

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



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

## Introduction

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The Department of Defense's (DoD) sexual assault data captures Restricted and Unrestricted Reports of sexual assault involving cadets, midshipmen, or prep school students ("academy students") as victims<sup>1</sup> and/or subjects in allegations made during the 2021-2022 Academic Program Year (APY 21-22). 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 21-22 *is not* necessarily indicative of the number of sexual assaults that may have occurred, as estimated by prior scientific surveys of military academy students. DoD and civilian research indicate that just a fraction of people who experience sexual assault report the crime to law enforcement.<sup>2</sup> Additionally, only evidence from an investigation and adjudication of the case can be used to legally conclude that the alleged sexual assault incident occurred.

To estimate the number of academy students who may have experienced a sexual assault in a given year, the Department employs a measure of unwanted sexual contact (USC) in scientific surveys every two years. The USC measure asks students about their experience, if any, 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. This year, DoD estimates that of the cadets/midshipmen who indicated an experience of USC in the past year, 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 21-22 and the disposition information associated with completed investigations of Unrestricted Reports, a description of survey data, and information about sexual harassment at the academies.

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<sup>1</sup> The use of the terms "victim" or "perpetrator/offender" in this report is not intended as a statement as to the guilt or innocence of an individual. Without knowing the specific outcomes of the incidents 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.

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

## Restricted Reports

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As Service members, academy students may make Restricted Reports to specified individuals (i.e., Sexual Assault Response Coordinators (SARCs), 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 making the report and the alleged incident in the Defense Sexual Assault Incident Database (DSAID), but do not request or maintain the alleged perpetrators' identities<sup>3</sup>, 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.<sup>4</sup>

## Unrestricted Reports

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Unrestricted Reports involve notification to the command of the victim and the alleged perpetrator, as well as a referral for investigation by a Military Criminal Investigative Organization (MCIO), that an allegation(s) of sexual assault has been reported. MCIO information systems comprise the systems of record for subjects of investigation in Unrestricted Reports. An interface between MCIO information systems and DSAID incorporates information about the subject of the investigation and investigative case into the DSAID database. SARCs enter additional victim and incident data directly into DSAID.

**One Unrestricted Report includes only *one* victim but may still include *multiple* subjects and/or allegations.** The Department's sexual assault reporting statistics include data about completed and attempted sexual contact and penetrative offenses between adults, as defined in Articles 120 and 80 in the UCMJ, as amended in 2019. When a report falls under a criminal

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

<sup>4</sup> DoD Instruction 6400.06 (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 DoD Instruction 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. In accordance with the DoD Inspector General recommendations regarding USAFA, cadet sexual assault allegations involving dating violence are also referred to the USAFA SARC to ensure proper documentation and reporting. Such cases are included at the end of this Appendix.

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

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.<sup>5</sup> 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.<sup>6</sup>

MCIOs provide reports to military leadership upon the conclusion of an investigation. In consultation with the servicing staff judge advocate (SJA), the subject's military commander reviews available evidence and considers legal action as appropriate. However, for crimes of rape, sexual assault, nonconsensual sodomy, and attempts to commit these crimes, a senior military officer who is at least a special court-martial convening authority (SPCMCA) and in the grade of O-6 (Colonel or Navy Captain) or higher retains initial disposition authority.

The SPCMCA is responsible for determining initial disposition action. This includes whether an action is warranted and, if so, whether a court-martial, nonjudicial punishment (NJP), administrative discharge, or some other adverse administrative action is appropriate. At the Military Service Academies (MSAs), the Superintendent (a Lieutenant General or a Vice Admiral) is the initial disposition authority. SJAs 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 prefferal of court-martial charges, NJP, administrative discharge, and other adverse administrative actions. At the MSAs, adverse administrative actions include the cadet/midshipman disciplinary system.

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<sup>5</sup> Military staff at the MSAs are also subject to the UCMJ.

<sup>6</sup> An accused civilian or foreign national is not often subject to the UCMJ, and DoD cannot discipline these persons under the military justice system, except in rare circumstances (e.g., a civilian accompanying the force in the field in a contingency operation). A host nation's ability to prosecute a Service member may be subject to a Status of Forces Agreement (SOFA) between the U.S. and a foreign government. SOFAs vary from country to country. Academy students are rarely involved in cases investigated and/or tried by a foreign government.

## 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. SAPRO marks dispositions as “pending” if they have not been completed or reported at the end of the APY. SAPRO tracks pending dispositions and requires the Military Services to report on them in subsequent years’ reports.

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

## Data Sources

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### Defense Sexual Assault Incident Database (DSAID)

DSAID became the system for data collection and reporting by the MSAs in APY 14-15. Since DSAID is a real-time data-gathering tool, not all data points are immediately available for this report. 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 2022. Despite best efforts by DoD and the Services to enter data accurately and expediently, some information may be incomplete at the time of the DSAID data pull. Therefore, some demographic or case-related information presented below is categorized as “relevant data not available.”<sup>7</sup>

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

### Student Enrollment at the Military Service Academies

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The MSAs reported their official enrollment for APY 21-22 as follows, as of May 31, 2021:

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<sup>7</sup> For DoD to classify a victim or subject accurately as a cadet, midshipman, or prep school student, demographic data must be completed in DSAID. This report uses the term “relevant data not available” when these data fields are missing or unavailable.

Table 1: Student Enrollment at the Military Service Academies

Academy	Cadets/Midshipmen		Prep School Students		Total
	Men	Women	Men	Women	
U.S. Military Academy	3,299	1,029	169	24	4,512
U.S. Naval Academy	3,170	1,270	165	49	4,654
U.S. Air Force Academy	2,887	1,172	123	62	4,244
<b>Total Enrollment</b>	<b>9,356</b>	<b>3,471</b>	<b>457</b>	<b>135</b>	<b>13,410</b>

### APY 21-22 Overall Reporting Data on Sexual Assault at the Service Academies

In APY 21-22, the Department received a total of 206 sexual assault reports that involved cadets/midshipmen/prep students as victims and/or alleged perpetrators—an increase of 45 reports from the previous APY (see Exhibit 1). In APY 21-22, the coronavirus pandemic continued to impact normal operations at the MSAs. The MSAs maintained coronavirus safety protocols to help mitigate spread among cadets and midshipmen and ensure a safe environment. Academy sexual assault reporting resources remained available and fully staffed.

