Executive Summary

Sexual assault in the military has been a dark footnote on an otherwise honorable service, career, and profession. While the Tail Hook scandal of the 1980s is likely the most notable contemporary incident to expose the reality experienced by many victims of sexual assault within the Department of Defense (DoD), it was far from the last. How does the Department of the Army, an organization committed to their unique value system, confront the problem of sexual assault within its ranks? The answer is through the Sexual Assault Prevention and Response (SAPR) program. After more than three years of combat in Afghanistan during Operation Enduring Freedom, the DoD acknowledged the problem of sexual assault in 2004 when they formed Joint Task Force (JTF) SAPR. JTF SAPR was an attempt to develop a baseline approach to identifying, supporting, tracking, and reporting instances of sexual assault across the four services.

The Army established their SAPR program in 2006 when they added a new chapter to Army Regulation 600-20 – Army Command Policy – and established the Sexual Assault Prevention and Response Office (SAPRO). The first years of the SAPR program saw little change; the Department of the Army did not publish specific data unique to sexual assault within their branch until 2008. The Special Victims Council program created in 2014 afforded support and legal protection to the victims of sexual assault but came much later and only after numerous sexual assault and conduct scandals. From General Officers in command positions, officers and non-commissioned officers in charge of sexual assault prevention programs, and “routine” incidents of sexual assault involving military members on the front lines at the lowest levels of organizational leadership, both the Army and the DoD struggled to control what Congress labeled “an epidemic.”
The 2012 documentary *The Invisible War* directed by Kirby Dick and Amy Ziering, set an already combustible issue ablaze when it candidly shed light on the stories of sexual assault victims. More than thirteen years since the formation of JTF SAPR, the problem of sexual assault within the Army’s ranks persists. What has the Army’s SAPR program contributed to the reduction or prevention of sexual assault? This program evaluation sought to answer that and other research objectives by asking three questions: First, what is the historical rate of sexual assault within the Army? Second, are the Army’s rates of sexual assault higher or lower than the general civilian population? Lastly, has the Army’s SAPR program decreased the rate of sexual assault within the Army? While the Army made dynamic progress through a multi-pronged approach to increase training, awareness, support to victims and accountability, the data suggests there are few favorable results from the decades’-long effort.

This program evaluation attempts to illustrate the differences between how the sexual assault crisis is “seen” by the Army and DoD, and, most importantly, the Soldiers and service members across the military. Both Army and DoD annual SAPR reports, as well as surveys conducted by the Defense Manpower Data Center and RAND Corporation formed the foundation of the statistical analysis. The program evaluation concludes with three recommendations: First, changes to the Uniform Code of Military Justice, namely in the procedural handling of sexual assault cases. Second, continued gender integration efforts, and, lastly, an increase in the transparency of legal actions taken against offenders.
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Chapter 1: Problem Definition

Introduction

No single issue has been more central to the efforts of national policymakers to reshape Army culture than sexual assault. According to leadership at the highest levels of the Department of Defense (DoD), sexual assault and the Soldier-victims that it leaves in its wake, actively erodes unit readiness and morale and must be confronted (AR 600-20, 2014). While the United States Navy’s 1991 Tailhook scandal may be the best-remembered contemporary example of what many refer to as the DoD’s culture of sexual assault, the issue reemerged at the turn of the millennia. To address this problem, the DoD aggressively implemented a wide range of policies and programs in the early 2000s. This evaluation will specifically focus on the Army’s lead effort to combat sexual assault, the Sexual Assault Prevention and Response program (SAPR) (AR 600-20, 2014).

The SAPR program was designed to not only eliminate sexual assault within the Army’s ranks, but to ultimately strengthen the organizational climate and culture through five supporting efforts: prevention, investigation, accountability, advocacy (victim assistance), and organizational assessment (Department of the Army, 2014). While annual Army assessments of sexual assault-related incidents are available from 2004 to current, the early reports scarcely resemble the latter (Department of the Army Annual Report on Sexual Assault 2004-2015). DoD sexual assault information and statistics taken before 2004 are not adequately organized to allow organizational interpretation and understanding. The focus of this research was to determine if the Army’s SAPR program adequately prevented sexual assaults within the organization.
Problem Statement

Has the implementation of the Army’s SAPR program decreased/prevented sexual assault and does the program sufficiently address effects likely to result from complete gender integration?

Scope

The data for this study includes all DoD sexual assault annual reports from 2004 to 2015. Also included is data from the Federal Bureau of Investigation’s (FBI) Uniform Crime Report (UCR), and the Rand 2014 military study. As DoD data includes unfounded reports while the UCR does not, DoD data analysis excluded all unfounded reports that served to compare rates of incidence between Soldiers and the general U.S. population.

Overall Research Plan

The overall research plan for this study included four research objectives to address the problem statement. The four research objectives were achieved using three research questions: What is the historical rate of sexual assault within the Army? Are the Army’s rates of sexual assault higher or lower than the general civilian population? Has the Army’s SAPR program decreased the rate of sexual assault within the Army?

Research Objectives (ROs)

The purpose of this research was to evaluate the implementation and effectiveness of the Army’s SAPR program. The research objectives (ROs) and research questions (RQs) that guided this research are listed below:

- RO#1: To identify an increase or decrease in sexual assaults within the Army since the implementation of the SAPR program.
RO#2: To compare the rate of sexual assault within the Army to that of the general U.S. population.

RO#3: To determine the effectiveness of the SAPR program in preventing sexual assaults.

RO#4: To make recommendations to Army leadership to improve the effectiveness of the SAPR program.

Research Questions (RQs)

RQ#1: What is the historical rate of sexual assault within the Army?

RQ#2: Are the Army’s rates of sexual assault higher or lower than the civilian population?

RQ#3: Has the Army’s SAPR program decreased the rate of sexual assault?

Definition of Terms

1) Department of the Army

   a. Sexual Assault –

       Sexual assault is a crime defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts (AR 600-20, 2014, p. 79).

   b. Restricted Reporting –

       Restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of their assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process (AR 600-20, 2014).

   c. Unrestricted Reporting –

       Unrestricted reporting allows a Soldier who is sexually assaulted and
desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (AR 600-20, 2014)

d. Sexual Assault Response Coordinator (SARC) –

“SARCs manage an installation or unit’s SAPR program, serve as the single point of contact to coordinate victim care, and track the services provided to the victim” (Department of the Army, 2008). SARCs primarily provide management and oversight of victim services (AR 600-20, 2014).

e. Unit Victim Advocate (UVA) –

“VAs provide direct assistance to victims. VAs also help victims navigate the military’s response network” (AR 600-20, 2014)

2) FBI

a. Rape –

i. Legacy Definition (Pre-2013) – “The carnal knowledge of a female forcibly and against her will.” (Department of Justice, Federal Bureau of Investigation, 2006).

ii. Revised Definition (Post 2013) – “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim” (Department of Justice, Federal Bureau of Investigation, 2006).

Summary List of Assumptions

1) Increased awareness, education and general discussion about sexual assault within the Army’s ranks contributed to a historic increase in annual numbers of reports since the creation of the SAPR program to present day.

2) While an increased level of awareness is likely to account for spikes in reporting, the DoD’s SAPR program’s goals include “minimizing sexual assault incidents” (AR 600-20, 2014). DoD-wide education and awareness combined with an emphasis on developing trust across leadership echelons may be unlikely to eliminate sexual harassment but should result in reduced rates of the most serious sexual assault offenses.
Summary List of Limitations

1) FBI UCR data does not classify offenders by occupation. As a result, some FBI UCR data may include offenses committed by members of the four military branches of the Department of Defense. These instances would represent double reporting.

2) The Department of Defense did not quantify annual rates of sexual assault by military population nor by service component (i.e. the rate of sexual assault per 1000 Army, Navy, Airforce service members, etc.) before fiscal year (FY) 2007 (Department of the Army, 2015).

3) The DoD did not begin tracking service-component specific reports about sexual assault until 2008. While data pertaining to sexual assault within the DoD exists in annual reports prepared by the department since 2004, those reports do not contain separate data or analysis about incidents within each of the four major services.

