

Judicial Proceedings Panel

Federal Advisory Committee



Adjudication of Sexual Assaults Reported in the Military Services

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Adjudication of Sexual Assaults Reported to the Military Services

Data

The Judicial Proceedings Panel (JPP) is tasked with reviewing and evaluating the response to sexual assault cases in the military. In 2014 and 2015, JPP staff requested that the military services provide documents for cases involving a preferred charge of sexual assault that were completed in fiscal years 2012, 2013, and 2014. JPP staff worked with WHS Sharepoint contractors to develop a comprehensive database that would allow staff to analyze case information extracted from the documents provided by the military services. JPP staff entered the data obtained from the documents and the database was then converted to an EXCEL file and imported into SPSS (Statistical Package for the Social Sciences) for analysis.

The database includes 1,761 cases, all of which involve at least one charge of a penetrative (i.e., rape, aggravated sexual assault, sexual assault, forcible sodomy and attempts to commit these offenses) or contact (i.e., aggravated sexual contact, abusive sexual contact, wrongful sexual contact, and attempts to commit these offenses) sexual offense.

Case Characteristics, Case Dispositions, and Case Outcomes

The characteristics of the sexual assault cases, their dispositions, and outcomes are presented in Tables 1 and 2. As shown in Table 1, there were more cases in which sexual assault charges were preferred in FY2013 and FY2014 than in FY2012 (this is the fiscal year assigned by SAPRO). In terms of the military service of the accused, almost half (46.2%) of the cases were from the Army, 19.4% were from the Air Force, 17.3% were from the Navy, 14.0% were from the Marine Corps, and 3.1% were from the Coast Guard. Most of the accused were enlisted service members (93.2%) rather than officers (6.8%) and all but 11 (1750 or 99.4%) were male.

The number of victims in the case ranged from 1 to 11; most cases involved either one (82.9%) or two (10.9%) victims, and the mean number of victims was 1.28. Although most victims (92.0%) were female, there were 127 cases (7.2%) in which the victim(s) were male and 14 cases (0.8%) in which there were both female and male victims. Nearly three fourths (73.8%) of the cases involved victims who were members of military services.

The number of charges and specifications per case ranged from 1 to 30; very few cases (10.1%) involved only a single charge but more than half of the cases (52.9%) involved four or fewer charges. The mean number of charges and specifications was 5.77. In 72.4% (N = 1275) of the cases the most serious charge was a penetrative offense and in 27.6% (N = 486) cases the most serious charge was a contact offense. Of the 1275 individuals charged with a penetrative offense, 312 (24.5%) were convicted of a penetrative offense. Of the 486 individuals charged with a contact offense, 140 (28.8%) were convicted of a contact offense.

TABLE 1
SEXUAL OFFENSES: CASE CHARACTERISTICS

	N	%
Fiscal Year Assigned by SAPRO		
2012	426	24.2
2013	662	37.6
2014	673	38.2
Military Service of the Accused		
Air Force	342	19.4
Army	814	46.2
Coast Guard	54	3.1
Marine Corps	247	14.0
Navy	304	17.3
Rank of Accused		
Enlisted	1641	93.2
Officer	120	6.8
Sex of Accused		
Male	1750	99.4
Female	11	0.6
Sex of Victim(s)		
All Female	1619	92.0
All Male	127	7.2
Female and Male	14	0.8
Status of Victim(s)		
All Military	1296	73.8
All Civilian	407	23.2
Military and Civilian	54	3.1
Number of Victims (mean) [range: 1 – 11]	1.28	
Number of Charges and Specifications (mean) [range: 1 – 30]	5.77	
Accused Charged with Penetrative Offense ^a		
Yes	1275	72.4
No	486	27.6
Number of Penetrative Offenses Charged		
0	486	27.6
1	544	30.9
2	409	23.2
3	176	10.0
4	79	4.4
5 or more	67	3.8
Accused Convicted of Penetrative Offense		
Yes	312	24.5
No	963	75.5
[Not Charged with Penetrative Offense]	[486]	
Accused Charged with Contact Offense ^b		
Yes	486	27.6
No	1275	72.4
Accused Convicted of Contact Offense		
Yes	140	28.8
No	346	71.2
[Not Charged with Contact Offense]	[1275]	

^aAccused was charged with at least one count of rape, aggravated sexual assault, sexual assault, forcible sodomy, and attempts to commit these offenses.

^bThe most serious offense with which the accused was charged was aggravated sexual contact, abusive sexual contact, wrongful sexual contact, and attempts to commit these offenses.

Descriptive data on the dispositions and outcomes of the sexual assault cases are presented in Table 2. Most (78.6%) of the cases that went to a court-martial proceeding were disposed as a result of a general court-martial; 12.8% were disposed as a result of a special court-martial and 8.6% were disposed as a result of a summary court-martial. In terms of the type of trial forum, 42.0% of the cases were adjudicated by a military judge, 49.1% were handled by a panel of military members, and 8.9 percent were adjudicated by a summary court-martial officer. Article 32 hearings were held in most (72.4%) of the cases; the accused waived the hearing in 5.3% of the cases and an Article 32 hearing was not held in 22.2% of the cases.

