

Department of Defense (DoD) Fiscal Year 2021 (FY21) Annual Report on Sexual Assault in the Military



PERSONNEL AND READINESS



DoD Annual Report on Sexual Assault in the Military

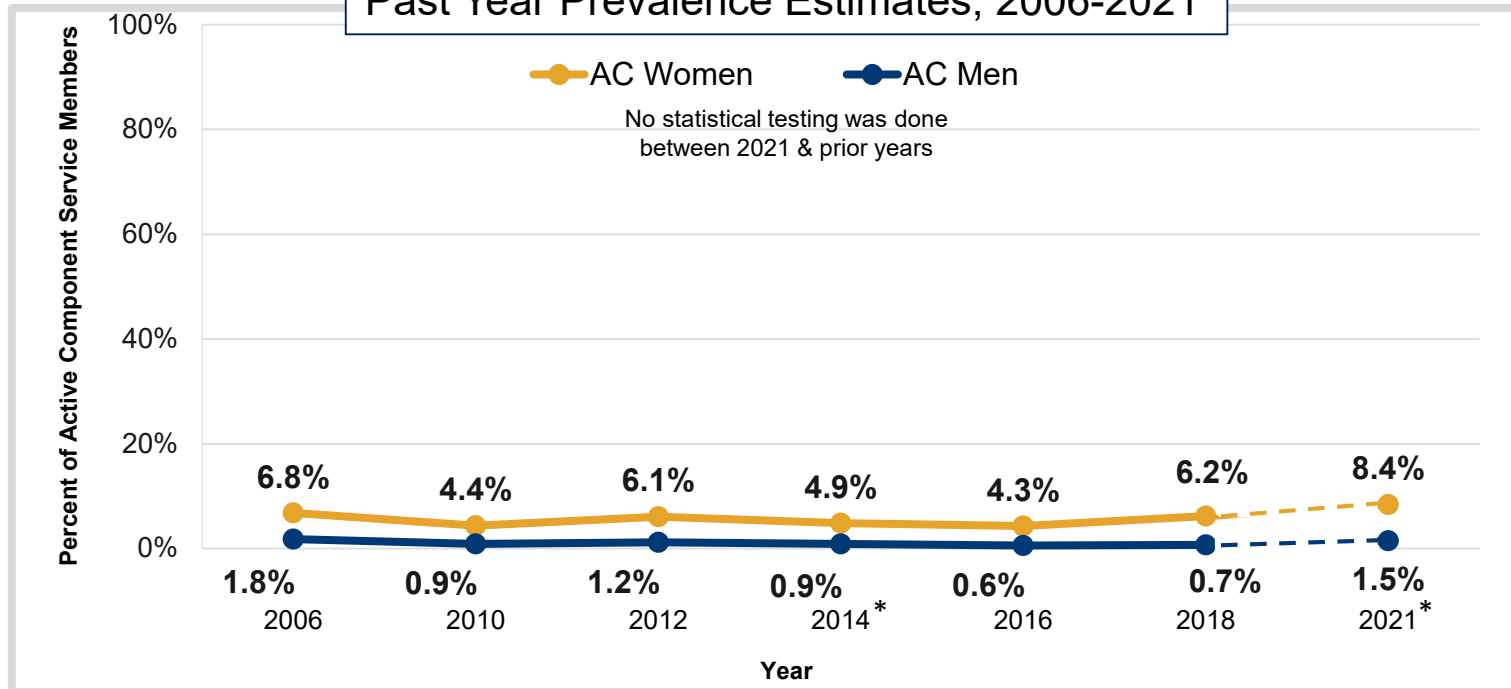
- Since 2004, Congress has required the Department to provide an annual report.
 - Current reporting requirements include:
 - Sexual assault prevalence and reporting data
 - Military justice sexual assault case outcomes
 - Sexual harassment, domestic and child sexual abuse reports
 - DoD, Military Service, and National Guard reports on prevention and response program activities
- The Department assesses sexual assault progress via two primary metrics:
 - Sexual assault **prevalence** (estimated number of Service members experiencing sexual assault) measured by scientific surveys: Desired state is **decrease**.
 - Sexual assault **reporting rate** (number of victimized Service members choosing to file Restricted and Unrestricted Reports): Desired state is **increase**.
- Between 2006 and 2016 the Department made progress reducing sexual assault throughout the active duty, as well as increasing help seeking and reporting by Service members.
 - The last scientific survey of the active force in FY18 showed that prevalence increased between 2016 and 2018 for women aged 17 to 24; prevalence for men stayed the same.
- The prevalence survey scheduled for FY20 was postponed to FY21 due to COVID.
- The “make up” prevalence survey planned for FY21 had been scheduled to field in August-October 2021.
 - In January 2021, the Office of Management and Budget revised survey approval procedures, which impacted timing of the survey.



