



**OFFICE OF THE SECRETARY OF DEFENSE  
SEXUAL ASSAULT PREVENTION  
AND RESPONSE OFFICE**

**TAB B**

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THE SECRETARY OF THE NAVY  
WASHINGTON, D.C. 20350-1000

January 20, 2010

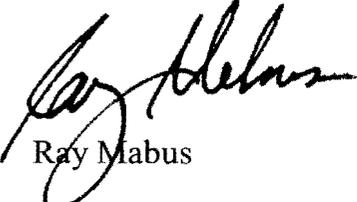
MEMORANDUM FOR DEPUTY UNDER SECRETARY OF DEFENSE (PLANS)

SUBJECT: Department of the Navy Submissions to the Secretary of Defense's Report to Congress on Sexual Assaults Involving Members of the Armed Forces for Fiscal Year (FY) 2009

Per your request, the attached materials (TAB A) are provided as Fiscal Year 2009 input from the Department of the Navy for the annual Report to Congress on Sexual Assaults Involving Members of the Armed Forces, which is mandated by Public Law 108-375, Section 577(f)(4), as expanded by Public Laws 109-63 and 109-364.

I place a high priority on combating all forms of sexual assault throughout the Department of the Navy, on developing effective strategies to reduce the incidence of sexual assaults, and on building useful data to support program development. I am concerned that summary incidence data based on "case" definitions, as reported here, may inadvertently mask insights about the actual number of individual victims. In response, I have directed that future Department of the Navy submissions report summary incidence data calculated, instead, from the number of individual victims. In the future, this change may artificially increase our reported incidences of sexual assault in comparison to prior submissions, including this one.

Should you have questions or need additional information, my point of contact for this submission is Ms. Jill Loftus, who may be reached by telephone at (703) 697-2180 or by e-mail at [jill.loftus@navy.mil](mailto:jill.loftus@navy.mil).



Ray Mabus

Attachments:

- TAB A - DON Fiscal Year (FY) 2009 Sexual Assault Prevention and Response (SAPR) Program Review Data Call
- TAB A.1 - Fiscal Year (FY) 2009 Sexual Assault Statistical Report Data
- TAB A.2 - Navy FY09 Unrestricted Reports of Sexual Assaults
- TAB A.3 - Marine Corps FY09 Unrestricted Reports of Sexual Assaults
- TAB A.4 - Fiscal Year (FY) 2009 Sexual Assault Synopses Report Data (USN)
- TAB A.5 - Fiscal Year (FY) 2009 Sexual Assault Synopses Report Data (USMC)

# **Fiscal Year (FY) 2009 Sexual Assault Prevention and Response (SAPR) Program Review Data Call for Sexual Assaults in the Military**

## Part 1. DEPARTMENT OF THE NAVY (DON)

### **Executive Summary**

During 2009, the Department of the Navy (DON) and its two component Military Services – the U.S. Navy (USN) and the U.S. Marine Corps (USMC) – each undertook substantial self-assessments and new initiatives with regard to preventing sexual assaults and supporting sexual assault survivors. The service-specific descriptions that follow in this appendix are best understood in the context of simultaneous Secretariat activity.

In March 2009, the Secretary of the Navy (SECNAV) directed the Naval Inspector General (NAVINSGEN) to conduct an update of its earlier 2005 study on sexual assaults in the Navy, and he directed the Commandant of the Marine Corps (CMC) to follow the same methodology for a study of sexual assaults in his service. In brief summary, that effort found (1) virtually no change in the incidence of sexual assaults against female Sailors since 2004, (2) similar risks of sexual assault for Sailors and Marines in 2009, (3) a significant number of male sexual assault victims, (4) no improvement in sexual assault case data collection, and (5) wide variations in the effectiveness of field-level sexual assault prevention and awareness training – all despite substantial resource and manpower investments that had indeed improved the support of sexual assault survivors.

Before these results were even finalized, the new Secretary emphasized his own high priority on combating sexual assaults throughout the Department. He hosted the first “DON Sexual Assault Prevention Summit” in September, which brought senior military and civilian DON leaders together to interact with recognized experts in the field and learn more about developing an effective, comprehensive prevention strategy. Immediately following, the Navy and Marine Corps each conducted service-specific Operational Planning Team (OPT) sessions to jump start their respective development of future prevention efforts. Simultaneously, SECNAV established a new DON Sexual Assault Prevention and Response Office (DON SAPRO), which reports directly to him as his primary agent for developing Secretariat-level policy and for monitoring, coordinating, and assessing DON-wide efforts to prevent sexual assaults and to support survivors of sexual assault. Six weeks later, SECNAV convened the DON Sexual Assault Advisory Council (DON-SAAC) to review activities since the Summit with the Chief of Naval Operations (CNO), the CMC, and the Director, DON-SAPRO.

Five years of DON effort has yielded progress in victim support, but no discernable impact on the incidence of sexual assault. In retrospect, it seems clear that victim support is important and necessary, but it is not, in itself, an effective prevention strategy. Senior leaders at DON and both Services are committed to combating sexual assault. At this point, unfortunately, we cannot objectively demonstrate that we know how to best protect Sailors and Marines from sexual assault. Achieving that goal will ultimately equate to measurably reducing the incidence

of sexual assaults involving Sailors and Marines, which will require a sustained and substantial effort across the Department; effective collaboration across Service lines; a candid and scientific approach to collecting and integrating and troubleshooting available sources of data and other insight; and objective reviews of the effectiveness of new prevention efforts as they are implemented. Those efforts are now underway.

# **Fiscal Year (FY) 2009 Sexual Assault Prevention and Response (SAPR) Program Review Data Call for Sexual Assaults in the Military**

## Part 2. UNITED STATES NAVY

### **Executive Summary**

During 2009, the Chief of Naval Operations (CNO) emphasized the key importance of combating sexual assault Navy-wide, and assigned the Chief of Naval Personnel (CNP) as the Executive Agent for all Sexual Assault Prevention and Response (SAPR) stakeholders and activities. The Navy also developed an Executive Charter, released two Naval messages, and helped launch a Naval Chief of Information (CHINFO) Communication Strategy.

#### **Commander, Navy Installations Command**

The Navy SAPR program was renamed from the former Sexual Assault Victim Intervention or SAVI program. The SAPR program provides a standardized, victim-sensitive system to prevent and respond to sexual assaults.

FY09 major focus and initiatives included:

- Worked closely with the Secretary of the Navy to develop a DON Sexual Assault Prevention Summit for senior leaders of the Navy, Marine Corps, and Secretariat
- Immediately following, organized a Navy Working Group, to develop a comprehensive Navy prevention strategy.
- Participated in OSD SAPR oversight, strategic planning, and database development
- Presented testimony before the House Armed Services Committee's (HASC) Military Personnel Subcommittee
- Increased SAPR staffing at CNIC Headquarters
- Co-chaired two DoD Sexual Assault Advisory Council (SAAC) subcommittees
- Facilitated on-line trainings and attendance at a national conference for Navy Sexual Assault Response Coordinators (SARCs)
- Representation on the Navy SAS team
- Participated in OSD SAPRO Policy Assistance Team (PAT) visits
- Distributed a new interactive Commander's Toolkit for Commanding Officers
- Trained Senior Shore Station Leaders on their SAPR responsibilities
- Developed a video on sexual assault reporting options
- Provided expert advice to new annual SAPR and pre-deployment training under development by Naval Education and Training Command (NETC)

Program enhancements will continue in FY10 with the implementation of the SAVI Case Management System (CMS), a database created to manage cases, a web-based "New SARC"

Training, and continued enhancements that support Commands in preventing sexual assault and ensuring quality victim support services.

### **Judge Advocate General**

During FY09, the Navy Judge Advocate General (JAG) Corps worked actively to improve the quality overall of military justice and specifically with regard to sexual assault litigation. They continued to expand the Military Justice Litigation Career Track, which enhances the ability to litigate all types of criminal cases, including sexual assault cases. Other efforts were specifically focused on sexual assault litigation. Two nationally recognized experts on sexual assault litigation were hired to provide field-level legal training and case consultation, along with policy support for the Navy SAPR program. The Naval Justice School (NJS) created two new courses on litigating sexual assault cases and continued existing courses required by DOD Instruction 6495.02. The NJS trained over 200 Judge Advocates. Navy JAG also partnered with other Service JAGs to develop an interactive DVD on sexual assault litigation.

### **Naval Criminal Investigative Service**

The Naval Criminal Investigative Service (NCIS) is the primary DON agency for investigating sexual assaults involving Navy and Marine Corps personnel. NCIS works with other DON and DoD entities, including OJAG and service-level SAPR programs. In addition, NCIS strives to protect Sailors and Marines by working to prevent sexual assaults and other crimes within DON.

## **1. Program Overview**

### **1.1. Please provide a general overview of your Service's SAPR program.**

- **Authorizing Service regulations and/or instructions and dates of publication**

1. OPNAVINST 1752.1B, "Sexual Assault Victim Intervention (SAVI) Program," 29 Dec 06. Navy's comprehensive policy of sexual assault prevention and response. Encompassed DoD requirements in DODD 6495.01, and DODI 6495.02. (CH-1 of both that were published in 2008 will be incorporated in a revision in 2010)
2. OPNAVINST 3100.6H, "Special Incident Reporting Procedures, 03 Feb 06." Clarifies command sexual assault reporting requirements.
3. SECNAVINST 1752.4A, "Sexual Assault Prevention and Response," 01 Dec 05. Provides current guidance for the establishment of a sexual assault prevention/victim assistance program within the Department of the Navy (DON).

### **Bureau of Medicine and Surgery (BUMED)**

Medical facilities comply with program guidance contained in DODD 6495.01, DODI 6495.02, SECNAVINST 1752.4A, SECNAVINST 1752.3B, OPNAVINST 1752.1Bm, DOD 6025.18-R, BUMEDINST 6310.11, and derivative local guidance.

## **Chaplain**

While the SAPR program uses the terms restricted and unrestricted reporting, there are also reports made to clergy that are confidential communications (SECNAVINST 1730.9 Confidential Communications to Chaplains). These may become restricted or unrestricted reports of sexual assault.

## **Commander, Navy Installations Command (CNIC)**

- Policy Implementation Directives:

1. SAVI-001, “Sexual Assault Response Coordinator (SARC) Position Guidance,” 10 May 05, Commander Navy Installations, Fleet and Family Support Program
2. SAVI-003, “Navy Confidentiality Policy for Victim’s of Sexual Assault and Collection of Forensic Evidence,” 30 Nov 05, Commander Navy Installations, Fleet and Family Support Program

- **Definitions of terms or acronyms used in your program**

**SAPR-** Sexual Assault Prevention and Response program encompasses the former SAVI program and focuses efforts on prevention, response, and accountability. The name change in 2009 aligns the Navy with DoD and the newly established DON SAPRO. The Sexual Assault Victim Intervention program was established in 1994 for the purpose of providing consistent, standardized response to sexual assault through sexual assault awareness and prevention education, victim advocacy, and data collection.

**CNIC SAPR HQ-** Commander, Navy Installations Command (CNIC) SAPR Headquarters staff consists of the Program Manager & action officers. This office is responsible for managing, implementing, and overseeing the program by promulgating guidance to commands for management and implementation of the Navy SAPR program ashore and afloat, and assessing program effectiveness Navy-wide.

**SARC-** The Sexual Assault Response Coordinator is responsible for coordinating response efforts for victims of sexual assault. The SARC is the single installation POC for sexual assault victim response and case management from initial report to the final disposition or until victim no longer needs services. The SARC trains and supervises Victim Advocates, and key SAPR personnel. They are also consultants to every Commander at their installation.

**VICTIM ADVOCATE-** The SAPR Victim Advocate is a trained volunteer who provides support and guidance for victims of sexual assault. He/she provides a 24/7 response capability ashore and afloat and serves on watch bills at every Navy installation worldwide.

**SAPR Command POC-** The SAPR Command POC in each command provides information about the SAVI program, local civilian and military resources, and ensures that all sexual assault prevention and awareness training requirements are met.

**DCC-** The Data Collection Coordinator (DCC) is responsible for reporting sexual assaults via required Situational Reports (SITREPs).

**SAPR Command Liaison-** The SAPR Command Liaison is the single point of contact between a victim and the command executive level following an allegation of sexual assault. The Command Liaison has direct access to the Commander and is responsible for promoting responsive command management of the sexual assault and represents command at the monthly installation Sexual Assault Case Management Group (SACMG).

**SACMG-** The Case Management Group meets monthly to review all open unrestricted cases of sexual assault with key SAPR responders. The SACMG is chaired by the Sexual Assault Response Coordinator (SARC). The SACMG also provides system overview and coordination for effective response to victims.

**SACC-** The purpose of a Sexual Assault Coordinating Committee is to bring together commands and key stakeholders to address and solve systemic command-level issues that affect incidence and reporting rates for sexual assault.

- **General organizational structure of your Service SAPR program and personnel (e.g. installation Sexual Assault Response Coordinator (SARC) and Victim Advocate (VA) structure, mid-level program management [if any], and program management)**

Navy SAPR is a command program, which consists of multiple key stake holders and first responders. The CNIC role includes the following hierarchal structure:

CNIC HQ

CNIC HQ Fleet and Family Readiness Program (N91)

Fleet and Family Support Program (N911)

Sexual Assault Prevention and Response (SAPR), formerly Sexual Assault Victim Intervention (SAVI) Program

Regional Fleet and Family Support Program (FFSP) Directors

Regional Counseling and Advocacy Program (CAP) Managers

Installation FFSP Directors

Installation CAP Supervisors

Installation and/or Regional SARCs

Victim Advocates (SARCs have oversight for and train command Victim Advocates)

Each command, under the CO includes the following:

Victim Advocates

SAPR Command Points of Contact (POCs)

SAPR Command Liaisons

Data Collection Coordinators

- **As well as a brief description of how this structure changes in deployed environments**

The structure of Navy is consistent both afloat and ashore. Victim Advocates deploy with commands, and they are supported by the installation SARC (reach back support). The SARC is responsible for training and supervising the Victim Advocates and other Command SAPR personnel. Victims are supported by trained Victim Advocates and the installation SARC. If a Sailor is serving in a duty assignment as an Individual Augmentee (IA), or assigned to a non-Navy installation they are supported by the lead Military Service (e.g. Iraq, Marine Base, etc.).

- **Other personnel involved and their roles in your Service's SAPR Program**

The Navy's SAPR program provides prevention and awareness education to all Sailors and victim advocacy support to promote a sensitive, coordinated, and effective management of sexual assault cases. Commanding officers and installation commanders have the following responsibilities:

- Provide the safest possible physical and emotional environment for Sailors. All leaders should establish a command climate of mutual respect and trust that embraces diversity and values all contributions
- Utilize available SAPR resources
- Maintain zero tolerance for sexual assault by holding offenders accountable, ensuring victim protection and safety, and provide a consistent message to report sexual assaults that reduces stigma
- Prepare the program for success by appointing key SAPR positions within the command:
  - SARC for each installation
  - Victim Advocates
  - Command Liaison
  - SAVI/SAPR Point of Contact
  - Data Collection Coordinator
- Provide 24/7 response capability for sexual assaults through trained Victim Advocates

**Judge Advocate General (JAG)**

**JA-** Judge Advocate

**JAG-** Judge Advocate General

**MJLCT-** Military Justice Litigation Career Track

**NLSO-** Naval Legal Service Office (defense counsel)

**NKO-** Navy Knowledge Online

**NJS-** Naval Justice School

**OJAG-** Office of the Judge Advocate General

**RLSO-** Region Legal Service Office (trial counsel\*)

**SJA-** Staff Judge Advocate

**STC-** Senior Trial Counsel\*

\* Trial Counsel-means prosecutor

## **Naval Criminal Investigative Service (NCIS)**

Under the authority of the Secretary of the Navy, the Naval Criminal Investigative Service (NCIS) has primary investigative jurisdiction within the DON for the investigation and resolution of alleged, suspected, or actual major criminal offenses, including sexual assaults (SECNAVINST 5430.107 of 28Dec05). All unrestricted reports of sexual assault, punishable by more than one year confinement are investigated by NCIS. Optimally, sexual assault investigations are worked by agents assigned to the Family and Sexual Violence (F&SV) program. Many sexual assaults are worked by agents not assigned to the F&SV; however, all NCIS agents receive initial and periodic training in conducting adult sexual assault investigations.

### **Definitions:**

**NCIS-** Naval Criminal Investigative Service  
**F&SV-** Family and Sexual Violence  
**FAP-** Family Advocacy Program  
**SAPRO-** Sexual Assault Prevention and Response Office  
**CRP-** Crime Reduction Program  
**FLETC-** Federal Law Enforcement Training Center  
**MTF-** Military Treatment Facility  
**SANE-** Sexual Assault Nurse Examiner  
**SAE-** Sexual Assault Evidence (Collection Kit)

- NCIS presently has 51 billets assigned exclusively to the F&SV Program. The F&SV agents are dedicated to working crimes pertaining to violations of UCMJ Articles 120, 125, and 134.
- The number of F&SV agents varies per location, based on need/operational activity.
- There is one F&SV program manager at NCIS HQ, who monitors the program, reviews all new investigations, coordinates F&SV training, and works closely with FAP, the USN/USMC SAPR program, and OJAG.
- NCIS has one Division Chief and one Deputy Assistant Director who oversees the entire F&SV program.
- Combat areas of interest: NCIS has agents assigned to the Middle East Field Office in Bahrain, which includes offices in Dubai and Kuwait. NCIS also maintains an office in Iraq, Afghanistan and Djibouti. At any given time, NCIS can have 40 or more agents deployed to various combat zones. Special agents assigned to the Combat Areas of Interest are trained in handling sexual assaults and respond in as timely a manner as prudent, based upon the operational climate of the area. Some deployed agents may be F&SV dedicated agents who volunteered for overseas deployments.
- Other persons involved in SAPR program and their roles: NCIS has several analysts who retrieve, review and annotate sexual assault data not only for the Annual Report to Congress but for numerous other data calls throughout the fiscal year.

## 2. Prevention Initiatives

### 2.1. Please describe the policies, procedures, and initiatives implemented or advanced during FY09 to prevent sexual assault, including but not limited to:

#### 2.1.1. Efforts by your Service to promote a culture of prevention

##### Chaplain

Chaplains advise commands on moral and ethical issues. Chaplains serve on sexual assault case management groups. A representative from Chief of Chaplains Office serves on SAPR Cross Functional Team (CFT). CNIC Chaplain and Deputy Chief of Chaplains attended DON Sexual Assault Prevention Summit in September. Chaplains provide spiritual and pastoral care to victims of sexual assault and their families as well as to those accused of sexual assault, and their families

##### Commander, Navy Installations Command (CNIC)

The development and implementation of the Department of the Navy Sexual Assault Prevention Summit was a major initiative. Initially planned for Navy only, an agenda was developed and civilian Subject Matter Experts were selected and hired to focus on prevention, research, evaluation and the development of a DON Prevention Strategy.

Following the Summit, a Navy Working Group with key stakeholders developed the new action steps focused on prevention and subsequently became a weekly Cross Functional Team chaired by senior Navy leadership.

The CNIC SAPR goal in FY09 was to maintain a consistent focus on prevention by providing frequent interactive training in a variety of modalities to include Bystander Intervention, marketing the program, and being visible Navy-wide to military and civilian organizations and events. Specific events and initiatives included:

- SAPR training at new personnel indoctrinations and orientations
- SAPR training at intercultural relations briefs (OCONUS), on the deck plate, leadership trainings, and collaborations with local civilian programs
- “Sex Signals,” a ninety minute, two-person play that incorporates education, improvisational comedy and audience interaction that addresses dating, sex, social pressures, power inequity and more; and how all these situations can lead to sexual assault
- Installation presentations of “Open Window,” a movie that depicts the effects of sexual assault on the family and friends of victims. Presented to the SARCs by the producer and provided to SARCs for use Navy-wide
- Dr. Dorothy Edwards’ (University of Kentucky) “Green Dot Strategy Campaign, introduced to Navy SARCs at the National Sexual Assault Response Team Conference, was incorporated into SAPR annual training as a Bystander Intervention model
- Sexual Assault Awareness Month(SAAM) 3K/5K Fun Walk/Runs and multiple events
- AFN Television Public Service Announcements on ships and OCONUS

- SARC participation and training at Naval Reserve Command Family Days
- SARC participation at the USMC Reserve Center Welcome Home Celebration for returning Individual Augmentee (IA) service members
- Incorporating SAPR training with the local District Attorney’s (DA) Office; subsequently being invited by the DA to attend a rape trial at the county courthouse

### **Naval Service Training Command (NSTC)**

SAPR Command Liaison posted flyers and business cards on all bulletin boards throughout the Command. In addition, Sexual Assault awareness emails were sent out monthly. Command participation during Sexual Assault Awareness Month was encouraged. All NROTC Units were sent copies of the updated “Commander’s Checklists.” SAPR hotline numbers were posted throughout the Command.

### **Naval Criminal Investigative Service (NCIS)**

The primary role of NCIS is investigatory, but NCIS conducted sexual assault prevention briefs for the Commands worldwide. In FY09 NCIS revised the sexual assault prevention briefing program to include information pertaining to bystander intervention.

#### **2.1.2. Education and training initiatives**

### **BUMED**

All efforts fall within DON and SARC initiatives. Navy Medical Treatment Facilities (MTF) routinely provided education at Command Orientation for new staff. This training was augmented with annual GMT provided by the installation SARC or via Navy Knowledge Online (NKO).

### **Chaplain**

Chaplains receive pastoral and spiritual counseling specific initial and periodic sexual assault prevention and response (SAPR) training to include OPNAVINST 5800.7A (Victim and Witness Assistance Program), OPNAVINST 1752.1B (Sexual Assault Victim Intervention (SAVI) Program), DoDI 6495 (E6 First Responder Training Requirements), SECNAVINST 1730.7B, (Religious Ministry Support within the DoN), and SECNAVINST 1730.9 (Confidential Communications to Chaplains).

### **Commander, Navy Installations Command (CNIC)**

SARCs trained commands by conducting required annual General Military Training (GMT), provided initial and refresher training for key SAPR personnel, and trained numerous civilian agencies in the surrounding communities. SARCs collaborated with Housing, Morale Welfare and Recreation (MWR), Ombudsman, Drug and Alcohol Prevention Advisors (DAPA), and other military organizations at installations. Highlights during FY09 included:

- Victimology training for staff at Naval Hospital Corps School
- Specialized training and focus groups for the Ceremonial Guard in Washington DC, a large tenant command predominately staffed by young single Sailors
- Presentation at the Ft. Meade Women's Symposium
- Interactive training addressing the Intersection of Sexual Assault and Alcohol for leadership with three separate groups of trainees: E6-7, E7-9, and O5-6
- Training for Command Ombudsman regarding their role and responsibilities for supporting victims of sexual assault, and reporting protocols
- Training conducted using role plays focused on preventing high risk behaviors associated with sexual assault incidents; efforts to increase reporting by victims of sexual assault; bystander intervention tools; and the effects of alcohol
- Dating Violence Prevention initiatives and training
- Training mobilized Reservists, Individual Augmentees (IAs), and active duty personnel prior to deployment
- Training for the Naval Justice School, Officer Training Command, Naval Academy Prep School, Senior Enlisted Academy and Naval War College
- Training for Submarine School Indoctrination and Basic Enlisted Submarine School
- Training support to Navy Reserve installations
- Training webinar for all New York State (NYS) Rape Crisis Agencies, NYS Women's Legislative Caucus, and for the Capital District Women's Bar Association- Legal Project
- Partnership with the Naval Mobilization and Processing Site to provide training to Sailors prior to deployments

### **Judge Advocate General (JAG)**

SAPRO policy training is provided annually to all Judge Advocates (JAs) by local installation Sexual Assault Regional Coordinators. Additionally, all Navy JAG Corps personnel are required to complete annual General Military Training with the Navy Knowledge Online course "Introduction to the Navy's Sexual Conduct Policy."

### **Naval Service Training Command (NSTC)**

NSTC conducts semi-annual training with the Regional SARC. Command SAPR Liaison attends monthly refresher training and case reviews. Post Restricted and Unrestricted reporting procedures in all commands. Command SAPR Liaison sent monthly Sexual Assault awareness emails.

### **Naval Criminal Investigative Service (NCIS)**

In FY09, NCIS implemented a collaborative Crime Reduction Program (CRP) to proactively fight crime within the military community. NCIS works with the Judge Advocate General (JAG), Public Affairs, Family Advocacy Program (FAP), Chaplain Corps, and other Department of Navy (DON) entities. NCIS has facilitated a cross-cutting effort to help military communities reduce crime. Quarterly campaigns focus on a specific criminal threat and provide education and awareness relative to the threat. The first campaign in FY10 is focused on sexual assault prevention. NCIS revised and updated in-service training for NCIS F&SV agents. NCIS

revised and enhanced F&SV advanced training held at the Federal Law Enforcement Center (FLETC). This training was provided to 19 F&SV agents in September 2009.

### **2.1.3. Communications, social marketing, and media initiatives**

#### **Commander, Navy Installations Command (CNIC)**

Every installation was provided standard Sexual Assault Awareness Month (SAAM) materials including the “Our Strength is for Defending” poster series developed for the Navy by Men Can Stop Rape, Inc. and distributed printed materials at multiple locations/dates throughout the year. Installation Commanding Officers signed proclamations. Many installations utilized Facebook, email, and other web-based social marketing programs for outreach. SAAM events and initiatives were observed Navy-wide and highlights included:

- Fun Walks; National Night Out, Personal Readiness Summits, awareness posters, specialized presentations with speakers such as Antoine Fisher and Sex Signals, newspaper articles, website postings, Armed Forces Network (AFN) news reports, and the Clothesline Project were held
- An outreach table was set up during galley meal times to increase awareness of sexual violence in the community. The statement “To end sexual violence in my community, I WILL...” was posted as the message and 428 service members were exposed to ideas of how they could help prevent sexual assault in their community
- The “Silent No More....” silhouette campaign
- The Exceptional SARC Award
- Specialized programs such as “Shine the Light on Sexual Assault,” a Survivor Art Display, training on healthy relationships, and a Navy SARC presented at the “Darkness to Light” annual forum, a group of professionals and survivors of sexual assault/abuse
- Victim Advocate Chief McKennie testified for HASC Hearing on Victim Care in January; due to her outstanding efforts she was named San Diego SAVI Victim Advocate of the year

#### **Naval Criminal Investigative Service (NCIS)**

The Crime Reduction Program (CRP) joins partners and collaboratively addresses crime reduction from multiple angles - a single message, designed to educate and increase awareness, providing information and resources from all DON organizations. The strength of the CRP lies in its partnerships with other DON entities. The CRP works on the premise of “team work”, working in coordination with other DON and DoD entities. The CRP utilizes meetings, rallies, speeches, and briefs, to name a few, in its effort to reduce and publicize the prevention of criminal sexual activity.

#### **2.1.4. Work done to implement or support the Department’s Sexual Assault Prevention Strategy**

##### **Commander, Navy Installations Command (CNIC)**

The SAPR program is aligned with the DoD Sexual Assault Prevention Strategy which follows the six Center for Disease Control (CDC) Spectrum of Prevention levels: 1) policy and legislation; 2) changing organizational practices; 3) fostering coalitions and networks; 4) training service providers; 5) promoting community education; and 6) strengthen individual knowledge, attitudes, beliefs, behaviors and skills.

Efforts were re-focused to strengthen prevention efforts through trainings, awareness events, distribution of posters, Public Service Announcements, incorporating Bystander Intervention concepts into training, and by the development and implementation of the Commander’s Toolkit encouraging ongoing collaboration between SARCs, Commanders, and Senior Enlisted Leaders to promote a culture of prevention and zero tolerance of sexual assault.

The Secretary of the Navy hosted the first “DON Sexual Assault Prevention Summit” in September, which brought senior military and civilian DON leaders together to interact with recognized experts in the field to learn more about the components of an effective prevention strategy.

Navy initiatives aligned with DoD Sexual Assault Prevention Strategy:

- The recent decoupling of SARCs in both the San Diego and Hampton Roads areas has improved their relationships with Commands at their installations
- Strong local collaboration between civilian and military law enforcement, prosecutors, civilian advocates, and department of corrections through monthly Special Assault Unit meetings were held to debrief cases
- Strong connections between SARCs, alcohol treatment personnel, and Command Drug and Alcohol Prevention staff (DAPAs) were built to pursue cross-educational opportunities and train commands together
- Japan continued a tradition of producing an annual drama presentation on sexual assault awareness and education, entitled SCREAM, for all hands, during Sexual Assault Awareness Month. To enhance awareness and education in FY2009, Armed Forces Network also broadcast a segment on the SCREAM project throughout Japan
- A “Walk to Remember” was held - each person walking held a candle in honor of someone they knew who had been sexually assaulted
- Focus groups and discussions were held with students and Sailors about healthy relationships and risk-reduction tips incorporating victimology and an understanding of offenders. The training included recognizing and understanding characteristics of perpetrators, qualities offenders look for in victims, as well as common victim behavior before and after the assault (Rape Trauma Syndrome)
- CNIC and a local SARC were engaged in OSD SAPRO’s SAAM 2009 Planning Committee and assisted in developing DoD’s “My Strength is for Defending” campaign and a Congressional Reception focusing on DoD and the Services SAPR programs

- Participation and planning of Crime Victim Rights Ceremonies with inclusion of Navy, Army, Air Force and Marine Corps
- Increased command support in recruitment of trained Victim Advocates. On one installation there were 19 VA's at the beginning of FY09 which increased to 43 VA's; and for the submarines trained VA's went from none to 10 by the end of the fiscal year
- SARCs developed and incorporated Bystander Intervention training skills into the annual GMT presentations for units to address the responsibility that all service members have in preventing sexual assault
- SAPR Education programs incorporated men as part of the solution in changing perspectives and preventing sexual violence. Positive messaging was used in order to make it difficult for audiences to react with the "not applicable to me" attitude
- Partnered with the Naval Justice School
- Provided training to the local rape crisis centers to educate civilian advocates who may be the first responders to military victims, and participated in local military/civilian Sexual Assault Response Teams (SARTs)

### **Judge Advocate General (JAG)**

The Department of the Navy held a two-day executive summit on sexual assault in which the Judge Advocate General and Deputy Judge Advocate General participated. Following the summit, a working group was established to continue the initiatives developed at the Summit with an OJAG representative. In addition, an OJAG attorney worked with the DON SAPR working group on all efforts related to prevention and response.

### **NCIS**

Throughout FY09 NCIS personnel have been involved in the DON SAPR working group. Recently, several NCIS special agents and analysts joined the newly formed Navy Cross Functional Team. Both working groups are involved in developing and implementing sexual assault prevention strategies. The NCIS HQ F&SV program has updated and enhanced the NCIS sexual assault prevention brief for use by special agents and investigators in the field. The new briefing program now addresses bystander intervention.

#### **2.1.5. Subject Matter Experts (SME's) consulted and involved (at a Service level)**

### **Commander, Navy Installations Command (CNIC)**

All Navy installations, to include local SMEs (Staff Judge Advocate, NCIS, SANE nurse, mental health professionals) and local civilian resources/experts were encouraged to participate in SAPR programs. Eight SMEs from academia, research, and prosecution were contracted to present at the DON Sexual Assault Prevention Summit, including U.S. Naval Academy faculty. These SMEs continue to consult and present to Navy leadership and fleet events.

Examples from various Regions and Installations demonstrate SME engagement:

- Sex Signals visited Europe and Guam

- Honolulu VET Center coordinated services for male victims leaving the Navy. Vet Centers are a community based counseling program of the U.S. Department of Veterans Affairs that provides a broad range of counseling and referral services to eligible veterans and their families
- Memphis Sexual Assault Resource Center (MSARC) Director, Education Director, Victim Advocate Director, Victim Advocates, and SANE staff served as SACMG attendees and trainers and an MOU was established
- Memphis Vet Center Combat Stress Counselors and licensed sexual assault clinical counselors were speakers/trainers at installation SAPR/SAVI events; and provided sexual assault counseling to all military veterans. A MOU is in development
- Ongoing consultation with local community Rape Crisis Centers and state coalitions on state legislation, protection orders, and victim care
- Collaboration with Universities such as the University of New Hampshire, Prevention Innovations (Know Your Power)
- Ongoing consultation with civilian medical centers on state crime victims' compensation applications and clarification of state medical reporting laws in regards to sexual assault
- In one region, SMEs included a psychologist specializing in Military Sexual Trauma, a detective from a local police department who specialized in internet sexual assault cases, an FBI agent who profiled sex offenders, a community organization which provides support to victims of sexual assault, and a facilitator from Virginia Department of Health whom facilitated curriculum from Men Against Rape
- Partnership with NCIS and local Sexual Assault Crime Division on creating a Standard Operating Procedure (SOP) for the handling of Sexual Assault cases in Singapore

### **Naval Criminal Investigative Service (NCIS)**

NCIS has been involved in a lengthy series of investigatory case reviews for approximately four months. The reviews were in coordination with OJAG (USN and USMC) SME's. The case review was conducted for multiple reasons: to review investigatory effort and thoroughness; review prosecutorial decisions; ascertain trends in sexual assaults; and identify best business practices.

### **2.2. Please describe any plans in place at the conclusion of FY09 for Service actions slated for FY10 related to the prevention of sexual assault**

Navy SAPR, to include Naval Education and Training Command, Center for Personal and Professional Development (NETC/CPPD), U.S. Fleet Forces Command, CNIC, and Marine Corps will be piloting Mentors in Violence Prevention (MVP) fleet wide on a carrier, in a school, and in remote locations in FY10. This is an expansion of current Marine Corps MVP "Train the Trainer" Bystander Intervention currently being provided at Staff Non-Commissioned Officer Academies. MVP will be one component of the wide spread training on Bystander Intervention tools Navy-wide.

Sexual Assault prevention is a priority for the Secretary of the Navy. Following the September 2009 Summit, the Chief of Naval Personnel established a weekly Cross Functional Team (CFT) with all key stakeholders to change the culture and enhance the prevention of sexual

assault. The Navy has developed a SAPR Communication Strategy with strong leadership messages in multiple venues (print, video, Facebook, website, and command functions).

Specific installation actions slated for FY10 include:

- NCIS Crime Reduction Program to plan events that promotes awareness and prevention of sexual assault during SAAM 2010
- SAPR Brief for new Base Security Recruits and bi-monthly in-service meetings
- Navy SARCs are scheduled guest speakers at conferences and community events
- SARC meeting with DESRON 31 (Commodore and Command Master Chiefs from 8 ships)
- Coordination with MWR marketing to include training on sexual assault, reporting and bystander intervention for Liberty Call
- SCREAM was identified as a best practice; implementation enterprise-wide is in process with benchmarks and evaluation
- Annual Regional Ombudsman Symposium and other Ombudsman training emphasize sexual assault prevention
- Collaboration between MWR, SATO travel and SAPR Victim Advocates is on-going to initiate healthy social activities/trips as alternatives to drinking for the single sailor. Additional proactive measures include providing after hours staffing in the barracks
- Expanding SAPR training to deploying units and will incorporate SAPR into shipboard Return and Reunion curriculum
- A short video clip is being filmed addressing sailors and emphasizing the importance of active bystander intervention. This clip, which underscores the severity of the crime of sexual assault, warns that perpetrators will be punished accordingly, and will be shown at the start of all Sexual Assault Prevention briefs as soon as it is completed
- Offering self defense classes taught by professionals with the goal of empowering and strengthening the confidence of sailors, particularly 18-25 year old females, the most vulnerable population
- Increasing the number of SARC positions and moving towards civilianizing the positions
- Prevention and Training: SAPR integration into the Executive Leadership Training and development of 2010 GMT with video scenarios
- Utilizing social networking/new technologies to keep VAs, Commands, and personnel informed and engaged as well as to increase program feedback/evaluation. Fleet and Family Support Program (CNIC HQ) has a Facebook page
- Increased implementation of a Sexual Assault Prevention and Response (SAPR) Coordination Committee (SCC) for the installation to increase leadership involvement in the program and track systemic issues
- Expand SAPR training to smaller Tenant Commands and Reserve Units
- Collaborate with the Family Advocacy Program for combined training

### **Naval Criminal Investigative Service (NCIS)**

- During 1<sup>st</sup> quarter FY10, the Crime Reduction Program began their sexual assault campaign. This campaign will include briefs for command personnel concerning Alcohol

Facilitated Sexual Assault and Sexual Assault Prevention, with an emphasis on Bystander Intervention.

- NCIS will have various handouts available for command personnel which will cover sexual assault prevention issues.
- Two videos, “Megan’s Story” (USN production) and “Choices,” (USMC production) will be available for NCIS agents to utilize during the campaign.
- Collaborative efforts with other DON and non-DON/DOD entities will be initiated at the installation level.

### 3. Response Initiatives, Capabilities, and Challenges

#### 3.1. Please describe the policies, procedures, and initiatives implemented or advanced during FY09 to respond to or improve the response to allegations of sexual assault

##### BUMED

The BUMEDINST 6310.11 was published in June 2009. In FY09 we trained 44 medical providers on the Sexual Assault Forensic Exam.

##### CNIC

Response initiatives Navy-wide:

- Increased number of MOUs between military treatment facilities and local civilian hospitals
- Collaboration with Command Equal Opportunity representatives for training to increase awareness of the role of alcohol in sexual assault
- Joint service SARCs in Hawaii meet quarterly to share information, lessons learned, prevention strategies, share resources, and to work together on various issues
- One initiative in FY09 was greater inclusiveness with small commands that are stationed in remote locations or sister services that may not be aware of how to access SAPR on a Navy installation. Impact: Greater level of comfort in reporting sexual assaults
- In Sasebo, the MTF provided victim(s) with the nurse/physician’s direct line to schedule appointments instead of having to use the regular appointment desk in order to avoid re-victimization. Additionally, the MTF included laboratory testing for “date rape” drugs as part of their standard sexual assault response protocol
- Coordination with the Chaplain’s office to transport victims
- Coordinated comprehensive plan for response to allegations of sexual assault involving all first responders at Great Lakes which is a major training location
- SARC located a provider for Victim Advocate Response Kits (bag, replacement clothing/foot covering) which will give all Victim Advocates a convenient, appropriate response tool in which they can keep all pertinent forms, non-perishable snack item, water, and replacement clothing close at hand for quick response
- Meet monthly with the local civilian Sexual Assault Response Team (SART) and provided training to approximately 50 civilian SART members on the military response to sexual assault

- Following the mishandling of a Restricted report by ER staff (which caused the report to become unrestricted through no fault of the victim), the SARC met with MTF staff to discuss training options for ER personnel of Restricted vs. Unrestricted reporting, proper victim care and their role as a medical provider vs. command
- Successfully acquired duty cell phones for on-call victim advocates to ensure the option of restricted reporting remains intact by avoiding inadvertent disclosure to quarterdeck personnel
- Practice drills, requested by the CO of Naval Hospital Bremerton, were performed by the SARC. The SARC approached each of the Family Practice clinics and the OB/GYN department, announced that they were performing a drill, and requested assistance as if the SARC were a victim of sexual assault. Each department responded with care and according to policy utilizing the response matrix. The goal is to improve response.
- Feb 09 SAU Protocol: The Kitsap County Prosecutors office, in agreement with all law enforcement agencies in the county, providers to victims of domestic violence, sexual assault, stalking, and child abuse have signed a Special Assault Investigation Protocol. The goals of this protocol are to: ensure the safety of all victims and the public at large; minimize the secondary trauma of all victims and witnesses who are interviewed during the course of an investigation; consistently follow a framework for coordination and communication among all participants and avoidance of conflicts among participants that may hinder the effectiveness of an investigation
- One installation no longer has a SART or SANE Program or emergency room. Victims receive a SANE exam at a hospital an hour and a half away. The Naval Hospital will provide transportation for the victim and the advocate in for all restricted cases
- MOU signed with Homestead Air Force Base regarding training and advocate services so that victim care is seamless between service's and installations
- Establishment of MOUs with local Women's Shelter to provide initial coverage for military victims reporting to local hospital and notification to SARC. Shelter advocates work closely with military victim advocates.
- Local community is improving the SART process to include military/dependent victims
- Ongoing supportive efforts with the Sexual Assault Interagency Council to increase funding and personnel and therefore, improve response time for exams at the community sexual assault center.

### **Judge Advocate General (JAG)**

In the Navy, specialized efforts to improve sexual assault litigation are a subset of a larger effort to improve the overall quality of military justice litigation. The Navy JAG Corps implemented JAG Corps 2020 which refocused military justice as an essential Navy JAG Corps mission and created the Military Justice Litigation Career Track (MJLCT). Since its establishment in 2007, the MJLCT continues to improve the quality of military justice litigation in the Navy, keep experienced and effective counsel in the courtroom, and provide experienced leaders and mentors for new counsel. By improving the Navy's ability to litigate all types of criminal cases, the MJLCT improves the ability to litigate sexual assault cases.

Navy JAG also took important sexual assault litigation initiatives. In FY09, the Navy developed headquarters reach-back support for counsel in the field by hiring two civilian sexual

assault litigation specialists. One civilian expert is a very experienced former prosecutor who serves as Deputy Director of OJAG's Criminal Law Division and as Director of Litigation Training and Community of Practice Management. The other a very experienced civilian former prosecutor and sexual assault litigation specialist who serves as the Deputy Director of Litigation Training and Community of Practice Management. Both civilians have delivered training on litigating sexual assault at the Naval Justice School, at local commands and by video teleconference. In addition, they are regularly consulted by trial counsel in the field for real-time advice for handling sexual assault cases. Finally, the sexual assault litigation specialists are working with the JAs assigned to the Criminal Law Division (Code 20) to improve the resources available for Judge Advocates to use when litigating sexual assault cases. Some of the resources produced thus far include newsletters, sample motions and sample foundation questions for introducing evidence.

Finally, Navy JAG provides legal support to the sexual assault prevention and response program. JAG has been actively involved in all facets of Navy SAPR policy development and initiatives.

### **Naval Criminal Investigative Service (NCIS)**

The annual military training for all NCIS special agents was revised and improved to provide more detailed instruction and to align with DOD training requirements as delineated in DODI 6495.02. This enhanced training will allow for an improved investigatory product. NCIS is providing more intensive advanced training to F&SV dedicated agents. The training stresses the use of all investigative resources as well as non-traditional techniques. A collaborative effort with the Office of Judge Advocate General which allowed for the review of closed NCIS investigations along with the prosecutorial determinations in those cases has generated some proposed policy initiatives which should greatly enhance the overall investigatory product.

### **3.2. Steps taken to publicize reporting options or encourage the reporting of sexual assault by Service members, including but not limited to:**

#### **CNIC**

A video on reporting options was made and distributed Navy-wide. California is a mandated reporting state which does not allow an active duty member to make a restricted report. SARC's are active with their local SARTs in order to understand and possibly improve local and state laws governing sexual assault reporting methods. SARC's on all installations publicize reporting options.

**3.2.1. The number of personnel trained to be “first responders” to sexual assaults (including criminal investigators, law enforcement, medical personnel, judge advocates, VAs, SARCs, and chaplains)**

**BUMED**

BUMED First Responders and Forensic Examiners trained.

<b>Region</b>	<b>First Responders</b>	<b>Forensic Exam Trained</b>
Navy Medicine West	3698	17
National Capitol Area	845	23
Navy Medicine East	6955	40
Navy Medicine Support Command	427	N/A
<b>Total</b>	<b>11925</b>	<b>80</b>

**Chaplain**

Eighty four (84) chaplains were trained in sexual assault prevention and response at the basic and supervisory courses at the Naval Chaplain School. The total number of chaplains trained in first responder techniques within the past 2 years is 582.

**CNIC/NETC**

In FY09, 50 SARCs and approximately 4200 Victim Advocates were trained. Fleet-wide 46,917 Sailors completed their annual prevention and awareness training online through Navy Knowledge Online (NKO). All external evaluations indicate that online training is not an effective method to reach Sailors so that they understand the reporting procedures, and the significant of the problem of sexual assault in the Navy. Interactive, scenario-based training targeted to the age and leadership level are the most effective training modality.

**Judge Advocate General (JAG)**

**Regional Legal Service Office (RLSO) training**

In the Navy, Trial Counsel is assigned to RLSO commands. During FY09, each RLSO conducted a stand down training on all topics required by DOD Instruction 6495.02. Materials were provided to them by the Commander of the Naval Legal Service Command. In addition, Code 20 (the Criminal Law Division of the Office of the Judge Advocate General of the Navy) disseminated a memorandum to all Senior Trial and Defense Counsel explaining the training requirements and how to meet them. Briefs on the training topics are posted on the Code 20 Navy Knowledge Online (NKO) page and accessible to all personnel.

Within each RLSO command, the Senior Trial Counsel (STC) provided training, advice and mentoring to assigned counsel in sexual assault cases. The STCs provided close supervision in these cases and assisted counsel to develop the plan on presenting evidence, how to work with

witnesses, trial strategy, theory of the case and other matters. The STCs focused specifically on Military Rules of Evidence 404(b), 412, 413, 414, 513, if applicable to that case, and how best to question the particular victim in the case on direct examination. The STCs also trained Trial Counsel in working with sexual assault victims and getting them ready to participate and testify in their cases.

### **Code 20 (Criminal Law Division)**

Code 20 began a Lunchtime Learning Program which entails monthly litigation training delivered live at the Washington Navy Yard. All area JAs and NCIS agents are invited to attend. The lecture is audio taped and placed on the Code 20 Navy Knowledge Online (NKO) webpage with the briefing to make it available to all JAs in the field. Topics included Alcohol Facilitated Sexual Assault and Expert Witnesses. In addition, Code 20 provided specialized training to RLSO Mid-Atlantic on Sexual Assault with Multiple Accused, Spousal Sexual Assault and Cross Examination and to the NLSO North-Central on Litigating Sexual Assault Cases. Finally, Code 20 provided training via video-teleconference on Sexual Assault with Multiple Accused to RLSO Midwest. Code 20 provided training on Article 120 offenses at the Staff Judge Advocate (SJA) conference to approximately 25 SJAs.

In addition to training, Code 20 developed resources specific to sexual assault. The following practice tips were written and posted on Code 20's website on NKO:

- Litigating Sexual Assault – Part 1: Pretrial Techniques
- Litigating Sexual Assault – Part 2: Offender Focused Prosecution
- Presenting Medical Evidence in a Sexual Assault Case
- Dealing with the Blackout Defense

Sample questions for Sexual Assault Nurse Examiner testimony were created and posted on NKO as well.

### **Increased resources for litigating sexual assault**

Navy was given \$350,000 by OSD SAPRO. A portion of this funding was used to create the new course "Strategic Sexual Assault Litigation and Mentoring Skills for Senior Counsel" (described below). Navy also purchased legal reference materials for all RLSOs and NLSOs to support their ability to litigate sexual assault cases. References provided to the RLSOs that will enhance their ability to litigate sexual assault cases include "The Undetected Rapist" DVD from Legal Momentum, "Practical Aspects of Rape Investigation" (4<sup>th</sup> Edition), "Sexual Assault Trials" by Paul Der Ohannesian, "Drug Facilitated Sexual Assault: A Forensic Handbook," and "Color Atlas of Sexual Assault." Finally, some of the money was used to enhance video teleconference capacity to enhance the delivery of worldwide training and individual case consultation.

### **Development of Joint DVD Training**

OSD SAPRO provided money to the Service Judge Advocates to produce training on prosecuting sexual assault. The Services secured a contract with Simmersion Corporation to create an interactive DVD which will have 22 modules on litigating sexual assault. The DVD will cover the topics required for Trial Counsel training under 6495.02 and will include virtual

scenarios that simulate a direct examination of a victim and a cross examination of an accused. It is anticipated that it will be completed by the end of FY10.

### **NJS training**

The Naval Justice School (NJS) provides the majority of Navy JA training and prepares each JA for courtroom litigation. The NJS curriculum includes the “Basic Lawyer Course” that JAs must complete to be certified as Trial or Defense Counsel. Additional courses include “Prosecuting Complex Cases, Computer Crimes,” and “Trial Refresher and Enhancement Training.” As funds are available, JAs are also sent to Army JAG School courses, such as the Criminal Law New Developments course that included training on the new UCMJ Art. 120. The training material is then brought back to the RLSOs and made available to all Judge Advocates.

- “Strategic Sexual Assault Litigation and Mentoring Skills for Senior Counsel” – NJS was able to offer this course for the first time with the OSD SAPRO funding. (Note: separate Navy funds were used to enable defense counsel to attend the defense portion of the course to ensure that both sides are equally trained and resourced.) The course was created in conjunction with Code 20 and was designed to provide senior Trial and Defense Counsel with the skills necessary to mentor junior counsel as well as enhance their litigation skills. The course addressed all aspects of leadership and strategic sexual assault litigation and ranged from lectures to interactive exercise. It covered topics required by DOD Instruction 6495.02 in sessions such as Sexual Assault Litigation 101, Handling the Complicated Cases, Strategic Sexual Assault Litigation, Experts and additional breakout sessions. Faculty included military and civilian experts on sexual assault litigation. Attendees were provided with electronic resources including the DOJ manual “Prosecuting Alcohol Facilitated Sexual Assault” and several issues of The Voice (the newsletter of the National Center on the Prosecution of Violence Against Women), which addressed various aspects of litigating sexual assault cases, such as understanding offenders and preparing victims trial.
- “Sexual Assault Litigation Course” – NJS offered this course for the first time in April 2009. It covered the topics required by DOD Instruction 6495.02 including forensic evidence, sexual assault forensic examination, sexual assault victim behavior, Military Rule of Evidence 412, the use of experts and alcohol facilitated sexual assault. The course was taught by a combination of experienced civilian and military attorneys and other experts.

“Basic Lawyer Course (BLC):” All JA’s must attend the BLC (a 9 week course) in order to be certified to practice before courts-martial. Various components of the initial training required by DOD Instruction 6495.02 are covered during the BLC including: Overview of Litigating Sexual Assault Cases, Criminal Investigations, VWAP, Pretrial Agreements, Motions, Evidentiary Foundations, Character Evidence, Case Preparation, and Sentencing Advocacy.

- In addition, one third of the student participated in a fully contested mock sexual assault trial before members (including motions practice).
- Prosecuting Complex Cases: This course is designed to deliver advanced training on prosecuting complex cases. Lectures on overcoming the consent defense and alcohol facilitated sexual assault addressed topics required by DOD Instruction 6495.02.

- PCO / PXO Course: Training on sex offenses for prospective commanding officers and XOs was provided. The lecture addressed topics required by DOD Instruction 6495.02 and provided tools for COs and XOs to handle sexual assault cases.

### **Civilian training**

RLSOs routinely sought out training from civilian sources on litigating sexual assault. Most RLSOs have established relationships and share training with local District Attorney offices and with local civilian counsel. Some of the civilian training received by JAs in FY09 included:

- The National Institute on the Prosecution of Sexual Violence (The American Prosecutors Research Institute / Pennsylvania Coalition Against Rape)
- “The Role of Alcohol in Sexual Assault” (Michigan Justice Training Fund’s Violence Against Women Project)
- Prosecuting Sexual Assaults and Related Violent Crimes (National College of District Attorneys)

### **Naval Criminal Investigative Service (NCIS)**

All NCIS agents are trained to be “first responders” to sexual assaults and other types of criminal activity. NCIS presently has 1293 Special Agents. NCIS agents respond only to unrestricted reports of sexual assault. The sexual assault reporting options (Restricted/Unrestricted) are included in all the NCIS sexual assault prevention briefs provided by NCIS special agents, world wide.

#### **3.2.2. Efforts to provide trained personnel, supplies, and transportation to deployed units to provide appropriate and timely response to reported cases of sexual assault**

### **CNIC**

Trained Victim Advocates deploy with Navy commands, and installation SARCs provide reach-back capability and support. Deployment is routine for Navy commands, Sexual assault prevention and response is required training and is also addressed in port calls and safety stand-downs.

If Sailors deploy as Individual Augmentee’s they work for the Executive Agent/lead command; which is primarily the Army in the AOR. Navy Sailors train with the Army prior to deployment. Sexual assault prevention, reporting options and identification of SARCs and Victim Advocates are part of the training. During FY09 some current Navy Victim Advocates were sent on IA deployments so they were able to serve as a resource in their deployed location as needed. Navy staff travels overseas to provide training to military personnel which include the SAPR program information on resources in Kuwait and other locations prior to deployment.

### **Judge Advocate General (JAG)**

RLSO Europe and Southwest Asia (EURSWA) is responsible for providing command services to all Navy commands throughout Europe, Africa and Southwest Asia, including Iraq and Afghanistan. Judge advocates in Naples, Italy, Rota, Spain, Sicily, Souda Bay, Crete and Bahrain stand ready to support deployed units on these three continents and at sea in response to sexual assault matters. In FY09, RLSO EURSWA JAs were dispatched to support deployed units in Iraq and Afghanistan as well as three ships at sea; however, none of these cases involved sexual assault. Nonetheless, they demonstrate the commands support to the Fleet in deployed environments and the ability to respond should a sexual assault be reported. RLSO EURSWA will continue to surge judge advocates to the operators to meet the demand for services as necessary.

RLSO Japan provides services to commands located in Commander, Naval Forces Japan and Commander, U.S. Naval Forces, Marianas Islands areas of responsibility; or transiting through the Commander, U.S. SEVENTH Fleet area of responsibility to include Japan, Guam, Diego Garcia, Singapore, Korea, Hong Kong and other activities located in Southeast Asia. RLSO Japan has trained personnel available at the headquarters (Yokosuka) as well as at each of the branch office locations (Atsugi, Sasebo, Misawa, Okinawa, Guam, and Diego Garcia). Trained personnel are also available at the embedded office in Singapore. All qualified personnel are available to provide training to deployed units.

Judge Advocates preparing to individually augment to CENTCOM AOR deployed units receive additional training from the Naval Justice School.

### **Naval Criminal Investigative Service (NCIS)**

All NCIS special agents who deploy have received sexual assault training in their basic school at FLETC. All NCIS special agents are mandated to complete annual sexual assault training. Agents who deploy have access to NCIS equipment, supplies, gear and reporting templates.

#### **3.2.3. Information regarding supply inventory results, as well as the location/availability of supplies, trained personnel, and transportation resources to support deployed units in responding to cases of sexual assault**

### **CNIC**

Each command is required to have a trained Victim Advocate on board when deployed. SARCs provide electronic and disc copies of forms, pamphlets, brochures, flyers, and victim support information to deployed commands. Victims are medically evacuated to hospitals for forensic collection and counseling when needed. Challenges include transportation to support Victim Advocates in deployed units, ensuring SAFE kit availability and trained personnel, and ensuring that evidence collection and storage protocols are known to medical personnel and Military Criminal Investigative Office (MCIO) regardless of service. SARCs provide briefs and materials to the Reservists and Individual Augmentees processing through to deployments at

Navy Mobilization Processing Centers. Victim Advocates on deployment are instructed to contact the SARC for any assistance needed in the event of an assault while on deployment.

### **Naval Criminal Investigative Service (NCIS)**

To date, NCIS deployed agents have been volunteers. There are no known issues pertaining to the lack of supplies and/or transportation when responding to a sexual assault allegation.

#### **3.2.4. Information regarding the number of victims whose care was hindered due to lack of available Sexual Assault Forensic Examination (SAFE) kits or other needed supplies**

### **BUMED**

Each medical facility that provides in-house SAFE collection has kits available, maintained in their Emergency Department or appropriate clinic.

### **CNIC**

The Navy places a priority on effective response to victims and victim care whether afloat or ashore. It is important that commands have SAFE kits that had not expired. No services were hindered or adversely impacted due to lack of SAFE kits. NCIS supplies the SAFE aboard ships. Other in-country deployed Navy units must rely on the other military service health clinics for a SAFE to be performed. CBC Gulfport received information that one victim was not able to secure a restricted report due to the difficulties receiving and arranging an airlift for medical attention while on deployment. The detachment Officer in Charge (OIC) was able to arrange transportation but was not willing to “just take the word of the SAVI” to finalize and approve the arrangements. All were reeducated with the intent to not have this happen again.

### **Naval Criminal Investigative Service (NCIS)**

During FY09, there were no sexual assault investigations wherein a SAFE kit was not available. There are no documented cases for FY09 which indicate that a victim did not receive a sexual assault examination due to the lack of a SAFE kit or any other comparable sexual assault evidence collection kit.

#### **3.2.5. Information regarding the number of victims whose care was hindered due to the lack of timely access to appropriate laboratory testing resources**

### **BUMED**

Timely access is available for all medical laboratory testing and victims are treated empirically for potential sexually transmitted infections prior to reported lab results.

