

Snapshot Review of
**Sexual Assault
Report Files**
at the Four Largest
U.S. Military Bases in 2013

Department of Defense Documents Show: Despite
Congressional Reforms Passed, Hostile Climate and Lack of Faith in
Commander-Led Justice System Remain; The Scope of Violence in
Military Communities is Vastly Underreported

*Office of Senator Kirsten Gillibrand
May 2015*

EXECUTIVE SUMMARY

On February 10, 2014, Senator Kirsten Gillibrand, in her oversight role as Chairman of the Personnel Subcommittee of the Senate Armed Services Committee, requested the Department of Defense (DoD) provide her office with files pertaining to the investigation and adjudication of sexual assault cases, from 2009 to 2013, at the largest U.S. base for each military service. These installations are the Army's Fort Hood in Texas, Naval Station Norfolk in Virginia, Marine Corps Base Camp Pendleton in California, and Wright-Patterson Air Force Base in Ohio.

“**As the Associated Press wrote on February 10, 2014, when Gillibrand first made her request:** *“Such records would shed more light on how military commanders make decisions about court martials and punishments in sexual assault cases and whether the inconsistent judgments seen in Japan are more widespread. AP’s investigation, which was based on hundreds of internal military documents it first began requesting in 2009, found that what appeared to be strong cases were often reduced to lesser charges. Suspects were unlikely to serve time even when military authorities agreed a crime had been committed. In two rape cases, commanders overruled recommendations to court-martial and dropped the charges instead.”*¹

On December 15, 2014, **308 days after the initial request**, the Department of Defense provided 107 redacted sexual assault **case files from the year 2013**. Senator Gillibrand had requested “all reports and allegations of rape, forcible sodomy, sexual assault, sex in the barracks, adultery and attempts, conspiracies, or solicitations to commit these crimes” **for the last five years**. Despite two separate assurances from then-Secretary of Defense Hagel directly to Senator Gillibrand that all files would expeditiously be provided, the DoD reluctantly agreed to provide just one year’s worth of files after then-Senate Armed Services Committee Chairman Carl Levin intervened. The larger request remains unfulfilled. This refusal from the DoD to provide basic information pertaining to sexual violence and military justice to the former Personnel Subcommittee chair with oversight duties calls into question the Department’s commitment to transparency and getting to the root of the problem.

While the case files do shed some light on how the military has dealt with the scourge of sexual assault on bases, with many findings consistent with the Associated Press’s accounts of sexual assaults at American military bases in Japan, it is important to note that the files are redacted, incomplete, and often do not contain all relevant data pertaining to the cases.²

Our review of the 107 case files provided by the Department of Defense sheds further light on the true scope of sexual violence in military communities, including two large but overlooked segments of the military population – **military spouses, and civilian women living near military bases** – that are not counted in the DoD’s surveys on sexual assault prevalence. The documents analyzed by our office suggest that civilians (including spouses) are especially vulnerable, and that the military justice system continues to struggle to provide justice.

It should be noted that the decision-making Convening Authority (CA) in these cases was a Commanding Officer who did not have the appropriate legal training and more likely than not did not have professional legal experience in the disposition of serious crimes. The CA, in turn, was advised by a Staff Judge Advocate who did not necessarily have the criminal justice experience that an independent prosecutor would have, and worked directly for (and subordinate to) the CA.

CONCLUSIONS:

- **The Untold Story: Prevalence of Civilian Victims of Military Sexual Assault. The True Scope of the Violence in Military Communities is Vastly Underreported, Potentially by as Much as Half at Some Bases.** Two significant – but overlooked – categories of survivors in military communities are the civilian women living near military communities and non-military spouses of service members, **which total over half, or 53%, of the cases analyzed.** This is over **double the rate of civilian survivors** that are listed in the DoD SAPRO Report (Sexual Assault Prevention and Response Annual Report for FY 2013).³ (This could be due to higher reporting at these bases, or a higher incidence of sexual assaults at these bases, but that is unknown.) The Department of Defense’s sexual assault surveys, which are the main source of data to quantify the prevalence of sexual assault in the military, only query servicemembers, and therefore only include projected statistics of how many *servicemembers* are survivors of military sexual assault.⁴ **The inclusion of civilian survivors in a total count of estimated sexual assaults, using the DoD SAPRO rate and not the higher 53% rate found in these specific cases, could potentially raise the number of civilian survivors to between 5,000 and 6,000. This is in addition to the 20,000 servicemember survivors. Applying the higher rate from these four bases, 53%, demonstrates that the inclusion of civilian survivors in a total count of estimated sexual assaults could more than double the number of currently-estimated survivors of sexual assault by a servicemember (an increase of 22,000) to a total of approximately 42,000. This estimate represents a significant increase in sexual assault survivors who are part of the overall military community, yet remain in the shadows.**
- **32% of Reports Are by Civilian Women, Uncounted in the Department of Defense’s Sexual Assault Prevalence Surveys.** An analysis of the case files revealed that there were 33 alleged assaults by servicemembers on civilian women out of 107 during 2013.
- **21% of Reports Are by Civilian Military Spouses, Uncounted in the Department of Defense’s Sexual Assault Prevalence Surveys.** An analysis of the case files revealed that there were 22 alleged assaults by servicemembers on their civilian spouses out of 107 during 2013.
- **Majority of Military Spouses Declined to Pursue Justice.** Nearly 73% of military spouses⁵ who accused their servicemember spouses of sexual assault declined to pursue charges. Of the 22 sexual assault incidents reported by spouses, **in only one case did the military command proceed to trial, and in that case the husband was acquitted of the sexual assault.** The military justice system is clearly failing these military spouses.
- **Lack of Faith in Military Justice/Hostile Climate for Survivors – Nearly Half of Survivors Who Took First Step Toward Justice by Filing Unrestricted Report Within the Military Justice System Later Declined to Move Forward.** The data shows that nearly half (50 out of 104) of those who went forward and initially chose to file an unrestricted report – meaning they were comfortable going public with their accusations and pursuing court justice – declined to move forward and pursue court justice action.⁶ Of those 50, many voluntarily submitted to an intrusive sexual assault evidence collection kit, showing a strong commitment to pursuing justice. The fear of retaliation, which remains a major problem according to the Department of Defense, among other factors, could be a major concern.⁷ It should be noted that the best research in the field of sexual assault shows the rate of false accusation is similar to other crimes, and falls between 2% and 8% of cases,⁸ meaning 92% to 98% of the

