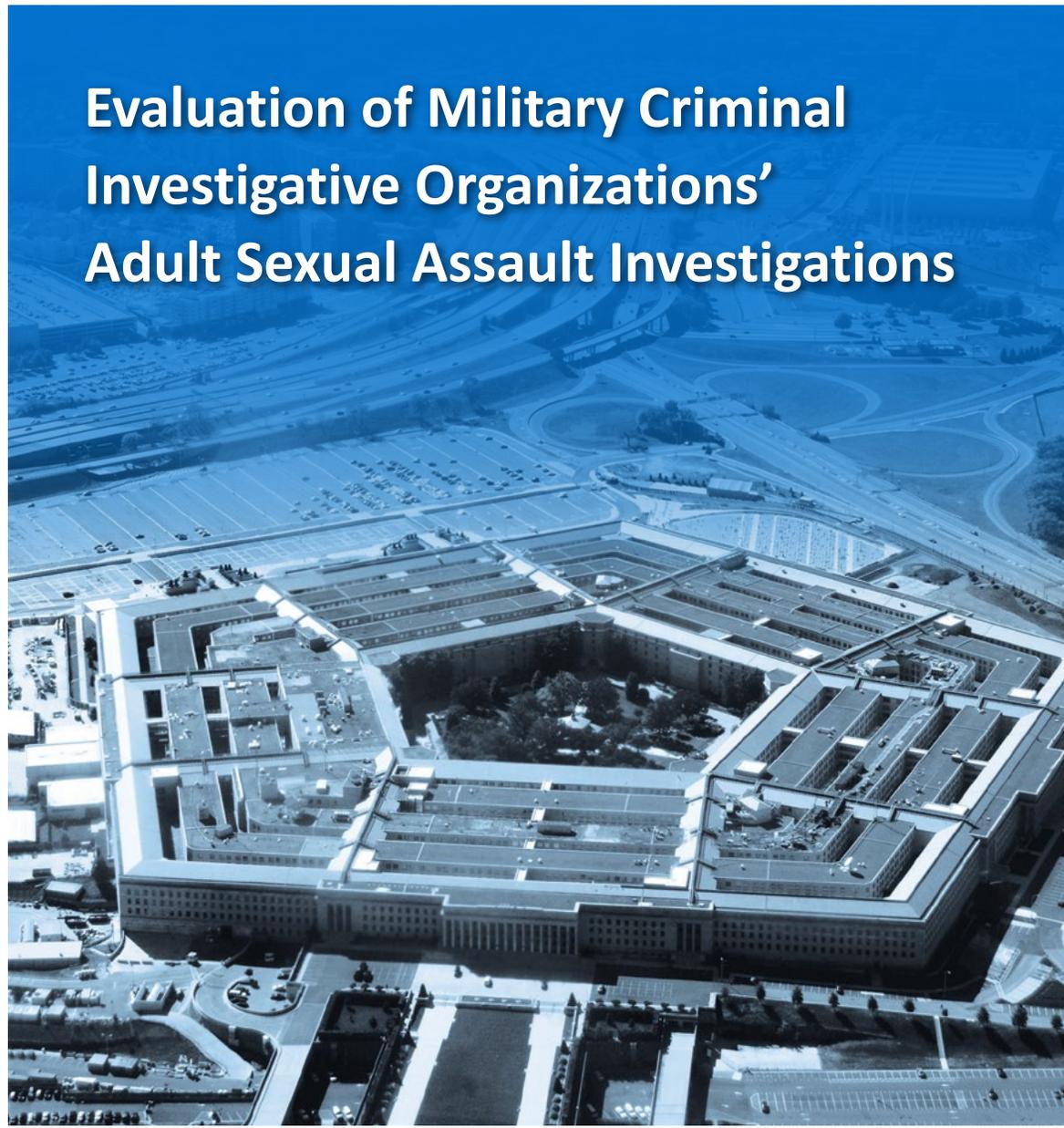




INSPECTOR GENERAL

U.S. Department of Defense

FEBRUARY 14, 2017



Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations

INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

Mission

Our mission is to provide independent, relevant, and timely oversight of the Department of Defense that supports the warfighter; promotes accountability, integrity, and efficiency; advises the Secretary of Defense and Congress; and informs the public.

Vision

Our vision is to be a model oversight organization in the Federal Government by leading change, speaking truth, and promoting excellence—a diverse organization, working together as one professional team, recognized as leaders in our field.



Fraud, Waste, & Abuse

HOTLINE

Department of Defense

dodig.mil/hotline | 800.424.9098

For more information about whistleblower protection, please see the inside back cover.



Results in Brief

Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations

February 14, 2017

Objective

We evaluated 378 Military Criminal Investigative Organizations' (MCIO) adult sexual assault investigations opened on or after January 1, 2014, and completed on or before December 31, 2015, to determine whether the MCIOs completed investigations as required by DoD, Military Service, and MCIO guidance. This evaluation is the third in a series of recurring evaluations of the MCIOs' closed adult sexual assault investigations.

Finding

We found that only 2 of the 378 cases (0.5 percent) we reviewed had significant deficiencies that we believed likely adversely impacted the outcome of the investigations. We returned those two cases for further investigative work. The deficiencies related to serological and trace evidence that were not collected or pursued; and witness interviews that were not thorough or not completed.

We compared these results to our previous two evaluations, conducted in 2015 (Report No. DODIG-2015-094) and 2013 (Report No. DODIG-2013-091). In 2015 we returned 4 of 536 (0.7 percent) cases for significant deficiencies and in 2013 we returned 56 of 501 cases (11.2 percent) for significant deficiencies.

We also evaluated cases for minor deficiencies, which we considered as investigative deficiencies that likely did not affect the outcome of the investigation. Examples of those kind of minor deficiencies are delays in completing certain logical investigative steps and not photographing or sketching crime scenes. We found this year that 15 of the 378 cases (4.0 percent) had only minor deficiencies. In 2015, we found 41 of the 536 cases (7.6 percent) had only minor deficiencies, and in 2013, we found that 19 of the 501 cases (3.8 percent) had only minor deficiencies.

Finding (cont'd)

We also reviewed cases for administrative deficiencies, which we considered as deficiencies that did not likely affect either the investigative process or the outcome of the investigation. Examples of those kinds of administrative deficiencies are failing to brief a victim about the status of the investigation and not issuing a DD Form 2701, "Initial Information for Victims and Witnesses of Crime." We found that 156 out of the 378 cases (41.3 percent) had only administrative deficiencies. In 2015, we found 129 of the 536 cases (24.1 percent) had only administrative deficiencies, and in 2013, we found that 70 of the 501 cases (14.0 percent) had only administrative deficiencies. During this evaluation, we found supervisory case review deficiencies in 94 of the 378 cases (24.9 percent) and subject release deficiencies in 39 of the 378 cases (10.3 percent). In 2015, we found supervisory review deficiencies in 6 of the 536 cases (1.1 percent) and subject release deficiencies in 10 of the 536 cases (1.9 percent). In 2013, we found subject release deficiencies in 187 of the 501 cases (37.3 percent) and supervisory review deficiencies in 213 of the 501 cases (42.5 percent).

Of the 378 cases we reviewed, 161 (42.6 percent) had no deficiencies. In 2015, we found 318 of the 536 cases (59.3 percent) had no deficiencies, and in 2013, we found that 83 of the 501 cases (16.6 percent) had no deficiencies.

We also reviewed the implementation of recommended actions from previous reports related to minor and administrative deficiencies. Specifically, in Report DODIG-2015-094, we recommended improvements to crime scene documentation and processing and evidence processing, the issuance of the DD Form 2701, "Initial Information for Victims and Witnesses of Crime," and notifications to Sexual Assault Response Coordinators (SARCs). We found that the MCIOs' performance improved in crime scene documentation and processing and evidence processing. Additionally, we found that both the U.S. Army Criminal Investigation Command (USACIDC) and the Air Force Office of Special Investigations (AFOSI) improved in their issuance of the DD Form 2701. Also, USACIDC significantly improved its notifications to SARCs, while AFOSI notifications remained the same.

Overall, the number of cases with significant and minor deficiencies remained low, although the percentage of cases with administrative deficiencies increased.



Results in Brief

Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations

Recommendations

- We recommend that the Commander, USACIDC, and Commander, AFOSI, implement measures to improve compliance with supervisory case review requirements.
- We recommend that the Director, Naval Criminal Investigative Service (NCIS), and Commander, AFOSI, implement measures to improve compliance with subject processing requirements.

Management Comments and Our Response

The Commander, USACIDC, the Executive Assistant Director, NCIS, and the Vice Commander, AFOSI, provided management comments to our draft report.

The Commander, USACIDC, did not directly respond to our recommendation, but offered an alternative. The Commander's intention to complete an internal study to determine the continued necessity of his internal policy requirement is within the scope of his authority. According to the Assistant Deputy Chief of Staff for Operations, Headquarters, USACIDC, the internal study would be completed by July 12, 2017. We request that the Commander, USACIDC, provide additional comments to this report concerning the status of the Group level case review requirement while the internal study is underway. In addition, we request the results of USACIDC's internal study upon its completion.

The Executive Assistant Director, NCIS, agreed with comment to our recommendation to implement measures to improve compliance with subject processing requirements. NCIS is adding documentation of a subject's release to its "Standardized Case Review Sheet," thus

making it an inspection item for the first-line supervisor. NCIS completed the draft form on February 3, 2017, and expects to complete the executive review and final approval for dissemination to the field no later than February 17, 2017. We request NCIS provide a copy of the updated form upon completion. No further comments are required.

The Vice Commander, AFOSI, partially agreed with comment to our recommendation to implement measures to improve compliance with supervisory case review requirements. In response to our recommendation AFOSI specifically addressed our recommendation by reemphasizing the requirement of documenting case reviews during AFOSI's senior leader conference on January 24, 2017. In addition, the Vice Commander, AFOSI, stated, "[t]he requirement to conduct and document supervisory case reviews is an AFOSI requirement, not a DoD requirement. While DOD policy emphasizes the need for MCIOs to conduct thorough investigations, execution oversight and investigation quality control are the responsibility of the AFOSI Commander." We agree with the Vice Commander, AFOSI, that the supervisory case review is not a DoD requirement. However, we assessed AFOSI using its own procedures and internal controls concerning the conduct and documentation of supervisory case reviews and our review identified deficiencies related to those controls.

The Vice Commander, AFOSI, agreed with comment to our recommendation to implement measures to improve compliance with subject processing requirements. AFOSI modified its policy in August 2016, to comply with Air Force Instruction 90-505, "Suicide Prevention Program." Since then, subjects may only be released to their commander or first sergeant and such release must be documented in the case file. No further comments are required.

Recommendations Table

Management	Recommendations Requiring Comment	No Additional Comments Required
The Commander, U.S. Army Criminal Investigation Command	1	
The Director, Naval Criminal Investigative Service		2
The Commander, Air Force Office of Special Investigations		1 and 2

Please provide Management Comments by March 14, 2017.





**INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500**

February 14, 2017

MEMORANDUM FOR COMMANDER, U.S. ARMY CRIMINAL INVESTIGATION COMMAND
DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE
COMMANDER, AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

SUBJECT: Evaluation of Military Criminal Investigative Organizations' Adult Sexual
Assault Investigations (Report No. DODIG-2017-054)

This report is provided for review and comment. We evaluated the Military Criminal Investigative Organizations' (MCIOs') adult sexual assault investigations to determine whether the MCIOs completed investigations as required by DoD, Military Service, and MCIO guidance. We initiated this project to meet our statutory obligation to provide policy, oversight, and performance evaluation of all DoD activities relating to criminal investigation programs and in response to the August 13, 2013, Secretary of Defense request for recurring evaluations of closed sexual assault investigations to ensure investigative quality. We conducted this evaluation in accordance with the "Quality Standards for Inspection and Evaluation," published in 2012 by the Council of the Inspectors General on Integrity and Efficiency.

Only two of the 378 cases evaluated had significant deficiencies that we believed likely adversely impacted the outcome of the investigations. We returned those two cases for further investigation. The remaining 376 cases either had no deficiencies, or minor and administrative deficiencies that we believed did not likely adversely impact the outcome of the individual investigations. Our analysis of significant and minor deficiencies found no patterns or trends requiring a recommendation. However, our analysis of the administrative deficiencies found supervisory case review deficiencies in 94 of the 378 cases and subject release deficiencies in 39 of the 378 cases. In response to our recommended actions noted in our previous evaluation, DODIG-2015-094, we found performance improvement in crime scene documentation and processing, evidence processing, issuing DD Forms 2701, and Sexual Assault Response Coordinator notifications.

Additionally, we invite your attention to Appendix B, "Case Details," which provides factual data on a myriad of adult sexual assault characteristics. This information may prove helpful in combatting adult sexual assaults in the Department of Defense.

We considered management comments on a draft of this report when preparing the final report. Comments from the Director, Naval Criminal Investigative Service, and Commander, Air Force Office of Special Investigations, conformed to the requirements of DoD Directive 7650.3; therefore, we do not require additional comments. Comments from the Commander, U.S. Army Criminal Investigation Command, did not directly respond to Recommendation 1. Therefore, we request additional comments by March 14, 2017.

Please send a PDF file containing your comments to chris.redmond@dodig.mil. Copies of your comments must have the actual signature of the authorizing official for your organization. We cannot accept the /Signed/ symbol in place of the actual signature. If you arrange to send classified comments electronically, you must send them over the SECRET Internet Protocol Router Network (SIPRNET).

We appreciate the courtesies extended to the staff during the evaluation. For more information on this report, please direct questions to Mr. Chris Redmond at (703) 604-8556 (DSN 664-8556).



