



Appendix D: Statistical Data on Sexual Assault and Sexual Harassment



Table of Contents

Table of Contents.....	1
Appendix D: Statistical Data on Sexual Assault and Sexual Harassment.....	3
Introduction	3
Restricted Reports	4
Unrestricted Reports	4
Case Dispositions.....	5
Case Timelines	6
Data Sources	6
Defense Sexual Assault Incident Database (DSAID).....	6
Student Enrollment at the Military Service Academies	7
APY 22-23 Overall Reporting Data on Sexual Assault at the Service Academies.....	7
APY 22-23 Academy Student Sexual Assault Reporting	8
Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident	9
Reports Involving Cadets and Midshipmen Who Made a Report of Sexual Assault that Occurred Prior to Military Service.....	10
All Other Reports Made in APY 22-23	11
Sexual Assault Prevalence Estimates and APY 22-23 Reporting Data.....	12
APY 22-23 Military Justice Outcomes	14
Disposition of Sexual Assault Reports Adjudicated in APY 22-23.....	15
APY 22-23 Unrestricted Reports of Sexual Assault.....	17
APY 22-23 Restricted Reports of Sexual Assault	18
Demographics of Restricted Reports of Sexual Assault.....	19
APY 22-23 Data on Sexual Harassment	20
Complaints of Sexual Harassment	20
APY 22-23 Reports from the Family Advocacy Program	21
Reports from the Family Advocacy Program	21
Sexual Assault Reports by Victim Category and Military Service Academy.....	22

List of Exhibits

Exhibit 1: Reports of Sexual Assault by Report Type, APY 07-08 to 22-23	8
Exhibit 2: Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident by Academy, APY 07-08 to 22-23	10
Exhibit 3: Total Reports to the MSAs by Academy Students Occurring Prior to and During Military Service, APY 07-08 to 22-23.....	11
Exhibit 4: Reports Made by Non-Cadet/Midshipman Victims, APY 15-16 to 22-23.....	12
Exhibit 5: Estimated Cadets and Midshipmen Experiencing USC Based on Past-Year Prevalence Rates versus Number of Cadets and Midshipmen in Reports of Sexual Assault Made during the APY, for Incidents Occurring During Military Service, APY 05-06 to 22-23'	13
Exhibit 6: Reports of Sexual Assault, Investigations, and Dispositions Completed in APY 22-23	17
Exhibit 7: Reports Initially Made Restricted, Reports Remaining Restricted, and Restricted Reports Converted to Unrestricted, APY 07-08 to 22-23	19
Exhibit 8: Total Sexual Harassment Complaints by Academy, APY 11-12 to 22-23	21

List of Tables

Table 1: Student Enrollment at the Military Service Academies.....	7
Table 2: Sexual Assault Reports by Victim Category and Military Status, APY 22-23.....	9
Table 3: Reports by and/or Against Academy Students Actively Enrolled at the Time of Report and Incident by Academy and Report Type, APY 22-23.....	10
Table 4: Sexual Assault Crimes Investigated in Unrestricted Reports, APY 20-21 to APY 22-23	15
Table 5: Unrestricted Reports by Sexual Assault by Victim and Subject Status, APY 20-21 to APY 22-23	15
Table 6: Sex of Victims and Subjects in Completed Investigations of Unrestricted Reports, APY 22-23	18
Table 7: Age of Victims and Subjects at the Time of Incident in Completed Investigations of Unrestricted Reports, APY 22-23	18
Table 8: Restricted Reports by Gender, APY 22-23	19
Table 9: Age of Victims Making Restricted Reports at the Time of Incident, APY 22-23.....	20
Table 10: Restricted Reports of Sexual Assault by Victim and Subject Status, APY 20-21 to APY 22-23	20
Table 11: USMA Sexual Assault Reports by Victim Category and Military Status, APY 22-23 ..	22
Table 12: USNA Sexual Assault Reports by Victim Category and Military Status, APY 22-23...23	
Table 13: USAFA Sexual Assault Reports by Victim Category and Military Status, APY 22-23.23	

Appendix D: Statistical Data on Sexual Assault and Sexual Harassment

Introduction

The Department of Defense's (DoD) sexual assault data captures Restricted and Unrestricted Reports of sexual assault involving cadets, midshipmen, or prep school students ("academy students") as victims¹ and/or subjects in allegations made during the 2022-2023 Academic Program Year (APY 22-23). These reports may include:

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

The number of sexual assaults reported to DoD authorities in APY 22-23 *is not* necessarily indicative of the number of sexual assaults that may have occurred, as estimated by scientific surveys of military academy students. DoD and civilian research indicate that a fraction of people who experience sexual assault report the crime to law enforcement.² Additionally, only evidence from an investigation and adjudication of the case can be used to legally conclude that the alleged sexual assault incident occurred.

DoD uses the term "sexual assault" to refer to intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. 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.³ For the purpose of data analysis in this report, DoD organizes analyses by the most serious sexual assault allegation made by a victim or investigated by a Military Criminal Investigative Organization (MCIO).⁴ The information in initial reports and/or behaviors alleged do not necessarily reflect the final findings of the investigators or the matter(s) addressed by court-martial charges or other forms of disciplinary action against suspects (referred to by DoD as "subjects of investigation" or "subjects").

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

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

³ Department of Defense Instruction 6495.02.

⁴ Criminal Investigative Command for the Army, Naval Criminal Investigative Service for the Navy and Marine Corps, and Air Force Office of Special Investigations for the Air Force.

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

The Department conducted the 2022 *Service Academy Gender Relations* (SAGR) Survey in the spring of 2022. The results from that survey found that of the cadets/midshipmen who indicated an experience of USC in the year prior to being surveyed (i.e., since June 2021), an estimated 14 percent reported the matter to a military authority – similar to the last estimate measured in 2018 (Exhibit 6). The following sections describe the reports received in APY 22-23 and the disposition information associated with completed investigations of Unrestricted Reports, a description of survey data collected in 2022, and information about sexual harassment at the academies.

Restricted Reports

As Service members, academy students may make Restricted Reports to specified individuals (i.e., Sexual Assault Response Coordinators (SARCs), Sexual Assault Prevention and Response Victim Advocates (SAPR VAs), or healthcare providers), who facilitate care and response services while maintaining confidentiality. Given that people who choose to make a Restricted Report desire confidentiality, DoD does not investigate this type of report or obtain extensive details about the incident. Rather, SARCs record limited data about the person creating the report and the alleged incident in the Defense Sexual Assault Incident Database (DSAID), but do not request or maintain the identity of the alleged perpetrator, even if known. SARCs notify command that a Restricted Report was made, but do not provide details that could identify the victim or alleged perpetrator unless reporting is necessary to prevent or mitigate a serious and imminent threat to the health and safety of the victim or another person. Additionally, a person can choose to convert a Restricted Report to an Unrestricted Report at any time.

