



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



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

## Introduction

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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<sup>1</sup> and/or subjects in allegations made during the 2019-2020 Academic Program Year (APY 19-20). 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 19-20 *is not* necessarily indicative of the number of sexual assaults that may have occurred, as estimated by prior scientific surveys of military academy students. DoD and civilian research indicate that a small fraction of people who experience sexual assault report the crime to law enforcement.<sup>2</sup> Additionally, only evidence from an investigation and adjudication of the case can be used to legally conclude that the alleged sexual assault incident occurred.

To estimate the number of academy students who may have experienced a sexual assault in a given year, the Department employs a measure of unwanted sexual contact (USC) in scientific surveys every two years. The USC measure asks students about their experience, if any, about a range of sexual behaviors prohibited by the Uniform Code of Military Justice (UCMJ). Survey results provide a reliable estimate of the number of cadets and midshipmen who likely experienced some kind of penetrative or contact sexual assault in the past year.

This year, the Department could not conduct the planned survey of Academy students due to the coronavirus pandemic. As a result, the Department does not have survey estimates this year to compare to the reporting data that follows in this appendix.

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<sup>1</sup> The use of the terms "victim" or "perpetrator/offender" in this report is not intended as a statement as to the guilt or innocence of an individual. Without knowing the specific outcomes of the incidents upon which reports are derived, the presumption of innocence applies until there is an investigation that substantiates the allegations and there is adjudication of guilt.

<sup>2</sup> DoD SAPRO. (2020). *Annual Report on Sexual Harassment and Violence at the Military Service Academies (MSAs) for Academic Program Year (APY) 2018-2019.*; DoD SAPRO. (2020). *Department of Defense Fiscal Year 2019 Annual Report on Sexual Assault in the Military.*; Kelly, T.C. & Stermac, L. (2008). Underreporting in Sexual Assault: A Review of Explanatory Factors. *Baltic Journal of Psychology*, 9 (1, 2): 30-45.; Kruttschnitt, C., Kalsbeek, W.D., & House, C.C. (Ed.). (2014). *Estimating the Incidence of Rape and Sexual Assault*. The National Academies Press.  
[https://www.hoplophobia.info/wp-content/uploads/2014/05/Estimating\\_the\\_Incidence\\_of\\_Rape\\_and\\_Sexual\\_Assault.pdf](https://www.hoplophobia.info/wp-content/uploads/2014/05/Estimating_the_Incidence_of_Rape_and_Sexual_Assault.pdf)

## Restricted Reports

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As Service members, Academy students may make Restricted Reports to specified individuals (i.e., Sexual Assault Response Coordinators (SARCs), SAPR Victim Advocates (SAPR VAs), or healthcare providers), who facilitate care and response services while maintaining confidentiality. Given that people who choose Restricted Reports have a strong desire for confidentiality, DoD does not investigate this type of report or obtain extensive details about the incident. 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 alleged perpetrator's identities<sup>3</sup>, even if known. SARCs notify command of a Restricted Report, but provide no details that could identify the victim or alleged perpetrator unless reporting is necessary to prevent or mitigate a serious and imminent threat to the health and safety of the victim or another person. 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 Advocacy Program (FAP) by an Academy student. FAP offers victims of domestic abuse both Restricted and Unrestricted Reporting options.<sup>4</sup>

## Unrestricted Reports

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Unrestricted Reports involve notification to the command of the victim and the alleged perpetrator, as well as a referral for investigation by a Military Criminal Investigative Organization (MCIO), that an incident of sexual assault has been reported. MCIO information systems comprise the systems of record for subjects of investigation 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. SARCs 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.** The Department'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 offense alleged does not necessarily reflect the investigation's final findings or the allegation's final disposition.

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<sup>3</sup> For purposes of this report, the use of the term "victim," "subject" or "perpetrator" does not convey any presumption about the guilt or innocence of the alleged offenders/perpetrators, nor should the use of the terms "incident" or "report" be construed as substantiation that an alleged incident occurred.

<sup>4</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.

## 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>5</sup> When a Service member commits an offense within a civilian jurisdiction (e.g., state, county, or municipality) or on a military base in the United States, 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. Such actions may not yield the same level of case or disposition detail obtained from the military justice system.<sup>6</sup>

MCIOs provide reports to military leadership upon the conclusion of an investigation. In consultation with the servicing staff judge advocate (SJA), the subject's military commander 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 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.

The SPCMCA is responsible for determining initial disposition action. This includes whether an action is warranted and, if so, whether a court-martial, nonjudicial punishment (NJP), administrative discharge, or some other adverse administrative action is appropriate. At the Military Service Academies (MSAs), the Superintendent (a Lieutenant General or a Vice Admiral) is the initial disposition authority. SJAs can 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, a commander may be precluded from taking disciplinary action against a subject. In addition, disciplinary actions may not be possible when commanders choose to respect a victim's desire not to participate in proceedings regarding their alleged assault.

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 referral of court-martial charges, nonjudicial punishment (NJP), 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 period of the Academic Program Year (APY). Some investigations extend across APYs, as it often takes several months to investigate a report of

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<sup>5</sup> Military staff at the military service academies are also subject to the UCMJ.

<sup>6</sup> An accused civilian or foreign national is not often subject to the UCMJ, and DoD cannot discipline 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.

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. The Department 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 criminally accountable, as appropriate, if the alleged offender is not subject to military law. DoD authorities may assist victims in contacting the appropriate civilian or foreign law enforcement agency to address their 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 2020. Despite best efforts by DoD and the Services to enter data accurately and expediently, 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>7</sup>

Also, 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 the outcome of this process.

