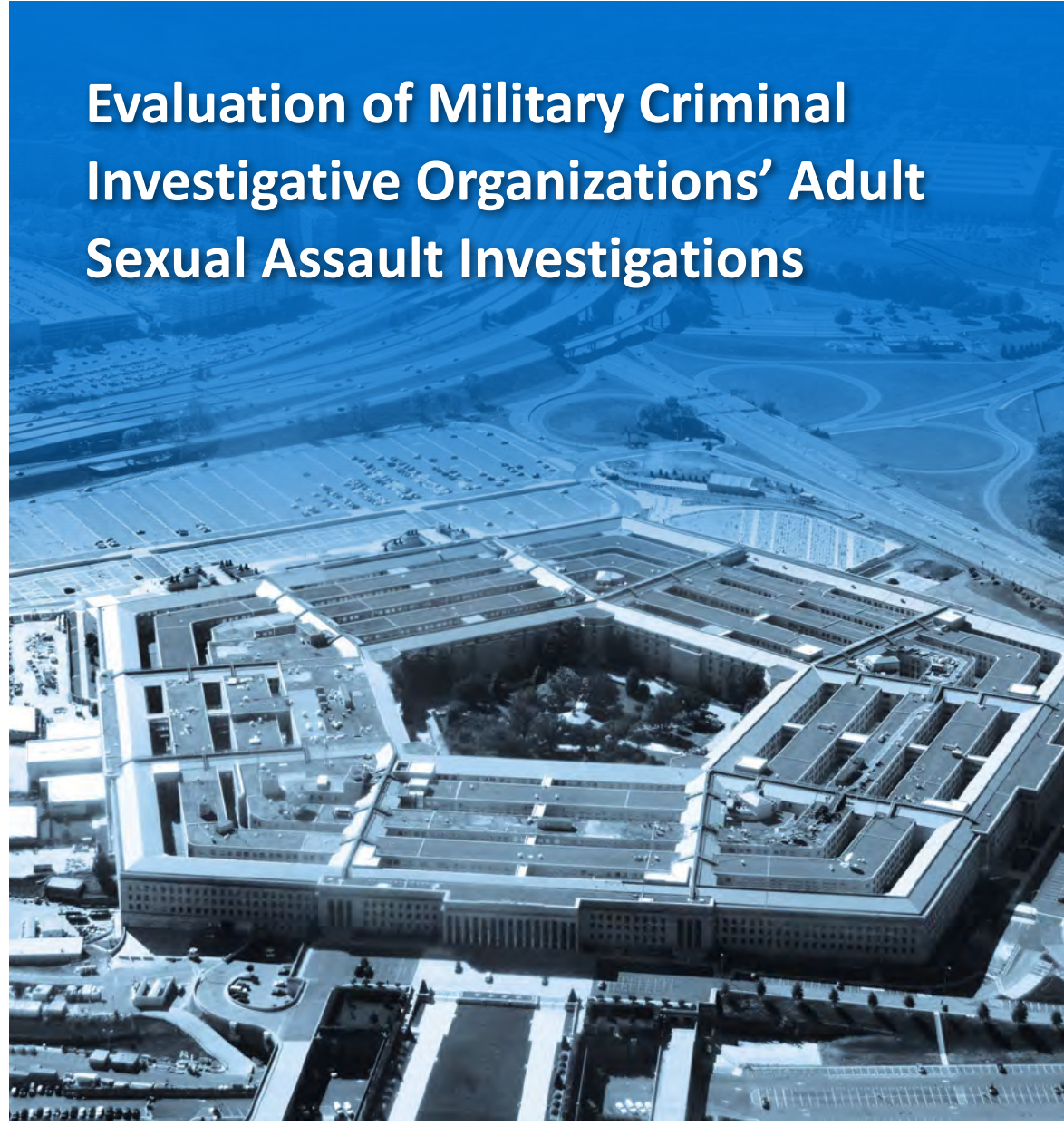




INSPECTOR GENERAL

U.S. Department of Defense

MARCH 24, 2015



Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations

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Results in Brief

Evaluation of Military Criminal Investigation Organizations' Adult Sexual Assaults Investigations

March 24, 2015

Objective

We evaluated 536 Military Criminal Investigative Organization (MCIO) investigations of sexual assaults with adult victims opened on or after January 1, 2012, and completed in 2013 to determine whether the MCIOs completed investigations as required by DoD, Military Service, and MCIO guidance.

Finding

- A total of 532 of 536 MCIO investigations (99 percent) met investigative standards. This reflects a 10-percent improvement compared to findings in our previous evaluation of MCIO adult sexual assault investigations, as reported in DODIG-2013-091.
- We returned 4 of 536 cases (1 percent) with significant deficiencies to the MCIOs for corrective action. This reflects an improvement from 56 of 501 cases (11 percent) returned in our previous evaluation, as reported in DODIG-2013-091.
- A total of 318 of the 536 cases had no deficiencies, and 85 cases had minor investigative deficiencies that did not impact the outcome of the investigation. The remaining 129 cases had only administrative deficiencies.

Finding (cont'd)

- The deficiencies included instances in which:
 - physical evidence was not collected;
 - crime scenes were not examined or validated;
 - the DD Form 2701, "Initial Information for Victims and Witnesses of Crime," was either not issued to victims or the issuance was not documented; and
 - the sexual assault response coordinator (SARC) was either not notified or the notification was not documented.

Recommendations

- The Director and Commanders of the MCIOs enhance supervision and training to highlight the critical role physical evidence has in sexual assault investigations.
- The Director, Naval Criminal Investigative Service, and Commander, Air Force Office of Special Investigations, enhance supervision regarding responses to crime scenes as required by revised policy.
- The Commanders of the United States Army Criminal Investigation Command and the Air Force Office of Special Investigations implement measures to improve the issuance and/or recording of the issuance of the DD Form 2701 and implement measures to improve the notification and/or recording of the notification of the SARC.

Management Comments

The MCIOs concurred with our recommendations and management comments were responsive.

Recommendations Table

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



**INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
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March 24, 2015

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

SUBJECT: Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations (DODIG-2015-094)

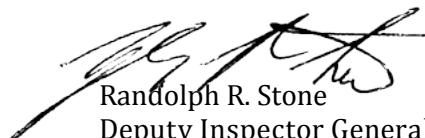
We evaluated Military Criminal Investigative Organizations' (MCIOs) adult sexual assault investigations to determine whether they achieved DoD, Military Service, and MCIO investigative standards. We initiated this project utilizing our statutory authority to provide policy, oversight, and performance evaluation of DoD criminal investigation programs. We conducted this evaluation in accordance with the Council of Inspectors General on Integrity and Efficiency (CIGIE) Quality Standards for Inspection and Evaluation.

This evaluation determined that most (99 percent) of the DoD adult sexual assault investigations performed by the MCIOs between January 2012 and December 2013 met investigative standards or had only minor deficiencies that did not impact the outcome of the case. This reflects a 10 percent improvement compared to findings in our previous evaluation of MCIO adult sexual assault investigations, as reported in DODIG-2013-091.

We returned four cases (1 percent) that did not meet standards (those with significant deficiencies) to the responsible MCIO for corrective action. The recommendations and findings outlined in this report are based on our analysis of the deficiencies identified during the case evaluations. While we commend the MCIOs for their high compliance rate and determined approach to solving such heinous crimes, the DoDIG will continue to evaluate DoD sex assault investigations to ensure the health and safety of the warfighter.

Additionally Appendix B, "Case Details," 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 MCIOs conformed to the requirements of DoD Directive 7650.3; therefore, additional comments are not required. We appreciate the courtesies extended to the evaluation staff during the project. For more information on this report, please contact Mr. Chris Redmond at (703) 604-8556 (DSN 664-8556).


Randolph R. Stone
Deputy Inspector General
Policy and Oversight

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Introduction

Objective

We evaluated 536 Military Criminal Investigative Organization (MCIO)¹ investigations of sexual assaults with adult victims opened on or after January 1, 2012, and completed in 2013, to determine whether the MCIOs completed investigations as required by DoD, Military Service, and MCIO guidance. The 536 investigations we evaluated was a statistical sample of the 1,751 total population of the investigations that met the scope of this project. See Appendix A for our scope and methodology.

Background

The DoD Inspector General (IG) has statutory authority in accordance with the Inspector General Act of 1978, as amended, 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 with change 1, August 19, 2014, and DoD Instruction (DoDI) 5505.03, “Initiation of Investigations by Defense Criminal Investigative Organizations,” March 24, 2011. The DoD IG’s responsibilities regarding the Department’s sexual assault investigations are further specified in DoDD 6495.01, “Sexual Assault Prevention and Response (SAPR) Program,” January 23, 2012, DoDI 6495.02, “Sexual Assault Prevention and Response Program Procedures,” March 28, 2013, and DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” January 25, 2013 with change 1, May 1, 2013. This guidance directs the DoD IG to develop policy and to oversee the Department’s criminal investigative organizations’ investigations of sexual assaults.

Within DoD, the MCIOs are responsible for investigating all adult sexual assaults.² Additionally, the MCIOs are responsible for developing specific investigative policy and requirements to govern the investigation of adult sexual assault and for training assigned special agents in accordance with the Services’ training standards.

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

² Articles 120, 120c, and 125 (June 28, 2012 edition) of the Uniformed Code of Military Justice and Articles 120 and 125 (2008 edition) of the Uniform Code of Military Justice address adult sexual assault offenses committed prior to June 28, 2012.

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 (SAPRO), the DoD IG, 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 MCIOs will initiate investigations of all offenses of adult sexual assault of which they become aware.

Finding

Nearly all Adult Sexual Assault Investigations Were Completed as Required by Guiding Policies

Of 536 MCIO investigations, 532 (99 percent) met investigative standards or had only minor investigative and/or administrative deficiencies. We also determined MCIO adult sexual assault investigative procedures largely complied with DoD and Military Service guidelines.

In addition to analyzing the cases for compliance with guiding policies, we gleaned demographic and other case data.

Results of Adult Sexual Assault Investigations

We evaluated a randomly selected statistical sampling using a 90-percent confidence level and a 5-percent precision rate amounting to 536 of 1,751 MCIO sexual assault investigations [U.S. Army Criminal Investigation Command (CID) 181, Naval Criminal Investigative Service (NCIS) 207, and Air Force Office of Special Investigations (AFOSI) 148] with adult victims. The scope included investigations that were initiated not before January 1, 2012, and closed (completed and adjudicated) in 2013.

Of the 536 cases evaluated, 532 (99 percent) met investigative standards or had only minor deficiencies. This reflects a 10 percent improvement compared to findings in our previous evaluation of MCIO adult sexual assault investigations, as reported in DODIG-2013-091.³ A total of 318 cases (59 percent) had no deficiencies. A total of 85 cases (16 percent) had minor investigative deficiencies that did not have a negative impact on the investigation. In the remaining 129 cases (24 percent), we found only administrative deficiencies that did not have a negative impact on the investigation. A total of 4 of 536 (1 percent) investigations had significant deficiencies. We returned the cases with significant deficiencies to the MCIOs for corrective action. The MCIOs reopened three of the four cases for additional investigative work. For the remaining case, the MCIO determined, and we agreed, additional investigative activity was not practicable due to the amount of time elapsed and based on their judgment that additional efforts would be futile. The MCIOs completed the additional investigative activity in two investigations. We evaluated the additional activity and determined the

³ DODIG-2013-091, "Evaluation of the Military Criminal Investigative Organizations Sexual Assault Investigations," July 9, 2013. The scope of this review included an evaluation of all sexual assault investigations with adult victims closed in 2010 (regardless of when the investigations were opened).

significant deficiencies were resolved as much as possible. At the time of this report, the additional investigative activity was still in progress in the remaining investigation. The DoD IG will oversee the results of the remaining reopened investigation after it is completed.

