

# APPENDIX A: Statistical Data on Sexual Assault



## TABLE OF CONTENTS

<b>STATISTICAL DATA ON SEXUAL ASSAULT .....</b>	<b>1</b>
BACKGROUND ON DOD SEXUAL ASSAULT DATA .....	1
Fiscal Year 2014 Data .....	1
WHAT IT CAPTURES .....	1
Reports of Sexual Assault .....	1
Subject Dispositions .....	3
Who It Describes .....	4
When It Happened.....	5
How It Is Gathered.....	6
Why It Is Collected.....	8
OVERVIEW OF REPORTS OF SEXUAL ASSAULT MADE IN FY 2014 .....	9
FY 2014 UNRESTRICTED REPORTS OF SEXUAL ASSAULT .....	15
Crimes Alleged in Unrestricted Reports.....	17
Investigations of Unrestricted Reports.....	19
Sexual Assault Subject Dispositions in FY 2014 .....	19
Military Subjects Considered for Disciplinary Action.....	22
Military Justice.....	25
Demographics of Victims and Subjects in Completed Investigations .....	35
FY 2014 REPORTS OF SEXUAL ASSAULT IN COMBAT AREAS OF INTEREST .....	36
Sexual Assaults Perpetrated by Foreign Nationals against Service Members .....	38
Demographics of Unrestricted Reports in CAIs .....	38
Demographics of Restricted Reports in CAIs .....	39
FY 2014 RESTRICTED REPORTS OF SEXUAL ASSAULT .....	39
Demographics of Restricted Reports of Sexual Assault .....	40
FY 2014 SERVICE REFERRAL INFORMATION .....	41
FY 2014 EXPEDITED TRANSFERS .....	42
FY 2014 RAND MILITARY WORKPLACE STUDY .....	43
Gender Differences in the Active Duty.....	43
Service Differences in the Active Duty.....	44
Differences between Active Duty and Reserve Component.....	44

## LIST OF FIGURES

Figure 1: Reports of Sexual Assault and Investigations Completed in FY 2014.....	9
Figure 2: Total Reports of Sexual Assault Made to DoD — Unrestricted Reports and Restricted Reports, FY 2007 – FY 2014 .....	11
Figure 3: Comparison of Victim-Driven Accounting to Case-Driven Accounting of Unrestricted Reports, CY 2004 – FY 2014.....	11
Figure 4: Service Member Victims in DoD Sexual Assault Reports for Incidents that Occurred in Military Service, CY 2004 – FY 2014.....	12
Figure 5: Estimated Number of Service Members Experiencing USC Based on Past-year Prevalence Rates versus Number of Service Member Victims in Reports of Sexual Assault for Incidents Occurring During Military Service, CY 2004 – FY 2014 .....	13
Figure 6: Victim Reporting Rates of Sexual Assault by Military Service, FY 2007 – FY 2014.....	14
Figure 7: Unrestricted Reports of Sexual Assault by Service Member Involvement, FY 2014.....	15
Figure 8: Unrestricted Reports of Sexual Assault by Service Member Involvement, FY 2007 – FY 2014 .....	16
Figure 9: Offenses Originally Alleged in Unrestricted Reports of Sexual Assault, FY 2014 .....	18
Figure 10: FY 2014 Subjects Outside DoD Legal Authority.....	20
Figure 11: Dispositions of Subjects Under DoD Legal Authority, FY 2014.....	23
Figure 12: Percentage of Military Subjects with Misconduct Substantiated, Command Action Precluded, and Command Action Declined, FY 2009 – FY 2014 .....	24
Figure 13: Breakdown of Disciplinary Actions Taken Against Subjects for Sexual Assault Offenses, FY 2007 – FY 2014 .....	25
Figure 14: Dispositions of Subjects Against Whom Sexual Assault Court-Martial Charges were Preferred, FY 2014 .....	29
Figure 15: Dispositions of Subjects Receiving NJP, FY 2014 .....	30
Figure 16: Dispositions of Subjects for Whom There was Only Probable Cause for Non-Sexual Assault Offenses, FY 2014 .....	32
Figure 17: Subjects Investigated for Sexual Assault by DoD Who Were Outside Its Legal Authority, FY 2009 – FY 2014 .....	33
Figure 18: Subjects with Unfounded Allegations in Completed DoD Investigations of Sexual Assault, FY 2009 – FY 2014 .....	34
Figure 19: Total Reports of Sexual Assault in CAIs: Unrestricted Reports and Restricted Reports, FY 2008 – FY 2014 .....	36
Figure 20: Reports of Sexual Assault in CAIs: Comparison of Victim-Driven and Case-Driven Accounting of Unrestricted Reports, FY 2007 – FY 2014.....	36
Figure 21: Unrestricted Reports in Combat Areas of Interest, FY 2007 – FY 2014.....	37

Figure 22: Restricted Reports in Combat Areas of Interest, FY 2007 – FY 2014 .....	38
Figure 23: Total Number of Reports that Were Initially Made as Restricted, the Remaining Number of Restricted Reports, and the Number of Reports that Converted, FY 2007 – FY 2014.....	40
Figure 24: Average Number of Service Referrals per Service Member Victim of Sexual Assault, FY 2007 – FY 2014 .....	41
Figure 25: SAFEs Reported by the Military Services involving Service Member Victims, FY 2007 – FY 2014.....	42

## LIST OF TABLES

Table 1: Sample Sizes for <i>DEOCS</i> Respondents .....	8
Table 2: Sexual Assault Offenses Punishable by the Uniform Code of Military Justice (UCMJ).....	17
Table 3: Unrestricted Reports of Sexual Assault by Alleged Offense and Military Status, FY 2014 .....	18
Table 4: Military Subject Dispositions in FY 2014 .....	22
Table 5: Demographics of Victims in Completed Investigations.....	35
Table 6: Demographics of Subjects in Completed Investigations.....	35
Table 7: Demographics of Victims in Restricted Reports .....	40
Table 8: Expedited Transfers and Denials, FY 2012 – FY 2014 .....	42

## STATISTICAL DATA ON SEXUAL ASSAULT

### BACKGROUND ON DoD SEXUAL ASSAULT DATA

#### *Fiscal Year 2014 Data*

- In the 2014 *Report to the President of the United States on Sexual Assault Prevention and Response (Report to the President)*, the Department of Defense (DoD) provided provisional statistical data on sexual assault for fiscal year 2014 (FY 2014) due to the early release date of the report.
- In the current report, DoD provides final statistical data on sexual assault in FY 2014. Small differences between the provisional statistical data and the final data stem from DoD's comprehensive data validation efforts in the time since the *Report to the President*.
- This report also includes extensive analyses on the estimated prevalence of sexual assault conducted by the RAND Corporation (RAND). These analyses add depth to the top-line results provided in the *Report to the President*.

### WHAT IT CAPTURES

#### *Reports of Sexual Assault*

- DoD uses the term “sexual assault” to refer to a range of crimes, including rape, sexual assault, nonconsensual sodomy, aggravated sexual contact, abusive sexual contact, and attempts to commit these offenses, as defined by the Uniform Code of Military Justice (UCMJ). When a report is listed under a crime category in this section, it means the crime was the most serious of the infractions alleged by the victim or investigated by investigators. It does not necessarily reflect the final findings of the investigator(s) or the crime(s) addressed by court-martial charges or some other form of disciplinary action against a subject.
- Pursuant to reporting requirements levied by Congress, DoD sexual assault data capture the Unrestricted and Restricted Reports of sexual assault made to DoD during a FY that involves a military subject and/or a military victim.
- 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”) that will be referred for investigation to a Military Criminal Investigation Organization (MCIO; called CID, NCIS, or AFOSI by Army, Navy/Marine Corps, and Air Force, respectively). The number of Unrestricted Reports is based on data entered into the Defense Sexual Assault Incident Database (DSAID) by Sexual Assault Response Coordinators (SARCs). These data are supported by additional information about the case transferred into DSAID from MCIO information systems.
- Data on Restricted Reports are limited, because these are reports of sexual assault made to specified parties within DoD, e.g., SARC, Victim Advocate (VA), or healthcare provider, that allow the report to remain confidential, while also



enabling the victim to seek care and services. Given the victim's desire for confidentiality, these reports are not investigated and victims are not required to provide many details about these sexual assaults. As a result, the SARC only records limited data about the victim and the offense in DSAID. Subject identities are not requested or maintained by DoD for Restricted Reports entered into DSAID.

- 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 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 DoD Family Advocacy Program (FAP), nor do these data include sexual harassment, which falls 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 who are 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 are included if they do not fall under FAP's purview.
- The number of sexual assaults reported to DoD authorities in a given FY *does not* necessarily reflect the number of sexual assaults that occurred in that FY.
  - Civilian research indicates victims only report a small fraction of sexual assaults to law enforcement. For example, of the 1.1 million U.S. civilian women estimated to have experienced nonconsensual vaginal, oral, or anal penetration in 2005, only about 173,800 (16%) said they reported the matter to police authorities. For the estimated 301,000 U.S. civilian college-aged women who experienced nonconsensual vaginal, oral, or anal penetration, only about 34,615 (11.5%) indicated they reported it to the police.<sup>1</sup> The definition of sexual assault used in this college sample refers to penetrating crimes only. Consequently, it captures fewer crimes than DoD's definition of sexual assault, which encompasses both penetrating and contact (non-penetrating) sexual offenses as well as attempts to commit these offenses.
  - This civilian reporting behavior is mirrored in the U.S. Armed Forces. Over the past 8 years, DoD estimates that fewer than 15% of military sexual assault victims report the matter to a military authority. However, in FY 2014 DoD estimates that 25% of Service members made a report of sexual assault for an incident that occurred during military service.

---

<sup>1</sup> Kilpatrick, D., Resnick, H., Ruggiero, K., Conoscenti, L., & McCauley, J. (2007). *Drug-Facilitated, Incapacitated, and Forcible Rape: A National Study*. Washington, DC: DOJ. Publication No.: NCJ 219181. Available at <http://www.ncjrs.gov/pdffiles1/nij/grants/219181.pdf>.

### *Subject Dispositions*

Once the investigation of an Unrestricted Report is complete, Congress requires the Military Services to provide the outcome of the allegations against each subject named in an investigation. These are called “subject dispositions.”

- DoD holds Service members who have committed sexual assault appropriately accountable based on the available evidence.
  - Legal authority for DoD is limited to Service members who are subject to the UCMJ and, therefore, its military justice jurisdiction. Except in rare circumstances, a civilian is not subject to the UCMJ for the purpose of court-martial jurisdiction or other military justice discipline.
    - Each year, DoD lacks jurisdiction over several hundred subjects in its investigations. These subjects are civilians, foreign nationals, and unidentified subjects that are reported to have sexually assaulted Service members.
    - Local civilian authorities in the United States and our host nations overseas hold primary responsibility for prosecuting non-Service members, U.S. civilians and foreign nationals, respectively, for allegedly perpetrating sexual assault against Service members.
    - In a number of cases each year, a civilian authority or host nation will assert its legal authority over a Service member. This typically occurs when Service members are accused of sexually assaulting a civilian or foreign national, or when a Service member sexually assaults another Service member in a location where the state holds primary jurisdiction.
    - A civilian authority, such as a state, county, or municipality, may prosecute Service members anytime they commit an offense within its jurisdiction. In some cases, the civilian authority may agree to let the military exercise its UCMJ jurisdiction over its members. Service member prosecutions by civilian authorities are made on a case-by-case and jurisdiction-by-jurisdiction basis.
    - A host nation’s ability to prosecute a Service member is subject to the Status of Forces Agreement (SOFA) between the United States and a particular foreign government. SOFAs vary from country to country.
    - Upon completion of a criminal investigation, the MCIO agent conducting the investigation provides a report documenting its 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. Subordinate unit commanders may provide their own recommendations regarding initial disposition to the convening authority.
  - Commanders at all levels of responsibility do not make disposition decisions in isolation. Military attorneys assist commanders in identifying the charges that can be made, the appropriate means of addressing such charges, and the punishments that can be administered if supported by the evidence.
  - There are many cases each year when disciplinary action is not possible due to legal issues or evidentiary problems with a case. For instance, 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.
  - In the data that follow, when more than one disposition action is involved (e.g., when NJP is followed by an administrative discharge), the subject disposition is only reported once per subject. Dispositions are reported for the most serious action taken. These actions, in descending order, are preferal of court-martial charges, NJP, administrative discharge, and other adverse administrative action.

### *Who It Describes*

- Unrestricted and Restricted Reports capture sexual assaults involving Service members. However, there are instances in which people outside of the U.S. Armed Forces commit sexual assault against a Service member or in which people outside of the Armed Forces are sexually assaulted by a Service member. Information describing these victims and subjects is also included in the following statistics.
- Prior to FY 2014, 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>2</sup>, DoD has greater visibility over victim reporting. **Therefore, starting in the current FY, one Unrestricted Report includes only one victim, but could still include multiple subjects.**

---

<sup>2</sup> Additional information on DSAID's data collection and reporting process is described below in the "How It Is Gathered" section (p. 6).



- Restricted Reports, by policy, have always involved one victim per reported incident.
  - No personally identifying information (PII) is entered into DSAID or maintained for subjects in Restricted Reports.
  - 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 are limited to those reports of sexual assault that involve Service members as either a victim or a subject. Consequently, Restricted Reports by adult military dependents alleged to involve a Service member (other than spouse or intimate partner) as the offender are now included in DoD's annual statistics. Restricted Reports by adult military dependents that did not involve a Service member are recorded, but not included in statistical analyses or reporting demographics.
- Available demographic information on victims and subjects in Unrestricted Reports is only drawn from *completed investigations*, and from victim information in Restricted Reports, as recorded in DSAID.

### *When It Happened*

- Information about the sexual assault reports made in FY 2014 is drawn from reports received by DoD between October 1, 2013 and September 30, 2014. However, additional time trend data are included for prior years. The quantity and types of information captured by DoD has grown over the 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 September 30, 2014 (the last day of FY 2014).
  - Many investigations extend across FYs. 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 FY typically carry over into the next FY.
  - Subject dispositions can also extend across FYs. As a result, many dispositions were “pending” or were not yet reported at the end of the year. DoD 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 a sexual assault victim can report a sexual assault to a SARC or an 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.
- Reports submitted for sexual assaults that occurred prior to a Service member's enlistment or commissioning are also received by DoD. When a report of this nature occurs, DoD provides care and services to the victim, but may not be able to punish the offender 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.

- The definition of “sexual assault” in the UCMJ has changed several times over the last several years:
  - For incidents that occurred prior to the changes made to the UCMJ on October 1, 2007, the term “sexual assault” referred to the crimes of rape, nonconsensual sodomy, indecent assault, and attempts to commit these acts.
  - For incidents that occurred between October 1, 2007 and June 27, 2012, the term “sexual assault” referred to the crimes of rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, nonconsensual sodomy, and attempts to commit these acts.
  - For incidents that occur on or after June 28, 2012, the term “sexual assault” refers to the crimes of rape, sexual assault, aggravated sexual contact, abusive sexual contact, nonconsensual sodomy, and attempts to commit these crimes.

### *How It Is Gathered*

#### *Defense Sexual Assault Incident Database*

- In years prior to FY 2014, DoD’s sexual assault data were drawn from incident information collected by SARCs and official investigations conducted by MCIO agents. DoD Sexual Assault Prevention and Response Office (SAPRO) aggregated data provided by the Services in order to perform subsequent DoD-level analyses.
- As of FY 2014, DSAID collects and reports information for DoD and the Services. 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 subject case disposition information into DSAID.
- The transition to DSAID alters the way in which sexual assault data are reported in two key ways:
  - Unrestricted Reports were previously recorded as the number of sexual assault cases, as organized by the MCIOs. Thus, one case did not necessarily correspond to one victim report. Starting in FY 2014, DSAID accounts for each individual 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 FYs, subjects’ and victims’ Service affiliations referred to the Service to which they belonged. With the introduction of DSAID in FY 2014, subjects’ and victims’ 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 FYs, when discussing subject dispositions, affiliation is based on subjects' Service.

- Since DSAID is a real-time data-gathering tool, all data for a case may not be immediately available. As a result, some demographic information presented below is incomplete and categorized as “relevant data not available.”
- As in prior FYs, the Under Secretary of Defense for Personnel and Readiness submitted data calls to the Military Departments to collect the required statistical and case synopsis data. DoD SAPRO aggregates and analyzes these data.

#### *RAND Military Workplace Survey*

- Prior to 2014, DoD assessed the estimated prevalence of “unwanted sexual contact” (USC) through the *Workplace and Gender Relations Survey of Active Duty Members (WGRA)* and *Reserve Component Members (WGRR)*, administered by the Defense Manpower Data Center (DMDC).<sup>3</sup>
- In 2014, DoD agreed to a request from the leadership of the Senate Armed Services Committee to arrange for an independent assessment of sexual assault prevalence in DoD. In accordance with this request, RAND was awarded a contract to administer the *RAND Military Workplace Study (RMWS)*, which will serve as the 2014 *WGRA*.
- RAND created and administered two versions of the survey. One version of the survey employed DMDC's prior measure of USC to estimate the past-year prevalence of sexual assault in DoD, allowing for trend analysis with previous years' data (*WGRA* form). The other survey version (*RMWS* form) employed a newly developed measure of sexual assault that was designed to match offense language and definitions in the UCMJ.<sup>4</sup>
- The current report also includes additional analyses conducted by RAND after the release on the *Report to the President*.
- See Annex 1 for a full description of the survey methods and results.

---

<sup>3</sup> USC is the *WGRA* term that describes the crimes in the UCMJ that constitute sexual assault. USC involves intentional sexual contact that was against a person's will or occurred when the person did not or could not consent.

<sup>4</sup> As with all victim surveys, RAND classifies service members as experiencing sexual assault based on their memories of the event. It is likely that a full review of evidence would reveal that some respondents whom RAND classifies as not having experienced a crime or violation based on their survey responses actually did have one of these experiences. Similarly, some whom RAND classifies as having experienced a crime or violation may have experienced an event that would not meet the minimum DoD criteria. A principal focus of RAND's survey development was to minimize both of these types of errors, but they cannot be completely eliminated in a self-report survey.

