



# Sexual Assault in the U.S. Coast Guard (FY 2018)

Report to Congress  
*January 08, 2020*



*U. S. Coast Guard*

# Foreword

The Coast Guard presents the following report, “Sexual Assault in the U.S. Coast Guard (FY 2018).”

Sexual assault is not only a crime but also a violation of the Service’s Core Values of “Honor, Respect, and Devotion to Duty.” The Coast Guard has continued to make important strides toward the goal of eliminating sexual assault from the service. The Coast Guard maintains its efforts to promote prevention, remove barriers to reporting, improve response capabilities for victims of sexual assault, and enhance a focus on recovery. The element of recovery has been formally integrated into the Coast Guard’s sexual assault program – changing its official name to the Sexual Assault Prevention, Response and Recovery Program (SAPRR).



Although a baseline of knowledge and understanding of sexual assault within the service has been established since the formation of the sexual assault program in 2008, the Coast Guard is now purposefully transitioning more effort toward prevention strategies and recovery assistance. Collaboration between the Coast Guard and Department of Defense will allow for sustained and improved progress. This includes periodic analyses of policy and processes to ensure the highest standards are consistently sought and to determine the effectiveness of our program.

The *Coast Guard Authorization Act of 2010* directs the submission of an annual report on sexual assaults and sexual harassment incidents involving members of the Coast Guard. Pursuant to Congressional requirements, this report is being provided to the following members of Congress:

The Honorable Peter DeFazio  
Chairman, House Committee on Transportation  
and Infrastructure

The Honorable Sam Graves  
Ranking Member, House Committee on  
Transportation and Infrastructure

The Honorable Roger Wicker  
Chairman, Senate Committee on Commerce,  
Science, and Transportation

The Honorable Maria Cantwell  
Ranking Member, Senate Committee on  
Commerce, Science, and Transportation

The Honorable Bennie Thompson  
Chairman, House Homeland Security  
Committee

The Honorable Mike Rogers  
Ranking Member, House Homeland  
Security Committee.

I am available to answer any further questions you may have, or your staff may contact my Senate Liaison Office at (202) 224-2913 or House Liaison Office at (202) 225-4775.

Sincerely,

A handwritten signature in blue ink that reads "Karl L. Schultz". The signature is stylized and fluid, with a large loop at the end.

Karl L. Schultz  
Admiral, U. S. Coast Guard  
Commandant



## Sexual Assault in the U.S. Coast Guard (FY 2018)

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# I. Legislative Language

This report responds to the language in Section 217 of the *Coast Guard Authorization Act of 2010*, as amended by the *National Defense Authorization Act of 2019* (Pub. L. 115-232), which states:

## **SEC. 217. REPORTS ON SEXUAL ASSAULTS IN THE COAST GUARD.**

(a) IN GENERAL.- Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report on the sexual assaults and incidents of sexual harassment involving members of the Coast Guard to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS. The report required under subsection (a) shall contain the following:

(1) The number of sexual assaults and incidents of sexual harassment against members of the Coast Guard, and the number of sexual assaults and incidents of sexual harassment by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(2) A synopsis of, and the disciplinary action taken in, each substantiated case.

(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault and sexual harassment involving members of the Coast Guard concerned.

(4) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault and sexual harassment involving members of the Coast Guard concerned.

## II. Background

### A. Sexual Assault

The Coast Guard remains fully committed to sustaining an effective and responsive sexual assault program and continues to make significant and dedicated preventive efforts to achieve the goal of eliminating sexual assault from its ranks.

In 2017, the Vice Commandant of the Coast Guard championed the Workforce Wellness and Resiliency Council (WWRC), a cross-directorate, Flag Officer and Senior Executive Service level body. The WWRC meets quarterly to discuss concerning behaviors that affect mission, Coast Guard, and family readiness. In August 2018, the Coast Guard sexual assault program released a new Strategic Plan with an enhanced focus on victim recovery and thus changed the name of the program to “Sexual Assault Prevention, Response and Recovery” (SAPRR). The addition of recovery formalizes commitment to the long-term recovery and resilience of victims and the broad Coast Guard community impacted by sexual assault. To maintain a steady focus, the WWRC chartered a subcommittee to sustain senior leadership involvement by monitoring and reporting progress within the new SAPRR Strategic Plan and its milestones.

The Coast Guard SAPRR Program’s efforts are organized along five strategic goals:

- **Climate:** Create a culture where sexual assault and behaviors that enable it are not tolerated.
- **Prevention:** Eliminate sexual assault in the Coast Guard through the foundation of a strong preventive culture.
- **Response:** Improve the availability and quality of response support for sexual assault victims. Increase victim confidence and lessen the stigma associated with reporting.
- **Accountability:** Ensure those who commit sexual assault in the Coast Guard are held appropriately accountable. Improve capability and capacity for the reporting, investigation, and prosecution of sexual assault and elevate leadership engagement in response to sexual assault.
- **Recovery:** Provide comprehensive and flexible victim recovery care to facilitate a return toward wellness.

To advance the SAPRR effort, the Coast Guard has undertaken numerous efforts under each of the strategic goals, including:

- **Climate:** The Service continually assesses climate and culture, and implements improved training programs and targeted communications as warranted. Sexual Assault Awareness and Prevention Month (SAAPM) was observed in April 2018, aligning with the Department of Defense’s (DOD’s) theme of “Protecting Our People Protects Our Mission.”
- **Prevention:** The Coast Guard continued to raise Service-wide awareness of sexual assault issues and implemented evidence-based prevention strategies. The SAPRR

Program developed the Coast Guard Bystander Intervention Training (CG BIT), which addresses a range of topics such as sexual assault, harassment, suicide, domestic violence, bullying, and hazing, with an emphasis on providing Coast Guard members the necessary skills to identify risk behaviors and the confidence to intervene before an incident occurs. Additionally, schoolhouse command cadre training incorporates extensive modules on sexual assault and sexual harassment policies and procedures. This training ensures enhanced familiarity and understanding of these programs for those who are assuming formal leadership roles to best support members within their command.