Summary

To eliminate sexual assault and increase team cohesion and ultimately, unit readiness, the Army implemented the SAPR program in response to public law, Congressional mandate and DoD’s broad-based approach (Joint Chiefs of Staff, 2012). The Army’s 2004 SAPR program efforts served to establish a baseline for all future program analysis and determinations (Department of the Army, 2004). The focus of this research was to evaluate the implementation and effectiveness of the Army’s SAPR program.
Chapter 2: Literature Review

Introduction to the Literature

Many scholars, academics, critics, elected officials and military leaders have composed literature about the military’s attempt to understand, curtail and eliminate sexual assault. A topic that slowly began to emerge from the shadows in the late twentieth century was thrust into the spotlight in 1991 when a female Navy Lieutenant, Paula Coughlin, publicly accused fellow Navy airmen of sexually assaulting her during the annual Tailhook Symposium (Ogden, 2009). As the DoD advanced plans for increasing gender integration in military jobs and roles from the 1990s to early 2000s, the issue of sexual assault continued to simmer quietly. By 2008 the Department of Defense (DoD) found itself squarely amid a crisis as they struggled to show measurable results in their four-year-old efforts to combat sexual assault through their Sexual Assault Prevention and Response (SAPR) program (Department of the Army, 2008). By 2010, both the U.S. Navy and Army began to advance programs to change their military culture (Vogt, 2015). The literature reviewed for this research focused on the historical genesis of sexual assault in the military, the creation of the SAPR program, and the role of military culture, ethics, and crime and punishment in understanding the goal and purpose of the SAPR program.

The Genesis of sexual assault awareness, and the Department of Defense’s SAPR program.

Although this research focused on the Army’s SAPR program, it was important to understand the genesis of events which led to the ultimate formation of the DoD’s SAPR program. The U.S. Navy was responsible for two of the principle gender integration efforts of the early 1990s: the integration of women into the aviation service and, in 1994, the surface fleet (Ogden, 2009; Schmitt, 1994). While there is clear evidence that sexual assault in the armed
forces existed before the integration of women, the evolving advancement of women in the military clearly contributed to the social and political pressures exerted against military leadership to understand and stop sexual assault (Firestone, 1994). The DoD’s “1988 DoD survey of Sex Roles in the Active-Duty Military” was one of the DoD’s first efforts to understand the nature of gender relations amongst their service members (Department of the Army, 1988). The survey of 20,249 respondents across each of the DoD services painted an alarming picture for military leadership; more than 74% of women knew someone who was harassed and more than 73% of women stated they had personally experienced harassment (Firestone, 1994).

The Navy began the integration of female Navy sailors into the Navy’s surface fleet in 1994 when they assigned 415 women to serve aboard the aircraft carrier U.S.S. Eisenhower (Knight-Ridder Tribune, 1995). This early DoD integration effort illustrated that, even in the absence of sexual assault, the military would be forced to confront other forms of sexual misconduct likely to result from men and women sharing close occupational space (Knight-Ridder Tribune, 1995). During the aircraft carrier’s six-month deployment, 14 women were discharged from the vessel and returned to their homes after becoming pregnant while at sea (Knight-Ridder Tribune, 1995). As women continued to demonstrate their ability to serve in jobs that had traditionally been available only to men, such as aviation, troubling statistics continued to suggest that the military had a problem within its ranks (Moniz, 1997). In 1997, the Department of Veteran’s Affairs estimated that approximately 15,000 female veterans sought counseling as a result of sexual harassment, assault or other abuse since 1993 (Moniz, 1997). Victims of sexual assault wouldn’t see the tacit acknowledgment of what they believed to be an underlying problem within the culture of the military until 2004 (Dreazen, 2008).
2004 was a significant year for the DoD for many reasons. The Secretary of Defense’s submission of the DoD’s inaugural report on sexual assault to Congress was interpreted by many as the first attempt by the DoD to “curb sexual violence” within the military’s formations (Dreazen, 2008). Second, in 2004 the DoD established the “Joint Task Force for Sexual Assault Prevention and Response” (JTF-SAPR). As a result of Congressional action (Public Law 108-375), JTF-SAPR was to serve as “a single point of accountability for sexual assault policy within the Department” (Department of the Army, 2004). The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, required each military department Secretary to submit annual reports regarding sexual assaults involving members of the armed forces (Department of the Army, 2004). These reports were required to not only summarize the number of sexual assault incidents involving servicemembers but also explain actions planned for the duration of the calendar year to combat sexual assault (Department of the Army, 2004). As part of the formation of JTF-SAPR, dedicated staff positions for Sexual Assault Response Coordinators (SARC) and Unit Victim Advocates (UVA), the cornerstones of victim advocacy and the SAPR program, were developed and implemented (Department of the Army, 2004).

What otherwise appeared to have been productive SAPR program change was tarnished when, in early 2004, reports came to light that more than 112 women including 86 female Army Soldiers, reported rapes while in combat zones throughout Iraq, Afghanistan, and Kuwait from late 2001 to early 2004 (Schmitt, 2004). While many previously criticized Congress’ inability to pressure military leaders to act, members of Congress such as Senator Susan Collins of Maine made it clear that if ever there was a time to refuse inaction, it was while U.S. servicewomen were fighting our nation’s wars (Schmitt, 2004). Collins echoed the sentiments of many in Congress when she said the cost of war “should be born out of conflict with the enemy, and not
because of egregious violations by some of our troops” (Schmitt, 2004). Secretary of Defense Donald Rumsfeld quickly ordered a high-level inquiry into the reports (Schmitt, 2004). Swift action followed; in the same month that 112 women alleged they were raped while defending their nation and serving in active combat zones, DoD formed the Care for Victims of Sexual Assault (CVSA) Task Force (Department of the Army, 2004). Eight months later JTF-SAPR was formed, in November the Army’s Sexual Assault website was launched, and in December, the Army initiated sexual assault prevention training in all Army schools (Department of the Army, 2004). In a span of ten months, the DoD did more to confront sexual assault than had been done in the last ten years – more than had been done in the wake of the Tailhook and Aberdeen sex scandals combined (Schmitt, 2004; McIntyre, 1996).

In spite of the program’s accomplishments in 2004, the year’s Annual Report on Sexual Assault was an open admission from the military to Congress that they hadn’t done enough in their efforts to create a system or process that prevented and tracked sexual assault incidents (Department of the Army, 2004). In fact, the 2004 report essentially requested Congress allow them (DoD) to start over in their efforts to consistently and comprehensively track and compare sexual assault data (Department of the Army, 2004). Some of those efforts were more successful than others. For example, while the classification of sexual assault incidents remains fairly constant from 2004 to 2015, the comprehensiveness of reporting did not (Department of Defense, 2004-2015). Averaging just over 11 pages in total length, DoD annual reports in 2004, 05 and 06 did not quantify a rate of incidence for the DoD as a whole nor any of the service components (Department of Defense, 2004-2015). 2004-2015 reports included reported, founded, unfounded and attempted instances of sexual assault (Department of Defense, 2004-2015).
From 2007 to 2015 each annual report increased in complexity, depth, and detail. 2007’s annual report grew to 37 pages and, for the first time, included average rates of offense per 1000 Soldiers – a key component of all future yearly reports (Department of Defense, 2004-2015). 2008’s annual report grew to 280 pages and was unique in that it was the first and only time that DoD made an extensive effort to compare and contrast the military’s rates of prosecution and conviction of sex offenses to those of a non-military civilian population (Department of the Army, 2008). The 2008 annual report compares the yearly rate of Army sexual assault to the rate of sexual assault in the Central Command (CENTCOM) Area of Responsibility (AOR) but does not list annual rates of assault per 1000 servicemembers for any other military services (Department of the Army, 2008). Assumedly in response to increased political scrutiny of sexual assaults occurring in combat zones, the CENTCOM AOR contained key countries occupied by military presence during that time such as Kuwait, Iraq, and Afghanistan (Department of the Army, 2008). From 2009 to 2015 the military’s annual reports grew to over 1000 pages and included an annex specific to each branch of service (Department of the Army, 2009-2015). A table for each of the six years quickly orients readers to each year’s rate of sexual assault by four categories: overall DoD rate, Army, Air Force, Navy and Marine Corps (Department of the Army, 2009-2015).

