

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



# Table of Contents

---

Appendix D: Statistical Data on Sexual Assault and Sexual Harassment .....	3
Introduction .....	3
Restricted Reports .....	3
Unrestricted Reports .....	4
Case Dispositions .....	4
Case Timelines .....	5
Data Sources .....	5
Defense Sexual Assault Incident Database (DSAID).....	5
APY 18-19 Overall Reporting Data on Sexual Assault .....	6
Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident.....	7
Reports Involving Cadets and Midshipmen who made a Report of Sexual Assault that Occurred Prior to Military Service .....	8
All Other Reports Made in APY 18-19 .....	9
APY 18-19 Military Justice Outcomes.....	10
APY 18-19 Sexual Assault Prevalence Estimates and Reporting Data .....	12
APY 18-19 Unrestricted Reports of Sexual Assault.....	13
Disposition of Sexual Assault Reports Adjudicated in APY 18-19 .....	14
Demographics of Unrestricted Reports .....	15
APY 18-19 Restricted Reports of Sexual Assault .....	17
Demographics of Restricted Reports of Sexual Assault .....	18
APY 18-19 Data on Sexual Harassment.....	19
Complaints of Sexual Harassment.....	19
APY 18-19 Reports from the Family Advocacy Program .....	19
Reports from the Family Advocacy Program .....	19

## List of Exhibits

---

Exhibit 1: Reports of Sexual Assault by Academy, APY 07-08 to 18-19 .....	6
Exhibit 2: Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident by Report Type, APY 05-06 to 18-19 .....	8
Exhibit 3: Total Reports to the MSAs by Academy Students Occurring Prior to and During Military Service, APY 07-08 to 18-19 .....	9
Exhibit 4: All Other Reports Made, APY 14-15 to 18-19 .....	10
Exhibit 5: Reports of Sexual Assault, Investigations, and Dispositions Completed in APY 18-19 .....	11
Exhibit 6: Estimated Cadets and Midshipmen Experiencing USC Based on Past-Year Prevalence Rates versus Number of Cadets and Midshipmen in Reports of Sexual Assault Made during the Academic Program Year, for Incidents Occurring During Military Service, APY 05-06 to 18-19.....	12
Exhibit 7: Sexual Assault Crimes Investigated in Unrestricted Reports, APYs 16-17 and 17-18 vs. APY 18-19 .....	14
Exhibit 8: Unrestricted Reports of Sexual Assault by Victim and Subject Status, APYs 16-17 and 17-18 vs. APY 18-19.....	14
Exhibit 9: Reports Initially Made Restricted, Reports Remaining Restricted, and Restricted Reports Converted to Unrestricted, APY 07-08 to 18-19.....	17
Exhibit 10: Restricted Reports of Sexual Assault by Victim and Subject Status, APYs 16-17 to APY 18-19.....	18
Exhibit 11: Total Sexual Harassment Complaints by Academy, APY 11-12 to 18-19 .....	19

## List of Tables

---

Table 1: Sexual Assault Reports by Victim and Military Status, APY 18-19 .....	7
Table 2: Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident by Academy and Report Type, APY 18-19 .....	8
Table 3: Gender of Victims and Subjects in Completed Investigations of Unrestricted Reports, APY 18-19.....	16
Table 4: Age of Victims and Subjects at the Time of Incident in Completed Investigations of Unrestricted Reports, APY 18-19.....	16
Table 5: Restricted Reports by Gender, APY 18-19 .....	18
Table 6: Age of Victims Making Restricted Reports at the Time of Incident, APY 18-19.....	18

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

## Introduction

---

The Department of Defense's (DoD) sexual assault data captures Restricted and Unrestricted Reports of sexual assault involving cadets, midshipmen, or prep school students ("Academy students") as victims and/or subjects in allegations made during the 2018-2019 Academic Program Year (APY 18-19). These reports may include:

- Sexual assaults alleged by Academy students against Academy students
- Sexual assaults alleged by Academy students against non-Academy students (i.e., Service members, civilians/foreign nationals, or unknown subjects)
- Sexual assaults alleged by non-Academy students (i.e., Service members, civilians/foreign nationals, adult military dependents) against Academy students

The number of sexual assaults reported to DoD authorities in APY 18-19 *is not* necessarily indicative of the number of sexual assaults that may have occurred, as estimated by scientific surveys of Academy students. DoD and civilian research indicate that a small fraction of people who experience sexual assault report the crime to law enforcement. Additionally, only an investigation can determine whether a sexual assault incident occurred. The Department employs a measure of unwanted sexual contact (USC) that covers a range of activities prohibited by the Uniformed Code of Military Justice (UCMJ), which provides a reliable estimate of the sexual assault crimes addressed by the Sexual Assault Prevention and Response (SAPR) program. The share of Academy students who experienced USC and reported their incident remained steady between 2016 and 2018.

## Restricted Reports

---

As Service members, Academy students can make Restricted Reports to specified individuals (i.e., Sexual Assault Response Coordinators (SARCs), SAPR Victim Advocates (VAs), or healthcare providers), who facilitate care and response services while maintaining confidentiality.<sup>1</sup> Given that people who choose Restricted Reports have a strong desire for confidentiality, DoD does not investigate this type of report, nor does it obtain extensive details about the incident.<sup>2</sup> Rather, SARCs record limited data about the person making the report and the alleged incident in the Defense Sexual Assault Incident Database (DSAID) but do not request or maintain the identities of the alleged perpetrator. Additionally, a person can choose to convert a Restricted Report to an Unrestricted Report at any time.

DoD policy also allows adult military dependents to make a Restricted Report involving allegations against Academy students. In addition to sexual assault incidents reported to a SAPR office, DoD has included in this report sexual assault incidents reported to the Family

---

<sup>1</sup> A change to DoD policy in 2012 allowed military dependents (aged 18 and over) to make Restricted Reports of sexual assault.

<sup>2</sup> Use of the term "victim" or "subject" does not convey any presumption about the guilt or innocence of the alleged offenders, nor does the term "incident" substantiate the occurrence of sexual assault.

Advocacy Program (FAP) by an Academy student. FAP offers victims of abuse both restricted and unrestricted reporting options.<sup>3</sup>

## Unrestricted Reports

---

Unlike Restricted Reports, Unrestricted Reports involve command notification and a referral for investigation by a Military Criminal Investigative Organization (MCIO). MCIO information systems comprise the systems of record for alleged subjects in Unrestricted Reports. An interface between MCIO information systems and DSAID incorporates information about the subject of the investigation and investigative case into SAPRO's database. SARC's enter additional victim and incident data directly into DSAID.

**One Unrestricted Report includes only *one* victim but may still include *multiple* subjects and/or allegations.** DoD's sexual assault reporting statistics include data about completed and attempted sexual contact and penetrative crimes between adults, as defined in Articles 120 and 80 in the UCMJ, as amended in 2019. When a report falls under a criminal offense category (e.g., rape, sexual assault, aggravated sexual contact, abusive sexual contact), it means the crime in that category was the most serious of the infractions reported by the victim or investigated by the MCIO. The crime alleged does not necessarily reflect the final findings of the investigators or the final disposition of the allegation.

