



## Appendix B: Statistical Data on Sexual Assault



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# Appendix B: Statistical Data on Sexual Assault

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## Background

### Purpose

The Department of Defense (DoD) collects data on sexual assault to inform Sexual Assault Prevention and Response (SAPR) policy, program development, and oversight actions. Congress requires DoD to supply data about sexual assault reports and the outcome of sexual assault investigations. Each year, the Sexual Assault Response and Prevention Office (SAPRO) aggregates data on reports of sexual assault, analyzes the results, and presents them in this report.

### Scope

DoD uses the term “sexual assault” to refer to a range of crimes, including rape, sexual assault, forcible sodomy, aggravated sexual contact, abusive sexual contact, and attempts to commit these offenses, as defined by the Uniform Code of Military Justice (UCMJ). For the purpose of data analysis in this report, DoD organizes analyses by the most serious sexual assault allegation made by a victim or investigated by a Military Criminal Investigative Organization (MCIO).<sup>1</sup> The information in initial reports and/or behaviors alleged do not necessarily reflect the final findings of the investigators or the matter(s) addressed by court-martial charges or other forms of disciplinary action against suspects (referred to by DoD as “subjects of investigation” or “subjects”).<sup>2</sup>

DoD’s sexual assault reporting statistics include data on penetrating and sexual contact crimes by adults against adults for matters defined in Articles 120 and 125 of the UCMJ, as well as Article 80, which governs attempts to commit these offenses.<sup>3</sup> Data analyses within this Appendix do not include:

- **Sexual harassment complaints.** The Office of Diversity, Equity, and Inclusion supplies information about sexual harassment complaints in Appendix F.
- **Sexual assault allegations involving spouses and/or intimate partners.** DoD Family Advocacy Program (FAP) supplies the domestic abuse-related sexual assault data in Appendix G.
- **Sexual abuse allegations involving children.** DoD FAP supplies the child-related sexual abuse data in Appendix H.

Although most victims and subjects in the following data are aged 18 or older, DoD statistics may capture information about victims and subjects aged 16 and 17 at the time of the report, which includes Service members approved for early enlistment. Additionally, 16- and 17-year-

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<sup>1</sup> Criminal Investigative Command for the Army, Naval Criminal Investigative Service for the Navy and Marine Corps, and Air Force Office of Special Investigations for the Air Force.

<sup>2</sup> The term “subject” does not denote innocence or guilt of the person being investigated.

<sup>3</sup> Beginning January 1, 2019, the UCMJ categorizes acts that used to constitute forcible sodomy under Article 125 within the crime of rape or sexual assault under Article 120. In addition, to align with changes in the UCMJ, sexual contact crimes no longer encompass touching of body parts other than the genitals, inner thighs, breasts, and buttocks. Acts such as forcible kissing or nonconsensual touching of other body regions may be deemed sexual harassment, assault consummated by a battery, or another crime under the UCMJ, depending on the facts of the case.

old military and civilian victims may be included in the data that follow, if such matters do not fall under FAP's purview.

## Data Included

### *Unrestricted and Restricted Reports*

Per reporting requirements levied by Congress, DoD sexual assault data capture Restricted and Unrestricted Reports of sexual assault made to DoD during a Fiscal Year (FY) involving a military person as an alleged perpetrator and/or a victim.<sup>4</sup>

Victims make a Restricted Report to specified individuals (e.g., Sexual Assault Response Coordinators (SARCs), SAPR Victim Advocates (VAs), or healthcare providers), enabling confidential access to care and services. These reports are not referred for investigation and do not involve review by command authorities. Given the desire for confidentiality, the victim is not asked to provide extensive details about the sexual assault. SARCs therefore record limited data about these victims and the alleged offenses in the Defense Sexual Assault Incident Database (DSAID). Furthermore, DoD does not request or enter subject information into DSAID for Restricted Reports. A victim can choose to participate in the justice system by converting a Restricted Report to an Unrestricted Report at any time.

Unlike a Restricted Report, an Unrestricted Report of sexual assault is referred for investigation to an MCIO, and command is notified of the alleged incident. DoD collects data on Unrestricted Reports from the cases entered into DSAID by SARCs. Additionally, MCIO information systems interface with DSAID in order to incorporate subject and investigative case information into records.

Notably, the number of sexual assaults reported to DoD in a given year is not necessarily indicative of the number of sexual assaults that may have occurred that year. This difference exists because not all sexual assault victims report allegations of sexual assault. DoD estimates the annual sexual assault prevalence using survey responses to the *Workplace and Gender Relations Survey of Active Duty Members (WGRA)*. The difference between estimated prevalence and the number of reports received is described in detail in Figure 3 of this Appendix.

### *Case Dispositions*

Once the investigation of an Unrestricted Report is complete, Congress requires the Military Services to report the outcome or "case disposition" of the allegations against each subject named in an investigation (See Appendix D for individual case synopses). When a person is the subject of multiple investigations, he or she will also be associated with more than one case disposition in DSAID. DoD holds Service member subjects who have committed sexual assault appropriately accountable based on the evidence available.

Upon completion of a criminal investigation, the MCIO conducting the investigation provides a report documenting investigative findings to the subject's commander for military justice action, as appropriate. A servicing staff judge advocate may also review the MCIO report and

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<sup>4</sup> Use of the term "subject," "perpetrator," or "offender" refers to a person who has allegations of misconduct made against them by another individual, and does not convey any presumption about the guilt or innocence of the alleged offenders, nor does the use of the term "incident" legally substantiate an occurrence of a sexual assault. Use of the term "victim" refers to a person who has made an official Unrestricted or Restricted Report of sexual assault with the Department of Defense, and does not infer a finding of fact.

recommends appropriate action. For investigations of rape, sexual assault, forcible sodomy, and attempts to commit these crimes, a senior military officer who is at least a special court-martial convening authority (SPCMCA) and in the grade of O-6 (Colonel or Navy Captain) or higher retains initial disposition authority over the matters alleged.

The SPCMCA determines what, if any, initial disposition action is appropriate, to include whether further action is warranted and, if so, whether the matter should be addressed by court-martial, nonjudicial punishment, administrative discharge, or other adverse administrative action. The SPCMCA bases the initial disposition decision on a review of the matters transmitted in the investigative report, any independent review, and consultation with military attorneys. Subordinate unit commanders may also provide their own recommendations regarding initial disposition to the convening authority.

Disciplinary action against a particular subject may not always be possible due to legal issues or evidentiary problems with a case. For instance, a commander may be precluded from taking disciplinary action against a subject when the investigation fails to show sufficient evidence of a crime. Furthermore, DoD's legal authority extends mostly to Service members, with limited exceptions, under the purview of the UCMJ. Civilians are not subject to the UCMJ for the purpose of court-martial jurisdiction, except in rare circumstances, such as in deployed environments when accompanying the Armed Forces.

Additionally, U.S. civilian authorities and foreign host nations usually hold primary responsibility for prosecuting non-U.S. military personnel who are alleged to have perpetrated sexual assault against Service members within their respective jurisdictions.<sup>5</sup> DoD may also exercise its legal authority over its members alleged to have committed sexual assault in a civilian jurisdiction. Prosecutions by civilian authorities against Service members are determined on a case-by-case and jurisdiction-by-jurisdiction basis. Prosecutions of Service members by a foreign nation are often governed by a Status of Forces Agreement (SOFA) between that country and the U.S.

### Period Covered

This Annual Report includes data on sexual assaults reported from October 1, 2019 to September 30, 2020, as well as information that describes the status of sexual assault reports, investigations, and case dispositions.

Sexual assault investigations can extend across FYs, because investigations may span several months from start to completion. As a result, investigations opened toward the end of the FY often extend into the following FY. Disciplinary actions, such as court-martial and discharge proceedings, also require time; therefore, reporting of these outcomes can extend across FYs. When the outcome has yet to be determined at the end of the FY, case dispositions are marked as "pending completion." DoD tracks pending dispositions and requires the Military Services to report them in subsequent years' reports.

Under DoD's SAPR policy, there is no time limit as to when a sexual assault victim can report a sexual assault. Consequently, DoD receives reports about incidents that occurred during the current FY, incidents that occurred in previous FYs, and incidents that occurred prior to military service. When a Service member reports a sexual assault that occurred prior to enlistment or commissioning, DoD provides care and services, but will not be able to hold the alleged

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<sup>5</sup> A host nation's ability to prosecute a Service member may be subject to the SOFA between the U.S. and a particular foreign government. SOFAs vary from country to country.

offender appropriately accountable if he or she is not subject to military law. In these cases, DoD authorities often assist the victim in contacting the appropriate civilian or foreign law enforcement agency.

## Data Collection

DoD and the Military Services use DSAID to enter and store data on Restricted and Unrestricted Reports of sexual assault. For each report of sexual assault, SARCs must use DSAID to enter information about the victim and the incident. DSAID interfaces with MCIO systems, which contribute additional information about subjects and the incident(s). MCIO databases are the systems of record for all Unrestricted Reports they investigate. Service-appointed legal officers validate and enter case disposition information into DSAID. Since DSAID is a real-time data-gathering tool:

- **Not all data points are immediately available for this report.** Data provided on sexual assault reports represent the state of DSAID data at the time of the final pull for FY20. Data may be incomplete at the time of the DSAID data pull, despite best efforts by DoD and the Military Services to capture all data points. Therefore, some demographic or case-related information presented below is categorized as “relevant data not available.”
- **Data may change over time and may differ from what DoD reported previously.** Updates, changes, and corrections occur as a normal, continuous process of DSAID data management. SAPRO works with Service SAPR program managers to validate entries, identify errors, and make corrections throughout the year. In addition, the investigative process may also uncover additional information. Data presented here reflect this rigorous process.

## Overview of Reports of Sexual Assault in FY20

In FY20, the Military Services received 7,816 reports of sexual assault involving Service members as either victims or subjects (Table 1 and Figure 1), less than a 1 percent decrease from reports made in FY19.

As stated above, DoD sexual assault reports are categorized as either Restricted or Unrestricted. Of the 7,816 reports received in FY20, 2,176 reports remained Restricted at the end of the year, approximately a 2 percent increase from the number remaining Restricted in FY19. Of these, 348 reports (16 percent) involved incidents that occurred prior to the Service member’s military service.

Of the 7,816 reports, 5,640 reports were Unrestricted, a 1 percent decrease from the number of Unrestricted Reports in FY19.<sup>6</sup> Of these, 266 reports (5 percent) involved incidents that occurred prior to military

***Of the 7,816 reports of sexual assault involving Service members, how many were made by Service members as alleged victims?***

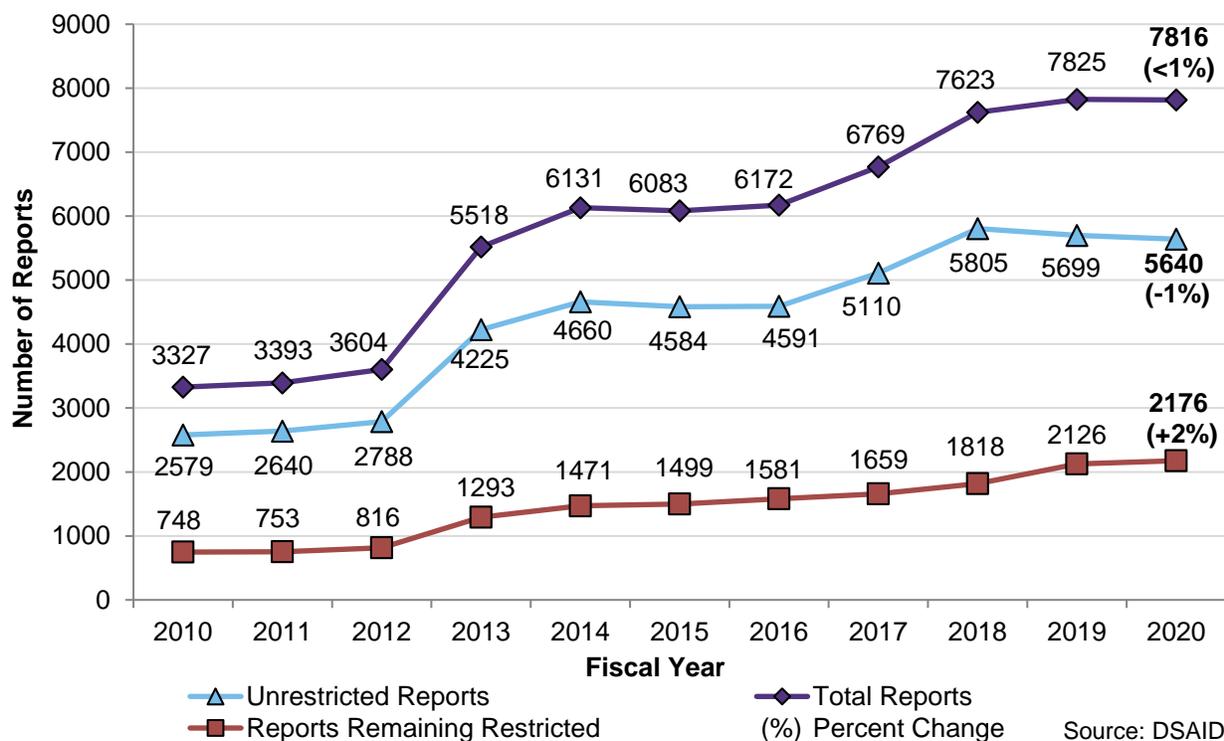
Service members made 6,904 reports. Of these, 614 reports were for incidents that occurred prior to military service and 6,290 reports were for incidents that occurred during military service.

***Who made the other reports?***

888 reports came from U.S. civilians, foreign nationals, and others who were not on active duty status with the U.S. Armed Forces. Relevant data were not available for 24 reports.

<sup>6</sup> Beginning with the implementation of DSAID in 2014, DoD has extracted and analyzed data six weeks after the end of each FY to allow sufficient time for data validation. DSAID is a “live” database, and its records change daily to reflect case status. During this six-week period, 43 additional Restricted Reports converted to Unrestricted. After a report converts from Restricted to Unrestricted, all data associated with the report is then counted in the Unrestricted Report category. These 43 reports that were made during the FY, converted to Unrestricted in the six-week period after the end of the FY, and are therefore included with the 536 report conversions.

service. Figure 1 displays the trend in Unrestricted and Restricted Reporting from FY10 to FY20.



**Figure 1. Reports of Sexual Assault Made to DoD, FY10 – FY20**

Table 1 provides a breakdown of reports by who reported, type of report, and whether the report was for an event that occurred prior to military service. Equivalent tables by Service can be found on page 49.

**Table 1. Sexual Assault Reports by Victim and Military Status, FY20**

|   | Unrestricted Reports | Restricted Reports | Total Reports |
|---|----------------------|--------------------|---------------|
| <b>Total Reports of Sexual Assault</b>  | <b>5,640</b>         | <b>2,176</b>       | <b>7,816</b>  |
| Reports Made by Service Members   | 4,783                | 2,121              | 6,904         |
| Service Member Reports for Incidents that Occurred <b>Prior</b> to Military Service | 266                  | 348                | 614           |
| Service Member Reports for Incidents that Occurred <b>During</b> Military Service   | 4,517                | 1,773              | 6,290         |
| Reports Made by Non-Service Members   | 835                  | 53                 | 888           |
| DoD Civilian  | 21                   | 6                  | 27            |
| DoD Contractor  | 6                    | 0                  | 6             |
| Other U.S. Civilian   | 773                  | 47                 | 820           |
| Foreign National/Military   | 35                   | 0                  | 35            |
| Relevant Data Not Available   | 22                   | 2                  | 24            |

To compare sexual assault reports across Military Services with varied population sizes, DoD calculates a reporting rate per thousand Service members.<sup>7</sup> Standardized reporting rates also allow for year-over-year comparisons, even when the total number of people in a group has changed. In FY20, for every 1,000 Service members, 5.1 Service members made a Restricted or Unrestricted Report of sexual assault, consistent with FY19 and FY18, and an increase from prior years. Table 2 compares the reporting rate by Military Service and across FYs.<sup>8</sup>

**Table 2. Reporting Rate per Thousand by Fiscal Year and Service, FY10 – FY20**

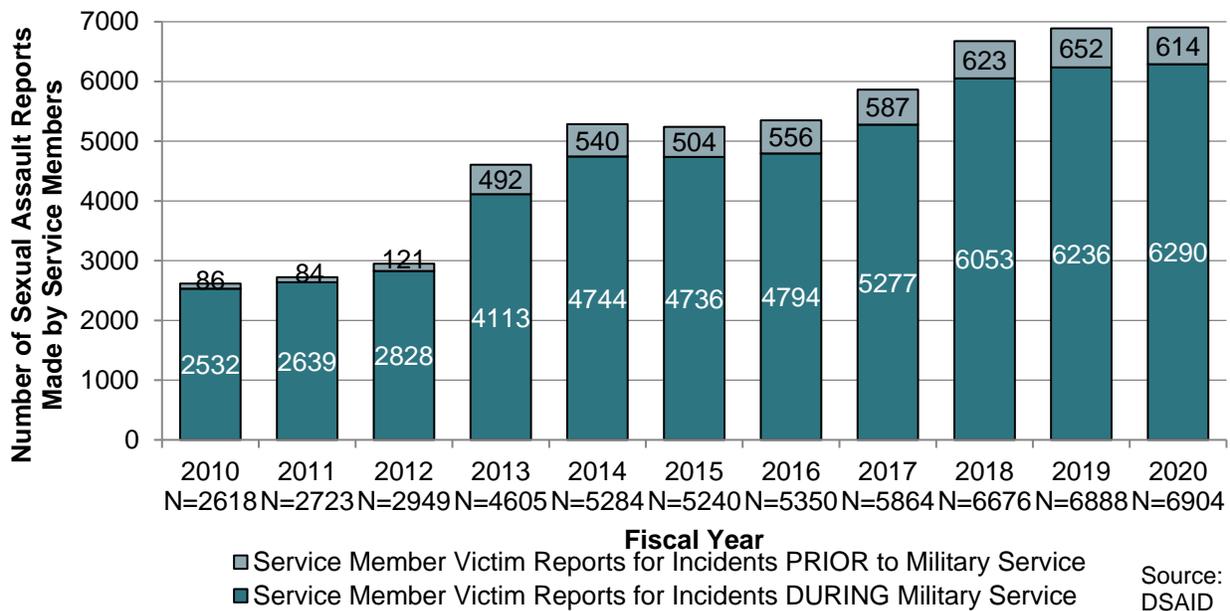
| Service      | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|--------------|------|------|------|------|------|------|------|------|------|------|------|
| Total DoD    | 1.8  | 1.9  | 2.1  | 3.3  | 3.9  | 4.0  | 4.1  | 4.5  | 5.1  | 5.1  | 5.1  |
| Army         | 2.4  | 2.5  | 2.3  | 3.5  | 4.2  | 4.2  | 4.4  | 4.7  | 5.5  | 5.5  | 5.5  |
| Navy         | 1.6  | 1.6  | 2.1  | 3.2  | 3.6  | 3.8  | 4.1  | 4.5  | 4.8  | 5.0  | 4.7  |
| Marine Corps | 1.1  | 1.3  | 1.7  | 3.8  | 4.1  | 4.1  | 4.1  | 4.8  | 5.7  | 5.4  | 5.9  |
| Air Force    | 1.6  | 1.6  | 2.0  | 2.9  | 3.7  | 3.7  | 3.7  | 4.0  | 4.3  | 4.6  | 4.5  |

Research shows that reporting sexual assault increases the likelihood that victims will engage in medical treatment and other forms of assistance.<sup>9</sup> SAPRO encourages victims to report sexual assault, strives to improve response resources for victims, and supports victim participation in the military justice process, as appropriate. Figure 2 displays the reporting trends for Service members who made sexual assault reports for incidents they experienced *before* entering into military service compared with the number of reports for incidents experienced *during* military service.

<sup>7</sup> DoD calculates victim-reporting rates using the number of Service member victims in Unrestricted and Restricted Reports and active duty Military Service end-strength for each year on record with the Defense Manpower Data Center (DMDC).

