



## 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 reporting data on sexual assault to inform Sexual Assault Prevention and Response (SAPR) policy, program development, and oversight actions. Congress requires DoD to report on sexual assault reports, the outcome of sexual assault investigations, and related accountability actions. 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 intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.<sup>1</sup> 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>2</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>3</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>4</sup> Data analyses within this Appendix do not include:

- **Sexual harassment complaints.** The Office for 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,

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<sup>1</sup> Department of Defense Instruction 6495.02.

<sup>2</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>3</sup> The term “subject” does not denote innocence or guilt of the person being investigated.

<sup>4</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.

which includes Service members approved for early enlistment. Additionally, 16- and 17-year-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>5</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 a criminal investigation and any subsequent military justice proceedings, as applicable, 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 (WGR)*. The difference between estimated sexual assault prevalence measured using unwanted sexual contact estimates in 2021 (i.e., the estimated number of Service members indicating an experience of unwanted sexual contact in the past year) and the number of reports received in the year is described in detail in Figure 3 of this Appendix. Additionally, reports may be made to DoD at any time, including reports of alleged sexual assaults that occurred prior to service.

### *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 Military Services' Reports for individual case synopses). When a person is the subject of multiple investigations, he or she will also be associated with more

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<sup>5</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" or "report" 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 imply a finding of fact.

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,<sup>6</sup> as appropriate. A servicing staff judge advocate may also review the MCIO report and 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 under the UCMJ extends mostly to Service members, with limited exceptions. 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. 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.<sup>7</sup>

## Period Covered

This Annual Report includes data on sexual assaults reported from October 1, 2021 to September 30, 2022, 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

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<sup>6</sup> The military justice reforms directed by Congress in the Fiscal Year 2022 National Defense Authorization Act, and implemented by the President via Executive Order, are not yet in effect and are not reflected in the data collected during FY22.

<sup>7</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.

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 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 alleged 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 FY22. 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. DoD 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 FY22

In FY22, the Military Services received 8,942 reports of sexual assault involving Service members as either victims or subjects (Table 1 and Figure 1), a 1 percent increase from reports made in FY21.

As stated above, DoD sexual assault reports are categorized as either Restricted or Unrestricted. Of the 8,942 reports received in FY22, 3,001 reports remained Restricted at the end of the year, approximately a 20 percent increase from the number remaining Restricted in FY21. Of these, 319 reports (11 percent) involved incidents that occurred prior to the Service member’s military service.

***Of the 8,942 reports of sexual assault involving Service members, how many were made by Service members as alleged victims?***

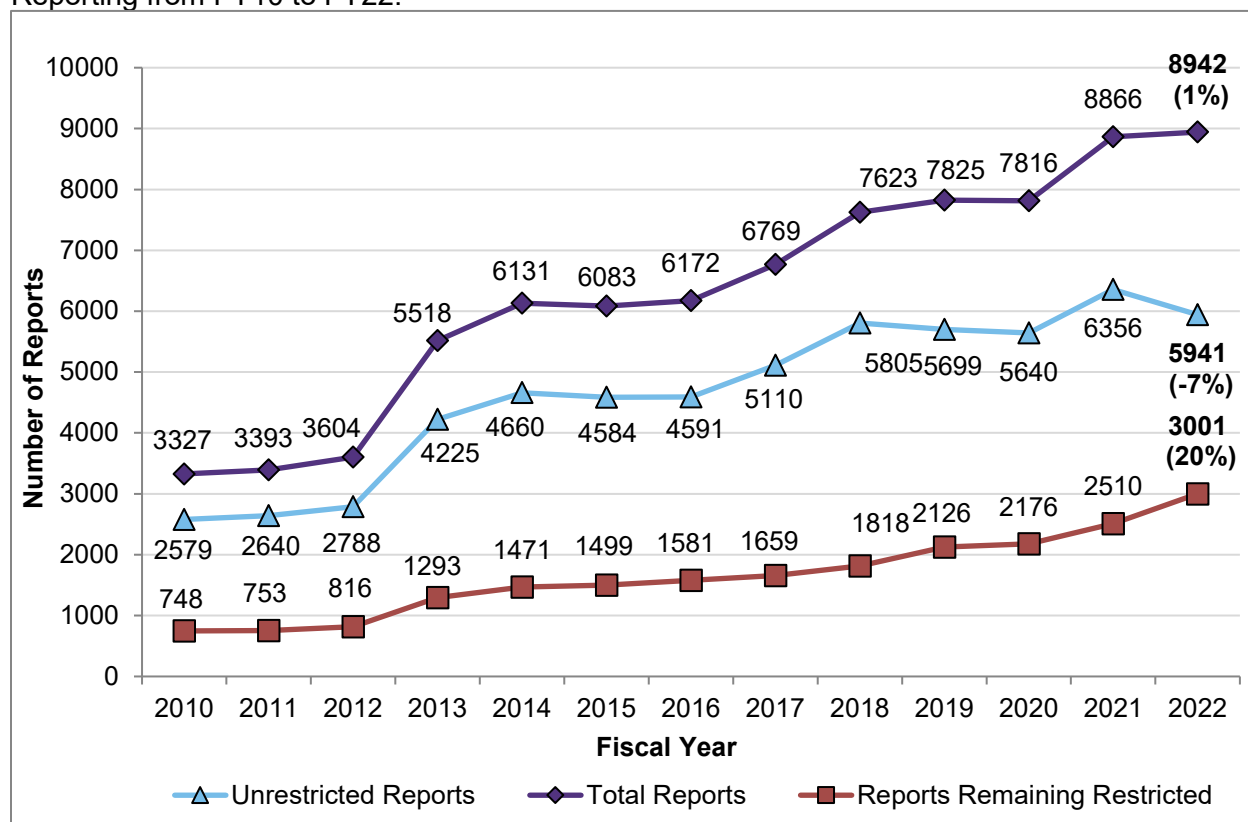
Service members made 7,958 reports. Of these, 580 reports were for incidents that occurred prior to military service and 7,378 reports were for incidents that occurred during military service.

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

797 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 187 reports.



Of the 8,942 reports, 5,941 reports were Unrestricted, a 7 percent decrease from the number of Unrestricted Reports in FY21.<sup>8</sup> Of these, 261 reports (4 percent) involved incidents that occurred prior to military service. Figure 1 displays the trend in Unrestricted and Restricted Reporting from FY10 to FY22.



**Figure 1. Reports of Sexual Assault Made to DoD, FY10 – FY22**

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 57.

<sup>8</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, 83 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 83 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 681 report conversions.

**Table 1. Sexual Assault Reports by Victim and Military Status, FY22**

|                                                                                            | Unrestricted Reports | Restricted Reports | Total Reports |
|--------------------------------------------------------------------------------------------|----------------------|--------------------|---------------|
| <b>Total Reports of Sexual Assault</b>                                                     | <b>5,941</b>         | <b>3,001</b>       | <b>8,942</b>  |
| Reports Made by Service Members                                                            | 5,015                | 2,943              | 7,958         |
| <i>Service Member Reports for Incidents that Occurred <b>Prior</b> to Military Service</i> | 261                  | 319                | 580           |
| <i>Service Member Reports for Incidents that Occurred <b>During</b> Military Service</i>   | 4,754                | 2,624              | 7,378         |
| Reports Made by Non-Service Members                                                        | 748                  | 49                 | 797           |
| <i>DoD Civilian</i>                                                                        | 33                   | 11                 | 44            |
| <i>DoD Contractor</i>                                                                      | 14                   | 0                  | 14            |
| <i>Other U.S. Civilian</i>                                                                 | 669                  | 29                 | 698           |
| <i>Foreign National/Military</i>                                                           | 32                   | 9                  | 41            |
| Relevant Data Not Available                                                                | 178                  | 9                  | 187           |

To compare sexual assault reports across Military Services with varied population sizes, DoD calculates a reporting rate per thousand Service members.<sup>9</sup> Standardized reporting rates also allow for year-over-year comparisons, even when the total number of people in a group has changed. In FY22, for every 1,000 Service members, 6.0 Service members made a Restricted or Unrestricted Report of sexual assault, a slight increase from prior years. Table 2 compares the reporting rate by Military Service and across FYs.

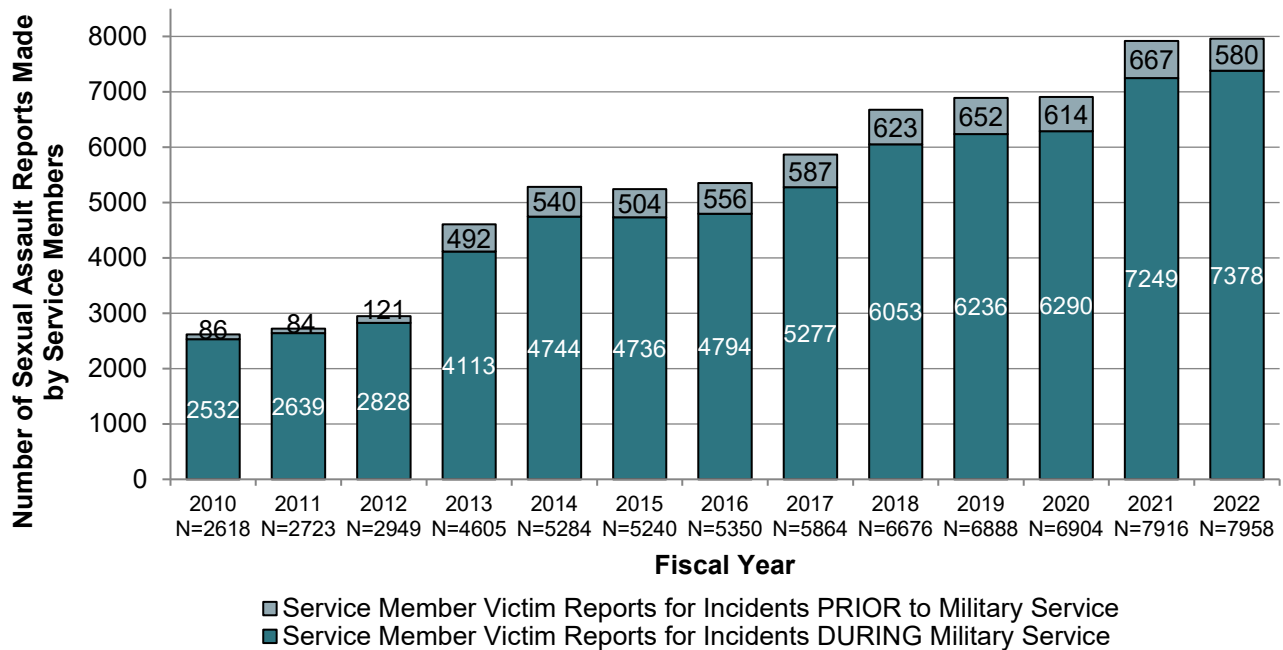
**Table 2. Reporting Rate per Thousand Service Members by Fiscal Year and Service, FY13 – FY22**

| Service      | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|--------------|------|------|------|------|------|------|------|------|------|------|
| Total DoD    | 3.3  | 3.9  | 4.0  | 4.1  | 4.5  | 5.1  | 5.1  | 5.1  | 5.9  | 6.0  |
| Army         | 3.5  | 4.2  | 4.2  | 4.4  | 4.7  | 5.5  | 5.5  | 5.5  | 7.1  | 6.6  |
| Navy         | 3.2  | 3.6  | 3.8  | 4.1  | 4.5  | 4.8  | 5.0  | 4.7  | 5.2  | 5.7  |
| Marine Corps | 3.8  | 4.1  | 4.1  | 4.1  | 4.8  | 5.7  | 5.4  | 5.9  | 6.1  | 6.5  |
| Air Force    | 2.9  | 3.7  | 3.7  | 3.7  | 4.0  | 4.3  | 4.6  | 4.5  | 4.6  | 5.3  |

Research shows that reporting sexual assault increases the likelihood that victims will engage in medical treatment and other forms of assistance.<sup>10</sup> The Department 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 military service compared with the number of reports for incidents experienced *during* military service.

<sup>9</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>10</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.



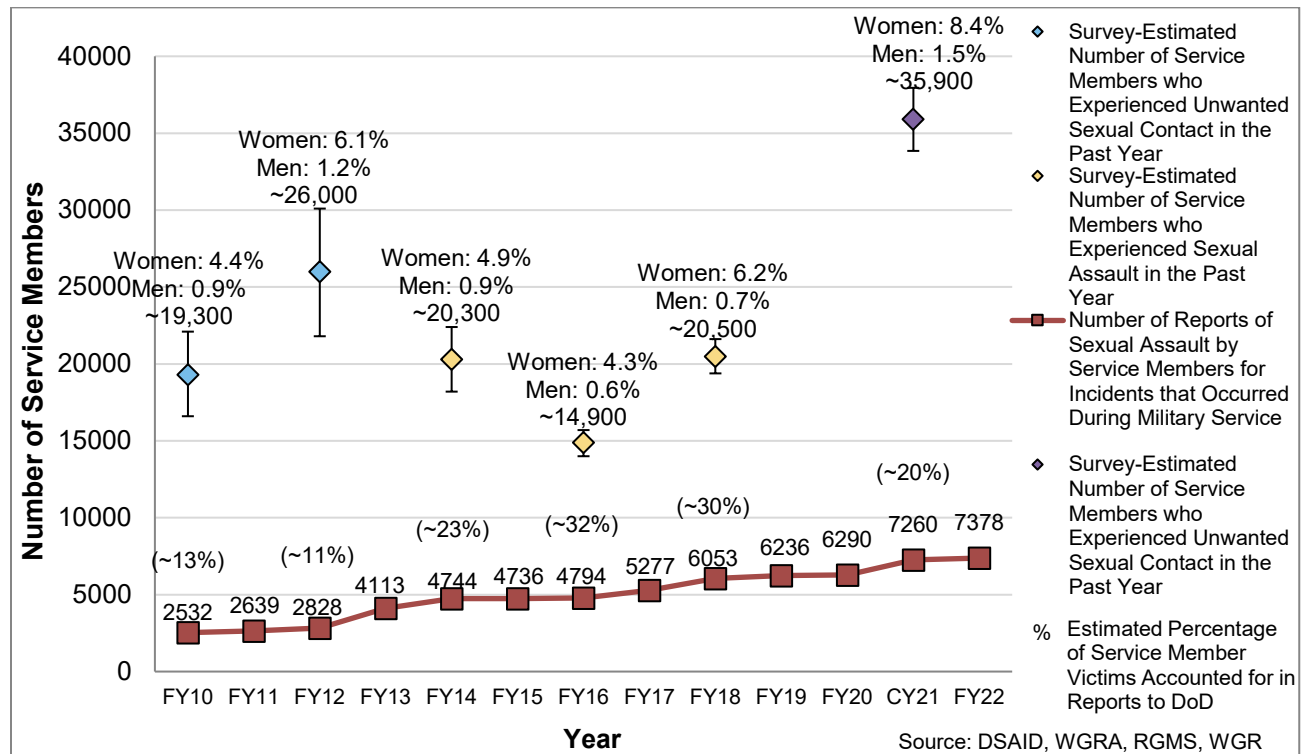
**Figure 2. DoD Sexual Assault Reports Made by Service Members for Incidents that Occurred During and Prior to Military Service, FY10 – FY22**

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 *WGR* survey to estimate the number of Service members who may have **experienced** a sexual assault or unwanted sexual contact 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 or unwanted sexual contact, based on the *WGR*, 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 Calendar Year (CY) 06, FY10, FY12, FY14, FY16, FY18, and CY21.

