

Sexual Assault in the Military

Case Characteristics, Case Outcomes
and Punishments

Roadmap for Presentation

- Descriptive overview of all cases
 - Case characteristics, characteristics of accused and victim
 - Disposition
 - Outcome
 - Punishment
- Additional analyses to determine factors associated with
 - Disposition
 - Outcome
 - Punishment
- Multivariate analysis to identify significant predictors of outcomes and punishments

Overview of Process

- Military services provided documents for cases involving a preferred charge of sexual assault that were completed in fiscal years 2012, 2013 and 2014
- JPP staff used these documents to develop a comprehensive database
- Data converted into an EXCEL file and imported into SPSS for analysis
 - Descriptive characteristics of cases, dispositions, outcomes, and sentences
 - Bivariate analysis of relevant explanatory factors and dispositions, outcomes, sentences
 - Multivariate analysis of dispositions, outcomes, sentences

Limitations

- Not clear if this is the universe of cases from these FYs
- Data collection constrained by information included in case documents
 - Potentially relevant information not included
 - Characteristics of the victim other than sex and whether military or civilian
 - Relationship between accused and victim
 - Whether victim made a prompt report
 - Whether victim was willing to cooperate
 - Behavior of victim at time of alleged assault
 - Evidence (physical evidence, witnesses, results of forensic medical exam)
 - Accused's defense (mistaken identity, consent, incident fabricated)
 - Going forward, may want to develop a document that captures this information

Overview of Findings

- Most cases generated by Army, followed by Air Force, Navy, Marine Corps, Coast Guard
- Typical accused was a male enlisted member
- Typical victim was a female member of one of the military services
- Most cases involved multiple charges (average was 5.77) and many involved multiple victims (average was 1.28)

Overview of Findings: Dispositions

- Three quarters of cases that went to court martial went to general court martial
- Type of disposition varied by fiscal year, military service of the accused, type of offense charged

Overview of Findings:

Outcomes

- Among cases in which charges were preferred, conviction rate (for a sex offense or a non-sex offense) was 51.2% for penetrative offenses and 59.7% for contact offenses
- Among cases referred to trial, conviction rate (for a sex offense or a non-sex offense) was 70.3% for penetrative offenses and 79.9% for contact offenses

Overview of Findings: Punishments

- Large majority of those who were convicted received a term of confinement: 95.2% for penetrative offenses and 67.6% for contact offenses
- Average sentence was about two and a half years
 - Penetrative offenses 54.8 months
 - Contact offenses 14.7 months

Overview of Findings

- Multivariate analyses revealed that outcomes and punishments in sexual assault cases were affected primarily by type of offense, number of victims, and number of charges
- Some differences by military service
- Outcomes and punishments generally did not vary by fiscal year, rank of accused, gender or status of victim

Descriptive Data

- 1,761 cases, all of which involve at least one count of a penetrative or contact sexual offense
 - 1,275 (72.4%) cases in which most serious charge was a penetrative offense
 - 486 (27.6%) cases in which most serious charge was a contact offense
- Fiscal Year
 - 2012 426 24.2%
 - 2013 662 37.6%
 - 2014 673 38.2%
- Military Service of Accused
 - Army 814 46.2%
 - Air Force 342 19.4%
 - Navy 304 17.3%
 - Marine Corps 247 14.0%
 - Coast Guard 54 3.1%

Descriptive Data

- Characteristics of Accused

- Rank

• Enlisted	1641	93.2%
• Officer	120	6.8%

- Sex

• Male	1750	99.4%
• Female	11	0.6%

- Characteristics of Victim(s)

- Status

• All Military	1296	73.8%
• All Civilian	407	23.2%
• Military & Civilian	54	3.1%

- Sex

All Female	1619	92.0%
All Male	127	7.2%
Female & Male	14	0.9%

Descriptive Data

- Number of Victims
 - Range = 1 – 11; mean = 1.28
- Number of Charges/Specifications
 - Range = 1 – 30; mean = 5.77
 - 10.1% involved one charge only