### Survivor Experience Survey

- The *Survivor Experience Survey (SES)*<sup>5</sup> was developed at the direction of the Secretary of Defense. The goal of the 2014 *SES* was to learn about the overall reporting experiences from all current uniformed military members, aged 18 years or older, who made a Restricted or Unrestricted Report for any form of sexual assault at least 30 days prior to survey completion. The survey items were constructed to be Service-specific to match the experience of survivors.
- The *SES* is a voluntary, anonymous, web-based survey. SARC's invited survivors that met eligibility requirements to take the survey. If survivors chose to participate, they answered questions about their sexual assault reporting experiences and satisfaction with sexual assault prevention and response services.

### Defense Equal Opportunity Management Institute Organizational Climate Survey

In FYs 2012 and 2013, DoD SAPRO worked with the Defense Equal Opportunity Management Institute (DEOMI) and Service representatives to develop questions to help unit commanders assess SAPR climate. A new version of the *DEOMI Organizational Climate Survey (DEOCS)* went into the field as the old survey was phased out in January of FY 2014. Due to this gradual rollout method, sample sizes in January were too small to pass the reportable threshold. Therefore, figures for FY 2014 span from February to September 2014.

Table 1: Sample Sizes for *DEOCS* Respondents

February-September 2014	
Sample size (N)	596,593
Males	507,575
Females	89,018
Junior Enlisted	112,232
NCO	321,960
Remaining Ranks (E7-E9, W01-CW05, O1 & Above)	162,401

A total of 596,593 respondents completed the SAPR questions on the *DEOCS* from the beginning of data collection (February 2014) to the end of the period analyzed (September 2014).

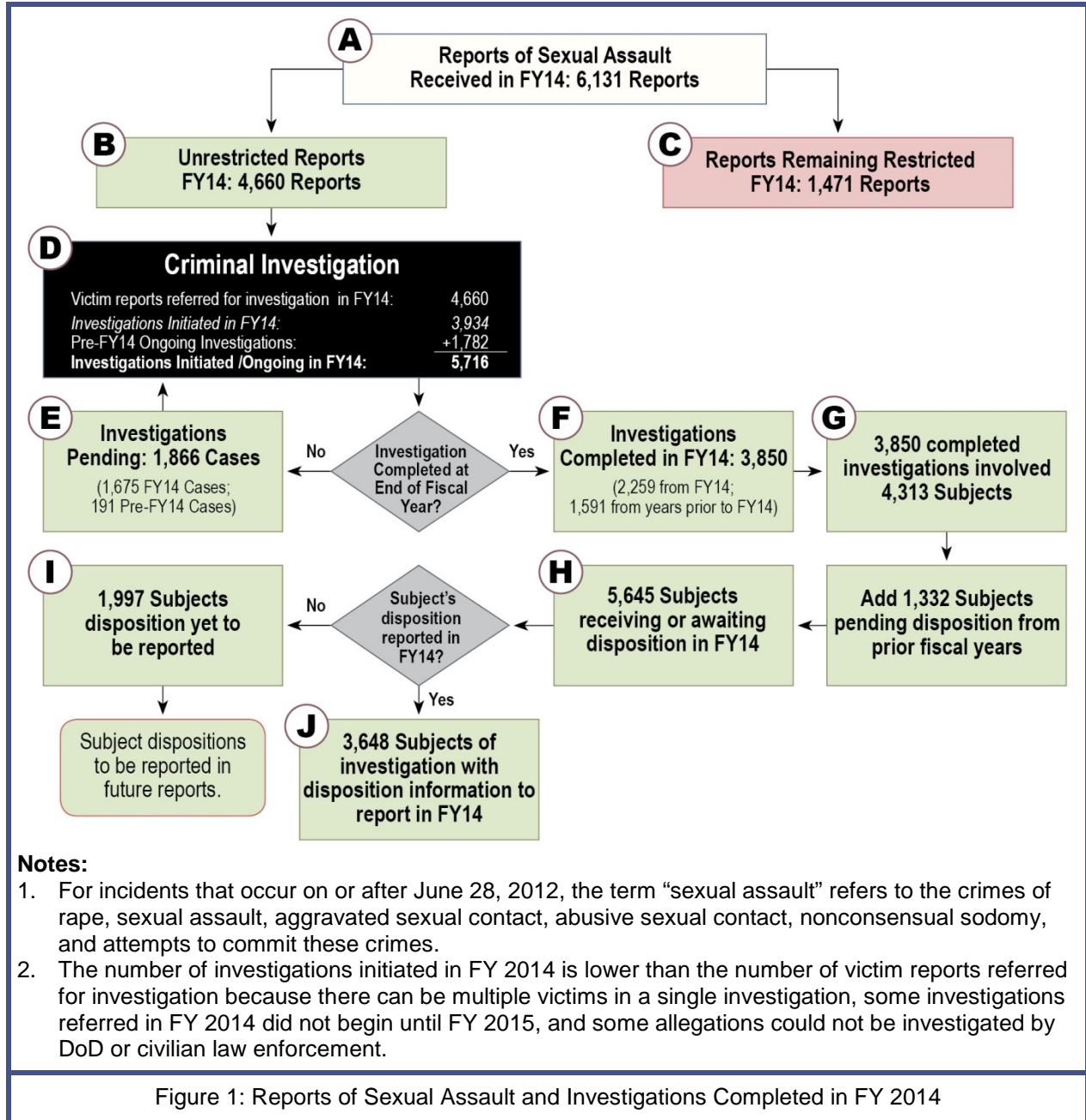
### Why It Is Collected

- Congress requires data about the number of 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.

<sup>5</sup> Available at: <http://sapr.mil/index.php/research>

## OVERVIEW OF REPORTS OF SEXUAL ASSAULT MADE IN FY 2014

This section closely follows the flow chart shown in Figure 1. Points on the flow chart are labeled with a letter that corresponds to the information in the text that follows.





In FY 2014, the Military Services received a total of 6,131 reports of sexual assault involving Service members as either victims or subjects (Figure 1, Point A, and Figure 2), which represents an 11% increase from the reports made in FY 2013. Female victims made the majority of reports (79% women; 20% men; 1% data not available). Although many of these reports may be about incidents that occurred in FY 2014, some incidents may have occurred in prior years. Of the 6,131 reports, 516 (or approximately 8%) were made for incidents that occurred before the victim entered into military service.

**How many sexual assault reports were made in FY 2014?**

**6,131 Reports**  
**(4,660 Unrestricted Reports +**  
**1,471 Reports Remaining**  
**Restricted)**

- The Military Services received 4,660 Unrestricted Reports involving Service members as either victims or subjects (Figure 1, Point B and Figure 2), a 10% increase from FY 2013. Of the 4,660 Unrestricted Reports, 135 (3%) were made for incidents that occurred before the victim entered military service.
- The Military Services initially received 1,840 Restricted Reports involving Service members as either victims or subjects, a 23% increase from FY 2013. Three hundred sixty-nine (369; 20%) of the initial Restricted Reports later converted to Unrestricted Reports. These 369 converted Restricted Reports are now counted with the Unrestricted Reports. There were 1,471 reports remaining Restricted at the end of FY 2014 (Figure 1, Point C and Figure 2). Of the 1,471 reports remaining Restricted, 381 (26%) were made for incidents that occurred before the victim entered military service. Per the victim's request, the reports remaining Restricted were confidential and were not investigated. The identities of the subjects are not recorded in DSAID with Restricted Reports.

**Of the 6,131 victims, how many were Service members?**

**5,284 Service member victims.**

**Who were the other victims?**

**745 victims were U.S. civilians, foreign nationals, and others who were not on active duty with the U.S. Armed Forces. For the remaining 102 victims, data were not available on Service member status.**

As stated previously, the accounting method for Unrestricted Reporting changed for the first time this year with the advent of DSAID. Therefore, each Unrestricted Report corresponds to one victim. DoD has always reported the number of victims in Unrestricted Reports, but until the introduction of DSAID, DoD had no way of independently collecting this information without the MCIOs' assistance. Currently, DSAID provides DoD with data directly entered by the SARC. Figure 2 presents the revised number of Unrestricted Reports from FY 2007 to FY 2014. Figure 3 compares the past method of capturing Unrestricted Reports (case-driven accounting) to the DSAID method (victim-driven accounting).

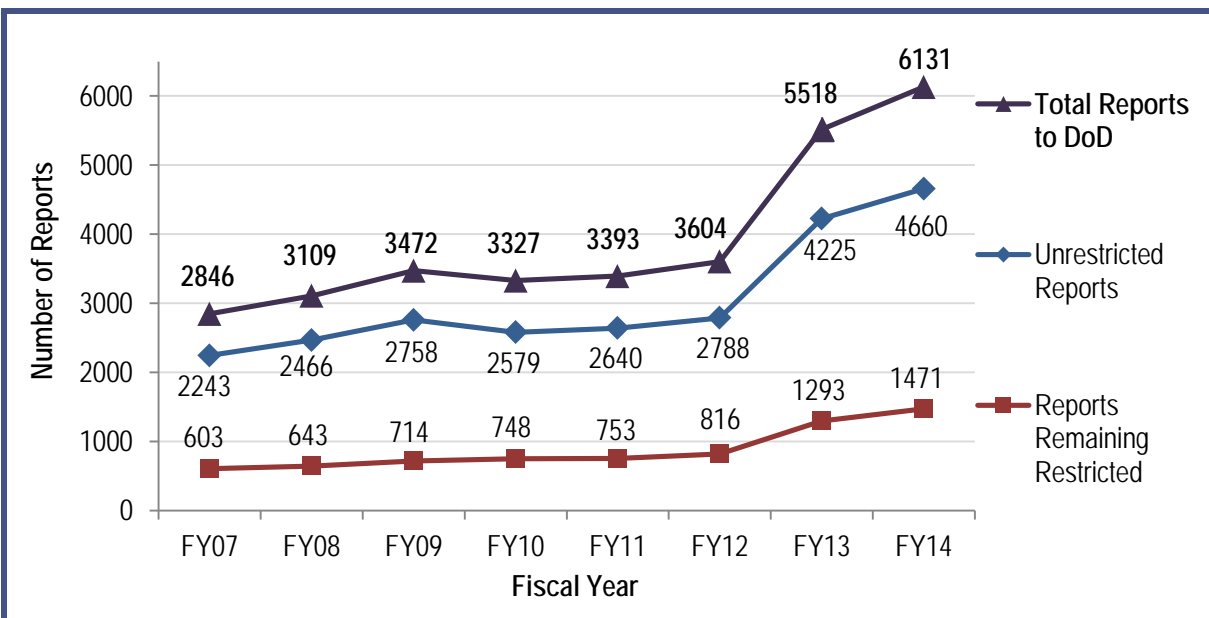


Figure 2: Total Reports of Sexual Assault Made to DoD — Unrestricted Reports and Restricted Reports, FY 2007 – FY 2014

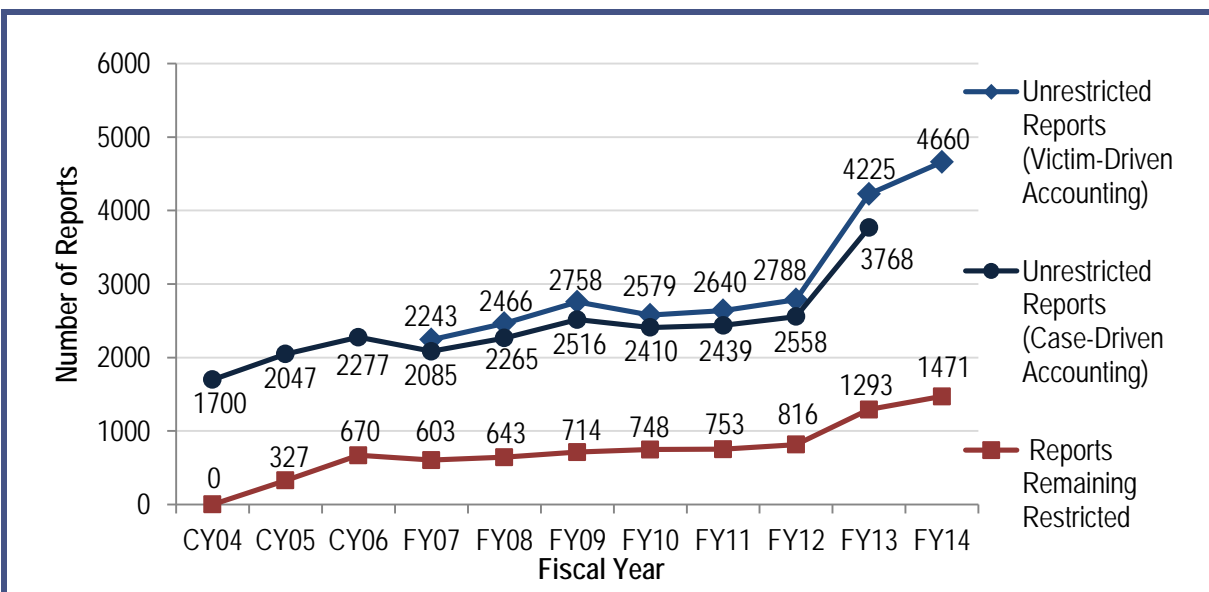


Figure 3: Comparison of Victim-Driven Accounting to Case-Driven Accounting of Unrestricted Reports, CY 2004 – FY 2014

Of the 6,131 reports received by DoD, with each report representing one victim, there were 5,284 Service member victims of sexual assault. In FY 2014, 3,851 Service members made an Unrestricted Report. Of those 3,851 Service members, 324 initially made a Restricted Report in FY 2014, but later converted to an Unrestricted Report. One thousand four hundred thirty-three (1,433) Service members made and maintained Restricted Reports. Research shows that reporting the crime makes it more likely for

victims to engage medical treatment and other forms of assistance.<sup>6</sup> DoD’s SAPR policy encourages increased reporting of sexual assault, works to improve response capabilities for victims, and works with and encourages victims to willingly participate in the military justice process.

In FY 2014, there were 4,768 Service Member victims who made an Unrestricted or Restricted Report of sexual assault for an incident that occurred *during* military Service, a 16% increase from FY 2013.<sup>7</sup> Based on estimated past-year prevalence rates of USC and other factors, DoD attributes this increase to more victims coming forward to report a crime, and not due to an overall increase in crime.<sup>8</sup> In fact, FY 2014 results of the RMWS show that estimated past-year prevalence of sexual assault decreased for women and stayed about the same for men, compared to FY 2012 rates. Figure 4 demonstrates the increase in the number of Service member victims making reports of sexual assault from Calendar Year (CY) 2004 to FY 2014. The reports were for incidents occurring while in military service.

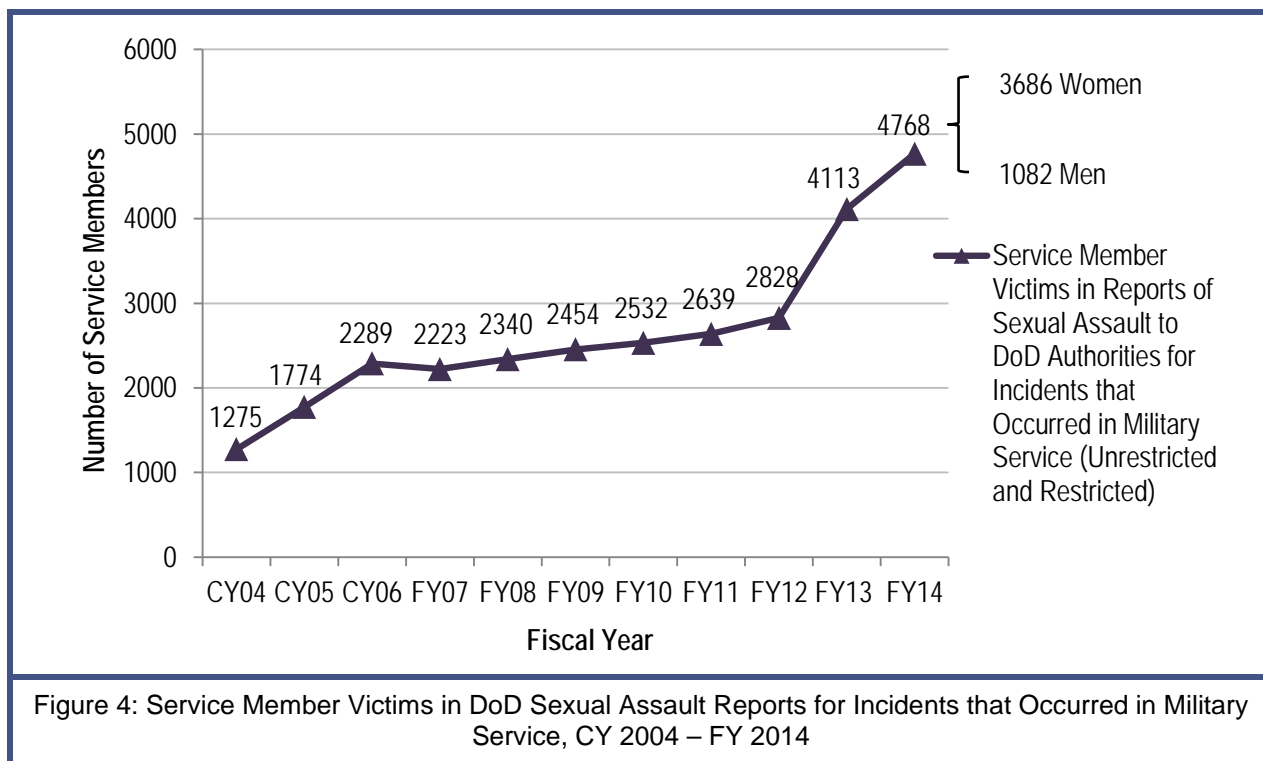


Figure 4: Service Member Victims in DoD Sexual Assault Reports for Incidents that Occurred in Military Service, CY 2004 – FY 2014

<sup>6</sup> DOJ (2002). Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992–2000. Washington, DC: Rennison, Callie Marie.

<sup>7</sup> Although 5,284 Service member victims made sexual assault reports in FY 2014, 516 of them made a report for events that occurred prior to their entry into military service. This leaves 4,768 Service member victims who made a report for an incident that occurred during military service.

