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United States Senate

WASHINGTON, DC 20510–4704

March 15, 2018

The Honorable James Mattis
Secretary of Defense
1000 Defense Pentagon
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Dear Secretary Mattis:

I am deeply disturbed by a recent Associated Press report that reveals a massive failure of U.S. military and Department of Defense (DoD) officials to protect or provide justice to the children of service members when they are sexually assaulted by other children on military installations and in Department of Defense Education Activity (DoDEA) schools. I bring this issue to your attention as I believe it requires your immediate intervention.

At the outset, the sheer number of potential sexual assaults between minor children occurring in these installations and schools is shocking. The Associated Press documented nearly 600 sexual assault cases that have occurred on bases since 2007, which likely only represent a fraction of the total crimes actually committed. Of this unknown number of victims and families, it is unclear how many have been properly informed by Department officials about their options to pursue justice for the offenses committed against them or have been provided the critical physical and mental health support needed to recover from such devastating trauma. The report reveals an inscrutable system that fails these children at every level: military investigators do little to follow-up on reported assaults; federal prosecutors are loathe to pursue juvenile sexual assault cases; and local authorities rarely have the capacity to take on these cases. The fact that these cases cross jurisdictions is not an excuse for inaction.

Perhaps most concerning, students are not protected within their own schools. The report details that DoDEA has a strikingly limited and inconsistent protocol in how it prevents and addresses sexual assault occurring between students. In at least one case, a female student who credibly alleged she was raped by another student, was required to remain in school in proximity to her alleged assailant, and it remains unclear whether any action at all was taken to assist the survivor. It should be unacceptable to the Department that current policy and practice permits survivors of rape to be forced to attempt to learn in close physical proximity to their rapist. It is stunning to think that such a situation would be allowed to persist, let alone occur in the first instance.

DoDEA also appears to lack an organized record and classification system that effectively tracks these assaults, as the current system consistently fails to report or misreports statistics on sexual violence in schools. As a threshold matter, we cannot as a nation, and the Department of Defense cannot as an institution, hope to adequately address the dire issue of sexual assault without having a basic system in place for tracking instances of assault. The failure to adequately address issues of sexual assault and misconduct in schools raises further questions about whether

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DoDEA is meeting its legal and moral obligation to prevent harassment and discrimination against students.

The AP report indicates that the Defense Department currently has no systematic way to track these cases and has no clear picture of the scope of this problem. This prompts the question: how many more cases are out there? How many more children have suffered because of a lack of prevention, inadequate support after the assault, and no recourse to pursue justice?

At one point, the report includes a quote from your office that identifies child-on-child sexual assault as an "emerging issue." What is "emerging" about 600 sexual assault cases in ten years? Justice for these children should not depend on "luck and location," as the article states. We owe our military families – the children of the personnel who are fighting our wars – safety and support.

In order to understand the efforts the Department of Defense is taking to address these issues, please answer the following questions no later than April 4:

1. How many juveniles have experienced sexual violence or sexual misconduct on a military base in the last 10 years? Provide the date and location of each incident.

2. How many cases involving sexual violence and sexual misconduct of juveniles on a military base have been referred to the Department of Justice in the last 10 years? Provide the date and location of each incident.

3. How many cases involving sexual violence and sexual misconduct of juveniles on a military base have been referred to local law enforcement in the last 10 years? Provide the date and location of each incident.

4. What programs and resources are available to children who are the victims of sexual assault in order to assist them and provide them care and treatment following an assault?

5. What system does the Department of Defense currently have in place to track and analyze reports it receives of sexual violence among children and teens on military installations?

6. What guidance and training is currently provided to military investigators who may be assigned to these cases?

7. What system is currently in place to ensure these cases are appropriately referred to federal or local law enforcement?

8. How many military investigators have received specific training about how to interview juveniles? Where are they based?

9. What mechanism is in place to ensure that the victim and victim's family are aware of their rights?

10. How does DoDEA currently define and classify sexual harassment and sexual assault?

11. What policies and procedures does DoDEA currently have in place to protect students who may be victims of sexual harassment, sexual violence, and sexual assault?
12. What guidance does DoDEA provide to schools to ensure they comply with the requirements of Title IX standards?

13. What system does DoDEA currently use to track instances of sexual misconduct or sexual assault across the entire school system?

14. To whom does DoDEA report statistics about the incidents of sexual harassment and sexual violence?

As a mother and a grandmother, I cannot tolerate the thought that our military children are not receiving the protection and support they deserve. I trust you share my outrage. Thank you for your long and distinguished service to our country and for your dedication to our service members and their families. I will personally follow this issue closely, and I look forward to working with you to address these issues.

Sincerely,

Patty Murray

Patty Murray
United States Senator