



Appendix C: Metrics and Non-Metrics on Sexual Assault



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Appendix C: Metrics and Non-Metrics on Sexual Assault

In 2014, in collaboration with the White House, the Department of Defense (DoD) developed the following metrics and “non-metrics” to help illustrate and assess DoD’s progress in sexual assault prevention and response (SAPR). As part of the development process, DoD examined sexual assault programs throughout the nation to identify potential points of analysis. Unfortunately, DoD could not find widely accepted, population-based metrics to serve as a reference. Therefore, in a collaborative manner, involving DoD SAPR program experts and researchers, DoD developed the following eleven metrics and six non-metrics.

For the purposes of this document, the term “metric” describes a quantifiable part of a system’s function. Inherent in performance metrics is the concept that there may be a positive or negative valence associated with such measurements. In addition, adjustments in inputs to a process may allow an entity to influence a metric in a desired direction. For example, DoD aspires to encourage greater reporting of sexual assault by putting policies and resources in place. Therefore, an increase in the number of sexual assaults reported may indicate that DoD’s efforts may be working.

DoD uses the term “non-metric” to describe outputs of the military justice system that should not be “influenced,” or be considered as having a positive or negative valence in that doing so may be inappropriate or unlawful under military law. Figures A through S and Table 1 illustrate points of analysis for metrics and non-metrics.

Metrics

Metric 1: Past-Year Estimated Prevalence of Sexual Assault

DoD uses the *Workplace and Gender Relations Survey of Active Duty Members (WGRA)*¹ to assess the estimated prevalence, or occurrence, of sexual assault among active duty members over a year’s time. The Office of People Analytics (OPA) conducts the *WGRA* in accordance with the quadrennial cycle of human relations surveys outlined in Section 481 of Title 10, USC. In the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012, Congress directed DoD to survey active duty members every two FYs. Estimated prevalence rates are available for Calendar Year (CY) 2006, FY10, FY12, FY14, FY16, and FY18.

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

¹ In FY14, the RAND Corporation designed a prevalence estimate measure more closely aligned with legal language in the Uniformed Code of Military Justice (UCMJ). Consequently, “sexual assault” replaced “unwanted sexual contact” as the survey measure that estimates prevalence in the active and reserve components of the U.S. Armed Forces.

Metric 1 (Figure A) illustrates the estimated past-year rates of unwanted sexual contact (USC) among active duty women and men for CY06, FY10, and FY12. Although prevalence of sexual assault as estimated in FY14, FY16, and FY18 is not directly comparable to prior years, statistical tests conducted in FY14 show that both measures yield approximately the same estimates.

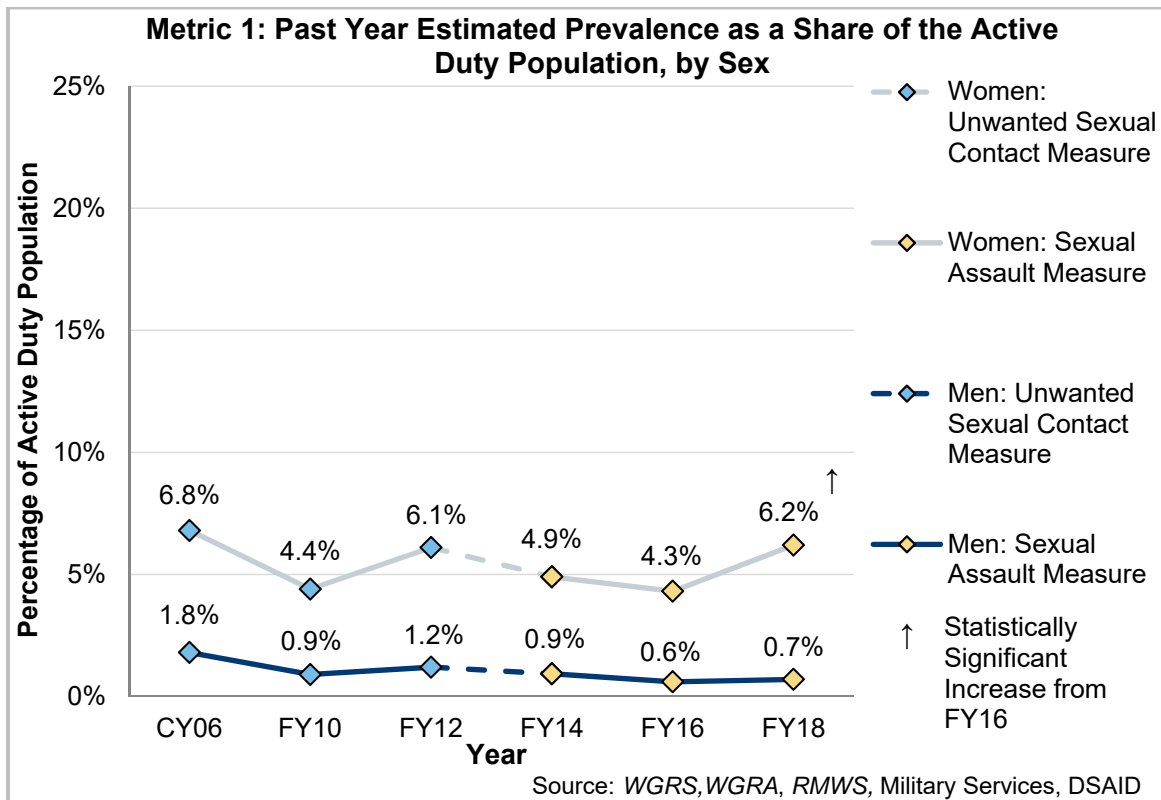


Figure A – Metric 1: Past Year Estimated Prevalence as a Share of the Active Duty Population, CY06 and FY10 – FY18

In FY18, DoD estimates that 6.2 percent of active duty women and 0.7 percent of active duty men experienced an incident of sexual assault in the 12 months prior to being surveyed.² Compared to FY16, the FY18 sexual assault rate is statistically higher for women (from 4.3 percent in FY16 to 6.2 percent in FY18) and remained statistically the same for men (0.6 percent in FY16 and 0.7 percent in FY18).

² OPA used scientific weighting to estimate prevalence rates that were representative of the entire active duty population. OPA provides confidence intervals for all statistics that are interpreted as population estimates. The estimated 6.2 percent prevalence rate among women has a confidence interval of 5.9 percent to 6.6 percent, meaning that we can infer with 95 percent confidence that the estimated prevalence of sexual assault among active duty women is between 5.9 percent and 6.6 percent. The estimated prevalence rate of 0.7 percent among men has a confidence interval of 0.6 percent to 0.8 percent, meaning that we can infer with 95 percent confidence that the estimated prevalence of sexual assault among active duty men is between 0.6 percent and 0.8 percent.

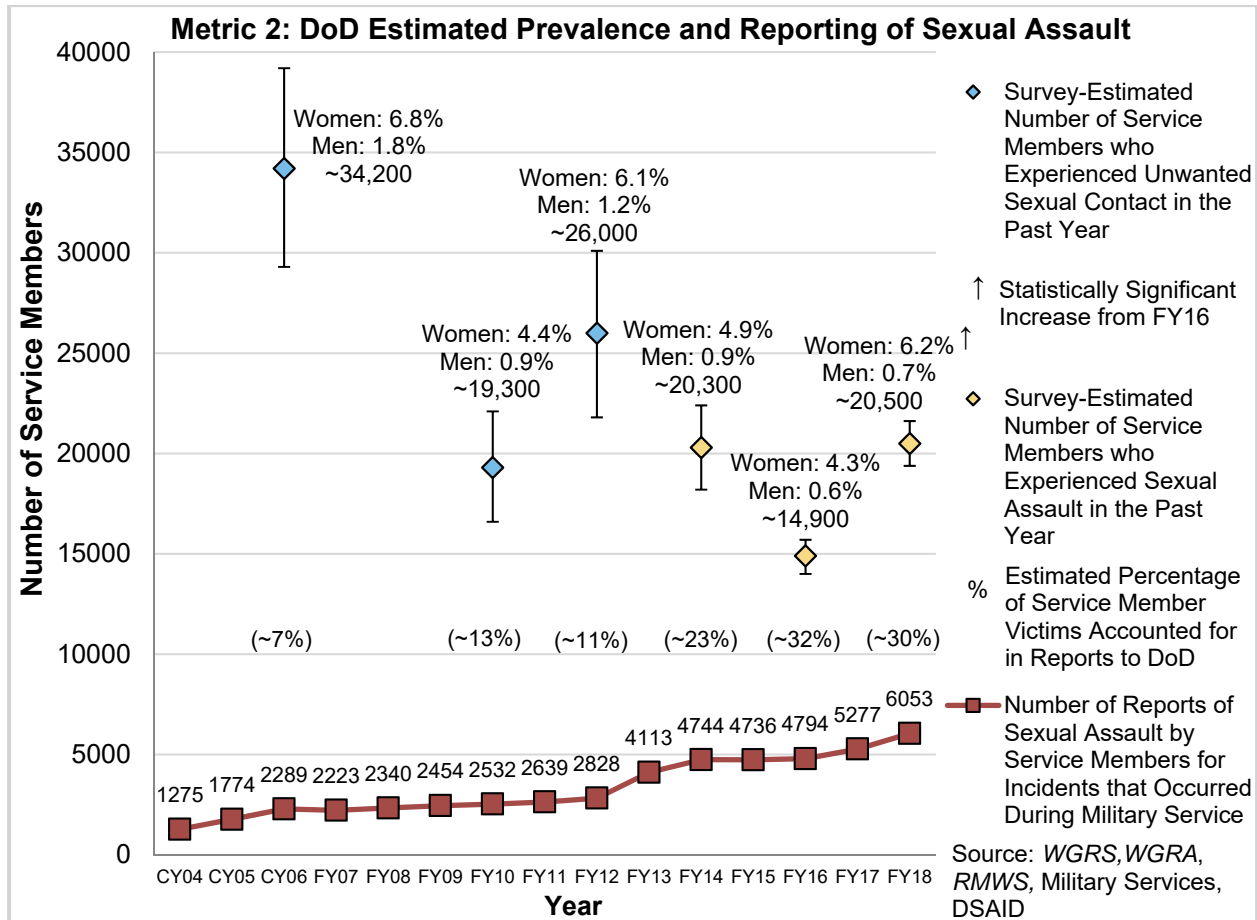
Metric 2: Estimated Prevalence and Reporting of Sexual Assault

Underreporting occurs when crime reports to law enforcement fall far below statistical estimates of how often a crime may occur. Nationally, sexual assault is one of the most underreported crimes, with estimates indicating that between 65 and 84 percent of sexual assaults are not reported to police.³ Underreporting also occurs in DoD and interferes with providing victims needed care and holding alleged offenders appropriately accountable. To understand the extent to which sexual assault goes unreported, Metric 2 compares the estimated number of Service members who may have experienced sexual assault, as measured by confidential survey data, with the number of Service member victims in sexual assault reports for incidents occurring during military service.

Each FY, DoD receives reports of sexual assault from military and civilian victims. DoD responds to all reports of sexual assault; however, a focus on Service member victim reports of sexual assault for an incident occurring during military service allows for comparison to prevalence estimates. Figure B depicts the difference between the number of Service members who reported a sexual assault and the estimated number of Service members who experienced sexual assault in the last year, according to survey data. Although reports to DoD authorities are unlikely to capture all sexual assaults estimated to occur each year, DoD encourages greater Service member reporting of sexual assault to connect victims with restorative care and to hold offenders appropriately accountable.

As Figure B shows, 6,053 Service members (or approximately 30 percent of the 20,500 Service members estimated to have experienced sexual assault) reported sexual assault in FY18 for an incident that occurred during military service in the past year. This is a similar reporting rate to FY16, where 4,794 Service members made reports to DoD authorities, accounting for about 32 percent of the FY16 sexual assault prevalence estimate (~14,900).

