



FY2014 Army Crime Report

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Abbreviations

AC	Active Component
ACI2	Automated Criminal Investigative and Intelligence (case management system)
AD	Active Duty
AD	Army Directive
ADCO	Alcohol and Drug Control Officer
AFMES	Armed Forces Medical Examiner System
ALARACT	All Army Activities
ALCID Memorandum	All CID Memorandum
AMHRR	Army Military Human Resource Record
APFT	Army Physical Fitness Test
AR	Army Regulation
ARNG	Army National Guard
ASAP	Army Substance Abuse Program
AWOL	Absent Without Leave
BAC	Blood Alcohol Content
BAH	Basic Allowance for Housing
CERP	Commander's Emergency Response Program
CHPC	Community Health Promotion Council
CHU	Containerized Housing Unit
CID	US Army Criminal Investigation Command
COMPO	Component
CONUS	Continental United States
COPS	Centralized Operations Police Suite
COR	Contracting Officer's Representative
CQ	Charge of Quarters
CSA	Controlled Substances Act
CTS	Contingency Tracking System
CY	Calendar Year
DA	Department of the Army
DD Form	Department of Defense Form
DEA	Drug Enforcement Agency
DES	Directorate of Emergency Services
DFR	Dropped From the Rolls
DFSC	Defense Forensic Science Center
DMDC	Defense Manpower Data Center
DNA	Deoxyribonucleic Acid
DoD	Department of Defense
DoDI	Department of Defense Instruction
DST	Drug Suppression Team
DUI	Driving Under the Influence
EMS	Emergency Medical Services

ETS	Expiration of Term of Service
EXORD	Executive Order
FAP	Family Advocacy Program
FOO	Field Ordering Officer
FY	Fiscal Year
GO	General Order
HIPAA	Health Insurance Portability and Accountability Act
HQ	Headquarters
HQDA	Headquarters, Department of the Army
IAW	In Accordance With
IMCOM	Installation Management Command
LE	Law Enforcement
LES	Leave and Earnings Statement
LN	Local National
MEDCOM	US Army Medical Command
MP	Military Police
MPFU	Major Procurement Fraud Unit
MPR	Military Police Report
MRO	Medical Review Officer
NCO	Non-Commissioned Officer
NDA	National Defense Authorization Act
OCONUS	Outside the Continental United States
OD	Overdose
OHA	Overseas Housing Allowance
OPMG	Office of the Provost Marshal General
OPORD	Operations Order
OSD	Office of the Secretary of Defense
OTH	Other Than Honorable
OTJAG	Office of the Judge Advocate General
PCS	Permanent Change of Station
PD	Police Department
PME	Professional Military Education
PMO	Provost Marshal Office
POW	Privately Owned Weapon
PX	Post Exchange
RC	Reserve Component
RCCPDS	Reserve Components Common Personnel System
RPOC	Report Point of Contact
SHARP	Sexual Harassment/Assault Response and Prevention
SJA	Staff Judge Advocate
SPD	Separation Program Designator
SYCAN	Synthetic Cannabinoid
TCA	Tricyclic Antidepressants
TCS	Temporary Change of Station

TDY	Temporary Duty
THC	Tetrahydrocannabinol
TTP	Tactics, Techniques and Procedures
UA	Urinalysis
UCFR	Unit Commander's Finance Report
UCMJ	Uniform Code of Military Justice
USACIL	US Army Criminal Investigation Laboratory
USAR	US Army Reserve
WGRA	Workplace and Gender Relations Survey of Active Duty Members (survey)

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I – Introduction



“I encourage you to use this report to better understand disciplinary issues that impact our Army and your respective units and organizations. Review the recommendations throughout the report on education and enforcement of Army policy to support good order and discipline. As you identify high-risk behaviors within your formations and reinforce proactive actions to build upon the generally positive trends reflected in this report, we can continue to reduce crime within our Army and improve trust in our profession.”

– MG Mark Inch
Provost Marshal General

Crime is a readiness issue that affects every segment of our Force, be it a violent crime such as a sexual assault that tears at the fabric of our core values and unit cohesion or a non-violent felony as a drug crime that weakens the resiliency of the individual Soldier. Each crime hampers our ability to sustain a highly trained and ready Force, places fellow Soldiers and the mission at risk, and undermines our credibility as Army professionals in service to our Nation.

The purpose of this report is to provide commanders, leaders and program managers with actionable recommendations for improving good order and discipline through learning points, real-life vignettes and standardized crime statistics for fiscal year (FY) 2014 (i.e., 1 October 2013 to 30 September 2014) and trend analyses from FY2007-14.¹ The data in this report is intended to complement other previous and current Army reports related to discipline issues impacting the readiness of the Force. By employing the same data methodology and data sources as the *Army Gold Book* and *FY2013 Army Crime Report*, this report builds upon previous findings to provide a consistent, updated look at crime and high-risk behavior across the Force.^{2,3} The scope of crime reported is based upon founded offenses and offenses under investigation as of October 2014 committed by active duty (AD) Soldiers.^{4,5} Furthermore, it is based on law enforcement (LE) reporting and recording in the authoritative US Army Criminal Investigation Command (CID) and Provost Marshal Office (PMO) law enforcement databases. Because of this law enforcement nexus, crime numbers within this report will differ from those reported by the Sexual Harassment/Assault Response and Prevention (SHARP) Program, Family Advocacy Program (FAP), Army Substance Abuse Program (ASAP), and other Army programs.

¹ In accordance with (IAW) Headquarters, Department of the Army (HQDA) Executive Order (EXORD) 037-13, *Ready and Resilient Quick Wins*, 29 November 2012, the Office of the Provost Marshal General (OPMG) is charged with publishing an annual crime / high-risk behavior report to provide commanders, leaders and program managers with critical insight into disciplinary issues impacting the Force.

² See Appendix A for data methodology.

³ Formally known as *Army 2020: Generating Health & Discipline in the Force Ahead of the Strategic Reset, Report 2012*. Published in January 2012.

⁴ The determination that a founded offense exists is made by law enforcement personnel (supported by legal opine) based on probable cause on review of the totality of the circumstances. It is not dependent upon judicial decision / commander adjudication.

⁵ Offenses under investigation are subject to change as open investigations are completed and provided to the Staff Judge Advocate (SJA) personnel for legal opine. The data in this report contains 4.5% offenses under investigation for FY2014; 1.7% for FY2013; 0.4% for FY2012; and <0.1% for FY2007-11.

This report focuses on key elements of discipline, including crime, adverse administrative actions and punishment. It is presented in six chapters:

- Chapter I introduces this report and provides an executive summary of findings.
- Chapter II presents descriptive crime information regarding FY2014 crime.
- Chapter III discusses FY2007-14 crime trends by crime type and by crime category for Drug and Alcohol, Sex Crimes, Family Abuse, and Absent Without Leave (AWOL)/Desertion.
- Chapter IV provides a detailed analysis of multiple felony offenders and a subset of multiple drug offenders.
- Chapter V details the Army's administrative accountability with regards to Department of the Army (DA) Form 4833, *Commander's Report of Disciplinary or Administrative Action*; accession waivers; reenlistments; and separations.
- Chapter VI informs of Army initiatives to improve Soldier discipline and readiness and provides actionable recommendations to command teams.

Two key crime metrics used throughout this report are the counts and rates of: (1) offenders, and (2) offenses. As mentioned previously, offenders (subjects) are limited to active duty Soldiers only. This includes Army National Guard (ARNG) and US Army Reserve (USAR) Soldiers while on active duty. Based on the reporting period and crime category/subcategory defined, individual subjects are counted only once (or uniquely). Offenses are limited to those that are founded or currently under investigation, which excludes investigations that resulted in either insufficient evidence or unfounded offenses. It does not reflect how commanders or civilian courts adjudicated founded offenses for disciplinary action. All rates for offenders and offenses are expressed as a per capita ratio of offenses or offenders per 100,000 active duty Soldiers. The rate accounts for the changing Army populations over time, thus normalizing data when analyzing crime trends.

Offender and offense rates were calculated using crime data from the Army's authoritative LE databases, the Automated Criminal Investigative and Intelligence (ACI2) case management system and Centralized Operations Police Suite (COPS), and active duty Soldier population from the Defense Manpower Data Center (DMDC). It should be noted that DMDC improved its methodology in FY2014 for calculating Reserve Component (RC) Soldiers on active duty, thus yielding more accurate numbers.⁶ The 5% population difference between the two methodologies does not materially change findings in the *FY2013 Army Crime Report*.

1. Executive Summary

FY2014 Army Crime Report findings:

- **Offender Composition:** *45% were felony offenders (titled with at least one felony offense) and 55% were misdemeanor offenders only. (p.5)*
- **Offense Composition:** *Comprised of 4% violent felony offenses, 37% non-violent felony offenses, and 59% misdemeanor offenses. Composition closely mirrors that of the FY2007-13 average. (p.6)*
- **Overall Crime:** *Continued downward trend from last year. Offender and offense rates decreased by 13% and 19%, respectively, over the last two years. (p.12)*

⁶ The source for calculating Reserve Component (RC) Soldiers on active duty was changed from the Reserve Components Common Personnel System (RCCPDS) to the Contingency Tracking System (CTS). The data source for calculating Army Component (AC) Soldiers remained unchanged.

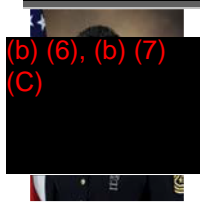
- **Crime Demographics:** *E1-E4 Soldiers represent 40% of the Army but composed 64% of all offenders. 36% of offenders were non-commissioned officers (NCO) and officers. (p.9)*
- **Crime Types:**
 - **Violent Felony Crime:** *Offender and offense rates increased by 13% and 10%, respectively, over the last year. FY2013, however, was a year of record low crime rates and FY2014 rates are within the close range of rates from FY2007-12. Violent felony crime is largely driven by Violent Sex Crimes (60% of all violent felony crime) (pp.7, 13)*
 - **Non-Violent Felony Crime:** *Offender and offense rates decreased by 8% and 18%, respectively, over the last year. Drug Crimes and Failure to Obey a General Order compose approximately two-thirds of this non-violent felony crime. (pp.8, 14)*
 - **Misdemeanor Crime:** *Offender and offense rates decreased by 18% and 19%, respectively, over the last two years and by 3% and 4% over the last year. Traffic Violations compose approximately 50% of all misdemeanors and 30% of all crime. (pp.9, 16)*
- **Crime Categories:**
 - **Drug / Alcohol Crime and Failure to Obey a General Order:** *Synthetic cannabinoids (e.g., Spice) titled as both a Drug Crime and Failure to Obey a General Order under the Uniform Code of Military Justice (UCMJ). While previously a rapidly increasing threat, effective implementation and monitoring of Army policy has successfully led to a significant decrease in the use of synthetic cannabinoids. Prescription drugs remain a threat; 33% of Soldiers who failed urinalyses in FY2014 tested positive for a pharmaceutical drug they had not been prescribed. Although alcohol-related crime has trended downward since FY2009, crime slightly increased in FY2014. (pp.18-23)*
 - **Sex Crime:** *Trends by reporting date vs. incident date provide different perspectives. Violent Sex Crimes reported to and investigated by CID have trended upward based on reporting date but have trended downward since FY2012 based on incident date. Other Sex Crimes have trended upward based on reporting date but the trend by incident date is less conclusive. Upward trends in reporting for non-penetrative, Soldier-on-Soldier, and same gender sex crimes may indicate an increased willingness on the part of victims to report. (pp.26-27)*
 - **Penetrative vs. Non-Penetrative Sex Crime:** *At its peak in FY2010, there were 52% more penetrative (Violent Sex Crimes) offenders than non-penetrative based on incident date. Gap has steadily decreased over time to where now the proportion is now almost equal. (p.29)*
 - **Soldier-on-Soldier Sex Crime:** *Represented 40% of all Violent Sex Crimes in FY2014. 90% of the victims were female, of which 82% were among E1-E4 pay grades. From FY2011-14, Soldier-on-Soldier Violent Sex Crimes have trended upward based on reporting date but downward based on incident date. From FY2010-13, Soldier-on-Soldier Other Sex Crimes have trended upward based on both reporting and incident dates but diverge in FY2014. 30% of FY2014 Soldier-on-Soldier Violent Sex Crimes were reported to CID from incidents in past years (p.30-32)*
 - **Same Gender Sex Crime⁷:** *Clear upward trend in recent years based on incident date. 21% of non-penetrative (Other Sex Crimes) were same gender sex crimes. (p.34)*
 - **Family Abuse:** *Offender and offense rates both decreased by 6% over the previous year. Gaps exist in the LE recording of Family Abuse as a secondary offense and in the referral of LE family abuse cases to the Family Advocacy Program. (pp.37-39)*

⁷ Sex crime perpetrated upon a member of the same sex.

- **AWOL / Desertion:** *Both AWOL and Desertion offender rates hit a seven year low in FY2014, decreasing 73% (0.90% to 0.24%) and 72% (0.58% to 0.16%), respectively, from FY2007 (pp.41-42)*
- **Multiple Felony Offenders:** *Approximately 3,800 remain in the Service, 400 fewer than one year ago. Multiple felony offenders in the ranks continue to decrease, both in counts and as a percentage of the Force. (pp.43-44)*
- **Administrative Accountability:** *Commanders, leaders and program managers are placing more emphasis improving readiness and retaining the most qualified Soldiers as evidenced by the following:*
 - **DA Form 4833:** *Very high referral and completion rates for 4833s referred through CID, but opportunities exist to improve 4833s referred through PMOs. Based on 4833s completed to date in FY2014 CID cases, commanders took action against 86% of Soldier subjects referred for a 4833. (pp.49-50)*
 - **Accession Conduct Waivers:** *Conduct / Drug & Alcohol waivers decreased 89% from FY2007 to FY2014; only 2% of recruits were granted a criminal misconduct waiver in FY2014 (p.52)*
 - **Reenlistments:** *Percent of reenlisted Active Component (AC) Soldiers with prior criminal histories have steadily decreased as commanders focus on retaining the most qualified Soldiers (pp.53)*
- **Suicide:** *132 of 134 active duty Soldier deaths in Calendar Year (CY) 2014 confirmed by the Armed Forces Medical Examiner System as of April 2015 (vs.146 confirmed in CY2013 and 185 in CY2014). Death by privately owned weapon was the most prevalent method, totaling 75% (101 of 134). (p.10)*

This report not only discusses crime trends impacting the readiness of the Force but also provides leaders with actionable recommendations to enhance good order and discipline. Additionally, vignettes are included throughout the report; these provide real-life stories that substantiate the findings and enhance topical discussions of this report.

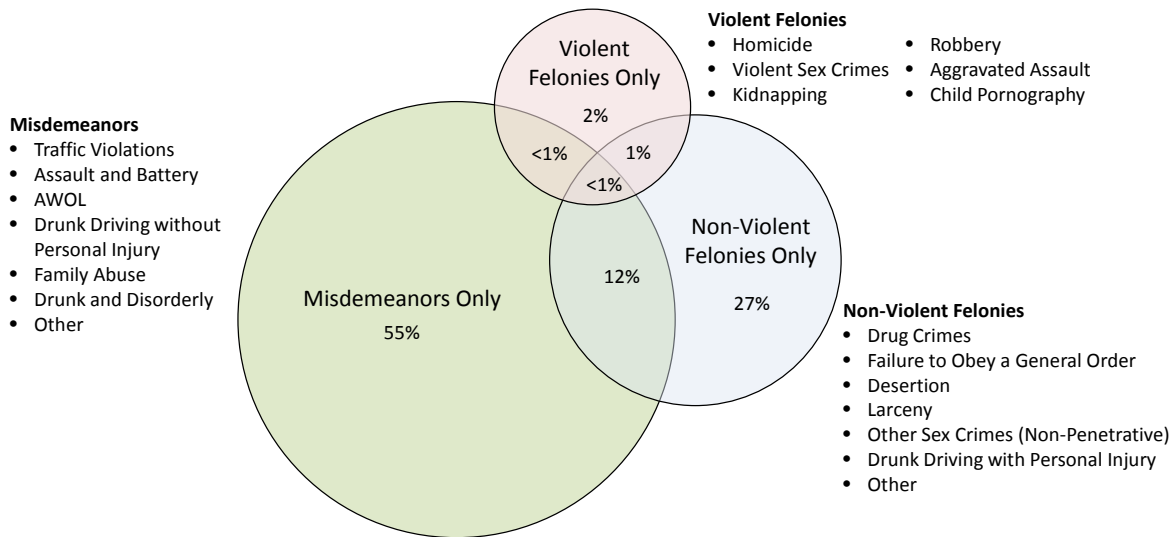
II – Crime in FY2014



“Trust is the bedrock of our profession: trust between Soldiers; trust between Soldiers and leaders; trust between Soldiers, their Families and the Army; trust between the Army and the American people. Law enforcement can assist commanders in identifying those Soldiers who by their criminal behavior violate that sacred trust. A lack of trust in our Army will tear down the fabric of the profession and have potentially disastrous effects on readiness.”

– SGM (b) (6), (b) (7)(C)
Provost Sergeant Major

Our crime taxonomy starts with crime type (violent felonies, non-violent felonies, or misdemeanor), followed by crime category/subcategory (e.g., aggravated assault). Violent and non-violent felonies are offenses punishable by death or confinement for more than one year as defined by the Uniform Code of Military Justice (UCMJ), while misdemeanors are crimes with a maximum punishment of one year.⁸ The crime categories/subcategories follow the offense codes described in Army Regulation (AR) 190-45, *Law Enforcement Reporting*.



Note: Venn diagram not to scale for clarity purposes

Violent Felonies Only	766	2%
Violent Felonies + Non-Violent Felonies	315	1%
Violent Felonies + Misdemeanors	291	<1%
Violent Felonies + Non-Violent Felonies + Misdemeanors	210	<1%
Non-Violent Felonies Only	8,740	27%
Non-Violent Felonies + Misdemeanors	3,986	12%
Misdemeanors Only	17,634	55%
Total Offenders	31,942	100%

Figure II-1: FY2014 Offender Composition

Of the 31,942 offenders in FY2014, 45% (14,308) were felony offenders (titled with at least one felony offense) and 55% were misdemeanor offenders only.

⁸ This report defines felony and misdemeanor level offenses based upon the maximum punishments set forth under the UCMJ. State and federal law will separately define what criminal offenses are felony and misdemeanors in civilian jurisdictions. As such, there may be differences in what constitutes a felony offense in the military versus civilian jurisdictions.

Figure II-1 provides a snapshot of the offender composition in FY2014. This Venn diagram shows that of the 31,942 offenders in FY2014, 45% (14,308 Soldiers) were felony offenders that were titled with at least one felony crime. The other 55% (17,634 Soldiers) were titled with only misdemeanors.

Figure II-2 provides a complementary perspective, the composition of the offenses committed by the offenders. The majority of crime committed in FY2014 consisted of non-violent felonies (37%) and misdemeanors (59%). Violent felonies compose only 4% of all offenses committed. The crime composition in FY2014 closely mirrors that of the FY2007-13 average:

- Violent Felonies: *1 percentage point difference* -- 4% vs. 3% (FY2014 vs. FY2007-13)
- Non-Violent Felonies: *No difference* -- 37% vs. 37%
- Misdemeanors: *1 percentage point difference* -- 59% vs. 60%

The composition of crimes within each of these three crime types is described in the following sections.

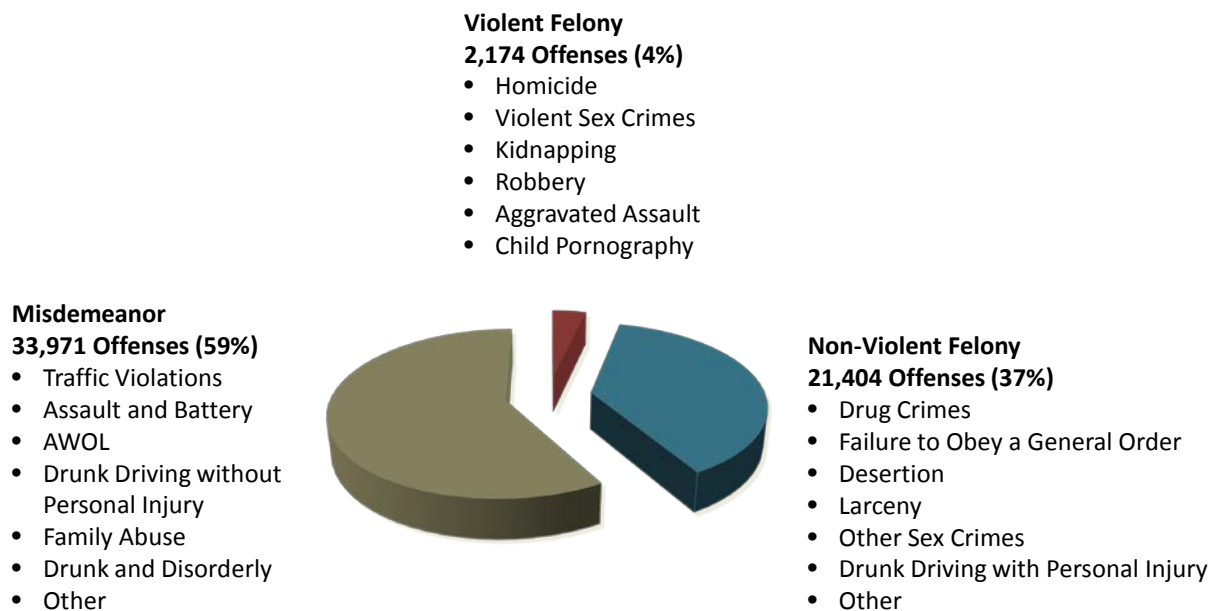


Figure II-2: FY2014 Offense Composition

Active duty Soldier crime in FY2014 was comprised of 4% violent felony offenses, 37% non-violent felony offenses, and 59% misdemeanor offenses.

1. Violent Felony

Violent felonies are defined as egregious crimes against other persons. Violent felonies are comprised of the following crime categories, which are listed in descending order of severity based on authorized punishments:

- *Homicide*. Subcategories include murder, voluntary manslaughter, involuntary manslaughter, negligent homicide and attempted murder. For purposes of this report, attempted murders were included and incorporated into the category of homicide.

- *Violent Sex Crimes.* Subcategories are rape, sexual assault (formerly aggravated sexual assault), and forcible sodomy, and associated attempts. Violent Sex Crimes constitute more than half of all violent felonies.
- *Kidnapping*
- *Robbery*
- *Aggravated Assault*
- *Child Pornography.* Child pornography is categorized as a violent felony (as opposed to a non-violent felony) because it actively and directly supports the demand for continued violent exploitation of children. At its core, it is the act of child exploitation that is violent.

Crime Category	Offenders		Offenses	
	Number	% of All Violent Felony Offenders	Number	% of All Violent Felony Offenses
Homicide	76	5%	91	4%
Murder	53	3%	63	3%
Voluntary Manslaughter	1	0%	1	0%
Involuntary Manslaughter	4	0%	5	0%
Negligent Homicide	13	1%	15	1%
Attempted Murder	6	0%	7	0%
Violent Sex Crimes	983	62%	1,299	60%
Rape and Attempts	393	25%	482	22%
Sexual Assault and Attempts	613	39%	719	33%
Forcible Sodomy	76	5%	98	5%
Kidnapping	26	2%	28	1%
Robbery	18	1%	28	1%
Aggravated Assault	440	28%	550	25%
Child Pornography	110	7%	178	8%
Total - Violent Felony	1,582	100%	2,174	100%

Figure II-3: FY2014 Violent Felony Crime

This figure provides both counts and percent distributions for each of the six violent felony categories by unique offenders (number of unique Soldiers committing these offenses) and offenses (number of times specific felonies were committed). Major categories (not indented) show the total number and percent distribution for that specific category with subcategories providing individual offender and offense counts or percentages.⁹ Violent Sex Crimes and Aggravated Assault, the two largest categories, compose 85% of all violent felony crimes.

LEARNING POINTS

- Although violent felonies are only a small portion of overall crime, they cause grave and often irreparable damages to the community, units, Soldiers and Families. Violent felonies negatively impact readiness on many levels. For these reasons, they warrant a deliberate and coordinated plan of prevention, surveillance, detection, and response by leaders.

⁹ For offender counts and percentages, a single individual may commit more than one crime type or crime category; however, that individual would be counted only once toward the number of total offenders. Thus, the sum of all offenders by crime category does not equal the total number of offenders.

