



Appendix C: Metrics and Non-Metrics on Sexual Assault



Table of Contents

Appendix C: Metrics and Non-Metrics on Sexual Assault	4
Metrics	4
Metric 1: Past-Year Estimated Prevalence of Sexual Assault and Unwanted Sexual Contact	4
Metric 2: Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact	6
DoD Prevalence and Reporting	6
Army Prevalence and Reporting	7
Navy Prevalence and Reporting	8
Marine Corps Prevalence and Reporting	9
Air Force Prevalence and Reporting	10
Metric 3: Full-time Certified Sexual Assault Response Coordinator and SAPR Victim Advocate Personnel Currently Able to Provide Victim Support	11
Metric 4: Victim Experience – Satisfaction with Services Provided	12
Metric 5: Percentage of Cases with Victims Declining to Participate in the Military Justice Process	13
Metric 6: Perceptions of Retaliation	14
Metric 7: Perceptions of Leadership Support for SAPR	15
Metric 8: Reports of Sexual Assault Over Time	16
Non-Metrics	21
Non-Metric 1: Command Action – Case Dispositions	21
Non-Metric 2: Court-Martial Outcomes	22
Non-Metric 3: Time Interval from Report of Sexual Assault to Court Outcome	23
Non-Metric 4: Time Interval from Report of Sexual Assault to Nonjudicial Punishment Outcome	24
Non-Metric 5: Time Interval from Close of an Investigation to a Command Action Taken	25
Non-Metric 6: Investigation Length	26

List of Figures

Figure A – Metric 1: Past Year Estimated Prevalence Within the Active Duty Population, CY06, FY10 – FY18, CY21, and FY23	5
Figure B – Metric 2: Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY23	7
Figure C – Metric 2a: Army Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY23	8
Figure D – Metric 2b: Navy Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY23	9
Figure E – Metric 2c: Marine Corps Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY23	10
Figure F – Metric 2d: Air Force Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY23	11
Figure G – Metric 3: Full-time Certified SARC and SAPR VA Personnel Currently Able to Provide Victim Support, by Military Service	12
Figure H – Metric 4: Female Reporter Satisfaction with SAPR Response Personnel During the Military Justice Process	13
Figure I – Metric 5: Cases with Victims Declining to Participate in the Military Justice Process, FY14 – FY23	14
Figure J – Metric 6: Perceived Retaliation Among Female Active Duty Service Members Who Made a Report of Sexual Assault	14
Figure K – Metric 7: Active Duty Service Member Perception of Leadership Support After a Report Was Made	15
Figure L – Metric 8: Reports of Sexual Assault Over Time, FY10 – FY23	16
Figure M – Metric 8: Army Reports of Sexual Assault Over Time, FY10 – FY23	17
Figure N – Metric 8: Navy Reports of Sexual Assault Over Time, FY10 – FY23	18
Figure O – Metric 8: Marine Corps Reports of Sexual Assault Over Time, FY10 – FY23	19
Figure P – Metric 8: Air Force Reports of Sexual Assault Over Time, FY10 – FY23	20
Figure Q – Non-Metric 1a: Command Action for Cases Under DoD Legal Authority, FY10 – FY23	21
Figure R – Non-Metric 1b: Completed Command Actions for Penetrating and Sexual Assault Crimes Investigated	22
Figure S – Non-Metric 2: Sexual Assault Court-Martial Outcomes Completed by Crime Charged	23
Figure T – Non-Metric 3: Time Interval from Report to Court Outcome, FY14 – FY23	24
Figure U – Non-Metric 4: Time Interval from Report to Nonjudicial Punishment Outcome, FY14 – FY23	25
Figure V – Non-Metric 5: Time Interval from Close of an Investigation to a Command Action Date, FY14 – FY23	26

Figure W – Non-Metric 6: Investigation Length, FY13 – FY23.....26

Appendix C: Metrics and Non-Metrics on Sexual Assault

In collaboration with the White House, the Department of Defense (DoD) developed the following metrics and non-metrics in 2014 to help illustrate and assess DoD's progress in sexual assault prevention and response (SAPR). As part of the development process, DoD examined sexual assault programs throughout the nation to identify potential points of analysis. In 2023, DoD updated the metrics.

For the purposes of this document, the term "metric" describes a quantifiable part of a system's function. Inherent in performance metrics is the concept that there may be a positive or negative valence associated with such measurements. In addition, adjustments in inputs to a process may allow an entity to influence a metric in a desired direction. For example, DoD aspires to encourage greater reporting of sexual assault by putting policies and resources in place. Therefore, an increase in the number of sexual assaults reported may indicate that DoD's efforts may be working.

DoD uses the term "non-metric" to describe outputs of the military justice system that should not be "influenced," or be considered as having a positive or negative valence in that doing so may be inappropriate or unlawful under military law. Figures A through AA illustrate points of analysis for metrics and non-metrics.

Metrics

Metric 1: Past-Year Estimated Prevalence of Sexual Assault and Unwanted Sexual Contact

(Biennial Metric; Updated for FY23)

DoD administers the *Workplace and Gender Relations Survey of Military Members (WGR)*¹ to assess the estimated prevalence of sexual assault² or unwanted sexual contact³ among active duty and reserve component members over a year's time. The Office of People Analytics (OPA) conducts the *WGR* in accordance with the biennial cycle of human relations surveys outlined in Section 481 of Title 10, USC. In the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021, Congress authorized DoD to conduct the Active Duty and Reserve Component surveys in the same year. Metric 1 provides estimated active duty prevalence rates for Calendar Year (CY) 2006, FY10, FY12, FY14, FY16, FY18, CY21⁴, and FY23.⁵ The

¹ In FY14, the RAND Corporation recommended use of a prevalence estimate measure closely aligned with the elements of criminal offenses in the Uniform Code of Military Justice (UCMJ). For FY14, FY16, and FY18, this metric was used to estimate prevalence of sexual assault in the active and reserve components of the U.S. Armed Forces.

² Sexual assault is defined in DoDI 6495.02 as "Intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. As used in this Instruction, 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."

³ Unwanted Sexual Contact is a proxy term for crimes consistent with sexual assault and is used to estimate prevalence in the 2021 *Workplace and Gender Relations Surveys*. 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 an object).

⁴ The Department was due to administer the *WGR* in 2020, but was unable to do so due to the coronavirus pandemic. In addition, due to a change in survey administration requirements, DoD was not able to field the survey in the usual timeframe (i.e., August to October). As a result, the estimates of prevalence in 2021 reflect the 12-month period of January 1, 2021 to December 31, 2021 (CY21).

⁵ The Department conducted the 2021 and 2023 *WGR of Military Members* for both the active duty and reserve components, but all metrics in this report pertain to members of the active duty component.

estimates of prevalence in 2023 reflect the 12-month period of October 1, 2022 to September 30, 2023.⁶

Changes to survey administration procedures required the Department to change sexual assault prevalence metrics for the 2021 WGR survey. 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). The Department used the USC measure on the 2023 WGR, and is able to provide significant estimates for 2023 compared to 2021.

As with all surveys, OPA classifies Service members as having experienced sexual assault or unwanted sexual contact based on respondents' memories of the event as expressed in their survey responses. A full review of all evidence may reveal that some respondents whom OPA classifies as not having experienced sexual assault or unwanted sexual contact in fact did have one of these experiences. Similarly, some whom OPA classifies as having experienced a crime or violation may have experienced an event that would not meet the minimum DoD criteria. OPA's rigorous survey development sought to minimize such errors, but these errors cannot be eliminated in a self-report survey. Metric 1 (Figure A) illustrates the estimated past-year rates of unwanted sexual contact (USC) in CY06, FY10, FY12, CY21, and FY23 and sexual assault in FY14, FY16, and FY18. Given changes in the USC metric since FY12 and differences with the RAND sexual assault metric used from FY14 to FY18, the prevalence of USC estimated for CY21 and FY23 are not directly comparable to prior years' prevalence estimates.

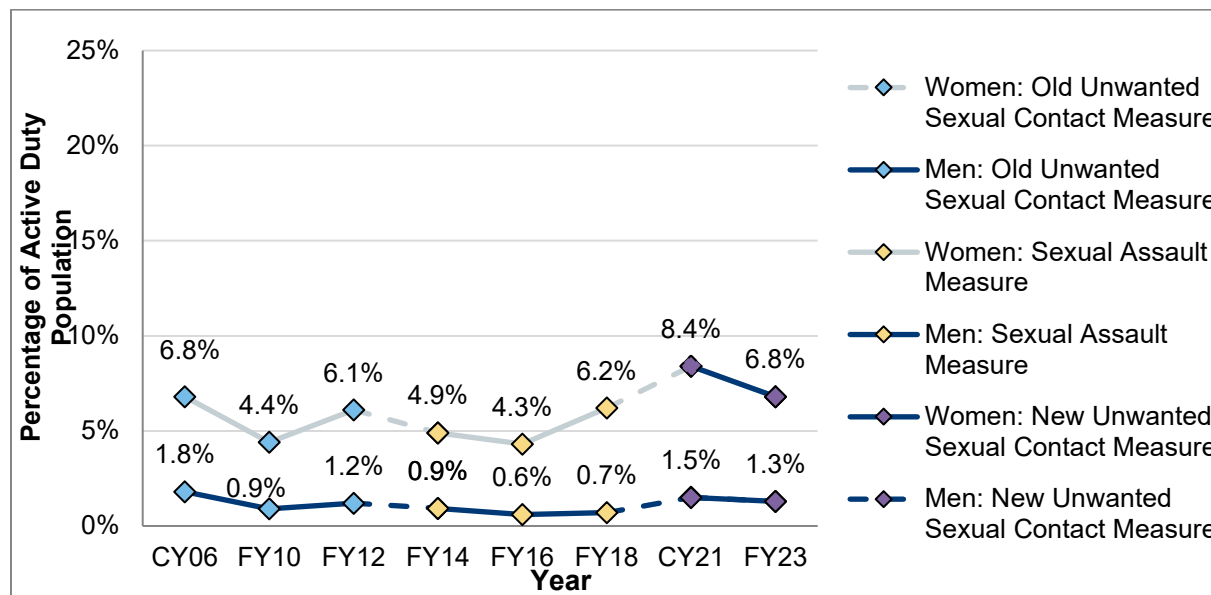


Figure A – Metric 1: Past Year Estimated Prevalence Within the Active Duty Population, CY06, FY10 – FY18, CY21, and FY23

Source: Gender Relations Survey of Active Duty Members (2006); WGR, 2010-2012, 2016-2023; RAND Military Workplace Study (RMWS, 2014).

⁶ To maximize the opportunity to participate, the survey was available to Service members for 18 weeks. Accordingly, the period of time that Service members are asked to recall an unwanted experience spanned from July 2023 to November 2023.

In FY23, DoD estimated that 6.8 percent of active duty women and 1.3 percent of active duty men experienced an incident of Unwanted Sexual Contact in the 12 months prior to being surveyed.⁷

Metric 2: Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact

(Biennial Metric; Updated for FY23)

Underreporting occurs when crime reports to law enforcement fall far below statistical estimates of how often a crime may occur. Nationally, sexual assault is one of the most underreported crimes, with estimates indicating that between 67 and 75 percent of sexual assaults are not reported to police.⁸ Underreporting also occurs in DoD and interferes with providing victims needed care and holding alleged offenders appropriately accountable. To understand the extent to which sexual assault goes unreported, Metric 2 compares the estimated number of Service members who may have experienced sexual assault, as measured by confidential survey data, with the number of Service member victims in sexual assault reports for incidents occurring during Military Service.

DoD Prevalence and Reporting

Each year, DoD receives reports of sexual assault from military and civilian victims. DoD responds to all reports of sexual assault; however, a focus on Service member victim reports of sexual assault for an incident occurring during military service allows for comparison to active duty prevalence estimates. Figure B depicts the difference between the number of Service members who reported a sexual assault and the estimated number of Service members who experienced unwanted sexual contact in the last year, according to survey data. Although reports to DoD authorities are unlikely to capture all sexual assaults estimated to occur each year, DoD encourages greater Service member reporting of sexual assault to connect victims with restorative care and to hold alleged offenders appropriately accountable.

