

## Summary: DoD Annual Report on Sexual Assault in the Military FY12 (Vol. I)

### BACKGROUND and DEFINITIONS

- *WGRA* = Workplace and Gender Relations Survey of Active Duty
  - 2012 report based on a 2-year cycle
  - Designed to accurately represent the Active Duty force
- DoD sexual assault data captures the Unrestricted and Restricted Reports of sexual assault made to the Department that involves a military subject and/or a military victim.
  - Demographic information on victims and subjects is only drawn from *completed investigations* of Unrestricted Reports and from SARC records of victims in Restricted Reports.
- Not included in this report:
  - Other misconduct, such as indecent exposure and stalking, because it does not fall within the SAPR program as chartered in 2005.
  - Incidents of sexual harassment because they fall under the purview of the Office of the Secretary of Defense Office of Diversity Management and Equal Opportunity.
  - Sex crimes against children and spouses because they fall under the purview of DoD Family Advocacy Program (FAP).
- While most victims and subjects in the following data are aged 18 or older, DoD statistics also capture some victims and subjects aged 16 and 17.
  - Because the age of consent under the UCMJ is 16 years, military and civilian victims aged 16 and older who do not fall under FAP are included as well.
- In the *WGRA* data, when more than one disposition action is involved, only the most serious disciplinary action taken is reported
  - In descending order: preferral of court-martial charges, nonjudicial punishment, administrative discharge, and other adverse administrative action.
- Under the Department's SAPR policy, there is no time limit as to when someone can report a sexual assault to a SARC or MCIO (so some reports are for events that occurred prior to FY12)
- Reports are also sometimes made for sexual assaults that occurred prior to a Service member's enlistment or commissioning.
  - When this occurs, the Department provides care and services to the victim, but may not be able to punish the offender if he or she is not subject to military law.
- "Unwanted sexual contact" (USC) is the survey term for contact sexual crimes between adults prohibited by military law
  - Ranges from rape to abusive sexual contact
  - Intentional sexual contact against a person's will; OR
  - Occurred when the person did not or could not consent.
  - Completed and attempted oral, anal, and vaginal penetration with any body part or object, and unwanted touching of genitalia and other sexually-related areas of the body.
- Within DoD, "sexual assault" encompasses a range of sex crimes.

- *Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts (DoDD 6495.01).*
- “Sexual assault” is also defined in the UCMJ.
  - Article 120, *Rape and Sexual Assault generally*
    - Includes the crimes of rape, sexual assault, aggravated sexual contact, and abusive sexual contact.
    - (a) Any person subject to this chapter who commits an act of sexual intercourse with a female not his wife, by force and without consent, is guilty of rape and shall be punished by death or such other punishment as a court-martial may direct.
    - (b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a female not his wife who has not attained the age of sixteen years, is guilty of carnal knowledge and shall be punished as a court-martial may direct.
    - (c) Penetration, however slight, is sufficient to complete either of these offenses.
  - Article 125, *Sodomy*.
    - (a) Any person subject to this chapter who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense.
    - (b) Any person found guilty of sodomy shall be punished as a court-martial may direct.
  - Attempts to commit these crimes are under Article 80
- Note: Military law has changed several times
  - Prior to October 1, 2007: “sexual assault” referred to the crimes of rape, nonconsensual sodomy, indecent assault, and attempts to commit these acts.
  - Between October 1, 2007 and June 27, 2012: “sexual assault” referred to the crimes of rape, aggravated sexual assault, aggravated sexual contact, abusive sexual contact, wrongful sexual contact, nonconsensual sodomy, and attempts to commit these acts.
  - On or after June 28, 2012: “sexual assault” refers to the crimes of rape, sexual assault, aggravated sexual contact, abusive sexual contact, nonconsensual sodomy, and attempts to commit these acts.
- Consent is defined as:
  - *Words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused’s use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. There is no consent where the*

*person is sleeping or incapacitated, such as due to age, alcohol or drugs, or mental incapacity.*

- **Restricted Reporting:** *Reporting option that allows sexual assault victims to confidentially disclose the assault to specified individuals (i.e., SARC, SAPR VA, or healthcare personnel)...and receive medical treatment, including emergency care, counseling, and assignment of a SARC and SAPR VA, without triggering an official investigation. The victim's report provided to healthcare personnel (including the information acquired from a SAFE Kit, SARCs, or SAPR VAs will not be reported to law enforcement or to the command to initiate the official investigative process unless the victim consents or an established exception applies in accordance with [DoDI 6495.02]). (DoDD 6495.01)*
  - Confidential communication: *Oral, written, or electronic communications of personally identifiable information concerning a sexual assault victim and the sexual assault incident provided by the victim to the SARC, SAPR VA, or healthcare personnel in a Restricted Report. This confidential communication includes the victim's SAFE Kit and its information.*
  - Data on Restricted Reports is limited, because these are reports of sexual assault made to specified parties within the Department (that is, SARC, SAPR VA, or healthcare provider) that allow the report to remain confidential and the victim to seek care and services.
    - By policy, only involve one victim per reported incident.
    - These reports are not investigated and victims are not required to provide many details about these sexual assaults.
    - Only data about the victim and the offense is recorded (no subject data).
  - Restricted Report unavailable to those who seek medical care or SAFEs in California or Arizona if the nearest military treatment facility is in California
    - State laws mandate reporting by healthcare providers.
    - Recommended question: How many service members does this affect? How does it affect those service members?)
- **Unrestricted Reporting:** *A process that an individual covered by this policy uses to disclose, without requesting confidentiality or Restricted Reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim's report provided to healthcare personnel, the SARC, a SAPR VA, command authorities, or other persons is reported to law enforcement and may be used to initiate the official investigative process. (DoDD 6495.01)*
  - Unrestricted Report of sexual assault is an allegation by one or more victims against one or more suspects (referred to in the Department as "subjects") that will be referred to and investigated by an MCIO (CID, NCIS, or AFOSI).
  - When a victim reports an incident of sexual assault, the matter is referred for investigation, and victim's rights apply.
  - Details of the incident are provided to command and law enforcement for an official investigation.
- **Legal authority for DoD is limited to Service members who are subject to the UCMJ**
  - The subject's military commander is responsible for reviewing the investigation and taking appropriate action when supported by sufficient evidence.

