



United States Coast Guard

Annex

President's Report

October 2014



**Homeland
Security**

Appendix E: Accountability Metrics

The Sexual Assault Prevention Council reviews the following metrics for accountability.

A1: Investigation Length -

Measuring the average and median length of sexual assault investigations conducted by MCIO in order to determine a time trend (data collected from FY 14 investigations).

The average length of time of a sexual assault investigation, as measured from the date of case initiation to the date a case is pending adjudication, is approximately 63 days or two months. The median value is approximately 56 days. Average and median values were calculated excluding outliers at the 5th and 95th percentiles (one and 180 days, respectively). 106 investigations were considered in this calculation. As of September, 2014, approximately 51 additional investigations remain open.

A2: Victims Declining to Participate in the Military Justice System -

The percentage of cases that cannot be entered into the military justice process because a victim declines to participate in court-martial proceedings.

For **FY 14** cases there are five out of 209-victim cases in which the victim declined to participate in the military justice process (approximately **2.4%**) as of October 2014.

For **FY 13** cases there are six victims out of a total of 159 victim-cases in which the victim declined to participate in the military justice process (approximately **3.8%**) as of October 2014.

For both **FY 13** and **FY 14**, there are 11 victims out of 368 victim-cases in which the victim declined to participate in the military justice process (approximately **3.0%**) (Based on sexual assault cases reported in FY 13 or FY 14, which were closed in FY 13 or FY 14, or remain pending).

A3: FY14 Disciplinary Action Summary

Breakdown of unrestricted reports by military subjects to describe final case disposition

209 Total Unrestricted Reports constituted:

169 Investigations of Sexual Assault Allegations in FY 14

181 Subjects (Alleged Offenders)

- 100 Subjects with Open Investigations or Pending Disposition Decisions

81 Subjects with Disposition Information to Report

- 0 Subjects with Allegations Unfounded by the Coast Guard Investigative Service

- 30 Civilian, Foreign, Unknown Subjects or Subject Died/Deserted

- 0 Service Members Subjects Under Civilian Jurisdiction

51 Service Member Subjects – *Command Action Considered*

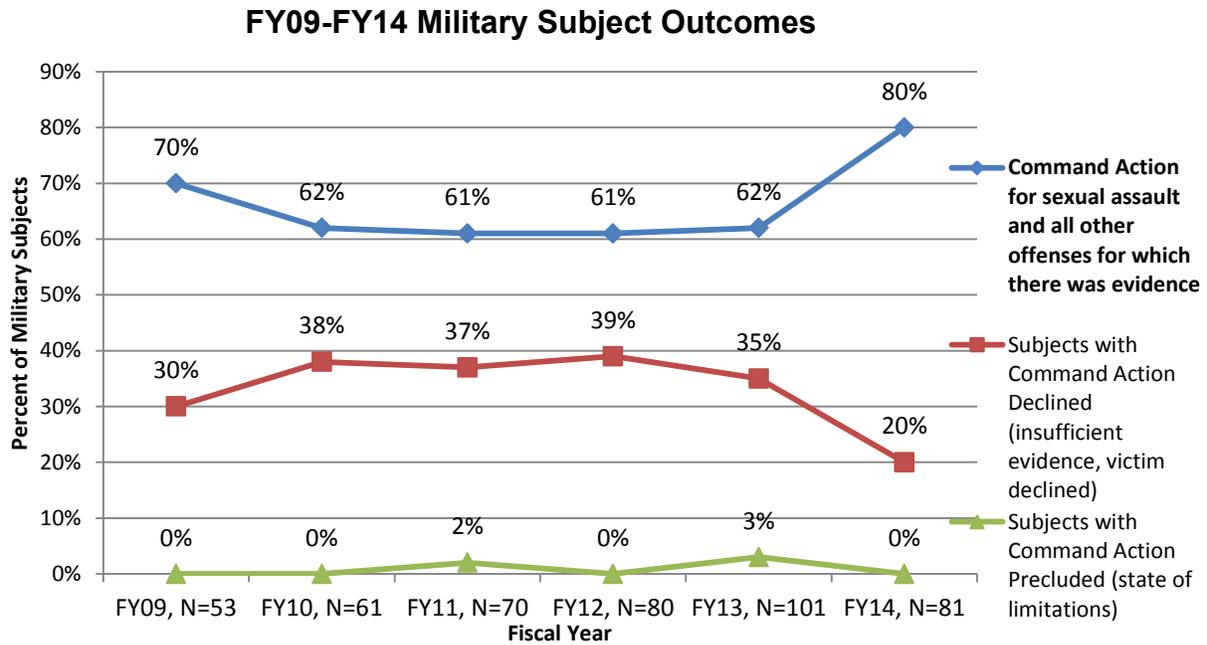
- 26 Court-Martial Charge Preferred
- 11 Non-judicial Punishments
- 4 Adverse Administrative Actions or Discharges
- **Action Taken: 80%** (41/51)

