



## Appendix C: Metrics and Non-Metrics on Sexual Assault



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## Appendix B: Metrics and Non-Metrics on Sexual Assault

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In collaboration with the White House, the Department of Defense (DoD) developed the following metrics and “non-metrics” in 2014 to help illustrate and assess DoD’s progress in sexual assault prevention and response (SAPR). As part of the development process, DoD examined sexual assault programs throughout the nation to identify potential points of analysis. Unfortunately, DoD could not find widely accepted, population-based metrics to serve as a reference. Therefore, in a collaborative process involving DoD SAPR program experts and researchers, DoD developed the following 11 metrics and six non-metrics.

For the purposes of this document, the term “metric” describes a quantifiable part of a system’s function. Inherent in performance metrics is the concept that there may be a positive or negative valence associated with such measurements. In addition, adjustments in inputs to a process may allow an entity to influence a metric in a desired direction. For example, DoD aspires to encourage greater reporting of sexual assault by putting policies and resources in place. Therefore, an increase in the number of sexual assaults reported may indicate that DoD’s efforts may be working.

DoD uses the term “non-metric” to describe outputs of the military justice system that should not be “influenced,” or be considered as having a positive or negative valence in that doing so may be inappropriate or unlawful under military law. Figures A through AA illustrate points of analysis for metrics and non-metrics.

### Metrics

#### Metric 1: Past-Year Estimated Prevalence of Sexual Assault and Unwanted Sexual Contact

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##### (Biennial Metric; Not Measured in FY22)

DoD administers the *Workplace and Gender Relations Survey of Military Members (WGR)*<sup>1</sup> to assess the estimated prevalence of sexual assault<sup>2</sup> or unwanted sexual contact<sup>3</sup> among active duty and reserve component members over a year’s time. The Office of People Analytics (OPA) conducts the *WGR* in accordance with the biennial cycle of human relations surveys outlined in Section 481 of Title 10, USC. In the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021, Congress authorized DoD to conduct the Active Duty and Reserve Component surveys in the same year. Metric 1 provides estimated active duty prevalence rates for Calendar Year (CY)<sup>4</sup> 2006, FY10, FY12, FY14, FY16, FY18, and CY21.<sup>5</sup> The Department

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<sup>1</sup> In FY14, the RAND Corporation recommended use of a prevalence estimate measure closely aligned with the elements of criminal offenses in the Uniform Code of Military Justice (UCMJ). For FY14, FY16, and FY18, this metric was used to estimate prevalence of sexual assault in the active and reserve components of the U.S. Armed Forces.

<sup>2</sup> Sexual assault is defined in DoDI 6495.02 as “Intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. As used in this Instruction, the term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.”

<sup>3</sup> Unwanted Sexual Contact is a proxy term for crimes consistent with sexual assault and is used to estimate prevalence in the 2021 *Workplace and Gender Relations Surveys*. It refers to a range of behaviors prohibited by the UCMJ and includes penetrative sexual assault (completed intercourse, sodomy [oral or anal sex], and penetration by an object), non-penetrative sexual assault (unwanted touching of genitalia, breasts, buttocks, and/or inner thigh), and attempted penetrative sexual assault (attempted sexual intercourse, sodomy [oral or anal sex], and penetration by an object).

<sup>4</sup> Estimates from the 2006 and 2021 *Workplace and Gender Relations Surveys* reflect a surveyed timeframe of January to December, as compared to FY10, FY12, FY14, FY16, and FY18, which reflect a surveyed timeframe of October to September.

<sup>5</sup> The Department conducted the 2021 *WGR of Military Members* for both the active duty and reserve components, but all metrics in this report pertain to members of the active duty component.

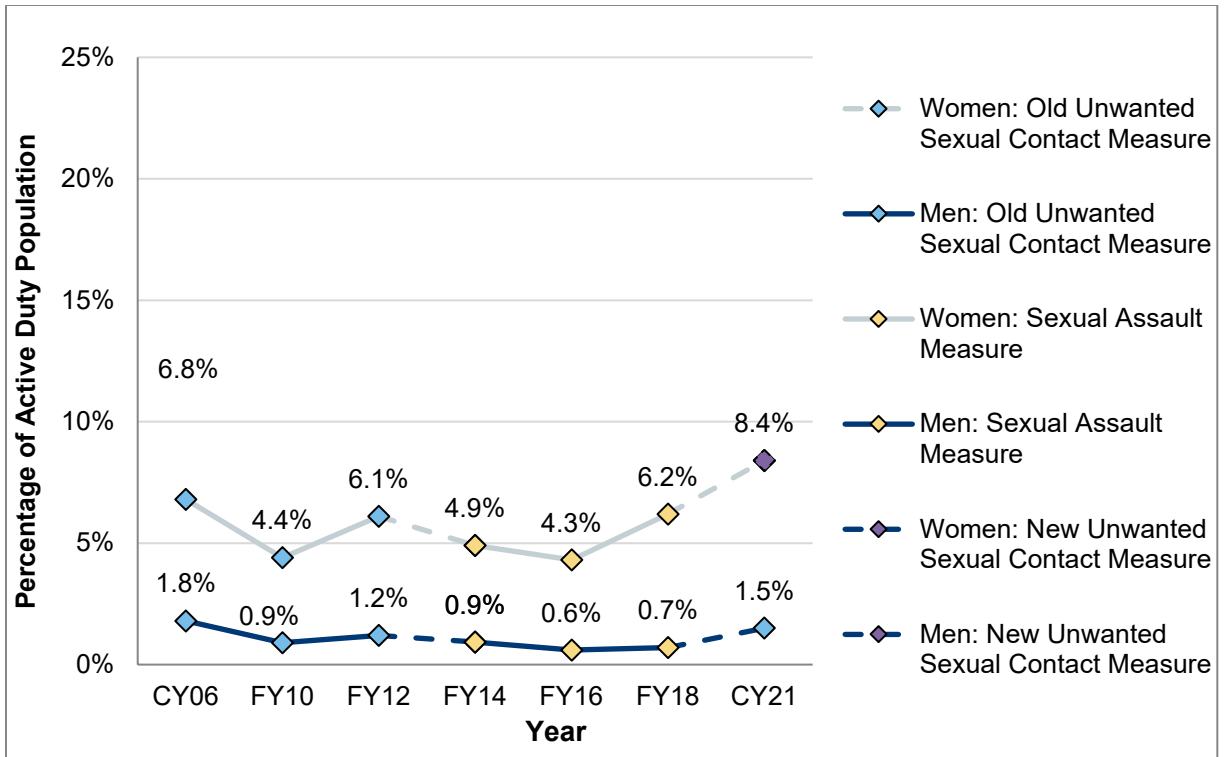
was due to administer the *WGR* in 2020, but was unable to do so due to the coronavirus pandemic. In addition, due to a change in survey administration requirements, DoD was not able to field the survey in the usual timeframe (i.e., August to October). As a result, the estimates of prevalence in 2021 reflect the 12-month period of January 1, 2021 to December 31, 2021 (CY21).<sup>6</sup>

Changes to survey administration procedures required the Department to change sexual assault prevalence metrics for the FY21 *WGR* survey. As a result, the Department was required to replace the lengthy, RAND-developed sexual assault measure with a shorter, proxy measure for sexual assault in the military, “Unwanted Sexual Contact” (USC). As a result of this change, the Department did not have the ability to statistically compare rates of prevalence estimated for CY21 to prior years’ estimates (CY06 to FY18). Therefore, DoD cannot definitively say if the apparent increases in USC estimated for CY21 are due to an increase in prevalence or due to differences in how metrics measure the problem.

As with all surveys, OPA classifies Service members as having experienced sexual assault or unwanted sexual contact based on respondents’ recollection of the event as expressed in their survey responses. A full review of all evidence may reveal that some respondents whom OPA classifies as not having experienced sexual assault or unwanted sexual contact in fact did have one of these experiences. Similarly, some whom OPA classifies as having experienced a crime or violation may have experienced an event that would not meet the minimum DoD criteria. OPA’s rigorous survey development sought to minimize such errors, but these errors cannot be eliminated in a self-report survey. Metric 1 (Figure A) illustrates the estimated past-year rates of unwanted sexual contact (USC) in CY06, FY10, FY12, and CY21 and sexual assault in FY14, FY16, and FY18. Given changes in the USC metric since FY12 and differences with the RAND sexual assault metric used from FY14 to FY18, the prevalence of USC estimated for CY21 is not directly comparable to prior years’ prevalence estimates.

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<sup>6</sup> To maximize the opportunity to participate, the survey was available to Service members for 12 weeks. Accordingly, the period of time that Service members are asked to recall an unwanted experience spanned from December 2020 to March 2022.



**Figure A – Metric 1: Past Year Estimated Prevalence Within the Active Duty Population, CY06, FY10 – FY18, and CY21**

**Source:** *Gender Relations Survey of Active Duty Members (2006); WGR, 2010-2012, 2016-2021; RAND Military Workplace Study (RMWS, 2014).*

In CY21, DoD estimated that 8.4 percent of active duty women and 1.5 percent of active duty men experienced an incident of Unwanted Sexual Contact in the 12 months prior to being surveyed.<sup>7</sup>

## Metric 2: Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact

**(Biennial Metric; No prevalence estimate for FY22 but annual Sexual Assault Reporting Data for FY22 is included)**

Underreporting occurs when crime reports to law enforcement fall far below statistical estimates of how often a crime may occur. Nationally, sexual assault is one of the most underreported crimes, with estimates indicating that between 67 and 75 percent of sexual assaults are not reported to police.<sup>8</sup> Underreporting also occurs in DoD and interferes with providing victims needed care and holding alleged offenders appropriately accountable. To understand the extent to which sexual assault goes unreported, Metric 2 compares the estimated number of Service members who may have experienced sexual assault, as measured by confidential

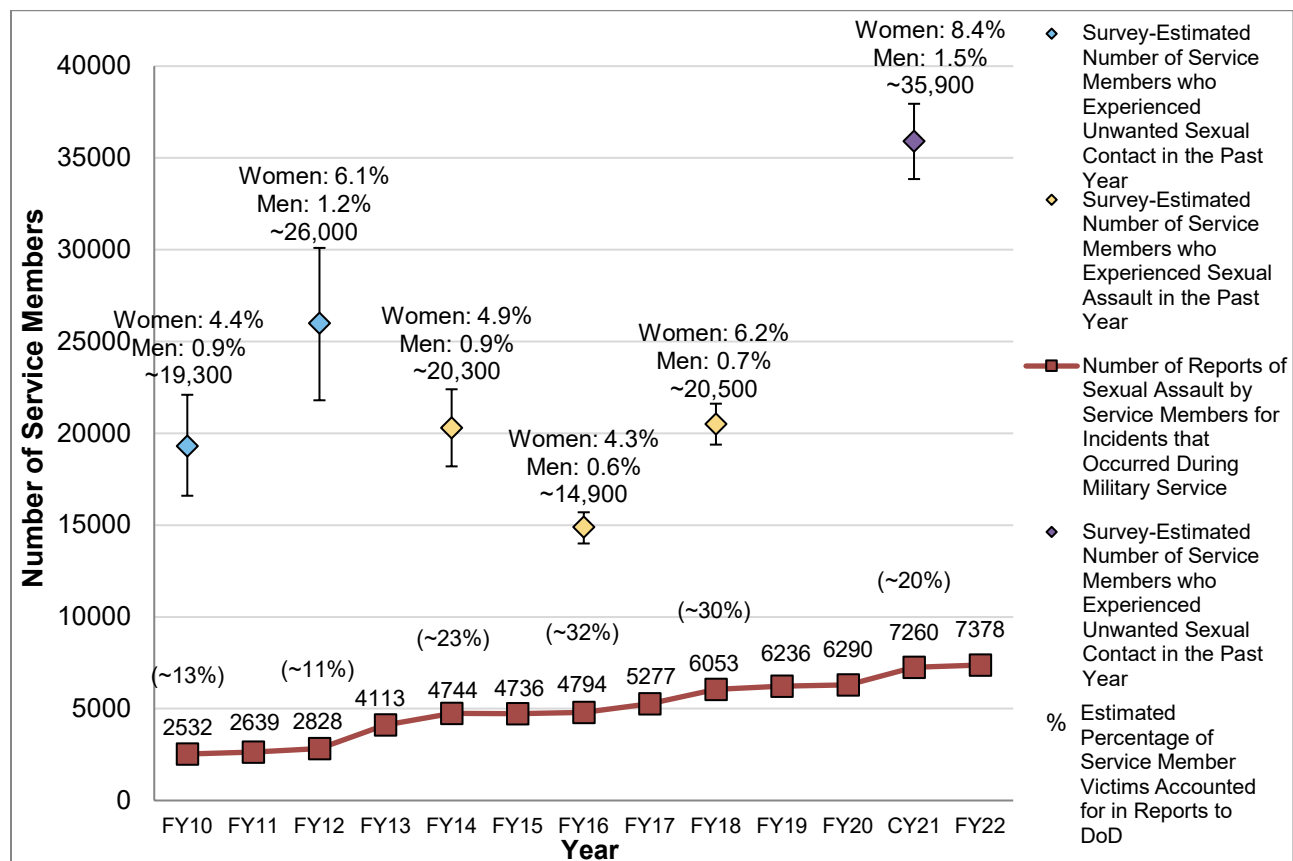
<sup>7</sup> OPA used scientific weighting to estimate prevalence rates that were representative of the entire active duty population. OPA provides confidence intervals for all statistics that are interpreted as population estimates. The estimated 8.4 percent prevalence rate among women has a confidence interval of 7.9 percent to 8.9 percent, meaning that we can infer with 95 percent confidence that the estimated prevalence of sexual assault among active duty women is between 7.9 percent and 8.9 percent. The estimated prevalence rate of 1.5 percent among men has a confidence interval of 1.4 percent to 1.7 percent, meaning that we can infer with 95 percent confidence that the estimated prevalence of sexual assault among active duty men is between 1.4 percent and 1.7 percent.

