

# Appendix D: Statistical Data on Sexual Harassment and Sexual Assault



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# Appendix D: Statistical Data on Sexual Harassment and Sexual Assault

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## Background: What It Captures

### Reports of Sexual Assault

The Department of Defense's (DoD) sexual assault data capture the Unrestricted and Restricted Reports of sexual assault made to the Military Service Academies (MSAs) during Academic Program Year (APY) 14-15.

In the context of DoD statistics that follow, an Unrestricted Report of sexual assault is an allegation by one victim against one or more suspects (referred to in DoD as "subjects of investigation" or "subjects"). Unrestricted Reports are referred for investigation to a Military Criminal Investigation Organization (MCIO; called CID, NCIS, or AFOSI by Army, Navy/Marine Corps, and Air Force, respectively). DoD bases the number of Unrestricted Reports on data entered into the Defense Sexual Assault Incident Database (DSAID) by Sexual Assault Response Coordinators (SARCs). Data transferred from MCIO information systems into DSAID provide additional information about these cases.

Data on Restricted Reports are limited, since these reports allow victims to remain anonymous while still receiving care and services. Given the victim's desire for confidentiality, MCIOs do not investigate these reports, and victims are not required to provide identifying details about these sexual assaults. As a result, the SARC only records limited data about the victim and the offense in DSAID. For Restricted Reports entered into DSAID, SARCs do not request or enter subject identities.

DoD's sexual assault reporting statistics include data about sexual contact crimes by adults against adults, as defined in Articles 120 and 125 of the Uniform Code of Military Justice (UCMJ) and Article 80 (attempts to commit these offenses). These data do not include sexual assaults between spouses or intimate partners that fall under the purview of the DoD Family Advocacy Program (FAP), nor do these data include sexual harassment cases, which fall under the purview of Military Equal Opportunity (MEO). While most victims and subjects in the following data are aged 18 or older, DoD statistics also capture some victims and subjects aged 16 and 17 at the time of the report. Service members approved for early enlistment prior to age 18 are included in this category. Since the age of consent under the UCMJ is 16 years, military and civilian victims aged 16 and older could be included in these data if they do not fall under FAP's purview.

The Department uses the term "sexual assault" in policy and programs to refer to the range of crimes in military law that constitute contact sexual offenses between adults. Since 2004, there have been three versions of Article 120, UCMJ, which defines some of those crimes. Table 1 depicts revisions to the UCMJ's characterization of "sexual assault" over time.<sup>1</sup>

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<sup>1</sup> Since June 28, 2012, misconduct addressed by the offense "Aggravated Sexual Assault" has been captured by the offense "Sexual Assault." Likewise, misconduct previously addressed by "Wrongful Sexual Contact" has been captured by the offense "Abusive Sexual Contact."

Table 1 – Sexual Assault Offenses in the UCMJ, Prior to October 1, 2007 to Present

Sexual Assault Offenses	Prior to October 1, 2007	October 1, 2007 to June 27, 2012	June 28, 2012 to Present
Rape (Article 120)	✓	✓	✓
Sexual Assault (Article 120)	N/A	N/A	✓
Aggravated Sexual Assault (Article 120)	N/A	✓	N/A
Aggravated Sexual Contact (Article 120)	N/A	✓	✓
Abusive Sexual Contact (Article 120)	N/A	✓	✓
Wrongful Sexual Contact (Article 120)	N/A	✓	N/A
Nonconsensual Sodomy (Article 125)	✓	✓	✓
Indecent Assault (Article 134)	✓	N/A	N/A
Attempts to commit (Article 80)	✓	✓	✓

When a report is grouped under a criminal offense category in this document (e.g. Rape, Sexual Assault, Aggravated Sexual Contact), it means the crime in that category was the most serious of the infractions reported by the victim or investigated. It does not necessarily reflect the final findings of the investigators or the crime(s) addressed by court-martial charges or some other form of disciplinary action against a subject.

The number of sexual assaults reported to MSA authorities in APY14-15 *does not* necessarily reflect the number of sexual assaults that may have occurred in that APY. Civilian research indicates that victims only report a small fraction of sexual assaults to law enforcement. A survey commissioned by the Association of American Universities in 2015 found that about 23% of undergraduate women experienced nonconsensual sexual contact involving physical force or incapacitation since entering college.<sup>2</sup> Reporting rates vary significantly by the type of sexual contact (penetrating or sexual touching) and the tactic used (physical force or alcohol/ drugs). For example, the survey estimates that about 26% of college women who experienced physically forced penetration reported the crime to an agency, while only about 5% of college women who experienced sexual touching while incapacitated did.<sup>3</sup>

This civilian reporting behavior mirrors that at the Military Academies. Over the past 9 years, DoD estimates that fewer than 11% of cadet/midshipman victims reported the matter to a military authority. However, in 2014, DoD estimated that 16% of cadets/midshipmen who indicated on the 2014 *SAGR Survey* that they experienced unwanted sexual contact reported the matter to a military authority.

### Subject Dispositions

Once the investigation of an Unrestricted Report is complete, the Department requires the MSAs to provide the outcome of the cases against each subject named in an investigation. The Department refers to these outcomes as “subject dispositions.” DoD holds those who have committed sexual assault appropriately accountable based on the available evidence. Legal

<sup>2</sup> The estimation provided here varies widely among the 27 institutions of higher education from which the population was sampled and should not be taken as “standard” across all universities.

<sup>3</sup> The Association of American Universities. (2015). *Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct*. Rockville, MD: Cantor, D., Fisher, B., Chibnall, S., Townsend, R., Lee, H., Bruce, C., & Thomas, G. Retrieved from: <http://www.aau.edu/Climate-Survey.aspx?id=16525>

authority for the Department is limited to those who are subject to the UCMJ and, therefore, its military justice jurisdiction. Cadets and midshipmen are Service members and are under the legal authority of the UCMJ. Except in rare circumstances, such as in deployed environments, a civilian is not subject to the UCMJ for the purpose of court-martial jurisdiction or other military justice discipline.

Although DoD investigates all sexual assault cases, each year, the Department lacks jurisdiction over some subjects in its investigations and cannot proceed with disciplinary action. These subjects are civilians, foreign nationals, and unidentified subjects alleged to have sexually assaulted Service members.

- Local civilian authorities in the U.S. and our host nations hold primary responsibility for prosecuting U.S. civilians and foreign nationals, respectively, who perpetrate sexual assault against Service members.<sup>4</sup>
- A civilian authority, such as a state, county or municipality, may prosecute Service members anytime they commit an offense within its jurisdiction. Service member prosecutions by civilian authorities are decisions made on a case-by-case and jurisdiction-by-jurisdiction basis. This may occur when a civilian accuses a Service member of a sexual assault, or when a Service member sexually assaults another Service member in a location where the state holds primary jurisdiction.

