

DAC-IPAD 2024 Site Visit Group Reports

From March through November 2024, members of the DAC-IPAD visited 16 military installations throughout the United States and Asia to talk to the personnel who work in the military justice system, and those most affected by the system. These individuals spoke without attribution so that the DAC-IPAD members could gain an unfiltered, candid assessment of how changes in sexual assault and sexual harassment laws and policies have affected the military justice system, with a particular focus on the implementation of the Offices of Special Trial Counsel. To ensure anonymity, the DAC-IPAD site visit group reports do not identify the branch of Service, installation, command, or name of participating individuals.

DAC-IPAD members actively participated in 150 small group discussions with more than 600 military justice stakeholders. To preserve the non-attributional nature of these discussions, information provided by the participants is summarized in the following 14 reports, organized by group:

- 1) Commanders
- 2) Special Victims' Counsel/Victims' Legal Counsel/Victims' Counsel (SVCs/VLCs/VCs)
- 3) Trial Counsel
- 4) Special Trial Counsel
- 5) Military Defense Counsel
- 6) Military Criminal Investigative Organization (MCIO) Investigators
- 7) Sexual Assault Response Coordinators (SARC)/Victim Advocates (VA)/Sexual Harassment and Assault Response and Prevention Personnel (SHARP)/ Equal Opportunity (EO) Representatives
- 8) Paralegals
- 9) Female Junior Enlisted Service Members (E-3 through E-5)
- 10) Male Junior Enlisted Service Members (E-3 through E-5)
- 11) Senior Enlisted Service Members (E-6 through E-9)
- 12) Female Cadets and Midshipmen
- 13) Male Cadets and Midshipmen
- 14) Cadet/Midshipmen Supervisors

These group reports synthesize and summarize comments made by participants to the DAC-IPAD members; they do not reflect findings of the DAC-IPAD or its members. The information received through these site visits will be incorporated into on-going and future studies. The full report on the DAC-IPAD 2024 site visits will be included in the DAC-IPAD Seventh Annual Report (March 2025).

Detailed Combined Summary of Site Visit Observations Across Military Branches: Commanders

Command Concerns

Across military branches, commanders face significant pressure to demonstrate accountability in sexual misconduct cases. However, they struggle with the perception that the decision not to prosecute a case reflects a failure of commanders to take sexual misconduct seriously. Commanders are very concerned about their ability to maintain discipline when a case is declined for prosecution because they are left with few options to address misconduct. The Article 15 process is especially problematic: Service members can refuse nonjudicial punishment (NJP) and request a court-martial; but without prosecutorial authority, commanders are left with no disciplinary action to take. Delays in processing cases further erode trust within units, as witnesses, victims, and even accused personnel frequently rotate to new assignments before a case concludes, undermining a sense of closure and justice.

Staff Judge Advocate (SJA) Concerns

SJAs play a key role in bridging communication between command, Offices of Special Trial Counsel (OSTCs), and MCIOs. Cases that take the administrative route are often litigated extensively, but SJA offices feel that the boards are less prepared to evaluate evidence than are formal courts-martial. SJAs note that military justice is a small part of their workload, and that they handle administrative investigations and separations.

Military Criminal Investigative Organizations (MCIOs)

MCIOs are underresourced across all branches, and significant investigation delays result. Agents are often inexperienced, a factor that causes concern among command teams and SJAs about the thoroughness and speed of investigations. Commanders report that a lack of case screening at intake creates a backlog and strains resources, making it difficult to prioritize serious cases. Some commanders recommended that MCIOs and STCs communicate more frequently to accelerate deferral decisions.

Sexual Harassment

Although there is a high volume of sexual harassment cases, they are often viewed as lower-priority offenses within the broader military justice system. The use of junior officers as investigators for harassment complaints, especially when they lack adequate training, has led to prolonged investigations and inconsistent outcomes. Commanders across branches highlight that to distinguish between sexual harassment and misunderstandings is often difficult, especially with limited investigative resources. Some commanders noted that sexual harassment typically involves multiple incidents and must be dealt with to prevent systemic issues.

Collateral Misconduct

Collateral misconduct policies, while designed to support victims, have had unintended consequences. Some commanders believe that this policy incentivizes false reporting because victims cannot be held accountable.

Military Justice and Accountability

Commanders widely report that the extended time frames for investigating and prosecuting cases erode the credibility of military justice. Delays can last from six months to over a year, and accused Service members remain on legal hold, unable to move on from the allegations; this situation is detrimental to morale and can lead to resentment within the ranks. Commanders recognize that prolonged investigations hurt both victims and the accused, particularly when accused Service members face ongoing stigma without a resolution. Across branches, commanders expressed a need for faster investigative and case-processing times to reinforce confidence in the justice system and reduce frustration among Service members and leadership alike. One commander recommended all cases be held to the same strict timelines required when pretrial confinement is involved.

OSTC (Office of Special Trial Counsel)

OSTC's role in taking prosecutorial discretion out of the command's hands is largely seen as a positive step toward greater fairness and consistency. However, commanders are often left without visibility into ongoing cases, and they therefore are less able to address the concerns of victims, accused personnel, and unit members. Many commanders suggest that more frequent updates from OSTC would improve both transparency and communication with the unit. They also expressed frustration about how long deferral takes and about their limited ability to act on cases after deferral. Some commanders are frustrated by the inability to take prompt disciplinary action on relatively minor offenses when OSTC exercises authority over them as known and related offense.

Resources

The establishment of OSTC has inadvertently drawn experienced legal personnel away from other areas, reducing the quality of legal support in command legal offices. Commanders report that junior legal advisors now occupy roles previously held by more senior legal officers, diminishing the experience level of those providing important advice on military justice and other command legal matters. Across branches, there is a call for increased staffing to offset the reallocation of resources to OSTC and support a more balanced distribution of experienced personnel.

Defense Counsel

Commanders value the services that defense counsel provide to personnel. Access to defense counsel varies across branches and locations. Delays in the availability of defense counsel are

particularly detrimental to morale, as accused Service members are left without guidance on their cases.

Victims' Counsel

In many locations, the demand for victims' counsel (VCs) exceeds their availability. Commanders report that VC shortages lead to prolonged delays for victims seeking representation, which may reduce victim engagement throughout the investigation and prosecution processes. Some commanders praised VCs for their role in helping to build trust in the system.

Training

Sexual assault and harassment training remains a point of contention; many command teams feel that current programs are often superficial and fail to resonate with younger Service members. Commands advocate for a more immersive, scenario-based approach that better prepares personnel to understand consent and respect boundaries. In addition, live role-play exercises and sessions led by skilled instructors are seen as more effective than traditional PowerPoint presentations. Commanders believe that more engaging training sessions could foster better understanding and create a more respectful culture within units.

SHARP/SAPR/SARCs/VAs

The roles of Sexual Harassment/Assault Response and Prevention (SHARP), Sexual Assault Prevention and Response (SAPR), sexual assault response coordinators (SARCs), and victim advocates (VAs) are generally seen as vital. Commanders stress that volunteer VAs filled a significant need, and their removal has left a void that civilian staff cannot fully address, especially on deployments. Commanders call for either reinstating volunteer advocates or allocating additional resources to ensure consistent support for victims across installations, which is essential for building trust and offering timely assistance.

Reporting Sexual Misconduct

Commanders report that the prevalence of mandatory reporting policies may dissuade some victims from disclosing misconduct, as they lose control over whether their report becomes restricted or unrestricted. In addition, the stigma and career implications associated with reporting remain a barrier, which commanders believe could be lessened by designating non-mandatory reporters outside the chain of command.

Mental Health Care Access

Mental health resources are insufficient, particularly in overseas areas where personnel face cultural and language barriers to receiving care. Long wait times, sometimes lasting several months, prevent timely access to counseling services, leaving Service members without support during critical periods. Commanders report that the stigma associated with mental health issues

remains an obstacle, particularly for Service members in operational and deployable units who fear losing their security clearances or deployability status if they seek help.

Unit Culture and Climate

Command teams recognize that fostering a respectful unit culture is crucial to preventing sexual misconduct, but variations in leadership styles and unit sizes pose a challenge. Larger units or those with more homogeneous military occupational specialties experience slower cultural shifts. Commands agree that commanders need to engage proactively with their units to reinforce positive behavior and ensure consistent messaging.

Prevention

Preventive efforts are seen as lacking across branches, as many commanders feel that current programs focus too much on reaction rather than proactive education. Commanders advocate for programs that address the “gray areas” in interpersonal interactions among young adults, which are often neglected in training.

Administrative Separation

Administrative separation is frequently used as an alternative when cases do not meet the court-martial threshold. However, commands often encounter retention recommendations from board members, which undermines accountability efforts.

Issues Unique to Overseas Locations

Commanders stationed overseas report that status of forces agreements (SOFAs) generally allow for military jurisdiction in sexual misconduct cases. In countries where military personnel are sometimes tried by local authorities, commands still have tools available to hold the Service member accountable. Limited mental health resources are challenges and language barriers hinder Service members who might try to access off-base support. Commanders suggest that expanding military resources in overseas locations and increasing collaboration with host nations could improve case processing and support both for victims and for accused Service members.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Victims' Counsel

Resources

Victims' counsel (VCs) across the Services report uneven access to resources, which affects their ability to serve clients effectively. While some offices are well-staffed and receive sufficient administrative support, others struggle with outdated equipment, inadequate office space, and limited paralegal assistance. Some VCs noted that they frequently had to borrow supplies and even lacked a designated waiting area for clients, so that they had difficulty maintaining client confidentiality and professional standards.

Personnel and Caseload

Caseloads across installations often exceed the official cap of 25 cases per attorney, straining VCs' ability to serve clients effectively. Some VCs said that they handled 40 or more cases. VCs frequently report that their support of clients extends beyond traditional legal representation. Such demands leave less time for case preparation and court representation.

In regions with higher caseloads, some offices have benefited from the addition of paralegals, easing the administrative burden. In installations without paralegals or other support staff, VCs often have to handle routine administrative tasks that take time away from case preparation and client care. Burnout is a common concern, as VCs handle emotionally challenging cases without respite. One VC who highlighted the mental toll of the work, especially given high caseloads, suggested that burnout could be reduced by more frequent rotations or additional support staff.

Limited Experience and Frequent Rotations

Many VCs are assigned to these roles early in their careers, often with minimal military justice experience, which affects their ability to handle complex cases. In addition, VCs rotate out every two to three years, often leaving cases in midcourse and disrupting continuity for victims.

Effects on Career

VC assignments are viewed differently across the Services. Some counsel reported that serving as VC is seen as career-limiting. One VC noted that the role is sometimes seen by their peers as "not real lawyer work," an attitude that can deter more experienced attorneys from seeking VC positions. Conversely, some observed that VC roles can help with promotion but also recognized that burnout rates are high due to the emotional toll of the job.

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Training

While VCs generally receive a foundational training course, many believe that this does not adequately prepare them for the complex realities of their roles. Some feel the training should include more practical elements, such as client counseling techniques and day-to-day case management strategies. Some suggested that more in-depth training on Military Rules of Evidence (MREs) 412 and 513 would be beneficial. One VC mentioned that attending a regional training with those in other legal roles enhanced collaboration and gave them a better understanding of procedural dynamics.

OSTC Relationship

Many VCs view the establishment of the Office of Special Trial Counsel (OSTC) as a positive development, as it generally promotes independence in prosecutorial decisions. However, there are mixed feelings about its impact on case timelines. Additionally, VCs have noted that the OSTC's focus on prosecutable cases can leave victims in limbo when cases are deferred and sent back to administrative channels without explanation.

Access to Information

VCs consistently face challenges regarding access to investigative files and updates on case progress, which hamper their ability to counsel clients effectively. Differences across the Services in the interpretation of disclosure rules also complicate VCs' access to information. Air Force VCs are able to view more investigative materials than other services. The lack of a standardized, efficient case management system across installations and branches leads to inconsistencies in how VCs track and update case statuses. The Air Force employs centralized court filings and allows VCs access to important information, such as motions and other court filings, while other branches do not. Some VCs report difficulties in obtaining investigative updates, often relying on periodic calls and emails with military justice offices to remain informed on their cases. VCs strongly recommend the establishment of standardized access policies to ensure consistent support for clients across the Services.