<sup>8</sup> Morgan, R. E., & Truman, J. L. Criminal Victimization, 2019. *Bureau of Justice Statistics (2020)*: 1-53.

survey data, with the number of Service member victims in sexual assault reports for incidents occurring during Military Service. **The next survey will be administered during FY23 and results will be included in the FY23 Annual Report.**

### DoD Prevalence and Reporting

Each year, DoD receives reports of sexual assault from military and civilian victims. DoD captures data on all reports of sexual assault; however, a focus on Service member victim reports of sexual assault for an incident occurring during military service allows for comparison to active duty prevalence estimates. Figure B depicts the difference between the number of Service members who reported a sexual assault and the estimated number of Service members who experienced unwanted sexual contact in the last year, according to survey data. Although reports to DoD authorities are unlikely to capture all sexual assaults estimated to occur each year, DoD encourages greater Service member reporting of sexual assault to connect victims with restorative care and to hold offenders appropriately accountable.



**Note:** Error bars represent the 95 percent confidence interval for each estimate.

**Figure B – Metric 2: Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY22**

Figures C through F display data for each of the Military Services. Military Service-level data are presented on different scales for ease of reading and to account for differences in population sizes of each of the Military Services.

Additionally, OPA used scientific weighting to estimate prevalence rates that were representative of the entire active duty population and each Military Service. OPA provides

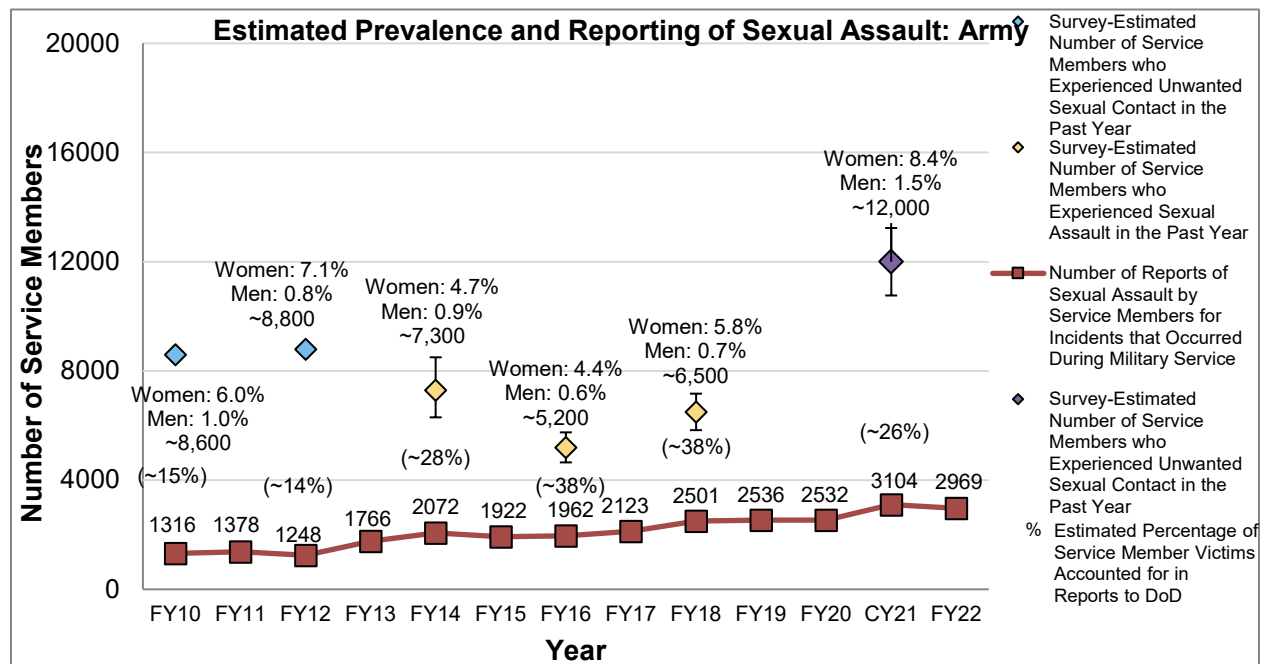


confidence intervals for all statistics that are interpreted as population estimates, and provides the statistical mid-point to estimate the number of Service members who experienced sexual assault in the 12 months prior to survey administration. Therefore, point-estimates displayed separately for each Military Service will not add up to the DoD point-estimate. **Survey data in the following graphs are from the most recent WGR in 2021. DoD will administer the next survey in FY23, and results will be included in the FY23 Annual Report.**

### Army Prevalence and Reporting

In CY21, DoD estimated that 8.4 percent of active duty Army women and 1.5 percent of active duty Army men experienced an incident of unwanted sexual contact in the 12 months prior to being surveyed.

As Figure C shows, 2,969 Service members made a report in FY22 to a military authority (compared to 3,104 Service members in CY21, a decrease of 4.3 percent) for an incident that occurred during military service in the past year.



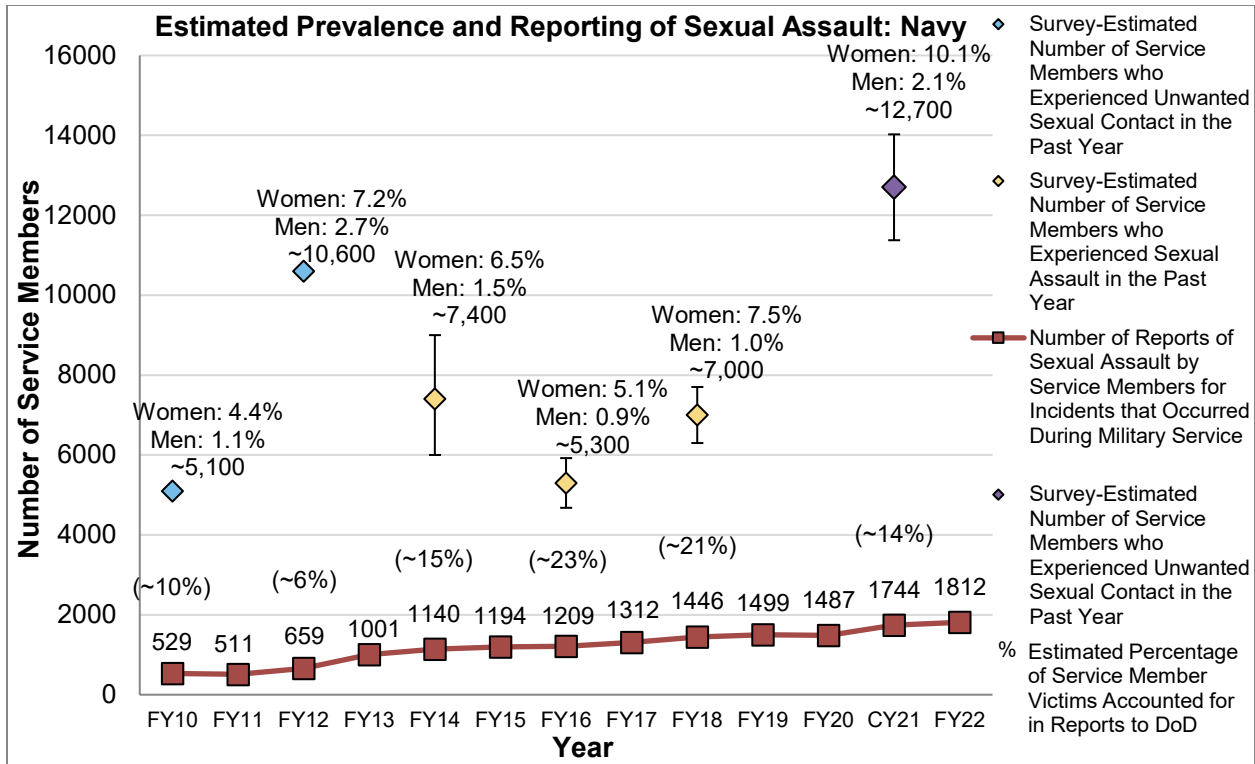
**Figure C – Metric 2a: Army Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY22**

**Note:** Error bars represent the 95 percent confidence interval for each estimate.

### Navy Prevalence and Reporting

In CY21, DoD estimated that 10.1 percent of active duty Navy women and 2.1 percent of active duty Navy men experienced an incident of unwanted sexual contact in the 12 months prior to being surveyed.

Figure D shows that 1,812 Service members made a report in FY22 to a military authority (compared to 1,744 Service members in CY21, an increase of 3.9 percent) for an incident that occurred during military service in the past year.



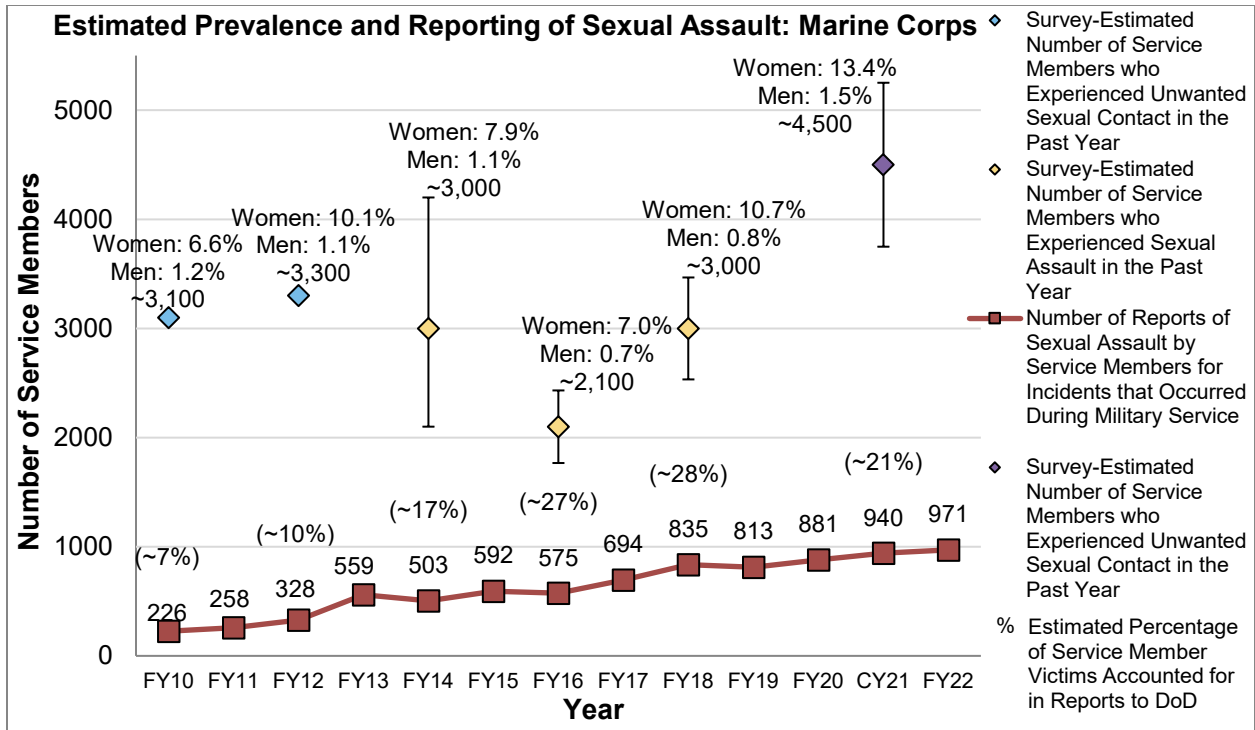
**Note:** Error bars represent the 95 percent confidence interval for each estimate.

**Figure D – Metric 2b: Navy Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY22**

### Marine Corps Prevalence and Reporting

In CY21, DoD estimated that 13.4 percent of active duty Marine Corps women and 1.5 percent of active duty Marine Corps men experienced an incident of unwanted sexual contact in the 12 months prior to being surveyed.

Figure E shows that 971 Service members made a report in FY21 to a military authority (compared to 940 Service members in CY21, an increase of 3.3 percent) for an incident that occurred during military service in the past year.



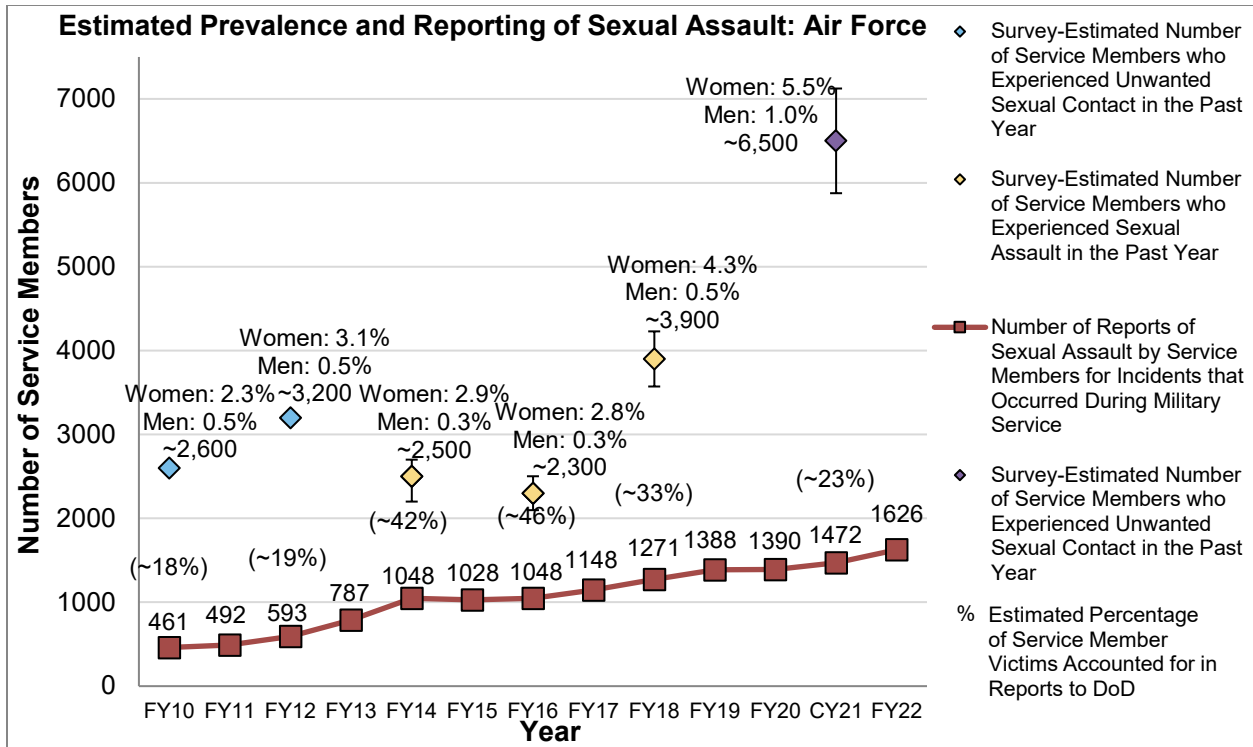
Note: Error bars represent the 95 percent confidence interval for each estimate.