Cases with No Deficiencies or Minor Deficiencies

Of the 536 cases evaluated, 532 cases (99 percent) either had no deficiencies or the deficiencies noted did not have a negative impact on the investigation. This reflects a 10 percent improvement compared to findings in our previous evaluation of MCIO adult sexual assault investigations, as reported in DODIG-2013-091. We found a total of 318 cases (59 percent) had no deficiencies. This reflects a 42 percent improvement compared to findings in our previous evaluation. The remaining cases had one or more minor investigative and/or administrative deficiencies that did not adversely affect the resolution of the investigation. Table 1 depicts a breakdown by MCIO of the number of cases with no deficiencies, with minor investigative deficiencies and/or administrative deficiencies, and with only administrative deficiencies.

Table 1. Cases with No Deficiencies or Minor Deficiencies

Case Deficiencies	Total	CID	NCIS	AFOSI
None	318	119	114	85
Minor investigative*	85	24	34	27
Only administrative	129	36	57	36
Total	532	179	205	148

* In 44 of the 85 cases (CID 10, NCIS 22, and AFOSI 12) with minor investigative deficiencies, we also found administrative deficiencies.

See Appendix B for details of all sample results.

A “minor deficiency” is a task or step the MCIO investigator did not perform, or performed not in conformity with DoD, 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 investigative deficiencies⁴ include, but are not limited to, the following:

- delays in completing certain logical investigative steps and
- appropriate medical records were not collected and reviewed.

⁴ 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.

Examples of administrative deficiencies include, but are not limited to, 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.

Cases with Significant Deficiencies

Of the 536 cases evaluated, 4 cases (1 percent) had significant deficiencies. This reflects a 10 percent improvement from 56 of 501 cases (11 percent) found to have significant deficiencies in our previous evaluation, as reported in DODIG-2013-091. Table 2 depicts a breakdown by MCIO of the number of cases with significant deficiencies that were returned for possible correction.

Table 2. Cases with Significant Deficiencies

Cases	Total	CID	NCIS	AFOSI
Returned	4	2	2	0
Reopened	3	1	2	N/A

A “significant deficiency” is one or more deficiencies, or a series of minor deficiencies, resulting from a failure(s) in the execution of elements of DoD, Service, or MCIO policies and standards of investigations. A significant deficiency indicates a breakdown in practices, programs, and/or policies having actual notable adverse impact on, or having a likelihood of materially affecting, the integrity of the investigation and/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 within an investigation, that investigation was returned to the relevant MCIO with an explanation of the deficiency(ies) as well as the supporting guidance and/or policy(ies) not followed.

Examples of significant deficiencies include, but are not limited to, 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;
- witness interviews were not thorough or not conducted; and/or
- subject and victim interviews or re-interviews were not thorough or not conducted.

We provided information on the four investigations with significant deficiencies to the respective MCIOs. We asked the MCIOs to consider our findings and, where practicable, reopen those cases to conduct additional investigative activity to address deficiencies. In some instances, reopening the investigation would not be a prudent use of investigative resources due to the length of time elapsed or judgment that additional efforts would be futile.

Cases Returned to CID

We returned two cases to CID for consideration of our findings. CID reopened one of the two investigations to conduct additional investigative activity. The additional activity was completed and reported in a supplemental report of investigation. We evaluated the additional activity and determined the significant deficiencies were resolved. CID declined to pursue additional investigative activity for the one remaining case because they believed it would not alter the outcome of the case and too much time had elapsed, causing the recommended investigative activity to be impracticable. We agreed with CID's assessment of the remaining case.

Cases Returned to NCIS

We returned two cases to NCIS for consideration of our findings. NCIS reopened the returned cases to conduct additional activity. In one investigation, the additional activity was completed and reported in a supplemental report of investigation. We evaluated the additional activity and determined the significant deficiencies were resolved as much as they could be. At the time of this report, the additional activity was still in progress in the remaining investigation. We will oversee the results of the remaining reopened investigation after it is completed.

Cases Returned to AFOSI

There were no cases returned to AFOSI for consideration of any findings.

Analysis of Investigative Deficiencies

We analyzed the combined data related to both minor and significant deficiencies found in a total of 89 cases (85 with minor and 4 with significant deficiencies) to identify and assess patterns and trends and make recommendations to improve investigative quality. Our analysis of investigative deficiencies disclosed some concern in three categories of deficiencies including: 1) interview and post-interview, 2) evidence, and 3) crime scene documentation and/or processing. See Appendix B for more detailed statistical information.

Interview and Post-Interview Deficiencies

In total, 96 percent (515 of the 536) of the sample cases had no interview or post-interview deficiencies. These results demonstrate a significant improvement from our previous evaluation, as reported in DODIG-2013-091. In the previous evaluation, 20 percent (102 of the 501) of the sample cases had no interview and post-interview deficiencies. In the cases we found to have deficiencies, we assessed the cases as deficient in this area if the interviews of subjects, victims, or witnesses were not thorough or were not conducted and/or if logical leads, stemming from interviews of the subjects, victims, or witnesses, were not developed and pursued. See Appendix B for a more detailed breakdown.

For this evaluation, interview thoroughness is defined as obtaining basic facts and relevant information, to include elements of the offense or pertinent information surrounding the matter being investigated, and identifying and following pertinent investigative leads. For the most part, these deficiencies were minor and did not adversely impact the outcome of the investigation. Investigative thoroughness demands pertinent investigative leads be followed. Absent some explanation of why certain leads were not completed, perhaps related to most efficient use of investigative resources that management and supporting legal counsel deemed unnecessary (as they would result in cumulative unneeded evidence), case-evaluators are left to ponder why investigators did not interview certain witnesses.

Evidence Deficiencies

Of the total cases (536) evaluated, we found 500 (93 percent) to be without evidence deficiencies. We found 93 percent of CID's cases (168 of 181), 92 percent of NCIS' cases (190 of 207), and 96 percent of AFOSI's cases (142 of 148) did not have evidence deficiencies. This reflects a 14 percent improvement for CID, 12 percent improvement for NCIS, and 20 percent improvement for AFOSI, compared to the findings in our previous evaluation, as reported in DODIG-2013-091. The deficiencies we found included not collecting all items

of physical evidence (for example, clothing, bed linens, sexual assault forensic examination evidence, and DNA samples to be used for possible laboratory comparison with other evidence) identified by subjects, victims, or witnesses. Table 3 depicts a numerical breakdown by MCIO of the evidence deficiencies. In addition to the information in the table, there were four cases (three NCIS and one AFOSI) in which digital evidence was not collected. They were excluded from the table due to the low number of occurrences.

Table 3. Evidence Deficiencies

Investigators did not:	Total	CID	NCIS	AFOSI
Collect all items of clothing and bed linen evidence identified by subject(s), victim(s), or witness(es).	22	7	10	5
Collect sexual assault forensic examination evidence of subject(s) or victim(s).	17	9	6	2
Collect appropriate DNA sample from subject(s), suspect(s), victim(s), and witness(es) for evidence comparison.	12	2	7	3

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.

Among the investigations with evidence deficiencies, 22 investigations (CID 7, NCIS 10, and AFOSI 5) involved investigators not collecting the victim's, subject's, or suspect's clothing and/or bed linen. In 20 of the 22 cases in which clothing and/or bed linen was not obtained, the MCIO (CID 6, NCIS 9, and AFOSI 5) was notified within 5 days of the assault.

Crime Scene Documentation and/or Processing Deficiencies

In 508 of the 536 cases (95 percent), crime scenes were processed and documented as appropriate. This reflects a 39 percent improvement compared to the findings in our previous evaluation, as reported in DODIG-2013-091. The primary area of concern in the cases we found to have deficiencies in this area, pertained to agents not conducting an examination or validation of the crime scene. In 26 cases, no crime scene examination or validation was conducted when it was appropriate to do so. In 17 of the 26 investigations, the sexual assault was reported within 5 days of the date of the incident and a crime scene should have been available; however, the investigators did not conduct a crime scene examination and did not attempt to collect physical evidence from the scene. In the remaining nine cases, investigators could have responded to the scene(s) to validate them by

documenting observations, photographing the scene, and preparing sketches. Crime scene validations are less thorough examinations of a scene. These less thorough examinations may be appropriate in an investigation when there is a delay in reporting to law enforcement and thus collection of physical evidence may no longer be possible. Validations normally consist of documenting observations, photographing, and preparing rough sketches. Validations are important because they provide valuable investigative information and assist during interviews. In addition, the documentation from validations helps others understand how events occurred.

In 99 percent of the CID investigations (179 of 181), we found crime scenes were examined or validated as appropriate. This reflects an 11 percent improvement compared to our previous evaluation, as reported in DODIG-2013-091. CID policy requires agents to promptly examine a crime scene when available in any CID investigation.

In 97 percent of the NCIS investigations (200 of 207), we found crime scenes were examined or validated as appropriate. This reflects a 23 percent improvement compared to our previous evaluation, as reported in DODIG-2013-091. NCIS policy, in effect during the evaluation's scope, regarding crime scene processing for sexual assault cases used the word "should" throughout its policy which is neither mandatory nor directive in nature. As such, the lack of crime scene examinations or validations did not violate NCIS policy.

In 89 percent of AFOSI investigations (131 of 148), we found crime scenes were examined or validated as appropriate. This reflects a 20 percent improvement compared to our previous evaluation, as reported in DODIG-2013-091. However, AFOSI did not have policy guidance, during the evaluation's scope, that required crime scene examinations. AFOSI agents relied on training and AFOSI Manual (AFOSIMAN) 71-124, "Crime Scene Manual," September 30, 2003, regarding crime scene processing and evidence collection. AFOSIMAN 71-124 is a "how-to" manual regarding searches, seizures, and evidence collection procedures, which is not mandatory in nature and does not specify when to conduct crime scene examinations or validations. On March 1, 2013, AFOSI reissued AFOSIMAN 71-122, Volume 1, "Criminal Investigations," which directs ". . . all crime scenes are located and documented (photographed/sketched) . . ." With the exception of two investigations, the processing and collection of crime scene evidence did not violate AFOSI policies at the time they were conducted. Two investigations (one percent), initiated after March 1, 2013, lacked scene examinations.

Analysis of Administrative Deficiencies

In 129 of the 536 investigations evaluated (24 percent), we found only administrative deficiencies. We analyzed the combined data to identify and assess patterns and trends and make recommendations to improve investigative quality. Our analysis of administrative deficiencies disclosed some concern in two categories of deficiencies including: 1) initial information for victims and witnesses of crime and 2) notification of the sexual assault response coordinator. See Appendix B for more detailed statistical information.