## Case Dispositions

MCIOs initiate an investigation for each Unrestricted Report of sexual assault that falls within their investigative purview. MCIOs and Judge Advocate personnel report each investigation's outcome/disposition to the Department. The Department may only take disciplinary action against individuals subject to the UCMJ. Academy students are Service members subject to the UCMJ.<sup>4</sup> When a Service member commits an offense within a civilian jurisdiction (e.g., state, county, or municipality), civilian authorities may also prosecute that Service member. The civilian authority may choose not to exercise jurisdiction over the case. Service member prosecutions by civilian authorities are decisions made on a case-by-case basis, and such actions may not yield the same level of case or disposition detail obtained from the military justice system.<sup>5</sup>

MCIOs provide reports to military leadership upon the conclusion of an investigation. The subject's military commander in consultation with the servicing staff judge advocate (SJA) reviews available evidence and considers legal action, as appropriate. However, for crimes of rape, sexual assault, nonconsensual sodomy, and attempts to commit these crimes, a senior

---

<sup>3</sup> DoD Instruction 6400.06 (Domestic Abuse Involving DoD Military and Certain Affiliated Personnel) defines "domestic abuse" as domestic violence or a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person who is: a current or former spouse; a person with whom the abuser shares a child in common; or a current or former intimate partner with whom the alleged abuser shares or has shared a common domicile. Sexual assault occurring within the context of this definition of domestic abuse is referred to the Family Advocacy Program (FAP) for comprehensive safety planning, victim advocacy and support, and treatment when appropriate. Such cases are included at the end of this Appendix.

<sup>4</sup> Military staff at the military service academies are also subject to the UCMJ.

<sup>5</sup> An accused civilian or foreign national is not often subject to the UCMJ, and DoD cannot court-martial or prosecute these persons under the military justice system, except in rare circumstances (e.g., a civilian accompanying the force in the field in a contingency operation). A host nation's ability to prosecute a Service member may be subject to a Status of Forces Agreement (SOFA) between the U.S. and a foreign government. SOFAs vary from country to country. Academy students are rarely involved in cases investigated and/or tried by a foreign government.

military officer who is at least a special court-martial convening authority (SPCMA) and in the grade of O-6 (Colonel or Navy Captain) or higher retains initial disposition authority.

The SPCMA is responsible for determining initial disposition action. This includes whether action is warranted and, if so, whether the matter should be resolved by court-martial, nonjudicial punishment (NJP), administrative discharge, or some other adverse administrative action. At the Military Service Academies (MSAs), the Superintendent (a Lieutenant General or a Vice Admiral) is the initial disposition authority. Military attorneys assist commanders in identifying charges and appropriate means of addressing misconduct and disposition options based on the available evidence.

Each year there are cases in which disciplinary actions are precluded (i.e., not possible) due to legal issues or evidentiary problems. For example, when the investigation fails to show sufficient evidence of an offense for command action or when the victim declines to participate in the justice process, a commander may be precluded from taking disciplinary action against a subject.

In the data that follow, when more than one disposition action is involved (e.g., when an administrative discharge follows nonjudicial punishment), only the most serious disciplinary action taken is reported. These actions, in descending order, include 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.

## Case Timelines

For this report, the Department uses the time period of the Academic Program Year (APY). Some investigations extend across APYs, as it often takes several months to investigate a report of sexual assault thoroughly. Therefore, investigations opened near the end of the APY typically continue into the next APY. Likewise, case disposition actions can extend across APYs. SAPRO marks dispositions as “pending” if they have not been completed or reported at the end of the APY. SAPRO tracks pending dispositions and requires the Military Services to report on them in subsequent years’ reports.

Under DoD’s SAPR policy, a Service member can report a sexual assault to a SARC or MCIO at any point, regardless of the amount of time between the incident and the report. As a result, DoD may receive reports for incidents that occurred in previous years. DoD also receives reports submitted for sexual assaults that occurred prior to a cadet/midshipman’s military service. When a report of this nature occurs, DoD provides care and services to the victim, but may not be able to hold the alleged offender appropriately accountable if the alleged offender is not subject to military law. DoD authorities may assist the victim in contacting the appropriate civilian or foreign law enforcement agency to address his or her allegation if requested to do so.

## Data Sources

---

### Defense Sexual Assault Incident Database (DSAID)

DSAID became the system for data collection and reporting by the MSAs in APY 14-15. Since DSAID is a real-time data-gathering tool, not all data points are immediately available for this report. Data provided in this report represent the state of DSAID data at the time of the DoD’s final query of the database in August 2019. Despite best efforts by DoD and the Services to enter data accurately and expeditiously, some information may be incomplete at the time of the



DSAID data pull. Therefore, some demographic or case-related information presented below is categorized as “relevant data not available.”<sup>6</sup>

In addition, data may change over time and may differ from data previously reported by DoD. Updates, changes, and corrections occur as a standard, continuous process of DSAID case management. SAPRO works with the Academies and Service SAPR program managers to validate entries, identify errors, and make corrections throughout the year. The investigative process may also uncover additional information. For example, an investigation may clear some subjects of an allegation and/or implicate others. Data presented here reflect this process.

### APY 18-19 Overall Reporting Data on Sexual Assault

In APY 18-19, the Department received a total of 149 sexual assault reports that involved cadets/midshipmen/prep students as victims and/or alleged perpetrators—an increase of 32 reports from the previous APY. Department policy permits cadets and midshipmen to report sexual assaults and receive assistance, even when the reported incident occurred prior to entry into military service. Additionally, DoD accounts for reports made by non-cadets/midshipmen who allege a sexual assault against an academy student.

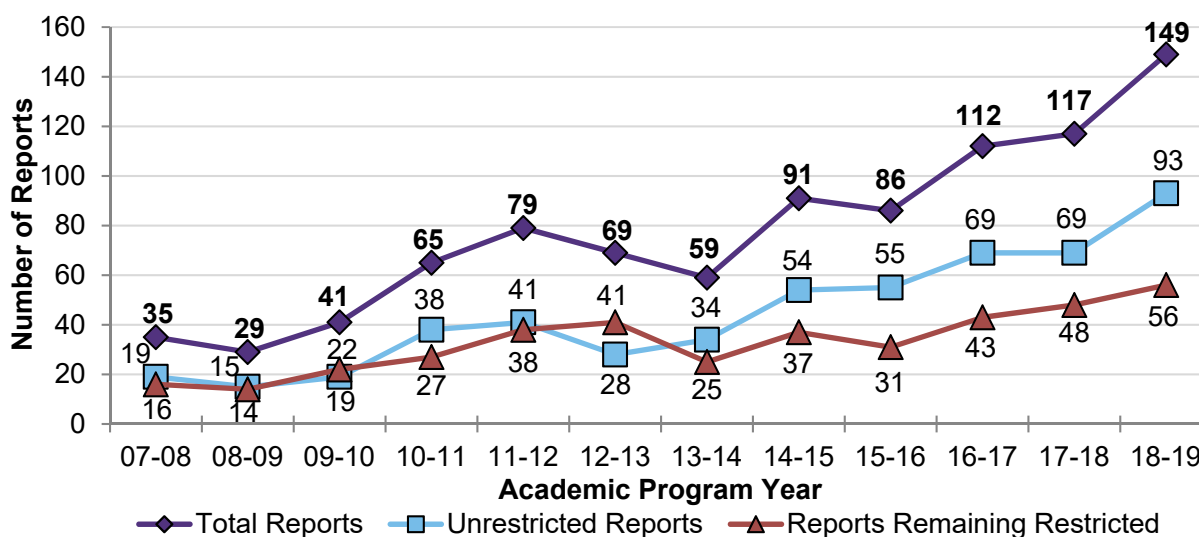


Exhibit 1: Reports of Sexual Assault by Academy, APY 07-08 to 18-19

At the request of the MSAs, the Department has broken these total reports down to better demonstrate the number of sexual assault reports by cadets and midshipmen that reflect the MSAs’ current conditions. Specifically, the Department deployed DSAID to identify just the reports involving actively-enrolled cadets and midshipmen for incidents that occurred during military service. This analysis subtracts the reports the Department received for incidents that involved:

- Currently-enrolled cadets or midshipmen reporting an incident that occurred prior to military service;

<sup>6</sup> For DoD to classify a victim or subject accurately as a cadet, midshipman, or prep school student, demographic data must be completed in DSAID. This report uses the term “relevant data not available” when these data fields are missing or unavailable.