Figure E – Metric 2c: Marine Corps Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY22

### Air Force Prevalence and Reporting

In CY21, DoD estimated that 5.5 percent of active duty Air Force women and 1.0 percent of active duty Air Force men experienced an incident of unwanted sexual contact in the 12 months prior to being surveyed.

Figure F shows that 1,626 Service members made a report in FY22 to a military authority (compared to 1,472 Service members in CY21, an increase of 10.5 percent) for an incident that occurred during military service in the past year.



**Figure F – Metric 2d: Air Force Estimated Prevalence and Reporting of Sexual Assault and Unwanted Sexual Contact, FY10 – FY22<sup>9</sup>**

**Note:** Error bars represent the 95 percent confidence interval for each estimate.

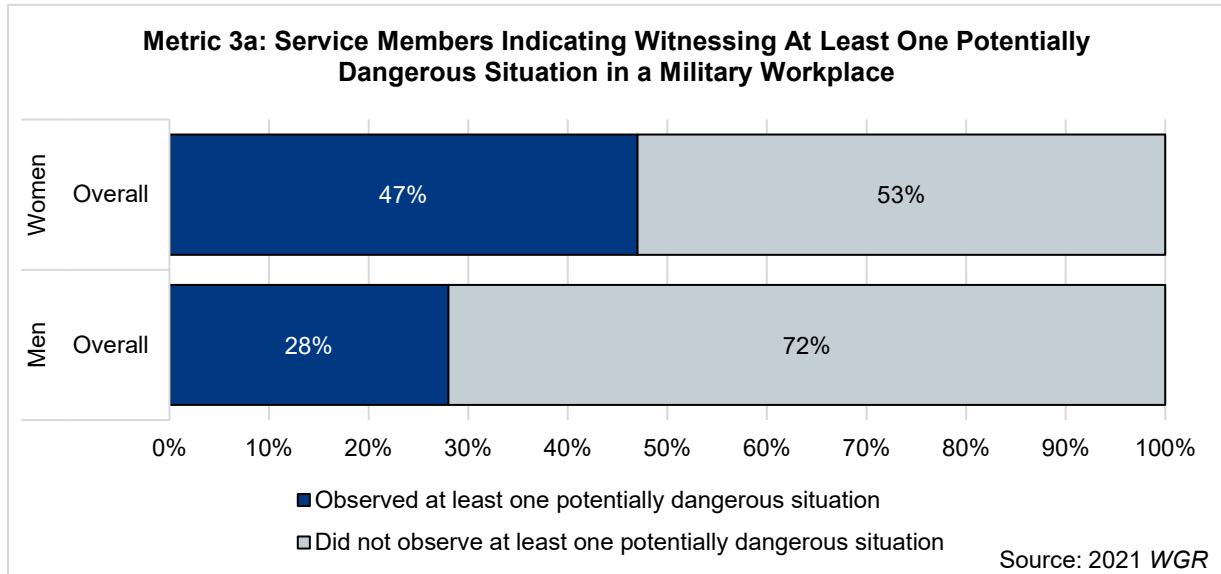
DoD remains committed to providing Service members who experience sexual assault with a variety of reporting and care options in the DoD response system. In addition, DoD maintains its resolve to strengthen its prevention initiatives and evaluation efforts to ensure the effectiveness of such programs.

<sup>9</sup> Currently, Service member victims belonging to the Space Force can make reports of incidents of sexual assault to any Services' SARC, and are counted among other Services. As of FY22, there are no Space Force-affiliated SARCs.

### Metric 3: Bystander Intervention Experience in the Past Year

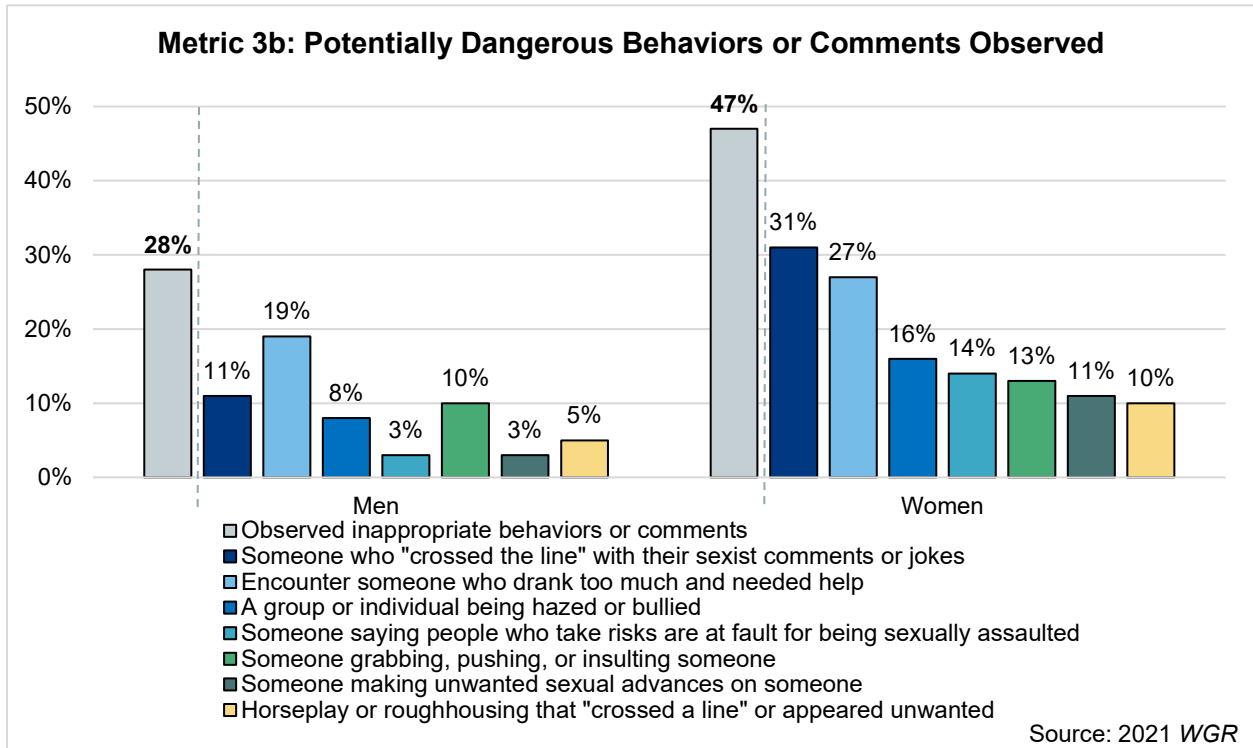
(Biennial Metric; Not Measured in FY22)

In CY21, DoD assessed bystander intervention on the 2021 *WGR* by measuring a list of potentially dangerous behaviors or comments that respondents could indicate they observed in the past year. As shown in Figure G, military women were more likely to observe at least one of these situations (47 percent) compared to military men (28 percent).



**Figure G – Metric 3a: Active Duty Service Members Who Indicated Observing At Least One Potentially Dangerous Situation in the Past Year**

As depicted in Figure H, men and women most often observed someone who crossed the line with a sexist joke (11 percent and 31 percent, respectively) and someone who drank too much and needed help (19 percent and 27 percent, respectively). Women were more likely than men to indicate they had encountered a group or individual being hazed or bullied, someone making unwanted sexual advances on someone else, and horseplay or roughhousing that “crossed the line” or appeared unwanted.



**Figure H – Metric 3b: Potentially Dangerous Behaviors or Comments Observed in the Past Year by Gender**

Figure I illustrates the type of actions taken after observing potentially dangerous behaviors or comments. Men and women who observed a situation did not differ in terms of the intervention they used. Of the 47 percent of women and 28 percent of men who observed one of these potentially dangerous behaviors or comments, 9 out of 10 (93 percent of women and 91 percent of men) said they intervened in some way. Service members were most likely to speak up to address the situation (57 percent of women and 54 percent of men) or to talk to those involved to make sure they were okay (48 percent women and 46 percent of men).

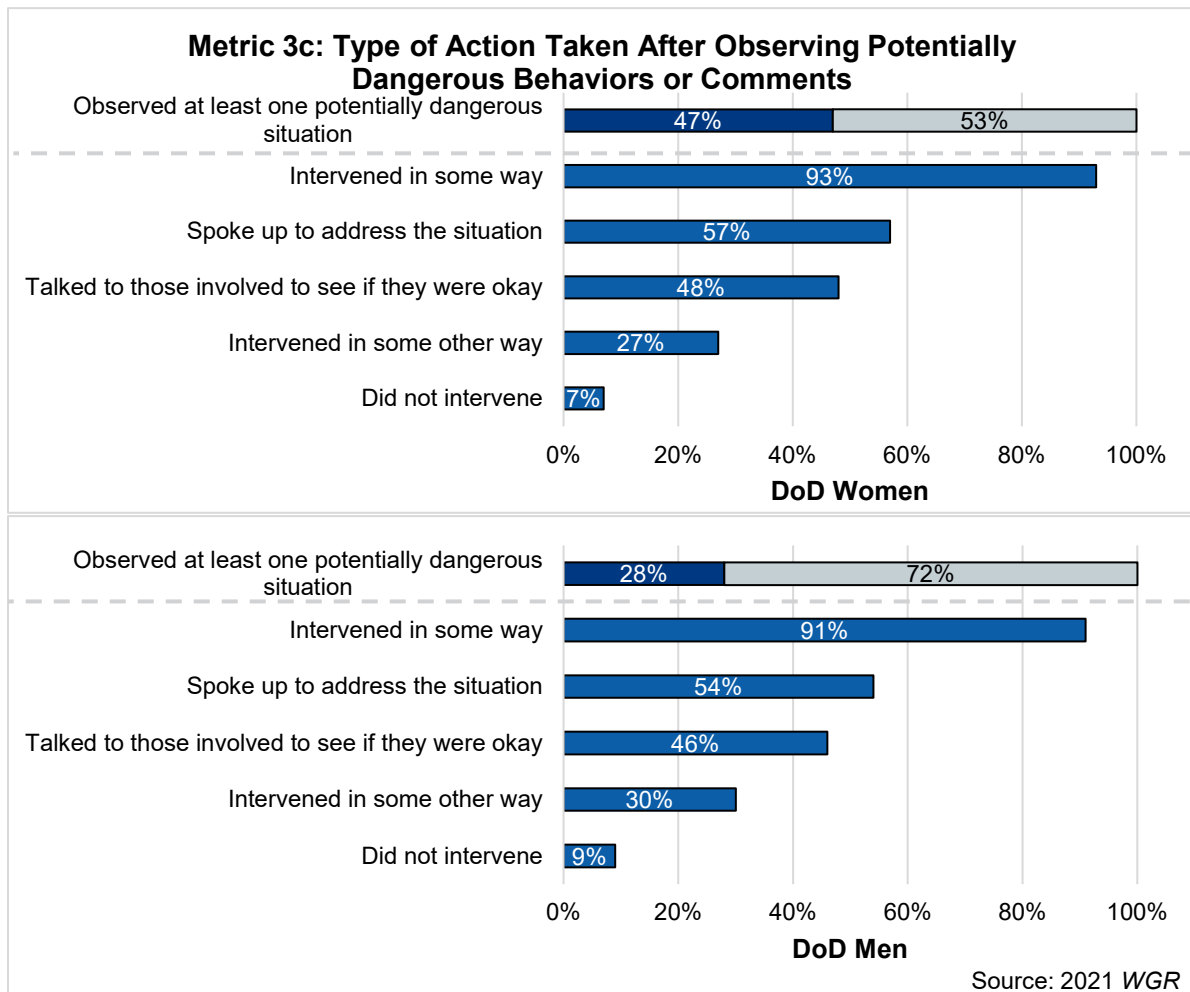


Figure I – Metric 3c: Type of Action Taken After Observing Potentially Dangerous Behaviors or Comments Among Active Duty Service Members of All Paygrades<sup>10</sup>

