United States Government Accountability Office

Report to Congressional Requesters

CHILD WELFARE

Increased Guidance and Collaboration Needed to Improve DOD's Tracking and Response to Child Abuse

Accessible Version

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GAO-20-110

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GAO Highlights

Highlights of GAO-20-110, a report to congressional requesters

Why GAO Did This Study

With more than 1.2 million school-age military dependents worldwide, per DOD, the department's organizations work to prevent, respond to, and resolve incidents of child abuse. Incidents of child abuse, including child-on-child abuse, can cause a range of emotional and physical trauma for military families, ultimately affecting servicemember performance.

GAO was asked to review how DOD addresses incidents of child abuse and child-on-child abuse occurring on a military installation or involving military dependents. This report examines, among other things, the extent to which DOD has (1) visibility over such reported incidents, and (2) developed and implemented policies and procedures to respond to and resolve these incidents. GAO reviewed relevant policies and guidance; interviewed officials at a nongeneralizable sample of seven military installations; analyzed program data; interviewed parents of children affected by abuse; and interviewed DOD, service, and civilian officials, including at children's advocacy centers.

What GAO Recommends

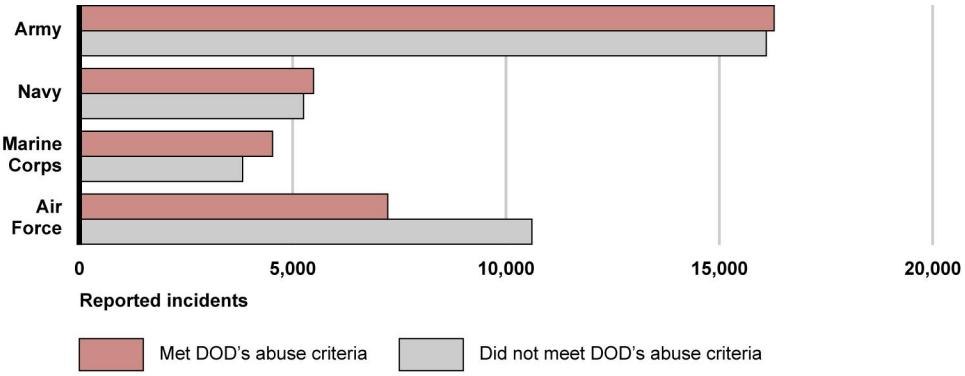
GAO is making 23 recommendations, including that the military services develop a process to monitor how reported incidents are screened at installations, that DOD expand the membership of the IDC to include medical personnel, and that DOD establish processes that help ensure timely access to certified pediatric examiners overseas. DOD concurred with 16, partially concurred with six, and did not concur with one of GAO's recommendations, which GAO continues to believe are valid, as discussed in the report.

View GAO-20-110. For more information, contact Brenda S. Farrell at (202) 512-3604 or farrellb@gao.gov.

What GAO Found

The Department of Defense (DOD) has limited visibility over reported incidents of child abuse—physical, sexual, or emotional abuse, or neglect by a caregiver—and child-on-child abuse due to standalone databases, information sharing challenges, and installation discretion. From fiscal years 2014 through 2018, the military services recorded more than 69,000 reported incidents of child abuse (see figure). However, personnel at all seven installations in GAO's review stated that they use discretion to determine which incidents to present to the Incident Determination Committee (IDC)—the installation-based committee responsible for reviewing reports and determining whether they meet DOD's criteria for abuse (an act of abuse and an actual or potential impact, e.g., spanking that left a welt). Per DOD guidance, every reported incident must be presented to the IDC unless there is no possibility that it could meet any of the criteria for abuse. However, personnel described incidents they had screened out that, per DOD guidance, should have been presented to the IDC. Without the services developing a process to monitor how incidents are screened at installations, DOD does not know the total number of reported child abuse incidents across the department.

Reported Incidents of Child Abuse (Physical, Sexual, or Emotional Abuse, or Neglect), by Department of Defense (DOD) Criteria for Abuse, Fiscal Years 2014-2018



Source: GAO analysis of Family Advocacy Program data. | GAO-20-110

While DOD has expanded its child abuse policies and procedures to include child-on-child sexual abuse, gaps exist. For example, DOD standardized the IDC process in 2016, but the new structure does not include medical personnel with expertise, contrary to best practices for substantiating child abuse allegations. Without expanding the IDC membership to include medical personnel, members may not have all of the relevant information needed to make fully informed decisions, potentially affecting confidence in the efficacy of the committee's decisions. GAO also found that the availability of certified pediatric sexual assault forensic examiners across DOD is limited—according to DOD officials, there are only 11 in comparison to 1,448 incidents of child sexual abuse that met DOD's criteria for abuse from fiscal years 2014 through 2018. Without processes that help ensure timely access to certified pediatric examiners, child victims of sexual abuse overseas may not receive exams in time for evidence to be collected for use in prosecution, increasing the stress and trauma of affected victims.

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Abbreviations

CAC	Children's Advocacy Center
DOD	Department of Defense
DODEA	Department of Defense Education Activity
DOJ	Department of Justice
FAP	Family Advocacy Program
IDC	Incident Determination Committee

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February 12, 2020

The Honorable Mac Thornberry
Ranking Member
Committee on Armed Services
House of Representatives

The Honorable Jackie Speier
Chairwoman
Subcommittee on Military Personnel
Committee on Armed Services
House of Representatives

With more than 1.2 million school-age military dependents worldwide, according to the Department of Defense (DOD), the department has responsibilities related to the prevention, response to, and resolution of incidents of child abuse. DOD policy defines child abuse as the physical, sexual, or emotional abuse, or neglect of a child by a parent, guardian, foster parent, or caregiver.[1] Incidents of child abuse, including child-on-child abuse, can cause a range of emotional and physical trauma for military families, ultimately affecting servicemember performance and readiness.

Since 2018, a number of media reports have highlighted challenges regarding DOD's response to incidents of child-on-child sexual abuse occurring on military installations in the United States and overseas, including within DOD Education Activity (DODEA) schools. DODEA operates 163 schools in 11 countries, 7 states, Guam, and Puerto Rico that collectively serve more than 70,000 children of active duty military and DOD civilian families. DOD's efforts related to child-on-child abuse are currently focused on problematic sexual behavior in children and youth, which is defined in policy as behaviors that involve sexual body parts in a manner that deviates from normative or typical sexual behavior and that are developmentally inappropriate or potentially harmful to the

[1]The Department of Defense (DOD) defines child abuse as the physical or sexual abuse, emotional abuse, or neglect of a child by a parent, guardian, foster parent, or by a caregiver, whether the caregiver is intrafamilial or extrafamilial, under circumstances indicating the child's welfare is harmed or threatened. Such acts by a sibling, other family member, or other person shall be deemed to be child abuse only when the individual is providing care under express or implied agreement with the parent, guardian, or foster parent. DOD Instruction 6400.01, *Family Advocacy Program* (FAP) (May 1, 2019).

individuals initiating or impacted by the behavior. Amid these media reports, you asked us to assess how DOD addresses incidents of child abuse, including child-on-child abuse, occurring on military installations or involving military dependents. This report assesses the extent to which DOD (1) has visibility over such reported incidents, (2) has developed and implemented policies and procedures to respond to and resolve these incidents, and (3) collaborates with other governmental and nongovernmental organizations to address these incidents.

For our first objective, we analyzed data from the three primary organizations that DOD officials identified as having responsibility for tracking these incidents. Our review included data on any abuse of a child (emotional, physical, or sexual abuse, or neglect) by an adult and child-on-child abuse—any physical or sexual abuse of a child (under the age of 18) by another child.[2] First, we analyzed data from the Army, the Navy, the Marine Corps, and the Air Force's Family Advocacy Programs (FAP)—which, among other things, provide trauma-informed assessment, rehabilitation, and treatment to persons who are involved in alleged incidents of child abuse—on all reported incidents of child abuse for fiscal years 2014 through 2018. We selected this timeframe to evaluate trends over 5 years, and fiscal year 2018 was the most recent year for which complete data were available at the time of our review. Specifically, we analyzed the data to determine the number of reported incidents of child abuse by service and the percentage of those that met DOD's criteria for child abuse, as well as to describe the characteristics of these incidents. To assess the reliability of the service FAPs' child abuse data, we reviewed related documentation; assessed the data for errors, omissions, and inconsistencies; and interviewed officials. We determined that the data were sufficiently reliable to describe trends in reported incidents of child abuse across the services and characteristics of such incidents from fiscal years 2014 through 2018.

Second, we analyzed data from the military criminal investigative organizations—the Army Criminal Investigation Command, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations—for the same time period for all investigations with a child

[2]According to DOD officials, DOD does not have a term that encompasses both the physical and sexual abuse of a child by another child. We use the term child-on-child abuse to refer to any physical or sexual abuse of a child (under the age of 18) by another child.

victim.[3] Specifically, we analyzed the data to identify trends in the number of investigations over the past 5 fiscal years and to identify key characteristics of the investigations. To assess the reliability of the military criminal investigative organizations' child victim investigation data, we assessed the data for errors, omissions, and inconsistencies, and we interviewed officials. We determined that the data were sufficiently reliable to describe trends in child victim investigations across the services and the characteristics of such investigations from fiscal years 2014 through 2018.

Third, we analyzed three sources of DODEA data: (1) child abuse reports from school years 2014-2015 through 2017-2018, (2) serious incident reports from school years 2013-2014 through 2017-2018, and (3) student misconduct records from school years 2016-2017 through 2017-2018.[4] We selected this timeframe to evaluate serious incident report trends over 5 years, and school year 2017-2018 was the most recent year for which complete data were available at the time of our review.[5] We analyzed DODEA's child abuse reports and serious incident reports to identify trends in the number and type of reports as well as to describe their characteristics. To assess the reliability of DODEA's child abuse reports and serious incident reports, we reviewed related documentation; assessed the data for errors, omissions, and inconsistencies; and interviewed officials. We determined that the data were sufficiently reliable to describe trends in and characteristics of child abuse reports from school years 2014-2015 through 2017-2018 and serious incident reports from school years 2013-2014 through 2017-2018, as well as to

[3]The Naval Criminal Investigative Service includes cases for the Navy and the Marine Corps.

[4]Department of Defense Education Activity (DODEA) guidance defines child abuse as the physical injury, sexual maltreatment, emotional maltreatment, deprivation of necessities, or combinations for a child by an individual responsible for the child's welfare under circumstances indicating that the child's welfare is harmed or threatened. The term encompasses both acts and omissions on the part of the responsible person. DODEA guidance defines a serious incident as an event or allegation that impacts school readiness, or the health, safety, and security of DODEA-affiliated personnel, facilities, and property resulting in consequences greater than those normally addressed through routine administrative or preventive maintenance actions. DODEA Regulation 3030.01, *DODEA Incident Reporting Program* (May 21, 2019).

[5]We analyzed child abuse report data for school years 2014-2015 through 2017-2018 because the data for school year 2013-2014 could not easily be provided.

compare serious incident reports to DODEA student misconduct records from school years 2016-2017 through 2017-2018.

We also conducted an analysis of DODEA's student misconduct records for school years 2016-2017 and 2017-2018 to determine the number of student misconduct records that school administrators, using DODEA's guidance, could have reasonably categorized as a violation of law or sexual event and filed a serious incident report.[6] We selected these 2 school years for the analysis because DODEA's updated serious incident reporting guidance was issued in August 2016 and was in place for both school years. We compared the number of student misconduct records for which we determined school administrators, using the guidance, could have reasonably filed a serious incident report with the number of serious incidents recorded by DODEA for the same time period to determine the extent of DODEA's visibility into serious incidents. We discussed the student misconduct records and our analysis with DODEA officials.

Further, we interviewed relevant DOD and service officials at the headquarters level and at a nongeneralizable sample of seven military installations to identify how DOD tracks reported incidents of child abuse from the time of a report to an ultimate adjudication, including how information is communicated within and across the services. We selected at least one installation per service as well as two joint installations, and selected locations based on the number of reported child abuse incidents and the number of investigated child-on-child abuse incidents, as well as other factors. Specifically, we selected installations that had a high number of reported incidents of child abuse, a high number of child-on-child abuse investigations—or both—from fiscal years 2014 through 2018 in order to maximize the possibility we would interview officials, responders, and care providers who had responded to reported incidents of child abuse. Other selection factors included a mix of types of legislative jurisdiction, at least some installations with DODEA schools, a high number of DODEA serious incident reports, and a mix of geographic

[6]DODEA Procedural Guide 5760.01-01, *Serious Incident Reporting Procedures* (Aug. 24, 2016).

locations in the United States and overseas.[7] We compared information from our data analyses and interviews to DOD guidance; GAO-identified practices for developing and maintaining a reliable schedule; GAO-identified leading practices for results-oriented management; and *Standards for Internal Control in the Federal Government* related to quality information, designing control activities, and monitoring activities.[8]

For our second objective, we reviewed relevant DOD and service policies, guidance, reports, and memoranda on child abuse, juvenile misconduct, and problematic sexual behavior in children and youth. We also conducted work at the previously mentioned nongeneralizable sample of seven military installations in the United States and overseas where we interviewed a variety of personnel responsible for tracking, responding to, and resolving these incidents. To obtain the perspectives of parents and guardians of children who have been affected by abuse (either by an adult or another child) on military installations or while they were military dependents, we interviewed, using a structured questionnaire, 20 parents and guardians by phone. These parents and guardians volunteered to speak with us about their perspectives on available resources and assistance, case communication, and the investigative and adjudicative

[7]Because we did not select locations using a statistically representative sampling method, the comments provided during our interviews with installation officials are nongeneralizable and therefore cannot be projected across DOD or a service, or any other installations. While the information obtained was not generalizable, it provided perspectives from installation officials that have assisted with the response to reported incidents of child abuse. We conducted visits to Fort Bragg and Joint Base Lewis-McChord (Army), Naval Station Norfolk and Commander Fleet Activities Yokosuka (Navy), Yokota Air Base and Joint Base Elmendorf-Richardson (Air Force), and Camp Lejeune (Marine Corps).

[8]Department of Defense (DOD) Manual 6400.01, Vol. 3, *Family Advocacy Program (FAP): Clinical Case Staff Meeting (CCSM) and Incident Determination Committee (IDC)* (Aug. 11, 2016); GAO, *GAO Cost Estimating and Assessment Guide: Best Practices for Developing and Managing Capital Program Costs*, GAO-09-3SP (Washington, D.C.: Mar. 2, 2009); GAO, *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making,* GAO-05-927 (Washington, D.C.: Sept. 9, 2005); and GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Washington, D.C.: Sept. 10, 2014).

processes.[9] We compared the information from the selected installations and interviews to GAO-developed practices to enhance and sustain collaboration in interagency groups, Department of Justice (DOJ) best practices for sexual assault forensic examination kits, and *Standards for Internal Control in the Federal Government* related to quality information.[10]

For our third objective, we reviewed written agreements in place with civilian organizations at the five nongeneralizable installations located in the United States in our review, such as agreements with local civilian law enforcement and state child welfare agencies that pertain to how incidents of child abuse on the installation are to be addressed. We also interviewed relevant officials from civilian organizations near the five U.S. installations in our review, such as state and local child welfare agencies, law enforcement organizations, prosecuting attorneys' offices, and Children's Advocacy Centers (CAC) to determine the extent of their collaboration with the military and any related challenges.[11] In addition, we interviewed DOJ officials regarding the prosecution of juvenile crimes committed on overseas installations and on some U.S. installations. Further, we contacted officials from the National Children's Alliance, which accredits CACs, about its efforts with DOD to improve collaboration between the military and CACs. We compared the agreements and information obtained through interviews with DOJ Principles of Federal Prosecution, GAO-developed key considerations for interagency collaborative mechanisms, and *Standards for Internal Control in the*

[9]Because we did not select participants using a statistically representative sampling method, the perspectives obtained are nongeneralizable and therefore cannot be projected across DOD, a military service, or installation. While the information obtained was not generalizable, it provided perspectives from parents and guardians who were willing to discuss their experiences about the reporting, response, and resolution processes. For details on our methodology for these interviews, see appendix I. The questionnaire we used to conduct voluntary interviews with parents and guardians is included in its entirety in appendix II.

[10]GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies,* GAO-06-15 (Washington, D.C.: Oct. 21, 2005); Department of Justice, *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach* (2017); and GAO-14-704G.

[11]Children's Advocacy Centers (CAC) in the United States are civilian organizations that coordinate the investigation, treatment, and prosecution of child abuse cases by utilizing multidisciplinary teams of professionals involved in child protective and victim advocacy services, law enforcement and prosecution, and physical and mental health. The National Children's Alliance is the national association and accrediting body for Children's Advocacy Centers.

Federal Government related to quality information.[12] Our scope and methodology is described in detail in appendix I.

We conducted this performance audit from January 2019 to February 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

DOD Roles and Responsibilities Related to Child Abuse

There are a number of organizations within DOD with responsibility for preventing, responding to, and resolving incidents of child abuse, including child-on-child abuse, as described below.

Under Secretary of Defense for Personnel and Readiness. The Under Secretary of Defense for Personnel and Readiness collaborates with DOD component heads to establish programs and guidance to implement the FAP, among other things; it also programs, budgets, and allocates funds and other resources for the FAP. The Assistant Secretary of Defense for Manpower and Reserve Affairs, under the authority of the Under Secretary of Defense for Personnel and Readiness, provides policy, direction, and oversight to the FAP. The Assistant Secretary of Defense for Manpower and Reserve Affairs, through the Deputy Assistant Secretary of Defense for Military Community and Family Policy, is also responsible for collaborating with service Secretaries to monitor compliance with FAP standards. The Defense State Liaison Office, located within the Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy, is responsible for assisting with the

[12]Department of Justice (DOJ), *Justice Manual, Title 9: Criminal, Principles of Federal Prosecution* (February 2018); GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms,* GAO-12-1022 (Washington, D.C.: Sept. 27, 2012); and GAO-14-704G.

passage of state bills that affect key issues within the department, such as the reporting of child abuse.

DOD Family Advocacy Program. DOD FAP serves as the policy proponent for, and a key element of, DOD's coordinated community response system to prevent and respond to reports of child abuse, domestic abuse, and problematic sexual behavior in children and youth in military families.[13] The FAP, among other things, provides trauma-informed assessment, rehabilitation, and treatment to persons who are involved in alleged incidents of child abuse, domestic abuse, and problematic sexual behavior in children and youth who are eligible to receive treatment in a military treatment facility.[14] To execute these responsibilities, DOD funds over 2,000 positions in the department to deliver FAP services, including credentialed and licensed clinical providers. The department prescribes uniform standards for all service FAPs through DOD Manual 6400.01, Volume 1, *FAP Standards*.[15] DOD uses these standards to promote public awareness; aid in prevention, early identification, reporting, and coordinated, comprehensive intervention and assessment; and to support victims of child abuse and domestic abuse. DOD revised these standards in July 2019 to include the same support and services for children exhibiting or affected by problematic sexual behavior.

Military Service Family Advocacy Programs. Each military department Secretary is responsible for developing service-wide FAP policy that addresses any unique requirements for their respective installation FAPs. The department Secretaries are also responsible for requiring that all installation personnel receive the appropriate training to implement the FAP standards. In addition, each service has a FAP headquarters entity that develops and issues implementing guidance for the installation FAPs for which they provide oversight. At the installations, commanders are to establish an installation Family Advocacy Committee with a chairperson

[13]DOD's coordinated community response is a collaborative and victim-centered response involving multiple offices and agencies at military installations working in coordination with the surrounding civilian community.

[14]DOD Instruction 6400.01, *Family Advocacy Program (FAP)* (May 1, 2019).

[15]DOD Manual 6400.01, Vol. 1, *Family Advocacy Program (FAP): FAP Standards* (July 22, 2019).

that serves as the policy implementing, coordinating, and advisory body to address child abuse and domestic abuse at the installation.

Military Criminal Investigative Organizations and Military Police. The Department of Defense Inspector General establishes policy, provides guidance, and monitors and evaluates program performance for all DOD activities relating to criminal investigations and military law enforcement programs, including coordination with DOJ.[16] Military law enforcement organizations include both military police and military criminal investigative organizations.[17] Each military department has established a military criminal investigative organization that may initiate investigations on incidents with a DOD nexus, such as if a crime occurred on a military installation or involved military personnel or dependents. The military departments' military criminal investigative organizations are the

- Army Criminal Investigation Command,
- Naval Criminal Investigative Service,[18] and
- Air Force Office of Special Investigations.

Each military criminal investigative organization provides an element of DOD's special victim investigation and prosecution capability. DOD defines special victims as adults or children who are sexually assaulted or suffer aggravated assault with grievous bodily harm. A special victim investigation and prosecution designation allows the military criminal investigative organizations to assign specially trained investigators who work collaboratively with other relevant trained personnel, such as Judge Advocates and FAP managers, to provide services to the victim. While military criminal investigative organizations can investigate any crime with a DOD nexus—within their investigative purview—officials from each organization stated that they primarily investigate serious felony-level offenses and any type of sexual offense. Military police that provide services at military installations primarily serve as first responders to

[16]The Senate Armed Services Committee report accompanying a bill for the John S. McCain National Defense Authorization Act for Fiscal Year 2019 included a provision for the Department of Defense Inspector General to conduct a review of DOD's response to incidents of serious student misconduct on military installations. *See S.* Rep. No. 115-262, at 192-93 (2018). According to a DOD Inspector General official, as of December 2019, the report was still under development.

[17]The term "military police" includes Army and Marine Corps Military Police, Air Force Security Forces, and Navy Master-at-Arms.

[18]The Naval Criminal Investigative Service investigates serious cases arising in the Navy and the Marine Corps.

incidents and will notify a military criminal investigative organization for more serious incidents requiring an investigation, according to service officials.

DOD Office of the General Counsel and Service Judge Advocates. The DOD Office of General Counsel provides advice to the Secretary of Defense regarding all legal matters and services performed within, or involving, DOD. The DOD Office of General Counsel also provides for the coordination of significant legal issues, including litigation involving DOD and other matters before DOJ. Each military department also has a Judge Advocate General's Corps that establishes legal offices (Offices of the Staff Judge Advocate) which, among other things, serve as prosecutors and defense counsel at courts-martial; provide legal assistance to eligible personnel on personal, civil, and legal matters; advise commanders on military justice and disciplinary matters; and provide legal advice to military investigative agencies. In addition, any person identified as the victim of an offense under the Uniform Code of Military Justice (or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DOD components) is to be notified of their rights under DOD's Victim and Witness Assistance Program, informed about the military justice process, and provided other services to support the victim or witness and their family.

DOD Education Activity. DODEA operates as a DOD field activity under the Office of the Under Secretary of Defense for Personnel and Readiness. It is a federally-operated school system that is responsible for planning, directing, and managing prekindergarten through 12th grade educational programs for DOD. All DODEA personnel are designated as mandatory reporters of child abuse and are required to participate in the early identification of child abuse and the protection of children, including the prompt reporting of alleged child abuse or any information that gives reason to suspect child abuse.[19]

DOD Child Abuse Prevention Efforts

FAP is responsible for several child abuse prevention programs across the services. For example, the New Parent Support Program offers intensive home visiting services on a voluntary basis to expectant parents

[19]DODEA Administrative Instruction 1356.01, *DODEA Family Advocacy Program Process For Reporting Incidents of Suspected Child Abuse and Neglect* (Nov. 5, 2018).

and parents with young children. Officials target the program toward families who display some indicators of being at risk for child abuse or who have been assessed and determined as at risk for child abuse.[20] All FAP personnel are mandated reporters to state child welfare service agencies for all allegations of child abuse.[21]

In addition, the service FAPs, at every military installation where families are located, work with the other entities within the coordinated community response, including civilian social services agencies and law enforcement, to provide comprehensive prevention and response to maltreatment. According to service FAP officials, while each service FAP has a domestic abuse victim advocate program that serves domestic abuse victims as well as non-offending parents in child abuse incidents, specific prevention efforts vary across installations and services. For example, the Air Force FAP is taking steps to track the effectiveness of FAP treatment programs to strengthen prevention efforts. Through the Navy FAP's victim advocate program, non-offending parents are connected with resources from initial referral to case closure—or until the non-offending parent no longer desires services—that include potential prevention techniques, such as establishing a strong support system. The Marine Corps initiated evaluation of prevention programs and uses evidence-informed curricula to provide parenting education and support, according to Marine Corps officials. The Army has begun to operationalize combined parent-child cognitive behavior therapy to address the needs of children and families at risk for child physical abuse through child interventions, parent strategies to address child trauma, and family interventions. At one Army installation, a FAP official described a puppet show aimed at teaching children about appropriate and inappropriate behaviors as part of prevention efforts related to problematic sexual behavior in children and youth.

Other DOD organizations also have roles related to prevention. For example, child development centers located on installations have a number of child abuse prevention measures, including visual access throughout activity rooms used for care, closed circuit television, identification checks and badges for all visitors, and a system to indicate

[20]The New Parent Support Program is for parents with children under the age of 3 in the Army, the Navy, and the Air Force; and children under the age of 5 in the Marine Corps.

[21]DOD Manual 6400.01, Vol. 1, *Family Advocacy Program (FAP): FAP Standards* (July 22, 2019).

which staff members are cleared to be alone with children, such as a system of colored smocks.[22] In addition, all personnel on military installations who work with children, including those at DODEA schools, child development centers, and child and youth centers, must pass a background check as a condition of employment, among other things.[23]

Child Abuse Incident Determination Process

Each military installation with a FAP has an Incident Determination Committee (IDC) that reviews reported incidents of child abuse and domestic abuse to determine whether they meet DOD's criteria for abuse.[24] Per DOD guidance, every reported incident of abuse or neglect must be presented to the IDC unless there is no possibility that the incident could meet any of the criteria for abuse or neglect.[25] Physical abuse, emotional abuse, and neglect each have two primary associated criteria: (a) an act or failure to act, and (b) physical injury or harm, or the reasonable potential for physical injury or harm; psychological harm, or the reasonable potential for psychological harm; or stress-related somatic symptoms resulting from such act or failure to act.[26] Any act of child sexual abuse that is found to have occurred under part (a) is automatically considered to have had a significant impact on the child, which is the criterion for part (b); therefore, the IDC only considers part (a) for incidents of child sexual abuse, and if the IDC determines the act occurred, then the incident is found to have met criteria.

Voting members of the IDC include: the deputy to the installation commander (Chair); the senior noncommissioned officer advisor to the

[22]DOD Instruction 6060.02, *Child Development Programs (CDPs)* (Aug. 5, 2014).

[23]DOD Instruction 1402.05, *Background Checks on Individuals in DOD Child Care Services Programs* (Sept. 11, 2015) (Incorporating Change 1, July 14, 2016).

[24]The Navy, the Marine Corps, and the Air Force have implemented the Incident Determination Committee (IDC) process. The Army's implementation of the IDC process was ongoing as of October 2019. For purposes of this report, we refer to the Army's process as the IDC since the committee makes determinations whether reported incidents of child abuse meet DOD's criteria for abuse. The IDC reviews unrestricted reports of domestic abuse. Restricted reports of domestic abuse allow victims to report an incident of domestic abuse to a specified individual without initiating the investigative process or notification to the victim's or alleged offender's commander.

[25]DOD Manual 6400.01, Vol. 3, *Family Advocacy Program* (*FAP): Clinical Case Staff Meeting (CCSM) and Incident Determination Committee (IDC)* (Aug. 11, 2016).

[26]DOD Manual 6400.01, Vol. 3.

installation commander; representatives from the servicemember's command, the Staff Judge Advocate's office, and military police; and the FAP manager or FAP supervisor of clinical services. According to DOD policy, the IDC may request that additional personnel, such as medical personnel and military criminal investigative organizations, attend the IDC when necessary to provide input on incidents and to answer any questions about the results of a medical examination or an investigation. IDC members review what is known about the incident, and then the voting members vote to determine if an incident meets each of DOD's criteria for abuse. The final incident determination is made by a simple majority vote, and the IDC Chair serves as the tiebreaker in the event of a tie. The IDC's decision is communicated to the servicemember via the servicemember's command. IDC determinations may be reconsidered. The appeal request and response processes vary by service.

In August 2016, DOD issued guidance standardizing the IDC process across the services. According to DOD officials, prior to this, each service had a similar but distinct process for determining whether abuse occurred. According to a DOD report, the IDC is to be a clinical, not a disciplinary, process. The IDC is separate and distinct from any law enforcement or military criminal investigative organization process.

Each incident that is presented to the IDC is also discussed at a clinical case staff meeting, which is made up of personnel from the FAP, among others. During the clinical case staff meeting—which can occur before or after the IDC makes its determination, according to DOD officials—attendees generate clinical recommendations for support services and treatment for victims and offenders of child abuse who are eligible for treatment at a military medical treatment facility, and ongoing coordinated case management. DOD FAP officials stated that treatment is not dependent on an IDC's determination, meaning that the FAP may still provide support services to the family even if the IDC finds that a reported incident does not meet DOD's criteria for abuse.

DOJ Roles and Responsibilities in Addressing DOD-Related Incidents of Child Abuse

The Executive Office for United States Attorneys provides general executive assistance and supervision to the Offices of the United States Attorneys, including evaluating their performance, making appropriate reports and inspections, and taking corrective action when needed. The Executive Office for United States Attorneys also serves as a liaison

between DOJ and the 93 United States Attorneys located across the 50 states, the District of Columbia, and some U.S. territories. United States Attorneys serve as the nation's principal litigators and work under the direction of the Attorney General to prosecute crimes, including some crimes that occur on some military installations. When cases from military installations are referred to a United States Attorney's office for prosecution, they can be accepted, referred, or declined. The case can be declined for prosecution for several reasons: (1) it may not constitute a federal offense, (2) there is insufficient evidence to obtain a conviction, (3) prosecution would not serve a substantial federal interest, (4) the individual may be prosecuted in another jurisdiction, or (5) there is another adequate noncriminal alternative to prosecution.[27]

DOJ's Criminal Division comprises multiple sections, including the Child Exploitation and Obscenity Section and the Human Rights and Special Prosecutions Section, both of which have responsibility for resolving crimes occurring on overseas military installations. The mission of the Child Exploitation and Obscenity Section is to protect child welfare and communities by enforcing federal criminal statutes relating to the exploitation of children and obscenity. The Human Rights and Special Prosecutions Section primarily investigates and prosecutes cases against human rights violators and other international criminals.

The Office of Juvenile Justice and Delinquency Prevention within DOJ's Office of Justice Programs provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. The Office supports the efforts of states, tribes, and communities to develop and implement effective and equitable juvenile justice systems that enhance public safety, ensure youth are held appropriately accountable to both crime victims and communities, and empower youth to live productive, law-abiding lives.

Community Partner Roles and Responsibilities

In addition to DOD and DOJ, there are also community partners that assist in responding to and resolving incidents of child abuse, including child-on-child abuse. Depending on the military installation, there may be local memorandums of agreement or understanding between the

[27]Department of Justice, *Justice Manual,* Title 9: Criminal, Principles of Federal Prosecution – Grounds for Commencing or Declining Prosecution, 9-27.220 (February 2018).

installation and community partners, such as CACs, child welfare agencies, and civilian law enforcement that help guide the response to and reporting of these incidents.

The National Children's Alliance and Children's Advocacy Centers. The National Children's Alliance is the national association and accrediting body for a network of approximately 900 CACs with locations in all 50 states and the District of Columbia. CACs provide a child-focused environment to conduct child forensic interviews and medical exams, which are then reviewed by a multi-disciplinary team that includes medical personnel, law enforcement, mental health personnel, legal personnel, victim advocates, and state child welfare agencies. The purpose of the multi-disciplinary team is to determine how to best support the child, such as through therapy, courtroom preparation, and victim advocacy.