2. Non-Violent Felony

In descending order of prevalence, non-violent felonies are comprised of the following crime categories:

- *Drug Crimes*. This includes use, possession, distribution, introduction (e.g., transporting illegal drugs onto an installation), growing/manufacturing, and smuggling of drugs.
- *Failure to Obey a General Order*. General Order violations cover Synthetic Drugs, Paraphernalia, Traffic, Weapons, Standards of Conduct, Fraternalization, Security, and Wrongful Use of Inhalants. As will be discussed later, some drug-related crimes are captured here rather than exclusively under the Drug Crimes category.
- *Desertion*
- *Larceny*. Subcategories include Larceny of Government Property/Funds and Larceny of Private Property/Funds.
- *Other Sex Crimes*. This includes Article 120 non-penetrative sex crime offenses, such as Abusive Sexual Contact and Indecent Exposure.
- *Drunk Driving with Personal Injury*. Drunk driving that involves personal injury to others is considered a felony; otherwise, the crime is a misdemeanor.
- *Other Non-Violent Felonies*. This includes crimes such as False Statements, Damaging Private or Government Property (More than \$100), Fleeing the Scene of an Accident, Burglary, Housebreaking, and Pay Fraud.

Crime Category	Offenders		Offenses	
	Number	% of All Non-Violent Felony Offenders	Number	% of All Non-Violent Felony Offenses
Drug Crimes	5,095	38%	8,490	40%
Failure to Obey General Order	3,585	27%	4,336	20%
Desertion	745	6%	900	4%
Larceny	1,008	8%	1,260	6%
Government Property/Funds	670	5%	809	4%
Private Property/Funds	376	3%	451	2%
Other Sex Crimes	1,014	8%	1,337	6%
Drunk Driving with Personal Injury	95	1%	97	0%
Other Non-Violent Felonies	3,806	29%	4,984	23%
Total - Non-Violent Felony	13,251	100%	21,404	100%

Figure II-4: FY2014 Non-Violent Felony Crime

Non-violent felonies are the second most prevalent crime type committed in FY2014 and represents 37% of all Army crime. The top two crime categories are Drug Crimes and Failure to Obey a General Order.

3. Misdemeanor

In descending order of prevalence, misdemeanors are comprised of the following crime categories:

- *Traffic Violations*. Examples include reckless driving, traffic accidents, and speeding. Some traffic violations do not constitute a misdemeanor. However, they are included in this report as they may be indicative of high-risk behavior and follow the format of previous Army analyses (i.e., *Army Red Book*¹⁰ and *Army Gold Book*¹¹).
- *Assault and Battery*

¹⁰ Formally known as the *Health Promotion / Risk Reduction / Suicide Prevention Report*. Published in July 2010.

¹¹ Formally known as *Generating Health and Discipline in the Force Ahead of the Strategic Reset*. Published in January 2012.

- *AWOL*
- *Drunk Driving without Personal Injury*
- *Family Abuse*
- *Drunk and Disorderly*
- *Other Misdemeanors*. This includes crimes such as Conduct Unbecoming, Resisting Apprehension or Arrest, and Larceny (\$100 or Less).

Crime Category	Offenders		Offenses	
	Number	% of All Misdemeanor Offenders	Number	% of All Misdemeanor Offenses
Traffic Violations	12,719	57%	17,707	52%
Assault and Battery	3,222	15%	3,532	10%
AWOL	1,146	5%	1,625	5%
Drunk Driving without Personal Injury	2,983	13%	3,125	9%
Family Abuse	1,901	9%	2,180	6%
Drunk and Disorderly	1,619	7%	1,769	5%
Other Misdemeanors	3,416	15%	4,033	12%
Total - Misdemeanor	22,121	100%	33,971	100%

Figure II-5: FY2014 Misdemeanor Crime

Misdemeanors remain the largest crime type committed in the Army with 59% of all crimes reported falling into the misdemeanor category. More than half of all misdemeanor offenses are traffic-related (Traffic Violations – 52%; Drunk Driving without Personal Injury – 9%) and may be indicative of high risk behavior, representing an opportunity for targeted risk reduction programs.

4. Crime Demographics in FY2014

Figure II-6 shows the pay grade composition of Soldier offenders. In FY2014, there were 31,942 unique Soldier offenders, representing 5% of the 588,402 Soldiers on active duty. Of note is the E1-E4 cohort which, relative to its representation of the total AD population, committed significantly more crime than the others. E1-E4 Soldiers composed 40% of the Army but constituted 59% of all violent felony offenders; 69% of all non-violent felony offenders; 62% of all misdemeanor offenders; and 64% of offenders across all crime categories.

Pay Grade	Violent Felony		Non-Violent Felony		Misdemeanor		Total Offenders		FY2014 AD Population	
	Number	%	Number	%	Number	%	Number	%	Number	%
E1-E4	938	59%	9,181	69%	13,702	62%	20,380	64%	232,752	40%
E5-E6	417	26%	2,786	21%	5,708	26%	7,806	24%	163,335	28%
E7-E9	126	8%	592	4%	1,257	6%	1,747	5%	77,785	13%
W01-CW5	15	1%	129	1%	231	1%	333	1%	18,695	3%
O1-O3	52	3%	357	3%	910	4%	1,189	4%	55,527	9%
O4-O6	30	2%	187	1%	292	1%	446	1%	39,978	7%
Unknown/Other*	4		19		21		41		330	
Total	1,582	~100%	13,251	~100%	22,121	~100%	31,942	~100%	588,402	~100%

*Omitted for comparison purposes to the AD population

Figure II-6: FY2014 Offender Composition by Pay Grade and Crime Type

Army crime demographics reveal that junior Soldiers (E1-E4) were titled with a disproportionate amount of crime relative to its AD population size. Although they composed 40% of the Army in FY2014, junior Soldiers constituted 59% of all violent felony offenders; 69% of all non-violent felony offenders; and 62% of all misdemeanor offenders.

5. Suicide

A study of crime and high-risk behavior in the Army would be incomplete without examining the linkage to Soldier suicides.¹² It has been well documented that legal problems, misconduct, drug abuse, and other risky activities can directly or indirectly increase the likelihood of a Soldier taking his or her own life. 134 active duty Soldiers died of suspected suicide in Calendar Year (CY) 2014; of these, 132 have been confirmed by the Armed Forces Medical Examiner System (AFMES) as of April 2015. As demonstrated in the *Army Gold Book*, Soldier health and discipline are often inextricably linked and require a multi-disciplinary approach to reduce a Soldier's risk for a potentially deadly outcome. Simply stated, commanders must ensure that the chain of command first responds to health and welfare of the Soldier and Family, then conducts due process to assess accountability.

The 132 confirmed suicides (of 134 suspected suicide cases) in CY2014 is lower than the 146 confirmed suicides in CY2013 and 185 confirmed suicides in CY2012. All suicide cases in CY2012 and CY2013 have been confirmed by AFMES.

HIGH-RISK BEHAVIOR CULMINATING IN SUICIDE

A SGT was arrested by the local sheriff's office for driving under the influence (DUI) in August 2014. The Soldier refused the blood alcohol content (BAC) sobriety check and, after appearing before a magistrate, was scheduled to be arraigned in October. The Soldier was released from the sheriff's custody and transported to the installation PMO. At 0500, the Soldier was released to his Platoon Sergeant and taken back to his on-post residence. At 0650, the SGT walked into his master bedroom, took his privately owned weapon, and killed himself with a fatal shot to the head.

The SGT did not have any weapons registered with the PMO. He was apprehended by the military police in 2006 for DUI and received an Article 15 resulting in an oral reprimand. He was also apprehended by the military police after being discovered unresponsive due to alcohol intoxication in a prostitution establishment (Failure to Obey a General Order).

According to the Behavioral and Social Health Outcomes Program of the Army Institute of Public Health, the primary method for Army suicide was the use of a firearm. Furthermore, the use of a privately owned weapon (POW) in CY2014 suspected suicides equaled 75% (101/134) for cases with available data. However, commanders face limitations in regulating the POWs of Soldiers who reside off-post.¹³ All Army Activities (ALARACT) 333/2011, *Control and Reporting of Privately Owned Weapons*, was recently reissued as ALARACT 063/2013 to incorporate revised guidance to commanders and healthcare providers based on the FY2013 National Defense Authorization Act (NDAA). A commander or healthcare professional may inquire as to whether or not a Soldier owns or has plans to acquire a POW if they have reasonable grounds to believe the Soldier is at risk for suicide or causing harm to others. If the off-post Soldier has a POW, the commander may request that the Soldier store it in the unit arms room. If the Soldier is unwilling to voluntarily surrender his/her off-post POW, the Soldier cannot be ordered to comply with this request. In this instance however, the commander can order the unwilling Soldier to temporarily reside on, and be restricted to, the installation.

¹² According to the Uniform Code of Military Justice, suicide is not considered a crime. However, all unattended deaths are investigated thoroughly regardless of the circumstances.

¹³ These limitations do not pertain to Soldiers who reside on-post. Senior commanders at each installation have the authority to regulate POWs within the confines of the installation. ALARACT 063/2013 further discusses this authority.

The convergence between Soldier health and discipline, as illustrated by the *Army Gold Book's* Health and Disciplinary Maze Model, cannot be overstated. While no causality among crime committed and suicide has been established, the *Army Red Book*, *Army Gold Book*, and this report are replete with many examples of Soldiers who engaged in high-risk behavior, committed crimes and subsequently died from suicide – most often with the use of a POW.

IMPORTANCE OF COMMANDER / LE COORDINATION TO ASSESS RISK OF SELF-HARM

A 1LT was under investigation for the sexual assault of a female Soldier after she filed a complaint with CID. Although the officer was the suspect in an investigation, he had not been notified, interviewed, or approached by CID prior to his death. When the officer's chain of command became aware of the investigation, they gave the officer a counseling statement without informing the CID office. The statement indicated that the officer would be flagged (suspension of favorable personnel actions) for misconduct the next day. About 24 hours after receiving the flagging action notification, the officer was found on post in his privately owned vehicle (POV) deceased with a self-inflicted gunshot wound to the head. The investigation determined that the weapon had been given to the 1LT by his father, that the weapon was routinely kept in the center console of the 1LT's POV, and that the weapon was not registered with the PMO.

Soldiers under investigation, especially senior NCOs and officers, may be at an increased risk for self-harm. Leaders must assess the risk associated with the Soldier and the allegation to make decisions on monitoring and other mitigation measures. Consultation with law enforcement during the conduct of criminal investigations is recommended to provide essential information to inform the leader's risk assessment of possible self-harm.

LEARNING POINTS

- ★ When Soldier health and discipline issues are linked, respond first to the health and welfare of the Soldier and then conduct due process to assess accountability.
- ★ Initiate appropriate measures to assess and monitor Soldiers under investigation to reduce the potential of self-harm or harm to others. Department of Defense (DoD) policy requires commander notification of all serious investigations at the earliest opportunity without jeopardizing the integrity or successful resolution of the investigation.
- ★ Reduce the risk of suicide and other high-risk behavior by separating at-risk Soldiers from their privately owned weapons in accordance with (IAW) ALARACT 063/2013.
- ★ Enforce Army policy and educate leaders that Soldiers residing on-post must register their weapons with the PMO. Soldiers who reside off-post are encouraged but not required to register their weapons with the PMO.
- ★ Employ Health and Welfare inspections as a tool to control the unauthorized storage of POWs in the barracks.

III – Crime Trends, FY2007-14

1. Overall, Violent Felony, Non-Violent Felony, and Misdemeanor

This section provides an overview of crime trends by crime type (violent felony, non-violent felony, and misdemeanor) and overall crime from FY2007-14. For each of these, crime is depicted by the number of unique offenders (upper chart) and by the number of offenses (lower chart). The blue bars represent the counts of offenders or offenses, whereas the red lines represent the respective rates in offenders or offenses per 100,000 Soldiers. As mentioned previously, rates are a more accurate measure for trend analysis since they account for the changing Army population over time.

a. Overall Crime

The offender rate has generally trended downward since FY2008, decreasing by 19% (6,683 to 5,429 offenders per 100,000) from FY2008-14 and by 13% (6,211 to 5,429) over the two years (FY2012-14). Although the offense rate has not trended downward in tandem, it has decreased by 21% (12,327 to 9,781 offenses per 100,000) from FY2008-14 and by 19% (12,010 to 9,781) over the last two years.



Figure III-1: Overall Crime Trends, FY2007-14

The number of unique offenders per 100,000 has followed a general declining trajectory since FY2008 with a significant 13% decrease over the last two years. The number of offenses per 100,000 also decreased significantly over the last two years by 19%.

The offender chart is a good example of how counts and rates can yield different conclusions. Although the number of offenders in FY2010 is greater than FY2012 (42,603 vs. 40,517 offenders), for example, the offender rates are the same (6,211 offenders/100,000). This outcome is due to the decreasing active duty population since FY2010 (685,918 Soldiers in FY2010 vs. 652,307 Soldiers in FY2012).

b. Violent Felony

FY2014 marked an increase in violent felony crime, with offender and offense rates increasing by 13% and 10%, respectively, from the last fiscal year (FY2013). FY2013, however, was a year of record low crime rates since FY2007, as indicated in Figure III-2). Excluding FY2013, the violent felony crime trend has been consistently flat since FY2007.

The increase in FY2014 violent felony crime was driven by an increase in the reporting of violent sex crimes, which compose more than half of all violent felonies. Additionally, there is an increasing trend in same gender sex crimes. Sex crime trends are later discussed in Section III.3., *Sex Crime Trends*.

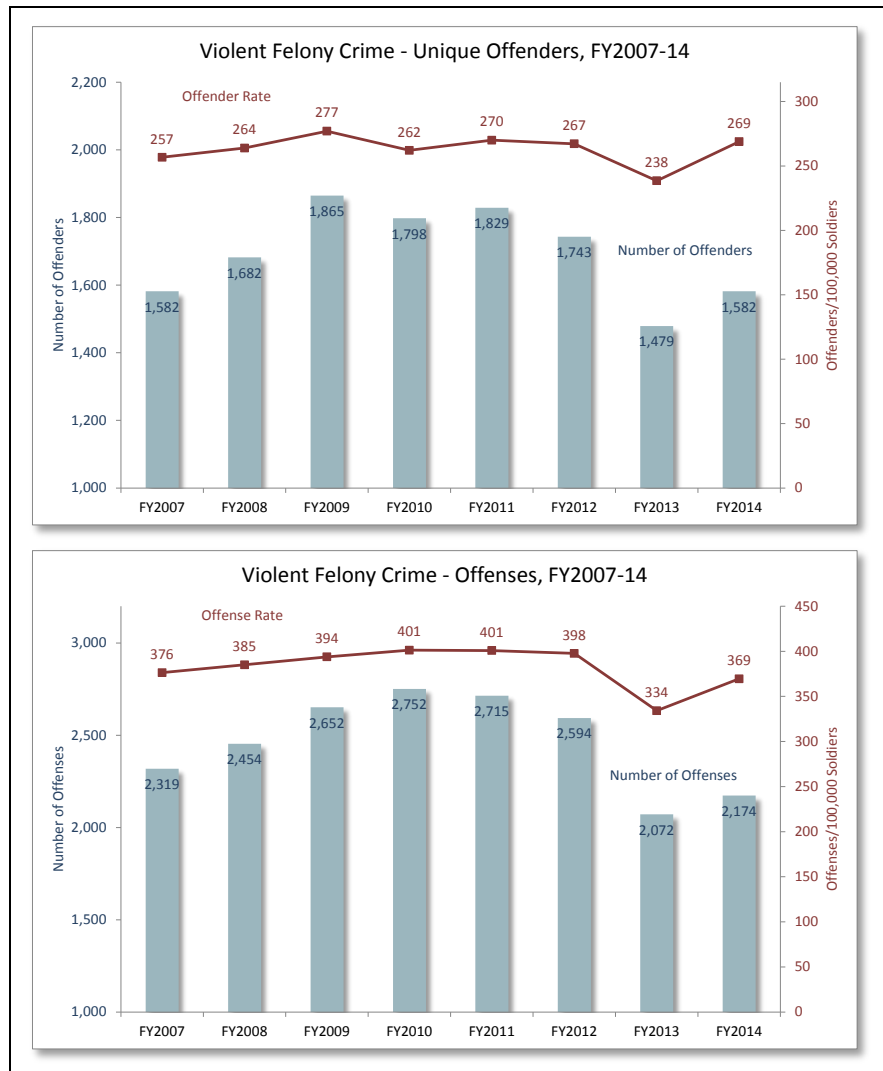


Figure III-2: Violent Felony Crime Trends, FY2007-14
 FY2014 offender and offense rates increased by 13% and 10%, respectively, from the last fiscal year. FY2013, however, was a year of record low crime rates since FY2007.

c. Non-Violent Felony

Non-violent felony crime remains one of the two major components of overall crime trends. From FY2007-14, the offender and offense rates decreased by 19% and 21%, respectively. Non-violent felony crime dropped in FY2014, with offender and offense rates decreasing by 8% and 18%, respectively, from the last fiscal year. These trends are illustrated in Figure III-3.

When the number of offenders is compared to the number of offenses over the last three years, there is a decrease in the number of crimes being committed by unique offenders (down 14%, from 1.89 to 1.62 offenses/offender). This suggests that Soldiers are either committing less non-violent offenses per crime event or fewer crime events during the year.

Drug Crimes and Failure to Obey a General Order crimes compose approximately two-thirds of non-violent felonies. Their trends, later discussed in Section III.2., *Drug and Alcohol Trends*, drive recent reductions in non-violent felony crime.

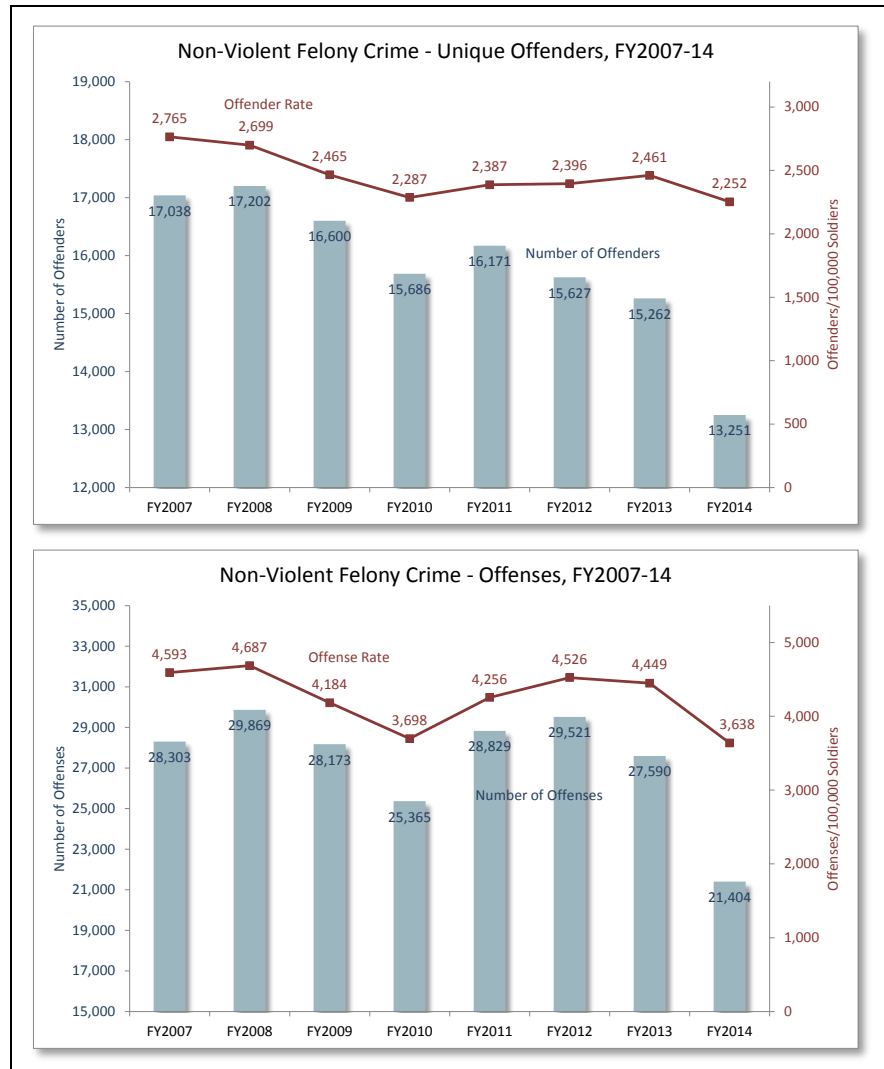


Figure III-3: Non-Violent Felony Crime Trends, FY2007-14

Non-violent felony crime trends consistently represent the second largest crime type in the Army, accounting for 37% of all Army crime in 2014. In FY2014, offender and offense rates for non-violent felonies decreased by 8% and 18%, respectively, from the last fiscal year

LEADERS' STEWARDSHIP OF TAXPAYER MONEY

An NCO assaulted a local national (LN). During CID's interview of the LN, the LN reported that the NCO was defrauding the U.S. Government of overseas housing allowance (OHA) entitlements. The LN reported the NCO was receiving OHA for one address while residing at another. The CID investigation determined the NCO committed the offenses of conspiracy and larceny when he submitted paperwork to the housing office for a residence he never lived in. It was determined the NCO received entitlements of over \$60,000 for which he was not entitled. In order to avoid prosecution, the NCO went AWOL, and was eventually titled for desertion. Four months later, the NCO was apprehended by civilian authorities and returned to military control. Upon return, the NCO was convicted by a General Court Martial, confined for 15 months, reduced in rank to PVT, and given a bad conduct discharge.

At the tactical level, many benefit-related fraud investigations can be prevented through the detailed review of the monthly Unit Commander's Finance Report (UCFR). In years past, Army leaders embraced the tradition of hand-delivered Leave and Earnings Statements (LES) to individual Soldiers every month. As a part of this process, unit leaders (predominantly First Sergeants, Platoon Sergeants and squad leaders) reviewed each LES for anomalies. Leader awareness was sustained and response initiated via the LES review process. A single Soldier who was receiving basic allowance for housing (BAH) at the "with dependents" rate was immediately scheduled for a finance appointment, for example. Now that the Army has transitioned to a single automated report delivered to the unit commander level, indications are that the same level of review does not occur. NCO leaders are the most aware of changes in a Soldier's status, but are too frequently not involved in UCFR review processes. Consequently, an error (or crime) that could have been corrected in less than 90 days grows into three years of the acceptance of benefits not deserved, suspicion of crime and a lengthy investigation of the circumstances.

At the strategic level, CID's Major Procurement Fraud Unit (MPFU) supports Army stewardship and accountability through the conduct of investigations into allegations of fraud associated with the Army's major acquisition programs and expeditionary contracting fraud. However, the lessons learned from MPFU's investigations are applicable to leaders at the installation and unit levels, and also pertinent to the disbursement of Field Ordering Officer (FOO) and Commander's Emergency Response Program (CERP) funds in deployed environments. There are common themes to fraud crimes relative to the failure to provide required oversight for and supervision of the performance of a contract. Too frequently, insufficient resources are applied to contract performance oversight to ensure the Army is getting the product or service it is paying for. Proper oversight/supervision in the form of contracting officer's representatives (COR) or project officers help ensure that the product or service meets requirements and performs to standard. Even contractors with the highest in professional standards and the fullest intent to meet Army requirements will sometimes fall short of full performance without the detailed assessment and feedback provided by a dedicated supervisory element.

MPFU investigations, which have recovered over \$1.6 billion from FY2009-14, not only return significant sums of money to the U.S. Treasury, but also protect the integrity of government contracting processes by holding companies, contractors and Soldiers accountable.

LEARNING POINTS

- ★ Fraud prevention is critical from the tactical to strategic levels; engaged leaders with the appropriate controls and oversight can ensure the preservation of limited resources and

strategic imperatives. Absent this oversight, critical resources can easily be funneled into corrupt or enemy channels

- ★ Company command teams can facilitate the identification of potential BAH / fraudulent marriage-related crimes by disseminating the monthly Unit Commander's Finance Report for review by subordinate leaders (i.e., Platoon Sergeants and Squad Leaders).
- ★ Millions of dollars are lost each year to Army-related fraud activity. Commanders can get to the left of these losses by increasing their situational awareness and ensuring designated personnel (e.g., FOO and CERP dispensing leaders) are properly trained prior to deployment.

d. Misdemeanor

After years of a trending flat, misdemeanor offender and offense rates have decreased significantly over the past two years, as illustrated in Figure III-4. These rates have decreased by 18% and 19%, respectively, from FY2012-14.