<sup>8</sup> Since FY 2007, there has been an overall upward trend in reporting behavior.

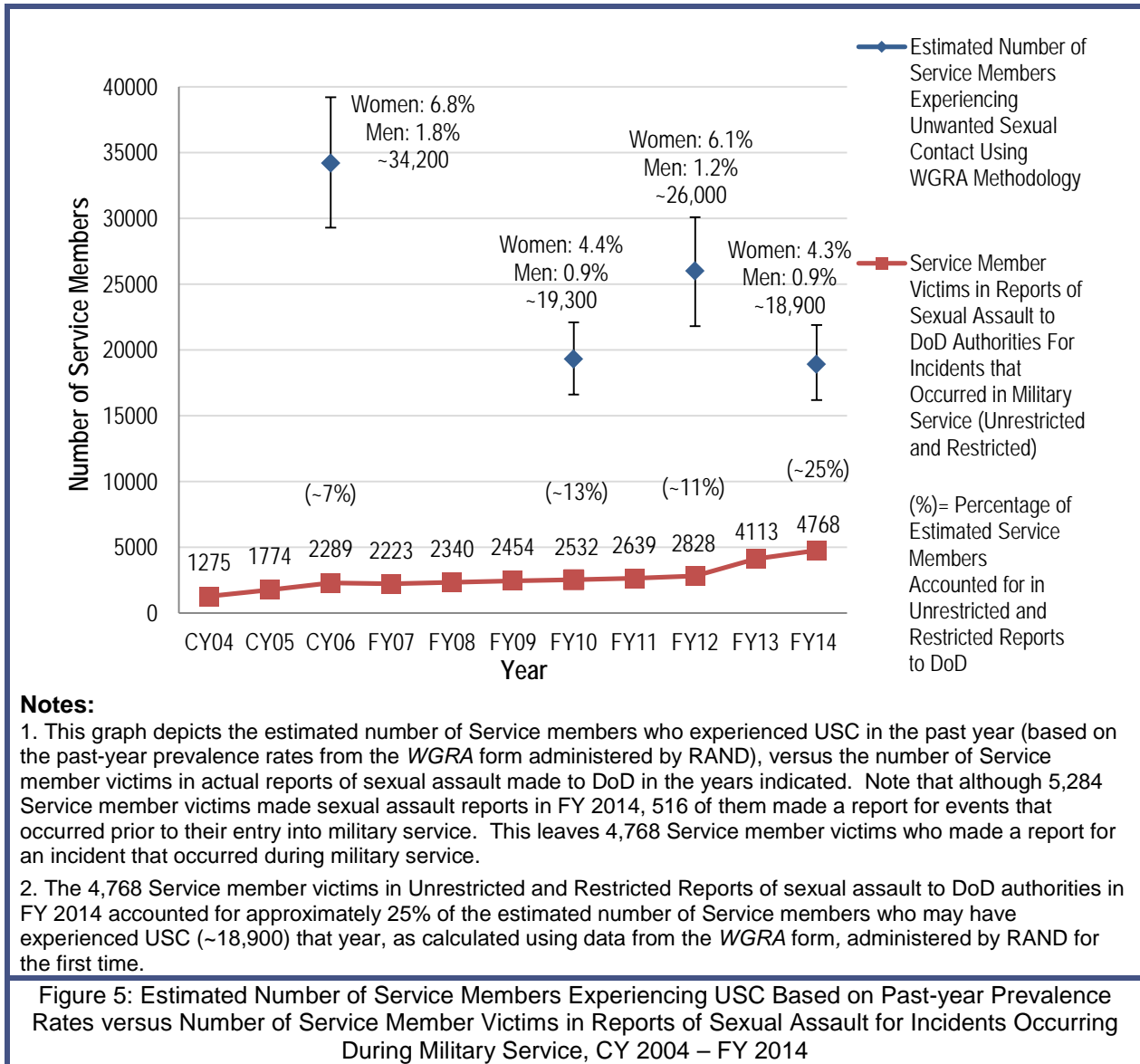


Figure 5 demonstrates the difference between the estimated numbers of Service members who indicate experiencing USC<sup>9</sup>, based on the *WGRA* form administered by RAND. The “gap” in reporting narrowed this year, given the increase in reports of sexual assault. DoD assesses the increase in reports as unlikely to have resulted from increased crime, given historical and current prevalence rates and other factors.

Although male Service members account for the majority of the survey-estimated victims of USC (10,400 men and 8,500 women in FY 2014), it is estimated that a greater proportion of female victims report their assault. Specifically, about 43% (3,686)

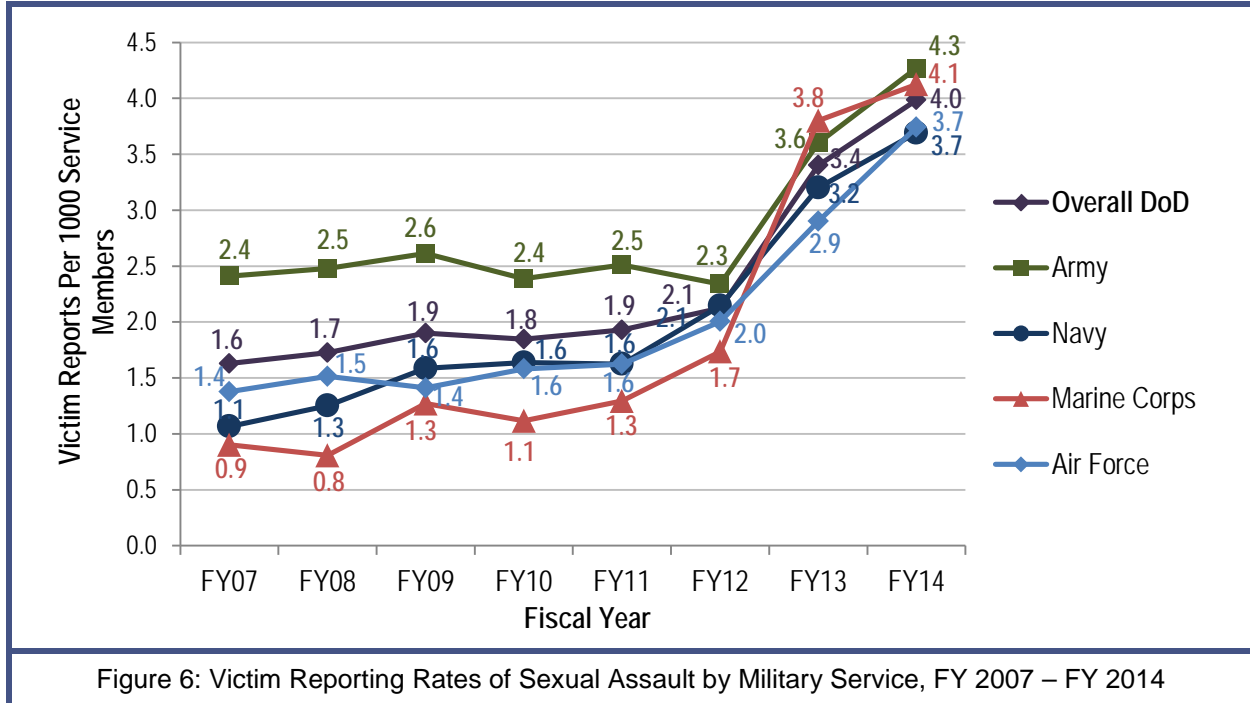
<sup>9</sup> USC is the *WGRA* term that describes the crimes in the UCMJ that constitute sexual assault. USC involves intentional sexual contact that was against a person’s will or occurred when the person did not or could not consent.

of survey-estimated female victims made a report of sexual assault in FY 2014 for an incident occurring during military service, while only about 10% (1,082 reports) of survey-estimated male victims did so.

DoD expects that the “gap” between the survey-estimated number of Service members experiencing USC and the number of Service members accounted for in actual sexual assault reports can be reduced in two ways:

- Over time, prevention initiatives are expected to reduce past-year prevalence rates of USC, as measured by the prevalence surveys like the *RMWS* or *WGRA*. As rates decrease, the estimated number of Service members who experience USC in a given year should also decrease.
- Over time, initiatives that encourage victims to report and improvements to DoD response systems are expected to increase the number of Service members who choose to make an Unrestricted or Restricted Report.

Although reports to DoD authorities are unlikely to account for all USC estimated to occur in a given year, it is DoD’s intent to narrow the “gap” between prevalence and reporting in order to reduce the underreporting of sexual assault in the military community. Figure 6 shows the rates of victim reporting by Military Service during the past eight FYs. Victim reporting rates are calculated using the number of Service member victims in Unrestricted and Restricted Reports and active duty Military Service end-strength for each year on record with DMDC.



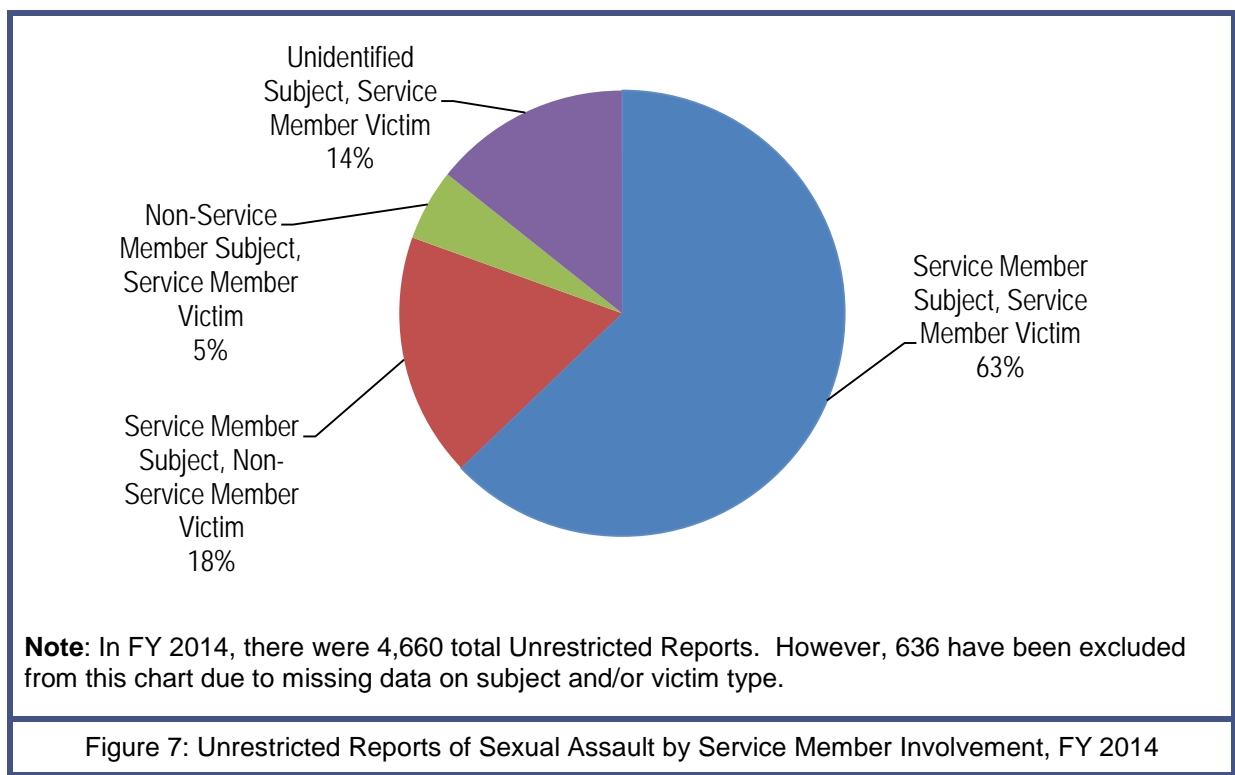


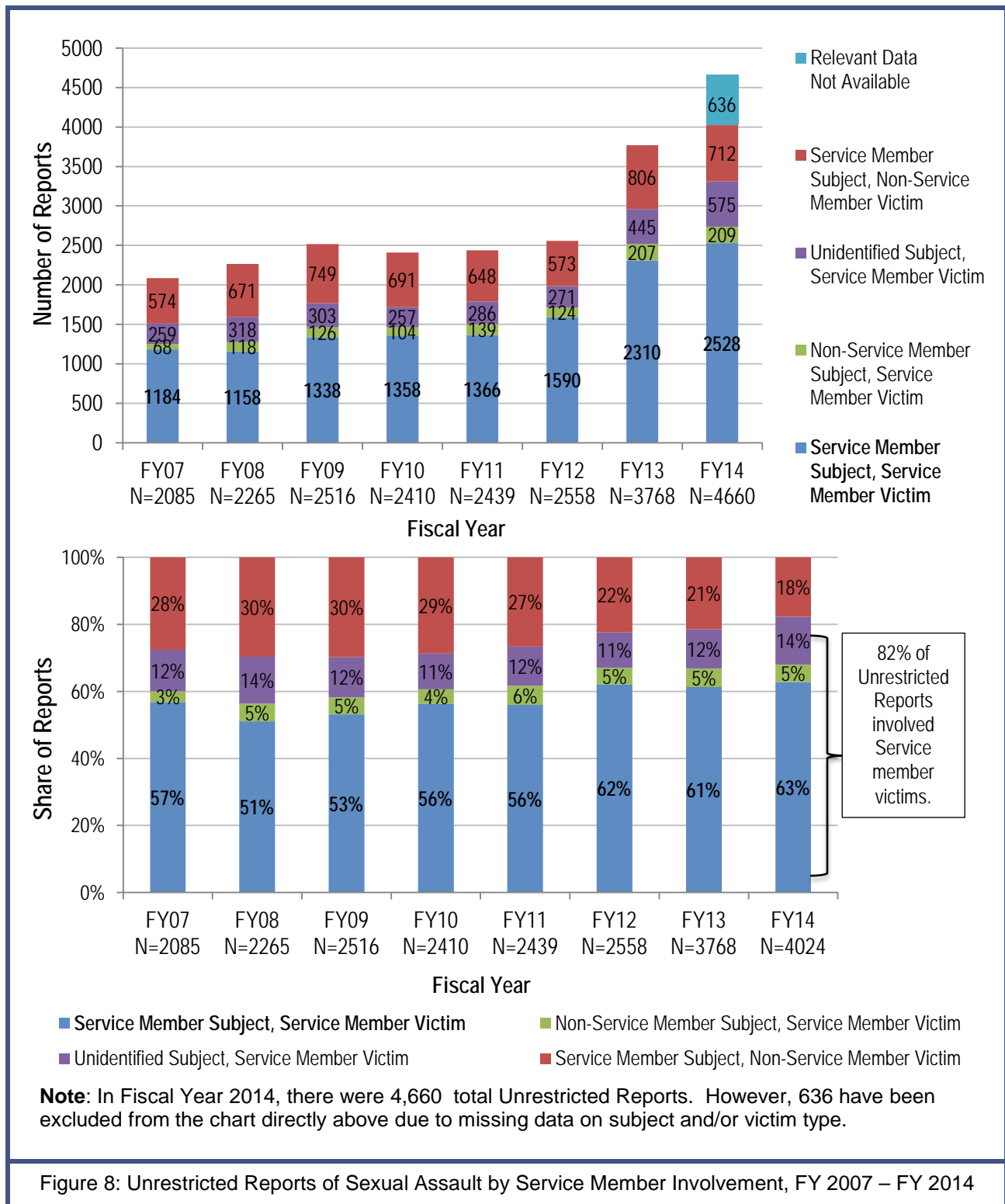
## FY 2014 UNRESTRICTED REPORTS OF SEXUAL ASSAULT

Data from Unrestricted Reports are collected and reported to DoD by SARCs and MCIOs. In FY 2014, there were 4,660 Unrestricted Reports of sexual assault involving Service members as either the subject or victim of a sexual assault (Figure 1, Point B); 3,851 of the 4,660 Unrestricted Reports involved Service members as victims. Each year, the majority of sexual assault reports received by MCIOs involved the victimization of Service members by other Service members. In FY 2014, 2,528 of the 4,660 Unrestricted Reports (63%) involved allegations in which both the victim and subject were Service members.

**Why show a reporting rate?**  
*A reporting rate allows for the comparison of reports across groups of different sizes. Reporting rates also allow for year after year comparisons, even when the total number of people in a group has changed.*

Figure 7 illustrates how Service members were involved in Unrestricted Reports of sexual assault made in FY 2014. Figure 8 illustrates how Service members have been involved in Unrestricted Reports of sexual assault over the past eight reporting periods.





### *Crimes Alleged in Unrestricted Reports*

DoD's SAPR program uses the term "sexual assault" 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 2 depicts how the UCMJ's characterization of "sexual assault" has been revised over time.<sup>10</sup>

Table 2: Sexual Assault Offenses Punishable by the Uniform Code of Military Justice (UCMJ)

Sexual Assault Offenses	Prior to FY 2008	FY 2008 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)	✓	✓	✓

Of the 4,660 Unrestricted Reports made to DoD in FY 2014, the majority of offenses alleged were in three categories: rape; aggravated sexual assault/sexual assault; and abusive sexual contact. MCIOs categorize Unrestricted Reports by the most serious offense *alleged* in the report, which may not ultimately be the same offense for which evidence supports a misconduct charge, if any. Figure 9 shows the proportions of offenses as originally alleged in Unrestricted Reports in FY 2014.

**Which crimes are alleged in most reports?**  
***Most Unrestricted Reports of sexual assault involve three crimes: rape (24%), aggravated sexual assault/sexual assault (24%), and abusive sexual contact (44%).***

<sup>10</sup> Since June 28, 2012, misconduct addressed by the offense "Aggravated Sexual Assault" is captured by the offense "Sexual Assault." Likewise, misconduct previously addressed by "Wrongful Sexual Contact" is now captured by the offense "Abusive Sexual Contact."