accusations are likely accurate. The attrition rate of unrestricted reports also directly undercuts DoD claims of building confidence from service members in the military justice system.⁹

- **Lenient Punishments: Many Charged with Sexual Assault and Rape Get Reduced Charges and Receive Much Lesser Punishments. The Absence of Justice Allows Predators to Continue to Remain Free and Potentially Commit More Crimes on Civilians and Servicemembers.** The current military justice system continues to struggle to provide justice. Just over 20% of the 107 cases went to trial. Only about 10% of these 107 sexual assault suspects were convicted of a sexual crime, 6% of a non-sexual assault crime, and **3% were allowed to resign or be discharged in lieu of Court-Martial. In one case with three victims (one military, two civilian) the Investigating Officer determined sufficient evidence existed and recommended the case be referred to court martial. However, the Convening Authority approved a discharge in lieu of a trial.**
- **In Almost Half of All Sexual Assault Convictions, the Accused Confessed to the Crime.** Out of the 107 case files received, only 11 of the accused were convicted of sexual assault. **Five of these 11 case files include statements where the accused admitted to the crime.** (It is unclear if confessions were made in the remaining six convictions.) Therefore, approximately half of the sexual assault convictions resulted from confessions, suggesting the military needs to do a better job of prosecuting cases lacking a confession.
- **The Accused's Word Appears to Trump the Survivor's.** An alarming number of cases appear to go cold when the accused and alleged survivor provide conflicting statements as to whether the sex was consensual. In particular, if the two parties have a previous sexual history, the alleged assailant is more likely to be believed. Of the 34 cases in which the accused told the authorities that the sex was consensual, or denied it happened, the command took action just ten times. In these cases, there were zero convictions of sexual assault. Significantly, 27 of 34, or about 79% of these cases, did not go to trial. **There is no data that bears out the military's claim that commanders have been tougher on sexual assault cases than independent military prosecutors would be.**
- **Low/Inconsistent Case Numbers and Incomplete Data Provide Cause for Concern.** Naval Station Norfolk provided a strikingly low number of cases in proportion to the number of servicemembers stationed there. The true number of Air Force Sexual Assault reports is also unclear, as the number of cases provided is inconsistent with numbers reported previously in the media.¹⁰ Additionally, many of the Fort Hood case files are incomplete and do not provide even the most basic case narratives.

The findings contained in this report are consistent with the previous reporting of mishandled sexual assault cases at military bases in Japan. This suggests a large scale systemic failure and a culture that protects the accused and ostracizes the survivor at the expense of the public and the servicemembers' safety. The lack of an effective military justice system, with the commander making untrained evidentiary decisions, not only threatens the men and women serving in uniform, but also, this data clearly shows, threatens the civilian population. This further demonstrates the need for an independent, trained military prosecutor, unbiased by the chain of command, making evidentiary decisions about felony-level crimes.

In addition to the below findings, seven case files demonstrate just how dysfunctional the military system of justice continues to be to those who participate in it. Narratives describing these cases are found at the end of the report.

CASE FILES:

1. Wright-Patterson Air Force Base – Recommended Court-Martial – Potential Serial Sexual Predator Discharged Without Trial.
2. Marine Corps Base Camp Pendleton – An Underage High School Civilian Denied a Trial.
3. Marine Corps Base Camp Pendleton – Potential Serial Rapist – No Punishment.
4. Marine Corps Base Camp Pendleton – Wife Accuses Husband of Rape. Wife Commits Suicide Four Days Later. No Punishment.
5. Marine Corps Base Camp Pendleton – A Civilian Accuses a Marine of Rape – Marine Denies It. End of Story.
6. Naval Station Norfolk – A Potential Gang Rape by Multiple Servicemembers.
7. Naval Station Norfolk – Instructor Charged with Sexual Assault. Survivor Was Willing to Testify. No Trial.

The Untold Story: Prevalence of Civilian Victims of Military Sexual Assault. The True Scope of the Violence in Military Communities is Vastly Underreported, Potentially by as Much as Half at Some Bases.