## **CNIC**

One case was identified where a victim experienced additional emotional stress due to the lengthy wait for DNA results at local police department, which delayed the identification of suspects, and timely resolution.

## **Naval Criminal Investigative Service (NCIS)**

NCIS utilizes USACIL (United States Army Criminal Investigations Laboratory) for a majority of submitted sexual assault evidence. USACIL does not have the ability to analyze hair but will forward the evidence to an accredited private criminal forensic laboratory for analysis, with concurrence from NCIS. To date, the utilization of a private lab has not hindered any NCIS investigation. The laboratory analysis time for USACIL is adequate and has not hindered the timely completion of any NCIS investigations. Evidence being submitted for toxicological review is submitted to the Armed Forces Institute of Pathology (AFIP) for analysis. It does not appear that evidence analysis at AFIP has been excessively delayed. Recent contact with AFIP indicated their toxicological review can be completed approximately three (3) days after receipt of the evidence.

### **3.2.6. Other**

## **CNIC**

Victims at FT Meade who have been sexually assaulted go to National Naval Medical Center (NNMC) Bethesda for their forensic exams and medical care, as the local MTF on base is only a clinic and does not have the capabilities to perform SAFEs at this time. While NNMC Bethesda is the closest and largest MTF for many active duty service members in the MD/DC area, there is a shortage of specially trained SAFEs (Sexual Assault Forensic Examiners) at Bethesda. While this has never directly affected any cases, there is a concern about the potential negative impact this lack of a crucial resource could have on future cases.

Supporting victims in deployed environments and being able to reach other Service SARCs can be challenging due to logistics, however all involved are responsive to victims and work collaboratively.

Victims in California cannot make a restricted report if they seek medical care or forensic exams due to the state law of mandated reporting by healthcare providers. They currently have no trained personnel in installation medical facilities that can provide forensic evidence collection.

**3.3. Unrestricted and Restricted Reporting process challenges encountered, as well as the solutions your Service developed and implemented, during the past fiscal year within the context of:**

**3.3.1. Joint environments**

**CNIC**

The following challenges and solutions regarding the unrestricted and restricted reporting process reported by installations include:

- Command POCs are present for SAVI briefs for newly reporting personnel. In cases in which the POC is not advocate trained, the POC clearly advises the participants that he/she is not included as one of the individuals a report can be disclosed to and have the option of a restricted report
- At Joint Forces commands the other service members voluntarily attend the Navy victim advocate training, POC, and DCC training as well as Naval Orientation to ensure they receive the correct procedures provided by the supporting Host installation SAPR program. Sharing this information cuts down on reporting confusion
- Quarterly meetings with all Service SARCs in Hawaii provide a forum to discuss delivery of services to victims and coordination of services where indicated
- There have not been any problems with Joint response, however, it would be beneficial to have written guidance as to how/which service to manage each aspect
- Annually, Great Lakes participates in joint advocate training with National Guard and the Army Reserves at Fort McCoy. This joint effort encourages each service to utilize the resources and expertise of the training team members and advocates in the needed geographical response area
- Restricted Reporting is usually not utilized by recruits. There are very limited avenues for recruits to seek help without the knowledge of the command
- National Guard personnel chose restricted reporting option, but feared SARC telling command non-identifying information (SOP) would still identify them due to small number in unit. SARC discussed with area commander and accepted knowledge of reported assault without identifying specific unit which was acceptable to the victim. This process is now utilized for small area commands/units like all service branch recruiters (e.g., Navy Recruiter victim data is reported to district command/HQ command as “victim is in a mid-south area recruiting office” vs. naming location)
- In the DC metro area, it is common to have a joint environment including: Andrews, NNMC and the Pentagon. Routinely, personnel at NNMC receive reports of sexual assault from other branches of service and Navy victim advocates are called in to respond. However, each branch of service in the DC metro area has a designated SAPR program. Therefore, victim services are referred to the appropriate branch. The same is true for other joint environments. If a service member reports a sexual assault to Navy personnel, the victim advocate and SARC will assist the victim until he/she is fully connected with the appropriate branch SAPR program. A Navy Victim Advocate would respond with a follow up report to the appropriate services SAPR program
- As a tenant Command on an Army base, there can be confusion and challenges around implementing the Navy SAPR Program. One challenge in particular involves staffing

and attendance at Navy Sexual Assault Case Management Group (SACMG) Meetings when there are open, unrestricted Navy cases. Many of the core disciplines required to be in attendance at SACMG meetings (base security, medical, etc) are in fact Army and are required to attend the Army SARB (Sexual Assault Review Board) to meet their Army requirement and so they do not attend the Navy SACMG meetings. Not having these core disciplines represented at SACMG meetings can be challenging, and this issues continues to be addressed within the Services

- Commands have encountered difficulties reporting, receiving services, and general cooperation with other branches of law enforcement in joint environments. Problems were resolved when the COs became involved with other COs
- Under BRAC, Charleston will be aligned with the Air Force and become an official Joint environment. Discussions and meetings to expedite that process are underway and the expectation is that concrete changes in resources will begin in 2010
- Florida National Guard, local army, USCG, along with Navy personnel are jointly trained at VA initial training. They are then referred to their own DOD instruction for differences in acronyms, reporting procedures and particular instruction with their own SARC
- The installation has a small Coast Guard base attached and the SARC has offered training and provides information and referral services on a regular basis
- The Naval Diving and Salvage Training Command, a tenant on the installation with Army and Air Force staff so the Navy and Air Force SARC jointly train on reporting options, resources, and services available
- Marine Units onboard NAS Pensacola operate under their own guidance, and they do not report to the installation Navy SARC, however Marine units receive SAVI General Military Training that instructs service members on reporting options and confidentiality
- Joint environments continue to be an issue as there is not a system in place to share information across branches of service. It is difficult to locate another service SARCs overseas and in combat areas of interest
- The DLI Foreign Language Center is essentially an Army support base under TRADOC. It is possible for a Navy Victim Advocate to first meet with a service member of another as well as an Army or Air Force trained victim advocate may meet with Navy victim. All SARCs (Army, Navy, and Air Force) collaborated and we ensure that the victim is provided services and then a warm-hand-off is initiated with the victim's parent service. Close cooperation between services is essential and is ongoing
- Members use the restricted reporting option due to fear of retribution of collateral misconduct
- Joint basing between Naval Weapons Station Earle, McGuire Air Force Base, and Fort Dix has been a collaborative effort working to provide the best services possible for all
- Challenges with case management and delivering and tracking services provided to victims in joint environments most often were due to procedural variations among the service branches SAPR programs.
- Additionally, the protocol of handling SAFE kits for Restricted Reports vary in the services so collaboration among service SARCs has helped in increasing communication with other military branches in order to effectively manage any victims of sexual assault

### **Naval Criminal Investigative Service (NCIS)**

NCIS is embedded in joint environments throughout the world, including combat areas of interest. NCIS is involved solely with unrestricted sexual assault complaints. To date, no known challenges have been encountered by NCIS field agents when working in joint environments which would adversely affect the conduct of a criminal investigation involving a sexual assault allegation.

In September 2009, a Memorandum of Understanding (MOU) concerning investigative responsibilities on Joint Bases was signed by the Commanders of Air Force Office of Special Investigations (AFOSI), US Army Criminal Investigations Division (USACID), and the Acting Director of NCIS. The MOU provides specific guidance as it pertains to investigative authority and responsibilities for the Military Criminal Investigation Organizations (MCIOs) operating on DoD Joint Bases.

#### **3.3.2. Combat Areas of Interest**

##### **CNIC**

Ensuring effective response for victims in Combat Areas of Interest is critical. It is especially difficult when Sailors deploy as Individual Augmentees because they are seeking support in a new environment with different protocols, SAPR terminology, and positions. Some challenges noted:

- One sailor was assaulted while on an IA deployment. Challenges this victim encountered included trying to contact a Victim Advocate on duty and not receiving a call back for two days, not being offered a medical or forensic exam, not being treated appropriately by a Chaplain she disclosed to, and having to come in contact with the perpetrator after she reported the sexual assault to Command. This incident highlights some process issues as well as the need for additional education
- One victim, on her way en route to Afghanistan requested her case be restricted when she made a sexual assault report. Later she was pressured to provide the alleged suspect's name or be brought up on fraternization charges. Unfortunately, the victim thought that she was still restricted and was not advised that she no longer could continue in that status. When she arrived in-country she remained there for a short period of time and then returned to her parent command without any information regarding her case or her status
- A Sailor deployed as an IA in Kuwait was sexually assaulted by an offender from another military service. The victim told a friend who notified the Army D-SARC. Victim met with D-SARC and signed VRPS electing an unrestricted report. Army CID was notified. D-SARC met with victim once more. Victim states that when she asked for a VA she was told to contact her Command VA upon her return to the US. Victim stated that after the two initial contacts she was not offered a VA or counseling. Victim stated that she felt isolated and alone. The victim did not return to her command for three months. The victim's command and installation SARC were not notified. If the victim had not notified her command VA, this case would have never been brought to the Navy's attention. The Victim was re-victimized by the lack of response and follow-up care.

- The Metro San Diego SARCs support a number of Navy ships, carriers, and other commands that deploy to combat areas of interest. A challenge to sexual assault reporting during deployment is that some commands have not been fully educated on the reporting process or policy. These circumstances have resulted in individuals being denied their restricted reporting option or with unrestricted cases being mishandled. Outreach and training for such commands is ongoing.

### **Naval Criminal Investigative Service (NCIS)**

NCIS is in numerous combat areas of interest throughout the world. NCIS is involved solely with unrestricted sexual assault complaints. To date, no known challenges have been encountered by NCIS field agents when working in deployed environments which would adversely affect the conduct of a criminal investigation involving a sexual assault allegation.

#### **3.3.3. Tracking victim services**

##### **CNIC**

Input from Regions/Installations:

- Warm handoffs are the practice followed for all sexual assaults restricted or unrestricted where the victim desires to continue services and is relocating to a different area
- Although this is a joint service area in regards to response to sexual assault, Tripler Army Medical Center serves as the conduit to access service specific civilian advocacy and support services, especially with the addition of the SANE this past year
- Sexual assault response and support services were provided to a victim off a Canadian ship this past year. Command was very appreciative of the services provided. Victims of sexual assault have been provided services from Navy ships not assigned here; coordination with the SARC in other locations has gone well
- Without the DoD wide Case Management System, tracking victim services continues to be a challenge, especially as it relates to IAs or joint environment situations. This is especially concerning when transfers/PCS occurs
- Warm handoffs have been smooth with branches of the military and other SARCs. Initial and follow-up contacts with other SARCs ensure victim services continue
- Tracking victims is difficult when they leave a school environment
- Coordinating care for Reservists can be challenging. It has been difficult to determine the status of the reservist and who takes the lead in criminal investigations, services and support. Specifically, a report of a sexual assault was received by a reservist and her parent command was located in another state. With limited notice, the Reservist relocated back to her home state. Establishing continued support through an active duty base or reserve unit proved difficult. There were no military installations in close proximity to the victim and the reserve unit did not have ongoing support/victim advocate services. The SARC accessed the closest installation to the victim for contact and located some community resources/services in the area. Aside from phone support, the victim had limited support from the Navy and/or reservist unit
- Difficulty tracking NCIS case status for case that was reported/opened in location B, had previously occurred in location A, and victim was transferred to location C as a reservist

a few days after reporting incident to NCIS. SARC's had warm hand-off without difficulty but NCIS took time in coordinating investigation and collection of evidence. Once all NCIS agencies were working with each other the case made quick progress

- We have continuously had issues with tracking victim's services, incident tracking and case disposition in joint environments. We have had several cases involving Navy victims where the perpetrator was with another branch of service and we could not get case disposition information, in one of these cases we got a "we are handling it" and no further information was disclosed. We have also had cases in joint environments where Navy victims were assisted by other service SARC's or VA's and they would not share victim information for Navy SARC follow up and case tracking

### **Naval Criminal Investigative Service (NCIS)**

NCIS does not track services provided to victims of sexual assault. NCIS does ensure victims are provided with a victim advocate at the initial stages of the investigation. NCIS has a requirement to minimally have monthly contact with a victim of a sexual assault during the investigatory phase of the investigation. NCIS does not track other agency contact with victims.

### **3.3.4. Restricted Reporting in any environment**

#### **CNIC**

Challenges for restricted reporting included:

- For some locations the lack of privacy within small commands concerning restricted reporting remains an issue
- Non-availability of restricted reporting for civilians in an OCONUS environment could be interfering with civilian victims reporting the incident and obtaining needed services.
- Commanding Officers report feeling "helpless" with restricted reports (i.e. only getting basic information but no names).
- Attempting to access services in a remote site where there is no SANE nurse. These victims must then travel for lengthy periods to reach a MTF with a SANE nurse (up to several hours) and then upon completion of the SANE examination (several hours in length) and return to base without providing rationale as to why service member was not available to work if they desire to keep sexual assault restricted
- The primary challenge with restricted reporting is ensuring Navy personnel understand the restrictions and processes of a restricted report. Victims may want to keep their report restricted will disclose the incident to a coworker who will then make a report. The victim wants to keep the report confidential with no command or legal involvement but has already shared the information with someone outside the restricted reporting "bubble," resulting in the report being unrestricted. The victim then feels mistrustful of the system and may refuse to engage in support services
- SARC notes victims sometimes have difficulty attending counseling sessions due to time away from work and the Chain of Command not being aware of what has happened
- Difficulties with restricted reporting continue to include service members not directly utilizing SAPR services until after consulting with several people

- The two facilities that conduct SAFE exams for the county of San Diego will not conduct a forensic exam unless law enforcement has authorized the exam. Thus no individual may receive a forensic exam without reporting to a law enforcement official
- Challenges with restricted reporting in any environment continue to be fears victims may have surrounding collateral misconduct, the ability to obtain counseling services without being questioned by those in chain of command, and the ability to maintain their confidentiality and privacy within command.

### 3.3.5. Other (Please explain)

## 4. Program Oversight Activities

### 4.1. Please provide a description of how your Service executes its oversight of the SAPR program. Please include a synopsis of the formal processes, participants, and data collection activities that support oversight of the program

#### BUMED

BUMED Office of Women's Health has program and policy oversight with the BUMEDINST 6310.11. This directs program responsibility at the MTF level to the MTF Commanding Officer.

#### CNIC

The Navy has several mechanisms in place to provide regular oversight of the SAPR program. Area Inspector General (IG) regularly reviews SAPR programs reporting all findings to Regional and Installation Commanders. In March 2009, the acting Secretary of the Navy directed the Naval Inspector General (NAVINSGEN) to conduct an update of the 2005 Sexual Assault Study.

CNIC provides oversight by collecting quarterly restricted reports of sexual assault from the Regions. In addition, every site goes through the FFSC Accreditation process every three years to ensure Navy SAPR program requirements are being met. Regional FFSP staff review the programs every 18 months. FFSP Directors or their Counseling and Advocacy Program (CAP) Supervisors provide direct supervision of the SARC who is the major POC for the oversight of the program at each installation.

Navy SAPR program is a Command responsibility. The Commanding Officer (CO) is responsible for the program's quality and effectiveness within the Command. Under CNIC, there is Regional, HQ, and installation CO oversight for policy and program management and development to enable the Fleet and each command to have an effective program. The SAVI POC is responsible for oversight of the SAPR program at the Command level.

Sexual Assault Case Management Groups (SACMG) are a monthly requirement to review all open unrestricted cases of sexual assault which provides oversight of case management and barriers to victim support. If an installation does not have any open unrestricted

cases, many SARCs reported they still have a monthly or quarterly meeting with key stakeholders, such as Naval Criminal Investigative Services (NCIS), Legal, Medical, Chaplains and Installation Commanding Officers. These meetings provide oversight to the SAPR program and discuss system impediments and process improvements.

Installation SAPR programs maintain binders which contain DoD and Navy policies, Regional Instructions, SAVI Protocol Checklists, Victim Advocate Rosters and watch bills, SAVI personnel rosters, training documentation, Sexual Assault Case Management Group (SACMG) documentation, command communications and military and civilian resources, which are used as oversight tools by the CNIC Accreditation Teams.

All Installations also have Regional oversight of their SAPR program. The Regions have designated regional program staff members for oversight of the program to ensure all aspects of sexual assault awareness and prevention, victim advocacy and data collection are in place.

Training oversight is also done by a review of data in the Fleet and Family Support Management Information System (FFSMIS). SARCs are responsible for entering training demographics on all education and training they conduct, also command consultations, outreach and one-on-one contacts (excluding victim contact). FLTEMPS is the data base for training conducted in NKO and when input by Command training officers throughout the Fleet for Annual SAPR Training.

The SAVI Case Management System (CMS) was contracted in FY09 and is to be launched in FY10. The CMS will allow CNIC to have continuous oversight of how the SARCs are managing their part of the Navy SAPR program. In addition, the Cross Functional Team (CFT) established in September 2009 is meeting on a regular basis with key stakeholders of the Navy SAPR program to include the fleet. The CFT is ensuring that all aspects of the Navy SAPR program are being met. The Chief of Naval Personnel (CNP) reports to the Chief of Naval Operations (CNO) on the status of the sexual assault prevention program to include data reporting, training and education programs, incident reporting measures, investigation and prosecution, victim advocacy and support programs and resource requirements regularly. The newly DON SAPRO and the OSD SAPRO office also exercise oversight.

OSD SAPRO also has oversight roles, and conducted Policy Assistance Team visits. Sexual assault remains a key Congressional interest. Navy SAPR representatives testified at HASC subcommittee hearings in 2009 on the topics of victim care and prevention. Testimony on investigation and prosecution is expected to be heard in 2010.

In summary, the Navy SAPR program has oversight at many levels, and for all components, starting locally at the command and FFSC level, all the way to the CNO and the Secretary of the Navy's DON SAPR program and DoD SAPRO. In addition, the DoD Sexual Assault Advisory Council (SAAC) and the DON SAAC, and subcommittees that focus on areas including policy, training, research, and outreach provide ongoing review and process improvement.

## **Naval Criminal Investigative Service (NCIS)**

The Director of NCIS is a member of the DON SAAC (Department of the Navy Sexual Assault Advisory Council). The DON SAAC was formed to ensure the direct involvement of DON senior leadership in the development of DON SAPR policies and initiatives. NCIS personnel are members of the DON SAPR working group which provides administrative support to the DON SAAC.

NCIS HQ periodically conducts a manpower and resource assessment of NCIS criminal assets world wide. This includes a review of all F&SV agents' man-hours worked, sexual assault prevention briefings provided per office, and the number of F&SV related investigations, per location. This review allows NCIS to ascertain if F&SV billets should be added, deleted, or relocated within the billet structure.

Data collection within NCIS is conducted by the analysts assigned to the Criminal Investigations Directorate. To date, data collection is a manual process, requiring review of NCIS sexual assault investigations utilizing at least two different data bases (CIS – Case Information System and CLEOC – Consolidated Law Enforcement Operations Center).

**4.2. Please describe the oversight activities that have taken place during the past fiscal year with the methods or approaches you use to perform oversight, including but not limited to the documentation and outcomes of:**

### **4.2.1 Participation in DoD Policy Assistance Team (PAT) Visits**

#### **CNIC**

United States Navy, Naval Station Great Lakes Recruit Training Center and Naval Air Station (NAS) Pensacola were reviewed as part of the PAT visits, with a CNIC representative that serves on the OSD SAAC training subcommittee serving as one of the reviewers.

In addition, external oversight was also conducted by the Government Accounting Office (GAO), Code 351324, and the Defense Task Force on Sexual Assault in the Military Services (DTFSAMS). In preparation for the DTFSAMS visit, CNIC conducted an extensive data call and collected information from SARCs and key stakeholders, Navy-wide. At least ten Navy Sites reported visits from DTFSAMS during FY09. The visits examined how the Navy implemented DoD SAPR on the ground level. The DTFSAMS report was released in December 2009. CNIC had on-going dialogue with GAO, providing evidence of how the Navy was responding to past recommendations GAO had for improving SAPR processes. Navy views the GAO report as a good opportunity to address and gain support for some of the challenges we face with SAPR to include leadership buy-in at all levels, involvement and support of SAPR-related efforts as well as conducting an empirical evaluation and resource shortfalls. External reviews emphasize the need to enhance services in deployed environments and implement standards/SOPs for joint environments (funding for: assessment, resource development, manpower, project/program implementation and evaluation).

Sasebo, Japan was visited by Congressional Staff Delegation in March 2009 for a round table discussion on sexual assault with the Commanding Officer, Staff Judge Advocate, and Navy Legal Service Office and the Installation SARC.

#### **4.2.2. Program management reviews**

##### **CNIC**

As stated earlier, the Navy Fleet and Family Support Program Accreditation process provides a comprehensive review of the SAPR program at each installation every three years. Findings are reported to the Installation Commander requiring a response and action plan within 90 days of the accreditation team inspection. Navy SAPR is also reviewed during Area Inspector General visits.

##### **Naval Criminal Investigative Service (NCIS)**

All special agents, irrespective of discipline, are mandated to complete the NCIS Sexual Assault in service training during the 4<sup>th</sup> quarter of the fiscal year. At the end of FY09, the F&SV Program conducted a training review in an attempt to ascertain compliance with the in-service mandate. Periodic review of the NCIS sexual assault prevention briefing program is conducted by management personnel.

#### **4.2.3. Available results or common findings and recommendations of Inspector General (IG) inspections of the program.**

In FY 2009, two NAVINSGEN teams visited numerous commands over 45 Navy installations world-wide. This Sexual Assault Study was an update from 2005. An online survey was conducted with approximately 40,000 respondents. The visits included interviews with leadership and focus groups with personnel Navy-wide. All areas of the SAPR program were assessed. The Department of the Navy Sexual Assault Study was released in FY10.

Two NAVINSGEN teams visited numerous commands at over 45 Navy installations world wide. Through the emphasis of the Department of the Navy and the comprehensive review, changes are already beginning to occur in the Navy SAPR program even though the official recommendations had not been released. Some Installations and Regions have been able to use informal feedback to improve the SAPR program at their individual installations. For example, two Installations reported being able to revise their local SAPR Instruction and protocol for victim intervention on a 24/7 basis. The same bases provided and funded a dedicated cell phone that SAVI advocates will carry while they are on duty.

Program improvements since the SAS site visits:

- Recommendation: The DAPA should be trained in the SAVI/SAPR program
- Action: The SARC was asked to develop and deliver specialized training during the Personnel Readiness Summit on Alcohol Use. The 30 minute presentation directed at

274 leaders, including DAPAs, focused on the intersection of alcohol use and sexual assault incidents

- Recommendation: SAPR participation with Right Spirit functions
- Action: The SARC has been asked to participate during the Intermediate Maintenance Facility (IMF) Right Spirit day activities for the previous 3 years
- Recommendation: Staff barracks in an effort to curb negative behaviors associated with incidents of sexual assault
- Action: The Chiefs on base began patrolling the barracks on all local bases since April 09. Their goal is to prevent the potential environments that lend themselves to incidents of sexual assault
- Recommendation: COs avoid re-victimization in accordance with OPNAVINST
- Action: In conjunction with Domestic Violence Executive Leadership training, specialized Sexual Assault training for leaders will begin in FY10
- The Wise Choices program addressed recommendations from the 2004 SAS. It is a program to assist junior sailors new to the Navy on issues that may or may not have been addressed in other Navy required courses/class. The purpose is to have an open type “conversation” with the men and women, who are in separate groups discussing marriage and relationships, sex, STIs, and pregnancy, SAVI, stress at sea, workplace environment for both men and women, and emotional disturbances. This program was started in 2006 and the evaluations reflect a positive response from the sailors
- SARCs work to engage leadership in all facets of the program from participation in General Military Trainings (GMT) to program implementation at the command level

### **Naval Criminal Investigative Service (NCIS)**

The Navy SAS final report was not released at end of FY09. On 8 Oct 09, NCIS received “Preliminary Findings and Recommendations from Sexual Assault Study”. Below comments relate to the preliminary findings.

- **No centralized database for sexual assault for Navy (and DOD):**
  - Recommendation: a working group to include NCIS concerning the IT issue.
  - Recommendation: NCIS and SAPR program database managers compare data and determine reporting shortfalls on a quarterly basis.
  - There has been one meeting between NCIS IT and SAPRO IT personnel concerning database issues, as of mid-October 2009.
- **Sexual assault case processes are protracted in the legal proceedings.**
  - Recommendation is to adequately resource NLSO, local JAGC Offices and NCIS to process sexual assault cases within a reasonable amount of time.
  - NCIS has requested additional resources be allocated to the Family and Sexual Violence program.

**4.2.4. Steps taken to address recommendations from past external oversight activities, such as those performed by Government Accountability Office (GAO) or DoD/Service IG**

**CNIC**

Navy actively participated in and supported GAO reviews, #351324 and 351062. Installations utilized feedback from past external oversight activities for improvement. Recommendations from various installations include:

- Increased marketing efforts: distribution of posters, brochures and the reporting options video
- Communication: Some installations have ensured the FFSC answering service now clearly state the POC telephone number to contact in the event of a sexual assault
- Reporting: Increased training and oversight of SITREP requirements for sexual assaults
- Program Name Recognition: Implementation of use of term “SAPR” for all Sexual Assault Prevention Education, Victim Services, and data collection and reporting elements
- SAPR program requested and obtained a base cell phone for a watch bill of advocates. One location changed from using local community victim advocates to a base watch bill. This allows a faster response time and the ability to establish a relationship with community agencies. Further, advocates no longer have to cross state lines for services.

Challenges noted:

- Effectively implementing the program in deployed and joint environments
- Action: By training VAs and POC/Liaison/DCC personnel prior to deployment we ensure the availability of services in deployed locations
- Review and evaluate training to ensure the military services are meeting training requirements and to enhance the effectiveness of the training
- Action: The SARC has been proactive in finding the right training for our personnel to ensure the highest retention and most value for the time available. Focus of training transformed from risk reduction to bystander education that uses scenario based interactive training to involve the audience. The goal is for Sailors to recognize the situation and understand their role in the perpetration or prevention of sexual assaults
- Systematically evaluate and develop an action plan to address any factors that may prevent or discourage service members from accessing mental health services
- Action: The SARC has trained all counseling staff and Naval Hospital leadership on the restricted and unrestricted reporting options available to active duty personnel in the hope that this will prevent unauthorized disclosure. Additionally, victim advocates are trained to educate the victims on what they need to disclose to command when requesting time off for medical/counseling appointments.

**4.2.5. Other (Please explain)**

The DON SAAC, DON SAPR working group, the newly established Cross Functional Team all provide oversight. DON SAAC meets quarterly. The DON SAPR working group met several

times during FY09. The new CFT has been meeting weekly since the Senior Leadership Summit was held in September 2009. DOD SAAC Subcommittees and working groups met during FY09.

## 5. Research and Data Collection Activities

**5.1. Please describe the research and data collection activities that have taken place within your Service during the past fiscal year. Please do not include the activities you have already discussed in the “Program Oversight Activities” section. The activities you discuss in this section should include but not be limited to:**

**5.1.1. The initiation or execution of any survey for the purpose of informing or improving Service SAPR programming, including highlights of available findings**

### CNIC

Results from a FY08 SAVI Quick Poll were released in FY09. The Quick Poll identified that the majority of respondents are familiar with the SAVI Program, knowledgeable about the availability of victim advocacy services, and aware of avenues and options for reporting.

### Naval Criminal Investigative Service (NCIS)

In August 2009, NCIS surveyed 25 Family and Sexual Violence (F&SV) dedicated agents, CONUS and OCONUS with questions pertaining to sexual assault evidence (SAE) collection kits. A majority of those queried provided relevant feedback. Questions in the survey pertained to the use of a Military Treatment Facility vs. a local hospital/location for the completion of the SAE kit and the availability of a Sexual Assault Nurse Examiner (SANE). Results:

- **CONUS:**
  - 62% of CONUS offices use local hospitals vs. 38% using the Military Treatment Facility (MTF) to conduct the SAE.
  - 94% of CONUS offices had access to a SANE, whether at a local facility or MTF.
- **OCONUS:**
  - 100% of OCONUS offices use MTFs
  - 67% of OCONUS offices had access to trained SANES.

**4.2.3. The initiation or execution of any empirical research or evaluation project to inform or improve Service SAPR programming, including highlights of available findings**

### CNIC

CNIC funded sexual assault prevention studies that have been submitted for publication to professional journals.

### **Naval Criminal Investigative Service (NCIS)**

In May 2009, NCIS collaborated with the DON Office of the Judge Advocate General (OJAG) to conduct a review of 50 closed NCIS investigations conducted during FY08. The review of closed sexual assault cases was conducted to determine what types of cases are being reported, how cases are investigated, and if there are prosecutorial decision trends. Review of the investigations indicated an overwhelming majority of the cases were non-stranger sexual assaults. (92%). Many of the cases had little or no medical/physical findings and/or evidence. Alcohol use was reported in 40% of the cases. Of the cases reviewed, civilians had primary jurisdiction in 40% of the cases, yet they prosecuted only 4% of the cases. In all but one case, the military deferred prosecution to the local jurisdiction.

#### **4.2.4. Formation of active partnerships with other Federal agencies, non-Federal agencies, and/or organizations for the purpose of research and evaluation in conjunction with SAPR program activities**

### **CNIC**

Many SARCs participate in a variety of active partnerships with federal and non-federal agencies. Examples include:

- Partnership with NCIS on their Crime Reduction Program campaign
- Monthly Sexual Assault Steering Committee meetings chaired by local Rape Crisis Center
- State Coalitions Against Sexual Assault and Family Violence
- Department of Justice project: the Sexual Assault Interagency Council, which includes the State Attorney's Office, the Sheriff's Office, colleges/universities, advocacy agencies, Florida Dept. of Law Enforcement forensic lab, City of Jacksonville, and two Navy bases, all working to improve services for area victims
- The SARC in Newport is actively involved in the Sexual Violence (SV) Primary Prevention Plan Committee funded by the U.S. Centers for Disease Control and Prevention (CDC) targeted to help Rhode Island improve sexual violence prevention efforts. Members of the Sexual Violence Prevention Planning Committee (SVPPC) developed this plan by integrating public health principles and social change concepts in an effort to alter cultural norms, attitudes, beliefs, and behaviors that support sexual violence. The Rhode Island SVPPC launched this statewide endeavor to collectively analyze what would prevent sexual violence in RI, recognizing it as the first step in the long term process of sexual violence prevention
- SARC was requested to join NJ Governor's Ocean County Violence Prevention Project, a statewide violence prevention coalition. The military perspective is represented across the state in prevention efforts. This action has furthered communication between military and civilian counterparts in the violence prevention community

## **Naval Criminal Investigative Service (NCIS)**

NCIS does have “active partnerships” with other Federal, state and local law enforcement agencies, but for investigatory purposes, not for research and evaluation.

### **5.1.4. Other (Please explain)**

## **6. Discussion and Lessons Learned**

### **6.1. Please provide a summary discussion of the progress made and challenges confronted by your Service in FY09, including but not limited to:**

#### **6.1.1. Lessons learned in FY09**

There is need for more medical providers to receive training in the Sexual Assault Forensic Exam. Forensic exam training needs to be standardized to ensure consistent care and collection of evidence is completed. Tracking of trained individuals is another necessary item to ensure the care is available where there is need.

#### **Chaplain**

Need to ensure chaplain participation on sexual assault case management teams at all installations.

#### **CNIC Lessons Learned:**

- Although progress was made during 2009 it remains a challenge to train a frequently deploying community and to have trained victim advocates
- The most significant progress to affect all services at our location this past year was the establishment of the SANE at Tripler Army Medical Center as well as dedicated social workers in the ER and the establishment of the “Safe Place.” The Safe Place is where all sexual assault victims are brought to minimize their wait in the ER and provide more privacy. The SAPRO Policy Assistance Team visit in August 2008 provided the added validation to put these initiatives in place
- Maintaining SAPR watch bill is difficult with the constant rotation of deploying commands
- It is difficult to hire a SARC for an OCONUS isolated Navy base
- Response from the Sex Signals performances has been overwhelmingly positive but funding limitations could prevent the presentation in the future (Commands are requesting that this be an annual event)
- Visible Command support is crucial. The Base CO spoke at the Victim Advocate training which demonstrated his personal involvement and ownership of the program
- It is difficult to keep all victim advocates up to date with the 10 hour refresher training requirement. Training changed to offer two five hour refresher trainings along with 10 monthly two hour refresher trainings for victim advocates to give more training options

- Sexual harassment escalates into sexual assault when it is not addressed by the command. There were three sexual assault/indecent assaults cases reported in one month. Up to one year prior, each of the victims reported to their command that they were being sexually harassed by their offender. There was little to no intervention provided by the command and two of these cases escalated into indecent assaults and rape. The commands must take sexual harassment seriously and provide immediate attention and intervention to assist these victims and hopefully avoid future escalation. Ongoing sexual harassment and SAPR training must be conducted regularly to keep commands aware of their responsibilities for the safety of their sailors

What works:

- Plastic business cards and small card sized magnets that have SAPR emergency contact information and what to do if you are a victim. These items are small, personal, and easily kept in a wallet/purse or a locker. Feedback has been very positive and the cards are routinely requested
- Incorporating guest speakers is valuable - NCIS, the JAG and SANE nurses participate in the Victim Advocate training
- Training new Victim Advocates currently involves a 2.5 hour orientation process prior to the 40 hour training. This added piece has assisted new advocates in understanding their new role and responsibilities. Since beginning this new training schedule advocates appear to be more engaged in the learning process
- Engaging leadership and continuing to build strong working relationships is effective in implementing a solid SAPR Program
- Younger sailors respond more favorably to and even enjoy scenario based training
- Smaller classes, both for advocate training as well as GMTs seems to facilitate more participation and enhance learning

**Judge Advocate General (JAG)**

The expansion of the MJLCT, the hiring of civilian sexual assault litigation experts and the creation of two new courses on litigating sexual assault at NJS demonstrate Navy's commitment to aggressively enhance its ability to litigate sexual assault cases. These efforts will continue in FY10.

**6.1.2. Status of FY09 plans described in last year's report**

**BUMED**

The Sexual Assault Forensic Exam training program developed by Navy Medicine Manpower, Personnel, Training & Education (NMMPT&E) has been distributed to applicable sites.

**Chaplain**

Plan to import SAPR/first responder training into a distance learning product within Navy Knowledge Online is in process.

## CNIC

Navy SAPR resources implemented in FY09 include: the SAVI Commander's Toolkit, the SARC Resource Guide, videos such as "Open Window," and the OSD SAPRO funded "My Duty" campaign by Men Can Stop Rape. The SAVI Commander's Toolkit includes SAPR resources for Commanding Officers and leadership, including a CD and reference folder with all relevant policy and guidance and is presented to Commanders within the first 90 days of their command to enhance their understanding of the program and to establish a strong working relationship with the SARC. The SARC Resource Guide is a complete reference for new SARCs and is continually updated with web-links to new resources. The new SARC web-based training is under contract and set to be released in FY10. The SAVI Case Management System (CMS) was developed to provide SARCs with an effective web-based system to track and manage all cases of sexual assault. Navy SARCs were trained on SAVI CMS in May and it will be fully implemented in FY10.

Prevention-related initiatives focused on culture change and strong leadership messages about preventing and reducing the incidence of sexual assault exemplified by a successful Department of the Navy Sexual Assault Prevention Summit with over 150 Navy and Marine Corps Flag Officers and SES and key SAPR program stakeholders. Eight civilian Subject Matter Experts educated senior leadership on the impact of sexual assault and the research on effective prevention strategies. Navy continues to fund research (provided in the report) to enhance prevention and awareness efforts. All of the services benefit from Navy prevention research. The SAPR General Military Training (GMT) was updated to follow a continuum based on level (recruit to leadership) and incorporated Bystander Intervention techniques and tools. Bystander Intervention has been incorporated in multiple training venues from the schools, to commands, and sponsoring speakers/presentations (i.e. Sex Signals) that engage the audience and enhance learning.

Awareness campaign efforts planned for FY09 were completed and disseminated Navy-wide to include three tri-fold brochures on reporting options, resources, and Bystander Intervention, and a video on reporting options focused on Restricted Reporting.

SARCs were trained at a multi-disciplinary National Sexual Assault Response Team (SART) Conference in May with presentations from leading experts. They also attended local training sponsored by state coalitions and civilian organizations.

Significant emphasis was placed on SAPR with the establishment of the Department of Navy Sexual Assault Advisory Council (DON SAAC) established in April lead by the Secretary of the Navy attended by all Department principals (SECNAV, UNSECNAV, CNO, CMC, OGC, NCIS, BUMED, Navy Reserve, MCPON, SgtMaj, Fleet Forces Command, Chief of Naval Personnel, and Inspector General) and key stakeholders in Sexual Assault Prevention and Response. The DON SAAC will be held quarterly. The Acting Secretary of the Navy directed the Navy Inspector General (NAVINSGEN) to conduct a new Sexual Assault Study to update the progress from the 2005. The Secretary of the Navy, the establishment of the Department of the Navy Sexual Assault Prevention and Response Office (DON SAPRO) in September at the

end of FY09 demonstrates that reducing and preventing sexual assault in the Department is a priority.

“Sexual assault is unacceptable. Let me repeat myself, there is no place in the Navy and Marine Corps for a sexual assault offender.”

– **Secretary of the Navy Ray Mabus**

### **Judge Advocate General (JAG)**

NJS successfully created the new course Litigation of Sexual Assault Crimes. 65 JAs attended, more than double the number anticipated in last year’s report.

RLSOs took advantage of all funded training opportunities and used command funds to send Trial Counsel to appropriate training throughout the fiscal year. Each RLSO conducted at least one internal Trial Counsel training stand-down that included sexual assault prosecution.

RLSOs continued to seek out partnerships with local District Attorneys, civilian subject matter experts and attorneys. Senior Trial Counsel continued to advise, mentor and train junior Trial Counsel. We leveraged the skills of our new community of Military Justice Career Track litigators to ensure that Trial Counsel with highly developed skills were sought out and reassigned to litigation billets.

### **Naval Criminal Investigative Service (NCIS)**

- The new training program was developed and available for training purposes in December 2008. DONCJIS, (Department of the Navy Criminal Justice Information System) was not implemented during FY09 as reported via the FY08 Annual Report to Congress. DONCJIS is currently being evaluated for technical viability, with a report due back in December 2009.
- NCIS continues to deploy special agents to the combat areas of interest. All agents, irrespective of discipline can and will respond to sexual assault complaints in a timely manner. In FY08, it was determined the on-line sexual assault training needed to be updated in order to be in compliance with DoDI 6495.02. This was accomplished in FY09.

#### **6.1.3. Plans for FY10:**

The vision of the Navy SAPR program is to have a culturally-aware, educated Total Force environment intolerant of sexual assault, supported by well-defined prevention, reporting, investigation, military justice, and victim advocacy program. The mission is to reduce sexual assaults in the Navy.

**Restricted reporting.** DON SAPRO is sending staff to visit California in FY10 to visit Navy and Marine Corps installations. Our two purposes are to gain field-level perspectives on (1) impacts of California law on sexual assault restricted reporting, and (2) access to sexual assault forensic exams (SAFEs) for active duty Sailors and Marines.

**Advocacy.** The Navy will assess advocacy resources of the SARCs and Victim Advocates. Funding additional SARC positions and working towards civilianizing the SARC positions is a priority. Recruiting and training Victim Advocates and development of selection criteria will be emphasized in FY10.

**Prevention and training.** Commanding Officer's lead the way in developing a climate of prevention that encourages reporting and bystander intervention, supports victim care and holds offenders accountable for the crime of sexual assault. Navy will pilot Mentors in Violence Prevention (MVP) "train the trainer" Bystander Intervention in multiple venues to include school, carrier, leadership, and in remote locations in FY10. Bystander Intervention will be incorporated multiple ways fleet-wide. Emphasis will be to shift Navy culture to understand that sexual assault is not tolerated. Collaborative training efforts will be developed recognizing that alcohol is a "weapon of choice." DON SAPRO will support training and will sponsor a Navy and Marine Corps SARC Summit focused on the Sexual Assault Study, policy changes, and facilitation skills.

**Research and surveys.** Navy will continue to fund recruit research and develop surveys to evaluate incidence, program, and training effectiveness. Metrics will be developed for evaluation purposes.

**Oversight activities.** Navy and DON SAPRO will continue comprehensive oversight by conducting site visits across the Navy, continuing the FFSP accreditation process and area Inspector General reviews providing findings to senior leadership.

**Healthcare/forensic exams.** BUMED will continue to train additional forensic examiners in those facilities that have in-house capability, and to provide standardization of the exam in all facilities. BUMED will ensure that all facilities without in-house exam capability will have appropriate MOUs with civilian facilities in place. Mental Health services will be offered to each victim and are routinely available through the Behavioral Health Department at each MTF, Fleet and Family Support Centers, and Marine Corps Counseling Centers.

**Investigative.** NCIS will continue the Sexual Assault Prevention Briefing program, and implement an Advanced Family and Sexual Violence training program to train as many F&SV dedicated agents as funding will allow. If funding is available, establish Mobile Training Teams with OJAG to facilitate training to special agents in the field. If funding is available, produce and disseminate a sexual assault prevention video. NCIS will continue to review ongoing investigations and provide assistance/guidance as needed.

**Legal - Judge Advocate General (JAG).** Navy JAG will continue with the initiatives underway in FY09. NJS intends to offer the same courses in FY10 as it did in FY09 with the possible exception of the Senior Counsel Course. The course was created with OSD funding; whether it will be offered depends on similar funding becoming available. NJS will continue to partner with Code 20 regarding the creation and improvement of training opportunities on litigating sexual assault. Finally, Navy JAG will continue to partner with the other Service JAGs to create the joint DVD.

**Chaplain.** In response to NAVADMIN 282/09 requirements, Chief of Chaplains (COC) will ensure that Navy Chaplain Corps (CHC) are prepared to provide pastoral and spiritual counseling to victims of sexual assault. Further, COC will strive to ensure that all Religious Ministry Team (RMT) staff (Chaplains (CH), Religious Program Specialists (RPs), Contract Clergy, Civilian Personnel) are trained in a standardized manner.

All RMT members will receive pastoral and spiritual counseling in specific initial and periodic sexual assault prevention and response (SAPR) training covering all relevant policy.

The goal for FY10 is to have 100% of CHC receive First Responder training. The requirement that Chaplains attend monthly Sexual Assault Case Management Group meetings will be reinforced.

COC will identify training on moral character and courage so that Sailors “do the right thing” resulting in a culturally aware, educated, total force environment that is intolerant of sexual assault (training would also apply to misuse and abuse of alcohol, domestic violence, sexual harassment, suicidal ideation, gestures and attempts, sexual assault, fraternization, fraud, waste and abuse, etc.). Focus on *Response* (recognizing danger signs and appropriate action) and ability (knowing what to do and how to do it).

The FY10 Professional Development Training Conference for Chaplains will focus on the role of Chaplains as Advisors to the Command, including moral and ethical issues.

A FY10 Professional Development Training Workshop on Combat Operational Stress First Aid (COSFA) will be offered in conjunction with BUMED. Many of the techniques used in treating COS are applicable to the care of victims of sexual assault.

**Mental health.** Mental health services are provided through BUMED. There will be continued effort to reduce the stigma for seeking help.

**Counseling.** Counseling for victims will continue to be provided at Navy medical, Fleet and Family Support Centers, and with Chaplains.

# **Fiscal Year (FY) 2009 Sexual Assault Prevention and Response (SAPR) Program Review Data Call for Sexual Assaults in the Military**

## Part 3. UNITED STATES MARINE CORPS

### **Executive Summary**

Fiscal Year 2009 has seen significant action and focus in the Marine Corps Sexual Assault Prevention and Response (SAPR) program:

- Executive Off-Site brief (Senior Leaders, LtGen-Gen)
- DON Strategic Plan
- Indoctrination of select General Officers at DON SAPR Summit
- Marine Corps SAPR Operational Planning Team (OPT) and 30/90/180-Day Plan development
- Inspector General of the Marine Corps (IGMC) Sexual Assault Program Review
- Testimony before House Armed Services Committee Military Personnel Subcommittee
- Coordination with TECOM to develop Values-Based Training
- Staffing authorization for fifteen Installation SAPR Program Managers
- Release of “CHOICES,” the Marine Corps SAPR video training supplement
- Chartered a Sexual Assault Executive Steering Committee and Working Group
- Development of a USMC Strategic Communications Plan
- Issued two Commandant of the Marine Corps (CMC) “White Letters”

Marine Corps SAPR is a command responsibility. Sexual Assault Response Coordinators (SARCs) work directly for their unit commanders. Upon report of a sexual assault, the Uniformed Victim Advocate (UVA) assigned to the case works for the victim, based on victim desires, and reports directly to the SARC. Hence, the “chain of command” for supporting victims of sexual assault starts with the UVA, who reports to a SARC, who reports to a senior commander (General Courts Martial Convening Authority or GCMCA).

During 2009, the Marine Corps revitalized its “Mentors in Violence Prevention – Marine Corps” (MVP-MC) train-the-trainer program at the Staff Non-Commissioned Officer Academies. Since 1996, MVP-MC has been delivered to Sergeants through Gunnery Sergeants (E5–E7) as a tool against inter-gender violence. Bystander intervention (i.e. the concept of using witnesses to precursor behavior in order to promote positive outcomes) is the foundation of MVP-MC.

The Marine Corps participated with Office of the Secretary of Defense (OSD) Sexual Assault Prevention and Response Office (SAPRO) in their sponsored “Men Can Stop Rape” program for the “My Duty” social marketing campaign. Launched in conjunction with Sexual Assault Awareness Month 2009, the “My Duty” campaign is forceful enough to stand alone as an ongoing effort. Plans call for annual updates to maintain currency.

The Marine Corps has developed strategic communications that reinforce our Core Values in all aspects of Marine life. These should help dispel myths surrounding sexual assault, encourage training of Marines in effective bystander intervention, and serve to underscore our commitment to be the nation's prevention and risk reduction benchmark. This approach affirms our belief that attention to basics is the most effective means of combating undesirable behavior, that small-unit leadership is key, and that empowering our Non-Commissioned Officers as true mentors and teachers to the junior Marines they lead is the ultimate solution.

## 1. Program Overview

1.1.a. Authorizing Service regulations and/or instructions and dates of publication. The Marine Corps SAPR Program is governed by Marine Corps Order (MCO) 1752.5A, "Sexual Assault Prevention and Response (SAPR) Program," published 5 Feb 08. Additional guidance is published occasionally by the Commandant in the form of White Letters to commanders, or in All-Marine (ALMAR) General-Service (GENSER) message traffic to the Corps as a whole. Amplifying guidance or implementing instructions may be published from time to time by Deputy Commandants acting on behalf of the Commandant of the Marine Corps, using Marine Administrative (MARADMIN) GENSER messages.

1.1.a.1. Pertinent White Letters currently in effect are:

- 03-05, Collateral Misconduct in Sexual Assault Cases
- 02-09, Commanders' Responsibilities in Addressing Sexual Assault
- 03-09, Sexual Assault Guidance to Our Legal Community

1.1.a.2. Pertinent ALMARs currently in effect are:

- 013/04, Expectation of Ethical Conduct

1.1.a.3. Pertinent MARADMINs currently in effect are:

- 172/01, Personal Services - Interim Guidance
- 209/04, Marine Corps Criminal Offense Reporting and Disposition Policy
- 534/04, Chaplain Training on Sexual Assault Prevention and Response
- 248/05, Sexual Assault Response Coordinator (SARC) Training
- 490/05, Sexual Assault Case Disposition and Administrative Separation Review Level
- 564/06, Staff Judge Advocate (SJA) Sexual Assault Data Input Responsibilities
- 591/06, Pocket Leaders Guide for Managing Marines in Distress
- 112/07, Marine Corps Combat Operational Stress Control (COSC) Program
- 434/08, 2007 Marine Corps Climate Assessment Survey (MCCAS)
- 0112/09, Warfighter and Family Services (WFS) and Morale Welfare And Recreation (MWR) Program Category Change
- 0224/09, National Sexual Assault Awareness Month (SAAM)
- 0328/09, Inspector General of the Marine Corps (IGMC) Sexual Assault Prevention and Response (SAPR) Program Review

### **1.1.b. Definitions of terms or acronyms used**

#### **1.1.b.1. Terminology used in the Marine Corps program is generally consistent with that used Department-wide, with the following additions:**

**Command SARC.** The Sexual Assault Response Coordinator (SARC) appointed by the command's Commanding General, Installation, or Marine Air Ground Task Force Commander. The highest echelon command appointed SARC.

**Installation SARC.** The Installation SARC is responsible for tracking services provided to the victim from initial report of a sexual assault, through disposition and resolution of the victim's health and well being. The Installation SARC has oversight responsibility for the Victim Advocate; serves as chairperson of the case management review group; and provides regular updates to the installation commander. The Installation SARC may assist local tenant commanders in meeting annual sexual assault prevention and response training requirements. Note that installations are also commands.

**Uniformed Victim Advocate.** UVAs shall be appointed from the grade of Staff Sergeant or higher. UVAs will provide deployed Marines and attached Sailors who are victims of sexual assault with information, guidance and support. UVAs are available whenever a sexual assault occurs to provide victims with crisis intervention, safety planning, and support during medical exams and court proceedings.

**Unit SARC.** The Unit SARC is normally appointed by the commander of a large deploying maneuver formation, and performs the same functions as the command-level SARC, minus those normally performed by installation SARCs. The Unit SARC is responsible for tracking services provided to the victim from initial report of a sexual assault, through turnover of the case to the appropriate non-deployed SARC. The Unit SARC has oversight responsibility for the Uniformed Victim Advocate; tracks disposition of sexual assault cases within their area of responsibility; and provides regular updates to the commander. The Unit SARC is responsible for assisting commanders in ensuring completion of annual sexual assault prevention and response training requirements.

#### **1.1.b.2. Acronyms (with definition) used in the Marine Corps program are:**

**AIRS-** Automated Inspection Reporting System; the system by which IGMCM (see below) publishes and maintains inspection checklists used for assessment of commands and direct-reporting units.

**BEQ-** Bachelor Enlisted Quarters; housing for unmarried, or "geographic bachelor" (unaccompanied) enlisted Marines and sailors assigned to Marine units. Formerly known as "Unaccompanied Enlisted Personnel Housing."

**EAS-** Expiration of Active Service; date of release from active duty to a reserve component. Not to be confused with ECC, which denotes the end of an enlistment contract, generally thought of as "discharge date."

**IRR-** Individual Ready Reserve; one of the two classes of reserve considered to be the “Ready Reserve,” comprised of non-drilling members subject to mobilization.

**IGMC-** Inspector General of the Marine Corps; the Marine Corps name for the Deputy Naval Inspector General for Marine Corps Matters.

**JAM-** Judge Advocate Division, Military Law Branch

**LSSS-** Legal Support Services Section; the office providing legal support to commanders and the military justice system aboard USMC installations.

**MCMEDS-** Marine Corps Medical Entitlement Data System; a data system used to record eligibility of separating members for continued medical care/treatment after EAS or discharge.

**MCO-** Marine Corps Order; the Commandant’s method of providing specific direction to the Marine Corps.

**MFS-** Marine and Family Services; the Headquarters agency within Personal and Family Readiness Division of the Manpower and Reserve Affairs Department responsible for management and oversight of community services-based programs within the Marine Corps.

**MOS-** Military Occupational Specialty; individual’s job identification code. MOSs are organized into communities of related employment specialties, called “Occupational Fields.”

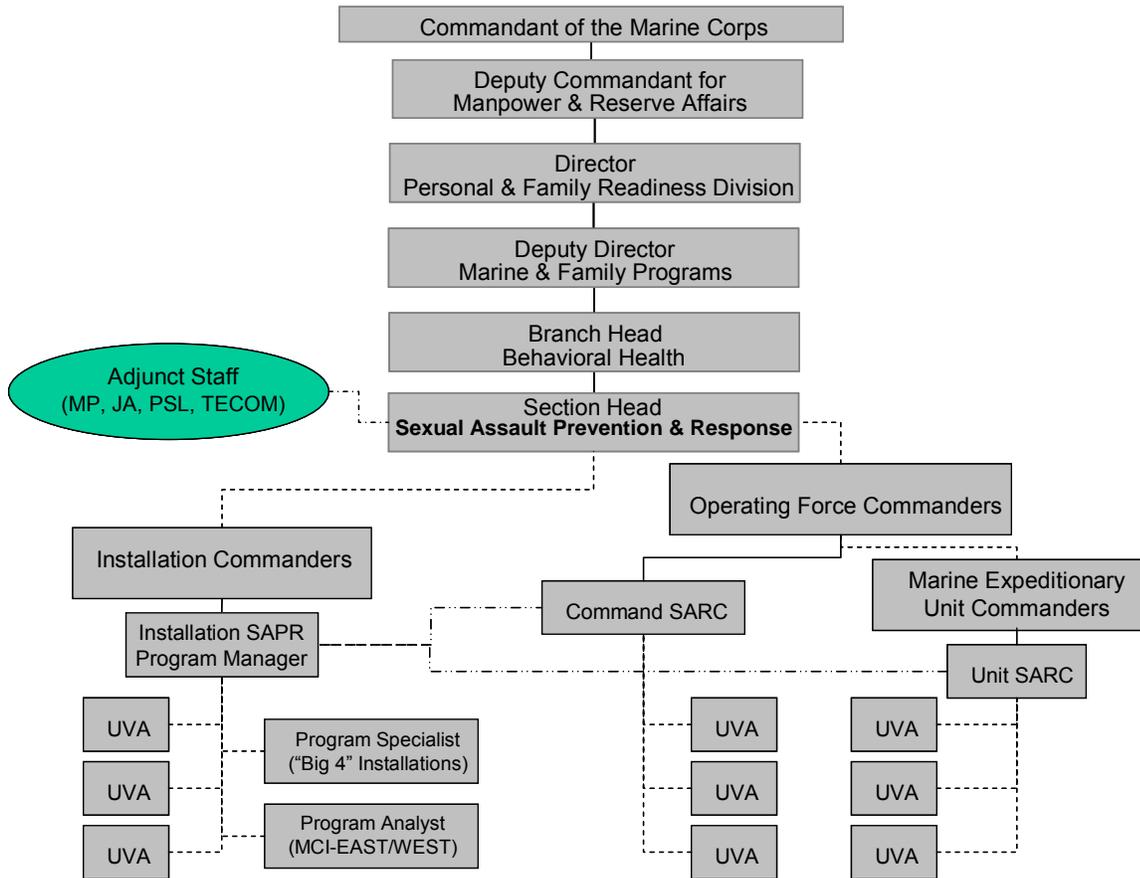
**SAIRD-** Sexual Assault Incident Reporting Database; the Marine Corps Sexual Assault Prevention and Response Section’s means of internally recording and tracking reports of sexual assault received from non-law enforcement members of the Sexual Assault Response Team (SART).

**SMCR-** Selected Marine Corps Reserve; one of the two classes of reserve considered to be the “Ready Reserve,” organized into units of regularly-drilling members.

**TECOM-** Training and Education Command; the agency within the Marine Corps Combat Development Command charged with development and maintenance of approved training and other programs of instruction for Marines. TECOM also has responsibility for Marine detachments administering to students at joint schools and tenant Marine schools located aboard another Service’s installation.

**UVA-** Uniformed Victim Advocate; military member trained to provide victim advocacy services to sexual assault victims in deployed environments.

1.1.c. General organizational structure of SAPR program:



1.1.c.1. The Marine Corps SAPR program is victim-centric, in that the direction each reported case takes depends in large part on the desires of, and the choices made by, the victim. Commanders are responsible for effective execution of their SAPR program. At the General Court-Martial Convening Authority (GCMCA) level, this responsibility is discharged by the Command or Installation SARC (see 1.1.b.1 above).

1.1.c.1.a. The Marine Corps' organization into Operating and Supporting Establishment elements is reflected in the normal duties of each. Operating force commands are normally supported by installations that provide the services required to maintain them in garrison. Services provided include the entire range of support and victim services required to effectively respond to sexual assault; therefore, the Installation SARC has a different focus than the Command SARC, who is responsible to their commander for administrative oversight of subordinate unit programs, management of cases reported by the command, and for ensuring the conduct of required training.