³ National Research Council. (2014). *Estimating the Incidence of Rape and Sexual Assault*. Panel on Measuring Rape and Sexual Assault in Bureau of Justice Statistics Household Surveys, C. Kruttschnitt, W.D. Kalsbeek, and C.C. House, editors. Committee on National Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.



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

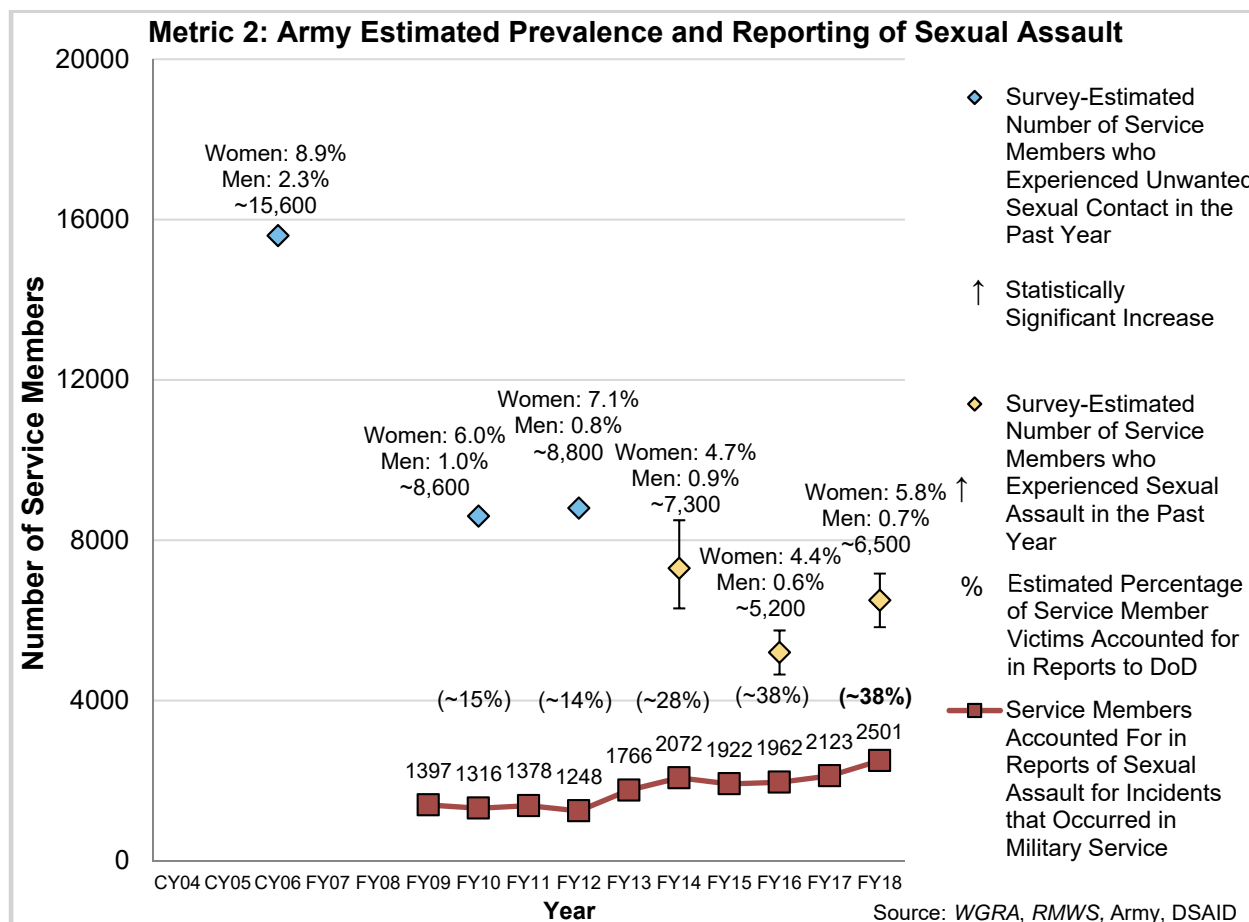
**Figure B – Metric 2: DoD Estimated Prevalence and Reporting of Sexual Assault
CY04 – CY06 and FY07 – FY18**

Figures C through F display data for each of the Military Services. Notably, Service-specific reporting rates are only available from FY10 through FY18, since reporting data excluding prior to military Service reports and reports made by non-Service members were not available by Service in CY06. Service-level data are also presented on different scales for ease of reading and to account for differences in population sizes of each of the Services.

Additionally, OPA used scientific weighting to estimate prevalence rates that were representative of the entire active duty population and each Military Service. OPA provides confidence intervals for all statistics that are interpreted as population estimates, and provides the mid-point to estimate a number of Service members who experienced sexual assault in the 12 months prior to the survey. Therefore, point-estimates displayed separately for each Service will not add up to the DoD point-estimate.

In FY18, DoD estimates that 5.8 percent of active duty Army women and 0.7 percent of active duty Army men experienced an incident of sexual assault in the 12 months prior to being surveyed. Compared to FY16, the FY18 sexual assault rate is statistically higher for women (from 4.4 percent in FY16 to 5.8 percent in FY18) and remained statistically the same for men (0.6 percent in FY16 and 0.7 percent in FY18).

As Figure C shows, 2,501 Service members (or approximately 38 percent of the 6,500 Service members estimated to have experienced sexual assault) reported sexual assault in FY18 to an Army authority for an incident that occurred during military service in the past year. This is the same reporting rate as FY16, during which 1,962 Service members made reports to Army authorities, accounting for about 38 percent of the FY16 sexual assault prevalence estimate (~5,200).

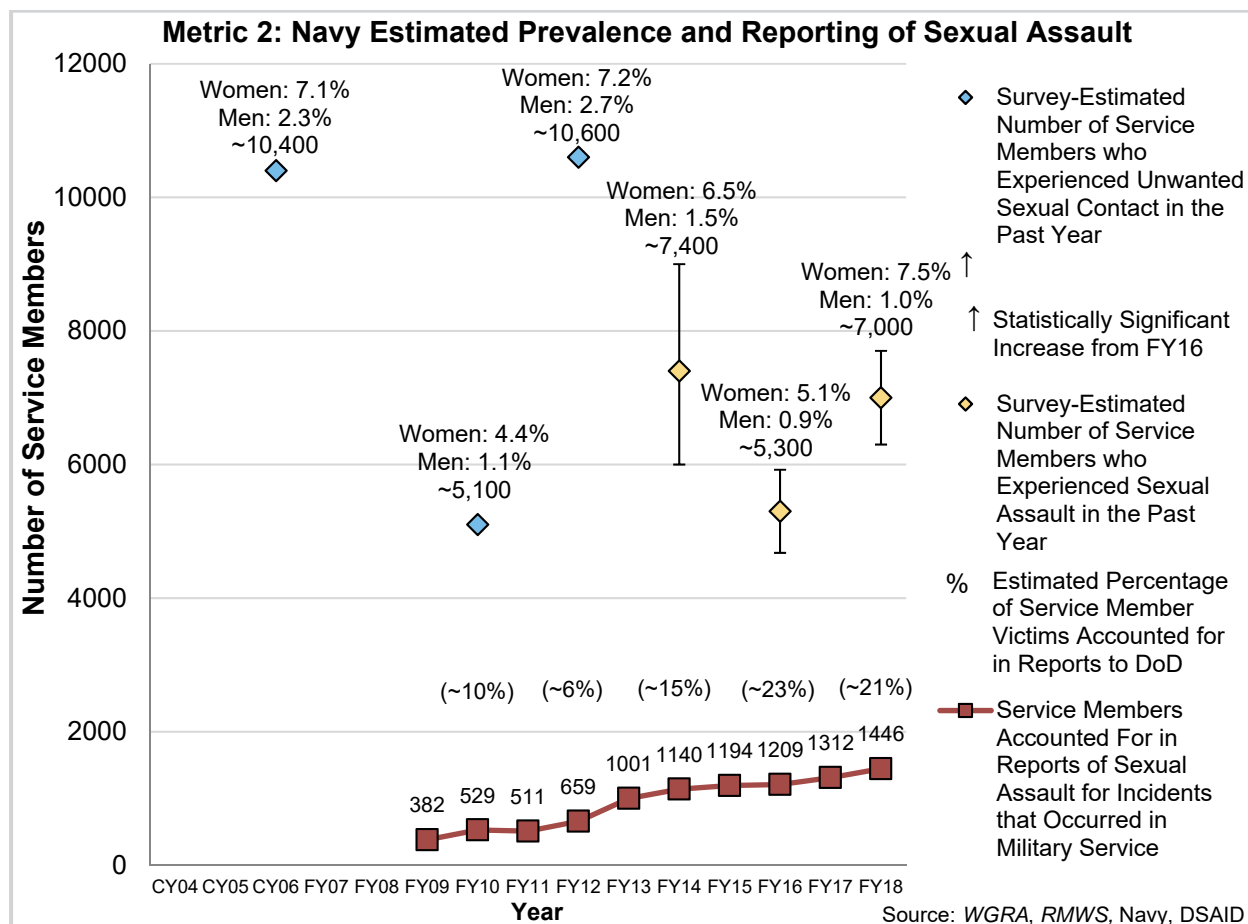


Note: Error bars represent the 95 percent confidence interval for each estimate.

Figure C – Metric 2a: Army Estimated Prevalence and Reporting of Sexual Assault
CY06 and FY09 – FY18

In FY18, DoD estimates that 7.5 percent of active duty Navy women and 1.0 percent of active duty Navy men experienced an incident of sexual assault in the 12 months prior to being surveyed. Compared to FY16, the FY18 sexual assault rate is statistically higher for women (from 5.1 percent in FY16 to 7.5 percent in FY18) and remained statistically the same for men (0.9 percent in FY16 and 1.0 percent in FY18).

Figure D shows that 1,446 Service members (or approximately 21 percent of the 7,000 Service members estimated to have experienced sexual assault) reported sexual assault in FY18 to a Navy authority for an incident that occurred during military service in the past year. This is roughly the same reporting rate as FY16, during which 1,209 Service members made reports to Navy authorities, accounting for about 23 percent of the FY16 sexual assault prevalence estimate (~5,300).