With regards to the number of offenses per offender, the misdemeanor ratio has remained fairly constant over the last three years at 1.54 offenses/offender).

Traffic Violations¹⁴, which range from reckless driving to less egregious moving violations (e.g., speeding), compose approximately 50% of all misdemeanor crime and 30% of all crime.

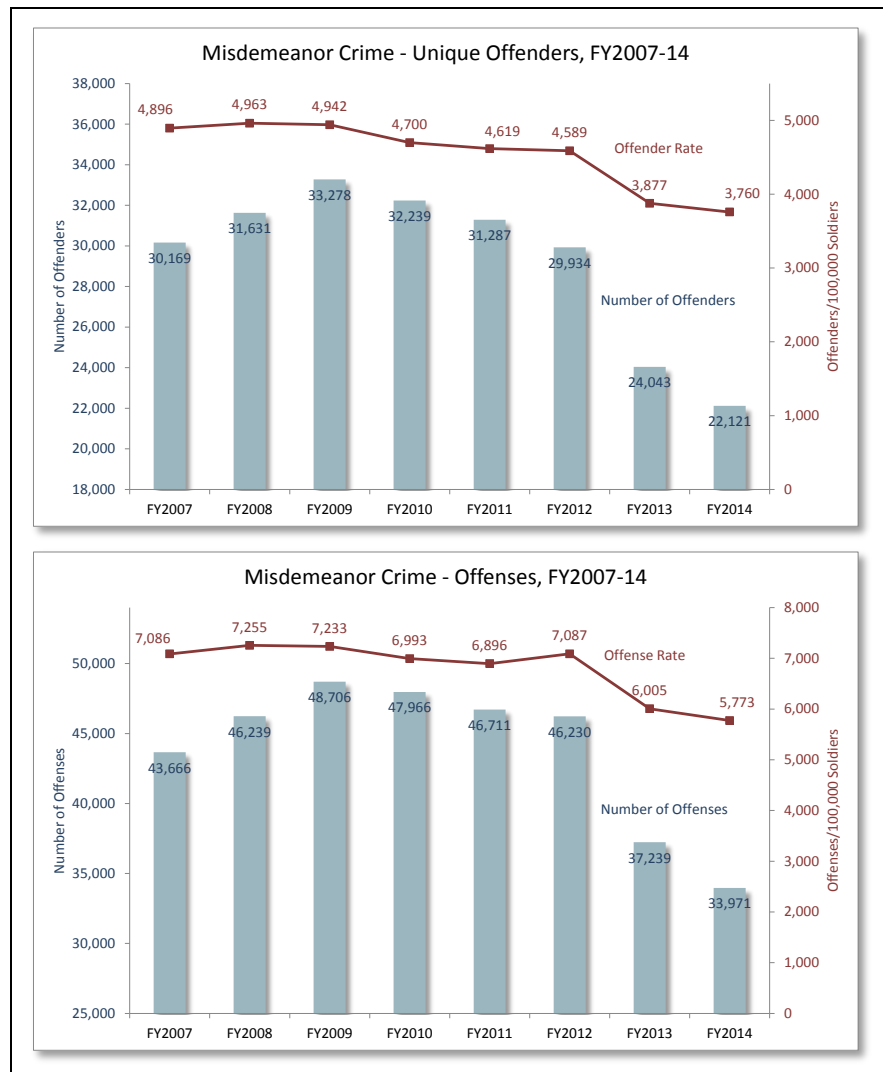


Figure III-4: Misdemeanor Crime Trends, FY2007-14

Misdemeanors consistently represent the largest crime type across the Army, with 59% of Army crime belonging to the misdemeanor category.

Misdemeanor offender and offense rates have significantly decreased by 18% and 19%, respectively, from FY2012-14.

¹⁴ Excludes traffic violations involving the issuance of Department of Defense Form (DD Form) 1408, *Armed Forces Traffic Ticket*.

POTENTIAL GATEWAY TO HIGH-RISK BEHAVIOR

In 2014 a SPC was charged with Wrongful Possession of Synthetic Cannabinoids. A packet of Spice was discovered in the inventoried Soldier's belongings during his admission to a military treatment facility's inpatient behavioral health ward. According to the CID investigation, the SPC stated that he did not know how the Spice got into his belongings.

The SPC served in the Air Force from 2006 to 2009 prior to his enlistment in the Army. It wasn't until the Soldier entered the Army that a pattern of misconduct began to unfold. The Soldier was the subject of several military and civilian crimes and high-risk behaviors: Traffic Accident with Damage to Private Property, Suicide Attempt, Domestic Abuse (Verbal), Traffic Accident (Impaired Driving, Spice), Communicating a Threat, Suicidal Gesture, Possession of Synthetic Cannabinoids, and Careless / Reckless Driving.

Leaders should be cognizant that patterns of misconduct, including crimes such as these, provide indicators of high-risk behavior that may require leader intervention. Leaders should consult with the installation Directorate of Emergency Services (DES) in order to be aware of previous criminal history when adjudicating a current offense.

LEARNING POINTS

- 🌟 Multiple lower-level misdemeanors and traffic violations may be indicative of Soldiers' high-risk behavior and the need for enhanced leader surveillance, detection and response.

2. Drug and Alcohol Trends

Drug and alcohol abuse remains a concern to leaders at all levels. Previously, data suggested Soldiers were increasingly using prescription and synthetic drugs due to their availability and limited urinalysis (UA) testing. In April 2013, the Secretary of the Army approved Army Directive (AD) 2013-10 which authorized probable cause and command directed testing for synthetic cannabinoids (SYCAN).¹⁵ Recent Army Substance Abuse Program (ASAP) data indicates that Soldiers continue to use traditional street drugs, such as cocaine and marijuana, in addition to, albeit to a lesser degree, prescription and synthetic drugs. Policies such as the one directed by the Secretary of the Army ensure that continued measures are implemented to enhance the surveillance, detection, and response to emerging drug threats.

Army leaders have been concerned that the legalization of marijuana would mislead personnel to believe that marijuana use would be legal for Soldiers assigned in those states. California was the first state to decriminalize marijuana in November 1996. As of December 2014, there are 23 states and the District of Columbia that have legalized marijuana for medical and/or recreational purposes. While an understandable concern, data suggests that neither decriminalization nor medical/recreational-based legalization of marijuana has had a negative impact on Army readiness. ASAP data indicates that the positive illicit drug rate for tetrahydrocannabinol (THC) has decreased 10% (0.62% to 0.56%) from FY2012 to FY2014.

¹⁵ AD 2013-10, (*Synthetic Cannabinoids ("Spice") and "Bath Salts" Probable Cause and Competence for Duty Testing*), 11 April 2013.

a. Drug Crime and Failure to Obey a General Order Trends

After trending downwards from FY2008-10, the Drug Crime offender rate has ticked up and down, increasing by 14% from FY2010-14. This trend is illustrated in Figure III-5. However, an evaluation of drug-related crime trends would be incomplete without considering Failure to Obey a General Order crimes which includes certain drug-related crimes, such as synthetic drugs and paraphernalia.

The number of drug-related Failure to Obey a General Order crimes has increased significantly since FY2010. While composing only 19% of all Failure to Obey a General Order crimes in FY2010, the number of drug-related crimes increased to 44% in FY2011 and to 52% in FY2012 before decreasing to 43% in FY2013 and 26% in FY2014. The FY2011 and FY2012 increases in drug-related Failure to Obey a General Order crimes can be attributed to the increase in synthetic cannabinoids, discussed in the next section. The FY2013 and FY2014 decreases in drug-related Failure to Obey a General Order crimes can be attributed to Army Directive 2013-10 and the effective implementation and monitoring of that policy by unit leaders.



Figure III-5: Drug-Related Crime Categories: Drug Crimes and Failure to Obey a General Order

Evaluating drug-related crime trends is incomplete without considering Failure to Obey a General Order crimes. While composing only 19% of all Failure to Obey a General Order crimes in FY2010, the number of drug-related crimes (e.g., synthetic drugs and paraphernalia) titled within this crime category increased to 44% in FY2011 and to 52% in FY2012 before decreasing to 43% in FY2013 and 26% in FY2014. These drug-related crimes drive the overall offender trends for the Failure to Obey a General Order crime category illustrated above.

PRESCRIPTION DRUG ABUSE LEADS TO DEATH

In 2014, CID was notified of an off-post death of an active duty Soldier (SFC). Preliminary investigation by the local police department (PD) stated the SFC, who was a medic, returned to his off-post residence with a 1LT where they decided to intravenously inject Percocet. The 1LT informed the PD that she and the SFC had crushed up Percocet tablets, placed them into a saline solution, and injected the drug into their veins. Minutes after injecting the Percocet, the SFC collapsed and the 1LT performed mouth-to-mouth prior to calling 911. Emergency Medical Services (EMS) responded and transported the SFC to the hospital where he was pronounced dead.

The PD reported the Percocet was prescribed to the SFC. Also, the SFC had in his possession four vials of Sustanon (testosterone compound/anabolic steroid), two vials of lidocaine (anesthetic), and one vial of bupivacaine (anesthetic), several syringes, and a prescription for Adderall. The 1LT reported she met the SFC when they attended training together and had known him for about 18 months. Both Soldiers had exemplary records and no prior criminal history.

Leaders should be aware that the abuse of prescription drugs can be as dangerous as any street drug.

b. Synthetic Cannabinoids

In 2009, synthetic cannabanoids (SYCAN), such as "Spice", began to emerge as a significant threat to readiness and Soldier safety. Marketed to mimic the effects of marijuana, SYCANs are more potent than natural THC and packaged in compounds that have never been tested for human consumption. SYCANs quickly gained popularity and was widely available at gas station counters, through web-based retailers and on the shelves of head shops. Information obtained in FY2010 military police reports indicated that some retailers would provide 10% discounts to Soldiers when purchasing SYCANs, resulting in pre-deployment purchases of up to \$400.

SYCANs composed 3% (341 of 10,225) of all drug-related crimes in FY2010, quickly climbed to 27% (3,847 of 14,028) in FY2011, peaked at 30% (4,413 of 14,606) in FY2012, and has steadily decreased to 21% (2,783 of 13,251) in FY2013 and to 12%(1,183 of 9,624) in FY2014.

Soldier use of synthetic drugs has been prohibited since 2009 and Army Directives / Regulations in subsequent years have further clarified and codified this prohibition. The current revision to AR 600-85, *The Army Substance Abuse Program*, dated 11 March 2014, prohibits the use of controlled substance analogues such as synthetic cannabinoids, bath salts, synthetic cocaine, or any other substance similarly designed to mimic the effects of a controlled substance on the human body without an approved medical use in the United States. As an enhanced surveillance initiative, the Army began testing for SYCANs on about 20% of UA specimens submitted to the drug testing labs in 2013 and increased this rate to 50% in 2014.

Law enforcement titled synthetic drug crime as both Wrongful Use and Possession of Controlled Substances (Article 112a) and as Failure to Obey a General Order (Article 92) violations. The latter crime category was used because the majority of synthetic drugs were not classified as controlled substances. The *Synthetic Drug Abuse Act of 2012*, however, permanently added 26 synthetic substances, to include SYCANs, to Schedule 1 of the Controlled Substances Act (CSA). As a result, CID is now titling Soldiers for Article 112a violations when forensic analysis confirms the presence of one or more of the substances identified in the CSA¹⁶. This change is likely to impact the readiness of the Force by: (1) Deterring Soldier use through more severe penalties (maximum sentence of five years instead of two); (2) Providing a more realistic picture of Army drug abuse; (3) Ensuring CID investigative responsibility as there is anecdotal evidence that some units wrongly handled SYCAN violation in-house; and (4) Providing a greater ability to prosecute civilians who possess or distribute synthetic drugs.

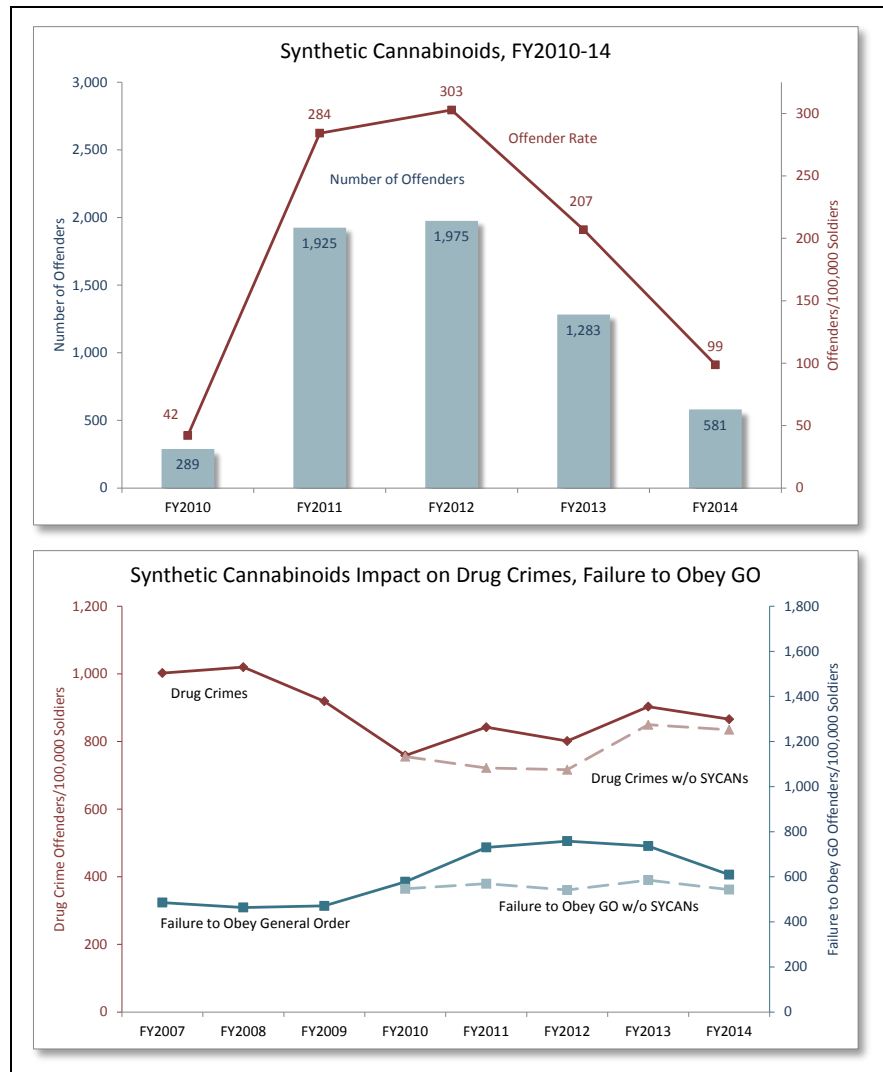


Figure III-6: The Impact of Synthetic Cannabinoids

The impact of synthetic cannabinoids can be seen in the above charts. From FY2010 to FY2012, the number of SYCAN drug offenders (titled as either a Drug Crime or Failure to Obey a General Order) increased >600% (from 42 to 303 offenders/100,000). Due to the closure of policy gaps and increased surveillance and detection efforts, the rate of SYCAN drug offenders decreased by 67% over the last two years.

Figure III-6 illustrates the impact of synthetic cannabinoids. The top chart clearly displays the peak years of the SYCAN threat in FY2011-12 and the significant drop in offenders since then. The lower chart shows that the Drug Crimes and Failure to Obey a General Order offender trends become flatter when synthetic drug offenses are removed or, in other words, that the upward trend in both these crime categories since FY2010 was largely driven by the emergence of synthetic drugs. Leaders must be prepared to continue to apply the surveillance skills gained over the last five years to defeat this threat,

¹⁶ All CID Memorandum (ALCID Memorandum) 004-13, *Investigation of Synthetic Substances*, 11 January 2013

as the compounds used in the production of SYCANs continue to morph in order to bypass the *Synthetic Drug Abuse Act of 2012* and evade urinalysis testing.

Previously, Soldiers suspected of using synthetic cannabinoids would only undergo drug testing if it was in support of a criminal investigation. Army Directive 2013-10, *Synthetic Cannabinoids (“Spice”) and “Bath Salts” Probable Cause and Competence for Duty Testing*, dated 11 April 2013, enhanced commanders’ surveillance and detection efforts by increasing the testing of synthetic cannabinoids and cathinones (i.e., bath salts) when legal justification exists. Active duty Soldiers are subject to testing when a commander, in consultation with their supporting Staff Judge Advocate, determines a violation of AR 600-85 has occurred or evidence exists to warrant a test. This policy change, combined with the recurring testing of SYCANs effective December 2013, gave commanders the tools they need to effectively mitigate the synthetic drug threat.

LEARNING POINTS

- ✪ Refer all drug crime to Army law enforcement. While the possession of synthetic drugs and drug paraphernalia (e.g., suspected smoking devices) may be a Failure to Obey a General Order violation, the investigation remains within law enforcement purview.
- ✪ Enhance drug surveillance and detection with recurring Health & Welfare inspections; incorporate military working dogs as well.
- ✪ Increase Soldier awareness of synthetic drugs by leveraging law enforcement and ASAP expertise during unit and installation drug awareness briefings.
- ✪ Implement Armed Forces Disciplinary Control Boards IAW AR 190-24 to provide broader situational awareness of off-post establishments that may be conducive to criminal and high-risk behavior.

c. Prescription Drugs

The amount of prescription drugs circulating within the Army remains a potential threat. Of the 18,070¹⁷ positive drug results reported in FY2014, 65% (11,770) were for prescription drugs and required screening by Medical Review Officers (MRO). Of the MRO reviews, 30% (3,566) were classified as illicit use. It should be noted that the drug testing laboratories screen out positive results using the ePERS Pharmacy Database System on a large portion of the MRO reviewable drugs. Therefore, the number of positives that would be seen is actually much higher.

The impact of illicit prescription drug abuse continues to threaten the readiness of the Force. Of those unique Soldiers who failed urinalyses in FY2014, 33% (1,733 of 5,255) tested positive for a pharmaceutical drug they had not been prescribed. This represents an 8% point decrease from FY2013 (41%, or 2,493 of 6,147). However, the illicit positive drug rates in Figure III-7 indicated only slight decreases in pharmaceutical positive rates from FY2013 to FY2014.

As some of the more popularly abused prescription painkillers, such as OxyContin, Percocet and Vicodin, become increasingly hard and costly to obtain, heroin is on the rise across the Nation. Many young people who start with the abuse of these expensive prescription drugs eventually transition to heroin, which is cheaper and easier to buy. While we have not seen the same national trend inside the

¹⁷ The 18,070 positive results reflect the number of drugs or drug metabolites detected in each sample. If a Soldier tested positive for tetrahydrocannabinol (THC), oxycodone and oxymorphone in a single specimen, each drug is represented individually in the overall figure of 18,070.

Army, leaders should be cognizant of this threat and be prepared to employ the same tactics used in defeating synthetic cannabinoids.

Continuing efforts such as implementing and maintaining fully-staffed CID Drug Suppression Teams (DST), providing prescriptions in a 30-day supply with a maximum of five refills, and automatic medical prescription review when 4+ controlled substances are prescribed should help mitigate prescription drug abuse and misuse. Additionally, installations' participation in the Drug Enforcement Agency's (DEA) semi-annual National Prescription Drug Take-Back Day has been exceptionally successful in reducing the amount of prescription drugs that are available for diversion and abuse. Since April 2011, thousands of pounds of unused and unwanted prescription medications have been collected. For that reason, the Department of Defense is coordinating with the DEA to examine the feasibility of enabling Military Treatment Facilities to execute this function 365 days a year.

Drug Type	Positive Illicit Rate		
	FY2012	FY2013	FY2014
*Amphetamines	0.13%	0.13%	0.10%
*Benzodiazepines	0.00%	0.06%	0.07%
Cocaine	0.21%	0.14%	0.15%
*Codeine	0.03%	0.03%	0.02%
Ecstasy (MDA, MDMA)	0.02%	0.02%	0.02%
*Methamphetamines	0.06%	0.06%	0.01%
Heroin	0.02%	0.01%	0.03%
*Hydrocodone	0.05%	0.08%	0.04%
*Hydromorphone	0.07%	0.09%	0.05%
*Morphine	0.05%	0.04%	0.02%
*Oxycodone	0.11%	0.11%	0.06%
*Oxymorphone	0.18%	0.19%	0.10%
SYCAN	n/a	n/a	0.04%
THC	0.62%	0.58%	0.56%
Total Soldier Rate	1.03%	1.09%	0.99%

Figure III-7: Positive Illicit Drug Rates for FY2012-14
The positive illicit rate for all Soldiers decreased from FY2013-14. Potential pharmaceuticals are marked with an asterisk.

LEARNING POINTS

- ★ Legally prescribed but abused drugs can be just as dangerous as illegal drugs.
- ★ Educate Soldiers and their families on the benefits of the National Prescription Drug Take-Back Day to safely dispose of expired prescription medication.

d. Unit Drug Testing

The size of the untested population represents a significant gap in surveillance, detection and response. 55,864 Soldiers (9% of the active duty population) did not undergo urinalysis testing in FY2014, compared to 85,956 Soldiers (13%) in FY2013 and an average of 109,496 Soldiers per year from FY2007-12. Despite a smaller active duty population in FY2014 by 31,711 Soldiers, approximately 120,000 fewer urine samples were tested than the previous fiscal year (1.57 vs. 1.45 million). This suggests a more efficient approach is required to ensure testing is conducted in a comprehensive manner, especially in an era of known budgetary cuts. Commanders' application of tactics, techniques and procedures (TTP) provided in the Unit Prevention Leader Handbook¹⁸ may facilitate this.

The active duty illicit positive rate, or the percent of Soldiers who tested positive from among the tested population, continues to trend downward from a high of 1.75% in FY2006 to 0.99% in FY2014. This further illustrates the apparent transition from traditional street drugs to prescription and synthetic drugs. The number of Soldiers who tested positive for cocaine decreased from 0.67% in FY2007 to 0.15% in FY2014. Soldier positives for marijuana totaled 0.94% in FY2007, peaked to 1.0% in FY2009, and decreased to 0.56% in FY2014.

¹⁸ Accessible at <http://acsap.army.mil/prevention/UPLHandbook.pdf>.

DETECTING ILLICIT DRUG USE WITH UNIT TESTING

In July 2014, a Company Commander was titled by CID after testing positive for hydromorphone and hydrocodone during a unit urinalysis. The Medical Review Officer determined that her use was "abuse of medication" as she did not have a prescription for either drug.

Unit testing, IAW AR 600-85, is an effective tool for surveilling and detecting illicit and illegal drug use.

e. Alcohol-Related Crime

Alcohol-related crime, specifically Drunk Driving with Personal Injury (felony), Drunk Driving without Personal Injury (misdemeanor), and Drunk and Disorderly, has trended downward since FY2009 as shown in Figure III-8. From FY2009-14, the offender and offense rates decreased by 27% and 28%, respectively. In FY2014, however, these rates slightly increased by 3% and 5% from the previous year.

Excluding these three crime categories, alcohol involvement in all other crimes averaged 16% (8,198 of 52,558 offenses) in FY2014, which was one percentage point higher than FY2013. Alcohol involvement in Violent Sex Crimes (44% of all FY2014 offenses), Assault and Battery (33%), Aggravated Assault (39%), and Other Sex Crimes (26%) exceeded this average. As will be discussed later, alcohol involvement is a significant risk factor in sex crimes.