For each type of case (i.e., penetrative and contact offenses) we determined whether the accused was convicted of at least one charge of that type, convicted of another type of charge, received an alternative disposition of some type, was acquitted of all charges, or whether all charges were dismissed without further action.

Among individuals charged with penetrative offenses, we found that 24.5% were convicted of at least one penetrative offense, 16.7% were convicted of at least one count of a sexual contact offense, and 10.0% were convicted of a non-sex offense only. The overall conviction rate for those charged with at least one penetrative offense was therefore 51.2% (24.5% + 16.7% + 10.0%). Among those charged with a penetrative offense who were not convicted, 11.8% received an alternative disposition, 21.6% were acquitted of all charges, and 15.5% had all charges dismissed without further action. The case outcomes for those charged with contact offenses were somewhat different. For example, 59.7% of these individuals were convicted of a sexual contact offense (28.8%) or a non-sex offense (30.9%). Of those who were not convicted, 17.1% received an alternative disposition, 15.0% were acquitted of all charges, and 8.2% had all charges dismissed without further action.

We also calculated conviction and acquittal rates for cases that were referred to trial. Among individuals referred to trial for penetrative offenses, 34.3% were convicted of penetrative offenses, 23.4% were convicted of sexual contact offenses, 13.4% were convicted of non-sex offenses, and 28.9% were acquitted of all charges. Among those referred to trial for sexual contact offenses, 39% were convicted of sexual contact offenses, 41.5% were convicted of non-sex offenses, and 19.5% were acquitted of all charges. The overall conviction rates for cases referred to trial were therefore 71.1% for penetrative offenses and 80.5% for contact offenses.

Table 2 also presents data on the type and length of the sentence imposed on those who were convicted. Focusing on the approved sentence, 74.5% were sentenced to confinement, 61.7% were given a punitive separation, and 57% received both confinement and punitive separation. The mean sentence (approved sentence) of confinement was 30.56 months; the range was from less than one month (recorded as 0 months) to 780 months (i.e., life in prison).

TABLE 2
SEX OFFENSES: CASE DISPOSITIONS AND CASE OUTCOMES

	N	%
Type of Court-martial		
General Court-martial	998	78.6
Special Court-martial	164	12.9
Summary Court-martial	109	8.5
Not Applicable	[490]	
Type of Trial Forum		
Military Judge	514	42.0
Panel of Military Members	600	49.1
Summary Court-martial Officer	109	8.9
Not Applicable	[539]	
Article 32 Hearing Held		
Yes	1260	72.4
Waived	93	5.3
No	387	22.2
[Unknown]	[21]	
Accused Charged with Penetrative Offense (N = 1275)		
Convicted of Penetrative Offense	312	24.5
Convicted of Sexual Contact Offense	213	16.7
Convicted of Non-Sex Offense	128	10.0
Alternative Disposition	150	11.8
Acquitted of All Charges	275	21.6
All Charges Dismissed Without Further Action <i>(After Article 32 Hearing)</i>	197 <i>(159)</i>	15.5 <i>(82.4)</i>
Accused Charged with Sexual Contact Offense (N = 486)		
Convicted of Sexual Contact Offense	140	28.8
Convicted of Other Charge	150	30.9
Alternative Disposition	83	17.1
Acquitted of All Charges	73	15.0
All Charges Dismissed Without Further Action <i>(After Article 32 Hearing)</i>	40 <i>(19)</i>	8.2 <i>(57.6)</i>
Accused Referred to Trial for Penetrative Offense (N = 912)		
Convicted of Penetrative Offense	313	34.3
Convicted of Sexual Contact Offense	213	23.4
Convicted of Non-Sex Offense	122	13.4
Acquitted	264	28.9
Accused Referred to Trial for Contact Offense (N = 359)		
Convicted of Sexual Contact Offense	140	39.0
Convicted of Non-Sex Offense	149	41.5
Acquitted	70	19.5
Approved Sentence Included Confinement		
Yes	702	74.5
No	240	25.4
[Not convicted, dismissed, alternative disposition]	[819]	
Approved Sentence Included Punitive Separation		
Yes	582	61.7
No	360	38.2
[Not convicted, dismissed, alternative disposition]	[819]	
Approved Sentence Included Confinement + Punitive Separation		

Yes	537	57.0
No	405	42.9
[Not convicted, dismissed, alternative disposition]	[819]	
Length of Adjudged Confinement Sentence, in Months (mean) [range = .12 to 780.00 (i.e., life in prison)]	37.14	
Length of Approved Confinement Sentence, in Months (mean) [range = 0.00 to 780.00 (i.e., life in prison)]	30.56	

Analyzing Dispositions, Outcomes, and Sentences

Descriptive data on case dispositions and case outcomes provide information regarding what happened in these sexual assault cases. In order to understand why cases were disposed as they were, it is necessary to conduct bivariate and multivariate analyses of the factors associated with case dispositions and case outcomes. Bivariate analysis is designed to determine if two variables are related (or correlated); it attempts to determine if one variable (the independent variable—for example, the accused’s military service) is a statistically significant predictor of another variable (the dependent variable—for example, whether the accused was convicted). If there is a statistically significant relationship between the variables, we can conclude that the independent variable is related to, associated with, or predictive of the dependent variable. In multivariate analysis, one controls for several independent variables simultaneously. With this type of analysis, one can isolate the effect of one variable (e.g., the military service of the accused) while controlling for or holding constant other theoretically relevant variables (e.g., the fiscal year, the seriousness of the offense, and the characteristics of the case, the accused, and the victim).