1.1.c.1.b. The operating force (Marine Expeditionary Force, or MEF) normally does not deploy in total, but rather as task-organized Marine Air Ground Task Forces (MAGTFs) tailored for specific missions and under operational control (OPCON) of the Combatant Command to which deployed. Each MAGTF, organized into Command, Ground Combat, Air Combat, and Combat

Logistics element, deploys with a SARC specially-trained to provide SARC functions for command and subordinate element UVAs (see 1.1.b.1 above) while the MAGTF is deployed. Upon return to the operating force commander's control, MAGTF SARCs stand-down and transfer pending cases to their Command SARC, who coordinates continuing case management with the Installation SARC.

1.1.c.1.c. Remote and isolated units, and other formations that may deploy in large detachments, may have a Unit SARC assigned upon request of the commander, at the discretion of the responsible GCMCA.

1.1.c.1.d. SARCs work directly for their commanders. Upon report of a sexual assault incident, the assigned UVA reports directly to the SARC on matters concerning the case to which assigned. The UVA works for the victim, based on victim desires, when matters concerning their support or treatment arise. Hence, the "chain of command" upon report of a sexual assault goes thusly: UVA to SARC to senior commander (GCMCA).

1.1.c.2. Marine Corps victims' reporting options and protections are the same in forward-deployed environments, to include combat zones, as they are in non-deployed environments with two exceptions: (1) Due to our expeditionary nature, the Marine Corps does not deploy civilian Victim Advocates – it deploys UVAs only; and (2) Sexual Assault Forensic Examination (SAFE) Kits are not held at all Medical Treatment Facilities (MTF) in deployed or combat environments. If a victim elects forensic examination, Naval Criminal Investigative Service (NCIS) provides the kit to the MTF and establishes a chain of custody.

1.1.d. Other personnel involved and their roles.

1.1.d.1. Chaplain support for the Marine Corps is provided via the U.S. Navy Chaplain Corps. Chaplains are assigned to every Marine Corps installation, as well as to all deploying formations at the Special Court-Martial Convening Authority level and higher. Chaplains provide the full range of pastoral counseling and care that accompanies privileged pastor-penitent communications.

1.1.d.2. Medical support for the Marine Corps is provided by the U.S. Navy's Bureau of Medicine and Surgery (BUMED), which operates various Naval Medical Centers, Hospitals, Branch Clinics, and Clinics at most Marine Corps installations. Additionally, similarly to Chaplains, medical personnel are assigned to every Marine Corps command, including Marine detachments in the formal schools system and most reserve commands.

1.1.d.3. The military criminal investigative organization (MCIO) that normally investigates felony crimes committed on Marines, by Marines or aboard Marine installations is the Naval Criminal Investigative Service (NCIS). The results of their investigations are generally used in a commander's consideration of whether to refer a case to an Article 32 investigation or dispose of it in some other fashion such as a Special or Summary Court-Martial, or non-judicially through Article 15, UCMJ (known as Non-Judicial Punishment or NJP).

1.1.d.4. Crimes not immediately apparent as felonious may be investigated by the Criminal Investigation Division (CID) of the installation's Provost Marshall's Office (PMO). These investigations may later be referred to NCIS, if so indicated during development of the fact pattern. Incidents investigated by CID may be disposed through non-judicial punishment, or adjudicated by Special or Summary Court-Martial, but are only very rarely sent to a General Court-Martial without first being referred to NCIS and the Article 32 process.

1.1.e. Other. Counseling services for victims are provided via Marine Corps Community Services.

## **2. Prevention Initiatives**

### **2.1. Please describe the policies, procedures, and initiatives implemented or advanced during FY09 to prevent sexual assault, including but not limited to:**

#### **2.1.1. Efforts by your Service to promote a culture of prevention**

2.1.1.a. Since 1996, the Marine Corps has used the Mentors in Violence Prevention – Marine Corps program, developed by Dr Jackson Katz of MVP Strategies, Inc., as a “train-the-trainer” resource delivered to Sergeants through Gunnery Sergeants (E-5 – E-7) for use in small unit leadership settings as a tool against inter-gender violence. Bystander intervention, the idea that those who witness “precursor” social behavior are best-positioned to positively influence the outcome, is the foundation of the Mentors in Violence Prevention concept. Beginning in 2005, MVP Strategies, Inc. was engaged to update the Mentors in Violence Prevention – Marine Corps program to widen the program's focus to include all inter-personal violence in particular, and unhealthy or risky behaviors, such as “binge drinking” or promiscuity, in general.

2.1.1.b. There have been a number of senior leadership engagements in FY 2009:

- Executive Off-Site brief (senior leaders, O9-O10)
- Indoctrination of nineteen select General Officers at DON SAPR Summit
- APMC-sponsored Marine Corps SAPR Operational Planning Team (OPT)
- Inspector General of the Marine Corps Sexual Assault Program Review
- Staffing authorization for fifteen Installation SAPR Program Managers
- Charter of a Sexual Assault Executive Steering Committee and Working Group and 30/90/180-day plan development
- Development of the USMC Strategic Communications Plan
- Issuance of two Commandant of the Marine Corps' White Letters

#### **2.1.2. Education and training initiatives**

2.1.2.a. Marine Corps Common Skills Program. All Marines in the grades of Gunnery Sergeant (E7) and below are required to certify their maintenance of certain military skills annually by completing the Common Skills Test. The test contains questions randomly selected from a pool of questions that relate to sexual assault prevention and response and evaluate their mastery of required annual training.

2.1.2.b. “Sex Signals” Program. Catharsis Productions, a nationally-recognized provider of innovative training delivered in a quasi-improvisational performance format, presented their original “Sex Signals” package to Marine audiences 15 times, exclusive of several visits to Kuwait and Iraq. With an average of 250 Marines per session, almost 4,000 Marines in 2009 were exposed to this engaging, myth-shattering exercise in effective inter-gender communications.

2.1.2.c. Staff Non-Commissioned Officer (SNCO) Academies. The Marine Corps revitalized its MVP-MC train-the-trainer program at the Staff Non-Commissioned Officer Academies in 2009, enabling 95 SNCOs to lead bystander intervention training among the junior Marines in their local units. MVP-MC is designed to give all Marines the tools required to effectively influence bystander behavior in potentially-negative social situations, so that positive outcomes result.

2.1.2.d. The Marine Corps released a prevention and awareness video, “CHOICES,” to coincide with the kick-off of Sexual Assault Awareness Month in April. The video is intended to supplement the instructor-led training provided to all Marines on at least an annual basis. The video includes an overview of the program, definitions, response personnel, and reporting procedures. It is designed to facilitate discussion, especially among junior Marines and Company-grade officers. The video also includes victim testimonials that illuminate the terrible, lasting and far-reaching effects sexual assault can have. Of particular note, the only professional actors used appear in a fictional scenario introducing the video. Shot on location in Quantico and at select Marine Corps installations, all other appearances in the video are by actual Marines or sailors, thus increasing the impact and retention potential among Marine viewers.

2.1.2.e. Values-based Training. Beginning in March, a working group with the Ground Training Branch (GTB) of Training and Education Command (TECOM) was formed to develop revisions to recruit training that would bring sexual assault and other behavioral-health-related training into line with the existing Core Values Training then being delivered to recruits. A workshop was held at the Marine Corps Recruit Depot, Parris Island SC in June. The resulting curriculum was refined by GTB, approved by TECOM, and offered to the Recruit Training Regiments at each Depot for inclusion in the recruit program of instruction as a replacement for Core Values Training. The new curriculum is called “Values-Based Training” and focuses on the whole character of new Marines and inculcates an integrated vision of expectations regarding behavior, both on and off-duty.

2.1.2.f. Distance Learning for Leaders. Understanding the nature of competing requirements and the need for focused attention on the role of leaders at all levels concerning supervision of junior Marines and the importance of role-modeling, an additional project was begun with GTB, to create a web-deliverable distance learning product for leaders that can be accessed anytime, anywhere with an Internet connection. This project began during the summer, and is still in development. A draft curriculum is in the review and approval stage, with construction/final acceptance expected in time for roll-out concurrent with Sexual Assault Awareness Month in April 2010.

2.1.2.g. Commanders’ Course. As a complement to the distance learning course for all leaders, a specific course of instruction is being developed for delivery to Special Court-Martial

Convening Authority level commanders (battalion, squadron or equivalent sized units and larger, generally Lieutenant Colonels and Colonels) during the semiannual Commanders' Course held at the Marine Corps University aboard Marine Corps Base Quantico.

### **2.1.3. Communications, social marketing, and media initiatives**

2.1.3.a. "MyDuty" Campaign. The Marine Corps participated fully in development of the MyDuty campaign designed in consultation with Men Can Stop Rape, whose MyStrength campaign is widely recognized for its effectiveness. Launched in conjunction with Sexual Assault Awareness Month 2009, the MyDuty campaign is forceful enough to stand alone as an ongoing social marketing effort. Current plans call for annual updates to maintain freshness.

2.1.3.b. Sexual Assault Awareness Month (SAAM). The Marine Corps continues to participate fully in development of themes, plans, and marketing campaigns in support of SAAM, as it has since 2005, the first full year of operation for the Sexual Assault Prevention and Response Section

2.1.3.c. Marine Corps SAPR Strategic Communications Plan. Developed as an outgrowth of the USMC SAPR OPT (see 2.1.4.a below) to facilitate education of leaders at all levels as to the myths and facts surrounding sexual assault, encourage training of Marines in effective measures for bystander intervention to prevent or mitigate the social conditions conducive to sexual assault, and demonstrate our commitment to service as the nation's prevention and risk reduction benchmark, the Marine Corps embraces strategic communications that target reinforcement of our Core Values at every turn, in all aspects of Marine life. These strategic communications affirm our belief that attention to basics is the most effective means of combating undesirable behavior; that small-unit leadership is the key to cultural change, and that empowering those in closest contact with the most at-risk population, our Non-Commissioned Officers, to become true mentors and teachers to the junior Marines they lead is the ultimate solution.

### **2.1.4. Work done to implement or support the Department's Sexual Assault Prevention Strategy**

2.1.4.a. Operational Planning Team (OPT ) with Recruit Training Regiment. As mentioned earlier, a workshop was conducted with representatives from the Ground Training Branch and the Recruit Depot at Parris Island SC to revise the program of instruction conducted in recruit training in order to better support the DoD prevention strategy as expressed in the 30 Sep 2008 document prepared under OSD-SAPR contract and presented to the Under Secretary of Defense for Personnel and Readiness.

2.1.4.b. Marine Corps SAPR OPT. At the close of the Department of the Navy's SAPR Summit in September, Marine Corps senior leadership conducted a one-day workshop with the intent of producing a broad plan for future work at the senior leader level. The workshop, sponsored and chaired by the Assistant Commandant of the Marine Corps (ACMC) and led by an operational-force commander, conducted a mission analysis with the prevention strategy at its focus. Output of the OPT included an outlined plan for further refinement, recommendation for establishment of an Executive Steering Committee (assisted by an Executive Working Group at the Col/SgtMaj

level), and Service Chief oversight at the 30/90/180-day marks for validation or possible refinement of guidance.

2.1.4.c . Sergeant Major of the Marine Corps (SMMC) Sexual Assault & Family Support Conference. An additional output of the OPT mentioned above was the recommendation that the SMMC demonstrate the same level of interest in solving this issue to the enlisted rank structure by hosting a conference. This conference will specifically examine ways the enlisted leadership can support the prevention strategy and advance the intervention and risk reduction training being developed and conducted, and make recommendations for consideration of senior leadership. The same subject matter experts who provided detailed information and assistance at the SAPR OPT will be available for this conference, currently scheduled for mid-December.

**2.1.5. Subject Matter Experts consulted and involved (at a Service level)**

2.1.5.a. MVP Strategies, Inc.

2.1.5.a.1. Jackson Katz, PhD (Principal)

2.1.5.a.2. Daryl Fort (Facilitator, former Maine Director of Community Development)

2.1.5.a.3. Jeff O'Brien (Facilitator)

2.1.5.b. Catharsis Productions

2.1.5.b.1. Gail Stern (Co-founder, Education Director)

2.1.5.b.2. Christian Murphy (Co-founder, Artistic Director and Director of Operations)

2.1.5.c. Anne Munch, Esq. (faculty, American Prosecutors Research Institute)

2.1.5.d. David Lisak, PhD (Assoc. Professor of Psychology, Univ. of Massachusetts (Boston))

**2.2. Please describe any plans in place at the conclusion of FY09 for Service actions slated for FY10 related to the prevention of sexual assault**

2.2.a. Sergeant Major of the Marine Corps (SMMC) Sexual Assault & Family Support Conference. Tentatively scheduled for mid-December, the Sergeant Major of the Marine Corps will host a conference of Force-level Command Sergeants Major and their spouses to consider initiatives specifically targeting sexual assault and other family support topics, and develop recommendations for consideration by senior leadership.

2.2.b. SAPR Program Specialists. The SAPR Program Managers at the three USMC regional commands (MCI-EAST, MCI-WEST, MCB Japan) will be assisted by Program Specialists whose prime mission is to develop and manage relationships with local resources, plan and execute regional marketing campaigns to enhance awareness, and coordinate the activities of the various stakeholders from the sexual assault response community as they relate to responding to victim needs.

2.2.c. SAPR Program Analysts. The SAPR Program Managers at MCI-EAST and MCI-WEST will additionally be assisted by Program Analysts whose primary function will be to analyze data concerning reported sexual assaults and identify/track any trends. They will also assist in the conduct of research

### **3. Response Initiatives, Capabilities, and Challenges**

#### **3.1. Please describe the policies, procedures, and initiatives implemented or advanced during FY09 to respond to or improve the response to allegations of sexual assault**

3.1.a. Installation SAPR Program Managers. Staffing authorization actions were completed for hiring of fifteen Installation SAPR Program Managers. This initiative was modeled after the USAF staffing metric of providing a fulltime SARC for each installation with more than 1,000 service members assigned. The SAPR Program Managers will be responsible for administering the program aboard their installation, designing and delivering training tailored to unit needs, coordinating and liaising between service providers both on and off base, and executing an effective local community outreach program.

3.1.b. Revision to Policy Directive. The Marine Corps Order governing the SAPR program within the Marine Corps (MCO 1752.5A) is under revision. Several recent changes to Marine Corps implementation of the program indicated need for several refinements to, amplifications of, or creation of new, policy. These changes are all designed to improve response to victims, reinforce effectiveness of training, and enhance accountability.

3.1.c. Judge Advocate Division (JA). JA Division has been actively engaged in improving the quality of sexual assault litigation and support to victims in FY 09. The Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) has been instrumental in this process throughout the year, personally participating in the recent DON Sexual Assault Summit and the subsequent Marine Corps' Operational Planning Team. In addition, the SJA to CMC has dedicated the Deputy Branch Head, JAM as the permanent judge advocate liaison to the USMC SAPR Office. This field grade officer has been actively involved with SAPR policy development and attorney training at every level from OSD-SAPRO working groups and the Department of the Navy, Sexual Assault Advisory Counsel working groups (DON SAAC) to the individual trial counsel or legal support personnel in the Marine Corps. JA Division currently has several outstanding projects to improve sexual assault litigation and support to victims including, 1) a proposal to hire a sexual assault litigation expert to improve sexual assault litigation across the Corps and provide continuity in the JA Division, SAPR liaison section; 2) development of a joint interactive training program for the improvement of sexual assault litigation; and 3) a proposal to develop a Marine Corps Trial Counsel Assistance Program at JAM to enhance overall litigation support to the field.

#### **3.2. Steps taken to publicize reporting options or encourage the reporting of sexual assault by Service members, including but not limited to:**

##### **3.2.1. The number of personnel trained to be “first responders” to sexual assaults (including criminal investigators, law enforcement, medical personnel, judge advocates, VAs, SARCs, and chaplains)**

3.2.1.a. Criminal Investigators – NCIS provides MCIO support; see Navy input.

3.2.1.b. Law Enforcement – 115 USMC CID agents received baseline SAPR training.

3.2.1.c. Medical Personnel – U.S. Navy (BUMED) provides medical support; see Navy input.

3.2.1.d. Judge Advocates – 137 SJAs received refresher training.

3.2.1.e. Victim Advocates – 834 uniformed and civilian victim advocates were trained

3.2.1.f. SARCs – 72 full-time civilian and collateral-duty SARCs were trained.

3.2.1.g. Chaplains – 166 of 288 Chaplains have completed sustainment training.

**3.2.2. Efforts to provide trained personnel, supplies, and transportation to deployed units to provide appropriate and timely response to reported cases of sexual assault**

3.2.2.a. Uniformed Victim Advocates (UVA). Because of our expeditionary nature, the Marine Corps does not employ civilian Victim Advocates in forward-deployed, non-permanent locations. All deploying Marine formations at the battalion, squadron, or equivalent-sized unit level are required by Commandant of the Marine Corps directive to deploy with at least two trained UVAs.

3.2.2.b. Unit Sexual Assault Response Coordinators (SARC). Units that routinely deploy large detachments in support of operations may, upon request of the commander and at the discretion of the General Court-Martial Convening Authority, deploy with a Unit SARC in addition to the UVAs organic to the organization. The Unit SARC's primary function is to provide the same SARC services to unit UVAs while deployed that the Command SARC would provide at the home duty station: senior command notification on Restricted Reports, database entry if required, tracking of services provided to victims, conduct of required unit training, etc.

3.2.2.c. Pre-deployment Training. Deploying Marine formations are required to conduct all-hands training specific to the Area of Responsibility (AOR) or theater in accordance with Department of Defense policy. This training is to include special emphasis on risk-reduction challenges within the AOR, cultural awareness training concerning the locations expected to be visited during the deployment, and procedures to be used in the event of an incident.

3.2.2.d. Field Expedience. In the combat area of interest, two process flowcharts were developed to distribute as reference sheets for all agencies and units covered under MNF-W. The most important task was to initiate contact with new units very shortly after arrival, and thereafter maintain good contact information and communication with all organizations involved in sexual assault response and reporting.

**3.2.3. Information regarding supply inventory results, as well as the location/availability of supplies, trained personnel, and transportation resources to support deployed units in responding to cases of sexual assault**

3.2.3.a. The Naval Criminal Investigative Service holds Sexual Assault Examination kits for on-call use when necessary. In accordance with BUMEDINST 6310.11, continuous capability to

provide victim services and perform SAFEs is required, regardless of location. Availability of transportation to support response for victims in deployed units is always contingent upon safety, operational necessity, environmental conditions, and tasking/sortie rate of platforms.

**3.2.4. Information regarding the number of victims whose care was hindered due to lack of available Sexual Assault Forensic Examination (SAFE) kits or other needed supplies**

3.2.4.a. No victim care was hindered because of a lack of SAFE kits. The number of nurses available to perform exams for sexually assaulted victims minimally impacted care. Additionally, victims were sometimes left to wait in the main ER room with all of the other patients. This was upsetting to them and the VAs. We addressed this issue with the Hospital and resolved the problem. A special room has been set aside for SA victims.

**3.2.5. Information regarding the number of victims whose care was hindered due to the lack of timely access to appropriate laboratory testing resources: None**

**3.3. Please discuss Unrestricted and Restricted Reporting process challenges encountered, as well as the solutions your Service developed and implemented, during the past fiscal year within the context of:**

**3.3.1. Joint environments**

3.3.1.a. Joint Basing. The one case to date at a joint-basing training command was a student, and the assault was reported 3 weeks after the incident. The Marine Corps “tenant” command saw late reporting as a challenge caused by one of two reasons; making the victim feel comfortable coming forward, or SA program awareness. The “host” command has now incorporated a class on sexual assault as part of their welcome aboard brief to all students.

3.3.1.b. Combatant Commands. None reported.

**3.3.2. Combat Areas of Interest**

3.3.2.a. Not all units arrived in theater with the required number of UVAs/SARCs trained and assigned as directed. MNF-W took advantage of quarterly UVA and DSARC training conducted by MNC-I at Victory Base Camp in Baghdad.

**3.3.3. Tracking victim services**

3.3.3.a. Recruiting Environment. It is difficult to get contact information when the victim is a minor or is not in the USMC.

- The purpose of the contact is to make sure that local civilian advocacy has been provided and that the victim knows there is an advocate on the base where the military legal process will take place.

- If the victim doesn't want an advocate through the legal process, we may not know the outcome of the case until legal is contacted.

### **3.3.4. Restricted Reporting in any environment**

3.3.4.a. Recruiting Environment. In the recruiting world there have been no restricted cases and may never be.

- It is usually the command who finds out about an incident first, or the local police.
- UVAs normally contact victims to offer assistance and try to direct them to the correct local entities.
- California still requires medical authorities to report to law enforcement, making restricted reporting limited to “support services only” until their laws change.

3.3.4.b. California's mandatory reporting laws severely hinder successful application of the Restricted Reporting option for victims who seek services in California. This also impacts victims from Arizona for whom the nearest military treatment facility is in California. Senior Marine Corps leadership intends to engage on this issue.

### **3.3.5. Other (Please explain)**

3.3.5.a. Recruiting Environment. The majority of cases in the recruiting world are not Marine-on-Marine incidents. During the last year, only one has been reported. Most of the victims are civilians who are applicants or poolees. Process issues include:

- Ensuring units follow the process. Commands with the best intentions still start internal investigations before contacting the SARC or the UVA. The SARC has spoken at the Commanders Conference and stressed their reporting responsibilities.
- UVAs have a difficult time assisting civilian victims. UVAs contact them initially and offer reference to local care facilities, but more often than not victims want NO other contact from the UVA.

## **4. Program Oversight Activities**

### **4.1. Please provide a description of how your Service executes its oversight of the SAPR program. Please include a synopsis of the formal processes, participants, and data collection activities that support oversight of the program**

4.1.a. Sexual Assault Incident Reporting Database (SAIRD). Frequent reviews of submitted reports in SAIRD assist in validation of the data collected. Certain fields are mandatory, and reports are required to be submitted as “final” within 30 days, to allow for collection of information that may not be immediately available when an incident first occurs. A report of delinquency is forwarded monthly to each SARC with oversight responsibility for those reports.

4.1.b. Command/Unit Inspection Program (CIP/UIP) conducted by the Inspector General of the Marine Corps (IGMC). All Marine Corps reporting units (formations with Joint Operational Planning and Employment System (JOPEs) Unit Identification Codes (UIC)) are inspected with a fair degree of rigor either triennially for formations under command of a General Court-Martial Convening Authority or biannually for formations reporting directly to a Deputy Commandant as staff agencies of Headquarters, U.S. Marine Corps. The inspections are conducted by subject matter experts drawn from throughout the Marine Corps, using checklists developed by the various functional area program managers at Headquarters.

4.1.c. Sexual Assault Study conducted by Readiness Division, IGMC. From late-May through late-August the Readiness Division of IGMC led a worldwide study of sexual assault in the Marine Corps on behalf of the Naval Inspector General. The study team visited 29 Marine Corps installations and operating locations worldwide, conducted 169 focus groups comprised of over 1700 uniformed and civilian Marines, interviewed more than 500 individuals and conducted a web-based anonymous survey with over 40,000 respondents. Data analysis continues, and while a preliminary draft has been provided to leadership, the final report has not yet been submitted.

**4.2. Please describe the oversight activities that have taken place during the past fiscal year with the methods or approaches you use to perform oversight, including but not limited to the documentation and outcomes of:**

**4.2.1 Participation in DoD Policy Assistance Team Visits**

4.2.1.a Accession-level training at Marine Corps Recruit Depot Parris Island, SC. The Marine Corps Sexual Assault Prevention and Response Office provided subject matter expertise in participation with the Policy Assistance Team (PAT) visit to observe recruit training at the Marine Corps Recruit Depot, Parris Island SC in June. The PAT observed the newly-revised training that was partially a result of the Values-Based Training OPT mentioned earlier.

4.2.1.b Commander training at Marine Corps Base Quantico, VA. In October, the PAT visited the Commanders' Course conducted by the Marine Corps University at Marine Corps Base Quantico. This evolution was a pilot intended to incorporate the features common to all behavioral health issues into one holistic approach. The final report of this team visit has not yet been submitted for comment.

**4.2.2. Program management reviews**

4.2.2.a. Command/Unit Inspection Program (CIP/UIP) conducted by the Inspector General of the Marine Corps (IGMC). Please refer to response 4.1.b, above.

4.2.2.b. Sexual Assault Study conducted by Readiness Division, IGMC. From late-May through late-August the Readiness Division of IGMC led a worldwide study of sexual assault in the Marine Corps on behalf of the Naval Inspector General. Please refer to response 4.1.c, above.

**4.2.3. Available results or common findings and recommendations of Inspector General (IG) inspections of the program**

4.2.3.a. Trends. All commands and direct-report units inspected thus far, except one, have been found Mission Capable, indicating compliance with the letter of directive guidance. Public display of current contact information for responders (SARC, UVA) has been inconsistent. Not all commanders have issued policies regarding mandatory use of The Commander's Protocol for Responding to Allegations of Sexual Assault. Many units have not been conducting training that complies fully with directive; relying on mass, "all hands" training events based on briefing slides, rather than on small group guided discussion using scenarios. Component commanders have not been asked to verify oversight of pre-deployment training by the Combatant Commands to which they furnish forces.

#### **4.2.4. Steps taken to address recommendations from past external oversight activities, such as those performed by Government Accountability Office (GAO) or DoD/Service IG**

4.2.4.a Government Accountability Office engagement # 351324 & 351062. The following enhancements to existing programs and policies were in development and/or being implemented prior to and/or during GAO 351062, and will be completed as noted.

- Sep 09-Oct 09 – Assistant Commandant-directed SAPR Operational Planning Team completed and briefed to Oct 09 Marine Corps General Officer Symposium. Results include establishment of an Executive Steering Committee under the direction of the Assistant Commandant, chaired by an operational Force commander, and supported by an Executive Working Group comprised of Col/Sgt Maj-level subject matter experts from throughout the Marine Corps.
- Aug 09 – Began process to establish billets and assign SAPR Program Managers at installations with troop concentrations at or above 1,000 Marines. The SAPR Program Managers are being recruited and trained.
- Jun 09 – A complete revision to Marine Corps Order (MCO) 1752.5A, "Sexual Assault Prevention and Response" (as opposed to a Change) is in progress, and will reflect recent changes to Department of Defense Directive (DoDD) 6495.01 and Department of Defense Instruction (DoDI) 6495.02. Complementary changes to the IGMC's Automated Inspection Reporting System (AIRS) checklist are also in coordination.

4.2.4.a.1. SAPR training takes place in four primary environments; responder, accession, annual and awareness, and in professional military education (PME). Training program enhancements, some of which are currently in-progress, have been programmed for:

- Accession training. Revisions to Core Values training at boot camp and Officer Candidate School (OCS) incorporate a personal responsibility-focused value system under an umbrella curriculum called Values-Based Training. Values-Based Training is in use at boot camp and being introduced at OCS.
- The Office of the Deputy Commandant for Manpower & Reserve Affairs (DC M&RA) Personal and Family Readiness Division, Marine and Family Services Branch, SAPR

Section (MRRS) is a contributing participant to the Values-Based Training development working group in partnership with Training and Education Command's (TECOM) Ground Training Branch.

- Annual Training revisions focus on reinforcement of the Values-Based Training begun in boot camp, through small-group interaction and scenario-driven role playing emphasizing bystander intervention.
- SAPR Awareness training will include a variety of delivery formats incorporating adult learning theory proven effective with the target demographic, i.e., first term Marines, Corporal and below, aged 18-24. Bystander intervention training will also be evaluated as part of the IGMC inspection program.
- The Mentors in Violence Prevention (MVP) program provides the foundation for the PME Values-Based Training; the “sustainment” phase of the curriculum. This phase reflects a tiered approach keyed to each level of responsibility. The “sustainment” phase will begin with development of a distance learning product targeted for publication by Mar 2010.

4.2.4.a.2. Secretary of the Navy (SECNAV)-directed review concluded in Sep 08. Consistent with review findings and available resourcing, the Marine Corps has begun “porting” training into media consistent with adult learning theory (Internet, Podcast, etc.), beginning with development of a distance-learning course for small unit leaders; and will begin developing audience-specific training (leader, commander, individual). This approach recognizes that one-third of the Marine Corps is in transit at any given time – either between duty stations, en route to or from training, transitioning to or from civilian life, deploying or redeploying. Leveraging media to augment “in person” training increases the probability that 100% of the Corps will complete annual SAPR training.

4.2.4.a.3. The Marine Corps participated in the joint working group that drafted the Defense Sexual Assault Integrated Database (DSAID) design concept. The working group included SAPR, investigative and legal subject matter experts (SME) from all four services; as well as OSD, Joint Staff, and Reserve and National Guard representatives.

4.2.4.a.4. The Services have always collaborated on SAPR program development and administration. The OSD Sexual Assault Advisory Council (SAAC) Subcommittees also provide a forum for joint collaboration. As necessary, the SAAC Subcommittee Co-Chairs may also form joint working groups under the aegis of the appropriate SAAC Subcommittee to identify and develop solutions to these common issues. The SAAC Subcommittees or their respective working groups have studied and/or developed joint solutions to a variety of issues

- A Policy and Accountability Subcommittee working group examined the issue of certifying eligibility of National Guard and Reserve component victims upon demobilization and recommended that line of duty determinations be based on victim preference statements. The recommendation was adopted.

- The Policy and Accountability Subcommittee’s Legal and Investigative Working Group established common definitions of data elements related to sexual assault investigations and case dispositions. These definitions were used when designing DSAID.
- At the request of the Joint Staff J-1 representative, the Policy and Accountability Subcommittee’s Joint Environment Policy Working Group recommended a series of policy changes to facilitate SAPR program support in the Combatant Commanders’ (COCOM) areas of responsibility (AOR).

4.2.4.b. DoDIG Project No. D2008-D000CE-0221 (ongoing). This project, begun in 2008, is believed to be the only one extant over the past fiscal year. Its subject concerns contractor sexual assault support in deployed environments. The final report has yet to be issued. The Marine Corps has no contractors forward deployed, although it makes every attempt to provide services for them when the need arises.

## 5. Research and Data Collection Activities

**5.1. Please describe the research and data collection activities that have taken place within your Service during the past fiscal year. Please do not include the activities you have already discussed in the “Program Oversight Activities” section. The activities you discuss in this section should include but not be limited to:**

**5.1.1. The initiation or execution of any survey for the purpose of informing or improving Service SAPR programming, including highlights of available findings**

5.1.1.a. Sexual Assault Study conducted by Readiness Division, IGMC. From late-May through late-August the Readiness Division of IGMC led a worldwide study of sexual assault in the Marine Corps on behalf of the Naval Inspector General. The study included a web-based anonymous survey, open from 1 June through 31 August. Over 40,000 Marines and sailors assigned to Marine units responded. Data analysis continues and, although a preliminary draft has been provided to Marine Corps and Department of the Navy leadership, the final report has not yet been released.

**5.1.2. The initiation or execution of any empirical research or evaluation project to inform or improve Service SAPR programming, including highlights of available findings**

5.1.2.a. Sexual Assault Study conducted by Readiness Division, IGMC. From late-May through late-August the Readiness Division of IGMC led a worldwide study of sexual assault in the Marine Corps on behalf of the Naval Inspector General. The study team visited 29 Marine Corps installations and operating locations worldwide, conducted 169 focus groups comprised of over 1700 uniformed and civilian Marines, and interviewed more than 500 individuals. Analysis of findings continues, and although a preliminary draft has been provided to Marine Corps and Department of the Navy leadership, the final report has not yet been released.

**5.1.3. Formation of active partnerships with other Federal agencies, non-Federal agencies, and/or organizations for the purpose of research and evaluation in conjunction with SAPR program activities:** None

**5.1.4. Other**

## **6. Discussion and Lessons Learned**

**6.1. Please provide a summary discussion of the progress made and challenges confronted by your Service in FY09, including but not limited to:**

**6.1.1. Lessons learned in FY09**

6.1.1.a. California's mandatory reporting requirement continues to be a problem for victims wanting to make Restricted Reports in California. SOLUTION: Despite engagement of OSD-SAPRO by the California Coalition Against Sexual Assault (CalCASA) for assistance in promoting their position with the state's legislative Assembly, the statute remains unaltered.

6.1.1.b. Not all units arrived in Iraq with the required number of UVAs/SARCs trained and assigned as required by the MCO. SOLUTION: MNF-W took advantage of quarterly UVA and DSARC training conducted by MNC-I at Victory Base Camp in Baghdad.

6.1.1.c. Sexual assault victim late reporting (3 weeks) is a challenge. Late reporting seems generally caused by one of two reasons; victim not comfortable coming forward, or lack of SAPR program awareness. SOLUTION: Command incorporated SAPR training as part of the welcome aboard brief to students.

6.1.1.d. Recruiting Environment. Issues within Recruiting are different from a command where all units are centrally located. Additionally, the nature of the business and the environment increase opportunities for making poor decisions. Cases are more difficult to track because (1) the victims are usually civilians, (2) the local police often investigate vice NCIS, and (3) NCIS agents do not know the SARC and vice versa. Serving as a collateral duty SARC does not allow time to visit units and ensure the command is providing adequate training. SOLUTION: This issue has been resolved with the hiring of the SAPR Program Manager. However, because of California laws and how spread-out recruiters are, we need better connection with civilian counterparts.

6.1.1.e. Joint Command Environment. The following characteristics of one Marine Component Command are considered to be major obstacles to conduct of a SAPR Program to the fullest extent:

- The Command is located in a major metropolitan area not located aboard any military installation.
- There is no military medical treatment facility capable of performing a SAFE in the area. Combatant Command HQ has a clinic, but it is not staffed to perform SAFE.

- Personnel of this Marine Component Command reside throughout two very large counties.
- In these two counties there are in excess of 24 different civilian law enforcement agencies that could have jurisdiction in any particular sexual assault case. Negotiating Memoranda of Understanding (MOU) with all surrounding civilian law enforcement agencies is not practical.

The above circumstances make it extremely difficult to ensure the Restricted Reporting option is available to a Marine sexual assault victim. SOLUTION: To counter this, Marines of this Component Command have been advised that if at all possible, should they become a victim of sexual assault, they should contact either the Marine UVA or SARC as soon as practical. In taking this action, the UVA can become engaged soonest and attempt to provide all aspects of the Marine Corps' Sexual Assault Prevention Program as possible.

6.1.1.f. Uniformed Victim Advocates Work. The deployed UVAs maintain a critical role – there were two UVAs in 2d Marine Division who escorted victims from the AOR to CONUS this year in order to ensure safety, medical and counseling needs were met.

#### **6.1.2. Status of FY09 plans described in last year's report**

6.1.2.a. The Marine Corps embarked on several initiatives in a continuous improvement process for its Sexual Assault Prevention and Response program:

- The Marine Corps is in the final stages of acquiring and training fulltime civilian personnel to manage the SAPR program at its installations with a troop concentration of at least 1,000.
- The collateral duty billet of Sexual Assault Response Coordinator (SARC) has been identified on the Table of Organization and Equipment (TO&E) at four installations, and will be for each installation and command associated with a General Court-Martial Convening Authority. This will allow tracking of trained personnel as they move about the Corps and facilitate manpower management. Still in progress.
- The Sexual Assault Incident Reporting Database was revised to include the new data elements identified by the Sexual Assault Advisory Council for collection.
- The Marine Corps participates fully in continuing development of the “MyDuty” campaign promoting risk reduction and bystander intervention. This ongoing, annually updated campaign will again be featured during Sexual Assault Awareness Month 2010.
- Training development continues. “CHOICES,” the USMC Sexual Assault Awareness video, has been converted to a web-delivered format and is in the process of becoming an

interactive training package to accompany presentation and to assist in documenting training completion.

6.1.2.b. Training for Trial Counsel. In the area of providing training for trial counsel prosecuting sexual assault cases, the Marine Corps has taken several steps in the past year. The USMC SAPRO Military Training Team (MTT), along with the Deputy Branch Head, JAM completed a world-wide tour of all Marine Corps regions to provide SAPR and sexual assault litigation training for all Marine judge advocates. JA Division also sent over 35 judge advocates to various continuing legal education (CLE) courses specifically targeting the litigation of sexual assault cases, purchased numerous publications and training materials for each Marine legal office to support local training initiatives, and is currently working on additional training projects detailed below:

- World-wide SAPR training for Judge Advocates: JAD and USMC SAPRO Mobile Training Team (MTT) conducted world-wide SAPR and sexual assault litigation training for all USMC Judge Advocates from October 2008 to May 2009. The course included separate periods of instruction on sexual assault victim responses, strategies for preparing victims for trial, sex offenders (including sexual assault types and prevalence), forensic evidence in sexual assault cases, preparation of expert witnesses, VWAP policy and procedures, and DoD and Marine Corps SAPR policy. The MTT provided training for Marine JA's in California, North Carolina, South Carolina, Colorado, Hawaii, and Okinawa and Iwakuni, Japan.
- Additional training initiatives for Marine JA's: In FY 09, JAD requested and received funding from DOD, Navy JAG and the DOJ Office for Victims of Crime (OVC) to improve ability to prosecute sexual assault cases and used/or is using funding for the following projects:
  - DOD SAPRO funded the Services for development of joint sexual assault litigation training for judge advocates. USMC used funds to contribute to a joint online training course (below), to purchase publications for sexual assault litigation, and to fund travel for judge advocates counsel to three sexual assault litigation courses.
  - Requested and received Navy JAG Corps funding to send 29 Marine judge advocates to Naval Justice School's new Litigating Sexual Assault cases in April 2009.
  - Requested and received over \$80,000.00 funding from the Office for Victims of Crime (OVC) to conduct Victim Witness Assistance Program training over next 5 FY.

**6.1.3. Plans for FY10, including the discussion of:**

6.1.3.a. Restricted Reporting. Senior Marine Corps leadership has indicated intent to engage on possible Federal exceptions to mandatory reporting laws, especially as regards California.

6.1.3.b. Advocacy. The Marine Corps has increased funding and plans to implement strategic communications in support of our Advocates.

6.1.3.c. Prevention and training. The SAPR Executive Steering Committee (ESC) and its supporting Working Group (EWG) were chartered specifically to address development of training enhancements. Consistent with Secretary of the Navy (SECNAV)-directed review findings and available resourcing, the Marine Corps has already begun “porting” training into media that supports adult learning theory (Internet, Podcast, etc.), beginning with development of a distance-learning course for small unit leaders; and will begin developing audience-specific training (leader, commander, individual). This approach recognizes that one-third of the Marine Corps are always in transit – either between duty stations, en route to or from training, transitioning to or from civilian life, deploying or redeploying. Leveraging innovative media to supplement “live” training increases the probability of completion. For descriptions of other prevention and training plans for FY 2010, please refer to response 4.2.4.a.1.

6.1.3.d. Research and surveys. 2010 should see the next iteration of the Workplace and Gender-Relations Survey conducted by the Defense Manpower Data Center. Several recognized experts from academe have been added to ESC membership in advisory roles.

6.1.3.e. Oversight activities. The inspection checklist will be revised to include verification that the types of training being conducted are in compliance with DoD policy, in addition to simple confirmation that training is merely being conducted.

6.1.3.f. Healthcare/forensic exams. U.S. Navy (BUMED) provides medical support; see Navy input.

6.1.3.g. Investigative. Department of the Navy (DON, via NCIS) provides military criminal investigative support; see DON input.

6.1.3.h. Legal. Development of Online/DVD Joint Sexual Assault Training for prosecutors: A group of sexual assault litigation experts from each Service (SJA to CMC rep) is currently developing an online sexual assault training course for prosecutors. The training will include 22 modules on how to prosecute a sexual assault case from start to finish. Virtual interviews with actors will simulate victim interviews, briefs to commanding officers and all phases of the trial from preferral of charges to closing and sentencing arguments. The course will likely be ready for deployment by mid to late FY10. The SAPR ESC/EWG will perform an assessment to determine SME requirements.

6.1.3.i. Chaplain. U.S. Navy (CHC) provides religious program support; see Navy input.

6.1.3.j. Mental health. U.S. Navy (BUMED) provides mental health support; see Navy input.

6.1.3.k. Counseling. An assessment of victim services will be conducted. Staffing and training requirements for Victim Advocates will undergo evaluation. An automated case management system for advocate use will be procured.

# **Fiscal Year (FY) 2009 Sexual Assault Statistical Report for Sexual Assaults in the Military**

## Part 1. UNITED STATES NAVY

### **1. Analytic Discussion**

**1.1 Please provide an analytic discussion of your Service's Statistical Report. This section should include such information as:**

- **Notable changes in the data since fiscal year 2008 (in percents)**
- **Possible explanations for changes, or lack of change, in data**
- **Implications the data may have for programmatic planning, oversight, and/or research**
- **Others (Please explain)**

#### **United States Navy (USN)**

In Fiscal Year 2008 (FY08), the Naval Criminal Investigative Service (NCIS) reported 334 unrestricted sexual assault investigations for the U.S. Navy (USN). In Fiscal Year 2009 (FY09), NCIS reported 405 unrestricted sexual assault investigations for the USN. This reflects an increase of 71 unrestricted reports - 21% - from FY08 to FY09. Similarly, there were 188 investigations opened and closed in FY08 and compared to 231 opened and closed investigations in FY09, an increase of 23%.

In Fiscal Year 2008 (FY08), there were 155 restricted reports of sexual assault (including 14 reports that were changed to unrestricted), for a year end total of 141. In Fiscal Year 2009 (FY09), there were 173 restricted reports of sexual assault (including 20 that converted to unrestricted), for a year end total of 153. This reflects an increase of 18 restricted reports - 10% from FY08 to FY09. In FY08, 9% of the restricted reports converted to unrestricted compared to 11.5% of the restricted reports in FY09 converted to unrestricted.

#### **Analysis**

The Navy recorded 71 more Unrestricted Reports in FY09 than in FY08, and 16 more restricted reports of sexual assault in FY09 than in FY08. The Marine Corps reported 83 more Unrestricted Reports for the same period. The data is interpreted as a positive development. Notably, it is not viewed as indicative of an increase in criminal behavior for two reasons. First, the Department of the Navy did not previously report sexual assault investigations conducted by other departmental law enforcement agencies. Inclusion of cases handled by other departmental law enforcement agencies (other than NCIS) accounts for 24 Unrestricted Report investigations in the Navy and 18 in the Marine Corps. Second, and more importantly, the increase in reporting indicates that DON education efforts are working and more Sailors and Marines are coming forward to seek help and access the services that are available to them. There were SAPR programmatic changes and increased training on the restricted reporting option and the differences between unrestricted reporting which may have impacted command climates and

helped to reduce barriers and stigma to report. It remains notable that most Navy victims who choose restricted reporting choose to keep the report restricted – 90% in FY08 and 88% in FY09 so there is not an investigation and they can continue to receive advocacy, counseling, and medical care.

During FY09, there was a strong education campaign, Navy/Marine Corps-wide, to educate Sailors, Marines and civilians about sexual assault reporting options (Restricted and Unrestricted), services available to victims of sexual assault, and crime prevention. Training focused on defining criminal behavior so that more personnel within the Department better understand and recognize a sexual assault. As Sailors and Marines receive this training and become better educated about the SAPR program, they have begun to report their sexual assault victimization in larger numbers. By way of example, male victim reports nearly doubled in FY09 and rose from 9% in FY08 to 17% in FY09. Review of the individual case investigations suggests that the increase is due to male victim awareness and willingness to report offenses vice a dramatic rise in criminal behavior.

The data coupled with the training and education suggests that the awareness campaign will continue to drive up numbers of reports as the programs reach a wider audience. Offenders rely on the victims to question their own actions leading to acquaintance assault/rape and to remain silent. By teaching our target audience to recognize the crime of sexual assault, they will no longer question their own behavior and report crimes that occur. Further, through comprehensive education on support and treatment programs available, victims will be more likely to seek out the benefits of those programs. However, the awareness campaign will also serve to drive numbers down in the long term as the target audience becomes more aware of inappropriate behavior and avoids enabling behavior.

As the number of reports increases and is expected to continue to do so in the coming years, both Navy and Marine Corps are actively working to improve the handling and disposition of sexual assault cases by all personnel involved in the military criminal justice system. For example, in FY09, NCIS worked routinely with agents in the field to improve investigative skills and procedures that emphasize detail oriented, concise, timely and complete sexual assault investigations. As the sexual assault reports increase, more field agents will be required to work sexual assault investigations. NCIS is presently offering an Advanced Training in sexual and family oriented investigations that will allow specialized agents to be resident experts in working sexual assault investigations.

NCIS is also working closely with the Office of the Judge Advocate General (OJAG) and HQMC, Judge Advocate Division to improve its investigatory and adjudicative products.

## **2. Unrestricted Reporting**

**2.1. Victim Data Discussion and Analysis. This section should include an overview of such information as:**

- **Type of offenses**
- **Demographic trends**
- **Service referrals**

- **Experiences in Combat Areas of Interest**

### **United States Navy – Type of Offenses (USN)**

Reports of rape comprised only 15% of all sexual assault offenses reported in FY09. As in previous years, the largest category of offenses reported for the USN was aggravated sexual assault, which comprised 43% of all reports received in FY09. The vast majority of these cases involved alcohol, as this is the charge that criminalizes intercourse with a victim who is too intoxicated to consent. The second largest category of reported offenses was wrongful sexual contact at 20%. For the 231 completed investigations, there were 249 victims. Of the 249 victims, 17% reported being victims of rape, 32% reported being victims of aggravated sexual assault and approximately 25% of all victims made allegations of wrongful sexual contact.

### **Demographic Trends**

Approximately 55% of reports were made within three (3) days of the incident occurring. An additional 26% of reports were received within 4-30 days. The longer a victim waits to report an incident, the more challenging evidence collection and the investigation become.

The weekends were the heaviest reporting periods with Saturdays and Sundays comprising 40% of when incidents occurred.

In FY08, 91% of all sexual assault victims were female for the USN. In FY09, the number of female victims dropped to 83% of all victims. This change in demographics may indicate that males are becoming more comfortable reporting their victimization than they were in the past. Although we cannot say with certainty why this change occurred, it corresponds with the general increase in reporting and again suggests that sexual assault prevention and awareness efforts are working and encouraging more victims to come forward.

No significant changes were noted in the rank structure or age of victims between FY09 and FY08. In FY09, approximately 63% of all sexual assault victims were E-1's to E-4's, compared to 62% in FY08. In FY09, the largest age category of victims was 20-24 years of age (43% of all victims). Similarly, in FY08 20-24 year old group was also the largest category of victims at 44%.

In the USN, the percentage of FY09 Service Member on Service Member sexual assaults increased to 62% from 59% in FY08. Therefore a majority of sexual assaults remain Service Member on Service Member. Alcohol involvement and underage drinking remains relevant in a majority of the cases.

### **Service Referrals**

A total of 1568 referrals were made for victims with unrestricted reports of sexual assault. This includes 1039 referrals made to military facilities (399 to military medical, 407 to military counseling, and 233 to military legal) and 529 referrals were made to civilian facilities (226 to civilian medical, 224 to civilian counseling, and 79 to civilian legal). There were also 81 cases

where SAFE kits were conducted and 18 cases where SAFE kits or other supplies were not available at the time of the victim exam. There were 109 military victims who received service referrals for incidents that occurred prior to military service. The majority of the referrals were made to military facilities.

### **Combat Areas of Interest**

Twenty-two total unrestricted sexual assault investigations were generated from the Combat Areas of Interest via USN reporting. Sixteen investigations were completed during FY09. There were a total of 19 victims in the 16 investigations. Seventy-nine percent (79%) of the victims were female, with 89% of the victims being members of the USN. One victim was a Marine and one a civilian. Demographically, reports from Combat Areas of Interest are quite similar to reports for the USN overall, with E1-E4 being the largest rank category for victims (53%) and 20-24 year olds comprises the largest age group at 53% of all victims. Of the subjects in these reports, 6 were foreign nationals and 8 were unknown.

The locations of the incidents varied, due most likely to the nature of the Navy's mission. Bahrain had 6 sexual assault reports, Iraq and the United Arab Emirates (UAE) each had 5, Kuwait had 3, Jordan had 2 and Djibouti had 1. The Navy did not receive any reports from Afghanistan.

### **Analysis**

The differences in the locations of the sexual assaults in the Combat Areas of Interest between the USN and the USMC are understandable due to the mission and deployment locations of each branch of service.

The data provided via the Combat Areas of Interest shows no major differences between either branch of service when reviewing full sexual assault reporting data. The statistics for each branch of service in the Combat Areas of Interest mirror the data as presented in the full report. Demographics on victim gender, rank, and age are fairly consistent for both branches of service even when broken down into the Combat Areas of Interest.

Both service reports indicate that aggravated sexual assault is the number one reported sexual offense, followed by wrongful sexual contact. The occurrence of other sexual offenses varied some between the USN and the USMC. Overall it appears that aggravated sexual assault within the Department of the Navy (DON) is the primary sexual offense being reported and investigated.

**2.2. Subject Data Discussion and Analysis. This section should include an overview of such information as:**

- **Demographic trends**
- **Disposition trends**
- **Experiences in Combat Areas of Interest**

**United States Navy (USN) Subject Demographic Trends**

Demographic trends inform prevention and awareness efforts; therefore, we examine these in terms of the most recent reports. Data analyzed in this section was culled from Unrestricted Reports opened and closed in FY09 as these are the most recent cases for which we have completed data. There were a total of 260 subjects in 231 sexual assault investigations initiated and completed in FY09 for the USN. Of the 260 subjects 193 (74%) were members of the USN. Only 2% of the subjects were from other Services.

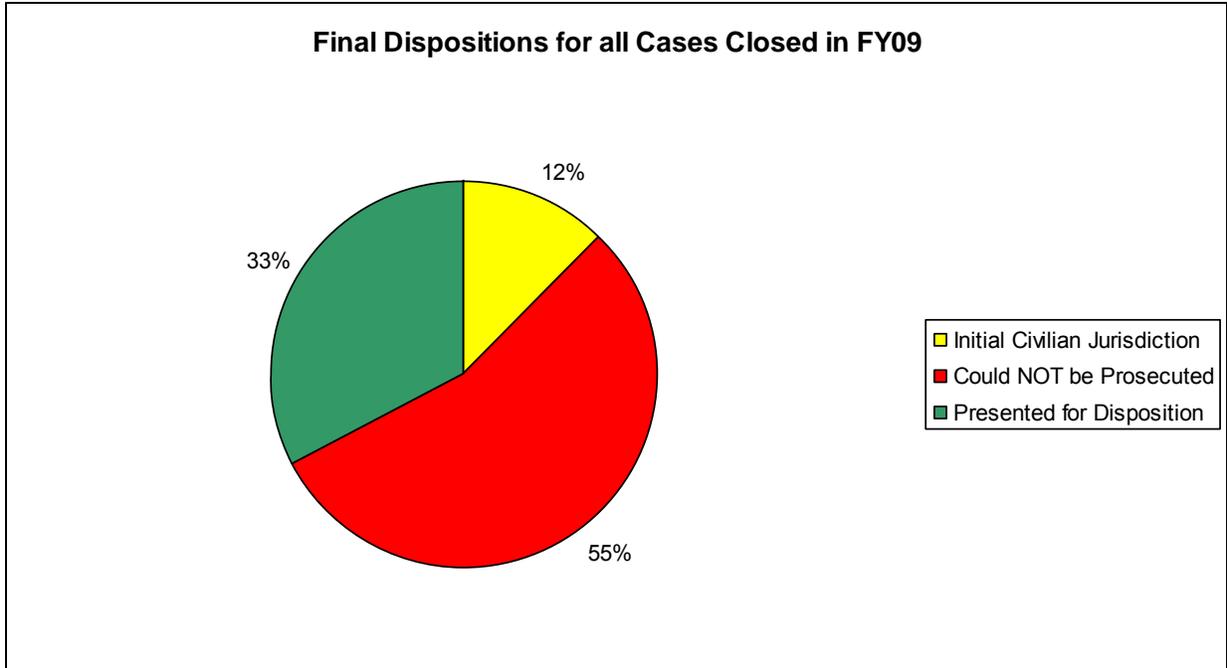
One percent (1%) of the suspects were female, a slight increase from FY08, when 0.5% of the suspects were female. Ninety-five percent (95%) of the suspects were male, with the remainder being unknown.

Of interest are the age categories, which indicate the suspects in sexual assault investigations tend to be slightly older than victims. The largest age group was 20-24 (21%) followed closely by 25-34 years of age at 15%.

The largest rank for suspects in sexual assault investigations is E-1 to E-4 at 35%, followed by E-5 to E-9 at 16%.

**Disposition Data**

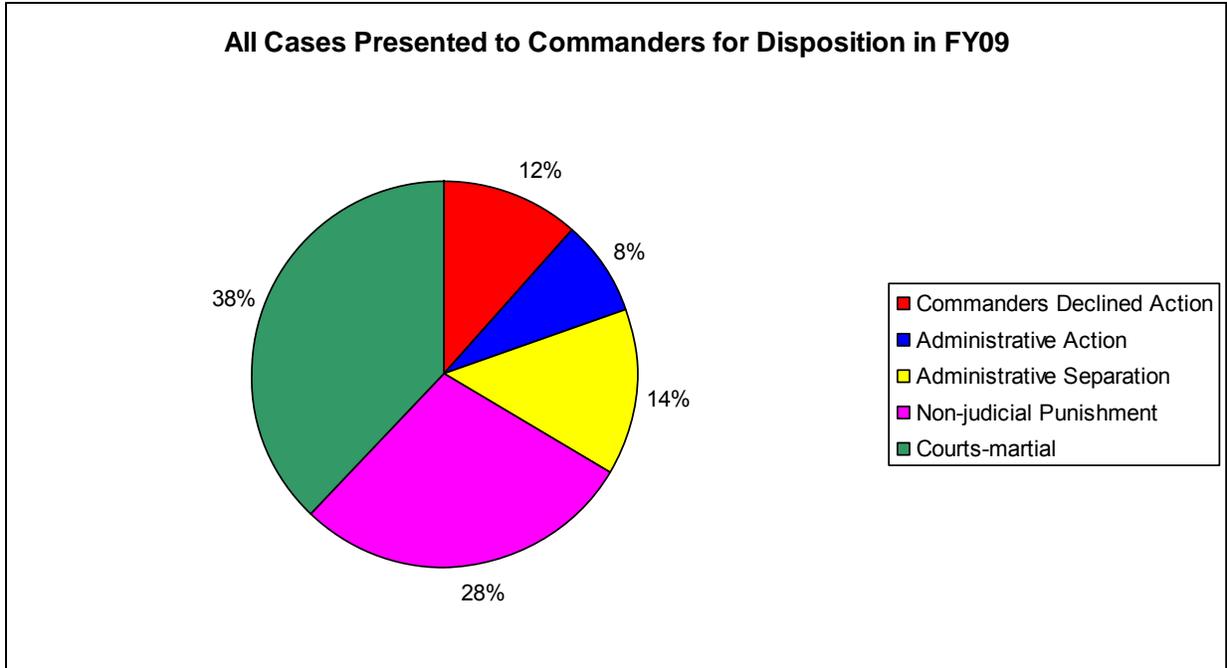
Disposition data must be examined in terms of all cases closed during a time period vice all cases opened and closed. Thorough investigations and successful prosecutions require time, particularly in serious and complex cases; therefore, examining only cases opened and closed in a fiscal year excludes analysis of the more egregious reports received, and as a practical matter all cases reported in the last quarter of the fiscal year. For the sake of accuracy in this section, we have included all dispositions in sections D and E of the matrix (final dispositions in Unrestricted Reports opened and closed in FY09 and final dispositions in Unrestricted Reports received prior to FY09). By doing so, we are able to present a complete and accurate picture of military justice for sexual assault cases in FY09.



**Could not be prosecuted** - In FY09, there were 419 final dispositions for subjects accused of sexual assault. Fifty-five percent (232) of the subjects could NOT be prosecuted for the following reasons: lack of jurisdiction (i.e., civilian subjects not subject to UCMJ) (23), the offender was unknown (33), the allegation was unfounded meaning it was false or the allegation did not meet the elements of a sexual assault offense (33), probable cause existed only for a non-sexual assault offense (9), the subject died (2), evidence was insufficient (52) or the victim declined to cooperate with investigation and / or prosecution (80).

**Initial civilian jurisdiction** - In 50 of the remaining 187 cases, civilian authorities initially assumed jurisdiction. Of these 50 cases, 11 were either pending or the disposition was unknown at the time this report was written. NCIS files indicate that civilian authorities deemed 5 cases to be unfounded and victims declined to cooperate in 4 cases. Of the remaining 30 cases, in which disposition was known, charges were filed in 12 cases or 40% of cases. Further analysis is not possible due to lack of information regarding these cases.