Due to the coronavirus pandemic, the Department did not administer a sexual assault prevalence survey in FY20. Consequently, DoD postponed the fielding of the *WGR* to December 2021 to March 2022. The 2021 survey results include Service members' experiences in the 12 months prior to their taking the survey, a period which began on December 10, 2020. In addition, changes to survey administration procedures required the Department to change sexual assault prevalence metrics for the FY21 *WGR*. As a result, the department was required to replace the lengthy, RAND-developed sexual assault measure with a shorter, proxy measure for sexual assault in the military, Unwanted Sexual Contact (USC).<sup>11</sup>

<sup>11</sup> The term "unwanted sexual contact" is used as a proxy term for crimes consistent with sexual assault and is used to estimate prevalence in the 2021 *Workplace and Gender Relations Survey (WGR)*. It refers to a range of behaviors prohibited by the UCMJ and includes penetrative sexual assault (completed intercourse, sodomy [oral or anal sex], and penetration by an object), non-penetrative sexual assault (unwanted touching of genitalia, breasts, buttocks, and/or inner thigh), and attempted penetrative sexual assault (attempted sexual intercourse, sodomy [oral or anal sex], and penetration by object).

While this report includes information about sexual assault reports made during fiscal years (October 1 through September 30), the prevalence estimate for unwanted sexual contact generated by the most recent *WGR* covers a 12-month period more closely aligned with Calendar Year (CY) 2021. For the reporting data shown in Figure 3 only, the Department presents sexual assault reports made in CY21 to better align with the period of prevalence assessed by the *WGR* survey.



**Figure 3. Estimated Number of Service Members Who Indicated an Experience of Unwanted Sexual Contact or 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 – FY22**

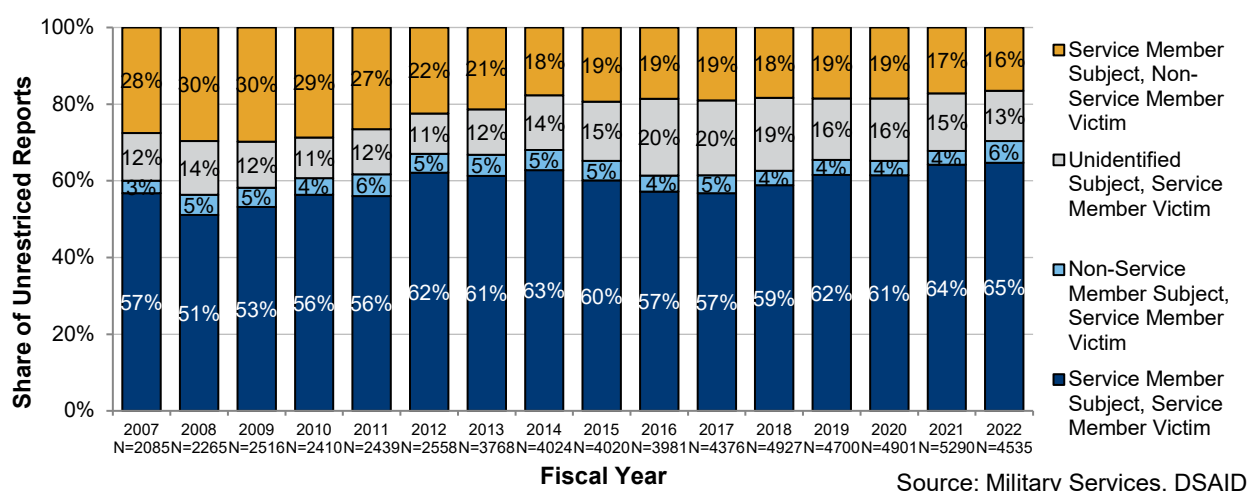
**Note:** The number for “unwanted sexual contact” (USC) refers to the measure used on the survey administered by Office of People Analytics (OPA) in FY10 and FY12. The “sexual assault” measure used in FY14, FY16, and FY18 was designed to align more closely with legal language from the UCMJ. The USC measure used on the 2021 *WGR* was the result of a change directed by the Office of Management and Budget in federal survey procedures. The USC measure fielded for the 2021 *WGR* has been revised since it was last used in the active duty population in FY12. The 2021 USC measure has not been rigorously compared to the RAND measure employed from FY14 to FY18. As a result, no scientific comparisons have been made between USC prevalence in 2021 and prior year prevalence estimates.

In CY21, approximately 8.4 percent of active duty women and 1.5 percent of active duty men indicated experiencing at least one past-year incident of unwanted sexual contact. These rates correspond to about 35,875 Service members experiencing unwanted sexual contact in the year prior to being surveyed. Of the 35,875 estimated victims in CY21, about 19,255 were women and 16,620 were men. The next survey will be administered in FY23 and results reported out in the FY23 Annual Report to Congress due to Congress by April 30, 2024.

In FY22, the number of Service members choosing to report a sexual assault that occurred during military Service increased, from 7,260 in CY21 to 7,378 in FY22.

## Unrestricted Reports of Sexual Assault

In FY22, there were 4,535 Unrestricted Reports of sexual assault involving Service members as the subject and/or victim of a sexual assault.<sup>12</sup> For a detailed analysis of victim demographics in completed investigations, see page 31. Each FY, most sexual assault reports received by MCIOs involve victimization allegations of Service members by other Service members. In FY22, 2,933 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 FY22.



**Figure 4. Unrestricted Reports of Sexual Assault by Service Member Involvement, FY10 – FY22**

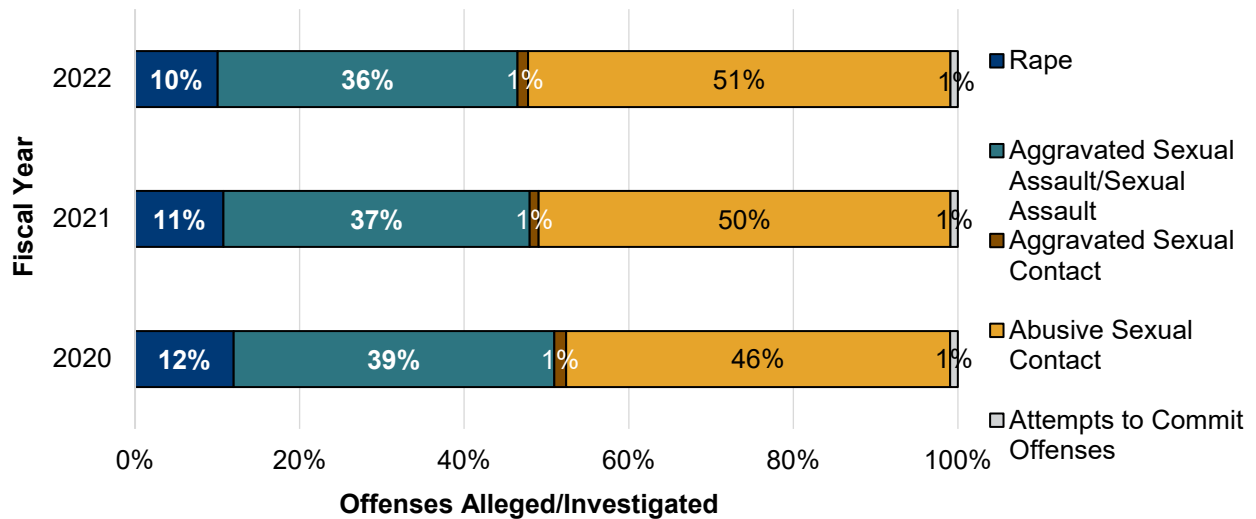
**Note:** There were 5,941 Unrestricted Reports in FY22, 6,356 Unrestricted Reports in FY21, 5,640 Unrestricted Reports in FY20, 5,699 Unrestricted Reports in FY19, 5,805 Unrestricted Reports in FY18, 5,110 Unrestricted Reports in FY17, and 4,591 Unrestricted Reports in FY16. However, for the analysis in Figure 4, we excluded 1,406 reports from FY22, 1,066 reports from FY21, 1,064 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.

## Crimes Alleged in Unrestricted Reports

Of the Unrestricted Reports made to DoD in FY22, most offenses alleged fall into three of the five UCMJ offenses the Department addresses with the SAPR program: rape, sexual assault, and abusive sexual contact. They do not, or rarely, include the offenses of aggravated sexual

<sup>12</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, 83 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 83 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 681 report conversions.

contact and forcible sodomy or attempts to commit any of the five offenses. MCIOs categorize Unrestricted Reports by the most serious offense *alleged* in a victim’s allegation, which may 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 – FY22**

**Note:** There were 5,941 Unrestricted Reports in FY22. However, 1,138 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 may not sum to 100 percent due to rounding. **Bold** text labels designate penetrating crimes (rape, aggravated sexual assault/sexual assault, and forcible sodomy).

**Table 3. Unrestricted Reports of Sexual Assault by Offense Alleged and Military Status, FY22**

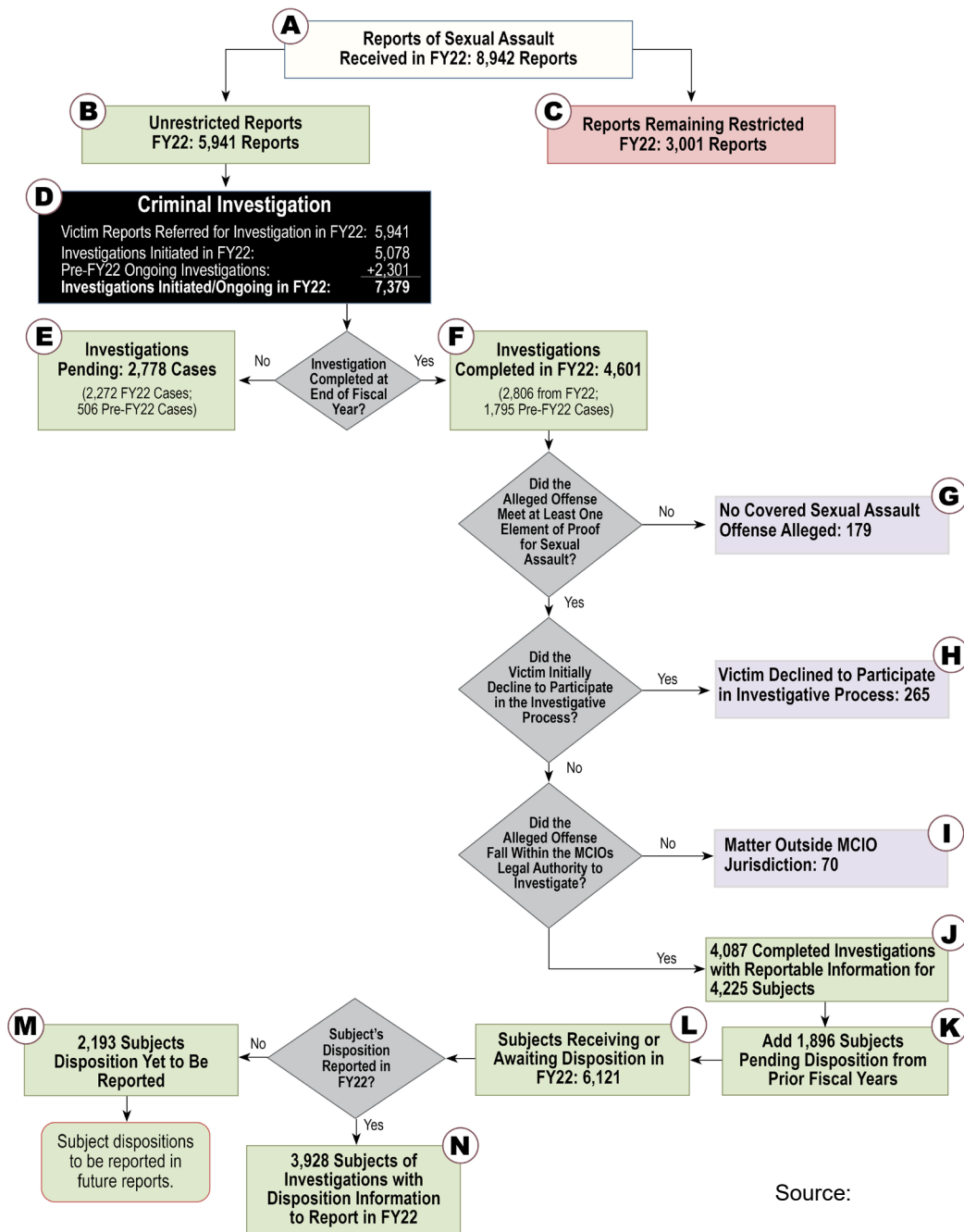
| Most Serious Offense Alleged in Report | Total Unrestricted Reports | Reports Made by Service Members | Reports Made by Non-Service Members | Relevant Data Not Available |
|----------------------------------------|----------------------------|---------------------------------|-------------------------------------|-----------------------------|
| Rape                                   | 481                        | 349                             | 110                                 | 22                          |
| Sexual Assault                         | 1,745                      | 1,301                           | 359                                 | 85                          |
| Aggravated Sexual Contact              | 61                         | 56                              | 5                                   | 0                           |
| Abusive Sexual Contact                 | 2,458                      | 2,176                           | 213                                 | 69                          |
| Wrongful Sexual Contact                | 2                          | 2                               | 0                                   | 0                           |
| Indecent Assault                       | 13                         | 11                              | 0                                   | 2                           |
| Forcible Sodomy                        | 0                          | 0                               | 0                                   | 0                           |
| Attempts to Commit Offenses            | 43                         | 38                              | 5                                   | 0                           |
| Offense Data Not Available             | 1,138                      | 1,082                           | 56                                  | 0                           |
| <b>Total Unrestricted Reports</b>      | <b>5,941</b>               | <b>5,015</b>                    | <b>748</b>                          | <b>178</b>                  |

### Investigations of Unrestricted Reports

This section closely mirrors the flow chart in Figure 6. In FY22, 5,941 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 FY22 was 3.4 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 FY22 were closed and adjudicated in FY22. In addition, some cases opened in prior years had a completed investigation and/or final disposition taken in FY22. The accounting that follows includes reports received in FY22, reports referred for investigation in FY22, investigations completed/pending in FY22, and the outcomes of case adjudications completed and reported to DoD in FY22.

Of the 4,601 sexual assault investigations MCIOs completed during FY22 (Figure 6, Point F), 2,806 were opened in FY22, and 1,795 investigations were opened in years prior to FY22. Of the 4,601 investigations completed in FY22, 179 cases did not meet the elements of proof for sexual assault offenses or were investigated for some misconduct other than sexual assault (Figure 6, Point G), 265 cases did not proceed because the victim declined at the outset to participate in the investigative process (Figure 6, Point H), and 70 cases did not fall within MCIOs' legal authority to investigate (e.g., no jurisdiction over alleged perpetrator) (Figure 6, Point I). In total, DoD received reportable case disposition information for 3,928 subjects (Figure 6, Point N). DoD will document the outcomes of the 2,193 sexual assault case dispositions that were not completed by September 30, 2022 in future reports (Figure 6, Point M).