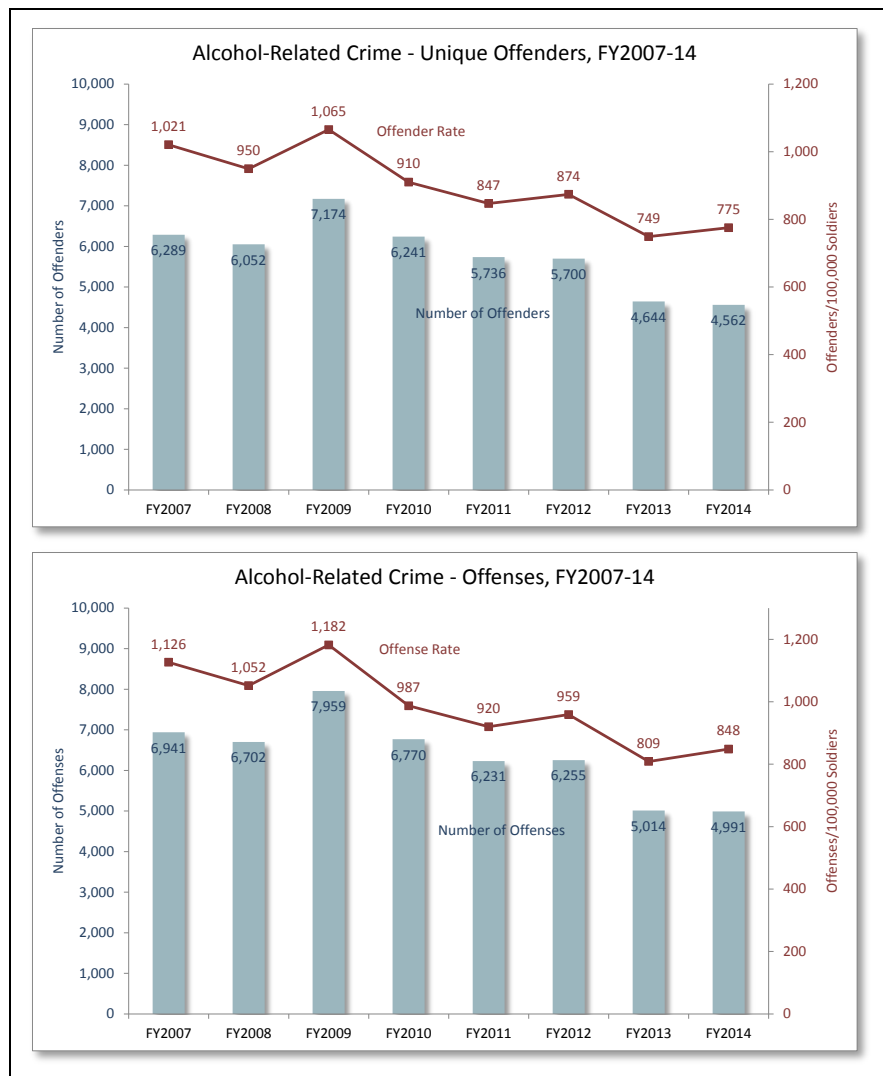


Figure III-8: Alcohol-Related Crime
 Although alcohol-related crime has trended downward since FY2009, the offender and offense rates in FY2014 slightly increased by 3% and 5%, respectively, from the previous year.

f. AR 600-85, *The Army Substance Abuse Program (ASAP)*

The 28 December 2012 revision to AR 600-85 closed a number of known gaps between drug testing and law enforcement. Most notably, installation ASAP offices are now required to notify CID of all illicit positive drug test results. Previously, ASAP was only required to notify the offending Soldier's commander who was required to notify law enforcement. Unfortunately, referrals to law enforcement did not always occur; Soldiers not referred after a positive UA ranged between 37% - 50% from FY2006-11. The closure of this gap will ensure CID has full visibility of illicit use, enabling a full investigation, and the subsequent identification of local drug networks. Other AR 600-85 changes include:

- *Soldiers who have alcohol or drug-related incidents of misconduct within a year after completion or removal from a rehabilitation program will be processed for separation as an alcohol or drug abuse rehabilitation failure. The term "process for separation" means that the separation action will be initiated and processed through the chain of command to the separation authority for decision/action.*
- *Any Soldier identified as an illegal drug abuser; involved in two serious incidents of alcohol-related misconduct within 12 months; involved in illegal trafficking, distribution, possession, use, or sale of illegal drugs; or convicted of driving while intoxicated or driving under the influence a second time during their career will be processed for separation.*
- *Battalion commanders will ensure that the initiation and final disposition for all Soldiers with an illicit positive drug test and Soldiers involved in two serious incidents of alcohol-related misconduct within 12 months are reported to the Alcohol and Drug Control Officer (ADCO). In addition, battalion commanders will ensure that a DA Form 4833 (Commander's Report of Disciplinary or Administrative Action) is completed and submitted in accordance with AR 190-45, Law Enforcement Reporting. ADCOs will monitor and evaluate the commander referral rate, separation actions, and the evaluation completion rate, and provide quarterly reports to the installation and battalion commanders.*

LEARNING POINTS

- Commanders must process for separation any illegal drug abuser (first offense) or two-time DUI offender IAW AR 600-85.

g. Accidental and Undetermined Deaths

CID investigated a total of 81 Accidental and Undetermined¹⁹ Active Duty Soldier deaths in FY2014 that were caused by numerous factors such as drugs, alcohol and traffic accidents. For comparison, there were 106 Accidental and Undetermined Soldier deaths in FY2013. A slight majority of the FY2014 deaths (44 of 81, or 54%) were directly attributed to inherently high-risk or criminal behavior. Drugs played a significant role in 25 of the 44 deaths; 24 of the 25 drug-related deaths were drug overdoses (OD). Of the 25 deaths where drugs were involved, 6 (24%) involved only illegal drugs, 12 (48%) involved only prescription drugs, 5 (20%) involved a combination of the two, and 2 (8%) involved huffing (in these cases, the use of helium to "get high"). The 24 OD deaths in FY2014 is significantly less than the 56 OD deaths recorded in FY2013 or the 50 OD deaths/year average from FY2006-FY2012.

¹⁹ A death when the information pointing to one manner of death is no more compelling than one or more other competing manners of death in thorough consideration of all available information. Manner of death categorization includes: Natural, Suicide, Homicide, Accidental and Undetermined.

ALCOHOL AND FIREARMS DON'T MIX

CID investigated the accidental death of a Soldier who shot himself in the head with a privately owned weapon (POW) while drinking alcohol with friends at an on-post residence. He had been prescribed nine different medications for anxiety and depression over the course of his military career in the Marine Corps and the Army (about 6 ½ years). Toxicology revealed that at the time of the incident, the victim had a blood alcohol content (BAC) of 0.21 and that tricyclic antidepressants (TCA) were present in his system. He had also recently failed a diagnostic Army Physical Fitness Test (APFT) and his command had postponed his promotion ceremony to SGT as a result.

The combination of four different risk factors (alcohol intoxication, anti-depressant medication, issues at work concerning poor performance, and a loaded POW) proved to be deadly in this circumstance.

The abuse of prescription medication remains a concern. Of the 17 death investigations involving prescription drugs, 4 of the Soldiers were prescribed the medication; 12 were not; and 1 was unknown/pending at the time of this report. The most common types of drugs found in the victims' systems were opioids (e.g., morphine, oxycodone) and benzodiazepines.

Regarding the 11 death investigations associated with traditional street drugs, heroin (8) and cocaine (2) were the most prevalent. Alcohol use was identified as a factor in 15 (19%) of the 81 deaths. Firearms were involved in 4 (5%) of the 81 accidental or undetermined deaths recorded in FY2014.

LACK OF BYSTANDER INTERVENTION

A SPC with a history of being late for duty and who previously consumed Spice was found face down on the floor, deceased in his barracks room after failing to show up for Charge of Quarters (CQ) duty. There were two cans of compressed air lying next to the SPC. Two days prior to his death, a fellow Soldier took the SPC to the Post Exchange (PX) where he purchased cans of compressed air. The Soldier observed the SPC huffing (inhaling vapors of commonly available chemical compounds to "get high") as they drove to a local mall. The next day, the SPC was observed in his barracks, by another Soldier, huffing compressed air from a can of keyboard cleaner after he went to retrieve the SPC because he failed to show up for formation. Neither of his fellow Soldiers reported these incidents to their chain of command.

The use of inhalants is difficult to detect and exceedingly high risk. Leaders should train their Soldiers to immediately report observations of huffing. All Soldiers have a responsibility to intervene in matters of health and welfare.

LEARNING POINTS

- 🌟 Timely identification and reporting of significant actions or events enables leaders to better manage at-risk behavior and protect Soldiers.

3. Sex Crime Trends



“Commanders, NCOs, and law enforcement must ensure that every allegation of sexual assault and sexual harassment is thoroughly and professionally investigated and that appropriate action is taken. Leaders at every level are responsible for establishing a command climate and culture of mutual respect, trust, and safety.”

– GEN Raymond Odierno
Chief of Staff of the Army

Sex crimes are a particularly egregious form of crimes against persons. The Army has taken aggressive steps to reduce the amount of sex crimes and increase the confidence required in individual Soldiers to report the crimes. The data presented in this section represent crimes reported to Army law enforcement and will differ from statistics reported by the Army’s Sexual Harassment/Assault Response and Prevention (SHARP) program. Estimates of unreported crimes are not factored in this section’s analyses or in any other section throughout this report.

a. Army-Wide Trends: Reporting Date vs. Incident Date

FY2014 represents a sizeable increase in both reported Violent Sex Crimes and Other Sex Crimes which may be the result of increased awareness, leader emphasis, and an environment of trust resulting in victims being more likely to report these

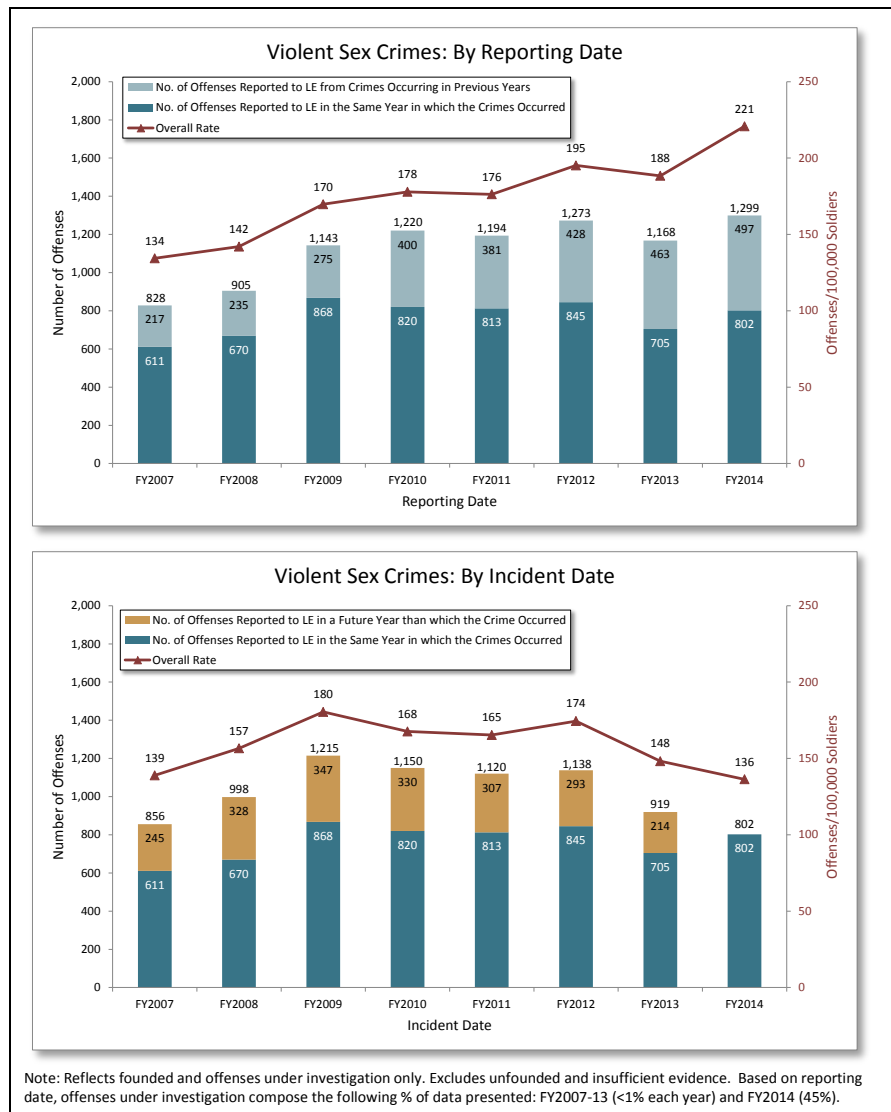


Figure III-9: Violent Sex Crime Trends

Violent Sex Crime reporting to Army law enforcement continues to trend upward (top chart). When examining the date of the crime, however, the trend is much improved (bottom chart). Given the high volume of delayed reporting in recent years, the offense rate (by incident date) observed for FY2014 is likely to increase as that year’s crimes are reported in future years. See Section III.3.e. for differences to SHARP Program reporting methodologies.

crimes. Due to the impact of delayed reporting, this section analyzes crime trends by reporting date to law enforcement and incident date of the crime.

As indicated in Figure III-9 on the previous page, the reporting of Violent Sex Crimes (top chart) has trended upward since FY2011.²⁰ The number of offenses increased from 176 to 221 offenses/100,000 – a 26% increase in the last three years. However, a significant portion of these offenses are attributed to crimes committed in previous years and subsequently reported to law enforcement. In FY2014, 38% (497 of 1,299) of the Violent Sex Crimes were due to this delayed reporting.

When examining the date of the crime, the Violent Sex Crime trend is much improved (Figure III-9 bottom chart). These crimes have generally trended downward since FY2009 (aside from FY2012) and decreased by 24% from FY2009-14. The “current” offense rate for FY2014 (136 offenses/100,000) is likely to increase as that year’s crimes continue to be reported in FY2015 and beyond.²¹ In other words, the “final” rate for FY2014 cannot be ascertained at this time.

Figure III-10 depicts the offense rate by reporting date vs. incident date for Other Sex Crimes. The number of offenses reported to law enforcement has trended upward since FY2010, increasing from 136 to 227 offenses/100,000 – a 67% increase in the last four years. Based on the date of the crime, however, the trend from FY2007 to



Figure III-10: Other Sex Crime Trends

Similar to Violent Sex Crimes, Other Sex Crime reporting to Army law enforcement continues to trend upward (top chart). The trend line by incident date (bottom chart) is less conclusive; there was a significant uptick in the crime rate from FY2011 to FY2012, and crime has been trending down slightly since. See Section III.3.e. for differences to SHARP Program reporting methodologies.

²⁰ Reported offenses in FY2014 will become slightly less pronounced as some offenses within open investigations become unfounded. 45% of all FY2014 sex crime offenses remained open as of October 2014.

²¹ A disproportionate number of the delayed reported offenses in a fiscal year are likely composed of crimes directly committed in the previous year.

FY2011 has been flat-to-decreasing, ranging from 136 to 146 offenses/100,000. The uptick in the crime rate from FY2011 to FY2012 may be due to heightened awareness generated by the growth in the SHARP program.

Leaders should anticipate that the number of reports of sexual assault may continue to rise in the coming years as a result of Army policy changes and sustained awareness. The professionalization of full-time Sexual Assault Response Coordinators and Victim Advocates supporting brigade-level units; sustained use of effective training (e.g., “Sex Signals”); revised professional military education (PME) SHARP training; further development of CID’s Special Victim Unit capability; enhancements to the Office of the Judge Advocate General’s (OTJAG) Special Victim Prosecutors; and implementation of the Special Victim Counsel program are among the many initiatives the Army is implementing to prevent and respond to sexual assaults and hold offenders accountable. Furthermore, supporting new policy includes:

- Enhancements to the Evaluation Reporting System to assess how Officers and NCOs are meeting their commitments to eliminate sexual harassment and assault and to foster climates of dignity and respect in their units.²²
- Clarifying guidance to assist in the decision on whether to retain any Soldier convicted of a sex crime, ensuring that that decision is fully informed and in the Army’s best interest.²³ Commanders will initiate the administrative separation of any Soldier convicted of a sex offense whose conviction did not result in a punitive discharge or dismissal, regardless of when the conviction for the sex offense occurred, component (COMPO), and current status in that COMPO.²⁴ Furthermore, Commanders will ensure that any Soldier convicted of a sex crime are not assigned or deployed on a temporary duty (TDY), temporary change of station (TCS), or permanent change of station (PCS) status to duty stations outside the Continental United States (OCONUS).²⁵ Those Soldiers serving in OCONUS locations who have been convicted of a sex offense are ineligible for continued duty at those locations and will be returned to the Continental United States (CONUS).
- Any Soldier who received a court-martial conviction, nonjudicial punishment, or punitive administrative action for a sex crime is denied PCS or reassignment until approved by Headquarters, Department of the Army (HQDA); the sex crime is annotated in the Soldier’s permanent record in the Army Military Human Resource Record (AMHRR); and commanders screen the record brief of current and incoming Soldiers for any sex crime codes to gain situational awareness of sex crime offenders within their formations.²⁶

Promising trends in the reporting of sexual assault offenses indicate a growing trust and confidence by victims and a command climate of dignity and respect.

²² Army Directive 2013-20, *Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program*, 27 September 2013.

²³ Army Directive 2013-21, *Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses*, 7 November 2013.

²⁴ There are three Army Components: COMPO 1 – Active Army; COMPO 2 – Army National Guard; and COMPO 3 – US Army Reserve.

²⁵ OCONUS exceptions to AD 2013-21 are Hawaii, Alaska, the Commonwealth of Puerto Rico, and US territories/possessions.

²⁶ Army Directive 2014-29, *Inclusion and Command Review of Information on Sex-Related Offenses in the Army Military Human Resource Record*, 9 December 2014.

LEADER / BYSTANDER INTERVENTION

An NCO overheard two junior Soldiers (not in his chain of command) discussing a sex act committed by one of the junior Soldiers with an intoxicated female who was not fully coherent. After hearing the story, the listening junior Soldier commented, “Bro, that is like rape.” The first junior Soldier responded by stating, “She didn’t say anything.”

The NCO notified his company commander and provided a statement to CID. CID immediately initiated an investigation.

Just as we would expect our leaders to directly intervene to make an on-the-spot correction for improper wear of the uniform or to break up a fight, we should ensure all our Soldiers are also trained to intervene through the chain of command and law enforcement officials.

b. Penetrative to Non-Penetrative Sex Crime Comparison

In FY2010, there were 52% more Violent Sex Crime offenders than non-penetrative sex crime offenders (856 vs. 563). This gap has steadily decreased over time where they are now almost equal (684 vs. 670) in FY2014. This shift is the result of both a reduction in Violent Sex Crime and an increase in non-penetrative sex crime as measured by their respective rates (offenders/100,000).

Based on anecdotal evidence, part of the increase in the non-penetrative reporting is the heightened awareness generated by the SHARP program. Because current training has been expanded to address all sex crimes (whereas previously violent sex crimes were the primary focus), we should expect non-penetrative sex crimes to grow as more victims report non-penetrative Article 120 offenses (to include continued growth in reporting of offenses that occurred in previous years). Of the sex crime offenders, the percentage of non-penetrative offenders increased from 40% in FY2010 to 41% in FY2011, 44% in FY2012, 47% in FY2013, and most recently 49% in FY2014.

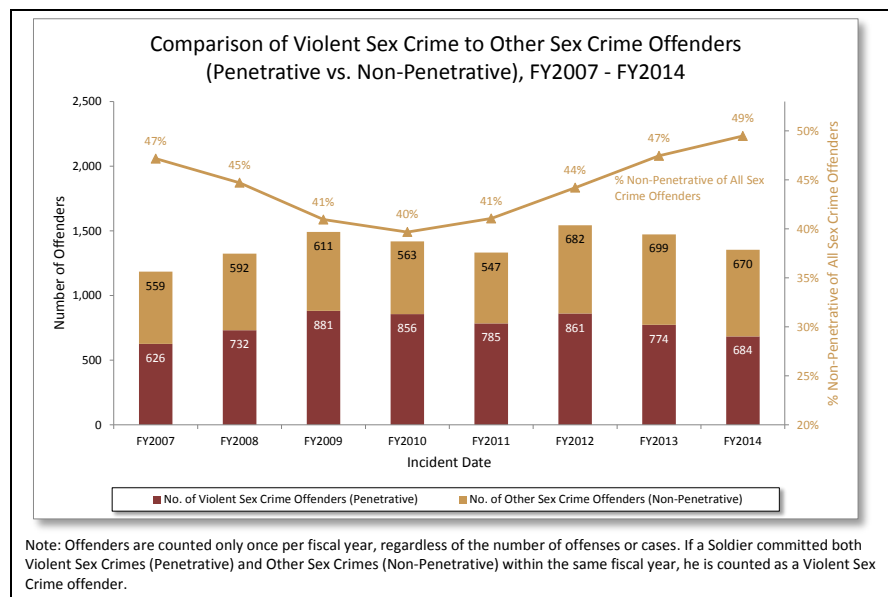


Figure III-11: Comparison of Violent Sex Crime to Other Sex Crime Offenders

The proportion of non-penetrative sex crime offenders to all sex crime offenders has steadily increased since FY2010.

c. Soldier-on-Soldier Sex Crime

Of the Violent Sex Crimes reported in FY2014, 40% (522 of 1,299 offenses) were perpetrated against other Soldiers. These involved 436 unique Soldier offenders and 419 unique Soldier victims.

Young female Soldiers remain the targets of these crimes. Of the 419 Soldier victims, 90% (377) were female, and 82% (308) of these female victims were junior Soldiers (E1 - E4). Of the 436 Soldier offenders, 64% (279) were junior Soldiers, meaning that 36% (157) of Soldier-on- Soldier Violent Sex Crime offenders were E5 or above (including officers).

Alcohol in Soldier-on-Soldier Violent Sex Crimes was particularly prevalent (62% of all cases). It is possible that the actual alcohol involvement may be higher due to underreporting. Underreporting may be driven by potential General Order (GO) #1 violations (no alcohol consumption downrange) and underage drinking based on anecdotal information

Predominant Risk Factors for Soldier-on-Soldier Violent Sex Crime

- *Location.* 78% of crimes were committed in high-density housing (e.g., barracks, containerized housing units (CHU), hotels)
- *Alcohol involvement.* 62% of the crimes involved alcohol use by the subject, victim, or both.
- *Victim demographics.* While female Soldiers compose 14% of the Force, they represent 90% (377 of 419) of the Violent Sex Crime victims. 82% (308 of 377) of the female Soldier victims were E1-E4.
- *Day of week.* 70% of crimes were committed during the weekend (Friday through Sunday)
- *Time of day.* 4am-8am was the riskiest time block, with approximately one-third of all crime occurring between these hours.

COMMON ELEMENTS OF SOLDIER SEXUAL ASSAULTS

A female PV2 reported to her installation military police (MP) station that she was raped by a fellow male Soldier while watching movies in his barracks room. They both consumed several alcoholic beverages, but she began to lose consciousness after finishing the second beverage. She awoke during various stages of the incident to the male Soldier undressing her, fondling her, and then raping her. Under rights advisement, the male Soldier waived his rights and admitted to raping the PV2. For his actions, the Soldier was found guilty by a General Court Martial, confined and separated under a Bad Conduct Discharge.

This vignette represents common elements from many of CID's sexual assault investigations – young Soldiers that know each other; alcohol consumption; high density housing such as barracks, CHUs, and hotels; and the failure to take care of a fellow Soldier. Leaders should continue to emphasize to their junior Soldiers that engaging in sexual acts with another that is too intoxicated to give consent violates Army values, breaks the law and will likely result in lifelong consequences for the victim and the assailant.

Figure III-12 depicts the offense rates by reporting date (blue trend lines) vs. incident date (orange trend lines) for Soldier-on-Soldier Violent Sex Crimes (top chart) and Other Sex Crimes (bottom chart). Violent Sex Crimes have increased by 29% (69 to 89 offenses/100,000) from FY2010-14 based on reporting date, but have decreased by 10% (69 to 62) based on incident date. Other Sex Crimes, as viewed by both reporting and incident dates, have trended upwards in near lockstep from FY2010-13 but diverge in FY2014.

Figure III-13 quantifies the extent of delayed reporting of Soldier-on-Soldier Violent Sex Crimes. The top chart illustrates the magnitude of delayed reporting; for example, 30% (155 of 522) of Soldier-on-Soldier Violent Sex Crimes were reported to law enforcement in FY2014 from incidents in past years. The lower chart illustrates the increase in delayed reporting over time. Whereas 43% of Soldier-on-Soldier Violent Sex Crimes were reported within 48 hours in FY2007, this percentage dropped to 23% in FY2014.

While delayed reporting equates to a significantly reduced opportunity to collect physical evidence with degraded testimony, it could also indicate increased Soldier confidence in reporting and/or a desire to receive victim services. Late reporting, combined with the density of investigations that involve subjects and victims engaged in a personal relationship, provides a challenging environment for investigation and prosecution.