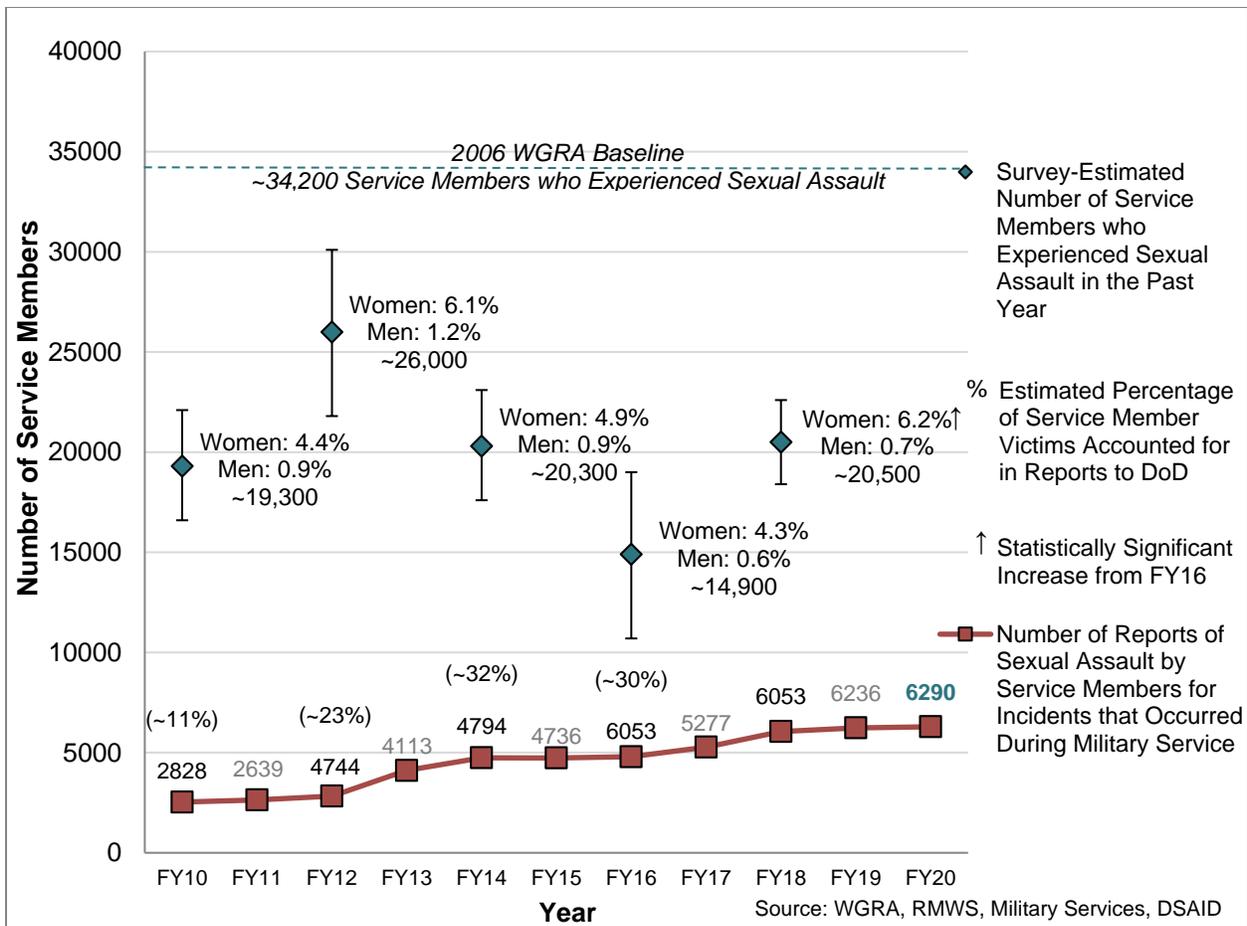
<sup>8</sup> A previous version of Table 2 presented incorrect reporting rates for Marine Corps and Air Force in FY20. Correct reporting rates are now presented in Table 2.

<sup>9</sup> Zinzow, H. M., Resnick, H. S., Barr, S. C., Danielson, C. K., & Kilpatrick, D. G. (2012). Receipt of post-rape medical care in a national sample of female victims. *American Journal of Preventive Medicine*, 43(2), 183-187.



**Figure 2. DoD Sexual Assault Reports Made by Service Members for Incidents that Occurred During and Prior to Military Service, FY10 – FY20**

Although beneficial to track, reporting data provide only partial insight into the problem of sexual assault. Sexual assault is an underreported crime among both the civilian and military populations, meaning that the number of individuals who report the crime to law enforcement falls far short of the number of individuals who have likely experienced the crime. Therefore, the Department utilizes the *WGRA* to estimate the number of Service members who may have **experienced** a sexual assault, ranging from unwanted sexual contact to penetrating crimes, in the past year. DoD then compares those estimates to the number of Service members who **reported** a sexual assault. Figure 3 shows the difference between the survey-estimated number of Service members who indicated experiencing sexual assault, based on the *WGRA*, and the number of Service members who reported a sexual assault incident occurring during military service. DoD administers its sexual assault prevalence survey biennially, thus prevalence estimates are available for CY06, FY10, FY12, FY14, FY16, and FY18. Due to the pandemic and the concern that associated response measures would interfere with interpretation of results, the Department did not administer a prevalence survey this year. Consequently, DoD cannot estimate a reporting rate. Results from the next active duty survey, which the Department plans to administer in summer 2021, will estimate a reporting rate.



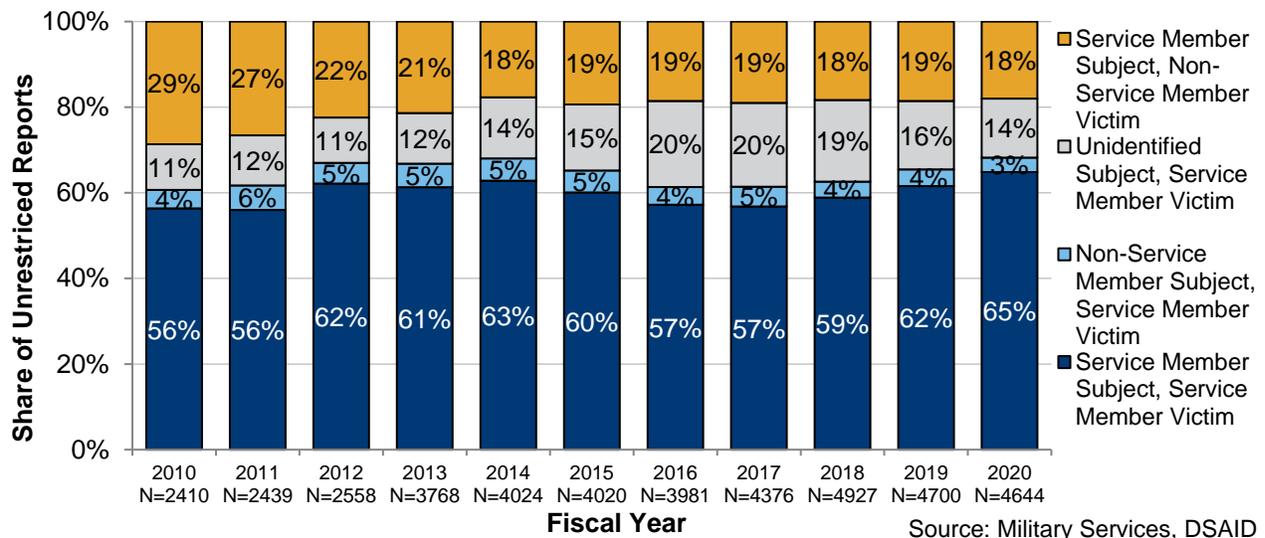
**Figure 3. Estimated Number of Service Members Who Indicated an Experience of Sexual Assault in the Past Year Compared to the Number of Service Members Who Made Reports of Sexual Assault for Incidents that Occurred during Military Service, FY10 – FY20**

**Note:** The “unwanted sexual contact” measure refers to the survey administered by Office of People Analytics (OPA) in CY06, FY10, and FY12. The “sexual assault” measure used in FY14, FY16, and FY18 was designed to align more closely with legal language from the UCMJ. While the measures use different methods to estimate the past-year occurrence of penetrating and contact sexual crime, they have been shown to generate statistically comparable estimates.

In FY18, estimated past-year prevalence rates of sexual assault increased significantly for active duty women but remained statistically the same for men. Corresponding estimates of the number of Service members experiencing sexual assault in the year prior to being surveyed also increased from about 14,900 in FY16 to 20,500 in FY18, as illustrated above in Figure 3. Of the 20,500 estimated victims in FY18, about 13,000 were women and 7,500 were men. The next survey will be administered in FY21 and reported out in the FY21 Annual Report to Congress. In FY20 the number of Service members choosing to report a sexual assault that occurred during military Service increased, from 6,236 to 6,290.

## Unrestricted Reports of Sexual Assault

In FY20, there were 4,644 Unrestricted Reports of sexual assault involving Service members as the subject and/or victim of a sexual assault.<sup>10</sup> For a detailed analysis of victim demographics in completed investigations, see page 29. Each FY, most sexual assault reports received by MCIOS involve the victimization of Service members by other Service members. In FY20, 3,011 Unrestricted Reports involved allegations of sexual assault perpetrated by a Service member against a Service member. Figure 4 below shows Service member alleged involvement in Unrestricted Reports of sexual assault between FY10 and FY20.



**Figure 4. Unrestricted Reports of Sexual Assault by Service Member Involvement, FY10 – FY20**

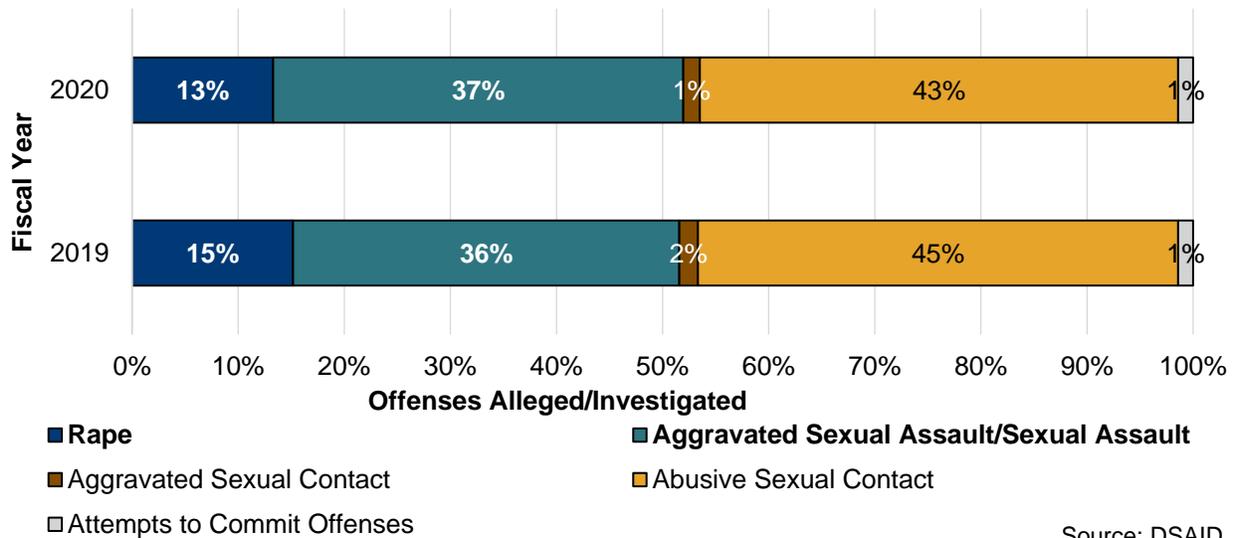
**Note:** There were 5,640 Unrestricted Reports in FY20, 5,699 Unrestricted Reports in FY19, 5,805 Unrestricted Reports in FY18, 5,110 Unrestricted Reports in FY17, 4,591 Unrestricted Reports in FY16, and 4,584 Unrestricted Reports in FY15. However, for the analysis in Figure 4, we excluded 996 reports from FY20, 999 reports from FY19, 878 reports from FY18, 734 reports from FY17, 610 reports from FY16, and 564 reports from FY15, due to missing data on subject and/or victim type. Due to a data error discovered in FY20, the FY18 and FY19 Annual Reports presented incorrect numbers of Unrestricted Reports for the analysis conducted in Figure 4 (previously reported as 5,768 in FY18 and 5,666 in FY19) and incorrect numbers of excluded reports (previously reported as 841 in FY18 and 966 in FY19). The corrected numbers are presented above. **Total** numbers of reports received and documented in the FY18 and FY19 Annual Reports remain accurate.

### Crimes Alleged in Unrestricted Reports

Of the Unrestricted Reports made to DoD in FY20, the majority of offenses alleged fall into three categories: rape, aggravated sexual assault/sexual assault, and abusive sexual contact. MCIOS categorize Unrestricted Reports by the most serious offense *alleged* in the report, which may

<sup>10</sup> Beginning with the implementation of DSAID in 2014, DoD has extracted and analyzed data six weeks after the end of each FY to allow sufficient time for data validation. DSAID is a “live” database, and its records change daily to reflect case status. During this six-week period, 43 additional Restricted Reports converted to Unrestricted. After a report converts from Restricted to Unrestricted, all data associated with the report is then counted in the Unrestricted Report category. These 43 reports that were made during the FY, converted to Unrestricted in the six-week period after the end of the FY, and are therefore included with the 536 report conversions.

not be the same offense for which evidence supports a misconduct charge, if any. Figure 5 below shows the breakdown of Unrestricted Reports of sexual assault by offense originally alleged, while Table 3 presents the offense originally alleged, broken down by the military status of the victim.



**Figure 5. Offenses Originally Alleged in Unrestricted Reports of Sexual Assault, FY20**

**Note:** There were 5,640 Unrestricted Reports in FY20. However, 673 cases have been excluded from the analysis for this chart due to missing data on the offense originally alleged, which can occur if MCIOs have not yet entered the allegation, particularly for reports made closer to the end of the FY. Percentages do not sum to 100 percent due to rounding. **Bold** text labels designate penetrating crimes (rape, aggravated sexual assault/sexual assault, and forcible sodomy). The 37 cases involving Forcible Sodomy, Unwanted Sexual Contact, and Indecent Assault (crimes from prior versions of the UCMJ) total to less than one percent of reports and are not shown in Figure 5.

**Table 3. Unrestricted Reports of Sexual Assault by Offense Alleged and Military Status, FY20**

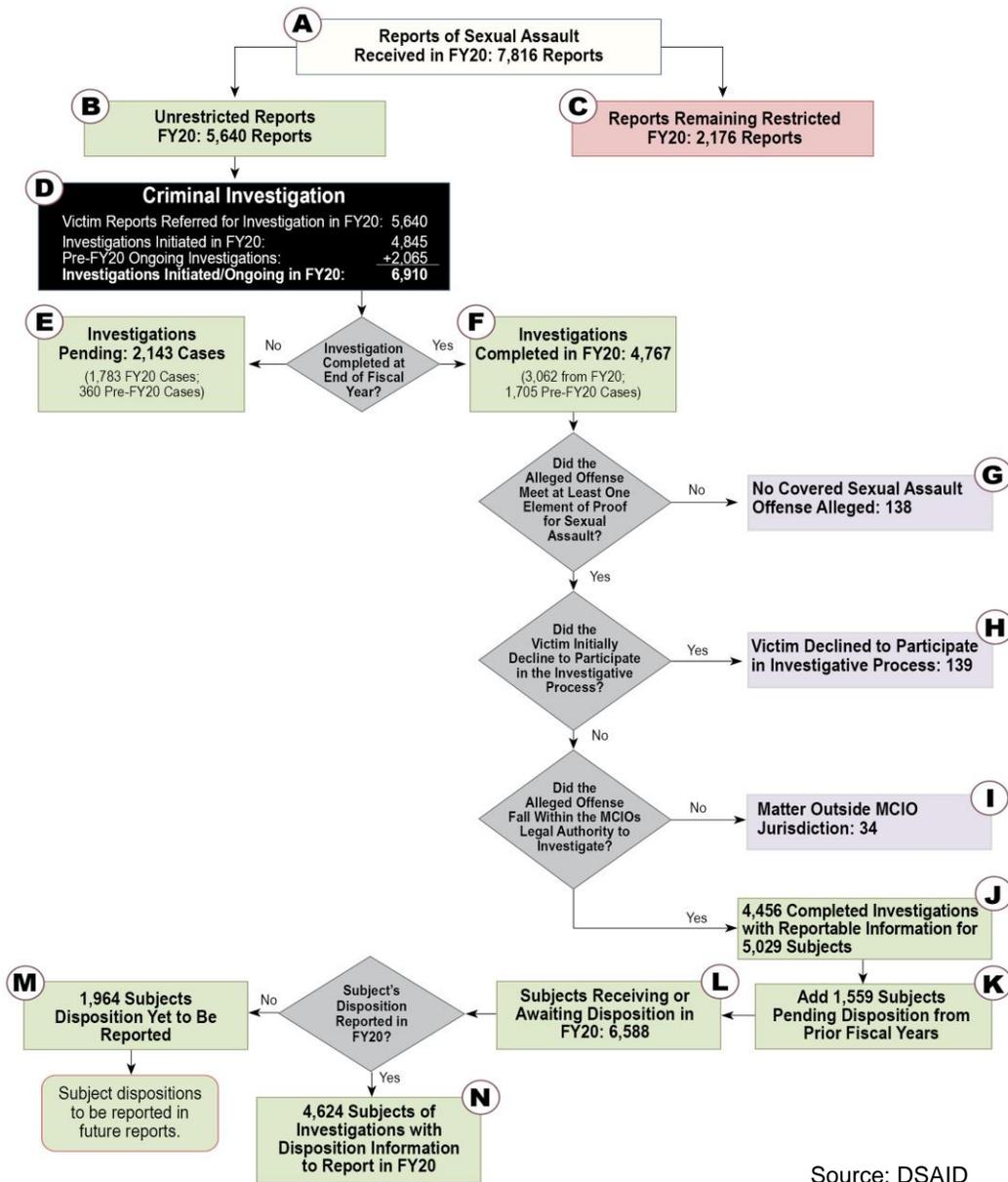
| Most Serious Offense Alleged in Report       | Total Unrestricted Reports | Reports Made by Service Members | Reports Made by Non-Service Members | Relevant Data Not Available |
|--|----------------------------|---------------------------------|-------------------------------------|-----------------------------|
| Rape   | 590                        | 439                             | 151                                 | 0                           |
| Aggravated Sexual Assault and Sexual Assault | 1,921                      | 1,520                           | 393                                 | 8                           |
| Aggravated Sexual Contact                    | 72                         | 65                              | 7                                   | 0                           |
| Abusive Sexual Contact                       | 2,300                      | 2,029                           | 257                                 | 14                          |
| Wrongful Sexual Contact                      | 1                          | 1                               | 0                                   | 0                           |
| Indecent Assault                             | 20                         | 15                              | 5                                   | 0                           |
| Forcible Sodomy                              | 16                         | 15                              | 1                                   | 0                           |
| Attempts to Commit Offenses                  | 47                         | 42                              | 5                                   | 0                           |
| Offense Data Not Available                   | 673                        | 657                             | 16                                  | 0                           |
| <b>Total Unrestricted Reports</b>            | <b>5,640</b>               | <b>4,783</b>                    | <b>835</b>                          | <b>22</b>                   |

### Investigations of Unrestricted Reports

This section closely mirrors the flow chart in Figure 6. In FY20, 5,640 Unrestricted Reports (Figure 6, Point B) were referred to MCIOs for investigation. DoD policy requires all Unrestricted Reports be referred for investigation by an MCIO. The average length of a sexual assault investigation in FY20 was 4.2 months. The length of an investigation may vary, from a few months to over a year, depending on several factors, such as offense alleged; location and availability of the victim(s), subject(s), and witness(es); amount and type of physical evidence gathered during the investigation; and the length of time required for a crime laboratory to analyze evidence.

As previously stated, sexual assault investigations and the process of adjudicating each subject's case can span multiple reporting periods. Therefore, not all cases opened in FY20 were closed and adjudicated in FY20. In addition, some cases opened in prior years had a completed investigation and/or final disposition in FY20. The accounting that follows includes reports received in FY20, reports referred for investigation in FY20, investigations completed/pending in FY20, and the outcomes of case adjudications completed and reported to DoD in FY20.

