



DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE

Department of Defense Annual Report on Sexual Assault in the Military

Fiscal Year 2014



The estimated cost of report or study for the Department of Defense is approximately \$8,002,000 in Fiscal Years 2014-2015. This includes \$7,161,000 in expenses and \$841,000 in DoD labor.

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UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

The Honorable John McCain
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

APR 29 2015

Dear Mr. Chairman:

Section 1631 of the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011 requires the Secretary of Defense to submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on the sexual assaults involving members of the Armed Forces during the preceding year, including reports from each of the Military Departments.

The enclosed "Department of Defense Fiscal Year 2014 Annual Report on Sexual Assault in the Military" presents statistics and analysis of reports of sexual assault during FY 2014 and discusses policy and program improvements to the Sexual Assault Prevention and Response (SAPR) program of the Department of Defense (DoD). The numerical data and statistics contained in this report are drawn from metrics identified in the Department's evaluation plan, which fulfills additional reporting requirements outlined in the NDAA's for FY 2011, 2012, and 2013.

This report documents considerable progress to address sexual assault in the military. While there are positive indicators, more must be done to eliminate the crimes that constitute sexual assault and implement enduring culture change. In FY 2015, the DoD will continue to work together with the Services to incorporate best practices and reforms that improve our ability to address the crime.

Thank you for your commitment to our Service members. I am sending a similar letter, with the Department's report, to the Chairman of the House Committee on Armed Services.

Sincerely,


Brad Carson
Acting

Enclosures:
As stated

cc:
The Honorable Jack Reed
Ranking Member



UNDER SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

APR 29 2015

The Honorable Mac Thornberry
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

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A handwritten signature in black ink, appearing to read "Brad Carson".

Brad Carson
Acting

Enclosures:
As stated

cc:
The Honorable Adam Smith
Ranking Member

EXECUTIVE SUMMARY

Sexual assault is a crime that has no place in the United States Armed Forces.¹ The Department of Defense worked aggressively during fiscal year 2014 to sustain and enhance its prevention and response system, through both programmatic initiatives and policy changes to combat sexual assault. The Department of Defense has many options in place to help victims² recover, address their safety, document the alleged crime, and understand their legal options.

Federal law requires the Department to provide Congress with an annual report on sexual assaults involving members of the Armed Forces. This report satisfies the requirement, which is in section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).^{3,4} The report presents the Department's programmatic activities and policy enhancements and also provides an analysis of reports of sexual assault made during fiscal year 2014 (October 1, 2013 through September 30, 2014). Included with this report are supplementary reports from the Secretaries of the Military Departments, the Chief of the National Guard Bureau, and a report submitted by RAND Corporation for the *2014 RAND Military Workplace Study*.⁵

REPORT TO THE PRESIDENT OF THE UNITED STATES ON SEXUAL ASSAULT PREVENTION AND RESPONSE

In December 2013, the President of the United States directed the Secretary of Defense to provide a report on the Department's progress in addressing the issue of sexual assault, to include a review of the military justice system, by December 2014. As delivered to the White House on December 4, 2014, and shared with Congress, the *Report to the President of the United States on Sexual Assault Prevention and Response* encompassed the key programmatic initiatives and policy enhancements

¹ Department of Defense Directive 6495.01 defines sexual assault as intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The crime of sexual assault includes a broad category of sexual offenses consisting of the following specific Uniform Code of Military Justice offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.

² The use of the terms "victim" or "survivor" as they appear in this report are not intended to presume the commission of a crime or the guilt or innocence of any individual.

³ The report also satisfies the following additional statutory reporting requirements: section 542 of Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291); section 575 of National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239); section 567 of National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84); and section 596 of National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163).

⁴ The Department's SAPR program is governed by Department of Defense Directive 6495.01, "Sexual Assault Prevention and Response Program," and Department of Defense Instruction 6495.02, "Sexual Assault Prevention and Response Program Procedures."

⁵ Of 477,513 Department of Defense Active Duty Service members invited to take the survey, 145,300 participated (about 30%). The respondents included 34% of the women sampled and about 28% of the men sampled.

undertaken by the Department in fiscal years 2012 through 2014, with accompanying rationale, as well as synopses and evidence of progress.