In that sections that follow, we examine bivariate relationships between relevant independent variables and the type of case disposition and several indicators of case outcomes.

Factors Associated with Type of Disposition. JPP staff posed a number of questions regarding the disposition of Art. 120 sexual offenses, asking whether dispositions varied by the type of offense charged, the fiscal year or by the accused’s military service. As shown in Table 3, there are statistically significant differences in dispositions based on all three of these factors. Cases in which the accused was charged with a penetrative offense were significantly more likely than those in which the accused was charged with a contact offense to be disposed at a general court-martial; by contrast, cases involving contact offenses were substantially more likely than those involving penetrative offenses to be disposed at a special or summary court-martial. Disposition via general court-martial declined and disposition via special and summary court-martials increased from 2012 to 2013 to 2014. Cases from the Army, Air Force and, to a lesser extent, the Navy were more likely than cases from the Marine Corps or Coast Guard to be disposed at a general court-martial. There also were differences across the military services in the use of special and summary court-martials.

**TABLE 3
DISPOSITION OF SEXUAL OFFENSES**

Most Serious Type of Offense Charged	General Court Martial		Special Court-martial		Summary Court-martial	
	N	%	N	%	N	%
Accused charged with penetrative offense	840	92.1	52	5.7	20	2.2
Accused charged with contact offense only	158	44.0	112	31.2	89	24.8

Differences in disposition by type of offense statistically significant; $P \leq .05$

Year	General Court-martial		Special Court-martial		Summary Court-martial	
	N	%	N	%	N	%
2012	280	85.1	25	7.6	24	7.3
2013	374	79.2	60	12.7	38	8.1
2014	344	73.2	79	16.8	47	10.0

Differences in disposition by year statistically significant; $P \leq .05$

Military Service	General Court-martial		Special Court-martial		Summary Court-martial	
	N	%	N	%	N	%
Air Force	206	82.7	35	14.1	8	3.2
Army	488	83.0	41	7.0	59	10.0
Coast Guard	22	53.7	14	34.1	5	12.2
Marine Corps	118	65.2	35	19.3	28	15.5
Navy	164	77.4	39	18.4	9	4.2

Differences in disposition by military service statistically significant; $P \leq .05$.

Factors Associated with Case Outcomes. JPP staff were asked to determine whether there were differences in the outcomes of sexual offenses based on the fiscal year, the military service of the accused, whether the accused was an enlisted member or an officer, and the gender and status of the victim. Because preliminary analyses revealed that outcomes varied depending on whether the accused was charged with a penetrative or contact offense, we conducted separate analyses for each type of offense.

When we examined the relationship between case outcomes and the fiscal year of the case, we found that outcomes varied significantly over time for penetrative offenses but not for contact offenses (see Table 4). Offenders charged with penetrative offenses were less likely to be convicted in 2014 than in 2012 (the

overall conviction rate declined from 59.4% in 2012 to 43.7% in 2014); conversely, these cases were more likely to be dismissed without further action in 2014 (19.1%) than in 2012 (9.3%). These patterns were not observed for those charged with contact offenses.

**TABLE 4
OUTCOMES OF SEXUAL OFFENSES BY FISCAL YEAR**

Accused Charged with Penetrative Offense(s)

	Convicted of Penetrative Offense	Convicted of Sexual Contact Offense	Convicted of Non-Sex Offense	Acquitted of all Charges	Alternative Disposition	Case Dismissed without Further Action
2012 (N = 323)	27.2% (88)	18.6% (60)	13.6% (44)	22.3% (72)	9.0% (29)	9.3% (30)
2013 (N = 497)	27.0% (134)	15.3% (76)	10.7% (53)	18.9% (94)	12.1% (60)	16.1% (80)
2014 (N = 455)	20.0% (91)	16.9% (77)	6.8% (31)	24.0% (109)	13.2% (60)	19.1% (87)

* Differences in outcome by year statistically significant; $P \leq .05$

Accused Charged with Contact Offense(s) Only

	Convicted of Contact Offense	Convicted of Other Offense	Acquitted of all Charges	Alternative Disposition	Case Dismissed without Further Action
2012 (N = 103)	36.9% (38)	22.3% (23)	11.7% (12)	20.4% (21)	8.7% (9)
2013 (N = 165)	27.9% (46)	30.3% (50)	17.0% (28)	17.6% (29)	7.3% (12)
2014 (N = 218)	25.7% (56)	35.3% (77)	15.1% (33)	15.1% (33)	8.7% (19)

Differences in outcome by year not significant.

The results of the analysis of the relationship between case outcomes and the military service of the accused are presented in Table 5. As these results show, there were significant differences in outcomes by military service for penetrative offenses (because of small cell sizes, we could not calculate statistical significance for cases involving contact offenses). For cases in which the most serious charge was a penetrative offense, the overall conviction rate (i.e, convicted of a penetrative offense + convicted of a contact offense + convicted of a non-sex offense) was 61.7% for the Coast Guard, 55.1% for the Army, 51.7% for the Marine Corps, 47.3% for the Navy and 44.2% for the Air Force. The odds of being convicted of a penetrative offense were highest for the Army (28.0%), lowest for the Marine Corps (16.9%). The likelihood that the accused would be acquitted of all charges was lowest for the

Marine Corps (8.8%) and highest for the Air Force (26.1%); by contrast, the likelihood that the case would be dismissed without further action was lowest for the Army (9.0%) and highest for the Coast Guard (26.5%). The services also differed in their use of alternative dispositions.