Of the 4,767 sexual assault investigations MCIOs completed during FY20 (Figure 6, Point F), 3,062 were opened in FY20, and 1,705 investigations were opened in years prior to FY20. Of the 4,767 investigations completed in FY20, 138 cases did not meet the elements of proof for sexual assault or were investigated for some misconduct other than sexual assault (Figure 6, Point G), 139 cases did not proceed because the victim declined at the outset to participate in the investigative process (Figure 6, Point H), and 34 cases did not fall within MCIOs' legal authority to investigate (the report was for an incident prior to Service not involving a Service member as the alleged perpetrator) or the matter was otherwise outside of MCIO jurisdiction; (Figure 6, Point I). In total, DoD received reportable case disposition information for 4,624 subjects (Figure 6, Point N). DoD will document the outcomes of the 1,964 sexual assault case dispositions that were not completed by September 30, 2020 in future reports (Figure 6, Point M).



Source: DSAID

**Figure 6. Reports of Sexual Assault, Completed Investigations, and Case Dispositions, FY20**

**Notes:**

1. For incidents that occurred on or after June 28, 2012, the term “sexual assault” refers to the crimes of rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy, and attempts to commit these offenses.
2. The number of investigations initiated in FY20 is lower than the number of reports referred for investigation, since there can be multiple victims in a single investigation. Additionally, some

investigations referred in FY20 did not begin until FY21, and other allegations could not be investigated by DoD or civilian law enforcement.

3. Beginning with the implementation of DSAID in 2014, DoD has extracted and analyzed data six weeks after the end of each FY to allow sufficient time for data validation. DSAID is a “live” database, and its records change daily to reflect case status. During this six-week period, 43 additional Restricted Reports converted to Unrestricted. After a report converts from Restricted to Unrestricted, all data associated with the report is then counted in the Unrestricted Report category. These 43 reports that were made during the FY, converted to Unrestricted in the six-week period after the end of the FY, and are therefore included with the 536 report conversions.

## Sexual Assault Case Dispositions

The goals of a criminal investigation are to identify the victim(s), the alleged perpetrator(s), and crimes committed. DoD seeks to hold Service members alleged to have committed sexual assault appropriately accountable based on the available evidence.

Congress requires DoD to report on the case

dispositions (outcomes) of sexual assault allegations in Unrestricted Reports made against Service members (DoDI 6495.02).<sup>11</sup> When a person is the subject of multiple investigations, he or she will also be associated with more than one case disposition in DSAID. Since DoD must report outcomes for each of these investigations, subjects who have multiple investigations will have a disposition associated with each of those investigations. The Military Services may address multiple investigations of a subject with one action (e.g., one court-martial for multiple investigations) or may address those investigations with separate actions (e.g., a court-martial for one allegation and then a nonjudicial punishment for another unrelated allegation).

### ***Can DoD take action against everyone it investigates?***

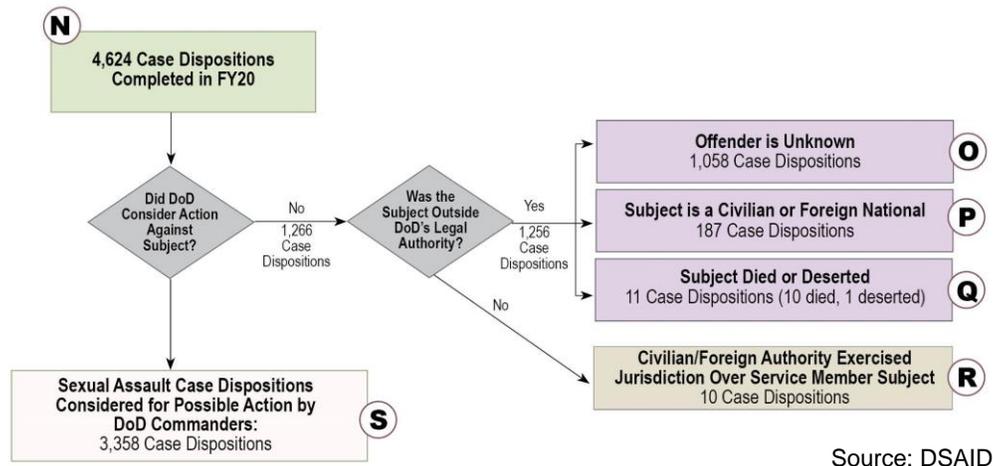
No. In FY20, DoD could not take action in 1,266 cases, because they were outside DoD’s legal authority.

This year, 128 subjects received multiple dispositions for sexual assault allegations. These 128 subjects received a total 276 disposition actions, which accounts for 6 percent of all dispositions reported in FY20. The following data describe the case dispositions of each investigation reported to the DoD in FY20.

At the end of FY20, there were 4,624 case dispositions (Figure 7, Point N) with information for reports made in FY20 and prior FYs. Of the subjects accounted for in these case dispositions, 24 subjects (1 percent) had a prior investigation for a sexual assault offense. The 4,624 case dispositions from DoD investigations in FY20 included Service members, U.S. civilians, foreign nationals, and subjects who could not be identified (Figure 7).

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<sup>11</sup> To standardize and improve the reliability and validity of DSAID data, DoD verifies data with stakeholders. This ensures DoD maintains DSAID data integrity.



**Figure 7. Cases Outside DoD Legal Authority, FY20**

For the majority of cases in the military justice system, commanders are limited to taking action against Service members who are subject to the UCMJ. In FY20, DoD did not consider action against a subject in 1,266 cases because the subject was outside of DoD’s legal authority or because a civilian or foreign authority exercised jurisdiction over a Service member subject.

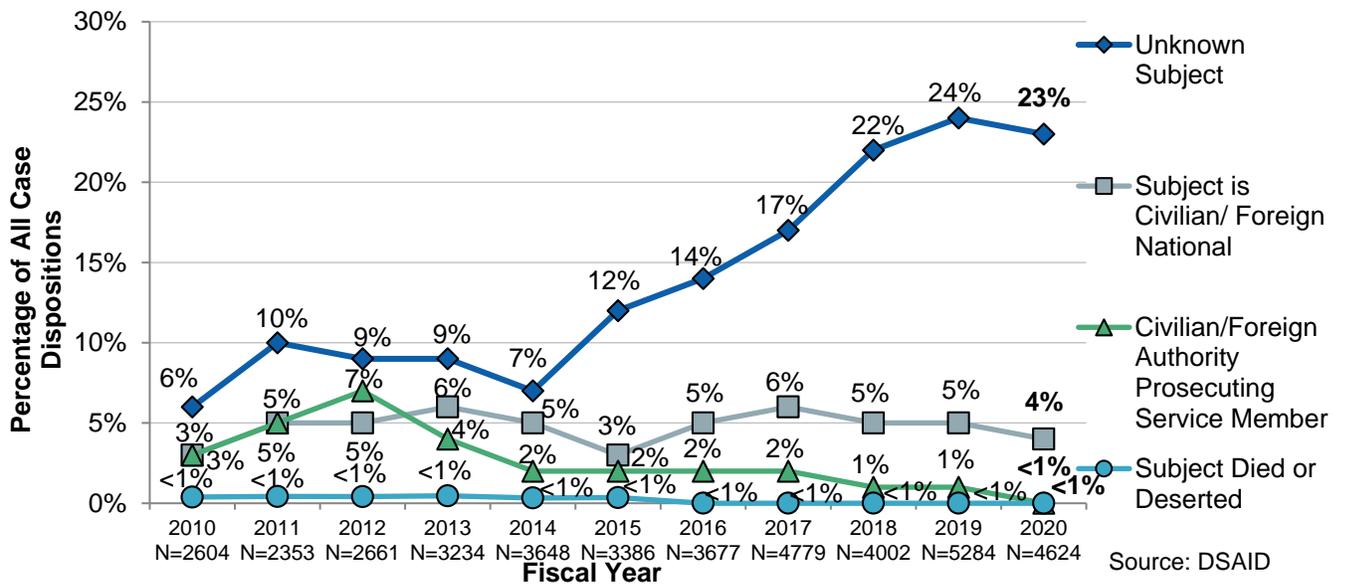
In 1,256 cases, MCIOs could not identify a subject despite a criminal investigation, a subject was a civilian or foreign national not under the military’s authority, or a subject had died or deserted before DoD could take disciplinary action.

While a Service member is always under the legal authority of DoD, sometimes a civilian authority or foreign government will exercise its legal authority over a Service member who is suspected of committing a crime within its jurisdiction. In FY20, a civilian or foreign authority prosecuted 10 Service members (Figure 7, Point R).

Figure 8 illustrates that DoD could not consider action in 23 percent of the 4,624 case dispositions completed in FY20 because the subject could not be identified. DoD could not consider action in another 4 percent of subjects because they were civilians or foreign nationals not under the military’s jurisdiction. The Military Services also reported no disciplinary action for the less than 1 percent of subjects who had deserted or died before their cases reached final disposition. For less than 1 percent of subjects, DoD did not exercise its legal authority because a civilian or foreign authority exercised its jurisdiction over the accused Service member.

DoD observed an increase in the percentage of cases involving unknown subjects since FY14. This is due in part to:

- Greater consistency in categorization of cases across DoD,
- MCIOs no longer making the determination on whether cases are founded,
- Policy changes requiring MCIOs to open an investigation for every Unrestricted Report, including those made by third-parties.



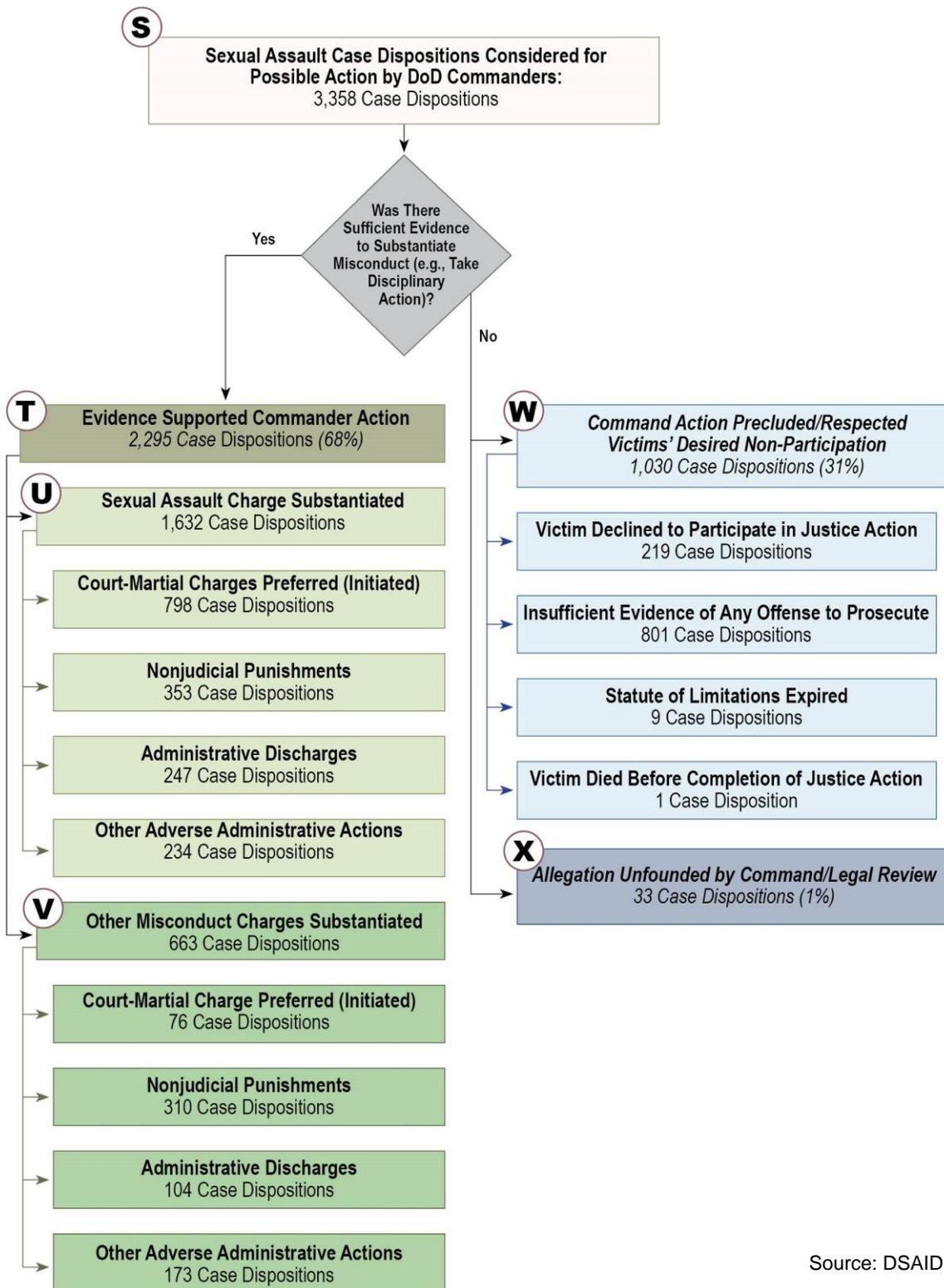
**Figure 8. Cases Investigated for Sexual Assault by DoD with Subjects Who Were Outside Its Legal Authority or Service Members Prosecuted by a Civilian/Foreign Authority, FY10 – FY20**

## Military Subjects Considered for Disciplinary Action

In FY20, there were 3,358 cases with completed dispositions which DoD could consider for possible action, in which a civilian (including foreign civilian) jurisdiction was not exercising authority, and in which the victim chose to participate in the investigation. Below, Table 4 and Figure 9 show dispositions of such cases. Service-specific graphs can be found in this report starting on page 51. Of the 3,358 cases, 270 involved alleged assaults against multiple victims.

**Table 4. Case Dispositions Reported in FY20**

| Case Disposition Category   | Count of Case Dispositions | Share of Case Dispositions |
|---|----------------------------|----------------------------|
| <b>Sexual Assault Investigations Considered for Possible Action by DoD Commanders</b> | <b>3,358</b>               | <b>N/A</b>                 |
| <b>Evidence Supported Commander Action</b>  | <b>2,295</b>               | <b>68%</b>                 |
| Sexual Assault Offense Action   | 1,632                      | 71%                        |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 798                        | 49%                        |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 353                        | 22%                        |
| <i>Administrative Discharge</i>   | 247                        | 15%                        |
| <i>Other Adverse Administrative Action</i>  | 234                        | 14%                        |
| Non-Sexual Assault Offense Action   | 663                        | 29%                        |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 76                         | 11%                        |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 310                        | 47%                        |
| <i>Administrative Discharge</i>   | 104                        | 16%                        |
| <i>Other Adverse Administrative Action</i>  | 173                        | 26%                        |
| <b>Unfounded by Command/Legal Review</b>  | <b>33</b>                  | <b>1%</b>                  |
| <b>Commander Action Precluded or Respected Victims' Desired Non-Participation</b>     | <b>1,030</b>               | <b>31%</b>                 |
| <i>Victim Died</i>  | 1                          | <1%                        |
| <i>Victim Declined to Participate in the Military Justice Action</i>                  | 219                        | 21%                        |
| <i>Insufficient Evidence to Prosecute</i>   | 801                        | 78%                        |
| <i>Statute of Limitations Expired</i>   | 9                          | 1%                         |



Source: DSAID

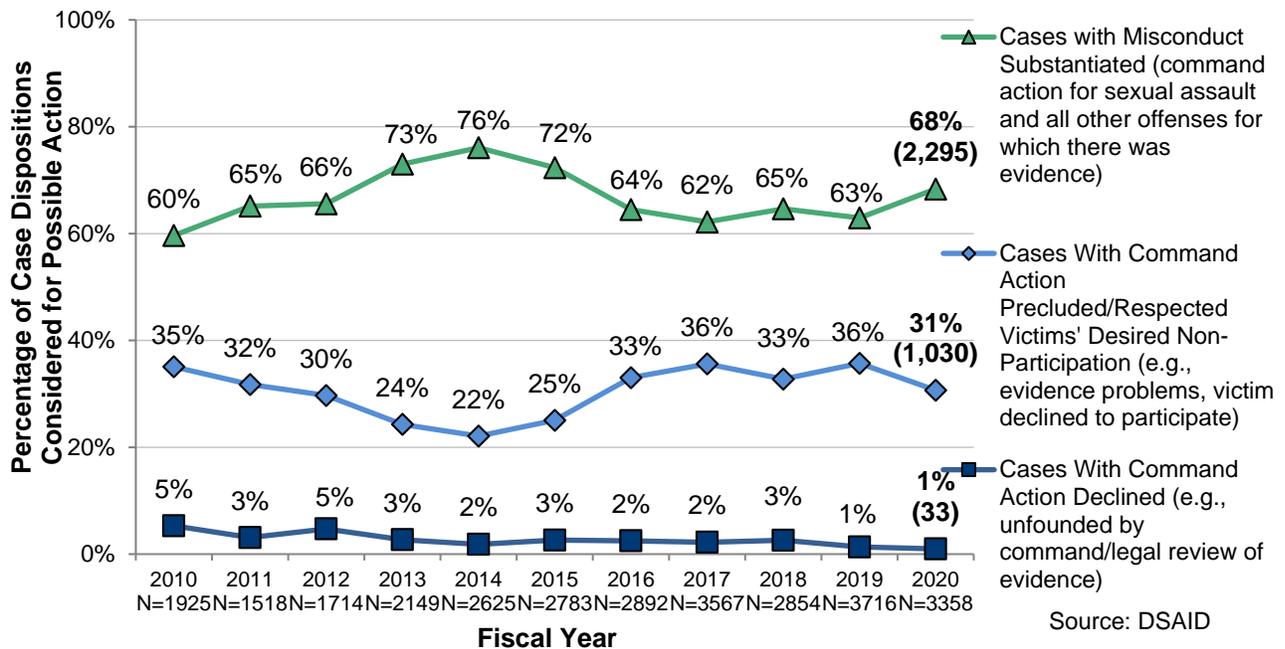
Figure 9. Dispositions of Cases Considered for Possible Action by DoD Commanders, FY20

### Command Action Precluded or Declined

Legal factors occasionally prevent DoD from taking disciplinary action against subjects. For example, commanders could not take disciplinary action in 810 cases due to insufficient evidence of an offense or the statute of limitations expiring. For 219 subject cases, Commanders' adjudication decisions respected the desire of victims to decline further participation in the military justice process (Figure 9, Point W).

Two potential situations can lead to the conclusion that the allegations of a crime should be unsubstantiated, meaning the allegation is categorized as false or baseless. A case is determined to be false when (1) evidence discovered demonstrates that the accused person did not commit the offense, or (2) evidence refutes the occurrence of a crime. A case is determined to be baseless when it was improperly reported as a sexual assault. After examining the evidence in each case with a military attorney, commanders declined to take action in 33 cases because available evidence indicated the allegations against these subjects were false or baseless (unfounded; Figure 9, Point X).<sup>12</sup>

Figure 10 illustrates the percentage of cases in which command action was taken (e.g., court-martial charges preferred or nonjudicial punishment), precluded (e.g., insufficient evidence or beyond statute of limitations) or respected victims' desired non-participation in the justice process, or declined (unfounded).



**Figure 10. Percentage of Cases with Misconduct Substantiated, Command Action Precluded/Respected Victims' Desired Non-Participation, and Command Action Declined, FY10 – FY20**

**Note:** Percentages listed for some years do not sum to 100 percent due to rounding.

<sup>12</sup> In years prior to FY15, DoD presented data on allegations investigated by the MCIOS that were unfounded by legal review. In FY15, DoD developed new categories to more accurately reflect the nature and outcomes of these allegations.

### *Evidence Supported Command Action*

In 2,295 cases, commanders had sufficient evidence and the legal authority to support some form of disciplinary action for an alleged sexual assault offense or other misconduct (Figure 9, Point T). When a subject in an investigation receives more than one disposition, DoD reports only the most serious disciplinary action. The possible actions, listed in descending order of severity, are court-martial charges preferred, nonjudicial punishment, administrative discharge, and other adverse administrative action.