Sexual Assault/Unwanted Sexual Contact (USC) Past Year Prevalence Estimates

- In 2021, 8.4% of active duty women and 1.5% of active duty men indicated experiencing at least one USC in the year prior to being surveyed.
- The 2021 survey results cannot be scientifically compared to prior years' results; DoD lost the ability to conduct scientific trend analyses due to a government-directed change in sexual assault metric.
- Other indicators of an unhealthy military climate trended upward in FY21: rates of being victimized by misconduct highly correlated with sexual assault (i.e., sexual harassment, gender discrimination, and workplace hostility) increased for women.
- The USC prevalence rate measured in FY21 disrupts over a decade of trended measurements, and presents the Department with a new sexual assault baseline for forthcoming prevalence surveys.

Past Year Prevalence Estimates, 2006-2021

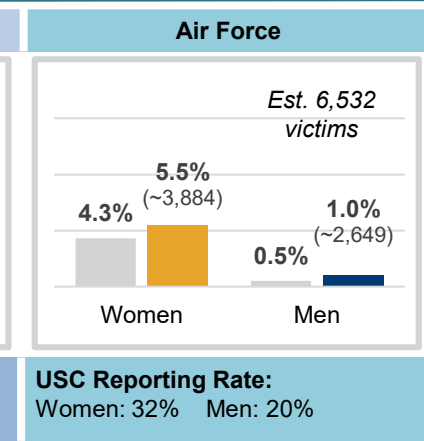
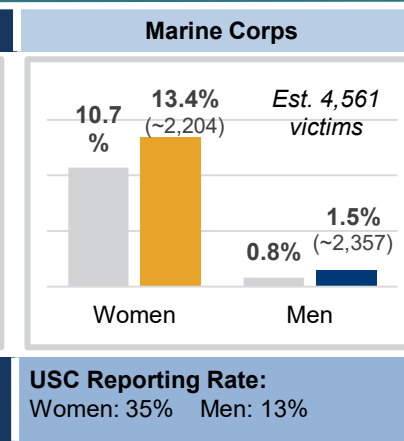
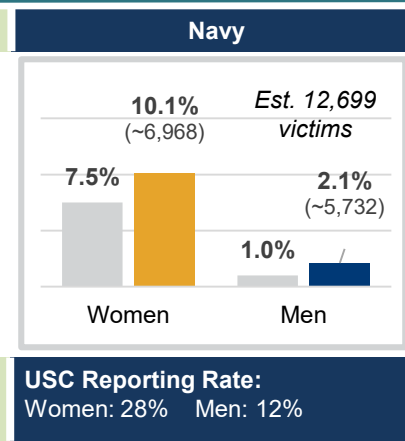
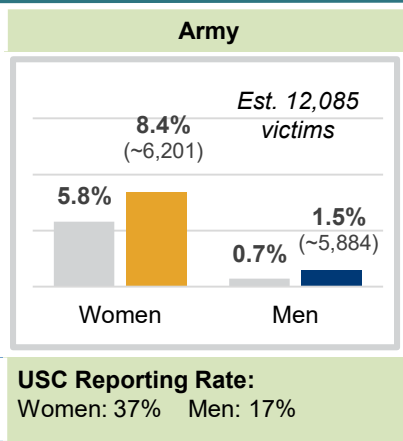
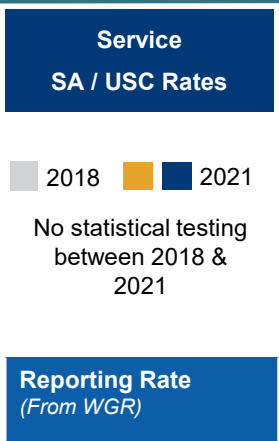
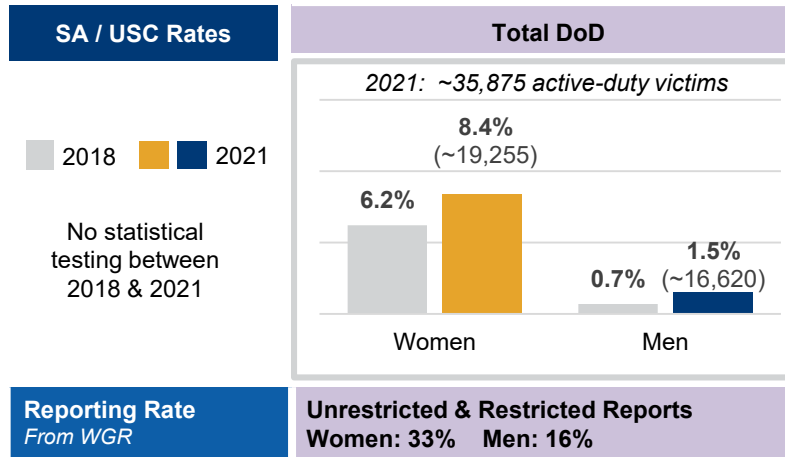


*Denotes a metric change



USC Past-Year Prevalence: Force-Wide Estimates

- We estimate about 35,900 active duty members experienced USC in 2021 (roughly 19,300 women and 16,600 men).
- Surveys cannot determine whether every experience met legal criteria for sexual assault, but all experiences likely contributed to a climate of distrust and fear.
- USC rates were highest for female marines and male sailors; lowest for airmen/guardians.