TABLE 5
OUTCOMES OF SEXUAL OFFENSES BY MILITARY SERVICE OF ACCUSED

Accused Charged with Penetrative Offense(s)

	Convicted of Penetrative Offense	Convicted of Sexual Contact Offense	Convicted of Non-Sex Offense	Acquitted of all Charges	Alternative Disposition	Case Dismissed without Further Action
Army (N = 592)	28.0% (166)	17.1% (101)	10.0% (59)	19.6% (116)	16.4% (97)	9.0% (53)
Air Force (N = 264)	24.2% (64)	11.7% (31)	8.3% (22)	26.1% (69)	10.6% (28)	18.9% (50)
Navy (N = 212)	22.7% (47)	16.9% (35)	7.7% (16)	24.2% (50)	4.8% (10)	23.7% (49)
Coast Guard (N = 34)	17.6% (6)	23.5% (8)	20.6% (7)	8.8% (3)	2.9% (1)	26.5% (9)
Marine Corps (N = 178)	16.9% (30)	21.3% (38)	13.5% (24)	20.8% (37)	7.3% (13)	20.2% (36)

Differences in outcomes by military service statistically significant; $P \leq .05$

Accused Charged with Contact Offense(s) Only

	Convicted of Contact Offense	Convicted of Other Offense	Acquitted of all Charges	Alternative Disposition	Case Dismissed without Further Action
Army (N = 222)	31.1% (69)	29.3% (65)	11.3% (25)	24.3% (54)	4.1% (9)
Air Force (N = 78)	32.1 % (25)	25.6% (20)	30.8% (24)	7.7% (6)	3.8% (3)
Navy (N = 97)	24.7% (24)	25.8% (25)	16.5% (16)	16.5% (16)	16.5% (16)
Coast Guard (N = 20)	25.0% (5)	55.0% (11)	5.0% (1)	0.0% (0)	15.0% (3)
Marine Corps (N = 69)	24.6% (17)	42.0% (29)	10.1% (7)	10.1% (7)	13.0% (9)

Cannot calculate statistical significance due to cells with counts less than 5.

The results of the analysis of case outcomes by the status of the accused are presented in Table 6. Although the results are not identical for either type of offense, the differences by the status of the accused are not statistically significant. (This may reflect the relatively small number of cases involving accused individuals who were officers.)

**TABLE 6
OUTCOMES OF SEXUAL OFFENSES BY ACCUSED'S STATUS**

Accused Charged with Penetrative Offense(s)

	Convicted of Penetrative Offense	Convicted of Sexual Contact Offense	Convicted of Non-Sex Offense	Acquitted of all Charges	Alternative Disposition	Case Dismissed without Further Action
Officer (N = 85)	20.0 % (17)	16.5% (14)	18.8% (16)	24.7% (21)	10.6% (9)	9.4% (8)
Enlisted (N = 1190)	24.9% (296)	16.7% (199)	9.4% (112)	21.3% (254)	11.8% (140)	15.9% (189)

Differences in outcomes by status of accused not statistically significant

Accused Charged with Contact Offense(s) only

	Convicted of Contact Offense	Convicted of Other Offense	Acquitted of all Charges	Alternative Disposition	Case Dismissed without Further Action
Officer (N = 35)	17.1 % (6)	37.1% (13)	11.4% (4)	25.7% (9)	8.6% (3)
Enlisted (N = 451)	29.7% (134)	30.4% (137)	15.3% (69)	16.4% (74)	8.2% (37)

Differences in outcomes by status of accused not statistically significant

Table 7 presents the results of the analysis of the relationship between outcomes of sexual offenses and the gender and status of the victim. Because many cases involved more than one victim, there were some cases in which the victims were both females and males and both members of the military services and civilian. Consequently, we differentiated between cases in which all of the victims were female, cases in which all of the victims were male, and cases in which there were both female and male victims; however, there were too few cases involving both female and male victims to analyze. We similarly differentiated between cases in which all of the victims were members of the military services, cases in which all of the victims were civilians, and cases in which there were both military and civilian victims.