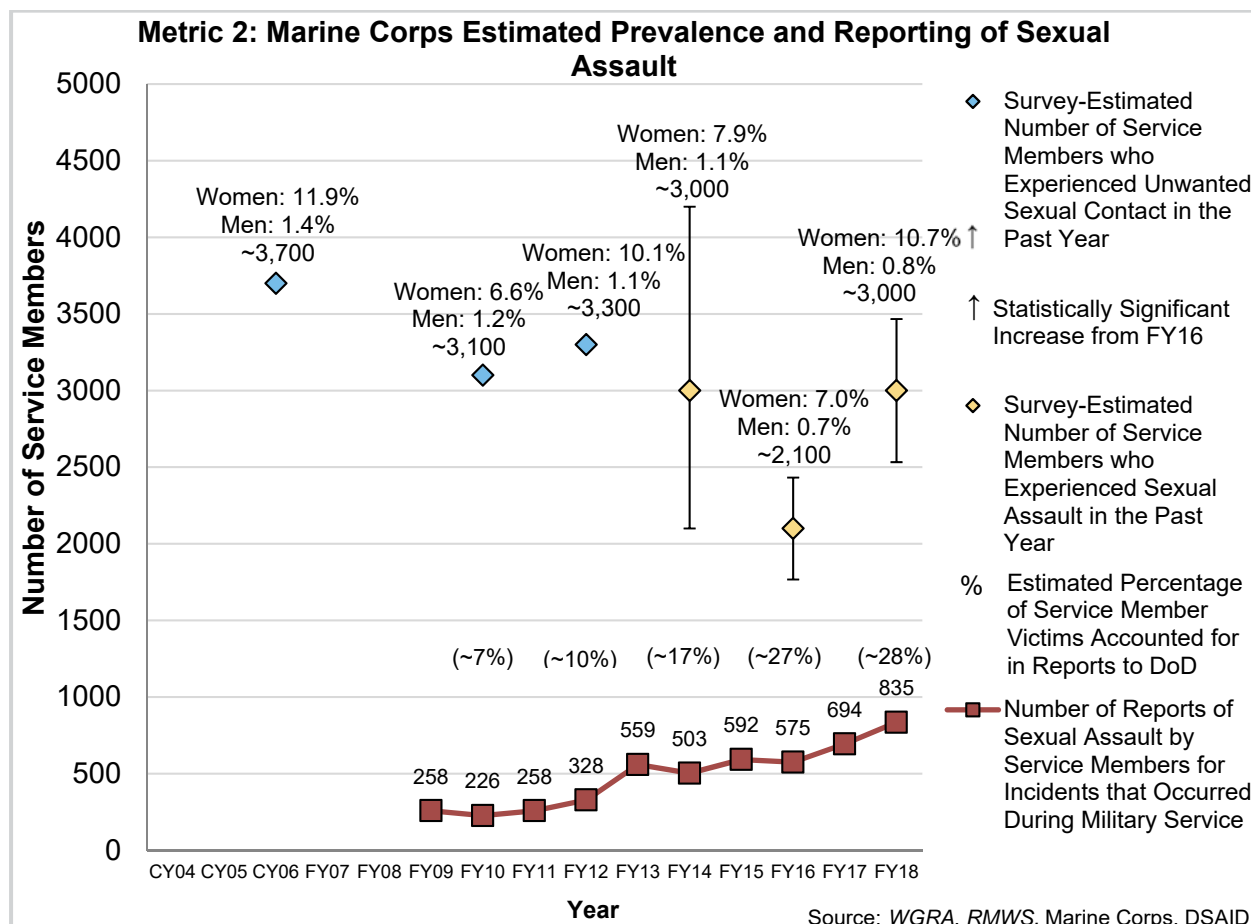


Note: Error bars represent the 95 percent confidence interval for each estimate.

Figure D – Metric 2b: Navy Estimated Prevalence and Reporting of Sexual Assault
CY06 and FY09 – FY18

In FY18, DoD estimates that 10.7 percent of active duty Marine Corps women and 0.8 percent of active duty Marine Corps men experienced an incident of sexual assault in the 12 months prior to being surveyed. Compared to FY16, the FY18 sexual assault rate is statistically higher for women (from 7.0 percent in FY16 to 10.7 percent in FY18) and remained statistically the same for men (0.7 percent in FY16 and 0.8 percent in FY18).

Figure E shows that 835 Service members (or approximately 28 percent of the 3,000 Service members estimated to have experienced sexual assault) reported sexual assault in FY18 to a Marine Corps authority for an incident that occurred during military service in the past year. This is roughly the same reporting rate as FY16, during which 575 Service members made reports to Marine Corps authorities, accounting for about 27 percent of the FY16 sexual assault prevalence estimate (~2,100).

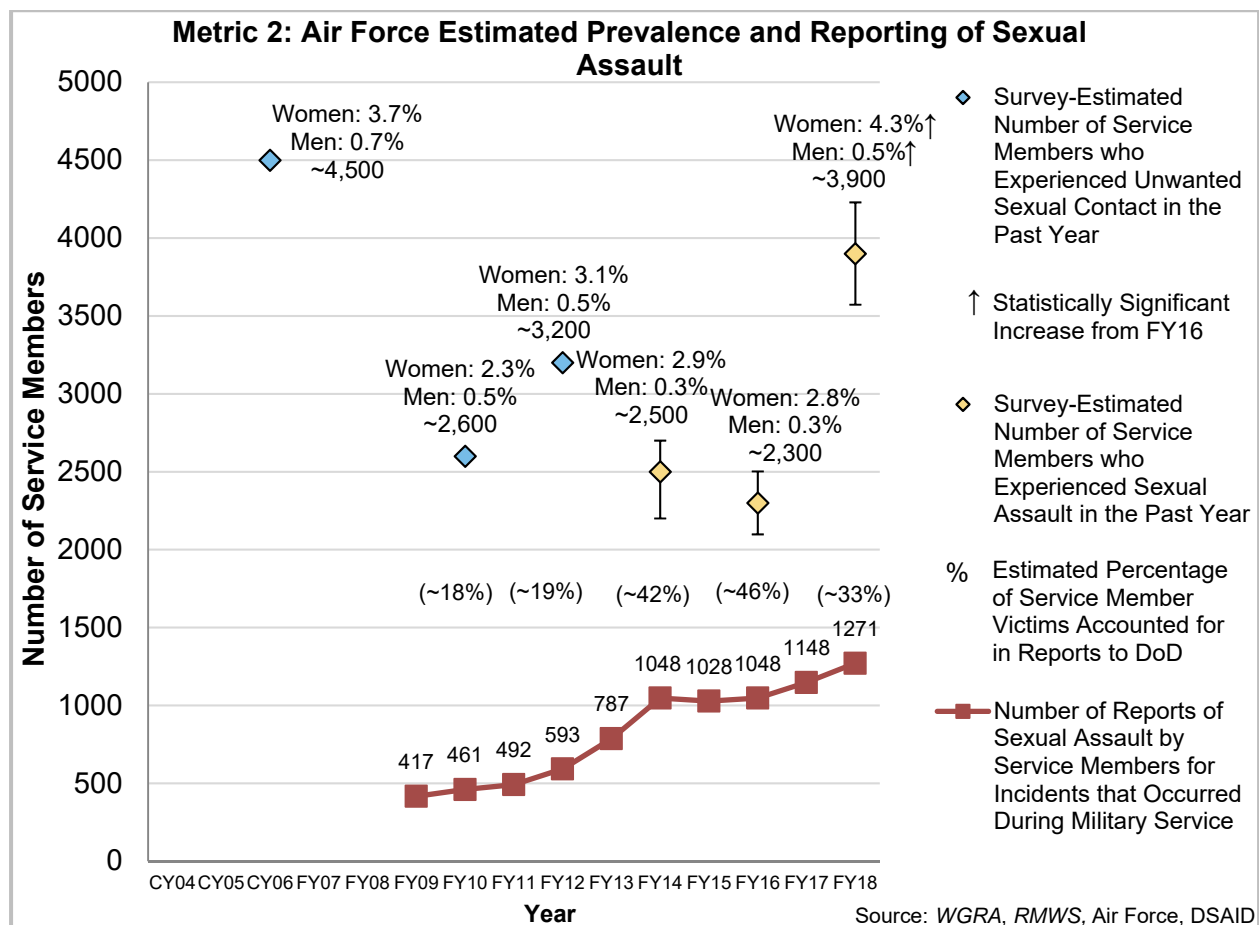


Note: Error bars represent the 95 percent confidence interval for each estimate.

Figure E – Metric 2c: Marine Corps Estimated Prevalence and Reporting of Sexual Assault CY06 and FY09 – FY18

In FY18, DoD estimates that 4.3 percent of active duty Air Force women and 0.5 percent of active duty Air Force men experienced an incident of sexual assault in the 12 months prior to being surveyed. Compared to FY16, the FY18 sexual assault rate is statistically higher for Air Force women (from 2.8 percent in FY16 to 4.3 percent in FY18) and Air Force men (0.3 percent in FY16 and 0.5 percent in FY18). Despite these changes, sexual assault rates among Air Force Service members remains lower than the other Military Services.

Figure F shows that 1,271 Service members (or approximately 33 percent of the 3,900 Service members estimated to have experienced sexual assault) reported sexual assault in FY18 to an Air Force authority for an incident that occurred during military service in the past year. This is lower than the reporting rate in FY16, in which 1,048 Service members made reports to Air Force authorities, accounting for about 46 percent of the FY16 sexual assault prevalence estimate (~2,300).



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

Figure F – Metric 2d: Air Force Estimated Prevalence and Reporting of Sexual Assault
CY06 and FY09 – FY18

Metric 3: Bystander Intervention Experience in the Past Year

In FY18, DoD updated its assessment of bystander intervention. The new measure includes a list of inappropriate behaviors or comments that respondents could indicate they observed in the past year. Results show that 27 percent of active duty Service members observed at least one instance of behaviors or comments they perceived to be inappropriate.

As shown in Figure G, military women were more likely to observe at least one of these situations (40 percent) compared to military men (24 percent). When broken down by paygrade, very minor differences exist for women; however, about a third of junior male officers (O1-O3) observed inappropriate behaviors or comments, compared to about a quarter of men in other paygrades.

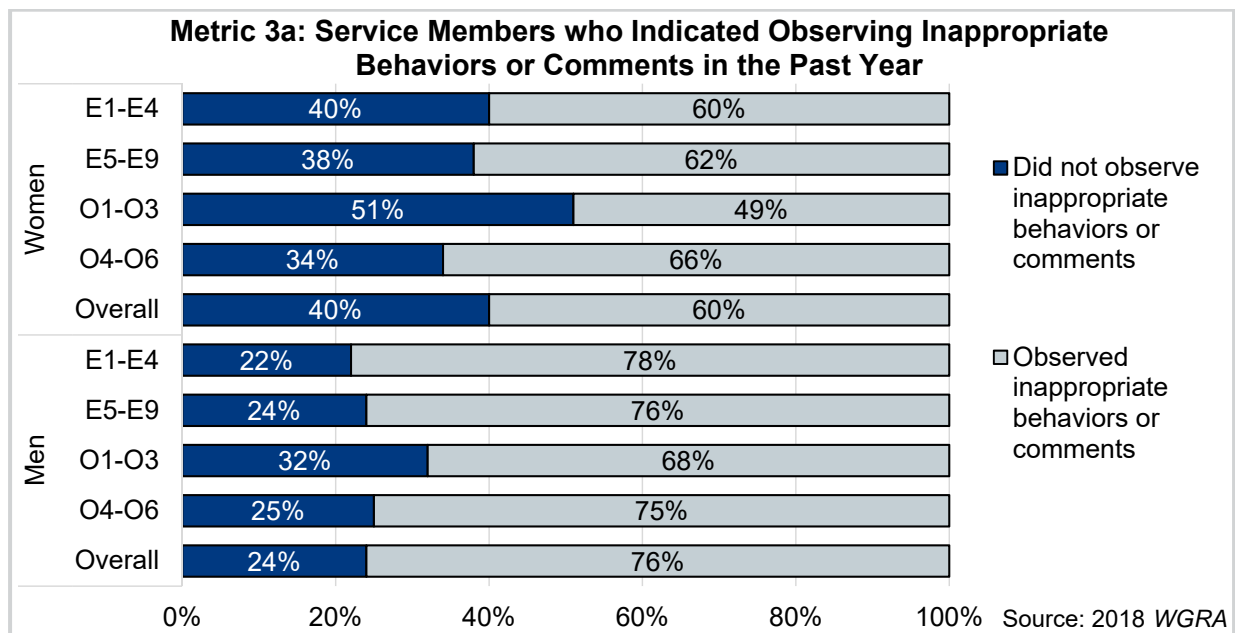


Figure G – Metric 3a: Service Members Who Indicated Observing Inappropriate Behaviors or Comments in the Past Year⁴

⁴ Warrant Officers (W1-W4) were not reportable due to a small sample size.

As depicted in the below table, when asked about a list of inappropriate behaviors or comments they may have observed in the past year, men most often indicated they encountered someone who drank too much and needed help (17 percent) and observed someone grabbing, pushing, or insulting someone (10 percent). Women most often observed someone who crossed the line with a sexist joke (26 percent) and someone who drank too much and needed help (24 percent). Additionally, women were more likely than men to indicate they had encountered a group or individual being hazed or bullied, someone making unwanted sexual advances on someone else, and horseplay or roughhousing that “crossed the line” or appeared unwanted.

