



Appendix A: Statistical Data on Sexual Assault



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Appendix A: Statistical Data on Sexual Assault

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 supply data about 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.¹ 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).² 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”).³

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.⁴ 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 E.
- **Sexual assault allegations involving spouses and/or intimate partners.** DoD Family Advocacy Program (FAP) supplies the domestic abuse-related sexual assault data in Appendix F.
- **Sexual abuse allegations involving children.** DoD FAP supplies the child-related sexual abuse data in Appendix G.

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,

¹ Department of Defense Instruction 6495.02.

² 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.

³ The term “subject” does not denote innocence or guilt of the person being investigated.

⁴ 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.⁵

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.

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 than one case disposition in DSAID. DoD holds Service member subjects who have committed sexual assault appropriately accountable based on the evidence available.

⁵ Use of the term "subject," "perpetrator," or "offender" refers to a person who has allegations of misconduct made against them by another individual, and does not convey any presumption about the guilt or innocence of the alleged offenders, nor does the use of the term "incident" legally substantiate an occurrence of a sexual assault. Use of the term "victim" refers to a person who has made an official Unrestricted or Restricted Report of sexual assault with the Department of Defense and does not infer a finding of fact.

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,⁶ 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.⁷ DoD may also exercise its legal authority over its members alleged to have committed sexual assault in a civilian jurisdiction. Prosecutions by civilian authorities against Service members are determined on a case-by-case and jurisdiction-by-jurisdiction basis. Prosecutions of Service members by a foreign nation are often governed by a Status of Forces Agreement (SOFA) between that country and the U.S.

Period Covered

This Annual Report includes data on sexual assaults reported from October 1, 2020 to September 30, 2021, as well as information that describes the status of sexual assault reports, investigations, and case dispositions.

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

⁶ 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 FY21.

⁷ 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.

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 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 FY21. Data may be incomplete at the time of the DSAID data pull, despite best efforts by DoD and the Military Services to capture all data points. Therefore, some demographic or case-related information presented below is categorized as "relevant data not available."
- **Data may change over time and may differ from what DoD reported previously.** Updates, changes, and corrections occur as a normal, continuous process of DSAID data management. SAPRO works with Service SAPR program managers to validate entries, identify errors, and make corrections throughout the year. In addition, the investigative process may also uncover additional information. Data presented here reflect this rigorous process.

Overview of Reports of Sexual Assault in FY21

In FY21, the Military Services received 8,866 reports of sexual assault involving Service members as either victims or subjects (Table 1 and Figure 1), a 13 percent increase from reports made in FY20.

As stated above, DoD sexual assault reports are categorized as either Restricted or Unrestricted. Of the 8,866 reports received in FY21, 2,510 reports remained Restricted at the end of the year, approximately a 15 percent increase from the number remaining Restricted in FY20. Of these, 392 reports (16 percent) involved incidents that occurred prior to the Service member's military service.

Of the 8,866 reports, 6,356 reports were Unrestricted, a 13 percent increase from the number of Unrestricted Reports in

Of the 8,866 reports of sexual assault involving Service members, how many were made by Service members as alleged victims?

Service members made 7,916 reports. Of these, 667 reports were for incidents that occurred prior to military service and 7,249 reports were for incidents that occurred during military service.

Who made the other reports?

935 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 15 reports.

FY21.⁸ Of these, 275 reports (4 percent) involved incidents that occurred prior to military service. Figure 1 displays the trend in Unrestricted and Restricted Reporting from FY10 to FY21.

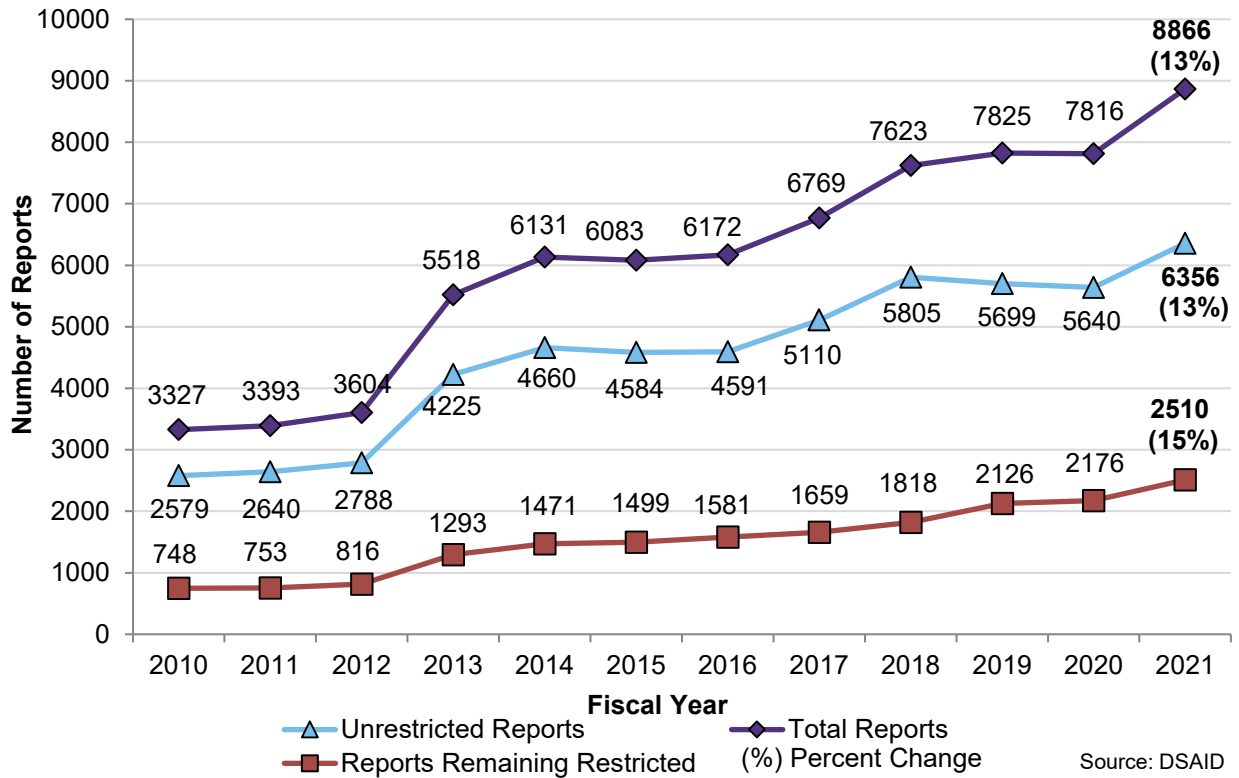


Figure 1. Reports of Sexual Assault Made to DoD, FY10 – FY21

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.

⁸ 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, 57 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 57 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 588 report conversions.

Table 1. Sexual Assault Reports by Victim and Military Status, FY21

	Unrestricted Reports	Restricted Reports	Total Reports
Total Reports of Sexual Assault	6,356	2,510	8,866
Reports Made by Service Members	5,443	2,473	7,916
<i>Service Member Reports for Incidents that Occurred Prior to Military Service</i>	275	392	667
<i>Service Member Reports for Incidents that Occurred During Military Service</i>	5,168	2,081	7,249
Reports Made by Non-Service Members	908	27	935
<i>DoD Civilian</i>	37	5	42
<i>DoD Contractor</i>	10	0	10
<i>Other U.S. Civilian</i>	805	22	827
<i>Foreign National/Military</i>	56	0	56
Relevant Data Not Available	5	10	15

To compare sexual assault reports across Military Services with varied population sizes, DoD calculates a reporting rate per thousand Service members.⁹ Standardized reporting rates also allow for year-over-year comparisons, even when the total number of people in a group has changed. In FY21, for every 1,000 Service members, 5.9 Service members made a Restricted or Unrestricted Report of sexual assault, an increase from prior years. Table 2 compares the reporting rate by Military Service and across FYs.

Table 2. Reporting Rate per Thousand by Fiscal Year and Service, FY10 – FY21

Service	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total DoD	1.8	1.9	2.1	3.3	3.9	4.0	4.1	4.5	5.1	5.1	5.1	5.9
Army	2.4	2.5	2.3	3.5	4.2	4.2	4.4	4.7	5.5	5.5	5.5	7.1
Navy	1.6	1.6	2.1	3.2	3.6	3.8	4.1	4.5	4.8	5.0	4.7	5.2
Marine Corps	1.1	1.3	1.7	3.8	4.1	4.1	4.1	4.8	5.7	5.4	5.9	6.1
Air Force	1.6	1.6	2.0	2.9	3.7	3.7	3.7	4.0	4.3	4.6	4.5	4.6

Research shows that reporting sexual assault increases the likelihood that victims will engage in medical treatment and other forms of assistance.¹⁰ SAPRO encourages victims to report sexual assault, strives to improve response resources for victims, and supports victim participation in the military justice process, as appropriate. Figure 2 displays the reporting trends for Service members who made sexual assault reports for incidents they experienced *before* entering military service compared with the number of reports for incidents experienced *during* military service.

⁹ 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).

¹⁰ 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.

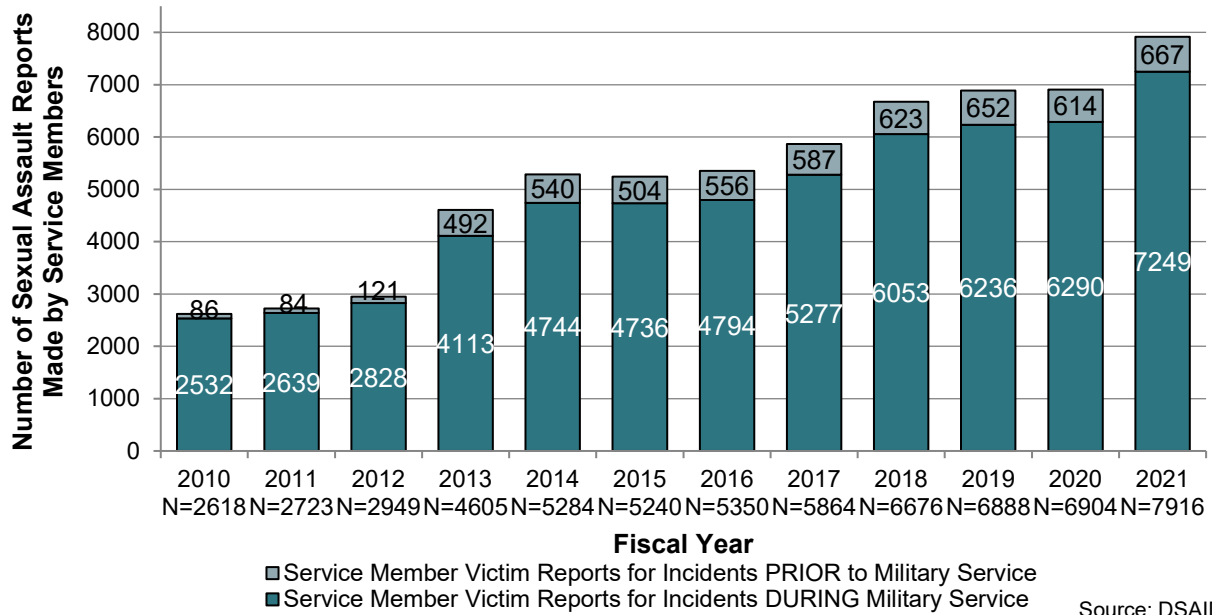


Figure 2. DoD Sexual Assault Reports Made by Service Members for Incidents that Occurred During and Prior to Military Service, FY10 – FY21

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 through March 2022. This year’s survey results include Service members’ experiences in the 12 months prior to their taking the survey, a period which begins 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).¹¹

While this report includes information about sexual assault reports made in Fiscal Year 2021, between October 1, 2020 and September 30, 2021, the prevalence estimate for unwanted

¹¹ 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 an object).

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. As a result, the number of Service member reports shown for CY21 is different than what has been presented in preceding paragraphs.

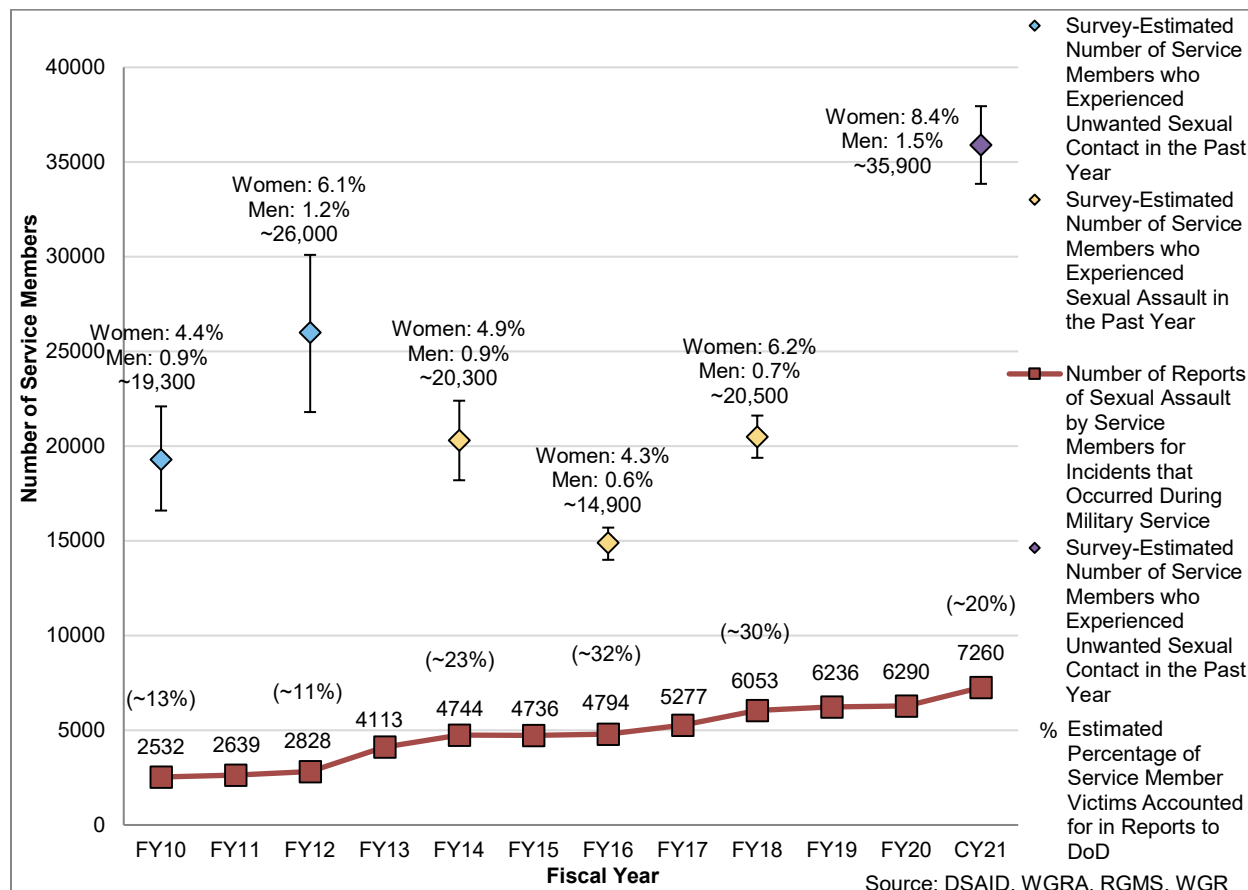


Figure 3. Estimated Number of Service Members Who Indicated an Experience of Unwanted Sexual Contact or Sexual Assault in the Past Year Compared to the Number of Service Members Who Made Reports of Sexual Assault for Incidents that Occurred During Military Service, FY10 – CY21

Note: The “unwanted sexual contact” (USC) measure refers to the survey administered by Office of People Analytics (OPA) in CY06, FY10, and FY12. The “sexual assault” measure used in FY14, FY16, and FY18 was designed to align more closely with legal language from the UCMJ. While the measures use different methods to estimate the past-year occurrence of penetrating and contact sexual crime for the FY14, FY16 and FY18 prevalence surveys, they have been shown to generate statistically comparable estimates. 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 substantially revised since it was last used in the active duty population in FY12. The 2021 USC measure has also not been studied with 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 38,875 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 reported out in the FY23 Annual Report to Congress.

In CY21, the number of Service members choosing to report a sexual assault that occurred during military Service increased, from 6,053 in FY18 to 7,260 in CY21. It is estimated that 20 percent of Service members indicating an experience of USC in CY21 reported the incident to DoD authorities. Reporting rates differed by gender: about 29 percent of female Service members and 10 percent of male Service members reported an incident they indicated experiencing in CY21 to DoD authorities.

Unrestricted Reports of Sexual Assault

In FY21, there were 5,290 Unrestricted Reports of sexual assault involving Service members as the subject and/or victim of a sexual assault.¹² 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 FY21, 3,395 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 FY21.