*Note: The rates shown above reflect the USC hierarchy of 1. penetrative, 2. attempted, and 3. non-penetrative; these are the official rates by type for 2021 WGR.



Resource Satisfaction and Responder Stress

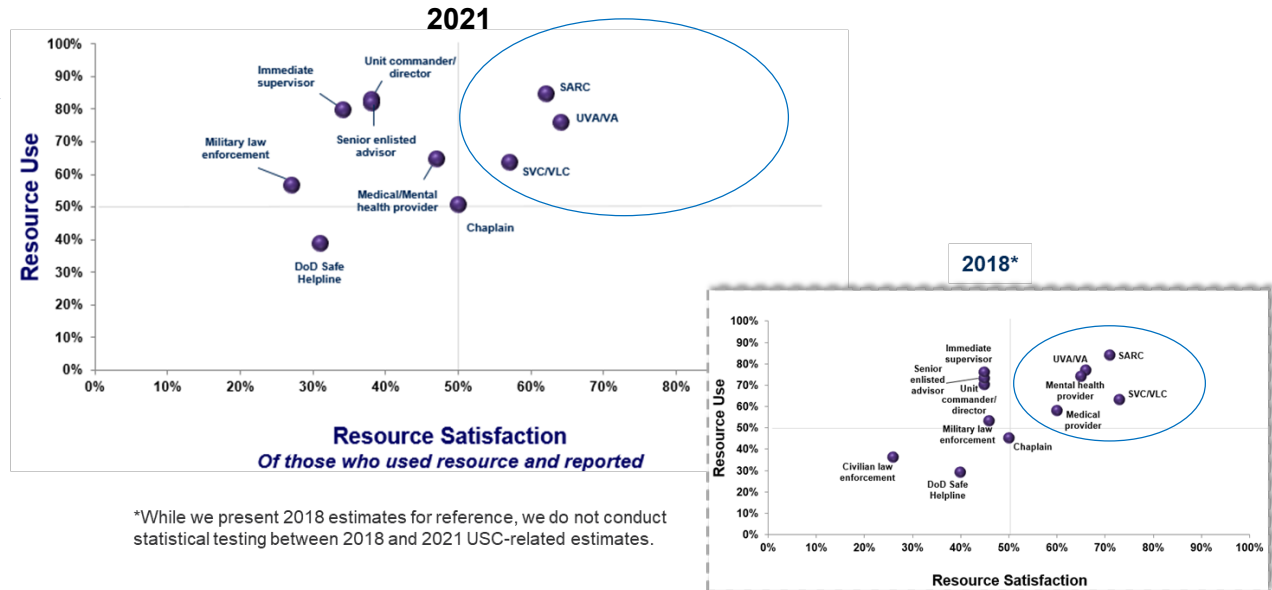
Results from the *2021 Workplace and Gender Relations Survey (WGR)* and the *2021 QuickCompass of Sexual Assault Response Personnel (QSAR)*

- WGR surveys ask victims which resources they use and their satisfaction
- Resources most used with highest satisfaction in upper right quadrant
- Satisfaction with responses and services appear to be on a decline in 2021, compared to 2018

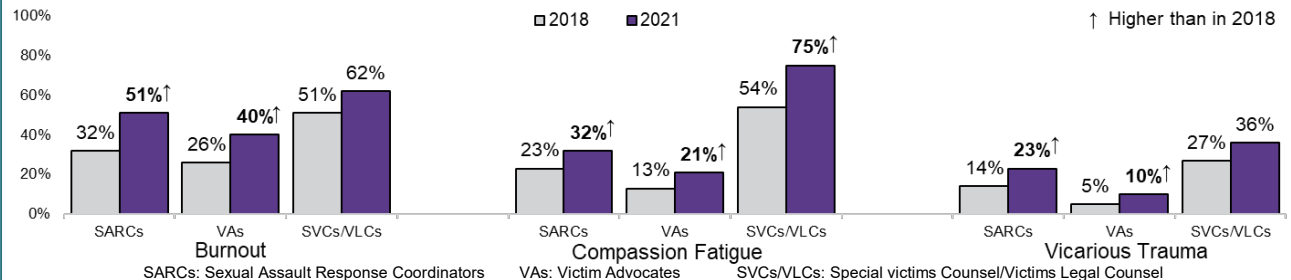
- QSAR surveys assess first responders' training, workload, resourcing, and job experiences.
- In 2021, responders reported higher levels of burnout, compassion fatigue, and vicarious trauma than in 2018.
- COVID mission impact noted by responders as prime stressor.

Percent of Active Component Women Who Experienced Unwanted Sexual Contact in the Past Year and Reported

Thinking about this unwanted event, overall how satisfied or dissatisfied were you with responses and services you received from the following individuals and service providers?