The following outlines the command actions taken in the 1,632 cases for which it was determined a sexual assault offense warranted discipline:

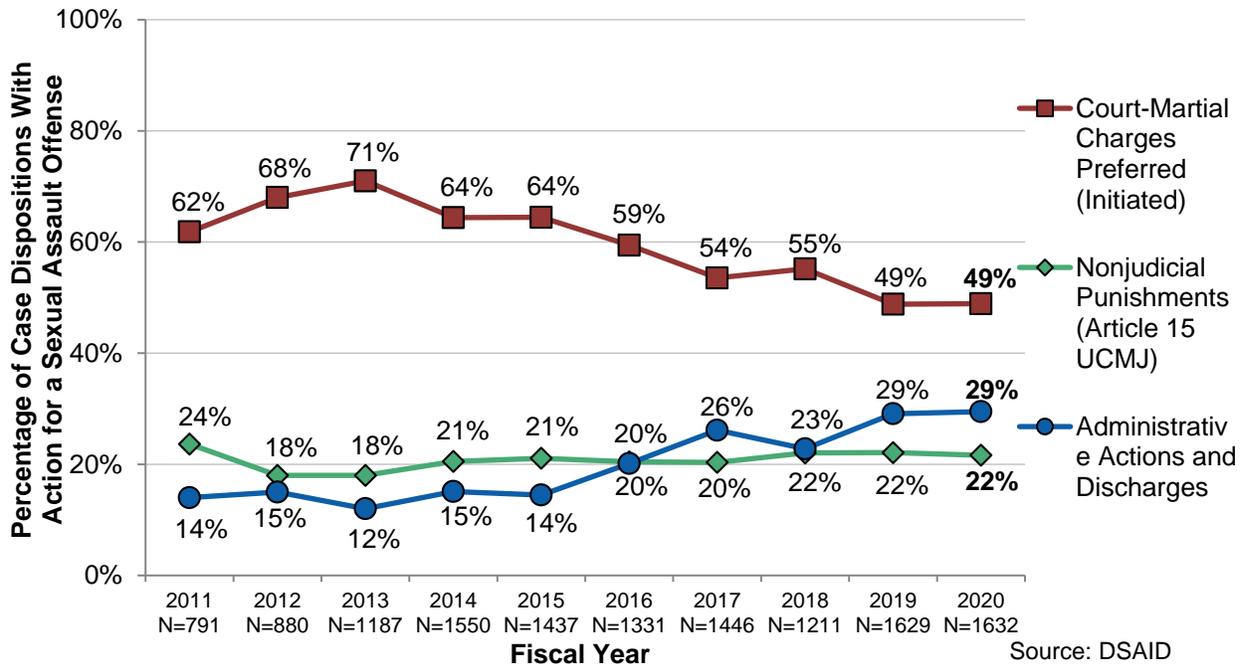
- 49 percent (N=798) of cases were associated with court-martial charges preferred (initiated).
- 22 percent (N=353) of cases entered proceedings for nonjudicial punishment under Article 15 of the UCMJ.
- 29 percent (N=481) of cases received an administrative discharge or other adverse administrative action.

In 663 cases, evidence supported command action for other misconduct discovered during the sexual assault investigation (e.g., making a false official statement, adultery, underage drinking, or other crimes under the UCMJ), but not a sexual assault charge. Command actions for these cases follow below:

- 11 percent (N=76) of cases were associated with court-martial charges preferred.
- 47 percent (N=310) of cases entered proceedings for nonjudicial punishment.
- 42 percent (N=277) of cases received an administrative discharge or other adverse administrative action.

### **Military Justice**

The information in this section describes the process that follows a military subject's commander having sufficient evidence to take disciplinary action (Figure 11). Each action taken is based on the evidence identified during a thorough investigation. In addition, since June 2012, initial disposition decisions for the most serious sexual assault crimes have been withheld to the O-6 level (Colonel or Navy Captain), who is also at least a Special Court-Martial Convening Authority (SPCMA). This allows more senior officers to review and decide which initial action should be taken in these cases.



**Figure 11. Breakdown of Disciplinary Actions Taken for Sexual Assault Offenses, FY10 – FY20**

**Note:** Percentages are of cases found to warrant disciplinary action for a sexual assault offense only. This figure does not include other misconduct (false official statement, adultery, etc.). Percentages listed for some years do not sum to 100 percent due to rounding.

### *Court-Martial for a Sexual Assault Offense*

As noted previously, 798 cases involved court-martial charges preferred. Figure 12 illustrates what happened to these cases after the preferal of court-martial charges. Of the 798 cases with a preferal of court-martial charges for at least one sexual assault charge in FY20, the Military Services completed 415 court-martial outcomes by the end of the FY.

Of the 255 cases that proceeded to trial, 156 (61 percent) resulted in a conviction of at least one charge at court-martial. That conviction could have been for a sexual assault offense or for any other misconduct charged. Most convicted Service members received at least four kinds of punishment: confinement, reduction in grade, fines or forfeitures, and a punitive discharge (bad-conduct discharge or dishonorable discharge for enlisted, dismissal for officers) from service. In FY20, 50 subjects of a sexual assault offense were required to register as a sex offender by law. Service members convicted of a sexual assault who do not receive a punitive discharge at court-martial must be processed by the Military Services for an administrative discharge. In FY20, the Military Services processed 20 convicted subjects not receiving a punitive discharge at trial for an administrative separation from military service.

**Which percentage of cases associated with a charge and trial for sexual assault offenses received a conviction in FY20 and what punishment did they receive?**

61 percent of cases that went to trial for a sexual assault offense resulted in a conviction of at least one charge at court-martial. The majority of cases with a conviction resulted in one or more of the following punishments: confinement, reduction in grade, punitive discharge or dismissal, and fines or forfeitures.

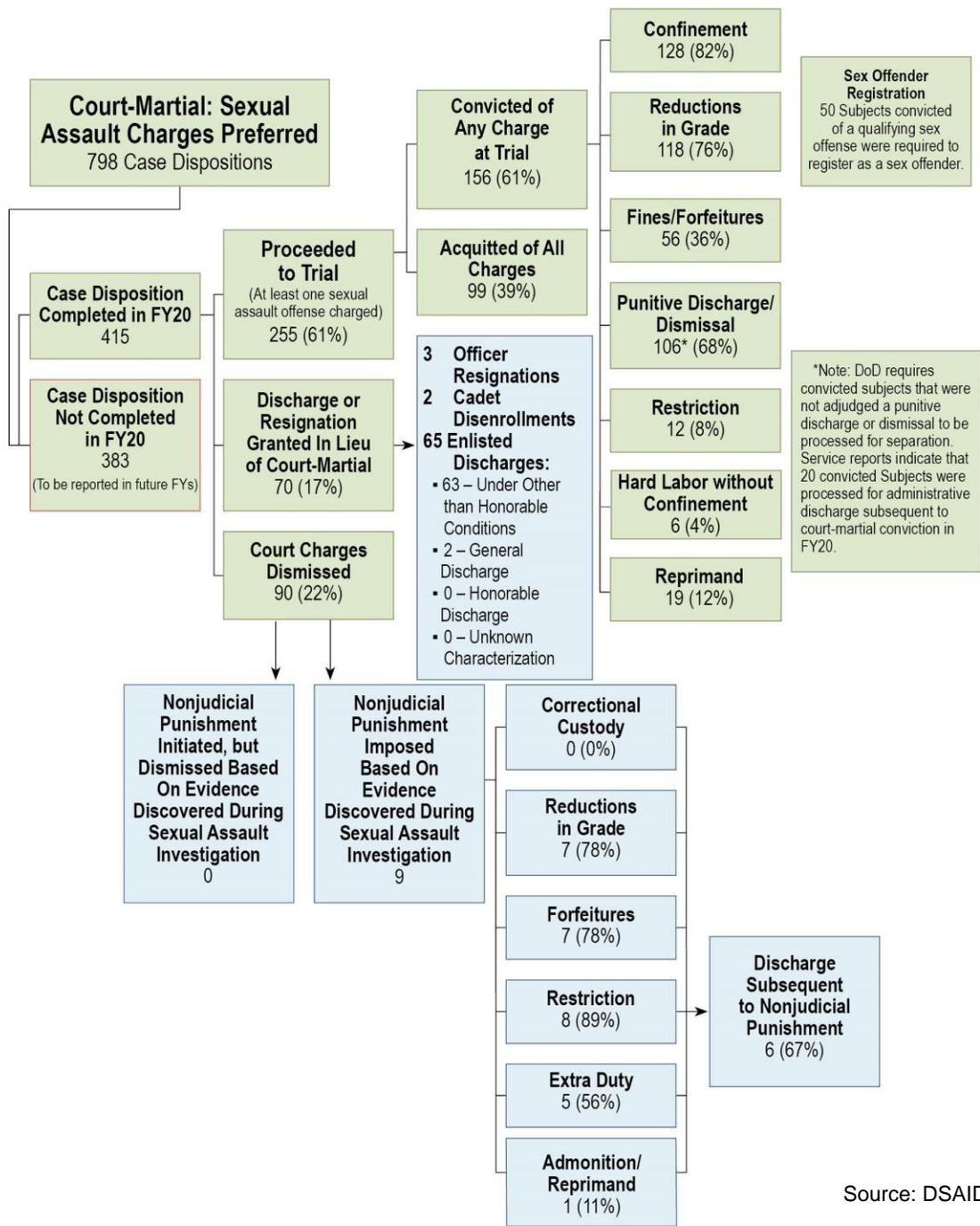
Court-martial charges in 90 cases were dismissed; however, commanders used evidence gathered during the sexual assault investigations to impose nonjudicial punishment for other

misconduct in 9 of the 90 cases. The punishment may have been for any kind of misconduct for which there was evidence. Six (6) subjects who received nonjudicial punishment for other misconduct after court-martial charges were subsequently discharged from military service. The Military Departments approved 70 cases for a resignation or discharge in lieu of court-martial (RILO/DILO) and 2 cases were approved for cadet/midshipman disenrollment in lieu of court-martial. In FY20, 63 DILO cases involved enlisted members who received a separation Under Other Than Honorable Conditions (UOTHC), the most adverse administrative characterization of discharge possible. The UOTHC discharge characterization is recorded on a Service member's DD Form 214, Record of Military Service, and significantly limits separation and post-service benefits from DoD and the Department of Veterans Affairs.

The Military Departments grant requests for RILO/DILO in certain circumstances, occurring only after court-martial charges are preferred against the accused. For such an action to occur, the accused must initiate the process. Requests for a RILO/DILO must include:

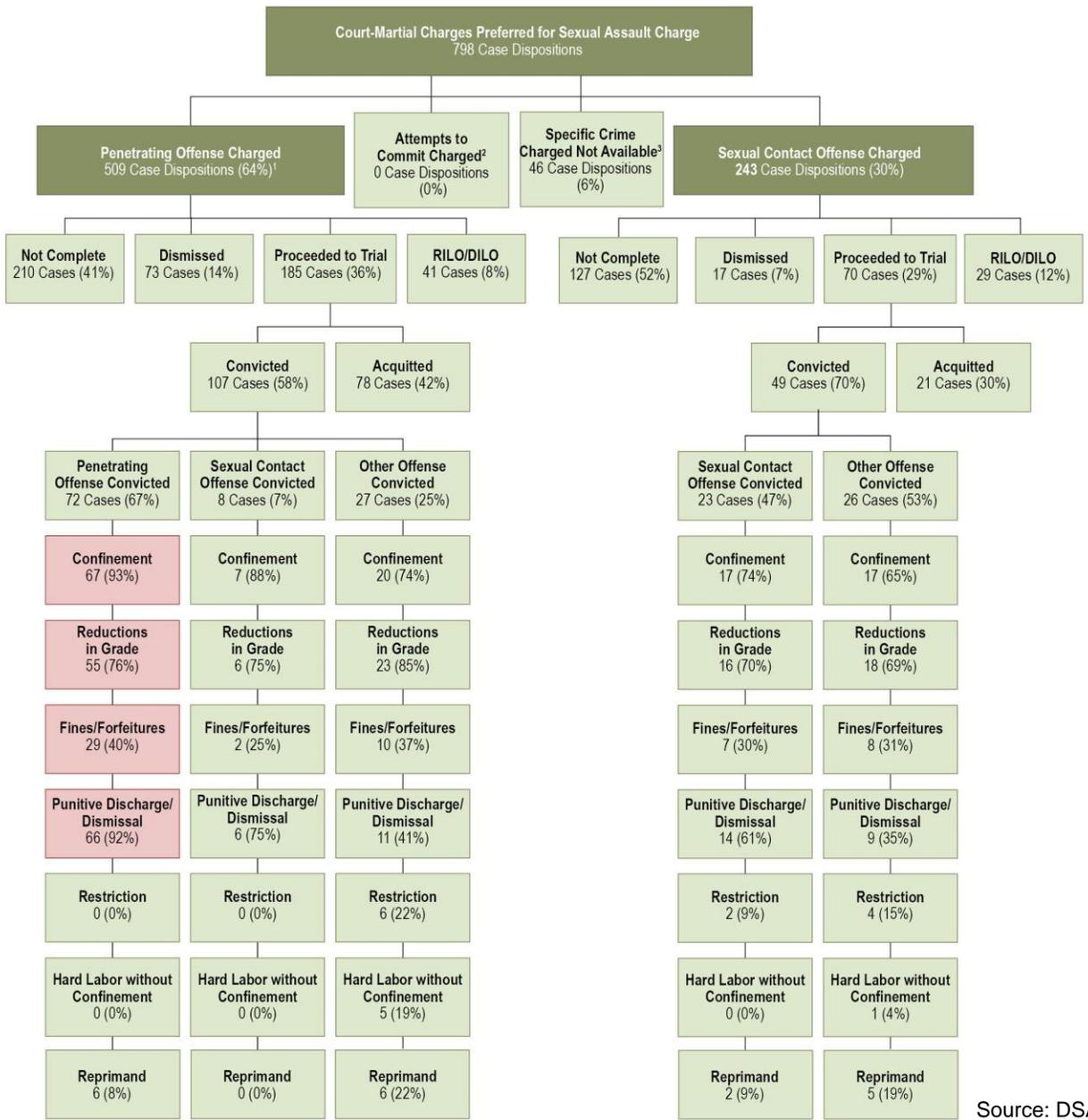
- A statement of understanding of both the offense(s) charged and the consequences of administrative separation;
- An acknowledgement that any separation could possibly have a negative characterization;
- An acknowledgement that the accused is guilty of an offense for which a punitive discharge is authorized or a summary of the evidence supporting the guilt of the accused.

These statements are not admissible in court-martial should the request ultimately be disapproved. DILOs involving enlisted personnel are usually approved at the SPCMA level. The Secretary of the Military Department approves RILOs. Figure 12 presents the case outcomes for cases in which court-martial charges were preferred and Figure 13 shows the outcomes by the type of crime charged (i.e., penetrating versus sexual contact crimes).



Source: DSAID

Figure 12. Dispositions of Cases with Sexual Assault Court-Martial Charges Preferred, FY20



Source: DSAID

**Figure 13. Dispositions of Cases with Sexual Assault Court-Martial Charges Preferred by Crime Charged, FY20**

**Notes:**

1. Percentages for some categories do not sum to 100 percent due to rounding. Punishments do not sum to 100 percent because subjects can receive multiple punishments.
2. Zero allegations for an attempt to commit a sexual assault were charged, proceeded to trial, and resulted in a conviction at court-martial.
3. In FY20, data about the crime charged was missing in 46 cases in which charges were preferred. These cases are pending and will be reported out next FY.

## Nonjudicial Punishment

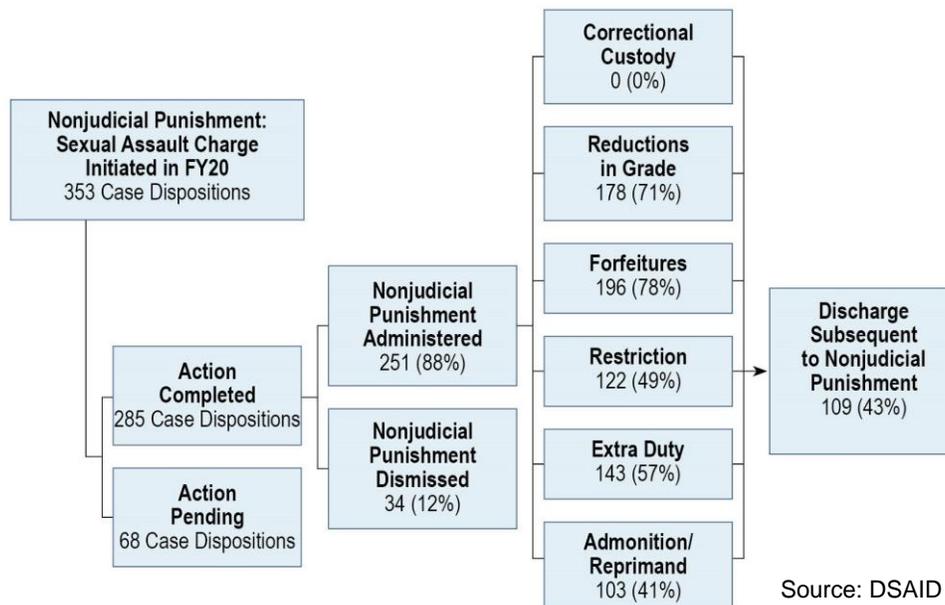
Commanders administer nonjudicial punishments in accordance with Article 15 of the UCMJ, which empowers commanding officers to impose penalties on Service members when there is sufficient evidence for a less egregious offense, as outlined in the UCMJ. Nonjudicial punishment allows commanders to address some types of sexual assault and other misconduct by Service members that may not warrant prosecution in a military or civilian court. Examples of corrective actions within a commander's purview to administer include demotions, forfeitures, and restrictions on liberty. Nonjudicial punishments may also support a rationale for administratively discharging military subjects with a less than honorable discharge. The Service member may demand trial by court-martial instead of accepting nonjudicial punishment by the commander, unless the subject is attached to or embarked on a vessel.

***Do military commanders use nonjudicial punishment as their primary means of discipline for sexual assault crimes?***

No. Only 22 percent of cases warranting disciplinary action for a sexual assault crime resulted in nonjudicial punishment in FY20 as the most serious disciplinary action. Most cases (49 percent) had court-martial charges preferred as the most serious disciplinary action.