10 Service Member Subjects – *Command Action Not Possible or Declined*

- 8 Subjects – Insufficient evidence/allegations unfounded
- 2 Subjects – Victims declined to participate in the justice system
- 0 Subjects – Statute of limitations exceeded for crime alleged

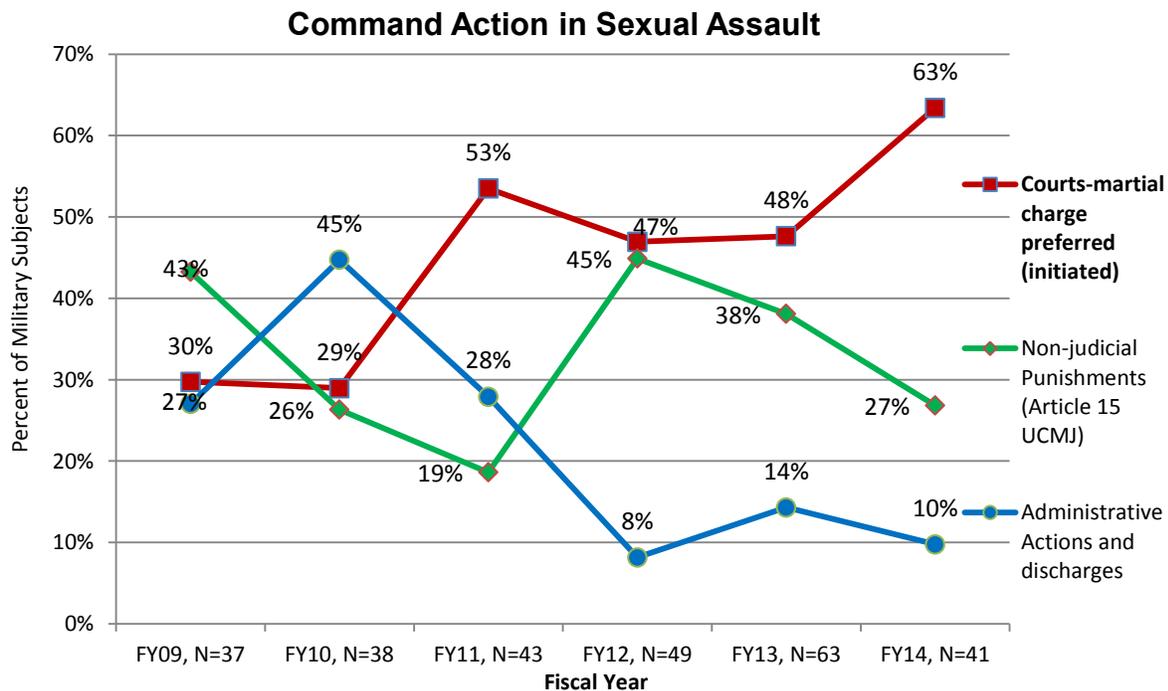
A4: FY09-FY14 Military Subject Outcomes

Final case disposition of military subjects for any completed cases by command action, command action declined, and command action precluded.