TABLE 7
OUTCOMES OF SEXUAL OFFENSES BY GENDER AND STATUS OF THE VICTIM

Accused Charged with Penetrative Offense(s)

	Convicted of Penetrative Offense	Convicted of Sexual Contact Offense	Convicted of Non-Sex Offense	Acquitted of all Charges	Alternative Disposition	Case Dismissed without Further Action
Victim(s) Gender						
All Females (N = 1216)	24.6% (299)	16.4% (199)	10.0% (122)	21.8% (265)	11.5% (140)	15.7% (191)
All Males (N = 52)	23.1% (12)	25.0% (13)	7.7% (4)	17.3% (9)	15.4% (8)	11.5% (6)
Males and Females (N = 7)						
Victim(s) Status						
Military (N = 898)	23.2% (208)	14.8% (133)	10.5% (94)	22.8% (205)	12.0% (108)	16.7% (150)
Civilian (N = 331)	26.0% (86)	20.8% (69)	8.8% (29)	19.3% (64)	11.8% (39)	13.3% (44)
Military and Civilian (N = 43)	44.2% (19)	25.6% (11)	11.6% (5)	11.6% (5)	2.3% (1)	4.7% (2)

Differences in outcomes by gender of victim not statistically significant

Differences in outcomes by status of victim statistically significant; $P \leq .05$

Accused Charged with Contact Offense(s) Only

	Convicted of Contact Offense	Convicted of Other Offense	Acquitted of all Charges	Alternative Disposition	Case Dismissed without Further Action
Victim(s) Gender					
All Females (N = 403)	26.8% (108)	30.8% (124)	16.4% (66)	17.4% (70)	8.7% (35)
All Males (N = 75)	37.3% (28)	33.3% (25)	8.0% (6)	16.0% (12)	5.3% (4)
Males and Females (N = 7)					
Victim(s) Status					
Military (N = 398)	28.6% (114)	31.4% (125)	14.6% (58)	16.6% (66)	8.8% (35)
Civilian (N = 76)	25.0% (19)	27.6% (21)	19.7% (15)	22.4% (17)	5.3% (4)
Military and Civilian (N = 11)					

Differences in outcomes by gender of victim not statistically significant

Differences in outcomes by status of victim not statistically significant

As shown in Table 7, the differences by the status of the victim were significant, but only for cases in which the accused was charged with a penetrative offense. There were no significant differences based on the gender of the victim for either penetrative or contact offenses. For cases in which the accused was charged with a penetrative offense, the overall conviction rate was substantially higher for cases involving both military and civilian victims (81.4%) than for cases involving only civilian victims (55.6%) or only military victims (48.5%). Cases involving military victims were more likely to result in an acquittal or dismissal (39.5%) than cases involving civilian victims (32.6%) or cases involving military and civilian victims (16.3%).

Factors Associated with Sentences. The results of the bivariate analyses of sentences are presented in Tables 8 through 11. The dependent variables analyzed are whether the offender was sentenced to a term of confinement, whether the offender received a punitive separation, whether the offender received both confinement and a punitive separation, and the length of the confinement sentence.

For each of these outcomes, the results are the same. None of the outcomes were affected by the fiscal year of case disposition, the military service of the accused, the rank of the accused, or the gender of the victim. By contrast, each outcome was affected by the type of conviction charge, the status of the victim, the type of court-martial, and the type of trial forum. Not surprisingly, sentences varied by the type of conviction charge. Those who were convicted of penetrative offenses were significantly more likely than those convicted of contact offenses to receive a confinement sentence (95.2% versus 67.6%), to receive a punitive separation (90.7% versus 50.4%), and to receive both confinement and punitive separation (88.2% versus 44.6%). The confinement sentences imposed on those convicted of penetrative offenses also were considerably longer than the sentences imposed on those convicted of contact offenses (54.8 months versus 14.67 months). Regarding the status of the victim, cases involving both military and civilian victims were more likely to receive a confinement sentence, a punitive separation, and both confinement and punitive separation; the mean sentence imposed on those whose victims were both military and civilian was also substantially longer than the mean sentence imposed on those whose victims were either military or civilian.

Sentences also varied by the type of court-martial and the type of trial forum. Accused individuals whose cases were disposed at a general court-martial and those adjudicated by a military judge were more likely than other types of cases to receive confinement, punitive separation, and both confinement and punitive separation. These individuals also received longer sentences than those whose cases were disposed by special or summary courts-martial or by a panel of military members or a summary court-martial officer.

TABLE 8
FACTORS ASSOCIATED WITH SENTENCE OF CONFINEMENT

	No Confinement		Confinement	
	N	%	N	%
Year of Disposition (NS)				
2012	56	22.1	197	77.9
2013	89	24.9	268	75.1
2014	96	29.1	234	70.9
Military Service of Accused (NS)				
Army	124	27.0	335	73.0
Air Force	27	16.7	135	83.3
Navy	34	23.1	113	76.9
Coast Guard	12	32.4	25	67.6
Marine Corps	44	32.6	91	67.4
Type of Conviction Charge (P ≤ .05)				
Penetrative Offense	15	4.8	298	95.2
Contact Offense	43	32.4	94	67.6
Rank of Accused (NS)				
Officer	18	27.3	48	72.7
Enlisted	223	25.5	651	74.5
Gender of Victim(s) (NS)				
All Females	223	26.3	625	73.7
All Males	18	22.0	64	78.0
Females and Males	0	0.0	10	100.0
Status of Victim(s) (P ≤ .05)				
All Military	188	28.0	484	72.0
All Civilian	47	21.2	175	78.8
Military and Civilian	6	13.0	40	87.0
Type of Court-martial (P ≤ .05)				
General Court-martial	128	18.3	573	81.7
Special Court-martial	40	30.3	92	69.7
Summary Court-martial	70	70.0	30	30.0
Type of Trial Forum (P ≤ .05)				
Military Judge	62	14.0	382	86.0
Panel of Military Members	96	25.7	277	74.3
Summary Court-martial Officer	70	70.0	30	30.0