Case Dispositions

Cases Referred to Trial

- 1,269 of 1,761 (72%) referred to trial
- Of cases dismissed prior to referral, 75% were dismissed after an Article 32 hearing
- 30% of sexual assault cases referred to trial involved a pretrial agreement and only a small fraction of those pretrial agreements involved a plea to a sexual assault offense

Case Outcomes—Penetrative Offenses in which Charges Preferred (N = 1275)

- Convicted of penetrative offense 24.5%
- Convicted of contact offense 16.7%
 - **Convicted of sex offense 41.2%**
- Convicted of non-sex offense 10.0%
 - **Overall conviction rate 51.2%**
- Alternative disposition 11.8%
- Acquitted of all charges 21.6%
- Dismissed without further action 15.5%

Case Outcomes: Contact Offenses in which Charges Preferred (N = 486)

- Convicted of contact offense 28.8%
- Convicted of non-sex offense 30.9%
- **Overall conviction rate 59.7%**
- Alternative disposition 17.1%
- Acquitted of all charges 15.0%
- Dismissed without further action 8.2%

Case Outcomes—Penetrative Offenses Referred to Trial (N = 928)

- Convicted of penetrative offense 33.6%
- Convicted of contact offense 22.9%
- Convicted of non-sex offense 13.8%
- **Overall conviction rate 70.3%**
- Acquitted of all charges 29.7%

Case Outcomes—Contact Offenses Referred to Trial (N = 363)

- Convicted of contact offense 38.6%
- Convicted of non-sex offense 41.3%
- **Overall conviction rate 79.9%**
- Acquitted of all charges 20.1%

Sentences—Penetrative Offenses

- Approved sentence included
 - Confinement 95.2%
 - Punitive separation 90.7%
 - Confinement & separation 88.2%
- Mean approved sentence = 54.8 months

Sentences—Contact Offenses

- Approved sentence included
 - Confinement 67.6%
 - Punitive separation 50.2%
 - Confinement & separation 44.6%
- Mean approved sentence = 14.7 months

Comparing Outcomes and Punishments in Civilian and Military Justice Systems

- Difficult to do—apples and oranges
 - Especially comparing preferred cases in military to cases in which charges filed in state courts
 - Filing standard may be proof beyond a reasonable doubt; if so, weak/problematic cases not charged and therefore cases adjudicated in two systems may vary systematically on relevant factors

Comparing Outcomes and Punishments in Rape Cases

	Military Justice System, 2012-2014	State Courts in 75 Largest Counties, 2009
Overall Conviction Rate		68%
Preferred Cases	51.2%	
Referred Cases	70.3%	
Acquittals		3%
Preferred Cases	21.6%	
Referred Cases	29.7%	
Dismissals	15.5%	24%
Sentence Included Confinement	95.2%	89% (5% in jail)
Mean Confinement Sentence	54.8 months	142 months

Bivariate Analysis

- Examination of relationship between independent (i.e., predictor) variables and dependent (i.e., outcomes) variables
- Test to determine if relationship is statistically significant at .05 level of probability
 - If so, can say that there is a relationship between the variables; relationship not due to chance

Factors Associated with Disposition by General Court Martial

- Most serious offense charged (P < .05)
 - Penetrative offense 92.1%
 - Contact offense 44.0%
- Fiscal year (P < .05)
 - 2012 85.1%
 - 2013 79.2%
 - 2014 73.2%
- Military service (P < .05)
 - Air Force 82.7%
 - Army 83.0%
 - Coast Guard 53.7%
 - Marine Corps 65.2%
 - Navy 77.4%

Case Outcomes (Preferred Cases) and Fiscal Year

- Penetrative offenses ($P < .05$)
 - Overall conviction rate is lower in 2014 (43.7%) and 2013 (53%) than in 2012 (59.4%)
 - Dismissal more likely in 2014 (19.1%) and 2013 (16.1%) than in 2012 (9.3%)
- Contact offenses (Not significant)

Case Outcomes (Preferred Cases) and Military Service of Accused

- Penetrative Offenses ($P < .05$)
 - Conviction for Penetrative or Contact Sex Offenses
 - Army 45.1%
 - Coast Guard 41.1%
 - Navy 39.6
 - Marine Corps 38.2%
 - Air Force 35.9%
 - Acquitted of all charges (8.8% for Coast Guard to 26.1% for Air Force)
 - All charges dismissed (9% for Army to 26.5% for Coast Guard)
- Contact Offenses (could not calculate statistical significance due to small cell sizes)