State and local child welfare agencies and civilian law enforcement. Each state or locality has a public child welfare agency that is responsible for receiving and investigating reports of child abuse, as well as assessing the needs of children and their families. This could include removing a child from an abusive home or providing support services to families in need. These agencies are governed by state laws that define child protection roles and processes. The administrative framework for child welfare services and programs vary by state, but all are responsible for compliance with state and applicable federal requirements. For example, states that accept federal funding under the Child Abuse Prevention and Treatment Act must meet the statutory requirements of the Act.[28] Civilian law enforcement organizations are also key to ensuring the welfare of children. In general, civilian law enforcement organizations act as first responders to incidents and may provide a variety of services from reporting the abuse to the appropriate child welfare agency to conducting an investigation of the incident.

Military Installation Jurisdictions and the Adjudication of Criminal Offenses

As of 2018, DOD occupied varying legislative jurisdictions throughout the 26.9 million acres of land at 4,775 sites worldwide for which it is

[28]42 U.S.C. Chapter 67.

responsible.[29] Military installations may consist of one or more sites. In the United States, military installations have one of four types of legislative jurisdiction—or, depending on the installation, multiple types of jurisdiction—that, among other things, helps determine the proper adjudication venue for any criminal offenses committed on the property of the installation.[30] The four types of jurisdiction are described below.

- **Exclusive federal jurisdiction** gives the federal government sole authority to adjudicate criminal misconduct. Exclusive federal jurisdiction exists when the federal government elected to reserve authority at the time the real property was granted to the state, or when the state transferred real property to the federal government and failed to reserve jurisdictional authority as part of the transfer.
- **Concurrent jurisdiction** applies when both the state and the federal governments retain all authority to adjudicate criminal misconduct. In the event of a conflict, the federal government prevails under the Supremacy Clause of the Constitution.
- **Partial jurisdiction** applies when both the state and the federal government have some legislative authority, but neither one has absolute power. The sharing of authority is not exclusive to adjudication of criminal misconduct and federal supremacy applies in the event of a conflict.
- **Proprietary jurisdiction** applies to instances where the federal government has virtually no legislative authority. The only federal laws that apply are those that do not rely upon federal jurisdiction, such as espionage, bank robbery, tax fraud, and counterfeiting; the federal government maintains immunity and supremacy for inherently governmental functions. An installation commander can exclude civilians from the area pursuant to his or her inherent authority.

The installation's jurisdiction as well as the status of the alleged offender (civilian or servicemember) determines which venue will adjudicate the incident. For example, if a servicemember commits a crime in exclusive federal jurisdiction, the adjudication would likely fall under the Uniform Code of Military Justice. If a civilian commits a crime in exclusive federal jurisdiction, he or she may be prosecuted under federal law through the appropriate United States Attorney's Office. However, if a civilian commits

[29]DOD, *Base Structure Report - Fiscal Year 2018 Baseline: A Summary of the Real Property Inventory Data*.

[30]DOD defines an installation as a military base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of DOD, including leased space, that is controlled by, or primarily supports DOD's activities.

a crime in concurrent or proprietary jurisdiction, he or she may be prosecuted by the state. The age of the accused is also an important consideration because the intent of federal laws concerning juveniles is to help ensure that state and local authorities will deal with juvenile offenders whenever possible.

Exclusive federal jurisdiction may be relinquished in part or completely to a state, and this action is referred to as the retrocession of jurisdiction.[31] The conference report accompanying the John S. McCain National Defense Authorization Act for Fiscal Year 2019 included a provision for the Secretaries of the military departments to seek to relinquish jurisdiction, such that the state, commonwealth, territory, or possession would have concurrent jurisdiction over offenses committed on military installations by individuals not subject to the Uniform Code of Military Justice, such as civilian dependents and children.[32] The conference report also directed the Secretaries of the military departments to report to the defense committees on these efforts 15 months after the enactment of the Act. In June 2019, the Acting Deputy Secretary of Defense issued a memorandum directing each military department to seek to establish concurrent jurisdiction with the respective states for offenses committed by juveniles in areas on military installations that are currently exclusive federal jurisdiction.[33] This action seeks to provide ways for the department to address actions by children in areas of exclusive federal jurisdiction that may constitute a crime, such as some instances of problematic sexual behavior in children and youth, since, absent unusual circumstances, children and other civilians are not subject to the Uniform Code of Military Justice. According to Army and department officials, states—whose juvenile courts are rehabilitative in nature—are much better equipped to deal with suspected crimes committed by children than the federal government, which does not have a juvenile justice system. These officials also noted that federal prosecution is usually declined for such cases.

There are various laws and agreements in place regarding crimes committed on U.S. military installations or involving servicemembers or

[31]10 U.S.C. § 2683.

[32]*See* H.R. Rep. No. 115-874, at 959-60 (2018) (Conf. Rep.).

[33]Office of the Deputy Secretary of Defense Memorandum, *Establishing Concurrent Jurisdiction over Juvenile Misconduct on Military Installations within the Territory of the United States* (June 4, 2019).

military dependents overseas. These laws include U.S. criminal laws that may be applied extraterritorially, the Military Extraterritorial Jurisdiction Act, the Uniform Code of Military Justice, and host nation laws.[34] Whether a particular law provides extraterritorial jurisdiction over such crimes depends on the specific facts of the incident, such as the nature and location of the alleged crime, the status of the alleged offender (servicemember or civilian), and the nationalities of the alleged offender and the victim. Status of forces agreements between the United States and the host nation may also clarify how these circumstances should be considered in determining venue.

[34]The Military Extraterritorial Jurisdiction Act is intended to address the jurisdictional gap in U.S. law regarding criminal sanctions, as applied to civilians employed by or accompanying the Armed Forces outside the United States, members of the Armed Forces, and former members of the Armed Forces, including their dependents. It does not enforce a foreign nation's criminal laws and, as such, does not require that the person's actions violate the foreign nation's laws and applies even if the conduct may be legal under the foreign nation's laws. The jurisdictional requirement is that the conduct be in violation of U.S. Federal laws. 18 U.S.C. § § 3261-3267.

Several Issues Limit DOD's Visibility over Reported Incidents of Child Abuse and Child-on-Child Abuse

Three primary issues limit DOD's visibility over reported incidents of child abuse and child-on-child abuse—standalone databases, information sharing challenges, and installation discretion.[35] The military services use standalone databases to track the reporting, response to, and resolution of each reported incident of child abuse, which limits the department's visibility over these incidents. While DOD is developing a new database to track problematic sexual behavior in children and youth, it has not yet made key decisions about its development and implementation, which could further affect visibility. In addition, challenges related to information sharing limit visibility over child abuse incidents within and across the military services. Further, Family Advocacy Program (FAP) installation personnel are given considerable discretion in deciding how reported incidents of child abuse are tracked and reported, as are DODEA school personnel with regard to incidents of child-on-child abuse, which also hinders the department's visibility over these incidents.

Standalone Databases Limit DOD's Visibility over Reported Incidents and Key Decisions Related to a New Database Have Not Yet Been Made

Standalone Service Databases Limit the Department's Visibility over Both the Extent to Which Children Have Been Affected by Abuse and Incident Outcomes

Each military service maintains multiple standalone databases that separately track the reporting, response to, and resolution of each reported incident of child abuse, which limits DOD's visibility over the extent to which children have been affected by abuse on military installations or as military dependents and its visibility over incident outcomes. Depending on the reported incident, information regarding the alleged abuse may be retained in multiple databases or only one

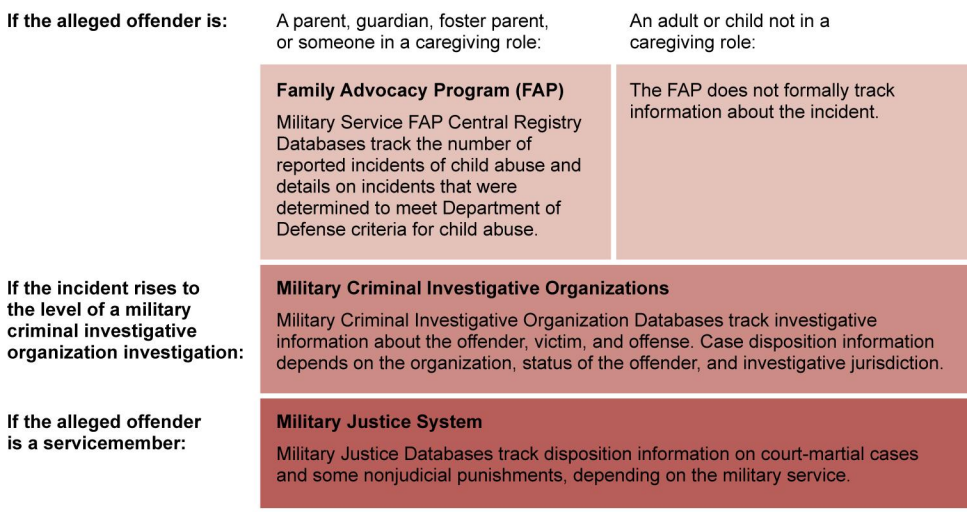
[35]According to DOD officials, DOD does not have a term that encompasses both the physical and sexual abuse of a child by another child. We use the term child-on-child abuse to refer to any physical or sexual abuse of a child (under the age of 18) by another child.

database. Specifically, each service's FAP has a database—referred to as the "central registry"—where it tracks the total number of reported incidents of child abuse (by a parent or someone in a caregiving role) and detailed information, such as information about the offender, victim, and type of abuse, for incidents that met DOD's criteria for abuse.[36] Incidents of abuse where the alleged offender was not in a caregiving role are not tracked in the FAPs' central registries and would only be tracked as incidents of abuse if they were investigated by military law enforcement. Information associated with investigations of these incidents by any military criminal investigative organization is tracked in a separate database maintained by each investigative organization. If the alleged offender was a servicemember, information related to the adjudication or case resolution is tracked in the relevant service's military justice database maintained by the services' legal offices.[37] Figure 1 shows the department's databases for tracking the abuse of children and how they differ depending on the circumstances of the incident.

[36]The service FAPs' central registries are designed to capture reliable and consistent information on reported incidents of child abuse and domestic abuse. The data are broadly used to assist in overall management of DOD FAP, to inform prevention and intervention initiatives, and to determine budget and program funding. The data are also used to prepare reports to Congress. Among other things, the data are used to conduct background checks on individuals seeking employment in DOD-sanctioned child and youth serving organizations that involve contact with minor children.

[37]If the adjudication was handled outside of the military justice process, such as by a state or federal court, the case resolution may be tracked by the relevant military criminal investigative organization. However, according to military criminal investigative organization officials, it depends on the specific incident and what information is communicated to the military.

Figure 1: Overview of Department of Defense Databases That Track Abuse of Children



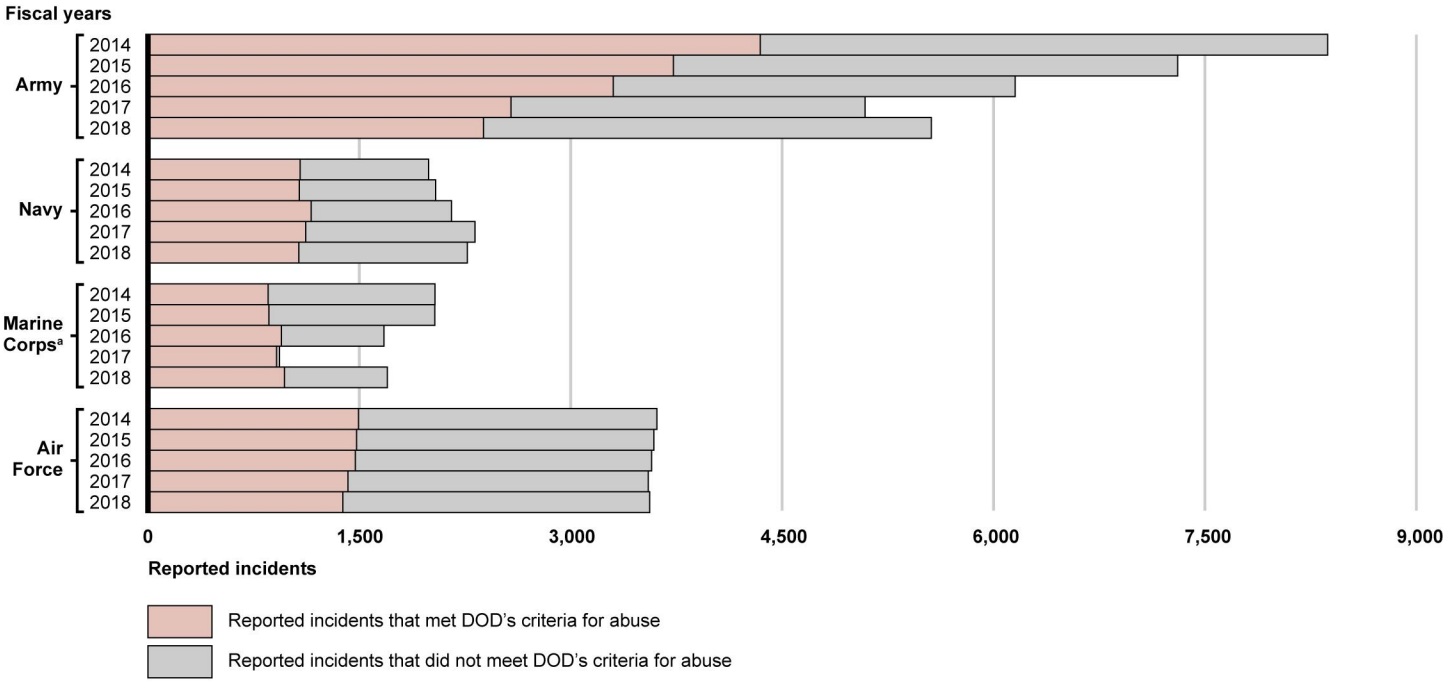
Source: GAO analysis of Department of Defense information. | GAO-20-110

Because of DOD's multiple standalone data systems, it is difficult to know the extent to which children have been affected by abuse on military installations or as military dependents. From fiscal years 2014 through 2018, the military service FAPs' central registries recorded more than 69,000 reported incidents of child abuse, of which 48 percent met DOD's criteria for abuse.[38] Over this same time period, the military criminal investigative organizations conducted approximately 9,500 investigations involving a child victim, some but not all of which may have also been

[38]For the purposes of our analysis, an incident is associated with one offender and one victim. An event involving two offenders and one child is considered to be two incidents of abuse. According to Marine Corps officials, for fiscal year 2017 the data do not reflect all reported child abuse incidents for the Marine Corps due to an identified error with the Marine Corps' database that has since been resolved. See appendix III for information about the characteristics of incidents of child abuse reported to the military service FAPs that met DOD's criteria for abuse, such as the types of abuse and status of the offender, from fiscal years 2014 through 2018.

recorded in the service FAPs' central registries.[39] Figures 2 and 3 show the number of incidents of child abuse reported to the military service FAPs and the number of military investigations involving a child victim from fiscal years 2014 through 2018, respectively.

Figure 2: Number of Reported Incidents of Child Abuse, By Department of Defense (DOD) Criteria for Abuse, Fiscal Years 2014-2018

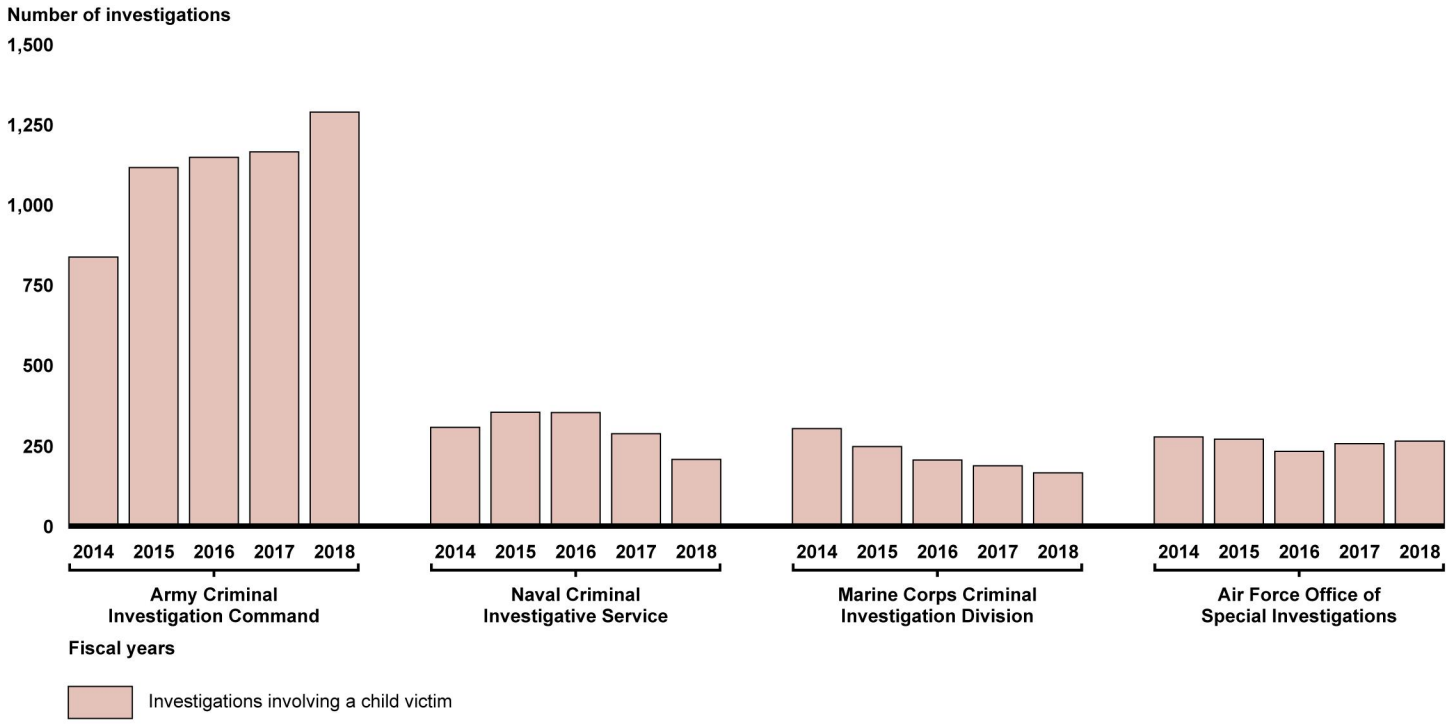


Source: GAO analysis of Family Advocacy Program data. | GAO-20-110

[a]According to Marine Corps officials, for fiscal year 2017 the data do not reflect all reported child abuse incidents for the Marine Corps due to an identified error with the Marine Corps' database that has since been resolved.

[39]The investigations involving child victims included offenses such as sexual abuse, sexual assault, assault, rape, child abuse, and child neglect/endangerment. Each investigation can have multiple victims, alleged offenders, or offenses. While the Marine Corps Criminal Investigation Division is not a military criminal investigative organization, as defined in DOD instructions, it is a military law enforcement agency that also investigates some offenses involving child victims and, as such, its investigative data is included in this report. See appendix IV for information about the characteristics of military criminal investigative organizations' investigations involving child victims, such as the status of the alleged offender and the relationship of the victim and alleged offender from fiscal years 2014 through 2018.

Figure 3: Number of Military Investigations Involving a Child Victim, Fiscal Years 2014-2018



Source: GAO analysis of military criminal investigative organization data. | GAO-20-110

However, the number of incidents tracked by both organizations cannot simply be added together because, as previously discussed, there is some overlap between them. For example, an incident of child sexual abuse inflicted by a servicemember parent or a teacher would likely be in both databases. Moreover, neither the service FAPs nor the military criminal investigative organizations individually track all reported incidents of abuse. Specifically, the FAP only tracks information related to abuse inflicted by a parent, guardian, or someone in a caregiving role. It does not capture incidents of abuse inflicted by, for example, a neighbor who was not babysitting at the time of the incident. While the services' military criminal investigative organizations track any abuse of a child that rises to their level of investigation, such as a felony or sexual offense—regardless of the relationship between the alleged offender and the victim—they only investigate certain crimes. For example, an incident of child neglect would likely only be in the FAP's central registry because incidents of neglect do not typically rise to the level of a military criminal investigative organization investigation. Similarly, an August 2019 report by the Defense Health Board found that it is difficult to establish the true incidence of child abuse across the department due to challenges

associated with the underreporting of cases and unreliable capture of data.[40]

Standalone databases also limit DOD's visibility over incident outcomes. Depending on the reported incident of abuse—for example, child sexual abuse inflicted by a servicemember parent—to get the most complete picture of how the incident was reported, responded to, and resolved, service officials would need to query three databases: the FAP, military criminal investigative organization, and military justice databases.[41] Navy legal officials stated that a centralized database for all child abuse incidents—that tracks the FAP's determination about whether the incident met DOD's criteria for abuse, the investigation, and resolution—would be beneficial because it is currently very difficult to track an incident from the initial report to its final outcome in order to easily determine what happened in a particular case. These officials further stated that such a database would benefit commanders' oversight of cases for which they are responsible.

The John S. McCain National Defense Authorization Act for Fiscal Year 2019 included a provision directing DOD to establish and maintain a centralized database on each incident of problematic sexual behavior in children and youth reviewed by an installation FAP.[42] Specifically, per the statute, for each substantiated and unsubstantiated incident of problematic sexual behavior, the database is to track a description of the allegation, whether or not a FAP review of the case has been completed, the status and results of any related law enforcement investigation, and the nature of any action taken. Officials responsible for the development of the database—which is supposed to begin in fiscal year 2020—stated that it will maintain information related solely to cases of problematic sexual behavior and will not include other types of child-on-child abuse, such as physical assaults not of a sexual nature. Additionally, these

[40]Defense Health Board Report, *Healthy Military Family Systems: Examining Child Abuse and Neglect* (Aug. 6, 2019).

[41]According to service officials, if military police responded to an incident, information about their initial response and their related investigation, if any, would be included in the military police organization's records or database. Due to concerns about the availability, completeness, and quality of the military police organizations' records, some service officials stated that the military criminal investigative organization data is the best source of information related to investigations involving child victims.

[42]Pub. L. No. 115-232, § 1089 (2018).

officials stated that they do not have plans to expand the scope of the database to include any adult-on-child inflicted abuse.

As a result, even once the centralized database on problematic sexual behavior in children and youth is implemented, DOD will still lack a centralized mechanism to track the reporting, response to, and resolution of other incidents of abuse involving children that were reported to the FAP or investigated by a military law enforcement organization—specifically, any abuse or neglect inflicted by an adult or physical abuse inflicted by another child. DOD officials responsible for the development of the database stated that they do not plan to expand the scope of the centralized database because they do not want to conflate the processes for responding to incidents of adult-inflicted child abuse and incidents of problematic sexual behavior. While the response process differs between incidents of adult-inflicted child abuse and incidents of problematic sexual behavior, DOD officials acknowledged that the organizations involved in the response process and the primary data sources are the same.

Additionally, DOD FAP officials stated the scope of the centralized database was defined in statute and that they foresee additional privacy and data-safeguarding issues if they were to expand its scope. While the statute indicated what must be included in the database, it did not limit the scope of the database to those required elements. DOD not only lacks visibility over incidents of problematic sexual behavior, but over any reported abuse of a child and could therefore benefit from a centralized tracking mechanism for all such incidents. With regard to privacy and data-safeguarding concerns, according to DOD, data-safeguarding precautions were taken when developing the Defense Sexual Assault Incident Database, which the department successfully implemented. While the Defense Sexual Assault Incident Database does not contain information pertaining to children, it contains sensitive information that the department has taken steps to protect. Specifically, according to DOD, the Defense Sexual Assault Incident Database is reviewed annually to ensure all security controls are maintained and it is secured using physical, technical, and administrative controls, such as role-based permissions, to maintain the privacy of personal information. DOD FAP officials also expressed concerns about maintaining information about both adults and children in the centralized database. However, information about both adults and children is included in the service FAPs' central registries and the military criminal investigative organizations' databases. DOD officials responsible for developing the database noted that the department already plans to take precautions

when developing the database due to the collection and retention of information about children.

Standards for Internal Control in the Federal Government states that management should use quality information to achieve the entity's objectives. Specifically, quality information is appropriate, current, complete, accurate, accessible, and provided on a timely basis. In addition, management should design control activities to achieve objectives, such as clearly documenting significant events in a manner that allows the documentation to be readily available for examination.[43] Without a centralized database that tracks all incidents of abuse involving children that were reported to the FAP or investigated by a military law enforcement organization, DOD and Congress will not know the extent to which children have been affected by abuse on military installations or as military dependents, or how such incidents have been responded to and resolved—making it difficult to identify and address trends that could lead to further prevention efforts.

DOD Has Not Yet Made Key Decisions Related to the Development of Its Database to Track Problematic Sexual Behavior

While DOD is in the early stages of developing a centralized database to track incidents of problematic sexual behavior in children and youth, it has not yet made key decisions about its development and implementation, which could further affect visibility over such incidents. Specifically, DOD has not yet identified all information requirements, developed a plan for how it will use the data it collects, or established a schedule for development and implementation. DOD officials responsible for developing the database stated that they are still in the process of selecting a vendor to develop the system and that once a contract has been awarded and is underway, they can make such decisions. Our prior work has found that inadequate acquisition planning, including poorly defined requirements and unrealistic cost estimates, can increase the risk that the government may receive services that cost more than anticipated, are delivered late, and are of unacceptable quality.[44] Given that DOD officials stated they plan to select a vendor in early fiscal year 2020 and move quickly with development—expecting to complete the

[43]GAO-14-704G.

[44]GAO, *Acquisition Planning: Opportunities to Build Strong Foundations for Better Services Contracts*, GAO-11-672 (Washington, D.C.: Aug. 9, 2011).

bulk of it in fiscal year 2020—it is an appropriate time to make these decisions.

First, DOD has not yet identified all of the information it will track in the database. DOD officials responsible for the development of the centralized database stated that they have not yet identified all of the information the database will track—other than the information required by statute and some information related to the response process—because they are still in the early stages of the development process. However, as previously discussed, DOD officials expect to complete the bulk of the development this fiscal year. In November 2006, we found that establishing a valid need and translating that into a service acquisition requirement is essential for obtaining the right outcome. Without this, an organization increases the risk that it will pay too much for the services provided, acquire services that do not meet its needs, or enter too quickly into a sensitive arrangement that exposes the organization to financial, performance, or other risks.[45] Additionally, *Standards for Internal Control in the Federal Government* states that management should use quality information to achieve the entity's objectives, which includes identifying information requirements that consider the expectations of both internal and external users.[46] As DOD progresses in its development of the centralized database, identifying and defining the elements that each responsible organization, such as the FAP and military law enforcement, must track would help to ensure that the data collected are useful, accurate, and complete, and that the data collected ultimately increase the department's visibility over these incidents.

Second, DOD has not yet determined how it will use the data it collects from the database to increase visibility. DOD officials stated that because they have not yet finalized the information requirements for the database, they have not yet developed a plan for how the collected data will be used. GAO-identified leading practices for results-oriented management

[45]GAO, *Defense Acquisitions: Tailored Approach Needed to Improve Service Acquisition Outcomes*, GAO-07-20 (Washington, D.C.: Nov. 9, 2006).

[46]GAO-14-704G.

have shown that data-driven decision making leads to better results.[47] Further, agencies can use performance information to identify problems or weaknesses in programs, to try to identify factors causing the problems, and to modify a service or process to try to address problems. As DOD progresses in the development of its database, developing a plan for data-driven decision making—that details how the department will use the data to help inform program development and increase visibility—would help DOD to assess its processes and procedures for responding to and resolving incidents of problematic sexual behavior in children and youth, identify any needed changes, and modify them as appropriate.

Finally, DOD has not yet established a completion date for the database or developed a schedule to guide its development and implementation. According to DOD officials responsible for the development of the database, while they do not have a planned completion date for the database or any associated milestones, they plan to select a vendor for the development in early fiscal year 2020 and they anticipate the majority of the development will take place the same year. These officials stated that they have not yet set a completion date, in part, because of the sensitivity of the information being collected and because the department does not have a comparable database that collects and maintains information on children. In addition, while these officials stated that they had identified resources for the development of the database through fiscal year 2020, they had not yet identified funding for future years.

GAO-identified practices for developing and maintaining a reliable schedule include: (1) capturing all key activities, (2) sequencing all key activities, (3) assigning resources to all key activities, (4) integrating all key activities horizontally and vertically, (5) establishing the duration of all key activities, (6) establishing the critical path for all key activities, (7) identifying float—the amount of time a task can slip before affecting the critical path—between key activities, (8) conducting a schedule risk analysis, and (9) updating the schedule using logic and durations to

[47]GAO-05-927. To identify these practices, we reviewed relevant literature including previous GAO reports, spoke with experts in using performance information, and held group discussions with federal program managers. We also interviewed individuals within five federal agencies and reviewed documentation to illustrate how program managers have used performance information to make decisions. We identified uses for performance information including identifying problems and taking action, developing strategy and allocating resources, recognizing and rewarding performance, and identifying and sharing effective approaches. See GAO-05-927 for additional details on our scope and methodology for identifying these practices.

determine the dates for all key activities.[48] Given that DOD is in the early stages of development, establishing a reliable schedule for the development and implementation of the centralized database—including key activities and the timeframes and resources needed to execute them—would provide the means to gauge progress, identify and address potential problems, and promote accountability. Until the database is implemented, DOD will continue to have limited visibility over incidents of problematic sexual behavior in children and youth.

Information Sharing Challenges Limit Visibility over Child Abuse Incidents within and across the Military Services

Information Sharing Challenges Limit Visibility within Each Military Service

Information sharing challenges limit visibility within each military service—specifically, as it relates to required notifications between a service's installation FAP office and military law enforcement about reported incidents of child abuse inflicted by a parent or someone in a caregiving role. DOD policy states that the Secretaries of the military departments are to ensure that installation commanders or service-equivalent senior commanders ensure that the installation FAPs immediately report any allegations of child abuse and any criminal allegations to the appropriate law enforcement authority.[49] Similarly, service guidance states that military law enforcement is responsible for notifying the installation FAP office of reported or suspected incidents of child abuse.[50]

However, officials at four installations in our review described notification challenges between these organizations. For example, officials at one installation described a child abuse incident that had been investigated by military law enforcement for 2 to 3 months, but the investigating organization had not notified the installation's FAP office. Legal officials at another installation stated that over the past year, there had been five

[48]GAO-09-3SP.

[49]DOD Instruction 6400.01, *Family Advocacy Program* (FAP) (May 1, 2019).

[50]Army Directive 2019-24, *Reporting Responsibilities of Commanders and Covered Professionals for Child Abuse and Neglect* (July 11, 2019); Chief of Naval Operations Instruction 1752.2B, *Family Advocacy Program (FAP)* (Apr. 25, 2008); Air Force Instruction 40-301, *Family Advocacy Program* (Nov. 16, 2015) (Incorporating Change 1, Oct. 12, 2017); and Marine Administrative Message 547/17, *Reporting Suspected Abuse in Military Families and Homes/Command Actions*, (Oct. 4, 2017).

incidents of child abuse that were reported to the installation FAP office, but that the FAP had not reported to military law enforcement. These officials stated that the lack of notifications can be frustrating for commanders who need complete information about these incidents to determine whether they need to take any action.