Source:

**Figure 6. Reports of Sexual Assault, Completed Investigations, and Case Dispositions, FY22**

**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 FY22 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 FY22 did not begin until FY22, 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, 83 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 83 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 681 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>13</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?***

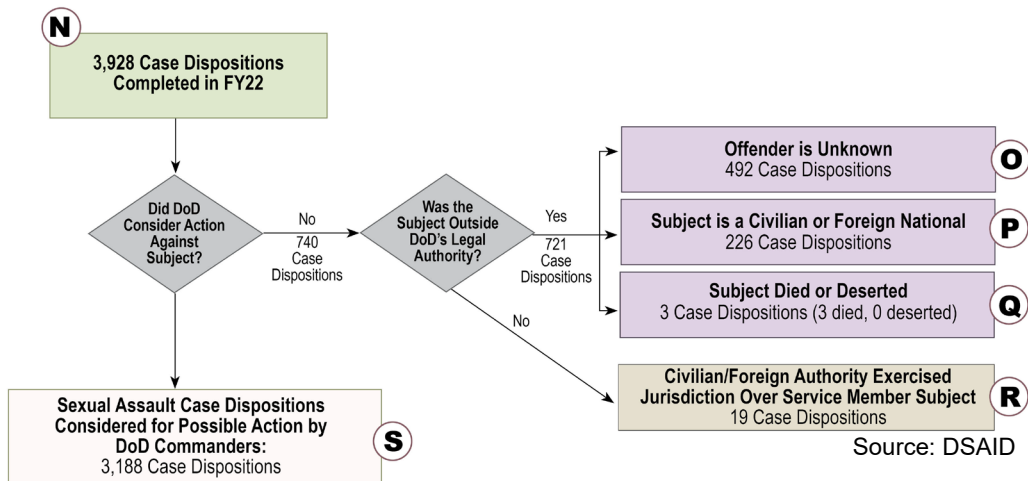
No. In FY22, DoD could not take action in 721 cases because they were outside DoD’s legal authority.

This year, 136 subjects received multiple dispositions for sexual assault allegations. These 136 subjects received a total 306 disposition actions, which accounts for 8 percent of all dispositions reported in FY22. The following data describe the case dispositions of each investigation reported to the DoD in FY22.

At the end of FY22, there were 3,928 case dispositions (Figure 7, Point N) with information for reports made in FY22 and prior FYs. Of the subjects accounted for in these case dispositions, 61 subjects (2 percent) had a prior investigation for a sexual assault offense. The 3,928 case dispositions from DoD investigations in FY22 included Service members, U.S. civilians, foreign nationals, and subjects who could not be identified (Figure 7).

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<sup>13</sup> To standardize and improve the reliability and validity of DSAID data, DoD verifies data with stakeholders. This ensures DoD maintains DSAID data integrity.



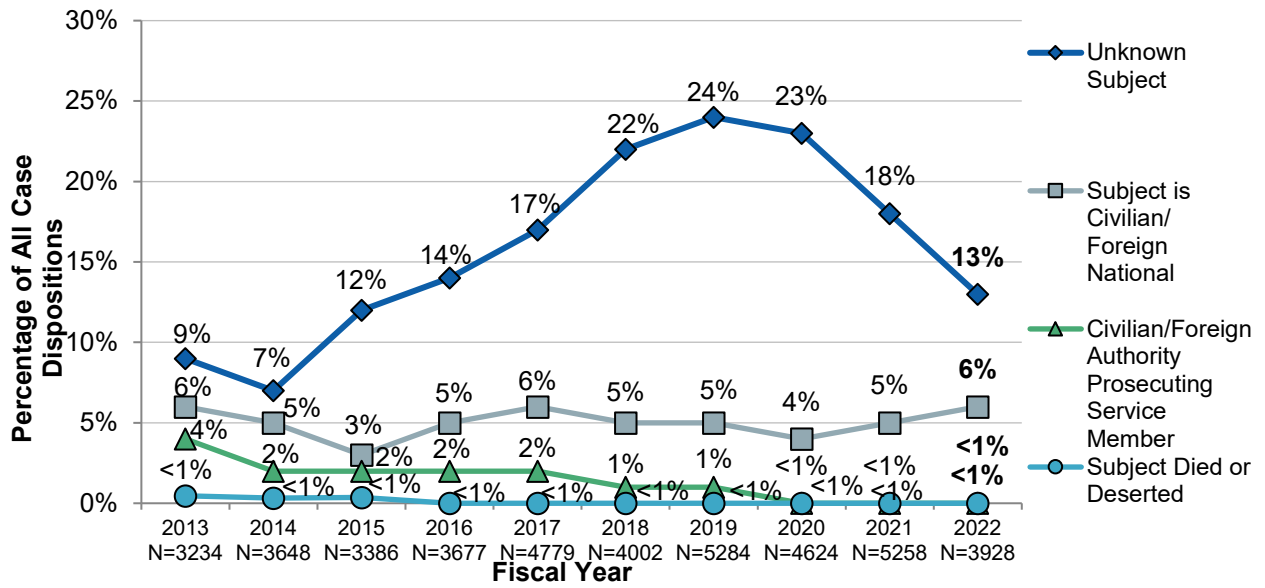
**Figure 7. Cases Outside DoD Legal Authority, FY22**

For most cases, commanders are limited to taking action against Service members who are subject to the UCMJ. In FY22, DoD did not consider military justice actions against a subject in 740 cases because the subject was outside of DoD’s jurisdiction or because another prosecutorial authority (federal, state, or foreign nation) exercised jurisdiction over the subject.

In 721 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 FY22, a civilian or foreign authority prosecuted 19 Service members (Figure 7, Point R).

Figure 8 illustrates that DoD could not consider action in 13 percent of the 3,928 case dispositions completed in FY22 because the subject could not be identified. DoD could not consider action in another 6 percent of cases because subjects were civilians or foreign nationals not under the military’s jurisdiction. The Military Services also reported no disciplinary action for less than 1 percent of cases because subjects had deserted or died before the cases reached final disposition. For less than 1 percent of cases, DoD did not exercise its legal authority because a civilian or foreign authority exercised its jurisdiction over the accused Service member.



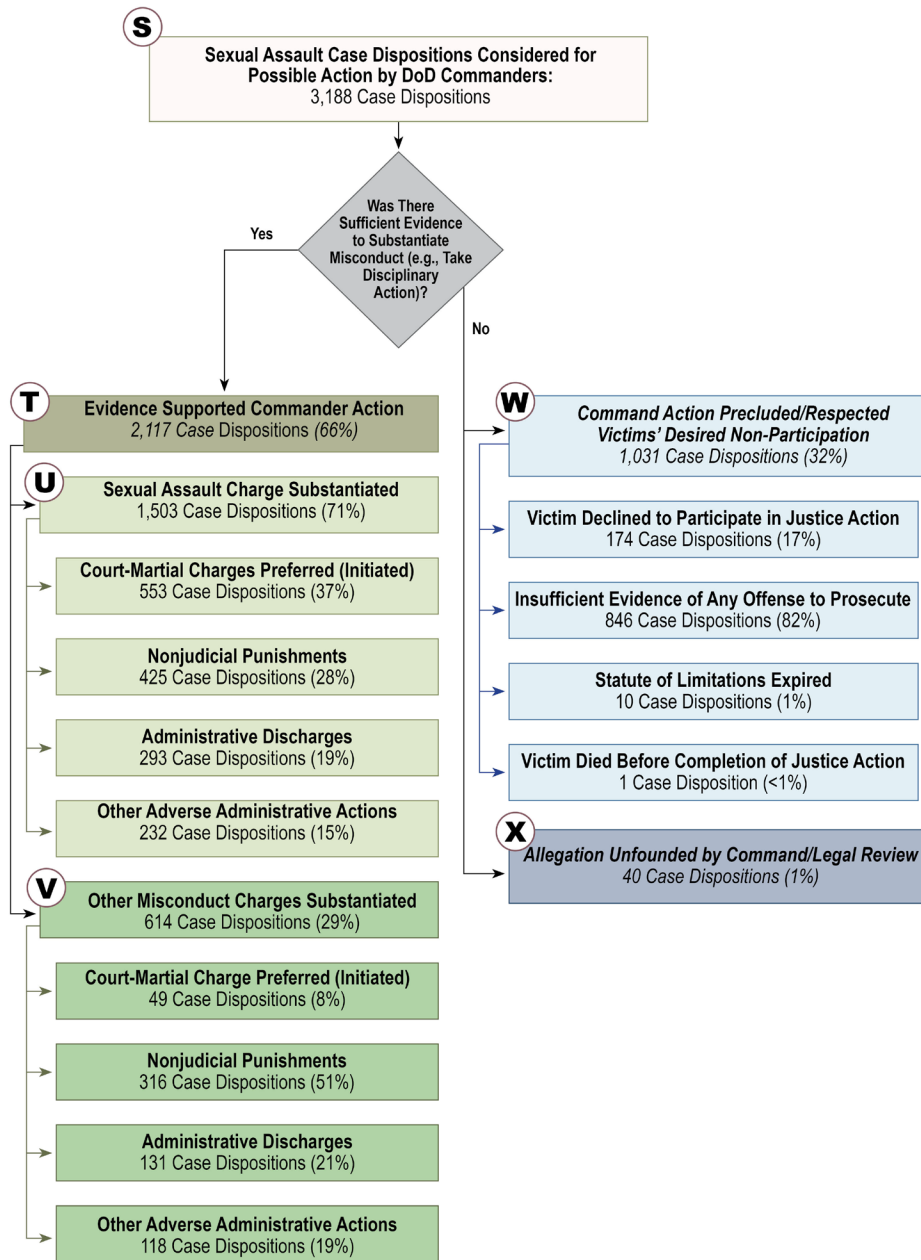
**Figure 8. Cases Investigated for Sexual Assault by DoD with Subjects Determined to Be Outside Military Disposition Authority or Prosecuted by a Civilian/Foreign Authority Instead, FY13 – FY22**

## Military Subjects Considered for Disciplinary Action

In FY22, there were 3,188 cases where DoD was the disposition authority, in which a civilian (including foreign civilian) jurisdiction did not exercise 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 57. Of the 3,188 cases, 240 involved alleged assaults against multiple victims.

**Table 4. Case Dispositions Reported in FY22**

| Case Disposition Category                                                             | Count of Case Dispositions | Share of Case Dispositions |
|---------------------------------------------------------------------------------------|----------------------------|----------------------------|
| <b>Sexual Assault Investigations Considered for Possible Action by DoD Commanders</b> | <b>3,188</b>               | <b>N/A</b>                 |
| <b>Evidence Supported Commander Action</b>                                            | <b>2,117</b>               | <b>66%</b>                 |
| Sexual Assault Offense Action                                                         | 1,503                      | 71%                        |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 553                        | 37%                        |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 425                        | 28%                        |
| <i>Administrative Discharge</i>                                                       | 293                        | 19%                        |
| <i>Other Adverse Administrative Action</i>                                            | 232                        | 15%                        |
| Non-Sexual Assault Offense Action                                                     | 614                        | 29%                        |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 49                         | 8%                         |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 316                        | 51%                        |
| <i>Administrative Discharge</i>                                                       | 131                        | 21%                        |
| <i>Other Adverse Administrative Action</i>                                            | 118                        | 19%                        |
| <b>Unfounded by Command/Legal Review</b>                                              | <b>40</b>                  | <b>1%</b>                  |
| <b>Commander Action Precluded or Respected Victims' Desired Non-Participation</b>     | <b>1,031</b>               | <b>32%</b>                 |
| <i>Victim Died</i>                                                                    | 1                          | <1%                        |
| <i>Victim Declined to Participate in the Military Justice Action</i>                  | 174                        | 17%                        |
| <i>Insufficient Evidence to Prosecute</i>                                             | 846                        | 82%                        |
| <i>Statute of Limitations Expired</i>                                                 | 10                         | 1%                         |



Source:

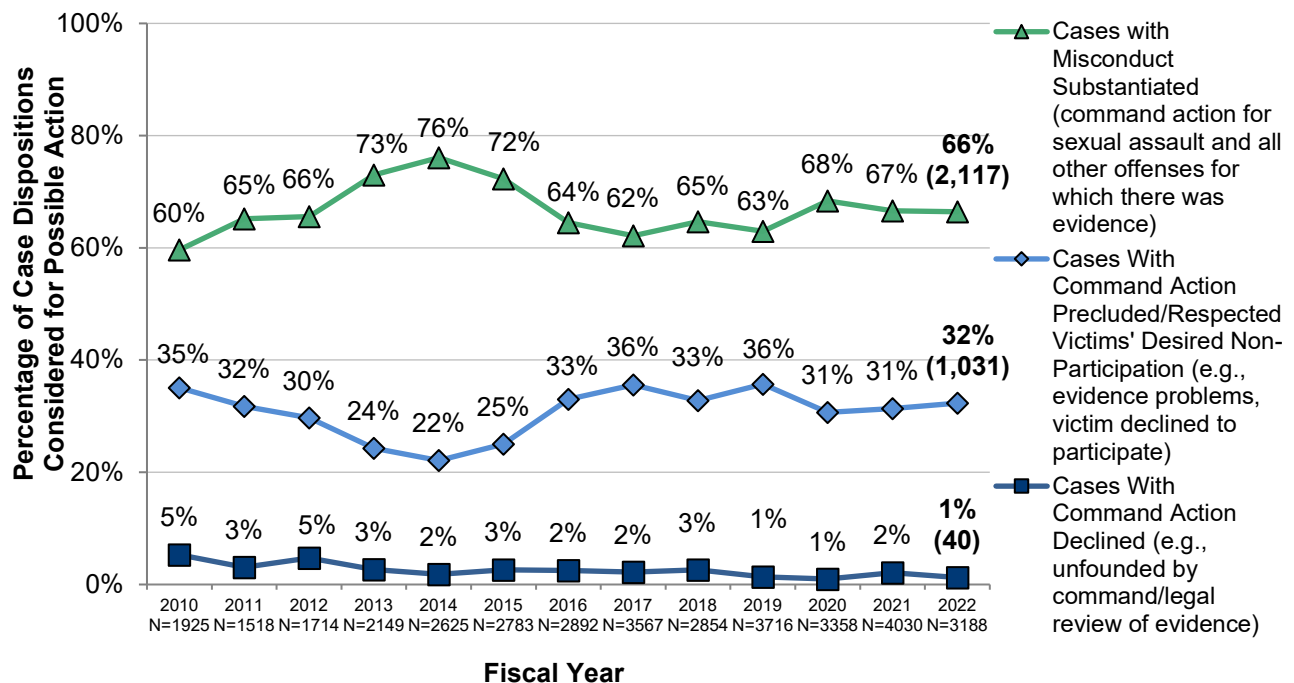
**Figure 9. Dispositions of Cases Considered for Possible Action by DoD Commanders, FY22**

### 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 856 cases due to insufficient evidence of an offense or the statute of limitations expiring. For 174 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 against a particular subject is determined to be false when (1) evidence 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 40 cases because available evidence indicated the allegations against these subjects were false or baseless (unfounded; Figure 9, Point X).<sup>14</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 – FY22**

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

<sup>14</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 2,117 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 1,503 cases for which it was determined a sexual assault offense warranted discipline:

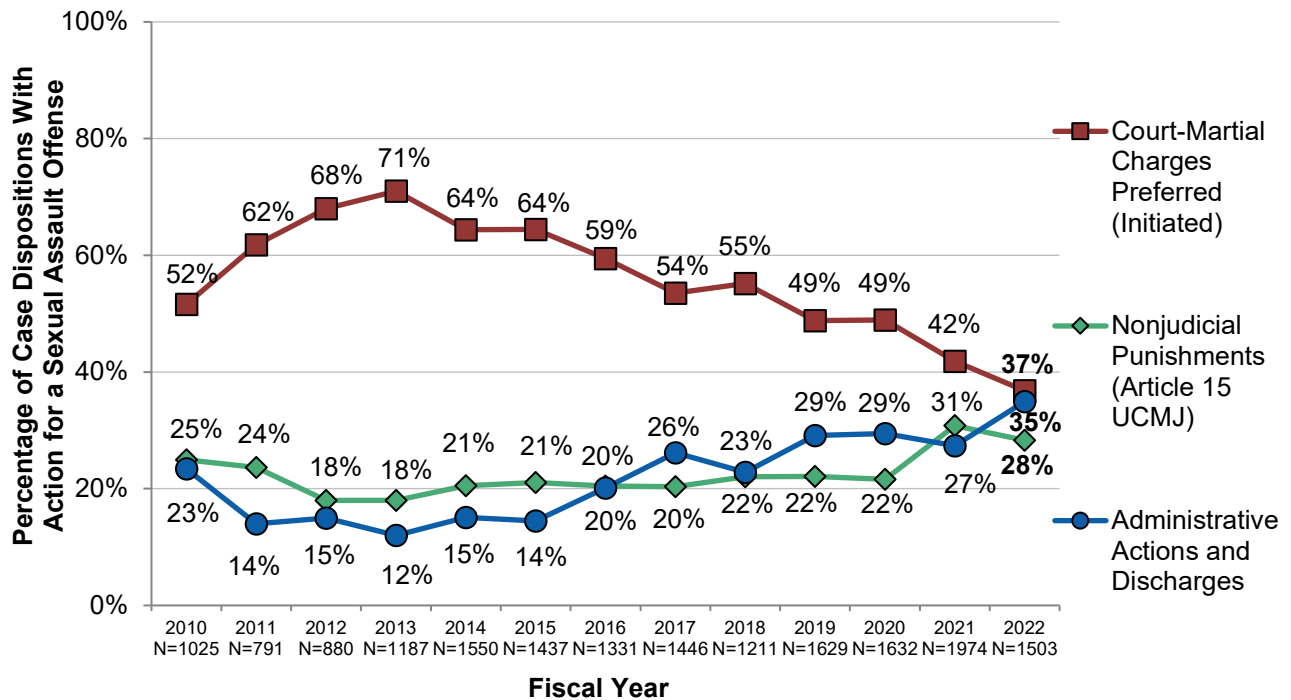
- 37 percent (N=553) of cases were associated with court-martial charges preferred (initiated).
- 28 percent (N=425) of cases entered proceedings for nonjudicial punishment under Article 15 of the UCMJ.
- 35 percent (N=525) of cases received an administrative discharge or other adverse administrative action.

In 614 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:

- 8 percent (N=49) of cases were associated with court-martial charges preferred.
- 51 percent (N=316) of cases entered proceedings for nonjudicial punishment.
- 40 percent (N=249) of cases received an administrative discharge or other adverse administrative action.

### **Military Justice**

The information in this section describes the disposition actions taken in cases where sufficient evidence existed to support taking 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 experienced 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 – FY22**

**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, 553 cases involved court-martial charges preferred. Figure 12 illustrates what happened to these cases after the preferral of court-martial charges. Of the 553 cases with a preferral of court-martial charges for at least one sexual assault charge in FY22, the Military Services completed 469 court-martial outcomes by the end of the FY.

Of the 301 cases that proceeded to trial, 224 (74 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 one of the following 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 FY22, 123 subjects convicted of a sexual assault offense were required to register as a sex offender by law. Service members convicted of a sexual assault offense who do not receive a punitive discharge at court-martial must be processed by the Military Services for an administrative discharge. In FY22, the Military Services processed 33 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 FY22 and what punishment did they receive?**

74 percent of cases that went to trial for a sexual assault offense resulted in a conviction of at least one charge at court-martial. Most 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 71 cases were dismissed; however, commanders used evidence gathered during the sexual assault investigations to impose nonjudicial punishment for other misconduct in 13 of the 71 cases. The punishment may have been for any kind of misconduct for which there was evidence. 7 subjects who received nonjudicial punishment for other misconduct after court-martial were subsequently discharged from military service. The Military Departments approved 94 cases for a resignation or discharge in lieu of court-martial (RILO/DILO) and 3 cases were approved for cadets/midshipmen to disenroll in lieu of court-martial. In FY22, 88 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).

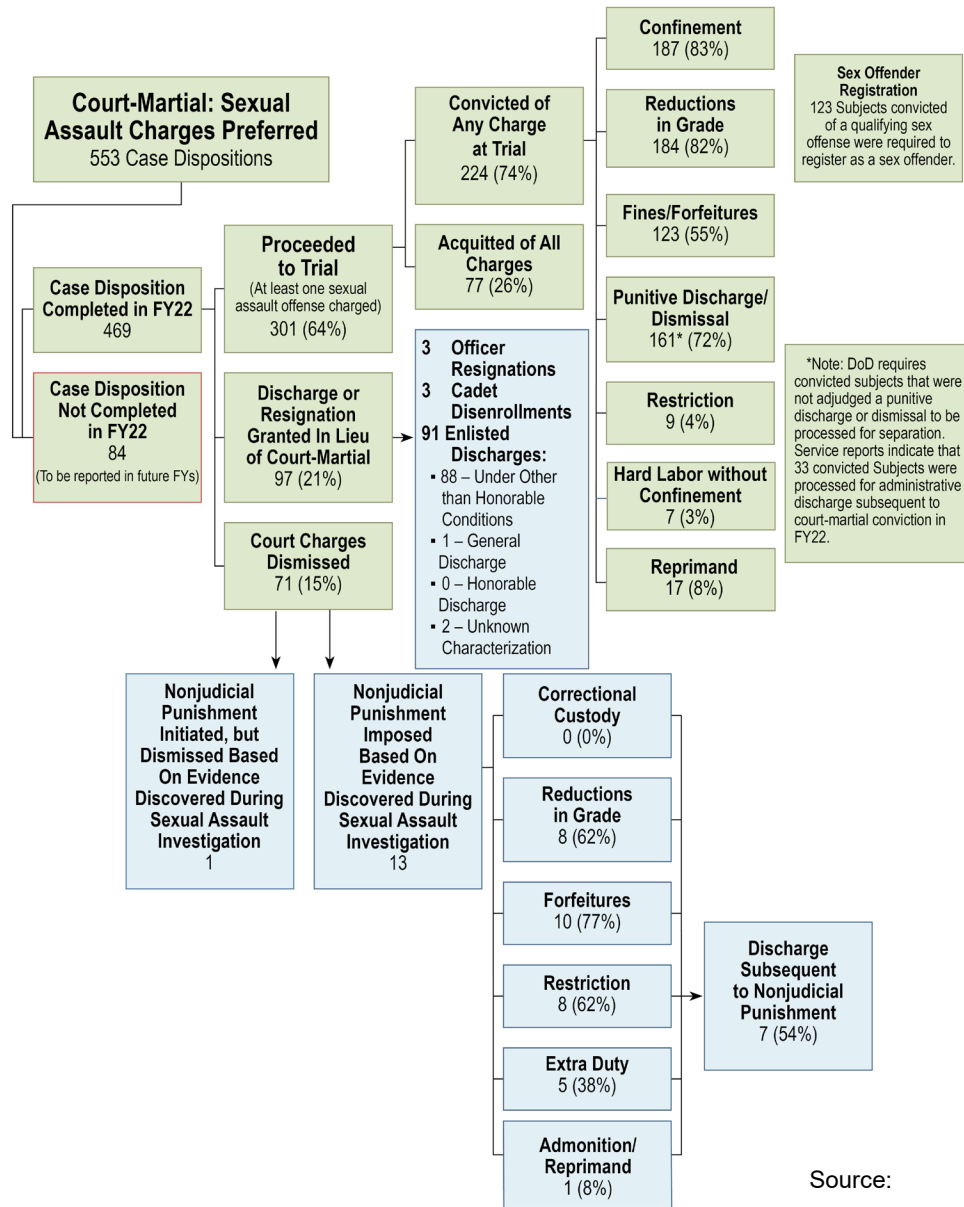
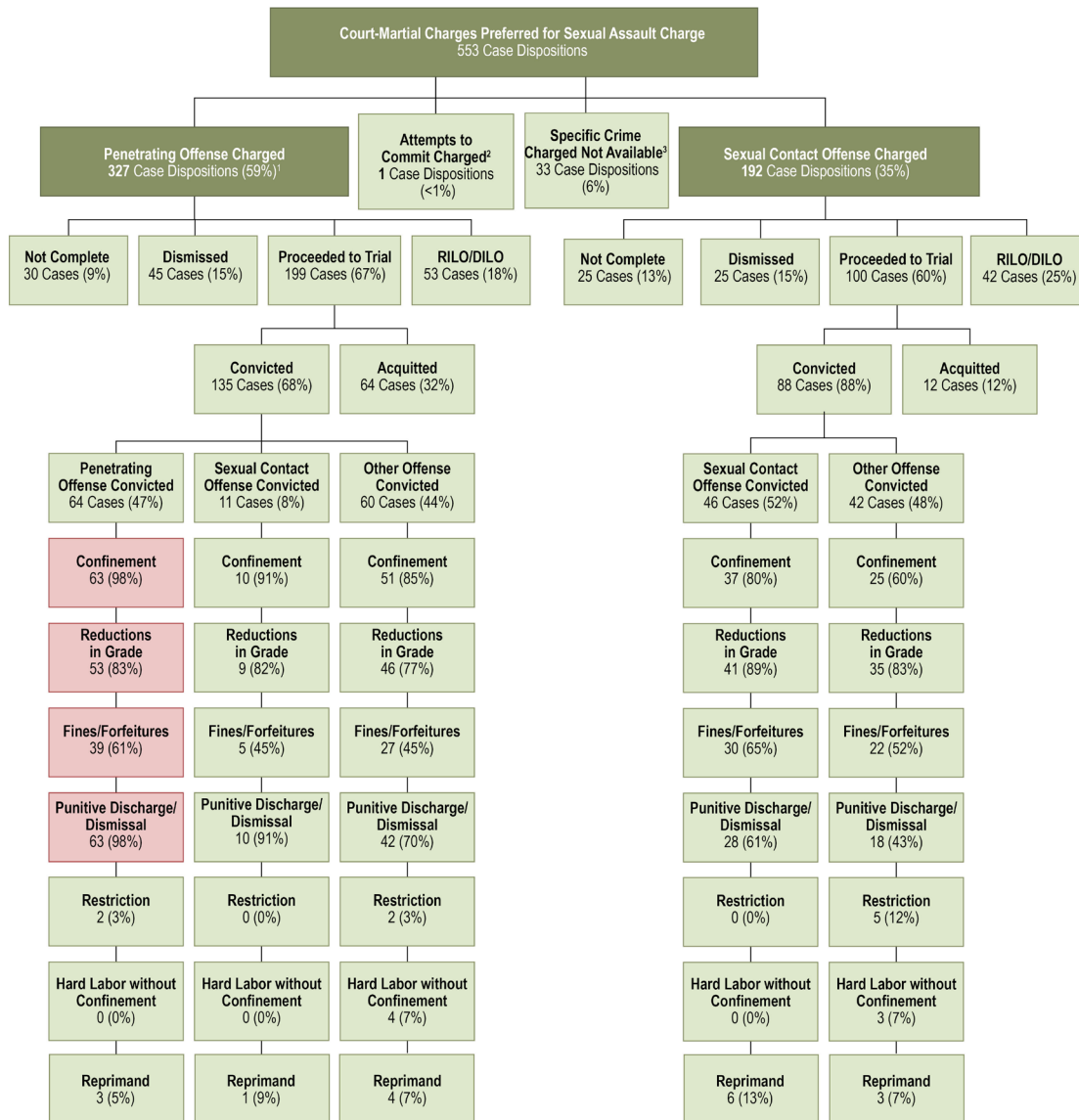


Figure 12. Dispositions of Cases with Sexual Assault Court-Martial Charges Preferred, FY22



Source:

**Figure 13. Dispositions of Cases with Sexual Assault Court-Martial Charges Preferred by Crime Charged, FY22**

**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. One allegation for an attempt to commit a sexual assault was charged, proceeded to trial, and resulted in a conviction at court-martial.
3. In FY22, data about the crime charged was missing in 33 cases in which charges were preferred. These cases are pending and will be reported out next FY.

## Nonjudicial Punishment

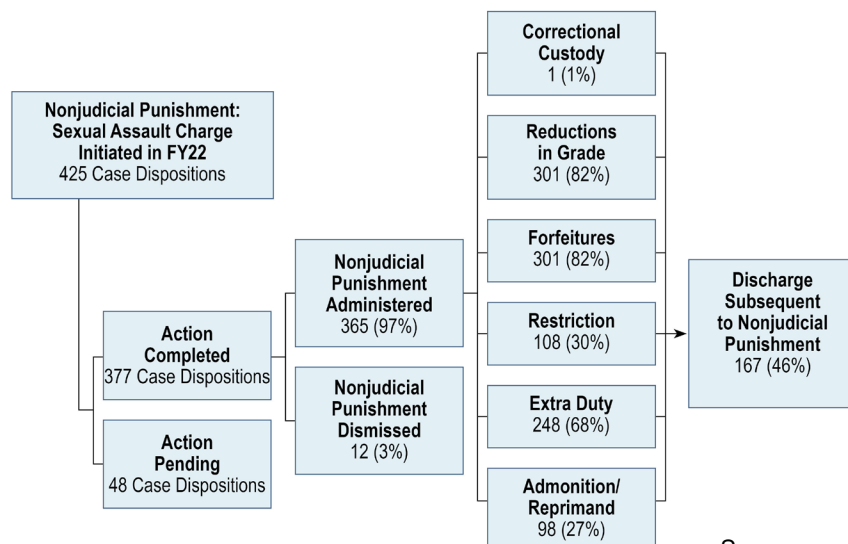
Commanders administer nonjudicial punishments in accordance with Article 15 of the UCMJ, which empowers commanding officers to impose penalties on Service members when there is sufficient evidence for a less egregious offense, as outlined in the UCMJ. Nonjudicial punishment allows commanders to address 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 28 percent of cases warranting disciplinary action for a sexual assault crime resulted in nonjudicial punishment in FY22 as the most serious disciplinary action. 37 percent had court-martial charges preferred as the most serious disciplinary action.

Of the 1,503 case dispositions that were associated with disciplinary actions on a sexual assault offense, 425 cases were addressed with nonjudicial punishment. Figure 14 displays the outcomes of nonjudicial punishment actions taken against subjects on a sexual assault charge in FY22. In FY22, 97 percent of the 377 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 167 cases the nonjudicial punishment served as grounds for a subsequent administrative discharge. Characterizations of the 167 discharges are outlined below.

|                                       |                  |
|---------------------------------------|------------------|
| Honorable                             | 1 Case           |
| General                               | 108 Cases        |
| Under Other Than Honorable Conditions | 43 Cases         |
| Uncharacterized                       | 13 Cases         |
| <b>Total</b>                          | <b>167 Cases</b> |



Source:

**Figure 14. Dispositions of Cases Receiving Nonjudicial Punishment, FY22**

**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 FY22, 195 cases in sexual assault investigations were associated with an administrative discharge. Characterizations of the discharges are outlined below.