Table 1 – Metric 3b: Inappropriate Behaviors or Comments Observed in the Past Year by Gender

	DoD Men	DoD Women
Someone who “crossed the line” with their sexist comments or jokes	10%	26%
Someone who drank too much and needed help	17%	24%
Someone saying people who take risks are at fault for being sexually assaulted	3%	13%
Someone grabbing, pushing, or insulting someone	10%	12%
A group or individual being hazed or bullied	5%	11%
Someone making unwanted sexual advances on someone	4%	9%
Horseplay or roughhousing that “crossed the line” or appeared unwanted	4%	8%

Figure H illustrates the type of actions taken to address observed inappropriate behaviors or comments. DoD men and women who observed inappropriate behaviors or comments did not differ significantly in terms of the intervention they used. Of the overall 27 percent who observed one of these inappropriate behaviors or comments, 9 out of 10 (93 percent) said they intervened in some way. Service members were most likely to speak up to address the situation (62 percent) or to talk to those involved to make sure they were okay (58 percent). Figure H depicts all actions taken by Service members after observing inappropriate behaviors or comments.

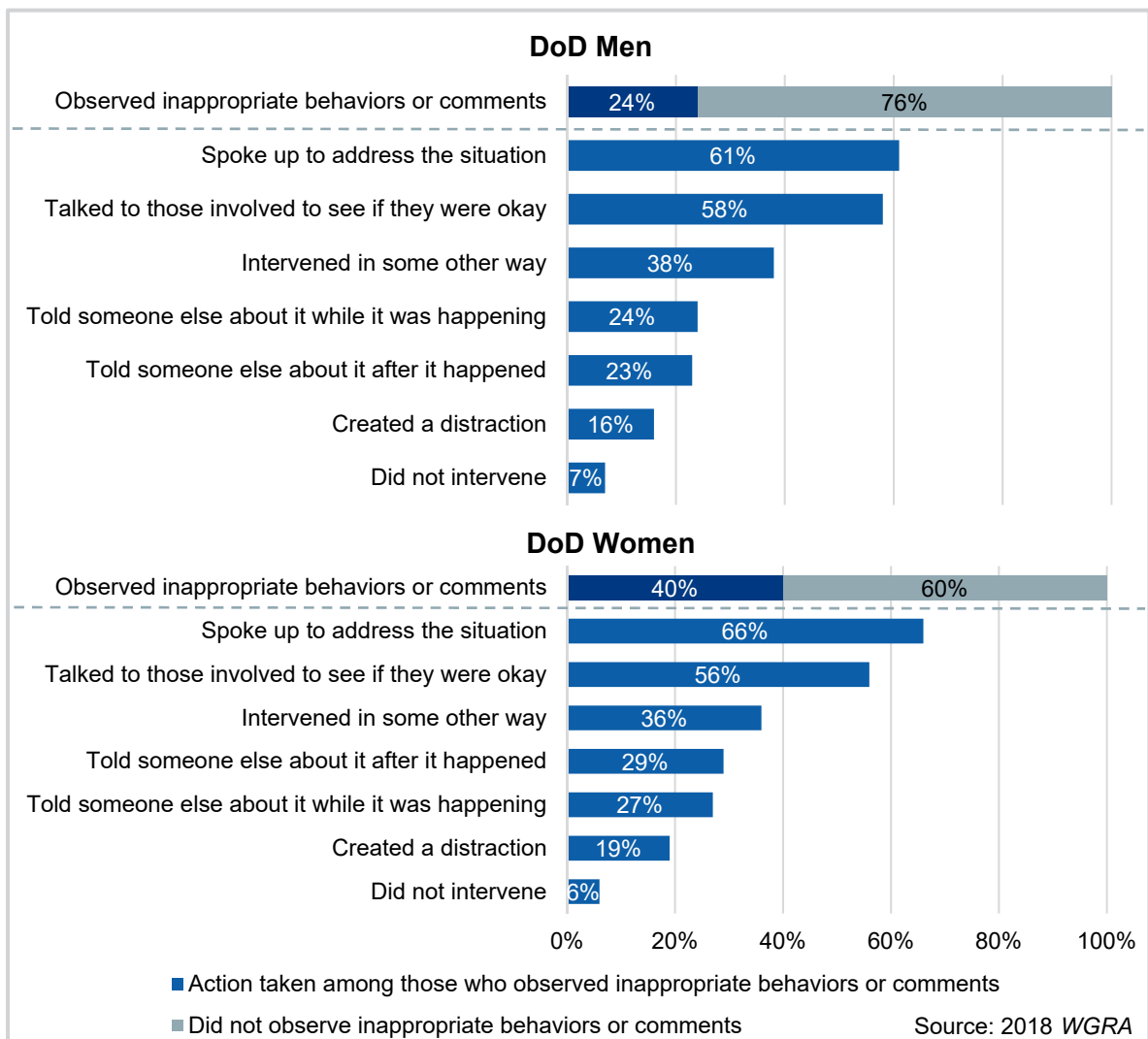


Figure H – Metric 3c: Type of Action Taken After Observing Inappropriate Behaviors or Comments among Service Members of All Paygrades⁵

⁵ Percentages do not add up to one hundred percent as more than one action taken could be indicated.

Metric 4: Immediate Supervisor Addresses the Continuum of Harm

From FY14 through FY17, DoD used the Defense Equal Opportunity Management Institute (DEOMI) *Organizational Climate Survey (DEOCS)* as the instrument to measure Metrics 4 and 10. While the *DEOCS* remains useful for tracking this metric at the installation and command levels, aggregated DoD-level data did not produce meaningful trend information. Therefore, DoD added the questions that comprise Metric 4 to the 2018 *WGRA*, allowing for estimates to be generalized to the entire force.

Perceptions of immediate supervisor's actions in addressing behaviors in the continuum of harm are generally positive. However, women have a lower overall perception of their immediate supervisor addressing these issues, while enlisted women have the lowest average score. Figure I shows the average perceptions Service members hold of immediate supervisors' role in addressing behaviors on the continuum of harm, using a composite score of respondents who indicated their immediate supervisor:

- Models respectful behavior
- Promotes responsible alcohol use
- Would correct individuals who refer to coworkers as "honey," "babe," "sweetie," or use other unprofessional language at work
- Would stop individuals who are talking about sexual topics at work
- Would intervene if an individual was receiving sexual attention at work (for example, staring at someone's chest, standing too close, rubbing someone's shoulders)
- Would encourage individuals to help others in risky situations that could result in harmful outcomes (e.g., sexual assault, violence, suicide)

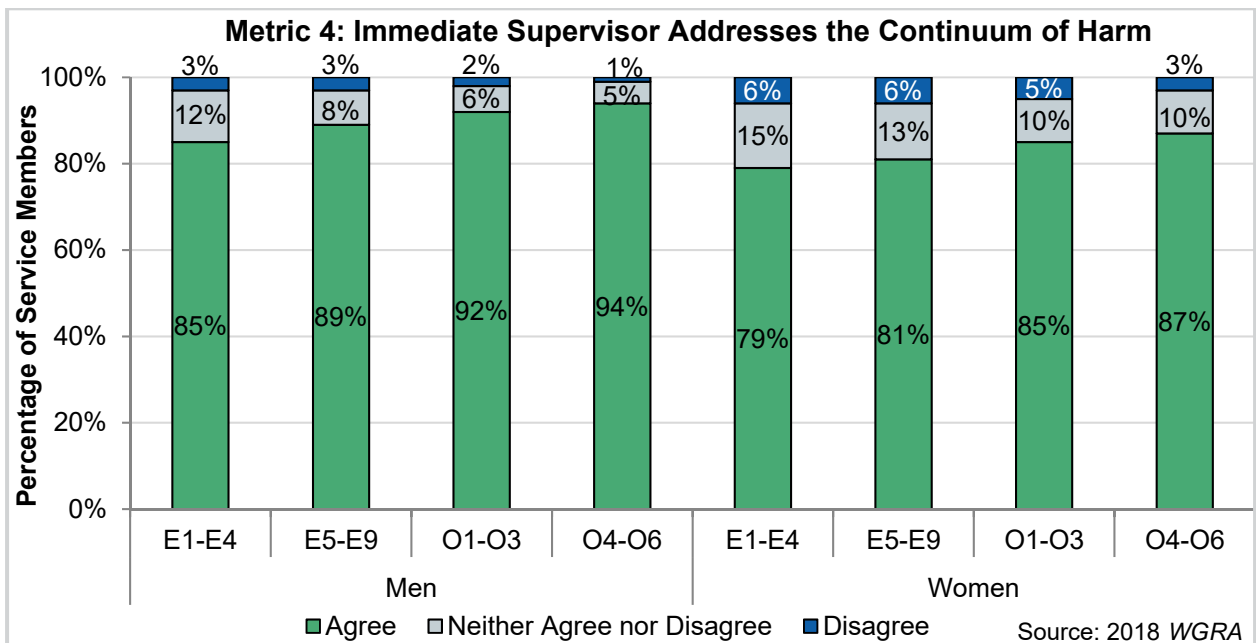
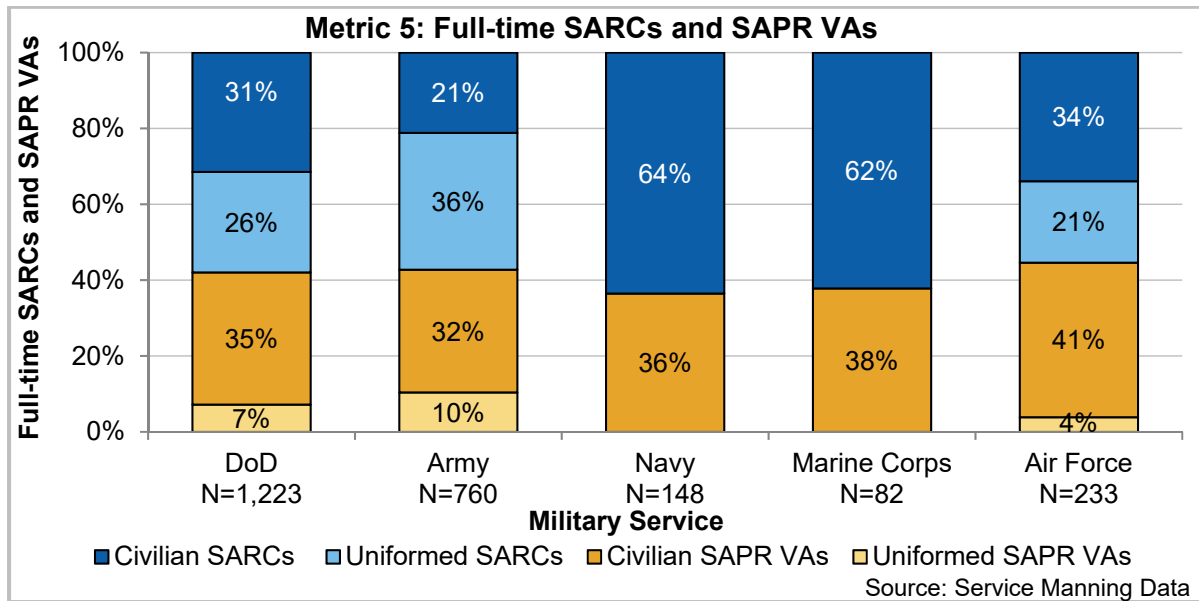


Figure I – Metric 4: Agreement with whether their Immediate Supervisor Addresses the Continuum of Harm

Metric 5: Full-time Certified Sexual Assault Response Coordinator and SAPR Victim Advocate Personnel Currently Able to Provide Victim Support

As illustrated below, there were 1,223 full-time civilian and Service member Sexual Assault Response Coordinators (SARCs), SAPR Victim Advocates (VAs), and Uniformed SAPR Victim Advocates (UVAs) working to provide victim support in FY18. In addition to fulltime SARCs and SAPR VAs/UVAs, the Services also employed collateral duty Service member SARCs and UVAs to provide support to victims on a part-time basis.