DoD policy also allows adult military dependents to make a Restricted Report involving allegations against academy students. In addition to sexual assault allegations reported to a SAPR office, DoD has included in this report sexual assault allegations reported to the Family Advocacy Program (FAP) by an academy student. FAP offers victims of domestic abuse both Restricted and Unrestricted Reporting options.⁵

Unrestricted Reports

Unrestricted Reports involve notification to the command of the victim and the alleged perpetrator that an allegation(s) of sexual assault has been reported, as well as a referral for

⁵ DoD Instruction (DoDI) 6400.06, “DoD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel”, defines “domestic abuse” as domestic violence, or a pattern of behavior resulting in emotional or psychological abuse, economic control, or interference with personal liberty that is directed toward a person who is: a current or former spouse; a person with whom the alleged abuser shares a child in common; a current or former intimate partner with whom the alleged abuser shares or has shared a common domicile; or a person who is or has been in a social relationship of a romantic nature with the accused and determined to be an intimate partner (as defined in DoDI 6400.06). Academy students may report sexual assault in the context of an intimate partner relationship to the Family Advocacy Program (FAP) and receive services. FAP provides comprehensive safety planning, victim advocacy and support, and treatment when appropriate.

investigation by a Military Criminal Investigative Organization (MCIO). MCIO information systems are the systems of record for subjects of investigation in Unrestricted Reports. An interface between MCIO information systems and DSAID incorporates information about the subject of the investigation and investigative case into the DSAID database. SARCs enter additional victim and incident data directly into DSAID.

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

Case Dispositions

The APY period of this report describes case dispositions made by commanders as described below. However, effective December 27, 2023, an Office of Special Trial Counsel of the Military Department concerned will make case disposition decisions on sexual assault offenses, and other covered offenses allegedly committed after that date. The Offices of Special Trial Counsel may also choose to exercise authority over allegations of sexual assault committed before that date.

MCIOs initiate an investigation for each Unrestricted Report of sexual assault that falls within their investigative purview. MCIOs and judge advocate personnel report each investigation's outcome/disposition to the Military Department concerned. The Military Department concerned may only take disciplinary action against individuals subject to the UCMJ. Academy students, who are Service members, are subject to the UCMJ.⁶ When a Service member commits an offense within a civilian jurisdiction (e.g., state, county, or municipality) in the United States (U.S.), civilian authorities may also prosecute that Service member. The civilian authority may choose not to exercise jurisdiction over the case. Service member prosecutions by civilian authorities are decisions made on a case-by-case basis. Such actions may not yield the same level of case or disposition detail obtained from the military justice system in this report.⁷

For alleged sexual assault and other covered offenses that predate December 28, 2023, over which a special trial counsel does not exercise authority, MCIOs provide reports to military leadership upon the conclusion of an investigation. In consultation with the servicing staff judge advocate (SJA), the subject's military commander reviews available evidence and considers legal action as appropriate. However, for crimes of rape, sexual assault, nonconsensual sodomy, and attempts to commit these crimes, a senior military officer who is at least a special court-martial convening authority (SPCMCA) and in the grade of O-6 (Colonel or Navy Captain) or higher retains initial disposition authority.

The SPCMCA is responsible for determining initial disposition action. This includes whether an action is warranted and, if so, whether a court-martial, nonjudicial punishment (NJP),

⁶ Military staff at the MSAs are also subject to the UCMJ.

⁷ An accused civilian or foreign national is not often subject to the UCMJ, and DoD cannot discipline these persons under the military justice system, except in rare circumstances (e.g., a civilian accompanying the force in the field in a contingency operation). A host nation's ability to prosecute a Service member may be subject to a Status of Forces Agreement (SOFA) between the U.S. and a foreign government. SOFAs vary from country to country. Academy students are rarely involved in cases investigated and/or tried by a foreign government.

administrative discharge, or some other adverse administrative action is appropriate. At the Military Service Academies (MSAs), the Superintendent (a Lieutenant General or a Vice Admiral) is the initial disposition authority. SJAs assist these commanders in identifying charges and appropriate means of addressing misconduct and disposition options based on the available evidence.

Each year there are cases in which disciplinary actions are precluded (i.e., not possible) due to legal issues or evidentiary problems. For example, when the investigation fails to show sufficient evidence of an offense for command action, a commander may be precluded from taking disciplinary action against a subject. In addition, disciplinary actions may not be possible when commanders choose to respect a victim's desire not to participate in proceedings regarding the alleged assault.

In the data that follows, when more than one disposition action is involved (e.g., when an administrative discharge follows NJP), only the most serious disciplinary action taken is reported. These actions, in descending order, include referral of court-martial charges, NJP, administrative discharge, and other adverse administrative actions. At the MSAs, adverse administrative actions include the cadet/midshipman disciplinary system.

Case Timelines

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

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

Data Sources

Defense Sexual Assault Incident Database (DSAID)

DSAID became the centralized system for data collection and reporting by the MSAs in APY 14-15. Since DSAID is a real-time data-gathering tool, not all data points are immediately available for this report. Therefore, data provided in this report represent the state of DSAID data at the time of the DoD's final query of the database in August 2023. Despite best efforts by DoD and the Services to enter data accurately and expediently, some information may be incomplete at

the time of the DSAID data pull. Therefore, some demographic or case-related information presented below is categorized as “relevant data not available.”⁸

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

Student Enrollment at the Military Service Academies

The MSAs reported their official enrollment for APY 22-23 as follows, as of May 1, 2023:

Table 1: Student Enrollment at the Military Service Academies

Academy	Cadets/Midshipmen		Prep School Students		Total
	Men	Women	Men	Women	
U.S. Military Academy	3,325	989	164	25	4,503
U.S. Naval Academy	3,091	1,237	196	57	4,581
U.S. Air Force Academy	2,794	1,182	169	50	4,195
Total Enrollment	9,210	3,408	529	132	13,279

APY 22-23 Overall Reporting Data on Sexual Assault at the Service Academies

In APY 22-23, the Department received a total of 166 sexual assault reports that involved cadets/midshipmen/prep students as victims and/or alleged perpetrators—a decrease of 40 reports from the previous APY (see Exhibit 1).

⁸ For DoD to classify a victim or subject accurately as a cadet, midshipman, or prep school student, demographic data must be completed in DSAID. This report uses the term “relevant data not available” when these data fields are missing or unavailable.