- **Response:** The Coast Guard continued to improve sexual assault response efforts throughout fiscal year (FY) 2018. All Sexual Assault Response Coordinators (SARCs) and Victim Advocates (VAs) receive credentialing through the National Advocate Credentialing Program offered by the National Organization for Victim Assistance (NOVA). Coast Guard Investigative Service (CGIS) receives advanced, specialized training to glean best practices and lessons learned regarding responding to and investigating these complex and sensitive cases. The Special Victims Counsel (SVC) program provides dedicated attorneys to represent the interest of individual victims throughout the investigatory and military justice process.
- **Accountability:** The Coast Guard protects the health and safety of all personnel who are victims of sexual assault, and works to hold those who commit sexual assault appropriately accountable for their actions while preserving their due process rights. To ensure the appropriate handling of all reports of sexual assault, CGIS special agents investigate all reports, and full-time trial counsel prosecutes all sexual assault charges referred to trial by court-martial. In addition, the authority to make disposition decisions in sexual assault cases is reserved for Officers Exercising General Court-martial Jurisdiction and a small number of Captain (O-6) Commanding Officers with a Staff Judge Advocate assigned to their staff.
- **Recovery:** Sexual assault can have significant impacts that can last a lifetime. Appropriate support must be anchored in victim choice at every stage – from reporting to recovery. There is no single solution for a victim to achieve long-term wellness. The Coast Guard maintains the privacy and dignity of the victim while offering a broad complementary system of medical and behavioral care, legal services, and administrative support that empowers victims to have a voice during their path to recovery. An example of these efforts is offering victims who filed unrestricted reports a Temporary Separation from Active Duty for up to two years, to allow them to focus on their recovery.

Since the inception of the sexual assault program in 2008, the Coast Guard has been persistent in analyzing and enhancing its efforts to foster a climate inhospitable to sexual assault and its enabling behaviors. These ongoing efforts allow for sustainment of its accomplishments thus far, and serves as the baseline for all future improvements in training, policy, investigation and prosecution, communications, and workplace climate and culture.

## B. Sexual Harassment

The Coast Guard Civil Rights program proactively pursues a workforce that reflects the national labor force and a workplace climate that fully embraces the Coast Guard core values of Honor, Respect, and Devotion to Duty. The Coast Guard must ensure this commitment by persistently preventing discrimination and harassment, including sexual harassment.

It is the Coast Guard's policy to provide its military members with equal opportunity during their military service without regard to race, color, religion, sex, national origin, sexual orientation, or participation in activities related to equal opportunity. Although protections under Title VII of the Civil Rights Act of 1964 are not applicable to persons in any of the Armed Forces of the United States, the Coast Guard offers a complaint process for military members to inquire, investigate, and adjudicate allegations of discrimination and harassment, including sexual harassment.

In 2010, the Coast Guard implemented a robust Anti-Harassment and Hate Incident (AHHI) policy. The procedures aim to combat prohibited harassment, including sexual harassment, and promptly stop any harassing behaviors that occur.

The AHHI policy defines prohibited harassment as including, but not limited to, unwelcome conduct, whether verbal, nonverbal, or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile environment on the basis of an individual's protected status. Sexual harassment is a form of prohibited harassment.

The Coast Guard has determined that the most effective way to limit harassing conduct is to treat it as misconduct, even if it does not rise to the level of harassment actionable under civil rights laws and regulations. In the usual case, a single utterance of an ethnic, sexual, or racial epithet that offends an employee would not be severe enough to constitute unlawful harassment in violation of federal law; however, it is the Coast Guard's view that such conduct is inappropriate and must be stopped.

The Coast Guard's Civil Rights Directorate (CRD) maintains 16 detached offices throughout the country along with over 50 Civil Rights Service Providers available to assist Coast Guard personnel with understanding the complaint processes and procedures available, and to receive reports of discrimination and harassment, including sexual harassment.

All Coast Guard personnel are required to complete Sexual Harassment Prevention training annually. The Sexual Harassment Prevention course can be completed online or in instructor-led training from Civil Rights Service Providers.