Upon completion of a criminal investigation, the MCIO agent conducting the investigation provides a report documenting the evidentiary findings to the subject's military commander and the servicing staff judge advocate (SJA) for review and legal action, as appropriate. However, for crimes of rape, sexual assault, nonconsensual sodomy, and attempts to commit these crimes, a senior military officer who is at least a special court-martial convening authority and in the grade of O-6 (Colonel or Navy Captain) or higher retains initial disposition authority.

The special court-martial convening authority is responsible for determining what initial disposition action is appropriate, to include whether further action is warranted and, if so, whether the matter should be resolved by court-martial, nonjudicial punishment (NJP), administrative discharge, or other adverse administrative action. The special court-martial convening authority's initial disposition decision is based upon his or her review of the matters transmitted, any independent review, and consultation with a judge advocate. At the MSAs, the Superintendent (a Lieutenant General or a Vice Admiral) is the case disposition authority.

Commanders at all levels do not make such decisions by themselves. Military attorneys assist commanders in identifying charges, appropriate means of addressing such charges, and punishments that commanders can administer if the evidence supports these charges.

There are many cases each year in which disciplinary action is precluded (i.e., not possible) due to legal issues or evidentiary problems with a case. For example, when the investigation fails to show sufficient evidence of an offense to prosecute or when the victim declines to participate in the justice process, a commander may be precluded from taking disciplinary action against a subject.<sup>5</sup>

In the data that follow, when more than one disposition action is involved (e.g., when nonjudicial punishment is followed by an administrative discharge), only one disposition is reported per

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<sup>4</sup> A host nation's ability to prosecute a Service member is subject to the Status of Forces Agreement (SOFA) between the U.S. and a particular foreign government. SOFAs vary from country to country.

<sup>5</sup> Use of the term "victim" includes alleged victims and does not convey any presumption about the guilt or innocence of the alleged offenders, nor does the term "incident" substantiate an occurrence of a sexual assault.



subject. DoD reports dispositions according to the most serious disciplinary action taken, which in descending order is preferral of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative actions. At the MSAs, adverse administrative actions include the cadet/midshipman disciplinary system.

## Whom It Describes

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Unrestricted and Restricted Reports capture sexual assaults involving cadets/midshipmen as victims and/or subjects. These reports may include:

- Sexual assaults of cadets/midshipmen perpetrated by cadets/midshipmen
- Sexual assaults of cadets/midshipmen perpetrated by non-cadets/midshipmen (i.e., Service members, civilians/foreign nationals, or unknown subjects)
- Sexual assaults of non-cadets/midshipmen (i.e. Service members, civilians/foreign nationals, adult military dependents) by cadets/midshipmen

Prior to APY 14-15, an Unrestricted Report of sexual assault included one or more victims, one or more subjects, and one or more crimes. With the introduction of DSAID,<sup>6</sup> DoD has greater visibility over victim reporting. **Therefore, starting in the current APY, one Unrestricted Report includes only *one* victim, but could still include multiple subjects and one or more crimes.**

Restricted Reports, by policy, have always involved one victim per reported incident. Subsequent to a change in DoD policy in 2012, military dependents (aged 18 and over) may make Restricted Reports of sexual assault. By law, the official statistics provided to Congress on the MSAs are limited to those reports of sexual assault that involve cadets or midshipmen as either a victim or a subject. Consequently, Restricted Reports by adult military dependents alleged to involve a cadet or midshipmen (other than spouse or intimate partner) as the offender are now included in DoD's annual statistics on the MSAs. Restricted Reports by adult military dependents that did not involve a cadet or midshipmen are recorded, but not included in MSA statistical analyses or reporting demographics. SAPRO derives available demographic information on victims and subjects from *completed investigations*, and from victim information in Restricted Reports, as recorded in DSAID.

## When It Happened

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The information in this report includes data on sexual assault reports made to the MSA authorities during APY 14-15 (1 June 2014 to 31 May 2015). However, additional time trend data are included for prior years. The data that follow are a "snapshot in time." In other words, the following information describes the status of sexual assault reports, investigations, and subject dispositions on 31 May 2015 (the last day of the APY).

Some investigations extend across APYs. For example, it often takes several months to investigate a report of sexual assault. As a result, those investigations that were opened toward the end of the APY typically carry over into the next APY.

Subject dispositions can also extend across APYs. DoD Sexual Assault Prevention and Response Office (SAPRO) marks these dispositions as "pending" if they have not been

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<sup>6</sup> The "How It Is Gathered Section" provides additional information on DSAID's data collection and reporting process (p. 7).

completed or reported at the end of the APY. The Department tracks these pending dispositions and requires the Military Services to report on them in subsequent years' reports.

Under DoD's sexual assault prevention and response (SAPR) policy, there is no time limit as to when someone can report a sexual assault to a SARC or MCIO. Thus, in any given year, DoD may not only receive reports about incidents that occurred during the current year, but also incidents that occurred in previous years or prior to military service.

DoD also receives reports submitted for sexual assaults that occurred prior to a cadet/midshipman's Academy entrance. When a report of this nature occurs, DoD provides care and services to the victim, but may not be able to hold the offender appropriately accountable if he or she is not subject to military law. DoD authorities may assist the victim in contacting the appropriate civilian or foreign law enforcement agency.

## How It Is Gathered

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### Defense Sexual Assault Incident Database

In years prior to APY 14-15, the Academies' sexual assault data incorporated incident information collected by SARCs and official investigations conducted by MCIO agents. SAPRO then aggregated these data provided by the Services in order to perform subsequent DoD-level analyses.

As of APY 14-15, DSAID is the source of data for the Academies. For each report of sexual assault, SARCs are now required to use DSAID to enter information about the victim and incident. Additionally, DSAID interfaces with MCIO information systems, which contribute additional information about subjects and offense-specific information into DSAID. MCIO information systems are the system of record for all Unrestricted Reports they investigate. Service-appointed officials enter and validate case disposition information into DSAID. The transition to DSAID alters the way in which sexual assault data are reported in two key ways:

- Previously, the Department recorded Unrestricted Reports as the number of sexual assault cases, as organized by MCIO investigations. Investigations into alleged subjects of sexual assault can include more than one victim. Thus, one MCIO investigation does not necessarily correspond to one victim report. Starting in APY 14-15, Unrestricted cases are organized by DSAID reports, not MCIO investigations. DSAID captures data for each individual who makes an Unrestricted Report of sexual assault, such that each report corresponds to one victim. As mentioned previously, Restricted Reports, by policy, have always involved one victim per reported incident.
- In past APYs, Service affiliations for subjects and victims referred to the Service to which they belonged. With the introduction of DSAID in APY 14-15, Service affiliation refers to the Service affiliation of the SARC handling the case. This shift provides valuable insight into the resources each Service expends to respond to reports of sexual assault. However, as in past APYs, when discussing subject dispositions, affiliation refers to subjects' Service.

