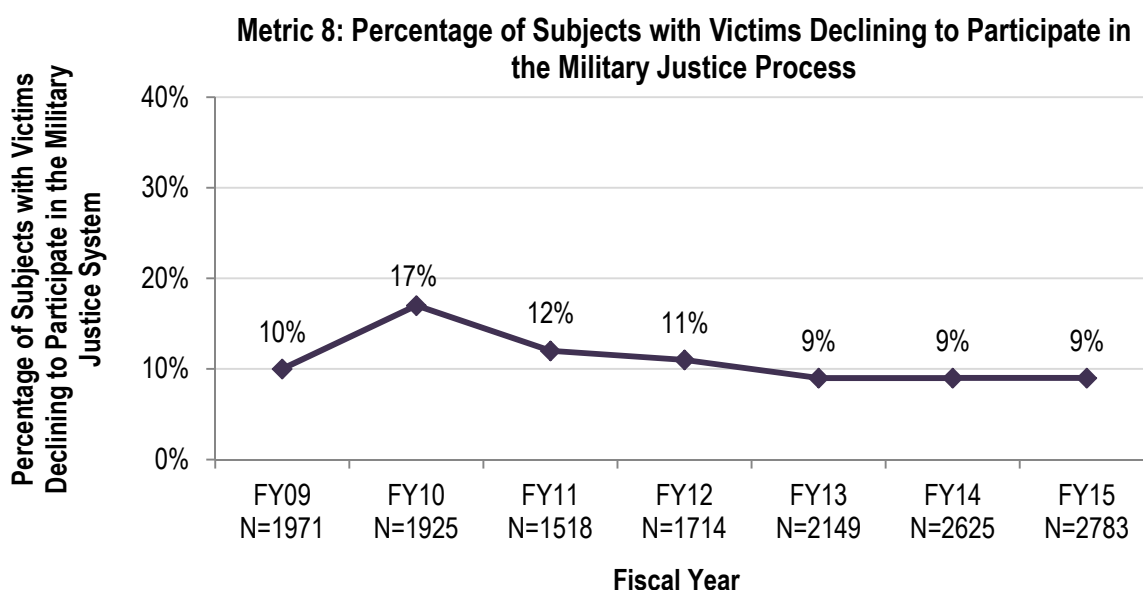
Note: Only respondents who indicated interacting with a SARC, SAPR VA/UVA, and/or SVC/VLC during the military justice process answered this question (86% of respondents indicated interacting with a SARC, 78% of respondents interacted with a SAPR VA/UVA, and 61% of respondents interacted with a SVC/VLC). Due to the small number of respondents contributing toward many of these estimates, we caution against comparing across groups.

*Percentages do not sum to 100% due to rounding.

Figure K - Metric 7: Victim Experience – Satisfaction with Services Provided by SVCs/VLCs, SARCs, and SAPR VAs/UVAs, 2015

Metric 8: Percentage of Subjects with Victims Declining to Participate in the Military Justice Process

The Services reported that DoD commanders, in conjunction with their legal advisors, reviewed and made case disposition decisions for 2,783 subjects in FY15. However, the evidence did not support taking disciplinary action against everyone accused of a sexual assault crime. For example, disciplinary action may be precluded when victims decline to participate in the military justice process. In FY15, 9% of accused subjects whose cases command considered for action did not receive disciplinary action because their victims declined to participate in the justice process. As illustrated in Figure L, the percentage of subjects with victims declining to participate remained steady from FY09 to FY15, with the exception of an increase in FY10. Although the majority of victims participate in the justice process, DoD continues to pursue avenues for greater and sustained victim involvement in the justice system. DoD anticipates that recent initiatives, such as the addition of SVCs/VLCs and the Counsel/Advocacy Program will encourage greater victim participation and engagement with the military justice process.



Description: The percentage of subjects that DoD cannot hold appropriately accountable because the victim declined to participate in the military justice process.

Source: F09 to FY13 = Service reporting; FY14 to FY15 = Defense Sexual Assault Incident Database (DSAID).

Implication: Provides indication if the Department's changes in the military justice process are having an impact on victim involvement.

Figure L - Metric 8: Subjects with Victims Declining to Participate in the Military Justice Process, FY09 – FY15

Metric 9: Perceptions of Retaliation

The Department aims to foster a climate of confidence in which victims feel free to report sexual assault without any concern of retaliation or negative repercussions. In an attempt to gather information about perceptions of retaliation as they relate to sexual assault reporting, DoD compiled data from three sources.

Given the challenges associated with interpreting these data, DoD sampled a number of domains to get as full a picture of this phenomenon as possible. Notably, these sources provide data on victims' broad perceptions of retaliation that do not necessarily align with actionable offenses that meet the elements of proof required for a charge of retaliation under the UCMJ.

- 2015 *DEOMI Organizational Climate Survey (DEOCS)*
- 2014 *RAND Military Workplace Study (RMWS)*
- 2015 *Military Investigation and Justice Experience Survey (MIJES)*⁸

A. 2015 DEOMI Organizational Climate Survey (DEOCS)

The *DEOCS* includes six items that assess the extent to which Service members believe their command or units would retaliate against victims who reported a sexual assault. The items used a four-point scale ranging from "Not at all likely" to "Very likely." DEOMI coded the responses to the items listed below such that a high score indicates a more favorable climate and combined the items into a four-point index:

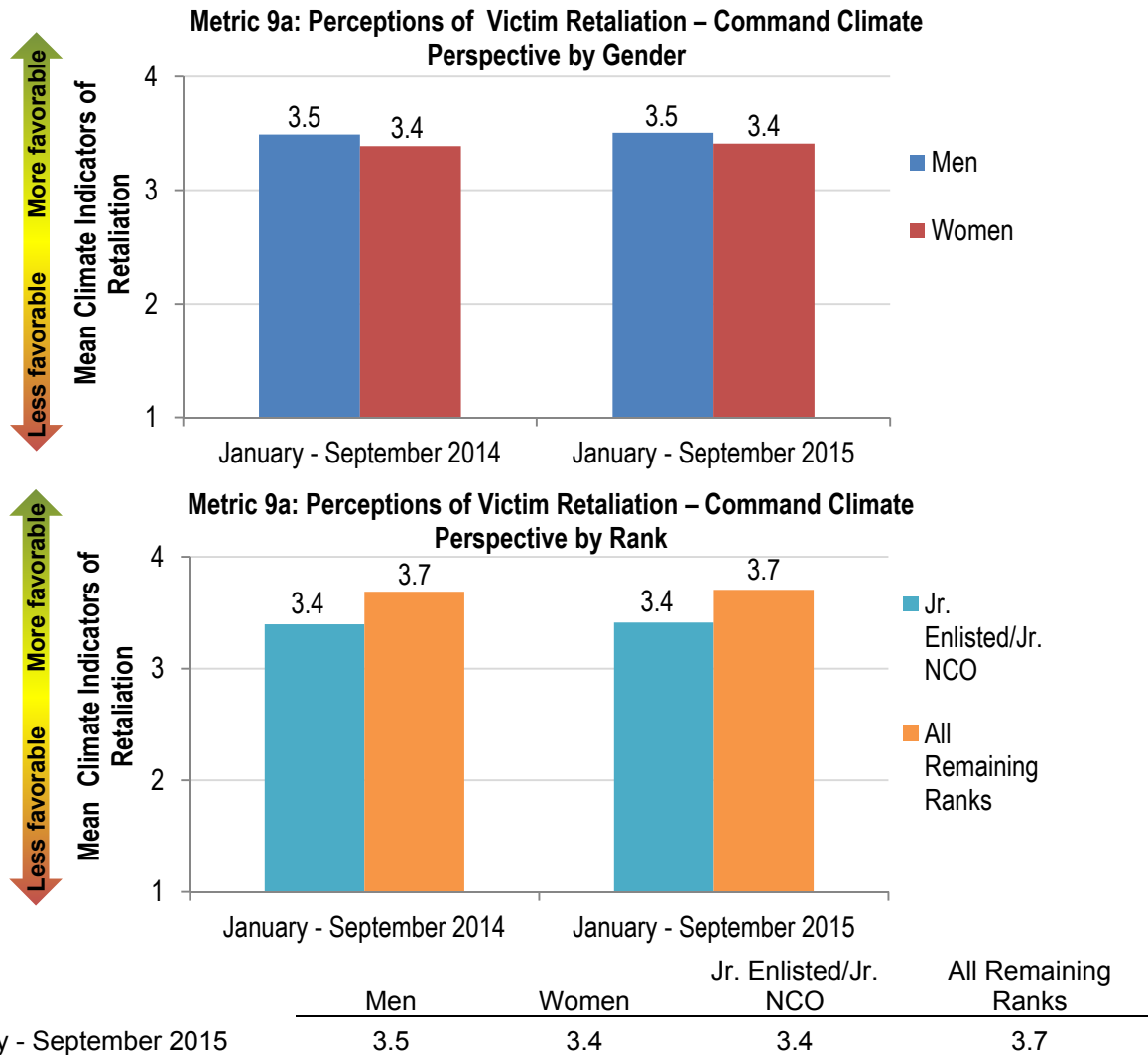
If someone were to report a sexual assault to your current chain of command, how likely is it that:

- Unit members would label the person making the report a troublemaker
- Unit members would support the person making the report
- The alleged offender(s) or their associates would retaliate against the person making the report
- The chain of command would take steps to protect the safety of the person making the report
- The chain of command would support the person making the report
- The chain of command would take corrective action to address factors that may have led to the sexual assault

Overall, Service members who completed the *DEOCS* perceived the potential for retaliation from their command and unit members to be unlikely (i.e., they perceived a favorable climate). However, men perceived a slightly more favorable climate with a lower likelihood of retaliation (3.5 out of 4.0) compared to women (3.4 out of 4.0; Figure M). Moreover, senior enlisted Service members and officers perceived a more favorable climate and perceived that retaliation was less likely to occur (3.7 out of 4.0) compared to junior enlisted Service members and junior non-commissioned officers (3.4 out of 4.0). Although thousands of DoD personnel complete the *DEOCS* each month, the respondents may not represent the force as a whole.⁹

⁸ In the FY14 Annual Report, the Department included data from the *SES*. This year, the Department is including data from the *MIJES*, as data from the *SES* is not available for FY15. Data from the *MIJES* uses the Department's updated "perceptions of retaliation" item.

⁹ As previously stated, DEOMI has not yet fully analyzed the data to determine scientific reliability and validity, representativeness, and sensitivity to changes in the military population.



Description: Mean command climate indicators that victims may be retaliated against for reporting. Higher scores indicate a more favorable command climate.

Source: DEOMI *Organizational Climate Survey (DEOCS)*.

Implication: Provides an indication of Service member perceptions of whether individuals who report a sexual assault would experience some kind of retaliation for doing so. However, *DEOCS* results draw from a convenience sample and may not be representative of the entire force.

Summary Points: Command climate indicators suggested that, overall, surveyed Service members did not believe that retaliation is likely to occur. Compared to men, women reported that retaliation was slightly more likely to occur. Compared to all other ranks, junior enlisted Service members and junior NCOs reported that retaliation was more likely to occur.

Notes: The *DEOCS* is a voluntary survey administered to military units annually or within 120 days of change in unit command. Rankings are categorized as follows: junior enlisted includes E1-E3, junior NCO includes E4-E6, and all remaining ranks include E7-E9, W1-W5, and O1 and above.

Figure M - Metric 9a: Service Members' Perceptions of Victim Retaliation – Command Climate Perspective, 2014 – 2015

B. 2014 RAND Military Workplace Study (RMWS form)

According to the 2014 *RMWS*, of the women who indicated experiencing sexual assault in the year preceding the survey, and who reported the matter to a DoD authority, 52% perceived an experience of social or professional retaliation. A comparable estimate could not be produced for men because too few men indicated experiencing a sexual assault that they then reported.

C. 2015 Military Investigation and Justice Experience Survey (MIJES)

In FY15, the *MIJES* survey assessed the experiences of victims who made Unrestricted Reports using a new measure of retaliation. However, the *MIJES* recruited a small sample of respondents and results of the study are not representative of the entire population of victims.

The *MIJES* asked respondents to endorse specific negative experiences they encountered following their report of sexual assault. Follow-up questions then assessed the context of those experiences to better align with prohibited behaviors described by the UCMJ. Under the UCMJ, retaliatory behavior by the chain of command that affects Service members' professional opportunities may constitute reprisal. Retaliatory behavior by anyone that involves exclusion from social acceptance may constitute ostracism. Finally, the UCMJ prohibits service members from committing acts of cruelty, and maltreatment against a crime reporter because he or she reported a crime or was going to report a crime.

Overall, 68% of respondents endorsed at least one negative experience associated with their report of sexual assault. However, once the context of those negative experiences was assessed, only 38% of the respondents' responses were consistent with the kinds of circumstances that military law prohibits concerning reprisal, ostracism, and maltreatment. Victim endorsements of these survey items do not constitute a report of retaliation, nor do they constitute a finding under the law that the victim experienced some form of retaliation. Rather, these endorsements allow the Department to gain a better understanding of the broad range of negative experiences associated with reporting and what portion of such experiences could possibly be addressed with investigative and/or legal approaches.