- Active Duty Service members or current civilians who delayed reporting (by more than four years) an academy-based sexual assault until they were no longer enrolled at the MSA; and
- Prep school students (who are not on the MSAs' campuses).

This analysis narrows the focus to reports that involved an actively-enrolled cadet or midshipman, including:

- Currently-enrolled cadets or midshipmen reporting an incident that occurred during their military service;
- Active Duty Service members reporting an incident that occurred within four years of the report date, either at a MSA or while they were a cadet or midshipman; and
- Civilians reporting an incident against an actively-enrolled cadet or midshipman.

Table 1 provides the breakdown of the 149 total reports into these two overarching categories.

Table 1: Sexual Assault Reports by Victim and Military Status, APY 18-19

	Unrestricted Reports	Restricted Reports	Total Reports
<b>All Academy-related Reports</b>	<b>93</b>	<b>56</b>	<b>149</b>
• Reports involving actively-enrolled cadets/midshipmen at the time of incident and/or report	84	46	130
– Cadets/midshipmen	78	44	122
– Active Duty Service Members	3	2	5
– Civilians	3	0	3
• All Other Reports	9	10	19
– Cadets/midshipmen reporting an incident that occurred prior to military service	6	3	9
– Active Duty Service Members or current civilians who delayed reporting an Academy-based sexual assault until they were no longer enrolled at the Academy	0	3	3
– Prep School Students <sup>7</sup>	3	4	7

### Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident

In APY 18-19, DoD received 130 sexual assault reports in APY 18-19 involving an actively-enrolled cadet or midshipman at the time of incident and/or report. This is an increase from 103 reports last APY. Specifically, reports increased by 5 at the U.S. Military Academy (USMA), 5 at the U.S. Naval Academy (USNA), and 17 at the U.S. Air Force Academy (USAFA).<sup>8</sup>

<sup>7</sup> One prep school student made a report for an incident that occurred prior to military service.

<sup>8</sup> Reports made prior to APY 14-15 when DSAID standardized data collection may not be directly comparable.



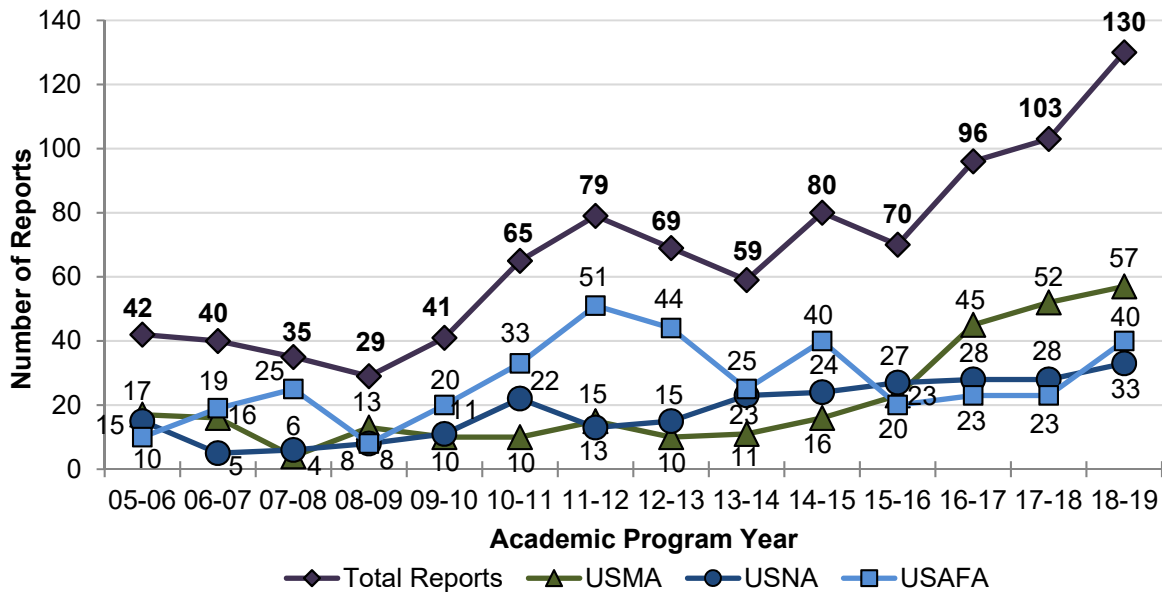


Exhibit 2: Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident by Report Type, APY 05-06 to 18-19

Exhibit 2 illustrates the number of sexual assault reports made by and/or against Academy students actively enrolled at the time of the report and incident. Additionally, Exhibit 2 includes civilians who alleged an incident against a cadet/midshipman who was actively enrolled at the time of the report. Compared to APY 17-18, the total number of sexual assault reports made in APY 18-19 increased by 27 reports. Table 2 breaks out in greater detail the number and types of sexual assault reports made by actively enrolled cadets/midshipmen at each MSA in APY 18-19.

Table 2: Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident by Academy and Report Type, APY 18-19

Academy	Total Reports	Unrestricted Reports	Restricted Reports Remaining
U.S. Military Academy	57	40	17
U.S. Naval Academy	33	22	11
U.S. Air Force Academy	40	22	18
<b>Total Reports</b>	<b>130</b>	<b>84</b>	<b>46</b>

### Reports Involving Cadets and Midshipmen who made a Report of Sexual Assault that Occurred Prior to Military Service

Exhibit 3 below shows only those assaults that were made by cadets/midshipmen who were enrolled at the Academy at the time of the report. Of the 131 cadets/midshipmen who made a report in APY 18-19, 9 made reports for an incident that occurred prior to academy enrollment/military service (6 Unrestricted and 3 Restricted Reports).

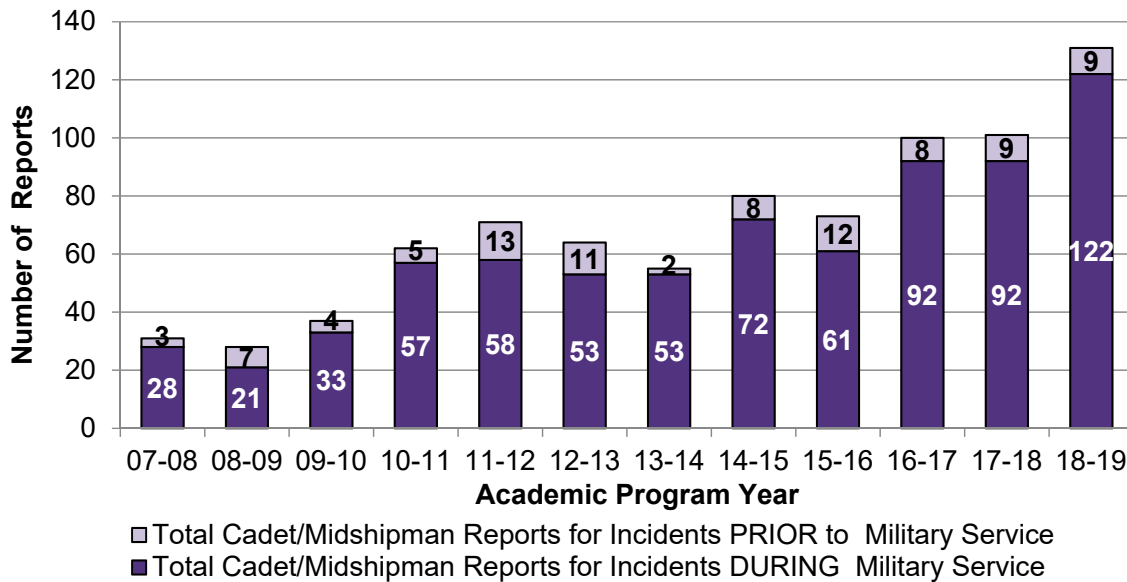


Exhibit 3: Total Reports to the MSAs by Academy Students Occurring Prior to and During Military Service, APY 07-08 to 18-19