Since DSAID is a real-time data-gathering tool, all case-level data may not be immediately available. As a result, some demographic information presented below is incomplete and categorized as "relevant data not available." DoD SAPRO aggregates and analyzes these data.



## Why It Is Collected

Congress requires data about the number of sexual harassment and sexual assault reports and the outcome of the allegations made against each subject. DoD also collects these data to inform SAPR policy, program development, and oversight.

# Aggregate Statistical Data on Sexual Assault

The following section describes aggregate data about sexual assault at the Academies. Reports of sexual assault have fluctuated since the Department started keeping track of MSA data in APY 04-05. This year, the Military Service Academies experienced an increase in reporting. Overall reporting increased by 32 reports from academic program year 2013-2014 (Exhibit 1). However, most of the change in reporting occurred at USAFA. This year, sexual assault reporting at USAFA returned to levels seen in previous APYs (See Exhibit 4). Short-term changes in reporting are subject to a wide variety of factors. Academy surveys in previous years indicate that a number of considerations affect a victim's decision to report, including the perceived severity of the incident, the victim's need for medical or other assistance, the victim's desire to deal with the situation without help, the belief that reporting might protect others, a victim's concern about privacy, and several other considerations.<sup>7</sup> USMA and USNA also received more reports this APY than last APY.

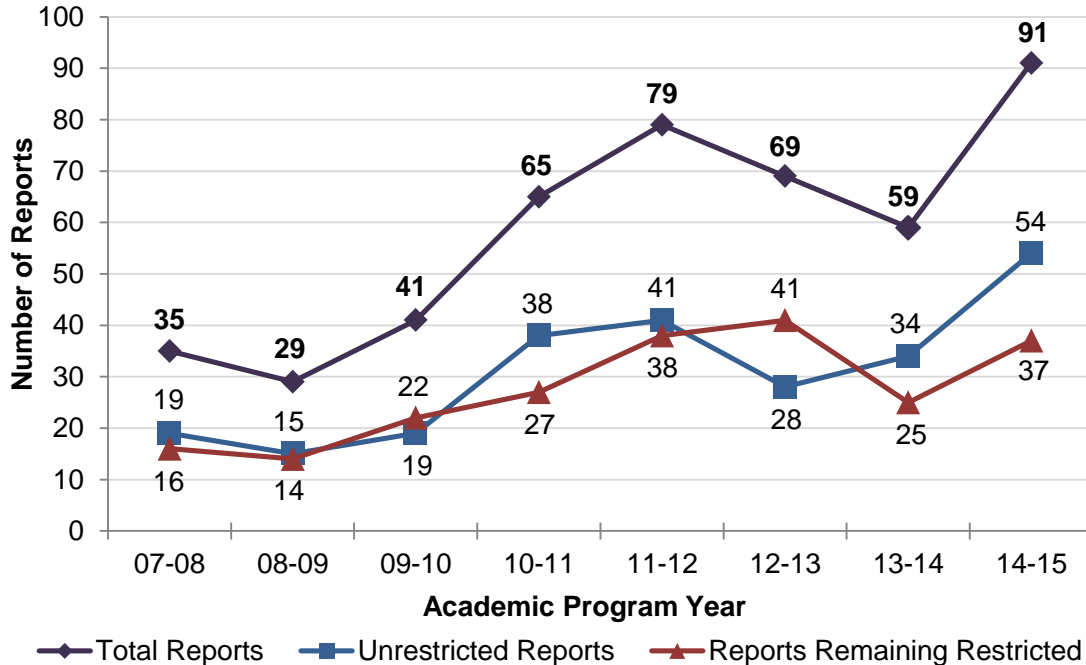


Exhibit 1: Reports of Sexual Assault to the MSAs by Report Type, APY 07-08 to 14-15

<sup>7</sup> See the 2014 Service Academy Gender Relations Survey, available: [http://sapr.mil/public/docs/research/DMDC\\_2014\\_Service\\_Academy\\_Gender\\_Relations\\_Survey\\_Report.pdf](http://sapr.mil/public/docs/research/DMDC_2014_Service_Academy_Gender_Relations_Survey_Report.pdf)