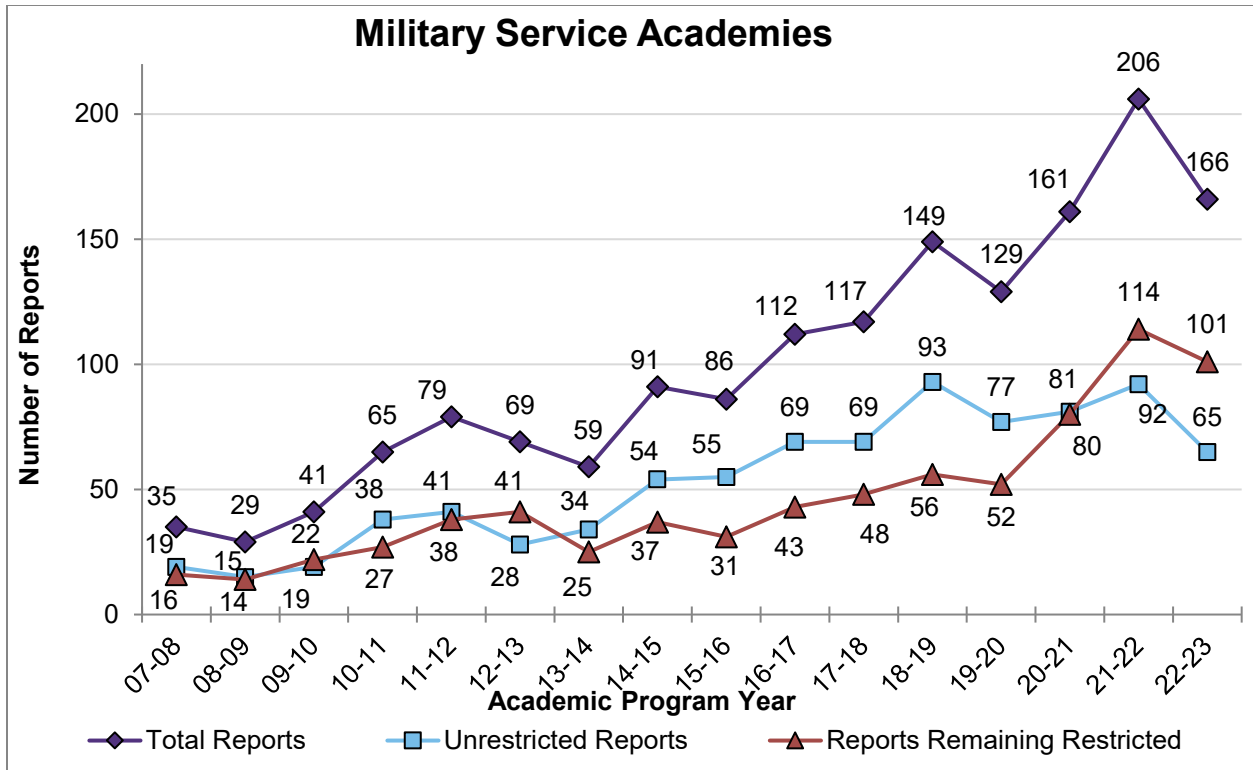


Exhibit 1: Reports of Sexual Assault by Report Type, APY 07-08 to 22-23

Top-line reporting of data, as illustrated in Exhibit 1, contains MSA cadet/midshipmen data responsive to Congressional requirements. The Department conducts additional analyses to better understand other trends and patterns in reporting data, which includes data on prep school students. To that end, the Department focuses on subsets of the 166 reports received in the current APY. Those additional views are described in the paragraphs that follow.

APY 22-23 Academy Student Sexual Assault Reporting

Department policy permits cadets and midshipmen to report sexual assaults and receive assistance, even when the reported incident occurred prior to entry into military service. Additionally, DoD accounts for non-cadet/midshipman reports that allege a sexual assault committed by an academy student. The Department has broken these total reports down to demonstrate the number of sexual assault reports by cadets and midshipmen that reflect the MSAs’ current conditions. Specifically, the Department sorts DSAID data to identify just the reports involving actively enrolled cadets and midshipmen for incidents that occurred during military service.

Table 2 provides the breakdown of the 166 total reports into two overarching categories. First, reports that involved an actively enrolled cadet or midshipman, including:

- Currently enrolled cadets or midshipmen reporting an incident that occurred during their military service;
- Active duty Service members, who are not cadets or midshipmen, reporting an alleged incident that occurred within four years of the date the incident was reported, either at an MSA or while they were a cadet or midshipman; and
- Civilians reporting an incident allegedly committed by an enrolled cadet or midshipman.

Second, Table 2 shows reports the Department received for incidents that involved:

- Currently enrolled cadets or midshipmen reporting an incident that occurred prior to military service;
- Active duty Service members or former academy students who did not report an academy-based sexual assault until they were no longer enrolled at the MSA for at least four years; and
- Prep school students who do not reside on MSA campuses.

Table 2: Sexual Assault Reports by Victim Category and Military Status, APY 22-23

	Unrestricted Reports	Restricted Reports	Total Reports
All Academy-related Reports	65	101	166
• Reports involving actively enrolled cadets/midshipmen at the time of incident and/or report	60	77	137
– Cadets/midshipmen victims reporting an incident that occurred during military service	59	65	124
– Active duty Service member victims reporting an incident that occurred within the last four years	1	12	13
– Civilian victims	0	0	0
• All other reports	5	24	29
– Cadets/midshipmen reporting an incident that occurred prior to military service	2	8	10
– Active duty Service members reporting an incident that occurred more than four years ago	1	12	13
– Prep school students	2	4	6

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

In APY 22-23, DoD received 137 sexual assault reports involving an actively enrolled cadet or midshipman at the time of incident and/or report. This is a decrease of 33 reports from the last APY. The total number of reports decreased at all three Academies: by 7 at the U.S. Military Academy (USMA); by 14 at the U.S. Naval Academy (USNA); and by 12 at the U.S. Air Force Academy (USAFA). Exhibit 2 illustrates the number of sexual assault reports made by and/or against academy students actively enrolled at the time of the report and incident.⁹ Additionally, Exhibit 2 includes civilians and active duty Service members who alleged an incident against a cadet/midshipman who was actively enrolled at the time of the report.

⁹ Reports made prior to APY 14-15 when DSAID standardized data collection may not be directly comparable.

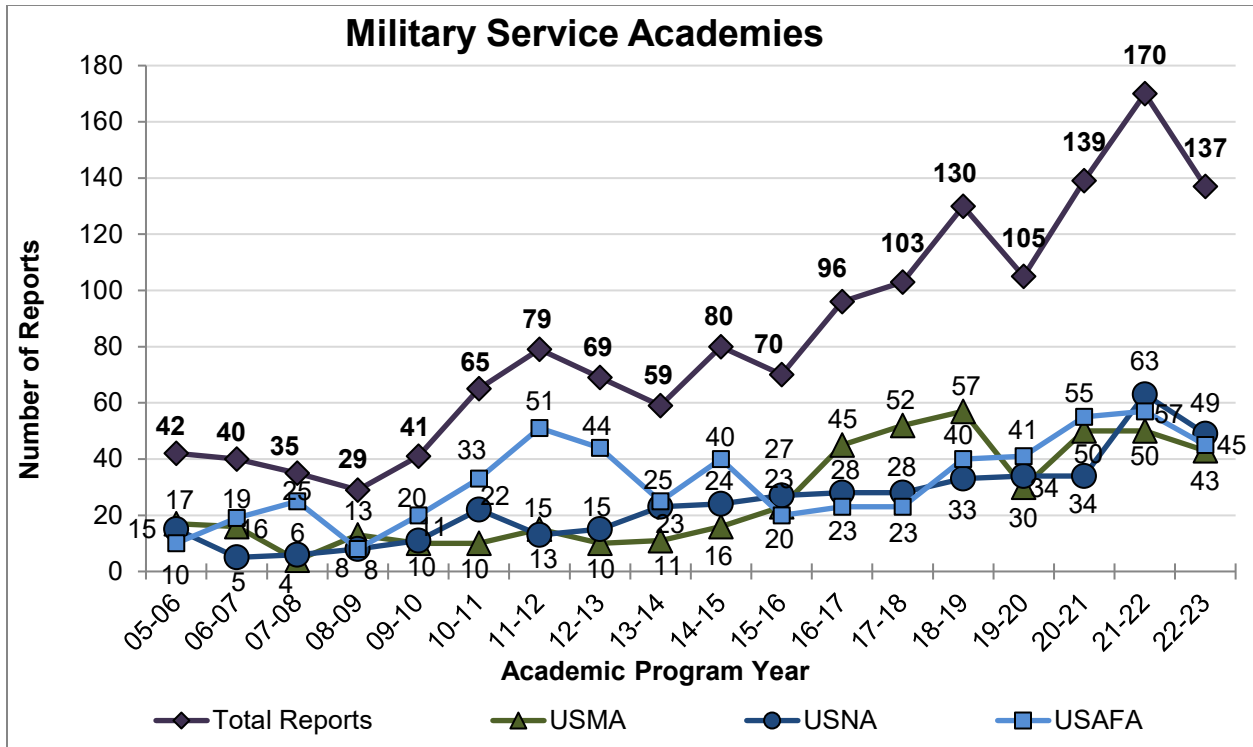


Exhibit 2: Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident by Academy, APY 07-08 to 22-23

Table 3 breaks out in greater detail the types of sexual assault reports made by and/or against actively enrolled cadets/midshipmen at each MSA in APY 22-23.