### All Other Reports Made in APY 18-19

Every APY, the Department receives reports made by non-cadets/midshipmen alleging an assault against an academy student. As displayed in Exhibit 4, of the total 149 incidents reported to DoD this year that involved academy students as a victim and/or alleged perpetrator:

- 7 reports were made by prep school students
  - 5 prep school students alleged an assault by another prep school student or a cadet/midshipman
  - 2 prep school students alleged an assault by an active duty Service member
- 2 reports were made by active duty Service members who delayed reporting an academy-based sexual assault until they were no longer enrolled at the academy
- 1 report was made by a civilian who delayed reporting an academy-based sexual assault until they were no longer enrolled at the academy

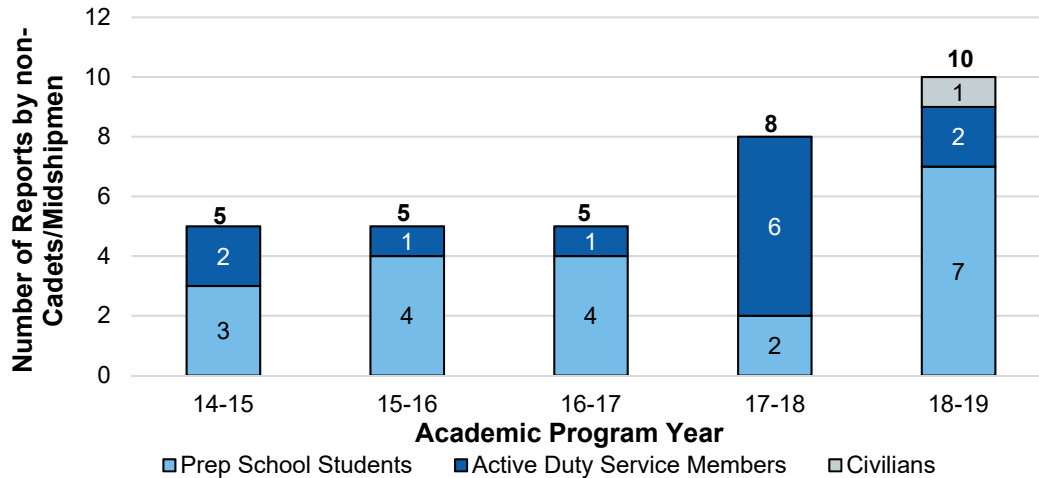


Exhibit 4: All Other Reports Made, APY 14-15 to 18-19

### APY 18-19 Military Justice Outcomes

The flow chart in Exhibit 5 depicts all reports made to the Department in APY 18-19. Each point in the flow chart corresponds to a letter in the subsequent text. Academy students were involved in 149 reports of sexual assault, as victims and/or subjects (Exhibit 5, Point A).

Of the 149 reports received, 93 were Unrestricted Reports involving Academy students as either the victim or subject of a sexual assault investigation (Exhibit 5, Point B). Of the 93 Unrestricted Reports, 6 reports were made by cadets or midshipmen for alleged incidents of sexual assault that occurred prior to entering military service, and 78 Unrestricted Reports were made by cadets/midshipmen for alleged incidents that occurred during military service. Non-cadets/midshipmen made the remaining 9 Unrestricted Reports.<sup>9</sup>

DoD and civilian investigative agencies opened 76 investigations associated with 80 Unrestricted Reports this APY. The remaining 13 Unrestricted Reports did not move forward in the investigative process for a variety of reasons (e.g., allegations fell outside the MCIOs' authority to investigate, no covered sexual assault offense alleged, investigation opened in APY 19-20, investigative information not yet available at the time of data retrieval).

<sup>9</sup> Of the 9 reports that were made by non-Academy students, 3 reports were made by Active Duty Service members, 3 reports were made by prep school students, and 3 were made by civilians.

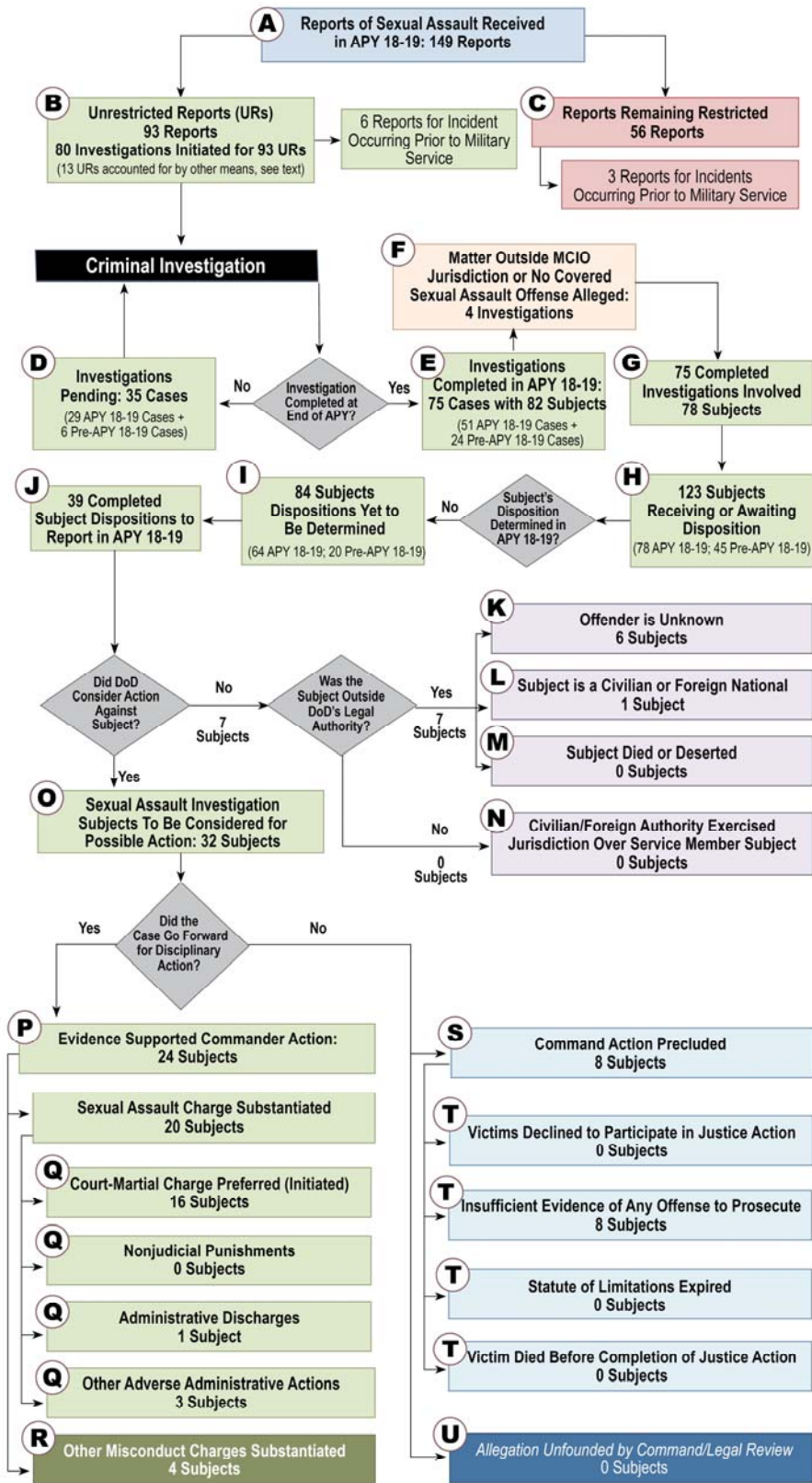


Exhibit 5: Reports of Sexual Assault, Investigations, and Dispositions Completed in APY 18-19