- Military attorneys assist commanders in identifying the charges that can be made, the appropriate means of addressing such charges, and the punishments that can be administered if supported by the evidence.
- Disciplinary action may not be possible due to legal issues or evidentiary problems with a case.
- Each year, the Department lacks jurisdiction over several hundred subjects in its investigations.
  - These are the civilians, foreign nationals, and unidentified subjects who are reported to have sexually assaulted Service members.
  - Local civilian authorities in the United States and our host nations overseas hold primary responsibility for prosecuting U.S. civilians and foreign nationals, respectively, for allegedly perpetrating sexual assault against Service members.
- In a number of cases each year, a civilian authority or host nation will assert its legal authority over a Service member, usually when Service members are accused of sexually assaulting a civilian or foreign national.
  - A host nation's ability to prosecute a Service member is subject to the Status of Forces Agreement (SOFA) between the United States and the foreign government.
  - In some cases, the civilian authority may agree to let the military exercise its UCMJ jurisdiction to prosecute the Service member.

## EXPERIENCING USC

- The Department's sexual assault data represents a 12-month snapshot to comply with Congressional reporting requirements.
- FY12 Service members:
  - **820,000** Reserve Component
  - **1.39 million** Active Duty
    - Experienced an incident of USC in the 12 months prior to survey:
      - **26,000** (estimated)
        - Computed using weighted population estimates of the Active Duty service members who indicated they experienced an incident of USC in conjunction with weighted counts of Military Service end strength on record with Defense Manpower Data Center.
        - Following the same methodology, there were an estimated 34,200 in CY06 and 19,300 in FY10.
        - The impact of the Department's most recent efforts is not reflected in the *2012 WGRA* results because those programs were implemented in FY13.
      - **6.1%** Active Duty women
        - Increase from 4.4% in FY10
        - Decrease from 6.8% in CY06
        - **33% reported it** to a military authority
          - 31% experienced social retaliation only;
          - 26% experienced a combination of professional retaliation, social retaliation, administrative action, and/or punishments;
          - 3% experienced professional retaliation only; and
          - 2% experienced administrative action.
        - **67% did not report it**
          - 47% indicated fear of retaliation or reprisal as the reason for not reporting,
          - 43% had heard about the negative experiences of other victims who reported their situation.
      - **1.2%** Active Duty men
        - Increase from 0.9% in FY10
        - Decrease from 1.8% in CY06
        - Further reporting data for men not available

## REPORTS

- **3,374: FY12 reports of sexual assault involving Service members** (these reports may be about incidents that occurred in FY12 or in prior years)
  - 6% increase over FY11; 131% increase since SAPR implemented
  - Estimate **11%** of the sexual assaults that occur each year are reported to a DoD authority.
    - About the same as civilian society.
    - Top three reasons for not reporting to a military authority:
      - 70% did not want anyone to know;
      - 66% felt uncomfortable making a report; and
      - 51% did not think the report would be kept confidential.
  - **3,604 victims** (Restricted and Unrestricted Reports)
    - **2,949** Service member victims
    - **655** victims were U.S. civilians, foreign nationals, and others who were not Active Duty with the U.S. Armed Forces.
  - **2,558 Unrestricted Reports** total
    - 80% about incidents that occurred in FY12
    - 19% about incidents that occurred from FY08 to FY11
    - < 1% about incidents occurring in FY07 and prior
    - **1,590 (62%)** involved allegations of Service member-on-Service member sexual assault.
    - **1,985 (76%)** involved Service members as victims.
      - Because some incidents involved multiple victims, **2,166 Service member victims** were involved
      - **33 victims** for an incident occurring prior to enlistment or commissioning
    - **2,166** Unrestricted Reports total made by Service members
      - **2,001** made Unrestricted Reports directly
      - **165** converted from Restricted
    - Majority of offenses alleged were in three categories:
      - Rape
      - Aggravated sexual assault and sexual assault
      - Abusive and wrongful sexual contact
  - **816 Restricted Reports** total
    - **981** Restricted Reports involving Service members as either victims or subjects
      - 12% increase from FY11.
      - 165 (17%) of the initial Restricted Reports converted to Unrestricted Reports.
        - These 165 converted Restricted Reports are now counted with the Unrestricted Reports.
    - **783** Service members made and maintained Restricted Reports.
- Numbers of service member victims in Unrestricted and Restricted Reports:
  - CY06: **2,289** service members

- 7% of estimated service members experiencing USC (34,200)
- FY10: 2,617 service members
  - 14% of estimated service members experiencing USC (19,300)
- FY12: 2,949 service members
  - 11% of estimated service members experiencing USC (26,000)