Initial Information for Victims and Witnesses of Crime

In 501 of the 536 cases evaluated (93 percent), a DD Form 2701, "Initial Information for Victims and Witnesses of Crime," was issued to victim(s), as required. This reflects a nine percent improvement compared to the findings in our previous evaluation, as reported in DODIG-2013-091. In 35 cases (7 percent) (CID 18, NCIS 1, and AFOSI 16) there was a lack of documentation that agents issued a DD Form 2701 to the victims. The DD Form 2701 provides victims and witnesses to a crime with an understanding of the military criminal justice process, actions to take in certain situations, a list of victim rights, and contact information if more assistance is needed. DoDI 1030.2, "Victim and Witness Assistance Procedures," June 4, 2004, requires not only the issuance of the form, but that the issuance be recorded "as evidence the officer notified the victim or witness of his or her statutory rights."

Notification of the Sexual Assault Response Coordinator

In 510 of the 536 cases evaluated (95 percent), the sexual assault response coordinator (SARC) was notified of the reported adult sexual assaults, as required. This reflects an 11 percent improvement compared to the findings in our previous evaluation, as reported in DODIG-2013-091. In 26 cases (5 percent) (CID 14 and AFOSI 12) there was a lack of documentation of the SARC being notified. The requirements for SARC notifications and documentation of the notifications are specified in the policies of each MCIO. The MCIO special agents notifying the SARC and the policies of the MCIOs that require the notification, supports the SAPR program and procedures specified in DoDD 6495.01 and DoDI 6495.02. Notification of the SARC is essential to: 1) ensure authorized services are offered and provided to eligible victims at the earliest opportunity, 2) enable the SARC to meet mandatory reporting requirements, and 3) assist in the development of programs, policies, and training standards for the prevention, reporting, response, and program accountability.

Special Interest Items

We evaluated three special interest items with the following observations.

Sexual Assault Evidence Retention and Disposition

DoDI 5505.18, published January 25, 2013, requires the MCIOs to retain evidence collected during sexual assault investigations for 5 years unless some exceptions were met and the convening authority approves earlier disposition of the evidence. The convening authority approval is not delegable. Report No. DODIG-2014-082, “Development and Implementation of Sexual Assault Evidence and Criminal Records Retention Policy,” reported the MCIOs have issued Service-specific policies and procedures to implement Federal law and DoDI 5505.18. We observed that since publication of DoDI 5505.18, the MCIOs improperly disposed of evidence in 65 cases (CID 3, NCIS 19, and AFOSI 43) prior to the end of the 5-year retention period, and without convening authority authorization. We informed the MCIOs of our observations to ensure compliance and a proper understanding of the policy guidance.

Distribution of CID Cases with Unfounded Offenses

We found no deficiencies in this area. “Unfounded” is a term used by CID when evidence exists to believe a reported offense is baseless or false or the subject of the investigation did not commit the offense. A total of 31 of the 181 CID cases evaluated had person(s) initially listed as subject(s) for committing the reported offense(s) that were properly unfounded prior to publishing the final report of investigation (ROI). For these 31 cases, the subject remained listed for at least 1 criminal offense but not necessarily an offense for which they were initially listed. There was only one case where the criminal complaint was unfounded completely. We found both status and final ROIs were published and disseminated to the subject’s commander in each of the cases as required by CID Regulation 195-1, paragraph 9-2, “Criminal Investigation Operational Procedures.”

NCIS Standard Case Review Sheet (SCRS)

On November 15, 2012, NCIS implemented the use of SCRS and mandated the SCRS form be used at all levels by supervisory special agents to conduct systematic reviews of sexual assault and other types of investigations. Based on the request of an NCIS Assistant Director for Criminal Investigations and Operations, for each NCIS case evaluated, DoD OIG evaluators completed an NCIS SCRS form alongside our MCIO case evaluation protocol. We provided the completed SCRS forms to NCIS personnel (as requested) for their comparison with the SCRS forms completed during their normal course of business. The SCRS form includes information that

provides an effective snapshot of information that NCIS supervisors, at any level, could use to effectively evaluate an investigation. We commend NCIS leadership for their initiative to ensure adequate supervision and management of NCIS investigations, as well as compliance with DoD, Service, and NCIS policy guidance.

Demographic and Other Case Data

In addition to analyzing the cases for compliance with guiding policies, we gleaned 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 concerning 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 primary offenses that occurred were rape of an adult, aggravated sexual assault of an adult, aggravated sexual abuse of an adult, aggravated sexual contact with an adult, abusive sexual contact with an adult, and indecent liberties with an adult.

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

We observed and documented the types of relationships between the subject and the victim, to include determining 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.

We also collected and analyzed 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 B-37 to B-40, for details. We did not analyze whether the action was appropriate. The propriety or appropriateness of disciplinary actions taken by commanders, based on legal guidance, was not within the scope of this evaluation.

Conclusions

Investigative Deficiencies

A total of 532 of 536 (99 percent) MCIO investigations met investigative standards or had only minor investigative and/or administrative deficiencies.

A total of 4 of 536 cases (1 percent) had significant deficiencies including:

- the identification and interview of a possible additional victim was not conducted which resulted in the need for additional pretrial and investigative actions that were not documented in the report of investigation;
- pivotal serological, toxicological, and drug evidence was not collected or pursued;
- witness interviews were either not thorough or not conducted; and
- a potential victim was not identified and interviewed.

We returned the cases with significant deficiencies to the MCIOs for resolution.

In 85 cases (16 percent), we found minor investigative deficiencies that did not have a negative impact on the investigation. We drew conclusions regarding the following two investigative areas: 1) collection of evidence and 2) crime scene examinations.

Collection of Evidence

We found several incidents where the MCIOs did not collect physical or forensic evidence from crime scenes, subjects, and/or victims, as required by their policies. Evidence from sexual assault forensic examinations of the subject and victim, clothing worn by the subject or victim during the assault or immediately after, and bed linen or other crime scene evidence may contain serological, DNA, and trace evidence that can link a subject and victim together and to the scene. We found most of the cases with evidence collection deficiencies pertained to incidents in which the subject admitted to having sexual relations with the victim but claimed the acts were consensual. The evidence in these types of cases is normally not submitted for laboratory examination because the results could not help to discern whether or not force was exerted by the subject against the victim. Although agents responding to and initiating an investigation may not anticipate submitting evidence for laboratory examination, it is still important to collect the evidence in order to safeguard and preserve it. The possibility of a subject recanting a statement or a confession becoming inadmissible in a trial makes physical evidence more critical. The evidence could also link or exclude other individuals with the incident that were not revealed to the MCIO agents at

the time of the initial reporting of the incident. CID policy mandates the collection of all available evidence, regardless of its probative value. NCIS policy regarding evidence collection states in NCIS Manual 3, paragraph 12.1.1, “physical evidence may be defined as articles or material found in an investigation which will assist in the solution of the crime and the prosecution of the criminal.” NCIS policy in NCIS Manual 3, paragraph 4.4m, specifies the various items of crime scene evidence agents should pay particular attention to and states that clothing of the victims and suspects “should be seized and processed as evidence.” AFOSI instructions in AFOSIMAN 71-124 gives guidance to investigators to collect the evidence from crime scenes, victim(s), and subject(s) in sexual assault investigations.

Crime Scene Examinations

We found crime scene documentation and/or processing deficiencies in 26 of 536 cases. Neither DoD nor the Military Services have policy to establish MCIO crime scene documentation and/or processing requirements. As a result, the MCIOs have differing crime scene examination policies. CID policy guidance on crime scenes examinations is comprehensive. It requires investigators to examine and photograph crime scenes and to prepare scene sketches. NCIS policy in effect during the evaluation’s scope was ambiguous; it did not require an investigator to conduct a crime scene examination. In October 2014, NCIS revised its sexual assault investigation policy. The new policy is comprehensive and mandates the examination or validation of crime scenes. AFOSI policy, in effect at the time most of the evaluated cases were investigated, did not require investigators to conduct crime scene examinations, sketches, or photographs. However, as of March 1, 2013, subsequent to the start of evaluation scope, AFOSI reissued AFOSIMAN 71-122, volume 1, which directs, in Attachment 9, paragraph A9.1, “. . . all crime scenes [be] located and documented (photographed and/or sketched). . . .”

Administrative Deficiencies

In 129 of the 536 investigations evaluated (24 percent), we found only administrative deficiencies. We drew conclusions regarding the following two administrative areas: 1) initial information for victims and witnesses of crime and 2) notification of the sexual assault response coordinator.

Initial Information for Victims and Witnesses of Crime

We found that of the 536 cases evaluated, 35 (7 percent) (CID 18, NCIS 1, and AFOSI 16) lacked documentation that agents issued a DD Form 2701 to the victims. The DoD and each MCIO has policy requiring the form’s issuance to victims and documentation of its issuance in the investigative case file records. NCIS agents are additionally required to document the issuance of the form in reports of investigation. We found NCIS had only one deficiency in this area.

Notification of the Sexual Assault Response Coordinator

We found that of the 536 cases evaluated 26 (5 percent) (14 CID cases and 12 AFOSI cases) lacked documentation that agents notified the SARC. The requirements for SARC notifications and documentation of the notifications are specified in the policies of each MCIO. We found NCIS had no SARC notification deficiencies. As with the issuance of the DD Form 2701, NCIS is the only MCIO that requires notification of the SARC to be documented in reports of investigation in addition to case file records.

Management Comments on the Report and Our Response

Commander, United States Army Criminal Investigation Command, Comments

The Commander suggested that to ensure notification of the SARC and issuance of DD Forms 2701, if not annotated in the investigative file, DoD OIG inspectors should expand their reviews to include checking SARCs' records, the Department of Defense Sexual Assault Incident Database, victim advocates, or others involved in the process.

Additionally, the Commander pointed out that 81 percent of the CID investigations cited by the DoD OIG as having either significant or minor investigative deficiencies still resulted in adverse judicial or nonjudicial action. Further, both cases cited by the DoD OIG for significant deficiencies resulted in general courts-martial convictions. The Commander asserted that, in addition to the potential leads or investigative actions not completed, these facts should be reported by the DoD OIG, if appropriate.

Our Response

The DoD OIG is mindful of the challenges the MCIOs encounter in providing high-quality sexual assault investigations. In fact, this report illuminates the improvements since publication of the previous evaluation of adult sexual assault investigations to reflect the dedication of each investigative organization. The DoD OIG appreciates the Commander's suggestion regarding SARC notifications and the issuance of DD Forms 2701; however, in accordance with DoDD 6495-01, the DoD OIG's responsibility is to "Oversee criminal investigations of sexual assault conducted by the DoD Components." Additionally, compliance with the guiding policies is the critical factor against which the DoD OIG evaluates deficiencies. Each case cited for deficiencies was identified based on noncompliance with guiding policy requirements. Therefore, we did not revise the report.

Recommendations, Management Comments, and Our Response

Recommendation 1. Investigative

a. Collection of Evidence

We recommend the Director and Commanders of the Military Criminal Investigative Organizations enhance supervision and training to highlight the critical role that crime scene and sexual assault forensic examination evidence and clothing worn by the subject and victim during an assault or immediately after has in sexual assault investigations and subsequent prosecutions.

Commander, United States Army Criminal Investigation Command, Comments

The Commander, United States Army Criminal Investigation Command, concurred with our recommendation and pointed out CID's guidance changes and planned sexual assault training as efforts to emphasize thorough completion of sexual assault investigations.

Director, Naval Criminal Investigative Service, Comments

The Director, Naval Criminal Investigative Service, agreed and highlighted its revision of policy regarding sex offenses, implementation of enhanced supervisory actions, and a mandate for designated investigators and supervisors to attend the NCIS Advanced Adult Sexual Assault Investigations Training Program.

