



Department of Defense Annual Report on Sexual Assault in the Military

Fiscal Year 2017





PERSONNEL AND
READINESS

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

APR 27 2018

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

Dear Mr. Chairman:

Section 1631 of the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011 (Public Law 111-383) 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 2017 Annual Report on Sexual Assault in the Military" presents statistics and analysis of reports of sexual assault during FY 2017 and discusses policy and program improvements to the Sexual Assault Prevention and Response 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 FYs 2011, 2012, 2013, and 2015.

Reporting of sexual assault among active duty Service members increased by nearly 10 percent in FY 2017. We consider this large increase in reporting as an indicator that Service members continue to gain confidence in the Department's sexual assault response system. Sexual assault reporting has increased by over 88 percent within DoD since FY 2012. In contrast, between FY 2012 and FY 2016, prevalence (occurrence) of sexual assault shows a decrease by an estimated 50 percent for men and by an estimated 30 percent for women. Taken together, the increase in reporting and the decrease in occurrence of sexual assault provide substantial evidence that the Department is making progress in its efforts to eliminate this crime from the military.

I am sending a similar letter, with the Department's report, to the Chairman of the House Committee on Armed Services.

Sincerely,

Robert L. Wilkie

Enclosure:
As stated

cc:
The Honorable Jack Reed
Ranking Member



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APR 27 2018

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

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cc:
The Honorable Adam Smith
Ranking Member



*Department of Defense
Annual Report on Sexual Assault in the Military
Fiscal Year 2017
As revised May 4, 2018*

The estimated cost of this report or study for the Department of Defense is approximately \$3,345,000 in Fiscal Years 2017 - 2018. This includes \$2,870,000 in expenses and \$474,000 in DoD labor.

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Executive Summary

Sexual Assault in the Military

For over a decade, the Department of Defense has worked to advance a military culture free from sexual assault. The Department remains dedicated to its dual goals of encouraging greater reporting of sexual assault by Service members and reducing the prevalence (occurrence) of sexual assault within the military population.

Last year's survey of Active Duty members found that the estimated past-year prevalence rate of sexual assault decreased to the lowest levels on record since the Department began measuring it in 2006. Reporting of sexual assault also increased in 2016. The Department estimates that it received a report from 1 in 3 Service members who experienced a sexual assault in 2016, a significant improvement from the 1 in 14 Service members making a report in 2006. These changes stem from a decade of progress in victim support, military justice, and prevention work. Nonetheless, there is more to do to eliminate sexual assault from the military.

This report is the Department's record of the data gathered and the actions taken to prevent and respond to sexual assault in Fiscal Year 2017.

New in Fiscal Year 2017

Sexual assault reports increased. The Military Services received 6,769 reports of sexual assault involving Service members as either victims or subjects of criminal investigations throughout fiscal year 2017. This represents a 9.7 percent increase overall from the 6,172 reports made in fiscal year 2016. Of the 6,769 reports of sexual assault, 5,864 involved Service member victims. Of those 5,864 Service member victims, about 10 percent made a report for incidents that occurred to them before entering military service. In sum, 5,277 Service members made a report of sexual assault in fiscal year 2017 for an incident that occurred sometime during military service, an increase of 10 percent from the 4,794 reports from Service members received last year. Due to the lack of the *Workplace and Gender Relations Survey of Active Duty Members* this fiscal year, the Department is unable to make any assumptions with regard to prevalence of sexual assault and its relationship to reporting.

Restricted Reports converted at a higher rate. The Department of Defense offers Service members the opportunity to make either an Unrestricted or Restricted Report of sexual assault. Of the 2,196 Restricted Reports received in fiscal year 2017, 537 (or 24 percent) later converted to Unrestricted Reports, leaving 1,659 reports remaining Restricted at the end of the year. This rate of conversion is up from the 21 percent of Service members choosing to convert their reports in recent years.

About two-thirds of cases completed in 2017 received command action. The Department takes appropriate disciplinary action in every Unrestricted Report of sexual assault where it has jurisdiction and the evidence to do so. This year, the Department had sufficient evidence to take disciplinary action in 62 percent of the cases of accused Service members within its legal authority. Disciplinary action was not possible for the remaining 38 percent of cases due to evidentiary or other factors, such as insufficient evidence of an offense to prosecute, a victim declining to participate in the justice proceedings, or other reasons.

Active duty focus group feedback reflects both progress and opportunities for improvement. The Office of People Analytics identified several overall themes developed from 54 active duty focus groups conducted around the world. Most notably, participants stated:

- All levels of leadership play an integral role in preventing sexual assault and sexual harassment by modeling and encouraging positive behaviors. Participants with greater time in service also perceived that their leaders have made sexual assault a greater priority in recent years;
- The military provides a supportive environment for reporting sexual assault or sexual harassment, but further efforts are required to address negative perceptions about training and other aspects of the program; and
- Confusion remains about which behaviors constitute sexual harassment. However, participants stated that behaviors previously minimized, such as crude comments and inappropriate jokes, are now taken seriously.

Service members endorsed high levels of satisfaction with support. Responses from the 371 Service members completing the *2016-2017 Military Investigation and Justice Experience Survey* documented high levels of satisfaction with services provided by Special Victims' Counsel, Sexual Assault Response Coordinators, and Victim Advocates. Seventy-three percent of respondents would recommend other Service members report their sexual assault. However, about 40 percent of respondents indicated experiencing negative behaviors consistent with some form of retaliation associated with reporting sexual assault.

Prevention efforts supported future system-wide improvements. The Department concluded the first phase of the Applied Prevention Project, which involved on-site study of prevention initiatives at six military installations. The Department also continued to develop its Prevention Plan of Action, a coordinated, strategic approach to optimizing the prevention system within the military. These efforts provide an important knowledge base for future efforts designed to decrease the occurrence of sexual assault, empower safe intervention in risky situations, modify risk and protective factors within unit command climates, and leverage leadership's central role in advancing workplaces that promote dignity and respect.

Response initiatives expanded the support and help available to Service members. The Department continued its work to professionalize first-responders through the Sexual Assault Advocate Certification Program, expand outreach and services available through the Safe Helpline and Safe HelpRoom, and develop strategies to better serve the needs of male Service members who report experiencing sexual assault. In October 2016, the Department released the *Plan to Prevent and Respond to the Sexual Assault of Military Men* and worked to implement its provisions throughout the year. The Department's response system aims to empower victims, facilitate recovery, and encourage crime reporting.