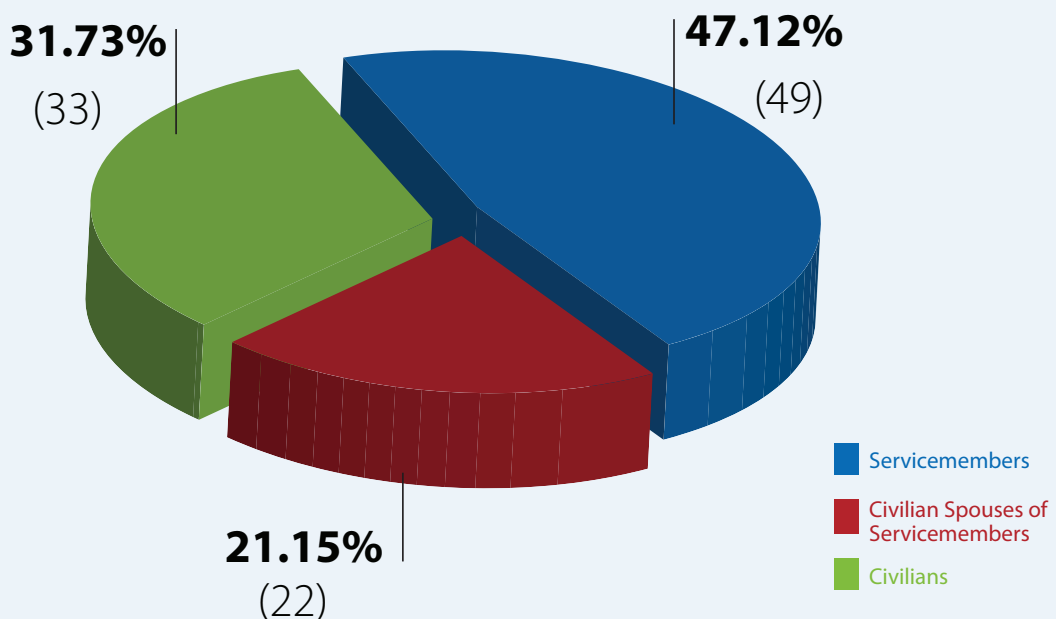
In its December 2014 report to the President, the Department of Defense estimated that an annual 20,000 of the U.S. military’s 1.3 million active-duty members had experienced one or more sexual assaults in the past year.¹¹

The survey results were based solely upon answers provided by active duty-service members, and a smaller sample of National Guard and Reserve members. Servicemembers’ non-military spouses were not included.¹²

In the 107 cases analyzed for the four bases provided in 2013, two significant demographics emerged that are **not counted by the Department of Defense’s prevalence surveys**: female civilians,¹³ and the civilian spouses of servicemembers.¹⁴

In fact, female civilians and spouse survivors, when combined, exceeded the number of servicemember survivors.

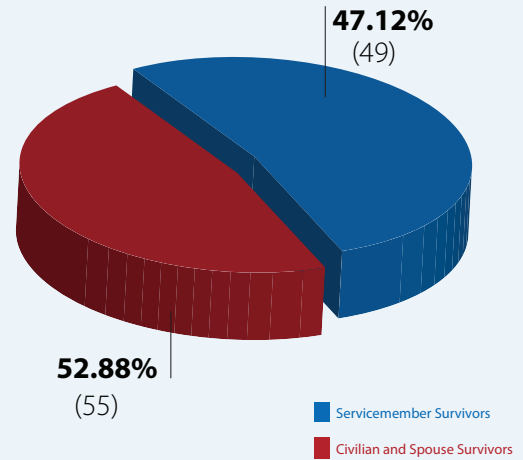
Civilian, Spouse, and Servicemember Survivors



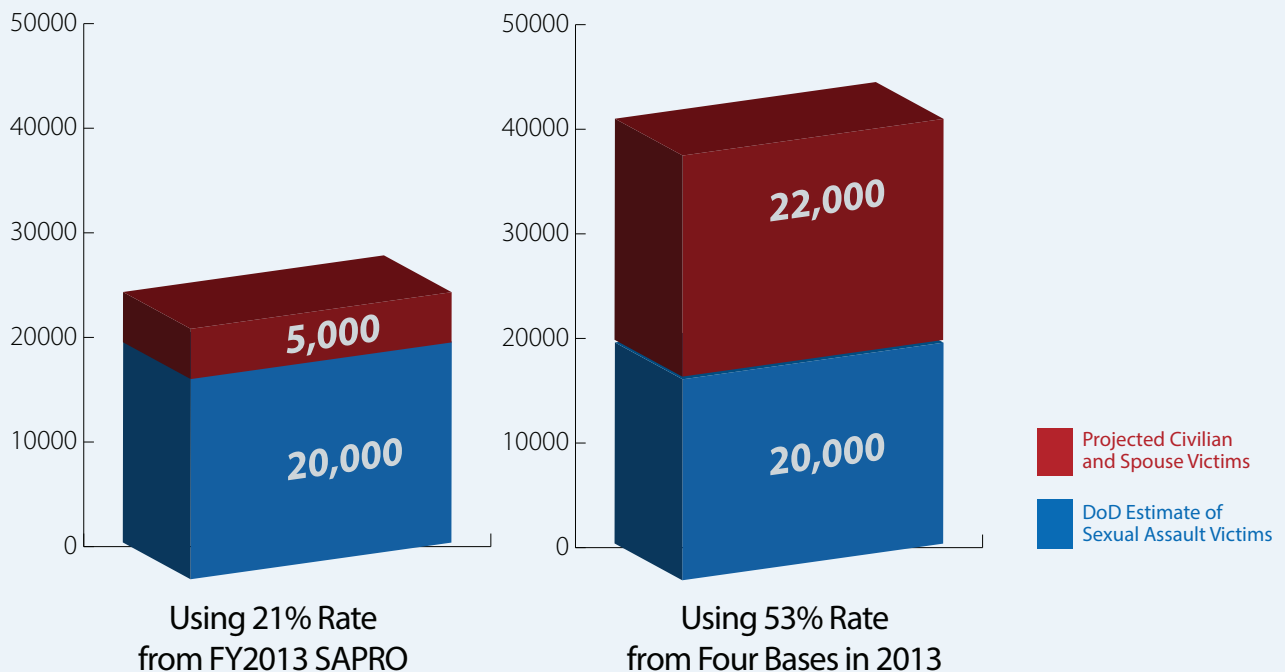
Because spouse and civilian survivors are not counted in the biennial sexual assault prevalence survey, the Department of Defense’s current estimate of 20,000 sexual assault survivors most likely vastly underrepresents the scope of sexual assault violence in military communities.