TABLE 9
FACTORS ASSOCIATED WITH PUNITIVE SEPARATION SENTENCE

	No Punitive Separation		Punitive Separation	
	N	%	N	%
Year of Disposition (NS)				
2012	99	39.1	154	60.9
2013	129	36.0	229	64.0
2014	135	40.8	196	59.2
Military Service of Accused (NS)				
Army	173	37.6	287	62.4
Air Force	56	34.6	106	65.4
Navy	57	38.8	90	61.2
Coast Guard	20	54.1	17	45.9
Marine Corps	57	41.9	79	58.1
Type of Conviction Charge (P ≤ .05)				
Penetrative Offense	29	9.3	284	90.7
Contact Offense	69	49.6	70	50.4
Rank of Accused (NS)				
Officer	25	37.9	41	62.1
Enlisted	338	35.9	538	64.1
Gender of Victim(s) (NS)				
All Females	326	38.4	524	61.6
All Males	35	42.7	47	57.3
Females and Males	2	20.0	8	80.0
Status of Victim(s) (P ≤ .05)				
All Military	276	41.0	397	59.0
All Civilian	79	35.4	144	64.6
Military and Civilian	8	17.4	38	82.6
Type of Court-martial (P ≤ .05)				
General Court-martial	185	26.3	518	73.7
Special Court-martial	74	56.1	58	43.9
Summary Court-martial	100	100.0	0	0.0
Type of Trial Forum (P ≤ .05)				
Military Judge	119	26.7	327	73.3
Panel of Military Members	125	33.5	248	66.5
Summary Court-martial Officer	100	100.0	0	0.0

TABLE 10
FACTORS ASSOCIATED WITH SENTENCE OF CONFINEMENT & PUNITIVE SEPARATION

	Not Sentenced to Confinement and Punitive Separation		Sentence to Confinement and Punitive Separation	
	N	%	N	%
Year of Disposition (NS)				
2012	112	44.3	141	55.7
2013	142	39.7	216	60.3
2014	154	46.5	177	53.5
Military Service of Accused (NS)				
Army	198	43.0	262	57.0
Air Force	63	38.9	99	61.1
Navy	62	42.2	85	57.8
Coast Guard	22	59.5	15	40.5
Marine Corps	63	46.3	73	53.7
Type of Conviction Charge (P ≤ .05)				
Penetrative Offense	37	11.8	276	88.2
Contact Offense	77	55.4	62	44.6
Rank of Accused (NS)				
Officer	32	48.5	34	51.5
Enlisted	376	42.9	500	57.1
Gender of Victim(s) (NS)				
All Females	368	43.3	482	56.7
All Males	38	46.3	44	53.7
Females and Males	2	20.0	8	80.0
Status of Victim(s) (P ≤ .05)				
All Military	313	46.5	360	53.5
All Civilian	85	38.1	138	61.9
Military and Civilian	10	21.7	36	78.3
Type of Court-martial (P ≤ .05)				
General Court-martial	224	31.9	479	68.1
Special Court-martial	79	59.8	53	40.2
Summary Court-martial	100	100.0	0	0.0
Type of Trial Forum (P ≤ .05)				
Military Judge	135	30.3	311	69.7
Panel of Military Members	153	41.0	220	59.0
Summary Court-martial Officer	100	100.0	0	0.0

TABLE 11
FACTORS ASSOCIATED WITH LENGTH OF CONFINEMENT SENTENCE

	Mean Sentence
Year of Disposition (NS)	
2012	30.20
2013	34.39
2014	26.49
Military Service of Accused (NS)	
Army	32.99
Air Force	32.32
Navy	27.19
Coast Guard	11.91
Marine Corps	28.37
Type of Conviction Charge ($P \leq .05$)	
Penetrative Offense	54.80
Contact Offense	14.67
Rank of Accused (NS)	
Officer	14.50
Enlisted	31.53
Gender of Victim(s) (NS)	
All Females	32.29
All Males	13.88
Females and Males	30.00
Status of Victim(s) ($P \leq .05$)	
All Military	26.73
All Civilian	34.59
Military and Civilian	60.16
Type of Court-martial ($P \leq .05$)	
General Court-martial	36.45
Special Court-martial	4.01
Summary Court-martial	0.78
Type of Trial Forum ($P \leq .05$)	
Military Judge	27.08
Panel of Military Members	38.50
Summary Court-martial Officer	0.78

Results of the Multivariate Analysis

We used logistic regression to analyze several binary outcome variables (that is, variables, such as whether the accused was convicted of a penetrative offense (coded 1) or not (coded 0)) that are coded 1 or 0. We used ordinary least squares (OLS) regression to analyze the length of the confinement sentence, which is an interval variable. These types of analysis are used to identify the statistically significant predictors of the outcomes. The analysis simultaneously controls for all of the variables in the analysis; therefore, if a particular variable affects the outcome, it does so while holding all of the other variables in the model constant. For example, the number of victims is a significant predictor of whether the offender was charged with and convicted of a penetrative offense; this is net of the effects of the fiscal year in which the case was completed, the military service of the accused, the accused's rank, the accused's gender, whether all victims were female, whether all victims were military, and the number of charges.