Key accomplishments and changes were made that affected the DoD SAPR program in 2010, 2012, and 2014. In 2010 more than 93% of the Active Duty military force received SAPR training; a fact extolled as a contributor to the comparative 15,000-incident decrease experienced in 2010 compared to 2006 (Department of Defense, 2010). In 2012 Secretary of Defense Leon Panetta instituted a change widely viewed as increasing the accountability of commanders in the ranks when he removed the latitude to recommend charges against a sexual assault suspect from
commanders below the grade of full Colonel or 0-6, the last rank before Brigadier General (Huval, 2013). In 2014 DoD noted the high-water mark for the number of reports initiated by sexual assault victims when more than 25% of all victims initiated a report compared to only 11% of all 2012 victims (Department of the Army, 2014). One of the most significant changes to be implemented to the SAPR program also occurred in 2014 when the Army began providing victims with Special Victims Counsel (SVC) – legal representation intended to protect the rights and interests of the victim throughout the legal process (Department of the Army, 2015).

Before the implementation of the SVC program, a sexual assault victim was not afforded legal representation during the sexual assault UCMJ process (Draper, 2014). Before the SVC program defense counsel legally represented the accused offender and, while there was a prosecutor to prosecute the case, he/she “worked for” the unit commander, not the victim (Draper, 2014). As a result, there were distinct limits to the interaction permitted between the prosecution and the victim. Specifically, the prosecuting Judge Advocate General (JAG) could not give the victim legal advice. Many heralded the SVC program as a first step towards encouraging victims of sexual assault to come forward by affording them access to legal counsel – another layer of legal protection (Draper, 2014).

While the SAPR program’s annual reports from 2004-2015 paint an ever-increasingly complete picture of the program’s purpose, they fail to communicate in either the executive summaries or the main body, how the Army actively measures past, present or future program effectiveness (Department of the Army 2004-2015). More specifically neither Measures of Performance (MOP) nor Measures of Effectiveness (MOE) are directly cited or discussed (Department of the Army 2004-2015). General Dempsey’s 2012 Strategic Direction to the Joint Force on Sexual Assault Prevention and Response references support Lines of Effort (LOE) for
the SAPR program - the “how” from the traditional “who, what, where, when, why and how” framework. “Metrics” for each LOE are also discussed but never clearly define success (Joint Chiefs of Staff, 2012). Success is defined neither as a decrease in number of annual reports nor an increase; it is not defined as an increase or a decrease in prosecutions or any other similar form of measurement or analysis (Joint Chiefs of Staff, 2012). There is no better example of the flexibility granted to interpreting SAPR program statistics than the fact that the DoD uses the 2010 report’s 15,000 incident decrease as evidence of program success but then refers to 2014’s 14% increase in overall sexual assault reports as a proud program achievement – a representation of increased organizational trust and improved willingness of Soldiers to come forward and file reports (Department of the Army 2010, 2014). Reducing and eliminating sexual assault is a clearly defined goal, but even with the depth and accuracy of the DoD’s yearly reports, assessing progress towards that goal is difficult (Joint Chiefs of Staff, 2012).

Military culture, ethics and crime, and punishment in understanding the goal and purpose of the SAPR program.

Understanding military culture is critical to understanding the DoD’s historic struggles in coming to terms with sexual assault. The military is a male-dominated hierarchical institution that relies extensively on a centralized chain of command to achieve victory through decentralized execution (Firestone, 1994; Schlueter, 2015; ADRP 3-0, 2012). Unit commanders at multiple levels maintain and are custodians of the conditions required to achieve success: order, discipline, trust and disciplined initiative (ADRP 6-22, 2012). The American military believes that the strength of its force rests in one commodity – the individual Soldier and, unit leaders are responsible for their Soldiers (ADRP 6-22, 2012). The Army instructs that a leader must not only demonstrate the attributes and competencies of a leader, but they must “lead by
example, serve as role models; their personal example and actions carry tremendous moral force” (ADRP 6-22, 2012). They must be moral and demonstrate that morality through their actions. Can an organization that extols the virtues of morality adequately confront the conditions created within the organization when one of their leaders is accused of sexual assault? That answer to that question is central to the Army’s ability to achieve program effectiveness (Vogt, 2015).

The Army teaches that, at all levels, a leader - be it at the lowest (squad) or highest (corps) level - is responsible for the conduct of their subordinates, both on and off duty. Commanders are a unique type of military leader. Higher headquarters grants their authority to command, and that authority is further a result of their rank, and position (Vogt, 2015). They exercise that lawful authority over subordinates and are responsible for establishing a standard of performance and policies that govern both on and off-duty conduct (ADRP 6-22, 2012). They are responsible for rewarding positive performance and punishing negative or prohibited behavior. They are often referred to colloquially as the judge and jury. Although they are in a position of superior rank and position, commanders and subordinates alike rely on each other; their lives are often dependent on one another’s decision-making abilities (Vogt, 2015).

Few tools are as important to a commander as trust; with mutual trust, leaders and organizations accomplish missions (ADRP 6-22, 2012). In the context of sexual assault, trust is especially important for two reasons: the commander’s role in the SAPR program and the environmental context of the military (AR 600-20, 2014; Firestone, 1994). The unit commander is responsible for the administration of the SAPR program; they are fundamental in establishing the climate necessary to prevent sexual assault and are critically depended upon to correctly facilitate and handle incidents of reported sexual assaults and other crimes, or prohibited conduct (AR 600-20, 2014). As described by Firestone (1994), the environmental factors and
organizational characteristics of the military enhance the importance of trust and the role of the commander. Firestone (1994) references several key factors such as “worker proximity, sex ratios, and availability of grievance procedures” that are likely to influence both the probability of sexual harassment and assault in the workplace as well as the likelihood an employee will file a complaint of harassment or assault.

Especially significant to Firestone’s findings was the weighted role of gender in determining the extent of harassment in the workplace (Firestone, 1994). When grossly outnumbered by men in the workplace, even women with superior rank were insulated from the risk of harassment or assault (Firestone, 1994). DoD has approached each historical endeavor to integrate gender in military operations optimistically, but Firestone’s analysis of the 1988 DoD Survey of Sex Roles in the Active-Duty Military led her to a conclusion many believe is key to understanding the military’s work environment – that the military perpetuates sexual assault as a result of organizational, and environmental design and context. Specifically, sexual assault in the military occurs at a more frequent rate and higher probability due to the formation of an “opportunity structure” – an organizational structure that, by its nature supports predatory behavior while simultaneously creating conditions conducive to oppress potential victims (Firestone, 1994). Also significant were her findings that harassment is much more likely when, above all else, there are high gender disparities in male-dominated fields and women who are serving in “pioneering military occupational specialties” as was the case with female Naval Aviators during the Tailhook scandal and the Navy’s integration of their surface fleet (Firestone, 1994). Through this perspective, both critics of the military’s response to sexual assault and military leaders themselves should be able to gain a theoretical insight into how the conditions necessary for the Tailhook and Aberdeen sexual assault scandals developed.
Firestone’s 1994 analysis of the effect of gender in the military workplace and its role in harassment and assault does not stand alone in the research field. In 2012 both supporters and critics of the Military’s punishment model – The Universal Code of Military Justice found themselves united in debate (Ziering, 2013; Schlueter, 2015; Gregor, 2010). The 2012 documentary *The Invisible War* sparked a nearly unprecedented level of outrage that resulted in calls for UCMJ reform from both the American public and, more importantly, Congress (Corliss, 2012). Two distinct camps formed around the issue, those who believe unit commanders possess too much authority and autonomy in the UCMJ process (especially in sexual assault cases) and their opponents (Ziering, 2013; Schlueter, 2015; Gregor, 2010). Many insist the UCMJ model is still a valid tool for instilling order, discipline, and justice (Ziering, 2013; Schlueter, 2015; Gregor, 2010). Ziering extended the invitation to a private screening of *The Invisible War* to numerous members of Congress, and they accepted (Ziering, 2013). Within a matter of days of the Congressional screening (some believe as quickly as 48 hours), Secretary of Defense Leon Panetta removed the authority of commanders to recommend sexual assault charges to a convening authority from commanders below the grade of full Colonel 0-6 (Corliss, 2012). The significance of this act was as symbolic as it was impactful – only 0-6 level commanders (one grade below that of a Brigadier General) could review, recommend or disapprove of sexual assault charges (Corliss, 2012). No longer would lower-level commanders with less than an average of 23 years of military service be in a position to dismiss a sexual assault case (Corliss, 2012).