In addition, DODEA policy states that, among other things, DODEA personnel are to promptly report all suspected or alleged incidents of child abuse to the installation FAP office and the relevant child welfare agency, if available.[51] The policy does not require them to also report the suspected abuse to law enforcement, but the FAP is to report the incident to law enforcement. However, a senior DODEA official stated that one of its regions has instituted a procedure for all child abuse incidents to be reported to the FAP and law enforcement because the region had experienced challenges with the FAP not consistently notifying law enforcement.

The extent of these notification challenges is unknown because service FAP and military law enforcement officials stated that they do not document in their central registries or military criminal investigative organization databases whether each notified the other. Service FAP and military law enforcement officials stated that they can add fields to their databases to track new information if provided with the direction and resources to do so. Officials from these organizations also noted that any notification to the other entity may instead be documented in any case notes or in the case file. However, in April 2019, the DOD Office of Inspector General evaluated military law enforcement incident reports and found similar notification challenges related to FAP and military law enforcement notifications for domestic violence incidents.[52] Specifically,

[51]DODEA Regulation 3030.01, *DODEA Incident Reporting Program*, (May 21, 2019).

[52]DOD Inspector General, *Evaluation of Military Services' Law Enforcement Responses to Domestic Violence Incidents,* DODIG-2019-075 (Apr. 19, 2019). The DOD Office of Inspector General recommended, among other things, that the Secretaries of the Army, the Navy, and the Air Force take prompt action to ensure that the importance of complying with DOD and supplemental military service policies related to law enforcement's response to domestic violence incidents when collecting evidence, conducting interviews, notifying FAP staff members, and titling and indexing subjects in the Defense Central Index of Investigations is emphasized in writing to all military service law enforcement organizations. DOD policy states that law enforcement personnel should, among other things, notify FAP staff members immediately upon receipt of a report of domestic violence. DOD Instruction 6400.06, *Domestic Abuse Involving DOD Military and Certain Affiliated Personnel* (Aug. 21, 2007) (Incorporating Change 4, May 26, 2017).

the DOD Office of Inspector General evaluated 212 military law enforcement domestic violence reports in which a FAP notification was required and for 23 percent of the incidents (49 incidents) the military law enforcement organization had not notified the FAP as required.

Standards for Internal Control in the Federal Government states that management should internally communicate information to achieve the entity's objectives.[53] For example, information is communicated down, across, and up reporting lines to all levels of the entity. In addition, the oversight body receives quality information that flows up the reporting lines from management and personnel.

Without directing the service FAPs and military law enforcement organizations to document in their respective databases the date that they notified each other, these entities' headquarters will remain limited in their oversight abilities to ensure that these notifications occur and to take appropriate actions in response. Even if notifications are documented in case files, there is no mechanism for the headquarters entities to efficiently determine whether a notification was made. Without ensuring that notifications are made to both organizations, which play critical roles in addressing incidents of child abuse, it is possible that an incident may not be fully assessed by the FAP or investigated by military law enforcement. Notification delays could result in at-risk children remaining in an unsafe environment or could delay time-critical portions of an investigation, such as forensic interviews or sexual assault exams.

Information Sharing Challenges Limit Visibility across the Military Services

Information sharing challenges limit visibility across the military services, specifically as it relates to sharing child abuse incident determinations. Installation officials stated that the lead service for any installation is responsible for the installation's FAP. They stated that even though the Incident Determination Committee (IDC) will hear cases about the other services' members and dependents, all information is recorded in the lead service's central registry. For example, if an Air Force servicemember is involved in a reported incident of child abuse while on an Army installation, the Army FAP will record information about the incident in its central registry. Of the Air Force FAP's more than 3,000 reported incidents that met criteria for child abuse from fiscal years 2014 through

[53]GAO-14-704G.

2018 and had a servicemember offender, 22 percent of those offenders were from one of the other three services. For the Army, the Navy, and the Marine Corps, 2 percent, 9 percent, and 5 percent, respectively, of their records were associated with servicemembers from another service. Table 1 shows the number of child abuse incidents that met DOD's criteria for child abuse and involved a servicemember offender from fiscal years 2014 through 2018, by the service that recorded the incident and servicemember affiliation.

Table 1: Number of Child Abuse Incidents Meeting Department of Defense Criteria for Child Abuse and Involving a Servicemember Offender, by Recording Service and Service Affiliation, Fiscal Years 2014-2018

Family Advocacy Program (FAP) that recorded the incident	Service affiliation of servicemember offender	Fiscal year 2014	Fiscal year 2015	Fiscal year 2016	Fiscal year 2017	Fiscal year 2018	All 5 fiscal years combined
Army FAP	Army	2268	1987	1670	1221	1109	**8255**
Army FAP	Navy	10	16	12	8	10	**56**
Army FAP	Marine Corps	10	2	2	13	5	**32**
Army FAP	Air Force	29	20	28	21	21	**119**
Army FAP	Unknown	11	17	15	15	1	**59**
Navy FAP	Army	12	10	7	13	5	**47**
Navy FAP	Navy	456	467	521	468	465	**2377**
Navy FAP	Marine Corps	19	14	19	39	9	**100**
Navy FAP	Air Force	13	21	14	21	16	**85**
Marine Corps FAP	Army	0	0	0	0	2	**2**
Marine Corps FAP	Navy	23	30	24	16	20	**113**
Marine Corps FAP	Marine Corps	305	352	355	316	305	**1633**
Marine Corps FAP	Air Force	0	1	2	0	4	**7**
Marine Corps FAP	Unknown	113	84	117	120	95	**529**
Air Force FAP	Army	128	136	142	117	120	**643**
Air Force FAP	Navy	28	33	23	15	36	**135**
Air Force FAP	Marine Corps	4	7	4	2	2	**19**
Air Force FAP	Air Force	600	561	584	538	477	**2760**

Source: GAO analysis of military service Family Advocacy Program data. I GAO-20-110

Since FAP personnel at the installations do not share access to the other service's central registries or the DOD Central Registry, according to DOD FAP officials, they have established a process to share information about child abuse allegations and determinations across the services. Per DOD guidance, the service FAPs are to submit data from their central registries on a quarterly basis for consolidation into DOD's Central

Registry.[54] According to DOD FAP officials, after the service FAPs submit their data, the Defense Manpower and Data Center reviews the data and identifies any child abuse incidents that met DOD's criteria for abuse and were recorded by a service FAP that is not the service to which the servicemember is assigned. According to these officials, the Center then forwards those relevant incidents to the services to which the servicemembers are assigned with the expectation that they will incorporate them into their central registries. According to Air Force, Navy, and Marine Corps FAP officials, they regularly incorporate the data received from the Center into their central registries so that they can be searched by FAP personnel at the installations.

However, DOD does not have guidance that describes how the service FAPs should receive information from the Center about child abuse allegations and determinations that involve their personnel, but were recorded by another service's installation FAP, or how they should incorporate such information into their central registries once received. Further, according to DOD FAP officials, DOD does not have a process to monitor that the service FAPs are consistently incorporating the information they receive from the Center into their central registries. *Standards for Internal Control in the Federal Government* states that management should internally communicate information to achieve the entity's objectives.[55] In addition, management should implement control activities through policies and establish and operate monitoring activities and evaluate the results. Specifically, ongoing monitoring is built into the entity's operations, performed continually, and responsive to change.

For example, one of the required fields in the service FAPs' central registries is whether the offender was previously known to the service's central registry—meaning that the offender was involved in a previous incident of child abuse or domestic abuse that was presented to the service FAP and was determined to meet DOD's criteria for abuse. However, if the incident of abuse occurred on another service's installation, and was therefore recorded in that other service's central registry—and the service to which the servicemember is assigned was either not informed or did not input the information into its central registry—the servicemember's FAP may not be aware of the prior case and therefore may not record the offender as previously known. Issuing

[54]Department of Defense (DOD) Manual 6400.01, Vol. 2, *Family Advocacy Program (FAP): Child Abuse and Domestic Abuse Incident Reporting System* (Aug. 11, 2016).

[55]GAO-14-704G.

guidance that describes the process through which the service FAPs are to receive and incorporate information into their central registries regarding child abuse allegations and determinations involving their servicemembers and dependents—that also includes a mechanism to monitor that the process is consistently occurring—would provide better assurance that the services have complete and up-to-date information about their personnel and their dependents, which ultimately affects their visibility over such incidents.

Discretion by FAP and School Personnel in How Incidents of Child Abuse and Child-on-Child Abuse Are Tracked and Reported Further Hinders DOD's Visibility

FAP Discretion in Screening Reported Incidents Hinders Overall Visibility

FAP personnel at all seven installations in our review stated that they screen reported incidents of child abuse to determine whether to present them to the IDC. DOD guidance states that every reported incident of child abuse must be presented to the IDC for a determination unless there is no possibility that the incident could meet any of the criteria for child abuse or neglect.[56] However, installation personnel described reported incidents of child abuse that had been screened out that, per DOD guidance, should have been presented to the IDC. For example, FAP officials at one installation stated that they screen out reports of spanking by a parent if there is no mark. Since DOD's list of actions considered to be nonaccidental physical force includes spanking, it meets at least one of DOD's criteria for child abuse and should be presented to the IDC for a determination. The IDC would then determine whether there was a significant impact on the child, such as a welt or a more than superficial bruise, or the reasonable potential for a more than inconsequential physical injury or fear reaction—to determine whether the reported incident meets all of DOD's criteria for child physical abuse. Officials from three of the services' FAPs stated that if spanking is used as a discipline technique—without information of injury or potential for injury or psychological harm—then it should not be opened as an incident

[56]Department of Defense (DOD) Manual 6400.01, Vol. 3, *Family Advocacy Program (FAP): Clinical Case Staff Meeting (CCSM) and Incident Determination Committee (IDC)* (Aug. 11, 2016).

and presented to the IDC. However, this is in conflict with DOD guidance as confirmed by DOD FAP officials.

At another installation, child development center officials described an incident where a staff member was speaking harshly with a child. These officials stated that the supervisor at the center considered the action to be child abuse—berating the child, which per DOD guidance is an act of emotional abuse—and contacted the installation FAP. However, they stated that the FAP personnel that received the report stated, without any assessment of the incident, that it was not emotional abuse and that the center should handle it administratively. According to center officials, the incident was never presented to the IDC, but they considered the incident to be significant enough that the center terminated the staff member's employment. FAP officials at a different installation stated that the medical clinics were not previously reporting suspected abuse to the FAP, but are now doing so. Because of this change, the FAP personnel said they believe the clinics are over-reporting, which has led to the FAP personnel screening out some of the clinic's reported incidents of suspected child abuse.

Two of the parents of children affected by abuse that we interviewed discussed incidents that were reported to the FAP, but that the FAP did not initially present to the IDC. According to one parent, one incident of child abuse was presented to an IDC at a different installation after the parent contacted the FAP at that installation for advice more than 2 years after the initial report of abuse. According to the other parent, the other incident of child sexual abuse was only presented to the IDC following congressional involvement.

FAP personnel at one installation described the process of determining whether a reported incident should be presented to an IDC as a clinical judgement call and noted that they screen out about one-third of reported incidents of child abuse annually. FAP personnel at another installation stated that, as of summer 2019, they had received about 50 reported incidents of child abuse since the start of the calendar year and that they had screened out the majority of them. While installation FAP personnel also described reported incidents of abuse that should be screened out as child abuse per DOD guidance—such as abuse where the alleged offender was not a parent, guardian, or someone in a caregiving role, which is outside of the FAP's purview—it is unclear how many of the

reported incidents that they have screened out should have been presented to the IDC per the guidance.[57]

Incidents that are not presented to the IDC are not recorded in the relevant service FAP's central registry and therefore are not captured in DOD's consolidated Central Registry, which the department uses to prepare its statutorily required annual reports to Congress on child abuse and domestic abuse. As a result, the actual total number of reported incidents of child abuse across the department—which according to our previously discussed analysis totaled more than 69,000 from fiscal years 2014 through 2018—may be higher. As previously discussed, the Defense Health Board's August 2019 report noted that it is difficult to establish the true incidence of child abuse across the department due to challenges associated with the underreporting of cases and unreliable capture of data and that as a result, it is difficult to measure and monitor the scope of the problem.[58]

When we discussed with DOD FAP officials what the installations we visited told us about how they screen reported incidents of child abuse, officials expressed concerns about these installations not adhering to DOD guidance. However, as previously discussed, the service FAPs are responsible for overseeing installation FAPs. According to service FAP officials, oversight of the screening process is primarily handled by personnel at each installation. Air Force FAP officials stated that the FAP personnel making these screening determinations have to meet certain education requirements. *Standards for Internal Control in the Federal Government* states that management should establish and operate monitoring activities and evaluate the results.[59] Without each military service developing a process to monitor how reported incidents of child abuse are screened at installations, the services cannot be sure that incidents are being presented to the IDC in a consistent manner. Further, installation FAPs may continue to screen out reported incidents of child abuse, in contradiction of DOD guidance, therefore excluding them from being documented in DOD's Central Registry. As a result, DOD does not know and cannot accurately report on the total number of reported

[57]Air Force FAP officials noted that in these instances, FAP personnel would instead direct the reporter where to make the report, or assist the reporter to make a separate referral (e.g., to law enforcement or a state or local child welfare agency).

[58]Defense Health Board Report, *Healthy Military Family Systems: Examining Child Abuse and Neglect* (Aug. 6, 2019).

[59]GAO-14-704G.

incidents of child abuse across the department. In addition to other known underreporting, without such initiatives, DOD is further limiting its visibility over incidents and hindering its ability to ensure appropriate responses to incidents.

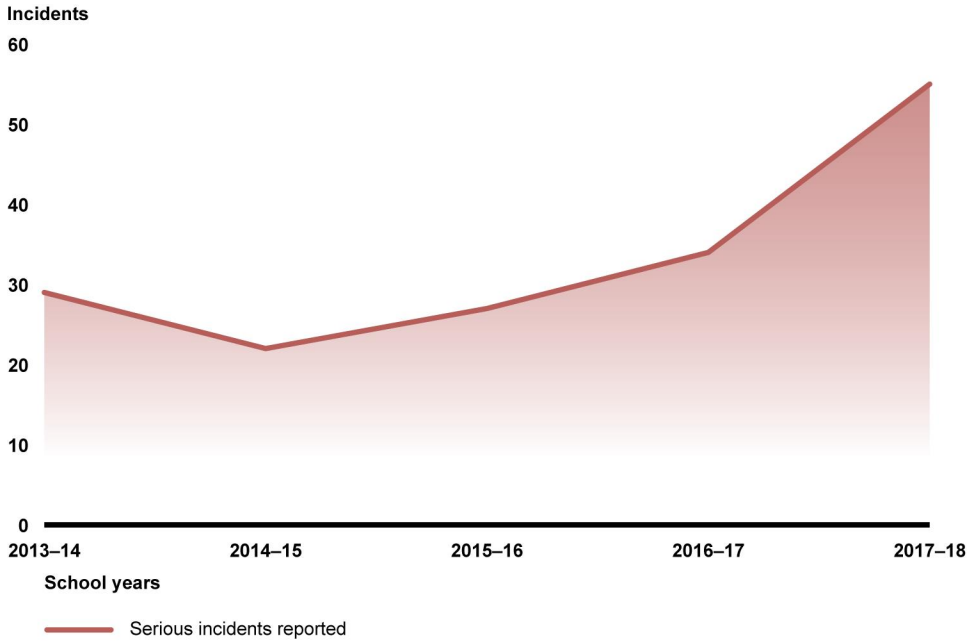
School Discretion in Reporting Serious Incidents Hinders DODEA Leadership Visibility

According to our analysis of DODEA data, DOD schools may not be reporting all serious incidents of child-on-child abuse, which hinders DODEA leadership visibility.[60] From school years 2013-2014 through 2017-2018, across its 163 schools, DODEA reported a total of 167 serious incidents involving either an alleged violation of law or an alleged sexual event—on average, one serious incident per school over the 5-year period.[61] The types of reported serious incidents included a student reporting that they were raped by two students in the school parking lot, a student stabbing another student in the finger with a plastic fork and drawing blood, and a wide range of other conduct. There was a slight decrease in the number of serious incidents reported from school years 2013-2014 to 2014-2015, but since school year 2014-2015, the number of serious incidents reported each year increased from a low of 22, to 55 in school year 2017-2018. DODEA officials attribute the increased reporting, in part, to the issuance of additional reporting guidance in August 2016. Figure 4 shows the number of serious incidents involving either an alleged violation of law or an alleged sexual event reported by DODEA from school years 2013-2014 through 2017-2018.

[60]DODEA policy defines a serious incident as an event or allegation that impacts school readiness, or the health, safety, and security of DODEA affiliated personnel, facilities, and property resulting in consequences greater than those normally addressed through routine administrative or preventive maintenance actions. Serious incident reports are normally submitted by the principal, assistant principal, or another designee within 2 days after the event is brought to the attention of DODEA. DODEA Regulation 3030.01, *DODEA Incident Reporting Program* (May 21, 2019).

[61]Serious child-on-child abuse incidents are reported as either violation of law events, such as assault and battery, or sexual events. To align with the scope of our review, we requested all serious incident reports involving these two categories of serious incidents. The data we report do not reflect all of the categories of serious incidents that DODEA tracks, such as drug or alcohol events, or security incidents. See appendix V for additional information about the characteristics of these reported serious incidents, such as their types and locations.

Figure 4: Number of Department of Defense Education Activity Serious Incident Reports, School Years 2013-2014 through 2017-2018[a]



Source: GAO analysis of Department of Defense Education Activity data. | GAO-20-110

[a]DODEA officials attribute the increased reporting over this period, in part, to the issuance of additional reporting guidance in August 2016.

According to DODEA officials, all serious incident reports are reviewed by DODEA headquarters to ensure that the schools took the appropriate actions needed to protect students and to ensure that incidents are correctly categorized. These officials stated that the reports also help to increase visibility at the headquarters level about the types of incidents occurring in DODEA schools and where additional resources may be needed. In addition, DODEA officials stated that they retain serious incident reports for 5 years, which allows them to track serious conduct issues when students transfer schools.

While the reporting of serious incidents has increased, our analysis of DODEA student misconduct records found that schools' reporting of these incidents was incomplete. Specifically, our analysis identified 216 student misconduct records for school years 2016-2017 and 2017-2018 that school administrators, following DODEA guidance, could have reasonably classified as serious incidents.[62] The types of incidents

[62]DODEA Procedural Guide 5760.01-01, *Serious Incident Reporting Procedures* (Aug. 24, 2016). For details on our methodology for this analysis, see appendix I.

described in the student misconduct records included, among other things, the use of physical force by a student on another student that resulted in an injury; a student touching another student's groin, breasts, or buttocks without consent; and verbal and behavioral sexual harassment. However, for this time period—for which DODEA reported the highest number of serious incidents from school years 2013-2014 through 2017-2018—DODEA only reported 89 serious incidents. In addition, DODEA officials stated that prior to August 2018, up to one-third of schools were not recording student misconduct in the student information system because they were not required to do so and, as a result, we were not able to review any misconduct records for those schools.

Challenges related to the reporting of serious incidents were also highlighted in our interviews with parents and DODEA school administrators. Specifically, two of the parents of children affected by child-on-child sexual abuse that we interviewed discussed incidents that occurred within DODEA schools. They both stated that they received information about the incidents as part of Freedom of Information Act requests and that the schools had not reported the abuse as serious incidents. For one of these incidents, we identified a corresponding DODEA child abuse report, but not a serious incident report. Per DODEA guidance, the incident should have been categorized as a serious incident (but not as child abuse) because the offender was a student—child abuse reports are only to be filed if the alleged offender was an individual responsible for the child's welfare, such as a parent or a teacher.

In addition, at one installation in our review, FAP personnel discussed a recent sexual assault within a DODEA school. When we discussed this incident with a senior DODEA official who is to be notified of all serious incidents reported in the region in which the school is located, the official was unaware of the incident because it was not categorized as a sexual assault in the serious incident report and another senior official for the region had handled it directly. Further, administrators at one of the DODEA schools we visited stated that the reporting guidelines are not fully clear and that they often call the superintendent's office for advice on what to report and how to report it.

Standards for Internal Control in the Federal Government states that management should internally communicate the necessary quality information to achieve the entity's objectives. Specifically, management communicates quality information down and across reporting lines to

enable personnel to perform key roles in achieving objectives.[63] However, DODEA's guidance affords school administrators discretion in what to report because it does not explicitly define what types of serious incidents must be reported. While the guidance identifies and defines a number of incidents that could be reported as serious incidents, and provides detailed examples—like a student intentionally exposing their genitals or a student posting naked or suggestive photos of another student online—the guidance does not mandate that these incidents be reported. Specifically, the guidance states that the lists of events, activities, and paraphernalia described in the guidance as serious incidents are illustrative only and do not identify every incident that may be inappropriate, nor require that each incident result in a serious incident report.[64]

While DODEA officials noted that both reporting and their visibility over serious incidents has been improving, they acknowledged that administrators may not be reporting all serious incidents described in the guidance because, in part, it may be easier for them to resolve some incidents—such as students jokingly slapping each other on the buttocks—at the school level instead of filing a serious incident report. These officials stated that they are optimistic a new reporting database for serious incidents that they implemented in August of 2019 will streamline the process for administrators and increase reporting. In addition, in February 2019, DODEA issued guidance related to the reporting of and response to prohibited sexual, sex-based, and other related abusive misconduct, which DODEA officials told us they believe will reduce discretion in how alleged child-on-child sexual abuse is recognized and reported.[65]

While the new reporting system and guidance related to child-on-child sexual abuse are positive steps, without additional guidance that clarifies the types of incidents—including non-sexual incidents—that must be reported as "serious incidents," DODEA may continue to lack full visibility into the extent to which serious incidents are occurring. As a result, systemic issues within a particular school or district may never be reported to DODEA leadership and any additional resources that a school

[63]GAO-14-704G.

[64]DODEA Procedural Guide 5760.01-01, *Serious Incident Reporting Procedures* (Aug. 24, 2016).

[65]DODEA Administrative Instruction 1443.02, *Prohibited Sexual, Sex-Based, and Other Related Abusive Misconduct Reporting and Response* (Feb. 21, 2019).

or district needs to prevent future incidents may not be identified. Further, when a student transfers schools, the new school may be unaware of serious conduct issues that were not properly documented, raising safety concerns for the school and installation.

DOD Has Expanded Policies and Procedures on Child Abuse to Address Child-on-Child Abuse, but Gaps Exist in Processes for Responding to and Resolving Incidents of Abuse

DOD and the military services have taken steps to expand child abuse policies and procedures to address child-on-child abuse in response to Congress, but gaps exist in the processes for responding to and resolving incidents of abuse. Specifically, the services may lack pertinent stakeholder perspectives on the IDC after DOD policy changed the permanent voting membership of the committee. In addition, families of child abuse victims may receive inconsistent levels of information following a report of child abuse, which can cause confusion and prevent them from receiving available services. Further, service guidance regarding the extent of commander authority to remove children from unsafe homes overseas is unclear. Finally, the availability of certified pediatric sexual assault forensic examiners is limited, especially overseas.

DOD Has Taken Steps to Expand Child Abuse Policies and Procedures to Address Child-on-Child Abuse

In accordance with provisions in the John S. McCain National Defense Authorization Act for Fiscal Year 2019, DOD and the military services have taken steps to augment existing child abuse policies and procedures to also include child-on-child abuse, specifically the incidence of problematic sexual behavior in children and youth. The statute required, among other things, that the Secretary of Defense establish a policy, applicable across all military installations, to respond to allegations of problematic sexual behavior in children and youth on military

installations.[66] The purpose of the policy is to ensure a consistent, standardized response to such allegations across the department. In May 2019, DOD issued a revised FAP instruction that establishes policy, assigns responsibilities, and prescribes procedures for the FAP specific to child abuse, domestic abuse, and problematic sexual behavior in children and youth. In addition, in July 2019, DOD revised the FAP standards to implement policy, assign responsibilities, and provide procedures for addressing problematic sexual behavior in children and youth in military communities.[67] As of October 2019, the military services had not yet issued their updated FAP policies to incorporate the new department-wide policy and standards, but the policies were under development, according to DOD FAP officials.

Prior to the issuance of DOD's updated FAP policy, the Army issued a broader policy on major juvenile misconduct in March 2019.[68] The policy addresses the command response to juvenile misconduct and the referral of juvenile cases to civilian authorities. For Army installations in the United States with areas of exclusive federal jurisdiction, the policy directs such commands to seek to establish concurrent jurisdiction of juvenile criminal offenses. In instances where establishing concurrent jurisdiction is not feasible or recommended, the policy directs commanders to pursue memoranda of agreement with local prosecution authorities that address the referral of juvenile cases to the local juvenile court system for state review and state determination of appropriate disposition. Army officials stated that the Army policy covers more than incidents of problematic sexual behavior in children and youth because the challenges involving children on Army installations are broader than problematic sexual behavior and encompass other types of misconduct, such as fights, vandalism, and shoplifting. Officials from the other services stated that their policies, which are under development, will focus on problematic sexual behavior because that was what was required per statute.

In addition, DOD has taken steps to implement a training program for personnel at installations that focuses on problematic sexual behavior in children and youth. Specifically, DOD and DOJ's Office of Juvenile

[66]Pub. L. No. 115-232, § 1089 (2018).

[67]DOD Instruction 6400.01, *Family Advocacy Program (FAP)* (May 1, 2019); and DOD Manual 6400.01, Vol.1, *Family Advocacy Program (FAP): FAP Standards* (July 22, 2019).

[68]Army Directive 2019-13*, Response to Major Juvenile Misconduct and Referral of Civilian Criminal Offenses to Civilian Authorities* (Mar. 21, 2019).

Justice and Delinquency Prevention entered into an interagency agreement in July 2019 to expand the scope of DOJ's cooperative agreement with the University of Oklahoma. According to DOD officials, this agreement includes providing training and technical assistance in support of DOD's response to problematic sexual behavior in children and youth.[69] The 3-year interagency agreement provides $1.5 million in funding, and according to DOD officials, the funding will be used to develop and implement targeted training on problematic sexual behavior in children and youth for FAP personnel at the installations. According to DOJ officials, other efforts include a DOJ and DOD working group on child-on-child sexual abuse—focused on resolving jurisdictional issues, as will be discussed in greater detail later in the report—and the development of a centralized database for tracking incidents of problematic sexual behavior in children and youth, as previously discussed.

Further, DODEA has implemented a number of initiatives related to serious student misconduct. These include the issuance of a standalone sexual harassment policy and providing administrators with additional guidance on reporting and responding to sexual activity within DODEA schools, and the development and distribution of standardized language regarding discrimination and sexual harassment for each school's student handbook. DODEA also created outreach materials for students on how to recognize and respond to sexual harassment. DODEA has conducted training for administrators on these topics. Other training initiatives include training for all counselors, school psychologists, and nurses on problematic sexual behavior in children and youth. As previously discussed, DODEA also introduced a new reporting database for serious incidents in August 2019 that is intended to simplify the serious incident reporting process for administrators.

[69]The National Center on the Sexual Behavior of Youth is part of the Center on Child Abuse and Neglect in the Department of Pediatrics of the University of Oklahoma Health Sciences Center. In 2001, the Center on Child Abuse and Neglect was selected by DOJ's Office of Juvenile Justice and Delinquency Prevention to establish the National Center on the Sexual Behavior of Youth. The aim of this center is to develop resources and training material for professionals from multiple disciplines (probation, mental health, medicine, education, child welfare, law, law enforcement, and the judiciary) addressing youth with problematic or illegal sexual behavior.

Installation Incident Determination Committees May Lack Pertinent Stakeholder Perspectives

In August 2016, DOD issued guidance to standardize the incident determination process across the military services, which, among other things, reshaped the permanent voting membership of the IDC. However, the new structure may lack stakeholders with the requisite knowledge and expertise to allow the IDC to make fully informed determinations. The standardized process to determine whether an incident meets DOD's criteria for child abuse was informed by a collaboration between the Air Force and New York University researchers, which yielded a decision-tree algorithm. The process was implemented by the Air Force and then subsequently adopted by the Navy and the Marine Corps.[70] According to Army officials, the Army's phased implementation of the IDC process was ongoing as of October 2019.

As part of the standardization of the process in the 2016 guidance, medical personnel were removed as permanent voting members of the IDC, although they regularly participated in some of the services' prior incident determination processes, according to Army FAP officials. The external researchers involved in the effort noted that they were primarily involved in the decision-tree algorithm and not the composition of voting members, which was an internal DOD decision. According to DOD, the definitions in the decision-tree algorithm used to determine if an incident meets criteria to be considered child abuse were robust enough that experienced healthcare providers were not needed to determine if an incident met DOD's criteria for child abuse. In addition, DOD FAP officials stated that participation in the IDC process by medical personnel could take them away from their clinical duties and become burdensome since the IDC at larger installations may meet weekly and for several hours.

DOD officials noted that medical personnel, and others, can still be invited to participate in the IDC process as needed to provide information related to specific incidents. While IDC members at four of the installations in our review also noted that medical personnel can still be invited to share relevant case information—in a nonvoting capacity—medical personnel we spoke to at three of these installations noted that they are rarely invited to participate. As a result, medical personnel at one installation we

[70]According to Marine Corps FAP officials, the Marine Corps piloted the IDC process from 2008 to 2010 and, with DOD's approval, fully implemented it prior to the issuance of DOD's policy.

visited stated that they have attempted to write their medical reports in more lay terminology to bridge the gap and to help ensure that critical information is properly relayed during the IDC meeting. Medical personnel with expertise in child abuse stated that they would welcome the opportunity to again participate in IDC meetings about which they have specific knowledge, but that they are contacted to participate once every 2 years at the most. In addition, medical personnel at one of the installations we visited had never heard of the IDC and were unaware of its function.

During a number of our interviews and installation visits, medical personnel frequently expressed concerns about the lack of medical expertise in the IDC process. For example, medical personnel at three installations we visited expressed concerns that the absence of medical personnel on the IDC may prevent reported incidents of child abuse from being fully understood.[71] They noted that medical personnel—specifically, pediatricians—have particular utility on the IDC because of the complexity of some of the cases and the need to articulate how medical findings can indicate whether an injury resulted from a nonaccidental use of force. Medical personnel with expertise in child abuse stated that there is a strong medical component to many child abuse cases and that FAP clinicians may not have the requisite medical expertise needed to appropriately interpret that information. Medical personnel also stated that lacking this expertise could result in the IDC incorrectly voting that an incident meets criteria for abuse or does not meet criteria. For example, a pediatrician described one IDC meeting in which they were invited to participate, as a nonvoting member, related to an incident that had medical evidence that the pediatrician referred to as clearly presenting a hallmark finding in child abuse—ear bruising patterns in a very young child. However, the pediatrician stated that the IDC voted that the incident did not meet DOD's criteria for abuse before allowing medical personnel to present information they had about the incident. According to this pediatrician, after the vote, the IDC allowed the pediatrician to provide information about the incident, but it did not alter the committee's initial determination.

[71]At one installation we visited, medical personnel had never heard of the IDC and could not comment on whether their presence could help other IDC members understand cases. At another installation, we were not able to meet with relevant medical personnel who would have been involved with the IDC process. At two other installations, medical personnel told us they had developed ways, such as through clearly writing medical reports, to incorporate their expertise into the IDC process.

At one of the IDC meetings we observed, IDC members discussed a case that involved bruising. The IDC members noted that they wished that a doctor had been present so that they could determine whether the allegation had any merit. However, no medical personnel were present and the IDC reached a determination without medical input. Members of this IDC also discussed concerns about a downward trend across the service in the number of cases meeting DOD's criteria for abuse, which they attributed to changes to the voting membership of the committee.