Case Outcomes (Preferred Cases) and Status of Accused

- Penetrative Offenses
 - No differences in case outcomes between enlisted members and officers
- Contact Offenses
 - No differences in case outcomes between enlisted members and officers

Case Outcomes (Preferred Cases) and Gender and Status of Victim(s)

- Penetrative Offenses
 - No differences in outcomes between cases with female victims and cases with male victims
 - Conviction rate higher for cases with both military and civilian victims
- Contact Offenses
 - No differences in outcomes between cases with female victims and cases with male victims
 - No differences in outcomes based on the status of the victim

Factors Associated with Confinement Sentence

- Likelihood of confinement affected by
 - Type of conviction charge
 - Penetrative (95.2%) v. contact (67.6%)
 - Status of Victim
 - Military + Civilian (87%) v. civilian (78.8%) v. military (72%)
 - Type of court martial
 - General court martial (81.7%) v. special court martial (69.7%) v. summary court martial (30.0%)
- Likelihood of confinement not affected by fiscal year, military service of accused, rank of accused, gender of victim

Factors Associated with Length of Confinement Sentence

- Sentence length (months) varied by
 - Type of conviction charge
 - Penetrative (54.8) v. contact (14.7)
 - Status of victim
 - Military + civilian (60.16) v. civilian (34.59) v. military (26.73)
 - Type of court martial
 - General court martial (36.45) v. special court martial (4.01) v. summary court martial (0.78)
- Sentence length not affected by fiscal year, military service of accused, rank of accused, or gender of victim

Multivariate Analyses of Outcomes and Sentences

- Modeled outcomes, controlling for
 - Fiscal year
 - Military service of accused
 - Rank of Accused
 - Gender of Victim
 - Status of Victim
 - Number of Victims
 - Type of preferred/conviction charge
 - Type of court martial (analyses of sentences only)

Significant Predictors of Conviction for a Penetrative Offense

- Military service of accused
 - Those from the Coast Guard about half as likely as those from the Army to be convicted of penetrative offense; no differences in likelihood of conviction between those in Army and those in other services
- Number of victims (more victims = greater likelihood of conviction)

Significant Predictors of Conviction (for any offense)

- Fiscal year (conviction less likely in 2014 than in earlier years)
- Sex of victim (conviction less likely if victim female)
- Number of victims (more victims = higher likelihood of conviction)
- Number of charges (more charges = higher likelihood of conviction)
- Individuals charged with penetrative offenses less likely than those charged with contact offenses to be convicted

Significant Predictors of Acquittal

- Military service of accused
 - Acquittal 1.6 times more likely if accused was in Air Force (compared to those in Army)
- Number of victims (more victims = lower likelihood of acquittal)
- Number of charges (more charges = lower likelihood of acquittal)
- Individuals charged with penetrative offenses 1.4 times more likely than those charged with contact offenses to be acquitted

Significant Predictors of Dismissal

- Military service of the accused
 - Compared to those in the Army, those in Air Force were 1.7 times more likely to have case dismissed; those in Navy were 3 times more likely to have case dismissed; those in Marine Corps were 4.9 times more likely to have case dismissed; and those in Coast Guard were 2.9 times more likely to have case dismissed
 - Number of charges (more charges = lower likelihood of case dismissal)
 - Individuals charged with penetrative offenses were 2.4 times more likely than those charged with contact offenses to have case dismissed

Significant Predictors of Sentence of Confinement

- Victim a member of the military (less likely to get sentence of confinement)
- Number of charges (more charges = greater likelihood of confinement)
- Individuals convicted of penetrative offenses were 11.8 times more likely than those convicted of contact offenses to receive a confinement sentence

Significant Predictors of Sentence Length

- Number of victims
 - Each additional victim = additional 9.7 months
- Number of charges
 - Each additional charge = additional 2.1 months
- Accused convicted of penetrative offense
 - Sentence 43.3 months longer than if convicted of contact offense