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Barriers to Reporting Sexual Assault in the Military

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Abstract

This document reviews the literature regarding sexual assault and barriers to reporting sexual assault in the United States military. Existing studies reveal that survivors of sexual assault and/or harassment in the military face an array of barriers to reporting these crimes. Common barriers include: fear of negative career impact and/or retaliation, confidentiality concerns, fear of disrupting unit bond, and/or stigma. Further analysis of barriers suggest underlying problems related to military laws and policies, and inadequate education regarding sexual assault within the military.

Keywords: Department of Defense (DoD) military sexual assault (MSA), military sexual trauma (MST), Sexual Assault Prevention and Response Office (SAPRO), Uniform Code of Military Justice (UCMJ), Department of Veterans Affairs (VA)
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Military sexual assault is a relevant social issue that has the potential to impact survivors mentally, physically, socially, and professionally. In the fiscal year 2012 alone, 3,374 reports of military sexual assault were made but the Department of Defense (DoD) estimated the actual amount of assaults that occurred was close to 26,000 (United States Commission on Civil Rights, 2013). A common result of military sexual assault is the health impact known as military sexual trauma, a phrase coined by the Veteran’s Administration (VA). Trauma itself is truly unique to the person experiencing it, yielding a myriad of definitions and meanings. The National Council of Behavioral Health reports, “An individual’s experience of trauma impacts every area of human functioning — physical, mental, behavioral, social, spiritual” (2015). The VA most recently defined military sexual trauma as a:

- psychological trauma, which in the judgment of a VA mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the Veteran was serving on active duty, active duty for training, or inactive duty training. (Veterans Administration, 2014)

While recognizing and treating trauma is a crucial piece to social work practice in general, this review will focus specifically on actual military sexual assault. It is important to note that the terms military sexual assault and military sexual trauma appear to be used interchangeably in some of the recorded literature. As the topic gains notoriety, there is hope that the two phrases will soon be understood in the appropriate context of cause and effect as opposed to a substitution for one another.
Background of Problem

In order for military sexual assault to be experienced, there must be a preceding act of sexual violence, also classified as a sexual assault. The World Health Organization defines sexual violence as:

Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work. (2014).

Sexual violence can also incorporate sexual acts that take place when one of the parties involved in the sexual act is not of sound mind to give consent. The causes of sexual violence are understood to be multiple, ranging from interpersonal relationship factors to larger community and social system factors. Research insinuates that while some differences exist, sexual violence survivors will most often experience comparable outcomes regardless of their identified gender (World Health Organization, 2012). The financial repercussions of sexual violence are another factor that transcends gender. Ybarra and Mitchell (2013) contend that “With more than 1 million victims and associated costs of almost $127 billion each year, sexual violence is a significant public health problem” (p. 167) in the United States.

The issue of military sexual assault is just one topic under the larger umbrella of sexual violence. Due to its specific nature, the government has clarified terms related to military sexual trauma. The current definition of sexual assault, as defined by the Department of Defense, is Intentional sexual contact characterized by use of force, threats, intimidation or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific Uniform Code of Military
Justice offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts. (Department of Defense, 2012)

Furthermore, sexual contact is defined by the Uniform Code of Military Justice as,

   (A) touching, or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh or buttocks of any person, with an intent to abuse, humiliate, or degrade any person; or (B) any touching, or causing another person to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person. (Article 120, UCMJ, 10 U.S.C. § 920)

While it is difficult to ascertain the first accounts of military sexual assault, the issue became nationally recognized as a result of the 1991 Navy Tailhook incident, in which ninety service members claimed that they were either sexually assaulted or harassed by military officers at a convention in Las Vegas. Since that time, the matter of military sexual assault has garnered further investigation and attention. However, safety changes have been implemented at an alarming slow rate. Not until 2005 did the Department of Defense create the Sexual Assault Prevention and Response Office (SAPRO), a group dedicated to monitoring the military’s sexual assault policy and facilitating effective prevention training and response services. Six years after SAPRO, the Office of Inspector General established the Violent Crime Division to review SAPRO trainings and overall DoD sexual assault investigative procedures. Not until 2012 did the United States Air Force and National Guard become the first branch types to utilize a Defense Sexual Assault Incident Database (DSAID), with all other branch types following along mere months later (Veterans Administration, 2012). Despite these changes, the findings suggest
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that military sexual assault continues to be an ongoing problem, as the Department of Defense estimates that in 2012 alone, twenty one years after Tailhook, approximately 26,000 United States service members were victim to sexual harassment and/or sexual assault. While this topic was previously viewed as a personal issue that yielded personal conflicts, it is now understood that in terms of troop effectiveness “sexual assault in the military imposes significant costs and impairs mission readiness as a whole” (United States Commission on Civil Rights, 2013). With such an unfathomable number of United States service members being attacked, it is easy to see that military sexual assault can negatively impact not just the individual but the larger systems they interact with, not to exclude their crucial role in the system of national security. To further understand the social issue of military sexual assault, the population and systems impacted by military sexual assault must be further investigated.

**Understanding Military Culture**

In order to understand the problem in a comprehensive way, military culture needs to be examined. The military is a complex population that holds its own values, beliefs, traditions, norms, perceptions, and behavior. This core of principles mandates how military personnel interact and communicate with each other (Rubin, Weiss, & Coll, 2013). The process of civilians becoming sailors, soldiers, airmen, or Marines has been described as a socialization process and an indoctrination process (Freeman, Moore & Moore, 2009). Grojean and Thomas (2006) suggest that individuals who join the military acquire a new and unique identity. The core of values and principles translate into the identity of the service members. For instance, Article I of the Military’s Code of Conduct states, "I am an American, fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense" (Freeman, Moore & Moore, 2009, p., 37). It is a commonality of personnel in the military to be
ready to sacrifice their lives if necessary to the mission. Furthermore, these processes occur in basic training where individuals develop socially accepted values and behaviors such as honor, selfless service, and duty (Freeman, Moore & Moore, 2009). The United States Marine Corps (1997) describes this process as: “...officers and enlisted Marines undergo similar entry-level training which is, in effect, a socialization process. This process provides all...a proud heritage, a set of values, and a common bond of comradeship” (Freeman, Moore & Moore, 2009, p. 40).