The Congressional outcry for action didn’t stop there. While Ziering (2013) found Congress reluctant even to speak about sexual assault in 2011, by early 2013 the Senate Armed Service Committee already had held three hearings (Ziering, 2013). Central to the discussions
were proposals by members of Congress such as Senators Kirsten Gillibrand, Claire McCaskill and Barbara Boxer who began to call for a wholesale review of the UCMJ process in sexual assault cases, principally to eliminate the potential for favoritism from unit commanders towards the accused (Draper, 2014). According to Draper (2014), Sen. Gillibrand has been the loudest proponent of measures calling for the removal of “prosecutorial authority from the military in sexual-assault cases and place it instead with an independent body.” Citing the victim's reluctance to come forward (the Army’s 2012 study showed only one in eight victims filed a report of sexual assault) and that 62% of all victims experienced retaliation, Sen. Gillibrand said she wanted to reinstall victim’s faith and confidence in the process and protect them from vindictive members of the chain of command and other possible negative impacts to their careers (Draper, 2014).

As virtuous as Sen. Gillibrand’s calls seem too many, she is not without opposition. There are those who believe that removing commander’s authority from the UCMJ process will erode their authority and limit a commander’s ability to enforce standards and accountability (Schlueter, 2015). Ziering (2013) echoed Firestone’s 1994 sentiment that the culture of the military plays a part in cultivating sexual assault and further asserted that a lack of prosecution of offenders exacerbates the problem. Speaking to critics in opposition to Sen. Gillibrand’s proposals Ziering (2013) asserts that the accountability created by removing authority from lower echelons or the military altogether, doesn’t erode authority, it supports it. Congressional pressure previously created legislative action before a military analysis could be completed to assess potential impacts, such as when Congress lifted the ban on homosexuals in the military by repealing Section 654 of Title 10 of the U.S. Code (Gregor, 2010). Commonly known as the repeal of “Don’t Ask Don’t Tell,” Gregor (2010) argued that far-reaching consequences as a
result of that repeal would extend to sexual assault cases and ultimately make them more
difficult to prosecute. Schlueter (2015) suggested Congressional pressure could result in hasty
policy that would ultimately make it harder for commanders to “fight and win wars.”

Commanders are not only granted a wide latitude of discretion in recommending charges
and prosecuting offenders, but they are also capable of overturning the jury’s verdict and
granting clemency to a convicted offender (Draper, 2014). Lieutenant General (LTG) Craig
Franklin, the convening authority – the General responsible for overseeing UCMJ proceedings –
in the case of Lieutenant Colonel (Lt. Col.) James Wilkerson demonstrated just how much power
he had when he did exactly that (Draper, 2014). LTG Franklin selected the jury, and
recommended charges against Lt. Col Wilkerson, but then, when Wilkerson was found guilty by
the very jury he empaneled, LTG Franklin shocked the military community and many politicians
when he ignored the jury’s verdict and granted Wilkerson clemency (Draper, 2014). Wilkerson
was released from prison and his full rank was restored (Draper, 2014). It was a tremendous
blow to the trust of the military institution. Accused of raping a fellow service member during a
dinner party at his home while serving as the Inspector General (IG) of the airbase in Aviano
Italy, Wilkerson possessed extremely high levels of power. The (IG) is responsible for
investigating complaints of impropriety from servicemembers against their chain of command.
They serve as a check and balance to the extraordinary power an installation or Division
Commander possesses. When Wilkerson’s victim reported him for sexual assault, she knew she
was risking exposure, criticism, and possibly her career. In examining the handling of her case,
it’s easy to see why so many service members are hesitant to come forward.

Colonel (Retired) Don Christensen, the prosecutor in the Wilkerson case, has been a
leading advocate for service members as victims of sexual assault and believes victims often end
up short-changed by the military’s handling of sexual assault cases (Vanden Brook, 2017). In
another black-eye incident for the DoD, General Arthur Lichte who commanded the Air Force’s
Air Mobility Command until 2009 and retired in 2010 was reduced in rank post-retirement after
his victim made allegations of an illegal sexual relationship surfaced in 2016 (Vanden Brook,
2017). The Secretary of the Air Force “blasted” GEN (Retired) Lichte in a letter of reprimand
for conduct that, had it not been for the statute of limitations, would have resulted in a court-
martial (Vanden Brook, 2017). The post-retirement demotion, a rare occurrence in the military,
was intended to serve as a wake-up call to the fraternity of Generals who have been quietly
retired in the last ten years due to pending misconduct allegations and will cost GEN Lichte
approximately $60,000 a year in retirement benefits (Vanden Brook, 2017).

By many accounts, had it not been for the convincing testimony and impeccable
performance record of the Army’s top General - General Martin Dempsey, the Chief of Staff of
the Army (CSA) – Senator Gillibrand’s initiative would have garnered more support (Vanden
Brook, 2017). GEN Dempsey argued to Congress in 2013 that commanders needed to be held
accountable and remain in charge of the UCMJ process (Vanden Brook, 2017). When the
Army’s Inspector General (IG) investigated Major General John Custer, commander of the
Army’s Intelligence school at Fort Huachua, AZ, he presented his findings and
recommendations to Dempsey (Vanden Brook, 2017). The IG’s report substantiated extravagant
allegations of sexual misconduct by Custer, including an adulterous relationship and that Custer
had his staff by lingerie for his mistress (Vanden Brook, 2017). When Dempsey received the
report, he struck the “substantiated finding of an inappropriate relationship” from the record,
leaving only lesser charges against Custer and, in doing so, likely preserved Custer’s ability to
retire quietly (Vanden Brook, 2017). Similar to many incidents involving the nefarious and
promiscuous actions of Generals, Dempsey’s interventions remained shrouded in secrecy for many years until a whistleblower alerted the press (Vanden Brook, 2017).

Shortly after his handling of MG Custer’s investigation and as the CSA, Dempsey became yet another in the long line of Generals to lament the seemingly never-ending saga of poor ethical decisions and sexual impropriety perpetuated at the highest echelons of military leadership. Despite the many incidents referenced in this chapter and the dozens that were not, Senator Gillibrand’s efforts to change the military chain of command’s total and unquestioned authority in sexual assault cases, ended unsuccessfully in 2016, though likely not permanently (Brune, 2016). More frustrating for Sen. Gillibrand has to be the seemingly waning support for such legislation. Her measure didn’t get a single vote of support in 2016, fell ten votes short in 2015, but only fell five votes short in 2014; she’s receiving less support each year, not more in spite of repeated and embarrassing ethical misconduct by military leaders (Brune, 2016). While she and many others vow to continue their quest for military reform, much like the victims of sexual assaults, the deck seems to be stacked against them.

From 2013 to present, in the wake of *The Invisible War*, Congress, military leaders, and the nation found themselves confronting a multitude of issues relevant to sexual assault and its victims. In 2013 all executive departments of the government executed changes relating to treatment provided to sexual assault victims (Shinkman, 2013). Victims of sexual assault experience a nearly nine-fold risk of Post Traumatic Stress Disorder and, as a result, frequently pursue mental health counseling (Nicole Baltrushes & Niranjan S. Karnik, 2013). As a result of the 2013 executive changes, victims of sexual assault would no longer be required to indicate they had received mental health counseling on standard forms for required to obtain security clearances (Shinkman, 2013). Thus their chances of being denied a position which required a
Program Evaluation of the United States Army’s Sexual Assault Prevention and Response Program

security clearance after obtaining mental health counseling as the result of victimization would be reduced (Shinkman, 2013). In addressing some of the factors highlighted by Firestone (1994) Congress called for greater gender integrations across all military jobs with the end objective of complete gender integration – that is no single job would be off-limits to female Soldiers (Tilghman, 2015). Some, however, perceived the advocation for further integration as a tactic employed to divert attention from the negativity of the sexual assault crisis (Haring, 2015).