**Presented for disposition** - As a result of the foregoing, 137 of the remaining subjects were presented to commands for a disposition decision. Commanders declined action in 16 cases pursuant to RCM 306(c) (1). Of the remaining 121 subject cases, courts-martial charges were preferred (initiated) against 52 subjects, non-judicial punishment was imposed on 39 subjects, 19 subjects were administratively discharged and other administrative actions were taken against 11 subjects. In other words, courts-martial charges were preferred in 38% of the cases in which any type of action was possible.



This data demonstrates that in those cases where Navy commanders had the option to take some form of administrative or disciplinary action against offenders, they chose to do so in the overwhelming majority of cases.

### **Experiences in Combat Areas of Interest – USN – Subjects**

The USN had 20 total subjects in the 16 sexual assault investigations initiated and subsequently completed in FY09 for the USN. Only six (6) or 30% of the known subjects were in the USN. A larger percentage, (65%) were either not in the military or were unknown.

There were seven (7) subjects or 65%, which had recordable demographics. Of those seven, 14% were between the ages of 20-24 and 57% were between the ages of 25-34.

Six (30%) of the total subjects were foreign nationals.

The locations of the incidents varied, due most likely to the nature of the Navy’s mission. Iraq and Bahrain had the highest number of sexual assault incidents at 28% each, followed by the United Arab Emirates (UAE) at 23% and Kuwait at 14%. The Navy did not have any incidents in Afghanistan.

### **Analysis**

The figures indicate that subjects tend to be a little older than their victims, yet most still fall within the lower enlisted range (E-1 to E-4).

For the USN, of the 113 total military subjects presented to Command for a disposition decision,

38 or 34% of the investigations were reported to lack sufficient evidence to proceed further. For the USMC, out of 70 total military subjects presented to Command for disposition only 5 or 7% of the investigations were reported to have insufficient evidence of any crime.

Both victim and subject data indicates that investigations occurring in the Combat Areas of Interest appear to replicate the overall findings reference demographics, offenses and adjudication in most instances. For the Combat Areas of Interest for the USN, Victims declining to participate is as high, or higher (40%) than in the general report. The USMC did not have any victims declining to participate in the Combat Areas of Interest. Three out of four subjects in the USMC cases in the Combat Areas of Interest had dispositions of Courts-Martial Charge Preferred, which is 75% of the USMC investigations worked in those areas.

**2.3. Reporting Data Discussion and Analysis. This section should include an overview of such information as:**

- **Trends in descriptive information about Unrestricted Reports (e.g., did more reported incidents occur on/off installation, etc.)**
- **Investigations**
- **Experiences in Combat Areas of Interest**

**USN Trends - Descriptive Data**

Statistics for the USN concerning the location of the offense (on-base vs. off-base) were very consistent with statistics from FY08. It is also evident that the reported number of incidents occurring on-base versus off-base is almost evenly distributed when it comes to location of incident. In FY09, 48% of the sexual assault incidents were reported as occurring off-base and 49% were reported as occurring on-base. The locations for the remaining investigations were unknown. In FY08, off-base incidents accounted for 46% of the reports and on-base accounted for 49% of reported sexual assaults.

As stated above, most of the sexual assault reports were made within 30 days (81%). The weekend was the heaviest incident period (Saturday and Sunday) at 40%. When Friday is added as an incident day, the number increases to 51%. Over half of all reported sexual assaults in the Navy for FY09 occurred during the weekend period (Friday-Sunday).

Most sexual assaults occurred in the late evening/early morning hours. Of the 405 total reported sexual assaults, 151 occurred at unknown times. Using only known times (254 incidents); the following statistics can be ascertained. Fifty percent of incidents where the time is known occurred between midnight to 6 am. Another 34% occurred between the hours of 6pm to midnight. Of the known sexual assault incident times, 84% occurred between the hours of 6pm to 6am, which is usually considered non-duty hours.

**Investigations – USN**

In FY09, 405 Unrestricted Sexual Assault investigations were initiated. Of those, 231 were opened and closed (completed) during FY09. The completed investigations had 260 subjects and 249 victims.

Of 231 investigations, 196 were completed investigations involving Service Members as victims. Fifty-two Service Member victims (active duty) declined to participate in any judicial action. This is a rate of 26.5%. The reasons victims declined to prosecute are unknown but could stem from a multitude of issues, whether it lies in services available to victims, the investigatory process, the adjudicative process, the command climate or a combination of these factors.

### **Combat Areas of Interest – USN**

NCIS does not work sexual assault investigations any different in Combat Areas of Interest. Sexual assault investigations are handled the same whether they occur CONUS, OCONUS or in a deployed war zone. The statistics presented in this report indicate that the demographics and trends of sexual assaults in the Combat Areas of Interest replicate those in the general overall report. There were not any vast differences or anomalies noted in the Combat Areas of Interest.

### **Analysis**

Trends in demographics, offenses, adjudication and Combat Areas of Interest have remained fairly constant between FY08 and FY09. The statistics vary slightly between services (USN and USMC) but overall, the results are fairly similar.

Sexual assault victims in the DON are mainly represented in the E-1 to E-4 category and are young, with the largest age group comprising 20-24 year olds. Subjects were also highly concentrated in the E-1 to E-4 ranges. Most offenders, like victims, were also within the 20-24 year old age bracket, but more subjects appeared to fall within the 25-34 year old age category than is reported via the victim demographics. There were obviously many more subjects without known demographic information than victims. Therefore, the statistics provided for subjects may not be as accurate as that for victims.

Well over 50% of all sexual assaults occur over the weekend period (Friday – Sunday) and between the hours of 6pm and 6am. In many circumstances this period of time is considered non-duty time.

There was not a large difference noted between off-base and on-base incidents, but they were more equal in the USN than in the USMC. The USMC showed a slightly higher On-base occurrence of sexual assaults.

All sexual assault investigations are worked in the same manner, irrespective if the investigation involves USN or USMC personnel. All investigations follow the same policies and protocols whether CONUS, OCONUS or within the Combat Areas of Interest. Therefore the way an investigation is conducted and reported will have no impact on demographics, trends, or dispositions.

## **3. Restricted Reporting**

**3.1. Victim Data Discussion. This section should include such information as:**

- **Type of offenses**
- **Demographics trends**
- **Service referrals**
- **Experiences in Combat Areas of Interest**

**Types of Offenses - USN**

NCIS/Security personnel are not involved in restricted cases. SARCs are not required to indicate the types of offenses for restricted reports because the type of offenses would be based on self reports of the victims which may not be accurate. Self reports by victims describing the offense may or may not meet the definition and criteria of the UCMJ offense. The role of SARCs is to focus on providing support (referrals to advocacy, medical, and counseling services) and case management rather than focus on the type of offense.

**Demographic Trends**

Approximately 53% of the restricted reports were made within three (3) days of the incident occurring. An additional 27% were received within 4-30 days. It was noteworthy that 10 reports out of 171 (does not include Combat Areas of Interest) were received longer than 365 days after the assault. Generally, those reports are of sexual assaults that occurred prior to active duty.

As with unrestricted reports of sexual assault, most restricted reports, 34% were received on the weekends.

In FY08, 86% of all sexual assault victims making a restricted report were female for USN. In FY09, 85% of all victims making a restricted report were female.

In FY08, 24% of sexual assault victims making a restricted report were between 16-19 years of age. In FY09, 32% of all victims making a restricted report were between 16-19 years of age so there was an increase of victims under age nineteen. Statistically, the range for victims making a restricted report in FY08 and FY09 between ages 20-24 was the same. It was 46% (20-24 years of age) for FY08 and 45% for FY09.

There were changes in the rank structure of victims making restricted reports in FY09 and FY08, however it is difficult to determine the statistical difference because in FY08 there were 62 victims whose rank/grade were "unknown." In FY08, 45% of the victims were E1 - E-4 and in FY09, 76% of the victims were E-1 – E-4.

The percentage of FY09 Service Member on Service Member restricted reporting sexual assaults increased to 70% from 67% in FY08.

**Service Referrals**

Service referrals were primarily made to military facilities for counseling and medical. In FY09 42 referrals were made to military facilities; 17 to medical, 23 for counseling (primarily at the Fleet and Family Support Center with clinical counselors), and 2 to legal.

### **USN – Combat Areas of Interest**

Two restricted reports were made in Combat Areas of Interest in FY09. The same number (2) of restricted reports were made in FY08 (CAI). Both years, the reports were Service Member on Service Member. In FY09 both incidents occurred on the military installation whereas in FY08 both incidents occurred off of the installation. In FY08, the victims were older and more senior in rank: 25-34 years of age and their grades were E-5 – E-9 and W01 – W05. In FY09, the victims were 20 - 24 years of age and 25- 34 and both were E5 – E-9.

### **3.2. Reporting Data Discussion. This section should include such information as:**

- **Trends in descriptive information about Restricted Reports (e.g., did more occur reported incidents occur on/off installation, etc)**
- **Experiences in Combat Areas of Interest**

In FY09, 65% of the sexual assault occurred off of the installation compared to 70% occurring off of the installation in FY08. Most sexual assaults reported as restricted reports were reported within 3 days of the sexual assault; 54% of the sexual assaults in FY09 were made within 3 days of sexual assault and 56% in FY08. As stated earlier, 67% of the restricted reports of sexual assault were Service Member on Service Member in FY08 compared to 71% Service Member on Service Member in FY09. That is statistically similar to unrestricted reports (70% were Service Member on Service Member in FY09).

### **Combat Areas of Interest**

There were two total restricted reports in Combat Areas of Interest for both Fiscal Years. In FY09, both restricted reports of sexual assault occurred off the military installation. In FY08, both restricted reports occurred on the installation. During both Fiscal Years, the restricted reports in Combat Areas of Interest occurred between Service Member on Service Member.

## **4. Service Referrals for Victims of Sexual Assault**

### **4.1. Unrestricted Report Referral Data Discussion. This section should include such information as:**

- **Summary of referral data**
- **Combat Areas of Interest referral data**
- **Discussion of any trends of interest identified in referral data**

### **Summary of referral data**

A total of 1568 referrals were made for unrestricted reports cases. This includes 1039 referrals made to military facilities (399 to military medical, 407 to military counseling, and 233 to

military legal). Five hundred twenty-nine (529) referrals were made to civilian facilities (266 to civilian medical, 224 to civilian counseling, and 79 to civilian legal).

### **Combat Areas of Interest**

Thirty one (31) referrals were made for unrestricted reports in Combat Areas of Interest. Thirty of the referrals were made to Military facilities (11 for medical, 13 for counseling, and 6 for legal). The one referral made to a Civilian facility was for counseling.

### **Trends**

The majority of all service referrals for victims of sexual assault with unrestricted reports are to military facilities.

#### **4.2. Restricted Report Referral Data Discussion. This section should include such information as:**

- **Summary of referral data**
- **Combat Areas of Interest referral data**
- **Discussion of any trends of interest identified in referral data**

As stated in 3.1, Service referrals were primarily made to military facilities for counseling and medical. In FY09 42 referrals were made to military facilities; 17 to medical, 23 for counseling (primarily at the Fleet and Family Support Center with clinical counselors), and 2 to legal.

There were 13 cases where SAFEs were conducted, and there were 25 cases where SAFE kits or other needed supplies were not available at the time of the victim's exam.

### **Combat Areas of Interest**

Service referrals in Combat Areas of Interest were made to military facilities. There were two restricted reports of sexual assault for Navy in Combat Areas of Interest.

### **Trends**

For FY09 for both restricted and unrestricted reports of sexual assault, the primary referral for counseling was to military facilities and the majority of counseling was provided by Clinical Counselors at the Fleet and Family Support Center. The SARC also works at the installation Fleet and Family Support Center which is conducive and effective for victim's access for counseling.

FY09 is the first year that there have been any cases reports where SAFE kits or other needed supplies were not available at the time of the victim's exam. This fact will be researched to determine the locations and information regarding these reports.

**4.3. Service Referrals for Non-Military Victims Data Discussion. This section should include such information as:**

- **Summary of referral data**
- **Combat Areas of Interest referral data**
- **Discussion of any trends of interest identified in referral data**

Navy reported one (1) service referral for a non-military victim to a civilian facility. In FY10, Navy will have an automated Case Management System to effectively capture all case information.

# **Fiscal Year (FY) 2009 Sexual Assault Statistical Report for Sexual Assaults in the Military**

## Part 2. UNITED STATES MARINE CORPS

### **1. Analytic Discussion**

**1.1 Please provide an analytic discussion of your Service's Statistical Report. This section should include such information as:**

- **Notable changes in the data since fiscal year 2008 (in percents)**
- **Possible explanations for changes, or lack of change, in data**
- **Implications the data may have for programmatic planning, oversight, and/or research**
- **Others (Please explain)**

#### **United States Marine Corps (USMC)**

In FY08 NCIS reported 216 Unrestricted Sexual Assault investigations for the U.S. Marine Corps (USMC). In FY09, NCIS reported 299 Unrestricted Sexual Assault investigations for the USMC. This reflects an increase of 83 Unrestricted Reports - 38% - from FY08 to FY09. In the USMC, there were 105 investigations opened and closed in FY08 and 135 investigations opened and closed in FY09, reflecting an increase of 29%.

The proportion of "non-Service Member" or "unknown" victims decreased from 38% in FY08 to 25% in FY09.

#### **Analysis**

The Navy recorded 71 more Unrestricted Reports in FY09 than in FY08 while the USMC reported 83 more Unrestricted Reports for the same period. The data is interpreted as a positive development. Notably, it is not viewed as indicia of an increase in criminal behavior. First, the Department of the Navy did not previously report sexual assault investigations conducted by other departmental law enforcement agencies. Inclusion of cases handled by other law enforcement agencies (other than NCIS) accounted for 24 Unrestricted Report investigations in the Navy and 18 in the Marine Corps. Second, and more importantly, the increase in reporting indicates that DON education efforts are working and more Sailors and Marines are coming forward to seek help and access the services that are available to them.

During FY09, there was a strong education campaign, Navy/Marine Corps-wide, to educate Sailors, Marines and civilians about sexual assault reporting options (Restricted and Unrestricted), services available to victims of sexual assault and crime prevention. Training focused on defining criminal behavior so that more personnel within the department better understand and recognize a sexual assault. As Sailors and Marines receive this training and become better educated about the SAPR program, they have begun to report their sexual assault victimization in larger numbers. By way of example, male victim reports nearly doubled in

FY09 and rose from 9% in FY08 to 17% in FY09. Review of the individual case investigations suggests that the increase is due to male victim awareness and willingness to report offenses vice a dramatic rise in criminal behavior.

The data coupled with the training and education suggests that the awareness campaign will continue to drive up numbers of reports as the programs reach a wider audience. Offenders rely on the victims to question their own actions leading to acquaintance assault/rape and to remain silent. By teaching our target audience to recognize the crime of sexual assault, they will no longer question their own behavior and report crimes that occur. Further, through comprehensive education on support and treatment programs available, victims will be more likely to seek out the benefits of those programs. However, the awareness campaign will also serve to drive numbers down in the long term as the target audience becomes more aware of inappropriate behavior and avoids enabling behavior.

As the number of reports increases and is expected to do so in the coming years, both the Navy and Marine Corps are actively working to improve the handling and disposition of sexual assault cases by all personnel involved in the military criminal justice system. For example, in FY09, NCIS worked routinely with agents in the field to improve investigative skills and procedures that emphasize detail oriented, concise, timely and complete sexual assault investigations. As the sexual assault reports increase, more field agents will be required to work sexual assault investigations. NCIS is presently offering an Advanced Training in sexual and family oriented investigations that will allow specialized agents to be resident experts in working sexual assault investigations.

NCIS is also working closely with the Office of the Judge Advocate General (OJAG and HQMC, Judge Advocate Division to improve its investigatory and adjudicative products.

### **Implications the data may have for programmatic planning, oversight, and/or research**

The major implication is that we are headed in the right direction. Programs begun as pilots may now qualify for additional fiscal resources.

## **2. Unrestricted Reporting**

**2.1. Victim Data Discussion and Analysis. This section should include an overview of such information as:**

- **Type of offenses**
- **Demographic trends**
- **Service referrals**
- **Experiences in Combat Areas of Interest**

### **United States Marine Corps – Type of Offenses (USMC)**

Reports of rape comprised only 9% of all sexual assault offenses reported in FY09, while aggravated sexual assault remained the largest category of sexual assault offenses reported at

51%. The majority of the aggravated sexual assault cases (as in the Navy numbers) involved alcohol. The second largest case category of reported offenses was wrongful sexual contact at 24%. The 135 completed USMC investigations had a total of 143 victims. Marine victims reported various types of sexual assaults in the following percentages: 46% aggravated sexual assault, 31% - wrongful sexual contact, 10% - rape, 4% - non-consensual sodomy, and 2% abusive sexual contact.

Of the total reported incidents, 55% were characterized as Service Member on Service Member.

### **Demographic Trends - USMC**

Upon review of the FY09 statistics, it was noted that 56% of all USMC sexual assault investigations were reported within 3 days of the incident, an increase of 5% over FY08. Twenty percent (20%) were reported within 4-30 days and only 4% were reported over one year past the date of the incident. It is important to note that most reports are timely, which can be a vast benefit for investigators.

Weekend reporting (Saturday and Sunday) comprise 40% of all USMC reports generated.

Unlike the USN, which showed a larger number of male victims, the USMC stayed constant from FY08 to FY09. The number of female victims listed in FY08 were 91% and in FY09 the number of female victims is 91.6%, an almost an imperceptible increase.

The largest rank represented as victims is the E-1 to E-4 category. In FY09, 55% of all victims were E-1 to E-4 in the USMC reports. In FY08 that number was 48%, which shows a slight increase in victims coming from the lower rank structure.

There was minimal change in age groups, with the largest group in FY08 and FY09 being the age group of 20-24 year olds. In FY08 the same age group comprised 43% of all victims and in FY09, comprised 46% of all victims.

There was a slight increase in the number of “service member on service member” investigations. In FY08 that category comprised 51% of all investigations and in FY09 that number comprised 55% of all USMC investigations.

### **Service referrals**

There were a total of 370 referrals, for victims making unrestricted reports, to either military or civilian resources for medical, counseling or legal services.

### **USMC – Combat Areas of Interest**

The USMC had seven (7) total Unrestricted Sexual Assault investigations in the Combat Areas of Interest during FY09, none of them for rape. Four (4) investigations were completed for FY09. The USMC reported a total of 6 sexual assault victims from the 4 completed investigations, 100% of which were female. An equal number of victims were between the

ages of 16 and 19 (33.3%) and 20-24 (33.3%). 71% were reported within 3 three days; 57% of them occurred between 0001-0600; 57% occurred on Saturday. The majority of the victims (66.6%) were E-1 to E-4.

Most of the sexual assault offenses occurred in Iraq (67%), with 28% occurring in Afghanistan.

## **Analysis**

The differences in the locations of the sexual assaults in the Combat Areas of Interest between the USN and the USMC are understandable due to the mission and deployment locations of each branch of service.

The data provided via the Combat Areas of Interest shows no major differences between either branch of service when reviewing full sexual assault reporting data. The statistics for each branch of service in the Combat Areas of Interest mirror the data as presented in the full report. Demographics on victim gender, rank, and age are fairly consistent for both branches of service even when broken down into the Combat Areas of Interest.

Both service reports indicate that aggravated sexual assault is the number one reported sexual offense, followed by wrongful sexual contact. The occurrence of other sexual offenses varied some between the USN and the USMC. Overall it appears that aggravated sexual assault within the Department of the Navy (DON) is the primary sexual offense being reported and investigated.

### **2.2. Subject Data Discussion and Analysis. This section should include an overview of such information as:**

- **Demographic trends**
- **Disposition trends**
- **Experiences in Combat Areas of Interest**

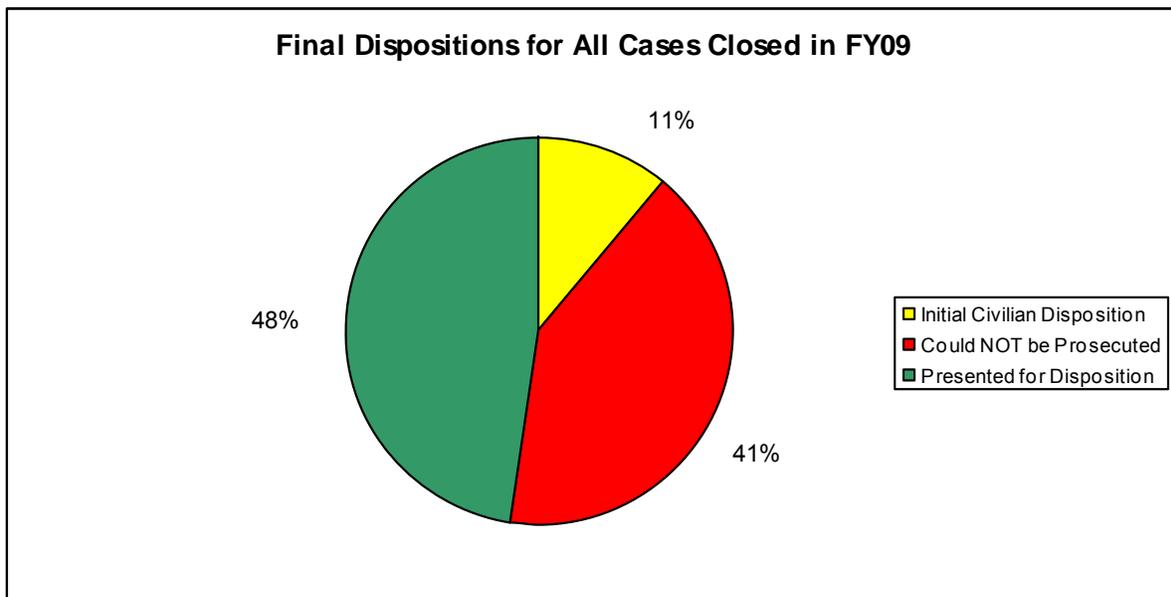
### **United States Marine Corps – Subject Demographic Trends**

The USMC had 146 subjects in 135 sexual assault investigations initiated and subsequently completed in FY09 for the USMC. Of the 146 subjects, 88% were members of the USMC. Only 2% of the subjects were from other services and the rest are either unknown or civilians. The USMC investigations had 0.7% female subjects (one). In FY08 the USMC did not have any reported female offenders.

Of the subjects who had reportable demographic information, 64% were E-1 to E-4 and 17% were E-5 to E-9, which shows a high concentration of enlisted member subjects (81% total). Of the known offenders, 44% were between the ages of 20-34, with a breakdown of 29% within the age range of 20-24 and 15% within the age range of 25-34. This statistic, like the USN, shows that the ages of subjects tend to be a slightly higher than the age of victims.

**Disposition data**

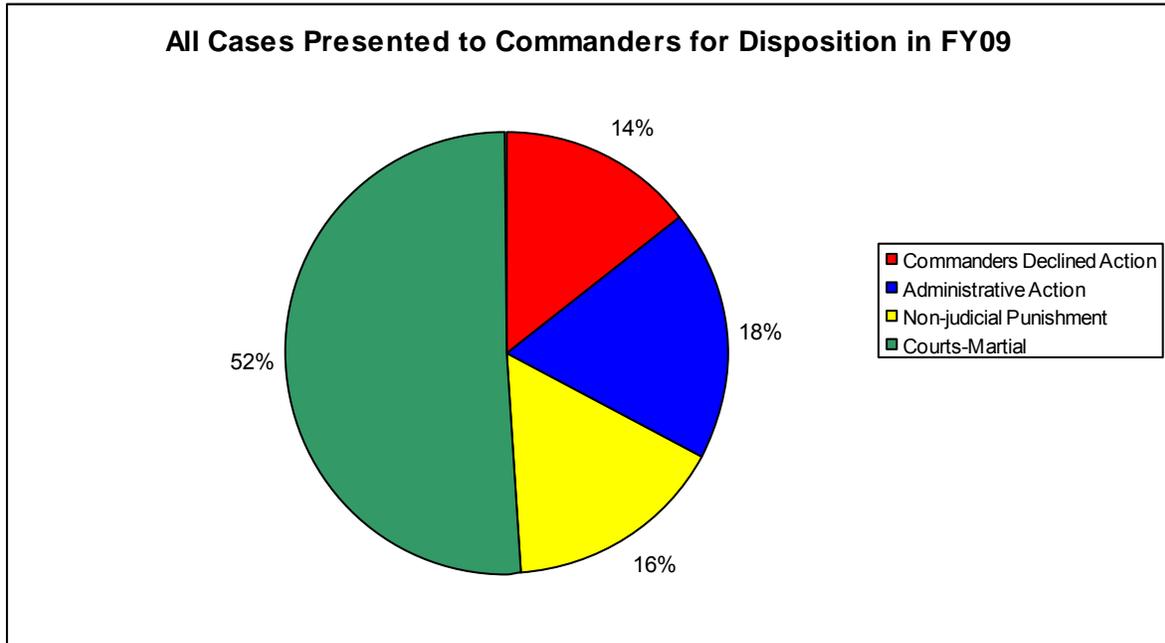
Disposition data must be examined in terms of all cases closed during a time period vice all cases opened and closed. Thorough investigations and successful prosecutions require time, particularly in serious and complex cases; therefore, examining only cases opened and closed in a fiscal year excludes analysis of the more egregious reports received, and as a practical matter all cases reported in the last quarter of the fiscal year. For the sake of accuracy in this section, we have included all dispositions in sections D and E of the matrix (final dispositions in Unrestricted Reports opened and closed in FY09 and final dispositions in Unrestricted Reports received prior to FY09). By doing so, we are able to present a complete and accurate picture of military justice for sexual assault cases in FY09.



**Could not be prosecuted** - In FY09, there were 262 final dispositions for subjects accused of sexual assault. Forty-one percent (108) of the subjects could NOT be prosecuted for the following reasons: lack of jurisdiction (i.e., civilian subjects NOT subject to UCMJ) (7), the subject was unknown (12), the allegation was unfounded, meaning it was false or did not meet the elements of a sexual assault offense (12), probably cause existed for a non-sexual assault offense only (10), the subject died or deceased (1), the evidence was insufficient (24) or the victim declined or refused to cooperate with the investigation or prosecution (42).

**Initial civilian jurisdiction** – In 29 of the remaining 154 subject cases, civilian authorities initially assumed jurisdiction. Of these 29, 8 were either pending or the disposition was unknown at the time this report was written. NCIS files indicate that civilian authorities declined to prosecute due to lack of evidence in 6 cases, deemed 4 cases to be unfounded and victims declined to cooperate in 3 cases. Of the remaining cases in which disposition was known, charges were filed in 8 or 28% of the cases. Further analysis is not possible due to lack of information regarding these cases.

**Presented for disposition** - In total, 125 subject cases were presented to commanders for a disposition decision in FY09. Commanders preferred courts-martial charges against 64 subjects, conducted non-judicial punishment against 20 subjects, took adverse administrative action against 23 subjects, and declined action in 18 cases pursuant to RCM 306(c)(1). Thus where commanders were able to take action, adverse action was taken against subjects in over 85% of the cases, including preferral of courts-martial charges in 51.6% of the cases.



### **Experiences in Combat Areas of Interest – USMC – Subjects**

The USMC had a total of seven unrestricted reports that took place in the Combat Areas of Interest during FY09. Five incidents were in Iraq (67%), and two (27%) were in Afghanistan.

The USMC had only four (4) subjects in four (4) sexual assault investigations initiated and completed in FY09 in the Combat Areas of Interest during FY09. All four (4) or 100% are members of the USMC. The age breakdown is as follows: 25% ages 16-19, 25% 20-24 and 50% 25-34 years of age. Seventy-five per cent (75%) were E-1 to E-4 and 25% was E-5-E-9. Of the two subjects for which evidence supported command action, one subject received court-martial; one received “other administrative action.”

### **Analysis**

The figures indicate that subjects tend to be a little older than their victims, yet most still fall within the lower enlisted range (E-1 to E-4).

For the USN, of the 113 total military subjects presented to Command for a disposition decision, 38 or 34% of the investigations were reported to lack sufficient evidence to proceed further. For the USMC, out of 70 total military subjects presented to Command for disposition

only 5 or 7% of the investigations were reported to have insufficient evidence of any crime. There appears to be a significant difference in this metric between the USN and the USMC.

Both victim and subject data indicates that investigations occurring in the Combat Areas of Interest appear to replicate the overall findings reference demographics, offenses and adjudication in most instances. For the Combat Areas of Interest for the USN, Victims declining to participate is as high, or higher (40%) than in the general report. The USMC did not have any victims declining to participate in the Combat Areas of Interest. Three out of four subjects in the USMC cases in the Combat Areas of Interest had dispositions of Courts-Martial Charge Preferred, which is 75% of the USMC investigations worked in those areas.

**2.3. Reporting Data Discussion and Analysis. This section should include an overview of such information as:**

- **Trends in descriptive information about Unrestricted Reports (e.g., did more reported incidents occur on/off installation, etc.)**
- **Investigations**
- **Experiences in Combat Areas of Interest**

## **USMC Descriptive Data**

The USMC had more sexual assault incidents reported as occurring On-base than Off-base. This statistic was very similar for FY08 and FY09. In FY09, approximately 40% of the sexual assault incidents were reported to have occurred Off-base, vice 60% that were reported to have occurred On-base. (Two cases had unknown locations). In FY08, 34% were reported as occurring Off-base with 59% occurring On-base. (The rest had unknown locations). The USMC was fairly consistent over the last two years for On-base versus Off-base incident locations.

In FY09 56% of all USMC sexual assault investigations were reported within 3 days of the incident. Twenty percent (20%) were reported within 4-30 days. This indicates an overall 76% rate concerning timely reporting. Saturdays and Sundays (weekend) comprised 40% of the incident times reported for sexual assaults. When Friday is added to the equation, the number jumps to 57%. This statistic indicates that over half of all reported sexual assault incidents are occurring during “weekend” or off-duty hours.

A vast number (137) of the reported sexual assaults occurred at an unknown time. Only 163 reports indicated a known time for the sexual assault. Using known times only (163), 58% occurred between midnight and 6am and approximately 34% occurred between 6pm to midnight. A significant number of sexual assaults, 92%, occurred during off-duty hours, between the hours of 6pm and 6am, a 12 hour period.

## **Investigations – USMC**

In FY09, 299 Unrestricted Sexual Assault investigations were initiated. Of those, 135 were opened and closed (completed) during FY09. The completed investigations had 146 subjects and 143 victims.

Of 135 investigations, 86 were completed investigations involving service members as victims. Twenty service member victims (active duty) declined to participate in any judicial action. This is a rate of 23%. The reason for this high number is unknown. It could stem from a multitude of issues, whether it lies in services available to victims, the investigatory process, the adjudicative process, the command climate or a combination of these factors.

## **Combat Areas of Interest – USMC**

NCIS does not work sexual assault investigations any different in Combat Areas of Interest. Sexual assault investigations are handled the same whether they occur CONUS, OCONUS or in a deployed war zone. The statistics presented in this report indicate that the demographics and trends of sexual assaults in the Combat Areas of Interest replicate those in the general overall report. There were not any vast differences or anomalies noted in the Combat Areas of Interest.

## **Analysis**

Trends in demographics, offenses, adjudication and Combat Areas of Interest have remained fairly constant between FY08 and FY09. The statistics vary slightly between services (USN and USMC) but overall, the results are fairly similar.

Sexual assault victims in the DON are mainly represented in the E-1 to E-4 category and are young, with the largest age group comprising 20-24 year olds. Subjects were also highly concentrated in the E-1 to E-4 ranges. Most offenders, like victims, were also within the 20-24 year old age bracket, but more subjects appeared to fall within the 25-34 year old age category than is reported via the victim demographics. There were obviously many more subjects without known demographic information than victims. Therefore, the statistics provided for subjects may not be as accurate as that for victims.

Well over 50% of all sexual assaults occur over the weekend period (Friday – Sunday) and between the hours of 6pm and 6am. In many circumstances this period of time is considered non-duty time.

There was not a large difference noted between off-base and on-base incidents, but they were more equal in the USN than in the USMC. The USMC showed a slightly higher On-base occurrence of sexual assaults.

All sexual assault investigations are worked in the same manner, irrespective if the investigation involves USN or USMC personnel. All investigations follow the same policies and protocols whether CONUS, OCONUS or within the Combat Areas of Interest. Therefore the way an investigation is conducted and reported will have no impact on demographics, trends, or dispositions.

## **3. Restricted Reporting**

### **3.1. Victim Data Discussion. This section should include such information as:**

- **Type of offenses**
- **Demographics trends**
- **Service referrals**
- **Experiences in Combat Areas of Interest**

#### **Types of offenses**

As with Navy, the types of offenses are not collected by SARCs and reported. SARCs focus on victim support and case management.

#### **Demographic trends**

The most notable trend difference from FY08 is that most (twelve) of the Restricted Reports made in FY09 were opened between one month and one year removed from the incident. Two victims were mobilized Reservists. Seven were male.

## **Service referrals**

There were twenty-eight (28) referrals to military facilities for services. There were ten (10) referrals to civilian facilities for services. Victims may be referred separately to either military or civilian service providers; or simultaneously to both.

## **Combat Areas of Interest**

There were not restricted reports opened in the Combat Areas of Interest.

### **3.2. Reporting Data Discussion. This section should include such information as:**

- **Trends in descriptive information about Restricted Reports (e.g., did more occur reported incidents occur on/off installation, etc)**
- **Experiences in Combat Areas of Interest**

## **Trends**

Slightly more than half of the incidents occurred aboard an installation. Friday and Thursday outpaced Sunday as the second-most likely day of occurrence – most still occur on Saturday.

## **Combat Areas of Interest**

There were no restricted reports opened in the Combat Areas of Interest.

## **4. Service Referrals for Victims of Sexual Assault**

### **4.1. Unrestricted Report Referral Data Discussion. This section should include such information as:**

- **Summary of referral data**
- **Combat Areas of Interest referral data**
- **Discussion of any trends of interest identified in referral data**

## **Summary of referral data**

There were 108 referrals for military medical services, ninety-nine (99) referrals to military counseling, and fifty-seven (57) referrals to military legal services. There were forty-three (43) referrals to civilian medical services, forty-two (42) referrals to civilian counseling, and twenty-one (21) referrals to civilian legal services.

## **Combat Areas of Interest**

No data specific to the CAI was collected.

## **Discussion of trends**

Nothing of note.

**4.2. Restricted Report Referral Data Discussion. This section should include such information as:**

- **Summary of referral data**
- **Combat Areas of Interest referral data**
- **Discussion of any trends of interest identified in referral data**

**Summary of referral data**

There were twelve referrals for medical and sixteen for counseling services at military facilities. There was one referral for medical and nine referrals for counseling services at civilian facilities. Two victims requests SAFEs be conducted.

**4.3. Service Referrals for Non-Military Victims Data Discussion. This section should include such information as:**

- **Summary of referral data**
- **Combat Areas of Interest referral data**
- **Discussion of any trends of interest identified in referral data**

There were no referrals of non-military victims.

NAVY FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULTS IN THE MILITARY	
<b>A. FY09 REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses) INVOLVING MILITARY MEMBERS (BY or AGAINST Service Members)</b>	<b>FY09 Totals</b>
<b># VICTIMS in FY09 Unrestricted Reports</b>	<b>451</b>
# Service Member victims	361
# Non-Service Member victims	90
<b># Unrestricted Reports in the following categories</b>	<b>405</b>
# Service Member on Service Member	251
# Service Member on Non-Service Member	83
# Non-Service Member on Service Member	29
# Unidentified Subject on Service Member	42
<b># Unrestricted Reports of sexual assault occurring</b>	<b>405</b>
# On military installation	197
# Off military installation	194
# Unidentified location	14
<b># Investigations (From FY09 Unrestricted Reports)</b>	<b>405</b>
# Pending completion as of 30-SEP-09	174
# Completed as of 30-SEP-09	231
<b># Restricted Reports</b>	<b>173</b>
# Converted from Restricted Report to Unrestricted Report*	20
# FY09 RESTRICTED REPORTS REMAINING RESTRICTED	153
<b>B. INCIDENT DETAILS</b>	<b>FY09 Totals</b>
<b>Length of time between sexual assault and Unrestricted Report</b>	<b>405</b>
# Reports made within 3 days of sexual assault	222
# Reports made within 4 to 30 days after sexual assault	105
# Reports made within 31 to 365 days after sexual assault	48
# Reports made longer than 365 days after sexual assault	8
# Unknown	22
<b>Time of sexual assault</b>	<b>405</b>
# Midnight to 6 am	128
# 6 am to 6 pm	39
# 6 pm to midnight	87
# Unknown	151
<b>Day of sexual assault</b>	<b>405</b>
# Sunday	72
# Monday	27
# Tuesday	28
# Wednesday	33
# Thursday	46
# Friday	45
# Saturday	88
# Unknown	66
<b>C. FY09 SUMMARY OF THE COMPLETED INVESTIGATIONS</b>	<b>FY09 Totals</b>
<b># Completed investigations</b>	<b>231</b>
# Investigations with more than one victim, subject, or both	32
<b># SUBJECTS in the completed investigations</b>	<b>260</b>
# Your Service Member subjects	193
# Service Member subjects from other Services	6
# Non-Service Member subjects	21
# Unidentified subjects	40
<b># VICTIMS in the completed investigations</b>	<b>249</b>
# Service Member victims	189
# Non-Service Member victims	53
# Service Member victims from other Services	7
# Unknown	0
<b>D. FY09 FINAL DISPOSITIONS IN UNRESTRICTED REPORTS (Subjects)</b>	<b>FY09 Totals</b>
<b># Final dispositions for FY09 SUBJECTS in the following categories</b>	<b>260</b>
<b>DoD Action Precluded:</b>	<b>90</b>
# Subject unknown	27
# Unfounded	18
# Civilian or Foreign Authority-Person subject to the UCMJ	30
# Civilian or Foreign Authority-Person NOT subject to the UCMJ	15
<b># Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**</b>	<b>117</b>
# Probable cause for only non-sexual assault offense	5
# Subject deceased or deserted	1
# Victim deceased	0
# Victim declined to participate in the military justice action	56
# Insufficient evidence of any offense	38
# Statute of limitations has expired	0
# Unfounded	6
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	11
# Pending completion as of 30-SEP-09	197
<b># Completed as of 30-SEP-09</b>	<b>53</b>
<b># Evidence Supports Command Action for Sexual Assault (FY09 Subjects)</b>	<b>53</b>

# Courts-martial charge preferred (Initiated)	13
# Nonjudicial punishments (Article 15 UCMJ)	24
# Administrative discharges	10
# Other administrative actions	6

<b>E. FINAL DISPOSITIONS FOR SUBJECTS IN UNRESTRICTED REPORTS (Reports made prior to FY09 that were completed in FY09)</b>	<b>FY09 Totals</b>
<b># Investigations pending from reports made from FY04 to FY08 that were completed as of 30-SEP-09</b>	<b>157</b>
# Pre-FY09 Investigations pending STILL PENDING completion as of 30-SEP-09	12
# Pre-FY09 Investigations COMPLETED as of 30-SEP-09	145
<b># SUBJECTS for disposition in FY09 - from Pre-FY09 reports - resolved as of 30-SEP-09</b>	
<b># Final FY09 DISPOSITIONS for SUBJECTS from FY04 to FY08 reports and investigations that were completed in FY09</b>	<b>159</b>
<b>DoD Action Precluded:</b>	<b>40</b>
# Subject unknown	6
# Unfounded	6
# Civilian or Foreign Authority-Person subject to the UCMJ	20
# Civilian or Foreign Authority-Person NOT subject to the UCMJ	8
<b># Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**</b>	<b>51</b>
# Probable cause for only non-sexual assault offense	4
# Subject deceased or deserted	1
# Victim deceased	
# Victim declined to participate in the military justice action	24
# Insufficient evidence of any offense	14
# Statute of limitations	
# Unfounded	3
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	5
# Pending completion as of 30-SEP-09	12
<b># Completed as of 30-SEP-09</b>	<b>68</b>
<b># Evidence Supports Command Action for Sexual Assault (reports that were made prior to FY09 and dispositions completed in FY09)</b>	<b>68</b>
# Courts-martial charge preferred (Initiated)	39
# Nonjudicial punishments (Article 15 UCMJ)	15
# Administrative discharges	9
# Other administrative actions	5
* The total number of reports that converted to Unrestricted Reports are included in the total number of Unrestricted Reports provided in Section A.	
** <b>Command Action Precluded or Declined for Sexual Assault: The command cannot or did not take action for one of the following reasons: Probable cause for only non-sexual assault offense, subject's or victim's death, victim declined to participate in the military justice action, insufficient evidence of any offense, statute of limitations, and unfounded.</b>	
** <b>Probable Cause for only Non-Sexual Assault Offense:</b> The commander took action on a non-sexual assault offense because the allegations made did not meet the required elements of, or there was insufficient evidence for, any of the UCMJ offense constituting the SAPR definition of sexual assault, but allegations did meet the required elements of, and sufficient evidence for, another offense under the UCMJ (e.g., adultery, simple assault, assimilated crime under Article 134, UCMJ).	
** <b>subject's Death:</b> Commander action is precluded due to the death of the alleged subject.	
** <b>Victim's Death:</b> Commander action is precluded due to the death of the victim.	
** <b>Victim Declined to Participate in the Military Justice Action:</b> Commander action is precluded or declined because the victim has declined to further cooperate with military authorities or prosecutors in a military justice action. <b>See insufficient evidence definition for clarification.</b>	
** <b>Insufficient Evidence of any Offense:</b> Although the allegations made against the alleged subject meet the required elements of at least one of the criminal offenses that constitute the SAPR definition of sexual assault, there is not enough evidence to legally prove those elements beyond a reasonable doubt and proceed with the case. (Note: If the reason for concluding that there is insufficient evidence is because the victim declined to cooperate, then that reason for being unable to take action should be entered as "victim declined to participate in the military justice action", not that there was just "insufficient evidence.")	
** <b>Statute of Limitations:</b> Determination that pursuant to Article 43 of the UCMJ the applicable statute of limitations has expired and the case may not be prosecuted.	
** <b>Unfounded:</b> Determination that the allegations, as made against the subject, do not meet all the legal elements of any of the SAPR sexual assault offenses. These cases are either false or baseless.	
*** <b>Pursuant to the commander's option identified in Rules for Courts Martial 306(c)(1) no action was taken.</b>	



NAVY FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT IN THE MILITARY	
<b>A. FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses)</b>	<b>FY09 TOTALS</b>
<b># Service Member VICTIMS in Restricted Reports</b>	<b>173</b>
<b># Reported sexual assaults AGAINST Service Member victims in the following categories</b>	<b>173</b>
# Service Member on Service Member	122
# Non-Service Member on Service Member	27
# Unidentified subject on Service Member	24
<b># Reported sexual assaults occurring</b>	<b>173</b>
# On military installation	52
# Off military installation	112
# Unidentified location	9
<b>B. INCIDENT DETAILS</b>	<b>FY09 TOTALS</b>
<b>Length of time between sexual assault and Restricted Report</b>	<b>173</b>
# Reports made within 3 days of sexual assault	93
# Reports made within 4 to 30 days after sexual assault	47
# Reports made within 31 to 365 days after sexual assault	20
# Reports made longer than 365 days after sexual assault	10
# Unknown	3
<b>Time of sexual assault incident</b>	<b>173</b>
# Midnight to 6 am	44
# 6 am to 6 pm	10
# 6 pm to midnight	30
# Unknown	89
<b>Day of sexual assault incident</b>	<b>173</b>
# Sunday	18
# Monday	10
# Tuesday	8
# Wednesday	12
# Thursday	6
# Friday	20
# Saturday	41
# Unknown	58
<b>C. RESTRICTED REPORTING - VICTIM SERVICE AFFILIATION</b>	<b>FY09 TOTALS</b>
<b># VICTIMS</b>	<b>173</b>
# Army victims	3
# Navy victims	164
# Marines victims	2
# Air Force victims	2
# Coast Guard	0
# Unknown	2
<b>D. DEMOGRAPHICS FOR FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>FY09 TOTALS</b>
<b>Gender of VICTIMS</b>	<b>173</b>
# Male	23
# Female	149
# Unknown	1
<b>Age of VICTIMS</b>	<b>173</b>
# 16-19	55
# 20-24	78
# 25-34	26
# 35-49	2
# 50-64	0
# 65 and older	0
# Unknown	12
<b>Grade of VICTIMS</b>	<b>173</b>
# E1-E4	133
# E5-E9	22
# WO1-WO5	0
# O1-O3	5
# O4-O10	1
# Cadet/Midshipman	5
# Civilian	0
# Foreign national/military	0
# Unknown	7
<b>Status of VICTIMS</b>	<b>173</b>
# Active Duty	164
# Reserve (Activated)	2
# National Guard (Activated)	1
# Civilian	0
# Cadet/Midshipman	5
# Unknown	2

**NAVY FY09 SERVICE REFERRALS FOR VICTIMS OF SEXUAL ASSAULT IN THE MILITARY**

***NOTE: Support Services are for all victims in each category that were referred for services during the reporting period, regardless of when their report was made (current or prior quarters).***

<b>A. SUPPORT SERVICE REFERRALS TO MILITARY VICTIMS FROM UNRESTRICTED REPORTS:</b>		<b>FY09 TOTALS</b>
<b># MILITARY facilities</b>		<b>1,039</b>
# Medical		399
# Counseling		407
# Legal		233
<b># CIVILIAN facilities (Referred by DoD)</b>		<b>529</b>
# Medical		226
# Counseling		224
# Legal		79
<b># Cases where SAFEs were conducted</b>		<b>81</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>		18
<b># Military Victims making an UR that received service referrals for an incident that occurred prior to military service</b>		109
<b>B. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS IN RESTRICTED REPORTS:</b>		<b>FY09 TOTALS</b>
<b># Support service referrals for VICTIMS in the following categories</b>		
<b># MILITARY facilities</b>		<b>309</b>
# Medical		129
# Counseling		151
# Legal		29
<b># CIVILIAN facilities (Referred by DoD)</b>		<b>124</b>
# Medical		42
# Counseling		73
# Legal		9
<b># Cases where SAFEs were conducted</b>		36
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>		0
<b># Military Victims making a RR that received service referrals for an incident that occurred prior to military service</b>		23
<b>C. SUPPORT SERVICE REFERRALS TO NON-MILITARY (DOD CIVILIANS, CONTRACTORS, ETC) VICTIMS:</b>		<b>FY09 TOTALS</b>
<b># Support service referrals for VICTIMS in the following categories</b>		
<b># MILITARY facilities</b>		<b>87</b>
# Medical		36
# Counseling		38
# Legal		13
<b># CIVILIAN facilities (Referred by DoD)</b>		<b>91</b>
# Medical		27
# Counseling		48
# Legal		16
<b># Cases where SAFEs were conducted</b>		<b>10</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>		3

**NAVY COMBAT AREAS OF INTEREST - FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULTS IN THE MILITARY**

<b>A. FY09 COMBAT AREAS OF INTEREST REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses) INVOLVING MILITARY ME</b>	<b>FY09 Totals</b>
<b># VICTIMS in FY09 Unrestricted Reports</b>	<b>43</b>
# Service Member victims	41
# Non-Service Member victims	2
<b># Unrestricted Reports in the following categories</b>	<b>22</b>
# Service Member on Service Member	10
# Service Member on Non-Service Member	1
# Non-Service Member on Service Member	6
# Unidentified Subject on Service Member	5
<b># Unrestricted Reports of sexual assault occurring</b>	<b>22</b>
# On military installation	16
# Off military installation	6
# Unidentified location	0
<b># Investigations (From FY09 Unrestricted Reports)</b>	<b>22</b>
# Pending completion as of 30-SEP-09	6
# Completed as of 30-SEP-09	16
<b># Restricted Reports</b>	<b>2</b>
# Converted from Restricted Report to Unrestricted Report*	0
<b># FY08 RESTRICTED REPORTS REMAINING RESTRICTED</b>	<b>2</b>
<b>B. FY09 INCIDENT DETAILS</b>	<b>FY09 Totals</b>
<b>Length of time between sexual assault and Unrestricted Report</b>	<b>22</b>
# Reports made within 3 days of sexual assault	14
# Reports made within 4 to 30 days after sexual assault	4
# Reports made within 31 to 365 days after sexual assault	3
# Reports made longer than 365 days after sexual assault	1
# Unknown	0
<b>Time of sexual assault</b>	<b>22</b>
# Midnight to 6 am	5
# 6 am to 6 pm	2
# 6 pm to midnight	11
# Unknown	4
<b>Day of sexual assault</b>	<b>22</b>
# Sunday	2
# Monday	2
# Tuesday	2
# Wednesday	3
# Thursday	5
# Friday	0
# Saturday	3
# Unknown	5
<b>C. FY09 SUMMARY OF THE COMPLETED INVESTIGATIONS</b>	<b>FY09 Totals</b>
<b># Completed investigations</b>	<b>16</b>
# Investigations with more than one victim, subject, or both	3
<b># SUBJECTS in the completed investigations</b>	<b>20</b>
# Your Service Member subjects	6
# Service Member subjects from other Services	1
# Non-Service Member subjects	6
# Unidentified subjects	7
<b># VICTIMS in the completed investigations</b>	<b>19</b>
# Service Member victims	17
# Non-Service Member victims	1
# Service Member victims from other Services	1
# Unknown	0
<b>D. FY09 FINAL DISPOSITIONS IN UNRESTRICTED REPORTS (Subjects)</b>	<b>FY09 Totals</b>
<b># Final dispositions for FY09 SUBJECTS in the following categories</b>	<b>20</b>
<b># DoD Action Precluded:</b>	<b>8</b>
# Subject unknown	1
# Unfounded	2
# Civilian or Foreign Authority-Person subject to the UCMJ	0
# Civilian or Foreign Authority-Person NOT subject to the UCMJ	5
<b># Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**</b>	<b>10</b>
# Probable cause for only non-sexual assault offense	1
# Subject deceased or deserted	0

# Victim deceased	0
# Victim declined to participate in the military justice action	8
# Insufficient evidence of any offense	1
# Statute of limitations	0
# Unfounded	0
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	0
# Pending completion as of 30-SEP-09	6
<b># Completed as of 31-SEP-09</b>	<b>2</b>
<b># Evidence Supports Command Action for Sexual Assault (FY09 Subjects)</b>	<b>2</b>
# Courts-Martial Charge Preferred (Initiated)	1
# Nonjudicial punishments (Article 15 UCMJ)	0
# Administrative discharges	1
# Other administrative actions	0
<b>E. FINAL DISPOSITIONS FOR SUBJECTS (Reports made prior to FY09 that were completed in FY09)</b>	<b>FY09 Totals</b>
<b># Investigations pending from reports made prior to FY09 that were completed in FY09</b>	<b>3</b>
# Pre-FY09 Investigations pending as of 30-SEP-08 - STILL PENDING completion as of 30-SEP-09	0
# Pre-FY09 Investigations pending as of 30-SEP-08 - COMPLETED as of 30-SEP-09	3
<b># SUBJECTS for disposition in FY09 - from Pre-FY08 reports - as of 30-SEP-09</b>	<b>3</b>
<b># Final FY09 DISPOSITIONS for SUBJECTS from reports made prior to FY09 and investigations were completed in FY09</b>	<b>3</b>
<b># DoD Action Precluded:</b>	<b>1</b>
# Subject unknown	0
# Unfounded	0
# Civilian or Foreign Authority-Person subject to the UCMJ	0
# Civilian or Foreign Authority-Person NOT subject to the UCMJ	1
<b># Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**</b>	<b>1</b>
# Probable cause for only non-sexual assault offense	0
# Subject deceased or deserted	0
# Victim deceased	0
# Victim declined to participate in the military justice action	0
# Insufficient evidence of any offense	1
# Statute of limitations	0
# Unfounded	0
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	0
# Pending completion as of 30-SEP-09	0
<b># Completed as of 30-SEP-09</b>	<b>1</b>
<b># Evidence Supports Command Action for Sexual Assault (reports that were made prior to FY09 and dispositions completed in FY09 )</b>	<b>1</b>
# Courts-Martial Charge Preferred (Initiated)	1
# Nonjudicial punishments (Article 15 UCMJ)	0
# Administrative discharges	0
# Other administrative actions	0
* The total number of reports that converted to Unrestricted Reports are included in the total number of Unrestricted Reports provided in Section A.	
<b>** Command Action Precluded or Declined for Sexual Assault: The command cannot or did not take action for one of the following reasons: Probable cause for only non-sexual assault offense, subject's or victim's death, subject's desertion, victim declined to participate in the military justice action, insufficient evidence of any offense, statute of limitations, and unfounded.</b>	
<b>** Probable Cause for only Non-Sexual Assault Offense:</b> The commander took action on a non-sexual assault offense because the allegations made did not meet the required elements of, or there was insufficient evidence for, any of the UCMJ offense constituting the SAPR definition of sexual assault, but allegations did meet the required elements of, and sufficient evidence for, another offense under the UCMJ (e.g., adultery, simple assault, assimilated	
<b>** Subject's Death or Deserted:</b> Commander action is precluded due to the death or desertion of the alleged subject.	
<b>** Victim's Death:</b> Commander action is precluded due to the death of the victim.	
<b>** Victim Declined to Participate in the Military Justice Action:</b> Commander action is precluded or declined because the victim has declined to further cooperate with military authorities or prosecutors in a military justice action. <b>See insufficient evidence definition for clarification.</b>	
<b>** Insufficient Evidence of any Offense:</b> Although the allegations made against the alleged subject meet the required elements of at least one of the criminal offenses that constitute the SAPR definition of sexual assault, there is not enough evidence to legally prove those elements beyond a reasonable doubt and proceed with the case. (Note: If the reason for concluding that there is insufficient evidence is because the victim declined to cooperate, then that reason for being unable to take action should be entered as "victim declined to participate in the military justice action", not that there was just "insufficient evidence.")	

**\*\* Statute of Limitations:** Determination that pursuant to Article 43 of the UCMJ the applicable statute of limitations has expired and the case may not be prosecuted.

**\*\*Unfounded:** Determination that the allegations, as made against the subject, do not meet all the legal elements of any of the SAPR sexual assault offenses. These cases are either false or baseless.