A5: Command Action in Military Subject Cases

Description of action taken for subjects under military jurisdiction by courts-martial charge preferred, non-judicial punishment, and administrative action



A6: Command Action (Case Dispositions) -

- 1) *Command action for military subjects under the UCMJ, broken down by type of action and penetrating/ non-penetrating crime.*
- 2) *Command action for military subjects under the UCMJ, captured using the most serious crime charged.*

Breakdown of Cases by Subject for FY 2013

FY 2013	Penetrative Offenses	Non-Penetrative
	Number of cases by Subject (out of 66 total)	Number of cases by Subject (out of 69 total)
Pending Cases	8/66 – 12.1%	6/69 – 8.7%
Investigation Open	6	2
Pending Command Disposition	0	3
Court-Martial Pending	2	1
Command Action Not Possible	15/66 – 22.7%	7/69 – 10.1%
Subject Civilian/ Foreign National	10	2
Other Military Service Prosecuting	0	0
Civilian/Foreign Authority Prosecuting	0	1
Offender Unknown	4	0
Statute of Limitations Expired	1	4
Command Action Inadvisable	23/66 – 34.8%	16/69 – 23.1%
Victim Declined to Participate	4	2
Insufficient Evidence	17	14
Allegation Fabricated	2	0
Action Taken	20/66 – 30.3%	40/69 – 58.0%
Administrative Action	2	5
Non-Judicial Punishment	4	20
Court-Martial Charge Preferred	14	15

Note: Sexual assault cases reported in FY 13: Closed in FY 13 or FY 14, or pending – as of October 2014.

Breakdown of Cases by Subject for FY 2014

FY 2014	Penetrative Offenses	Non-Penetrative
	Number of cases by Subject (out of 80 total)	Number of cases by Subject (out of 101 total)
Pending Cases	56/80 – 70.0%	67/101 – 66.3%
Investigation Open	32	37
Pending Command Disposition	13	29
Court-Martial Pending	11	1
Command Action Not Possible	16/80 – 20.0%	11/101 – 10.9%
Subject Civilian/ Foreign National	12	8
Other Military Service Prosecuting	0	0
Civilian/Foreign Authority Prosecuting	0	0
Offender Unknown	4	3
Statute of Limitations Expired	0	0
Command Action Inadvisable	3/80 – 3.8%	9/101 – 8.9%
Victim Declined to Participate	1	4
Insufficient Evidence	2	5
Allegation Fabricated	0	0
Action Taken	5/80 – 6.2%	14/101 – 13.9%
Administrative Action	0	4
Non-Judicial Punishment	1	6
Court-Martial Charge Preferred	4	4

Note: Sexual assault cases reported in FY 14, closed in FY 14, or pending – as of October 2014.

A7: Court-Martial Outcomes -

- 1) *Sexual assault outcomes, broken down by type of trial and penetrating/ non-penetrating crime.*
- 2) *Sexual assault courts-martial outcomes, captured using the most serious crime charged.*

Fiscal Year	Number of cases tried	Convictions for at least one charge under Art. 120	Convictions for charges other than Art. 120	Acquittals
All Offense Types				
2013	7	2	5	0
2014	35	14	18	3
Non-Penetrative				
2013	4	2	2	0
2014	17	8	7	2
Penetrative				
2013	3	0	3	0
2014	18	6	11	1

Note: Year sexual assault case concluded

A8: Time interval (report of SA to court outcome) –

Sexual assault cases concluded in FY 14: *Length of time from the date a victim signs a DD2910 to the date that court-martial proceedings conclude (e.g. sentence imposed, accused acquitted, or other end-point). Any case concluded within the fiscal year (average/median for 95th percentile – excludes outliers).*

In FY 14, the **median** length of time from the date a victim signs a DD2910 until court-martial proceedings are concluded was **404 days** or approximately **one year and one month**. The **average** length of time is **415 days** or approximately **one year and 1.5 months**. The median and average values were calculated excluding three outliers at the 5th and 95th percentiles (less than 221 or greater than 776 days respectively). The CGIS Notice of Case Initiation (NOCI) date was used in cases in which the date a victim signs a DD2910 is not available. Thirty-seven sexual assault cases that concluded in courts-martial proceedings (four summary courts-martial, 10 special courts-martial, 23 general courts-martial) contributed to this calculation. Two general courts-martial resulted in dismissals.