Summary

Sexual assault in the military is a complex issue. Unlike the civilian world where a victim of sexual assault stands detached from the criminal justice system that is responsible for responding to his/her report and bringing the perpetrator to justice, military victims are often deeply connected to the UCMJ process and placed at odds with the procedures seemingly in place to assist him/her (Draper, 2014). Such conflicts and entanglements could include a victim being forced to report their sexual assault to their very accuser (Ziering, 2013). The literature reviewed for this research illustrated how the same camaraderie, esprit de corps, and teamwork designed to enable mission success could complicate the pursuit of justice for military victims of sexual assault. It also portrayed the historical challenges DoD has faced in attempting to understand, prevent, prosecute and treat the indicators, accused and victims of sexual assault. The literature additionally called attention to possible causality which may exist in the military as a result of organizational design, culture, and environmental context.

The literature holistically defined the reasons for, the purpose and the objectives of the military’s SAPR program. The DoD, Army, and other service branches have made obvious progress in their attempts to track sexual assault incidents annually. They have failed however to make the same progress in defining the conditions necessary to achieve overall program success.
The answer to the question of what defines the success of the Army’s SAPR program may rest in the obscurity of larger political and social interpretations than can be directly evidenced in an individual program. The literature suggested the possibility of obtaining complimentary effects to the SAPR program by modifying aspects of treatment and the process of adjudication. Specifically many authors recommended changes that categorically serve to decrease the perceived criminalization of victims in these processes and increase transparency in and outside of the military in all phases of sexual assault cases. The SAPR program contains the essentials necessary to develop a foundation for future efforts to decrease and eliminate sexual assault in the military’s ranks.
Chapter 3: Research Methodology

Introduction

The purpose of this research project was to evaluate the implementation and effectiveness of the Army’s SAPR program. Ultimately the goal of this research was to make recommendations to Army leadership to improve the effectiveness of the SAPR program.

Data Collection Plan

This research utilized a program evaluation of the Army’s SAPR program. Quantitative research methods focused on the three Research Questions:

- RQ#1: What is the historical rate of sexual assault within the Army?
- RQ#2: Are the Army’s rates of sexual assault higher or lower than the general civilian population?
- RQ#3: Has the Army’s SAPR program decreased the rate of sexual assault?

Secondary Data

This study utilized four main categories of quantitative data:

1) Pre-2004 DoD survey data
   a. Pre-2004 data consisted of “Workplace and Gender Relations Surveys” conducted by the DoD, surveys of sex roles in the active duty military and surveys of sexual harassment and assault conducted between 1988 and 2003.

2) 2004-2015 DoD Annual Reports on Sexual Assault
   a. 2004-2015 DoD Annual Reports on Sexual Assault quantified the number of annual sexual assault incidents within the DoD to varying degrees based on reported incidents (both restricted and unrestricted reporting).
b. All reports

3) Rand Military Studies

a. The Secretary of Defense solicited the Rand Corporation to conduct “The 2014 Rand Military Workplace Study” (RMWS) in response to Congressional concerns with the Army’s 2012 “Workplace and Gender Relations Survey” (Morral, Gore, & Schell, 2016). The 2014 RMWS included a sample of approximately 560,000 DoD servicemembers and adjusted its definition of the terms “sexual assault” and “rape” to match the UCMJ definitions (Morral, Gore, & Schell, 2016).

4) FBI UCR data.

a. The FBI’s Uniform Crime Reporting program . . .

“[w]as conceived in 1929 by the International Association of Chiefs of Police to meet the need for reliable uniform crime statistics for the nation. In 1930, the FBI was tasked with collecting, publishing, and archiving those statistics” (Department of Justice, Federal Bureau of Investigation, 2006).

b. The program comprehensively archives criminal incidents and classifies them by offense type. Rape data is available well before the Army’s collection point of 2004 and can be analyzed in numerous methods to include: the annual rate of incidence per capita, the total number of incidents, the rate per capita adjusted for population size, etc. (Department of Justice, Federal Bureau of Investigation, 2006).

Data Analysis Plan

Data was analyzed in the following methods to answer each research question:

RQ#1: What is the historical rate of sexual assault within the Army?
The first reliable records of the rate of sexual assault by DoD service component weren’t tracked by the DoD until 2008 with the DoD not listing their rate of incidence per 1000 until 2007 (then skipping the metric in 2008 and returning to it again yearly during 2009’s report). As a result, all available Army service component-specific data from 2007-present was included for analysis. Data was categorized by fiscal year and calculated to obtain the rate of incidence per 1000 Soldiers.

a. “Total Number of Incidents” – includes ALL unrestricted and restricted reports annually, regardless of post-investigation disposition. For example, each annual data set contains all reported incidents to include: incidents considered by investigators to be “unfounded” or unsubstantiated by evidence; incidents where victims declined to press charges; incidents where command or DoD actions were “precluded or declined.”

RQ#2: Are the Army’s rates of sexual assault higher or lower than the general civilian population?

a. Department of the Army (DA) rates of incidence as calculated from subparagraph “a.” above were compared to FBI UCR data from the corresponding calendar year.
b. Both Department of the Army annual reports and FBI UCR data include “attempted” rapes and sexual assaults so no adjustment to data interpretation is required.
c. Statutory rape and incest are excluded from both DA and FBI data.
d. The rate of incidence was further compared across FBI and RAND survey data to account for incidents reported by victims to the survey administers, but not reported to either civilian law enforcement or the DoD chain of command.

RQ#3: Has the Army’s SAPR program decreased the rate of sexual assault?

a. While neither the DA nor the DoD defined program success, for data
analysis an assumption has been made that the minimum criteria for the Army’s Sexual Assault Prevention and Response Program is a trending decrease in the number the most egregious incidents included in the “sexual assault” definition – rape and aggravated sexual assault.

b. A corresponding assumption was made that program awareness was responsible for an increase in reports per annum.

c. Post-2007 data was further segregated to exclude all offenses except rape and aggravated sexual assault.

d. The Department of the Army’s rate of incidence was analyzed by examining the annual reported number of the two most egregious forms of sexual assault – rape and aggravated sexual assault.

Reliability and Validity

While there is a large amount of quantifiable data available from 1988, 1995 and yearly from 2004-2015 and the research conducted supported the claim that the data was valid, basic survey techniques were used to collect the majority of all data. Resultantly, it should be remembered that RAND data was collected from a survey vice a census.

Scope and Limitations

The sample size for this study consisted of the entire Army force per year but was reduced to include only the active-duty population if data required to facilitate data analysis. The key limitation in conducting this research was the availability of accurate and reliable data before 2004. Additionally, DoD Annual Reports on Sexual Assault data before 2009 did not segregate incidents of sexual assault by military service component (i.e. Air Force, Army, USMC, Navy).
The SAPR program was developed in 2004, as a result program data from previous years is not available.
Chapter 4: Data Analysis

Introduction

The fundamental challenge confronting this program evaluation was the lack of any clearly defined measure of performance or measure of effectiveness for either the DoD or Army SAPR program. Sexual assault in any form, from the most common to the most egregious, is widely accepted as one of the most underreported criminal complaints (Department of Defense, 2010). Acknowledging the limitations of FBI UCR data (the largest being the exclusion of unfounded reported incidents from the FBI’s annual UCR report), a more specific categorical analysis and comparison of incidents was performed.

Nearly each annual DOD SAPRO report referenced the role of trust in responding to, and preventing sexual assault. The introduction of the restricted reporting option in 2005 presented servicemembers with a reporting option that allowed medical treatment for their injuries but did not require the incident to be reported to the servicemember’s chain of command (Department of Defense, 2006). To explore the relationship between the trust required on the part of victims to step forward and report victimization to their chain of command, the rate of restricted reporting was analyzed across the examined period.

