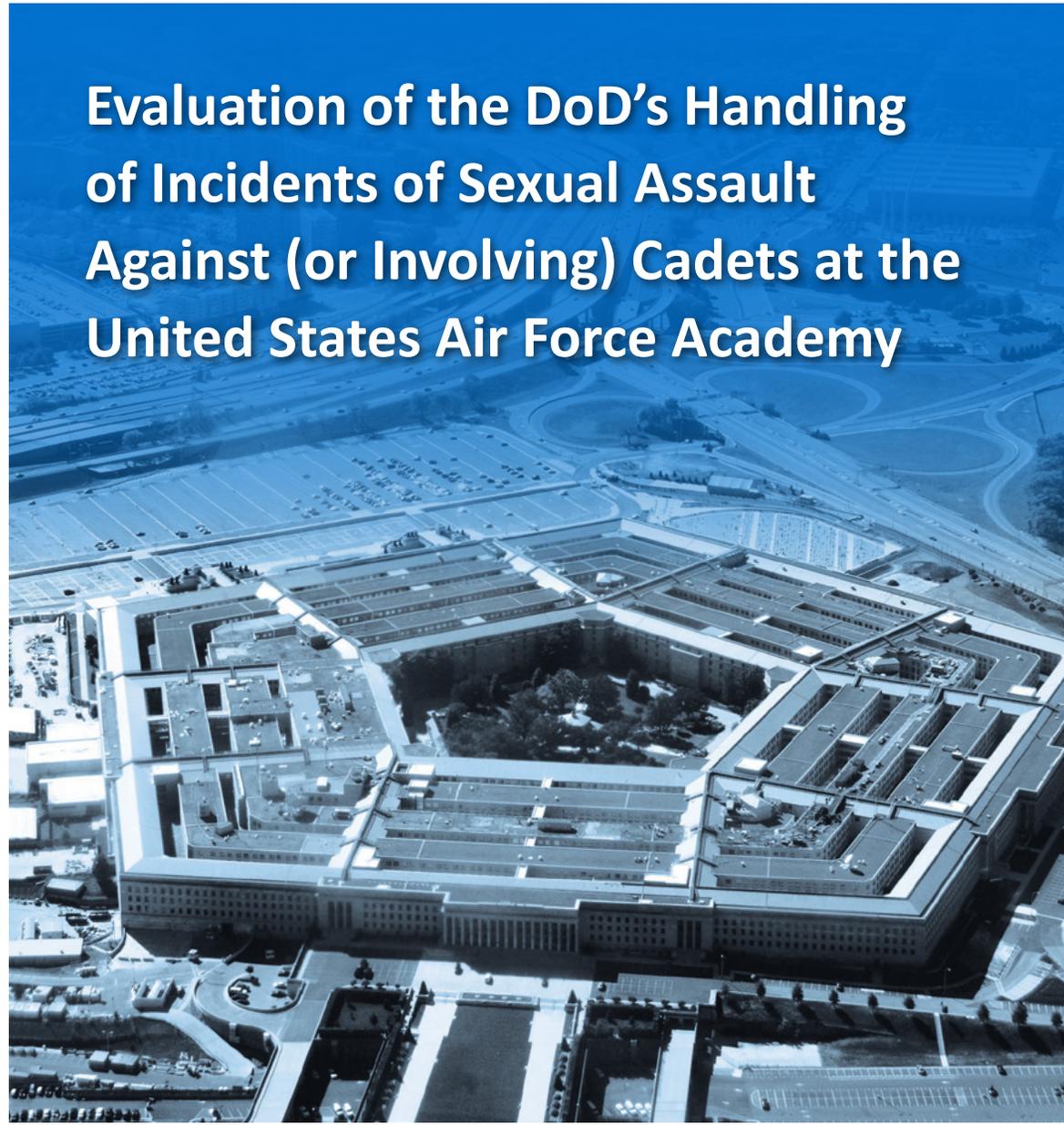




# INSPECTOR GENERAL

*U.S. Department of Defense*

SEPTEMBER 30, 2019



## Evaluation of the DoD's Handling of Incidents of Sexual Assault Against (or Involving) Cadets at the United States Air Force Academy

INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE





# Results in Brief

## *Evaluation of the DoD's Handling of Incidents of Sexual Assault Against (or Involving) Cadets at the United States Air Force Academy*

September 30, 2019

### Objective

The objectives of this evaluation were to determine whether:

- the United States Air Force Academy (USAFA) sexual assault response coordinator (SARC) and Sexual Assault Prevention and Response (SAPR) victim advocates (collectively referred to in this report as USAFA SAPR personnel) provided SAPR services to cadet-victims of sexual assault as required by DoD and Air Force policy;
- Air Force Office of Special Investigations (AFOSI) agents investigated reports of sexual assaults involving cadet-victims in accordance with DoD and Air Force policy;
- USAFA commanders and decision makers retaliated against cadet-victims by disenrolling them from the USAFA for reporting sexual assault; and
- the Under Secretary of Defense for Personnel and Readiness (USD[P&R]) annually reported the correct number of cadet-victim reports of sexual assaults to Congress.

### Background

The purpose of the USAFA SAPR program is to provide a 24-hour-a-day, 7-day-a-week sexual assault response capability to support cadet-victims of sexual assault. Additionally, USAFA SAPR personnel are required to provide crisis intervention to cadet-victims, inform cadet-victims of their reporting options, refer cadet-victims to victim support services, and provide on-going support to cadet-victims of sexual assault.

### Background (cont'd)

The Secretary of Defense is required to submit reports to Congress related to sexual assaults in the military, including the number of sexual assaults that occur at the Military Service Academies each year.

### Findings

We determined that:

- USAFA SAPR personnel provided SAPR services to cadet-victims and victim support services were available to cadet-victims at the USAFA as required by DoD and Air Force policy. However, we determined that the USAFA SARC did not have a process to document "contacts and consults" with cadet-victims who chose not to make an official report of sexual assault or a means to document any resulting referrals to victim support services;
- AFOSI agents generally responded to and investigated reports of sexual assault in accordance with DoD and Air Force policy; and
- USAFA commanders and decision makers did not retaliate against cadet-victims by disenrolling them from the USAFA for reporting sexual assault.

Furthermore, we determined that 11 cadet-victim reports of sexual assaults that were made to the USAFA Family Advocacy Program (FAP) were not reported to Congress as required by Public Law 109-364. In addition, we identified 24 reports of sexual assaults from January 1, 2015, to December 31, 2017, that were not reported to Congress, although we could not determine, because of insufficient documentation by the Air Force Defense Sexual Assault Incident Database Program Administrator, whether they were required to be reported.

### Recommendations

We recommend that the Under Secretary of Defense for Personnel and Readiness develop and institute a process to ensure that the accurate number of reports of sexual assaults



# Results in Brief

## *Evaluation of the DoD's Handling of Incidents of Sexual Assault Against (or Involving) Cadets at the United States Air Force Academy*

### **Management Comments (cont'd)**

made to the United States Air Force FAP are included in all future annual reports on Sexual Harassment and Violence at the Military Service Academies.

We also recommend that the Director of the Department of Defense SAPR Office develop and institute a process that documents consults or contacts with victims of sexual assault and any resulting referrals to victim support services if those contacts do not result in an official sexual assault report. Further, we recommend that the Director of the Department of Defense SAPR Office update the Defense Sexual Assault Incident Database to include a field for the Military Service Defense Sexual Assault Incident Database Program Administrators to record the reason that reports of sexual assault are archived in the Defense Sexual Assault Incident Database.

In addition, we made recommendations to the Director of the Air Force SAPR Office regarding the process used to archive and document the reasons for archiving reports of sexual assault in the Defense Sexual Assault Incident Database.

### **Management Comments and Our Response**

The Assistant Secretary of Defense for Manpower and Reserve Affairs, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness, agreed with our recommendation to develop and institute a process to ensure that the accurate number of reports of sexual assaults made to the United States Air Force FAP are included in all future annual reports on Sexual Harassment and Violence at the Military Service Academies. Therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that Under Secretary of Defense for Personnel and Readiness has developed and instituted the process.

As a result of management comments, we redirected the recommendation to develop and institute a process that documents consults and contacts with sexual assault victims and any resulting referrals to victim support

services to the Department of Defense SAPR Office Director who has the authority to implement this recommendation across the DoD. This recommendation was originally made to the Air Force SAPR Office Director, who disagreed with the recommendation, stating that it would potentially harm victims of sexual assault and impose an administrative burden on Air Force SAPR Office personnel. However, the Department of Defense SAPRO Director agreed with the recommendation, and said that he would ensure that a process was implemented. Therefore, this recommendation is resolved but remains open. We will close this recommendation once we verify that Department of Defense SAPR Office Director has developed and instituted the process.

The Department of Defense SAPR Office Director agreed with our recommendation to include a field for the Military Service Defense Sexual Assault Incident Database Program Administrators to record the reason that reports of sexual assault are archived in the Defense Sexual Assault Incident Database. Therefore, this recommendation is resolved but remains open. We will close this recommendation once we verify that the Department of Defense SAPR Office Director updated the Defense Sexual Assault Incident Database.

The Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, responding for the United States Air Force SAPR Office Director, agreed with the intent of our recommendations regarding the process used to archive and document the reasons for archiving reports of sexual assault in the Defense Sexual Assault Incident Database stating that the United States Air Force SAPR Office Director would address all recommendations by September 30, 2019. Therefore, these recommendations are resolved but remain open. We will close these recommendations once we verify that the United States Air Force SAPR Office Director's actions meet the intent of our recommendations. Please see the Recommendations Table on the next page for the status of recommendations.

## Recommendations Table

Management	Recommendations Unresolved	Recommendations Resolved	Recommendations Closed
Under Secretary of Defense for Personnel and Readiness	None	D.1	None
Director of the Department of Defense Sexual Assault Prevention and Response Office	None	A.1, D.2	None
Director of the United States Air Force Sexual Assault Prevention and Response Office	None	D.3.a, D.3.b, D.3.c, D.3.d	None

Please provide Management Comments by December 29, 2019.

**Note:** The following categories are used to describe agency management’s comments to individual recommendations.

- **Unresolved** – Management has not agreed to implement the recommendation or has not proposed actions that will address the recommendation.
- **Resolved** – Management agreed to implement the recommendation or has proposed actions that will address the underlying finding that generated the recommendation.
- **Closed** – OIG verified that the agreed upon corrective actions were implemented.





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

September 30, 2019

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR PERSONNEL  
AND READINESS  
ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS  
ASSISTANT SECRETARY OF THE AIR FORCE (AUDITOR GENERAL)  
INSPECTOR GENERAL, DEPARTMENT OF THE AIR FORCE  
SURGEON GENERAL OF THE AIR FORCE  
SUPERINTENDENT, US AIR FORCE ACADEMY  
COMMANDER, AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

SUBJECT: Evaluation of the DoD's Handling of Incidents of Sexual Assault  
Against (or Involving) Cadets at the United States Air Force Academy  
(Report No. DoDIG-2019-125)

This final report provides the results of the DoD Office of Inspector General's evaluation. We previously provided copies of the draft report and requested written comments on the recommendations. We considered management's comments on the draft report when preparing the final report. These comments are included in the report. We redirected recommendation A.1 from the Director of the Air Force Sexual Assault Prevention and Response Office to the Director of the Department of Defense Sexual Assault Prevention and Response Office, who has the authority to implement the recommendation in standardized procedures that can be consistently implemented throughout the DoD.

Agency Responding Officials agreed to address the other recommendations presented in the report; therefore, the recommendations are considered resolved and open. As described in the Recommendations, Management Comments, and Our Response section of this report, the recommendations may be closed when we receive adequate documentation showing that all agreed-upon actions to implement the recommendations have been completed. Therefore, please provide us within 90 days your response concerning specific actions in process or completed on the recommendations. Your response should be sent to [REDACTED]

If you have any questions, please contact [REDACTED]

[REDACTED] We appreciate the cooperation and assistance received during the evaluation.

A handwritten signature in black ink, appearing to read "Randolph R. Stone", is located below the text.

Randolph R. Stone  
Assistant Inspector General  
for Evaluations of Space, Intelligence,  
Engineering, and Oversight

# Contents

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## Introduction

Objective.....	1
Background.....	1
Additional Background.....	2

## Findings

Finding A. USAFA SAPR Personnel Provided SAPR Services to Cadet-Victims and Cadet-Victim Support Services were Available to Cadet-Victims at the USAFA as required by DoD and Air Force Policy.....	7
DoD and Air Force Requirements to Provide SAPR Services.....	7
USAFA SAPR Personnel Provided SAPR Services to Cadet-Victims and Cadet-Victim Support Services were Available at USAFA.....	11
Conclusion.....	24
Recommendations, Management Comments, and Our Response.....	25
Finding B. AFOSI Agents Generally Responded To and Investigated Reports of Sexual Assault in Accordance with DoD and Air Force Policy.....	26
DoD, Air Force, and AFOSI Requirements for Conducting Investigations of Sexual Assault.....	26
Evaluation of AFOSI’s Investigations.....	28
Conclusion.....	31
Finding C. USAFA Commanders and Decision Makers Did Not Retaliate Against Cadet-Victims by Disenrolling Them from the USAFA for Reporting Sexual Assault.....	32
USAFA Requirements for Disenrollment.....	32
Evaluation of Cadet-Victims’ Disenrollments.....	37
Conclusion.....	42
Finding D. Cadet-Victim Reports of Sexual Assaults Were Not Accurately Reported to Congress As Required by Public Law 109-364.....	43
DoD Family Advocacy Program and SAPR Program Victim Support Services.....	44
FAP Services for Cadet-Victims.....	45
Requirements for the DoD’s Annual Reports to Congress Related to Sexual Assault.....	46

## Contents (cont'd)

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The DSAID and FAP Central Registry.....	46
Reports of Sexual Assault Made to FAP Were Not Included in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies”.....	47
Air Force Personnel Archived Reports of Sexual Assault in the DSAID without Sufficient Documentation.....	50
Conclusion.....	51
Recommendations, Management Comments, and Our Response.....	52

### Appendixes

Appendix A. Scope and Methodology.....	56
Use of Computer-Processed Data.....	61
Appendix B. Prior Coverage.....	62

### Management Comments

Under Secretary of Defense for Personnel and Readiness.....	67
Director of the Department of Defense Sexual Assault Prevention and Response Office.....	68
Director of the United States Air Force Sexual Assault Prevention and Response Office.....	70

<b>Acronyms and Abbreviations</b> .....	74
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# Introduction

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## Objective

The objectives of this evaluation were to determine whether:

- the United States Air Force Academy (USAFA) sexual assault response coordinator (SARC) and Sexual Assault Prevention and Response (SAPR) victim advocates (collectively referred to in this report as USAFA SAPR personnel) provided SAPR services to cadet-victims of sexual assault as required by DoD and Air Force policy;
- Air Force Office of Special Investigations (AFOSI) agents investigated reports of sexual assaults involving cadet-victims in accordance with DoD and Air Force policy;
- USAFA commanders and decision makers retaliated against cadet-victims by disenrolling them from the USAFA for reporting sexual assault; and
- the Under Secretary of Defense for Personnel and Readiness (USD[P&R]) annually reported the correct number of cadet-victim reports of sexual assaults to Congress.

## Background

### ***Media and Congressional Attention to Sexual Assault at the USAFA***

According to the USAFA Inspector General, in June 2017, the USAFA Superintendent staff completed a command directed investigation into allegations of work place personnel conflicts between the former USAFA SARC and her staff.

The investigating officer determined that the former USAFA SARC and SAPR victim advocates “demonstrated a lack of competency or ability that jeopardized the delivery of professional victim advocacy.”<sup>1</sup> As a result, the former USAFA SARC retired, one USAFA SAPR victim advocate was reassigned to another USAFA organization, and two USAFA SAPR victim advocates resigned from their positions.

A CBS News “This Morning” investigation into the USAFA SAPR Program reported in December 2017 that more than a dozen current and former cadets told of being retaliated against by their commanders and peers after reporting sexual assault. Additionally, during the broadcast, the former USAFA SARC highlighted two specific reports of sexual assault in December 2014 and January 2015, stating that USAFA leadership tried to cover up the reports and that AFOSI agents prematurely closed their investigations because the agents disbelieved the cadet-victims.

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<sup>1</sup> Headquarters, United States Air Force Academy, “Legal Review of SARC/SAPR Office CDI,” June 25, 2017.

We included the AFOSI's investigation of these two reports of sexual assault as part of the 17 total reports of sexual assaults we reviewed in Finding B. The former USAFA SARC also stated that USAFA leadership deleted 16 reports of sexual assault from the DSAID to reduce the number of sexual assaults at the USAFA reported to Congress. We address the assertion that the USAFA deleted reports of sexual assault from the DSAID in Finding D.

On December 13, 2017, Senator Kirsten Gillibrand sent a letter requesting that the DoD IG evaluate the DoD's response to reports of sexual assault, including the response of the USAFA SAPR personnel, AFOSI agents, command, as well as the confidence in the reported numbers of sexual assault to Congress.

On January 3, 2018, Senators Mazie Hirono and Tom Udall also requested that the DoD IG evaluate the DoD's response to reports of sexual assault.

## Additional Background

In February 2004, the Secretary of Defense directed the USD(P&R) to review the DoD's process for treatment and care of victims of sexual assault in the Military Departments. The DoD established the Care for Victims of Sexual Assault Task Force, led by the Deputy Assistant Secretary of Defense (Force Health, Protection, and Readiness), and charged the task force to report back in 90 days with recommendations. In April 2004, the Task Force issued the Task Force Report on Care for Victims of Sexual Assault, which included numerous recommendations.

One of the recommendations identified the need to "[e]stablish a single point of accountability for sexual assault policy. . .within the [DoD]."<sup>2</sup> This recommendation led to the establishment of an additional task force in October 2004, the Joint Task Force for Sexual Assault Prevention and Response.

The Joint Task Force for Sexual Assault Prevention and Response "focused its initial efforts on developing DoD-wide sexual assault policy that incorporated recommendations set forth in the "Task Force Report on Care for Victims of Sexual Assault" as well as in Public Law 108-375, "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005," October 28, 2004.<sup>3</sup> Section 577 of this act directed the DoD to have a sexual assault policy in place by January 1, 2005. The Joint Task Force eventually became what is known today as the DoD Sexual Assault Prevention and Response Office (SAPRO).

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<sup>2</sup> DoD "Task Force Report on Care of Victims of Sexual Assault," April 2004.

<sup>3</sup> <https://www.sapr.mil/mission-history>.

## ***Public Law 108-375 Established the DoD SAPR Program***

Public Law 108-375, section 577, established the DoD's Sexual Assault Prevention and Response (SAPR) program and the requirement for DoD SAPR policy. Specifically, the law requires the DoD to develop a uniform definition of sexual assault as well as sexual assault policy that addresses:

- prevention measures,
- education and training on prevention and response,
- investigation of complaints by command and law enforcement personnel,
- medical treatment of victims,
- confidential reporting of incidents,
- victim advocacy and intervention,
- oversight by commanders of administrative and disciplinary actions in response to substantiated incidents of sexual assault,
- disposition of victims of sexual assault, including review by appropriate authority of administrative separation actions involving victims of sexual assault,
- disposition of members of the Armed Forces accused of sexual assault,
- liaison and collaboration with civilian agencies on the provision of services to victims of sexual assault, and
- uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

## ***DoD SAPR Policy***

### ***DoD Directive 6495.01***

As required by section 577 of Public Law 108-375, USD(P&R) published DoD Directive (DoDD) 6495.01, which establishes policy to define sexual assault, prevent sexual assault, provide support to victims, and increase reporting and accountability.<sup>4</sup>

According to DoDD 6495.01, sexual assault is:

[i]ntentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. As used in this Instruction, the term includes a broad category of sexual offenses consisting of the following specific UCMJ [Uniform Code of Military Justice] offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.

<sup>4</sup> DoD Directive 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," January 23, 2012, (Incorporating Change 3, April 11, 2017).

DoDD 6495.01 establishes unrestricted and restricted sexual assault reporting options for Military Service members. Unrestricted sexual assault reports require command notification and initiation of an investigation by military criminal investigative organizations (MCIOs). A restricted sexual assault report does not “trigger an investigation.” “The command is notified that ‘an alleged sexual assault’ occurred, but is not given the victim’s name or other personally identifying information.”<sup>5</sup> Both unrestricted and restricted reports provide the victim an opportunity for immediate, in-person SAPR services and access to applicable victim support services.<sup>6</sup> Either reporting option gives the victim access to the same level of assistance and support through the SAPRO and the victim support services on the installation.

### *DoD Instruction 6495.02*

As required by section 577 of Public Law 108-375 and DoDD 6495.01, USD(P&R) published DoD Instruction (DoDI) 6495.02, which “assigns responsibilities and provides guidance and procedures for the DoD SAPR program.”<sup>7</sup> Furthermore, DoDI 6495.02 establishes minimum SAPR program standards, SAPR training requirements, and SAPR reporting requirements for the DoD “Annual Report on Sexual Assault in the Military” and the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.”

DoDI 6495.02 assigns the responsibility for the implementation of the SAPR program to installation commanders, supervisors, and managers at all levels.

### *DoD Instruction 6495.03*

As required by section 584 of Public Law 112-81, “National Defense Authorization Act (NDAA) for Fiscal Year 2012,” December 31, 2011, USD(P&R) published DoDI 6495.03 to establish policy, assign responsibilities, and prescribe procedures for the implementation, management, and oversight of the Defense Sexual Assault Advocate Certification Program (D-SAACP).<sup>8</sup> This training and certification program standardized sexual assault response to victims and professionalized

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<sup>5</sup> DoDD 6495.01 states that “unrestricted sexual assault reporting is a process that an individual covered by this policy uses to disclose, without requesting confidentiality or Restricted Reporting, that he or she is the victim of a sexual assault. Under these circumstances, the victim’s report provided to healthcare personnel, the SARC, a SAPR Victim Advocate, command authorities, or other persons is reported to law enforcement and may be used to initiate the official investigative process.” DoDD 6495.01 also states that “the restricted reporting option allows sexual assault victims to confidentially disclose the assault to specified individuals (i.e., SARC, SAPR Victim Advocate, or healthcare personnel), and receive medical treatment, including emergency care, counseling, and assignment of a SARC and SAPR Victim Advocate, without triggering an official investigation.”