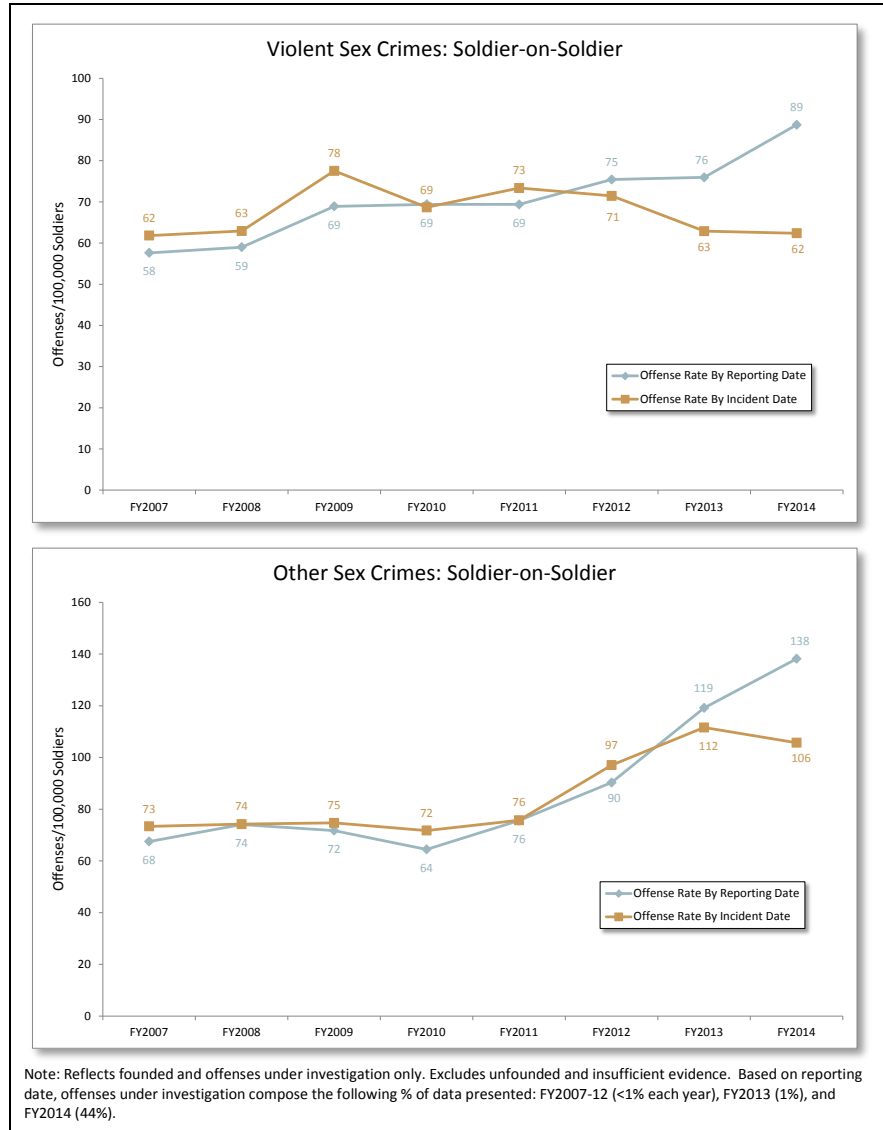


Figure III-12: Soldier-on-Soldier Sex Crime Trends
 From FY2011-14, Soldier-on-Soldier Violent Sex Crimes have trended upward based on reporting date but downward based on incident date. From FY2010-13, Soldier-on-Soldier Other Sex Crimes have trended upward based on both reporting and incident dates but diverge in FY2014. See Section III.3.e. for differences to SHARP Program reporting methodologies.

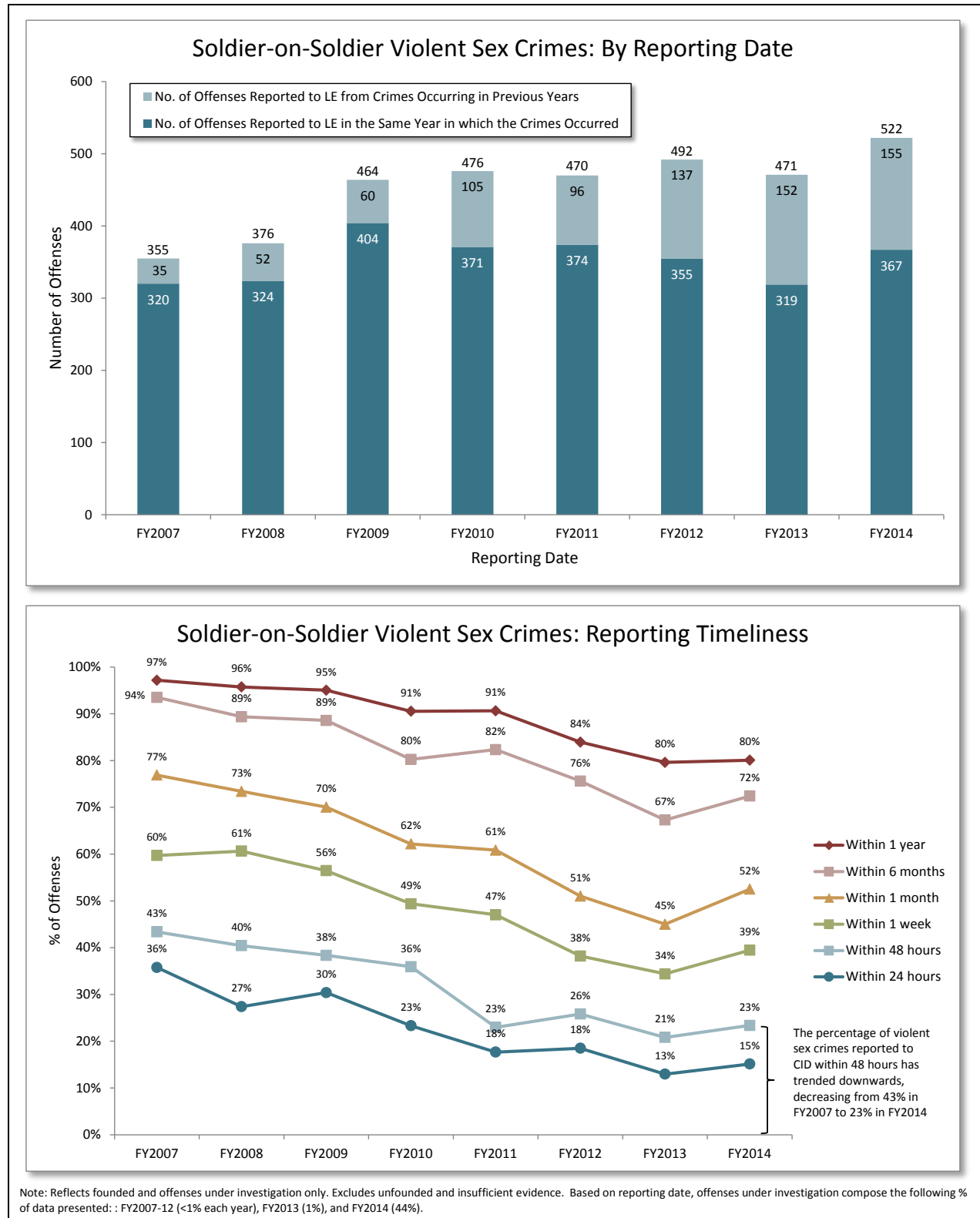


Figure III-13: Delayed Reporting of Soldier-on-Soldier Violent Sex Crimes
 30% (155 of 522) of Soldier-on-Soldier violent sex crimes were reported to LE in FY2014 from incidents in past fiscal years. Only 23% of FY2014 Soldier-on-Soldier violent sex crimes were reported to CID within 48 hours, down from 43% in FY2007. See Section III.3.e. for differences to SHARP Program reporting methodologies.

LEARNING POINTS

- ★ Encourage Soldiers to not only report sex crimes, but to report them as quickly as possible. Timely reporting assists with medical treatment, preserves evidence, and positively impacts the investigation of the crime and well-being of the victim.
- ★ Reconstitute the use of Charge of Quarters (CQ), non-commissioned officers and runners in all barracks to prevent sex crimes.
- ★ Ensure barracks policies provide appropriate good order and discipline (e.g., visitation hours and ages of visitors, acceptable quantities of alcohol per room, leader presence on weekends).
- ★ Ensure all Soldiers, especially junior (E1-E4) Soldiers, are formally sponsored and quickly integrated to reduce the potential for sex crime victimization and mitigate risks during transition periods.
- ★ Educate Soldiers that all sexual acts require consent from both people and engaging in a sexual act with another who is too intoxicated to give consent violates law and will likely result in lifelong consequences for the victim and assailant.
- ★ Empower Soldiers that if they see a fellow Soldier at risk of making poor decisions because of alcohol use, they must intervene in the situation and take action to protect their battle buddy.
- ★ Leverage Directorate of Emergency Services (DES) and CID expertise; get left of incidents via law enforcement briefs on preventing sexual assaults and drug and alcohol abuse at unit-level training events, Garrison Newcomer's Briefs and local commander / 1SG Courses.
- ★ Enhance situational awareness with unit safety briefings, climate surveys and sensing sessions. Targeted sensing sessions (e.g., with women only, men only, junior Soldiers) may prove more informing.

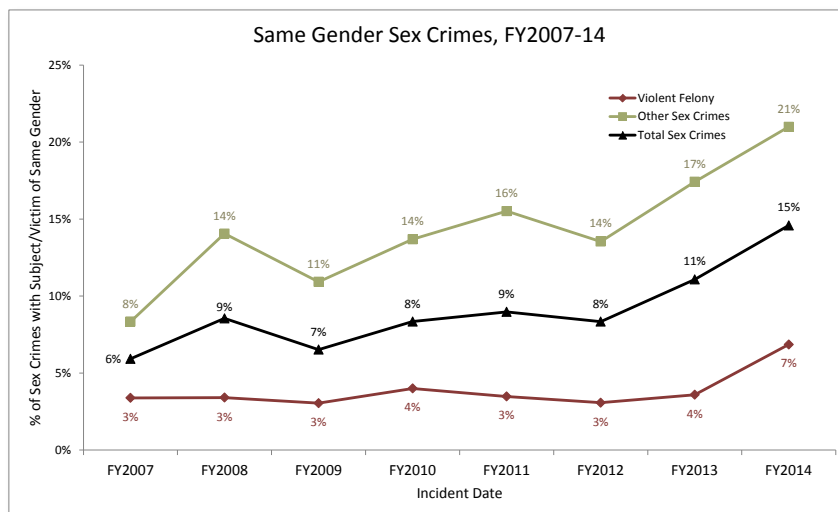
d. Same Gender Sex Crime

Same gender sex crime, as measured by incident date, has increased in recent years.²⁷ As illustrated in Figure III-14, the percentage of Violent Sex Crimes (red line in figure) from FY2007-13 perpetrated by Soldier offenders upon a member of the same sex was a steady 3-4% each year, but this percentage doubled to 7% in FY2014. Other Sex Crimes (green line) increased from 8% in FY2007 to a peak 21% in FY2014. Total sex crimes (black line) increased from 6% in FY2007 to 15% in FY2014.

For same gender sex crimes from FY2007-14, the ratio between male-on-male and female-on-female crimes was 86% / 14% for both Violent Sex Crimes, 88% / 12% for Other Sex Crimes, and 88% / 12% for Total Sex Crimes. These percentages are in line with Army demographics where 14% of AD Soldiers are female.

²⁷ Same gender sex crime is defined as a sex crime perpetrated upon a member of the same sex.

Finally, this analysis was conducted to identify any impactful results of the September 2011 repeal of the *Don't Ask, Don't Tell* policy, specifically to determine if victims are more likely to report their assault. While preliminary, the empirical evidence reflected in Figure III-14 supports this hypothesis.



Note: Reflects founded and offenses under investigation only. Excludes unfounded and insufficient evidence. Based on incident date, offenses under investigation compose the following % of data presented: FY2007-13 (0-3% each year) and FY2014 (34%).

Figure III-14: Same Gender Sex Crime Trends

Same gender sex crime has increased in recent years. In FY2014, 21% of the (non-penetrative) Other Sex Crimes were same gender sex crimes. See Section III.3.e. for differences to SHARP Program reporting methodologies.

BASIC TRAINEE ACCUSED OF SEXUALLY ASSAULTING OTHER TRAINEES

A 17 year old male basic trainee was titled with sexually assaulting several of his fellow male basic trainees between July and August 2014. Preliminary investigation revealed that the PVT sexually assaulted seven Soldiers (six PVTs and one PFC) on numerous occasions by striking their genitals with his hand or objects, pinching their breasts, and/or touching their buttocks, often making sexual comments as he did so. He also indecently exposed three of the seven aforementioned victims when he opened their showers exposing them to everyone within the shower area. Continued investigation has identified an additional eight victims (six PVTs, one PFC, and a SPC).

While this behavior could be that of an immature civilian teenager, Soldiers should be vigilant about the Army's zero tolerance policy on sexual harassment and assault. Commanders must educate their Soldiers that this type of behavior is not allowed nor tolerated in keeping with Army values.

e. *FY2014 Army Crime Report vs. SHARP Program Reporting*



“While we see indications that our efforts over the last year and a half are having an impact, it does not mean that we are satisfied with our progress. We will continue to encourage greater reporting while reducing the occurrence of this crime by improving our prevention measures.”

– MG Jeffrey Snow

Director of the DoD Sexual Assault Prevention and Response Office

The sex crime trends described previously in Section III.3.a., *Army-Wide Trends: Reporting Date vs. Incident Date*, vary with those reported by the SHARP Program due to different analyses and conclusions based on unique reporting requirements. The Army SHARP Program reports sexual assault data in a manner directed by the NDAA and Office of the Secretary of Defense (OSD) policy. The *FY2014 Army Crime Report* reflects standard law enforcement reporting methodologies. In line with the purpose of this report, these trends provide commanders a review of sex crimes committed by active duty Soldiers, the population of offenders that commanders can most influence and hold accountable. However, taken together, both reports provide commanders with greater insight into the issues raised by sexual assault and how to best mitigate them. Information and data on the SHARP program and trends is contained in the Department of Defense Annual Report on Sexual Assault in the Military, available at <http://www.sapr.mil/index.php/annual-reports>. DoD expects to publish the FY2014 report no later than May 2015.

	FY2014 Army Crime Report	DoD / SHARP Annual Report
Key Reporting Metric	Offenses and Unique Offenders (no double counting) depicted by rates per 100,000 Soldiers	Number of unique victims (one victim = one report) and prevalence data
Offender Criteria	Limited to active duty Soldiers (includes mobilized ARNG/USAR)	All offenders (i.e., Soldiers, Family members, civilians, other Servicemembers) of crimes committed by and/or against active duty Servicemembers
Victim Criteria	All victims; no exclusions	Excludes sex assault cases involving victims who are: juveniles; and marital, domestic or intimate partners
Included Crimes	Founded offenses and offenses under investigation	Founded offenses of open and closed investigations, as well as unfounded and insufficient evidence cases
Restricted / Unrestricted²⁸	Unrestricted Reports only	Restricted and Unrestricted Reports

Figure III-15: Differences in Reporting Requirements
Differences include metrics, offender criteria, victim criteria, included crimes, and restricted / unrestricted reporting.

²⁸ Under DoD’s Sexual Assault Prevention and Response policy, victims have two reporting options – Restricted Reporting and Unrestricted Reporting. With Restricted (Confidential) Reporting, victims can access healthcare, advocacy services, and legal services without notification to the command or law enforcement. With Unrestricted Reporting, both the command and law enforcement are notified.

Figure III-15 outlines the key differences in the reportable metrics used to inform each report. For example, SHARP excludes sex crimes perpetrated against juveniles (i.e., victims under 18 years of age) and those victims who are in marital, domestic or intimate partner relationships. Additionally, SHARP Program reporting includes restricted reports which have ranged from 174 to 397 from FY2007-14. Despite the different metrics, both reports are indicative of the Army's enduring commitment to introspective, candid and transparent evaluation of its efforts to reduce sex crimes.

The numbers of victims reporting sexual assault from FY2007-14 are depicted in Figure III-16. These counts by fiscal year are based on the reporting date. The total of 2,525 victims reporting sexual assault in FY2014 represent an 8% increase over the last fiscal year and was the highest annual total since the Army began tracking this data in 2004. These 2,525 victims filed 2,128 unrestricted reports and 397 restricted reports. DoD tracks the prevalence of unwanted sexual contact through the Workplace and Gender Relations Survey of Active Duty Members (WGRA).²⁹ This biannual survey indicated that the Army prevalence of unwanted sexual contact decreased significantly from FY2012 to FY2014 for female Soldiers while male prevalence was not significantly different. Also, reporting (as a function of the total number of Soldiers responding that they were subjected to unwanted sexual contact) increased significantly from 14% in FY2012 to 23% in FY2014. This is an indicator that Soldiers have increased confidence in the system to provide adequate services and hold offenders accountable.

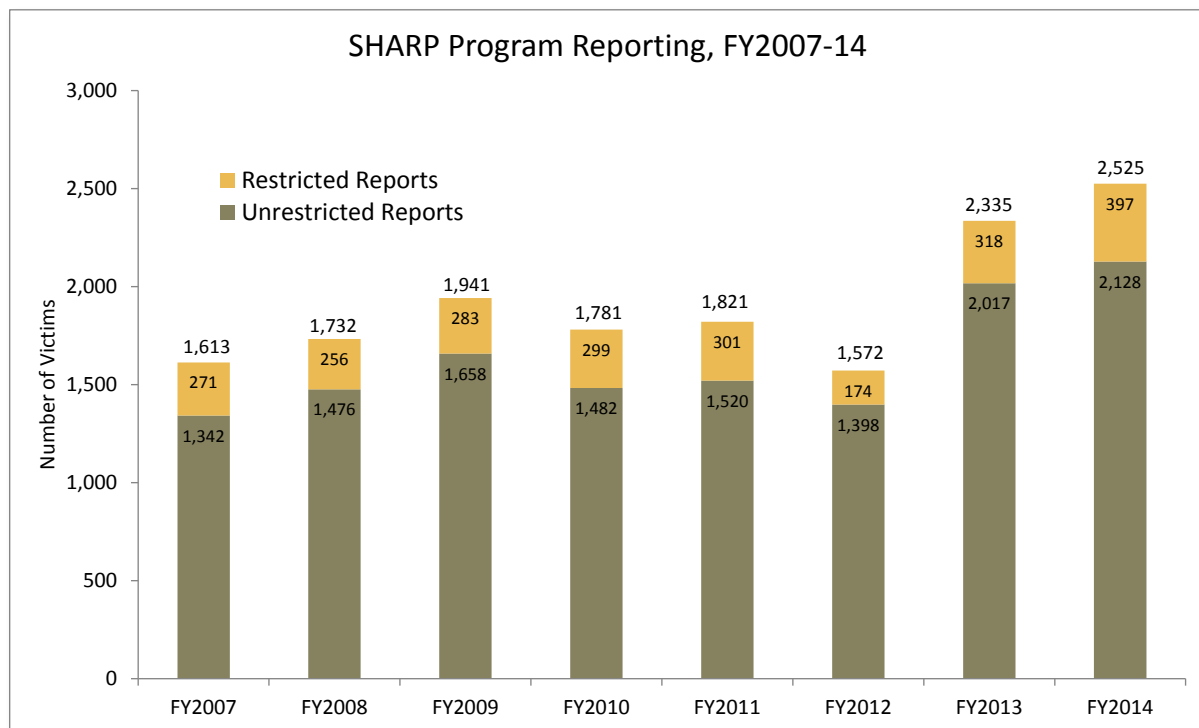


Figure III-16: SHARP Program Reporting, FY2007-14

Based on reporting date (as opposed to incident date), SHARP reports sexual assaults in which a Service Member is involved, whether restricted or unrestricted, even if later determined to be unfounded, and excludes incidents reported under the Family Advocacy Program (e.g., sexual assault between domestic partners, child sexual abuse, etc.).

²⁹ 'Prevalence of unwanted sexual contact' is a WGRA survey metric. Although the term 'unwanted sexual contact' does not appear in the UCMJ, it is used as an umbrella term intended to include certain acts prohibited by the UCMJ.

4. Family Abuse

As illustrated in Figure III-17, FY2014 continues a FY2013 reversal in the upward trend of Family Abuse³⁰ crimes. Offender and offense rates both decreased by 6% over the previous year.

These rates do not likely reflect all Family Abuse crimes for two reasons: (1) off-post offenses are not always reported to the PMO; and (2) some Army law enforcement officers title domestic violence offenders with assault but fail to include the appropriate secondary offense (e.g., spouse abuse) as required by AR 190-45, *Law Enforcement Reporting*³¹. The latter reason is quantified in Figure III-18. From FY2007 to FY2014, approximately 3 out of every 10 Family Abuse cases was not properly recorded as such.

Of the FY2014 Family Abuse crimes, 70% were perpetrated against his/her spouse, 19% against his/her child (6% child abuse and 13% child neglect / maltreatment / mistreatment), and 11% against other family members (e.g., grandparent). Family abuse can take many forms including sex crime, homicide, aggravated assault, and simple assault. In fact, a concerning 35% (453 of 1,299 offenses) of FY2014 violent sex crime offenses were perpetrated against Soldiers' own family members.



Figure III-17: Family Abuse Trends
 FY2014 continues a FY2013 reversal of upwardly trending offender and offense rates.

³⁰ This category consists of child neglect / maltreatment / mistreatment, child abuse, spouse abuse, and other family member abuse.

³¹ Army law enforcement initiatives (i.e., additional training) are being executed to close this gap in reporting/recording.

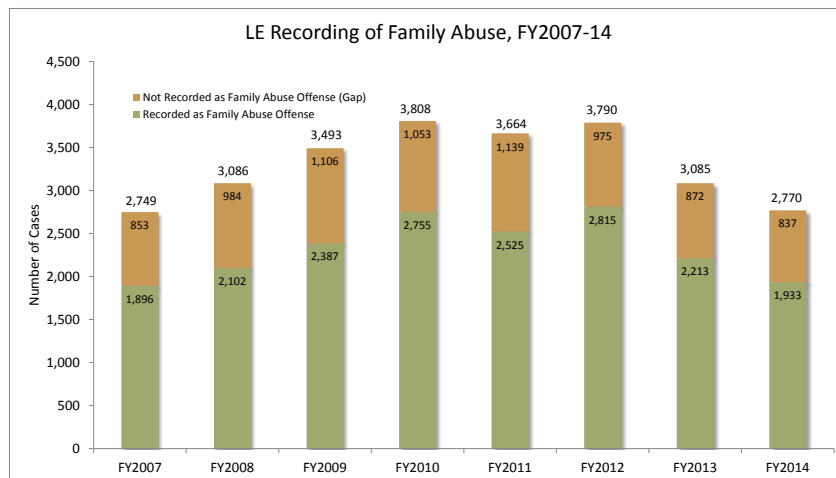


Figure III-18: LE Recording Gap of Family Abuse as a Secondary Offense

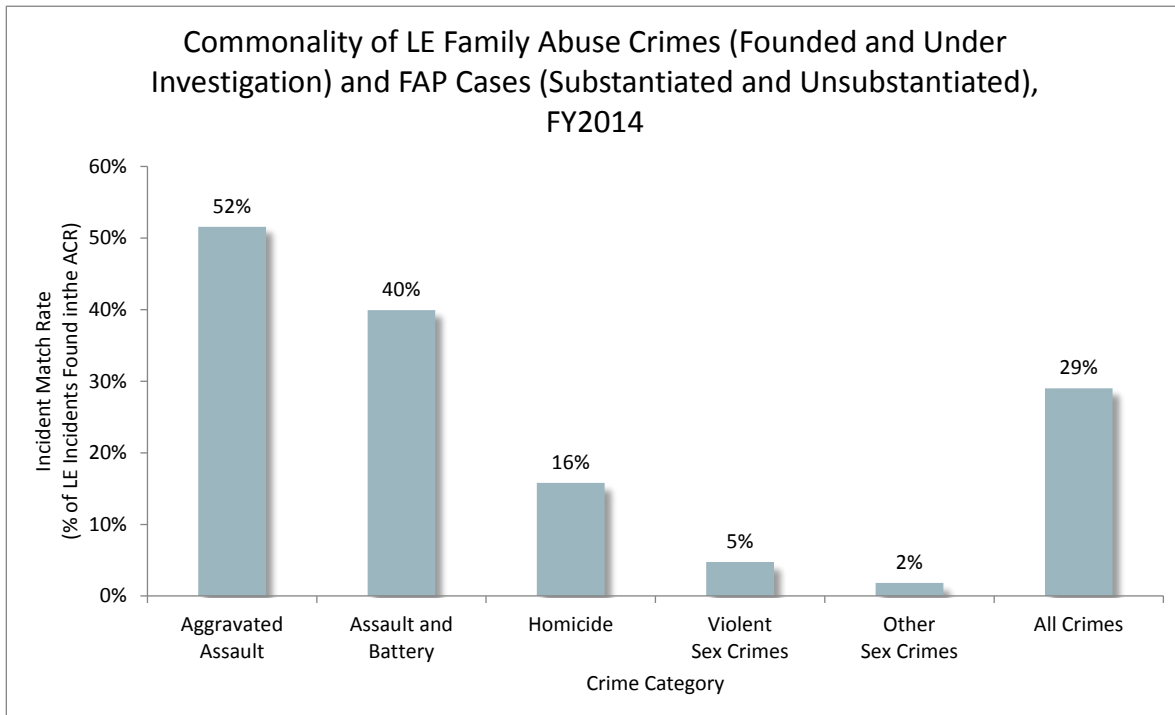
The gap in Family Abuse recording (orange bar) represents approximately 3 out of every 10 cases from FY2007-14. Specifically, the gap consists of sex crimes, homicides, aggravated assaults and simple assaults against family members in which law enforcement did not properly report/record the appropriate Family Abuse secondary offense.

