

## APPENDICES

### APPENDIX A: STATISTICAL DATA ON SEXUAL HARASSMENT AND ASSAULT

#### BACKGROUND: WHAT IT CAPTURES

##### Reports of Sexual Assault

- DoD sexual assault data capture the Unrestricted and Restricted Reports of sexual assault made to the Military Service Academies (MSAs) during Academic Program Year (APY) 13-14.
- In the context of DoD statistics that follow, an Unrestricted Report of sexual assault is an allegation by one or more victims against one or more suspects (referred to in the Department as “subjects of investigation” or “subjects”) that will be referred to and investigated by a Military Criminal Investigative Organization (MCIO): Army Criminal Investigation Division, Naval Criminal Investigative Service, or Air Force Office of Special Investigations.<sup>112</sup>
- Data on Restricted Reports are limited because these reports are made to specified parties within the Department (i.e., SARC, SAPR VA, or healthcare provider) to allow the report to remain confidential and the victim to seek care and services. Given the victims’ desire for confidentiality, these reports are not investigated. Victims are not required to provide many details about these sexual assaults. As a result, only data about the victims and very limited data about the offense are recorded in Restricted Reports. The Department does not request or maintain subject identities in Restricted Reports.
- The Department’s sexual assault reporting statistics include data about contact sexual crimes by adults against adults, as defined in Articles 120 and 125 of the UCMJ, as well as attempts to commit those offenses, as defined in Article 80, and represent a range of penetrating and contact (non-penetrating) sexual crimes. The data in this document capture the reports of sexual assault that involve cadets and midshipmen as the victim and/or a subject of a sexual assault investigation. Data about sexual assault reports in the U.S. Armed Forces in general are released each spring (April). Additionally, a DoD report to the President on sexual assault in the U.S. Armed Forces was published on December 4, 2014. Both reports are available at <http://www.sapr.mil/index.php/annual-reports>.

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<sup>112</sup> Please note that the MSAs have not yet transferred to the “one victim-one report” standard used in the provisional FY14 data provided in the *DoD Report to the President of the United States on Sexual Assault Prevention and Response*, published on December 4, 2014. This is because part of the Academic Program Year covered by this report took place before the beginning of Fiscal Year 2014. The Service Academies will be using the “one report-one victim” standard in the next report, to be released in Winter 2016.

- The DoD uses the term “sexual assault” to refer to a range of contact and penetrating sexual crimes between adults, as defined by the UCMJ, including: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts.
  - When a report is listed under a crime category, it means the crime was the most serious of the infractions reported by the victim or investigated by investigators. It does not necessarily reflect the final findings of the investigators or the crime(s) addressed by court-martial charges or some other form of disciplinary action against a subject.
  - The number of sexual assaults reported to MSA authorities in APY13-14 *does not* necessarily reflect the number of sexual assaults that may have occurred in that APY.
  - Civilian research indicates that victims only report a small fraction of sexual assaults to law enforcement. 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%) ever reported the matter to police. 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%) reported it to the police.<sup>113</sup>
  - This reporting behavior is mirrored in the U.S. Armed Forces. Over the past 7 years, the Department estimates that fewer than 15% of military sexual assault victims reported the matter to a military authority. However, in FY14, estimates indicate that about 24% of military victims made a report to a DoD authority. For more information, refer to *The Report to the President of the United States on Sexual Assault Prevention and Response* (Report to the President).<sup>114</sup> This year, 16% of the estimated 327 cadet/midshipman victims of unwanted sexual contact (USC) made a report to a DoD authority.

## Subject Dispositions

- Once the investigation of an Unrestricted Report is complete, the Department requires the MSAs to provide the outcome of the cases against each subject named in an investigation. These are called “subject dispositions.”
- The Department holds those Service members who have committed sexual assault appropriately accountable based on the available evidence.

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<sup>113</sup> Kilpatrick, D., Resnick, H., Ruggiero, K., Conoscenti, L., and McCauley, J. (2007). *Drug-facilitated, incapacitated, and forcible rape: A national study*. Washington, DC: U.S. Department of Justice, pp. 23, 44.

<sup>114</sup> The Report to the President is available here: <http://sapr.mil/index.php/annual-reports>.

- Legal authority for the Department is limited to Service members who are subject to the UCMJ and, therefore, its military justice jurisdiction. Cadets and midshipmen are Service members and are under the legal authority of the UCMJ. Except in rare circumstances, a civilian is not subject to the UCMJ for the purpose of court-martial jurisdiction or other military justice discipline.
- Although the Department investigates all sexual assault cases, each year, the Department lacks jurisdiction over some subjects in its investigations and cannot proceed with disciplinary action.
  - Local civilian authorities in the U.S. and our host nations hold primary responsibility for prosecuting U.S. civilians and foreign nationals, respectively, who perpetrate sexual assault against Service members.
  - In a number of cases each year, a civilian authority will assert its legal authority over a Service member. This typically occurs when Service members are accused of sexually assaulting a civilian.
    - A civilian authority, such as a state, county, or municipality, may prosecute Service members anytime they commit an offense within its jurisdiction. The civilian authority may agree to let the military exercise its UCMJ jurisdiction to prosecute the Service member. Service member prosecutions by civilian authorities are made on a case-by-case and jurisdiction-by-jurisdiction basis.
- When the DoD has jurisdiction over the subject, the subject's military commander, who is advised by a military attorney, is responsible for reviewing the results of the independent MCIO investigation and taking appropriate action when supported by sufficient evidence. The Secretary of Defense directed that, starting in June 2013, subject disposition decisions for the crimes of rape, sexual assault, and nonconsensual sodomy be made by a Special Court-Martial Convening Authority who is, at a minimum, a colonel or Navy captain. At the MSAs, the Superintendent (a lieutenant general or a vice admiral) is the case disposition authority.
  - Commanders at all levels do not make such decisions by themselves. Military attorneys assist commanders in identifying the charges that can be made, the appropriate means of addressing such charges, and punishments that can be administered if supported by the evidence.
  - There are many cases each year in which disciplinary action is precluded (i.e., not possible) due to legal issues or evidentiary problems with a case. For example, when the investigation fails to show sufficient evidence of an offense to prosecute or when the victim declines to participate in the justice process, a commander may be precluded from taking disciplinary action against a subject.

- In the data that follow, when more than one disposition action is involved (e.g., when nonjudicial punishment is followed by an administrative discharge), subject disposition is only reported once per subject. This is done according to the most serious disciplinary action taken, which in descending order is: preferral of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative actions. At the MSAs, adverse administrative actions include the cadet/midshipman disciplinary system.

### Whom It Describes

- Unrestricted and Restricted Reports capture sexual assaults committed by and against Service members. In this document, sexual assault reports primarily involve cadets and midshipmen as either a victim or subject. However, people outside of the U.S. Armed Forces sometimes victimize a Service member or can be victimized by a Service member. Information describing these victims and subjects is also included in the following statistics.
- An Unrestricted Report of sexual assault can include one or more victims, one or more subjects, and one or more crimes. Therefore, the number of reports does not equal the number of victims or the number of subjects.
- Restricted Reports, by policy, only involve one victim per reported incident. In Restricted Reports, no personally identifying information is maintained for alleged subjects.
- Demographic information on victims and subjects is only drawn from *completed investigations* of Unrestricted Reports and from SARC records of victims in Restricted Reports.

### When It Happened

- The information in this report is drawn from sexual assault reports made to the MSA authorities during APY 13-14 (June 1, 2013 to May 31, 2014).
- 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 May 31, 2014 through the last day of APY 13-14.
- Some investigations extend across APYs. For example, it often takes several months to investigate a report of sexual assault. As a result, those investigations that were opened toward the end of the APY typically carry over to the next APY. Therefore, the information presented in this report is not linear, meaning that the number of sexual assault reports received during the year will not be equal to the number of completed investigations during the year.
- Subject disposition decisions can also extend across APYs. As a result, a portion of dispositions are “pending” or have not yet reported at the end of the

year. The Department tracks these pending dispositions and requires the Military Services to report on them in subsequent years' reports.