<sup>6</sup> For this evaluation, we define victim support services as medical services, counseling services, law enforcement services, and legal services.

<sup>7</sup> DoD Instruction 6495.02, “Sexual Assault Prevention and Response (SAPR),” March 28, 2013, (Incorporating Change 3, May 24, 2017).

<sup>8</sup> DoDI 6495.03, “Defense Sexual Assault Advocate Certification Program,” September 10, 2015.

victim advocacy roles. The policy also established a Code of Professional Ethics for SAPR personnel. All qualified SAPR personnel certify that they will follow the Code of Professional Ethics.<sup>9</sup>

In addition to the DoD SAPR policies, the Air Force has published its own policies and procedures that implement DoD SAPR policy.

### ***Air Force SAPR Policy***

To implement DoD SAPR policy, the Air Force published Air Force Instruction (AFI) 90-6001, “Sexual Assault Prevention and Response (SAPR) Program,” May 21, 2015, (Incorporating Change 1, March 18, 2016), which establishes policy and procedures for the Air Force SAPR program. According to AFI 90-6001, the Air Force “SAPR Program reinforces. . .[the Air Force’s] commitment to prevention through the development, implementation, and assessment of policies and programs to prevent and respond to sexual assault.” The policy further states that it is the Air Force’s “goal. . .to provide exemplary support throughout victim reporting, response, victim advocacy, investigations, and offender accountability when a sexual assault occurs.”

The policy requires installation or host wing commanders to implement SAPR programs and ensure that an immediate, trained response capability exists to support victims of sexual assault. Commanders are required to supervise the SARC(s); however, supervision may be delegated to a vice commander (or equivalent).

### ***DoD Sexual Assault Investigation Policy***

To establish standards for the investigation of adult sexual assault within the DoD, the DoD OIG published DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” March 22, 2017, (Incorporating Change 1, February 13, 2018). DoDI 5505.18 directs the agents of MCIOs to initiate a criminal investigation in response to all reports of sexual assault within their jurisdiction.<sup>10</sup> Furthermore, DoDI 5505.18 requires MCIO agents to conduct a formal interview of the victim and investigate thoroughly all adult sexual assault investigations assumed by an MCIO.

<sup>9</sup> Section 584(c)(1) of Public Law 112-81, “National Defense Authorization Act for Fiscal Year 2012,” December 31, 2011, required “the Secretary of Defense [to] . . . establish a professional and uniform training and certification program for Sexual Assault Response Coordinators . . . and Sexual Assault Victim Advocates.”

<sup>10</sup> According to DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” March 22, 2017, (Incorporating Change 1, February 13, 2018), MCIOs include the “U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and [AFOSI].”

### ***Air Force Sexual Assault Investigation Policy***

To implement DoD sexual assault investigation policy, the Air Force published AFOSI Manual 71-122, Volume 1, “Criminal Investigations,” September 28, 2012, (Incorporating Change 6, February 16, 2017). AFOSI Manual 71-122, Volume 1, directs AFOSI commanders, directors, and special agents in charge to ensure that “all investigations are conducted in a fair, impartial, and thorough manner and are free from improper command influence.” Furthermore, it states that all investigations must be “consistent with the standards prescribed in this manual as well as other Air Force and AFOSI publications.” It also requires that AFOSI agents use only “ethical, legal techniques to gather information proving or disproving allegations of criminal activity and identifying criminal suspects.”

## Finding A

### **USAFA SAPR Personnel Provided SAPR Services to Cadet-Victims and Cadet-Victim Support Services were Available to Cadet-Victims at the USAFA as required by DoD and Air Force Policy**

We determined that from January 1, 2015, to December 31, 2017, the USAFA leadership and SAPR personnel provided SAPR services and cadet-victim support services to cadet-victims as required by DoD and Air Force policy.<sup>11</sup> Specifically, we found that USAFA SAPR personnel informed cadet-victims of their options for reporting sexual assault.<sup>12</sup> Furthermore, we determined that cadet-victim support services that are required by DoD and Air Force policy were available to cadet-victims, and that USAFA SAPR personnel referred cadet-victims to the cadet-victim support services at the USAFA, as required.

However, we determined the USAFA SARC did not have a process or system to document contacts and consults with cadet-victims of sexual assault or a means to document any resulting referrals to victim support services when a cadet-victim did not file an official report of sexual assault. A process to track consults and contacts would document the USAFA SARC's assistance provided to these cadet-victims.

### **DoD and Air Force Requirements to Provide SAPR Services**

As discussed in the Background section of this report, DoDI 6495.02 “assigns responsibilities and provides guidance for the procedures of the DoD SAPR Program.” AFI 90-6001 delineates Air Force policy and procedures for the Air Force SAPR program. According to DoDI 6495.02 and AFI 90-6001, when a

<sup>11</sup> The USAFA consists of two Air Force wings, the 10th ABW and USAFA Cadet Wing. According to Headquarters United States Air Force Academy Mission Directive 1, “10th Air Base Wing,” July 18, 2018, the 10th ABW is responsible for medical, engineering, logistics, communications, personnel, services, security, and other key support. The USAFA Cadet Wing includes cadets and permanent party personnel. According to Headquarters United States Air Force Academy Mission Directive 3, “Commandant of Cadets,” July 18, 2018, permanent party personnel educate, train, and mentor cadets; create and sustain an environment focused on the active duty environment; and ensure good order and discipline.

<sup>12</sup> According to DoDI 6495.02, SAPR services are “[s]ervices provided by a SARC and SAPR [victim advocate].” For this evaluation, cadet-victim support services include medical services, counseling services, law enforcement services, and legal services. According to DoDI 6495.02, victims who choose the unrestricted reporting option primarily use law enforcement services; however, limited law enforcement services are provided to victims who choose the restricted reporting option. For example, AFOSI agents collect and store the Sexual Assault Forensic Examination kits of cadet-victims who choose the restricted reporting option to give them the choice to later convert their restricted report of sexual assault to an unrestricted report of sexual assault if the cadet-victim chooses to do so.

victim is sexually assaulted he or she may make an unrestricted or a restricted report.<sup>13</sup> Both unrestricted and restricted reports provide the victim an opportunity for immediate, in-person SAPR services.

However, according to DoDD 6495.01, DoDI 6495.02, and AFI 90-6001, an adult sexual assault victim can choose to keep his or her sexual assault confidential and not meet with SAPR personnel or participate in the SAPR program.<sup>14</sup> For example, an adult sexual assault victim can disclose a sexual assault to their military mental health or medical healthcare provider, military chaplain, or military attorney, but refuse to meet with SAPR personnel and officially report the sexual assault.<sup>15</sup> Unless an exception exists, these professionals must keep the disclosure confidential.<sup>16</sup> Likewise, an adult sexual assault victim can disclose a sexual assault to SAPR personnel, but refuse to officially report the sexual assault. The adult sexual assault victim's decision to not officially report the sexual assault does not preclude him or her from obtaining assistance through the SAPR office or victim support services.

### ***The Sexual Assault Prevention and Response Office (SAPRO)***

DoDI 6495.02 requires the installation commander to develop guidelines to establish a 24-hour-a-day, 7-day-a-week sexual assault response capability. The installation SAPRO functions as the commander's 24-hour-a-day, 7-day-a-week response capability as required by DoDI 6495.02. The SAPRO consists of SARCs and SAPR victim advocates who provide crisis intervention, refer victims to

<sup>13</sup> According to DoDI 6495.01 and AFI 90-6001, a restricted report is a reporting option that "allows sexual assault victims. . . to confidentially disclose the assault" to SAPR personnel or healthcare personnel, "and receive healthcare treatment, including emergency care, counseling, and assignment of" SAPR personnel, without prompting a criminal investigation. Commanders are made aware of generalities of restricted reports to help the commander better understand the prevalence of sexual violence on the installation; however, the information they receive is masked to protect the victim's privacy.

<sup>14</sup> The policies and procedures contained in DoDD 6495.01 and DoDI 6495.02 apply to only covered adult sexual assault victims as defined by DoDD 6495.01. Different policies and procedures exist for adults victimized by a current or former intimate partner with whom the victim has shared a domicile, current or former spouse, or a person with whom the victim shares a child in common in DoDI 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," August 21, 2007, (Incorporating Change 4, May 26, 2017), and do not apply to the category of victims identified in this evaluation unless specifically stated.

<sup>15</sup> Communications between a patient and military medical providers are protected from disclosure, with few exceptions, according to DoDI 6025.27, "Medical Ethics in the Military Health System," November 8, 2017; DoDI 6025.18, "Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Compliance in DoD Health Care Programs," March 13, 2019; DoD Manual 6025.18, "Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in DoD Health Care Program," March 13, 2019; DoDI 6495.02, and DoDI 6400.06. Communications between a patient and military mental health providers are protected from disclosure, with few exceptions, according to Military Rules of Evidence Rule 513. Communications between military chaplains and their parishioners may be protected from disclosure according to Military Rules of Evidence Rule 503. Communications between military attorneys and their clients are protected from disclosure, with few exceptions, according to Military Rules of Evidence Rule 502. Communications between an adult sexual assault victim and SAPR personnel are protected from disclosure, with few exceptions, according to DoDI 6495.02 and Military Rule of Evidence Rule 514.

<sup>16</sup> According to DoDI 6495.02, an example of an exception is when it is "necessary to prevent or mitigate a serious and imminent threat to the health or safety of the victim or another person."

available victim support services, and explain the options for reporting sexual assault. The SARC is the single point of contact to coordinate sexual assault victim support response within their area of responsibility.<sup>17</sup>

The SARC's primary role is to provide overall program management for the SAPRO by managing sexual assault prevention programs, victim support programs, and SAPR activities on the military installation within its area of responsibility. The SARC serves as the installation commander's consultant and coordinator for sexual assault prevention programs. Additionally, the SARC assists the installation commander in institutionalizing an environment of dignity and respect on the military installation.

Prior to assignment as a SARC or SAPR victim advocate (collectively referred to in this report as SAPR personnel), SAPR personnel are required to obtain a certification through the DoD Sexual Assault Advocate Certification Program (D-SAACP).<sup>18</sup> To obtain this certification, SAPR personnel must complete training on foundational topics such as advocacy, the role of a victim advocate, cultural sensitivity, ethics, and the criminal justice system. SAPR personnel must obtain a minimum of 40 hours of specialized training approved by the D-SAACP. SAPR personnel must also sign a code of ethics pledge, undergo a background investigation, and obtain two letters of recommendations prior to obtaining the D-SAACP certification.<sup>19</sup> Furthermore, SAPR personnel must obtain 32 hours of continuing education every two years to maintain the D-SAACP certification.

DoDI 6495.02 requires SAPR personnel to inform victims of their reporting options and provide victim advocacy. In addition, DoDI 6400.07, "Standards for Victim Assistance Services in the Military Community," November 25, 2013, (Incorporating Change 2, Effective July 6, 2018), requires SAPR personnel to "focus on the victim and . . . respond, protect, and care for the victim" until the victim no longer requires SAPR services. It is the SAPR personnel's responsibility to explain and refer victims to the victim support services that they may elect to pursue. These victim support services include medical services, counseling services, law enforcement services, and legal services. DoDI 6400.07 requires SAPR personnel to respect the victims' right to make their own decisions about the services they want to receive and states that using victim support services is voluntary.

<sup>17</sup> The USAFA SAPR personnel's area of responsibility includes the USAFA Cadet Wing, the 10th Air Base Wing (10th ABW), and all Reserve Officer Training Corps cadets who attend universities located in Colorado.

<sup>18</sup> Section 584(c), "Training and Certification," of Public Law 112-81, "The National Defense Authorization Act (NDAA) for Fiscal Year 2012, December 31, 2011, requires the DoD to establish a training and certification program for SAPR personnel. To meet this requirement, and to standardize sexual assault response to victims and professionalize victim advocacy roles, the DoD established the D-SAACP in DoDI 6495.03.

<sup>19</sup> The National Organization for Victim Assistance Code of Professional Ethics for Victim Assistance Providers states "[v]ictims of crime and the criminal justice system expect every Victim Assistance Provider, paid or volunteer, to act with integrity, to treat all victims and survivors of crime—their clients—with dignity and compassion and to uphold principles of justice for accused and accuser alike."

## ***DD Forms 2910***

The DD Form 2910, “Victim Reporting Preference Statement,” is a standardized form used by SAPR personnel and the victim to document elements of the sexual assault response and reporting process. According to DoDI 6495.02, the DD Form 2910 is a record of the victim’s decision to make a restricted or unrestricted report of sexual assault. When completing the DD Form 2910, section 1.a., the victim acknowledges that he or she “had the opportunity to talk with [SAPR personnel] before selecting a reporting option.” In addition, the victim acknowledges that “[SAPR personnel] explained to me the services . . . that are available to me.” The victim voluntarily signs the DD Form 2910 followed by a SARC or SAPR victim advocate who signs to certify that he or she informed the victims of his or her reporting options and available victim support services.

When the DD Form 2910 is signed by the victim and SAPR personnel, an official report of sexual assault is created according to AFI 90-6001. A victim can also make an official report of sexual assault to AFOSI, which does not require the victim sign a DD Form 2910. As stated above, adult sexual assault victims may choose to keep their sexual assault confidential, even if they meet with SAPR personnel and do not participate in the SAPR program. For example, according to DoDI 6495.02 and AFI 90-6001, an adult sexual assault victim can approach SAPR personnel to inquire about services and disclose they were sexually assaulted without triggering an official report of sexual assault by signing a DD Form 2910. In these instances, SAPR personnel would provide the level of support requested by the adult sexual assault victim, which could include SAPR services and the services of a military medical or mental health facility, military chaplain, or military legal services. SAPR personnel do not document or report these interactions with the adult sexual assault victim on the DD Form 2910 or elsewhere.

According to DoDI 6495.02, for restricted reports SAPR personnel must maintain a hardcopy of the DD Forms 2910 in SAPRO files and input information necessary for tracking reports of sexual assault in the Defense Sexual Assault Incident Database (DSAID). For unrestricted reports, SAPR personnel must upload a completed DD Form 2910 and input information necessary for tracking reports of sexual assault into the DSAID.

## ***The DSAID***

The DSAID is a centralized database for tracking reports of sexual assault within the DoD. DoD SAPRO personnel maintain the DSAID and Military Service SAPR personnel input data into it. According to DoDI 6495.02, the DSAID includes information “about the nature of the assault, the victim, the alleged offender, investigative information, case outcomes in connection with the allegation, and

other information necessary to fulfill reporting requirements,” such as services referred to and requested by the victim. For restricted reports of sexual assault, SAPR personnel do not enter the victim’s personally identifiable information into the DSAID; however, the sexual assault is entered into the DSAID for tracking and reporting purposes. Furthermore, DoDI 6495.02 requires that SAPR personnel “maintain in DSAID an account of the services referred to and requested by the victim for all reported sexual assault incidents, from medical treatment through counseling, and from the time of the initial report of a sexual assault through the final case disposition or until the victim no longer desires services.” Lastly, only authorized DSAID users can access the DSAID.<sup>20</sup>

## **USAFA SAPR Personnel Provided SAPR Services to Cadet-Victims and Cadet-Victim Support Services were Available at USAFA**

We determined that from January 1, 2015, to December 31, 2017, the USAFA leadership and SAPR personnel provided SAPR services and cadet-victim support services to cadet-victims as required by DoD and Air Force policy. We reviewed cadet-victim DD Forms 2910 to determine whether cadet-victims acknowledged that USAFA SAPR personnel informed them of their cadet-victim’s reporting options and explained available cadet-victim support services. Additionally, we determined whether cadet-victim support services were available at the USAFA as required by DoD and Air Force policy. To identify reports of sexual assault made by cadet-victims at the USAFA, we obtained all DD Forms 2910 that were uploaded in DSAID or maintained in hardcopy at USAFA and DSAID records that listed all official reports of sexual assault with accompanying DD Forms 2910 at the USAFA. From these records, we identified 90 official reports of sexual assault that cadet-victims made from January 1, 2015, to December 31, 2017.

Furthermore, to determine whether USAFA SAPR personnel referred cadet-victims to support services, we reviewed DSAID records and interviewed former and current USAFA SAPR personnel and special victims’ counsels (SVCs) that represented cadet-victims.

<sup>20</sup> According to the DSAID User Manual, v4.12, DSAID users are limited to only those individuals with roles that require access to the database, such as Air Force SAPR program managers, SARCs, and legal officers.

### ***USAFA SAPR Personnel Informed Cadet-Victims of Their Reporting Options and Available Cadet-Victim Support Services***

We obtained the DD Forms 2910 for 90 cadet-victims at the USAFA that the DSAID identified as having made official reports of sexual assault from January 1, 2015, to December 31, 2017. We reviewed the DD Forms 2910 to determine whether cadet-victims acknowledged that USAFA SAPR personnel informed them of their reporting options and explained available cadet-victim support services.

We determined that 90 cadet-victims signed the form indicating that they “had the opportunity to talk with [SAPR personnel] before selecting a reporting option.” Additionally, 89 of the 90 (99 percent) cadet-victims acknowledged on the DD Form 2910 that USAFA SAPR personnel had explained the cadet-victim support services available at the USAFA.<sup>21</sup> As a result, cadet-victims acknowledged that USAFA SAPR personnel informed them of their reporting options and explained the available cadet-victim support services.

During our evaluation, DoD OIG personnel did not interview USAFA cadet-victims to respect the cadet-victim’s privacy and to ensure cadet-victims were not unnecessarily re-victimized or further identified by this evaluation.

### ***USAFA SAPR Personnel “Consults and Contacts” with Cadet-Victims of Sexual Assault***

As discussed in previous sections, adult sexual assault victims can meet with SAPR personnel to inquire about victim support services or disclose that they were sexually assaulted without officially reporting the sexual assault.

The former USAFA SARC told us that these interactions were often lengthy. USAFA SAPR personnel referred to these interactions as “consults and contacts.” The former USAFA SARC told us that the inability to account for the time the SAPR staff spent providing SAPR services during consults and contacts made it difficult for her to account for the full use of USAFA SAPR personnel time and resources. When the former USAFA SARC discussed this issue with her supervisor, her supervisor suggested that she create a tracking spreadsheet to account for the consults and contacts which she told us she did. She told us that she did not retain the document after she retired.

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<sup>21</sup> For the one cadet-victim who did not acknowledge on the DD Form 2910 that USAFA SAPR personnel had explained the cadet-victim support services available at the USAFA, we determined that both the victim and USAFA SAPR personnel signed the DD Form 2910 indicating that USAFA SAPR personnel informed the cadet-victim of the cadet-victim’s reporting options and available cadet-victim support services. Additionally, we determined during our review of the DSAID that the cadet-victim was assigned a USAFA victim advocate and was referred to medical, mental health, chaplain, and legal services.

We also interviewed former USAFA SAPR personnel who told us that some of their daily work effort was spent handling consults and contacts. In addition, we asked current USAFA SAPR personnel whether the former USAFA SARC's spreadsheet was available and they told us that they were not aware of the spreadsheet and did not have the spreadsheet. The USAFA SAPR personnel also told us that the practice of using a spreadsheet to account for the consults and contacts was not continued.

DoDI 6495.02 states that SARCs “[e]xercise oversight responsibility for SAPR Victim Advocates,” and that they shall “[c]onduct an ongoing assessment of the consistency and effectiveness of the SAPR program within the assigned area of responsibility and report these observations to the installation commander.”<sup>22</sup> However, we found that USAFA SAPR management officials did not have a formal process or system to capture consults and contacts or a means to document any resulting referrals to victim support services.

### ***Cadet-Victim Support Services Available at the USAFA***

DoDI 6400.07 and DoDI 6495.02 collectively state that victim support services include medical services, counseling services, law enforcement services, and legal services. At the USAFA, cadet-victim support services are provided by personnel assigned to the 10th ABW, USAFA Cadet Wing, and AFOSI. Additionally, cadet-victims are provided cadet-victim support services from private and public organizations located in Colorado Springs.<sup>23</sup>

#### *Medical Services Provided to Cadet-Victims*

Specifically, personnel at the 10th Medical Group (10th MDG) and University of Colorado Health Memorial Hospital Central in Colorado Springs provide medical services to cadet-victims.<sup>24</sup> The medical services offered to cadet-victims are confidential and include sexual assault forensic examinations and medical exams to test the cadet-victim for sexually transmitted diseases, pregnancy, or any other injury that may have occurred during the sexual assault.<sup>25</sup>

#### *Counseling Services Provided to Cadet-Victims*

Additionally, USAFA Cadet Wing chaplains and personnel from the Peak Performance Center, 10th MDG Mental Health Clinic, and the Trust, Education, Safety, Support, and Action (TESSA) office provide counseling services to

<sup>22</sup> DoDI 6495.02, enclosure 6, paragraphs 1h (7) and (15).

<sup>23</sup> [https://www.usafa.edu/app/uploads/Reporting\\_Assault.pdf](https://www.usafa.edu/app/uploads/Reporting_Assault.pdf).

<sup>24</sup> According to University of Colorado Health-Memorial Hospital, the University of Colorado Health Memorial Hospital Central is a Level 1 Trauma Center open 24-hour-a-week, 7-day-a-week. The hospital offers a wide variety of medical services, including aftercare for sexual assault victims.

