



# Sexual Assault in the U.S. Coast Guard (FY 2022)

Report to Congress  
*January 3, 2024*



*U.S. Coast Guard*

# Foreword

January 3, 2024

Pursuant to requirements of the Coast Guard Authorization Act of 2010 the Coast Guard presents the following report, “Sexual Assault in the U.S. Coast Guard (FY 2022).”



One of the many factors that go into recruiting and retaining the world’s best Coast Guard is offering a safe work experience, free from harassment, bullying, assault, and retaliation. In that regard, it is critical that I address our Service’s failure to respond properly to sexual assaults that occurred at the Coast Guard Academy from 1988 to 2006. In 2014, the Coast Guard launched an extensive investigation into incidents alleged to have taken place during that time, an investigation that grew from a single complaint to ultimately investigating over 100 leads. The Coast Guard acted in cases in which the Service had jurisdiction and informed individual victims of our findings. I regret previous submissions of this report did not transparently communicate either the comprehensive nature of that investigation or Coast Guard actions resulting from it.

Our Service and our Academy have made much progress on every aspect of our Sexual Assault Prevention, Response, and Recovery (SAPRR) efforts over the past three decades, but there is still work to be done. To that end, on July 14, 2023, I directed a 90-Day Accountability and Transparency Review of current law, policy, processes, practices, resources, and Service culture relevant to countering sexual assault and harassment in the Coast Guard. This will include examining how we improve our required reports to Congress on this subject.

In addition to and in conjunction with that Review, the Coast Guard is taking many other steps to improve our processes. We are closely examining efforts to hold leaders at all levels accountable for workplace climate. Observed behavior is changed behavior, and our organization is developing processes to evaluate, grade and rehabilitate workspace climates where data trends suggest additional command oversight is needed. The Coast Guard does not tolerate behaviors on the continuum of harm in any form. There will be no rest until zero tolerance for harmful behaviors is reached throughout the Coast Guard. We are implementing the military justice reforms included in *National Defense Authorization Action for Fiscal Years 2022 and 2023*, for which President Biden recently issued an Executive Order. Additionally, the Coast Guard is maximizing strategic communications, developing metrics that assess outcomes, and examining resource utilization to maximize success.

It is essential that the workforce be transformed, our competitive edge in recruitment and retention sharpened, and our mission ready stance advanced. This requires alignment of the total workforce in a non-negotiable stance against sexual assault and sexual harassment, empowering Coast Guard teams to deliver agile, capable response to national issues, without fear of violation or retaliation.

In addition to empowering leaders with clearer expectations, relevant data, and strategies for success, the Coast Guard is pursuing new training designs that present meaningful learning to the workforce, in a classroom and in the field. These changes will improve the quality of life for our workforce and strengthen our operational readiness. These persistent actions coupled with scalable implementation of recommendations put forth by the Independent Review Commission on Sexual

Assault in the Military, as approved by the Secretary of Defense, will promote a healthier environment for all uniformed members, civilian employees, and our families.

Our commitment today and every day is to be a strong, nimble, resilient, and inclusive workforce for the Nation.

This report is provided to the following members of Congress:

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

The Honorable Ted Cruz  
Ranking Member, Senate Committee on Commerce, Science, and Transportation

The Honorable Sam Graves  
Chairman, House Committee on Transportation and Infrastructure

The Honorable Rick Larsen  
Ranking Member, House Committee on Transportation and Infrastructure

The Honorable Mark E. Green  
Chairman, House Committee on Homeland Security

The Honorable Bennie G. Thompson  
Ranking Member, House Committee on Homeland Security.

I am available to answer any 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 "LL Fagan". The signature is stylized with a large, sweeping initial "L" and a cursive "Fagan".

Linda L. Fagan  
Admiral, U.S. Coast Guard  
Commandant



# Sexual Assault in the U.S. Coast Guard (FY 2022)

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# I. Legislative Language

This report responds to the language in the Section 217 of the *Coast Guard Authorization Act of 2010* (Pub. L. No. 111-281), as amended by the *John S. McCain National Defense Authorization Act for Fiscal Year 2019* (Pub. L. No. 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 assault and sexual harassment incidents against members of the Coast Guard, and the number of sexual assaults 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 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

In February 2021, the President ordered the Secretary of Defense to establish an Independent Review Commission (IRC) on Sexual Assault in the Military. The IRC delivered 82 recommendations to the Secretary of Defense divided into four lines of effort (LOE): (1) Accountability, (2) Prevention, (3) Climate and Culture, and (4) Victim Care and Support. The Secretary of Defense approved an implementation roadmap for 82 recommendations in September 2021. In a comprehensive and coordinated approach, the United States Coast Guard (Coast Guard or the Service), in coordination with the Secretaries of the Military Departments, reviewed the IRC Report and its recommendations, as approved by the Secretary of Defense. The Coast Guard identified 42 actionable recommendations and developed a Coast Guard IRC Plan of Action and Milestones (PoAM), located in Appendix A.

Since 2018, the Deputy Commandant for Mission Support, at the direction of the Vice Commandant of the Coast Guard, has chaired the Sexual Assault Prevention, Response, and Recovery (SAPRR) Subcommittee. This Subcommittee<sup>1</sup> developed the 2018-2022 SAPRR Strategic Plan – a framework to align resources and efforts to counter sexual assault<sup>2</sup> and sexual harassment<sup>3</sup> in the Service. To this end, the Coast Guard’s 2018-2022 SAPRR Strategic Plan is retired, and the modified IRC PoAM serves as a new framework to guide organizational change. SAPRR’s focus centers on implementing effective and wide-reaching integrated primary prevention strategies to build population-level protective factors that stop harmful behaviors before they occur. Integrated primary prevention will work across the Health Safety and Work-Life enterprise to address all harmful behaviors, to include sexual assault and harassment. Collectively, the expectation is cultivation of healthy, inclusive, and safe workspaces and increased well-being across the Coast Guard workforce. Independently and with Department of Defense (DoD) support, the Coast Guard continues to assess SAPRR efforts and hold itself accountable by following the

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<sup>1</sup> The SAPRR Subcommittee includes executive level membership from the following offices: Assistant Commandant for Human Resources, Civil Rights Directorate, Director Governmental & Public Affairs, Judge Advocate General & Chief Counsel, Chaplain of the Coast Guard, Assistant Commandant for (Maritime) Prevention Policy, Director of Operational Logistics, Coast Guard Investigative Service, Coast Guard Academy, and Master Chief Petty Officer of the Coast Guard.

<sup>2</sup> Sexual assault is intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority, or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific Uniform Code of Military Justice offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit any of these acts.

<sup>3</sup> Sexual harassment is gender-based harassment in which the aggrieved and harasser can be or identify as the same or another gender. Consequences for sexual harassment differ from other harassing behavior (see section 18). Sexual harassment occurs where the subject knowingly makes sexual advances, demands or requests for sexual favors, or knowingly engages in other acts of a sexual nature; such conduct is unwelcome; AND under the circumstances, such conduct: (1) Would cause a reasonable person to believe, and the person at whom the behavior is directed does believe, that submission to such conduct is, or would be made, either explicitly or implicitly, a term or condition of that person’s job, pay, career, benefits, or entitlements; (2) Would cause a reasonable person to believe, and the person at whom the behavior is directed does believe, that submission to, or rejection of, such conduct is, or would be used, as a basis for decisions affecting that person’s job, pay, career, benefits, or entitlements; OR (3) Is so severe, repetitive, or pervasive that it unreasonably interferes with an individual’s work performance, or other conditions of employment, OR a reasonable person would perceive, and the person at whom the behavior is directed does perceive, an intimidating, hostile, or offensive working environment.

latest in harmful behavior and primary prevention research, data, and analysis to inform continuous improvement to policies, products, and processes. The end goal is to stamp out sexual assault and sexual harassment from the Coast Guard's ranks. The Coast Guard remains committed to creating inclusive workplaces where all can thrive.

The following provides a synopsis of accomplishments for the 2018-2022 Sexual Assault Strategic Plan and aligns retired LOEs with DoD directed, and Coast Guard adopted, four IRC LOEs.