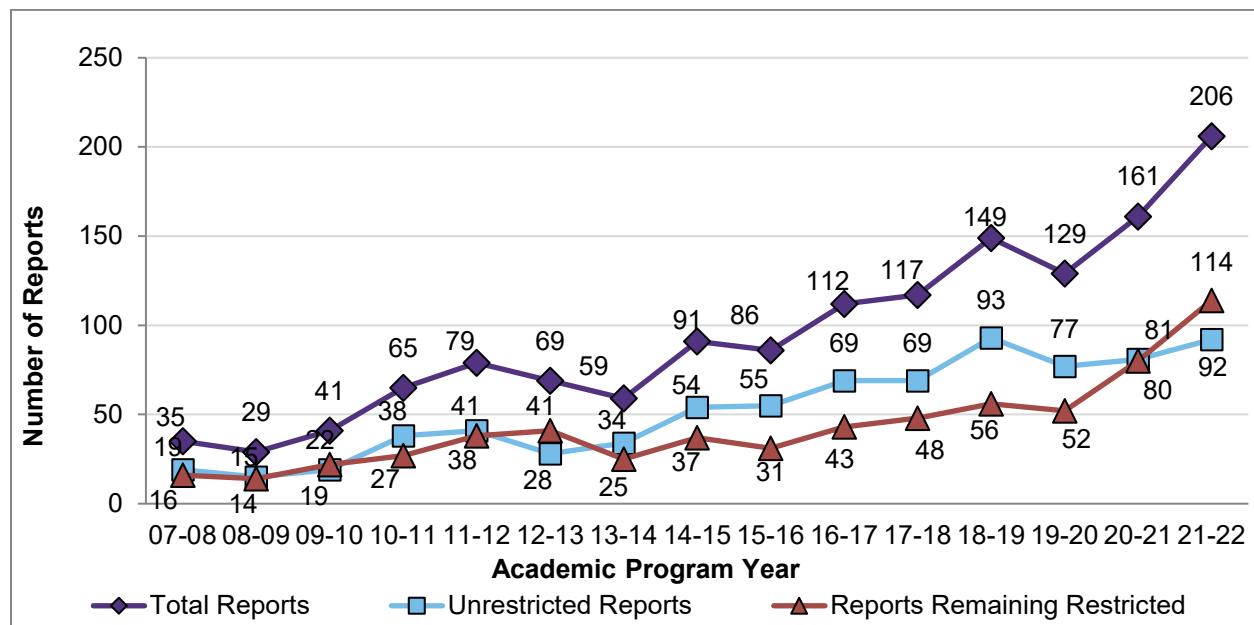


Exhibit 1: Reports of Sexual Assault by Report Type, APY 07-08 to 21-22

Top-line reporting of data, as illustrated in Exhibit 1, is provided to comply with congressional requirements. However, the Department conducts additional analyses to better understand other trends and patterns in reporting data. To that end, the Department focuses on subsets of the 206 reports received in the current APY. Those additional views are described in the paragraphs that follow.

### APY 21-22 Academy Student Sexual Assault Reporting

Department policy permits cadets and midshipmen to report sexual assaults and receive assistance, even when the reported incident occurred prior to entry into military service.



Additionally, DoD accounts for non-cadet/midshipman reports that allege a sexual assault against an academy student. At the MSAs' request, the Department has broken these total reports down to demonstrate the number of sexual assault reports by cadets and midshipmen that reflect the MSAs' current conditions. Specifically, the Department sorts DSAID data to identify just the reports involving actively enrolled cadets and midshipmen for incidents that occurred during military service. The analysis in Table 2 subtracts the reports the Department received for incidents that involved:

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

This analysis narrows the focus to reports that involved an actively enrolled cadet or midshipman, including:

- Currently enrolled cadets or midshipmen reporting an incident that occurred during their military service;
- Active duty Service members reporting an alleged incident that occurred within four years of the date the incident was reported, either at an MSA or while they were a cadet or midshipman; and
- Civilians reporting an incident against an enrolled cadet or midshipman.

Table 2 provides the breakdown of the 206 total reports into these two overarching categories.

Table 2: Sexual Assault Reports by Victim Category and Military Status, APY 21-22

	Unrestricted Reports	Restricted Reports	Total Reports
<b>All Academy-related Reports</b>	<b>92</b>	<b>114</b>	<b>206</b>
• Reports involving actively enrolled cadets/midshipmen at the time of incident and/or report	80	90	170
– Cadets/midshipmen victims reporting an incident that occurred during military service	68	87	155
– Active duty Service member victims reporting an incident that occurred within the last four years	5	3	8
– Civilian victims	7	0	7
• All other reports	12	24	36
– Cadets/midshipmen reporting an incident that occurred prior to military service	3	13	16
– Active duty Service members reporting an incident that occurred more than four years ago	0	11	11
– Prep school students	9	0	9

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

In APY 21-22, DoD received 170 sexual assault reports involving an actively enrolled cadet or midshipman at the time of incident and/or report. This is an increase of 31 reports from the last APY. Specifically, reports remained the same at the U.S. Military Academy (USMA), increased

by 29 at the U.S. Naval Academy (USNA), and increased by 2 at the U.S. Air Force Academy (USAFA).