**\*\*\* Pursuant to the Rules for Courts Martial, Section 306(c)(1), the commander declined to take action against the subject.**



<b>NAVY COMBAT AREAS OF INTEREST - FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT IN THE MILITARY</b>	
<b>A. FY09 COMBAT AREAS OF INTEREST - RESTRICTED REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses)</b>	<b>FY09 Totals</b>
<b># Service Member VICTIMS in Restricted Reports</b>	<b>2</b>
<b># Reported sexual assaults AGAINST Service Member victims in the following categories</b>	<b>2</b>
# Service Member on Service Member	2
# Non-Service Member on Service Member	0
# Unidentified subject on Service Member	0
<b># Reported sexual assaults occurring</b>	<b>2</b>
# On military installation	2
# Off military installation	0
# Unidentified location	0
<b>B. FY09 INCIDENT DETAILS</b>	<b>FY09 Totals</b>
<b>Length of time between sexual assault and Restricted Report</b>	<b>2</b>
# Reports made within 3 days of sexual assault	2
# Reports made within 4 to 30 days after sexual assault	0
# Reports made within 31 to 365 days after sexual assault	0
# Reports made longer than 365 days after sexual assault	0
# Unknown	0
<b>Time of sexual assault incident</b>	<b>2</b>
# Midnight to 6 am	2
# 6 am to 6 pm	0
# 6 pm to midnight	0
# Unknown	0
<b>Day of sexual assault incident</b>	<b>2</b>
# Sunday	0
# Monday	0
# Tuesday	0
# Wednesday	1
# Thursday	0
# Friday	0
# Saturday	1
# Unknown	0
<b>C. FY09 RESTRICTED REPORTING - VICTIM SERVICE AFFILIATION</b>	<b>FY09 Totals</b>
<b># VICTIMS</b>	<b>2</b>
# Army	0
# Air Force	0
# Navy	2
# Marines	0
# Unknown	0
<b>D. FY09 DEMOGRAPHICS FOR FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>FY09 Totals</b>
<b>Gender of VICTIMS</b>	<b>2</b>
# Male	0
# Female	2
# Unknown	0
<b>Age of VICTIMS</b>	<b>2</b>
# 16-19	0
# 20-24	1
# 25-34	1
# 35-49	0
# 50-64	0
# 65 and older	0
# Unknown	0
<b>Grade of VICTIMS</b>	<b>2</b>
# E1-E4	0
# E5-E9	2
# WO1-WO5	0
# O1-O3	0
# O4-O10	0
# Cadet/Midshipman	0
# Civilian	0
# Foreign national/military	0
# Unknown	0
<b>Status of VICTIMS</b>	<b>2</b>
# Active Duty	2
# Reserve (Activated)	0
# National Guard (Activated)	0
# Civilian	0
# Cadet/Midshipman	0
# Unknown	0
<b>NOTE:</b>	

<b>NAVY COMBAT AREAS OF INTEREST - LOCATION OF FY09 RESTRICTED REPORTS</b>	
<b>E. TOTAL # FY09 COMBAT AREAS OF INTEREST -RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>FY09 Totals</b>
<b><i>TOTAL RESTRICTED ASSAULTS IN COMBAT AREAS OF INTEREST</i></b>	<b>2</b>
<b>Arabian Peninsula, Iraq &amp; Red Sea</b>	
Bahrain	1
<b>Iraq</b>	0
Jordan	0
Lebanon	0
Syria	0
Yemen	0
Djibouti	1
Egypt	0
Kuwait	0
Oman	0
Qatar	0
Saudi Arabia	0
United Arab Emirates	0
<b>South Asia</b>	
Iran	0
Pakistan	0
<b>Afghanistan</b>	0
<b>NOTE:</b>	

**NAVY COMBAT AREAS OF INTEREST: FY09 SERVICE REFERRALS FOR VICTIMS OF SEXUAL ASSAULT IN THE MILITARY**

**NOTE: Support Services are for all victims in each category that were referred for services during the reporting period, regardless of when their report was made (current or prior quarters).**

<b>A. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS FROM UNRESTRICTED REPORTS:</b>	<b>FY09 Totals</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	<b>30</b>
# Medical	11
# Counseling	13
# Legal	6
<b># CIVILIAN facilities (Referred by DoD)</b>	<b>1</b>
# Medical	0
# Counseling	1
# Legal	0
<b># Cases where SAFEs were conducted</b>	<b>0</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	<b>0</b>
<b># Military Victims in UR that received service referrals for an incident that occurred prior to military service</b>	<b>0</b>
<b>B. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS FROM RESTRICTED REPORTS:</b>	<b>FY09 Totals</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	<b>10</b>
# Medical	5
# Counseling	5
# Legal	0
<b># CIVILIAN facilities (Referred by DoD)</b>	<b>0</b>
# Medical	0
# Counseling	0
# Legal	0
<b># Cases where SAFEs were conducted</b>	<b>0</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	<b>1</b>
<b># Military Victims in RR that received service referrals for an incident that occurred prior to military service</b>	<b>0</b>
<b>C. SUPPORT SERVICE REFERRALS FOR NON-MILITARY (DOD CIVILIANS, CONTRACTORS, ETC) VICTIMS:</b>	<b>FY09 Totals</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	<b>1</b>
# Medical	0
# Counseling	0
# Legal	1
<b># CIVILIAN facilities (Referred by DoD)</b>	<b>0</b>
# Medical	0
# Counseling	0
# Legal	0
<b># Cases where SAFEs were conducted</b>	<b>0</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	<b>0</b>

<b>US MARINE CORPS FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULTS IN THE MILITARY</b>	
<b>A. FY09 REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses) INVOLVING MILITARY MEMBERS (BY or AGAINST Service Members)</b>	<b>FY09 Totals</b>
<b># VICTIMS in FY09 Unrestricted Reports</b>	<b>338</b>
# Service Member victims	226
# Non-Service Member victims	112
<b># Unrestricted Reports in the following categories</b>	<b>299</b>
# Service Member on Service Member	165
# Service Member on Non-Service Member	108
# Non-Service Member on Service Member	9
# Unidentified Subject on Service Member	17
<b># Unrestricted Reports of sexual assault occurring</b>	<b>299</b>
# On military installation	178
# Off military installation	119
# Unidentified location	2
<b># Investigations (From FY09 Unrestricted Reports)</b>	<b>299</b>
# Pending completion as of 30-SEP-09	164
# Completed as of 30-SEP-09	135
<b># Restricted Reports</b>	<b>35</b>
# Converted from Restricted Report to Unrestricted Report*	3
<b># FY09 RESTRICTED REPORTS REMAINING RESTRICTED</b>	<b>32</b>
<b>B. INCIDENT DETAILS</b>	<b>FY09 Totals</b>
<b>Length of time between sexual assault and Unrestricted Report</b>	<b>299</b>
# Reports made within 3 days of sexual assault	166
# Reports made within 4 to 30 days after sexual assault	60
# Reports made within 31 to 365 days after sexual assault	43
# Reports made longer than 365 days after sexual assault	11
# Unknown	19
<b>Time of sexual assault</b>	<b>299</b>
# Midnight to 6 am	95
# 6 am to 6 pm	13
# 6 pm to midnight	54
# Unknown	137
<b>Day of sexual assault</b>	<b>299</b>
# Sunday	59
# Monday	28
# Tuesday	23
# Wednesday	23
# Thursday	23
# Friday	40
# Saturday	61
# Unknown	42
<b>C. FY09 SUMMARY OF THE COMPLETED INVESTIGATIONS</b>	<b>FY09 Totals</b>
<b># Completed investigations</b>	<b>135</b>
# Investigations with more than one victim, subject, or both	17
<b># SUBJECTS in the completed investigations</b>	<b>146</b>
# Your Service Member subjects	128
# Service Member subjects from other Services	3
# Non-Service Member subjects	4
# Unidentified subjects	11
<b># VICTIMS in the completed investigations</b>	<b>143</b>
# Service Member victims	81
# Non-Service Member victims	57
# Service Member victims from other Services	5
# Unknown	0
<b>D. FY09 FINAL DISPOSITIONS IN UNRESTRICTED REPORTS (Subjects)</b>	<b>FY09 Totals</b>
<b># Final dispositions for FY09 SUBJECTS in the following categories</b>	<b>146</b>
<b>DoD Action Precluded:</b>	<b>46</b>
# Subject unknown	9
# Unfounded	10
# Civilian or Foreign Authority-Person subject to the UCMJ	24
# Civilian or Foreign Authority-Person NOT subject to the UCMJ	3
<b># Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**</b>	<b>59</b>
# Probable cause for only non-sexual assault offense	8
# Subject deceased or deserted	0
# Victim deceased	0
# Victim declined to participate in the military justice action	30
# Insufficient evidence of any offense	5
# Statute of limitations has expired	0
# Unfounded	1
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	15
# Pending completion as of 30-SEP-09	194
<b># Completed as of 30-SEP-09</b>	<b>41</b>
<b># Evidence Supports Command Action for Sexual Assault (FY09 Subjects)</b>	<b>41</b>
# Courts-martial charge preferred (Initiated)	23
# Nonjudicial punishments (Article 15 UCMJ)	9
# Administrative discharges	0
# Other administrative actions	9

<b>E. FINAL DISPOSITIONS FOR SUBJECTS IN UNRESTRICTED REPORTS (Reports made prior to FY09 that were completed in FY09)</b>	<b>FY09 Totals</b>
<b># Investigations pending from reports made from FY04 to FY08 that were completed as of 30-SEP-09</b>	<b>116</b>
# Pre-FY09 Investigations pending STILL PENDING completion as of 30-SEP-09	19
# Pre-FY09 Investigations COMPLETED as of 30-SEP-09	97
<b># SUBJECTS for disposition in FY09 - from Pre-FY09 reports - resolved as of 30-SEP-09</b>	<b>116</b>
<b># Final FY09 DISPOSITIONS for SUBJECTS from FY04 to FY08 reports and investigations that were completed in FY09</b>	<b>116</b>
<b>DoD Action Precluded:</b>	<b>13</b>
# Subject unknown	3
# Unfounded	1
# Civilian or Foreign Authority-Person subject to the UCMJ	5
# Civilian or Foreign Authority-Person NOT subject to the UCMJ	4
<b># Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**</b>	<b>37</b>
# Probable cause for only non-sexual assault offense	2
# Subject deceased or deserted	1
# Victim deceased	0
# Victim declined to participate in the military justice action	12
# Insufficient evidence of any offense	19
# Statute of limitations	0
# Unfounded	0
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	3
# Pending completion as of 30-SEP-09	20
<b># Completed as of 30-SEP-09</b>	<b>66</b>
<b># Evidence Supports Command Action for Sexual Assault (reports that were made prior to FY09 and dispositions completed in FY09)</b>	<b>66</b>
# Courts-martial charge preferred (Initiated)	41
# Nonjudicial punishments (Article 15 UCMJ)	11
# Administrative discharges	6
# Other administrative actions	8
* The total number of reports that converted to Unrestricted Reports are included in the total number of Unrestricted Reports provided in Section A.	
<b>** Command Action Precluded or Declined for Sexual Assault: The command cannot or did not take action for one of the following reasons: Probable cause for only non-sexual assault offense, subject's or victim's death, victim declined to participate in the military justice action, insufficient evidence of any offense, statute of limitations, and unfounded.</b>	
<b>** Probable Cause for only Non-Sexual Assault Offense:</b> The commander took action on a non-sexual assault offense because the allegations made did not meet the required elements of, or there was insufficient evidence for, any of the UCMJ offense constituting the SAPR definition of sexual assault, but allegations did meet the required elements of, and sufficient evidence for, another offense under the UCMJ (e.g., adultery, simple assault, assimilated crime under Article 134, UCMJ).	
<b>** subject's Death:</b> Commander action is precluded due to the death of the alleged subject.	
<b>** Victim's Death:</b> Commander action is precluded due to the death of the victim.	
<b>** Victim Declined to Participate in the Military Justice Action:</b> Commander action is precluded or declined because the victim has declined to further cooperate with military authorities or prosecutors in a military justice action. <b>See insufficient evidence definition for clarification.</b>	
<b>** Insufficient Evidence of any Offense:</b> Although the allegations made against the alleged subject meet the required elements of at least one of the criminal offenses that constitute the SAPR definition of sexual assault, there is not enough evidence to legally prove those elements beyond a reasonable doubt and proceed with the case. (Note: If the reason for concluding that there is insufficient evidence is because the victim declined to cooperate, then that reason for being unable to take action should be entered as "victim declined to participate in the military justice action", not that there was just "insufficient evidence.")	
<b>** Statute of Limitations:</b> Determination that pursuant to Article 43 of the UCMJ the applicable statute of limitations has expired and the case may not be prosecuted.	
<b>**Unfounded:</b> Determination that the allegations, as made against the subject, do not meet all the legal elements of any of the SAPR sexual assault offenses. These cases are either false or baseless.	
<b>*** Pursuant to the commander's option identified in Rules for Courts Martial 306(c)(1) no action was taken.</b>	

US MARINE CORPS FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULT - SERVICE MEMBER STATUS BY GENDER

F. REPORTED SEXUAL ASSAULTS INVOLVING SERVICE MEMBERS (BY or AGAINST Service Members) IN THE BELOW CATEGORIES FOR ALL FY09 INVESTIGATIONS (UR)	Male on Female	Male on Male	Female on Male	Female on Female	Unknown on Male	Unknown on Female	FY09 Totals
	262	29	2	1	2	3	299
# Service Member on Service Member	142	22		1			165
# Service Member on Non-Service Member	107	1					108
# Non-Service Member on Service Member	5	2	2				9
# Unidentified subject on Service Member	8	4			2	3	17

FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULT- SERVICE MEMBER STATUS BY SEXUAL ASSAULT TYPE

G. REPORTED SEXUAL ASSAULTS INVOLVING SERVICE MEMBERS (BY or AGAINST Service Members) IN THE FOLLOWING CATEGORIES FOR ALL FY09 INVESTIGATIONS (UR)	Pre-FY08 INCIDENTS					FY08 INCIDENTS					FY09 INCIDENTS							FY09 Totals	
	Rape (Art. 120)	Indecent Assault (Art. 134)	Non-Consensual Sodomy (Art. 125)	Attempts to Commit these Offenses	Rape (Art. 120)	Aggravated Sexual Assault (Art. 120)	Aggravated Sexual Contact (Art. 120)	Abusive Sexual Contact (Art.120)	Wrongful Sexual Contact (Art. 120)	Non-Consensual Sodomy (Art. 125)	Attempts to Commit Offenses (Art. 80)	Rape (Art. 120)	Aggravated Sexual Assault (Art. 120)	Aggravated Sexual Contact (Art. 120)	Abusive Sexual Contact (Art.120)	Wrongful Sexual Contact (Art. 120)	Non-Consensual Sodomy (Art. 125)		Attempts to Commit Offenses (Art. 80)
	4	2	2	0	2	11	0	1	2	2	0	27	143	2	3	69	27	2	299
# Service Member on Service Member	2	2	1		1	6		1	2	1		8	82	1	3	41	14	1	165
# Service Member on Non-Service Member	2		1		1	5						17	48		1	25	7	1	108
# Non-Service Member on Service Member												1	5						9
# Unidentified subject on Service Member							1					1	8	1	3	3			17
# TOTAL Service Member Victims	1	2	1	0	1	6	0	1	3	1	0	10	99	2	3	73	22	1	226
# Service Member Victims: Female	1	1			1	6		1	1	1		10	97	1	2	42	3	1	167
# Service Member Victims: Male		1	1						2				2	1	1	31	19		59

TIME OF INCIDENT BY OFFENSE TYPE FOR ALL INVESTIGATIONS OF FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULT FOR REPORTS MADE IN FY09

Time of sexual assault	4	2	2	0	2	11	0	1	2	2	0	27	143	2	3	69	27	2	299
# Midnight to 6 am						1						7	60	1		13	11	1	95
# 6 am to 6 pm						1						8	8			4			13
# 6 pm to midnight		2	1			1						4	8	1	1	19	4	1	54
# Unknown	4				2	8		1	2	1		16	55		2	33	12		137
Day of sexual assault	4	2	2	0	2	11	0	1	2	2	0	27	143	2	3	68	27	3	299
# Sunday						3						5	23	1		9	7	1	59
# Monday						2						2	16			4	3	2	28
# Tuesday						2				1		2	8			8	2	2	23
# Wednesday						1						3	10			6	3		23
# Thursday		1			1	1						4	10		1	7	2		23
# Friday						3						3	22		1	13	3		40
# Saturday		1				1						3	37	1	1	12	5		61
# Unknown	4				1	4		1	2			5	11		1	9	4		42

DEMOGRAPHICS ON VICTIMS FOR COMPLETED FY09 INVESTIGATIONS

Gender of VICTIMS	2	2	1	0	2	3	0	1	3	1	0	13	63	1	2	42	5	2	143
# Male		1			1	2		1	2	1		13	63	1	1	3	5	2	112
# Female	2	1	1		2	3		1	1	1		13	62	1	1	39	3	2	131
# Unknown																			0
Age of VICTIMS	2	2	1	0	2	3	0	1	3	1	0	13	63	1	2	42	5	2	143
# 16-19					1	1		1	1			6	23	1	1	13	3	2	51
# 20-24	1	1	1		1	2		2	1			5	28	1	1	21	2		67
# 25-34						1						1	10			4			17
# 35-49												1	1			1			2
# 50-64																			0
# 65 and older																			0
# Unknown												1	2		3				6
Grade of VICTIMS	2	2	1	0	2	3	0	1	3	1	0	13	63	1	2	42	5	2	143
# E1-E4		1			1	1		1	3	1		5	35	1	2	23	3	2	79
# E5-E9		1										5	3		2	2			6
# WO1-WO5												1	3		2				0
# O1-O3																			0
# O4-O10																			1
# Cadet/Midshipman																			0
# Civilian	2		1		1	2						7	23		17	2			55
# Foreign national/military												1	1						2
# Unknown																			0
Service of VICTIMS	2	2	1	0	2	3	0	1	3	1	0	13	63	1	2	42	5	2	143
# Army																			1
# Navy		1														2			4
# Marines		1			1	1		1	3	1		5	37	1	2	23	3	2	81
# Air Force																			0
# Coast Guard																			0
# Civilian	2		1		1	2						8	24		17	2			57
# Unknown																			0
Status of VICTIMS	2	2	1	0	2	3	0	1	3	1	0	13	63	1	2	42	5	2	143
# Active Duty		2			1	1		1	3	1		5	39	1	2	25	3	2	80
# Reserve (Activated)																			0
# National Guard (Activated)																			0
# Civilian	2		1		1	2						8	24		17	2			57
# Cadet/Midshipman																			0
# Unknown																			0

DEMOGRAPHICS ON SUBJECTS FOR COMPLETED FY09 INVESTIGATIONS

Gender of SUBJECTS	2	2	1	0	2	3	0	1	2	1	0	14	71	2	3	35	5	2	146
# Male		2	1		2	3		1	2	1		14	71	2	3	35	5	2	142
# Female																			1
# Unknown																			3
Age of SUBJECTS	2	2	1	0	2	3	0	1	2	1	0	14	71	2	3	35	5	2	146
# 16-19																			1
# 20-24					1				1			4	17		16	2	1		43
# 25-34		2									3	18		6					27
# 35-49	1					1													3
# 50-64																			0
# 65 and older																			0
# Unknown	1		1		1	2		1	1		7	37	2	1	9	3			66
Grade of SUBJECTS	2	2	1	0	2	3	0	1	2	1	0	14	71	2	3	35	5	2	146
# E1-E4		1			2	1		2	1			7	47	1	2	26	3	2	94
# E5-E9	1	2				1						5	10		5	1			25
# WO1-WO5																			0
# O1-O3						1									2				4
# O4-O10																			1
# Cadet/Midshipman																			0
# Civilian												1	2						4
# Foreign national/military																			0
# Unknown			1									1	10	2	1	2			18
Service of SUBJECTS	2	2	1	0	2	3	0	1	2	1	0	14	71	2	3	35	5	2	146
# Army																			0
# Navy		1																	1
# Marines	2	1	1		2	3			2	1									

U.S. MARINE CORPS FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT IN THE MILITARY	
<b>A. FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses)</b>	<b>FY09 TOTALS</b>
<b># Service Member VICTIMS in Restricted Reports</b>	<b>32</b>
<b># Reported sexual assaults AGAINST Service Member victims in the following categories</b>	<b>32</b>
# Service Member on Service Member	23
# Non-Service Member on Service Member	4
# Unidentified subject on Service Member	5
<b># Reported sexual assaults occurring</b>	<b>32</b>
# On military installation	16
# Off military installation	14
# Unidentified location	2
<b>B. INCIDENT DETAILS</b>	<b>FY09 TOTALS</b>
<b>Length of time between sexual assault and Restricted Report</b>	<b>32</b>
# Reports made within 3 days of sexual assault	8
# Reports made within 4 to 30 days after sexual assault	9
# Reports made within 31 to 365 days after sexual assault	12
# Reports made longer than 365 days after sexual assault	3
# Unknown	0
<b>Time of sexual assault incident</b>	<b>32</b>
# Midnight to 6 am	14
# 6 am to 6 pm	1
# 6 pm to midnight	14
# Unknown	3
<b>Day of sexual assault incident</b>	<b>32</b>
# Sunday	5
# Monday	0
# Tuesday	1
# Wednesday	0
# Thursday	7
# Friday	8
# Saturday	11
# Unknown	0
<b>C. RESTRICTED REPORTING - VICTIM SERVICE AFFILIATION</b>	<b>FY09 TOTALS</b>
<b># VICTIMS</b>	<b>32</b>
# Army victims	0
# Navy victims	2
# Marines victims	30
# Air Force victims	0
# Coast Guard	0
# Unknown	0
<b>D. DEMOGRAPHICS FOR FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>FY09 TOTALS</b>
<b>Gender of VICTIMS</b>	<b>32</b>
# Male	7
# Female	25
# Unknown	0
<b>Age of VICTIMS</b>	<b>32</b>
# 16-19	7
# 20-24	20
# 25-34	4
# 35-49	1
# 50-64	0
# 65 and older	0
# Unknown	0
<b>Grade of VICTIMS</b>	<b>32</b>
# E1-E4	27
# E5-E9	4
# WO1-WO5	0
# O1-O3	1
# O4-O10	0
# Cadet/Midshipman	0
# Civilian	0
# Foreign national/military	0
# Unknown	0
<b>Status of VICTIMS</b>	<b>32</b>
# Active Duty	30
# Reserve (Activated)	2
# National Guard (Activated)	0
# Civilian	0
# Cadet/Midshipman	0
# Unknown	0

**U.S. MARINE CORPS FY09 SERVICE REFERRALS FOR VICTIMS OF SEXUAL ASSAULT IN THE MILITARY**

**NOTE: Support Services are for all victims in each category that were referred for services during the reporting period, regardless of when their report was made (current or prior quarters).**

<b>A. SUPPORT SERVICE REFERRALS TO MILITARY VICTIMS FROM UNRESTRICTED REPORTS:</b>	<b>FY09 TOTALS</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	
# Medical	108
# Counseling	99
# Legal	57
<b># CIVILIAN facilities (Referred by DoD)</b>	
# Medical	43
# Counseling	42
# Legal	21
<b># Cases where SAFEs were conducted</b>	0
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	0
<b># Military Victims making an UR that received service referrals for an incident that occurred prior to military service</b>	0
<b>B. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS IN RESTRICTED REPORTS:</b>	<b>FY09 TOTALS</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	<b>28</b>
# Medical	12
# Counseling	16
# Legal	0
<b># CIVILIAN facilities (Referred by DoD)</b>	<b>10</b>
# Medical	1
# Counseling	9
# Legal	0
<b># Cases where SAFEs were conducted</b>	2
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	0
<b># Military Victims making a RR that received service referrals for an incident that occurred prior to military service</b>	0
<b>C. SUPPORT SERVICE REFERRALS TO NON-MILITARY (DOD CIVILIANS, CONTRACTORS, ETC) VICTIMS:</b>	<b>FY09 TOTALS</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	<b>0</b>
# Medical	0
# Counseling	0
# Legal	0
<b># CIVILIAN facilities (Referred by DoD)</b>	<b>0</b>
# Medical	0
# Counseling	0
# Legal	0
<b># Cases where SAFEs were conducted</b>	0
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	0

**US MARINE CORPS COMBAT AREAS OF INTEREST - FY09 UNRESTRICTED REPORTS OF SEXUAL ASSAULTS IN THE MILITARY**

<b>A. FY09 COMBAT AREAS OF INTEREST REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses) INVOLVING MILITARY ME</b>	<b>FY09 Totals</b>
<b># VICTIMS in FY09 Unrestricted Reports</b>	<b>9</b>
# Service Member victims	8
# Non-Service Member victims	1
<b># Unrestricted Reports in the following categories</b>	<b>7</b>
# Service Member on Service Member	5
# Service Member on Non-Service Member	1
# Non-Service Member on Service Member	0
# Unidentified Subject on Service Member	1
<b># Unrestricted Reports of sexual assault occurring</b>	<b>7</b>
# On military installation	7
# Off military installation	0
# Unidentified location	0
<b># Investigations (From FY09 Unrestricted Reports)</b>	<b>7</b>
# Pending completion as of 30-SEP-09	3
# Completed as of 30-SEP-09	4
<b># Restricted Reports</b>	
# Converted from Restricted Report to Unrestricted Report*	
<b># FY08 RESTRICTED REPORTS REMAINING RESTRICTED</b>	
<b>B. FY09 INCIDENT DETAILS</b>	<b>FY09 Totals</b>
<b>Length of time between sexual assault and Unrestricted Report</b>	<b>7</b>
# Reports made within 3 days of sexual assault	5
# Reports made within 4 to 30 days after sexual assault	1
# Reports made within 31 to 365 days after sexual assault	1
# Reports made longer than 365 days after sexual assault	0
# Unknown	0
<b>Time of sexual assault</b>	<b>7</b>
# Midnight to 6 am	4
# 6 am to 6 pm	0
# 6 pm to midnight	1
# Unknown	2
<b>Day of sexual assault</b>	<b>7</b>
# Sunday	0
# Monday	2
# Tuesday	0
# Wednesday	0
# Thursday	0
# Friday	0
# Saturday	4
# Unknown	1
<b>C. FY09 SUMMARY OF THE COMPLETED INVESTIGATIONS</b>	<b>FY09 Totals</b>
<b># Completed investigations</b>	<b>4</b>
# Investigations with more than one victim, subject, or both	1
<b># SUBJECTS in the completed investigations</b>	<b>4</b>
# Your Service Member subjects	4
# Service Member subjects from other Services	0
# Non-Service Member subjects	0
# Unidentified subjects	0
<b># VICTIMS in the completed investigations</b>	<b>6</b>
# Service Member victims	5
# Non-Service Member victims	0
# Service Member victims from other Services	1
# Unknown	0
<b>D. FY09 FINAL DISPOSITIONS IN UNRESTRICTED REPORTS (Subjects)</b>	<b>FY09 Totals</b>
<b># Final dispositions for FY09 SUBJECTS in the following categories</b>	<b>4</b>
<b># DoD Action Precluded:</b>	<b>0</b>
# Subject unknown	0
# Unfounded	0
# Civilian or Foreign Authority-Person subject to the UCMJ	0
# Civilian or Foreign Authority-Person NOT subject to the UCMJ	0
<b># Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**</b>	<b>2</b>
# Probable cause for only non-sexual assault offense	0
# Subject deceased or deserted	0
# Victim deceased	0
# Victim declined to participate in the military justice action	0
# Insufficient evidence of any offense	0
# Statute of limitations	0
# Unfounded	1

# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	1
# Pending completion as of 30-SEP-09	3
<b># Completed as of 31-SEP-09</b>	<b>2</b>
<b># Evidence Supports Command Action for Sexual Assault (FY09 Subjects)</b>	<b>2</b>
# Courts-Martial Charge Preferred (Initiated)	1
# Nonjudicial punishments (Article 15 UCMJ)	0
# Administrative discharges	0
# Other administrative actions	1
<b>E. FINAL DISPOSITIONS FOR SUBJECTS (Reports made prior to FY09 that were completed in FY09)</b>	<b>FY09 Totals</b>
<b># Investigations pending from reports made prior to FY09 that were completed in FY09</b>	<b>4</b>
# Pre-FY09 Investigations pending as of 30-SEP-08 - STILL PENDING completion as of 30-SEP-09	0
# Pre-FY09 Investigations pending as of 30-SEP-08 - COMPLETED as of 30-SEP-09	4
<b># SUBJECTS for disposition in FY09 - from Pre-FY08 reports - as of 30-SEP-09</b>	<b>4</b>
<b># Final FY09 DISPOSITIONS for SUBJECTS from reports made prior to FY09 and investigations were completed in FY09</b>	<b>4</b>
<b># DoD Action Precluded:</b>	<b>1</b>
# Subject unknown	1
# Unfounded	0
# Civilian or Foreign Authority-Person subject to the UCMJ	0
# Civilian or Foreign Authority-Person NOT subject to the UCMJ	0
<b># Total Command Action Precluded or Declined for Sexual Assault (definitions provided below Section E)**</b>	<b>0</b>
# Probable cause for only non-sexual assault offense	0
# Subject deceased or deserted	0
# Victim deceased	0
# Victim declined to participate in the military justice action	0
# Insufficient evidence of any offense	0
# Statute of limitations	0
#Unfounded	0
# Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)***	0
# Pending completion as of 30-SEP-09	0
<b># Completed as of 30-SEP-09</b>	<b>3</b>
<b># Evidence Supports Command Action for Sexual Assault (reports that were made prior to FY09 and dispositions completed in FY09 )</b>	<b>3</b>
# Courts-Martial Charge Preferred (Initiated)	3
# Nonjudicial punishments (Article 15 UCMJ)	0
# Administrative discharges	0
# Other administrative actions	0
* The total number of reports that converted to Unrestricted Reports are included in the total number of Unrestricted Reports provided in Section A.	
<b>** Command Action Precluded or Declined for Sexual Assault: The command cannot or did not take action for one of the following reasons: Probable cause for only non-sexual assault offense, subject's or victim's death, subject's desertion, victim declined to participate in the military justice action, insufficient evidence of any offense, statute of limitations, and unfounded.</b>	
<b>** Probable Cause for only Non-Sexual Assault Offense:</b> The commander took action on a non-sexual assault offense because the allegations made did not meet the required elements of, or there was insufficient evidence for, any of the UCMJ offense constituting the SAPR definition of sexual assault, but allegations did meet the required elements of, and sufficient evidence for, another offense under the UCMJ (e.g., adultery, simple assault, assimilated	
<b>** Subject's Death or Deserted:</b> Commander action is precluded due to the death or desertion of the alleged subject.	
<b>** Victim's Death:</b> Commander action is precluded due to the death of the victim.	
<b>** Victim Declined to Participate in the Military Justice Action:</b> Commander action is precluded or declined because the victim has declined to further cooperate with military authorities or prosecutors in a military justice action. <b>See insufficient evidence definition for clarification.</b>	
<b>** Insufficient Evidence of any Offense:</b> Although the allegations made against the alleged subject meet the required elements of at least one of the criminal offenses that constitute the SAPR definition of sexual assault, there is not enough evidence to legally prove those elements beyond a reasonable doubt and proceed with the case. (Note: If the reason for concluding that there is insufficient evidence is because the victim declined to cooperate, then that reason for being unable to take action should be entered as "victim declined to participate in the military justice action", not that there was just "insufficient evidence.")	
<b>** Statute of Limitations:</b> Determination that pursuant to Article 43 of the UCMJ the applicable statute of limitations has expired and the case may not be prosecuted.	
<b>**Unfounded:</b> Determination that the allegations, as made against the subject, do not meet all the legal elements of any of the SAPR sexual assault offenses. These cases are either false or baseless.	
<b>*** Pursuant to the Rules for Courts Martial, Section 306(c)(1), the commander declined to take action against the subject.</b>	



U.S. MARINE CORPS COMBAT AREAS OF INTEREST - FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT IN THE MILITARY	
<b>A. FY09 COMBAT AREAS OF INTEREST - RESTRICTED REPORTS OF SEXUAL ASSAULT (rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, non-consensual sodomy, and attempts to commit these offenses)</b>	<b>FY09 Totals</b>
<b># Service Member VICTIMS in Restricted Reports</b>	<b>0</b>
<b># Reported sexual assaults AGAINST Service Member victims in the following categories</b>	<b>0</b>
# Service Member on Service Member	0
# Non-Service Member on Service Member	0
# Unidentified subject on Service Member	0
<b># Reported sexual assaults occurring</b>	<b>0</b>
# On military installation	0
# Off military installation	0
# Unidentified location	0
<b>B. FY09 INCIDENT DETAILS</b>	<b>FY09 Totals</b>
<b>Length of time between sexual assault and Restricted Report</b>	<b>0</b>
# Reports made within 3 days of sexual assault	0
# Reports made within 4 to 30 days after sexual assault	0
# Reports made within 31 to 365 days after sexual assault	0
# Reports made longer than 365 days after sexual assault	0
# Unknown	0
<b>Time of sexual assault incident</b>	<b>0</b>
# Midnight to 6 am	0
# 6 am to 6 pm	0
# 6 pm to midnight	0
# Unknown	0
<b>Day of sexual assault incident</b>	<b>0</b>
# Sunday	0
# Monday	0
# Tuesday	0
# Wednesday	0
# Thursday	0
# Friday	0
# Saturday	0
# Unknown	0
<b>C. FY09 RESTRICTED REPORTING - VICTIM SERVICE AFFILIATION</b>	<b>FY09 Totals</b>
<b># VICTIMS</b>	<b>0</b>
# Army	0
# Air Force	0
# Navy	0
# Marines	0
# Unknown	0
<b>D. FY09 DEMOGRAPHICS FOR FY09 RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>FY09 Totals</b>
<b>Gender of VICTIMS</b>	<b>0</b>
# Male	0
# Female	0
# Unknown	0
<b>Age of VICTIMS</b>	<b>0</b>
# 16-19	0
# 20-24	0
# 25-34	0
# 35-49	0
# 50-64	0
# 65 and older	0
# Unknown	0
<b>Grade of VICTIMS</b>	<b>0</b>
# E1-E4	0
# E5-E9	0
# WO1-WO5	0
# O1-O3	0
# O4-O10	0
# Cadet/Midshipman	0
# Civilian	0
# Foreign national/military	0
# Unknown	0
<b>Status of VICTIMS</b>	<b>0</b>
# Active Duty	0
# Reserve (Activated)	0
# National Guard (Activated)	0
# Civilian	0
# Cadet/Midshipman	0
# Unknown	0
<b>NOTE:</b>	

<b>U.S. MARINE CORPS COMBAT AREAS OF INTEREST - LOCATION OF FY09 RESTRICTED REPORTS</b>	
<b>E. TOTAL # FY09 COMBAT AREAS OF INTEREST -RESTRICTED REPORTS OF SEXUAL ASSAULT</b>	<b>FY09 Totals</b>
<b><i>TOTAL RESTRICTED ASSAULTS IN COMBAT AREAS OF INTEREST</i></b>	<b>0</b>
<b>Arabian Peninsula, Iraq &amp; Red Sea</b>	
Bahrain	0
<b>Iraq</b>	0
Jordan	0
Lebanon	0
Syria	0
Yemen	0
Djibouti	0
Egypt	0
Kuwait	0
Oman	0
Qatar	0
Saudi Arabia	0
United Arab Emirates	0
<b>South Asia</b>	
Iran	0
Pakistan	0
<b>Afghanistan</b>	0
<b>NOTE:</b>	

**U.S. MARINE CORPS COMBAT AREAS OF INTEREST: FY09 SERVICE REFERRALS FOR VICTIMS OF SEXUAL ASSAULT IN THE MILITARY**

**NOTE: Support Services are for all victims in each category that were referred for services during the reporting period, regardless of when their report was made (current or prior quarters).**

<b>A. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS FROM UNRESTRICTED REPORTS:</b>	<b>FY09 Totals</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	<b>0</b>
# Medical	0
# Counseling	0
# Legal	0
<b># CIVILIAN facilities (Referred by DoD)</b>	<b>0</b>
# Medical	0
# Counseling	0
# Legal	0
<b># Cases where SAFEs were conducted</b>	<b>0</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	<b>0</b>
<b># Military Victims in UR that received service referrals for an incident that occurred prior to military service</b>	<b>0</b>
<b>B. SUPPORT SERVICE REFERRALS FOR MILITARY VICTIMS FROM RESTRICTED REPORTS:</b>	<b>FY09 Totals</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	<b>0</b>
# Medical	0
# Counseling	0
# Legal	0
<b># CIVILIAN facilities (Referred by DoD)</b>	<b>0</b>
# Medical	0
# Counseling	0
# Legal	0
<b># Cases where SAFEs were conducted</b>	<b>0</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	<b>0</b>
<b># Military Victims in RR that received service referrals for an incident that occurred prior to military service</b>	<b>0</b>
<b>C. SUPPORT SERVICE REFERRALS FOR NON-MILITARY (DOD CIVILIANS, CONTRACTORS, ETC) VICTIMS:</b>	<b>FY09 Totals</b>
<b># Support service referrals for VICTIMS in the following categories</b>	
<b># MILITARY facilities</b>	<b>0</b>
# Medical	0
# Counseling	0
# Legal	0
<b># CIVILIAN facilities (Referred by DoD)</b>	<b>0</b>
# Medical	0
# Counseling	0
# Legal	0
<b># Cases where SAFEs were conducted</b>	<b>0</b>
<b># Cases where SAFE kits or other needed supplies were not available at time of victim's exam</b>	<b>0</b>

# **Fiscal Year (FY) 2009 Sexual Assault Synopses Report Data Call for Sexual Assaults in the Military**

## Part 1. UNITED STATES NAVY

### **Executive Summary**

**Please provide a general overview of the synopses in the report narrative that includes highlights of significant trends or observations in the investigations. Particular trends of interest include information such as:**

- **Rank differences between subject/victim,**
- **Alcohol involvement, if known**
- **Uniform Code of Military Justice (UCMJ) violation investigated vs. Final disposition of subject**

There were 231 investigations initiated and subsequently closed during FY09. Of these investigations, there were 134 investigations where the rank differences could not be determined. There were 67 cases that involved an active duty member with a civilian, 30 where the subject's rank was not identified, and 37 that involved subjects and victims who were active duty but the subject's rank was not identified (e.g., victim reports being sexually assaulted by military member with no further information provided). The remaining 97 investigations where the rank difference could be determined involved 37 where the subject and victim were the same rank, 53 where the subject was higher in rank than the victim and 7 where the victim was higher in rank than the subject.

There were 116 investigations where the age range difference between the subject and victim could not be determined. The age ranges included in the analysis were: 16-19yrs, 20-24yrs, 25-34yrs, 35-49yrs, 50-64yrs, and 65yrs and over. When it could be determined, the subject and victim fell into the same age range in 48 of the investigations. The subject was older than the victim in 55 of the investigations and the victim was older than the subject in 12 of the investigations.

There were 68 investigations where it can't be determined whether or not any alcohol or drug use was involved at the time of the sexual assault. Of the remaining 163, there was no alcohol or drug use reported to have been involved in 47 investigations. In 82 investigations, alcohol consumption by both the subject and victim was reported, 15 investigations reported alcohol consumption by only the subject and the remaining 15 investigation reported alcohol consumption by only the victim. In 2 cases, the victim was reported to have taken over-the-counter or prescription medication. The remaining 2 cases involved all parties consuming both alcohol and narcotics.

Where alcohol use by both the subject and victim was involved, 40 were aggravated sexual assault allegations, 12 were abusive sexual contact allegations, 12 were non-consensual sodomy allegations, 9 were rape allegations, 8 were wrongful sexual contact allegations and 1 was an aggravated sexual contact allegation.

In the 82 investigations where both subject and victim were reported to have consumed alcohol, 78 involved acquaintances or friends, 2 involved a co-worker, 1 involved a stranger, and in 1 the relationship could no be determined. In the 15 investigations where only the subject was reported to have consumed alcohol, 8 involved acquaintances or friends, 2 involved a co-worker, 2 involved a stranger, and 3 involved prior romantic partners. Of the 13 investigations where only the victim had consumed alcohol, 9 involved acquaintances or friends, 1 involved a co-worker, 3 involved a stranger, and in 2 the relationship could not be determined.

## **Fiscal Year (FY) 2009 Sexual Assault Synopses Report Data Call for Sexual Assaults in the Military**

### Part 2. UNITED STATES MARINE CORPS

#### **Executive Summary**

**Please provide a general overview of the synopses in the report narrative that includes highlights of significant trends or observations in the investigations. Particular trends of interest include information such as:**

- **Rank differences between subject/victim,**
- **Alcohol involvement, if known**
- **Uniform Code of Military Justice (UCMJ) violation investigated vs. Final disposition of subject**

There were 135 investigations initiated and subsequently closed during FY09. Of these investigations, there were 72 investigations where the rank differences could not be determined. There were 58 cases that involved an active duty member with a civilian, 10 where the subject's rank was not identified, and 4 that involved subjects and victims who were active duty but the subject's rank was not identified (e.g., victim reports being sexually assaulted by military member with no further information provided). The remaining 63 investigations where the rank difference could be determined involved 20 where the subject and victim were the same rank, 31 where the subject was higher in rank than the victim and 12 where the victim was higher in rank than the subject.

There were 62 investigations where the age range difference between the subject and victim could not be determined. The age ranges included in the analysis were: 16-19yrs, 20-24yrs, 25-34yrs, 35-49yrs, 50-64yrs, and 65yrs and over. When it could be determined, the subject and victim fell into the same age range in 29 of the investigations. The subject was older than the victim in 37 of the investigations and the victim was older than the subject in 7 of the investigations.

There were 38 investigations where it can't be determined whether or not any alcohol or drug use was involved at the time of the sexual assault. Of the remaining 97, there was no alcohol or drug use reported to have been involved in 14 investigations. In 56 investigations, alcohol consumption by both the subject and victim was reported, 13 investigations reported alcohol consumption by only the subject and the remaining 13 investigations reported alcohol consumption by only the victim. In 1 case, the victim was reported to have taken prescription narcotics.

Where alcohol use by both the subject and victim was involved, 41 were aggravated sexual assault allegations, 1 was an indecent assault allegation, 4 were non-consensual sodomy allegations, 5 were rape allegations, and 5 were wrongful sexual contact allegations. In the 13 investigations where only the subject was reported to have consumed alcohol, 2 were aggravated sexual assault allegations, 1 was non-consensual sodomy, 1 was rape and 9 were

wrongful sexual contact. In the 13 investigations where only the victim was reported to have consumed alcohol, 10 were aggravated sexual assault, 1 was aggravated sexual contact, 1 was indecent assault and 1 was wrongful sexual contact.

In the 56 investigations where both subject and victim were reported to have consumed alcohol, 46 involved acquaintances or friends, 4 involved a stranger, 2 involved prior romantic partners, 1 involved an estranged spouse, and in 3 the relationship could not be determined. In the 13 investigations where only the subject was reported to have consumed alcohol, 10 involved acquaintances or friends, 1 involved a co-worker, 1 involved a stranger, and 1 involved prior romantic partners. Of the 13 investigations where only the victim had consumed alcohol, 7 involved acquaintances or friends, 1 involved a co-worker, 1 involved a stranger, and in 4 the relationship could not be determined.

**FY09 Sexual Assault Synopses Report  
United States Navy**

Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
1	Q1	E3	E2	M	F	Wrongful Sexual Contact (Article 120)	Administrative Discharges	CONUS on-base: Victim was asleep in her berthing room when she awoke to Subject (with alcohol on his breath) groping her vagina and breasts under her pajamas. Victim told Subject no and he left after 20 minutes. Subject repeated the behavior on two subsequent occasions. Subject admitted to the allegations and was administratively separated. Subject received a General Discharge (Under Honorable Conditions).
2	Q3	E1	CIV	M	F	Aggravated Sexual Assault (Article 120)	Administrative Discharges	CONUS on-base: Victim reported that after getting drunk at a barracks party with a Subject whose name she didn't know, she let him digitally penetrate her vagina. She then went to the bathroom and vomitted from too much alcohol when Subject came in and raped her. Subject claimed all sex was consensual. Command indicated Subject would be administratively separated, given a general discharge from the USN.
3	Q4	E4	E3 / E4 (2)	M	M (3)	Wrongful Sexual Contact (Article 120)	Administrative Discharges	CONUS on-base: Victim #1 awoke to Subject touching his genitals; Victims #2&3 were in the bathroom (at separate times) when they were approached by Subject who ran his hand over Victim #2's genitals and touched Victim #3's penis while reaching under the stall. Subject admitted all to NCIS. Subject ADSEP from USN; Command elected Not to proceed with NJP because of his separation.
4	Q4	E1	E1	M	F	Aggravated Sexual Assault (Article 120)	Administrative Discharges	CONUS on-base: When Command asked Victim why Subject(on Quarters restriction) was seen leaving her barracks room early in a.m, she admitted letting him in to have sex. Both Subject and Victim went before Disciplinary Review Board for violating Article 92, when Victim alleged Subject had raped her. Subject denied, showing some of the cell phone text messages the Victim sent to him that night indicating she wanted to have sex with him. Subject will be administratively separated; Victim later signed a VPS.
5	Q4	E6	E3	M	F	Wrongful Sexual Contact (Article 120)	Administrative Discharges	OCONUS on-base: While bowling with Subject(co-worker), who was drunk, Subject grabbed Victim's buttocks. During the past year, when drunk, Subject offered Victim money to have sex and made inappropriate comments about 11-12 year old girls. Witnesses affirmed Victim's statements. Subject administratively separated from USN.
6	Q4	UNK	E5	F	M	Aggravated Sexual Assault (Article 120)	Administrative Discharges	CONUS on-base: Victim reported awaking in barracks bed to Subject having sex with him. Subject admitted getting drunk and having sex with classmates in her barracks room. Victim signed VPS; Subject was reviewed at Article 15 and was administratively separated from the USN.
7	Q1	FN	E4	M	F	Abusive Sexual Contact (Article 120)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	OCONUS off-base: Victim reported being groped by taxi driver (FN) in Dubai while in route to a friend's residence. Subject also attempted to kiss the victim's hand and pull her head to his lap area. Dubai police conducting the investigation; no further information provided.
8	Q3	CIV	E5	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	CONUS off-base: Victim's ex-husband came to her house and tried to convince her to have sex with him. When she refused, he raped her. Civilian authorities prosecuted Subject and he was found guilty of 2nd degree sexual assault and sentenced to jail, registration as a sex offender and ordered to obtain treatment.
9	Q2	CIV	E2	M	M	Non-Consensual Sodomy (Article 125)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	CONUS off-base: Victim reported he was drugged and sodomized at his uncle's house. Victim later recanted saying he had consensual sex with male friend of the family and didn't want his parents to find out. NJ State police issued Victim a summons for knowingly making a false report.
10	Q3	FN	E5	M	M	Wrongful Sexual Contact (Article 120)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	OCONUS off-base: Victim reported leaving a local Strip Club, getting into what he thought was a taxi. The car's driver agreed to drive him to the Naval Air Station and when they arrived at the gate, he grabbed Victim's groin. Victim pushed his hand away and Subject asked to see Victim's genitals. Victim quickly exited the car and reported incident to Gate MPs who observed Subject's erratic driving, copying down his license plate. Italian authorities assumed investigation; despite ongoing NCIS inquiries, the Italian Civilian Magistrate is still considering if charges should be filed against Subject; NCIS case closed.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
11	Q4	FN	E5	M	F	Abusive Sexual Contact (Article 120)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	OCONUS on-base: Subject(Djibouti national/interpreter) and Victim watched DVDs in Subject's quarters aboard ship. Victim fell asleep and awoke to find him on top of her, rubbing her crotch. She resisted and he pinned her to the floor and pressed his penis against her several times. She got away and reported to Command. SAUSA cited lack of US jurisdiction over Subject; no extradition or prosecution of him will occur.
12	Q4	CIV	UNK	M	M	Non-Consensual Sodomy (Article 125)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	CONUS off-base: Subject and Victim drank heavily at a gay bar then went to a hotel room where Subject asked Victim if he wanted to watch porn while he performed oral sex on Victim. Victim refused, but later awoke to Subject performing oral sex on him. Victim went back to sleep. Subject denied sexual activity but admitted sleeping with Victim and requested to take a polygraph. Civilian authorities declined to prosecute due to lack of evidence.
13	Q2	UNK	E1	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	CONUS off-base: Victim reported she drank heavily at a bar with friends but didn't have any recollection of events that followed, but woke up alone in a motel room across the street from the bar. Local authorities assume the case; surveillance video identified Subject she'd left bar with. Subject reported he met Victim at the bar and she agreed to sleep with him. He picked up condoms and they went to the motel together and engaged in consensual intercourse twice. She asked to stay in the room and he left her there. Victim showed her desire not to participate with the investigation by failing to return the investigator's messages.
14	Q3	FN	E5	M	F	Aggravated Sexual Contact (Article 120)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	OCONUS on-base: Victim reported that after a swim in the pool, she went to the shower where Subject (FN - custodian) grabbed her breasts from behind her and tried to pull her top down and kiss her. Subject fled as a witness entered the bathroom. Subject denied; Victim declined to pursue.
15	Q3	FN	E4	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	OCONUS off-base: On port visit Victim got massage at Turkish bath from Subject (Turkish national) who digitally penetrated Victim's vagina with his finger. Victim felt threatened and did nothing until she reported to her command. National police assumed investigation. Victim identified Subject but refused to file a complaint. Prosecutor indicated due to Victim's unwillingness to cooperate, no further action would be taken.
16	Q3	FN	E4	M	F	Abusive Sexual Contact (Article 120)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	OCONUS off-base: On port visit at a café, Subject (Turkish national) tried to kiss Victim who then fled to the restroom. Victim came out and Subject pulled Victim's shirt down and kissed her breasts. Subject let Victim go as USN male arrived. Victim reported the incident to command. National police assumed jurisdiction. Victim identified Subject but refused to file a complaint. Due to Victim's unwillingness to cooperate, prosecution was not pursued.
17	Q3	FN	E6	M	F	Wrongful Sexual Contact (Article 120)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	OCONUS on-base: As Victim went through crowd at USO area on the ship, the Subject (Civ FN Contractor) grabbed her groin area. Angered, the Victim stopped Subject and asked why he did it. Subject swore and walked away. Victim reported and identified Subject in a line-up, but later decided not to pursue with foreign law enforcement. Subject's employer gave the subject a "Final Warning" Letter.
18	Q3	FN	E6	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person NOT Subject to the UCMJ	OCONUS off-base: Victim who was drunk talked and exchanged phone numbers with Subject (Egyptian) at a social. Victim said they went behind curtains and Subject put his hand into her pants and digitally penetrating her vagina. Witness indicated the act was consensual. Jordanian police deported the Subject.
19	Q1	UNK	E2	M	F	Abusive Sexual Contact (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim reported drinking at a party and sleeping on the couch later awaking to Subject's hand in her pants fondling her vagina. Subject claims Victim put his hand there. Victim reported to Sheriff's office; civilian authorities declined prosecution.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
20	Q2	UNK	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim reported drinking with her brother(USN) and his two male friends (USAF) at his apartment. Victim awoke to unknown male digitally penetrating her vagina. Victim reported incident to civilian authorities. DNA tests were inconclusive; insufficient evidence to provide probable cause and investigation was closed with no further action.
21	Q4	E1	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Hotel staff heard Victim's screams and found Subject with his pants at his ankles on top of Victim inside hotel elevator. Civilian court found Subject Guilty of Aggravated Battery; sentenced to 18 months probation, must pay Court costs and have substance abuse and psychiatric/psychological examinations.
22	Q1	E3	CIV	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim reported being asleep in her bed, her sister let Subject sleep on their couch. Victim awoke to Subject on top of her. Subject forcibly penetrated her vagina and attempted to penetrate her anally. Subject arrested and charged with rape by civilian authorities.
23	Q4	UNK	CIV	M	F	Abusive Sexual Contact (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Subject walked Victim, who was intoxicated, home from a party. Victim awoke to find she was alone and nude experiencing vaginal soreness. A sexual assault forensic exam was performed and local authorities assumed the investigation. Neither the Subject or Victim have any post-party recollection. Locals still awaiting forensic lab results; investigation closed by civilian authorities, no further information.
24	Q3	E3	E1	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim, Subject and others got drunk at a motel party where the Victim and Subject went to a room and had sex. The Victim's liberty buddies found the Victim naked and unresponsive on Subject's floor and the Subject was slow in answering the door when they arrived. Victim was transported to the hospital via ambulance; Subject claimed they had consensual sex. Civilian authorities were investigating, but victim declined to participate in the investigation.
25	Q3	E5	E5	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: After Subject and Victim broke up, Subject went to her house to get some of his things. Victim declined his sexual advances and Subject forced her to bedroom, pulled her pants down, and digitally penetrated her vagina. She cried and he stopped and left the house. Subject pled guilty in civilian court to misdemeanor Assault and Battery, sentence to 12 months in jail and fined \$237 for court costs.
26	Q4	E3	E1	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: After drinking with Subject at a party, Victim fell asleep on futon. Victim later awoke with her pants off and Subject lying on futon with his arm around her. She put her pants on and went back to sleep. When she woke the next day, her pants were off and her tampon was on floor by futon. Subject was gone. Subject admitted to digitally penetrating Victim's vagina but denied removing tampon. After having difficulty contacting and interviewing the Victim, Civilian DA declined to prosecute. Subject was later administratively separated with an Honorable Discharge.
27	Q3	UNK	CIV	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim, whose husband was deployed, drank at a local bar. Victim reported Subject followed her to her apartment, took her clothes off and had sex with her without her consent. Victim learned she needed an STD test and while at the hospital told police that Subject had raped her. Local authorities investigating; no further information.
28	Q3	E4	CIV	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim reported to local authorities that as she sat in her parked car Subject kissed her lips, neck, bare breast and penetrated her vagina with his penis against her will. Subject initially claimed all was consensual, but later admitted he had raped the Victim after being administered a polygraph. Results of NCIS' report was forwarded to presentation to the District Attorney for possible prosecution. Subject was to be administratively separated from USN on unrelated issues.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
29	Q2	E3	CIV	M	F	Wrongful Sexual Contact (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim visited her sister and her fiancée (Subject) for a month. Victim alleged Subject grabbed her breasts (over and under clothes), buttocks (over clothes) and would grind his erect penis against her (over clothes) and kissed her. State Atty reported there was insufficient evidence to move forward.
30	Q2	UNK	CIV	M	F	Abusive Sexual Contact (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	OCONUS off-base: Victim claimed that Subject rubbed his penis in front of her vagina and put his hands on the sides of her breasts numerous times. Civilian authorities would seek to arrest Subject for 4th degree sexual assault.
31	Q1	E1	E1	M	F	Wrongful Sexual Contact (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS on-base: Victim reported that on three different occasions, Subject touched her crotch over clothes and once tried to put his hand inside his pants, but Victim stopped him. Subject claimed it was consensual and a witness indicated Victim told them it was consensual. Local authorities investigated; case closed, no further information.
32	Q1	UNK	UNK	M	M	Wrongful Sexual Contact (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS on-base: Subject went to check on Victim who had passed out from drinking. Witnesses went to room and found Subject straddling unconscious Victim, both with their pants down. Subject fled scene and witness reported to base police. Victim did not wish to pursue investigation.
33	Q4	E1	E1	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim reported to her Command that while in hotel room with Subject, he drank a bottle of champagne and forced her to have sex with him. Local authorities are investigating; Subject was subsequently separated from USN for pattern of misconduct.
34	Q4	UNK	CIV	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim told Sheriff's Office Subject raped her at his cabin in the woods. Subject told NCIS her drove Victim and other friends to his family's cabin where they drank and played poker. Victim lost game and had to kiss Subject and then kept kissing and moved to the bedroom where they had consensual sex. They then spent the night in the same bed and Subject dropped Victim off at her house the next day. Subject's cell phone had many text messages from Victim indicative of an intimate relationship. Civilian DA indicated no charges would be filed against Subject.
35	Q3	E1	E1	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim reported to civilian authorities that while at the movies the Subject gave her alcohol and then proceeded to rape her. Subject claims it was consensual. Witness affirmed Subject's story and Victim later recanted. Civilian authorities closed case; unfounded.
36	Q4	E6	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Local Police arrested Subject for pulling Victim into his apartment and forcing her to perform oral sex on him and then he raped her. Subject initially charged with violations of Virginia State Code, Title 18.2, Sections 48(Abduction with Intent to Defile), 61(Rape) and 67.1(Forcible Sodomy). Subject pled Guilty to only Section 57(nfi) with the other two felony charges not being prosecuted; Subject received 12 months suspended confinement, court costs of \$213 and unsupervised probation for 2 years.
37	Q4	E6	E4	M	F	Non-Consensual Sodomy (Article 125)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim reported to local police that she got drunk at a party and later awoke with her underwear at her ankles, feeling like she had been sexually assaulted. Two witnesses saw Subject performing oral sex on Victim as she slept. Other witness observed the pair consensually kissing and touching one another during the party and months after. Locals deemed allegations unfounded; no action taken against Subject.
38	Q4	E7	CIV	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim told Sheriff's Office her boyfriend of 3 months(Subject) unlawfully got into her apartment and said he was too drunk to drive so she let him stay overnight. They had consensual sex then he began biting, hitting and punching her while Victim tried to resist. County DA declined to prosecute due to False Statements Victim made (DA may decide to prosecute her for these later).