The report also contained information from the new *Survivor Experience Survey*⁶ and a military focus group effort on sexual assault prevention and response, both fielded by the Defense Manpower Data Center; top-line results of the *RAND Military Workplace Study*; and provisional statistical data on the Department's fiscal year 2014 reports of sexual assault. Provisional metrics and non-metrics developed by the Department, and approved by the White House, were also provided to assess strengths and opportunities for improvement in the Department's sexual assault prevention and response program. In order to avoid duplication of effort and reporting, this report – the *Fiscal Year 2014 Annual Report on Sexual Assault in the Military* – is intended to provide Congress with an update to the information included in the *Report to the President*, as well as other information required by law.

Data Validation Efforts for Fiscal Year 2014 Annual Report

In the *Report to the President*, the Department provided provisional statistical data on sexual assault for fiscal year 2014. These data were deemed provisional because there was insufficient time to thoroughly and completely collect and validate the thousands of reports and case dispositions received in fiscal year 2014.

In this report, the Department provides final statistical data. Comprehensive data validation efforts by the Department, in the intervening time between the two reports account for small differences between the provisional statistical data and the final data presented here.

FISCAL YEAR 2014 DATA FINDINGS

From fiscal year 2012 to fiscal year 2013, there was an unprecedented 53% increase in victim reports of sexual assault. In fiscal year 2014, the high level of reporting seen in fiscal year 2013 was sustained with 6,131 reports⁷ of sexual assault⁸ (see Figure 1, below). This figure represents an increase of 11% over fiscal year 2013 numbers. In

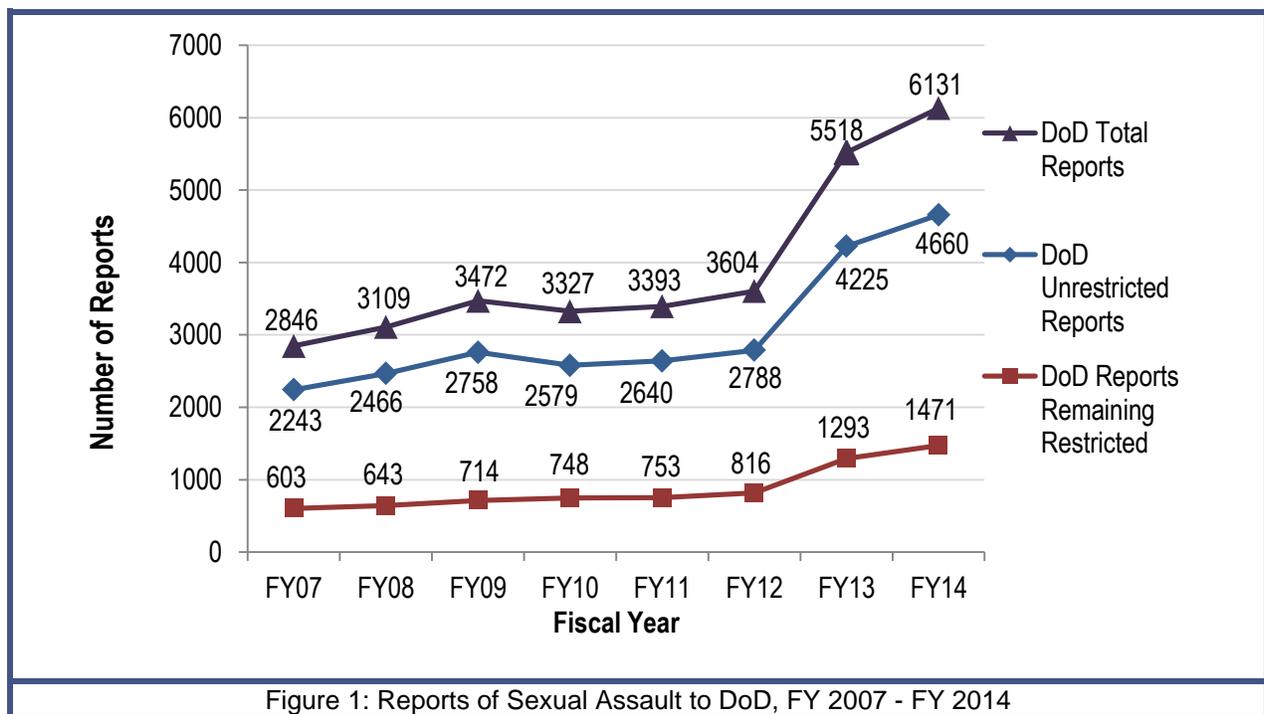
⁶ The *Survivor Experience Survey* is an on-going survey of sexual assault survivors who volunteer to provide feedback on their experiences with the sexual assault response system. Data described in this report refer to a sample of 151 survivors who participated in the survey from June 4 to September 22, 2014. The results of the *Survivor Experience Survey* may not be representative of all survivors in the force.

