

APPENDIX D: FY09 AND FY10 REPORTS, DISPOSITIONS, AND PUNISHMENTS

Based on changes to reporting requirements legislated by P.L. 111-383, the Ike Skelton NDAA for FY11, reports, subject dispositions, and associated punishments from FY09 and FY10 have been updated to a format that will allow for comparison to FY11 data.

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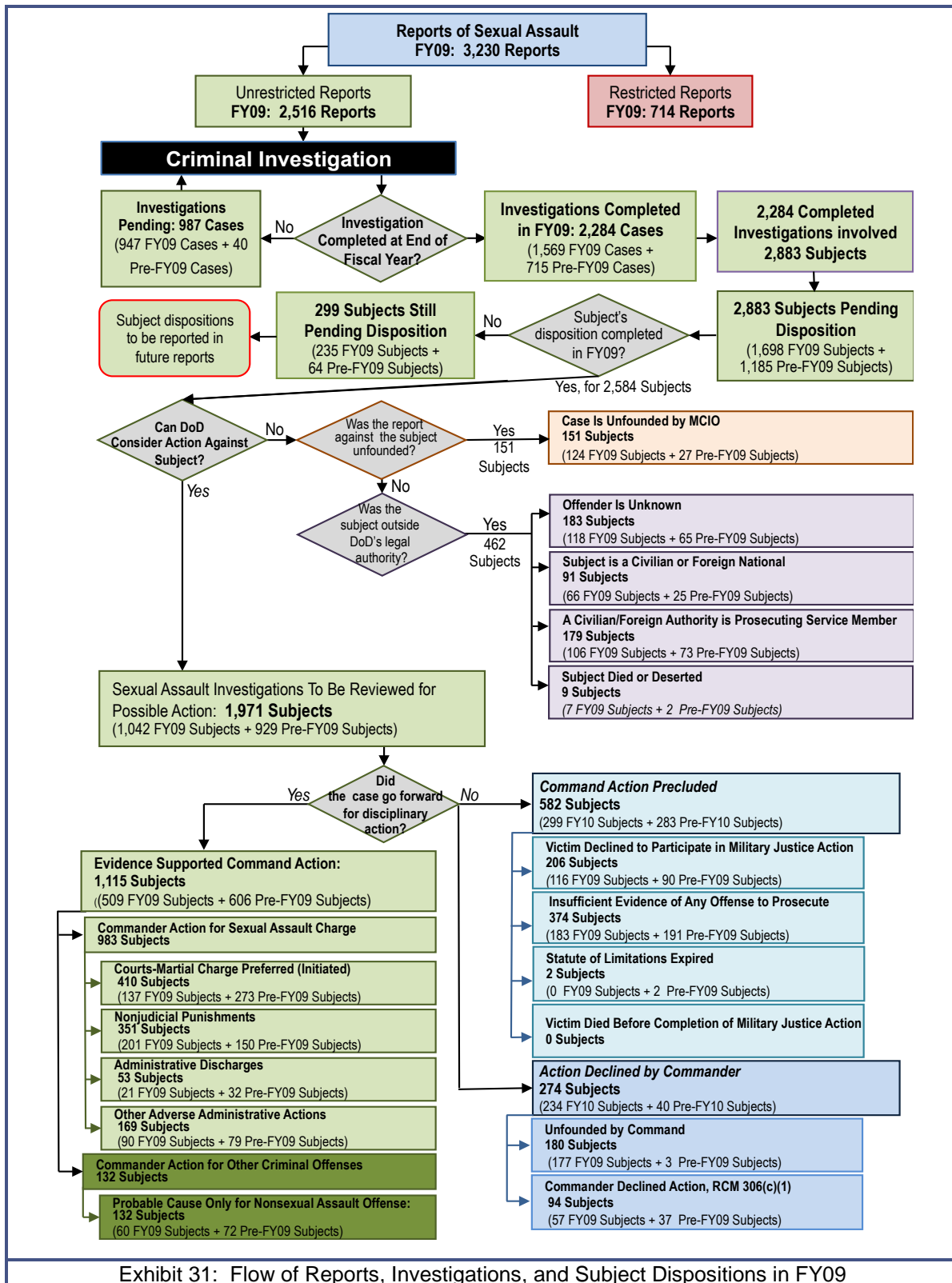