Randolph R. Stone
Deputy Inspector General
Policy and Oversight

Contents

Introduction

Objective	1
Background	1

Finding. MCIO Sexual Assault Cases With Significant and Minor Deficiencies Remained Low While the Percentage of Cases With Administrative Deficiencies Increased

Results of Adult Sexual Assault Investigations Evaluations	4
Conclusion	10
Recommendations, Management Comments, and Our Response	11
Special Interest Items	13

Appendixes

Appendix A. Scope and Methodology	16
Appendix B. Case Details	23
Appendix C. DoD Policy and Requirements	48
Appendix D. Memorandum of Results	49
Appendix E. Table Listing	53

Management Comments

USACIDC	56
NCIS	57
AFOSI	58

Acronyms and Abbreviations



Introduction

Objective

We evaluated 378 Military Criminal Investigative Organization (MCIO)¹ adult sexual assault investigations opened on or after January 1, 2014, and closed (completed and adjudicated) on or before December 31, 2015, to determine whether the MCIOs completed investigations as required by DoD, Military Service, and MCIO guidance. For the purpose of this evaluation, an “adult” is defined as a person 18 years of age and older or a member of the Armed Forces. The 378 investigations represent a statistical sample of the total population of 5,450 investigations within the scope of this project. See Appendix A for our scope and methodology and prior coverage.

Background

This evaluation is the third in a series of recurring evaluations of the MCIOs’ adult sexual assault investigations (DODIG-2013-091 and DODIG-2015-094). The DoD Inspector General (IG) has statutory authority in accordance with the Inspector General Act of 1978 for policy, oversight, and performance evaluation with respect to all DoD activities relating to criminal investigation programs. This authority is embodied in DoD Directive (DoDD) 5106.01, “Inspector General of the Department of Defense (IG DoD),” April 20, 2012, (Incorporating Change 1, August 19, 2014), and DoD Instruction (DoDI) 5505.03, “Initiation of Investigations by Defense Criminal Investigative Organizations,” March 24, 2011, (Incorporating Change 1, December 22, 2015).

The DoD IG’s responsibilities regarding sexual assault investigations are specified in

- DoDD 6495.01, “Sexual Assault Prevention and Response (SAPR) Program,” January 23, 2012, (Incorporating Change 2, January 20, 2015), and
- DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” March 28, 2013, (Incorporating Change 2, July 7, 2015).

This guidance directs the DoD IG to oversee the criminal investigations of sexual assault in the DoD. DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” January 25, 2013, (Incorporating Change 2, June 18, 2015), directs the DoD IG to develop policy and to oversee the Department’s criminal investigative organizations’ investigations of sexual assaults.

¹ The MCIOs include the U.S. Army Criminal Investigation Command, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations.

Within the DoD, the MCIOs are responsible for investigating all sexual assaults within their jurisdiction as directed in DoDI 5505.18. Additionally, the MCIOs are responsible for developing specific investigative policy and requirements to govern the conduct of sexual assault investigations and for training assigned special agents in accordance with the Military Services' training standards. See Appendix C for DoD policy requirements and Appendix D for details regarding the selection of the statistical sampling.

Additionally, on August 14, 2013, the Secretary of Defense requested that the DoD IG evaluate the adequacy of closed sexual assault investigations on a recurring basis to ensure investigative quality.

Finding

MCIO Sexual Assault Cases With Significant and Minor Deficiencies Remained Low While the Percentage of Cases With Administrative Deficiencies Increased

We found that only 2 of the 378 cases (0.5 percent) we reviewed had significant deficiencies that we believed likely adversely impacted the outcome of the investigations. We returned those two cases for further investigative work.

We evaluated cases for minor deficiencies, which we considered as investigative deficiencies that likely did not affect the outcome of the investigation. We found this year that 15 of the 378 cases (4.0 percent) had only minor deficiencies. In 2015, we found 41 of the 536 cases (7.6 percent) had only minor deficiencies, and in 2013, we found that 19 of the 501 cases (3.8 percent) had only minor deficiencies.

We also reviewed cases for administrative deficiencies, which we considered did not likely affect either the investigative process or the outcome of the investigation. We found that 156 out of the 378 cases (41.3 percent) had only administrative deficiencies. In 2015, we found 129 of the 536 cases (24.1 percent) had only administrative deficiencies, and in 2013, we found that 70 of the 501 cases (14.0 percent) had only administrative deficiencies. During this evaluation, we found supervisory case review deficiencies in 94 of the 378 cases (24.9 percent) and subject release deficiencies in 39 of the 378 cases (10.3 percent). In 2015, we found supervisory case review deficiencies in 6 of the 536 cases (1.1 percent), and subject release deficiencies in 10 of the 536 cases (1.9 percent). In 2013, we found supervisory review deficiencies in 213 of the 501 cases (42.5 percent) and subject release deficiencies in 187 of the 501 cases (37.3 percent).

Of the 378 cases we reviewed, 161 (42.6 percent) had no deficiencies. In 2015, we found 318 of the 536 cases (59.3 percent) had no deficiencies, and in 2013, we found that 83 of the 501 cases (16.6 percent) had no deficiencies.

We also reviewed the implementation of recommended actions from previous reports related to minor and administrative deficiencies. Specifically, in Report DODIG-2015-094, we recommended improvements to crime scene documentation and processing and evidence processing, the issuance of the DD Form 2701, "Initial Information for Victims and Witnesses of Crime," and notifications to Sexual Assault Response Coordinators (SARCs). We found that

the MCIOs' performance improved in crime scene documentation and processing and evidence processing. Additionally, we found that both the U.S. Army Criminal Investigation Command (USACIDC) and the Air Force Office of Special Investigations (AFOSI) improved in their issuance of the DD Form 2701. Also, USACIDC significantly improved its notifications to SARCs, and AFOSI notifications remained the same.

Overall, the number of cases with significant and minor deficiencies remained low, although the percentage of cases with administrative deficiencies increased.

Results of Adult Sexual Assault Investigations Evaluations

We evaluated a randomly selected statistical sample² amounting to 378 of 5,450 MCIO adult sexual assault investigations. The numerical breakdown of cases from the MCIOs was as follows:

- 133 were from USACIDC,
- 128 were from Naval Criminal Investigative Service (NCIS), and
- 117 were from AFOSI.

The scope included investigations that were initiated on or after January 1, 2014, and closed (completed and adjudicated) on or before December 31, 2015.

Only 2 of the 378 cases evaluated had significant investigative deficiencies (definition follows) that likely adversely impacted the investigative outcome. These cases were returned to the respective MCIO and subsequently reopened to conduct additional work.

Of the 378 cases evaluated, 376 either had no deficiencies or had only minor³ deficiencies (either investigative, administrative, or both) that did not likely adversely impact the investigative outcome. In addition, in 62 of the 378 cases, the evaluator made positive observations pertaining to the investigative actions taken by the case agents or supervisors, or both. (See Appendix B for details)

Cases with Significant Deficiencies

Of the 378 cases evaluated, only 2 cases had significant deficiencies which likely adversely impacted the outcome of the investigations. Table 1 depicts a breakdown by MCIO of the number of cases with significant deficiencies that were returned and the MCIOs agreed to reopen.

² We used a 90-percent confidence level and a 7-percent precision rate.

³ The definition of a "minor" deficiency can be found on page 7 of this report.

Table 1. Cases with Significant Deficiencies

Cases	Total	USACIDC	NCIS	AFOSI
Returned	2	1	1	0
Reopened	2	1	1	NA

Table 2 depicts a comparison of cases with significant deficiencies for the current evaluation and the two previous evaluations.

Table 2. Cases with Significant Deficiencies Comparison

Deficiency	2013 – 501 Cases	2015 – 536 Cases	2016 – 378 Cases
Significant deficiencies	56 (11.2 %)	4 (.7 %)	2 (.5 %)

A “significant deficiency” is one or more deficiencies, or a series of minor deficiencies, resulting from a failure in the execution of elements of DoD, Military Service, or MCIO policies and standards of investigations. A significant deficiency indicates a breakdown in practices, programs, or policies having actual notable adverse impact on, or having a likelihood of materially affecting, the integrity of the investigation or adversely affecting or having a high probability of adversely affecting the outcome of an investigation. When we identified one or more significant deficiencies in an investigation, we returned the investigation to the relevant MCIO with an explanation of the deficiencies along with the supporting guidance and applicable policies.

Examples of significant deficiencies include the following:

- key evidence was not collected from the crime scene, the victim, or the subject;
- crime scene examinations were not completed, not completed thoroughly, or not completed before the loss of crucial evidence;
- sexual assault forensic examinations were not conducted;
- subject and victim interviews or re-interviews were not thorough or not conducted.

We provided information concerning two investigations with significant deficiencies to the respective MCIOs. We asked the MCIOs to consider our findings and, if practicable, reopen those cases to conduct additional investigative activity to address deficiencies.

Cases Returned to USACIDC

On June 27, 2016, we returned one case to USACIDC for consideration of our findings. On July 14, 2016, USACIDC reopened the returned case to conduct additional investigative activity (witness interviews not thorough or not completed). On November 2, 2016, the additional activity was completed and reported in a supplemental report of investigation. On December 7, 2016, we evaluated the additional activity and determined the significant deficiencies were addressed.

Cases Returned to NCIS

On May 27, 2016, we returned one case to NCIS for consideration of our findings. On June 8, 2016, NCIS reopened the returned case to conduct additional activity (serological⁴ and trace evidence not collected or pursued). On November 7, 2016, the additional activity was completed and reported in a supplemental report of investigation. On November 21, 2016, we evaluated the additional activity and determined the significant deficiencies were addressed.

Cases with No Deficiencies or Minor Deficiencies

A total of 376 of the 378 cases either had no deficiencies or the deficiencies noted did not likely have an adverse impact on the investigation. We found a total of 161 cases had no deficiencies which is a decline in performance compared to the last evaluation which found a total of 318 of the 536 cases had no deficiencies. The remaining cases had one or more minor deficiencies, administrative deficiencies, or both minor and administrative deficiencies, that did not likely adversely impact the outcome of the investigations. Table 3 depicts a breakdown by MCIO of the number of cases with no deficiencies, minor deficiencies, administrative deficiencies, and both minor and administrative deficiencies. See Appendix B for details.

Table 3. Cases with No Deficiencies, Minor, Administrative, and both Minor and Administrative Deficiencies

Case Deficiencies	Total	USACIDC	NCIS	AFOSI
None	161	59	72	30
Minor	15	3	7	5
Administrative	156	64	36	56
Both minor and administrative	44	6	12	26
Total	376	132	127	117

⁴ Serological evidence includes blood serum and other bodily fluids such as semen and saliva, which have (roughly) similar properties to serum. Serological tests may be used in forensic serology, specifically for a piece of evidence (e.g., linking a rapist to a semen sample).

Table 4 depicts a breakdown by MCIO of the number of cases with no deficiencies, minor deficiencies, administrative deficiencies, and both minor and administrative deficiencies from the most recent prior evaluation, DODIG-2015-094.

Table 4. Cases with No Deficiencies, Minor, Administrative, or both Minor and Administrative Deficiencies from DODIG-2015-094

Case Deficiencies	Total	USACIDC	NCIS	AFOSI
None	318	119	114	85
Minor	41	14	12	15
Administrative	129	36	57	36
Both minor and administrative	44	10	22	12
Total	532	179	205	148

Table 5 depicts a comparison of cases with no deficiencies, minor deficiencies, administrative deficiencies, and both minor and administrative deficiencies, for the current and two previous evaluations.

Table 5. Comparison of Cases With No Deficiencies, Minor, Administrative, and both Minor and Administrative Deficiencies

Deficiency	2013 – 501 Cases	2015 – 536 Cases	2016 – 378 Cases
None	83 (16.6%)	318 (59.3%)	161 (42.6%)
Minor	19 (3.8%)	41 (7.7%)	15 (4.0%)
Administrative	70 (14.0%)	129 (24.1%)	156 (41.3%)
Minor & Administrative	273 (54.5%)	44 (8.2%)	44 (11.6%)

Table 6 depicts the comparison of all cases with minor deficiencies, comprised of cases with only minor deficiencies combined with cases that have both minor and administrative deficiencies, from our two previous and current evaluations.

Table 6. Comparison of Cases with Minor Deficiencies [with and without Administrative Deficiencies]

Deficiency	2013 – 501 Cases	2015 – 536 Cases	2016 – 378 Cases
Minor deficiencies [with and without administrative deficiencies]	292 (58.3%)	85 (15.9%)	59 (15.6%)

A “minor deficiency” is an investigative task or step the MCIO did not perform, or performed it not in conformity with DoD, Military Service, or MCIO policies and procedures. A minor deficiency is not likely to affect the outcome or have a negative impact on the investigation.

Examples of minor deficiencies⁵ include the following:

- not photographing and sketching crime scenes;
- delays in completing certain logical investigative steps; and
- appropriate medical records were not collected and reviewed.

We analyzed the combined data related to investigative deficiencies found in a total of 61 (59 with minor and 2 with significant deficiencies) of the 378 cases. The analysis did not identify systemic issues related to minor and significant deficiencies.

Cases with Administrative Deficiencies

Table 7 depicts a comparison of all cases with administrative deficiencies, comprised of cases with only administrative deficiencies combined with cases that have both minor and administrative deficiencies, from the current and two previous evaluations.

Table 7. Comparison of Cases with Administrative Deficiencies [with and without Minor Deficiencies]

Deficiency	2013 – 501 Cases	2015 – 536 Cases	2016 – 378 Cases
Administrative deficiencies [with and without minor deficiencies]	343 (68.5%)	173 (34.5%)	200 (52.9%)

An “administrative deficiency” is an administrative task or step the MCIO did not perform, or performed not in conformity with DoD, Military Service, or MCIO policies and procedures. An administrative deficiency is not likely to affect the investigative process and is not likely to affect the outcome or have a negative impact on the investigation.

Examples of administrative deficiencies include the following:

- victim was not issued a DD Form 2701, “Initial Information for Victims and Witnesses of Crime”;
- routine briefs were not provided to the victim about the status of the investigation; and
- subject’s record fingerprint impressions, mugshot photographs, and record deoxyribonucleic acid (DNA) were not obtained.