- **Climate - Create a zero-tolerance culture for behaviors that enable sexual assault and sexual harassment:** In August 2021, the Commandant established a working group to conduct an in-depth examination of policies and processes designed to address harassing behaviors. In 2021, DoD's Office of People Analytics, administered the Workplace and Gender Relations (WGR) Survey to collect culture and climate insights from across all military services. WGR survey data will inform strategy and resourcing for future integrated primary prevention efforts and provide context to sexual harassment and assault trends. The 2018-2022, SAPRR Strategic Plan Climate LOE evolved with the IRC, and is now Coast Guard IRC PoAM LOE #3, Climate and Culture.
- **Prevention - Counter sexual assault in the Coast Guard through the foundation of a strong preventive culture:** The Integrated Prevention Program Manager, a civilian subject matter expert with public health experience in integrating prevention efforts, was hired in June 2022 as the Coast Guard's first primary prevention staff member. The Integrated Prevention Program Manager will establish foundational elements of integrated primary prevention policies, procedures, products, and outreach designed to build and strengthen protective factors across the total force. The Prevention LOE will not retire and continues in Coast Guard IRC PoAM LOE #2, Prevention.
- **Response - Improve the availability and quality of response support for sexual assault victims. Increase victim confidence and remove the stigma associated with reporting:** Standardization was the theme for FY 2022. Section V of this report will highlight progress made in policy, training, education, and outreach designed to increase sexual assault responder competency to provide victim-centric, trauma-informed services. The Response LOE is maturing and is incorporated into Coast Guard IRC PoAM LOE #4, Victim Care and Support.
- **Accountability - Hold persons who commit sexual assault or who engage in or enable sexual harassment appropriately accountable. Improve capability and capacity for the reporting, investigation, and prosecution of sexual harassment and sexual assault, and elevate leadership engagement in response to both:** The Coast Guard protects the health and safety of sexual assault victims and holds those who commit sexual assault appropriately accountable while preserving their due process rights. Coast Guard Investigative Service (CGIS) special agents investigated all Unrestricted Reports and full-time trial counsel prosecuted all sexual assault charges referred to trial at courts-martial. The Coast Guard participated in an advisory role to the IRC LOE #1 – Accountability working group and is acting on statutory reforms to the military justice system in accordance with the *National Defense Authorization Action for Fiscal Year 2022* (NDAA) requirements. Specifically, pursuant to the new Section 824a of Title 10, U.S. Code, the Coast Guard is establishing an Office of the Chief Prosecutor (CG-OCP) to be led by an experienced attorney in the paygrade of O-7, designated as the Chief Prosecutor of the Coast Guard. Among other authorities, the Chief Prosecutor will have sole and independent authority to decide whether to refer and

pursue prosecution for allegations of covered offenses<sup>4</sup> at courts-martial, an authority previously held by field commanders. The CG-OCP will also house a cadre of Special Trial Counsel, experienced military justice prosecutors specifically qualified to prosecute covered offenses. Reorganization to stand up the CG-OCP is ongoing and the CG-OCP will be operational by December 2023.

- **Recovery - Provide comprehensive and flexible victim recovery care to facilitate a return toward wellness and opportunity for continued service:** The Coast Guard prioritizes recovery. A detailed list of actions aimed to explain this commitment are captured in Section V. Centering efforts on victim recovery is now identified by the Military Departments as a best practice and captured in Coast Guard IRC PoAM #4, Victim Care and Support.

The Coast Guard is memorializing policy and practice adaptations, to include actions required by the Coast Guard directed IRC PoAM, in the revised SAPRR Manual, Commandant Instruction 1754.10 (series), expected to be published in FY 2023.

## **B. Sexual Harassment**

The Coast Guard Civil Rights Directorate (CRD) proactively engages with Coast Guard accession commands and the workforce to support a climate that fully embraces Coast Guard core values of honor, respect, and devotion to duty. The Coast Guard ensures this by persistently fostering behaviors and actions that decry discrimination and harassment.

The Anti-Harassment and Hate Incident (AHHI) policy defines prohibited harassment as including, but not limited to, unwelcome verbal, nonverbal, or physical conduct intended to purpose or effect unreasonable interference with an individual's work performance or creating an intimidating, offensive, or hostile environment based on a protected status. Sexual harassment is a form of prohibited harassment.

The Coast Guard determined that the most effective way to curtail harassing behavior is to recognize and treat it as misconduct, even if it does not rise to the level of harassment actionable under laws and regulations. A single utterance of an ethnic, racial, or sexual epithet that offends an employee may not be severe enough to constitute unlawful harassment in violation of federal law; however, such conduct is inappropriate, inconsistent with the Coast Guard's core values, and it is the expectation that it will be addressed before it reaches harassment levels.

In addition to the AHHI policy, military members and civilian employees may also file complaints of sexual harassment using the Equal Employment Opportunity (EEO)/Equal Opportunity (EO) process to inquire, investigate, and adjudicate allegations of discrimination and harassment,

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<sup>4</sup> Pursuant to Section 533 of the NDAA for FY22, PL 117-81, December 27, 2021, 135 Stat 1541, covered offenses include the following UCMJ Offenses:

- Article 117a - Wrongful Broadcast or Distribution of Intimate Visual Images; Article 118 - Murder
- Article 120 - Sexual Assault; Article 120b - Sexual Assault of A Child
- Article 120c - Other Sexual Misconduct (Indecent Exposure, Indecent Viewing); Article 125 - Kidnapping
- Article 128b - Domestic Violence; Article 130 - Stalking
- Article 132 – Retaliation; Article 134 - Child Pornography
- Article 80, 81, or 82, UCMJ, offenses of attempt, conspiracy, or solicitation of the above offenses is also considered a covered offense

It is expected that the Article 134, UCMJ, offense of sexual harassment will be included as a covered offense in forthcoming FY 2023 military justice reform legislation.

including sexual harassment. The EEO process for civilian employees is outlined by the Equal Employment Opportunity Commission (EEOC) Federal Sector Regulations at 29 Code of Federal Regulations (C.F.R.) Part 1614. The Coast Guard's policy provides its military members equal opportunity during their military service. The military EO complaint process, patterned to the extent practicable after the procedure for civilian employees, mirrors much of the process outlined by the EEOC. The Coast Guard uses independent, contracted investigators that have received training in accordance with 29 C.F.R 1614.

Any proven claim of sexual harassment affords relief to employees and accountability for the Coast Guard. Pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act Public Law 107-174, agencies must pay for settlements, awards, or judgments against them. The No FEAR Act also requires reporting of findings of discrimination and harassment, including sexual harassment, to Congress. The Elijah E. Cummings Federal Employee Antidiscrimination Act (FEAA) modified the No FEAR Act to add additional accountability measures, including the requirement to post findings of proven claims on the public website for one year, report proposed disciplinary actions against the responsible Federal employee, and require notation of any adverse actions and the reason for the action in the personnel record of the responsible employee.

The Coast Guard may now hold members appropriately accountable under a stand-alone sexual harassment offense under Article 134 of the Uniform Code of Military Justice (UCMJ), as authorized by Executive Order 14062 in January 2022. This new offense aims to resolve ambiguity and difficulties arising from the previous practice of holding offending service members appropriately accountable under various alternative UCMJ charging theories.

The CRD maintains 16 detached offices throughout the country, along with more than 50 Civil Rights Service Providers available to assist Coast Guard personnel with understanding the complaint processes, 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 is hosted online or in instructor-led training from Civil Rights Service Providers.