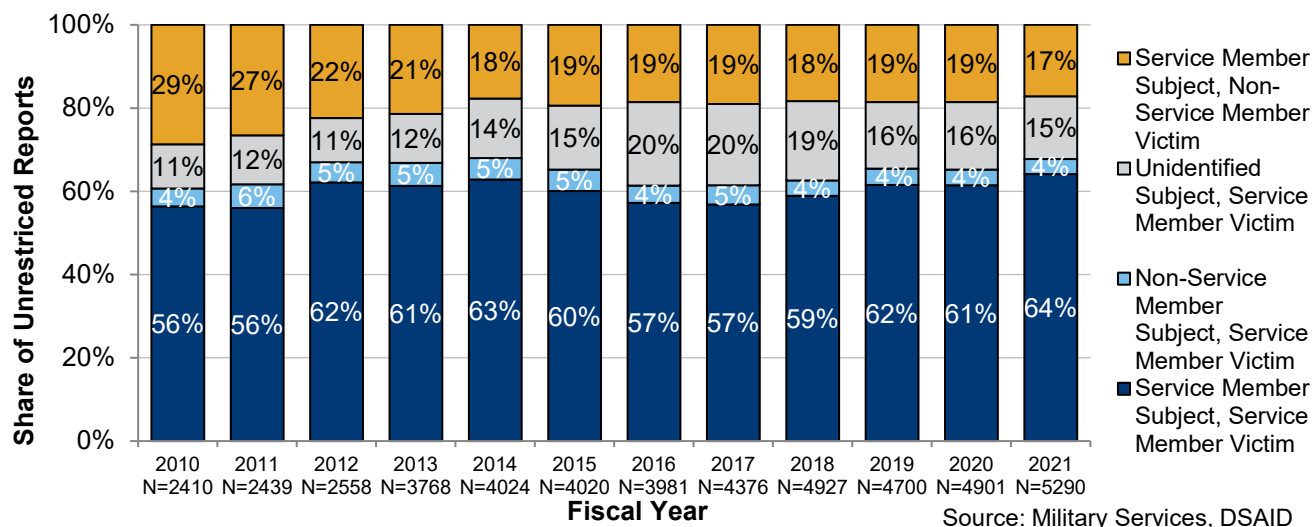


Figure 4. Unrestricted Reports of Sexual Assault by Service Member Involvement, FY10 – FY21

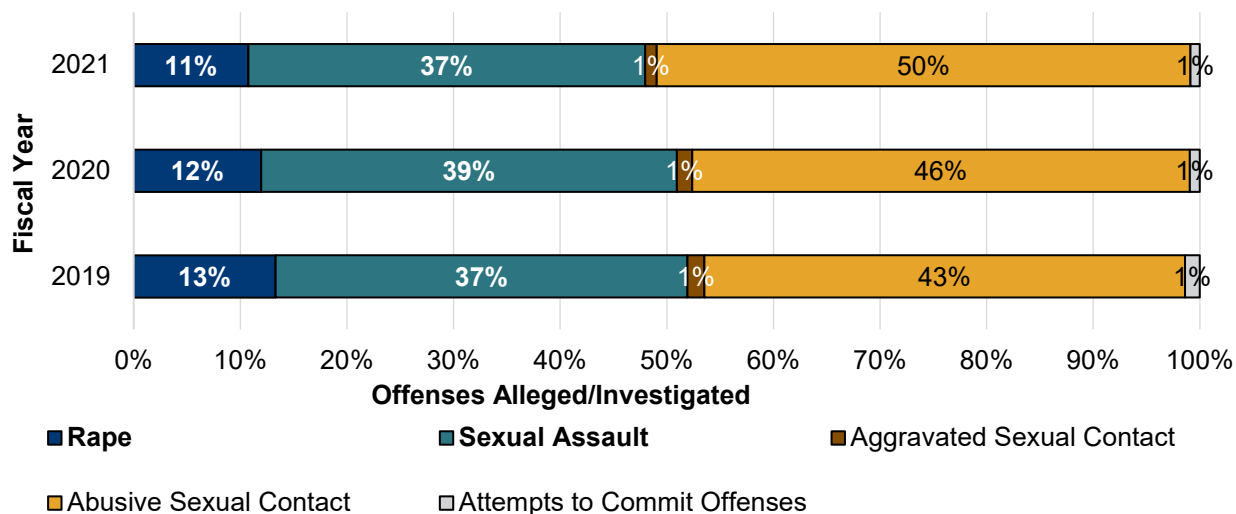
Note: There were 6,356 Unrestricted Reports in FY21, 5,640 Unrestricted Reports in FY20, 5,699 Unrestricted Reports in FY19, 5,805 Unrestricted Reports in FY18, 5,110 Unrestricted

¹² 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, 57 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 57 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 588 report conversions.

Reports in FY17, and 4,591 Unrestricted Reports in FY16. However, for the analysis in Figure 4, we excluded 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 FY21, most offenses alleged fall into three of the five UCMJ offenses the Department considers to be sexual assault: rape, sexual assault, and abusive sexual contact. They do not, or rarely, include the penetrative offenses of aggravated sexual contact and forcible sodomy or attempts to commit any of the five offenses. MCIOs categorize Unrestricted Reports by the most serious offense *alleged* in the report, 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.



Source: DSAID

Figure 5. Offenses Originally Alleged in Unrestricted Reports of Sexual Assault, FY21

Note: There were 6,356 Unrestricted Reports in FY21. However, 839 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, FY21

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	591	452	139	0
Sexual Assault	2,043	1,588	454	1
Aggravated Sexual Contact	60	53	7	0
Abusive Sexual Contact	2,749	2,494	254	1
Wrongful Sexual Contact	2	2	0	0
Indecent Assault	14	12	2	0
Forcible Sodomy	9	6	3	0
Attempts to Commit Offenses	49	46	3	0
Offense Data Not Available	839	790	46	3
Total Unrestricted Reports	6,356	5,443	908	5

Investigations of Unrestricted Reports

This section closely mirrors the flow chart in Figure 6. In FY21, 6,356 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 FY21 was 4.1 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 FY21 were closed and adjudicated in FY21. In addition, some cases opened in prior years had a completed investigation and/or final disposition in FY21. The accounting that follows includes reports received in FY21, reports referred for investigation in FY21, investigations completed/pending in FY21, and the outcomes of case adjudications completed and reported to DoD in FY21.

Of the 5,098 sexual assault investigations MCIOs completed during FY21 (Figure 6, Point F), 3,461 were opened in FY21, and 1,637 investigations were opened in years prior to FY21. Of the 5,098 investigations completed in FY21, 168 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), 206 cases did not proceed because the victim declined at the outset to participate in the investigative process (Figure 6, Point H), and 64 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 5,258 subjects (Figure 6, Point N). DoD will document the outcomes of the 2,094 sexual assault case dispositions that were not completed by September 30, 2021 in future reports (Figure 6, Point M).

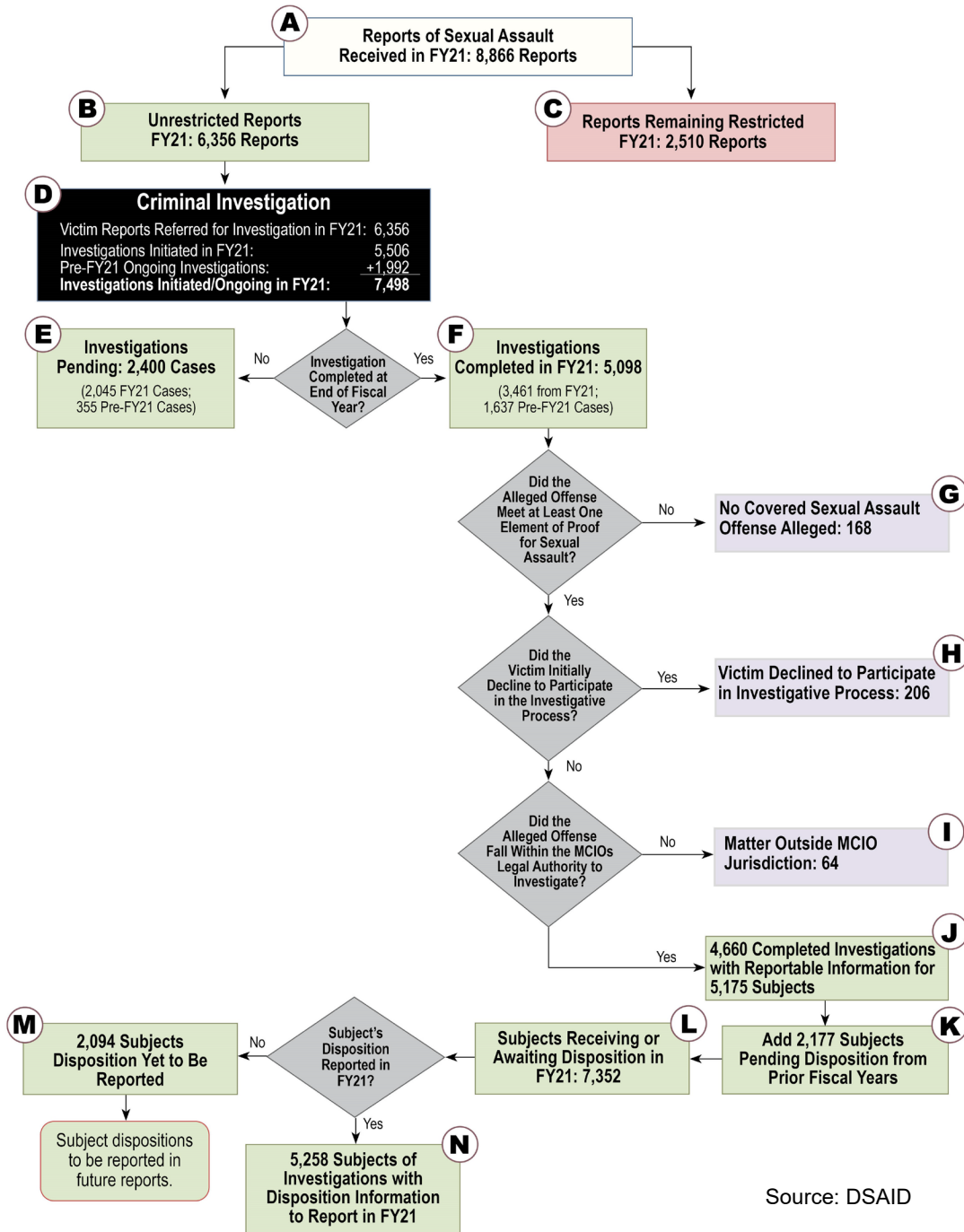


Figure 6. Reports of Sexual Assault, Completed Investigations, and Case Dispositions, FY21

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 FY21 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 FY21 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, 57 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 57 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 588 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).¹³ 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 FY21, DoD could not take action in 1,228 cases because they were outside DoD’s legal authority.

This year, 159 subjects received multiple dispositions for sexual assault allegations. These 159 subjects received a total 354 disposition actions, which accounts for 7 percent of all dispositions reported in FY21. The following data describe the case dispositions of each investigation reported to the DoD in FY21.

At the end of FY21, there were 5,258 case dispositions (Figure 7, Point N) with information for reports made in FY21 and prior FYs. Of the subjects accounted for in these case dispositions, 67 subjects (1 percent) had a prior investigation for a sexual assault offense. The 5,258 case dispositions from DoD investigations in FY21 included Service members, U.S. civilians, foreign nationals, and subjects who could not be identified (Figure 7).

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

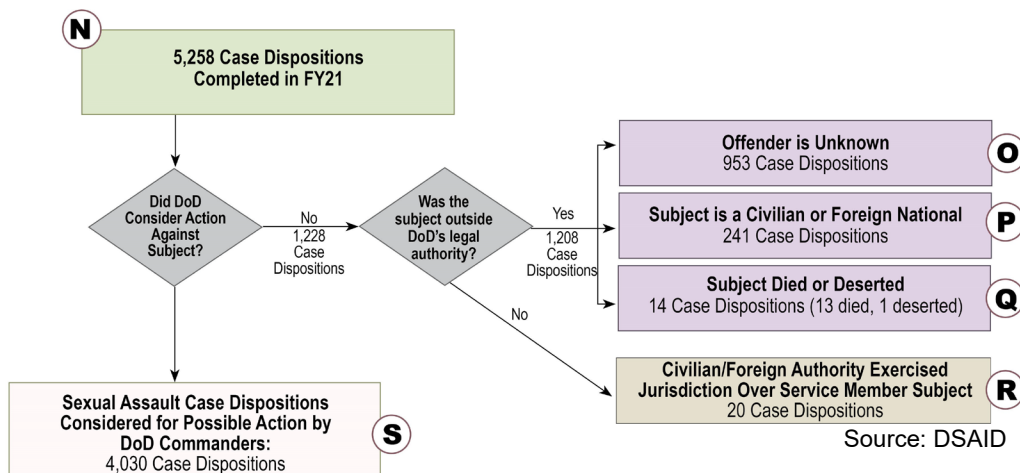


Figure 7. Cases Outside DoD Legal Authority, FY21

For most cases, commanders are limited to taking action against Service members who are subject to the UCMJ. In FY21, DoD did not consider military justice actions against a subject in 1,228 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 1,208 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 FY21, a civilian or foreign authority prosecuted 20 Service members (Figure 7, Point R).

Figure 8 illustrates that DoD could not consider action in 18 percent of the 5,258 case dispositions completed in FY21 because the subject could not be identified. DoD could not consider action in another 5 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.

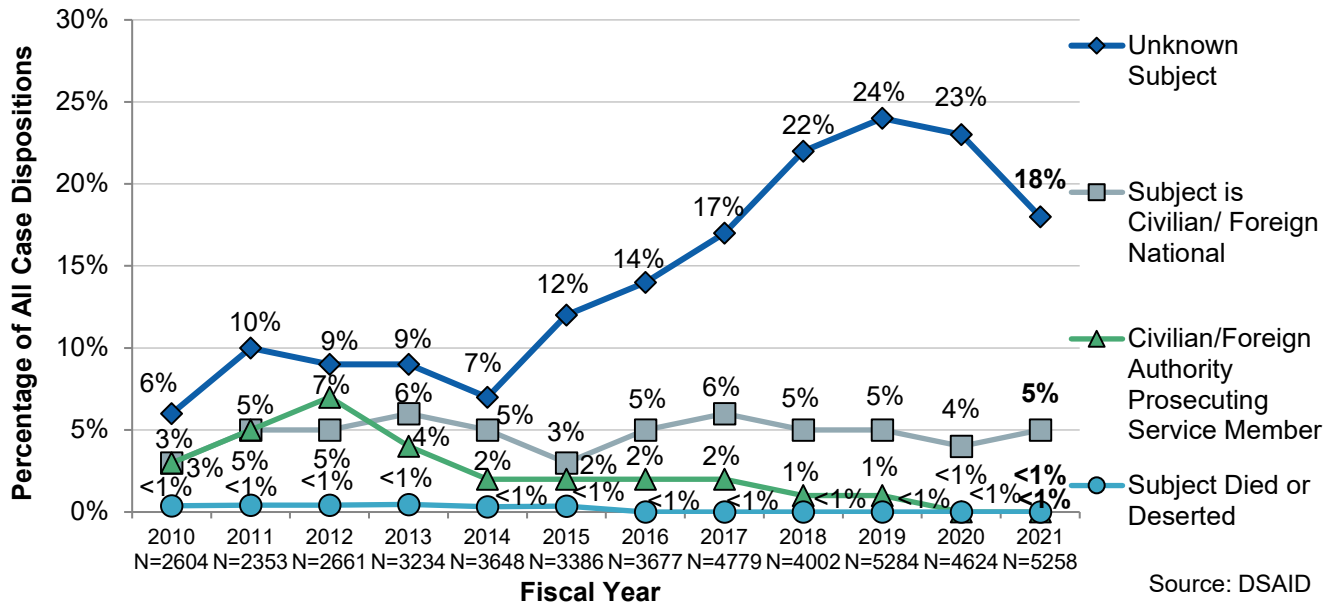


Figure 8. Cases Investigated for Sexual Assault by DoD with Subjects Determined to Be Outside Military Disposition Authority or Prosecuted by a Civilian/Foreign Authority Instead, FY10 – FY21

Military Subjects Considered for Disciplinary Action

In FY21, there were 4,030 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 4,030 cases, 309 involved alleged assaults against multiple victims.