In addition, one of the parents that we spoke with described an incident that met DOD's criteria for child sexual abuse under the military service's prior incident determination process. However, the parent stated that after the service implemented the new IDC process, the servicemember's command—which was added as a permanent voting member of the IDC—requested that the determination be reconsidered. The parent stated that the incident was again presented to the IDC and the committee reversed the initial determination, concluding that the incident did not meet DOD's criteria for child sexual abuse. The parent expressed concerns that the removal of medical personnel from the IDC process played a significant role in the reversal of the determination.

Further, at one installation in our review, after the installation implemented the new IDC process, officials set up a separate pre-IDC process to discuss the same cases with medical personnel and others to ensure that they include their perspectives in the determination process. Installation officials stated that they felt the need to establish this redundant process because participation and discussion are more limited under the IDC process and there was an identified gap.

In August 2019, the Defense Health Board recommended that DOD reconsider requiring at least one comprehensive pediatric medical health care provider to be a member of all IDCs.[72] However, DOD FAP officials stated that they have no plans to reassess or expand the voting membership based on this recommendation or the concerns expressed by medical personnel across the military services. They stated that there are other meaningful ways in which medical personnel can participate in the IDC process, but that they should not be voting members because their competing clinical responsibilities may lead to a lack of continuity on the IDC and they might not have any direct knowledge of the incidents

[72]Defense Health Board Report, *Healthy Military Family Systems: Examining Child Abuse and Neglect* (Aug. 6, 2019).

being discussed. However, as previously discussed, medical personnel are not being regularly invited to participate and, when they are, the information they present may not be considered as part of the voting process. In addition, medical personnel at one installation we visited noted that even if they were regularly invited to participate, since they are not permanent voting members, other clinic responsibilities may take precedence.

A 2018 Department of Health and Human Services guide for child protective caseworkers noted that involving teams with a diversity of skillsets, including pediatricians, early in the child abuse determination process can improve accurate and comprehensive assessments, information sharing, and analysis of gathered information to support an accurate substantiation decision.[73] In addition, GAO-developed practices to enhance and sustain collaboration in interagency groups note that it is critical to involve nonfederal partners, key clients, and stakeholders in decision-making. Further, in February 2014, we found that if collaborative efforts do not consider the input of all relevant stakeholders, important opportunities for achieving outcomes may be missed.[74]

Without expanding the voting membership of the IDC to include medical personnel, installation officials may not have all of the relevant information to make a fully informed decision about whether an incident meets DOD's criteria for child abuse. The IDC may make different determinations without the benefit of input from all relevant personnel, thus affecting confidence in the efficacy of the process. Further, without expanding the voting membership to include medical personnel, installations may continue to develop concurrent or redundant processes in order to ensure that all pertinent information about cases is shared.

[73]Department of Health and Human Services, *Child Protective Services: A Guide for Caseworkers* (2018).

[74]GAO-06-15 and GAO, *Managing for Results: Implementation Approaches Used to Enhance Collaboration in Interagency Groups*, GAO-14-220 (Washington, D.C.: Feb. 14, 2014).

Inconsistent Levels of Information Are Available to Victims' Families Following a Reported Incident of Child Abuse

Victims' families receive inconsistent levels of information related to the response process and available services after an incident of child abuse is reported. The process to respond to and address incidents of child abuse can be lengthy—the average investigation is more than 9 months—and the responding organization and the particular steps it takes depend on variables including the type of abuse, the status of the alleged offender, and the location of the incident. For example, as previously discussed, military criminal investigative organizations primarily only investigate serious felony-level offenses and any type of sexual offense. According to military criminal investigative organization officials, cases that do not meet this threshold may be investigated by other military law enforcement investigators, such as military police or local civilian law enforcement. Additionally, the FAP only reviews incidents of child abuse where the alleged offender was a parent or someone in a caregiving role. As a result, the FAP would not present incidents to the IDC where the alleged offender was another child or an adult who was not in a caregiving role, such as a neighbor who was not babysitting at the time of the incident. Further, as previously discussed, the jurisdiction of the installation where the incident took place determines which entity, such as the state or the federal government, will adjudicate the incident. The process can also differ based on the state and local laws where the incident occurred. For example, according to some state child welfare agencies, they are more likely than the FAP to accept cases of child-on-child abuse, and they review such cases to see if a lack of supervision or other aspect of parental neglect is involved.

The legal services that victims are eligible to receive differ depending on the status of the alleged offender and the victim, and the type of abuse alleged. For example, for incidents of child sexual abuse with an alleged servicemember offender, victims and their families are eligible for military-provided legal advice and assistance, even if the abuse occurred off the installation. However, the status of the victim (that is, whether the victim is the dependent of a military member or not) will impact the nature and extent of the legal assistance that can be provided.

Of the 20 parents of children affected by abuse that we interviewed, nine stated that they did not understand what to expect during the investigation and resolution process and nine were not aware of all available services

and resources offered. Some parents noted that if they had better understood the process and available services, they could have received counseling and other services more quickly. Twelve parents highlighted that a guide summarizing the process and available services would have been helpful. For example, seven parents said that they did not receive and were not offered any services by the military. Multiple respondents also highlighted the lack of sufficient legal assistance. Specifically, five parents stated that they would have liked legal assistance but none was available, and seven parents stated that the legal services offered by the military did not meet their needs. For example, one parent stated that they requested a waiver to receive the services of a Special Victims' Counsel, but the request was denied for reasons that are unclear.

Standards for Internal Control in the Federal Government states that management should externally communicate the necessary quality information to achieve the entity's objectives.[75] Specifically, management communicates with and obtains quality information from external parties, including the general public, and in this case victims' families. However, while each organization, such as the FAP, may provide information to families relevant to that organization's responsibilities and services, the military services have not established efforts to comprehensively inform victims' families about how child abuse incidents are to be addressed by each responsible organization, for example by consolidating information to help families understand the process and the services available to them. While DOD officials stated that they have plans to develop such a guide for responding to incidents of problematic sexual behavior in children and youth, they stated that they do not have plans to develop a similar guide for responding to incidents of child abuse because information is already available from a number of different sources. However, the parents we spoke with had challenges locating this information in a timely manner following an incident of child abuse and highlighted the need for additional information in a consolidated format to avoid confusion and to more easily receive necessary services.

Without each military service establishing efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed, affected families may be confused about the process and where to go for information. In addition, they may not receive the services that they are entitled to and need, such as a Special Victim Counsel or a legal assistance attorney, because they do not know that these resources

[75]GAO-14-704G.

are available. As a result, DOD may not be providing comprehensive responses to reported incidents of child abuse.

Service Guidance Related to the Extent of Commander Authority to Remove Children from their Homes on Overseas Installations Is Unclear

The military services' guidance regarding the extent of commander authority to remove children from their homes on overseas installations is unclear. Within the United States, state and local child welfare agencies have the authority to remove children from unsafe homes.[76] However, officials at an overseas installation stated that there is no law that clearly authorizes commanders to exercise this authority on overseas installations, and there may be no local authorities to provide guidance or services at overseas installations. Rather, service guidance grants installation commanders the authority to remove children from unsafe homes on a temporary basis. Guidance describing this authority is not standardized across the services and installation officials overseas stated that additional guidance would help clarify situations when a child can be removed from an unsafe home.

For example, according to Army guidance, an installation commander may authorize emergency placement care when abuse is substantiated and when neither judicial authorization nor parental consent can be obtained, and the removal is necessary to avoid risk of imminent death, serious bodily harm, or serious mental or physical abuse.[77] In addition, commanders may take action in situations when medical protective custody is not appropriate. Per Navy guidance, commanders can only use this authority in situations where there is substantial reason to believe the life or health of the child is in real and present danger.[78] Air Force guidance states that base security and unit leadership are responsible for overseeing the appropriate removal or placement of children with

[76]Some state and local child welfare agencies lack the authority to physically remove a child from a home, and may require the police or other law enforcement to be present when a child is removed.

[77]Army Regulation 608-18, *The Army Family Advocacy Program* (Oct. 30, 2007) (incorporating Rapid Action Revision, Sept. 13, 2011).

[78]Chief of Naval Operations Instruction 1752.2B, *Family Advocacy Program (FAP)* (Apr. 25, 2008).

consultation and guidance from the FAP.[79] Per Marine Corps guidance, commanders may implement a child removal order—designed for short-term placement of a child into a place of safety. Individual installation commanders are responsible for issuing a written policy setting forth the procedures and criteria for the removal of child victims of abuse or other children in the household when they are in danger of continued abuse or life-threatening child abuse.[80]

Officials at installations overseas stated that the decision to remove a child from an abusive home can vary depending on the commander's comfort level in doing so. For example, officials at two installations provided an example where a commander removed a child from the home in a situation of suspected abuse, and then a parent requested an Inspector General investigation questioning the commander's authority to do so. Installation officials stated that the complaint to the Inspector General was not substantiated, but that the ambiguity of the guidance, coupled with the possibility of a commander having his or her actions reviewed by the Inspector General, could affect a commander's willingness to take action in similar cases. Medical personnel we spoke with highlighted examples where military hospitals overseas have admitted child abuse victims for their safety in situations when installation commanders did not take action to otherwise remove the child from the home. In one example, an infant presenting with physical trauma consistent with abuse was admitted to the hospital for 1 month until the child could be returned to the United States and a state child welfare agency could respond to ensure the child's safety.

Installation officials overseas responsible for addressing incidents of child abuse stated that they believe additional clarity regarding commander authorities would help commanders in making a determination about when to exercise their authority to remove an at-risk child from a home. In comparison to the services' guidance, some state child welfare agencies have comprehensive checklists and decision matrices to help officials make decisions regarding child removal. One child welfare agency we visited provided a list with 14 specific safety factors, including descriptions of each factor, and a list of 10 protecting interventions. Safety factors include anything that may put a child in danger, for example, questionable

[79]Air Force Instruction 40-301, *Family Advocacy Program* (Nov. 16, 2015) (Incorporating Change 1, Oct. 12, 2017).

[80]Marine Corps Order 1754.11, *Marine Corps Family Advocacy and General Counseling Program* (Mar. 26, 2012).

caretaker explanations for a child's injuries, or the family not allowing the child welfare agency access to the child. Protecting interventions include actions such as the family making use of community agencies or services as a safety resource, or the non-offending caretaker moving to a safe environment with the child. There is no comparably detailed guidance for military commanders.

Standards for Internal Control in the Federal Government states that management should internally communicate the necessary quality information to achieve objectives. Quality information is reported down and across reporting lines to enable personnel to perform key roles in achieving objectives.[81] However, legal officials and medical personnel at overseas installations stated that existing guidance regarding commander authority to remove children from potentially unsafe homes in overseas environments is unclear. For example, these medical officials stated that terms like "real and present danger" are not well defined, and that there may be no child welfare agency available overseas to provide guidance or services. These officials also stated that this threshold may be too high, and could result in children suffering moderate neglect or abuse because it does not rise to the level of real and present danger. Without clarifying and standardizing across the services, in guidance, the circumstances under which commanders may exercise their authority to remove children from potentially unsafe homes overseas, timely response to incidents may be inhibited and children may be left in unsafe situations. Commanders may also face adverse actions if their authority to remove a child from the home is not well-defined and their decision comes under legal scrutiny.

Availability of Certified Pediatric Sexual Assault Forensic Examiners Is Limited, Especially Overseas

The availability of certified pediatric sexual assault forensic examiners across the military services is limited, especially overseas. Based on our analysis, from fiscal years 2014 through 2018, for all four military services, there were 1,448 incidents that met DOD's criteria for child sexual abuse and may have therefore necessitated a sexual assault forensic exam. According to our analysis of FAP data over these 5 years, the average age of the victims involved was 10. However, according to Defense Health Agency officials, there are only four child abuse

[81]GAO-14-704G.

pediatricians who are certified to perform pediatric sexual assault forensic exams: two in the Navy, one in the Army, and one in the Air Force. In addition, according to these officials, the Army has seven sexual assault forensic examiners, initially certified to perform exams on adults, who have completed a 40-hour pediatric course, for a total of 11 certified pediatric examiners across the department. In comparison, according to these officials, there are a total of 466 sexual assault forensic examiners throughout the department who are certified to perform exams on adults—161 are located overseas and 305 are located within the United States.

As a result of this disparity between examiners certified to perform exams on adults and those certified for children, children affected by sexual abuse on military installations or as military dependents may lack access to qualified pediatric sexual assault forensic examiners. This lack of access on overseas installations—identified by medical personnel as a significant concern—can prevent them from being examined in a timely manner or may subject them to further trauma if they are first examined by an untrained provider and have to be examined again.

When victims of sexual assault receive a forensic exam, the exam may be provided by either a trained sexual assault forensic examiner—that is, a medical provider who has received specialized training in properly collecting and preserving forensic evidence—or a medical provider who has not received such specialized training. Studies have shown that exams performed by trained sexual assault forensic examiners may result in shortened exam time, better quality health care delivered to victims, higher quality forensic evidence collection, as well as better collaboration with the legal system and higher prosecution rates.[82]

Navy officials stated that pediatric sexual assault forensic examiners are not a billeted position at any installation and Air Force officials stated that there are no certified pediatric sexual assault forensic examiners billeted to any installation in Japan—which hosts the largest number of active duty U.S. servicemembers outside of the United States—due to inconsistent demand. Medical personnel we spoke with described two options to overcome the lack of certified pediatric examiners: call a certified pediatric examiner in the United States to guide—via

[82]GAO, *Sexual Assault: Information on Training, Funding, and the Availability of Forensic Examiners,* GAO-16-334 (Washington, D.C.: Mar. 18, 2016).

telephone—a pediatrician on the overseas installation through the exam; or medically evacuate the victim to the United States.

Although DOJ best practices for sexual assault exams note that telemedicine can result in significant positive changes in the methods of examination and evidence collection,[83] medical personnel stated that it is inferior to an in-person exam because the person conducting the exam is not the actual certified examiner, which can open the exam findings up to legal challenges. Medical personnel also stated that a child may need to undergo multiple exams if the initial exam is not performed correctly, which, as noted previously, can add to a victim's trauma. Additionally, medical personnel stated that there can be technical challenges with getting the right equipment in place and training people who may quickly transition to another installation. If telemedicine processes were to be established at overseas installations, there are still only four child abuse pediatricians across the department who can consult on the exams, and they may not be available to consult on all cases.

Further, medical personnel noted that using telemedicine for pediatric exams overseas may result in these exams being physically conducted by someone with little to no experience conducting any type of genital exam. This is because pediatricians in the military typically do not conduct any genital exams on children, even basic or preventative exams. In the event that a girl becomes pregnant, officials stated that she will be sent to a military adult obstetrician, and the military pediatrician would not conduct any of the relevant exams. These personnel also stated that the military does not conduct routine cervical exams on women until they are 21 years of age, so pediatricians likely have no practical experience conducting even standard exams. A 2018 Department of Health and Human Services guide for child protective caseworkers noted that if health care providers do not routinely examine the genitalia of young children, they may mistake normal conditions for abuse or vice versa.[84] One parent that we spoke with about an incident of sexual abuse overseas stated that the child's pediatrician was not comfortable conducting such an exam, but offered to take a cursory "peek" for

[83]Department of Justice Office of Justice Programs, National Institute of Justice, *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach* (2017).

[84]Department of Health and Human Services, *Child Protective Services: A Guide for Caseworkers* (2018).

anything concerning. The parent declined the offer because they knew the pediatrician was neither trained nor certified to perform such an exam.

Although medical personnel stated that a medical evacuation to the United States for an exam is a potential option, medical evacuations are challenging because they can take 5 to 6 days. However, the physical evidence from a sexual assault should be collected as soon as possible and ideally between 1 and 5 days after the assault, according to DOJ best practices.[85] Additionally, installation medical personnel noted that medical evacuations can result in additional stress on the victim from travel, increased complexity of legal and investigation processes, and travel costs that may be greater than training local examiners.

DOD medical personnel stated that it can be challenging because in some instances the children can only receive the exam at medical facilities that have a memorandum of understanding in place with the military because the exams are typically funded locally. For example, these officials described an incident of child sexual abuse in Okinawa—a remote location in Japan with no certified examiners. These personnel noted that while a medical evacuation to Hawaii would seem like a good solution—because there is a trained pediatrician there to conduct sexual assault exams—the pediatrician in Hawaii can only examine children who have been referred directly by Hawaii's child welfare agency. These personnel noted that the next best option is San Diego, where there is a DOD child abuse pediatrician, but by the time the travel is arranged, which can take days, the evidence might no longer be available. These personnel suggested that instead of relying on medical evacuations or telemedicine, better options to ensure that child victims get timely access to care could include certifying pediatricians or adult sexual assault forensic examiners as pediatric examiners during mandatory training or establishing shared regional assets.

In the United States, child victims of sexual abuse may have more options to receive pediatric sexual assault forensic exams. Specifically, pediatric exams may be done at a local Children's Advocacy Center (CAC) or hospital. However, it is still challenging in the United States because CAC coverage is not uniform across the country, and rural patients may have to travel several hours to the closest center. For example, officials at one CAC we visited noted that while they have a certified pediatric examiner,

[85]Department of Justice Office of Justice Programs, National Institute of Justice, *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach* (2017).

this individual is only available once per week. One parent that we spoke with stated that they had to drive their child 2 hours to the closest CAC to receive an exam when stationed at an installation in the United States. Two parents described delays in receiving an exam in the United States after the incident was reported, which could have prevented quality evidence from being collected.[86]

DOJ protocols for sexual assault forensic exams state that these exams should be performed by a healthcare professional specially trained in collecting evidence relating to sexual assault cases, such as a sexual assault nurse examiner or other appropriately trained medical professional. In particular, female children who have not yet reached puberty should only be examined by health care providers specifically trained in pediatric sexual abuse.[87] Further, related DOJ best practices state that evidence should be collected as soon as possible, ideally between 1 and 5 days post assault.[88] However, DOD does not have processes in place to help ensure that children who are sexually abused overseas have timely access to certified pediatric sexual assault forensic examiners. Without processes that help ensure timely access to certified pediatric examiners overseas, child victims of sexual abuse may not receive exams in time for the evidence to be collected for use in prosecution. In addition, the difficulty and time associated with obtaining an exam could potentially increase the stress and trauma of affected victims and their families. Further, because of the variation in resources across military installations, child victims of sexual abuse may have access to different levels of care depending on the geographic location of the installation due to the lack of standardized availability of certified pediatric examiners.

[86]Although the situation is better than it is overseas, in March 2016, we found that even the total number of sexual assault forensic examiners for adults in the United States is low. Specifically, we found that the low availability of certified civilian examiners in six states could be attributed to several factors, including limited training opportunities, weak stakeholder support, and low retention rates. GAO-16-334.

[87]Department of Justice Office on Violence Against Women, *A National Protocol for Sexual Abuse Medical Forensic Examinations - Pediatric* (April 2016).

[88]Department of Justice, Office of Justice Programs, National institute of Justice, *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach* (2017).

DOD Collaborates with Interagency Partners to Address Reported Incidents of Child Abuse and Child-on-Child Abuse, but Challenges Remain

DOD collaborates at various levels both inside and outside the department to address reported incidents of child abuse and child-on-child abuse. However, improving communication and establishing comprehensive agreements could enhance the information DOD receives about these incidents as well as the resources available to both the department and victims of abuse.

DOD Collaborates with States and Localities to Ensure It Is Notified When Servicemembers or Military Dependents Are Involved in Reported Incidents of Child Abuse Outside the Installation

DOD has successfully collaborated with a number of states to help ensure it receives notification from state authorities when servicemembers or military dependents are involved in reported incidents of child abuse off a military installation. DOD is required to address child abuse in military families.[89] However, with approximately 70 percent of active-duty military families living off military installations in the civilian community, service officials do not always have visibility over these incidents since they may first be reported to the relevant civilian authorities instead of to the military.

The Defense State Liaison Office has highlighted the importance of state statutes that require the collection and reporting of military affiliation to the appropriate military authorities as part of state child abuse cases, and has identified this as a key issue. According to a senior Defense State Liaison Office official, the office has successfully collaborated with a number of states on child abuse reporting measures to require or allow local jurisdictions to report incidents of child abuse in military families to relevant military service officials. According to DOD, at least half of the states have no such requirements, but at least one is considering passing a law to provide for the requirement. According to this senior Defense State Liaison Office official, the effort will remain a key issue area for the

[89] *See*, for example, 32 CFR § 61.12 and DOD Instruction 6400.01, *Family Advocacy Program (FAP)* (May 1, 2019).

office through at least fiscal year 2020 in order to continue to focus efforts on these remaining states.

In August 2019, the Defense Health Board noted that child abuse can be difficult to quantify because of underreporting, and some studies suggest a lower rate of incidents being reported to the FAP if the incidents are first identified at a civilian facility. Therefore, it recommended, in the absence of state legislation, that DOD ensure that all U.S. military installations have memorandums of agreement in place with state child welfare agencies for bilateral information sharing on child abuse cases.[90] A senior Defense State Liaison Office official stated that the office has sought legislation because prior efforts to establish memorandums of agreement were only focused on information sharing and did not specify procedures for state and local child welfare agencies to use in determining whether a family involved in an incident had a military connection. Additionally, the official noted that a statutory basis is important because otherwise state laws that limit who child welfare agencies can share information with about child abuse cases may take precedence. For example, some states have expressed concerns that sharing information about an alleged, but not yet confirmed, incident of child abuse could be detrimental to a servicemember's career.

We found that the extent of collaboration between the military and other state and local authorities (such as child welfare agencies) varied among the installations in our review. For example, child welfare agency officials in Virginia noted that state policies requiring that they notify the FAP about cases with a military affiliation have increased the amount of coordination between the state and the military. However, according to FAP officials at one installation we visited in North Carolina—where approximately 80 percent of dependent children live off the installation—it was rare to receive notification from some counties for child abuse cases with a military affiliation because, at the time of our visit, there was no state policy requiring it.[91] DOD's continued focus on improving collaboration with the states that have not yet established such a requirement should help to increase the department's visibility over incidents occurring off the installation. It should also help to ensure that

[90]Defense Health Board Report, *Healthy Military Family Systems: Examining Child Abuse and Neglect* (Aug. 6, 2019).

[91]According to a senior Defense State Liaison Office official, North Carolina enacted such a requirement in August 2019.

military families obtain the available FAP services for which they are eligible.

DOD and DOJ Have Taken Some Actions to Increase Collaboration

DOD and DOJ have taken some actions to increase collaboration in addressing the abuse of children on military installations. As previously discussed, the conference report accompanying the John S. McCain National Defense Authorization Act for Fiscal Year 2019 included a provision for the service Secretaries to seek to relinquish jurisdiction over offenses committed on military installations by individuals not subject to the Uniform Code of Military Justice, such as civilians and children.[92] In response, according to DOJ officials, DOD and DOJ have, among other things, established a joint working group to coordinate on issues related to child-on-child sexual assault on military installations, including the relinquishment of exclusive federal jurisdiction to the states.[93] Both DOD and DOJ officials agreed that the federal justice system is not well suited to prosecuting juvenile offenses because it lacks a dedicated juvenile justice system and that state courts, which aim to be rehabilitative in nature, are better suited to adjudicate these cases. Specifically, DOJ's Justice Manual states that the intent of federal laws concerning juveniles is to help ensure that state and local authorities will deal with juvenile offenders whenever possible.[94]

Working group officials stated that they are compiling a list of United States Attorneys' Offices and the military installations in their respective districts from which they have received referrals, as well as the types of

[92]H.R. Rep. No. 115-874, at 959-60 (2018) (Conf. Rep.).

[93]According to DOJ officials, the working group is being led by DOD's Office of General Counsel and DOJ's Office of the Deputy Attorney General. These officials stated that the primary DOJ participants in the working group are the Executive Office for United States Attorneys, the Criminal Division, including the Child Exploitation and Obscenity Section and the Human Rights and Special Prosecutions Section, and the Office of Juvenile Justice and Delinquency Prevention. DOD officials noted that the primary DOD participants include representatives from the military criminal investigative organizations and judge advocates from each of the military services.

[94]Department of Justice, *Justice Manual – CRM 116 Juvenile Delinquency Prosecution – Introduction* (February 2018). In some instances, child offenders can be prosecuted as adults—for certain violent or controlled substance violations—or they can also be subject to federal delinquency proceedings. We use the term prosecution to refer to both possibilities.

jurisdictions at those installations. These efforts are designed to ultimately result in a comprehensive chart detailing the precise jurisdictional status of each military installation in the United States, which can then be used to inform discussions with each state about the relinquishment of exclusive federal jurisdiction. According to DOJ officials, the working group is also developing templates of coordination documents, such as letters and memoranda of understanding for outreach with the states. Working group officials stated that the group has identified and is attempting to address other issues, such as those regarding privacy concerns related to information to be contained in DOD's centralized database for problematic sexual behavior in children and youth, which, as previously discussed, is under development.

The difficulties of addressing child-on-child sexual assault are exacerbated when the incident occurs overseas, where no U.S. state authorities exist to assume jurisdiction. The Military Extraterritorial Jurisdiction Act can be used to either prosecute child offenders as adults—for certain violent or controlled substance violations—or to initiate federal delinquency proceedings.[95] However, as discussed, while both DOD and DOJ officials stated that they prefer to refer children to state courts, this is currently not possible when the incident occurs overseas. Working group officials stated that this challenge is another issue being actively discussed by the group in an effort to identify potential solutions. For example, they stated that one idea under discussion relates to a specific Virginia state law that asserts concurrent jurisdiction over federal crimes committed by a child, to be assumed only if waived by the federal court or the United States Attorney.[96] The discussion centered on the idea that the Virginia state law could potentially be applied extraterritorially. Therefore, if a sexual assault were to occur on an installation with exclusive federal jurisdiction in Virginia—or theoretically overseas where the United States has jurisdiction—the Virginia courts could assert jurisdiction as long as the relevant United States Attorney's office has waived jurisdiction. However, whether or not Virginia could use its courts to address matters that occurred overseas and where the juvenile offender is not a resident is not yet clear. Legal officials at one installation who are involved in the working group efforts stated that they were considering whether it was possible to have a single municipal court have sole jurisdiction for any juvenile crimes occurring on overseas installations. However, officials stated that the working group continues to

[95]18 U.S.C.§§ 3261-3267, 5032; 32 C.F.R. § 153.5. (2018).

[96]Virginia Code § 16.1-244.

research and discuss these types of issues to improve collaboration between the two departments and identify solutions to these important issues.

DOJ Notices of Declination of Prosecution Do Not Typically Provide Adequate Detail About the Reasons to Inform Military Investigators

Service officials stated that while DOD is typically notified by DOJ when it declines to prosecute the abuse of a child on a military installation, the notification does not consistently include detailed reasons for why the case was declined. Officials from the Army Criminal Investigation Command—the military criminal investigative organization with the largest number of cases—stated that they are not informed of the reasons for case declinations because they have been told that the information is considered an attorney work product. Officials from the other military criminal investigative organizations stated that for some cases they do receive reasons why they are declined. However, DOJ officials stated that in cases where a United States Attorney does notify DOD of a declination and the reason, it may be very vague, such as “insufficient evidence,” and may not detail the insufficiencies.

DOJ officials stated that while a case may be declined for various reasons, there are three primary reasons for declinations: (1) insufficiency of the evidence (not enough admissible evidence to obtain and sustain a conviction beyond a reasonable doubt); (2) the person is subject to prosecution under another jurisdiction, such as in a state court system; or (3) there is an adequate noncriminal alternative to criminal prosecution. Officials within the Executive Office for United States Attorneys stated that they were not aware of any standard letters used to notify DOD of prosecutorial decisions and that the format and content of the notification are office dependent.

According to DOJ officials, the investigating organization is to inform victims of a declination of prosecution. However military law enforcement officials from two services stated that the responsibility for informing victims of a declination of prosecution would be dependent on the circumstances of the individual case, such as whether formal charges had been preferred and any discussion between the military criminal investigative organization and United States Attorney. According to some of the parents we spoke with, this process does not always result in a timely notification of a prosecution declination—including the reasons for

the declination—to the victims or their families. For example, one parent we spoke with highlighted the lack of information when they tried repeatedly for nearly one year to contact the military investigators for a case status update—while in the process of filing an information request with DOJ—and were finally told that their child's case had been declined for prosecution with no additional information on the reasons for the declination. Another parent stated that the Assistant United States Attorney informed them that a child-on-child abuse case would not be prosecuted due to a lack of strong evidence, specifically, a poor child forensic interview conducted by the military criminal investigative organization and the mishandling of electronic evidence.

DOJ has committed to assisting DOD in responding to incidents of child-on-child abuse through the working group, as discussed previously. Additionally, DOJ has begun tracking referrals made to United States Attorneys by DOD for child-on-child sexual offenses. Specifically, in September 2018, the Director of the Executive Office for United States Attorneys issued a memorandum that instructed all United States Attorneys to begin tracking referrals of child-on-child sexual offenses from the military. According to these data, between October 1, 2018 and August 5, 2019, the military referred 63 of these cases to United States Attorneys for prosecution. Two of these cases were accepted for prosecution and 19 were declined—the remaining cases were either referred to state or local authorities or were still pending. Per the memorandum, this information is to be provided, on a monthly basis, to the Office of the Deputy Attorney General, the lead DOJ office for the working group.

DOJ's Principles of Federal Prosecution recommends that whenever an attorney declines to prosecute, the prosecutor should ensure the decision and reasons are communicated to the investigating agency involved and to any other interested agency.[97] In addition, *Standards for Internal Control in the Federal Government* states that management should externally communicate the necessary quality information to achieve objectives.[98] Specifically, management selects appropriate methods of communication, such as a written document—in hard copy or electronic format—or a face-to-face meeting. Management periodically evaluates the entity's methods of communication so that the organization has the

[97]Department of Justice, *Justice Manual, Title 9: Criminal,* Principles of Federal Prosecution – Records of Prosecutions Declined, 9-27.270 (February 2018).

[98]GAO-14-704G.

appropriate tools to communicate quality information within and outside of the entity on a timely basis. However, United States Attorneys are not consistently communicating the reasons for declining to prosecute DOD cases involving child victims to the military criminal investigative organizations.

Without seeking avenues to improve communication between the military criminal investigative organizations and United States Attorneys for relevant cases involving child victims—to help ensure that investigators are notified when prosecution is declined—investigators may not be informed of the reasons why a case is declined, such as for investigative deficiencies or weaknesses. As a result, DOD may be limited in its ability to improve investigative processes or identify areas where additional investigative training may be needed to improve future incident resolution. Improving this communication through the ongoing DOD and DOJ working group or by other means could also increase the information DOD receives about incident outcomes. Additionally, victims and their families may be better informed of their case disposition and the reasoning behind that disposition.