⁷ Each report consists of an official report documented by a Sexual Assault Response Coordinator and/or Military Criminal Investigative Organization of an allegation of adult sexual assault that falls under Uniform Code of Military Justice articles defining rape, sexual assault, aggravated sexual contact, abusive sexual contact, nonconsensual sodomy, and attempts of these crimes.

⁸ Sexual assault is an underreported crime. This means the number of sexual assaults estimated to occur each year vastly outnumbers reports made to DoD authorities. While sexual assault remains underreported, the Department views increased reporting of the crime as beneficial for victims. Reporting allows victims to engage restorative care and services. In addition, it allows the Department to hold offenders appropriately accountable.

fiscal year 2014, victims made 4,660 Unrestricted Reports⁹ and 1,840 initial Restricted Reports¹⁰ of sexual assault. At the close of fiscal year 2014, 1,471 reports remained Restricted. Over time, the percentage of victims who convert their Restricted Reports to Unrestricted Reports has remained relatively stable with an average of 15%. However, in fiscal year 2014, the conversion rate increased to 20%.

Overall, surveys of sexual assault victims suggest that those who reported their sexual assault were satisfied with their decision. According to the *2014 RAND Military Workplace Study*, approximately 72% of Service member victims who indicated that they reported their sexual assault said they would make the same decision if they had to do it over again. Furthermore, according to the *Survivor Experience Survey*, 73% of Service member victims who participated in the survey indicated that, based on their overall experience of reporting, they would recommend that others report.



⁹ An Unrestricted Report of sexual assault is a report that is provided to command and/or law enforcement for investigation.

¹⁰ Restricted Reporting allows victims to confidentially access medical care and advocacy services without triggering an investigation. Victims may convert their Restricted Report to an Unrestricted Report at any time and participate in the military justice process.

According to the *2014 RAND Military Workplace Study*, the percentage of active duty women who experienced unwanted sexual contact in the past year declined from an estimated 6.1% in 2012 to an estimated 4.3% in 2014, a statistically significant decrease.¹¹ For active duty men, the estimated prevalence rate of unwanted sexual contact trended downwards from 1.2% in 2012 to 0.9% in 2014.^{12, 13, 14} Based on these prevalence rates, an estimated 18,900 Service members experienced unwanted sexual contact in 2014, down from the 26,000 Service member victims estimated in 2012.¹⁵

Assessment of Progress

Out of the 6,131 reports of sexual assault in FY 2014, there were 4,768 Service Member *victims* who made a report for an incident that occurred during military Service¹⁶, a 16% increase from FY 2013. As reflected in Figure 2, 25%, or about 1 in 4 of the estimated 18,900 Service member victims who experienced unwanted sexual contact made a Restricted or Unrestricted Report for an incident that occurred during military service. In fiscal year 2012, 11%, or about 1 in 10 of the estimated Service members who experienced the crime reported it. The estimated 25% reporting rate in fiscal year 2014 is the highest ever recorded for the Military Services. In other words, in fiscal year 2014, the estimated gap between reporting and prevalence among Service

¹¹ RAND Corporation used scientific weighting to estimate prevalence rates that were representative of the entire active duty population. Full methodological details and results are included in Annex 1.