Table 4. Case Dispositions Reported in FY21

Case Disposition Category	Count of Case Dispositions	Share of Case Dispositions
Sexual Assault Investigations Considered for Possible Action by DoD Commanders	4,030	N/A
Evidence Supported Commander Action	2,683	67%
Sexual Assault Offense Action	1,974	74%
<i>Court-Martial Charge Preferred (Initiated)</i>	826	42%
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	608	31%
<i>Administrative Discharge</i>	303	15%
<i>Other Adverse Administrative Action</i>	237	12%
Non-Sexual Assault Offense Action	709	26%
<i>Court-Martial Charge Preferred (Initiated)</i>	84	12%
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	313	44%
<i>Administrative Discharge</i>	138	19%
<i>Other Adverse Administrative Action</i>	174	25%
Unfounded by Command/Legal Review	84	2%
Commander Action Precluded or Respected Victims' Desired Non-Participation	1,263	31%
<i>Victim Died</i>	2	<1%
<i>Victim Declined to Participate in the Military Justice Action</i>	289	23%
<i>Insufficient Evidence to Prosecute</i>	957	76%
<i>Statute of Limitations Expired</i>	15	1%

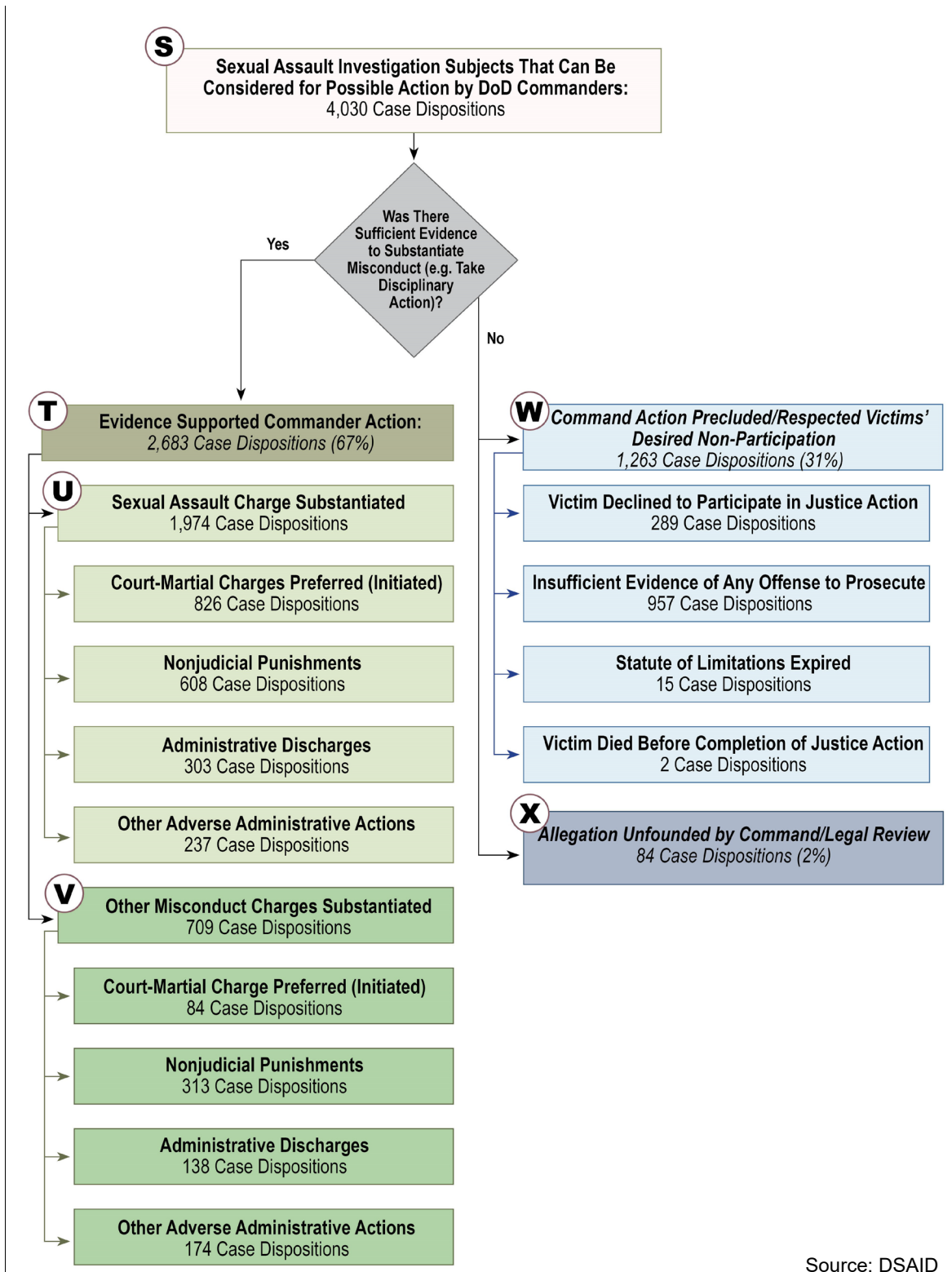


Figure 9. Dispositions of Cases Considered for Possible Action by DoD Commanders, FY21

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 972 cases due to insufficient evidence of an offense or the statute of limitations expiring. For 289 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 84 cases because available evidence indicated the allegations against these subjects were false or baseless (unfounded; Figure 9, Point X).¹⁴

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).

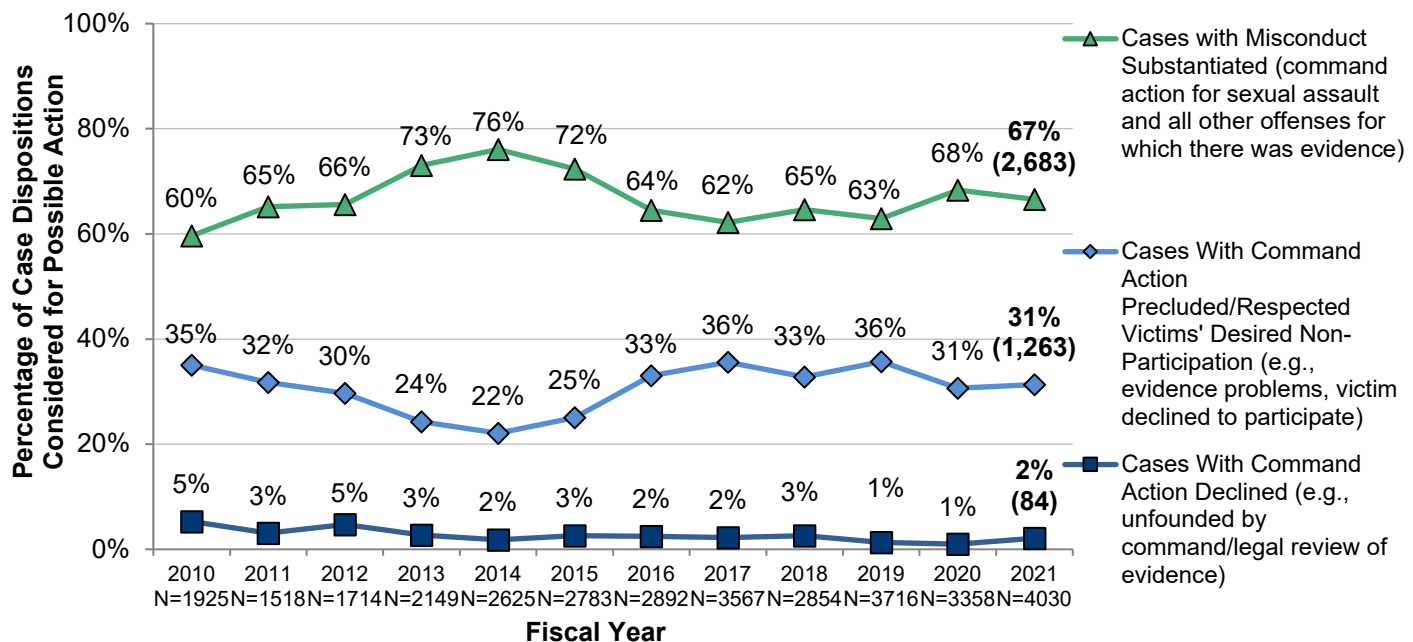


Figure 10. Percentage of Cases with Misconduct Substantiated, Command Action Precluded/Respected Victims' Desired Non-Participation, and Command Action Declined, FY10 – FY21

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

¹⁴ 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 2,683 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 1,974 cases for which it was determined a sexual assault offense warranted discipline:

- 42 percent (N=826) of cases were associated with court-martial charges preferred (initiated).
- 31 percent (N=608) of cases entered proceedings for nonjudicial punishment under Article 15 of the UCMJ.
- 27 percent (N=540) of cases received an administrative discharge or other adverse administrative action.

In 709 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:

- 12 percent (N=84) of cases were associated with court-martial charges preferred.
- 44 percent (N=313) of cases entered proceedings for nonjudicial punishment.
- 44 percent (N=312) 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 senior officers to review and decide which initial action should be taken in these cases.

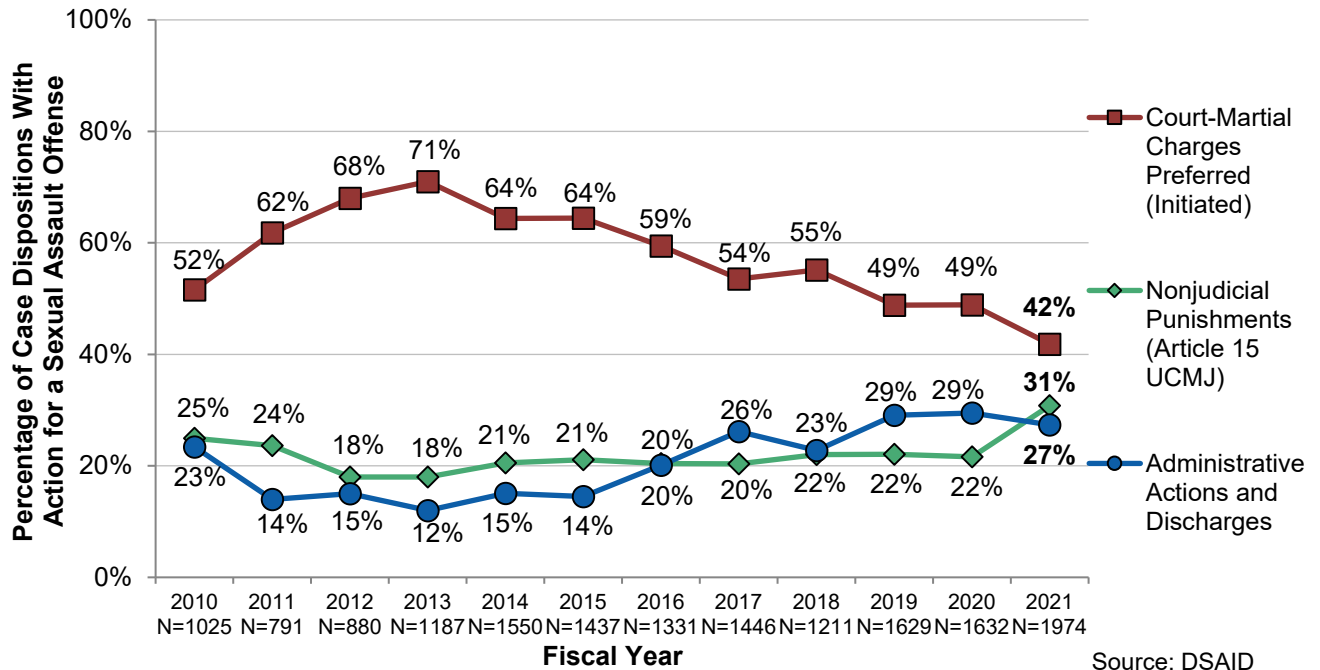


Figure 11. Breakdown of Disciplinary Actions Taken for Sexual Assault Offenses, FY10 – FY21

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, 826 cases involved court-martial charges preferred. Figure 12 illustrates what happened to these cases after the preferal of court-martial charges. Of the 826 cases with a preferal of court-martial charges for at least one sexual assault charge in FY21, the Military Services completed 582 court-martial outcomes by the end of the FY.

Of the 372 cases that proceeded to trial, 267 (72 percent) resulted in a conviction of at least one charge at court-martial. That conviction could have been for a sexual assault offense or for any other misconduct charged. Most convicted Service members received at least four kinds of punishment: confinement, reduction in grade, fines or forfeitures, and a punitive discharge (bad-conduct discharge or dishonorable discharge for enlisted, dismissal for officers) from service. In FY21, 176 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 FY21, the Military Services processed 35 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 FY21 and what punishment did they receive?

72 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.

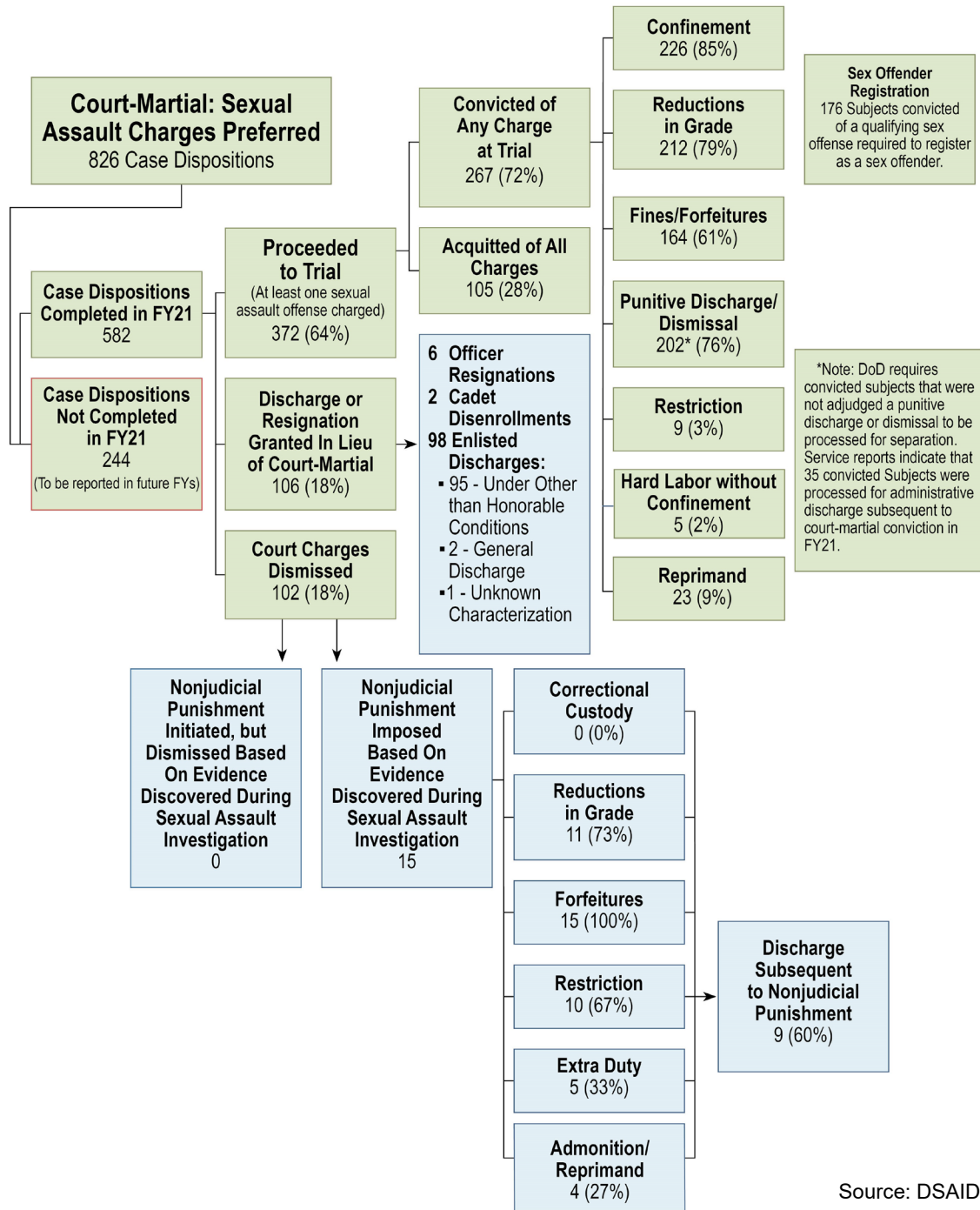
Court-martial charges in 102 cases were dismissed; however, commanders used evidence gathered during the sexual assault investigations to impose nonjudicial punishment for other

misconduct in 15 of the 102 cases. The punishment may have been for any kind of misconduct for which there was evidence. Nine subjects who received nonjudicial punishment for other misconduct after court-martial were subsequently discharged from military service. The Military Departments approved 104 cases for a resignation or discharge in lieu of court-martial (RILO/DILO) and 2 cases were approved for cadet/midshipman to disenroll in lieu of court-martial. In FY21, 95 DILO cases involved enlisted members who received a separation Under Other Than Honorable Conditions (UOTHC), the most adverse administrative characterization of discharge possible. The UOTHC discharge characterization is recorded on a Service member's DD Form 214, Record of Military Service, and significantly limits separation and post-service benefits from DoD and the Department of Veterans Affairs.