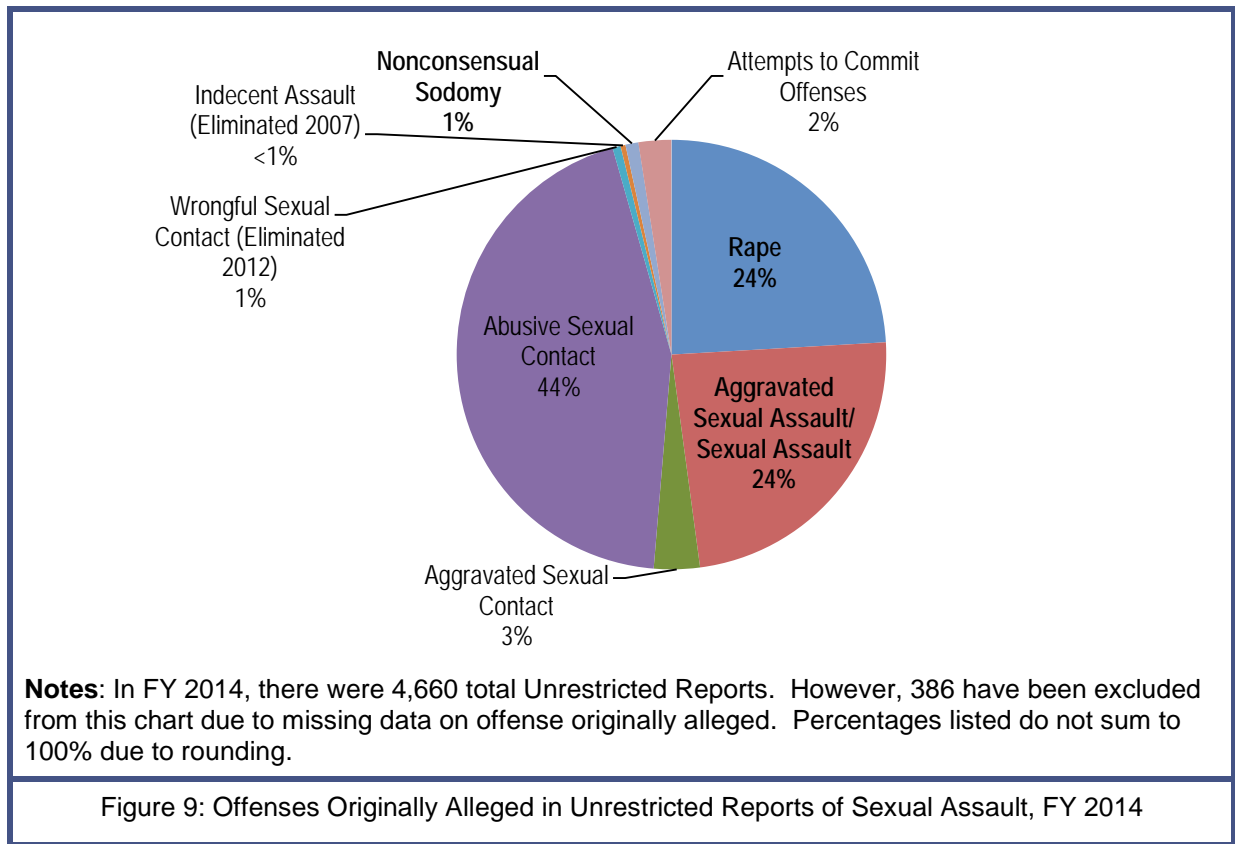


Table 3 shows the breakdown of Unrestricted Reports of sexual assault by offense originally alleged and the military status of the victim.

Table 3: Unrestricted Reports of Sexual Assault by Alleged Offense and Military Status, FY 2014

Most Serious Offense Alleged in Report	Total Unrestricted Reports	Number of Reports Involving Service Members as Victims	Number of Reports Involving Non-Service Members as Victims	Relevant Data Not Available
Rape	1029	787	223	19
Aggravated Sexual Assault and Sexual Assault	1017	814	187	16
Aggravated Sexual Contact	148	126	18	4
Abusive Sexual Contact	1891	1609	231	51
Wrongful Sexual Contact	26	23	3	0
Indecent Assault	16	15	1	0
Nonconsensual Sodomy	42	37	4	1
Attempts to Commit Offenses	105	87	17	1
Offense Data Not Available	386	353	28	5
<b>Total Unrestricted Reports in FY14</b>	<b>4660</b>	<b>3851</b>	<b>712</b>	<b>97</b>

### *Investigations of Unrestricted Reports*

According to DoD policy, all Unrestricted Reports must be referred for investigation by an MCIO. However, reports received for incidents prior to military service usually cannot be investigated by MCIOs when the alleged offender is not subject to military law. In FY 2014, MCIOs initiated 3,934 sexual assault investigations (Figure 1, Point D). The length of an investigation depends on a number of factors that include:

- Offense alleged
- Location and availability of the victim, subject, and witnesses
- Amount and kind of physical evidence gathered during the investigation
- Length of time required for crime laboratory analysis of evidence

Depending on these and other factors, investigation length may range from a few months to over a year. For example, the average length of a sexual assault investigation in FY 2014 was 4.7 months. Consequently, sexual assault investigations and their outcomes can span multiple reporting periods. Of the 3,850 sexual assault investigations completed during FY 2014 (Figure 1, Point F), 2,259 were opened in FY 2014 and 1,591 were opened before FY 2014.

- The outcomes of 1,866 ongoing sexual assault investigations that were not completed by September 30, 2014 will be documented in future reports (Figure 1, Point E).

MCIOs reported that 58 of the 4,313 subjects in investigations completed in FY 2014 had a previous investigation for a sexual assault allegation.

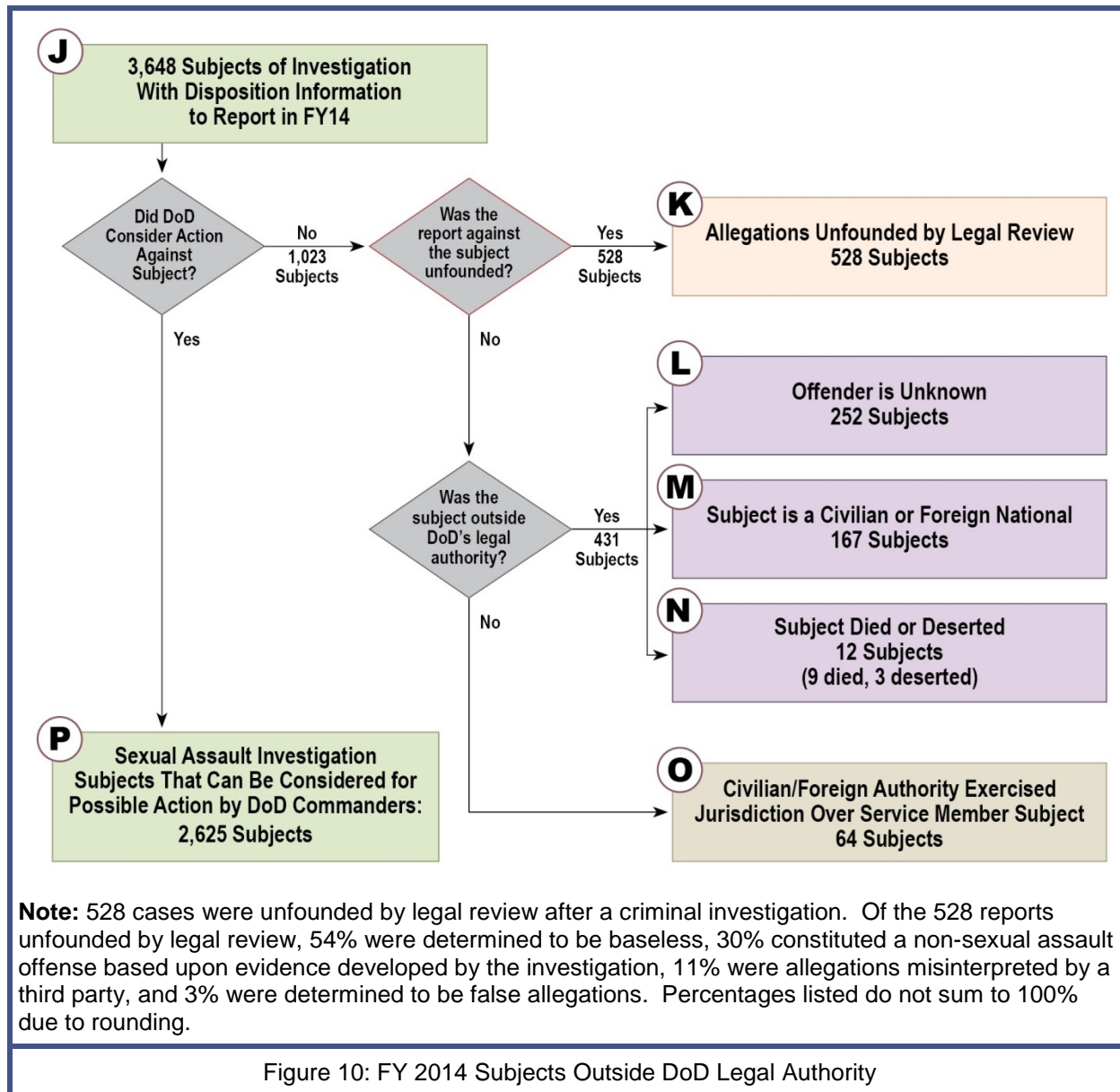
### *Sexual Assault Subject Dispositions in FY 2014*

Congress requires DoD to report on the dispositions (outcomes) of the sexual assault allegations made against Service members. At the end of FY 2014, there were 3,648 subjects with disposition information to report (Figure 1, Point J).

The goals of a criminal investigation are to identify which crimes have been committed, who may have been victimized, and who may be responsible for the crime. DoD seeks to hold those Service members who have committed sexual assault appropriately accountable based on the available evidence. However, in order to comply with Congressional reporting requirements, DoD's sexual assault data represent a 12-month snapshot in time. Consequently, at the end of FY 2014, 1,997 subject dispositions were still in progress and will be reported in forthcoming years' reports (Figure 1, Point I).

The 3,648 subjects from DoD investigations for whom dispositions were reported in FY 2014 included Service members, U.S. civilians, foreign nationals, and subjects that could not be identified (Figure 1 and Figure 10, Point J).





A key difference between the civilian and military legal systems is that in the civilian system, a prosecuting attorney may review the evidence and, if appropriate, file charges against all identified suspects within the attorney’s area of legal authority. **In the military justice system, convening authorities with advice from judge advocates determine the initial disposition of cases.** Each year, DoD lacks jurisdiction over several hundred subjects in its sexual assault reports/investigations. In FY 2014, DoD did not take action against 1,023 subjects because:

**Can DoD take action against everyone it investigates?**  
*No. In FY 2014, DoD could not take action against 1,023 subjects because they were outside DoD’s legal authority, a civilian/foreign authority exercised jurisdiction over a Service member subject, or the allegations of sexual assault against them were unfounded.*

- Allegations of sexual assault against them were unfounded<sup>11</sup>, or
- Subjects were outside of DoD's legal authority (for example, they could not be identified, they were civilian or foreign nationals or they had died or deserted), or
- Subjects were Service members being prosecuted by a civilian/foreign authority

When at the end of a criminal investigation a legal review of the available evidence indicates the individual accused of sexual assault did not commit the offense, the offense did not occur, or the offense was improperly reported as a sexual assault, the allegations against the subject are considered unfounded. As a result, no action is taken against the alleged subject.

- Allegations against 528 subjects were deemed unfounded (false or baseless<sup>12</sup>) by a legal review after criminal investigation in FY 2014 (Figure 10, Point K).

DoD's legal authority extends only to those persons subject to the UCMJ. As a result, 431 subjects of DoD investigations fell outside its authority for disciplinary action:

- Two hundred fifty-two (252) subjects remained unidentified despite a criminal investigation (Figure 10, Point L).
- DoD could not take action against 167 civilians or foreign nationals because they were not subject to military law (Figure 10, Point M).
- Twelve subjects died or deserted before disciplinary action could be taken against them (Figure 10, Point N).<sup>13</sup>

Although a Service member is always under the legal authority of DoD, sometimes a civilian authority or foreign government will exercise its legal authority over a Service member who is suspected of committing a crime within its jurisdiction. In FY 2014, a civilian or foreign authority addressed the alleged misconduct of 64 Service member subjects (Figure 10, Point O).

---

<sup>11</sup> See p. 34 for an explanation of unfounded cases.

<sup>12</sup> A legal review determines that a report is "false" when, after investigation, evidence suggests that the accused did not commit the crime or no crime was committed. A legal review determines that a report is "baseless" when the crime alleged does not meet the legal definitions of one of the sexual assault crimes under the UCMJ. In some cases, subjects of baseless reports are investigated and prosecuted for other crimes (e.g., maltreatment of a subordinate, assault), even though action on sexual assault allegation was not possible. The outcomes for these subjects are not reported here because their alleged crimes do not fall under DoD's SAPR program reporting requirements. Of the 528 reports unfounded by legal review, 54% were determined to be baseless, 30% constituted a non-sexual assault offense based upon evidence developed by the investigation, 11% were allegations misinterpreted by a third party, and 3% were determined to be false allegations. Percentages listed do not sum to 100% due to rounding.

<sup>13</sup> Nine subjects died and three subjects deserted before disciplinary action could be implemented. Eleven of the twelve subjects were Service members.

### *Military Subjects Considered for Disciplinary Action*

In FY 2014, 2,625 subjects investigated for sexual assault were Service members under DoD authority (Figure 11, Point P, and Table 4). However, legal factors sometimes prevent disciplinary action from being taken against some subjects. For example, commanders were unable to take disciplinary action against 580 of these military subjects because there was insufficient evidence of an offense, the victim declined to participate in the military justice process, or the statute of limitations had expired (Figure 11, Point T and Table 4).

**What percentage of Service member subjects who received disciplinary action for sexual assault had court-martial charges preferred against them in FY 2014?**  
**64%**  
*In FY 2007, 30% of subjects receiving disciplinary action had court-martial charges preferred against them.*

Table 4: Military Subject Dispositions in FY 2014

Subject Disposition Category	Subject Dispositions Reported in FY14
<b>Subjects in Sexual Assault Cases Reviewed for Possible Disciplinary Action</b>	<b>2,625</b>
<b>Evidence Supported Commander Action</b>	<b>1,997</b>
<b>Sexual Assault Offense Action</b>	<b>1,550</b>
<i>Court-Martial Charge Preferred (Initiated)</i>	998
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	318
<i>Administrative Discharge</i>	111
<i>Other Adverse Administrative Action</i>	123
<b>Evidence Only Supported Action on a Non-sexual Assault Offense</b>	<b>447</b>
<i>Court-Martial Charge Preferred (Initiated)</i>	49
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	263
<i>Administrative Discharge</i>	30
<i>Other Adverse Administrative Action</i>	105
<b>Unfounded by Command/Legal Review</b>	<b>48</b>
<b>Commander Action Precluded</b>	<b>580</b>
<i>Victim Died</i>	0
<i>Victim Declined to Participate in the Military Justice Action</i>	248
<i>Insufficient Evidence to Prosecute</i>	323
<i>Statute of Limitations Expired</i>	9

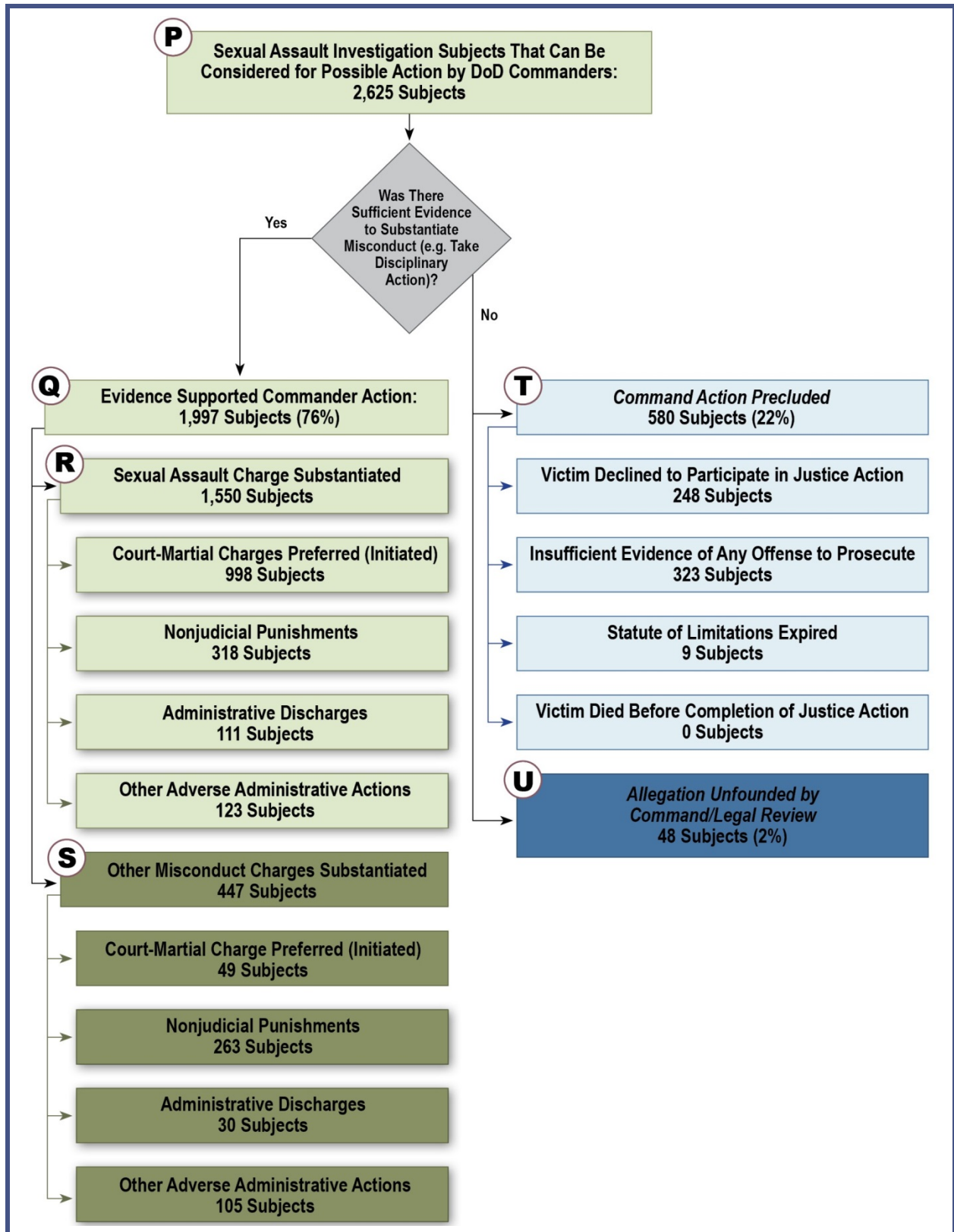
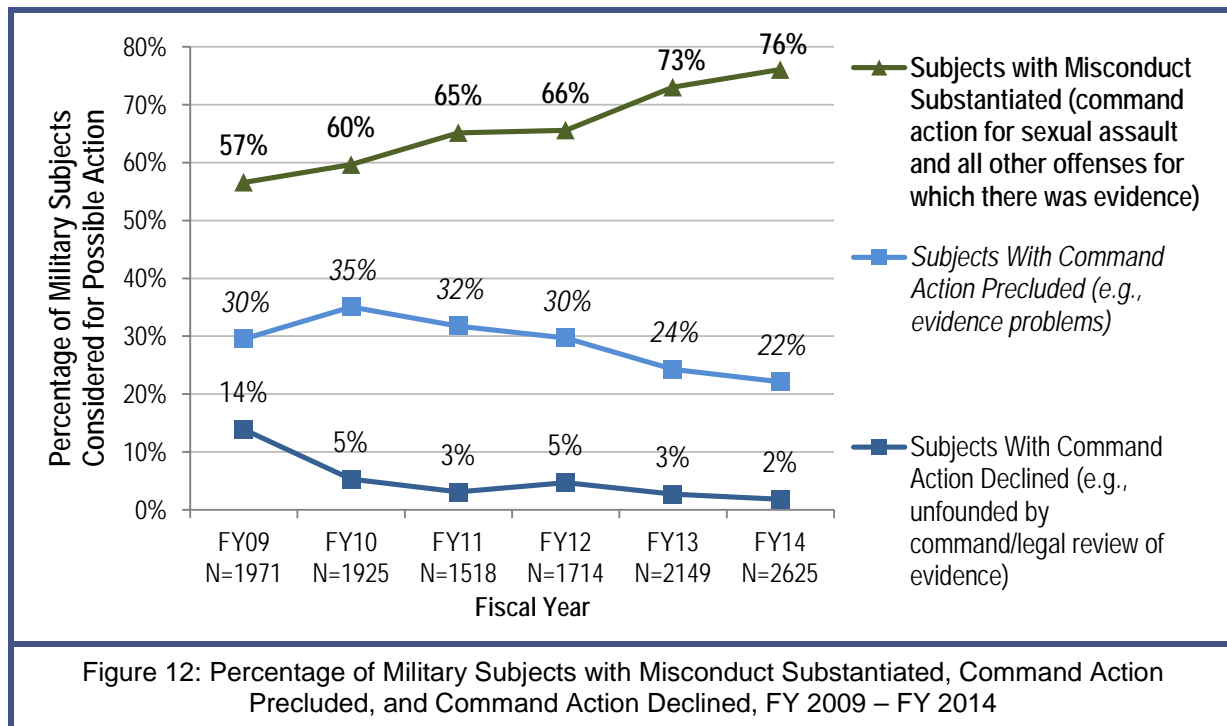