### Student Enrollment at the Military Service Academies

The MSAs reported their official enrollment for APY 19-20 as follows, as of May 31, 2020:

Table 1: Student Enrollment at the Military Service Academies

Academy	Cadets/Midshipmen		Prep School Students		Total
	Men	Women	Men	Women	
U.S. Military Academy	3,408	1,031	159	42	4,640
U.S. Naval Academy	3,182	1,211	153	52	4,598
U.S. Air Force Academy	3,138	1,196	156	43	4,533
<b>Total Enrollment</b>	<b>9,728</b>	<b>3,438</b>	<b>468</b>	<b>137</b>	<b>13,771</b>

<sup>7</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.

## APY 19-20 Overall Reporting Data on Sexual Assault at the Service Academies

In APY 19-20, the Department received a total of 129 sexual assault reports that involved cadets/midshipmen/prep students as victims and/or alleged perpetrators—a decrease of 20 reports from the previous APY (see Exhibit 1). Of note is that APY 19-20 includes the beginning of the coronavirus pandemic. All cadets and midshipmen, except for USAFA cadets in their senior year, were sent home from the MSA campuses by mid-March 2020 as part of pandemic response measures. While data were collected throughout the APY, the current data reflect only three quarters of “normal” Academy operations and cadet/midshipman interaction. The fourth quarter of the APY was characterized by the pandemic response at all three Academies to increase social distance and decrease coronavirus transmission. Academy sexual assault reporting resources remained available and fully staffed, despite the transition to remote learning for most students.

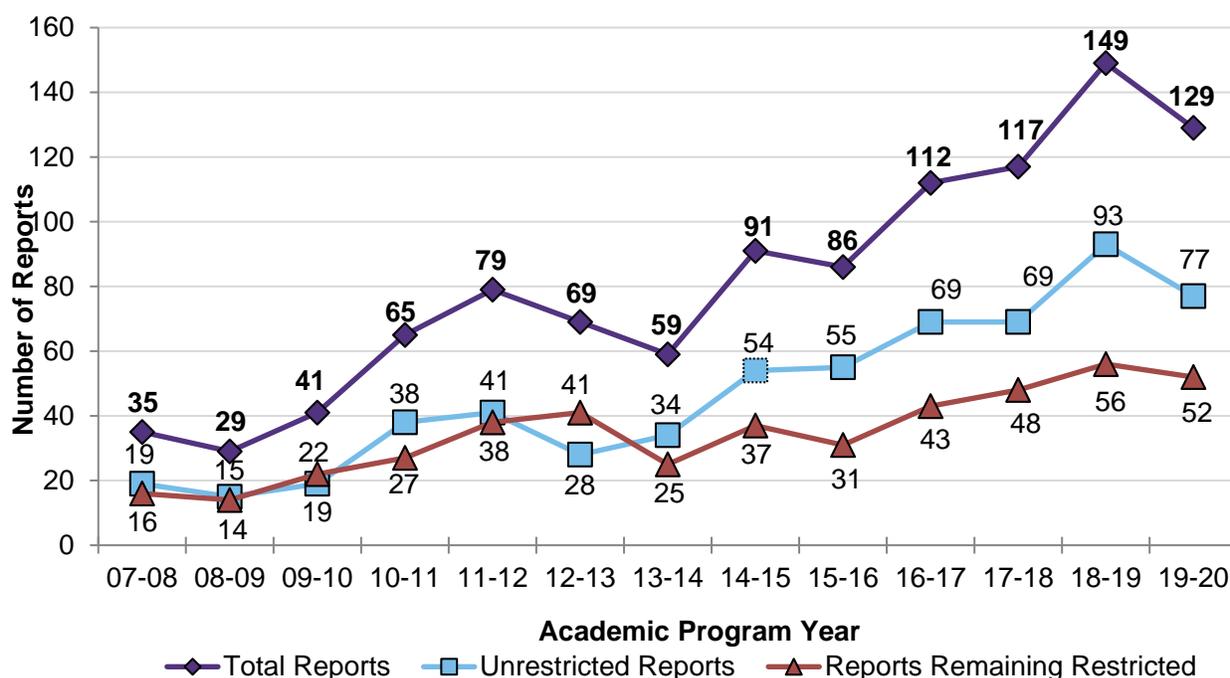


Exhibit 1: Reports of Sexual Assault by Academy, APY 07-08 to 19-20

## APY 19-20 Academy Student Sexual Assault Reporting

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 non-cadet/midshipman reports that allege a sexual assault against an academy student. At the MSAs’ request, the Department has broken these total reports down to 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;

- Active duty Service members or former academy students who did not report an academy-based sexual assault until they were no longer enrolled at the MSA for at least four years; and
- Prep school students who do not reside on MSA 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 alleged incident that occurred within four years of the date the incident was reported, either at an MSA or while they were a cadet or midshipman; and
- Civilians reporting an incident against an enrolled cadet or midshipman.

Table 2 provides the breakdown of the 129 total reports into these two overarching categories.