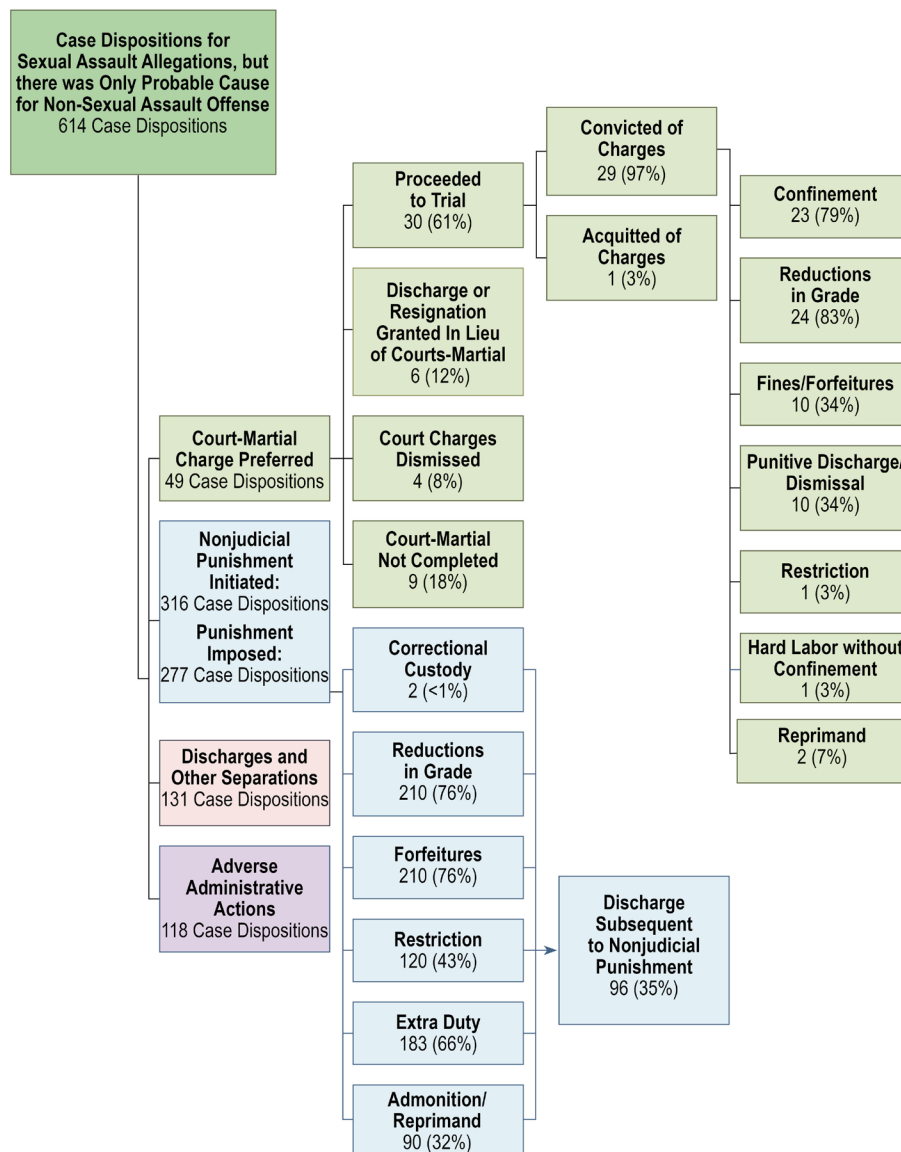
|                 |                  |
|-----------------|------------------|
| Honorable       | 4 Cases          |
| General         | 98 Cases         |
| UOTHC           | 71 Cases         |
| Uncharacterized | 22 Cases         |
| <b>Total</b>    | <b>195 Cases</b> |

In FY22, commanders took adverse administrative actions in 232 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, or Letters of Counseling. 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 FY22, commanders took action in 614 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, FY22**

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

## Demographics of Victims and Subjects in Completed Investigations

DoD draws demographic information from the 4,601 investigations of sexual assault completed in FY22. These investigations involved 4,952 victims and 4,474 subjects of investigation.<sup>15</sup>

Table 5 displays the sex of victims and subjects in completed investigations of Unrestricted Reports in FY22. Most victims in completed investigations are female (79 percent) and most subjects are male (80 percent).

**Table 5. Sex of Victims and Subjects in Completed Investigations of Unrestricted Reports, FY22**

| Sex                               | Victims      |             | Subjects     |             |
|-----------------------------------|--------------|-------------|--------------|-------------|
|                                   | Count        | Percent     | Count        | Percent     |
| Male                              | 993          | 20%         | 3,569        | 80%         |
| Female                            | 3,893        | 79%         | 244          | 5%          |
| Gender Unknown/Data Not Available | 76           | 2%          | 661          | 15%         |
| <b>Total</b>                      | <b>4,952</b> | <b>100%</b> | <b>4,474</b> | <b>100%</b> |

Table 6 shows victim and subject ages at the time of incident for completed investigations of Unrestricted Reports. Most victims are between the ages of 16 and 24 (68 percent) and most 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, FY22**

| Age                            | Victims      |            | Subjects     |             |
|--------------------------------|--------------|------------|--------------|-------------|
|                                | Count        | Percent    | Count        | Percent     |
| 0-15                           | 45           | <1%        | 4            | <1%         |
| 16-19                          | 1,353        | 27%        | 433          | 10%         |
| 20-24                          | 2,052        | 41%        | 1,662        | 37%         |
| 25-34                          | 770          | 16%        | 1,138        | 25%         |
| 35-49                          | 162          | 3%         | 399          | 9%          |
| 50 and older                   | 65           | 1%         | 50           | 1%          |
| Age Unknown/Data Not Available | 505          | 10%        | 788          | 18%         |
| <b>Total</b>                   | <b>4,952</b> | <b>99%</b> | <b>4,474</b> | <b>100%</b> |

<sup>15</sup> The term subject or "subject of investigation" does not connote guilt or innocence. There were only 3,928 subjects with reportable information (i.e., offense met the elements of proof for sexual assault and fell within MCIOs' legal authority). However, 546 additional individuals alleged to be perpetrators in an investigation are included in these demographic data. These 546 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 in pay grades E1-E4 and the same is true of most subjects.

**Table 7. Grade/Status of Victims and Subjects at the Time the Report of Sexual Assault was Received in Completed Investigations of Unrestricted Reports, FY22**

| Grade / Status                           | Victims      |             | Subjects     |             |
|------------------------------------------|--------------|-------------|--------------|-------------|
|                                          | Count        | Percent     | Count        | Percent     |
| E1-E4                                    | 3,333        | 67%         | 2,274        | 51%         |
| E5-E9                                    | 563          | 11%         | 1,015        | 23%         |
| WO1-WO5                                  | 7            | <1%         | 24           | <1%         |
| O1-O3                                    | 163          | 3%          | 135          | 3%          |
| O4-O10                                   | 23           | <1%         | 48           | 1%          |
| Cadet/Midshipman/Prep School Student     | 60           | 1%          | 59           | 1%          |
| U.S. Civilian                            | 695          | 14%         | 155          | 3%          |
| Foreign National/Foreign Military        | 26           | 1%          | 15           | <1%         |
| Grade or Status Unknown/Data Unavailable | 82           | 2%          | 749          | 17%         |
| <b>Total</b>                             | <b>4,952</b> | <b>100%</b> | <b>4,474</b> | <b>100%</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.

As shown in Table 8, most victims and subjects in completed investigations are white.

**Table 8. Race of Victims and Subjects in Completed Investigations of Unrestricted Reports, FY22**

| Race (Base Rate in Military Population) <sup>16,17</sup> | Victims      |             | Subjects     |             |
|----------------------------------------------------------|--------------|-------------|--------------|-------------|
|                                                          | Count        | Percent     | Count        | Percent     |
| White (69%)                                              | 3,067        | 62%         | 2,245        | 50%         |
| Black (17%)                                              | 900          | 18%         | 802          | 18%         |
| American Indian (1%)                                     | 75           | 2%          | 15           | <1%         |
| Asian / Pacific Islander (6%)                            | 231          | 5%          | 118          | 3%          |
| Multiracial (3%)                                         | 161          | 3%          | 3            | <1%         |
| Unknown (4%)                                             | 419          | 8%          | 1,237        | 28%         |
| Data Not Available                                       | 99           | 2%          | 54           | 1%          |
| <b>Total</b>                                             | <b>4,952</b> | <b>100%</b> | <b>4,474</b> | <b>100%</b> |

<sup>16</sup> U.S. Department of Defense, Military OneSource, “2021 Demographics: Profile of the Military Community”, <https://download.militaryonesource.mil/12038/MOS/Reports/2021-demographics-report.pdf>.

<sup>17</sup> Race/ethnicity categories are pending an update to reflect the Office of Management and Budget (OMB) standards for race/ethnicity-related data.



## Restricted Reports of Sexual Assault

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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 FY22, there were 3,682 initial Restricted Reports of sexual assault. Of the 3,682 reports, 681 (18 percent) converted to Unrestricted Reports.<sup>18</sup> At the end of FY22, 3,001 reports remained Restricted (Figure 16).

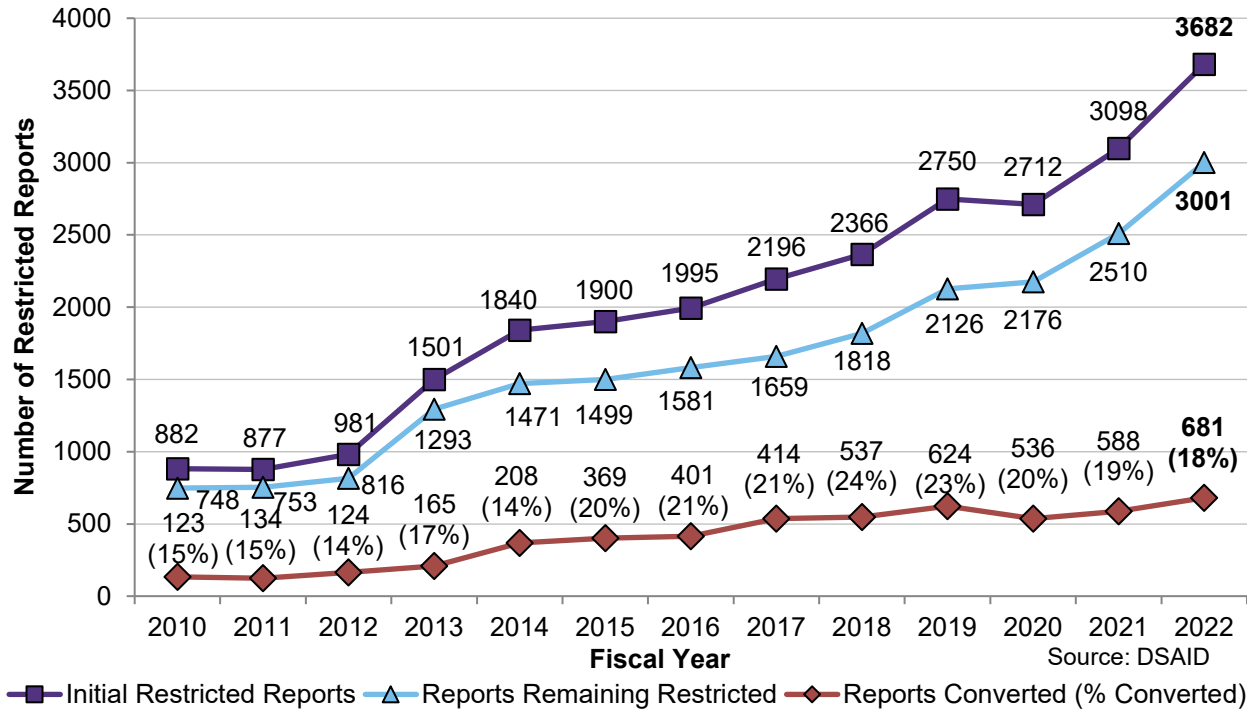
### ***How many Restricted Reports convert to Unrestricted each FY?***

In FY22, less than a fifth of victims who made a Restricted Report converted to an Unrestricted Report, which is about the same as observed in FY21.

This year, 319 Service members made a Restricted Report for an incident that occurred prior to entering military service, representing approximately 11 percent of the 3,001 remaining Restricted Reports of sexual assault. Of these 3,001 Service members, 235 indicated that the incident occurred prior to age 18, and 2,766 indicated that the incident occurred after age 18. Additionally, conversion of Restricted Reports to Unrestricted Reports has remained steady since FY20, with less than a fifth of people who made a Restricted Report in FY22 subsequently converting it an Unrestricted Report.

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<sup>18</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, 83 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 83 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 681 report conversions.



**Figure 16. Restricted Reports Received and Converted, FY10 – FY22**

### Demographics of Victims in Restricted Reports

Tables 9 through Table 12 show that victims who filed a Restricted Report were primarily female, 24 or younger, junior enlisted grade (i.e., E1-E4), and white.

**Table 9. Sex of Those in Restricted Reports, FY22**

| Sex                         | Count        | Percent     |
|-----------------------------|--------------|-------------|
| Male                        | 680          | 23%         |
| Female                      | 2,314        | 77%         |
| Relevant Data Not Available | 7            | <1%         |
| <b>Total</b>                | <b>3,001</b> | <b>100%</b> |

**Table 10. Age of Those in Restricted Reports at Time of Incident, FY22**

| Age                         | Count        | Percent     |
|-----------------------------|--------------|-------------|
| 0-15                        | 168          | 6%          |
| 16-19                       | 740          | 25%         |
| 20-24                       | 1,351        | 45%         |
| 25-34                       | 639          | 21%         |
| 35-49                       | 98           | 3%          |
| 50 and Older                | 5            | <1%         |
| Relevant Data Not Available | 0            | 0%          |
| <b>Total</b>                | <b>3,001</b> | <b>100%</b> |

**Table 11. Grade or Status of Those in Restricted Reports at Time of Report, FY22**

| Grade / Status                       | Count        | Percent     |
|--------------------------------------|--------------|-------------|
| E1-E4                                | 1,834        | 61%         |
| E5-E9                                | 711          | 24%         |
| WO1-WO5                              | 15           | <1%         |
| O1-O3                                | 219          | 7%          |
| O4-O10                               | 70           | 2%          |
| Cadet/Midshipman/Prep School Student | 105          | 3%          |
| Non-Service Member                   | 40           | 1%          |
| Relevant Data Not Available          | 7            | <1%         |
| <b>Total</b>                         | <b>3,001</b> | <b>100%</b> |

**Table 12. Race of Those in Restricted Reports, FY22**

| Race (Base Rate in Military Population) <sup>19</sup> | Count        | Percent     |
|-------------------------------------------------------|--------------|-------------|
| White (69%)                                           | 1,806        | 60%         |
| Black (17%)                                           | 511          | 17%         |
| American Indian (1%)                                  | 34           | 1%          |
| Asian / Pacific Islander (6%)                         | 164          | 5%          |
| Multiracial (3%)                                      | 103          | 3%          |
| Unknown (4%)                                          | 337          | 11%         |
| Relevant Data Not Available                           | 46           | 2%          |
| <b>Total</b>                                          | <b>3,001</b> | <b>100%</b> |