Gaps also exist in LE notifications to the Family Advocacy Program (FAP) for crimes involving Family Member victims or in the subsequent FAP case assessment/determination process once notifications are received. Per AR 608-18, *The Army Family Advocacy Program*, Provost Marshals and local CID investigative units are to notify the installation FAP report point of contact (RPOC) of all reports of spouse and child abuse.³² This notification helps FAP coordinate professional intervention at all levels within the civilian and military communities, including social services, health services, legal services, and law enforcement through the initiation of a FAP case.

It is assumed that 100% of LE cases with founded offenses or offenses under investigation involving family member victims should result in a FAP case since there is a criminal nexus. In comparing these types of crimes to the Army Central Registry, the authoritative Army database maintained by the US Army Medical Command (MEDCOM) for FAP spouse and child abuse cases, significant gaps exist between LE cases and FAP cases. Figure III-19 shows that the incident rate of LE cases resulting in a FAP case, regardless of whether the case was substantiated or not, for certain crime categories involving Family member victims ranges from 2% (Other Sex Crimes) to 52% (Aggravated Assault), with an overall referral rate for all crimes of 29%.

Although there are several potential breakdown points in the LE notification-to-FAP Case Review Committee process, the lack of LE reporting to the FAP RPOC could be a factor; however, further analysis is required. Through better reporting to FAP, there is a clear opportunity for LE to assist installation commanders in addressing the problems of spouse and child abuse, to prevent further trauma for abuse victims, and to support other objectives of the FAP Program. FAP is especially helpful in turning around those cases involving mild abuse, so reporting even suspected cases can help a Family – before things get worse. Furthermore, the reporting of homicides can assist FAP with installation and Army-level fatality reviews to mitigate future cases.

³² AR 608-18 (30 October 2007), paragraphs 1-8(j) and 1-8(k) and Appendix B, paragraph B-3(c).



Note: Data reflects all FY2014 cases with founded offenses or offenses under investigation in which the victim was a family member. The incidents of these cases were compared to the Army Central Registry and matched by incident date. It was considered a match if the incidents were within +/- 7 days of one another.

Figure III-19: Law Enforcement and FAP Case Gaps

Gaps exist in LE and FAP cases across many crime categories. Overall, only 29% of crimes investigated by LE involving family member victims resulted in a case initiated by FAP.

SUSTAINED HISTORY OF DOMESTIC VIOLENCE

In April 2013, a SSG was arrested for an on-post altercation with his spouse regarding his high level of intoxication. MP responded and apprehended the SSG for damaging property when he threw a chair against the wall. He was additionally charged with resisting arrest and child endangerment while transporting the SSG to the MP Station; upon arrival, the SSG became combative with the MP and had to be further restrained. For these actions the SSG received a field grade Article 15 for which he was reduced in rank to SGT, verbally counseled, and referred to FAP and ASAP. Three months later, and again intoxicated, the SGT physically assaulted his wife by choking her in front of their young children. The SGT's wife, also intoxicated, grabbed a kitchen knife and cut the SGT's hand. The SGT was referred to ASAP and mental health for this altercation. Eight months later the SGT was involved in another physical altercation with his wife; this time, the SGT punched his wife in the face several times, knocked her to the ground, and kicked her. As with the previous altercations, the children were present and alcohol was a contributing factor. The SGT fled the scene in a vehicle, but was later apprehended on-post for assault, DUI, and child endangerment. It was determined that he had a BAC of 0.13%.

Although commanders correctly leveraged available Army resources, the Soldier's inability to conform to Army standards led to the Soldier's discharge from active duty.

LEARNING POINTS

- ✦ Initiate appropriate measures and Army resources to assess and monitor Soldiers under investigation to reduce the potential of self-harm or harm to others.
- ✦ Enhance situational awareness by participating in the Community Health Promotion Council (CHPC) and other risk reduction forums.
- ✦ Provost Marshals and local CID Investigative units must notify the FAP report point of contact on all incidents of child and spouse abuse, including suspected cases of mild abuse to homicide.

5. AWOL / Desertion

Figure III-20 and Figure III-21 illustrate AWOL and Deserter trends, respectively, for enlisted Soldiers on active duty. Officers are excluded due to the small numbers of offenders (approximately 15/year); including them in this analysis would skew percentages downward.

a. AWOL

The percentage of AWOL Soldiers decreased 73% from its high in FY2007 to a seven year low in FY2014. In FY2007, 0.90% of the total active duty enlisted Force was titled with at least one AWOL compared to 0.24% in FY2014. AWOLs remain a serious concern for Army leaders as they impact unit and team cohesion/readiness and often lead to the more serious felony of desertion.

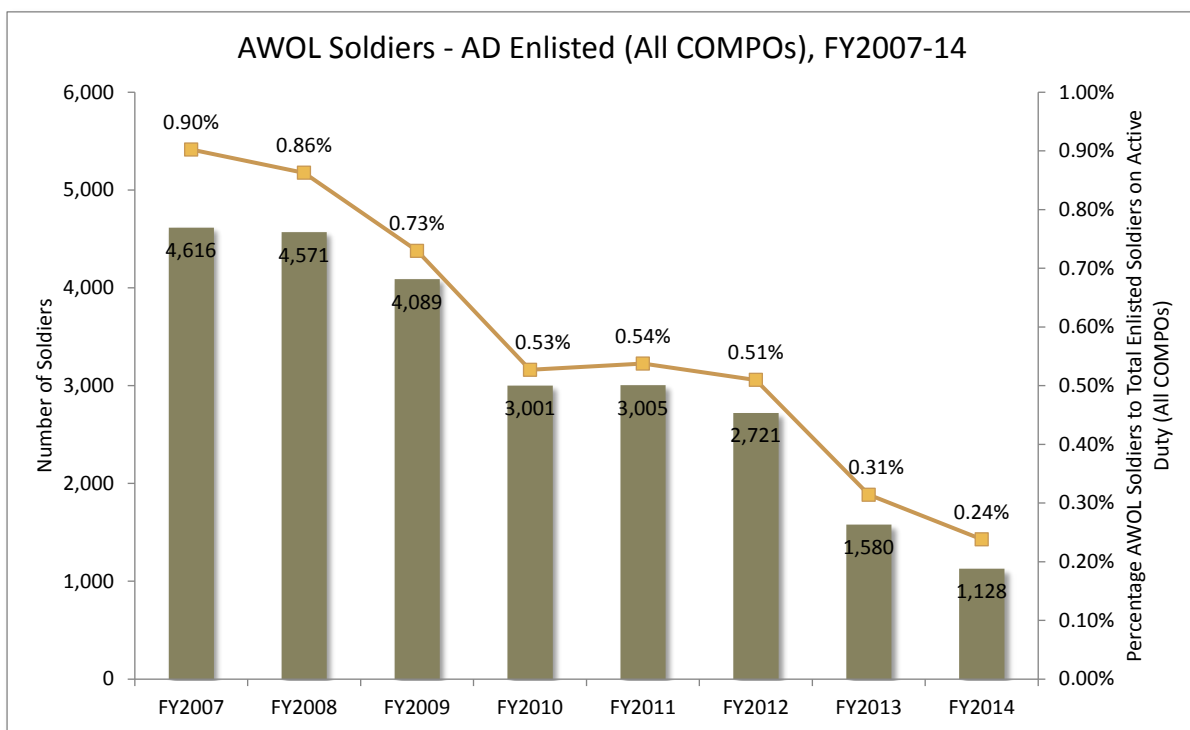


Figure III-20: AWOL Soldiers – AD Enlisted Only, All COMPOs

The AWOL offender rate continued its downward trend in FY2014, decreasing 73% from its high in FY2007. Approximately one out of every 400 enlisted Soldiers went AWOL at least once in FY2014.

LEARNING POINTS

- 🌟 Notify the PMO within 48 hours of a Soldier being AWOL. Immediately notify the PMO when the Soldier has returned.

b. Desertion

The shape of the Desertion trend resembles that of the AWOL trend. In FY2007, 0.58% of the total active duty enlisted Force was titled with at least one Desertion offense compared to 0.16% in FY2014. This represents a 72% decrease.

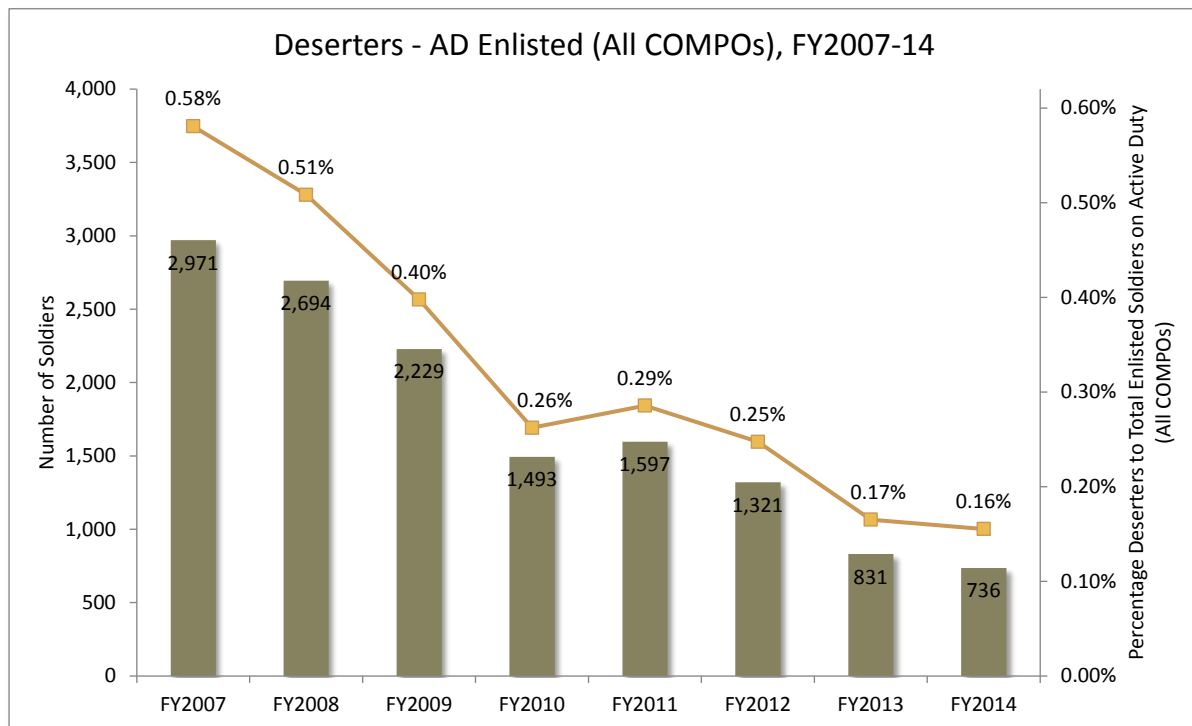


Figure III-21: Deserters – AD Enlisted Only, All COMPOs

The Desertion trend parallels the AWOL trend. The Desertion offender rate continued its downward trend in FY2014, decreasing 72% since FY2007. Approximately one out of every 600 enlisted Soldiers deserted at least once in FY2014.

LEARNING POINTS

- ✪ Soldiers do not have to be AWOL for 30 consecutive days before being classified / reported as a Deserter. Commanders should immediately classify a Soldier as a Deserter without regard to the length of absence if: (1) the Soldier intends to remain permanently absent; (2) the commander believes there is a risk that the Soldier may commit violent acts, or harm themselves or others; or (3) the absent Soldier is assigned to a special mission unit or had access to Top Secret, Sensitive Compartmented Information, or Special Access Program information during the 12 months preceding the absence. Timely reporting IAW these provisions may equate to reduced threat and risk.

IV - Multiple Felony Offenders

This chapter discusses the serious problem of multiple felony offenders. Multiple felony offenders are defined as Soldiers who are titled in two or more separate law enforcement cases involving a founded felony-level offense.^{33,34}

The presence of multiple felony offenders in formations may highlight policy and process gaps that allow offenders to offend again, continue to serve, delay separation from service, and/or languish in an ambiguous status. Had these Soldiers, especially those who committed the most egregious crimes, been separated following the first felony, at least one other felony may have been prevented. This prevention would have saved the Army leader time, resources and readiness, and avoided negative impact on the Army community.

Based on founded offenses only (i.e., prior to commander adjudication), there were 40,054 multiple felony offenders from FY2001 through FY2014. As of November 2014, 78% (31,198 Soldiers) had been separated; 9% (3,761 Soldiers) were still in the Army; and 9% (3,776 Soldiers) had been dropped from the rolls (DFR).³⁵ Of those in DFR status, approximately two-thirds are incarcerated and approximately one-third are deserters.

The number of multiple felony offenders in the ranks continues to decrease. Figure IV-2 illustrates that both the number of Soldiers and their representative percentage of the Force decreased based on the last three snapshots taken for this cohort. Although the percentages are small, the percentage of MFOs in the Force decreased by 7% from July 2012 to November 2014, (0.69% to 0.64%).

Status of Multiple Felony Offenders
FY2001 - FY2014

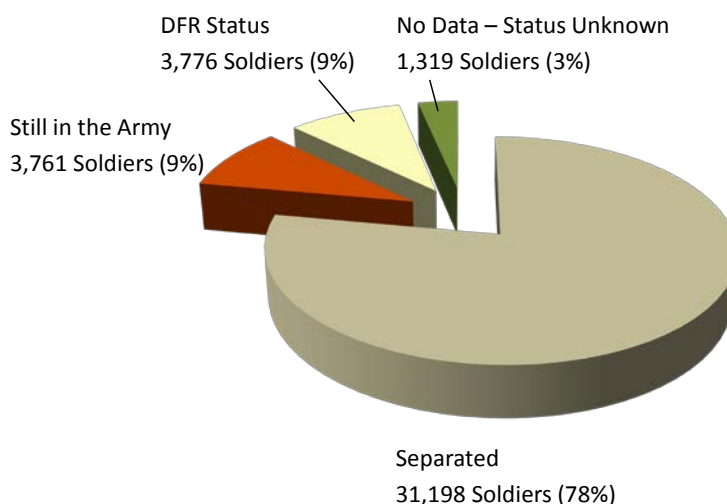


Figure IV-1: Status of Multiple Felony Offenders

From FY2001 - FY2014, there have been 40,054 multiple felony offenders in the ranks. 3,761 Soldiers (9%) were still serving as of November 2014.

³³ Based on closed, founded investigations that have received a legal opine demonstrating that there is probable cause to title the Soldier (list in the subject line) with the crime. It is not dependent on judicial decision / commander adjudication.

³⁴ As reflected by Figure IV-4, the majority of multiple felony offenders committed non-violent felonies (e.g., drug crimes). Refer to pages 6-8 for examples of violent and non-violent felonies.

³⁵ Status results are based on AC personnel information only. Access to RC personnel data was not available at the time; it is assumed that the 1,319 Soldiers with unknown status are largely RC Soldiers. It is possible for separated AC Soldiers to join the RC. Therefore, the number of Multiple Felony Offenders still in the Army may be slightly understated and the number of separated Multiple Felony Offenders slightly overstated.

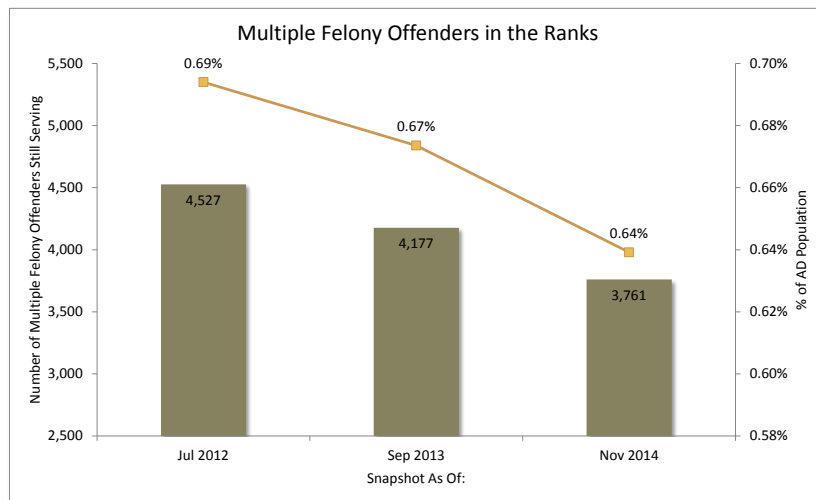


Figure IV-2: Multiple Felony Offenders in the Ranks
The number of Multiple Felony Offenders in the ranks continues to decrease, both in counts and as a percentage of the Force.

1. Profile of Multiple Felony Offenders Still Serving

Soldiers who repeatedly commit felony-level offenses, especially those who committed violent crimes, yet continue to serve are a threat to the readiness of the Force. An analysis of these individuals, viewed by three perspectives – number of felony-level cases per offender, separation history, and criminal history – illustrates different aspects of the problem.

The number of felony-level cases per offender measures the impact on the Army due to the retention of these offenders in the Force. Action taken after the first felony offense often did not prevent the offender from reoffending. When appropriate action is not taken against felony offenders, the effect is recurring and cumulative - 18% (666 of 3,761) of multiple felony offenders still serving had been titled in three or more felony-level cases, as illustrated in Figure IV-3.

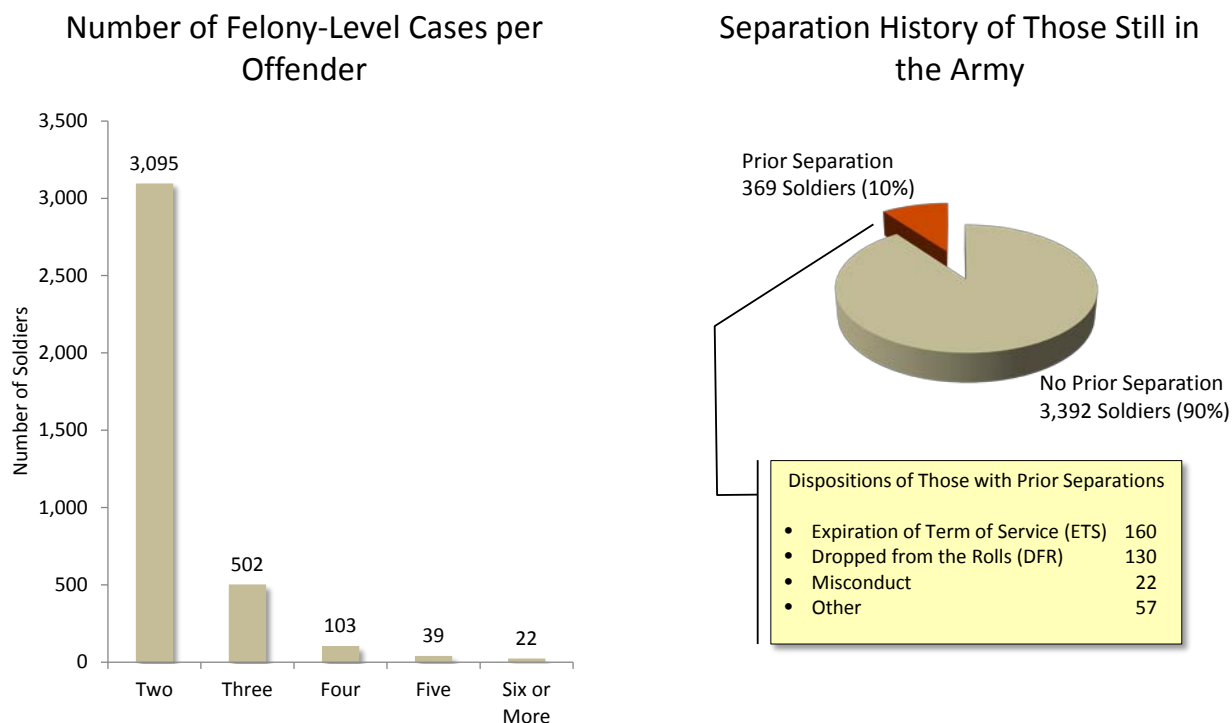


Figure IV-3: Felony-Level Cases and Separation History of Multiple Felony Offenders Still Serving

The majority of those multiple felony offenders still serving were titled in two felony-level cases. A significant number (666 Soldiers), however, are still serving despite three or more cases involving founded felonies. Additionally, 10% of the 3,761 multiple felony offenders still serving (369 Soldiers) had been previously separated and allowed to reenlist.

Figure IV-3 also depicts the magnitude of previous separation history for this cohort of multiple felony offenders still serving. Of the 3,761 Soldiers still serving, 369 Soldiers (10%) had prior separations. At least 152 Soldiers had previously separated for adverse reasons. This latter population confirms gaps already identified in Army transition processes that allow offenders to depart active duty with an inappropriate characterization of service and a reentry code that allows them to reenter the Army.

Criminal history is the third perspective for this cohort, as depicted in Figure IV-4. Of the 3,761 multiple felony offenders still serving, the most frequently occurring offenses were the non-violent felonies of Failure to Obey a General Order (46% of the cohort) and Drug Crimes (31%). For violent felonies, the most frequently occurring offenses were Aggravated Assault (12%) and Violent Sex Crimes (11%). Considering that violent felonies compose 4% of crime across the entire active duty population, the percentage of Aggravated Assault and Violent Sex Crime offenses committed by this cohort is substantial.

Crime Category	Number of Multiple Felony Offenders Titled for At Least One Offense	% of Multiple Felony Offenders Still in the Army as of November 2014
Violent Felony		
Aggravated Assault	437	12%
Violent Sex Crimes	429	11%
Homicide / Attempted Murder	35	1%
Child Pornography	30	1%
Kidnapping	13	<1%
Robbery	9	<1%
Non-Violent Felony		
Failure to Obey General Order	1,747	46%
Drug Crimes	1,164	31%
Larceny	618	16%
Other Sex Crimes	341	9%
Desertion	137	4%
Drunk Driving with Personal Injury	48	1%
Other Non-Violent Felonies	2,113	56%
Misdemeanor		
Traffic Violations	1,338	36%
Assault and Battery	807	21%
Family Abuse	452	12%
Drunk Driving without Personal Injury	417	11%
Drunk and Disorderly	385	10%
AWOL	173	5%
Other Misdemeanors	1,034	27%

How to Read: 437 (12%) of the 3,761 multiple felony offenders who are still in the Army were titled for at least one Aggravated Assault. A Soldier may be titled for more than one crime category, but would be counted only once within that category regardless of the number of offenses for which he/she was titled. Misdemeanor crimes are also depicted to represent the extent to which the 3,761 multiple felony offenders impacted readiness through criminal conduct in this category.

Figure IV-4: Criminal History of Multiple Felony Offenders Still Serving

Of the multiple felony offenders still serving, 12% were titled for Aggravated Assault; 11% for Violent Sex Crimes; 46% for Failure to Obey a General Order; and 31% for Drug Crimes.

LEARNING POINTS

- ✪ Take appropriate adverse disciplinary and administrative measures against felony offenders. This prevents the transmission of criminal and high-risk behavior across units and communities.
- ✪ Establish commander withholds (e.g., a division commander retaining purview for adjudication of officer misconduct) based on a systemic review of disciplinary and administrative actions.
- ✪ Monitor flags, bars and DA Form 4833 compliance to ensure unit readiness.
- ✪ Utilize criminal history sharing procedures (ALARACT 187/2013) to gain awareness and provide assistance to at-risk Soldiers, deterring involvement in future criminal offenses.