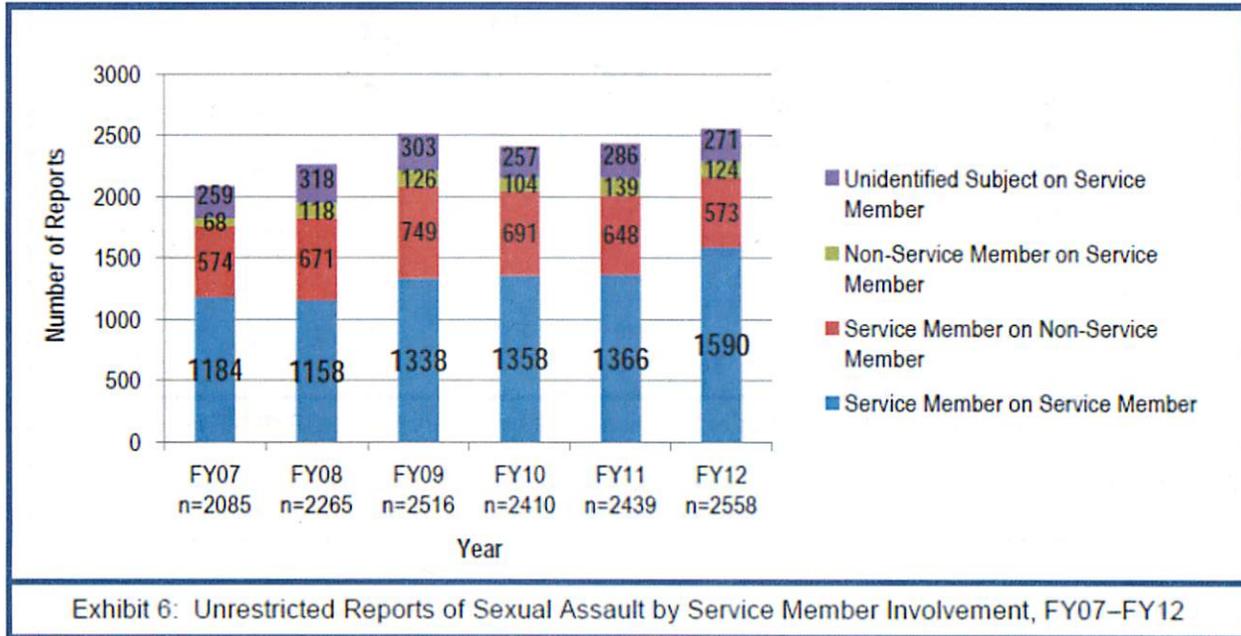


Table 1: Unrestricted Reports of Sexual Assault by Alleged Offense and Military Status, FY12

Most Serious Offense Alleged in Report	Total Unrestricted Reports	Number of Reports Involving Service Members as Victims	Number of Reports Involving Non-Service Members as Victims
Rape	676	467	209
Aggravated Sexual Assault and Sexual Assault	724	573	151
Aggravated Sexual Contact	92	70	22
Abusive Sexual Contact	308	252	56
Wrongful Sexual Contact	580	478	102
Indecent Assault	6	6	0
Nonconsensual Sodomy	162	129	33
Attempts to Commit Offenses	10	10	0
<b>Total Unrestricted Reports in FY12</b>	<b>2,558</b>	<b>1,985</b>	<b>573</b>

- 27% Rape
- 28% Aggravated Sexual Assault and Sexual Assault
- 4% Aggravated Sexual Contact
- 35% Abusive and Wrongful Sexual Contact
- < 1% Indecent Assault
- 6% Nonconsensual Sodomy
- 1% Attempt

Service-specific

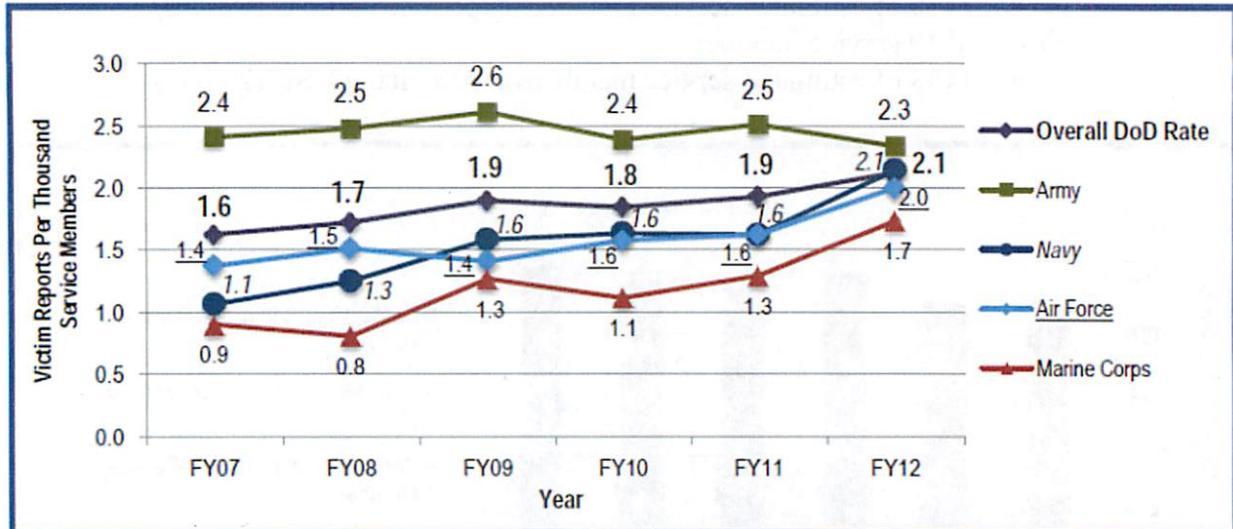


Exhibit 4: Victim Reporting Rates of Sexual Assault by Military Service, FY07–FY12

**Note:**

Victim reporting rates are calculated using the number of Service member victims in Unrestricted and Restricted Reports and Active Duty Military Service end strength for each year on record with DMDC.