Table 2: Sexual Assault Reports by Victim Category and Military Status, APY 19-20

	Unrestricted Reports	Restricted Reports	Total Reports
<b>All Academy-related Reports</b>	<b>77</b>	<b>52</b>	<b>129</b>
• Reports involving actively enrolled cadets/midshipmen at the time of incident and/or report	67	38	105
– Cadets/midshipmen victims	53	35	88
– Active duty Service Member victims	4	3	7
– Civilian victims	10	0	10
• All Other Reports	10	14	24
– Cadets/midshipmen reporting an incident that occurred prior to military service	7	4	11
– Active duty Service members or current civilians who did not report an Academy-based sexual assault until they ceased enrollment at the Academy	0	10	10
– Prep School Students	3	0	3

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

In APY 19-20, DoD received 105 sexual assault reports involving an actively enrolled cadet or midshipman at the time of incident and/or report. This is a decrease of 25 reports from last APY. Specifically, reports decreased by 27 at the U.S. Military Academy (USMA), increased by 1 at the U.S. Naval Academy (USNA) and increased by 1 at the U.S. Air Force Academy (USAFA).<sup>8</sup>

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

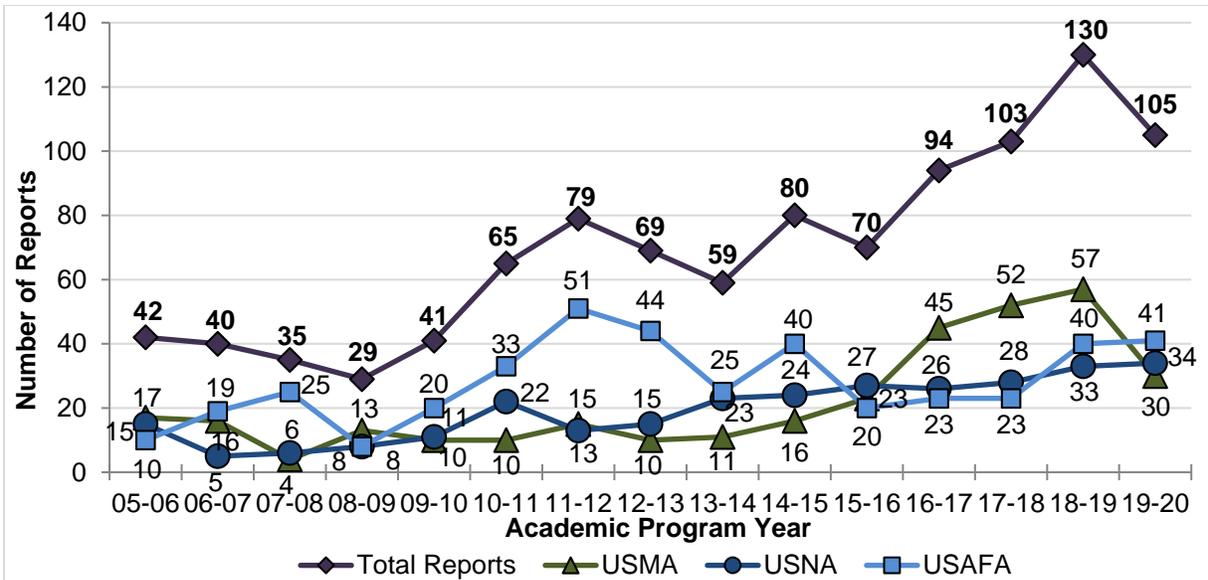


Exhibit 2: Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident by Report Type, APY 05-06 to 19-20

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 and active duty Service members who alleged an incident against a cadet/midshipman who was actively enrolled at the time of the report. Compared to APY 18-19, the total number of sexual assault reports made in APY 19-20 decreased by 25 reports, driven by the decrease in reporting at USMA. Table 3 breaks out in greater detail the number and types of sexual assault reports made by actively enrolled cadets/midshipmen at each MSA in APY 19-20.

Table 3: Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident by Academy and Report Type, APY 19-20

Academy	Total Reports	Unrestricted Reports	Restricted Reports Remaining
U.S. Military Academy	30	17	13
U.S. Naval Academy	34	24	10
U.S. Air Force Academy	41	26	15
<b>Total Reports</b>	<b>105</b>	<b>67</b>	<b>38</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 sexual assault reports made by cadets/midshipmen who were enrolled at the Academy at the time they made a report. Of the 99 cadets/midshipmen who made a report in APY 19-20, 11 made reports for an incident that occurred prior to academy enrollment/military service (7 Unrestricted and 4 Restricted Reports). DoD policy provides for reporting and assistance with any sexual assault incident, whether it occurred in military Service or not.

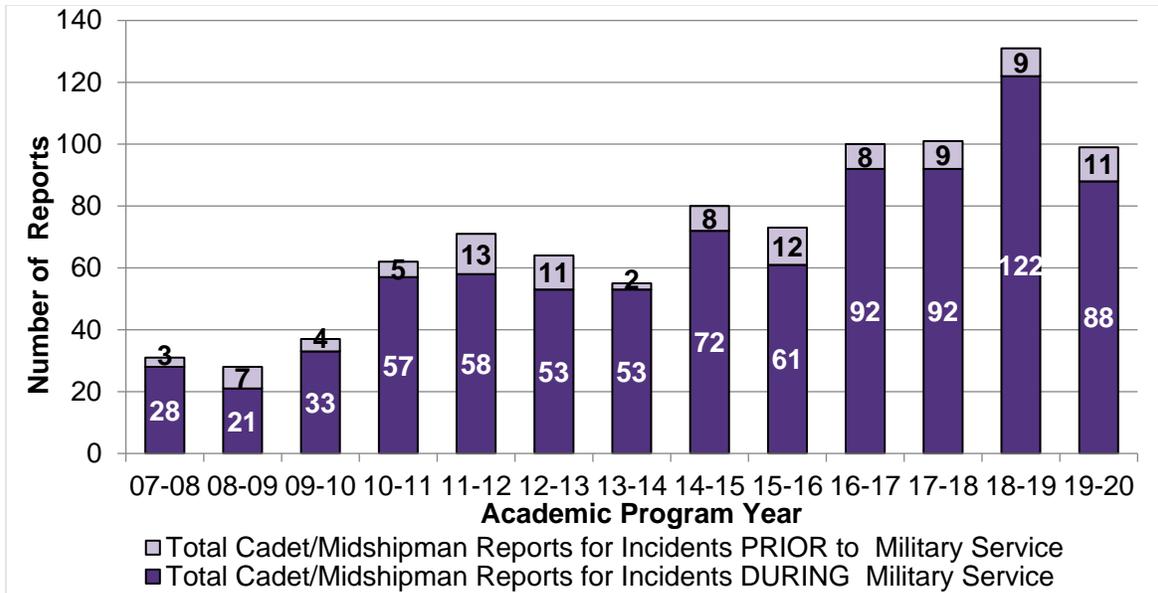


Exhibit 3: Total Reports to the MSAs by Academy Students Occurring Prior to and During Military Service, APY 07-08 to 19-20