¹² RAND Corporation administered two versions of the prevalence survey; the *Workplace and Gender Relations Survey* form used questions from past surveys to allow for historical comparison and the *RAND Military Workplace Study* form used questions more closely aligned with legal language. Unwanted sexual contact is the *Workplace and Gender Relations Survey* term for the range of sexual crimes between adults. Unwanted Sexual Contact involves intentional sexual contact that was against a person's will or occurred when the person did not or could not consent. The term describes completed and attempted oral, anal, and vaginal penetration with any body part or object, and the unwanted touching of genitalia and other sexually related areas of the body. "Sexual assault," instead of unwanted sexual contact, is used when referring to the *RAND Military Workplace Study* form because that version of the survey more closely aligns with legal language. Past-year prevalence rates described in this report are primarily drawn from the *Workplace and Gender Relations Survey* form.

¹³ The decrease in prevalence for active duty men from 2012 to 2014 was not statistically significant.

¹⁴ The *Workplace and Gender Relations Survey of Active Duty Members* is conducted every two years by the Department, as required by 10 United States Code Section 481. In 2013, the Secretary directed that the 2014 *Workplace and Gender Relations Survey of Active Duty Members* be conducted by an agency external to the Department. Therefore, RAND Corporation conducted the survey to determine the 2014 unwanted sexual contact prevalence rate.

¹⁵ As with all victim surveys, RAND classifies service members as experiencing sexual assault, sexual harassment, or gender discrimination 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, sexual harassment, or gender discrimination based on their survey responses 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 both of these types of errors, but they cannot be completely eliminated in a self-report survey.

¹⁶ Although 5,284 Service member victims made sexual assault reports in FY 2014, 516 of them made a report for events that occurred prior to their entry into military service. This leaves 4,768 victims who made a report for an incident that occurred during military service.

members decreased to its narrowest point since the Department began tracking these data. When Service members who experienced sexual assault come forward to make a report, the Department can provide victims with support and hold offenders appropriately accountable.