Commander, Air Force Office of Special Investigations, Comments

The Commander, Air Force Office of Special Investigations, concurred with our recommendation and stated that AFOSI revised its Advanced General Crimes Investigators Course to highlight increased emphasis on the skills supervisors need to have in order to oversee violent crime investigations. The Commander also highlighted AFOSI's recent revision to its crime scene manual with enhanced guidance pertaining to the collection of physical, biological, and digital evidence at crime scenes.

Our Response

The comments are responsive. No further comments are required.

b. Crime Scene Examinations

We recommend the Director of the Naval Criminal Investigative Service and the Commander of the Air Force Office of Special Investigations enhance supervision regarding responses to crime scenes to ensure agents follow revised policy requiring crime scene examinations.

Director, Naval Criminal Investigative Service, Comments

The Director, Naval Criminal Investigative Service, agreed and pointed out its revision of policy regarding sex offenses, implementation of enhanced supervisory actions, and a mandate for designated investigators and supervisors to attend the NCIS Advanced Adult Sexual Assault Investigations Training Program.

Commander, Air Force Office of Special Investigations, Comments

The Commander, Air Force Office of Special Investigations, concurred with our recommendation and stated that AFOSI revised its Advanced General Crimes Investigators Course to highlight increased emphasis on the skills supervisors need to have in order to oversee violent crime investigations. The Commander also highlighted AFOSI's recent revision to its crime scene manual with enhanced guidance pertaining to the collection of physical, biological, and digital evidence at crime scenes.

Our Response

The comments are responsive. No further comments are required.

Recommendation 2. Administrative**a. Initial Information for Victims and Witnesses of Crime**

We recommend the Commanders of the United States Army Criminal Investigation Command and the Air Force Office of Special Investigations implement measures to improve compliance with the issuing and/or recording of the issuance of the DD Form 2701, "Initial Information for Victims and Witnesses of Crime," to victims.

Commander, United States Army Criminal Investigation Command, Comments

The Commander, United States Army Criminal Investigation Command, concurred and stated the Command would implement (in April 2015) an automated reporting and tracking system that includes a mandatory field to document DD Forms 2701 requirements. The Commander also said issuance of the DD Forms 2701 is being emphasized through the Command Inspection Program and evaluated by the Command Inspector General.

Commander, Air Force Office of Special Investigations, Comments

The Commander, Air Force Office of Special Investigations, concurred with our recommendation and stated AFOSI created a mandatory field in its information management system requiring agents to acknowledge that a DD Form 2701 was issued to each victim and witness.

Our Response

The comments are responsive. No further comments are required.

b. Notification of the Sexual Assault Response Coordinator

We recommend the Commanders of the United States Army Criminal Investigation Command and the Air Force Office of Special Investigations implement measures to improve notification of the sexual assault response coordinator and/or documentation of the notification.

Commander, United States Army Criminal Investigation Command, Comments

The Commander, United States Army Criminal Investigation Command, concurred with our recommendation and provided comments to reflect command-wide emphasis through regulatory and operational guidance, inspections, and training.

Commander, Air Force Office of Special Investigations, Comments

The Commander, Air Force Office of Special Investigations, concurred with our recommendation. The Commander said instructors at the USAF Special Investigations Academy are placing added emphasis at AFOSI basic and advanced courses on the importance of documenting in reports all coordination with SARC, victim advocates, and special victim counsel.

Our Response

The comments are responsive. No further comments are required.

Appendix A

Scope and Methodology

We evaluated MCIO sexual assault investigations with adult victims opened on or after January 1, 2012, and closed (completed and adjudicated) in 2013, to determine compliance with DoD, Military Service, and MCIO policy requirements effective at the time of the investigation while noting observations and deficiencies.

We completed the evaluation between April 2014 and September 2014 in accordance the Council of Inspectors General for Integrity and Efficiency “Quality Standards for Inspection and Evaluation,” January 2012 version. We believe that the evidence obtained provides a reasonable basis for our observations and recommendations based on our objectives. We used professional judgment in making observations and recommendations.

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 expected in any adult sexual assault investigation.

Our unique vantage point in assessing adult sexual assault investigations across the MCIOs permits us to identify both minor and significant deficiencies, and affords us the opportunity to not only identify Department wide patterns, trends, and best practices, but if applicable, provide the MCIOs with recommendations for improvement, and or action(s) the MCIOs may regard as appropriate or relevant.

At the onset of the evaluation, we requested each MCIO provide a listing of the sexual assault investigations with adult victims that were initiated not earlier than January 1, 2012, and closed (completed and adjudicated) in 2013. The listings provided by the MCIOs included the case numbers, dates the cases were opened and closed, the numbers of subjects and victims in each case, the criminal offense investigated, and the MCIO office where the investigation was conducted. In a previous project, we evaluated investigations closed in 2010 (with no front end scope parameter). The MCIOs subsequently established or enhanced existing policies or procedures in efforts to improve investigative results. In order to examine changes and assess improvements made since our evaluation of cases closed in 2010, as reported in DoD IG Report DODIG-2013-91, we excluded all investigations opened prior to January 1, 2012, from this project. 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 worked with 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 giving us our sample size. The sample size was selected from the population using a 90-percent confidence level, 50-percent probability of occurrence and a 5-percent precision level. Our final total of cases to evaluate was 536 cases.

Special interest items for this evaluation included:

- disposal of MCIO sexual assault evidence prior to the end of a five-year mandated retention requirement specified in DoDI 5505.18 (based on Director, Investigative Oversight Division request);
- inclusion of a subject’s Commander in distribution of CID status and final reports of investigation when an offense, to which a subject under their command, is unfounded per request of a senior CID supervisory special agent (based on Chief, Investigative Policy Branch request); and
- reflection of NCIS Standard Case Review Sheet in NCIS cases evaluated per request of a senior NCIS supervisory special agent (based on NCIS request).

For information collection purposes, the first two 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 A.1 and A.2. 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 A.1. Article 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; indecent exposure)
Forcible sodomy

Table A.2. Article 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 highlighted and reported in DODIG-2013-091 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. We focused on areas identified as needing improvement or correction in the previously published report.

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 case evaluator deemed warranted added attention and documentation. Observations may also be administrative errors in a report or specific information the MCIOs requested we look for during our case evaluations.

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

Significant Deficiency. An investigation will be found to contain significant deficiencies if one or more deficiencies result from a material failure(s) to conform with critical elements of DoD, Service, or MCIO policies and procedures. A significant deficiency indicates a breakdown in practices, programs, and/or

policies having actual notable adverse impact on, or had a likelihood of materially affecting, the integrity of the investigation and/or adversely affecting or having a high probability of adversely affecting the outcome of an investigation. The procedure for documenting cases with significant deficiencies is addressed below.

Not all investigations with significant deficiencies warranted reopening. An example of an investigation that should be reopened would be an investigation that 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 did not conduct time-critical investigative steps or failed to conduct them according to established policy. 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 during the course of reopening an investigation. Although not properly interviewing the victim and/or subject or collecting crucial evidence has a significant impact and/or adverse outcome of the investigation, reopening the investigation cannot overcome those errors.

Quality Assurance

To ensure consistent application of evaluation methodology, the project manager and/or team leader performed secondary quality assurance evaluations on 108 investigations. The DoD OIG QMD identified the number of investigations and randomly selected them for the control test. The control test was based on a 90-percent confidence level, with an upper acceptance limit of 5-percent.

Data Analysis and Deficiencies Analysis

At the conclusion of the case evaluation phase, the data collected and stored in the protocol database was analyzed through the use of numerous queries that were built 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. During this phase, the data were compared with the data reported in DoD IG Report 2013-091 to see if there was any improvement or deterioration.

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 wherein a second team member evaluated the investigation and documented concurrence or nonoccurrence with identified deficiencies. The Project Manager then evaluated the identified deficiencies and applicable guidance and documented the assessment. Upon completion of the evaluator assessment, peer review, and project manager 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 "Predraft Results Memo" was prepared for each MCIO outlining the tentative results of the evaluation. The Predraft Results Memo identified the number of cases evaluated, number of cases identified with minor deficiencies, and those identified with significant deficiencies. The memorandum and all approved deficiency memorandums were provided to the MCIO with a request to evaluate 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 it was determined to contain only minor deficiencies and/or observations. We evaluated or will evaluate subsequent investigative efforts upon closure of significantly deficient investigations reopened as a result of our evaluation.

At the conclusion of the case evaluation process, we provided each MCIO with a spreadsheet listing of minor and significant deficiencies. Deficiency and observation entries in the spreadsheets contained sufficient data to allow the MCIOs to pinpoint details of identified deficiencies. This allowed them to review the minor deficiency findings and provide mitigating or extenuating information. 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 five reports discussing topics related to sexual assault investigations in the last five 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

DoD IG

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

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

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

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

Appendix B

This appendix provides a complete listing of case details, some of which is repetitive of information contained in the report body. Such repetition is intentional to allow the reader to review all data without having to refer between the report and this appendix to find associated information. The appendix also contains interesting information related to: use of intoxicants; offense locations; primary offenses involved; other case information including cases with multiple subjects, multiple victims, nonstranger cases; subject data including alcohol involvement, age, military affiliation, rank, punishment information, and sex offender registration requirements; and victim information including age, gender, relationship with subject, and cooperation with law enforcement.

Case Details

On request, the MCIOs provided a list of 1,751 adult sexual assault cases, which made up the population of cases in the relevant time period. We, in turn, forwarded the list to the DoD OIG QMD. QMD provides statistical computations and detailed analysis tailored to specific projects. We asked QMD to provide a simple random sample of cases using a 90-percent confidence level and a 5-percent precision rate. QMD randomly selected a sample consisting of 536 cases (CID 181, NCIS 207, and AFOSI 148) from the lists provided by the MCIOs for review. We provided each MCIO with a list of the randomly selected cases, which the MCIOs made available for our evaluation. Of the 536 cases evaluated, 318 cases were determined to have no investigative deficiencies (reflected in Table B.1.).

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.

Case Deficiencies

Table B.1. Cases with No Deficiencies

Total	CID	NCIS	AFOSI
318	119	114	85

Of the 536 cases evaluated, 218 cases (CID 62, NCIS 93, and AFOSI 63) contained either significant or minor deficiencies. The significance of each deficiency noted, depended on the 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 B.2 depicts the numbers of cases with deficiencies.

Table B.2. Cases with Significant or Minor Deficiencies

Total	CID	NCIS	AFOSI
218	62	93	63

A total of 214 cases had one or more minor investigative and/or administrative deficiencies but were nonetheless determined to have met investigative standards. A “minor deficiency” is a task or step the MCIO did not perform, or performed not in conformity with DoD, 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 investigative deficiencies include, but are not limited to the following:

- delays in completing certain logical investigative steps, and
- appropriate medical records were not collected and reviewed.

Examples of administrative deficiencies include, but are not limited to 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 B.3 depicts the breakdown by MCIO of cases with minor investigative and/or administrative deficiencies.

Table B.3. Cases with Minor Investigative and/or Administrative Deficiencies

Total	CID	NCIS	AFOSI
214	60	91	63

Investigative Deficiencies

Of the 536 cases evaluated, 4 cases (CID 2, NCIS 2, and AFOSI 0) had significant deficiencies. A “significant deficiency” is one or more deficiencies resulting from a material failure(s) to conform with critical elements of DoD, Service, and MCIO policies and procedures. A significant deficiency indicates a breakdown in practices, programs, and/or policies having actual notable adverse impact on, or had a likelihood of materially affecting, the integrity of the investigation and/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, and/or policies that were not adhered to.