Figure 11: Dispositions of Subjects Under DoD Legal Authority, FY 2014

Commanders declined to take action against 48 military subjects. After a review of the facts of the case with a military attorney, commanders determined the allegations against those subjects were false or baseless (unfounded; Figure 11, Point U and Table 4). Since FY 2009, the percentage of Service member subjects for whom command action was precluded or declined has decreased. Figure 12 illustrates that DoD authorities were able to hold a larger percentage of Service member subjects appropriately accountable in FY 2014 than in FY 2009.

For 1,997 subjects, commanders had sufficient evidence and the legal authority to support some form of disciplinary action for a sexual assault offense or other misconduct (Figure 11, Point Q and Table 4). When a subject receives more than one disposition, only the most serious disciplinary action is reported (in descending order: preferal of court-martial charges, NJP, administrative discharge, and other adverse administrative action).



The following represents the command actions taken for the 1,550 subjects for whom it was determined a sexual assault offense warranted discipline (Figure 11, Point R and Table 4):

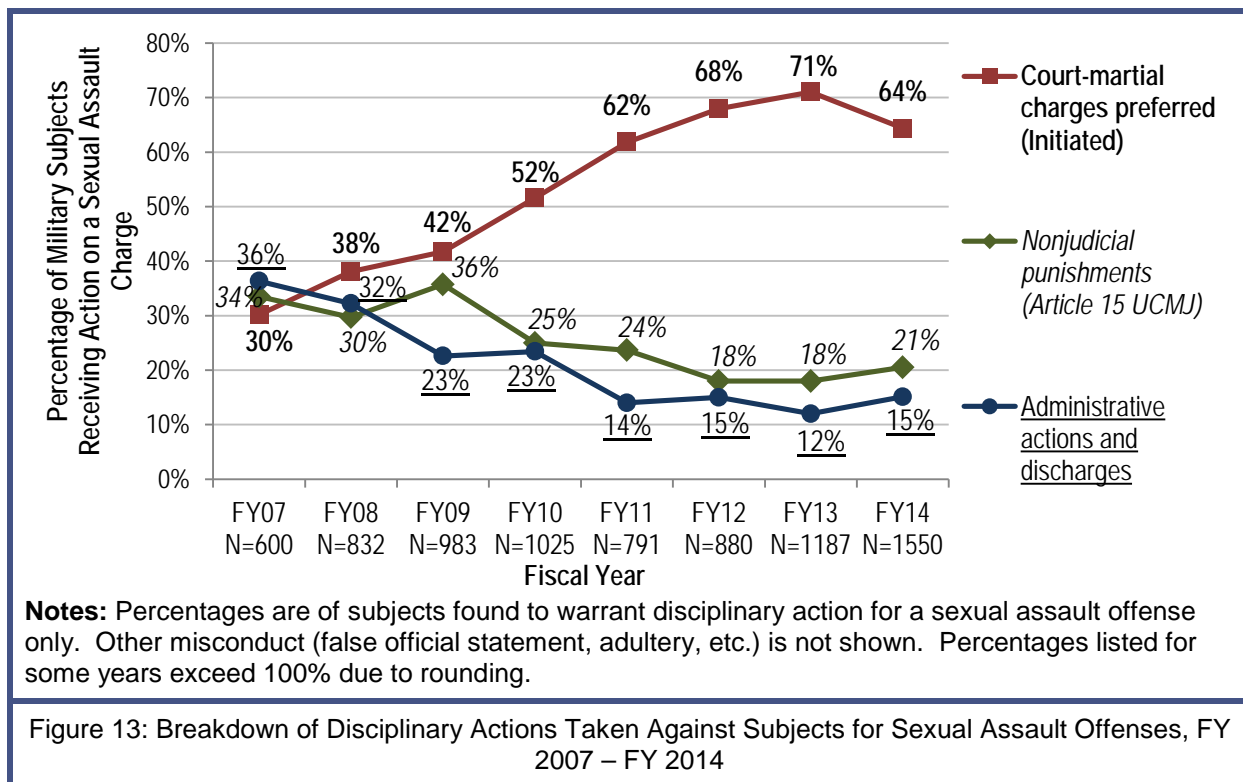
- 64% (998 subjects) had court-martial charges preferred (initiated) against them.
- 21% (318 subjects) were entered into proceedings for NJP under Article 15 of the UCMJ.
- 15% (234 subjects) received a discharge or another adverse administrative action.

For 447 subjects, evidence supported command action for other misconduct discovered during the sexual assault investigation (such as making a false official statement, adultery, underage drinking, or other crimes under the UCMJ), but not a sexual assault charge (Figure 11, Point S and Table 4). Of the 447 subjects for whom probable cause existed for a non-sexual assault offense (Figure 11, Point S and Table 4):

- 11% (49 subjects) had court-martial charges preferred against them.
- 59% (263 subjects) were entered into proceedings for NJP.
- 30% (135 subjects) received some form of adverse administrative action or discharge.

### Military Justice

The following information describes what happens once a military subject’s commander finds that there is sufficient evidence to take disciplinary action. Figure 13 shows that, from FY 2007 to FY 2014, commanders’ referral of court-martial charges against military subjects for sexual assault offenses increased from 30% of subjects in FY 2007 to 64% of subjects in FY 2014. During the same period, NJP, other adverse administrative actions, and administrative discharges decreased substantially. Each action taken is based on the evidence identified during a thorough investigation. In addition, since June 2012, initial disposition decisions for the most serious sexual assault crimes have been withheld at the O-6 level (Colonel or Navy Captain). This allows senior, seasoned officers that are not immediately responsible for supervision of the victim(s) or subject(s) to review these cases.





### *Court-Martial for a Sexual Assault Offense*

As noted previously, of the 1,550 military subjects against whom disciplinary action was initiated for a sexual assault offense, 998 had court-martial charges preferred against them (Figure 11, Point R and Table 4). Figure 14 illustrates what happened to these subjects after their commanders preferred court-martial charges. The dispositions and the sentences imposed by courts-martial are for those subjects with at least one sexual assault charge adjudicated in FY 2014. Of the 998 subjects who had court-martial charges preferred against them for at least one sexual assault charge in FY 2014, 861 subjects' court-martial outcomes were completed by the end of the FY:

**What percentage of Service member subjects charged and tried for sexual assault offenses were convicted in FY 2014 and what kind of punishment did they receive?**

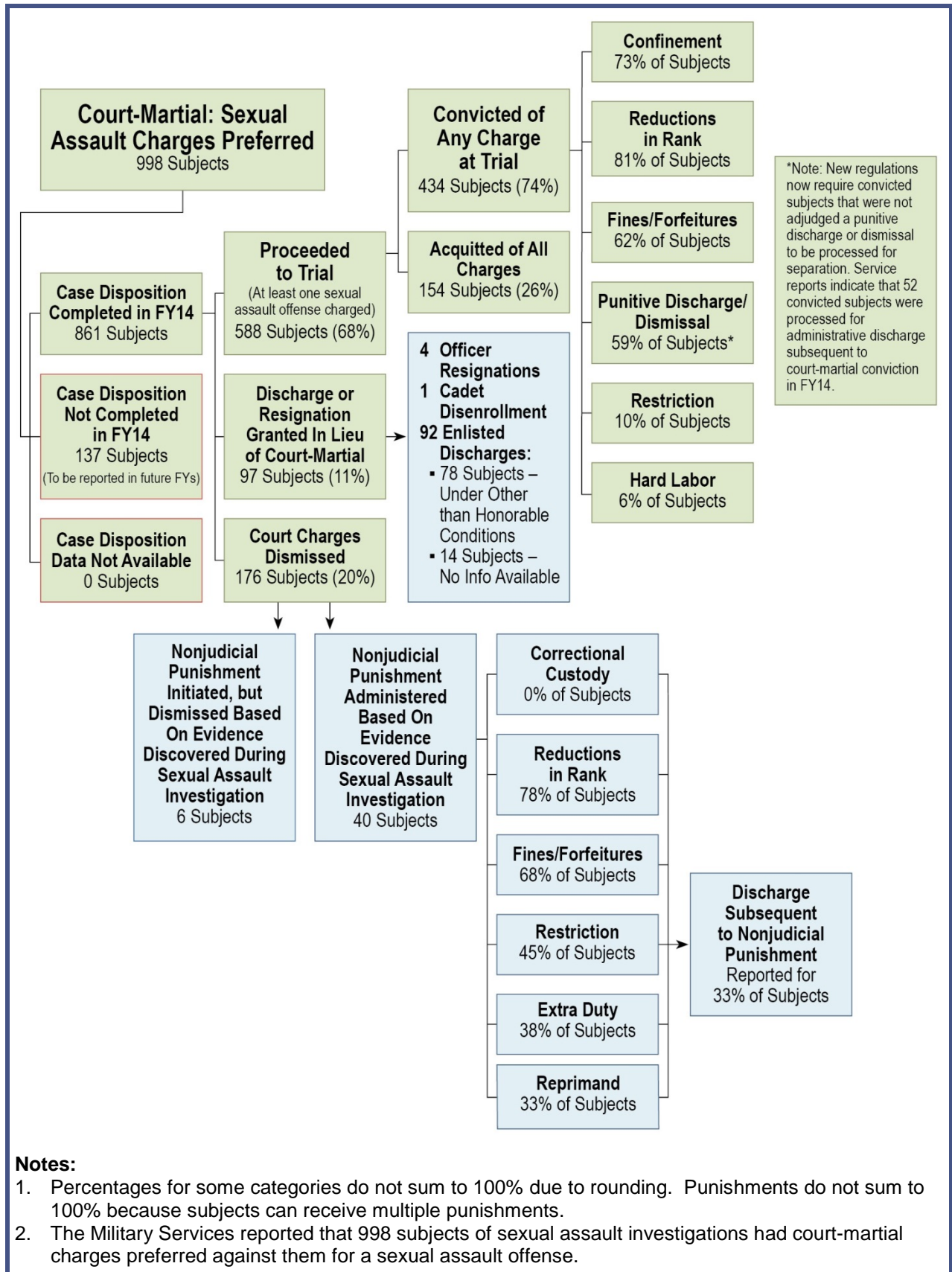
***74% of Service members tried for a sexual assault offense were convicted of at least one charge at trial.***

***The majority of convicted subjects received the following punishments: Confinement, a Fine or Forfeiture of Pay, Reduction in Rank, and a Punitive Discharge or Dismissal.***

- Court-martial charges against 176 subjects were dismissed. However, commanders used evidence gathered during the sexual assault investigations to take NJP against 46 of the 176 subjects (NJP was initiated but dismissed for six of these subjects, leaving 40 subjects with a NJP administered). The punishment may have been for any kind of misconduct for which there was evidence. The 40 subjects who received NJP were adjudged five categories of punishment: reductions in rank, fines or forfeitures of pay, restriction, extra duty, and reprimand.
- Ninety-seven subjects were granted a resignation or discharge instead of court-martial.
- Of the 588 subjects whose cases proceeded to trial: 434 subjects (74%) were convicted of at least one charge at court-martial. Most convicted Service members received at least four kinds of punishment: confinement, reduction in rank, fines or forfeitures, and a discharge (enlisted) or dismissal (officers) from service.
- One hundred fifty-four subjects (154; 26%) were acquitted of all charges.

Resignations and discharges in lieu of court-martial are granted by DoD in certain circumstances and only occur after court-martial charges are preferred against the accused. For such an action to occur, the accused must initiate the process. Resignation or discharge in lieu of court-martial requests include a statement of understanding of the offense(s) charged and the consequences of administrative separation, an acknowledgement that any separation could possibly have a negative characterization, and an acknowledgement that the accused is guilty of an offense for which a punitive discharge is authorized or a summary of the evidence supporting the guilt of the accused. These statements are not admissible in court-martial should the request ultimately be disapproved. Discharges of enlisted personnel in lieu of court-martial are usually approved at the Special Court-Martial Convening Authority level. Resignations of officers in lieu of court-martial are approved by the Secretary of the Military Department

In FY 2014, 78 of 92 enlisted members who received a discharge in lieu of court-martial were separated Under Other Than Honorable Conditions (UOTHC), the lowest characterization of discharge possible administratively (the characterization of the discharge for the other 14 subjects was not available). The UOTHC discharge characterization is recorded on the Service member's DD Form 214, Record of Military Service, and significantly limits separation and post-service benefits from DoD and the Department of Veterans Affairs. Military Service policies, codified in the FY 2013 National Defense Authorization Act (NDAA), direct that those Service members who are convicted of a sexual assault, but who do not receive a punitive discharge at court-martial, should be processed for administrative discharge. This year, the Services documented that 52 convicted subjects that did not receive a punitive discharge or dismissal will be processed for administrative separation from Military Service.



**Notes:**

1. Percentages for some categories do not sum to 100% due to rounding. Punishments do not sum to 100% because subjects can receive multiple punishments.
2. The Military Services reported that 998 subjects of sexual assault investigations had court-martial charges preferred against them for a sexual assault offense.

3. Of the 998 subjects who had court-martial charges preferred against them, 137 subjects were still pending court action at the end of FY 2014.
4. Of the 861 subjects whose courts-martial were completed and reported in FY 2014, 588 subjects proceeded to trial, 97 subjects were granted a discharge or resignation in lieu of court-martial, and 176 subjects had court-martial charges dismissed.
5. In cases in which a discharge or resignation in lieu of court-martial is requested and approved, the characterization of the discharge is UOTHC, unless a higher characterization is justified (see also the discussion of administrative discharge characterizations in the “Administrative Discharges and Adverse Administrative Actions” section of the report). Of the 176 subjects with dismissed charges, commanders imposed NJP on 40 subjects (an additional 6 subjects had a NJP initiated, but dismissed). Most of these 40 subjects received two kinds of punishment: a reduction in rank and a fine or forfeiture of pay.
6. Of the 588 subjects whose cases proceeded to trial, 434 (74%) were convicted of at least one charge. Conviction by court-martial may result in a combination of punishments. Consequently, convicted Service members could be adjudged one or more of the punishments listed. However, in most cases, they received at least four kinds of punishment: confinement, a reduction in rank, a fine or forfeiture of pay, and a punitive discharge (bad conduct discharge, dishonorable discharge, or dismissal (officers). The NDAA for FY 2013 now requires mandatory administrative separation processing for all Service members convicted of a sexual assault offense.

Figure 14: Dispositions of Subjects Against Whom Sexual Assault Court-Martial Charges were Preferred, FY 2014

### *Nonjudicial Punishment*

NJP is administered in accordance with Article 15 of the UCMJ. Commanding officers may impose penalties on Service members when there is sufficient evidence of a minor offense under the UCMJ. NJP allows commanders to address some types of sexual assault and other misconduct by Service members that may not warrant prosecution in a military or civilian court. With NJP a commander can take a variety of corrective actions, including demotions, fines/forfeitures, and restrictions on liberty. NJP may support a rationale for discharging military subjects with a less than an honorable discharge. The Service member may demand trial by court-martial instead of accepting NJP by the commander.