Plans to prevent and respond to retaliation became part of Service programs. Retaliation associated with reporting sexual misconduct harms the lives and careers of those involved, undermines military readiness, and weakens a military culture of dignity and respect. To better address the range of retaliatory behaviors reportedly experienced by victims, the Department released the *Department of Defense Retaliation Prevention and Response Strategy Implementation Plan* to operationalize solutions to issues outlined in the *Department of Defense Retaliation Prevention and Response Strategy* two years ago. The implementation plan provided

a foundation for Service actions to standardize definitions, implement reporter protections, and provide training necessary to prevent such behaviors.

Way Forward

Next year, the Department will update its estimate of the past-year experience of sexual assault and sexual harassment using the *Workplace and Gender Relations Survey of Active Duty Members*. This important survey effort not only helps us understand the extent of these problems within the active duty population, it also informs improvements in policy, programs, and practices. Prevention will continue to be a primary focus for the Department in Fiscal Year 2018. Recent research by both the Department and the Centers for Disease Control and Prevention will drive the ongoing development of the *Prevention Plan of Action*, which aims to optimize Department and Service prevention capabilities. In addition, the Department will continue its efforts to reduce and prevent retaliation associated with reporting and enhance the support rendered to Service members who report experiencing sexual assault.

Introduction

The Department of Defense (DoD) Fiscal Year (FY) 2017 Annual Report on Sexual Assault in the Military satisfies the following statutory reporting requirements:

- Section 543 of the National Defense Authorization Action (NDAA) for FY17 (Public Law (P.L.) 114–328);
- Section 542 of Carl Levin and Howard P. “Buck” McKeon NDAA for FY15 (P.L. 113-291);
- Section 575 of NDAA for FY13 (P.L. 112-239); and
- Section 1631 of Ike Skelton NDAA for FY11 (P.L. 111-383).

Main Report Contents

This is the Department’s 14th annual report on sexual assault, and it covers sexual assault allegations made during FY17 (October 1, 2016 through September 30, 2017). Enclosed with this report are supplementary reports from the Secretaries of the Military Departments and the Chief of the National Guard Bureau (NGB).

The Sexual Assault Prevention and Response (SAPR) program addresses contact and penetrating sexual crimes by adults against adults, as defined in Articles 120 and 125 of the Uniform Code of Military Justice (UCMJ), and Article 80, attempts to commit these offenses.

The following pages summarize key efforts undertaken by the Department, Military Services, and NGB. The program efforts described highlight just a few of the many actions taken to advance DoD’s prevention and response systems. This year’s report outlines three of the Department’s FY17 program efforts:

- Advancing sexual assault prevention;

- Providing quality response to Service members who report sexual assault; and
- Addressing reports of sexual assault-related retaliation.

The Office of People Analytics (OPA) also provided three research reports that captured the results of active duty focus groups, the biennial survey of the Reserve Component, and a survey of Service members’ experience with the military justice system. Other than the biennial survey of the Reserve component, the results of the focus groups and the *Military Investigation and Justice Experience Survey (MIJES)* are not generalizable to the entire military force.

OPA conducted the *2017 Military Service Gender Relations Focus Groups*. Nearly 400 Service members provided feedback to the Department in 54 focus groups from across the Military Services. Discussion topics included military culture, leadership’s role in the SAPR program, bystander intervention, reporting incidents, social media use, and how the military has changed over time. The complete report is provided at Annex 1.

OPA also conducted the *Workplace and Gender Relations Survey of Reserve Component Members (WGRR)* in compliance with Section 481 of Title 10 of the United States Code (U.S.C). In FY17, members of the National Guard and Reserve Components completed the survey online and on paper. Survey questions asked respondents about past-year experiences of sexual assault, past-year experiences of sexual harassment, reporting outcomes, and gender-related military equal opportunity (MEO) violations. Results of the 2017 *WGRR* reflected a trend downward in the estimated sexual assault prevalence rates for Reserve Component men and women between 2015 and 2017. Although not statistically significant, 2.7 percent of Reserve Component women indicated

experiencing a sexual assault in 2017, compared to 3.2 percent in 2015. Past-year rates of sexual assault for men indicate a statistically significant decrease from 2015 with 0.3 percent of Reserve Component men indicated having experienced sexual assault in 2017, compared to 0.6 percent in 2015. The 2017 estimated rate of past-year sexual assault for Reserve Component women is down by about a quarter from the estimated rate first measured in 2008; the estimated rate for Reserve Component men is down by about two-thirds. Results of the *WGRR* are provided in Annex 2.

In 2016 and 2017, OPA conducted the *MIJES*. The survey results represent feedback from 371 Service members with a completed Unrestricted sexual assault case in the Defense Sexual Assault Incident Database (DSAID). The *MIJES* is not a scientifically weighted survey, therefore survey results are not generalizable to the full population of Service members who reported experiencing a sexual assault in those years. However, the survey provides a helpful source of anecdotal information about Service members' perceptions of the investigation and justice