A9: Time interval (report of SA to NJP outcome) –

Sexual assault cases concluded in FY 14: *Length of time from the date a victim signs a DD2910 to the date that NJP conclude (e.g. sentence imposed, accused acquitted, or other end-point). Any case concluded within the fiscal year (average/median for 95th percentile – excludes outliers).*

In FY 14, the **median** length of time from the date a victim signs a DD2910 until Non-Judicial Punishment proceedings conclude is **203 days** or approximately **seven months**. The **average** length of time is **232 days** or approximately **eight months**. The median and average values were calculated excluding two outliers at the 5th and 95th percentiles (less than 66 or greater than 440 days respectively). The Notice of Case Initiation date was used in cases in which the date a victim signs a DD2910 is not available. Fifteen sexual assault cases that concluded in NJP proceedings contributed to this calculation.

A10: Time interval (Initial disposition decision) -

Length of time from the date a report of investigation is handed out, until the date a legal officer makes the disposition recommendation (prosecution/non-prosecution) to the commander of the accused. Breakdown by cases that include at least one penetrative offense and ones that do not.

Prosecution Recommended

For cases concluded in FY 14, covering **all offense types**, the **median** length of time between the date the initial CGIS investigation concluded (case file pended adjudication) to the date court-martial charges were preferred, is **86 days** or approximately **three months**. The **average** length of time is **98 days** or approximately **three months**. The median and average values were calculated excluding seven outliers at the 5th and 95th percentiles (less than zero or greater than 236 days respectively). These figures are for penetrative and non-penetrative offenses combined. Thirty-seven sexual assault cases that concluded in courts-martial proceedings (four summary courts-martial, 10 special courts-martial, and 23 general courts-martial) contributed to this calculation. Two general courts-martial resulted in dismissals.

For **penetrative offenses** the adjusted **median** and **average** length of time is **72 days and 77 days, respectively** (excluding four outliers at the 5th and 95th percentiles, zero and 176 days respectively). Nineteen cases (three special courts-martial and 16 general courts-martial) were considered in this calculation.

For **non-penetrative offenses** the adjusted **median** and **average** length of time is **94 and 114 days** respectively (excluding four outliers at the 5th and 95th percentiles, zero and 293 days respectively). Eighteen cases (four summary courts-martial, seven special courts-martial, and seven general courts-martial) were considered in this calculation.

Prosecution Not Recommended

For sexual assault cases reported in FY 14, for which command action was not precluded (e.g. a civilian subject), and which were not disposed of at court-martial, Non-Judicial Proceedings or through administrative action the **average** and median length of time between the date the initial Coast Guard Investigative Service investigation concluded (case file pended adjudication) to the date prosecution was not recommended was **16 days**. The **median** length of time is **30 days**. The median and average values were calculated excluding three outliers at the 5th and 95th percentiles (less than zero or greater than 98 days respectively). These figures are for penetrative and non-penetrative offenses combined. Fourteen cases were considered in this calculation.

For **penetrative offenses** the **median** and **average** lengths of time are **zero days and 15 days** respectively. Nine cases contributed to this calculation.

For **non-penetrative offenses** the **median** and **average** lengths of time are **15 days and 43 days** respectively. Five cases contributed to this calculation.

A11: CG action in sexual cases declined by civilian authorities -

The total number of penetrative and non-penetrative cases that took place between August 2013 and August 2014 that were declined or unable to be pursued by civilians but were undertaken by the military. Will not include subject/victim names, no jurisdiction names, and only include cases within U.S. jurisdiction. Each service will pick 5-10 cases to provide anecdotal stories in the POTUS report.

In FY 14, there are seven sexual assault cases that were declined or unable to be pursued by civilians but were undertaken by the U.S. Coast Guard.