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

## How It Is Gathered

### *Sexual Assault Reports*

- Data about Unrestricted Reports of sexual assault are drawn from official investigations conducted by the MCIOs. Academy SARCs collect data about Restricted Reports of sexual assault.
- Each APY, the Under Secretary of Defense for Personnel and Readiness submits a data call to the MSAs to collect the required statistical and case synopsis data. DoD SAPRO aggregates and analyzes these data.
- In the APY 14-15 MSA report, data about reports of sexual assault will be drawn from the Defense Sexual Assault Incident Database (DSAID). The transition to DSAID will change the way in which sexual assault data are reported. Most importantly, the MSA reports are currently recorded as the number of sexual assault cases, as organized by the MCIOs, such that each report can have multiple victims. However, DSAID accounts for each individual report of sexual assault, such that each report corresponds to one victim.
- Reports on the total force (the Report to the President, released in December 2014, and the Annual Report, to be released in April 2015) already transitioned to the DSAID system of accounting. This was not yet possible for the MSAs because APY 13-14 started before the DSAID system was ready.

### *Service Academy Gender Relations Survey (SAGR)*

The 2014 SAGR is the sixth in a series of surveys mandated by sections 4361, 6980, and 9361 of Title 10. This year's SAGR was a census of all cadets and midshipmen at the three MSAs. Defense Manpower Data Center's survey includes data on:

- The APY 13-14 prevalence rates of sexual assault, perceived sexual harassment and sexist behavior, and stalking-related behaviors;
- A discussion of students' perceptions of Academy culture with respect to sexual assault and sexual harassment;
- The availability and effectiveness of sexual assault and sexual harassment training; and

- Perceptions of program effectiveness in reducing or preventing sexual assault and sexual harassment.

Importantly, the number of sexual assaults and incidents of sexual harassment reported to MSA authorities in APY 13-14 *does not* necessarily reflect the number of sexual assaults and incidents of harassment that may have occurred in that APY because these crimes are underreported. The *SAGR* is needed to estimate the number of cadets/midshipmen who were sexually assaulted or harassed in the current APY, regardless of whether they chose to report that incident.

The *SAGR* provides a measure of USC that covers a range of activities prohibited by the UCMJ. However, the measure of USC is behavioral and cannot be used as a crime index.<sup>115</sup>

### Why It Is Collected

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

## AGGREGATE STATISTICAL DATA ON SEXUAL HARASSMENT AND ASSAULT

### SEXUAL ASSAULT

This section closely follows the flow chart shown in Exhibit 5. Points in the flow chart have been labeled with a letter that corresponds to the information in the text that follows.

In APY 13-14, cadets and midshipmen were involved in 61 reports of sexual assault made to the MSAs (Exhibit 5, Point A), representing a decrease of 9 reports from APY 12-13. Across the Academies, two reports were for incidents occurring prior to the cadets/midshipmen entering military service.

- The MSAs received 36 Unrestricted Reports involving cadets and midshipmen as either the victim or subject of a sexual assault investigation (Exhibit 5, Point B).
- MCIOs opened 34 investigations this APY, based on Unrestricted Reports of sexual assault.<sup>116</sup>

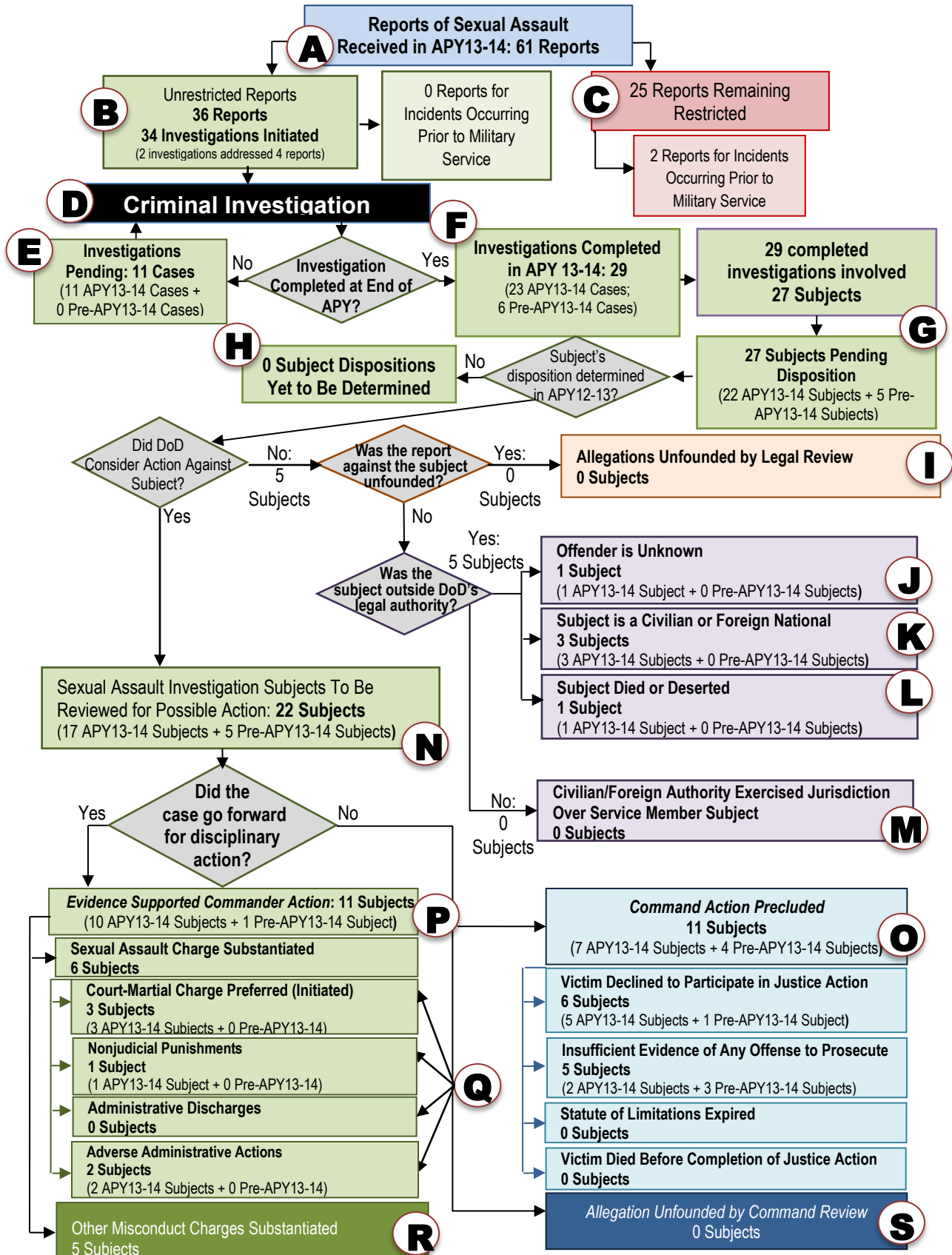
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<sup>115</sup> In 2014, the RAND Corporation created and administered a measure of sexual assault to the total force that aligned more closely with the legal definitions in the UCMJ and could be used as a crime index.

<sup>116</sup> A comprehensive explanation of all investigations opened and/or closed during APY 13-14 is below, beginning on page 103.

- The MSAs initially received 27 Restricted Reports involving cadets and midshipmen as victims of sexual assault. None of the Restricted Reports received this APY were made by non-cadet/midshipmen.
  - Two of the Restricted Reports later converted to Unrestricted Reports, leaving 25 Restricted Reports remaining at the end of APY 13-14 (Exhibit 5, Point C).
  - Of the 27 initial Restricted Reports, 2 reports were for an incident of sexual assault that occurred prior to the cadet or midshipman entering military service and 25 Restricted Reports were for incidents that occurred during military service.