Burnout, Compassion Fatigue, and Vicarious Trauma Reported by Sexual Assault Responders



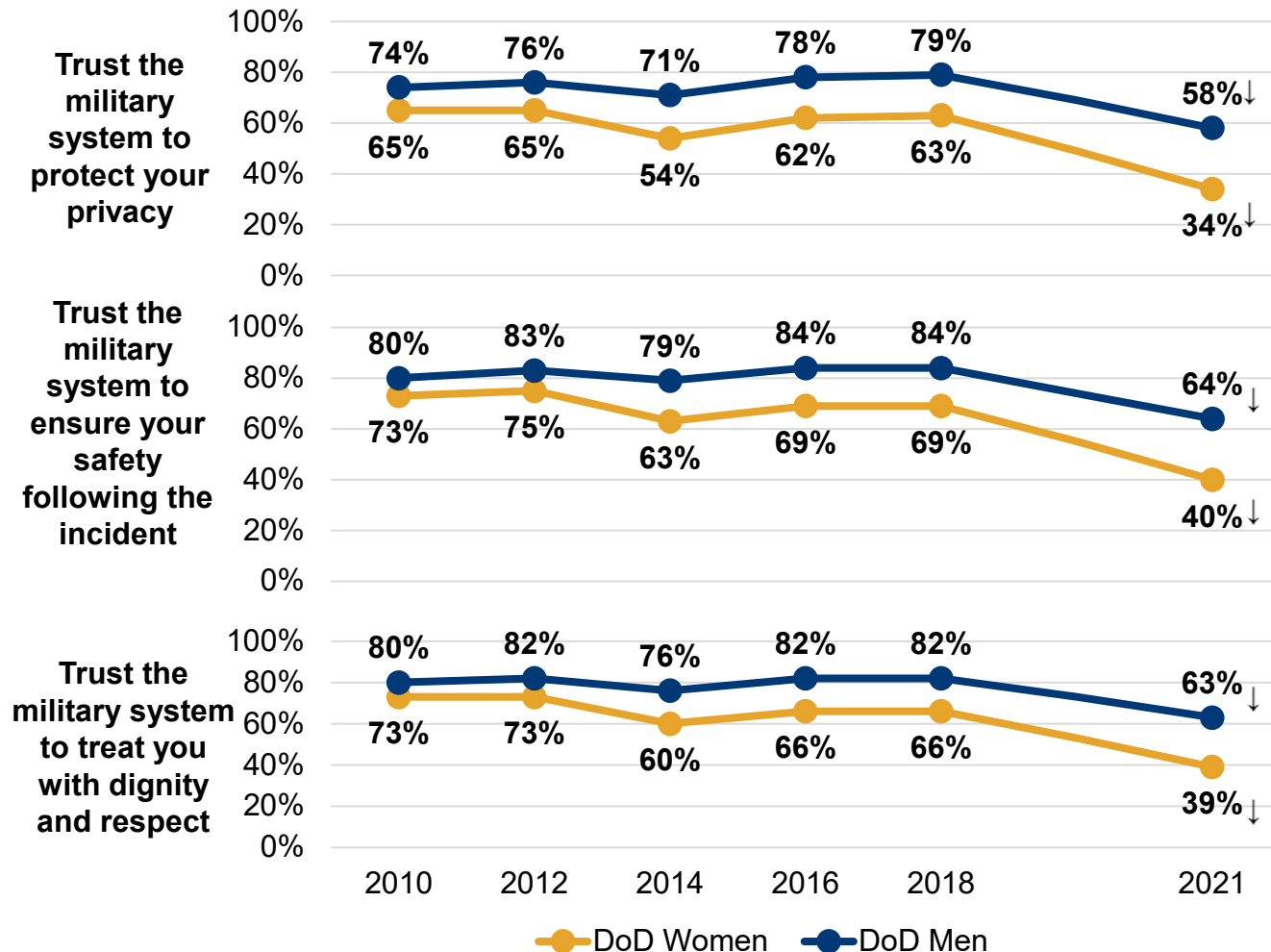


Trust in the Military System

If you are sexually assaulted, you can...

- Decreased trust often impacts military service as a retention issue.
- Changes recommended by Independent Review Commission on Sexual Assault in the Military (IRC) to military justice and response system intended to restore Service member trust.
- Prevention and climate IRC initiatives also target improved trust in the workplace