High Acquittal Rates in Sexual Assault Cases

VCs attribute high acquittal rates to several factors. Some cited unrealistic expectations about evidence, such as the desire for indisputable forensic evidence similar to that featured on television and in movies. Some cited delayed reporting, which can result in acquittals. Some cited to previous policies of taking cases to trial if the victim wished to go forward.

Administrative Separations

VCs report that prolonged case timelines and administrative complexities often lead victims to disengage from the military justice process. Administrative separation proceedings present a distinct challenge for VCs, as they lack official standing in these proceedings, and the services do

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not take a consistent approach to victims' and victims' counsels' presence at hearings. One VC noted that even though they could attend the board hearings to support their client, their inability to cross-examine witnesses limited their role. Despite these limitations, VCs generally view administrative separation as a favorable outcome for victims, especially when it avoids the additional stress and public exposure of a court-martial.

Relationship with MCIOs

Most VCs report productive relationships with military criminal investigative organizations (MCIOs), though the degree of collaboration varies. Some VCs highlighted that while they generally have a good working relationship with investigators, they prefer to limit their clients' exposure to multiple interviews and may opt to answer follow-up questions via email.

Access to Digital Evidence (Cell Phones)

In most cases, VCs advise clients to provide screenshots rather than hand over their cell phones for full data extraction, as they seek to balance evidence sharing with privacy protection. Some VCs mentioned that they preview clients' phones to determine what evidence can be shared, preferring to send only the relevant screenshots to MCIOs. However, in some instances, MCIOs still request full phone access, putting investigative needs ahead of client privacy.

MRE 513 and MRE 412

Military Rules of Evidence 513 (psychotherapist-patient privilege) and 412 (sexual behavior) are frequent areas of concern for VCs. Different judges handle MRE 513 issues differently. However, VCs in some locations report that the 2022 *Mellette* decision from the Court of Appeals for the Armed Forces, which ruled that diagnosis and treatment are not covered by the privilege, has discouraged clients from seeking mental health treatment out of concern that their records could be used against them in court.

Issues Specific to Overseas Locations

VCs stationed overseas face unique challenges, including logistical barriers, time zone differences, and language support needs. VCs described the difficulty of scheduling calls with clients across time zones, which often requires after-hours work. In addition, the need for language support can be significant in regions with non-English-speaking dependents. In some instances, VCs are forced to rely on translation apps or unofficial translators to communicate with clients, and as a result the quality of representation may decline.

Recommendations and Other Issues

VCs recommend several reforms to improve the VC program, including increased staffing, better technology for remote representation, and more consistent information-sharing practices across the Services. VCs also express a desire for policy changes regarding victim rights in administrative separations and advocate for more structured roles within these proceedings. One

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VC suggested that increased transparency in the process of making deferral decisions could help manage victim expectations and reduce frustration with case outcomes.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Trial Counsel

Personnel and Resources/Caseload

Across branches, trial counsel (TCs) are burdened with heavy caseloads, making it challenging for them to manage cases effectively. TCs report that understaffed offices, combined with the need to handle both trial preparation and administrative responsibilities, strain their capacity to give each case the attention it requires. This strain often leads to delays in a case's progress and reduces the time available to prepare adequately for trial. Further, high rotation rates and short assignments disrupt continuity. TCs suggest staffing increases, longer tours, and additional specialized support staff (e.g., paralegals and administrative assistants), which would enable TCs to focus on substantive trial work rather than administrative duties. TCs handle administrative separation cases, which are a large part of their workload.

Relationship with/Assessment of OSTC

The OSTC's oversight has brought a structured approach to case management and aligned prosecution decisions with evidence-based legal standards. The implementation of uniform prosecution standards is generally seen as positive, as TCs appreciate a clearer framework for case selection. Uniform standards minimize the risk of weak cases being pushed forward because of command pressures, fostering a fairer system in which cases with adequate evidence are more likely to proceed. TCs acknowledge that the OSTC's early involvement in investigations enhances case quality, as OSTC conducts thorough evaluations before trial. However, TCs express concerns that the additional layers of review create redundancies, often resulting in delays. Some TCs feel they do much of the legwork and have no authority over cases. The lack of clear boundaries of responsibility also contributes to delays and confusion. TCs recommend standardizing review procedures to ensure that the OSTC's involvement adds value without duplicating efforts and creating unnecessary administrative tasks.

Deferrals

The deferral process is a recurring point of tension, as TCs report that deferred cases often come back to them from OSTC with little guidance or specific explanation, complicating their efforts to advise commanders on appropriate actions. This lack of clarity sometimes results in misunderstandings regarding next steps, especially for cases that are deferred as inappropriate for court-martial rather than for evidence deficiencies. TCs often repeat case analysis after deferral, an inefficient approach. TCs suggest that OSTC provide more detailed deferral memos, outlining the reasons for deferral and possible follow-up actions, which would enable TCs to give clearer guidance to commanders on the best administrative actions, such as administrative separation or alternative disciplinary measures.

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Relationship with Command

The establishment of OSTC has shifted some authority away from commanders, a change that many TCs see as a relief for command leadership. However, commanders occasionally seek additional guidance on deferred cases, especially when communication from OSTC is limited. TCs have educated commanders on their options for post-deferral action and see commanders taking appropriate action in deferred cases.

Relationship with Defense Counsel

Defense counsel are seen by some TCs as overworked and less experienced than STCs. TCs advocate for parity in support and resources to help level the playing field and expedite cases.

Relationship with MCIOs

The working relationship with military criminal investigative organizations (MCIOs) varies; some TCs express frustration at MCIOs' reluctance to pursue additional evidence once probable cause is established. This often results in incomplete investigations, requiring TCs to conduct follow-up inquiries or request reinvestigations, and thus causing delays in the case's progress. TCs report that MCIOs' goals sometimes diverge from those of the prosecution, particularly in cases in which MCIOs seek to close investigations quickly. TCs suggest embedding legal advisors within MCIOs to facilitate better alignment of investigative goals, enhance case preparation, and improve cooperation between investigative and legal teams. TCs report that MCIOs are understaffed and lack experienced personnel.

Relationship with Civilian Law Enforcement

TCs report varied experiences with civilian law enforcement, largely influenced by local jurisdictions' willingness to collaborate on military cases. TCs recommend establishing standardized agreements with local agencies to improve evidence-sharing protocols, facilitate witness coordination, and ensure timely access to necessary information.

Relationship with Victims/Victims' Counsel

The relationship between TCs and victims' counsel (VCs) is generally collaborative, though TCs identify challenges with VC availability and logistical constraints. Frequent travel and high caseloads hinder VCs' responsiveness, creating delays in victim interactions and case updates. TCs express appreciation for VCs' role in supporting victims and agree that better staffing and more administrative support for VCs would enable them to offer more timely and effective assistance.

Sexual Harassment

TCs handle sexual harassment cases primarily as administrative matters, citing resource limitations that make it difficult for them to treat these cases as prosecutable offenses. Now that

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OSTC is set to take over sexual harassment cases, TCs are concerned that the current infrastructure may not support the volume and complexity of these cases. In addition, TCs note challenges in distinguishing between minor infractions and criminal misconduct within sexual harassment cases. TCs handle discharge actions involving sexual harassment cases. Sexual harassment is rarely handled as an Article 134, sexual harassment offense, the primary basis for disciplinary action is a violation of Article 92 based on the regulatory definition of sexual harassment.

Education/Training

Some TCs feel that current training programs do not adequately ready them for the demands of military justice. New TCs, especially those on their first tour, report feeling underprepared for courtroom responsibilities, often lacking practical skills for trial preparation and case strategy.

Morale/Promotions/Career Progression

Morale varies across installations; many TCs express feelings of burnout owing to heavy caseloads, high administrative burdens, and the lack of mentorship opportunities. High turnover rates and frequent reassignment add to the stress, as TCs often find themselves handling complex cases with limited support. TCs would like to receive more guidance from the STCs but they are too busy. TCs report varied opinions on how their positions affect promotion potential with some TCs finding they have plenty of complex court-martials to keep them competitive for promotion while others think military justice experience is not always valued as a career path within the JAG Corps.

Article 32

Article 32 hearings are seen as an increasingly redundant procedural step; TCs often view them as an administrative formality rather than a substantive review.

Administrative Separations

Administrative separations are time-intensive for TCs, since many cases require full separation boards. TCs report that mandatory separation cases for minor misconduct are especially burdensome, as the required procedure involves many steps. TCs report that some cases that cannot meet the standard for criminal convictions are instead taken to administrative boards, which have a lower standard of proof.

Protections for Accused

Some TCs note that military justice affords accused individuals extensive protections, which often exceed those in the civilian justice system.

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Issues Specific to Overseas Locations

Overseas TCs face unique challenges, including limited access to investigative resources, jurisdictional hurdles with host nations, and logistical difficulties due to geographic dispersion. Language barriers and cultural differences also affect the collection of evidence and interactions with victims. TCs stationed overseas frequently are responsible for large geographic areas, and the extensive travel they must undertake disrupts consistent case management and victim support.

Other Issues/Recommendations for Improvement

TCs propose several systemic improvements, such as modernized electronic filing and case management systems, which would enhance efficiency and reduce administrative burdens. They also recommend instituting longer tours for paralegals and administrative staff, thereby ensuring continuity and minimizing the disruptions caused by frequent personnel turnover. Clearer standard operating procedures for case management and trial procedures across installations would further streamline operations and promote consistency in military justice processes.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Special Trial Counsel (STC)

Overall Impressions of OSTC/Processes: The Office of Special Trial Counsel program is viewed extremely positively across branches as a significant improvement over previous prosecutorial structures, particularly in terms of enhancing independence and eliminating command influence. This shift has allowed prosecutors autonomy in case decisions, with processes streamlined for efficiency and alignment with evidence-based standards. OSTCs benefit from a structured system involving experienced litigators as supervisors, which supports quality and efficiency in handling cases.

Prosecution Standard: OSTCs' shift toward an evidence-based prosecution standard is viewed as a positive development that strengthens case credibility and eliminates command influence. This approach improves decision making, and prosecutors anticipate an increase in the quality of cases moving forward to the court-martial process, as well as a decrease in their volume.

Resources: Resource constraints are a persistent obstacle across OSTCs, affecting multiple aspects of case handling. Many OSTC offices face significant shortages of critical personnel, including victim-witness liaisons (VWLs), paralegals, attorneys and administrative staff. These shortages force prosecutors and paralegals to take on extensive administrative duties that detract from their focus on case preparation. That digital forensic capabilities and modern case management technology are also limited delays evidence processing, particularly for digital data and computer forensics. Furthermore, old technology for tracking cases and managing evidence must be updated to enhance efficiency and secure information sharing.

Workload: OSTC prosecutors report higher caseloads than initially projected, with workloads sometimes reaching 60 to 100 cases per attorney. Many older legacy cases are starting to clear out, allowing some relief to the system. Domestic violence cases contribute significantly to this volume, necessitating significant attention and time for processing. Many STCs are also required to travel frequently, and this travel contributes to their workloads. The combination of excessive caseloads and limited support staff has resulted in high stress, burnout, and turnover among prosecutors, which can disrupt team cohesion and lower case quality.

Deferral Process: The deferral process lacks uniformity across the Services, and as a result there are inconsistencies in command responses and additional administrative burdens on OSTCs. Commands vary in their understanding and handling of deferred cases; some implement administrative actions promptly, while others hesitate or delay. This inconsistency creates gaps in accountability. Prosecutors in some Services note the significant amount of time and labor spent in analyzing and documenting deferral decisions, especially as compared to the relatively simple process that the Department of Justice employs when deciding not to prosecute.