Another component that makes the military culture unique is the Military Justice System. The legal aspect of the military system is ruled by an array of laws and regulations that includes the Uniform Code of Military Justice (UCMJ), which is classified under Title Ten of the United States code. The Manual for Courts-Martial states that military law is to “promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and thereby to strengthen the national security of the United States” (GAO, 2011, p. 8). Every service member in the military is under the authority of Uniform Code of the Military Justice, which allows them to be subjected to punitive actions. These punitive articles comprise offenses similar to the civilian population such as: “murder, rape, wrongful use of controlled substances, larceny, and drunken driving” and other offenses that are peculiarly for the military population that includes: “absence without leave, disrespect toward superior commissioned officer, or dereliction of duty” (GAO, 2011, p.8).

In addition, the military is an organization that is purely hierarchical, where military status is clearly defined by rank, and where officers carry a higher rank than enlisted service members. Unlike the civilian population where individualism is highlighted, military members are encouraged to work collectively to achieve mission objectives, and show obedience. Even
so, individualism is valued when it reinforces efficiency and effectiveness to complete a mission (Rubin, Weiss, & Coll, 2013).

The military is known and characterized by a male dominant environment. However, this model has been gradually evolving by integrating women into the military. Despite these changes, some members argue that women disrupt the cohesiveness and mission of the organization, suggesting that: "combat effectiveness and unit cohesion are best achieved in homogeneous combat units"...and, in the words of a former Marine Corp Commandant: “If you want to make a combat unit ineffective, assign women to it” (Dunivin, 1994, p., 537). Women have access to various military occupational specialties and have more opportunities progressing their career within the military (Rubin, Weiss, & Coll, 2013). Currently, the largest number of women are serving in the history of the military: "over 92% of specialties are open to women" (DoD, 2009). According to the DoD, in 2009, nearly 198,000 women were technically able to access 92% of all specialties, but only 14.3% of positions were actually available for them (Holland, Rabelo, & Cortina, 2014). The military is slowly incorporating women into more combat roles (Freeman, Moore & Moore, 2009)

Schading (2007) affirms that these days the United States has "no gender" (Freeman, Moore & Moore, 2009). Despite the stated progressive mindset of the military and the promotion of positive values, the institution can also be unsafe for their service members (Freeman, Moore & Moore, 2009). For instance, Pierce (2006) suggests that one of the big issues in the military is reporting sexual assault or harassment for an array of reasons including: "fear of revenge, scorn, and negative work repercussions” (Rubin, Weiss, & Coll, 2013).

In the last decade sexual harassment and sexual assault has become an issue of interest for the Department of Defense and the media, especially in regard to reporting such incidents,
and barriers to reporting. In a careful exploration of military sexual assault, notable patterns appeared in regards to barriers to reporting military sexual assault. This paper will further analyze and discuss the barriers of reporting military sexual assault for active United States military members, with emphasis on implications for the future.

Definition of Terms

Department of Defense (DoD): An executive branch department of the government of the United States that overseas agencies and institutions that are related with the National security and the United States Armed Forces (Department of Defense, 2012).

Military Sexual Trauma (MST): Psychological trauma which in the judgment of a VA mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the Veteran was serving on active duty, active duty for training, or inactive duty training (Veterans Administration, 2014).

Sexual Assault (SA): Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work (Department of Defense, 2012).

Sexual Assault Prevention and Response Office (SAPRO): A group created in 2005, dedicated to monitoring the military’s sexual assault policy and facilitating effective prevention training and response services (Veterans Administration, 2012).

Chapter 2

Literature Review

In reviewing the arguably limited literature related to military sexual assault and the impact of such experiences on active service members, reservists and previously active service members (Veterans), it becomes clear that this phenomena exists in similar patterns across different branch types, sexes and generations. Due to the increasing awareness of this social problem, a growing academic literature elucidates the issue of military sexual assault, summarizes recent findings and suggests implications for further research studies. In 2013, Vukotich argued that military sexual assault is “a problem that has a detrimental impact on individuals and the military’s ability to function” (p.19). Vukotich establishes that in many military sexual assault cases the dynamic is comprised of a victim, perpetrator, facilitator, and bystander. Vukotich contends that the factors of a military sexual assault dynamic will not be thwarted by the military’s longest form of prevention, encouraging service members to utilize personal safety methods. While the military is now implementing an awareness prevention modality, Vutochik notes that at the time of his publication little to no data had been conducted regarding the effectiveness of the military sexual assault prevention shift, and barriers to reporting military sexual assault, such as fear of retaliation, still exist. Similarly, Turchik and Wilson argue that in spite of the recent attention and policy changes being made regarding military sexual trauma, more needs to be done. Turchik and Wilson report socio-demographic factors, substance use, prior sexual abuse and/or perpetration, military culture, the emphasis on violence and hyper-masculinity, along with written and practiced military law are all factors that may be catalysts for military sexual assault (2010).
In 2011, Williams and Bernstein reviewed literature regarding Operation Enduring Freedom/Operation Iraqi Freedom (OEF/OIF) female military sexual assault survivors. They discovered several studies contending concern that negative reputation and career impact were common fears that kept deterred survivors from reporting. Authors also elucidated a procedural deterrent to reporting military sexual assault: only active duty service members can report to the Sexual Assault Response Program, as those in the reserve and Veterans are not allowed.