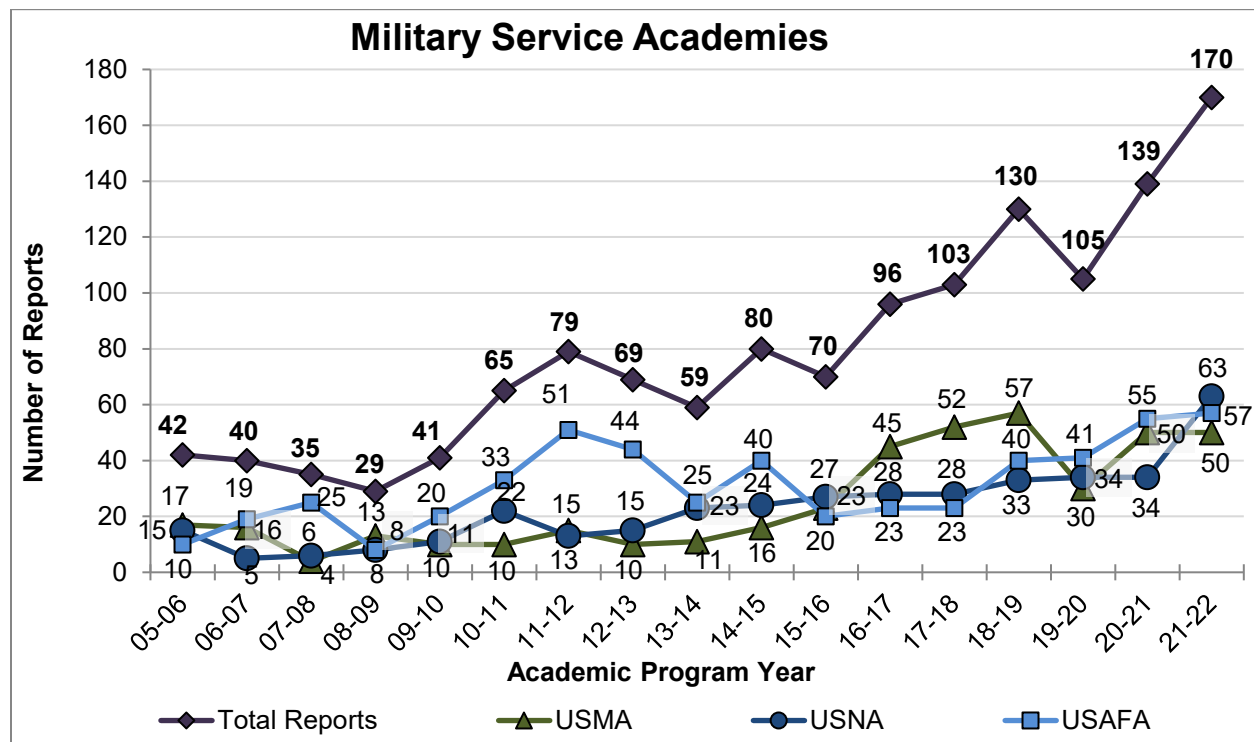


Exhibit 2: Reports by and/or against Academy Students Actively Enrolled at the Time of Report and Incident by Academy, APY 05-06 to 21-22

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.<sup>8</sup> Additionally, Exhibit 2 includes civilians and active duty Service members who alleged an incident against a cadet/midshipman who was actively enrolled at the time of the report. Compared to APY 20-21, the total number of sexual assault reports made in APY 21-22 increased by 31 reports, driven by the increase in reporting at USNA. Table 3 breaks out in greater detail the number and types of sexual assault reports made by actively enrolled cadets/midshipmen at each MSA in APY 21-22.

Table 3: Reports by and/or Against Academy Students Actively Enrolled at the Time of Report and Incident by Academy and Report Type, APY 21-22

Academy	Total Reports	Unrestricted Reports	Restricted Reports Remaining
U.S. Military Academy	50	21	29
U.S. Naval Academy	63	29	34
U.S. Air Force Academy	57	30	27
<b>Total Reports</b>	<b>170</b>	<b>80</b>	<b>90</b>

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

## 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 21-22. Of the 171 total cadets/midshipmen who made a report in APY 21-22, 16 made reports for an incident that occurred prior to academy enrollment/military service (3 Unrestricted and 13 Restricted Reports). DoD policy provides for reporting and assistance with any sexual assault incident, whether it occurred in military service or not.