Of the 1,632 case dispositions that were associated with disciplinary actions on a sexual assault offense, 353 cases were addressed with nonjudicial punishment. Figure 14 displays the outcomes of nonjudicial punishment actions taken against subjects on a sexual assault charge in FY20. In FY20, 88 percent of the 285 cases with completed nonjudicial punishment proceedings were associated with punishment imposed under the authority of Article 15 in the UCMJ. Nearly all the administered nonjudicial punishments were for sexual contact offenses. Most cases with a nonjudicial punishment received the following punishments: a forfeiture of pay, reduction in grade, and/or extra duty. Available Military Service data indicated that for 109 cases the nonjudicial punishment served as grounds for a subsequent administrative discharge. Characterizations of the 109 discharges are outlined below.

|                                       |                  |
|---------------------------------------|------------------|
| Honorable                             | 2 Cases          |
| General                               | 59 Cases         |
| Under Other Than Honorable Conditions | 28 Cases         |
| Uncharacterized                       | 20 Cases         |
| <b>Total</b>                          | <b>109 Cases</b> |



**Figure 14. Dispositions of Cases Receiving Nonjudicial Punishment, FY20**

**Notes:** Punishments do not sum to 100 percent since subjects can receive multiple punishments.

### *Administrative Discharges and Adverse Administrative Actions*

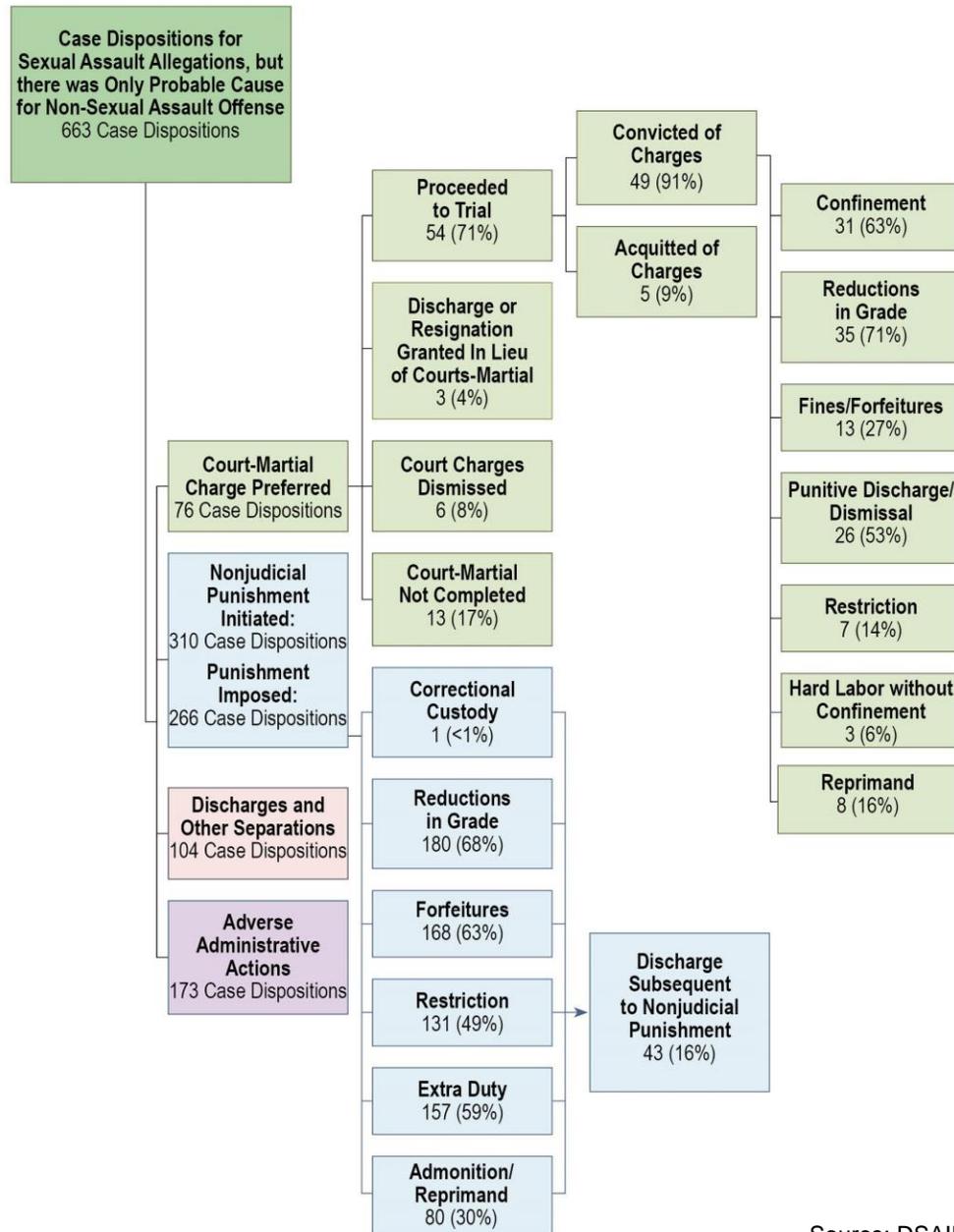
A legal review of evidence sometimes indicates that the court-martial process or nonjudicial punishments are not appropriate means to address allegations of misconduct against the accused. However, commanders have other means at their disposal to hold alleged offenders appropriately accountable. Commanders may use an administrative discharge to address an individual's misconduct, lack of discipline, or poor suitability for continued military service. There are three characterizations of administrative discharges: Honorable, General, and Under Other Than Honorable Conditions (UOTHC). General and UOTHC discharges may limit those discharged from receiving full entitlements and benefits from both DoD and the Department of Veterans Affairs. In FY20, 247 cases in sexual assault investigations were associated with an administrative discharge. Characterizations of the discharges are outlined below.

|                 |                  |
|-----------------|------------------|
| Honorable       | 2 Cases          |
| General         | 83 Cases         |
| UOTHC           | 110 Cases        |
| Uncharacterized | 14 Cases         |
| Pending         | 38 Cases         |
| <b>Total</b>    | <b>247 Cases</b> |

In FY20, commanders took adverse administrative actions in 234 cases that were investigated for a sexual assault offense. Commanders typically use adverse administrative actions when available evidence does not support a more severe disciplinary action. Adverse administrative actions can have a serious impact on a Service member's military career, have no equivalent form of punishment in the civilian sector, and may consist of Letters of Reprimand, Letters of Admonishment, Letters of Counseling, or discharge. These actions may also include, but are not limited to: denial of re-enlistment, cancellation of a promotion, and cancellation of new or special duty orders.

*Probable Cause Only for a Non-Sexual Assault Offense*

Sometimes the sexual assault investigations conducted by MCIOs do not find sufficient evidence to support disciplinary action against the subject on a sexual assault charge, but do uncover other forms of chargeable misconduct. In FY20, commanders took action in 663 cases that MCIOs originally investigated for sexual assault allegations, but for which evidence only supported action on non-sexual assault misconduct, such as making a false official statement, adultery, assault, or other crimes (Figure 15).



Source: DSAID

**Figure 15. Cases with Probable Cause for Non-Sexual Assault Offenses, FY20**

## Demographics of Victims and Subjects in Completed Investigations

DoD draws demographic information from the 4,767 investigations of sexual assault completed in FY20. These investigations involved 5,165 victims and 5,107 subjects of investigation.<sup>13</sup>

Table 5 displays the sex of victims and subjects in completed investigations of Unrestricted Reports in FY20. Most victims in completed investigations are female (81 percent) and the majority of subjects are male (80 percent).

**Table 5. Sex of Victims and Subjects in Completed Investigations of Unrestricted Reports, FY20**

|                                   | Victims      |             | Subjects     |             |
|-----------------------------------|--------------|-------------|--------------|-------------|
|                                   | Count        | Percent     | Count        | Percent     |
| Male                              | 960          | 19%         | 4,111        | 80%         |
| Female                            | 4,201        | 81%         | 247          | 5%          |
| Gender Unknown/Data Not Available | 4            | <1%         | 749          | 15%         |
| <b>Total</b>                      | <b>5,165</b> | <b>100%</b> | <b>5,107</b> | <b>100%</b> |

Table 6 shows victim and subject ages at the time of incident for completed investigations of Unrestricted Reports. The majority of victims are between the ages of 16 and 24 (70 percent) and the majority of subjects are between the ages of 20 and 34 (62 percent).

**Table 6. Age of Victims and Subjects at the Time of the Alleged Incident in Completed Investigations of Unrestricted Reports, FY20**

|                                | Victims      |             | Subjects     |             |
|--------------------------------|--------------|-------------|--------------|-------------|
|                                | Count        | Percent     | Count        | Percent     |
| 0-15                           | 29           | <1%         | 7            | <1%         |
| 16-19                          | 1,454        | 28%         | 508          | 10%         |
| 20-24                          | 2,173        | 42%         | 1,849        | 36%         |
| 25-34                          | 883          | 17%         | 1,327        | 26%         |
| 35-49                          | 154          | 3%          | 466          | 9%          |
| 50 and older                   | 142          | 3%          | 165          | 3%          |
| Age Unknown/Data Not Available | 330          | 6%          | 783          | 15%         |
| <b>Total</b>                   | <b>5,165</b> | <b>100%</b> | <b>5,105</b> | <b>100%</b> |

<sup>13</sup> The term subject or "subject of investigation" does not connote guilt or innocence. There were only 5,029 subjects with reportable information (i.e., offense met the elements of proof for sexual assault and fell within MCIOs' legal authority). However, 76 additional individuals alleged to be perpetrators in an investigation are included in these demographic data. These 76 subjects identified in an investigation were either outside the purview of the MCIO or the MCIO found no sexual assault crime occurred.

As shown in Table 7, most victims in completed investigations are of E1-E4 grades and most subjects are of E1-E4 grades.

**Table 7. Grade/Status of Victims and Subjects at the Time the Report of Sexual Assault was Received in Completed Investigations of Unrestricted Reports, FY20**

| Grade / Status                           | Victims      |            | Subjects     |            |
|--|--------------|------------|--------------|------------|
|  | Count        | Percent    | Count        | Percent    |
| E1-E4                                    | 3,376        | 65%        | 2,539        | 50%        |
| E5-E9                                    | 592          | 11%        | 1,206        | 24%        |
| WO1-WO5                                  | 9            | <1%        | 36           | <1%        |
| O1-O3                                    | 152          | 3%         | 129          | 3%         |
| O4-O10                                   | 21           | <1%        | 85           | 2%         |
| Cadet/Midshipman/Prep School Student     | 58           | 1%         | 48           | 1%         |
| U.S. Civilian                            | 889          | 17%        | 178          | 3%         |
| Foreign National/Foreign Military        | 48           | 1%         | 16           | <1%        |
| Grade or Status Unknown/Data Unavailable | 20           | <1%        | 871          | 17%        |
| <b>Total</b>                             | <b>5,165</b> | <b>99%</b> | <b>5,108</b> | <b>99%</b> |

**Notes:**

1. Category percentages may not sum to 100 percent due to rounding.
2. The category “U.S. Civilian” includes DoD contractors, DoD civilian employees, other U.S. government civilian employees and contractors, and other US civilians.

## Restricted Reports of Sexual Assault

As defined in DoD policy, Restricted Reports are confidential, protected communications; therefore, SAPR personnel collect limited data about the victim and the sexual assault allegation. As with Unrestricted Reports, victims can make Restricted Reports for incidents that occurred prior to their military service. In FY20, there were 2,712 initial Restricted Reports of sexual assault. Of the 2,712 reports, 536 (20 percent) converted to Unrestricted Reports.<sup>14</sup> At the end of FY20, 2,176 reports remained Restricted (Figure 16).

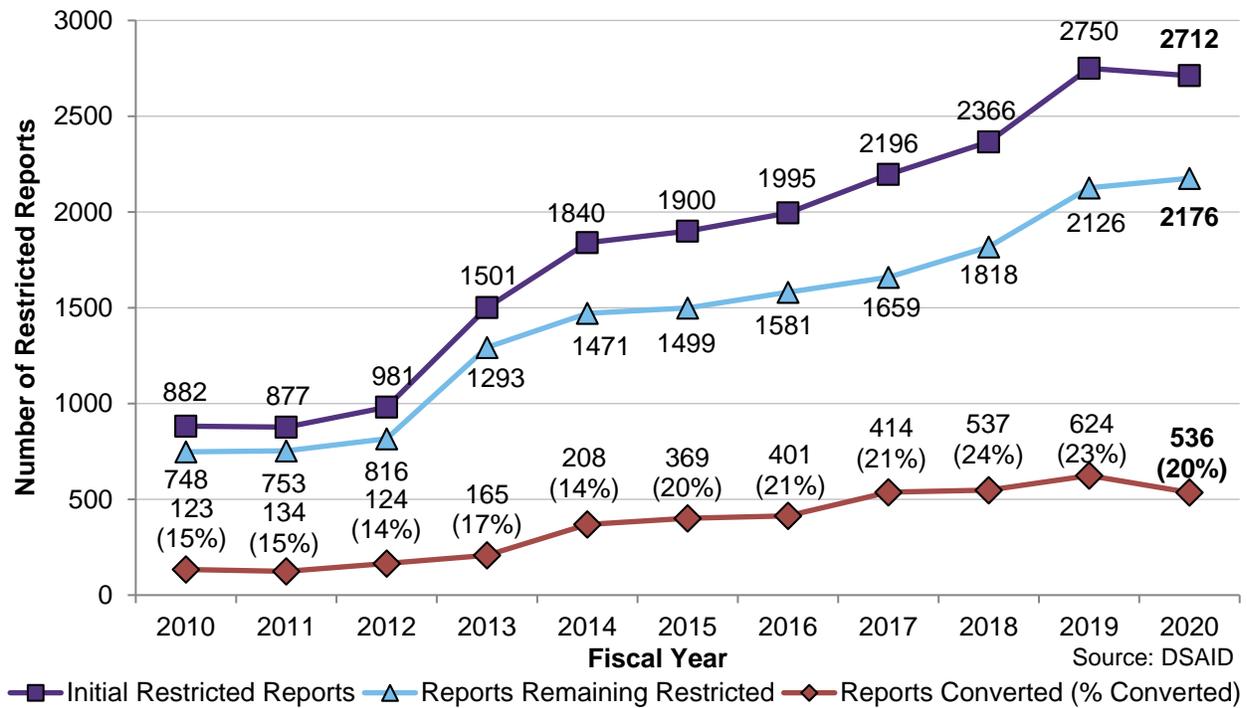
***How many Restricted Reports convert to Unrestricted each FY?***

In FY20, a fifth of victims who made a Restricted Report converted to an Unrestricted Report, which is a slightly lower conversion rate than observed in FY19.

This year, 348 Service members made a Restricted Report for an incident that occurred prior to entering military service, representing approximately 16 percent of the 2,176 remaining Restricted Reports of sexual assault. Of these 348 Service members, 219 indicated that the incident occurred prior to age 18, 122 indicated that the incident occurred after age 18, and 7 chose not to specify at what age the incident occurred.

<sup>14</sup> Beginning with the implementation of DSAID in 2014, DoD has extracted and analyzed data six weeks after the end of each FY to allow sufficient time for data validation. DSAID is a “live” database, and its records change daily to reflect case status. During this six-week period, 43 additional Restricted Reports converted to Unrestricted. After a report converts from Restricted to Unrestricted, all data associated with the report is then counted in the Unrestricted Report category. These 43 reports that were made during the FY, converted to Unrestricted in the six-week period after the end of the FY, and are therefore included with the 536 report conversions.

Additionally, conversion of Restricted Reports to Unrestricted Reports has steadily increased since FY13, with a fifth of people who made a Restricted Report in FY20 subsequently converting it an Unrestricted Report.



**Figure 16. Restricted Reports Received and Converted, FY10 – FY20**

### Demographics of Victims in Restricted Reports

Tables 8 through Table 10 show that victims who filed a Restricted Report were primarily female, 24 or younger, and junior enlisted grade (i.e., E1-E4).

**Table 8. Sex of Those Who Made Restricted Reports, FY20**

|                             | Count        | Percent     |
|-----------------------------|--------------|-------------|
| Male                        | 451          | 21%         |
| Female                      | 1,725        | 79%         |
| Relevant Data Not Available | 0            | 0%          |
| <b>Total</b>                | <b>2,176</b> | <b>100%</b> |

**Table 9. Age of Those in Restricted Reports at Time of Incident, FY20**

|                             | Count        | Percent     |
|-----------------------------|--------------|-------------|
| 0-15                        | 153          | 7%          |
| 16-19                       | 606          | 28%         |
| 20-24                       | 924          | 42%         |
| 25-34                       | 384          | 18%         |
| 35-49                       | 82           | 4%          |
| 50 and Older                | 1            | <1%         |
| Relevant Data Not Available | 26           | 1%          |
| <b>Total</b>                | <b>2,176</b> | <b>100%</b> |

**Table 10. Grade or Status of Those in Restricted Reports at Time of Report, FY20**

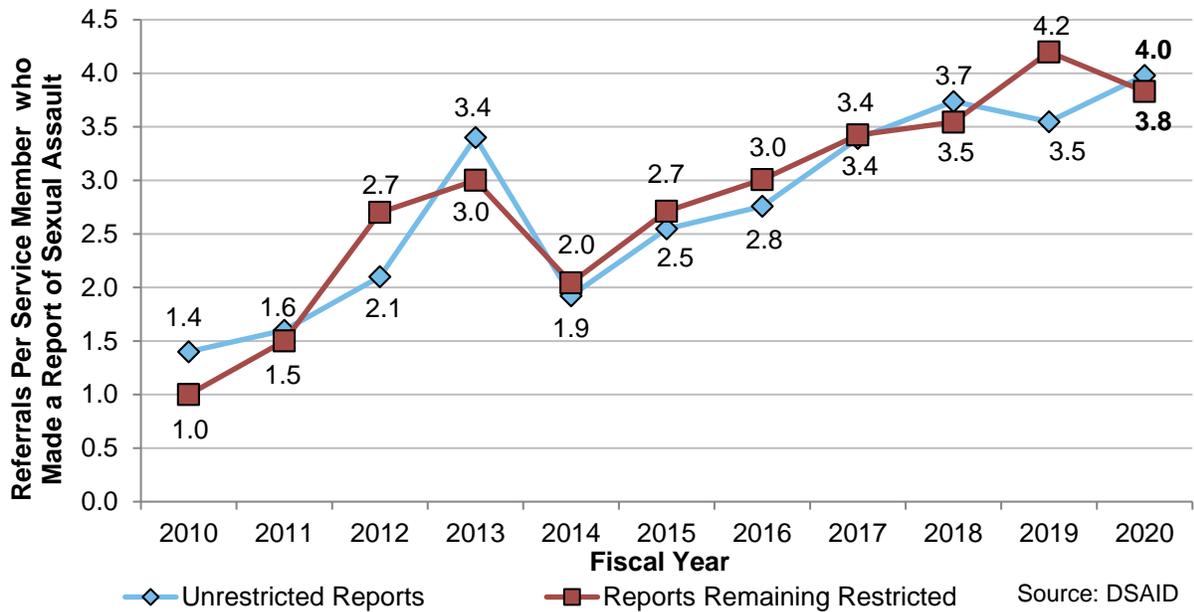
|                                      | Count        | Percent     |
|--------------------------------------|--------------|-------------|
| E1-E4                                | 1,452        | 67%         |
| E5-E9                                | 444          | 20%         |
| WO1-WO5                              | 9            | <1%         |
| O1-O3                                | 126          | 6%          |
| O4-O10                               | 29           | 1%          |
| Cadet/Midshipman/Prep School Student | 61           | 3%          |
| Non-Service Member                   | 53           | 2%          |
| Relevant Data Not Available          | 2            | <1%         |
| <b>Total</b>                         | <b>2,176</b> | <b>100%</b> |

**Note:** Categories may not sum to 100 percent due to rounding to the nearest whole point.

### Service Referral Information

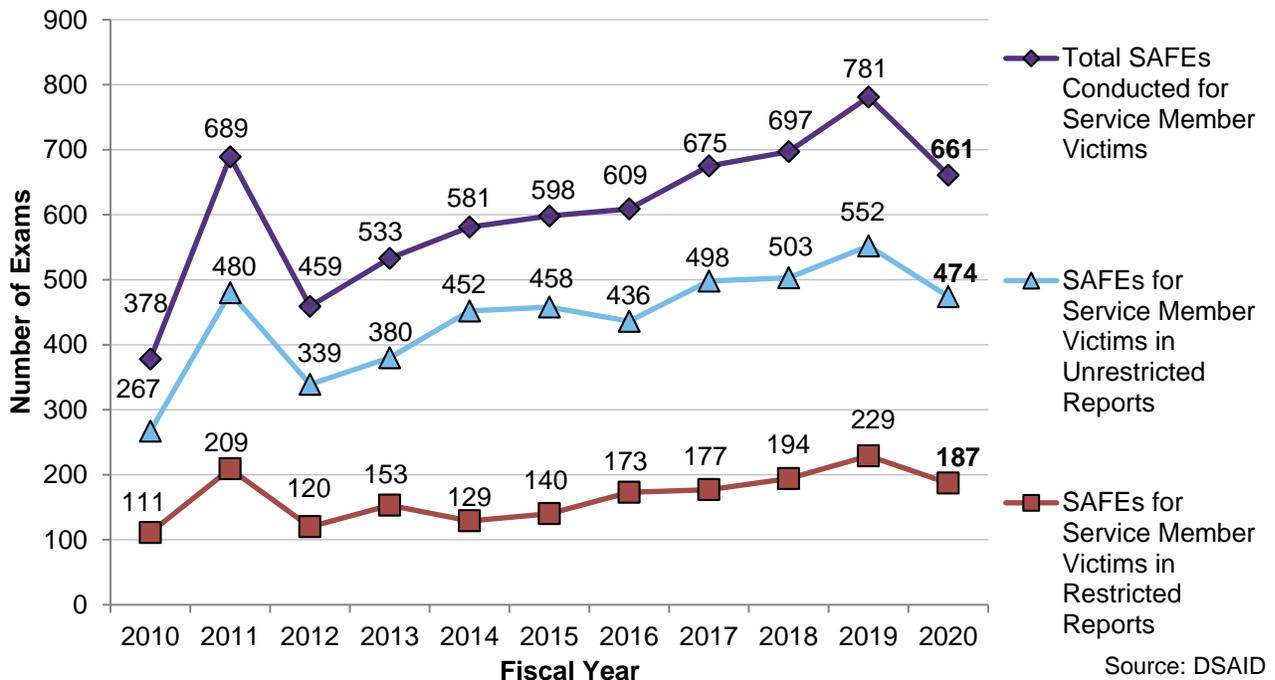
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SARCs and SAPR VAs are responsible for helping victims access medical treatment, counseling, legal advice, and other support services. SARCs and SAPR VAs can refer victims to both military and civilian resources for these services. A referral for services can happen at any time while the victim is receiving assistance from a SARC or SAPR VA and may happen several times throughout the military justice process. This year, SARCs and SAPR VAs made an average of 4.0 service referrals per Service member victim submitting an Unrestricted Report and an average of 3.8 service referrals per Service member victim submitting a Restricted Report. Figure 17 shows the average number of referrals per Service member victim in sexual assault reports from FY10 to FY20.