Full-time Civilian Personnel		Full-time Uniformed Personnel	
SARCs	SAPR VAs	SARCs	SAPR VAs
385	426	324	88

Figure J – Metric 5: Full-time Certified SARC and SAPR VA Personnel Currently able to Provide Victim Support, by Military Service

Metric 6: Victim Experience – Satisfaction with Services Provided

DoD administered the last iteration of the *Military Investigation and Justice Experience Survey (MIJES)* in 2017. *MIJES* results were not representative of the entire population of military victims that participated in the military justice system. To produce more generalizable estimates, DoD added questions that measure Metric 6 to the 2018 *WGRA*. The results show that satisfaction with SAPR personnel is high, with roughly three-quarters of those who made an Unrestricted Report of a past-year sexual assault and interacted with SARCs, SAPR UVAs/VAs, and SVCs/VLCs indicating they were satisfied with the services provided during the military justice process.

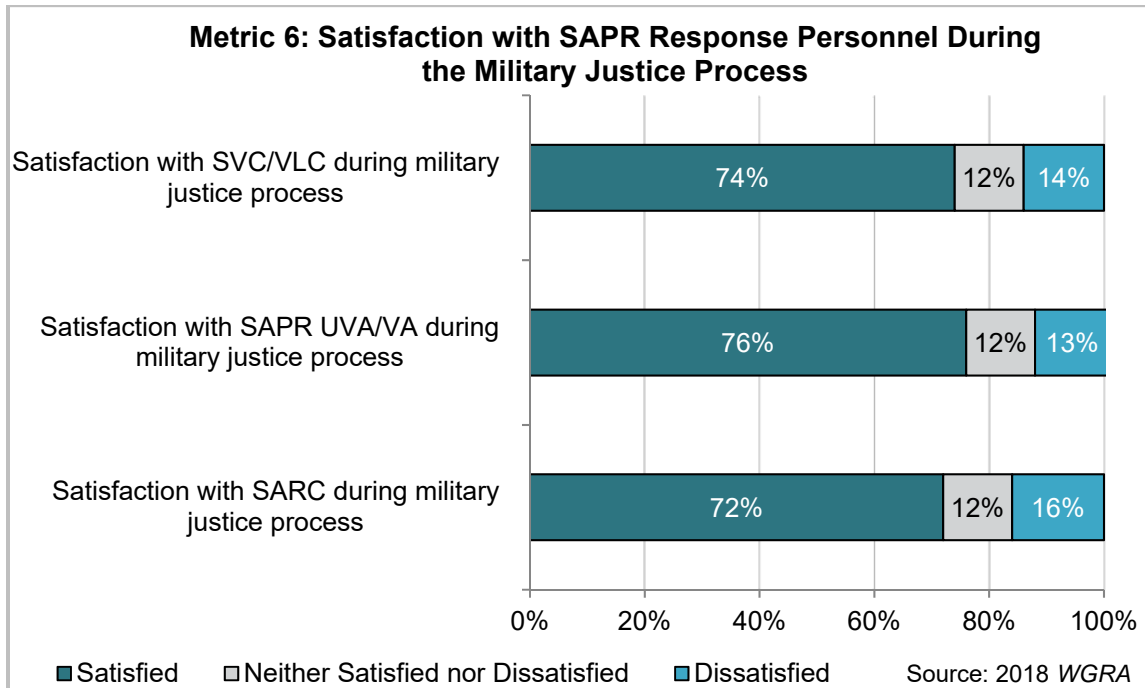


Figure K – Metric 6: Satisfaction with SAPR Response Personnel during the Military Justice Process

Metric 7: Percentage of Cases with Victims Declining to Participate in the Military Justice Process

In an effort to standardize and consistently improve the reliability and validity of DoD data, representatives from the Military Services meet routinely to review procedures for classifying and annotating case disposition information in DSAID. These meetings allow the Services to consistently report information properly and ensure data standardization, despite the turnover and changes in personnel.

After observing an increase in cases that could not progress in the military justice system due to victims declining to participate, DoD engaged with Military Service representatives to review case reporting procedures and possible reporting issues. This review led to improvements across the Military Services in their disposition reporting processes. The data for this year reflect the ongoing quality assurance process DoD leverages to ensure consistency between the Military Services and across reporting periods.

The Military Services reported that DoD commanders, in conjunction with their legal advisors, reviewed and made case disposition decisions for 2,854 cases in FY18. However, the evidence did not support taking disciplinary action against everyone accused of a sexual assault crime. For example, disciplinary action is precluded when there is insufficient evidence of a crime to prosecute, or when victims decline to participate in the military justice process. In FY18, 6 percent of cases commanders considered for action did not progress in the military justice system because the victims declined to participate in the process. As illustrated in Figure L, the percentage of cases with victims declining to participate decreased from 14 percent in FY17 to 6 percent in FY18, which in part reflects the data standardization process described above. DoD continues to pursue avenues for greater Service member involvement in the military justice system.

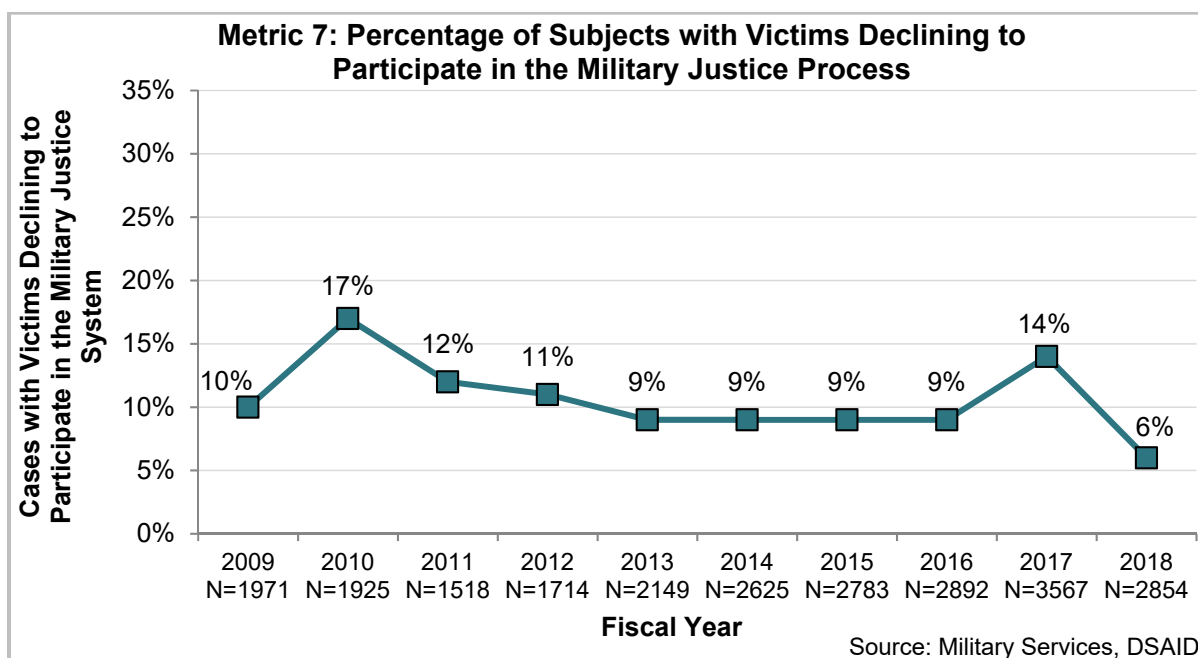


Figure L – Metric 7: Cases with Victims Declining to Participate in the Military Justice Process, FY09 – FY18

Metric 8: Perceptions of Retaliation

DoD aims to foster a climate of confidence in which victims feel they can report sexual assault without concern for retaliation. To this end, DoD uses the *WGRA* to ask respondents whether they experienced specific retaliatory behaviors following their report of sexual assault. Subsequent questions then assess the context of those experiences to further categorize which respondents reported experiencing consequences that aligned with prohibited behaviors described in policy and law as retaliation. Those behaviors that do not align with violations of the UCMJ or policy are referred to as “perceived retaliation.”

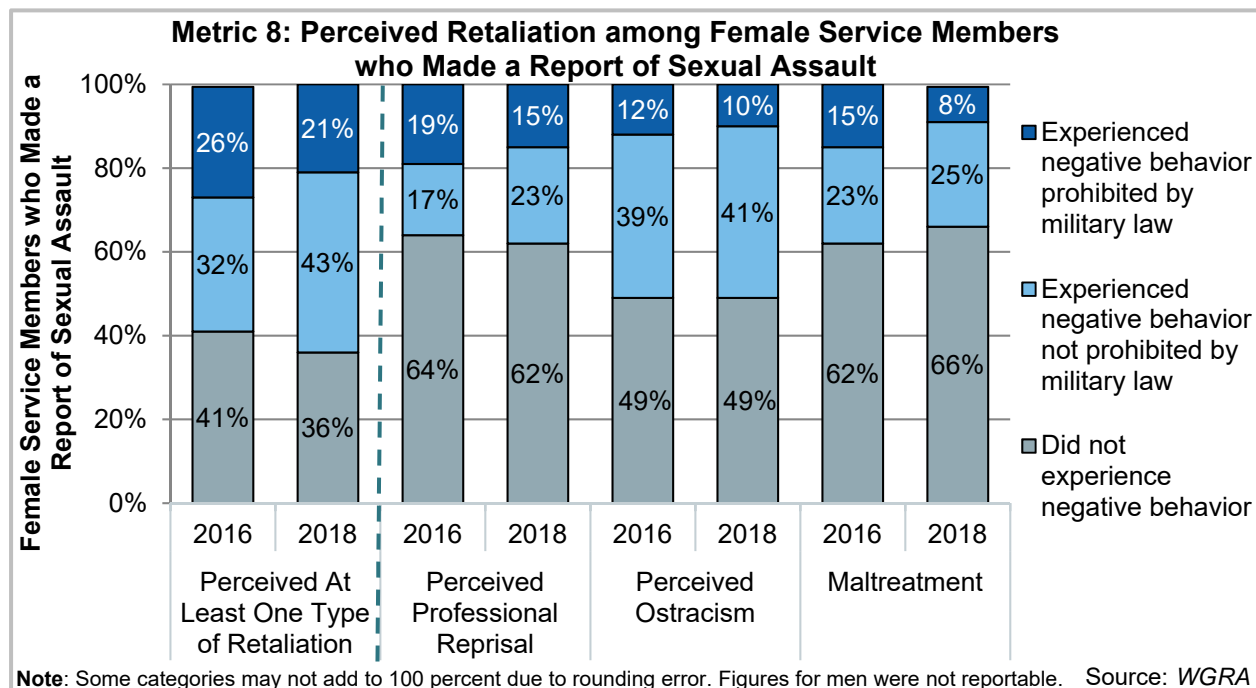


Figure M – Metric 8: Perceived Retaliation among Female Service Members Who Made a Report of Sexual Assault⁶

Of female Service members who indicated that they experienced a sexual assault incident in the past year and reported it to a DoD authority, 64 percent perceived at least one negative behavior associated with their report. However, once the context of those alleged behaviors was assessed, 15 percent of victims’ experiences aligned with the legal criteria for professional reprisal, 10 percent aligned with ostracism, and 8 percent aligned with criteria for maltreatment (Figure M). Responses to these survey items do not constitute a report of retaliation, nor do they constitute a finding under the law that the victim experienced some form of retaliation. Rather, these responses allow DoD to gain insight into the broad range of negative consequences Service members experience associated with their sexual assault reports.

⁶ Data were not reportable for men due to small sample sizes.

Metric 9: Service Member Kept Regularly Informed During the Military Justice Process

As described above with Metric 6, DoD added questions from the *MIJES* to the *WGRA* in an effort to garner more representative estimates of victims' experiences with response personnel. Metric 9 assesses how well Service members who made Unrestricted Reports for past-year sexual assaults were kept informed by key personnel. Specifically, the question asks, "How frequently did the [individuals/providers] take steps to keep you informed about the progress of your case?"

Data from the 2018 *WGRA* show that victims believed their SVCs/VLCs kept them informed of their case progress to a greater extent than other response system personnel. Over half of Service member respondents who experienced and reported their sexual assault indicated that their SVC/VLC kept them informed at frequent to very frequent intervals.