## Metric 4: Immediate Supervisor Addresses the Continuum of Harm

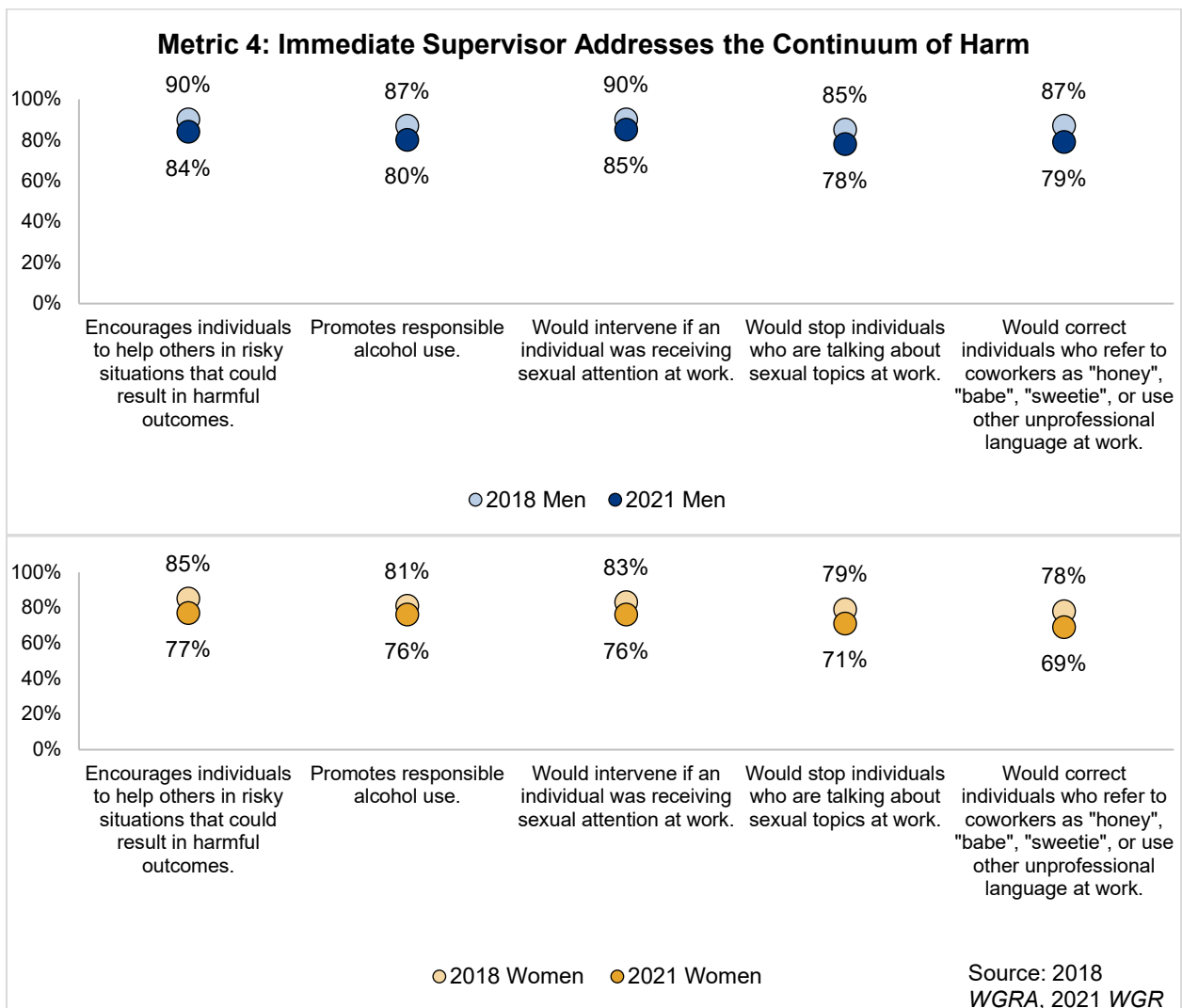
### (Biennial Metric; Not Measured in FY22)

Between FY14 and FY18, the Department leveraged the Defense Organizational Climate Survey (DEOCS) as the instrument to measure Metric 4. While the DEOCS remains useful for tracking this metric at the installation and command levels, DoD-level aggregate data did not produce meaningful trend information. Therefore, DoD added the questions that comprise

<sup>10</sup> Percentages may not add up to one hundred percent as more than one action taken could be indicated.

Metric 4 to the 2018 *WGRA*, allowing for estimates to be generalized to the entire force. The Department's 2021 *WGR* estimates for perceptions of immediate supervisors are reflected below.

Perceptions of immediate supervisor's actions in addressing behaviors in the continuum of harm were generally positive. However, women overall had a lower perception of their immediate supervisor addressing these issues. Figure J shows men's and women's perceptions of immediate supervisors' actions to address various behaviors on the continuum of harm, as measured by both the 2018 *WGRA* and the 2021 *WGR*.



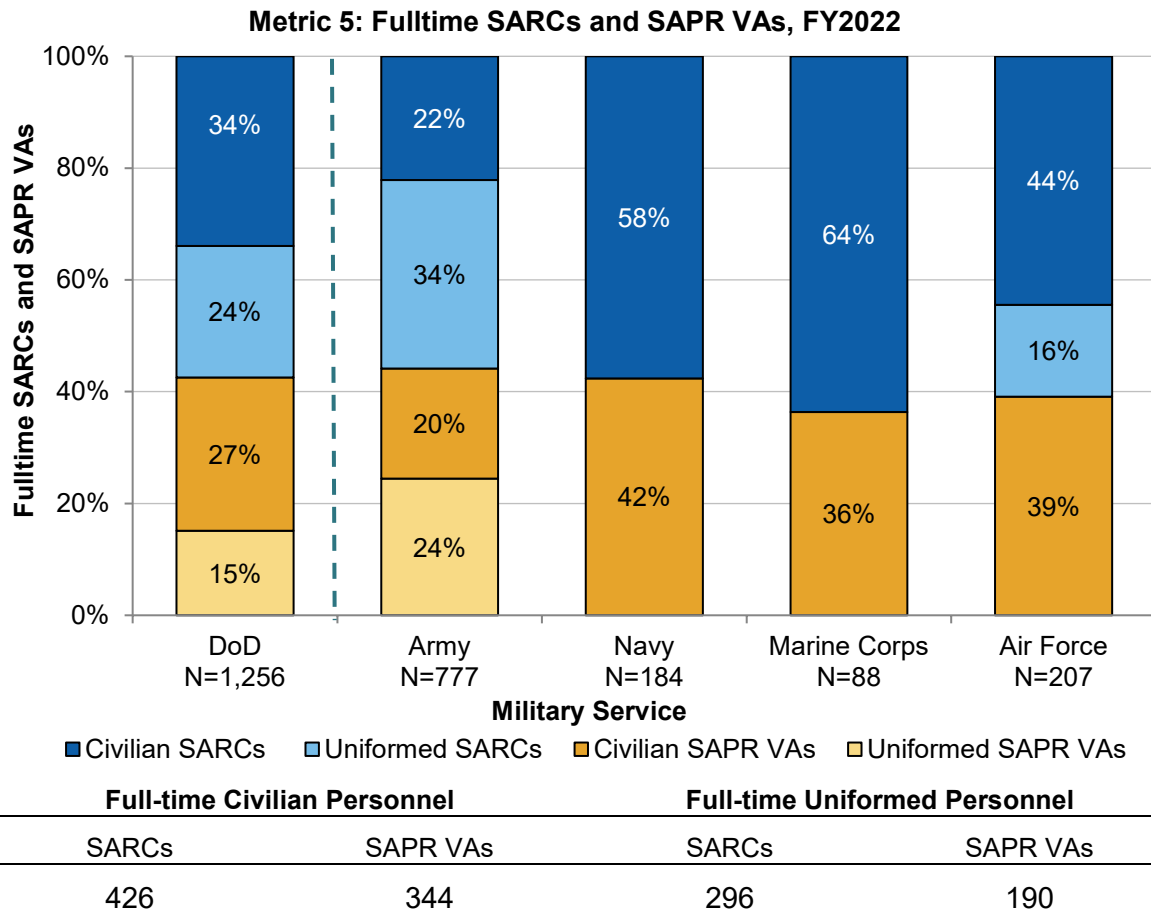
**Figure J – Metric 4: Agreement with Whether Immediate Supervisor Addresses the Continuum of Harm**

### Metric 5: Full-time Certified Sexual Assault Response Coordinator and SAPR Victim Advocate Personnel Currently Able to Provide Victim Support

(Annual Metric; Updated for FY22)



As illustrated in Figure K, there were 1,256 full-time civilian and Service member Sexual Assault Response Coordinators (SARCs), SAPR Victim Advocates (VAs), and Uniformed SAPR Victim Advocates (UVAs) working to provide victim support in FY22. In addition to full-time SARCs and SAPR VAs/UVAs, the Military Services also employed collateral duty Service member SARCs and UVAs to provide support to victims on a part-time basis. The Space Force currently receives SAPR Program support from Department of the Air Force SARCs and SAPR VAs. As a result, Air Force data below reflects individuals providing support to both the Air Force and the Space Force.



**Figure K – Metric 5: Full-time Certified SARC and SAPR VA Personnel Currently Able to Provide Victim Support, by Military Service**

## Metric 6: Victim Experience – Satisfaction with Services Provided

(Biennial Metric; Not Measured in FY22)

DoD administered the last iteration of the *Military Investigation and Justice Experience Survey (MIJES)* in 2017. *MIJES* results were not representative of the entire population of military victims that participated in the military justice system. To produce more generalizable estimates, DoD added Metric 6 questions to the 2018 *WGRA*. The Department estimated victim satisfaction with services again on the 2021 *WGR*. The results show that satisfaction with SAPR response personnel remained relatively high, with roughly two-thirds of women who made a report of a past-year sexual assault and interacted with SARCs, SAPR UVAs/VAs, and SVCs/VLCs indicating they were satisfied with the services they received. Results were not reportable for men who made a report.

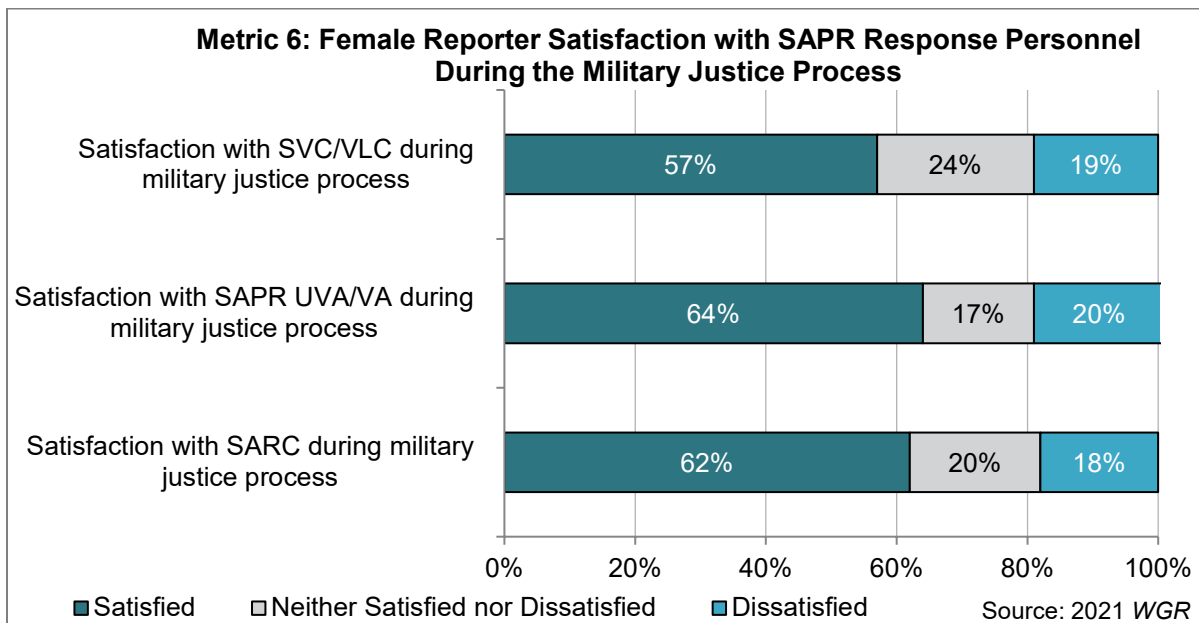


Figure L – Metric 6: Female Reporter Satisfaction with SAPR Response Personnel During the Military Justice Process

## Metric 7: Percentage of Cases with Victims Declining to Participate in the Military Justice Process

(Annual Metric; Updated for FY22)

To standardize and consistently improve the reliability and validity of DoD data, representatives from the Military Services meet routinely to review procedures for classifying and annotating case disposition information in DSAID. These meetings allow the Military Services to consistently report information properly and ensure data standardization, despite the turnover and changes in personnel.

After observing an increase in cases that could not progress in the military justice system because victims declined to participate, DoD engaged with Military Service representatives to review case reporting procedures and possible causes. This review led to improvements across the Military Services in their disposition reporting processes. The data for this year reflect the ongoing quality assurance process DoD leverages to ensure consistency between the Military Services and across reporting periods.

The Military Services reported that DoD commanders, in conjunction with their legal advisors, reviewed and made case disposition decisions following the completion of an investigation for 3,188 cases in FY22. In FY22, 5 percent of cases commanders considered for action did not progress in the military justice system to conclusion because commanders respected victims' desired non-participation in the process. As illustrated in Figure M, the percentage of cases with victims declining to participate decreased from FY19 to FY22.