With regard to perceptions of reprisal, 22% of respondents endorsed experiences and contextual factors that indicated the matter might be an actionable offense. With regard to perceptions of ostracism and maltreatment, 31% percent of respondents endorsed experiences and contextual factors that indicated the matter might be an actionable offense. Again, only a complaint by a member followed by an investigation and a finding of fact can determine if a crime was committed. These survey items do not constitute a complaint (Figure N).

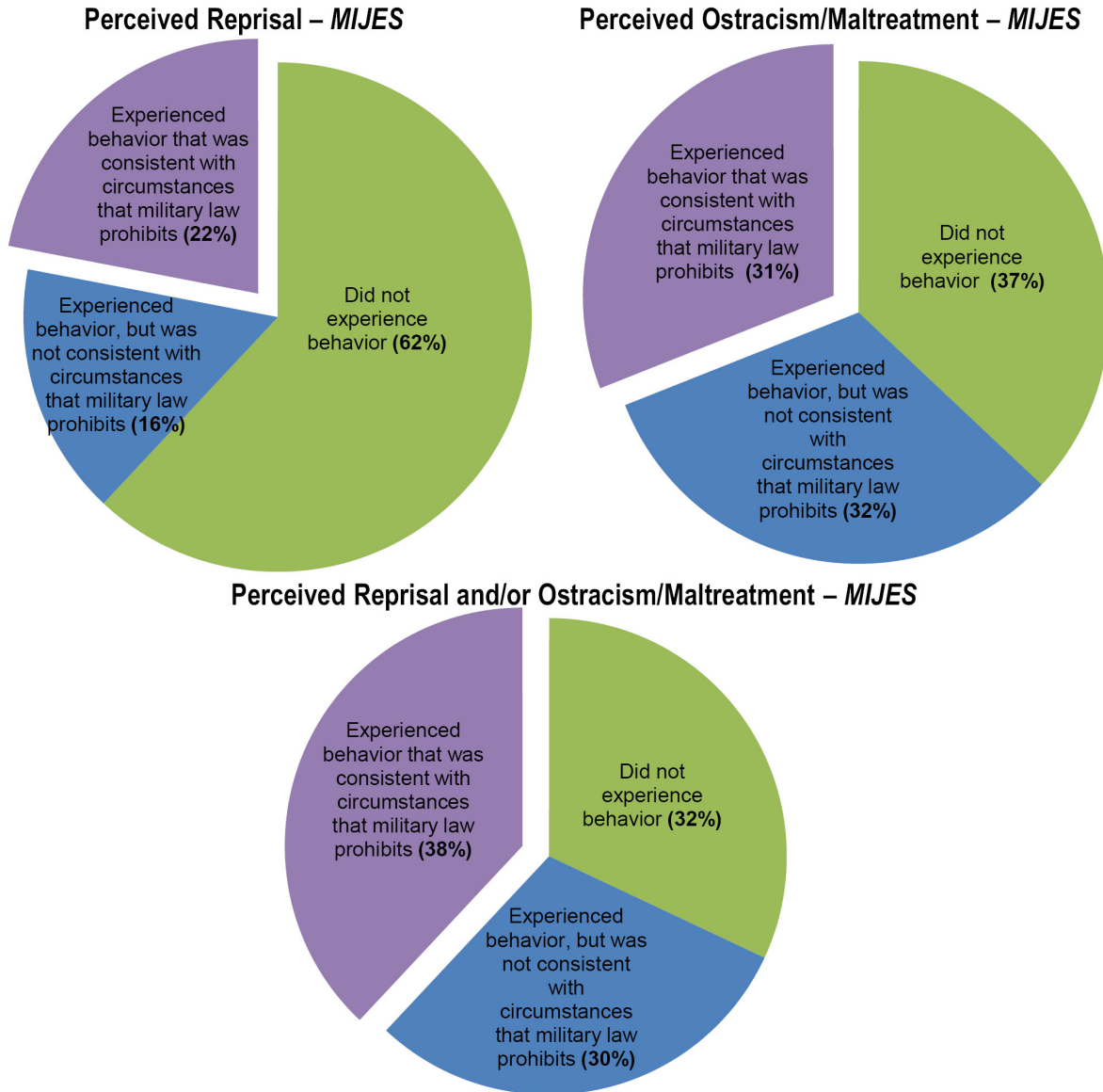
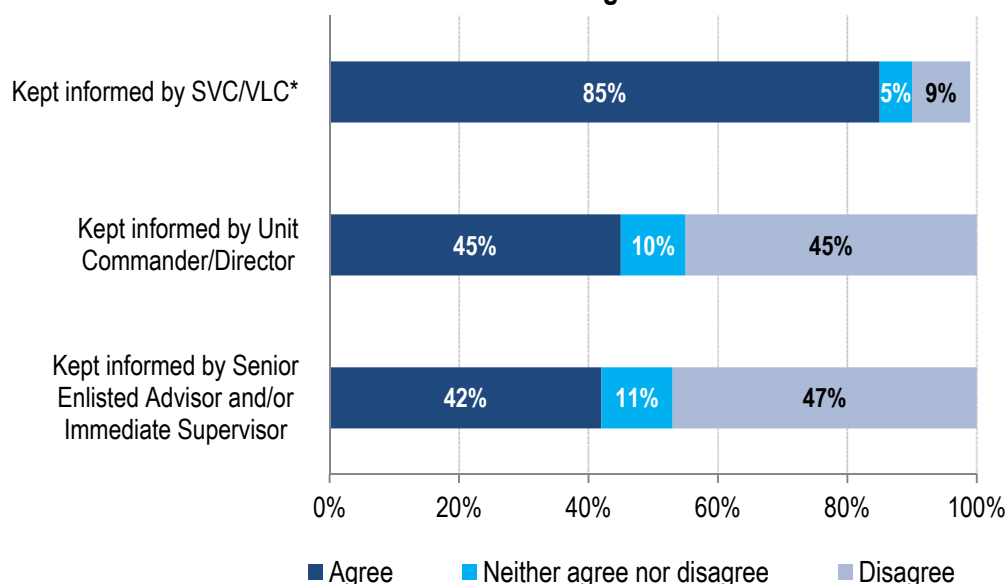


Figure N – Metric 9c: Perceived Reprisal and Ostracism/Maltreatment – Victim Perspective (MIJES), 2015

Metric 10: Victim Experience – Victim Kept Regularly Informed of the Military Justice Process

The 2015 MIJES asked respondents to indicate whether response personnel and leadership informed them about the status or progress of their case. Of those who interacted with SVCs/VLCs during the military justice process, 85% agreed that their SVC/VLC kept them informed of their case progress. However, of those who interacted with a Senior Enlisted Advisor, Immediate Supervisor, or Unit Commander/Director during the military justice process, just over 40% agreed that these leaders kept them informed about the progress of their case (Figure O).