Examples of significant deficiencies include, but are not limited to 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;
- witness interviews were not thorough or not conducted; and
- subject and victim interviews or reinterviews were not thorough or not conducted.

We returned four 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, 3 cases (CID 1 and NCIS 2) or 75 percent were reopened by the MCIOs to conduct additional investigative activity. Table B.4 depicts data regarding cases returned and reopened by the MCIOs.

Table B.4. Cases with Significant Deficiencies

Cases Returned and Reopened	Total	CID	NCIS	AFOSI
Returned	4	2	2	0
Reopened	3	1	2	N/A

Cases Returned to CID. We returned two cases to CID for consideration of our findings. On October 10, 2014, CID reopened one of the two investigations to conduct additional investigative activity. The additional activity was completed and reported in a supplemental report of investigation. We evaluated the additional activity and determined the significant deficiencies were resolved.

CID declined to pursue additional investigative activity for the one remaining case because they believed it would not alter the outcome of the case and too much time had elapsed, causing the recommended investigative activity to be impracticable. We agreed with CID’s assessment of the remaining case.

Cases Returned to NCIS. We returned two cases to NCIS for consideration of our findings. On October 6 and 14, 2014, NCIS reopened the returned cases to conduct additional activity. In one investigation, the additional activity was completed and reported in a supplemental report of investigation. We evaluated the additional activity and determined the significant deficiencies were resolved as much as they could be. At the time of this report, the additional activity was still in progress in the remaining investigation.

Cases Returned to AFOSI. There were no cases returned to AFOSI for consideration of any findings.

Investigative deficiencies were broken down into three subcategories: interview and post-interview, evidence, and crime scene documentation and/or processing. Table B.5 depicts the total number of investigations with interview and post interview deficiencies. Tables B.6 thru B.8 depict interview deficiencies categorized by subject, victim, and witness interviews in an effort to obtain a higher degree of fidelity.

Table B.5. Cases with Interview and Post-Interview Deficiencies

Total	CID	NCIS	AFOSI
21	8	10	3

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 B.6. Cases with Subject Interview and Post-Interview Deficiencies

Total	CID	NCIS	AFOSI
7	4	3	0

Table B.7. Cases with Victim Interview and Post-Interview Deficiencies

Total	CID	NCIS	AFOSI
4	1	1	2

Table B.8. Cases with Witness Interview and Post-Interview Deficiencies

Total	CID	NCIS	AFOSI
12	3	8	1

Tables B.9 thru B.11 depict categories of subject, victim, and witness interview deficiencies.

Table B.9. Categories of Subject Interview and Post-Interview Deficiencies

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

Table B.10. Victim Interview and Post-Interview Deficiencies

Deficiency	Total	CID	NCIS	AFOSI
Victim interview was not thorough.	2	0	0	2
Logical leads stemming from interview were not developed or pursued.	2	1	1	0

Table B.11. Witness Interview and Post-Interview Deficiencies

Deficiency	Total	CID	NCIS	AFOSI
Witnesses were identified but not interviewed, and the file was not documented to explain why.	5	0	5	0
Canvass interviews were not conducted.	8	3	4	1

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 B.12 depicts the total number of cases that contained evidence deficiencies.

Table B.12. Cases with Evidence Deficiencies

Total	CID	NCIS	AFOSI
36	13	17	6

Table B.13 depicts a breakdown of evidence deficiencies.

Table B.13. Evidence Deficiencies

Investigators did not:	Total	CID	NCIS	AFOSI
Collect all items of clothing and bed linen evidence identified by subject(s), victim(s), or witness(es).	22	7	10	5
Collect sexual assault forensic examination evidence of subject(s) or victim(s).	17	9	6	2
Collect appropriate DNA sample from subject(s), suspect(s), victim(s), and witness(es) for evidence comparison.	12	2	7	3

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 B.14 depicts the total number of cases that contained crime scene documentation and/or processing deficiencies.

Table B.14. Cases with Crime Scene Documentation and/or Processing Deficiencies

Total	CID	NCIS	AFOSI
28	3	7	18

Table B.15 depicts a breakdown of crime scene documentation and processing deficiencies.

Table B.15. Crime Scene Documentation and Processing Deficiencies

Investigators did not:	Total	CID	NCIS	AFOSI
Examine or validate the crime scene.	26	2	7	17
Have documented authority to search the scene.	1	1	0	0
Photograph the scene.	1	0	0	1

Administrative Deficiencies

Administrative deficiencies were broken down into two subcategories: subject-focused action and victim service and coordination.

Table B.16 depicts the total number of investigations with subject-focused action deficiencies.

Table B.16. Total Cases with Subject-Focused Action Deficiencies.

Total	CID	NCIS	AFOSI
111	18	65	28

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 B.17 depicts a breakdown of subject-focused action deficiencies.

Table B.17. Cases with Subject-Focused Action Deficiencies

Investigators did not:	Total	CID	NCIS	AFOSI
Comply with guidance regarding the release of subject(s)/suspect(s) to unit personnel.	10	6	2	2
Subject's record fingerprints were not obtained.	41	3	38	0
Subject's record fingerprints were not submitted to for the Federal Bureau of Investigation's (FBI's) Integrated Automated Fingerprint Identification System.	10	4	6	0
Subject's record DNA was not obtained.	74	2	45	27
Subject's record DNA was not submitted for the FBI's Combined DNA Index System.	9	2	7	N/A*
Subject's mugshot photographs were not obtained.	30	7	23	0

* DoD and AFOSI policy requires the collection of the subject's DNA but does not require documentation of the submission of the subject's DNA for the FBI. We found five AFOSI cases without documentation of DNA submission.

Table B.18 depicts the total number of investigations with victim service and coordination deficiencies.

Table B.18. Total Cases with Victim Service and Coordination Deficiencies.

Total	CID	NCIS	AFOSI
95	35	33	27

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 B.19 depicts a breakdown of victim service and coordination deficiencies.

Table B.19. Victim Service and Coordination Deficiencies

Deficiency	Total	CID	NCIS	AFOSI
Victim was not issued a DD Form 2701 (or the issuance was not documented as required).	35	18	1	16
Routine/recurring victim briefs were not conducted in accordance with MCIO policy or they were not documented.	47	16	31	N/A*
Sexual assault response coordinator was not notified of incident.	26	14	0	12
Victim's sexual assault forensic examination report was not attached to report of investigation.	2	0	2	0

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

Intoxicant Use

We identified the following details regarding intoxicant use (alcohol and/or drug) in the evaluated investigations.

- In 249 of the 536 cases evaluated, the subject was determined to have consumed alcohol and/or another intoxicant prior to the commission of the offense.
- In 248 of the 536 cases evaluated, the victim was determined to have consumed alcohol and/or another intoxicant.
- In 205 cases, both the victim and the subject ingested alcohol and/or another intoxicant prior to the commission of a sexual assault.

Table B.20 depicts the total number of cases where the subject(s) was or was not under the influence of alcohol and/or drugs. The table also shows, where applicable, the type of intoxicant the subject(s) used.

Table B.20. Cases with Subject Alcohol and/or Drug Use

Intoxicant	Total	CID	NCIS	AFOSI
Alcohol	240	64	97	79
Alcohol and illicit drug	1	1	0	0
Alcohol and over-the-counter drug	0	0	0	0
Alcohol and prescription drug	4	4	0	0
Illicit drug	2	2	0	0
Over-the-counter drug	0	0	0	0
Prescription drug	1	1	0	0
Unknown intoxicant used	1	0	1	0
Undetermined usage*	74	20	32	22
None	208	89	72	47
Not applicable	5	0	5	0

* Alcohol and/or drug use by the victim(s) in 74 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 B.21 depicts the total number of cases in which the victim(s) was voluntarily under the influence of alcohol and/or drugs. The table also shows, where applicable, the type of intoxicant the victim(s) used.

Table B.21. Cases with Voluntary Victim Alcohol and/or Drug Use

Voluntary Alcohol or Drug Use	Total	CID	NCIS	AFOSI
Alcohol	221	56	93	72
Alcohol and illicit drug	1	1	0	0
Alcohol and over-the-counter drug	2	0	2	0
Alcohol and prescription drug	7	5	1	1
Illicit drug	0	0	0	0
Over-the-counter drug	2	1	0	1
Prescription drug	8	6	2	0
Unknown intoxicant used	2	0	1	1
Undetermined usage*	43	12	15	16
None	250	100	93	57

* Alcohol and/or drug use by the victim(s) in 43 investigations could not be determined because the information about such use was not available in the case files.

In two investigations, the victim involuntarily or unknowingly consumed alcohol and/or drugs. This information is depicted in Table B.22.

Table B.22. Cases with Involuntary Victim Alcohol and/or Drug Use

Involuntary Alcohol or Drug Use	Total	CID	NCIS	AFOSI
Alcohol	1	1	0	0
Prescription drug	1	1	0	0

Table B.23 depicts the total number of cases in which both the subject(s) and victim(s) were under the influence of alcohol and/or drugs.

Table B.23. Cases with Alcohol and/or Drug Use by Both Subject and Victim

Total	CID	NCIS	AFOSI
205	58	79	68

Offense Location

The majority of sexual assault incidents in the cases we reviewed (358 of 536 or 67 percent) occurred on a military installation, while 162 of 536 (30 percent) occurred outside of a military installation. Most occurred in a residence/home (162 of 536 or 30 percent) and many occurred in a barracks or dormitory area (136 of 536 or 25 percent).

Table B.24 depicts the number of cases where the crime occurred on or off the installation.

Table B.24. Cases Where the Sexual Assault Occurred On/Off the Installation

Location	Total	CID	NCIS	AFOSI
On installation	358	145	126	87
Off installation	162	36	67	59
Unidentified	11	0	11	0
Not applicable (incidents unfounded)	5	0	3	2

Table B.25 depicts where the sexual assault took place.

Table B.25. Where the Sexual Assault Occurred

Category	Total	CID	NCIS	AFOSI
Aircraft	2	1	1	0
Bar	20	4	8	8
Barracks/dormitory	136	57	49	30
Fitness facility	1	1	0	0
Government vehicle	8	4	2	2
Hotel/motel	46	10	26	10
Medical facility	10	2	4	4
Office/workplace	63	32	16	15
Park/beach	5	0	3	2
Parking lot	6	4	1	1
Private vehicle	12	3	7	2
Residence/home	162	53	47	62
Restaurant/dining facility	11	5	4	2
Retail store	4	1	2	1
Ship/vessel (common areas)	17	0	17	0
Wooded/open area	12	2	5	5
Unidentified/not disclosed	16	2	12	2
Not applicable (incident unfounded)	5	0	3	2

Primary Offense

Although several offenses may have been investigated and/or charged, we documented only the primary offense investigated. Table B.26 depicts the number of cases by type of offense investigated.

Table B.26. Primary Offense Investigated

Offense	Total	CID	NCIS	AFOSI
Rape	162	52	60	50
Sexual assault	134	38	61	35
Aggravated sexual contact	32	5	15	12
Abusive sexual contact	156	71	52	33
Wrongful sexual contact	35	12	12	11
Indecent act	6	0	6	0
Indecent exposure	1	1	0	0
Forcible sodomy	10	2	1	7
Total	536	181	207	148

Table B.27 depicts the number of cases that involved multiple subjects.