When applying the DoD ratio of servicemember survivors to civilian and spouse survivors (21%)¹⁵ to the Department of Defense’s estimate of 20,000 servicemember sexual assaults, the number of currently-estimated survivors could increase the total number of survivors by about 5,000. **But applying the higher rate from these four bases, 53%, demonstrates that the inclusion of civilian survivors in a total count of estimated sexual assaults could more than double the number of currently-estimated survivors of sexual assault by a servicemember (an increase of 22,000) to a total of approximately 42,000. This estimate represents a significant increase in sexual assault survivors who are part of the overall military community, yet remain in the shadows.**

Civilian and Spouse Survivors Exceed Servicemember Survivors



Estimates of Potential Civilian Victims

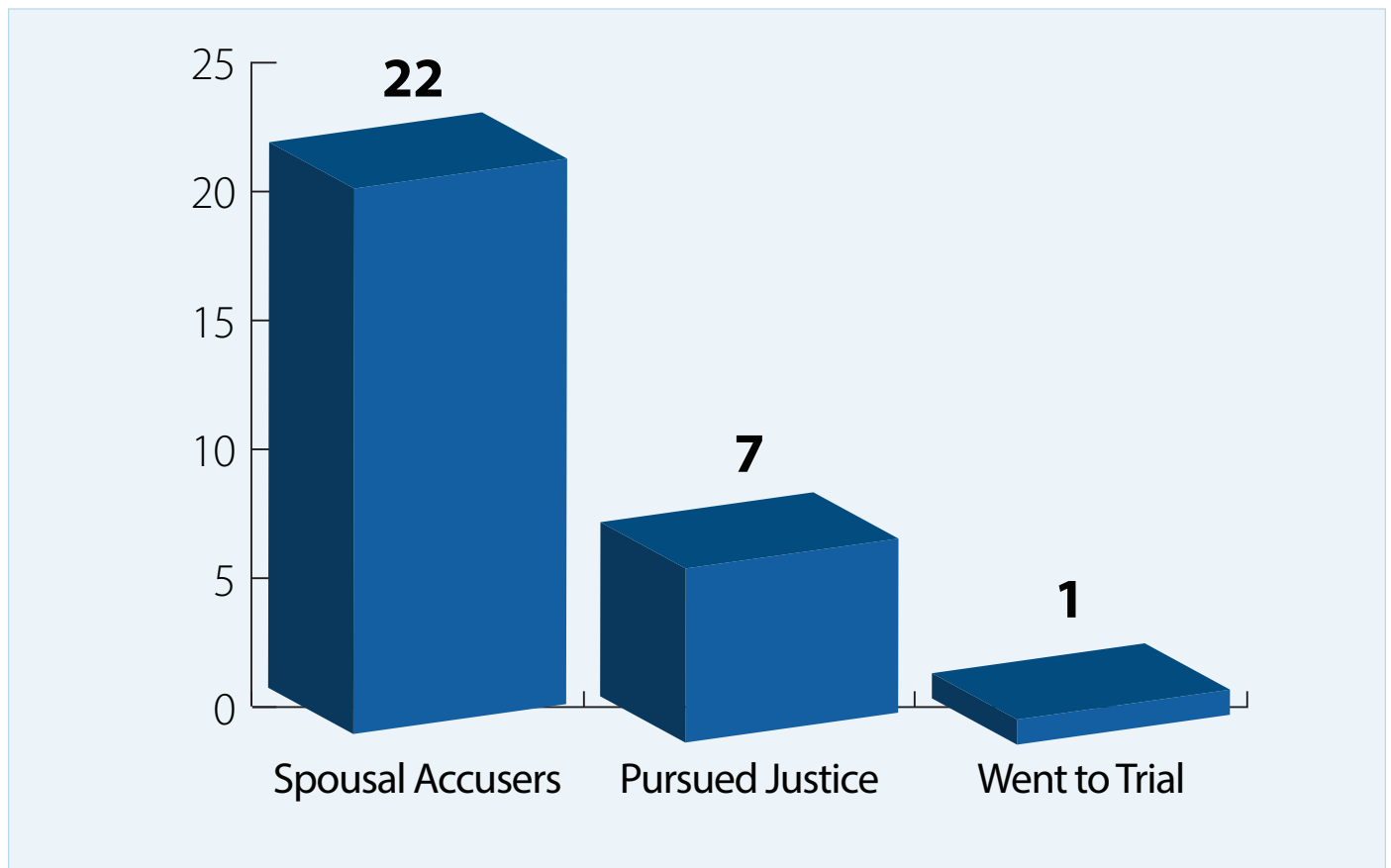


Majority of Military Spouses Declined to Pursue Justice.

Significantly, 72.72%¹⁶ of military spouses who accused their servicemember husbands of sexual assault declined to pursue charges.

Although the redacted case files contain insufficient information to draw a definitive conclusion as to what dissuaded these military spouses, it is reasonable to assume that many feared negative consequences for their spouses' careers, the financial impact on their families, and/or even further marital aggression. One alleged case of rape of a spouse ended with the wife killing herself four days after reporting the crime.