**Do military commanders use NJP as their primary means of discipline for sexual assault crimes?**

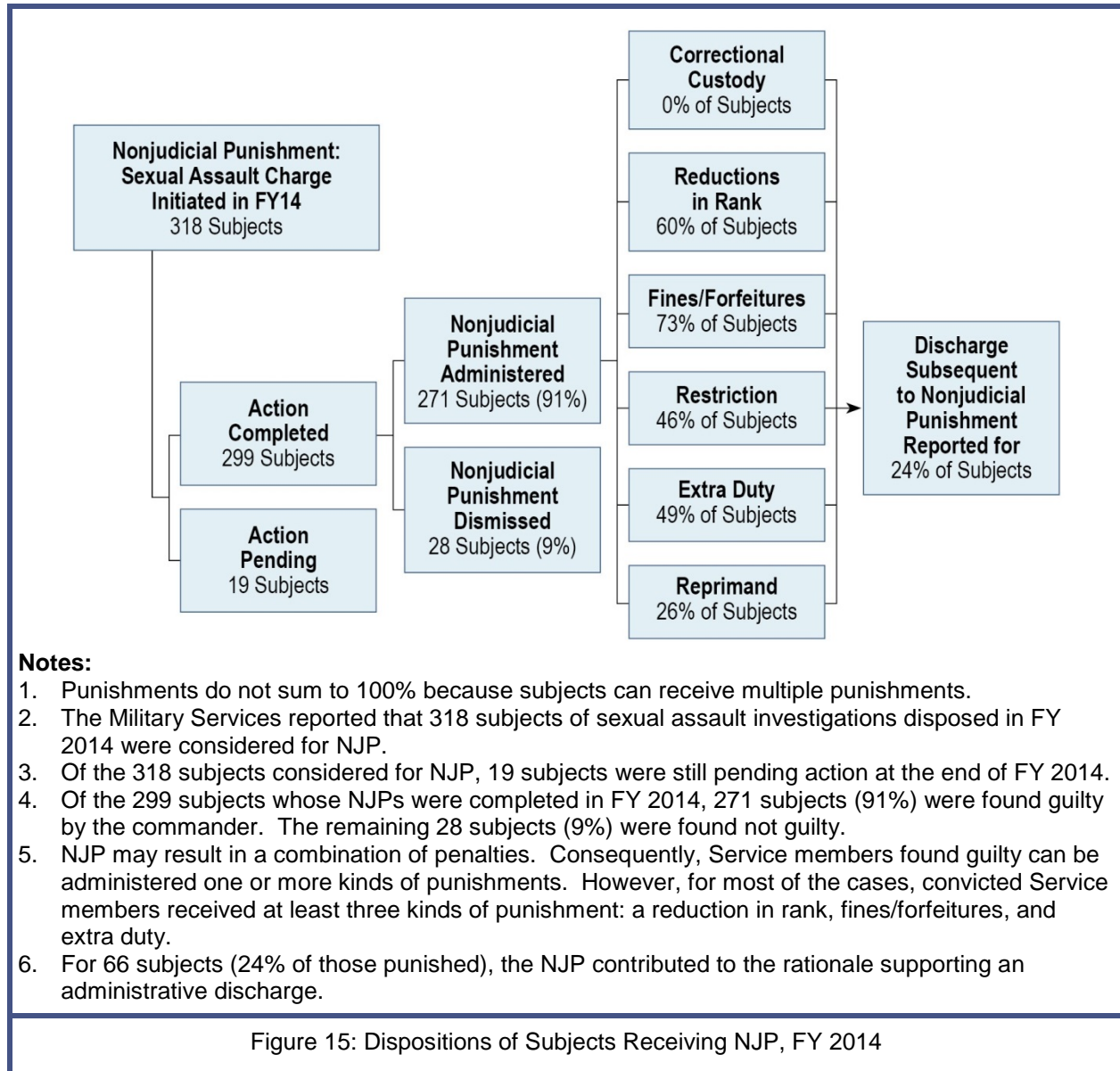
**No.**

**Only 21% of subjects who received disciplinary action for a sexual assault crime received NJP in FY 2014. Most subjects (64%) had court-martial charges preferred against them.**

Of the 1,550 military subjects who received disciplinary action on a sexual assault offense, 318 received NJP (Figure 11, Point R and Table 4). Figure 15 displays the outcomes of NJP actions taken against subjects on a sexual assault charge in FY 2014. Of the 299 subjects whose NJPs were completed in FY 2014, 91% of subjects were found guilty by the

commander under authority of Article 15, UCMJ. Nearly all of the administered NJPs were for a contact (non-penetrating) sexual offense. The majority of subjects given a NJP received the following punishments: reduction in rank, a fine or forfeiture of pay, and extra duty. Available Military Service data indicated that for 66 subjects (24% of those administered NJP) the NJP served as grounds for a subsequent administrative discharge. Characterizations of these discharges were as follows:

Honorable Discharge	7 Subjects
General Discharge	27 Subjects
Under Other Than Honorable	24 Subjects
Uncharacterized	8 Subjects
<b>Total</b>	<b>66 Subjects</b>



*Administrative Discharges and Adverse Administrative Actions*

A legal review of evidence sometimes indicates that the court-martial process or NJPs are not appropriate means to address allegations of misconduct against the accused. However, military commanders have other means at their disposal to hold offenders appropriately accountable. Administrative discharges may be used to address an individual's misconduct, lack of discipline, or poor suitability for continued service.



There are three characterizations of administrative discharges: Honorable, General, and UOTHC. General and UOTHC discharges may limit those discharged from receiving full entitlements and benefits from both DoD and the Department of Veterans Affairs. Commanders processed 111 subjects in sexual assault investigations for administrative discharge in FY 2014 (Figure 11, Point R and Table 4). Seventeen members are pending characterizations. Characterizations of the completed discharges were as follows:

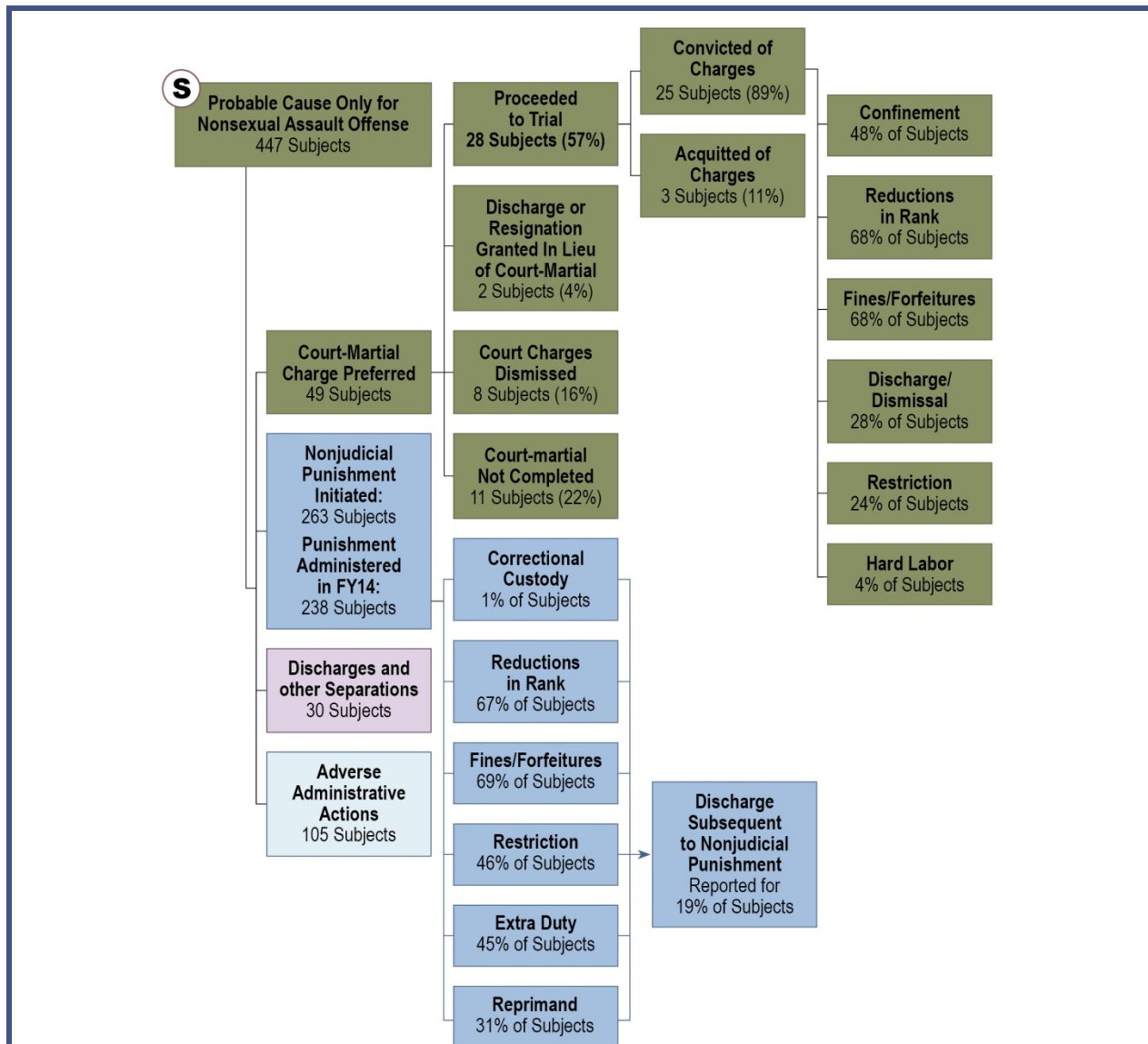
Honorable Discharge	3 Subjects
General Discharge	32 Subjects
Under Other than Honorable	51 Subjects
Uncharacterized	8 Subjects
<b>Total</b>	<b>94 Subjects</b>

In FY 2014, commanders took adverse administrative actions against 123 subjects investigated for a sexual assault offense (Figure 11, Point R and Table 4). Adverse administrative actions are typically used when available evidence does not support a more severe disciplinary action. Adverse administrative actions can have a serious impact on one's military career, have no equivalent form of punishment in the civilian sector, and may consist of Letters of Reprimand, Letters of Admonishment, and Letters of Counseling. These actions may also include but are not limited to denial of re-enlistment, the cancellation of a promotion, and the cancellation of new or special duty orders. Cadets and midshipmen are subject to an administrative disciplinary system at Military Service Academies. These systems address misconduct that can ultimately be grounds for disenrollment from the Academy and, when appropriate, a requirement to reimburse the government for the cost of education.

#### *Probable Cause Only for a Non-Sexual Assault Offense*

The sexual assault investigations conducted by MCIOs sometimes do not find sufficient evidence to support disciplinary action against the subject on a sexual assault charge, but may uncover other forms of chargeable misconduct. When this occurs, DoD seeks to hold those Service members who have committed other misconduct appropriately accountable based on the available evidence. In FY 2014, commanders took action against 447 subjects who were originally investigated for sexual assault allegations, but for whom evidence only supported action on non-sexual assault misconduct, such as making a false official statement, adultery, assault, or other crimes (Figure 9; Figure 16, Point S; and Table 4).





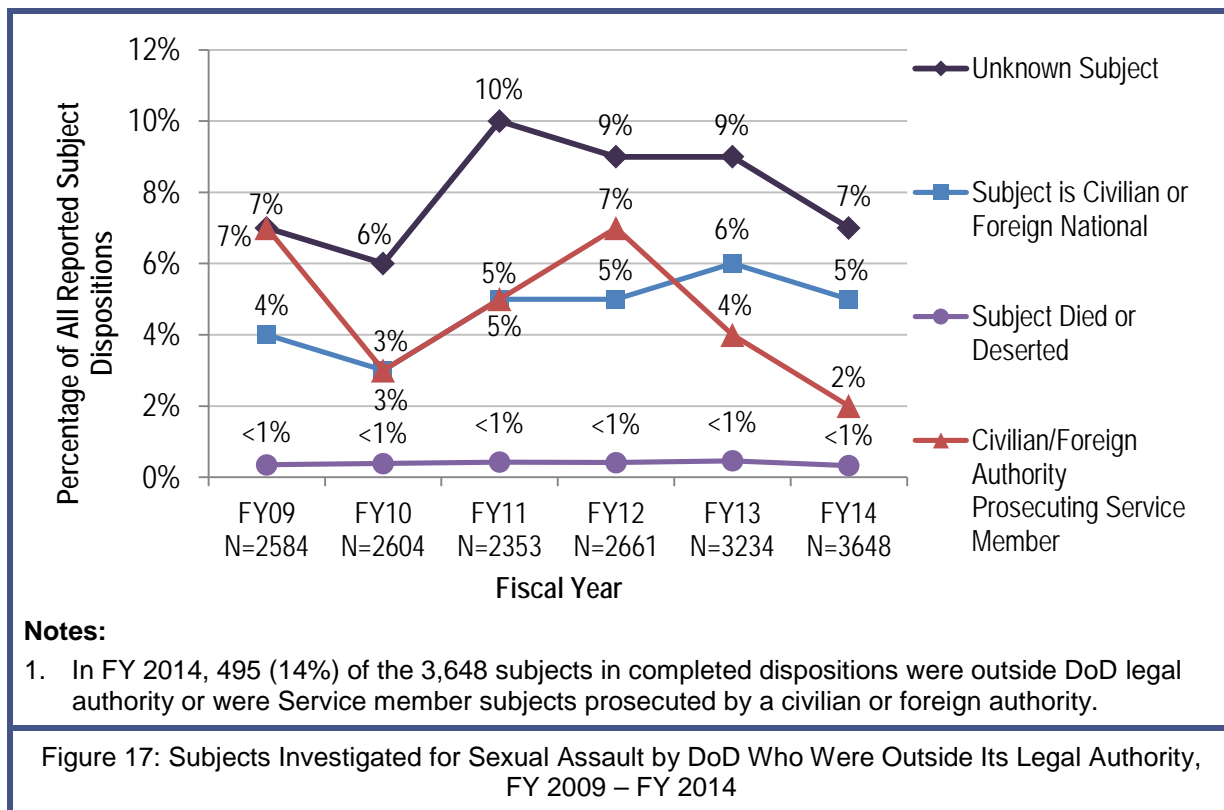
**Notes:**

1. Some percentages do not sum to 100% due to rounding. Punishments do not sum to 100%, because subjects can receive multiple punishments.
2. The Military Services reported that investigations of 447 subjects only revealed evidence of misconduct not considered a sexual assault offense under the UCMJ.
3. Of the 447 subjects, 49 subjects had court-martial charges preferred against them, 263 subjects were entered into NJP proceedings, 30 subjects received a discharge or separation, and 105 subjects received adverse administrative action.
4. Of the 49 subjects with court-martial charges preferred, 28 subject cases proceeded to court-martial and 25 subjects were convicted of the charges against them. Most convicted Service members were adjudged a reduction in rank and a fine or forfeiture of pay.
5. Of the 263 subjects considered for NJP, 14 cases were still pending completion and 238 were ultimately found guilty. The majority of subjects found guilty received the following punishments: a reduction in rank and fines/forfeitures.

Figure 16: Dispositions of Subjects for Whom There was Only Probable Cause for Non-Sexual Assault Offenses, FY 2014

*Subjects Outside DoD Legal Authority*

As previously discussed, each year DoD does not have jurisdiction over several hundred subjects in its sexual assault investigations. From FY 2009 to FY 2014, the percentage of subjects investigated by DoD for sexual assault found to be outside DoD’s legal authority or under the authority of another jurisdiction varied between 12% and 21%, as depicted in Figure 17.



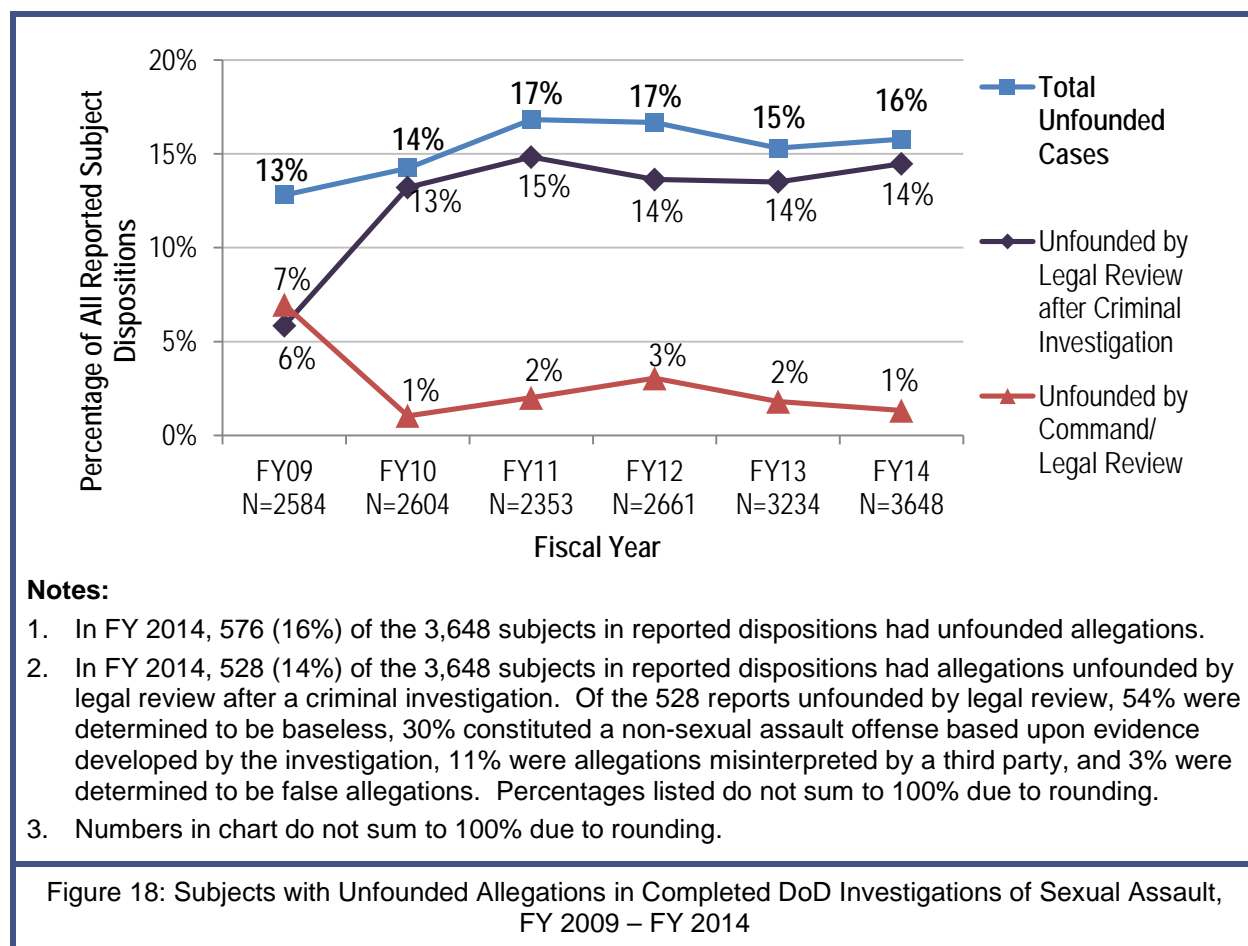
When the subject of an investigation is a U.S. civilian, a foreign national, or an unidentified subject, they fall outside DoD’s legal authority to take any action. Civilian authorities in the United States and the governments of our host nations have primary responsibility for prosecuting U.S. civilians and foreign nationals, respectively, who are accused of perpetrating sexual assault against Service members.