⁵ The severity of the deficiencies depends in large part on the totality of the circumstances. What might be a minor deficiency in one investigation could be a significant deficiency in another.

We analyzed the data in 200 of the 378 cases with administrative deficiencies to determine the root cause for the increase in cases with administrative deficiencies. We found that a total of 133 cases had either supervisory case review deficiencies (94) or subject release deficiencies (39). This accounts for the increase in administrative deficiencies since the previous evaluation. These deficiencies did not likely adversely impact the outcome of those investigations. See Appendix B for details.

In 94 of the 378 cases, supervisory case reviews were not conducted or were not properly documented.

- USACIDC – 47 of the 133 cases, last evaluation 0 of the 181;
- NCIS – 0 of the 128 cases, last evaluation 6 of the 207; and,
- AFOSI – 47 of the 117 cases, last evaluation 0 of the 148.

In 39 of the 378 cases, MCIO agents did not properly release or properly document the release of the subject from MCIO control following the interview of the subject:

- USACIDC – 3 of the 133 cases, last evaluation 6 of the 181;
- NCIS – 13 of the 128 cases, last evaluation 2 of the 207; and,
- AFOSI – 23 of the 117 cases, last evaluation 2 of the 148.⁶

The proper release of subjects of sexual assault investigations to command personnel following interviews is an important suicide prevention measure.

Implementation of Prior Recommended Actions

The previous evaluation, DODIG-2015-094, recommended actions to the MCIOs for the correction of minor deficiencies in crime scene documentation and processing, and evidence processing. This evaluation noted that the MCIOs' performance improved in both areas.

- In 361 of the 378 cases, MCIO agents documented and processed crime scenes as required. In the previous evaluation, in 508 of the 536 cases, MCIO agents documented and processed crime scenes as required.
- In 365 of the 378 cases, MCIOs had no evidence deficiencies. In the previous evaluation, in 500 of the 536 cases, MCIOs had no evidence deficiencies. See Appendix B for details.

⁶ In 7 of the 23 instances the release was not documented. In 16 of the 23 instances, the release was documented; however documentation was not sufficient to discern whether the release was to an authorized official.

Additionally, the previous evaluation recommended corrective actions to USACIDC and AFOSI for the correction of administrative deficiencies in the delivery of the DD Form 2701, "Initial Information to Victims and Witnesses of Crime," to sexual assault victims and notifications to SARCs. This evaluation found that both USACIDC and AFOSI improved in their issuance of the DD Form 2701 to sexual assault victims.

- In 128 of the 133 USACIDC cases and 113 of the 117 AFOSI cases, agents properly issued the DD Form 2701 to each victim as required by policy and circumstances. In the previous evaluation, in 163 of the 181 USACIDC cases and 132 of the 148 AFOSI cases, agents properly issued the DD Form 2701.

Also, USACIDC significantly improved its notifications to SARCs, whereas AFOSI remained the same.

- In 129 of the 133 USACIDC cases and 108 of the 117 AFOSI cases, agents notified the SARC as required by policy. In the previous evaluation, in 167 of the 181 USACIDC cases and 136 of the 148 AFOSI cases, agents notified the SARC as required by policy. See Appendix B for additional details.

Conclusion

We found that only 2 of the 378 cases (0.5 percent) we reviewed had significant deficiencies that we believed likely adversely impacted the outcome of the investigations. We returned the cases with significant deficiencies to the MCIOs for correction.

Overall, the number of cases with significant and minor deficiencies remained low, and an analysis did not identify systemic issues related to those kinds of deficiencies. However, the percentage of cases with administrative deficiencies increased. The analysis identified systemic issues in conducting or documenting required supervisory case reviews and subject processing deficiencies. We believe these administrative deficiencies did not likely adversely impact the outcome of the investigations.

Recommendations, Management Comments, and Our Response

Recommendation 1

We recommend that the Commander, U.S. Army Criminal Investigation Command, and Commander, Air Force Office of Special Investigations, implement measures to improve compliance with supervisory case review requirements.

Commander, United States Army Criminal Investigation Command, Comments

The Commander, USACIDC, did not directly respond to our recommendation, but offered an alternative. The Commander's intention to complete an internal study to determine the continued necessity of his internal policy requirement is within the scope of his authority. According to the Assistant Deputy Chief of Staff for Operations, Headquarters, USACIDC, the internal study would be completed by July 12, 2017.

Our Response

We request that the Commander, USACIDC, provide additional comments to this report concerning the status of the Group level case review requirement while the internal study is underway. In addition, we request the results of USACIDC's internal study upon its completion.

Commander, Air Force Office of Special Investigations, Comments

The Vice Commander, AFOSI, partially agreed with comment to our recommendation to implement measures to improve compliance with supervisory case review requirements. He stated, "[t]he requirement to conduct and document supervisory case reviews is an AFOSI requirement, not a DoD requirement. While DOD policy emphasizes the need for MCIOs to conduct thorough investigations, execution oversight and investigation quality control are the responsibility of the AFOSI Commander." During an AFOSI senior leader conference on January 24, 2017, AFOSI emphasized the requirement of documenting case reviews.

Our Response

We agree with the Vice Commander, AFOSI, that the supervisory case review is not a DoD requirement. However, we assessed AFOSI using its own procedures and internal controls concerning the conduct and documentation of supervisory case reviews and our review identified deficiencies related to those controls.

Recommendation 2

We recommend that the Director, Naval Criminal Investigative Service, and the Commander, Air Force Office of Special Investigations, implement measures to improve compliance with subject processing requirements.

Director, Naval Criminal Investigative Service, Comments

The Executive Assistant Director, NCIS, agreed with comment to our recommendation to implement measures to improve compliance with subject processing requirements. NCIS is adding documentation of a subject's release to its "Standardized Case Review Sheet," thus making it an inspection item for the first-line supervisor. NCIS completed the draft form on February 3, 2017, and expects to complete the executive review and final approval for dissemination to the field no later than February 17, 2017.

Our Response

The Executive Assistant Director's comments addressed all specifics of the recommendation. We request NCIS provide a copy of the updated form upon completion. No further comments are required.

Commander, Air Force Office of Special Investigations, Comments

The Vice Commander, AFOSI, agreed with comment to our recommendation to implement measures to improve compliance with subject processing requirements. AFOSI modified its policy in August 2016, to comply with Air Force Instruction 90-505, "Suicide Prevention Program." Since then, subjects may only be released to their commander or first sergeant and such release must be documented in the case file. No further comments are required.

Our Response

Comments from the Vice Commander, AFOSI, addressed all specifics of the recommendation. No further comments are required.

Special Interest Items

After reviewing the previous evaluations of MCIO adult sexual assault investigations and discussions with the MCIOs, we identified three special interest items and made the following observations based upon reviews of the evaluated cases.

Impact of the Special Victim Counsel and Victim Legal Counsel Programs

In an August 14, 2013, memorandum, the Secretary of Defense directed immediate implementation of a special victim's advocacy program that would provide legal advice and representation to a sexual assault victim throughout the justice process. The program was established on December 26, 2013, by the National Defense Authorization Act for Fiscal Year 2014. The programs among the Military Services were to be fully instituted by January 1, 2014.

On January 26, 2015, we informed the MCIOs of our intention to collect information to assess the impact of the Special Victim Counsel (SVC) and Victim Legal Counsel (VLC) Programs⁷ on the DoD's sexual assault investigations. Each MCIO has a policy requirement to document matters impacting or interfering with investigations. In light of those requirements, we requested that the MCIOs emphasize documenting interactions involving SVCs or VLCs during their investigations. We found documentation in 126 of the 378 cases where a victim either requested representation or was already being represented by an SVC or VLC. We found no evidence indicating that the involvement of the SVC or VLC adversely impacted the MCIO investigations.

Instances When a Unit Commander Commenced an Inquiry Into a Sexual Assault Allegation Prior to Notifying the Appropriate MCIO

DoDI 5505.18 requires that "Component commanders . . . at all levels immediately report to the appropriate MCIO all adult sexual assault allegations of which they become aware involving persons affiliated with the DoD, including active duty personnel and their dependents, DoD contractors, and DoD civilian employees." We looked for instances when unit commanders commenced an inquiry into a sexual assault allegation prior to notifying the appropriate MCIO. Of the 378 cases evaluated, we identified 15 instances (3.9 percent) (Army 3, Navy 3, Air Force 9) where unit commanders improperly commenced inquiries into sexual assault allegations before notifying the appropriate MCIO. These 15 instances were eventually fully investigated by the appropriate MCIO. We could not discern if the improper inquiries had an impact on the outcome of the MCIO investigations.

⁷ The Army and Air Force use the title, Special Victim Counsel, while the Navy uses the title, Victim Legal Counsel.

Collection of Information Regarding Subject Titling

DoDI 5505.07, “Titling and Indexing Subjects of Criminal Investigations in the Department of Defense,” January 27, 2012, directs the Defense Criminal Investigative Organizations⁸ and other DoD law enforcement organizations that conduct criminal investigations to place the names and identifying information of people under criminal investigation in the “title blocks” of investigative reports. The instruction also directs “[t]itling and indexing in the DCII [Defense Central Index of Investigations] shall be done as soon as the investigation determines that credible information⁹ exists that the subject committed a criminal offense.” We collected information to determine if subjects of investigations were titled and indexed in the DCII upon the determination that credible information existed. The timely titling and indexing of subjects ensures that the information can be retrieved for future law enforcement or security purposes. We found that the MCIOs were complying with DoD policy.

Demographic and Other Case Data

In addition to analyzing the cases for compliance with DoD, Military Service, and MCIO guidance, we analyzed information related to various topics, including alcohol use by the subject and victim; age ranges; pay grades of subjects; where the offenses occurred; the relationship, if any, between the subject and victim; the number and type of primary offenses investigated; cases with multiple subjects and victims; and disciplinary action, if any. We did not draw conclusions from the data. The data are provided for information only and for possible future analysis if compared to data gleaned from comparable statistical samples. See Appendix B for details.

The offenses occurred both on and off military installations, in a variety of settings, such as private residences, barracks, dormitories, hotels, and parks. In some instances, the exact locations where offenses occurred could not be determined.

We observed and documented the types of relationships between subjects and victims, including the subject’s or the victim’s military affiliation. We analyzed a host of other victim- and subject-specific data such as age, pay grade, and gender.

⁸ The Defense Criminal Investigative Organizations consist of the Defense Criminal Investigative Service, USACIDC, NCIS, and AFOSI.

⁹ DoDI 5507.07 defines credible information as, “[i]nformation disclosed or obtained by a criminal investigator that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to lead a trained criminal investigator to presume that the fact or facts in question are true.”

We also collected information on the disciplinary action taken against the subjects of the investigations. Disciplinary actions taken against the subjects included court-martial, punitive discharge, administrative separations, civilian prosecution, non-judicial punishment, reprimand, counseling, other actions, and no action taken. See Appendix B, Tables 51 and 52, for details. The propriety or appropriateness of disciplinary actions taken by commanders was not within the scope of this evaluation.

Appendix A

Scope and Methodology

We evaluated MCIO adult sexual assault investigations opened on or after January 1, 2014, and closed (completed and adjudicated) on or before December 31, 2015, to determine compliance with DoD, Military Service, and MCIO policy requirements effective at the time of the investigation.

We completed the evaluation between March 2016 and June 2016. We conducted this evaluation in accordance with the “Quality Standards for Inspection and Evaluation,” published in 2012 by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we plan and perform the evaluation to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings, conclusions, and recommendations based on our review objectives. We believe that the evidence obtained provides a reasonable basis for our findings, conclusions, and recommendations based on our review.

We evaluated the MCIOs’ adult sexual assault investigative policy guidance to assess the extent to which it addressed investigative activity expected to be conducted in response to adult sexual assault reports. We familiarized ourselves with tasks required in any adult sexual assault investigation.

At the onset of the evaluation, we requested that each MCIO provide a list of the adult sexual assault investigations that were initiated not earlier than January 1, 2014, and closed (completed and adjudicated) on or before December 31, 2015. The list that the MCIOs provided included the case numbers, dates the investigations were opened and closed, the numbers of subjects and victims in each case, the criminal offense investigated, and the MCIO office that conducted the investigation. For a previous project, we evaluated investigations opened on or after January 1, 2012, and completed in 2013. The MCIOs subsequently established or enhanced existing policies or procedures in efforts to improve investigative results. To examine changes and assess improvements made since our evaluation of cases closed in 2013 (DoD OIG Report No. DODIG-2015-094), we did not include investigations opened before January 1, 2014. Additionally, we excluded investigations in which the MCIOs worked jointly with another law enforcement agency. Eliminating joint investigations from the evaluation scope allowed a more accurate assessment of MCIO performance in the investigations.

We provided the MCIOs' case lists to the DoD OIG Quantitative Methods Division (QMD) to determine a simple random sample of cases, stratified by MCIO, to evaluate based on a desired level of reliability. The sample size was selected from the population using a 90-percent confidence level, 50-percent probability of occurrence, and a 7-percent precision level. QMD identified a sample of 378 specific cases (by case number), stratified by MCIO, for evaluation. We provided the case list to each MCIO and requested they produce the specified cases for evaluation onsite within the confines of each MCIO's headquarters.

Special interest items for this evaluation included:

- impact of the SVC and VLC Programs on the Department's sexual assault investigations and whether the SVC's or the VLC's involvement positively or negatively impacted the investigation, and in what ways;
- instances where a unit commander commenced an inquiry into a sexual assault allegation prior to notifying the appropriate MCIO; and
- collection of information regarding whether the subject was titled and indexed in the DCII upon the determination that credible information existed, to assess the need for further study.

For information collection purposes, the three special interest items were incorporated into the case evaluation protocol.

The evaluation of adult sexual assault investigations was based on offenses defined in the Uniform Code of Military Justice (UCMJ) 2008 and 2012 Editions, Articles 120, 120c, and 125 as listed in Tables 8 and 9. For the purpose of this evaluation, an "adult" is defined as a person 18 years of age and older or a member of the Armed Forces.