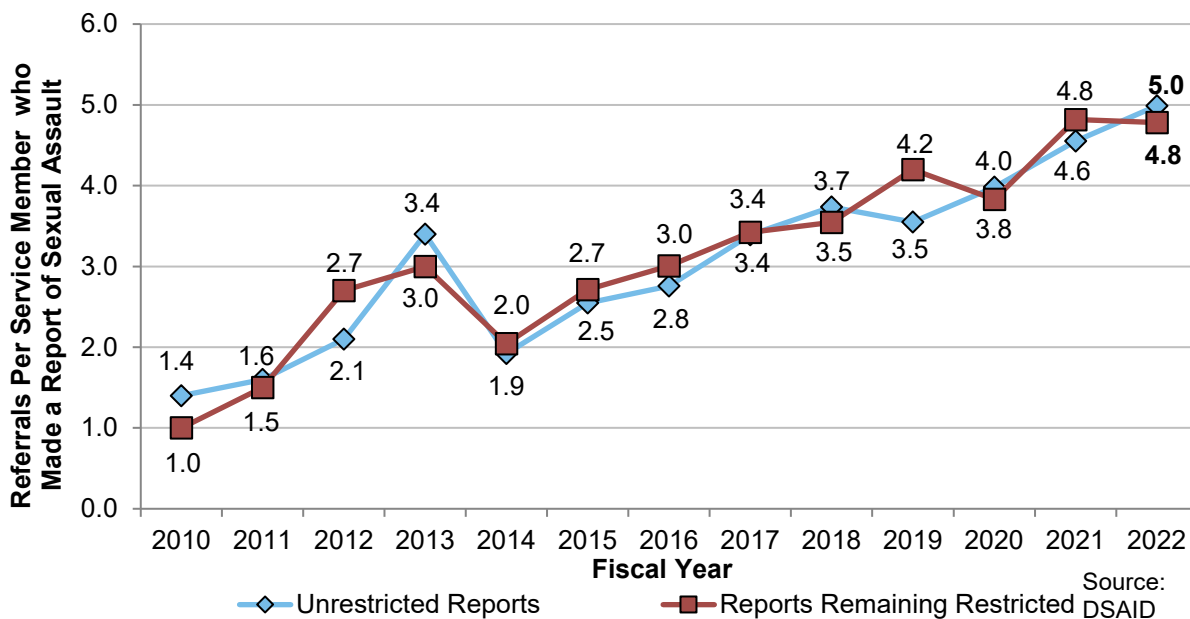
**Note:** Categories may not sum to 100 percent due to rounding to the nearest whole point.

## Service Referral Information

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

<sup>19</sup> U.S. Department of Defense, Military OneSource, "2021 Demographics: Profile of the Military Community", <https://download.militaryonesource.mil/12038/MOS/Reports/2021-demographics-report.pdf>.

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 5.0 service referrals per Service member victim submitting an Unrestricted Report and an average of 4.8 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 FY22.



**Figure 17. Average Number of Service Referrals per Service Member Who Reported Sexual Assault, FY10 – FY22**

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 710 SAFEs conducted for Service members who reported a sexual assault during FY22 (Figure 18). The decision to undergo a SAFE belongs to the victim.

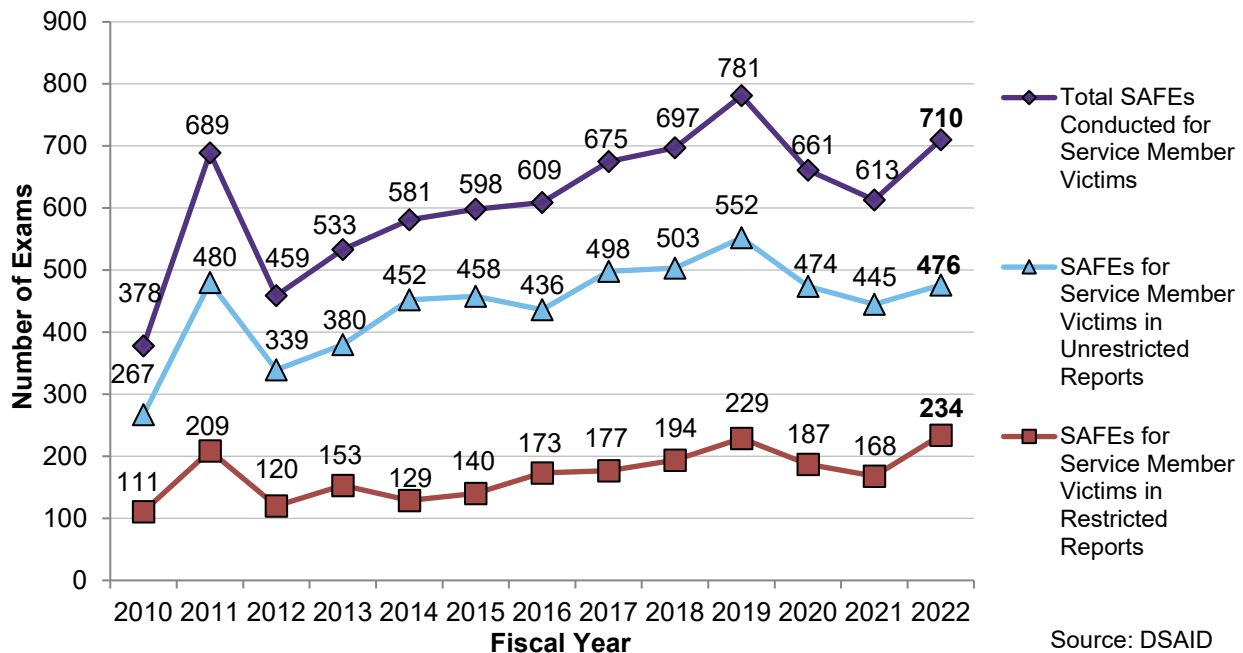


Figure 18. SAFEs Involving Service Member Victims, FY10 – FY22

## 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 13). 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 13 shows the number of expedited transfers and denials since FY13. In FY22, the total number of expedited transfers requested decreased from FY21.

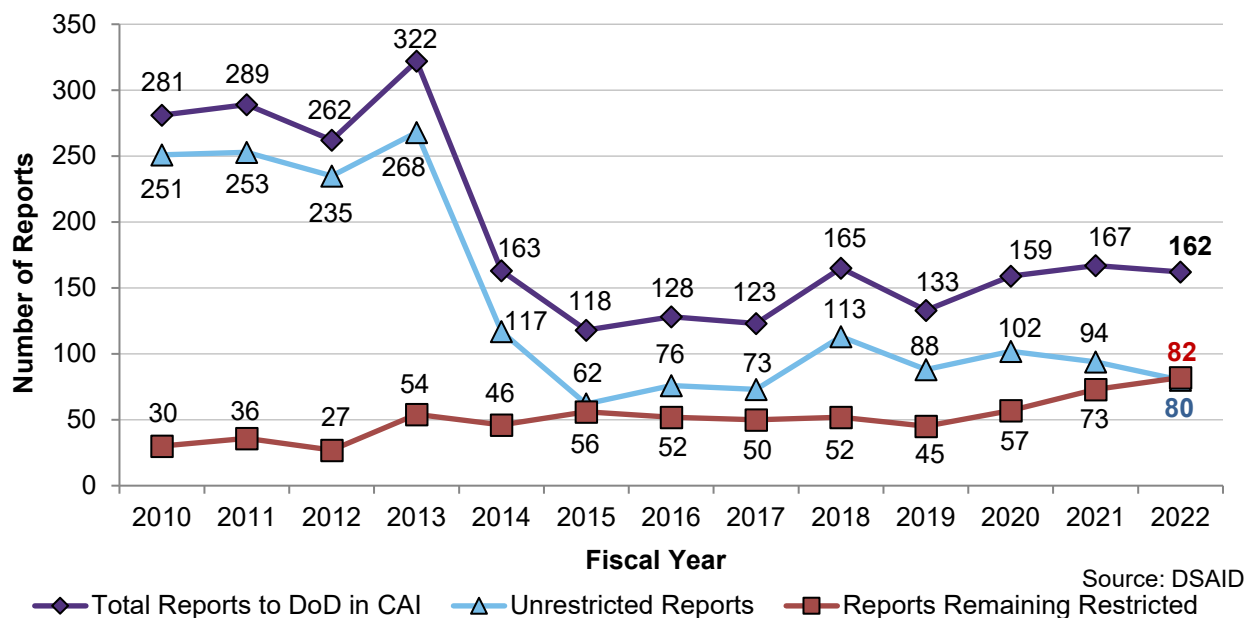
Table 13. Expedited Transfers and Denials, FY13 – FY22

| Transfer Type                                                                                | FY13       | FY14       | FY15       | FY16       | FY17       | FY18       | FY19       | FY20       | FY21       | FY22       |
|----------------------------------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Number of victims requesting a change in Unit/Duty Assignment (Cross-Installation Transfers) | 99         | 44         | 71         | 62         | 74         | 67         | 89         | 80         | 125        | 82         |
| <i>Number Denied</i>                                                                         | 3          | 0          | 2          | 3          | 5          | 2          | 5          | 3          | 5          | 6          |
| Number of victims requesting a change in Installation (Permanent Change of Station)          | 480        | 615        | 663        | 684        | 760        | 835        | 810        | 820        | 880        | 781        |
| <i>Number Denied</i>                                                                         | 11         | 15         | 12         | 18         | 30         | 30         | 24         | 20         | 27         | 23         |
| <b>Total Approved</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> | <b>973</b> | <b>834</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 FY22. There were 162 reports of sexual assault in CAIs in FY22, a decrease from FY21 (167 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 – FY22**

There were 80 Unrestricted Reports in CAIs during FY22. Of these 80, 10 reports were initially restricted and converted to Unrestricted Reports during the FY. Table 14 below lists the number of Unrestricted and Restricted Reports for CAIs where reports were received, and shows that in FY22, most reports were received in Afghanistan, Turkey, Kuwait, Qatar, and Iraq.

**Table 14. Unrestricted and Restricted Reports by Combat Area of Interest, FY22**

| CAI         | Total Reports | Unrestricted Reports | Reports Remaining Restricted |
|-------------|---------------|----------------------|------------------------------|
| Afghanistan | 18            | 5                    | 13                           |
| Bahrain     | 13            | 9                    | 4                            |
| Djibouti    | 5             | 2                    | 3                            |
| Iraq        | 21            | 4                    | 17                           |
| Jordan      | 10            | 5                    | 5                            |
| Kosovo      | 2             | 1                    | 1                            |
| Kuwait      | 24            | 13                   | 11                           |
| Lebanon     | 0             | 0                    | 0                            |

|              |    |    |    |
|--------------|----|----|----|
| Pakistan     | 0  | 0  | 0  |
| Qatar        | 38 | 21 | 17 |
| Saudi Arabia | 5  | 2  | 3  |
| Somalia      | 0  | 0  | 0  |
| Syria        | 0  | 0  | 0  |
| Turkey       | 14 | 12 | 2  |
| UAE          | 12 | 6  | 6  |
| 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 FY22. These 78 investigations involved 83 victims and 83 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 (58 percent). Those who submitted Unrestricted Reports in CAIs tend to be older than those submitting Unrestricted Reports in general; a little over half (58 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 (76 percent), under the age of 35 (55 percent), and in an enlisted grade (58 percent).

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

The 82 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 (73 percent). However, victims making Restricted Reports in CAIs tended to be older; 59 percent of victims in CAIs were 25 and over compared to 25 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: 29 percent of victims in CAIs are E1-E4, compared to 61 percent of victims in Restricted Reports overall.

## FY22 Retaliation Allegations

Starting in October of 2020, the Defense Sexual Assault Incident Database (DSAID) became the official system of record for sexual assault-related retaliation reports made to the Department of Defense (DoD). The following data summarizes reports of alleged retaliation received by the Military Services and National Guard Bureau (NGB) between October 1, 2021 and September 30, 2022 involving a Service Member.<sup>20</sup>

Persons seeking to report a retaliation allegation have a variety of avenues to do so that lead to various paths of investigation. Reprisal allegations can be reported directly 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

<sup>20</sup> Pulled from DSAID in March 2023.

misconduct alleged. When a sexual assault-related retaliation is reported to SAPR personnel, investigative options are discussed with the reporter, and if the reporter signs a DD Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases," the case is entered into DSAID and tracked until final disposition of the case. The reporter also has the option of having the case monitored at their installation's monthly Case Management Group meeting. Again, victims are not required to report retaliation to a SARC or SAPR VA; however, if such a report is received, SAPR Program personnel document the report via DD Fm 2910-2, offer the victim the choice to have the matter reviewed at the monthly Case Management Group, and ensure the appropriate authority is provided the allegation for action as appropriate.

### Data on Reports of Perceived Retaliation

In FY22, 69 reports of perceived retaliation involving Service members were made to DoD. Reports could be made to multiple reporting avenues. Of the 69 reports, 21 were made to one reporting avenue and 48 were made to multiple reporting avenues. The most common individual/organization receiving reported allegations of retaliation was SAPR personnel with SARCs and SAPR VAs receiving 55 and 26 reports, respectively. As stated above, SAPR personnel do not investigate reports of retaliation. They discuss reporting and assistance options with the reporter. Table 15 shows the other individuals/organizations indicated as receiving reports of retaliation.

**Table 15. Individuals/Organizations to Whom the Report of Retaliation was Made, FY22**

| Individual/Organization                                     | Count      | Percent     |
|-------------------------------------------------------------|------------|-------------|
| SARC                                                        | 55         | 35%         |
| SAPR VA                                                     | 26         | 16%         |
| Service IGs                                                 | 23         | 15%         |
| Chain of Command                                            | 20         | 13%         |
| MCIOs                                                       | 6          | 4%          |
| DoD IG                                                      | 19         | 12%         |
| Other                                                       | 6          | 4%          |
| MEO Advisor/Representative                                  | 2          | 1%          |
| Military Law Enforcement                                    | 1          | 1%          |
| <b>Total Individuals/Organizations Receiving 69 Reports</b> | <b>158</b> | <b>100%</b> |

### Demographics of Retaliation Reporters

The Military Services and NGB received 69 sexual assault-related retaliation reports against 52 alleged retaliators in FY22. Table 16 displays the sex of retaliation reporters. Table 17 shows the pay grade of reporters. Most retaliation reports are filed by women (81 percent) in junior enlisted pay grades E1-E4 (61 percent). Additionally, as shown in Table 18, most retaliation reports are filed by victims who have made an Unrestricted Report of sexual assault (91 percent).

**Table 16. Sex of Retaliation Reporters in Reports of Perceived Retaliation, FY22**

| Sex of Retaliation Reporter | Count |
|-----------------------------|-------|
| Male                        | 13    |
| Female                      | 56    |



|              |           |
|--------------|-----------|
| <b>Total</b> | <b>69</b> |
|--------------|-----------|

**Table 17. Pay Grade of Reporters in Reports of Perceived Retaliation, FY22**

| <b>Retaliation Reporter Pay Grade</b> | <b>Count</b> |
|---------------------------------------|--------------|
| E1-E4                                 | 42           |
| E5-E9                                 | 17           |
| O1-O3                                 | 4            |
| O4-O10                                | 2            |
| Cadet/Midshipman                      | 1            |
| DoD Civilian                          | 1            |
| U.S. Civilian                         | 1            |
| Unknown                               | 1            |
| <b>Total</b>                          | <b>69</b>    |

**Table 18. Type of Retaliation Reporter in Reports of Perceived Retaliation, FY22**

| <b>Type of Retaliation Reporter</b>            | <b>Count</b> |
|------------------------------------------------|--------------|
| Victim of alleged sexual assault               | 63           |
| Victim's family member                         | 2            |
| SAPR VA/SARC on case of alleged sexual assault | 2            |
| Witness                                        | 1            |
| Other Party                                    | 1            |
| <b>Total</b>                                   | <b>69</b>    |

*Actions Taken to Support Retaliation Reporters*

Table 19 displays the actions taken to address retaliation allegations and provide support to reporters. Actions were taken in 61 of the 69 total sexual assault-related retaliation reports. Among the 8 remaining cases where actions were not taken, 1 reporter did not chose to move forward with an official complaint or withdrew their complaint, 2 reporters did not want any action taken, 1 reporter left Service, 1 case had unsubstantiated allegations based on administrative investigations, 2 cases had other reasons and 1 case was missing relevant support data.