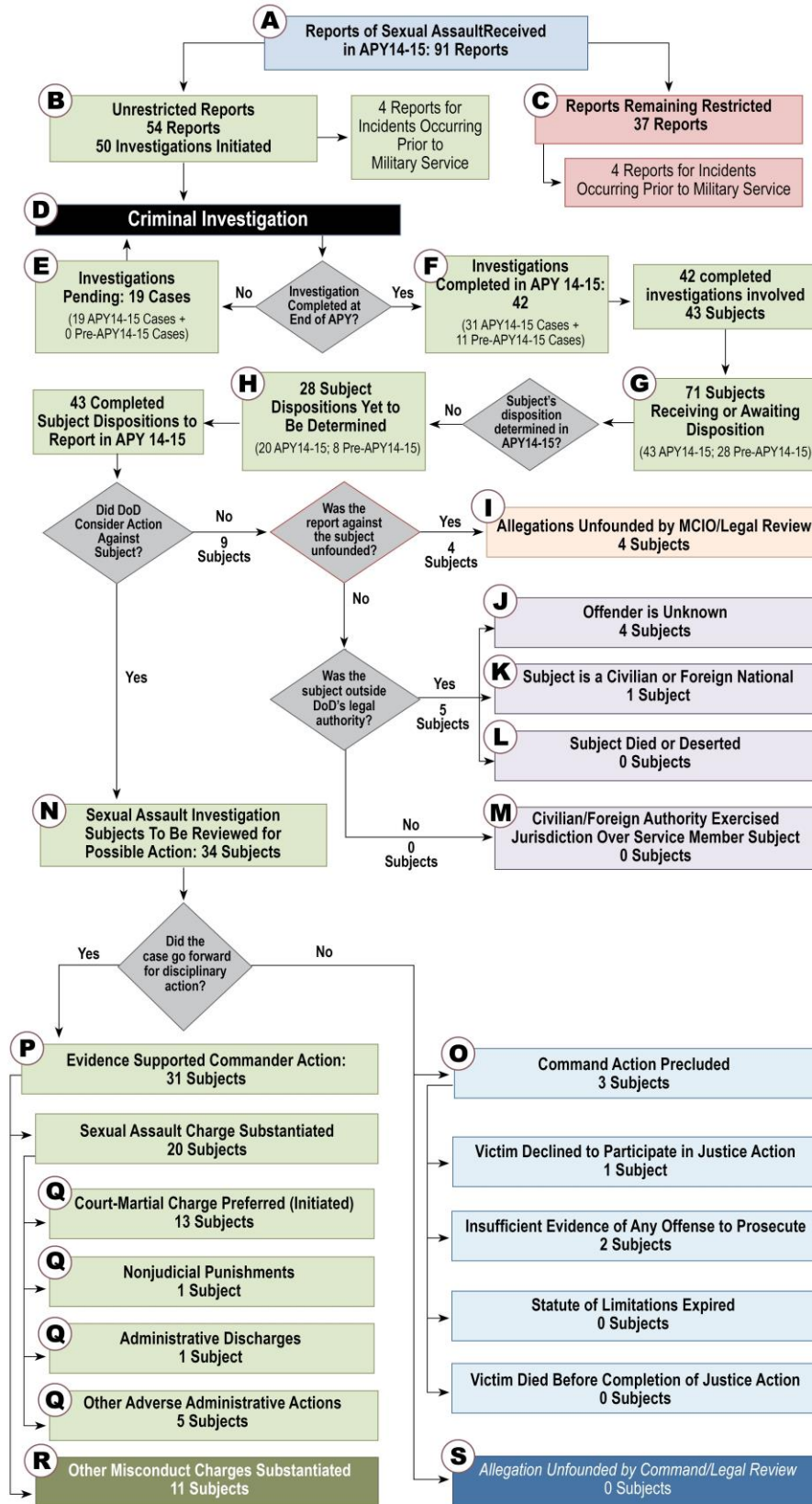


Exhibit 2: Report of Sexual Assault and Investigations Completed in APY 14-15

This section closely follows the flow chart shown in Exhibit 2. Points in the flow chart correspond to a letter in the text that follows. In APY 14-15, cadets and midshipmen were involved in 91 reports of sexual assault made to the MSAs (Exhibit 2, Point A), representing an increase of 32 reports from APY 13-14. Exhibit 3 breaks out the cadets and midshipmen who made a report of sexual assault for incidents that occurred prior to military Service. The top of the stacked bar chart represents these reports. Of the 91 total reports in APY 14-15, 8 cadets/midshipmen made an Unrestricted or Restricted Report for an incident that occurred prior to military Service.

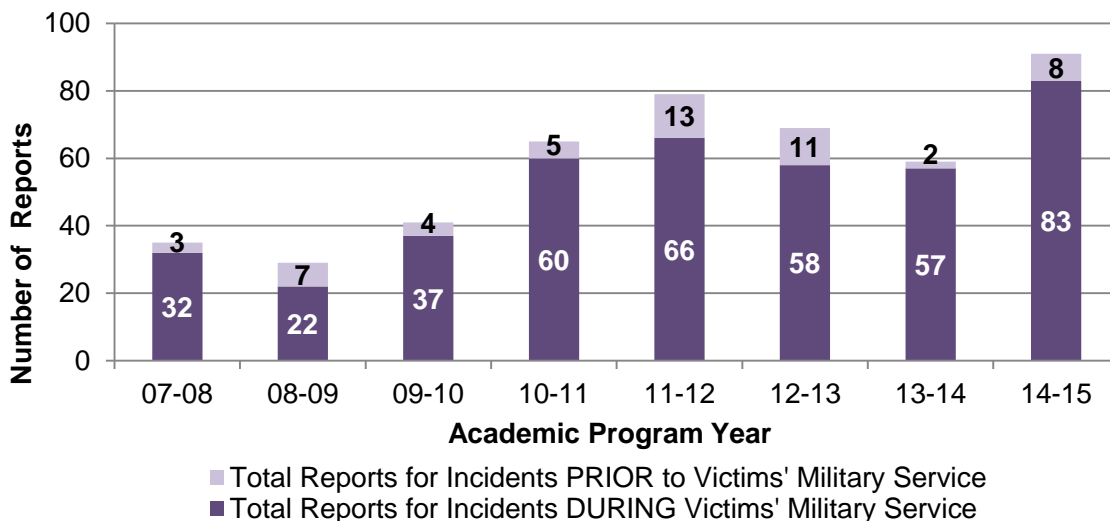


Exhibit 3: Total Reports to the MSAs Occurring *Prior to* or *During* Military Service, APY 07-08 to 14-15

The MSAs received 54 Unrestricted Reports involving cadets and midshipmen as either the victim or subject of a sexual assault investigation (Exhibit 2, Point B).

- Of the 54 Unrestricted Reports, 4 reports were for alleged incidents of sexual assault that occurred prior to the cadet or midshipman entering military service and 50 Unrestricted Reports were for alleged incidents that occurred during military service.
- All 54 Unrestricted Reports were referred for investigation. The Military Criminal Investigative Organizations opened 50 investigations this APY, based on Unrestricted Reports of sexual assault.<sup>8</sup>

The MSAs initially received 44 Restricted Reports involving cadets and midshipmen as victims of sexual assault. Of the initial 44 Restricted Reports, seven non-cadet/midshipmen victims or victims for which relevant data were unavailable made a Restricted Report against a cadet/midshipman this APY.<sup>9</sup> This leaves 37 cadets/midshipmen as victims, who initially made a Restricted Report during the APY.

Of the initial 44 Restricted Reports, seven of the Restricted Reports later converted to Unrestricted Reports, leaving 37 Restricted Reports remaining at the end of APY 14-15 (Exhibit 2, Point C). Of the 37 Restricted Reports remaining, 32 reports were made by cadet or

<sup>8</sup> Four of the 54 Unrestricted Reports were for incidents that occurred prior to military Service. A comprehensive explanation of all investigations opened and/or closed during APY 14-15 is below beginning on page 15.

<sup>9</sup> In order for a victim or subject to be classified as a cadet/midshipmen, Service member, or civilian specific data must be completed within DSAID. This report uses the term "relevant data not available" when these fields are incomplete.

midshipmen victims, of which four reports were for incidents that occurred prior to military service and 28 reports were for incidents that occurred during military service.