<sup>25</sup> According to DoDI 6495.01, sexual assault forensic examinations are used by healthcare professionals to find and collect evidence of a sexual assault.

cadet-victims.<sup>26</sup> USAFA Cadet Wing chaplains of various faiths provide confidential counseling to cadet-victims. In addition to USAFA Cadet Wing chaplains, “licensed social workers, psychologists, and behavioral health technicians” assigned to the Peak Performance Center provide counseling services to cadet-victims. Peak Performance Center personnel are “skilled in the unique. . .personal and military challenges” that cadet-victims of sexual assault face at the USAFA.<sup>27</sup>

Furthermore, AFI 44-172, “Mental Health,” November 13, 2015, requires 10th MDG Mental Health Clinic staff to “assess for safety concerns and to develop an initial plan for further assessment and treatment” when a victim of sexual assault calls or walks into the clinic. Mental health clinicians assigned to the 10th MDG Mental Health Clinic provide counseling services to cadet-victims. They assist cadets through “comprehensive, outpatient mental health therapy. . .and medication management. . .”<sup>28</sup>

Finally, cadet-victims have the option to obtain counseling services from TESSA. The 10th MDG Commander established a memorandum of understanding with TESSA, a public community center in Colorado Springs that provides assistance to victims of domestic violence and sexual assault.<sup>29</sup> TESSA operates a 24-hour help line to work with victims to create safety plans, operates a safe house to provide short-term emergency shelter, and provides victim advocacy to help victims with the criminal justice system. TESSA personnel told us that they coordinate with USAFA SAPR personnel and offer services that include individual and group counseling to cadet-victims.

### *Law Enforcement Services Provided to Cadet-Victims*

As discussed earlier in this report, a cadet-victim can choose to make a restricted or unrestricted report of sexual assault. Unrestricted reports of sexual assault require an AFOSI investigation. The AFOSI Detachment 808, located at the USAFA, includes agents who investigate all unrestricted reports of sexual assault at the USAFA.

AFOSI agents that lead an investigation of sexual assault are required to be trained and certified for conducting sexual assault investigations.<sup>30</sup>

DoDI 5505.18 and DoDI 5505.19, “Establishment of Special Victim Investigation

<sup>26</sup> The Peak Performance Center is an internationally accredited college counseling center that offers short-term, individual therapy for a wide spectrum of behavioral health challenges. TESSA is a community center in Colorado Springs that provides assistance to victims of domestic violence and sexual assault and offers cadet-victims counseling services.

<sup>27</sup> <https://www.usafa.edu/cadet-life/cadet-support-services/counseling-and-advising/>.

<sup>28</sup> <https://www.usafa.edu/cadet-life/cadet-support-services/counseling-and-advising/>.

<sup>29</sup> <https://www.tessacs.org/about-us/>.

<sup>30</sup> Section 585(c), “Inclusion in First Responder Training,” of Public Law 112-81, “The National Defense Authorization Act (NDAA) for FY 2012,” December 31, 2011, requires the Secretary of Defense to integrate sexual assault response training in initial and recurring training courses for MCIO investigators.

and Prosecution (SVIP) Capability Within the Military Criminal Investigative Organizations (MCIOs),” February 3, 2015, (Incorporating Change 2, March 23, 2017), identify extensive training and certification requirements.<sup>31</sup> AFOSI agents are required to be trained on sexual assault victims’ rights, reporting options, and how to treat victims with dignity and respect. Furthermore, AFOSI agents are required to be trained on the unique aspects of sexual assault investigations. For example, this includes special investigative techniques for interviewing sexual assault victims, SAPR services, and legal procedures such as contacting an SVC before interviewing a victim.

### *Legal Services Provided to Cadet-Victims*

SVCs provide legal services by representing cadet-victims at the USAFA. SVCs are specially trained Military Service attorneys who are independent of the installation commander’s authority. In addition to their educational training and certification as lawyers, SVCs are required to undergo an extensive training and certification program.<sup>32</sup> SVCs are required to be trained on unique aspects of sexual assaults in order to collaborate extensively with SAPR personnel to facilitate a victim’s welfare, security, and recovery from the sexual assault. Additionally, SVCs are required to be trained to understand the impact of trauma and how it affects a sexual assault victim’s behavior and the memory of a traumatic incident.

An SVC’s ethical duty is to represent a victim of sexual assault, enforcing the victim’s right to safety and privacy as well as the right to be treated fairly during the investigative and legal phases of an unrestricted report of sexual assault. SVCs represent sexual assault victims at law enforcement interviews, trial and defense counsel interviews, pre-trial hearings, and trial proceedings. SVCs also engage with base leaders and other decision makers to ensure “that a victim’s voice and choices are heard.”<sup>33</sup> For example, if a cadet-victim has a concern related to victim support services, the SVC addresses the concern directly with the cadet-victim support service on behalf of the cadet-victim. Furthermore, conversations with the SVC and cadet-victim are protected from disclosure to others by attorney-client privilege. Although SVCs primarily support sexual assault victims who choose unrestricted reporting, SVCs can counsel victims who choose restricted reporting to maintain their anonymity. SVCs represent cadet-victims until the assistance is no longer needed or The Judge Advocate General or a senior supervisory attorney terminates the attorney-client relationship for good cause.

<sup>31</sup> During this evaluation we did not evaluate the type or level of training AFOSI agents received prior to their assignment to the USAFA.

<sup>32</sup> During this evaluation, we did not evaluate the type or level of training SVCs received prior to their assignments to the USAFA.

<sup>33</sup> [https://www.afjag.af.mil/Portals/77/documents/SVC/CLSV\\_Handout\\_2018.pdf?ver=2018-05-16-091142-727](https://www.afjag.af.mil/Portals/77/documents/SVC/CLSV_Handout_2018.pdf?ver=2018-05-16-091142-727)

Additionally, legal services are provided to cadet-victims by the USAFA Office of the Staff Judge Advocate (SJA), specifically the trial counsel, senior trial counsel or Special Victim's Unit-Senior Trial Counsel. The role of these attorneys is to ensure the victims are provided a comprehensive explanation of the military justice process and consulted concerning their specific rights. For victims who have SVC representation, SVCs may also provide this information.

### ***USAFA SAPR Personnel Referred Cadet-Victims to Victim Support Services***

We evaluated DSAID records to determine whether USAFA SAPR personnel referred cadet-victims to victim support services. For each DSAID case, USAFA SAPR personnel recorded the referrals that they made to a SAPR victim advocate and victim support services. Table 1 depicts the number of referrals recorded in DSAID for the cadet-victims who chose to use SAPR or victim support services.

We analyzed the recorded referrals and determined that 79 of the 90 (88 percent) cadet-victims chose referrals to USAFA SAPR personnel or one or more victim support services. For example, as reflected in Table 1 below, we determined that 32 referrals for medical services were made for the cadet-victims. As another example, we determined that 109 referrals for counseling services, which includes mental health providers and chaplains, were made for the cadet-victims.

We determined that for the 11 of the 90 cadet-victims who were not referred to USAFA SAPR personnel or other victim support services that they reported their sexual assault to AFOSI. AFOSI then notified USAFA SAPR personnel of the sexual assault; however, according to the DSAID, the cadet-victims declined any additional SAPR services or victim support services and did not sign the corresponding DD Forms 2910. In instances when a victim reports a sexual assault to law enforcement instead of SAPR personnel, the report of sexual assault becomes an unrestricted report and an official investigation is initiated. Therefore, the need to explain and document the victim's reporting options no longer exists, and a DD Form 2910 is not required. SAPR personnel would then open a case in the DSAID as an "Open with Limited Information" case "to comply with [the law] and to ensure system accountability."<sup>34</sup> As stated above, DoDI 6400.07 requires SAPR personnel to "respect [the] victims' right to make their own decisions about the services" that they want to receive.<sup>35</sup>

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<sup>34</sup> DoDI 6495.02, Enclosure 6, paragraph 1h(22)(c).

<sup>35</sup> DoDI 6495.02, Enclosure 2, paragraph 3a(2)(e).

*Table 1. Number of Cadet-Victims Who Were Referred to SAPR and Victim Support Services.*

Year	Medical	Counseling *	Law Enforcement	Legal Services	Victim Advocate	Total
2015	6	40	22	25	20	113
2016	9	29	6	16	19	79
2017	17	40	19	23	23	122
<b>Total</b>	<b>32</b>	<b>109</b>	<b>47</b>	<b>64</b>	<b>62</b>	<b>314</b>

\* Of the 79 cadet-victims, some cadet-victims were referred to mental health and a chaplain or referred more than once to either type of counselor.

## ***Interviews of USAFA SAPR Personnel***

In addition to evaluating the DD Forms 2910 and the DSAID cases, we interviewed all eight USAFA SAPR personnel that provided SAPR services to cadet-victims and were assigned to the USAFA during the evaluation period. We asked them questions related to SAPR services and cadet-victim support services. Specifically, we interviewed the USAFA SAPR program manager, deputy program manager, program analyst, the USAFA Cadet Wing SARC, deputy SARC, and three SAPR victim advocates. In the following subsections, we discuss the questions that we asked and USAFA SAPR personnel’s response to those questions in more detail.

### ***USAFA SAPR Personnel Described Their Interaction With Cadet-Victims***

We asked USAFA SAPR personnel to describe their interaction with cadet-victims. USAFA SAPR personnel told us that each cadet-victim requires different services based on the cadet-victim’s needs and choices. The personnel told us that when a cadet-victim comes to the USAFA SAPRO seeking support services USAFA SAPR personnel inform each cadet-victim about SAPR services and all of the available victim support services, and that each cadet-victim chooses the victim support services that he or she needs. USAFA SAPR personnel also told us that informing cadet-victims about the available cadet-victim support services helps to empower them to make informed decisions on whether a specific cadet-victim support service will meet their needs.

USAFA SAPR personnel told us that they also provide emotional support to cadet-victims, such as accompanying them to interviews. The personnel told us that sometimes SAPR services means listening to the cadet-victim and being a “sounding board.”

Additionally, USAFA SAPR personnel told us that they have assisted cadet-victims by driving them to cadet-victim support services. For example, one SAPR victim advocate told us that USAFA SAPR personnel would often drive cadet-victims to cadet-victim support services because many cadet-victims did not have an

automobile. He added that the USAFA SAPRO has an assigned government automobile to transport cadet-victims to appointments, and he believed having this ability was an added benefit for the USAFA SAPRO. USAFA SAPR personnel also told us that they conducted a “warm-handoff” with cadet-victim support services providers, which ensured the cadet-victim was directly introduced to cadet-victim support service personnel.

### *USAFA SAPR Personnel Described the Frequency of Their Contact With Cadet-Victims*

We asked USAFA SAPR personnel to describe the frequency of their contact with cadet-victims. USAFA SAPR personnel told us that it is a goal of the USAFA SAPRO to contact cadet-victims at a minimum of one time per month. However, USAFA SAPR personnel told us that they have contact with cadet-victims more frequently than one time per month when the cadet-victim prefers more interaction. USAFA SAPR personnel told us that the cadet-victim dictates the level and frequency of contact and that some cadet-victims are more proactive and seek weekly SAPR services while others would rather conduct a periodic check-in with the USAFA SAPR personnel.<sup>36</sup>

### *USAFA SAPR Personnel and Cadet-Victim Support Service Personnel Described Their Interaction*

Additionally, we asked USAFA SAPR personnel to describe their interaction with the cadet-victim support service personnel. USAFA SAPR personnel told us that the relationship between the USAFA SAPRO and all the cadet-victim support services is positive and healthy. Additionally, USAFA SAPR personnel told us that they coordinate with cadet-victim support services personnel easily.

In addition, we interviewed Peak Performance Center, the 10th MDG Mental Health Clinic personnel, and AFOSI agents. They told us that their relationship with the USAFA SAPRO “has been great.” For example, the Clinic personnel and AFOSI agents recognized individuals of the USAFA SAPRO as very helpful during their interactions and dedicated to supporting cadet-victims.

As another example, one SAPR victim advocate told us that she worked with a number of the USAFA Cadet Wing chaplains who provided excellent cadet-victim support services to cadet-victims. She told us that some cadet-victims have requested a specific chaplain by name because of how well the chaplain connects to the cadets.

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<sup>36</sup> According to DoDI 6495.02, SAPR personnel only use the DD Form 2910 and the DSAID to document their contact with victims. SAPR personnel do not maintain additional documentation about all their contact or the content of their discussions with victims. For example, according to DoDI 6495.02 and AFI 90-6001, SAPR personnel may use the DD Form 2965, “Defense Sexual Assault Incident Database Data Form,” to ensure data-gathering of all required information. However, SAPR personnel are required to destroy the DD Form 2965 once the information has been entered into DSAID. Therefore, we could not verify that SAPR met their goal of contacting cadet-victims monthly.

When we interviewed the chaplains they told us that they interacted with USAFA SAPR personnel on a regular basis. Furthermore, the chaplains told us that the USAFA SAPR personnel promote a positive image of the SAPR office and that USAFA SAPR personnel reach out to cadet-victims.

Additionally, as another example of USAFA SAPR personnel's interaction with cadet-victim support services, USAFA SAPR personnel told us that USAFA SVCs were always accessible, but noted the limitations in the information that they disclosed to USAFA SAPR personnel due to attorney-client privilege. USAFA SAPR personnel told us that the SVCs were "victim centered" and communicated the victim's needs with the USAFA SAPR personnel. Furthermore, USAFA SAPR personnel told us that SVCs are frequently utilized as a conduit between USAFA SAPR personnel and the trial counsel, which USAFA SAPR personnel told us worked well.

When we interviewed the SVC and the paralegal assigned at the USAFA, they told us that they interact with USAFA SAPR personnel frequently because they get "a lot of [their] clients through SAPR referrals." They told us they coordinate closely with USAFA SAPR personnel to ensure cadet-victims receive the proper victim-support services that they need.

### ***Interviews of Air Force Special Victims' Counsel***

SVCs represent victims of sexual assault and provide victims a means of confidential communication that is protected by attorney-client privilege. According to the United States Air Force Special Victims' Counsel Program, SVCs are also responsible for ensuring "that the victim's voice and choices are heard."<sup>37</sup>

Because of the unique relationship between SVCs and cadet-victims, we believe that the SVCs provide critical insight into cadet-victims' experiences with SAPR services and cadet-victim support services. Therefore, we interviewed all seven SVCs who represented cadet-victims at the USAFA from January 1, 2015, to December 31, 2017.<sup>38</sup> We asked them questions related to the USAFA SAPR services and cadet-victim support services that their cadet-clients chose to use.<sup>39</sup>

<sup>37</sup> We neither requested nor were we provided attorney-client privileged information. In all interviews, the SVCs set the parameters of the interview to protect their client's identity and only answered in generalities to protect their clients' confidentiality.

<sup>38</sup> We could only identify seven SVCs who represented cadet-victims at the USAFA from January 1, 2015, to December 31, 2017. The Air Force SVC Program Manager was not able to provide us with a comprehensive list of SVCs who represented cadet-victims at the USAFA during that timeframe. Therefore, we identified the seven SVCs from the AFOSI reports of investigations that we evaluated in Finding B and through interviews of the SVCs to identify additional SVCs that we had not already identified during our evaluation of the AFOSI reports of investigations.

<sup>39</sup> For the purpose of this report, the term cadet-client is used to describe a cadet-victim that was represented by an SVC.

### *SVCs Described Their Cadet-Clients' Experience With Medical Services*

We asked the SVCs to describe how their cadet-clients learned about the USAFA medical services provided by the 10th MDG and the University of Colorado Health Memorial Hospital Central. One SVC told us that his cadet-clients learned of medical services from USAFA SAPR personnel. The SVC also told us that a majority of his cadet-clients did not immediately report their sexual assault. Therefore, medical services were not necessary because of the time elapsed between the sexual assault and the sexual assault report. However, another SVC told us that depending on the circumstances, his cadet-clients utilized medical services because of a need for emergency medical care following the sexual assault. As an example of when a cadet-victim received medical services, the SVC told us that one of his cadet-clients underwent a sexual assault examination and received treatment at the University of Colorado Health Memorial Hospital Central emergency room for injuries that occurred during the sexual assault.

We also asked SVCs to describe discussions they had with cadet-clients regarding the use of various USAFA medical services. The SVCs told us that cadet-clients would talk about the Sexual Assault Nurse Examiner (SANE) nurse, the Sexual Assault Forensic Examination kit, or medications that were prescribed to the cadet-client.<sup>40</sup> Additionally, the SVCs told us that they had routine discussions with the USAFA SJA, USAFA SAPRO, and AFOSI about their cadet-clients' case which included details related to the medical services that their cadet-clients received. One SVC told us that he knew his cadet-clients used medical services because his cadet-clients disclosed this information during their initial discussion.

We also asked SVCs whether cadet-clients expressed any concerns with the USAFA medical services that were provided. All SVCs told us that none of their cadet-clients expressed any concerns related to medical services, and that none of the SVCs had to address any concerns with the 10th MDG or University of Colorado Health Memorial Hospital Central on behalf of a cadet-victim.

### *SVCs Described Their Cadet-Clients' Experience with Counseling Services*

We asked SVCs to describe how their cadet-clients learned about the counseling services provided by the USAFA chaplains, Peak Performance Center, 10th MDG Mental Health Clinic, and TESSA. The SVCs told us that cadet-clients learned of the counseling services from USAFA SAPR personnel and through USAFA

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<sup>40</sup> According to the University of Colorado Health-Memorial Hospital, SANEs are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse.

cadet training.<sup>41</sup> For example, one SVC told us his cadet-client went to the Peak Performance Center for counseling services after the SARC referred the cadet-client. Additionally, the SVC told us that all USAFA cadets receive USAFA chaplain, Peak Performance Center, and 10th MDG Mental Health Clinic contact information and that USAFA leadership encourages all cadets to get counseling and other services following a sexual assault. The SVC also told us that the counseling service information was made public by various means, including social media.<sup>42</sup> Finally, the SVC told us that upon his initial meeting with his cadet-clients, the SVC reviews with the cadet-client a list of all available cadet-victim support services and their locations at the USAFA.

We asked SVCs to describe how they knew their cadet-clients utilized counseling services. The SVCs told us they learned that cadet-clients used the counseling services in a variety of ways. For example, one SVC told us that although she was not required to track the services that her cadet-clients receive, her cadet-clients told the SVC that they used the counseling services at the Peak Performance Center and at the 10th MDG Mental Health Clinic. Another SVC knew that his cadet-client used counseling services because the cadet-client allowed the SVC to view counseling records for court proceedings. In another example, an SVC told us that the use of cadet-victim support services was brought up when the cadet-clients' records were subpoenaed at the request of the cadet-clients during court proceedings. An SVC also told us that she knew cadet-clients used counseling services because at least one of her cadet-clients requested that the cadet-client's own counseling records be released to the SVC and to the discharge board during dismissal proceedings of a sexual assault subject.

We also asked SVCs whether cadet-clients expressed any concerns with the counseling services that they received. The SVCs told us that none of their cadet-clients expressed any concerns related to counseling services. Instead, the SVCs provided positive feedback related to counseling services, such as the counseling services were "very responsive and awesome." For example, one SVC told us that he believed the USAFA chaplains were a good resource for his cadet-client because the cadet-client's faith was important to the cadet-victim. In another example, another SVC told us that when cadet-clients mentioned appointments with a counseling service, the cadet-client would always provide positive feedback.

<sup>41</sup> According to DoDI 6495.02, AFI 90-6001, and the Headquarters, United States Air Force Academy, Office of the Staff Judge Advocate, Sexual Assault Response Guide, January 2017, USAFA cadets receive sexual assault training when they arrive at USAFA that addresses sexual assault awareness, prevention, victim support, and encouragement for victims to come forward and hold perpetrators accountable.

<sup>42</sup> We verified this during our evaluation.

### *SVCs Described Their Cadet-Clients' Experience With Law Enforcement Services*

We asked the SVCs to describe how their cadet-clients learned about the law enforcement services provided by the AFOSI Detachment 808. The SVCs told us that cadet-clients are likely to interact with AFOSI because of AFOSI's responsibility to investigate all unrestricted sexual assault allegations. Two SVCs told us that there were various ways cadet-clients were made aware of AFOSI services, such as USAFA SAPR personnel, commanders, or by the SVCs during their initial meetings with cadet-clients. For example, another SVC told us that he would explain AFOSI's mission, function, and limitations to cadet-clients. The SVC also would inform cadet-clients that if they made an unrestricted report, AFOSI would interview the cadet-client to obtain details related to the sexual assault.

We also asked SVCs to describe how they knew their cadet-clients utilized law enforcement services. The SVCs told us that they knew their cadet-clients used AFOSI services because they accompanied their cadet-clients during interviews with AFOSI or the SVCs discussed the interviews during case updates with AFOSI.

We also asked SVCs whether cadet-clients expressed a concern with the law enforcement services that were provided. The SVCs told us that the cadet-clients had various opinions regarding their experience with AFOSI services. Most SVCs described cadet-client experiences with the AFOSI that were positive. For example, one SVC told us that AFOSI agents were responsive to cadet-clients requests and would provide as much information as they could to the SVC and his cadet-clients, during weekly updates. Another SVC told us that AFOSI agents would build good rapport and were very respectful with the cadet-client prior to discussing sensitive details of the sexual assault. In another example, SVCs told us that several cadet-clients told her that their interaction with AFOSI was not as bad as they had expected. Additionally, an SVC told us that his cadet-client was pleased that AFOSI recorded the cadet-client's interview because the recording was helpful to the cadet-client when preparing for court proceedings.

However, of the seven SVCs we interviewed, two told us about cadet-clients who had concerns with law enforcement services. One cadet-client's concern was related to the length of time of the AFOSI investigation. The second SVC told us that a cadet-client felt that AFOSI did not listen to the cadet-client because the AFOSI agent who interviewed the SVC's cadet-client repeated the same questions at different points during the interview. The second SVC told us that he did not address the concern with AFOSI leadership on behalf of the cadet-client because the

SVC was familiar with the interview process, and the SVC did not feel his cadet-client's concern warranted intervention. The second SVC also told us that another of his cadet-clients was unhappy because of AFOSI's inability to identify a subject.<sup>43</sup>

### *SVCs Described Their Cadet-Clients' Experience With Legal Services*

In addition to the SVCs, the USAFA Staff Judge Advocate (SJA) also interacts with cadet-victims during legal proceedings. We asked SVCs to describe how their cadet-clients learned about the legal services provided by the USAFA SJA. The SVCs told us that cadet-clients learned about USAFA legal services from the SVCs during discussions about the military justice process. The SVCs told us that if their cadet-client's case appeared as if it would go through the judicial system, the SVCs made sure to discuss legal services from the USAFA SJA with the cadet-clients.