Metric 10: Victim Experience – Victim Kept Informed About Case Status or Progress



Description: Survey respondents, who made an Unrestricted Report, indicated the extent to which they were regularly informed about the progress of their case from their SVC/VLC, Unit Commander/Director, and Senior Enlisted Advisor and/or Immediate Supervisor, if they interacted with these individuals during the military justice process.

Source: 2015 Military Investigation and Justice Experience Survey (MIJES).

Implication: Indication of whether victims are kept regularly informed of their case's progress, as required by DoD policy.

Summary Points: Results suggest that the vast majority of victims were kept updated on their case by their SVC/VLC. However, fewer than half of victims were kept informed by their leadership.

Note: Only respondents who indicated interacting with a SVC/VLC, Unit Commander/Director, and/or Senior Enlisted Advisor and/or Immediate Supervisor answered this question (61% of respondents indicated interacting with a SVC/VLC, 61% of respondents interacted with their Unit Commander/Director, and 72% of respondents interacted with their Senior Enlisted Advisor and/or Immediate Supervisor). Due to the small number of respondents contributing toward many of these estimates, we caution against comparing across groups.

*Percentages do not sum to 100% due to rounding.

Figure O - Metric 10: Victim Kept Regularly Informed of the Military Justice Process, 2015

Metric 11: Perceptions of Leadership Support for SAPR

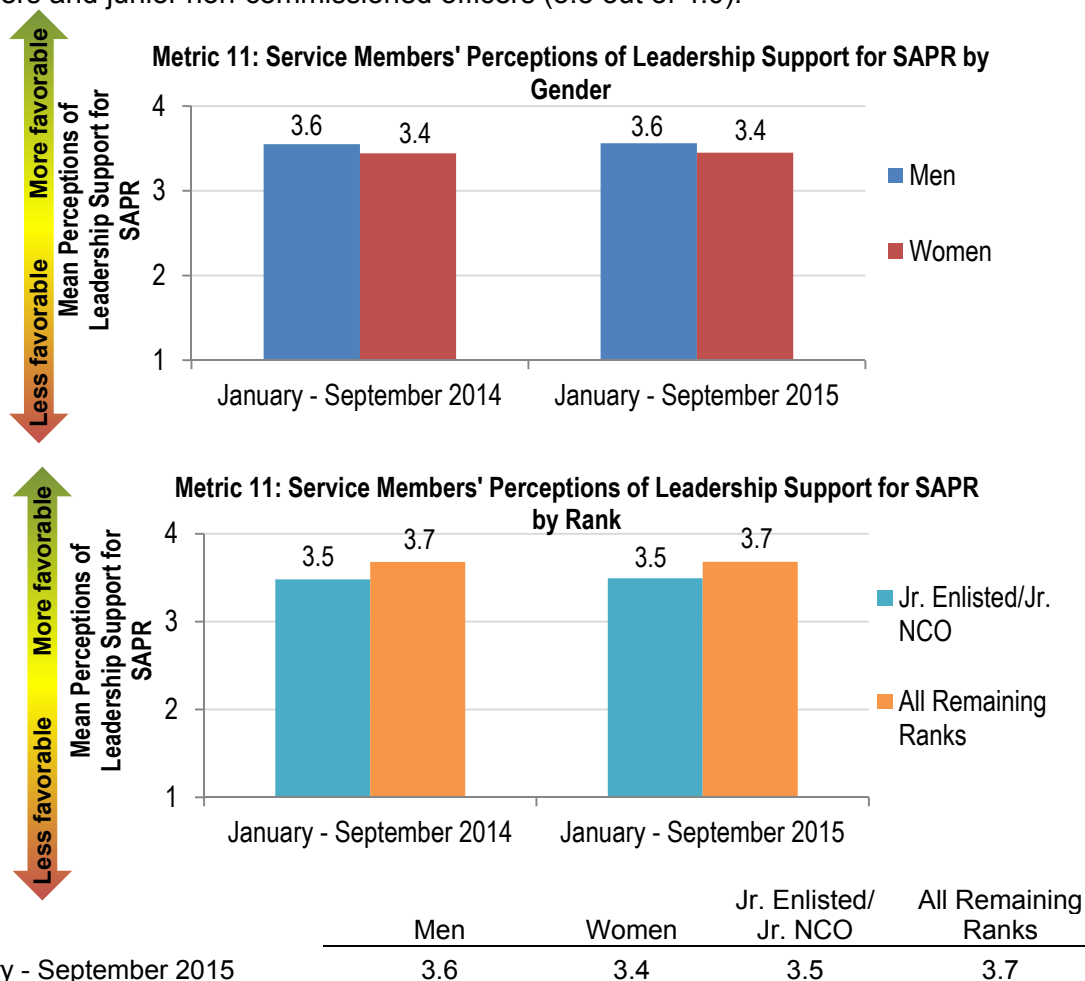
The DEOCS included two questions on leadership support for SAPR. The items listed below used a four-point scale ranging from "Not at All" to "Great Extent." DEOMI coded responses to the following items such that a higher score indicates higher perceived support.

To what extent does your chain of command:

- Encourage victims to report sexual assault?
- Create an environment where victims feel comfortable reporting sexual assault?

DEOMI combined the responses to these items into an index and averaged across all military respondents to the DEOCS from January through September in 2014 and 2015. Results did not differ from 2014 to 2015. Overall, Service members who completed the DEOCS reported that

their command supported sexual assault reporting by victims. While an overall encouraging trend was observed in *DEOCS* results, there are differences in perceptions of command support for SAPR by gender and rank. Consistent with the pattern of results for previous *DEOCS* metrics, men (3.6 out of 4.0) perceived greater command support for victim reporting compared to women (3.4 out of 4.0; Figure P). Additionally, senior enlisted Service members and officers perceived greater command support for SAPR (3.7 out of 4.0) compared to junior enlisted members and junior non-commissioned officers (3.5 out of 4.0).



Description: Mean Service member perceptions of command and leadership support for the SAPR program, victim reporting, and victim support. Higher scores indicate perceptions that are more favorable.

Source: DEOMI *Organizational Climate Survey (DEOCS)*.

Implication: Service member rating of command climate in this area. However, *DEOCS* results draw from a convenience sample and may not be representative of the entire force.

Summary Points: Overall, Service members perceived their command and leadership to be supportive of SAPR. Women perceived lower levels of leadership support for SAPR compared to men. Junior enlisted Service members and junior NCOs perceived lower levels of leadership support for SAPR compared to all other ranks.