Table B.27. Cases with Multiple Subjects

Total	CID	NCIS	AFOSI
30	16	8	6

Table B.28 depicts the number of cases that involved multiple victims.

Table B.28. Cases with Multiple Victims

Total	CID	NCIS	AFOSI
59	27	18	14

Table B.29 depicts the number of cases that involved multiple subjects and multiple victims.

Table B.29. Cases with Multiple Subjects and Multiple Victims

Total	CID	NCIS	AFOSI
3	3	0	0

Table B.30 depicts the total number of cases that were previously reported under the restricted reporting procedures and later converted to an unrestricted report.

Table B.30. Cases from Previously Restricted Reports

Total	CID	NCIS	AFOSI
33	7	10	16

Table B.31 depicts the number of cases in which the victim(s) knew or had a relationship with the subject(s) prior to the sexual assault.

Table B.31. Cases in Which Victim Knew Subject

Total	CID	NCIS	AFOSI
476	168	175	133

Note: At table B.46 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 42 of 536 investigations, the subject(s) was the spouse or former spouse of the victim(s).
- In 30 of 536 investigations, the subject(s) was the boyfriend, girlfriend, former boyfriend, or former girlfriend of the victim(s).
- In 195 of 536 investigations, the subject(s) was a friend or acquaintance of the victim(s).

Table B.32 depicts the pay grade comparisons between known military subjects and military victims at the date of reporting the sexual assault. There were 364 investigations with both military subject(s) and military victim(s).

Table B.32. Pay Grade Comparisons between Known Military Subjects and Victims

Category:	Total	CID	NCIS	AFOSI
Subject senior to victim	183	73	74	36
Victim senior to subject	51	17	21	13
Equal pay grade	108	29	40	39
Combination (multiple persons)	22	12	9	1

We noted 30 of 536 cases with multiple subjects and 59 cases with 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 being victimized in an individual investigation. We also noted 5 of the 536 cases had no subject because the cases were unfounded. We further noted 30 of the 536 cases had one or more unknown subjects. As a result, a total of 569 subjects and 649 victims (individuals) were identified.

We noted the following highlights of the 569 subjects in the evaluated investigations.

- Of the 569 subjects, 255 (45 percent) consumed alcohol prior to the commission of a sexual assault.
- The majority of subjects at the time of the offense ranged in ages from 18 to 23 (222 of 569 or 39 percent) and 24 to 29 years old (161 of 569 or 28 percent).
- Of the 569 subjects, 508 (89 percent) were military personnel. The majority of the military subjects were enlisted members (468 of 508 or 92 percent) with E-3s (105 of 508 or 21 percent) and E-4s (112 of 508 or 22 percent) comprising the largest pool of subjects. Although a limited number of commissioned officers perpetrated sexual assaults, the majority of subjects in the commissioned officers corps (18 out of 27 or 67 percent) were junior officers in the grades of O-1 through O-3 (company-grade officers).
- Of the 569 subjects, 139 (24 percent) received no punishment (adverse action taken against them) as a result of the investigation; 123 (22 percent) received nonjudicial punishment; and 100 (18 percent) were convicted by courts-martial or civilian courts. Adverse action against 63 (11 percent) subjects was not applicable because the offenses were either unfounded or the subjects were listed as deceased, fugitive, or unknown in the investigations.

The following tables (B.33-B.46) address individual subjects and victims and not the number of cases. Therefore, the numbers noted will exceed the number of cases evaluated. This is due to the number of cases with multiple subjects and victims. There were a total of 569 subjects and 649 victims in the 536 cases we evaluated. These tables are statistical in nature and do not pertain to deficiencies.

Table B.33 depicts the number of subjects that were under the influence of alcohol and/or drugs. The table also shows, where applicable, the type of intoxicant the subject(s) used.

Table B.33. Subjects Alcohol and/or Drug Involvement

Intoxicant	Total	CID	NCIS	AFOSI
Alcohol	248	70	96	82
Alcohol and illicit drug	2	2	0	0
Alcohol and over-the-counter drug	0	0	0	0
Alcohol and prescription drug	4	4	0	0
Illicit drug	2	2	0	0
Over-the-counter drug	0	0	0	0
Prescription drug	1	1	0	0
Unknown intoxicant used	1	0	1	0
Undetermined usage*	82	25	32	25
None	228	105	76	47

* Alcohol and/or drug use by 82 subjects 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 B.34 depicts the age ranges of each subject at the time of the offense.

Table B.34. Age Range of Subjects at the Time of the Offense

Category:	Total	CID	NCIS	AFOSI
16-17	2	0	2	0
18-23	222	77	85	60
24-29	161	60	55	46
30-35	81	35	25	21
36-40	33	17	11	5
41-45	18	9	2	7
46-50	11	3	4	4
51-55	6	5	0	1
56-60	1	0	1	0
Unknown	34	3	21	10

Table B.35 depicts the subject's affiliation.

Table B.35. Subject's Affiliation

Category:	Total	CID	NCIS	AFOSI
Military	508	192	182	134
Civilian	27	14	3	10
Unknown	34	3	21	10

Table B.36 depicts the military subject's pay grade.

Table B.36. Military Subject's Pay Grade

Category:	Total	CID	NCIS	AFOSI
E-1	29	11	11	7
E-2	42	22	17	3
E-3	105	25	42	38
E-4	112	49	44	19
Junior Enlisted	288	107	114	67
E-5	95	33	27	35
E-6	54	25	17	12
NCO	149	58	44	47
E-7	22	9	9	4
E-8	5	4	1	0
E-9	4	0	0	4
Senior NCO	31	13	10	8
Total Enlisted	468	178	168	122
W-1	0	0	0	NA
W-2	1	1	0	NA
W-3	5	1	4	NA
W-4	0	0	0	NA
W-5	0	0	0	NA
Warrant Grade	6	2	4	NA
O-1	1	0	1	0
O-2	5	2	2	1
O-3	12	6	3	3
Company Grade	18	8	6	4
O-4	4	1	1	2
O-5	3	0	1	2
O-6	1	0	0	1
Field Grade	8	1	2	5
O-8	1	1	0	0
Flag Officer	1	1	0	0
Total Officer	33	12	12	9
Service academy cadet	7	2	2	3
Military Total	508	192	182	134

Table B.37 depicts the action that was taken on the subjects of the investigations.

Table B.37. Action Taken Against Subjects

Category:	Total	CID	NCIS	AFOSI
Convicted by trial for sexual assault offenses	68	36	16	16
Convicted by trial for lesser non sexual assault offenses	32	13	9	10
Acquitted/dismissed by court	40	11	11	18
Administrative/nonjudicial discharge	50	31	10	9
Nonjudicial (Article 15/captain's mast)	80	36	29	15
Nonjudicial (not guilty finding)	6	1	5	0
Administrative reprimand/counseling	72	31	17	24
Unknown ¹	5	0	3	2
No action taken ²	140	25	79	36
Not applicable (deceased subjects)	4	2	1	1
Not applicable (fugitive subjects)	1	1	0	0
Not applicable (unfounded offenses)	24	7	5	12
Not applicable (unknown subjects)	34	3	21	10
Other administrative	13	12	0	1
Totals	569	209	206	154

¹ For five investigations that the MCIOS categorized as being closed, no disciplinary action information was available.

² It is the decision of the subject's action commander or civilian prosecutor to determine if there is sufficient evidence to warrant the taking of punitive action against the subject. Additional information about the cases with no action taken is provided at tables B.39 and B.40.

Table B.38 depicts the court-directed action that was taken against military subjects convicted of sexual assault offenses. Of the 68 subjects convicted by trial for sexual offenses, 67 were active duty military and all were tried by courts-martial. The majority of the convicted military subjects received multiple types of punishment; therefore, cumulative totals will exceed the total number of convicted military subjects. The single civilian subject convicted of a sexual assault offense was tried by a civilian court and received punishment of a fine.

Table B.38. Action Taken Against Convicted Military Subjects

Category:	Total	CID	NCIS	AFOSI
Confinement	55	26	14	15
Fines and forfeitures	40	21	11	8
Reduction in rank	58	28	16	14
Dishonorable discharge	16	6	5	5
Bad conduct discharge	28	15	7	6

Table B.39 depicts the numbers of military and civilian subjects in which no action was taken against them.

Table B.39. No Action Taken Against Military and Civilian Subjects

Category:	Total	CID	NCIS	AFOSI
Military	134	25	77	32
Civilian	5	0	1	4
Totals	139	25	78	36

Table B.40 depicts the status of the cases at the time of closure when no action was taken against the subjects.

Table B.40. Case Status at Closure When No Action Taken Against Subjects

Category:	Total	CID	NCIS	AFOSI
Insufficient evidence	40	1	38	1
Unresolved/unfounded	6	0	3	3
Resolved/solved*	93	24	37	32
Totals	139	25	78	36

* Cases that are closed as resolved/solved are often closed indicating there is probable cause to believe a subject committed the investigated crime. It is the decision of the subject’s action commander or a civilian prosecutor to determine if there is sufficient evidence to warrant the taking of punitive action against the subject.

We noted the following highlights of the 649 victims in the evaluated investigations.

- We found alcohol to be common in cases of sexual assaults against adult victims. Of the 649 victims identified in this evaluation, 254 (39 percent) consumed alcohol prior to the sexual assault.
- The majority of victims, 419 of 649 (65 percent), ranged in age from 18 to 23 at the time of the offense. The second largest group of victims (145 or 22 percent), were between 24 and 29 years old at the time of the offense.

- Of the 649 victims, 494 (76 percent) were military personnel. The majority of the military victims were enlisted members (470 of 494 or 95 percent) with E-3s (168 of 494 or 34 percent) and E-4s (125 of 494 or 25 percent) comprising the largest pool of subjects. Although a limited number of commissioned officers were victims of sexual assaults, the majority of victims in the commissioned officers corps (15 out of 16 or 94 percent) were junior officers in the grades of O-1 through O-3 (company-grade officers).
- Of the 649 victims, 556 (86 percent) were female and 93 (14 percent) were male.

Table B.41 depicts the number of victims that were under the influence of alcohol and/or drugs. The table also shows, where applicable, the type of intoxicant the victim(s) used.

Table B.41. Victims Alcohol and/or Drug Involvement

Intooxicant	Total	CID	NCIS	AFOSI
Alcohol	244	63	103	78
Alcohol and illicit drug	1	1	0	0
Alcohol and over-the-counter drug	2	0	2	0
Alcohol and prescription drug	7	5	1	1
Illicit drug	0	0	0	0
Over-the-counter drug	2	1	0	1
Prescription drug	8	6	2	0
Unknown intoxicant used	2	0	1	1
Undetermined usage*	49	15	15	19
None	334	144	122	68

* Alcohol and/or drug use by 49 victims could not be determined because the information about such use was not available in the case files.

Table B.42 depicts the age ranges of each victim at the time of the offense.

Table B.42. Age Range of Victims at the Time of the Offense

Category:	Total	CID	NCIS	AFOSI
10-11*	2	2	0	0
18-23	419	147	164	108
24-29	145	52	63	30
30-35	52	19	12	21
36-40	16	8	5	3
41-45	11	5	2	4
46-50	1	1	0	0
51-55	2	0	0	2
56-60	1	1	0	0

* Two juvenile victims were included in the statistics because they were involved in cases that had multiple victim and the other victim(s) in the cases were adults.