## APY 18-19 Sexual Assault Prevalence Estimates and Reporting Data

DoD conducts a survey every even-numbered year to estimate the prevalence of unwanted sexual contact at the academies. Although DoD did not conduct a prevalence survey this year, the *2018 Service Academy Gender Relations Survey (2018 SAGR)*<sup>10</sup> estimated that in 2018, 15.8 percent of female Academy students and 2.4 percent of male Academy students experienced USC, a statistically significant increase from 2016 estimated prevalence rates (12.2 percent for women and 1.7 percent for men).<sup>11</sup>

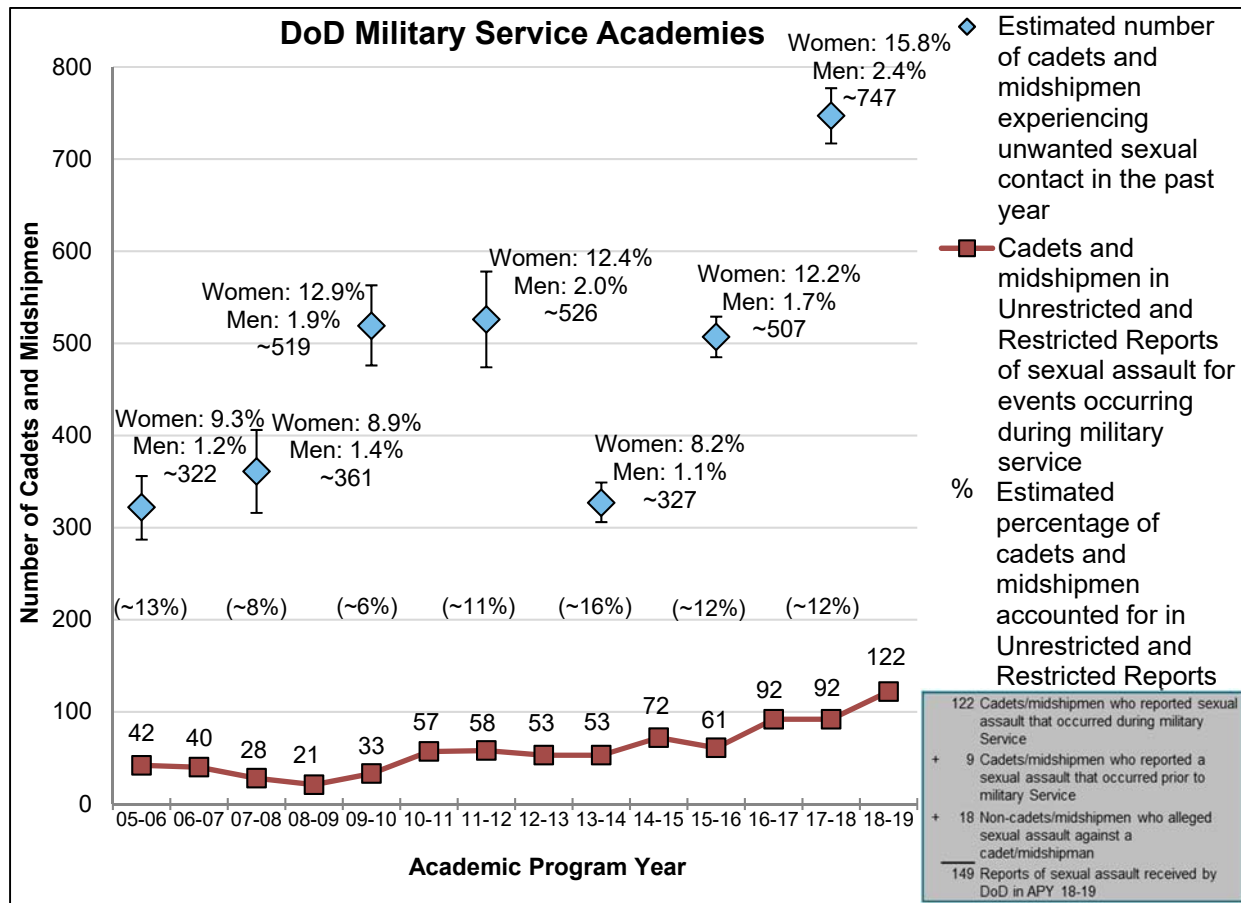


Exhibit 6: Estimated Cadets and Midshipmen Experiencing USC Based on Past-Year Prevalence Rates versus Number of Cadets and Midshipmen in Reports of Sexual Assault Made during the Academic Program Year, for Incidents Occurring During Military Service, APY 05-06 to 18-19<sup>12</sup>

<sup>10</sup> The *2018 SAGR* is available online:

[https://www.sapr.mil/sites/default/files/public/docs/reports/MSA/SAGR1801\\_Report\\_1.29.2019\\_FINAL.pdf](https://www.sapr.mil/sites/default/files/public/docs/reports/MSA/SAGR1801_Report_1.29.2019_FINAL.pdf)

<sup>11</sup> The Office of People Analytics (OPA) estimates the number of cadets/midshipmen who experienced USC by multiplying the weighted estimated USC prevalence rate across men and women at the MSAs (~5.8 percent) and the Academy student population at the time of the survey. *SAGR* prevalence *is only an estimation*. DoD uses these estimates to measure the scope of sexual assault and the degree of underreporting at each Academy.

<sup>12</sup> Bars around survey point estimates represent margins of error. *2018 SAGR* estimates that the number of academy students who experienced past-year USC fell between 717 and 777 with a midpoint of 747.

Reports of sexual assault made to DoD authorities provide only partial insight into the overall occurrence of sexual assault at the MSAs. As previously discussed, 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 official reports made to the authorities.

Exhibit 6 compares the estimated number of cadets and midshipmen<sup>13</sup> who experienced past-year USC to the number of cadets and midshipmen who made a report of sexual assault in the APY. Therefore, this graph excludes reports made by prep school students, Active Duty Service members, and civilians (Table 1). Results from the 2018 SAGR estimate that about 747 cadets and midshipmen experienced some form of USC in the past-year, compared to 92 reports of sexual assault received by DoD from cadets and midshipmen for an incident that occurred **during** military service. Using these figures, DoD estimates that last year's reporting rate was about 12 percent. That is, about 12 percent of the estimated cadets and midshipmen who experienced USC in 2018 made an official report of sexual assault to a DoD authority. Since DoD did not conduct a prevalence survey this year, DoD will publish the next estimated reporting rate in early 2021.

### **APY 18-19 Unrestricted Reports of Sexual Assault**

---

In APY 18-19, 93 Unrestricted Reports of sexual assault involved Academy students as either the subject and/or victim of a sexual assault investigation.

DoD policy requires that the allegation be referred to an MCIO for investigation once a person makes an Unrestricted Report of sexual assault. An investigation can take a few weeks to several months to complete depending upon the complexity of the alleged crime. Consequently, not all reports made in a given APY are completely investigated by the end of that APY.