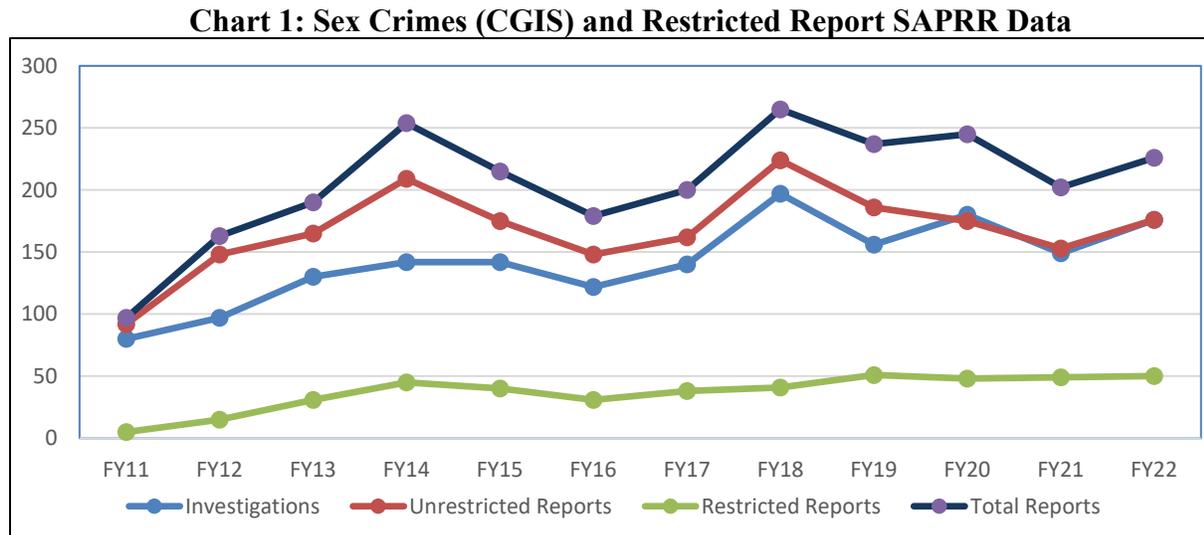
### III. Data Report

#### A. Sexual Assault

In FY 2022, the Coast Guard received 226 total reports of sexual assault, an increase from 202<sup>5</sup> reports received in FY 2021. The breakdown in reporting was 176 Unrestricted and 50 Restricted. The Coast Guard initially received 70 Restricted Reports; however, 20 victims converted their Restricted Reports to Unrestricted Reports, leaving 50 Reports Restricted – a conversion rate of 28 percent. Of note, one of the Restricted conversions to Unrestricted were a direct result of a Catch a Serial Offender (CATCH) match and three Restricted Reports from the FY 2021 were converted to Unrestricted Reports.

During FY 2022, the Coast Guard conducted 176 investigations of Unrestricted Reports<sup>6</sup> of sexual assault.<sup>7</sup> There were 176 reported victims<sup>8</sup> in Unrestricted Reports and 176 reported subjects.<sup>9</sup>

Chart 1 below displays report and investigation trends from FY 2011 to FY 2022.



**Table 1: Breakdown of Total Reports of Sexual Assault for FY 2022**

# Restricted Reports	70
# Unrestricted Reports	176
# Restricted Reports Converted to Unrestricted <sup>10</sup>	20
<b>Total # Reports</b>	<b>226</b>

<sup>5</sup> Of the 226 reports, 176 are Unrestricted and include 20 reports that were previously Restricted Reports in FY 2022 and previous year Restricted Reports that converted in FY 2022.

<sup>6</sup> For ease of reference, third-party reports, and victim reports to the chain of command or law enforcement, in addition to Unrestricted Reports elected via Coast Guard Form 6095, are included in this total.

<sup>7</sup> Sexual assault is covered under UCMJ current and previous versions, Articles 120 (Rape and sexual assault generally), 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.

<sup>8</sup> This represents all sexual assaults reported to CGIS.

<sup>9</sup> These numbers are subject to modification as investigations proceed, and the status of the data provided is current through September 30, 2022, which is the last day of FY 2022.

<sup>10</sup> Number incorporated into Unrestricted Reporting.

**Table 2: Breakdown of Coast Guard Military Status for Subjects and Victims in Unrestricted Reports for FY 2022<sup>11</sup>**

# Service Member on Service Member	104
# Service Member on Non-Service Member	37
# Non-Service Member on Service Member	23
# Unidentified Subject on Service Member	11
# Unknown <sup>12</sup>	1
<b>Total # Subjects</b>	<b>176</b>

**Table 3: Location of Sexual Assaults in Unrestricted Reports for FY 2022**

# On military installation	48
# Off military installation	88
# Both On and Off military installation <sup>13</sup>	2
# Unknown	35
Relevant Data Not Available (RDNA) <sup>14</sup>	3
<b>Total # Victims</b>	<b>176</b>

**Table 4: Penetration [P] and Non-Penetration [NP] Offenses in Unrestricted Reports for FY 2022**

Abusive Sexual Contact (Art. 120) [NP]	89
Aggravated Sexual Contact (Art. 120) [NP]	4
Rape (Art. 120) [P]	52
Sexual Assault (Art. 120) [P]	24
RDNA	7
<b>Total # Victims</b>	<b>176</b>

**Table 5: Alcohol/Drugs Suspected<sup>15</sup> in Unrestricted Reports for FY 2022**

# Yes	61
# No	48
# Unknown	63
<b>Total # Victims</b>	<b>176</b>

**Table 6: Breakdown of # Victims in Unrestricted Reports in FY 2022**

# Service Member	138
# Service Member (from other Service)	4
# Non-Service Member	31
# Unknown	3
<b>Total # Victims in Unrestricted Reports</b>	<b>176</b>

<sup>11</sup> This figure offers a breakdown of victims and subjects, per investigation, based upon a categorized military status of Coast Guard Service Member, Non-Service Member, and Unidentified Subject. This figure does not account for the multiple victims and subjects that may present in an investigation.

<sup>12</sup> Victim declined to provide information or cooperate in the investigation.

<sup>13</sup> The numbers represent individual cases, not individual incidents. A case may have several incidents, some of which could have occurred on or off the installation.

<sup>14</sup> Data provided on Unrestricted sexual assault reports represent the state of CGIS data at the time of the final pull for FY 2022. Data may be incomplete at the time of the CGIS data pull, despite best efforts by CGIS to capture all data points. Therefore, some information presented is categorized as "relevant data not available" (RDNA).

<sup>15</sup> This information is gathered through the investigation- from the subject, witness, and victim interviews on whether or not alcohol was consumed.

**Table 7: Gender of Victims in Unrestricted Reports in FY 2022**

# Female	139
# Male	35
# Undetermined	2
<b>Total # Victims in Unrestricted Reports</b>	<b>176</b>

**Table 8: Breakdown of # Subjects in Unrestricted Reports in FY 2022**

# Service Member	141
# Service Member (from other Services)	5
# Non-Service Member	17
# Unidentified Subjects	12
RDNA	1
<b>Total # Subjects in Unrestricted Reports</b>	<b>176</b>

**Table 9: Gender of Subjects in Unrestricted Reports in FY 2022**

# Female	15
# Male	153
# Unidentified	6
RDNA	2
<b>Total # Subjects in Unrestricted Reports</b>	<b>176</b>

**Table 10: Days Elapsed from Time of Assault to Time of Report to Law Enforcement (LE) for FY 2022 Investigations<sup>16</sup>**

# Less than 7 days from assault to report to LE	53
# Greater than 1 week - 1 month from assault to report to LE	33
# Greater than 1 month - 6 months from assault to report to LE	35
# Greater than 6 months - 1 year from assault to report to LE	21
# Greater than 1 year from assault to report to LE	34
<b>Total # FY 2022 Investigative data from Reports</b>	<b>176</b>

**Table 11: Case Disposition of Subjects from Investigations Opened in FY 2022**

Disposition for <u>Subjects</u> from “Closed” Investigations:	
# Judicial	0
# Non-Judicial Punishment	8
# Administrative Action	10
# No Action Taken <sup>17</sup>	40
Case Disposition of Remaining Subjects from Active/Closed-Referred Investigations:	
# Pending Determination	118
<b>Total # Subjects from FY 2022 Investigations</b>	<b>176</b>

<sup>16</sup> This section provides information showing days elapsed from the date the alleged assaults occurred until the date reported to LE.