We also asked the SVCs to describe their cadet-clients interaction with the USAFA SJA. The SVCs told us that they were with the cadet-clients during meetings with the USAFA SJA. For example, one SVC described one meeting with the USAFA SJA when his cadet-client gave the USAFA SJA the cadet-victim's input regarding the cadet-victim's preference for prosecution of the sexual assault subject and during preparation for court proceedings.<sup>44</sup>

We also asked SVCs whether cadet-clients expressed any concerns with the legal services provided by the USAFA SJA and the SVCs told us that none of the cadet-clients expressed any concerns. Instead, the SVCs told us that cadet-clients were satisfied with their experience with USAFA SJA. For example, an SVC told us that during one meeting with a cadet-client and USAFA SJA personnel, the USAFA SJA personnel informed the cadet-client that they did not "have enough" to go to trial. As a result, the SVC told us that the legal representative recommended seeking a discharge from the Air Force for the subject.<sup>45</sup> According to the SVC, the cadet-client told him that the USAFA SJA personnel did a great job because the subject was discharged for cause from the Air Force with "Under Other Than Honorable" conditions.<sup>46</sup> The SVC told us that the cadet-client was happy with the case results.

<sup>43</sup> Refer to Finding B of this report where we determined that AFOSI exhausted all logical investigative leads.

<sup>44</sup> The current USAFA SVC and paralegal told us that the USAFA SJA uses a memorandum to explain to cadet-victims their victim rights and to memorialize the cadet-victim's preference for prosecution by having the cadet-victim make a choice on the memorandum and sign it.

<sup>45</sup> According to AFI 36-3504, "Disenrollment of United States Air Force Academy Cadets," July 9, 2013, a cadet may be discharged for failure to meet standards; for example, misconduct.

<sup>46</sup> According to AFI 36-3504, "Disenrollment of United States Air Force Academy Cadets," July 9, 2013, a discharge "Under Other Than Honorable Conditions" may occur when "there exists a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of officer candidates."

In another example, an SVC told us that his cadet-client stated that the USAFA SJA personnel were helpful because they listened to the cadet-client's concerns and addressed those concerns. Another SVC told us that in cases that went to trial, his cadet-clients asked them to thank the USAFA SJA personnel for their help even in the cases when the subject was acquitted.

## Conclusion

DoDI 6495.02 requires the Military Services to establish a sexual assault response capability. In the Air Force, AFI 90-6001 requires installation commanders to establish a sexual assault response capability at their installations. At the USAFA, the USAFA Superintendent established a sexual assault response capability, which is implemented by the USAFA SAPRO. DoD and Air Force policy require SAPR personnel to inform cadet-victims of their reporting options and available cadet-victim support services. Furthermore, DoDI 6400.07 and DoDI 6495.02 state that victim support services include medical services, counseling services, law enforcement services, and legal services.

We determined that USAFA provided SAPR services and cadet-victim support services in accordance with DoD and Air Force policy. We found that the USAFA SAPR personnel offered SAPR services and sexual assault reporting options to 90 cadet-victims as required by DoD and Air Force policy. USAFA SAPR personnel referred 79 of the 90 cadet-victims to a SAPR victim advocate or to one or more cadet-victim support services. For the other 11 of the 90 cadet-victims, we determined that they declined SAPR services and referrals to cadet-victim support services.

We also determined that USAFA SAPR personnel offered cadet-victim support service in accordance with DoD and Air Force policy. The SAPR victim advocates stated that they had continuous contact with the cadet-victims and supported cadet-victims by accompanying cadet-victims to interviews, driving cadet-victims to appointments, and conducting "warm hand-offs" to introduce cadet-victims directly to cadet-victim support service personnel.

We determined that the USAFA made cadet-victim support services available to cadet-victims of sexual assault in accordance with DoD and Air Force policy. Specifically, we found that the USAFA offered medical services through the 10th MDG and University of Colorado Health Memorial Hospital Central in Colorado Springs. We also found that the USAFA offered counseling services through the USAFA Cadet Wing chaplains, the Peak Performance Center, the 10th MDG Mental Health Clinic, and TESSA, the public community center. Finally, we found that the USAFA offered law enforcement services and legal services through the AFOSI Detachment 808, the USAFA SVCs, and the USAFA SJA in accordance with DoD and Air Force policy.

Lastly, as stated above, SARCs are required to oversight their staff and assess the “consistency and effectiveness of the SAPR program.” We determined that the USAFA SARC did not have a formal process or system to document contacts and consults with cadet-victims of sexual assault or a means to document any resulting referrals to victim support services for cadet-victims who did not file an official report of sexual assault. This affected the USAFA SARC’s ability to fully assess the time and effort expended on consults and contacts by the staff. Furthermore, the USAFA SARC did not have a definitive way to assess how often this occurred or to document whether a cadet-victim was referred to USAFA victim support services.

## Recommendations, Management Comments, and Our Response

### *Redirected Recommendation*

As a result of management comments, we redirected Recommendation A.1 to the DoD SAPRO Director, who has authority to implement this recommendation across the DoD. This recommendation was originally made to the Air Force SAPRO Director who disagreed with our recommendation stating the recommendation would potentially harm victims of sexual assault and impose an administrative burden on Air Force SAPRO personnel.

### **Recommendation A.1**

**We recommend that the Director of the Department of Defense Sexual Assault Prevention and Response Office develop and institute a process that documents consults or contacts with victims of sexual assault and any resulting referrals to victim support services if those contacts do not result in an official report of sexual assault.**

### *Director of the Department of Defense Sexual Assault Prevention and Response Office Comments*

The DoD SAPRO Director agreed with our recommendation, stating that the DoD SAPRO Director would develop and institute a process that documents consults and contacts with victims of sexual assault and any resulting referrals to victim support services.

### *Our Response*

Comments from the DoD SAPRO Director addressed all specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the DoD SAPRO Director developed and instituted a process to document consults and contacts.

## Finding B

### **AFOSI Agents Generally Responded To and Investigated Reports of Sexual Assault in Accordance with DoD and Air Force Policy**

We evaluated the AFOSI investigative case files for all 16 unrestricted reports of sexual assault at the USAFA that were reported from January 1, 2015 to December 31, 2017. We also evaluated an AFOSI investigative case file for an unrestricted report of sexual assault in December 2014 because the former USAFA SARC stated that AFOSI agents disbelieved the cadet-victim.

We found that AFOSI agents generally investigated sexual assault reports in accordance with DoD and Air Force policy. We concluded that, for the 17 unrestricted reports of sexual assault, AFOSI agents:

- initiated appropriate criminal investigations based on credible information;
- conducted appropriate interviews;
- collected, maintained, and examined all available physical and forensic evidence; and
- closed sexual assault investigations when all logical leads were exhausted according to DoD and AFOSI policy.<sup>47</sup>

### **DoD, Air Force, and AFOSI Requirements for Conducting Investigations of Sexual Assault**

The DoD has established criminal investigative policy to ensure consistent and thorough sexual assault investigations across the DoD and the Military Services. The policy seeks to ensure that law enforcement personnel thoroughly investigate reports of sexual assaults in order to provide commanders with unbiased information in order to “determine appropriate legal or administrative actions.”<sup>48</sup> The policy also seeks to ensure that the investigating agents properly conduct unbiased interviews; collect and preserve evidence; treat victims, witnesses, and subjects with respect; and provide accurate documentation in order to maintain the legal integrity of the investigation.

<sup>47</sup> DoDI 5505.07, “Titling and Indexing Subjects of Criminal Investigations in the Department of Defense,” January 27, 2012, defines credible information as “[i]nformation disclosed or obtained by a criminal investigator that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to lead a trained criminal investigator to presume that the fact or facts in question are true.”

<sup>48</sup> AFOSI Manual 71-122, Volume 1, “Criminal Investigations,” September 28, 2012, (Incorporating Change 6, February 16, 2017).

DoDI 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," March 22, 2017, (Incorporating Change 1, February 13, 2018), states that military criminal investigative organizations (MCIOs) will initiate a criminal investigation in response to all allegations of adult sexual assault that occur within their jurisdiction.<sup>49</sup> DoDI 5505.18 assigns MCIO responsibilities for managing investigations of sexual assaults with adult victims, and requires that all adult sexual assault investigations be conducted thoroughly. It also states that only MCIO agents will conduct the formal interview of the victim and document investigative activity.

In addition to DoDI 5505.18, the Air Force assigns criminal investigative responsibility to the AFOSI through Air Force Mission Directive 39, "Air Force Office of Special Investigations," May 7, 2015. According to Air Force Mission Directive 39, AFOSI is responsible for initiating and conducting criminal investigations including crimes against people such as sexual assault for the Air Force.

The AFOSI maintains its own set of policies, manuals, and handbooks, which are intended to provide investigative and administrative guidance to AFOSI personnel. AFOSI Manual 71-118-O, Volume 4, "General Investigative Methods," April 20, 2009, (Incorporating Change 8, July 7, 2016), establishes guidance for AFOSI personnel to standardize investigative practices and ensure investigative sufficiency across the AFOSI enterprise. For example, it includes guidance for investigative topics such as search authorizations, interview planning considerations, and evidence handling procedures. The guidance for collecting evidence at crime scenes is addressed in AFOSI Manual 71-124, "Crime Scene Manual," July 14, 2014. It is the crime scene processing guide for field investigators.

AFOSI Manual 71-121, "Processing and Reporting Investigative Matters," April 13, 2015, (Incorporating Change 1, June 6, 2016), provides guidance on case file reviews and steps to take to close an investigation. It requires unit leadership to establish a program to ensure that every case file is reviewed monthly. Furthermore, it requires AFOSI Region personnel to "institute an efficient review process that ensures investigative sufficiency" for all sexual assault investigations.<sup>50</sup> Regarding case file closure, AFOSI Manual 71-121 states that "when all required activities are completed. . . , and there are no more logical investigative steps for the investigative file," the file will be considered "investigatively closed." After all investigative steps have been completed, the case agent will complete all administrative requirements and notify the unit leadership that the case file is ready for final closure and archiving.

<sup>49</sup> The allegation(s) must be based on credible information that a crime has occurred.

<sup>50</sup> According to AFOSI, the organization has "seven field investigations regions aligned with the Air Force major commands and has more than 260 subordinate field units around the world comprised of squadrons, detachments and operating locations."

AFOSI Manual 71-122, Volume 1, “Criminal Investigations,” September 28, 2012, (Incorporating Change 6, February 16, 2017), discusses investigative considerations unique to the criminal violations that AFOSI agents investigate. In section 1.1.1., it states that “AFOSI commanders, directors, and special agents in charge (SAC) must ensure that all investigations are conducted in a fair, impartial, and thorough manner.” Furthermore, it states that “all investigations [must be] . . . consistent with the standards prescribed in [the] . . . manual, as well as other Air Force and AFOSI publications.” It also requires that AFOSI agents “use ethical and legal techniques to gather information proving or disproving allegations of criminal activity and identifying criminal suspects.”

## Evaluation of AFOSI’s Investigations

### ***AFOSI Investigations of Unrestricted Reports of Sexual Assault***

We evaluated 16 unrestricted adult sexual assault investigations at the USAFA that were opened on or after January 1, 2015, and closed on or before December 31, 2017, to determine whether the AFOSI conducted and completed the investigations as required by DoD and AFOSI policy.<sup>51</sup> We evaluated the investigative files of each of the 16 unrestricted sexual assault investigations and compared them to the requirements in DoD and Air Force policies for conducting sexual assault investigations. We reviewed each of the 16 AFOSI investigative case files to determine whether AFOSI agents initiated investigations of sexual assault; interviewed victims and all appropriate witnesses; responded to all identified crime scenes; and collected, maintained, and examined physical and forensic evidence. Additionally, we verified that the AFOSI did not close the adult sexual assault investigations until all logical investigative leads were exhausted.

Based on our investigative file review, we determined that AFOSI initiated sexual assault investigations once they were made aware of a report of sexual assault. Additionally, the AFOSI agents either interviewed the cadet-victim who was reporting a sexual assault or they interviewed a second party who had reasonable knowledge to believe that a sexual assault may have occurred.

Furthermore, we determined that AFOSI agents also interviewed appropriate witnesses and purported offenders in order to prove or disprove that a crime occurred and the AFOSI agents conducted additional interviews in order to obtain more information or to clarify an inconsistency. We also found that in some of the secondary interviews that AFOSI agents determined were necessary, the person being interviewed provided the AFOSI agents enough information which prompted the AFOSI agents to conduct additional logical investigative steps.

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<sup>51</sup> We also evaluated an AFOSI investigative case file for an unrestricted report of sexual assault that occurred in December 2014 because the former USAFA SARC stated that AFOSI agents disbelieved the cadet-victim. We discuss this evaluation in the next section.

We also determined that the AFOSI agents responded to all identified crime scenes and collected, maintained, and examined physical and forensic evidence in order to establish what may have taken place during the reported sexual assault. For example, the AFOSI agents collected the victim's clothing, took photographs, and obtained medical records if a victim was examined at a hospital. Once the AFOSI agents collected these items, they submitted the appropriate items to the Defense Forensic Science Center for analysis.<sup>52</sup> The AFOSI agents also collected cellular telephone data such as call logs and text messages, which they reviewed to corroborate or disprove the report.

As a result of our evaluation, we concluded that for all 16 unrestricted sexual assault investigations AFOSI agents initiated and completed appropriate investigations; conducted appropriate interviews; and collected, maintained, and examined physical and forensic evidence. Additionally, we determined AFOSI agents closed the unrestricted sexual assault investigations when all logical investigative leads were exhausted in accordance with DoD and AFOSI policy.

### ***The Former USAFA SARC's Assertion That AFOSI Agents Disbelieved Cadet-Victims of Sexual Assault and Prematurely Closed Two Sexual Assault Investigations***

A CBS News "This Morning" investigation into the USAFA SAPR Program reported in December 2017 that more than a dozen current and former cadets told of being retaliated against by their commanders and peers after reporting sexual assault. Additionally, during the broadcast, a former USAFA SARC highlighted two specific reports of sexual assault in December 2014 and January 2015, stating that USAFA leadership tried to cover up the reports and that AFOSI agents prematurely closed their investigations because the agents disbelieved the cadet-victims.

Because of the former USAFA SARC's assertion, and the subsequent Congressional requests, we evaluated both of the AFOSI investigations, commonly referred to as the Falcon Trail investigations.<sup>53</sup> The two reports, approximately one month apart, were very similar although one was outside the time-frame of our evaluation period.

<sup>52</sup> According to the US Army Criminal Investigation Command (USACIDC), on November 13, 2013, Headquarters, USACIDC Permanent Order 317-1 "redesignated the U.S. Army Criminal Investigation Laboratory, known as the USACIL, to the Defense Forensic Science Center," which is comprised of more capabilities than just the U.S. Army Criminal Investigation Laboratory." The Defense Forensic Science Center's mission is to provide "full-service forensic support (traditional, expeditionary and reachback) to Army and DoD entities worldwide; to provide specialized forensic training and research capabilities; to serve as executive agent for the DoD Convicted Offender DNA Databasing Program; and to provide forensic support to other Federal departments and agencies when appropriate." The USACIL, the Forensic Exploitation Directorate, and the Office of Quality Initiatives and Training make up the Defense Forensic Science Center.

<sup>53</sup> According to the USAFA, the Falcon Trail is a 13-mile unimproved trail located on the ground of the USAFA that is open year round to hikers. <https://www.usafa.edu/visitors/hiking-biking-trails/> The installation security forces are primary first responders for the trail. The January 2015 Falcon Trail case is also one of the 16 unrestricted sexual assault investigations that we evaluated in the previous section of this report.

We evaluated both reports to determine the validity of the USAFA SARC's assertions and to determine whether AFOSI conducted investigations in accordance with DoD and AFOSI policy. We found that AFOSI performed investigative activities such as conducting interviews; collecting, maintaining, and examining physical and forensic evidence; and reviewing pertinent electronic data. We reviewed victim and witness interviews and documentation of physical evidence collected from the scenes and the forensic medical facilities. We evaluated whether AFOSI exhausted all logical leads in order to close the cases. Additionally, we reviewed the AFOSI agents' notes in both investigative files to verify that the proper investigative steps were taken prior to closure.

We found that AFOSI agents conducted interviews not only with the cadet-victims, but with everyone who reasonably could have had involvement in or knowledge of the incidents, such as fellow cadets, cadet-leaders, and medical personnel. AFOSI agents interviewed approximately 53 people during the December 2014 investigation and 39 people during the January 2015 investigation. None of the witnesses were physically present during the reported sexual assault and could not provide any information pertaining to direct knowledge of the incident; nor could they identify a potential suspect.

We also observed the video recorded interviews of the cadet-victims in the two AFOSI Falcon Trail investigations. We concluded that the AFOSI agents treated the victims with dignity and respect, and that the agents did not exhibit any indications of disbelief, as alleged in the CBS television show. When the physical evidence obtained contradicted the testimony of an interviewee or AFOSI agents thought a witness could provide additional details, the AFOSI agents used advanced interviewing techniques, such as clarification and cognitive interviews, to explain the contradiction or obtain greater detail. When the AFOSI agents discovered any inconsistent information, they attempted to clarify the discrepancy with additional investigative steps. The AFOSI agents told us that they approached the interviews and investigations no differently than they would any other report of sexual assault and that they had no preconceived opinions about the investigations.

The AFOSI agents also examined multiple scenes and collected several items of physical evidence for each investigation. Additionally, the AFOSI agents examined cellphone data, reviewed surveillance videos in proximity to the scene, performed reenactments, and coordinated with local law enforcement to ascertain whether similar crimes had occurred in the surrounding area of Colorado Springs. Furthermore, AFOSI agents collected both cadet-victims' Sexual Assault Forensic Examination kits, which the agents submitted to the Defense Forensic Science Center for analysis to try to identify suspects.

Throughout the investigations, the AFOSI Detachment Commander conducted monthly reviews of both Falcon Trail investigations in order to monitor investigative sufficiency. Additionally, as required by AFOSI Manual 71-121, a subject matter expert at the AFOSI Region level conducted reviews of both investigations and recommended several additional investigative steps that AFOSI agents conducted.<sup>54</sup> When all investigative leads were exhausted and investigative activity had concluded, the Detachment Commander authorized the AFOSI agents to close the investigations.

## Conclusion

We concluded that AFOSI agents generally complied with DoD and AFOSI policy in the 16 investigations we evaluated as well as the December 2014 AFOSI Falcon Trail investigation. We determined that for all 17 reports, AFOSI agents initiated appropriate investigations, conducted interviews, collected physical and forensic evidence, and closed investigations when all logical investigative leads were exhausted.

We did not substantiate the assertion that AFOSI agents did not investigate the two reports alleging sexual assault at the Falcon Trial because they disbelieved the two cadet-victims. We determined that the AFOSI agents employed appropriate investigative techniques and conducted appropriate investigations in both sexual assault investigations. During our evaluation of both sexual assault investigations, the AFOSI agents did not display any indication that they disbelieved either of the cadet-victims' report of sexual assault. The AFOSI agents used appropriate investigative steps and techniques and exhausted all logical leads in accordance with DoD and AFOSI policy. Finally, both sexual assault investigations were closed as unsolved in accordance with DoD and AFOSI policy. Should additional investigative leads be developed the investigations will be reopened and identified investigative leads will be pursued to their logical conclusion.

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<sup>54</sup> According to AFOSI, an AFOSI Detachment is a geographically separated field office under the operational control of a regional headquarters. In the case of AFOSI Detachment 808, the regional headquarters was the 8th Field Investigations Region, located at Peterson AFB, CO. <https://www.osi.af.mil/About/Fact-Sheets/Display/Article/349945/air-force-office-of-special-investigations/>

## Finding C

### **USAFA Commanders and Decision Makers Did Not Retaliate Against Cadet-Victims by Disenrolling Them from the USAFA for Reporting Sexual Assault**

We evaluated the personnel and cadet records for the eight cadet-victims who were disenrolled from the USAFA from January 1, 2015, to December 31, 2017, to determine whether the disenrollments were reprisal against cadet-victims for reporting a sexual assault.

We concluded that USAFA commanders and decision makers did not retaliate against the eight cadet-victims for reporting sexual assault and that the disenrollments were conducted in accordance with DoD and Air Force policy.

To determine whether USAFA commanders and decision makers retaliated against cadet-victims by disenrolling them for reporting a sexual assault, we evaluated all personnel and cadet records related to disenrollments of the eight cadet-victims. We searched for reports of reprisal with Air Force and DoD Inspectors General, and we interviewed attorneys assigned as Air Force special victims' counsel.

### **USAFA Requirements for Disenrollment**

AFI 36-3504, "Disenrollment of United States Air Force Academy Cadets," July 9, 2013, and Headquarters USAFA Instruction (USAFAI) 36-3504, "Disenrollment of United States Air Force Academy Cadets," July 7, 2017, provide procedural guidance for disenrollment of cadets who fail to meet USAFA standards.<sup>55</sup> Cadets are disenrolled when the Secretary of the Air Force or the Secretary's designee determines that a cadet is not qualified for commissioning and that commissioning the cadet is not in the best interest of the Air Force.

USAFAI 36-3504 states that a cadet may voluntarily disenroll, for any reason, at the cadet's own discretion. Additionally, the USAFA Superintendent may involuntarily disenroll a cadet when the cadet is deficient in a USAFA program area. Deficiencies can occur in conduct, aptitude, training, academics, or physical fitness.<sup>56</sup> The USAFA Superintendent may also involuntarily disenroll cadets who

<sup>55</sup> USAFAI 36-3504 also provides the processes for suspension, transfer, and discharge.