The Millennium Cohort Study is an ongoing longitudinal cohort study of U.S military personnel opened back in 2001. The goal is to foster a deeper study into deployment for individuals and environmental elements linked to sexual harassment and sexual assault in females in the U.S. military. Rock, Lipari, Cook, & Hale, (2010) illustrate that a national report-based survey of U.S active duty military personnel shows that 4.4% of women and 0.9% of men reported unsolicited sexual contact. There is a disproportion in the rates of reporting sexual harassment among women and men. The researchers postulated that women tend to report unwanted sexual contact 34% of the time while men report 6% of these experiences (LeardMann, Pietrucha, Magruder, Smith, Murdoch, & Jacobson, 2013).

The methods utilize in this ongoing study (LeardMann et al., 2013) involved a detailed questionnaire where occupational and life experiences are evaluated every 3 years. Participants of the study are 150,000 servicemen and women who were enrolled in all branches in different periods between 2001 and 2008; the study’s goals were to analyze health stressors among service members. Between 2004 -2006 a follow up evaluation was conducted, where participants were asked if they: "suffered forced sexual relations or sexual assault" or “experienced sexual harassment" in the last 3 years. According to the response, they were classified into four classes: a) Sexual assault and sexual harassment, b) sexual assault only, c) sexual harassment only, or d)
no sexual stressor. Between 2001 and 2003, which formed the baseline, participants were questioned if they had ever experienced any of these events. If participants answered "yes" to either or both they were classified as having prior stressors (LeardMann et al., 2013).

The findings illustrated that of the 13,262 participants reported at least one sexual stressor: “1,089 (80.0%) reported sexual harassment, 121 (8.9%) reported sexual assault, and 152 (11.2%) reported both sexual harassment and assault. Thus, the 3-year cumulative incidence of sexual harassment was 9.4% and sexual assault was 2.1%” (LeardMann, et al., 2013, p. 217). Moreover, the study revealed that women who were born in 1980 or later were five times more likely to report sexual assault, with or without harassment than those women born before 1960. At the same time, women who reported previous sexual stressors were three times more likely to report a recent sexual assault and four times more likely to report recent sexual harassment or both in comparison with those women who did not report previous assaults. This study highlighted also that: “Marine Corps were twice as likely to report sexual stressors, whereas women serving in the Army had a 57% increased odds for sexual harassment compared with Air Force service members” (LeardMann, et al., 2013, p. 217).

Kimmerling, Gima, Smith, Street, and Frayne (2007) and Suris and Lind, (2008) state that an array of factors prevent survivors from reporting sexual violence, particularly in the military. Unit bond may stop military personnel from reporting the crime. The service member may see this as a disloyalty to the unit. The survivor may also be required to continue in the same unit as the offender. Another factor that possibly will prevent reporting is the negative impact the report may have on a survivor's career (Naval Inspector General, 2004). The Office of Naval Inspector declares that approximately 66% of Military Sexual Trauma cases are not reported (Morris, Smith, Farooqui, & Suris, 2013).
Gender Stereotypes Findings

In 2013, researchers at the Veteran’s Administration (VA) performed a qualitative research study among 20 male Veterans to inquire about gender specific implications to military sexual assault. The subjects ranged from Korean War era to the Iraq/Afghanistan era military sexual assault survivors, all of which were receiving VA health care although they had not received services related to their reported military sexual assaults. All 20 Veterans reported stigma as a barrier to reporting and seeking follow up care, with 19 Veterans also citing gender and lack of knowledge to services as a barrier. Veterans were asked to report the preferred sex of a service provider should they seek military sexual assault related services; results yielded 50% with a preference to female, 25% with a preference to male and 25% reporting no preference (Turchik, McLean, Rafie, Rosen & Kimerling, 2013).

Researchers have discovered that sexual violence is underreported within the military and more so among military men. The Department of Veterans Affairs (2005) estimates that 16% of sexual assaults are reported, and there exists the possibility that many males in the military do not report the sexual violence. Rock, Lipari, Cook, and Hale (2010) highlight that 85% of the military men who initially reported sexual assault did not follow through when reporting it. Forty three percent of Service men did not want people to know about it. Thirty six percent of Service men were hesitant about confidentiality. At the same time, 27% of men in the military were afraid of retaliation (Morris, Smith, Farooqui, & Surís, 2013). Kakhnovets and Holohan (2007) postulate that stereotypes of masculinity that are deeply rooted in the military may affect reporting: "men should be able to protect themselves," "male rape only happens in prison," and/or "only homosexuals are raped" (Morris, Smith, Farooqui, & Surís, 2013, p., 95). The Office of Naval Inspector General (2004) established that training regarding this issue
was not necessary because: "things like that did not happen in an all male crew," (Morris, Smith, Farooqui, & Suris, 2013, p., 95). This kind of mindset reinforces myths and stereotypes that are firmly established within the military culture.

Stereotypes in a hyper-masculine culture, such as in the military, may hinder the ability to see this issue as a problem. Coxell and King (1996) established that some naively believe that: "males cannot be raped, sexual assaults are only committed within prisons, male adult sexual assault victims must be homosexual, heterosexual males do not sexually assault other males" (Polusny, & Murdoch, 2005, p., 2). Other stereotypes that surround women within the ranks of the Armed Forces include: "only bad girls are raped, woman ask for it and healthy women can resist it" (Polusny, & Murdoch, 2005, p., 2). Murdoch et al., (2004) completed a survey across the country of 3,337 male and female veterans submitting claims for disabilities such as PTSD and discovered that 4.2% of men reported sexual assault while serving in the military.

Other studies caution not to assume that low rates of males reporting sexual violence does not mean that it does not occur within the military system. Donnelly and Kenyon, (1996) and Groth and Burges (1980) postulate not to be oblivious regarding males and sexual violence in this population. People should not believe in myths such as: "men are too strong to be overpowered, men are only raped in prison, and sexual trauma is worse for women than men" (Hoyt, Klosterman Rielage, & Williams, 2011, p., 245).