- Of the 80 criminal investigations initiated during APY 18-19, 51 investigations were completed in APY 18-19. DoD will report the outcomes of the other 29 investigations in forthcoming years' reports (Exhibit 5, Points D and E).
- MCIOs also completed 24 investigations of sexual assault initiated in reporting periods prior to APY 18-19 (Exhibit 5, Point E).
- In sum, MCIOs completed 75 investigations of sexual assault (Exhibit 5, Point E) involving 82 subjects (Exhibit 5, Point E) during APY 18-19 for reports made in the current APY or prior APYs.

MCIOs investigate each alleged violation of military law alleged by a person making an Unrestricted Report of sexual assault. SAPRO categorizes Unrestricted Reports by the most serious sexual assault offense alleged. Exhibit 7 shows the sexual assault offenses alleged for the 93 Unrestricted Reports made in APY 18-19. The offense charged or addressed with disciplinary action *may not always* reflect the offense investigated. For example, if the crime of "rape" is alleged, but MCIO agents only discover evidence for the crime of "aggravated sexual contact" during the investigation, then only "aggravated sexual contact" can be charged.

---

<sup>13</sup> In APYs 13-14 and prior, DoD received aggregated data from the Academies and could not separate prep school students from the total reports received, as depicted by the red line in Exhibit 6. Beginning in APY 14-15, DSAID gave DoD analysts the ability to separate reports made by prep school students from the total number of reports, resulting in a more accurate comparison between sexual assault reporting and USC survey estimates.



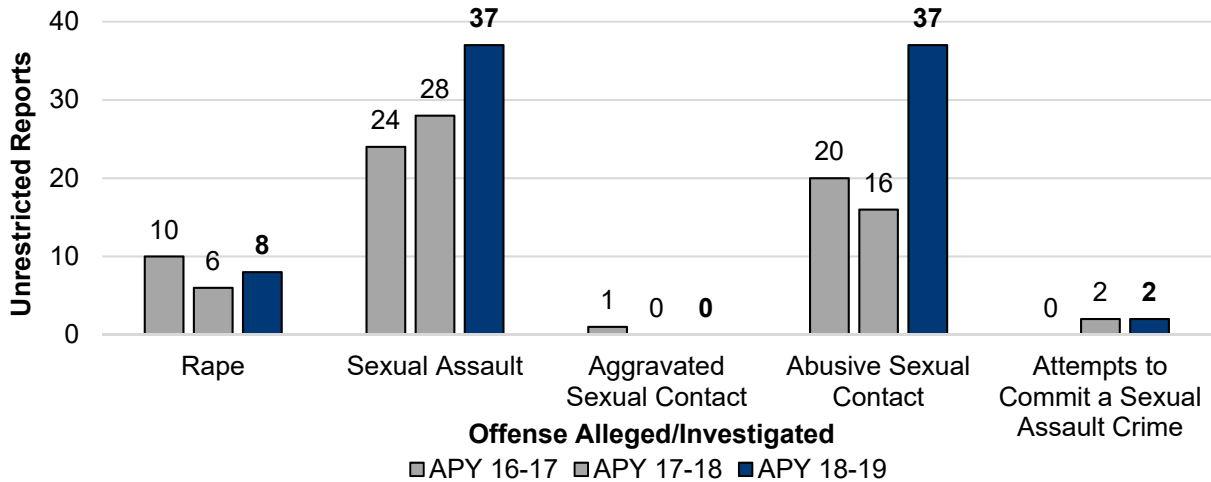


Exhibit 7: Sexual Assault Crimes Investigated in Unrestricted Reports, APYs 16-17 and 17-18 vs. APY 18-19

**Note:** In APY 17-18, the Academies received 69 Unrestricted Reports, however, the exhibit excludes 17 reports due to missing data on the investigated offense. Similarly, in APY 18-19, the Academies received 93 Unrestricted Reports, and this exhibit excludes 9 reports due to missing data on the offense investigated.

Exhibit 8 illustrates the involvement of Academy students in Unrestricted Reports of sexual assault. In APY 18-19, 47 of the 93 Unrestricted Reports involved an Academy student alleging sexual assault by another Academy student.

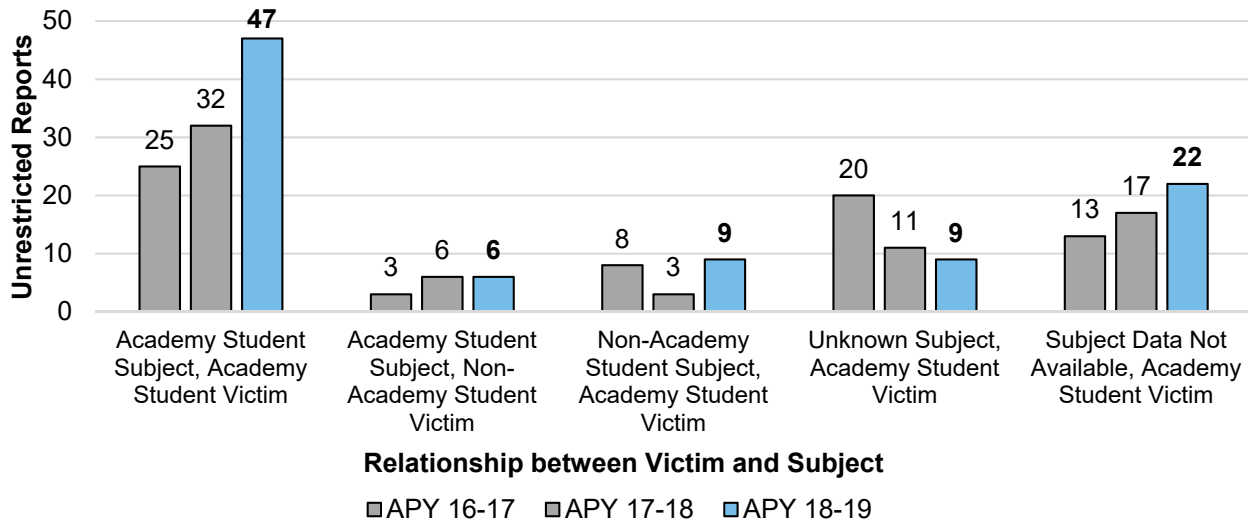


Exhibit 8: Unrestricted Reports of Sexual Assault by Victim and Subject Status, APYs 16-17 and 17-18 vs. APY 18-19

### Disposition of Sexual Assault Reports Adjudicated in APY 18-19

When DoD authorities investigate an Unrestricted Report, the goals of the investigation include identifying which, if any, crimes have been committed, and if so, who has been victimized, and who may be held appropriately accountable for the crime. DoD takes action to hold alleged offenders appropriately accountable when it has the legal authority and sufficient evidence to do so. As noted above, the allegations reflect a range of penetrative and sexual contact crimes. As in the U.S. civilian justice system, crimes in the military justice system vary in legal severity and carry potential penalties that correlate with severity.

In APY 18-19, 75 criminal investigations were completed, involving 82 subjects. The MSAs also completed outcomes for an additional 45 subjects in investigations closed in previous APYs for which disposition information was not yet reported. Of 123 cases with completed investigations in APY 18-19 or prior, 84 case dispositions were pending determination at the end of the APY.

By the end of APY 18-19, MSAs had completed disposition information for 39 subjects. Exhibit 5 and the information below outlines the disposition information regarding those 39 subjects.