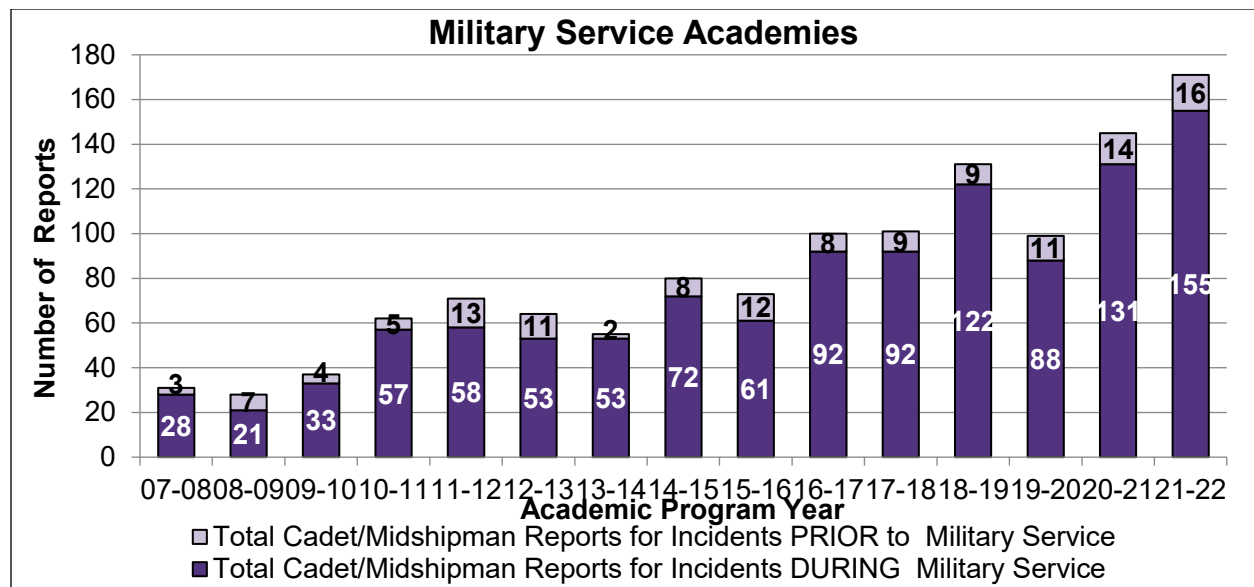


Exhibit 3: Total Reports to the MSAs by Academy Students Occurring Prior to and During Military Service, APY 07-08 to 21-22

### All Other Reports Made in APY 21-22

The Department also receives reports made by non-cadets/midshipmen alleging assaults by academy students. As displayed in Exhibit 4, of the total 35 incidents reported to DoD this year that involved non-cadets/midshipmen as victims:

- 9 reports were made by prep school students
  - 2 prep school students alleged an assault by an active duty Service member subject
  - 7 prep school students alleged an assault by a U.S. civilian subject
  - 0 prep school students alleged an assault by an unknown subject
- 19 reports were made by active duty Service members who did not report an academy-based sexual assault until they were no longer enrolled at the academy or by active duty Service members alleging an assault against a cadet/midshipman
- 7 reports were made by civilians alleging an assault against a cadet/midshipman

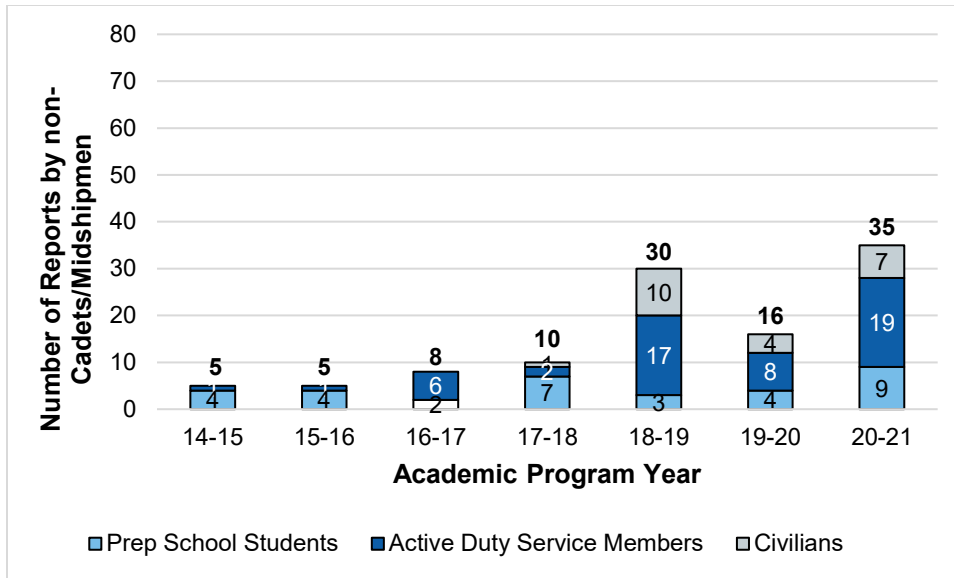


Exhibit 4: Reports Made by Non-Cadet/Midshipman Victims, APY 14-15 to 21-22

## APY 21-22 Military Justice Outcomes

The flow chart in Exhibit 5 depicts the status or outcome of all reports made to the Department in APY 21-22. Each point in the flow chart corresponds to a letter in the subsequent text. For example, academy students were involved in 206 reports of sexual assault as victims and/or subjects (Exhibit 5, Point A).

Of the 206 reports received, 92 were Unrestricted Reports involving academy students as either the victim or subject of a sexual assault investigation (Exhibit 5, Point B). Of the 92 Unrestricted Reports, 3 reports were made by cadets or midshipmen for alleged incidents of sexual assault that occurred prior to entering military service, and 68 Unrestricted Reports were made by cadets/midshipmen for alleged incidents that occurred during military service. Non-cadets/midshipmen made the remaining 21 Unrestricted Reports.<sup>9</sup>

DoD and civilian investigative agencies opened 77 investigations associated with 80 Unrestricted Reports this APY. The remaining 3 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 22-23, investigative information not yet available at the time of data retrieval).

<sup>9</sup> Of the 21 reports that were made by non-academy students, 5 reports were made by active duty Service members, 9 reports were made by prep school students, and 7 were made by civilians.