For the categorical variable (military service of the accused), the values for the included category are compared to that of the reference category (army). The *negative coefficient* for the Coast Guard in Table 12 indicates that those from the Coast Guard were significantly *less likely* than those from the Army to be convicted of a penetrative offense.

Variables that are statistically significant predictors of outcomes are indicated with an asterisk. In the tables, B is the logistic regression coefficient, SE is the standard error, and Exp(B) is the odds ratio.

The results of the analysis of two indicators of the likelihood of conviction—whether the accused was charged with and convicted of a penetrative offense and whether the accused was convicted of at least one charge (i.e., a penetrative offense, a contact offense, or a non-sex offense) are presented in Table 15. Conviction of a penetrative offense was about half as likely if the accused was in the Coast Guard rather than the Army; stated another way, individuals who were in the Army were twice as likely as those in the Coast Guard to be convicted of a penetrative offense. There were no differences in the likelihood of conviction between the Army and the other military services. Conviction for a penetrative offense also was affected by the number of victims; as the number of victims increased, the likelihood of conviction also increased. Variables that did not affect the likelihood of conviction for a penetrative offense were the rank of the accused, the gender and status of the victim, and the number of charges.

The statistically significant predictors of conviction for at least one charge are the fiscal year (conviction was less likely in 2014 than in earlier years), the gender of the victim (those who assaulted females were less likely to be convicted), the number of victims (cases with more victims had higher odds of conviction), the number of charges (cases in which the accused faced more charges had higher odds

of conviction), and whether the accused was charged with a penetrative offense (conviction was less likely if the most serious charge was a penetrative offense rather than a contact offense). The likelihood of conviction for any charge was not affected by the military service of the accused, the rank of the accused, or the status of the victim.

TABLE 12
LOGISTIC REGRESSION ANALYSIS: LIKELIHOOD OF CONVICTION

Accused Convicted of a Penetrative Offense			
	B	SE	Exp(B)
Fiscal Year	-.140	.088	0.87
Military Service of the Accused			
Army (reference category)			
Air Force	-.163	.177	0.85
Navy	-.195	.193	0.82
Coast Guard	-.873	.477	0.42
Marine Corps	-.633*	.228	0.53
Accused Rank (Enlisted)	.357	.285	1.43
Female Victim(s)	.087	.342	1.09
Military Victim(s)	-.126	.151	0.88
Number of Victims	.343*	.104	1.41
Number of Charges	.026	.015	1.03
Accused Convicted of At Least One Charge			
	B	SE	Exp(B)
Fiscal Year	-.174*	.068	0.84
Military Service of the Accused			
Army (reference category)			
Air Force	-.168	.139	0.85
Navy	-.193	.144	0.82
Coast Guard	.076	.327	1.08
Marine Corps	-.053	.160	0.95
Accused Rank (Enlisted)	.001	.203	1.00
Female Victim(s)	-.436*	.209	0.64
Military Victim(s)	-.186	.122	0.84
Number of Victims	.400*	.112	1.51
Number of Charges	.139*	.016	1.15
Accused Charged with Penetrative Offense	-.332*	.117	0.72

* $P \leq .05$

Table 13 presents the results of two additional indicators of case outcomes: (1) whether the accused was acquitted of all charges and (2) whether all charges were dismissed without further action. Recall from Table 2 that 21.6% (N = 275) of those charged with penetrative offenses and 15.0% (N = 73) of those charged with contact offenses were acquitted of all charges; 15.5% (N = 197) of those charged with penetrative offenses and 8.2% (N = 40) of those charged with contact offenses had

all charges dismissed without further action. As shown in Table 16, compared to individuals who were in the Army, those in the Air Force were 1.55 times more likely to be acquitted. In addition, acquittal was less likely if there were more victims and more charges; it was 1.44 times more likely if the most serious charge against the accused was a penetrative offense. The odds of that the case would be dismissed without further action were affected by the military service of the accused, the number of charges preferred, and whether the accused was charged with a penetrative offense. Compared to individuals in the Army, the odds of case dismissal were higher for individuals in the Air Force, Navy, Coast Guard, and Marine Corps. Case dismissal was less likely if there were more filed charges; it was 2.4 times more likely if the most serious charge was a penetrative offense.

TABLE 13
LOGISTIC REGRESSION ANALYSIS OF ACQUITTALS AND DISMISSALS

Accused Acquitted of All Charges			
	B	SE	Exp(B)
Fiscal Year	-.010	.083	0.99
Military Service of the Accused			
Army (reference category)			
Air Force	.438*	.159	1.55
Navy	.190	.173	1.21
Marine Corp	-.636	.539	0.53
Coast Guard	.140	.200	1.15
Accused Rank (Enlisted)	-.120	.241	0.89
Female Victim(s)	.548	.294	1.73
Military Victim(s)	.132	.149	1.14
Number of Victims	-.329*	.164	0.72
Number of Charges	-.128*	.022	0.88
Accused Charged with Penetrative Offense	.367*	.150	1.44
Case Dismissed without Further Action			
	B	SE	Exp(B)
Fiscal Year	.166	.102	1.18
Military Service of the Accused			
Army (reference category)			
Air Force	.509*	.210	1.66
Navy	1.09*	.204	2.98
Marine Corps	1.59*	.422	4.92
Coast Guard	1.08*	.229	2.95
Accused Rank (Enlisted)	.415	.355	1.51
Female Victim(s)	.478	.357	1.61
Military Victim(s)	.209	.185	1.23
Number of Victims	-.038	.178	0.96
Number of Charges	-.190*	.030	0.83
Article 32 Hearing Held	.068	.104	1.08
Accused Charged with			