Table 3: Reports by and/or Against Academy Students Actively Enrolled at the Time of Report and Incident by Academy and Report Type, APY 22-23

Academy	Total Reports	Unrestricted Reports	Restricted Reports Remaining
U.S. Military Academy	43	21	22
U.S. Naval Academy	49	16	33
U.S. Air Force Academy	45	23	22
Total Reports	137	60	77

Reports Involving Cadets and Midshipmen Who Made a Report of Sexual Assault that Occurred Prior to Military Service

Exhibit 3 below shows only those sexual assault reports made by cadets/midshipmen during APY 22-23. Of the 134 total cadets/midshipmen who made a report in APY 22-23, 10 made reports for an incident that occurred prior to academy enrollment/military service (2 Unrestricted and 8 Restricted Reports). DoD policy provides for reporting and assistance with any sexual assault incident, whether it occurred in military service or not.

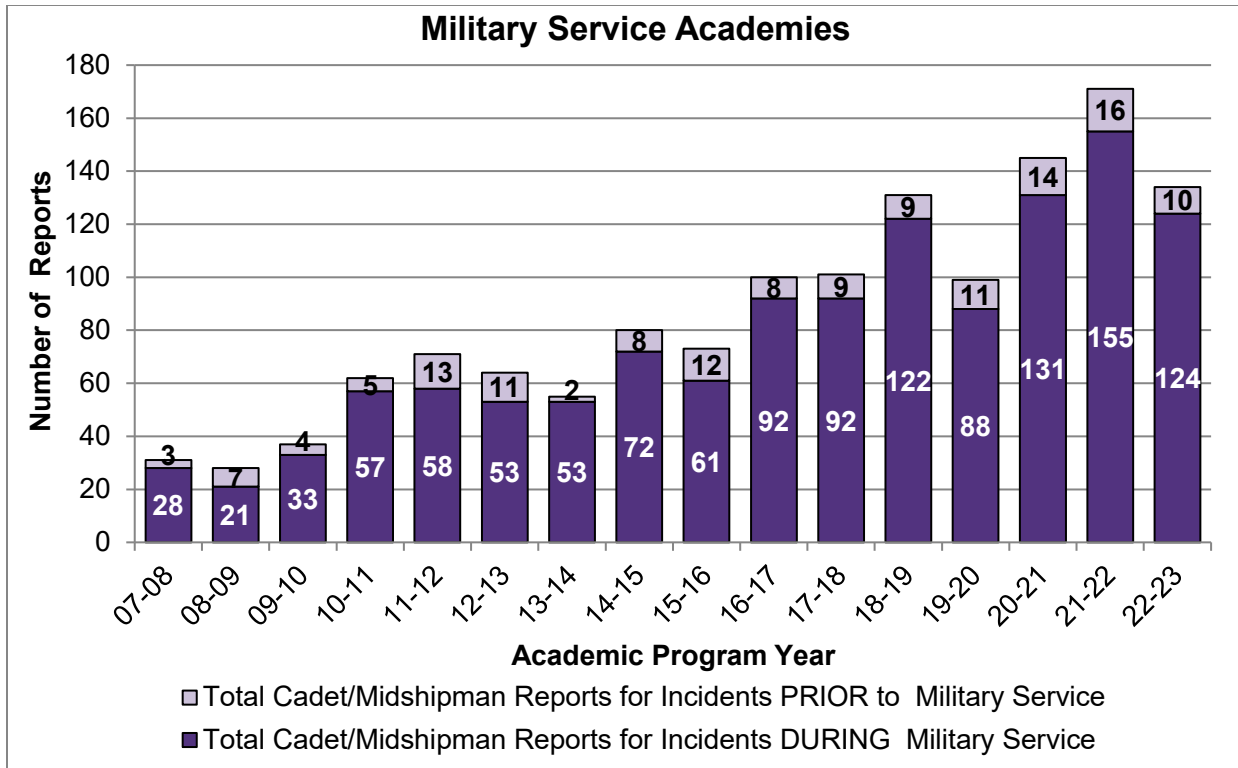


Exhibit 3: Total Reports to the MSAs by Academy Students Occurring Prior to and During Military Service, APY 07-08 to 22-23

All Other Reports Made in APY 22-23

The Department also receives reports made by non-cadets/midshipmen alleging assaults by academy students. As displayed in Exhibit 4, of the total 32 incidents reported to DoD this year that involved non-cadets/midshipmen as victims:

- 6 reports were made by prep school students:
 - 2 prep school students alleged an assault by an active duty Service member subject;
 - 2 prep school students alleged an assault by a U.S. civilian subject;
 - 2 prep school students alleged an assault by an unknown subject.
- 26 reports were made by active duty Service members.
- 0 reports were made by civilians alleging an assault against a cadet/midshipman.

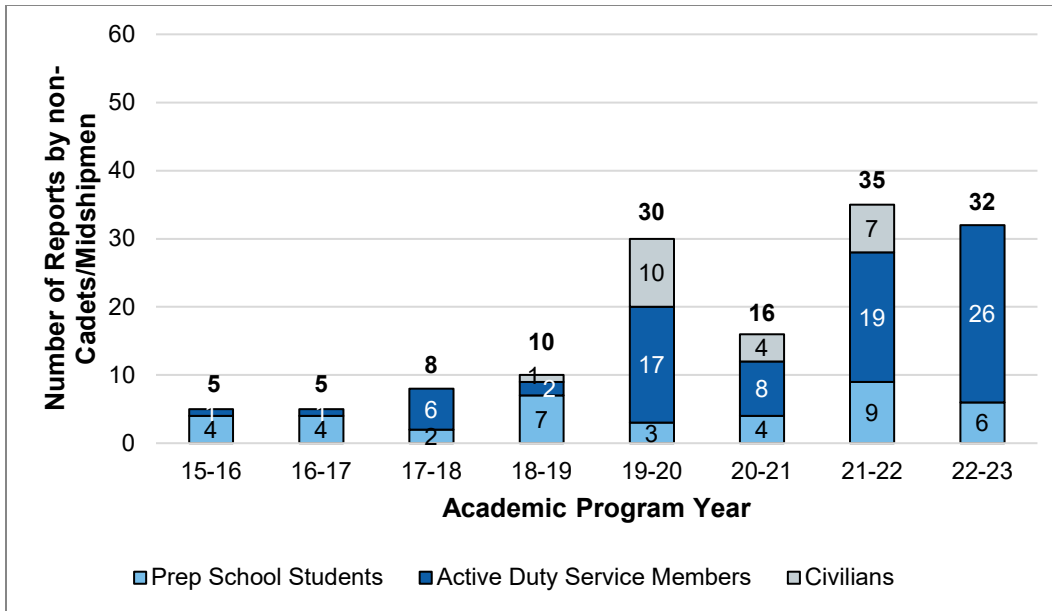


Exhibit 4: Reports Made by Non-Cadet/Midshipman Victims, APY 15-16 to 22-23

Sexual Assault Prevalence Estimates and APY 22-23 Reporting Data

DoD typically conducts a survey in even-numbered years to estimate the prevalence of unwanted sexual contact at the academies. The 2020 SAGR was scheduled to occur on the MSA campuses in March and April 2020. However, the survey could not be administered due to response measures taken due to the coronavirus pandemic. DoD resumed biennial administration of the SAGR in 2022. The next iteration of the survey, the 2024 SAGR, will be administered in 2024, and estimates will be published in the following Annual Report on Sexual Harassment and Violence at the Military Service Academies.