Data Presentation and Analysis

Annual reports from the Department of Defense’s Sexual Harassment and Prevention Response Program Office (SAPRO) were analyzed from the period of 2007 – 2016. Annual rates of incidence of sexual assaults, rates of restricted incident reporting, the frequency of reported rape and sexual assaults within DOD, and FBI UCR data for rape and sexual assaults were exhaustively extracted from applicable reporting sources for comparison.
RQ#1: What is the historical rate of sexual assault within the Army?

Comprehensive analysis of DoD annual reports revealed a fluctuation in reported incidents annually. To best understand the reported frequency of sexual assault within the Army, the Army’s rate of sexual assault was compared to the overall rate within the DoD.

As indicated in Table 1.1, while the annual rate of sexual assault fluctuated yearly from 2007-2016, the Army’s rate of sexual assault was higher than that of the DoD from 2007 to 2012. From 2013 to 2015 the Army’s rate of sexual assault is representative of the DoD rate. The rate of incidence increased from 2.6 sexual assaults/1000 Soldiers in 2004 to 4.5/1000 Soldiers in 2016 (Department of Defense, 2007 – 2016).
The mean rate of incidence per thousand servicemembers within the DoD was 2.78, while the Army’s mean was 3.08. The median for the DoD and the Army were 2.05 and 2.6 respectively. In 2016, the Department of Defense deviated from their established reporting methods by failing to publish a rate of incidence of sexual assault within the DoD (Department of Defense, 2016). Resultantly, the number of incidents reported by DoD in 2016 were compared to population size. The DoD lists the total number of incidents as both 6586 and 6172. 6586 was chosen due to an absence of an explanation for the incongruous reporting; the DoD’s population size in 2016 was 1.3 million. While the DoD failed to report a rate of incidence, there was no similar anomaly in the Army’s 2016 reported rate.

Table 1.1 reflects the rate of incidence not only across a nine-year period but also relative the active-duty military population (DMDC, 2017). The peak military population during the nine-year period was 1.43 million while the population decreased to its lowest level of 1.3 million in 2016. The mean population was 1.37 million while the median population was 1.39 million.

While Table 1.1 is useful in beginning to understanding sexual assault, it only reflects reported incidents. The DoD utilized surveys conducted by both the Defense Manpower Data Center (DMDC) and the RAND Corporation since the late 1980s (Lipari, Cook, Rock, & Matos, 2006). The DMDC surveys yield approximately 25,500 respondents or more in each survey whereas the RAND study sampled a much larger population of nearly 560,000 members, including the entire 2014 DoD female servicemember population (Morral, Gore, & Schell, 2014). Both the DMDC surveys and RAND study utilize unwanted sexual contact as opposed to the term “sexual assault,” to reflect the offenses included under the umbrella of sexual assault (Rock & Lipari, 2010). Unwanted Sexual Contact (USC) was also used to “balance the
emotional burden to the respondent”; to prevent an emotional trigger from being experienced by victims of sexual assault by utilizing USC as a proxy term (Davis, Grifka, Williams, & Coffey, 2016).

As Table 1.2 reflects below, the reported survey data indicates a much larger prevalence and rate of incidence of sexual assault – USC – than is indicated by the DoD’s annual reports. To better understand these percentages, they were converted to a raw number of incidents, then compared to the service population utilizing DMDC’s databases of servicemember data. Annual end strength figures were broken down by gender to calculate a total number of females serving in the DoD and Army during each of the years reflected in Table 1.2.

Table 1.2

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage of Servicemembers who experienced Unwanted Sexual Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women - DoD</td>
<td>Women - Army</td>
</tr>
<tr>
<td>0.00%</td>
<td>1.00%</td>
</tr>
</tbody>
</table>

Table 1.2

Percentage of Servicemembers who experienced Unwanted Sexual Contact
Table 1.3 displays the number of women serving throughout the DoD and Army during each of the five annual periods depicted. Additionally, it depicts the raw number of reported incidents by women during each annual period in the DoD and Army. Data pertaining to male victims was excluded, not in an attempt to minimize the victimization of those men, but due to the relatively low number of reported assaults. While the population of women throughout the DoD and Army remained relatively constant from 2006-2016, there were large fluctuations in reported instances of USC. The highest number of incidents reported in the DoD and Army were 12434 in 2012 and 6286 in 2006 respectively. The median number of instances reported by women in the DoD were 9771 compared to 4527 in the Army.

Table 1.4 compares the DoD’s annual report data to the DMDC and RAND survey data, and Table 1.5 reflects the median rates of assault per 1000 servicemembers during the four years selected between 2010 and 2016. The most notable aspect of the comparison between the two
categories of studies is the proportion of discrepancy between the data. It is imperative to note
the differences between the total number of restricted and unrestricted reports and the total
number of incidents reported by Army women during the DMDC and RAND surveys. During
the five years analyzed between 2006 and 2016 (2006, 10, 12, 14, and 16) the median number of
incidents reported through the entire DoD was 3604. According to survey data, however, the
median number of incidents reported by women who experienced USC in the DoD and Army
was 9771 and 4527 respectively.

Table 1. 4

![Table 1.4](chart.jpg)

The median rate of incidence of USC within the DoD was 46.4 incidents per thousand
servicemembers while the Army’s median rate was 53.6, nearly 15-20 times the reported annual
rates.

Table 1. 5
Table 1.5
Median Rates of Incidence/1000

<table>
<thead>
<tr>
<th></th>
<th>Annual Reports</th>
<th>Annual Reports</th>
<th>Survey DoD Women</th>
<th>Survey Army Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEDIAN</td>
<td>3.25</td>
<td>3.05</td>
<td>46.37</td>
<td>53.63</td>
</tr>
</tbody>
</table>

Table 1.6 demonstrates the number of restricted reports relative the total number of sexual assaults reported by the DoD’s annual reports. The table also displays the relationship between reports that were initiated as restricted but then changed to unrestricted reports and the annual percentage of unrestricted reports. The median number of unrestricted reports from 2005-2016 was .026 and increased annually from 2013 to 2016. Most notable is the ever-increasing trend in restricted reporting as indicated by the blue dotted line at the top of Table 1.6.

Table 1.6

Table 1.6
Restricted Reporting Relative Total Reporting

![Graph showing the number of restricted reports relative to total reports from 2005 to 2016.](image)
RQ#2: Are the Army’s rates of sexual assault higher or lower than the general civilian population?

To compare the DoD and Army rates of sexual assault with those of the general population, FBI sexual assault statistics from the UCR were utilized. Annual UCR rape figures were converted from a rate per 100K members of the U.S. population to a rate per 1000 to provide a comparison to Army data. The Department of the Army began tracking incidents categorically in 2008. As Table 2 reflects, the rate of incidence of rape is substantially higher in the Army than in the general U.S. population.

Table 2.1

<table>
<thead>
<tr>
<th>Year</th>
<th>UCR - Rape Revised Rate</th>
<th>UCR - Rape Legacy Rate</th>
<th>Army - Rape Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>0.62</td>
<td>0.30</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>0.92</td>
<td>0.44</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>0.84</td>
<td>0.27</td>
<td>0.92</td>
</tr>
<tr>
<td>2010</td>
<td>0.81</td>
<td>0.36</td>
<td>0.81</td>
</tr>
<tr>
<td>2011</td>
<td>0.92</td>
<td>0.39</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>0.81</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>0.68</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Army recorded their highest number of rapes, 511, in 2009 and its lowest number, 243 in 2012. The median number of rapes per the FBI’s legacy and revised definitions is 0.28 and 0.37 respectively, compared to the Army’s median rate of 0.81.
RQ#3: Has the Army’s SAPR program decreased the rate of sexual assault?

The three aspects of the Army’s SAPR program that are worth evaluating in an attempt to answer this question are: First, is the reported rate of sexual assault in the Army decreasing? Second, what is the nature and relationship between the rate of reporting and the rate of restricted reports? Lastly, are incidents of the two most egregious types of sexual assault – rape and aggravated sexual assault – decreasing?