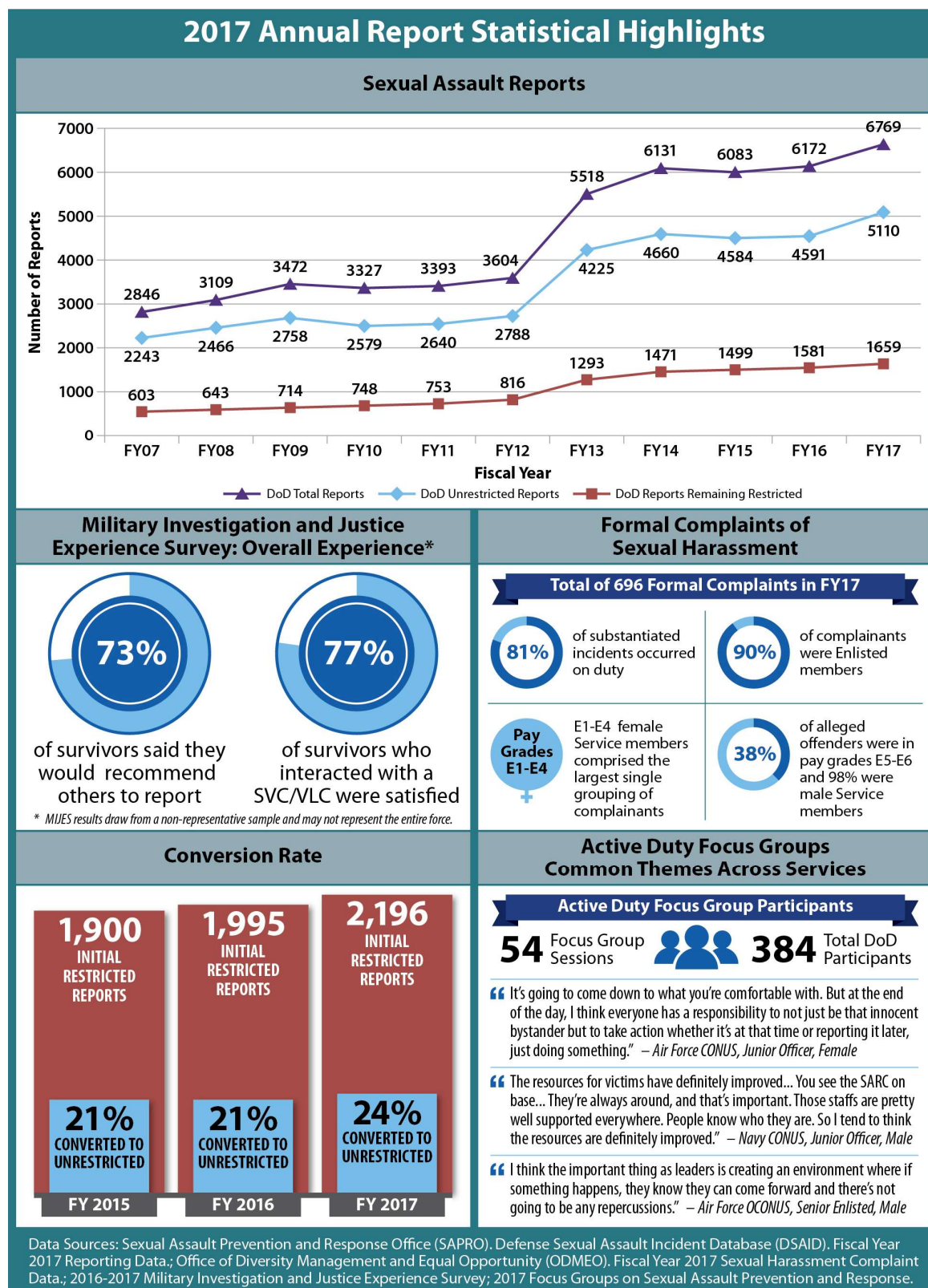
process. Full results of the *MIJES* can be found in Annex 3.

Additional Contents

As required by federal law, this report transmits additional information that falls outside the SAPR Program:

- Appendix F of this year's report contains data on sexual harassment complaints made to the Department in FY17. Sexual harassment policy falls under the purview of the Office of Diversity Management and Equal Opportunity (ODMEO).
- Appendix G of this year's report contains data on domestic abuse related sexual assaults that were reported to the Family Advocacy Program (FAP) in FY17. Policy addressing sexual assaults between spouses or intimate partners falls under the purview of FAP.

Spotlight: Fiscal Year 17 Data



Data Sources: Sexual Assault Prevention and Response Office (SAPRO). Defense Sexual Assault Incident Database (DSAID). Fiscal Year 2017 Reporting Data.; Office of Diversity Management and Equal Opportunity (ODMEO). Fiscal Year 2017 Sexual Harassment Complaint Data.; 2016-2017 Military Investigation and Justice Experience Survey; 2017 Focus Groups on Sexual Assault Prevention and Response.

Advancing Sexual Assault Prevention

The Department seeks to reduce, with the goal to eliminate, sexual assault in the military. As documented in last year's Annual Report, rates of sexual assault have decreased significantly in the past ten years. An estimated 14,900 active duty Service members experienced a sexual assault in 2016. This estimate is down significantly from the 34,000 active duty Service members believed to have experienced a sexual assault in 2006. Nonetheless, sexual assault continues to occur, negatively impacting military readiness, the health of the force, and warfighting resources.

Preventing sexual assault remains a priority for the Department. During FY17, DoD continued to adapt the strategies in the Centers for Disease Control and Prevention's *Technical Package to Prevent Sexual Violence*.¹ These strategies include promoting social norms that protect against violence; teaching skills to prevent sexual assault; creating protective environments; and empowering all Service members to take action to prevent the crime. The Department's FY17 prevention efforts captured information needed to organize and expand policies, programs, and practices.

FY17 Actions to Improve Sexual Assault Prevention Efforts

Continued Development of the Prevention Plan of Action (PPoA)

The PPoA is the effort to optimize the Department's system to prevent sexual assault. The PPoA will operate as a framework to shape sexual assault prevention efforts throughout the Department of Defense. Longstanding research finds, however, that prevention programs must be matched to the needs of the community to maximize

effectiveness. Therefore, the Department will work closely with the Secretaries of the Military Departments and the Chiefs of the Military Services and National Guard Bureau to support assessment of current capabilities, identify specific requirements, and assist with implementation of solutions that respect individual Service needs and culture.

Throughout the development process, DoD is evaluating evidence-based policies, programs, and practices, growing cooperative relationships between DoD organizations, and identifying additional prevention resources to collaborate with the SAPR program. The intent is to reduce the occurrence of sexual assault as well as other co-occurring destructive behaviors (e.g., problem drinking, sexual harassment, bullying, hazing, and discrimination).

Concluded the First Phase of the Installation Prevention Project (IPP)

In FY15, DoD Sexual Assault Prevention and Response Office (SAPRO) launched the IPP to identify installation and community risk factors for sexual assault and to develop associated actions leadership can take to mitigate sexual violence. In FY16, researchers from the Department performed an environmental scan of sexual assault prevention initiatives at five military installations and one joint base. The environmental scan included interviews with installation leadership and community stakeholders to capture the state of prevention at each location.

In FY17, SAPRO provided profiles to the Military Services that organized observations and incorporated suggestions for how to enhance prevention efforts at the installations. While each installation was different, there

¹ Basile, K.C., DeGue, S., Jones, K., Freire, K., Dills, J., Smith, S.G., Raiford, J.L. (2016). *STOP SV: A Technical Package to Prevent Sexual Violence*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

were several commonalities the Department observed in the state of each location's prevention programming:

- **Emphasis on Awareness.** Most installation efforts focused on stand-alone events to increase knowledge and improve attitudes.
- **Emphasis on Leadership.** Leaders understood the importance of eliminating sexual assault and their role in the SAPR program.
- **Change in Training Methods.** The Department noted an emerging shift to vignette-driven, small group-based discussions rather than lecture-based slide presentations.
- **Emerging Shift in Culture.** Old norms that visibly tolerated hazing, bullying, and sexist attitudes were not as evident as they were ten years ago.

Despite these helpful developments, the Department found a number of ways prevention programming needed to be strengthened. For example, personnel working prevention could have benefited from greater resourcing and preparation in performing their duties. In addition, few preventive interventions included the skill building and practice required to create lasting behavior change. Finally, very few locations used the kind of metrics of performance and effectiveness needed to evaluate programs and report on progress. These findings informed the development of Phase 2 of this effort, which has since been re-named the Applied Prevention Project (APP). The name change reflects the wider range of environments and activities targeted for enhanced prevention work.