Table 8. Articles 120, 120c, and 125 Sexual Assault Offenses – UCMJ 2012 Edition

Offense/Manual for Courts-Martial
Rape
Sexual assault
Aggravated sexual contact
Abusive sexual contact
Other sexual misconduct (indecent viewing, visual recording, or broadcasting; forcible pandering; or indecent exposure)
Forcible sodomy

Table 9. Articles 120 and 125 Sexual Assault Offenses – UCMJ 2008 Edition

Offense/Manual for Courts-Martial
Rape
Aggravated sexual assault
Aggravated sexual contact
Abusive sexual contact
Indecent act
Forcible pandering
Wrongful sexual contact
Indecent exposure
Forcible sodomy

We developed an adult sexual assault case evaluation protocol based on DoD, Military Service, and each MCIO's investigative policies and procedures. The evaluation protocol addressed, in detail, the investigative steps that are essential in order to complete a thorough adult sexual assault investigation ensuring compliance with applicable DoD, Military Service, and MCIO policies that were in effect during the life of the investigation.

In conducting the evaluations, we noted observations and deficiencies, both minor and significant, found in the investigative files using the following definitions.

Observations. Observations are aspects of an investigation that the evaluator deemed warranted added attention and documentation. Observations may also be administrative deficiencies in a report or specific information the MCIOs requested we look for during our case evaluations.

Minor Deficiency. An investigative task or step the MCIO did not perform, or performed not in conformity with DoD, Military Service, or MCIO policies and procedures. A minor deficiency is not likely to affect the outcome or have a negative impact on the investigation.

Administrative Deficiency. An administrative task or step the MCIO did not perform, or performed it not in conformity with DoD, Military Service, or MCIO policies and procedures. An administrative deficiency does not likely affect the investigative process and is not likely to affect the outcome or have a negative impact on the investigation.

Significant Deficiency. An investigation was found to contain significant deficiencies if one or more deficiencies resulted from a material failure to conform to critical elements of DoD, Military Service, or MCIO policies and procedures.

A significant deficiency indicates a breakdown in practices, programs, or policies having actual notable adverse impact on, or had a likelihood of materially affecting, the integrity of the investigation or adversely affecting or having a high probability of adversely affecting the outcome of an investigation.

Cases found to have significant deficiencies were documented and returned to the respective MCIO for review, feedback, and corrective action if practicable. For example, an investigation was reopened when the investigator failed to fully identify and interview all potential victims. In this example, identifying and interviewing additional victims may lead to subsequent prosecution of an offender. The reopening of an investigation would not be expected or beneficial when the MCIO failed to conduct time-critical investigative steps or failed to conduct them according to established policy. Some examples include conducting telephonic subject and victim interviews or failing to collect crucial evidence from a crime scene. These investigative steps are time-sensitive, and the opportunity to complete these steps cannot be replicated after reopening an investigation. Although the failure to properly interview the victim or subject or collect crucial evidence may have had a significant impact or adverse outcome of the investigation, it is unlikely that reopening the investigation would correct these deficiencies.

Data Analysis and Deficiencies Analysis

At the conclusion of the case evaluation phase, we analyzed the data collected and stored in the protocol database by developing Microsoft Access queries to efficiently identify investigative tasks and steps that were not completed by some or all of the MCIOs. The queries displayed what tasks or steps were involved with each deficiency and the number of instances of each. Additional data analysis was facilitated by exporting query results into Microsoft Excel spreadsheets. During this phase, the data were compared with the data reported in DODIG-2015-094 to see if there was any improvement or deterioration.

Because we evaluate a representative sample of all MCIO sexual assault investigations, we have a unique vantage point that individual MCIOs do not. This affords us the opportunity to not only identify Department-wide patterns, trends, and best practices, but also provide the MCIOs with recommendations for improvement.

Return of Cases with Significant Deficiencies and Documenting Minor Deficiencies for Review by MCIOs

The evaluators documented significant deficiencies identified in an investigation in a detailed deficiency memorandum, which included deficiencies and observations. A peer review was completed, and a second team member evaluated the investigation and documented concurrence or non-concurrence with identified deficiencies. The project leader and manager then evaluated the identified deficiencies and

applicable guidance and documented their assessment. Upon completion of the evaluator assessment, peer review, and project leader's analysis, the deficiency memorandum was assessed by the project director for final resolution.

If the case was determined to contain significant deficiencies, it was returned to the MCIO for review and resolution. Upon completion of the deficiency memorandums, a Pre-draft Results Memo was prepared for each MCIO outlining the tentative results of the evaluation. The Pre-draft Results Memo identified the number of cases evaluated, number of cases identified with minor deficiencies, and cases with significant deficiencies. We provided the memorandum and all approved deficiency memorandums to each MCIO with a request to validate our assessment of the significantly deficient investigations and provide comment. We updated the protocol database to reflect the final outcome of the deficiency memorandums when the case was determined to contain only minor deficiencies, observations, or both. When an MCIO reopened a significantly deficient investigation in response to our findings, we evaluated subsequent investigative efforts upon closure of the reopened investigation.

At the conclusion of the case evaluation process, we provided each MCIO with a spreadsheet that listed minor and significant deficiencies. This data allowed the MCIOs to validate or refute each minor deficiency. Through a series of conversations and discussions with the MCIOs, we analyzed their responses to the minor deficiencies and made changes to the database and report as appropriate.

Prior Coverage

The GAO and DoD OIG have issued seven reports discussing topics related to sexual assault investigations in the last 5 years. Unrestricted GAO reports can be accessed at <http://www.gao.gov>. These unrestricted DoD OIG reports can be accessed at <http://www.dodig.mil/pubs/index.cfm>.

GAO

GAO Report No. GAO-11-579, "Military Justice: Oversight and Better Collaboration Needed for Sexual Assault and Adjudications," June 22, 2011

GAO found no evidence of Inspector General oversight at the service level for any of the 2,594 sexual assault investigations that DoD reported the services completed in 2010. GAO also found that the Services' investigative and legal organizations are not fully capitalizing on opportunities to leverage each other's expertise and limited resources. GAO recommended that DoD develop policy and provide oversight for sexual assault investigations and related training, and for the Services to develop a plan to better leverage expertise and limited resources.

DoD OIG

Report No. DODIG-2016-006, "Evaluation of United States Army Criminal Investigation Command Sexual Assault Investigation," November 10, 2015

USACIDC did not complete an investigation into an alleged sexual assault as required by guiding policies. It was recommended that the Commander, USACIDC, should ensure that agents conducting sexual assault investigations: properly report non-USACIDC purview offenses for command action; brief victims on the status of investigations as required; and brief commanders on investigations and report results as required. Further, it was recommended that USACIDC reopen the investigation to properly and thoroughly investigate the victim's sexual assault complaint, and ensure agents are trained and supervised to properly and thoroughly investigate and report sexual assault allegations.

Report No. DODIG-2015-094, "Evaluation of the Military Criminal Investigative Organizations' Adult Sexual Assault Investigations," March 24, 2015

A total of 532 of the 536 MCIO investigations (99 percent) evaluated met investigative standards. Four of the 536 cases (1 percent) with significant deficiencies were returned to the MCIOs for corrective action. DoD OIG recommended the Director and Commanders of the MCIOs enhance supervision and training to highlight the critical role of physical evidence in sexual assault investigations; the Director, NCIS, and Commander, AFOSI, enhance supervision regarding responses to crime scenes as required by revised policy; and the Commanders of USACIDC and AFOSI, implement measures to improve the issuance of the DD Form 2701 and improve notifications, recording of the notification, or both, to the SARC.

Report No. DODIG-2014-108, "Evaluation of the Military Criminal Investigative Organizations' Adult Sexual Assault Investigation Policies," September 16, 2014

DoD OIG evaluated the MCIOs' adult sexual assault investigation policies and found: they generally align with DoD and Service requirements for adult sexual assault investigations; they address the CIGIE Quality Standards for Investigations that are related to conducting high-quality criminal investigations; they consider nearly all of the applicable International Association of the Chiefs of Police investigative actions in their sexual assault investigative policies and guidance; a few International Association of the Chiefs of Police investigative guidelines and investigative strategies are partially addressed in MCIO adult sexual assault investigative policies and guidance but could be enhanced with language modification. The report also found NCIS and AFOSI investigative policies address a victim's right to SVC if involved in collateral misconduct; however, they do not address what the investigator should do when encountering victim collateral misconduct.

Report No. DODIG-2014-105, "Evaluation of Military Criminal Investigative Organizations' Child Sexual Assault Investigations," September 9, 2014

A total of 153 of the 163 MCIO investigations of sexual assault of children (93 percent) met investigative standards. A total of 10 of 163 MCIO investigations (6 percent) had significant deficiencies and were returned for corrective action. DoD OIG recommended the Director and Commanders of the MCIOs continue to emphasize thorough completion of all child sexual assault investigations; implement measures to improve the issuing, recording, or both, of the DD Form 2701; and consider enhancement of existing policy guidance regarding the collection of clothing and digital evidence. It was further recommended that the Director, NCIS, improve guidance and enhance supervision regarding responses to crimes scenes.

Report No. DODIG-2013-091, "Evaluation of the Military Criminal Investigative Organizations' Sexual Assault Investigations," July 9, 2013

Most MCIO investigations (89 percent) met or exceeded the investigative standards, and cases with significant deficiencies (11 percent) were returned to the MCIOs for corrective action. The report also found: USACIDC and AFOSI policy guidance does not direct the collection of clothing articles that a victim or suspect might have put on shortly after the assault, if different from the clothing worn during the assault; NCIS policy does not require NCIS investigators to notify or coordinate with their servicing judge advocates upon initiating an investigation; USACIDC guidance regarding records checks does not provide a definitive timeliness requirement and NCIS policy on this topic needs improvement; and NCIS needs policy to require SARC notifications and documentation.

Report No. DODIG-2013-043, "Evaluation of the Military Criminal Investigative Organizations' Sexual Assault Investigation Training," February 28, 2013

DoD OIG evaluated the MCIOs' sexual assault investigation training and determined each MCIO provides initial baseline, periodic refresher, and advanced sexual assault training to assigned criminal investigative personnel who may conduct sexual assault investigations. DoD OIG recommended the Director, NCIS, ensure lesson materials for initial sexual assault investigation training covers all essential training tasks; and the Director and Commanders of the MCIOs form a working group to review initial baseline and periodic refresher sexual assault investigation training programs to establish common criteria and minimum requirements; and advanced sexual assault investigation training programs to further capitalize on efforts to leverage training resources and expertise.

Appendix B

Case Details

This appendix contains information related to our case analysis, as well as data pertaining to use of intoxicants; offense locations; primary offenses involved; other case information including cases with multiple subjects, multiple victims, subject data including alcohol involvement, age, military affiliation, rank, punishment information, and sex offender registration requirements; and victim information including age, gender, and relationship with subject, and cooperation with law enforcement.

We also obtained information such as alcohol use by the subject and victim, their age ranges, pay grade, location where offense occurred, and the relationship between the subject, victim, or both.

Case Analysis

We provided each MCIO with a list of the randomly selected cases, which the MCIOs subsequently made available for our evaluation. Of the 378 cases evaluated, 161 cases (42.5 percent) were determined to have no deficiencies (reflected in Table 10).

Table 10. Cases with No Deficiencies

Total	USACIDC	NCIS	AFOSI
161	59	72	30

Of the 378 cases evaluated, 217 (USACIDC 74, NCIS 56, and AFOSI 87) contained either significant or minor deficiencies. The significance of each deficiency noted, depended on the likely impact the deficiency had on the successful resolution of an investigation. Regardless of the category or total number of deficiencies within an investigation, a case annotated as having a single deficiency in any category was deemed “deficient.” Table 11 depicts the numbers of cases with significant or minor deficiencies.

Table 11. Cases with Significant or Minor Deficiencies

Total	USACIDC	NCIS	AFOSI
217	74	56	87

A total of 215 cases had one or more minor or administrative deficiencies, or both minor and administrative deficiencies.

A “minor deficiency” is an investigative task or step the MCIO did not perform, or it performed not in conformity with DoD, Military Service, and MCIO policies and procedures. A minor deficiency is not likely to affect the outcome or have a negative impact on the investigation.

Examples of minor deficiencies include the following:

- not photographing and sketching crime scenes;
- delays in completing certain logical investigative steps; and
- appropriate medical records were not collected and reviewed.

An administrative deficiency is an administrative task or step the MCIO did not perform, or performed it not in conformity with DoD, Military Service, or MCIO policies and procedures. An administrative deficiency does not likely affect the investigative process and is not likely to affect the outcome or have a negative impact on the investigation. Examples of administrative deficiencies include the following:

- victim was not issued a DD Form 2701, “Initial Information for Victims and Witnesses of Crime”;
- routine briefs to the victim about the status of the investigation were not provided; and
- record fingerprint impressions, mugshot photographs, and sample deoxyribonucleic acid (DNA) of subjects were not obtained.

Table 12 depicts the breakdown by MCIO of cases with minor deficiencies, administrative deficiencies, or both.

Table 12. Cases with Minor Deficiencies, Administrative Deficiencies, or Both

Total	USACIDC	NCIS	AFOSI
215	73	55	87

In 62 of the 378 cases (16.4 percent), the evaluator documented exemplary or commendable performance by the case agents or supervisors, or both that was observed during the evaluation of the case file. Examples include:

- use of technical listening equipment, pretext telephone calls, and text messaging;
- identification of additional victims and serial offenders;
- very thorough and well documented investigations;
- evidence identification, collection, and analysis; and
- case management and oversight.

Table 13 depicts the breakdown by MCIO of cases that had positive comments.