Table B.43 depicts the victim's affiliation.

Table B.43. Victim's Affiliation

Category:	Total	CID	NCIS	AFOSI
Military	494	176	211	107
Civilian	155	59	35	61

Table B.44 depicts the military victim's pay grade.

Table B.44. Military Victim's Pay Grade

Category:	Total	CID	NCIS	AFOSI
E-1	45	17	19	9
E-2	77	39	28	10
E-3	168	58	70	40
E-4	125	43	60	22
Junior Enlisted	415	157	177	81
E-5	39	11	18	10
E-6	11	2	3	6
NCO	50	13	21	16
E-7	4	1	1	2
E-8	1	0	1	0
E-9	0	0	0	0
Senior NCO	5	1	2	2
Total Enlisted	470	171	200	99
Warrant Grade	0	0	0	0
O-1	5	1	2	2
O-2	5	0	4	1
O-3	5	2	1	2
Company Grade	15	3	7	5
O-4	0	0	0	0
O-5	1	0	1	0
O-6	0	0	0	0
Field Grade	1	0	1	0
Flag Officer	0	0	0	0
Total Officer	16	3	8	5
Service academy cadet	8	2	3	3
Military Total	494	176	211	107

Table B.45 depicts the gender of the victims.

Table B.45. Victim's Gender

Category:	Total	CID	NCIS	AFOSI
Male	93	41	33	19
Female	556	194	213	149

Table B.46 depicts the subject-to-victim relationship type.

Table B.46. Subject-to-Victim Relationship Type

Category:	Total	CID	NCIS	AFOSI
Boyfriend or former boyfriend	30	10	12	8
Brother-in-law	2	1	0	1
Classmate	17	12	3	2
Coworker	187	63	93	31
Doctor/dentist/medical staff	3	2	0	1
Father (step)	1	1	0	0
Friend/acquaintance of victim	212	66	80	66
Girlfriend or former girlfriend	2	1	0	1
Neighbor	7	6	1	0
Recruiter	7	1	0	6
Roommate	3	2	1	0
Spouse or former spouse	45	16	8	21
Stranger	16	4	8	4
Supervisor/instructor/teacher	69	39	15	15
None/not applicable	40	11	19	10
Unknown (not disclosed)	8	0	6	2

See Appendix D for a complete listing of all tables provided.

Appendix C

Memorandum of Results

February 05, 2015

Memorandum of Results

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

From: [REDACTED], QMD/ALSO/AUDIT

Through: [REDACTED], Technical Director, QMD/ALSO/AUDIT

Subject: QMD Support in Review of Adult Sexual Assault Investigations
(Project No. 2014C028)

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 for the sexual assaults with adult victims opened on or after January 1, 2012, and completed in 2013 is tabulated below:

	<u>MCIOs</u>	<u>Number of Cases Opened After 1/1/2012 and Closed in 2013</u>
1.	CID	546
2.	NCIS	877
3.	AFOSI	328
	Total	1,751

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

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 and the sample size is provided below:

	<u>MCIOs</u>	<u>Population Size</u>	<u>Sample Size</u>
1.	CID	546	181
2.	NCIS	877	207
3.	AFOSI	328	148
	Total	1,751	536

Memorandum of Results (cont'd)

The team reviewed each of the 536 sample cases, and provided the number of deficiencies for each type by MCIO to QMD. After reviewing and analyzing 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 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, e.g., 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 1,751 cases there are between 971 (55.4%) and 1,090 (62.2%) **Cases with No Deficiencies** and the point estimate is 1,030 (58.8%).

Attachment: Spreadsheet

Memorandum of Results (cont'd)

Review of DoD Adult Sexual Assault Investigations (Project No. 2014C028)										
Statistical Projections - 90% Confidence Level										
Description of Attributes				#Cases			%Rate			Precision
	Pop(N)	Samp(n)	Count	LB	PE	UB	LB	PE	UB	(+/-)
Cases with No Deficiencies										
CID	546	181	119	331	359	386	60.7%	65.7%	70.8%	5.0%
NCIS	877	207	114	437	483	529	49.8%	55.1%	60.3%	5.2%
AFOSI	328	148	85	171	188	206	52.1%	57.4%	62.7%	5.3%
Total	1,751	536	318	971	1,030	1,090	55.4%	58.8%	62.2%	3.4%
Cases with Significant or Minor Deficiencies										
CID	546	181	62	160	187	215	29.2%	34.3%	39.3%	5.0%
NCIS	877	207	93	348	394	440	39.7%	44.9%	50.2%	5.2%
AFOSI	328	148	63	122	140	157	37.3%	42.6%	47.9%	5.3%
Total	1,751	536	218	661	721	780	37.8%	41.2%	44.6%	3.4%
Cases with Minor Investigative or Admin Defs										
CID	546	181	60	154	181	208	28.2%	33.1%	38.1%	5.0%
NCIS	877	207	91	340	386	431	38.7%	44.0%	49.2%	5.2%
AFOSI	328	148	63	122	140	157	37.3%	42.6%	47.9%	5.3%
Total	1,751	536	214	647	706	766	36.9%	40.3%	43.7%	3.4%
Cases with Only Significant Deficiencies										
CID	546	181	2	2	6	13	0.4%	1.1%	2.4%	1.3%
NCIS	877	207	2	2	8	19	0.2%	1.0%	2.2%	1.2%
AFOSI	328	148	0	0	0	0	0.0%	0.0%	0.0%	0.0%
Total	1,751	536	4	4	15	31	0.2%	0.8%	1.8%	0.9%
Cases with Interview or Post Interview Defs										
CID	546	181	8	11	24	37	2.1%	4.4%	6.8%	2.3%
NCIS	877	207	10	21	42	63	2.4%	4.8%	7.2%	2.4%
AFOSI	328	148	3	1	7	12	0.3%	2.0%	3.8%	1.8%
Total	1,751	536	21	45	73	102	2.5%	4.2%	5.8%	1.6%
Cases with Subject Interview or Post Interview Defs										
CID	546	181	4	3	12	22	0.5%	2.2%	4.0%	1.7%
NCIS	877	207	3	3	13	25	0.0%	1.4%	2.9%	1.4%
AFOSI	328	148	0	0	0	0	0.0%	0.0%	0.0%	0.0%
Total	1,751	536	7	6	25	44	0.3%	1.4%	2.5%	1.1%
Cases with Victim Interview or Post Interview Defs										
CID	546	181	1	1	3	9	0.2%	0.6%	1.6%	1.0%
NCIS	877	207	1	1	4	12	0.1%	0.5%	1.4%	0.9%
AFOSI	328	148	2	2	4	9	0.6%	1.4%	2.8%	1.5%
Total	1,751	536	4	4	12	26	0.2%	0.7%	1.5%	0.8%
Cases with Witness Interview or Post Interview Defs										
CID	546	181	3	1	9	18	0.1%	1.7%	3.2%	1.6%
NCIS	877	207	8	15	34	53	1.7%	3.9%	6.0%	2.2%
AFOSI	328	148	1	1	2	6	0.3%	0.7%	1.8%	1.2%
Total	1,751	536	12	21	45	70	1.2%	2.6%	4.0%	1.4%
Cases with Evidence Deficiencies										
CID	546	181	13	24	39	55	4.3%	7.2%	10.0%	2.9%
NCIS	877	207	17	46	72	98	5.2%	8.2%	11.2%	3.0%

Memorandum of Results (cont'd)

Review of DoD Adult Sexual Assault Investigations (Project No. 2014C028)										
<i>Statistical Projections - 90% Confidence Level</i>										
<i>Description of Attributes</i>				#Cases			%Rate			Precision
	Pop(N)	Samp(n)	Count	LB	PE	UB	LB	PE	UB	(+/-)
Cases with No Deficiencies										
AFOSI	328	148	6	6	13	21	1.7%	4.1%	6.4%	2.3%
Total	1,751	536	36	90	125	159	5.1%	7.1%	9.1%	2.0%
Cases with Crime Scene Deficiencies										
CID	546	181	3	1	9	18	0.1%	1.7%	3.2%	1.6%
NCIS	877	207	7	12	30	48	1.3%	3.4%	5.4%	2.1%
AFOSI	328	148	18	28	40	52	8.5%	12.2%	15.8%	3.6%
Total	1,751	536	28	52	79	105	3.0%	4.5%	6.0%	1.5%
Cases with Subject-Focused Action Defs										
CID	546	181	18	36	54	72	6.7%	9.9%	13.2%	3.3%
NCIS	877	207	65	232	275	318	26.5%	31.4%	36.3%	4.9%
AFOSI	328	148	28	48	62	76	14.6%	18.9%	23.2%	4.3%
Total	1,751	536	111	340	392	444	19.4%	22.4%	25.3%	3.0%
Cases with Victim Service and Coord Defs										
CID	546	181	35	82	106	129	15.1%	19.3%	23.6%	4.2%
NCIS	877	207	33	106	140	174	12.0%	15.9%	19.9%	3.9%
AFOSI	328	148	27	46	60	74	14.0%	18.2%	22.5%	4.2%
Total	1,751	536	95	258	305	352	14.7%	17.4%	20.1%	2.7%
<p>Note : The "Total" has been computed 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 * For negative values of the lower bound, the value has been set to the sample value, and the rate adjusted accordingly.</p> <p>Interpretation of statistical projections: For example, Cases with No Deficiencies, we are 90% confident in the total population of 1,751 cases there are between 971 (55.4%) and 1,090 (62.2%) Cases with No Deficiencies and the point estimate is 1,030 (58.8%).</p>										

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Management Comments

CID Comments



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

REPLY TO
ATTENTION OF

CIOP-PO

2 March 2015

MEMORANDUM FOR Department of Defense Inspector General, Violent Crime Division
██████████, 4800 Mark Center Drive, Alexandria, VA 22350-1500

SUBJECT: Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assaults Investigations (Project No. 2013C028)

1. Reference your 19 February 2015 referral of the draft subject report.
2. Concur with comment to the findings of subject report.

a. Recommendation 1.a. Collection of Evidence: We recommend the Director and Commanders of the Military Criminal Investigative Organizations enhance supervision and training to highlight the critical role that crime scene and sexual assault forensic examination evidence and clothing worn by the subject and victim during an assault or immediately after has in sexual assault investigations and subsequent prosecutions.

Comment: Since this review was conducted of sexual assault investigations completed in 2013, the Command has already emphasized the thorough completion of all sexual assault investigations and evidence collection by publishing CID Pamphlet 195-12 (Sexual Assault Investigation Handbook) on 23 April 2013 and an update to the pamphlet on 19 September 2014. On 6 May 2013, 23 April 2014 and 29 January 2015, the Command issued operational memorandums to all CID field elements to re-emphasize the necessity to conduct thorough and timely sexual assault investigations and thorough crime scene processing. In addition to the annual mandatory refresher training, the Command required sexual assault training (adult and child) within the 2nd Quarter of FY15.

b. Recommendation 2.a. Initial Information for Victims and Witnesses of Crime: We recommend the Commanders of the United States Army Criminal Investigation Command and the Air Force Office of Special Investigations implement measures to improve compliance with the issuing and/or recording of the issuance of the DD Form 2701, "Initial Information for Victims and Witnesses of Crime," to victims.