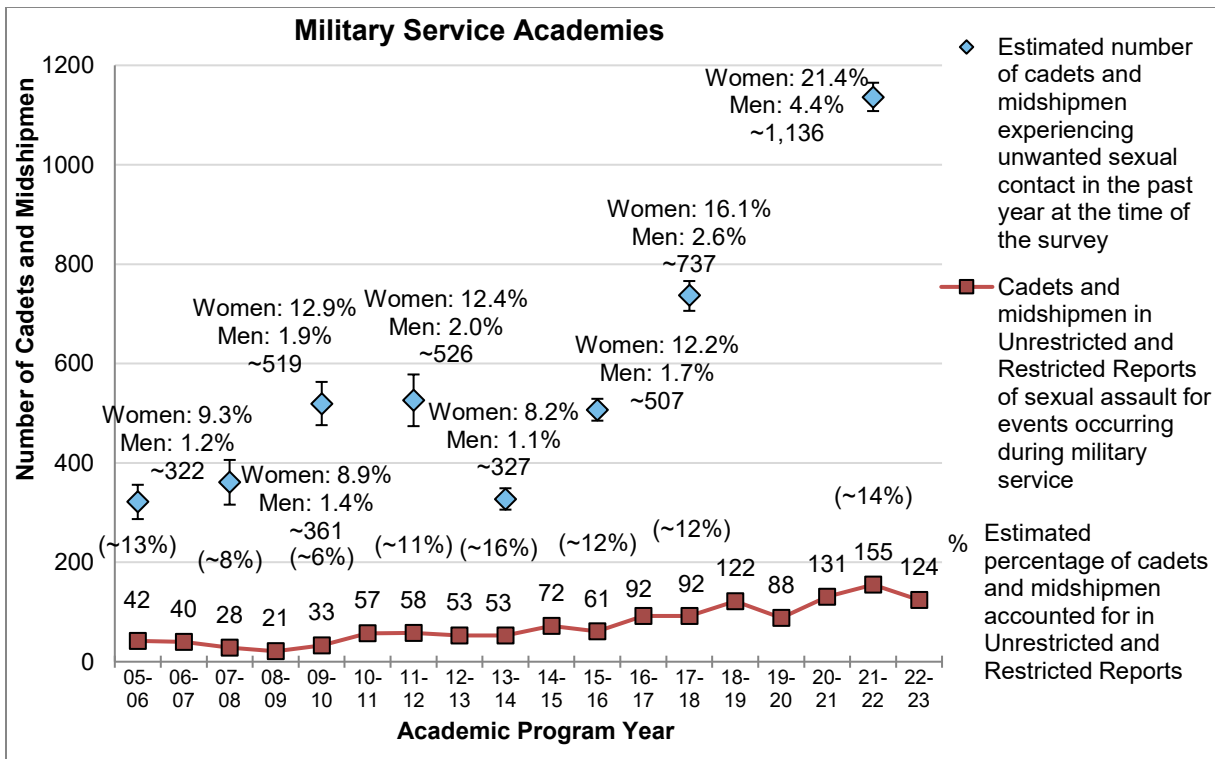


Exhibit 5: Estimated Cadets and Midshipmen Experiencing USC Based on Past-Year Prevalence Rates versus Number of Cadets and Midshipmen in Reports of Sexual Assault Made during the APY, for Incidents Occurring During Military Service, APY 05-06 to 22-23^{10,11,12}

Reports of sexual assault made to DoD authorities provide only partial insight into the overall occurrence of alleged sexual assault at the MSAs. As previously discussed, sexual assault in both the civilian and military sectors is underreported, meaning that sexual assaults estimated to occur using scientific surveys of a given population outnumber official reports made to the authorities.

Exhibit 6 compares the estimated number of cadets and midshipmen¹³ who may have experienced past-year USC to the number of cadets and midshipmen who reported sexual assault in the APY. This graph excludes reports made by prep school students, active duty

¹⁰ Bars around survey point estimates represent margins of error. The 2022 SAGR estimates that 1,136 academy students may have experienced past-year USC, with a statistical range between 1,107 and 1,164 students.

¹¹ In 2022, OPA re-weighted APY 17-18 prevalence estimates to bring results into alignment with other WGR surveys. The updated estimated number of incidents in APY 17-18 changed from ~747 incidents to ~737 incidents. The estimated proportion of women who may have experienced an incident of USC in APY 17-18 changed from 15.8% to 16.1%, and the estimated proportion of men who may have experienced an incident of USC in APY 17-18 changed from 2.4% to 2.6%. The number of reports received by DoD (92) and the reporting rate (~12%) remained unchanged.

¹² Not included in the above are three cases reported to and managed by the USNA and USAFA Family Advocacy Programs.

¹³ In APYs 13-14 and prior, DoD received aggregated data from the Academies and could not separate prep school students from the total reports received, as depicted by the red line in Exhibit 6. Beginning in APY 14-15, DSAID gave DoD analysts the ability to separate reports made by prep school students from the total number of reports, allowing for greater precision identifying the sources of reports.

Service members, and civilians (Table 1). Results from the 2022 SAGR estimated that about 1,136 cadets and midshipmen may have experienced some form of USC in APY 21-22, compared to 155 reports of sexual assault received by DoD in APY 21-22 from cadets and midshipmen for an incident that occurred **during** military service. Using these figures, DoD estimated that the reporting rate in APY 21-22 was about 14 percent. That is, about 14 percent of the estimated cadets and midshipmen who may have experienced USC in 2022 made an official report of sexual assault to a DoD authority in APY 21-22.

APY 22-23 Military Justice Outcomes

The flow chart in Exhibit 5 depicts the status or outcome of all reports made to the Department in APY 22-23. Each point in the flow chart corresponds to a letter in the subsequent text. For example, academy students were involved in 166 reports of sexual assault as victims and/or subjects (Exhibit 5, Point A).

Of the 166 reports received, 65 were Unrestricted Reports involving academy students as either the victim or subject of a sexual assault investigation (Exhibit 5, Point B). Of the 65 Unrestricted Reports, 2 reports were made by cadets or midshipmen for alleged incidents of sexual assault that occurred prior to entering military service, and 59 Unrestricted Reports were made by cadets/midshipmen for alleged incidents that occurred during military service. Non-cadets/midshipmen made the remaining 4 Unrestricted Reports.¹⁴

DoD and civilian investigative agencies opened 50 investigations associated with 63 Unrestricted Reports this APY. The remaining 13 Unrestricted Reports did not move forward in the investigative process for a variety of reasons (e.g., allegations fell outside the MCIOs' authority to investigate, no covered sexual assault offense alleged, investigation opened in APY 23-24, investigative information not yet available at the time of data retrieval).

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

- Of the 50 criminal investigations initiated during APY 22-23, 30 were completed in APY 22-23 (Exhibit 5, Point E). DoD will report the outcomes of the other 20 investigations in forthcoming years' reports (Exhibit 5, Point D).
- MCIOs also completed 33 investigations of sexual assault initiated in reporting periods prior to APY 22-23 (Exhibit 5, Point E).
- In sum, MCIOs completed 63 investigations of sexual assault involving 57 subjects (Exhibit 5, Point E) during APY 22-23 for reports made in the current APY or prior APYs.