Penetrative Offense	.865*	.227	2.37
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* $P \leq .05$

The results of the logistic regression analysis of the likelihood of confinement and the results of the ordinary least square regression analysis of the length of the confinement sentence are presented in Table 14. The strongest predictor of the odds of a confinement sentence (based on the odds ratio) is whether the accused was convicted of a penetrative offense; those who were convicted of a penetrative offense were 11.8 times more likely than those convicted of a contact offense or a non-sex offense to be sentenced to confinement. Cases involving military rather than civilian victims had lower odds of confinement, as did cases that were disposed at a summary court-martial. The only variables affecting the length of the confinement sentence were the type of conviction charge (those convicted of penetrative offenses got longer sentences), the number of victims (those with more victims received more severe sentences), and the number of charges (those with more preferred charges received more severe sentences). As the B values in the table indicate, those convicted of penetrative offenses received sentences that were more than 43 months longer than the sentences imposed on other offenders.

TABLE 14
LOGISTIC AND OLS REGRESSION ANALYSIS OF CONFINEMENT
AND LENGTH OF CONFINEMENT

Approved Sentence Included Confinement			
	B	SE	Exp(B)
Year Case Disposed	-.145	.143	0.86
Military Service of the Accused			
Army (reference category)			
Air Force	.673	.350	1.96
Navy	.060	.321	1.06
Coast Guard	-.653	.555	0.52
Marine Corps	-.084	.314	0.92
Accused Rank (Enlisted)	.436	.401	1.55
Female Victim(s)	-.856	.594	0.42
Military Victim(s)	-.531*	.256	0.59
Number of Victims	.278	.216	1.32
Number of Charges	.080*	.027	1.09
Accused Convicted of Penetrative Offense	2.46*	.298	11.76
Length (in months) of Approved Confinement Sentence			
	B	Beta	T-value
Year Case Disposed	-.492	-.006	-0.14
Military Service of the Accused			
Army (reference category)			
Air Force	1.89	.011	0.26
Navy	3.06	.017	0.39
Coast Guard	-22.27	-.055	-1.33
Marine Corps	-2.01	-.010	-0.24
Accused Rank (Enlisted)	11.97	.045	1.11
Female Victim(s)	5.89	.020	0.46
Military Victim(s)	-6.59	-.045	-1.10
Number of Victims	9.67	.146	3.06*
Number of Charges	2.11	.193	4.00*
Accused Convicted of Penetrative Offense	43.32	.324	7.82*

*P ≤ .05

Summary

Descriptive Data on Case Characteristics and Case Outcomes. The military service with the most cases during the 2012 to 2014 fiscal years was the Army, followed by the Air Force, the Navy, the Marine Corps, and the Coast Guard. The typical accused was a male enlisted member and the typical victim was a female member of the military services. Most cases involved multiple charges and in almost three fourths of the cases the most serious charge was a penetrative offense. More than three fourths of the cases that went to a court-martial went to a general court martial. The overall conviction rate for individuals charged with penetrative offenses was somewhat lower than the rate for individuals charged with contact offenses. Dismissal of the case without further action was more common for individuals charged with penetrative rather than contact offenses. A large majority of those who were convicted received a term of confinement and the average sentence was about two and a half years,

Bivariate Analyses. The results of the bivariate analysis, which address the relationships between case disposition and case outcomes and a single independent variable, revealed that the type of disposition (i.e., whether the case was disposed by general court-martial, special court-martial, or summary court-martial) varied by fiscal year, the type of offense charged, and the military service of the accused. With very few exceptions, case outcomes did not vary by the fiscal year the case was disposed, the status of the accused, or the gender or status of the victim. Sentences consistently were affected by the type of conviction charge, the status of the victim, the type of court-martial, and the type of trial forum.

Multivariate Analyses. Because the multivariate analyses control simultaneously for relevant characteristics of the case, the accused, and the victim, the results of these analyses provide more nuanced findings regarding the factors that affect case outcomes. Although there are some exceptions, outcomes in the Article 120 cases examined in this study were affected primarily by legally relevant factors, especially whether the accused was charged or convicted of at least one count of a penetrative offense. Those who were charged with penetrative offenses were less likely than those charged with contact offenses or non-sex offenses to be convicted of at least one charge, were more likely to be acquitted of all charges, and were more likely to have the case dismissed without further action. On the other hand, if the accused was convicted of a penetrative offense, he/she was more likely to be sentenced to confinement and faced a substantially longer sentence than those convicted of contact or non-sex offenses. Other variables that consistently affected outcomes were the number of victims and the number of charges. Outcomes generally did not vary by the fiscal year, the rank or gender of the accused (but gender of the accused did affect conviction likelihood), the gender or status of the victim (but victim gender did affect the likelihood of conviction and victim status did influence the odds of a confinement sentence).