**Figure 17. Average Number of Service Referrals per Service Member Who Reported Sexual Assault, FY10 – FY20**

Once Service members report a sexual assault, they are asked whether they would like to receive a Sexual Assault Forensic Examinations (SAFE). The Military Services reported that there were 661 SAFEs conducted for Service members who reported a sexual assault during FY20 (Figure 18). The decision to undergo a SAFE belongs to the victim.



**Figure 18. SAFEs Involving Service Member Victims, FY10 – FY20**

## Expedited Transfers

Since FY12, DoD has allowed Service members who submit an Unrestricted Report of sexual assault to request an expedited transfer from their assigned units (Table 11). This may involve a move to another duty location on the same installation or relocating to a new installation entirely. Service members can request a transfer from their unit commander, who has 72 hours to act on the request. Should a unit commander decline the request, victims may appeal the decision to the first General Officer/Flag Officer (GO/FO) in their commander's chain of command. The GO/FO then has 72 hours to review the request and provide a response to the victim. Table 11 shows the number of expedited transfers and denials since FY12. In FY20, the total number of expedited transfers requested and approved increased slightly from FY19.

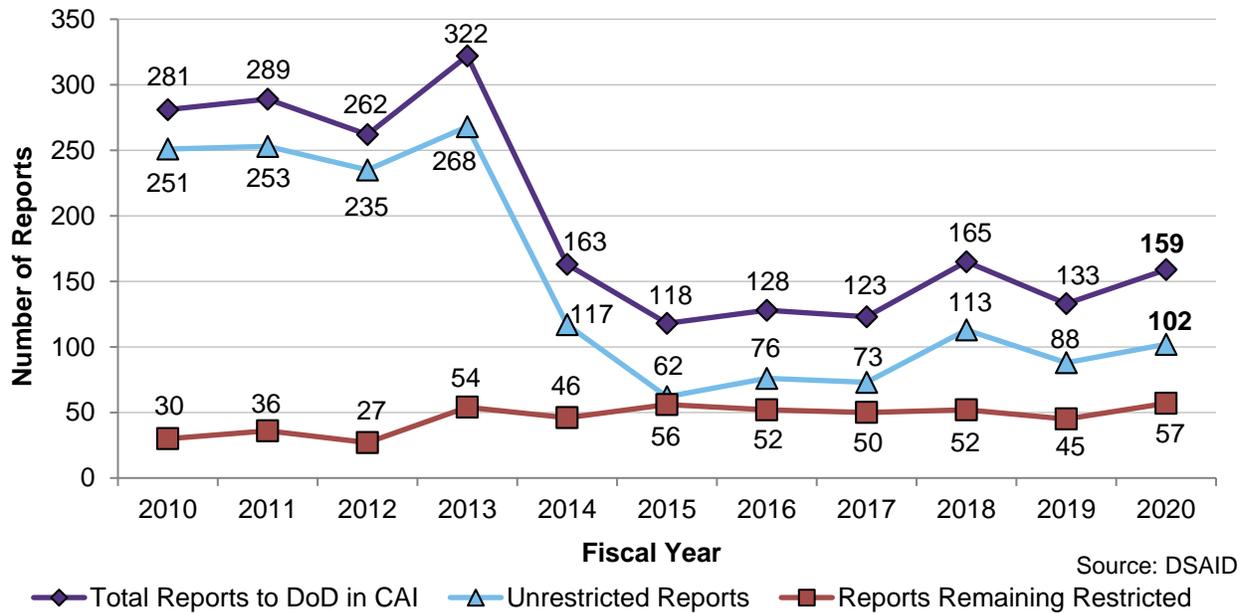
**Table 11. Expedited Transfers and Denials, FY12 – FY20**

| <b>Transfer Type</b>   | <b>FY12</b> | <b>FY13</b> | <b>FY14</b> | <b>FY15</b> | <b>FY16</b> | <b>FY17</b> | <b>FY18</b> | <b>FY19</b> | <b>FY20</b> |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Number of victims requesting a change in Unit/Duty Assignment (Cross-Installation Transfers) | 57          | 99          | 44          | 71          | 62          | 74          | 67          | 89          | 80          |
| <i>Number Denied</i>   | 2           | 3           | 0           | 2           | 3           | 5           | 2           | 5           | 3           |
| Number of victims requesting a change in Installation (Permanent Change of Station)          | 161         | 480         | 615         | 663         | 684         | 760         | 835         | 810         | 820         |
| <i>Number Denied</i>   | 0           | 11          | 15          | 12          | 18          | 30          | 30          | 24          | 20          |
| <b>Total Approved</b>  | <b>216</b>  | <b>565</b>  | <b>644</b>  | <b>720</b>  | <b>725</b>  | <b>799</b>  | <b>870</b>  | <b>870</b>  | <b>877</b>  |

## Reports of Sexual Assault in Combat Areas of Interest

Arduous conditions in combat areas of interest (CAI) make sexual assault response and data collection difficult. However, SARCs, SAPR VAs, and other SAPR personnel are assigned to all these areas. SAPR personnel are diligent in providing requested services and treatment to victims. The data reported below are included in the total number of Unrestricted and Restricted Reports described in previous sections.

Figure 19 depicts historical trends of Unrestricted and Restricted Reporting in CAIs from FY10 to FY20. There were 159 reports of sexual assault in CAIs in FY20, an increase from FY19 (133 reports). It should be noted that the data below document where a sexual assault was reported, which does not necessarily indicate where the sexual assault was alleged to have occurred.



**Figure 19. Reports of Sexual Assault in Combat Areas of Interest, FY10 – FY20**

There were 102 Unrestricted Reports in CAIs during FY20. Of these 102, 15 reports were initially restricted and converted to Unrestricted Reports during the FY. Table 12 below lists the number of Unrestricted and Restricted Reports for each CAI, and shows that in FY20, the majority of reports were received in Afghanistan, Turkey, Kuwait, Qatar, and Iraq.

**Table 12. Unrestricted and Restricted Reports by Combat Area of Interest, FY20**

| CAI          | Total Reports | Unrestricted Reports | Reports Remaining Restricted |
|--------------|---------------|----------------------|------------------------------|
| Afghanistan  | 28            | 18                   | 10                           |
| Bahrain      | 12            | 9                    | 3                            |
| Djibouti     | 6             | 3                    | 3                            |
| Iraq         | 20            | 8                    | 12                           |
| Jordan       | 6             | 5                    | 1                            |
| Kosovo       | 1             | 1                    | 0                            |
| Kuwait       | 22            | 15                   | 7                            |
| Lebanon      | 0             | 0                    | 0                            |
| Pakistan     | 0             | 0                    | 0                            |
| Qatar        | 22            | 14                   | 8                            |
| Saudi Arabia | 4             | 4                    | 0                            |
| Somalia      | 2             | 0                    | 2                            |
| Syria        | 2             | 2                    | 0                            |
| Turkey       | 24            | 18                   | 6                            |
| UAE          | 10            | 5                    | 5                            |
| Yemen        | 0             | 0                    | 0                            |

### Demographics of Victims and Subjects in Unrestricted Reports in CAIs

DoD draws demographic information about the Unrestricted Reports made in CAIs from the 78 investigations closed during FY20. These 78 investigations involved 78 victims and 81 subjects.

### *Report Demographics for Completed Investigations*

Similar to those who file Unrestricted Reports outside of CAIs, those filing Unrestricted Reports in CAIs are mostly female (78 percent) and junior enlisted grade (55 percent). Those who submitted Unrestricted Reports in CAIs tend to be about the same age as those submitting Unrestricted Reports in general; almost half (47 percent) of victims in CAIs were 24 years old and younger.

### *Subjects in Completed Investigations*

The demographics of subjects in Unrestricted Reports submitted in CAIs are similar to the demographics of subjects in all Unrestricted Reports submitted to DoD, in that the majority are male (75 percent), under the age of 35 (46 percent), and in an enlisted grade (59 percent).

### **Demographics of Victims and Subjects in Restricted Reports in CAIs**

The 57 victims with reports remaining Restricted in CAIs mirror the demographics of victims in all Restricted Reports made to DoD in that they were mostly women (74 percent). However, victims making Restricted Reports in CAIs tended to be older; 56 percent of victims in CAIs were 25 and over compared to 21 percent of victims in all Restricted Reports. Compared to all victims making a Restricted Report, a smaller share of victims in CAIs are junior enlisted: 39 percent of victims in CAIs are E1-E4, compared to 67 percent of victims in Restricted Reports overall.

## **FY20 Retaliation Allegations**

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The Military Services and National Guard Bureau (NGB) provided data on allegations of retaliation received in FY20 that were associated with reports of sexual assault and/or complaints of sexual harassment. Information submitted by the Military Services and NGB varies depending on Service/NGB approach (e.g., Department of the Navy only submits data on cases with completed investigations, whereas the Army, Air Force, and NGB provide information on completed and ongoing investigations).

In FY20, DoD requested the Military Services provide two types of data:

- **Case Management Group (CMG) Retaliation Allegations:** The Military Services and NGB provided data on all retaliation allegations discussed at CMG meetings in FY20 involving victims, witnesses/bystanders, and first responders associated with reports of sexual assault. Victims, witnesses/bystanders, and first responders who believe they have experienced retaliation have the option of requesting their experience be discussed at a CMG.
- **Investigations of Alleged Retaliation:** DoD Inspector General (IG), the Military Services, and NGB provided data on all FY20 allegations of retaliation investigated and/or handled by Service, NGB or DoD IG, MCIOs, Law Enforcement, and Commander-Directed Inquiries. This data pertains to allegations of retaliation associated with Unrestricted Reports of sexual assault or complaints of sexual harassment.

### **Case Management Group (CMG) Retaliation Data**

DoDI 6495.02 “Sexual Assault Prevention and Response Program Procedures” requires the Military Services and NGB to review new and ongoing sexual assault cases each month from their installation CMGs to ensure the appropriate entities are engaged. This process facilitates the provision of services while providing the CMG with better oversight. In FY20, 53 individuals

requested their allegations of retaliation be discussed at the CMG. Victims could allege multiple retaliation allegations, and these 53 reports alleged 65 allegations of retaliation. Victims of sexual assault made the majority of retaliation allegations (48 allegations). In addition, 2 witnesses/bystanders and 3 first responders for victims of alleged sexual assault had their retaliation allegations discussed at the CMG.

Of the 65 retaliation allegations, 31 alleged reprisal, 31 alleged ostracism and/or cruelty/oppression/maltreatment, and 3 alleged another criminal offense in relation to the report of sexual assault. About three-fourths (41 allegations) of retaliation reports were made by women. Furthermore, most individuals reporting retaliation indicated that they experienced it from an alleged single male retaliator (21 allegations) or multiple male and female retaliators (10 allegations). In most cases, the alleged retaliator(s) was not the alleged perpetrator of sexual assault (48 allegations).

Table 13 displays the actions taken for cases discussed at CMGs. A total of 101 actions were taken in 53 cases. About two-fifths (21 allegations) of all allegations received multiple actions. Common actions included referring the information to IG (31 allegations), referring the information to Command (21 allegations), issuance of a military or civilian protective order (5 allegations), and briefings/trainings for the alleged retaliator(s) and/or unit/installation (4 allegations). Thirteen cases of perceived retaliation had actions either pending or had no action reported. Of these, 4 were pending action and 9 had no action taken for an unspecified reason.

**Table 13. CMG Action Taken to Address Retaliation Allegations, FY20**

| <b>CMG Action Taken to Address Retaliation</b>   | <b>Count of Actions</b> | <b>Share</b> |
|--|-------------------------|--------------|
| Information referred to IG   | 31                      | 31%          |
| Information referred to Command  | 21                      | 21%          |
| No action taken  | 9                       | 9%           |
| Military protective order issued or civilian protection order obtained by retaliation reporter | 5                       | 5%           |
| Safety plan updated for retaliation reporter   | 4                       | 4%           |
| Briefings/trainings for alleged retaliator(s) and/or unit/installation                         | 4                       | 4%           |
| Information referred to MCIO   | 4                       | 4%           |
| Informal/verbal counseling of alleged retaliator(s)  | 4                       | 4%           |
| Action pending   | 4                       | 4%           |
| Transfer of retaliation reporter at his/her request  | 4                       | 4%           |
| Other action taken   | 4                       | 4%           |
| Information referred to MEO  | 2                       | 2%           |
| Alleged retaliator(s) moved (transfer, relocation, reassignment, deployment)                   | 2                       | 2%           |
| Negative treatment of retaliation reporter put to a stop through command intervention          | 2                       | 2%           |
| Alleged retaliator(s) later held accountable following a referral of the allegation by the CMG | 1                       | 1%           |
| <b>Total actions taken in 53 cases</b>   | <b>101</b>              | <b>100%</b>  |

## Data on Investigations of Perceived Retaliation

Persons seeking to report a retaliation allegation have a variety of avenues to do so that are dependent on the type of alleged misconduct. Reprisal allegations must be reported to DoD and Service IGs. Ostracism and maltreatment allegations associated with sexual assault allegations may be investigated by an MCIO or another DoD law enforcement agency or may be referred to unit commanders for investigation and resolution – all contingent on the circumstances and misconduct alleged.

### Reports of Perceived Retaliation

The Military Services and NGB received 60 retaliation reports against 76 alleged retaliators in FY20 associated with sexual assault or sexual harassment reports. Additionally, there were 18 reports, involving 30 alleged retaliators, from prior FYs that had an outcome reported to DoD in FY20, for a total of 78 reports discussed in this section. Table 14 displays the sex of retaliation reporters and Table 15 displays the type of report that was related to the investigation of the alleged retaliation. As with sexual assault, most retaliation reports are filed by women (74 percent). The majority of retaliation reporters (68 percent) had made an Unrestricted Report of sexual assault. Additionally, as shown in Table 16, nearly all retaliation reports filed come from people who have filed a report of sexual assault or a complaint of sexual harassment (92 percent).

**Table 14. Sex of Retaliation Reporters in Investigations of Perceived Retaliation, FY20**

| Sex of Retaliation Reporter | Count     | Percent     |
|-----------------------------|-----------|-------------|
| Male                        | 20        | 26%         |
| Female                      | 58        | 74%         |
| <b>Total</b>                | <b>78</b> | <b>100%</b> |

**Table 15. Type of Report Related to Investigations of Perceived Retaliation, FY20**

| Type of Report                                 | Count     | Percent     |
|--|-----------|-------------|
| Unrestricted Report of sexual assault          | 53        | 68%         |
| Suspected of making a report of sexual assault | 2         | 3%          |
| Formal complaint of sexual harassment          | 14        | 18%         |
| Informal complaint of sexual harassment        | 9         | 11%         |
| <b>Total</b>                                   | <b>78</b> | <b>100%</b> |

**Table 16. Type of Retaliation Reporter in Investigations of Perceived Retaliation, FY20**

| Type of Retaliation Reporter   | Count     | Percent     |
|--|-----------|-------------|
| Victim of alleged sexual assault or complainant of alleged sexual harassment | 72        | 92%         |
| Witness/bystander of alleged sexual assault or alleged sexual harassment     | 6         | 8%          |
| <b>Total</b>   | <b>78</b> | <b>100%</b> |

### Demographics and Outcomes of Alleged Retaliators

The analysis that follows focuses on the information and outcomes as provided by the Military Services of the 106 alleged retaliators in this section. The results reflect reprisal allegation outcomes, since the majority of the information originates from DoD and Service IGs, which are

tasked with investigating reprisal allegations for DoD. The majority of alleged retaliators were men (76 percent) and 22 were the alleged perpetrator of the associated sexual assault or sexual harassment report. Most alleged retaliators were a superior in the chain of command of the reporter (71 percent). This is also evident when looking at the type of retaliation investigated, as most cases involve reprisal as shown in Table 17. Cases of reprisal are referred to DoD OIG per policy and outcomes of their investigations are shown in Table 18.

**Table 17. Relationship of the Alleged Retaliator and the Reporter, FY20**

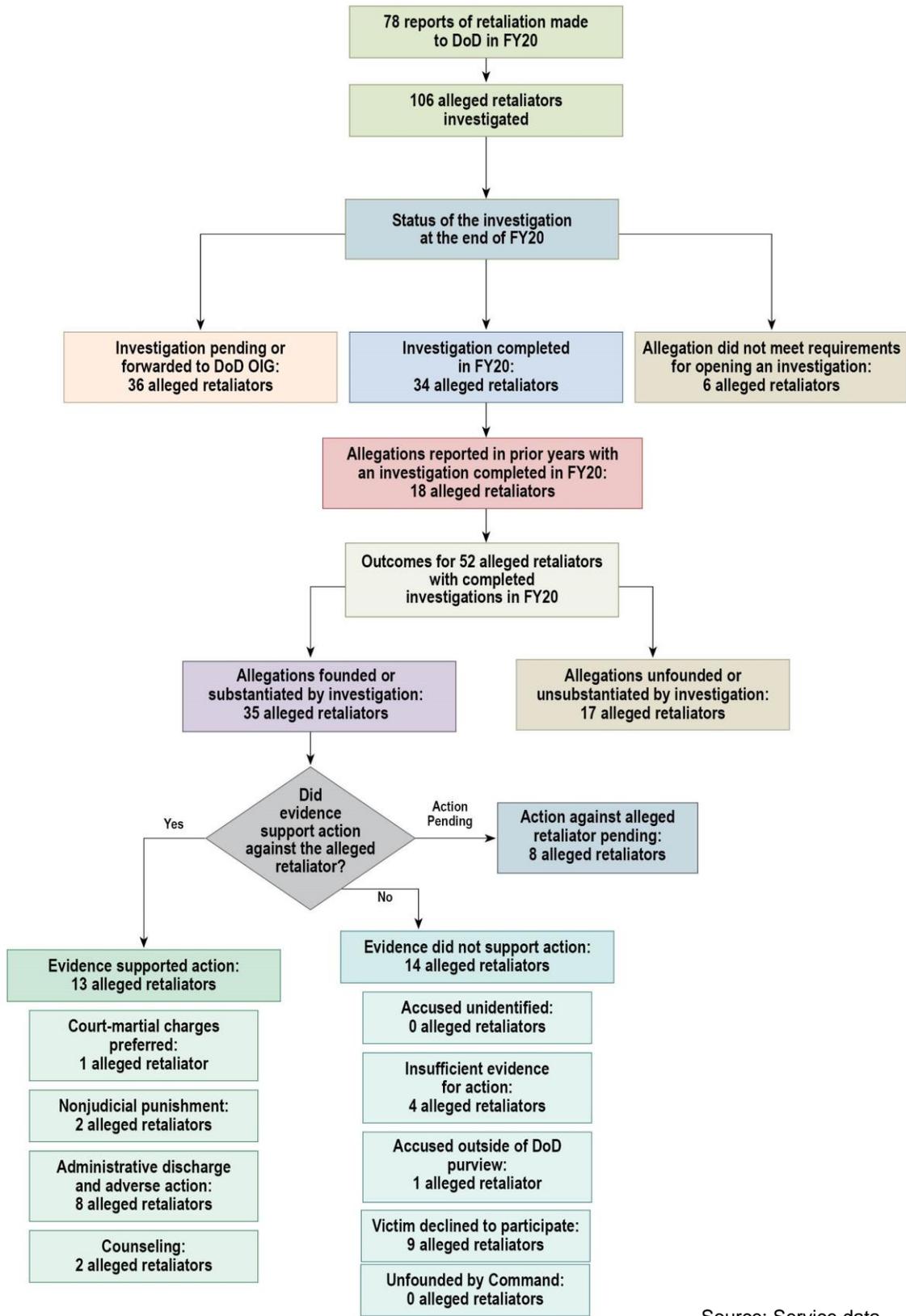
| <b>Alleged Retaliator was a...</b>  | <b>Subject Count</b> | <b>Percent</b> |
|---|----------------------|----------------|
| Superior in their chain of command  | 75                   | 71%            |
| Superior, not in their chain of command   | 0                    | 0%             |
| Person junior in grade to them, not in their chain of command                             | 2                    | 2%             |
| Peer, friend, and/or coworker   | 17                   | 16%            |
| Person associated with the alleged perpetrator of the sexual assault or sexual harassment | 9                    | 8%             |
| Service provider  | 2                    | 2%             |
| Unknown/unspecified relationship  | 1                    | 1%             |
| <b>Total</b>  | <b>106</b>           | <b>100%</b>    |

**Table 18. Count of Retaliation Offenses Investigated, FY20**

| <b>Retaliation Offenses Investigated</b>   | <b>Subject Count</b> | <b>Percent</b> |
|--|----------------------|----------------|
| Reprisal   | 62                   | 58%            |
| Reprisal and other allegations (ostracism/cruelty/maltreatment and/or other criminal offenses) | 13                   | 12%            |
| Ostracism/cruelty/maltreatment   | 16                   | 15%            |
| Other criminal offenses  | 15                   | 14%            |
| <b>Total</b>   | <b>106</b>           | <b>100%</b>    |

Figure 20 below presents a review of the status of retaliation investigations and outcomes for the alleged retaliators in those investigations. The Military Services and NGB opened investigations against nearly all of the alleged retaliators. At the time of data collection, the majority of alleged retaliators still had an investigation pending or had their case taken over by DoD OIG. Results of these investigations will be reported in future FYs.