Key Prevention Efforts by Service

The Military Services increased their focus on prevention in FY17.

- **Army – The Army Sexual Harassment /Assault Response and Prevention (SHARP) Office identified Mind's Eye 2**

(ME2) as a potential prevention intervention. ME2 is an internally-created program intended to help Soldiers discover their personal connection to sexual violence prevention by underscoring the important role that each individual plays in developing a positive command climate. ME2 is designed to enable Soldiers to recognize personal biases and obstacles prohibiting them from taking action. The program also allows them to practice the skills needed to navigate complex personal situations. The SHARP Office started efforts to evaluate the program for broader application within the Army.

- **Navy – The 21st Century Sailor Office in partnership with the Digital Warfare Office created the Destructive Behavior Pilot.** The pilot uses data analytics and mining to identify risk and protective factors. Currently, efforts are focused on establishing a baseline for future analyses, organized by ship, squadron, or unit type.
- **Marine Corps – The Prevention Operational Planning Team hosted a two-day session that defined primary, secondary, and tertiary prevention in the Marine Corps context, discussed various prevention elements, and outlined the differences between prevention and response.** This effort will be used to inform future Marine Corps prevention initiatives.
- **Air Force – The Vice Chief of Staff of the Air Force established the Workplace Harassment Solutions Working Group to identify goals and objectives to reduce the occurrence of workplace harassment and create a climate and culture where sexual harassment and sexual assault are not tolerated.**
- **NGB – Created two Working Groups composed of the NGB SAPR Advisory Council, Army National Guard SHARP, Air National Guard SAPR, and the NGB SAPR offices to improve the process of gaining States' input for policy and training development.** Outcomes from these groups will help leadership implement

future prevention initiatives in National Guard units throughout the country.

Focus Group Results² Informing Prevention Efforts

The Department views leadership's involvement as the key component in promoting healthy command climates that reduce the likelihood of sexual assault. Focus group participants stressed the importance of leadership's role in educating and encouraging subordinates to take action to prevent sexual assault. Both male and female focus group participants underscored the importance of leaders setting the example by displaying a commitment to ending sexual assault and sexual harassment in the military. Male participants stated that the increase in female leadership on military installations has set a good example of proper conduct for all Service members.

Focus group feedback also suggests that prevention efforts should equip Service members to respectfully discuss sexual assault and sexual harassment. Some male focus group participants expressed discomfort interacting with and providing feedback to female Service members, fearing that the discussion could bring about possible accusations of sexual assault or sexual harassment against them.

Both male and female participants felt confident in their understanding about what behaviors constitute sexual assault, but they were less sure in their knowledge of sexual harassment behaviors. Some male participants believed that sexual harassment was open to interpretation, believing that some Service members may be unaware that their behavior constitutes sexual harassment. However, based on their own experiences, most female participants felt accustomed to understanding that sexual harassment

involved inappropriate touching, comments, and jokes.

Service member participants were also asked their opinion about the role that alcohol plays in their environment. Both male and female focus group participants indicated alcohol is present at social events and networking opportunities at their respective installations. Male and female participants also stated that alcohol use lowers an individual's inhibitions and impairs judgement.

Focus group participants were also asked about their perceptions of bystander intervention. In general, male participants expressed a positive view of bystander intervention and recognized that it can prevent sexual assault. Yet both male and female participants cited several barriers to intervening. They stated that risk of backlash toward those who intervene, fear of getting others in trouble, discomfort getting involved with unknown persons, and rank differentials between the accused and a bystander are significant barriers. To help Service members overcome these challenges, some female participants suggested tailoring bystander intervention training to the audience. For example, they suggested simplifying messaging regarding bystander intervention to make it easier to understand and implement for the youngest Service members.

Notably, many participants reported that an environmental shift has taken place in the military. Focus group participants stated that behaviors once ignored and regarded as part of the culture—such as posters or calendars displaying inappropriate material—are no longer part of the workplace. However, there is some indication that these practices have manifested in another way: While displaying inappropriate materials in the workplace may be prohibited, some participants noted that sharing of sexually explicit images via social

² Results represent the themes developed from the feedback obtained from nearly 400 Service members in 54 focus groups held around the world. The information provided here cannot be generalized to the full force. However, it does provide helpful anecdotal information about the experiences of the Service members interviewed.

media, texting, and shared drives is not uncommon.

Actions for FY18

Prevention Capability Feasibility Study

The Department is conducting a Prevention Capability Feasibility Study that assesses what the Department needs to do to field an optimal prevention system. The study will include interviews of DoD and Service stakeholders and review existing documents to: assess organizational and workforce needs, identify training curriculum and delivery requirements, identify knowledge and skill requirements for individuals who perform prevention duties, and determine if credentialing options are relevant and useful for those who perform prevention duties.

Prevention Capacity Building Workshops

The Department is conducting a series of prevention capacity building sessions with Senior SAPR Leaders from the Department and Military Services. The intent of these sessions is to disseminate important concepts and approaches that prevent sexual assault and other forms of sexual violence. The workshops will help participants identify the

current state of prevention in their organizations, as well as lay the ground work needed to optimize the prevention system.

ODMEO Publication of DoDI 1020.03, “Harassment Prevention and Response In the Armed Forces”

In FY18, ODMEO will publish DoDI 1020.03 “Harassment Prevention and Response in the Armed Forces.”³ The new policy will provide an updated definition of sexual harassment and address hazing, bullying and retaliatory behaviors. In addition, the policy will update harassment prevention and response procedures for Service members to submit harassment complaints, including anonymous complaints; procedures and requirements for responding to, processing, resolving, tracking, and reporting harassment complaints; and training and education requirements and standards. Sexual harassment training, in conjunction with sexual assault prevention and response training, will reinforce the differences in the definitions of sexual harassment and sexual assault while recognizing that both simultaneously may exist on the continuum of harm for sexual misconduct. For more information, see Appendix F.

³ Policy was published on February 8, 2018.

Providing a Quality Response to Service Members Who Report Sexual Assault

Sexual assault remains underreported, meaning that the crime occurs much more than is ever reported to authorities. Consequently, the Department's goal is to encourage greater reporting by Service members. To achieve this, the Department's response system must promote and sustain a fair and safe reporting process that instills confidence and empowers individuals to report. Providing a professional response also contributes to resiliency and recovery, enhances accountability, and advances a culture of respect consistent with military core values. This section summarizes major response initiatives, FY17 reporting data, and leadership-approved initiatives for FY18.