Table 13. Cases with Positive Observations

Total	USACIDC	NCIS	AFOSI
62	20	17	25

Investigative Deficiencies

Of the 378 cases evaluated, 2 cases (USACIDC 1, NCIS 1, and AFOSI 0) had significant deficiencies. A “significant deficiency” is one or more deficiencies resulting from material failures to conform to critical elements of DoD, Military Service, and MCIO policies and procedures. A significant deficiency indicates a breakdown in practices, programs, or policies having actual notable adverse impact on, or had a likelihood of materially affecting, the integrity of the investigation, or adversely affecting or having a high probability of adversely affecting the outcome of an investigation. If our evaluation identified one or more significant deficiencies, the investigation was returned to the MCIO with an explanation of the significant deficiencies identified and the identification of the practices, programs, or policies that were not adhered to.

Examples of significant deficiencies include the following:

- key evidence was not collected from the crime scene, the victim, or the subject;
- crime scene examinations were not completed, not completed thoroughly, or not completed before the loss of crucial evidence;
- sexual assault forensic examinations were not conducted;
- subject and victim interviews or re-interviews were not thorough or not conducted.

We returned two cases identified as being significantly deficient, along with the documented deficiencies, to the respective MCIOs for consideration of additional investigative activity if appropriate. As a result, 2 cases (USACIDC 1 and NCIS 1) were reopened by the MCIOs to conduct additional investigative activity. Table 14 depicts data regarding cases returned and reopened by the MCIOs.

Table 14. Cases with Significant Deficiencies

Cases Returned and Reopened	Total	USACIDC	NCIS	AFOSI
Returned	2	1	1	0
Reopened	2	1	1	NA

Cases Returned to USACIDC. On June 27, 2016, we returned one case to USACIDC for consideration of our findings. On July 14, 2016, USACIDC reopened the returned case to conduct additional investigative activity (witness interviews not thorough or not completed). On November 2, 2016, the additional activity was completed and reported in a supplemental report of investigation. On December 7, 2016, we evaluated the additional activity and determined the significant deficiencies were addressed.

Cases Returned to NCIS. On May 27, 2016, we returned one case to NCIS for consideration of our findings. On June 8, 2016, NCIS agreed to reopen the returned case to conduct additional activity (serological and trace evidence not collected or pursued). On November 7, 2016, the additional activity was completed and reported in a supplemental report of investigation. On November 21, 2016, we evaluated the additional activity and determined the significant deficiencies were addressed.

Investigative deficiencies were broken down into three subcategories: interview and post-interview; evidence; and crime scene documentation, processing, or both. Table 15 depicts the total number of cases with interview and post-interview deficiencies. Tables 16 through 18 depict the number of interview deficiencies categorized by subject, victim, and witness interviews in an effort to obtain a higher degree of fidelity.

Table 15. Cases with Interview and Post-Interview Deficiencies

Total	USACIDC	NCIS	AFOSI
30	5	13	12

Note: The disparity in the total number of cases with interview deficiencies and the number of deficiencies listed in the following tables for subject, victim, and witness interviews is due to some cases having multiple deficiencies.

Table 16. Cases with Subject Interview and Post-Interview Deficiencies

Total	USACIDC	NCIS	AFOSI
9	1	3	5

Table 17. Cases with Victim Interview and Post-Interview Deficiencies

Total	USACIDC	NCIS	AFOSI
10	1	1	8

Table 18. Cases with Witness Interview and Post-Interview Deficiencies

Total	USACIDC	NCIS	AFOSI
21	5	11	5

Tables 19 through 21 depict categories of subject, victim, and witness interview deficiencies.

Table 19. Categories of Subject Interview and Post-Interview Deficiencies

Deficiency	Total	USACIDC	NCIS	AFOSI
Subject interview was not thorough and did not address all the elements of the offense.	5	1	1	3
Investigators did not follow up on logical leads stemming from interviews.	4	1	2	1
Subject not advised of legal rights before questioning.	1	0	0	1

Note: The disparity in the number of cases with subject interview and post-interview deficiencies and the total number of deficiencies is due to some cases having multiple deficiencies.

Table 20. Victim Interview and Post-Interview Deficiencies

Deficiency	Total	USACIDC	NCIS	AFOSI
Victim interview was not thorough.	10	1	1	8
Logical leads stemming from interview were not developed or pursued.	1	1	0	0

Note: The disparity in the number of cases with victim interview and post-interview deficiencies and the total number of deficiencies is due to some cases having multiple deficiencies.

Table 21. Witness Interview and Post-Interview Deficiencies

Deficiency	Total	USACIDC	NCIS	AFOSI
Witnesses were identified but not interviewed, and the file was not documented to explain why.	17	4	10	3
Canvass interviews were not conducted.	8	2	4	2

Note: The disparity in the number of cases with witness interview and post-interview deficiencies and the total number of deficiencies is due to some cases having multiple deficiencies.

Table 22 depicts the total number of cases that contained evidence deficiencies.

Table 22. Cases with Evidence Deficiencies

Total	USACIDC	NCIS	AFOSI
13	1	7	5

Table 23 depicts a breakdown of evidence deficiencies.

Table 23. Evidence Deficiencies

Investigators did not:	Total	USACIDC	NCIS	AFOSI
Collect all items of clothing and bed linen evidence identified by subjects, victims, or witnesses.	7	0	5	2
Collect sexual assault forensic examination evidence of subjects or victims.	1	1	0	0
Collect appropriate DNA sample from subjects or victims for evidence comparison.	2	0	1	1
Collect digital evidence from subjects, victims, or witnesses.	3	0	2	1
Examine seized physical evidence.	3	0	1	2
Examine seized digital evidence.	1	0	0	1

Note: The disparity in the number of cases with evidence deficiencies and the total number of deficiencies is due to some cases having multiple deficiencies.

Table 24 depicts the total number of cases that contained crime scene documentation deficiencies, processing deficiencies, or both.

Table 24. Cases with Crime Scene Documentation Deficiencies, Processing Deficiencies, or Both

Total	USACIDC	NCIS	AFOSI
17	2	1	14

Table 25 depicts a breakdown of crime scene documentation and processing deficiencies.

Table 25. Crime Scene Documentation and Processing Deficiencies

Investigators did not:	Total	USACIDC	NCIS	AFOSI
Examine or validate the crime scene.	17	2	1	14

Administrative deficiencies were broken down into four subcategories: subject-focused action; victim service and coordination; evidence disposition; and supervisory reviews.

Table 26 depicts the total number of investigations with subject-focused action deficiencies.

Table 26. Total Cases with Subject-Focused Action Deficiencies

Total	USACIDC	NCIS	AFOSI
95	15	30	50

Note: The disparity in the total number of cases with subject-focused action deficiencies and the number of deficiencies listed in the next table is due to some cases having multiple deficiencies.

Table 27 depicts a breakdown of subject-focused action deficiencies.

Table 27. Cases with Subject-Focused Action Deficiencies

Investigators did not:	Total	USACIDC	NCIS	AFOSI
Video and/or audio record interview of subjects.	24	1	14	9
Comply with guidance regarding the release of subjects to unit personnel.	39	3	13	23
Brief subject's commander after release of subjects.	25	2	9	14
Inform subject's commander of the investigation.	1	0	0	1
Obtain record fingerprints of subjects.	9	3	1	5
Submit record fingerprints of subjects for the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System.	6	0	1	5
Establish probable cause that subjects committed an offense before record fingerprints submission for Integrated Automated Fingerprint Identification System.	3	0	0	3
Obtain record DNA of subjects.	12	1	0	11
Submit record DNA of subjects for the Federal Bureau of Investigation's Combined DNA Index System.	6	0	5	1
Establish probable cause that subjects committed an offense before record DNA submission for Combined DNA Index System.	4	0	1	3
Obtain mugshot photographs of subjects.	12	2	3	7
Conduct subject records checks (law enforcement, medical, personnel).	10	6	3	1

Table 28 depicts the total number of investigations with victim service and coordination deficiencies.

Table 28. Total Cases with Victim Service and Coordination Deficiencies

Total	USACIDC	NCIS	AFOSI
64	21	25	18

Note: The disparity in the total number of cases with victim service and coordination deficiencies and the number of deficiencies listed in the next table is due to some cases having multiple deficiencies.

Table 29 depicts a breakdown of victim service and coordination deficiencies.

Table 29. Victim Service and Coordination Deficiencies

Deficiency	Total	USACIDC	NCIS	AFOSI
Victim was not issued a DD Form 2701 (or the issuance was not documented as required).	9	5	0	4
Routine, recurring, or both victim briefs were not conducted in accordance with MCIO policy or they were not documented.	32	10	22	NA*
SARC was not notified of incident.	16	4	3	9
Victim’s sexual assault forensic examination report was not attached to report of investigation.	2	1	0	1
Victim records checks (law enforcement, medical, personnel).	15	9	1	5

*Briefing victims is not a policy requirement for AFOSI investigations.

Table 30 depicts the total number of investigations with evidence disposition deficiencies.

Table 30. Evidence Disposition Deficiencies

Total	USACIDC	NCIS	AFOSI
20	2	7	11

Table 31 depicts the total number of investigations with supervisory review deficiencies.

Table 31. Total Cases with Supervisory Review Deficiencies

Total	USACIDC	NCIS	AFOSI
94	47	0	47

Table 32 depicts a breakdown of supervisory review deficiencies.

Table 32. Total Cases with Supervisory Review Deficiencies

Deficiency	Total	USACIDC	NCIS	AFOSI
Missing local supervisory reviews.	47	0	0	47
No documented group quality assurance reviews.*	47	47	NA	NA

* In accordance with Army Regulation 195-2, "Criminal Investigation Activities," September 6, 2011, and June 9, 2014, Criminal Investigation Command Group is "a major subordinate command and control elements of the USACIDC that controls USACIDC support within an assigned geographic area."

Intoxicant Use

We identified the following details regarding intoxicant use (alcohol, drug, or both) before the commission of a sexual assault.

- In 152 of the 378 cases evaluated (40.2 percent), the subjects were determined to have consumed alcohol or another intoxicant.
- In 139 of the 378 cases evaluated (36.7 percent), the victims were determined to have consumed alcohol or another intoxicant.
- In 112 of the 378 cases evaluated (29.6 percent), both the victims and the subjects ingested alcohol or another intoxicant.

Table 33 depicts the total number of cases in which the subject was under the influence of alcohol, drugs, or both. Table 33 also shows the type of intoxicant the subjects used.

Table 33. Cases with Subject Alcohol Use, Drug Use, or Both

Intoxicant	Total	USACIDC	NCIS	AFOSI
Alcohol	147	47	48	52
Alcohol and illicit drug	1	0	0	1
Alcohol and over-the-counter drug	0	0	0	0
Alcohol and prescription drug	1	1	0	0
Illicit drug	0	0	0	0
Over-the-counter drug	0	0	0	0
Prescription drug	3	1	2	0
Unknown intoxicant used	0	0	0	0
Undetermined usage*	80	21	29	30
None	123	54	33	36
Not applicable (no subject cases)	27	11	16	0

Note: The disparity in the number of cases with alcohol abuse, drug abuse, or both use by the subject and the total number of cases evaluated is due to some cases having multiple subjects.

* Alcohol or drug use by the subjects in 80 investigations could not be determined because the information about such use was not available in the case files or an unknown subject's usage could not be determined.

Table 34 depicts the total number of cases in which the victim was voluntarily under the influence of alcohol, drugs, or both. Table 34 also shows the type of intoxicant the victims used.

Table 34. Cases with Voluntary Victim Alcohol Use, Drug Use, or Both

Voluntary Alcohol or Drug Use	Total	USACIDC	NCIS	AFOSI
Alcohol	127	43	49	35
Alcohol and illicit drug	1	0	0	1
Alcohol and over-the-counter drug	1	0	1	0
Alcohol and prescription drug	1	0	0	1
Alcohol and unknown drug	6	0	2	4
Illicit drug	0	0	0	0
Over-the-counter drug	0	0	0	0
Prescription drug	3	0	1	2
Unknown intoxicant used	0	0	0	0
Undetermined usage*	36	11	12	13
None	199	80	54	65
Not applicable (no victim cases)	8	0	8	0

Note: The disparity in the number of cases with alcohol or drug use by the victim and the total number of cases evaluated is due to some cases having multiple victims.

* Alcohol or drug use by the victims in 36 investigations could not be determined because the information about such use was not available in the case files.

In 11 cases, the victim involuntarily or unknowingly consumed alcohol, drugs, or both. This information is depicted in Table 35.

Table 35. Cases with Involuntary Victim Alcohol Use, Drug Use, or Both

Involuntary Alcohol or Drug Use	Total	USACIDC	NCIS	AFOSI
Alcohol	5	2	3	0
Alcohol and unknown drug	6	0	2	4

Table 36 depicts the total number of cases in which both the subjects and victims were under the influence of alcohol, drugs, or both.

Table 36. Cases with Subject and Victim Alcohol Use, Drug Use, or Both

Total	USACIDC	NCIS	AFOSI
112	37	40	35

Offense Location

Of the 378 cases we evaluated, 231 (61.1 percent) occurred on a military installation, while 117 of 378 cases (30.9 percent) occurred outside of a military installation. Most sexual assaults occurred in a residence or home (118 of 378 cases or 31.2 percent). Many sexual assaults occurred in a barracks or dormitory area (71 of 378 cases or 18.7 percent).

Table 37 depicts the number of cases where the crime occurred on or outside the installation.

Table 37. Cases Where the Sexual Assault Occurred On or Outside the Installation

Location	Total	USACIDC	NCIS	AFOSI
On installation	231	94	71	66
Outside installation	117	32	38	47
Both on and outside installation (multiple incidents and locations)	5	2	2	1
Unidentified	25	5	17	3
Total	378	133	128	117

Table 38 depicts where the sexual assault took place.