Exhibit 4 shows the number of sexual assault reports made to each MSA over the past eight APYs. Specifically, reports of sexual assault increased by 6 reports at USMA, 2 reports at USNA, and 24 reports at USAFA. USMA and USNA each observed their highest reporting levels since data collection began in APY 05-06, while USAFA witnessed their highest reporting period since APY 11-12. Table 2 lists the type of sexual assault report made (Unrestricted versus Restricted) by MSA. This APY, the MSAs have collectively received the largest number of total reports—an increase of 32 reports over what the Academies received in APY 13-14.

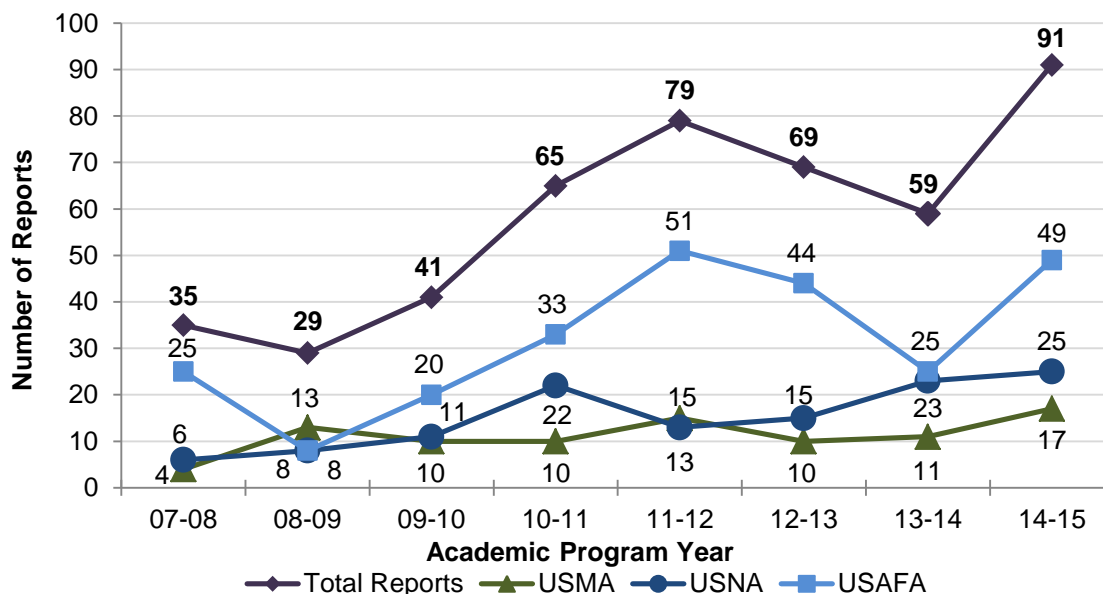


Exhibit 4: Reports of Sexual Assault by Academy, APY 07-08 to 14-15

Table 2 – Total Reports of Sexual Assault by Type of Report and Academy in APY 14-15

Academy	Total Reports	Unrestricted Reports	Restricted Reports Remaining
U.S. Military Academy	17	15	2
U.S. Naval Academy	25	12	13
U.S. Air Force Academy	49	27	22
<b>Total</b>	<b>91</b>	<b>54</b>	<b>37</b>

Reports of sexual assault made to Department authorities provide limited insight into the overall phenomenon of sexual assault at the MSAs. As previously mentioned, sexual assault in both the civilian and military sectors is underreported, meaning that sexual assaults estimated to occur using scientific surveys of a given population outnumber reports made to the authorities. At the MSAs, the Defense Manpower Data Center (DMDC) conducts the *Service Academy Gender Relations (SAGR)* every two years to estimate the annual prevalence rate of unwanted sexual contact in the MSA population.<sup>10</sup>

<sup>10</sup> Although the term “unwanted sexual contact” does not appear in Articles 120, 125, or 80 of the UCMJ, for the purposes of the *SAGR* survey and this report, it refers to a range of activities that the UCMJ prohibits. These activities

Last year, the 2014 SAGR survey estimated that 8.2 percent of female cadets/midshipmen and 1.1 percent of male cadets/midshipmen experienced unwanted sexual contact, a statistically significant decrease from 2012 prevalence rates (12.4 percent for women and 2.0 percent for men).<sup>11</sup> As illustrated in Exhibit 5, the 2014 rates of unwanted sexual contact suggest that about 327 cadets and midshipmen experienced some form of unwanted sexual contact in the academic program year. In APY 13-14, MSA officials only received reports of sexual assault from 53 cadets and midshipmen for an incident that occurred **during** military service. As a result, the Department estimates that about 16 percent of the estimated 327 cadets/midshipmen who experienced unwanted sexual contact reported the matter to a military authority.<sup>12</sup> DMDC did not administer the SAGR survey in 2015. However, Exhibit 5 shows that 75 cadets/midshipmen made a Restricted or Unrestricted Report of sexual assault for an incident occurring **during** military Service in APY 14-15.<sup>13</sup>