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

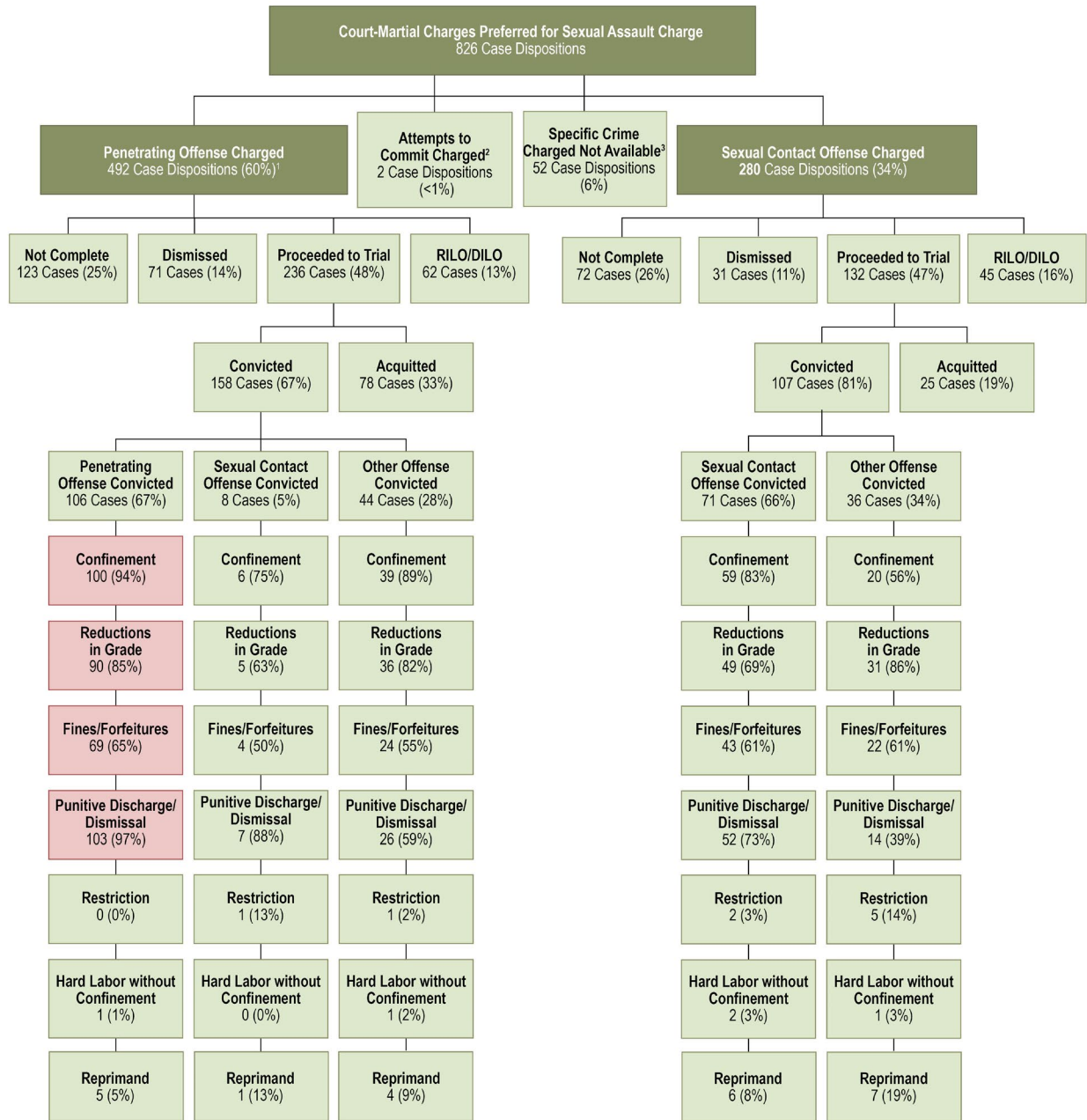
- A statement of understanding of both the offense(s) charged and the consequences of administrative separation;
- An acknowledgement that any separation could possibly have a negative characterization;
- An acknowledgement that the accused is guilty of an offense for which a punitive discharge is authorized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

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



Source: DSAID

Figure 12. Dispositions of Cases with Sexual Assault Court-Martial Charges Preferred, FY21



Source: DSAID

Figure 13. Dispositions of Cases with Sexual Assault Court-Martial Charges Preferred by Crime Charged, FY21

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 FY21, data about the crime charged was missing in 52 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 31 percent of cases warranting disciplinary action for a sexual assault crime resulted in nonjudicial punishment in FY21 as the most serious disciplinary action. 42 percent had court-martial charges preferred as the most serious disciplinary action.

Of the 1,974 case dispositions that were associated with disciplinary actions on a sexual assault offense, 608 cases were addressed with nonjudicial punishment. Figure 14 displays the outcomes of nonjudicial punishment actions taken against subjects on a sexual assault charge in FY21. In FY21, 93 percent of the 433 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 216 cases the nonjudicial punishment served as grounds for a subsequent administrative discharge. Characterizations of the 216 discharges are outlined below.

Honorable	1 Case
General	123 Cases
Under Other Than Honorable Conditions	69 Cases
Uncharacterized	23 Cases
Total	216 Cases

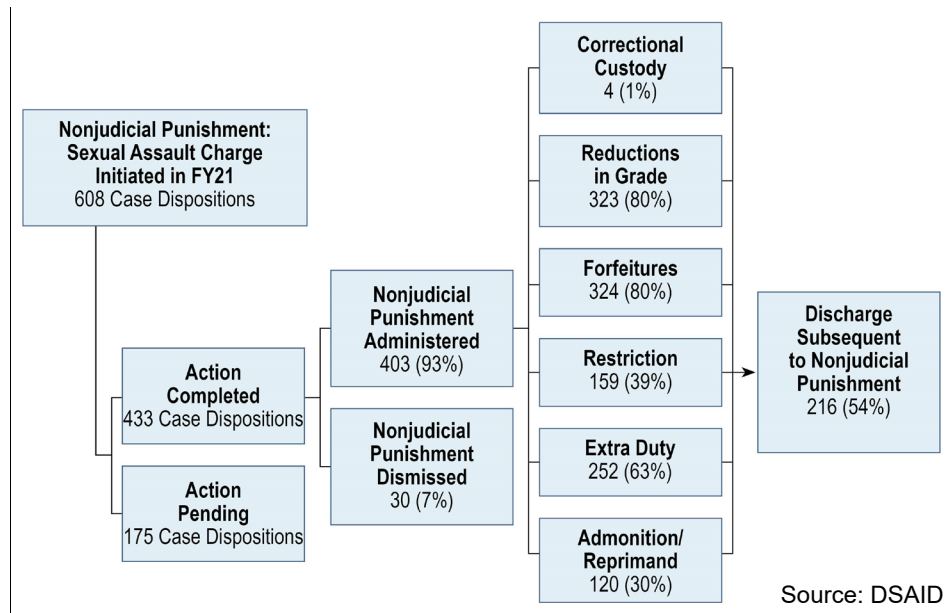


Figure 14. Dispositions of Cases Receiving Nonjudicial Punishment, FY21

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

Administrative Discharges and Adverse Administrative Actions

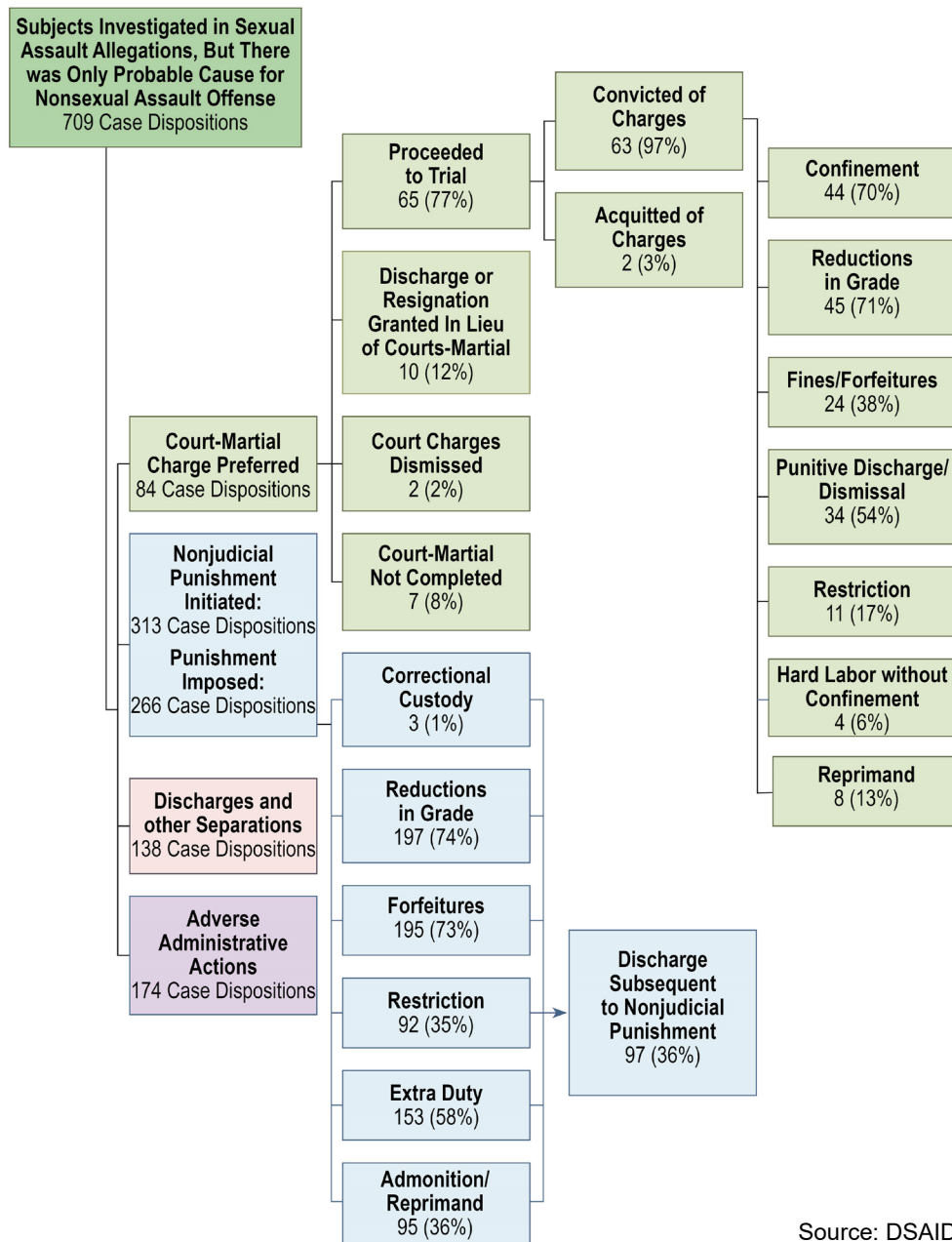
A legal review of evidence sometimes indicates that the court-martial process or nonjudicial punishments are not appropriate means to address allegations of misconduct against the accused. However, commanders have other means at their disposal to hold alleged offenders appropriately accountable. Commanders 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 FY21, 271 cases in sexual assault investigations were associated with an administrative discharge. Characterizations of the discharges are outlined below.

Honorable	4 Cases
General	94 Cases
UOTHC	149 Cases
Uncharacterized	24 Cases
Total	271 Cases

In FY21, commanders took adverse administrative actions in 237 cases that were investigated for a sexual assault offense. Commanders typically use adverse administrative actions when available evidence does not support a more severe disciplinary action. Adverse administrative actions can have a serious impact on a Service member's military career, have no equivalent form of punishment in the civilian sector, and may consist of Letters of Reprimand, Letters of Admonishment, Letters of Counseling, or discharge. These actions may also include, but are not limited to: denial of re-enlistment, cancellation of a promotion, and cancellation of new or special duty orders.

Probable Cause Only for a Non-Sexual Assault Offense

Sometimes the sexual assault investigations conducted by MCIOs do not find sufficient evidence to support disciplinary action against the subject on a sexual assault charge, but do uncover other forms of chargeable misconduct. In FY21, commanders took action in 709 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, FY21

Demographics of Victims and Subjects in Completed Investigations

DoD draws demographic information from the 5,098 investigations of sexual assault completed in FY21. These investigations involved 5,533 victims and 5,669 subjects of investigation.¹⁵

Table 5 displays the sex of victims and subjects in completed investigations of Unrestricted Reports in FY21. Most victims in completed investigations are female (81 percent) and most subjects are male (81 percent).

Table 5. Sex of Victims and Subjects in Completed Investigations of Unrestricted Reports, FY21

Sex	Victims		Subjects	
	Count	Percent	Count	Percent
Male	1,060	19%	4,608	81%
Female	4,470	81%	329	6%
Gender Unknown/Data Not Available	3	<1%	732	13%
Total	5,533	100%	5,669	100%

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 (72 percent) and most subjects are between the ages of 20 and 34 (63 percent).

Table 6. Age of Victims and Subjects at the Time of the Alleged Incident in Completed Investigations of Unrestricted Reports, FY21

Age	Victims		Subjects	
	Count	Percent	Count	Percent
0-15	49	1%	4	<1%
16-19	1,607	29%	591	10%
20-24	2,371	43%	2,078	37%
25-34	884	16%	1,508	27%
35-49	169	3%	531	9%
50 and older	112	2%	77	1%
Age Unknown/Data Not Available	341	6%	880	16%
Total	5,533	100%	5,669	100%

¹⁵ The term subject or "subject of investigation" does not connote guilt or innocence. There were only 5,258 subjects with reportable information (i.e., offense met the elements of proof for sexual assault and fell within MCIOs' legal authority). However, 275 additional individuals alleged to be perpetrators in an investigation are included in these demographic data. These 275 subjects identified in an investigation were either outside the purview of the MCIO or the MCIO found no sexual assault crime occurred.

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

Table 7. Grade/Status of Victims and Subjects at the Time the Report of Sexual Assault was Received in Completed Investigations of Unrestricted Reports, FY21

Grade / Status	Victims		Subjects	
	Count	Percent	Count	Percent
E1-E4	3,717	67%	2,687	47%
E5-E9	652	12%	1,427	25%
WO1-WO5	12	<1%	21	<1%
O1-O3	148	3%	148	3%
O4-O10	22	<1%	82	1%
Cadet/Midshipman/Prep School Student	63	1%	73	1%
U.S. Civilian	864	16%	171	3%
Foreign National/Foreign Military	52	1%	12	<1%
Grade or Status Unknown/Data Unavailable	3	<1%	1,048	18%
Total	5,533	100%	5,669	100%

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, FY21

Race (Base Rate in Military Population) ¹⁶	Victims		Subjects	
	Count	Percent	Count	Percent
White (69%)	3,425	62%	2,996	53%
Black (17%)	913	17%	1,232	22%
American Indian (1%)	60	1%	25	<1%
Asian / Pacific Islander (6%)	242	4%	175	3%
Multiracial (3%)	229	4%	46	1%
Unknown (4%)	635	11%	1,116	20%
Data Not Available	29	1%	79	1%
Total	5,533	100%	5,669	100%

¹⁶ U.S. Department of Defense, Military OneSource, “2020 Demographics: Profile of the Military Community”, <https://download.militaryonesource.mil/12038/MOS/Reports/2020-demographics-report.pdf>.

Restricted Reports of Sexual Assault

As defined in DoD policy, Restricted Reports are confidential, protected communications; therefore, SAPR personnel collect limited data about the victim and the sexual assault allegation. As with Unrestricted Reports, victims can make Restricted Reports for incidents that occurred prior to their military service. In FY21, there were 3,098 initial Restricted Reports of sexual assault. Of the 3,098 reports, 588 (19 percent) converted to Unrestricted Reports.¹⁷ At the end of FY21, 2,510 reports remained Restricted (Figure 16).

How many Restricted Reports convert to Unrestricted each FY?

In FY21, a fifth of victims who made a Restricted Report converted to an Unrestricted Report, which is about the same as observed in FY20.

This year, 392 Service members made a Restricted Report for an incident that occurred prior to entering military service, representing approximately 16 percent of the 2,510 remaining Restricted Reports of sexual assault. Of these 392 Service members, 241 indicated that the incident occurred prior to age 18, 146 indicated that the incident occurred after age 18, and 5 chose not to specify at what age the incident occurred. Additionally, conversion of Restricted Reports to Unrestricted Reports has remained steady since FY17, with a fifth of people who made a Restricted Report in FY21 subsequently converting it an Unrestricted Report.

¹⁷ 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, 57 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 57 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 588 report conversions.