⁷ OPA used scientific weighting to estimate prevalence rates that were representative of the entire active duty population. OPA provides confidence intervals for all statistics that are interpreted as population estimates. The estimated 8.4 percent prevalence rate among women has a confidence interval of 7.9 percent to 8.9 percent, meaning that we can infer with 95 percent confidence that the estimated prevalence of sexual assault among active duty women is between 7.9 percent and 8.9 percent. The estimated prevalence rate of 1.5 percent among men has a confidence interval of 1.4 percent to 1.7 percent, meaning that we can infer with 95 percent confidence that the estimated prevalence of sexual assault among active duty men is between 1.4 percent and 1.7 percent.

⁸ Morgan, R. E., & Truman, J. L. Criminal Victimization, 2019. *Bureau of Justice Statistics* (2020): 1-53.

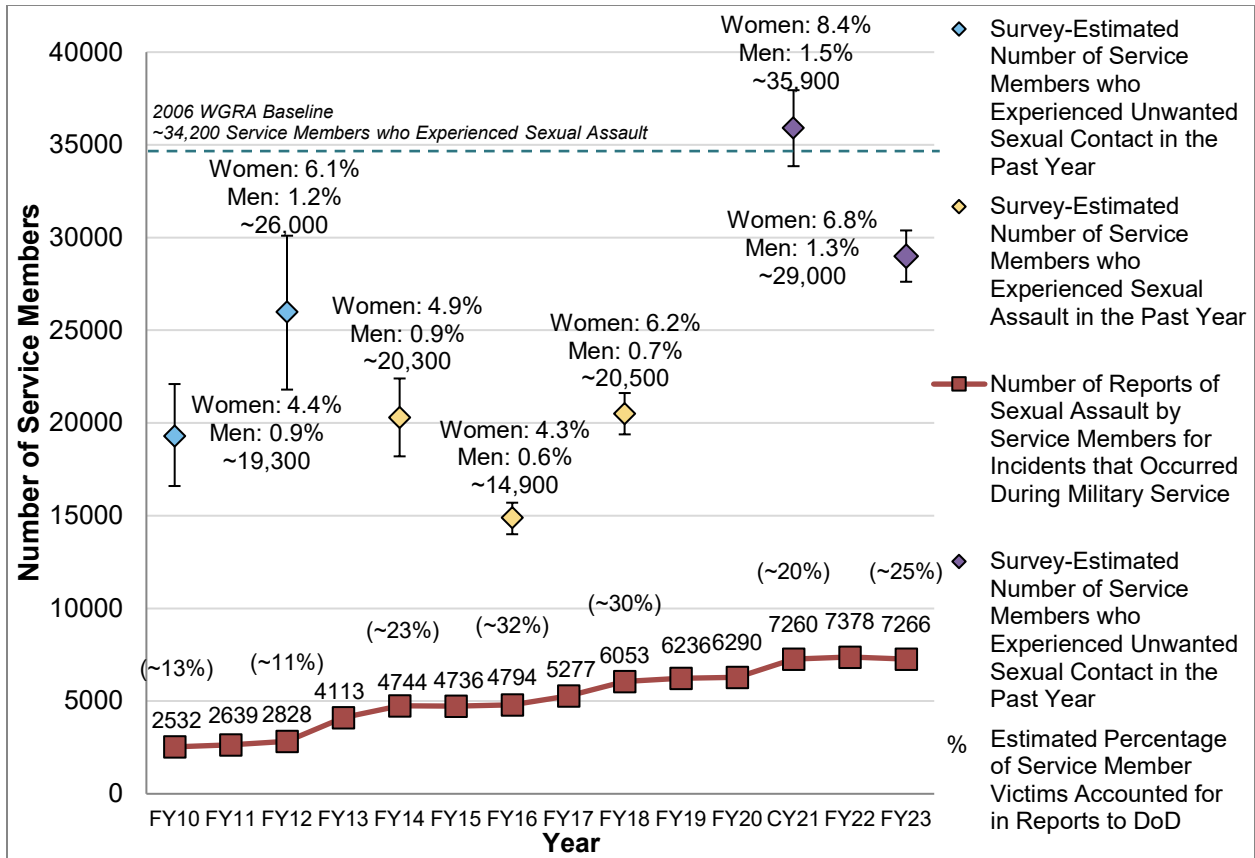


Figure B – Metric 2: Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY23

Note: Error bars represent the 95 percent confidence interval for each estimate.

Figures C through F display data for each of the Military Services. Military Service-level data are presented on different scales for ease of reading and to account for differences in population sizes of each of the Military Services.

Additionally, OPA used scientific weighting to estimate prevalence rates that were representative of the entire active duty population and each Military Service. OPA provides confidence intervals for all statistics that are interpreted as population estimates, and provides the statistical mid-point to estimate the number of Service members who experienced sexual assault in the 12 months prior to survey administration. Therefore, point-estimates displayed separately for each Military Service will not add up to the DoD point-estimate. **The figure above contains prevalence data from the FY23 OPA WGR Survey.**

Army Prevalence and Reporting

In FY23, DoD estimated that 7.3 percent of active duty Army women and 1.1 percent of active duty Army men experienced an incident of unwanted sexual contact in the 12 months prior to being surveyed.

As Figure C shows, 2,947 Service members made a report in FY23 to a military authority (compared to 2,969 Service members in FY22, a decrease of 9.3 percent) for an incident that occurred during military service in the past year.

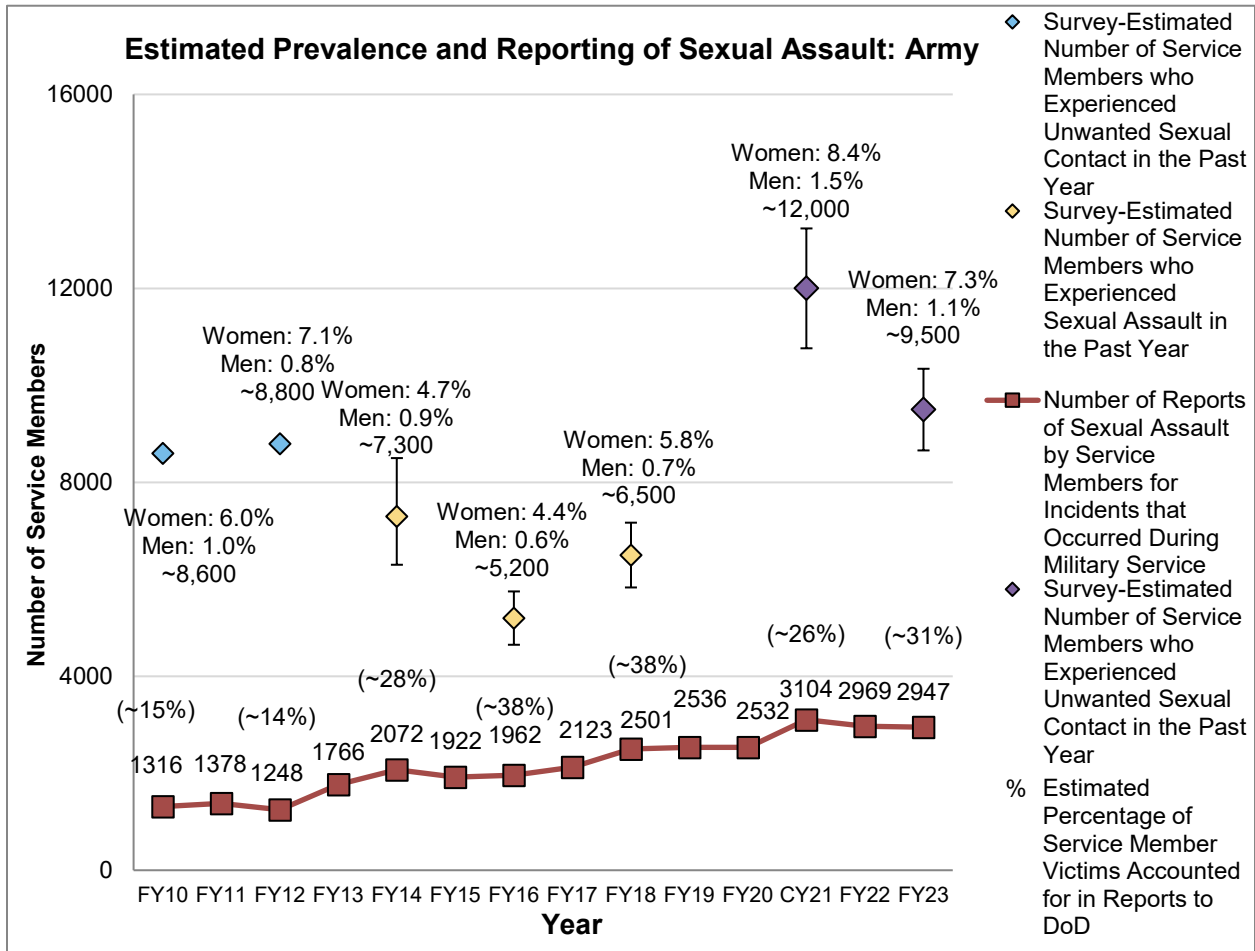


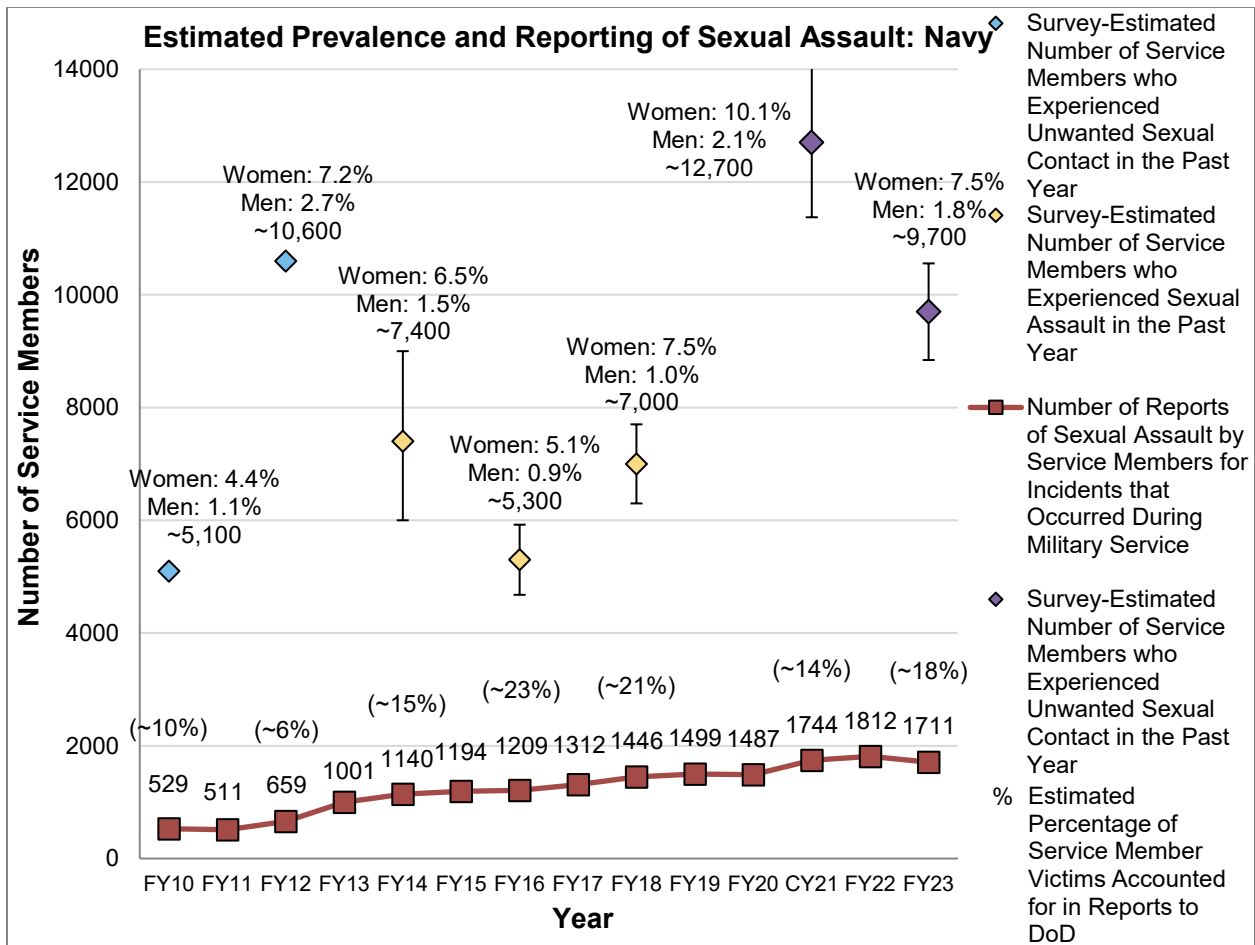
Figure C – Metric 2a: Army Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY23

Note: Error bars represent the 95 percent confidence interval for each estimate.