The Department categorizes Unrestricted Reports by the most serious sexual assault offense alleged. Table 4 shows the sexual assault offenses alleged for the 65 Unrestricted Reports made in APY 22-23. The offense charged or addressed with disciplinary action *may not always* reflect the offense alleged. For example, if the crime of "rape" is alleged, but MCIO agents only discover evidence for the crime of "aggravated sexual contact" during the investigation, then only "aggravated sexual contact" can be charged.

¹⁴ Of the 4 reports that were made by non-academy students, 2 reports were made by Active Duty Service members, 2 reports were made by prep school students, and 0 were made by civilians.

Table 4: Sexual Assault Crimes Investigated in Unrestricted Reports, APY 20-21 to APY 22-23

Offense Alleged/Investigated	APY 20-21	APY 21-22	APY 22-23
Rape	7	4	6
Sexual Assault	32	29	14
Aggravated Sexual Contact	0	0	1
Abusive Sexual Contact	32	26	21
Attempts to Commit a Sexual Assault Crime	0	0	0

Note: In APY 20-21, the Academies received 81 Unrestricted Reports, but this table excludes 10 reports due to missing data on the offense investigated. In APY 21-22, the Academies received 92 Unrestricted Reports, but this table excludes 29 reports due to missing data on the offense investigated. In APY 22-23, the Academies received 65 Unrestricted Reports, and this table excludes 5 reports due to missing data on the offense investigated.

Table 5 illustrates the involvement of academy students in Unrestricted Reports of sexual assault. In APY 22-23, 31 of the 65 Unrestricted Reports involved an academy student alleging sexual assault by another academy student.

Table 5: Unrestricted Reports by Sexual Assault by Victim and Subject Status, APY 20-21 to APY 22-23

Relationship between Victim and Subject in Unrestricted Reports	APY 20-21	APY 21-22	APY 22-23
Academy Student Subject, Academy Student Victim	52	44	31
Academy Student Subject, Non-Academy Student Victim	7	12	2
Non-Academy Student Subject, Academy Student Victim	2	8	6
Unknown Subject, Academy Student Victim	7	7	8
Subject Data Not Available, Academy Student Victim	13	21	18

Disposition of Sexual Assault Reports Adjudicated in APY 22-23

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

In APY 22-23, 54 criminal investigations were completed, involving 57 subjects. The MSAs also completed investigations for an additional 110 subjects in investigations closed in previous APYs for which disposition information was not yet reported. Of 167 cases with completed investigations in APY 22-23 or prior, 107 case dispositions were pending determination at the end of the APY.

By the end of APY 22-23, MSAs had completed disposition information for 60 subjects. Exhibit 6 and the information below outlines the disposition information regarding those 60 subjects.

- 60 Subjects of APY 22-23 investigations and pre-APY 22-23 investigations with disposition information to report at the end of APY 22-23

- 11 Subjects could not be identified, despite a thorough investigation (Exhibit 6, Point K)
- 2 Subjects were civilians or foreign nationals (Exhibit 6, Point L) and outside of DoD's legal authority
- 0 Subjects died or deserted (Exhibit 6, Point M)
- 0 Subjects with civilian authority exercising jurisdiction over the case (Exhibit 6, Point N)

- 47 Subjects under DoD legal authority review for possible action (Exhibit 6, Point O)
- 1 Subjects associated with victims who declined to participate in the military justice process (Exhibit 6, Point T)
- 13 Subjects whose investigations yielded insufficient evidence to prosecute an offense (Exhibit 6, Point T)
- 0 Subjects with allegation(s) unfounded by legal review (Exhibit 6, Point U)

- 33 Subjects for whom evidence supported command action (Exhibit 6, Point P):

DoD actions taken for alleged sexual assault crimes are as follows (Exhibit 6, Point Q):

- 9 Subjects had Court-Martial Charges Preferred
- 1 Subject received NJP
- 4 Subjects received an Adverse Administrative Discharge
- 11 Subjects received an Adverse Administrative Action, including the Cadet Disciplinary System or Midshipman Conduct System

DoD actions taken for other misconduct that was discovered during the sexual assault investigation are as follows (Exhibit 6, Point R):

- 3 Subjects had Court-Martial Charges Preferred
- 1 Subjects received NJP
- 0 Subject received an Adverse Administrative Discharge
- 4 Subjects received an Adverse Administrative Action, including the Cadet Disciplinary System or Midshipman Conduct System

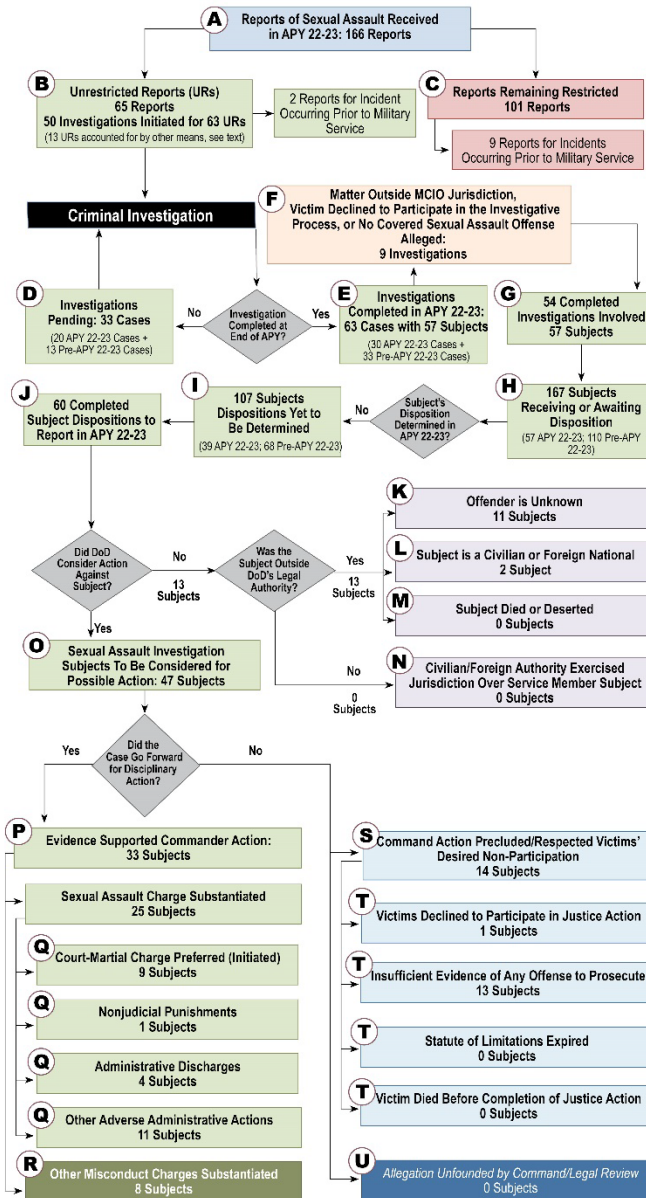


Exhibit 6: Reports of Sexual Assault, Investigations, and Dispositions Completed in APY 22-23

APY 22-23 Unrestricted Reports of Sexual Assault

The Department draws the following demographic information from the 63 investigations of sexual assault completed during APY 22-23. These investigations involved 65 victims and 57 subjects.

Table 6 displays the sex of victims and subjects in completed investigations of Unrestricted Reports in APY 22-23. As in previous APYs, most victims in investigations of Unrestricted Reports are female (91 percent), and most subjects are male (86 percent). Table 7 shows victim and subject age in completed investigations of Unrestricted Reports in APY 22-23. Most

victims and subjects are between ages 16 and 24 (87 percent of victims and 72 percent of subjects).