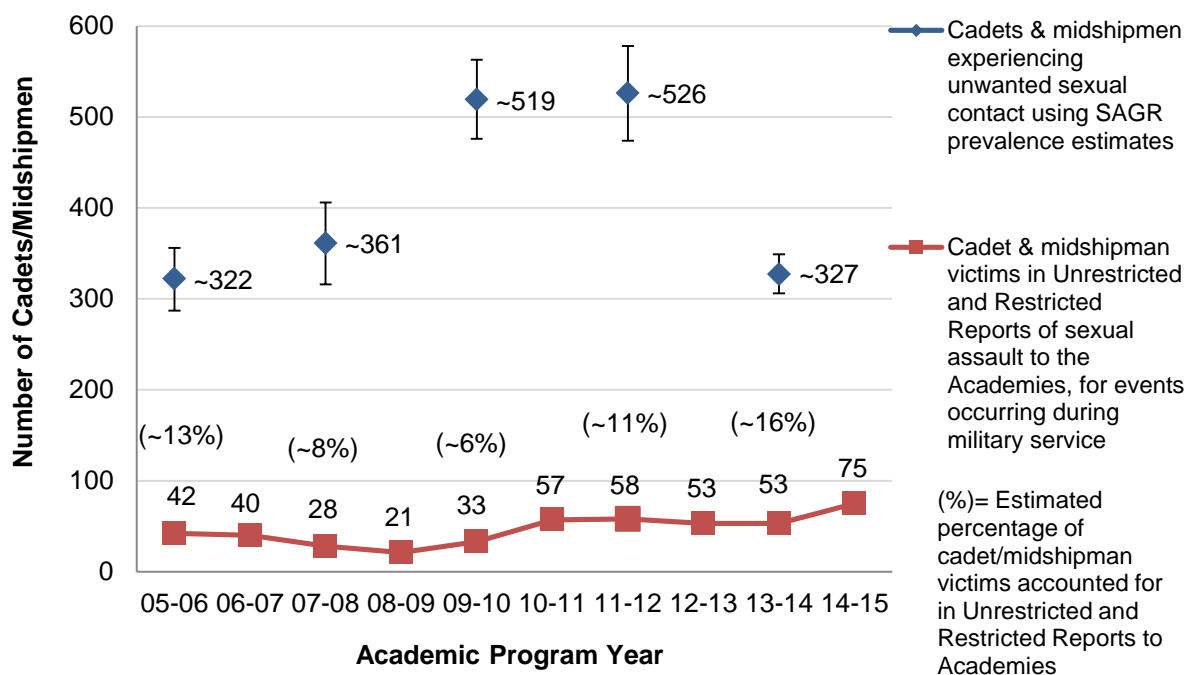


Exhibit 5: Estimated Cadets and Midshipmen Experiencing Unwanted Sexual Contact Based on Past Year Prevalence Rates versus Number of Cadet and Midshipmen Victims in Reports of Sexual Assault Made during the Academic Program Year, for Incidents Occurring During Military Service, APY 05-06 to 14-15

include completed or attempted oral, anal, or vaginal penetration by a body part or an object, and the unwanted touching of genitalia, buttocks, breasts, or inner thighs when the victim did not or could not consent.

<sup>11</sup> DMDC develops the estimated number of cadet/midshipman victims using the weighted estimated unwanted sexual contact prevalence rate across all genders and DoD MSAs (~16%) multiplied by the Academy cadet/midshipman population at the time of the survey. Notably, the timeframe covered by the survey questions pertain to unwanted sexual contact experienced within the APY. SAGR survey victim numbers *are only estimates*. DoD uses these estimates as an indicator of the degree of underreporting at each Academy.

<sup>12</sup> Bars around survey point estimates represent margins of error. For 2014, SAGR survey estimated that the number of cadets and midshipmen who had experienced past-year unwanted sexual contact was between 306 and 349 with a midpoint of 327.

<sup>13</sup> In total, 83 cadet/midshipmen made reports of sexual assault during APY 14-15. However, not all cadet/midshipman victims reported incidents that occurred during their military service. As depicted in Exhibit 3, there were eight cadet/midshipman victims in reports of sexual assault that occurred prior to their military service.

## APY 14-15 Unrestricted Reports of Sexual Assault

In APY 14-15, there were 54 Unrestricted Reports of sexual assault involving cadets and midshipmen as either the subject and/or victim of a sexual assault investigation.

Once a victim makes an Unrestricted Report of sexual assault, Department policy requires that the report be referred to an MCIO for investigation. Depending upon the complexity of the alleged crime, an investigation can take a few weeks to several months to complete.

Consequently, not all of the reports made in a given APY are completely investigated by the end of that APY.

- Of the 50 criminal investigations initiated during APY 14-15, 31 investigations were completed in APY 14-15. DoD will report the outcomes of the other 19 investigations in forthcoming years' reports (Exhibit 2, Point F).
- MCIOs also completed 11 investigations of sexual assault from prior reporting periods (APY 13-14) during APY 14-15.
- In sum, MCIOs completed 42 investigations of sexual assault (Exhibit 2, Point E) involving 43 subjects (Exhibit 2, Point G) during APY14-15 for reports made in the current APY or prior APYs.

When a victim makes an Unrestricted Report of sexual assault, MCIOs investigate all alleged violations of military law contained in the report. However, to comply with legislated reporting requirements, SAPRO categorizes Unrestricted Reports by the most serious sexual assault offense alleged. Exhibit 6 shows the sexual assault offenses investigated for the 54 Unrestricted Reports made in APY 14-15.<sup>14</sup> The offense investigated *might not always* result in the same offense being charged or addressed with disciplinary action. For example, if the crime of "Rape" is alleged and investigated, but MCIO agents only discover evidence for the crime of "Aggravated Sexual Contact" during the investigation, then only "Aggravated Sexual Contact" can be charged.

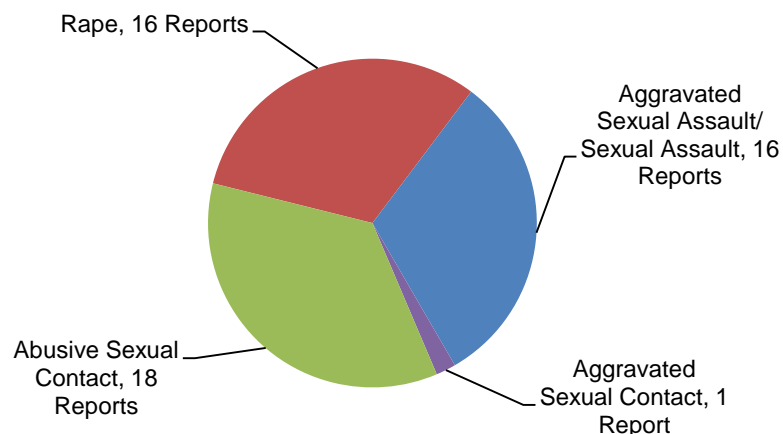


Exhibit 6: Sexual Assault Crimes Investigated in Unrestricted Reports, APY 14-15

**Note:** In APY 14-15, the Academies received 54 Unrestricted Reports. However, the analysis in Exhibit 6 analysis excludes 3 reports due to missing data on offense originally investigated.

<sup>14</sup> In APY 14-15, the Academies received 54 Unrestricted Reports. However, the analysis in Exhibit 6 excludes 3 reports due to missing data on offense originally investigated.



Exhibit 7 illustrates how cadets and midshipmen were involved in Unrestricted Reports of sexual assault. In APY 14-15, 28 of the 54 Unrestricted Reports involved the alleged victimization of a cadet or midshipman by another cadet or midshipman.