The Military Services Do Not Consistently Make Use of Children's Advocacy Center Resources Available for Child Victims of Abuse

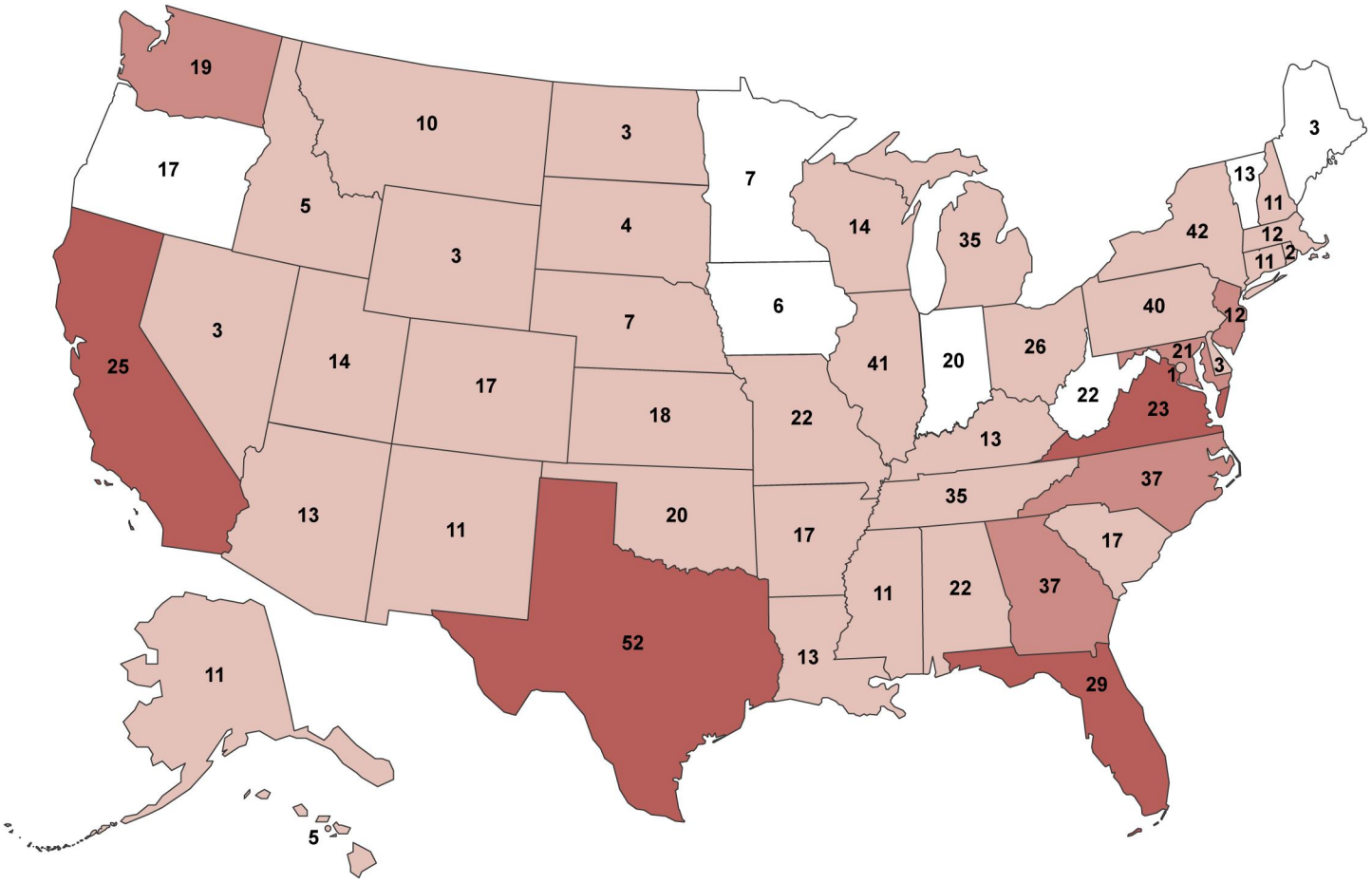
Per the National Children's Alliance, most military installations in the United States with FAP services are located within 50 miles of a Children's Advocacy Center (CAC).[99] However, military families may not be able to access CAC services because, according to a 2019 study conducted by the Alliance, only 7 percent of CACs with military installations in their service area reported having a memorandum of understanding, which is needed to authorize services associated with a FAP referral.[100] In addition, according to the Alliance's 2019 study, while 66 percent of service FAP offices reported having a relationship with their

[99]The National Children's Alliance is the national association and accrediting body for a network of more than 850 CACs.

[100]National Children's Alliance, *Status of CAC-Military Partnerships Report* (2019). The Alliance's report includes the U.S. Coast Guard in its calculation of the percentage of CACs with military installations in their service area who reported having a memorandum of understanding. The U.S. Coast Guard was not included in the scope of our review.

local CAC, 47 percent of those offices reported that contact with the local CAC was infrequent. As shown in figure 5, there are CACs in each state.

Figure 5: Number of Military Installations and Children's Advocacy Centers by State as of August 2019



Source: GAO analysis of National Children's Alliance information. | GAO-20-110

CACs have considerable experience working with abused children. Specifically, according to the National Children's Alliance, in 2018 CACs collectively served over 367,000 children, conducted over 260,000 forensic interviews, and completed over 91,000 medical exams and

treatments. Further, CACs provide a child-friendly environment to conduct these interviews and exams, which are then reviewed by a multidisciplinary team that includes medical, law enforcement, mental health, and legal personnel, victim advocates, and state child welfare agencies. The purpose of the multidisciplinary team is to determine how to best support the child, such as through therapy, courtroom preparation, and victim advocacy.

With regard to child forensic interviews, CACs work to minimize retraumatization of a child by only conducting one comprehensive interview of the child that is typically recorded and involves a team viewing the interview from a separate room. The recorded interview can then be shared with other interested parties with a need to know to include doctors, police, lawyers, therapists, investigators, and judges. This prevents the child from having to talk about the traumatic experience repeatedly in environments where they may be uncomfortable, such as in a police station where they may think they are in trouble.

Officials from the Naval Criminal Investigative Service stated that they prefer to use CACs for child forensic interviews when available and where agreements are in place. Both the Army and the Air Force's military criminal investigative organizations stated that, depending on the circumstances of the case, they may make use of CACs when, for example, agents qualified in child forensic interviews are unavailable. At one U.S. installation we visited, military criminal investigators told us that due to personnel transfers they sometimes do not have investigators available who are qualified to conduct these interviews. Other military criminal investigators with whom we spoke noted that the lack of continuous training for military child forensic interviewers is challenging because regular practice is needed to develop and maintain the skillset. One investigator stated that even though they had not conducted a child forensic interview in 4 years, they were still technically qualified to conduct these interviews. Despite their ability to conduct the interviews, we spoke to military criminal investigators who preferred to rely on child forensic interviewers from the CACs who had more expertise because of the volume of interviews that they conduct.

In September 2012, we found that agencies that articulate their agreements in formal documents can strengthen their commitment to working collaboratively.[101] However, according to installation and CAC

[101]GAO-12-1022.

officials, four of the U.S. installations that we visited either did not have a formal agreement in place with the local CAC or noted that maintaining the agreement was challenging because of the limits that military turnover puts on their ability to build such partnerships.[102] DOD has assigned the responsibility to establish formal agreements with counterparts in the community, such as CACs, within the Family Advocacy Committee at each individual installation. However, given that only 7 percent of CACs with a military installation in their area reported having such an agreement in place according to the National Children's Alliance's 2019 study, developing installation-level agreements with CACs has had limited success.

In 2015, the Federal Bureau of Investigation established a nationwide memorandum of understanding with the National Children's Alliance to use CACs to conduct forensic interviews. DOD FAP officials stated that a similar agreement between the military services and the National Children's Alliance would benefit military families. In August 2019, the National Children's Alliance recommended the development of a national memorandum of understanding between the National Children's Alliance, service FAPs, and military criminal investigative organizations within each service. Similarly, in August 2019, a report by the Defense Health Board recommended the development of memorandums of agreement with external entities, such as the National Children's Alliance and state child welfare agencies.

DOD FAP and National Children's Alliance officials noted that discussions about establishing these types of agreements are not new and believed that agreements would be most effective between the National Children's Alliance and each respective military service and military criminal investigative organization versus at the installation level. As of February 2019, officials from three of the services indicated that while discussions have been underway, none of these military services have an established agreement, though the status of their efforts varies. For example, as of September 2019, Air Force officials described the effort as being in its infancy, with no established timeframes to achieve goals. Marine Corps FAP officials stated that they were exploring the feasibility of establishing an agreement with the National Children's Alliance, and Navy FAP officials stated that they were developing a draft agreement for services

[102]According to installation officials at one of the installations, the installation did not have a formal agreement in place. According to CAC officials near the other three installations, one installation did not have a formal agreement in place and two others noted challenges with military turnover.

and support to families impacted by problematic sexual behavior in children and youth. However, given the need for services associated with any type of abuse, such an agreement should not be restricted to problematic sexual behavior.

The John S. McCain National Defense Authorization Act for Fiscal Year 2019 stated that the Secretaries of the military departments shall permit, facilitate, and encourage multidisciplinary teams at the installations to collaborate with appropriate civilian agencies for services to support child abuse victims.[103] A national memorandum of understanding could help to break down some of the currently cited barriers to collaboration between CACs and the military, and facilitate such a multidisciplinary approach to addressing incidents of child abuse. For example, DOJ has provided funding for CAC-military partnership pilot projects, which are aimed at improving coordination between CACs and the military to address reported incidents of child abuse. Information from current CAC-military partnership pilot projects indicates that a common barrier to coordination of services is continuity in staffing and leadership for their military counterparts. A base commander's assignment at a post is time limited, as are some military investigative personnel. These frequent changes in staffing and leadership can result in changes in leadership styles, priorities, and methods of operation and can require a perpetual cycle of building relationships and revising protocols with new counterparts.

Without a memorandum of understanding in place between each military service and the National Children's Alliance, the coordination between the military services and the CACs will continue to be ad hoc and dependent on the relationships of individuals at each installation. Further, without such agreements, the military services may not be fully aware of CAC services and thus may not effectively leverage their facilities or personnel to help address incidents of child abuse involving military dependents.

Conclusions

While DOD has taken steps to address recent incidents of child-on-child sexual abuse reported by the media—by establishing policies and beginning to develop a centralized database for problematic sexual behavior in children and youth—the department faces broader challenges, related to visibility, process, and collaboration in addressing

[103]Pub. L. No. 115-232, § 577 (2018).

the abuse of children. For example, DOD's visibility over incident outcomes and the extent to which children have been abused—by an adult or another child—is limited by standalone databases, information-sharing challenges, and personnel discretion at the installation level. As DOD develops a centralized database on problematic sexual behavior, it could address some of these challenges by expanding the scope of the database to include any abuse of a child, regardless of offender and type of abuse, and making key decisions related to its development. Further, additional guidance and processes are needed to help reduce information-sharing challenges and installation-level discretion in the tracking and reporting of these incidents. Until DOD resolves these challenges, it will continue to have limited visibility over the extent to which children have been affected by abuse on military installations or as military dependents.

Additionally, the department faces gaps in its existing processes for responding to and resolving incidents of child abuse that should be addressed as it continues to develop processes related to problematic sexual behavior in children and youth. For example, given concerns expressed by medical personnel across the military services, DOD should expand the voting membership of the IDC to include medical personnel to ensure that stakeholders with pertinent knowledge and expertise are included. It is critical that IDC determinations are made with all of the relevant information available. Moreover, qualified medical personnel play an essential role in responding to children who have been abused, such as by conducting sexual assault exams. However, according to DOD officials, there are only 11 certified pediatric sexual assault examiners across the department. Without processes to ensure that children who are sexually abused overseas have timely access to a qualified examiner, child victims of sexual abuse may not receive exams in time for the evidence to be collected for use in prosecution and may experience additional stress and trauma. Until DOD addresses these process-related challenges, among others, child victims and their families may not receive the assistance, care, and services that they need.

Finally, while DOD has successfully collaborated with a number of states to increase information sharing and with DOJ to address child-on-child sexual offenses occurring on military installations, there are opportunities for DOD to improve its collaboration with external partners to the benefit of military families. For example, there are opportunities to improve communication between the military criminal investigative organizations and United States Attorneys to ensure that DOD is aware of declinations of cases involving the abuse of children and why they were declined.

Such avenues could, among other things, help identify needed changes to investigative processes or training. Further, there are opportunities to facilitate awareness and increase the military services' use of CAC resources, such as through the establishment of a national agreement between the National Children's Alliance and each military service. Ultimately, improving interagency collaboration could enhance DOD's visibility over these incidents and increase the resources available to both the department and victims of abuse.

Recommendations for Executive Action

We are making a total of 23 recommendations, including 11 to the Secretary of Defense, three to the Secretary of the Army, six to the Secretary of the Navy, and three to the Secretary of the Air Force.

The Secretary of Defense, in collaboration with the Secretaries of the military departments, should expand the scope of the department's centralized database on problematic sexual behavior in children and youth, which is under development, to also track information on all incidents involving the abuse of a child (physical, sexual, emotional, and neglect) reported to the Family Advocacy Program or investigated by a military law enforcement organization, regardless of whether the offender was another child, an adult, or someone in a noncaregiving role at the time of the incident. (Recommendation 1)

The Secretary of Defense, in collaboration with the Secretaries of the military departments, should, as part of the ongoing development of the centralized database, identify and define the elements to be tracked by each responsible organization, such as the Family Advocacy Program and military law enforcement. (Recommendation 2)

The Secretary of Defense, in collaboration with the Secretaries of the military departments, should develop a plan for how it will use the data it will collect in the centralized database to help ensure data-driven decision-making is used to inform program efforts. (Recommendation 3)

The Secretary of Defense, in collaboration with the Secretaries of the military departments, should establish a reliable schedule for the development and implementation of the centralized database on problematic sexual behavior in children and youth that includes key activities, the timeframes and resources needed to execute them, and

GAO-identified practices for developing and maintaining a reliable schedule. (Recommendation 4)

The Secretary of Defense, in collaboration with the Secretaries of the military departments, should direct the service Family Advocacy Programs and military law enforcement organizations to document in their respective databases the date that they notified the other entity of a reported incident of child abuse. (Recommendation 5)

The Secretary of Defense, in collaboration with the Secretaries of the military departments, should issue guidance that describes the process through which the service Family Advocacy Programs are to receive and incorporate information into their central registries regarding child abuse allegations and determinations involving their servicemembers and dependents that were recorded by another service's installation Family Advocacy Program. Such guidance should include a mechanism to monitor that the process is occurring consistently. (Recommendation 6)

The Secretary of the Army should develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked. (Recommendation 7)

The Secretary of the Navy should develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked. (Recommendation 8)

The Secretary of the Navy should ensure that the Commandant of the Marine Corps develops a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked. (Recommendation 9)

The Secretary of the Air Force should develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked. (Recommendation 10)

The Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness, in coordination with the Director of the Department of Defense Education Activity, clarifies Department of Defense Education Activity guidance to define what types of incidents must be reported as “serious incidents” to help ensure that all serious incidents of which Department of Defense Education Activity leadership needs to be informed are accurately and consistently reported by school administrators. (Recommendation 11)

The Secretary of Defense, in collaboration with the Secretaries of the military departments, should expand the voting membership of the Incident Determination Committee to include medical personnel with the requisite knowledge and experience. (Recommendation 12)

The Secretary of the Army should establish efforts to comprehensively inform victims’ families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services. (Recommendation 13)

The Secretary of the Navy should establish efforts to comprehensively inform victims’ families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services. (Recommendation 14)

The Secretary of the Navy should ensure that the Commandant of the Marine Corps establishes efforts to comprehensively inform victims’ families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services. (Recommendation 15)

The Secretary of the Air Force should establish efforts to comprehensively inform victims’ families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services. (Recommendation 16)

The Secretary of Defense, in collaboration with the Secretaries of the military departments, should clarify, in guidance, the circumstances under which commanders may exercise their authority to remove a child from a potentially unsafe home on an overseas installation. (Recommendation 17)

The Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness, in coordination with the Director of the Defense Health Agency, establishes processes that help ensure children who are sexually abused overseas have timely access to a certified pediatric sexual assault forensic examiner to conduct the examination. Initiatives could include certifying pediatricians or adult sexual assault forensic examiners as pediatric examiners during mandatory training or establishing shared regional assets. (Recommendation 18)

The Secretary of Defense, in collaboration with the Deputy Attorney General, should seek avenues to improve communication between the military criminal investigative organizations and United States Attorneys for relevant cases involving child victims to help ensure that investigators are notified when prosecution is declined, including the reasons for the declination when appropriate, such as details about any investigative deficiencies. (Recommendation 19)

The Secretary of the Army should seek to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Army installations and thereby increase awareness of those services across the department. (Recommendation 20)

The Secretary of the Navy should continue to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Navy installations and thereby increase awareness of those services across the department. (Recommendation 21)

The Secretary of the Navy should ensure that the Commandant of the Marine Corps continues to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Marine Corps installations and thereby increase awareness of those services across the service. (Recommendation 22)

The Secretary of the Air Force should seek to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Air Force installations and thereby increase awareness of those services across the department. (Recommendation 23)

Agency Comments and Our Evaluation

We provided a draft of this report to DOD for review and comment. In its written comments, DOD concurred with 16 recommendations, partially concurred with six recommendations, and did not concur with one recommendation. DOD also provided technical comments (referred to as enclosure 1 in its written comments), which we incorporated as appropriate. DOD's written comments are summarized below and reprinted in appendix VI.

For the 16 recommendations with which DOD concurred, DOD's written comments discuss ongoing and planned efforts to implement our recommendations, and in some cases provide target completion dates.

DOD did not concur with our first recommendation to expand the scope of its centralized database on problematic sexual behavior in children and youth to track information on all incidents involving the abuse of a child reported to the FAP or investigated by a military law enforcement organization. In its written comments, DOD stated concerns related to privacy and protecting information collected and shared on the alleged conduct of juveniles. DOD also cited a statutory requirement to not disclose directly or indirectly certain juvenile records during the course of juvenile delinquency proceedings and stated that it is the department's position that it is imperative to protect sensitive juvenile data with any database. We agree that protecting sensitive juvenile data is imperative and acknowledge in the report that privacy and data-safeguarding precautions—such as role-based permissions and other physical, technical, and administrative controls—will need to be taken, as they were in the development of the Defense Sexual Assault Incident Database.

In addition, as discussed in the report, the department already maintains databases that include information about both adults and children, such as the service FAPs' central registries and the databases of the various military criminal investigative organizations, which contain data on both adult and juvenile offenders and victims. DOD does not assert that it would be impossible to establish role-based permissions and the sorts of physical, technical, and administrative controls that would protect the privacy rights of individuals whose information appeared in a central database like the one we recommend. Moreover, the existence of other DOD databases that incorporate such measures supports the notion that it is possible to develop such a database in this situation. Doing so would

provide the information needed to track the extent to which children have been affected by abuse and problematic sexual behavior, while safeguarding the personal information of minors.

DOD's written comments also stated that the report conflates three separate and distinct constructs of behavior: juvenile misconduct, problematic sexual behavior in children and youth, and child abuse and neglect committed by adults. As described in our scope and methodology, the scope of our review included child abuse inflicted by both adults and children, which, according to DOD definitions, includes the three categories of behavior noted above. As stated in our report, information is tracked in multiple standalone databases, due, in part, to who inflicted the abuse; as a result, it is difficult to know the extent to which children have been affected by abuse on military installations or as military dependents. In addition, while the response process differs between incidents of adult-inflicted child abuse and incidents of problematic sexual behavior, DOD officials acknowledged that the organizations involved in the response process and the primary data sources are the same. As we also noted, officials stated that a centralized database for all child abuse incidents, tracking the FAP's determination about whether an incident met DOD's criteria for abuse, the investigation, and resolution, would be beneficial in determining what happened in a particular case. These officials further stated that such a database would benefit commanders' oversight of cases for which they are responsible. In addition, without a centralized database that tracks all incidents of abuse involving children, DOD and Congress do not know the extent to which children have been affected by abuse on military installations or as military dependents, or how such incidents have been responded to and resolved. This makes it difficult to identify and address trends that could lead to further prevention efforts. As such, we continue to believe that this recommendation is valid and should be implemented.

DOD partially concurred with recommendation 5 to direct the service FAPs and military law enforcement organizations to document in their respective databases the date they notified the other entity of a reported incident of child abuse. In its written comments, DOD stated that it will analyze the efficiency, cost, and feasibility of recording the notification date to law enforcement in FAP databases and that it plans to incorporate a notification field as part of new data standards for DOD's criminal justice agencies. Similarly, DOD also partially concurred with recommendation 6 to issue guidance that describes the process through which the service FAPs receive and incorporate information into their central registries regarding child abuse allegations and determinations involving their

servicemembers and dependents that were recorded by another service's installation FAP, and that the guidance include a mechanism to monitor that the process is occurring consistently. DOD stated that it will review FAP data reporting policy to explore the potential to reference this process in the scheduled reissuance of DOD policy in 2023. DOD further stated that such information sharing is limited to reported incidents of child abuse that were determined to have met DOD's criteria for abuse rather than all abuse allegations. We continue to believe that issuing guidance that extends to both allegations and determinations would provide better assurance that the services have complete and up-to-date information about their personnel and their dependents, and increase their visibility over incidents of child abuse.

DOD partially concurred with recommendation 12 to expand the voting membership of the IDC to include medical personnel with the requisite knowledge and experience. In its written comments, DOD agreed that the inclusion and consideration of medical information in the determination process is important, and stated that the current process includes medical personnel as nonvoting members. DOD also stated that it will engage the researchers who developed the IDC algorithm and process, as well as other stakeholders—including the Defense Health Agency and the military services—for collaborative input and guidance for a forthcoming revision of the relevant DOD Manual. However, as discussed in the report, medical personnel we spoke with at installations stated that they are not always included in the process, and if they are, their medical expertise is not always included as part of the final determination, contrary to best practices for substantiating child abuse allegations. Further, if medical personnel are not voting members, other clinical duties may take precedence. Therefore, we continue to believe that this recommendation is valid.

For recommendations 13, 14, and 16, the Army, the Navy, and the Air Force concurred that they should establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process and available victim services. However, the Marine Corps partially concurred with the related recommendation 15, stating that it is out of scope for the FAP to explain the processes that law enforcement organizations will follow. However, our recommendations state only that the FAP and military law enforcement processes should be effectively communicated to the families, not that the FAP would have to determine or communicate the law enforcement processes to affected families. Further, DOD's written comments stated that Marine Corps

Order 1754.11 addresses the recommendation because it directs victim advocates to be assigned to the non-offending parent of a victim of child abuse who requests services. However, parents we spoke with indicated that they were not aware of all available services and resources offered by the military, and that a comprehensive guide outlining the process would have helped them understand what was going to happen. For these reasons, we continue to believe that the recommendation is valid.

For recommendations 20 through 23, DOD's written comments stated that the services concurred with the overall recommendation to seek to establish memorandums of understanding with the National Children's Alliance that make children's advocacy center services available to all military installations and thereby increase awareness of those services across the department. While the Marine Corps and the Air Force concurred (recommendations 22 and 23), DOD noted that individual service differences in organizational structure and process are reflected in the nuances of their responses. For example, the Army partially concurred with recommendation 20. DOD stated that the Army is working with the National Children's Alliance to develop a broad memorandum of understanding to support partnerships between military installations and local children's advocacy centers. The agreement is intended to assist in providing support services, education, and prevention services to military families and investigations of child abuse and problematic sexual behavior with a goal to finalize the agreement in fiscal year 2021. The Army also plans to pursue local agreements with children's advocacy centers who may not participate in the broader service-wide agreement. We believe that such local agreements, in addition to a broader memorandum of understanding with the National Children's Alliance, would be beneficial and that these actions would meet the intent of our recommendation.

Likewise, the Navy partially concurred with recommendation 21. DOD's written comments stated that the Navy seeks to develop memorandums of understanding both broadly with the National Children's Alliance, as well as with local children's advocacy centers who may not be accredited through the National Children's Alliance. Similar to the Army, we believe that such local agreements would be beneficial in addition to a broader agreement with the National Children's Alliance and, that together, they would meet the intent of our recommendation. DOD's comments also stated that the Navy's planned agreement with the National Children's Alliance will outline services and support to families affected by problematic sexual behavior. However, as previously discussed in this report, we believe that such an agreement should not be restricted to

problematic sexual behavior given the need for services associated with any type of abuse. As such, we continue to believe that the recommendation is valid.

We are sending copies of this report to the appropriate congressional committees, the Attorney General of the United States, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, and the Commandant of the Marine Corps. In addition, this report is available at no charge on the GAO website at http://www.gao.gov.

If you or members of your staff have any questions regarding this report, please contact me at (202) 512-3604 or farrellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made significant contributions to this report are listed in appendix VII.

Brenda S. Farrell
Director, Defense Capabilities and Management

Appendix I: Scope and Methodology

Department of Defense (DOD) policy defines child abuse as the physical, sexual, or emotional abuse, or neglect of a child by a parent, guardian, foster parent, or caregiver.[1] Our review included any abuse of a child (emotional, physical, or sexual abuse, or neglect) by an adult regardless of their caregiving status and child-on-child abuse—any physical or sexual abuse of a child (under the age of 18) by another child.[2]

To assess the extent to which DOD has visibility over reported incidents of child abuse, including child-on-child abuse, occurring on military installations or involving military dependents, we analyzed data from the three primary organizations that DOD officials identified as having responsibility for tracking these incidents: (1) the military services' Family Advocacy Programs (FAP), (2) the military criminal investigative organizations, and (3) the DOD Education Activity (DODEA).

First, we analyzed FAP data from the Army, the Navy, the Marine Corps, and the Air Force on all reported incidents of child abuse for fiscal years 2014 through 2018. We selected this timeframe to evaluate trends over 5 years, and fiscal year 2018 was the most recent year for which complete data were available at the time of our review. Specifically, we analyzed the data to determine the number of reported incidents of child abuse by service and the percent of those that met DOD's criteria for child abuse. Because the services are required to track more detailed information about incidents of child abuse that they determined met DOD's criteria for child abuse, we conducted a more detailed analysis of these incidents to describe their characteristics, such as the status of the offender, the

[1]DOD defines child abuse as the physical or sexual abuse, emotional abuse, or neglect of a child by a parent, guardian, foster parent, or by a caregiver, whether the caregiver is intrafamilial or extrafamilial, under circumstances indicating the child's welfare is harmed or threatened. Such acts by a sibling, other family member, or other person shall be deemed to be child abuse only when the individual is providing care under express or implied agreement with the parent, guardian, or foster parent. DOD Instruction 6400.01, *Family Advocacy Program* (FAP) (May 1, 2019).

[2]According to DOD officials, DOD does not have a term that encompasses both the physical and sexual abuse of a child by another child. We use the term child-on-child abuse to refer to any physical or sexual abuse of a child (under the age of 18) by another child.

relationship between the offender and the victim, the age of the victim, and the type of abuse (emotional, physical, sexual, or neglect). To assess the reliability of the service FAPs' child abuse data, we reviewed related documentation; assessed the data for errors, omissions, and inconsistencies; and interviewed officials. We determined that the data were sufficiently reliable to describe trends in reported incidents of child abuse across the services and characteristics of such incidents from fiscal years 2014 through 2018.

Second, we analyzed data from the military criminal investigative organizations—the Army Criminal Investigation Command, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations—for the same time period for all investigations with a child victim. We also analyzed child victim investigation data from the U.S. Marine Corps Criminal Investigation Division, a federal law enforcement agency that also investigates some offenses involving child victims. Specifically, we analyzed the data to identify trends in the number of investigations over the past 5 fiscal years. We also analyzed the investigation data to identify key characteristics of the investigations, such as the status of the offender, relationship between the victim and offender, and primary investigative agency. To assess the reliability of the military criminal investigative organizations' child victim investigation data, as well as that of the U.S. Marine Corps Criminal Investigation Division, we assessed the data for errors, omissions, and inconsistencies, and interviewed officials. We determined that the data were sufficiently reliable to describe trends in child victim investigations across the services and the characteristics of such investigations from fiscal years 2014 through 2018.

Third, we analyzed three sources of DODEA data: (1) child abuse reports from school years 2014-2015 through 2017-2018, (2) serious incident reports from school years 2013-2014 through 2017-2018, and (3) student misconduct records from school years 2016-2017 through 2017-2018. We selected these timeframes to evaluate serious incident report trends over 5 years and to align with the FAP and investigation data; school year 2017-2018 was the most recent year for which complete data were available at the time of our review.[3] All DODEA records were redacted by

[3]We analyzed child abuse report data for school years 2014-2015 through 2017-2018 because the data for school year 2013-2014 could not easily be provided.

DODEA personnel to ensure the privacy of students and DODEA personnel.

DODEA child abuse reports track information about incidents of suspected or alleged child abuse or neglect.[4] We analyzed DODEA's child abuse reports over 4 school years to identify trends in the number and type of child abuse reports as well as to describe characteristics of the reports. Specifically, we analyzed characteristics such as the relationship between the victim and the offender, the location of the reported abuse, and notifications by DODEA to external organizations, such as the FAP. To assess the reliability of DODEA's child abuse reports, we reviewed related documentation; assessed the data for errors, omissions, and inconsistencies; and interviewed officials. We determined that the data were sufficiently reliable to describe trends in and characteristics of child abuse reports from school years 2014-2015 through 2017-2018.

DODEA serious incident reports track information about alleged or suspected serious incidents resulting in consequences greater than those normally addressed through routine administrative actions.[5] We analyzed DODEA's serious incident reports relating to child-on-child abuse—involving a violation of law or a sexual event—over the past 5 school years to identify trends in the number and type of serious incident reports as well as to describe characteristics of the reports. Specifically, we analyzed the type of serious incident (assault/battery, child pornography, nonconsensual sexual contact, etc.), whether police were notified, whether the police investigated, and the type of school filing the report. To assess the reliability of DODEA's serious incident reports, we reviewed related documentation; assessed the data for errors, omissions, and inconsistencies; and interviewed officials. We determined that the data were sufficiently reliable to describe trends in and characteristics of serious incident reports from school years 2013-2014 through 2017-2018,

[4]Department of Defense Education Activity (DODEA) guidance defines child abuse as the physical injury, sexual maltreatment, emotional maltreatment, deprivation of necessities, or combinations for a child by an individual responsible for the child's welfare under circumstances indicating that the child's welfare is harmed or threatened. The term encompasses both acts and omissions on the part of the responsible person. DODEA Regulation 3030.01, *DODEA Incident Reporting Program* (May 21, 2019).

[5]DODEA guidance defines a serious incident as an event or allegation that impacts school readiness, or the health, safety, and security of DODEA affiliated personnel, facilities, and property resulting in consequences greater than those normally addressed through routine administrative or preventive maintenance actions. DODEA Regulation 3030.01, *DODEA Incident Reporting Program* (May 21, 2019).

and to compare serious incident reports to DODEA student misconduct records from school years 2016-2017 through 2017-2018.

DODEA's student misconduct records are separate from child abuse reports and serious incident reports—but may also be filed in relation to a serious incident—and track information regarding disciplinary actions and the triggering incident, such as an abusive or indecent act. We requested and received all redacted DODEA student misconduct records over the past 5 school years that involved at least one of 26 incident types that we determined, through conversations with DODEA officials familiar with the records, could relate to a child-on-child serious incident. We received over 26,000 records, some of which related to the same incident, for example, according to DODEA officials, when more than one student was involved. For school years 2016-2017 and 2017-2018, we conducted a content analysis of the student misconduct records, using DODEA's Serious Incident Reporting Procedures, to determine the number of student misconduct records that school administrators, using that guidance, could have reasonably categorized as a violation of law or sexual event and filed a serious incident report.[6] We selected these 2 school years for the analysis because DODEA's updated serious incident reporting guidance was issued in August 2016 and was in place for both school years.

Because of the large number of DODEA student misconduct records, we conducted our content analysis in two stages. We first conducted an electronic search to identify potentially-relevant records and then conducted a manual review of all potentially-relevant records. One of our data analysts electronically searched the student misconduct record descriptions for key terms that could potentially signify that the incident was of a nature serious enough to warrant the filing of a serious incident report, per DODEA guidance. We selected the search terms using the DODEA guidance (e.g., assault, battery, and rape); additional terms that may signify a medical or police response (e.g., nurse, ambulance, blood, and police) because incidents resulting in an injury may be considered to be serious incidents per the guidance; and terms for common social media outlets (e.g., Facebook and Snapchat) because taking or sharing nude photos of another student without their knowledge is an example of a noncontact sexual act that should result in the filing of a serious incident report. This search resulted in 2,619 student misconduct records—after

[6]DODEA Procedural Guide 5760.01-01, *Serious Incident Reporting Procedures* (Aug. 24, 2016).

removing duplicate records—that we then manually reviewed. It is possible that we did not identify some student misconduct records that could have been categorized as serious incidents because we did not include some search terms that would have identified more.