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STC Experience/Career Progression: Experience levels among special trial counsel vary widely across branches; some prosecutors have substantial litigation backgrounds and others are relatively new to litigating. High turnover due to short rotation policies limits continuity and disrupts team cohesion, harming case preparation. Prosecutors suggest extending assignment lengths to retain institutional knowledge, enhancing targeted training, and developing mentorship programs for newer attorneys. In certain branches, the OSTC assignment is recognized as valuable for career progression, providing intensive case management experience and pathways to litigation leadership roles.

Victim Engagement/Interactions with Victims: OSTCs have improved interactions with victims by implementing structured communication protocols, which help ensure that victims receive regular updates and are well-informed about case developments. However, the limited availability of VWLs has made it challenging to sustain these protocols and has pushed their responsibilities onto paralegals and prosecutors. Geographic and logistical challenges also complicate communication with victims, particularly overseas. Prosecutors emphasize the need for additional VWLs to support consistent engagement.

Relationship with Commands: Generally, OSTCs report positive relationships with commands, who largely respect the prosecutorial independence of OSTCs. That commands generally recognize and support OSTCs' decision-making authority has helped reduce potential conflicts. Some STCs complain about time spent obtaining non-binding input from command and staff judge advocates (SJAs). OSTCs stress the importance of continued education and clear communication with commands to reinforce boundaries and clarify the prosecutorial role in these cases.

Command Action on Deferred Cases: Commands respond to deferred cases in varied ways: some swiftly implement administrative actions, while others delay because they do not fully understand their options after deferral. This inconsistency affects accountability and undermines the effectiveness of deferrals.

Relationship with Defense Counsel: OSTCs generally report professional and productive relationships with defense counsel, which contribute to efficient case handling and smoother case resolution through plea agreements. However, some prosecutors report a disparity in experience between defense counsel and prosecutors, and some assert that limited defense resources and scheduling conflicts frequently delay case timelines. Prosecutors recommend additional resources for defense teams to reduce delays and improve case progression.

Relationship with Trial Counsel: Positive collaboration with trial counsel (TC) supports case preparation, through their assignment as "second chair" to cases along with STCs. The varying experience levels of TCs and their role as advisors to command further complicate coordination, as does the fact that TCs are supervised and rated by entities outside of OSTC. Prosecutors

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recommend clearer definition of roles, joint training, and mentorship programs to improve coordination and build a cohesive OSTC-TC partnership.

Relationship with Victims' Counsel: Constructive relationships with victims' counsel (SVC/VC/VLC) support victim-centered case handling, though challenges arise in balancing privacy with evidentiary needs. Variability in VC experience and resource limitations affect case timelines. Prosecutors suggest that clearer information-sharing protocols and expanded training for victims' counsel would improve collaboration and ensure victim support.

Administrative Separations: Administrative separation cases are a high-volume workload for trial counsel and defense counsel.

Relationship with MCIOs: OSTCs benefit from cooperative relationships with military criminal investigative organizations (MCIOs), which improve investigative coordination. However, investigator inexperience and turnover, as well as resource constraints within MCIOs, present challenges. Inconsistent interagency coordination complicates evidence sharing, and prosecutors often find that cases are not adequately investigated and must themselves perform additional investigative steps. Prosecutors recommend increasing MCIO resources, standardizing communication protocols, and providing additional training to enhance consistency in investigative support.

Relationship with Civilian Authorities: Relationships with civilian authorities vary widely; some locations benefit from strong partnerships, while others face jurisdictional and privacy challenges. Prosecutors suggest formalized agreements with civilian authorities to clarify protocols and improve coordination, particularly in high-visibility or complex cases.

Case Timelines: The OSTC model has generally improved case timelines by enabling faster prosecutorial decisions and reducing delays associated with command input. Yet delays persist in complex cases, particularly those involving extensive digital evidence or cross-jurisdictional issues, which require additional investigative resources. Prosecutors report that high caseloads and limited staffing further extend timelines, especially when defense scheduling conflicts arise. Recommendations include increasing support staff, improving forensic capabilities, and expanding resources for defense counsel to alleviate these bottlenecks.

Domestic Violence: Domestic violence (DV) cases make up a large share of OSTC workloads, often taking significant bandwidth. These cases pose unique investigative challenges and strain resources, particularly in locations with high DV case volumes.

Sexual Harassment Cases: With sexual harassment set to become a covered offense in 2025, OSTCs anticipate that caseloads will increase. Prosecutors express concern over the resource demands this shift will entail and concern over the quality of the investigation that they will receive when the substantiated allegations are referred to them. Each Service has a different plan

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to handle these cases, and many prosecutors do not know the specifics of how the new processes will work.

Cell Phone Testing: Cell phone evidence is crucial in many OSTC cases. However, privacy concerns also complicate evidence collection. Victims and victims' counsel are hesitant to share personal devices, instead providing screenshots. Further, prosecutors generally do not pursue search warrants for victims' phones although they do so for the phones of the accused.

MRE 513 – Mental Health Records: Accessing mental health records under Military Rule of Evidence 513 is a complex process. Inconsistent application of MRE 513 across Services and installations affects case processing, as judges employ varied processes for obtaining and reviewing records. Prosecutors recommend standardized guidelines and streamlined procedures to balance privacy and evidentiary needs.

Military Magistrates: There is widespread concern regarding the reliance on part-time military magistrates (PTMMs), who are typically junior personnel with limited experience and for whom this function is an extra duty. Their lack of experience affects the quality of decisions on critical issues like search authorizations and pretrial confinement. Prosecutors suggest staffing these positions with experienced officers to improve consistency in judicial decision-making and increase case integrity.

Issues Specific to Asia: OSTCs in Asia face distinct challenges related to jurisdiction, language barriers, and limited forensic capabilities. That host-nation authorities have different rules affects case processing.

Recommendations for Improvement: Prosecutors recommend increasing staffing in paralegal, VWL, and administrative roles to support case management; enhancing access to case management software and digital evidence sharing options; expanding training for commanders on new legal standards; and improving interagency coordination through standardized protocols. Additional support for victim engagement and streamlined administrative processes are also advised. Finally, prosecutors were concerned about potential burnout among OSTC personnel.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Defense Counsel

Resources: Defense offices across branches report significant limitations in staffing, technological equipment, and administrative support. Defense counsel repeatedly stressed they often had gapped positions for attorneys and paralegals: that is, personnel often experienced long absences from the office for training courses and leave, and positions were often vacant for long periods between the departure of the outgoing attorney or paralegal and the arrival of the replacement. Defense offices are sometimes left for weeks or months at a time with only a brand-new defense counsel or a paralegal to handle the office alone—or offices are forced to close entirely. Defense counsel report a stark imbalance in resources, particularly when compared to the OSTC. This disparity is evident in the number of paralegals, access to investigators, and specialized training for handling complex cases. Defense teams often feel outmatched by the larger, better-equipped OSTC teams, which can include up to six personnel per case, while defense is frequently limited to one or two attorneys with minimal support.

While some branches have implemented improvements, such as independent travel budgets and expert funding, many defense counsel still lack access to sufficient paralegal and investigator support, particularly in high-volume regions. In some locations, counsel operate from inadequate facilities, a further hindrance to case preparation.

Defense Workload: High caseloads, primarily consisting of sexual misconduct and domestic violence cases, place considerable strain on defense counsel. In areas with high volumes of cases, defense counsel face challenges in balancing court-martial preparation with administrative duties, including administrative separation boards and Article 15 representation, which stretch resources thin. Defense offices handle substantial administrative separation caseloads; these often involve sexual harassment, sexual assault, or lesser misconduct cases that do not meet court-martial thresholds. Administrative separation board preparation is almost as extensive as court-martial preparation - the same evidence is involved. High volumes and short notice can impede defense counsel's ability to effectively prepare for boards and to prioritize more serious cases.

Training and Experience: Defense counsel report variability in experience and training. Many first-term judge advocates general (JAGs) enter defense roles with limited litigation and military experience, forcing them to come up to speed quickly when handling serious cases. While they benefit from the support of senior defense counsel, the disparity in experience between defense and Office of Special Trial Counsel (OSTC) staff raises concerns, particularly as OSTC attorneys often bring to bear more courtroom, military, and prosecutorial expertise.

Career Impacts of Defense Assignment: Defense assignments, while essential to military justice, are sometimes perceived as limiting career progression, especially if defense counsel

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remain in the role for extended periods. Opportunities for operational assignments and promotions may be fewer than for their counterparts in prosecutorial roles, as promotion boards often favor broader experience.

Independence: Across branches, defense counsel report a general sense of autonomy in decision making. However, some express concerns over perceived pressures or an “us versus them” mentality, which can contribute to hesitation among JAGs considering defense roles. High turnover rates in defense assignments are also reported.

Defense Investigator: Defense offices generally lack sufficient investigative support, and some installations rely on one investigator to serve entire regions. This shortage forces defense attorneys and paralegals to conduct investigations themselves without investigative training, impairing thoroughness and lengthening case timelines. Counsel recommend increasing the number of dedicated defense investigators to ensure adequate representation.

Defense Experts: Methods of gaining access to expert witnesses remain complex and inconsistent. Some branches have dedicated funding, but approval processes can be lengthy and complicated. Defense teams continue to advocate for streamlined procedures and greater autonomy in selecting and funding experts to ensure adequate case preparation.

OSTC Relationship: Relationships with OSTCs vary widely: some defense teams report professional collaboration, while others experience contentious interactions, particularly around plea negotiations and access to evidence.

Relationship with MCIOs: Defense counsel face challenges in working with military criminal investigative organizations (MCIOs), noting difficulties in accessing evidence and obtaining full cooperation. Inconsistent policies on access to evidence, particularly digital evidence, creates barriers to comprehensive defense preparation.

Victims’ Counsel Relationship: Interactions with victims’ counsel (VCs) vary by installation. Some defense counsel report cooperative relationships that aid communication, while others face resistance from VCs, especially in coordinating victim interviews. The varying experience levels among VCs contribute to differing levels of collaboration across branches.

Trial Counsel: Relationships with trial counsel (TCs) are generally professional, though disparities in experience can affect case dynamics. In some installations, TCs are less experienced than defense counsel, leading to tensions during case preparation. Nonetheless, defense counsel appreciate the collaboration when TCs demonstrate flexibility and understanding in evidentiary matters.

Discovery: Discovery practices remain a point of contention. Defense counsel report frequent delays in receiving discovery materials, with harm to trial readiness. In some instances, discovery issues surface close to trial dates, forcing defense teams to request continuances or litigate last-minute evidence.

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Digital Evidence: Access to digital evidence, particularly from victim devices, is inconsistent. Defense counsel often encounter barriers to retrieving and analyzing digital data, which can be crucial to case outcomes. Sometimes defense counsel cannot access information from the accused's cell phone because it has been seized. Improved access to forensic resources and standardized digital evidence protocols are recommended.

MRE 513: Defense counsel face challenges in obtaining mental health records under MRE 513, citing privacy restrictions and inconsistent rulings by military judges. Taint teams, though helpful in protecting victim privacy, add procedural layers that delay access to critical information.

Sexual Harassment: Sexual harassment cases are typically processed as Article 92 rather than Article 134 violations. Defense counsel report that these cases frequently proceed to administrative separation boards rather than courts-martial, for those entitled to a board by length of service or because an other than honorable discharge is sought, affecting client careers.

Article 32 Hearings: Defense counsel across branches report seeing limited utility in Article 32 hearings, which they perceive as largely procedural. Defense teams often waive these hearings, as they rarely affect case referrals or generate new evidence.

Voir Dire/Panels: Challenges with voir dire and panel composition persist, particularly in the areas of diversity and potential biases. Defense counsel advocate for standardized voir dire practices and greater attention to panel diversity, as well as procedures to identify and address implicit biases among panel members.

Mental Health Services: Defense counsel recognize the importance of mental health services for clients but advise caution when clients discuss case details with providers, especially in sexual misconduct cases. Greater protections for confidentiality are recommended.