Of the 22 sexual assault incidents involving spouses that were reported, in only one case did the military command proceed to trial, and in that case, the husband was acquitted of the sexual assault.



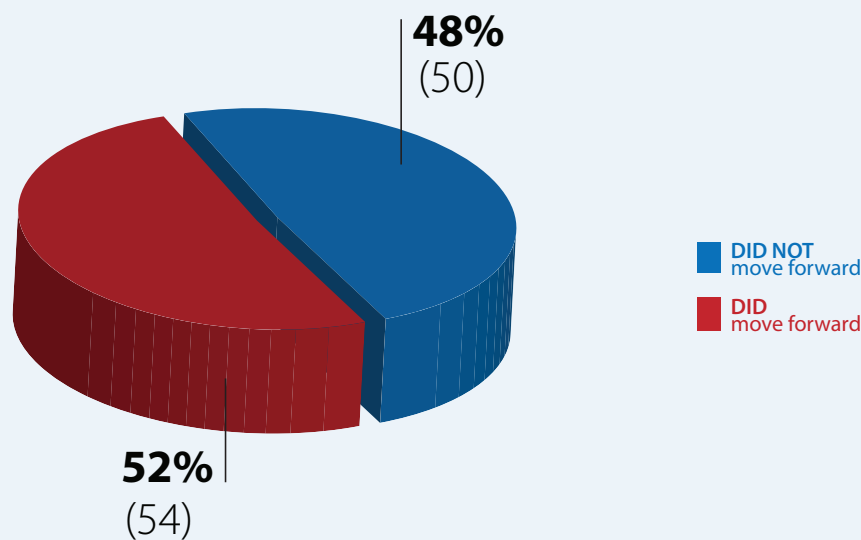
Lack of Faith in Military Justice/Hostile Climate for

Survivors: Nearly Half of Survivors Who Took First Step toward Justice by Filing Unrestricted Reports within the Military Justice System Later Declined to Move Forward.

According to the case files provided, 50 out of 104 survivors, or 48%, did not move forward in the military justice system after making their initial unrestricted reports – the kind of public reporting that makes legal recourse possible. While there are many potential reasons for this, one reason among many may be that survivors experienced or feared retaliation or a hostile climate where they lacked faith in a commander-led military justice system.¹⁷

According to the FY 2012 and 2014 prevalence surveys, 62% of female servicemembers who reported being sexually assaulted said they were retaliated against.¹⁸ Based on the limited and redacted nature of the case files examined, it is not possible to evaluate whether national trends hold true for the sexual assault cases occurring at Fort Hood, Naval Station Norfolk, Marine Corps Base Camp Pendleton, or Wright-Patterson Air Force Base in 2013. However, **the Department of Defense’s own 2014 report to the President concluded that there has been “no progress” for preventing retaliation.**¹⁹

After Reporting Their Alleged Assault, Nearly Half of Survivors Decline to Participate in Military Justice System

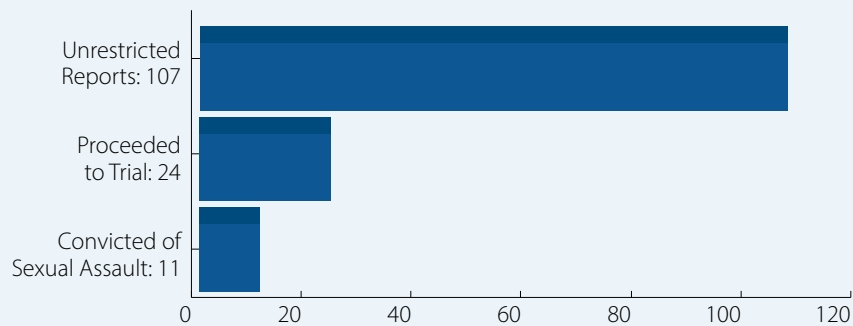


Lesser Charges & Low Conviction Rates: The Military Justice System Continues to Struggle to Provide Justice and Remove Potential Predators from Public.

In the 107 cases investigated, 24 cases – or 22.43% – proceeded to trial. Only 11 courts - martial, or 10.28% of total cases, resulted in sexual assault convictions.

Category	Army	Navy	Air Force	USMC	TOTAL
Unrestricted Reports	37	15	5	50	107
Allowed to Resign/Be Discharged in Lieu of Court-Martial	2	0	1	0	3
Proceeded to Trial	6	2	1	15	24
Convicted of Sexual Assault	2	2	0	7	11
Convicted of a non-Sexual Assault Crime (often Adultery or Violation of an Order)	1	0	0	5	6
Acquitted	3	0	1	3	7

Sexual Assault: Court-Martial Convictions



All sexual assault convictions resulted in both confinement and discharge.²⁰ Imposed jail time ranged from six months to 15 years, the majority of sentences were two and a half years or less.

However, many charged with sexual assault received punishment for lesser crimes. Typically this included less-serious charges, such as violation of an order, or adultery; administrative discharge from the Service; or non-judicial

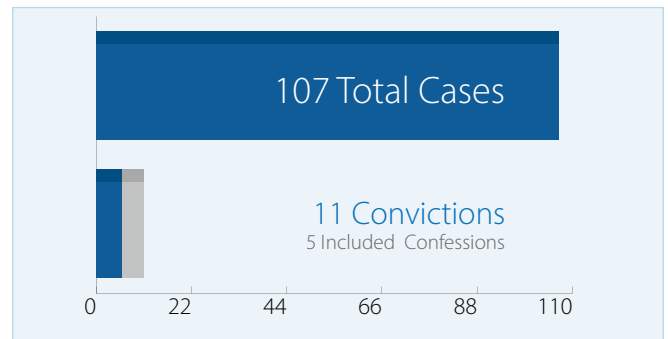
punishment, such as reduction in rank, docked pay, or confinement to the barracks. This finding is similar to reporting by the Associated Press in 2013: *“At U.S. military bases in Japan, most servicemembers found culpable in sex crimes in recent years did not go to prison, according to internal Department of Defense documents. Instead, in a review of hundreds of cases filed in America’s largest overseas military installation, offenders were fined, demoted, restricted to their bases or removed from the military.”*²¹