### All Other Reports Made in APY 19-20

Every APY, the Department receives reports made by non-cadets/midshipmen alleging an assault by an academy student. As displayed in Exhibit 4, of the total 30 incidents reported to DoD this year that involved academy students as a victim and/or alleged perpetrator:

- Prep school students made 3 reports
  - 2 prep school students alleged an assault by another prep school student or a cadet/midshipman
  - 1 prep school student alleged an assault by an unknown subject
- 17 reports were made by active-duty Service members who did not report an academy-based sexual assault until they were no longer enrolled at the academy, or by enlisted active duty Service members alleging an assault against a cadet/midshipman
- 10 reports were made by civilians alleging an assault against a cadet/midshipman

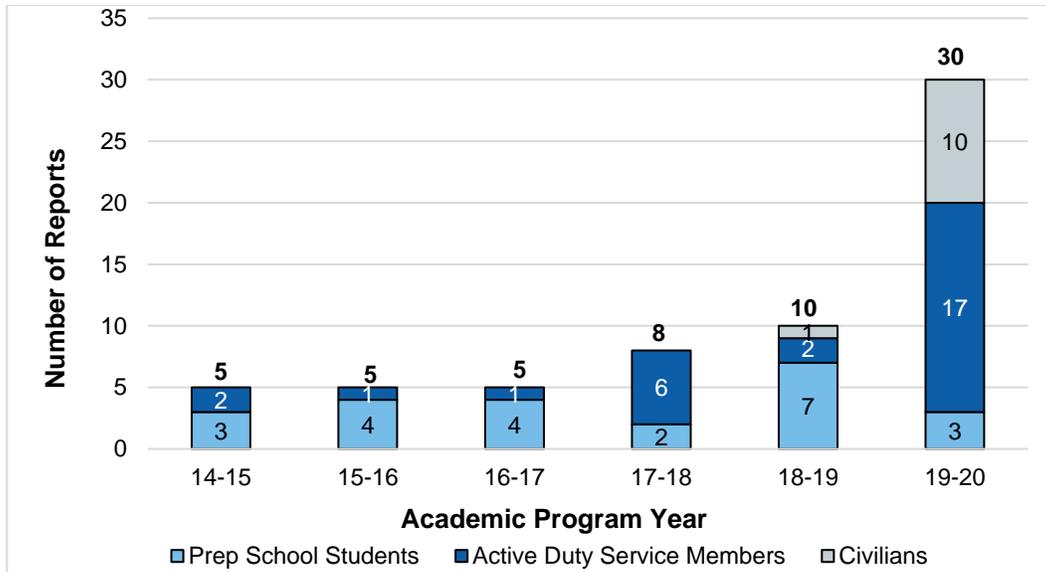


Exhibit 4: All Other Reports Made by Victim Category, APY 14-15 to 19-20

### APY 19-20 Military Justice Outcomes

The flow chart in Exhibit 5 depicts the status or outcome of all reports made to the Department in APY 19-20. Each point in the flow chart corresponds to a letter in the subsequent text. Academy students were involved in 129 reports of sexual assault as victims and/or subjects (Exhibit 5, Point A).

Of the 129 reports received, 77 were Unrestricted Reports involving Academy students as either the victim or subject of a sexual assault investigation (Exhibit 5, Point B). Of the 77 Unrestricted Reports, 7 reports were made by cadets or midshipmen for alleged incidents of sexual assault that occurred prior to entering military service, and 53 Unrestricted Reports were made by cadets/midshipmen for alleged incidents that occurred during military service. Non-cadets/midshipmen made the remaining 17 Unrestricted Reports.<sup>9</sup>

DoD and civilian investigative agencies opened 64 investigations associated with 70 Unrestricted Reports this APY. The remaining 7 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 20-21, investigative information not yet available at the time of data retrieval).

<sup>9</sup> Of the 17 reports that were made by non-Academy students, 4 reports were made by active duty Service members, 3 reports were made by prep school students, and 10 were made by civilians.