<sup>17</sup> “No Action Taken “could indicate that the allegations were not substantiated, or the Coast Guard did not have jurisdiction (i.e., pre- service allegations, non-CG employee subject)

**Table 12: FY 2022 Status of Case Dispositions for Subjects from Prior FY Investigations<sup>18</sup>**

Disposition for Subjects from Prior FY “Closed” Investigations:	
# Judicial	1
# Non-Judicial Punishment	1
# Administrative Action	1
# No Prosecution	1
Case Disposition of Remaining Subjects from Active/Closed-Referred Investigations:	
# Pending Determination	61
<b>Total # Case Dispositions from previous FY Investigations Accounted for in FY 2022</b>	<b>74</b>

## B. Sexual Harassment

Reported allegations of sexual harassment decreased from 122 in FY 2021<sup>19</sup> to 88 in FY 2022, a 28 percent decrease. The Coast Guard’s harassment policies, complaint processes, and procedures are well established and available to accept and investigate reports, make determinations, and hold appropriately accountable any personnel in substantiated cases.

The Coast Guard’s CRD is the technical authority for handling all allegations of harassment and capturing and maintaining this data. The Coast Guard has two complaint processing procedures to raise claims of sexual harassment along with other prohibited bases of harassment and hate incidents: the statutory Equal Employment Opportunity process and the agency’s AHHI procedure.

Under AHHI<sup>20</sup> policy, the Coast Guard conducted 88 investigations<sup>21</sup> into allegations of sexual harassment. The Coast Guard substantiated<sup>22</sup> sexual harassment in 40 cases. Of the substantiated cases, the primary responsible individuals included 36 military personnel, two civilian employees, one Auxiliarist (volunteer) and one unidentified member.

No military members filed formal discrimination complaints within the regulatory process for claims of sexual harassment in FY 2022.

<sup>18</sup> Information in this section is dispositions for investigations opened in FYs prior to FY 2021 but disposed of/adjudicated during FY 2022. Previously accounted for investigations include those opened in FYs 2016-22.

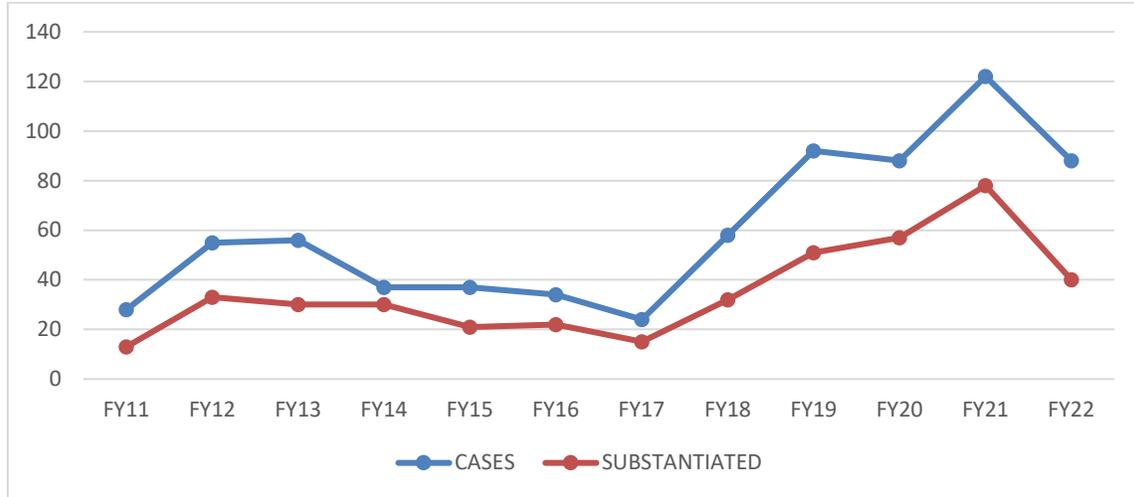
<sup>19</sup> At the close of FY 2021, 113 reports of sexual harassment were received and reported on the FY 2021 Reports to Congress but due to various operational and administrative delays, units reported additional cases after the end of the FY.

<sup>20</sup> Per COMDTINST M5350.4E, Chapter 3.C, the Coast Guard’s CRD reviews, monitors, and collects reports of instances of harassment (including sexual harassment) and Hate Incidents via the Coast Guard AHHI Program.

<sup>21</sup> Each case may have multiple reports from multiple aggrieved victims and may involve one or more alleged responsible individuals.

<sup>22</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 take prompt, effective action to stop the behaviors before becoming unlawful.

**Chart 2: Sexual Harassment in the Coast Guard**



Tables 13-18 reflects data received in each of the cases (e.g., number of investigations, aggrieved victims, or subjects). The number of cases will not equal the total number of reports, aggrieved victims, and/or alleged responsible individuals due to some cases having multiples of each.

**Table 13: Breakdown of primary alleged responsible individuals and aggrieved victims in AHHI Sexual Harassment Reports**

# Service Member on Service Member	63
# Service Member on Civilian	1
# Civilian on Service Member	2
# Unidentified Subject on Service Member	11
# Service Member on Unidentified Subject	3
# Civilian on Civilian	5
# Civilian on Unidentified Member	1
# Unidentified Member on Unidentified Member	2
# Unidentified Subject on Civilian	0
<b>Total # of Sexual Harassment AHHI Cases:</b>	<b>88</b>

**Table 14: Location of Sexual Harassment AHHI Cases**

# On Military Installations	83
# Off Military Installations	0
# Both On and Off Military Installations	5
# Unidentified location	0
<b>Total # of Sexual Harassment AHHI Cases:</b>	<b>88</b>

**Table 15: Primary Reported Behaviors of Sexual Harassment AHHI Cases**

# Calls/Texts/Social Media	9
# Comment/Remarks (Verbal)	65
# Reprimand <sup>23</sup>	1
# Inappropriate Display	4
# Other	9
<b>Total # of Sexual Harassment AHHI Cases:</b>	<b>88</b>

**Table 16: Breakdown of Primary Aggrieved Victims Employment Status**

# Service Member	74
# Service Member (from other Services)	0
# Civilian	7
# Unidentified Member	7
<b>Total # of Sexual Harassment AHHI Cases:</b>	<b>88</b>

## a. Sex of Primary Aggrieved Victim

# Female	65
# Male	16
# Unknown	7
# Transgender	0
<b>Total # of Sexual Harassment AHHI Cases:</b>	<b>88</b>

b. Rank/Grade<sup>24</sup> of Primary Aggrieved Victim

Cadet	6
Recruit	6
Jr. Enlisted (E2-E6)	60
Sr. Enlisted (E7-E9)	1
Jr. Officer (O1-O3)	2
Sr. Officer (O4+)	0
Jr. Civilian (GS1-GS12)	1
Sr. Civilian (GS13-SES)	3
Wage Grade	0
Other	2
Unknown	7
<b>Total # of Sexual Harassment AHHI Cases:</b>	<b>88</b>

**Table 17: Breakdown of Primary Alleged Responsible Individuals**

## a. Employment Status of Primary Alleged Responsible Individual

# Service Member	71
# Service Member (from other Services)	0
# Civilian	9
# Unidentified Subjects	8
<b>Total # of Sexual Harassment AHHI Cases:</b>	<b>88</b>

<sup>23</sup> A reprimand is a rebuke by supervisor for work performance or conduct, A reprimand by a supervisor may be verbal or written and is distinct from a general verbal comment or remark.