Navy Prevalence and Reporting

In FY23, DoD estimated that 7.5 percent of active duty Navy women and 1.8 percent of active duty Navy men experienced an incident of unwanted sexual contact in the 12 months prior to being surveyed.

Figure D shows that 1,711 Service members made a report in FY23 to a military authority (compared to 1,812 Service members in FY22, an decrease of 5.6 percent) for an incident that occurred during military service in the past year.



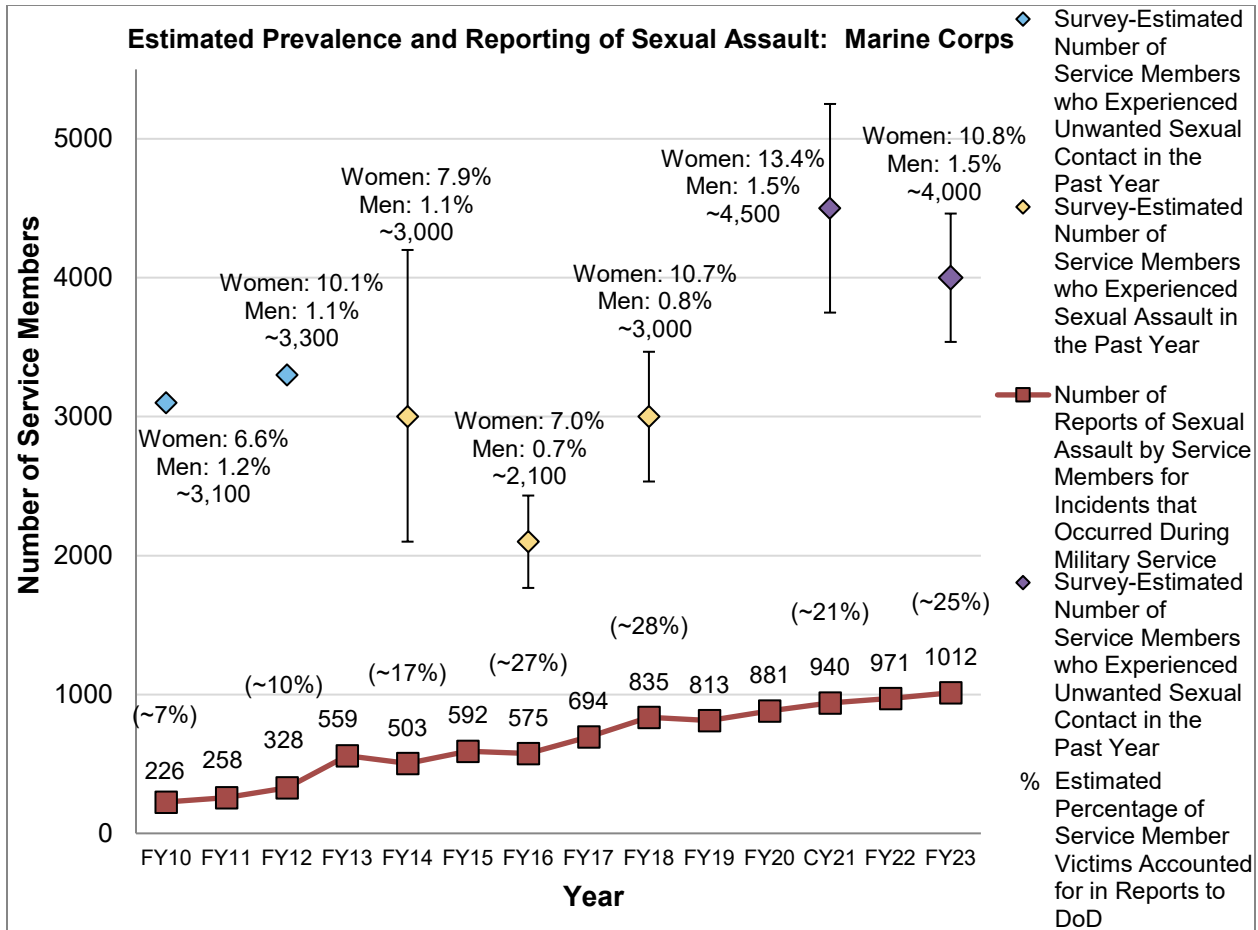
Note: Error bars represent the 95 percent confidence interval for each estimate.

Figure D – Metric 2b: Navy Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY23

Marine Corps Prevalence and Reporting

In FY23, DoD estimated that 10.8 percent of active duty Marine Corps women and 1.5 percent of active duty Marine Corps men experienced an incident of unwanted sexual contact in the 12 months prior to being surveyed.

Figure E shows that 1,012 Service members made a report in FY23 to a military authority (compared to 971 Service members in FY22, an increase of 4.2 percent) for an incident that occurred during military service in the past year.



Note: Error bars represent the 95 percent confidence interval for each estimate.

Figure E – Metric 2c: Marine Corps Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY23

Air Force Prevalence and Reporting

In FY23, DoD estimated that 4.6 percent of active duty Air Force women and 1.0 percent of active duty Air Force men experienced an incident of unwanted sexual contact in the 12 months prior to being surveyed.

Figure F shows that 1,596 Service members made a report in FY23 to a military authority (compared to 1,626 Service members in FY22, a decrease of 1.8 percent) for an incident that occurred during military service in the past year.

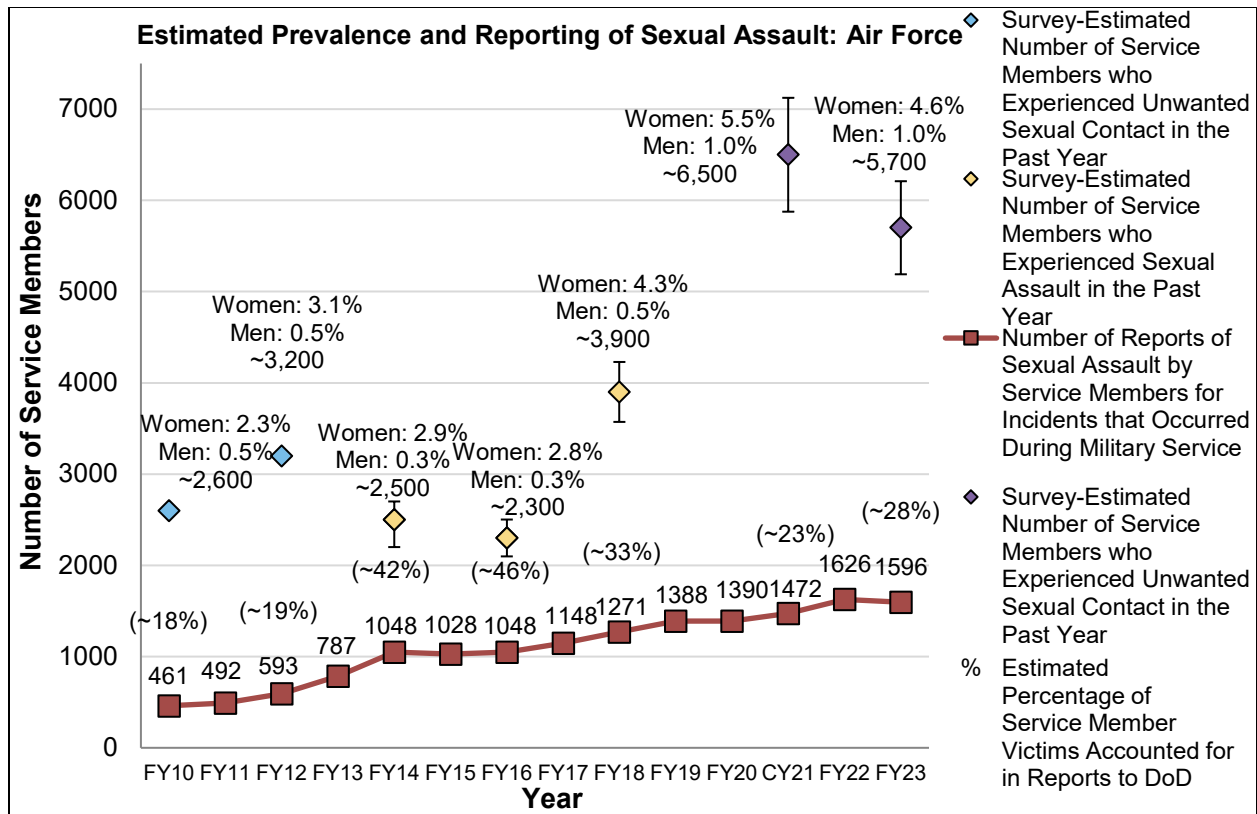


Figure F – Metric 2d: Air Force Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY23

Note: Error bars represent the 95 percent confidence interval for each estimate.

DoD remains committed to providing Service members who experience sexual assault with a variety of reporting and care options in the DoD response system. In addition, DoD maintains its resolve to strengthen its prevention initiatives and evaluation efforts to ensure the effectiveness of such programs.

Metric 3: Full-time Certified Sexual Assault Response Coordinator and SAPR Victim Advocate Personnel Currently Able to Provide Victim Support

(Annual Metric; Updated for FY23)

As illustrated in Figure G, there were 1,221 full-time civilian and Service member Sexual Assault Response Coordinators (SARCs), SAPR Victim Advocates (VAs), and Uniformed SAPR Victim Advocates (UVAs) working to provide victim support in FY23. In addition to fulltime SARCs and SAPR VAs/UVAs, the Military Services also employed collateral duty Service member SARCs and UVAs to provide support to victims on a part-time basis.