Two analysts independently reviewed each of the 2,619 student misconduct records, using the DODEA guidance, and recorded their determination that a record (a) could have been classified as a serious incident report per DODEA's guidance, (b) was unclear whether it could be classified as a serious incident report, or (c) should not have been classified as a serious incident report per DODEA's guidance. For records where the two analysts did not initially agree on a determination, they met and discussed the records and reached a final determination. We then compared the number of student misconduct records which we determined school administrators, using the guidance, could have reasonably categorized as a violation of law or sexual event and filed a serious incident report with the number of serious incidents recorded by DODEA for the same time period to determine the extent of DODEA's visibility into serious incidents. We discussed the student misconduct records, the content analysis, and the comparison to serious incident reports with DODEA officials.

Further, we interviewed relevant DOD and service officials at the headquarters level and at a nongeneralizable sample of seven military installations to identify how DOD tracks reported incidents of child abuse from the time of a report to an ultimate adjudication, including how information is communicated within and across the services. We selected at least one installation per service as well as two joint installations, and selected locations based on the number of reported child abuse incidents and the number of investigated child-on-child abuse incidents over the past 5 fiscal years, as well as other factors.[7] Specifically, we selected installations that over the past 5 fiscal years had a high number of reported incidents of child abuse or a high number of child-on-child abuse investigations—or both—in order to maximize the possibility we would interview officials, responders, and care providers who had responded to reported incidents of child abuse. Other selection factors included a mix of types of legislative jurisdiction (such as exclusive and concurrent jurisdiction), at least some installations with DODEA schools, a high number of DODEA serious incident reports, and a mix of geographic

[7]We conducted visits to Fort Bragg and Joint Base Lewis-McChord (Army), Naval Station Norfolk and Commander Fleet Activities Yokosuka (Navy), Yokota Air Base and Joint Base Elmendorf-Richardson (Air Force), and Camp Lejeune (Marine Corps).

locations in the United States and overseas. Because we did not select locations using a statistically representative sampling method, the comments provided during our interviews with installation officials are nongeneralizable and therefore cannot be projected across DOD or a service, or any other installations. While the information obtained was not generalizable, it provided perspectives from installation officials that have assisted with the response to reported incidents of child abuse. We compared information from our data analyses and interviews to DOD guidance; GAO-identified practices for developing and maintaining a reliable schedule; GAO-identified leading practices for results-oriented management; and *Standards for Internal Control in the Federal Government* related to quality information, control activities, and monitoring activities.[8]

To assess the extent to which DOD has developed and implemented policies and procedures to respond to and resolve incidents of child abuse, including child-on-child abuse, occurring on military installations or involving military dependents, we reviewed relevant DOD and service policies, guidance, reports, and memoranda on child abuse, juvenile misconduct, and problematic sexual behavior in children and youth. We also conducted work at a nongeneralizable sample of seven military installations in the United States and overseas. At the installations, we interviewed FAP personnel, medical and mental health personnel, military law enforcement officials, legal personnel, Special Assistant United States Attorneys, military criminal investigators, chaplains, child development center personnel, school liaison officers, military family life counselors, DODEA personnel, and commanders about how they prevent, track, respond to, and resolve these incidents.

To obtain the perspectives of parents and guardians of children who have been affected by abuse on military installations or while they were military dependents (either by an adult or another child), we interviewed 20 parents and guardians by phone that volunteered to speak with us about their perspectives on available resources and assistance, case

[8]Department of Defense (DOD) Manual 6400.01, Vol. 3, *Family Advocacy Program (FAP): Clinical Case Staff Meeting (CCSM) and Incident Determination Committee (IDC)* (Aug. 11, 2016); GAO, *GAO Cost Estimating and Assessment Guide: Best Practices for Developing and Managing Capital Program Costs*, GAO-09-3SP (Washington, D.C.: Mar. 2, 2009); GAO, *Managing for Results: Enhancing Agency Use of Performance Information for Management Decision Making,* GAO-05-927 (Washington, D.C.: Sept. 9, 2005); and GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Washington, D.C.: Sept. 10, 2014).

communication, and the investigative and adjudicative processes.[9] To develop the interview protocol for parents and guardians, we reviewed DOD and service policies, interviewed DOD officials, and reviewed our prior work related to sexual assault in the military.[10] We also consulted with a GAO mental health professional on the appropriateness of the instrument as well as guidance on resources to offer participants if relevant. A survey specialist helped to design the interview protocol, another survey specialist reviewed it for methodological issues, and an attorney reviewed it for legal terminology and any other issues. Prior to interviewing parents and guardians, we pretested the interview protocol with three analysts who had children and had experience as a military servicemember or military dependent. We used the pretests to determine whether: (1) the questions were clear, (2) the terms used were precise, (3) respondents were able to provide information that we were seeking, and (4) the questions were unbiased. We made changes to the content and format of the interview protocol based on the results of our pretesting.

Further, each team member was trained on the interview protocol to assure its consistent implementation across interviewers and participants. Due to the sensitivity of the information being discussed, we took several steps to help ensure a confidential and safe environment during the phone interviews. All information provided was handled confidentially—callers' names and contact information were not recorded in our notes and we did not audio record the interviews. We conducted interviews from June to September 2019. We took interview notes on paper and later entered them into a Microsoft Word form. Data entry was verified by the same analyst. The data were electronically extracted from the Word forms into a comma-delimited file that was then imported into Excel for analysis.

We summarized the answers to questions about the characteristics of the incidents discussed, such as whether the offender was a child or an adult,

[9]We announced our interest in anonymously interviewing parents and guardians of children affected by abuse on military installations or while they were military dependents and provided a toll-free telephone number and email address for volunteers to contact us. DOD Military Community and Family Policy officials, who are responsible for Military OneSource—a 24/7 connection for military families to information, answers and support—agreed to post our announcement on the Military OneSource website. We also posted our announcement on our agency social media platforms and disseminated it through officials at some of the installations we visited. Our call for volunteers was also featured in an article by a military-focused news outlet.

[10]The questionnaire we used to conduct voluntary interviews with parents and guardians is included in its entirety in appendix II.

the location of the incident, the military dependent status of the victim, and the servicemember status of the offender.[11] Quantitative data analyses were conducted by one analyst and verified by a second analyst. We also conducted a content analysis of the narrative information to identify common themes related to items such as parents' awareness of available victim services, the clarity of the response process, and areas for improvement. Two analysts reviewed the data collected from the interviews and agreed on the themes into which callers' comments would be categorized. Standardized coding instructions were developed and tested. One analyst reviewed all the callers' narrative comments and indicated in the spreadsheet if a theme was present or absent. A different analyst reviewed the first analyst's coding to see if they reached the same determination. For records where the two analysts did not initially agree on a determination, they met and discussed the records and reached a final determination. The codes were then counted to assess how many callers mentioned a given theme. Because we did not select participants using a statistically representative sampling method, the perspectives obtained are nongeneralizable and therefore cannot be projected across DOD, a military service, or installation. While the information obtained was not generalizable, it provided perspectives from parents and guardians who were willing to discuss their experiences with the reporting, response, and resolution processes.

Additionally, we observed each service's Incident Determination Committee (IDC) process—through which installations determine whether an incident meets DOD's criteria for child abuse—at a total of four

[11]Of the 20 interviews we conducted: (1) Nine callers had an association with the Army, two with the Navy, four with the Marine Corps, three with the Air Force, one was a DOD civilian, and one preferred not to answer; (2) Eight of the reported incidents of abuse involved a servicemember offender, nine involved a child offender who was under 18 at the time of the reported incident; two involved a non-servicemember adult offender; and one preferred not to answer (3) Nine of the reported incidents involved an offender who was a parent, guardian or someone in a caregiving role at the time of the reported incident; (4) 14 of the reported incidents of abuse occurred on the property of a military installation; and (5) 18 of the reported incidents of abuse involved a victim who was a military dependent at the time of the reported incident. We conducted two additional interviews with callers whose situations were not within the scope of our review; as such, we did not include these interviews in our analysis.

installations.[12] We also attended a symposium hosted by the National Center on Sexual Exploitation on problematic sexual behavior in children and youth. We compared the information from the selected installations, observations, and interviews to GAO-developed practices to enhance and sustain collaboration in interagency groups, Department of Justice (DOJ) best practices for sexual assault forensic examination kits, and *Standards for Internal Control in the Federal Government* related to quality information.[13]

To assess the extent to which DOD collaborates with other governmental and nongovernmental organizations to address incidents of child abuse, including child-on-child abuse, occurring on military installations or involving military dependents, we reviewed written agreements in place with civilian organizations at the nongeneralizable sample of U.S. installations in our review, such as agreements with local civilian law enforcement and state and local child welfare agencies about how incidents of child abuse on the installation are to be addressed. We also interviewed relevant officials from civilian organizations near the five U.S. installations in our review, such as state child welfare agencies, law enforcement organizations, prosecuting attorneys offices, and children's advocacy centers (CAC) to determine the extent of their collaboration with the military and any related challenges.[14] In addition, we interviewed a senior official from the Defense State Liaison Office regarding their outreach to states to increase information sharing with state child welfare agencies. Further, we interviewed DOJ officials regarding the prosecution of juvenile crimes committed on overseas installations and on some U.S.

[12]We observed the Incident Determination Committee (IDC) process at Fort Belvoir (Army), Naval Station Norfolk (Navy), Marine Corps Base Quantico (Marine Corps), and Joint Base Andrews (Air Force). According to Army officials, Fort Belvoir is not scheduled to implement the IDC process until fiscal year 2020 at the earliest and as such, we instead observed the installation's Case Review Committee equivalent, which provided a comparison of the two processes.

[13]GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies,* GAO-06-15 (Washington, D.C.: Oct. 21, 2005); Department of Justice, *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach* (2017); and GAO-14-704G.

[14]Children's Advocacy Centers in the United States are civilian organizations that coordinate the investigation, treatment, and prosecution of child abuse cases by utilizing multidisciplinary teams of professionals involved in child protective and victim advocacy services, law enforcement and prosecution, and physical and mental health. The National Children's Alliance is the national association and accrediting body for Children's Advocacy Centers.

installations and its coordination with DOD to address these incidents. Finally, we contacted officials from the National Children's Alliance, which accredits CACs, about its efforts with DOD to improve collaboration between the military and CACs. We compared the agreements and information obtained through interviews with DOJ Principles of Federal Prosecution, GAO-developed key considerations for interagency collaborative mechanisms, and *Standards for Internal Control in the Federal Government* related to quality information.[15]

Tables 2 and 3 present the DOD and non-DOD organizations we visited or contacted during our review to address our three objectives.

Table 2: DOD Locations Visited or Contacted by GAO

Organization	Location visited or contacted
Department of Defense (DOD)	• Armed Forces Center for Child Protection, Walter Reed National Military Medical Center, Maryland • DOD Education Activity, Virginia • DOD Office of General Counsel, Washington, D.C. • DOD Office of Inspector General, Virginia • Defense Health Agency, Virginia • Defense State Liaison Office, Washington, D.C. • Family Advocacy Program (FAP), Virginia
Department of the Army	• Army Criminal Investigation Command, Marine Corps Base Quantico. Virginia • Army FAP, Washington, D.C. • Fort Belvoir, Virginia • Fort Bragg, North Carolina • Joint Base Lewis-McChord, Washington • U.S. Army Installation Management Command, Joint Base San Antonio, Texas • U.S. Army Military Police School, Fort Leonard Wood, Missouri • U.S. Army Office of the Judge Advocate General, Washington, D.C. • U.S. Army Office of the Provost Marshal General, Washington, D.C.
Department of the Navy	• Command Fleet Activities Yokosuka, Japan • Commander, Navy Installations Command, Washington, D.C. • Naval Criminal Investigative Service, Marine Corps Base Quantico, Virginia • Navy FAP, Washington, D.C. • Norfolk Naval Base, Virginia • Office of the Judge Advocate General, Washington, D.C.

[15]Department of Justice (DOJ), *Justice Manual, Title 9: Criminal Principles of Federal Prosecution* (February 2018); GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms,* GAO-12-1022 (Washington, D.C.: Sept. 27, 2012); and GAO-14-704G.

Organization	Location visited or contacted
United States Marine Corps	• Marine Corps Base Camp Lejeune, North Carolina • Marine Corps Base Quantico, Virginia • Marine Corps Criminal Investigation Division, Washington, D.C. • Marine Corps FAP, Virginia • Military Justice Branch, Judge Advocate Division, Washington, D.C.
Department of the Air Force	• Air Force FAP, Joint Base San Antonio, Texas • Air Force Legal Operations Agency, Joint Base Andrews, Maryland • Air Force Office of Special Investigations, Marine Corps Base Quantico, Virginia • Air Force Security Forces, Washington, D.C. • Joint Base Andrews, Maryland • Joint Base Elmendorf-Richardson, Alaska • Office of the Judge Advocate General, Washington, D.C. • Yokota Air Base, Japan

Source: GAO. I GAO-20-110

Table 3: Non-DOD Organizations Visited or Contacted by GAO

Category	Organization
Department of Justice	• Criminal Division, Washington, D.C. • Executive Office for United States Attorneys, Washington, D.C. • Office of Juvenile Justice and Delinquency Prevention, Washington, D.C. • Office of the Deputy Attorney General, Washington, D.C.
Department of Health and Human Services	• Centers for Disease Control and Prevention, Georgia • National Institutes of Health, Maryland
State/local governmental organizations	• Alaska Office of Children's Services, Alaska • Anchorage Police Department, Alaska • Jacksonville Police Department, North Carolina • Child Protective Services, Norfolk Department of Human Services, Virginia • Onslow County Department of Social Services, North Carolina • Onslow County Sheriff's Office, North Carolina • Pierce County Prosecuting Attorney's Office, Washington • Washington State Department of Children, Youth and Families, Washington
Nongovernmental organizations	• Alaska CARES, Alaska • Child Advocacy Center, Inc., North Carolina • Children's Advocacy Center of Pierce County, Washington • Children's Hospital of the King's Daughter - Child Abuse Program, Virginia • Monarch Children's Justice & Advocacy Center, Washington • National Children's Alliance, Washington, D.C • Onslow County Child Advocacy Center, Inc., North Carolina

Source: GAO. I GAO-20-110

We conducted this performance audit from January 2019 to February 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Questionnaire for Interviews with Parents and Guardians of Children Affected by Abuse on Military Installations or While They Were Military Dependents

To obtain the perspectives of parents and guardians of children affected by abuse on military installations or while they were military dependents, we interviewed parents and guardians who volunteered to speak with us about their perspectives on available resources and assistance, case communication, and the investigative and adjudicative processes. We announced our interest in anonymously interviewing parents and guardians of children affected by abuse on military installations or while they were military dependents and provided a toll-free telephone number and email address for volunteers to contact us. Department of Defense Military Community and Family Policy officials, who are responsible for Military OneSource—a 24/7 connection for military families to information, answers and support—agreed to post our announcement on the Military OneSource website. We also posted our announcement on our agency social media platforms and disseminated it through officials at some of the installations we visited. It was also featured in an article by a military-focused news outlet. Further details about our methodology for these interviews can be found in appendix I. The interview questionnaire follows.

I. Background Information

1. In what state are you currently located, or if you're overseas, in what country? _____
2. Are you currently, or were you previously, associated with a particular military service, including as a military dependent?

   Yes ☐ ➔ Which service? _____

   No ☐

3. Are you calling about abuse that your child experienced, or a child for whom you are a guardian experienced, or are you calling about someone else's child's experience?

   My child/a child for whom I am a guardian ☐ ➔ *Go to Question 4*

   Someone else's experience ☐ ➔ *End discussion*

4. In what year did the abuse occur?

   (If multiple years, write the range.) Year provided ☐ ➔ _____

   Don't Know ☐

   Prefer not to answer ☐

5. Was the abuse reported to any military or civilian government office?

   Yes ☐ ➔ *Continue to "a"*

   No ☐ ➔ *End discussion*

   Don't Know ☐ ➔ *End discussion*

   Prefer not to answer ☐ ➔ *End discussion*

   a. In what year was the abuse first reported?

      Year provided ☐ _____

      Don't Know ☐

      Prefer not to answer ☐

6. Did the abuse occur on the property of a military installation, including in military housing?

   Yes ☐ ➔ What installation was it? _____

   No ☐

   Don't Know ☐

   Prefer not to answer ☐

   a. Was the child who was affected by abuse a military dependent at the time of the incident?

      Yes ☐ ➔ *Continue to Q7*

      No ☐ ➔ *If "no" here and Q6 above is no, don't know, or prefer not to answer, End discussion*

Don't Know ☐ ➔ *If "don't know" here and Q6 above is no, don't know, or prefer not to answer, End discussion*

Prefer not to answer ☐ ➔ *If "prefer not to answer" here and Q6 above is no, don't know, or prefer not to answer, End discussion*

7. Did the abuse occur in a child care facility, a home, a DOD school, or somewhere else?
Interviewer: Check all they mention

Home ☐

DOD school ☐

Child care facility ☐

Other ☐ ➔ Where? _____

Don't Know ☐

Prefer not to answer ☐

a. *(Skip if the abuse occurred on an installation and the installation was provided in Q6)*
In what state or country did the abuse occur?

_____

Don't Know ☐

Prefer not to answer ☐

8. Was the individual who perpetrated the abuse a servicemember at the time of the incident?

Yes ☐ ➔ *Skip to Q9*

No ☐ ➔ *Continue to "a"*

Don't Know ☐ ➔ *Continue to "a"*

Prefer not to answer ☐ ➔ *Continue to "a"*

a. Was the individual who perpetrated the abuse another child under the age of 18 at the time of the incident?

Yes ☐

No ☐

Don't Know ☐

Prefer not to answer ☐

9. Was the individual who perpetrated the abuse a parent, guardian, foster parent, or someone in a caregiving role at the time of the incident, including an older sibling babysitting, or a teacher, etc.?

Yes ☐

No ☐

Don't Know ☐

Prefer not to answer ☐

II. Reporting

10. What organization was the abuse first reported to? For example, was it first reported to the Family Advocacy Program, military law enforcement, military criminal investigators, civilian law enforcement, the chain of command, Child Protective Services, or some other organization?

Family Advocacy Program (FAP) ☐ ➔ *Continue to "a"*

Military law enforcement (Security Forces, Military Police, Provost's Office, Master-at-Arms, etc.) ☐ ➔ *Continue to "a"*

Military criminal investigators (CID, OSI, NCIS, Marine Corps CID) ☐ ➔ *Continue to "a"*

Civilian law enforcement ☐ ➔ *Continue to "a"*

Chain of Command (to include Commander, Unit, Wing, etc.) ☐ ➔ *Continue to "a"*

Child Protective Services (CPS) ☐ ➔ *Skip to "b"*

Chaplain ☐ ➔ Did you or the chaplain report the abuse to any other military or civilian government organization?

Yes ☐ ➔ What office?

No ☐ ➔ *End discussion*

Don't Know ☐ ➔ *End discussion*

Other ☐ ➔ What office? _____ *then continue to "a"*

a. [Skip if CPS was checked in Q10]:

Was the abuse ever reported to a civilian Child Protective Services agency?

Yes ☐ ➔ *Continue to "b"*

No ☐ ➔ *Continue to "b"*

Don't Know ☐ ➔ *Continue to "b"*

Prefer not to answer ☐ ➔ *Continue to "b"*

b. [Skip if FAP was checked in Q10]:

Was the abuse ever reported to the Family Advocacy Program?

Yes ☐ ➔ *Continue to Q11*

No ☐ ➔ *Continue to "c"*

Don't Know ☐ ➔ *Continue to "c"*

Prefer not to answer ☐ ➔ *Continue to "c"*

c. [Skip if FAP was checked in Q10]:

Had you ever heard of the Family Advocacy Program before this interview?

Yes ☐

No ☐

Don't Know ☐

Prefer not to answer ☐

11. Are you aware that the Family Advocacy Program is responsible for assessing and providing support services to military families affected by child abuse?

Yes ☐
No ☐
Don't Know ☐
Prefer not to answer ☐

12. *(If child was abused by a parent/guardian/foster parent/someone in a caregiving role—If Q9 = Yes)* Were you notified by the Family Advocacy Program about whether the incident was considered to be child abuse, according to DOD criteria and policy?

Yes ☐ ➔ *Continue to "a"*
No ☐ ➔ *Skip to "Response to Abuse" section*
Don't Know ☐ ➔ *Skip to "Response to Abuse" section*
Prefer not to answer ☐ ➔ *Skip to "Response to Abuse" section*

a. Was the Family Advocacy Program's process for assessing the report of abuse and determining whether it met criteria to be considered child abuse clear to you?

Yes ☐
Somewhat ☐
No ☐
Don't Know ☐
Prefer not to answer ☐

b. Is there anything that the Family Advocacy Program could do to clarify the process or make the process clearer?

_____

_____

_____

III. Response to Abuse

13. Did the child or family receive any services from the military related to the abuse, for example, psychological or legal counseling or medical care?

Yes ☐ ➔ *Continue to "a"*

No ☐ ➔ *Skip to Q14*

Don't Know ☐ ➔ *Skip to Q14*

Prefer not to answer ☐ ➔ *Skip to Q14*

a. What services did the child or family receive from the military?

_____

_____

_____

b. What, if any, services provided by the military were particularly helpful?

_____

_____

_____

c. What, if any, services were provided by the military but did not meet your family's needs?

_____

_____

_____

i. Why didn't those services meet your family's needs?

_____

_____

_____

d. What, if anything, could be improved about the services you received from the military, such as the services themselves, or the ease of access or timeliness of the services provided?

_____

_____

_____

14. Were there services that your child or family were offered by the military, but that you did not receive, either because you did not need them or because of some other factor?

Yes ☐ ➔ *Continue to "a"*

No ☐ ➔ *Skip to Q15*

Don't Know ☐ ➔ *Skip to Q15*

Prefer not to answer ☐ ➔ *Skip to Q15*

a. What type of services were offered but not received?

_____

_____

_____

b. Why did you not receive these services—for example, was it by choice or was there some factor that prevented you from receiving them?

_____

_____

_____

15. Did your child or family receive any services from civilian organizations or providers related to the abuse, for example, psychological or legal counseling or medical care?

Yes ☐ ➔ *Continue to "a"*
No ☐ ➔ *Skip to Q16*
Don't Know ☐ ➔ *Skip to Q16*
Prefer not to answer ☐ ➔ *Skip to Q16*

a. What services did your child or family receive from civilian organizations or providers?

_____

_____

_____

16. Were there any services—either through the military or a civilian agency—that you think would have been helpful, but were not available?

Yes ☐ ➔ *Continue to "a"*
No ☐ ➔ *Skip to Q17*
Don't Know ☐ ➔ *Skip to Q17*
Prefer not to answer ☐ ➔ *Skip to Q17*

a. What services?

_____

_____

_____

IV. Investigation/Resolution of Abuse

17. Was the incident of abuse investigated by any law enforcement organization, including military or civilian law enforcement? For example, was the incident of abuse investigated by the military police, a military investigative organization, civilian state or local law enforcement, the Federal Bureau of Investigation, or some other law enforcement organization?

Yes ☐ ➔ *Continue to "a"*

No ☐ *Skip to "Miscellaneous Questions" section*

Don't Know ☐ *Skip to "Miscellaneous Questions" section*

Prefer not to answer ☐ *Skip to "Miscellaneous Questions" section*

a. What law enforcement organization or organizations conducted an investigation? If more than one law enforcement organization conducted an investigation, please tell me all the organizations.
Military police (Security Forces, Military Police, Provost's Office, Marshal-at-Arms, etc) ☐

Military investigative organization (CID, OSI, NCIS, Marine Corps CID) ☐

Civilian state/local law enforcement ☐

Federal Bureau of Investigation ☐

Other ☐ _____

Don't Know ☐

Prefer not to answer ☐

18. (If military conducted an investigation, see response to Q17a) What type of information did you receive from the investigating military organization during the course of the investigation, if any, such as status updates by phone, e-mail, or letter?

_____

_____

_____

a. Did you have a point of contact that you could reach out to at the investigating military organization with any questions or for status updates?

Yes ☐

No ☐

Don't Know ☐

Prefer not to answer ☐

19. After the investigation ended, were you informed about the outcome or informed of any next steps regarding any potential criminal or administrative action against the individual that perpetrated the abuse?

Yes ☐ ➔ *Continue to "a"*

Somewhat/partially ☐ ➔ *Continue to "a"*

No ☐ ➔ *Skip to Q20*

Don't Know ☐ ➔ *Skip to Q20*

Prefer not to answer ☐ ➔ *Skip to Q20*

a. Did you have a point of contact that you could reach out to with any questions about the outcome of the investigation or next steps?

Yes ☐

No ☐

Don't Know ☐

Prefer not to answer ☐

V. Miscellaneous/Closing Questions

20. What, if anything, would you recommend that DOD or the military services do to be more responsive to families of children who have been affected by abuse on military installations or as military dependents?

    _____

    _____

    _____

21. What, if anything, would you recommend DOD or the military services do to help *prevent* child abuse or child-on-child abuse?

    _____

    _____

    _____

22. Is there anything related to child abuse on military installations or of military dependents that we did not discuss but you think we should be aware of?

    _____

    _____

23. One last question: Was there anyone else present with you during any part of our conversation?

    Yes ☐ *Continue to "a"*

    No ☐ *Skip to final closing statements below*

    Prefer not to answer ☐ *Skip to final closing statements below*

    a. Who was present?

    _____

Appendix III: Characteristics of Incidents of Child Abuse Reported to the Military Services' Family Advocacy Programs, Fiscal Years 2014-2018

Each military service's Family Advocacy Program (FAP) has a database—referred to as the "central registry"—where it tracks (1) reports of abuse that did not meet the Department of Defense's (DOD) criteria for child abuse, about which no identifiable individual information is tracked; and (2) information on reports of abuse that met DOD's criteria for abuse, which is linked to identifiable servicemembers, their family members, and the alleged offenders. Per DOD guidance, the services are to track 46 data elements on all reported incidents of child abuse that met DOD's criteria for abuse.[1] The service FAPs only track information in their central registries related to child abuse where the offender was a parent, guardian, foster parent, or someone in a caregiving role. The following describes key characteristics of incidents of child abuse that met DOD's criteria for abuse as reported to the Army, the Navy, the Marine Corps, and the Air Force FAPs from fiscal years 2014 through 2018.

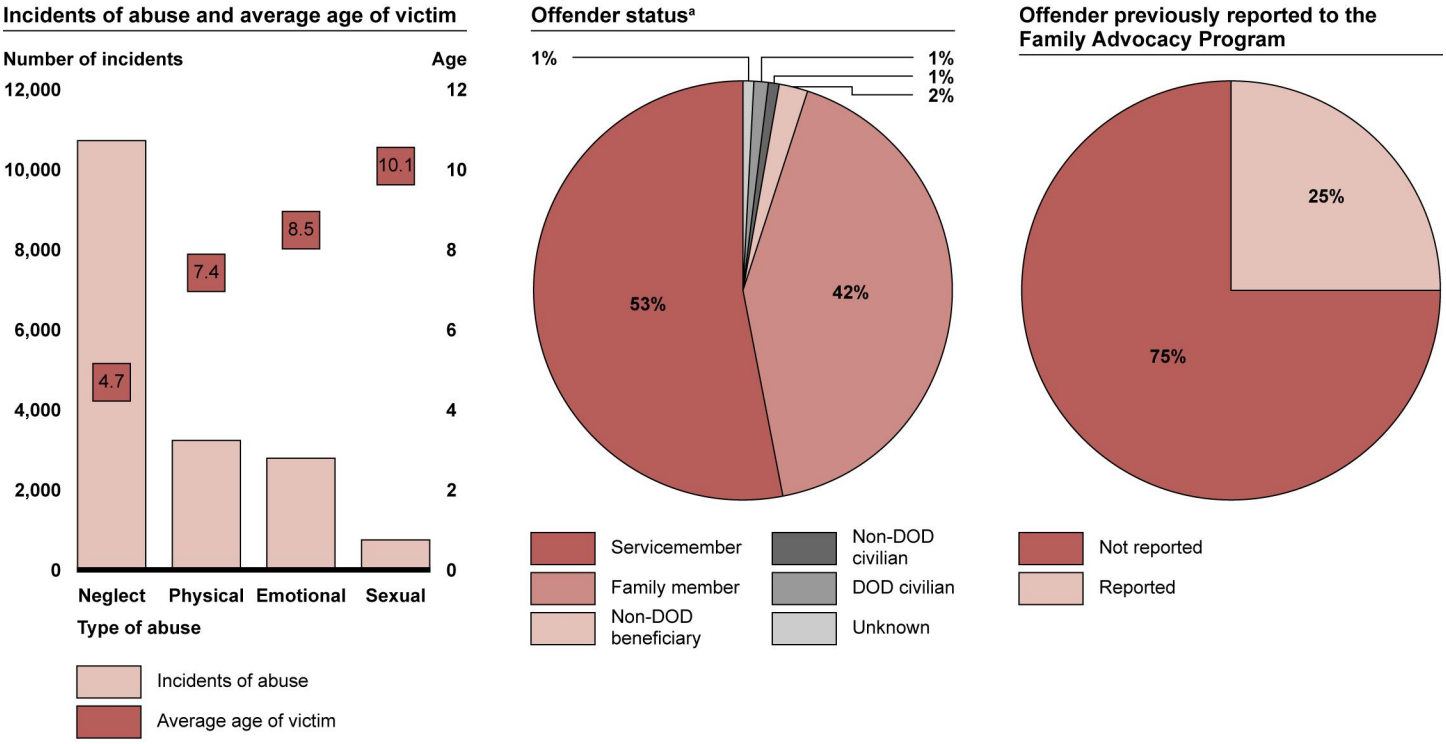
Army FAP. Over the past 5 fiscal years, the Army FAP recorded 32,386 reported incidents of child abuse, of which 50 percent met DOD's criteria for child abuse. Of the incidents that met DOD's criteria for abuse, 66 percent involved neglect, 20 percent involved physical abuse, 17 percent involved emotional abuse, and 5 percent involved sexual abuse.[2] The majority of incidents (97 percent) were intrafamilial—meaning that the victim and the offender were from the same family, such as a parent or sibling—and 2 percent of the incidents were extrafamilial or external to

[1]Department of Defense (DOD) Manual 6400.01, Vol. 2, *Family Advocacy Program (FAP): Child Abuse and Domestic Abuse Incident Reporting System* (Aug. 11, 2016).

[2]Some reported incidents of child abuse involved more than one type of abuse and therefore totals exceed 100 percent.

the family, such as a babysitter or a childcare provider. Half of the victims and 52 percent of the offenders were male. In addition, a quarter of offenders had prior FAP cases related to child abuse or domestic abuse that met DOD's criteria for abuse. Figure 6 depicts characteristics of incidents reported to the Army FAP that met DOD's criteria for child abuse over the past 5 fiscal years.