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
39	Q3	E5	CIV	M	F	Abusive Sexual Contact (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim told PD that she visited Subject at his residence. Subject allegedly touched Victim's breast and pinned her on the couch. Subject claimed Victim sat on his lap and they consensually kissed, but there was no inappropriate touching. Civilian declined prosecution.
40	Q4	E4	CIV	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Subject and Victim met on MySpace and Subject later spent the weekend with Victim. Victim delayed reporting the rape for fear of her life. Subject insisted all sexual contact with Victim had been consensual. Civilian authorities determined no charges would be brought against Subject.
41	Q4	E1	E2	M	M	Wrongful Sexual Contact (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim advised he awoke to being masturbated by Subject to which he immediately reacted to stop the act. Subject was separated from the USN for desertion charges and the crime is being investigated by the locals.
42	Q2	E5	E5	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim reported that in Sep 2007 Subject fondled her breasts and digitally penetrated her vagina. She stated she did not know what had happened because of her consumption of alcohol until Subject reminded her of what occurred. She advised she reported it to Local PD but was told they would not open a case because it was "He said, She said". NCIS put Victim in touch with the Local PD and they will open a case. NCIS Closed their case.
43	Q4	E4	E4	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim advised after night of drinking she awoke to Subject lying on top of her, she first thought it was her boyfriend but after Subject inserted his penis in her vagina she realized it was Subject. Locals handling investigation.
44	Q2	E4	E3	M	F	Non-Consensual Sodomy (Article 125)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS off-base; Victim alleged that Subject forced her to perform oral sex on him at a party. Subject claimed it was consensual. Command determined not to take punitive actions against the Subject as a result of this investigation; no further information. Subject currently being Administratively separated on an unrelated issue.
45	Q4	E5	E2	M	F	Aggravated Sexual Assault (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS off-base: Subject and Victim got drunk at party and slept together. Victim woke to Subject's fingers in her vagina, but again fell asleep and later awoke with wet underwear. Later that morning, she had consensual sex with Subject. Victim did not report the incident at the time it occurred and did not seek any medical treatment for the alleged assault. Subject claimed all was consensual. Victim later discharged for Erroneous Enlistment (unrelated to sexual assault). Command was apprised of incident and declined prosecution; no further information provided.
46	Q3	E3	E2	M	M	Abusive Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS off-base: Victim reported drinking with Subject at his apartment until she passed out. Victim awoke nude in bed with Subject groping her buttocks and penis. Victim then fled to a 7-11 where Subject found him and drove him home. Victim reported 5 days later. Subject chose not to undergo a polygraph and admitted to providing false statements in his initial interview, however he did not admit to assaulting the Victim. Command took no further action on the Subject (NFI).
47	Q3	E3	CIV	M	F	Rape (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Sixteen days after the incident, Victim's husband reported his wife was raped by Subject. Victim claimed Subject was temporarily staying with them (3 weeks) and they were alone on the evening of the sexual assault. Victim indicated she had been drinking (but was not drunk), awoke on the couch around midnight wearing only her underwear, which had fluid in them indicating she may have had sex (Victim had no recollection). Subject claimed they had consensual sex. Command indicated no action would be taken against Subject.
48	Q2	E7	E1	M	F	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Subject entered office, talked to Victim for 20-30 minutes and told her co-worker to leave. Subject asked about Victim's sexual activity, unzipped her coveralls and put his hand on her stomach and in her pants rubbing the outside of her vagina. Victim told Subject to stop and left the office. Command decided that no action would be taken.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
49	Q3	UNK	CIV	M	F	Rape (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Civilian Police told NCIS that Victim alleged rape by a sailor at party held in base housing. Victim affirmed rape to NCIS. Subject claimed it was consensual to Victim's boyfriend. Victim asked Subject through a text message to admit he raped her. RLSO declined prosecution per Command's request.
50	Q4	E5	E2	M	F	Aggravated Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim reported that Subject pinned her against bulkhead and fondled her breasts, buttocks and genitals (over clothes) while she tried to resist. When she tried to get free Subject slammed her repeatedly against bulkhead. When Victim reported incident 2 days later they recorded it as Sexual Harassment. Subject was counseled and ordered not to have any physical contact with the Victim. Victim later re-reported incident to SAVI because Subject recently sexually harassed her. Subject admitted to being in same location as victim, but denied sexually assaulting her. Command took no action against subject.
51	Q3	E5	E2	M	M	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	OCONUS on-base: Victim awoke in his rack to a hand moving up and down his leg and touching his groin area. Victim tried to grab the Subject, but he got away. Subject denied allegations. Charges were not preferred against Subject under a pretrial agreement because Subject was taken to SPCM in 4 similar cases.
52	Q3	UNK	CIV (2)	M	F (2)	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS off-base: All parties (except Witnesses) were drunk. Victim #1 and #2 said that Subject had sexual contact with them on car ride home from Ball. Witnesses indicated Subject spoke with them leaning forward between the front seats and they saw one of the Victims slap Subject (reason unk). Neither Victim complained at the time. Command indicated no action would be taken against Subject.
53	Q3	E3	E1	M	F	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim reported she was partially bent over sweeping under table at AFT mess decks when Subject grabbed her butt. Victim turned to hit her when Subject grabbed it again, along with her arm. Subject denied allegations claiming Victim pinched him multiple times. Victim indicated she was initially hesitant to report the incident in fear of getting in trouble for pinching the Subject. Commanding Officer signed military protective order issued to Subject to stay at least 50 feet from Victim.
54	Q4	E2	E2	M	M	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim alleged restricted Subject fondled his genitals and buttocks while making crude statements inferring he wanted to have sexual relations with the Victim. Victim indicated that he wasn't the only one the Subject had approached, but would not provide any names. NCIS was notified and advised no further action would be taken due to the Subject's release from military service that day.
55	Q3	E6	E1 / E3	M	F (2)	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Victim #1 reported that while on duty with Subject, the Subject rubbed her butt, breasts, crotch, leg (over my clothes) on various occasions and once on her bare leg, even though she resisted and told him to stop. Victim #2 reported that Subject often touched her inappropriately (over clothes) and also sent sexually explicit text messages, indirectly threatening her. Subject denied allegations by Victim #1, but admitted sending Victim #2 some text messages. Subject convicted at SPCM; 30 days confinement and BCD.
56	Q2	E2	E2	M	M	Non-Consensual Sodomy (Article 125)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Subject, Victim and other drank at a hotel room and when others left, Subject performed oral and anal sex on Victim when Victim was too intoxicated to resist. Subject admitted to allegations. During the interview of the Victim by RLSO, the Victim provided a sworn statement declining prosecution of the subject. Criminal charges against the Subject were subsequently withdrawn and he was administered NJP for violation of Art 112a(drug use); awarded reduction in grade, forfeiture of pay, restriction, extra duty and then ultimately ADSEP (OTH) in Feb 2009.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
57	Q3	E3	E3	M	M	Non-Consensual Sodomy (Article 125)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: After drinking, Victim and Subject and others slept at Transient Visitors Quarters. Victim awoke to Subject straddling and masturbating over him. Victim stated he realized Subject had also inserted his penis into Subject's anus when he pushed the Subject away. Subject admitted and was found guilty of Art 125 (Forcible Sodomy) at GCM; confined, reduction in grade, forfeiture of pay and BCD.
58	Q4	E5	CIV	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim reported while dating Subject, he kissed and fondled her and digitally penetrated her vagina without her consent on many occasions. Victim repeatedly failed to meet Reporting Agent to provide a statement. Article 32 Hearing convened and recommended all charges be withdrawn. Command concurred.
59	Q3	UNK	UNK	M	M	Non-Consensual Sodomy (Article 125)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim's wife reported 6 mos after event that her husband may have been the victim of a sexual assault. Victim admitted that he was on medication and drank at home with the Subject and others. After going to bed the victim confronted the Subject who told him that the Victim had performed oral sex on him and they also had sexual intercourse. Art 32 hearing was conducted and determined that Subject be administered NJP for wrongful sexual contact; however, based on recommendation from RLSO, case was dismissed.
60	Q3	E5	E3 (2) / E4	M	M (3)	Non-Consensual Sodomy (Article 125)	Courts-Martial Charge Preferred (initiated)	OCONUS off-base: Subject performed oral sex on Victim #1 and #2 while they were asleep in Subject's hotel room after drinking. Victim #1 awoke and told Subject to stop and he did. Subject also removed Victim #3's clothing. Subject later apologized to Victims #1 and #2 for "hurting them". Subject pled guilty at SPCM of Sodomy; granted confinement, reduction in grade, forfeiture of pay and made to register as a sex offender.
61	Q4	E5	E4	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim called her Supervisor(Subject) for a ride home after becoming intoxicated at a bar; Subject carried Victim from bar to his car's backseat and raped her. State Attorney declined prosecution and NCIS assumed case. Subject pled Guilty at General Court-Martial to Rape and received 9 years confinement at Ft. Leavenworth, reduction to E1 and a Dishonorable Discharge from US Navy.
62	Q4	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim got drunk at party and passed out in Subject's bedroom. Witness saw Subject performing sex act to Victim. Subject reported he digitally penetrated Victim's vagina and rubbed his penis on her vagina as she slept. Subject pled at GCM to Art 120 (Wrongful sexual contact) and was confined 30 months, reduced to E1, granted a Dishonorable Discharge and required to register as a Sex Offender.
63	Q3	E5	E4 / E5	M	M (2)	Abusive Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Asleep in his rack, Victim #1 felt a hand grab his genitals and Subject's wrist. Subject then fled the room. Victim #2 woke up to Subject grabbing his inner thigh area and he confronted the Subject. Subject pled guilty at SPCM to Abusive Sexual Contact and was confined for 6 months, reduced to E1 and made to forfeit \$5,400.
64	Q4	E2	E2	M	M	Non-Consensual Sodomy (Article 125)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: After a night of heavy drinking with the Subject, Victim awoke believing he had been sodomized by Subject while he slept. Subject admitted he had performed oral and anal sex on sleeping Victim. Article 32 Investigating Officer recommended against referral. Subject was administratively separated for homosexual conduct with an Honorable Discharge.
65	Q4	E6	E3 / UNK (2)	M	F (3)	Abusive Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Victim1 reported that Subject has continually harassed her by his sexually explicit comment, exposure of his penis and grabbing her breasts and rubbing his crotch against her buttocks. During the course of the investigation, two other female sailors detailed similar experiences with Subject. Witnesses reported Subject's continuing course of conduct in sexually harrassing subordinate female sailors. Following an Art 32 Hearing, Subject asked for and was granted Separation in lieu of Trial by Courts Martial; he received Other Than Honorable discharge.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
66	Q4	E2	E3	M	F	Abusive Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Subject and Victim hugged at barracks and he later carried her to the smoking lounge where he kissed her neck and groped her breasts(over sweatshirt). Victim tried to leave, but Subject restrained her and tried to digitally penetrate her vagina. Subject denied, but later admitted stating it was consensual. Subject charged with violating Articles 120(Aggravated Sexual Assault) and Art107(False Official Statements). Case referred to SPCM, but per Command request, charges were dismissed and Subject received NJP and was restricted to barracks for 21 days and forfeited \$1,568 of his pay.
67	Q2	E2	E2	M	F	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim, Subject and witness were at barracks room and when Subject and Victim had a disagreement, Subject tacked Victim on the bed. Subject fondled Victim's breast and kissed her neck. Victim left and later reported the incident along with the witness. Subject was uncooperative with MPs, served an MPO and put into pre-trial confinement. Investigation closed and forwarded to Legal for further action; no additional details provided.
68	Q2	E5	E6	M	F	Wrongful Sexual Contact (Article 120)	Insufficient Evidence of any offense	CONUS on-base: Subject and Victim were talking at medical office when the Subject grabbed the victim's buttocks and pulled her against him, trying to undo her coveralls. Victim resisted and reported. Command determined not enough evidence to take action on Subject.
69	Q2	E6	E4	M	F	Wrongful Sexual Contact (Article 120)	Insufficient Evidence of any offense	OCONUS off-base: Subject and Victim were drinking with others when Subject reportedly came up behind Victim and slapped her buttocks. Subject admitted to slapping her buttocks, but denied any sexual advances. Due to insufficient evidence, Command determined not to take formal disciplinary action against Subject.
70	Q1	UNK	E3	M	M	Non-Consensual Sodomy (Article 125)	Insufficient Evidence of any offense	CONUS off-base: Victim reported 5 months after incident that, after they were both drinking, Subject tried to kiss him many times, but he resisted. Victim passed out and later awoke to Subject sodomizing him. Victim pushed Subject off and fled. Subject claimed it was consensual. Command determined no action would be taken due to insufficient evidence.
71	Q1	UNK	E5	M	F	Rape (Article 120)	Insufficient Evidence of any offense	OCONUS off-base: Subject and Victim drank at a party. Victim recalled kissing the Subject, later blacked out and awoke the next day in her bed believing she had been raped. Subject told Victim they had consensual sex in his car before arriving at the Victim's home. Subject refused to talk to NCIS. Command SJA determined no action be taken due to lack of evidence.
72	Q1	UNK	UNK	M	F	Rape (Article 120)	Insufficient Evidence of any offense	CONUS on-base: During XO's investigation, Victim reported she believed she had been sexually assaulted and that her current pregnancy resulted from the sexual assault. Victim stated she could provide no additional information regarding the alleged assault or who assaulted her. Command was briefed and case was closed due to lack of evidence.
73	Q2	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	CONUS on-base: Victim reported rape by Subject after repeatedly being questioned by fiancée about prior relationship with Subject. Victim admitted that during the relationship with Subject she would often say "no" when they had consensual sex as part of a role play during their sexual encounters. SJA determined case lacked prosecutorial merit.
74	Q2	E4	E2	M	F	Abusive Sexual Contact (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Subject, his live-in girlfriend and Victim went drinking. Victim slept at their apartment and awoke feeling pain in her buttocks area and saw Subject behind her. Subject's girlfriend came into the room and called out to Subject who got up and left. Subject told Victim over the phone that he was drunk and had no recall. Command determined insufficient evidence to proceed to prosecution.
75	Q3	E4	CIV	M	M	Non-Consensual Sodomy (Article 125)	Insufficient Evidence of any offense	CONUS off-base: Subject and Victim got drunk at Subject's house, kissed and got into bed together. Victim said Subject sodomized him. Subject claimed all sexual activity was consensual. Subject was taken to ADSEP Review Board(re Art 125[Sodomy]). Upon review by BUPERS it was decided to retain Subject in USN.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
76	Q2	E4	E3	M	F	Abusive Sexual Contact (Article 120)	Insufficient Evidence of any offense	CONUS on-base: Victim reported that as she cleaned a state room aboard ship, the Subject arrived and watched. When Victim tried to leave, Subject grabbed her breasts more than once as Victim resisted. As Victim resisted, she and Subject fell to the floor and then Victim fled. At XO Inquiry, Command dismissed the case due to lack of evidence.
77	Q2	UNK	E5	M	F	Abusive Sexual Contact (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim and Subject drank and then went to sleep together. Victim took off her bra and Subject touched her breasts and torso. Victim did not consent to Subject sucking on her breasts or touching her vagina, but was afraid to resist or say no to the Subject. Subject claimed it was consensual and that Victim drove him home and gave him a hug goodbye. Command determined no criminal charges would be brought against Subject.
78	Q3	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim reported that during a party at her house she fell asleep in her bed and was awakened by Subject raping her. He ignored her repeated pleas to stop. Victim fled to a neighbor's home and called the local sheriff's office. Civilian authorities assumed jurisdiction. When Victim declined to cooperate, the civilian prosecutor declined to prosecute and NCIS assumed primary investigative authority. After much investigation, to include polygraph tests, RLSO determined there was insufficient evidence to prefer charges.
79	Q3	UNK	E1	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim and Subject (her boyfriend) stayed in motel room together. Victim alleged that Subject threatened to report her for fraternization with a Chief at Naval Hospital Corps School unless she had sex with him, so Victim agreed. Subject claimed he had consensual sex with Victim three times that day. Witnesses affirmed Subject's account. Command declined prosecution due to insufficient evidence.
80	Q2	E4	CIV	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	CONUS on-base: Subject offered Victim (prostitute) a ride from bus stop and they ended up at his quarters. Victim told the Subject she would perform sex for money and indicated the Subject did not threaten her in any way, but she didn't want to walk home, so she had sex with him. Subject claimed sex was consensual and stopped when the Victim said she couldn't do more. Investigation closed due to lack of prosecutorial merit/interest.
81	Q2	UNK	E1	F	M	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim, Subject and four others drank at a hotel room. Victim said that while sleeping in bed with Subject (clothed), he awoke naked with "film" on his penis. Witness stated that Subject told him that she had sex with Victim. Subject denied having sex with Victim. Command decided not to pursue due to conflicting witness accounts.
82	Q3	UNK	E3	M	F	Wrongful Sexual Contact (Article 120)	Insufficient Evidence of any offense	OCONUS on-base: Victim reported that numerous times between Dec 2007 and Feb 2009, Subject groped her buttocks, breasts, and vaginal area(over+under clothes) even though she tried to resist. Subject indicated all sexual contact was consensual and agreed to a polygraph. Witnesses indicated that they were a couple, always holding hands, kissing and dancing intimately. Command indicated no action would be taken due to lack of evidence.
83	Q4	E7	E2 / E3	M	F (2)	Wrongful Sexual Contact (Article 120)	Insufficient Evidence of any offense	CONUS on-base: Victim #1 reported to USN's Substance Abuse Rehabilitation Program (SARP) for a STD exam and reported the Caregiver(Subject) put his ungloved fingers in her vagina and did not take swab samples. Victim #2 reported she went to SARP because of a rash on her neck and Subject looked at it and then asked her to disrobe and proceeded to fondle her. Subject claimed he followed medical protocol and did not sexually assault either Victim. Command determined insufficient evidence to prove sexual assault and indicated Subject's actions were a procedural violation, which would require an administrative response - verbal reprimand.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
84	Q3	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	OCONUS on-base: Victim reported getting drunk at girlfriend's barracks with Subject and others, later sleeping on the floor but then awaking nude in her room feeling like she had sex. Victim saw two used condoms on the floor and recalled waking briefly with Subject on top of her. Victim made Restricted Report and underwent a SAFE and later made an Unrestricted Report. Subject claimed he and Victim had consensual sex. No action taken against Subject based on JAG's advice to Command that case lacked prosecutorial merit.
85	Q4	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	OCONUS off-base: Victim passed out from drinking at party at Subject's apartment. Witnesses reported that Subject raped Victim while she was still unresponsive on his floor. USACIL testing found his DNA profile on her vaginal swabs. Subject admitted intercourse to witnesses and Investigators. Art 32 Investigating Officer determined that due to witness inconsistencies, there was insufficient evidence to conduct a Courts-Martial. Command decided not to pursue Administrative or Judicial action against Subject.
86	Q4	UNK	CIV	M	F	Rape (Article 120)	Insufficient Evidence of any offense	OCONUS on-base: Victim visited children at ex-husband's (Subject) house. Subject locked Victim in his bedroom and forcefully raped her. Subject claimed they had consensual sex. Command determined not to pursue action against Subject due to lack of evidence and victim cooperation.
87	Q3	E7	E6	M	F	Wrongful Sexual Contact (Article 120)	Insufficient Evidence of any offense	CONUS on-base: Subject at Victim's work site to get surgical tape for training exercise; realizing they'd served in Italy together, they hugged and kissed each other on the cheek and chatted. Victim later told her Psychologist (who reported) that Subject forcefully grabbed her and put his tongue down her throat. Subject denied; was administered a polygraph, which yielded negative results. Command determined no action would be taken due to insufficient evidence.
88	Q3	E4	E2	M	F	Attempts to Commit Offenses (Article 80)	Insufficient Evidence of any offense	CONUS on-base: Victim, a month pregnant by Subject, received many troubling texts from him after they broke up. She met him at his barracks room to discuss if they could still be friends. He wanted her to perform oral sex, which she refused. He threatened to show others explicit pictures of her and proceeded to get on top of her placing his knees on her hands and tried to force her to perform oral sex on him. She resisted and he finally stopped. Subject denied all; Command determined no action would be taken due to lack of evidence.
89	Q2	E3	E3	M	F	Abusive Sexual Contact (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim, Subject and three friends drank together, then went to Subject's hotel room and slept. Subject tried to remove Victim's underwear, but Victim resisted and Subject stopped. Due to inconsistencies of accounts provided by parties' involved, case was closed.
90	Q2	E6	CIV (2)	M	F (2)	Wrongful Sexual Contact (Article 120)	Insufficient Evidence of any offense	OCONUS off-base: Victims #1&2 left bar and reported to MPs that Subject had touched her buttocks repeatedly and was trying to start a fight in the bar with the Victim #2's husband. Subject was arrested with a BAC=0.149%; Subject denied all saying the Victims hugged him and Victim #2's husband wanted to fight with him. Case closed; no further information provided.
91	Q3	UNK	CIV	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim reported that after a night of drinking with Subject and others, Subject raped her (no recall of details) as her vaginal area was sore. Subject claimed he had consensual oral, vaginal and anal sex with Victim multiple times. It was determined that after Victim's sexual assault exam, Victim did have sex, but unknown whether she was raped. SJA indicated lack of merit; case closed.
92	Q3	UNK	CIV	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim reported that after a night of drinking with Subject and other, Subject forced her to perform oral sex on him and raped her. Subject claimed he had consensual oral and vaginal sex with Victim multiple times. Victim had no physical evidence of being sexually assaulted. Victim's statements were inconsistent and she provided limited details. SJA indicated case lacked merit and it was closed.

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93	Q4	E5	CIV	M	F	Abusive Sexual Contact (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim reported Subject visited her house, refusing to leave her bedroom. He then pulled her on top of him and kissed her, unbuttoning his pants exposing his penis and trying to force her to touch it. Victim resisted and Subject finally left. Command referred Subject to NJP, which he refused to accept in lieu of Courts Martial; Command decided there was insufficient evidence to take prosecutive action against Subject.
94	Q3	E4	E1	M	F	Wrongful Sexual Contact (Article 120)	Insufficient Evidence of any offense	CONUS on-base: Victim reported that while on Security Watch on the ship at an unoccupied Office with Subject, the Subject groped her breasts and crotch, kissed her and exposed his erect penis to her during the assault. Subject claimed it was consensual, saying that Victim performed oral sex on him, which Victim denied. SJA reported insufficient evidence.
95	Q3	O4	CIV	M	F	Wrongful Sexual Contact (Article 120)	Insufficient Evidence of any offense	CONUS on-base: Victim's husband saw Subject (male nurse) with his hand on Victim's chest (under gown). Victim was medicated from surgery and indicated that Subject may have fondled her breasts. Subject claimed he was only placing heart monitors on the Victim's chest. Command determined lack of evidence; case closed.
96	Q3	E3	CIV	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	OCONUS on-base: Victim got drunk at bar with friends and later reported Subject may have assaulted her. Subject agreed to get Victim home; Victim had no recall and slept at Subject's barracks room, where sexual intercourse occurred. SJA indicated case lacked prosecutorial merit.
97	Q4	E5	E5	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim reported subject came to her and slapped and fondled her buttocks, rubbed her thighs, digitally penetrated her vagina and had oral contact with her breast against her will. Subject apologized before he left. Victim submitted to SAFE and made a legally monitored telephone call to Subject, which yielded negative results. Subject indicated contact was consensual and he stopped as soon as she asked him to, apologized and left. RLSO determined no prosecutorial merit; Command concurred and indicated that no disciplinary action would be taken against Subject.
98	Q1	E4	E5	M	M	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	OCONUS off-base: As Victim drove Subject and others from winery to naval air station, Subject rubbed and kissed Victim's chest, hand, legs, etc. Victim told the subject to stop and reported the incident. Two witnesses confirmed the sexual assault. Subject was taken to Captain's Mast and found guilty of Art. 128 and 134; reduced in rank, fined, restricted and extra duty.
99	Q2	UNK	E3	M	F	Non-Consensual Sodomy (Article 125)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim reported Subject attempted to strangle her and forced her to perform oral sex. Subject claimed it was consensual as Victim talked of bondage and wanting rough sex and that he only had hand on Victim's neck. Subject was taken to Capt Mast and found guilty of indecent exposure; reduction in grade, forfeiture of pay, restricted and extra duty.
100	Q2	E6	E1	M	F	Abusive Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim slept at barracks and awoke to Subject tickling her and groping her breast and trying to put his hand in her sweatpants; victim fought him off and subsequently reported the incident. Subject admitted and was administered NJP for the sexual assault; reduction in grade, forfeiture of \$2000, restriction, 45 days extra duty.
101	Q1	MIDN	MIDN	M	F	Abusive Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS off-base: Victim, Subject and others drank at a hotel room. While Subject was clothed, he laid in bed with the Victim who was incapacitated and groped her buttocks. Subject administered NJP where he pled guilty to Naval Academy Prep School charges of Art 6011 (alcohol possession and drinking), Art 6003 (sexual misconduct) and Art 6002 (Gross or malicious conduct); was put on restriction, provided extra duty, marching and demerits.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
102	Q2	E6	E1	M	F	Abusive Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: As Subject and Victim conducted security checks, Subject allegedly grabbed inside the Victim's jeans touching her groin area; he also attempted to pull her shirt up. Subject denied and refused to take a polygraph. Subject was taken to Capt Mast and found guilty of failure to obey(unduly familiar relationship), reduced in grade, placed on 30 day restriction, and forfeiture of \$2,848.
103	Q2	E1	E3	M	F	Aggravated Sexual Assault (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Security found Victim naked from waist down outside her car. Subject indicated having consensual vaginal and oral sex with the Victim in her car, after they had both been drinking all night. Subject administered NJP for adultery; awarded forfeiture of pay, restriction and subsequently administratively separated from the USN.
104	Q4	O4	E5	M	F	Aggravated Sexual Assault (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	OCONUS on-base: Victim and her supervisor(Subject) got drunk at on and off-base clubs then went to Victim's barracks room where Victim vomited and laid down on her bed. Subject undressed Victim from the waist down and digitally penetrated her vagina. He then undressed and performed oral sex and penetrated her vagina with his penis. She kicked him off her, he apologized and left the room. Three days later, Victim got medical exam (DNA collected) and reported the sexual assault. Subject went to NJP and was given 30 days restriction (later suspended) and a written reprimand.
105	Q4	E4	UNK	M	F	Abusive Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	OCONUS off-base: Subject and Victim drank at Club and when they left, Subject threw her to the ground and kissed her chest area. Singapore Police gave jurisdiction over to NCIS. Subject stated he was drunk and accidentally fell on top of the Victim and only tried to kiss her. Subject awarded NJP; reduced to E3, restricted 45 days and forfeited half his pay for 2 months.
106	Q2	E4	E2	M	F	Non-Consensual Sodomy (Article 125)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim reported Subject entered female berthing area as she slept and performed oral sex on her. Subject admitted, went to Capt Mast and found not guilty of sexual assault but guilty of Failure to Obey Order and Unlawful Entry. Subject awarded reduction in grade, restriction, fined, extra duty and command later recommended administrative separation (honorable).
107	Q4	E5	E3 (2)	M	M (2)	Abusive Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS off-base: Victim #1 reported awakening to finding his belt undone (no recollection of what happened) while Victim #2 reported that Subject groped his genitals and Victim #2 observed Subject massaging Victim #1's genitals while Victim #1 was passed out. Subject admitted sending several sexually suggestive text messages to Victims #1 & 2 and, while drunk, admitted to fondling Victim #1 through his clothes. Subject denied touching Victim #2 inappropriately. Subject was granted NJP for violating Articles 120 (Unwanted Sexual Contact [2 specifications] ) and Art 134 (Disorderly Conduct, Drunkenness); reduced in Grade, given 45 days of restriction and 45 days of Extra Duty.
108	Q2	E4	E4	M	M	Abusive Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	OCONUS on-base: Victim awoke in BEQ to Subject kissing his neck and trying to put his hand in his pants to touch his genitals. Victim got out of bed and punched at Subject who fled and was later caught. Subject claimed he was drunk and didn't recall the incident. At NJP, Subject was sentenced to reduction in grade, forfeiture of pay, and extra duty.
109	Q2	E5	E1	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim reported that while on duty Subject indecently assaulted her; Subject admitted "touching" Victim. At Capt's Mast: Subject found guilty of Art 120 (Wrongful Sexual Contact) and Art 92 (Sexual Harassment); Subject was awarded reduction in rank and subsequently separated from USN.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
110	Q3	E5	E2 / CIV	M	F (2)	Abusive Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim #1 reported in Jan 2005 Subject held her down on her quarter's couch while groping her breasts and trying to remove her pants. Victim #2 reported in Jan 2009, after making many comments as we worked about my breasts and having sexual contact with her, Subject later went to Victim #2's barracks room uninvited, locked her door and acted like he might rape her. Subject admitted to sexual comments to both, but denied sexual contact with either. Subject taken to Capt' Mast and found guilty of Art 92 (Failure to obey order or regulation); reduced one pay grade and forfeiture of \$1,064.
111	Q4	E3	E2	M	F	Aggravated Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS off-base: After drinking at a hotel party, Subject pushed Victim onto bed and pinned her arms down while he got on top of her. He proceeded to kiss her and put his hands into her jeans, grabbing her buttocks and groping her breast. Victim struggled to resist and Subject stopped when witness knocked on the door. Subject confessed and was taken to Capt's Mast and found guilty of Art 120 (Wrongful Sexual Contact) and Art 134 (Underage Drinking), reduced in grade, restricted 45 days, forfeited \$1,508.
112	Q3	E4	E1	M	M	Non-Consensual Sodomy (Article 125)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: During "horse play" Victim (being held in a head lock) was bent over. Subject pushed broom handle into Victim's rectum who was wearing underwear. Supervisor heard noises and asked what happened. Subject admitted all and supervisor advised Victim to report event. Subject went to Capt's Mast and was found guilty of Article 128 (Assault); reduced to E3, confined 3 days on bread and water.
113	Q2	E4	E4	M	F	Abusive Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Subject took Victim, who was drunk, to a room, pushed her down on a table and got on top of her, groped her and tried to kiss her. USN ICID investigative findings forwarded to legal; Article 15 hearing conducted; no further details provided.
114	Q3	E5	E2	M	F	Aggravated Sexual Assault (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS off-base: Subject, wife and Victim got drunk at a bar. Victim awoke in unknown hotel room and noticed Subject was in other bed. Victim reported she did not specifically remember an assault, but suspected Subject assaulted her. Victim changed story many times. Subject taken to Capt's Mast and found guilty of fraternization.
115	Q3	E5	E3	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	OCONUS on-base: Victim reported Subject visited her in her barracks room, held her down and fondled her breasts (under clothes) and vagina (over clothes). Subject later left a voicemail on Victim's cell apologizing. Subject initially denied allegations, saying Victim flashed him when he was in her room and he didn't touch her. In subsequent interviews, Subject admitted he'd intentionally touched her breasts but then withdrew his prior statement of culpability and invoked his rights. Subject taken to Captain's Mast where charges against Subject (Wrongful Sexual Contact and False Official Statements) were dismissed.
116	Q4	E6	E4	M	F	Abusive Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Subject (Victim's Unit Leader) learned from Victim she was alone in the women's dorm. so he entered her room, locked the door and pinned her against it while trying to kiss her and put his hands down her sweatpants. She resisted and screamed and Subject grabbed her bare buttocks and pulled her to his crotch. Victim managed to unlock the door and push Subject out of her room. Subject admitted culpability for all and for being sexually aroused during the attack. Subject received NJP for violating Articles 120 (Wrongful Sexual Contact) and 128 (Assault consummated by Battery); was demobilized from Active duty, reduced in grade, forfeited half of his pay for 2 months.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
117	Q4	E5	E3	M	F	Aggravated Sexual Assault (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim reported that Subject groped her breast area (over clothes) many times and used his body to pin her against bulkhead in ship's Supply spaces where he unzipped her coveralls and digitally penetrated her vagina several times. Victim was afraid to report until she learned of another female who had filed a Sexual Harassment complaint against Subject. Initially, Subject denied all, but at polygraph interview, admitted fondling and groping Victim but not to the digital penetration. Subject went to Capt's Mast for violations of Art 92(6 counts), Art107(False Statements), Art 120(Wrongful Sexual Contact)+ Art134(Gambling with Subordinate). Subject was separated from USN on an Other Than Honorable Discharge for the Commission of a Serious offense.
118	Q4	E1	E1	M	F	Aggravated Sexual Assault (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim advised she was sent to investigate 2 drunk sailors being inside a female's quarters.Later Subject attempted to get Victim to lie about what she had seen. When she refused Subject twisted her arm behind her back and he digitally penetrated her vagina. There were no witnesses to the act and Subject denied act. Subject went to NJP and received 45 Days Restriction and Extra Duty, and Forfeited \$699 for 2 Months.
119	Q4	E3	E3	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	OCONUS off-base: Victim was eating dinner when Subject, who was intoxicated, placed his hand down the front of her dress and touched her breasts. Subject went to Capt's Mast charged with violation Art120(Sexual Assault) and Art 135(Drunk and Disorderly). Subject was found not guilty to Art 120 and guilty to Art 135; reduced in rank to E2, given 10 days restriction and 30 day extra duty.
120	Q3	E5	E5	M	M	Abusive Sexual Contact (Article 120)	Other Administrative Actions	CONUS off-base: Victim and Subject drank at friend's apartment and Victim later awoke to Subject groping his genitals. Subject had no recall and admitted prior homosexual proclivities. Victim did not wish to pursue prosecution; Command counseled Subject.
121	Q2	E4	CIV	M	F	Aggravated Sexual Assault (Article 120)	Other Administrative Actions	CONUS on-base: Victim alleged Subject raped her in his barracks room. Subject stated that they had consensual sex for several minutes until she said "stop", which he did. After the incident, they had dinner with Victim's friend and Subject drove Victim to her car. After Victim later declined to participate, Command administered a reprimand to the Subject and entered a counseling warning into his SRB.
122	Q2	UNK	E2	M	F	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base: Victim reported Subject visited her barracks room and kissed her, took her gym shorts off, groped her breasts under her bra and tried to perform oral sex on her. Subject claimed Victim never showed discomfort or disinterest or said "no" and also helped him in taking her clothes off. Subject polygraph did not indicate any deception. Command issued counseling for Subject and Victim.
123	Q4	E5	E3 / E4 / CIV	M	F (3)	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base: All three Victims reported their direct line Supervisor(Subject) sexually harassing them and touching them inappropriately. Subject denied all; received Page 13 counseling.
124	Q4	E8	E4	M	M	Abusive Sexual Contact (Article 120)	Other Administrative Actions	OCONUS off-base: Subject(Victim's superior) and Victim got drunk at Victim's apartment and Victim accepted a massage from Subject, which ended when Subject stroked Victim's penis. Victim told him to stop, which he did. SJA indicated Command was pursuing Administrative Charges and no further investigative activity was required of NCIS/Case closed.
125	Q2	E3	E3	M	M	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base: Victim alleged Subject came into the Air office to sign in the liberty log. After signing the log, Subject walked out the office stating to Victim that he would sodomize him when he returned to berthing. When Victim went into the berthing, Subject grabbed him in the crotch area and tried to pull his pants down. A witness who became aware of the incident took Subject to drunk watch in medical; later Subject denied culpability indicating that if he had touched Victim in a sexual manner then the Victim should have been able to remove himself of the situation since he was sober. Subject was provided a counseling chit.

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126	Q4	UNK	E4	M	F	Aggravated Sexual Assault (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	CONUS on-base: Victim and Subject got drunk at off-base club and Victim later awoke in her BEQ room wearing only her bra with no recall of what happened. She heard rumors Subject had sex with her; Subject admitted having consensual sex with Victim and said she initiated it. Witness affirmed Subject's account; Subject passed Polygraph. At Capt's Mast, both parties were granted restriction and loss of pay for violating Ship Regulations (Reprimand later suspended).
127	Q3	E6	E6	M	F	Wrongful Sexual Contact (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	OCONUS on-base: At Victim's party, Subject made sexual comments and touched her breast, groin, and knee without her consent. Subject stated he was drunk but had no reason to doubt Victim's allegation. Witness affirmed Victim's report. Command charged Subject with Art 134 (Disorderly Conduct, Drunkenness) and administered NJP to Subject; reduced in grade to E5 for 6 months.
128	Q2	E3	E5	M	M	Wrongful Sexual Contact (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	CONUS on-base: Victim reported that Subject touched his crotch on three occasions as he slept. Witnesses saw Subject by Victim's rack at time of one incident. XO was contacted and advised Subject was on terminal leave and in the process of being separated (no further details) from the Navy. Investigation closed; no further information.
129	Q2	E3	E3	M	F	Wrongful Sexual Contact (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	OCONUS on-base: Witness aboard ship was escorting Subject, who was drunk while in duty status, to his rack. Victim asked Subject if he was all right when he grabbed her breast; victim screamed and slapped Subject's face. Witness provided voluntary statement concerning knowledge of Subject's malingering, but did not indicate Subject had sexually assaulted Victim. Subject charged with malingering; no further action.
130	Q4	E1	E1	M	F	Wrongful Sexual Contact (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	CONUS on-base: Victim reported she had been sexually harassed and touched inappropriately in her crotch area and kicked in the leg by Subject on different occasions. Subject admitted to having grabbed Victim in crotch area and kicked in the leg. Subject received Assignment Memorandum (ASMO'd); investigation closed, no further information.
131	Q2	UNK	E4	M	F	Aggravated Sexual Assault (Article 120)	Subject Deceased or Deserted	CONUS on-base: Victim and Subject drank at Subject's barracks room and Victim subsequently passed out. Victim later awoke in underwear with Subject on top of her. Victim fell back to sleep awaking later with blood on her underwear, the sheets and experiencing vaginal pain. Victim initially made a restricted report. Subject claimed it was consensual. Months later the Victim saw the Subject and wanted to convert to unrestricted reporting, but later signed a VPS. A month later, the subject was found dead at his home (unrelated)
132	Q1	UNK	E5	M	F	Abusive Sexual Contact (Article 120)	Subject Unknown	OCONUS on-base: Victim awoke to unknown male unzipping her sleeping bag and touching her leg, stomach and breast. Victim fought and ripped piece of t-shirt from the Subject who then fled. Victim reported incident; investigation closed as no subject was identified.
133	Q2	UNK	E3	M	F	Rape (Article 120)	Subject Unknown	CONUS on-base: Victim reported taking sleeping pills before going to bed. She woke up briefly to an unidentified Subject on top of her. She fell back to sleep and awoke later and noticed blood on her shorts, coming from her vaginal area. She was unable to walk immediately after and reported incident as a restricted reported 2 weeks later. It became unrestricted when she told her friend about he rape. Case was closed due to lack of corroborating facts or identification of a Subject.
134	Q3	UNK	E5	UNK	F	Aggravated Sexual Assault (Article 120)	Subject Unknown	CONUS on-base: Victim left club and found herself at an unknown residence where she awoke to bruises on her forehead and nose and vaginal bleeding; Victim did not recall how she arrived at the house and reported having bruises on her forehead and the bridge of her nose, and also complained of vaginal bleeding. Victim declined to cooperate with the investigation or provide the identity of the owner of the home where she awoke. Investigation closed due to lack of evidence.
135	Q2	UNK	E1	UNK	F	Wrongful Sexual Contact (Article 120)	Subject Unknown	CONUS unknown: FAP representative told NCIS Victim had been sexually assaulted. Victim reported she was inappropriately touched (under clothes) by USMC member, but refused to provide further details. Victim signed a VPS.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
136	Q4	UNK	E2	M	F	Rape (Article 120)	Subject Unknown	CONUS off-base: Victim used fake ID card and drank at bar with two "USN guys". Subject offered to drive her to the BEQ, but instead drove to his apartment, grabbed Victim by the arms and threw her to the floor where he raped her. Victim was uncooperative with the local authorities and NCIS. Due to failure to identify a subject, investigative leads were exhausted and case was closed.
137	Q3	UNK	E3	M	F	Rape (Article 120)	Subject Unknown	CONUS off-base: Victim reported she was robbed at gun point (unknown male) and thinks she may have been raped too. She advised she awoke the next morning with pain in her vaginal and anal areas. Although she received treatment at the hospital, she declined a full SAFE. No subject ever identified; case closed.
138	Q3	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Subject Unknown	CONUS off-base: While Victim was parked in lot near Club, unidentified Subject knocked on car window. When Victim opened the door, Subject demanded sex. Victim refused and Subject hit her in the face, got in the car and raped her. Victim reported to civilian authorities and then chose not to cooperate. Victim also uncooperative with NCIS.
139	Q3	UNK	E3	UNK	F	Aggravated Sexual Assault (Article 120)	Subject Unknown	CONUS Unk: NCIS interviewed Victim with SAVI Rep present regarding Victim's report of being sexually assaulted. Victim would not provide any details and signed a VPS.
140	Q4	UNK	E2	UNK	M	Non-Consensual Sodomy (Article 125)	Subject Unknown	CONUS on-base: Victim went to medical bay for stomach pain when unknown Subject knocked her out and sodomized her. SAFE administered, but no trauma to Victim's anus, genitalia or face was found. No subject was ever identified; case closed.
141	Q3	UNK	E2	UNK	F	Aggravated Sexual Assault (Article 120)	Subject Unknown	CONUS on-base: SAVI Rep said Victim talked to her instructor regarding her original restricted report of sexual assault, so it became unrestricted. Victim refused to provide any details of the sexual assault and signed a VPS.
142	Q4	UNK	E5	M	F	Wrongful Sexual Contact (Article 120)	Subject Unknown	CONUS off-base: Victim while at a restaurant advised Subject grabbed and squeezed her buttocks. A suspect was developed but Victim was not able to positively identify him. Victim decided to no longer cooperate in the investigation.
143	Q4	UNK	E3	M	F	Aggravated Sexual Assault (Article 120)	Subject Unknown	CONUS on-base: Victim advised, while incapacitated as a result of consumption of alcohol, she had unwanted vaginal intercourse with a Subject she refused to identify. Victim signed a VPS.
144	Q4	UNK	E5	M	F	Abusive Sexual Contact (Article 120)	Subject Unknown	CONUS off-base: Victim advised that an unknown Subject broke into her home demanded money, when she said she did not have any Subject fondled her breasts stole some items and fled. Local police investigating but have not identified any Subject.
145	Q4	UNK	E3	M	M	Wrongful Sexual Contact (Article 120)	Subject Unknown	CONUS off-base: After a night of drinking, an intoxicated Victim accepted an offer of a ride back to base from stranger. Victim went to sleep in vehicle and awoke to Subject fondling his genitalia. Subject never identified.
146	Q1	E2	E2	M	M	Non-Consensual Sodomy (Article 125)	Unfounded - Command Action Precluded	CONUS on-base: Victim alleged Subject performed oral sex on him at Navy Lodge room without his consent. Subject claimed he had consensual oral and anal sex with Victim. Victim was re-interviewed and disclosed he did have consensual sex with Subject. Subject ADSEP'ed after victim signed VPS.
147	Q1	UNK	E1 (1)	M	F (2)	Aggravated Sexual Assault (Article 120)	Unfounded - Command Action Precluded	CONUS on-base: Victim #1 reported that subject raped her. Subject stated that he had consensual sex with Victim #1 while witness had consensual sex with Victim #2 in the same bed. Witness affirmed Subject's report. Victim #1 later recanted and admitted that the sex was consensual and she lied because she felt guilty because she was engaged to someone else. Victim #2 reported that after Victim #1 left, Subject raped her. Subject denied having sex with Victim #2 and witness affirmed his claim. Victim #2 recanted and admitted she lied because she wanted Subject to go to jail because Victim #1 said he raped her.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
148	Q1	E1	E1	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - Command Action Precluded	CONUS on-base: Victim alleged Subject raped her at the Navy lodge. Subject claimed it was consensual. Victim later recanted stating she went to the lodge with the Subject willingly but had second thoughts at the last minute and willingly engaged in foreplay only. Command determined no disciplinary action would be taken against Subject.
149	Q2	O4	CIV	M	F	Wrongful Sexual Contact (Article 120)	Unfounded - Command Action Precluded	CONUS off-base: Victim reported that while at a party at Subject's house, he forcibly grabbed her buttocks (over clothes) with both hands. Witnesses did not see any sign of assault and said Victim worried about failing classes and owing USN \$70,000. Victim declined to execute a sworn statement or VPS; Subject denied the allegations. SJA stated no action would be taken and concurred with the closure of the investigation.
150	Q4	UNK	E2 (2)	M	F (2)	Aggravated Sexual Assault (Article 120)	Unfounded - Command Action Precluded	CONUS off-base: After appearing before Disciplinary Review Board(DRB) for Underage Drinking and Fraternalization both Victims said Subject raped them when they were drunk at a party. Victim #1 reported she went to the bathroom to talk with Subject and doesn't recall how it transpired into rape. Victim #2 reported she was drunk and got sick and while in the bathroom felt she was vaginally and anally penetrated by Subject, stating he was the only other person in bathroom. Subject claimed he had consensual sex with Victim #1 and none with Victim #2; polygraph indicated no deception on the Subject's part. Follow-up interview with Victim #1 indicated she felt she was not raped; Victim #2 felt like she sexually penetrated but did not remember if anything actually happened to her.
151	Q3	E4	E3	M	F	Wrongful Sexual Contact (Article 120)	Unfounded - Command Action Precluded	CONUS on-base: Victim and Subject went to Victim's room to watch a movie. Victim fell asleep and later awoke to Subject touching her midriff area and running his hand down the front of her shorts. Due to inconsistencies in Victim's statements regarding the alleged sexual assault and for lying to her command about previous relations with Subject, no further action was taken.
152	Q1	UNK	CIV	M	F	Rape (Article 120)	Unfounded - DoD Action Precluded	CONUS off-base: Subject and Victim met on the internet and agreed to meet for sex. Victim drove Subject from gate to a large parking lot where they first had consensual oral and vaginal sex. Afterward, Subject forced Victim to perform oral sex, held his hand around her neck and also engaged in anal sex against her will. Victim drove Subject back to the front gate where he exited her car. Victim delayed in reporting because of her concern of the case getting out and known by others. Civilian authorities investigated and indicated information developed was not sufficient to present to County Prosecutor's office for prosecutorial determination; case closed.
153	Q2	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim told barracks watch that she didn't want sex with Subject. Victim told NCIS that she visited the Subject at his room and he gave her a foot/back rub. She kissed the Subject and had sex (vagina/fellatio, etc.) and didn't tell Subject to stop. Subject said they drank and had consensual sex that the Victim initiated. Due to lack of evidence, no prosecution was pursued.
154	Q2	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim said she visited Subject at his barracks room where he raped her, but there really was no force or threats made by the Subject. Subject claims they had consensual sex for an hour. Victim was advised that it didn't meet the elements for rape charges and the Victim retracted her accusation.
155	Q2	UNK	E1	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim alleged Subject sexually assaulted her. Victim later admitted she made a false statement as she was afraid of pregnancy/STD. Subject claimed they had consensual sex.
156	Q2	UNK	E1	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim awoke in her barracks bed to an unknown male digitally penetrating her vagina. Subject claimed Victim's roommate and he were drunk and had sex as Victim slept in other bed. He then went to the bathroom and then mistakenly got into the wrong bed, touching the wrong woman. Case closed and forwarded to Subject's command; no criminal act established.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
157	Q4	UNK	E4	M	M	Non-Consensual Sodomy (Article 125)	Unfounded - DoD Action Precluded	OCONUS on-base: At post-deployment health exam, Victim was told he had genital warts on his anus at which he indicated he must have been sexually assaulted. At same day interview with NCIS, Victim had no details to support his assertion. After his discharge, Victim was interviewed and stated that he wasn't sexually assaulted and he no longer wished to pursue the investigation.
158	Q1	E5	CIV	M	F	Wrongful Sexual Contact (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim (a hotel worker) stated Subject asked for towels and grabbed her buttocks in the bathroom and had solicited her two days prior to the incident. Subject claimed he asked for towels, but had no physical contact with Victim. Subject not charged; case closed, no further action taken.
159	Q1	E1	E1	M	F	Wrongful Sexual Contact (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim reported Subject grabbed her buttocks various times and at various places. Witness said they observed this happen to Victim; Subject admitted saying the Victim didn't object, so he thought it was all right. Case closed; no further action.
160	Q1	E1	E1	M	F	Wrongful Sexual Contact (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim reported Subject kissed her many times and rubbed her crotch over clothes while Victim resisted. Subject reported all was consensual, but the Victim changed her story several times during the investigation stating she was a willing participant in different phases of the alleged sexual contact. Investigation closed due to inconsistencies of Victim's account; no further action taken.
161	Q2	E3	E3	M	F	Wrongful Sexual Contact (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: During early a.m. horseplay by several people, Subject grabbed and squeezed Victim's breast (over clothes). Subject claimed it was an accident and he apologized. Based on interviews and statements received the cause of the incident in question was determined to be accidental. Incident did not meet the elements of a crime.
162	Q2	E1	E3	M	F	Wrongful Sexual Contact (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: During smoke break, Subject put his hands into Victim's jacket pockets, trying to touch her breasts (over clothes). Subject also touched Victim's neck and put his groin against her buttocks, trying to kiss her. Victim left and reported it to her instructor. Subject brought in for interview; no charges brought forth. Investigation closed, no further action.
163	Q2	FN	E6	M	F	Wrongful Sexual Contact (Article 120)	Unfounded - DoD Action Precluded	OCONUS on-base: While at co-worker's house, Subject kissed Victim several times, rubbed her arms, face, back, legs, smacked her buttocks and attempted to put his hand in her shirt. Although she pushed him away, Victim did not tell him to stop or communicate non-consent. Subject drove Victim home and she later reported the incident.
164	Q4	UNK	E2	M	M	Non-Consensual Sodomy (Article 125)	Unfounded - DoD Action Precluded	CONUS on-base: Victim reported that he slept in an extra bed in a friend's room and awoke to find his belt unbuckled. He fell asleep again and later awoke to Subject orally sodomizing him. Subject denied all. Witness advised she neither saw nor heard any sexual activity going on between the Subject and Victim. Victim later admitted that he had consensually participated with Subject.
165	Q4	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	OCONUS on-base: Subject and Victim were found sleeping together in Subject's rack in male berthing. Twelve hours later Victim went to Medical for minor bruising and soreness on her arms, neck and legs indicating she had vaginal discomfort. Victim reported she may have been sexually assaulted but twice she refused to submit to a SAFE. Subject claimed it was consensual. Witnesses said they were often publicly affectionate. Determination was made that no crime had occurred and case was closed. Command will consider case for administrative action.
166	Q1	UNK	E4	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS unknown: Victim requested treatment for sexual assault at hospital stating that she was raped but refused to report the case to law enforcement. NCIS interviewed Subject who admitted having intercourse but stated it was consensual. Victim signed a VPS.
167	Q1	UNK	E2	UNK	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Victim initially reported to Navy Drug and Alcohol Program Advisor she was raped. Later the Victim advised NCIS she did not want to provide any further information on the rape and signed a VPS.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
168	Q1	UNK	E5	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: During Victim's check-out interview, Victim reported she'd been raped in her residence in the past but wouldn't give details. Later signed a VPS.
169	Q1	UNK	CIV	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Victim initially alleged Subject raped her. Subject stated Victim was trying to extort money from him by claiming he raped her. Due to Victim's refusal to cooperate in the investigation, case was closed.
170	Q1	UNK	E1	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim reported being drunk and going with Subject and two others to motel room to sleep. Victim was worried she was pregnant and reported that she awoke to Subject having sex with her. Subject claimed he and Victim had consensual sex. Victim later signed a VPS.
171	Q3	E5	CIV	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim initially refused to talk to Sheriff's Office and was reluctant to talk to NCIS, but later said the Subject (a Recruiter) visited her house and raped her. Medical examined her bruises, but Victim refused a sexual assault exam. Victim signed a Victim Preference Statement, declining to pursue the investigation.
172	Q3	E5	CIV	M	F	Abusive Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Subject's (friend of family) van broke down during cold weather and Victim who was 5 mos. pregnant let him sleep with her (clothed) at her house while her husband was deployed. Victim woke to Subject's hand groping her vagina (over clothes) and grinding his crotch against her buttocks; Victim resisted. Subject then pinned Victim's arms down and tried to take her pants off but Victim was able to get away. Victim advised Regional Legal Services Office she didn't want to pursue prosecution of Subject.
173	Q2	FN	E6	M	F	Abusive Sexual Contact (Article 120)	Victim declined to participate in the military justice action	OCONUS off-base: Victim alleged Subject indecently assaulted her at shop on Dubai City Tour. Victim reported the incident to the tour guide and USO. Dubai Police indicated they wouldn't investigate until Victim identified Subject in a line-up. Victim refused to cooperate; shop fired Subject and deported him to India.
174	Q1	UNK	E4	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim sought medical attention for alleged assault at the hospital. Victim initially told SAVI she wanted to file a restricted report, but then elected to make an unrestricted report but refused to provide any details other than where the alleged assault took place. Victim indicated she had been confused by the explanation initially given to her regarding restricted and unrestricted reporting guidelines and in fact wanted to maintain restricted reporting. Victim then signed a VPS citing a desire to not pursue the incident any further.
175	Q1	CIV	E6	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim and girlfriend drank at a club with two men and then went home with them. Victim awoke to Subject raping her and she resisted. Victim and her girlfriend went to the hospital and Victim initially told the police she did not want to pursue an investigation. Victim subsequently reported to NCIS at the encouragement of her boyfriend and mother. However, Victim later signed a VPS not wanting to participate in the investigation.
176	Q1	UNK	E1	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Although victim wanted to make a restricted report, NCIS was notified by SANE nurse that a SAFE had been performed. After Victim's command became aware of the restricted report, Victim spoke to law enforcement and affirmed her decision not to pursue the investigation and subsequently signed a VPS.
177	Q2	UNK	CIV	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Local hospital notified Naval Postgraduate School (NPS) police regarding alleged rape of Victim (NPS pass/ID secretary). Victim had no recall of events leading up to her visit at the hospital and only recalled waking up in Subject's barrack's room. Subject claims they drank together, had dinner and then went to his room where she performed oral sex on him and they had intercourse. Victim refused to cooperate with the investigation; Command informally counseled Subject for having Victim in his barracks room.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
178	Q2	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim alleged Subject raped her at motel room. Witnesses and subject claimed that during party in the motel room Subject and Victim had consensual sex in the bathroom and closet four times. Subject said Victim has paid for motel room before and they've had sex in the past, as Victim had been pursuing the subject for a romantic relationship for several weeks. After reporting the sexual assault, victim later signed VPS.
179	Q1	UNK	E1	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: At VA hospital, Victim had a sexual assault exam done and spoke with SAVI representative. However Victim refused to provide further details of the sexual assault and signed a VPS.
180	Q3	E4	E3	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	OCONUS on-base: Victim report she and Subject watched DVD at her barracks room. They began kissing and having sex, but Victim indicated it hurt and told him to stop several times but Subject finished and left. Three weeks later Victim took pregnancy and STD tests at NAVHOSP and told medical staff of the rape but not to report it. Subject reported all was consensual; passed polygraph. Victim signed Declination to Prosecute letter and Command withdrew all charges against Subject without prejudice.
181	Q1	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim reported she got drunk at party in BEQ and "frenched" 6 guys. She and the Subject were in the bedroom and he locked the door, took her jeans and underwear off and had sex with her. Victim says she told the subject no, but thought he may not have heard her. After having sex in different positions, Victim performed oral sex on Subject. Victim refused medical exam and signed VPS.
182	Q4	E3	E3	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim reported she, her girlfriend and the Subject watched a DVD in her barracks rooms. When Victim's girlfriend left, Subject allegedly raped her. Subject claimed all was consensual; polygraph showed deception. Six months after the incident and after conferring with USN's SAUSA, Victim signed Non-Prosecution Letter.
183	Q2	UNK	E2	UNK	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Victim told SARC she was sexually assaulted, but did not want to provide many details. She later signed VPS.
184	Q2	UNK	E1	UNK	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: While at Capt's Mast for breaking restriction, Victim claimed she was sexually assaulted; Victim wouldn't give NCIS any further details and signed VPS.
185	Q2	UNK	E1	UNK	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Victim told SAVI she was indecently assaulted but didn't want to give any further information or participate in an investigation and signed a VPS.
186	Q2	UNK	E1	M	M	Non-Consensual Sodomy (Article 125)	Victim declined to participate in the military justice action	CONUS off-base: Victim initially made a restricted report of indecent assault with the SARC. When command learned of the assault, the report converted to unrestricted, but the Victim did not wish to participate in an investigation and signed a VPS.
187	Q2	CIV	E5	M	M	Non-Consensual Sodomy (Article 125)	Victim declined to participate in the military justice action	CONUS off-base: While in Unauthorized Absence status, Victim, Subject, and a friend were drinking at a bar when Subject made sexual advances toward Victim. Victim and friend slept in car outside of Subject's house due to their intoxication. Victim awoke to Subject performing oral sex on him. Victim pushed Subject off and swung a knife at him. Victim reported to civilian authorities but they declined to prosecute. Subject claimed sexual activity was consensual. NCIS assumed investigation, but Victim did not wish to cooperate and signed a VPS.