Table 38. Where the Sexual Assault Occurred

Category	Total	USACIDC	NCIS	AFOSI
Aircraft	0	0	0	0
Bar	16	3	5	8
Barracks or dormitory	71	21	26	24
Entertainment center	4	1	1	2
Fitness facility	2	2	0	0
Government vehicle	4	1	3	0
Hotel or motel	24	5	10	9
Medical facility	5	4	0	1
Office or workplace	47	25	6	16
Park or beach	5	1	2	2
Parking lot	5	3	1	1
Prison or Brig	2	1	1	0
Private vehicle	0	0	0	0
Residence or home	118	43	29	46
Restaurant or dining facility	10	4	4	2
Retail store	2	0	2	0
Roadway	3	2	0	1
Ship or vessel	15	0	15	0
Wooded or open area	9	3	4	2
Unidentified or not disclosed	27	8	17	2
Multiple locations	9	6	2	1
Total	378	133	128	117

Primary Offense

Although several offenses may have been investigated or charged, we documented only the primary offense investigated. Table 39 depicts the number of cases by type of offense investigated.

Table 39. Primary Offense Investigated

Offense	Total	USACIDC	NCIS	AFOSI
Rape	71	18	18	35
Sexual assault	103	29	56	18
Aggravated sexual assault	5	1	1	3
Aggravated sexual contact	15	2	6	7
Abusive sexual contact	172	74	46	52
Wrongful sexual contact	3	3	0	0
Indecent assault	2	2	0	0
Forcible sodomy	5	2	1	2
Indecent visual recording	2	2	0	0
Total	378	133	128	117

Table 40 depicts the number of cases that involved multiple subjects.

Table 40. Cases with Multiple Subjects

Total	USACIDC	NCIS	AFOSI
20	8	8	4

Table 41 depicts the number of cases that involved multiple victims.

Table 41. Cases with Multiple Victims

Total	USACIDC	NCIS	AFOSI
23	13	2	8

Table 42 depicts the number of cases that involved multiple subjects and multiple victims.

Table 42. Cases with Multiple Subjects and Multiple Victims

Total	USACIDC	NCIS	AFOSI
1	1	0	0

Table 43 depicts the total number of cases that were previously reported under the restricted reporting procedures and later converted to an unrestricted report.

Table 43. Cases from Previously Restricted Reports

Total	USACIDC	NCIS	AFOSI
30	5	20	5

Table 44 depicts the number of cases in which the victims knew or had a relationship with the subjects before the sexual assault.

Table 44. Cases in Which Victim Knew Subject

Total	USACIDC	NCIS	AFOSI
303	113	92	98

Note: Table 59 is a detailed breakdown of the subject-to-victim relationships.

We noted the following details regarding the subject-to-victim relationship in the evaluated investigations.

- In 32 of the 378 cases (8.4 percent), the subject was the spouse or former spouse of the victim.
- In 17 of the 378 cases (4.4 percent), the subject was the boyfriend, girlfriend, former boyfriend, or former girlfriend of the victim.
- In 100 of the 378 cases (26.4 percent), the subject was a friend or acquaintance of the victim.

Table 45 depicts the pay grade comparisons between known military subjects and military victims at the date of reporting the sexual assault. There were 209 investigations with both military subjects and military victims.

Table 45. Pay Grade Comparisons Between Known Military Subjects and Victims

Category	Total	USACIDC	NCIS	AFOSI
Subject senior to victim	99	30	34	35
Victim senior to subject	30	12	12	6
Equal pay grade	65	21	25	19
Combination (multiple persons)	13	8	2	3
Unknown (rank of subject on date of incident is unknown)	2	0	0	2

Of 378 cases, 20 had multiple subjects and 23 cases had multiple victims. In these instances, the cases identified two or more subjects as perpetrating the offense under investigation, or in the circumstance of the victims, the case listed two or

more victims in an individual investigation. We also noted 27 of the 378 cases had no subject because the cases were unfounded. We further noted 49 of the 378 cases had one or more unknown subjects. As a result, a total of 326 subjects and 414 victims (individuals) were identified.

We noted the following details of the 326 subjects in the evaluated investigations.

- Of the 326 known subjects, 162 (49.6 percent) consumed alcohol before the commission of a sexual assault.
- Of the 326 subjects, 138 (42.3 percent) were between 18 to 23 and 92 (28.2 percent) were between 24 to 29 years old at the time of the offense.
- Of the 326 subjects, 303 (92.9 percent) were military personnel. Most of the military subjects were enlisted members (273 of 303 or 90.0 percent) with E-3s (66 of 303 or 21.7 percent) and E-4s (70 of 303 or 23.1 percent) comprising the largest pool of subjects. Although a limited number of commissioned officers perpetrated sexual assaults, most of subjects in the commissioned officers corps were in the grades of O-3 (7 of 303 or 2.3 percent) or O-4 (5 of 303 or 1.6 percent).
- Of the 326 subjects, 29 (8.8 percent) received no punishment (adverse action taken against them) as a result of the investigation; 60 (18.4 percent) received nonjudicial punishment; and 30 (9.2 percent) were convicted by courts-martial or civilian courts. Adverse action against 109 (33.4 percent) subjects was not applicable because the offenses were unfounded, there was insufficient evidence to take action, the statute of limitations had expired, the subjects were deceased, or the victims declined to cooperate in prosecutorial action.

Tables 46-59 address individual subjects and victims and not the number of cases. Therefore, the numbers noted will not equal the number of cases evaluated. This is due to the number of cases with multiple subjects and victims or investigations closed without an identified subject. There were a total of 326 subjects and 414 victims identified in the 378 cases we evaluated. These tables are statistical in nature and do not pertain to deficiencies.

Table 46 depicts the number of subjects that were under the influence of alcohol, drugs, or both. The table also shows the type of intoxicant the subjects used.

Table 46. Subject Alcohol Use, Drug Use, or Both

Intoxicant	Total	USACIDC	NCIS	AFOSI
Alcohol	160	50	55	55
Alcohol and illicit drug	1	0	0	1
Alcohol and over-the-counter drug	0	0	0	0
Alcohol and prescription drug	1	1	0	0
Illicit drug	0	0	0	0
Over-the-counter drug	0	0	0	0
Prescription drug	3	1	2	0
Undetermined usage*	31	6	5	20
None	130	59	35	36

* Alcohol or drug use by 31 subjects could not be determined because the information about such usage was not available in the case files.

Table 47 depicts the age ranges of each subject at the time of the offense.

Table 47. Age Range of Subjects at the Time of the Offense

Category	Total	USACIDC	NCIS	AFOSI
18-23	138	48	48	42
24-29	92	28	27	37
30-35	49	21	16	12
36-40	22	7	4	11
41-45	11	6	0	5
46-50	9	3	1	5
51-55	1	0	1	0
56-60	2	2	0	0
61-65	2	2	0	0

Table 48 depicts the subject's affiliation.

Table 48. Subject's Affiliation

Category	Total	USACIDC	NCIS	AFOSI
Military	303	105	94	104
Civilian	23	12	3	8

Table 49 depicts the military subject's pay grade.

Table 49. Military Subject's Pay Grade

Category	Total	USACIDC	NCIS	AFOSI
E-1	18	10	3	5
E-2	24	14	7	3
E-3	66	12	29	25
E-4	70	21	27	22
Junior Enlisted	178	57	66	55
E-5	48	16	12	20
E-6	23	9	6	8
NCO	71	25	18	28
E-7	18	7	3	8
E-8	4	2	1	1
E-9	2	2	0	0
Senior NCO	24	11	4	9
Total Enlisted	273	93	88	92
W-1	0	0	0	NA
W-2	2	1	1	NA
W-3	0	0	0	NA
W-4	0	0	0	NA
W-5	0	0	0	NA
Warrant Grade	2	1	1	NA
O-1	3	1	0	2
O-2	3	0	1	2
O-3	7	3	0	4
Company Grade	13	4	1	8
O-4	5	1	3	1
O-5	4	2	0	2
O-6	2	1	0	1
Field Grade	11	4	3	4
Flag Officer	0	0	0	0
Total Officer	26	9	5	12
Military Service academy cadet	4	3	1	0
Military Total	303	105	94	104

Table 50 depicts the numbers and percentages of military subjects in each pay grade. For comparison, the table also provides the DoD active duty military population numbers and percentages of the total population of DoD active duty military in each pay grade. The DoD active duty military numbers are averages of the 2014 and 2015 monthly statistics made available by the Defense Manpower Data Center (https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp).

Table 50. Military Subject's Pay Grade Numbers Compared with DoD Active Duty Military Population

Category	Subjects in Evaluated Investigations		2014-2015 DoD Active Duty Military Population	
	Count	Percentage of Sample	Count	Percentage of Population
E-1	18	5.94%	46,130	3.46%
E-2	24	7.92%	65,812	4.94%
E-3	66	21.78%	189,660	14.23%
E-4	70	23.10%	268,338	20.14%
Junior Enlisted	178	58.75%	569,940	42.77%
E-5	48	15.84%	226,308	16.98%
E-6	23	7.59%	160,828	12.07%
NCO	71	23.43%	387,136	29.05%
E-7	18	5.94%	92,255	6.92%
E-8	4	1.32%	26,998	2.03%
E-9	2	0.66%	10,144	0.76%
Senior NCO	24	7.92%	129,397	9.71%
Total Enlisted	273	90.10%	1,086,473	81.54%
W-1	0	0.00%	7,748	0.58%
W-2	2	0.66%	5,376	0.40%
W-3	0	0.00%	2,868	0.22%
W-4	0	0.00%	828	0.06%
W-5	0	0.00%	2,278	0.17%
Warrant Grade	2	0.66%	19,098	1.43%
O-1	3	0.99%	22,984	1.72%
O-2	3	0.99%	30,549	2.29%
O-3	7	2.31%	76,044	5.71%
Company Grade	13	4.29%	129,578	9.72%
O-4	5	1.65%	44,586	3.35%
O-5	4	1.32%	27,951	2.10%
O-6	2	0.66%	11,503	0.86%
Field Grade	11	3.63%	84,041	6.31%
Flag Officer	0	0.00%	903	0.07%
Total Officer	26	8.58%	233,619	17.53%
Military Service academy cadet	4	1.32%	12,347	0.93%
Military Total	303	100.00%	1,332,439	100.00%

Table 51 depicts the action that was taken on the subjects of the investigations.

Table 51. Action Taken Against Subjects

Category	Total	USACIDC	NCIS	AFOSI
Convicted by trial for sexual assault offenses	12	3	4	5
Convicted by trial for lesser, nonsexual assault offenses	18	4	10	4
Acquitted or dismissed by court	12	4	3	5
Administrative discharge or retirement ordered	17	10	2	5
Nonjudicial (Article 15 or captain's mast) ¹	60	21	21	18
Nonjudicial (not guilty finding)	2	1	1	0
Administrative reprimand or counseling	43	12	12	19
Unknown ²	13	7	1	5
No action taken (no explanation for decision) ³	29	2	9	18
Not applicable (deceased subjects)	2	2	0	0
Not applicable (statute of limitations expired)	4	1	1	2
Not applicable (unfounded offenses or insufficient evidence to prove or disprove an offense)	66	35	17	14
Not applicable (victim declined to participate in prosecutorial action)	37	8	14	15
Other administrative action	11	7	2	2
Totals	326	117	97	112

¹ In conjunction with nonjudicial punishment, 12 subjects were either administratively discharged or retired from the Military Service.

² No disciplinary action information was available pertaining to these subjects.

³ It is the decision of the subject's action commander or civilian prosecutor to determine if there is sufficient evidence to warrant punitive action against the subject. The action authorities did not provide reasons for their decisions to take no action against these subjects (23 military and 6 civilians).

Table 52 depicts the court-directed action that was taken against military subjects convicted of sexual assault offenses. Of the 12 subjects convicted by trial for sexual offenses, all were active duty military and all were tried by courts-martial. Most of the convicted military subjects received multiple types of punishment; therefore, cumulative totals will exceed the total number of convicted military subjects.

Table 52. Action Taken Against Convicted Military Subjects for Sexual Assault Offenses

Category	Total	USACIDC	NCIS	AFOSI
Confinement	11	3	3	5
Fines and forfeitures	10	3	3	4
Reduction in rank	11	3	3	5
Dishonorable discharge	7	0	2	5
Bad conduct discharge	3	2	1	0

We noted the following details of the 414 victims in the evaluated investigations.

- 140 of the 414 victims (33.8 percent) identified in this evaluation consumed alcohol before the sexual assault.
- 264 of the 414 victims (63.7 percent), ranged in age from 18 to 23 at the time of the offense. The second largest group of victims (89 or 21.4 percent), were between 24 and 29 years old at the time of the offense.
- 313 of the 414 victims (75.6 percent) were military personnel. Most of the military victims were enlisted members (289 of 313 or 92.3 percent) with E-3s (96 of 313 or 30.6 percent) and E-4s (66 of 313 or 21.0 percent) comprising the largest pool of victims. Although a limited number of commissioned officers were victims of sexual assaults, all of them (16 out of 313 or 5.1 percent) were junior officers in the grades of O-1 through O-3 (company-grade officers).
- 352 of the 414 victims (85.0 percent) were female and 62 (14.9 percent) were male.

Table 53 depicts the number of victims that were under the influence of alcohol, drugs, or both. The table also shows the type of intoxicant the victims used.

Table 53. Victim Alcohol Use, Drug Use, or Both

Intoxicant	Total	USACIDC	NCIS	AFOSI
Alcohol	131	44	50	37
Alcohol and illicit drug	1	0	0	1
Alcohol and over-the-counter drug	1	0	1	0
Alcohol and prescription drug	1	0	0	1
Alcohol and unknown drug	6	0	2	4
Illicit drug	0	0	0	0
Over-the-counter drug	0	0	0	0
Prescription drug	3	0	1	2
Unknown intoxicant used	0	0	0	0
Undetermined usage*	36	11	12	13
None	235	107	56	72

* Alcohol or drug use by 36 victims could not be determined because the information about such use was not available in the case files.

Table 54 depicts the age ranges of each victim at the time of the offense.