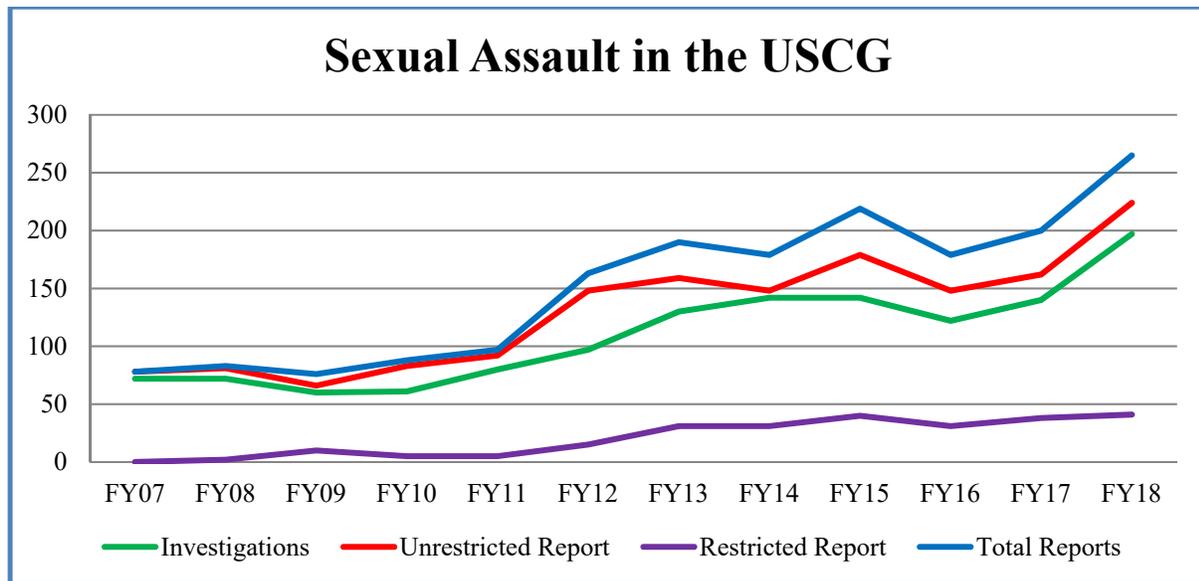
### III. Data Report

#### A. Sexual Assault

During FY 2018, the Coast Guard conducted 197 investigations<sup>1</sup> of Unrestricted Reports of sexual assault.<sup>2</sup> CGIS tracks and maintains sexual assault data for “cases” or “investigations,” as well as by the number of victims and subjects (“accused” persons). Of the 197 investigations of Unrestricted Reports, 41 of those investigations involved multiple victims and/or subjects.

In FY 2018, there were 224 reported victims<sup>3</sup> in Unrestricted Reports and 209 reported subjects.<sup>4</sup> Of the 197 investigations for Unrestricted Reports, 28 investigations included victims and/or subjects who were no longer on active duty at the time of the report but were on active duty when the reported assault(s) occurred. There were 33 reported victims in those 28 investigations. Of those 33 reported victims, three were still active duty service members at the time of the investigation and one was listed as a victim in two of the 28 investigations. The remaining 29 victims were no longer on active duty at the time of the investigation.

Additionally, the Coast Guard received 41 Restricted Reports.<sup>5</sup> Restricted Report data was provided by the Coast Guard SAPRR Program Office.



<sup>1</sup> This represents the number of investigations involving adult victims.

<sup>2</sup> Sexual assault is covered under UCMJ current and previous versions, Articles 120 (Rape and sexual assault generally), 125 (Sodomy), and/or 80 (Attempts). While sexual assault is a specific offense under Article 120, it is also used more broadly to include rape, aggravated sexual contact, abusive sexual contact, non-consensual sodomy, attempts at these offenses, and other related offenses. An Unrestricted Report is when a victim discloses that he or she is the victim of a sexual assault without requesting confidentiality or Restricted Reporting, or discloses an incident to law enforcement or someone other than those allowed to receive a Restricted Report, or if the incident is disclosed by a third party. Under Unrestricted Reporting, the victim’s report is provided to CGIS to initiate an official investigation.

<sup>3</sup> This represents the number of adult victims. UCMJ defines *child* as someone under the age of 16. For that reason, *adult* victims are those 16 years of age and older. It is understood that each state has its own criteria for defining the age for which someone is considered an adult versus a child/minor.

<sup>4</sup> These numbers are subject to modification as investigations proceed, and the status of the data provided is current through September 30, 2018, which is the last day of FY 2018.

<sup>5</sup> The Restricted Reporting option allows a victim to disclose that he or she is the victim of a sexual assault to specified officials (SARC, VA, healthcare provider) on a confidential basis. Under these circumstances, the victim's report and any details are provided to the SARC, VA, or healthcare provider but will not be reported to the command or to law enforcement through the official investigative process unless the victim consents to such a report or an established exception is exercised under COMDTINST 1754.10 (series). Of the 41 Restricted Reports, 17 converted their Restricted Report to Unrestricted and are included in the Unrestricted Report total.

Each of the following nine categories have underlined what is being counted (i.e., number of investigations, victims, or subjects). The number of investigations will not equal the total number of victims and/or subjects due to some of the investigations having multiple victims and/or subjects.

1. Breakdown of Subjects and Victims in Unrestricted Reports in FY 2018

# Service Member on Service Member	119
# Service Member on Non-Service Member	40
# Non-Service Member on Service Member	12
# Unidentified Subject on Service Member	26
<b>Total # Unrestricted <u>Investigations</u></b>	<b>197</b>

2. Location of Sexual Assaults in Unrestricted Reports in FY 2018

# ON military installation	56
# OFF military installation	96
# Both ON and OFF military installation	6
# Unidentified location	39
<b>Total # Unrestricted <u>Investigations</u></b>	<b>197</b>

3. Alcohol/Drugs Suspected in Unrestricted Reports in FY 2018

# Yes	64
# No	63
# Unknown	70
<b>Total # Unrestricted <u>Investigations</u></b>	<b>197</b>

4. Breakdown of # **Victims** in Unrestricted Reports in FY 2018

# Service Member	147
# Service Member (from other Service)	2
# Service Member (at time of assault; no longer on AD at time of report)	26
# Non-Service Member	49
<b>Total # <u>Victims</u> in Unrestricted Reports</b>	<b>224</b>

5. Gender of **Victims** in Unrestricted Reports in FY 2018

# Female	176
# Male	48
<b>Total # <u>Victims</u> in Unrestricted Reports</b>	<b>224</b>

6. Breakdown of # **Subjects** in Unrestricted Reports in FY 2018

# Service Member	137
# Service Member (from other Services) <sup>6</sup>	9
# Service Member (at time of assault; no longer on AD at time of report)	19
# Non-Service Member	13
# Unidentified <sup>7</sup> Subjects	31
<b>Total # <u>Subjects</u> in Unrestricted Reports</b>	<b>209</b>

7. Gender of **Subjects** in Unrestricted Reports in FY 2018

# Female	10
# Male	168
# Unidentified	31
<b>Total # <u>Subjects</u> in Unrestricted</b>	<b>209</b>

<sup>6</sup>Includes one alleged subject who is currently in another service, but was in the USCG at the time of the reported sexual assault.