**Army**

- **1,423 total reports of sexual assault** (16% decrease from FY11, 100% increase from CY04)
  - 1,249 Unrestricted Reports (10% decrease from FY11)
  - 174 Restricted Reports

**Air Force**

- **790 total reports of sexual assault**
  - 449 Unrestricted Reports (26% rise from FY11)
  - 341 Restricted Reports (36% rise from FY11)
    - 58 reports converted from Restricted to Unrestricted at the request of the victim
  - 24 Reports from CIAs
    - 10 Unrestricted Reports
    - 14 Restricted Reports

Victim Status by Assault Type (all unrestricted cases)	Service Member Victim	Non-Service Member Victim	Total Cases	Percent of Total
Rape	166	77	243	19%
Forcible Sodomy	71	17	88	7%
Aggravated Sexual Assault	233	71	304	24%
Sexual Assault	42	12	54	4%
Aggravated Sexual Contact	27	8	35	3%
Abusive Sexual Contact	145	29	174	14%
Wrongful Sexual Contact	287	63	350	28%
Indecent Assault	1	0	1	<1%
<b>Total</b>	<b>972</b>	<b>277</b>	<b>1249</b>	<b>100%</b>

**Figure 2: Victim Status by Assault Type (FY12 Unrestricted Cases)**

Offender Status by Assault Type (all unrestricted cases)	Service Member Offender	Non-Service Member Offender	Unidentified Offender	Total Cases	Percent of Total
Rape	189	3	51	243	19%
Forcible Sodomy	64	3	21	88	7%
Aggravated Sexual Assault	271	3	30	304	24%
Sexual Assault	46	0	8	54	4%
Aggravated Sexual Contact	30	3	2	35	3%
Abusive Sexual Contact	147	12	15	174	14%
Wrongful Sexual Contact	297	29	24	350	28%
Indecent Assault	1	0	0	1	<1%
<b>Total</b>	<b>1045</b>	<b>53</b>	<b>151</b>	<b>1249</b>	<b>100%</b>

**Figure 3: Offender Status by Assault Type (FY12 Unrestricted Cases)**

- Note: Army and Air Force do not seem to have a good handle on how to assess the nature and quantity of assaults that are not reported.
  - The Air Force hired Gallup to do a web based survey. But this is a limited effort, and they only had 18% responding of the 100,000 people polled.

## SUBJECT DISPOSITION

- **3,288 military and civilian subjects** total receiving or waiting for a disposition for the allegations against them
  - [2,900 subjects from the investigations completed in FY12] + [388 subject whose investigations were complete, but disposition had not yet been reported to the Department at the end of FY11]
  - **2,661 subjects:** Military Services reported dispositions
    - For **947 subjects:**
      - **363 subjects:** military criminal investigative agency determined the allegations were unfounded (false or baseless)
        - When the allegations in an Unrestricted Report are investigated, one possible outcome is that the evidence discovered by the investigation demonstrates that the accused person did not commit the offense.
        - When this occurs, the allegations are determined to be unfounded, meaning false or baseless
        - There has been a small rise (4%) in the overall percentage of subjects with unfounded allegations since FY09.
      - **584 subjects:** outside the legal authority of the Department
        - 250 subjects: remain unidentified despite a criminal investigation
        - 131 subjects: Department could not take action against civilians or foreign nationals because they were not subject to military law
        - 192 subjects: civilian authority or foreign government asserted its authority over Service members
        - 11 subjects: died or deserted before disciplinary action could be taken against them
        - From FY09 to FY12, the percentage of subjects investigated for sexual assault found to be outside the Department's legal authority varied between 13% and 22%
    - Remaining **1,714 subjects** presented to military commanders for consideration of disciplinary action.
      - **509 subjects:** commanders could not take action against due to evidentiary problems.
      - **81 subjects:** received no disciplinary action because commanders determined the criminal allegations were unfounded (false or baseless).
      - **1,124 subjects:** commanders had sufficient evidence to take disciplinary action against (further breakdown below)
        - **880 subjects:** sexual assault charges substantiated; sexual assault offense warranted discipline
        - **244 subjects:** evidence supported command action for other misconduct discovered during the sexual assault investigation (such as making a false official statement,

adultery, underage drinking, or other crimes under the UCMJ), but not a sexual assault charge.

- **627** subjects: still in progress
- Percentage of military subjects for whom disciplinary action was not possible because victim(s) declined to participate in the military justice system:
  - FY09 10%
  - FY10 17%
  - FY11 12%
  - FY12 11%
- **1,124** subjects: commanders had sufficient evidence to take disciplinary action against (further breakdown below)
  - **880** subjects: sexual assault charges substantiated; sexual assault offense warranted discipline
    - **594 subjects (68%): courts-martial charges preferred** (initiated) against them (FY07, 30% of subjects had charges preferred against them)
      - 460 subjects: court martial outcomes completed by the end of the FY12:
        - 302 subjects' cases proceeded to trial:
          - 238 subjects (79%): convicted
            - Most received at least four kinds of punishment: confinement, reduction in rank, fines or forfeitures, and a discharge (enlisted) or dismissal (officers) from service.
          - 64 subjects (21%): acquitted
        - 88 subjects: Court-martial charges dismissed
          - However, commanders used evidence gathered during the sexual assault investigations to take nonjudicial punishment against 16 subjects.
        - 70 subjects: granted a resignation or discharged instead of court martial.
          - Resignations and discharges in lieu of court-martial are granted by the Department in certain circumstances. These separation actions may only occur after court-martial charges have been preferred against the accused. For such an action to occur, the accused must initiate the process.
          - Resignation or discharge in lieu of court-martial requests include a statement of understanding of the offense(s) charged and the consequences of administrative separation, an acknowledgement that any separation could possibly have a negative characterization, and an acknowledgement that the accused is guilty of an offense for which a punitive

discharge is authorized or a summary of the evidence supporting the guilt of the accused.