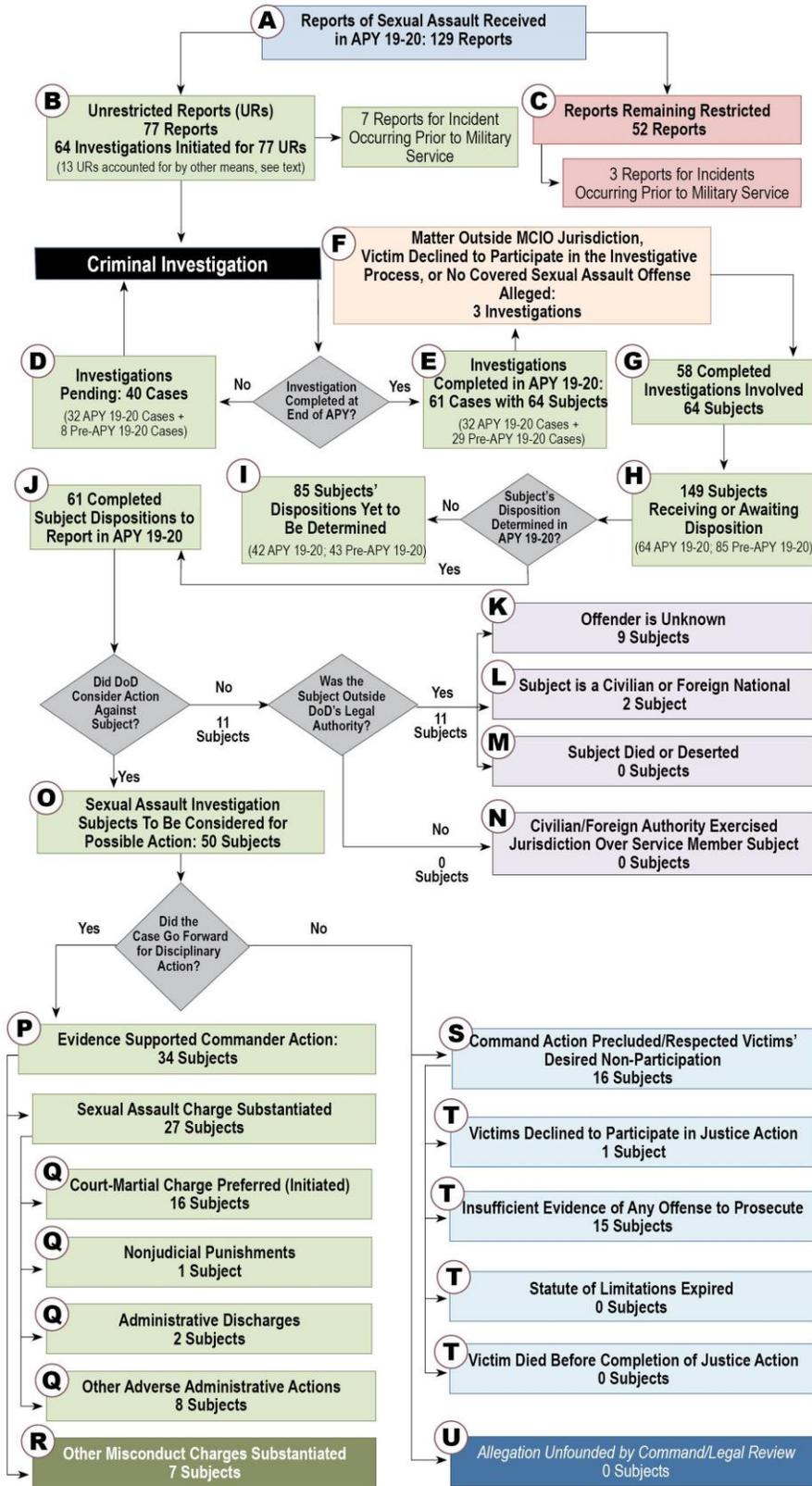


Exhibit 5: Reports of Sexual Assault, Investigations, and Dispositions Completed in APY 19-20

## Sexual Assault Prevalence Estimates and APY 19-20 Reporting Data

DoD typically conducts a survey in even-numbered years to estimate the prevalence of unwanted sexual contact at the academies. The *2020 Service Academy Gender Relations Survey (2020 SAGR)* was scheduled to occur on the MSA campuses in March and April 2020. However, due to response measures taken subsequent to the coronavirus pandemic, the survey could not be administered and has been postponed.