2. Subset: Multiple Drug Offenders

Multiple drug offenders, a substantial subset of multiple felony offenders, are defined as active duty Soldiers who were titled in two or more drug-related cases, including traditional Drug Crime offenses and drug-related Failure to Obey a General Order violations (e.g., synthetic drugs). Of the 40,054 multiple felony offenders dating back to FY2001, nearly half (18,000) were multiple drug offenders.

A FY2012 policy change revised separation decisions regarding drug abusers.³⁶ NCOs (corporal and above) processed for drug-related separations require a retention decision from the first general officer in the chain of command. This retention authority applies as well to junior enlisted Soldiers who tested positive for illegal drugs a second time in their career. This change, along with those discussed in Section III.2.f., AR 600-85, *The Army Substance Abuse Program (ASAP)*, will likely result in the further reduction of multiple drug offenders still serving.

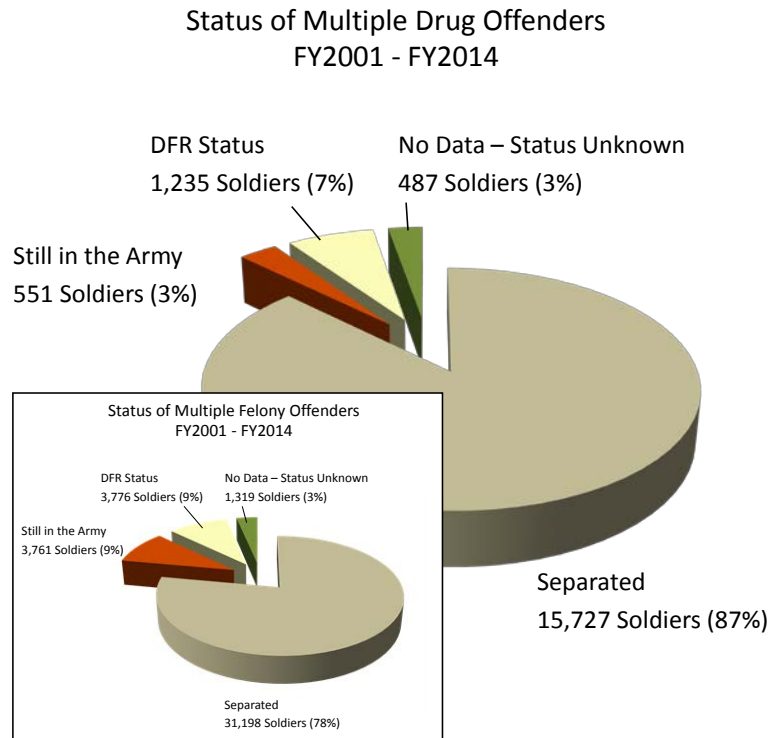


Figure IV-5: Multiple Felony Offender Subset: Multiple Drug Offenders Compared to the broader multiple felony offender population, more multiple drug offenders were separated (87% vs. 78%) with fewer multiple drug offenders still serving (3% vs. 9%).

³⁶ Army Directive 2012-07, *Administrative Processing for Separation of Soldiers for Alcohol or other Drug Abuse*, 13 March 2012. This change was later reflected in the 28 December 2012 revision of AR 600-85.

INSUFFICIENT LEADER RESPONSE

In July 2013, a PFC tested positive on a urinalysis for the presence of three types of prescription drugs. After being interviewed by CID, the PFC admitted to taking Vicodin without a prescription. The PFC's commander completed an Article 15 but neglected to initiate separation actions in accordance with Army regulations. In January 2014, the PFC came to the attention of CID again after his wife filed a complaint of sexual assault against her. Further investigation revealed that the PFC and his wife had a history of domestic violence as well as being accused by neighbors of vandalizing other people's property. The PFC's fellow Soldiers stated that he was a problem Soldier. In March 2014, the PFC was again under investigation for illegal possession of prescription drugs.

If the commander initiated separation actions IAW AR 600-85 after the July 2013 incident, the subsequent incidents may not have occurred. Problem Soldiers consistently take up a significant amount of leadership's time that can be better spent training their units.

LEARNING POINTS

- 🔄 Commanders must process for separation all Soldiers identified as illegal drug abusers (prescription or non-prescription) IAW AR 600-85.

V - Administrative Accountability



“We must continue working to instill good order and discipline throughout our ranks, and, when appropriate, hold people accountable. Holding ourselves and those we supervise accountable should not begin with an investigation, but rather, accountability should be an enduring principle reflecting shared Army values. Every one of us must live by the highest standards in all that we do at home and abroad.”

– *The Honorable John McHugh
Secretary of the Army*

Commanders, leaders and program managers have the ability to help shape the readiness of the Force. When used appropriately, administrative processes ensure the most qualified recruits are selected, the highest quality Soldiers are retained, and those Soldiers who are not meeting Army standards are promptly identified and transitioned back to civilian life. Administrative actions are essential to ensure accountability, provide treatment and repair when needed, and guarantee the readiness of the Army.

1. DA Form 4833

The DA Form 4833, *Commander’s Report of Disciplinary or Administrative Action*, remains a critical tool in ensuring Soldier readiness. Documenting important judicial, non-judicial or administrative actions and recording disciplinary actions and referrals (e.g., ASAP and FAP) facilitates Soldier accountability. The DA Form 4833 is intended to provide such a record through commanders’ adjudication of criminal conduct.

An analysis of 4833s for cases investigated by CID from FY2010-14 indicates very high completion rates, as illustrated in Figure V-1 (blue line). The longer investigative / case management lead times for felony-level offenses

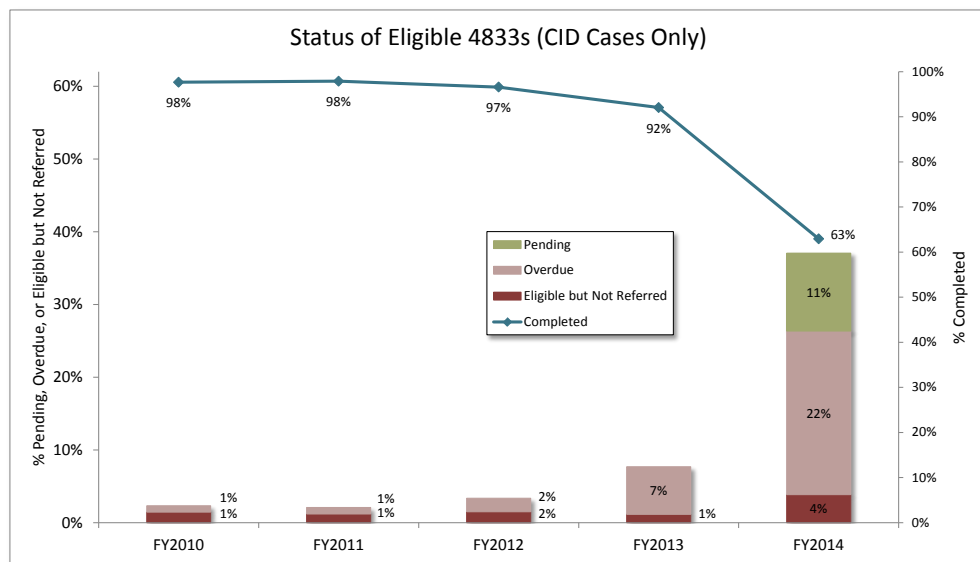


Figure V-1: Status of DA Form 4833s (CID Cases Only)
 Commanders have achieved very high DA Form 4833 completion rates for those Soldiers eligible to be referred. The longer investigative leadtimes for felony-level cases explains the dip in completion rates in FY2013 and FY2014.

explains the higher pending (green) and overdue (light red) 4833s in FY2013 and FY2014. The small number of Soldiers eligible but not yet referred for a 4833 (dark red) may be the result of LE gaps or if action against the Soldier subject had already been taken.³⁷

For 4833s referred through the PMOs, opportunities exist to improve referral and completion rates. Based on FY2012, FY2013, and FY2014 COPS Military Police Report (MPR) data, the referral rates for eligible Soldier subjects were 75%, 75%, and 62%, respectively, with commander completion rates of 71%, 67%, and 50% as of October 2014. Analyzing the referral and completion rates without Traffic Violations – a lower level misdemeanor – slightly improves the results. Referral rates were 83%, 81% and 65% with completion rates of 75%, 74%, and 58% for those same three fiscal years.

Commanders' actions against Soldiers eligible for a 4833 have changed over time based on CID case data. As illustrated in the Figure V-2 table, the percentage of Soldiers receiving judicial punishment decreased by 10 percentage points (16% to 6%) from FY2010 to FY2014. This decrease corresponds to a 10 percentage point increase (39% to 49%) in non-judicial punishment (Article 15). Judicial punishment results in a court martial; non-judicial punishment can range from reprimand to reduction in rank. Another complementary trend is the increase in administrative actions / decrease in no actions taken by commanders by 6-7 percentage points over this same timeframe. Although the decreasing trend in no actions represents greater accountability that commanders are assigning to Soldiers, this segment itself (14% in FY2014) may represent missed opportunities to discipline Soldiers and shape the Force.

Commanders' Actions for Completed 4833s – CID Cases Only

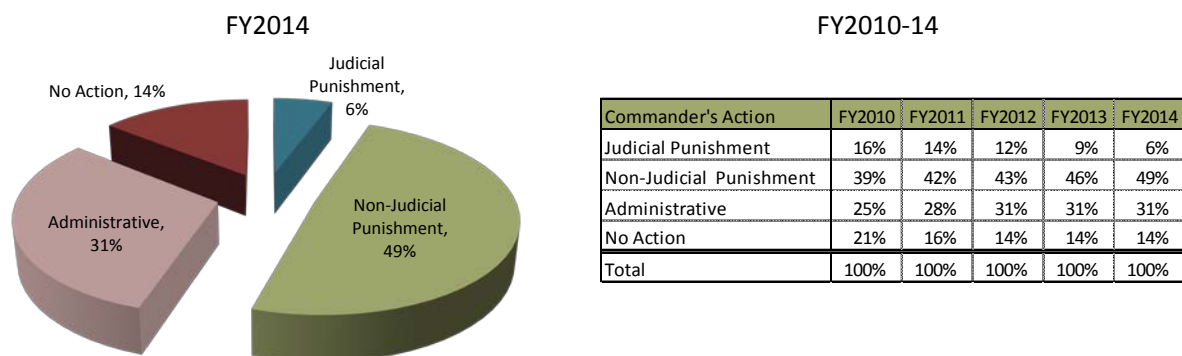


Figure V-2: Commanders' Actions for Completed 4833s

For those 4833s completed to date for FY2014 CID cases, commanders decided to action 6% for judicial punishment, 49% for non-judicial punishment (Article 15s), and 31% for administrative action. No action was taken for 14%.

Installations continue to make DA Form 4833 compliance a priority. A recently-identified best practice incorporated DA Form 4833 checks into the installation clearing process. Soldiers cannot clear the PMO until outstanding DA Forms 4833 have been resolved. This procedure benefits Soldiers as well, as open 4833s can impact security clearance reinvestigations.

Forthcoming policy changes to AR 190-45, *Law Enforcement Reporting*, will reduce the DA Form 4833 delinquency rate and better shape Soldier readiness. Commanders will have 60 days (vice 45 days

³⁷ Per CID Regulation 195-1, *Criminal Investigation Operational Procedures*, paragraph 4-11(a).

now) to complete and return the DA Form 4833 to law enforcement, a more realistic suspense considering the time to adjudicate some offenses. Additionally, commanders will be provided increased visibility of off-post criminal conduct, enabling them to ensure their Soldier is held accountable. Currently, the PMO is required to track civilian court adjudications, complete the DA Form 4833 and submit to the Army Crime Records Center – a policy gap that leaves commanders out of the loop. This gap will be closed in a subsequent revision that requires law enforcement to coordinate with commanders and supporting Judge Advocates to discern final disposition.

LEARNING POINTS

- 🔄 The DA Form 4833 documents command actions taken which can inform subsequent treatments and adjudications. Record the outcome of disciplinary and administrative action, to include referrals (e.g., ASAP, FAP), and return to CID / PMO.

2. Accession Conduct Waivers

Implementation of a 2010 policy change eliminating drug and alcohol waivers continues to enhance the readiness of the Force. Additionally, the Army significantly reduced the number of criminal misconduct waivers granted. As reflected in Figure V-3, the number of Active Component accession waivers decreased from a high of 15% of total recruits in FY2007 to only 2% in FY2014. The 2% (944 waivers) granted in FY2014 represents all criminal misconduct waivers, of which 88% (830) were for misdemeanor crime, 6% (61) were for felony crime (all committed as a juvenile), and 6% (53) were for patterns of criminal misconduct.

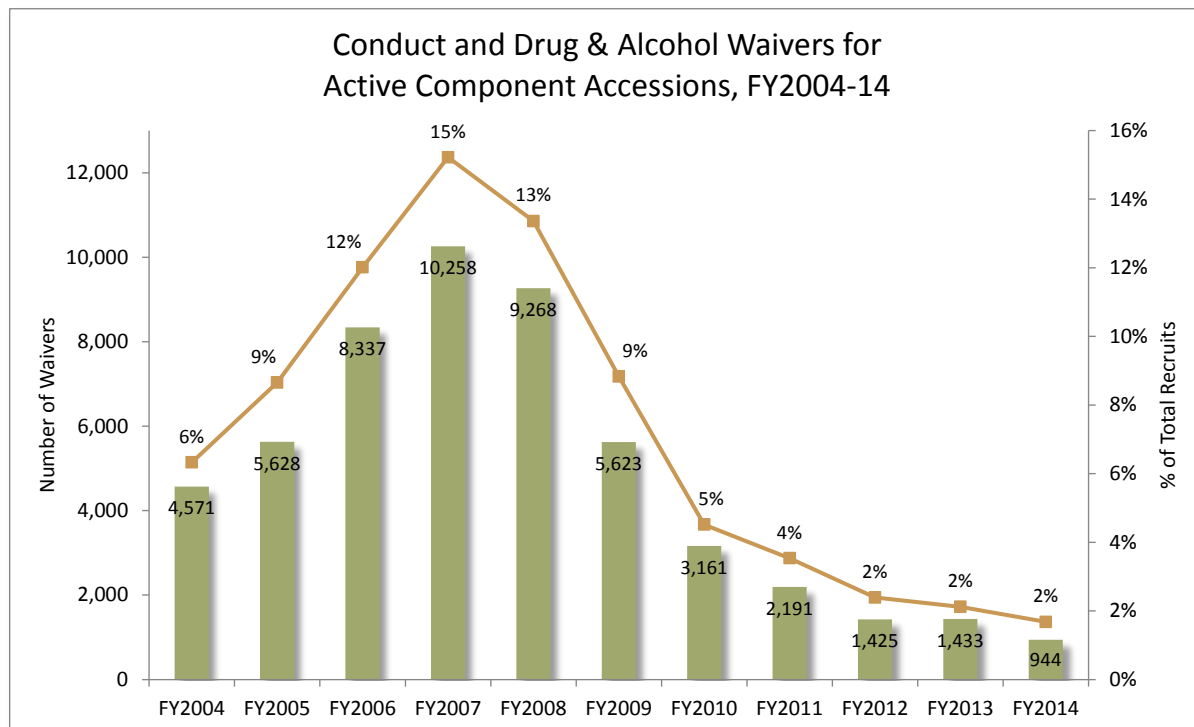


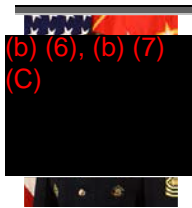
Figure V-3: Conduct and Drug & Alcohol Waivers

Waivers granted in FY2014 represent an 89% decrease relative to its high in FY2007. This decrease was driven in part by the elimination of Drug & Alcohol waivers in FY2010; these waivers represented 1,307 of the 10,258 total waivers at its peak in FY2007. Only 2% of FY2014 recruits entered the Army with a criminal misconduct waiver, largely attributed to misdemeanor-level crime.

This positive trend, observed since FY2007 (surge period), is critical because analysis has established a correlation between criminal conduct accession waivers and subsequent crime committed while in uniform. As published in the *Army Gold Book*, the waived population committed more than twice as many criminal offenses than the non-waivered populations. More importantly, those enlistees who entered with a drug waiver were six times more likely to commit a drug offense than the non-waivered cohort.³⁸

³⁸ Population covered FY2001-11 accession waivers. Please refer to pages 152-153 of the *Army Gold Book* for supporting statistics. The *Army Gold Book* can be accessed at: <https://army.deps.mil/army/sites/APP/OPMG/policy/DocumentsLibrary/ArmyGoldBook.pdf>.

3. Reenlistments



“It is our job every single day to represent the best we possibly can, not only for us, for our peers and for our superiors, but most importantly for the people of America. We must retain only fully qualified Soldiers who exhibit daily the character, competence and commitment required in our profession of arms.”

– SMA (b) (6), (b) (7) (C)
Sergeant Major of the Army

Previous analyses in the *Army Red Book* and *Army Gold Book* indicated that commanders retained high-risk Soldiers to meet the demands of an era of persistent conflict. Current analysis of reenlistment data indicates that commanders have responded appropriately in recent years and are reenlisting quality Soldiers. As illustrated in Figure V-4, the percent of Soldiers who were titled from criminal offenses within three years prior to their most recent enlistment has declined since FY2010. FY2014 continues this downward trend. While hard work remains, analysis suggests commanders are retaining their very best Soldiers.

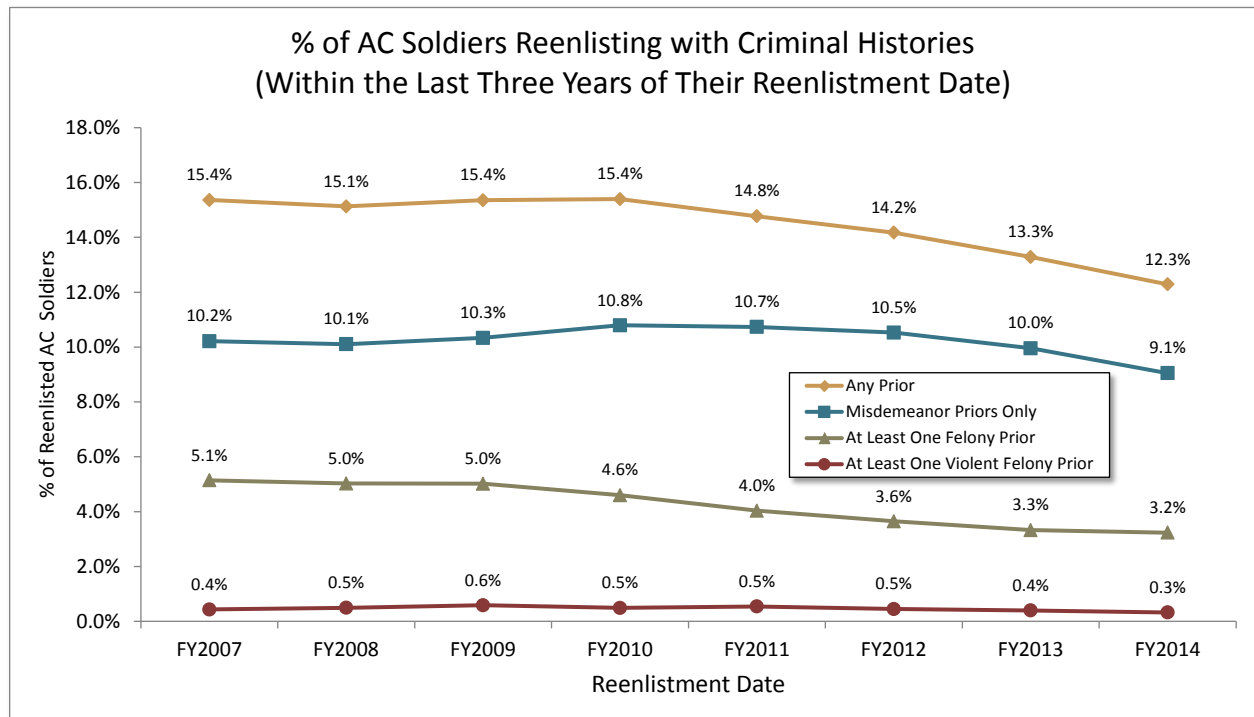


Figure V-4: Reenlisted Soldiers with Criminal Histories

The percent of AC Soldiers reenlisting with criminal histories (within the last three years of their reenlistment date) continues to shrink. This suggests that commanders are appropriately shaping the Force although hard work remains. FY2014 continues this downward trend established in FY2010.

Subsequent analysis should focus on the criminal histories of those Soldiers who ETS but enlist in the ARNG and USAR. This examination may reveal a population of Soldiers with criminal records moving within components. This type of information could potentially inform ARNG and USAR leaders of health and discipline issues that may arise in their formations; and help the Army determine if the Total Force is being shaped appropriately.

ALARACT 276/2014, *Guidance to Commanders for Soldiers Transitioning from the Regular Army to the Reserve Component*, addresses the critical role that commanders play in ensuring transitioning Soldiers are a mobilization asset and possess future potential for useful service under the conditions of full mobilization. It is the commander's responsibility to ensure that Soldiers' records are updated to document eligibility, quality, and potential for future service.

Additionally, enhanced communication between unit commanders as Soldiers mobilize and demobilize may further enhance unit readiness. If not already codified by policy, there may be value in requiring losing units to document and inform gaining commanders of relevant readiness information³⁹ or discipline issues that may impact at-risk and high-risk Soldiers.

LEARNING POINTS

- ✪ Consider a Soldier's criminal history when making reenlistment decisions; a commander's call to the PMO can inform these determinations.
- ✪ Commanders must ensure Soldiers' records are updated to document eligibility, quality, and potential future service.
- ✪ Enhance readiness by informing gaining commanders of high-risk Soldiers as they transition among AC and RC units.

4. Separations

Administrative separations⁴⁰, as illustrated in Figure V-5, have significantly increased since FY2007. The growing trend in administrative separations, combined with the decreasing trend in accession waivers (previously presented in Figure V-3), suggests that commanders at all levels are rebalancing unit readiness through appropriate administrative and disciplinary actions.

From FY2007-14, the percentage of chaptered Soldiers to total enlisted Soldiers increased by 57% (2.1% to 3.3%). Additionally, 8,088 of the 15,509 separations in FY2014 were for Chapter 14 (Misconduct), considerably higher than the 6,103 of 10,797 separations in FY2007. This is consistent with commanders' decreasing tolerance of crime and high-risk behavior in the Force.

³⁹ IAW the "Military Command Authority" exception to the Health Insurance Portability and Accountability Act (HIPAA).

⁴⁰ Analysis based on the following chapters as they impact the readiness of the Force: Chapter 9 (Drug/Alcohol Rehab Failure), Chapter 10 (In Lieu of Trial by Court-Martial), Chapter 11 (Entry Level Separation), Chapter 13 (Unsatisfactory Performance) and Chapter 14 (Misconduct).