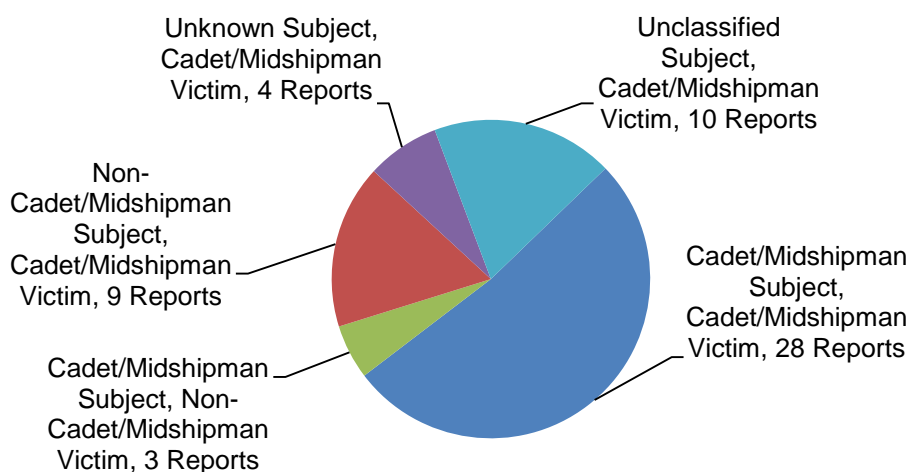


Exhibit 7: Unrestricted Reports of Sexual Assault by Victim and Subject Status, APY 14-15

### Disposition of Sexual Assault Reports Adjudicated in APY 14-15

When an Unrestricted Report is investigated, the goals of the investigation are to identify what crimes, if any, have been committed, who has been victimized, and who may be held appropriately accountable for the crime. It is the intent of the Department to hold offenders appropriately accountable when it has legal authority and available evidence supports such action. The 42 criminal investigations closed in APY 14-15 involved 43 subjects from reports made in APY 14-15 as well as prior reporting periods. Out of the 43 subjects with investigations completed in APY 14-15, 23 had disposition information to report in the current APY. The remaining 20 did not have dispositions determined by the end of APY 14-15. Additionally, 20 subjects with investigations completed in prior APYs had disposition information to report in the current APY. Thus, by the end of the APY 14-15, the MSAs had disposition information for 43 subjects with investigations completed in APY 14-15 (23 subjects) or prior APYs (20 subjects). Exhibit 2 and the information below show the dispositions received by these 43 subjects.

#### 43 Subjects of APY 14-15 investigations and Pre-APY 14-15 investigations with disposition information to report at the end of APY 14-15

- 4 Subjects could not be identified, despite a thorough investigation (Exhibit 2, Point J)
- 1 Subject is a civilian or foreign national (Exhibit 2, Point K)
- 4 Subjects whose case was unfounded by MCIO investigation and legal review (Exhibit 2, Point I)

#### 34 Subjects under DoD legal authority to be reviewed for possible action (Exhibit 2, Point N)

- 1 Victim declined to participate in military justice process (Exhibit 2, Point O)
- 2 Investigations had insufficient evidence to prosecute (Exhibit 2, Point O)

#### 31 Subjects for whom evidence supported command action (Exhibit 2, Point P):

The actions taken for sexual assault crimes are as follows (Exhibit 2, Point Q):

- 13 Subjects had Court-Martial Charge Preferred
- 1 Subject received Nonjudicial Punishment

- 1 Subject received an Adverse Administrative Discharge
- 5 Subjects received an Adverse Administrative Action, to include action through the Cadet Disciplinary System

The actions taken for other misconduct that was discovered during the course of the sexual assault investigation are as follows (Exhibit 2, Point R):

- 0 Subjects had Court-Martial Charges Preferred
- 3 Subjects received Nonjudicial Punishments
- 1 Subject received an Adverse Administrative Discharge
- 7 Subjects received an Adverse Administrative Action, to include action through the Cadet Disciplinary System

### Demographics of Unrestricted Reports

SAPRO draws the following demographic information from the 42 investigations of sexual assault completed during APY 14-15. These investigations involved 44 victims and 43 subjects.

Table 3 displays the gender of victims and subjects in completed investigations of Unrestricted Reports in APY 14-15. As in previous APYs, most victims in investigations of Unrestricted Reports are female (91%) and most subjects are male (79%).

Table 4 shows victim and subject age in completed investigations of Unrestricted Reports in APY 14-15. Most victims and subjects are between ages 16 and 24 (77% of victims and about 75% of subjects).

Table 3 – Gender of Victims and Subjects in Completed Investigations of Unrestricted Reports in APY 14-15

Gender	Victims		Subjects	
	Count	Percentage	Count	Percentage
Male	4	9%	34	79%
Female	40	91%	1	2%
Gender Unknown/Data Not Available	0	0%	8	19%
<b>Total</b>	<b>44</b>	<b>100%</b>	<b>43</b>	<b>100%</b>

Table 4 – Age of Victims and Subjects in Completed Investigations of Unrestricted Reports in APY 14-15

Age	Victims		Subjects	
	Count	Percentage	Count	Percentage
16-19	25	57%	11	26%
20-24	9	20%	21	49%
25-34	0	0%	2	5%
35-49	0	0%	0	0%
50 and older	0	0%	0	0%
Age Unknown/Data Not Available	10	23%	9	21%
<b>Total</b>	<b>44</b>	<b>100%</b>	<b>43</b>	<b>100%</b>

**Note:** Some percentages may not add up to 100 due to rounding error.

## APY 14-15 Restricted Reports of Sexual Assault

Because Restricted Reports are confidential, covered communications as defined by Department Policy, SAPR personnel only collect limited data about the victim and the allegation made. As with Unrestricted Reports, individuals can make Restricted Reports for incidents that occurred in prior fiscal years and/or prior to military service.

In APY 14-15, there were 44 initial Restricted Reports of sexual assault. Of the 44 reports, 7 converted to Unrestricted Reports at the request of the victim. At the close of APY 14-15, 37 reports remained Restricted:<sup>15</sup>

- Thirty-two cadets/midshipmen made a Report remaining Restricted
  - Four cadets/midshipmen made a Report remaining Restricted for an alleged sexual assault that occurred prior to military service
  - Twenty-eight cadets/midshipmen made a Report remaining Restricted for an alleged sexual assault that occurred during military service.
- Five non-cadet/midshipman Active Duty service members made a Restricted Report against a cadet or midshipman.

The percentage of victims who converted their Restricted Reports to Unrestricted Reports at the MSAs has fluctuated from year to year. Exhibit 8 shows the Restricted Reports and conversion rates for the past eight APYs.