<sup>56</sup> USAFAI 36-3504 defines deficiency in aptitude as a low military performance average such as military performance evaluation, conduct score, cadet peer evaluations, professional knowledge reviews, and officer attribute assessments along with the failure to adapt to the military environment, failure to make satisfactory progress in required training programs, reluctance to make effort necessary to meet Air Force standards of conduct and duty performance, lack of self-discipline, and failure to meet Air Force commissioning fitness assessment or weight standards.

fail probation in a program area. Further, cadets may be involuntarily disenrolled if a medical professional determines that they are medically unfit or unsuited for military service.<sup>57</sup>

### ***Cadet Disenrollment Process***

The three-step disenrollment process requires significant input from USAFA commanders and other decision makers as well as legal review before the USAFA Superintendent decides to retain or disenroll the cadet. The Dean of Faculty and Athletic Director are initiating authorities for academic and physical fitness issues. The Group AOC, Vice Commandant, or Commandant of Cadets are initiating authorities for such matters as discipline, military aptitude, and medical disqualification. The Director, Honor is effectively the initiating authority for honor code violations.<sup>58</sup> The first tier examines the cadet's situation to determine if a retention decision, probation, or disenrollment recommendation is warranted. If the first tier recommends disenrollment, the recommendation is forwarded for review by the USAFA Commandant of Cadets, who is the second tier.

The USAFA Commandant of Cadets reports directly to the USAFA Superintendent and exercises "administrative and operational control of all USAFA cadets."<sup>59</sup> If the initiating authority recommends disenrollment, the USAFA Commandant of Cadets decides to retain the cadet, orders probation, or recommends disenrollment. A disenrollment recommendation is elevated to the USAFA Superintendent, who is the third tier and the final decision authority for cadet disenrollment. The USAFA Superintendent is responsible for the overall operation of the USAFA.

Throughout the process, an attorney in the USAFA Office of the Staff Judge Advocate performs a legal review of the disenrollment action. The attorney reviews all recommendations, supporting documentation, and any documents submitted by the cadet to ensure that the USAFA commanders and decision makers have complied with DoD and Air Force policies. The attorney forwards the disenrollment recommendation to the USAFA Superintendent. According to AFI 36-3504, the USAFA Superintendent, as the Secretary of the Air Force's designee, is the final approving authority for all disenrollments, separations,

<sup>57</sup> According to DoDI 1332.18, "Disability Evaluation System (DES), August 5, 2014, (Incorporating Change 1, May 17, 2018), "[a] Service member will be considered 'unfit' when the evidence establishes that the member, due to disability, is unable to reasonably perform duties of his or her office, grade, rank, or rating, including those during the remaining period of Reserve obligation." According to AFI 48-123, "Medical Examinations and Standards," November 5, 2013, "[d]isorders that are 'unsuited' for or interfere with military service are managed administratively through the . . . chain of command."

<sup>58</sup> According to USAFAI 36-3504, the USAFA has committees that evaluate and may make recommendations on cadet deficiencies. The committees include the academic review committee, physical education review committee, and summer training review committee. The Honor Review Committee is a cadet lead committee that ensures enforcement of the USAFA honor code according to USAFAI 36-3535, "USAFA Honor Review Committee," January 4, 2012 and the Air Force Cadet Wing Honor Code Reference Handbook.

<sup>59</sup> HQ United States Air Force Academy Mission Directive 3, "Commandant of Cadets," July 18, 2018.

transfers, and discharges. The USAFA Superintendent can retain a cadet when he or she disagrees with the recommendation for disenrollment made by the USAFA Commandant of Cadets.

As an alternative to disenrollment, the USAFA Superintendent can authorize a cadet to participate in the USAFA Cadet Turnback Program.

### ***The Cadet Turnback Program***

USAFI 36-2007, "Application For and Administration of Cadet Turnback Program," April 18, 2007, established the Cadet Turnback Program to assist USAFA cadets who encounter a temporary hardship. The Cadet Turnback Program is an alternative to permanently disenrolling a USAFA cadet and must be approved by the USAFA Superintendent. It allows a cadet to temporarily leave the USAFA for a period of time with the understanding that the cadet will return to the USAFA when the cadet has resolved the issue affecting the cadet's ability to complete USAFA graduation and Air Force commissioning requirements. The USAFA Cadet Turnback Program is intended to prevent resignations of cadets.<sup>60</sup>

We interviewed military and civilian personnel assigned to the USAFA offices responsible for making recommendations to disenroll cadets to gain an understanding of the support that USAFA commanders and decision makers offered cadet-victims. For example, the Director of Operations for the Office of the Registrar told us that USAFA commanders and decision makers want cadets to graduate because the USAFA has invested so much time and money in them and that USAFA commanders and decision makers encourage cadet-victims to take advantage of the Cadet Turnback Program. Two of the eight cadet-victims that were disenrolled applied for and were approved to participate in the Cadet Turnback Program. One of the eight cadet-victims that was disenrolled applied for and was denied the opportunity to participate in the Cadet-Turnback Program. Another one of the eight cadet-victims was encouraged to enter the Cadet Turnback Program, but the cadet-victim declined to participate.

### ***USAFA Mental Health Services for Cadet-Victims***

The USAFA leadership and SAPR personnel offer cadet-victims assistance through victim support services, such as the Peak Performance Center and the 10th MDG Mental Health Clinic.

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<sup>60</sup> According to USAFAI 36-2007, the cadet initiates the Cadet Turnback Program process. The cadet must obtain the recommendation of the AOC, Group AOC, and USAFA Commandant of Cadets based on the totality of the circumstances and the cadet's likelihood of returning and completing graduation and commissioning requirements. The USAFA Superintendent may approve or disapprove the request. The USAFA Superintendent is the approval authority for the Cadet Turnback Program.

The Peak Performance Center partners with the 10th MDG, which operates the installation medical treatment facilities, including the 10th MDG Mental Health Clinic.<sup>61</sup> The Peak Performance Center functions like a university and college counseling center that operates under the Standards for University and College Counseling Services and operational Air Force mental health policies.<sup>62</sup> Peak Performance Center counselors are licensed social workers and licensed clinical psychologists who are subject to their accrediting body's ethical principles and codes of conduct and state licensing requirements.<sup>63</sup>

Cadets voluntarily go to the Peak Performance Center for counseling; commanders cannot direct cadets to go to the Peak Performance Center for counseling. If a commander directs a mental health evaluation, the cadet must go outside of the academic environment to the 10th MDG Mental Health Clinic. Additionally, the Peak Performance Center refers cadets to the 10th MDG Mental Health Clinic when a cadet requires more than 12 to 15 counseling sessions or the Peak Performance Center determines that the cadet is outside the scope of care, such as "suicidal or homicidal ideations, substance abuse or dependence and diagnoses believed to be unsuited or unfitting for military service."

Like other military healthcare facilities, the Peak Performance Center has procedures for counselors to refer a cadet-victim to the SAPR program to make an official restricted or unrestricted report of sexual assault. However, the Peak Performance Center will not turn away a cadet from mental health treatment when that cadet does not want to make an official report to the USAFA SAPR personnel. When that occurs, according to AFI 90-6001, the Peak Performance Center counselor would notify the SARC of the disclosure of a sexual assault and encourage the cadet-victim to officially report the sexual assault. However, neither the Peak Performance Center counselor nor the SARC can compel the cadet-victim to make an official report of sexual assault. Therefore, if the cadet-victim refuses to meet with USAFA SAPR personnel and complete a DD Form 2910, the cadet-victim's disclosure would remain confidential and would not be reported as an official report of sexual assault.

The 10th MDG Mental Health Clinic treats cadets who are beyond the scope of the Peak Performance Center. The 10th MDG Mental Health Clinic clinicians provide comprehensive mental health services to cadets. They assist cadets through

<sup>61</sup> According to Headquarters United States Air Force Academy Mission Directive 1, "10th Air Base Wing," July 18, 2018, the 10th MDG is a subordinate unit to the 10th ABW, which is the host organization responsible for nonacademic operations and maintenance of the USAFA installation such as medical services, security, civil engineering, and aircraft maintenance. The 10th ABW has no authority in the USAFA academic environment. The 10th ABW Commander is subordinate to the USAFA Superintendent.

<sup>62</sup> USAFA Operating Instruction 44-102, "Peak Performance Center (PPC) Counseling Procedures," August 1, 2017.

<sup>63</sup> USAFA Operating Instruction 44-102, "Peak Performance Center (PPC) Counseling Procedures," August 1, 2017, and AFI 44-119, "Medical Quality Operations," August 16, 2011.

“comprehensive, outpatient mental health therapy. . .and medication management.”<sup>64</sup> According to AFI 44-172, “Mental Health,” November 13, 2015, “mental health providers assess each service member that goes to mental health clinic for safety and ability to perform their duty with each encounter.” AFI 44-172 states that “[i]f a victim of sexual assault. . .calls or walks into the clinic, [Mental Health Clinic staff] should. . . immediately. . . assess. . . [the victim] for safety concerns and develop an initial plan for further assessment and treatment.”

AFI 44-172 also states that mental health providers should document in the mental health record acute complaints, pertinent historical data, findings, treatment, and follow-up care. The mental health provider may identify and diagnose a cadet with a condition that makes the cadet unfit or unsuited for duty. If the diagnosis indicates that the cadet is unsuited for continued military service the mental health provider notifies the cadet’s commander who may retain the cadet or take administrative action under AFI 36-3504. If the diagnosis indicates that the cadet is unfit for continued military service, the mental health provider initiates the medical evaluation board (MEB) process and the MEB enters the cadet into the Disability Evaluation System (DES) in accordance with AFI 36-3504 and DoDI 1332.18, “Disability Evaluation System (DES),” August 5, 2014, (Incorporating Change 1, May 17, 2018).

The DES ensures that the cadet is fully evaluated to determine if the cadet is fit to serve in the military by subjecting the cadet to a MEB process. AFI 36-3212, “Physical Evaluation for Retention, Retirement, and Separation,” February 2, 2006, (Incorporating Change 2, November 27, 2009), establishes the requirement for an MEB to consider the medical or mental health of a service member when the service member’s suitability for continued service is questioned. The rules for the MEB are contained in AFI 48-123, “Medical Examinations and Standards,” November 5, 2013. Generally, a cadet’s attending physician performs the medical examination, makes the diagnosis, and initiates the MEB process by referring the case to the MEB. Medical officers on the MEB, who were not previously involved in the care of the military member, review the case and make a recommendation to the Physical Evaluation Board (PEB) whether the cadet should be returned to duty, disenrolled, or retired using the medical standards for continued military service. According to AFI 36-3212, the PEB liaison officer ensures the case is “complete, accurate, and fully documented,” and counsels the cadet on his or her “rights in the disability process.” The PEB also makes the final determination to retain,

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<sup>64</sup> <https://www.usafa.edu/cadet-life/cadet-support-services/counseling-and-advising/>.

disenroll, or retire the cadet. For example, PEB's determinations may result in the cadet being placed on the Temporary Disabled/Retired List (TDRL) or permanently retired at the end of the DES process.<sup>65</sup>

## Evaluation of Cadet-Victims' Disenrollments

To determine whether USAFA commanders and decision makers retaliated against cadet-victims by disenrolling them for reporting a sexual assault, we evaluated all personnel records related the disenrollments of cadet-victims.

To identify the cadet-victims who were disenrolled after making a report of sexual assault, we identified cadet-victims who made a report of sexual assault with the USAFA SAPRO records. We then compared those records to records maintained by the USAFA Registrar's office. From this, we identified eight cadet-victims who were disenrolled from the USAFA after reporting sexual assaults. Of these eight cadet-victims we determined that five cadet-victims reported sexual assaults that occurred prior to entering the USAFA and were unrelated to military service.

### ***Four Disenrolled Cadet-Victims Made Restricted Reports***

A restricted report of sexual assault is one of the two report types available to victims who report sexual assault through the USAFA SAPRO. A restricted report allows SAPR personnel to provide the victim immediate, in-person support just like victims who use the unrestricted reporting option. However, a restricted report prevents SAPR personnel from notifying the command or AFOSI and shields the victim's identity from commanders and law enforcement. A restricted report may become an unrestricted report if the identity of the victim is compromised either by the victim or a third party. Because of the nature of the policy regarding restricted reports and the strict requirement to protect the identity of victims who made restricted reports of sexual assault, USAFA commanders and decision makers would more than likely not have known about the sexual assault when determining whether to disenroll the cadet-victim from the USAFA. During our review of disenrollment records maintained by the USAFA Registrar's Office, we did not observe any record of a cadet-victim's sexual assault.

We found that four of the eight cadet-victims made restricted reports prior to disenrollment. The following is a brief description of each of the eight cadet-victims and the circumstances related to the disenrollment of each.

<sup>65</sup> The TDRL is used when the cadet would be qualified for permanent disability retirement but for the fact that the cadet's disability is not determined to be of a permanent nature and stable. Once the disability is stabilized and can be evaluated, the cadet may be permanently retired or returned to duty. A disability rating over 80 percent does not require the TDRL designation and the cadet will result in permanent retirement.

Cadet Victim 1 (CV1) was involuntarily disenrolled for disciplinary reasons. CV1 had a history of misconduct prior to the report of sexual assault. CV1 was the alleged offender in two AFOSI sexual assault investigations involving three other cadet-victims. CV1 also was investigated by AFOSI for illegal drug use. Additional misconduct included underage drinking, providing alcohol to minors, and unprofessional relationships with underclass cadets prior to the sexual assault report. While being investigated by AFOSI as an alleged sexual assault offender, CV1 made a restricted report of sexual assault. The USAFA Commandant of Cadets began the involuntary disenrollment process for CV1 following the closure of the two AFOSI sexual assault investigations and for illegal drug use. The USAFA Superintendent agreed with the disenrollment recommendation because of the illegal drug use.

Cadet Victim 2 (CV2) was involuntarily disenrolled for medical reasons. CV2 did not have any documented reprimands or probations prior to the restricted report. In the months following the sexual assault report, CV2 was placed on conduct and aptitude probations and entered the weight management program. There are no indications in CV2's record that indicate the USAFA commanders and decision makers knew of the restricted report of sexual assault. The USAFA initiated an MEB for mental health concerns. During the MEB, CV2 participated in the Cadet Turnback Program pending the decision of the MEB. An PEB, independent of the USAFA, determined that the cadet-victim was unfit for duty because of the mental health concerns. As a result, the USAFA disenrolled and medically retired CV2. Although CV2's mental health concerns may have been as the result of the sexual assault, USAFA commanders and decision makers authorized readmission of CV2 to the USAFA if the medical issue was resolved before CV2 reached the maximum age of admission.

Cadet Victim 3 (CV3) was involuntarily disenrolled for an academic failure. Prior to the report of sexual assault, CV3 was placed on two semesters of academic probation.<sup>66</sup> The Academic Review Committee determined that CV3 had a very low grade point average (GPA), with multiple failures in core classes, despite having participated in additional study programs and tutoring. The Academic Review Committee concluded that CV3 was unlikely to improve and recommended CV3 for disenrollment. During the disenrollment process, CV3 made a restricted report of sexual assault and requested to participate in the Cadet Turnback

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<sup>66</sup> According to DoDI 1322.22, "Service Academies," September 24, 2015, to be eligible to attend a Service academy the applicant must "not have passed their 23rd birthday on July 1 of the year of entry into an academy."

Program. CV3's request to participate in the Cadet Turnback Program was disapproved by the USAFA Superintendent who agreed with the disenrollment recommendation because of the academic failures and low GPA.<sup>67</sup>

Cadet Victim 4 (CV4) was voluntarily disenrolled for a personal reason. CV4 attended only basic cadet training at the USAFA and did not complete an academic semester.<sup>68</sup> During basic cadet training, CV4 entered the weight management program, failed physical and aerobic fitness tests, and was identified with mental health concerns. CV4 then made a restricted report of sexual assault for an assault that allegedly occurred when the cadet-victim was a civilian and before CV4 entered the USAFA. After the sexual assault report, USAFA SAPR personnel referred CV4 for services to a victim advocate and mental health and cadet medical clinics. The USAFA initiated an involuntary disenrollment because of the mental health concerns that were identified prior to the report of sexual assault. CV4 preempted the involuntary disenrollment process by voluntarily disenrolling from the USAFA for personal reasons.

### ***Four Disenrolled Cadet-Victims Made Unrestricted Reports***

We found that four of the eight cadet-victims made unrestricted reports prior to disenrollment. Unrestricted reports allow SAPR personnel to provide the victim immediate, in-person support. Unrestricted reports also require command and AFOSI notification, resulting in a criminal investigation or monitoring of a civilian criminal investigation involving a cadet-victim or law enforcement referral if the reported sexual assault happened before the cadet entered the USAFA.

Cadet Victim 5 (CV5) was involuntarily disenrolled for a medical reason. CV5 had a history of physical and mental health concerns and was reprimanded for physical fitness and aptitude deficiencies prior to the report of sexual assault. The USAFA offered CV5 the opportunity to participate in the Cadet Turnback Program prior to the report of sexual assault; however, CV5 declined. The USAFA initiated an MEB because of the mental health concerns. During the MEB, CV5 made an unrestricted report of sexual assault. The PEB determined that the CV5 was unfit for duty. CV5 appealed the PEB decision. However, the PEB decision was upheld by the Secretary of the Air Force. As a result, the USAFA involuntarily disenrolled CV5.

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<sup>67</sup> According to USAFAI 36-3504 and USAFAI 36-3523, "Review and Disposition of Deficient Cadets," February 22, 2012, (Incorporating Change 1, November 30, 2012), probation is a rehabilitative process assigned to a cadet who has failed to meet program requirements. The authority assigning probation establishes a set of conditions the cadet must meet within a specific timeframe in order to return to good standing. The requirements vary depending on the circumstances and are tailored to facilitate the cadet's success in the failed program. Probation may be assigned for failures in Academics, Athletics, Conduct, Aptitude, and Honor programs. Failure to complete probation requirements may result in disenrollment.

<sup>68</sup> According to USAFA, Basic Cadet Training is a rigorous six week training program in the summer before the cadet's first academic semester. The program is an immersive experience to acclimate the cadet to military life, customs and courtesies, cadet honor code, Air Force heritage, teamwork, and physical training.

USAFA commanders and decision makers authorized readmission of CV5 to the USAFA if the medical issue was resolved before CV5 reached the maximum age of admission.

Cadet Victim 6 (CV6) was voluntarily disenrolled for personal reasons. CV6 was on academic, athletic, and military probation prior to reporting the sexual assault. CV6 made an unrestricted report of sexual assault that allegedly occurred before CV6 entered the USAFA. After the sexual assault report, USAFA SAPR personnel referred CV6 for services to a victim advocate, chaplain, special victims' counsel, mental health clinic, cadet medical clinic, and the DoD SAFE Helpline. CV6 continued on academic and athletic probations. The AOC advised CV6 to consider the Cadet Turnback Program to lose weight, improve fitness, and resolve the athletic probation; however, CV6 declined. The USAFA initiated an involuntary disenrollment because of the athletic probation. CV6 preempted the involuntary disenrollment process by voluntarily disenrolling from the USAFA for personal reasons.

Cadet Victim 7 (CV7) was voluntarily disenrolled for personal reasons. CV7 failed basic cadet training. As a result, the USAFA Commandant of Cadets recommended CV7 for disenrollment, but the USAFA Superintendent chose to retain CV7. CV7 was on aptitude, athletic, and conduct probation prior to CV7's report of sexual assault that allegedly occurred before CV7 entered the USAFA. After CV7's report of sexual assault, USAFA SAPR personnel referred CV7 for services to a victim advocate, chaplain, special victims' counsel, mental health clinic, and the DoD SAFE Helpline. USAFA commanders and decision makers also offered CV7 the opportunity to participate in the Cadet Turnback Program; however, CV7 declined. CV7 voluntarily disenrolled from the USAFA one month after the sexual assault report.

Cadet Victim 8 (CV8) was involuntarily disenrolled for a disciplinary reason. CV8 had a history of disciplinary problems, such as honor code violations including theft of property, plagiarism, and academic cheating prior to the report of sexual assault. Additional disciplinary problems included insubordination, speeding tickets, driving without a license, and missed USAFA appointments. USAFA Commandant of Cadets recommended CV8 for disenrollment for failure to complete conduct and aptitude probation requirements. However, the USAFA Superintendent chose to retain CV8. After the retention decision, CV8 failed an academic course and incurred additional traffic violations for speeding and driving without a license. CV8 then made an unrestricted report of sexual assault for an assault that allegedly occurred before CV8 entered the USAFA. Following the report of sexual assault, CV8 was identified for additional honor code violations, including a second incident of academic cheating and a second incident of theft of property. CV8 also missed military duties, classes, and mandatory formations.

CV8 was placed on conduct and aptitude probations and did not complete the mandatory probation requirements, such as journal entries and counseling sessions. The USAFA Honor Court, the Group AOC, and the Cadet Summer Research Program all recommended disenrollment of CV8.

The USAFA initiated an MEB for CV8 for mental health concerns. CV8 then requested to participate in the Cadet Turnback Program. To limit CV8's stressors during the MEB process, the USAFA Superintendent approved CV8's participation in the Cadet Turnback Program pending the outcome of the MEB. The MEB concluded that CV8 did not have any mental health condition warranting disenrollment.

During the course of the MEB, CV8 made a complaint to a Congressman alleging that the disciplinary actions, disenrollment recommendation, and MEB referral by USAFA leaders constituted reprisal for filing a sexual assault complaint. The Congressman forwarded CV8's complaint to the USAFA IG. The USAFA IG forwarded the complaint to the DoD OIG Office of Whistleblower and Reprisal Investigation (WRI). The DoD OIG WRI determined that CV8's allegation of reprisal through mistreatment and hostile actions by CV8's AOC and other staff was not sufficiently supported by evidence. The DoD OIG WRI determined that the demerits, probations, and other disciplinary actions taken by CV8's AOC and the USAFA Commandant of Cadets' actions to discipline CV8 were supported by sufficient evidence. The DoD OIG WRI determined that CV8 received the appropriate due process. Furthermore, the DoD OIG WRI determined that CV8's allegation of reprisal by the USAFA Superintendent by involuntarily separating CV8 was not supported by the evidence.

When the MEB was complete, the Commandant of Cadets resumed CV8's disenrollment process for CV8's multiple honor code violations. Ultimately, based on the previous recommendations from the USAFA Honor Court, the Group AOC, and the Cadet Summer Research Program Committee, the USAFA Superintendent involuntarily disenrolled CV8.