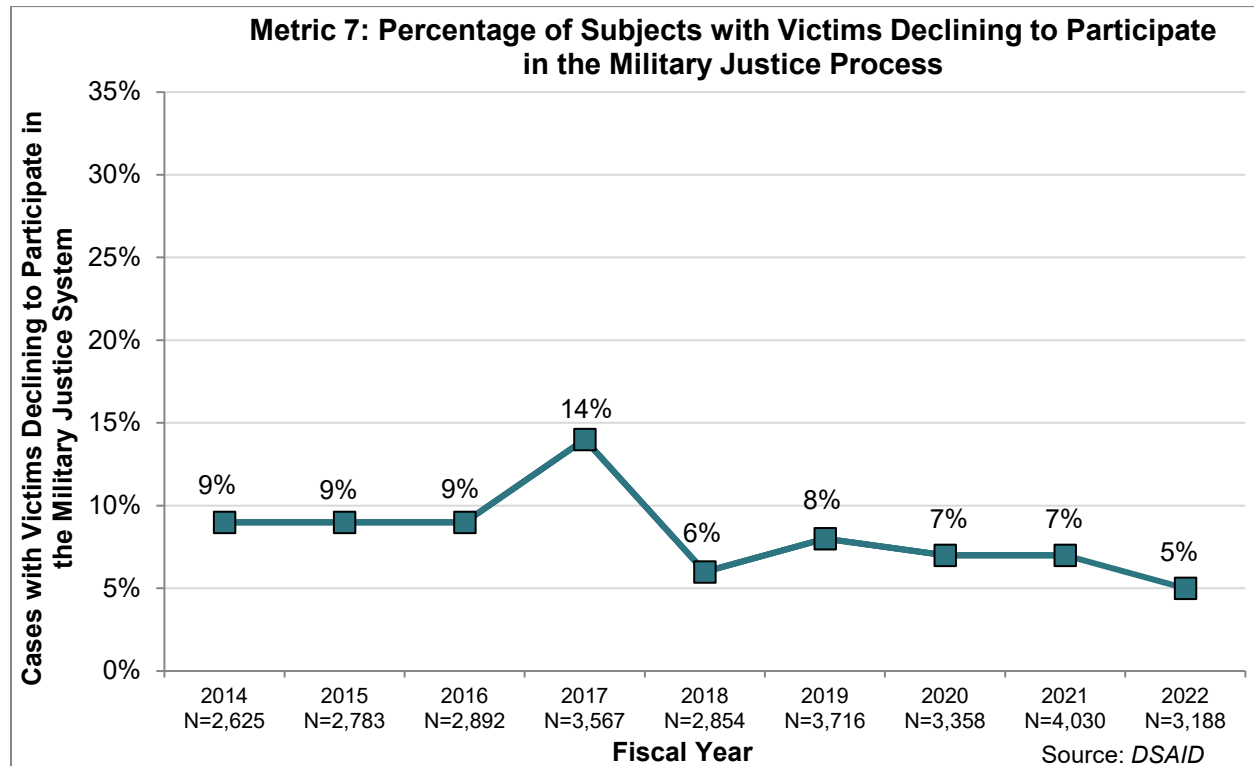
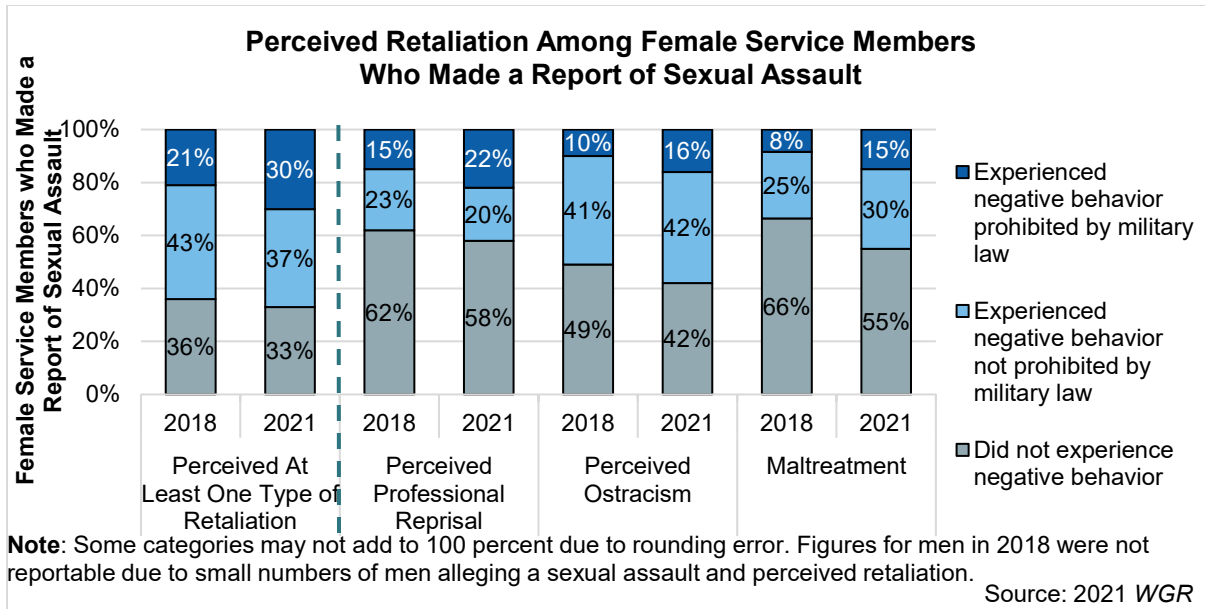


Figure M – Metric 7: Cases with Victims Declining to Participate in the Military Justice Process, FY14 – FY22

## Metric 8: Perceptions of Retaliation

**(Biennial Metric; Not Measured in FY22)**

DoD aims to foster a climate of confidence in which victims feel they can report sexual assault without concern for retaliation. To this end, DoD uses the *WGR* to ask respondents whether they experienced specific retaliatory behaviors following their report of sexual assault. Subsequent questions then assess the context of those experiences to further categorize which respondents indicated experiencing consequences that aligned with prohibited behaviors described in policy and law as retaliation. Those behaviors that do not align with violations of the UCMJ or policy are referred to as “perceived retaliation.”



**Figure N – Metric 8: Perceived Retaliation Among Female Active Duty Service Members Who Made a Report of Sexual Assault<sup>11</sup>**

Of female Service members who indicated on the survey that they experienced unwanted sexual contact in the past year and reported it to a DoD authority, 67 percent indicated perceiving at least one retaliatory behavior associated with their report. However, once the context of those alleged behaviors was assessed, 22 percent of victims' experiences aligned with the legal criteria for professional reprisal, 16 percent aligned with ostracism, and 15 percent aligned with criteria for maltreatment (Figure N). Responses to these survey items do not constitute a report of retaliation, nor do they constitute a finding under the law that the victim experienced some form of retaliation. Rather, these responses allow DoD to gain insight into the broad range of negative consequences Service members perceive as being associated with their sexual assault reports.

### Metric 9: Service Member Kept Regularly Informed During the Military Justice Process

**(Biennial Metric; Not Measured in FY22)**

Fielding of a separate survivor-oriented survey resulted in this metric being eliminated from the 2021 WGR. As of the publication of this report, the Department will begin to field the Sexual Violence Support and Experiences Study in FY23 to better assess victims' experiences, including whether they are kept informed during the military justice process.

### Metric 10: Perceptions of Leadership Support for SAPR

**(Biennial Metric; Not Measured in FY22)**

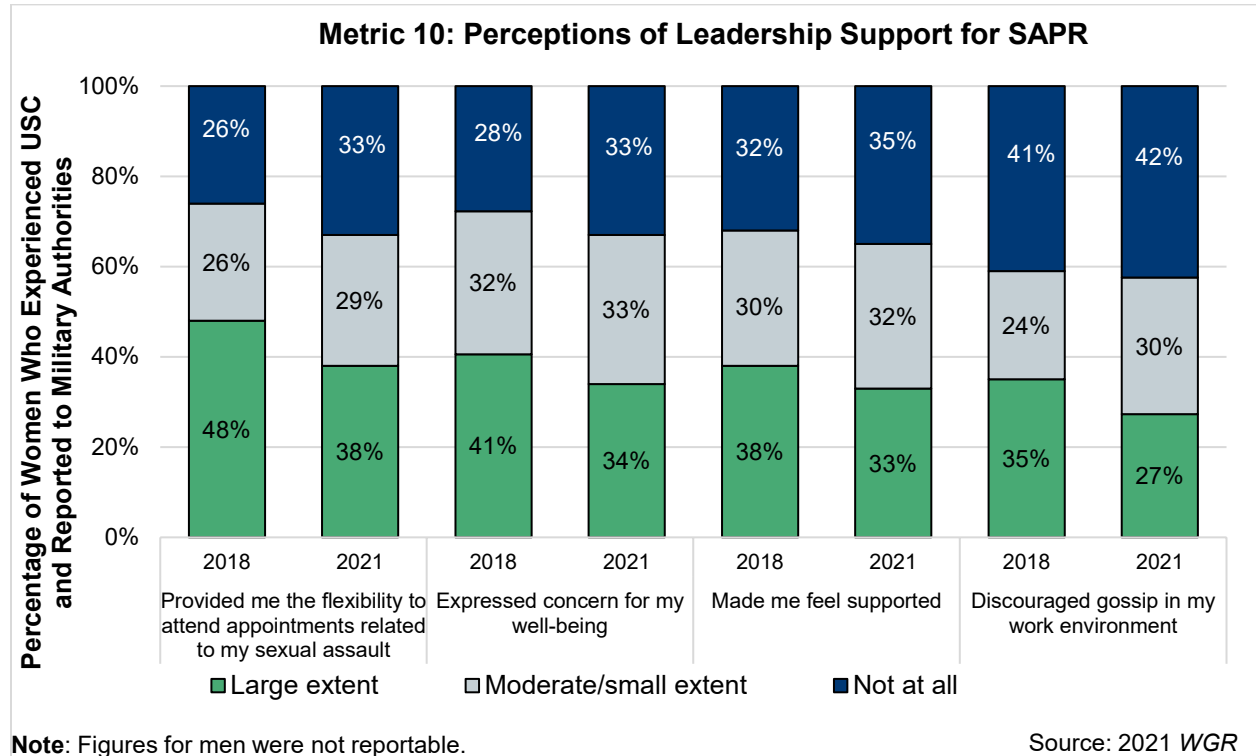
DoD administered the last iteration of leadership support after sexual assault reporting questions on the 2018 WGRA.

Respondents indicated their perceptions of their leadership's actions to their sexual assault report. Figure O depicts the average agreement with these items for female Service members

<sup>11</sup> Data for men in 2018 on this metric were not reportable.

who indicated experiencing unwanted sexual contact and reported it. Proportions for men were not reportable.

OMB-directed changes to survey administration prohibit the ability to make statistical comparisons between results for this metric in 2018 and results in 2021. However, the results from the 2021 *WGR* show that perceptions of leadership support for women who indicated experiencing unwanted sexual contact and reported appeared to decline.

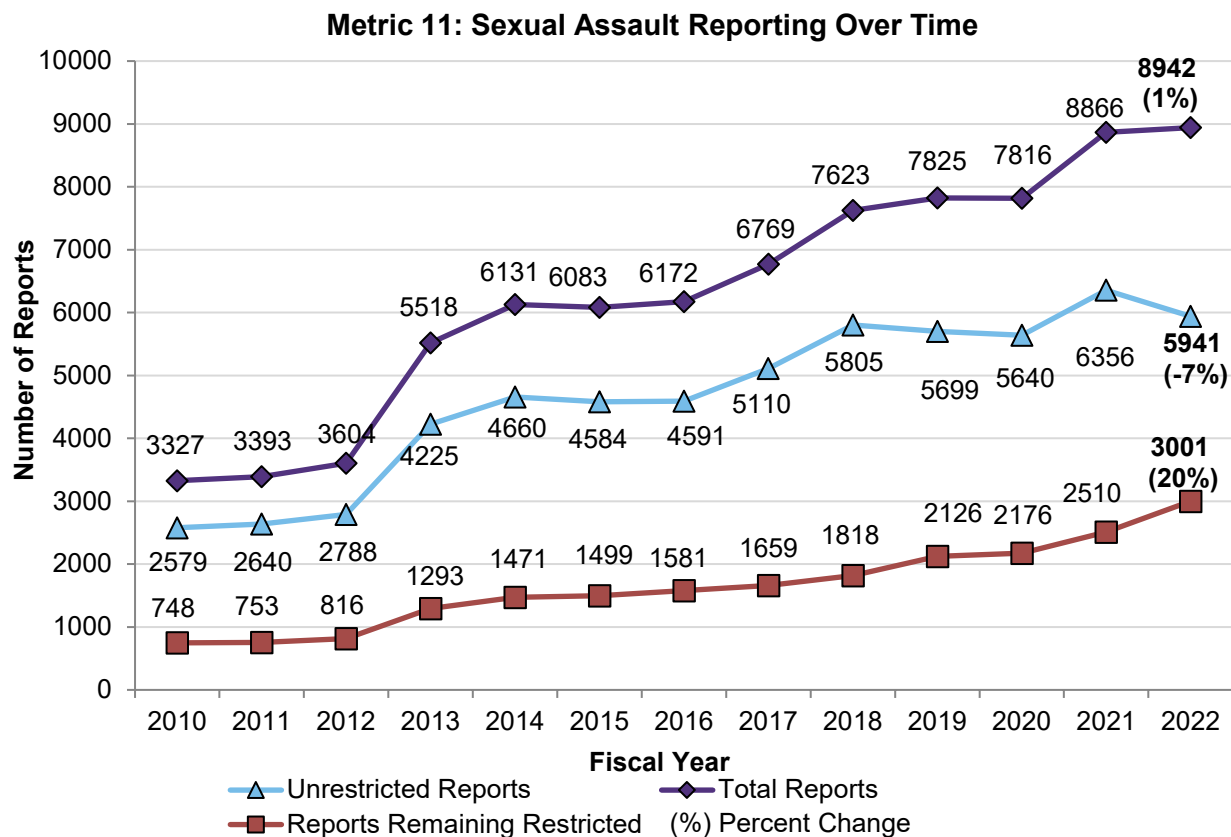


**Figure O – Metric 10: Female Active Duty Service Member Perception of Leadership Support After a Report Was Made**

## Metric 11: Reports of Sexual Assault Over Time

(Annual Metric; Updated for FY22)

