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GILLIBRAND RELEASES NEW MILITARY SEXUAL ASSAULT REPORT: NEW DATA REVEALS HIGH PREVALENCE OF ASSAULT AMONG CIVILIAN WOMEN & MILITARY SPOUSES, WIDENING TRUE SCOPE OF PROBLEM; UNDERREPORTING AND DISTRUST OF MILITARY JUSTICE SYSTEM PERSIST

Review of 107 Case Files from Four U.S. Bases Finds 53 Percent of Survivors are Civilian or Military Spouses – Neither Counted in Department of Defense Prevalence Surveys

Nearly Half of the Survivors Who Reported a Sexual Assault Declined to Move Forward with the Military Justice Process

Just Over 20 Percent of Cases Proceeded to Trial & Only 10 Percent of All Cases Resulted in Sexual Assault Convictions

Washington, D.C. – U.S. Senator Kirsten Gillibrand today released a new report on military sexual assault, finding in a review of 107 case files provided by the Department of Defense a high prevalence of sexual assault against civilian women near bases and civilian spouses of servicemembers – two survivor groups not counted in DoD prevalence surveys – raising new questions about the scope of both the survivor population and underreporting. The analysis reaffirms a lack of trust in the military justice system as nearly half of the survivors in the cases reviewed declined to move forward after initially filing a report. Even when cases did proceed, just over 20 percent went to trial and only 10 percent of all cases resulted in a sexual assault conviction with penalties of confinement and dishonorable discharge. The cases that did proceed to trial but failed to obtain a sexual assault conviction typically resulted in more lenient penalties, such as a reduction in rank or docked pay.

The report was compiled from data Gillibrand requested from the DoD. In February 2014, the Senator asked for all files pertaining to the investigation and adjudication of sexual assault cases from 2009 through 2013 at the largest U.S. base within each service branch. It took the DoD nearly a year to fulfill this request and even then it provided only a fraction of the information originally sought. The report reflects an analysis of 107 case files from the year 2013 at the Army’s Fort Hood in Texas, Naval Station Norfolk in Virginia, the Marine Corps’ Base Camp Pendleton in California and Wright-Patterson Air Force Base in Ohio.

“We requested this data to understand what happens when reports are filed, how they are investigated and move forward within the military justice system and needless to say, the more we learn, the worse the problem gets,” said Senator Gillibrand. “These 107 files are a snapshot
of the thousands of estimated cases that occur annually – the latest projection for 2014 alone is 20,000 cases of sexual assault and unwanted sexual contact. What we’ve found are alarming rates of assault among two survivor groups not routinely counted in DoD surveys, survivors declining to move forward with their cases and very low conviction rates. Even with the much-lauded reforms, the system remains plagued with distrust and simply does not provide the fair and just process that survivors deserve.”

The full report is available online and an overview of the findings follows below.

**In 53 percent of the cases, survivors were civilian women or military spouses.** The case files documented assault against two survivor groups not counted within the DoD’s sexual assault prevalence surveys: 32 percent of reports were filed by civilian women; 21 percent of reports were filed by civilian military spouses. Given that these survivor groups are overlooked in prevalence survey data, the total survivor population may be far larger than the most recent estimated of 20,000 cases of sexual assault or unwanted sexual contact in FY 2014.

**Majority of military spouses decline to pursue charges.** In nearly 73 percent of the cases involving servicemembers’ spouses, the spouse declined to pursue charges of sexual assault. Only one case involving a military spouse moved forward, and the servicemember was acquitted.

**Nearly half of survivors who filed an unrestricted report declined to move forward.** Of the 104 survivors who filed unrestricted reports, 50 declined to move forward. Of the 50, many voluntarily submitted to the intrusive sexual assault evidence collect kit, only to abandon their cases later in the process. In the DoD’s most recent sexual assault report, 62 percent of women who reported a sexual assault perceived some form of retaliation – a rate unmoved from previous reports despite a commitment to change the climate.

**Few cases move to trial, met with low conviction rates and less punishment.** Of the 107 cases, 24 proceeded to trial. Of the cases that proceeded to trial, only 11 resulted in a sexual assault conviction; six were convicted of a lesser, non-sexual assault charge that typically carried lenient penalties, such as a reduction in rank or docked pay. The remaining seven cases that proceeded to trial were acquittals.

**When convictions did happen, the accused had already confessed to the crime.** Of the 11 cases that did result in a sexual assault conviction, five included statements where the accused admitted to committing the crime.

**When cases go cold, accuser likely to have denied it happened or claimed consent.** In 34 of the 107 case files, the accused told investigators that the assault did not happen or claimed that the sex was consensual. Of those 34 cases, command took action just 10 times, and none of these cases resulted in conviction. Significantly, 27 of the 34 cases where the accuser denied the action or claimed consent did not go to trial at all.
Gillibrand’s review echoes the findings of the DoD’s recently released report on sexual assault in the military for the FY 2014. Despite the implementation of reforms to address sexual assault, 75 percent of service men and women lack the confidence in the military justice system to report the crimes committed against them. Retaliation rates also remain high, with 62 percent of women who reported a sexual assault or unwanted sexual contact perceiving some form of retaliation.

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