### ***Complaints of Reprisal***

The Inspector General of the Air Force is responsible for independently assessing the readiness, discipline, and efficiency of the Air Force. The Air Force IG Complaints Resolution Program, as stated in AFI 90-301, "Inspector General Complaints Resolution," August 27, 2015, is a leadership tool used to help the commander "create . . . an atmosphere of trust in which issues can be objectively and fully resolved without retaliation or the fear of reprisal." The Air Force IG investigates complaints of reprisal made by Air Force members. Cadets at the USAFA can file complaints of reprisal with the USAFA IG office or with the Air Force IG online or over the telephone. Furthermore, cadets can report complaints of reprisal with the DoD OIG through the Defense Hotline.

To determine whether any of the eight cadet-victims had made complaints of reprisal, we inquired with the USAFA, Air Force, and DoD Inspectors General. We determined that only one of the eight cadet-victims had reported complaints of reprisal. Prior to the announcement of this evaluation in 2018, the DoD OIG WRI determined that there was no indication that CV8's report of sexual assault influenced the USAFA's decisions to take actions to disenroll the cadet-victim and that CV8's allegation was not sufficiently supported by evidence.

### ***Interviews with Air Force Special Victims' Counsel***

As previously mentioned, the special victims' counsels (SVCs) are Military Service attorneys who represent victims of sexual assault. SVCs ensure "victims' rights to safety, privacy, and right to be treated fairly and respectfully" during the investigative and legal processes following an unrestricted report of sexual assault.<sup>69</sup> SVCs represent victims at law enforcement interviews, trial and defense counsel interviews, pre-trial hearings, and trial proceedings. SVCs coordinate with installation leaders and other decision makers to ensure "that a victim's voice and choices are heard."<sup>70</sup> SVCs and victims have a privileged attorney-client relationship.

We interviewed seven SVCs who represented USAFA cadet-victims from January 1, 2015, to December 31, 2017, to determine whether cadet-victims told their SVCs that they were retaliated against with disenrollment. The SVCs told us that none of the cadet-victims reported that USAFA commanders and decision makers retaliated against them by disenrolling them from the USAFA for reporting a sexual assault.

## **Conclusion**

We concluded that USAFA commanders and decision makers did not disenroll the eight cadet-victims because they made reports of sexual assault. We found that four of the eight cadets filed restricted reports and in accordance with DoDD 6495.01, the USAFA commanders and decision makers would more than likely not have been aware of those reports of sexual assaults when the disenrollment process for these cadet-victims was initiated. We found that three of the eight cadet-victim's disenrollments were initiated prior to the report of sexual assault; therefore, the report did not influence the initiation of the disenrollment. One of the cadet-victims was offered participation in the Cadet Turnback Program and encouraged to return to the USAFA, but chose to resign, resulting in a voluntary disenrollment. Finally, we determined that USAFA commanders and decision makers disenrolled cadet-victims in accordance with DoD and Air Force policy.

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<sup>69</sup> [https://www.afjag.af.mil/Portals/77/documents/SVC/CLSV\\_Handout\\_2018.pdf?ver=2018-05-16-091142-727](https://www.afjag.af.mil/Portals/77/documents/SVC/CLSV_Handout_2018.pdf?ver=2018-05-16-091142-727).

<sup>70</sup> [https://www.afjag.af.mil/Portals/77/documents/SVC/CLSV\\_Handout\\_2018.pdf?ver=2018-05-16-091142-727](https://www.afjag.af.mil/Portals/77/documents/SVC/CLSV_Handout_2018.pdf?ver=2018-05-16-091142-727).

## Finding D

### **Cadet-Victim Reports of Sexual Assaults Were Not Accurately Reported to Congress As Required by Public Law 109-364**

Between Academic Program Year (APY) 2014-2015 and APY 2017-2018, the Under Secretary of Defense for Personnel and Readiness (USD[P&R]) provided Congress four annual reports on Sexual Harassment and Violence at the Military Service Academies.<sup>71</sup> These reports identified a total of 140 reports of sexual assault made at the USAFA during that period (118 of the 140 were cadet-victims).<sup>72</sup>

However, we determined that the USD(P&R) did not accurately report to Congress the number of cadet-victim reports of sexual assault from January 1, 2015, to December 31, 2017, at the USAFA as required by section 532 of Public Law 109-364, “John Warner National Defense Authorization Act of Fiscal Year 2007,” October 17, 2006. Specifically, we identified a total of 11 cadet-victim reports of sexual assault at the USAFA that the USD(P&R) did not report to Congress in the annual reports on Sexual Harassment and Violence at the Military Service Academies.

Additionally, the United States Air Force Defense Sexual Assault Incident Database (DSAID) Program Administrator archived 24 reports of sexual assaults from the DSAID. The Air Force DSAID Program Administrator told us that she coordinated with USAFA SAPR personnel to determine whether to archive the 24 reports of sexual assault. Although the Air Force DSAID Program Administrator told us the reason that she archived the 24 reports of sexual assault, she did not maintain documentation of her coordination with USAFA SAPR personnel. As a result, we could not confirm the reason that she archived the reports of sexual assault in the DSAID. These 24 reports of sexual assault were not included in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.” Because of the Air Force DSAID Program Administrator’s lack of documentation, we could not determine whether they should have been included in the report. Furthermore, the Air Force did not establish a policy for the Air Force DSAID Program Administrator to use when determining whether it was appropriate to archive reports of sexual assault in the DSAID.

<sup>71</sup> During the evaluation, we reviewed the annual reports on Sexual Harassment and Violence at the Military Service Academies for APYs 2014-2015, 2015-2016, 2016-2017, and 2017-2018.

<sup>72</sup> According to “Appendix D: Statistical Data on Sexual Assault and Sexual Harassment,” for the most recent “Annual Report on Sexual Harassment and Violence at the Military Service Academies for Academic Program Year (APY) 2017-2018,” USD(P&R) reports data captured for “Restricted and Unrestricted Reports of sexual assault involving cadets, midshipmen, or prep school students as victims and/or subjects” at the Military Service Academies in the annual reports of Sexual Harassment and Violence at the Military Service Academies.

## DoD Family Advocacy Program and SAPR Program Victim Support Services

The DoD Family Advocacy Program (FAP) and the DoD SAPR Program are congressionally mandated programs that assist sexual assault victims.<sup>73</sup> FAP personnel provide SAPR services to adult sexual assault victims who are also victims of domestic or intimate partner abuse, including USAFA cadet-victims.<sup>74</sup> For example, FAP personnel inform adult sexual assault victims of their reporting options and available victim support services. SAPR personnel provide SAPR services to adult sexual assault victims, including USAFA cadet-victims. See Finding A for a detailed discussion of the SAPR services available to cadet-victims at the USAFA.

DoDI 6400.01, "Family Advocacy Program (FAP)," February 13, 2015, (Incorporating Change 2, March 16, 2018), and DoDI 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," August 21, 2007, (Incorporating Change 4, May 26, 2017), establish the FAP as the DoD's authority on domestic and intimate partner abuse. The instruction requires FAP personnel to provide services to adult victims of domestic abuse. Domestic abuse includes sexual assault within the confines of a spousal or an intimate partner relationship.

DoDI 6495.02, "Sexual Assault Prevention and Response (SAPR)," March 28, 2013, (Incorporating Change 3, May 24, 2017), establishes the SAPR as the DoD's authority on adult sexual assault. However, DoDI 6495.02 requires SAPR personnel to refer victims to the FAP if the victims were sexually assaulted by:

- a current or former spouse,
- a person with whom the assailant shares a child, or
- a current or former intimate partner with whom the abuser shares or has shared a common domicile.

<sup>73</sup> Unlike DoD SAPR personnel, according to DoDI 6400.06, DoD FAP personnel also provide victim support services to child and adult victims who experience all forms of domestic or intimate partner physical, sexual, or emotional abuse or neglect. The FAP is designed to prevent such abuse or neglect and intervene in cases of family distress, and to promote healthy family life. When a sexual assault by a current or former spouse or intimate partner does occur, the FAP works to ensure the safety of victims by offering referrals to support services such as medical and mental health care and legal and law enforcement services. FAP staff members are trained to respond to incidents of abuse and neglect, support victims, and offer prevention and treatment programs.

<sup>74</sup> According to DoDI 6400.06, domestic abuse is "[d]omestic violence or a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward a person who is: [1] [a] current or former spouse[;] [2] [a] person with whom the abuser shares a child in common[;] or [3] [a] current or former intimate partner with whom the abuser shares or has shared a common domicile." DoDI 6400.06 defines domestic violence as "[a]n offense under the United States Code, the Uniform Code of Military Justice, or State law involving the use, attempted use, or threatened use of force or violence against a person, or a violation of a lawful order issued for the protection of a person who is: [1] [a] current or former spouse[;] [2] a person with whom the abuser shares a child in common[;] or [3] [a] current or former intimate partner with whom the abuser shares or has shared a common domicile."

AFI 40-301, “Family Advocacy Program,” November 16, 2015, (Incorporating Change 1, October 12, 2017), and Headquarters, USAFA Office of the Staff Judge Advocate “Sexual Assault Response Guide,” January 2017, state that USAFA SAPR personnel will initially refer victims to the USAFA FAP if they were sexually assaulted when:

- the victim is in an ongoing relationship with the alleged offender and prior to the incident they engaged in sexual intercourse or other sexual acts in the course of a romantic relationship or there is a demonstrated potential for an ongoing relationship; or
- if the alleged offender has engaged or is engaging in stalking behaviors.<sup>75</sup>

Therefore, cadet-victims who meet any of the above criteria must be referred to the USAFA FAP for assessment of FAP victim support services.

## FAP Services for Cadet-Victims

When a cadet-victim is referred to the USAFA FAP, USAFA FAP personnel assume the lead role for the cadet-victim’s care. In these instances, USAFA FAP personnel would provide cadet-victim support services with or without the support of USAFA SAPR personnel depending on the cadet-victim’s wishes. USAFA FAP personnel have similar requirements to offer the cadet-victim a victim advocate and inform the cadet-victim about their reporting options and the availability of cadet-victim support services. For example, USAFA FAP personnel inform sexual assault victims about medical services, counseling services, law enforcement services, and legal services.

USAFA FAP personnel are required to maintain the same level of confidentiality as USAFA SAPR personnel. USAFA FAP personnel can disclose information to others only with the permission of the sexual assault victim, unless an exception exists.<sup>76</sup> Therefore, USAFA FAP personnel may not notify USAFA SAPR personnel if the

<sup>75</sup> According to AFI 40-301 and the USAFA Office of the Staff Judge Advocate “Sexual Assault Response Guide,” stalking behaviors “include but are not limited to, showing up in places that are otherwise not expected that the victim is at, following the victim, texting, calling, contacting friends, co-workers or family, driving by a residence or work, Global Positioning System tracking, social networking tracking, tracking whereabouts through friends or co-workers, bullying and manipulation.”

<sup>76</sup> According to DoDI 6400.06, “[d]isclosing covered communications to the following persons or entities is authorized for the following reasons: (1) named individuals when disclosure is authorized by the victim in writing, (2) command officials or law enforcement when necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another person, (3) FAP and any other agencies authorized by law to receive reports of child abuse or neglect when, as a result of the victim’s disclosure, the victim advocate or healthcare provider has a reasonable belief that child abuse has also occurred. However, disclosure will be limited only to information related to the child abuse; (4) Disability Retirement Boards and officials when disclosure by a healthcare provider is required for fitness for duty for disability retirement determinations, limited to only that information which is necessary to process the disability retirement determination; (5) supervisors of the victim advocate or healthcare provider when disclosure is required for the supervision of direct victim treatment or services, (6) military or civilian courts of competent jurisdiction when a military, Federal, or state judge issues a subpoena or order for the covered communications to be presented to the court or to other officials or entities when the judge orders such disclosure, and (7) to other officials or entities when required by Federal or state statute or applicable U. S. international agreement.”

sexual assault victim meets criteria for FAP services and the sexual assault victim elects restricted reporting. If a sexual assault victim does not meet criteria for FAP services, USAFA FAP personnel may refer the victim to USAFA SAPR personnel with the victim's permission.

## **Requirements for the DoD's Annual Reports to Congress Related to Sexual Assault**

At least two public laws require the Secretary of Defense to submit reports to Congress related to sexual assault in the military.

### ***Annual Report on Sexual Harassment and Violence at the Military Service Academies***

Public Law 109-364 requires the Secretary of Defense to submit annually to Congress a report that includes the number of sexual assaults that occur at the Military Service Academies.<sup>77</sup> DoDI 6495.02 implements this law and requires the USD(P&R) to submit annual reports on sexual harassment and violence to Congress.

As a result, each year the USD(P&R) provides Congress the "Annual Report on Sexual Harassment and Violence at the Military Service Academies." In the report, the USD(P&R) identifies the number of reports of sexual assault at the Military Service Academies and disciplinary actions taken in substantiated cases.

### ***Annual Report on Sexual Assault in the Military***

Public Law 111-383, "Ike Skelton National Defense Authorization Act of Fiscal Year 2011," January 7, 2011, requires the Secretary of Defense to submit annually to Congress a report that includes the number of sexual assault committed against and by members of the Armed Forces that were reported to military officials. DoDI 6495.02 implements this law and requires the USD(P&R) to submit annual reports to Congress about sexual assault in the military.

As a result, each year the USD(P&R) provides Congress the "Annual Report on Sexual Assault in the Military." In the report, the USD(P&R) identifies the number of reports of sexual assault in the military and disciplinary actions taken in substantiated cases of sexual assault.

## **The DSAID and FAP Central Registry**

The DoD uses two databases to track reports of sexual assaults. Based on the circumstances described above, the sexual assault incident data will be entered into and tracked in either the DSAID or the FAP central registry.

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<sup>77</sup> According to DoDI 1322.22, "Service Academies," September 24, 2015, the Military Service Academies include the "U.S. Military Academy, U.S. Naval Academy, and the U.S. Air Force Academy."

## **DSAID**

The DSAID is a centralized database for documenting and tracking reports of sexual assault within the DoD.<sup>78</sup> DoD SAPRO personnel maintain the DSAID and Military Service SAPRO personnel input victim data into it. The DoD SAPRO uses the DSAID to account for the number of reports of sexual assault that are included in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.”<sup>79</sup> DSAID reports can be archived when there are duplicate reports, reports without a corresponding DD Form 2910, or reports referred to the FAP. Archiving a report in DSAID does not delete the report from DSAID. The DSAID keeps the report and associated details, but does not allow the report of sexual assault to be included in the number of reports of sexual assault provided to Congress.

## **FAP Central Registry**

The FAP central registry is not a centralized database like the DSAID. The Military Services maintain and operate a Service-level FAP central registry to manage FAP records. The Military Services provide case information to populate the DoD-level FAP central registry. The DoD-level FAP central registry, not the Service-level FAP central registry, supports inquiries from the public, Congress, and other government entities. For example, the DoD FAP uses the information in the DoD-level FAP central registry to submit data to the DoD SAPRO.

The DoD SAPRO does not enter the FAP data into the DSAID. As a result, the data contained in the Service-level FAP central registry or the DoD-level FAP central registry is not reported to Congress in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.” The FAP data is used by the DoD SAPRO to produce the “Annual Report on Sexual Assault in the Military” that is published by USD(P&R).

## **Reports of Sexual Assault Made to FAP Were Not Included in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies”**

To determine whether accurate numbers of reports of sexual assault at the USAFA were provided to Congress in the annual reports on Sexual Harassment and Violence at the Military Service Academies, we compared DSAID cadet-victim reports of sexual assault and Air Force Service-level FAP central registry cadet-victim reports of sexual assault from January 1, 2015 to December 31, 2017.

<sup>78</sup> <http://www.sapr.mil/dsaid-overview>

<sup>79</sup> Section 563(a) of Public Law 110-417, “Duncan Hunter National Defense Authorization Act for Fiscal Year 2009,” October 14, 2008, requires the DoD to develop and use DSAID for Congressional reporting about sexual assault within the military.

Additionally, we interviewed the Air Force DSAID Program Administrator, DoD SAPRO DSAID Program Manager, Air Force FAP personnel, and DoD Military Community and Family Policy personnel.

We determined that 11 cadet-victim reports of sexual assault were not included in the number of reports of sexual assault at the USAFA in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.”<sup>80</sup> Specifically, we determined that the Air Force DSAID Program Administrator archived seven cadet-victim reports of sexual assault in the DSAID.<sup>81</sup> As a result, those reports of sexual assault were not reported in the annual reports of Sexual Harassment and Violence at the Military Service Academies because USAFA SAPR personnel referred the cadet-victims to the USAFA FAP and, according to the DoD SAPR policy and the Air Force SAPR policy, the reports of sexual assault should not have been entered into the database. Furthermore, Air Force FAP personnel identified an additional three cadet-victims who made a total of four reports of sexual assault that were not entered into the DSAID.<sup>82</sup> This occurred because the three cadet-victims made their reports of sexual assault directly to the USAFA FAP. Therefore, the four reports of sexual assault from the three cadet-victims were not reported to Congress in the annual reports on Sexual Harassment and Violence at the Military Service Academies.

The Air Force DSAID Program Administrator told us that she archived the seven cadet-victim reports of sexual assault because the cadet-victims were referred to the USAFA FAP and did not receive USAFA SAPR services. This occurred because the cadet-victim reports of sexual assault involved a current or former intimate partner. The Air Force DSAID Program Administrator told us that she coordinated with USAFA SAPR personnel to determine whether USAFA SAPR or USAFA FAP provided services to the cadet-victims. The Air Force DSAID Program Administrator told us that USAFA SAPR personnel told her that these reports of sexual assault were USAFA FAP reports of sexual assault, so she archived them in the DSAID. However, the Air Force DSAID Program Administrator was unable to provide any documentation of the coordination with USAFA SAPR personnel.

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<sup>80</sup> According to Public Law 109-364 section 532, the “Annual Report of Sexual Harassment and Violence at the Military Service Academies” shall include “[t]he number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program. . . .” For this evaluation, we focused on cadet-victims who reported sexual assault.

<sup>81</sup> According to the DoD SAPRO DSAID Program Manager, the act of archiving records is a routine internal control to maintain the integrity of the number of reports of sexual assault. The DSAID was designed to prevent users in the field from deleting records. Only DSAID administrators have the ability to archive a record. Records of reports of sexual assault are not deleted by design. Instead, the record can be archived to remove the report of sexual assault from an installation’s official reports of sexual assault for reporting purposes.

<sup>82</sup> One of the three cadet-victims made two reports of sexual assault to FAP during our evaluation period.

Additionally, to determine whether USAFA FAP received these seven cadet-victim reports of sexual assault from USAFA SAPR personnel, we reviewed a report from the Air Force Service-level FAP central registry that identified all cadet-victims who received FAP services for a report of sexual assault committed by a former or current intimate partner. We determined that five of the seven cadet-victim reports of sexual assault that were archived in the DSAID and referred by USAFA SAPR personnel to USAFA FAP were included in the Air Force Service-level FAP central registry. However, we could not determine the disposition for two of the seven cadet-victim reports of sexual assault that were archived in the DSAID due to a lack of documentation.

In addition, while reviewing the Air Force Service-level FAP central registry report, we identified an additional four cadet-victim reports of sexual assault in cases in which the cadet-victims received FAP services but the reports were not recorded in the DSAID.<sup>83</sup>

In sum, 11 cadet-victim reports of sexual assault were not included in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies,” as required by Public Law 109-364.

This occurred because the DoD SAPRO uses the DSAID to account for the number of cadet-victim reports of sexual assault in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.” However, reports of sexual assault made to the USAFA FAP are not tracked in the DSAID. USAFA FAP personnel use the Air Force Service-level FAP central registry to track the number of reports of sexual assault made to the FAP. As a result, the reports of sexual assaults made to the USAFA FAP are not included in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.” Instead, DoD FAP personnel report only the aggregate number of victims and subjects of sexual assault that met criteria rather than the number of reports of sexual assaults to Congress in the “Annual Report on Sexual Assault in the Military.”

We reviewed the latest “Annual Report on Sexual Assault in the Military” and determined that it did not identify the number of cadet-victim reports of sexual assault reported to FAP. We also interviewed the DoD SAPRO DSAID Program Manager and DoD Military Community and Family Policy personnel who provide the number of reports of sexual assault made to the FAP that are reported to Congress. They told us that the DoD FAP does not collect and provide data to USD(P&R) on cadet-victims at the USAFA for use in the “Annual Report on Sexual

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<sup>83</sup> If USAFA SAPR personnel properly refer cadet-victims of intimate partner sexual violence to the USAFA FAP or a cadet-victim reports the sexual assault directly to the USAFA FAP, a report of sexual assault would not be entered into the DSAID.

Harassment and Violence at the Military Service Academies.” They told us that they provide aggregate data for all adult military service members and they do not distinguish cadet-victims in the “Annual Report on Sexual Assault in the Military.”

As a result, the 11 cadet-victim reports of sexual assault made by cadet-victims at the USAFA from January 1, 2015, to December 31, 2017, were not included in the annual reports of Sexual Harassment and Violence at the Military Service Academies as required by Public Law 109-364. Table 2 depicts the number of cadet-victims by APY not included in the annual reports of Sexual Harassment and Violence at the Military Service Academies.

*Table 2. Number of Cadet-Victims Not Included in the Annual Reports of Sexual Harassment and Violence at the Military Service Academies by APY*

APY 2015-2016	APY 2016-2017
8	3

\* We used the “Date of Report to DoD” from the reports of sexual assault archived in the DSAID and the “Date of Referral” from the data provided by the Air Force FAP to identify the respective APY for each of the cadet-victims.