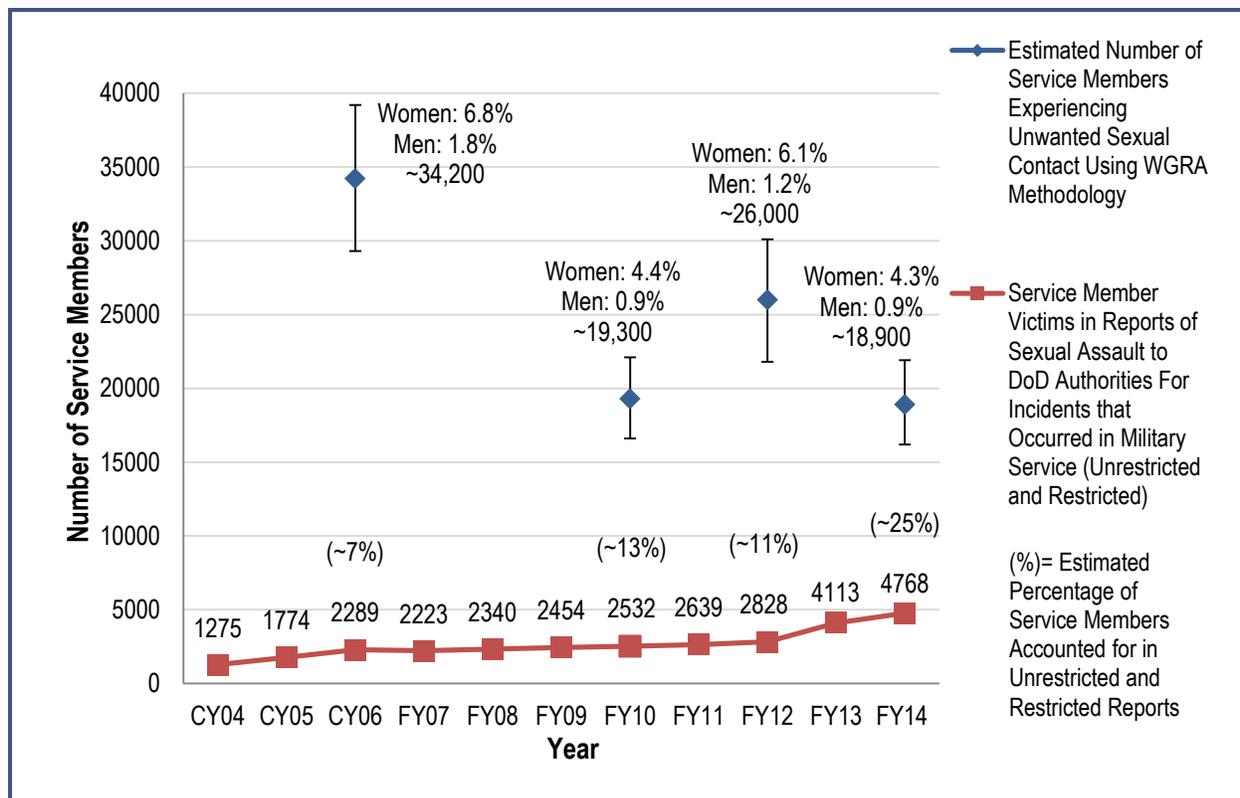


Figure 2: Estimated Number of Service Members Experiencing Unwanted Sexual Contact Based on Past-Year Prevalence Rates versus Number of Service Member Victims in Reports of Sexual Assault for Incidents Occurring During Military Service, CY 2004 – FY 2014¹⁷

Efforts to Assess and Address Retaliation

Following the President’s request in 2013 for a report on sexual assault, the Department selected a number of metrics to measure progress in sexual assault prevention and response, including a metric to assess “perceived retaliation.”¹⁸ Historically, the Department has asked about retaliation on surveys to better assess victim well-being

¹⁷ This graph depicts the estimated number of Service members who experienced unwanted sexual contact in the past year (based on the *Workplace and Gender Relations Survey of Active Duty Members* estimated prevalence rates), versus the number of Service member victims in actual reports of sexual assault made to the Department in the years indicated. Note that although 5,284 Service members were victims and/or subjects in sexual assault reports in fiscal year 2014, 516 of them made a report for events that occurred prior to their entry into military service.

¹⁸ It should be noted that the survey data collected provides 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 military law.

and to understand the stressors victims experience following a report of sexual assault. The Department of Defense collects this information in order to better adjust support programs and tailor services and training to match victims' needs. The White House-approved metric will enhance the Department's ability to measure progress in this area.

In order to gain a more comprehensive understanding of retaliation perceived by victims, the Department sought multiple sources of data:

- *Command Climate Perspective (Defense Equal Opportunity Management Institute Organizational Climate Survey)*
 - The *Defense Equal Opportunity Management Institute Organizational Climate Survey* included six items to assess command climate indicators of retaliation against victims who choose to report sexual assault. Overall, Service members who completed the *Defense Equal Opportunity Management Institute Organizational Climate Survey* in 2014 perceived the potential for retaliation from their command and unit members to be low (i.e., they perceived a favorable climate associated with reporting).
- *The 2014 RAND Military Workplace Study*
 - Of the 4.3% of women who indicated experiencing unwanted sexual contact in the past year and who reported the matter to a military authority or organization, 62% perceived some form of professional or social retaliation, administrative action, and/or punishment associated with their report (53% social retaliation, 35% adverse administrative action, 32% professional retaliation, and 11% punishment for infraction¹⁹). However, because the data do not provide for the circumstances regarding administrative action or actions, which victims perceive as professional retaliation, we are unable to draw any conclusions regarding these numbers. Data for men were not reportable due to the small number of male respondents in this category.

¹⁹ On the *2014 RAND Military Workplace Study*, RAND provided the following as examples of professional retaliation: loss of privileges, denied promotion/training, and transferred to less favorable job. RAND provided the following as examples of social retaliation: being ignored by coworkers and being blamed for the situation. Examples of adverse administrative actions on the *2014 RAND Military Workplace Study* included being placed on medical hold, placed on a legal hold, and transferred to a different assignment. On the survey, RAND provided the following as examples of infractions for which victims were cited: underage drinking or fraternization. Adverse administrative actions and punishment for infractions are not included under the category of "professional retaliation" because these actions are not necessarily retaliatory. They could occur after a sexual assault report to address victim safety and health concerns or to address collateral misconduct under military law. However, if these actions are taken with the intention of penalizing a victim for reporting a sexual assault, they could be considered professional retaliation.

- The *2014 Survivor Experience Survey*
 - In the *Survivor Experience Survey*, a similar pattern was observed concerning retaliation, with 59% of respondents perceiving social retaliation and 40% of respondents perceiving professional retaliation.