In FY22, the Military Services received 8,942 reports of sexual assault involving Service members as either victims or subjects (Figure P). While DoD received these reports in FY22, a portion of reported incidents occurred in prior FYs and/or prior to military service.



| Fiscal Year | Total Reports | = | Unrestricted | + | Remaining Restricted |
|-------------|---------------|---|--------------|---|----------------------|
| 2022        | 8,942         | = | 5,941 (66%)  | + | 3,001 (34%)          |
| 2021        | 8,866         | = | 6,356 (72%)  | + | 2,510 (28%)          |

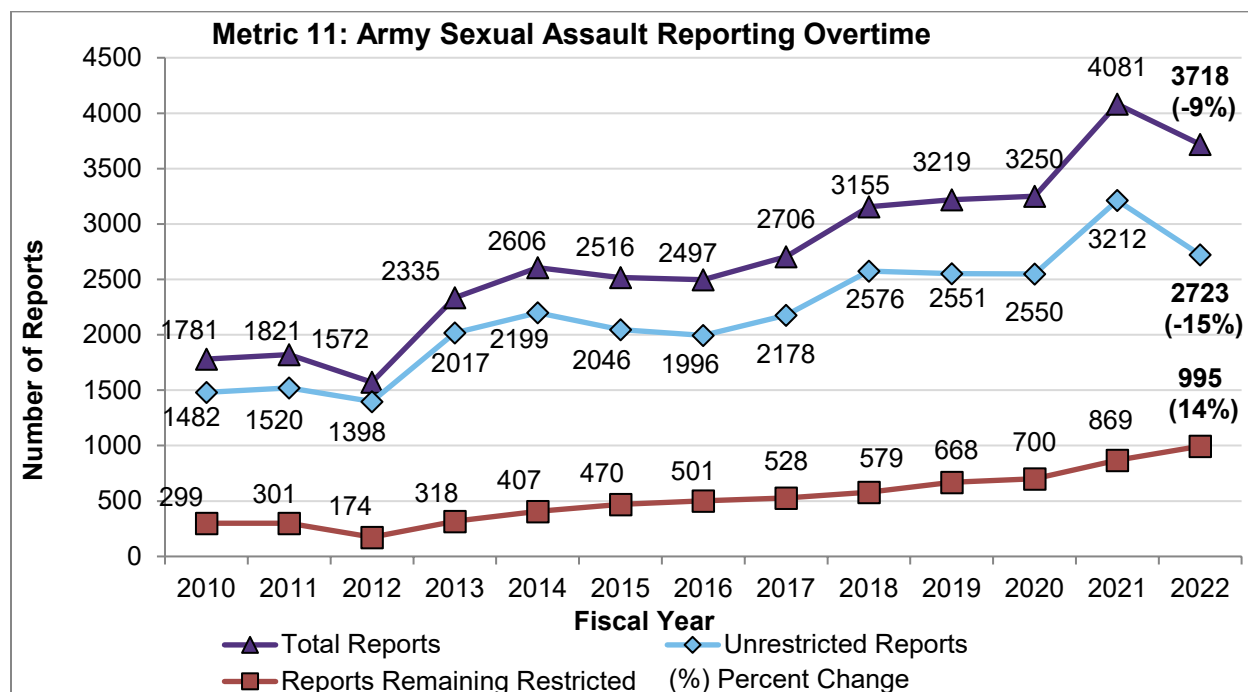
**Figure P – Metric 11: Reports of Sexual Assault Over Time, FY10 – FY22**

Of the 8,942 reports in FY22, 580 (6 percent) were made by Service members for incidents that occurred prior to their entering military service.<sup>12</sup> The Military Services received 5,941

<sup>12</sup> Prior to FY14, an Unrestricted Report of sexual assault may have included one or more victims and one or more subjects. DoD relied upon MCIOS to provide the number of Unrestricted Reports and the subsequent number of victims and subjects associated with those reports each year. In FY14, DoD transitioned to DSAID as the primary source of reporting statistics with each Unrestricted Report corresponding to a single victim.

Unrestricted Reports involving Service members as victims or subjects in FY22.<sup>13</sup> The Military Services initially received 3,682 Restricted Reports involving Service members as either victims or subjects. Of the 3,682 initial Restricted Reports, 18 percent (681 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. At the end of FY22, 3,001 reports remained Restricted.

Figures Q through T display the reports over time for each of the Military Services.

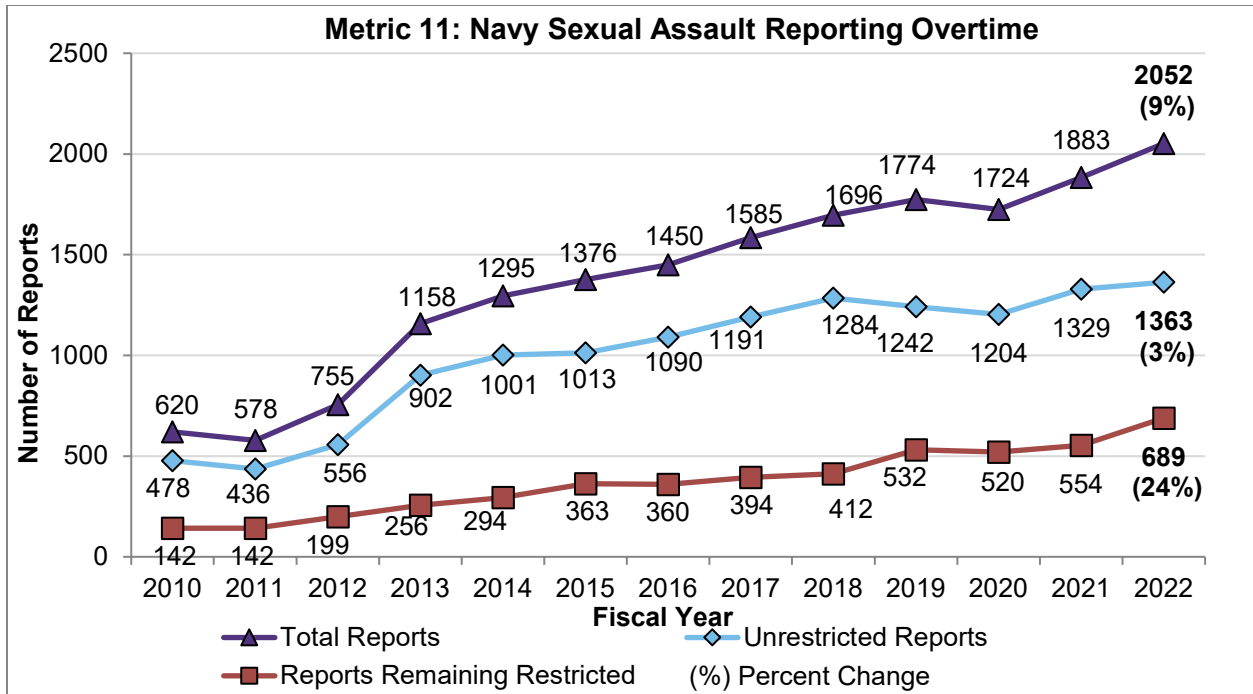


| Fiscal Year | Total Reports | = | Unrestricted | + | Remaining Restricted |
|-------------|---------------|---|--------------|---|----------------------|
| 2022        | 3,718         | = | 2,723 (73%)  | + | 995 (27%)            |
| 2021        | 4,081         | = | 3,212 (79%)  | + | 869 (21%)            |

**Figure Q – Metric 11: Army Reports of Sexual Assault Over Time, FY10 – FY22**

Army received 2,723 Unrestricted Reports involving Service members as victims or subjects in FY22. Army authorities initially received 1,225 Restricted Reports involving Service members as either victims or subjects. Of the 1,225 initial Restricted Reports, about 19 percent (230 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. At the end of FY22, 995 reports remained Restricted.

<sup>13</sup> Beginning with the implementation of DSAID in 2014, DoD has extracted and analyzed data six weeks after the end of each FY to allow sufficient time for data validation. DSAID is a live database, and its records change daily to reflect case status. During this six-week period, 83 additional Restricted Reports converted to Unrestricted. After a report converts from Restricted to Unrestricted, all data associated with the report is then counted in the Unrestricted Report category. These 83 reports that were made during the FY, converted to Unrestricted in the six-week period after the end of the FY, and are therefore included with the 681 report conversions.

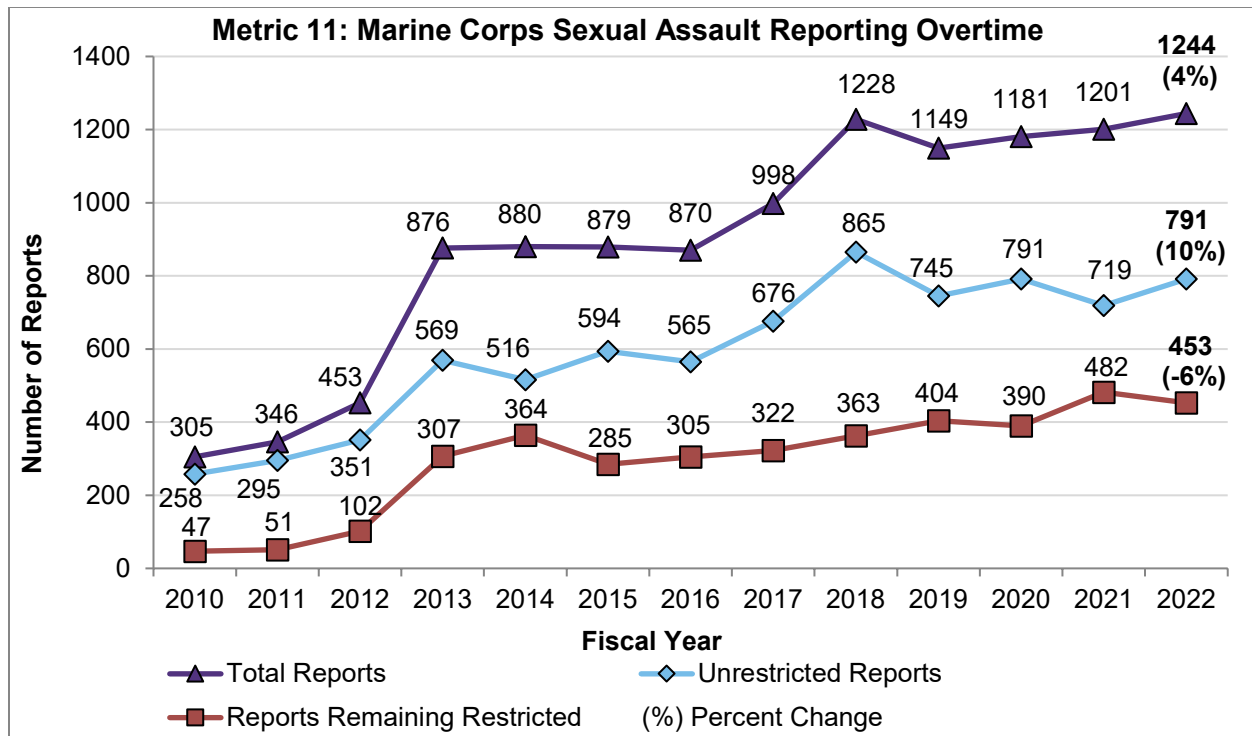


| Fiscal Year | Total Reports | = | Unrestricted | + | Remaining Restricted |
|-------------|---------------|---|--------------|---|----------------------|
| 2022        | 2,052         | = | 1,363 (66%)  | + | 689 (34%)            |
| 2021        | 1,883         | = | 1,329 (71%)  | + | 554 (29%)            |

**Figure R – Metric 11: Navy Reports of Sexual Assault Over Time, FY10 – FY22**

Navy received 1,363 Unrestricted Reports involving Service members as victims or subjects in FY22. Navy authorities initially received 861 Restricted Reports involving Service members as either victims or subjects. Of the 861 initial Restricted Reports, about 20 percent (172 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. At the end of FY22, 689 reports remained Restricted.