Table 6: Sex of Victims and Subjects in Completed Investigations of Unrestricted Reports, APY 22-23

Gender	Victims		Subjects	
	Count	Percentage	Count	Percentage
Male	6	9%	49	86%
Female	59	91%	2	4%
Sex Unknown/Data Not Available	0	0%	6	11%
Total	65	100 %	57	100 %

Table 7: Age of Victims and Subjects at the Time of Incident in Completed Investigations of Unrestricted Reports, APY 22-23

Age at Time of Incident	Victims		Subjects	
	Count	Percentage	Count	Percentage
0-15	0	0%	0	0%
16-19	29	45%	15	26%
20-24	27	42%	26	46%
25-34	0	0%	3	5%
35-49	0	0%	1	2%
50 and older	0	0%	0	0%
Age Unknown/Data Not Available	9	14%	12	21%
Total	65	100%	57	100%

APY 22-23 Restricted Reports of Sexual Assault

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

There were 121 initial Restricted Reports of sexual assault in APY 22-23. Of the 121 reports, 20 converted to Unrestricted Reports. At the close of APY 22-23, 101 reports remained Restricted:¹⁵

- 73 cadets/midshipmen made a Restricted Report:
 - 8 cadets/midshipmen made a Restricted Report for a sexual assault allegation that occurred prior to military service.
 - 65 cadets/midshipmen made a Restricted Report for a sexual assault allegation that occurred during military service.
- 28 non-cadets/midshipmen made a Restricted Report against a cadet/midshipman:
 - 24 active duty Service members made a Restricted Report.
 - 4 prep school students made a Restricted Report.

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

¹⁵ Unrestricted Report data presented earlier includes Restricted Reports that converted to Unrestricted Reports this year.

through APY 22-23.

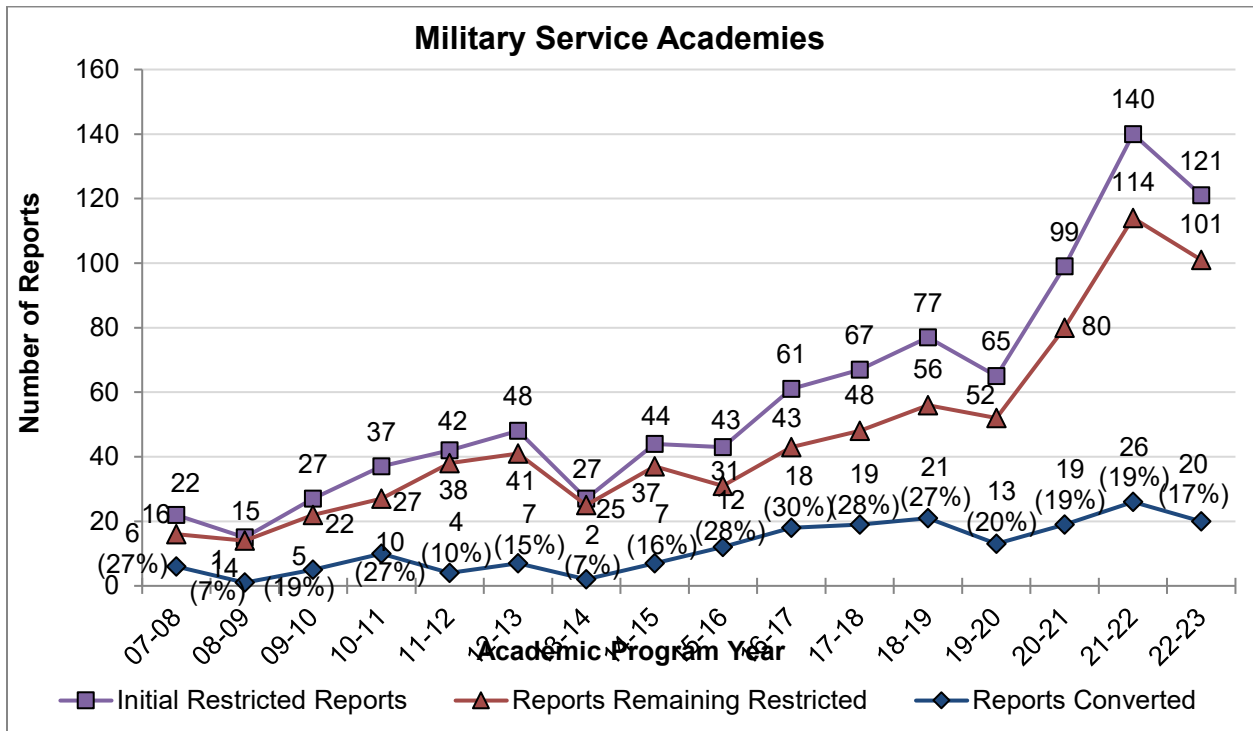


Exhibit 7: Reports Initially Made Restricted, Reports Remaining Restricted, and Restricted Reports Converted to Unrestricted, APY 07-08 to 22-23

Demographics of Restricted Reports of Sexual Assault

The following information pertains to people who made a Restricted Report that remained Restricted at the end of APY 22-23. Tables 8 and 9 display data by the reporter’s gender and age, respectively. As with Unrestricted Reports, females and people aged 16 to 24 comprise most Restricted Reports at the Academies.

Table 8: Restricted Reports by Gender, APY 22-23

Gender	Count	Share
Male	21	21%
Female	80	79%
Total	101	100%

Table 9: Age of Victims Making Restricted Reports at the Time of Incident, APY 22-23

Age at Time of Incident	Count	Share
0-15*	3	3%
16-19	39	39%
20-24	50	50%
25-34	6	6%
35 and older	2	2%
Data not available	1	1%
Total	101	100%

*Note: 3 cadets/midshipmen who fell into the “0-15” category reported an incident that occurred prior to military service.

Most Restricted Reports involved academy students as subjects and victims in APY 22-23, as depicted in Table 10.

Table 10: Restricted Reports of Sexual Assault by Victim and Subject Status, APY 20-21 to APY 22-23

Relationship between Victim and Subject in Restricted Reports	APY 20-21	APY 21-22	APY 22-23
Academy Student Subject, Academy Student Victim	53	80	54
Academy Student Subject, Non-Academy Student Victim	4	14	23
Non-Academy Student Subject, Academy Student Victim	19	10	16
Unknown Subject, Academy Student Victim	4	10	8

APY 22-23 Data on Sexual Harassment

Complaints of Sexual Harassment

The Department’s sexual harassment reporting process differs from policies governing sexual assault reporting; however, DoD considers both behaviors equally unacceptable. Department policy encourages resolving situations perceived to involve sexually harassing behaviors at the lowest appropriate level,¹⁶ but Service members may also elect to address offensive situations through an anonymous, informal, or formal complaint process via their designated SHARP or Military Equal Opportunity Advisor. In APY 22-23, academy students made 13 formal complaints, 11 informal complaints, and 4 anonymous complaints of sexual harassment. As depicted in Exhibit 8, sexual harassment complaints at the Academies vary widely from year to year but remain low compared to survey estimates of sexual harassment.¹⁷ However, the Department recognizes these lower numbers may also be correlated to underreporting and the normalization of sexual harassment in language and some behavior.

¹⁶ DoD Instruction 1020.03, Harassment Prevention and Response in the Armed Forces.