Table 54. Age Range of Victims at the Time of the Offense

Category	Total	USACIDC	NCIS	AFOSI
6-10*	1	0	1	0
18-23	264	95	88	81
24-29	89	41	24	24
30-35	28	11	4	13
36-40	9	5	2	2
41-45	10	5	1	4
46-50	6	3	1	2
51-55	2	1	0	1
56-60	0	0	0	0
61-65	2	0	0	2
66-70	1	0	0	1
Undisclosed (victims declined to provide information about the sexual assaults)	2	1	1	0

* A juvenile victim was included in the statistics because the victim was involved in a case that had multiple victims and the other victim in the case was an adult.

Table 55 depicts the victim's affiliation.

Table 55. Victim's Affiliation

Category	Total	USACIDC	NCIS	AFOSI
Military	313	124	103	86
Civilian	101	38	19	44

Table 56 depicts the military victim's pay grade.

Table 56. Military Victim's Pay Grade

Category	Total	USACIDC	NCIS	AFOSI
E-1	28	19	6	3
E-2	40	18	14	8
E-3	96	23	38	35
E-4	66	26	22	18
Junior Enlisted	230	86	80	64
E-5	37	16	11	10
E-6	19	6	5	8
NCO	56	22	16	18
E-7	2	2	0	0
E-8	1	1	0	0
E-9	0	0	0	0
Senior NCO	3	3	0	0
Total Enlisted	289	111	96	82
Warrant Grade	0	0	0	0
O-1	6	4	1	1
O-2	5	3	1	1
O-3	5	1	3	1
Company Grade	16	8	5	3
Field Grade	0	0	0	0
Flag Officer	0	0	0	0
Total Officer	16	8	5	3
Military Service academy cadet	7	5	1	1
Undisclosed (victim declined to provide information about the sexual assaults)	1	0	1	0
Military Total	313	124	103	86

Table 57 depicts the numbers and percentages of military victims that were identified in the evaluated investigations, in each pay grade. For comparison, the table also provides the DoD active duty military population numbers and percentages of the total population of DoD active duty military in each pay grade. The DoD active duty military numbers are averages of 2014-2015 monthly statistics made available by the Defense Manpower Data Center (https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp).

Table 57. Military Victim's Pay Grade Numbers Compared with DoD Active Duty Military Population

Category	Victims in Evaluated Investigations		2014-2015 DoD Active Duty Military Population	
	Count	Percentage of Sample	Count	Percentage of Population
E-1	28	8.95%	46,130	3.46%
E-2	40	12.78%	65,812	4.94%
E-3	96	30.67%	189,660	14.23%
E-4	66	21.09%	268,338	20.14%
Junior Enlisted	230	73.48%	569,940	42.77%
E-5	37	11.82%	226,308	16.98%
E-6	19	6.07%	160,828	12.07%
NCO	56	17.89%	387,136	29.05%
E-7	2	0.64%	92,255	6.92%
E-8	1	0.32%	26,998	2.03%
E-9	0	0.00%	10,144	0.76%
Senior NCO	3	0.96%	129,397	9.71%
Total Enlisted	289	92.33%	1,086,473	81.54%
Warrant Grade	0	0.00%	19,098	1.43%
O-1	6	1.92%	22,984	1.72%
O-2	5	1.60%	30,549	2.29%
O-3	5	1.60%	76,044	5.71%
Company Grade	16	5.11%	129,578	9.72%
Field Grade	0	0.00%	84,041	6.31%
Flag Officer	0	0.00%	903	0.07%
Total Officer	16	5.11%	233,619	17.53%
Military Service academy cadet	7	2.24%	12,347	0.93%
Undisclosed (victim declined to provide information about the sexual assaults)	1	0.32%	NA	NA
Military Total	313	100.00%	1,332,439	100.00%

Table 58 depicts the sex of the victims.

Table 58. Victim's Sex

Category	Total	USACIDC	NCIS	AFOSI
Male	62	25	18	19
Female	352	137	104	111

Table 59 depicts the subject-to-victim relationship.

Table 59. Subject-to-Victim Relationship

Category	Total	USACIDC	NCIS	AFOSI
Boyfriend or former boyfriend	15	4	3	8
Classmate	12	9	0	3
Coworker	124	58	40	26
Doctor, dentist, or medical staff	6	4	0	2
Father	1	0	1	0
Friend or acquaintance	105	34	32	39
Friend or acquaintance of relative	4	0	1	3
Girlfriend or former girlfriend	2	1	0	1
Neighbor	4	1	0	3
Recruiter	1	1	0	0
Roommate	6	3	2	1
Spouse or former spouse	32	11	6	15
Stranger	15	5	4	6
Supervisor, instructor, or teacher	28	12	7	9
None or not applicable	22	13	3	6
Undisclosed	37	6	23	8

Appendix C

DoD Policy and Requirements

DoDD 6495.01 requires:

[a]n immediate, trained sexual assault response capability... shall be available for each report of sexual assault in all locations, including in deployed locations. The response time may be affected by operational necessities, but will reflect that sexual assault victims shall be treated as emergency cases.

Within DoD, the MCIOs provide a trained response capability to investigate reported sexual assaults in all locations.

DoDI 6495.02 establishes requirements and responsibilities for DoD Components; including the DoD Sexual Assault Prevention and Response Office, the DoD OIG, and the Secretaries of the Military Departments; relating to DoD's response to sexual assault incidents. The Instruction designates the MCIO criminal investigators as DoD sexual assault first responders.

DoDI 5505.18 establishes policy, assigns responsibilities, and provides procedures for the investigation of sexual assault with adult victims within the DoD. It is DoD policy that the MCIOs will initiate investigations of all offenses of adult sexual assault¹⁰ of which they become aware that occur within their jurisdiction regardless of the severity of the allegation.

DoDI 5505.19, "Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)," February 3, 2015, (Incorporating Change 1, September 4, 2015) establishes policy, assigns responsibilities, and provides procedures for the MCIOs to implement a special victim capability. Section 3.a. of the policy requires "[a] timely, effective, worldwide SVIP capability." The SVIP capability consists of "specially trained MCIO investigators working collaboratively with assigned SVIP personnel from other disciplines and investigate all covered offenses." The covered offenses include sexual assault with adult victims, which "occur within the MCIOs' jurisdiction as established by existing [Military] Service and MCIO guidance, subject to limitations concerning use of Restricted Reports."

¹⁰ The term "sexual assault" includes the following UCMJ offenses: Article 120 (a) Rape, Article 120 (b), Sexual Assault, Article 120 (c) Aggravated Sexual Contact, Article 120 (d), Abusive Sexual Contact, Article 125 (a) Forcible sodomy (forced oral or anal sex), or Article 80 (a) Attempts to commit any of these offenses. Between 2007 and 2012, amendments to the UCMJ changed the Article 120 offenses in name and character. Investigators must refer to the name and character of the offense applicable to the UCMJ in effect on the date of the commission of the alleged offense.

Appendix D

Memorandum of Results

November 15, 2016

Memorandum of Results

To: [REDACTED] Violent Crime Division,
Oversight Directorate, Investigative Policy and Oversight

From: [REDACTED] QMD/ALSO/AUDIT
[REDACTED] QMD/ALSO/AUDIT

Through: [REDACTED] QMD/ALSO/AUDIT

Subject: Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations (Project No. 2016C003)

Objective. The objective of the project is to determine whether the Military Criminal Investigative Organizations' (MCIOs') completed investigations as required by DoD, Military Service, and MCIO guidance.

Population. The population for the three MCIOs adult sexual assault investigations cases opened on or after January 1, 2014, and completed on or before December 31, 2015 is tabulated below:

	<u>MCIOs</u>	<u>Number of Cases</u>
1.	CID	3,081
2.	NCIS	1,605
3.	AFOSI	764
	Total	5,450

Measures. The attribute measure was the number of deficiencies in the sexual assault cases during the investigation process.

Parameters. We designed the sample at 90% confidence level and 7% precision.

Methodology. We developed Simple Random Sample (SRS) plan for each MCIO, and randomly selected samples for each organization without replacement. A summary table of the population size, sample size, and the number of cases reviewed is provided below:

Memorandum of Results (cont'd)

	<u>MCIOs</u>	<u>Population Size</u>	<u>Sample Size</u>
1.	CID	3,081	133
2.	NCIS	1,605	128
3.	AFOSI	764	117
	Total	5,450	378

The team reviewed each of the 378 sample cases, and provided to QMD the deficiencies found in each sample case. After review and analysis of the sample results, we computed statistical projections based on the sample results for each MCIO using SRS formulae, and then for DoD as a whole by using stratified sample formulae with the MCIOs as the three strata. These projections are included in the attached spreadsheet. Each line in the spreadsheet includes the relevant information such as population and sample size, number of deficiencies (or related errors), statistically projected deficiencies and deficiency rate with the lower bound, point estimate, and upper bound.

An illustration of the interpretation of the statistical results: For example, Cases with No Deficiencies, we are 90% confident in the total population of 5,450 cases there are between 2,458 and 2,473 Cases with No Deficiencies and the point estimate is 2,465.

Attachment: Spreadsheet

Memorandum of Results (cont'd)

Review of DoD Adult Sexual Assault Investigations (Project No. 2016C003)										
Statistical Projections - 90% Confidence Level										
Description of Attributes				#Cases			%Rate			Precision
	Pop(N)	Samp(n)	Error Cnt	LB	PE	UB	LB	PE	UB	(+/-)
Cases with No Deficiencies										
CID	3,081	133	59	1,355	1,367	1,378	44.0%	44.4%	44.7%	0.4%
NCIS	1,605	128	72	897	903	909	55.9%	56.3%	56.6%	0.4%
AFOSI	764	117	30	193	196	199	25.2%	25.6%	26.1%	0.4%
Total	5,450	378	161	2,458	2,465	2,473	45.1%	45.2%	45.4%	0.1%
Cases with Significant or Minor Deficiencies										
CID	3,081	133	74	1,703	1,714	1,726	55.3%	55.6%	56.0%	0.4%
NCIS	1,605	128	56	696	702	708	43.4%	43.8%	44.1%	0.4%
AFOSI	764	117	87	565	568	571	73.9%	74.4%	74.8%	0.4%
Total	5,450	378	217	2,977	2,985	2,992	54.6%	54.8%	54.9%	0.1%
Cases with Minor Investigative and/or Admin Defs										
CID	3,081	133	73	1,679	1,691	1,703	54.5%	54.9%	55.3%	0.4%
NCIS	1,605	128	55	683	690	696	42.6%	43.0%	43.4%	0.4%
AFOSI	764	117	87	565	568	571	73.9%	74.4%	74.8%	0.4%
Total	5,450	378	215	2,942	2,949	2,956	54.0%	54.1%	54.2%	0.1%
Cases with Significant Deficiencies										
CID	3,081	133	1	12	23	35	0.4%	0.8%	1.1%	0.4%
NCIS	1,605	128	1	6	13	19	0.4%	0.8%	1.2%	0.4%
AFOSI	764	117	0	0	0	0	0.0%	0.0%	0.0%	0.0%
Total	5,450	378	2	28	36	43	0.5%	0.7%	0.8%	0.1%
Cases with Interview or Post Interview Defs										
CID	3,081	133	5	104	116	127	3.4%	3.8%	4.1%	0.4%
NCIS	1,605	128	13	157	163	169	9.8%	10.2%	10.5%	0.4%
AFOSI	764	117	12	75	78	82	9.8%	10.3%	10.7%	0.4%
Total	5,450	378	30	350	357	364	6.4%	6.6%	6.7%	0.1%
Cases with Subject Interview or Post Interview Defs										
CID	3,081	133	1	12	23	35	0.4%	0.8%	1.1%	0.4%
NCIS	1,605	128	3	31	38	44	2.0%	2.3%	2.7%	0.4%
AFOSI	764	117	5	29	33	36	3.8%	4.3%	4.7%	0.4%
Total	5,450	378	9	86	93	101	1.6%	1.7%	1.8%	0.1%
Cases with Victim Interview or Post Interview Defs										
CID	3,081	133	1	12	23	35	0.4%	0.8%	1.1%	0.4%
NCIS	1,605	128	1	6	13	19	0.4%	0.8%	1.2%	0.4%
AFOSI	764	117	8	49	52	56	6.4%	6.8%	7.3%	0.4%
Total	5,450	378	10	81	88	95	1.5%	1.6%	1.7%	0.1%
Cases with Witness Interview or Post Interview Defs										
CID	3,081	133	5	104	116	127	3.4%	3.8%	4.1%	0.4%
NCIS	1,605	128	11	132	138	144	8.2%	8.6%	9.0%	0.4%
AFOSI	764	117	5	29	33	36	3.8%	4.3%	4.7%	0.4%
Total	5,450	378	21	279	286	294	5.1%	5.3%	5.4%	0.1%
Cases with Evidence Deficiencies										
CID	3,081	133	1	12	23	35	0.4%	0.8%	1.1%	0.4%
NCIS	1,605	128	7	82	88	94	5.1%	5.5%	5.9%	0.4%
AFOSI	764	117	5	29	33	36	3.8%	4.3%	4.7%	0.4%
Total	5,450	378	13	136	144	151	2.5%	2.6%	2.8%	0.1%
Cases with Crime Scene Deficiencies										
CID	3,081	133	2	35	46	58	1.1%	1.5%	1.9%	0.4%
NCIS	1,605	128	1	6	13	19	0.4%	0.8%	1.2%	0.4%
AFOSI	764	117	14	88	91	95	11.5%	12.0%	12.4%	0.4%
Total	5,450	378	17	143	150	157	2.6%	2.8%	2.9%	0.1%
Cases with Subject-Focused Action Defs										

Memorandum of Results (cont'd)