A total of 124 actions were taken in 61 cases. Review of the allegations typically led to some type of action, including Command monitoring the situation (24 allegations), providing direct support to the reporter (18 allegations), updating the safety plan for the retaliation reporter (18 allegations), and transferring the retaliation reporter at their request (11 allegations). Thirteen other actions were taken to support reporters, while 5 actions were unknown. Fifteen actions were still pending.

**Table 19. Action Taken to Address Retaliation Allegations, FY22**

| <b>Action Taken to Address Retaliation</b>          | <b>Count of Actions</b> |
|-----------------------------------------------------|-------------------------|
| Command is monitoring the situation                 | 24                      |
| Command is providing direct support to the reporter | 18                      |
| Safety plan updated for retaliation reporter        | 18                      |
| Action pending                                      | 15                      |

|                                                                                                |            |
|------------------------------------------------------------------------------------------------|------------|
| Transfer of retaliation reporter                                                               | 11         |
| Command took action on behalf of the retaliation reporter to end the negative treatment        | 7          |
| Other                                                                                          | 13         |
| Briefing/training for the unit/installation                                                    | 8          |
| Military protective order issued or civilian protective order obtained by retaliation reporter | 5          |
| Unknown                                                                                        | 5          |
| <b>Total Actions Taken in 61 Cases</b>                                                         | <b>124</b> |

### *Demographics and Outcomes of Alleged Retaliators*

Of the 69 alleged retaliation reports, 43 reports identified an alleged retaliator (i.e., the individual accused of perpetrating retaliation). The analysis that follows focuses on the information and outcomes of the 52 alleged retaliators identified in 43 reports of alleged retaliation. Most alleged retaliators were men (77 percent) and 3 were the alleged perpetrator of the associated sexual assault report. Most alleged retaliators were a superior in the chain of command of the reporter (56 percent). Table 20 shows the relationship between the alleged retaliator and the reporter of the retaliation allegation, while Table 21 shows the relationship between the alleged retaliator and the alleged perpetrator. Note: subjects can belong to several different relationship categories; the totals in Table 20 and Table 21 add up to more than the 52 subjects.

**Table 20. Relationship of the Alleged Retaliator and the Reporter, FY22**

|                                                                                                  | <b>Subject Count</b> |
|--------------------------------------------------------------------------------------------------|----------------------|
| Alleged retaliator(s) is a superior in the chain of command of the reporter                      | 34                   |
| Alleged retaliator(s) is a peer, co-worker, friend, or family member of the retaliation reporter | 4                    |
| Alleged retaliator(s) is a service provider or other official involved in the report             | 6                    |
| Alleged retaliator(s) is associated with alleged perpetrator of sexual assault                   | 4                    |
| Alleged retaliator(s) is the alleged perpetrator of sexual assault                               | 3                    |
| Alleged retaliator(s) is a superior NOT in the chain of command of the reporter                  | 7                    |
| Alleged retaliator(s) is junior in grade to reporter (in or outside of the chain of command)     | 3                    |
| <b>Total</b>                                                                                     | <b>61</b>            |

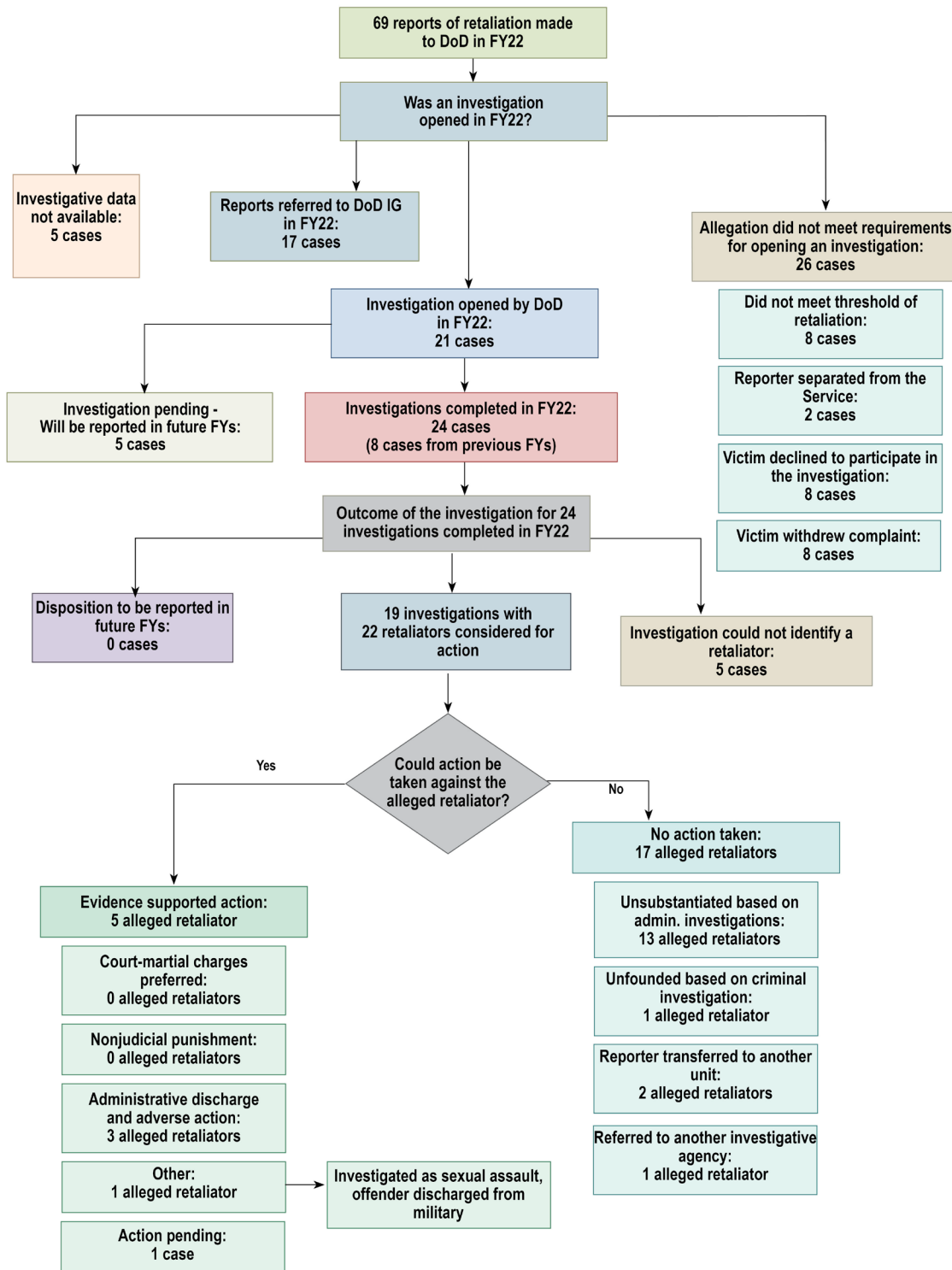
**Table 21. Relationship of the Alleged Retaliator and Alleged Perpetrator, FY22**

|                                                                                                 | <b>Subject Count</b> |
|-------------------------------------------------------------------------------------------------|----------------------|
| Alleged retaliator(s) and alleged perpetrator have no direct association                        | 17                   |
| Alleged retaliator(s) is a superior of the alleged perpetrator (in or outside chain of command) | 17                   |

|                                                                                                      |           |
|------------------------------------------------------------------------------------------------------|-----------|
| Alleged retaliator(s) is also the alleged perpetrator of sexual assault                              | 6         |
| Alleged retaliator(s) is a peer co-worker friend or family member of the alleged perpetrator         | 7         |
| Alleged retaliator(s) is junior in grade to the alleged perpetrator (in or outside chain of command) | 2         |
| Alleged perpetrator(s) relationship is unknown/investigation ongoing                                 | 6         |
| Relevant Data Not Available                                                                          | 1         |
| <b>Total</b>                                                                                         | <b>56</b> |

Figure 20 presents a review of the status of retaliation investigations and outcomes for the investigations opened for the 69 reports of retaliation. Service-led investigations were not opened in 26 cases. Eight cases did not meet the threshold for retaliation, 8 cases respected a victim’s decision to not participate in the investigation, 8 cases were withdrawn by the reporter, and in 2 cases the reporter separated from the Service. Seventeen cases were referred to DoD OIG for investigation and are included in Table 22.

There were 24 completed investigations of alleged retaliation completed in FY22, 16 of which came from reports made in FY22 and 8 from reports made in previous FYs. Five investigations were still pending completion at the end of FY22. Five investigations could not identify the alleged retaliator. Nineteen investigations identified 22 retaliators considered for action. Action could not be taken against 17 alleged retaliators, while evidence supported action against 5 alleged retaliators. Case synopses for FY22 cases with completed investigations and disposition information can be found in the Military Services’ Reports.



Source: DSAID

Figure 20. Reports of Perceived Retaliation Made to DoD, FY22

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

DoD OIG provides the Department with a report of all complaints of reprisal (unfavorable actions taken by leadership, or an individual with the authority to affect a personnel decision, as a result of reporting an incident of sexual assault) and restriction (interfering with reporting a protected communication) 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 73 complaints of reprisal and restriction complaints relating to reporting of a sexual assault in FY22. At the end of the fiscal year they had completed and closed 85 cases of reports from FY22 and previous fiscal years. Table 21 below shows the outcomes of the investigations closed in FY22.

**Table 22. Outcomes of DoD OIG Investigations, FY22**

| Outcome              | Subject Count | Percent     |
|----------------------|---------------|-------------|
| Evaluated and Closed | 82            | 96%         |
| Not Substantiated    | 0             | 0%          |
| Substantiated        | 0             | 0%          |
| Withdrawn            | 3             | 4%          |
| <b>Total Closed</b>  | <b>85</b>     | <b>100%</b> |

DoD OIG defines the above outcomes as follows:

- ‘Evaluated and closed’ are cases closed without investigation, because either DoD OIG lacked jurisdiction or complaint evaluation 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.

Additional information on DoD OIG cases can be found in the Inspector General Semi-Annual Report to Congress.<sup>21</sup>

## FY22 SAPR-Related Inquiries

On October 2, 2019, the DoD IG released its “Evaluation of the DoD’s Handling of Incidents of Sexual Assault Against (or Involving) Cadets at the United States Air Force Academy,” report in which it recommended that the Department institute a process that documents consultations with victims of sexual assault and any resulting referrals to victim support services if those contacts do not result in an official report of sexual assault. The Department satisfied this recommendation on October 19, 2020, with the release of the SAPR Related Inquiry (SRI) Module in DSAID, allowing SARCs to document contacts with victims of sexual assault and any other parties that visit a SAPR office to inquire about services and resources offered for victims of sexual assault.

The Department does not collect any personally identifiable information from inquirers and cannot track whether someone has subsequently made a report of sexual assault associated

<sup>21</sup> <https://www.dodig.mil/Reports/Semiannual-Report-to-the-Congress/>

with an inquiry. The Department piloted the SRI Module throughout FY20 and FY21, but made its use required at the start of FY22.

In FY22, the Department received 3,316 SAPR-related inquiries, with just over half being made by persons indicating they were victims of sexual assault (53 percent). Table 23 shows that the remaining 47 percent of inquirers were supervisors, friends, coworkers, and others visiting SAPR offices to seek support and/or learn more about the resources offered by their Service for sexual assault victims.<sup>22</sup>

**Table 23. SAPR-Related Inquiries by Type of Inquirer, FY22**

| Type of Inquirer<br>(Described Association to Person<br>Believed to be Victimized) | Count        | Share       |
|------------------------------------------------------------------------------------|--------------|-------------|
| Victim (Self)                                                                      | 1,768        | 53%         |
| Supervisor/Command                                                                 | 518          | 16%         |
| Friend                                                                             | 179          | 5%          |
| Otherwise Known                                                                    | 179          | 5%          |
| Coworker                                                                           | 149          | 4%          |
| Employee                                                                           | 112          | 3%          |
| Chooses Not to Disclose                                                            | 108          | 3%          |
| Extended Family Member                                                             | 74           | 2%          |
| Relationship Unknown                                                               | 56           | 2%          |
| Stranger                                                                           | 53           | 2%          |
| Love Interest/Dating                                                               | 50           | 2%          |
| Acquaintance                                                                       | 41           | 1%          |
| Employer                                                                           | 25           | 1%          |
| Recruiter                                                                          | 3            | <1%         |
| Neighbor                                                                           | 1            | <1%         |
| <b>Total</b>                                                                       | <b>3,316</b> | <b>100%</b> |

Of the 3,316 SAPR-related inquiries made in FY22, most contacts were with female Service members (76 percent). Additionally, the Department received 265 inquiries from non-Service member victims in FY22, the majority of which were made by U.S. civilians (51 percent).

**Table 24. SAPR-Related Inquiry Victims by Gender and Military Status, FY22**

|                                       | Female<br>Victims | Male<br>Victims | RDNA<br>Victims | Total<br>Inquiries |
|---------------------------------------|-------------------|-----------------|-----------------|--------------------|
| <b>Total SAPR Related Inquiries</b>   | <b>1,358</b>      | <b>388</b>      | <b>22</b>       | <b>1,768</b>       |
| Inquiries Made by Service Members     | 1,138             | 357             | 8               | 1,503              |
| Inquiries Made by Non-Service Members | 220               | 31              | 14              | 265                |
| <i>DoD Civilian Employee</i>          | 73                | 8               | 0               | 81                 |

<sup>22</sup> The decision to report a sexual assault is deeply personal. As a result, the Department does not require anyone to make a report of sexual assault, even after disclosing an incident to certain individuals specified in DoDI 6495.02, Volume 1, such as a SARC, SAPR VA, or healthcare provider, and the SRI module does not track whether or not an inquirer eventually makes an official report of sexual assault. The SRI module was initiated to better understand the motivations behind persons not wanting to report, to ultimately inform policies that might encourage greater reporting.

|                                    |     |    |    |     |
|------------------------------------|-----|----|----|-----|
| <i>DoD Contractor Employee</i>     | 8   | 1  | 0  | 9   |
| <i>U.S. Civilian</i>               | 117 | 18 | 1  | 136 |
| <i>Other Government Civilian</i>   | 7   | 1  | 0  | 8   |
| <i>Foreign National/Military</i>   | 7   | 0  | 0  | 7   |
| <i>Relevant Data Not Available</i> | 8   | 3  | 13 | 24  |

### Victim’s Assessed Reason for Not Reporting

While there is currently no process to identify whether someone making an inquiry filed an associated report of sexual assault, SARCs and VAs have been provided with a list of reasons why they believe a person who might have been a victim did not desire to pursue an Unrestricted or Restricted Report. Using information gathered during the conversation with the inquirer, SARCs document the person’s stated or inferred reason(s) for not reporting using a list of reasons adapted from the 2018 *WGR Survey*.