In addition, Hoyt, Klosterman Rielage, and Williams (2011) reviewed 29 studies regarding Military Sexual Trauma and discovered an array of barriers deterring service members from reporting sexual violence. Niebuhr (1997) stated that the military bond or unity prevents service members from disclosing the experience. For instance, men who disclose Military Sexual Trauma take the risk of being ridiculed, accused of being gay, or other times the criminal
case is delayed and the perpetrator is never persecuted (Hoyt et al., 2011). The Department of the Air Force, (2003) suggests that the military values: "may discourage service members from reporting sexual assault committed by a fellow service member" (Hoyt, Klosterman Rielage, & Williams, 2011, p., 245). In addition, when the survivor reports the sexual violence, he or she may feel vulnerable for possible acts of retaliation by the offender and their friends. Nuwer (2004) states males do not report because they are threatened with death in case of disclosing the sexual violence (Hoyt, Klosterman Rielage, & Williams, 2011).

Koo and Maguen state that, women are at a higher risk for MST than men. Sexual assault involves: "sexual touching or grabbing, oral sex, anal sex, sexual penetration with an object and/or sexual intercourse" (Koo & Maguen, 2014, p., 29). Regardless of where or how the act takes place, it is considered MST; if it happens on base, off base, or if the perpetrator was on duty or off duty. It is also vital to highlight that lack of consent includes cases where the victim was intoxicated while the sexual act took place. Researchers suggest that women for instance, may receive threats if not compliant with the requested sexual favors, or they may be offered 'better treatment', instead, if they are compliant. (Koo & Maguen, 2014). The study suggested that women are coerced to participate in sexual activities.

**Reporting Military Sexual Violence**

Between the years 2010 and 2011 there was a slight increase in the reporting of sexual violence within the military. In 2010, there were 3,158 sexual assault reports, compared to 3,192 reports in 2011. These numbers are still a gross underestimate (Koo & Maguen, 2014). Sexual assault rates among women were 23% and 3% among men. VA subjects reported that 55% of females experienced sexual harassment, 3% of women reported sexual assault, and only 1% of men. Under the umbrella of the DoD exists the Sexual Assault Prevention Response Office
(SAPRO) that deals with sexual assault. However, SAPRO does not deal with sexual harassment, and thus with all MST reported cases. SAPRO distinguishes two types of sexual assault reporting procedures labeled as unrestricted and restricted: "unrestricted (which results in an investigation as well as treatment and services) and restricted reporting (which allows for services and increased confidentiality around the reporting without investigation)" (Koo & Maguen, 2014, p., 32). The researchers note that, despite the recent efforts to facilitate the disclosure of MST; it is still highly unusual for members to report or even look for treatment (Koo & Maguen, 2014).

**Deployment Findings**

Deployment has become an area of interest when conducting research to determine the impacts of military sexual assault. Military sexual assault undoubtedly occurs on United States soil as well as abroad and therefore research must be conducted with both populations to understand military sexual assault in a comprehensive way. In 2009, interviews were completed with 19 female OEF/OIF veterans in order to capture their experiences on deployment, and to include any occurrence of military sexual assault. Authors found that “Often, women spoke of how sexual harassment or sexual coercion was tied to opportunities for promotion” (p. 540). Disturbing common themes surfaced in the interviews, such as women fearing military sexual assault more so than enemy fire while on deployment and reporting military sexual assault to superiors resulting in zero consequences for the identified perpetrator (Mattocks et al., 2012).

In a slightly similar approach in 2014, telephone interviews were conducted with formerly deployed female OEF/OIF era service members to further understand this phenomenon. Seven of the 22 females claimed they had experienced military sexual assault first hand, with four out of seven reporting the assault, while the others reported having knowledge of military
sexual assault without identifying as survivors. Participants cited the aggressive military culture, lack of consequences, and the overall environment of deployment as preceding factors to military sexual assault overseas. They also testified that negative reactions, confidentiality concerns, and factors such as confusion over the law and fear of jeopardizing their career as reasons why women on deployment do not report military sexual assault. Authors go on to report, “Some barriers, including fear of being blamed or not believed, stigma, and confidentiality concerns were similar to those commonly reported by civilian survivors of sexual assault” (Burns, Grindlay, Holt, Manski & Grosman, 2014).

Women face various stressors while serving in the military, and risks are increased if the female service member is deployed. Lipari, Cook, Rock, and Matos (2008) illustrate that 9% of Service women reported having an experience of sexual coercion if not being sexually compliant, or they were promised favorable tasks in exchange for compliance. Thirty one percent of Service women described unsolicited sexual forms of attention. Other types of unwanted sexual attention within the military include: "unwanted attempts to establish a romantic sexual relationship despite the service member's efforts to discourage it or being touched in a way that made the service member feel uncomfortable" (Street, Vogt, & Dutra, 2009, p. 689). Fifty two percent of Service women described offensive behaviors that include: "repeatedly being told offensive sexual stories or jokes or experiencing unwelcome attempts to be drawn into a discussion of sexual matters" (Street et al., 2009, p., 689).

A research study conducted by Wieland, Haley and Bouder (2011) found that women are more prone to be a target of sexual violence than men in the military. Moreover, researchers explained that: "Between 9 percent and 33 percent report experiencing attempted rape while serving in the U.S military (Wieland, Haley & Bouder, 2011, p., 17). Women face barriers
reporting sexual assault; for instance, fear of being moved to another unit where the woman does not know anyone, but where others may suspect and not trust her as the consequence of reporting (Wieland, Haley & Bouder, 2011). These barriers hinder survivors from reporting sexual violence.
Chapter 3

Methods

We began a general review process to familiarize themselves with current literature beginning in December 2014. The research topic at that time was broadly focused on military sexual trauma; we were interested in compiling peer reviewed journal articles that discussed history, demographic information, causes, health care implications, differences and similarities related to military sexual trauma across United States military branches. Our search relied heavily on the California State University San Marcos library’s online database, in which the search engines PsychInfo, Sociological Abstracts and Social Services Abstracts were initially used.