- Discharges of enlisted personnel in lieu of court-martial are usually approved at the Special Court-Martial Convening Authority level.
- Resignations of officers in lieu of court-martial are approved by the Secretary of the Military Department.
- In FY12, 62 of 66 enlisted members who received a discharge in lieu of court-martial were separated Under Other Than Honorable Conditions (UOTHC), the lowest characterization of discharge possible administratively (two subjects received General discharges, and information was not available for the other two).
- **158 subjects (18%) were entered into proceedings for nonjudicial punishment under Article 15 of the UCMJ; 154 completed in FY12**
  - 93% of subjects were found guilty by the commander and received punishment.
  - 1 administered nonjudicial punishment was for a penetrating sex offense (nonconsensual sodomy).
  - Most subjects who received nonjudicial punishment received at least four kinds of punishment: reduction in rank, a fine or forfeiture of pay, restriction of their liberty for a period of time, and extra duty or hard labor.
  - For 2 subjects (1% of those punished) the nonjudicial punishment served as grounds for a subsequent administrative discharge.
    - However, the actual number of discharges may have been higher, as all related discharge actions may not have been completed in the current FY.
- **128 subjects (15%) received a discharge or another adverse administrative action**
  - 63 subjects: commanders administratively discharged
    - 39 subjects: General discharge
    - 14 subjects: UOTHC discharge
    - 10 subjects: data unavailable
  - 65 subjects: commanders took adverse administrative actions
    - Adverse administrative actions are typically used when available evidence does not support more serious disciplinary action.
    - These actions consist of Letters of Reprimand, Letters of Admonishment, and Letters of Counseling. These actions may also include but are not limited to denial of re-enlistment, the cancellation of a promotion, and the cancellation of new or special duty orders.

- 244 subjects: evidence supported command action for other misconduct discovered during the sexual assault investigation (such as making a false official statement, adultery, underage drinking, or other crimes under the UCMJ), but not a sexual assault charge.
  - 37 subjects (15%) had court-martial charges preferred against them
  - 122 subjects (50%) were entered into proceedings for nonjudicial punishment
  - 85 subjects (35%) received some form of adverse administrative action or discharge
- Note: In the Army, allegations resulting in referral of court-martial charges rose 56% (from 272 to 424) in FY12. Prosecution rate of these charges was 57% in FY12 compared to less than 20% in civilian jurisdictions.

Table 3: Military Subject Dispositions in FY12

Subject Disposition Category	Military Subject Dispositions Reported in FY12	Subjects in Investigations Opened and Closed in FY12	Subjects in Investigations Opened Prior to FY12 and Closed in FY12
<b>Military Subjects in Sexual Assault Cases Reviewed for Possible Disciplinary Action</b>	<b>1,714</b>	<b>802</b>	<b>912</b>
<b>Evidence-Supported Commander Action</b>	<b>1,124</b>	<b>553</b>	<b>571</b>
<b>Sexual Assault Offense Action</b>	<b>880</b>	<b>449</b>	<b>431</b>
<i>Court-Martial Charge Preferred (Initiated)</i>	594	266	328
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	158	109	49
<i>Administrative Discharge</i>	63	39	24
<i>Other Adverse Administrative Action</i>	65	35	30
<b>Evidence Only Supported Action on a Non-sexual Assault Offense</b>	<b>244</b>	<b>104</b>	<b>140</b>
<i>Court-Martial Charge Preferred (Initiated)</i>	37	8	29
<i>Nonjudicial Punishment (Article 15, UCMJ)</i>	122	59	63
<i>Administrative Discharge</i>	26	10	16
<i>Other Adverse Administrative Action</i>	59	27	32
<b>Commander Declined Action</b>	<b>81</b>	<b>39</b>	<b>42</b>
<i>Unfounded by Command</i>	81	39	42
<b>Commander Action Precluded</b>	<b>509</b>	<b>210</b>	<b>299</b>
<i>Victim Died</i>	0	0	0
<i>Victim Declined to Participate in the Military Justice Action</i>	196	85	111
<i>Insufficient Evidence to Prosecute</i>	307	121	186
<i>Statute of Limitations Expired</i>	6	4	2

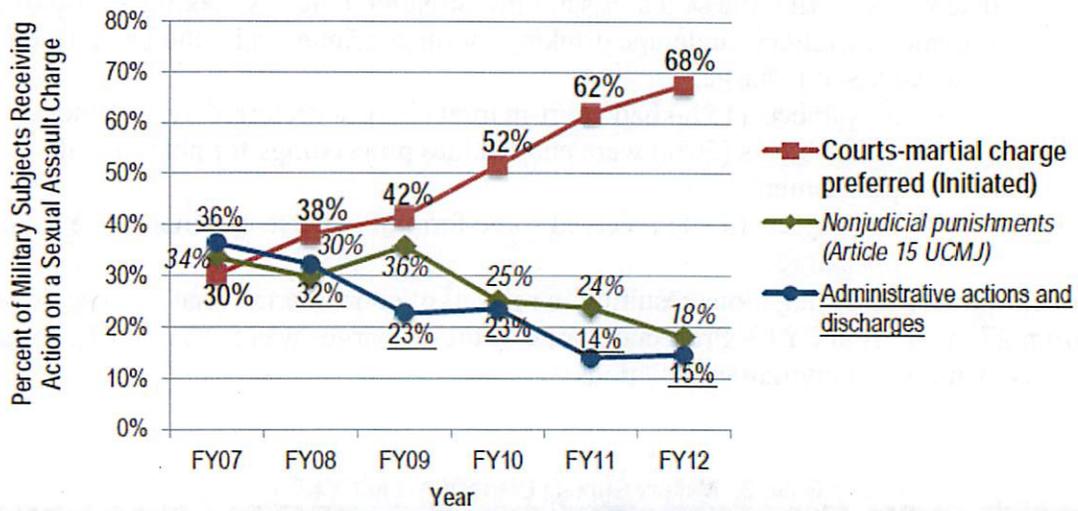


Exhibit 11: Breakdown of disciplinary actions taken against subjects for sexual assault offenses, FY07–12

**Notes:**

1. Percentages are of subjects found to warrant disciplinary action for a sexual assault offense only. Other misconduct (false official statement, adultery, etc.) is not shown.
2. Percentages listed for some years exceed 100% due to rounding of percentages to the nearest whole point.