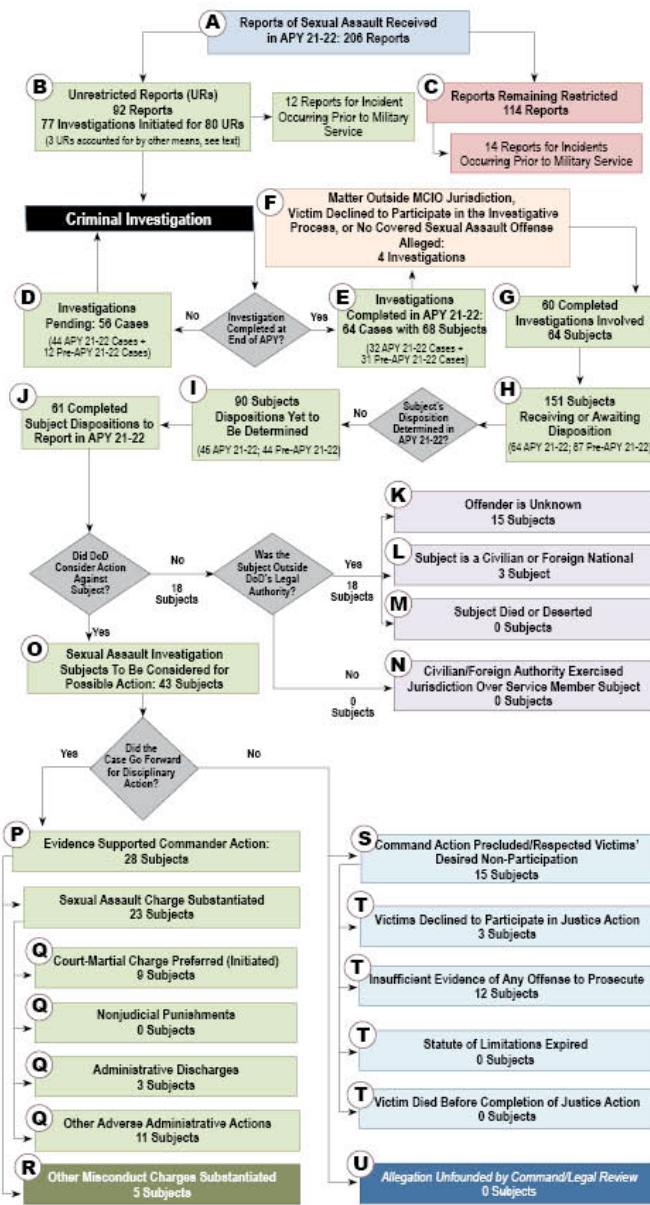


Exhibit 5: Reports of Sexual Assault, Investigations, and Dispositions Completed in APY 21-22

## Sexual Assault Prevalence Estimates and APY 21-22 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. Therefore, the next iteration of the survey, the 2022 SAGR, was administered in March and April 2022.

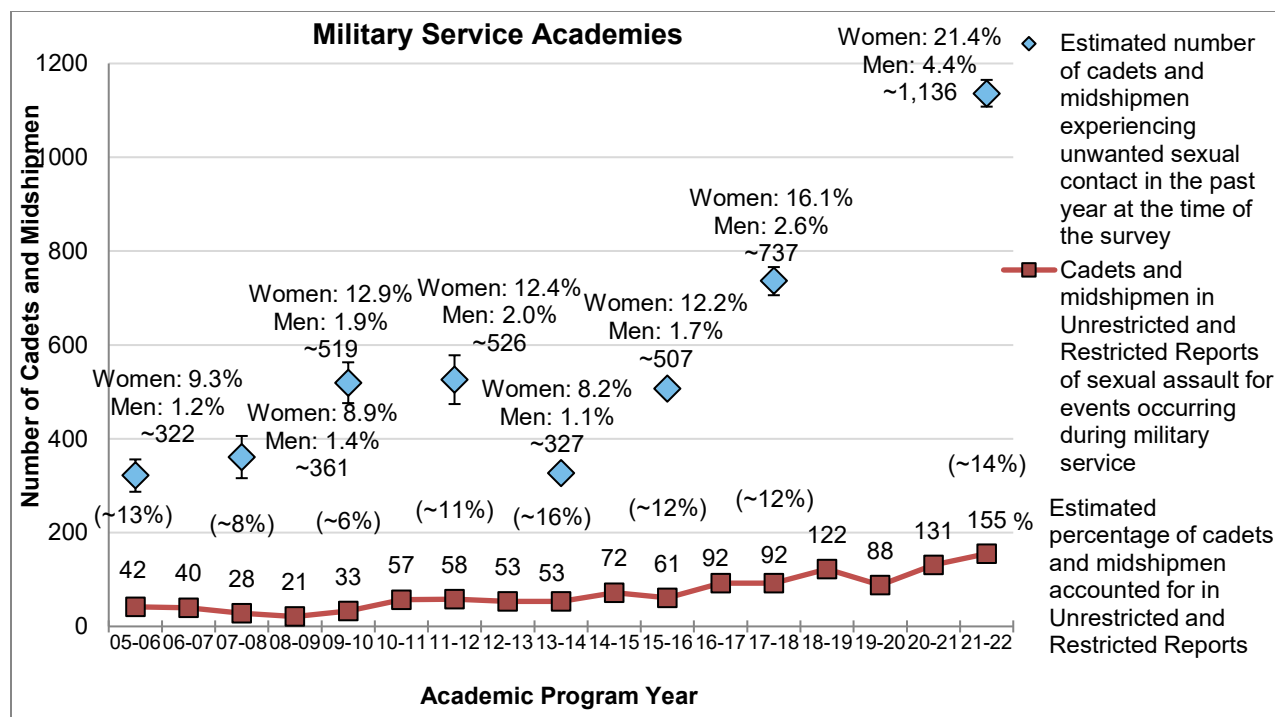


Exhibit 6: Estimated Cadets and Midshipmen Experiencing USC Based on Past-Year Prevalence Rates versus Number of Cadets and Midshipmen in Reports of Sexual Assault Made during the APY, for Incidents Occurring During Military Service, APY 11-12 to 21-22<sup>10,11,12</sup>

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

Exhibit 6 compares the estimated number of cadets and midshipmen<sup>13</sup> who indicated experiencing past-year USC to the number of cadets and midshipmen who reported sexual assault in the APY. Therefore, this graph excludes reports made by prep school students, active duty Service members, and civilians (Table 1). Results from the 2022 SAGR estimated that about 1,136 cadets and midshipmen indicated experiencing some form of USC in APY 21-

<sup>10</sup> Bars around survey point estimates represent margins of error. The 2022 SAGR estimates that 1,136 academy students indicated experiencing past-year USC, with a statistical range between 1,107 and 1,164 students.

<sup>11</sup> 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 indicated experiencing an incident of USC in APY 17-18 changed from 15.8% to 16.1%, and the estimated proportion of men who indicated experiencing 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.