There were 34 alleged retaliators with completed investigations from FY20 reports and 18 alleged retaliators from prior year reports who were the subjects of an investigation completed in FY20, for a total of 52 alleged retaliators in completed investigations. Investigators substantiated or founded allegations against 35 of the 52 alleged retaliators in completed investigations. DoD had sufficient evidence to take action against 13 out of 35 alleged retaliators. These actions included court-martial charges preferred (1), nonjudicial punishment (2), administrative discharges and adverse actions (8) and informal/verbal counseling (2). Evidence did not support action against 14 alleged retaliators (due to unknown retaliator, victim declining to participate, alleged retaliator outside of DoD purview, or allegation determined to be unfounded by command). Victims declined to participate in the cases of 9 alleged retaliators.



Source: Service data

Figure 20. Reports of Perceived Retaliation Made to DoD, FY20

*Reports Received for Reprisal by the Department of Defense Office of the Inspector General (DoD OIG)*

DoD OIG provides SAPRO with a report of all complaints of reprisal investigated and received by DoD OIG. DoD OIG can receive reports directly from a reporter and thus the totals will not match with the reports referred to DoD OIG in the previous section. DoD OIG received 66 complaints of reprisal relating to reporting of a sexual assault in FY20. At the end of the fiscal year they had completed and closed 82 cases of reports from FY20 and previous fiscal years. Table 19 below shows the outcomes of the investigations closed in FY20, with the majority being dismissed by DoD OIG.

**Table 19. Outcomes of DoD OIG Investigations, FY20**

| <b>Outcome</b>      | <b>Subject Count</b> | <b>Percent</b> |
|---------------------|----------------------|----------------|
| Dismissed           | 71                   | 87%            |
| Not Substantiated   | 8                    | 10%            |
| Substantiated       | 1                    | 1%             |
| Withdrawn           | 2                    | 2%             |
| <b>Total Closed</b> | <b>82</b>            | <b>100%</b>    |

DoD OIG defines the above outcomes as follows:

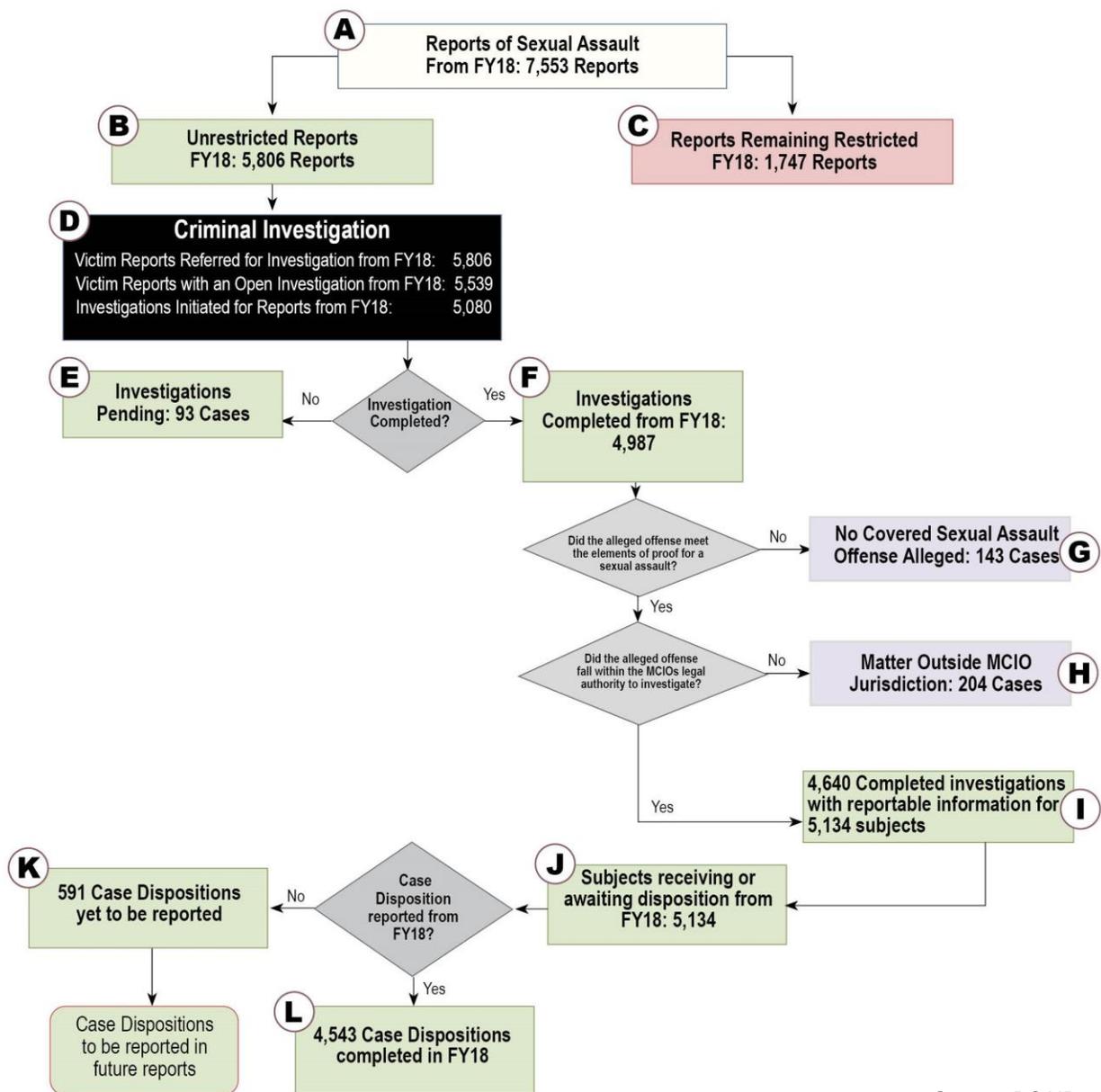
- Dismissed are cases closed with investigation, because either DoD OIG lacked jurisdiction, complaint was not filed within the 1-year filing deadline, or complaint analysis determined that there was no prima facie allegation of reprisal or restriction.
- Not substantiated cases were investigated but not proven.
- Substantiated cases were investigated and proven.
- Withdrawn cases are cases where the complainant withdrew their complaint of reprisal or restriction.

**Longitudinal Data Analysis: Investigation and Adjudication Outcomes for Reports Made in Prior Fiscal Years**

In every Annual Report, SAPRO presents data for the FY in which a victim reported a sexual assault; however, an appreciable percentage of investigations and/or disposition decisions for the cases associated with these reports are pending at the end of the FY. DoD continues to track outcomes for previously pending cases in DSAID. SAPRO and the Military Services audited prior years’ data to present a more comprehensive picture of investigation and adjudication outcomes for reports received in FY18. SAPRO does this largely to determine if there are substantive differences in case outcomes when reported longitudinally, as is done in this section, versus reporting the status of all outcomes received at the end of the fiscal year, as presented on pages 13 to 28 of this Appendix. Overall, there were no large differences in how the cases landed in categories in the waterfall chart (see Figure 6 for comparison) – however, we did note an increase in the percentage of cases where no command action was possible. At the time of analysis in FY18, 29% of sexual contact crime cases and 50% of penetrating crime cases did not have a command action possible. In the updated longitudinal analysis in FY20, the percentage of cases where command action was not possible had increased to 38% of sexual contact crime cases and 62% of penetrating crime cases. This shift can be seen in Figure 26. SAPRO examines data from each FY after a two-year lag time, in order to allow investigations and/or disposition decisions to be completed. Data from FY19 will be presented in the FY21 Annual Report.

As explained on page 7, DSAID is a real-time data-gathering tool. Since SAPRO pulled data for this section in February 2021, numbers presented here may differ from data published in the FY18 Annual Report. For example, victims who made a Restricted Report in FY18 may have converted to an Unrestricted Report in subsequent FYs. DSAID counts these converted cases as Unrestricted Reports; thus, the total number of Unrestricted and Restricted reports in a given FY will change as victims convert their reports.

Although the majority of FY18 reports have completed investigations and disposition decisions, some cases remain pending at the time of data retrieval. One reason is that Restricted Reports converted to Unrestricted after FY18 are associated with investigations that opened more recently. Although less likely to occur, some investigations originally opened and closed in FY18 have been re-opened if new evidence becomes available.



Source: DSAID

### Figure 21. Reports of Sexual Assault, Completed Investigations, and Case Dispositions, FY18

DoD received 7,553 reports of sexual assault with an initial report date made between October 1, 2017 and September 30, 2018 (Figure 21). As of January 2021, these 7,553 reports from FY18 were comprised of 5,806 Unrestricted Reports and 1,747 Restricted Reports. Of the 5,806 Unrestricted Reports from FY18 that were referred for investigation, 5,539 reports had an investigation opened.<sup>15</sup> Of those 5,539 reports with investigations opened, there were 5,080 unique investigations (Figure 21, Point D). At the time of the data pull in February 2021, MCIOs had completed almost all (98 percent) of the investigations opened for cases reported in FY18 (Figure 21, Point F). Of these, 347 were outside of DoD authority or were incidents determined not to be a sexual assault. Of the remaining 4,640 completed investigations, 5,134 resulted in subjects with a possible case disposition, as of January 2021.<sup>16</sup> Of the 5,134 possible cases pending disposition from FY18 investigations, 4,543 percent were completed by the time of this report.

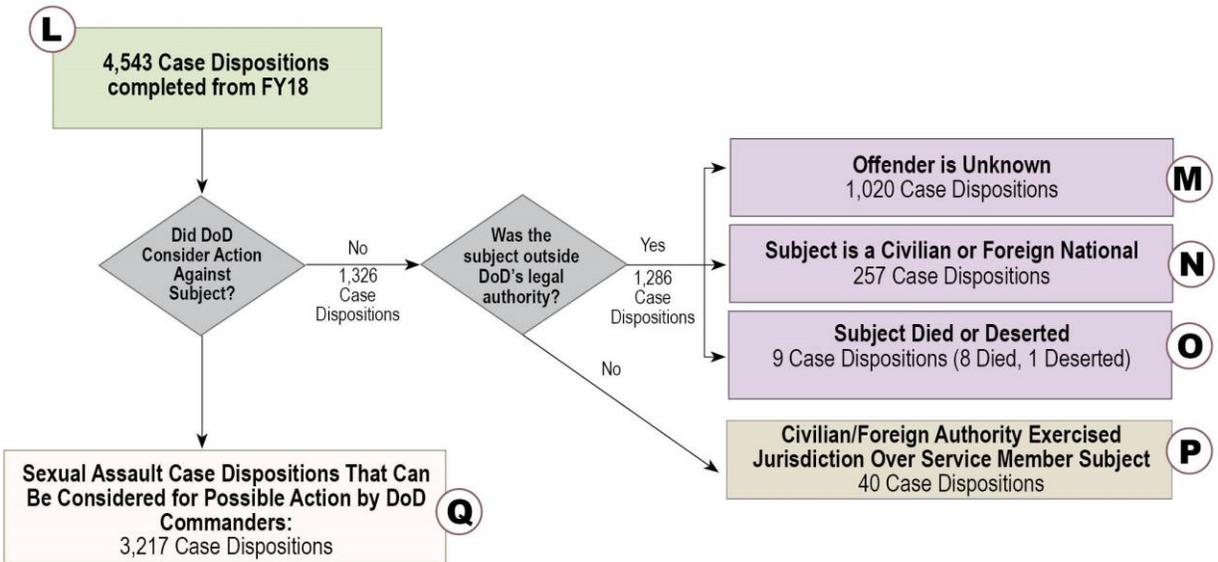
The 4,543 cases from DoD investigations for which dispositions were reported included Service members, U.S. civilians, foreign nationals, and subjects who could not be identified (Figure 22). Of these, DoD could not consider action in 1,326 cases because:

- 1,286 cases were outside of DoD's legal authority (Figure 22, Points M, N, and O). Specifically, MCIOs could not identify a subject despite a criminal investigation, a subject was a civilian or foreign national not under the military's jurisdiction, or a subject had died or deserted before DoD could take disciplinary action.
- 40 cases included Service members being prosecuted by a civilian/foreign authority (Figure 22, Point P). While a Service member is always under the legal authority of DoD, sometimes a civilian authority or foreign government will exercise its legal authority over a Service member who is suspected of committing a crime within its authority.

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<sup>15</sup> The number of investigations opened for reports made in FY18 is lower than the number of reports because there can be multiple victims in a single investigation, and some allegations could not be investigated by DoD or civilian law enforcement.

<sup>16</sup> Since these data were pulled in the second quarter of FY21, a small number of cases (N=92) have dispositions decisions dated in FY21 and will thus be reported in the FY21 Annual Report.



**Figure 22. Cases Outside DoD Legal Authority, FY18**

Source: DSAID

As explained on page 21, legal factors sometimes prevent DoD from taking disciplinary action against subjects. For example, commanders could not take disciplinary action in 1,004 cases due to insufficient evidence of an offense or the statute of limitations expiring. For 259 subject cases, commanders' adjudication decisions respected the desire of victims to decline further participation in the military justice process (Figure 23, Point U). After examining the evidence in each case with a military attorney, commanders declined to take action in 64 cases since available evidence indicated the allegations were false or baseless (Figure 23, Point V).

For 1,890 cases (59 percent), commanders had sufficient evidence and the legal authority to support some form of disciplinary action for an alleged sexual assault offense or other misconduct (Figure 23, Point R). When a subject receives more than one disposition in a single case, DoD reports only the most serious disciplinary action. The possible actions, listed in descending order of severity, are preferral of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative action.

The following outlines the command actions taken for the 1,216 cases for which it was determined a sexual assault offense warranted discipline:

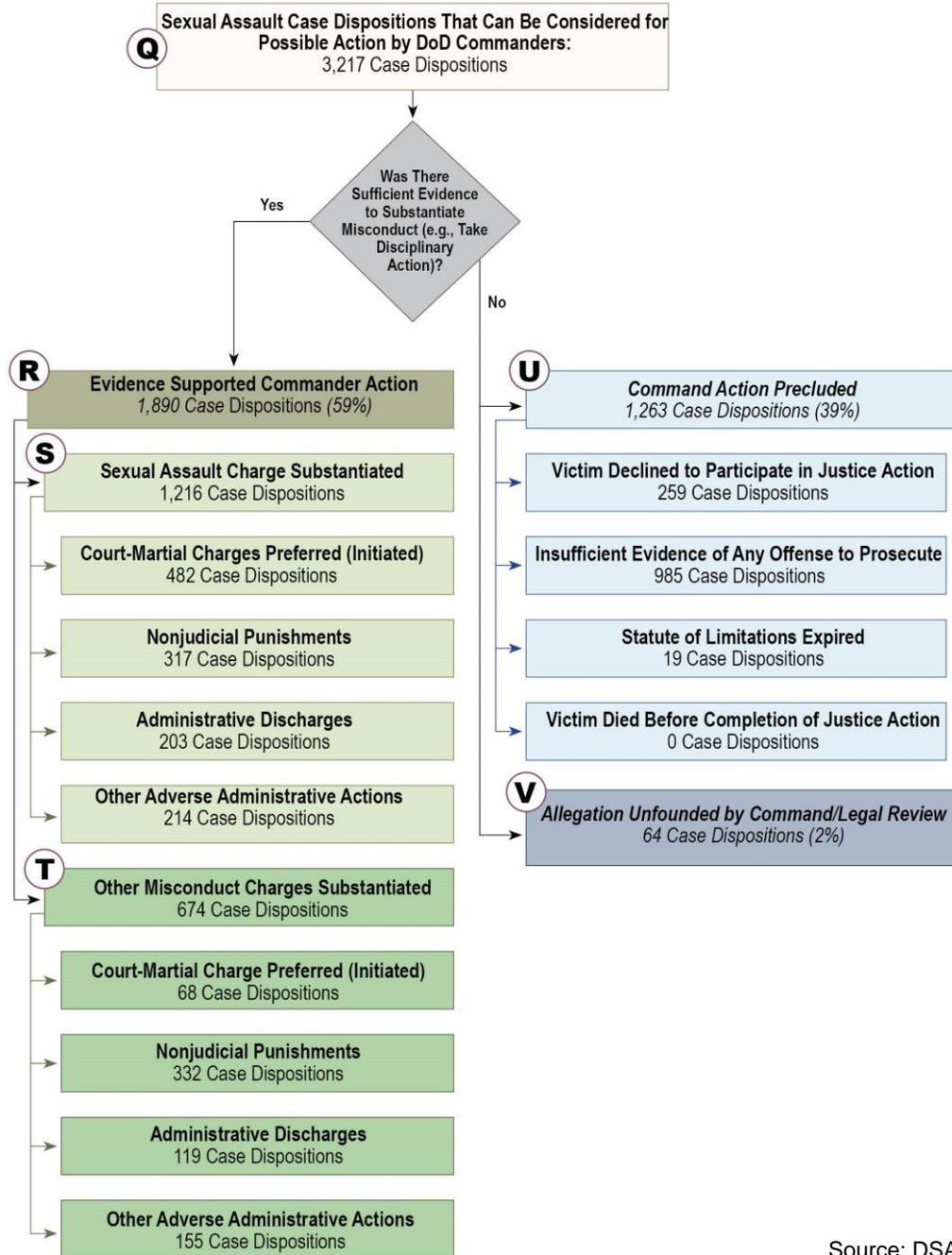
- 482 (40 percent) of cases had court-martial charges preferred.
- 317 (26 percent) were associated with proceedings for nonjudicial punishment under Article 15 of the UCMJ.
- 417 (34 percent) were associated with a discharge or another adverse administrative action.<sup>17</sup>

For 674 cases, evidence supported command action for other misconduct discovered during the sexual assault investigation (e.g., making a false official statement, adultery, underage drinking, or other crimes under the UCMJ), but not a sexual assault charge. Command actions for these cases follow below:

- 68 (10 percent) of cases had court-martial charges preferred.
- 332 (49 percent) were associated with proceedings for nonjudicial punishment.

<sup>17</sup> Percentages may not add to 100 due to rounding.

- 274 (41 percent) were associated with some form of adverse administrative action or discharge.