Exhibit 5: Reports of Sexual Assault and Investigations Completed in APY 13-14





Of the 61 reports to MSA authorities this year, 57 reports involved cadets and midshipmen as victims of sexual assault, ranging from unwanted sexual touching to rape.

- Thirty cadets and midshipmen made or converted to an Unrestricted Report. Two of those victims made 2 separate reports, for a total of 32 Unrestricted Reports involving cadets/midshipmen as victims.
  - An Unrestricted Report of sexual assault can include one or more victims, one or more subjects, and one or more crimes. Therefore, the number of reports received in a given year does not usually equal the number of victims or the number of subjects in those reports.
- Twenty-five cadets and midshipmen made and maintained Restricted Reports.

The following section describes aggregate data about sexual assault at the Academies. Exhibit 6 shows the total number of sexual assault reports made to the MSAs over the past nine APYs. Reports of sexual assault have fluctuated since the Department started keeping track of MSA data in APY 05-06. In the past 2 years, the number of reports received by the MSAs has declined. This is not consistent with the Department’s goal to encourage more victims to report the crime. However, it is difficult to interpret small year-to-year changes in reports for the small population of MSA cadets/midshipmen. A focus on long-term trends may be more appropriate and meaningful. When Service members report sexual assaults, the Department is better positioned to provide restorative care and advocacy to victims and hold those who commit sexual assault appropriately accountable.

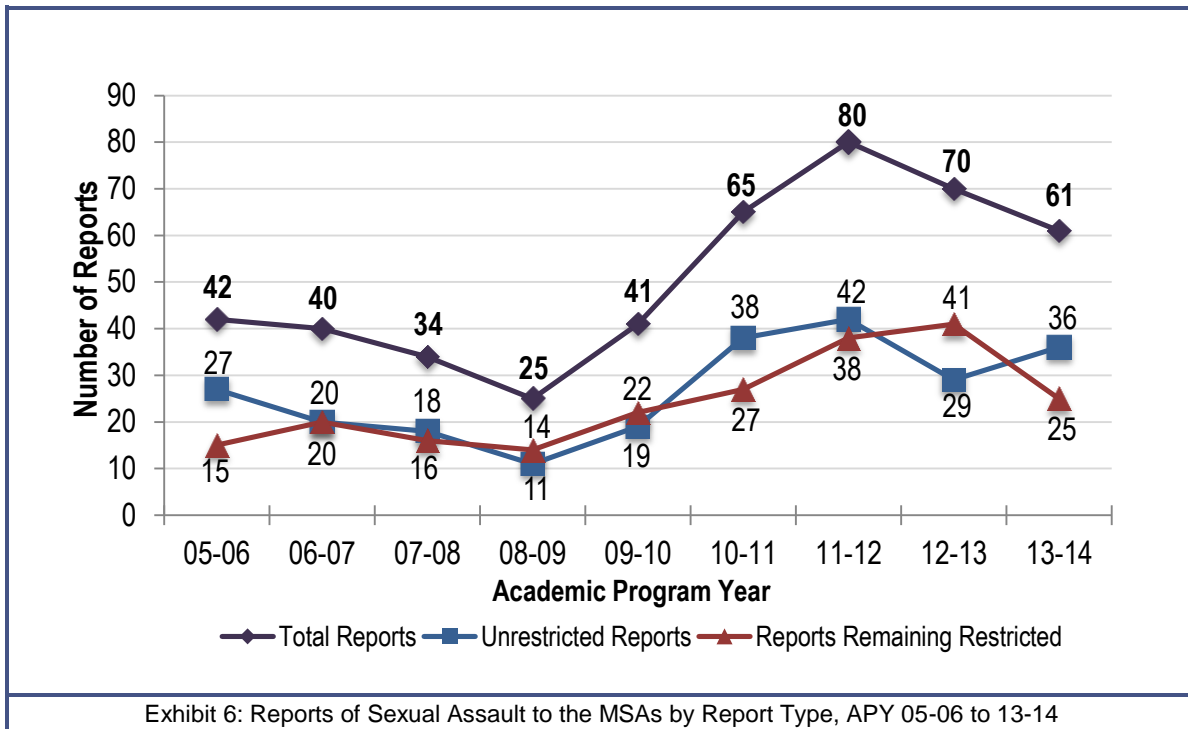


Exhibit 7 breaks out the cadets and midshipmen who made a report of sexual assault for incidents that occurred prior to the victims' military service. The dotted lines represent these reports. In APY 13-14, two cadets/midshipmen made Restricted Reports for an incident that occurred prior to the victims' military service.

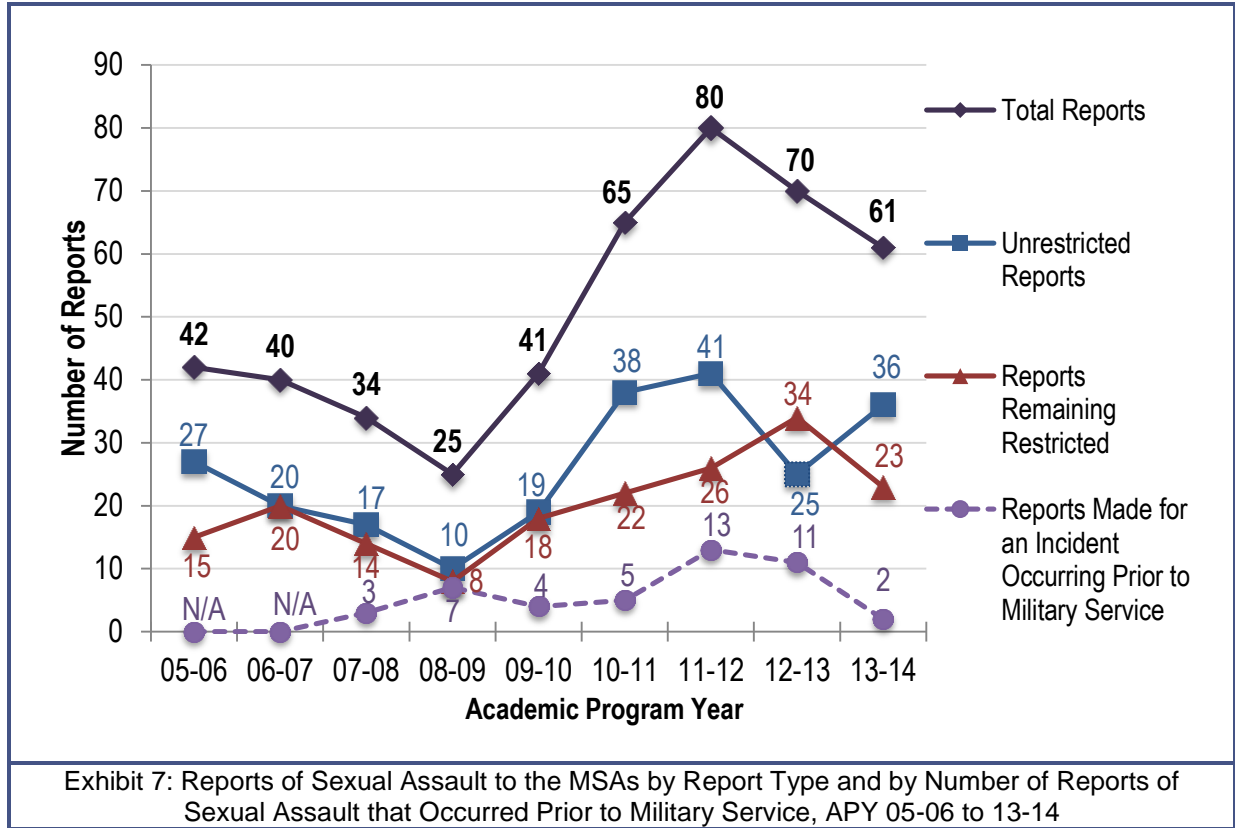
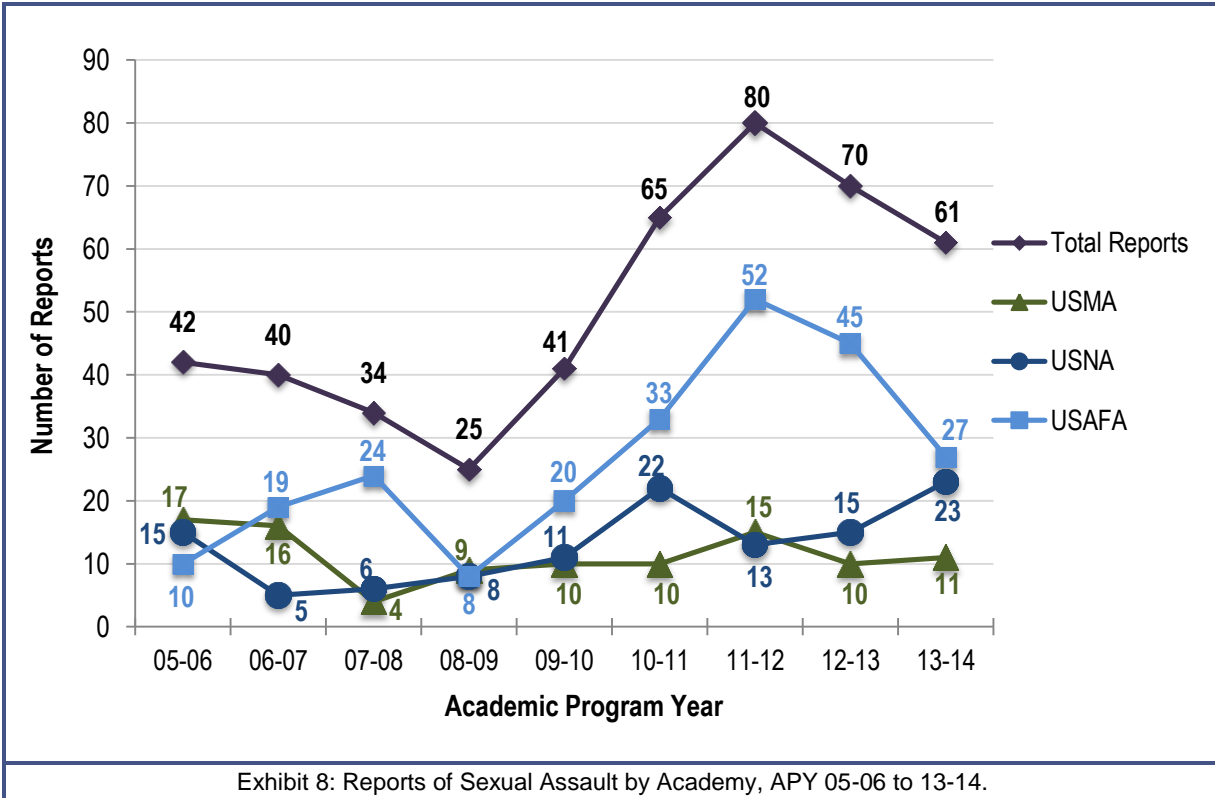