Of the 3,316 SAPR related inquiries made in FY22, SARCs and/or the SAPR VA assessed at least one reason as to why 2,580 persons alleging an experience of sexual assault did not formally report. The largest share of victims making a SAPR related inquiry were assessed as having “some other reason” as to why they did not want to report a sexual assault (37 percent). Additionally, 10 percent of victims were assessed as not reporting because they “did not want more people to know.”

**Table 25. SAPR-Related Inquiry Victim Stated Reason for Not Reporting, FY22**

| <b>Stated Reason for Not Reporting</b>                                                               | <b>Count</b> | <b>Share<sup>23</sup></b> |
|------------------------------------------------------------------------------------------------------|--------------|---------------------------|
| Some other reason                                                                                    | 942          | 37%                       |
| Did not want more people to know                                                                     | 259          | 10%                       |
| Wanted to forget about it and move on                                                                | 218          | 8%                        |
| Felt ashamed or embarrassed                                                                          | 191          | 7%                        |
| Worried about potential negative consequences from their coworkers or peers                          | 135          | 5%                        |
| Felt partially to blame                                                                              | 121          | 5%                        |
| Thought it was not serious enough to report                                                          | 90           | 3%                        |
| Did not think anything would be done                                                                 | 76           | 3%                        |
| Worried about potential negative consequences from the person(s) who did it                          | 68           | 3%                        |
| Did not want to hurt the person’s career                                                             | 67           | 3%                        |
| Worried about potential negative consequences from a supervisor or someone in their chain of command | 62           | 2%                        |
| Did not trust the process would be fair                                                              | 61           | 2%                        |
| Thought to might hurt their performance evaluation/fitness report or their career                    | 58           | 2%                        |
| Did not want people to see them as weak                                                              | 56           | 2%                        |
| Did not think their report would be kept confidential                                                | 54           | 2%                        |
| Thought they might get in trouble for something they had done or would get labeled a troublemaker    | 49           | 2%                        |
| Relevant Data Not Available                                                                          | 41           | 2%                        |

<sup>23</sup> Categories may not sum to 100 percent due to rounding to the nearest whole point.

|                                          |              |            |
|------------------------------------------|--------------|------------|
| Did not want to hurt the person's family | 32           | 1%         |
| <b>Total</b>                             | <b>2,580</b> | <b>99%</b> |

### Victim Support Services Referred

SAPR-related inquiries are an avenue for victims of sexual assault and other persons to receive requested support services while maintaining anonymity. During an inquiry visit, SARCs can refer individuals to the same support services offered to victims who file an official report, while collecting no personally identifiable information. In FY22, SARCs submitted 4,661 referrals for victim support services to individuals who made a SAPR-related inquiry. Most of the referrals made were to behavioral health services (21 percent), to VAs/UVAs (16 percent), chaplain and spiritual support (15 percent), and to other services (13 percent).

**Table 26. SAPR-Related Inquiry Victim Support Service Referrals, FY22**

| <b>Victim Support Service Referred to</b> | <b>Count<sup>24</sup></b> | <b>Share</b> |
|-------------------------------------------|---------------------------|--------------|
| Behavioral Health                         | 986                       | 21%          |
| Victim Advocate/Uniformed Victim Advocate | 743                       | 16%          |
| Chaplain/Spiritual Support                | 715                       | 15%          |
| Other                                     | 593                       | 13%          |
| Legal/Special Victims Counsel             | 514                       | 11%          |
| DoD Safe Helpline                         | 513                       | 11%          |
| Rape Crisis Center                        | 303                       | 7%           |
| Medical                                   | 294                       | 6%           |
| <b>Total</b>                              | <b>4,661</b>              | <b>100%</b>  |

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

The following tables contain reports of sexual assault to the DoD made in FY22. Each table represents a single Service and includes the type of report made and the type of reporter.

<sup>24</sup> Victims could be referred to multiple support services. Therefore, percentages will not sum to 100.



**Table 27. Army Sexual Assault Reports by Victim and Military Status, FY22**

|                                                                                     | <b>Unrestricted Reports</b> | <b>Restricted Reports</b> | <b>Total Reports</b> |
|-------------------------------------------------------------------------------------|-----------------------------|---------------------------|----------------------|
| <b>Total Reports of Sexual Assault</b>                                              | <b>2,723</b>                | <b>995</b>                | <b>3,718</b>         |
| Reports Made by Service Members                                                     | 2,120                       | 972                       | 3,092                |
| Reports Made by Non-Service Members                                                 | 427                         | 14                        | 441                  |
| <i>DoD Civilian Employee</i>                                                        | 19                          | 1                         | 20                   |
| <i>DoD Contractor Employee</i>                                                      | 6                           | 0                         | 6                    |
| <i>Other U.S. Civilian</i>                                                          | 389                         | 10                        | 399                  |
| <i>Foreign National/Military</i>                                                    | 13                          | 3                         | 16                   |
| <i>Relevant Data Not Available</i>                                                  | 176                         | 9                         | 185                  |
| Service Member Reports for Incidents that Occurred <b>Prior</b> to Military Service | 59                          | 64                        | 123                  |
| Service Member Reports for Incidents that Occurred <b>During</b> Military Service   | 2,061                       | 908                       | 2,969                |

**Table 28. Navy Sexual Assault Reports by Victim and Military Status, FY22**

|                                                                                     | <b>Unrestricted Reports</b> | <b>Restricted Reports</b> | <b>Total Reports</b> |
|-------------------------------------------------------------------------------------|-----------------------------|---------------------------|----------------------|
| <b>Total Reports of Sexual Assault</b>                                              | <b>1,363</b>                | <b>689</b>                | <b>2,052</b>         |
| Reports Made by Service Members                                                     | 1,279                       | 683                       | 1,962                |
| Reports Made by Non-Service Members                                                 | 82                          | 6                         | 88                   |
| <i>DoD Civilian Employee</i>                                                        | 2                           | 0                         | 2                    |
| <i>DoD Contractor Employee</i>                                                      | 3                           | 0                         | 3                    |
| <i>Other U.S. Civilian</i>                                                          | 75                          | 4                         | 79                   |
| <i>Foreign National/Military</i>                                                    | 2                           | 2                         | 4                    |
| <i>Relevant Data Not Available</i>                                                  | 2                           | 0                         | 2                    |
| Service Member Reports for Incidents that Occurred <b>Prior</b> to Military Service | 80                          | 70                        | 150                  |
| Service Member Reports for Incidents that Occurred <b>During</b> Military Service   | 1,199                       | 613                       | 1,812                |

**Table 29. Marine Corps Sexual Assault Reports by Victim and Military Status, FY22**

|                                                                                     | Unrestricted Reports | Restricted Reports | Total Reports |
|-------------------------------------------------------------------------------------|----------------------|--------------------|---------------|
| <b>Total Reports of Sexual Assault</b>                                              | <b>791</b>           | <b>453</b>         | <b>1,244</b>  |
| Reports Made by Service Members                                                     | 687                  | 445                | 1,132         |
| Reports Made by Non-Service Members                                                 | 104                  | 8                  | 112           |
| <i>DoD Civilian Employee</i>                                                        | 3                    | 0                  | 3             |
| <i>DoD Contractor Employee</i>                                                      | 0                    | 0                  | 0             |
| <i>Other U.S. Civilian</i>                                                          | 97                   | 8                  | 105           |
| <i>Foreign National/Military</i>                                                    | 4                    | 0                  | 4             |
| <i>Relevant Data Not Available</i>                                                  | 0                    | 0                  | 0             |
| Service Member Reports for Incidents that Occurred <b>Prior</b> to Military Service | 68                   | 93                 | 161           |
| Service Member Reports for Incidents that Occurred <b>During</b> Military Service   | 619                  | 352                | 971           |

**Table 30. Air Force Sexual Assault Reports by Victim and Military Status, FY22**

|                                                                                     | Unrestricted Reports | Restricted Reports | Total Reports |
|-------------------------------------------------------------------------------------|----------------------|--------------------|---------------|
| <b>Total Reports of Sexual Assault</b>                                              | <b>1,064</b>         | <b>864</b>         | <b>1,928</b>  |
| Reports Made by Service Members                                                     | 929                  | 843                | 1,772         |
| Reports Made by Non-Service Members                                                 | 135                  | 21                 | 156           |
| <i>DoD Civilian Employee</i>                                                        | 9                    | 10                 | 19            |
| <i>DoD Contractor Employee</i>                                                      | 5                    | 0                  | 5             |
| <i>Other U.S. Civilian</i>                                                          | 108                  | 7                  | 115           |
| <i>Foreign National/Military</i>                                                    | 13                   | 4                  | 17            |
| <i>Relevant Data Not Available</i>                                                  | 0                    | 0                  | 0             |
| Service Member Reports for Incidents that Occurred <b>Prior</b> to Military Service | 54                   | 92                 | 146           |
| Service Member Reports for Incidents that Occurred <b>During</b> Military Service   | 875                  | 751                | 1,626         |

### Case Dispositions Reported in FY22 by Service

The following tables include the case dispositions that were reported in FY22, broken out by Service. These numbers may include a report made before FY22 for which an investigation and/or judicial outcome were completed in FY22.

**Table 31. Army Case Disposition Category, FY22**

| Case Disposition Category                                                             | Count of Case Dispositions | Share of Case Dispositions |
|---------------------------------------------------------------------------------------|----------------------------|----------------------------|
| <b>Sexual Assault Investigations Considered for Possible Action by DoD Commanders</b> | <b>1,784</b>               | <b>N/A</b>                 |
| <b>Evidence Supported Commander Action</b>                                            | <b>1,279</b>               | <b>72%</b>                 |
| Sexual Assault Offense Action                                                         | 959                        | 75%                        |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 366                        | 38%                        |

|                                                                                   |            |               |
|-----------------------------------------------------------------------------------|------------|---------------|
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                  | 287        | 30%           |
| <i>Administrative Discharge</i>                                                   | 160        | 17%           |
| <i>Other Adverse Administrative Action</i>                                        | 146        | 15%           |
| <b>Non-Sexual Assault Offense Action</b>                                          | <b>320</b> | <b>25%</b>    |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                 | 17         | 5%            |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                  | 175        | 55%           |
| <i>Administrative Discharge</i>                                                   | 82         | 26%           |
| <i>Other Adverse Administrative Action</i>                                        | 46         | 14%           |
| <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>504</b> | <b>28%</b>    |
| <i>Victim Died</i>                                                                | 1          | <1%           |
| <i>Victim Declined to Participate in the Military Justice Action</i>              | 5          | 1%            |
| <i>Insufficient Evidence to Prosecute</i>                                         | 490        | 97%           |
| <i>Statute of Limitations Expired</i>                                             | 8          | 2%            |

**Table 32. Navy Case Disposition Category, FY22**

| <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>794</b>                        | <b>N/A</b>                        |
| <b>Evidence Supported Commander Action</b>                                            | <b>476</b>                        | <b>60%</b>                        |
| Sexual Assault Offense Action                                                         | 291                               | 61%                               |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 60                                | 21%                               |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 93                                | 32%                               |
| <i>Administrative Discharge</i>                                                       | 90                                | 31%                               |
| <i>Other Adverse Administrative Action</i>                                            | 48                                | 16%                               |
| Non-Sexual Assault Offense Action                                                     | 185                               | 39%                               |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 20                                | 11%                               |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 99                                | 54%                               |
| <i>Administrative Discharge</i>                                                       | 38                                | 21%                               |
| <i>Other Adverse Administrative Action</i>                                            | 28                                | 15%                               |
| <b>Unfounded by Command/Legal Review</b>                                              | <b>27</b>                         | <b>3%</b>                         |
| <b>Commander Action Precluded or Respected Victims' Desired Non-Participation</b>     | <b>291</b>                        | <b>37%</b>                        |
| <i>Victim Died</i>                                                                    | 0                                 | 0%                                |
| <i>Victim Declined to Participate in the Military Justice Action</i>                  | 72                                | 25%                               |
| <i>Insufficient Evidence to Prosecute</i>                                             | 218                               | 75%                               |
| <i>Statute of Limitations Expired</i>                                                 | 1                                 | <1%                               |

**Table 33. Marine Corps Case Disposition Category, FY22**

| <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>281</b>                        | <b>N/A</b>                        |
| <b>Evidence Supported Commander Action</b>                                            | <b>144</b>                        | <b>51%</b>                        |
| Sexual Assault Offense Action                                                         | 100                               | 69%                               |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 57                                | 57%                               |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 8                                 | 8%                                |
| <i>Administrative Discharge</i>                                                       | 27                                | 27%                               |
| <i>Other Adverse Administrative Action</i>                                            | 8                                 | 8%                                |
| Non-Sexual Assault Offense Action                                                     | 44                                | 31%                               |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 9                                 | 20%                               |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 14                                | 32%                               |
| <i>Administrative Discharge</i>                                                       | 10                                | 23%                               |
| <i>Other Adverse Administrative Action</i>                                            | 11                                | 25%                               |
| <b>Unfounded by Command/Legal Review</b>                                              | <b>6</b>                          | <b>2%</b>                         |
| <b>Commander Action Precluded or Respected Victims' Desired Non-Participation</b>     | <b>131</b>                        | <b>47%</b>                        |
| <i>Victim Died</i>                                                                    | 0                                 | 0%                                |
| <i>Victim Declined to Participate in the Military Justice Action</i>                  | 24                                | 18%                               |
| <i>Insufficient Evidence to Prosecute</i>                                             | 107                               | 82%                               |
| <i>Statute of Limitations Expired</i>                                                 | 0                                 | 0%                                |

**Table 34. Air Force Case Disposition Category, FY22**

| <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>329</b>                        | <b>N/A</b>                        |
| <b>Evidence Supported Commander Action</b>                                            | <b>218</b>                        | <b>66%</b>                        |
| Sexual Assault Offense Action                                                         | 153                               | 70%                               |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 70                                | 46%                               |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 37                                | 24%                               |
| <i>Administrative Discharge</i>                                                       | 16                                | 10%                               |
| <i>Other Adverse Administrative Action</i>                                            | 30                                | 20%                               |
| Non-Sexual Assault Offense Action                                                     | 65                                | 30%                               |
| <i>Court-Martial Charge Preferred (Initiated)</i>                                     | 3                                 | 5%                                |
| <i>Nonjudicial Punishment (Article 15, UCMJ)</i>                                      | 28                                | 43%                               |
| <i>Administrative Discharge</i>                                                       | 1                                 | 2%                                |
| <i>Other Adverse Administrative Action</i>                                            | 33                                | 51%                               |
| <b>Unfounded by Command/Legal Review</b>                                              | <b>6</b>                          | <b>2%</b>                         |
| <b>Commander Action Precluded or Respected Victims' Desired Non-Participation</b>     | <b>105</b>                        | <b>32%</b>                        |
| <i>Victim Died</i>                                                                    | 0                                 | 0%                                |
| <i>Victim Declined to Participate in the Military Justice Action</i>                  | 73                                | 70%                               |
| <i>Insufficient Evidence to Prosecute</i>                                             | 31                                | 30%                               |
| <i>Statute of Limitations Expired</i>                                                 | 1                                 | 1%                                |