<sup>7</sup>Unidentified meaning includes but not limited to open cases, not recorded on case files, victim(s) did not know or did not provide data.

## 8. Case Disposition of Subjects from Investigations Opened in FY 2018

Disposition for <u>Subjects</u> from "Closed" Investigations:	<b>66</b>
# Courts-Martial (General, Summary, Special) <sup>8</sup>	0
# UCMJ Article 15 Proceedings (NJP)	3
# Discharge in Lieu of Courts-Martial or other Administrative Action	2
# Other Administrative Action	9
# Accused falls under Civilian/Foreign/Other Authority <sup>9</sup>	5
# No Action Taken Against Accused/CG Command Declined Action	8
# Closed – Exception (Prosecution Declined)	4
# Closed – Exception (Non-Participating Victim)	14
# Closed – Referred to Other Government Agency	2
# Closed Pending Further Developments	14
# Closed Investigation – Unidentified Offender	5
<b>Case Disposition of Remaining <u>Subjects</u> from Investigations:</b>	<b>143</b>
# Active Case (Open; Investigation On-going)	80
# Closed-Referred for Prosecution (Investigation Closed; Case Pending Adjudication)	63
<b>Total # <u>Subjects</u> from FY 2018 Investigations</b>	<b>209</b>

## 9. FY 2018 Status of Case Dispositions for Subjects from Prior FY Investigations

Case Dispositions for <u>Subjects</u> from Prior FY Investigations:	<b>90</b>
# Courts-Martial (General, Summary, Special) <sup>10</sup>	9
# UCMJ Article 15 Proceedings (NJP)	13
# Discharge in Lieu of Courts-Martial or other Administrative Action	12
# Other Administrative Action	14
# Command Action Inadvisable <sup>11</sup>	0
# Accused falls under Civilian/Foreign/Other Authority <sup>12</sup>	3
# No Action Taken Against Accused/CG Command Declined Action	11
# District Commander Declined to Refer	0
# Closed – Exception (Prosecution Declined)	17
# Closed – Exception (Non-Participating Victim)	4
# Closed – Referred to Other Government Agency	3
# Closed Pending Further Developments	4
# Closed Investigation – Unidentified Offender	0
<b>Case Disposition of Remaining <u>Subjects</u> from Investigations:</b>	<b>50</b>
# Active Case (Open; Investigation On-going)	6
# Closed-Referred (Investigation Closed; Case Pending Adjudication)	44
<b>Total # Case Dispositions from previous FY Investigations Accounted for in FY 2018</b>	<b>140</b>

<sup>8</sup> Category includes: (1) courts-martial resulting in an acquittal or conviction; and, (2) cases where charges were preferred and/or referred to a court-martial and subsequently dismissed without further action.

<sup>9</sup> Civilian/Foreign/Other Authority can include, but may not be limited to, individuals who do not fall under the jurisdiction of the Coast Guard (civilians not affiliated with Coast Guard) who are prosecuted by local/state or other federal jurisdictions, Coast Guard members who are prosecuted by local/state or other federal jurisdictions, or members from Services other than Coast Guard whose cases are prosecuted/adjudicated by other military Services.

<sup>10</sup> Category includes: (1) courts-martial resulting in an acquittal or conviction; and, (2) cases where charges were preferred and/or referred to a court-martial and subsequently dismissed without further action.

<sup>11</sup> Command Action Inadvisable can be determined for many reasons, including, but not limited to, insufficient evidence, victim recanted, death of offender, etc.

<sup>12</sup> Civilian/Foreign/Other Authority can include, but may not be limited to, individuals who do not fall under the jurisdiction of the Coast Guard (civilians not affiliated with Coast Guard) who are prosecuted by local/state or other federal jurisdictions, Coast Guard members who are prosecuted by local/state or other federal jurisdictions, or members from Services other than Coast Guard whose cases are prosecuted/adjudicated by other military Services.

## B. Sexual Harassment

The Coast Guard experienced a significant increase in reported allegations of sexual harassment in FY 2018. The Coast Guard's policies, complaint processes, and procedures were well established and available to accept reports, investigate, make determinations, and hold accountable any personnel in substantiated cases.

The Coast Guard's Civil Rights Directorate is the technical authority for all harassment allegations and utilizes the Anti-Harassment/Hate Incident (AHHI)<sup>13</sup> report system to track sexual harassment, along with other prohibited bases of harassment and hate incident, cases. The report system tracks case numbers, aggrieved victims, and alleged responsible individuals.<sup>14</sup>

Under the AHHI, the Coast Guard conducted 57 investigations<sup>15</sup> into allegations of sexual harassment. Those cases involved 66 aggrieved individuals and 62 alleged responsible individuals. The Coast Guard substantiated<sup>16</sup> 25 cases of sexual harassment, unsubstantiated 17 cases, and 15 cases are pending adjudication. Of the substantiated cases, 22 were by Coast Guard service members.

Each of the following six tables reflects the data in each of the cases (i.e., number of investigations, aggrieved victims, or subjects). The number of cases will not equal to the total number of reports, aggrieved victims, and/or alleged responsible individuals due to some cases having multiples of each.