Effect on Clients: Defense counsel observe that cases, particularly those involving sexual misconduct allegations, significantly affect clients' careers and personal lives. Even after an acquittal, clients frequently face lingering career setbacks, stigmatization, and mental health challenges, effects that underscore the need for support services and timely case resolutions.

Reasons for Acquittals: Common reasons for acquittals include insufficient evidence, weak witness testimony, and overcharging by prosecutors. Defense counsel emphasize that thorough case evaluation and realistic charging practices could prevent unnecessary trials and avoidable acquittals.

Issues Unique to Overseas Locations: Defense counsel stationed overseas face unique challenges, including jurisdictional complexities, language barriers, and the need to coordinate with host-nation authorities. Additional resources are recommended to address these location-specific issues and ensure effective representation.

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Suggestions/Other Issues: Defense counsel suggest expanding training opportunities, improving resource allocation, and ensuring that experienced counsel are assigned to complex cases. Structural adjustments to improve resource parity with OSTCs, including increased access to investigators and expert witnesses, are widely recommended.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Military Criminal Investigative Organizations (MCIOs) and Air Force Security Forces

Resources

The underresourcing of agents is a universal concern. Because many offices lack sufficient personnel to handle their caseloads effectively, agents are forced to prioritize reactive investigations over proactive measures. This issue is exacerbated by high turnover, slow civilian hiring processes, and uncompetitive salaries, particularly in overseas locations where the cost of living is higher. Civilian agents are often deterred by the lengthy hiring process and absence of relocation support. The lack of experienced personnel has led to a heavy reliance on new agents. Training courses and mid-tour leave can pull overseas agents away for a month or more.

Workload and Reporting and Notification Requirements

MCIO agents manage a heavy workload dominated by sexual assault and domestic violence cases. High caseloads have forced agents to prioritize urgent investigations, and thus lower-priority cases are often left on hold for prolonged periods. Administrative tasks, including mandatory report updates and extensive documentation, occupy up to 75% of agents' time. Reporting requirements are described as unnecessarily duplicative, with agents needing to notify multiple entities (e.g., sexual assault response coordinators [SARCs], legal, Offices of Special Trial Counsel [OSTCs], command) within strict time frames despite little follow-up or action from these parties. Notifications at 24 and 48 hours, as well as monthly updates, are often seen as excessive. Agents spend time preparing and distributing updates on cases that have no recent developments, and investigative tasks are shortchanged. Automation of notification systems and consolidation of reporting requirements are recommended to reduce the administrative burden.

Oversight

Oversight mechanisms across branches are heavily criticized for being overly dependent on rigid procedures. Agents describe oversight entities as focusing too much on compliance with checklists and too little on substantive investigative guidance. This is particularly true for unfounded cases, cases with minimal evidence, and nonparticipation cases for which oversight reviewers may demand additional steps that lack practical utility. In the view of some agents, the requirement for higher-level review of no-probable-cause determinations delays case closure and may result in unintended pressure to find probable cause. Some agents suggest that simplifying oversight policies, especially for minor cases, would enable them to allocate resources to cases with greater investigative value. Agents recommend that experienced supervisors be empowered to provide mentorship-based oversight to guide and develop case strategies instead of the current oversight systems directed by higher headquarters.

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Training and Experience

MCIOs generally do not have special victim case teams. Sexual assault cases are therefore handled by general crimes teams, some of which include agents with special victim expertise. MCIO agents receive sufficient training on trauma-informed interviewing, but some recommended mandated refresher courses to learn new techniques and to refocus on best investigative practices. Some agents who are new to the military expressed a need for more military-specific training, particularly on military law. Overseas and high-turnover installations face added challenges, as agents often rotate in before completing necessary training. Many MCIOs expressed a desire for more training with the special trial counsel.

Investigative Policies and Techniques

Sexual assault allegations lacking facts or victim statements are often referred to MCIOs by mandatory reporters and third parties. Despite the lack of information, MCIOs are compelled by policy to open an investigation. Policy requirements also often limit MCIO agents' discretion in case management, leading to exhaustive investigations even for low-evidence, unfounded, and nonparticipatory cases. Rigid checklists exacerbate this issue, forcing agents to complete nonessential steps in low-probability cases. The standardization of investigative techniques, such as the use of checklists, is helpful for newer agents but can hamper the ability of more experienced agents to efficiently tailor their approach to complex cases. Greater discretion at the agent and supervisor levels is recommended, along with streamlined closure protocols for cases unlikely to proceed and limited-scope investigations for nonparticipation cases.

Initial Victim Interviews and Limitations on Access to Evidence

Delays in conducting victim interviews are a significant issue. MCIOs recognize that victims' counsel (VCs) are essential for victim advocacy, but they are frustrated by the logistical challenges that VCs can introduce to investigations. Limited availability of VCs to meet with clients and attend interviews often delays initial victim interviews, sometimes by weeks, and as a result opportunities can be reduced to collect evidence, including from CCTV footage, witnesses, and pretext calls or texts. These initial interviews may also be delayed by victim convalescent leave policy and by expedited transfers of victims, as relocation requires time and the appointment of new VCs. When delayed interviews indicate that no crime was committed, a subject may suffer unnecessary damage to their career. Some agents have coordinated processes with VCs to request that victims preserve evidence and provide basic information needed to obtain preservation warrants prior to the initial victim interview. Agents also report that VCs sometimes limit the scope of interviews or restrict access to victim digital evidence, such as text messages, emails, or photos. These limitations create challenges in building a thorough case and in securing corroborative evidence.

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Evidence Collection and Testing

Digital evidence, especially from cell phones, is critical to sexual misconduct investigations but frequently challenging to collect. VCs and victims commonly restrict access, allowing agents to capture only specific screenshots or select conversations, which can omit vital context or metadata. In cases in which victims refuse phone access, agents report that defense counsel frequently point to the lack of digital evidence to challenge the prosecution's case integrity at trial. Forensic testing, including SAFE kits and digital forensics, is delayed by backlogs that can extend for months. Many agents report insufficient access to advanced forensic tools or dedicated personnel to handle digital evidence.

OSTC Relations

The implementation of the Office of Special Trial Counsel has brought experienced legal guidance to investigations, though because of capacity limitations OSTCs are not always available for consultation at critical stages. In some instances, OSTCs are responsible for multiple installations, leading to delays in response times and limited involvement in early case development. Nevertheless, agents widely recognize the benefits of having OSTCs' experienced oversight to guide case strategy and thereby ensure that cases are built on strong, prosecutable evidence. But misalignment between OSTC and MCIO policies has created inefficiencies, as agents still must follow through on cases even when the OSTC declines to prosecute. Agents recommend increased OSTC staffing to support timely and effective case resolutions.

Trial Counsel Relations

Interactions with trial counsel vary, depending on their experience level. Sometimes TCs are proactive and collaborative, assisting with evidence collection and providing early case assessments. However, frequent rotations and lack of experience with sexual misconduct cases limit their effectiveness. Some agents reported that a TC's advice may differ from that of the STC, and such disagreement creates delays and confusion. Some agents express frustration when they are unable to work covered cases directly with STCs, often viewing interactions with less experienced TCs as an unnecessary step.

Defense Counsel Relations

Interactions with defense counsel vary, and agents express concern over delays and tactics that can prolong investigations. The involvement of defense counsel tends to become contentious when discovery demands or procedural objections arise, creating procedural hurdles for agents. In many cases, MCIOs coordinate through trial counsel to streamline interactions and reduce the potential for disruptive cross-communication.

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Interactions with Commands

MCIO interactions with command units vary significantly depending on how responsive leaders are and how well they understand investigative processes. MCIOs are unable to close a case without notification of command disposition, which some commands are slow to provide. Some agents report that commanders may inadvertently interfere in cases by conducting internal interviews with the accused, an action that can jeopardize case integrity.

Collateral Misconduct

Collateral misconduct policies vary, though most MCIOs report leniency in minor misconduct such as underage drinking when it occurs in the context of sexual misconduct investigations. However, safe-to-report policies for victims often do not extend to witnesses or associates, and victims can be reluctant to come forward if they fear that their peers may face disciplinary action. Agents suggest standardized, transparent collateral misconduct policies that could foster trust and encourage victim cooperation.

Sexual Harassment

MCIOs report varied involvement in Article 134 sexual harassment cases. The Coast Guard Investigative Service (CGIS) interviews sexual harassment victims and will investigate some cases, while the rest are sent to the command for investigation. The Naval Criminal Investigative Service (NCIS) does not investigate sexual harassment but has hired law enforcement officers with limited authorities to do so beginning in January 2025. OSI Agents of the Air Force Office of Special Investigations (OSI) will investigate sexual harassment if certain criteria are met; however, they are concerned that they may not have sufficient manpower for these cases. The Army's Criminal Investigative Division (CID) does not investigate sexual harassment cases and agents do not believe they have sufficient resources to do so. Military law enforcement investigators, other than MCIOs, who investigate sexual harassment cases recommend clearer guidelines and specialized training on handling both sexual harassment and domestic violence to improve investigative efficiency and support for affected personnel. These investigators note that while sexual harassment and assault offenses may be involved in the same case, each requires different procedures, investigative steps, and reports.

Trial Preparation

Trial preparation for agents is inconsistent and often insufficient. Many agents report receiving little to no advance notice or preparation before testifying, and as a result they are less effective in court.

Relations with Civilian Authorities

Coordination with state and local agencies remains inconsistent; some MCIOs report strong collaborative relationships while others face jurisdictional or procedural hurdles. Civilian

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prosecutors are often reluctant to accept military cases owing to their perceived complexity or the lack of corroborative evidence. Relations are further strained when cases require evidence or warrants from local authorities who may have limited experience with military investigative procedures. MCIOs suggest standardized memorandums of understanding (MOUs) to facilitate state agency collaboration.

Nature of Cases

MCIO cases mainly involve sexual misconduct and domestic violence, often with limited corroborative evidence. Alcohol frequently plays a role in these cases, and many incidents occur off-installation or in shared living spaces like barracks. Reports often follow social events, which result in “he said, she said” cases that hinge on victim and witness statements. High-profile cases or cases involving senior personnel can lead to heightened scrutiny and can complicate dynamics with command units. MCIOs emphasize the need for a trauma-informed, victim-centered approach to investigation that recognizes the nuanced factors influencing case outcomes.

Issues Unique to Overseas Locations

Overseas MCIOs encounter unique obstacles, including logistical delays in securing victim interviews, limited access to specialized training, and difficulties with evidence handling across jurisdictions. The availability of victims and witnesses often depends on the assignment rotation schedule, and potential witnesses for a given case are frequently redeployed before they can provide statements.

Other Issues/Recommendations for Improvement

Investigative timelines are heavily influenced by procedural requirements, forensic backlogs, and staffing shortages. MCIO agents broadly recommend increased staffing, streamlined administrative requirements, and discretionary authority for minor cases as ways to enhance investigative focus. A centralized digital system for case updates, automated notifications, and digital evidence tracking could significantly reduce the reporting burden. Some agents proposed revisiting the standard operating procedures for evidence retention and search authorizations to align MCIO policy with civilian law enforcement practices, fostering efficiency without compromising case integrity. In addition, standardized oversight from experienced agents was suggested as an improvement over current administrative reviews.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: SARC/VA/SHARP/EO

Structure/Resources/Workload/Hiring

Sexual Assault Response Coordinator, Victim Advocate, Sexual Harassment Assault Response and Prevention, and Equal Opportunity programs face ongoing challenges related to understaffing, high caseloads, and delays in hiring and credentialing. For SARCs and VAs, civilian personnel offer continuity and experience, but some military members do not trust civilians. Hiring delays create gaps in victim support and increase the workload for existing staff. The system for hiring civilian personnel takes too long. Physical resources, such as office space, confidential meeting rooms, and updated technology, are inadequate at many installations. Participants noted that SARCs and VAs need to be granted professional status to enhance credibility and provide career advancement opportunities. EO is not a military specialty in all services, but personnel recommended it should be. SARCs and VAs find co-location with other victim services, such as victims' counsel (VCs), EO, and mental health, to be helpful. Some SARCs, VAs, and EO personnel recommend consolidating sexual harassment and sexual assault processing under SAPR.