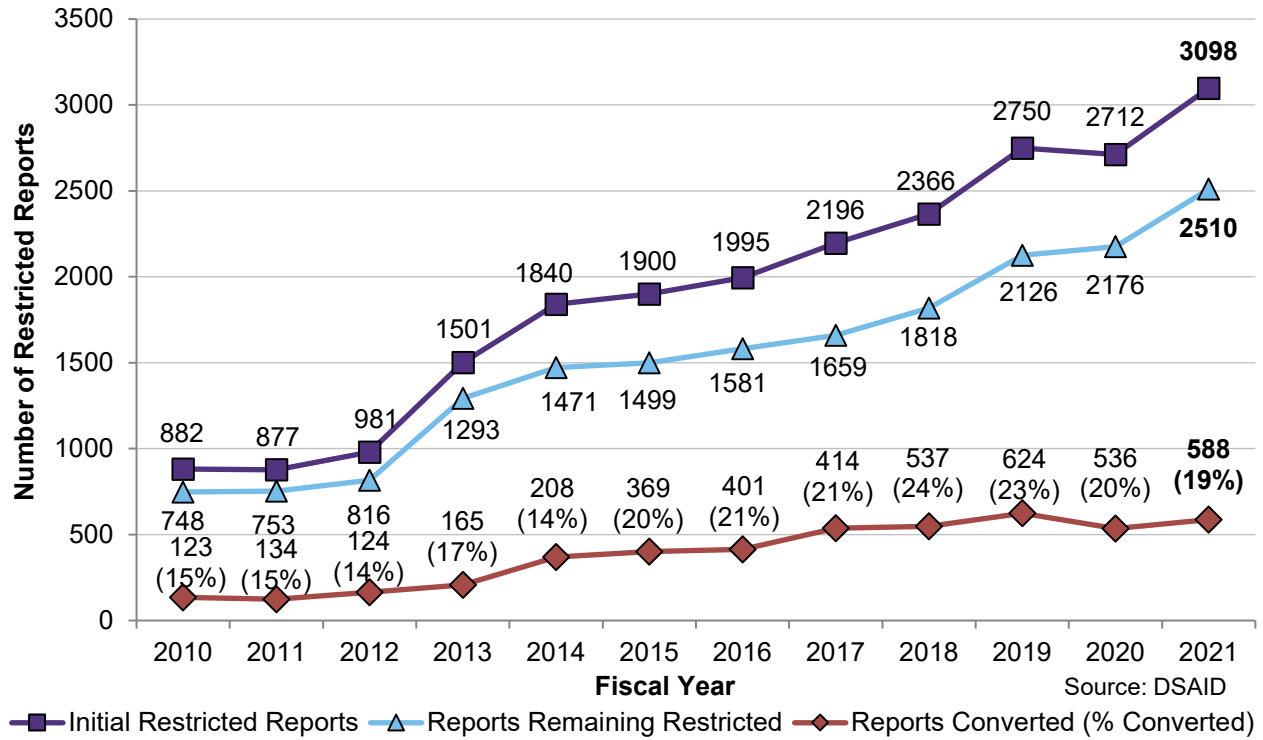


Figure 16. Restricted Reports Received and Converted, FY10 – FY21

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, FY21

Sex	Count	Percent
Male	559	22%
Female	1,942	77%
Relevant Data Not Available	9	<1%
Total	2,510	100%

Table 10. Age of Those in Restricted Reports at Time of Incident, FY21

Age	Count	Percent
0-15	201	8%
16-19	670	27%
20-24	1,080	43%
25-34	465	19%
35-49	88	4%
50 and Older	6	<1%
Relevant Data Not Available	0	0%
Total	2,510	100%

Table 11. Grade or Status of Those in Restricted Reports at Time of Report, FY21

Grade / Status	Count	Percent
E1-E4	1,673	67%
E5-E9	496	20%
WO1-WO5	18	1%
O1-O3	164	7%
O4-O10	52	2%
Cadet/Midshipman/Prep School Student	74	3%
Non-Service Member	24	1%
Relevant Data Not Available	9	<1%
Total	2,510	100%

Table 12. Race of Those in Restricted Reports, FY21

Race (Base Rate in Military Population) ¹⁸	Count	Percent
White (69%)	1,472	59%
Black (17%)	430	17%
American Indian (1%)	33	1%
Asian / Pacific Islander (6%)	129	5%
Multiracial (3%)	96	4%
Unknown (4%)	317	13%
Data Not Available	33	1%
Total	2,510	100%

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

¹⁸ U.S. Department of Defense, Military OneSource, "2020 Demographics: Profile of the Military Community", <https://download.militaryonesource.mil/12038/MOS/Reports/2020-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 4.6 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 FY21.

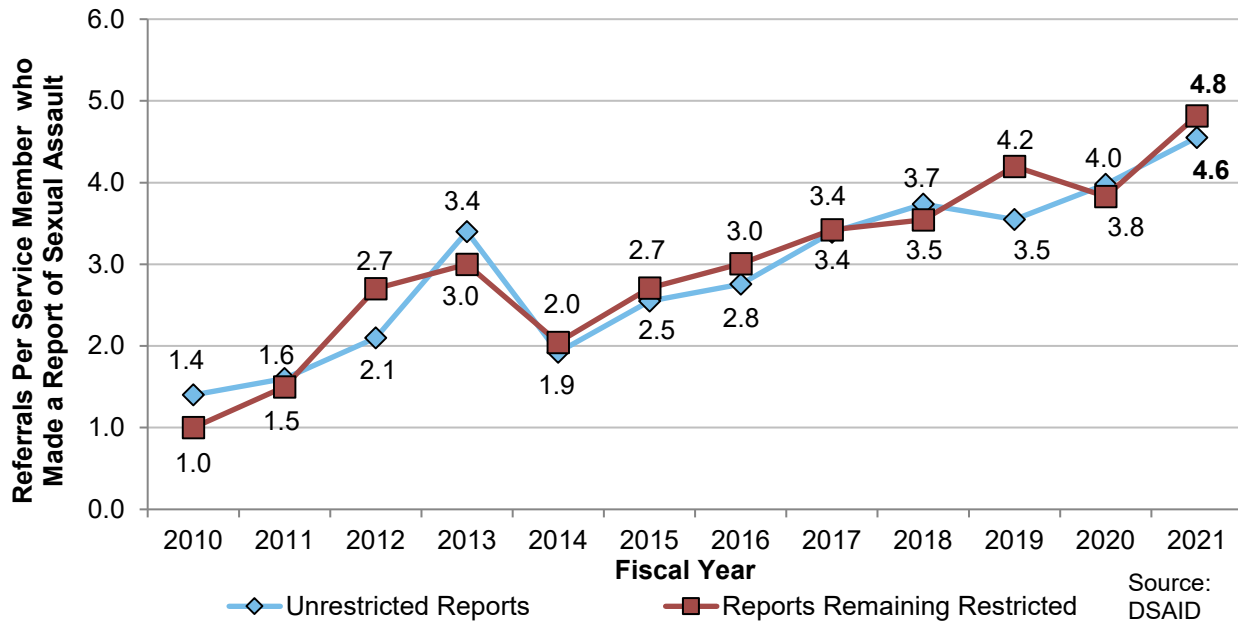


Figure 17. Average Number of Service Referrals per Service Member Who Reported Sexual Assault, FY10 – FY21

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 613 SAFEs conducted for Service members who reported a sexual assault during FY21 (Figure 18). The decision to undergo a SAFE belongs to the victim.

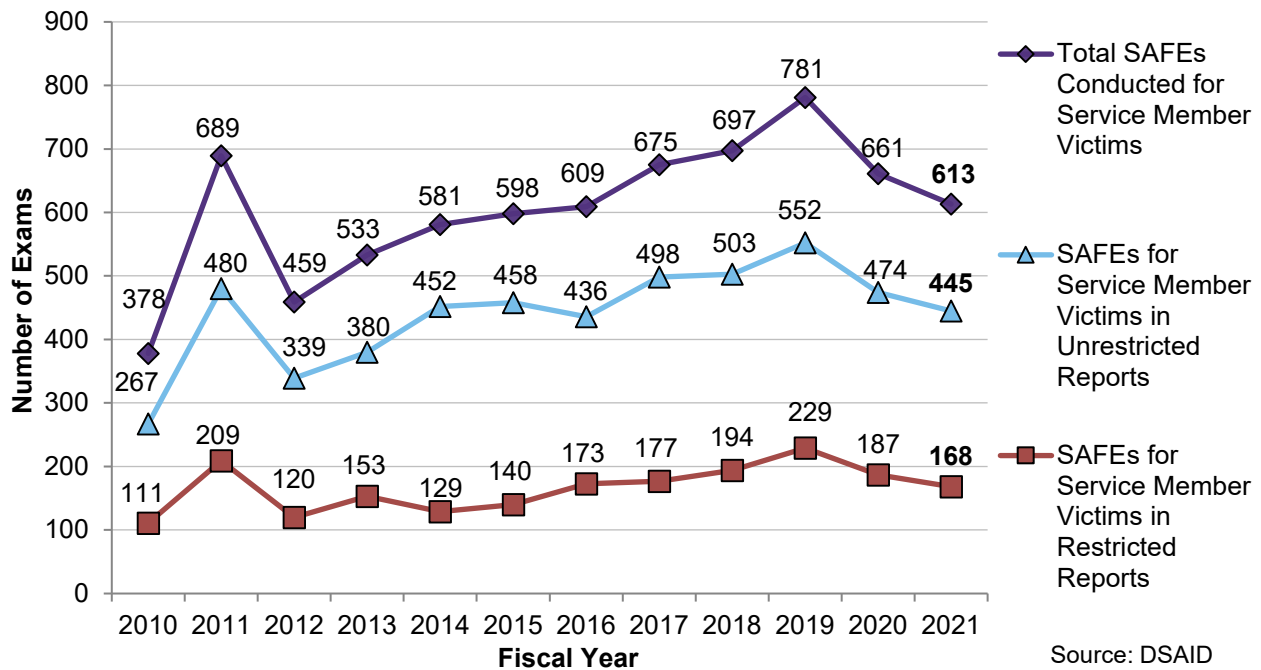


Figure 18. SAFEs Involving Service Member Victims, FY10 – FY21

Expedited Transfers

Since FY12, DoD has allowed Service members who submit an Unrestricted Report of sexual assault to request an expedited transfer from their assigned units (Table 11). This may involve a move to another duty location on the same installation or relocating to a new installation entirely. Service members can request a transfer from their unit commander, who has 72 hours to act on the request. Should a unit commander decline the request, victims may appeal the decision to the first General Officer/Flag Officer (GO/FO) in their commander’s chain of command. The GO/FO then has 72 hours to review the request and provide a response to the victim. Table 11 shows the number of expedited transfers and denials since FY12. In FY21, the total number of expedited transfers requested and approved increased from FY20.

Table 13. Expedited Transfers and Denials, FY12 – FY21

Transfer Type	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Number of victims requesting a change in Unit/Duty Assignment (Cross-Installation Transfers)	57	99	44	71	62	74	67	89	80	125
<i>Number Denied</i>	2	3	0	2	3	5	2	5	3	5
Number of victims requesting a change in Installation (Permanent Change of Station)	161	480	615	663	684	760	835	810	820	880
<i>Number Denied</i>	0	11	15	12	18	30	30	24	20	27
Total Approved	216	565	644	720	725	799	870	870	877	973

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 FY21. There were 167 reports of sexual assault in CAIs in FY21, an increase from FY20 (159 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.

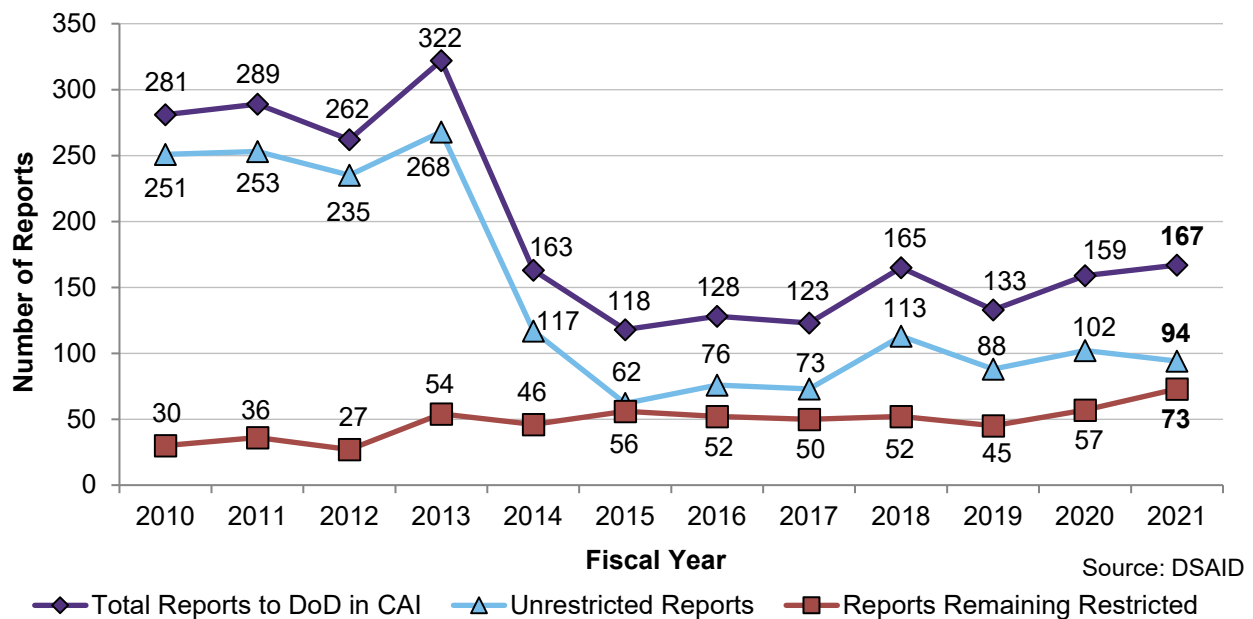


Figure 19. Reports of Sexual Assault in Combat Areas of Interest, FY10 – FY21

There were 94 Unrestricted Reports in CAIs during FY21. Of these 94, 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 each CAI, and shows that in FY21, most reports were received in Afghanistan, Turkey, Kuwait, Qatar, and Iraq.

Table 14. Unrestricted and Restricted Reports by Combat Area of Interest, FY21

CAI	Total Reports	Unrestricted Reports	Reports Remaining Restricted
Afghanistan	24	10	14
Bahrain	12	3	9
Djibouti	6	4	2
Iraq	26	16	10
Jordan	8	4	4
Kosovo	0	0	0
Kuwait	31	23	8
Lebanon	0	0	0
Pakistan	0	0	0
Qatar	27	15	12
Saudi Arabia	8	6	2
Somalia	0	0	0
Syria	0	0	0
Turkey	17	9	8
UAE	8	4	4
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 83 investigations closed during FY21. These 83 investigations involved 94 victims and 96 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 (82 percent) and junior enlisted grade (68 percent). Those who submitted Unrestricted Reports in CAIs tend to be about the same age as those submitting Unrestricted Reports in general; about three-quarters (74 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 (68 percent), under the age of 35 (59 percent), and in an enlisted grade (58 percent).

Demographics of Victims and Subjects in Restricted Reports in CAIs

The 73 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 (71 percent). However, victims making Restricted Reports in CAIs tended to be older; 54 percent of victims in CAIs were 25 and over compared to 22 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: 27 percent of victims in CAIs are E1-E4, compared to 67 percent of victims in Restricted Reports overall.

FY21 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, 2020 and September 30, 2021 involving a Service Member as the reporter or the alleged retaliator.¹⁹

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 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.

Data on Reports of Perceived Retaliation

In FY21, 62 reports of perceived retaliation involving Service members were made to DoD. Reports could be made to multiple reporting avenues. Of the 62 reports, 28 were made to one reporting avenue and 34 were made to multiple reporting avenues. The most common individual/organization receiving reported allegations of retaliation was SAPR personnel (60 reports) with SARCs and SAPR VAs receiving 37 and 23 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, FY21

Individual/Organization	Count	Percent
SARC	37	31%
SAPR VA	23	19%
Service IGs	21	18%
Chain of Command	14	12%
MCIOs	10	8%
DoD IG	7	6%
Other	6	5%
Military Law Enforcement	1	1%
Total Individuals/Organizations Receiving 62 Reports	119	100%

Demographics of Retaliation Reporters

The Military Services and NGB received 62 sexual assault-related retaliation reports against 42 alleged retaliators in FY21. Table 16 displays the sex of retaliation reporters. Table 17 shows the pay grade of reporters. Most retaliation reports are filed by women (84 percent) in junior

¹⁹ Pulled from DSAID in May 2022.

enlisted pay grades E1-E4 (65 percent). Additionally, as shown in Table 18, most retaliation reports are filed by victims who have made an Unrestricted Report of sexual assault (95 percent).