Following the committee approving the topic of military sexual trauma and the initial broad search, it became clear that this topic would require a more specific and focused scope. The search terms “military sexual trauma” and “MST” in the three previously listed search engines, along with Google Scholar, CINAHL and the Cochrane Database for Systematic Reviews yielded 7,581 articles in total. Upon narrowing down search criteria to include articles that were peer reviewed and published within the last fifteen years, the number of articles was drastically reduced but the scope of literature was still very broad. More specific search terms such as “military sexual trauma barriers”, “military sexual trauma discharge status” “underreporting military sexual trauma” and “reporting military sexual trauma” were then utilized which provided authors with a more limited and manageable amount of articles, approximately 3,653. Many of the articles proved to be irrelevant as they focused on implications of military sexual trauma, related treatment methods and service delivery. Other articles solely had the word “military” or “trauma” in the title and were also deemed irrelevant as
they were unrelated to the chosen topic. From that point, abstracts were analyzed and articles were chosen based on their relevance to the topic within the last ten years.

Upon reviewing the literature, a pattern of obstacles to the reporting of military sexual trauma emerged. While some obstacles throughout the literature overlapped and others did not, there appeared to be a notable commonality that service members were living with trauma due to sexual abuse and large numbers of them were not reporting it. More so, we discovered most of the literature focused on reporting “military sexual abuse”, the preceding event to “military sexual trauma”. Search terms then grew to include “military sexual assault” 382, “military sexual violence” 526, “reporting military sexual assault” 34 and “barriers to reporting military sexual assault” 21. These search terms were utilized in the previously listed search engines, as well as in the general search bar of the California State University San Marcos’ library web site, yielding results from additional search engines EBSCOhost and LexisNexis.

Upon reviewing the peer reviewed journal articles located in the search described above regarding military sexual assault, it became clear that research conducted by the United States government would need to be analyzed alongside scholarly journal articles, as the government simultaneously collects and publishes applicable military sexual assault data and statistics. The Department of Defense, Veterans Administration, United States Government Accountability Office, the United States Commission of Civil Rights, and United States Justice Department all proved to be crucial sources of information for various definitions related to military sexual assault, laws, practices, demographics and statistics as they relate to the topic of military sexual assault. Governmental publications were located in citations in peer reviewed journal articles as well as through using the previously stated key terms in a general Google search engine along with the specific government entity.
We utilized e-mail as an effective way of communicating with each other regarding relevant resources. GoogleDocs was also utilized to create collaborative organizational charts, outlines and ultimately finalized editions of this piece. Ultimately, exclusionary data for this piece was data published prior to 2005, data referencing military sexual assault of non United States military, and sexual assault experienced by a military member prior to or following their active duty service. In January 2015, we set up a Google alert with the key words “military sexual assault,” which was a method that was ultimately excluded due to it yielding non-governmental, non-scholarly resources. The overall collection, analysis, and acceptance or denial of applicable resources began in December 2014 and ended mid-March 2015.
Chapter 4

Results

Compiling applicable articles regarding military sexual trauma, reviewing the literature and analyzing the results demonstrates that sexual violence is alarmingly ubiquitous in the military. Authors discovered through research that the United States active duty military personnel and veterans who have experienced sexual assaults are faced with barriers to report these crimes. Oftentimes, Service members do not report these crimes due to an array of reasons; for example, fear of retaliation by the offenders, since many times they are the ones that outrank the survivor, or negative impact on their careers, confidentiality concerns, and/or lack of support. Other barriers for not reporting these crimes included, feelings of guilt, or embarrassment, or fear of isolation, rupture of the unit bond, and/or the cultural stereotypes regarding males and females, or the survivors of sexual assault did not know the process of reporting due the inadequate training given.

To succinctly depict the findings of the collected peer reviewed articles, authors created a table describing the information source, methods used, populations, and identified barriers to reporting sexual assault in the United States military (see Table 1, below.)

Table 1.

Peer reviewed articles

<table>
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<td>“Reporting sexual assault in the military: who reports and why most servicewomen don’t” Mengeling, Booth, Torner &amp; Sadler, (2014)</td>
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<td>OIF/OEF fiscal report sexual assault in the military during the years 2010-2011 among females veterans</td>
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“Military sexual trauma in men: A review of reported rates”
Hoyt, Klosterman Rielage, & Williams, (2011).

Literature Review
29 research studies focusing on incidence and prevalence of males reporting MST
Stereotypes, fear to disrupt the military cohesiveness.

“Sexual assault in the U.S. military: A review of the literature and recommendations for the future”
Turchik, & Wilson, (2010)

Literature Review
Male and female MSA survivors
Service members did not have a clear understanding of the reporting process, fear of stigma in relation to homosexuality, fear of undesirable discharge status.

Results across the articles showed variance on barriers to reporting military sexual assault, though many common themes emerged. Among the reported barriers to reporting were stigma (related to gender and/or sexuality), fear of negative career impact and/or retaliation, confidentiality concerns, and ignorance of or complications with the reporting process. These results transcended the different branch types that comprise the United States military and were reported by service members of various demographics.

Upon assessing the issue of military sexual assault and analyzing the most current research regarding barriers to reporting military sexual trauma, these authors contend two factors underlie the array of barriers identified, and continue to perpetuate this social problem. These include archaic, ambiguous military law, and insufficient or inadequate military sexual assault training. These two issues, we believe, give rise to many of the barriers mentioned above that were identified by the articles reviewed, and will be addressed in the remainder of this chapter.

**Military Laws and Policies**

There are various reasons to believe that military law has impacted, and continues to impact, the number of reported military sexual assaults in the United States. The 2008 and 2012
editions of the Manual for Courts Martial provide background for an understanding of the legal proceedings regarding military sexual assault and suggest several troubling implications of the litigation process. These authors suggest that these processes directly discourage reporting of military sexual trauma thusly creating a culture where assaultive behavior can thrive in secrecy.