Volunteer, Collateral, Uniformed, Unit, Military VAs

The transition away from collateral-duty and volunteer VAs is seen as a net negative. Uniformed VAs, despite their collateral-duty status, provide critical first-line support within units, especially during deployments, and possess a unique ability to integrate within their units. Civilian VAs are valued for providing continuity and expertise but cannot deploy. Participants advocate for a hybrid model that includes both civilian and military VAs to ensure that victims have continuous support in all operational settings. Civilian VA positions are insufficient to absorb the work done by the unit VAs. In addition, the loss of volunteer VAs will reduce accessibility for victims during non-duty hours.

Training for SARCs/VAs/SHARP/EO

Training for SARCs, VAs, and EO personnel is generally viewed as process-focused, with insufficient emphasis on interpersonal skills and victim care. The introduction of tiered training for SARCs and VAs in some Services—basic, intermediate, and advanced—offers promise but is not yet widespread. Many participants expressed the need for in-person refresher training that incorporates role-playing exercises and hands-on practice. Training for civilian hires often involves months-long delays owing to limited school slots and certification requirements, leaving some new hires unable to serve clients for extended periods. Many SARCs, VAs, and EO personnel use the definition of sexual harassment provided in DoD and Service harassment regulations, and some are not even aware of Article 134's sexual harassment definition.

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Training for Service Members on Sexual Harassment and Sexual Assault

The effectiveness of training on sexual assault varies widely. Standard presentations and lecture formats are criticized for failing to engage Service members. Interactive formats, such as small-group discussions and scenario-based learning, are seen as having far greater impact, but they are more difficult to institute because they require more trainers and because the quality of individual trainers varies widely. Some installations have successfully implemented rank-specific training that tailors content to the unique responsibilities of junior enlisted members, NCOs, and senior leaders. Participants note that training on consent is sometimes based on a moral standard rather than the legal standard, and the result is reports that do not meet the legal definition of sexual assault, particularly in alcohol-related incidents. The failure to clearly train on the legal standard of consent can contribute to the perception that victims make false reports. Sexual harassment training is not effective and, in some Services, not mandated.

Reporting/Retaliation for Sexual Assault

Retaliation remains a pervasive concern that discourages victims from reporting sexual assault. Many victims fear facing social ostracism, experiencing professional repercussions, or being labeled within their units. Participants asserted that gossip and informal sharing of information often undermine confidentiality, resulting in some victims experiencing exclusion or hostility from peers. The CATCH Program was identified as a valuable tool for restricted reporting, enabling victims to help track serial offenders; however, this program is not available to those who suffered sexual harassment. Participants emphasized the need for improved leadership training to address retaliation and for better communication about available protections. Victims want victim services but often do not want to report or to participate in an investigation owing to the length of the process and the lack of accountability.

Reporting/Retaliation for Sexual Harassment

The process for reporting sexual harassment is confusing and often misunderstood by both victims and leaders, and training for the force is insufficient since EO does not do outreach. Many victims do not understand the difference between sexual harassment and sexual assault and often report to the wrong agency; as a result, they have to retell their story. The lack of confidentiality across the Services in reporting sexual harassment cases, unlike sexual assault cases, discourages many from coming forward. Participants raised concerns that the impending shift to law enforcement handling sexual harassment investigations will cause greater delays. Better education, clearer policies, and improved confidentiality protocols were recommended to increase trust and reporting rates.

Accountability

Accountability in the system is seen as inconsistent. Administrative actions, such as nonjudicial punishments (NJPs), are frequently viewed as insufficient for addressing serious misconduct,

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while the slow pace of legal processes discourages reporting and participation. Lengthy processes lead to the misperception that perpetrators are not held accountable. Perceptions of false reports or lying persist after not guilty verdicts or retention in administrative proceedings.

Sexual Harassment

Sexual harassment investigations are often poorly executed, particularly when conducted by inexperienced investigators in commander-directed investigations (CDIs). The lack of clarity in distinguishing between harassment and assault complicates reporting and case management. Participants called for clearer definitions, better guidance on handling harassment cases, and more robust training for investigators and leaders. There is no expedited transfer out of units for sexual harassment victims, so victims remain with harassers if the harasser is not discharged.

Sexual Assault Case Processing Timeline

The slow pace of processing sexual assault cases undermines trust in the system and discourages victim participation. Many cases take two to three years to resolve, and victims often withdraw because of their frustration and emotional fatigue. Perceptions that cases take too long discourages reporting, or discourages participation in the legal process—but because many victims still want care, they make restricted reports or decline to participate in the investigations or legal processes.

Commander Issues

Trust in commanders varies significantly across branches and units. Participants note that some junior members may not know their commanders and do not know whether to trust them, and therefore emphasize the importance of NCOs and mid-level leaders. While some commanders are praised for their proactive support of victims, others are criticized for prioritizing unit cohesion over individual welfare. All commanders are challenged to care for the victim and the subject of investigation, as well as ensure ongoing unit cohesion and accomplishment of the mission.

Services

Expedited transfers are valued services that enable victims to move closer to support systems, but some participants noted that complaints are not evaluated for credibility before transfers are executed. Some installations allow a form of expedited transfer for sexual harassment victims, but only within that installation.

Mental Health

For victims of sexual misconduct, stigma and limited availability of mental health services remain significant barriers. Male Service members and those in sensitive career fields are particularly reluctant to seek help owing to fears of professional repercussions. Long wait times for appointments exacerbate the problem, as do long waits for off-installation referrals.

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Participants emphasized the need for increased mental health staffing and expanded access to confidential counseling.

Victims' Counsel (SVC, VLC, VC)

Victims' counsel programs are essential but face challenges related to sufficient staffing and access. Some installations struggle to assign VCs in a timely manner, or in-person, and virtual meetings therefore become necessary. Some victims deciding whether to report will chose not to if they cannot get in touch with a VC, deciding that the process is too complicated. Participants recommended increasing VC staffing, expanding access to victims of sexual harassment, and providing additional administrative support to streamline case management.

Special Trial Counsel (STC)

The transition to the STC system has been met with mixed reactions. While victims seem happy with the changes' potential to improve fairness and trust, perceived staffing shortages and communication gaps have introduced delays and confusion. Some participants noted that OSTCs moved cases faster, and some observed that they had not yet worked with OSTC. Many participants stated that they were not as closely connected with STCs as they had previously been with local legal offices.

Law Enforcement – Military Criminal Investigative Organizations (MCIOs), Security Forces (SF)

Relationships between SARCs, VAs, and law enforcement are generally positive. However, some participants noted investigative delays caused by understaffing and high turnover among law enforcement personnel.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Paralegals

Resourcing

Staffing shortages were a recurring concern: many offices were undermanned and paralegals overburdened by long hours and weekend work. Retention is a major issue, as experienced paralegals frequently left the Service because of burnout and dissatisfaction. This loss of institutional knowledge created a gap in expertise and placed additional strain on the remaining staff. Morale among junior enlisted paralegals was reportedly low, a problem compounded by perceptions of inequity in workload compared to peers in other military occupational specialties. Leadership was described as being aware of these challenges, but systemic issues like the “do more with less” mentality persisted.

Training

Concerns about the adequacy of training were universal. Many paralegals noted that they arrived at their assignments unprepared for the demands of the role. There were significant gaps in formal training, so much of the learning occurred on the job.

Data

Paralegals highlighted challenges with data management, particularly with outdated and cumbersome systems like Military Justice Online (MJO) and its newer iteration, MJO-X. Paralegals reported spending significant time on mandatory data entry, which was often delayed due to system limitations (both slow operations and poor design). There was a widespread call for transitioning to electronic filing systems. They also recommended assigning dedicated clerks or paralegals to support judges and trial processes, a step that could improve efficiency and reduce workload for legal teams. While the responsibility for the redaction of personally identifiable information (PII) often fell to base-level paralegals, inconsistencies in redaction practices, including overredaction, created additional challenges.

OSTC

The transition of decision-making authority from commanders to the Office of Special Trial Counsel (OSTC) was widely regarded as a positive development. Paralegals observed that victims felt increased trust and willingness to participate, changes that were seen as significant improvements. Timeliness was a recurring issue, as delays in obtaining deferral memos and other key documents hindered progress on cases. OSTC did not perform all case preparation duties, still relying on unit/base-level paralegal support. Paralegals noted that OSTC had improved the pace of case resolutions, so that some trials were scheduled within days of a plea. While this responsiveness was praised, it came at a cost to personnel, who often worked extended hours to

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meet increased demands. Resource shortages, including understaffed offices and borrowed clerks, further exacerbated these problems.

Recommendations

Paralegals offered several suggestions for improving the efficiency and effectiveness of the military justice system:

- **Upgraded and Modernized Data Systems:** There was a strong desire for upgraded data management systems.
- **Manpower Improvements:** There was a call for better resourcing of legal offices, including the hiring of additional clerks and paralegals. Addressing retention issues through improved working conditions and incentives was also recommended.
- **Timely Action:** Paralegals noted that delays in case resolutions often eroded confidence in the justice system. Expediting case reviews and decisions, especially in the early stages, was identified as a priority.
- **Training and Education:** Updating training curricula and providing ongoing professional development opportunities for paralegals were seen as critical steps to enhance preparedness and performance.
- **Leadership Engagement:** Paralegals suggested greater involvement from senior leaders to address systemic issues such as workload distribution and morale.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Female Junior Enlisted

Accountability/Fairness

Perceptions of accountability and fairness revealed significant disparities across branches and commands. Many female junior enlisted participants believed that higher-ranking personnel, particularly officers and senior enlisted members, were treated more leniently than others for misconduct. Instances were cited when senior leaders protected “star performers,” allowing them to escape appropriate consequences for sexual harassment or other offenses. Specific examples included repeat offenders remaining in service or being transferred rather than facing disciplinary action. Some branches, however, reported improvement in handling cases of misconduct, with nonjudicial punishments (NJPs) being used more consistently and transparently. Concerns about false reporting were also widespread among female junior enlisted; participants advocated for clearer accountability and consequences for those found to have made unfounded allegations, in order to preserve fairness and trust in the system.

Trust in Leadership

Trust in leadership varied widely and was closely linked to the perceived fairness of disciplinary processes and the approachability of commanders. Some participants highlighted examples of strong leaders, who actively intervened in cases of misconduct and fostered a supportive environment. Others expressed mistrust, particularly in cases in which favoritism or personal relationships appeared to influence outcomes. Concerns were also raised about gossiping by supervisors and perceived breaches of confidentiality, which discouraged reporting and eroded trust. Participants reported experiencing retaliation, ostracism, or negative treatment after raising complaints. However, in units where leadership demonstrated compassion, accountability, and transparency, junior enlisted members described more positive unit climates and greater confidence in their leaders.

Perspectives on Their Service

Despite systemic challenges, many participants expressed pride in their service and appreciation for the opportunities and structure provided by the military. Service members valued the camaraderie within their units and the personal and professional growth opportunities afforded by military life. However, participants noted that cultural changes were necessary to address gender disparities and inequities. Challenges in adapting to the hierarchical structure of the military were mentioned, especially in units where respect and inclusion were less evident. Some Service members emphasized the importance of fostering environments that promote equity, fairness, and accountability to improve overall satisfaction and retention.

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Nonjudicial Punishment (Captain's Mast)

Junior enlisted members noted inconsistencies in the application of NJPs across commands and settings. For example, on ships, NJP consequences often included restrictions, loss of pay, and limited privileges, while shore-based commands were perceived as more lenient. Participants observed that outcomes often depended on the discretion of commanding officers, and perceptions of unfairness and favoritism resulted. There was a call for more standardized and transparent procedures in NJPs to ensure equitable treatment across units and commands. To build trust in the process, participants also desired clear communication regarding the rationale behind NJP decisions.