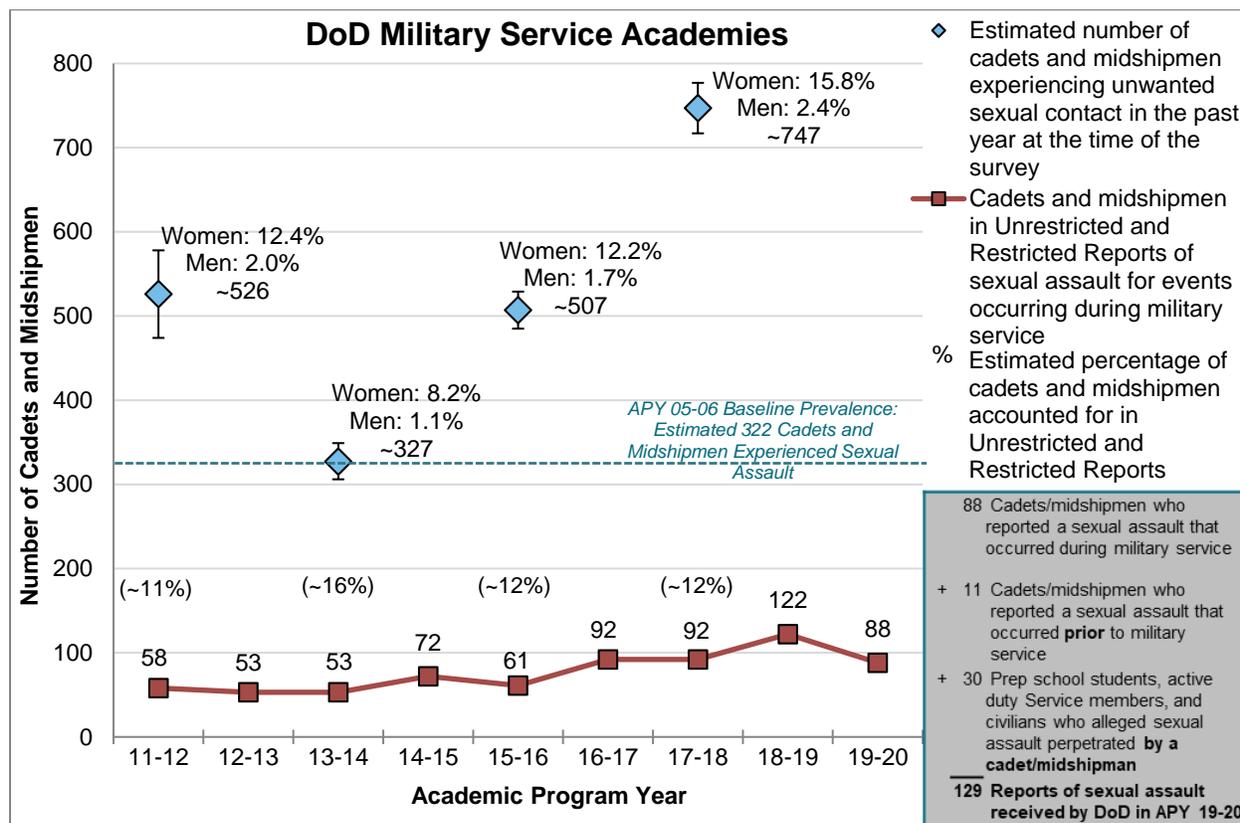


Exhibit 6: Estimated Cadets and Midshipmen Experiencing USC Based on Past-Year Prevalence Rates versus Number of Cadets and Midshipmen in Reports of Sexual Assault Made during the Academic Program Year, for Incidents Occurring During Military Service, APY 05-06 to 19-20<sup>10</sup>

Reports of sexual assault made to DoD authorities provide only partial insight into the overall occurrence of alleged 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>11</sup> who experienced past-year USC to the number of cadets and midshipmen who reported sexual assault in the APY .

<sup>10</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.

<sup>11</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

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 the reporting rate in APY 17-18 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 in APY 19-20, DoD will publish a new estimated reporting rate following the next SAGR survey.

## APY 19-20 Unrestricted Reports of Sexual Assault

In APY 19-20, 77 Unrestricted Reports of sexual assault involved Academy students as either the subject and/or victim of a sexual assault investigation conducted by an MCIO.

The Department’s 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 each APY are completely investigated by the end of that APY.

- Of the 64 criminal investigations initiated during APY 19-20, 32 investigations were completed in APY 19-20 (Exhibit 5, Point E). DoD will report the outcomes of the other 32 investigations in forthcoming years’ reports (Exhibit 5, Point D).
- MCIOs also completed 29 investigations of sexual assault initiated in reporting periods prior to APY 19-20 (Exhibit 5, Point E).
- In sum, MCIOs completed 61 investigations of sexual assault involving 64 subjects (Exhibit 5, Point E) during APY 19-20 for reports made in the current APY or prior APYs.

SAPRO categorizes Unrestricted Reports by the most serious sexual assault offense alleged. Table 4 shows the sexual assault offenses alleged for the 77 Unrestricted Reports made in APY 19-20. The offense charged or addressed with disciplinary action *may not always* reflect the offense alleged. 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.

Table 4: Sexual Assault Crimes Investigated in Unrestricted Reports, APY 17-18 to APY 19-20

Offense Alleged/Investigated	APY 17-18	APY 18-19	APY 19-20
Rape	6	7	5
Sexual Assault	28	36	43
Aggravated Sexual Contact	0	0	2
Abusive Sexual Contact	16	37	16
Attempts to Commit a Sexual Assault Crime	2	2	1

**Note:** In APY 17-18, the Academies received 69 Unrestricted Reports; however, the table excludes 17 reports due to missing data on the investigated offense. Similarly, in APY 18-19, the Academies received 93 Unrestricted Reports, and this table excludes 9 reports due to missing data on the offense investigated. In APY 19-20, the Academies received 77 Unrestricted Reports, and this table excludes 10

the total number of reports, resulting in a more accurate comparison between sexual assault reporting and USC survey estimates.

reports due to missing data on the offense investigated.

Table 5 illustrates the involvement of Academy students in Unrestricted Reports of sexual assault. In APY 19-20, 36 of the 77 Unrestricted Reports involved an Academy student alleging sexual assault by another Academy student.

Table 5: Unrestricted Reports by Sexual Assault by Victim and Subject Status, APY 17-18 to APY 19-20

Relationship between Victim and Subject in Unrestricted Reports	APY 17-18	APY 18-19	APY 19-20
Academy Student Subject, Academy Student Victim	32	47	36
Academy Student Subject, Non-Academy Student Victim	6	6	14
Non-Academy Student Subject, Academy Student Victim	3	9	6
Unknown Subject, Academy Student Victim	11	9	9
Subject Data Not Available, Academy Student Victim	17	22	12

### Disposition of Sexual Assault Reports Adjudicated in APY 19-20

When DoD authorities investigate an Unrestricted Report, the investigation's goals 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.

In APY 19-20, 61 criminal investigations were completed, involving 64 subjects. The MSAs also completed outcomes for an additional 85 subjects in investigations closed in previous APYs for which disposition information was not yet reported. Of 149 cases with completed investigations in APY 19-20 or prior, 85 case dispositions were pending determination at the end of the APY.

By the end of APY 19-20, MSAs had completed disposition information for 61 subjects. Exhibit 5 and the information below outlines the disposition information regarding those 61 subjects.