In order to better assess the experience of retaliation and identify potential points for intervention, the Department plans to conduct a systematic review of retaliation allegations made to the Service commands and Inspectors General. In addition, the Department will revise its survey questions to better align with Department policy and law addressing reprisal and ostracism. Finally, the Department will follow up on installation case management group execution of inquiring about allegations of retaliation during monthly meetings.²⁰ These attempts to better define the scope of the problem and capture the efforts taken to address this unacceptable behavior will inform Department-wide efforts to prevent retaliation associated with reporting sexual assault.

NDAAs Requirement Implementation

The last three National Defense Authorization Acts focused significantly on sexual assault prevention and response issues with 71 sections of law containing more than 100 unique requirements, to include 16 congressional reporting requirements. The National Defense Authorization Act for Fiscal Year 2014 includes 33 sections of law, representing more than 50 individual provisions within those 33 National Defense Authorization Act sections. It contains the most sweeping reform to the Uniform Code of Military Justice since 1968, with 16 military justice provisions.

Implementation of the fiscal year 2014 provisions is ongoing, and many have already been implemented. The issuance of policy documents, including Change 2 to the Sexual Assault Prevention and Response Instruction, updates to Military Personnel Policy,²¹ and revisions of two Inspector General policy documents,²² incorporate the remaining provisions.

Programmatic and Policy Updates Implemented in Fiscal Year 2014

From fiscal year 2012 to fiscal year 2014, the Secretary of Defense directed 41 initiatives that fundamentally reformed how the military prevents, responds to, and

²⁰ This was required by the Secretary of Defense in his memorandum that was published in December 2014. The memo can be found here: http://www.sapr.mil/public/docs/reports/FY14_POTUS/FY14_DoD_Report_to_POTUS_SecDef_Initiatives.pdf.

²¹ Department of Defense Instruction 1304.33, "Protecting Against Inappropriate Relations During Recruiting and Entry Level Training," January 28, 2015.

²² Section 1732 (2) In-progress. The Inspector General is developing uniform policy regarding case determinations.

adjudicates sexual assault.²³ Throughout the year, the Department worked diligently to comply with these initiatives. By the end of the fiscal year, 6 initiatives remained in progress. Many of the Secretary of Defense initiatives have been codified in National Defense Authorization Acts.

The Department of Defense Sexual Assault Prevention and Response Office organizes and reports the Department's progress in the sexual assault prevention and response program using the five lines of effort from the *Department of Defense Sexual Assault Prevention and Response Strategic Plan*, revised and published in April 2013 and updated in January 2015. The five lines of effort are aligned across the Military Services and the National Guard Bureau, providing a coordinated approach to sexual assault prevention and response. During fiscal year 2014, the Department implemented several programmatic and policy enhancements to meet the objectives of the lines of effort:

- **Prevention:** In fiscal year 2014, the Department continued its focus on prevention through the *2014-2016 Department of Defense Sexual Assault Prevention Strategy*. The new strategy provides a roadmap for the delivery of consistent and effective prevention initiatives through empirically based promising practices. It considers the complex interplay between individual, relationship, community, and societal factors and allows the Department to address those factors that put people at risk for experiencing or perpetrating violence. While there is no single "silver bullet" solution, this innovative prevention strategy allows for new promising practices to be incorporated, assessed, and adapted accordingly.
- **Investigation:** The objective of the Investigation Line of Effort is to achieve high competence in the investigation of sexual assault. In order to reach this objective, the Department established the Special Victim Investigation and Prosecution Capability, which became fully operational in January 2014. This initiative is not a specific person or team but a capability available globally throughout the Department to investigate and prosecute adult sexual assault offenses. The personnel who are part of the capability receive specialized training for their roles, which enhances the Department's ability to produce timely and accurate investigative results.
- **Accountability:** Holding offenders²⁴ appropriately accountable is the objective of the Accountability Line of Effort, and victim participation in the military justice process is key to holding offenders appropriately accountable. As a means to

²³ At the time of publishing this report, a total of 50 initiatives were directed by the Secretary of Defense. Thirty-five of the 50 have been completed, 4 are awaiting the Secretary's review, and 11 are in progress. These initiatives also include measures to be implemented by the Military Service Academies. The progress that the Military Service Academies have taken to implement the initiatives was discussed in the *Department of Defense Annual Report on Sexual Harassment and Violence at the Military Service Academies, Academic Program Year 2013-2014*.