Figure 6: Characteristics of Army Family Advocacy Program Incidents That Met Department of Defense (DOD) Criteria for Child Abuse, Fiscal Years 2014-2018



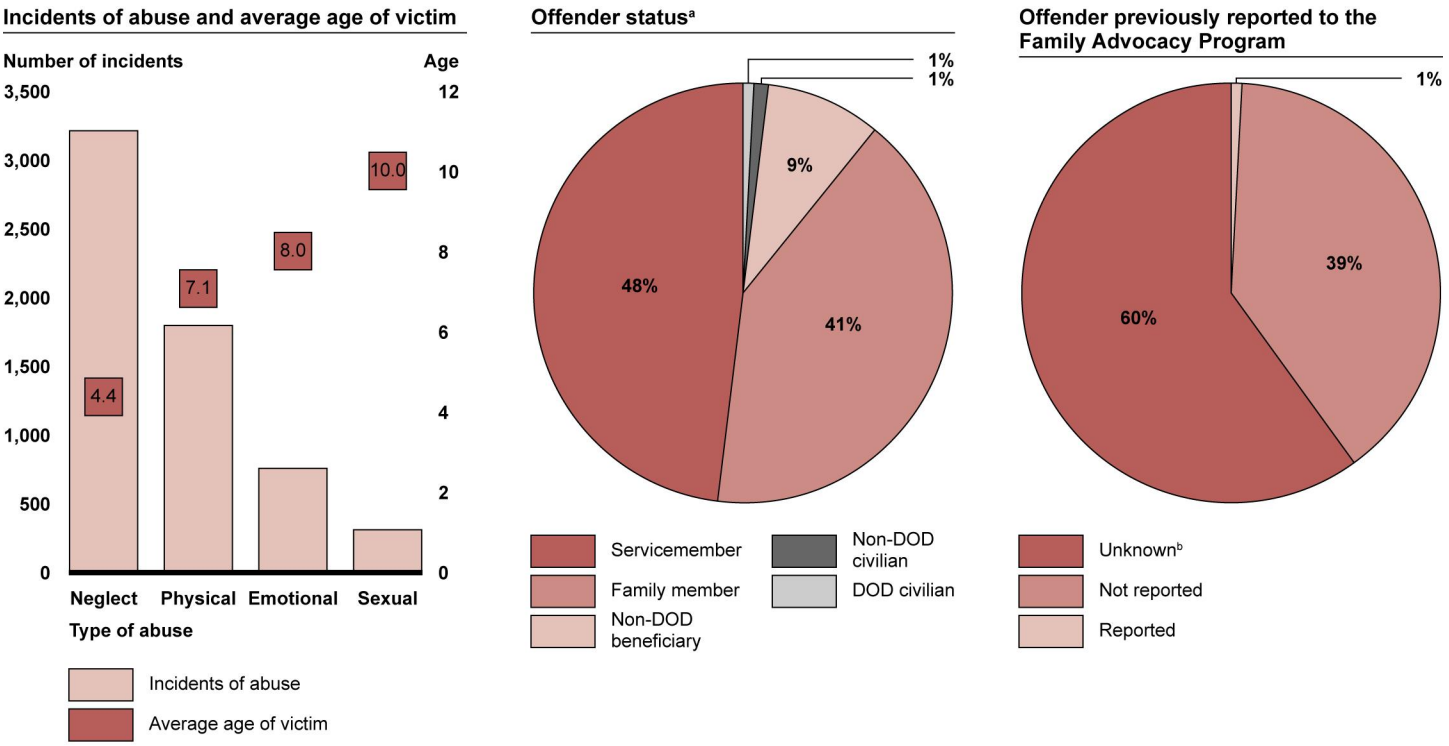
Source: GAO analysis of Army Family Advocacy Program data. | GAO-20-110

[a]For the purposes of our analysis, an incident is associated with one offender and one victim. An event involving two offenders and one child is considered to be two incidents of abuse. An offender status of "servicemember" refers to an enlisted member, officer, or warrant officer of the Army, the Navy, the Marine Corps, or the Air Force. An offender status of "family member" refers to an individual who is entitled to care in a military medical treatment program for whom the sponsor provides medical, financial, and logistical (e.g., housing, food, clothing) support. This includes the spouse, a child determined to be a dependent of a servicemember, and a family member who is a senior citizen or parent being cared for.

Navy FAP. From fiscal years 2014 through 2018, the Navy FAP recorded 10,744 reported incidents of child abuse, of which 51 percent met DOD's criteria for child abuse. Of the incidents that met DOD's criteria for abuse, 59 percent involved neglect, 33 percent involved physical abuse, 14

percent involved emotional abuse, and 6 percent involved sexual abuse.[3] The majority of incidents (96 percent) were intrafamilial and 4 percent of the incidents were extrafamilial. Slightly over half of the victims and offenders were male (52 percent). Additionally, since fiscal year 2017, when the Navy began tracking whether offenders had prior FAP cases related to child abuse or domestic abuse that met DOD's criteria for abuse, 1 percent of offenders had prior cases. Figure 7 depicts characteristics of incidents reported to the Navy FAP that met DOD's criteria for child abuse over the past 5 fiscal years.

Figure 7: Characteristics of Navy Family Advocacy Program Incidents That Met Department of Defense (DOD) Criteria for Child Abuse, Fiscal Years 2014-2018



Source: GAO analysis of Navy Family Advocacy Program data. | GAO-20-110

[a]For the purposes of our analysis, an incident is associated with one offender and one victim. An event involving two offenders and one child is considered to be two incidents of abuse. An offender status of "servicemember" refers to an enlisted member, officer, or warrant officer of the Army, the Navy, the Marine Corps, or the Air Force. An offender status of "family member" refers to an individual who is entitled to care in a military medical treatment program for whom the sponsor provides medical, financial, and logistical (e.g., housing, food, clothing) support. This includes the

[3]Some reported incidents of child abuse involved more than one type of abuse and therefore totals exceed 100 percent.

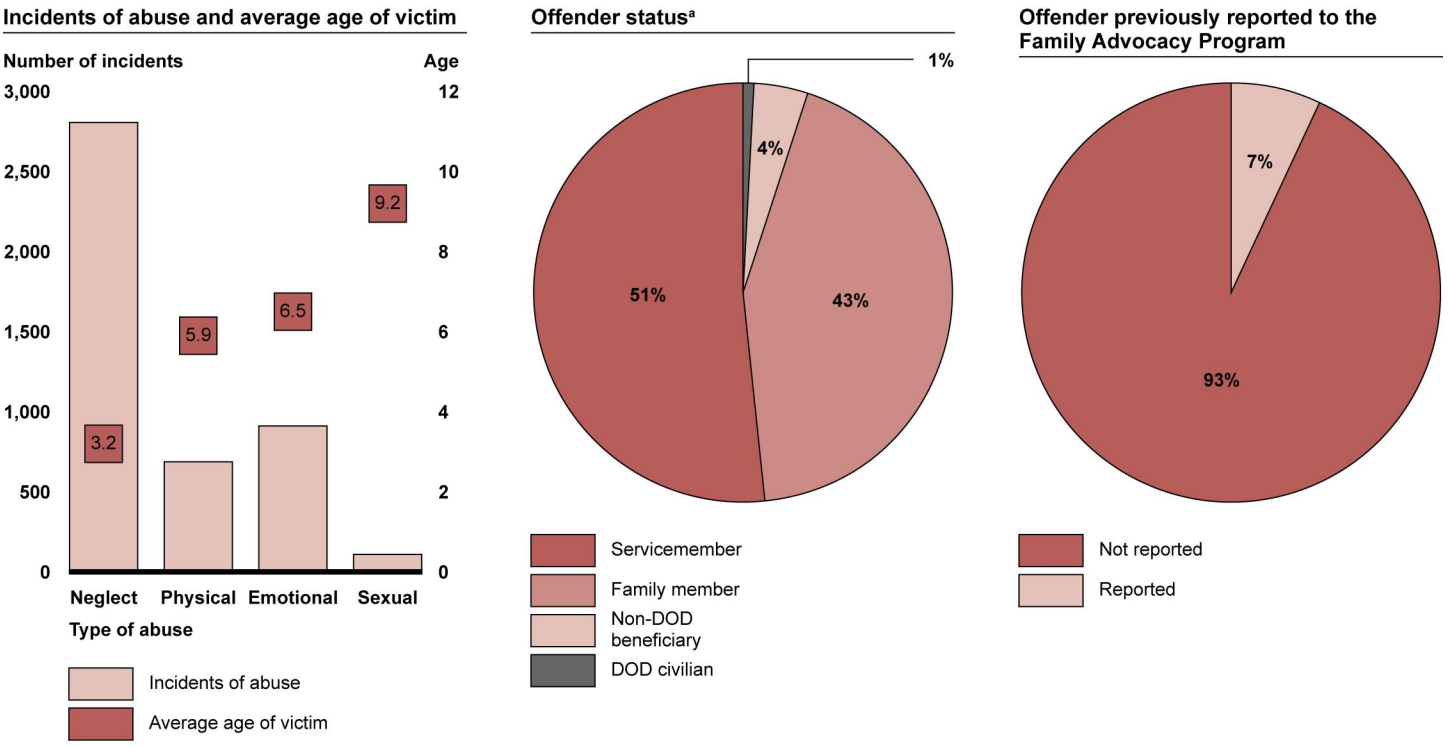
spouse, a child determined to be a dependent of a servicemember, and a family member who is a senior citizen or parent being cared for.

[b]The Navy FAP began tracking whether the offender was previously known to the FAP in fiscal year 2017.

Marine Corps FAP. Over the past 5 fiscal years, the Marine Corps FAP recorded 8,356 reported incidents of child abuse, of which 54 percent met DOD's criteria for child abuse.[4] Of the incidents that met DOD's criteria for abuse, 62 percent involved neglect, 20 percent involved emotional abuse, 15 percent involved physical abuse, and 2 percent involved sexual abuse. The majority of incidents (96 percent) were intrafamilial and 4 percent of the incidents were extrafamilial. Slightly over half of the victims and offenders were male (52 percent) and 7 percent of offenders had prior FAP cases related to child abuse or domestic abuse that met DOD's criteria for abuse. Figure 8 depicts characteristics of incidents reported to the Marine Corps FAP that met DOD's criteria for child abuse over the past 5 fiscal years.

[4]According to Marine Corps officials, for fiscal year 2017 the data do not reflect all reported child abuse incidents due to an identified error with the Marine Corps' database that has since been resolved.

Figure 8: Characteristics of Marine Corps Family Advocacy Program Incidents That Met Department of Defense (DOD) Criteria for Child Abuse, Fiscal Years 2014-2018



Source: GAO analysis of Marine Corps Family Advocacy Program data. | GAO-20-110

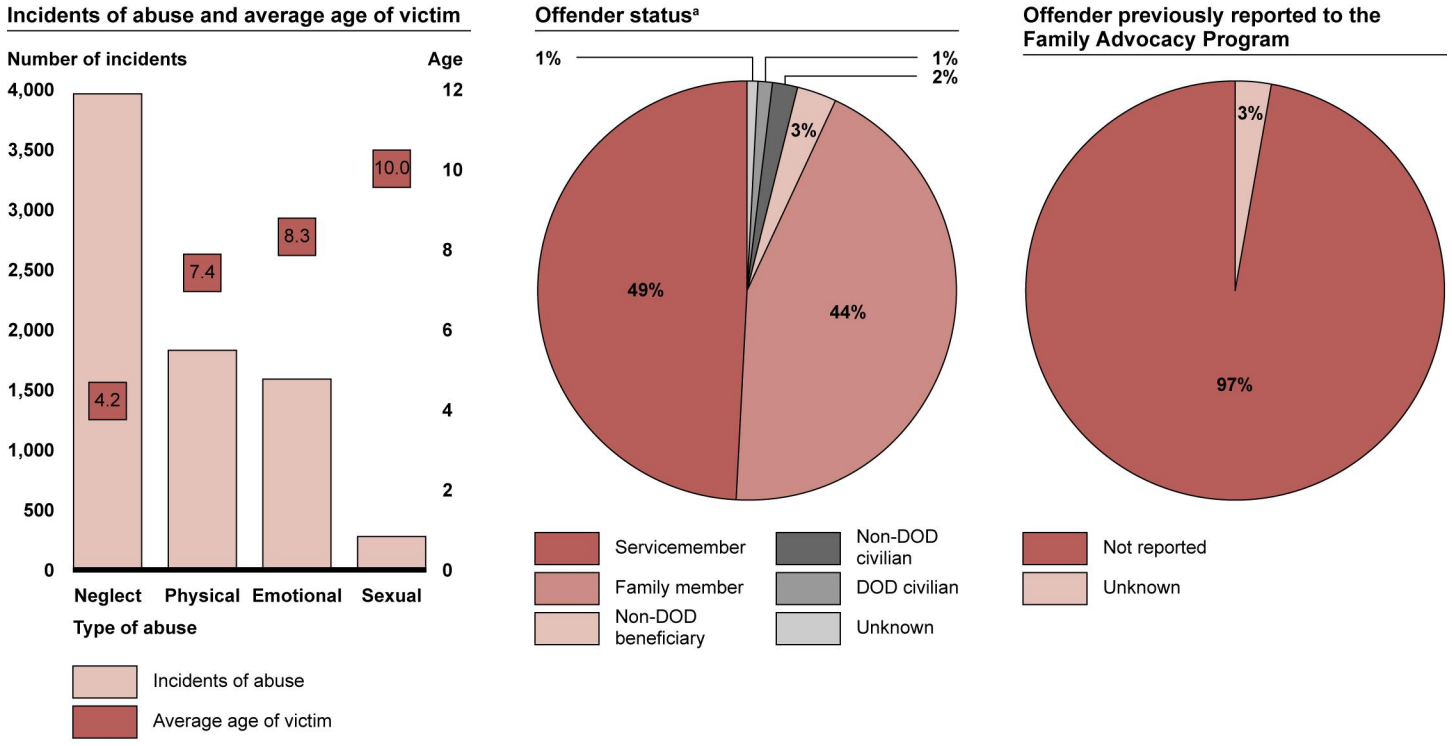
[a]For the purposes of our analysis, an incident is associated with one offender and one victim. An event involving two offenders and one child is considered to be two incidents of abuse. According to Marine Corps officials, for fiscal year 2017 the data do not reflect all reported child abuse incidents due to an identified error with the Marine Corps' database that has since been resolved. An offender status of "servicemember" refers to an enlisted member, officer, or warrant officer of the Army, the Navy, the Marine Corps, or the Air Force. An offender status of "family member" refers to an individual who is entitled to care in a military medical treatment program for whom the sponsor provides medical, financial, and logistical (e.g., housing, food, clothing) support. This includes the spouse, a child determined to be a dependent of a servicemember, and a family member who is a senior citizen or parent being cared for.

Air Force FAP. From fiscal years 2014 through 2018, the Air Force FAP recorded 17,836 reported incidents of child abuse, of which 41 percent met DOD's criteria for child abuse. Of the incidents that met DOD's criteria for abuse, 55 percent involved neglect, 25 percent involved physical abuse, 22 percent involved emotional abuse, and 4 percent involved sexual abuse.[5] The majority of incidents (95 percent) were intrafamilial and 4 percent of the incidents were extrafamilial. Slightly over

[5]Some reported incidents of child abuse involved more than one type of abuse and therefore totals exceed 100 percent.

half of the victims and offenders were male (51 percent and 53 percent, respectively). In addition, 0 percent of offenders had prior FAP cases related to child abuse or domestic abuse that met DOD's criteria for abuse. Figure 9 depicts characteristics of incidents reported to the Air Force FAP that met DOD's criteria for child abuse over the past 5 fiscal years.

Figure 9: Characteristics of Air Force Family Advocacy Program Incidents That Met Department of Defense (DOD) Criteria for Child Abuse, Fiscal Years 2014-2018



Source: GAO analysis of Air Force Family Advocacy Program data. | GAO-20-110

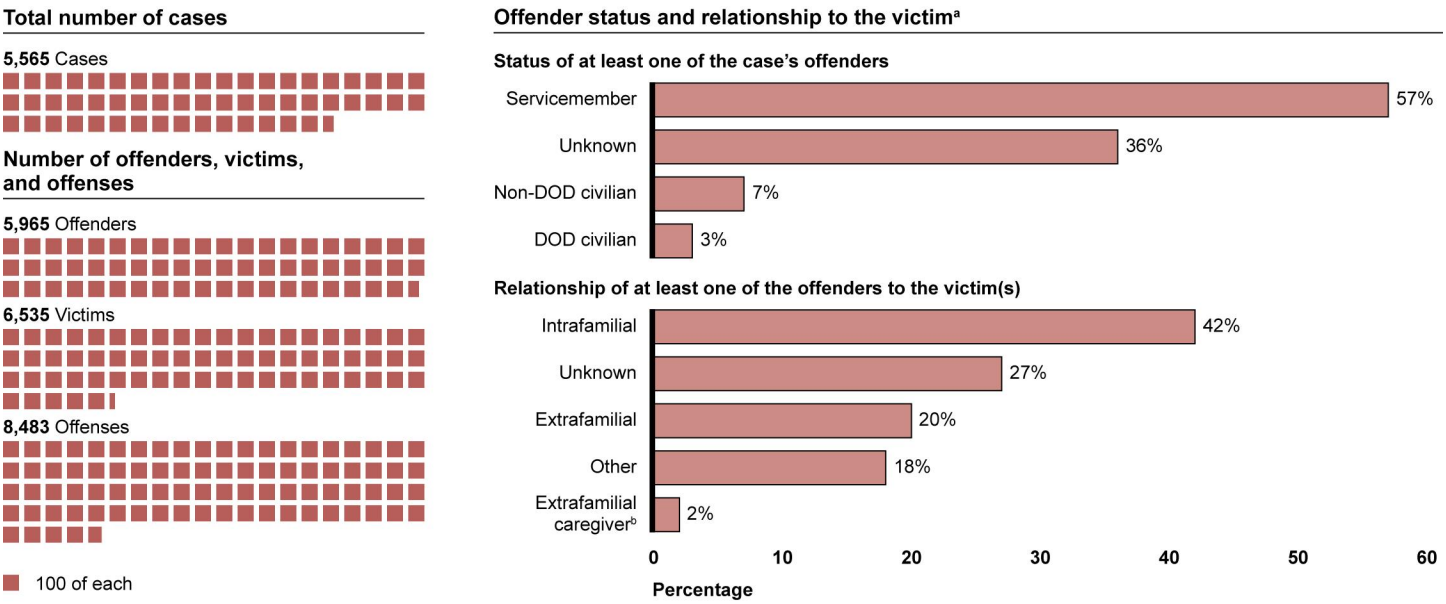
[a]For the purposes of our analysis, an incident is associated with one offender and one victim. An event involving two offenders and one child is considered to be two incidents of abuse. An offender status of "servicemember" refers to an enlisted member, officer, or warrant officer of the Army, the Navy, the Marine Corps, or the Air Force. An offender status of "family member" refers to an individual who is entitled to care in a military medical treatment program for whom the sponsor provides medical, financial, and logistical (e.g., housing, food, clothing) support. This includes the spouse, a child determined to be a dependent of a servicemember, and a family member who is a senior citizen or parent being cared for.

Appendix IV: Characteristics of Military Criminal Investigative Organization Investigations Involving Child Victims, Fiscal Years 2014-2018

Each military criminal investigative organization—the Army Criminal Investigation Command, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations—maintains an investigative case management system where it tracks information about the investigation, such as the offense(s), victim(s), and alleged offender(s), among other things. According to military criminal investigative organization officials, they primarily investigate felony level crimes as well as any type of sexual offense. The following are key characteristics of investigations involving child victims investigated by each of the three military criminal investigative organizations from fiscal years 2014 through 2018.

Army Criminal Investigation Command. Over the past 5 fiscal years, the Army Criminal Investigation Command conducted or monitored 5,565 investigations involving a child victim. Some of those investigations involved multiple victims, offenders, and offenses. Specifically, those 5,565 investigations included 6,535 victims, 5,965 alleged offenders, and 8,483 offenses. The Army Criminal Investigation Command was the primary investigative organization for almost three-quarters of the investigations (74 percent). For the rest of the investigations, the primary investigative organization was another federal, state, or local civilian law enforcement organization, such as the Federal Bureau of Investigation, which conducted 4 percent of the investigations. Additionally, 42 percent of the investigations involved an intrafamilial relationship—meaning that the victim and the alleged offender were from the same family, such as a parent or sibling—between at least one of the alleged offenders and victims. Figure 10 depicts characteristics of the Army Criminal Investigation Command's investigations involving a child victim over the past 5 fiscal years.

Figure 10: Characteristics of Department of Defense (DOD) Army Criminal Investigation Command Child Victim Investigations, Fiscal Years 2014-2018



Source: GAO analysis of Army Criminal Investigation Command investigation data. | GAO-20-110

[a]Each investigation or case can have multiple victims, offenders, or offenses. As a result, the percentages may add up to more than 100 percent.

[b]Extrafamilial is a designation identifying the alleged offender as unrelated to the victim by blood, law, or marriage (i.e., as being outside the victim's family). We describe "extrafamilial" and "extrafamilial caregiver" as two distinct relationship categories. The relationship category of "extrafamilial caregiver" designates that the offender was in a caregiving role at the time of the incident(s).

Naval Criminal Investigative Service. From fiscal years 2014 through 2018, the Naval Criminal Investigative Service conducted or monitored 1,513 investigations involving a child victim. Some of those investigations involved multiple victims, offenders, and offenses. Specifically, those 1,513 investigations included 1,731 victims, 1,618 alleged offenders, and 1,812 offenses. The Naval Criminal Investigative Service was the primary investigative organization for about half of the investigations (54 percent). The remainder of the investigations were either joint with another law enforcement organization or the Naval Criminal Investigative Service was only monitoring the investigation. Additionally, 40 percent of the investigations involved an intrafamilial relationship between at least one of the alleged offenders and victims. Figure 11 depicts characteristics of the Naval Criminal Investigative Service's investigations involving a child victim over the past 5 fiscal years.

Figure 11: Characteristics of Department of Defense (DOD) Naval Criminal Investigative Service Child Victim Investigations, Fiscal Years 2014-2018

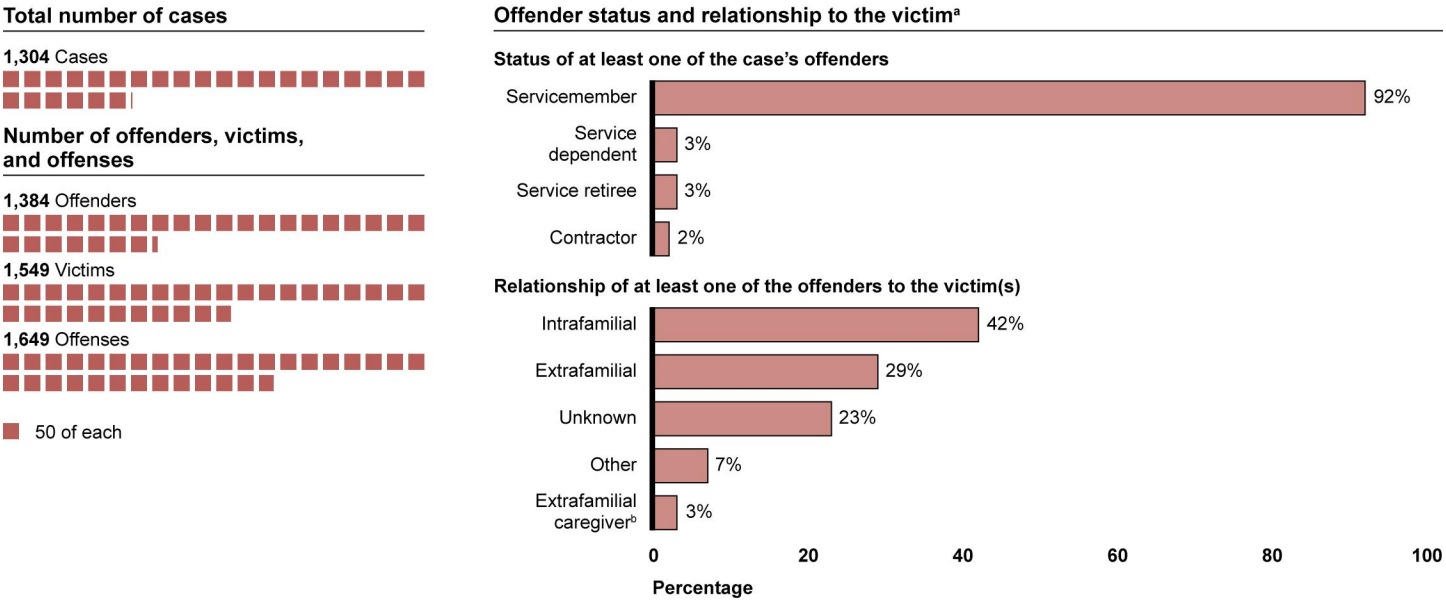
Source: GAO analysis of Naval Criminal Investigative Service investigation data. | GAO-20-110

[a]Each investigation or case can have multiple victims, offenders, or offenses. As a result, the percentages may add up to more than 100 percent.

[b]Extrafamilial is a designation identifying the alleged offender as unrelated to the victim by blood, law, or marriage (i.e., as being outside the victim's family). We describe "extrafamilial" and "extrafamilial caregiver" as two distinct relationship categories. The relationship category "extrafamilial caregiver" designates that the offender was in a caregiving role at the time of the incident(s).

Air Force Office of Special Investigations. Over the past 5 fiscal years, the Air Force Office of Special Investigations conducted or monitored 1,304 investigations involving a child victim. Some of those investigations involved multiple victims, offenders, and offenses. Specifically those 1,304 investigations included 1,549 victims, 1,384 alleged offenders, and 1,649 offenses—12 percent of investigations involved more than one victim. In addition, 42 percent of investigations involved an intrafamilial relationship between at least one of the alleged offenders and victims. Figure 12 depicts characteristics of the Air Force Office of Special Investigations' investigations involving a child victim over the past 5 fiscal years.

Figure 12: Characteristics of Department of Defense (DOD) Air Force Office of Special Investigations Child Victim Investigations, Fiscal Years 2014-2018



Source: GAO analysis of Air Force Office of Special Investigations investigation data. | GAO-20-110

[a]Each investigation or case can have multiple victims, offenders, or offenses. As a result, the percentages may add up to more than 100 percent.

[b]Extrafamilial is a designation identifying the alleged offender as unrelated to the victim by blood, law, or marriage (i.e., as being outside the victim's family). We describe "extrafamilial" and "extrafamilial caregiver" as two distinct relationship categories. The relationship category "extrafamilial caregiver" designates that the offender was in a caregiving role at the time of the incident(s).

Appendix V: Characteristics of Department of Defense Education Activity Child Abuse Reports and Serious Incident Reports, School Years 2013-2014 through 2017-2018

The Department of Defense Education Activity (DODEA) tracks suspected or alleged abuse of students through (1) child abuse reports, and (2) serious incident reports.

Child abuse reports. DODEA guidance defines child abuse as the physical injury, sexual maltreatment, emotional maltreatment, deprivation of necessities, or combinations for a child by an individual responsible for the child's welfare under circumstances indicating that the child's welfare is harmed or threatened. The term encompasses both acts and omissions on the part of the responsible person.[1] Child abuse reports are to be submitted on any incidents of suspected or alleged child abuse to DODEA headquarters within 24 hours of the occurrence or notification of the incident.

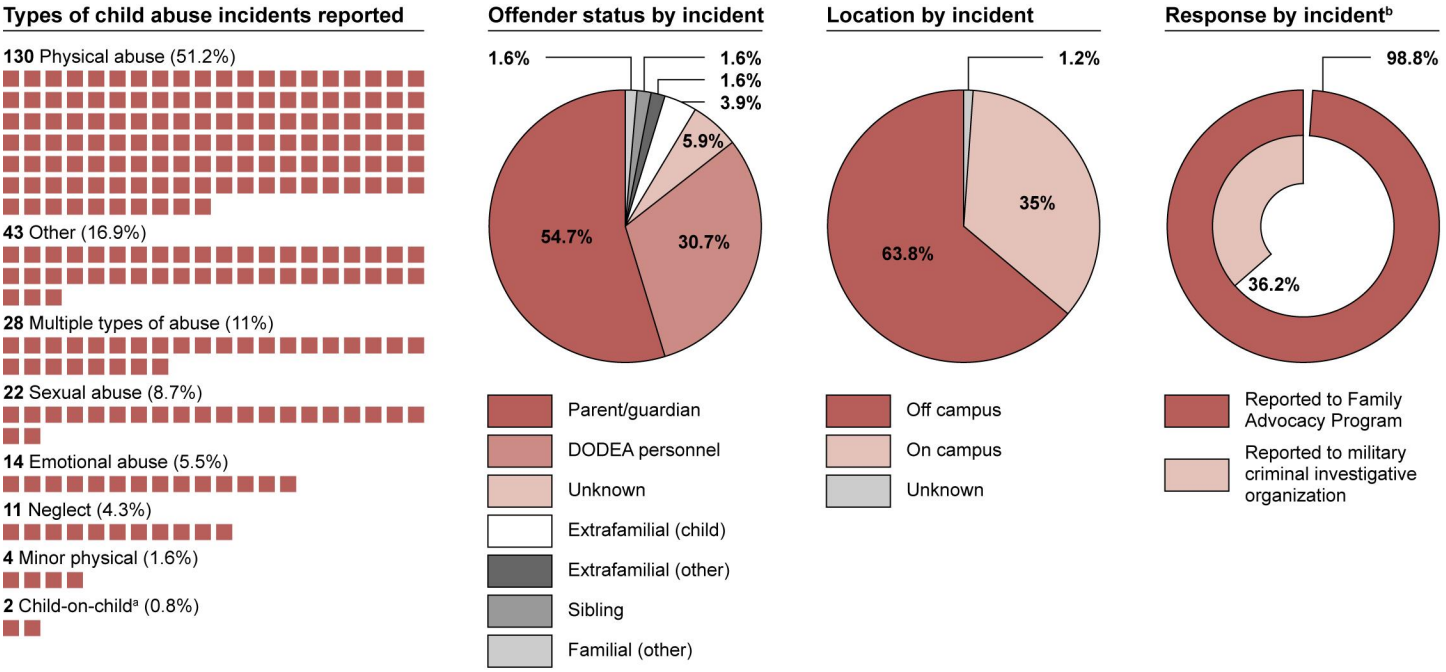
From school years 2014-2015 through 2017-2018, DODEA reported 254 suspected or alleged incidents of child abuse.[2] Of DODEA's 163 schools, 115 reported an incident of child abuse over these 4 school years. Reported child abuse included a range of incidents, such as parents leaving their children unattended, parents physically abusing their children, teachers using physical force on students, and teachers inappropriately touching students. The most common types of abuse

[1]Department of Defense Education Activity (DODEA) Regulation 3030.01, *DODEA Incident Reporting Program* (May 21, 2019).

[2]We analyzed child abuse report data for school years 2014-2015 through 2017-2018 because the data for school year 2013-2014 could not easily be provided.

were physical abuse (51 percent of reported incidents), multiple types of abuse (11 percent), and sexual abuse (9 percent). The majority of the reported incidents involved the abuse of a child by a parent or guardian (55 percent) or abuse by DODEA personnel (31 percent). Figure 13 depicts characteristics of incidents of child abuse reported by DODEA over 4 school years.

Figure 13: Characteristics of Department of Defense Education Activity Child Abuse Reports, School Years 2014-2015 through 2017-2018



Source: GAO analysis of Department of Defense Education Activity (DODEA) data. | GAO-20-110

[a]According to Department of Defense Education Activity officials, child-on-child abuse incidents should not be reported as child abuse reports, but instead as serious incident reports.