¹⁷ DoD encourages concerns of sexual harassment be resolved at the lowest appropriate level; therefore, most sexual harassment issues that are reported to a member of the chain of command will be worked within that chain of command and a complaint is not filed with an assigned Equal Opportunity Advisor or SAPR professional. When the Services report sexual harassment complaint data to the Office for Diversity, Equity, and Inclusion (ODEI), it is based on complaints that have been filed with Military Equal Opportunity (MEO) offices.

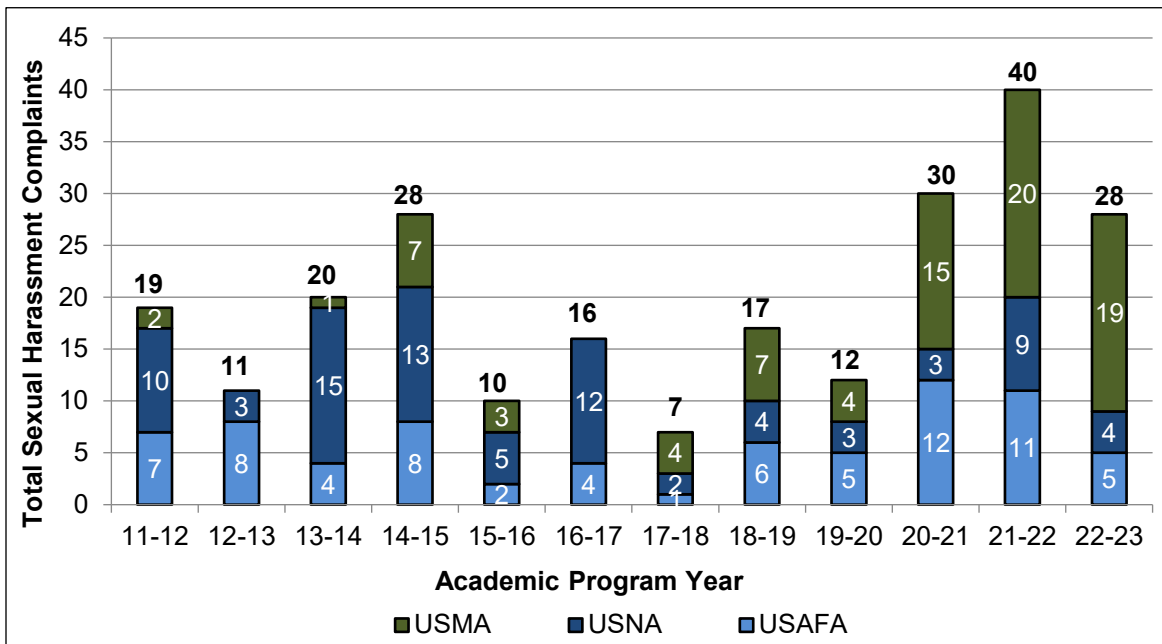


Exhibit 8: Total Sexual Harassment Complaints by Academy, APY 11-12 to 22-23

APY 22-23 Reports from the Family Advocacy Program

Reports from the Family Advocacy Program

During Fiscal Year 2019, the DoD Inspector General (IG) evaluated how USAFA handles sexual assault reports involving cadets.¹⁸ One of the DoD IG’s key findings indicated that 11 cadet reports of sexual assault were made to the Family Advocacy Program (FAP). FAP is the congressionally mandated program within DoD responsible for supplying clinical assessment, support, and treatment services in response to domestic abuse incidents. Sexual assault occurring within the context of a marriage or intimate partner relationship (sexual abuse) is a subset of domestic abuse.

DoD Instruction 6400.06, “DoD Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel,” defines “domestic abuse” as domestic violence or a pattern of behavior resulting in emotional or psychological abuse, economic control, or interference with personal liberty that is directed toward a person who is one or more of the following:

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

¹⁸ U.S. Department of Defense Inspector General (September 30, 2019) “Evaluation of the DOD’s Handling of Incidents of Sexual Assault Against (or Involving) Cadets at the United States Air Force Academy” (Report No. DODIG-2019-125). Retrieved from <https://media.defense.gov/2019/Oct/02/2002189371/-1/-1/1/DODIG-2019-125.PDF>

- Person who is or has been in a social relationship of a romantic or intimate nature with the accused and determined to be an intimate partner (as defined in [DoD Instruction 6400.06]).

Sexual assault occurring within the context of the above definition of domestic abuse is referred to FAP for comprehensive safety planning for the victim, including victim advocacy and support. Alleged offenders for domestic violence are also subject to UCMJ or other adverse actions, as appropriate, even when the case is referred to FAP. Since publication of the Fiscal Year 2019 DoDIG report, the Department has issued a new policy to ensure that all sexual assault reports at the MSAs comply with Congressional reporting requirements. Since APY 18-19, this report includes a section documenting cadet/midshipman reports to FAP to better understand all sexual assault cases reported by cadets/midshipmen. In APY 22-23, one report of sexual assault at USNA was initially made to FAP. In APY 22-23, two reports of sexual assault at USAFA were initially made to FAP. There were no reports made initially to FAP at USMA. The two reports at USAFA and the one report from USNA that were initially made to FAP are not included in the above counts of the total number of reports made this APY.

Sexual Assault Reports by Victim Category and Military Service Academy

The following tables contain records of sexual assault involving cadets and midshipmen as victims and/or alleged perpetrators made in APY 22-23, broken out by reports that involve actively enrolled cadets and midshipmen and reports involving all others. This is the same information reported in Table 2 but broken out by MSA.

Table 11: USMA Sexual Assault Reports by Victim Category and Military Status, APY 22-23

	Unrestricted Reports	Restricted Reports	Total Reports
All Academy-related Reports	24	32	56
• Reports involving actively enrolled cadets/midshipmen at the time of incident and/or report	21	22	43
– Cadets/midshipmen victims reporting an incident that occurred during military service	21	12	33
– Active duty Service member victims reporting an incident that occurred within the last four years	0	10	10
– Civilian victims	0	0	0
• All other reports	3	10	13
– Cadets/midshipmen reporting an incident that occurred prior to military service	2	5	7
– Active duty Service members reporting an incident that occurred more than four years ago	0	5	5
– Prep school students	1	0	1

Table 12: USNA Sexual Assault Reports by Victim Category and Military Status, APY 22-23

	Unrestricted Reports	Restricted Reports	Total Reports
All Academy-related Reports	16	34	50
• Reports involving actively enrolled cadets/midshipmen at the time of incident and/or report	16	33	49
– Cadets/midshipmen victims reporting an incident that occurred during military service	15	31	46
– Active duty Service member victims reporting an incident that occurred within the last four years	1	2	3
– Civilian victims	0	0	0
• All other reports	0	1	1
– Cadets/midshipmen reporting an incident that occurred prior to military service	0	0	0
– Active duty Service members reporting an incident that occurred more than four years ago	0	1	1
– Prep school students	0	0	0

Table 13: USAFA Sexual Assault Reports by Victim Category and Military Status, APY 22-23

	Unrestricted Reports	Restricted Reports	Total Reports
All Academy-related Reports	25	35	60
• Reports involving actively enrolled cadets/midshipmen at the time of incident and/or report	23	22	45
– Cadets/midshipmen victims reporting an incident that occurred during military service	23	22	45
– Active duty Service member victims reporting an incident that occurred within the last four years	0	0	0
– Civilian victims	0	0	0
• All other reports	2	13	15
– Cadets/midshipmen reporting an incident that occurred prior to military service	0	3	3
– Active duty Service members reporting an incident that occurred more than four years ago	1	6	7
– Prep school students	1	4	5