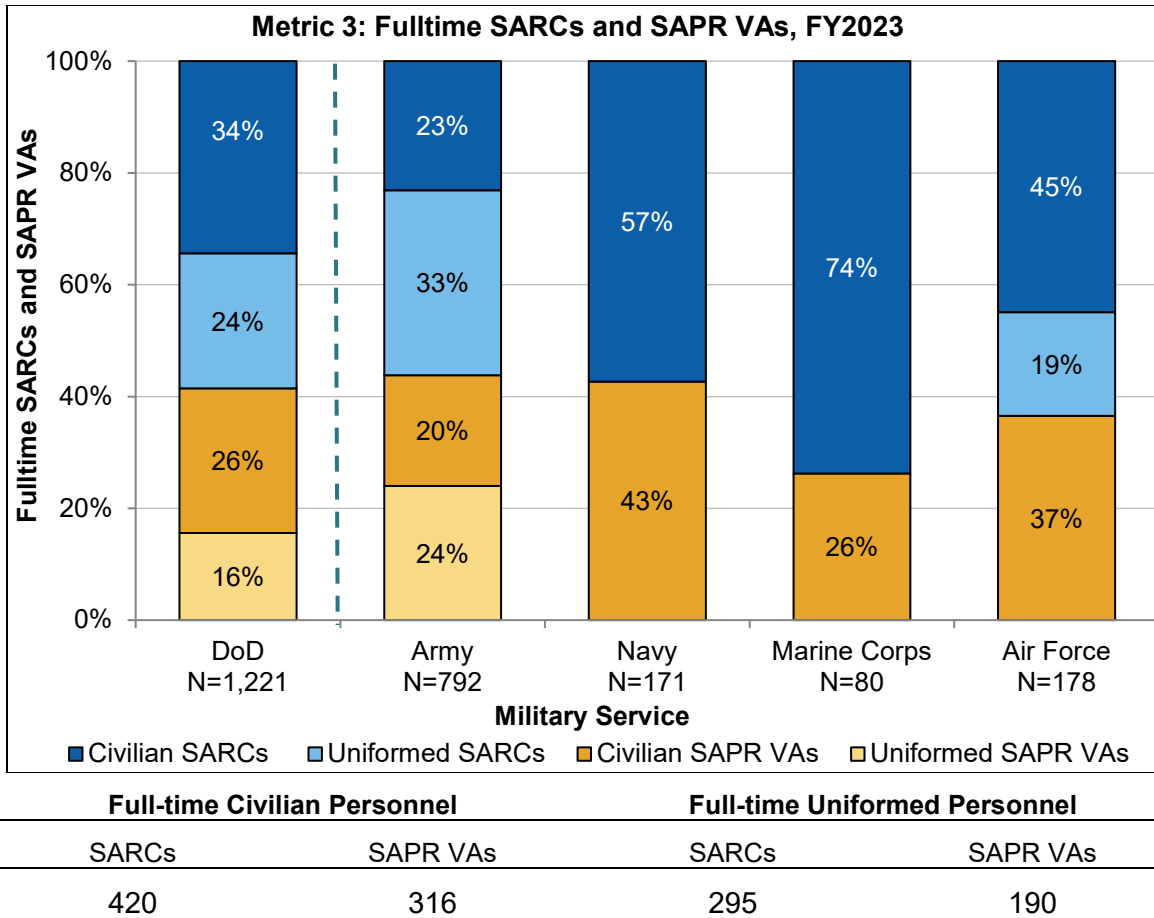


Figure G – Metric 3: Full-time Certified SARC and SAPR VA Personnel Currently Able to Provide Victim Support, by Military Service

Metric 4: Victim Experience – Satisfaction with Services Provided

(Biennial Metric; Updated for FY23)

The Department estimated victim satisfaction with services on the 2023 *WGR*. The results show that satisfaction with SAPR response personnel remained relatively high, with roughly two-thirds of women who made a report of a past-year sexual assault and interacted with SARCs, SAPR UVAs/VAs, and SVCs/VLCs indicating they were satisfied with the services they received. Interactions with SARCs received the highest reported satisfaction. Results were not reportable for men who made a report.

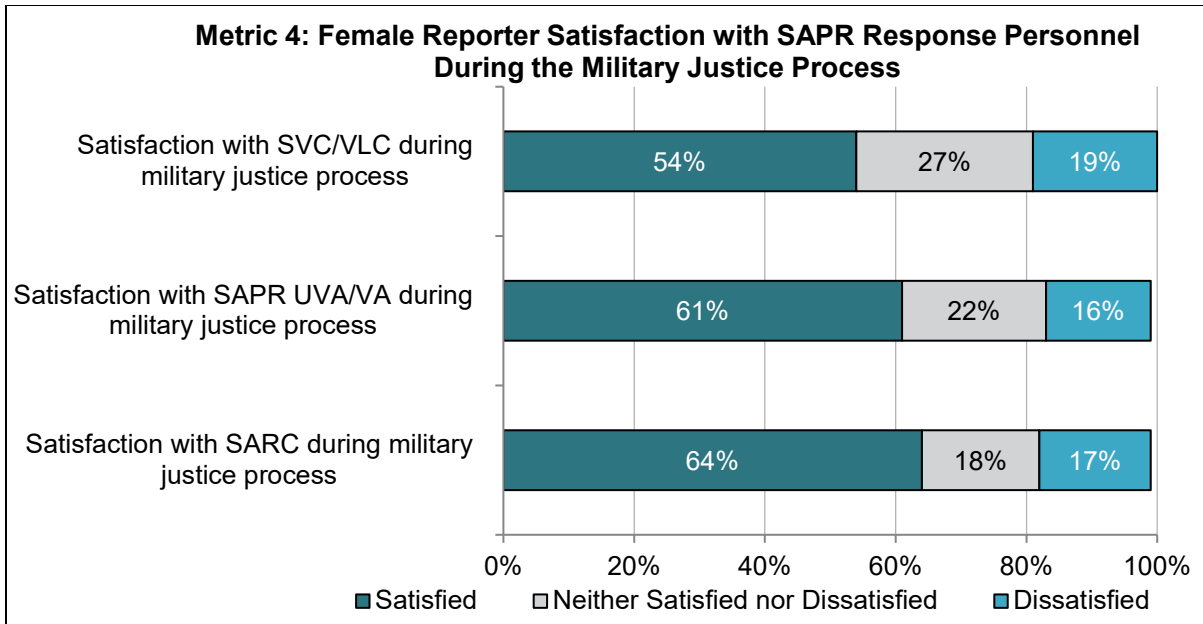


Figure H – Metric 4: Female Reporter Satisfaction with SAPR Response Personnel During the Military Justice Process

Metric 5: Percentage of Cases with Victims Declining to Participate in the Military Justice Process

(Annual Metric; Updated for FY23)

To standardize and consistently improve the reliability and validity of DoD data, representatives from the Military Services meet routinely to review procedures for classifying and annotating case disposition information in DSAID. These meetings allow the Military Services to consistently report information properly and ensure data standardization, despite the turnover and changes in personnel.

After observing an increase in cases that could not progress in the military justice system because victims declined to participate, DoD engaged with Military Service representatives to review case reporting procedures and possible causes. This review led to improvements across the Military Services in their disposition reporting processes. The data for this year reflect the ongoing quality assurance process DoD leverages to ensure consistency between the Military Services and across reporting periods.

The Military Services reported that DoD commanders, in conjunction with their legal advisors, reviewed and made case disposition decisions following the completion of an investigation for 2,890 cases in FY23. In FY23, 6 percent of cases commanders considered for action did not progress in the military justice system to conclusion because commanders respected victims' desired non-participation in the process. As illustrated in Figure I, the percentage of cases with victims declining to participate increased from FY22 to FY23.

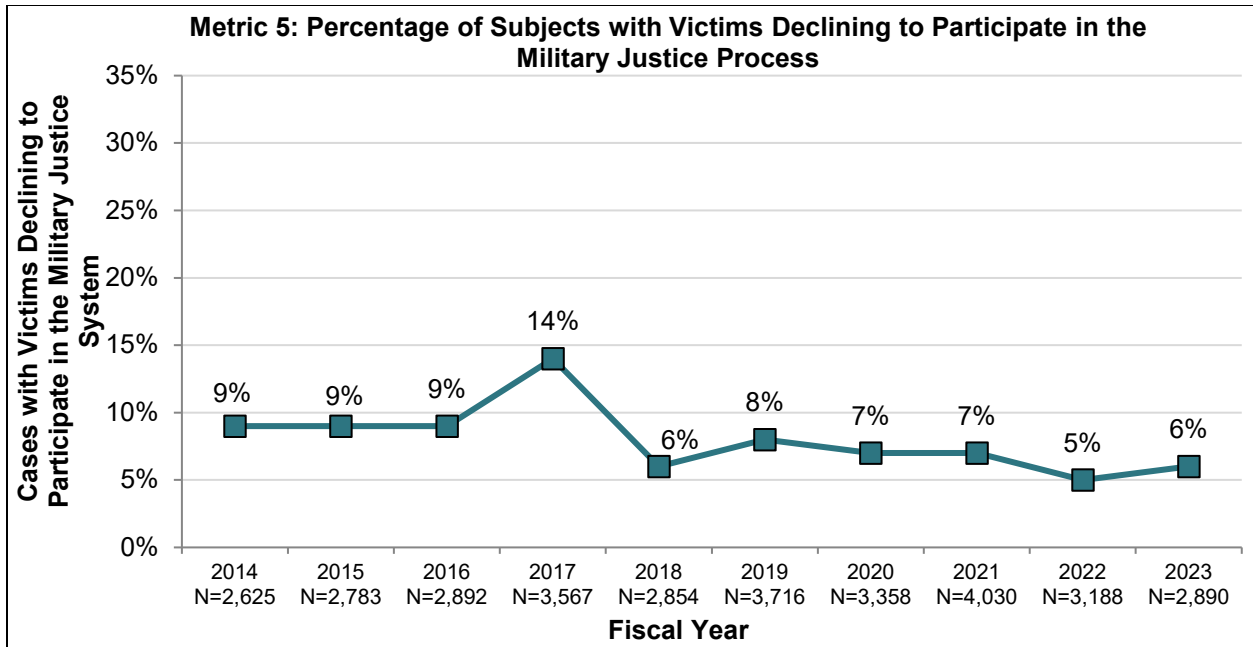


Figure I – Metric 5: Cases with Victims Declining to Participate in the Military Justice Process, FY14 – FY23

Metric 6: Perceptions of Retaliation

(Biennial Metric; Updated for FY23)

DoD aims to foster a climate of confidence in which victims feel they can report sexual assault without concern for retaliation. To this end, DoD uses the *WGR* to ask respondents whether they experienced specific retaliatory behaviors following their report of sexual assault. Subsequent questions then assess the context of those experiences to further categorize which respondents indicated experiencing consequences that aligned with prohibited behaviors described in policy and law as retaliation. Those behaviors that do not align with violations of the UCMJ or policy are referred to as “perceived retaliation.”

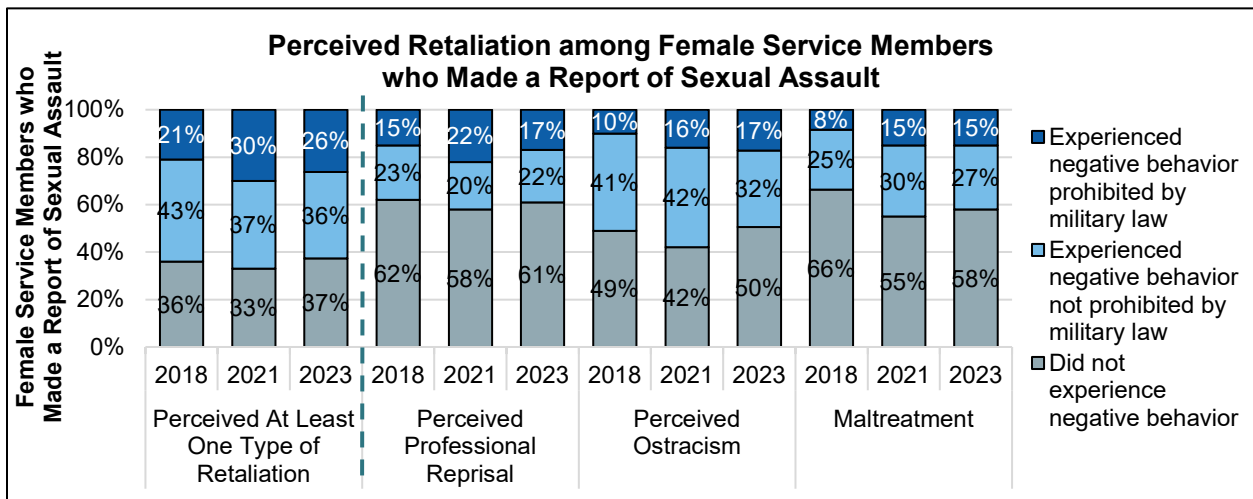


Figure J – Metric 6: Perceived Retaliation Among Female Active Duty Service Members Who Made

a Report of Sexual Assault⁹

Of female Service members who indicated on the survey that they experienced unwanted sexual contact in the past year and reported it to a DoD authority, 62 percent indicated perceiving at least one retaliatory behavior associated with their report. However, once the context of those alleged behaviors was assessed, 17 percent of victims' experiences aligned with the legal criteria for professional reprisal, 17 percent aligned with ostracism, and 15 percent aligned with criteria for maltreatment (Figure J). Responses to these survey items do not constitute a report of retaliation, nor do they constitute a finding under the law that the victim experienced some form of retaliation. Rather, these responses allow DoD to gain insight into the broad range of negative consequences Service members perceive as being associated with their sexual assault reports.