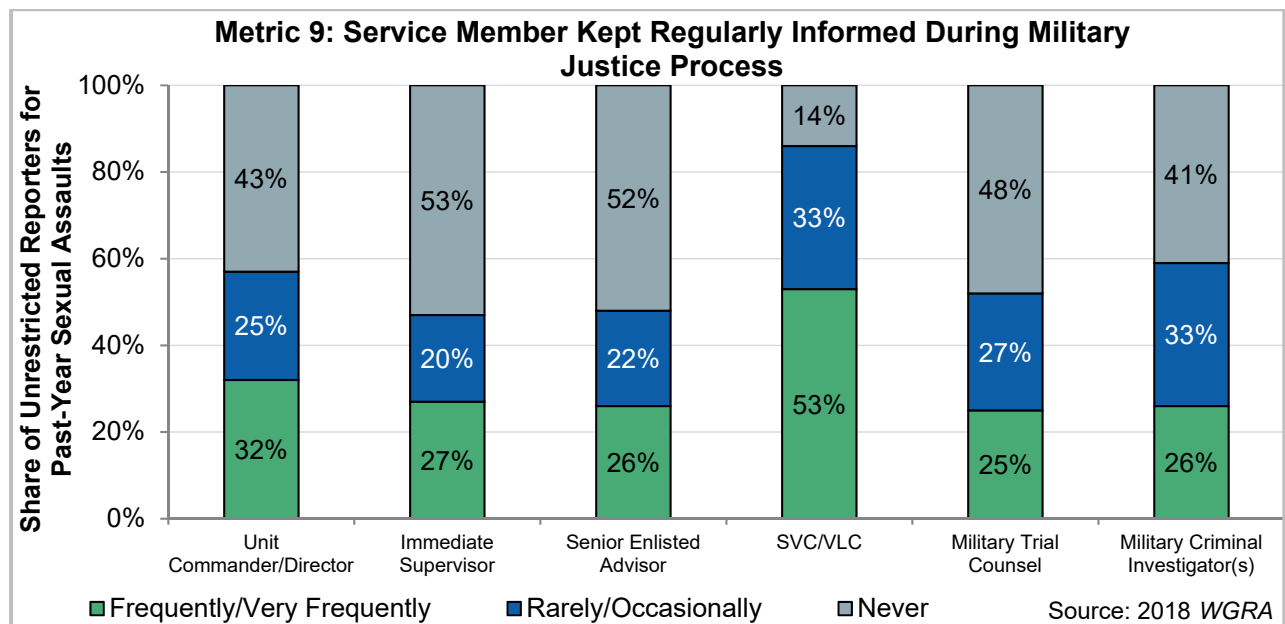


Figure N – Metric 9: Service Member Kept Regularly Informed During Military Justice Process

Metric 10: Perceptions of Leadership Support for SAPR

As mentioned above, DoD administered the last iteration of these questions on the *DEOCS*, a survey not representative of the entire active duty population. To produce more generalizable results, DoD added Metric 10 questions to the 2018 *WGRA*. The results show that perceptions of leadership support for SAPR are relatively high, with 90 percent of respondents indicating high scores for a more favorable climate. Below are the scores for those who agreed and strongly agreed with the following statements for all respondents.

Respondents reported on their perceptions of their chain of command/supervisor's actions if their coworker were to report a sexual assault, which include their command/supervisor:

- Taking the report seriously
- Keeping the knowledge of the report limited to those with a need to know
- Discouraging military members/employees from spreading rumors and speculation about the allegation
- Promoting healthcare, legal, or other support services to the reporter
- Supporting the individual for speaking up

Figure O depicts the average agreement with the above items by gender and paygrade. Although perception of leadership support for SAPR is high in general, DoD women are less positive overall than DoD men, with enlisted women holding the least positive perception of leadership support for SAPR-related issues.

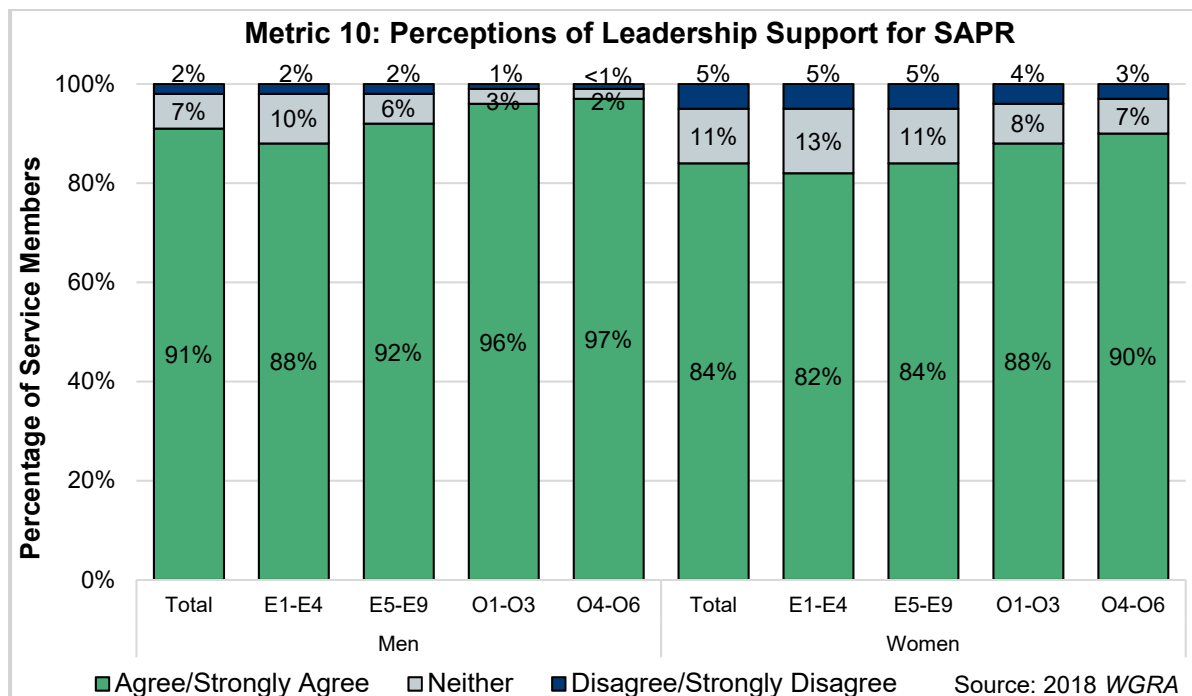
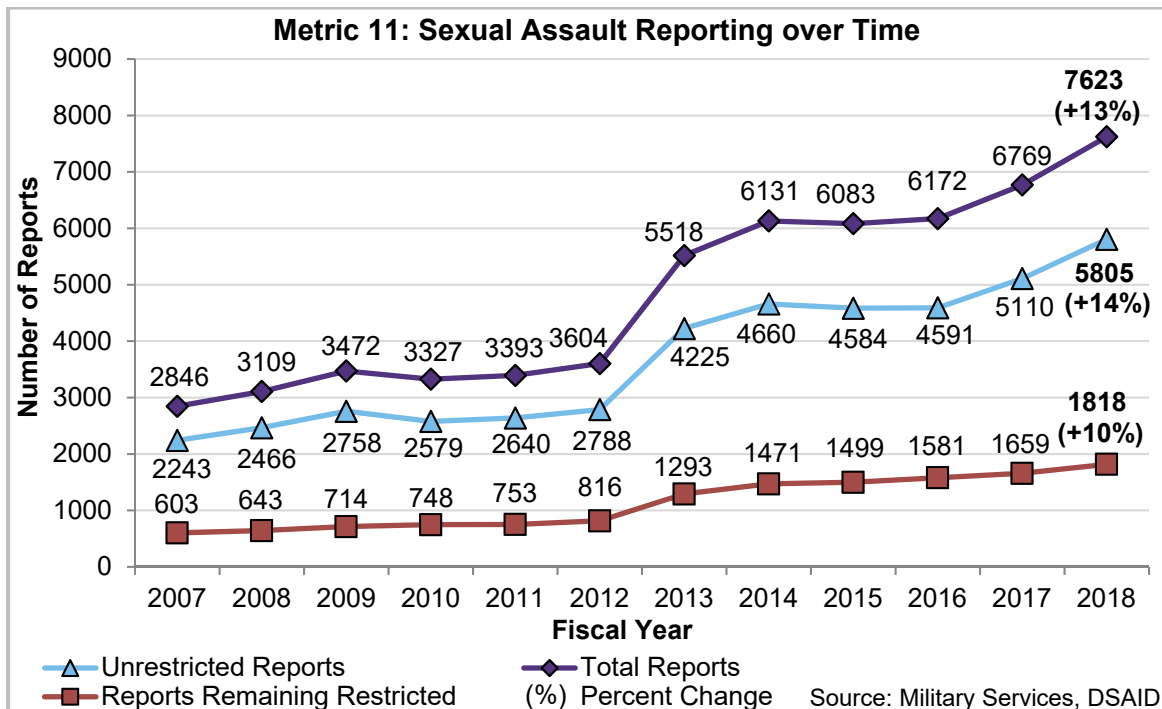


Figure O – Metric 10: Service Member Perception of Leadership Support if a Report Was Made

Metric 11: Reports of Sexual Assault over Time

In FY18, the Military Services received 7,623 reports of sexual assault involving Service members as either victims or subjects (Figure P). While DoD received these reports in FY18, a portion of reported incidents occurred in prior FYs and/or prior to Military Service.



Fiscal Year	Total Reports	=	Unrestricted	+	Remaining Restricted
2018	7,623	=	5,805 (76%)	+	1,818 (24%)
2017	6,769	=	5,110 (75%)	+	1,659 (25%)

Figure P – Metric 11: Reports of Sexual Assault over Time, FY07 – FY18

Of the 7,623 reports in FY18, 623 (9 percent) were made by Service members for incidents that occurred prior to their entering Military Service.⁷ The Military Services received 5,805 Unrestricted Reports involving Service members as victims or subjects in FY18.⁸ The Military Services initially received 2,366 Restricted Reports involving Service members as either victims or subjects. Of the 2,366 initial Restricted Reports, about a quarter (548 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. There were 1,818 reports remaining Restricted at the end of FY18.

⁷ Prior to FY14, an Unrestricted Report of sexual assault may have included one or more victims and one or more subjects. DoD relied upon the MCIOs to provide the number of Unrestricted Reports each year, and the subsequent number of victims and subjects associated with those reports. In FY14, DoD moved to DSAID as the primary source of reporting statistics with each Unrestricted Report corresponding to a single victim.

⁸ DoD pulls and analyzes data from DSAID six weeks after the end of each FY to allow sufficient time for data validation. DSAID is a “live” database, meaning that its records change daily to reflect case status. During this six-week period, 44 additional Restricted Reports converted to Unrestricted. After a report converts from Restricted to Unrestricted, all data associated with the report is then counted in the Unrestricted Report category. These 44 reports were made during the FY, converted to Unrestricted in the six-week period after the end of the FY, and are included with the 548 reports that converted from Restricted to Unrestricted that DoD counts with FY18 numbers. This has been the Department’s practice since moving to DSAID in 2014.