Experience with/Perception of Handling of Sexual Misconduct Cases

Perceptions of the military's handling of sexual misconduct cases varied. Some participants reported positive experiences with leadership and access to victim advocates and legal counsel, while others highlighted significant delays, lack of transparency, and minimal consequences for perpetrators. Long case timelines discouraged reporting and added stress to victims; some noted these cases taking years to resolve while, for example, drug cases earn a quick discharge. Concerns about retaliation and ostracism, particularly in smaller units or male-dominated environments, were common. Participants shared examples of victims feeling pressured to remain silent or to withdraw complaints owing to fear of career repercussions. Recommendations included streamlining case processing, ensuring protections for victims, and increasing transparency in outcomes to foster greater trust in the system.

Training

Training on sexual harassment and assault prevention was widely viewed as repetitive and uninspiring, often relying heavily on PowerPoint presentations. Participants emphasized the need for more engaging and interactive formats, such as scenario-based exercises or real-world case studies. Smaller, unit-specific sessions were suggested as a way to improve participation and retention of information. Many felt that training focused too much on compliance and lacked meaningful discussions about prevention, emotional resilience, and cultural change. Participants also called for training to include testimonies from survivors or from those involved in prosecutions to emphasize the real-world impact of sexual misconduct.

Reporting and False Reporting

Fear of retaliation, stigma, and breaches of confidentiality were barriers to reporting sexual misconduct. Many participants believed that reporting would lead to social isolation, professional repercussions, their being labeled as troublemakers, and co-workers distancing themselves in what they perceived to be an effort to avoid having allegations made against them. Concerns about false reporting were also significant, with participants highlighting the harm caused to individuals and to trust in the system. Some noted that false reports were rarely

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addressed, and they felt that this inaction undermined the credibility of genuine cases. Recommendations included creating anonymous reporting options, ensuring confidentiality protections, increasing transparency in how reports are handled and resolved, and holding accusers of false allegations accountable.

Office of Special Trial Counsel (OSTC)

Awareness of OSTC was limited among junior enlisted members, though those familiar with the program were optimistic about its potential to enhance fairness and transparency. That independent lawyers would be making prosecution decisions was generally viewed as a positive development, reducing the influence of command bias. However, participants noted a need for better education about OSTC, including how it operates and how it differs from previous systems. More detailed communication about its role and processes was seen as essential to building confidence in its effectiveness.

Mental Health

Access to mental health services was a recurring concern, especially for Service members stationed overseas. Participants reported long wait times for appointments, stigma associated with seeking help, and fears of career repercussions, such as being denied deployments or promotions. Some described feeling judged by peers and leaders when seeking mental health support, which further discouraged them from accessing services. Positive experiences with resources like military family life counselors (MFLC) were noted, though these services were not consistently available, nor were participants consistently aware of them. inconsistent. Participants recommended increasing the availability of mental health providers, reducing stigma through the advocacy leaders, and improving the accessibility and confidentiality of mental health care.

Victims' Counsel/VLCs/SVCs

Awareness of victims' Counsel (VCs, including special victims' counsel [SVCs] and VLCs [victims' legal counsel]) was low among participants. Those who had access to VCs generally found them supportive and helpful in navigating the reporting and legal processes. At least one victim felt she had been ineffectively educated by the VC on case resolution options. However, challenges such as frequent turnover in VC representation were noted as a barrier to effective support. Participants called for increased education about the availability and role of VCs, as well as more consistent access to these resources, including for those who report sexual harassment, to ensure that victims are adequately supported throughout the process.

SHARP/SAPR/Victim Advocates

Perceptions of Sexual Harassment/Assault Response and Prevention (SHARP) and Sexual Assault Prevention and Response (SAPR) programs varied widely. While some participants valued them, others criticized the programs as underresourced or staffed by inadequately trained

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personnel. Many suggested having more female sexual assault response coordinators (SARCs) and victim advocates to increase the trust of junior enlisted women as well accessibility for them. Concerns about the confidentiality of SHARP/SAPR reporting processes were also raised, as participants emphasized the importance of ensuring that reports remain private and free from command influence.

Sexual Harassment

Sexual harassment was reported as a pervasive issue in some units, and participants described instances of inappropriate behavior being dismissed or normalized. Leadership responses to harassment were perceived as inconsistent: some leaders addressed issues promptly, and others downplayed incidents or failed to act. Concerns about retaliation and ostracism for reporting sexual harassment were commonly raised, as was the perception that offenders often faced minimal consequences. Sexual harassment was generally perceived as taken less seriously than sexual assault. Participants recommended stricter enforcement of sexual harassment policies, cultural shifts to reduce tolerance for inappropriate behavior, and visible accountability for offenders.

Safety

Concerns about safety in barracks and dormitories were frequently raised but may be service- or unit-specific. Issues included broken lighting, nonfunctional cameras, and poor management of access keys, all of which undermined security. Some participants reported feeling unsafe due to inadequate security measures, particularly in shared living spaces. Overseas locations presented additional challenges, such as limited housing options and cultural differences that affected Service members' sense of security off-base. Recommendations included repairing and maintaining security infrastructure, increasing patrols, and implementing stricter access controls to ensure safe living environments.

Unit Climate and Culture

Unit climates were described as highly variable. Positive climates were characterized by inclusive leadership, mutual respect, and proactive measures to address misconduct. In contrast, toxic environments were marked by favoritism, sexism, and tolerance of inappropriate behavior. Participants noted that male-dominated units were often more challenging for junior enlisted women, and they named isolation and lack of support as common issues. Recommendations included promoting more women to leadership roles, addressing toxic behaviors through accountability, and fostering cultural change to improve inclusivity and respect.

Issues Unique to Overseas Locations

Overseas locations presented unique challenges, including limited access to health care and mental health services, language barriers, and housing shortages. Participants reported delays in accessing medical and mental health appointments, with few off-base treatment options

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available. Cultural differences in host countries also created challenges in navigating off-duty life. Recommendations included expanding health care resources, improving infrastructure at overseas bases, and offering cultural orientation programs to help service members adapt to their surroundings.

Other Issues/Recommendations

Participants suggested several improvements, including

- Accelerating the processing of sexual misconduct cases to reduce delays and stress for victims
- Increasing transparency in the outcomes of investigations and disciplinary actions
- Updating training programs to focus on real-world examples and prevention
- Expanding mental health resources and improving access to care
- Addressing systemic challenges, such as dual-military family dynamics and gender equity
- Introducing anonymous reporting options to encourage reporting without fear of retaliation
- Establishing accountability for false reporting
- Providing separate dorms by sex
- Offering convalescent leave for victims

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Male Junior Enlisted

Trust in Leadership/System

Junior enlisted males across branches expressed varied levels of trust in leadership and the military justice system. While some individuals praised their immediate supervisors as compassionate and effective, a widespread perception persists that higher-ranking personnel, particularly senior enlisted and officers, are treated more leniently for misconduct. In some cases, participants cited examples of senior leaders avoiding severe consequences by transferring or retiring, while junior enlisted members faced swift and harsh penalties for comparable infractions. These discrepancies erode confidence in the system's fairness. Slow processes for addressing allegations and a focus on retention—sometimes at the expense of accountability—further contribute to dissatisfaction. However, some units demonstrated more positive dynamics, with leadership actively addressing issues and fostering trust.

Office of Special Trial Counsel (OSTC)

Awareness of OSTC and its role in deciding the disposition of sexual assault cases varied significantly among participants. Many junior enlisted males were unaware of this change, but those who were informed expressed support for removing disposition authority from commanders. They believed that attorneys would provide a more neutral and informed perspective, potentially reducing favoritism or bias in decision making.

Accountability and Fairness

Fairness and accountability emerged as key concerns. Participants frequently noted that junior enlisted members face more severe repercussions for misconduct than their senior counterparts, who are often perceived as shielded from consequences. This double standard undermines morale and trust in the system. False allegations were another prominent issue, as many described the lasting stigma and reputational damage to accused individuals even they are cleared. Delays in investigations exacerbate these problems, leaving both accused and victims in prolonged uncertainty. In some units, participants reported a lack of transparency about case outcomes, further fueling perceptions of inequity.

Training

Sexual assault and harassment training across branches was largely criticized as repetitive, outdated, and ineffective. Participants commonly referred to these sessions as “death by PowerPoint”: lectures often failed to engage attendees or provide practical knowledge. Training that incorporated interactive elements, such as specific scenarios or group discussions, received more positive feedback. Many suggested designing smaller, more personalized training sessions

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or separating groups by sex and rank to foster openness and relevance. Despite the criticisms, some units showed innovative approaches, such as using real-life vignettes or external trainers, which participants found more impactful.

Knowledge About Military Justice

Participants generally demonstrated limited knowledge about the military justice system. Many viewed commanders as holding excessive power over legal proceedings, which they believed could lead to biased outcomes. Awareness of programs like victims' counsel and the CATCH initiative was low across most branches, although these services were regarded positively when participants were informed about them.

Experience with Sexual Assault Cases

Experiences with sexual assault cases varied widely. Some participants recounted incidents when victims felt supported by sexual assault response coordinators (SARCs) or received necessary resources, while others described mishandled or delayed cases that left both victims and accused individuals dissatisfied. The influence of alcohol was frequently mentioned as complicating case resolution, leading to "he said, she said" scenarios that were particularly difficult to adjudicate. Many male participants reported being cautious about interactions with female colleagues, fearing false allegations or misunderstandings, and that such caution has strained workplace dynamics.

Work Relations Between Male and Female Service Members

The working relationships between male and female Service members were shaped by a mix of formal training and informal cultural norms. Many participants indicated that training discouraged one-on-one interactions with members of the opposite sex, which some believed hindered normal workplace camaraderie. Others described a culture of vigilance, as male Service members avoided situations that could be perceived as inappropriate. In certain environments, informal peer corrections helped encourage professional conduct, though some participants noted persistent issues with crude humor and inappropriate behavior.

Reporting and False Reporting

Participants highlighted significant barriers to reporting sexual misconduct, including concerns about confidentiality, retaliation, and a lack of trust in the chain of command. Restricted reporting options were valued for maintaining anonymity, but not all participants were aware of these options. False allegations were a recurring theme, and many described the personal and professional toll on those falsely accused. Suggestions to improve reporting processes included establishing centralized reporting offices, simplifying procedures, and providing consistent updates to victims and accused individuals during investigations.

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Sexual Harassment

Sexual harassment was described as a recurring issue, often downplayed as “locker room talk.” Participants noted that informal comments or behaviors could escalate if not addressed promptly, but responses to harassment often varied depending on leadership. Many were unclear about the distinction between formal and informal reporting processes for harassment, frequently conflating it with sexual assault. Cultural attitudes, particularly in male-dominated units, contributed to the normalization of certain behaviors that might otherwise be considered inappropriate.

Safety

Feelings of safety in living environments, such as barracks or ships, varied across locations. Participants reported that features like cameras, lighting, and the presence of duty officers contributed to a sense of security, though enforcement of rules was inconsistent. Women often faced heightened scrutiny in shared living spaces, with some locations implementing additional safety measures, such as placing female Service members on specific floors.

Allegations Aboard Ship

Aboard ships, the confined living conditions and extended periods of cohabitation were noted as exacerbating the risks of sexual misconduct and harassment. Participants described how allegations could create divisions among crew members, noting that both victims and accused individuals were often ostracized. Retaliation and morale issues were significant concerns, particularly during prolonged investigations. The central location of medical and mental health assets was identified as a deterrent to seeking support services.

Retaliation and Ostracism

Retaliation and ostracism were commonly reported by participants who witnessed or experienced the aftermath of reporting sexual misconduct. Fear of professional repercussions or social isolation discouraged many from coming forward. In smaller or tight-knit units, these dynamics were particularly pronounced, as victims and accused individuals alike often felt excluded from their communities.

Mental Health

Access to mental health care varied widely, and long wait times were a common issue. Embedded mental health providers and chaplains were seen as valuable resources, though stigma associated with seeking help persisted in many units. Some participants described a fear of professional consequences, such as losing security clearances, which discouraged them from pursuing treatment. Suggestions for improvement included streamlining access to care, increasing the availability of providers, and promoting a culture that normalizes seeking help.