Table 22 lists the type of sexual assault reported by Academy while Exhibit 8 shows reports of sexual assault by Academy over time.

Table 22 – Total Restricted and Unrestricted Reports of Sexual Assault at MSAs

Service Academy	Total Reports	Unrestricted Reports	Reports Remaining Restricted
U.S. Military Academy	11	9	2
U.S. Naval Academy	23	14	9
U.S. Air Force Academy	27	13	14
<b>Total</b>	<b>61</b>	<b>36</b>	<b>25</b>

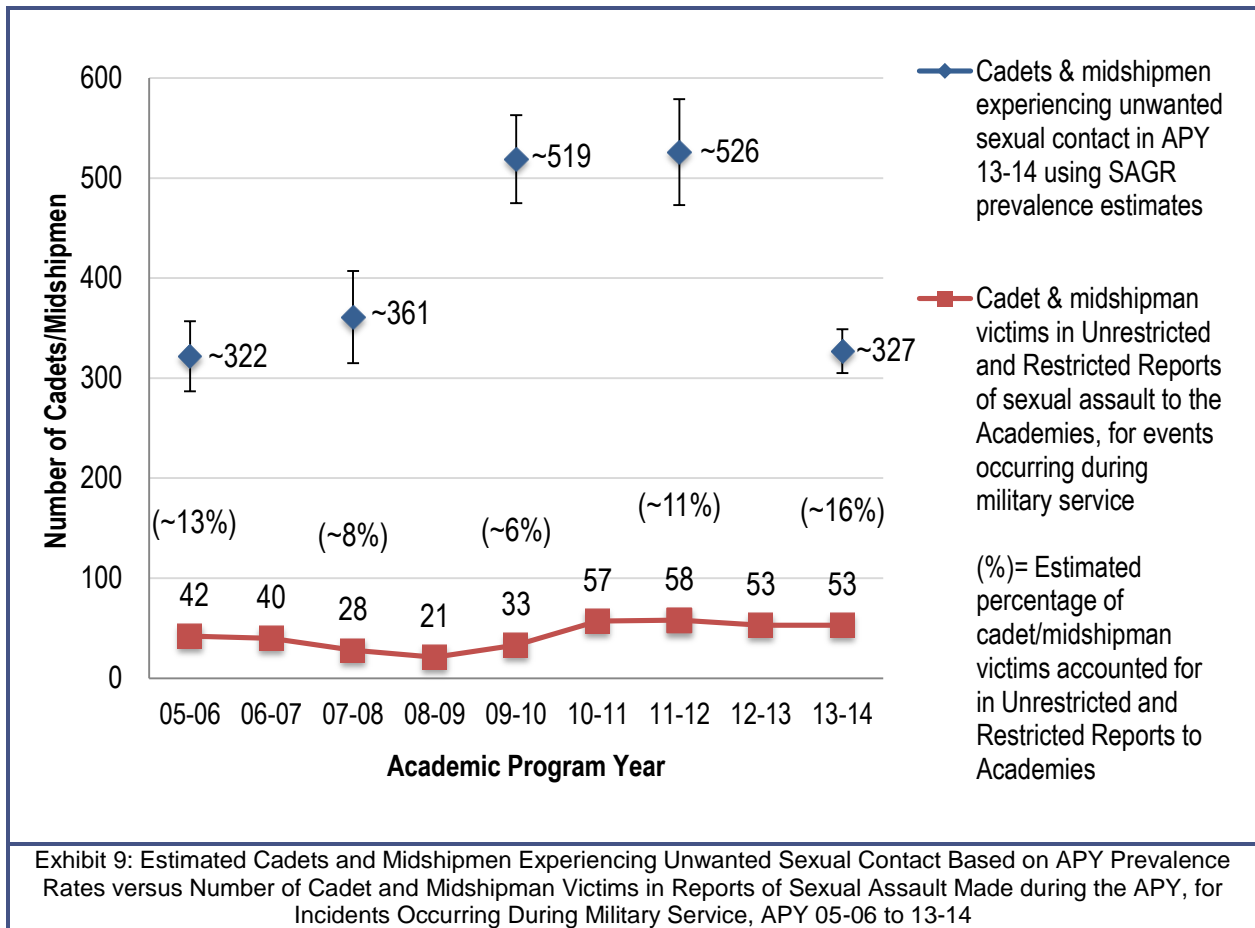


Reports of sexual assault made to Department authorities provide limited insight into the overall phenomenon of sexual assault at the MSAs. As previously mentioned, sexual assault in both the civilian and military sectors is underreported, meaning that reports to authorities are outnumbered by the sexual assaults estimated to occur using scientific surveys of a given population. At the MSAs, DMDC conducts the *SAGR* every 2 years to estimate the annual prevalence rate of USC<sup>117</sup> in the MSA population. According to the *2014 SAGR*, 8.2% of female cadets/midshipmen and 1.1% of male cadets/midshipmen experienced USC, a statistically significant decrease from 2012 prevalence rates (12.4% for women and 2.0% for men). According to the *2014 SAGR*, it is estimated that 327<sup>118</sup> cadets and midshipmen experienced some form of USC in the APY (Exhibit 9). However, MSA officials only received reports of sexual assault from 53 cadets and midshipmen, for incidents occurring during military service. As a result, the Department estimates that about 16% of the estimated 327 cadets/midshipmen who experienced USC during military service reported the matter to a military authority. The Department uses the *SAGR* estimates to track progress on the *2013 DoD SAPR Strategic Plan* Prevention line of effort.