<sup>12</sup> Not included in the above are three cases reported to and managed by the USAFA Family Advocacy Program.

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

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 indicating experiencing USC in 2022 made an official report of sexual assault to a DoD authority in APY 21-22.

## APY 21-22 Unrestricted Reports of Sexual Assault

In APY 21-22, 92 Unrestricted Reports of sexual assault involved academy students as either the subject and/or victim of a sexual assault investigation conducted by an MCIO.

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

- Of the 77 criminal investigations initiated during APY 21-22, 33 were completed in APY 21-22 (Exhibit 5, Point E). DoD will report the outcomes of the other 44 investigations in forthcoming years’ reports (Exhibit 5, Point D).
- MCIOs also completed 31 investigations of sexual assault initiated in reporting periods prior to APY 21-22 (Exhibit 5, Point E).
- In sum, MCIOs completed 64 investigations of sexual assault involving 68 subjects (Exhibit 5, Point E) during APY 21-22 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 92 Unrestricted Reports made in APY 21-22. The offense charged or addressed with disciplinary action *may not always* reflect the offense alleged. For example, if the crime of “rape” is alleged, but MCIO agents only discover evidence for the crime of “aggravated sexual contact” during the investigation, then only “aggravated sexual contact” can be charged.

Table 4: Sexual Assault Crimes Investigated in Unrestricted Reports, APY 19-20 to APY 21-22

Offense Alleged/Investigated	APY 19-20	APY 20-21	APY 21-22
Rape	5	7	4
Sexual Assault	43	32	29
Aggravated Sexual Contact	2	0	0
Abusive Sexual Contact	16	32	26
Attempts to Commit a Sexual Assault Crime	1	0	0

**Note:** In APY 19-20, the Academies received 77 Unrestricted Report; however, the table excludes 10 reports due to missing data on the offense investigated. Similarly, in APY 20-21, the Academies received 81 Unrestricted Reports, and this table excludes 10 reports due to missing data on the offense investigated. In APY 21-22, the Academies received 92 Unrestricted Reports, and this table excludes 29 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 21-22, 44 of the 92 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 19-20 to APY 21-22

Relationship between Victim and Subject in Unrestricted Reports	APY 19-20	APY 20-21	APY 21-22
Academy Student Subject, Academy Student Victim	36	52	44
Academy Student Subject, Non-Academy Student Victim	14	7	12
Non-Academy Student Subject, Academy Student Victim	6	2	8
Unknown Subject, Academy Student Victim	9	7	7
Subject Data Not Available, Academy Student Victim	12	13	21

### Disposition of Sexual Assault Reports Adjudicated in APY 21-22

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 21-22, 60 criminal investigations were completed, involving 64 subjects. The MSAs also completed outcomes for an additional 87 subjects in investigations closed in previous APYs for which disposition information was not yet reported. Of 152 cases with completed investigations in APY 21-22 or prior, 90 case dispositions were pending determination at the end of the APY.

By the end of APY 21-22, MSAs had completed disposition information for 61 subjects. Exhibit 5 and the information below outlines the disposition information regarding those 61 subjects.

- 61 Subjects of APY 21-22 investigations and pre-APY 21-22 investigations with disposition information to report at the end of APY 21-22
- 15 Subjects could not be identified, despite a thorough investigation (Exhibit 5, Point K)
- 3 Subjects were civilians or foreign nationals (Exhibit 5, Point L) and outside of DoD’s legal authority
- 0 Subjects died or deserted (Exhibit 5, Point M)
- 0 Subjects with civilian authority exercising jurisdiction over the case (Exhibit 5, Point N)
- 43 Subjects under DoD legal authority review for possible action (Exhibit 5, Point O)
- 3 Subjects associated with victims who declined to participate in the military justice process (Exhibit 5, Point T)
- 12 Subjects whose investigations yielded insufficient evidence to prosecute an offense (Exhibit 5, Point T)
- 0 Subjects with allegation(s) unfounded by legal review (Exhibit 5, Point U)
- 28 Subjects for whom evidence supported command action (Exhibit 5, Point P):

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

- 9 Subjects had Court-Martial Charges Preferred
- 0 Subjects received NJP
- 3 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 5, Point R):

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

### Demographics of Unrestricted Reports

The Department draws the following demographic information from the 77 investigations of sexual assault completed during APY 21-22. These investigations involved 77 victims and 69 subjects.

Table 6 displays the sex of victims and subjects in completed investigations of Unrestricted Reports in APY 21-22. As in previous APYs, most victims in investigations of Unrestricted Reports are female (88 percent), and most subjects are male (91 percent). Table 7 shows victim and subject age in completed investigations of Unrestricted Reports in APY 21-22. Most victims and subjects are between ages 16 and 24 (95 percent of victims and 87 percent of subjects).

Table 6: Sex of Victims and Subjects in Completed Investigations of Unrestricted Reports, APY 21-22

Gender	Victims		Subjects	
	Count	Percentage	Count	Percentage
Male	8	10 %	63	91 %
Female	68	88 %	3	4 %
Sex Unknown/Data Not Available	1	1 %	3	4 %
<b>Total</b>	<b>77</b>	<b>100 %</b>	<b>69</b>	<b>100 %</b>

Table 7: Age of Victims and Subjects at the Time of Incident in Completed Investigations of Unrestricted Reports, APY 21-22

Age at Time of Incident	Victims		Subjects	
	Count	Percentage	Count	Percentage
0-15	0	0 %	0	0 %
16-19	44	57 %	23	33 %
20-24	29	38 %	37	54 %
25-34	2	3 %	3	4 %
35-49	0	0 %	2	3 %
50 and older	0	0 %	0	0 %
Age Unknown/Data Not Available	2	3 %	4	6 %
<b>Total</b>	<b>77</b>	<b>100 %</b>	<b>69</b>	<b>100 %</b>

### APY 21-22 Restricted Reports of Sexual Assault

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

There were 140 initial Restricted Reports of sexual assault in APY 21-22. Of the 140 reports, 26 converted to Unrestricted Reports. At the close of APY 21-22, 114 reports remained Restricted:<sup>14</sup>

- 100 cadets/midshipmen made a Restricted Report:
  - 13 cadets/midshipmen made a Restricted Report for a sexual assault allegation that occurred prior to military service.
  - 87 cadets/midshipmen made a Restricted Report for a sexual assault allegation that occurred during military service.
- 14 non-cadets/midshipmen made a Restricted Report against a cadet/midshipman:
  - 14 active duty Service members made a Restricted Report.
  - 0 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 through APY 21-22.