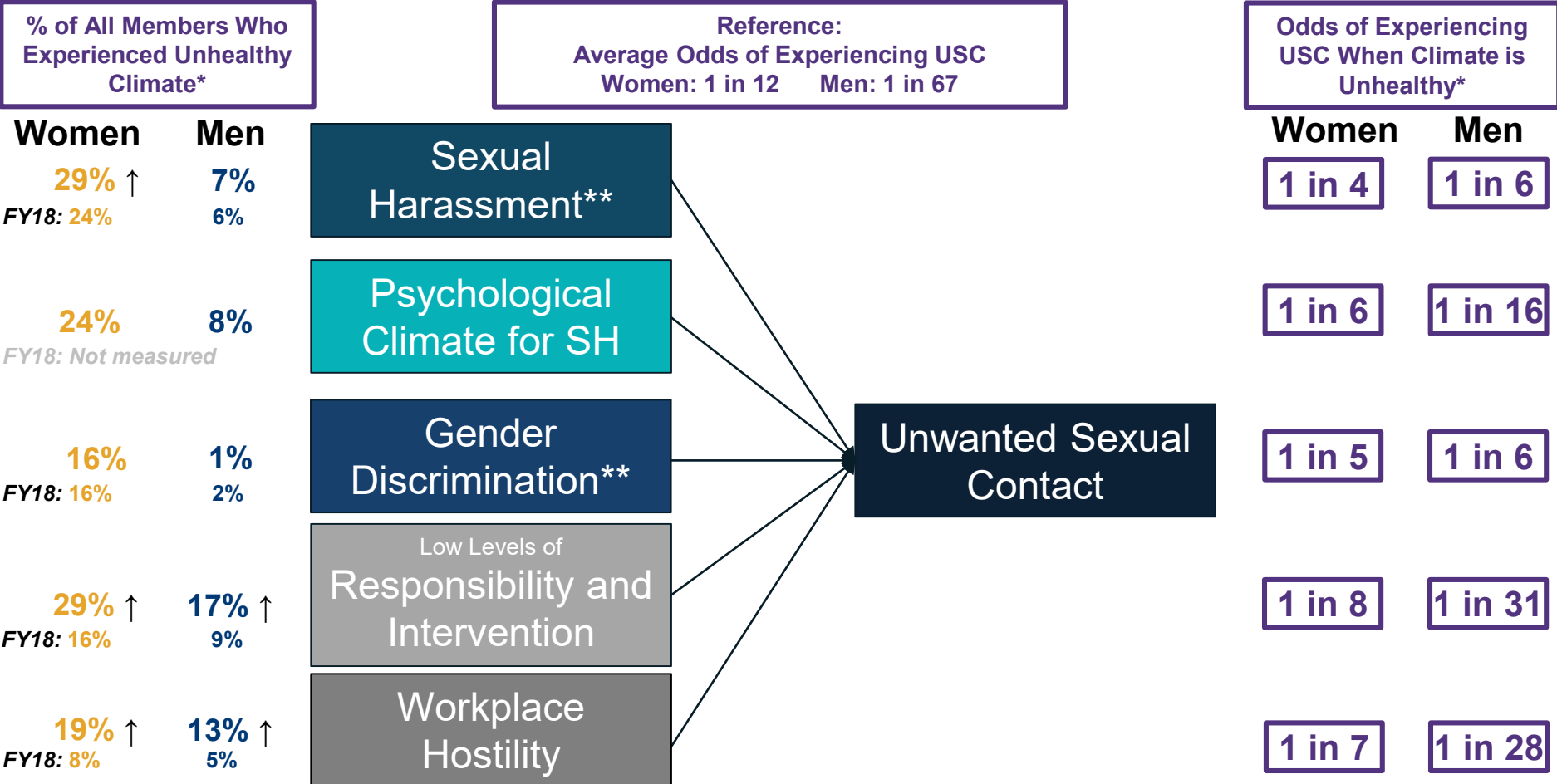
% who indicated agree/strongly agree



2021 Trend Comparisons: ↑ Higher than 2018 ↓ Lower than 2018



Assessment and Impact of Climate on Unwanted Sexual Contact (USC): Leading Factors for Active Component Members