Table 16. Sex of Retaliation Reporters in Reports of Perceived Retaliation, FY21

Sex of Retaliation Reporter	Count	Percent
Male	10	16%
Female	52	84%
Total	62	100%

Table 17. Pay Grade of Reporters in Reports of Perceived Retaliation, FY21

Retaliation Reporter Pay Grade	Count	Percent
E1-E4	40	65%
E5-E9	11	18%
O1-O3	5	8%
WO1-WO5	1	2%
Cadet/Midshipman	1	2%
DoD Civilian	2	3%
Unknown	2	3%
Total	62	100%

Table 18. Type of Retaliation Reporter in Reports of Perceived Retaliation, FY21

Type of Retaliation Reporter	Count	Percent
Victim of alleged sexual assault	59	95%
Other party	2	3%
SAPR Victim Advocate on case of alleged sexual assault	1	2%
Total	62	100%

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 57 of the 62 total sexual assault-related retaliation reports. Among the 5 cases where actions were not taken, 3 reporters did not chose to move forward with an official complaint or withdrew their complaint, 1 reporter did not want any action taken, and 1 case was missing relevant support data.

A total of 139 actions were taken in 57 cases. Most allegations received multiple actions. Common actions included Command monitoring the situation (31 allegations), providing direct support to the reporter (23 allegations), updating the safety plan for the retaliation reporter (15 allegations), and transferring the retaliation reporter at their request (13 allegations). Ten other actions were taken to support reporters, while 7 actions were unknown.

Table 19. Action Taken to Address Retaliation Allegations, FY21

Action Taken to Address Retaliation	Count of Actions	Percent
Command is monitoring the situation	31	22%
Command is providing direct support to the reporter	23	17%
Action pending	17	12%
Safety plan updated for retaliation reporter	15	11%
Transfer of retaliation reporter	13	9%
Command took action on behalf of the retaliation reporter to end the negative treatment	11	8%
Other	10	7%
Unknown	7	5%
Briefing/training for the unit/installation	6	4%
Military protective order issued or civilian protective order obtained by retaliation reporter	6	4%
Total Actions Taken in 57 Cases	139	100%

Seventeen actions were still pending. Five allegations had no or missing action taken: three cases because there was no official complaint or the complaint was withdrawn, one case where the reporter did not want any action taken, and one case was missing relevant data.

Demographics and Outcomes of Alleged Retaliators

Of the 62 alleged retaliation reports, 37 reports identified an alleged retaliator, e.g., the individual accused of perpetrating retaliation. The analysis that follows focuses on the information and outcomes of the 42 alleged retaliators identified in 37 reports of alleged retaliation. Most alleged retaliators were men (76 percent) and 6 were the alleged perpetrator of the associated sexual assault report. Most alleged retaliators were a superior in the chain of command of the reporter (64 percent). Table 19 shows the relationship between the alleged retaliator and the reporter of the allegation, while Table 20 shows the relationship between the alleged retaliator and the alleged perpetrator.

Table 20. Relationship of the Alleged Retaliator and the Reporter, FY21

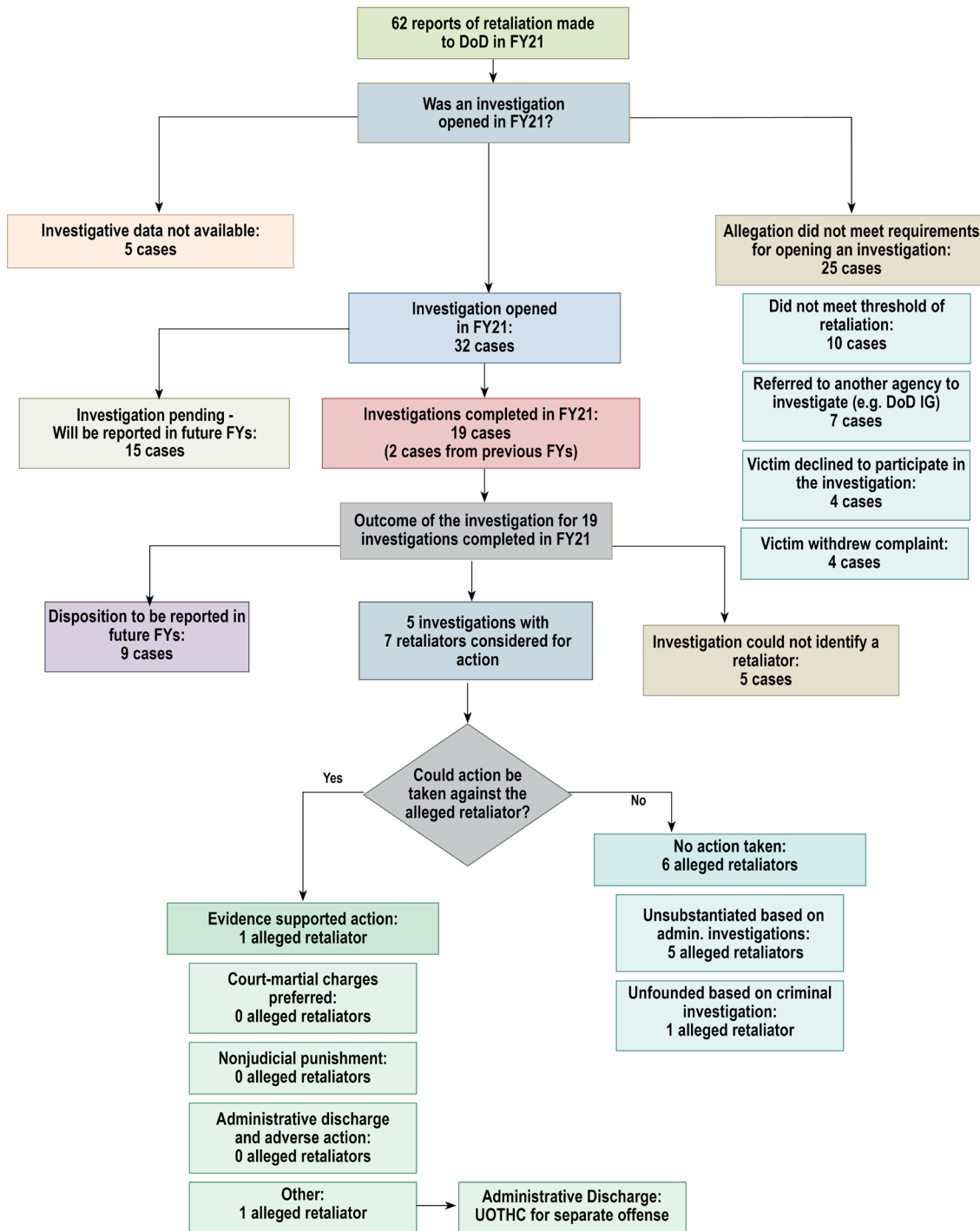
	Subject Count	Percent
Alleged retaliator(s) is a superior in the chain of command of the reporter	27	64%
Alleged retaliator(s) is a peer co-worker friend or family member of the retaliation reporter	5	12%
Alleged retaliator(s) is the alleged perpetrator of sexual assault	4	10%
Alleged retaliator(s) is associated with alleged perpetrator of sexual assault	2	5%
Relevant Data Not Available	2	5%
Alleged retaliator(s) is a superior NOT in the chain of command of the reporter	1	2%
Alleged retaliator(s) relationship is unknown or investigation ongoing	1	2%
Total	42	100%

Table 21. Relationship of the Alleged Retaliator and Alleged Perpetrator, FY21

	Subject Count	Percent
Alleged retaliator(s) and alleged perpetrator have no direct association	10	24%
Alleged retaliator(s) is a superior of the alleged perpetrator (in or outside chain of command)	9	21%
Alleged retaliator(s) is also the alleged perpetrator of sexual assault	6	14%
Alleged retaliator(s) relationship is unknown/investigation ongoing	6	14%
Alleged retaliator(s) is a peer co-worker friend or family member of the alleged perpetrator	4	10%
Relevant Data Not Available	4	10%
Alleged perpetrator(s) relationship is unknown/investigation ongoing	3	7%
Total	42	100%

Figure 20 presents a review of the status of retaliation investigations and outcomes for the investigations opened for the 62 reports of retaliation. At the time of data collection, most investigations were pending completion or disposition information. Results of these investigations will be reported in future FYs. Service-led investigations were not opened in 25 cases. Ten cases did not meet the threshold for retaliation, 4 cases respected a victim's decision to not participate in the investigation, 4 cases were withdrawn by the reporter, and 7 were referred to DoD OIG for investigation and are included in Table 21.

There were 19 completed investigations of alleged retaliation completed in FY21, 17 of which came from reports made in FY21 and 2 from reports made in previous FYs. Fifteen investigations were still pending completion at the end of FY21, while 9 completed investigations were pending disposition information at the end of the FY and will have dispositions reported in future FYs. Five investigations could not identify the alleged retaliator. Five investigations identified 7 retaliators considered for action. Action could not be taken against 6 alleged retaliators, while 1 retaliator received an UOTHC administrative discharge for a separate offense before action could be taken regarding the alleged retaliation. Case synopses for FY21 cases with completed investigations and disposition information can be found in Military Services' Reports.



Source: DSAID

Figure 20. Reports of Perceived Retaliation Made to DoD, FY21

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

DoD OIG provides SAPRO with a report of all complaints of reprisal investigated and received by DoD OIG. DoD OIG can receive reports directly from a reporter and thus the totals will not match with the reports referred to DoD OIG in the previous section. DoD OIG received 84 complaints of reprisal relating to reporting of a sexual assault in FY21. At the end of the fiscal year they had completed and closed 75 cases of reports from FY21 and previous fiscal years. Table 21 below shows the outcomes of the investigations closed in FY21.

Table 22. Outcomes of DoD OIG Investigations, FY21

Outcome	Subject Count	Percent
Evaluated and Closed	59	79%
Not Substantiated	6	8%
Substantiated	0	0%
Withdrawn	10	13%
Total Closed	75	100%

DoD OIG defines the above outcomes as follows:

- ‘Evaluated and closed’ are cases closed without investigation, because either DoD OIG lacked jurisdiction or complaint analysis determined that there was no prima facie allegation of reprisal or restriction.
- ‘Not substantiated’ cases were investigated but not proven.
- ‘Substantiated’ cases were investigated and proven.
- ‘Withdrawn’ cases are cases where the complainant withdrew their complaint of reprisal or restriction.

Additional information on DoD OIG cases can be found in the Inspector General Semi-Annual Report to Congress.²⁰

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

In every Annual Report, SAPRO presents data for the FY in which a victim reported a sexual assault; however, an appreciable percentage of investigations and/or disposition decisions for the cases associated with these reports are pending at the end of the FY. DoD continues to track outcomes for previously pending cases in DSAID. SAPRO and the Military Services audited prior years’ data to present a more comprehensive picture of investigation and adjudication outcomes for reports received in FY19. SAPRO does this largely to determine if there are substantive differences in case outcomes when reported longitudinally, as is done in this section, versus reporting the status of all outcomes received at the end of the fiscal year, as presented on pages 15 to 30 of this Appendix. Overall, there were no large differences in how the cases landed in categories in the waterfall chart (see Figure 6 for comparison) – and the percentage of cases where no command action was possible remained roughly the same. At the time of analysis in FY19, 27% of sexual contact crime cases and 50% of penetrating crime cases did not have a command action possible. In the updated longitudinal analysis in FY21, the percentage of cases where command action was not possible occurred in 28% of sexual

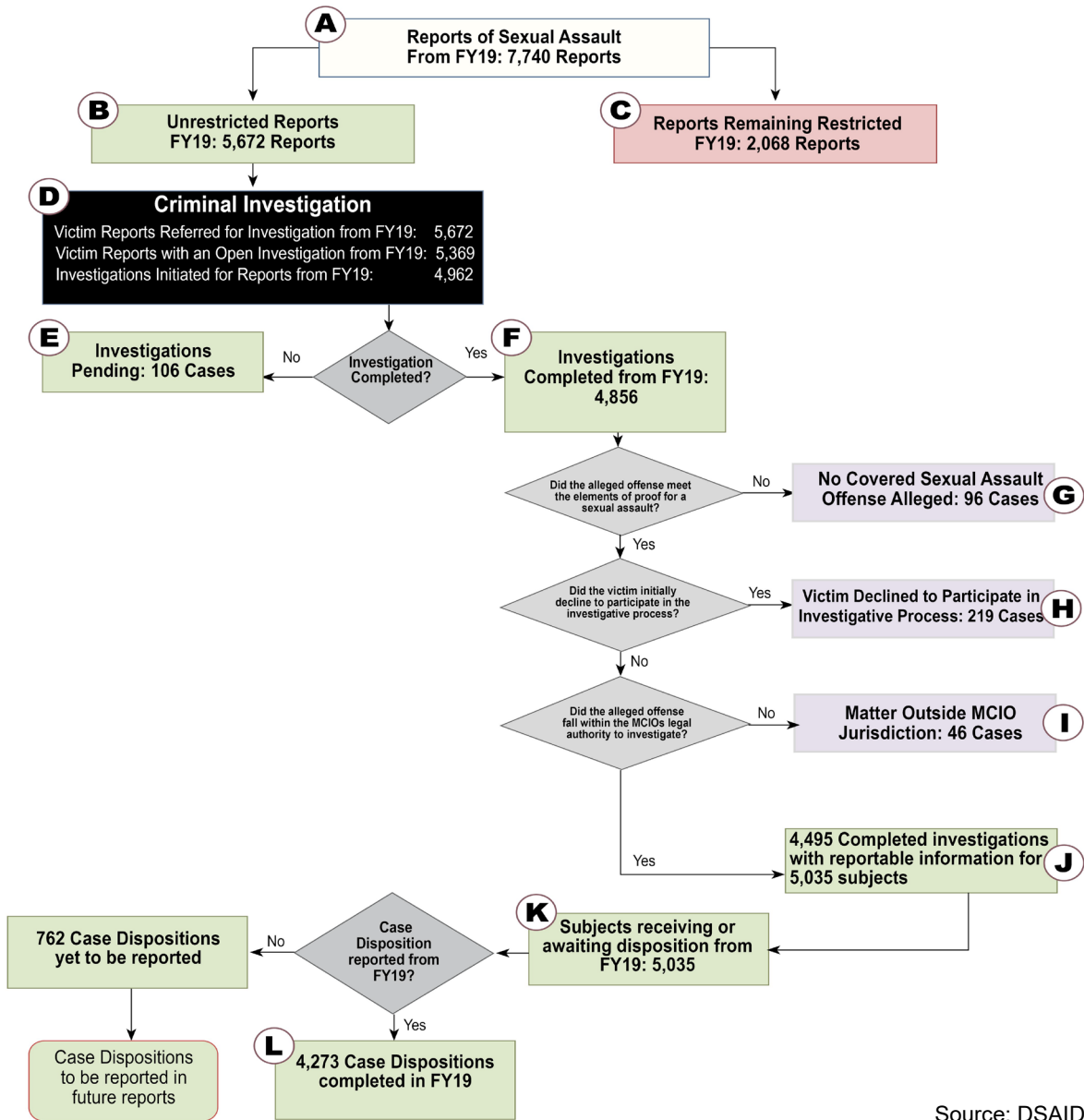
²⁰ <https://www.dodig.mil/Reports/Semiannual-Report-to-the-Congress/>

contact crime cases and 50% of penetrating crime cases. This comparison can be seen in Figure 26. SAPRO examines data from each FY after a two-year lag time, in order to allow investigations and/or disposition decisions to be completed. In sum, the statistical analysis of military justice cases provided by the Department in each year's annual report – even though incomplete due to pending cases – very closely describes overall trends seen in the full set of completed cases.

Data from FY20 will be presented in the FY22 Annual Report.

As explained on page 8, DSAID is a real-time data-gathering tool. Since SAPRO pulled data for this section in February 2022, numbers presented here may differ from data published in the FY19 Annual Report. For example, victims who made a Restricted Report in FY19 may have converted to an Unrestricted Report in subsequent FYs. DSAID counts these converted cases as Unrestricted Reports; thus, the total number of Unrestricted and Restricted reports in a given FY will change as victims convert their reports.

Although the majority of FY19 reports have completed investigations and disposition decisions, some cases remain pending at the time of data retrieval. One reason is that Restricted Reports converted to Unrestricted after FY19 are associated with investigations that opened more recently. Although less likely to occur, some investigations originally opened and closed in FY19 have been re-opened if new evidence becomes available.