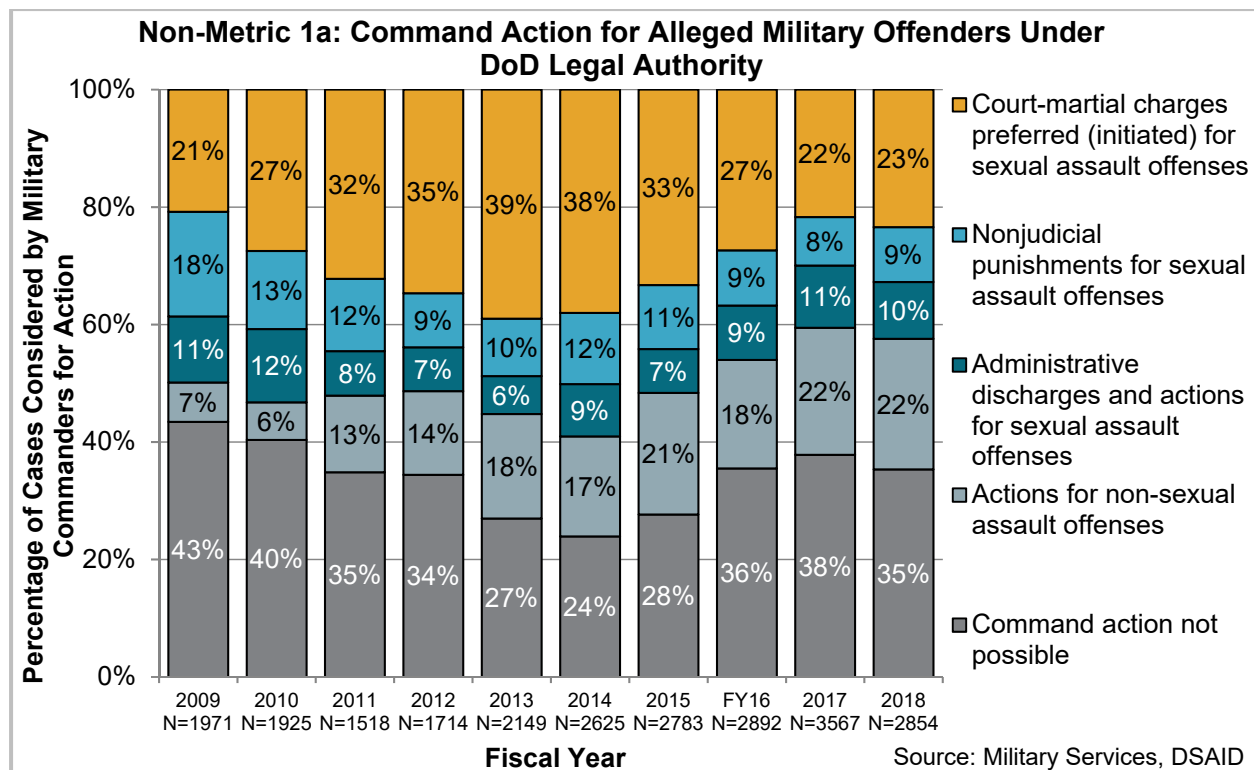
Non-Metrics

Non-Metric 1: Command Action – Case Dispositions

The following describes outcomes for completed investigations with case disposition results reported in FY18. Congress requires DoD to report on the case dispositions (outcomes) of sexual assault allegations in Unrestricted Reports made against Service members (DoDI 6495.02). When a person is the subject of multiple investigations, he or she will also be associated with more than one case disposition in DSAID (see Appendix B for further detail).

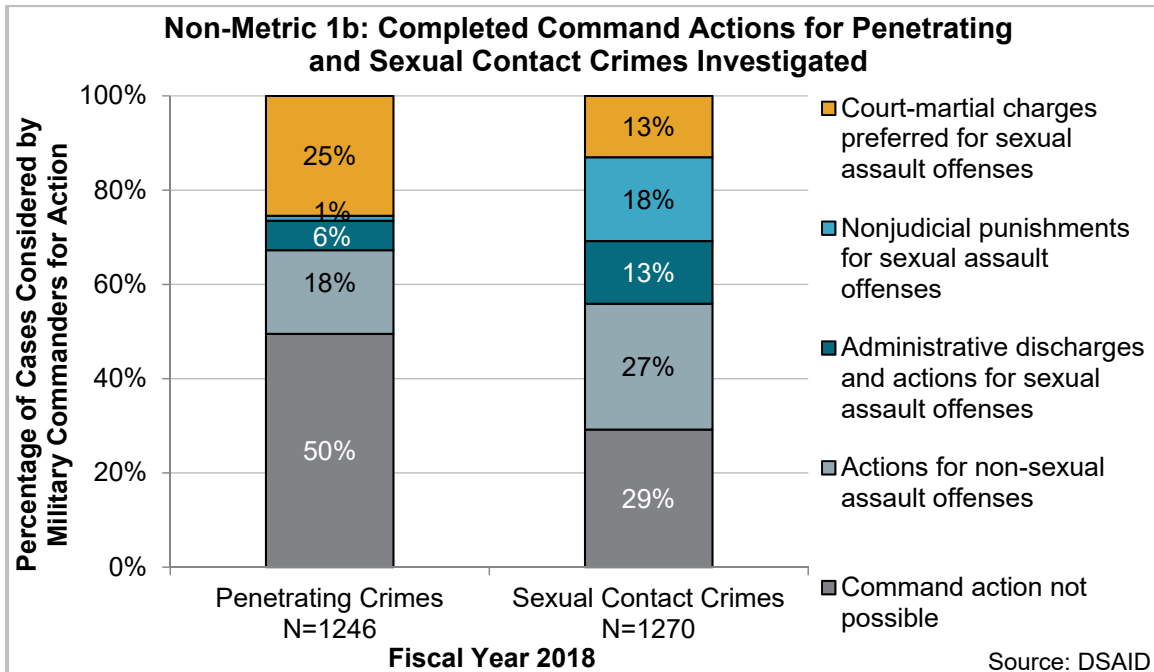
In FY18, 4,002 cases investigated for sexual assault were primarily under the legal authority of the DoD. However, as with the civilian justice system, evidentiary issues may have prevented DoD from taking disciplinary action in some cases. In addition, commanders declined to take action in some cases after a legal review of the matter indicated that the allegations against the accused were unfounded, meaning they were determined to be false or baseless. Command action was not possible in over a third (35 percent) of the cases considered for action by military commanders in FY18 (Figure Q). For the remaining 64 percent of cases considered for command action, commanders had sufficient evidence and legal authority to support some form of disciplinary action for a sexual assault offense or other misconduct.⁹ Figure Q displays command action taken from FY09 to FY18 and Figure R displays command action in FY18 for penetrating versus sexual contact crimes alleged/investigated.

⁹ Percentages may not add to 100 percent due to rounding.



Case Dispositions	Count	Percent
Court-Marital Charge Preferral for Sexual Assault Offense	668	23%
Nonjudicial Punishment for Sexual Assault Offense	267	9%
Admin Discharge and Actions for Sexual Assault Offense	276	10%
Action for Non-Sexual Assault Offense	634	22%
<i>Command Action Not Possible</i>	1,009	35%

Figure Q – Non-Metric 1a: Command Action for Cases Under DoD Legal Authority, FY09 – FY18
Notes: Command action may not be possible when there is insufficient evidence of a crime to prosecute, the victim declines to participate in the justice process, the statute of limitations expires, the victim dies before action can be taken, or when the allegations against the alleged offender are unfounded. Percentages may not sum to 100 percent due to rounding.



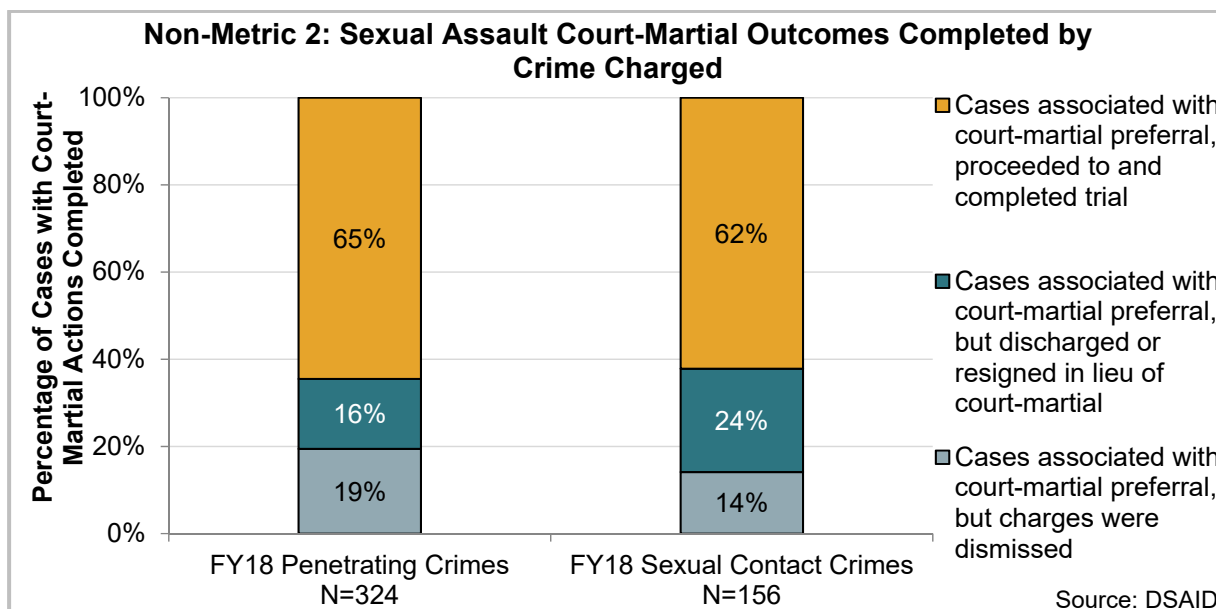
Source: DSAID

Notes: This figure only includes command actions in which the action was completed in FY18. Command actions pending completion (e.g., court-martial preferred but pending trial) are not included in this graph. Additionally, there were 29 completed command actions that could not be classified as penetrating or sexual contact crimes, because the crime investigated was attempted sexual assault or unknown.

Figure R – Non-Metric 1b: Completed Command Actions for Penetrating and Sexual Assault Crimes Investigated

Non-Metric 2: Court-Martial Outcomes

Figure S illustrates case outcomes in the court-martial process, displayed by type of crime charged—penetrating (i.e., rape and sexual assault) compared to sexual contact crimes. Not all cases associated with court-martial preferral proceeded to trial. In certain circumstances, the Military Service may approve a resignation or discharge in lieu of court-martial (RILO/DILO). Furthermore, Article 32 (pre-trial) hearings can result in a recommendation to dismiss all or some of the charges. Commanders may use evidence gathered during sexual assault investigations or evidence heard at an Article 32 hearing to impose a nonjudicial punishment (NJP) for other misconduct. As depicted in Figure S, most cases associated with court-martial preferral, for both penetrating and sexual contact crime charges, proceeded to trial.¹⁰



Sexual Assault Offenses	Penetrating Crimes		Sexual Contact Crimes	
C-M Actions Completed in FY18	324		156	
Cases Dismissed	63	19%	22	14%
RILO/DILO Cases	52	16%	37	24%
Proceeded to Trial	209	65%	97	62%
Acquitted	86	41%	18	18%
Convicted (any charge)	123	59%	79	81%

Notes: This figure only includes courts-martial in which the action was completed in FY18. Cases associated with court-martial preferral but pending trial are not included in this graph. Additionally, DoD could not classify 2 cases as penetrating or sexual contact crimes, because the crime charged was attempted sexual assault. Percentages may not sum to 100 percent due to rounding.

Figure S – Non-Metric 2: Sexual Assault Court-Martial Outcomes Completed by Crime Charged

In FY18, of the 209 penetrating crime allegations that proceeded to trial, 86 (41 percent) ended in acquittal and 123 (59 percent) ended in a conviction of any charge. Of the 97 sexual contact crime allegations that proceeded to trial, 18 (19 percent) ended in acquittal and 79 (81 percent) ended in a conviction of any charge at trial.

¹⁰ Subjects charged with sexual assault crimes at court-martial can also be charged with other misconduct in addition to sexual assault offenses.

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

As illustrated in Figure T, the average and median length of time from the date a person reported a sexual assault to the date that court-martial proceedings concluded was 276 days (9.1 months) and 283 days (9.3 months), respectively. A variety of factors, such as the complexity of the allegation, the need for laboratory analysis of the evidence, the quantity and type of legal proceedings, and the availability of counsel and judges may affect the interval of time between a report of sexual assault and the conclusion of a court-martial.

