

**Defense Advisory Committee on Investigation, Prosecution, and  
Defense of Sexual Assault in the Armed Forces**

**Request for Information from Military Criminal Investigation Organizations (MCIOs)**

**RFI Set 3, Questions 1–18**

**Request Date: June 29, 2017 [Responses Included](#)**

**I. Purpose**

- A. The Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD) is a federal advisory committee established by the Secretary of Defense pursuant to section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law No. 113-291), as amended.
- B. The statutory mission of the DAC-IPAD is to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces.
- C. The DAC-IPAD requests the below information to facilitate its required review of cases involving allegations of sexual misconduct on an ongoing basis for purposes of providing advice to the Secretary of Defense.

**II. Summary of Requested Response Dates**

Suspense	Questions	Proponent
<b>12 Jul 17</b>	1–18	Service MCIOs – Provide adult sexual assault investigation data for cases closed in fiscal year 2016 (FY 16)

**III. Service MCIO Adult Sexual Assault (ASA) Case Data for FY 16**

Please provide the requested data for adult sexual assault allegation investigations and information files closed in FY16.

- A closed case means the investigation, if conducted, is complete and a final action has been taken.
- An adult sexual assault allegation means an unrestricted report of sexual assault made by an individual who is at least 16 years of age at the time of the alleged incident as defined by DoDI 5505.18, *Investigation of Adult Sexual Assault in the Department of Defense*.

- “Closed in FY 16” means the investigation or information file was closed between October 1, 2015, and September 30, 2016, regardless of the date the allegation was made or investigation opened.

**Questions:**

<b>Fiscal Year 2015 Active Duty Population by Military Service</b>	<b>Army</b>	<b>Air Force</b>	<b>Navy</b>	<b>USMC</b>	<b>USCG</b>
	491,300 (36%)	311,300 (23%)	327,900 (24%)	183,500 (14%)	36,000 (3%)

<b>MCIO Adult Sexual Assault (ASA) Case Data for FY 16</b>		<b>Army (CIDC)</b>	<b>Air Force (AFOSI)</b>	<b>Navy/ Marine Corps (NCIS)</b>	<b>Coast Guard (CGIS)</b>
<b>1.</b>	Total number of ASA cases closed by MCIO in FY16 (including cases not investigated).	3225	1237	1650	114

<b>MCIO ASA Investigations Closed in FY 16</b>		<b>Army (CIDC)</b>	<b>Air Force (AFOSI)</b>	<b>Navy/ Marine Corps (NCIS)</b>	<b>Coast Guard (CGIS)</b>
<b>2.</b>	Total number of ASA investigations closed in FY16.	3000	1036	1203	114 <sup>i</sup>
<b>3.</b>	Number of ASA investigations closed in FY 16 with a military subject.	2532	1013 <sup>ii</sup>	949	80 <sup>iii</sup>
<b>4.</b>	Number of ASA investigations closed in FY 16 with a non-military subject.	241	210	64	13
<b>5.</b>	Number of ASA investigations closed in FY 16 with an unknown subject.	227	88	190	23
<b>6.</b>	Number of ASA investigations closed in FY 16 with a non-participating victim witness.	262	169	157*	N/A

<b>MCIO ASA Cases Closed Without Investigation in FY 16</b>		<b>Army (CIDC)</b>	<b>Air Force (AFOSI)</b>	<b>Navy/ Marine Corps (NCIS)</b>	<b>Coast Guard (CGIS)</b>
7.	Total number of ASA cases closed without MCIO investigation in FY 16 (information files).	225	201	447	N/A
8.	Number of non-investigated ASA cases closed in FY 16 with a military subject.	2 (3rd party mis-interpretation)	197	35	N/A
9.	Number of non-investigated ASA cases closed in FY 16 with a non-military subject.	106	137	61	N/A
10.	Number of non-investigated ASA cases closed in FY 16 with an unknown subject.	117	73	7	N/A
11.	Number of non-investigated ASA cases closed in FY 16 with a non-participating victim witness.	0	Unknown <sub>iv</sub>	N/A	N/A
12.	Number of non-investigated ASA cases closed in FY 16 with a military subject prosecuted by a civilian jurisdiction for a sex offense.	0	0	11*	N/A

<b>Military Subject ASA Investigations Closed in FY 16</b>		<b>Army (CIDC)</b>	<b>Air Force (AFOSI)</b>	<b>Navy/ Marine Corps (NCIS)</b>	<b>Coast Guard (CGIS)</b>
13.	Number of ASA investigations of military subjects in which at least one sex offense charge was preferred.	482	Unknown <sup>v</sup>	181*	16
14.	Number of ASA investigations of military subjects in which sex offense charges were not preferred but non-sex offense charge(s) were preferred.	16	Unknown	21*	1
15.	Number of investigations of military subjects in which sex offense charges were not preferred but administrative or NJP action was taken for at least one sex offense.	1045	Unknown	140*	37

<b>Military Subject ASA Investigations Closed in FY 16 (continued)</b>		<b>Army (CIDC)</b>	<b>Air Force (AFOSI)</b>	<b>Navy/ Marine Corps (NCIS)</b>	<b>Coast Guard (CGIS)</b>
<b>16.</b>	Number of investigations of military subjects in which sex offense charges were not preferred but administrative or NJP action was taken for non-sex offense(s) only.	9	Unknown	164*	0
<b>17.</b>	Number of investigations of military subjects in which sex offense charges were not preferred and no further action was taken for any offense.	907 <sup>vi</sup> (182 Non-participating)	Unknown	448*	26
<b>18.</b>	Number of investigations with a military subject in which sex offense charges were not preferred and subject was prosecuted by a civilian jurisdiction for a sex offense.	73 (8 other Service Members)	Unknown	11*	0

\* NCIS Note: Information is derived from the Defense Sexual Assault Incident Database and only includes cases of non-intimate partner adult sexual assaults.

<sup>i</sup> CGIS Note: "CGIS cases are classified as "Closed-Referred" when the investigation is completed. Findings from investigations involving military subjects are forwarded, or "referred", to the accused member's Command and the servicing Legal office for adjudication decisions. Once the Command makes that adjudication decision, the CGIS investigation is then classified as "Closed". Naturally, if the Command desires additional investigation prior to making their adjudication decision, CGIS re-opens the case and conducts the needed investigative steps."

<sup>ii</sup> AFOSI Note: "An investigation may be counted multiple times. Example: 1) A case may have been initiated as an unknown subject case but later resulted in a subject being identified. This would result in a case being counted in two different categories. 2) A case could be counted in all three categories when there were multiple subjects: one unknown subject, one civilian subject and military subject."

<sup>iii</sup> CGIS Note: "# 3 - 5 = 116 (INCLUDES 2 INVESTIGATIONS W/1 MIL SUBJECT & 1 NON-MIL SUBJECT)."

<sup>iv</sup> AFOSI Note: "Data for victim participation are not capture for AFOSI Informational Files in AFOSI's investigation management system."

<sup>v</sup> AFOSI Note: "Data pertaining to charges and preferrals are not captured in AFOSI's investigation management systems. This information is available for active duty suspects in the Air Force's Automated Military Justice Analysis & Management System (AMJAMS). AFOSI can assist in providing case numbers, names and social security numbers of the suspects to help facilitate AMJAMS searches."

<sup>vi</sup> CIDC Note: "There are various reasons for "no action taken," including: beyond the statute of limitations; victim declined to participate; insufficient evidence to meet the elements of proof; no probable cause determination; third party misinterpretation of the events, etc."