In a small percentage of cases each year, a state or host nation will assert its legal authority over a Service member to address alleged misconduct. This typically occurs when a Service member is accused of sexually assaulting a civilian or foreign national at a location where the civilian or foreign authorities possess jurisdiction. While Service members are always under DoD legal authority, a civilian or foreign authority may choose to exercise its authority over a Service member anytime he or she is suspected of committing an offense within its jurisdiction. Sometimes civilian and foreign authorities agree to let DoD prosecute the Service member. However, such decisions are made on a case-by-case and jurisdiction-by-jurisdiction basis. A host nation’s ability

to prosecute a Service member is subject to the SOFA between the United States and the foreign government. SOFAs vary from country to country.<sup>14</sup>

*Unfounded Allegations of Sexual Assault*

The goals of a criminal investigation are to determine who has been victimized, what offenses have been committed, and who may be held appropriately accountable. When the allegations in an Unrestricted Report are investigated, one possible outcome is that the evidence discovered by the investigation demonstrates that the accused person did not commit the offense. Another possible outcome is that evidence shows that a crime did not occur. When either of these situations occurs, the allegations are determined to be unfounded, meaning false or baseless (Figure 10, Point K, and Figure 11, Point U). Allegations may be unfounded either by the legal review at the end of a criminal investigation or by the disposition authority and legal officers when determining whether disciplinary action is warranted. Figure 18 shows that although there has been some variation in who has determined whether allegations were unfounded, the overall percentage of subjects with unfounded allegations has remained about the same since FY 2009.



<sup>14</sup> See p. 3 for a description of SOFAs.

**Demographics of Victims and Subjects in Completed Investigations**

The following demographic information was gathered from the 3,850 investigations of sexual assault completed in FY 2014. These investigations involved 4,241 victims and 4,313 subjects.

Table 5 illustrates that the vast majority of victims in investigations tend to be female, under the age of 25, and of junior enlisted grades. Table 6 shows that the vast majority of subjects of investigations tend to be male, under the age of 35, and of junior enlisted grades.

Table 5: Demographics of Victims in Completed Investigations

Victim Gender	Count	Share	Victim Grade or Status at Time of Report	Count	Share
Male	735	17%	E1-E4	2,672	63%
Female	3,310	78%	E5-E9	500	12%
Data Not Available	196	5%	WO1-WO5	2	<1%
<b>Total</b>	<b>4,241</b>	<b>100%</b>	O1-O3	128	3%
			O4-O10	28	1%
			Cadet/Midshipman/Prep	27	1%
			US Civilian	618	15%
			Foreign National/Foreign Military	46	1%
			Data Not Available	220	5%
			<b>Total</b>	<b>4,241</b>	<b>100%</b>

Note: Categories may not sum to 100% due to rounding procedures.

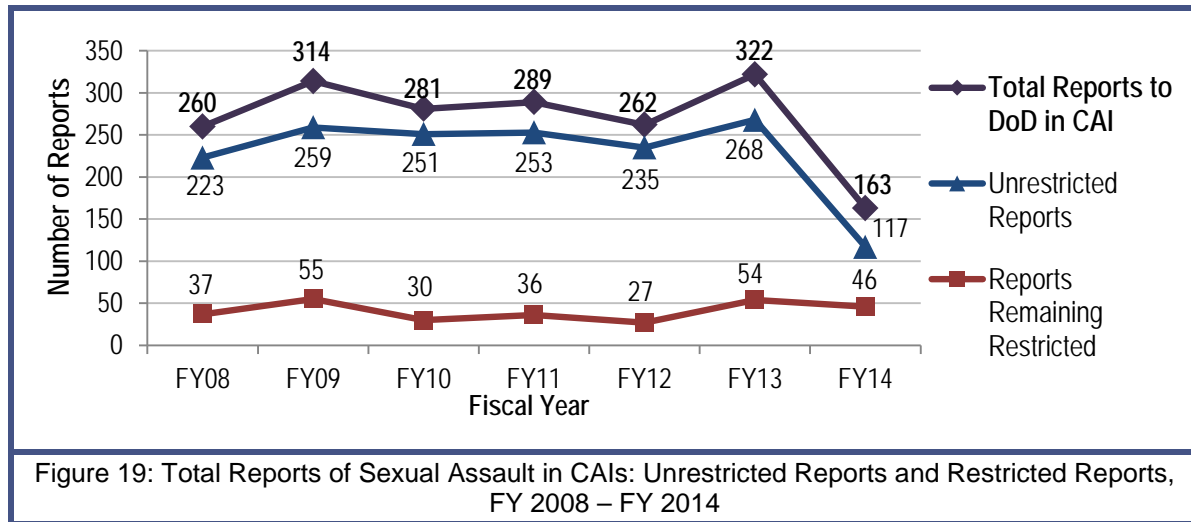
Table 6: Demographics of Subjects in Completed Investigations

Subject Gender	Count	Share	Subject Grade or Status at Time of Report	Count	Share
Male	3,581	83%	E1-E4	1,840	43%
Female	169	4%	E5-E9	1,187	28%
Unknown or Data Not Available	563	13%	WO1-WO5	26	1%
<b>Total</b>	<b>4,313</b>	<b>100%</b>	O1-O3	149	3%
			O4-O10	74	2%
			Cadet/Midshipman/Prep	8	<1%
			US Civilian	166	4%
			Foreign National/Foreign Military	49	1%
			Unknown or Data Not Available	814	19%
			<b>Total</b>	<b>4,313</b>	<b>100%</b>

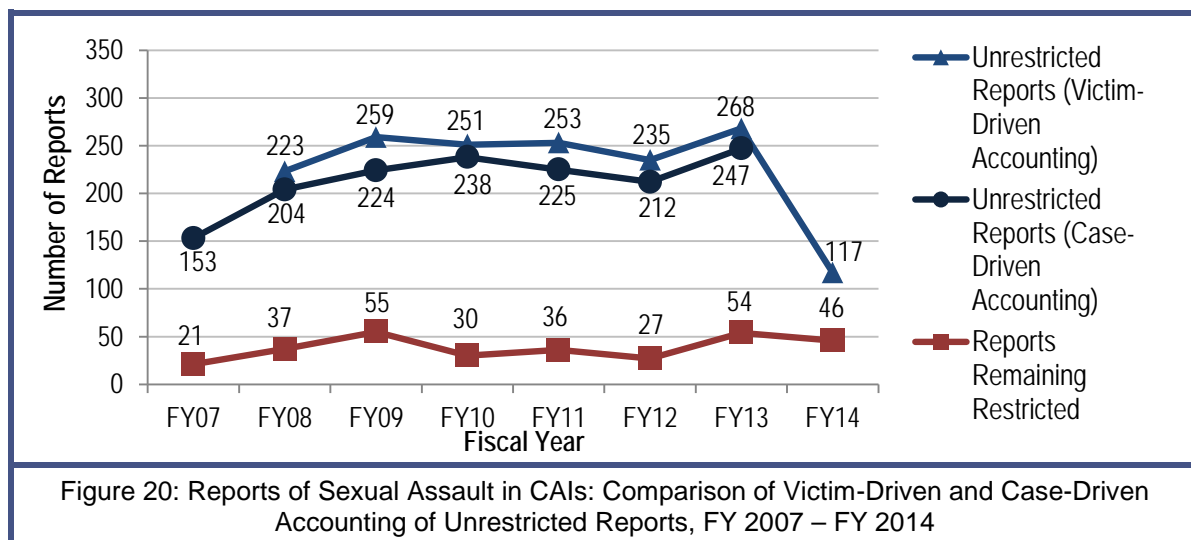
Note: Categories may not sum to 100% due to rounding procedures.

### FY 2014 REPORTS OF SEXUAL ASSAULT IN COMBAT AREAS OF INTEREST

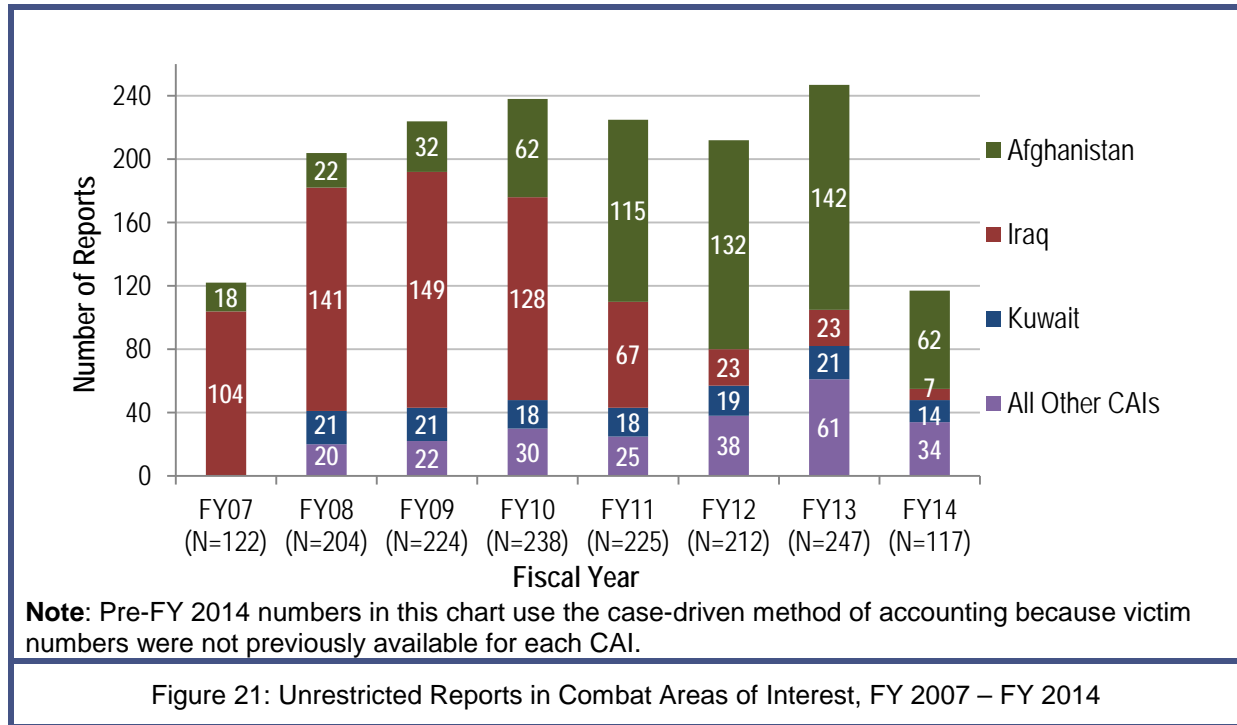
Arduous conditions in combat areas of interest (CAI) make sexual assault response and data collection very difficult. However, SARCs, SAPR VAs, and other SAPR personnel are assigned to all of these areas. SAPR personnel are diligent in getting requested services and treatment to victims. The data reported below are included in the total number of Unrestricted and Restricted Reports described in previous sections.



In FY 2014, there were 163 reports of sexual assault in CAIs. This number reflects a 49% decrease in overall reporting in CAIs from FY 2013. This is mostly likely a reflection of the decreased number of Service members deployed to these countries in FY 2014. Figure 19 illustrates the history of Unrestricted and Restricted Reporting in CAIs since FY 2008. As stated earlier, starting in FY 2014, DSAID accounts for each individual report of sexual assault, such that each report corresponds to one victim. In Figure 19, the number of Unrestricted Reports, for all FYs, corresponds to the number of victims. Figure 20 compares the number of Unrestricted Reports using the case-driven accounting method and the victim-driven accounting method.



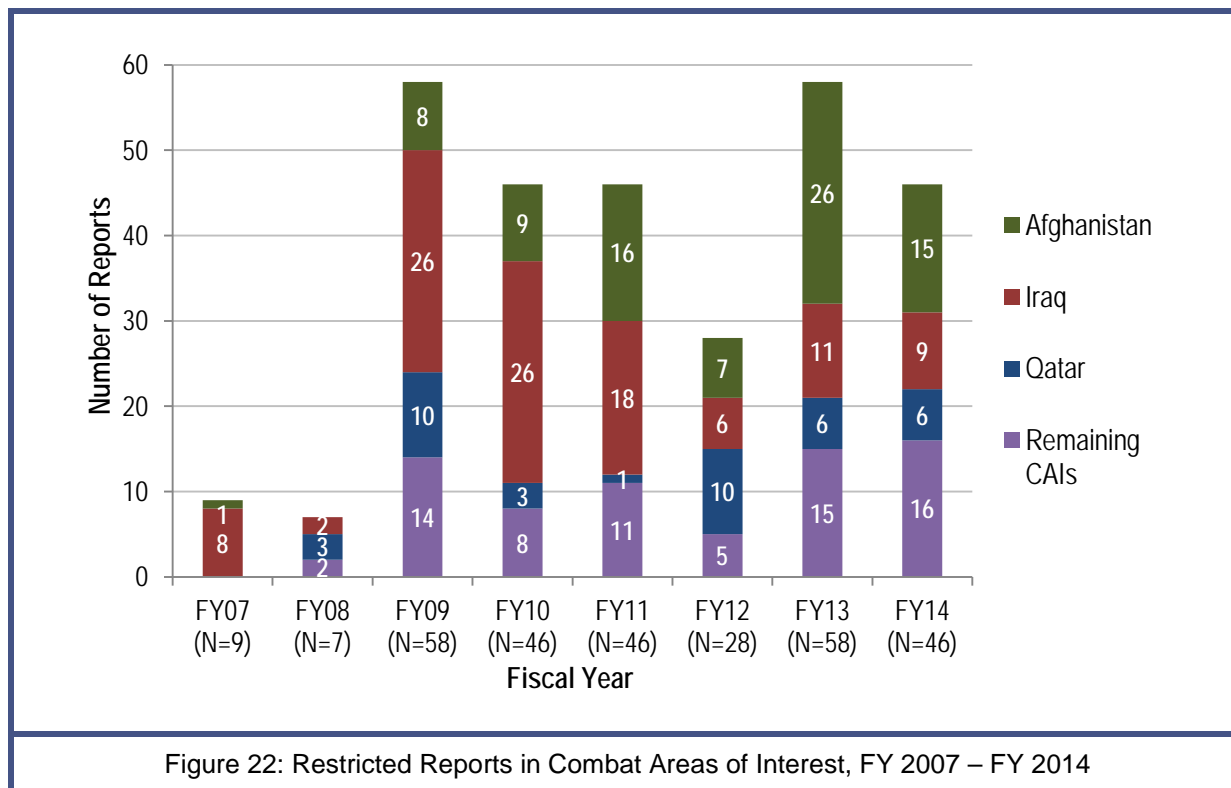
The 117 Unrestricted Reports in FY 2014 represent a decrease of 56% from the 268 Unrestricted Reports in FY 2013. Of the 117 Unrestricted Reports, 7 (6%) were made in Iraq and 62 (53%) were made in Afghanistan. The remaining Unrestricted Reports were made in Kuwait (14 reports), Bahrain (11), Qatar (10), United Arab Emirates (6), Djibouti (3), Oman (3), and Jordan (1). Figure 21 shows Unrestricted reporting patterns in three CAIs. In previous FYs, Iraq and Afghanistan comprised the highest number of Unrestricted Reports. In FY 2014, Kuwait has surpassed Iraq in the number of Unrestricted Reports.



There were 50 initial Restricted Reports in CAIs, a decrease from the initial 58 Restricted Reports in FY 2013. Four Restricted Reports converted to an Unrestricted Report during the FY, leaving 46 reports remaining Restricted in FY 2014.

Of the 46 Restricted Reports remaining, 9 were made in Iraq and 15 were made in Afghanistan. The remaining Restricted Reports were made in Qatar (6 reports), Bahrain (4), Djibouti (4), Kuwait (4), United Arab Emirates (2), Jordan (1), and Oman (1). Figure 22 shows Restricted reporting patterns in the three countries (i.e. Afghanistan, Iraq, and Qatar) with the highest number of Restricted Reports in FY 2014.





### *Sexual Assaults Perpetrated by Foreign Nationals against Service Members*

The Military Services reported that 16 foreign national subjects, in investigations completed in FY 2014, were suspected to have committed sexual assaults against Service members.

### *Demographics of Unrestricted Reports in CAIs*

Demographic information about the Unrestricted Reports made in CAIs was drawn from the investigations closed during FY 2014. These 90 investigations involved 94 victims and 110 subjects.

#### *Victims in Completed Investigations*

The demographics of victims in CAIs who made Unrestricted Reports mirror the demographics of victims in all Unrestricted Reports made to DoD, in that they are mostly female (77%), of a junior enlisted grade (61%). However, victims in CAIs who made Unrestricted Reports tended to be slightly older (85% were under the age of 35) than victims making Unrestricted Reports in general.

#### *Subjects in Completed Investigations*

The demographics of subjects in Unrestricted Reports made in CAIs are similar to the demographics of subjects in all Unrestricted Reports made to DoD, in that a great share are male (72%), under the age of 35 (48%), and in an enlisted grade (43%).