Metric 7: Perceptions of Leadership Support for SAPR

(Biennial Metric; Updated for FY23)

DoD administered the last iteration of leadership support after sexual assault reporting questions on the 2021 *WGRA*.

Respondents indicated their perceptions of their leadership's actions in response to their sexual assault report. Figure K depicts the average agreement with these items for both male and female Service members who indicated experiencing unwanted sexual contact and reported it. Perceptions of leadership support for SAPR were fairly similar between men and women, with men indicating slightly higher levels of support than women.

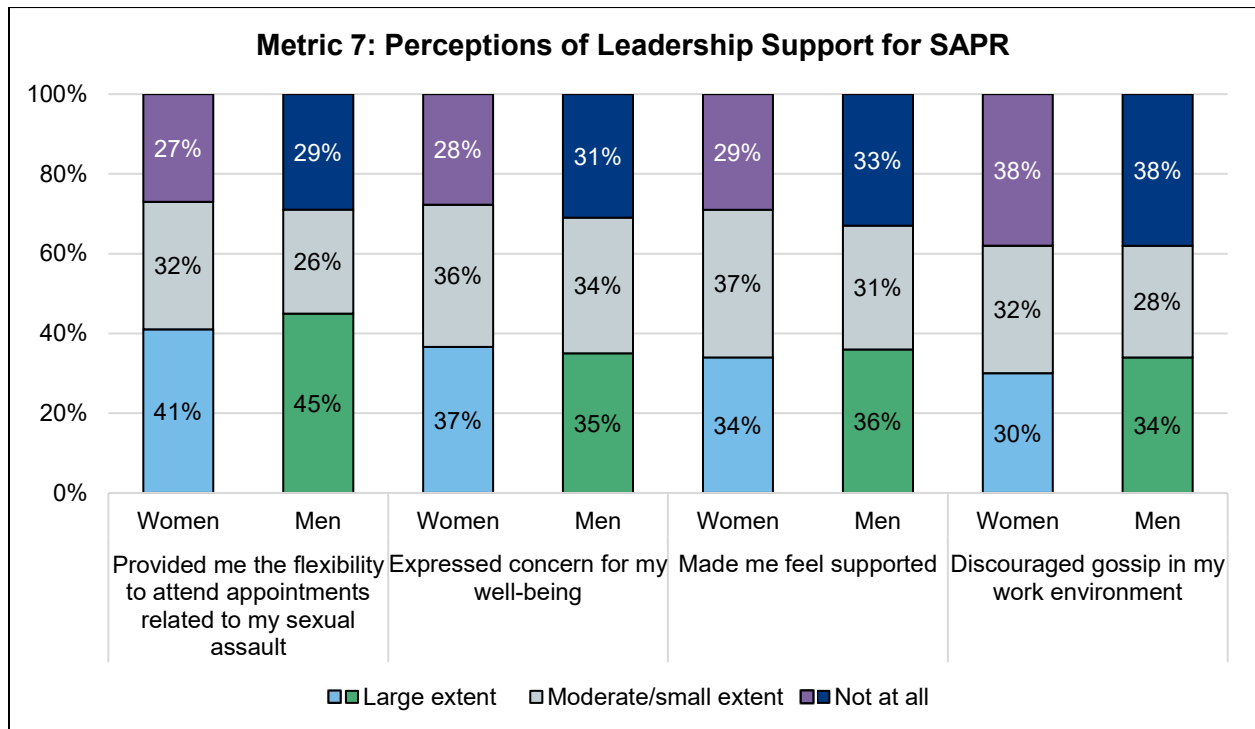


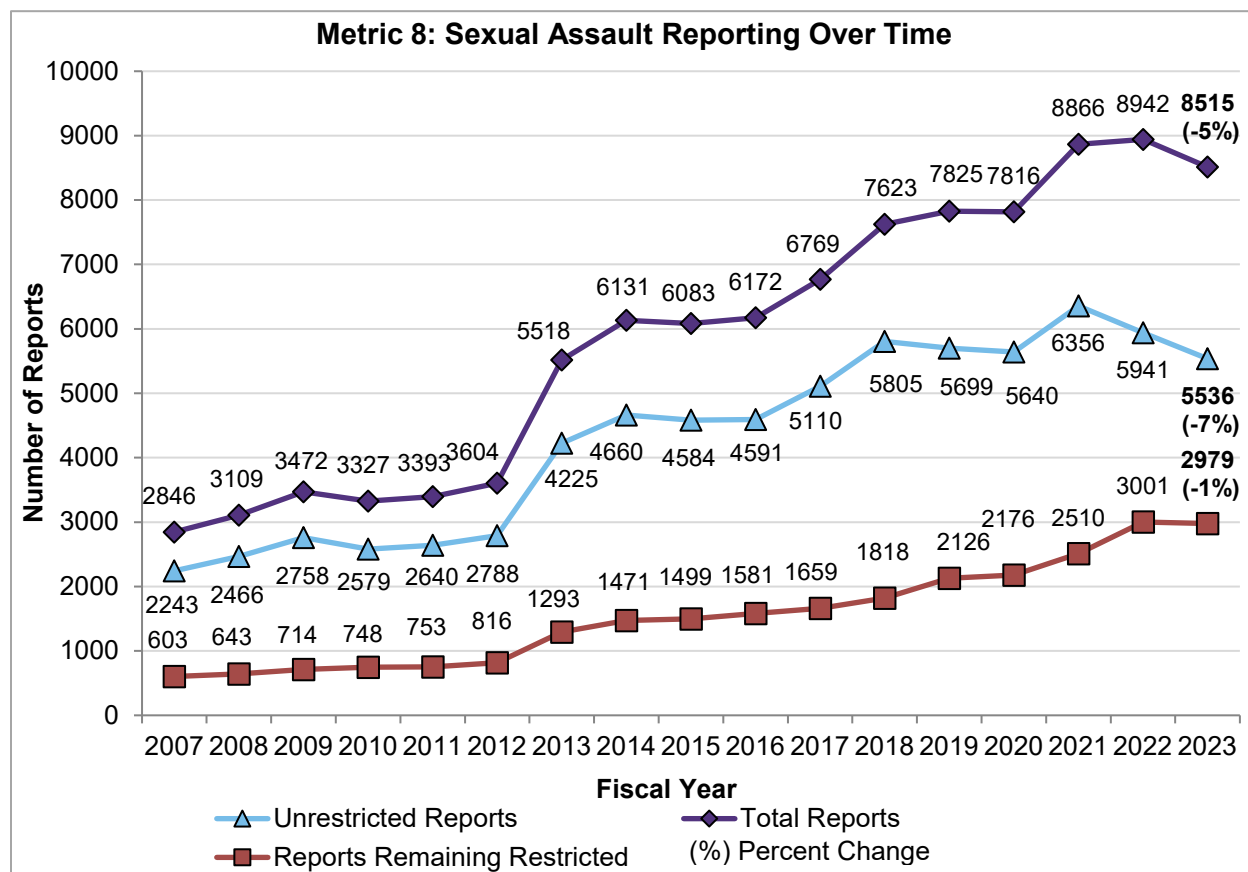
Figure K – Metric 7: Active Duty Service Member Perception of Leadership Support After a Report Was Made

⁹ Data for men on this metric were not reportable.

Metric 8: Reports of Sexual Assault Over Time

(Annual Metric; Updated for FY23)

In FY23, the Military Services received 8,515 reports of sexual assault involving Service members as either victims or subjects (Figure L). While DoD received these reports in FY23, a portion of reported incidents occurred in prior FYs and/or prior to military service.



Fiscal Year	Total Reports	=	Unrestricted	+	Remaining Restricted
2023	8,515	=	5,536 (65%)	+	2,979 (35%)
2022	8,942	=	5,941 (66%)	+	3,001 (34%)

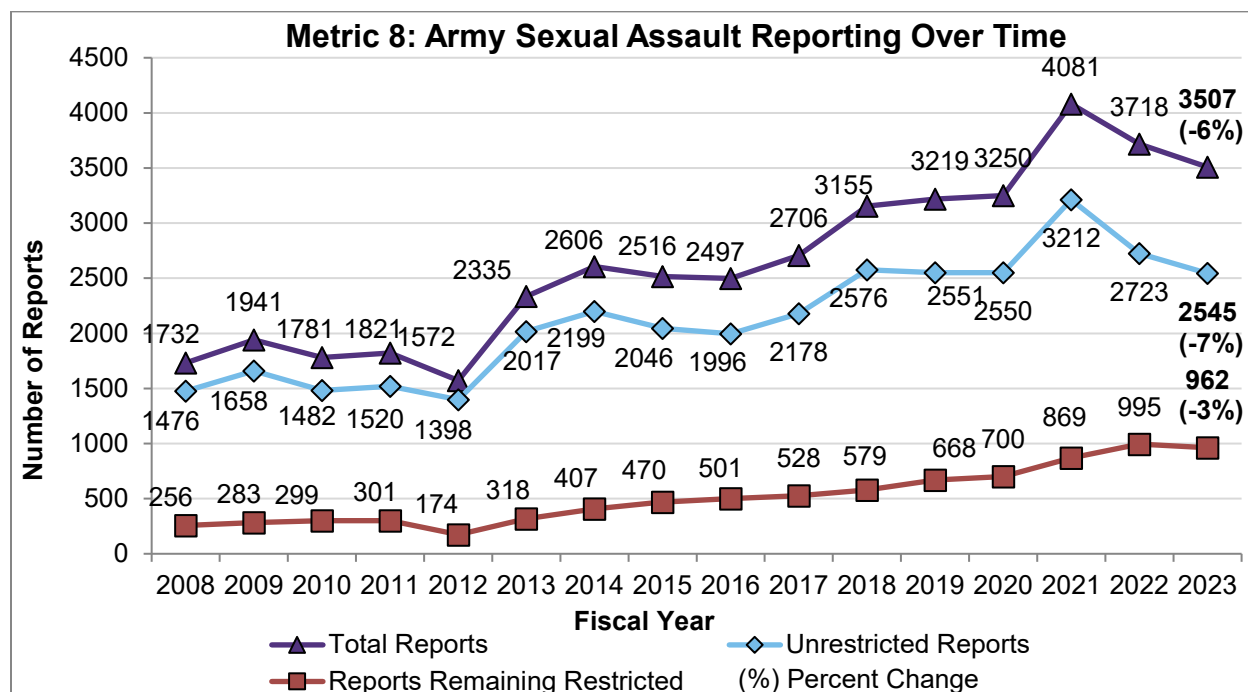
Figure L – Metric 8: Reports of Sexual Assault Over Time, FY10 – FY23

Of the 8,515 reports in FY23, 541 (6 percent) were made by Service members for incidents that occurred prior to their entering military service.¹⁰ The Military Services received 5,536

¹⁰ Prior to FY14, an Unrestricted Report of sexual assault may have included one or more victims and one or more subjects. DoD relied upon MCIOs to provide the number of Unrestricted Reports and the subsequent number of victims and subjects associated with those reports each year. In FY14, DoD transitioned to DSAID as the primary source of reporting statistics with each Unrestricted Report corresponding to a single victim.

Unrestricted Reports involving Service members as victims or subjects in FY23.¹¹ The Military Services initially received 3,600 Restricted Reports involving Service members as either victims or subjects. Of the 3,600 initial Restricted Reports, 17 percent (621 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. At the end of FY23, 2,979 reports remained Restricted.

Figures M through P display the reports over time for each of the Military Services.