Although marital rape has been illegal in all fifty states and the District of Columbia for decades (Martin, Taft & Resick, 2007), up until the year 2012 marriage nullified the illegality of military sexual assault. The law in the 2008 Manual for Courts Martial states that:

(1) In general. In a prosecution under paragraph (2) of subsection (c) (aggravated sexual assault), or under subsection (d) (aggravated sexual assault of a child), subsection (f) (aggravated sexual abuse of a child), subsection (i) (abusive sexual contact with a child), subsection (j) (indecent liberty with a child), subsection (m) (wrongful sexual contact), or subsection (n) (indecent exposure), it is an affirmative defense that the accused and the other person when they engaged in the sexual act, sexual contact, or sexual conduct were married to each other. (Article 120, UCMJ, 10 U.S.C. § 920)

Therefore, service members who were legally married had no grounds to report a sexual assault if their spouse was the perpetrator, as marriage was considered a legitimate defense in the eyes of the court. Undoubtedly, this interpretation of law has been a catalyst for low reporting rates of military sexual assault, as legal repercussions did not exist for perpetrators legally married to their victims. The spousal exception has since been removed from the Manual for Courts-Martial and sexual assault among married service members is no longer void of legal consequences. However, this law is not retroactive and spousal exception continues to apply for all offenses committed before June 28, 2012 (Article 120 (q)(1), UCMJ, 10 U.S.C. § 920).
The historical context of homosexuality and related legal and discriminatory policies within the United States military has created a lack of safety regarding consulting higher ranks about the general topic of sexuality. Homosexuality within the United States military has been condemned almost as long as the existence of our Armed Forces. American President and General George Washington set a precedent in 1778 upon removing Lt. Gotthold Frederick Enslin from the Continental Army for being homosexual, the first documented service member to be removed solely for sexual preference. In 1942 official guidelines were created and enforced, with the support of military psychologists, to exclude homosexuals from joining the military, and discharge those found to be homosexual without access to veteran benefits (U.S. Naval Institute, 2015). One of the arguably most popular military policies in recent years is that of “Don’t Ask, Don’t Tell” (DADT). The policy was signed into law 1993 with the intent of liberating homosexual service members from the tyrannical discrimination they had endured, but ultimately DADT promoted closed communication and secrecy around sexual identity. The Obama administration repealed the act in late 2011 and homosexual service members can no longer be discharged without benefits solely for their sexuality (U.S. Naval Institute, 2015).

Unfortunately homosexual activity continues to be punishable under Article 133 and 134 in the 2012 Manual for Courts-Martial. Article 133, “Conduct unbecoming of an officer and a gentleman” states engaging in “a crime of moral turpitude” is grounds for punishment whereas Article 134 “General Article” acts as a means to condemn any behavior the commanding officer deems unfit and punishable (Articles 133 & 134, UCMJ, 10 U.S.C. § 933, 934). These rules have the potential to punish and demonize those who engage in homosexual activity consensually, perpetuating stigma and fear in a dominating environment. The American Bar Association notes that legally:
Service members may also be court-martialed for same-sex sexual conduct under Articles 133 and 134 of the UCMJ. Articles 133 and 134 are referred to as the general articles, and serve as a catch-all for conduct that the military wishes to make illegal but has not been specifically outlawed in any of the other articles. (2012, p. 7)

Though it is unclear to what degree service members are prosecuted under the above articles for attempted or completed homosexual acts, Servicemembers Legal Defense Networks contend “People have served time in military prison for engaging in homosexual conduct ruled to be in violation of Articles 133 and 134 of the UCMJ” (2007, p.12). The toxic conditions these rules create and maintain, coupled with the military's longstanding history of punishment for homosexuality undoubtedly thwarts reporting of homosexual military sexual assault as the victim puts themselves at risk by reporting engagement in same-sex behaviors.

While there has been arguable progress in recent years regarding military law, the most recent Manual for Courts Martial issued in 2012 still enforces policies of a somewhat archaic nature. Rule 306 put forth by the Joint Service Committee on Military Justice, which addresses the initial disposition of reporting offenses, continues to present itself as a barrier to reporting military sexual assault to victims, regardless of gender. The rule requires that upon receiving a report, the commanding officer must consider:

…the extent of possible harm caused by the offense, including the offense’s effect on morale, health, safety, welfare and discipline, availability and admissibility of evidence, the willingness to the victim or others to testify, the character and military service of the accused, the appropriateness and authorized punishment to the particular offense and other likely issues. (MCM R. 306(b), at II-25-26)
In accordance with the above criteria and in the “interest of justice”, the commander will either take no action, take administrative action, issue non-judicial punishment or forward the disposition (MCM R. 306(b), at II-25). This policy is, of course, dangerous, as commanders, who are not physicians or mental health professionals, are assessing physical and psychological damage of an offense. This is especially concerning since not all impacts of an assault surface immediately following the crime. These same military commanders are also reviewing a service member’s perceived character to determine if action should be taken, yet true interest of justice would call for the accused’s merit to be considered irrelevant and inadmissable, along with the victim’s willingness to testify.

Until May of 2013, when an executive change was enacted which removed the death penalty as the maximum punishment, a possible consequence for those found in violation of sexual misconduct was death (Executive Order No. 13643, 2013). If, before bringing the case to court, the victim understood that a commander might find death of the accused a possibly appropriate punishment they may not wish to report and risk a re-traumatization when their claim in found invalid.