<sup>24</sup> Groupings for rank/pay grades are aligned with the Defense Organizational Climate Survey (DEOCS) with the exception of Cadets and Recruits due to their unique status.

b. Sex of Primary Alleged Responsible Individual

# Female	3
# Male	77
# Unknown	8
<b>Total # of Sexual Harassment AHHI Cases:</b>	<b>88</b>

c. Rank/Grade of Primary Alleged Responsible Individual

Cadet	4
Recruit	5
Jr. Enlisted (E2-E6)	47
Sr. Enlisted (E7-E9)	10
Jr. Officer (O1-O3)	2
Sr. Officer (O4+)	0
Jr. Civilian (GS1-GS12)	6
Sr. Civilian (GS13-SES)	2
Wage Grade	1
Other	1
Unknown	8
<b>Total # of Sexual Harassment AHHI Cases:</b>	<b>88</b>

**Table 18: Case Disposition of Substantiated Sexual Harassment AHHI Cases in FY 2022**

Primary Actions Taken in Closed Cases:	
# Actions Pending HR (Civilian)	1
# Administrative Remarks/CG-3307/Page 7	10
# Courts-martial	0
# Discharged	3
# Expectations Communicated	1
# UCMJ Article 15 Proceedings/Captains Mast	16
# Reduced in Grade-Rank/Demotion	0
# Reassignment	2
# Removal From Advancement/Promotion List	0
# Removal From Position/Relieved of Duties	2
# Suspension	0
# Terminated Employment (Civilian)	0
# Training	0
# Verbal counseling	2
# Written Counseling/Caution/Warning	3
# Written Reprimand	0
<b>Total # Substantiated Sexual Harassment AHHI Cases:</b>	<b>40</b>
Case Disposition of Remaining Cases from Open Investigations:	
# Active Cases (Open; Investigation Ongoing)	17
# Referred for Prosecution or Criminal Investigation (AHHI Investigation Closed; Case Pending Adjudication) <sup>25</sup>	1
# Not Reported by Command	0
<b>Total # Open Cases Remaining from FY 2022 Cases:</b>	<b>18</b>
<b>Total # Unsubstantiated Sexual Harassment AHHI Cases:</b>	<b>30</b>

<sup>25</sup> Closed-Referred for Prosecution are closed cases that were referred to CGIS.

## IV. List of Incidents and Disciplinary Results

### A. Sexual Assault

The following list provides the synopsis and disciplinary action taken in Coast Guard general and special courts-martial tried in FY 2022, involving a report of Article 120, UCMJ offense committed by a Coast Guard Member. Due to case timelines, the below case outcomes may have originated from allegations prior to FY 2022. Similarly, allegations originating in FY 2022 may be in process and not included below.

1.	The convening authority <sup>26</sup> referred the following to a general court-martial: one specification of sexual assault, one specification of indecent exposure, and one specification of indecent conduct. These charges were being tried at a contested general court-martial at the end of FY 2022. The proceedings were stayed until early Calendar Year 2023 by the Coast Guard Court of Criminal Appeals following an extraordinary writ by special victim counsel.
2.	The convening authority referred the following to a special court-martial: one specification of abusive sexual contact, one specification of unlawful touching, and one additional specification of unlawful touching. Pursuant to a plea agreement, the member pleaded guilty to one specification of unlawful touching at a summary court-martial. The remaining specifications were withdrawn and dismissed. The member was sentenced to 21 days of restriction, forfeiture of \$1,000, reduction from paygrade E-6 to E-5, and a punitive letter.
3.	The convening authority referred the following to a general court-martial: two specifications of sexual assault, one specification of drunk and disorderly conduct, and one specification of drunken operation of a vehicle. Pursuant to a plea agreement, the convening authority withdrew and dismissed these charges, referred one additional specification of abusive sexual contact to a special court-martial, and the member pleaded guilty to this one additional charge. The member was sentenced to 10 months of confinement, reduction from paygrade E-4 to E-1. Pending plea agreement, member agreed to an Other than Honorable discharge.
4.	The convening authority referred the following to a general court-martial: two specifications of violating a lawful order, one specification of abusive sexual contact, two specifications of unlawful touching, one additional charge of wrongfully communicating a threat, and one additional specification of sexual assault. At a contested general court-martial, the member was convicted of one specification of violating a lawful order and one specification of unlawful touching; the member was acquitted of the remaining charges. The member was sentenced to 15 days of restriction, a reprimand, and reduction from paygrade E-5 to E-3.
5.	The convening authority referred the following to a general court-martial: one specification of sexual assault, one specification of assault consummated by battery, and one specification of indecent conduct. At a contested general court-martial, the member was acquitted of all charges.

### B. Sexual Harassment

The following list provides the synopsis and actions taken by the Coast Guard against personnel when an investigation substantiated sexual harassment in violation of the Coast Guard Anti-Harassment/Hate Incident policy. Disciplinary or administrative actions may be taken under the UCMJ for military personnel.

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<sup>26</sup> A convening authority is a person occupying a position of command, designated in Article 22 or Article 23, UCMJ, or designated by the Secretary of Homeland Security, and authorized to convene a court-martial.

**Military Personnel:**

1.	Member received Administrative Remarks (CG3307) in their military record, documenting the incident.
2.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident. Member was removed from the Coast Guard's Prospective Surfman Program (PSP) and member's continuation for the PSP was not endorsed. Member was also not recommended for advancement.
3.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident. Member was also not recommended for advancement. Member was required to complete all Sexual Harassment Prevention and Anti-Harassment Trainings.
4.	Member was relieved of their duties.
5.	Member received non-judicial punishment (NJP) under Article 15 of the UCMJ for violating Article 92 and Article 134.
6.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident and received verbal counseling.
7.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident. Member was not recommended for advancement and verbally counseled.
8.	Member received written counseling on their performance probation noting any future incidents may lead to separation.
9.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident and received verbal counseling.
10.	Member received NJP under Article 15 of the UCMJ for violating Article 92.
11.	Member received NJP under Article 15 of the UCMJ for violating Article 92.
12.	Member was recommended to the Recruit Evaluation Board (REB) and discharged.
13.	Member received NJP under Article 15 of the UCMJ for violating Article 92, 128, 131b, 134, and 107.
14.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident.
15.	Member received NJP under Article 15 of the UCMJ and was reduced in rank from E6 to E5. Member was reassigned to administrative duties, was not eligible for transfer, and discharged.
16.	Member received NJP under Article 15 of the UCMJ for violating Article 92.
17.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident.
18.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident and received verbal counseling.
19.	Member received NJP under Article 15 of the UCMJ.
20.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident. Member was discharged.
21.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident and received verbal counseling.
22.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident, received verbal counseling, and was required to complete additional training.
23.	Member received NJP under Article 15 of the UCMJ for violating Article 92 and 134.
24.	Member received verbal counseling on inappropriate and unacceptable conversations. Member was discharged.
25.	Member received Administrative Remarks (CG-3307) in their military record, documenting the incident, received verbal counseling, and was required to complete additional training.
26.	Member received NJP under Article 15 of the UCMJ and was verbally counseled.
27.	Member received NJP under Article 15 of the UCMJ.
28.	Member received Administrative Remarks (CG3307) in their military record, documenting the incident, and an unsatisfactory mark in conduct on their Enlisted Evaluation Report. Member was not recommended for advancement and permanently removed from the unit.

29.	Member received Administrative Remarks (CG3307) in their military record, documenting the incident and received verbal counseling.
30.	Member received NJP under Article 15 of the UCMJ for violating Article 134.
31.	Member received verbal counseling.
32.	Member was discharged from recruit training.
33.	Member received NJP under Article 15 of the UCMJ for violating Article 133 and Article 134. Member was awarded a letter of Reprimand and 60 days restriction.
34.	Member received NJP under Article 15 of the UCMJ for violating Article 134.
35.	Member received NJP under Article 15 of the UCMJ for violating Article 134. Member also received an Administrative Remarks (CG-3307) in their military record, documenting the incident, for violating Article 134.
36.	Member received verbal counseling and was reverted for one-week during recruit training.
37.	Member referred to Cadet Division. <sup>27</sup>

**Civilian Employees:**

1.	Civilian employee received a Letter of Warning <sup>28</sup> and was required to complete additional training.
2.	Civilian employee is pending disciplinary actions.

**Third-Party Individuals (e.g., contractors, visitors, etc.):**

1.	A Coast Guard Auxiliarist (volunteer member) was removed and barred from all future volunteer activities.
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<sup>27</sup> Disposition of this case will be included in the Coast Guard Academy's annual report on Sexual Harassment and Violence.

<sup>28</sup> Used to address a first-time offender.

## V. Plan of Action

### A. Sexual Assault Prevention and Response: Actions Completed in FY 2022

1. *Review of the approved recommendations from the IRC on Sexual Assault in the Military and accompanying implementation roadmap:* Worked cross-programmatically with internal and external stakeholders to develop a Coast Guard directed IRC PoAM. New Coast Guard goals mirror the DoD's with LOEs scaled for agency and existing resources. Additionally, the Coast Guard reviewed provisions of, and ensured alignment with, the latest National Defense Authorization Act impacting Sexual Assault Prevention, Response, Recovery and Accountability.