Review of DoD Adult Sexual Assault Investigations (Project No. 2016C003)										
Statistical Projections - 90% Confidence Level										
Description of Attributes				#Cases			%Rate			Precision
	Pop(N)	Samp(n)	Error Cnt	LB	PE	UB	LB	PE	UB	(+/-)
CID	3,081	133	15	336	347	359	10.9%	11.3%	11.7%	0.4%
NCIS	1,605	128	30	370	376	382	23.0%	23.4%	23.8%	0.4%
AFOSI	764	117	50	323	326	330	42.3%	42.7%	43.2%	0.4%
Total	5,450	378	95	1,043	1,050	1,057	19.1%	19.3%	19.4%	0.1%
Cases with Victim Service and Coord Defs										
CID	3,081	133	21	475	486	498	15.4%	15.8%	16.2%	0.4%
NCIS	1,605	128	25	307	313	320	19.1%	19.5%	19.9%	0.4%
AFOSI	764	117	18	114	118	121	15.0%	15.4%	15.8%	0.4%
Total	5,450	378	64	910	917	925	16.7%	16.8%	17.0%	0.1%
Note : The "Total" has been computed by using statistical formulae, and may not necessarily be the total of the items due to rounding off. LB=Lower Bound, PE=Point Estimate, UB=Upper Bound										

Appendix E

Table Listing

Table 1. Cases with Significant Deficiencies	5
Table 2. Cases with Significant Deficiencies Comparison	5
Table 3. Cases with No Deficiencies, Minor, Administrative, and both Minor and Administrative Deficiencies	6
Table 4. Cases with No Deficiencies, Minor, Administrative, or both Minor and Administrative Deficiencies from DODIG-2015-094	7
Table 5. Comparison of Cases With No Deficiencies, Minor, Administrative, and both Minor and Administrative Deficiencies	7
Table 6. Comparison of Cases with Minor Deficiencies [with and without Administrative Deficiencies]	7
Table 7. Comparison of Cases with Administrative Deficiencies [with and without Minor Deficiencies]	8
Table 8. Articles 120, 120c, and 125 Sexual Assault Offenses – UCMJ 2012 Edition	17
Table 9. Articles 120 and 125 Sexual Assault Offenses – UCMJ 2008 Edition	18
Table 10. Cases with No Deficiencies	23
Table 11. Cases with Significant or Minor Deficiencies	23
Table 12. Cases with Minor Deficiencies, Administrative Deficiencies, or Both	24
Table 13. Cases with Positive Observations	25
Table 14. Cases with Significant Deficiencies	25
Table 15. Cases with Interview and Post-Interview Deficiencies	26
Table 16. Cases with Subject Interview and Post-Interview Deficiencies	26
Table 17. Cases with Victim Interview and Post-Interview Deficiencies	26
Table 18. Cases with Witness Interview and Post-Interview Deficiencies	27
Table 19. Categories of Subject Interview and Post-Interview Deficiencies	27
Table 20. Victim Interview and Post-Interview Deficiencies	27
Table 21. Witness Interview and Post-Interview Deficiencies	27

Table 22. Cases with Evidence Deficiencies.....	27
Table 23. Evidence Deficiencies.....	28
Table 24. Cases with Crime Scene Documentation Deficiencies, Processing Deficiencies, or Both.....	28
Table 25. Crime Scene Documentation and Processing Deficiencies.....	28
Table 26. Total Cases with Subject-Focused Action Deficiencies.....	29
Table 27. Cases with Subject-Focused Action Deficiencies.....	29
Table 28. Total Cases with Victim Service and Coordination Deficiencies.....	30
Table 29. Victim Service and Coordination Deficiencies.....	30
Table 30. Evidence Disposition Deficiencies.....	30
Table 31. Total Cases with Supervisory Review Deficiencies.....	31
Table 32. Total Cases with Supervisory Review Deficiencies.....	31
Table 33. Cases with Subject Alcohol Use, Drug Use, or Both.....	32
Table 34. Cases with Voluntary Victim Alcohol Use, Drug Use, or Both.....	33
Table 35. Cases with Involuntary Victim Alcohol Use, Drug Use, or Both.....	33
Table 36. Cases with Subject and Victim Alcohol Use, Drug Use, or Both.....	33
Table 37. Cases Where the Sexual Assault Occurred On or Outside the Installation.....	34
Table 38. Where the Sexual Assault Occurred.....	35
Table 39. Primary Offense Investigated.....	36
Table 40. Cases with Multiple Subjects.....	36
Table 41. Cases with Multiple Victims.....	36
Table 42. Cases with Multiple Subjects and Multiple Victims.....	36
Table 43. Cases from Previously Restricted Reports.....	37
Table 44. Cases in Which Victim Knew Subject.....	37
Table 45. Pay Grade Comparisons Between Known Military Subjects and Victims.....	37

Table 46. Subject Alcohol Use, Drug Use, or Both.....	39
Table 47. Age Range of Subjects at the Time of the Offense.....	39
Table 48. Subject’s Affiliation.....	39
Table 49. Military Subject’s Pay Grade.....	40
Table 50. Military Subject’s Pay Grade Numbers Compared with DoD Active Duty Military Population.....	41
Table 51. Action Taken Against Subjects.....	42
Table 52. Action Taken Against Convicted Military Subjects for Sexual Assault Offenses.....	43
Table 53. Victim Alcohol Use, Drug Use, or Both.....	44
Table 54. Age Range of Victims at the Time of the Offense.....	44
Table 55. Victim’s Affiliation.....	45
Table 56. Military Victim’s Pay Grade.....	45
Table 57. Military Victim’s Pay Grade Numbers Compared with DoD Active Duty Military Population.....	46
Table 58. Victim’s Sex.....	47
Table 59. Subject-to-Victim Relationship.....	47

Management Comments

USACIDC



DEPARTMENT OF THE ARMY
U. S. ARMY CRIMINAL INVESTIGATION COMMAND
27130 TELEGRAPH ROAD
QUANTICO, VA 22134

JAN 12 2017

CIOP-ZC

MEMORANDUM FOR Inspector General, Department of Defense (Mr. Chris Redmond),
4800 Mark Center Drive, Alexandria, VA 22350-1500

SUBJECT: Evaluation of Military Criminal Investigative Organizations' Adult Sexual
Assault Investigations (DODIG-2016-TBD)

1. Reference your 20 Dec 16 memorandum, subject as above, thank you for the opportunity to provide comment to the draft report.
2. I acknowledge your detailed review of 133 adult sexual assault cases conducted by CID (FY 2013 – 15), and your determination that one case should be re-opened for additional investigative activity. As your report correctly reflects, CID conducted additional investigative effort to meet thoroughness standards, which affirmed the original investigative finding that unfounded the allegation.
3. Regarding your finding of a systemic issue with conducting or documenting required supervisory case reviews, we note that the report does not articulate a root cause of the failure or posit a measurable impact on case thoroughness. The secondary higher level case review is a CID requirement to ensure thoroughness of investigation. Given other internal control measures used within CID, coupled with your finding that there were no systemic issues related to minor and significant deficiencies, we now question the necessity of our own requirement mandating this secondary review to ensure case thoroughness. We will conduct an internal assessment of this requirement.
4. I complement the professionalism of the DODIG assessment team. The current evaluation report has made great strides in separating administrative deficiencies from investigative deficiencies. I recommend we build on this advancement by forming a DODIG working group with the MCIOs to further refine its focus on investigative thoroughness and how to better address administrative deficiencies. The focus must remain on ensuring victim complaints are adequately investigated and the investigative findings provided to those responsible to take appropriate action in a timely manner.
5. The point of contact for this memorandum is Mr. [REDACTED] at (571) 305-4302 or [REDACTED]@mail.mil.

A handwritten signature in black ink, appearing to read "Mark S. Inch".

MARK S. INCH
Major General, USA
Commanding

NCIS



DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253

January 11, 2017

MEMORANDUM FOR IG, DoD, ATTN: Assistant IG Investigative Policy and Oversight

FROM: John A. Hogan, Executive Assistant Director, Criminal Investigations Directorate

SUBJECT: NCIS Response to Report No. DODIG-2016-TBD, *Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations*

1. This memorandum is the Naval Criminal Investigative Service (NCIS) response to the recommendation contained in draft report number DODIG-2016-TBD, pertaining to the *Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations*. The report requested NCIS management comment on one recommendation.
2. Recommendation to Director, NCIS, "...implement measures to improve compliance with subject processing requirements."

NCIS Response: Concur, with comment.

In 2015, NCIS amended policy pertaining to the release of military subjects from NCIS control following an interview. NCIS personnel are required to escort all military subjects to a responsible command member (e.g., commanding officer, executive officer, command duty officer) and brief the results of the interview. This release, to include identification of the responsible command member, must be documented in the interview log, the investigative report, and the Case Activity Record. This policy was put in effect to mitigate the possibility of suicide, unauthorized absence, further crime, or retaliation against the victim and/or witnesses. In order to ensure that this release procedure is properly documented, NCIS will evaluate adding the documentation of the subject's release to the NCIS Standardized Case Review Sheet, making it an inspection item for the first line supervisor.

3. NCIS appreciates the opportunity to provide comment on draft report number DODIG-2016-TBD. Please contact me or Special Agent [REDACTED] Family and Sexual Violence Program Division Chief, at [REDACTED] [@ncis.navy.mil](mailto:[REDACTED]@ncis.navy.mil), if you have any questions regarding this memorandum.



Executive Assistant Director
NCIS Criminal Investigations Directorate

AFOSI



DEPARTMENT OF THE AIR FORCE
AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS
QUANTICO, VIRGINIA

11 January 2017

MEMORANDUM FOR IG, DoD, ATTN: Assistant IG Investigative Policy and Oversight

FROM: HQ AFOSI/CV
27130 Telegraph Road
Quantico, VA 22134

SUBJECT: AFOSI Response to Report No. DODIG-2016-TBD, *Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations*

1. This memorandum is the Air Force Office of Special Investigation's (AFOSI) response to the recommendations contained in draft Report No. DODIG-2016-TBD, pertaining to the *Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations*. The report requests AFOSI management comments pertaining to two recommendations.
2. Pertaining to Recommendation 1, "...implement measures to improve compliance with supervisory case review requirements."

AFOSI Response: Partially concur, with comment.

The requirement to conduct and document supervisory case reviews is an AFOSI requirement, not a DoD requirement. While DOD policy emphasizes the need for MCIOs to conduct thorough investigations, execution oversight and investigation quality control are the responsibility of the AFOSI Commander. AFOSI has its own IG office to assess field unit performance, including compliance with AFOSI directed requirements. Your extensive assessments of 117 AFOSI investigations concluded none of these cases had "significant deficiencies" which you define as "...material failure to conform to critical elements of DoD, Military Service, or MCIO policies [indicating] a breakdown in practices, programs, or policies having actual notable adverse impact on, or had a likelihood of materially affecting the integrity of the investigation or adversely affecting...the outcome of an investigation." Having zero significant deficiencies in 117 complex violent crime investigations is not fortuitous; direct supervisory engagement is evident in such high quality outcomes. Clearly the issue is with supervisors documenting their reviews. We will reemphasize the need for case review documentation to our region commanders at our next senior leaders' event scheduled for 24 January 2017. However, since the requirement for supervisory reviews is an internal AFOSI requirement, as well as an administrative (documentation) issue vice a substantive sufficiency issue, we are surprised this rose to the level of "recommendation."

3. Pertaining to Recommendation 2, "...implement measures to improve compliance with subject processing requirements."

AFOSI Response: Concur, with comment.

This recommendation is rather non-specific but seems to pertain to releasing subjects following investigation interviews. For many years AFOSI has required agents "hand-off" subjects to unit personnel following interviews. However, prior AFOSI policy did allow for hand-offs to a



AFOSI (cont'd)

2

subject's supervisor if the individual's commander or first sergeant was not available. In August 2016, AFOSI modified its policy to align with the limitations of AFI 90-505, *Suicide Prevention Program*, to require hand-offs only be made to an individual's commander or first sergeant and that all hand-offs be documented in the case file.

3. AFOSI appreciates the opportunity to provide comments on draft report number DODIG-2016-TBD. We acknowledge the value this assessment serves by fostering discussions and policy adjustments geared to maintain and improve AFOSI criminal investigations. AFOSI remains committed to conducting thorough, professional and timely investigations that Air Force commanders can rely upon to make appropriate command action decisions. Please contact me, or Special Agent [REDACTED], Criminal Investigations Program Manager, at [REDACTED] if you have any questions about this memorandum.

[REDACTED]
[REDACTED], Colonel, USAF
Vice Commander

[REDACTED]

Acronyms and Abbreviations

AFOSI	Air Force Office of Special Investigations
DNA	Deoxyribonucleic Acid
MCIO	Military Criminal Investigative Organization
NCIS	Naval Criminal Investigative Service
OIG	Office of Inspector General
QMD	Quantitative Methods Division
SAPR	Sexual Assault Prevention and Response
SARC	Sexual Assault Response Coordinator
SVC	Special Victim Counsel
SVIP	Special Victim Investigation and Prosecution
UCMJ	Uniform Code of Military Justice
USACIDC	U.S. Army Criminal Investigations Command
VLC	Victim Legal Counsel

Whistleblower Protection

U.S. DEPARTMENT OF DEFENSE

The Whistleblower Protection Ombudsman's role is to educate agency employees about prohibitions on retaliation and employees' rights and remedies available for reprisal. The DoD Hotline Director is the designated ombudsman. For more information, please visit the Whistleblower webpage at www.dodig.mil/programs/whistleblower.

For more information about DoD IG reports or activities, please contact us:

Congressional Liaison

congressional@dodig.mil; 703.604.8324

Media Contact

public.affairs@dodig.mil; 703.604.8324

For Report Notifications

www.dodig.mil/pubs/email_update.cfm

Twitter

www.twitter.com/DoD_IG

DoD Hotline

www.dodig.mil/hotline



DEPARTMENT OF DEFENSE | INSPECTOR GENERAL

4800 Mark Center Drive
Alexandria, VA 22350-1500
www.dodig.mil
Defense Hotline 1.800.424.9098

