



THE DEFENSE ADVISORY COMMITTEE ON
INVESTIGATION, PROSECUTION, AND DEFENSE OF
SEXUAL ASSAULT IN THE ARMED FORCES

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FOR IMMEDIATE RELEASE

The DAC-IPAD Releases Its Report on Investigative Case File Reviews for Military Adult Penetrative Sexual Offense Cases Closed in Fiscal Year 2017

Arlington, Virginia - The Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD) today submitted its *Report on Investigative Case File Reviews for Military Adult Penetrative Sexual Offense Cases Closed in Fiscal Year 2017* to the Secretary of Defense and the Committees on Armed Services of the U.S. Senate and House of Representatives in accordance with section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113-291), as amended. The report is now publicly available on the DAC-IPAD website at <http://dacipad.whs.mil>.

This report culminates a three-year project in which committee members and professional staff performed in-depth quantitative and qualitative case reviews of 1,904 criminal investigative cases and any related courts-martial cases involving adult penetrative sexual offenses. The 1,904 investigative cases reviewed comprise every investigation with an active duty Service member as the subject of a penetrative sexual offense against an adult victim conducted by the Military Services' criminal investigative organizations closed between October 1, 2016 and September 30, 2017.

As a result of the case review, this report makes two key findings. First, there is not a systemic problem with an initial disposition authority's decision either to prefer a penetrative sexual offense charge or to take no action. Second, there is a systemic problem with the referral of penetrative sexual offense charges to trial by general court-martial when there is not sufficient admissible evidence to obtain and sustain a conviction. In the Committee's view, the decision to refer charges to trial by general court-martial in the absence of sufficient admissible evidence to obtain and sustain a conviction has significant negative implications for the accused, the victim, and the military justice process. Accordingly, as a remedy, the Committee recommends that Congress amend Article 34, UCMJ.

The DAC-IPAD was established by the Secretary of Defense in February 2016, in accordance with section 546 of the National Defense Authorization Act for Fiscal Year 2015, as amended. The Committee is tasked 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 based on its review of such cases on an ongoing basis.

Please address any questions or comments to the DAC-IPAD mailbox at whs.pentagon.em.mbx.dacipad@mail.mil