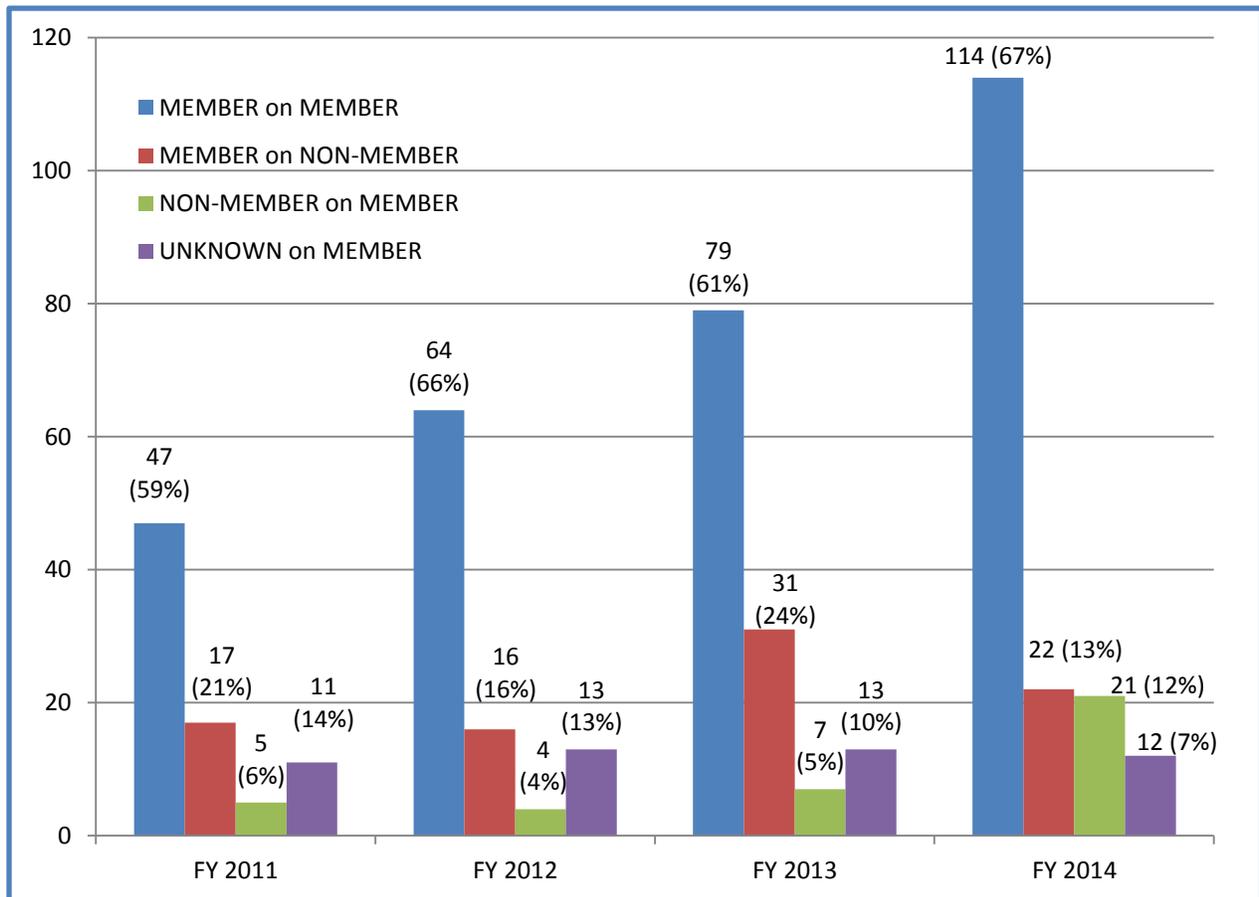
The following summaries are provided for the seven cases:

1. Civilian authorities declined to prosecute an E-3 accused of sexually assaulting a civilian that alleged that she was incapacitated from alcohol. Civilians declined prosecution stating that they focus on evidence of date-rape drugs (such as GHB) instead of substantial incapacitation by alcohol (victim had a .16 BAC). The civilian prosecutor also stated that there was something odd about the victim, which the Coast Guard identified as autism. A general court-martial is pending in this case.
2. An E-6 was accused of sexually assaulting a four year-old child. Civilian authorities declined to prosecute citing difficulties in obtaining the child's testimony. A general court-martial is pending in this case.
3. Civilian authorities declined to prosecute an E-6 accused of raping his wife, citing problems with the reliability of the wife's testimony against the back-drop of complicated family law issues involving divorce and child custody. The Coast Guard pursued charges against the member, which were dismissed by the convening authority after a recommendation of dismissal following an Article 32, UCMJ, investigation.
4. An E-4 was accused of sexually assaulting a civilian. Civilian authorities declined prosecution because the victim declined to speak with civilian detectives. The victim did speak with Coast Guard Investigative Service (CGIS); court-martial charges are pending.
5. An E-4 was accused of sexually assaulting a civilian in Coast Guard housing. The assault was initially reported to civilian authorities who terminated their investigation after the victim did not want to pursue the matter further with civilian authorities. The victim is working with CGIS and a general court-martial is pending.
6. Civilian authorities declined to prosecute an E-3 accused of sexually assaulting a civilian that alleged she was substantially incapacitated from alcohol. Court-martial charges are pending against the subject.
7. An E-3 was accused of sexually assaulting a high school senior that he mentored in an after school program. Civilian authorities declined prosecution citing evidence of a consensual relationship. The Coast Guard pursued charges that were eventually disposed of at Flag Mast.