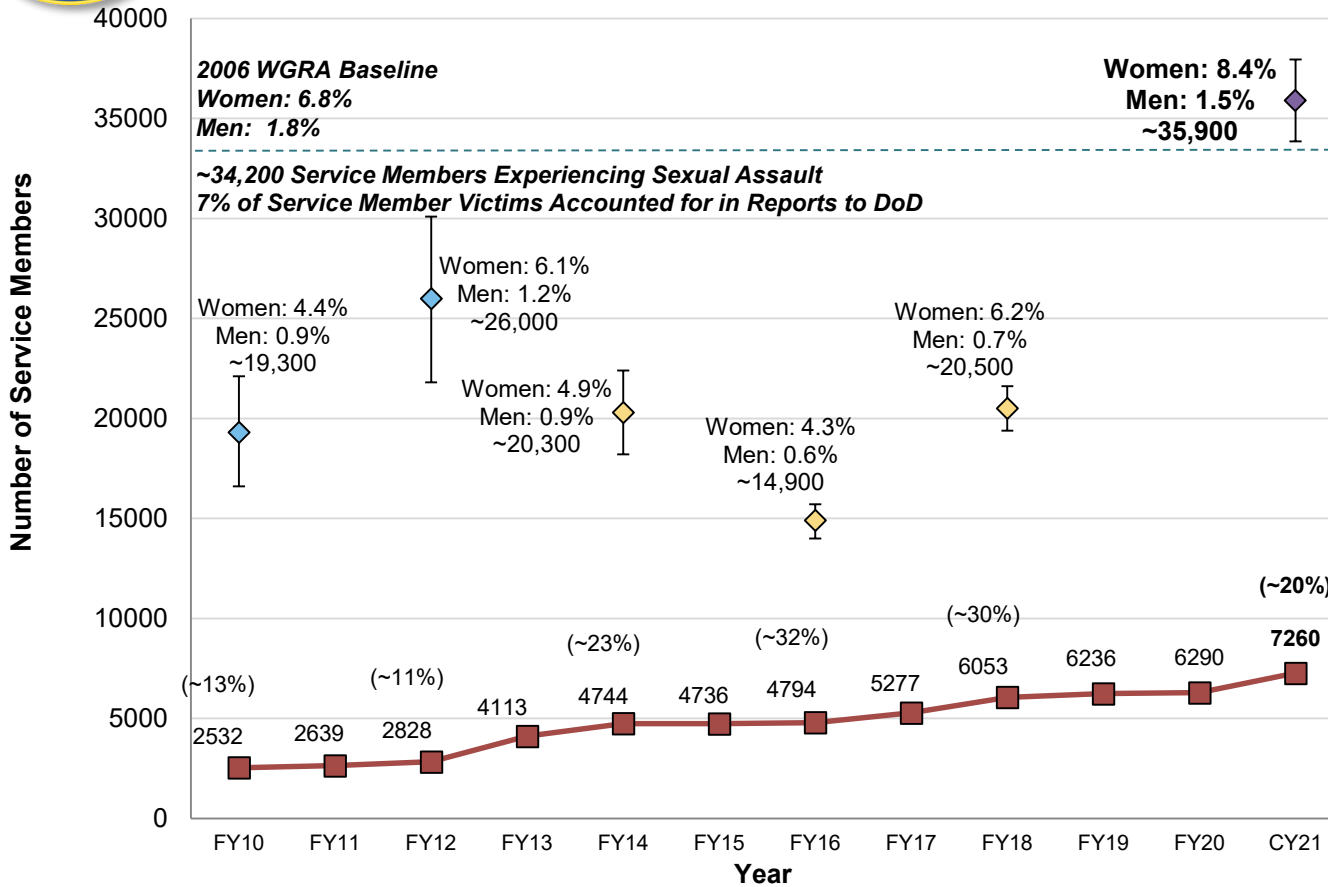
- Most key indicators of unhealthy command climate highly correlated with USC increased between 2018 and 2021
- Experiencing a behavior highly correlated with USC also increases the odds of having experienced USC
 - Ex: For women who experienced sexual harassment, their risk of also experiencing USC tripled, from 1 in 12 to 1 in 4.

↑ Higher than 2018 ↓ Lower than 2018

Variables depicted in order of importance. Models controlled for race/ethnicity, Service, paygrade, and deployment.
 *Unhealthy climate for scales defined as follows: Workplace Hostility: mean score 3 or higher; Responsibility and Intervention: mean score less than 3; Psychological Climate for SH: mean score less than 3
 **Sexual harassment and gender discrimination are defined as experiences of the behaviors which met criteria for inclusion in the past year rate.



Sexual Assault Prevalence and Reporting Rates



- ◆ Survey-Estimated Number of Service Members who Experienced Unwanted Sexual Contact in the Past Year
- ◇ Survey-Estimated Number of Service Members who Experienced Sexual Assault in the Past Year
- Number of Reports of Sexual Assault by Service Members for Incidents that Occurred During Military Service
- ◆ Survey-Estimated Number of Service Members who Experienced Unwanted Sexual Contact in the Past Year
- % Estimated Percentage of Service Member Victims Accounted for in Reports to DoD

- The Department assesses progress with sexual assault via two primary metrics:
 - **Prevalence** (i.e., estimated total of Service members experiencing SA measured by scientific surveys – desired state is *decrease*)
 - **Reporting rate** (i.e., percentage of victimized Service members making Restricted and Unrestricted Reports – desired state is *increase*)
- In 2021, about **1 in 5** Service members reported their incident to a DoD authority (~29 percent of women and ~10 percent of men)