<sup>14</sup> Unrestricted Report data presented earlier includes Restricted Reports that converted to Unrestricted Reports this year.

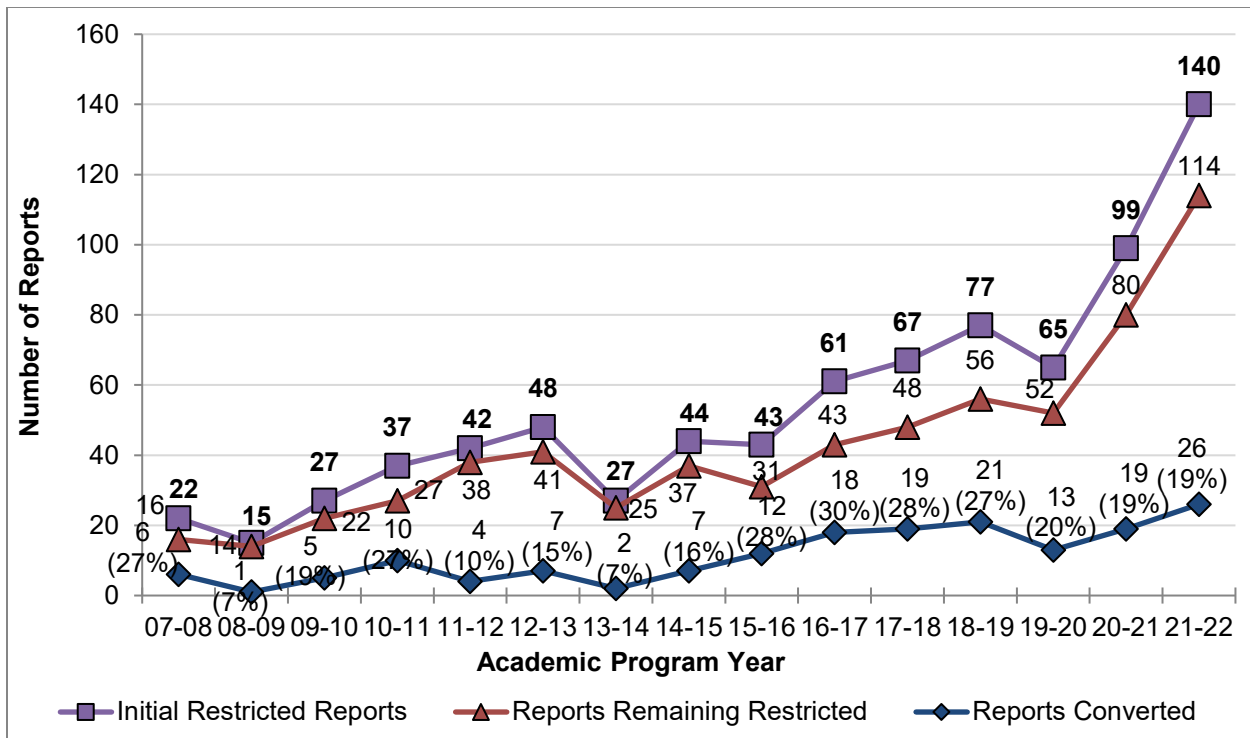


Exhibit 7: Reports Initially Made Restricted, Reports Remaining Restricted, and Restricted Reports Converted to Unrestricted, APY 07-08 to 21-22

### 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 21-22. 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 21-22

Gender	Count	Share
Male	13	11 %
Female	101	89 %
<b>Total</b>	<b>114</b>	<b>100 %</b>

Table 9: Age of Victims Making Restricted Reports at the Time of Incident, APY 21-22

Age at Time of Incident	Count	Share
0-15*	4	4 %
16-19	66	58 %
20-24	38	33 %
25-34	1	1 %
35 and older	3	3 %
Data not available	2	2 %
<b>Total</b>	114	100 %

\***Note:** 4 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 21-22, as depicted in Table 10.

Table 10: Restricted Reports of Sexual Assault by Victim and Subject Status, APY 19-20 to APY 21-22

Relationship between Victim and Subject in Restricted Reports	APY 19-20	APY 20-21	APY 21-22
Academy Student Subject, Academy Student Victim	24	53	80
Academy Student Subject, Non-Academy Student Victim	13	4	14
Non-Academy Student Subject, Academy Student Victim	12	19	10
Unknown Subject, Academy Student Victim	3	4	10

## APY 21-22 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,<sup>15</sup> but Service members may also elect to address offensive situations through an anonymous, informal, or formal complaint process. In APY 21-22, academy students made 15 formal complaints, 20 informal complaints, and 5 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.<sup>16</sup>

<sup>15</sup> DoD Instruction 1020.03, Harassment Prevention and Response in the Armed Forces.

<sup>16</sup> 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.