## DEMOGRAPHICS: VICTIMS and SUBJECTS

- Demographics are based on completed FY12 Unrestricted Reports
- **2,610 investigations** of sexual assault initiated and completed in FY12.
  - 2,940 victims
  - 2,900 subjects
  - 430 investigations involved multiple victims and/or multiple subjects.
- Victims: majority tend to be female, under the age of 25, and of junior enlisted grades
  - Gender:
    - 88% female
    - 12% male
  - Age:
    - 16-19: 18%
    - 20-24: 51%
    - 25-34: 25%
    - 35-49: 4%
    - 50+: <1%
    - Not available: <1%
  - Rank/Grade:
    - E1-E4: 73%
    - E5-E9: 12%
    - WO1-WO5: <1%
    - O1-O3: 3%
    - O4-O10: <1%
    - Cadet/Midshipmen: 1%
    - US Civilian: 8%
    - Foreign National: 2%
- Subjects: majority tend to be male, under the age of 35, and of junior enlisted grades
  - Gender:
    - 90% female
    - 2% male
    - 8% unknown
  - Age:
    - 16-19: 5%
    - 20-24: 36%
    - 25-34: 30%
    - 35-49: 11%
    - 50+: 1%
    - Not available: 17%
  - Rank/Grade:
    - E1-E4: 51%
    - E5-E9: 28%
    - WO1-WO5: 1%
    - O1-O3: 3%
    - O4-O10: 1%
    - Cadet/Midshipmen: 1%

- US Civilian: 3%
- Foreign National: 2%
  - This year the Military Services reported that 54 foreign national subjects were suspected to have committed sexual assaults against Service members.
    - 37 were foreign national civilians
    - 17 were foreign Service members
- Unknown: 10%

## COMBAT AREA OF INTEREST

- **239 reports** (Restricted and Unrestricted) of sexual assault in CAIs
  - 8% decrease in overall reporting in CAIs from FY11
  - **212 Unrestricted Reports** (decrease of 6% from the 225 Unrestricted Reports in FY11)
    - 23 (11%) made in Iraq
    - 132 (62%) made in Afghanistan
    - 57 made in Kuwait (19), Bahrain (15), the United Arab Emirates (12), Djibouti (2), Jordan (2), Kyrgyzstan (2), Qatar (2), Egypt (1), Oman (1), and Saudi Arabia (1)
    - Demographic information about the Unrestricted Reports made in CAIs was drawn from the **216 investigations closed during FY12**
      - 243 victims
      - 216 subjects
      - 39 investigations involved more than one victim, more than one subject, or multiple victims and subjects.
    - Victims in CAIs:
      - Mirror the demographics of victims in all Unrestricted Reports made to the Department: mostly female Service members, under the age of 25, and of a junior enlisted grade.
    - Subjects in CAIs:
      - Mirror the demographics of subjects in all Unrestricted Reports made to the Department, in that they are mostly male Service members, under the age of 35, and of an enlisted grade.
  - **28 initial Restricted Reports in CAIs** (decrease of 39% the initial 46 Restricted Reports in FY11)
    - 1 Restricted Report converted to an Unrestricted Report, leaving **27 Restricted in FY12**
    - Of the 28 initial Restricted Reports,
      - 6 (21%) made in Iraq
      - 7 (25%) made in Afghanistan
      - 15 made in Qatar (10), Kuwait (2), Bahrain (1), Egypt (1), and Kyrgyzstan (1)
    - The 28 victims who initially made Restricted Reports of sexual assault in CAIs mirror the demographics of victims in all Restricted Reports made to the Department, in that they were mostly female Service members, under the age of 25, and of a junior enlisted grade.

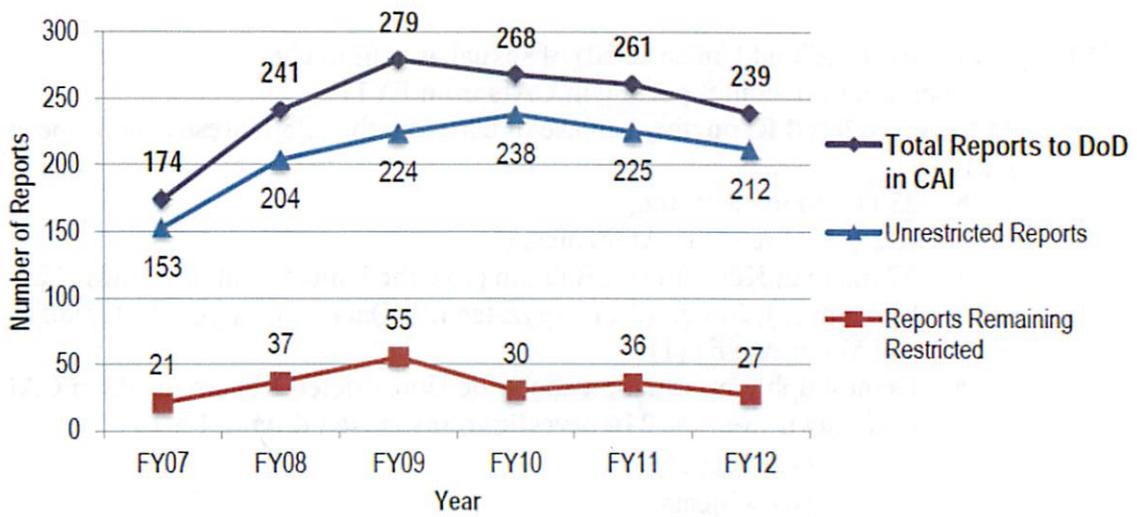


Exhibit 23: Total Reports of Sexual Assault in CAIs: Unrestricted Reports and Restricted Reports, FY07–FY12