### 1. Breakdown of alleged responsible individuals and aggrieved victims in AHHI Sexual Harassment Reports

# Service Member on Service Member	36
# Service Member on Non-Service Member	2
# Non-Service Member on Service Member	3
# Unidentified Subject on Service Member	3
# Service Member on Unidentified Subject	2
# Non-Service Member on Non-Service Member	6
# Non-Service Member on Unidentified Member	3
# Unidentified Member on Unidentified Member	3
<b>Total # AHHI Sexual Harassment Reports</b>	<b>58</b>

### 2. Location of Sexual Harassment AHHI Cases

# ON Military Installations	38
# OFF Military Installations	7
# Both ON and OFF Military Installations	10
# Unidentified location	2
<b>Total # of Sexual Harassment AHHI Cases</b>	<b>57</b>

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<sup>13</sup> Sexual Harassment is covered under the Coast Guard's AHHI Incident Policy and Procedures, COMDTINST M5350.4C, Chapter 2.C., Prohibited Practices, and applies to all Coast Guard civilians, active duty military personnel, both regular and reserve, cadets of the Coast Guard Academy, reserve personnel when performing active or inactive duty for training or engaging in activity directly related to performance of a Coast Guard duty or function, members of the Coast Guard Auxiliary when under orders or engaged in any activity directly related to the mission of the Auxiliary, and members of other branches of the Armed Forces and U.S. Public Health Service serving the Coast Guard.

<sup>14</sup> Per COMDTINST M5350.4C, Chapter 2.C, the CRD reviews, monitors, and collects reports of instances of harassment (including sexual harassment) and Hate Incidents via the Coast Guard AHHI program.

<sup>15</sup> Each case may have multiple reports from multiple aggrieved victims and may involve one or more alleged responsible individuals.

<sup>16</sup> A report of harassment need not meet the definition of unlawful harassment for a case to be substantiated. The determination need only show that there was evidence to support the allegation of prohibited harassment as defined in the Coast Guard AHHI Policy and Procedures. The behavior(s), if continued, would lead to unlawful harassment and the policy takes a proactive approach to stop the behaviors before becoming unlawful.

### 3. Breakdown of #Aggrieved Victims

# Service Member	50
# Service Member (from other Services )	0
# Non-Service Member	8
# Unidentified Member	8
<b>Total # of AHHI Sexual Harassment <u>Aggrieved Victims</u></b>	<b>66</b>

### 4. Breakdown of #Alleged Responsible Individuals

# Service Member	44
# Service Member (from other Services)	0
# Non-Service Member	11
# Unidentified Subjects	7
<b>Total # of AHHI Sexual Harassment <u>Alleged Responsible Individuals</u></b>	<b>62</b>

### 5. Case Disposition of Substantiated Sexual Harassment AHHI Cases in FY18

Disposition from Closed Cases:	
# Courts-Martial	0
# UCMJ Article 15 Proceedings	8
# Discharge in Lieu of Courts-Martial or other Admin. Action	3
# Other Administrative Action	12
# Command Action Inadvisable or None Taken <sup>13</sup>	0
# Accused falls under Civilian/Foreign/Other Authority <sup>14</sup>	2
# Closed Substantiated Investigations with Unidentified Offender (s)	0
<b>Total # Substantiated Sexual Harassment AHHI Cases:</b>	<b>25</b>
Case Disposition of Remaining Cases from Open Investigations:	
# Active Cases (Open; Investigation On-going)	11
# Closed-Referred for Prosecution (Investigation Closed; Case Pending Adjudication) <sup>15</sup>	4
<b>Total # Open Cases Remaining from FY18 Cases</b>	<b>15</b>

<sup>13</sup> "Command Action Inadvisable" can be determined for many reasons, including but not limited to, insufficient evidence, non-participating victim, etc.

<sup>14</sup> "Civilian/Foreign/Other Authority" can include, but may not be limited to, individuals who do not fall under the jurisdiction of the Coast Guard Military (civilian employees within the Coast Guard), who are disciplined by other administrative action defined by Office of Personnel Management Regulations, or other administrative means.

<sup>15</sup> Closed-Referred for Prosecution are cases closed that were referred to the CGIS.

## IV. List of Incidents and Disciplinary Results

### A. Sexual Assault

The following list provides the synopsis and disciplinary action taken in the Coast Guard's two General and Special Courts-Martial tried in FY 2018 involving a report of an Article 120, UCMJ offense against an adult victim. The Coast Guard also convened three Summary Courts-Martial with adult victims of sexual assault, but those cases are excluded from this list. All of the General and Special Courts-Martial in FY 2018 are the final dispositions of investigations initiated in previous FYs.

1	Member was charged with one specification of making a false official statement, one specification of abusive sexual contact, and four specifications of assault consummated by battery. Member was found not guilty of one specification of abusive sexual contact and four specifications of assault consummated by battery, but was found guilty of one specification of making a false official statement. Member was sentenced to reduction in rank to pay grade E-4, restriction for 30 days, and 30 days of hard labor without confinement. The convening authority's <sup>16</sup> action is currently pending.
2	Member was charged with three specifications of abusive sexual contact and one specification of assault consummated by battery. Pursuant to a pre-trial agreement, member pled guilty to one specification of assault consummated by battery and all of the remaining charges were withdrawn and dismissed. Member was sentenced to reduction in rank to pay grade E-2 and confinement for 30 days. The convening authority approved the sentence as adjudged.

### B. Sexual Harassment

The following list provides the synopsis and actions taken by the U.S. Coast Guard against military personnel when an investigation substantiated sexual harassment in violation of the Coast Guard Anti-Harassment/Hate Incident policy. Actions taken include, but are not limited to, disciplinary or administrative action, that may involve action under the UCMJ for military personnel.