<sup>117</sup> While the term “unwanted sexual contact” does not appear in Articles 120, 125, or 80 of the UCMJ, for the purposes of the *SAGR* and this report, it is used to refer to a range of activities that the UCMJ prohibits. These offenses include completed or attempted oral, anal or vaginal penetration by a body part or an object, and the unwanted touching of genitalia, buttocks, breasts, or inner thighs when the victim did not or could not consent.

<sup>118</sup> Based on the 8,562 eligible respondents from a census of 12,880 cadets/midshipmen, a constructed 95% confidence interval ranges from 306 to 349 cadets/midshipmen, with a point estimate of 327 cadets/midshipmen.

- Exhibit 9 displays how past *SAGR* estimates of the number of cadets and midshipmen who experienced USC compared to the number of victims in actual Unrestricted and Restricted Reports received by the Academies for this and prior academic program years.<sup>119</sup>
- In total, there were 59 victims in the 61 reports of sexual assault during APY 13-14. However, not all cadet/midshipman victims reported incidents that occurred during their military service. As depicted in Exhibit 9, 53 cadet/midshipman victims made a report for sexual assault that occurred during their military service. Note that two reports were made by cadets/midshipmen for events that occurred prior to their military service. There were an additional four civilian victims in reports of sexual assault allegedly perpetrated by cadet/midshipmen. Finally, two cadets this year each made an Unrestricted Report for two separate incidents.



<sup>119</sup> It should be noted that the timeframe covered by the *SAGR* pertains to USC experienced within the APY. However, the *SAGR* victim numbers *are only estimates*. The Department uses these estimates as an indicator of the degree of underreporting at each of the Academies.

## APY 13-14 UNRESTRICTED REPORTS OF SEXUAL ASSAULT

In APY 13-14, there were 36 Unrestricted Reports of sexual assault involving cadets and midshipmen as either the subject and/or victim of a sexual assault investigation.

- Thirty-two of the Unrestricted Reports involved cadets and midshipmen as victims.

Once an Unrestricted Report of sexual assault is made, Department policy requires that the report be referred to an MCIO for investigation (Exhibit 5, Point D). Depending upon the complexity of the alleged crime, an investigation can take a few weeks to several months to complete. Not all of the reports made in a given year are completely investigated by the end of that year.

- Of the 34 criminal investigations initiated during APY 13-14, 23 investigations were completed in APY 13-14. The outcomes of the other 11 investigations will be reported in forthcoming years' reports (Exhibit 5, Point F).
- Six investigations of sexual assault from prior reporting periods (APY 12-13) were also completed during APY 13-14.
- In sum, 29 investigations of sexual assault (Exhibit 5, Point G) involving 27 subjects (Exhibit 5, Point G) were completed during APY13-14.
- By the end of APY 13-14, for all subjects in closed investigations, a determination on whether the DoD could consider action was made, and, if action could be considered, a disposition was made (Exhibit 5, Point H).

When an Unrestricted Report of sexual assault is made, the MCIOs investigate all alleged violations of military law contained in the report. However, to comply with legislated reporting requirements, the Unrestricted Reports are categorized by the most serious sexual assault infraction alleged. Exhibit 10 shows the sexual assault crimes investigated for the 36 Unrestricted Reports made in APY 13-14. It should be noted that the crime investigated might not always result in the same crime being charged or addressed with disciplinary action. For example, if the crime of *rape* is alleged and investigated, but the MCIOs only discover evidence for the crime of "Aggravated Sexual Contact" during the investigation, then only the crime of "Aggravated Sexual Contact" can be charged.

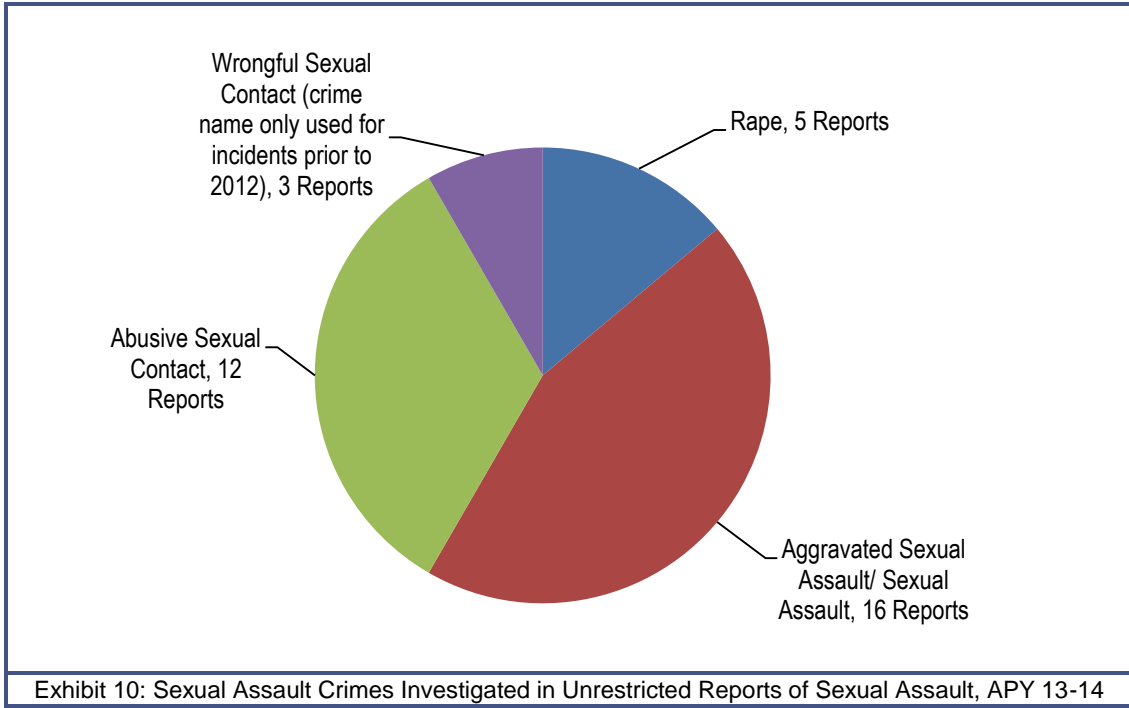
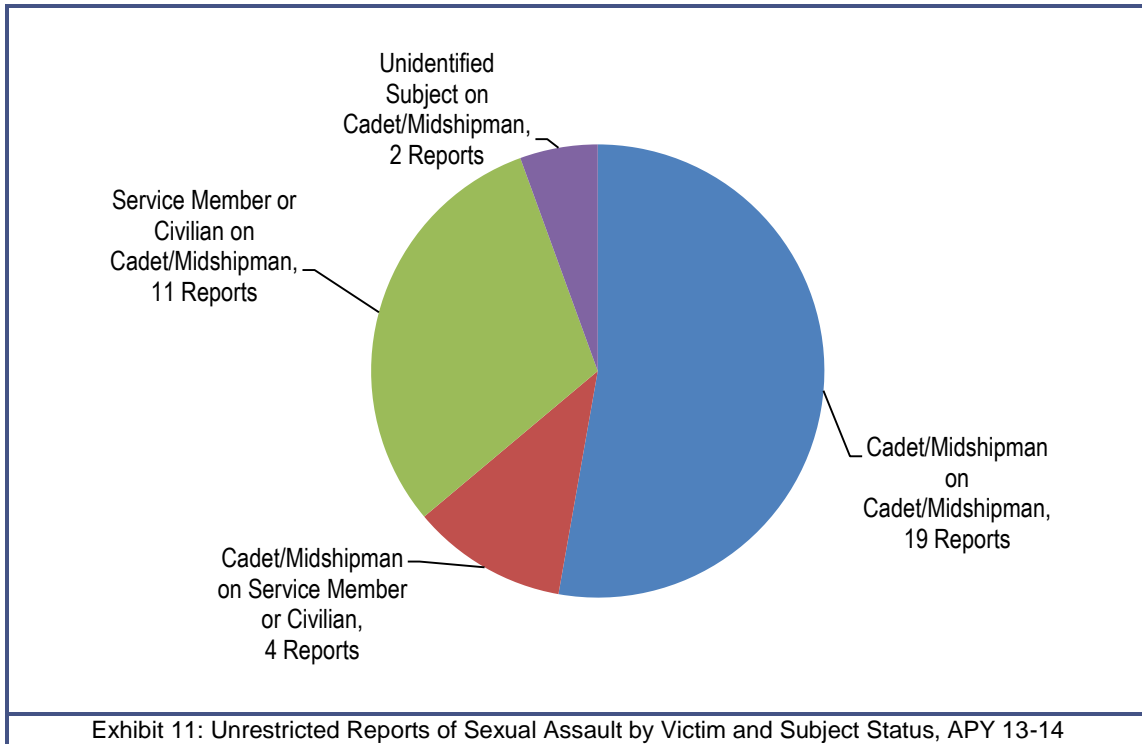