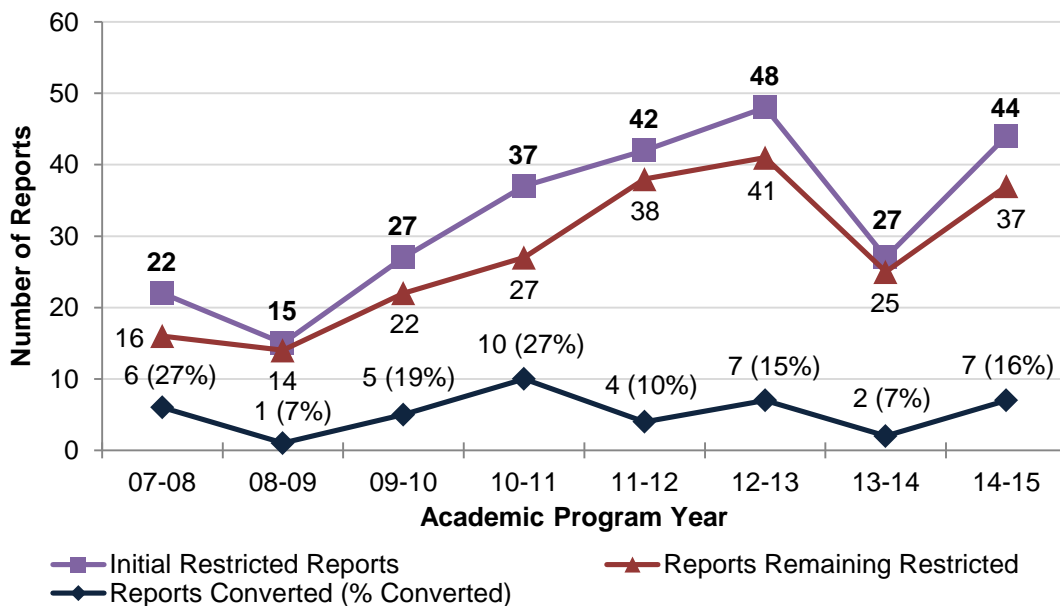


Exhibit 8: Reports Initially Made Restricted, the Reports Remaining Restricted, and Restricted Reports Converted to Unrestricted, APY 07-08 to 14-15

<sup>15</sup> The Restricted Reports that converted to Unrestricted Reports are included in the Unrestricted Report data cited earlier.

## Demographics of Restricted Reports of Sexual Assault

The following information pertains to victims with a Report remaining Restricted at the end of APY 14-15. Tables 5 and 6 show victim gender and age data, respectively. As with Unrestricted Reports, females and 16 to 19 year olds make up the majority of Restricted Reports at the Academies.

Table 5 – Gender of in Restricted Reports Remaining in APY 14-15

Gender	Count	Share
Male	5	14%
Female	32	86%
<b>Total</b>	<b>37</b>	<b>100%</b>

Table 6 – Age of Victims in Restricted Reports Remaining in APY 14-15

Age	Count	Share
0-15	2	5%
16-19	21	57%
20-24	11	30%
25-34	1	3%
35 and older	0	0%
Data not available	2	5%
<b>Total</b>	<b>37</b>	<b>100%</b>

The majority of Restricted Reports involve cadet/midshipmen as subjects and victims, as depicted in Exhibit 9.

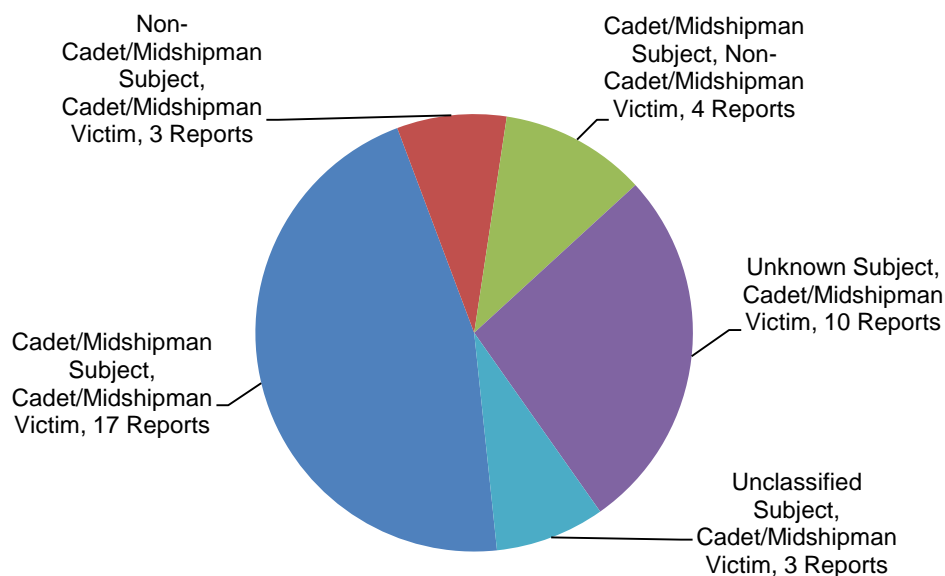


Exhibit 9: Categories of Restricted Reports of Sexual Assault, APY 14-15

## APY 14-15 Service Referral Information

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SARCs and SAPR VAs are responsible for providing information and help with accessing medical treatment, counseling, and legal advice. Referrals for these services can be made to both military and civilian sources. A referral for service can happen at any time while the victim is receiving assistance from a SARC or SAPR VA and may happen several times throughout the military justice process. Of the 54 victims in Unrestricted Reports this APY, SARCs and SAPR VAs made an average of 1.7 service referrals per victim. Of the 37 victims in Restricted Reports this APY, SARCs and SAPR VAs provided an average of 1.6 service referrals per victim.

Department policy requires that Sexual Assault Forensic Examinations (SAFE) are available to victims of sexual assault. A qualified healthcare professional will conduct a SAFE **only** with the victim's consent. In APY 14-15, 8 victims making Unrestricted Reports and 2 victims making a Restricted Report elected to undergo a SAFE.

## Statistical Data on Sexual Harassment

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### Sexual Harassment Reporting

The Department approaches sexual harassment reporting differently than sexual assault reporting. While both behaviors are equally unacceptable, sexual harassment processes differ from sexual assault processes. Department policy encourages resolution of sexual harassment at the lowest interpersonal level.<sup>16</sup> However, the Department does not mandate that Service members confront harassment personally and Service members may elect to resolve the matter by making an informal or formal complaint. In APY 14-15, cadets and midshipmen made 11 formal complaints of sexual harassment and 17 informal complaints:

- 7 formal complaints at USMA
- 13 informal complaints at USNA
- 4 formal and 4 informal complaints at USAFA

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<sup>16</sup> DoD Directive 1020.2, Diversity Management and Equal Opportunity in the Department of Defense, 5 February 2009.