The Coast Guard 2018-2022, SAPRR Strategic Plan was retired in FY 2022, and the previous goals of Climate, Prevention, Response, Accountability and Recovery are carried into the Coast Guard's directed IRC PoAM. The Secretary of Defense-approved IRC recommendations and the DoD's implementation roadmap factored into the direction of the Coast Guard's efforts for the next FY.

The WGR survey for Active and Reserve Components was conducted in FY 2022. The survey findings will be briefed to Coast Guard Leadership in FY 2023. The Coast Guard is scheduled to participate in the FY 2023, WGR survey conducted by DoD's Office of People Analytics. Multi-year data will provide much needed information on workplace climate, inform strategies, and assist in aligning resources to counter unwanted, unprofessional, and erosive behaviors.

2. *SAPRR Office of Oversight and Policy (CG-114):* The SAPRR Program Policy Manual, COMDTINST M1754.10 series, dated December 2016, is being re-written to account for programmatic growth aligned to IRC recommendations and scheduled to be published in FY 2023.
3. *SAPRR Training:* In FY 2022, Recognize, Evaluate, Assess responsibility, Confirm appropriate Action, and Take action (REACT) bystander intervention training and evaluation continued at Training Centers (TRACENs) with valuable collaboration amongst TRACEN personnel, DoD Sexual Assault Prevention and Response Office (SAPRO), and the DoD-funded evaluators-National Opinion Research Center (NORC) at the University of Chicago. The Coast Guard successfully competed for a Preventative Funding Award from DoD SAPRO as part of the FY 2021 Innovations in Sexual Assault Prevention Pilot Program (ISAPPP). The Coast Guard looks forward to NORC's assessment of this grassroot prevention initiative, opportunities for wider REACT dissemination, and continuous process improvements.

The Commanders Toolkit also received an ISAPPP grant from DoD SAPRO for evaluation as a promising best practice. NORC also serves as the evaluator, and product and process evaluation findings help inform Commanders Toolkit evolution and continuous process improvement. The Toolkit features real life scenarios for small group discussions that allow opportunities for learning, engagement, and behavior change.

The SAPRR program invested in education and training for delayed entry program and new recruits to reduce harmful behaviors that erode core values. This training impresses the importance of the Coast Guard SAPRR mission prior to arrival for enlisted basic recruit

training. In FY 2022, scalable sexual assault and prevention education for delayed entry trainees became a mandatory component of delayed entry recruit pre-accession completion requirements and establishes an effective baseline, necessary to assess future integrated prevention strategies.

Standardized SAPRR First Responder Training, designed to reinforce first responder knowledge and skills regarding the importance of victim empowerment, was formally implemented. First Responder Training focuses on opportunities in the response process to make space for a victim to execute self-determined decision-making. To develop training materials, programs collaborated with first responder communities to produce a nuanced training that speaks in one voice to all participants. Collaboration on training efforts resulted in better training products, stronger relationships, and wider buy-in across the larger enterprise.

Other examples of SAPRR stakeholder collaborations include training requested by the following groups and fulfilled by SAPRR staff:

- Civil Rights Service Providers attending Defense Equal Opportunity Management Institute;
- CGIS Special Agents attending the Special Agent Basic Training Course at the Federal Law Enforcement Training Center;
- Appointees to the National Merchant Marine Personnel Advisory Committee (N-MERPAC); and
- N-MERPACTS 21-9 Subcommittees on Sexual Harassment and Sexual Assault-Prevention and Culture Change in the Merchant Marines.

Invitations from other communities for training suggest not only perceived quality and value of training but increases the likelihood that responders working with victims of sexual assault provide care that is victim-centric and trauma-informed. As discussed above, Response efforts achieved many short-term goals; however, the collaborative trauma-informed care product and training advances the ultimate long-range goal of all first responders providing critical, consistent, trauma-informed care to sexual assault victims. Empowering victims is the first element of post-event SAPRR services.

4. *SAPRR Policy (Recovery)*: CG-114 codified policy to clarify differences between confidential disclosures and the election to file a restricted/unrestricted sexual assault report. ALCOAST<sup>29</sup> 081/22, SAPRR Policy Clarification: Sexual Assault Disclosures and Reporting Options was published in March 2022. This policy update clarified the appropriate steps for commands when filling out a SAPRR report. The update also clarified differences between a disclosure to a Coast Guard Medical Officer and a victim's election for SAPRR services which by policy requires a signed Victim Reporting Preference Statement. Without strict adherence to the process outlined in the ALCOAST, disclosure to a provider will not constitute an official report of sexual assault. The ALCOAST protects victims' reporting options and guarantees that a disclosure does not result in unintentional sharing of an incident of sexual assault without the required signed documentation electing SAPRR services.

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<sup>29</sup> ALCOAST Messages are general administrative announcements, in nature, used for award solicitations, educational opportunities, or other events. ALCOASTs expire after a year of release.

The Coast Guard recognizes there is no single solution, or for that matter one single office/person, to facilitate a person's recovery. On September 30, 2022, Coast Guard released ALCOAST 363/22: *Sexual Assault Prevention, Response and Recovery (SAPRR) Policy Update: Implementation of the Connect to Care Process*. This policy change makes it easier for victims to access care and preserve reporting options. Accessing care is the first step towards recovery and Connect to Care exemplifies victim-centric service. The Connect to Care policy mirrors the DOD's "No Wrong Door" approach to seeking services and aligns with Coast Guard directed IRC PoAM recommendation 4.2a.

5. *Education and Outreach*: To enhance Coast Guard SAPRR field personnel knowledge, Coast Guard SAPRR staff attended the 2022 International Violence Abuse and Trauma 27<sup>th</sup> Annual International Summit. The conference, led by national civilian and military researchers, policy makers, and other stakeholders, featured training, relevant research findings, and policy initiatives. Lessons learned from the conference ensure that SAPRR staff and stakeholders continue to be the well-versed subject matter experts for the commands and victims served. The conference also provided an opportunity to obtain high quality continuing education units through session attendance, a requirement for many to maintain their required National Advocate Credentialing Program (NACP) credential offered by the National Organization for Victim Assistance (NOVA).

Coast Guard Bystander Intervention Training (CG BIT) addresses a myriad of concerning behaviors, to include sexual assault, sexual harassment, bullying, hazing, intimate partner violence, etc. In FY 2022, the Coast Guard held approximately 132 CG BIT sessions and trained 4,000 personnel using the traditional in-person and virtual course sessions. This is more than double the number of sessions conducted in FY 2021. Virtual sessions continue to be offered as alternate training due to COVID-19 restrictions.

6. *Catch a Serial Offender (CATCH) Program*: The Coast Guard continues to promote the CATCH Program to the workforce. The CATCH Program offers individuals making a Restricted Report of sexual assault an opportunity to disclose suspect and incident information anonymously to identify serial offenders. The Coast Guard allows CATCH entries if the victim elects an Unrestricted Report and declines to participate with law enforcement, and the suspect's name is not otherwise known to the command or law enforcement. The Coast Guard makes an exception to normal policy on an as-needed basis in such cases. In FY 2022, the Coast Guard had 15 CATCH Program entries. One resulted in a match, and converted to an unrestricted report.
7. *Sexual Assault Awareness and Prevention Month (SAAPM)*: Every April the Coast Guard observes SAAPM. In FY 2022, Coast Guard released an updated SAPRR general administrative message that reaffirmed the Coast Guard's commitment to countering intolerable behaviors. The ALCOAST message release was a call to action and one element of a comprehensive public affairs campaign designed to help field level commands kick-off SAAPM activities. In FY 2022, Coast Guard SAAPM continued to be aligned with the DOD theme, "Step Forward. Prevent. Report. Advocate."
8. *Quality Assurance*: Since 2018, the Coast Guard has conducted a monthly Quality Assurance review process of information entered into the Defense Sexual Assault Incident Database (DSAID) Case Management system to ensure Regional Sexual Assault Response Coordinators (SARC) meet performance standards in accordance with policy. The SAPRR program tracks

and analyzes enterprise-wide data and determines potential data entry gaps. Ten percent of all Coast Guard DSAID cases are reviewed monthly to track case entry, initial/monthly case updates, and overall compliance with data entry requirements. A compliance report is generated quarterly and sent to each Regional Practice Manager and Work-Life Supervisor for review, correction, and follow-up.