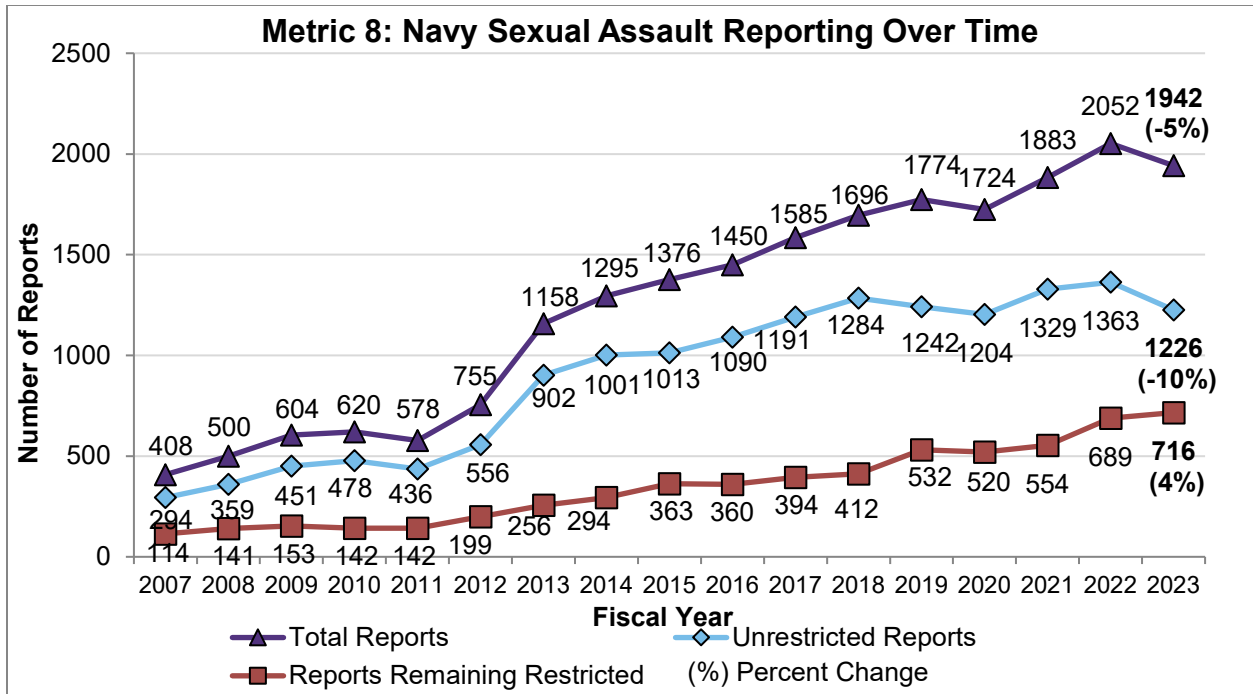


Fiscal Year	Total Reports	=	Unrestricted	+	Remaining Restricted
2023	3,507	=	2,545 (73%)	+	962 (27%)
2022	3,718	=	2,723 (73%)	+	995 (27%)

Figure M – Metric 8: Army Reports of Sexual Assault Over Time, FY10 – FY23

Army received 2,545 Unrestricted Reports involving Service members as victims or subjects in FY22. Army authorities initially received 1,147 Restricted Reports involving Service members as either victims or subjects. Of the 1,147 initial Restricted Reports, about 16 percent (185 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. At the end of FY23, 962 reports remained Restricted.

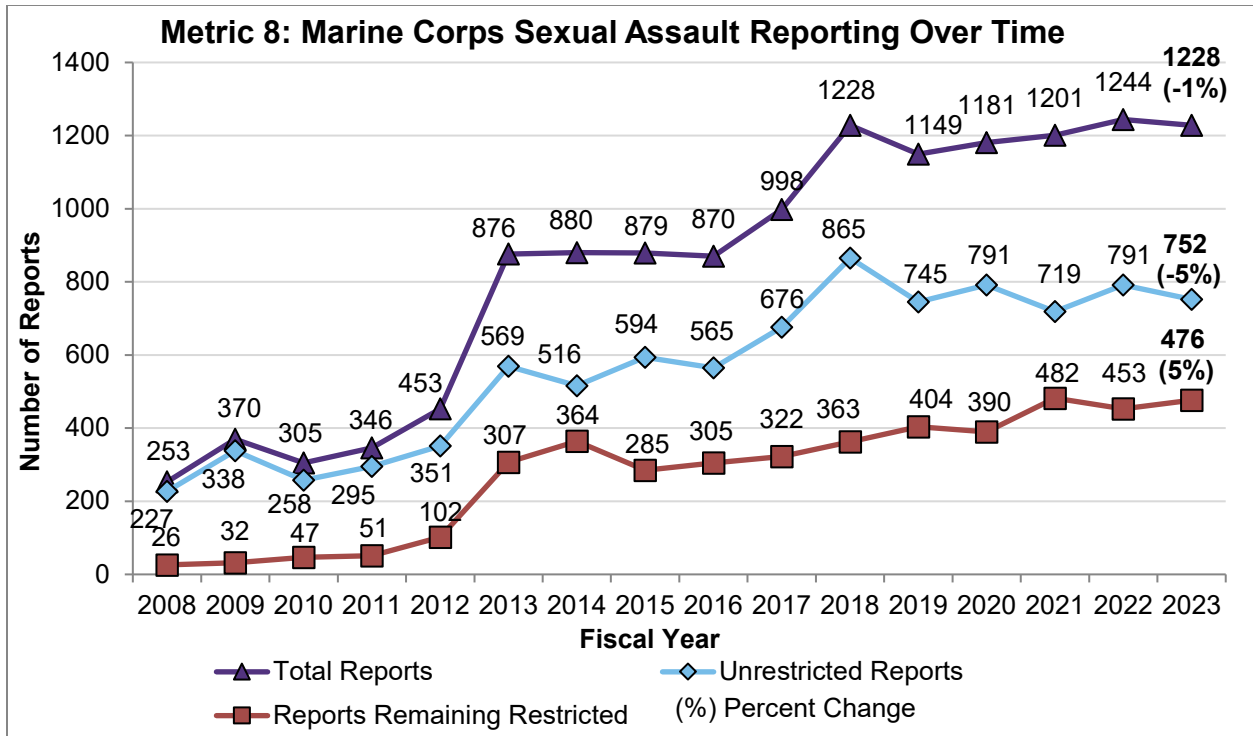
¹¹ Beginning with the implementation of DSAID in 2014, DoD has extracted and analyzed data six weeks after the end of each FY to allow sufficient time for data validation. DSAID is a live database, and its records change daily to reflect case status. During this six-week period, 39 additional Restricted 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 39 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 621 report conversions.



Fiscal Year	Total Reports	=	Unrestricted	+	Remaining Restricted
2023	1,942	=	1,226 (63%)	+	716 (37%)
2022	2,052	=	1,363 (66%)	+	689 (34%)

Figure N – Metric 8: Navy Reports of Sexual Assault Over Time, FY10 – FY23

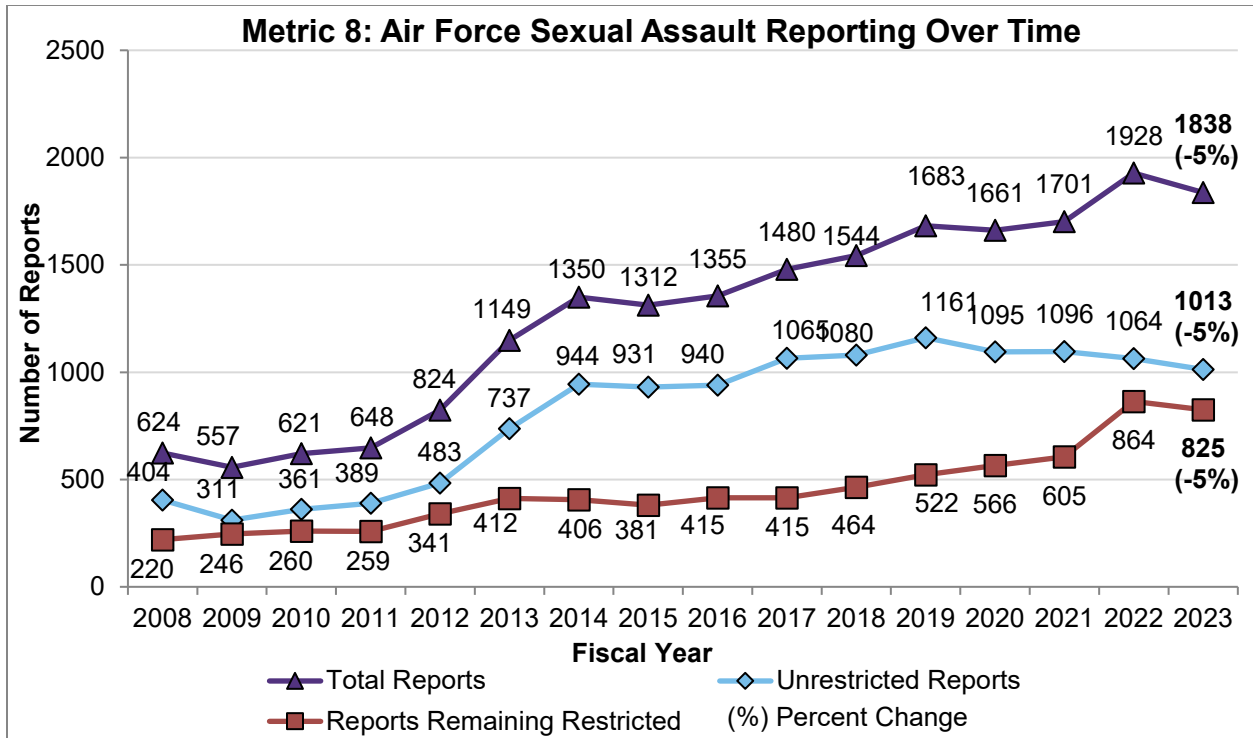
Navy received 1,226 Unrestricted Reports involving Service members as victims or subjects in FY22. Navy authorities initially received 873 Restricted Reports involving Service members as either victims or subjects. Of the 873 initial Restricted Reports, about 18 percent (157 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. At the end of FY23, 716 reports remained Restricted.



Fiscal Year	Total Reports	=	Unrestricted	+	Remaining Restricted
2023	1,228	=	752 (61%)	+	476 (39%)
2022	1,244	=	791 (64%)	+	453 (36%)

Figure O – Metric 8: Marine Corps Reports of Sexual Assault Over Time, FY10 – FY23

Marine Corps received 752 Unrestricted Reports involving Service members as victims or subjects in FY22. Marine Corps authorities initially received 570 Restricted Reports involving Service members as either victims or subjects. Of the 570 initial Restricted Reports, about 17 percent (94 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. At the end of FY23, 476 reports remained Restricted.



Fiscal Year	Total Reports	=	Unrestricted	+	Remaining Restricted
2023	1,838	=	1,013 (55%)	+	825 (45%)
2022	1,928	=	1,064 (55%)	+	864 (45%)

Figure P – Metric 8: Air Force Reports of Sexual Assault Over Time, FY10 – FY23

Air Force received 1,013 Unrestricted Reports involving Service members as victims or subjects in FY22. Air Force authorities initially received 1,010 Restricted Reports involving Service members as either victims or subjects. Of the 1,010 initial Restricted Reports, about 18 percent (185 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. At the end of FY23, 825 reports remained Restricted.

Non-Metrics

Non-Metric 1: Command Action – Case Dispositions

(Annual Metric; Updated for FY23)

The following describes outcomes for completed investigations with case disposition results reported in FY23. Congress requires DoD to report on the case dispositions (outcomes) of sexual assault allegations in Unrestricted Reports made against Service members (DoDI 6495.02). When a person is the subject of multiple investigations, he/she will also be associated with more than one case disposition in DSAID (see Appendix B for further detail).