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Feelings About Military Service

Participants expressed mixed feelings about their military service. While some appreciated the structure and opportunities provided by the military, others viewed it as a necessity rather than a choice, citing healthcare and housing benefits as primary motivators. Concerns about declining incentives and perceived inequities in treatment were frequently mentioned.

Victims' Counsel

The Victims' Counsel Program was well-regarded by those who were aware of it, and participants appreciated its confidentiality and legal advocacy for victims. However, awareness of the program varied, with some units having little to no knowledge that it was available.

Issues Unique to Overseas Locations

Service members in overseas locations faced distinct challenges, including stricter cultural norms and logistical hurdles. Those stationed abroad noted the need for more accessible mental health care, greater sensitivity to host nation cultures, and consistent enforcement of safety measures. Many felt that these additional complexities required tailored solutions to improve support systems and workplace environments.

Other Issues and Suggestions

Participants across branches emphasized the need for streamlined and engaging training, better communication about case progress, and increased transparency in disciplinary actions. Many advocated for enhanced education on recent legal changes, such as OSTC implementation, and for improved reporting mechanisms that protect confidentiality and reduce barriers to seeking help.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Senior Enlisted Leaders

Experience with Sexual Misconduct Cases

Senior enlisted leaders reported mixed experiences with sexual misconduct cases. A recurring theme was the slow pace of investigations, which harms both victims and accused Service members. Accused individuals often feel judged as guilty before the trial, and such judgment damages unit cohesion and morale. Victims face stigmatization and social isolation, particularly if transferred to a new unit. Some participants highlighted concerns about the perceived imbalance in support and resources available to victims compared to the accused, leading to dissatisfaction and distrust among Service members.

Leaders observed that allegations often polarize units, as friends of the accused rally around them while others side with the victim. There was consensus on the need for faster, better investigations and for defense counsel to be provided earlier in the process to ensure fairness.

Several leaders noted that while the system has improved over time, the demeanor and methods of investigators remain a concern. Both the Naval Criminal Investigative Service (NCIS) and the Army's Criminal Investigative Division (CID) were criticized for perceived biases and inefficiencies, and some senior enlisted expressed doubts about the decision to remove prosecutorial authority from commanders.

Sexual Harassment

Sexual harassment was identified as a pervasive issue, and senior enlisted leaders expressed concerns about how it is handled. Many felt that informal complaints are often addressed more effectively than formal ones, which suffer from delays and inadequate investigation processes. Investigators, including those assigned to commander-directed investigations (CDIs), were criticized for lack of training and experience.

Leaders recommended that sexual harassment investigations be conducted by neutral parties, such as Equal Opportunity (EO) offices, rather than unit commanders or security forces, as these entities often lack neutrality or competence. Some raised concerns about the new policy assigning sexual harassment cases to NCIS, predicting significant delays caused by manpower shortages.

Retaliation

A common theme was fear of retaliation among complainants, which discourages reporting. Leaders observed that retaliation can take many forms, including ostracism and social isolation, and is often compounded by the informal sharing of information. Senior enlisted members

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recommended improved training, greater involvement by leadership, and stricter confidentiality protocols to address these issues.

Training

Senior enlisted leaders consistently noted that current training on sexual harassment and assault needs significant improvement. Many described the standard “lecture and PowerPoint” format as ineffective, as Service members tune out after a short time.

Interactive training, particularly small group discussions and scenario-based learning, was identified as far more effective. Some participants highlighted pilot programs and interpersonal training courses, such as “Healthy Relationships,” as successful models. Leaders recommended standardizing Sexual Harassment Assault Response and Prevention (SHARP) training across all units and incorporating more engaging and realistic content.

The inclusion of civilian victim advocates (VAs) in training was praised for providing continuity and additional expertise. However, leaders emphasized the need for better instructors who can engage their audience and effectively communicate the training’s importance.

SHARP/SARC/VAs

The SHARP and Sexual Assault Response Coordinator (SARC) programs received mixed reviews. Leaders appreciated the consistency provided by civilian SARCs and VAs but expressed concerns about the centralization of these programs. They worried that removing SHARP representatives from the unit level could reduce commanders’ engagement and awareness of issues.

There was widespread agreement on the need for SHARP and SARC personnel to remain deeply involved with unit leadership while maintaining their role as victim advocates. Leaders noted that building trust in these programs is critical to improving reporting rates and addressing sexual misconduct effectively.

Victims’ Counsel (VLC/SVC/VC)

Victims’ Counsel programs were praised for providing critical support to victims. However, the frequent turnover of victims’ counsel was highlighted as a significant issue, as victims often must repeat their stories multiple times to new counsel. This was seen as retraumatizing and a barrier to building trust in the system.

Some senior enlisted leaders suggested expanding VC access to victims of sexual harassment, not just sexual assault, as a way to enhance support and accountability.

OSTC

Perceptions of the Office of Special Trial Counsel varied. While many leaders acknowledged the potential for improved fairness and trust under the new system, there were concerns about delays

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and inefficiencies. Some described the growing pains of OSTC as frustrating, noting that cases are taking longer to resolve than under the previous system.

Leaders emphasized the need for adequate resourcing and staffing to ensure that OSTC can handle its workload effectively. They also recommended better communication between OSTC and unit leadership to minimize confusion and delays in case management.

Accountability and Fairness

There was widespread agreement that accountability in the military justice system is inconsistent. Many leaders felt that enlisted personnel face harsher punishments than officers for similar offenses, a disparity that reinforces perceptions of a “different spanks for different ranks” culture.

Leaders also highlighted the need for greater transparency in case outcomes to build trust among Service members. They emphasized the importance of addressing false allegations, ensuring that cases are handled at the appropriate level, and protecting confidentiality to prevent unnecessary dissemination of personal information.

Reporting

Underreporting of sexual misconduct was identified as a major issue, driven by fear of retaliation, lack of trust in the system, and concerns about confidentiality. Leaders noted that information about reports often spreads informally and can follow the reporter and the accused for many years, creating stigma for both victims and accused individuals.

Restricted reporting options were praised for providing victims with a degree of control, and at least one participant recommended that all reports should start out restricted and that victims should later have an option to unrestrict their report. There was also a call for greater education on the reporting process, particularly to clarify the roles of SHARP, EO, and SAPR in handling complaints.

Administrative Discharge

Administrative discharge procedures were seen as inconsistent. Leaders noted that junior enlisted personnel are often discharged for misconduct while senior enlisted members and officers are retained under similar circumstances. There was a call for clearer, more consistent standards to ensure fairness in these decisions.

Other Issues/Recommendations

Senior enlisted leaders offered several recommendations for improving the military justice system and addressing sexual misconduct:

- **Transparency:** Increase visibility into investigations and case outcomes to build trust and accountability.

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- **Leadership Accountability:** Hold leaders accountable for their actions and for creating a culture of trust and fairness.
- **Mental Health Support:** Address the stigma associated with seeking mental health care, particularly for individuals involved in sexual misconduct cases.
- **Standardization:** Create centralized hubs for training and for investigation processes to ensure consistency across all units and branches.
- **Social Media:** Implement stricter policies to prevent the informal sharing of information about cases, which often leads to stigma and retaliation.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Female Cadets and Midshipman

Trust in Leadership

Trust in leadership varied widely depending on individual experiences and the specific leaders with whom the participants interacted. Many participants shared that they felt comfortable trusting their immediate chain of command, particularly leaders who actively fostered open, supportive environments. However, members noted that broader leadership felt less predictable, as trust levels were highly influenced by each leader's personality and approach. This inconsistency made some members hesitant to approach higher-level leaders with concerns, fearing that they might not be taken seriously or supported adequately. Members noted that the broader climate could benefit from more attention to respect and inclusivity, as issues with harassment and lack of follow-through on misconduct cases contribute to a perception of inequality and favoritism.

Perspectives on Service

Despite their frustrations, most participants expressed a strong commitment to serving and a sense of pride in their roles. However, they felt that the lack of swift and fair handling of cases involving sexual misconduct affects their long-term outlook and morale. They expressed a desire to see the handling of misconduct cases improve in ways that align with the values they believe the military represents, noting that such improvements could positively reinforce their commitment.

Accountability/Fairness

Participants raised significant concerns about fairness in the handling of misconduct cases, particularly with regard to timelines and a perceived bias in the treatment of perpetrators. Delays of a year or more in resolving cases create a sense that justice is not prioritized, which they believe erodes trust in the system's fairness. They pointed out that cases are inconsistently handled, and some offenders are allowed to graduate or be commissioned despite serious allegations. Several members shared examples of alleged repeat offenders not being adequately disciplined, an outcome that leads to frustration and mistrust of the process. They also noted that some reported cases are resolved by moving the perpetrator to another unit, a resolution that they feel inadequately addresses the issue as the victim continues to encounter the perpetrator in shared spaces.

In addition, some participants believe there is a "double standard" in how accusations are perceived: male cadets/midshipmen are reportedly more fearful of false accusations, and female cadets/midshipmen feel that they must carefully navigate complex dynamics to avoid being

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blamed or labeled as overly sensitive. Members noted that this perceived inequity creates an environment in which accountability can feel like a distant priority, especially to those affected by repeat offenders who remain in the academy.

Experience with/Perception of Handling of Sexual Harassment Cases

Sexual harassment remains a pervasive issue, as cadets/midshipmen experience verbal and online sexual harassment regularly. Social media, in particular, was highlighted as a domain where inappropriate comments are common, and are often erased by perpetrators before they can be reported. When victims report these incidents, they often face an expectation to address the harasser directly, putting the onus on them to manage the sexual harassment. Participants stated that leadership tends to downplay sexual harassment incidents, sometimes advising them to repeatedly address the behavior themselves rather than taking official action. Members recommended that leadership take a more proactive stance, treating sexual harassment complaints with the same urgency as other types of misconduct.

Training

Members found their sexual misconduct training to be often repetitive, with too much focus on definitions and too little on practical applications or personal safety. They said that they preferred small group discussions led by individuals with lived experience or relatable stories. Many noted that having victim-centered training in which real-world scenarios are explored helps them engage in the training and understand the complexity of situations better. They also pointed out that training sessions on healthy relationships, consent, and signs of controlling behavior are useful but often take a one-size-fits-all approach that does not account for nuanced situations. Suggestions for improvement included reducing the volume of mandatory sessions and increasing their quality by making training more scenario-based and interactive.

Reporting

Members understood reporting protocols, though they highlighted confusion regarding mandatory reporters and differences between restricted and unrestricted reporting. All cadets/midshipmen are required to report incidents that they learn about, and this creates a challenge for victims who may wish to confide in friends. Some participants suggested that establishing confidential peer support roles within their groups could be helpful, as victims may hesitate to report formally but still seek to talk to someone they trust. Members expressed concern that making all cadets/midshipmen mandatory reporters limits their support network and contributes to a culture in which victims may feel isolated or reluctant to disclose their experience.

OSTC

Members provided little feedback on the Office of Special Trial Counsel (OSTC), probably because they lack direct experience or awareness of its specific role.

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Mental Health

Stigma connected with seeking mental health care persists, particularly for cadets/midshipmen pursuing specialized military roles whose future career paths could be jeopardized by mental health treatment. For example, members reported that cadets/midshipmen hoping to become pilots are often reluctant to seek mental health services because of concerns about waivers or potential disqualification. Instead, many cadets/midshipmen seek informal counseling through military family life counselors or similar services that offer confidentiality. However, they expressed frustration over delays in accessing mental health appointments, which can last weeks. To mitigate the fear of career repercussions, the participants emphasized a need for more private mental health options that do not become part of individuals' military records.

Victims' Counsel

Participants with experience in reporting sexual misconduct spoke positively about the support they received from victims' counsel (VCs). The VC was described as a critical resource, providing them with guidance, support, and advocacy during meetings and throughout the investigative process. Members noted that the VC's presence was reassuring, especially for navigating legal complexities and potential confrontations with the accused. The program was viewed as essential in helping victims feel supported and empowered to follow through with their cases.