9. *Volunteer Victim Advocates (VVAs)*: The Coast Guard currently has 982-trained VVAs who are credentialed through NACP and ensure compliance with policy regarding availability of advocacy resources both ashore and afloat. VVAs are assigned to units with 50 or more active duty personnel assigned and offer assistance to victims ranging from providing information and options to being officially assigned as an advocate at victim request.
10. *Victim Advocate<sup>30</sup> (VA) Training*: In FY 2022, the Coast Guard successfully trained 166 VA candidates via online training provided by the NOVA to meet the 40-hour curriculum requirement defined by the credentialing organization and Coast Guard policy. In addition to the standard 40-hour requirement, candidates were required to attend a Coast Guard-specific competencies training to augment the overall learning experience. Additionally, the Coast Guard trained 79 VA candidates via the traditional in-person class session. In FY 2022, a total of 245 VA candidates received their initial VA credentials from NOVA.
11. *Coast Guard Investigative Service (CGIS)*: CGIS special agents provided instruction and training at their yearly “in-service” on the investigation of sexual harassment incidents. CGIS recruited a seasoned Reserve Special Agent leading a Sex Crimes and Child Abuse unit in a large city, to augment the agency as the interim Sex Crimes Program Manager (SCPM). The SCPM fills a mission-critical position and as a subject matter expert provides thorough and comprehensive support to regional offices investigating sexual misconduct allegations throughout the agency. In early FY 2023, a full time SCPM should be on-boarded to replace the interim Reservist covering the gapped billet.
12. *Office of Military Justice (CG-LMJ)*: Over the past year, CG-LMJ led numerous efforts contributing to Coast Guard policies regarding prevention of and response to sexual assault. Primarily, CG-LMJ spearheaded efforts to implement the watershed military justice reforms contained in the FY 2022 NDAA. The NDAA prompted a holistic reorganization of the Coast Guard’s military justice prosecution function resulting in the ongoing stand up of the CG-OCP. In FY 2022, pursuant to the requirements codified in the NDAA’s Sections 531 through 539, the Coast Guard added and selected a Rear Admiral, an experienced attorney, to lead the CG-OCP as the Service’s inaugural Chief Prosecutor. The CG-OCP will oversee the Coast Guard’s Special Trial Counsels (STC), experienced military justice practitioners who are specially qualified and designated to oversee prosecution of covered offenses.
13. Upon implementation in December 2023, the Chief Prosecutor will assume sole and independent referral decision making authority, among other authorities, from unit commanders for covered offenses, and a STC will lead all prosecutions of alleged commissions of covered offenses. The CG-OCP will embed a CGIS agent and use this liaison to enhance early coordination between investigators and prosecutors for covered offenses. These reforms and reorganizations contribute to achieving IRC LOE #1.4.

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<sup>30</sup> The term “victim advocate” includes uniformed VVAs, as well as full-time civilian Victim Advocate Program Specialists (VAPS).

Finally, CG-LMJ continued its participation in providing data and testimony to the congressionally created Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces through attending Advisory Committee meetings, responding to numerous requests for information, and providing substantive feedback to specific inquiries.

14. Chief Trial Judge: Over the past year, the Chief Trial Judge participated in joint efforts to establish sentencing parameters and criteria as required by Section 539E of the NDAA. The Chief Trial Judge is one of five voting members on a board including the Chief Trial Judges from the Army, Navy and Marine Corps, Air Force and Coast Guard, as well as a trial judge from the Marine Corps. The board meets regularly with an optimistic goal of finalizing the initial sentencing criteria and parameters by the end of calendar year 2022. In addition to providing guidance for military specific offenses (i.e., desertion in time of war, mutiny, and sedition, etc.), the board is developing categories for UCMJ offenses which have a federal criminal law offense analog and otherwise are suitable for establishing sentencing parameters (dubbed “parameter” offenses), including sexual assault offenses. To date, there are 10 offense categories proposed for parameter offenses with ranges varying from a minimum of 0 months for a category 1 offense to a maximum of 480 months for a category 10 offense. These efforts contribute to achieving IRC LOE #1.5.
15. *Special Victims’ Counsel (SVC)*: This year the Coast Guard SVC program continued to conduct outreach and training events within the Coast Guard, to include training and education for members, command staff, CGIS, the Sexual Assault Response Program Coordinators, and Family Advocacy Program specialists. In conjunction with Coast Guard trial counsel, the SVC program developed a three-day Military Justice Symposium in Alameda, California where Coast Guard trial counsel and SVC jointly received training on emerging military justice issues and collaborated to address issues of mutual interest in Coast Guard policy. Externally, a senior SVC presented at the National Crime Victims’ Law Institute Conference in Portland, Oregon, educating victims’ attorneys nation-wide on the military justice procedure and process.

The SVC program continued its domestic violence pilot program providing legal representation to victims of intimate partner violence. Through this program, SVCs now represent approximately 30 victims of domestic violence. The SVC program worked closely with the newly created Domestic Violence Legal Assistance Attorney to address the needs of domestic violence clients and educate Family Advocacy Specialists in areas where attorneys provide aid. Recognizing a need for financial assistance for domestic violence survivors, the SVC program sought policy changes within Coast Guard Mutual Assistance (CGMA) to provide grants and loans to domestic violence survivors. As a result, CGMA announced the Safe Harbor Program, which formalizes financial support for domestic abuse survivors during the initial weeks and months after leaving a domestic violence situation.

The Coast Guard SVC program staffed a new field office in Miami, Florida with three new SVC military positions, establishing a permanent SVC presence for the Southeastern United States. Additionally, the program will shift four billets currently located in Washington, District of Columbia to the location of the new Office of Chief Prosecutor in the summer of FY 2023.

16. *Collaborative Efforts*: Collaborative efforts are ongoing and include internal and external stakeholder communities. These collaborations examine factors that contribute to sexual violence and explore strategies that reduce interpersonal violence in the Coast Guard.

Collaborations to date are:

- SAPRR Collaboration Meetings with all Coast Guard stakeholders, quarterly.
- SARC Community of Practice meetings with SARCs and Program staff, quarterly.
- DOD SAPRO Prevention Roundtable participation, quarterly.
- DOD SAPRO Integrated Process Teams, every other month.
- DOD SAPRO DSAID teleconference participation, bi-monthly.
- Coast Guard Liaison Officer assigned to DoD SAPRO.

## **B. Sexual Harassment Prevention and Response: Actions Completed in FY 2022**

1. *Establish Anti-Harassment Program Office*: As a result of the Deputy Commandant for Mission Support chartered working group to review, validate and revise instructions on harassing behaviors, the Anti-Harassment Program Office (AHPO) was established to assume and expand the previous AHHI policies and processes from CRD. The AHPO is responsible for providing executable guidance to identify, investigate, stop, correct harassing behaviors, and ensure appropriate accountability. In FY 2022, CRD provided training to the new AHPO staff on the existing database, transferred reports, job-aids, procedural guidance, and other documents. The new AHPO aligns with IRC LOE #1.2.
2. *AHHI Investigators*: Expanded the pool of independent and trained investigators for harassment, including sexual harassment. The pool of trained investigators, first initiated in January 2021, aids convening authorities in the selection of trained, impartial investigating officers, external to the command unit under investigation, and unconnected professionally or personally to the command or the reporting party. In FY 2022, the list expanded to over 475-trained investigators. Although this initiative was started before the IRC recommendations were published, this program aligns with IRC LOE #1.2.
3. *Sexual Harassment Transparency Reports*: The Coast Guard continued the practice of posting quarterly and annual summary data reports for sexual harassment reported in the AHHI process. The reports provide the workforce with a snapshot of the number of reported incidents, reported behaviors, rank/grade of individuals involved, and disposition of cases.
4. *Policy Statement Issuance*: On July 11, 2022, the Commandant signed and issued new policy statements for Anti-Discrimination and Anti-Harassment and Equal Opportunity. The Commandant emphasized commitment to a diverse, inclusive, and respectful workplace where all are valued.