### *Demographics of Restricted Reports in CAIs*

The 46 victims with Reports remaining Restricted in CAIs mirror the demographics of victims in all Restricted Reports made to DoD, in that they were mostly female Service members (85%). However, victims making Restricted Reports in CAIs tended to be a little older (72% were under the age of 35) and of higher rank (46% were E1 to E4; 41% were E5 to E9) than victims making Restricted Reports in general.

### **FY 2014 RESTRICTED REPORTS OF SEXUAL ASSAULT**

Because Restricted Reports are confidential, protected communications as defined in DoD policy, SAPR personnel only collect limited data about the victim and the allegation being made. As with Unrestricted Reports, Restricted Reports can be made for incidents that occurred in prior reporting periods and incidents that occurred prior to military service.

**How many Restricted Reports convert to Unrestricted Reports each year?**

*On average, about 15% of victims convert their Restricted Reports to Unrestricted Reports. However, in FY 2014 20% of victims converted from a Restricted to an Unrestricted Report.*

In FY 2014, there were 1,840 initial Restricted Reports of sexual assault. Of the 1,840 reports, 369 (20%) converted to Unrestricted Reports. At the close of FY 2014, 1,471 reports remained Restricted (Figure 23).<sup>15</sup>

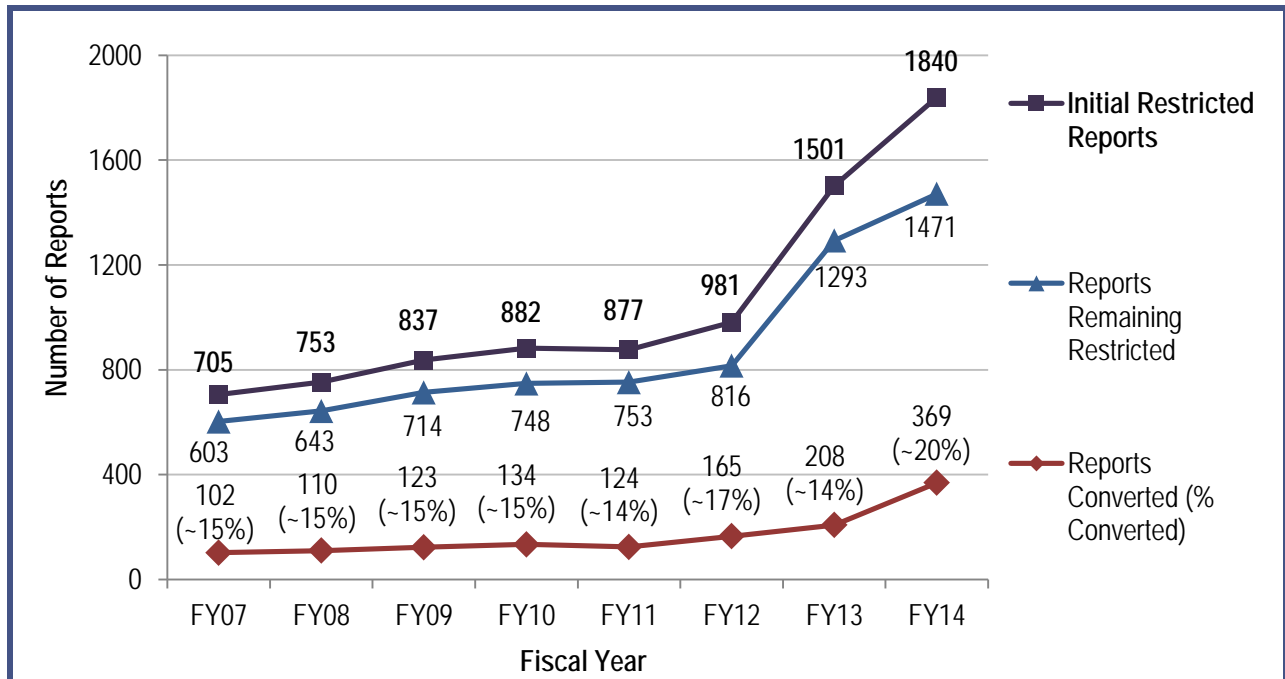
This year, 381 Service Members made a Restricted Report for an incident that occurred prior to entering military service, representing approximately 6% of the 6,131 reports of sexual assault. Of these 381 Service members:

- 242 indicated that the incident occurred prior to age 18
- 120 indicated that the incident occurred after age 18
- 19 declined to specify

Over time, the percentage of victims who convert their Restricted Reports to Unrestricted Reports has remained relatively stable with an average of 15%. However, in FY 2014, the conversion rate increased to 20%. Figure 23 shows the Restricted Reports and conversion rates for the past eight FYs.

---

<sup>15</sup> The 369 Restricted Reports that converted to Unrestricted Reports are included in the total 4,660 Unrestricted Reports cited above.



**Note:** The percentages in parentheses are the percentage of cases that converted during that period from a Restricted Report to an Unrestricted Report.

Figure 23: Total Number of Reports that Were Initially Made as Restricted, the Remaining Number of Restricted Reports, and the Number of Reports that Converted, FY 2007 – FY 2014

### Demographics of Restricted Reports of Sexual Assault

Table 7 shows that victims who made a Restricted Report were primarily female, under the age of 25, and of a junior enlisted grade (i.e. E1-E4).

Table 7: Demographics of Victims in Restricted Reports

Victim Gender	Count	Share	Victim Grade or Status at Time of Report	Count	Share
Male	243	17%	E1-E4	1,057	72%
Female	1,224	83%	E5-E9	261	18%
Data Not Available	4	<1%	WO1-WO5	1	<1%
<b>Total</b>	<b>1,471</b>	<b>100%</b>	O1-O3	80	5%
Victim Age at Time of Incident	Count	Share	O4-O10	13	1%
0-15	192	13%	Cadet/Midshipman/Prep	21	1%
16-19	339	23%	Non-Service Member	33	2%
20-24	577	39%	Data Not Available	5	<1%
25-34	251	17%	<b>Total</b>	<b>1,471</b>	<b>100%</b>
35-49	59	4%			
50 and older	1	<1%			
Data Not Available	52	4%			
<b>Total</b>	<b>1,471</b>	<b>100%</b>			

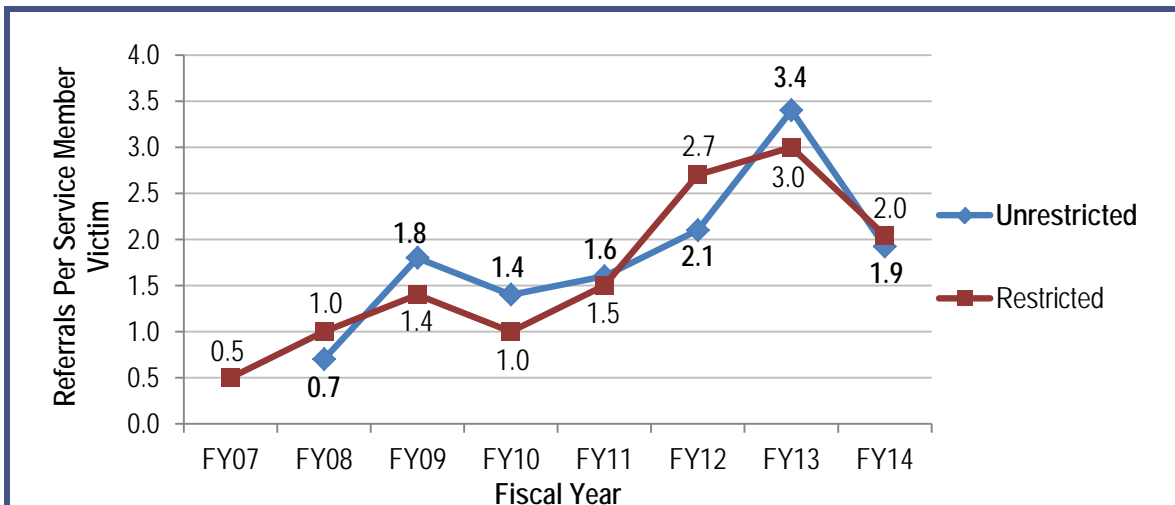
Note: Categories may not sum to 100% due to rounding procedures.

### FY 2014 SERVICE REFERRAL INFORMATION

SARCs and SAPR VAs are responsible for ensuring victims have access to medical treatment, counseling, legal advice, and other support services. Referrals for these services are made to both military and civilian resources. 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. This year, SARCs and SAPR VAs made an average of 1.9 service referrals per Service member victim making an Unrestricted Report. SARCs and SAPR VAs made an average of 2.0 service referrals per Service member victim making a Restricted Report.

Figure 24 shows the average number of referrals per Service member victim in sexual assault reports from FY 2007 to FY 2014. The Military Services varied in the average number of referrals per victim:

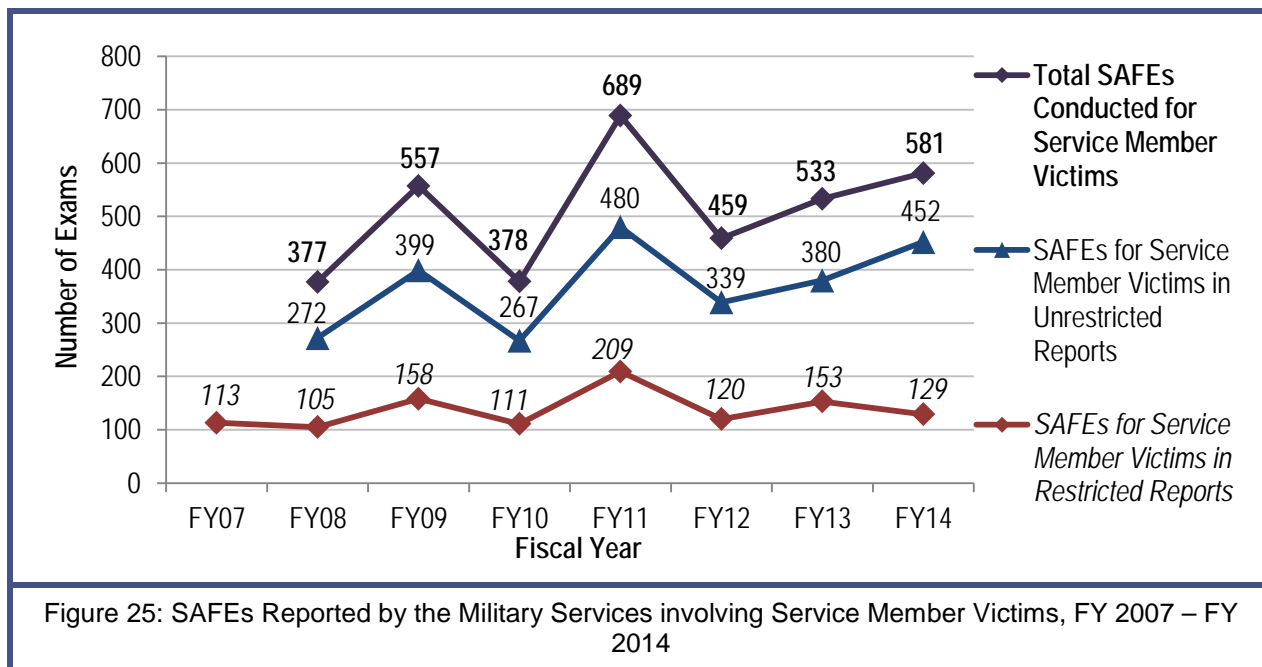
- Army provided an average of 1.3 referrals per Service member victim making an Unrestricted Report and 1.7 referrals per Service member victim making a Restricted Report
- Navy provided an average of 3.0 referrals per Service member victim making an Unrestricted Report and 2.7 referrals per Service member victim making a Restricted Report
- Marine Corps provided an average of 3.3 referrals per Service member victim making an Unrestricted Report and 2.4 referrals per Service member victim making a Restricted Report
- Air Force provided an average of 1.4 referrals per Service member victim making an Unrestricted Report and 1.5 referrals per Service member victim making a Restricted Report



**Note:** Referrals in Unrestricted Reports are not listed for FY 2007 because the Military Services were not directed to collect these data until FY 2008.

Figure 24: Average Number of Service Referrals per Service Member Victim of Sexual Assault, FY 2007 – FY 2014

The Military Services reported that there were 581 Sexual Assault Forensic Examinations (SAFEs) conducted for Service member victims during FY 2014. Figure 25 depicts the reported number of SAFEs conducted for military victims of sexual assault from FY 2007 to FY 2014. The decision to undergo a SAFE always belongs to the victim.



### FY 2014 EXPEDITED TRANSFERS

Since FY 2012, DoD has allowed victims who made an Unrestricted Report of sexual assault to request an expedited transfer from their assigned units (Table 8). This may take the form of a move to another duty location on the same installation, or it may involve moving to a new installation entirely. Requests for transfers are made to the unit commander, who has 72 hours to act on the request. Should the request be declined, victims may appeal the decision to the first General Officer (GO)/Flag Officer (FO) in their commander’s chain of command. The GO/FO then has 72 hours to review the request and provide a response back to the victim. The following table shows the number of expedited transfers and denials since FY 2012.

Table 8: Expedited Transfers and Denials, FY 2012 – FY 2014

Transfer Type	FY12	FY13	FY14
Number of victims requesting a change in Unit/Duty Assignment (Cross-Installation Transfers)	57	99	44
Number Denied	2	3	0
Number of victims requesting a change in Installation (Permanent Change of Station)	161	480	615
Number Denied	0	11	15
<b>Total Approved</b>	<b>216</b>	<b>565</b>	<b>644</b>

## RAND MILITARY WORKPLACE STUDY

In December 2014, RAND released top-line survey estimates on the prevalence of sexual assault, included in the *Report to the President*. These top-line results are now supplemented with more extensive analyses that examine differences between men and women, the Services, as well as active duty and Reserve Components.

To reiterate, RAND designed two forms of the sexual assault prevalence survey: the *WGRA* and the *RMWS*. The *WGRA* form employed DMDC's measure of USC to estimate past-year prevalence in the active duty forces. The *RMWS* form employed a newly developed measure of sexual assault that was designed to match offense language in the UCMJ.

In order to draw historical comparisons between earlier prevalence rates and those in 2014, a subset of the sample was given the *WGRA* form of RAND's survey. The majority of the respondents, however, received the new *RMWS* survey form. An unprecedentedly large sample of male Service members in particular gave RAND the ability to perform detailed and reliable demographic analyses with data from the *RMWS* form. Thus, the results summarized below pertain to the *RMWS* form only. See Annex 1 for detail on the results summarized below.

### *Gender Differences in the Active Duty*

#### *Reporting Sexual Assault*

As discussed on page 13, compared to male victims, a greater percentage of female victims who experience sexual assault report to DoD officials. The reporting discrepancy between male and female victims extends beyond official reports of sexual assault; male victims are less likely than female victims to tell *anyone* about their sexual assault. Compared to female victims, a lower percentage of male victims told a friend or family member, a SARC/VA, or a counselor, therapist, or psychologist about their sexual assault. However, similar percentages of male and female victims told their supervisor or chain of command about their sexual assault. Among victims, the two most frequently cited "main reasons" for not reporting was that they believed the incident was not serious enough to report and they wanted to forget about it and move on. Additionally, males were more likely than females to indicate that they did not report their sexual assault because they feared that they would be seen as gay or bisexual.

#### *Characteristics of the Sexual Assault*

Gender differences in the characteristics of incidents experienced by victims may help explain why male victims are less likely than female victims to report. Specifically, male victims were four times more likely than female victims to indicate that their worst incident of sexual assault involved hazing. Men were also more likely than women to describe the incident as serving to humiliate or abuse them, as opposed to having a sexual intent. Furthermore, when compared to female victims, a greater share of male victims indicated that their worst incident of sexual assault involved multiple perpetrators, occurred while they were at work, and did not involve alcohol. In addition, 75% of male victims indicated that they experienced multiple incidents of sexual assault within the past year compared to 55% of female victims. Moreover, 43% of female



victims and about one-third of male victims experienced a penetrative sexual assault. Male victims who indicated they had experienced a penetrative sexual assault were more likely than female victims to indicate physical injuries or threats of violence.

Overall, men were more likely than women to describe their sexual assault as “hazing.” Some male victims who experience such hazing/bullying incidents may not even consider making a report because they do not recognize the incident as a sexual assault.

### *Service Differences in the Active Duty*

Sexual assault prevalence varies by Service. The prevalence of sexual assault among female Service members in the Marine Corps and Navy is higher than the average prevalence of all other Services. Conversely, the prevalence of sexual assault among both male and female Service members in the Air Force is lower than the average prevalence of all other Services. There are other differences between the Services, however, that may explain the variance in sexual assault prevalence rates.

RAND conducted a series of analyses to compare the prevalence of sexual assault across the Services while holding constant factors that are associated with sexual assault risk. The analyses statistically controlled for demographic factors such as age, race, education, and marital status, factors related to military experience, such as months deployed and pay grade, and factors related to military environment, such as installation size and the percentage of men in one’s occupation, installation, and unit. If variation in these factors explains prevalence differences across the Services, then controlling for these factors should result in non-significant prevalence differences.

After controlling for factors discussed above, the sexual assault prevalence rates for male and female Army, Navy, and Marine Corps members were not statistically different. Conversely, sexual assault prevalence for male and female Air Force members remained statistically lower than the other three Services, even after introducing controls. Thus, while variations in prevalence rates across the Army, Navy, and Marine Corps can be attributed to demographic composition, these factors do not explain the relatively lower prevalence rate of sexual assault in the Air Force.

### *Differences between Active Duty and Reserve Component*

Compared to active duty Service members, Reserve Component members had a significantly lower prevalence of past-year sexual assault. Given that DMDC’s USC measure produces about the same top-line estimate of past-year prevalence as RAND’s sexual assault measure, Reserve Component past-year prevalence in FY 2014 remained about the same as past-year prevalence in 2008 and 2012. The majority (86%) of Reserve Component members who experienced sexual assault in the past-year indicated that the offender was a military member or that the incident took place in a military setting. This was true for Reserve Component members who served part-time (less than 180 days of Service in the past year) and full-time. DoD will be conducting the *WGRR*, currently scheduled for FY 2015, to follow-up on these and other *RMWS* findings.