A12: Breakdown of Case Particulars -
Demographic trends and types of offenses.

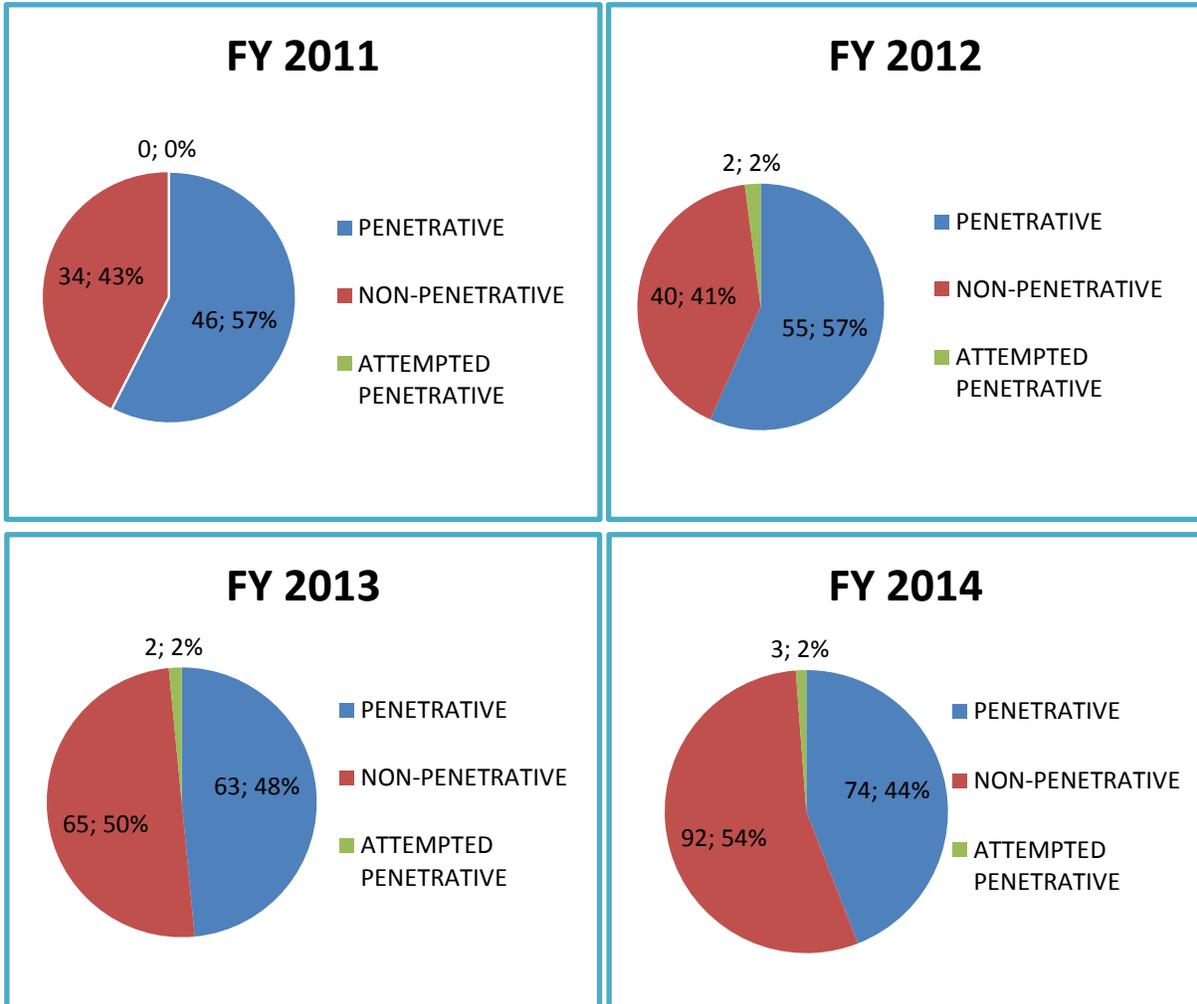
Breakdown of Investigation by offender and victim status