**Analysis of Underlying Causes**

Given the inconceivable number of military sexual assaults committed annually, the methods the military is using to train its service members must be examined. Mandatory education for service members regarding inappropriate sexual conduct began on 2005, yet the numbers of sexual attacks still occur at alarming rates. In recent years, Jane Harman (2008) a California State Representative testified that “a woman who signs up to protect her country is more likely to be raped by a fellow soldier than killed by enemy fire” (Holland, Rabelo & Cortina, 2014, p. 289).
Unfortunately, there is a cornucopia of findings that suggest that the very trainings implemented to educate the military on sexual assault prevention, venues of reporting and resources to utilize are inconsistent and ineffective. A 2014 study scrutinized responses from more than 24,000 active duty service members on a 2010 DoD Workplace and Gender Relations Survey. The goal of this study was to evaluate if sexual training exposure projected an accurate knowledge of sexual assault information and procedure. Results discovered that 9% (2,112) of the sample reported they had not received any such trainings within the last 12 months. Only 54% of the sample reported undergoing what they perceived to be comprehensive training, with the majority citing Army and Air Force as their training organizations (Holland, Rabelo & Cortina, 2014). It was also determined “Officers (compared to Enlisted personnel) were significantly more likely to have received no sexual assault training in the prior year” (Holland et al., p. 296). In measuring “knowledge of military resources and protocols surrounding sexual assault” (2014, p. 296) only 17.9% of the sample answered all six questions correctly.

In analyzing the results it was determined that those who had received comprehensive training “had significantly greater accuracy in their knowledge of resources and protocol than all other groups” (Holland, Rabelo & Cortina, 2014, p. 296). Those who received minimal training did not have a significantly greater understanding and knowledge compared to service members who had undergone no training (Holland, Rabelo & Cortina).

Additional information exists that alludes to the fact that the military does not take these mandatory trainings as seriously as they ought. Despite the fact that the DoD encourages qualified service members to implement an interactive adult learning theory as means of instruction at these trainings, it was discovered that over half of all the Coast Guard trainings
utilize nothing more than PowerPoint lectures (US GAO, 2008). Utilizing less than effective methods may give credence to and help understand Perdue and Moniz’s (1996) argument that:

"Pentagon officials can tell you exactly how many tanks and Humvees the new C-17 ‘‘Globemaster III’’ can carry. They can tell you the height, weight and speed of every airplane and ship...But ask them how many military women have been attacked by servicemen and their statistical wizardry vanishes" (Holland et al., 2014, p. 289).

Inadequate training of military personnel

Improper training, and the lack of understanding of the magnitude of sexual assault in the military, deters reporting these crimes. When these crimes are voiced and reported by survivors of sexual assault, they are often either completely ignored, or not supported by the personnel in charge of protecting them. This dismissive behavior by members of the military forced a group of service members to appeal their cases of sexual abuse to a higher court. Seventeen Service women and three Service men have decided to petition the Inter-American Commission of Human Rights. These service members were part of the different branches of the military such as the United States Navy and Marine Corps, the United States Coast Guard, the United States Army, and the United States Air Force (Brundige, Calabrese & Shameem, n.d). After being sexually assaulted and/or raped by their colleagues and reporting the act, they were labeled as: “troublemakers by their fellow military officers and forced to endure severe retaliation and harassment” (Brundige, Calabrese & Shameem).

Brundige, Calabrese, and Shameem (n.d.), appearing before the Inter-American Commission on Human Rights, Organization of American States, argued on behalf of the petitioners that these crimes were not even investigated, or had a minimal punitive action for the
offender. On the contrary, reporting the crimes led to the end of the petitioners’ careers 
(Brundige, Calabrese & Shameem). Instead of reporting the crime resulting in significant 
punishment, the aggressor experienced minimal consequences such as apologizing for the act, 
reduced pay for six months, being forced to resign but allowed to re-enlist as a Major in the 
Army Reserves, performing extra pushups, and in other cases no punishments at all (Brundige, 
Calabrese & Shameem). On the other hand, the survivors of sexual assault were the ones 
castigated because, unlike the civilian population, they were not able to protect themselves by 
changing houses or jobs, but had to endure the abuse by remaining next to the 
offender (Brundige, Calabrese & Shameem).

The Department of Defense expresses the intent to eliminate sexual violence from all of 
the branches of the military; however, the reports and actions reflect something different. The 
Department of Defense has delayed the implementations of new policies to address this issue; for 
example, "Former Secretaries of Defense Donald Rumsfeld and Robert Gates were in charge of 
the United States Department of Defense, when the petitioners appealed their cases" (Brundige, 
Calabrese & Shameem), yet both Secretaries of Defense dismissed Congressional laws and 
punishments for sexual assault in the military. A clear example of this is that when the United 
States Congress approved United States Public Law 105-85 in 2004, to establish a commission to 
investigate policies and procedures regarding military investigation of reports of sexual 
misconduct,

“Secretary Rumsfeld refused to appoint any members to the commission. His successor, 
Robert Gates, was required by United States law to develop a database that would 
centralize all reports of rape and sexual assault, but he failed to meet his statutorily 
mandated deadline of January 2010 (Brundige, Calabrese & Shameem, p. 2)
Another setback for the survivors of sexual assault occurred when the United States Senate, rejected a legislation offered by Senator Kirsten Gillibrand that would appoint sexual assault cases to trained military prosecutors. The Military Justice Improvement Act- S. 1752 received only 55 votes and 60 votes were needed to pass the Bill (NOW, 2014).

Sexual violence is a systematic problem in the United States military that affects females and males. Despite the attempts by the Department of Defense (DoD) to address this issue and eliminate it from the military, the procedures are still in the early stages of developing new tactics to address this problem. In the last decade the DoD has dedicated efforts to raise awareness, prevention and education by creating SAPRO. However these efforts have not been sufficient because service members encounter several barriers to reporting sexual violence and when they do decide to report the sexual assault, many times survivors are ignored or the aggressor receives limited or no punishment at all. The military’s approach, or lack of approach, regarding mandatory sexual assault prevention and education classes are leaving many United States service members uninformed and unaware of critical sexual assault education, policies and reporting methods, thus perpetuating the cycle of abuse and underreporting.

Additionally, the Department of Defense recognizes that the initiatives for education and prevention of sexual violence have not been enough, and they are not satisfied with the results. In order to address sexual violence more effectively it is necessary to change the culture in the military. In 2008, the DoD suggested that they need to challenge the ‘unofficial’ culture of the military such as the hyper-masculinity characteristics that perpetuate rape (GAO, 2015).