- 61 Subjects of APY 19-20 investigations and pre-APY 19-20 investigations with disposition information to report at the end of APY 19-20
  - 9 Subjects could not be identified, despite a thorough investigation (Exhibit 5, Point K)
  - 2 Subjects were civilians or foreign nationals (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)

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- 50 Subjects under DoD legal authority review for possible action (Exhibit 5, Point O)
  - 1 Subject associated with victims who declined to participate in the military justice process (Exhibit 5, Point T)
  - 15 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)

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- 34 Subjects for whom evidence supported command action (Exhibit 5, Point P):

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

- 16 Subjects had Court-Martial Charge Preferred
  - 1 Subject received Nonjudicial Punishment
  - 2 Subjects received an Adverse Administrative Discharge
  - 8 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):

- 0 Subjects had Court-Martial Charges Preferred
- 1 Subject received Nonjudicial Punishment
- 1 Subject received an Adverse Administrative Discharge
- 5 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 61 investigations of sexual assault completed during APY 19-20. These investigations involved 62 victims and 64 subjects.

Table 6 displays the sex of victims and subjects in completed investigations of Unrestricted Reports in APY 19-20. As in previous APYs, most victims in investigations of Unrestricted Reports are female (92 percent), and most subjects are male (83 percent). Table 7 shows victim and subject age in completed investigations of Unrestricted Reports in APY 19-20. Most victims and subjects are between ages 16 and 24 (94 percent of victims and about 77 percent of subjects).

Table 6: Sex of Victims and Subjects in Completed Investigations of Unrestricted Reports, APY 19-20

Gender	Victims		Subjects	
	Count	Percentage	Count	Percentage
Male	5	8%	53	83%
Female	57	92%	3	5%
Sex Unknown/Data Not Available	0	0%	8	13%
<b>Total</b>	<b>62</b>	<b>100%</b>	<b>64</b>	<b>100%</b>

Table 7: Age of Victims and Subjects at the Time of Incident in Completed Investigations of Unrestricted Reports, APY 19-20

Age at Time of Incident	Victims		Subjects	
	Count	Percentage	Count	Percentage
0-15	0	0%	0	0%
16-19	40	65%	17	27%
20-24	18	29%	32	50%
25-34	1	2%	5	8%
35-49	1	2%	1	2%
50 and older	0	0%	1	2%
Age Unknown/Data Not Available	2	3%	8	13%
<b>Total</b>	<b>62</b>	<b>100%</b>	<b>64</b>	<b>100%</b>

## APY 19-20 Restricted Reports of Sexual Assault

SAPR personnel collects limited data about the victim and the allegation made in a Restricted Report due to the reporter's 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 65 initial Restricted Reports of sexual assault in APY 19-20. Of the 65 reports, 13 converted to Unrestricted Reports. At the close of APY 19-20, 52 reports remained Restricted:<sup>12</sup>

- 39 Academy students made a Restricted Report:
  - 4 Academy students made a Restricted Report for a sexual assault allegation that occurred prior to military service.
  - 35 Academy students made a Restricted Report for a sexual assault allegation that occurred during military service.
- 13 non-Academy students made a Restricted Report against an Academy student:
  - 13 reports made by active duty Service members.
  - 0 reports made by Prep School students.

The share of victims who convert Restricted Reports to Unrestricted Reports at the MSAs fluctuates yearly. Exhibit 7 shows the Restricted Reports and conversion rates from APY 07-08 through APY 19-20.

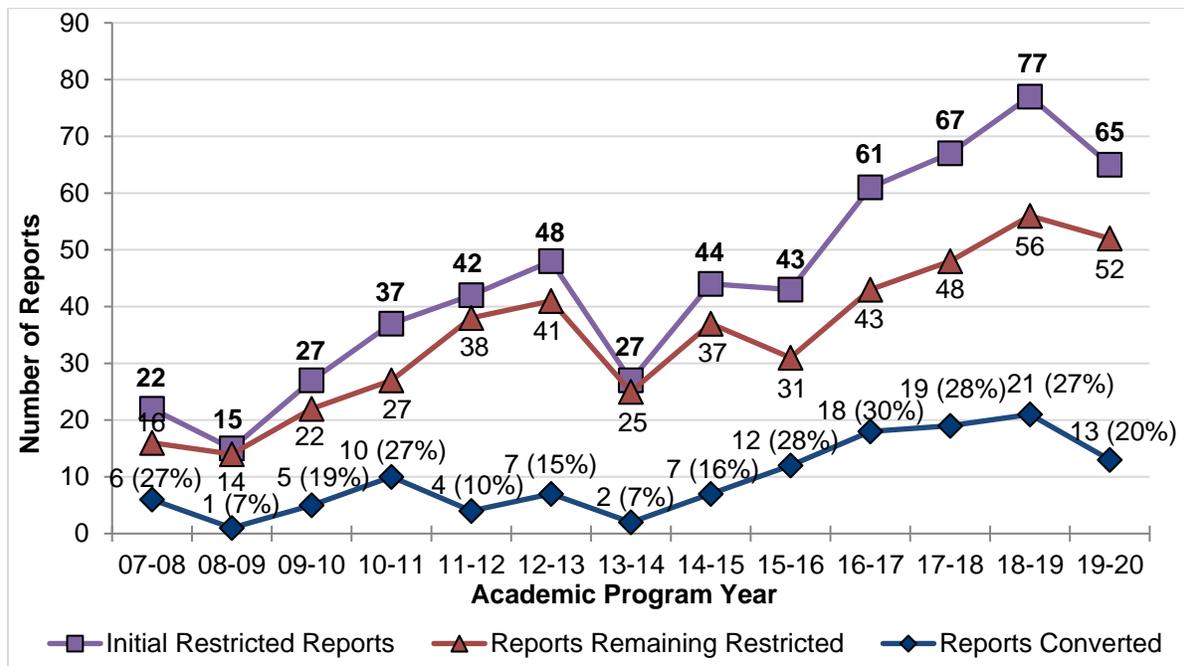


Exhibit 7: Reports Initially Made Restricted, Reports Remaining Restricted, and Restricted Reports Converted to Unrestricted, APY 07-08 to 19-20

## Demographics of Restricted Reports of Sexual Assault

The following information pertains to people who made a Restricted Report that remained Restricted at the end of APY 19-20. Tables 8 and 9 display data by the reporter's gender and

<sup>12</sup> Unrestricted Report data cited earlier includes Restricted Reports that converted to Unrestricted Reports this year.

age, respectively. As with Unrestricted Reports, females and people aged 16 to 24 comprise most Restricted Reports at the Academies.