Exhibit 11 illustrates how cadets and midshipmen were involved in sexual assault reports. In APY 13-14, 19 of the 36 Unrestricted Reports involved the alleged victimization of a cadet or midshipman by another cadet or midshipman. Four reports involved the alleged victimization of a non-cadet/midshipman by a cadet or midshipman.



## Disposition of Completed Investigations

When an Unrestricted Report is investigated, the goals of the investigation are to identify what crimes, if any, have been committed, who has been victimized, and who may be held appropriately accountable for the crime. It is the intent of the Department to hold offenders appropriately accountable when it has legal authority and available evidence supports such action. The 29 criminal investigations closed in APY 13-14 involved 27 subjects from reports made in APY 13-14 as well as prior reporting periods. By the end of the APY 13-14, the MSAs had outcome information for all of the 27 subjects.

Exhibit 5 shows the flow of sexual assault reports from initial allegation through final disposition.

Five subjects were outside the legal authority of the DoD.

- One subject could not be identified, despite a thorough investigation (Exhibit 5, Point J).
- Three subjects were civilians who were not subject to military law (Exhibit 5, Point K).
- One subject died before the allegations could be resolved (Exhibit 5, Point L).

Reports of investigation on the 22 subjects within the legal authority of the DoD were provided to MSA authorities to consider for appropriate disciplinary action (Exhibit 5, Point N):

- Commanders had sufficient evidence of a crime to support taking disciplinary action against 11 subjects (Exhibit 5, Point P).
  - The actions taken for sexual assault crimes were as follows (Exhibit 5, Point Q):

▪ Court-martial charges preferred (initiated):	3 subjects
▪ Nonjudicial punishments (Article 15, UCMJ):	1 subject
▪ Administrative discharges:	0 subjects
▪ Other adverse administrative actions:	2 subjects
  - The actions taken for other misconduct that was discovered during the course of the sexual assault investigation are as follows (Exhibit 5, Point R):

▪ Court-martial charges preferred (initiated):	0 subjects
▪ Nonjudicial punishments (Article 15, UCMJ):	0 subjects
▪ Administrative discharges:	0 subjects
▪ Other adverse administrative actions:	5 subjects
- Commanders could not take action against 11 subjects (Exhibit 5, Point O).
  - For 11 subjects, command action for sexual assault charges was precluded because:
    - The victim declined to participate in military justice actions against six subjects.

- Investigation of the allegations against 5 subjects disclosed insufficient evidence of an offense to prosecute.
- There were no subjects for whom command action for sexual assault charges was declined because MSA authorities determined the allegations against the subjects were unfounded (Exhibit 5, Point S)

### Disposition of Sexual Assault Reports Received in APY 13-14

The DoD provides its statistics as a “snapshot in time,” documenting the status of sexual assault reports and disposition of the cases as of the last day of the APY (May 31, 2014). To better understand what happened to **just the reports of sexual assault made in APY 13-14**, the following accounting is provided:

61	Reports of sexual assault received in APY 13-14
- 25	Reports remaining Restricted at the end of the APY (2 reports for incidents occurring prior to service)
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36	Unrestricted Reports of sexual assault
- 2	Investigations that addressed 2 separate incidents, involving the same victim
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34	Criminal investigations opened during APY 13-14
- 11	Investigations ongoing/disposition not decided at APY end (outcomes to be reported in forthcoming reports)
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23	Criminal investigations opened and completed at the end of the APY
- 1	Subject – Associated with 2 separate Unrestricted Reports
- 1	Subject – Offender unknown
- 3	Subjects – Civilian/foreign national perpetrator not subject to the UCMJ
- 1	Subject – Subject died before the allegations could be resolved
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17	Subjects – Under DoD legal authority to be reviewed for possible action
- 5	Subjects – Victims declined to participate in military justice action
- 2	Subjects – Investigations had insufficient evidence to prosecute
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10	Subjects – Evidence supported commander action
- 3	Subjects – Court-Martial charge preferred on sexual assault charge
- 1	Subjects – Nonjudicial punishment for sexual assault charge
- 2	Subjects – Adverse Administrative Action – Cadet Discipline System for a sexual assault charge
- 4	Subjects – Adverse Administrative Action – Cadet Discipline System for a non-sexual assault charge

### Demographics of Unrestricted Reports

The following demographic information is drawn from the 29 investigations of sexual assault that were completed during APY 13-14. These investigations involved 30 victims and 27 subjects. Table 23 displays the gender of victims and subjects in completed investigations of Unrestricted Reports in APY 13-14.



Table 23 – Gender of Victims and Subjects in Completed Investigations of Unrestricted Reports, APY 13-14

Gender	Victims		Subjects	
	Count	Share	Count	Share
Male	4	13%	24	89%
Female	26	87%	3	11%
Gender Unknown	0	0%	0	0%
<b>Total</b>	<b>30</b>	<b>100%</b>	<b>27</b>	<b>100%</b>

Table 24 illustrates victim and subject age in completed investigations of Unrestricted Reports in APY 13-14.

Table 24 – Age of Victims and Subjects in Completed Investigations of Unrestricted Reports, APY 13-14

Age	Victims		Subjects	
	Count	Share	Count	Share
16-19	4	13%	4	15%
20-24	26	87%	16	59%
25-34	0	0%	0	0%
35-49	0	0%	0	0%
50 or Older	0	0%	0	0%
Age Unknown	0	0%	7	26%
<b>Total</b>	<b>30</b>	<b>100%</b>	<b>27</b>	<b>100%</b>