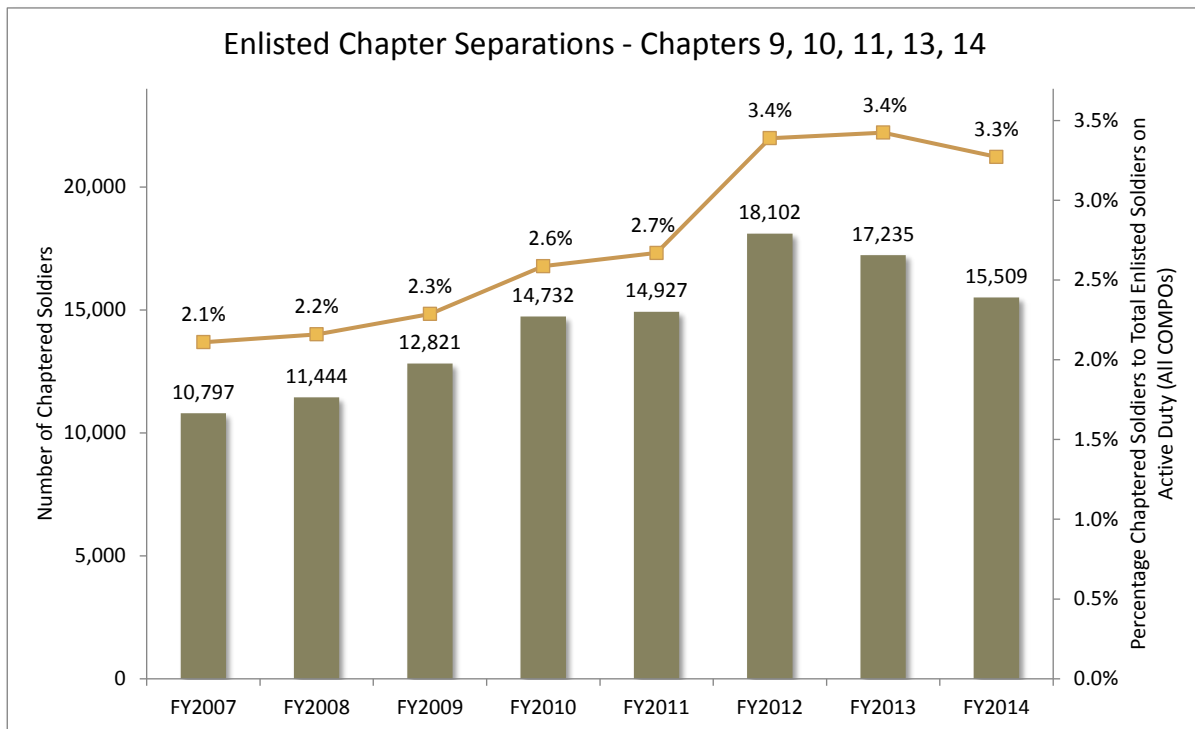


Figure V-5: Total Chapter Separations

The growing trend in administrative separations, combined with the decreasing trend in accession waivers, suggests that commanders at all levels are rebalancing unit readiness through appropriate administrative and disciplinary actions.

LEARNING POINTS

- ★ Ensure that Soldiers processed for administrative separation reflect an appropriate characterization of services (e.g., Other Than Honorable (OTH) discharge) and re-entry code to prevent transition into the Reserve Component, and subsequently, the Active Component.⁴¹

⁴¹ In the revision to AR 635-5-1, *Separation Program Designator (SPD) Codes*, a matrix has been added to assist Transition Points. This matrix synchronizes SPD codes, narratives, and reentry codes to ensure that the Soldier’s separation documents accurately reflect their service.

5. Army Corrections

There are 862 Soldiers incarcerated in DoD correctional facilities and 203 in Federal correctional facilities as of February 2015. As illustrated in Figure V-6, a disproportionate number of Army prisoners are junior Soldiers (E1-E4). Junior Soldiers composed 69% of the prisoner population despite reflecting 40% of the AD population. Also, a disproportionate number of prisoners are male (99%) compared to their AD population size (86%).

In FY2014, 53% of the Army prisoner population's primary confining offense was sex crimes and 32% for other violent crimes. Of the sex crimes, 45% were against adult victims and 55% against children. Approximately half of the other violent crimes were for murder.

81% of the population has a sentence length of 1 year or more. 11% of the Army population has a life sentence. 85% of those serving a life sentence were convicted of murder and 13% were convicted of violent sex crimes (rape, sodomy, sexual assault)

Pay Grade	Army Prisoners		FY2014 AD Population	
	Number	%	Number	%
E1-E4	730	69%	232,752	40%
E5-E6	243	23%	163,335	28%
E7-E9	37	3%	77,785	13%
W01-CW5	13	1%	18,695	3%
O1-O6	42	4%	95,505	16%
Unknown/Other*			330	
Total	1,065	100%	588,402	~100%

*Omitted for comparison purposes to the AD population

Figure V-6: FY2014 Army Prisoners by Pay Grade

Junior Soldiers (E1-E4) represent a disproportionate cohort of the Army prisoner population relative to its AD population size. 69% of all Army Prisoners are junior Soldiers.

LEARNING POINTS

- Leaders should educate and must emphasize to their Soldiers that the Uniform Code of Military Justice carries significant penalties for serious offenses. If convicted of sex crimes or other violent crimes, it will likely result in lifelong consequences, one of which could be incarceration at an Army Correctional Facility.

6. DNA Collection from Criminal Suspects

In accordance with DoD and DA policy, Army law enforcement is required to collect deoxyribonucleic acid (DNA) samples from Soldiers and civilians who are suspects of certain criminal investigations and to forward the samples to the Defense Forensic Science Center (DFSC) - US Army Criminal Investigation Laboratory (USACIL).⁴² The purpose of this requirement is to enable crime solving through the positive identification of individuals in the FBI's DNA database, CODIS.

A January 2013 review of law enforcement compliance suggested additional emphasis was required. For that reason, Headquarters (HQ) Installation Management Command (IMCOM) issued Operations Order (OPORD) 13-110, *Collection and Submission of Deoxyribonucleic Acid (DNA) Samples*, 13 March 2013, directing collection, forwarding and compliance reporting. This effort will ultimately drive greater

⁴² This requirement is stipulated by Department of Defense Instruction (DoDI) 5505.14, *Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations*, 24 April 2012, ALARACT 131/2013, MOD 1 to ALARACT 008/2001 - *Guidance for DNA Collection Requirements for Army Criminal Investigations*, 17 May 2013, and stems from the DNA Fingerprint Act of 2006, Public Law 109-162.

regulatory compliance, enabling offenders to be held accountable and enhancing unit readiness and installation safety.

As of October 2014, over 252,000 criminal cases in the United States have been facilitated by DNA matches in the FBI's database. During 2014, 63 hits were obtained by the DoD Criminal Investigative DNA Database at the DFSC-USACIL of which 29 were related to sexual assault investigations.

Submissions of samples from military offenders increased from 8,958 in 2012 to 13,974 in 2013. As of December 2014, 13,728 samples have been submitted.

In 2014, the USACIL introduced a 2-D automated data entry form to expedite the entry of DNA samples into the database. This automated process has virtually eliminated transposition errors and significantly reduced the sample rejection rate (previously based on data entry errors on the handwritten forms). Ultimately, this results in profiles from offenders being more readily available to be searched against unsolved cases.

THE EFFECTIVE USE OF FORENSICS

In October 2008, a report of investigation was received regarding a burglary and attempted rape of a civilian female at an off-post residence. In November of the same year, an unknown individual entered an off-post residence and attempted to rape the female occupant; when she physically resisted her attacker, the unknown individual fled. In December, an unknown individual confronted a female outside of her off-post residence, forced her inside, and subsequently raped her. In August 2009, after forcing entry into an off-post residence, an unknown individual raped and sodomized an active duty female Soldier. In December 2009, a dependent spouse was awakened by an unknown individual, who forced entry into her on-post residence, choked and raped her, and threatened to kill her and her children if she did not cooperate. During canvass interviews it was discovered that a burglary had taken place in the same housing area three days prior. A composite sketch was provided to the victim and she immediately identified the unknown individual as the person who raped her.

Through successful criminal intelligence sharing in the surrounding area, the unknown individual was identified as an active duty Soldier (PFC); he was subsequently interviewed and submitted a DNA sample. The DNA matched the profile collected during the prior sexual assaults. He was apprehended and referred to a General Court Martial where he was found guilty of rape, burglary, attempted sodomy, housebreaking, larceny of private property and assault. The PFC was sentenced to 217 years confinement, given a dishonorable discharge, and reduced in grade to E1.

VI – Closing: Army Initiatives and Report Takeaways

Leaders at all levels have been working diligently to improve the readiness of the Force and continue to make impactful strides. A number of recently implemented or forthcoming Army initiatives, outlined below in Figure VI-1, will further enable commanders, leaders and program managers in this regard.

Recently Implemented Initiatives
<ul style="list-style-type: none"> • Established a new process for systematically informing commanders about the criminal history of newly assigned Soldiers to assist in the identification of high-risk Soldiers as outlined in Army Directive 2013-06, <i>Providing Specified Law Enforcement Information to Commanders of Newly Assigned Soldiers</i>, 14 February 2013. The process is intended to give commanders another tool to help them promote the health, resilience, well-being and readiness of their Soldiers by ensuring their awareness of potentially high-risk Soldiers. Criminal history is a key indicator that a Soldier may present a risk to him or herself and others. • Established policy to enhance the Evaluation Reporting System to assess how Officers and NCOs are meeting their commitments to eliminate sexual harassment and assault and to foster climates of dignity and respect in their units through Army Directive 2013-20, <i>Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program</i>, 27 September 2013. • Established policy to ensure that the decision to retain any Soldier convicted of a sex offense is fully informed and in the Army's best interest, and established Army policy prohibiting the overseas assignment or reassignment of any Soldier convicted of a sex crime, through Army Directive 2013-21, <i>Initiating Separation Proceedings and Prohibiting Overseas Assignment for Soldiers Convicted of Sex Offenses</i>, 7 November 2013. • In addition to the assignment guidance in Army Directive 2013-21, established policy to deny PCS or reassignment of Soldiers who received a court-martial conviction, nonjudicial punishment, or punitive administrative action for a sex crime until approved by HQDA. Furthermore, this policy ensures that the sex crime is annotated in the Soldier's permanent record in the Army Military Human Resource Record (AMHRR) and that commanders screen the record brief of current and incoming Soldiers for any sex crime codes to gain situational awareness of sex crime offenders within their formations. This policy is codified in Army Directive 2014-29, <i>Inclusion and Command Review of Information on Sex-Related Offenses in the Army Military Human Resource Record</i>, 9 December 2014. • Established policy to deter Soldier retaliation against a victim, an alleged victim, or another member of the Armed Forces based on that individual's report of a criminal offense through Army Directive 2014-20, <i>Prohibition of Retaliation Against Soldiers for Reporting a Criminal Offense</i>, 19 June 2014. • Continued to expand SHARP education and lessons in the NCO Professional Military Education curriculum: Advanced Leader Course for Staff Sergeants (E6), the Senior Leader Course for Sergeants First Class (E7), the Sergeants Major Academy and Drill Sergeant School. • Implemented an improved SHARP unit refresher training focused on bystander intervention (called "Got Your Back") to improve prevention of sexual assault and harassment. • Expanded Spice and bath salts surveillance to probable cause and competence for duty testing through Army Directive 2013-10, <i>Synthetic Cannabinoids ("Spice") and "Bath Salts" Probable Cause and Competence for Duty Testing</i>, 11 April 2013. • Added synthetic cannabinoids to the Drug Demand Reduction Program drug testing panel to improve detection through DoD memorandum dated 25 October 2013. • Collaborating, through an assigned Military Police liaison, with the US Marshals Service to locate and bring to justice fugitive Soldiers who deserted to avoid prosecution; program started June 2011. • Developed a publicly accessible website offering information about the Army's wanted fugitives in accordance with Army Directive 2014-25, <i>Establishment of a Public Web Site Sharing Information About Army Wanted Fugitives</i>, 23 October 2014. Besides descriptive information about the fugitive (e.g., name, aliases, age, height, weight, race), this site includes brief descriptions of the alleged offenses and/or convictions and contact information for the Army LE or civilian agency leading the investigation.

Forthcoming
<ul style="list-style-type: none"> • Implementing a new Law Enforcement case management system, the Army Law Enforcement Reporting and Tracking System (ALERTS). ALERTS replaces the ACI2 and COPS crime reporting functions and will be the single, authoritative source for Army LE reporting, promoting standardization and unity of effort in LE crime reporting. Tentative go-live date is 1 April 2015. • Developing the Army Insider Threat Program and Hub as a centralized analysis and response capability to deter, detect and mitigate insider threats by cleared personnel in order to protect Army information, networks, facilities and personnel. • In the process of implementing policy to reduce risk for child abuse and neglect in Army programs and activities by ensuring everyone who regularly interacts with children is of good character, law abiding and fit to have responsibility for children in accordance with Army Directive 2014-23, <i>Conduct of Screening and Background Checks for Individuals Who Have Regular Contact with Children in Army Programs</i>, 10 September 2014. • Will be establishing procedures to regularly assess and take appropriate corrective action if a victim, witness, first responder or other parties to an incident have experienced retaliation, ostracism, maltreatment, or reprisal in conjunction with a report of sexual assault in FY2015. • Will be augmenting junior officer and junior enlisted supervisor training with curriculum that addresses a supervisor's role in unit sexual assault prevention and response programs in FY2015 as continued implementation of Army Directive 2013-20, <i>Assessing Officers and Noncommissioned Officers on Fostering Climates of Dignity and Respect and on Adhering to the Sexual Harassment/Assault Response and Prevention Program</i>, 27 September 2013. • Will be requiring Sexual Assault Incident Response Oversight (SAIRO) reports be submitted within eight days for each unrestricted report of sexual assault in FY2015 in order to provide general officer level commanders with oversight of these incidents occurring within their jurisdiction.

Figure VI-1: Army Initiatives to Improve Discipline

As represented by the many initiatives implemented or under way, the Army is committed to improving the readiness of the Force.

On-the-ground commanders, leaders and program managers are essential to efforts for improving surveillance, detection, and response. The following recommendations, compiled from the Learning Points throughout this report, are actions that command teams can undertake to improve Soldier discipline and readiness:

Summary of FY2014 Army Crime Report Recommendations
<p><u>Chapter II</u></p> <ol style="list-style-type: none"> 1. When Soldier health and discipline issues are linked, respond first to the health and welfare of the Soldier and then conduct due process to assess accountability. 2. Initiate appropriate measures to assess and monitor Soldiers under investigation to reduce the potential of self-harm or harm to others. CID policy requires commander notification of all serious investigations at the earliest opportunity without jeopardizing the integrity or successful resolution of the investigation. 3. Reduce the risk of suicide and other high-risk behavior by separating at-risk Soldiers from their privately owned weapons (IAW ALARACT 063/2013). 4. Enforce Army policy and educate leaders that Soldiers residing on-post must register their weapons with the PMO. Soldiers who reside off-post are encouraged but not required to register their weapons with the PMO. 5. Employ Health and Welfare inspections as a tool to control the improper storage of POWs in the barracks. <p><u>Chapter III</u></p> <ol style="list-style-type: none"> 6. Facilitate the identification of potential BAH / fraudulent marriage-related crimes by disseminating the

- monthly Unit Commander's Finance Report for review by subordinate leaders (i.e., PSGs and SLs).
7. To get to the left of Army-related fraud activity, increase commanders' situational awareness and ensure designated personnel (e.g., FOO and CERP dispensing leaders) are properly trained prior to deployment.
 8. Refer all drug crime to Army law enforcement. While the possession of synthetic drugs and drug paraphernalia (e.g., suspected smoking devices) may be a Failure to Obey a General Order violation, the investigation remains within law enforcement purview.
 9. Enhance drug surveillance and detection with recurring Health & Welfare inspections; incorporate military working dogs as well.
 10. Increase Soldier awareness of synthetic drugs by leveraging law enforcement and ASAP expertise during unit and installation drug awareness briefings.
 11. Implement Armed Forces Disciplinary Control Boards IAW AR 190-24 to provide broader situational awareness of off-post establishments that may be conducive to criminal and high-risk behavior.
 12. Educate Soldiers and their families on the benefits of the National Prescription Drug Take-Back Day to safely dispose of expired prescription medication.
 13. Process any illegal drug abuser (first offense) or two-time DUI offender for separation.
 14. Encourage Soldiers to not only report sex crimes, but to report them as quickly as possible. Timely reporting assists with medical treatment, preserves evidence, and positively impacts the investigation of the crime and well-being of the victim.
 15. Reconstitute the use of CQ, non-commissioned officers and runners in all barracks to prevent sex crimes.
 16. Ensure barracks policies provide appropriate good order and discipline (e.g., visitation hours and ages of visitors, acceptable quantities of alcohol per room, leader presence on weekends).
 17. Ensure all Soldiers, especially junior (E1-E4) Soldiers, are formally sponsored and quickly integrated to reduce the potential for sex crime victimization and mitigate risks during transition periods.
 18. Educate Soldiers that all sexual acts require consent from both people and engaging in a sexual act with another who is too intoxicated to give consent violates law and will likely result in lifelong consequences for the victim and assailant.
 19. Empower Soldiers that if they see a fellow Soldier at risk of making poor decisions because of alcohol use, they must intervene in the situation and take action to protect their battle buddy.
 20. Leverage DES and CID expertise; get left of incidents via law enforcement briefs on preventing sexual assaults and drug and alcohol abuse at unit-level training events, Garrison Newcomer's Briefs and local commander / 1SG Courses.
 21. Enhance situational awareness with unit safety briefings, climate surveys and sensing sessions. Targeted sensing sessions (e.g., with women only, men only, junior Soldiers) may prove more informing.
 22. Initiate appropriate measures and Army resources to assess and monitor Soldiers under investigation to reduce the potential of self-harm or harm to others.
 23. Enhance situational awareness by participating in the CHPC and other risk reduction forums.
 24. Notify the FAP report point of contact on all incidents of child and spouse abuse, including suspected cases of mild abuse to homicide.
 25. Notify the PMO within 48 hours of a Soldier being AWOL. Immediately notify the PMO when the Soldier has returned.
 26. Immediately classify a Soldier as a Deserter without regard to the length of absence if: (1) the Soldier intends to remain permanently absent; (2) the commander believes there is a risk that the Soldier may commit violent acts, or harm themselves or others; or (3) the absent Soldier is assigned to a special mission unit or had access to Top Secret, Sensitive Compartmented Information, or Special Access Program information during the 12 months preceding the absence. Soldiers do not have to be AWOL for 30 consecutive days before being classified / reported as a deserter.

Chapter IV

27. Take appropriate adverse disciplinary and administrative measures against felony offenders. This prevents the transmission of criminal and high-risk behavior across units and communities.
28. Establish commander withholds (e.g., a division commander retaining purview for adjudication of officer

misconduct) based on a systemic review of disciplinary and administrative actions.

29. Monitor flags, bars and DA Form 4833 compliance to ensure unit readiness.
30. Utilize criminal history sharing procedures (ALARACT 187/2013) to gain awareness and provide assistance to at-risk Soldiers, deterring involvement in future criminal offenses.

Chapter V

31. Complete the DA Form 4833 and return to CID / PMO. The 4833 documents command actions taken which can inform subsequent treatments and adjudications.
32. Consider a Soldier's criminal history when making reenlistment decisions; a commander's call to the PMO can inform these determinations.
33. Ensure Soldiers' records are updated to document eligibility, quality, and potential future service.
34. Enhance readiness by informing gaining commanders of high-risk Soldiers as they transition among AC and RC units.
35. Ensure that Soldiers processed for administrative separation reflect an appropriate characterization of services (e.g., OTH discharge) and re-entry code to prevent transition into the Reserve Component, and subsequently, the Active Component.
36. Educate Soldiers that the Uniform Code of Military Justice carries significant penalties for serious offenses. If convicted of sex crimes or other violent crimes, it will likely result in lifelong consequences, one of which could be incarceration at an Army Correctional Facility.

Figure VI-2: Recommendations Summary

Leaders are encouraged to familiarize themselves with these recommendations and share them as appropriate with other leaders, Soldiers and Family members.

In closing, Senior Army Leadership is committed to enabling our commanders, leaders and program managers with information needed to improve the discipline of the Force and measure their improvement efforts. The *FY2014 Army Crime Report* continues the groundwork established in previous comprehensive reports:

Army Health Promotion / Risk Reduction / Suicide Prevention Report (July 2010)
aka *Army Red Book*

<https://army.deps.mil/army/sites/PMG/OPMG/Policy/DocumentsLibrary/ArmyRedBook.pdf>

Generating Health and Discipline in the Force Ahead of the Strategic Reset (January 2012)
aka *Army Gold Book*

<https://army.deps.mil/army/sites/PMG/OPMG/policy/DocumentsLibrary/ArmyGoldBook.pdf>

FY2013 Army Crime Report (April 2014)

<https://army.deps.mil/army/sites/PMG/OPMG/policy/DocumentsLibrary/FY2013ArmyCrimeReport.pdf>

FY2014 Army Crime Report (April 2015)

<https://army.deps.mil/army/sites/PMG/OPMG/policy/DocumentsLibrary/FY2014ArmyCrimeReport.pdf>

The Office of the Provost Marshal General welcomes your thoughts on improving future Army Crime Reports. Please address any questions or feedback to usarmy.pentagon.hqda-pmg.list.sig-acr@mail.mil.

Appendix A - OPMG Crime Reporting Methodology

Introduction: Appendix A provides an overview of the methodology used by OPMG / CID to report crime across the Army.

Crime Reporting Metrics / Parameters / Sources:

- Key Metrics: Key crime metrics are the counts and rates of: (1) offenders, and (2) offenses. These metrics are provided for a given reporting period.
 - Offenders (subjects) are limited to active duty Soldiers only. This includes ARNG and USAR Soldiers while on active duty. Based on the reporting period and crime type/category defined, individual subjects are counted only once (or uniquely).
 - Offenses are limited to those that are founded or under investigation. It is unknown whether commanders or civilian courts adjudicated these offenses. Insufficient evidence or unfounded offenses are excluded.
 - Rates for the two metrics above are expressed in per capita terms; that is, in offenses or offenders per 100,000 AD Soldiers. The rate accounts for the changing Army population over time, thus normalizing data when performing crime trend analysis.
- Reporting Periods: The common reporting time period is by government fiscal year (i.e., October 1 through September 30). Other reporting periods are: calendar year; fiscal year or calendar year half; fiscal year or calendar year quarter; and month.
- Crime Types and Categories: Crime types include violent felonies, non-violent felonies and misdemeanors.
 - Violent and non-violent felonies are offenses punishable by death or confinement for more than one year as defined by Army policy (e.g., AR 195-2, AR 190-30); misdemeanors are crimes with a maximum punishment of one year.
 - Additional crime categorizations within these crime types are based on criminal offense codes in AR 190-45, *Law Enforcement Reporting*. (See Figure A-1 for the list of categories and subcategories.)
- Data Sources: Principal sources for crime data are the authoritative Army law enforcement systems, Centralized Operations Police Suite (COPS) and the Automated Criminal Investigative and Intelligence (ACI2) case management system. Monthly population data from Defense Manpower Data Center (DMDC) is used to calculate the average active duty population for specific reporting periods. Note: only crime data with a law enforcement basis (i.e., unrestricted cases) are included; those without a law enforcement basis (i.e., restricted cases) are excluded.

Example - How a crime is “counted” for reporting purposes:

Two civilian females attended a party adjacent to a barracks and became extremely intoxicated. They found an empty bedroom to lie down and, while resting, were sexually assaulted by three men. The next morning, one of the females reported the crime to the military police and the three men, later identified as two PFCs and one civilian, were each titled with rape and forcible sodomy.

Number of Offenders: Two. Each of the PFCs is counted once regardless of the number of offenses. The male civilian offender is not counted since we count only AD Soldiers.

Number of Offenses: Four. Each of the PFCs is titled once for a rape offense and once for a forcible sodomy offense.

Crime Types and Categories	Offender Count	Offenders per 100,000	Offense Count	Offenses per 100,000
Violent Felony	1,582	269	2,174	369
Homicide	76	13	91	15
Murder	53	9	63	11
Voluntary Manslaughter	1	0	1	0
Involuntary Manslaughter	4	1	5	1
Negligent Homicide	13	2	15	3
Attempted Murder	6	1	7	1
Sex Crimes	983	167	1,299	221
Rape and Attempts	393	67	482	82
Sexual Assault and Attempts	613	104	719	122
Forcible Sodomy	76	13	98	17
Kidnapping	26	4	28	5
Robbery	18	3	28	5
Aggravated Assault	440	75	550	93
Child Pornography	110	19	178	30
Non-Violent Felony	13,251	2,252	21,404	3,638
Drug Crimes	5,095	866	8,490	1,443
Failure to Obey General Order	3,585	609	4,336	737
Desertion	745	127	900	153
Larceny	1,008	171	1,260	214
Government Property/Funds	670	114	809	137
Private Property/Funds	376	64	451	77
Other Sex Crimes	1,014	172	1,337	227
Drunk Driving with Personal Injury	95	16	97	16
Other Non-Violent Felonies	3,806	647	4,984	847
Misdemeanor	22,121	3,760	33,971	5,773
Traffic Violations	12,719	2,162	17,707	3,009
Assault and Battery	3,222	548	3,532	600
AWOL	1,146	195	1,625	276
Drunk Driving without Personal Injury	2,983	507	3,125	531
Family Abuse	1,901	323	2,180	370
Drunk and Disorderly	1,619	275	1,769	301
Other Misdemeanors	3,416	581	4,033	685
Total	31,942	5,429	57,549	9,781

Average FY2014 AD Soldier Population: 588,402

Figure A-1: Crime Types and Categories, FY2014 Active Duty Army Crime