## MISCELLANEOUS

- The Department implemented an expedited transfer policy for victims who file an Unrestricted Report of sexual assault.
  - FY12: **216 of 218** requests for expedited transfer were approved.
    - Army: approved 84 of 86. Of the two denied, the allegation was deemed not credible by CID in one case, and an administrative separation of the victim was in progress at the time of the assault in the other case.
    - Navy: approved 43 of 43.
    - Marine Corps: approved 34 of 34.
    - Air Force: approved 48 of 48.
    - Army National Guard: approved 5 of 5.
    - Air National Guard: approved 2 of 2.
  
- The Military Services reported there were a total of **582 Sexual Assault Forensic Examinations (SAFEs)** conducted during FY12.
  - Note: The decision to undergo a SAFE always belongs to the victim.
  
- Sexual victimization is a likely risk factor for subsequent victimization.
  - In order to derive an overall percentage of Active Duty men and women who have experienced USC in their military career, the WGRA combined the USC rate for the past 12 months with the survey item that asked respondents who did not experience USC in the past 12 months if they had experienced USC since joining the military.
  - Indicated they experienced USC prior to entry into the military:
    - 30% of women
    - 6% of men
  - Indicated they experienced USC since joining the military:
    - 23% of women
    - 4% of men
  - Finding: Service members with a pre-service history of USC accounted for a larger-than-expected proportion of those experiencing USC in the past year.
  
- The DoD Family Advocacy Program (FAP) and SAPRO collaborated on the *Prevalence of Intimate Partner Violence, Stalking, and Sexual Violence Among Active Duty Women and Wives of Active Duty Men – Comparisons with Women in U.S. General Population, 2010*.
  - Primary finding: risk of lifetime and past-year contact sexual violence is the same for military women and civilian women.
  
- The CDC *National Intimate Partner and Sexual Violence Survey (NISVS)* is an ongoing, nationally representative telephone survey that collects detailed information on intimate partner violence (IPV), sexual violence, and stalking victimization of adult women and men in the United States
  - Based on the survey design, the *NISVS* allowed for a first-time comparison of civilian and military rates of IPV, sexual violence, and stalking.

- In 2010 the Department, Department of Justice, and CDC worked together to include two random samples from the military, totally 2,800 DoD women:
  - 1,408 Active Duty women
  - 1,428 Wives of Active Duty men.
- DoD women compared to about 9,000 civilian women.
- The definitions of IPV, sexual violence, and stalking used in the *NISVS* military report were aligned to closely match DoD definitions.
  - “Contact sexual violence” in particular was aligned to the DoD definition of the range of crimes under the UCMJ constituting an adult sexual assault.
- Findings:
  - Risk of contact sexual violence for military and civilian women is the same, after controlling for age and marital status differences between these groups.
  - With few exceptions, the past year and lifetime occurrence of IPV, sexual violence, and stalking in the civilian and military populations have no statistically significant differences.
  - Active Duty women were significantly less likely than civilian women to indicate that they experienced IPV in the 3 years prior to the survey.
  - Active Duty women were less likely to experience stalking than civilian women.
  - Deployment history appears to impact Active Duty women’s experience of IPV and sexual violence.
    - Active duty women with a deployment history had higher rates of IPV and sexual violence than women without a deployment history.
    - These differences appeared in the past 3-year and lifetime prevalence rates, but were not present in the past-year prevalence rates.
    - This suggests that IPV and sexual violence are problems that may develop over time for Active Duty women who have deployed.
- Civilian research indicates victims only report a small fraction of sexual assaults to law enforcement.
  - Of the 1.1 million U.S. civilian women estimated to have experienced nonconsensual vaginal, oral, or anal penetration in 2005, only about 173,800 (16%) said they reported the matter to police.
  - For the estimated 673,000 U.S. civilian college-aged women who experienced nonconsensual vaginal, oral, or anal penetration, only about 77,395 (11.5%) indicated they reported it to the police.
    - The definition of sexual assault used in this college sample refers to penetrating crimes only.
    - Consequently, it captures fewer crimes than the DoD definition of sexual assault, which encompasses both penetrating and non-penetrating sexual offenses, and attempts to commit these offenses.