FY17 Assessment of Progress

The following section summarizes reporting statistics and focus group comments on the reporting process.

Sexual Assault Reporting Continues to Increase

In FY17, the Military Services received 6,769 reports of sexual assault involving Service members as either victims or subjects of criminal investigations. This represents a 9.7 percent increase from the 6,172 reports made in FY16. Of the 6,769 reports of sexual assault, 5,864 included a Service member as a victim. The remaining 905 reports involved 868 victims who were U.S. civilians or foreign nationals and 37 victims for whom status data were not available. Of those 5,864 Service member victims, 587 Service members (10 percent) made a report for incidents that occurred before entering the military, which is similar to what has been received in previous years.

The Department provides Service members the option to make either an Unrestricted or Restricted report of sexual

Does an increase in reporting mean there was an increase in crime?

Not necessarily. When a crime like sexual assault is "underreported," reports made to authorities represent only a fraction of what is estimated to have occurred. For example, the reports received last year in FY16 represented only about a third of the estimated 14,900 Service members who indicated experiencing a sexual assault during the same time period. Consequently, reporting rates are a poor estimate for how often sexual assault occurs. Occurrence of sexual assault, also known as "prevalence," is better estimated through the use of scientific surveys of a given population. Prevalence of sexual assault in the military has been on an overall decline since 2006. The Department will next measure the past-year prevalence of sexual assault with a survey of active duty members during the last quarter of FY18 and report the results in May 2019.

assault. Those making a Restricted report have the choice to later convert their initial report to an Unrestricted report. The Department received 5,110 Unrestricted reports in FY17 and had 1,659 reports remaining Restricted at the end of the year. Reports remaining restricted made up 25 percent of the total reports. This year, 537 Restricted reports (24 percent) converted to Unrestricted reports, up from the 21 percent that converted in FY16. Additional information on the reporting of sexual assault in FY17 is available in Appendix B of this report.

Service Member Satisfaction with SAPR Services Remains High

This year's *MIJES* obtained feedback from 371 Service members who had recently finished participating in the military justice process. While the experiences of these respondents may not be fully representative of

all victims participating in military investigations and justice actions, this year's results are consistent with other, more representative findings from last year's *Workplace and Gender Relations Survey of the Active Duty*. This year's survey respondents expressed a great deal of satisfaction with the services provided by Special Victims' Counsel/Victims' Legal Counsel (SVC/VLC), Sexual Assault Response Coordinators (SARC), and SAPR Victim Advocates (SAPR VA). Specifically, most indicated SARCs and Victim Advocates used discretion when sharing case details, supported the respondents throughout the military justice process, and helped them work with investigators, attorneys, and commanders.

Respondents endorsed high levels of satisfaction with SVCs/VLCs and the services they provided. Over three quarters of respondents who interacted with an SVC/VLC indicated these attorneys attended meetings and courts-martial with them. In addition, respondents indicated that the SVC/VLC was always (55 percent) or usually (32 percent) available when needed. About 69 percent of respondents who interacted with an SVC/VLC indicated they received support from a single attorney. Of the 31 percent who received support from more than one attorney, 80 percent indicated having support from multiple attorneys had no impact or improved the assistance received.

As identified in prior years' surveys, Service members experienced less satisfaction with the support received from their Unit Commander (56 percent satisfied), Senior Enlisted Advisor (58 percent satisfied), and immediate supervisor (50 percent satisfied). However, about three-fifths of respondents having interactions with these personnel indicated they felt supported by them throughout the military justice process. Additional information on the *MIJES* is available in Annex 3 of this report.

FY17 Actions to Promote a Quality Response

The Department's approach to victim assistance relies on specially trained personnel to inform, support, and empower Service members to make knowledgeable choices in both reporting and recovery from sexual assault. Providing choices and quality services are important steps in building survivor confidence and encouraging greater participation in the military justice system.

Released the *Plan to Prevent and Respond to the Sexual Assault of Military Men*

On October 5, 2016, the Acting Under Secretary of Defense for Personnel and Readiness signed the *DoD Plan to Prevent and Respond to the Sexual Assault of Military Men*. Surveys of the military population regularly find that comparable point estimates of male and female Service members experience sexual assault each year. However, women report the crime more than twice as often as men. As a result, the Department has been working to encourage greater reporting and support service utilization by men. The *Men's SAPR Plan* released this year guides development of research-informed techniques to reach male Service members and increase their understanding of how sexual assault affects men, ensures DoD response services meet their needs, and engages them in preventing this crime. The plan's four objectives are:

- **Objective 1:** Develop a unified communications plan tailored to men across the DoD;
- **Objective 2:** Improve Service member understanding of how sexual assault impacts men;
- **Objective 3:** Ensure existing support services meet the needs of men who experience sexual assault; and

- **Objective 4:** Develop metrics to assess men-focused prevention and response efforts.

The Department is assessing existing research, data, and current practices in the civilian and military sectors to carry out the plan's four objectives. Additionally, the Department contracted with RAND Corporation to conduct a needs assessment to develop a better understanding of the requirements of military men who experience sexual assault. Together, these sources will serve to inform overall execution of the *Men's SAPR Plan*.

Initiated the *Men's SAPR Plan* Working Group

SAPRO created the *Men's SAPR Plan* Working Group to accomplish much of the work required by the plan. Group members consist of SAPR and medical professionals from each Military Service, NGB, Office of the Secretary of Defense (OSD) Health Affairs, Defense Health Agency, U.S. Navy Bureau of Medicine, FAP, and Veterans Affairs. The Working Group met on seven occasions in FY17. The goals of the working group are to:

- Identify and prioritize research gaps;
- Identify findings from the previous annual reports that may inform actions on the *Men's SAPR Plan*;
- Select promising practices for male-specific communications and training;
- Identify ways to improve healthcare support for men who present with sexual assault-related trauma.

The Military Services and NGB are addressing the needs of male victims in sync with the implementation of the *Men's SAPR Plan*:

- **Army** – To address myths related to the sexual assault of men, the Army collaborated with the University of Southern California to create an interactive, computer-mediated experience with a male soldier who was

sexually assaulted by his unit members. This virtual solution allows Soldiers and other Army personnel to hear and learn first-hand from a victim without requiring him to tell and re-tell his story.