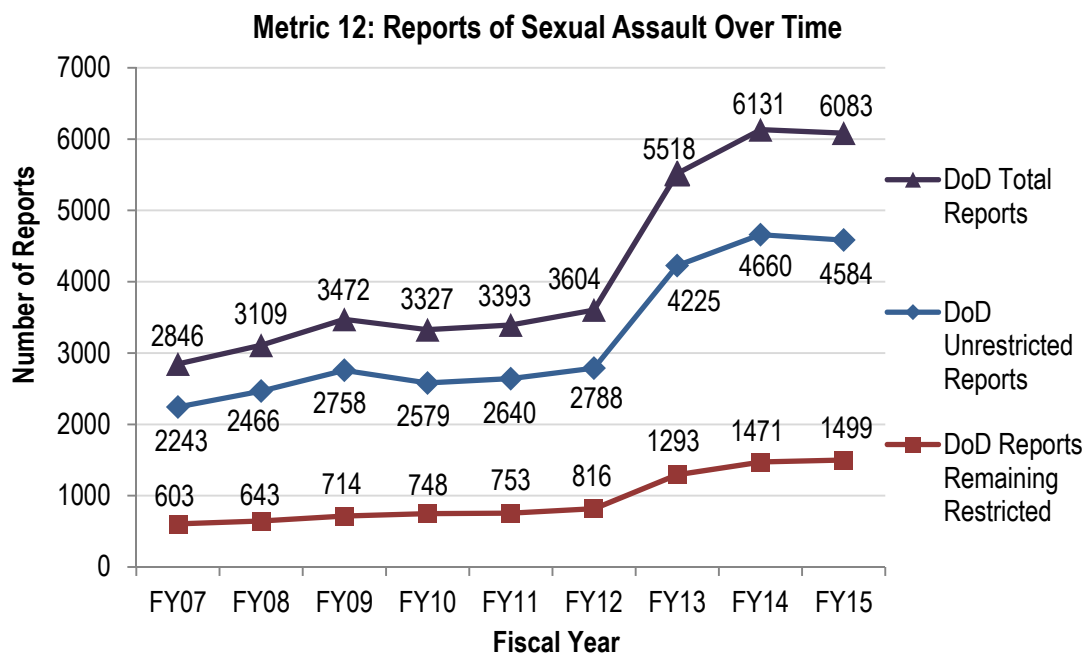
Notes: The *DEOCS* is a voluntary survey administered to military units annually or within 120 days of change in unit command. Rankings are categorized as follows: junior enlisted includes E1-E3, junior NCO includes E4-E6, and all remaining ranks include E7-E9, W1-W5, and O1 and above.

Figure P - Metric 11: Service Members' Perceptions of Leadership Support for SAPR, 2014 – 2015

Metric 12: Reports of Sexual Assault over Time

It is imperative to track reports of sexual assault for several reasons. The number of sexual assault reports received each year indicates:

- Number of victims who were sufficiently confident in the response system to make a report
- Number of victims who gained access to DoD support and services
- Number of victims who may be willing to participate in the military justice system to hold alleged offenders appropriately accountable



Reports of Sexual Assault	Total (±)	=	Unrestricted (±)	+	Restricted (±)	% of Reports Restricted
FY15	6083 (-1%)	=	4584 (-2%)	+	1499 (+2%)	25%
FY14	6131	=	4660	+	1471	24%

Description: Year-to-year trend of Restricted and Unrestricted Reports received by the Department.

Source: FY07 to FY13 = Service Reporting, FY14 to FY15 Source = Defense Sexual Assault Incident Database (DSAID).

Implication: A change in reports of sexual assault may reflect a change in victim confidence in DoD response systems. The continuing growth of Restricted Reporting may be a sign that victims view this option as a valuable and trustworthy means to access support while maintaining confidentiality.

Summary: Reports of sexual assault decreased by less than 1% from FY14 to FY15.

Figure Q - Metric 12: Reports of Sexual Assault over Time, FY07 – FY15

In FY15, the Military Services received 6,083 reports of alleged sexual assault involving Service members as either victims or subjects, which represents a less than 1% decrease from the 6,131 reports made in FY14 (Figure Q). While DoD received these reports in FY15, a portion of reported incidents occurred in prior FYs and/or prior to military service. Of the 6,083 reports in

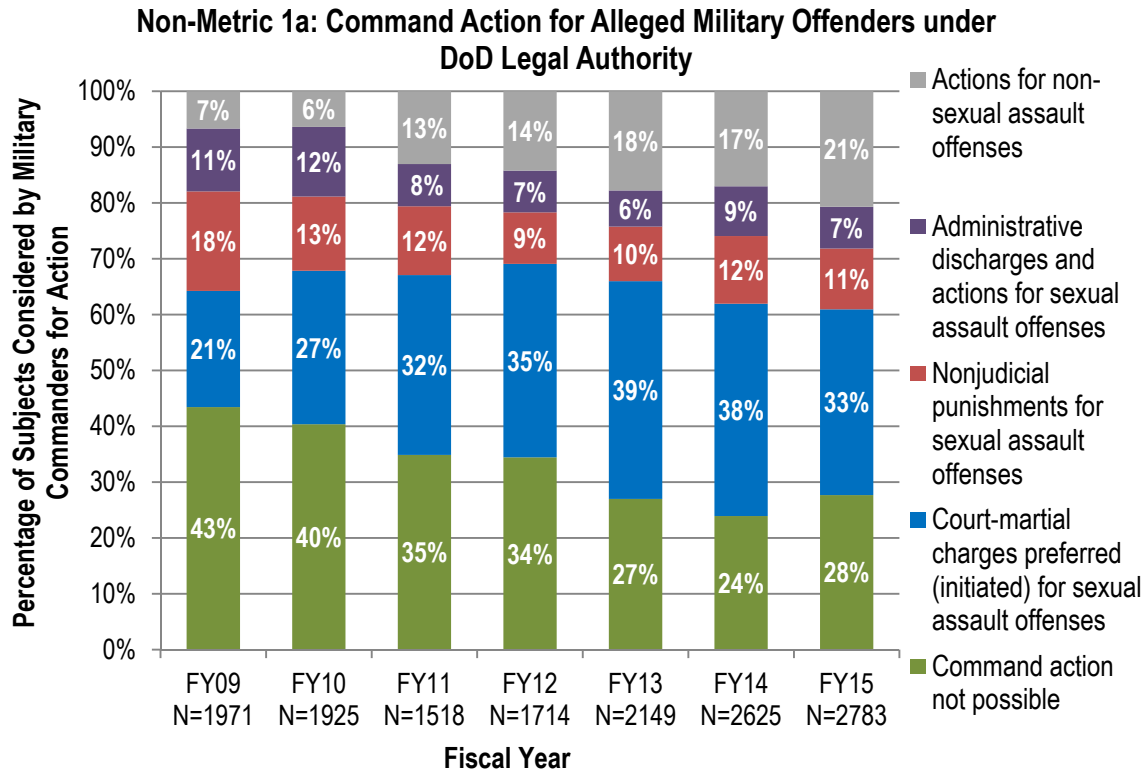
FY15, 504 (approximately 8%) were made by Service members for incidents that occurred prior to their entering military service.¹⁰ The Military Services received 4,584 Unrestricted Reports involving Service members as either victims or subjects, a 2% decrease from FY14. The Military Services initially received 1,900 Restricted Reports involving Service members as either victims or subjects. Of the 1,900 initial Restricted Reports, 401 (21%) reports later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. There were 1,499 Reports remaining Restricted, a 2% increase over FY14.