In FY23, 2,890 cases investigated for sexual assault were primarily under the legal authority of the DoD. However, as in the civilian criminal justice system, evidentiary issues, statutes of limitations, and victim preferences may have led DoD not to take disciplinary action in some cases. In addition, commanders may have declined to take action after a legal review of the matter indicated that the allegations against the accused were unfounded, meaning they were determined to be false or baseless. In total, command action was not pursued in about 37 percent of the cases considered for action by military commanders in FY23 (Figure Q). For the remaining 63 percent of cases considered for command action, commanders had sufficient evidence and legal authority to support some form of disciplinary action for a sexual assault offense or other misconduct. Figure Q displays command action taken from FY10 to FY23 and Figure R displays command action in FY23 for penetrating versus sexual contact crimes alleged/investigated.

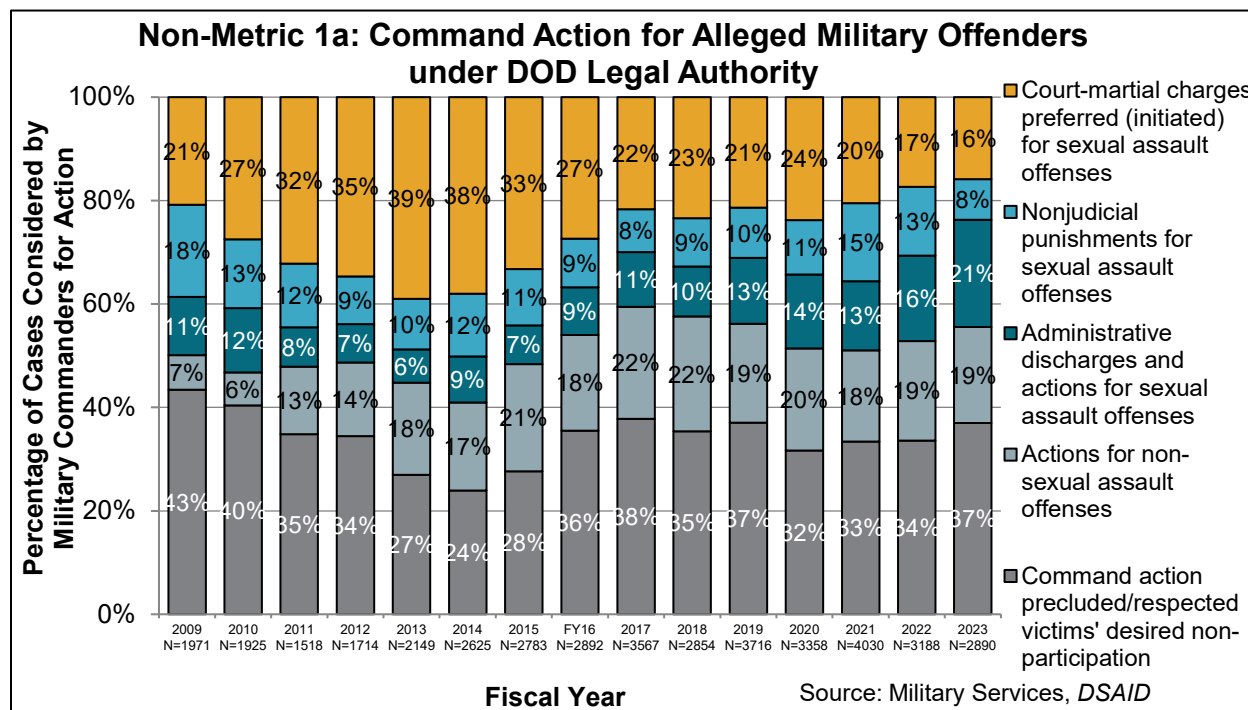
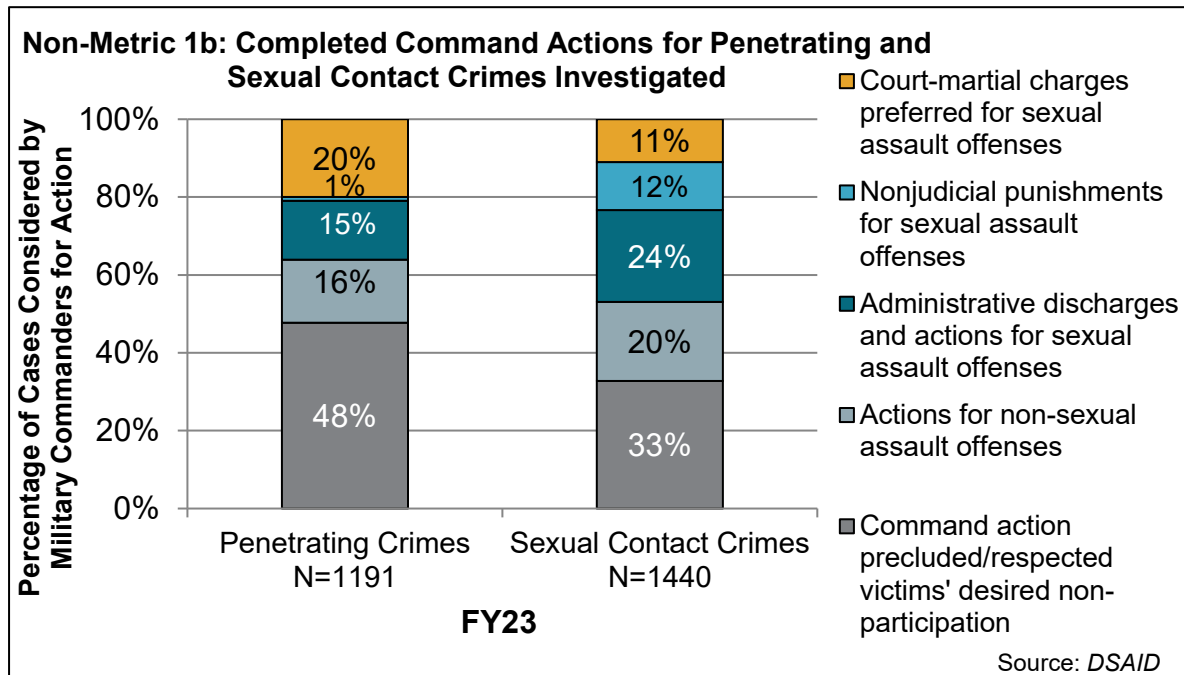


Figure Q – Non-Metric 1a: Command Action for Cases Under DoD Legal Authority, FY10 – FY23

Case Dispositions	Count	Percent
Court-Martial Charge Preferral for Sexual Assault Offense	459	16%
Nonjudicial Punishment for Sexual Assault Offense	226	8%
Admin Discharge and Actions for Sexual Assault Offense	599	21%
Action for Non-Sexual Assault Offense	537	19%
<i>Command Action Precluded/Respected Victims' Desired Non-Participation</i>	1,069	37%

Notes: Command action may not be possible when there is insufficient evidence of a crime to prosecute, the statute of limitations expires, the victim dies before action can be taken, or when the allegations against the alleged offender are unfounded. A command may determine that action is not appropriate where the victim declines to participate in the justice process. Percentages may not sum to 100 percent due to rounding.



Notes: This figure only includes command actions in which the action was completed in FY23. Command actions pending completion (e.g., court-martial preferred but pending trial) are not included in this graph. Additionally, there were 56 completed command actions that could not be classified as penetrating or sexual contact crimes, because the crime investigated was attempted sexual assault or unknown.

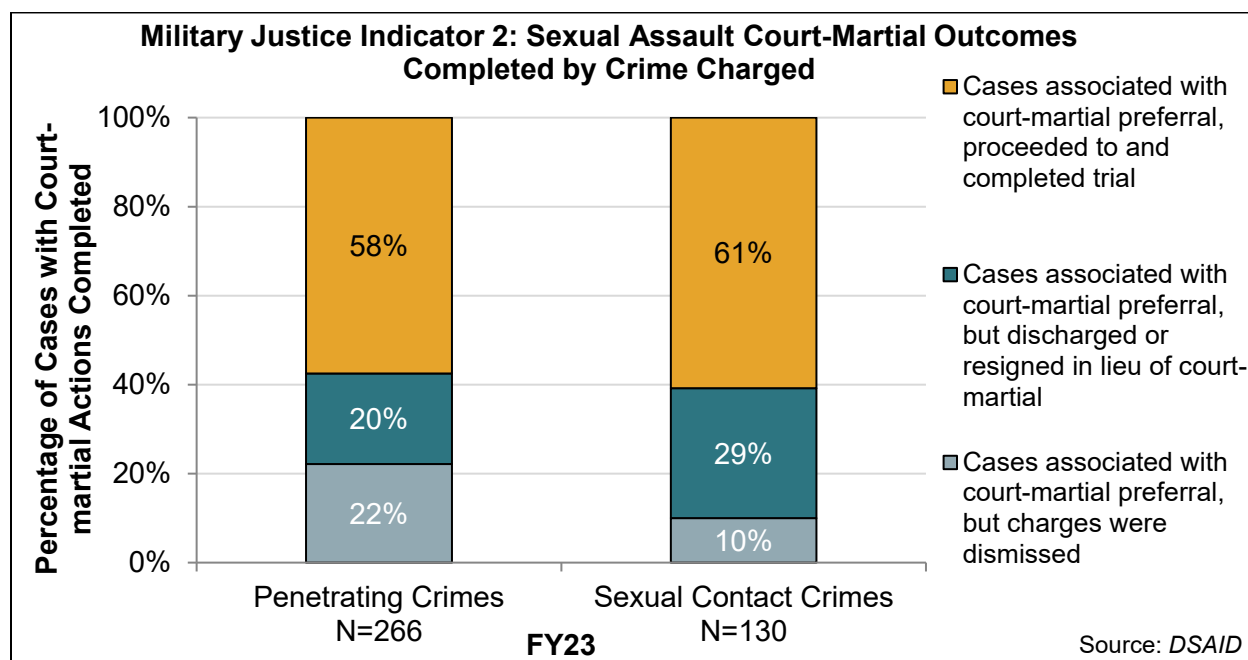
Figure R – Non-Metric 1b: Completed Command Actions for Penetrating and Sexual Assault Crimes Investigated

Non-Metric 2: Court-Martial Outcomes

(Annual Metric; Updated for FY23)

Figure S illustrates case outcomes in the court-martial process, displayed by type of crime charged: penetrating (i.e., rape and sexual assault) crimes compared to sexual contact crimes. Not all cases associated with court-martial preferral proceed to trial. In certain circumstances, the Military Service may approve a resignation or discharge in lieu of court-martial (RILO/DILO). Furthermore, Article 32 (pre-trial) hearings can result in a recommendation to dismiss all or some of the charges. Commanders may use evidence gathered during sexual assault investigations or evidence heard at an Article 32 hearing to impose a nonjudicial punishment

(NJP) for other misconduct. As depicted in Figure S, most cases associated with court-martial referral, for both penetrating and sexual contact crime charges, proceeded to trial.¹²



Sexual Assault Offenses	Penetrating Crimes		Sexual Contact Crimes	
C-M Actions Completed in FY23	266		130	
Cases Dismissed	59	22%	13	10%
RILO/DILO Cases	54	20%	38	29%
Proceeded to Trial	153	58%	79	61%
Acquitted	50	33%	15	19%
Convicted (any charge)	103	67%	64	81%

Notes: This figure only includes courts-martial in which the action was completed in FY23. Cases associated with court-martial referral but pending trial are not included in this graph. Percentages may not sum to 100 percent due to rounding.

Figure S – Non-Metric 2: Sexual Assault Court-Martial Outcomes Completed by Crime Charged

In FY23, of the 153 penetrating crime allegations that proceeded to trial, 50 (33 percent) ended in acquittal and 103 (67 percent) ended in a conviction of any charge. Of the 79 sexual contact crime allegations that proceeded to trial, 15 (19 percent) ended in acquittal and 64 (81 percent) ended in a conviction of any charge at trial.