39	Subjects of APY 18-19 investigations and pre-APY 18-19 investigations with disposition information to report at the end of APY 18-19
- 6	Subjects could not be identified, despite a thorough investigation (Exhibit 5, Point K)
- 1	Subject was a civilian (Exhibit 5, Point L) and outside of DoD's legal authority
- 0	Subjects with civilian authority exercising jurisdiction over the case (Exhibit 5, Point N)
<b>32</b>	<b>Subjects under DoD legal authority review for possible action (Exhibit 5, Point O)</b>
- 0	Subjects associated with victims who declined to participate in the military justice process (Exhibit 5, Point T)
- 8	Subjects whose investigations yielded insufficient evidence to prosecute an offense (Exhibit 5, Point T)
- 0	Subjects with allegation(s) unfounded by legal review (Exhibit 5, Point U)
<b>24</b>	<b>Subjects for whom evidence supported command action (Exhibit 5, Point P):</b>

DoD actions taken for sexual assault crimes are as follows (Exhibit 5, Point Q):

- 16 Subjects had Court-Martial Charge Preferred
- 0 Subjects received Nonjudicial Punishments
- 1 Subject received an Adverse Administrative Discharge
- 3 Subjects received an Adverse Administrative Action, including the Cadet Disciplinary System or Midshipman Conduct System

DoD actions taken for other misconduct that was discovered during the sexual assault investigation are as follows (Exhibit 5, Point R):

- 2 Subjects had Court-Martial Charges Preferred
- 0 Subjects received Nonjudicial Punishments
- 2 Subjects received an Adverse Administrative Discharge
- 0 Subjects received an Adverse Administrative Action, including the Cadet Disciplinary System or Midshipman Conduct System

### Demographics of Unrestricted Reports

SAPRO draws the following demographic information from the 75 investigations of sexual assault completed during APY 18-19. These investigations involved 79 victims and 82 subjects.

Table 3 displays the sex of victims and subjects in completed investigations of Unrestricted Reports in APY 18-19. As in previous APYs, most victims in investigations of Unrestricted Reports are female (90 percent), and most subjects are male (74 percent). Table 4 shows victim and subject age in completed investigations of Unrestricted Reports in APY 18-19. Most victims and subjects are between ages 16 and 24 (95 percent of victims and about 70 percent of subjects).

Table 3: Gender of Victims and Subjects in Completed Investigations of Unrestricted Reports, APY 18-19

Gender	Victims		Subjects	
	Count	Percentage	Count	Percentage
Male	8	10%	61	74%
Female	71	90%	1	1%
Sex Unknown/Data Not Available	0	0%	20	24%
<b>Total</b>	<b>79</b>	<b>100%</b>	<b>82</b>	<b>100%</b>

Table 4: Age of Victims and Subjects at the Time of Incident in Completed Investigations of Unrestricted Reports, APY 18-19

Age at Time of Incident	Victims		Subjects	
	Count	Percentage	Count	Percentage
0-15*	1	1%	1	1%
16-19	37	47%	13	16%
20-24	38	48%	44	54%
25-34	1	1%	2	2%
35-49	0	0%	2	2%
50 and older	0	0%	1	1%
Age Unknown/Data Not Available	2	3%	19	23%
<b>Total</b>	<b>79</b>	<b>100%</b>	<b>82</b>	<b>100%</b>

**\*Note:** One Academy student in the “0-15” category reported an incident that occurred prior to military service.

## APY 18-19 Restricted Reports of Sexual Assault

SAPR personnel collect limited data about the victim and the allegation made in a Restricted Report due to his or her desire for confidentiality. As with Unrestricted Reports, individuals can make Restricted Reports for incidents that occurred in prior APYs and/or prior to military service.

There were 77 initial Restricted Reports of sexual assault in APY 18-19. Of the 77 reports, 21 converted to Unrestricted Reports. At the close of APY 18-19, 56 reports remained Restricted:<sup>14</sup>

- 48 Academy students made a Restricted Report:
  - 3 Academy students made a Restricted Report for a sexual assault allegation that occurred prior to military service.
  - 45 Academy students made a Restricted Report for a sexual assault allegation that occurred during military service.
- 8 non-Academy students made a Restricted Report against an Academy student:
  - 4 reports were made by Active Duty Service members.
  - 4 reports were made by Prep School students.

The percentage of victims who convert Restricted Reports to Unrestricted Reports at the MSAs fluctuates yearly. Exhibit 9 shows the Restricted Reports and conversion rates from APY 07-08 through APY 18-19.

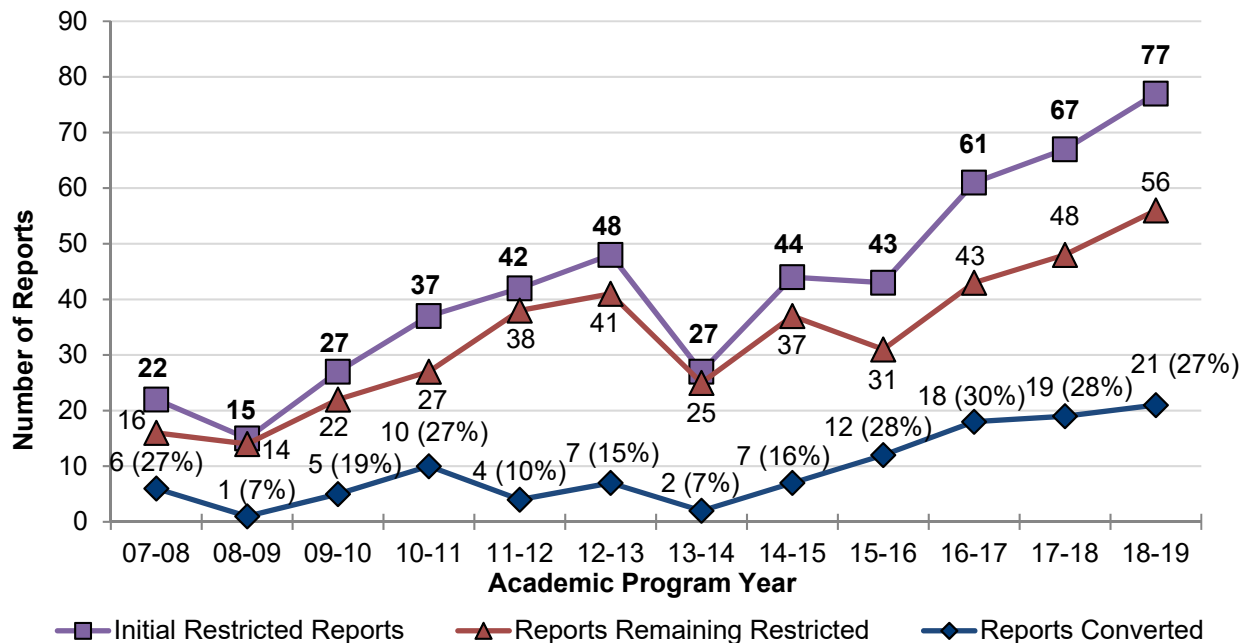


Exhibit 9: Reports Initially Made Restricted, Reports Remaining Restricted, and Restricted Reports Converted to Unrestricted, APY 07-08 to 18-19

<sup>14</sup> Unrestricted Report data cited earlier includes Restricted Reports that converted to Unrestricted Reports this year.

## Demographics of Restricted Reports of Sexual Assault

The subsequent information pertains to people who made a Restricted Report that remained Restricted at the end of APY 18-19. Tables 5 and 6 display data by the reporter's gender and age, respectively. As with Unrestricted Reports, females and people aged 16 to 24 comprise most Restricted Reports at the Academies.