Non-Metrics

Non-Metric 1: Command Action – Case Dispositions

The following describes outcomes for subjects' cases whose investigations were completed and case disposition results were reported in FY15. In FY15, 2,783 subjects investigated for sexual assault were primarily under the legal authority of DoD. However, as with the civilian justice system, evidentiary issues may have prevented DoD from taking disciplinary action against some subjects. In addition, commanders declined to take action against some subjects after a legal review of the matter indicated that the allegations against the accused were unfounded, meaning they were determined to be false or baseless. Command action was not possible in 28% of the cases considered for action by military commanders (Figure R) in FY15. For the remaining 72% of cases considered for command action, commanders had sufficient evidence and legal authority to support some form of disciplinary action for a sexual assault offense or other misconduct. Figure R displays command action taken from FY09 to FY15 and Figure S displays command action in FY15 for penetrating versus sexual contact crimes alleged/investigated. Since FY09, the percentage of subjects who had charges preferred to court-martial has increased and the percentage of subjects for whom command action was not possible has declined.

¹⁰ Prior to FY14, an Unrestricted Report of sexual assault may have included one or more victims and one or more subjects. DoD relied upon the Military Criminal Investigative Organizations (MCIOs) to provide the number of Unrestricted Reports each year, and the subsequent number of victims and subjects associated with those reports. In FY14, DoD moved to the Defense Sexual Assault Incident Database (DSAID) as the primary source of reporting statistics with each Unrestricted Report corresponding to a single victim.



Disposition of Alleged Offenders	FY15	(% of N)
C-M Charge Preferral for Sexual Assault Offense	926	33%
NJP for Sexual Assault Offense	303	11%
Admin D/C & Actions for Sexual Assault Offense	208	7%
Action for Non-Sexual Assault Offense	576	21%
Command Action Not Possible	770	28%

Description: Year-to-year trends summarizing the actions commanders have taken against alleged military offenders under the jurisdiction of military law.

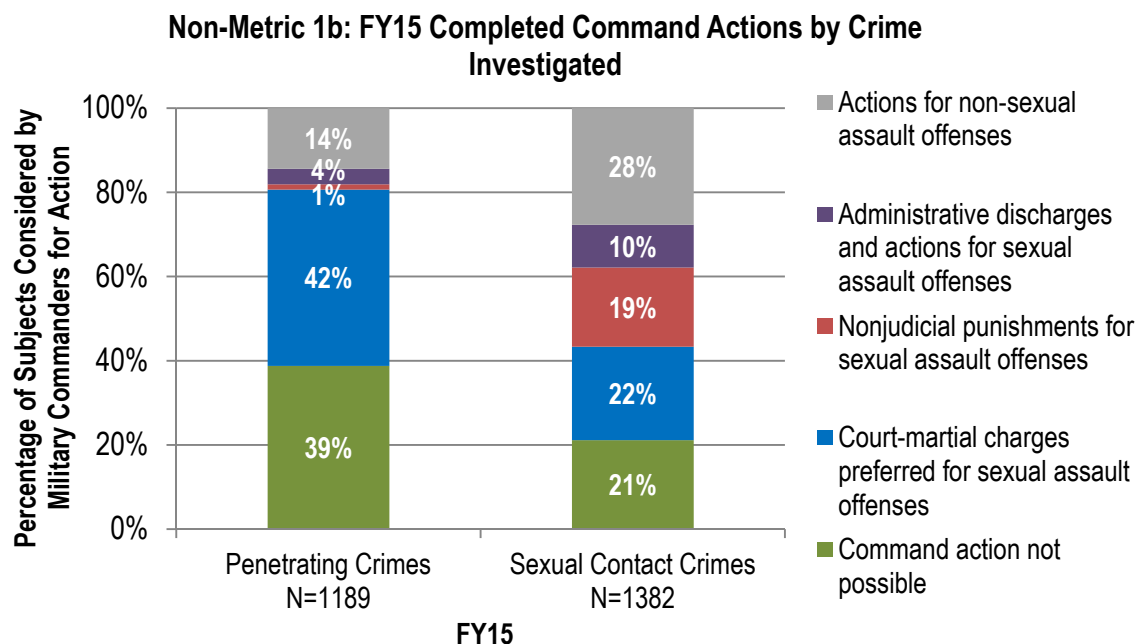
Source: FY09 to FY13 = Service Reports and Offices of the Judge Advocates General (OTJAGs); FY14 to FY15= Defense Sexual Assault Incident Database (DSAID) and OTJAGs.

Implication: When DoD has sufficient evidence and jurisdiction over the alleged offender, commanders are using the court-martial process as the primary means for discipline in sexual assault allegations. This non-metric pertains to holding offenders appropriately accountable.

Summary Point: Between FY09 and FY15, commanders preferred court-martial charges on an increasing portion of alleged offenders, while there was a decrease in cases where command action was not possible.

Notes: Command action is not possible when there is insufficient evidence of a crime to prosecute, the victim declines to participate in the justice process, the statute of limitations expires, the victim dies before action can be taken, or when the allegations against the offender are unfounded. Percentages do not sum to 100% due to rounding.