## *Training*

- **SARCs and SAPR VAs**
  - **Army:** trained 8,495 personnel slated for duty as a SARC or SAPR VA (including Active, Guard, and Reserve) via SHARP Mobile Training Teams using the 80-hour SHARP certification curriculum.
    - Nearly 3,000 Sexual Assault Response Coordinators (SARC) and Victim Advocates (VA) credentialed under the DoD Sexual Assault Advocate Certification Program.
    - Every brigade has one SARC and VA, and 829 SARC & VA positions resourced for battalions and below
  - **Navy:** provided initial training to 22 new SARCs and 3,844 SAPR VAs, as well as 10 hours of refresher training to 3,020 SAPR VAs.
    - 4,567 Active Duty SAPR VAs were trained and qualified to operate in a deployed environment.
  - **Marine Corps:** provided 38 new SARCs with the 40-hour victim advocacy training necessary for credentialing.
    - 372 SAPR VAs and Unit VAs received victim advocacy or quarterly refresher training conducted by an installation SARC.
    - 84 SARCs were trained and qualified to operate in a deployed environment.
  - **Air Force:** trained 70 new SARCs in a 40-hour course, and 96 SARCs received training to operate in a deployed environment.
    - 211 full time positions dedicated to sexual assault prevention and response: 96 Full time installation SARC's (69 GS12 civilians and 27 active duty officers); 14 MAJCOM or equivalents; 24 AFOSI investigators; 7 Special Victim Senior Trial Counsel; and 75 support positions.
    - 5,145 SAPR VAs received training, to include deployment training.
    - 3,159 trained voluntary VA's
    - Approved 224 new positions in 2013 for supervisors, installation personnel, and council members in the sexual assault prevention and response (SAPR) program.
    - Personnel gaps in SAPR program have occurred as a result of SARC vacancies and a lack of availability in full time civilian VAs
- **Commanders**
  - **Army:** provided SHARP training to 203 brigade commanders, 593 battalion commanders, and 409 Command Sergeants Major.
    - Commanding officer's conduct command climate assessments at 30 days, 6 months, and annually thereafter once they have assumed command
  - **Navy:** SARCs trained a total of 2,058 commanders on their roles and responsibilities within the Navy's SAPR program.
    - 296 prospective commanding and executive officers, 180 Command Master Chiefs/Chiefs of the Boat, and 205 Flag and General Officers received SAPR training prior to assuming command or a senior leadership position.

- **Marine Corps:** over 70 commanders and 50 Sergeants Major received SAPR training in the form of Command Team SAPR Training.
  - 81 General Officers were trained at a SAPR General Officer Symposium and 59 senior enlisted leaders were trained on SAPR at the Sergeants Major Symposium in FY12.
- **Air Force:** trained 4,592 Wing, Vice Wing, and Group commanders in SAPR.
  - Wing Commanders required to report sexual assaults to the Air Force Chief of Staff within 48 hours of initial report.
- **Air National Guard:** trained 794 commanders in bystander intervention.
- **Criminal Investigators**
  - **Army:** All Criminal Investigation Command agents who investigate sexual assault allegations received refresher training developed by USAMPS.
    - More than 1,600 military and civilian criminal investigators from across DoD were also trained at USAMPS on sexual assault investigative techniques.
    - Staff of 11 Highly Qualified Experts, 21 special investigators, and 19 special victim prosecutors focusing "nearly exclusively" on sexual assault.
    - Hired additional examiners to maintain 60 day turnaround for DNA tests mandated by Congress.
  - **Navy:** SARCs trained 264 criminal investigators on their role in the Navy SAPR program.
    - 95 NCIS employees, special agents, investigators, and support personnel received advanced training on sexual assault investigations.
  - **Marine Corps:** 67 new special agents completed basic training that met DoD standards for sexual assault investigation training.
  - **Air Force:** 2,046 criminal investigators received Annual Periodic Sexual Assault Investigations Training and 24 completed the Sex Crimes Investigation Training Program.
    - 170 criminal investigators attended the Basic Special Investigations Course and 17 attended the Advanced General Crimes Investigation Course.
    - Developed an eight-day advanced sex crimes investigations training program (SCTIP)
    - In 2009, added 24 Office of Special Investigations agents to exclusively cover sexual assaults and added additional sexual assault training for prosecutors and investigators.
    - 7,825 law enforcement personnel received sexual assault training.
    - AFOSI approved to increase training funds for advanced criminal investigations to AFOSI agent from \$42,000 in FY12 to \$750,000 in FY13
  - **National Guard Bureau:** trained 10 sexual assault investigators at the Army's Special Victims Unit Investigations course at USAMPS.
- **Medical Personnel**
  - **Army:** 188 physicians, physician assistants, and registered nurses completed the Medical Command Sexual Assault Medical Forensic Examiner training.
  - **Navy:** trained 27,513 medical first responders and 132 forensic examiners for both the Navy and Marine Corps.

- **Air Force:** provided 24,680 Air Force medics with first responder SAPR training for healthcare providers.
  - First Responder training for SAPR healthcare providers has increased from 6,000 medics in FY10
  - AF plans to add 339 active duty mental health staff by FY16 to reduce the stigma associated with reporting mental health issues related to sexual assault
- **Judge Advocates**
  - **Army JAG Legal Center and School** provided first responder training to 757 Army JAs, including 215 Army Reserve and 135 Army National Guard JA Officers.
    - Trained 454 trial counsel and 151 defense counsel in sexual assault issues.
  - **Navy:** Naval Justice School trained 178 Navy JAs on sexual assault. Examples of courses include Prosecuting Alcohol Facilitated Sexual Assault Cases, Defending Sexual Assault Cases, and Sexual Assault Investigation and Prosecution.
  - **Marine Corps:** Trial Counsel Assistance Program trained 295 JAs in sexual assault investigation and prosecution.
    - Most trial counsel attended at least two training sessions.
  - **Air Force:** The Judge Advocate General's School (TJAGS) provided formal training to over 1,400 JAs and paralegals.
    - Over 1,000 JAGs and paralegals viewed webcasts on sexual assault-related topics, and hundreds more attended training conducted at venues other than TJAGS.
    - Trained 60 attorneys for the Special Victims' Counsel (SVC) Program in 2013 to provide victims legal assistance and encourage Unrestricted Reports. 260 victims have requested and been assigned an SVC in 2013.
  - **Air National Guard:** trained 451 JAs in bystander intervention.

**\* Recommend reviewing Appendix D (pp. 106-121, Vol. I) for a summary of all the stats, in addition to the summary charts at the end of Enclosures 1-4.**