It is important to note that most research shows that sexual predators are recidivists and comprise an extremely small portion of the population at large, whether in the military, on a college campus, or in the general community.²² **Refusal to take reported sexual assault cases forward with consistent and appropriate punishments allows this very dangerous subset of the population to continue to prey on unsuspecting victims, and represents a very real threat to public safety** – especially in light of the fact that the crime of rape has a false reporting rate of about 2-8% in the general population.²³

Category	Army	Navy	Air Force	USMC	TOTAL
NJP/Lesser Charge	10	3	2	20	35
Total Unrestricted Reports	37	15	5	50	107

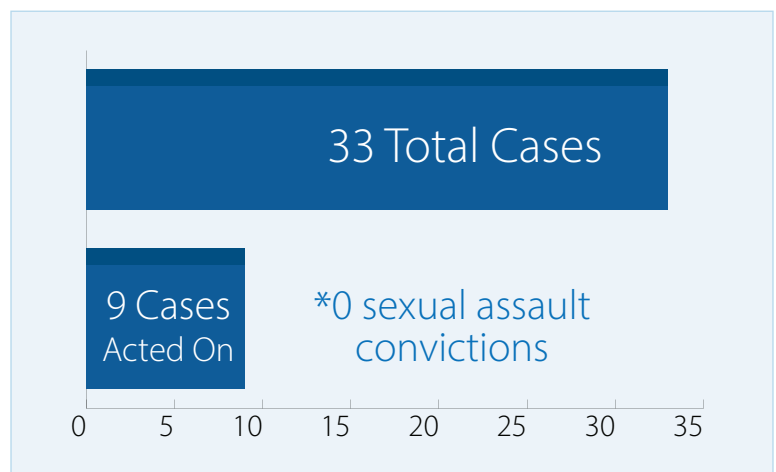
In Almost Half of All Sexual Assault Convictions, the Accused Confessed to the Crime.

Out of the 107 case files received, only 11 of the accused were convicted of sexual assault. **Five of these 11 case files include statements where the accused admitted to the crime.** Therefore, approximately half of the sexual assault convictions resulted from confessions, suggesting the military needs to do a much better job of prosecuting cases lacking a confession. It is unclear if a confession was made in the remaining six convictions.



The Accused's Word Appears to Trump the Survivor's.

An alarming number of cases appear to go cold when the accused and the alleged survivor provide conflicting statements about whether the sex was consensual. In particular, if the two parties have a previous sexual history, the alleged assailant is more likely to be believed. Of the 34 cases in which the accused told the authorities that the sex was consensual or denied it happened, command took action just nine times. In these cases, there were zero convictions of sexual assault. Significantly, 27 of 34, or about 82% of these cases, did not go to trial. **There is no data that bears out the military's claim that commanders have been tougher on sexual assault cases than independent military prosecutors would be.**



To the contrary, incidents of tough statements by commanders have been used by defense counsels as evidence of “unlawful command influence,” allowing convictions to be reversed.²⁴ For example, in 2013, two defendants in military sexual assault cases could not be punitively discharged because of tough statements made by the Commander in Chief.²⁵

Low Case Numbers Provide Cause for Concern.

The Navy provided a strikingly low number of cases in proportion to the number of servicemembers stationed at Naval Station Norfolk. It is unclear whether the low number is the reality, or whether the case files provided did not fully comply with the scope of what was requested.

Category	Army	Navy	Air Force	USMC
Alleged Assailants	37	15	5	50
Estimated Number of Servicemembers	45,414	42,378	7,500	42,000
Ratio	.08	.04	.07	.12

True Number of Air Force Sexual Assault Reports is Unclear.

The Department of Defense provided five 2013 Wright-Patterson Air Force Base sexual assault case files to Senator Gillibrand for consideration. Previously, Wright-Patterson Air Force Base's Office of the Staff Judge Advocate released sexual assault statistics to the Dayton Daily News indicating that nine assaults had been reported in 2013. Moreover, the Wright-Patterson Sexual Assault Response Coordinator provided the Dayton Daily News with a different number of sexual assault reports in 2013: 25. Based on the different statistics provided, the number of reported sexual assaults at Wright-Patterson Air Force Base in 2013 is unclear, and may be underreported.²⁶

The Case Files: Disturbing Thumbnail Sketches of Justice Denied and Derailed.

Behind data and statistics, of course, are trauma survivors whose personal stories of suffering and loss are not contained in redacted legal case files. That said, these seven brief summaries of facts provide insights into how real people suffered, and how the system has failed to provide justice. The summaries and conclusions below are based solely on the limited case data provided by the Department of Defense, and may or may not be complete descriptions of the events.

CASE FILE 1: Wright-Patterson Air Force Base – Recommended Court-Martial – Potential Serial Sexual Predator Discharged Without Trial. Report alleges that an Air Force assailant pinned a civilian down on the bed, penetrated her vagina with his finger, and then raped her. She went to the Miami Valley Hospital seeking a sexual assault examination and told a friend that she had been raped. During the course of the investigation, two more victims were found, and provided written statements against the accused in separate incidents. **At the military preliminary hearing, the investigating officer concluded his report as follows:** “Based on the seriousness of the offenses, I recommend the Charges be referred to a General Court-Martial.” The commander with Special Court-Martial Convening Authority recommended the airman be discharged in lieu of court-martial, and the commander with General Court-Martial Convening Authority approved the discharge.