- **Navy** – The Navy actively engaged in the DoD Men's SAPR Plan Working Group and plans to align future efforts to the group's recommendations. Outcomes of a recent Men's Expert Symposium informed Navy stakeholders to develop, align, and implement more comprehensive outreach, training, prevention, and gender-specific response protocols for male sexual assault victims.
- **Marine Corps** – The Marine Corps SAPR office interviewed SARCs and SAPR VAs that have interacted with male Marines who experienced a sexual assault. The goal was to ensure that current practices are gender-responsive and meet the needs of men who experience a sexual assault.
- **Air Force** – The Air Force introduced a male victimization module in its Air Force SAPR course. It identifies distinctive social and cultural pressures faced by male survivors and confronts myths surrounding male victims, providing Air Force SAPR professionals with a better understanding of how to respond when men report a sexual assault.
- **NGB** – NGB provided male victimization training at its annual refresher training for SARCs, as well as at numerous state and regional SAPR VA training events. The training included discussions on gender differences, barriers to reporting, societal influences, and four objectives to address sexual assault against men.

Continued Credentialing and Evaluating SAPR Professionals

The Department provides training for SARCs and SAPR VAs on how to assist and advocate for Service members who report sexual assault, how to coordinate with

installation leadership, and how to manage relationships with military and civilian agencies that support survivors. SARCs and SAPR VAs must maintain a specialized skillset and also advance their skills through continuing education. The DoD Sexual Assault Advocate Certification Program (D-SAACP) requires that personnel appointed are adequately screened, appropriately trained, and possess the requisite level of knowledge and expertise to assist victims throughout the reporting and recovery process. All SARCs and SAPR VAs must be certified through the D-SAACP in order to perform their duties. The certification program was adapted from the National Advocacy Credentialing Program and tailored to meet the unique needs of the military.

In FY17, 437 new SARCs and 8,346 new SAPR VAs earned credentials. In addition, 743 SARCs and 3,201 SAPR VAs met the national standard to renew their credentials. In order for an applicant to renew at a higher level, a D-SAACP credentialed SARC must have a minimum of 3,900 documented hours of increased experience, supervisor evaluations, and case study observations. Two hundred forty four SARCs (33 percent) and 167 of SAPR VAs (5 percent) earned a higher certification level by meeting these additional requirements. The Department and Military Services also began to develop specializations to document expertise in program management, working with men who reported sexual assault, and training instruction. By encouraging SARCs and VAs to advance in certification levels and documenting specialized skill sets, the Department seeks to further professionalize its response personnel and increase its capacity to provide a quality response.

Expanded Safe Helpline Outreach

The DoD Safe Helpline supports the Military Departments' SAPR Programs by providing crisis intervention, support, information, and referrals to resources for members of the DoD community who have experienced sexual assault. Safe Helpline provides confidential, anonymous support

available 24/7. Therefore, it is often the first place that victims disclose what happened to them and receive crisis intervention services, safety planning assistance, and information about resources and reporting options.

Since Safe Helpline serves as a key resource for victims, the Department expanded outreach efforts in FY17. SAPRO increased online advertising and sponsored 100 events on military installations to promote Safe Helpline. Overall system usage increased by 6 percent this year. Specifically, phone users increased by 9 percent and online sessions increased by 2 percent when compared to the number of users who contacted Safe Helpline in FY16.

Analysis of anonymous Safe Helpline data provides important information about the needs of victims, for whom anonymity and privacy are prominent concerns. Over half of victims disclosed that they had not yet reported to a military authority and one-fifth of victims had not disclosed their assault to anyone prior to contacting Safe Helpline. Of note, Safe Helpline estimates that one-third of phone users are men. Men were more likely to make a first-time disclosure on the Safe Helpline compared to women, with more than one in four men (28 percent) not having disclosed to anyone prior to contacting Safe Helpline.

Created Specialized Safe HelpRoom Sessions

Safe HelpRoom is a group chat service designed for members of the DoD community to connect with and support one another in a moderated and secure online environment. The service was developed to help combat stigma and offer a safe and confidential chat forum, which has become an increasingly popular means of self-help. In FY17, Safe HelpRoom established two new initiatives. First, Safe HelpRoom launched weekly, targeted sessions for men affected by sexual assault. Second, the system launched a pilot program that allows local SARCs and SAPR VAs to leverage the Safe HelpRoom

technology to host group chats within their own communities. See Appendix E for more information on Safe Helpline and Safe HelpRoom.

Hosted a Military Training Course at the National Organization for Victim Assistance (NOVA) Annual Meeting

The NOVA annual training is a multi-day meeting that brings together more than 1,500 military and civilian victim advocacy professionals to advance their knowledge and skills. Over 500 DoD SAPR professionals attended the 2017 event. SAPRO offered DoD attendees up to 26 continuing education units to be used toward D-SAACP certification and renewal requirements.

DoD SAPRO hosted “Military Monday,” which included workshops on prevention, the current state of sexual assault, responding to victimized men, DoD Safe Helpline, administrative separation, and addressing retaliation. The largest numbers of SAPR personnel attended sessions on prevention, addressing retaliation, care for veterans, DoD Safe Helpline, and the current state of sexual assault in the military.

Focus Group Observations⁴ About Sexual Assault Response

Feedback on the SAPR program tended to depend on participants’ overall knowledge of the program. Participants with a positive view of the program often knew more about it and believed that it did a good job in training Service members on SAPR resources and available reporting options should they experience a sexual assault. Participants with a less positive view of the program had a limited understanding of how the program operated.

Both male and female participants stated that they have seen positive changes over several years regarding how the crime is reported, consequences for alleged offenders, how the topic of sexual assault is discussed, and a stronger prioritization of the SAPR program by leadership. For example, some female participants stated that the SAPR program did a good job maintaining victim’s privacy. Male participants also believed there has been an increase in the number of male Service members willing to come forward and report a sexual assault and/or make a sexual harassment complaint.

Focus group participants noted barriers to reporting remain. They voiced several concerns that likely keep more victims from making a report. A recurring concern was complex situations, which are difficult to interpret. For example, participants felt that the presence of alcohol can make the situation difficult to interpret because consent is less clear, particularly for incidents of sexual assault. Also, if the victim had an existing relationship with the alleged assailant, whether as a friend or colleague, participants stated they might not report because they felt they led that person on, or would be inclined to forgive inappropriate behavior from someone they know.

Other concerns include fear of getting others in trouble, the length of the investigative process, lack of privacy associated with sexual assault investigations, and fear of some kind of retaliation for making a report. Misconceptions about the SAPR program also create a stigma against reporting. Participants also believed that male victims were less likely to report than female victims, due to social stigma.

⁴ Results represent the themes developed from the feedback obtained from nearly 400 Service members in 54 focus groups held around the world. The information provided here cannot be generalized to the full force. However, it does provide helpful anecdotal information about the experiences of the Service members interviewed.