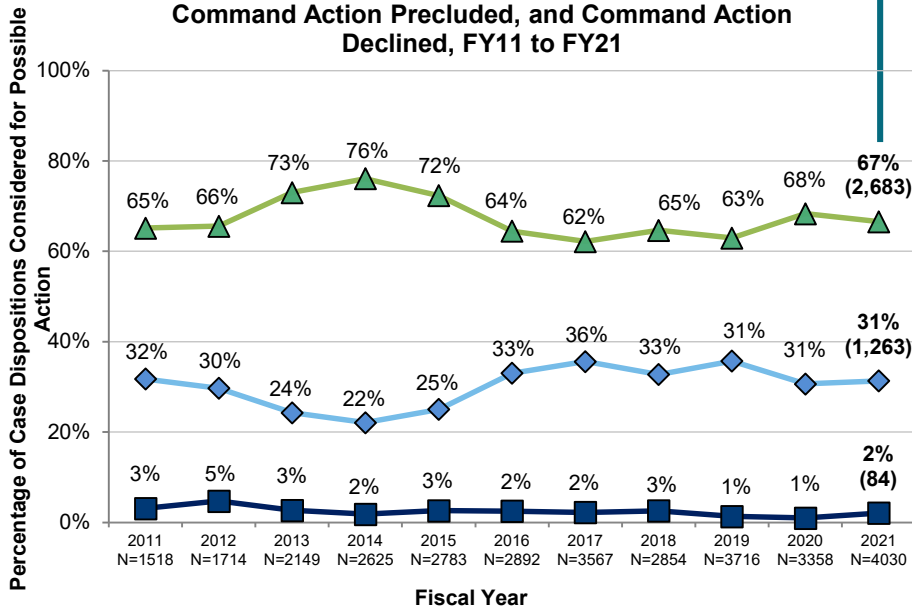


Sexual Assault Case Outcomes

5,258 Case Dispositions Reported in FY20
 - 1,228 Cases Outside DoD Jurisdiction
4,030 Cases Under DoD Jurisdiction

2,683 Case Dispositions: Evidence Supported Command Action
 - 709 Case Dispositions: Evidence Supported Nonsexual Assault Charge
1,974 Case Dispositions: Evidence Supported **Sexual Assault Charge**

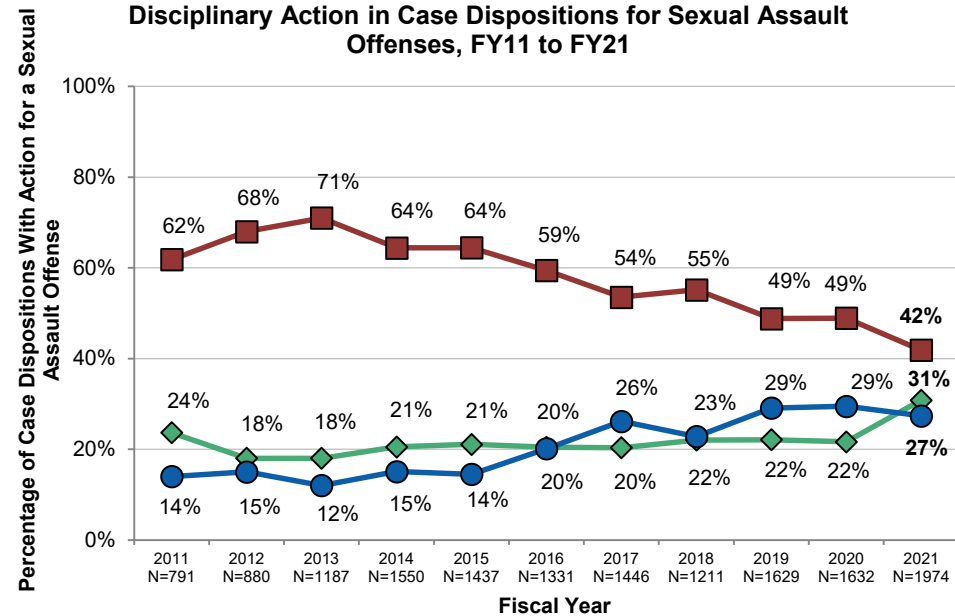
Military Subjects with Misconduct Substantiated, Command Action Precluded, and Command Action Declined, FY11 to FY21



- ▲ Cases with Misconduct Substantiated (command action for sexual assault and all other offenses for which there was evidence)
- ◆ Cases With Command Action Precluded/Respected Victims' Desired Non-Participation (e.g., evidence problems, victim declined to participate)
- Cases With Command Action Declined (e.g., unfounded by command/legal review of evidence)

• Commanders had sufficient evidence to take disciplinary action in 67 percent of Service member cases 2021.

Disciplinary Action in Case Dispositions for Sexual Assault Offenses, FY11 to FY21



- Court-Martial Charges Preferred (Initiated)
- ◆ Nonjudicial Punishments (Article 15 UCMJ)
- Administrative Actions and Discharges

- Commanders preferred court-martial charges for 42 percent of cases in which evidence supported a sexual assault charge.
- 72% of sexual assault court-martial cases ended in a conviction of any charged misconduct (sexual assault or some other offense); up from 61% in 2020.



Key Points

- **The Department did not wait to take action: Secretary Austin has made addressing the scourge of sexual assault a priority since Day 1 on the job.**
- **Multiple indicators foreshadowed the conditions captured in the FY21 Annual Report on Sexual Assault in the Military:**
 - Fort Hood Independent Review Commission identified multiple systemic problems with sexual assault and sexual harassment program execution within the Army.
 - The DoD Independent Review Commission made 82 recommendations to address problems it documented throughout the Department with Accountability, Prevention, Command and Climate, and Victim Care and Assistance.
 - On-Site Installation Evaluations highlighted sexual assault prevention and response program execution challenges and indicators of unhealthy command climate at 20 installations worldwide.
- **The Secretary took proactive steps in FY21 to address the problems summarized in the report:**
 - Directed immediate actions to enhance leaders' visibility of emerging, problematic climates and launch preventive initiatives that provided leaders with needed staff and tools to promote safer military environments.
 - Ordered implementation of the recommendations from the IRC, wherever possible, to produce the massive cultural and organizational change required to improve accountability, prevention, culture and climate, and victim care and support.
- **The Department is also making significant resource investments to fuel needed change:**
 - The FY23 President's Budget request includes \$940 million for SAPR programs, to include \$479 million (and 2,443 personnel) to implement the recommendations of the IRC.