## **Air Force Personnel Archived Reports of Sexual Assault in the DSAID without Sufficient Documentation**

To determine whether the number of reports provided to Congress was correct, we verified whether the Air Force deleted reports of sexual assault from the DSAID.<sup>84</sup> We determined that Air Force reports of sexual assault cannot be deleted from the DSAID; instead, the reports can be archived. Archiving a report in DSAID does not delete the report from the DSAID. Air Force DSAID reports can be archived when there are duplicate reports, reports without a corresponding DD Form 2910, or reports that SAPR personnel referred to the Air Force FAP. The DoD SAPRO DSAID Program Manager told us that it is not possible to delete reports from the DSAID, because it was designed to prevent the intentional deletion of reports of sexual assault. Furthermore, the DoD SAPRO DSAID Program Manager told us that when a DSAID report is not created in accordance with DoD and Service policy the report is archived in the DSAID.

We determined that from January 1, 2015, to December 31, 2017, the Air Force DSAID Program Administrator archived 24 reports of sexual assault in the DSAID. We reviewed the DSAID to determine the reason that the Air Force DSAID Program Administrator archived the reports. We determined that the archived

<sup>84</sup> On December 12, 2017, and December 13, 2017, CBS News, “This Morning” aired a special television series profiling the USAFA SAPR Program. During the broadcast, a CBS journalist interviewed the former USAFA SARC who stated that Air Force personnel deleted reports of sexual assault from the DSAID, which decreased the number of reports provided to Congress.

DSAID records did not contain an explanation why the DSAID report was archived. Furthermore, the DSAID does not have a field to record the reason that a DSAID report of sexual assault was archived.

The Air Force DSAID Program Administrator told us that she archived the 24 reports of sexual assault for various reasons, such as the report did not have a DD Form 2910 or the sexual assault was reported to the FAP office rather than the installation SAPRO. The Air Force DSAID Program Administrator also told us that she coordinated with USAFA SAPR personnel to determine whether the reports should be archived in the DSAID before she archived any of the USAFA DSAID reports. However, the Air Force DSAID Program Administrator was unable to provide any documentation of the coordination she made with USAFA SAPR personnel. Because the Air Force DSAID Program Administrator did not maintain documentation to support coordination with the USAFA SAPR personnel, we could not confirm the reason that the Air Force DSAID Program Administrator archived the 24 USAFA DSAID reports of sexual assault.

The number of reports that were provided to Congress did not include these 24 reports of sexual assault. Because there was not sufficient documentation of the archival process, based on our review of the DSAID reports, we could not determine whether any of these 24 reports should have been included in the reports to Congress.

Additionally, we determined that the Air Force SAPRO did not establish a policy for the Air Force DSAID Program Administrator to use when determining whether it is appropriate to archive DSAID reports. Due to the sensitive nature of reports of sexual assault and the requirement to report the number of sexual assaults at the USAFA to Congress, it is important that a policy exist for determining when to archive a report of sexual assault in the DSAID.

## Conclusion

We determined that the 11 reports of cadet-victim sexual assault made to the USAFA FAP were not included in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.” This occurred because the DoD SAPRO uses the DSAID to account for the number of cadet-victim reports of sexual assault in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.” However, reports of sexual assault made to the USAFA FAP are not tracked in the DSAID. USAFA FAP personnel use the Air Force Service-level FAP central registry to track the number of reports of sexual assault made to the USAFA FAP. As a result, the reports of sexual assaults made to the USAFA FAP are not included in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.”

Additionally, we determined that the Air Force DSAID Program Administrator archived 24 reports of sexual assault in DSAID, which were not included in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.” We could not confirm the reason that she archived the reports of sexual assault in the DSAID, because she did not maintain sufficient documentation. Because of the Air Force DSAID Program Administrator’s lack of documentation we could not determine whether the reports of sexual assault that were archived should have been included in the “Annual Report on Sexual Harassment and Violence at the Military Service Academies.”

Finally, the Air Force did not establish a policy for the Air Force DSAID Program Administrator to use when determining whether it is appropriate to archive DSAID reports of sexual assault. In sum, we determined that the Air Force DSAID Program Administrator did not delete reports of sexual assault and instead archived the reports.

## Recommendations, Management Comments, and Our Response

### ***Recommendation D.1***

**We recommend that the Under Secretary of Defense for Personnel and Readiness develop and institute a process to ensure that the accurate number of reports of sexual assaults made to the United States Air Force Family Advocacy Program are included in all future annual reports on Sexual Harassment and Violence at the Military Service Academies.**

### *Under Secretary of Defense for Personnel and Readiness Comments*

The Assistant Secretary of Defense for Manpower and Reserve Affairs, Performing the Duties of the USD(P&R), agreed with our recommendation, stating that the USD(P&R) will develop a process to ensure that all USAFA cadet-victims who report a sexual assault are referred to the USAFA SAPRO to ensure all reports of sexual assault initially reported to the FAP will be documented in the DSAID and in the annual reports on Sexual Harassment and Violence at the Military Service Academies.

### *Our Response*

Comments from the Assistant Secretary of Defense for Manpower and Reserve Affairs, Performing the Duties of the USD(P&R), addressed all specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the USD(P&R) developed

and instituted a process to ensure that the accurate number of reports of sexual assault made to the USAFA FAP are included in all future annual reports on Sexual Harassment and Violence at the Military Service Academies.

### ***Recommendation D.2***

**We recommend that the Director of the Department of Defense Sexual Assault Prevention and Response Office update the Defense Sexual Assault Incident Database to include a field for the Military Service Defense Sexual Assault Incident Database Program Administrators to record the reason that reports of sexual assault are archived in the Defense Sexual Assault Incident Database.**

#### *Department of Defense Sexual Assault Prevention and Response Office Comments*

The DoD SAPRO Director agreed with our recommendation, stating that the DoD SAPRO Director will update the DSAID to require administrators to record the reason that reports of sexual assault are archived in the database.

#### *Our Response*

Comments from the DoD SAPRO Director addressed all specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the DoD SAPRO Director updated the DSAID.

### ***Recommendation D.3***

**We recommend that the Director of the United States Air Force Sexual Assault Prevention and Response Office:**

- a. Require the Air Force Defense Sexual Assault Incident Database Program Administrator to document and confirm with USAFA Sexual Assault Prevention and Response personnel the reason that she archived each of the 24 reports of sexual assault that we identified in this evaluation.**

#### *United States Air Force Sexual Assault Prevention and Response Office Comments*

The Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, responding for the United States Air Force SAPRO Director, agreed with the intent of our recommendation, stating that the United States Air Force SAPRO Director will attempt to recover additional information from USAFA SAPR personnel to establish the reason why the Air Force DSAID Program Administrator archived the 24 reports of sexual assault.

### *Our Response*

Comments from the Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, addressed all specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the United States Air Force SAPRO Director attempted to or succeeded in establishing a justification for the archival of the 24 reports of sexual assault.

- b. Require the Air Force Defense Sexual Assault Incident Database Program Administrator to maintain documentation in the Defense Sexual Assault Incident Database from installation Sexual Assault Prevention and Response personnel to support the reason that reports of sexual assault are archived in the future.**

### *United States Air Force Sexual Assault Prevention and Response Office Comments*

The Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, responding for the United States Air Force SAPRO Director, agreed with the intent of our recommendation, stating that the United States Air Force SAPRO Director will ensure that the Air Force DSAID Program Administrator maintains documentation of the reasons for archiving reports of sexual assault in the database until the DoD SAPRO Director has updated the DSAID with the capability to document a reason.

### *Our Response*

Comments from the Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, addressed all specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the DoD SAPRO Director updated the DSAID with the capability in response to recommendation D.2, and we have verified that the DoD SAPRO Director issued policy that mandates the use of the capability to document the reasons for archiving reports of sexual assault in the database.

- c. Require an Air Force Sexual Assault Prevention and Response Office supervisor to approve in writing the archival of a report of sexual assault in the Defense Sexual Assault Incident Database.**

### *United States Air Force Sexual Assault Prevention and Response Office Comments*

The Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, responding for the United States Air Force SAPRO Director, agreed with the intent of our recommendation, stating that the

United States Air Force SAPRO Director will develop processes to ensure quality assurance and accountability. The Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, anticipated the United States Air Force SAPRO Director would develop and institute the process by September 30, 2019.

### *Our Response*

Comments from the Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, addressed all specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the United States Air Force SAPRO Director developed and instituted the new quality assurance and accountability process.

- d. Develop policy for the Air Force Defense Sexual Assault Incident Database Program Administrator to use when determining whether it is appropriate to archive reports of sexual assault in the Defense Sexual Assault Incident Database.**

### *United States Air Force Sexual Assault Prevention and Response Office Comments*

The Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, responding for the United States Air Force SAPRO Director, agreed with our recommendation, stating that the United States Air Force SAPRO Director will collaborate with the DoD SAPRO Director to develop and institute policy on the proper procedure to use when determining whether it is appropriate to archive reports of sexual assault in the DSAID. The Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, anticipated that the United States Air Force SAPRO Director would institute the policy by September 30, 2019.

### *Our Response*

Comments from the Assistant Deputy Chief of Staff for Manpower, Personnel and Services, Headquarters United States Air Force, addressed the specifics of the recommendation; therefore, the recommendation is resolved but will remain open. We will close the recommendation once we verify that the United States Air Force SAPRO Director collaborated with the DoD SAPRO Director and instituted policy on the proper procedure to use when determining whether it is appropriate to archive reports of sexual assault in the DSAID.

## Appendix A

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### Scope and Methodology

We conducted this evaluation from February 2018 through July 2019 in accordance with the “Quality Standards for Inspection and Evaluation,” published in January 2012 by the Council of Inspectors General on Integrity and Efficiency. Those standards require that we adequately plan the evaluation to ensure that objectives are met and that we perform the evaluation to obtain sufficient, competent, and relevant evidence to support the findings, conclusions, and recommendations. We believe that the evidence obtained was sufficient, competent, and relevant to lead a reasonable person to sustain the findings, conclusions, and recommendations.

In preparation, we reviewed several notable reports related to our evaluation. For example, we read the “Report of the Working Group Concerning the Deterrence of and Response to Incidents of Sexual Assault at the U.S. Air Force Academy,” June 17, 2003, prepared by the Air Force Office of General Counsel; the “Report of The Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy,” September 22, 2003, commonly referred to as the “Fowler Report;” the “Task Force Report on Care for Victims of Sexual Assault,” April 2004; and the “Report of the Defense Task Force on Sexual Harassment & Violence at the Military Service Academies,” June 30, 2005.

We also reviewed General Accounting Office (GAO), DoD OIG, and other investigative and audit reports related to sexual violence at the USAFA to gain a perspective of the USAFA’s history associated with sexual violence. We reviewed DoD, Air Force, AFOSI, and USAFA policies, which included strategic plans concerning the prevention of and response to sexual assaults to complete our research. See Appendix B for prior coverage of sexual violence, the SAPR program, and separation actions in the DoD within the last five years of this report.

During the execution phase, we submitted data calls to the USD(P&R), Air Force SAPRO, Air Force FAP, Air Force OIG, USAFA, and AFOSI for initial and additional information related to our evaluation. We obtained, reviewed, and analyzed thousands of documents. Examples include internal and external inspection reports, historical minutes from oversight entities, disenrollment transaction records, and investigative case files. We also studied data from the Defense Sexual Assault Incident Database (DSAID), allied SAPR documentation, survey results, annual reports to congress, civilian performance records of employees, and employee timecard accounting records retained by the Defense Finance and Accounting Service. Lastly, we conducted interviews, which included the interview

of current and former members of the USAFA and AFOSI staffs and former employees of the USAFA SAPRO who had retired or were reassigned. The USAFA SAPR personnel who had resigned their position declined our invitation to speak with us for personal reasons.

### ***Evaluation of the USAFA SAPRO SAPR Services***

To determine whether USAFA SAPR personnel provided SAPR services to cadet-victims, we identified the specific criteria for USAFA SAPR personnel to comply with SAPR policy. Specifically, DoDI 6495.02 and AFI 90-6001 require SAPR personnel to offer victims a victim advocate, inform victims about the available victim support services and offer the victims referrals to those services, and help facilitate those referrals if the victim chooses the support.

First, we identified our population of cadet-victims who made unrestricted or restricted reports of sexual assault from January 1, 2015, to December 31, 2017. Using professional auditors who validated and analyzed the data in the DSAID and allied DD Forms 2910, we identified 90 cadet-victim reports of sexual assault within our scope. As a precaution, we instituted additional internal controls to protect victim privacy as well as the integrity of the information and overall DoD SAPR program, particularly the restricted reporters. We then identified and analyzed the data in DSAID and information on the DD Forms 2910 to determine whether the cadet-victims were offered a USAFA victim advocate. Specifically, we identified in the DSAID where USAFA SAPR personnel documented a referral to a USAFA victim advocate. We also used the DSAID and DD Forms 2910 to determine if USAFA SAPR personnel informed cadet-victims about the available USAFA cadet-victim support services and if USAFA SAPR personnel referred cadet-victims to the USAFA cadet-victim support services they chose to accept. Specifically, we identified where the cadet-victim initialed and signed the DD Forms 2910 acknowledging receipt of the information, and we identified in the DSAID where USAFA SAPR personnel documented the specific referrals each cadet-victim chose to accept.

To determine whether USAFA SAPR personnel helped facilitate the referral that cadet-victims chose to accept, we interviewed USAFA SAPR personnel who provided SAPR services and special victims' counsels (SVCs) who represented and provided legal services to our population of cadet-victims. Specifically, we asked USAFA SAPR personnel to explain how they provided SAPR services and how they informed cadet-victims about cadet-victim support services. We also ask USAFA SAPR personnel whether they offered cadet-victims referrals to cadet-victim support services and if they helped facilitate the referrals that cadet-victims chose to accept. Additionally, we asked the SVCs about their observations of USAFA SAPR

personnel, their cadet-clients' experiences with USAFA SAPR personnel and the USAFA cadet-victim support services, and whether or not their cadet-clients complained about USAFA SAPR personnel, the SAPR service, or the USAFA cadet-victim support services they chose to use.

### ***Evaluation of AFOSI Law Enforcement Services (Investigation)***

To determine whether AFOSI agents investigated reports of sexual assaults involving cadet-victims according to policy, we identified the specific criteria for AFOSI agents to comply with DoD and AFOSI investigation policy. Specifically, DoDI 5505.18 directs AFOSI agents to initiate a criminal investigation in response to all allegations of adult sexual assault within their jurisdiction. Furthermore, AFOSI agents are required to investigate all adult sexual assault investigations thoroughly and in compliance all related policies. In addition to DoD investigation policy, we used various AFOSI general and sexual assault investigation policies to evaluate their performance.

First, we requested the AFOSI provide us with a list of all cadet-victim sexual assault investigations opened on or after January 1, 2015, and completed on or before December 31, 2017, to determine whether the AFOSI completed investigations as required by DoD and AFOSI policy. We then validated the list of cadet-victim sexual assault investigations that AFOSI sent to us. We excluded any investigations that did not meet our criteria for our evaluation. For example, we excluded investigations where AFOSI was not the primary investigative agency that performed substantial investigative activity. We identified 16 cadet-victim sexual assault investigations within our scope that met our criteria. Furthermore, we requested an additional cadet-victim sexual assault investigation related to one of the cadet-victim sexual assault investigations within our scope to evaluate its thoroughness. We did this because of the assertions that the two related cadet-victim sexual assault investigations were closed prematurely because AFOSI agents did not believe the cadet-victims. Therefore, we evaluated a total of 17 cadet-victim sexual assault investigations.

Using a list of protocols for sexual assault investigations, which we developed from DoD and AFOSI polices, we analyzed the 17 cadet-victim sexual assault investigations. Our evaluators used a database to collect uniform data from the case files for each cadet-victim sexual assault investigation. Our evaluators also used their professional judgement to evaluate the thoroughness of each cadet-victim sexual assault investigation. We performed beta testing on several of the cadet-victim sexual assault investigations using our list of protocols to ensure our evaluators assessed each case file in a uniformed manner. Upon completion, our team of evaluators performed the evaluation on the 16 cadet-victim sexual

assault investigations within our scope and the one additional cadet-victim sexual assault investigation that was outside of our scope, but closely related to one of the 16 cadet-victim sexual assault investigations. We also performed quality control reviews of each individual case file evaluation to safeguard the integrity of our testing. Lastly, we used a database we developed for the evaluation to collect data and generate results of our testing to establish sufficient evidence to support our findings.

### ***Evaluation of USAFA Disenrollments***

To determine whether USAFA commanders and decision makers retaliated against cadet-victims by disenrolling them from the USAFA for reporting sexual assault, we identified the specific criteria for USAFA admissions and personnel staff to comply with DoD, Air Force and USAFA personnel separation policy. Specifically, AFI 36-3504 holds the USAFA Superintendent responsible to develop and implement cadet disenrollment and resignation criteria, standards, and procedures which balances military, academic, physical fitness, and other training interests in expeditious processing with administrative due process appropriate to the nature of the action. We used this instruction in addition to other DoD, Air Force and USAFA personnel separation policies to evaluate the performance of the USAFA admissions and personnel staff that process cadet-victims for disenrollment.

First, we requested the USAFA provide us with a list of all cadets who were disenrolled and separated from the USAFA from January 1, 2015, to December 31, 2017. We then identified our population of cadet-victims who were disenrolled and separated from the USAFA using a list of cadet-victims we developed during our analysis of the DSAID and DD Forms 2910. As a precaution, we instituted additional internal controls to protect victim privacy as well as the integrity of the information and overall DoD SAPR program, particularly the restricted reporters. We identified eight cadet-victims who made either an unrestricted or restricted report of sexual assault and who were subsequently disenrolled and separated from the USAFA. We excluded all the other cadets who did not meet our criteria for our evaluation.

Using a list of protocols for the USAFA disenrollment process, which we developed using DoD, Air Force, and USAFA policies, we analyzed the personnel separation records of each of the eight cadet-victims. Our evaluators used a database we designed to collect uniform data from the personnel separation records of each cadet-victim who was disenrolled and separated from the USAFA. We also performed quality control reviews of each individual disenrollment evaluation to safeguard the integrity of our testing. Lastly, we used the database to generate results of our testing to establish sufficient evidence to support our findings.

### ***Evaluation of the Annual USD(P&R) Reports to Congress***

To determine whether the USD(P&R) annually reported the correct number of cadet-victim reports of sexual assaults to Congress, we identified the specific criteria for USD(P&R) to comply with DoD SAPR policy. Specifically, Public Law 109-364 requires the Secretary of Defense to submit annually to Congress a report that includes the number of sexual assaults that occur at the Military Service Academies. DoDI 6495.02 implements this law and requires the USD(P&R) to submit annual reports on sexual harassment and violence to Congress. Although the report contains reports of sexual assault by other members of the community, we focused specifically on cadet-victims during our evaluation.

First, we identified the cadet-victim reports of sexual assault that the Air Force DSAID Program Administrator archived within the DSAID from January 1, 2015, to December 31, 2017. Specifically, we identified the cadet-victim reports of sexual assault that the Air Force DSAID Program Administrator archived because she told us they were FAP cases. We then identified the cadet-victims who received FAP service from January 1, 2015, to December 31, 2017. We compared the two lists of cadet-victims to confirm which cadet-victims were actually referred to the FAP.

After excluding the reports of sexual assault that were archived within the DSAID because they were FAP cases, we identified the remaining cadet-victims who were not entered into the DSAID and received FAP services from January 1, 2015, to December 31, 2017. Using the “Date of Report to DoD” from the DSAID and the “Date of Referral” for the FAP Central Registry, we developed a list of cadet-victims who were not included in the annual reports on Sexual Harassment and Violence at the Military Service Academies. We then reviewed the appendix of FAP data in the “Annual Report on Sexual Assault in the Military” and confirmed the cadet-victims were not segregated from the aggregate data.

Additionally, we verified whether the Air Force deleted reports of sexual assault from the DSAID. First, we analyzed the DSAID to determine how many reports of sexual assault were deleted from the DSAID from January 1, 2015, to December 31, 2017. We also interviewed the DoD SAPRO DSAID Program Manager to determine whether administrators or users could delete reports of sexual assault. Of those reports of sexual assault, we attempted to validate the archival process through a review of supporting documentation and interviews of the Air Force DSAID Program Administrator and the DoD SAPRO DSAID Program Manager.

## **Use of Computer-Processed Data**

At the conclusion of the case file evaluation phase for both the evaluation of AFOSI sexual assault investigations and USAFA disenrollment records, the data collected and stored in the database was analyzed through the use of numerous queries that we built to efficiently identify tasks and steps that may be a problem with AFOSI or USAFA disenrollment staff. The queries were designed to show what tasks or steps were involved with each deficiency and the number of instances of each. However, for our evaluation, we did not find deficiencies to report.

## Appendix B

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### Prior Coverage

During the last 5 years, the GAO and the DoD Office of Inspector General (DoD OIG) issued six reports about SAPR, personnel separations, or sexual assault investigations in the DoD.

#### **GAO**

Report No. GAO-17-99, “Military Personnel: DoD Has Processes for Operating and Managing Its Sexual Assault Incident Database,” January 10, 2017

The GAO studied the DoD’s Defense Sexual Assault Incident Database (DSAID) to determine the current status of its implementation and steps DoD has taken to help standardize DSAID’s use. The GAO found the “DoD has taken several steps to standardize the use of DSAID throughout the department, including the development of (1) policies, processes, and procedures for use of the system; (2) training for system users; and (3) processes for monitoring the completeness of data.” Although technical challenges existed, DoD officials had “plans to spend approximately \$8.5 million to” implement modifications to DSAID that “address most of these challenges in fiscal years 2017 and 2018.” Additionally, the GAO found the DoD had management controls in place to make changes to the database.

Report No. GAO-15-266, “Defense Health Care: Better Tracking and Oversight Needed of Service Member Separations for Non-Disability Mental Conditions,” February 13, 2015

The GAO found the “DoD and three of the four military services—Army, Navy, and Marine Corps—cannot identify the number of enlisted service members separated for non-disability mental conditions—mental conditions that are not considered service-related disabilities. For most non-disability mental condition separations, these services use the broad separation code, ‘condition, not a disability,’ which mixes non-disability mental conditions with non-disability physical conditions, such as obesity, making it difficult to distinguish one type of condition from the other. In contrast, the Air Force was able to identify such service members because it uses all five of the separation codes specific to non-disability mental conditions.”