Exhibit 31: Flow of Reports, Investigations, and Subject Dispositions in FY09

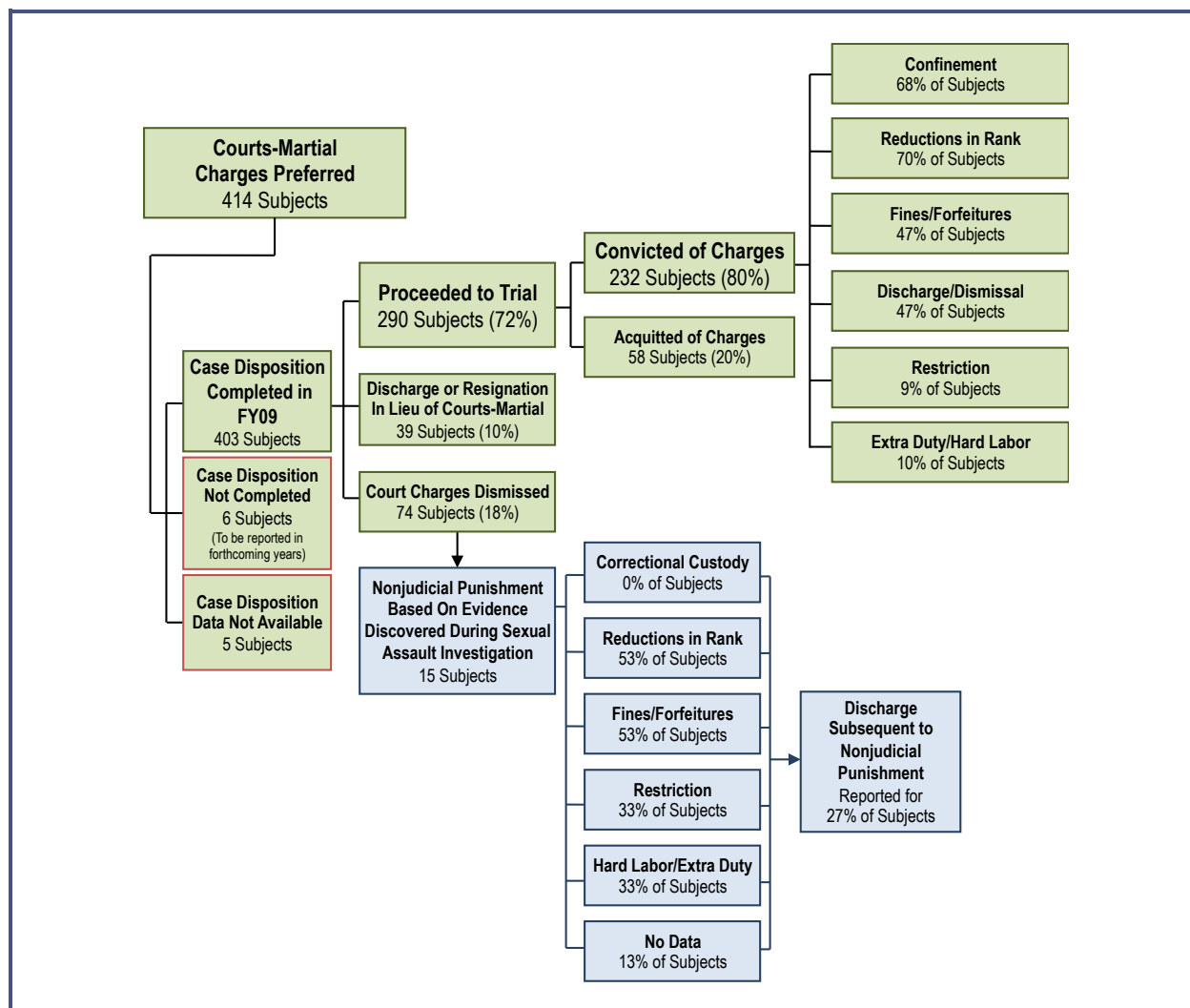


Exhibit 32: Dispositions of Subjects Against Whom Courts-Martial Charges Were Preferred, FY09.

Notes:

1. The Military Services reported that 410 subjects of sexual assault investigations had court-martial charges preferred against them for a sexual assault offense; however DoD’s review found four additional subjects with court-martial charges preferred.
2. Of the 414 subjects who had court-martial charges preferred against them, 6 subjects were still pending court action at the end of FY09. Disposition data was not available for 5 subjects.
3. Of the 403 subjects whose courts-martial were completed in FY09, 290 subjects proceeded to trial, 39 subjects were allowed to resign or received a discharge instead of trial, and 74 subjects had court-martial charges dismissed against them at some point in the justice proceedings.
4. In cases in which a resignation or discharge in lieu of court-martial is requested and approved, the characterization of the discharge is Under Other Than Honorable Conditions, unless a higher characterization is justified. Of the 74 subjects with dismissed charges, commanders imposed nonjudicial punishment on 15 subjects. Most of these 15 subjects received two kinds of punishment: a rank reduction and a fine/forfeiture.
5. Of the 290 subjects whose cases proceeded to trial, 232 (80%) were convicted. Conviction by courts-martial may result in a combination of punishments. Consequently, convicted Service members could be adjudged one or more of the punishments listed. However, in most cases, they received at least two kinds of punishment: confinement and a reduction in rank. Discharges adjudged by courts-martial were either Bad Conduct Discharges or Dishonorable Discharges.