²⁴ The use of the terms "offenders" or "perpetrators" as used in this report is not intended to make any suggestions or conclusions as to whether the commission of a crime occurred.

provide advice and advocacy, as well as empower victims to participate in the justice system, in addition to the specialized prosecution capability noted above in the Special Victim Investigation and Prosecution Capability, the Military Departments established the Special Victims' Counsel/Victims' Legal Counsel Program, which reached full operating capability in January 2014. These programs provide victims with military judge advocates who provide independent, personalized legal advice and representation to victims of sexual assault, protecting their rights and empowering them to successfully navigate the military justice system.

- **Advocacy/Victim Assistance:** Throughout fiscal year 2014, Department efforts also focused on the delivery of consistent and effective victim support, response, and reporting options. The Department implemented provisions to expand victims' rights by giving them the opportunity to provide input during the post-trial action phase. The Department also took steps to enhance screening criteria for personnel working with victims and issued guidance regarding document retention for 50 years regardless of the type of the report. All of these efforts demonstrate the Department's continued commitment of providing victims with a dynamic sexual assault prevention and response system.
- **Assessment:** In fiscal year 2014, the Department of Defense took steps to effectively standardize, measure, analyze, assess, and report program progress. The Defense Manpower Data Center fielded, across all Department components, the first ever *Survivor Experience Survey*, which also provided data included in the *Report to the President*. The purposes of the *Survivor Experience Survey* were to capture feedback on victim satisfaction with the response system, assess the impact of recent initiatives and policies on victims, and meet the *Report to the President* requirement. The feedback from the *2014 Survivor Experience Survey* allows the Department to analyze its program and make more informed decisions on future initiatives.

WAY FORWARD

This report shows that, in fiscal year 2014, the estimated prevalence of sexual assault decreased across the Department and that the estimated proportion of victims choosing to report the crime has increased to an unprecedented level. Despite these positive indicators, the Department of Defense's commitment to progress is enduring and includes ongoing work with the Services to incorporate best practices and reforms that improve its ability to address the crime. Every Service member must participate in creating a culture where sexist behaviors, sexual harassment, and sexual assault are not tolerated, condoned, or ignored. Leaders will be held accountable for establishing the appropriate command climate. The Department's success relies on the full participation of every Service member and leader in implementing this culture change.

The Department of Defense continues to implement the Response Systems to Adult Sexual Assault Crimes Panel recommendations, Secretary of Defense initiatives, and National Defense Authorization Act requirements. Furthermore, the Secretary of Defense issued additional initiatives today. The Secretaries of the Military Departments, in collaboration with the Acting Under Secretary of Defense for Personnel and

Readiness, will incorporate insights derived from the *2014 RAND Military Workplace Study* into prevention training for sexual harassment, sexual assault, and reporting-related retaliation. Additionally, the Acting Under Secretary of Defense for Personnel and Readiness will assess clinical interventions that address the specific needs of men and women who are seeking treatment for sexual assault. The Acting Under Secretary of Defense for Personnel and Readiness will also conduct force-wide sexual assault and sexual harassment prevalence surveys biennially for the Military Services and National Guard, using the measures created for the *2014 RAND Military Workplace Study*, consistent with title 10 United States Code section 481. In alternate years, force-wide focus groups will be conducted by the Defense Manpower Data Center to obtain feedback from the field. To better respect Service member survey burden and privacy, all other entities within the Department of Defense will refrain from conducting force-wide surveys for determining the prevalence of sexual assault and sexual harassment. The surveys and focus groups will be developed and conducted in collaboration with the Secretaries of the Military Departments, the Chiefs of the Military Services, and the National Guard Bureau. Finally, the Acting Under Secretary of Defense for Personnel and Readiness, in collaboration with the Secretaries of the Military Departments and the Department of Defense Inspector General, will establish a comprehensive strategy to prevent retaliation against Service members who report or intervene on behalf of the victim in instances of sexual assault and other crimes.