Figure R - Non-Metric 1a: Command Action for Subjects under DoD Legal Authority, FY09 – FY15

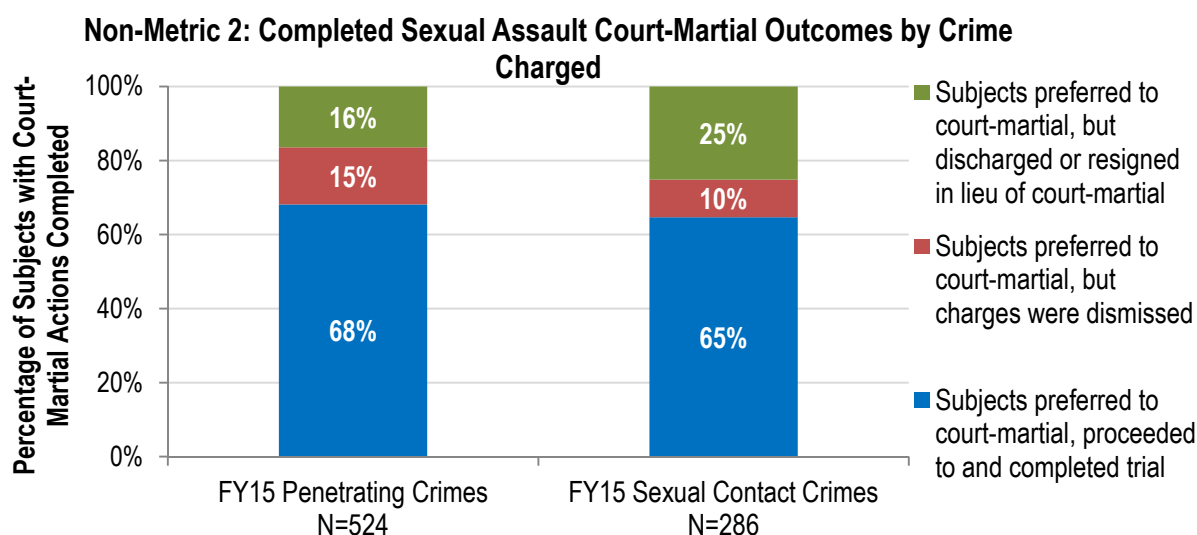


Note: This figure only includes command actions in which the action was completed in FY15. Command actions pending completion (e.g., court-martial preferred but pending trial) are not included in this graph. Additionally, 31 completed command actions could not be classified as penetrating or sexual contact crimes because the crime charged was attempted sexual assault.

Figure S - Non-Metric 1b: Completed Command Actions by Crime Investigated, FY15

Non-Metric 2: Court-Martial Outcomes

Figure T illustrates subject outcomes in the court-martial process, displayed by type of crime charged (penetrating versus sexual contact). Not all cases preferred to court-martial proceeded to trial. In certain circumstances, DoD may approve a resignation or discharge in lieu of court-martial (RILO/DILO). Furthermore, Article 32 (pre-trial) hearings can result in a recommendation to dismiss all or some of the charges. Commanders may use evidence gathered during sexual assault investigations and evidence heard at an Article 32 hearing to impose a nonjudicial punishment (NJP) for other misconduct against subjects whose charges were dismissed. As depicted in Figure T, the majority of cases preferred to court-martial, for both penetrating and sexual contact offenses, proceeded to trial.¹¹



Sexual Assault Offenses	FY15 Penetrating Crimes		FY15 Sexual Contact Crimes	
C-M Charge Preferrals	587		336	
C-M Actions Completed in FY15	524		286	
Cases Dismissed	81	15%	29	10%
RILO/DILO Cases	86	16%	72	25%
<i>Proceeded To Trial</i>	<i>357</i>	<i>68%</i>	<i>185</i>	<i>65%</i>
Acquitted	92	26%	38	21%
<i>Convicted (any charge)</i>	<i>265</i>	<i>74%</i>	<i>147</i>	<i>79%</i>

Description: Year-to-year trend in outcomes (i.e., Proceeded to Trial; Discharge In Lieu of Court-Martial; Dismissed) of court-martial proceedings involving sexual assault charges.

Source: Defense Sexual Assault Incident Database (DSAID) and Offices of the Judge Advocates General (OTJAGs).

Implication: Pertains to holding alleged offenders appropriately accountable.

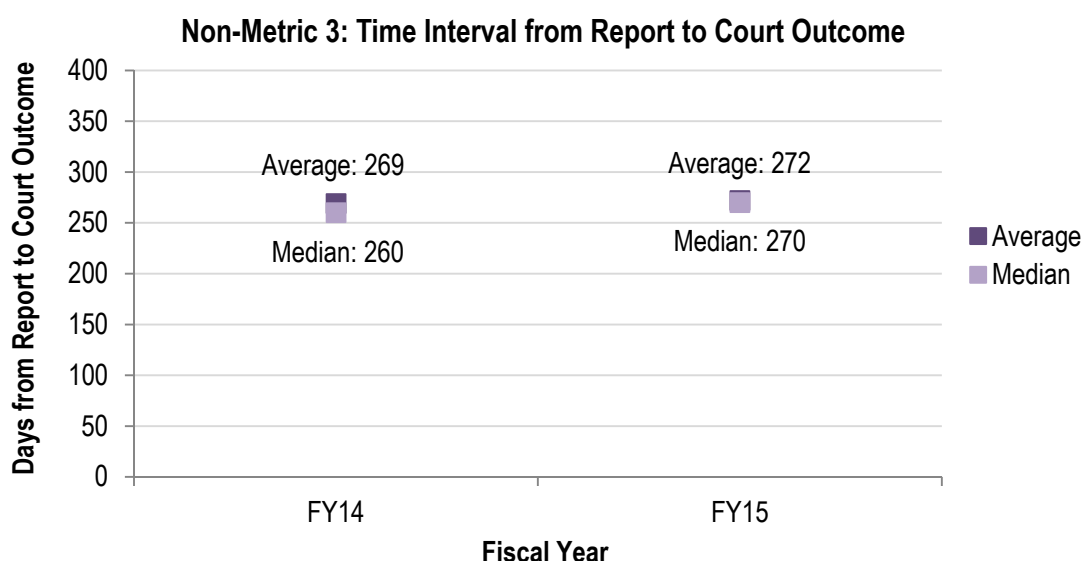
Notes: DoD could not classify 3 cases as penetrating or sexual contact crimes because the crime charged was attempted sexual assault. Percentages do not sum to 100% due to rounding.

Figure T - Non-Metric 2: Completed Sexual Assault Court-Martial Outcomes by Crime Charged, FY15

¹¹ Subjects charged with sexual assault crimes at court-martial can also be charged with other misconduct in addition to sexual assault offenses.

Non-Metric 3: Time Interval from Report of Sexual Assault to Court Outcome

As illustrated in Figure U, the average (mean) and median length of time from the date a victim reported a sexual assault to the date that court-martial proceedings concluded, was 272 days (8.9 months) and 270 days (8.9 months), respectively. A variety of factors, such as the complexity of the allegation, the need for laboratory analysis of the evidence, the quantity and type of legal proceedings, and the availability of counsel and judges may affect the interval of time between a report of sexual assault and the conclusion of a court-martial. That notwithstanding, knowledge of the average amount of time between a report and the end of a court-martial is useful because it improves the transparency of the military justice process and helps to inform victims about what to expect.



Description: Length of time from the date a victim signs a DD 2910 to the date that a sentence is imposed or accused is acquitted.

Source: Start = Defense Sexual Assault Incident Database (DSAID) DD Form 2910 date, End = DSAID/ Offices of the Judge Advocates General (OTJAG) Report of Trial.