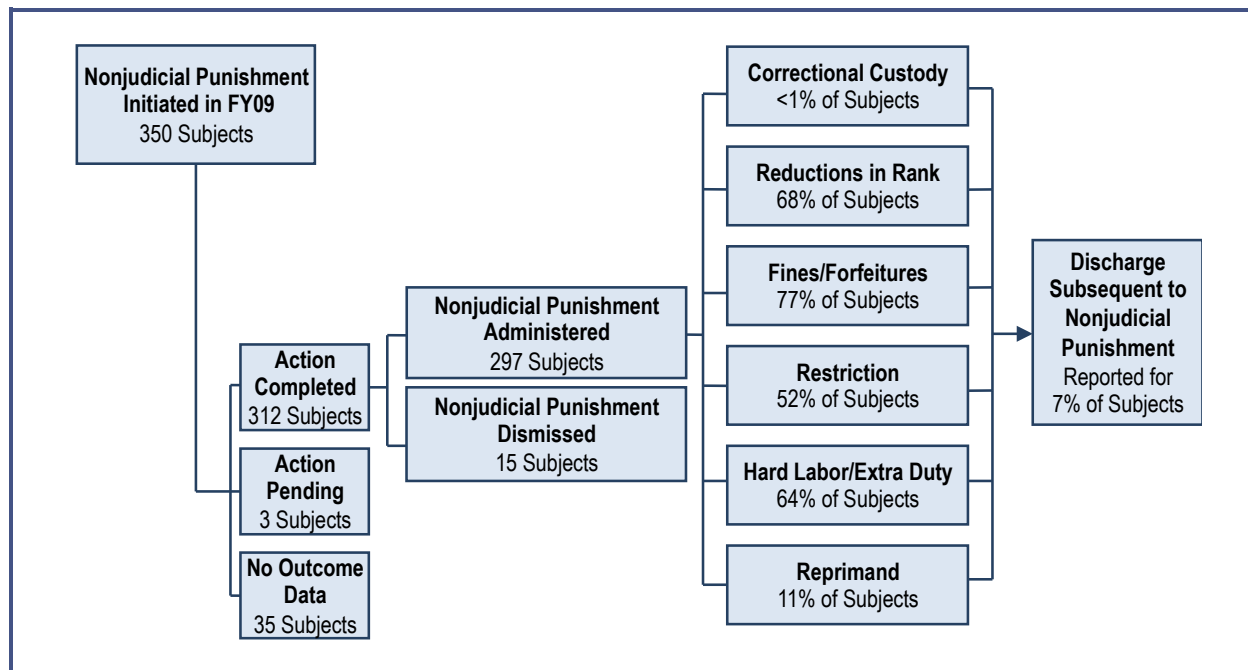


Exhibit 33: Dispositions of Subjects Receiving Nonjudicial Punishment, FY09.

Notes:

1. The Military Services reported that 351 subjects of sexual assault investigations disposed in FY09 were considered for nonjudicial punishment. DoD's review of Service data disclosed one fewer subject.
2. Of the 312 subjects who were considered for nonjudicial punishment, 3 subjects were still pending action at the end of FY09. Nonjudicial punishment outcome data was not available for 35 subjects
3. Of the 312 subjects whose nonjudicial punishments were completed in FY09, 297 subjects (95%) were found guilty by the commander and issued punishment. The remaining 15 subjects (5%) were found not guilty.
4. Nonjudicial punishment may result in a combination of penalties. Consequently, Service members found guilty can be administered one or more kinds of punishments. However, for most of the cases, convicted Service members received at least four kinds of punishment: a reduction in rank, a fine/forfeiture, a restriction on their liberty for a period of time, and hard labor or extra duty.
5. For 7% of subjects, the nonjudicial punishment was reported as contributing to the rationale for an administrative discharge.