### APY 13-14 Restricted Reports of Sexual Assault

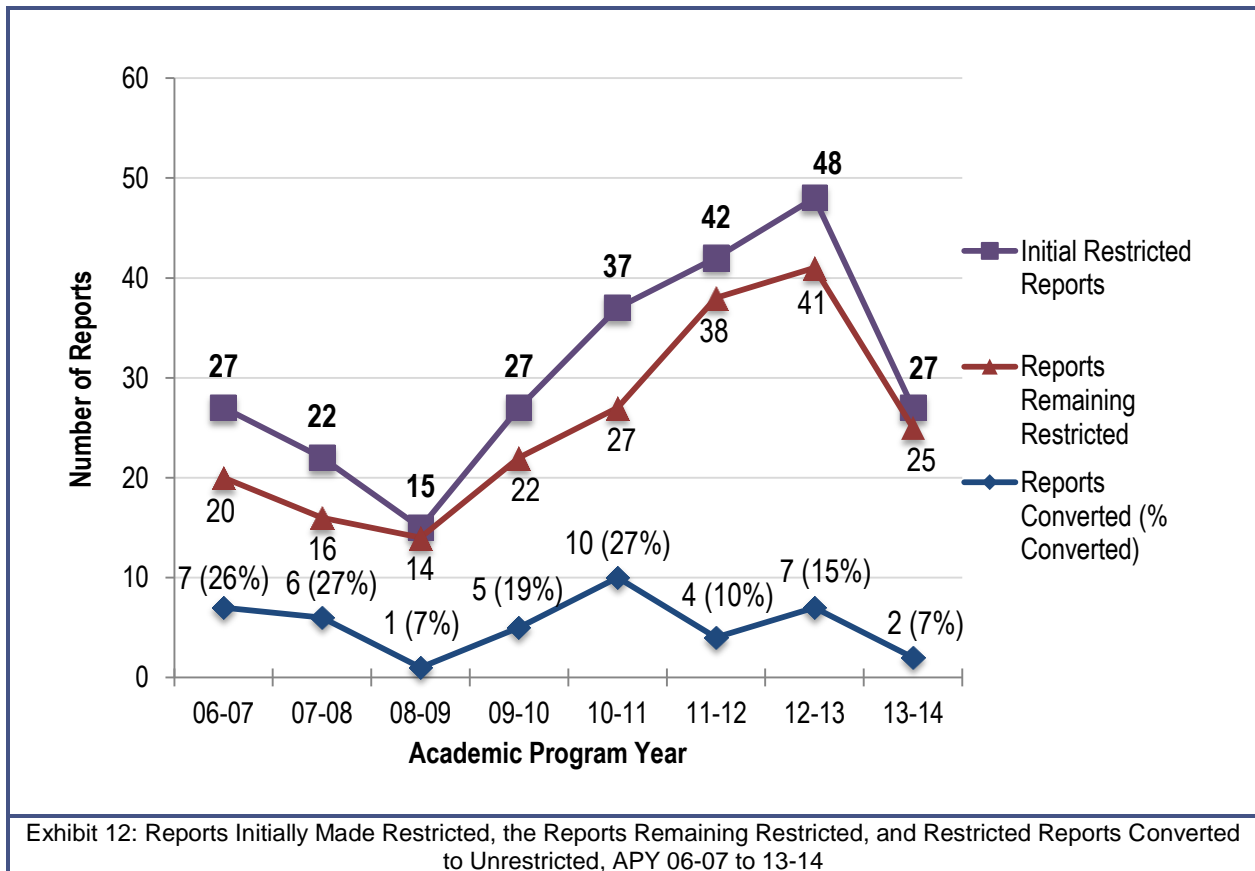
SARCs and SAPR VAs ordinarily collect information about Restricted Reports. Because Restricted Reports are confidential communications as defined by Department policy, SAPR personnel only collect limited data about the victim and the allegation made. As with Unrestricted Reports, Restricted Reports can be made for incidents that occurred in prior reporting periods and incidents that occurred prior to military service. In APY 13-14, there were 27 initial Restricted Reports of sexual assault.

- Of the 27 reports, 2 converted to Unrestricted Reports at the request of the victim.
- At the close of APY 13-14, 25 reports remained Restricted.<sup>120</sup>
  - Two cadets/midshipmen made a Restricted Report and obtained services for alleged sexual assaults that occurred prior to military service.
  - Twenty-three cadets/midshipmen made a Restricted Report and obtained services for alleged sexual assaults that occurred while in military service.

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<sup>120</sup> The Restricted Reports that converted to Unrestricted Reports are included in the Unrestricted Report data cited earlier.

The percentage of victims desiring to convert their Restricted Reports to Unrestricted Restricted Reports has fluctuated from year to year. Exhibit 12 shows the Restricted Reports and conversion rates for the past 8 APYs.



### Demographics of Restricted Reports of Sexual Assault

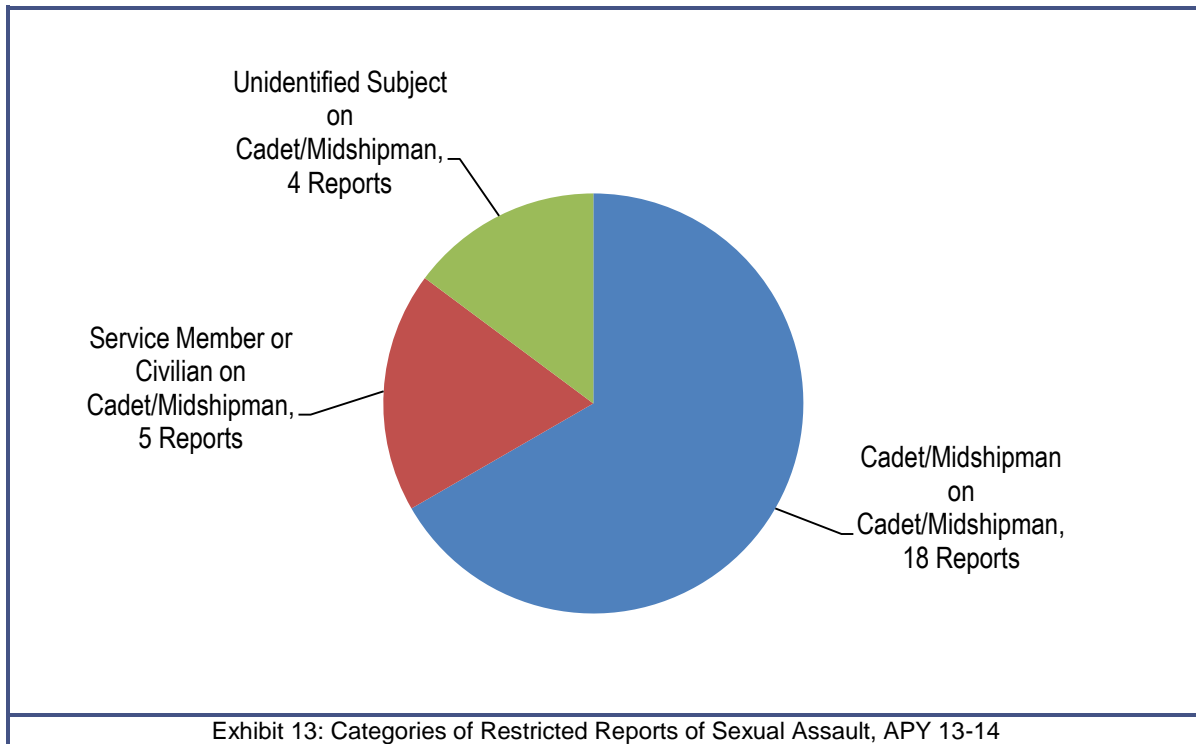
The following information pertains to cadets and midshipmen who made a Restricted Report of sexual assault. Table 25 and Table 26 provide the victim gender and age data. Exhibit 13 shows categories of Restricted Reports by victim and subject type.

Table 25 – Gender of Victims Initially Making Restricted Reports in APY 13-14

Gender	Count	Share
Male	2	7%
Female	24	89%
Gender Unknown	1	4%
<b>Total</b>	<b>27</b>	<b>100%</b>

Table 26 – Age of Victims Initially Making Restricted Reports in APY 13-14

Age	Count	Share
16-19	11	41%
20-24	12	44%
25 or Older	1	4%
Age Unknown	3	11%
<b>Total</b>	<b>27</b>	<b>100%</b>



### APY 13-14 Service Referral Information

SARCs and SAPR VAs are responsible for providing information and help with accessing medical treatment, counseling, and legal advice. Referrals for these services are sometimes made to both military and civilian sources. A referral for a 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 at the MSAs made an average of 10.4 service referrals to cadet/midshipman victims making Unrestricted Reports. For cadet/midshipman victims making Restricted Reports, SARCs and SAPR VAs provided an average of 11.4 service referrals per report.