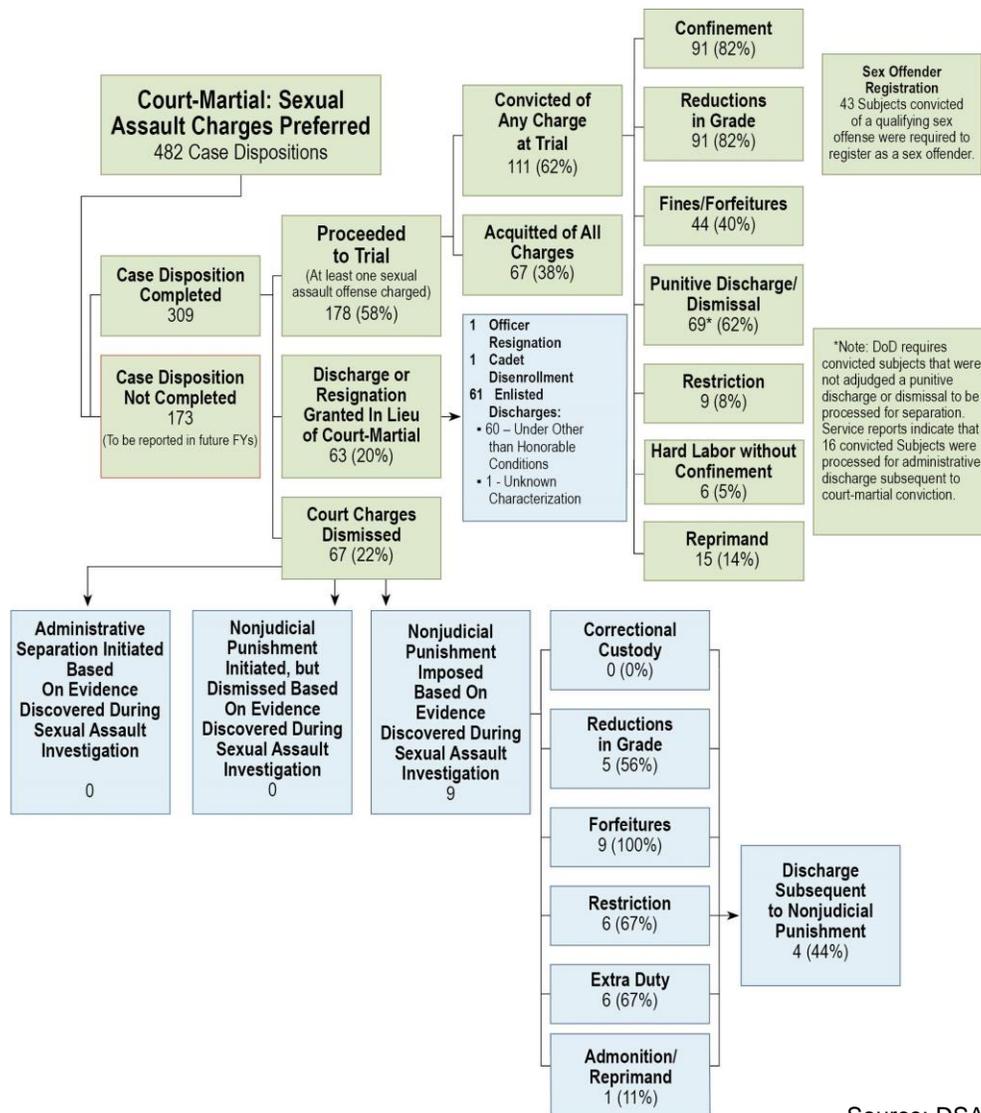
**Figure 23. Dispositions of Cases under DoD Legal Authority, FY18**

As noted previously, in 482 cases court-martial charges were preferred. The dispositions and the sentences imposed by courts-martial are for those subjects with at least one sexual assault charge adjudicated at any time for a report made in FY18.

Figure 24 shows that 178 cases proceeded to trial, 62 percent of which were associated with a conviction of at least one charge at court-martial. The Military Services processed 16 convicted subjects who did not receive a punitive discharge or dismissal for administrative separation from Military Service.

Court-martial charges in 67 cases were dismissed. However, commanders used evidence gathered during the sexual assault investigations to take nonjudicial punishment for other misconduct in 9 cases. The punishment may have been for any kind of misconduct for which there was evidence.

A total of 63 cases resulted in a RILO/DILO. Of those cases, 60 were enlisted members who received an UOTHC separation, the most adverse characterization of discharge possible administratively.



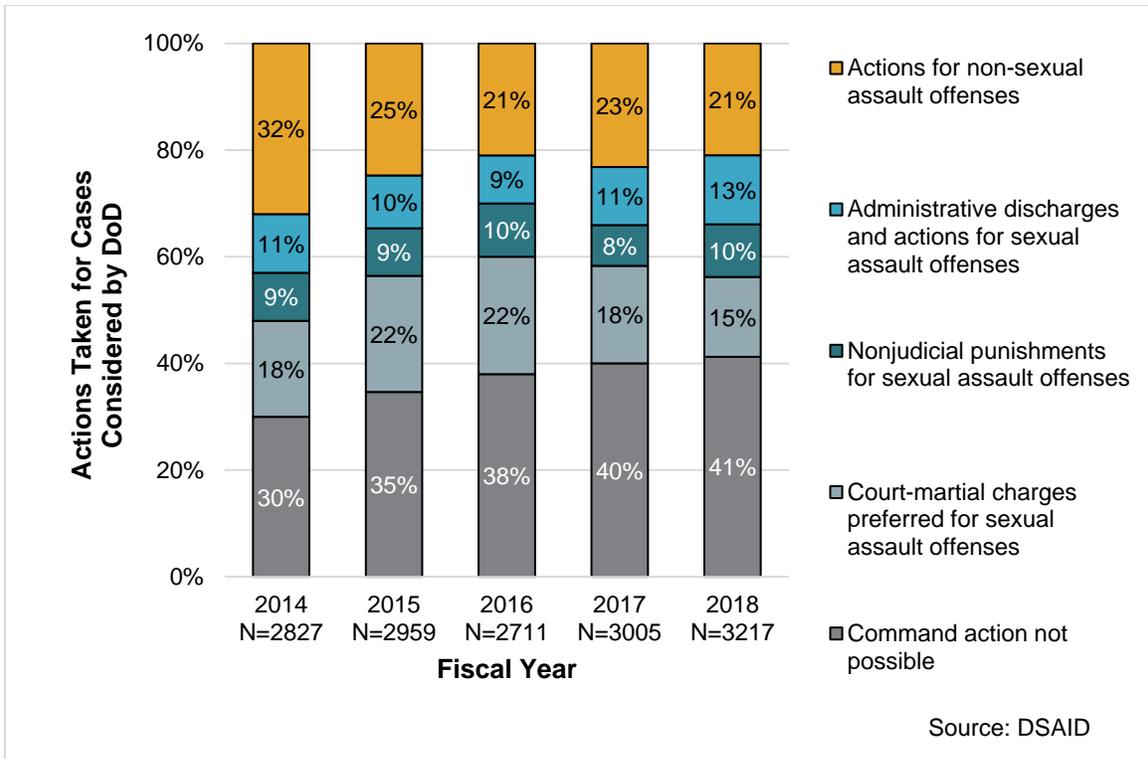
Source: DSAID

**Figure 24. Court-Martial Preferred for Sexual Assault, FY18**

**Note:** Percentages for some categories do not sum to 100 percent due to rounding. Punishments do not sum to 100 percent because cases can have multiple punishments.

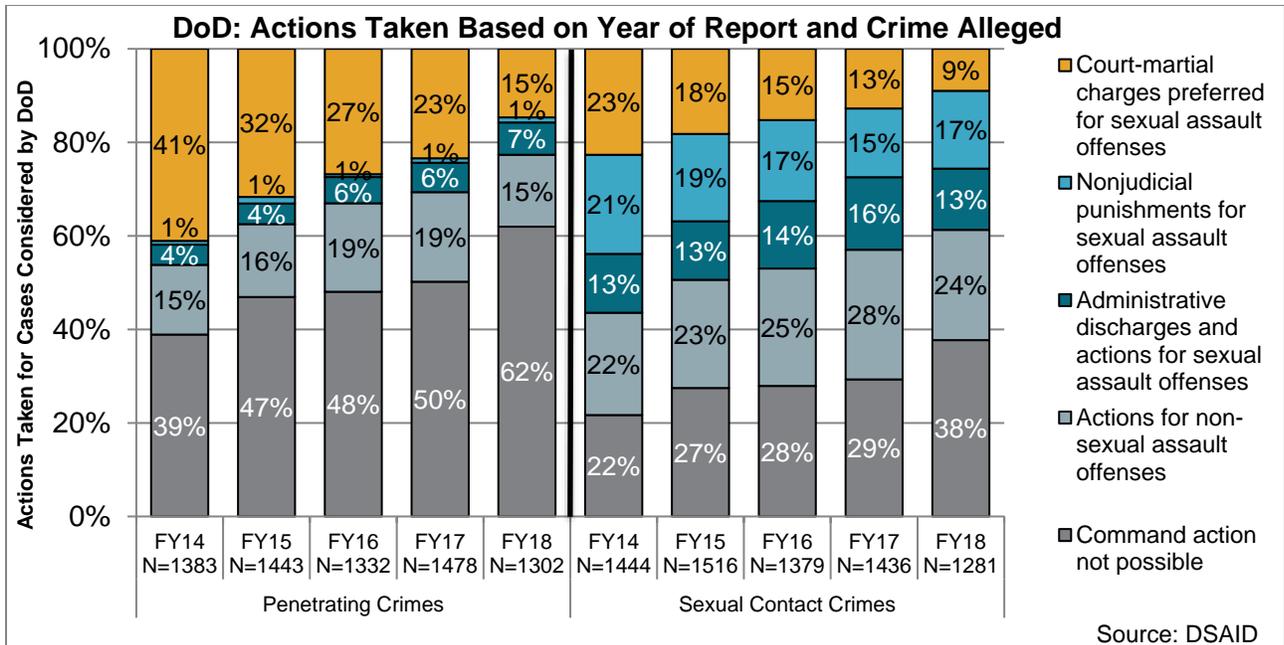
*Comparisons of Longitudinal Analyses for FY14 through FY18 Data*

Since 2014, DoD has tracked Unrestricted Reports from the date a report is made to the date the investigation and/or adjudication process has been completed. The following analyses are of judicial outcomes in Unrestricted Reports made to DoD authorities between FY14 and FY18 (Figure 25).



**Figure 25. Actions Taken in Completed Investigations of Unrestricted Reports, FY14 – FY18**

Figure 26 displays the proportions of actions taken in penetrating offense cases and sexual contact offense cases from FY14 to FY18. Commanders were able to take more action in sexual contact offense cases (63 percent in FY18) than in penetrating offense cases (38 percent in FY18) across all FYs.



**Figure 26. Actions Taken Based on Crime Alleged, FY14 – FY18**

### Sexual Assault Reports by Victim and Military Status by Service

The following tables contain reports of sexual assault to the DoD made in FY20. Each table represents a single Service and includes the type of report made and the type of reporter.

**Table 20. Army Sexual Assault Reports by Victim and Military Status, FY20**

|   | Unrestricted Reports | Restricted Reports | Total Reports |
|---|----------------------|--------------------|---------------|
| <b>Total Reports of Sexual Assault</b>  | <b>2,550</b>         | <b>700</b>         | <b>3,250</b>  |
| Reports Made by Service Members   | 2,012                | 671                | 2,683         |
| Reports Made by Non-Service Members   | 522                  | 27                 | 549           |
| <i>DoD Civilian Employee</i>  | 12                   | 0                  | 12            |
| <i>DoD Contractor Employee</i>  | 3                    | 0                  | 3             |
| <i>Other U.S. Civilian</i>  | 479                  | 27                 | 506           |
| <i>Foreign National/Military</i>  | 28                   | 0                  | 28            |
| <i>Relevant Data Not Available</i>  | 16                   | 2                  | 18            |
| Service Member Reports for Incidents that Occurred <b>Prior</b> to Military Service | 79                   | 72                 | 151           |
| Service Member Reports for Incidents that Occurred <b>During</b> Military Service   | 1,933                | 599                | 2,532         |

**Table 21. Navy Sexual Assault Reports by Victim and Military Status, FY20**

|   | <b>Unrestricted Reports</b> | <b>Restricted Reports</b> | <b>Total Reports</b> |
|---|-----------------------------|---------------------------|----------------------|
| <b>Total Reports of Sexual Assault</b>  | <b>1,204</b>                | <b>520</b>                | <b>1,724</b>         |
| Reports Made by Service Members   | 1,120                       | 518                       | 1,638                |
| Reports Made by Non-Service Members   | 79                          | 2                         | 81                   |
| <i>DoD Civilian Employee</i>  | 4                           | 0                         | 4                    |
| <i>DoD Contractor Employee</i>  | 0                           | 0                         | 0                    |
| <i>Other U.S. Civilian</i>  | 74                          | 2                         | 76                   |
| <i>Foreign National/Military</i>  | 1                           | 0                         | 1                    |
| <i>Relevant Data Not Available</i>  | 5                           | 0                         | 5                    |
| Service Member Reports for Incidents that Occurred <b>Prior</b> to Military Service | 67                          | 84                        | 151                  |
| Service Member Reports for Incidents that Occurred <b>During</b> Military Service   | 1,053                       | 434                       | 1,487                |

**Table 22. Marine Corps Sexual Assault Reports by Victim and Military Status, FY20**

|   | <b>Unrestricted Reports</b> | <b>Restricted Reports</b> | <b>Total Reports</b> |
|---|-----------------------------|---------------------------|----------------------|
| <b>Total Reports of Sexual Assault</b>  | <b>791</b>                  | <b>390</b>                | <b>1,181</b>         |
| Reports Made by Service Members   | 684                         | 382                       | 1,066                |
| Reports Made by Non-Service Members   | 107                         | 8                         | 115                  |
| <i>DoD Civilian Employee</i>  | 2                           | 0                         | 2                    |
| <i>DoD Contractor Employee</i>  | 0                           | 0                         | 0                    |
| <i>Other U.S. Civilian</i>  | 102                         | 8                         | 110                  |
| <i>Foreign National/Military</i>  | 3                           | 0                         | 3                    |
| <i>Relevant Data Not Available</i>  | 0                           | 0                         | 0                    |
| Service Member Reports for Incidents that Occurred <b>Prior</b> to Military Service | 73                          | 112                       | 185                  |
| Service Member Reports for Incidents that Occurred <b>During</b> Military Service   | 611                         | 270                       | 881                  |

**Table 23. Air Force Sexual Assault Reports by Victim and Military Status, FY20**

|   | Unrestricted Reports | Restricted Reports | Total Reports |
|---|----------------------|--------------------|---------------|
| <b>Total Reports of Sexual Assault</b>  | <b>1,095</b>         | <b>566</b>         | <b>1,661</b>  |
| Reports Made by Service Members   | 967                  | 550                | 1,517         |
| Reports Made by Non-Service Members   | 127                  | 16                 | 143           |
| <i>DoD Civilian Employee</i>  | 3                    | 6                  | 9             |
| <i>DoD Contractor Employee</i>  | 3                    | 0                  | 3             |
| <i>Other U.S. Civilian</i>  | 118                  | 10                 | 128           |
| <i>Foreign National/Military</i>  | 3                    | 0                  | 3             |
| <i>Relevant Data Not Available</i>  | 1                    | 0                  | 1             |
| Service Member Reports for Incidents that Occurred <b>Prior</b> to Military Service | 47                   | 80                 | 127           |
| Service Member Reports for Incidents that Occurred <b>During</b> Military Service   | 920                  | 470                | 1,390         |

### Case Dispositions Reported in FY20 by Service

The following tables include the case dispositions that were reported in FY20, broken out by Service. These numbers may include a report made before FY20 for which an investigation and/or judicial outcome were completed in FY20.

**Table 24. Army Case Disposition Category, FY20**

| Case Disposition Category   | Count of Case Dispositions | Share of Case Dispositions |
|---|----------------------------|----------------------------|
| <b>Sexual Assault Investigations Considered for Possible Action by DoD Commanders</b> | <b>1,921</b>               | <b>N/A</b>                 |
| <b>Evidence Supported Commander Action</b>  | <b>1,436</b>               | <b>75%</b>                 |
| Sexual Assault Offense Action   | 1,119                      | 78%                        |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 527                        | 47%                        |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 253                        | 23%                        |
| <i>Administrative Discharge</i>   | 182                        | 16%                        |
| <i>Other Adverse Administrative Action</i>  | 157                        | 14%                        |
| Non-Sexual Assault Offense Action   | 317                        | 22%                        |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 36                         | 11%                        |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 159                        | 50%                        |
| <i>Administrative Discharge</i>   | 73                         | 23%                        |
| <i>Other Adverse Administrative Action</i>  | 49                         | 15%                        |
| <b>Unfounded by Command/Legal Review</b>  | <b>1</b>                   | <b>&lt;1%</b>              |
| <b>Commander Action Precluded or Respected Victims' Desired Non-Participation</b>     | <b>484</b>                 | <b>25%</b>                 |
| <i>Victim Died</i>  | 0                          | 0%                         |
| <i>Victim Declined to Participate in the Military Justice Action</i>                  | 87                         | 18%                        |
| <i>Insufficient Evidence to Prosecute</i>   | 389                        | 80%                        |
| <i>Statute of Limitations Expired</i>   | 8                          | 2%                         |

Table 25. Navy Case Disposition Category, FY20

| Case Disposition Category   | Count of Case Dispositions | Share of Case Dispositions |
|---|----------------------------|----------------------------|
| <b>Sexual Assault Investigations Considered for Possible Action by DoD Commanders</b> | <b>655</b>                 | <b>N/A</b>                 |
| <b>Evidence Supported Commander Action</b>  | <b>363</b>                 | <b>55%</b>                 |
| Sexual Assault Offense Action   | 226                        | 62%                        |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 89                         | 39%                        |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 64                         | 28%                        |
| <i>Administrative Discharge</i>   | 40                         | 18%                        |
| <i>Other Adverse Administrative Action</i>  | 33                         | 15%                        |
| Non-Sexual Assault Offense Action   | 137                        | 38%                        |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 18                         | 13%                        |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 88                         | 64%                        |
| <i>Administrative Discharge</i>   | 12                         | 9%                         |
| <i>Other Adverse Administrative Action</i>  | 19                         | 14%                        |
| <b>Unfounded by Command/Legal Review</b>  | <b>23</b>                  | <b>4%</b>                  |
| <b>Commander Action Precluded or Respected Victims' Desired Non-Participation</b>     | <b>269</b>                 | <b>41%</b>                 |
| <i>Victim Died</i>  | 0                          | 0%                         |
| <i>Victim Declined to Participate in the Military Justice Action</i>                  | 40                         | 15%                        |
| <i>Insufficient Evidence to Prosecute</i>   | 229                        | 85%                        |
| <i>Statute of Limitations Expired</i>   | 0                          | 0%                         |

**Table 26. Marine Corps Case Disposition Category, FY20**

| <b>Case Disposition Category</b>  | <b>Count of Case Dispositions</b> | <b>Share of Case Dispositions</b> |
|---|-----------------------------------|-----------------------------------|
| <b>Sexual Assault Investigations Considered for Possible Action by DoD Commanders</b> | <b>391</b>                        | <b>N/A</b>                        |
| <b>Evidence Supported Commander Action</b>  | <b>218</b>                        | <b>56%</b>                        |
| Sexual Assault Offense Action   | 121                               | 56%                               |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 72                                | 60%                               |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 7                                 | 6%                                |
| <i>Administrative Discharge</i>   | 17                                | 14%                               |
| <i>Other Adverse Administrative Action</i>  | 25                                | 21%                               |
| Non-Sexual Assault Offense Action   | 97                                | 44%                               |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 17                                | 18%                               |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 30                                | 31%                               |
| <i>Administrative Discharge</i>   | 18                                | 19%                               |
| <i>Other Adverse Administrative Action</i>  | 32                                | 33%                               |
| <b>Unfounded by Command/Legal Review</b>  | <b>7</b>                          | <b>2%</b>                         |
| <b>Commander Action Precluded or Respected Victims' Desired Non-Participation</b>     | <b>166</b>                        | <b>42%</b>                        |
| <i>Victim Died</i>  | 0                                 | 0%                                |
| <i>Victim Declined to Participate in the Military Justice Action</i>                  | 23                                | 14%                               |
| <i>Insufficient Evidence to Prosecute</i>   | 143                               | 86%                               |
| <i>Statute of Limitations Expired</i>   | 0                                 | 0%                                |

**Table 27. Air Force Case Disposition Category, FY20**

| <b>Case Disposition Category</b>  | <b>Count of Case Dispositions</b> | <b>Share of Case Dispositions</b> |
|---|-----------------------------------|-----------------------------------|
| <b>Sexual Assault Investigations Considered for Possible Action by DoD Commanders</b> | <b>391</b>                        | <b>N/A</b>                        |
| <b>Evidence Supported Commander Action</b>  | <b>278</b>                        | <b>71%</b>                        |
| Sexual Assault Offense Action   | 166                               | 60%                               |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 110                               | 66%                               |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 29                                | 17%                               |
| <i>Administrative Discharge</i>   | 8                                 | 5%                                |
| <i>Other Adverse Administrative Action</i>  | 19                                | 11%                               |
| Non-Sexual Assault Offense Action   | 112                               | 40%                               |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 5                                 | 4%                                |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 33                                | 29%                               |
| <i>Administrative Discharge</i>   | 1                                 | 1%                                |
| <i>Other Adverse Administrative Action</i>  | 73                                | 65%                               |
| <b>Unfounded by Command/Legal Review</b>  | <b>2</b>                          | <b>1%</b>                         |
| <b>Commander Action Precluded or Respected Victims' Desired Non-Participation</b>     | <b>111</b>                        | <b>28%</b>                        |
| <i>Victim Died</i>  | 1                                 | 1%                                |
| <i>Victim Declined to Participate in the Military Justice Action</i>                  | 69                                | 62%                               |
| <i>Insufficient Evidence to Prosecute</i>   | 40                                | 36%                               |
| <i>Statute of Limitations Expired</i>   | 1                                 | 1%                                |