Comment: As of 1 April 2015, the command will implement a new automated reporting and tracking system. This system requires the CID special agent to identify if the victim received a DD Form 2701, and if not issued a form, what circumstances precluded the issuance. The CID special agent must make an entry before the system will allow any further actions. The issuance of DD Forms 2701 is also emphasized through the CID Command Inspection Program and evaluated by the CID Inspector General.

CID Comments (cont'd)

CIOF-PO

SUBJECT: Evaluation of Military Criminal Investigation Organizations' Adult Sexual Assaults Investigations (Project No. 2013C028)

c. Recommendation 2.b. Notification of the Sexual Assault Response Coordinator (SARC): We recommend the Commanders of the United States Army Criminal Investigation Command and the Air Force Office of Special Investigations implement measures to improve notification of the SARC and/or documentation of the notification.

Comment: The Command has emphasized the notification and documentation of the SARC in the publication of CID Pamphlet 195-12. The operational memorandums distributed to the CID field elements on 6 May 2013, 23 April 2014 and 29 January 2015, also emphasized the requirement to notify the SARC. In addition to the annual mandatory refresher training, the Command required sexual assault training (adult and child) within the 2nd Quarter of FY15, which included the need to notify and document the coordination with the SARC. This is also emphasized through the CID Command Inspection Program and evaluated by the CID Inspector General.

3. General Comments:

a. The investigation and prosecution of sexual assaults in the Army is a multi-discipline effort. While we strive to assure that our investigative files are as comprehensive as possible, there is no expectation that CID is the recorder of all actions taken by the multi-discipline team. During the recent inspection, the DoDIG inspectors only reviewed the investigative files. A more comprehensive review to assure notification to the SARC or issuance of a DD Form 2701, if not annotated in the investigative file, would be for the inspectors to expand their reviews to include checking SARCs' records, the Department of Defense Sexual Assault Incident Database, victim advocates or others involved in the process.

b. In a Department of Defense in which resources and manpower are shrinking, investigative agencies are continually assessing how much investigative effort is put into each and every investigation. Of the CID investigations cited for either significant or minor investigative deficiencies by the DoDIG, 81% still resulted in adverse judicial or non-judicial action, and both cases cited by the DoDIG for significant deficiencies resulted in convictions in General Courts-Martial. These facts should be reported by the DoDIG inspectors as well as the potential leads or investigative actions not completed; if appropriate.

CID Comments (cont'd)

CIOF-PO

SUBJECT: Evaluation of Military Criminal Investigation Organizations' Adult Sexual Assaults Investigations (Project No. 2013C028)

4. The point of contact for this action is Mr. [REDACTED] at [REDACTED], (571) 305-4302 or DSN: (312) 240-4302.

[REDACTED]
COL, MP
Deputy Commander
[REDACTED]

NCIS Comments



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

5580
Ser 23/15U0033
March 2, 2015

From: Assistant Director, Criminal Investigations and Operations Directorate, Naval Criminal Investigative Service
To: Deputy Inspector General, Policy and Oversight, Office of the Inspector General, Department of Defense
Subj: DODIG EVALUATION OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS' ADULT SEXUAL ASSAULT INVESTIGATIONS (PROJECT NO. 2013C028)
Ref: (a) Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations (Project No. 2013C028) (Draft)
(b) Pre-Draft Results - Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations (Project No. 2013C028)

1. The Naval Criminal Investigative Service (NCIS) has reviewed reference (a) and appreciates the opportunity to provide comment.
2. Reference (a) provided two recommendations, as follows:
 - a. **Collection of Evidence.** We recommend the Director and Commanders of the Military Criminal Investigative Organizations enhance supervision and training to highlight the critical role that crime scene and sexual assault forensic examination evidence and clothing worn by the subject and victim during an assault or immediately after has in sexual assault investigations and subsequent prosecutions.
 - b. **Crime Scene Examinations.** We recommend the Director of the Naval Criminal Investigative Service and Commander of the Air Force Office of Special Investigations enhance supervision regarding responses to crime scenes to ensure agents follow revised policy requiring crime scene examinations.
3. NCIS agrees with both recommendations. As reflected in part in reference (a) and presented in its prior response to reference (b), NCIS proposes to defend against future deficiencies in these areas (collection of evidence and crime scene examinations) through the following:
 - a. Since the time that the DoDIG-reviewed investigations were closed, NCIS has fully implemented the Standardized Case Review Sheet (SCRS), which first-level supervisors are required to complete during mandated monthly reviews of the investigations in their resident agencies, units and squads. The SCRS was designed to help first-level supervisors identify deficiencies relating to failures to complete logical investigative leads during the pendency of

NCIS Comments (cont'd)

investigations, when, in many instances, remediation may still be possible. NCIS believes implementation of SCRS will improve investigative quality and reduce deficiencies, such as those surfaced during the DoDIG review.

The content and submission status of SCRSs are visible to all layers of field office and headquarters management, thereby enhancing oversight capabilities, providing early indicators and warnings of substandard investigative performance, and enabling earlier supervisory intervention, if warranted. The SCRS has proven an effective tool for assessing the timeliness and thoroughness of first-level case reviews through comparison with authoritative reviews, as well as for identifying failures to mitigate deficiencies during the pendency of investigations.

b. To emphasize the criticality of collecting all relevant evidence and examining the scenes of all sex crimes, these topics have been included in a Crime Scene Management block of instruction taught at the NCIS Advanced Adult Sexual Assault Investigations Training Program, which all Family & Sexual Violence (F&SV) designated investigators and supervisors are required to attend.

c. Further, the Sex Offenses chapter (34) of the NCIS Manual for Criminal Investigation was modified. The revised policy states that immediate steps must be taken to secure crime scenes and that crime scenes must be documented with scene diagrams and photographs. Utilization of the SCRS by supervisors requires they annotate the completion of crime scene examinations, thereby ensuring agents adhere to this revised policy.

4. Should you have any questions regarding this response, please do not hesitate to contact me at telephone (571) 305-9764 or by e-mail at [REDACTED]@ [REDACTED]

AFOSI Comments



DEPARTMENT OF THE AIR FORCE
AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS
Quantico Virginia

2 March 2015

MEMORANDUM FOR IG, DoD. ATTN: Deputy IG for Policy and Oversight

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

SUBJECT: AFOSI Response to DoDIG Report No. 2013C028 "Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations"

1. This memorandum is the Air Force Office of Special Investigations (AFOSI) response to the recommendations contained in draft DoDIG Report No. 2013C028, pertaining to the *Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations*. The report requests AFOSI management comments pertaining to four (1.a, 1.b, 2.a and 2.b) Investigative and Administrative recommendations.

2. Pertaining to Recommendation 1.a, **Collection of Evidence**, "We recommend the Director and Commanders of the Military Criminal Investigative Organizations enhance supervision and training to highlight the critical role that crime scene and sexual assault forensic examination evidence and clothing worn by the subject and victim during an assault or immediately after has in sexual assault investigations and subsequent prosecutions."

AFOSI Comment: Concur, with comment.

AFOSI forensic specialists work with case agents to assess the probative value, and perishability concerns pertaining to potential items of evidence. In each sexual assault investigation, the determination of whether or not it is probative to collect clothing worn by the subject and victim during and immediately after the assault is made based on the facts and circumstances of each case in coordination with forensic specialists and unit leadership. In an effort to re-emphasize the critical role of supervision in violent crime cases, AFOSI recently revised its Advanced General Crimes Investigator's Course (AGCIC) to give increased emphasis on the skills supervisors need to oversee these investigations. The pilot revised AGCIC course was held in February 2015. Student critiques praise the improved knowledge and skill the course provides pertaining to crime scene management.

3. Pertaining to Recommendation 1.b, **Crime Scene Examinations**, "We recommend the Director of the Naval Criminal Investigative Service and the Commander of the Air Force Office of Special Investigations enhance supervision regarding responses to crime scenes to ensure agents follow revised policy requiring crime scene examinations."

AFOSI Comment: Concur, with comment.

AFOSI revised AFOSIMAN 71-124, Crime Scene Manual. The revision enhances guidance pertaining to the collection of physical, biological and digital evidence at crime scenes. AFOSI employs a cadre of forensic science specialists who, by AFOSI policy, are to be consulted in every rape and sexual assault. AFOSI forensic specialists work with case agents to assess the

AFOSI Comments (cont'd)

2

probative value, and perishability concerns pertaining to potential items of evidence. In an effort to re-emphasize the critical role of supervision in violent crime cases AFOSI recently revised its Advanced General Crimes Investigator's Course (AGCIC) to give increased emphasis on the skills supervisors need to oversee these investigations. The pilot revised AGCIC course was held in February 2015. Student critiques praise the improved knowledge and skill the course provides pertaining to crime scene management.

4. Pertaining to Recommendation 2.a, **Initial Information for Victims and Witnesses of Crime**, "We recommend the Commanders of the United States Army Criminal Investigation Command and the Air Force Office of Special Investigations implement measures to improve compliance with the issuing and/or recording of the issuance of the DD Form 2701, "Initial Information for Victims and Witnesses of Crime," to victims."

AFOSI Comment: Concur, with comment.

The lack of documentation of this coordination does not appear to be a widespread problem. AFOSI policy directs agents, "...Provide a DD Form 2701, *Initial Information for Victims and Witnesses of Crime*, updated overprint with SVC information". As part of AFOSI's I2MS automated case management system, a field was added to the case closure section requiring agents verify each victim and witness has been provided a DD Form 2701.

5. Pertaining to Recommendation 2.b, **Notification of the Sexual Assault Response Coordinator**, "We recommend the Commanders of the United States Army Criminal Investigation Command and the Air Force Office of Special Investigations implement measures to improve notification of the sexual assault response coordinator and/or documentation of the notification."

AFOSI Comment: Concur, with comment.

AFOSI has clear policy directing SARC notification in all sexual assault investigations. AFOSIMAN 71-122V1 informs agents "As soon as possible, field units must notify their local SARC of any sexual assault allegation they receive. Document SARC notifications in I2MS..." Instructors at the USAF Special Investigations Academy are placing added emphasis in AFOSI basic and advanced courses on the importance of documenting in reports all coordination with SARCs, Vas and SVCs.

6. AFOSI appreciates the opportunity to provide comments on draft DoDIG Report No. 2013C028. AFOSI is committed to developing and providing high quality policy and training to our special agents to ensure our field units have the capability to conduct professional investigations. We sincerely appreciate the value this assessment serves in fostering discussions and necessary actions geared to maintain and improve MCIO criminal investigators' knowledge and skills. Please contact me, or Special Agent [REDACTED], Criminal Investigations Program Manager, if you have any questions about this memorandum.

[REDACTED], Special Agent
Director, Strategic Programs and Requirements

Acronyms and Abbreviations

AFI	Air Force Instruction
AFOSI	Air Force Office of Special Investigations
AFOSIMAN	Air Force Office of Special Investigations Manual
CID	U.S. Army Criminal Investigations Command
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
DoD IG	Department of Defense Inspector General
DNA	Deoxyribonucleic Acid
MCIO	Military Criminal Investigative Organization
NCIS	Naval Criminal Investigative Service
QMD	Quantitative Methods Division
SARC	Sexual Assault Response Coordinator
SCRS	Standard Case Review Sheet
UCMJ	Uniform Code of Military Justice

Whistleblower Protection

U.S. DEPARTMENT OF DEFENSE

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