**DoD OIG**

Report No. DODIG-2017-054, "Evaluation of Military Criminal Investigative Organizations' Adult Sexual Assault Investigations," February 14, 2017

The DoD OIG evaluated 378 MCIO "adult sexual assault investigations opened on or after January 1, 2014, and completed on or before December 31, 2015, to determine whether the MCIOs completed investigations as required by DoD, Military Service, and MCIO guidance." The DoD OIG "found that only 2 of the 378 cases (0.5 percent) we reviewed had significant deficiencies that we believed likely adversely impacted the outcome of the investigations." The DoD OIG "compared these results to our previous two evaluations, conducted in 2015 (Report No. DODIG-2015-094) and 2013 (Report No. DODIG-2013-091). In 2015, the DoD OIG returned 4 of 536 (0.7 percent) cases for significant deficiencies and in 2013 we returned 56 of 501 cases (11.2 percent) for significant deficiencies." "Overall, the number of cases with significant and minor deficiencies remained low, although the percentage of cases with administrative deficiencies increased."

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

The DoD OIG "evaluated 536 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." "A total of 532 of 536 MCIO investigations (99 percent) met investigative standards. This reflected a 10-percent improvement compared to findings in our previous evaluation of MCIO adult sexual assault investigations, as reported in DODIG-2013-091." The DoD OIG "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."

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

The DoD OIG "evaluated 163 MCIO investigations of sexual assaults of children closed in 2012 to determine whether the MCIOs completed investigations as required by DoD, Military Service, and MCIO guidance.

A total of 153 of 163 MCIO investigations (94 percent) met investigative standards. A total of 10 of 163 MCIO investigations (6 percent) had significant deficiencies. The DoD OIG returned those 10 cases to the MCIOs for follow-up corrective action. A total of 57 of the 163 cases had no investigative deficiencies. The remaining 96 cases had minor deficiencies that had no impact on the outcome or resolution of the investigation.”

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

The DoD OIG “evaluated the Military Criminal Investigative Organizations’ (MCIOs’) sexual assault investigations completed in 2010 to determine whether they completed investigations as required by DoD, Military Service, and MCIO guidance. Most MCIO investigations (89 percent) met or exceeded the investigative standards.” The DoD OIG “returned cases with significant deficiencies (11 percent) to the MCIOs for corrective action. Although 83 cases had no deficiencies, most of the remaining investigations had deficiencies that were not deemed significant.”

### ***DoD SAPRO***

During the last 5 years, the DoD SAPRO has issued seven reports about the SAPR programs at the Military Service Academies.

Report No. APY 2017-2018, “Annual Report on Sexual Harassment and Violence at the Military Service Academies,” January 17, 2019

The DoD SAPRO reported the USAFA was executing the plans they provided to the DoD SAPRO to address alcohol consumption, sexual assault prevention, academy culture, and sexual assault and sexual harassment reporting. These plans were mostly in place by September 2018 for the start of classes. Additionally, the DoD SAPRO reported it had found progress on outstanding Secretary of Defense initiative and the DoD SAPRO recommendations.

Report No. APY 2016-2017, “Annual Report on Sexual Harassment and Violence at the Military Service Academies,” January 22, 2018

The DoD SAPRO reported that although USAFA leaders “demonstrated commitment to meeting victim response, healthcare, investigative, and military justice requirements identified in policy and law,” the USAFA was not in compliance with the DoD’s SAPR strategic goal of “Advocacy and Victim Assistance.” Specifically, the DoD SAPRO found that “a commander

directed investigation disclosed significant evidence of mismanagement and unprofessionalism that negatively impacted victim advocacy and assistance rendered to a number of cadets.”<sup>85</sup>

Report No. APY 2015-2016, “Annual Report on Sexual Harassment and Violence at the Military Service Academies,” January 18, 2017

The DoD SAPRO reported the USAFA “continued to make clear and demonstrable progress in supporting cadets who report sexual assault and sexual harassment. The USAFA provided substantial evidence that victim response, healthcare, investigative, and military justice resources worked well in response to sexual assault.” The USAFA “continue[d] to field a well-organized and well-functioning sexual assault response system...” USAFA officials have ensured full staffing, training, and certification of SAPR personnel. Additionally, the DoD SAPRO reported it had found progress on outstanding Secretary of Defense initiatives and the DoD SAPRO recommendations.

Report No. APY 2014-2015, “Annual Report on Sexual Harassment and Violence at the Military Service Academies,” December 2, 2015

The DoD SAPRO reported, overall, the USAFA was in compliance with the DoD’s policies regarding sexual harassment and sexual assault. The DoD SAPRO saw “substantive evidence that the USAFA Superintendent and her leadership team were fully engaged in making SAPR a priority for the Academy.” However, the DoD SAPRO found “that additional training and oversight [was] required to ensure data integrity [within the Defense Sexual Assault Incident Database] at USAFA.” Additionally, the DoD SAPRO reported it had found progress on outstanding Secretary of Defense initiatives and the DoD SAPRO recommendations.

Report No. APY 2013-2014, “Annual Report on Sexual Harassment and Violence at the Military Service Academies,” January 21, 2015

The DoD SAPRO reported the “USAFA’s self-assessment indicated that the [USAFA] Superintendent took a significant measure in . . . [APY] 2013-2014 to combat sexual harassment, sexual assault, and any form of violence by creating the Directorate for Culture, Climate, and Diversity. The director of that organization . . . [was] charged with coordinating agencies and programs active in the Academy’s culture, climate, and diversity arenas in an effort to streamline reporting, leverage resources, document efforts, and institutionalize outcomes.” Additionally, the DoD SAPRO reported it had found progress on outstanding Secretary of Defense initiative and the DoD SAPRO recommendations.

<sup>85</sup> See the background section of this report for more details.

Report No. APY 2012-2013, "Annual Report on Sexual Harassment and Violence at the Military Service Academies," December 13, 2013

The DoD SAPRO reported the USAFA was in compliance with the DoD's "policies regarding sexual harassment and sexual assault." The DoD SAPRO found that the USAFA had "renewed its focus. . .led by the Commandant of Cadets, on leadership development and adherence to standards. USAFA also implemented the Air Force Special Victims' Counsel Program mid-way through APY 2012-2013, providing confidential legal advice, assistance, and representation to victims of sexual assault." The DoD SAPRO recommended the USAFA "continue to focus on these efforts, take steps to improve central coordination of their initiatives, and ensure the SAPR staff is resourced appropriately and able to provide consistent victim support and services." Additionally, the DoD SAPRO reported it had found progress on outstanding Secretary of Defense initiatives and the DoD SAPRO recommendations.

## Management Comments

### Under Secretary of Defense for Personnel and Readiness



PERSONNEL AND  
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

AUG 21 2019

MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Evaluation of the Department of Defense's Handling of Incidents of Sexual Assault at the United States Air Force Academy (Project No. 2018C009)

In response to your July 11, 2019 request for Management's Comments to the recommendations from the DoD Inspector General Report, "Evaluation of the Department of Defense's Handling of Incidents of Sexual Assault at the United States Air Force Academy" (Project No. 2018C009), dated July 11, 2019, the following comments are provided:

The Department concurs with Recommendation D.1. While the Department does not want to discourage cadets from seeking support services, it is important that Air Force Academy cadets who report a sexual assault allegation are properly referred to the appropriate office for assistance and case management. As such, the Department will develop a process to ensure that all cadets who make a report of sexual assault will be initially directed to the Sexual Assault Prevention and Response Office for a briefing on available reporting options and the full range of care available to them. All cadet reports of sexual assault will be included in the Defense Sexual Assault Incident Database (DSAID) for appropriate case management, and included in the annual reports on Sexual Harassment and Violence at the Military Service Academies. Additionally, upon request of the cadet, the cadet may receive a referral to the Family Advocacy Program Office or any other source for healthy relationship counseling. The Department also concurs with Recommendations D.2.-3. The Director, Sexual Assault Prevention and Response Office, will update DSAID to ensure that archived reports in DSAID have a clearly defined reason associated with the audit trail currently in the database.

I appreciate the opportunity to provide comments on this report. My point of contact is [REDACTED] Acting Director, Sexual Assault Prevention and Response Office. He may be reached at [REDACTED]

[REDACTED]  
Assistant Secretary of Defense for Manpower  
and Reserve Affairs, Performing the Duties  
of the Under Secretary of Defense for  
Personnel and Readiness

## Director of the Department of Defense Sexual Assault Prevention and Response Office



PERSONNEL AND  
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

SUBJECT: Evaluation of the Department of Defense's Handling of Incidents of Sexual Assault at the United States Air Force Academy (Project No. 2018C009)

The Department of Defense (DoD) Sexual Assault Prevention and Response Office (SAPRO), provides the following comments in response to the DoD Inspector General Memorandum, subject as above, dated July 10, 2019.

1. Recommendation A.1 proposes that the Director of the United States Air Force Sexual Assault Prevention and Response (SAPR) Office develop and institute a process or system that documents consults or contacts with victims of sexual assault and any resulting referrals to victim support services if those contacts do not result in a formal sexual assault report.

**DoD SAPRO Response:** Concur with comment. Recommend that the Director of the Department of Defense SAPRO be designated as the office with the primary responsibility to ensure this recommendation results in standardized procedures that are consistently implemented throughout DoD.

2. Recommendation D.2 proposes that the Director of the Department of Defense SAPRO update the process used to archive and document the reasons for archiving reports of sexual assault in the Defense Sexual Assault Incident Database (DSAID).

**DoD SAPRO Response:** Concur with comment. As indicated in the DoDIG report, the Air Force Integrated Resilience Directorate (A1Z) archived those reports of sexual assault from USAFA that failed to meet requirements set forth in DoDI 6495.02. Specifically, A1Z personnel archived reports that lacked a signed DD Form 2910, "Victim Reporting Preference Form", from an eligible cadet indicating his or her desire to make a report of sexual assault. DoD SAPRO will update DSAID to ensure that archived reports in DSAID have a clearly defined reason associated with the audit trail currently in the database.

3. DoD SAPRO respectfully requests the following be added to the DoDIG evaluation:

- Amend the report to include a synopsis of the prior investigative activity conducted by Air Force leadership that substantiated a number of allegations of mismanagement and unprofessionalism within the USAFA SAPR office. Having this context at the beginning of the report helps the reader better understand the scope of the DoDIG evaluation, as the Air Force's Commander Directed Inquiry found that a number of cadets impacted by office mismanagement were never included in the USAFA SAPR Office records reviewed by DoDIG for the current report.

## Director of the Department of Defense Sexual Assault Prevention and Response Office (cont'd)

- Amend the report to reflect DoD SAPRO's finding in the "Academic Program Year 2016-17 Annual Report on Sexual Harassment and Violence at the Military Service Academies" that USAFA was not in compliance with the Department's *Goal 2: Advocacy and Victim Assistance*. Specifically, the SAPRO report notes:

Late in the academic year, allegations about problems within the USAFA SAPR office were reported to academy leadership. A commander directed investigation disclosed significant evidence of mismanagement and unprofessionalism that negatively impacted victim advocacy and assistance rendered to a number of cadets. USAFA took action to address these personnel related issues.

- Update the report on page 54 of the draft to reflect the controlling instruction for the DoD on domestic violence as DoDI 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel." Currently DoDI 6495.02 is listed, but 6495.02 only references DoDI 6400.06. It is also important for the report to note that the Headquarters, USAFA Office of the Staff Judge Advocate "Sexual Assault Response Guide," January 2017, is inconsistent with DoDI 6400.06 when it directs USAFA SAPR personnel to refer victims to the USAFA FAP if they were sexually assaulted when the victim is in an ongoing relationship with the alleged offender and prior to the incident they engaged in sexual intercourse or other sexual acts in the course of a romantic relationship or there is a demonstrated potential for an ongoing relationship. Neither DoDI 6400.06 nor DoDI 6495.02 allow for sexual assaults to be addressed by FAP in this way, largely for the reasons described in our response to D.2 above.

My point of contact for this engagement is [REDACTED] Assessment and Reporting Program Manager, DoD Sexual Assault Prevention and Response Office. She may be reached at [REDACTED] if additional information is needed.

Sincerely,

[REDACTED]

Acting Director, Sexual Assault Prevention  
and Response Office

## Director of the United States Air Force Sexual Assault Prevention and Response Office



**DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE  
WASHINGTON, DC**

7 August 2019

MEMORANDUM FOR DEPARTMENT OF DEFENSE INSPECTOR GENERAL

FROM: HQ USAF  
1120 Air Force Pentagon Suite 4E168  
Washington, DC 20330

SUBJECT: Air Force Responses to DoD Office of Inspector General Draft Report, "Evaluation of the DoD's Handling of Incidents of Sexual Assault at the United States Air Force Academy" (Project No. 2018C009)

1. This is the Department of the Air Force response to DoDIG Draft Report, "Evaluation of the DoD's Handling of Incidents of Sexual Assault at the United States Air Force Academy" (Project No. 2018C009). The Air Force partially concurs with the report as written and welcomes the opportunity to further discuss the recommendations.
2. The AF/A1Z, in coordination with DoD SAPRO, will correct issues identified in this report, and develop and implement a corrective action plan outlined in the following recommendations:

**RECOMMENDATION A.1:** The DODIG recommends that the Air Force develop and institute a process or system that documents consults or contacts with victims of sexual assault and any resulting referrals to victims support services if those contacts do not result in a formal report of sexual assault.

**AIR FORCE RESPONSE:** The Air Force non-concurs with this recommendation. For the reasons outlined below, such a documentation requirement would potentially harm victims, pose a risk to the SAPR Program, and impose another administrative burden on SAPR staff.

Under current DoD policy, the requirement to document begins when the DD Form 2910 is signed. There is good reason for this from a victim protection standpoint. Victims who choose to not sign a DD Form 2910 are not provided ongoing or prolonged SAPR support, eliminating any need to memorialize contacts and consultations. For victims who do not wish to make a formal report, this ability to ask questions and learn more about the SAPR program with complete confidentiality and anonymity is comforting and builds trust. The ability to honestly tell an inquiring victim that there will be no record of informal contact goes a long way toward establishing the trusting relationship that may then lead to a formal

## Director of the United States Air Force Sexual Assault Prevention and Response Office (cont'd)

report. Moreover, keeping such documentation could make those informal contacts discoverable and potentially place victims and the SAPR Program at unnecessary risk. Loss of confidence in the SAPR Program and its personnel is one unintended consequence of such a requirement; another is the likelihood that fewer victims will seek help and potentially file an official report. This is counter to the Air Force's goals of increasing overall reporting and offender accountability and encouraging more victims to seek help.

In the autumn of 2018, the Air Force completed focus groups with installation SARCs and SAPR VAs to identify and discuss gaps in policy and needs related to documentation. None of the focus group findings supported an informal contacts tracking requirement. In addition, no focus group found that tracking informal contacts would resolve an identified problem or gap in policy. The proponent of Recommendation A.1 appears to be a lone former Air Force employee who was engaging in practices outside the scope of DoD and AF policy. Thus, such a need has not been demonstrated through credible and reliable sources.

The Air Force is dedicated to improving upon existing response capabilities for sexual assault victims. However, Recommendation A.1 will not augment these capabilities and runs the risk of reducing them. Therefore, the Air Force non-concurs with Recommendation A.1

**RECOMMENDATION D.1** The DODIG recommends that the Under Secretary of Defense for Personnel and Readiness develop a process to ensure that the accurate number of reports of sexual assaults made to the United States Air Force Family Advocacy Program are included in all future Annual Reports on Sexual Harassment and Violence at the Military Service Academies. Anticipated completion date is December 2019.

**AIR FORCE RESPONSE:** The Air Force concurs with this recommendation. The Department of Defense is the administrator for the Defense Sexual Assault Incident Database (DSAID) and DoD policy provides guidance on cases to be entered into DSAID. The Air Force will coordinate with DoD SAPRO to identify a process for accurate reporting.

**RECOMMENDATION D.2.** The DODIG recommends that the Director of the Department of Defense Sexual Assault Prevention and Response Office update DSAID to include a field for the Military Service DSAID Program Administrators to record the reason that reports of sexual assault are archived in DSAID.

**AIR FORCE RESPONSE:** The Air Force concurs with this recommendation. Enhanced capabilities to document within DSAID assists in providing a historical record within the same system utilized for providing Annual Report data.

## Director of the United States Air Force Sexual Assault Prevention and Response Office (cont'd)

**RECOMMENDATION D.3.** The DODIG recommends that the Director of the United States Air Force Sexual Assault Prevention and Response Office:

**RECOMMENDATION D.3a.** Require the Air Force DSAID Program Administrator to document and confirm with USAFA SAPR personnel the reason that she archived each of the 24 reports of sexual assault that we identified in this evaluation.

**AIR FORCE RESPONSE:** The Air Force partially concurs with this recommendation. The DSAID Program Administrator created Memorandums for the Record associated with the archived cases. The Air Force DSAID Program Administrator will coordinate with USAFA SAPR personnel for any additional documentation confirming communication from USAFA at the time of the archive. Given the turnover of staff in that office, receipt of such confirmation may be limited. Moving forward, the Air Force will ensure all archived cases have associated documentation through the development of Standard Operating Procedures. Anticipated completion date is 30 September 2019.

**RECOMMENDATION D.3b.** Require the Air Force DSAID Program Administrator to maintain documentation in DSAID from installation SAPR to support the reason that reports of sexual assault are archived in the future.

**AIR FORCE RESPONSE:** The Air Force partially concurs with this recommendation. This capability does not currently exist within DSAID, per Recommendation D.2. Once this capability exists in DSAID, the Air Force DSAID Program Administrator will maintain documentation within DSAID. Until that time, the Air Force will develop Standard Operating Procedures for maintenance of such documentation. The Air Force will develop Standard Operating Procedures by 30 September 2019.

**RECOMMENDATION D.3c.** Require an Air Force SAPRO supervisor to approve in writing the archival of a report of sexual assault in DSAID.

**AIR FORCE RESPONSE:** The Air Force partially concurs with this recommendation. Through the establishment of Standard Operating Procedures, the Air Force will develop processes to ensure quality assurance and accountability in archiving cases consistent with DoD policy. The Air Force requests flexibility in identifying the appropriate quality assurance and accountability process. Anticipated completion date is 30 September 2019.

**RECOMMENDATION D.3d.** Develop policy for the Air Force DSAID Program Administrator to use when determining whether it is appropriate to archive reports of sexual assault in DSAID.

## Director of the United States Air Force Sexual Assault Prevention and Response Office (cont'd)

**AIR FORCE RESPONSE:** The Air Force partially concurs with this recommendation. While the Air Force agrees additional guidance and processes are necessary, policy guidance on information to be entered into DSAID is provided by DoD. Therefore, it would be inappropriate for the Air Force to make such policy decisions. The Air Force will collaborate with DoD SAPRO on Standard Operating Procedures that provide the Air Force DSAID Program Administrator with procedural guidance that meets the intent of this recommendation. Anticipated completion date for the Standard Operating Procedures is 30 September 2019.

3. The AF/AIZ point of contact is [REDACTED] Air Force Integrated Resilience Office, [REDACTED] or via email at [REDACTED]

[REDACTED]  
Asst DCS, Manpower, Personnel and Services

## Acronyms and Abbreviations

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<b>ABW</b>	Air Base Wing
<b>AFI</b>	United States Air Force Instruction
<b>AFOSI</b>	Air Force Office of Special Investigations
<b>AFOSIMAN</b>	Air Force Office of Special Investigations Manual
<b>AOC</b>	Air Officer Commanding
<b>APY</b>	Academic Program Year
<b>DD Form</b>	Department of Defense Form
<b>DES</b>	Disability Evaluation System
<b>DNA</b>	Deoxyribonucleic Acid
<b>DoD</b>	Department of Defense
<b>DoD IG</b>	Department of Defense Inspector General
<b>DoDD</b>	Department of Defense Directive
<b>DoDI</b>	Department of Defense Instruction
<b>D-SAACP</b>	Defense Sexual Assault Advocate Certification Program
<b>DSAID</b>	Defense Sexual Assault Incident Database
<b>FAP</b>	Family Advocacy Program
<b>FOIA</b>	Freedom of Information Act
<b>FOUO</b>	For Official Use Only
<b>GAO</b>	General Accounting Office
<b>GPA</b>	Grade Point Average
<b>IG</b>	Inspector General
<b>MCIO</b>	Military Criminal Investigative Organization
<b>MDG</b>	Medical Group
<b>MEB</b>	Medical Evaluation Board
<b>NDAA</b>	National Defense Authorization Act
<b>OIG WRI</b>	Office of Inspector General Whistleblower and Reprisal Investigation
<b>PPC</b>	Peak Performance Center
<b>SAFE</b>	Sexual Assault Forensic Examination
<b>SANE</b>	Sexual Assault Nurse Examiner
<b>SAPR</b>	Sexual Assault Prevention and Response
<b>SAPRO</b>	Sexual Assault Prevention and Response Office
<b>SARC</b>	Sexual Assault Response Coordinator
<b>SIPRNET</b>	SECRET Internet Protocol Router Network
<b>SJA</b>	Staff Judge Advocate
<b>SME</b>	Subject Matter Expert
<b>SVC</b>	Special Victims' Counsel

## Acronyms and Abbreviations (cont'd)

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<b>SVIP</b>	Special Victim Investigation and Prosecution
<b>TDRL</b>	Temporary Disabled/Retired List
<b>TESSA</b>	Trust, Education, Safety, Support, and Action
<b>UCMJ</b>	Uniform Code of Military Justice
<b>USACIDC</b>	United States Army Criminal Investigation Command
<b>USACIL</b>	United States Army Criminal Investigations Laboratory
<b>USAFA</b>	United States Air Force Academy
<b>USAFAI</b>	United States Air Force Academy Instruction
<b>USD(P&amp;R)</b>	Under Secretary of Defense for Personnel and Readiness
<b>WRI</b>	Whistleblower and Reprisal Investigation



# **Whistleblower Protection**

## **U.S. DEPARTMENT OF DEFENSE**

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DEPARTMENT OF DEFENSE | OFFICE OF INSPECTOR GENERAL

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