Key Points (continued)

- **The report establishes new baselines for the Department to measure the impact of the significant reforms currently being implemented.**
 - Survey results capture Service members' experiences throughout FY21, well before the IRC concluded its work and the Department moved-out to implement the IRC's significant reforms.
 - The Department is also establishing more focused and frequent assessments to better evaluate conditions throughout the force and the effectiveness of the Department's work.
- **DoD senior leaders are laser-focused on implementing the approved IRC recommendations.**
 - While cultural change of this magnitude takes time, the Department is building accountability and transparency into this process to ensure that the reforms are enduring.
- **Continuing and future Department efforts include:**
 - Fielding a Prevention Workforce to support command's ability to identify and reduce risks that give rise to sexual assault and other readiness impacting behaviors.
 - Readyng the Services' Offices of Special Trial Counsel to take over prosecutorial decisions in FY23 and restore Service member trust in the justice process.
 - Professionalizing the sexual assault response workforce to provide them with enhanced skill and independence required to better assist victim recovery.
 - Directing On-Site Installation Evaluations in early 2023 to further identify and address climate challenges and provide command with needed assistance.
 - Requiring a 2023 Force Wide Assessment to maximize the opportunity to hear every voice and provide an updated assessment of command climate and prevalence.

Back Up



PERSONNEL AND READINESS



Sexual Assault / USC Metrics Over Time

- The 2021 change in metric prevents scientific comparison to RAND SA prevalence measured from 2014 to 2018.
- Metric changes between 2012 and 2014 were tested by RAND and found to yield similar top-line results.
- Time and financial constraints prevented testing the 2006 USC and 2014 SA metrics with the 2021 USC metric.

2006-2012 Single-item USC Metric

In the past 12 months, have you experienced any of the following intentional sexual contacts that were against your will or occurred when you did not or could not consent where someone...

- **Sexually touched you** (e.g., intentional touching of genitalia, breasts, or buttocks) or made you sexually touch them?
- **Attempted to make you have sexual intercourse, but was not successful?**
- **Made you have sexual intercourse?**
- **Attempted to make you perform or receive oral sex, anal sex, or penetration by a finger or object, but was not successful?**
- **Made you perform or receive oral sex, anal sex, or penetration by a finger or object?**

- Yes
- No

2014-2019 41-item RAND SA Metric

Aligns closely with UCMJ language by assessing:
6 Behavior items
11 Intent items
24 Mechanism items

- 1: Sexual Assault Behaviors**
 - Someone put his penis into your anus, mouth, or vagina
 - Someone put any object or any body part other than a penis into your anus, mouth, or vagina
 - Someone made you put any part of your body or any object into someone's mouth, vagina, or anus when you did not want to
 - Someone intentionally touched private areas of your body (either directly or through clothing)
 - Someone made you touch private areas of their body or someone else's body (either directly or through clothing)
 - Someone attempted to put a penis, an object, or any body part into your anus, mouth, or vagina, but no penetration actually occurred
- 2: Intent* (examples)**
 - Experience was intended to be abusive or humiliating
 - Experience was intended for sexual gratification
- 3: Mechanism (examples)**
 - Used, or threatened to use, physical force to make you comply (e.g., use of threats of physical injury, use of a weapon, or kidnapping threats)
 - Threatened you (or someone else) in some other way (e.g., used their position of authority or got you in trouble with authorities)
 - Did it while you were passed out, asleep, unconscious, or so drunk, high, or drugged that you could not understand what was happening or could not show them that you were unwilling

*Intent not required for behavior "someone put his penis into your anus, mouth, or vagina"

2021 5-item USC Metric

Since X DATE, have you experienced any of the following intentional sexual contacts that were against your will or which occurred when you did not or could not consent in which someone... Mark "Yes" or "No" for each item.

	Yes	No
a. <u>Sexually touched you</u> (for example, intentional touching of genitalia, breasts, or buttocks) or made you sexually touch them?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. <u>Attempted to make you have sexual intercourse, but was not successful?</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. <u>Made you have sexual intercourse?</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. <u>Attempted to make you perform or receive oral sex, anal sex, or penetration by a finger or object, but was not successful?</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. <u>Made you perform or receive oral sex, anal sex, or penetration by a finger or object?</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Note: The 5-Item USC metric used on the 2021 WGR addresses multiple shortcomings associated with the single-item metric and rate construction, including: changing the format to a "yes"/"no" grid for each behavior. Whether the single-item USC metric and 5-item USC metric produce comparable estimates has not been rigorously tested.