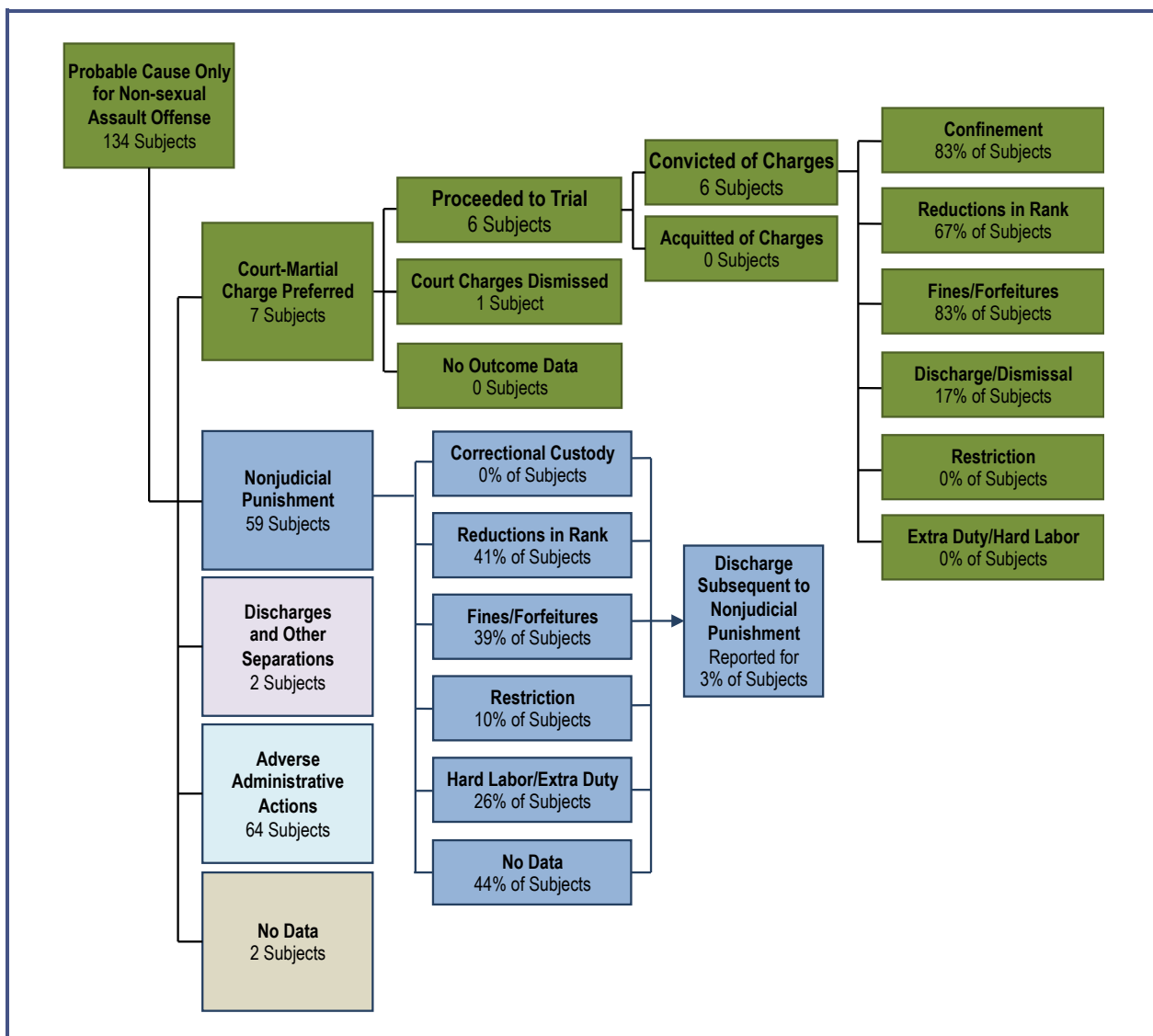


Exhibit 34: Dispositions of Subjects for Whom There was Only Probable Cause for Nonsexual Assault Offenses, FY09.

Notes:

1. The Military Services reported that investigations of 133 subjects only disclosed evidence of misconduct not considered to be a sexual assault offense under the UCMJ. However, DoD's review found information for 134 subjects.
2. Of the 134 subjects, 7 subjects had court-martial charges preferred against them, 59 subjects were administered nonjudicial punishment, 2 subjects received a discharge or separation, 64 subjects received adverse administrative action, and no data was available for disciplinary action against 2 subjects.
3. Of the 7 subjects whose cases proceeded to courts-martial, 6 were convicted of the charges against them. Most convicted Service members were adjudged confinement, a reduction in rank, and a fine or forfeiture.
4. Of the 59 subjects who were considered for nonjudicial punishment on a nonsexual assault charge, most subjects received at least one kind of punishment. However, no data was reported in FY09 for 44% of these subjects.