Department policy requires that a Sexual Assault Forensic Examination (SAFE) be made available to victims of sexual assault. A SAFE is conducted only with the victim’s consent. In APY 13-14, three cadet/midshipman victims making Unrestricted Reports

and two cadet/midshipman victims making a Restricted Report elected to undergo a SAFE.

## 2014 SAGR Results

### *Unwanted Sexual Contact Prevalence*

As described above, 8.2%, of female cadets/midshipmen and 1.1% of male cadets/midshipmen experienced USC, a statistically significant decrease from 2012 prevalence rates (12.4% for women and 2.0% for men).

Of female cadets/midshipmen, 3.3% indicated that the incident involved attempted sexual intercourse, anal or oral sex,<sup>121</sup> followed by 2.4% who experienced unwanted sexual touching, 2.3% who experienced completed sexual intercourse, anal or oral sex<sup>122</sup>, and 0.2% who did not specify the behaviors experienced.

Of male cadets/midshipmen, 0.6% experienced unwanted sexual touching, followed by 0.3% who experienced completed sexual intercourse, anal or oral sex, 0.2% who experienced attempted sexual intercourse, anal or oral sex, and 0.1% who did not specify the behaviors experienced.

Cadets/midshipmen who experienced USC were also asked to indicate whether the incident(s) they experienced were associated with the specific behaviors listed in Table 27. Among the 1.1% of MSA men who experienced USC, the most frequently experienced behavior was some form of horseplay or locker room behavior (35%). Compared to men, fewer women reported the behaviors listed in Table 27.

Table 27: Behaviors Associated with USC Experienced by Male Cadets/Midshipmen<sup>123</sup>

Behaviors associated with USC experienced by male cadets/midshipmen	Share
Incidents involved some form of horseplay or locker room behavior	35%
Incidents involved someone showing off or being dared to do it to them	17%
Incidents involved some form of hazing or initiation rites	13%
Incidents involved placing genitalia on them	18%
Incidents involved someone getting even with them for something they did	9%

<sup>121</sup> Attempted sexual intercourse, anal or oral sex can occur with or without unwanted sexual touching.

<sup>122</sup> Completed sexual intercourse, anal or oral sex can occur with or without attempted sex or sexual touching.

<sup>123</sup> Margins of error for men range from ±6% to ±8%.

### *Retaliation*

For the first time, the 2014 SAGR included a series of questions to assess whether cadets and midshipmen who experienced USC perceived retaliation after making a report to a military authority or organization.

Among the 2.5% of cadets/midshipmen who experienced USC, 44% perceived one or more forms of retaliation. Specifically, 20% of sexual assault victims perceived professional retaliation from Academy or cadet/midshipmen leadership, 29% perceived social retaliation from fellow cadets/midshipmen, 8% perceived retaliation in the form of an administrative action, and 10% perceived retaliation in the form of discipline for infractions/violations.

That there is retaliation perceived of any kind is concerning, however, additional information from the SAGR gives a greater understanding of the overall impact of those experiences on the individual. Of the students who experienced USC and made either a Restricted or an Unrestricted Report, the majority (84%) indicated that they would make the same decision to report the incident again.

### *Alcohol Use*

Cadets/midshipmen who experienced USC indicated whether they or their offender(s) had been drinking alcohol at the time of the incident that had the greatest impact on them. The results varied by gender and Service Academy. Of the women who experienced USC at each Academy, 41% at USMA, 51% at USAFA, and 62% at USNA indicated that they or their offender(s) had been drinking. Reported alcohol involvement varied more widely among men, with 14% at USNA, 32% at USAFA, and 47% at USMA indicating that they or their offender(s) had been drinking.

### *Bystander Intervention*

The 2014 SAGR included two questions to assess bystander intervention experiences in APY 13-14. The first item asked whether participants observed a situation where they believed a sexual assault was occurring or about to occur within APY 13-14. If respondents answered “yes” to this question, they were prompted to answer a second question to identify the response, among a list of options, which most closely resembled their action. Only 5% of cadets/midshipmen indicated that they observed a high-risk situation (sexual assault was occurring or about to occur). However, of those who observed a high-risk situation, the majority (93%) reported taking some action to intervene.

## SEXUAL HARASSMENT

### *Sexual Harassment Reporting*

Reporting incidents of sexual harassment differs from reporting incidents of sexual assault. Sexual harassment is defined by the DoD as a form of sex discrimination and is normally reported through administrative channels as a formal or informal complaint.<sup>124</sup> DoD policy identifies the chain of command as the primary and preferred channel for identifying and correcting discriminatory practices, including the processing and resolving of sexual harassment complaints. Depending upon the circumstances, sexual harassment can be, and sometimes is, investigated and prosecuted under the UCMJ (Article 93, maltreatment of a subordinate). In APY 13-14, cadets and midshipmen reported 1 formal complaint of sexual harassment and 19 informal complaints at the MSAs.

- 1 formal complaint at USMA
- 15 informal complaints at USNA
- 4 informal complaints at USAFA

### *Sexual Harassment Prevalence*

Overall, the 2014 SAGR found that the prevalence of perceived sexual harassment for female cadets and midshipmen decreased from 51% in 2012 to 48% in 2014. However, this overall decrease in prevalence for female cadets/midshipmen stems from a large decline in prevalence at USNA (61% in 2012 to 44% in 2014). The prevalence of perceived sexual harassment rose at USMA and USAFA among female cadets. At USMA, the prevalence rose from 49% in 2012 to 55% in 2014 and at USAFA the prevalence rose from 44% in 2012 to 48% in 2014.

Academy-wide, the perceived sexual harassment rate for male cadets and midshipmen in 2014 was 10%, the same figure as reported in 2012. At USNA and USAFA, the prevalence of sexual harassment among men in 2014 was not statistically different from 2012 results. Conversely, USMA experienced a statistically significant increase in the prevalence of perceived sexual harassment among male cadets (8% in 2012 to 12% in 2014).

## SUMMARY OF SEXUAL ASSAULT AND SEXUAL HARASSMENT DATA

- Historically, sexual assault is an underreported crime at the MSAs, meaning that the sexual assaults reported to DoD authorities are outnumbered by the sexual assaults estimated to occur through past scientific surveys of cadets and

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<sup>124</sup> A formal complaint is defined as an allegation of unlawful discrimination or sexual harassment that is submitted in writing to the authority designated for receipt of such complaints in Service implementing regulations. An informal complaint is defined as an allegation of unlawful discrimination or sexual harassment, made either orally or in writing, which is not submitted as a formal complaint.

midshipmen. In APY 13-14, 16% of the estimated 327 cadets/midshipmen who experienced USC made a report to the Academies.

- Proportional to incidents, female victims file more reports of sexual assault; underreporting is highest among male victims of sexual assault.
- In the past, a greater number of victims made reports at USAFA than at the other two MSAs. In the current fiscal year, reports of sexual assault at USNA reached nearly the same level as USAFA, due to both an increase in reports at USNA and a decrease in reports at USAFA.
- From 2012 to 2014, there was a statistically significant decrease in the prevalence rates of USC among USMA and USNA women. However, for USAFA women, there was no statistically significant difference between USC rates in 2012 versus 2014.
- The prevalence rate of USC was statistically lower in 2014 than 2012 for USNA men. However, for USMA and USAFA men, there were no statistically significant differences between USC rates in 2012 and 2014.
- Over time, the Department encourages more initiatives to build victims' confidence in the system in order to increase the number of cadets and midshipmen who choose to make an Unrestricted or Restricted Report. At the same time, prevention initiatives implemented across the MSAs are expected to reduce the prevalence of USC.
- In APY 13-14, cadets and midshipmen reported 1 formal and 19 informal complaints of sexual harassment to the MSAs.
- According to the *2014 SAGR*, there was a statistically significant decrease in the prevalence of sexual harassment for female cadets in 2014, compared to 2012. The sexual harassment rate for male cadets and midshipmen was unchanged from 2012 to 2014.