

# Report to SECAF

## AIR FORCE INSPECTOR GENERAL SUMMARY REPORT CONCERNING THE HANDLING OF SEXUAL ASSAULT CASES AT THE UNITED STATES AIR FORCE ACADEMY

### EXECUTIVE SUMMARY

14 September 2004

On 2 January 2003, various senior government officials, including the Secretary of the Air Force, received an e-mail asserting there was a significant sexual assault problem at the Academy that was being ignored by Academy leadership. The Secretary subsequently directed the Air Force Inspector General to review all sexual assault criminal investigations conducted at the Academy from January 1993 through December 2002 and to investigate individuals' complaints concerning the perceived mishandling of their individual cases, separate and apart from the review of criminal investigations.

As part of the Air Force Inspector General's efforts, an experienced team from the Air Force Office of Special Investigations (AFOSI) conducted a review of the fifty-six sexual assault investigations and nine complaint examinations conducted by Detachment 808, located at the Academy. AFOSI's review found that Detachment 808's criminal investigative procedures were sound and produced legally sufficient evidence. The reviewers identified administrative areas of noncompliance in AFOSI processes, but determined they did not affect the results of the investigations or limit commanders' ability to take appropriate action. They also found that delays between the incidents and the victims' reports to Academy officials or law enforcement agencies hampered AFOSI's ability to investigate the incidents fully. The delays in reporting limited AFOSI's opportunities to collect perishable evidence, often critical in proving or disproving allegations of sexual assault.

In addition to AFOSI's review of Detachment 808's investigations, the Air Force Inspector General's Senior Official Inquiries Directorate (SAF/IGS) examined individual complaints regarding the handling of sexual assault allegations. Many of the complaints dealt with how victims perceived their treatment during the process of addressing their complaints. As a result of these complaints about the process, SAF/IGS conducted thirteen inquiries and ten investigations.<sup>1</sup> In the thirteen inquiries, four individuals voiced concerns about how they were treated at the Academy. Even though no allegations of wrongdoing were alleged, the concerns were addressed and those individuals were provided written responses. The ten investigations resulted in the identification of fifty-nine individual allegations. Of the fifty-nine, four were substantiated, and fifty-five were not. Three of the substantiated allegations resulted from failures to comply with established guidance requiring feedback to complainants. This was caused by poorly defined, and in some regards, overlapping responsibilities between the Cadet

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<sup>1</sup> Investigations were accomplished when a complainant presented a formal complaint. Inquiries were performed when SAF/IGS identified issues or concerns and the complainant declined to present a formal complaint or declined to provide input.

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Counseling Center and the Victim and Witness Assistance Program. The remaining substantiated allegation concerned a commander that did not follow proper procedures for a commander-directed mental health evaluation.

AFOSI and SAF/IGS also identified the following issues collateral to their primary investigations: Untimely reporting of assaults hampered criminal investigative efforts. A lack of victim assistance documentation gave the appearance that Academy officials were not providing assistance as required. A lack of training for Chaplains assigned to perform counseling for victims of sexual assault resulted in Chaplains feeling uneasy in providing the counseling and complainants feeling less than satisfied with the counseling received. Deficiencies in mandatory sexual assault reporting resulted in superior commanders being left unaware of the numbers and kinds of sexual assaults being reported to the Cadet Counseling Center. Process failures during commander-directed mental health evaluations resulted in some complainants' misperceptions that persons in their chain of command were abusing their command authority. Breakdowns in communication gave some complainants the misperception that Academy officials were unconcerned about their allegations. A lack of and/or misunderstanding of the amnesty program caused frustrations for commanders attempting to administer discipline for cadet infractions and cadets receiving the discipline. The use of alcohol by the complainant and/or the accused and consensual sexual activity between the complainant and accused both prior to and/or following the incident created complex legal questions regarding consent. Inconsistent record keeping at the Academy often made it difficult for investigating officers to reconstruct records completely or identify disciplinary actions taken. Complainants' fear of reporting impacted AFOSI's ability to gather evidence. In some cases, cadets placed loyalty to their peers above loyalty to the Air Force, resulting in untimely or incomplete reporting. And at least one administrative error resulted in an inaccurate discharge characterization on a cadet's DD Form 214.

While poor communication was a consistent theme in the twenty-three cases examined by SAF/IGS, there was no evidence of intentional mishandling or willful neglect in any case reviewed.