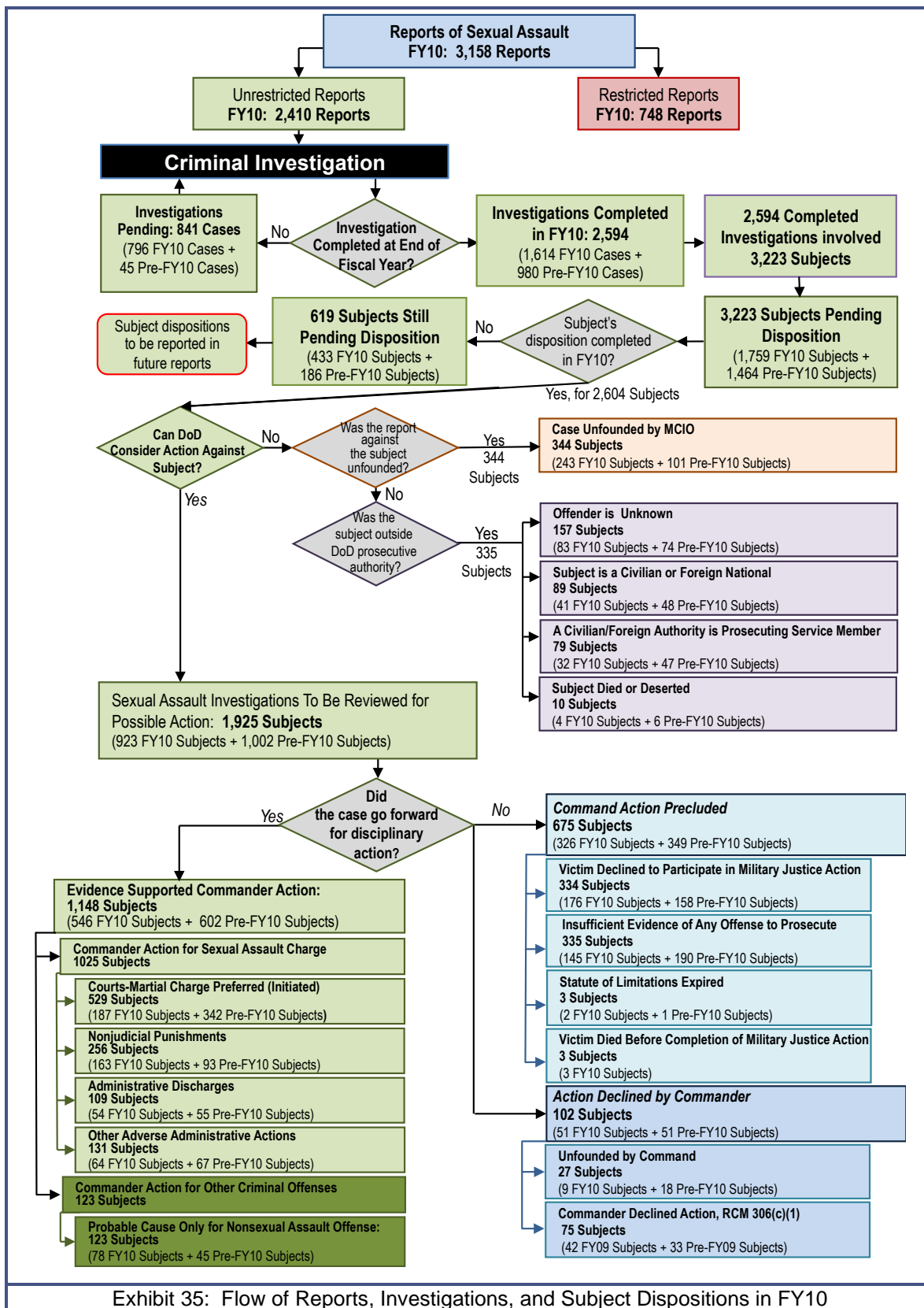


Exhibit 35: Flow of Reports, Investigations, and Subject Dispositions in FY10

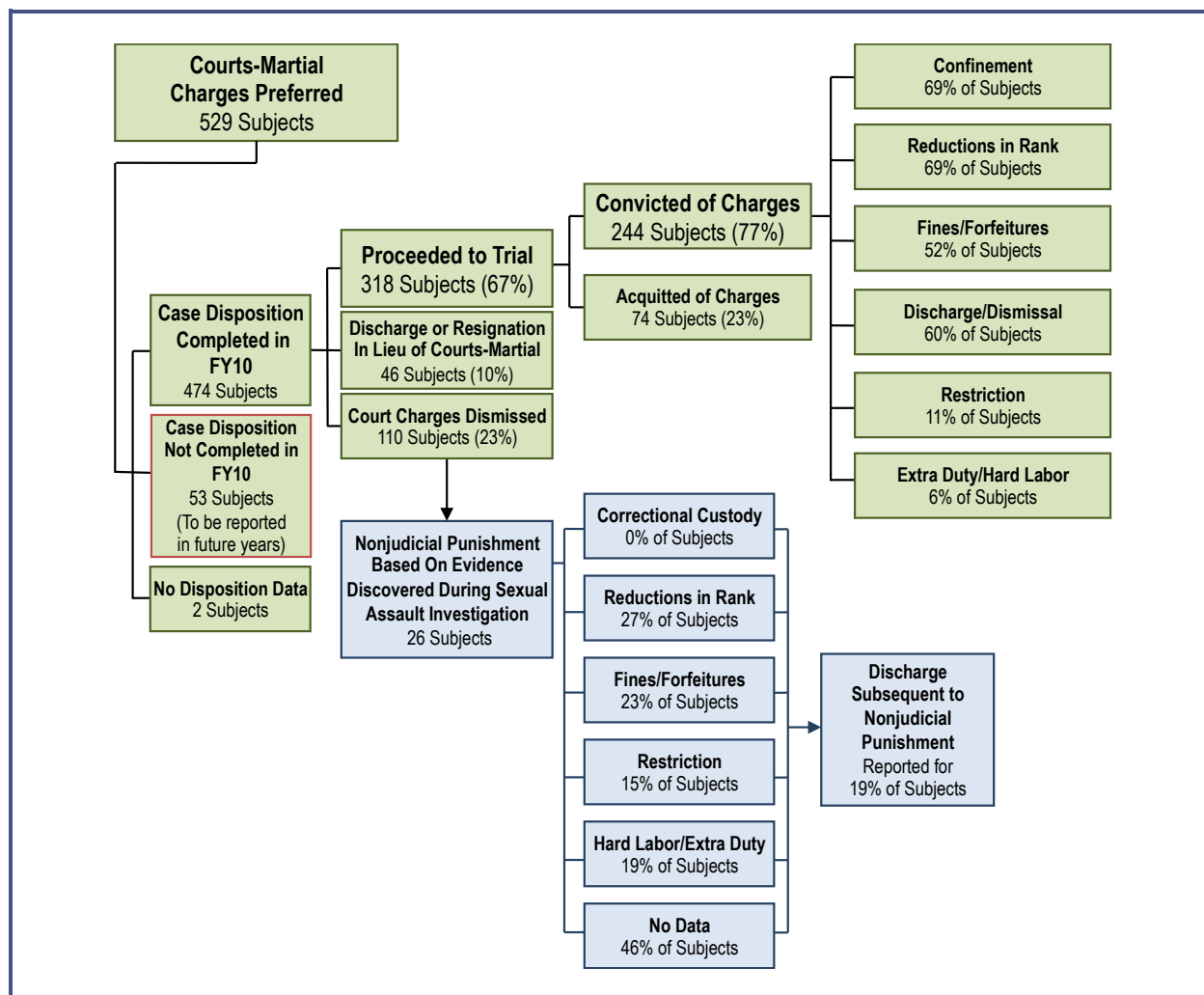


Exhibit 36: Dispositions of Subjects Against Whom Courts-Martial Charges Were Preferred, FY10.

Notes:

1. The Military Services reported that 529 subjects of sexual assault investigations had court-martial charges preferred against them for a sexual assault offense.
2. Of the 529 subjects who had court-martial charges preferred against them, 53 subjects were still pending court action at the end of FY10. Disposition data was not available for 2 subjects.
3. Of the 474 subjects whose courts-martial were completed in FY10, 318 subjects proceeded to trial, 46 subjects were allowed to resign or received a discharge instead of trial, and 110 subjects had court-martial charges dismissed against them at some point in the justice proceedings.
4. In cases in which a resignation or discharge in lieu of court-martial is requested and approved, the characterization of the discharge is Under Other Than Honorable Conditions, unless a higher characterization is justified. Of the 110 subjects with dismissed charges, commanders imposed nonjudicial punishment on 26 subjects. Most of these 26 subjects received at least one kind of punishment, however this is incomplete as no punishment data was reported for 46% of these subjects.
5. Of the 318 subjects whose cases proceeded to trial, 244 (80%) were convicted. Conviction by courts-martial may result in a combination of punishments. Consequently, convicted Service members could be adjudged one or more of the punishments listed. However, in most cases, they received at least four kinds of punishment: confinement, a reduction in rank, a fine or forfeiture, and a discharge/dismissal. Discharges adjudged by courts-martial were either Bad Conduct Discharges or Dishonorable Discharges.