CASE FILE 2: Marine Corps Base Camp Pendleton – An Underage Civilian Denied a Trial. Report alleges that a married 34-year old Marine Corps staff sergeant brought a 17-year old civilian to his housing, gave her wine, raped her, and then flipped her over and inserted an object into her anus against her will. During this encounter, the victim alleges the staff sergeant held her down and occasionally put one of his hands around her throat. She reported that she told the Marine to stop six to 10 times, and stated that she did not think she could leave the Marine’s housing. In the morning, she went to her high school and reported the rape. The investigating officer stated, “The case is a classic case of ‘he said-she said’ that will fail or succeed if the members believe the victim.” Yet the investigating officer conceded, “the SSGT attempted to initially deceive the NCIS investigator by asserting that he thought the victim was 18 and that he ‘accidentally’ inputted his age (24) on the Plenty of Fish account [dating site where the two met]. SSgt does later admit to those false assertions.”

The Convening Authority accepted a pre-trial agreement in which the staff sergeant pleaded guilty to adultery and giving alcohol to a minor but dropped sexual assault or statutory rape charges. The Marine was fined \$2,042 and reduced one grade to sergeant. In the State of Idaho, where the alleged crime occurred, the Idaho Penal Code defines statutory rape as sexual intercourse with a person under the age of eighteen, which is punishable by one year to life imprisonment.

CASE FILE 3: Marine Corps Base Camp Pendleton – Potential Serial Rapist – No Punishment. According to the police report, a Marine visited a Howard Johnson hotel room with a false police badge. Brandishing a gun, the Marine showed the badge to a prostitute who was working in a hotel room, told the woman that the police were conducting a raid and that she was being placed under arrest, and handcuffed her. The Marine then allegedly raped her. After the Marine departed, the woman immediately called a friend who ran outside to take down the license plate number of the

male attempting to flee; the license plate was later identified as belonging to the suspected Marine assailant. The survivor picked the Marine out of a police photo lineup. The suspected Marine's DNA was located on the inside breast area of the survivor's dress. **Information of the investigation was provided to law enforcement agencies in San Diego and Orange Counties and resulted in two possible linked investigations: a rape of a prostitute by a purported police officer, and a report by a prostitute of a police officer attempting to extort her for sexual services.** The case file stated that military investigators could not locate the survivor. **There is no evidence that the Marine received any punishment, or that any further action or investigation was taken, despite the fact that he was potentially a serial rapist.**

CASE FILE 4: Marine Corps Base Camp Pendleton – Wife Accuses Husband of Rape. No punishment. Wife Commits Suicide Four Days Later. A military wife reported that she was anally raped by her Marine Corps husband at their military quarters at Camp Pendleton. The wife was provided a sexual assault examination, and then returned to her residence. The Marine claimed that the anal sex was consensual. The next day, inside their military quarters, she committed suicide by hanging. Despite physical evidence that a sexual assault potentially occurred, including dried blood and bruising, the command determined that probable cause of a sexual assault did not exist. The command did not impose any form of non-judicial punishment. It was only recommended that the accused receive parenting and anger management treatment, despite knowledge of previous domestic violence incidents, and alcohol abuse, including in front of his children. It is unknown what, if anything, happened to this servicemember.

CASE FILE 5: Marine Corps Base Camp Pendleton – A Civilian Accuses a Marine of Rape – Marine Denies It. No Further Action. On November 15, 2012, a civilian woman reported to the Oceanside Police Department that her ex-boyfriend, a Marine, had raped her. She stated that while parked in his car, he overpowered her, she tried to fight him off, but he pulled her shorts to the side and penetrated her vagina with his fingers and then his penis. She received a sexual assault examination at the local hospital. The suspect was questioned, and he stated that the incident was consensual. The civilian police turned over the case to NCIS. On January 7, 2013, an NCIS investigator questioned the accused Marine, and he again stated that the incident was consensual. On February 28, 2013, NCIS informed the 1st battalion 11th Marine Regiment's Executive Officer of the results of the investigation, and then closed the investigation. The command decided to take no further action, with the SJA misrepresenting the victim as a "current girlfriend" in a "romantic relationship" with the accused as a reason she was not credible. The accuser actually stated in reports that the accused was an ex-boyfriend. **It appears the SJA advising the Convening Authority did not even carefully review the case file before recommending that no further investigation was needed, and that he provided his legal advice in November 2014, two years after the alleged rape occurred.**

CASE FILE 6: Naval Station Norfolk – A Potential Gang Rape by Multiple Servicemembers. Several servicemembers spent a weekend at a cabin in North Carolina. Alcohol was consumed, resulting in an imperfect recollection by the survivor. The survivor recalled being raped on the bed, while the others masturbated as they watched. She also recalled laying on the bathroom floor with the same servicemember raping her again. Immediately upon returning from the weekend and after telling her husband what had happened, the alleged survivor reported the crime and submitted to a medical examination. Nine months later, the alleged survivor declined to participate. There is no indication that any sort of disciplinary or other action was taken against the alleged perpetrators.