SHARP/SAPR/VAs/EO and Victim Resources

Experiences with victim advocates (VAs) were mixed; some participants reported positive support from VAs who were proactive and educational, while others noted that certain VAs seemed unsupportive or inadvertently placed blame on victims. Members appreciated when VAs provided resources to friends or roommates of victims, explaining how to support their peers effectively. Participants also discussed unique programs like "Off Ramp," which allows a cadet/midshipman coping with significant personal trauma to temporarily step back from academic responsibilities without penalty. The need for easier access to SAFE (sexual assault forensic exam) facilities was emphasized, as current procedures require victims to leave campus and coordinate logistics, often adding stress to an already difficult experience.

Safety

Most participants felt safe on campus, though they cited harassment as a primary safety concern, especially online. Participants valued policies allowing them to request changes in dorm assignments or schedules if they felt unsafe around certain individuals. However, they noted that moving individuals is not always effective, as it does not prevent encounters with the person in common areas. In their view, true safety will require more comprehensive approaches to addressing harassment and better monitoring of online behaviors that can affect in-person interactions.

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Recommendations

Members suggested that academy leadership prioritize practical and scenario-based training over information-heavy, repetitive sessions. They proposed additional confidential mental health options, especially for those pursuing roles with stringent mental health standards. Easier access to off-campus services, such as SAFE exams, would also enhance support for victims. Finally, they recommended that the command establish clearer protocols and dedicated resources for addressing sexual harassment through swift, transparent processes, which would help in building trust and ensuring a supportive environment.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Male Cadets/Midshipmen

Accountability/Fairness

Male cadets and midshipmen reported significant concerns about fairness and accountability in addressing sexual misconduct. Participants described a persistent stigma attached to individuals accused of sexual assault, even when allegations were proven false, which could have long-term career implications. Members highlighted a lack of consequences for individuals who knowingly made false accusations. This imbalance eroded confidence in the fairness of the system. In addition, policies implemented to address misconduct were described as disconnected from the lived experiences of cadets/midshipmen, as decisions were often made by senior leaders who were perceived as out of touch. Cadets/midshipmen voiced a desire for greater input into policy development, particularly in an advisory capacity, to ensure that regulations were relevant and equitable.

Participants described frustration with the practice of relocating individuals accused of sexual misconduct to different units. While this appeared to be an effort to prevent retaliation or safeguard the accused, it also created opportunities for repeated misconduct in new environments. These relocations contributed to a perception that offenders were being protected rather than held accountable.

Trust in Leadership

Participants expressed concerns about a disconnect between leadership and the student body. Policies were seen as being made in a vacuum without meaningful consultation, and cadets/midshipmen felt that they were rarely included in decision-making processes. This perception diminished trust in leadership and created a sense of disempowerment among the student body. Participants emphasized that advisory input from a diverse cross-section of cadets—including athletes, who experience a unique subculture—would lead to more effective and relevant policies.

Although participants acknowledged that leaders were making efforts to address issues like sexual misconduct, they questioned whether these initiatives would lead to meaningful, lasting cultural change. This skepticism undermined confidence in leadership and its ability to effectively address the systemic issues present at the academies.

Perspectives on Service

Participants shared mixed perspectives on their experience and its impact on their commitment to future service. There was significant anxiety about the consequences of misconduct allegations, even if unsubstantiated. This fear, combined with concerns about mental health stigmatization

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and the inability to leave the academy after a certain point without significant repercussions, created an atmosphere of stress and apprehension.

Experience with/Perception of Handling of Sexual Misconduct Cases

Participants viewed campaigns aimed at increasing transparency and reducing stigma, such as one academy's cultural reset initiative, as steps in the right direction. However, members raised concerns about the unintended consequences of these policies. They cited cases in which accused individuals faced career-ending repercussions even when allegations were false, while accusers faced no consequences for knowingly making false claims. This imbalance, coupled with the lengthy and disruptive nature of investigations, discouraged participation in the process and contributed to a broader culture of distrust. Participants shared anecdotes about individuals with multiple allegations being allowed to remain at the academy or even to graduate, which they believed sent a message that misconduct was tolerated. While participants acknowledged that cases required thorough investigation, they felt that the current processes undermined trust and made it difficult to foster a zero-tolerance culture.

Training

Participants described initial intake training as extensive, covering topics such as promoting healthy relationships, calling out problematic behavior, and identifying harassment. Ongoing training included scenario-based discussions and small group sessions. However, many members felt that training often relied on poorly defined terms, creating confusion about expectations and behaviors. While prevention was a central theme, midshipmen believed that greater emphasis on the judicial and punitive aspects of misconduct could improve reporting rates and deterrence. Peer-led training, though informative, was seen by some as insufficiently authoritative, and mandatory training sessions during their plebe summer were often described as overwhelming and perfunctory.

Reporting

Participants demonstrated a clear understanding of restricted and unrestricted reporting options and expressed support for policies encouraging reporting, such as protections for witnesses. However, the lengthy investigation process and its disruptive effects discouraged some from reporting incidents. Sexual harassment complaints, in particular, were often not reported due to the time commitment involved and concerns about the potential impact on the accused's future. Members acknowledged that unreported incidents harmed the culture and trust within the academy.

Some participants expressed a general reluctance to report incidents because of social pressures and concerns about outcomes. They noted that while the distinction between reporting options was clear, the process itself often felt opaque, particularly regarding case outcomes.

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Mental Health

Mental health was a critical issue for male cadets and midshipmen, and widespread fears about career consequences deterred individuals from seeking treatment. Participants described a culture in which seeking mental health support was equated with weakness, exacerbated by practical barriers such as waiver requirements for security clearances or specialized career fields. Participants noted the stigma associated with mental health challenges and the perception that seeking help could harm their reputations. This stigma was seen as a significant barrier to creating a healthier, more supportive environment.

Unit Climate and Culture

Participants highlighted cultural challenges within their academies, including predatory behaviors during certain high-stress periods and lingering “locker room” mentalities among some subgroups. They noted that recent initiatives, such as barracks watch programs and open-door policies, were intended to deter misconduct but were met with mixed reactions from cadets/midshipmen.

Participants identified alcohol culture as a pervasive issue, particularly during off-campus activities. They noted that while underage drinking was less common at the academies, most sexual assaults—often involving alcohol—occurred in off-base settings. They also felt that the academies lacked a clear distinction between the sexes in its approach to training and preparation, which they believed undermined the development of effective preventive measures.

Other Issues/Recommendations

Participants offered several recommendations for improving academy policies and culture. These included creating faster processes for handling sexual misconduct allegations to reduce disruptions, increasing transparency around case outcomes, and ensuring that accused individuals were not simply relocated to avoid scrutiny. They emphasized the need for policies that balanced accountability with fairness and that reflected the realities of academy life. There was broad agreement that fostering a culture of trust, professionalism, and zero tolerance for misconduct required more than policy changes—it demanded consistent enforcement and cultural shifts at all levels of the academies.

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Detailed Combined Summary of Site Visit Observations Across Military Branches: Cadet/Midshipmen Supervisors

Responsibilities Regarding Cadet/Midshipman Sexual Misconduct

Supervisors described their responsibilities in addressing cadet and midshipman sexual misconduct as both essential and deeply constrained by institutional limitations. Each supervisor oversees approximately 100 cadets or midshipmen, yet their ability to intervene is often hindered by a lack of detailed information about ongoing cases. Because supervisors frequently remain uninformed about the progress or resolution of sexual misconduct investigations, they are left unable to advocate effectively for victims or manage the broader impacts of such investigations on their units. Victims and accused individuals are often housed close to each other, owing to limited options for separation, and their proximity exacerbates tensions and distress. Supervisors also highlighted challenges in enforcing protective measures, particularly when victims initially decline options such as military protective orders (MPOs) but later seek them after further incidents. They called for more automatic and proactive safety measures to better protect victims.

Training

Supervisors' assessment of the training provided on sexual misconduct was mixed. Although cadets and midshipmen receive extensive training, supervisors noted that it often feels theoretical and disconnected from practical application. Cadets and midshipmen frequently struggle to translate their training into real-world decision making, particularly in handling or reporting incidents. Supervisors themselves stressed the need for more practical, scenario-based training tailored to their unique leadership roles. They emphasized the importance of updated and simplified guidance on evolving policies. Programs like SHAPE (Sexual Harassment and Assault Prevention Education) were praised for fostering meaningful discussions, while mass briefings were criticized as overwhelming and ineffective.

Reporting

Supervisors highlighted inconsistencies and challenges in the current structures for reporting sexual misconduct. Mandatory reporting requirements were seen as unclear, particularly for disclosures made outside a cadet's or midshipman's immediate chain of command. This confusion can deter reporting and complicate supervisors' efforts to guide individuals through the process. Supervisors were divided on the utility of restricted reporting; some felt that it encouraged initial disclosures, while others argued that it limited accountability by restricting their ability to act. Transparency in the reporting process was identified as a critical issue. Supervisors often felt disconnected from the outcomes of reports, unsure whether victims were receiving adequate support or whether appropriate actions were being taken against accused individuals.

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Mental Health

Mental health was identified as a critical concern, as supervisors emphasized the perceived stigma associated with seeking support. Cadets and midshipmen frequently fear that pursuing mental health services could jeopardize their career prospects, particularly for specialized assignments or security clearances. This fear often drives individuals to avoid formal counseling, opting instead for less official resources like military family life counselors. Supervisors expressed frustration over the limited guidance they receive in addressing mental health issues, describing a “gray area” where they are unable to ask specific questions while still being responsible for the well-being of cadets and midshipmen. They called for more options for anonymous counseling options and more comprehensive mental health resources to address the systemic challenges contributing to stigma and reluctance.

MCIOs

Supervisors reported significant frustrations in their interactions with military criminal investigative organizations (MCIOs). Investigations were described as protracted, often lasting six months or more, leaving victims and accused individuals in prolonged uncertainty. These delays were seen as harmful to unit cohesion and morale, as unresolved cases can create tension and distrust within the unit. Supervisors also noted a lack of communication from MCIOs regarding the progress of investigations, which hindered their ability to manage the broader impacts of sexual misconduct cases. They advocated for faster processing times and more regular updates to leadership to mitigate these challenges.

SHARP/SAPR/VAs

Supervisors acknowledged the critical role of Sexual Harassment/Assault Response and Prevention (SHARP), Sexual Assault Prevention and Response (SAPR), and Victim Advocate (VA) programs, noting that cadets and midshipmen are generally aware of these resources. However, they identified inconsistencies in the quality of advocacy as a significant issue. Some advocates were described as highly effective and empathetic, while others were perceived as inexperienced or inadequately prepared to handle the complexities of cadet and midshipman issues. Supervisors emphasized the need for standardized training for all advocates to ensure consistent support for victims. They also noted logistical challenges in accessing resources, such as off-campus sexual assault forensic exams, which can discourage reporting and create additional stress for victims.

Safety

Safety concerns were a prominent issue for supervisors, particularly regarding the proximity of victims to accused individuals. Supervisors described cases in which victims and accused individuals remained in close contact due to limited options for housing changes or initial reluctance to seek protective measures. This proximity was often distressing for victims and

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created challenges for supervisors in maintaining a safe and supportive environment. Supervisors recommended implementing automatic safety measures to reduce the risk of continued contact between victims and accused individuals, especially in cases in which victims initially decline options like MPOs.

Other Issues/Recommendations

Supervisors identified systemic issues and offered several recommendations for improvement. They highlighted the need for faster and more transparent case processing to reduce the prolonged uncertainty faced by victims and accused individuals. They also called for greater consistency in policies and procedures, as frequent changes to reporting and training requirements create confusion and hinder compliance. Supervisors advocated for more proactive engagement with cadets and midshipmen, particularly in policy discussions that directly affect their safety and daily lives. In addition, they recommended increased access to mental health resources, more practical training formats, and standardized victim advocacy to enhance the overall effectiveness of sexual misconduct prevention and response efforts.