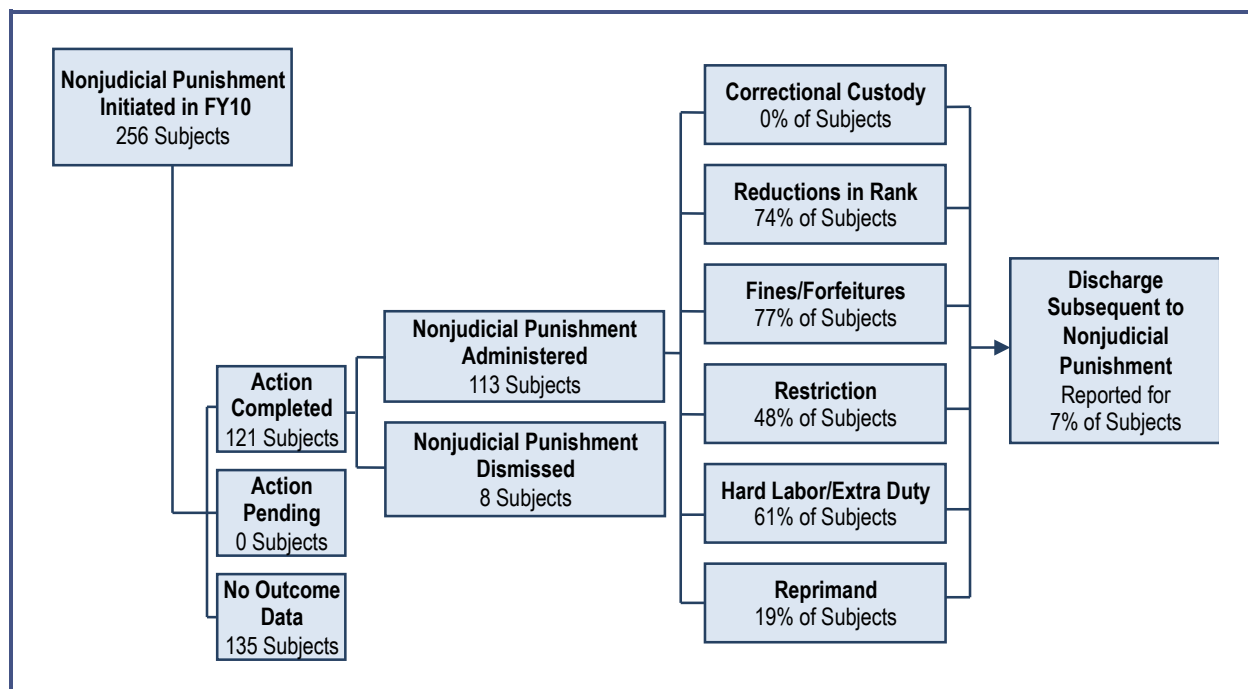


Exhibit 37: Dispositions of Subjects Receiving Nonjudicial Punishment, FY10.

Notes:

1. The Military Services reported that 256 subjects of sexual assault investigations disposed in FY10 were considered for nonjudicial punishment. Outcome data was not reported for 135 subjects.
2. Of the 121 subjects whose nonjudicial punishments were completed in FY10, 113 subjects (93%) were found guilty by the commander and issued punishment. The remaining 8 subjects (7%) were found not guilty.
3. Nonjudicial punishment may result in a combination of penalties. Consequently, Service members found guilty can be administered one or more kinds of punishments. However, for most of the cases, convicted Service members received at least three kinds of punishment: a reduction in rank, a fine/forfeiture, and hard labor or extra duty.
4. For 7% of subjects, the nonjudicial punishment was reported as contributing to the rationale for an administrative discharge.