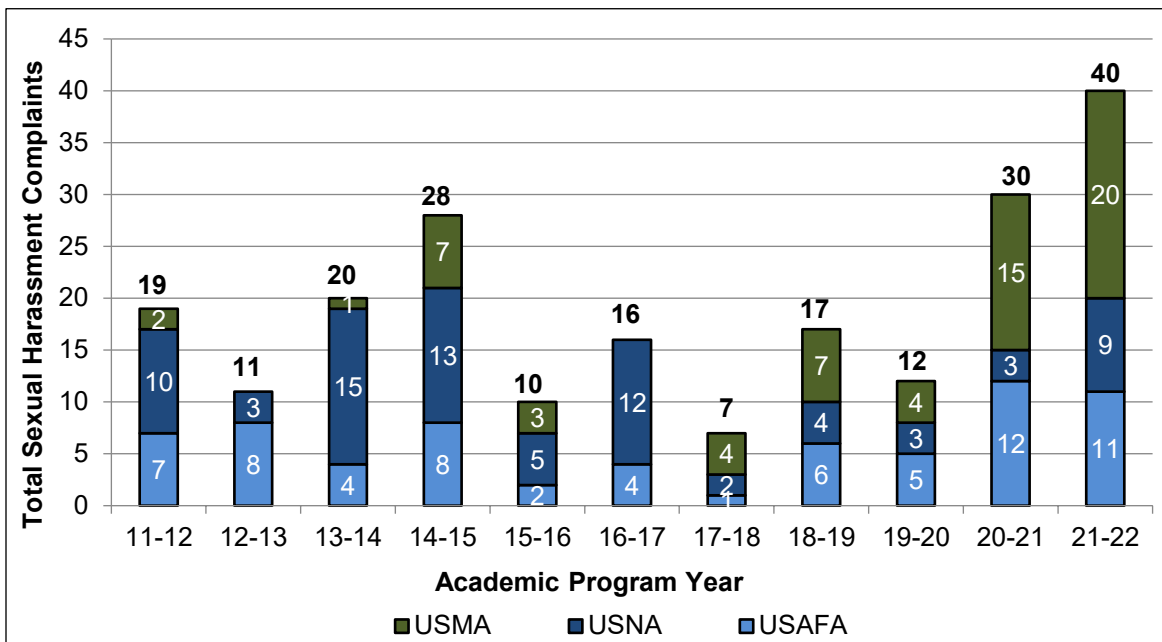


Exhibit 8: Total Sexual Harassment Complaints by Academy, APY 11-12 to 21-22

## APY 21-22 Reports from the Family Advocacy Program

### Reports from the Family Advocacy Program

During Fiscal Year 2019, the DoD Inspector General (IG) evaluated how USAFA handles sexual assault reports involving cadets.<sup>17</sup> One of the DoD IG's key findings indicated that 11 cadet reports of sexual assault were made to the Family Advocacy Program (FAP). FAP is the congressionally mandated program within DoD responsible for supplying clinical assessment, support, and treatment services in response to domestic abuse incidents. Sexual assault occurring within the context of a marriage or intimate partner relationship (sexual abuse) is a subset of domestic abuse.

DoD Instruction 6400.06, "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.
- 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]).

<sup>17</sup> U.S. Department of Defense Inspector General (September 30, 2019) "Evaluation of the DOD's Handling of Incidents of Sexual Assault Against (or Involving) Cadets at the United States Air Force Academy" (Report No. DODIG-2019-125). Retrieved from <https://media.defense.gov/2019/Oct/02/2002189371/-1/-1/1/DODIG-2019-125.PDF>

Sexual assault occurring within the context of the above definition of domestic abuse is referred to FAP for comprehensive safety planning for the victim, including victim advocacy and support. Alleged offenders for domestic violence are also subject to UCMJ or other adverse actions, as appropriate, even when the case is referred to FAP. 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 21-22, 3 reports of sexual assault at USAFA were initially made to FAP. There were no reports made initially to FAP at USMA or USNA. The 3 reports at USAFA that were initially made to FAP are 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 21-22, 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 21-22

	<b>Unrestricted Reports</b>	<b>Restricted Reports</b>	<b>Total Reports</b>
<b>All Academy-related Reports</b>	30	31	61
• Reports involving actively enrolled cadets/midshipmen at the time of incident and/or report	21	29	50
– Cadets/midshipmen victims reporting an incident that occurred during military service	13	29	42
– Active duty Service member victims reporting an incident that occurred within the last four years	4	0	4
– Civilian victims	4	0	4
• All other reports	9	2	11
– Cadets/midshipmen reporting an incident that occurred prior to military service	1	1	2
– Active duty Service members reporting an incident that occurred more than four years ago	0	1	1
– Prep school students	8	0	8

Table 12: USNA Sexual Assault Reports by Victim Category and Military Status, APY 21-22

	Unrestricted Reports	Restricted Reports	Total Reports
<b>All Academy-related Reports</b>	31	39	70
• Reports involving actively enrolled cadets/midshipmen at the time of incident and/or report	29	34	63
– Cadets/midshipmen victims reporting an incident that occurred during military service	27	34	61
– Active duty Service member victims reporting an incident that occurred within the last four years	0	0	0
– Civilian victims	2	0	2
• All other reports	2	5	7
– Cadets/midshipmen reporting an incident that occurred prior to military service	1	4	5
– Active duty Service members reporting an incident that occurred more than four years ago	0	1	1
– Prep school students	1	0	1

Table 13: USAFA Sexual Assault Reports by Victim Category and Military Status, APY 21-22

	Unrestricted Reports	Restricted Reports	Total Reports
<b>All Academy-related Reports</b>	31	44	75
• Reports involving actively enrolled cadets/midshipmen at the time of incident and/or report	30	27	57
– Cadets/midshipmen victims reporting an incident that occurred during military service	28	24	52
– Active duty Service member victims reporting an incident that occurred within the last four years	1	3	4
– Civilian victims	1	0	1
• All other reports	1	17	18
– Cadets/midshipmen reporting an incident that occurred prior to military service	1	8	9
– Active duty Service members reporting an incident that occurred more than four years ago	0	9	9
– Prep school students	0	0	0