Table 3.1 depicts several aspects pertaining to the history of the Army’s SAPR program that are critical to answering the questions above. Table 3.2 is identical to Table 3.1 with one exception; all Army SAPR program data for the year 2012 was deleted. The statistical decreases in all Army SAPR program data for the 2012 fiscal year appear quite anomalous when compared to every other fiscal year from 2007 to 2016. The removal of FY 2012 data presents a much more consistent picture of the Army’s SAPR program’s progression but requires more detailed discussion.

The median rate of sexual assault from 2007 to 2016 was 2.55 incidents per 1000 Soldiers. The lowest rate was 2.30 in 2012 (the lowest rate reported since the Army’s SAPR program began) and the highest rate was 4.40 in 2016 (Department of the Army, 2012). The median percentage of restricted reports was 0.19. The highest percentage of restricted reporting occurred in 2016, and the lowest occurred in 2012 with 0.25 and 0.12 percent respectively. Both Table 3.1 and 3.2 reflect a considerable decrease in the prevalence of rape and an increase in the prevalence of aggravated sexual assault.
Table 3.1

Summary of Department of the Army Program Performance

![Graph showing the rate of sexual assault, restricted reports, rape incidents, and aggravated sexual assault incidents from 2007 to 2016.](image)

Table 3.2

Summary of Department of the Army Program Performance (FY 2012 Data Removed)

![Graph showing the rate of sexual assault, restricted reports, rape incidents, and aggravated sexual assault incidents from 2007 to 2016 with FY 2012 data removed.](image)
Data Collection Summary

The data examined during this program evaluation indicates that the Department of the Army is still very much in the process of confronting sexual assault. According to the Department of Defense and Department of the Army’s reports, the prevalence of sexual assault in the Army appears to be declining. However, survey data (with the exception of 2012) paints a much bleaker picture. Additionally, the rate of incidence within the DoD seems significantly higher than that experienced by the general civilian population. Despite a considerable decrease in the number of rapes against women in the Army from 2012-2015, there was an increase in aggravated sexual assaults which may be indicative of statistical fluctuations caused by incident classification more than increased awareness and prevention. Restricted reporting is trending in an unfavorable direction as well and such a continued increase possibly indicates a continued lack of trust within the Army between subordinates and superiors.
Chapter 5: Summary, Conclusions, and Recommendations

Summary

The primary objective of this program evaluation was to evaluate the effectiveness of the Department of the Army’s SAPR program in preventing sexual assault. Four subordinate objectives were created: First, to identify an increase or decrease in sexual assaults within the Army since the implementation of the SAPR program. Second, to compare the rate of sexual assault within the Army to that of the general U.S. population. Lastly, to make recommendations to Department of the Army leadership to improve the effectiveness of the SAPR Program. Three research questions corresponded to the above objectives and were the focus of the data analysis conducted in Chapter 4: What is the historical rate of sexual assault within the Army? Are the Army’s rates of sexual assault higher or lower than the general civilian population? Has the Army’s SAPR program decreased the rate of sexual assault within the Army?

Conclusion

What is the historical rate of sexual assault within the Army?

The answer to this question is far more complicated than it appeared at the onset of this evaluation. First, the disparity between the number of restricted and unrestricted incidents reported by Army Soldiers to their chain of command, and the survey data, is extremely large. The median number of instances of USC reported by Army women during surveys (within the period analyzed) is 21% greater than the median number of incidents reported by service members (men and women combined) in the combined branches of the DoD (as reported by the DoD’s annual reports). How can such a disparity exist? Research conducted throughout this evaluation suggests it is a combination of several factors including the nature of sexual assault as
an underreported offense, a lack of trust within the Army as an organization and, the relationship between gender and power in organizations. The median rate of sexual assault within the Army as reported by the Department of the Army’s annual SAPR reports was 2.6 assaults per 1000 Soldiers compared to the median rate of 54 incidents per 1000 female Soldiers reported during surveys conducted from 2006 to 2016.

One of the challenges inherent to analyzing program effectiveness and statistics pertaining to sex offenses is that they are notoriously under-reported. Nearly every annual DoD and Army report mentioned that fact, and it was analyzed extensively by Firestone in her article about individualized and environmental contexts (Firestone, 1994). Why do victims sometimes chose not to report the crime? The RAND corporations analysis in 2014 helps to understand victims choices. The top reasons for choosing not to report included victims minimizing their own assault, worries about retaliation, and concerns about perception (Morral, Gore, & Schell, 2014). Other reasons included self-blaming, a concern that too many people would find out about the incident, and a desire to distance themselves from the incident (Morral, Gore, & Schell, 2014, p. 61).

How can we evaluate trust and its effect on the Army’s SAPR program? The percentage of restricted reports is increasing annually. What can that tell us about trust? The analysis of the prevalence of restricted reporting relative total reports can lend perspective. First, it is necessary to remember that a restricted report paves the way for a victim to access medical treatment; it does not disclose the incident to the chain of command. Unlike during an unrestricted report, it is entirely likely that the supervisor of a victim who files a restricted report would have no idea a sexual assault occurred. Indeed, that is how the restricted reporting process is intended to function.
If restricted reports are designed to protect victims from their chain of command, then a decrease in the number of Soldiers who elect to file restricted reports could be an indicator of an increase in trust within the organization. That is not the story being told by the Army’s SAPR statistics. Table 1.6 shows a steady increase in the percentage of restricted reports filed annually since 2005. Since restricted reporting was only introduced as an option in 2005, it is natural that there would be an upward trend in restricting reporting for a time. However, 12 years later the trend has yet to cease; restricted reports accounted for at least 30% of all DoD reports annually since 2014 and represented 32% the total reports across the DoD in 2016.

**Are the Army’s rates of sexual assault higher or lower than the general civilian population?**

The rate and prevalence of sexual assault appear significantly higher than that of the general civilian population. This was reflected in a comparison between the frequency of civilian rape tracked by the FBI in their UCR, and rape within the Army. While variations between the legacy and revised FBI definition of rape created some small challenges to data analysis, the irregularities did not prevent comparable analysis. Excluding survey data and examining only the Department of the Army’s annual reports since 2008, the prevalence of rape in the Army is nearly three times that of the civilian population (as detailed in reported offenses within the UCR). Acknowledging survey data collected across the DoD and the Army, the prevalence is likely much higher, but a true comparison cannot be drawn without a detailed analysis of similar survey data collected from the civilian population.

**Has the Army’s SAPR program decreased the rate of sexual assault?**

Chapter 4 of this program evaluation introduced three questions that must be answered to satisfy this question: First, is the reported rate of sexual assault in the Army decreasing? Second, what is the nature and relationship between the rate of reporting and the rate of restricted reports?
Lastly, are incidents of the two most egregious types of sexual assault – rape and aggravated sexual assault – decreasing? Since the previous paragraph addressed restricted reporting, we will focus on the frequency of sexual assault, rape, and aggravated sexual assault.

Table 3.1 and 3.2 indicate that sexual assault continues to plague the DoD and Army. Table 3.2 which removes FY 2012 data is particularly interesting. What could explain the sudden and isolated drop in FY 2012 incidents, restricted reports, rapes, and aggravated sexual assaults? It’s impossible to know for sure, but after a thorough review of more than 13 years of DoD reports and numerous other sources, it is quite difficult to accept 2012’s numbers as reliable.

Several important events occurred in 2012. *The Invisible War* – a film that shocked and alarmed Congress – premiered at Sundance Film Festival in January of that year and was privately screened to the Secretary Of Defense in April (Corliss, 2012). Additionally, the Army continued an aggressive downsizing, and separated fifteen thousand Soldiers during the FY. Lastly, the presidential election occurred in November. While mentions of these factors may create an unscientific tone of conspiracy theory, they are variables that can influence data collection, incident handling, and organizational climate that need to be considered when attempting to explain 2012’s unprecedented decrease in every measurable metric in the Army’s SAPR program. How unusual were 2012’s numbers? 2013 saw a 51% increase in reported incidents, one of the largest annual increases since the SAPR program’s inception (Department of Defense, 2013). In 2012, there was tremendous pressure on military leaders to explain the prevalence of sexual assault, what they were doing to stop the problem, and who was responsible. Never before, and possibly, not since, had there been so much incentive to misrepresent the SAPR program’s numbers.
The interpretation of the Army’s 2013 program data lends itself to additional speculation. In 2012, the Army’s report made a preliminary suggestion that 2012 survey data, while not yet completely analyzed, revealed a potential decrease in the “actual number of sexual assaults” in the Army during the FY (Department of the Army, 2012). Additionally, in 2013, the Army asserted that “according to survey data, the prevalence of sexual assaults in the Army has remained statistically unchanged since 2006” (Department of the Army, 2012, pp. 176-177). It is difficult to understand how such conclusions from 2012 and 2013 data are possible. Table 1.2, 1.4 and 1.5 indicate substantial changes from 2006, 2010, and 2012 in the prevalence of USC amongst women in the DoD and Army.