Table 8: Restricted Reports by Gender, APY 19-20

Gender	Count	Share
Male	6	12%
Female	46	88%
<b>Total</b>	<b>52</b>	<b>100%</b>

Table 9: Age of Victims Making Restricted Reports at the Time of Incident, APY 19-20

Age at Time of Incident	Count	Share
0-15*	1	2%
16-19	30	58%
20-24	20	38%
25-34	1	2%
35 and older	0	0%
Data not available	0	0%
<b>Total</b>	<b>52</b>	<b>100%</b>

**\*Note:** 1 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 19-20, as depicted in Table 10.

Table 10: Restricted Reports of Sexual Assault by Victim and Subject Status, APY 17-18 to APY 19-20

Relationship between Victim and Subject in Restricted Reports	APY 17-18	APY 18-19	APY 19-20
Academy Student Subject, Academy Student Victim	21	29	24
Academy Student Subject, Non-Academy Student Victim	8	4	13
Non-Academy Student Subject, Academy Student Victim	11	11	12
Unknown Subject, Academy Student Victim	8	12	3

## APY 19-20 Data on Sexual Harassment

### Complaints of Sexual Harassment

The Department’s sexual harassment reporting process differs from policies governing sexual assault reporting; however, DoD considers both behaviors equally unacceptable. Department policy encourages resolving situations perceived to involve sexually harassing behaviors at the lowest interpersonal level,<sup>13</sup> but Service members may also elect to address offensive situations through an informal or formal complaint. In APY 19-20, Academy students made 3 formal complaints and 9 informal complaints of sexual harassment. As depicted in Exhibit 8, sexual

<sup>13</sup> DoD Instruction 1020.03, Harassment Prevention and Response in the Armed Forces.

harassment complaints at the Academies vary widely from year to year but remain low compared to survey estimates of sexual harassment.

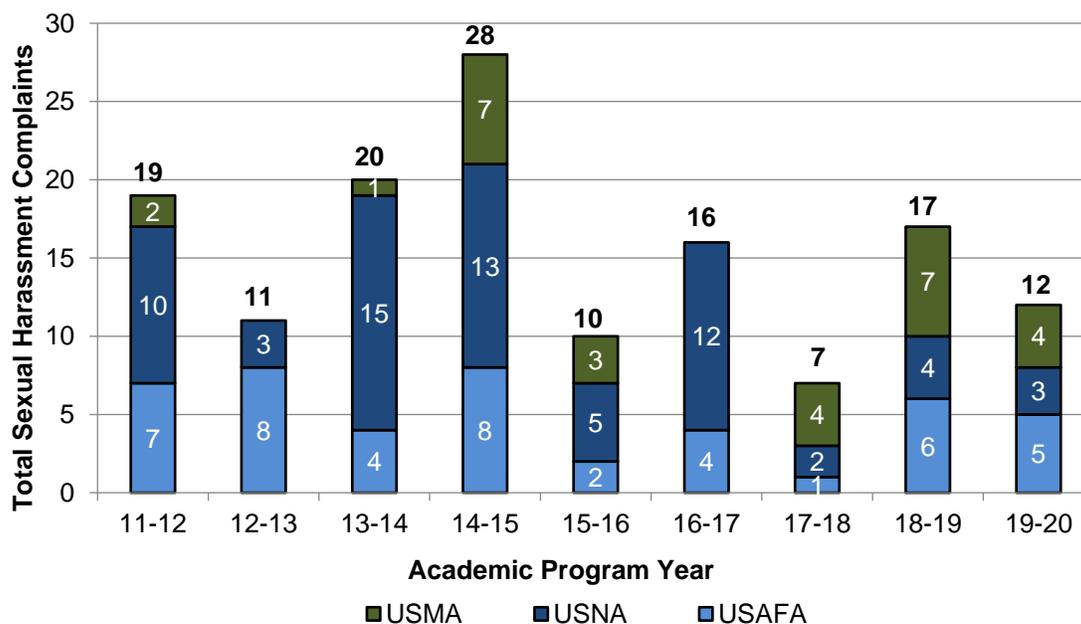


Exhibit 8: Total Sexual Harassment Complaints by Academy, APY 11-12 to 19-20

## APY 19-20 Reports from the Family Advocacy Program

### Reports from the Family Advocacy Program

During Fiscal Year 2019, the DoD Inspector General (IG) evaluated how USAFA handles sexual assault reports involving cadets.<sup>14</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 domestic abuse incidents. 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 emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person who falls into the following categories:

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

<sup>14</sup> U.S. Department of Defense Inspector General (September 30, 2019) “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>

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. The Department has since issued a new policy to ensure that all sexual assault reports at the MSAs comply with Congressional reporting requirements. Starting in APY 18-19, this report includes a section documenting cadet/midshipman reports to FAP to better understand all sexual assault cases reported by cadets/midshipmen. In APY 19-20, 3 reports of sexual assault at USAFA were initially made to FAP. There were no reports made initially to FAP at USMA or USNA. The 3 reports at USAFA that were initially made to FAP are included in the above counts of the total number of reports made this APY.