



# Army Commander Dispositions

## Army FY12 Annual Report

### Rape



**Total Subjects in completed rape investigations from FY12 and preceding FY: 476**

**Founded: 358 (75%)**  
**Unfounded: 118 (25%)**

Founding is a probable cause determination. In the Army, as in all civilian jurisdictions, the decision to found an allegation is made by the prosecutor. In the Army, the commander does not have a role in founding or un-founding a case. Founded cases are presented to commanders for disposition. Unfounded cases are not presented to commanders for disposition, but are maintained as a permanent law enforcement record for the titled subject.



# Army Commander Dispositions

## Army FY12 Annual Report

### Rape



**358 TOTAL Founded Allegations**

**-66 Civilian or Unknown Perp**

**292 Soldier offenders**

**-68 Civilian jurisdiction** →

22 Dismissed	
7 Prosecuted	
11 Prosecuted non-SA	
<b>17% Prosecution Rate (7/40)</b>	
28 cases pending	
17 discharged while pending civilian trial	

**224 Remaining Army Reports**

**- 38 Still pending in FY12**

**186 Ready for Disposition**

**104 Charges preferred** →

<b>56% Prosecution Rate (104/186)</b>
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# Army Commander Dispositions



## Army FY12 Annual Report

### Rape

**104 TOTAL Cases Preferred**

**-38 Pending**

**66 Cases Completed by End of FY**

**66 Cases completed**

**-16 Dismissed**

**-10 Admin. Sep. in lieu of CM**

**\_\_\_\_\_ (includes 1 officer RILO)**

**40 Cases tried to findings**

**40 Cases tried to findings**

**31 Convicted 78%**

**9 Acquitted 22%**

**78% Conviction Rate  
for those cases tried  
to findings**



# Army Commander Dispositions

## Army FY12 Annual Report

### Rape



## Of the 82 subjects in founded allegations of rape that did not result in court-martial charges:

- 6 Soldiers were administratively separated (all less than honorable) for a non-sexual assault offense
- 2 Soldiers were administratively separated for the rape after the victim declined to cooperate
- 17** Soldiers were given Nonjudicial punishment (Art. 15) for a non-sexual assault offense
- 4 Soldiers were given some type of adverse administrative action for a non-sexual assault offense
- 30** Soldiers were given no punishment because there was insufficient evidence of any offense to prosecute
- 23** Soldiers were given no punishment because the victim declined to cooperate in the investigation/prosecution



# Army Commander Dispositions

## Army FY12 Annual Report

### Aggravated Sexual Assault/Sexual Assault (sleeping or intoxicated victim)



**Total Subjects in completed aggravated sexual assault/sexual assault investigations from FY12 and preceding FY: 486**

**Founded: 393 (81%)**  
**Unfounded: 93(19%)**

Founding is a probable cause determination. In the Army, as in all civilian jurisdictions, the decision to found an allegation is made by the prosecutor. In the Army, the commander does not have a role in founding or un-founding a case. Founded cases are presented to commanders for disposition. Unfounded cases are not presented to commanders for disposition, but are maintained as a permanent law enforcement record for the titled subject.



# Army Commander Dispositions



## Army FY12 Annual Report

### Aggravated Sexual Assault/Sexual Assault (sleeping or intoxicated victim)

**379 TOTAL Founded Allegations**

**-23 Civilian or Unknown Perp**

**356 Soldier offenders**

**-37 Civilian jurisdiction** →

14 Dismissed  
4 Prosecuted  
10 Prosecuted non-SA

**14% Prosecution Rate (4/28)**

10 cases pending  
10 discharged while pending civilian trial

**319 Remaining Army Reports**

**- 53 Still pending in FY12**

**266 Ready for Disposition**

**157 Courts-martial** →

**59% Prosecution Rate  
(157/266)**



# Army Commander Dispositions



Army FY12 Annual Report

Aggravated Sexual Assault/Sexual Assault  
(sleeping or intoxicated victim)

**157 TOTAL Cases Preferred**

**-55 Pending**

**102 Cases Completed by End of FY**

**102 Cases completed**

**-13 Dismissed**

**-20 Admin. Sep. in lieu of CM**

**\_\_\_\_\_ (includes one officer RILO)**

**69 Cases tried to findings**

**69 Cases tried to findings**

**54 Convicted 78%**

**15 Acquitted 22%**

**78% Conviction Rate  
for those cases tried  
to findings**



# Army Commander Dispositions



## Army FY12 Annual Report

### Aggravated Sexual Assault/Sexual Assault (sleeping or intoxicated victim)

**Of the 109 founded allegations of aggravated sexual assault that did not result in court-martial charges being preferred:**

- 14** Soldiers were administratively separated (all less than honorable) for a non-sexual assault offense
- 3** Soldiers were administratively separated for the aggravated sexual assault after the victim declined to cooperate
- 25** Soldiers were given Nonjudicial punishment (Art. 15) for a non-sexual assault offense
- 10** Soldiers were given some type of adverse administrative action for a non-sexual assault offense
- 49** Soldiers were given no punishment because there was insufficient evidence of any offense to prosecute
- 8** Soldiers were given no punishment because the victim declined to cooperate in the investigation/prosecution





# Army Commander Dispositions



## Army FY12 Annual Report wrongful sexual contact

**Total Subjects in founded wrongful sexual contact investigations  
from FY12 and preceding FY: 272**

**Of the 272 founded allegations of wrongful sexual contact:**

**68** Soldiers were court-martialed

**33** Soldiers were administratively separated

**91** Soldiers received non-judicial punishment

**46** Soldiers received other adverse administrative action

**34** Cases resulted in no action (insufficient evidence and/or victim declination)

Wrongful sexual contacts are not criminalized in civilian jurisdictions and rarely investigated or prosecuted by civilians. The range of tools available in the military justice system allow Commanders to address the entire spectrum of crime.



# Before & After SVP Program (2004-2012) ARMY-WIDE SVP Offenses Only- SA/DV Adult/Child