While the expansions within both the DoD and Army SAPR programs since 2004 was considerable and the corresponding investments in training, victim-advocate staffing, and enforcement likely increased awareness, the Army’s SAPR program has not decreased sexual assault in the Army since its creation. While the decrease in the number of rapes in the Army decreased yearly since 2012, the number of aggravated sexual assaults increased annually since 2011. The Army’s 2013 report credits the year’s steep increases in reported incidents as “encouraging signs of progress,” but it is difficult to evaluate program effectiveness when both a decrease and an increase in incidents is credited as a success (Department of the Army, 2012, p. 176).

**Recommendations**

The Army’s desired end-state is clear and unquestionable – a sexual-assault-free Army. Why then does the Army (and they are not alone in this regard) appear resistance to establish measures of performance and measures of effectiveness that clearly define a successful program? The fundamental challenge faced by Army leadership is to create an environment where victims
feel safe to come forward and report, a safety defined by not only protecting the victim’s occupational status (their job and possibilities for retention and promotion) but by also preventing interpersonal and social harm within the victim’s unit. It is therefore impossible for leaders to declare that they want victims to come forward, and, simultaneously, want subordinate leaders to reduce the reported rate of sexual assault. If it can be agreed that sexual assault cannot be eliminated due to the inherent darkness of humanity, then the Army’s decisive operation is to increase trust by lifting the shadows so often surrounding offender’s accountability (or lack thereof).

1) Reform the Uniform Code of Military Justice and establish independent judicial authorities for sexual assault cases.

It is time for the Department of Defense to acknowledge their inability to administer unbiased justice to the victims of sexual assault. The totality of literature researched during this program evaluation – articles by Draper, Firestone and Harris, Shinkman and so many others – paints an unflattering reality that must be confronted. The “brotherhood,” the “fraternity” run too deep and the power that rests with convening authorities is too absolute. Schlueter and Gregor argue passionately for and against such reform with the preeminent logic by those who oppose it is that the commander will lose control of his unit if he is not the supreme commander. This argument, however, fails to account for the changing nature of domestic relationships, the repeal of don’t ask don’t tell, prohibitions on transgenderism, and the ongoing gender integration efforts across the force. It is also hard to understand how it has been so sustainable in the face of continued congressional scrutiny.

While detailed sentencing and conviction data was not analyzed for this program evaluation, it is a well-accepted reality that few military offenders (less than one in 20 in 2010),
Program Evaluation of the United States Army’s Sexual Assault Prevention and Response Program

are sentenced to jail time (Corliss, 2012). The only way to increase accountability is to increase oversight. Such oversight is likely to send a message to commanders and soldiers alike, that they no longer have the discretion to either wipe the offense under the carpet or throw out a sentence against an offender. Yes, new challenges will arise. What about crimes committed in war zones? What about new allegations of past offenses? Who investigates, who has authority etc.? These are all challenging issues that will need to be addressed, but it is incumbent upon the Army to acknowledge the parallel limitations and challenges that exist in the current process and find ways to improve.

2) **Continue gender integration efforts in the Army**

   The Infantry Branch graduated its first female officers, and the Special Operations Aviation Regiment will soon have its first female Aviation Company Commander. These are just two of the Army’s notable advances in the effort to integrate women across all Army occupations. It must be reasoned that an increase in the number of women in senior leadership positions within the Army will decrease both the actual and perceived “good-’ol-boys club” mentality that (as reported by victims) so often prevents reporting and revictimizes those who’ve experienced sexual assault first hand.

3) **Increase the transparency of legal actions taken against offenders**

   While due process is an important and integral part of both the civilian and military criminal justice processes, the cloud of secrecy must be lifted from military justice proceedings. Transfers in lieu of disciplinary action and similar actions discredit military leadership and contribute to the belief that the accused will receive merely a “slap on the wrist.” A system must be established to track convictions and sentences of the perpetrators of sexual assault.
References


Program Evaluation of the United States Army’s Sexual Assault Prevention and Response Program


Appendix A: Raw Table Data

Table 1 – Rate of Incidence

<table>
<thead>
<tr>
<th>Year</th>
<th>Army Rate of Incidence</th>
<th>DoD Rate of Incidence</th>
<th>Active Duty Population</th>
</tr>
</thead>
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<tr>
<td>2007</td>
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<td>1.8</td>
<td>1.37</td>
</tr>
<tr>
<td>2008</td>
<td>2.6</td>
<td>1.7</td>
<td>1.4</td>
</tr>
<tr>
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<td>2</td>
<td>1.41</td>
</tr>
<tr>
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<td>1.8</td>
<td>1.43</td>
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<td>1.42</td>
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<td>4</td>
<td>1.33</td>
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<tr>
<td>2016</td>
<td>4.5</td>
<td>5.06</td>
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</table>

Table 1.2 – Percentage of Servicemembers who experienced USC

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Women - DoD</th>
<th>Women - Army</th>
<th>Men - DoD</th>
<th>Men - Army</th>
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<td>2006</td>
<td>5.10%</td>
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<td>2.30%</td>
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<td>2010</td>
<td>4.40%</td>
<td>6.00%</td>
<td>0.90%</td>
<td>1.00%</td>
</tr>
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<td>6.10%</td>
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<td>2014</td>
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<td>0.95%</td>
<td>0.95%</td>
</tr>
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<td>2016</td>
<td>4.30%</td>
<td>4.40%</td>
<td>0.60%</td>
<td>0.60%</td>
</tr>
<tr>
<td>Median</td>
<td>4.87%</td>
<td>6.00%</td>
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</table>

Table 1.3 – Reported USC Relative Population – SURVEY Data

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<th>YEAR</th>
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<th>Women - Army</th>
<th>Reports DoD</th>
<th>Reports Army</th>
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### Table 1.4 – Rate of Incidence – Survey data compared to Army and DoD Annual Data

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| MEDIAN | 3.25 | 3.05 | 46.4 | 53.6 |

### Table 1.6 – Restricted Reporting Relative Total Reporting

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<th>Year</th>
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<th>Converted</th>
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| MEDIAN |        |          |          |                    | 0.26                  |

### Table 2 – FBI UCR Data Compared to Department of the Army (Rate per 1000)

<table>
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<th>Year</th>
<th>UCR - Rape Revised Rate</th>
<th>UCR - Legacy Rate</th>
<th>Army - Rape Rate</th>
<th>Army - Agg. Assault Rate</th>
<th>Rape - Incidents</th>
<th>Aggravated Sexual Assault - Incidents</th>
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</table>
Table 3.1 – Summary of Department of the Army Program Performance

<table>
<thead>
<tr>
<th>Year</th>
<th>Rape - Incident</th>
<th>Aggravated Sexual Assault - Incidents</th>
<th>Total Incidents</th>
<th>Rate of Sexual Assault</th>
<th>Restricted Reports</th>
<th>Percentage Restricted</th>
<th>Army Population (x1000)</th>
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</thead>
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Table 3.2 – Summary of Department of the Army Program Performance (FY 2012 Data Removed)

<table>
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<th>Year</th>
<th>Rape - Incident</th>
<th>Aggravated Sexual Assault - Incidents</th>
<th>Total Incidents</th>
<th>Rate of Sexual Assault</th>
<th>Restricted Reports</th>
<th>Percentage Restricted</th>
<th>Army Population (x1000)</th>
</tr>
</thead>
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