CASE FILE 7: Naval Station Norfolk – Instructor Charged with Sexual Assault. Survivor Was Willing to Testify. No Trial. In 2009, the survivor and the accused were involved in a sexual relationship. Three years later, the survivor was attending a training certification where the accused served as an instructor. He allegedly sexually harassed her for weeks, including exposing himself. She told him she was married and was not going to have an affair. Months later, she claimed he used coercive force to digitally penetrate her. There was an investigation, and the Command declined administrative and judicial action due to “insufficient evidence.”

1. The Associated Press. "Senator Seeks Records on Military Sex Crimes." *New York Times*, February 10, 2014. Accessed April 29, 2015. <http://www.nytimes.com/aponline/2014/02/10/us/politics/ap-us-pentagon-sexual-assaults.html?_r=0>.
2. Senator Gillibrand requested (1) the executive summary of the relevant Military Criminal Investigative Office's Report of Investigation; (2) any Investigating Officer's report prepared pursuant to Article 32 of the Uniform Code of Military Justice, without exhibits; (3) any advice letter from the Staff Judge Advocate to the Convening Authority; (4) any Report of Results of Trial; and (5) any record of non-judicial punishment.
3. The Department of Defense (DoD) issues a variety of congressionally mandated sexual assault reports. The DoD Sexual Assault Prevention and Response (SAPRO) Report is released annually in the spring and includes a detailed breakdown of all restricted and unrestricted sexual assault reports that occurred in the previous fiscal year. The DoD Military Service Academy Report is released annually in the winter. Further, DoD issues non-recurring special reports. Recently, it released the DoD Special Victims Capability Report (December 2013) and, as requested by the President, the DoD Report to the President of the United States on Sexual Assault Prevention and Response (November 2014).

The DoD also conducts sexual assault surveys every two years. These biennial prevalence surveys primarily query active-duty servicemembers, but a smaller sample of National Guard and Reserve members are sometimes included. In the past, the prevalence survey was administered by the Defense Manpower Data Center (DMDC), but beginning in 2014 the prevalence survey was administered by the RAND Corporation. The biennial prevalence survey data typically is included as part of the annual DoD SAPRO Report that falls the year after that prevalence survey is conducted, but in 2014 the FY2014 prevalence survey data was also included in the DoD Report to the President of the United States on Sexual Assault Prevention and Response.

Reports at <http://www.sapr.mil/index.php/annual-reports>.
4. *Ibid.*
5. In the 107 case files, 22 of the 104 complainants were the spouses of servicemembers.
6. In the 107 case files, 50 out of the 104 complainants did not move forward in the military justice system after filing an unrestricted report. The case files provided by the Department of Defense are all unrestricted reports of sexual assault, as only unrestricted reports activate law enforcement actions. It should be noted that the Department of Defense also permits survivors to file restricted reports of sexual assault, because many survivors wish to avoid command or law enforcement involvement, but still wish to obtain medical, legal, and support services.
7. FY 2014 Report to the President: <http://www.sapr.mil/index.php/annual-reports>.
8. American Prosecutors Research Institute's National Center for the Prosecution of Violence Against Women. "The Voice – Helping Prosecutors Give Victims a Voice." Volume 3, No.1. 2009. Accessed April 29, 2015. <http://www.ndaa.org/pdf/the_voice_vol_3_no_1_2009.pdf>.
9. FY 2014 Report to the President: <http://www.sapr.mil/index.php/annual-reports>.
10. Barber, Barrie. "32 sexual assaults reported at Wright-Patt AFB in 4-year period." *Dayton Daily News*, February 12, 2014. Accessed April 29, 2015. <<http://www.stripes.com/news/us/32-sexual-assaults-reported-at-wright-patt-afb-in-4-year-period-1.267213>>.
11. Prevalence actually could be as high as 22,500. From the RAND Survey conducted for the Department of Defense: "Subject to these caveats, we estimate with 95-percent confidence that between 18,000 and 22,500 active-duty servicemembers can be classified as having experienced one or more sexual assaults in the past year committed against them by other servicemembers, civilians, spouses, or others. Our best estimate in this range is that approximately 20,000 active-duty servicemembers were sexually assaulted in the past year, out of 1,317,561 active-duty members." Report to the President of the United States on Sexual Assault Prevention and Response, Annex 1: Military Workplace Study, page vi.
12. "DoD, in consultation with the White House National Security Staff, stipulated that the sample size for the RMWS was to include a census of all active-duty women and 25 percent of active-duty men in the Army, Navy, Air Force, and Marine Corps. In addition, we were asked to include a smaller sample of National Guard and reserve members sufficient to support comparisons of sexual assault and harassment between the active-duty and reserve forces. Subsequently, the U.S. Coast Guard also asked that RAND include a sample of their active-duty and reserve members. In total, therefore, RAND invited close to 560,000 servicemembers to participate in the study, making it the largest study of sexual assault and harassment ever conducted in the military." <http://www.rand.org/content/dam/rand/pubs/research_reports/RR900/RR944/RAND_RR944.pdf>.
13. All of the civilian survivors in these 107 cases were female.
14. All of the spouse survivors in these 107 cases were female.
15. FY 2103 SAPRO Report: <http://www.sapr.mil/index.php/annual-reports>.
16. In the 107 case files, 22 of the 104 complainants were the wives of servicemembers.
17. Report to the President of the United States on Sexual Assault Prevention and Response, Figure 26 – Metric 9b: Perceptions of Professional and Social Retaliation – Survivor Perspective, p. 117.

ENDNOTES

18. Ibid.
19. Report to the President of the United States on Sexual Assault Prevention and Response, Advocacy & Survivor Assistance Initiatives – Progress at a Glance, p. 121.
20. All assailants convicted of sexual assault received a Bad Conduct Discharge or Dishonorable Discharge.
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