## **C. Sexual Assault Prevention and Response: Actions Planned for FY 2023**

Actions planned for FY 2023 will further advance the Coast Guard's prevention, response, and recovery efforts.

Selected items for FY 2023 include:

1. The Coast Guard continues to review recommendations of the IRC on Sexual Assault in the Military, as approved by the Secretary of Defense, and the accompanying implementation roadmap, and work cross-programmatically with internal and external stakeholders as needed to improve the SAPRR Program at the appropriate scope and scale for the Service. Additionally, the Coast Guard will review provisions of the latest NDAA impacting SAPRR prevention, response, and accountability and seek alignment.
2. The Coast Guard will assess progress made toward completing action items on the Coast Guard IRC PoAM. Like the DoD SAPRO, the Coast Guard IRC PoAM is a multi-year commitment. The Coast Guard will assess progress and begin drafting an outline for a new SAPRR Strategic Plan, for FY 2024. The approved IRC recommendations and the DoD's implementation roadmap will factor into the direction of the FY 2024 - FY 2028 Coast Guard SAPRR Strategic Plan.
3. The SAPRR Program Policy Manual, COMDTINST M1754.10 series is under final development and anticipate publication in FY 2023.
4. The Coast Guard is committed to ongoing efforts to develop scalable, accessible, crosscutting prevention training for accession sources to include delayed-entry enlisted recruits and Coast Guard Academy incoming cadets. Training will cover subjects along the continuum of harm: sexual assault, harassment, discrimination, alcohol and drug misuse, and diversity and inclusion.
5. CG-114 will develop an implementation plan to revamp online Workforce Resilience Training, currently used to satisfy annual SAPRR training, and augment with opportunities for in-person SAPRR training facilitated by NACP credentialed SAPRR staff.
6. Coast Guard is working with the Civilian Personnel Office and leadership is considering restructuring options in accordance with Office of Personnel Management guidelines and the DoD response workforce model.
7. The Coast Guard will establish policy that expands convalescent leave to victims of sexual assault. Expanding convalescent leave is in alignment with DoD IRC recommendation 4.3.e.
8. The Coast Guard will conduct a comprehensive review of the standardized training curriculum and methods for instruction for new-hire SARC and Victim Advocate Program Specialists (VAPS).
9. The SVC Program will continue to participate in and provide testimony to congressional oversight bodies on the growth of the program and other issues related to victims' rights, including retaliation, domestic violence, and appellate rights.
10. As outlined in the Coast Guard's report, "Special Trial Counsel," submitted to Congress on March 9, 2023, the Coast Guard will certify and detail Special Trial Counsel (STC) pursuant to Congressional direction in 10 U.S.C. § 824a, enacted in December 2021, to exercise "exclusive authority" over 11 "covered offenses" after December 27, 2023, displacing authority exercised by commanders. The covered offenses include sexual assault and most serious offenses. In

December 2022, Congress added three other covered offenses, including sexual harassment. Exclusive authority includes initiating charges for covered, known, and related offenses, referring them to courts-martial, and certain dispositions including entering into plea agreements. The Coast Guard will establish the Office of the Chief Prosecutor (OCP) led by a Rear Admiral (O-7) to which STC will be assigned. The OCP and the Chief Prosecutor will perform the same functions as the Office of STC and Lead STC in each of the other armed services, as mandated by 10 U.S.C. § 1044f which applies only to the Department of Defense. The OCP will exercise broader responsibility than its DoD counterparts to prosecute all other UCMJ offenses taken to court-martial in the Coast Guard.

11. CGIS will on-board a full-time SCPM. The SCPM will identify quality trainings for special agents to attend, review past and present investigations to apply qualitative analysis to investigative approaches, and will coordinate a multidisciplinary approach that examines quantitative trends, and identifies actions to improve investigative service from case initiation to referral.

At a minimum, training for select special agents will include attendance at a specialized forensic child-interviewing course taught by the National Children's Advocacy Center. As directed by the SCPM, these special agents will continue their specialized training and CGIS' capacity to complete forensic interviews in remote areas, or in locations where a forensic interviewer is gapped, will ensure expert service, anytime, anywhere.

CGIS is exploring options to embed its agents within other Military Criminal Investigative Organizations. This interagency approach will encourage resource sharing during criminal investigations, and ensure agents maintain the highest level of skill regarding complex sexual misconduct cases.

## **D. Sexual Harassment Prevention and Response: Actions Planned for FY 2023**

Actions planned for FY 2023 include further enhancements to response and prevention efforts.

The Coast Guard continues to foster a climate inhospitable to sexual harassment and conducive to reporting harassment of all types, especially sexual harassment, as well as any other observed related unacceptable behavior. Inherent in this process are efforts to hold appropriately accountable those who commit these transgressions and those in leadership positions who undermine or ignore the prevention and response strategies outlined above.

Selected items for FY 2023 include:

1. **Expand Anti-Harassment Program Office (AHPO) Capabilities:** The Coast Guard established a dedicated AHPO in FY 2022 with staff members to build initial operating capability. AHPO will execute the policy and processes to create a workplace free of harassment and other harassing behavior by developing and implementing prevention activities, ensuring timely and independent investigation, monitoring corrective action, and supporting individual and agency accountability. The transfer of anti-harassment program functions to the new AHPO from the AHHI program in CRD began in FY 2022 and operations will fully transition in early FY 2023. Programming for AHPO full operating capability is in planning.

2. The Coast Guard is drafting and plans to promulgate the Harassing Behaviors Prevention, Response, and Accountability Instruction, COMDTINST 5350.6 in FY 2023. This Instruction integrates policy from across multiple Coast Guard organizations with the intent to reduce harmful and harassing behaviors and provide consistent accountability throughout all components of the Coast Guard workforce.
3. Efforts are underway to update Tactics, Tips, and Procedures and Community of Practice for AHHI Investigators to align AHHI procedures with the policies in Harassing Behavior Prevention, Response, and Accountability, COMDTINST 5350.6.
4. Sexual Harassment Prevention training is required annually for all personnel. The most common training completion method is by means of online computer-based training via the Sexual Harassment Online Training Course. The current version of the course is due for a review and update, as needed, in FY 2023.

## Appendix: Abbreviations

<b>Abbreviation</b>	<b>Definition</b>
AHHI	Anti-Harassment and Hate Incident
AHPO	Anti-Harassment Program Office
CATCH	Catch a Serial Offender
CG-LMJ	Office of Military Justice
CG-OCF	Office of the Chief Prosecutor
CG BIT	Coast Guard Bystander Intervention Training
CGIS	Coast Guard Investigative Service
CGMA	Coast Guard Mutual Assistance
COMDTINST	Commandant Instruction
CRD	Civil Rights Directorate
DoD	Department of Defense
DEOCS	Defense Organizational Climate Survey
DSIID	Defense Sexual Assault Incident Database
FY	Fiscal Year
IRC	Independent Review Commission
ISAPPP	Innovations in Sexual Assault Prevention Pilot Program
LE	Law Enforcement
LOE	Line of Effort
N-MERPAC	National Merchant Marine Personnel Advisory Committee
NACP	National Advocate Credentialing Program
NDAA	National Defense Authorization Action for Fiscal Year 2022
NJP	Non-Judicial Punishment
NORC	National Opinion Research Center
NOVA	National Organization for Victim Assistance
PoAM	Plan of Action and Milestones
PSP	Prospective Surfman Program
RDNA	Relevant Data Not Available
REACT	Recognize, Evaluate, Assess Responsibility, Confirm Action & Take Action
REB	Recruit Evaluation Board
SAAPM	Sexual Assault Awareness and Prevention Month
SAPRO	Sexual Assault Prevention and Response Office
SAPRR	Sexual Assault Prevention, Response and Recovery
SARC	Sexual Assault Response Coordinator
SCPM	Sex Crimes Program Manager
SVC	Special Victims' Counsel
STC	Special Trial Counsel
TRACEN	Training Center
UCMJ	Uniform Code of Military Justice
VA	Victim Advocate
VVA	Volunteer Victim Advocate
VAPS	Victim Advocate Program Specialist
WGR	Workforce and Gender Relations Survey