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Hazing in the Armed Forces

Background

Initiation customs have long been part of the culture in the United States Armed Forces as a method to welcome new members and mark rites of passage. However, several high-profile incidents have raised congressional concern that some of these traditions may subject service members to harmful or humiliating acts.

Hazing may pose a threat to trust, cohesion, safety, and the health of members of the Armed Forces. Congress has oversight of this issue under Article 1, Section 8 of the U.S. Constitution, which grants Congress the authority to raise and support armies, provide and maintain a navy, and to make rules relevant to their organization and discipline. Therefore, an understanding of the context of this issue and recent actions taken to counteract it may help Congress decide whether to address hazing in the military through oversight and legislation.

Hazing Definition

One of the main obstacles to effectively counteracting hazing is its similarity to other forms of unwelcome behavior, including harassment, bullying, and discrimination. The term applied to conduct cited in reporting can affect investigations and adjudications. DOD makes distinctions between these behaviors to maintain a comprehensive policy across all services. Current policy (DODI 1030.03) defines hazing as,

> A form of harassment that includes conduct through which Service members or DoD employees, without a proper military or other governmental purpose but with a nexus to military Service, physically or psychologically injures or creates a risk of physical or psychological injury to Service members for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or a condition for continued membership in any military or DoD civilian organization.

This may include, for example, branding or tattooing, forcing someone to consume food, alcohol, drugs or other substances, or orally berating someone with the purpose of belittling, or humiliating. Policies and definitions of hazing with respect to cadets and midshipmen at the service academies are codified in 10 U.S.C. §§7452, 8464, & 9452.

Perceptions of Hazing

Initiation rituals commonly follow a path of separation, transition, and incorporation, which brings members into a new role. Within the military, *esprit de corps*, or the capacity of a group's members to maintain belief in their mission, is considered a sacred value and is produced through various trials. Some believe that shared experiences of hardship during initiation rituals lead to greater group commitment and dependency. On the other hand, some contend that these rituals waste time and reduce a service member's ability to perform at his or her psychological and physical peaks. When taken to extremes, certain activities may also result in permanent injuries or death.

As Armed Forces personnel often undergo physically and mentally rigorous training, particularly as new recruits, the line between acceptable behavior and reportable behavior (i.e., hazing) can quickly blur. Some members may even seek to participate in certain activities that are prohibited by policy (e.g., *blood-winging/blood-pinning)* in order to prove that they belong. Proponents of these rituals justify them by pointing to the differences in military and civilian culture.

The services have established formal, community-specific indoctrination processes. For example, military members must meet certain standards in terms of conduct, physical fitness, competence, and marksmanship in order to be accepted and retained.

Estimated Prevalence and Reporting Rates

Efforts to discern accurate hazing prevalence rates have faced challenges. In 2016, the Government Accountability Office (GAO) found that each service branch has different data tracking requirements and that formally tracked reports were often limited to cases investigated by military criminal investigative organizations, rather than allegations handled by the chain of command or inspector general. Moreover, the Department and the services used inconsistent methods for counting cases and had decentralized points of contact throughout. However, an estimate of prevalence can be obtained from command climate surveys that include questions related to hazing and demeaning behaviors. **Table I** describes the degree to which service members perceive hazing and demeaning behaviors within their own units.

Table 1. Active Duty Prevalence of Hazing and Demeaning Behaviors

Service	Perceived Hazing Behaviors
Army	9%
Navy	5%
Marine Corps	11%
Air Force	2%

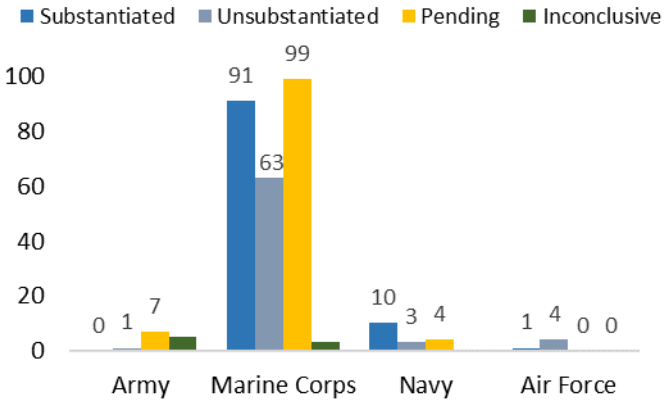
Source: 2014 Organizational Climate Survey Data gathered by the Defense Equal Opportunity Management Institute and analyzed by the Government Accountability Office.