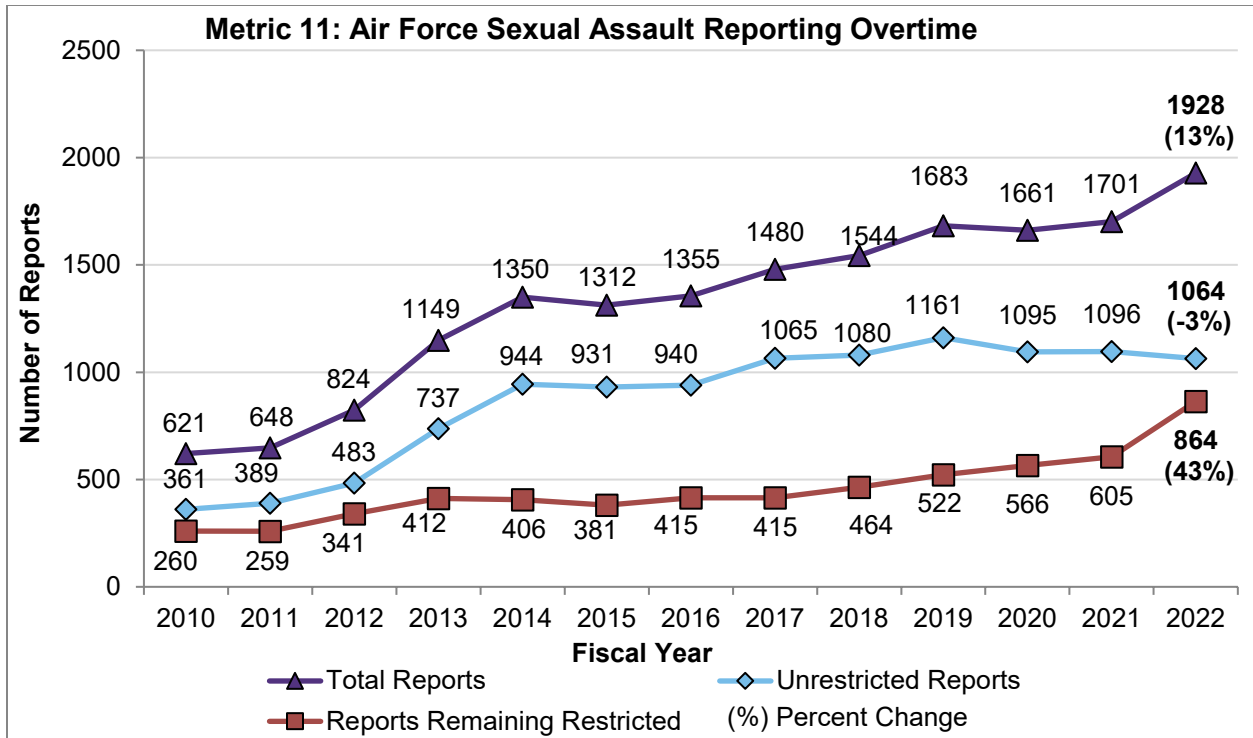




| Fiscal Year | Total Reports | = | Unrestricted | + | Remaining Restricted |
|-------------|---------------|---|--------------|---|----------------------|
| 2022        | 1,244         | = | 791 (64%)    | + | 453 (36%)            |
| 2021        | 1,201         | = | 719 (60%)    | + | 482 (40%)            |

**Figure S – Metric 11: Marine Corps Reports of Sexual Assault Over Time, FY10 – FY22**

Marine Corps received 791 Unrestricted Reports involving Service members as victims or subjects in FY22. Marine Corps authorities initially received 552 Restricted Reports involving Service members as either victims or subjects. Of the 552 initial Restricted Reports, about 18 percent (99 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. At the end of FY22, 453 reports remained Restricted.



| Fiscal Year | Total Reports | = | Unrestricted | + | Remaining Restricted |
|-------------|---------------|---|--------------|---|----------------------|
| 2022        | 1,928         | = | 1,064 (55%)  | + | 864 (45%)            |
| 2021        | 1,701         | = | 1,096 (64%)  | + | 605 (36%)            |

**Figure T – Metric 11: Air Force Reports of Sexual Assault Over Time, FY10 – FY22**

The Department of the Air Force received 1,064 Unrestricted Reports involving Service members as victims or subjects in FY22.<sup>14</sup> Air Force authorities initially received 1,044 Restricted Reports involving Service members as either victims or subjects. Of the 1,044 initial Restricted Reports, about 17 percent (180 reports) later converted to Unrestricted Reports. These converted Restricted Reports are now counted with the Unrestricted Reports. At the end of FY22, 864 reports remained Restricted.

<sup>14</sup> Currently, Service member victims belonging to the Space Force can making reports of incidents of sexual assault to any Service-affiliated SARC. As of FY22, there are no Space Force-affiliated SARCs.

# Non-Metrics

## Non-Metric 1: Command Action – Case Dispositions

(Annual Metric; Updated for FY22)

The following describes outcomes for completed investigations with case disposition results reported in FY22. Congress requires DoD to report on the case dispositions (outcomes) of sexual assault allegations in Unrestricted Reports made against Service members (DoDI 6495.02). When a person is the subject of multiple investigations, he/she will also be associated with more than one case disposition in DSAID (see Appendix B for further detail).

In FY22, 3,188 cases investigated for sexual assault were primarily under the legal authority of the DoD. However, as in the civilian criminal justice system, evidentiary issues, statutes of limitations, and victim preferences may have led DoD not to take disciplinary action in some cases. In addition, commanders may have declined to take action after a legal review of the matter indicated that the allegations against the accused were unfounded, meaning they were determined to be false or baseless. In total, command action was not pursued in about 34 percent of the cases considered for action by military commanders in FY22 (Figure U). For the remaining 66 percent of cases considered for command action, commanders had sufficient evidence and legal authority to support some form of disciplinary action for a sexual assault offense or other misconduct. Figure U displays command action taken from FY10 to FY22 and Figure V displays command action in FY22 for penetrating versus sexual contact crimes alleged/investigated.

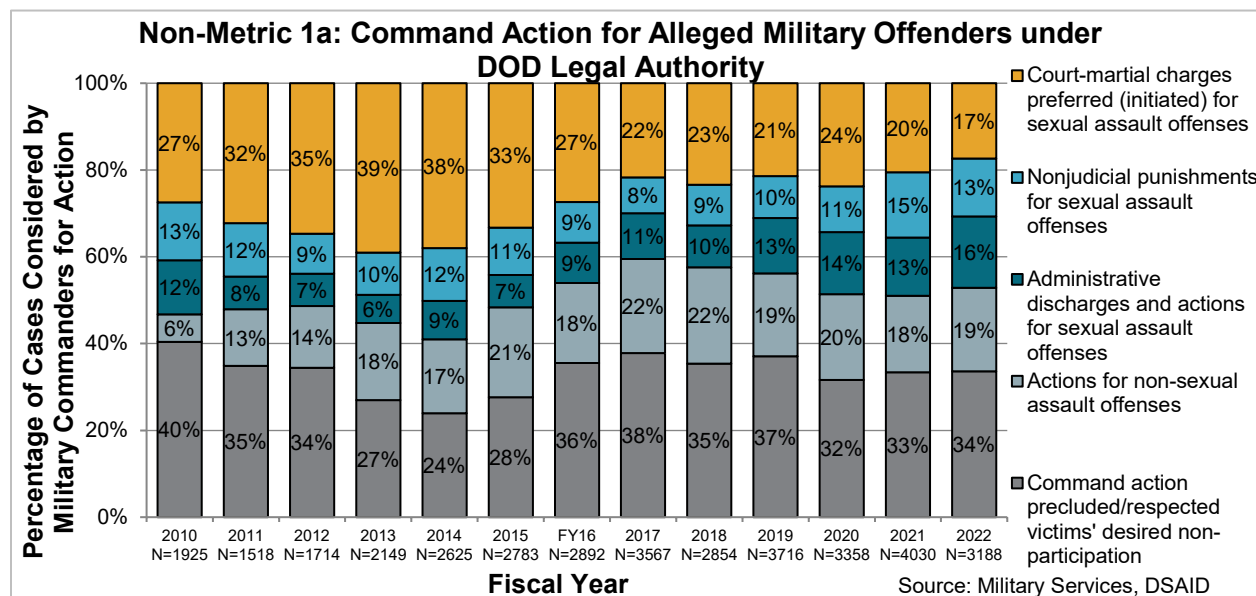
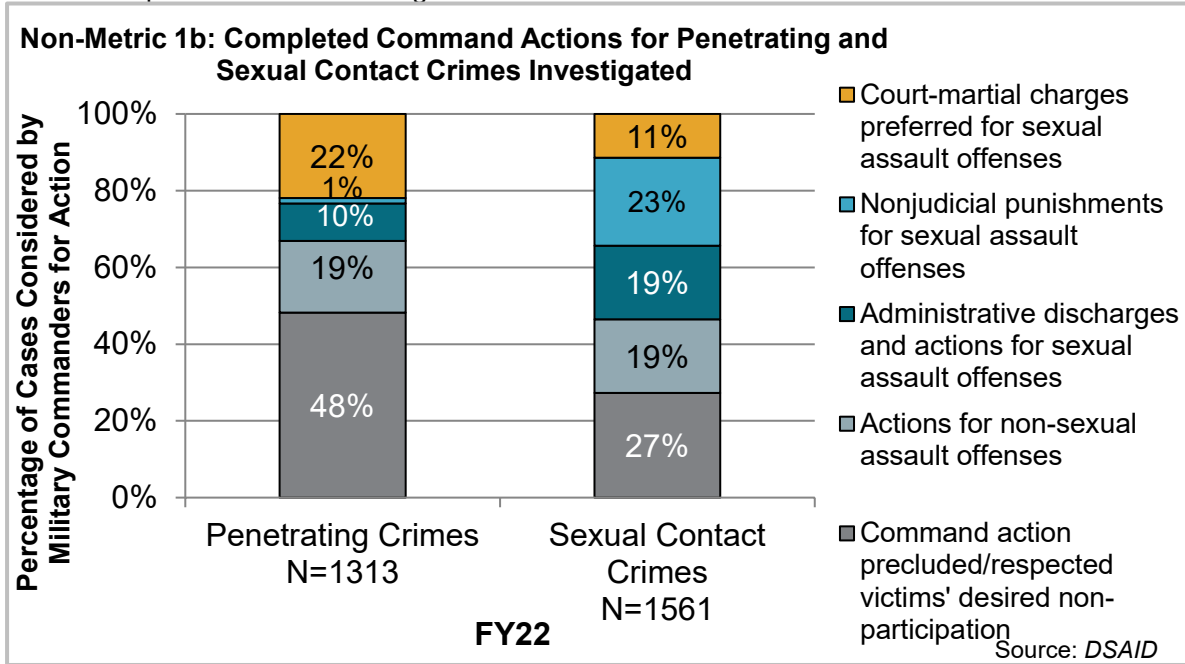


Figure U – Non-Metric 1a: Command Action for Cases Under DoD Legal Authority, FY10 – FY22

| Case Dispositions  | Count | Percent |
|--|-------|---------|
| Court-Martial Charge Preferral for Sexual Assault Offense                    | 553   | 17%     |
| Nonjudicial Punishment for Sexual Assault Offense                            | 425   | 13%     |
| Admin Discharge and Actions for Sexual Assault Offense                       | 525   | 16%     |
| Action for Non-Sexual Assault Offense  | 614   | 19%     |
| <i>Command Action Precluded/Respected Victims' Desired Non-Participation</i> | 1,071 | 34%     |

**Notes:** Command action may not be possible when there is insufficient evidence of a crime to prosecute, the statute of limitations expires, the victim dies before action can be taken, or when the allegations against the alleged offender are unfounded. A command may determine that action is not appropriate where the victim declines to participate in the justice process. Percentages may not sum to 100 percent due to rounding.



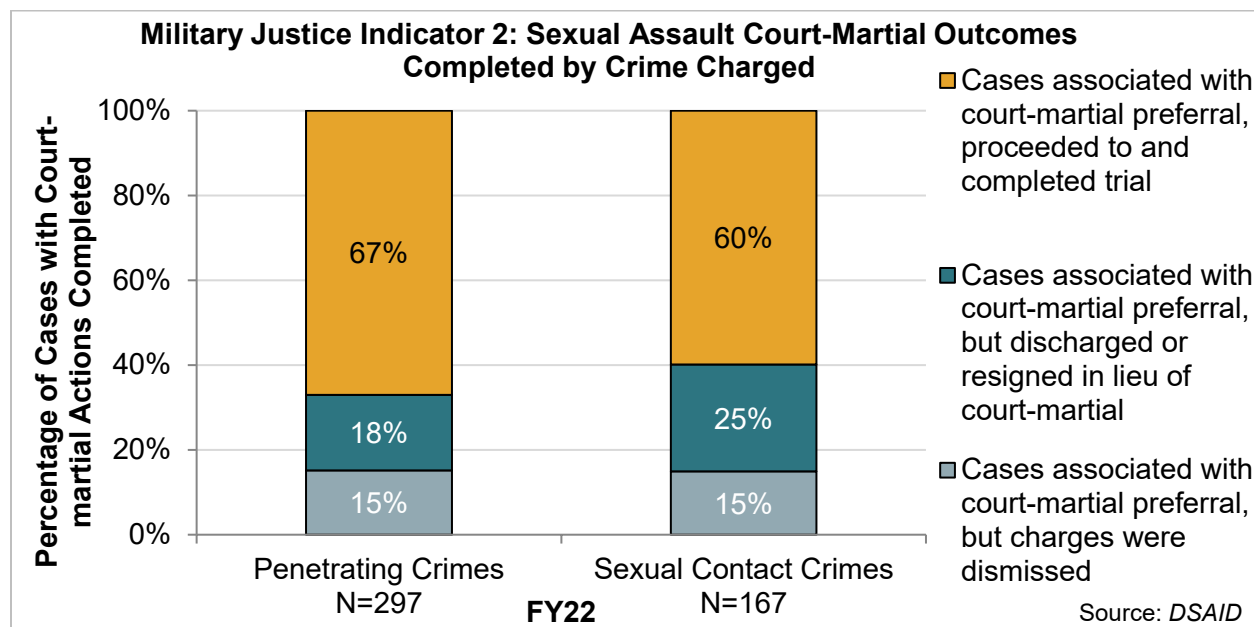
**Notes:** This figure only includes command actions in which the action was completed in FY22. Command actions pending completion (e.g., court-martial preferred but pending trial) are not included in this graph. Additionally, there were 28 completed command actions that could not be classified as penetrating or sexual contact crimes, because the crime investigated was attempted sexual assault or unknown.

**Figure V – Non-Metric 1b: Completed Command Actions for Penetrating and Sexual Assault Crimes Investigated**

## Non-Metric 2: Court-Martial Outcomes

(Annual Metric; Updated for FY22)

Figure W illustrates case outcomes in the court-martial process, displayed by type of crime charged: penetrating (i.e., rape and sexual assault) crimes compared to sexual contact crimes. Not all cases associated with court-martial referral proceed to trial. In certain circumstances, the Military Service may approve a resignation or discharge in lieu of court-martial (RILO/DILO). Furthermore, Article 32 (pre-trial) hearings can result in a recommendation to dismiss all or some of the charges. Commanders may use evidence gathered during sexual assault investigations or evidence heard at an Article 32 hearing to impose a nonjudicial punishment (NJP) for other misconduct. As depicted in Figure W, most cases associated with court-martial referral, for both penetrating and sexual contact crime charges, proceeded to trial.<sup>15</sup>



| Sexual Assault Offenses       | Penetrating Crimes |            | Sexual Contact Crimes |            |
|-------------------------------|--------------------|------------|-----------------------|------------|
| C-M Actions Completed in FY22 | 297                |            | 167                   |            |
| Cases Dismissed               | 45                 | 15%        | 25                    | 15%        |
| RILO/DILO Cases               | 53                 | 18%        | 42                    | 25%        |
| <b>Proceeded to Trial</b>     | <b>199</b>         | <b>67%</b> | <b>100</b>            | <b>60%</b> |
| Acquitted                     | 64                 | 32%        | 12                    | 12%        |
| <b>Convicted (any charge)</b> | <b>135</b>         | <b>68%</b> | <b>88</b>             | <b>88%</b> |

**Notes:** This figure only includes courts-martial in which the action was completed in FY22. Cases associated with court-martial referral but pending trial are not included in this graph. Percentages may not sum to 100 percent due to rounding.