1	Member was discharged under Other Than Honorable Conditions for the good of the service, with an unfavorable reenlistment code assigned.
2	Member received non-judicial punishment under Article 15 of the UCMJ. Member also violated Article 134 (Fraternization) and was awarded a written reprimand documenting the incident.
3	Member received Administrative Remarks in their military record, documenting the incident.
4	Member received non-judicial punishment under Article 15 for violating Articles 92, dereliction of duty, and misconduct and awarded a reduction in pay to grade E-3.
5	Member received non-judicial punishment under Article 15 of the UCMJ along with verbal counseling. The Command also held a training stand-down, discussed the zero-tolerance policy for behaviors of sexual harassment, and reiterated their commitment to eliminating such behaviors.

<sup>16</sup> Convening authority is a person occupying a position of command, designated in Article 22(a) and (b), UCMJ, or designated by the Secretary of Homeland Security, and authorized to convene a court-martial.

6	Member received non-judicial punishment under Article 15 of the UCMJ for violations of Article 93-Cruelty and Maltreatment and Article 134-Indecent Conduct.
7	Member received non-judicial punishment under Article 15 of the UCMJ.
8	Member elected trial by court-martial, thereby rejecting non-judicial punishment for charges of Articles 92 and 134. Member was transferred and administratively processed for discharge.
9	Member received non-judicial punishment under Article 15 of the UCMJ for Article 134, Indecent language.
10	Member received verbal counseling and was required to complete the Leadership and Management course. Member was also required to participate in the Command's Leadership and Diversity Council.
11	Member received verbal counseling and Administrative Remarks in their military record, documenting the incident. The Command held all hands training on professional workplace conduct and led a focus group for all to discuss Coast Guard policies and the impacts of harassment and discrimination on members of the service.
12	Members received verbal counseling, and the Command directed attendance to Civil Rights Awareness training.
13	Member received verbal counseling and the Command outlined expectations regarding commitment to eliminating sexual harassment behaviors. Member was required to attend the Civil Rights Awareness Training.
14	Member received verbal counseling and Administrative Remarks in their military record. Member was later discharged from the Coast Guard Reserves.
15	Member received non-judicial punishment under Article 15 of the UCMJ and awarded a reduction in pay to grade E-4 and 45 days of extra duties. The reduction in pay grade was suspended for six months. Member was required to retake the Coast Guard Sexual Harassment Prevention Training.
16	Member received Administrative Remarks in their military record, documenting the incident. Member was also reassigned to an opposite duty schedule from the aggrieved victim. Member was required to attend the Civil Rights Awareness Training and required to review Article 93 of the UCMJ.
17	Member received verbal counseling and Administrative Remarks in their military record, documenting the incident. Member submitted a voluntary retirement request.
18	Member received a letter of censure in their military record to document the incident. Member was also directed to complete all Coast Guard mandated training, including Civil Rights Awareness and Sexual Harassment Prevention.
19	Member received non-judicial punishment under Article 15 of the UCMJ and awarded 21 days of restriction and a Letter of Admonishment in their military record. Member was found in violation of Articles: 134-Indecent Conduct; 134-Indecent Language; and 93-Cruelty and Maltreatment.
20	Member received a Commandant of Cadets Administrative Mast and was found in violation of a Class I offense for Sexual Harassment. Member was recommended for disenrollment.
21	Members received non-judicial punishment under Article 15 of the UCMJ and were awarded 14 days restriction to the unit, 14 days of extra duty, and loss of three days of pay. Member also received Administrative Remarks in their military record, documenting the incident. All were required to complete Sexual Harassment Prevention training.
22	Member received verbal counseling. Command expectations on intolerance of sexual harassment behaviors were communicated.

## V. Plan of Action

### A. Sexual Assault: Actions Completed in FY 2018

1. *Sexual Assault Prevention, Response, and Recovery (SAPRR) 2018-2022 Strategic Plan*: A four-year plan released in August of 2018. The new strategic plan continues the Coast Guard's comprehensive response and prevention efforts, as well as formalizes the commitment to the long-term recovery and resilience of survivors of sexual assault.
2. *SAPR Policy Manual COMDTINST M1754.10E / SAPRR Policy Manual COMDTINST M154.10F*: The Coast Guard promulgated the SAPR Policy Manual, COMDTINST M1754.10E, in January 2017, and simultaneously issued its first SAPR Tactics, Techniques and Procedures (TTP) to complement the policy manual.

Following the release of the SAPRR 2018-2022 Strategic Plan, revisions and updates to the SAPRR policy manual have commenced. The next iteration of the manual will include a section on "Recovery" and a change to the title from "SAPR" to "SAPRR".

The TTP also began a life-cycle review in FY 2018 to update processes, procedures, recovery assistance information, and changing the title from "SAPR" to "SAPRR."

3. *Coast Guard Bystander Intervention Training (CG BIT)*: The Coast Guard SAPRR Program adopted the Centers for Disease Control and Prevention's social-ecological model for primary prevention, with the focus on proactive over reactive behavioral training. This model accounts for an individual's relationship with other individuals, the community, and society as a whole. Ultimately, this model allows for further analyses of influential factors that foster assault or other harmful behaviors.

SAPRR personnel attended specialized training at the "Mentors in Violence Prevention Train-the-Trainer" course, certifying them as trainers in preparation for providing facilitated instruction on effective bystander intervention skills. As of October 2018, 6,300 members received training from Coast Guard SAPRR personnel.