Fiscal Year	Investigations	Member on Member	Member on Non-Member	Non-Member on Member	Unknown on Member
2014	169	114	22	21	12
2013	130	79	31	7	13
2012	97	64	16	4	13
2011	80	47	17	5	11



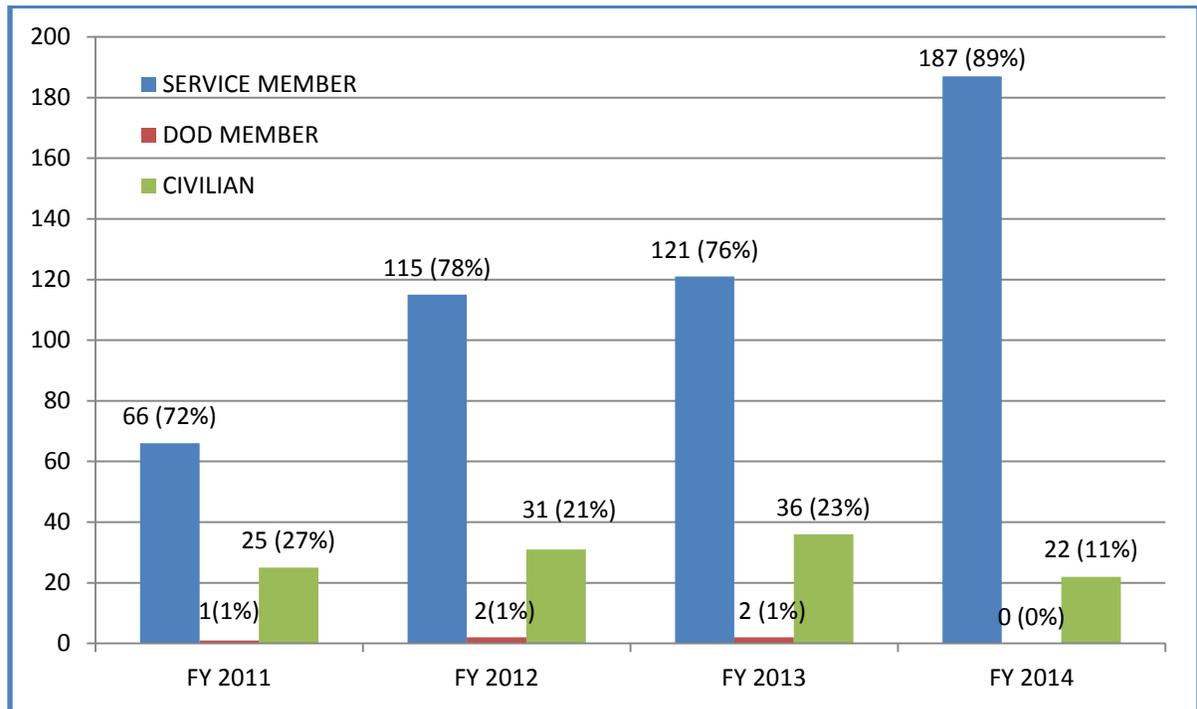
Breakdown of Investigation by offense type

Fiscal Year	Investigations	Penetrative	Non-Penetrative	Attempted Penetrative
2014	169	74	92	3
2013	130	63	65	2
2012	97	55	40	2
2011	80	46	34	0



A13: Breakdown of Victims -
Demographic trends.

Fiscal Year	Victims	Service Members	DoD Members	Civilians
2014	209	187	0	22
2013	159	121	2	36
2012	148	115	2	31
2011	92	66	1	25



A14: Breakdown of Offenders -
Demographic trends.

Fiscal Year	Subjects	Coast Guard Members	DoD Members	Civilians	Unidentified
2014	181	143	2	24	12
2013	135	104	0	12	19
2012	102	83	2	4	13
2011	88	68	3	7	10