Actions for FY18

The Department will continue its efforts to enhance the professionalism of its personnel, expand resources for Service members impacted by sexual assault, and execute the *Men's SAPR Plan*. To this end, DoD SAPRO

will host the Men's Expert Symposium early in FY18. The Symposium will assemble leading violence prevention experts in an effort to share research, offer insights and perspectives on communicating with men, and discuss how to improve support for male Service members.

Combating Retaliation Associated with Sexual Assault Reporting

While growing numbers of Service members are choosing to report sexual assault, an appreciable number also experience unhelpful reactions and negative outcomes associated with reporting. Sometimes reactions by superiors, co-workers, and peers lead to or can be perceived as leading to social exclusion, career disruption, and unfavorable personnel actions. The Department advocates that no Service member should fear retaliation associated with reporting crime or misconduct. To this end, the Secretary of Defense approved the *DoD Retaliation Prevention and Response Strategy* (DoD RPRS) in 2016 to target retaliatory behavior associated with reporting sexual assault and sexual harassment.

Military law and policy prohibit Service members from retaliatory behavior associated with a protected communication, such as disclosing a sexual assault report. Retaliatory behavior impacting Service members' professional opportunities may constitute reprisal.⁵ Ostracism involves retaliatory behavior that improperly excludes a report-maker from social acceptance.⁶ Maltreatment includes acts of cruelty or oppression committed against a reporter of sexual assault by a person to whom the reporter was subject to the orders of, including physical or psychological force or threat of force. Substantiating an allegation of reprisal, ostracism or maltreatment requires a detailed investigation that develops sufficient evidence to meet elements of proof established in law.

The Department's strategy aims to prevent these legally prohibited behaviors, as well as the full spectrum of unprofessional behavior and negative outcomes associated with reporting sexual misconduct.

FY17 Data on Retaliation Allegations

The Military Services and NGB provided data on retaliation allegations received in FY17 associated with reports of sexual assault and/or complaints of sexual harassment.⁷ Each year, the Department requests the Military Services provide two types of data:

- **Case Management Group (CMG) Retaliation Allegations:** CMG data reflects the Department's pro-active process to reach directly to Service members who have made a report of sexual assault. SARCs regularly inquire with these Service members about their experiences with retaliatory behavior. SARCs then give the sexual assault reporter the option to have such experiences addressed by the CMG. This year, 69 individuals requested their allegation of retaliation be discussed at the installation CMG meeting. CMGs review all open, Unrestricted sexual assault cases on a monthly basis and are chaired by the senior installation commander. Sexual assault victims made the vast majority of retaliation allegations (66) this year. In addition, one witness/bystander and two first responders submitted their retaliation

⁵ Reprisal can involve a range of unjustified personnel actions, such as interfering with promotion, unreasonably downgrading someone's evaluation, or unfairly denying an award. Title 10 U.S.C. § 1034.

⁶ Examples of ostracism include improper exclusion from social acceptance, activities or interactions due to reporting or planning to report a crime; victim blaming, and bullying.

⁷ Information submitted by the Military Services and NGB varies. Department of the Navy only submits data on cases with completed investigations. The Army, Air Force, and NGB provide information on completed and ongoing investigations.

allegations to the CMG. Of the 69 retaliation allegations, 27 involved alleged ostracism and/or cruelty/oppresion/maltreatment, 24 involved alleged reprisal, 4 involved another criminal allegation in relation to the report of sexual assault, and 14 involved a combination of reprisal, cruelty/oppresion/maltreatment, and other misconduct allegations. Women provided the majority of retaliation allegations: 54 women and 14 men had allegations discussed at CMGs. One reporter's gender was not available at the time of data collection.

- **Investigations of Alleged Retaliation:⁸** Data in this category reflects all FY17 allegations of retaliation investigated and/or handled by Service/NGB or DoD Inspectors General (IG), Military Criminal Investigative Organizations (MCIO), Law Enforcement, and/or Commander-Directed Inquiries. These retaliation allegations are associated with Unrestricted Reports of sexual assault or complaints of sexual harassment. The Military Services and NGB received 146 retaliation reports against 207 alleged retaliators in FY17. Additionally, there were 51 reports involving 57 alleged retaliators from prior years that had a completed investigation in FY17, for a total of 197 reports involving 264 alleged retaliators. Of the 197 reports, 74 percent involved female reporters of sexual assault and 75 percent of reports of retaliation were associated with an Unrestricted Report of sexual assault. The remainder related to formal complaints of sexual harassment (17 percent), a situation where the reporter was suspected of making a sexual assault report (1 percent), or informal complaints of sexual harassment (7 percent). The following entities investigated these reports: DoD or Service IGs (65 percent), MCIOs and law enforcement (18 percent), chain of

command (7 percent), chain of command and DoD IG (7 percent), and chain of command and MCIOs/law enforcement (2 percent).

Demographics and Outcomes of Alleged Retaliators Report by the Military Services

The following analysis focuses on the demographics and outcomes of the 264 alleged retaliators whose investigations were completed in FY17. The results largely reflect reprisal allegation outcomes, since the majority of the information originates from DoD and Service IGs, which are exclusively tasked with investigating reprisal allegations. The alleged retaliators in this collection of data were investigated for the following categories: reprisal (65 percent), reprisal and other misconduct—i.e., ostracism, cruelty or maltreatment, or other crimes (3 percent), restriction⁹ (1 percent), ostracism and/or cruelty/maltreatment (16 percent), other criminal offenses (15 percent), and other matters (1 percent). The majority of alleged retaliators were men (82 percent) and only 13 percent were the alleged perpetrator in the associated sexual assault or sexual harassment report. Most frequently, alleged retaliators were in the chain of command of the reporter (73 percent), followed by peers, co-workers, friends, or family members of the reporter (9 percent), a military superior not in their chain of command of the reporter (6 percent), an individual associated with the alleged perpetrator of sexual assault/sexual harassment (3 percent), or an individual junior in grade to the reporter (in or outside the reporter's chain of command; <1 percent). An additional 8 percent of alleged retaliators were unknown or the investigation was ongoing.

The Military Services and NGB opened investigations against nearly all the alleged retaliators. At the time of data collection, the majority of alleged retaliators still had an investigation pending or had their case taken

⁸ Percentages in this and the following sections do not add to 100 percent due to rounding.

⁹ One case in this category also includes an allegation of ostracism.

over by DoD IG. Results of these investigations will be reported in future annual reports.