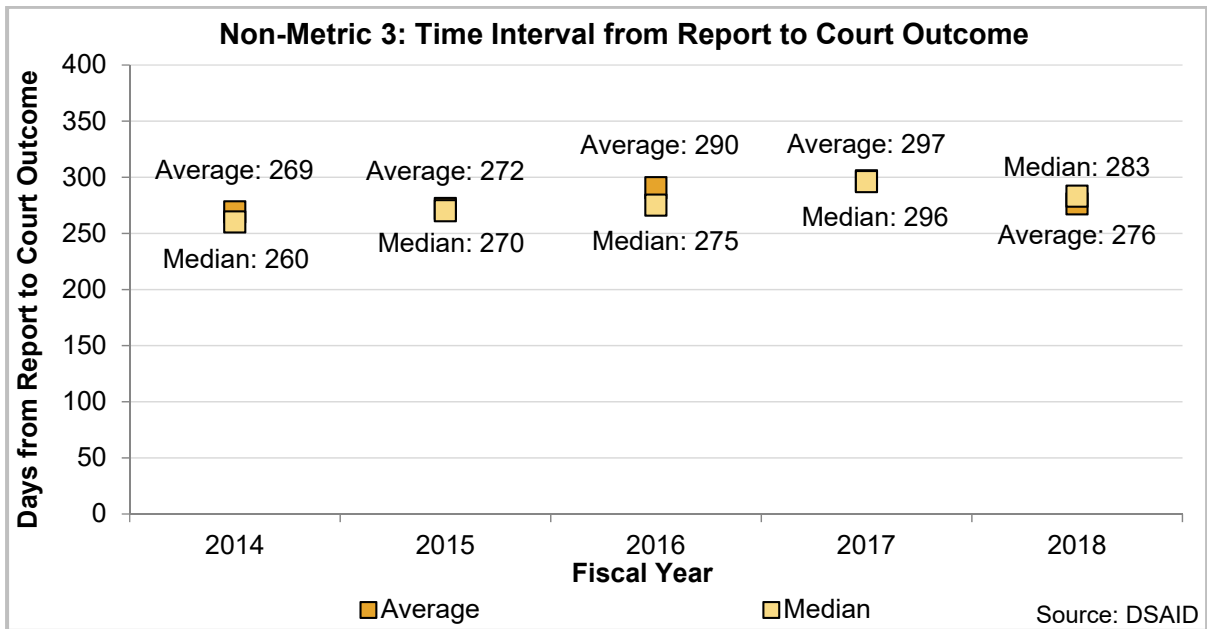


Figure T – Non-Metric 3: Time Interval from Report to Court Outcome, FY14 – FY18

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

In FY18, the average and median length of time from the date a victim signs the official form electing to make a report of sexual assault (DD 2910) to the date that the NJP process is concluded (e.g., punishment imposed or NJP not rendered) was 120 days (3.9 months) and 81 days (2.7 months), respectively (Figure U). As with non-metric 3, a variety of factors influence the interval of time between a report of sexual assault and the conclusion of NJP.

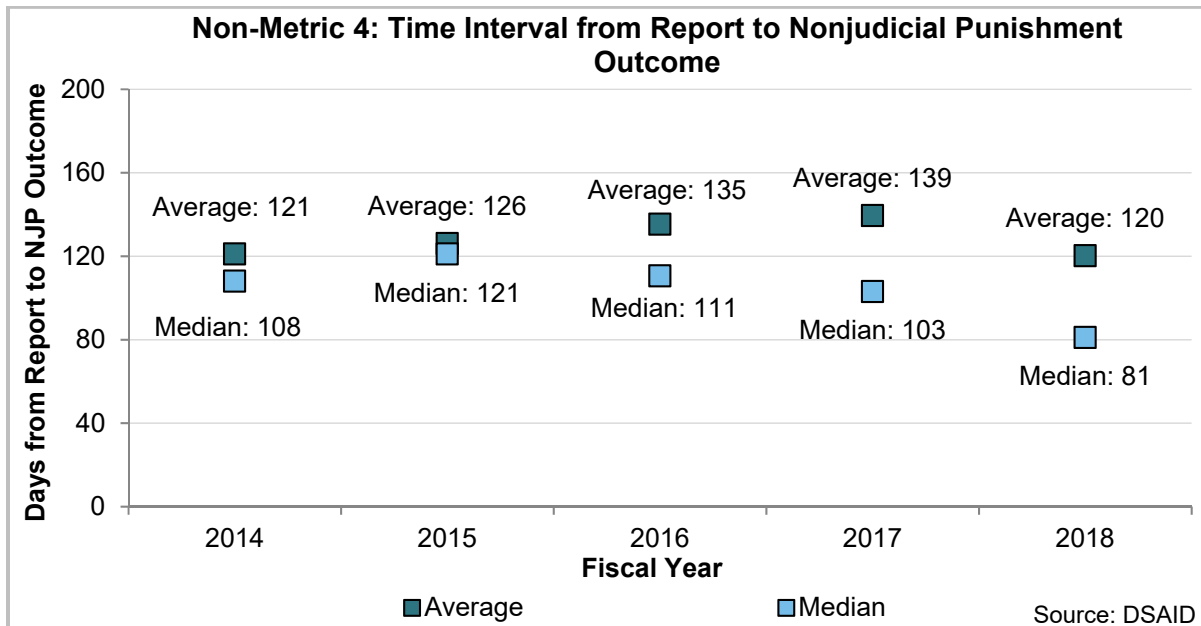
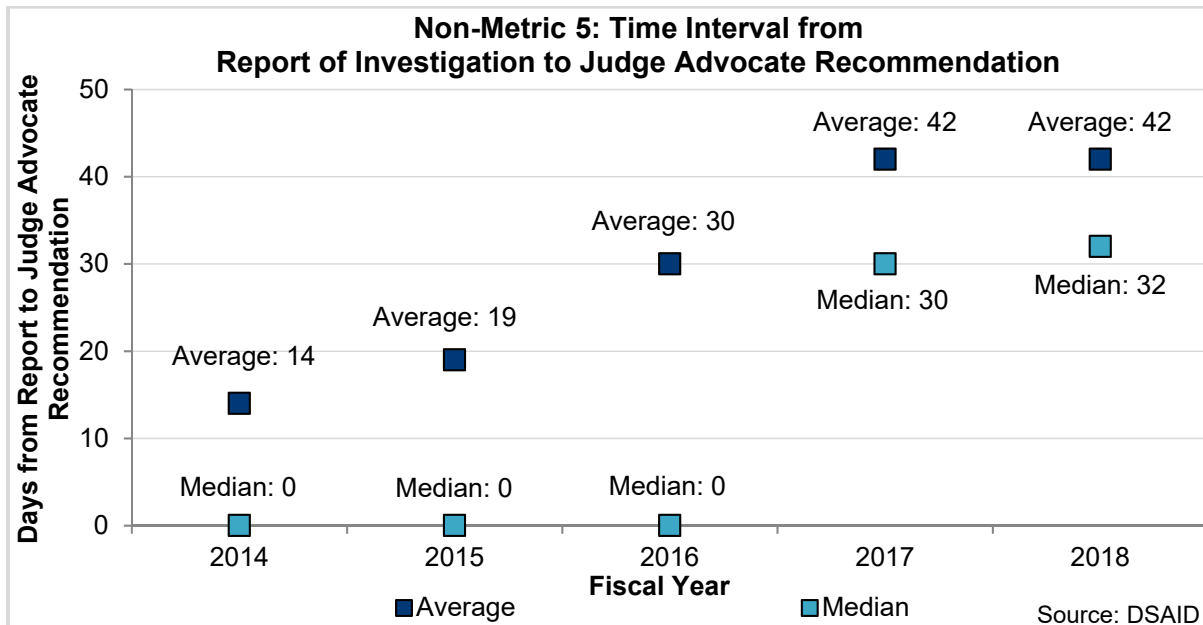


Figure U – Non-Metric 4: Time Interval from Report to Nonjudicial Punishment Outcome, FY14 – FY18

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

Figure V illustrates the length of time from the date of a report of investigation to the date a judge advocate made a disposition recommendation to the commander of the accused. In FY18, the average time interval for this metric was 42 days and the median was 32 days. In years past, a zero value indicated that the legal recommendation was made before the investigation was officially closed. As with non-metrics 3 and 4, there is no expected or set time for this to occur.

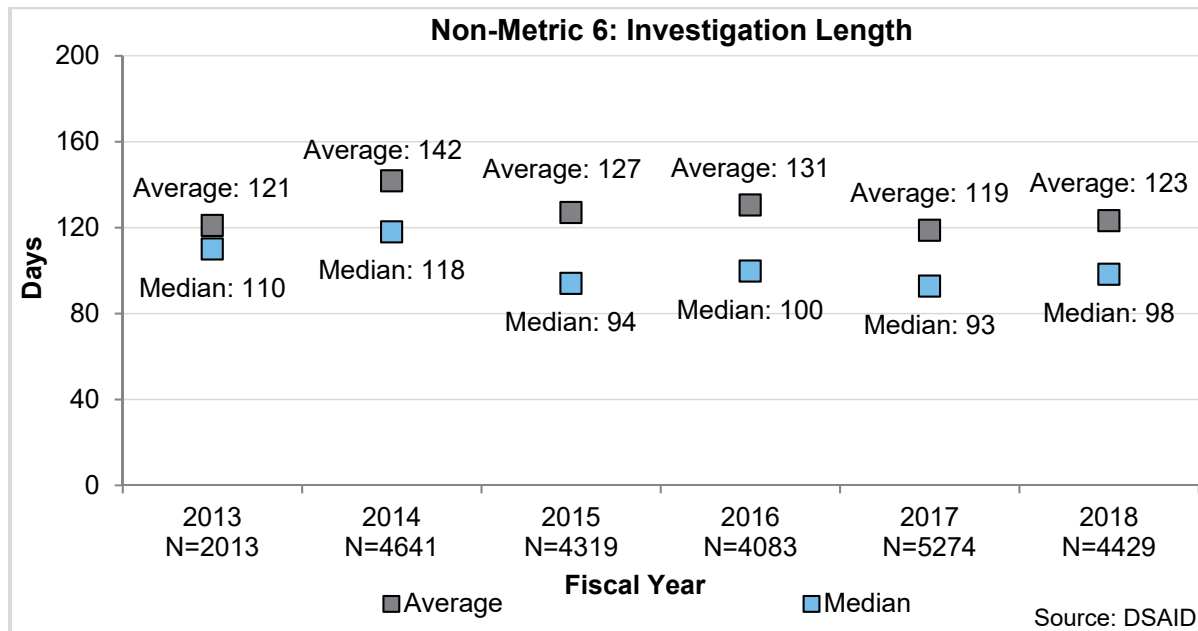


Notes: This non-metric describes the length of time from the date a report of investigation (ROI) is handed out to the date the Judge Advocate provides a prosecution/non-prosecution recommendation. A zero value indicates that the legal recommendation was made before the closure of the investigation.

Figure V – Non-Metric 5: Time Interval from Report of Investigation to Judge Advocate Recommendation, FY14 – FY18

Non-Metric 6: Investigation Length

As illustrated in Figure W, it took an average of 123 days (4 months) to complete a sexual assault investigation in FY18. This was a slight increase from 119 days in FY17. DoD began tracking investigation length in FY13; therefore, data from prior FYs are not available. It is important to note that the length of an investigation does not necessarily reflect an investigation's quality. Investigation length is dependent on various factors specific to the case, including the complexity of the allegation, the number and location of potential witnesses involved, and the laboratory analysis required for the evidence.



Investigation Information	FY17	FY18
Number of Completed Investigations	5,274	4,429
Average Investigation Length	119	123
Median Investigation Length	93	98

Figure W – Non-Metric 6: Investigation Length, FY13 – FY18