**Figure W – Non-Metric 2: Sexual Assault Court-Martial Outcomes Completed by Crime Charged**

In FY22, of the 199 penetrating crime allegations that proceeded to trial, 64 (32 percent) ended in acquittal and 135 (68 percent) ended in a conviction of any charge. Of the 100 sexual contact

<sup>15</sup> Subjects charged with sexual assault crimes at court-martial can also be charged with other misconduct in addition to sexual assault offenses.

crime allegations that proceeded to trial, 12 (12 percent) ended in acquittal and 88 (88 percent) ended in a conviction of any charge at trial.

### Non-Metric 3: Time Interval from Report of Sexual Assault to Court Outcome

(Annual Metric; Updated for FY22)

As illustrated in Figure X, the average and median length of time from the date a victim signs the official form electing to make a report of sexual assault (DD Form 2910) to the date that court-martial proceedings concluded was 430 days (14.1 months) and 421 days (13.8 months), respectively. A variety of factors, such as the complexity of the allegation, the need for laboratory analysis of the evidence, the quantity and type of legal proceedings, the availability of counsel and judges, and impacts of the coronavirus pandemic (in FY20 and FY21) may affect the interval of time between a report of sexual assault and the conclusion of a court-martial.

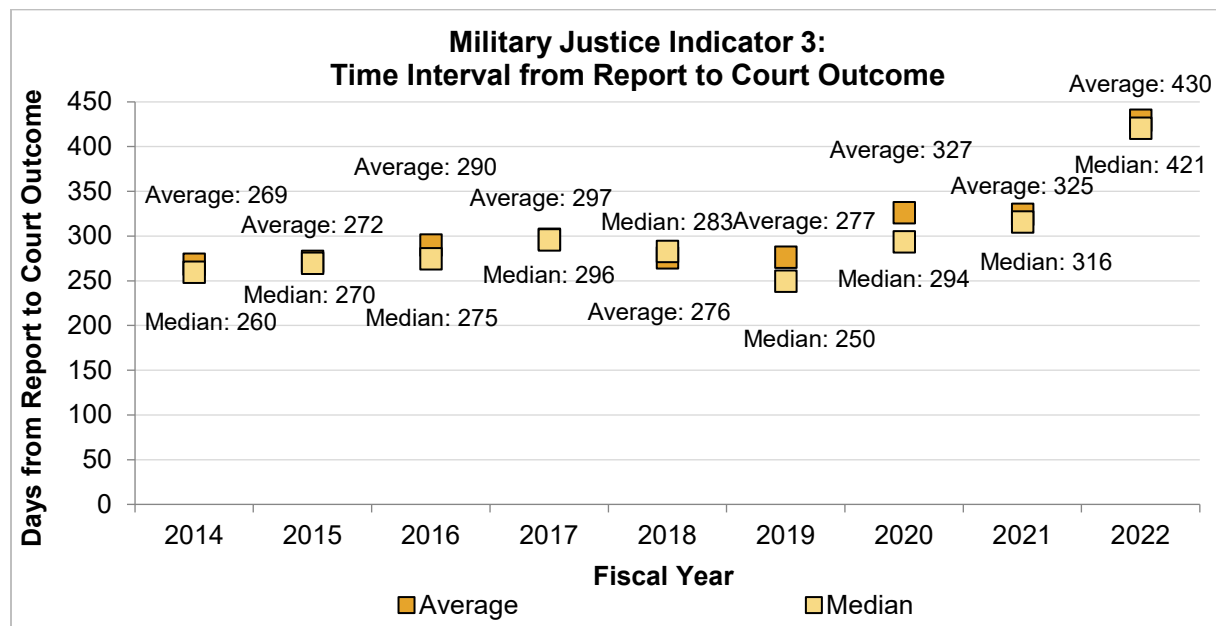


Figure X – Non-Metric 3: Time Interval from Report to Court Outcome, FY14 – FY22

### Non-Metric 4: Time Interval from Report of Sexual Assault to Nonjudicial Punishment Outcome

(Annual Metric; Updated for FY22)

In FY22, the average and median length of time from the date of report to the date that the nonjudicial punishment (NJP) process is concluded (e.g., punishment imposed or NJP not rendered) was 153 days (5.0 months) and 123 days (4.0 months), respectively (Figure Y). Like Non-Metric 3, a variety of factors influence the interval of time between a report of sexual assault and the conclusion of NJP.

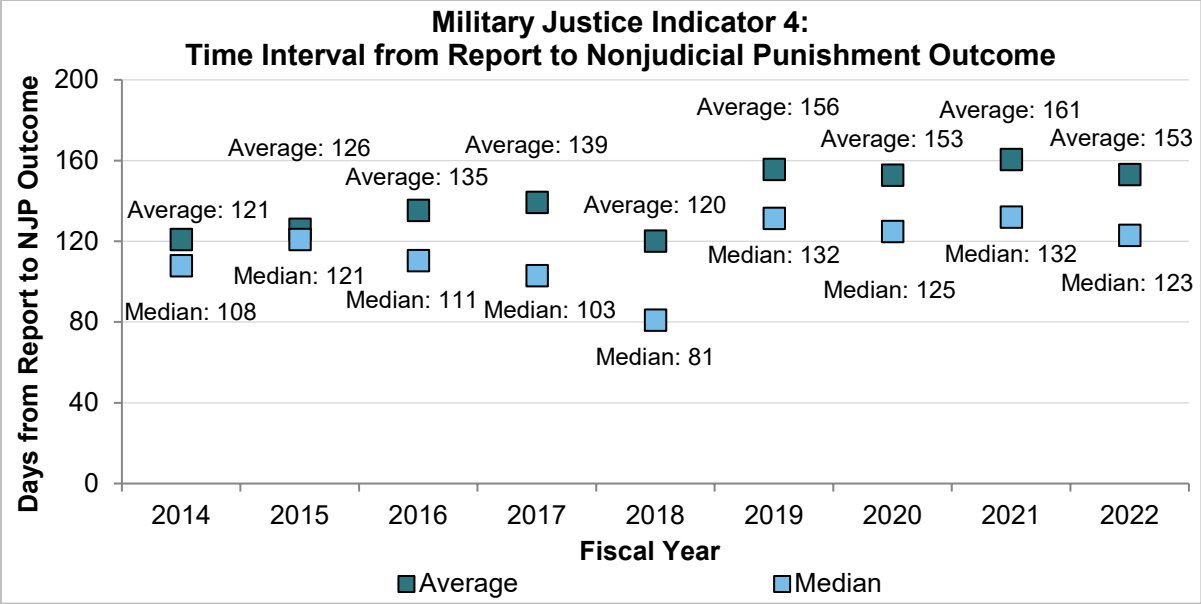
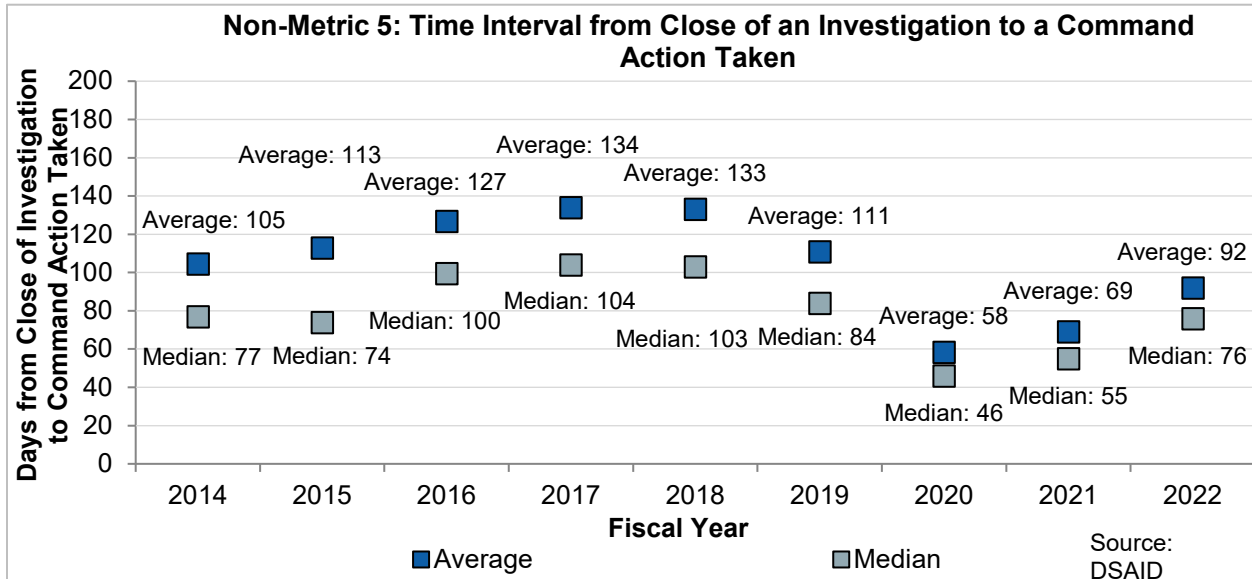


Figure Y – Non-Metric 4: Time Interval from Report to Nonjudicial Punishment Outcome, FY14 – FY22

## Non-Metric 5: Time Interval from Close of an Investigation to a Command Action Taken

(Annual Metric; Updated for FY22)

Figure Z illustrates the length of time from the date of the close of an investigation to the date a command action was taken. In FY22, the average time interval for this metric was 92 days and the median was 76 days. As with Non-Metrics 3 and 4, there is no expected or set time for this to occur.



**Notes:** This metric describes the length of time from the date of the close of an investigation to the date a command action was taken.

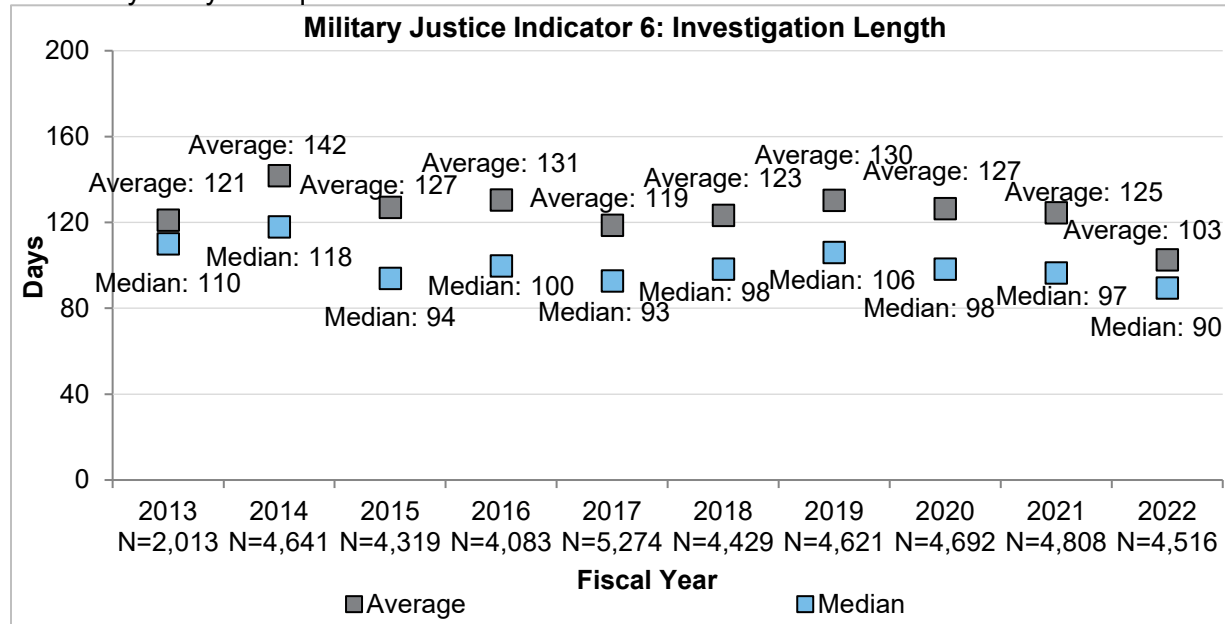
**Figure Z – Non-Metric 5: Time Interval from Close of an Investigation to a Command Action Date, FY14 – FY22**



## Non-Metric 6: Investigation Length

### (Annual Metric; Updated for FY22)

As illustrated in Figure AA, it took an average of 103 days (3.4 months) to complete a sexual assault investigation in FY22. This is less than the 125 days in FY21. It is important to note that the length of an investigation does not necessarily reflect an investigation's quality. Investigation length is dependent on various factors specific to the case, including the complexity of the allegation, the number and location of potential witnesses involved, and the laboratory analysis required for the evidence.



| Investigation Information          | FY21  | FY22  |
|------------------------------------|-------|-------|
| Number of Completed Investigations | 4,808 | 4,516 |
| Average Investigation Length       | 125   | 103   |
| Median Investigation Length        | 97    | 90    |

**Figure AA – Non-Metric 6: Investigation Length, FY13 – FY22**