Source: DSAID

Figure 21. Reports of Sexual Assault, Completed Investigations, and Case Dispositions, FY19

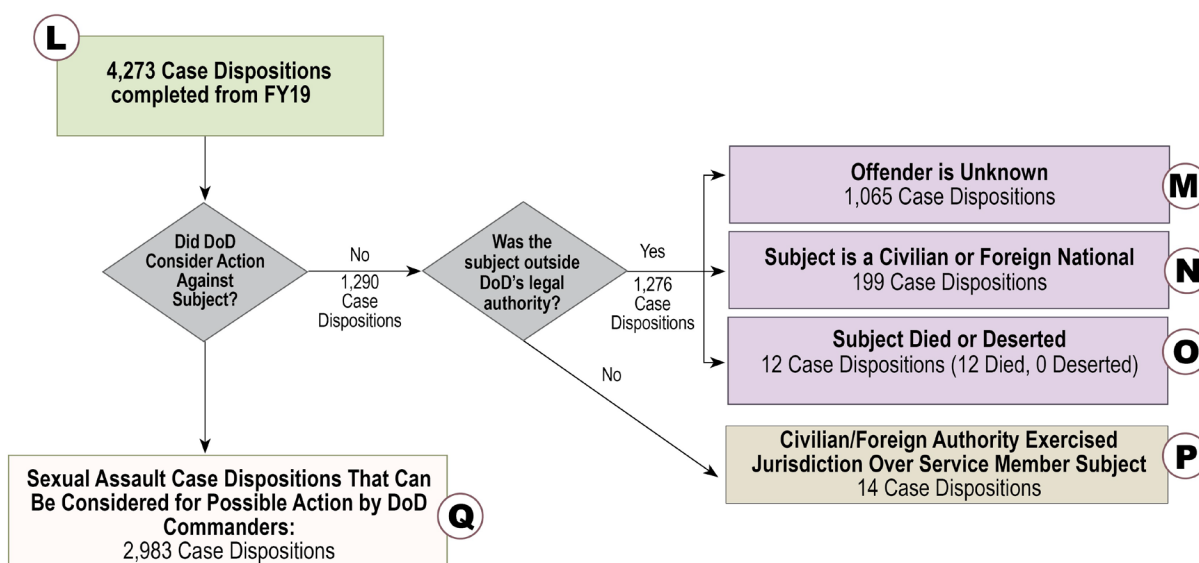
DoD received 7,740 reports of sexual assault with an initial report date made between October 1, 2018 and September 30, 2019 (Figure 21). As of February 2022, these 7,740 reports from FY19 were comprised of 5,672 Unrestricted Reports and 2,068 Restricted Reports. Of the 5,672 Unrestricted Reports from FY19 that were referred for investigation, 5,369 reports had an investigation opened.²¹ Of those 5,369 reports with investigations opened, there were 4,962 unique investigations (Figure 21, Point D). At the time of the data pull in February 2022, MCI O's had completed almost all (98 percent) of the investigations opened for cases reported in FY19 (Figure 21, Point F). Of these, 361 were outside of DoD authority or were incidents determined

²¹ The number of investigations opened for reports made in FY19 is lower than the number of reports because there can be multiple victims in a single investigation, and some allegations could not be investigated by DoD or civilian law enforcement.

not to be a sexual assault. Of the remaining 4,495 completed investigations, 5,035 resulted in subjects with a possible case disposition, as of February 2022.²² Of the 5,035 possible cases pending disposition from FY19 investigations, 4,273 were completed by the time of this report.

The 4,273 cases from DoD investigations for which dispositions were reported included Service members, U.S. civilians, foreign nationals, and subjects who could not be identified (Figure 22). Of these, DoD could not consider action in 1,290 cases because:

- 1,276 cases were outside of DoD’s legal authority (Figure 22, Points M, N, and O). Specifically, MCIOs could not identify a subject despite a criminal investigation, a subject was a civilian or foreign national not under the military’s jurisdiction, or a subject had died or deserted before DoD could take disciplinary action.
- 14 cases included Service members being prosecuted by a civilian/foreign authority (Figure 22, Point P). While a Service member is always under the legal authority of DoD, sometimes a civilian authority or foreign government will exercise its legal authority over a Service member who is suspected of committing a crime within its authority.



Source: DSAID

Figure 22. Cases Outside DoD Legal Authority, FY19

As explained on page 22, legal factors sometimes prevent DoD from taking disciplinary action against subjects. For example, commanders could not take disciplinary action in 890 cases due to insufficient evidence of an offense or the statute of limitations expiring. For 252 subject cases, commanders’ adjudication decisions respected the desire of victims to decline further participation in the military justice process (Figure 23, Point U). After examining the evidence in each case with a military attorney, commanders declined to take action in 34 cases since available evidence indicated the allegations were false or baseless (Figure 23, Point V).

For 1,805 cases (61 percent), commanders had sufficient evidence and the legal authority to support some form of disciplinary action for an alleged sexual assault offense or other misconduct (Figure 23, Point R). When a subject receives more than one disposition in a single case, DoD reports only the most serious disciplinary action. The possible actions, listed in

²² Since these data were pulled in the second quarter of FY22, a small number of cases (N=55) have dispositions decisions dated in FY22 and will thus be reported in the FY22 Annual Report.

descending order of severity, are preferral of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative action.

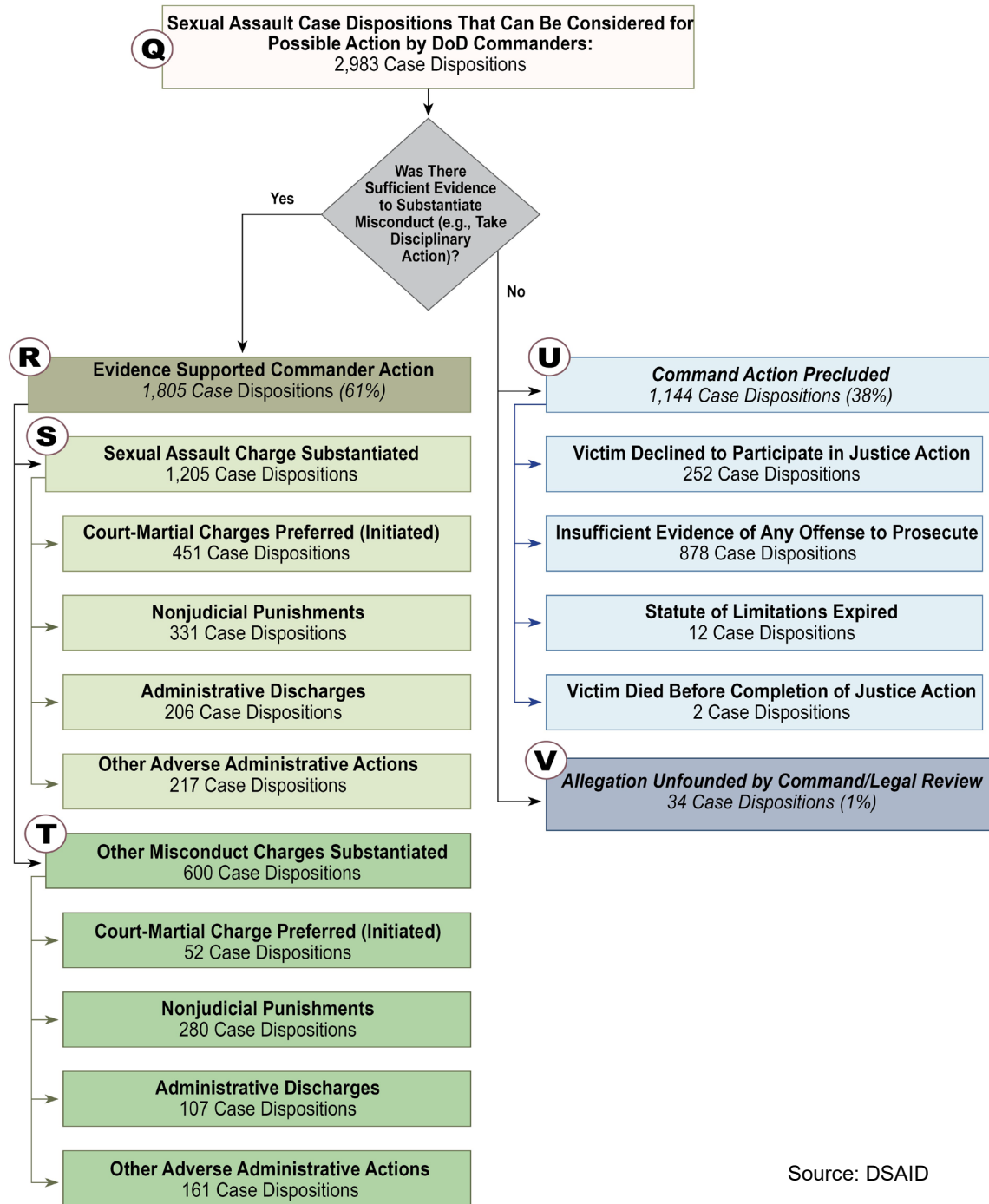
The following outlines the command actions taken for the 1,205 cases for which it was determined a sexual assault offense warranted discipline:

- 451 (37 percent) of cases had court-martial charges preferred.
- 331 (27 percent) were associated with proceedings for nonjudicial punishment under Article 15 of the UCMJ.
- 423 (35 percent) were associated with a discharge or another adverse administrative action.²³

For 600 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:

- 52 (9 percent) of cases had court-martial charges preferred.
- 280 (47 percent) were associated with proceedings for nonjudicial punishment.
- 268 (45 percent) were associated with some form of adverse administrative action or discharge.

²³ Percentages may not add to 100 due to rounding.



Source: DSAID

Figure 23. Dispositions of Cases Under DoD Legal Authority, FY19

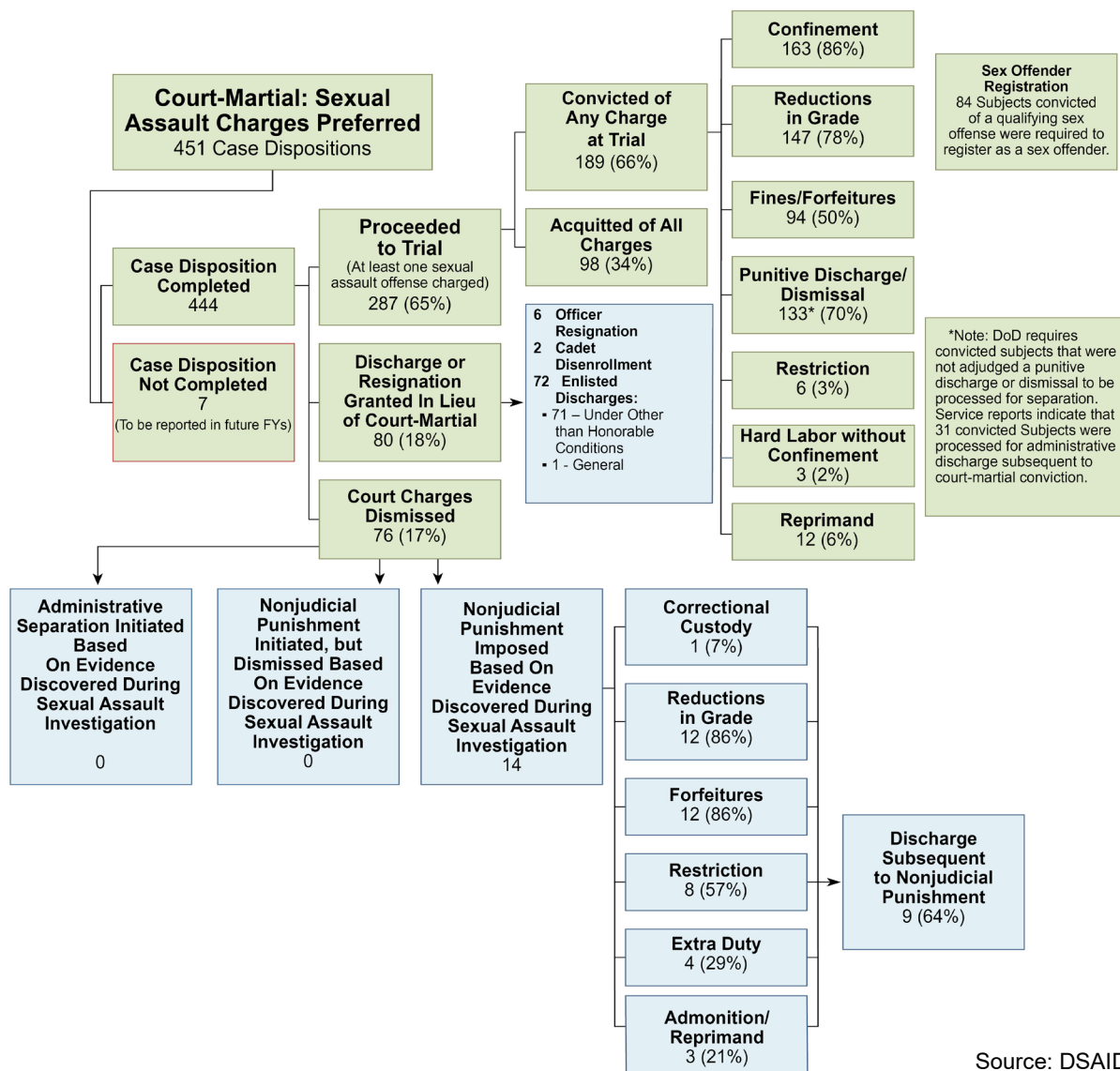
As noted previously, in 451 cases court-martial charges were preferred. The dispositions and the sentences imposed by courts-martial are for those subjects with at least one sexual assault charge adjudicated at any time for a report made in FY19.

Figure 24 shows that 287 cases proceeded to trial, 68 percent of which were associated with a conviction of at least one charge at court-martial. The Military Services processed 189

convicted subjects who did not receive a punitive discharge or dismissal for administrative separation from Military Service.

Court-martial charges in 76 cases were dismissed. However, commanders used evidence gathered during the sexual assault investigations to take nonjudicial punishment for other misconduct in 14 cases. The punishment may have been for any kind of misconduct for which there was evidence.

A total of 80 cases resulted in a resignation in lieu of court-martial for officers/discharge in lieu of court martial for enlisted Service members (RILO/DILO). Of those cases, 71 were enlisted members who received an UOTHC separation, the most adverse characterization of discharge possible administratively.



Source: DSAID

Figure 24. Court-Martial Preferred for Sexual Assault, FY19

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

Comparisons of Longitudinal Analyses for FY14 through FY19 Data

Since 2014, DoD has tracked Unrestricted Reports from the date a report is made to the date the investigation and/or adjudication process has been completed. The following analyses are of judicial outcomes in Unrestricted Reports made to DoD authorities between FY14 and FY19 (Figure 25).

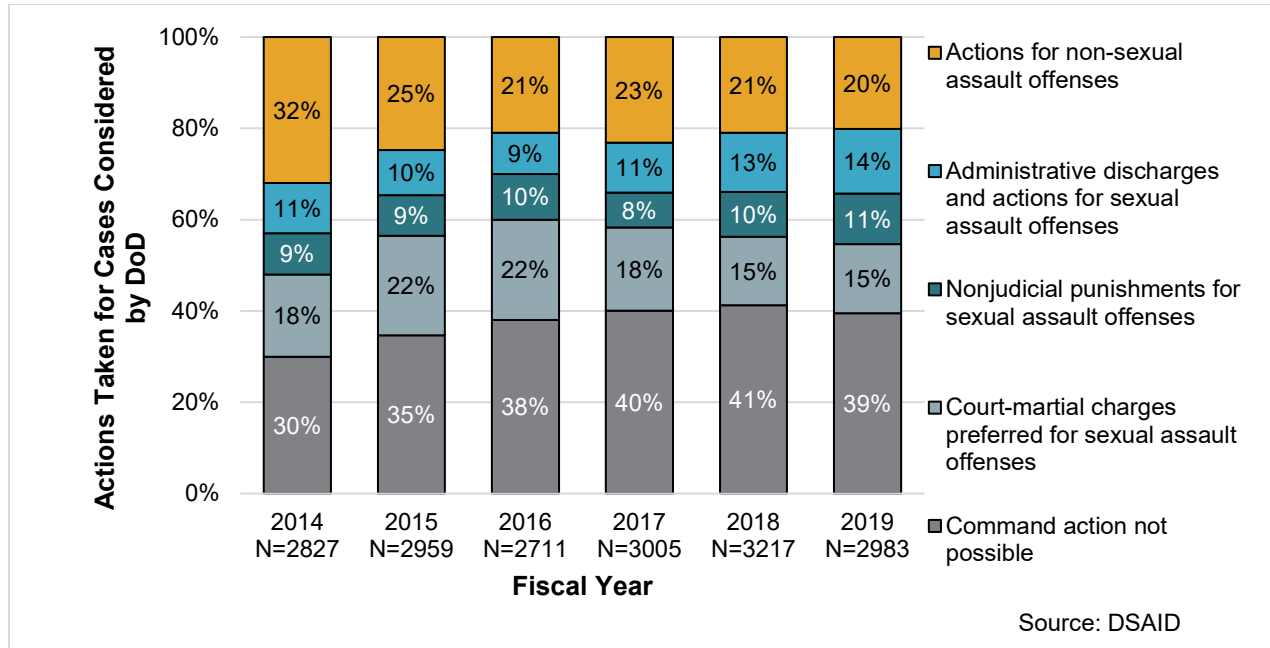


Figure 25. Actions Taken in Completed Investigations of Unrestricted Reports, FY14 – FY19

Figure 26 displays the proportions of actions taken in penetrating offense cases and sexual contact offense cases from FY14 to FY19. Commanders were able to take more action in sexual contact offense cases (71 percent in FY19) than in penetrating offense cases (48 percent in FY19) across all FYs.