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188	Q2	CIV	E3	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: While in Unauthorized Absence status, Victim went with friends to a party at Subject's house. Victim reported that she spent the next 4 days at Subject's house and when she refused his sexual advances, he raped her. She reported noticed that the Subject kept a gun on his nightstand, which is why she was afraid to leave. He also and gave her pills, which caused her to feel tired and vomit. Victim refused to make a complete report or cooperate with the NCIS investigation. She also refused a SAFE.ces and he rape her. Victim made incomplete report to the police and refused a sexual assault exam. Victim did not wish to cooperate with NCIS investigation.
189	Q2	UNK	E3	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Command indicated Victim made a restricted report of rape, but it became unrestricted when the incident was made known to others within her command. Victim did not wish to participate in an investigation or provide any further information.
190	Q2	E3	E1	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim went to check on her roommate, who was drinking at a different barracks with four men. One of the men, (Subject) asked Victim to sit on his lap and she told him no. Victim returned to her own room where Subject later came and forcefully raped her. Subject claimed they had consensual intercourse and Victim performed oral sex on him. Subject passed polygraph. When she was reinterviewed, Victim indicated she no longer wanted to pursue the investigation.
191	Q2	CIV	E4	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim visited Subject (ex-boyfriend) at his house. Subject was drinking and raped Victim. Victim called her husband and then sought medical attention. Victim refused to cooperate with police, later signed VPS at NCIS.
192	Q3	E3	E3	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim reported getting drunk at a barracks party, blacking out and awakening to Subject raping her with at least three other people cheering him on. Subject claimed sex was consensual and witnesses backed his story. Victim later asked legal to drop the case and Command indicated it would take no further action.
193	Q2	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim went to Subject's barracks room to watch a DVD while drinking. Victim took her shirt and bra off and asked for a back massage. Subject gave her massage and Victim began to fall asleep when she felt Subject placing his penis in her vagina. Victim resisted and left Subject's room. Subject claims they had consensual sex prior to Victim being married. Later Victim declined to participate; SJA also declined prosecution.
194	Q4	UNK	E4	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim and Subject drank for hours and "made out" at her barracks room. She later awoke in her bed, nude (she recalled being clothed prior to falling asleep), to Subject rubbing his hand over her body. He left when she told him to; when she urinated, Victim felt "burning sensation" in her vagina and thought Subject raped her. Victim reported weeks later at urging of a friend, but later declined to participate in the investigation.
195	Q3	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim's told friend, who then reported the two got drunk in a hotel room with two men (1 was the Subject). Victim's friend reported seeing Subject and Victim under a blanket and it appeared by their movements that they were engaged in sexual intercourse. Victim later asked if her girlfriend had seen them having sex and told her that Subject had raped her and she needed an STD test. Victim indicated she didn't want to report the incident and get in trouble for underage drinking. Subject claimed he performed oral sex on Victim and digitally penetrated her vagina, but denied sexual intercourse. Command did not pursue due to victim's refusal to participate.
196	Q2	UNK	E2	UNK	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim's restricted report of sexual assault involuntarily became unrestricted when command learned of it. Victim later refused to cooperate and signed a VPS.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
197	Q3	O4	FN	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS off-base: Victim (a foreign national), who worked for Subject, had dinner at Subject's hotel room where he pushed her onto the bed and raped her, later threatening that she would lose her job if she reported the incident. Victim later lost her job and reported the incident. Victim later declined to participate, withdrawing her complaint; charges were subsequently withdrawn without prejudice by Command.
198	Q2	E5	FN	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS off-base: Australian authorities advised NCIS that a female Australian citizen reported Subject digitally penetrated and raped her. Subject claimed he only digitally penetrated her (consensual). SART exam revealed Victim had a high level of alcohol in her system, but no DNA evidence linking Subject to the allegation of rape. Australian authorities reported there was insufficient evidence to pursue and Victim no longer wished to participate in the investigation.
199	Q2	CIV	E1	M	F	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim reported that while escorting the Subject (carpet cleaner working in Annex bldg) they flirted with one another. Subject then tapped her on the buttocks and she told him to stop. Later Subject grabbed the Victim's thigh and she tried to push his hand away several times. Subject denied all; Victim reported, but later refused to participate in the investigation.
200	Q2	UNK	E1	M	F	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim alleged that Subject kissed her, asked explicit questions and unzipped her pants after inspecting her barracks room. Subject stated Victim failed room inspection and came onto him and he left. Victim later stated it was a "misunderstanding" and signed a VPS.
201	Q2	UNK	E3	M	M	Non-Consensual Sodomy (Article 125)	Victim declined to participate in the military justice action	CONUS off-base: Victim and four unidentified males drank at a hotel room. Victim thinks one of the Subjects performed oral sex on him but was unsure as he was passed out from intoxication. Victim later signed VPS.
202	Q2	UNK	CIV	M	F	Non-Consensual Sodomy (Article 125)	Victim declined to participate in the military justice action	CONUS on-base: Victim initially alleged Subject sodomized her after they drank at a party. Later Victim signed a VPS.
203	Q2	O1	E3	M	F	Abusive Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim reported being groped by Subject in parking lot. Victim told Subject his behavior was inappropriate and asked him to stop. Since the Subject was an officer and she was afraid to disobey him, she continued to walk with him like he asked. He continued to touch her and attempted to pull her into the woods, but Victim fled. Victim later declined to pursue investigation.
204	Q3	UNK	CIV	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim's friend said that Victim's ex-husband raped and threatened to kill the Victim. Victim was treated for vaginal injuries and is afraid of Subject. Victim did not wish to report to law enforcement or cooperate with an investigation.
205	Q4	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS on-base: Victim's friend overheard her say she couldn't recall whom she had sex with and friend reported that Victim was raped. Victim told NCIS she met Subject in a bar and her girlfriend gave him her cell phone number; he texted her the next day and she invited him to watch TV and drink with her in her barracks room. She woke next a.m. wearing only a sweater and had vaginal soreness and found a used condom in my wastebasket. Subject was identified via Witness interviews and claimed they had consensual sex and she texted him warning it was reported by her friend as a rape, but she knew it wasn't and would not provide his identity to NCIS. Victim signed VPS.
206	Q3	UNK	E4	UNK	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim initially made restricted report to Victim Advocate who told her to seek medical exam. Medical called civilian authorities, but Victim did not wish to pursue and signed a VPS.
207	Q3	E2	CIV	M	F	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim visited Subject at his barracks room and fell asleep. Victim awoke to Subject rubbing her vagina and buttocks (over clothes) and when Victim told Subject to get off her, he complied. Efforts to contact victim to provide further information have been negative.

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208	Q4	E5	E3	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS off-base: Victim advised after night of drinking she passed out and awoke to Subject performing cunnilingus on her and penetrating her vagina digitally. Subject advised the sex was consensual. Victim signed VPS. Command decided to take no action.
209	Q4	UNK	E2	M	F	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim advised during May 2009 (exact date unknown) after she and Subject had consumed alcohol, Subject placed his hand inside her bra and fondled her breast and rubbed in her groin area through the clothes. Victim decided to not cooperate further with investigation.
210	Q4	E1	E2	M	F	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim stated that Subject grabbed her buttocks with his hand when she was going up the stairs in the barracks. Victim later declined to participate in the investigation.
211	Q4	UNK	E3	M	F	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim advised Subject (victim's supervisor) was taking Victim to a Drug and Alcohol Program meeting they were early and checked into a hotel and slept in the same bed. Subject is alleged to have placed his hand on her breast. Victim refused to further cooperate with the investigation and JAG declined to prosecute.
212	Q4	E4	E3	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS on-base: Victim advised Subject orally and vaginally penetrated her while she pretended to be asleep. Investigation determined Victim and Subject had earlier engaged in sexual activity. Victim decided to not participate further.
213	Q4	CIV / UNK	CIV	M / F	F	Rape (Article 120)	(1) Civilian or Foreign Authority - Person subject to the UCMJ  (1) Civilian or Foreign Authority - Person NOT Subject to the UCMJ	CONUS off-base: Victim reported she was held against her will and raped by 2 Subjects on previous 2 days. She refused SAFE. She "met" Subjects on an adult swinger website and agreed to let Subjects pick her up and drive her to a trailer where they all drank. Victim reported waking up the next evening with Subject #1(nude) on top of her pinning her arms down while Subject #2 had sex with her. Subjects claimed Victim agreed to a weekend of consensual sex and that's all they did. Victim reported to civilian authorities, but later refused to cooperate with investigation.
214	Q4	E3 / E4	FN	M (2)	F	Rape (Article 120)	(2) Administrative Discharges	OCONUS on-base: Victim reported two Subjects grabbed her by her hair and forced her to have sex with them, believing they may have taken pictures of the assault. Subjects claim sex was consensual. Victim indicated she no longer wished to participate in the investigation. Both subjects were administratively separated from the USN.
215	Q4	CIV (2)	E1	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Civilian or Foreign Authority - Person NOT Subject to the UCMJ	CONUS off-base: Two months after event, Victim told police that while she was at home on leave, she got drunk at a party and two guys (still in high school) kept asking her to have sex with them. Although Victim told them no, she left with them in a car and awoke in her bed at home missing her undershirt, with unexplained bruises on her thighs with no recollection of post party events. Her friend who was at the party texted Victim telling her that she had sex in the car with each man and gave oral sex to both. Local authorities declined to prosecute.
216	Q4	E1 / E3	CIV	M (2)	F	Rape (Article 120)	(2) Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim alleged she had consensual sex with one Subject then the 2nd Subject brandished a firearm and forced her to perform fellatio on him. Local police investigated, released both Subjects without any charges and charged Victim with Soliciting Prostitution.
217	Q4	E3 / UNK	CIV	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim advised after night of drinking she awoke to one Subject having sexual intercourse with her while being held down by the second Subject. Local authorities handling the prosecution.
218	Q4	E1 / E3	CIV (2)	M (2)	F (2)	Rape (Article 120)	(2) Insufficient Evidence of any offense	OCONUS on-base: Two Victims (Strip Club dancers) left the Club with two Subjects to base housing. All four had sex (switching partners during the sexual assault. Both Victims reported they tried to resist many times and when they "went to bathroom" were able to flee and tell USN Security they'd been raped. They underwent Sexual Assault exams at NAVHOSP. SJA didn't pursue case due to lack of evidence, interview discrepancies and lack of cooperation from victims.

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219	Q2	UNK (2)	E7	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Insufficient Evidence of any offense	CONUS on-base: Victim got drunk at CPO club and thought she performed oral sex on Subject #1 somewhere at the club. Victim indicated she was highly intoxicated and although the act was not forced she would not have consented to such an act if she was sober. Victim then went to her office on the ship, to check email, but could not recall any further details of the evening. Victim stated it wasn't until the next afternoon that she felt sore and thought she may have been raped while in her office by Subject #2. Both Subjects denied having any sexual contact with the Victim. Command declined to take action due to insufficient evidence.
220	Q4	E3 (2)	CIV	M (2)	F	Rape (Article 120)	(2) Insufficient Evidence of any offense	CONUS on-base: Victim (17 yr-old runaway) reported going to Subjects' barrack room where Subjects held her down and raped her, making her perform oral sex on them both. She refused SAFE. Subjects claimed Victim consented. Subject #2 admitted he let her stay in his room for two weeks prior to the incident. Victim's whereabouts were unknown(presumed to have runaway again); case closed.
221	Q3	E1 / E3	E1	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Insufficient Evidence of any offense	CONUS off-base: Victim advised she was having consensual oral and vaginal intercourse with 2 Subjects when one began having anal intercourse with her which hurt. Victim asked Subject to stop and other Subject held her arms until Subject completed the act. Video recordings captured on one of the Subject's cell phones supported the Subject's assertion that the sex was consensual.
222	Q3	UNK (2)	E2	M (2)	M	Wrongful Sexual Contact (Article 120)	(2) Subject Unknown	CONUS off-base: Victim reported he'd been drinking and had walked alone in Chicago when he met a girl who invited him to her hotel room. Once inside, a few men (nfi) entered the room. Victim did not provide further details or involve law enforcement and signed a VPS.
223	Q3	UNK (2)	E5	M (2)	F	Indecent Assault (Art 134)	(2) Subject Unknown	CONUS on-base: Victim reported sometime in 2004 she became intoxicated while drinking with Subject #1 and and awoke at some point to see Subject #2 on top of her while Subject #1 had hands around her neck threatening to strangle her. Victim did not wish to seek prosecution and signed a VPS.
224	Q4	E3 / E4	E3	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Unfounded - DoD Action Precluded	CONUS on-base: Victim reported she drank and watched TV at Subject #1's barracks room with Subjects. She reported that when she tried to leave, Subject #2 restrained her and forced her onto the bed and both Subjects stripped her and proceed to rape her. Both Subjects claimed sex was consensual. Victim's ex-boyfriend reported Victim told him she made up the rape to salvage their relationship. Victim admitted to NCIS she made a false complaint and had not been raped.
225	Q4	E3 (2)	E2	M	F	Rape (Article 120)	(2) Unfounded - DoD Action Precluded	CONUS off-base: Victim told local Police she was raped by two shipmates at local hotel. Victim also admitted to smoking what she thought was marijuana and she fell asleep shortly thereafter. She awoke clothed but felt as if she was being kept in the room against her will even though the Subjects were on opposite bed watching TV. She left the hotel telling desk clerk(as she walked out) she'd been raped; she also told others that someone was trying to kill her and she'd been raped. During police and NCIS interviews, Victim admitted she'd been wrong and had not been raped nor held against her will, but suffered from flashbacks from a previous experience claiming she didn't know what was in the cigar. Victim said she had no desire to pursue the matter further.
226	Q4	UNK (2)	CIV	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Victim declined to participate in the military justice action	OCONUS off-base: Victim reported getting drunk and blacking out while at a party. She indicated having sex with Subject #1 twice and doesn't recall if it was consensual. Subject #2 groped Victim's breasts and vaginal area, but Victim couldn't recall anything else. Subject #1 admitted to sexual contact indicating it was consensual. Subject #2 denied all sexual contact with Victim. A witness affirmed both Subjects' statements; Victim signed a VPS.

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227	Q3	E3 / E4 / UNK	CIV	M (3)	F	Aggravated Sexual Assault (Article 120)	(1) Administrative Discharges (2) Victim declined to participate in the military justice action	CONUS on-base: Victim reported Subjects forced her perform oral sex on them while they penetrated her vaginally in different BEQ rooms. All three Subjects alleged all acts were consensual. Subject #1 was administratively separated. During Victim's third interview she refused to participate further, signed VPS; no action taken against Subjects #2&3.
228	Q4	E4 (3)	E3	M (3)	F	Rape (Article 120)	(1) Administrative Discharges (2) Nonjudicial Punishments (Article 15 UCMJ)	CONUS OFF-BASE: At her Supervisor's (Subject #1) request, underage Victim attended an off base party and got drunk on alcohol he gave her. Victim gave Subject #1 a lap dance and had sex with him. Subject #1 encouraged another co-worker (Subject #2) to join in and Victim had vaginal sex with Subject #2 while giving oral sex to Subject #1. The Victim's husband heard rumors about the incident and reported Victim had been raped. Victim had an affair for months with a former Supervisor (Subject #3), who gave alcohol to the Victim and her underage husband and later told husband about his wife's actions at the party. Victim told NCIS she realized she was not raped. Subjects #1 & 2 administered NJP while Subject #3 was administratively separated.
229	Q4	UNK (4)	E1	M	M	Non-Consensual Sodomy (Article 125)	(4) Subject Unknown	CONUS on-base: Victim was physically and anally assaulted while intoxicated by four men he met at a bar. When questioned about inconsistencies in his story, Victim declined to cooperate further. USACIL found 3 men's DNA on Victim's jeans; however, the case was closed because Subjects could not be identified
230	Q3	UNK (5)	E1	M (5)	F	Aggravated Sexual Assault (Article 120)	(5) Subject Unknown	CONUS off-base: Victim went to VA hospital and asked for a SAFE. Victim reported to law enforcement that she was sexually assaulted by 5 USN enlisted at a motel. Subjects could not be identified. Victim later signed a VPS.
231	Q1	UNK (5)	O1	M	F	Rape (Article 120)	(5) Victim declined to participate in the military justice action	OCONUS off-base: Victim shopped and drank with 5 men and then let them into her hotel room to get their packages where they sexually assaulted her. Victim did not report the assault right away because she was both the command SAVI representative and legal officer and felt she had no one to talk to. She reported the sexual assault 2 weeks later after attempting suicide, but later signed a VPS.
232	Q2	E5	E5	M	M	Sodomy (Article 125)	Administrative Discharges	CONUS off-base: Victim, who was highly intoxicated, had fallen asleep at Subject's house when Victim awoke to being orally copulated. Victim ordered subject to stop and Subject ceased activity. Command advised Subject will received general discharge from USN for engaging in homosexual behavior.
233	Q1	E2	E3	M	F	Rape (Article 120)	Administrative Discharges	CONUS off-base: Victim was raped at a party at Subject's residence. Local law enforcement worked this case. Subject confessed to raping Victim. Subject received an other than honorable discharge from the Navy for serious misconduct related to this investigation.
234	Q1	E4	E4	M	M	Sodomy (Article 125)	Administrative Discharges	CONUS on-base: Victim was sleeping and awoke to find Subject orally copulating him without Victim's consent. Subject admitted to the act but claimed it was consensual. Subject was awarded a General Discharge from the USN for Homosexual Acts.
235	Q1	E3	E3	M	M	Sodomy (Article 125)	Administrative Discharges	OCONUS on-base: Victim was talking to Subject when Subject claimed the two had been "messaging around" on a previous evening, while Victim was sleeping after consuming a large amount of alcohol. Subject admitted to Victim he had performed oral sex on him. During a consensually monitored phone call, Subject admitted to the behavior. Per the SJA, an Administrative Separation Board recommended the subject receive a General Discharge from the USN for homosexual behavior.
236	Q1	E6	E3/E5/CIV (2)	M	F (4)	Wrongful Sexual Contact (Article 120)	Administrative Discharges	CONUS on-base and off-base: Two victims claimed to have been inappropriately touched by Subject. Victim #1 also claimed Subject forced her to touch his penis. Two other Victims claimed Subject refused to let them leave his presence on different occasions. Subject denied all claims. Subject waived an ADSEP board and was subsequently separated from the USN with an OTH for commission of a serious offense.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
237	Q1	CIV	E3	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person NOT subject to the UCMJ	CONUS on-base: Victim and Subject were dating when Victim claims Subject raped her. Subject claimed it was consensual, and no evidence was found to convict him. Subject was separated from the Navy on unrelated charges. Case was then referred to the local District Attorney's Office for prosecution. They declined to prosecute on this matter.
238	Q1	CIV	E5	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person NOT subject to the UCMJ	CONUS off-base: Victim and Subject had previously dated. One night, victim went to Subject's house to spend time with Subject's four year old son. Victim was forced down by Subject and raped and sodomized. Virginia Beach police department worked this investigation. The Virginia Beach District Attorney's office declined prosecution citing a lack of evidence.
239	Q1	UNK	E4	M	F	Wrongful Sexual Contact (Article 120)	Civilian or Foreign Authority - Person NOT subject to the UCMJ	OCONUS on-base: Victim claimed Subject, a foreign national, touched her breast during the refueling of a military vehicle. Subject claimed he would never do that due to his extreme religious beliefs. Civilian authorities did not pursue charges for this incident.
240	Q2	CIV	E3	M	M	Sodomy (Article 125)	Civilian or Foreign Authority - Person NOT subject to the UCMJ	CONUS on-base: Victim was drinking with Subject when he fell asleep. Victim woke to find Subject performing oral sex on him. Subject was charged with forcible sodomy in a local jurisdiction. Subject was found not guilty of the offense of forcible sodomy by the judge.
241	Q3	CIV	E4	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person NOT subject to the UCMJ	CONUS off-base: Victim was having a small party when Subject came over uninvited. Subject raped victim after she went to bed. Subject was found guilty in civilian court and sentenced to 15 years - 9 years served with 6 suspended. Subject must also register as a sex offender, and will be deported to Guatemala due to his illegal immigrant status after serving 9 years.
242	Q1	CIV	E4	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person NOT subject to the UCMJ	CONUS off-base: Subject and Victim were at a party where Victim became extremely intoxicated. Victim passed out in Subject's car and woke up to Subject raping her. Subject is being prosecuted by local jurisdiction. Prior to trial, Subject was discharged from the Navy.
243	Q3	CIV	O3	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person NOT subject to the UCMJ	CONUS unknown: Victim claimed subject inappropriately touched her on numerous occasions. While those incidents were being investigated she disclosed Subject also raped her. Subject was adjudicated in Federal District Court. Subject was charged with Aggravated Sexual Abuse, Abusive Sexual Conduct, Assimilated state codes for Indecent Exposure, Stalking, and False Statement. During a jury trial, Subject was found not guilty on all counts.
244	Q1	E2	E2	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS on-base: Victim claimed Subject raped her inside her barracks room. Victim claimed she "knead" Subject and was able to escape the room. Video footage from the barracks showed Victim Subject leaving the room together. Victim continued to relate she was raped, even when confronted with the video. Subject claimed they had consensual sex. Subject was adjudicated at a SPCM for an unrelated offense and was previously granted a Bad Conduct Discharge. The local DA and the local U.S. Attorney's office declined prosecution.
245	Q3	E5	CIV	M	F	Indecent Acts or Liberties with a Child (Article 134)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Subject admitted to a friend that he molested his female cousin when he was 13 and she was 5. This happened approximately 15 years ago. Civilian authorities investigated and no charges were pressed against subject.
246	Q1	UNK	CIV	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Subject, who had previously dated Victim, forced her to perform oral sex. Subject then held Victim down and raped her. Civilian authorities declined to prosecute due to inconsistencies in Victim's story.
247	Q1	E1	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim had been celebrating Subject's birthday and was heavily intoxicated. She voluntarily went to a local motel with Subject where she passed out and woke twice to find Subject having sexual intercourse with her. Investigation worked jointly with a local police department. Subject was placed on unauthorized absence and later declared a deserter. Upon being captured, the Navy separated Subject from the service. The State of Illinois did not press charges on the sexual assault.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
248	Q3	E2	CIV	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS unknown: Victim had skipped school with some friends to drink when her friend picked up Subject at the base. Victim passed out in the back seat, and awoke to Subject raping her. Subject was removed from active duty for other alcohol related misconduct. NCIS worked this case only to assist a local jurisdiction. After separation of subject, NCIS closed the case.
249	Q2	E3	E3	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Subject had previously dated Victim and went to her house with a friend one night. After a verbal argument, Subject dragged Victim into her bedroom and sexually assaulted her. Subject plead guilty to 4th assault (domestic violence). Investigation was worked by the local jurisdiction.
250	Q1	E5	CIV	M	F	Wrongful Sexual Contact (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	OCONUS off-base: Victim was walking on the street when she was assaulted by Subject who grabbed and fondled her buttocks then followed her further. Subject also hugged Victim from behind. Subject was apprehended by the Japanese Police. Subject was intoxicated and charges were dropped after victim received a "compensation" fee and withdrew the charges. Subject was later separated from the Navy due to alcohol rehabilitation failure.
251	Q2	E3	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim alleged that she was raped by three different men, one of whom admitted to having consensual sex with her. Subject claimed she was fine, but toxicological reports found alcohol, hydrocodone, and diphenhydramine in Victim's system, deeming Victim to be unable to consent. Civilian authorities investigated and arrested Subject but the DA's office declined to prosecute. The subject received administrative action from his command (counseling).
252	Q2	E3	CIV	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Subject was at Victim's house when he pushed her down and raped her. Subject was adjudicated by local authorities and agreed to a plea agreement for his case to be "under advisement" until 2014. He will go to trial for this matter if he encounters any further legal issues prior to 2014.
253	Q2	E5	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim met Subject at an on-base club. Both drank alcohol before leaving the club together. Victim claims she was raped in Subject's car and twice at his off-base residence. Victim advised she was too intoxicated to protest. Case was worked by a local jurisdiction and closed due insufficient evidence. The Command opted not to take any judicial or administrative action.
254	Q1	E1	CIV	M	F	Wrongful Sexual Contact (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim was working in a mall when Subject approached her and grabbed her buttocks (under clothes). Subject plead guilty in civilian court to Disorderly Conduct and was sentenced to pay \$150 in court fees and \$100 to a domestic violence shelter.
255	Q3	UNK	O1	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	OCONUS off-base: Victim was walking from a local Romanian restaurant when she was allegedly raped at gunpoint. Medical examination found no trace of semen and civilian police determined the allegations to be unfounded. It is suspected victim made up the rape to cover adultery and a pregnancy. Investigation was worked by Romanian law enforcement.
256	Q3	E4	E1	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS unknown: Victim accepted a ride to her car from Subject. Subject drove past her car and to an abandoned parking lot where Subject had sexual intercourse with Victim, while Victim verbally and physically protested. Subject admitted to consensual sex with Victim. Investigation worked by locals. Subject went to trial in the local jurisdiction and pled not guilty to rape and abduction. Both charges were eventually dismissed. Subject was ADSEPed from the USN prior to the termination of court proceedings.
257	Q1	UNK	E4	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim was drinking and accepted a walk home from Subject. Victim claimed Subject overpowered her and raped her. Subject claimed the sex was consensual. Subject passed a polygraph. Victim had several inconsistencies in her statement, which could not be substantiated. NCIS assisted the local jurisdiction with some interviews but did not present the case to command for adjudicative action.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
258	Q2	E5	E3	M	F	Rape (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim was working alone in the Navy Recruiting office and was still in high school at the time of the incident. Victim claims Subject came up behind her and forcibly raped her. Subject denied raping Victim but did apologize to her and indicated he could get "kicked out" of the Navy if anyone "found out" during a recorded phone conversation with Victim. Subject did not indicate during the phone call what would get him "kicked out". The local DAs office declined to prosecute due to insufficient evidence.
259	Q1	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim claimed to have been raped by Subject off-base when she was approximately 5 months pregnant. Subject admitted to having sexual intercourse with Victim and to the fact that she said, "no". Investigation was worked by a local jurisdiction. Subject was arrested. The command issued a military protective order for the victim after Subject was released from jail. Subject appeared before a local judge and the rape charges were dismissed in a Nolle Prosequi (do not pursue).
260	Q1	E7	E4/E1(2)	M	F (3)	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	OCONUS on-base: Victim #1 reported Subject caressed and attempted to kiss her breasts during a breast exam. Subsequent to Victim #1's allegation, 2 additional victims surfaced and indicated the same thing happened to them. Command declined to prefer charges after consultation with RLSD.
261	Q1	O4	E3/CIV (2)	M	F(3)	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	OCONUS on-base: Four different victims felt they were touched inappropriately by subject during a medical exam, and reported to officials. Command reviewed for prosecutorial merit and declined to take any judicial or administrative action against the subject, a medical doctor.
262	Q1	E5	E3	M	F	Aggravated Sexual Assault (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS off-base: Victim went to the club on base with the intention of getting intoxicated. She reported getting extremely intoxicated and the next thing she remembered was being at her home, off-base. Victim advised she awoke the next morning naked and noticed a possible semen stain on the floor, next to where she was laying. Subject advised he was too drunk to remember if he had sex with victim, but admitted she was too intoxicated to consent to sex. Command declined prosecution.
263	Q2	E5	E2	M	F	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim stated Subject pressed up against her body and kissed her shoulder. Subject admitted he did find Victim attractive and he admitted to bumping Victim's shoulder accidentally. Subject admitted his actions were unprofessional, but that he never touched Victim in a sexual manner. Investigation was closed after Victim's command advised that Victim was being discharged from the USN due to a psychological disorder. Per the subject's command, no disciplinary action would occur. He did receive a verbal counseling.
264	Q1	UNK	E4	M	F	Aggravated Sexual Assault (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS off-base: Victim went to movies with Subject. When they returned to Victim's apartment, Victim claimed Subject performed unwanted oral and vaginal sex on her. Victim claimed she told Subject to stop but he did not. The local jurisdiction assumed the investigation. During interrogation, Subject admitted to consensual oral and vaginal sex and when Victim said they "shouldn't be doing this" because they were both married, he stopped. The local jurisdiction declined to prosecute (no reason provided in report). The investigation was forwarded to Subject's command for review and subsequently reported after review and consultation with the SJA a decision was made not to proceed with formal charges.
265	Q3	E5	E3	M	M	Sodomy (Article 125)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim claimed he was lured into sail loft of ship by Subject's suggestion of receiving oral sex from female ship's navigator. During sex act, Victim requested person to stop and lifted his blindfold, recognizing the Subject, a male sailor. Subject admitted culpability and was referred to GCM. Subject was found guilty of Art 120-Wrongful Sexual Contact and sentenced to 15 mos. confinement, reduction to E1, and rec'd DD and required to comply with sex offender registration.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
266	Q1	E7	E3	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS off-base: Victim accepted ride from Subject after leaving local nightclub, but Subject took her to his apartment instead where he allegedly raped her. Witnesses reported Victim being intoxicated and leaving club with Subject. Victim initially did not wish to participate but later changed her mind. An Art 32 hearing was conducted. Results of the Article 32 hearing recommended no further judicial action due to lack of evidence. Case was recommended for Administrative action only. Subject was formally counseled.
267	Q1	E3	E4	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim reported being sexually assaulted in her BEQ room after an evening of drinking. Victim awoke the next morning with her pants off and Subject lying next to her. Subject apologized via text message, which Victim deleted. Victim reported incident after command was notified by a friend that Subject was expressing suicidal ideations. During controlled/recorded phone calls Subject admitted to having sexual contact with the victim to include performing oral sex on Victim without her consent. GCM was held and Subject was acquitted.
268	Q3	E6	CIV	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Subject and Victim were watching TV at Victim's house when Subject forced himself on her. Subject found guilty of rape at GCM and sentenced him to 5 years confinement.
269	Q2	E3	E1	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim went with her friend to visit her friend's boyfriend. Subject was also present at the house. Victim alleged that Subject raped her after both parties drank heavily. Subject claimed the sex was consensual, and no evidence could be determined stating otherwise. Article 32 Investigating Officer recommended against referral.
270	Q2	E3	CIV	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS off-base: Victim was walking back to her on-base home when she was attacked from behind by Subject who beat her in the head and choked her until she agreed to have sex with him. Subject was later identified and admitted to forcibly raping Victim. Subject was found guilty at GCM and awarded 18 months confinement, 2 months of hard labor after confinement, and \$ 1,753.50 forfeiture for two months.
271	Q2	E5	CIV	M	F	Abusive Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim was drunk at a party and needed to be helped home by her neighbors. Later, Subject (one of the neighbors) came back and got in bed with Victim, fondling her breasts, behind, and inner thighs. Subject initially denied involvement but later recanted his story and was found guilty for making false statements in violation of Article 107. As part of a plea agreement at a Special Court Martial, the charge of Abusive Sexual Contact and Unlawful Breaking and Entering (Article 129) were dropped. Subject was awarded 5 days confinement and forfeiture of \$200.00.
272	Q3	E5	CIV	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim was partying at subject's on-base residence and became very intoxicated. Victim stayed the night in a guest room, where she was awakened by the subject who removed her clothes, fondled her and engaged in sexual intercourse with her. Subject claimed the victim said nothing, which he took as a sign of consent. Subject admitted victim "just laid there" and he felt "guilty" about what he did to the victim. Subject was found not guilty at a General Courts Martial.
273	Q1	E1	CIV	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim was about to take a shower when Subject entered her room, pinned her down, fondled her, digitally penetrated her and then raped her. Results of trial: Failure to obey order or regulation, referred back to command. Awarded reduction in rank to E-1, forfeiture and 45 days restriction. False official statement: dismissed. Rape: dismissed. Assault: dismissed. Adultery: dismissed.
274	Q2	O3	CIV	M	F	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim and Subject were breakfasting at the airport when Subject grabbed victim's chest and forced his foot between victim's legs. Subject admitted to assault. Subject plead guilty to Assault (Article 128), Conduct Unbecoming (Article 133) and Drunk and Disorderly (Article 134) and was sentenced to 10 months confinement and dismissal from the Navy at General Court Martial.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
275	Q3	E3	E5	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Victim was sleeping in her bed when she awoke to Subject grabbing her breasts and digitally penetrating her. Subject was acquitted at s Special Court Martial of all charges against him.
276	Q3	E5	E3/E3	M	F (2)	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Subject raped Victim #1 while she was asleep. Victim #2 also reported being sexually assaulted by subject. Subject was found guilty at GCM and awarded 9 years confinement at FT Leavenworth, KS, a reduction to E-1 and a dishonorable discharge from the Navy.
277	Q1	E4	E4/E2	M	M (2)	Abusive Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Subject groped Victim # 1's genitals in their room and groped Victim #2's genitals while he was asleep. Subject plead guilty at GCM to two counts of Article 120 (Abusive Sexual Contact) and one count of Article 134 (Indecent Assault). Subject was sentenced to 72 months confinement, a reduction to E-1, and dishonorably discharged from the USN.
278	Q1	E3	E4	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS off-base: Subject and Victim went to a local hotel. Victim alleged that she awoke to find Subject having intercourse with her. Subject admitted to having sex with her while sleeping, but only after they had already engaged in consensual sex earlier. A GCM was scheduled and several days prior to the start date, Victim refused to participate. All charges against the subject were dismissed without prejudice.
279	Q2	E5	E3	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Victim claimed she was in her barracks room when she awoke to feel that she was being digitally penetrated by an unknown person. Subject was identified via video surveillance cameras. Subject admitted to entering Victim's room, removing her pajama bottoms and inserting his thumb into her vagina. Subject was taken to SPCM where he plead guilty to violation of Article 120 (wrongful sexual contact) and Article 134 (Unlawful entry). Subject was sentenced to a reduction in rank to E-1, 8 months confinement and a BCD.
280	Q1	E2	E2	M	M	Sodomy (Article 125)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Victim and Subject were off base at a bar and Victim got highly intoxicated. Subject said he would take Victim back to his barracks room but instead took Victim to his (subject's) barracks room. Subject orally and anally sodomized Victim while he was in and out of consciousness. Subject's computer was seized and numerous images of child porn were found. Subject admitted to forcibly sodomizing Victim. Subject went to a GCM and plead guilty to violation of Article 125 (Oral Sodomy) and (Anal Sodomy) and Article 134 (Possession of Child Pornography). Subject was awarded 72 months confinement and reduced to E-1.
281	Q2	E7	E4	M	F	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Victim claimed Subject put his hand down her pants and touched her bare buttocks and attempted to touch her vagina. Victim pushed Subject away and reported the assault. Subject was convicted of Article 92 (Fraternization with His Immediate Subordinate) at a Special Court Martial. Subject was sentenced to forfeiture of \$1,000.00 for one month, and received a letter of reprimand. He was also transferred to a different command.
282	Q2	O1	O1	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim and Subject were skinny-dipping and mutually kissing. Subject indicated he wanted to have sex with Victim, but she told him she did not want to have sex. Subject inserted his penis into Victim's vagina. Article 32 Investigting Officer recommended against referral. Subject received a letter of caution.
283	Q2	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim was drinking with Subject in his barracks room. Victim woke up the next morning half naked laying next to Subject, who was fully naked. Victim recalled waking up during the night to Subject engaging in sexual intercourse with her. She told Subject to stop and he did not. During a pretext phone call Subject admitted culpability. Numerous witnesses verified victim's extreme state of intoxication. Subject was subsequently found not guilty by a General Courts Martial.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
284	Q3	E4	E2	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim was intoxicated and spent the night at a friend's house. Victim awoke to Subject digitally penetrating her and fondling her breast, however she was too intoxicated to resist. She reported it and Subject claimed it was consensual, admitting he had fondled victim's breasts, digitally penetrated her and ejaculated on her jeans. Charges against Subject were referred to a GCM. During trial preparation, Subject was offered and agreed to accept an administrative discharge (OTH) in lieu of a trial.
285	Q2	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Victim was intoxicated and sleeping in Subject's barracks room when she was awakened to subject having sex with her. Subject claimed it was consensual. Per the SJA, after an Article 32 hearing, a decision was made to not go forward with the prosecution in this case.
286	Q3	E4	E2	M	F	Abusive Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim and Subject were laying in victim's bed together after consuming alcohol when Victim fell asleep. Victim awoke to Subject's hands down her pants touching her outer vaginal area. Subject claimed victim was awake and thought she was interested in him sexually. Subject was found guilty at a Special Court Martial and sentenced under Article 128 (Assault). Subject was found not guilty of violation of Article 120. Subject was sentenced to 45 days hard labor without confinement, forfeiture of \$200 for three months and a reprimand.
287	Q3	O1	O1	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim was sleeping in an off base hotel room she was sharing with Subject and another female friend. Victim woke up to find Subject penetrating her. Victim managed to get free and ran to the bathroom. The next morning, Subject admitted to a friend that he had sex with Victim. Subject was taken to a GCM and was found not guilty on all charges.
288	Q3	E2	E2	M	F	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	UNKNOWN unknown: Victim claimed Subject repeatedly touched her vaginal area over her clothes while she was on watch aboard a USN ship. Subject admitted to touching Victim's breasts, butt, and vaginal area over her clothes. Subject pled guilty at a SCM to violating Article 92 (Sexual Harassment) of the UCMJ. Subject received a sentence of 30 days confinement.
289	Q3	E6	E2	M	M	Sodomy (Article 125)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim was sleeping and awoke to find Subject performing oral sex on him without his consent. After an Article 32, it was determined there was not sufficient evidence to move forward with a GCM. Command went forward with an NJP and ultimately levied a discharge for "other than honorable conditions" against Subject.
290	Q1	E5	E3	M	F	Sodomy (Article 125)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim was supposed to go out with subject, but decided not to. When Subject arrived at Victim's room he began touching Victim and biting her on her breasts. Victim told Subject "no" and advised it hurt. Subject then began to forcibly sodomize her (oral sex). Victim struggled and told Subject "stop" and "no" numerous times. Subject was charged with three specifications of violation of Article 120 (Wrongful Sexual Contact), one count of violation of Article 125 (Sodomy), and one count of violation of Article 128 (Assault). The Article 32 Investigating Officer recommended that charges not go forward due to lack of evidence. Command concurred with the recommendation.
291	Q1	E6	E1	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Investigation was intially worked by a local jurisdiction but the local DA declined to prosecute due to "lack of evidence to prove beyond a reasonable doubt". Command requested NCIS open an investigation into the matter. Victim was at Subject's residence where they were drinking. Victim fell asleep and reported Subject entered the room and had nonconsensual sex with her. An Article 32 Investigating Officer recommended referral of charges. The Investigating Officer found reasonable grounds to believe the rape had occurred but victim failed to show for the hearing and attempts to locate were unsuccessful. Subject went to a Summary Court Martial where he was found guilty of Articles 92 (Failure to Obey an Order) and 107 (False Official Statements) of the UCMJ. Subject was sentenced to 60 days restriction to the base and forfeiture of \$1,000/mo for 1 mo.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
292	Q1	E2	E2	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim was inquiring about the location of cleaning supplies when subject led victim to a storage closet and shut the door. Subject digitally penetrated Victim and fondled her breasts. Subject and Victim were caught by a senior petty officer. Upon questioning, Victim claimed the sex acts were nonconsensual. Subject maintained it was consensual. Article 32 Investigating Officer did not recommend referral.
293	Q1	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim claimed she was raped by Subject in his apartment. Subject admitted to sex with Victim but claimed it was consensual. Subject was found not guilty at a GCM.
294	Q2	E3	E2	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Victim alleged that she was drunk at a party and met up with her friend (Subject) who took her into a bedroom and forcibly engaged in sexual intercourse with her. Victim advised she crossed her legs, "kneaded" Subject, physically resisted and told Subject "no". When Victim confronted Subject he admitted what he had done was wrong. Subject advised incident was consensual during interrogation. Article 32 Investigating Officer recommended against referral due to inconsistencies in Victim's statements.
295	Q3	E4	E4	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Subject and Victim were at Subject's house and both consumed alcohol. Victim claimed she was "tipsy" but not intoxicated. Victim alleged Subject removed her pants and underwear and digitally penetrated her. She told him "no". He then had nonconsensual intercourse with her. Subject stopped after she told him to stop several times. Subject claimed the sex acts were consensual. The Article 32 Investigating Officer did not recommend a referral for prosecution and no further action occurred.
296	Q3	E3	E4	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim was drinking at a bar when she went home and went to sleep. Victim awoke with an unknown male raping her. Subject was identified through his DNA and he subsequently confessed to the offenses. Subject pled guilty to Rape (120) and False Official Statements (107). He was awarded 6 years confinement, reduction to E-1, forfeiture of all pay and allowances, and dishonorably discharged from the Navy.
297	Q2	O1	MIDN (C1)	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS unknown: Victim met Subject at a party and went to Subject's apartment after the party. Victim claimed Subject removed her clothes and had nonconsensual sex with her. the Article 32 Investigating Officer recommended against referral.
298	Q2	E7	E1	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim claimed she was sexually assaulted by Subject in a hotel. Subject was found guilty at a GCM of Fraternization, Providing Alcohol to Minors, and Wrongful Sexual Contact. He was awarded 90 days confinement, reduction to an E-1, and a bad conduct discharge.
299	Q1	E5	E3	M	F	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Subject approached victim from behind and grabbed victim's right breast in addition to grabbing her firmly between her legs. Subject admitted the indecent assault and was found guilty at a GCM of violation of Article 92 (Failure to obey an order or regulation) and Article 120 (Wrongful Sexual Contact). Subject was sentenced to 8 months confinement, reduction to E-1, and a BCD.
300	Q3	O3	E2/E3	M	F (2)	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS unknown: Victim #1 came forward and claimed that Subject had raped her multiple times while she was undergoing counseling sessions with him. Victim #2 claimed to have been raped when visiting his apartment. Subject was the Command Chaplain. Subject went to a GCM and was found guilty of Violation of Article 92, (Failure to Obey a Lawful Order) and Article 120 (Rape). He was sentenced to 10 years confinement and dismissal from the USN.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
301	Q2	E4	E2	M	M	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim claimed after an evening of heavy drinking, subject fondled his genital area on the outside of his underwear in Subject's hotel room. Subject allegedly refused to allow Victim to leave the hotel and at one point pulled a knife on Victim. Victim wrestled the subject to the ground and forced him to drop the knife. Subject was taken to a GCM for violations of Article 97 (Unlawful detention), Article 120 (Rape, Sexual Assault, and Other Sexual Misconduct), Article 128 (Assault), Article 93 (Cruelty and Maltreatment) and Article 134 (Abuse of Authority). Subject was found not guilty on all charges.
302	Q3	E5	E1 (8), E2 (3)	M	F (11)	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Subject was a Corpsman and he allegedly conducted inappropriate or unnecessary pelvic and/or breast exams on nine named victims. Subject denied all the allegations. Subject went to a SPCM and was found guilty of violation of Article 92 (Failure to Obey and Order or Regulation) and Article 107 (False Official Statements). Subject was awarded a reduction in rank to E-4, a reprimand, 60 days restriction, and 90 days unconfined hard labor.
303	Q1	E5	E3	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	OCONUS off-base: Victim advised her command master chief that she was raped by Subject (fellow crewmember) during a beach party/campout. Victim reported she consumed large amounts of alcohol and passed out in the back of a pick-up truck she had rented, later awaking to Subject having sexual intercourse with her. Witnesses at the party reported Subject was sitting by the camp fire most of the night. Command SJA declined prosecution; indicating this investigation lacked sufficient evidence.
304	Q2	UNK	CIV	M(2)	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	CONUS on-base: Victim was engaged in sexual activity at Navy lodging with 2 subjects, one a civilian, (former USN) and one a USN Reservist. An acquaintance of Victim reported Victim's past behaviors involved becoming intoxicated and having sexual contact with various men. SAUSA declined prosecution of civilian due to lack of evidence. Command also declined to pursue any legal action against the reservist involved with the victim.
305	Q2	E2	CIV	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	CONUS on-base: Victim was sleeping in Subject's barracks room when she awoke to find him having sex with her. Subject claimed it was consensual. The initial investigation was handled by civilian police but the local DA declined to prosecute. The Command then reviewed the case but opted against an Article 32 due to insufficient evidence.
306	Q1	UNK	CIV	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	CONUS unknown: Victim claimed she was raped when 16 by Subject. They were in a dating relationship but Victim claimed Subject had sex with her at least three times when she was too young to consent. A subsequent investigation found no support for the allegations and SJA declined to prosecute due to insufficient evidence to substantiate the allegation.
307	Q3	E2	CIV	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	CONUS on-base: Victim's mother reported alleged sexual assault to authorities. Subject denied culpability. No statements of evidentiary value were developed after interviews of numerous potential witnesses. Subject took a polygraph which failed to show deception. Command indicated they would not pursue further legal action against subject due to lack of evidence.
308	Q3	UNK	E1	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	OCONUS unknown: Victim initially reported she was raped. Later she stated it could have been consensual as she could not remember the details of the incident due to her high level of intoxication regarding the night in question. Command advised that due to lack of evidence to support the victim's allegation, the command was declining to prosecute.
309	Q3	E1	E2	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	CONUS on-base: Victim woke up "hung over" and felt violated. She reported she may have been drugged then sexually assaulted. Subject reported drinking with Victim and reported Victim "came on to" him. They ended up kissing and Subject claimed he consensually digitally penetrated Victim. Trial Counsel advised insufficient evidence existed for the case to go to trial.

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310	Q1	E5	E4	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	CONUS off-base: Victim was intoxicated and woke up to find Subject's penis penetrating her from behind. Victim indicated she was too intoxicated to have given consent. Subject admitted having sex with the Victim but stated she was an active participant. He subsequently advised that in retrospect Victim may have been unable to give consent. Naval authorities declined prosecution however they requested the case be forwarded to the local civilian authorities to see if any state laws were violated. After review by the local Prosecutor's office, they too declined to prosecute.
311	Q2	E2	E3	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	CONUS on-base: Subject took intoxicated victim back to her barracks room after a party. Victim claimed she recalled the feeling of having sexual intercourse but due to her level of intoxication, she did not say "no". Victim reported being "confused and intimidated" by Subject's physical stature. Victim believes she performed a lap dance for Subject and performed oral sex on him but she could not recall either. Subject claimed all the sex acts were consensual. SJA advised command that the investigation lacked sufficient evidence to prosecute.
312	Q2	E5	E2	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	CONUS on-base: Victim was out at a local bar became intoxicated. She returned to her ship and woke up the following morning with abdominal pains. A friend told Victim she had engaged in oral and vaginal sex with Subject. Subject denied allegations and a subsequent polygraph examination showed no deception. The RLISO advised the case could not be pursued due to insufficient evidence.
313	Q1	UNK	E5	M	F	Attempts to Commit Offenses (Article 80)	Insufficient evidence of any offense	CONUS on-base: Victim claimed Subject attempted to rape her when they were intoxicated but could not complete the act due to his inability to maintain an erection. A witness claimed he was with both parties at the time of the alleged assault and denied seeing any sexual behavior. During a follow up interview, Victim stated she could not recall what she told NCIS during her first interview. Case did not have sufficient evidence for prosecution.
314	Q1	UNK	E3	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	CONUS on-base: Victim alleged that she was sleeping with Subject in her bed when he raped her. Others in the room claimed they did not hear a struggle. No charges were preferred due to insufficient evidence.
315	Q3	E5	E3	M	F	Aggravated Sexual Assault (Article 120)	Insufficient evidence of any offense	CONUS on-base: Victim claimed Subject (her fiance at the time) raped her in the shower of her barracks room. During a consensually monitored telephone call, Subject admitted he was wrong for forcing himself on Victim without her consent. Evidence was determined to be insufficient for prosecution.
316	Q3	E3	FOR NAT'L	M	F	Indecent Assault (Article 134)	Nonjudicial Punishments (Article 15 UCMJ)	OCONUS off-base: Canadian Victim met Subject at a bar and then invited him home with her. Victim reported Subject groped her under her shirt. When she told him she did not want to have sex with him, he tried to strangle her and threw her to the ground then ran off. The command duty officer turned Subject over to Victoria (British Columbia) PD where investigation is open and warrant is still pending. Command took Subject to NJP where he was found guilty of Art 92 and Art 134; he was awarded 30 days restriction & extra duty, forfeiture of 1/2 pay for 2 mos. and reduced to E2.
317	Q1	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	OCONUS off-base: Victim was in a dating relationship that included consensual sex with the suspect. They had rented a hotel room to celebrate Suspect's birthday. Subject became intoxicated and proceeded to rape victim. Subject given NJP and received a reduction in rank to E-2, 45 days restriction, 45 days extra service, and a fine of \$ 1,587.90.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
318	Q4	E6	CIV	M	F	Rape (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Investigation initiated when Subject, a Navy Recruiter, was arrested for raping a female he was trying to recruit into the Navy. The local jurisdiction subsequently dropped the charges due to delayed reporting by the victim, no corroboration and lack of physical evidence. NCIS opened an investigation. It was learned Subject was the subject of two previous rape cases, an assault case and a burglary investigation. Numerous attempts to locate the victim and/or her mother met with negative results. Command took Subject to NJP for Failure to Obey an Order or Regulation (Article 92) and Forgery (Article 23) for the irregularities on how Subject handled the recruitment process of Victim. Subject received an oral reprimand and one reduction in grade. Subject went to an Admin Board and will be retained in the Navy.
319	Q1	E3	CIV	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim went to visit Subject in his barracks room. Subject kissed victim and rubbed up against her even after victim resisted and informed subject she had a boyfriend. Subject went to NJP and was found guilty of UCMJ Article 128 (Assault). He was awarded a reduction in rank to E-2, forfeiture of \$754 for two months and 60 days restriction.
320	Q1	E4	CIV	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS unknown: Subject was in the car with victim and forced her to place her hand on his exposed erect penis. Subject was taken to NJP for violation of Article 120 (Wrongful Sexual Contact). Subject was awarded counseling for sexual assault, forfeiture of \$498, and extra duties/restriction for 14 days. Subject was retained in the USN.
321	Q1	E3	E3	M	M	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	OCONUS on-base: Victim was asleep at his computer station when Subject videotaped himself (Subject) touching Victim's head with his (Subject)'s genitals. Subject claimed it was a joke and that he received no sexual gratification. Subject was taken to NJP and awarded reduction to E-2 (suspended for 6 months), forfeiture of \$352 for one month, and 14 days restriction.
322	Q3	E7	E3	M	F	Aggravated Sexual Assault (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS off-base: Victim was drinking heavily and woke up in her hotel room she was sharing with Subject to someone having sexual intercourse with her. A few weeks later Subject admitted to engaging in sex with Victim. Report was initially restricted but Victim changed to unrestricted. Subject went to NJP and was awarded 60 days restriction and forfeiture of half a months pay for two months.
323	Q3	E4	E4	M	F	Abusive Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS unknown: Victim consumed large amounts of alcohol and passed out. Victim awoke topless in bed and Subject was rubbing her leg. Subject initially denied any sexual involvement with Victim but he later admitted he made false statements. Subject admitted he entered the bedroom where Victim was sleeping, laid down on the bed and touched the outside of her clothing by her vaginal area. He advised Victim pushed him away and he did not touch her further. Subject went to NJP for providing a false official statement but did not receive any punishment.
324	Q2	E5	E3	M	F	Sodomy (Article 125)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Subject was Victim's immediate supervisor and the incident occurred during working hours. Subject exposed himself to Victim and attempted to force Victim to perform oral sex on him. Subject at first denied claims. Subject took a polygraph examination after which he admitted he had lied. He then stated Victim had consented to oral sex. Subject went to NJP and was found guilty of Indecent Exposure, Sodomy, Adultery, False Official Statements, and Failure to Obey an Order or Regulation. Subject was reduced in rank, given 14 days extra duty, and forfeiture of 7 days pay. Subject was subsequently discharged from the USN on a General Discharge under Honorable Conditions for the commission of a serious offense.
325	Q1	E5	E3	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Subject placed Victim's hand on his erect penis during working hours. Subject was found guilty of violation of Article 120 at NJP and was awarded 30 days restricted duty, extra duties, a reduction in rank to E-4 (suspended for 6 months), and forfeiture of one half pay for two months (suspended for six months).

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
326	Q1	E5	E5	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim stated that Subject touched her in a sexual way without her consent. The touching consisted of touching the victim's pubic area, breast and back. Subject was found guilty of violation of Article 92 (Failure to Obey an Order or Regulation) and Article 93 (Cruelty/Maltreatment). Subject was taken to NJP and awarded 60 days restriction to the base detention facility, a reduction in rank to E-4, and forfeiture of \$1,202 per month (suspended for six months).
327	Q1	E6	E1	M	F	Aggravated Sexual Assault (Article 120)	Other Administrative Actions	CONUS on-base: Victim was sleeping when she awoke by hearing footsteps and seeing a flashlight in her room. Victim was on Restriction and Subject was the duty Master at Arms. Subject sat on Victim's bed and began groping her breasts and digitally penetrating her against her will. Subject denied culpability. Subject was given a non-punitive letter of caution for his actions.
328	Q1	E4	E4	M	M	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base: Victim claimed Subject (his roommate) slid his hand under Victim's boxer shorts and caressed his buttocks and attempted to grab his penis. Victim awoke while the touching was going on and engaged in a physical altercation with Subject. Subject was given a punitive Letter of Reprimand from his Command.
329	Q3	E1	E2	M	F	Aggravated Sexual Assault (Article 120)	Other Administrative Actions	CONUS off-base: Victim and Subject went swimming together in a remote location. They began kissing and subject groped Victim's breasts and digitally penetrated her against Victim's will. Subject received an Administrative Counseling and Warning from Command and was told not to engage in any future behavior of this nature.
330	Q1	MIDN	MIDN	M	F	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base and off-base: Victim stated that subject touched her many places on her body including her breasts without her consent. Subject, a Midshipman, was disciplined by being awarded 70 demerits, 30 days restriction, 10 area tours, and 15 extra hours of duty.
331	Q2	E5	E5	M	F	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base: Victim alleged that Subject grabbed her from behind, touching her breasts and hips. On a separate occasion, Subject grabbed her crotch area. Subject was not prosecuted but Victim was granted a permanent change of command at her request.
332	Q1	E6	CIV	M	F	Rape (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	OCONUS unknown: Victim claimed Subject entered her residence and held her against a wall and raped her several times. Subject submitted to a polygraph which indicated deception. Subject eventually admitted his involvement in the rape and was awarded NJP of 30 days restriction/extra duty, \$500/month pay dock for 2 months, and was reduced one grade (suspended for six months). NJP was for violation of Article 134 (Adultery).
333	Q1	E5	E3	M	F	Aggravated Sexual Assault (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	CONUS off-base: Victim and Subject were drinking and went back to the hotel room they were sharing with their friends. Victim reported waking up and finding Subject having sexual intercourse with her. Subject denied engaging in any sexual activity with victim. Other personnel who were in the hotel room did not substantiate Victim's claim. Evidence did not support prosecution for sexual assault. Subject received a Page 13 entry for having the poor judgment to sleep in the same rack as a female sailor and reference to drinking to excess with junior sailors.
334	Q1	E5	E3/E5	M	F (2)	Sodomy (Article 125)	Subject deceased or deserted	CONUS: unknown/off-base: Victim #1 was intoxicated and left in the care of Subject, who forced her to perform oral sex on him. Victim #2 awoke to find Subject digitally penetrating her. No charges were pressed by either the State Attorney's Office (FL) or the RLSO, due to the inability to extradite. When case was closed Subject was a fugitive in Barbados. The U.S. Marshall's Service Fugitive Task Force has issued a "blue notice", which allows for notification if Subject attempts to depart Barbados.
335	Q1	UNK	E1	UNK	F	Rape (Article 120)	Subject Unknown	CONUS off-base: Victim was allegedly sexually assaulted at a motel, but refused to give any information to law enforcement regarding the identity of her alleged attacker or even what happened.