There were a total of 85 alleged retaliators in completed investigations with case dispositions available to report in FY17. Investigators substantiated or founded charges against 31 of the 85 alleged retaliators in completed investigations. DoD could take actions against 9 out of 31 alleged retaliators. These actions included administrative discharge and adverse administrative action (seven) and informal/verbal counseling (two).¹⁰ Action was not possible against 8 alleged retaliators for a variety of reasons (insufficient evidence of an offense to prosecute, the accused remained unidentified despite a thorough investigation, or some unspecified reason). Finally, 14 alleged retaliators had action pending at the end of FY17; outcomes of these cases will be reported in future year's reports. Additional detail on retaliation allegations is available in the statistical section, see Appendix B to this report.

MIJES Respondent Experience with Retaliatory Behavior

This year's *MIJES* obtained feedback from 371 Service members who had recently finished participating in the military justice process. While the experiences of these respondents may not be fully representative of all victims participating in military investigations and justice actions, survey results capture helpful information about these respondents' experiences.

Of the 371 uniformed military survivors whose responses comprise the survey results, about 70 percent perceived experiencing

some kind of negative behavior or outcome associated with their report of sexual assault; 29 percent indicated experiencing no such behavior. Forty-one percent of respondents indicated experiencing perceived professional reprisal, perceived ostracism and/or perceived other negative behaviors.¹¹ Data more representative of the active duty force will be obtained in next year's *Workplace and Gender Relations Survey of Active Duty Members*.

Focus Group Observations¹² About Retaliatory Behavior

Focus group participants suggested that fear of ostracism and retaliation remains a barrier to reporting sexual assault or filing a sexual harassment complaint. Focus group participants emphasized that social retaliation, usually in the form of damage to an individual's reputation or being excluded from normal unit functions or events, functioned as a motivator against reporting sexual assault or sexual harassment. Female participants argued that damage to ones' reputation is a significant barrier because it can follow someone for the length of his/her military career. While some participants felt that professional retaliation (such as being passed over for promotion, assigning undesirable duties or locations, or giving poor evaluations) was a less likely outcome than social exclusion, they still considered it a significant concern.

FY17 Actions to Combat Retaliation

Published the DoD RPRS Implementation Plan

The Department of Defense released the *DoD RPRS Implementation Plan* in January 2017. The plan details how the DoD, Military

¹⁰ The April 30, 2018 version of this report indicated there were two courts-martial actions associated with retaliation allegations. These cases were submitted by the Department of the Army on January 10, 2018. On May 1, 2018, the Army informed the Department of Defense that the courts-martial actions associated with the two cases were reported in error. Case disposition actions for these two cases were, instead, adverse administrative actions. This report was updated on May 4, 2018 to reflect this correction.

¹¹ Survey responses do not constitute official allegations of retaliation or a legally sufficient finding of fact that a retaliatory act occurred.

¹² Results represent the themes developed from the feedback obtained from nearly 400 Service members in 54 focus groups held around the world. The information provided here cannot be generalized to the full force. However, it does provide helpful anecdotal information about the experiences of the Service members interviewed.

Services, and NGB will execute tasks in the identified issue areas and institutionalizes a comprehensive and consistent approach to retaliation prevention and response across the Department. The *Implementation Plan* contains a list of tasks that are designed to operationalize the following *DoD RPRS* issue areas:

- **Standardizing Definitions:** Develop and employ common definitions of retaliation across the Department to describe the full spectrum of retaliatory behavior;
- **Closing the Gap in Knowledge:** Initiate a DoD standard for a data-driven approach to inform retaliation prevention and response mechanisms through a retaliation case tracking system, enhanced survey efforts, and regular program evaluation;
- **Building Strong and Supportive Systems of Investigation and Accountability:** Develop a standard, comprehensive retaliation response process to ensure Service members have the means to report incidents of retaliation and obtain support through the resolution process, while holding offenders appropriately accountable;
- **Providing Comprehensive Support for Survivors:** Use SARCs, SAPR VAs, and Equal Opportunity Advisors to leverage the retaliation response process to facilitate a variety of support resources for Service member sexual assault victims, sexual harassment complainants, witnesses, bystanders, and first responders who are involved in a report of sexual assault or sexual harassment and subsequently report retaliation; and
- **Creating a Culture Intolerant of Retaliation:** Provide Service members, first responders, and leadership with additional education and tools to promote

unit climates intolerant of retaliatory behavior, and develop procedures for holding leaders appropriately accountable.

The foundation of the *DoD RPRS Implementation Plan* was the streamlining and standardization of definitions across the full range of retaliatory behaviors. In order to achieve consensus across the Department, the Office of General Counsel (OGC) led a series of Working Groups to develop both new and updated definitions for various types of retaliation. Final definitions were published in Appendix B of the [*DoD RPRS Implementation Plan*](#). This was the first and most important issue area in the Implementation Plan, as all other issue areas were contingent upon the completion of OGC's efforts. Of note, the definitions are not limited only to retaliatory actions after a report of sexual assault or harassment, and are applicable in all relevant contexts.

Actions for FY18

Execute the Tasks in the *DoD RPRS Implementation Plan*

The *DoD RPRS Implementation Plan* includes an implementation schedule that describes major tasks to be implemented and assigns an office of responsibility. The SAPR Strategy Integrated Product Team (IPT) serves as the governing body to oversee timely implementation and execution of the *DoD RPRS* and the *Implementation Plan*. SAPR Strategy IPT members include key stakeholders from OSD, the Military Services, and Departmental offices. The schedule of tasks stretches over the next three fiscal years and additional completed actions will be covered in future annual reports.

In FY18, action on tasks identified in the *DoD RPRS* will continue, including review and updating of Service policies to address and prevent retaliatory behavior.

Summary

Over the years, the Department has worked toward increasing reporting of sexual assault and is encouraged by the nearly 10 percent increase in the number of Service members who chose to report their sexual assault in FY17. The Department will continue to work diligently to reduce the occurrence of sexual assault across the force.

The actions taken in FY17 reflect the Department's ongoing commitment to preventing sexual assault and ensuring that victims receive comprehensive support services. This report outlines key program efforts – focusing DoD efforts on sexual assault prevention, providing a quality response to Service members who report sexual assault, and combatting retaliation associated with sexual assault reporting – where the Department took significant action to accomplish its mission of reducing, with the

goal to eliminate, sexual assault from the military.

These program efforts are not inclusive of every aspect of the crime of sexual assault, nor does this report detail every action that the Department, Military Services, and NGB are taking to prevent and respond to this crime. Additional program highlights can be found in the appendices of this report. The Department continues to assess its programs and policies to ensure that it is effectively addressing the needs of Service members. Feedback from focus groups and surveys of active and reserve Service members are instrumental to this effort.

The Department continue to build upon the extensive planning and research efforts undertaken in FY17 and will continue with its forward momentum by implementing key program elements in FY18.