4. *Workforce Wellness and Resiliency Council (WWRC)*: The WWRC is a flag officer and Senior Executive Service-level council chaired by the Vice Commandant that takes a comprehensive approach to address the full range of issues that affect workforce resiliency, including sexual assault. The WWRC established a SAPRR Subcommittee to provide executive level visibility and support to the SAPRR program, as well as to champion SAPRR program initiatives.
5. *Command Cadre Course Training*: SAPRR training continues to be facilitated across the Officer and Enlisted Command Cadre courses and 13 leadership/accesion courses. In addition, the training module was modified to include the focus on prevention through improving unit climate.
6. *Sexual Assault Awareness and Prevention Month (SAAPM)*: Every April the Coast Guard observes SAAPM. In FY 2018, the Coast Guard aligned with DOD on their theme of "Protecting Our People Protects Our Mission." Coast Guard SARCs and VAs planned

and executed local events in their areas of responsibility. During SAAPM 2018, approximately 18,000 Coast Guard personnel participated in awareness and prevention events, including 5K Run/Walks, Teal Tuesdays, Teal Shoes Tributes, Service Dress Blue Day, brown bag lunch discussions, and more.

7. *Victim Advocate (VA) Training*: 200 new VAs are training annually via a dedicated schoolhouse-training program, or “C” School. VAs learn the necessary knowledge and skills to conduct their duties during a 40-hour curriculum process (four days, 10 hours online). Coast Guard SARCs are the only facilitators of this course to ensure that VAs receive the appropriate attention and guidance necessary for the highly sensitive and challenging role in assisting victims of sexual assault.
8. *New SARC Training*: In May of 2018, all newly assigned SARCs received an in-person 40-hour course on the responsibilities of a Coast Guard SARC. The course provides information and discussion on best practices, processes, current policy, prevention strategies, etc.
9. *Quality Assurance*: A Quality Assurance (QA) review process of the Defense Sexual Assault Incident Database (DSAID) Case Management system was implemented to ensure required performance standards are achieved by Regional SARCs in accordance with policy. This QA review allows the SAPRR Program to better track/analyze enterprise-wide data and determine where gaps in data entry may exist. A random sample of all SARC cases is reviewed monthly to track case entry, initial/monthly updates, and track overall SARC compliance with data entry into DSAID.

To report the findings of the QA review, a Report Card was developed to capture results. Regional Practice Managers receive the Report Card as an administrative tool for critical visibility into their field SARC data entry compliance. The overall objective of this QA process is to create a systemic and lasting DSAID data entry review process for active program measurement across the Regional Practices.

10. *Collaborative Efforts*: Due to the myriad projects and stakeholders involved in the SAPRR Program, there are several collaborative efforts occurring continuously, both internally and externally:
  - a. SAPRR Collaboration Meetings with all Coast Guard stakeholders, every other week.
  - b. SARC Community of Practice meetings with SARCs and Program staff, quarterly.
  - c. DOD Sexual Assault Prevention Response Operations (SAPRO) Prevention Roundtable participation on a quarterly basis.
  - d. DOD SAPRO DSAID teleconference participation twice each month.
  - e. Coast Guard Liaison Officer detailed to DOD SAPRO.

11. *Special Victims Counsel (SVC)*: The SVC Program continues to provide legal advice and represent active duty members, reservists, dependents, and civilian victims of sexual assault. SVCs assist victims of sexual misconduct in matters ranging from protective orders, weight abeyances, and expedited transfers to different work locations, in addition to representing clients at interviews, filing motions, and appearing on their behalf at courts-martial and in post-trial and appellate proceedings.

SVCs also serve an important educational role by providing formal and informal training to Coast Guard members and stakeholders on victims' legal rights, the role of SVCs, the military justice process, and SAPRR policy. Additionally, SVCs were requested to provide statements to Congressional oversight bodies as to how Coast Guard policies impact sexual assault victims as well as providing suggestions for policy and statutory improvements.

The Program also organized the first-ever joint Coast Guard Special Victims and Trial Counsel Conference at Coast Guard Headquarters. This conference provided training on current criminal justice cases and Coast Guard-specific policies, with an over-arching theme of facilitating greater communication between investigators, prosecutors, and victims' counsel. SVCs also attended several military and civilian victims' rights conferences and trainings to become better versed in advocating on behalf of adults and children. This effort included participating in the Air Force's Intermediate Sexual Assault Advocacy Course, as well as the Crimes Against Women; Crimes Against Children; End Violence Against Women International; and, the National Crimes Against Children conferences.

The Program added two full-time SVCs in FY 2018 at the Coast Guard Academy. This program will not only facilitate the cadets' ready-access to SVCs, but will also afford Coast Guard service members stationed in the Northeast a better opportunity to quickly meet with a victims' attorney.

The Coast Guard now has eleven full-time SVCs, with offices in Washington, D.C., Alameda, CA, and New London, CT.

12. *Coast Guard Investigative Service (CGIS)*: During FY 2018, CGIS continued to participate in multiple collaborative initiatives to support SAPRR, both internal and external to the Coast Guard, such as multi-directorate/agency working groups, training sessions and meetings. These efforts allowed participants to appreciate the roles of those who have a part in responding to reports of sexual and family violence.

CGIS also continued its participation with, and in support of, the congressionally created Defense Advisory Committee on Investigations, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD). CGIS representatives testified before the DAC-IPAD several times during FY 2018, discussing a wide variety of topics related to sexual violence in the military.

CGIS continues to receive funding for special agents to participate in advanced and specialized training related to SAPRR, including annual refresher training (e.g., the End Violence Against Women International conference, Conference on Crimes Against Women, and annual Crimes Against Children training). CGIS special agents were

selected to participate with the Justice Rapid Response (JRR) Roster-Recruitment Course: Investigating Sexual and Gender-Based Violence as International Crimes in Sarajevo.

CGIS special agents and Coast Guard attorneys continued to attend the U.S. Army's Special Victims Capabilities Course (SVCC). By the end of FY 2018, 243 CGIS special agents and 77 Coast Guard attorneys attended the SVCC training.