We firmly believe that the pandemic of low reporting of military sexual assault is largely due to the barriers of military law and inadequate education/training programs. Both arenas have undoubtedly made advances over time but as previously mentioned, many sexual assaults
continue to go unreported. Military law had oppressed sexual assault victims with its belief that spouses cannot sexually assault one another and while that is no longer the case, sexual assault between married assailant and victim is only reportable if the assault happened after June 2012. We also believe the military’s long history of subjugating those who play a part in homosexual behavior thwarts accurate reporting of military sexual assault, as laws still remain on the books under which homosexual activity may be punishable. We found an array of research studies on this topic depicting that the Department of Defense perceives sexual crime in the military as a real problem, and they have been proactive by creating mandatory programs that focus on trainings/education in response to sexual crimes. However, these efforts have not been sufficiently implemented to deter those crimes. Improper training leads to sexual assault survivors becoming insecure about their rights and options; this only extends and perpetuates sexual violence for service member in the military.
Discussion

Limitations

Limitations existed throughout the process of this project. One notable limitation in conducting the capstone project was the timeline. We began researching topics and compiling data prior to the official commencement of the capstone, which in turn required revisiting their methods and recreating the original search to then record accurate search terms and number of articles. The timeline limited us to previously conducted research as opposed to going through the Institutional Review Board (IRB) while still dedicating the amount of time needed to complete a finished capstone; IRB approval resulting in interviews and additional data collection to strengthen the argument of barriers to reporting military sexual assault would have proved beneficial. Another limitation was access to published information. We utilized the California State University San Marcos (CSUSM) library website in order to obtain scholarly articles, though it was common that authors would find an applicable article that was not immediately available but rather available to CSUSM students only through a library loan program. Overall, we were able to find a myriad of valuable information through the university’s search engines as well as Google, but of course, as civilians, remained limited from more detailed and privileged information regarding military sexual assault.

Aside from only having access to second hand data, we acknowledge that the data obtained from the studies mentioned above had the potential to be compromised by interviewer bias. In supporting our arguments based off this research, we would be remiss not to note that our findings may not be entirely void of error. We understand that some of the collected data might have impacted our argument.
Implications

The serious topic of military sexual assault, and the barriers to reporting it, drips heavily with implications. One such implication is the need to create more effective databases with the aim of keeping military personnel and civilians a like safe and informed about military sexual assault reporting and outcomes. Currently, the Defense Sexual Assault Incident Database collects information regarding the victim’s demographics, information about the incident, referrals and response services offered to the victim, etc. with the intention to “improve the advocacy services provided to victims of sexual assault” (Marshall, Jr., 2013). However, no such database exists to record convicted sexual offenders in the military. In a comprehensive statement, Service Women's Action Network (SWAN) reports “The Department of Defense does not maintain a military sex offender registry that can alert service members, unit commanders, communities and civilian law enforcement to the presence and movement of military sexual predators” (Stalsburg, 2011). While the literature does not explicitly call for this database it would surely validate the survivor’s assault and act as a protective measure for many at-risk persons.

Another implication for the future that would create a safer environment for reporting military sexual assault is further revision of the law. Specifically, enacting a zero tolerance policy in which those convicted of sexual assault are dishonorably discharged, fined, appropriately sentenced based on the severity of assault and required to register in a database for sexual offenders. As cited above, until recent years the military did not recognize sexual assault among spouses and while marital abuse is now considered a crime, assaults are only punishable by law depending on the date they occurred. Similarly oppressive in nature, articles still exists within the Uniform Code of Military Justice in which homosexual acts can be punishable by
courts-martial. As long as the statute of limitations remains on spousal sexual assault and these articles continue to be enforceable, reports of military sexual assault will remain low as service members will be fearful of re-traumatization and the system’s perpetual failure to keep them safe.

**Linkage to Social Work Practice and Policy**

The National Association of Social Workers (NASW)’s Code of Ethics states, “Social workers pursue social change, particularly with and on behalf of vulnerable and oppressed individuals and groups of people…Social workers strive to ensure access to needed information, services, and resources; equality of opportunity; and meaningful participation in decision making for all people” (NASW, 1996). This portion of the NASW preamble clearly mandates that part of one’s role as a social worker is to be aware of and help facilitate policy change in defense of social justice. In the spirit of equality and social justice, social workers and non-social workers alike are presented with a current opportunity to advocate for policy change that would alter the way military sexual assault is documented.

On February 12, 2015 Representative Jackie Speier of California introduced the Military Track Register and Alert Communities Act of 2015, commonly referred to as the Military TRAC Act, to the House of Representatives. Enacting this bill

Amends the Adam Walsh Child Protection and Safety Act of 2006 to require the Department of Defense to maintain a sex offender registry of individuals convicted of certain sex offenses under the Uniform Code of Military Justice or of other military offenses appropriate for sex offender registration purposes (Library of Congress, 2015)

On March 16, 2015 the bill was referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations (Library of Congress, 2015) for further deliberation. While the
potential policy is in its infancy in the lifespan of becoming a passed bill, this proposed legislation speaks volumes to the severity of the issue that is military sexual assault and poor reporting methods. Furthermore, it suggests the government is ready to acknowledge and correct the disservice of not having implemented a military sexual offender registry.

Social workers must be trained and prepared to provide services to the military, especially in an area such as San Diego. Demographically, San Diego is one of the cities that hosts one of the largest military personnel concentration in the United States and the third largest county for veterans (San Diego Regional Chamber of Commerce, 2013). Military active duty, veterans and dependents make 11% of the student body of the California State University San Marcos (CSUSM) (Chantung, 2014). Therefore, this project holds great relevance both to this University, and to the broader community. It is vital that social workers and other helping professionals understand the military culture and its limitations in order to better serve this population.
References


UCMJ Art. 120 (q)(1); 10 U.S.C. §§ 920 (2008)

UCMJ Art. 120; 10 U.S.C. §§ 920 (2012)


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