Note: Percentages in each category either that agreed or strongly agreed with all statements regarding hazing or demeaning behavior.

Actual hazing complaints are significantly lower than prevalence statistics would predict. According to the DOD's FY2018 report, *Hazing Prevention and Response in*

the Armed Forces, there were a total of 299 complaints alleging hazing behavior for the reporting period (**See Figure 1)**. The most common allegations involved physical contact (75% of all allegations). The Marine Corps, with the smallest population of the four other services, has the largest number of complaints and has also reported the highest estimated prevalence rates of all the services (see **Table 1)**. DOD's FY2018 report also found that 95% of the complaints were against enlisted male offenders.

Figure 1. Hazing Complaints by Service
FY2018



Source: FY2018 Hazing Prevention and Response in the Armed Forces, Annual Summary Report to Congress,

Note: *Inconclusive* cases are those in which where there was insufficient information to pursue an investigation.

Comparison to the General Population

Within the civilian population, hazing is most common within athletic organizations and university groups such as fraternities and sororities. Similar data collection issues prohibit accurate assessments of prevalence in these groups, but the 2008 National Study of Student Hazing found that 55% of college students involved in extracurricular activities experienced hazing, with the highest prevalence rates among those in varsity athletics and fraternities or sororities.

Response to Hazing Incidents

To standardize responses across the services, DOD has established policies with regard to preventive training, reporting, adjudication, and accountability. The secretaries of the military departments are responsible for creating service-specific mechanisms that collect, track, assess, and analyze data related to hazing allegations. Neither these systems nor the data are publicly available.

General Timelines

Under DOD policy, allegations of hazing should be addressed at the lowest possible level in the chain of command. Investigations of formal hazing complaints are to commence within 5 duty days and conclude after no more than 30 duty days later. A final report, including actions taken, is due to the immediate superior officer within 36 days after the investigation begins. Service members who report hazing are also protected from reprisal by the Military Whistleblower Act (10 U.S.C. §1034; DODD 7050.06).

Punishment for Perpetrators

The Uniform Code of Military Justice (UCMJ) does not specifically define or prohibit hazing. However, since 1950 hazing has been prosecuted under various punitive articles such as 93, Cruelty and Maltreatment and 128, Assault (10 U.S.C. 893 & 928). Unit commanders have the ultimate authority to adjudicate hazing incidents as they see fit, including nonjudicial punishment (e.g., reduction in grade, extra duty).

Recent Legislation

Until recently, Congress has deferred to DOD for implementation of anti-hazing policies. However, in 2016 GAO concluded that DOD did not know the extent to which its policies had been implemented by each service. In the wake of several high-profile incidents, the following legislative actions have been taken.

- House Committee on Armed Services hearing on "Hazing in the Military," March 2012.
- FY2013 NDAA (P.L. 112-239). Requires each service secretary to submit reports that evaluate policies to track and prevent hazing incidents.
- FY2015 NDAA (P.L. 113-291). The lack of reliable statistics and information in the previous reports led Congress to call for an independent review of DOD hazing policies by the Comptroller General.
- FY2016 NDAA (P.L. 114-92). Requires DOD to more comprehensively address incidents where hazing could constitute sexual assault through mandatory training.
- FY2017 NDAA (P.L. 114-328). Requires DOD to establish a comprehensive data-collection system for incidents of hazing, improve its anti-hazing training, and submit annual reports describing its efforts to Congress from January 31, 2019, through January 2021.

Considerations for Congress

The following questions may help Members of Congress exercise oversight and analyze forthcoming reports from the various services with regard to hazing.

- Do these reports provide an accurate accounting of the prevalence of hazing?
- Has data been collected and analyzed consistently across each branch of the Armed Forces and what do the differences in prevalence and reporting indicate about prevention and response activities?
- Do victims of hazing understand how it is defined and have appropriate access to investigative services?
- Are there any areas where preventive training has been inadequate or adjudications have been dismissed?
- To what extent do those who make a complaint about hazing experience reprisal?
- On what aspects of this issue should future congressionally funded studies focus?

Kristy N. Kamarck, Analyst in Military Manpower

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