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336	Q2	UNK	E5	M	F	Indecent Assault (Article 134)	Subject Unknown	OCONUS on-base: Victim was intoxicated at a club when she met Subject, who made unwelcome advances. Victim eventually left the club, and was followed by Subject who continued to grind on her and kiss her face and neck. No subject was ever identified.
337	Q3	CIV	E5	M	F	Rape (Article 120)	Subject Unknown	CONUS off-base: Victim was allegedly raped by an unknown civilian in Virginia Beach. However, she could not provide any identification or a place as to where the rape occurred. Therefore, the investigation was dropped and considered closed by local authorities.
338	Q1	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Subject Unknown	OCONUS off-base: Victim was sleeping when she felt a finger being inserted into her vagina. Victim woke up to see an unknown Subject standing over her. Victim possibly identified the perpetrator, but was uncertain. Numerous witness interviews failed to identify a suspect. The person identified by Victim as possibly being involved denied all allegations to NCIS and to his friends. The inability to positively identify a Subject precluded the possibility of action.
339	Q3	UNK	E3	M	F	Aggravated Sexual Assault (Article 120)	Subject Unknown	CONUS off-base: Victim was drinking alcohol at the apartment of an unknown man. She went to sleep clothed and woke up partially clothed. Victim believed someone unknown had sex with her. The investigation was worked by a local law enforcement agency. No suspects were identified. The local jurisdiction eventually closed their case, unresolved.
340	Q3	UNK	E3	M	F	Aggravated Sexual Assault (Article 120)	Subject Unknown	CONUS off-base: Victim was found with her pants pulled down by local police when they responded to the residence on another matter. Victim stated she did not remember being sexually assaulted. A SAFE exam showed Victim to have some visible injuries to her vaginal area. No DNA was present and no suspects could be identified.
341	Q1	E4	E5	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - Command Action Precluded	CONUS off-base: Victim and Subject had been drinking and went to Subject's house. Victim then fell asleep and alleged that she woke up to find Subject engaging in sexual intercourse with her. Subject claimed the actions were consensual, and victim recanted her story after the case was turned over to the RLSO. Legal did not recommend prosecuting subject.
342	Q3	UNK	E3	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - Command Action Precluded	CONUS off-base: Victim was at a party with other Sailors and was highly intoxicated. Victim commented she had "sex with the new engineer" but later advised she couldn't remember having sex, due to her extreme intoxication. A witness observed an identified sailor having sex with the victim. Witness said sex appeared to be consensual. A potential subject was identified and he admitted to having sex with Victim, but claimed it was consensual. Due to Victim's lack of memory, it could not be determined whether a crime occurred. Command advised no evidence of criminal wrongdoing was present. No judicial or administrative action was taken.
343	Q2	E5	E6	M	M	Wrongful Sexual Contact (Article 120)	Unfounded - Command Action Precluded	CONUS on-base: Victim alleged that for over a year, Subject made sexual comments to him, kissed him, grabbed his buttocks and fondled his genitals. Subject was observed by several command members massaging Victim and making advances towards him in a sexual manner. No one witnessed Subject grabbing victim's genitals. Subject's command counseled him concerning what constitutes sexual harassment and also determined the allegations of genital fondling were unfounded. No judicial or administrative action occurred.
344	Q3	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS off-base: Victim and three friends went out drinking during A school. They ended up at a hotel, watching movies and drinking. Victim woke up the next morning partially clothed with vaginal bleeding. Due to lack of evidence that a crime was committed, no adjudicative/judicial action could be taken.
345	Q2	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim and Subject spent the night in her room and Victim alleged rape. During a second interview with Victim, she realized she did not inform Subject (either physically or verbally) of her desires to not engage in sexual intercourse. Subject stopped the sexual intercourse as soon as Victim asked him to. The elements of rape (or other illegal sexual act) were not present.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
346	Q1	E1	E2	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim and Subject went back to Victim's barracks room after drinking. Victim woke up naked with a used condom nearby. Victim believed she had been sexually assaulted and reported the incident. Subject was interviewed and advised the sex was consensual and stated the victim was aware of what was going on. During the investigation, Victim opted not to assist law enforcement further and signed a VPS. Subsequently a friend and fellow command member provided a sworn statement indicating the victim knowingly made a false allegation against the subject because he told their command that she had been drinking underage. Based on the witnesses' sworn statement and the VPS, the investigation was closed.
347	Q2	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim was given oral sex by Subject who also digitally penetrated her and fondled her breasts. Subject stopped when Victim told him she did not want to have vaginal sex. During a second interview with Victim, she advised that she reported the sexual encounter as a "rape" because she regretted allowing it to happen and her fiance and his mother had persuaded her to report the allegation. The investigation was closed as the criminal elements were not met.
348	Q2	E5	E5	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim went with 2 shipmates to a bar and consumed alcohol. Later that night, Victim's shipmates departed and Victim went to another bar where she met the Subject. Victim did not recall next events, but awoke the next morning naked in bed with the Subject. Subject acknowledged they were both drunk and claimed Victim was conscious and capable of making decisions. Victim signed VPS and Commanding officer indicated no action would be taken against the Subject.
349	Q1	CIV	E4	M	F	Abusive Sexual Contact (Article 120)	Victim declined to participate in the military justice action	OCONUS off-base: Victim alleged Subject bought her drinks and subsequently groped her while at a dance club. Witnesses reported Victim appeared intoxicated and was dancing closely with several enlisted members. Victim claimed she blacked out and later awoke to Subject with his hands down her pants. Subject denied culpability; Victim did not wish to testify and signed a VPS. Command advised no action would be taken against Subject due to lack of evidence.
350	Q2	UNK	CIV	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim was visiting her sister when Subject came over. They watched movies and Subject began touching the Victim against her will, eventually forcing himself on her and raping her. Victim reported it but then provided a letter to the RLSO indicating she did not want to participate in prosecution. Command declined to prosecute after RLSO received the letter.
351	Q1	E5	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Victim and Subject were allegedly dating. One night, both were at Subject's apartment drinking vodka when Victim laid down on Subject's bed. Subject then joined her and engaged in sex, thinking it consensual. Victim began to cry and Subject immediately stopped and consoled her. Command advised they would not proceed with formal charges at this time due to lack of physical evidence and Victim's desire not to participate in the investigation. Victim signed a VPS.
352	Q1	E2	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim was fondled on a beach by subject. Both were in an intoxicated state, but many witnessed the assault. Neither Command nor a local jurisdiction took action against subject. Victim signed a Victim Preference Statement.
353	Q3	UNK	E5	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Victim was drinking and claims she was raped by a white male (later identified). Subject claimed the relations were consensual and that Victim was not too intoxicated to give consent. Victim declined to participate in a prosecution.
354	Q1	UNK	E4	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Victim claims to have been sexually assaulted but declined to press charges and was generally uncooperative during the investigation. Victim signed a Victim Preference Statement, which was provided to victim by JAG. Legal declined to take any action after conferring with Victim.

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355	Q1	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim claims to have been in her room when she was sexually assaulted by Subject. However, Subject denied anything sexual occurred. Victim declined to provide details pertaining to her alleged sexual assault.
356	Q1	E2	CIV	M	F	Attempts to Commit Offenses (Article 80)	Victim declined to participate in the military justice action	OCONUS off-base: Victim claimed Subject exposed himself to her in a stairwell, then attempted to rape her from behind. Subject admitted to these things, but no charges were pressed due to the noncooperation of Victim.
357	Q1	E5	CIV	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim was sleeping at a friend's house when she passed out due to excessive consumption of alcohol. Victim awoke to Subject engaging in sexual intercourse with her from behind. As soon as she resisted, he left. Victim refused to cooperate with prosecution.
358	Q2	E2	CIV	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim alleged that she was raped by Subject in his barracks, but Subject claimed it was consensual. Repeated attempts to contact Victim and obtain a statement concerning her allegation were unsuccessful. Trial Counsel advised upon review of investigation, prosecution would not be sought against subject due in part to victim's lack of cooperation.
359	Q2	E6	E4	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS on-base: Victim and Subject engaged in sexual intercourse. Victim advised she was highly intoxicated and unable to consent. Subject claimed it was consensual. Victim advised the SJA that she would not cooperate with any prosecution against Subject.
360	Q1	E2	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS on-base: Victim and Subject had been drinking heavily. Later in the night, Victim woke up to find Subject raping her. Subject claims the sex was consensual. Victim reported her allegation about 3 months after incident. Command advised no prosecutorial actions would be taken against the subject subsequent to victim signing a letter of declination prepared by the SJA, which indicated she no longer wished to participate in the investigation.
361	Q2	E4	E3	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Victim spend the night at Subject's house and awoke to find him kneeling by her, digitally penetrating her vagina and rectum. Subject claimed Victim was awake and it was consensual. Victim refused to cooperate and investigation could not proceed.
362	Q1	E7	E3	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS off-base: Victim claims she had been at a bar drinking and became intoxicated. She woke up in an unknown man's hotel room without her underwear. She could tell someone had sex with her. Subject was later identified and admitted to consensual sex with the victim and reported she was not intoxicated at that time. Victim subsequently reported she was forced to report being raped by the Chaplain and SAVI and she no longer wants to proceed with the investigation. Victim signed a VPS. The case was presented to the XO for review for fraternization issues.
363	Q2	E2	E4	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim had some friends over to her home and later at night she woke up to Subject straddling her from behind, engaging in sexual intercourse with her. Victim told Subject to leave, which he did. She then reported the incident to local authorities. Subject was arrested. The local States Attorney's Office indicated they were declining to prosecute Subject due to improbability of conviction. The investigation was then assumed by NCIS. Victim subsequently withdrew her cooperation.
364	Q1	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim and Subject attended a party where Victim was allegedly sexually assaulted by Subject. The incident came to the attention of law enforcement due to reports from other command members. Victim declined to cooperate and did not provide any facts pertaining to the allegation. Victim signed a VPS. Subject denied sexually assaulting victim.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
365	Q1	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS unknown: Victim was attending a party with some friends at Subject's house. Victim claims she blacked out after consuming a large amount of alcohol. She woke up to find subject digitally penetrating her. Victim believed she was drugged. Interviews of witnesses and Subject indicate there were several participants in ongoing sexual encounters. All state Victim had been drinking, as had they. NCIS made numerous attempts to re-interview the victim. She eventually advised she did not want to discuss the matter and signed a VPS. The case was then closed.
366	Q1	E6	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim was contemplating joining the USMC and was with USMC recruiters at a local bar. After the bar she went to the residence of a USMC SSgt. Victim claims she was raped by the SSgt. No information pertaining to alcohol usage by any of the parties involved. The Victim declined to participate further in the investigation and the investigation was closed by NCIS.
367	Q1	E3 (2)	CIV	M (2)	F	Rape (Article 120)	(2) Unfounded - DoD Action Precluded	CONUS unknown: Victim alleged two subjects raped her. NCIS was requested by CGIS to administer polygraph exams to Subject 1 & 2. However, upon review of the investigative files, no issues of forcible rape were developed. Polygraph was denied. Limited assisted only.
368	Q1	E4/E3	CIV (2)	M (2)	F (2)	Aggravated Sexual Assault (Article 120)	(1) Courts-Martial Charge Preferred (initiated)  (1) Civilian or Foreign Authority - Person NOT subject to the UCMJ	CONUS on-base: Two female Victims were consuming alcohol at an on-base bar and met two enlisted Sailors. These men gave their phone numbers to Victims, who subsequently called them and invited them to an on-base residence. Victims, who were highly intoxicated, claimed they were raped by the two Sailors. One suspect requested legal counsel, the other advised the sex was consensual. Subsequent to an Article 32 hearing, the charge of rape was dropped against Subject #1. Subject #2 got out of the USN during the investigation and was tried by a jury in the local jurisdiction. He was acquitted of second-degree rape.
369	Q3	E4/E5	CIV	M (2)	F	Aggravated Sexual Assault (Article 120)	(1) Insufficient evidence of any offense  (1) Administrative Discharges	OCONUS on-base: Victim was intoxicated with subjects and went back to her room to watch movies. There she claims she was raped twice by one subject and potentially once by another (Subject #2). Subject #2 showed deception during a polygraph exam. Subject #2 was administratively separated and he received an OTH Discharge. Command did not take action against Subject #1 due to lack of evidence and lack of victim participation.
370	Q3	E3/E5	E1	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim was drinking with Subjects and dancing in Subject #2's room. Subject #1 began kissing her neck, and she performed oral sex on him. Subject #2 then began giving oral sex to Victim and penetrated her with his penis. Both Subjects say the actions were consensual. Subjects were taken to NJP for improper behavior with a junior enlisted sailor.
371	Q1	O1/O2	E2	M (2)	F	Rape (Article 120)	(2) Nonjudicial Punishments (Article 15 UCMJ)	CONUS off-base: Victim alleged she was raped and digitally penetrated in the ladies' room of a local bar by Subject #1 and #2. Victim advised the men followed her into the restroom and pinned her against a wall. When the bar manager walked in, one of the subjects pulled a knife on the manager. Subject was arrested for the knife assault by local law enforcement. Victim declined to assist in a criminal prosecution and Subjects were taken to NJP. Subjects were found guilty of Article 125 (Sodomy) and 133 (Conduct Unbecoming an Officer). Subject #1 and Subject #2 both received a written reprimand and forfeiture of half a months pay for two months.
372	Q3	E3/E4	E3	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Probable cause for only non-sexual offense	OCONUS aboard ship (on-base): Victim reported being raped by Subject #2 after engaging in consensual oral sex with Subject # 1. Both Subjects were taken to NJP and convicted of False Official Statements and Obstructing Justice, respectively. They were subsequently administratively separated from the Navy.
373	Q1	UNK/CIV	CIV	M/F	F	Aggravated Sexual Assault (Article 120)	(2) Victim declined to participate in the military justice action	CONUS on-base: Victim claimed to have been lured by Subjects into the bedroom in Subject's house, where she was held against her will and indecently assaulted. Subject #2 was a dependent wife. Victim declined to participate.

**FY09 Sexual Assault Synopses Report  
United States Navy**

Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Gender	Victim Gender	UCMJ Violation Investigated	Disposition	Synopsis
374	Q2	E3 (2), E4	CIV	M (3)	F	Aggravated Sexual Assault (Article 120)	(3) Administrative Discharges	OCONUS on-base: Victim claimed she was raped by all three Subjects in the barracks. All three admitted to sexual involvement, but all claimed it was consensual. Victim submitted a letter to the SJA indicating she did not wish to pursue or be involved in the prosecution of this case. Subjects #1 and #2 were discharged under Other Than Honorable conditions for "misconduct". Subject #3 received a General Discharge in the "best interest of the service."
375	Q3	E2 (3)	E1	M (3)	F	Aggravated Sexual Assault (Article 120)	(3) Victim declined to participate in the military justice action	CONUS off-base: Victim and Subjects went to a motel. Subject #1 bought alcohol for everyone and Subjects and Victim became drunk. Victim passed out to be awakened by Subject #2 attempting to penetrate her anus. Victim passed out again and woke up to Subject #3 having sexual intercourse with her. A SAFE kit was submitted to USACIL and evidentiary findings were negative for semen. Victim declined to cooperate and prosecution could not be pursued.
376	Q3	E1 (3), E3 (1)	E1	M(4)	F	Rape (Article 120)	(4) Civilian or Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim and four Subjects had been celebrating their completion of training at a local hotel. Victim claims she was then raped by four Subjects later in the evening. Civilian authorities investigated and found no evidence to support Victim's claim. No charges were pressed.

**FY09 Sexual Assault Synopses Report  
United States Marine Corps**

Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Genders	Victim Gender	UCMJ Violation Investigated	Disposition	SYNOPSIS
1	Q2	CIV	E3	M	F	Rape (Article 120)	Civilian / Foreign Authority - Person NOT Subject to the UCMJ	CONUS off-base: Victim reported meeting Subject at a bar and had 3 drinks with him and began having memory lapses. Subject offered to take her home, vice her friend who was also at the bar. Victim reported to civilian authorities that she believes to have been raped; no further information provided.
2	Q4	CIV	E2	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person NOT Subject to the UCMJ	CONUS off-base: After a night of drinking, Victim passed out and awoke to Subject on top of her having sexual intercourse. Local police investigating. No further information provided.
3	Q3	CIV	E1	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person NOT Subject to the UCMJ	CONUS off-base: Victim advised she passed out and as many as four unidentified subjects had sex with her. Police advised one Subject said he had consensual sex with Victim and there was no one else present. Assistant District Attorney declined to prosecute this case.
4	Q2	E4	CIV	M	F	Wrongful Sexual Contact (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Civilian authorities investigating Subject's many sexual acts between Aug-Oct08 with various victims to include groping buttocks, pulling down victims' pants, indecent exposure and masturbating in car while calling victims over. Subject received NJP in 2005 for similar offenses in Japan. Civilian Court found Subject guilty and sentenced him to 1yr in jail and 3yrs probation.
5	Q1	E2	CIV	M	F	Rape (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: After Victim's husband returned from deployment she reported that his friend got her drunk and raped her twice. Civilian authorities investigated and closed due to lack of evidence, lack of witnesses and the victim's credibility.
6	Q2	E4	E4	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim got drunk at USMC Ball and while sleeping in a friend's hotel room awoke to Subject having sex with her. Victim refused forensic exam; Civilian authorities investigated allegation, but closed case due to conflicting statements between Victim who alleged she was raped and witnesses who said it was consensual.
7	Q1	E5	E6	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim and Subject drank heavily at a bar. Victim did not recall how she got to the Subject's house, but later awoke naked in his home with a sore vaginal area. Subject claimed they had sex and he felt bad about it. Victim reported to local police department, but then later declined to participate in their investigation.
8	Q4	E4	CIV	M	F	Non-Consensual Sodomy (Article 125)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS ON-BASE: Victim drank heavily while at a party at Subject's house. Subject told her to lay down on his bed and then digitally penetrated Victim's vagina four times. Victim told the Subject to stop and kept pushing his hand away. Subject then anally penetrated her with his penis from behind. Victim left and reported she was raped to military police. Subject denied rape and invoked. DA declined to prosecute because of sketchy details and lack of specifics.
9	Q2	E4	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	OCONUS off-base: Victim alleged Subject raped her aboard cruise ship in international waters. FBI conducted investigation and arrested Subject. Subject appeared at Federal District Court of Puerto Rico and found guilty of assault, no further information provided. Sentenced to time served and fine of \$300.00.
10	Q2	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: After seeing cell phone pictures of what Victim was told was Subject and her having sex, Victim reported that she had gotten drunk at a hotel party and didn't recall what happened. Victim signed a letter requesting police department end its investigation.
11	Q2	E5	E5	M	F	Indecent Assault (Art 134)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim reported that in Sep07, she drank too much at Subject's apartment and laid nude on bed with Subject standing over her fondling her breasts and digitally penetrating her vagina while he masturbated. Subject's girlfriend came in to the room and Subject left. Investigative jurisdiction belongs to civilian authorities; NCIS will assist as requested; case closed.

**FY09 Sexual Assault Synopses Report  
United States Marine Corps**

Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Genders	Victim Gender	UCMJ Violation Investigated	Disposition	SYNOPSIS
12	Q4	E3	FN	M	F	Rape (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	OCONUS on-base: Victim reported that from Sep08 to Feb09 Subject physically assaulted her and asked for sex 4 times. Three times Subject took her clothes off and raped her (no further information). Victim resisted and told him to stop each time. Victim reported to have been pregnant and later miscarried in Dec08. Civilian authorities assumed the investigation. Subject reports receiving emails from Victim indicating Victim wants money from Subject or threatened to report. Japanese prosecutor declined to prosecute.
13	Q3	E6	CIV	M	F	Rape (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Subject and Victim were drinking and then went to Victim's apartment where she passed out (clothed). Victim awoke naked and saw Subject getting dressed and leaving the apartment. Victim then passed out again and woke up that morning with soreness in her vaginal area and unidentified pubic hair on her. Victim alleged Subject raped her. Civilian authorities assumed investigation; no further information provided.
14	Q4	E1	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim reports she got drunk and thinks she was drugged while at a party at Subject's house. Victim says Subject took her to the bedroom against her protest and she awoke naked from the waist down with Subject having sexual intercourse with her. She passed out and later awoke to a naked Subject on top of her. Victim left and went to hospital; vaginal tearing was found. Locals declined prosecution due to lack of evidence.
15	Q1	E2	E3	M	F	Rape (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim says she was raped, but did not provide any further details. Case was referred to civilian authorities; no further information was provided.
16	Q1	E2	CIV	M	F	Non-Consensual Sodomy (Article 125)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim reported Subject attempted to undress her; Victim ran away. Subject later admitted culpability to forcing the Victim to perform oral sex on him, forcibly penetrating her anus and knowing she was a minor. Local authorities investigated; District Attorney declined to pursue criminal charges against Subject. Command subsequently administratively separated Subject for involvement with a minor.
17	Q3	E5	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim advised after a bout of drinking Victim and Subject were in bed together and Subject digitally penetrated Victim against her will. Civilian authorities assumed jurisdiction on the case; no further information provided.
18	Q4	E6	CIV	M	F	Rape (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Subject admitted to having sex with Victim after supplying her with alcohol. Subject arrested by civilian authorities. Locals dismissed all charges; no further details.
19	Q4	E2	CIV	M	F	Rape (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim reported she allowed Subject to enter her bedroom because she thought he wanted to talk. Subject pushed her to the bed where he proceeded to rape her and then leave. Subject was then arrested by civilian authorities. Subject received OTH discharge for commission of a serious offense; local prosecution disposition unknown.
20	Q3	O3	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim reported Subject followed her into the women's restroom and sexually assaulted her. Victim could not recall specifics of the assault or whether she consented due to the level of her intoxication. She indicated her husband urged her to report the incident. Civilian authorities elected no to seek prosecution against the Subject.
21	Q3	E3	CIV	M	F	Wrongful Sexual Contact (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim reported Subject groped her breasts; no further information provided.. Results of local investigation unknown.

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United States Marine Corps**

Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Genders	Victim Gender	UCMJ Violation Investigated	Disposition	SYNOPSIS
22	Q4	E5	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Subject performed cunnilingus on and digitally penetrated Victim's vagina. Subject arrested and charged by local Sheriff's Office. No further information.
23	Q4	E1	CIV	M	F	Aggravated Sexual Assault (Article 120)	Civilian / Foreign Authority - Person Subject to the UCMJ	CONUS off-base: Victim was forced to have sexual intercourse with Subject at his apartment. Subject charged by locals with Rape and Kidnapping. Subject will be Administratively Discharged from USMC under other than honorable conditions.
24	Q2	E4	E3 (2)	M	M (2)	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: After a night of heavy drinking, Subject got on top of Victims #1 & #2 as they slept and kissed face, neck and stomach before being told to stop. Both indicated they awoke and pushed Subject away who subsequently left their rooms. Command advised that no action would be taken against the Subject; no further information provided.
25	Q1	E5	E2	M	F	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim alleged Subject grabbed her vaginal area over her clothes. Subject denied it and two witnesses supported him. Command advised that no action would be taken against the Subject; no further information provided.
26	Q2	UNK	CIV	M	F	Non-Consensual Sodomy (Article 125)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim had consensual sex with estranged spouse. Subject then began to have anal sex with Victim who told him to stop, but Subject continued. Subject alleged sex was consensual and indicated Victim reported their sex as "rape" after command made her boyfriend move from her quarters. A polygraph revealed no derogatory information. Command advised it would not take action against Subject; no further information provided.
27	Q3	E6	CIV	M	F	Aggravated Sexual Assault (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS off-base: Victim alleged Subject forced her to have vaginal and oral sex at recruiting office. Due to embarrassment, Victim did not report or seek medical examination. Command advised they no longer required investigative assistance and stated no action would be taken against Subject; no reason provided.
28	Q2	E5	E3	M	M	Indecent Assault (Art 134)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim and Subject were drunk at a bar in Dec 2004. Subject grabbed Victim's penis while in the bathroom and kissed him. On another occasion, Victim claims Subject were riding in a cab back to base (drunk) and Subject nibbled on Victim's ear and tried to put his hand down Victim's pants. Command advised that no action would be taken against the Subject; no further information provided.
29	Q4	E3	CIV	M	F	Aggravated Sexual Assault (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim was at Subject's barracks room and asked him for a back rub. Victim fell asleep and awoke to Subject vaginally raping her. Victim repeatedly told him to stop, but Subject continued until he ejaculated. Victim sought medical exam and Subject invoked right to remain silent. Command declined to prosecute no reason stated.
30	Q4	E2	O3	M	F	Aggravated Sexual Assault (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	OCONUS on-base: Victim reported taking 4 Ambien pills and claimed she did not consume any alcohol while at a BBQ. Victim said Subject gave her open drinks(she thought to be non-alcoholic) and then fell asleep, waking the next morning. Victim reported that Subject told her weeks later they had sex, but she had not given him her consent. In Subject's third statement he claimed Victim was drunk and began kissing him and they had sex (oral and vaginal) in a tent. Command advised no action would be taken against Subject; no further information provided.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Genders	Victim Gender	UCMJ Violation Investigated	Disposition	SYNOPSIS
31	Q3	E5	CIV	M	F	Aggravated Sexual Assault (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	OCONUS off-base: After a night of drinking, Victim and Subject went to sleep it off in Subject's SUV. Victim later awoke in the back seat with Subject having non-consensual intercourse with her. He stopped when she told him to stop and subsequently drove her home. Civilian authorities declined to prosecute and Command advised that no action would be taken against Subject.
32	Q4	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim was alone in barracks room with Subject and fell asleep. She awoke to the Subject fondling her, digitally penetrating her vagina and also penetrating her vagina with his penis. Despite her protests, the Subject held her down and continued until he was interrupted by someone entering the room. Command declined to take further action; no further information provided.
33	Q3	E3	E2	M	F	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim said Subject got into her bed kissed her and put his hand on her waist & back pressing up against her. She told him to leave, which he did. Command decided take no action, no reason given.
34	Q4	E3	E3	M	F	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim advised Subject kissed her and fondled her breast. Subject says he and Victim have kissed in the past.. Command declined to take action; no further information provided.
35	Q4	E4	E2	M	F	Wrongful Sexual Contact (Article 120)	Commander declined action pursuant to UCMJ Rules of Courts-Martial 306(c)(1)	CONUS on-base: Victim alleged Subject pulled, pinched and groped Victim's groin area against her will. Subject denied and Command decided not to pursue; no further information provided.
36	Q2	E5	E4 (2) / E5	M	F (3)	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Three victims alleged Subject sexually assaulted them, pressing his body in a sexual manner against them and kissing them against their will. Subject admitted to the sexual assaults and pled guilty at a Special Courts Martial regarding two of the Victims and received NJP for the other Victim. Subject was reduced in rank, fined and confined for 15 days.
37	Q3	E5	E2	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim alleged her drill instructor raped and sexually assaulted her in Male Side Duty Room. Victim resisted and Subject left without penetrating victim. Subject's polygraph was inconclusive. Subject pled Guilty at a Summary Courts Martial and found guilty of Article 92 (Failure Obey Order) and Art 134 (Adultery). Subject reduced in rank to E4, forfeit \$1,478 for one month, and granted a general administrative discharge under OTH conditions.
38	Q2	E3	CIV	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS: on-base: Victim passed out after drinking at a party and awoke to Subject having sex with her. Subject admitted to the offense and was found guilty of Art 120 (Rape), Article 134 (Unlawful Entry), and Art 134 (Adultery) at a General Courts Martial. Subject was sentenced to 20 yrs confinement, reduced in rank to E1, total forfeiture, and dishonorably discharged.
39	Q4	O3	CIV	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: A highly intoxicated Victim awoke naked with Subject on top of her ejaculating on her stomach. Subject admitted to the sexual offense. Subject went to GCM found guilty of 1 specification of Article 120 (Agg Sex Assault). Subject dismissed from Service, sentenced to 2 yrs confinement, and required to register as a sex offender.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Genders	Victim Gender	UCMJ Violation Investigated	Disposition	SYNOPSIS
40	Q3	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim is 11 weeks pregnant and alleged Subject raped her at her barracks room. Subject claimed it was consensual. Subject found not guilty at General Courts Martial.
41	Q4	E6	CIV	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Subject and Victim dated for one week and Victim went to Subject's barracks room. Victim alleged Subject rape her and medical examination revealed vaginal trauma. Subject claimed it was consensual. Subject found Not Guilty at GCM.
42	Q4	E4	E3	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim alleged Subject raped her while at a party at his house. Victim was drunk and incapacitated and witnesses heard Victim ask the Subject what he was doing, opened the door and saw Subject having sexual intercourse with Victim. Subject found not guilty at GCM.
43	Q2	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim was asleep in her barracks room and awoke to Subject having sex with her. Subject pled guilty at a GCM to Article 120 (Aggravated Sexual Assault) and 134 (Wrongfully destroying evidence); was sentenced to 6 yrs confinement, reduced to E1, forfeiture of pay, Dishonorable Discharged, and required to register as a sex offender.
44	Q4	E6	CIV	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: In 2003, Subject was found guilty of rape at GCM. The case was re-opened when Subject was granted a new trial and SJA requested NCIS assistance in locating Victims and witnesses. Victim has had sex change operation since rape. Subject in GCM found guilty of violation Articles 92 (Failure to obey lawful order), Art 134 (not specified) and Art 128 (Assault Consummated by a Battery); sentenced to 44 months confinement/BCD and Reduced to E1.
45	Q2	E2	E3	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim and Subject and others drank in barracks room. Victim went to her room to sleep and awoke to Subject by her bed digitally penetrating her vagina. Victim rolled over and Subject hid. Victim got a male friend to tell Subject to leave her room. Subject claimed he only stroked Victim's buttocks under her clothes. Subject was found guilty at GCM and received 18months confinement, reduction in grade, and a BCD.
46	Q4	E2	E2	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim, Subject and others drank and slept in Subject's barracks room. Victim awoke to Subject inserting his penis in her vagina. Victim said "no" and Subject laid on the floor feigning sleep. Subject admitted to digitally penetrating Victim's vagina as she slept. Witness heard Victim yell at Subject and saw he was on floor (nude from waist down). Subject found guilty GCM; sentenced to BCD, 1 Yr confinement, reduced to E1 and required to register as sex offender.
47	Q4	E5	E3	M	F	Rape (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Lubbock PD conducted entire investigation involving the alleged rape of Victim (active duty recruiting assistant) by Subject (active duty recruiter). Transfer of evidence to NCIS and NCIS to provide limited assistance during trial preparations. Subject was found guilty at GCM to violation Article 120(Rape/Indecent Acts). Subject received BCD, reduction in grade, and forfeiture of all pay and allowances.
48	Q3	E2	CIV	M	F	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim reported Subject exposed himself, began to masturbate and then put his hand under her shirt and fondled her breast while she was working at a restaurant/snack bar. Subject appeared at SCM where he was found guilty and awarded 30 days confinement, reduction in rank and forfeiture of 1-mos pay
49	Q4	E4	CIV	M	F	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Subject was reported to have groped breasts of Victim while she slept. Subject went to Special Courts Martial and found guilty violation Article 120 (Rape/Sexual Assault/Other Sexual Misconduct). No indication or specifics of punishment received.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Genders	Victim Gender	UCMJ Violation Investigated	Disposition	SYNOPSIS
50	Q3	E4	E4	M	F	Wrongful Sexual Contact (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim reported awaking to an unknown male fondling her breast while she was in bed in her barracks room. Subject admitting culpability in illegally entering her room, viewing her partially nude asleep in her bed. Subject pled guilty at Special Courts Martial and was awarded a BCD, reduction in grade, 12 months confinement and forfeiture.
51	Q4	E3	CIV	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim accused Subject of digitally penetrating her vagina. Subject says it was consensual. Subject went to Summary Courts Martial; reduced to E1, 60 Days Restriction to Base and forfeiture of \$1,169.
52	Q4	E4	CIV	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS off-base: Victim advised awoke naked with Subject digitally penetrating her vagina. Subject went to GCM; received 30 Months Confinement, forfeiture of all pay and allowances, reduced to E1 and BCD.
53	Q4	E3	CIV	M	F	Aggravated Sexual Assault (Article 120)	Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim advised she went to Subject's residence to return books and he forced her to have sexual intercourse. Subject admitted to the allegations and went to GCM; reduced to E1, given 12 Months Confinement, BCD, and forfeited all pay.
54	Q2	E3	E3	M	F	Wrongful Sexual Contact (Article 120)	Insufficient Evidence of any offense	OCONUS on-base: Victim reported Subject visited her barracks room and asked for a hug, but instead grabbed her breast as they were hugging. Subject claimed the incident never occurred. A wire intercept of a call between the Victim and Subject yielded negative results. Command advised no action would be taken due to insufficient evidence.
55	Q4	E3	FN	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	OCONUS off-base: Victim reported that after drinking all night at a hotel, Subject attempted to have sex with her, barely penetrating her vagina. Victim refused civilian authority's investigative assistance and NCIS assumed the investigation. Subject reported that he and the Victim have had consensual sex in the past and are in a relationship nor he did not rape her or steal her 2,000 Yen. Command declined because of lack of evidence.
56	Q4	E2	E2	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim reported she had consensual sex with Subject earlier and then told him to stop the second time and he did not. Subject was arrested by civilian authorities. Command agreed with civilian prosecutor there was not enough evidence to pursue charges and indicated no action would be taken against Subject.
57	Q4	E4	E4	M	F	Aggravated Sexual Assault (Article 120)	Insufficient Evidence of any offense	CONUS off-base: Victim advised that while she was intoxicated, Subject digitally penetrated her vagina against her wishes. Local authorities investigated; declined prosecution due to lack of evidence. Command subsequently declined to prosecute.
58	Q4	E6	CIV	M	F	Wrongful Sexual Contact (Article 120)	Insufficient Evidence of any offense	OCONUS on-base: Victim advised Subject grabbed her buttocks; no further information provided. Due to lack of evidence and cooperation of the victim, the investigation was closed.
59	Q2	E1	E2	M	F	Attempts to Commit Offenses (Article 80)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS ON-BASE: Victim alleged Subject tried to force her to perform fellatio by forcing her head down on his exposed penis. Prior to taking a polygraph, Subject admitted to allegation. Subject was found guilty at NJP and was awarded a fine and restriction.
60	Q2	E4	E3	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: While at work, the Subject asked the Victim whether she was wearing underwear. Victim indicated she was not and Subject then asked to see her breasts and solicited her to have sex and the Victim declined. Subject grabbed Victim's arms, pinned her against wall and touched her jeans as if he might look down her pants and Victim escaped. Subject received NJP reduction in rate, fine, 45 days restriction and 45 days extra duty (suspended).

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61	Q2	E3	E4	M	M	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim took three prescription Oxycodone for pain and stumbled in hallway. Subject helped him bed and laid him face down. Subject then rolled Victim on his back and began touching his penis (over clothes) several times. Victim told Subject to leave. Subject says he saw Victim's pills in his room and thought Victim would be safer on his back and that touching Victim's penis was accidental. Subject found not guilty in NJP and no further action was taken.
62	Q2	E2	CIV	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim reported that Subject touched her breast and continued to touch her after she said stop. Subject did not recall offense due to intoxication. Subject received NJP and found guilty even though Victim decided not to cooperate and signed VPS.
63	Q3	E3	E4	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Victim reported while standing duty, returned keys to Subject in his transient room. He pulled her on top of him and rubbed her vagina (over clothes) and exposed his penis to her. Subject admitted culpability. Subject received NJP and was awarded reduction and fine.
64	Q3	E2	E3	M	F	Aggravated Sexual Assault (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS off-base: Subject fondled Victim's breasts and digitally penetrated Victim's vagina; Subject admitted to the allegations. Subject was awarded NJP; received forfeiture of \$699 pay for two months, a total forfeiture of pay of \$1398, as well as restriction and extra physical duty for 60 days.
65	Q4	E3	E4	M	M	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: While Subject groped Victim's crotch several times when helping Victim, who was intoxicated, into his bunk. Subject administered NJP; reduced to E2, Restricted to Base 60 Days, and Forfeiture of pay for 2 months.
66	Q4	E2	E1	F	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	CONUS on-base: Subject grabbed Victim as she was returning from shower, threw her on the bed and fondled her. Subject went to NJP; reduced to E1, given 30 Days Restriction and 30 Days Extra Duty.
67	Q4	E4	E2	M	F	Wrongful Sexual Contact (Article 120)	Nonjudicial Punishments (Article 15 UCMJ)	OCONUS on-base: Victim advised Subject grabbed her buttocks and rubbed her inner thighs. Subject went to NJP was Reduced in Grade, Forfeited \$876 per month for 2 months and 45 Days Restriction and Extra Duty.
68	Q2	E2	E2	M	F	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base: Victim alleged Subject came into her BEQ Rm and groped her breasts and vagina (no penetration) under her clothes. Subject indicated act was consensual and that she never said to stop or leave. Subject and Victim received formal counseling.
69	Q2	E5	CIV	M	F	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS off-base: Victim alleged Subject groped her buttocks, rubbed her back and kissed her neck while she was babysitting. Subject also alleged to send sexually explicit text messages. Subject received formal counseling.
70	Q2	O3	CIV	M	F	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base: Victim alleged Subject grabbed her buttocks and sucked on her fingers while at a Halloween party. Subject stated he was drunk and didn't recall assaulting the Victim. Subject received formal counseling.
71	Q2	E2	E2	M	F	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base: Victim alleged Subject touched her buttocks and vagina (no penetration) under her underwear while dancing. Subject said it was consensual and that the Victim gave him her phone number. Subject received formal counseling.
72	Q2	E1	CIV	M	F	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base: During party at Victim's resident, Victim alleged Subject touched her breast over clothing as she slept. Subject denied the allegation, but then later admitted to touching but not sexually assaulting Victim. Subject received formal counseling.
73	Q2	O5	CIV	M	F	Aggravated Sexual Assault (Article 120)	Other Administrative Actions	CONUS off-base: Subject and Victim drank together and kissed at a bar and then went to a motel. Subject performed oral and vaginal sex and possibly anal sex on Victim who was incapacitated. Victim called a friend for a ride home. Subject received counseling and non-punative letter.

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74	Q2	E3	CIV	M	F	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	CONUS on-base: Victim and her boyfriend slept in the Subject's barracks bed. Subject came in drunk, got into bed and groped Victim's buttocks, breasts and crotch and tried to remove her pants. Victim told him to stop and tried to wake her boyfriend who continued sleeping. Subject groped Victim until he passed out. Command advised Subject received administrative remarks, Page 11 entry and indicated no additional administrative or judicial action would be taken.
75	Q3	E5	E3	M	F	Aggravated Sexual Assault (Article 120)	Other Administrative Actions	CONUS on-base: Victim reported that after night of drinking awoke to having sexual intercourse with Subject. Victim refused to explain the incident further and chose to stop the investigation. It was determined that the Victim had requested restricted reporting during her initial reporting to a UVA; SJA recommended NCIS not pursue Victim's allegation any further. Command advised they would take administrative action against Victim (SRB-Page 11 entry for Adultery & Intoxication) and Page 11 Entry for Adultery against the Subject.
76	Q3	E3	E3	M	F	Wrongful Sexual Contact (Article 120)	Other Administrative Actions	OCONUS on-base: Subject grabbed Victim from behind, turned her and pinned his body against her body attempting to kiss her. Victim felt Subject having an erection, pushed him off and left the room. Subject received formal counseling.
77	Q4	E3	E2	M	F	Rape (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	CONUS on-base: Subject (an MP) and Victim's boyfriend, went to Victim's barracks room while on duty. Subject handcuffed Victim with his duty cuffs and consensually kissed Victim and digitally penetrated her vagina. Subject then took off Victim's pants and Victim told him to stop and that she didn't want to have sex, but Subject did not stop and allegedly raped her. Subject being separated from USMC for Dereliction of Duty. Trial counsel indicated Command would not prosecute Subject for the alleged rape due to expressed concerns regarding the veracity of Victim's account of the alleged rape.
78	Q4	E3	CIV	M	F	Aggravated Sexual Assault (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	CONUS Unknown: Victim, Subject and others got drunk at Subject's house. Victim reported being carried to bedroom where she passed out and later awoke to Subject having sex with her and Subject's wife crying. Victim decided she did not wish to pursue. Command charged Subject with Adultery.
79	Q4	O2	CIV (3)	M	F (3)	Wrongful Sexual Contact (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	OCONUS off-base: Subject is accused of having wrongful sexual contact with 3 Victims (all dependent wives) at different times. Victim #1 alleged Subject caressed her buttocks, Victim #2 alleged he tried to kiss her and guide her hand to his crotch, Victim #3 alleged he caressed her breasts. Subject went to NJP for violation Article 133 (Conduct Unbecoming); received Punitive Letter of Reprimand, forfeiture of 1 mo. pay for 2 mos., restricted to Quarters or Place of Duty for 30 days.
80	Q4	E6	E1 / E3	M	F (2)	Wrongful Sexual Contact (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	CONUS on-base: An intoxicated Subject entered barracks room and grabbed the buttocks (through the clothes) of 2 Victims. Subject went to NJP where he was found guilty of violation Article 86 (Absence Without Leave) and Art 134 (General Article). Subject ordered to forfeit \$1,475 for 1 month (Suspended).
81	Q4	E5	CIV	M	F	Aggravated Sexual Assault (Article 120)	Probable Cause for Only Non-Sexual Assault Offense	CONUS off-base: Victim reported that after passing out from consumption of alcohol she was sexually assaulted by Subject. Subject admitted to having consensual sexual intercourse with Victim. Command sent Subject to NJP for Adultery; Subject reduced to E4, Forfeited \$2,128, 45 Days Restriction and 45 Days Extra Duty.
82	Q4	E5	E2	M	F	Non-Consensual Sodomy (Article 125)	Probable Cause for Only Non-Sexual Assault Offense	CONUS off-base: Victim advised Subject forcibly had sexual intercourse with her in a vehicle. Subject advised victim performed fellatio on him and they did not have sexual intercourse. Subject will receive NJP for Misuse of a government vehicle.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Genders	Victim Gender	UCMJ Violation Investigated	Disposition	SYNOPSIS
83	Q1	UNK	E5	UNK	F	Aggravated Sexual Assault (Article 120)	Subject Unknown	CONUS off-base: Victim got drunk at USMC ball, left the hotel for over 2hrs, and returned with parts of her uniform scuffed, torn, and missing and bruising on her head believing she had been sexually assaulted. Victim refused to cooperate with police and had no recollection of 4 hours on information regarding a Subject. Victim did not want to pursue investigation and signed a VPS.
84	Q2	UNK	E2	UNK	M	Abusive Sexual Contact (Article 120)	Subject Unknown	CONUS on-base: Victim reported being sexually assaulted in May08 at MOS school, but would not provide any further details. No subject was identified and victim signed a VPS, not wishing to pursue the investigation.
85	Q4	UNK	E3	M	F	Wrongful Sexual Contact (Article 120)	Subject Unknown	CONUS on-base: Victim awoke to an unknown male on top of her in her barracks room. Victim resisted and Subject ran away. No subject was ever identified; case closed.
86	Q4	UNK	E2	M	F	Wrongful Sexual Contact (Article 120)	Subject Unknown	CONUS on-base: Victim awoke to unidentified subject lying on top, touching her. Victim hit Subject and he departed. Investigation completed and no Subject was identified.
87	Q4	UNK	CIV	M	F	Aggravated Sexual Assault (Article 120)	Subject Unknown	CONUS on-base: Victim accompanied 3 Marines to barracks where large amounts of alcohol were consumed. Victim awoke believing she had been raped because her vagina itched (she is allergic to latex) and an empty condom wrapper was seen on the floor. Investigation failed to identify possible Subject.
88	Q2	E5	CIV	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - Command Action Precluded	CONUS off-base: Victim has consensual sex with Subject (estranged husband) and did not resist or protest as he had sexual intercourse with her a second time. Victim did not report until she learned Subject did not intend to reunite with her. Command advised that no action would be taken against Subject as elements of Article 120 were not met.
89	Q1	E1	E2	M	F	Non-Consensual Sodomy (Article 125)	Unfounded - DoD Action Precluded	CONUS on-base: Victim alleged Subject performed oral sex on her while in her BEQ w/o her consent. Victim recanted when witnesses (her roommate & roommate's boyfriend in adjacent bed) provided statements that indicated Victim and Subject's sex was consensual. Investigation closed.
90	Q1	E1	E1	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Subject was stopped from having sex in picnic area with the Victim who appeared unconscious with a BAC=0.436%. Later Victim claimed that if she had sex, it was consensual. Victim signed VPS.
91	Q1	UNK	E1	M	F	Rape (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim reported unidentified Subject hit her on the head and dragged her behind mess hall where he raped her. When asked about the limited information provided, the Victim got agitated saying that she hadn't told the whole truth. Victim signed VPS.
92	Q2	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim and Subject had been drinking at a wedding reception. Victim alleged Subject digitally penetrated her vagina. Subject denied and Victim subsequently apologized regarding her false report. Witnesses affirmed Subject's innocence. Victim reported no rape had occurred and declined to pursue. Victim received NJP for Failure to Obey and Underage drinking and was awarded 30 days restriction and 30 days extra duty.
93	Q2	CIV	E3	M	M	Non-Consensual Sodomy (Article 125)	Unfounded - DoD Action Precluded	CONUS off-base: Victim reported being anally sodomized and forced to perform oral sex on Subject. Subject said acts were consensual and Victim later admitted the sex was consensual. Command was briefed and the investigation was closed.
94	Q2	E1	E2	M	M	Non-Consensual Sodomy (Article 125)	Unfounded - DoD Action Precluded	CONUS on-base: An intoxicated Victim reported waking up on his side against the back of the Subject and the Victim had his erect penis exposed. Victim reported he felt like he pulled his penis out of the Subject's anus. Subject denied the allegation and medical exams of the Victim and Subject yielded negative results. Victim later indicated the allegation reported was false and possibly a nightmare (victim indicates he frequently experiences realistic nightmares after drinking).

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95	Q2	E3	CIV	M	F	Wrongful Sexual Contact (Article 120)	Unfounded - DoD Action Precluded	OCONUS unknown: Victim reported her husband learned she had kissed Subject and he had put his hands down her pants and fondled her. Victim did not believe she was the victim of a sexual assault but reported at her husband's urging. Victim did not wish to pursue; Command was advised information did not support sexual assault allegation; investigation closed.
96	Q1	E3	E1	M	F	Wrongful Sexual Contact (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim alleged Subject, a co-worker, groped Victim's vaginal area. Victim later recanted.
97	Q3	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	CONUS on-base: Victim initially alleged she was raped by Subject but subsequently advised she fabricated the story. Victim stated she reported it because she thought a 3rd party had seen her having sex with Subject.
98	Q3	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Unfounded - DoD Action Precluded	OCONUS on-base: Victim was caught by duty watch found sleeping in the Subject's berthing area. Victim claimed she did not know how she got there, but was bruised and sore in her vaginal area. All leads were exhausted and the investigation revealed that no criminal act occurred.
99	Q3	E4	E1	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim alleged Subject raped her after she had become highly intoxicated and passed out at a party at his house. Subject denied the rape and witnesses revealed Subject's wife was making out with Victim and Subject said he'd had sex with both of them. Victim later declined to pursue the investigation.
100	Q1	E2	CIV	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim alleged she was raped by her boyfriend and may be pregnant. Victim decide to give no further details and signed a VPS. (Victim also barred from base for prostitution on military installation)
101	Q2	E4	E3	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim has MPO against Subject (former boyfriend). Subject arrived at Victim's barracks room drunk and asked for sex. He forced vaginal and anal sex and Victim freed herself. Subject denied all; Victim signed VPS because she did not want to get Subject in trouble. Command advised that no action would be taken against Subject.
102	Q1	E4	E3	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim and others were watching Monday night football and drinking in Subject's barracks room. Victim said she must have passed out and later awoke to Subject kissing her and having sex with her. Victim subsequently passed out again. Victim decided not to pursue investigation and signed VPS.
103	Q3	UNK	E4	UNK	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim reported she drank heavily at Enlisted Club and later awoke naked in her room feeling as if she had been drugged and raped (no recollection of the alleged offense). Victim later signed VPS, not wishing to pursue investigation.
104	Q1	E3	CIV	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim reported to civilian authorities that she and the Subject met online and met in person twice (in 2006 and 2007) at a hotel where Subject raped her. Subject threatened to harm her family if she reported rapes. Subject denied everything. Sheriff's Office closed investigation when Victim wouldn't cooperate. Command advised no action would be taken due to lack of Victim cooperation.
105	Q1	E5	CIV	M	F	Rape (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim's father-in-law reported Victim was raped. Victim met with NCIS, then with victim advocate. Victim's failure to pursue resulted in investigation being closed.

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106	Q2	UNK	E3	M	F	Abusive Sexual Contact (Article 120)	Victim declined to participate in the military justice action	OCONUS on-base: Victim went to Subject's barracks room to watch a movie. Victim alleged Subject threw her on bed and got on top of her and began kissing her. Subject roommate tried to enter but Subject prevented him from doing so. Subject groped her buttocks (over clothes) and tried to undo her jacket. Victim indicated she did not want to have sex with Subject and he let her leave. Additional interview of the Victim was attempted, but Victim did not show and declined to participate/cooperate further in the investigation.
107	Q2	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim got drunk while at the USMC Ball and later went to her hotel room and slept. One month later Victim learned she was pregnant (no recall of having sex with anyone). One of the Victim's friends indicated Subject followed her to hotel. Subject admitted to having sex with the Victim. Since Victim could not recall if she had consensual sex or if she was raped, she was not willing to cooperate further. Victim signed VPS.
108	Q2	E3	CIV	M	F	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: CID investigation revealed Subject had touched Victim's breasts and kissed her without her consent while she was intoxicated. Victim declined to press charges and signed a VPS
109	Q3	E2	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim reported drinking while in Subject's barracks room with Subject and others. She later awoke to Subject having vaginal sex with her. Subject claimed Victim initiated the sexual intercourse, which was consensual. Witnesses reported Subject and Victim were making out before they left. Victim withdrew her complaint against Subject and Command advised no action would be taken against Subject.
110	Q3	E3	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim reported getting drunk at a party where she had consensual sex with Subject. She later agreed to go to USN Hospital to check for STD when friends told her she had been drugged and raped. Subject claimed it was consensual. Victim did not wish to cooperate and signed VPS.
111	Q4	E3	CIV	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim reported being raped by Subject in an unknown barracks room. She awoke naked in the bed of the Subject. Subject claimed sexual intercourse was consensual. Victim did not wish to cooperate and signed VPS.
112	Q1	E1	CIV	M	F	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim reported Subject place his hand inside her shirt and shorts. Subject denied allegation and stated previous menage a trois with Victim and her husband. Victim requested investigation be canceled and signed VPS.
113	Q2	E1	E2	M	M	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Witness observed Subject fondling Victim's penis when Victim was passed out from intoxication. Command advised no action would be taken against Subject due Victim's unwillingness to cooperate and lack of evidence.
114	Q3	E4	E3	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS on-base: Victim consensually got into bed with Subject, but due to intoxication passed in and out of consciousness. Although Victim and Subject have had previous sexual contact (oral & digital penetration), Victim claims Subject placed his penis in her mouth and had sexual intercourse with her without her consent. Victim decided not to pursue the investigation.
115	Q4	E4	CIV	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS on-base: Victim reported that after a night of drinking awoke to Subject on top of her. Victim does not recall if she was naked or if anything happened. Subject admitted to having sexual contact with Victim but not sexual intercourse. Victim decided to not cooperate further.
116	Q3	E1	CIV	M	F	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim became intoxicated awoke to Subject rubbing her vaginal area. Subject denied touching the Victim. Victim did not wish to provide a sworn statement and signed a VPS.

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117	Q4	E3	E3 (2) / E5	M	F (3)	Wrongful Sexual Contact (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Subject involved in physically touching 3 Victims sexually. All three victims signed a VPS, not wishing to pursue an investigation.
118	Q3	UNK	E3	M	M	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS on-base: Victim awoke believing he may have been sodomized; Victim refused to provide any names and chose not to participate with the investigation and signed a VPS.
119	Q4	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: After a night of drinking, Victim alleged she was raped by a USMC Subject; she refused to provide further details for fear of retaliation. Investigation indicated Victim may have been interested in getting out of the USMC and she subsequently was honorably discharged.
120	Q3	E3	E3	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim alleged she was raped at her residence by Subject. Investigation determined Victim had sent many messages to Subject. Victim subsequently decided not to cooperate with investigation and signed VPS.
121	Q3	E4	CIV	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim advised she and Subject were drinking together in his barracks. Victim went to sleep and awoke to Subject having vaginal sex with her. Victim decided not to cooperate and signed VPS.
122	Q3	UNK	E5	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS on-base: Victim said she had been raped by member from the same unit, no other details provided. She stated she did not intend for the report to be unrestricted. She signed VPS and stated she would not cooperate further.
123	Q4	E5	E3	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	CONUS off-base: Victim advised while on temporary duty in Nevada during 12/2008 while incapacitated by consumption of alcohol Subject had unwanted vaginal intercourse with her. Victim decided not to cooperate with investigation and signed VPS.
124	Q4	UNK	E2	M	F	Aggravated Sexual Assault (Article 120)	Victim declined to participate in the military justice action	OCONUS on-base: Victim advised she was raped in her barracks' room by a fellow Marine whom she would not identify. Victim wanted the report to be restricted but told a MSGT which prevented it from being Restricted. Victim signed VPS and refused to cooperate with investigation.
125	Q4	E2 (2)	E1	M (2)	F	Aggravated Sexual Assault (Article 120)	(1) Commander Declined - UCMJ Rule 306(c) (1)  (1) Courts-Martial Charge Preferred (initiated)	OCONUS on-base: Victim was having consensual sex with Subject #2 and Subject #1 joined them. Subject #2 continued and when he stopped Subject #1 got on top of Victim and had sexual intercourse with her. Both Subjects claimed it was consensual. Victim originally signed a VPS, but revoked it. Command decided not to take any action against Subject #1 (no further details provided). Subject #2 was found Not Guilty at GCM.
126	Q4	E3 / E5	CIV	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Civilian / Foreign Authority - Person subject to the UCMJ	OCONUS on-base: Sixteen-year-old Victim advised she snuck out of home and two Subjects provided her alcohol & had sex intercourse with her. Local Police determined charges unfounded. Subjects not charged.
127	Q4	E3 (2)	CIV	M (2)	F	Rape (Article 120)	(2) Civilian / Foreign Authority - Person subject to the UCMJ	CONUS off-base: Victim's arms were held by one Subject while the other Subject digitally penetrated Victim's vagina. Both Subjects admitted guilt. Local Sheriff's Office arrested and charged Subjects with 1st Degree Rape. Local case is pending; NCIS case closed.
128	Q4	E4 (2)	E3	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Commander Declined - UCMJ Rule 306(c) (1)	CONUS off-base: Victim reported that after heavily drinking at a house party, she fell asleep on a mattress and later awoke to two males lying on either side of her. Both Subjects fondled her and Subject #1 digitally penetrated her vagina at least twice, without her consent. Command was apprised of the investigation. Locals declined prosecution; subsequently the Command declined prosecution of both Subjects.

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Case Number	Quarter Disposition Completed	Subject Grade	Victim Grade	Subject Genders	Victim Gender	UCMJ Violation Investigated	Disposition	SYNOPSIS
129	Q4	E1 / E2	E2	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim and Subjects drank at Subject #1's barracks room. Victim reported she passed out and awoke to Subject #1 raping her and then awoke a second time to Subject #2 putting her clothes on. Witnesses stated they saw Victim lying nude/unresponsive with eyes open in Subject #1's room and told duty Sgt. Subject claimed sex was consensual. Subject #1 was found guilty at GCM of Article 112a(Wrongful distribution of a controlled substance), Article 92 (Underage drinking) , Article 120 (Aggravated Sexual Assault) sentenced to 28 months confinement, BCD, and forfeiture all pay; Subject #2 was found guilty at GCM Article 120 (Aggravated Sexual Assault) and Article 92 (Underage drinking) and received a BCD.
130	Q3	E2 (2)	E2	M (2)	M	Abusive Sexual Contact (Article 120)	(2) Courts-Martial Charge Preferred (initiated)	CONUS on-base: Victim reported being pulled from his rack by Subject #1 and #2 and taken to the shower, stripped naked with his feet bound. Subject #1 (naked) waved his genitals in the Victim's face and told Victim to suck on it. Subject denied allegations. Subjects pled guilty at Summary Courts Martial and awarded reduction in rank, confinement, and forfeiture of pay.
131	Q3	E2 / E3	CIV	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Probable Cause for Only Non-Sexual Assault Offense	CONUS on-base: Victim reported Subject #1 raped her as Subject #2 orally sodomized her and then raped her. Both Subjects claimed it was consensual. Although Victim signed VPS, Command advised Subjects awarded NJP for infractions that fall outside the scope of this investigation.
132	Q1	UNK (2)	E3	M (2)	M	Aggravated Sexual Contact (Article 120)	(2) Subject Unknown	CONUS off-base: Victim alleged two Subject maced him and cut open his pants and underwear at the crotch and grabbed his penis. When he cleared his eyes, he chased the Subjects for blocks, but lost sight of them. He reported all to the police, but no Subjects were ever identified.
133	Q2	UNK (2)	E2	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Subject Unknown	CONUS off-base: Victim attended party at a local hotel with 7-10 others. Most left to get beer and Victim was alone with 2 unknown males. Subject sat on top of her torso and pulled down her jeans and raped her. He was interrupted when others returned and both threatened Victim not to tell and Victim left. Victim only sought counseling and did not care who the two males were. Victim subsequently signed VPS.
134	Q4	E3 / E4	CIV	M (2)	F	Aggravated Sexual Assault (Article 120)	(2) Victim declined to participate in the military justice action	CONUS on-base: Victim reported that she and her husband were at a party with others while drinking. Victim's husband left and victim stayed. She was on a sofa with Subjects #1 and #2 on either side of her. Subject #1 pushed Victim toward Subject #2 who had his genitals exposed. Victim punched Subject #2 in his genitals and Subject #1 got mad and pulled Victim's underwear down and penetrated her vagina with his penis for about 30 seconds. Witness came into the garage, took some photos, opened garage door and Victim fled. Neighbor reported the incident. Victim advised she did not wish to cooperate further.