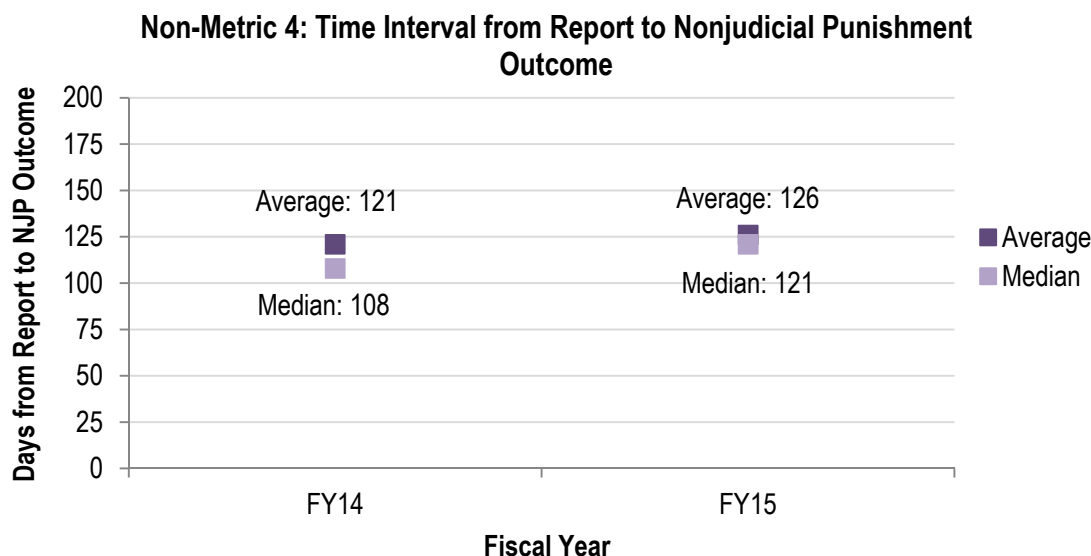
Implication: Provides transparency into justice process and sets expectations on justice process length.

Note: The median is a “midpoint” for a set of numbers; it is the value for which half are above and half are below. Unlike an average, the median is less influenced by outliers in a set of numbers.

Figure U - Non-Metric 3: Time Interval from Report to Court Outcome, FY14 – FY15

Non-Metric 4: Time Interval from Report of Sexual Assault to Nonjudicial Punishment Outcome

In FY15, the average (mean) and median length of time from the date a victim signs a DD 2910 to the date that the NJP process is concluded (e.g. punishment imposed or NJP not rendered) was 126 days (4.0 months) and 121 days (3.5 months), respectively (Figure V). Similar to non-metric 3, a variety of factors influence the interval of time between a report of sexual assault and the conclusion of a NJP. However, knowledge of the average amount of time between a report and the end of NJP proceedings improves the transparency of the NJP process and helps to set appropriate expectations.



Description: Length of time from the date a victim signs a DD 2910 to the date that nonjudicial punishment (NJP) process is concluded (e.g. punishment awarded or NJP not rendered).

Source: Start = Defense Sexual Assault Incident Database (DSAID) DD Form 2910 date, End = DSAID/ Offices of the Judge Advocates General (OTJAG) NJP Form or Command Action Form.

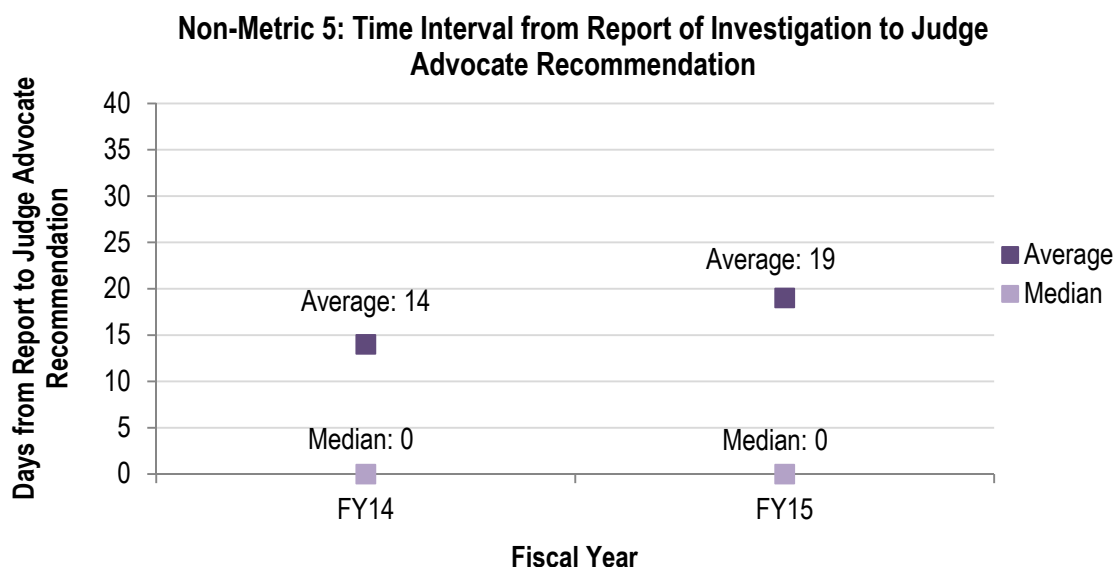
Implication: Provides transparency into justice process and sets expectations on justice process length.

Note: The median is a “midpoint” for a set of numbers; it is the value for which half are above and half are below. Unlike an average, the median is less influenced by outliers in a set of numbers.

Figure V - Non-Metric 4: Time Interval from Report to Nonjudicial Punishment Outcome, FY14 – FY15

Non-Metric 5: Time Interval from Report of Investigation to Judge Advocate Recommendation

As illustrated in Figure W, the average (mean) and median length of time from the date a report of investigation was provided to command, until the date a judge advocate made a disposition recommendation to the commander of the accused, was 19 days and 0 days, respectively. A zero value indicates that the legal recommendation was made before the closure of the investigation. As for non-metrics 3 and 4, there is no expected or set time for this to occur.



Description: Length of time from the date an ROI is handed out to the date the Judge Advocate provides a prosecution/non-prosecution recommendation. A zero value indicates that the legal recommendation was made before the closure of the investigation.

Source: Service military justice data.

Implication: Shows responsiveness of legal support to command and may be an indicator of legal officer resourcing.

Note: The median is a “midpoint” for a set of numbers; it is the value for which half are above and half are below. Unlike an average, the median is less influenced by outliers in a set of numbers.

Figure W - Non-Metric 5: Time Interval from Report of Investigation to Judge Advocate Recommendation, FY14 – FY15