CGIS leadership continues to assess policy and procedures, in part, based on the information sharing and collaboration, which also has allowed for developing stronger relationships between law enforcement and other professionals working across different jurisdictions and disciplines.

13. *Military Justice Improvements*: The Legal Service Command (LSC) completed "Military Justice Practice Guiding Principles" to formalize the working relationship between the LSC, with its cadre of trial counsel, and the Staff Judge Advocates throughout the Coast Guard, regarding support for courts-martial. The guiding principles provide ground rules for how LSC trial counsel can assist with any court-martial, including sexual assault cases, throughout the service. These Principles build on efforts made over the last several years, including increasing the number of full-time prosecutors at the LSC.

## B. Sexual Harassment Actions Completed in FY 2018

1. *Policy Statement Issuance*: On June 1, 2018, the Commandant signed and issued new policy statements for Anti-Discrimination and Anti-Harassment, Equal Opportunity, and Diversity and Inclusion. The Commandant emphasized his commitment to a diverse, inclusive, and respectful workplace.
2. *Total Workforce Engagement in Preventing Harassment*: In August 2018, the Vice Commandant issued a message to the workforce regarding harassment, including sexual harassment, and stressed that harassment of any kind erodes our strength and is fundamentally incompatible with our core values of Honor, Respect, and Devotion to Duty. The message required all unit commanders, within 30 days, to emphasize the importance of maintaining a harassment-free workplace. Units conducted all-hands discussions reinforcing the total workforce's responsibility to prevent any form of workplace harassment and the avenues for reporting such behaviors.
3. *General Order Prohibiting Sexual Harassment*: The Commandant issued a general order on August 26, 2018, prohibiting sexual harassment in accordance with the Uniform Code of Military Justice (UCMJ). In his message to the workforce, the Commandant emphasized that sexual harassment has no place in the Coast Guard and will be punished.

Although sexual harassment is prohibited, the Commandant's general order provides leaders an additional avenue to hold members accountable in the response to sexual harassment. All military members of the Coast Guard can now be criminally prosecuted for violations of this order under Article 92 of the UCMJ. Victims – whether military, civilian, contractor, or otherwise – are protected by the order. Off-duty or non-duty behaviors that affect the military workplace may also be considered to be sexual harassment.

## C. Sexual Assault: Actions Planned for FY 2019

Coast Guard goals and objectives will continue to strengthen and enhance prevention efforts but will also focus on bolstering recovery assistance resources. Elevating awareness for comprehensive victim-centered support during the initial response stage, and beyond, is paramount during FY 2019.

The Coast Guard will continue its efforts in fostering a climate inhospitable to sexual assault and conducive to reporting both the incident and related unacceptable behavior. Inherent in this process are efforts to hold accountable those who commit these crimes and those in leadership positions who undermine or ignore the prevention and response strategies outlined above.

Ongoing joint collaboration and approaches with Coast Guard Work-Life Programs (Substance Abuse, Family Advocacy, and Suicide Prevention), as well as Chaplains, Legal, CGIS, Civil Rights, and Public Affairs allows for optimum advancement of common goals and objectives.

Selected items for FY 2019 include:

- Implement the new SAPRR Strategic Plan 2018-2022.
- Enhance current recovery assistance resources and efforts.
- Maintain forward momentum with CG BIT facilitations across the Coast Guard, specifically during SAAPM each April.
- Continue to improve SAPRR training curricula in the Command Cadre courses and mandated SAPRR Trainings.
- Provide annual initial and refresher SARC training opportunities for all employees tasked with SARC responsibilities, as well as obtaining/maintaining the NACP credential from NOVA for SARCs and uniformed VAs.
- Continue to use the 2016 Workplace Gender Relations Assessment (WGRA) survey results to adapt policy and training in order to achieve maximum impact on the climate and culture of the Service.
- Reinforce the importance of reporting assaults and intervening in high-risk situations by a sustained focus on SAPRR awareness and training, by leadership example, and by leadership engagement through positive recognition of those who report or intervene.
- Maintain the current cadre of almost 900 trained, credentialed VAs; providing the appropriate initial training, as well as relevant refresher training to maintain qualification, knowledge, and skill set.
- Develop additional evidence-based prevention strategies as warranted and implement those strategies as widely as possible.

- Continue to feature SVC participation in unit and base-wide SAPRR training, VA/SARC training and other command cadre functions. SVCs will also continue to participate in and provide testimony to congressional oversight bodies, such as the DAC-IPAD on the growth of the program, on retaliation against victims of sexual assault, and on the appellate rights of victims of sexual assault.
- CGIS hosted a symposium in January 2019 addressing “Investigation and Adjudication of Historical Sexual Assault Reports.” It focused on discussions about investigative and prosecutorial challenges, institutional responses to these reports, patterns of offender behavior, maintaining appropriate security/release of case information, institutional policy/procedures, and more.
- Continue to develop and improve the LSC’s role in the prosecution of sexual assault and other cases throughout the Coast Guard, ensuring a cadre of experienced trial counsel to prosecute courts-martial through the Service.
- Continue to integrate trial counsel and CGIS agents early in the investigative process. The Military Justice Act of 2016, which became effective on January 1, 2019, includes provisions for investigative subpoenas generally, and subpoenas and warrants under the Stored Communications Act. These authorities provide increased incentive for coordination between trial counsel and agents throughout the investigative process.

#### D. Sexual Harassment: Actions Planned for FY 2019

Sexual Harassment Online Training Course: Sexual Harassment Prevention training is required annually for all personnel. The most common method of completion for the training requirement is an online computer-based training. The current version of the course is due for a review and update, as needed, in FY 2019. The CRD is the program manager for the online course. The CRD staff will coordinate updates with Force Readiness Command (FORCECOM) for their direct assistance or contract assistance to update the course.