Non-Metric 3: Time Interval from Report of Sexual Assault to Court Outcome

(Annual Metric; Updated for FY23)

As illustrated in Figure T, the average and median length of time from the date a victim signs the official form electing to make a report of sexual assault (DD Form 2910) to the date that court-martial proceedings concluded was 419 days (13.8 months) and 413 days (13.6 months),

¹² Subjects charged with sexual assault crimes at court-martial can also be charged with other misconduct in addition to sexual assault offenses.

respectively. A variety of factors, such as the complexity of the allegation, the need for laboratory analysis of the evidence, the quantity and type of legal proceedings, the availability of counsel and judges, and impacts of the coronavirus pandemic (in FY20 and FY21) may affect the interval of time between a report of sexual assault and the conclusion of a court-martial.

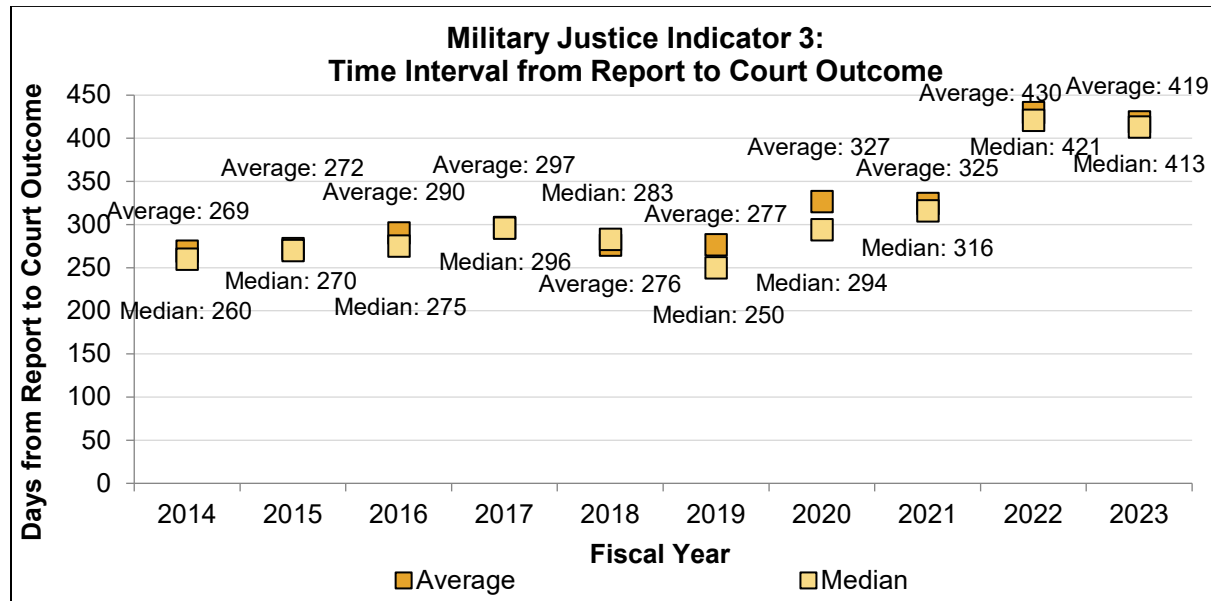


Figure T – Non-Metric 3: Time Interval from Report to Court Outcome, FY14 – FY23

Non-Metric 4: Time Interval from Report of Sexual Assault to Nonjudicial Punishment Outcome

(Annual Metric; Updated for FY23)

In FY23, the average and median length of time from the date of report to the date that the nonjudicial punishment (NJP) process is concluded (e.g., punishment imposed or NJP not rendered) was 201 days (6.6 months) and 182 days (6.0 months), respectively (Figure U). Like Non-Metric 3, a variety of factors influence the interval of time between a report of sexual assault and the conclusion of NJP.

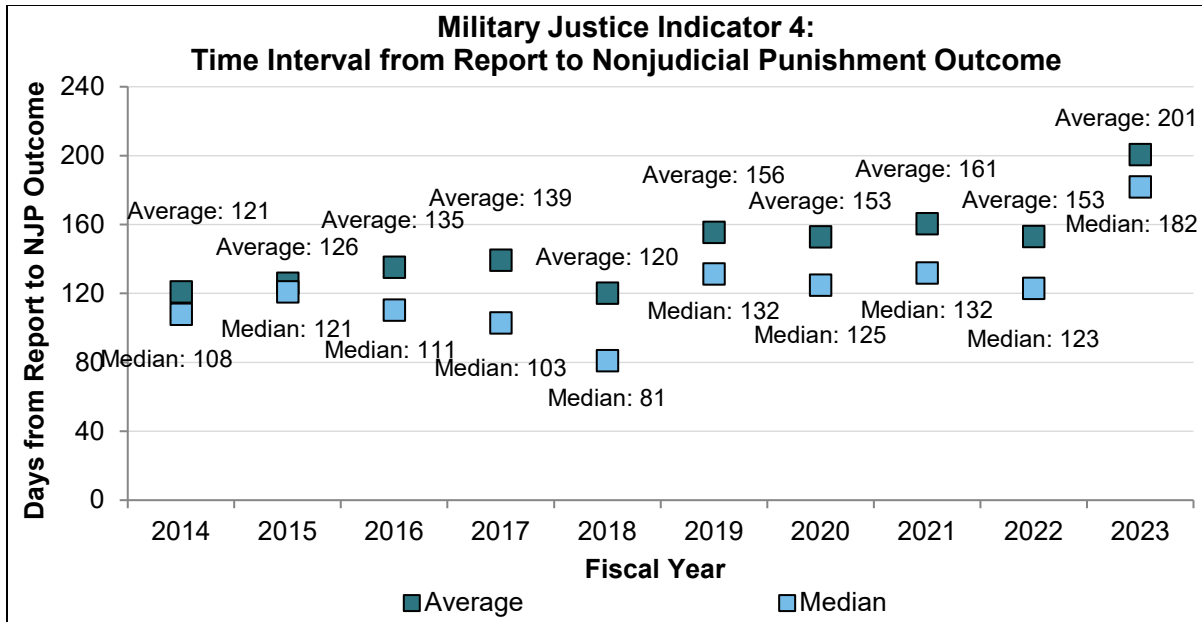
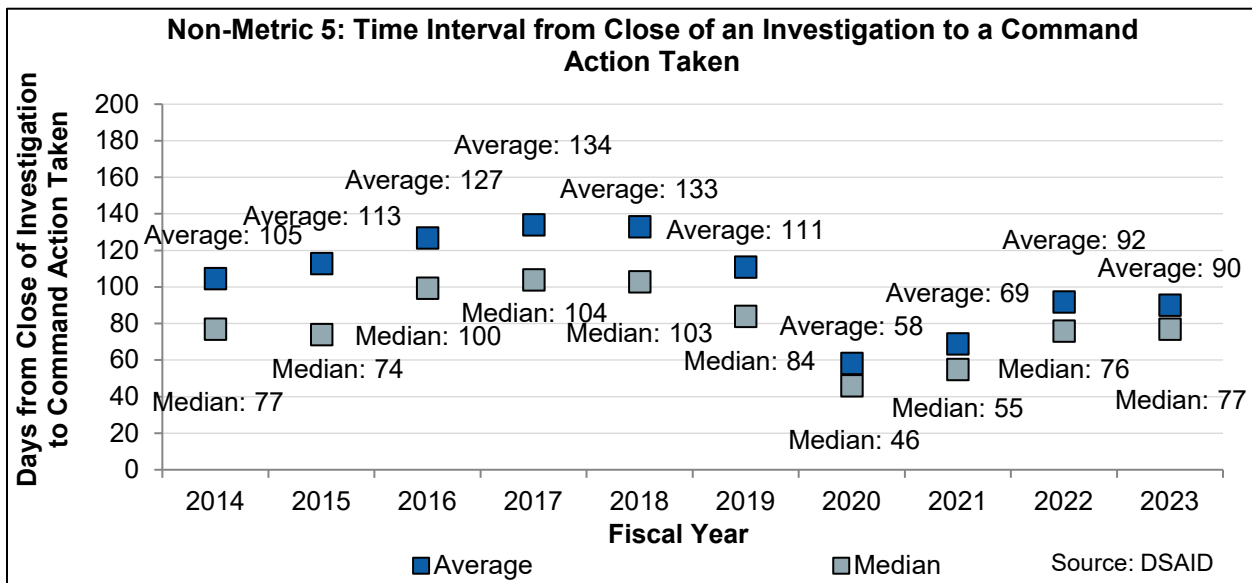


Figure U – Non-Metric 4: Time Interval from Report to Nonjudicial Punishment Outcome, FY14 – FY23

Non-Metric 5: Time Interval from Close of an Investigation to a Command Action Taken

(Annual Metric; Updated for FY23)

Figure V illustrates the length of time from the date of the close of an investigation to the date a command action was taken. In FY23, the average time interval for this metric was 90 days and the median was 77 days. As with Non-Metrics 3 and 4, there is no expected or set time for this to occur.



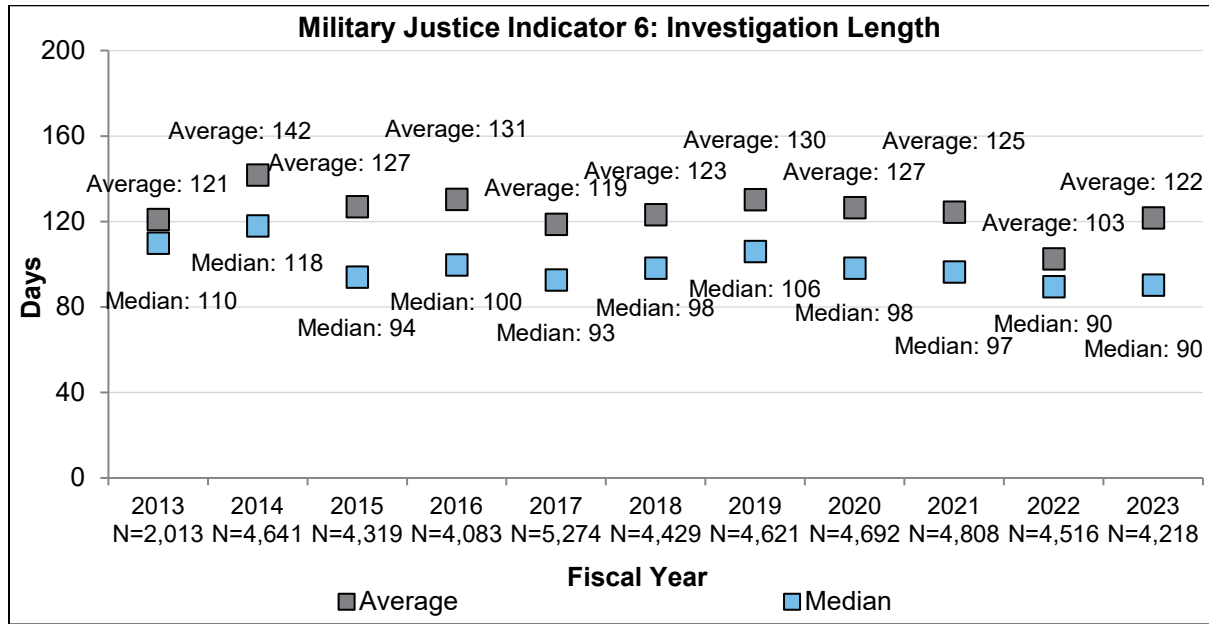
Notes: This metric describes the length of time from the date of the close of an investigation to the date a command action was taken.

Figure V – Non-Metric 5: Time Interval from Close of an Investigation to a Command Action Date, FY14 – FY23

Non-Metric 6: Investigation Length

(Annual Metric; Updated for FY23)

As illustrated in Figure W, it took an average of 122 days (4.0 months) to complete a sexual assault investigation in FY23. This is more than the 103 days in FY22. It is important to note that the length of an investigation does not necessarily reflect an investigation’s quality. Investigation length is dependent on various factors specific to the case, including the complexity of the allegation, the number and location of potential witnesses involved, and the laboratory analysis required for the evidence.



Investigation Information	FY22	FY23
Number of Completed Investigations	4,516	4,218
Average Investigation Length	103	122
Median Investigation Length	90	90

Figure W – Non-Metric 6: Investigation Length, FY13 – FY23