Table 5: Restricted Reports by Gender, APY 18-19

Gender	Count	Share
Male	10	18%
Female	46	82%
<b>Total</b>	<b>56</b>	<b>100%</b>

Table 6: Age of Victims Making Restricted Reports at the Time of Incident, APY 18-19

Age at Time of Incident	Count	Share
0-15*	1	2%
16-19	32	57%
20-24	22	39%
25-34	0	0%
35 and older	0	0%
Data not available	1	2%
<b>Total</b>	<b>56</b>	<b>100%</b>

**\*Note:** One cadet/midshipman who fell into the "0-15" category reported an incident that occurred prior to military service.

Most Restricted Reports involved Academy students as subjects and victims in APY 18-19, as depicted in Exhibit 10.

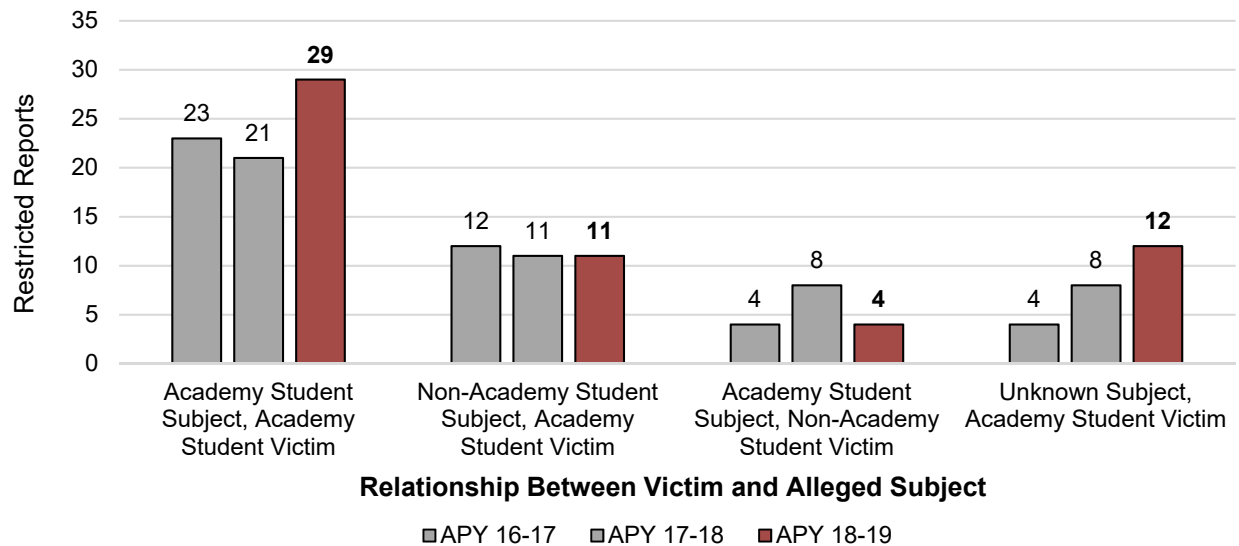


Exhibit 10: Restricted Reports of Sexual Assault by Victim and Subject Status, APYs 16-17 to APY 18-19

## APY 18-19 Data on Sexual Harassment

### Complaints of Sexual Harassment

DoD's sexual harassment reporting process differs from policies governing sexual assault reporting; however, DoD considers both behaviors equally unacceptable. Department policy encourages resolution of situations perceived to involve sexually harassing behaviors at the lowest interpersonal level,<sup>15</sup> but Service members may also elect to address offensive situations through an informal or formal complaint. In APY 18-19, Academy students made 0 formal complaints and 17 informal complaints of sexual harassment. As depicted in Exhibit 11, sexual harassment complaints at the Academies vary widely from year to year but remain low when compared to survey estimates of sexual harassment.

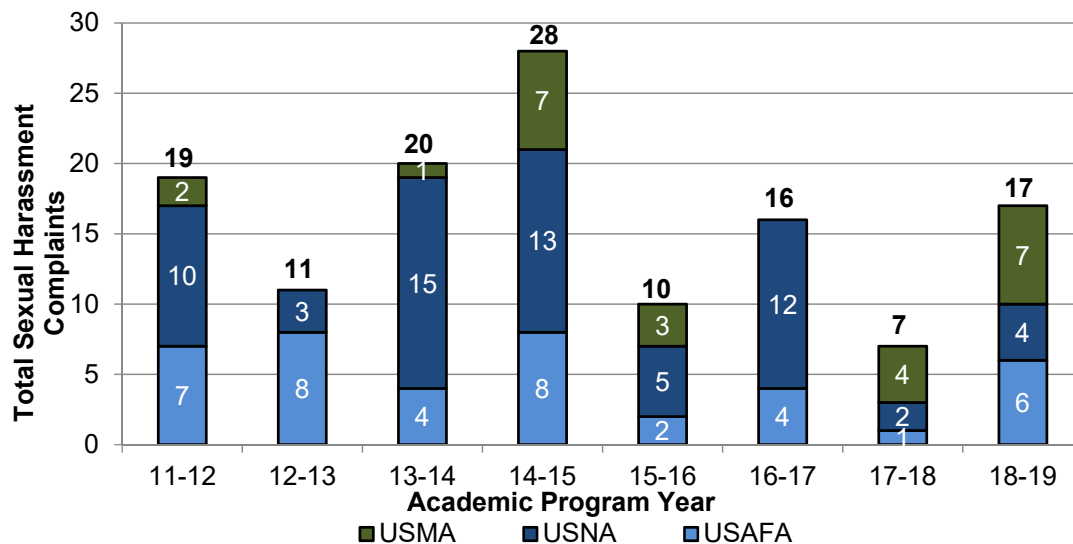


Exhibit 11: Total Sexual Harassment Complaints by Academy, APY 11-12 to 18-19

## APY 18-19 Reports from the Family Advocacy Program

### Reports from the Family Advocacy Program

During Fiscal Year 2019, the DoD Inspector General (IG) conducted an evaluation of how USAFA handles sexual assault reports involving cadets.<sup>16</sup> One of the DoD IG's key findings indicated that 11 cadet reports of sexual assault were made to the Family Advocacy Program (FAP). FAP is the congressionally-mandated program within DoD responsible for supplying clinical assessment, support, and treatment services in response to incidents of domestic abuse in military families. Sexual assault occurring within the context of a marriage or intimate partner relationship (sexual abuse) is a subset of domestic abuse.

DoD Instruction 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," defines "domestic abuse" as domestic violence or a pattern of behavior resulting in

<sup>15</sup> DoD Instruction 1020.03, Harassment Prevention and Response in the Armed Forces.

<sup>16</sup> U.S. Department of Defense Inspector General. (2019, September 30). Evaluation of the DoD's Handling of Incidents of Sexual Assault Against (or Involving) Cadets at the United States Air Force Academy. (Report No. DODIG-2019-125). Retrieved from <https://media.defense.gov/2019/Oct/02/2002189371/-1/-1/1/DODIG-2019-125.PDF>



emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person:

- Who is a current or former spouse;
- With whom the abuser shares a child in common; or
- Who is a current or former intimate partner with whom the abuser shares or has shared a common domicile.

Sexual assault occurring within the context of the above definition of domestic abuse is referred to FAP for comprehensive safety planning for the victim, including victim advocacy and support. Alleged offenders for domestic violence are also subject to UCMJ or other adverse actions, as appropriate, even when the case is referred to FAP. Starting this year, this report will include a section documenting cadet/midshipman reports to FAP to better understand all cases of sexual assault reported by cadets/midshipmen. In APY 18-19, 2 reports of sexual assault at USAFA were initially made to FAP. There were no reports made initially to FAP at USMA or USNA. The 2 reports at USAFA that were initially made to FAP are not included in the above counts of the total number of reports made this APY. The Department has since issued new policy to ensure that all sexual assault reports at the MSAs comply with Congressional reporting requirements.