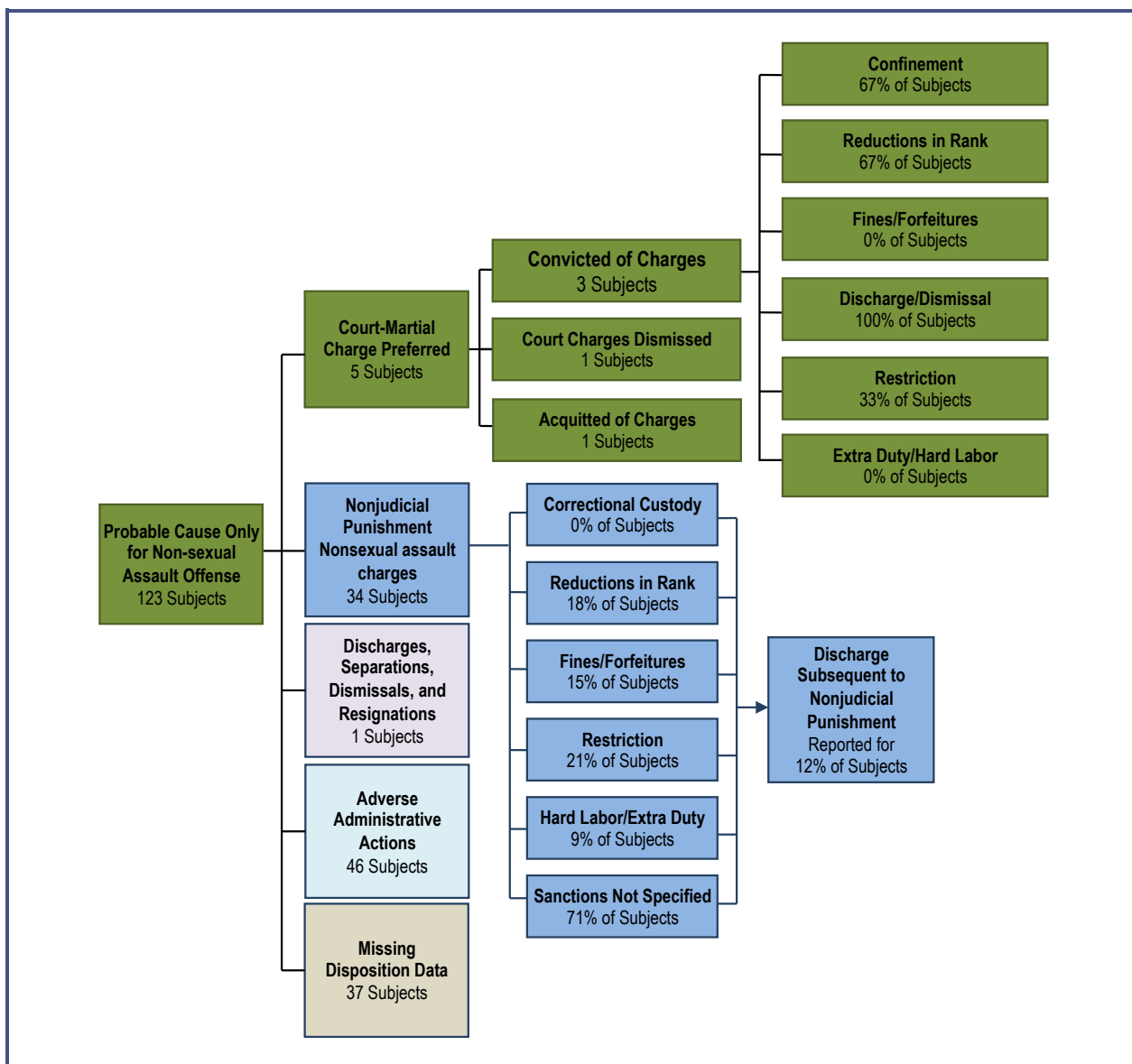


Exhibit 38: Dispositions of Subjects for Whom There was Only Probable Cause for Nonsexual Assault Offenses, FY10.

Notes:

1. The Military Services reported that investigations of 123 subjects only disclosed evidence of misconduct not considered to be a sexual assault offense under the UCMJ.
2. Of the 123 subjects, 5 subjects had court-martial charges preferred against them, 34 subjects were administered nonjudicial punishment, 1 subject received a discharge or separation, 46 subjects received adverse administrative action, and no data was available for disciplinary action against 37 subjects.
3. Of the 5 subjects whose cases proceeded to courts-martial, 3 were convicted of the charges against them. Most convicted Service members were adjudged confinement, a reduction in rank, and a punitive discharge or dismissal.
4. Of the 34 subjects who were considered for nonjudicial punishment on a nonsexual assault charge, most subjects received at least one kind of punishment. However, no data was reported in FY10 for 71% of these subjects.