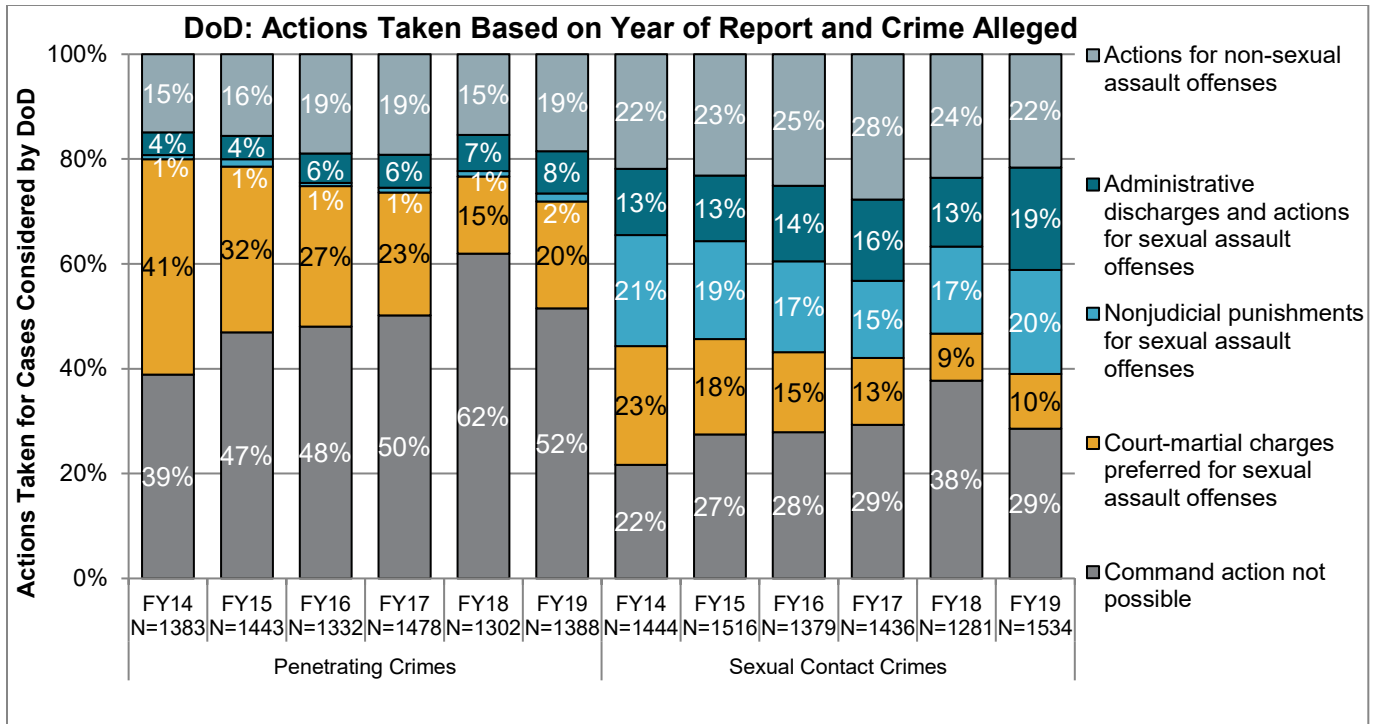


Figure 26. Actions Taken Based on Crime Alleged, FY14 – FY19

FY21 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. DoD SAPRO 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.

Additionally, the SRI Module documents contacts with acquaintances of victims, and any other parties that visit a SAPR office to inquire about services and resources offered for victims of sexual assault. DoD SAPRO does not collect any identifiable information from inquirers, so therefore, cannot track whether a victim inquirer has made a report prior to or following their inquiry. At its inception in October 2020, SARCs were encouraged to use the SRI Module and provide DoD SAPRO with feedback throughout FY21, but its use was not strictly required. Data presented in this section are from this pilot period.

In FY21, the Department received 1,552 SAPR-related inquiries, with just over half being made by victims of sexual assault (52 percent). Table 23 shows that the remaining 48 percent of inquirers were victims’ supervisors, friends, coworkers, and others visiting SAPR offices to seek support and/or learn more about the resources offered by their Service.

Table 23. SAPR-Related Inquiries by Type of Inquirer, FY21

Type of Inquirer	Count	Share
Victim (Self)	800	52%
Supervisor/Command	217	14%
Friend	104	7%
Coworker	89	6%
Otherwise Known	88	6%
Chooses Not to Disclose	86	6%
Extended Family Member	50	3%
Love Interest/Dating	34	2%
Acquaintance	26	2%
Relationship Unknown	20	1%
Employee	17	1%
Employer	11	1%
Stranger	5	<1%
Recruiter	4	<1%
Neighbor	1	<1%
Total	1,552	100%

Of the 800 SAPR-related inquiries made by victims of sexual assault in FY21, most contacts were with female Service members (64 percent). Additionally, DoD SAPRO received 97 inquiries from non-Service member victims in FY21, the majority of which were made by U.S. civilians (56 percent).

Table 24. SAPR-Related Inquiry Victims by Gender and Military Status, FY21

	Female Victims	Male Victims	RDNA Victims	Total Inquiries
Total SAPR Related Inquiries	611	183	6	800
Inquiries Made by Service Members	514	176	2	692
Inquiries Made by Non-Service Members	97	7	4	108
<i>DoD Civilian Employee</i>	26	3	0	29
<i>DoD Contractor Employee</i>	6	0	0	6
<i>Other U.S. Civilian</i>	54	4	0	56
<i>Foreign National/Military</i>	4	0	0	4
<i>Relevant Data Not Available</i>	7	0	4	11

Victim Stated Reason for Not Reporting

While there is currently no process to identify whether a victim inquirer filed a report prior to or following their inquiry, SARCs document the victim's stated reason(s) for not reporting, as adapted from the 2018 *WGRA*. Of the 800 SAPR related inquiries made by victims in FY21, 774 victims selected at least one reason as to why they did not formally report a sexual assault. The largest share of victims who made a SAPR related inquiry marked "some other reason" as to why they did not report a sexual assault (52 percent). Additionally, 21 percent of victims did not report because they "did not want more people to know."

Table 25. SAPR-Related Inquiry Victim Stated Reason for Not Reporting, FY21

Stated Reason for Not Reporting	Count²⁴	Share
Some other reason	405	52%
Did not want more people to know	163	21%
Felt ashamed or embarrassed	102	13%
Worried about potential negative consequences from their coworkers or peers	83	11%
Wanted to forget about it and move on	79	10%
Felt partially to blame	57	7%
Worried about potential negative consequences from a supervisor or someone in their chain of command	53	7%
Worried about potential negative consequences from the person(s) who did it	50	6%
Did not think anything would be done	48	6%
Did not trust the process would be fair	44	6%
Thought to might hurt their performance evaluation/fitness report or their career	37	5%
Did not want to hurt the person's career	36	5%
Thought it was not serious enough to report	34	4%
Did not want people to see them as weak	32	4%
Did not think their report would be kept confidential	31	4%
Thought they might get in trouble for something they had done or would get labeled a troublemaker	28	4%
Did not want to hurt the person's family	10	1%

Victim Support Services Referred

SAPR-related inquiries are an avenue for victims of sexual assault to receive necessary support services while maintaining anonymity. During an inquiry visit, SARCs can refer victims to the same support services offered to victims who file an official report, while collecting no personally identifiable information. In FY21, SARCs submitted 2,254 referrals for victim support services to victims who made a SAPR-related inquiry. Most of the referrals made were to mental health services (20 percent), chaplain and spiritual support (16 percent), to VAs/UVAs (13 percent), and to the DoD Safe Helpline (13 percent).

²⁴ Inquirers could choose multiple reasons for not reporting. Therefore, percentages will not sum to 100.

Table 26. SAPR-Related Inquiry Victim Support Service Referrals, FY21

Victim Support Service Referred to	Count ²⁵	Share
Medical	179	8%
Mental Health	461	20%
Legal	267	12%
Chaplain/Spiritual Support	357	16%
Rape Crisis Center	156	7%
Victim Advocate/Uniformed Victim Advocate	293	13%
DoD Safe Helpline	296	13%
Other	245	11%
Total	2,254	100%

Sexual Assault Reports by Victim and Military Status by Service

The following tables contain reports of sexual assault to the DoD made in FY21. Each table represents a single Service and includes the type of report made and the type of reporter.

Table 27. Army Sexual Assault Reports by Victim and Military Status, FY21

	Unrestricted Reports	Restricted Reports	Total Reports
Total Reports of Sexual Assault	3,212	869	4,081
Reports Made by Service Members	2,616	850	3,466
Reports Made by Non-Service Members	592	9	601
<i>DoD Civilian Employee</i>	21	0	21
<i>DoD Contractor Employee</i>	5	0	5
<i>Other U.S. Civilian</i>	530	9	539
<i>Foreign National/Military</i>	36	0	36
<i>Relevant Data Not Available</i>	4	10	14
Service Member Reports for Incidents that Occurred Prior to Military Service	79	102	181
Service Member Reports for Incidents that Occurred During Military Service	2,537	748	3,285

²⁵ Victims could be referred to multiple support services. Therefore, percentages will not sum to 100.

Table 28. Navy Sexual Assault Reports by Victim and Military Status, FY21

	Unrestricted Reports	Restricted Reports	Total Reports
Total Reports of Sexual Assault	1,329	554	1,883
Reports Made by Service Members	1,247	553	1,800
Reports Made by Non-Service Members	81	1	82
<i>DoD Civilian Employee</i>	2	0	2
<i>DoD Contractor Employee</i>	1	0	1
<i>Other U.S. Civilian</i>	75	1	76
<i>Foreign National/Military</i>	3	0	3
<i>Relevant Data Not Available</i>	1	0	1
Service Member Reports for Incidents that Occurred Prior to Military Service	78	85	163
Service Member Reports for Incidents that Occurred During Military Service	1,169	468	1,637

Table 29. Marine Corps Sexual Assault Reports by Victim and Military Status, FY21

	Unrestricted Reports	Restricted Reports	Total Reports
Total Reports of Sexual Assault	719	482	1,201
Reports Made by Service Members	622	477	1,099
Reports Made by Non-Service Members	97	5	102
<i>DoD Civilian Employee</i>	2	0	2
<i>DoD Contractor Employee</i>	0	0	0
<i>Other U.S. Civilian</i>	89	5	94
<i>Foreign National/Military</i>	6	0	6
<i>Relevant Data Not Available</i>	0	0	0
Service Member Reports for Incidents that Occurred Prior to Military Service	51	143	194
Service Member Reports for Incidents that Occurred During Military Service	571	334	905

Table 30. Air Force Sexual Assault Reports by Victim and Military Status, FY21

	Unrestricted Reports	Restricted Reports	Total Reports
Total Reports of Sexual Assault	1,096	605	1,701
Reports Made by Service Members	958	593	1,551
Reports Made by Non-Service Members	138	12	150
<i>DoD Civilian Employee</i>	12	5	17
<i>DoD Contractor Employee</i>	4	0	4
<i>Other U.S. Civilian</i>	111	7	118
<i>Foreign National/Military</i>	11	0	11
<i>Relevant Data Not Available</i>	0	0	0
Service Member Reports for Incidents that Occurred Prior to Military Service	67	62	129
Service Member Reports for Incidents that Occurred During Military Service	891	531	1,422

Case Dispositions Reported in FY21 by Service

The following tables include the case dispositions that were reported in FY21, broken out by Service. These numbers may include a report made before FY21 for which an investigation and/or judicial outcome were completed in FY21.

Table 31. Army Case Disposition Category, FY21

Case Disposition Category	Count of Case Dispositions	Share of Case Dispositions
Sexual Assault Investigations Considered for Possible Action by DoD Commanders	2,289	N/A
Evidence Supported Commander Action	1,649	72%
Sexual Assault Offense Action	1,308	79%
<i>Court-Martial Charge Preferred (Initiated)</i>	529	40%
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	414	32%
<i>Administrative Discharge</i>	213	16%
<i>Other Adverse Administrative Action</i>	152	12%
Non-Sexual Assault Offense Action	341	21%
<i>Court-Martial Charge Preferred (Initiated)</i>	42	12%
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	165	48%
<i>Administrative Discharge</i>	90	26%
<i>Other Adverse Administrative Action</i>	44	13%
Unfounded by Command/Legal Review	2	<1%
Commander Action Precluded or Respected Victims' Desired Non-Participation	638	28%
<i>Victim Died</i>	0	0%
<i>Victim Declined to Participate in the Military Justice Action</i>	95	15%
<i>Insufficient Evidence to Prosecute</i>	535	84%
<i>Statute of Limitations Expired</i>	8	1%

Table 32. Navy Case Disposition Category, FY21

Case Disposition Category	Count of Case Dispositions	Share of Case Dispositions
Sexual Assault Investigations Considered for Possible Action by DoD Commanders	800	N/A
Evidence Supported Commander Action	443	55%
Sexual Assault Offense Action	329	74%
<i>Court-Martial Charge Preferred (Initiated)</i>	80	24%
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	141	43%
<i>Administrative Discharge</i>	61	19%
<i>Other Adverse Administrative Action</i>	47	14%
Non-Sexual Assault Offense Action	114	26%
<i>Court-Martial Charge Preferred (Initiated)</i>	12	11%
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	60	53%
<i>Administrative Discharge</i>	25	22%
<i>Other Adverse Administrative Action</i>	17	15%
Unfounded by Command/Legal Review	73	9%
Commander Action Precluded or Respected Victims' Desired Non-Participation	284	36%
<i>Victim Died</i>	0	0%
<i>Victim Declined to Participate in the Military Justice Action</i>	68	24%
<i>Insufficient Evidence to Prosecute</i>	213	75%
<i>Statute of Limitations Expired</i>	3	1%

Table 33. Marine Corps Case Disposition Category, FY21

Case Disposition Category	Count of Case Dispositions	Share of Case Dispositions
Sexual Assault Investigations Considered for Possible Action by DoD Commanders	404	N/A
Evidence Supported Commander Action	211	52%
Sexual Assault Offense Action	117	55%
<i>Court-Martial Charge Preferred (Initiated)</i>	87	74%
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	6	5%
<i>Administrative Discharge</i>	19	16%
<i>Other Adverse Administrative Action</i>	5	4%
Non-Sexual Assault Offense Action	94	45%
<i>Court-Martial Charge Preferred (Initiated)</i>	22	23%
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	29	31%
<i>Administrative Discharge</i>	22	23%
<i>Other Adverse Administrative Action</i>	21	22%
Unfounded by Command/Legal Review	8	2%
Commander Action Precluded or Respected Victims' Desired Non-Participation	185	46%
<i>Victim Died</i>	1	1%
<i>Victim Declined to Participate in the Military Justice Action</i>	42	23%
<i>Insufficient Evidence to Prosecute</i>	141	76%
<i>Statute of Limitations Expired</i>	1	1%

Table 34. Air Force Case Disposition Category, FY21

Case Disposition Category	Count of Case Dispositions	Share of Case Dispositions
Sexual Assault Investigations Considered for Possible Action by DoD Commanders	537	N/A
Evidence Supported Commander Action	380	71%
Sexual Assault Offense Action	220	58%
<i>Court-Martial Charge Preferred (Initiated)</i>	130	59%
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	47	21%
<i>Administrative Discharge</i>	10	5%
<i>Other Adverse Administrative Action</i>	33	15%
Non-Sexual Assault Offense Action	160	42%
<i>Court-Martial Charge Preferred (Initiated)</i>	8	5%
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	59	37%
<i>Administrative Discharge</i>	1	1%
<i>Other Adverse Administrative Action</i>	92	58%
Unfounded by Command/Legal Review	1	<1%
Commander Action Precluded or Respected Victims' Desired Non-Participation	156	29%
<i>Victim Died</i>	1	1%
<i>Victim Declined to Participate in the Military Justice Action</i>	84	54%
<i>Insufficient Evidence to Prosecute</i>	68	44%
<i>Statute of Limitations Expired</i>	3	2%