[b]For some reported incidents of child abuse, both the Family Advocacy Program (FAP) and the relevant military criminal investigative organization were notified. For other reported incidents, only the FAP was notified.

Serious incident reports. DODEA guidance defines a serious incident as an event or allegation that impacts school readiness, or the health, safety, and security of DODEA-affiliated personnel, facilities, and property resulting in consequences greater than those normally addressed through routine administrative or preventive maintenance actions. Serious incident reports are normally submitted by the school principal, assistant principal, or designated administrative officer within 2 business days after the event is brought to the attention of the first-line supervisor. DODEA has different categories of serious incidents, such as drug and alcohol events, violation

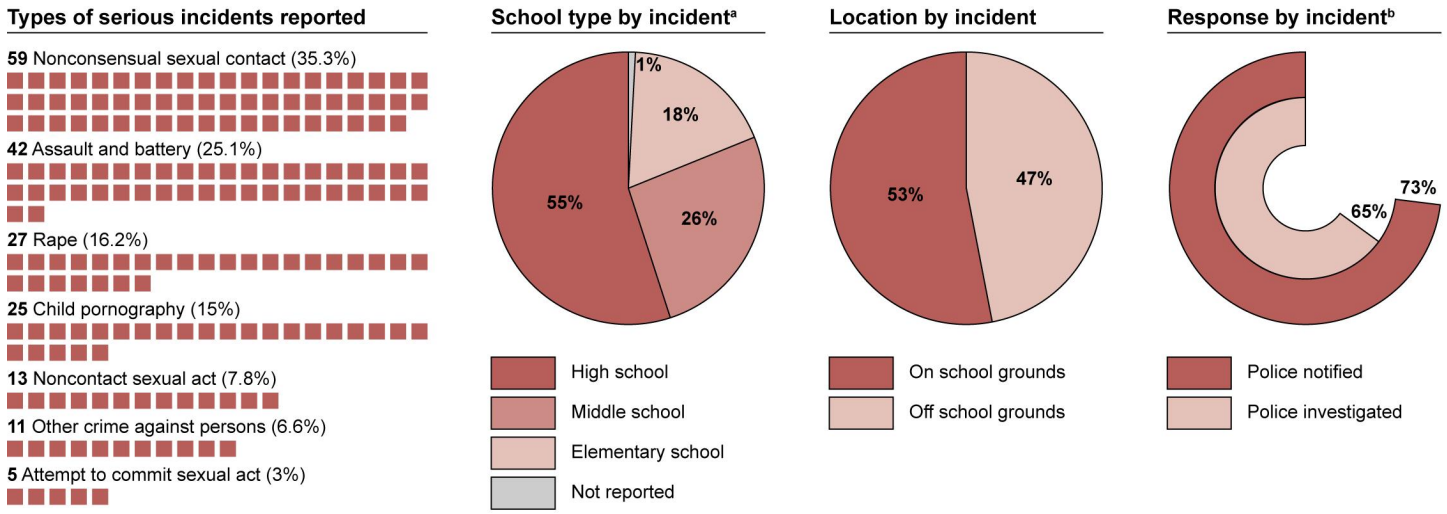
of law events, sexual events, and security incidents. Serious child-on-child abuse incidents are reported as either violation of law events, such as assault and battery or sexual events.

From school years 2013-2014 through 2017-2018, DODEA reported 167 serious incidents involving either an alleged violation of law or an alleged sexual event.[3] Only 74 of DODEA's 163 schools reported such an incident over the past 5 school years. Reported serious incidents included a range of incidents, such as students posting nude photos and videos of other students on social media, inappropriate touching on the school bus, physical assaults, and rape. Of the serious incident reports we received, the most common types were nonconsensual sexual contact (35 percent of reported incidents), assault and battery (25 percent), rape (16 percent), and child pornography (15 percent).[4] The majority of the reported serious incidents involved a single victim (68 percent), but 13 percent of the incidents involved more than one victim and 20 percent did not specify a victim. Figure 14 depicts characteristics of serious incidents involving an alleged violation of law or an alleged sexual event reported by DODEA over the past 5 school years.

[3]To align with the scope of our review, we requested all serious incident reports involving either an alleged violation of law or an alleged sexual event over the past 5 school years. The data we report are for those two categories of serious incidents and do not reflect all of the categories of serious incidents that DODEA tracks, such as drug or alcohol events, or security incidents.

[4]DODEA defines nonconsensual sexual contact as the intentional touching or causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent, with the intent to abuse, humiliate, degrade, or gratify the sexual desire of any person. This includes the touching of a person who is unable to refuse. DODEA defines child pornography as the visual representation of minors under the age of 18 engaged in sexual activity or the visual representation of minors engaging in lewd or erotic behavior designed to arouse the viewer's sexual interest. This would include students having naked or suggestive photos of another student on their phone or posting such photos online.

Figure 14: Characteristics of Department of Defense Education Activity Serious Incident Reports for a Violation of Law or Sexual Event, School Years 2013-2014 through 2017-2018



Source: GAO analysis of Department of Defense Education Activity data. | GAO-20-110

[a]For serious incidents reported by joint elementary/middle schools and middle/high schools, the incident was categorized as the highest school level. For example, a serious incident reported by a middle/high school is included as an incident reported by a high school.

[b]For some serious incidents, police were notified and police subsequently conducted an investigation. For other serious incidents, police were notified, but police did not conduct an investigation. To align with the scope of our review, we requested all serious incident reports involving either an alleged violation of law or an alleged sexual event over the past 5 school years. The data we report are for those two categories of serious incidents and do not reflect all of the categories of serious incidents that the Department of Defense Education Activity tracks, such as drug or alcohol events, or security incidents.

According to DODEA officials, DODEA implemented a new database for reporting serious incidents in August 2019. These officials noted that one of the goals of the system is to make reporting more straightforward for school administrators and to standardize serious incident reports across schools. DODEA officials anticipate adding child abuse reports to the new database in late calendar year 2019 or early 2020.

Appendix VI: Comments from the Department of Defense

ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

MANPOWER AND
RESERVE AFFAIRS

JAN 27 2020

Ms. Brenda Farrell
Director, Defense Capabilities Management
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Farrell,

This is the Department of Defense (DoD) response to the GAO Draft Report, GAO-20-110, "CHILD WELFARE: Increased Guidance and Collaboration Needed to Improve DoD's Tracking and Response to Child Abuse," dated December 10, 2019 (GAO Code 103222).

The DoD and the Secretaries of the Military Departments have reviewed and responded to the subject report. The Draft Report Comment Matrix and DoD Comments to the GAO Recommendations are at Enclosures 1 and 2, respectively. My point of contact is Mary E. Campise, who can be reached at mary.e.campise.civ@mail.mil and 571-372-5346.

Sincerely,

Virginia S. Penrod,
Acting

Enclosures:
As stated

GAO DRAFT REPORT DATED DECEMBER 10, 2019
GAO-20-110 (GAO CODE 103222)

"CHILD WELFARE: INCREASED GUIDANCE AND COLLABORATION NEEDED TO IMPROVE DOD'S TRACKING AND RESPONSE TO CHILD ABUSE"

DEPARTMENT OF DEFENSE COMMENTS
TO THE GAO RECOMMENDATIONS

RECOMMENDATION 1: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should expand the scope of the department's centralized database on problematic sexual behavior in children and youth, which is under development, also to track information on all incidents involving the abuse of a child (physical, sexual, emotional, and neglect) reported to the Family Advocacy Program or investigated by a military law enforcement organization, regardless of whether the offender was another child, an adult, or someone in a non-caregiving role at the time of the incident.

DoD RESPONSE: Non-concur. The report conflates three separate and distinct constructs of behavior: juvenile misconduct, problematic sexual behavior in children and youth (PSB-CY), and child abuse and neglect committed by adults. The statute directed the Department's attention to collecting data on PSB-CY. During the information gathering phase of the GAO study, DoD emphasized that contractual negotiations significantly limited the Department's ability to share specific details regarding plans and timelines.

Expanding the scope of the PSB-CY database places the Department at risk of violating multiple federal laws (governing both Department of Defense (DoD) and Department of Justice (DOJ)) that contain specific language requiring additional protections for collecting and sharing information on alleged conduct of juveniles. These statutes designate juveniles as a special population, and require limited access to such information, especially where law enforcement and investigative information is captured. Developing a system that does not distinguish between the conduct of adults and children undermines the implementation of evidence-informed, rehabilitative response to addressing problematic juvenile behavior and violates the intent of federal privacy laws to protect this special population.

The Navy Criminal Investigative Service (NCIS) also notes that under the Federal Juvenile Delinquency Act, juvenile records must not be disclosed to unauthorized persons and must only be released as authorized under the Act (See subsections (a) through (c) of 18 U.S.C. § 5038). Subsection (c) of the statute specifically states that "during the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the Government, or others entitled under this section to receive juvenile records." The DoD position is that it is imperative to protect sensitive juvenile data within any database.

RECOMMENDATION 2: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should, as part of the ongoing development of the centralized database, identify and define the elements to be tracked by each responsible organization, such as the Family Advocacy Program and military law enforcement.

DoD RESPONSE: Concur. The contract to develop the PSB-CY centralized data system was awarded on November 13, 2019, and identification and definition of elements tracked by the system are addressed in the fiscal year 2020 scope of work for the data system. Finalization of this information will occur in accordance with contractually appropriate timeframes.

As noted by NCIS in the response to Recommendation 1, under the Federal Juvenile Delinquency Act, juvenile records must not be disclosed to unauthorized persons and must only be released as authorized under the Act (See subsections (a) through (c) of 18 U.S.C. § 5038). Subsection (c) of the statute specifically states that "during the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the Government, or others entitled under this section to receive juvenile records." The DoD position is that it is imperative to protect sensitive juvenile data within any database.

RECOMMENDATION 3: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should develop a plan for how it will use the data it will collect in the centralized database to help ensure data-driven decision making is used to inform program efforts.

DoD RESPONSE: Concur. The contract to develop the PSB-CY centralized data system was awarded on November 13, 2019. A data analysis plan, informed by system development throughout fiscal year 2020, will be developed to uncover trends and track outcomes of collected PSB-CY incident information.

RECOMMENDATION 4: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should establish a reliable schedule for the development and implementation of the centralized database on problematic sexual behavior in children and youth that includes key activities, the timeframes and resources needed to execute them, and GAO-identified practices for developing and maintaining a reliable schedule.

DoD RESPONSE: Concur. The contract to develop the PSB-CY centralized data system was awarded on November 13, 2019. A data analysis plan, informed by system development throughout fiscal year 2020, will be developed to uncover trends and track outcomes of collected PSB-CY incident information.

RECOMMENDATION 5: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should direct the service Family Advocacy Programs and military law enforcement organizations to document in their respective databases the date that they notified the other entity of a reported incident of child abuse.

DoD RESPONSE: Partially concur. Per DoD policy, the Family Advocacy Programs (FAP) and military law enforcement organizations are currently directed to notify each other of reported incidents of child abuse at the installation level, and these processes are monitored by the Services.

Additionally, NCIS documentation of the notification date and name of the individual at FAP is included within the narrative of NCIS' Reports of Investigation (ROI). However, currently this information is not contained in a defined field within the database where it can be easily extracted. The Air Force Office of Special Investigations' database contains the case file and related case notes such as FAP notification and any subsequent notifications.

DoD will further analyze the efficiency, cost, and feasibility of recording the notification date to law enforcement in FAP databases, as recommended. Additionally, the Under Secretary of Defense for Intelligence, Law Enforcement Policy Office, is creating a Defense Justice Data Standard to be mandated across DoD's criminal justice agencies. The new data standards will incorporate a date of notification to the FAP data field for child abuse allegations.

RECOMMENDATION 6: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should issue guidance that describes the process through which the service Family Advocacy Programs are to receive and incorporate information into their central registries regarding child abuse allegations and determinations involving their servicemembers and dependents that were recorded by another service's installation FAP. Such guidance should include a mechanism to monitor that the process is occurring consistently.

DoD RESPONSE: Partially concur. The process for implementation of FAP data reporting policy is determined by each Service headquarters FAP. DoD will review FAP data reporting policy to explore the potential to reference the crosswalk file, which contains information on incidents from one Service recorded by another Service, in the scheduled reissuance of DoD policy in 2023. In accordance with the purpose of the central registry, the crosswalk file is limited to met criteria incidents of abuse, rather than abuse allegations.

RECOMMENDATION 7: The GAO recommends that the Secretary of the Army should develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked.

DoD RESPONSE: Concur. The Army is updating AR 608-18 to align with current DoD policy, with an anticipated release date by October 1, 2022. Family Advocacy information technology system modernization includes tracking of referrals and reasons for screen out, with

completion required by October 1, 2023. Compliance monitoring through certification is a current inspection requirement.

RECOMMENDATION 8: The GAO recommends that the Secretary of the Navy should develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked.

DoD RESPONSE: Concur. The Navy has an established definition for triaging allegations of child abuse and neglect (CAN) and has used the DoD criteria to establish reasonable suspicion of abuse (as defined in OPNAV 1752.2C) for every allegation of CAN received by the FAP office. The Navy uses its official electronic documentation system, Fleet and Family Support Management Information System (FFSMIS), which adequately documents and ensures compliance related to each step in the process of documentation. The installation and regional requirements and accountability that are established in the quarterly Quality Assurance reviews provide assurance and culpability in compliance with triage standards. The Fleet and Family Support Certification Program reviews compliance with the National Military and Family Readiness Program standards and Navy specific standards. This comprehensive evaluation system was designed to confirm Service-wide compliance with legal and regulatory DoD requirements, including screening and triaging allegations of CAN.

RECOMMENDATION 9: The GAO recommends that the Secretary of the Navy should ensure that the Commandant of the Marine Corps develops a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked

DoD RESPONSE: Concur. The Marine Corps will develop a process, via a protocol, to document the standardized and formalized screening of incidents of child abuse at the installations to ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee (IDC) are consistently reported and tracked. The target completion date for implementing Recommendation 9 is December 31, 2020.

RECOMMENDATION 10: The GAO recommends that the Secretary of the Air Force should develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked.

DoD RESPONSE: Concur. To strengthen compliance oversight in the future, Air Force FAP is projecting a new position for assessing compliance with DoD and Air Force policy at installation FAP offices. This position will also sample cases to provide additional oversight regarding the potential concern annotated here. Estimated completion date for adding this capability is July 31, 2020.

RECOMMENDATION 11: The GAO recommends that the Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness, in coordination with the

Director of the Department of Defense Education Activity, clarifies Department of Defense Education Activity guidance to define what types of incidents must be reported as "serious incidents" to help ensure that all serious incidents of which Department of Defense Education Activity leadership needs to be informed are accurately and consistently reported by school administrators.

DoD RESPONSE: Concur. The Department of Defense Education Activity (DoDEA) will conduct a review/assessment of reporting via the new DoDEA serious incident reporting system in February 2020, after which updated serious incident reporting guidance will be developed and published within calendar year 2020.

RECOMMENDATION 12: The GAO recommends the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should expand the voting membership of the Incident Determination Committee to include medical personnel with the requisite knowledge and experience.

DoD RESPONSE: Partially concur. The Department agrees that the inclusion and consideration of medical information in the determination process is important; hence, current IDC policy includes medical personnel as non-voting members, as appropriate to their involvement in serving the individual(s) involved in the incident. To assess whether current IDC policy and process adequately includes medical personnel in IDC child maltreatment reviews, in FY2020 we will engage the researchers who developed the IDC algorithm and process, as well as other stakeholders, including the Defense Health Agency and the Military Services, for collaborative input and guidance for inclusion in DoDM 6400.01 Vol 3, which is due for reissuance in FY2023.

RECOMMENDATION 13: The GAO recommends the Secretary of the Army should establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services.

DoD RESPONSE: Concur. The Army and DoD currently have multiple informational products and websites regarding the FAP processes and resources, tailored to the audience, and specific information needed at that point of contact. This includes comprehensive guides for Commanders regarding the FAP and brochures regarding installation-specific FAP prevention programs and resources. Soldiers and family members receive an information paper regarding the FAP case process at the initial FAP assessment, and a copy of the incident determination that includes the treatment plan with specific resources. Crime victims receive DD Form 2701, and potential beneficiaries receive brochures related to Transitional Compensation. In coordination with stakeholders, Army Materiel Command will develop a web portal providing comprehensive information related to Family Advocacy, law enforcement, and resources for families at any point in the process, synchronizing information across commands and installations to ensure accuracy. The link will be included in all informational products delivered at specific points of contact in the FAP case process and will be publicized through multiple media outlets.

Identification of requirements will be completed in FY20, with web portal completion no later than October 1, 2022.

RECOMMENDATION 14: The GAO recommends the Secretary of the Navy should establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services.

DoD RESPONSE: Concur. The Navy agrees that victims should have resources and information about the FAP process, coordination with accessing military and civilian helping agencies and referral sources. The Navy is developing tailored communication and actionable guidance, and products that inform how incidents of child abuse will be addressed following an initial report.

RECOMMENDATION 15: The GAO recommends the Secretary of the Navy should ensure that the Commandant of the Marine Corps establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services

DoD RESPONSE: Partially concur. This recommendation is addressed via Marine Corps Order (MCO) 1754.11 dated March 26, 2012, chapter 7, "…VAs are assigned….to the non-offending parent of a victim of child abuse who request services…" It is out of scope for the Family Advocacy Program to explain the processes that law enforcement organizations will follow. Via MCO 1754.11, the Marine Corps has effectively implemented Recommendation 15 and requests that the GAO close the recommendation as complete.

RECOMMENDATION 16: The GAO recommends the Secretary of the Air Force should establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services.

DoD RESPONSE: Concur. The Air Force FAP has periodically produced materials along these lines; however, such efforts and products will be consolidated and strengthened to address the recommendation. Estimated completion date for review and consolidation is May 1, 2020.

RECOMMENDATION 17: The GAO recommends the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should clarify, in guidance, the circumstances under which commanders may exercise their authority to remove a child from a potentially unsafe home on an overseas installation.

DoD RESPONSE: Concur. The Department of Defense will work through the Secretaries of the Military Departments to require that the installation Family Advocacy Committees and

servicing Staff Judge Advocates develop and issue guidance on the installation commander's authority to remove a child from a potentially unsafe home on an overseas installation.

RECOMMENDATION 18: The GAO recommends the Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness, in coordination with the Director of the Defense Health Agency, establishes processes that help ensure children who are sexually abused overseas have timely access to a certified pediatric sexual assault forensic examiner to conduct the examination. Initiatives could include certifying pediatricians or adult sexual assault forensic examiners as pediatric examiners during mandatory training or establishing shared regional assets.

DoD RESPONSE: Concur. The Department acknowledges the importance of establishing processes and standards for ensuring timely access to providers with specialized experience and certifications in medical management of pediatric sexual abuse. Over the last year, the Department convened working groups, published policy, drafted procedural guidance, and created a program to establish processes and standards for medical forensic care of sexual assault victims in the military.

The recent publication of the Department of Defense Instruction (DoDI) 6310.09, "Health Care Management for Patients Associated with a Sexual Assault" on May 7, 2019, establishes policy and assigns responsibilities for providing evidence-based health care, including sexual assault medical forensic exams, to all patients affected by sexual assault utilizing the Military Health System for their care.

Health Affairs and the Defense Health Agency (DHA) created and managed the Medical Management of Sexual Assault Working Group consisting of subject matter experts from various areas of the sexual assault field. The working group drafted the DHA Procedural Instruction (DHA-PI) 6310.09, anticipated for publication in 2020, to provide procedural guidance on the policy established in DoDI 6310.09 and to establish the Medical Forensic Healthcare Program. The DHA-PI provides procedural guidance and standards for the specialty care of children who report sexual abuse or who are suspected of having been sexually abused, in both the Continental United States (CONUS) and overseas locations (OCONUS). This portion of the instruction was primarily written by DoD pediatricians who hold certification and expertise in medical forensic care and exams of children.

The DHA-PI establishes capability requirements to ensure patients affected by sexual assault get expedient, quality care that meets established standards. For CONUS Military Treatment Facilities (MTF) with a twenty-four hours a day, seven days a week (24/7) emergency room (ER), MTFs must have the capability to provide medical forensic care for children or have a Memorandum of Understanding (MOU) with a facility that adheres to national standards . OCONUS MTFs with a 24/7 ER must be required to have the capability for child examinations, via a provider certified as a Sexual Assault Medical Forensic Examiner-Pediatric (SAMFE-P), or by the SAMFE-A (adult), working in tandem with a healthcare provider with expertise providing clinical care to children or as a last resort, transfer to the closest MTF with pediatric medical forensic examination capability.

While the DHA-PI outlines requirements for SAMFE-Ps, associated courses are in development and full implementation across the Department is pending publication of the DHA-PI and completion of course development. Until fully implemented, MTF's will continue to rely on MOUs with proper healthcare providers and facilities CONUS and OCONUS or utilize military healthcare providers that are DHA certified, nationally certified, or state certified to perform such exams (e.g. SAMFE-P, Sexual Assault Nurse Examiner-Pediatric © (SANE-P) via the International Association of Forensic Nurses--IAFN) or provide the necessary exam utilizing two healthcare providers identified above. OCONUS facilities with providers who are certified to provide medical forensic pediatric exams will continue to provide them, however efforts are underway to create a military medical forensic pediatric exam course that will allow SAMFEs positioned at OCONUS MTFs to also perform pediatric exams as needed, as long as they maintain their competency.

Healthcare providers who can be trained, and who can provide such specialty care after medical forensic pediatric certification (SAMFE-P), are the same as those listed for SAMFE-A in the NDAA 2014 SEC. 53 and DoDI 6310.09. In addition, all SAMFE-P certified providers will also be required to attend the SAMFE-A course since it includes care of adolescents and since having providers with a combination of SAMFE-A and SAMFE-P certifications provides greater versatility and capability.

References:

1. U.S. Department of Justice, A National Protocol for Sexual Abuse Medical Forensic Examinations-Pediatric, April 2016, or current version.

2. Adams, J., Kellogg, N., Farst, K., et al. (2015) Updated Guidelines for the Medical Assessment and Care of Children Who May Have Been Sexually Abused. *Journal of Pediatric Adolescent Gynecology.*

3. National Children's Alliance, "Standards for Accredited Members," 2017 edition.

RECOMMENDATION 19: The GAO recommends the Secretary of Defense, in collaboration with the Deputy Attorney General, should seek avenues to improve communication between the military criminal investigative organizations and United States Attorneys for relevant cases involving child victims to help ensure that investigators are notified when prosecution is declined, including the reasons for the declination when appropriate, such as details about any investigative deficiencies.

DoD RESPONSE: Concur. Since April 2018, the Department of Justice and Department of Defense have participated in a working group examining how to improve collaboration in the management of the government's response to juvenile-on-juvenile sexual assaults on military installations. Among the areas under review by the working group are closer collaboration and case management between military criminal investigative organizations and the Department of Justice. This includes exploring methods to increase the efficiency and reliability of declination to prosecute tracking and notification. For example, when NCIS has primary jurisdiction for investigating these incidents, the date of declination is provided within the ROI ("Closed"); however a reason is not always provided by the U.S. Attorney's office. In the future, NCIS will make a request that a reason be provided, and then will include it in the ROI (Closed) if a reason is provided by the relevant U.S. Attorney's Office.

RECOMMENDATIONS 20 - 24: DoD RESPONSE TO SERVICES' COMMENTS: Each of the Services concurs with the overall recommendation to seek to establish memorandums of understanding with the National Children's Alliance. The individual Service differences in organizational structure and process are reflected in the nuances of their responses.

RECOMMENDATION 20: The GAO recommends the Secretary of the Army should seek to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Army installations and thereby increase awareness of those services across the department.

DoD RESPONSE: Partially concur. The Army (Deputy Chief of Staff, G9 and Medical Command) participates in a Child Advocacy Center (CAC)-Military Partnership Collaborative Work Group facilitated by the National Children's Alliance (NCA). The Army is working with NCA to develop a broad Memorandum of Understanding (MOU) to support partnerships between military installations and local CACs to assist with providing supportive services, education, and prevention services to military families; and investigation of incidents of child abuse, child neglect and Problematic Sexual Behavior in Children and Youth. The goal is to finalize the MOU in FY21. NCA cannot dictate or direct local CACs to provide services, thus local MOUs that address protocols and procedures must be developed or updated, with anticipated completion in FY22. Compliance monitoring will be accomplished through certification inspections.

RECOMMENDATION 21: The GAO recommends the Secretary of the Navy should continue to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Navy installations and thereby increase awareness of those services across the department.

DoD RESPONSE: Partially concur. The Navy recommends flexibility to develop MOUs with Children's Advocacy Centers accredited through the National Children's Alliance (NCA), and directly with local Children's Advocacy Centers that are not accredited through the NCA. In order to develop partnerships to enhance collaboration between Children's Advocacy Centers that are not accredited through the NCA, Navy installation FAP offices will be responsible for ensuring that there is a basic understanding of the other's responses to reports of suspected child maltreatment. The Navy is currently collaborating with the Coordinator for Services to Military Families from the NCA to develop an MOU between the Commander, Naval Installations Command (CNIC) Counseling, Advocacy and Prevention Program, and the NCA. This MOU will serve to guide and support the collaborative relationship between the installation Navy FAP programs and local Children's Advocacy Centers. This agreement will outline each entity's responsibilities in providing services and support to families impacted by PSB-CY.

RECOMMENDATION 22: The GAO recommends the Secretary of the Navy should ensure that the Commandant of the Marine Corps continues to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Marine Corps installations and thereby increase awareness of those services across the service.

DoD RESPONSE: Concur. The MOU between the Marine Corps and the National Children's Alliance is in development. The target completion date for implementing Recommendation 22 is December 31, 2020.

RECOMMENDATION 23: The GAO recommends the Secretary of the Air Force should seek to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Air Force installations and thereby increase awareness of those services across the department.

DoD RESPONSE: Concur. The Air Force FAP has been in contact with the National Children's Alliance military liaison regarding this issue. Plans are underway to produce such a memorandum. Completion is projected for April 30, 2020.

Appendix VII: GAO Contact and Staff Acknowledgments

GAO Contact

Brenda S. Farrell at (202) 512-3604 or farrellb@gao.gov

Staff Acknowledgments

In addition to the contact named above, Kimberly Mayo (Assistant Director), Molly Callaghan (Analyst in Charge), Vincent M. Buquicchio, Christopher Gezon, Grant Mallie, Joseph Neumeier, Kya Palomaki, Paul Seely, Mike Silver, and Lillian M. Yob made significant contributions to this report.

Appendix VIII: Accessible Data

Data Tables

Accessible Data for Reported Incidents of Child Abuse (Physical, Sexual, or Emotional Abuse, or Neglect), by Department of Defense (DOD) Criteria for Abuse, Fiscal Years 2014-2018

Army	Army	Navy	Navy	Marine Corps	Marine Corps	Air Force	Air Force
Met DOD's abuse criteria	Did not meet DOD's abuse criteria	Met DOD's abuse criteria	Did not meet DOD's abuse criteria	Met DOD's abuse criteria	Did not meet DOD's abuse criteria	Met DOD's abuse criteria	Did not meet DOD's abuse criteria
16286	16100	5488	5256	4528	3828	7228	10608

Accessible Data for Figure 2: Number of Reported Incidents of Child Abuse, By Department of Defense (DOD) Criteria for Abuse, Fiscal Years 2014-2018

Fiscal Years	Army	Army	Navy	Navy	Marine Corps	Marine Corps	Air Force	Air Force
na	Reported incidents that met DOD's criteria for abuse	Reported incidents that did not meet DOD's criteria for abuse	Reported incidents that met DOD's criteria for abuse	Reported incidents that did not meet DOD's criteria for abuse	Reported incidents that met DOD's criteria for abuse	Reported incidents that did not meet DOD's criteria for abuse	Reported incidents that met DOD's criteria for abuse	Reported incidents that did not meet DOD's criteria for abuse
2014	4333	4014	1077	909	851	1180	1490	2112
2015	3718	3568	1071	965	856	1174	1477	2103
2016	3292	2844	1155	993	945	725	1467	2097
2017	2569	2505	1117	1197	910	21	1415	2125
2018	2374	3169	1068	1192	966	728	1379	2171

Accessible Data for Accessible Data for Figure 3: Number of Military Investigations Involving a Child Victim, Fiscal Years 2014-20181

Fiscal Years	Army Criminal Investigation Command (number of investigations)	Naval Criminal Investigative Service (number of investigations)	Marine Corps Criminal Investigation Division (number of investigations)	Air Force Office of Special Investigations (number of investigations)
2014	839	308	304	278
2015	1118	355	248	271
2016	1150	354	206	233
2017	1167	288	188	257
2018	1291	208	166	265

Accessible Data for Figure 4: Number of Department of Defense Education Activity Serious Incident Reports, School Years 2013-2014 through 2017-2018

School Years	Serious incidents reported
2013-14	29
2014-15	22
2015-16	27
2016-17	34
2017-18	55

Accessible Data for Figure 5: Number of Military Installations and Children's Advocacy Centers by State as of August 2019

State	Military installations with a FAP	Number of Children's Advocacy Centers	State	Military installations with a FAP	Number of Children's Advocacy Centers
AK	4	11	MT	1	10
AL	4	22	NC	6	37
AR	2	17	ND	2	3
AZ	5	13	NE	1	7
CA	20	25	NH	1	11
CO	5	17	NJ	7	12
CT	1	11	NM	4	11
DC	3	1	NV	2	3
DE	1	3	NY	3	42
FL	13	29	OH	2	26
GA	8	37	OK	5	20

State	Military installations with a FAP	Number of Children's Advocacy Centers	State	Military installations with a FAP	Number of Children's Advocacy Centers
HI	4	5	OR	0	17
IA	0	6	PA	3	40
ID	1	5	RI	1	2
IL	3	41	SC	4	17
IN	0	20	SD	1	4
KS	3	18	TN	1	35
KY	2	13	TX	16	52
LA	2	13	UT	2	14
MA	1	12	VA	19	23
MD	9	21	VT	0	13
ME	0	3	WA	6	19
MI	2	35	WI	1	14
MN	0	7	WV	0	22
MO	2	22	WY	1	3
MS	4	11			

Accessible Data for Figure 6: Characteristics of Army Family Advocacy Program Incidents That Met Department of Defense (DOD) Criteria for Child Abuse, Fiscal Years 2014-2018

Incidents of abuse and average age of victim	Incidents of abuse	Average age of victim
Neglect	10722	4.7
Physical	3232	7.4
Emotional	2791	8.5
Sexual	749	10.1

Offender status	Percentage
Servicemember	53%
Family member	42%
Non-DOD beneficiary	2%
Non-DOD civilian	1%
DOD civilian	1%
Unknown	1%

Offender previously reported to the Family Advocacy Program	Percentage
Not reported	75%
Reported	25%

Accessible Data for Figure 7: Characteristics of Navy Family Advocacy Program Incidents That Met Department of Defense (DOD) Criteria for Child Abuse, Fiscal Years 2014-2018

Incidents of abuse and average age of victim	Incidents of abuse	Average age of victim
Neglect	3215	4.4
Physical	1798	7.1
Emotional	759	8.0
Sexual	312	10.0

Offender status	Percentage
Servicemember	48%
Family member	41%
Non-DOD beneficiary	9%
Non-DOD civilian	1%
DOD civilian	1%

Offender previously reported to the Family Advocacy Program	Percentage
Unknown	60%
Not reported	39%
Reported	1%

Accessible Data for Figure 8: Characteristics of Marine Corps Family Advocacy Program Incidents That Met Department of Defense (DOD) Criteria for Child Abuse, Fiscal Years 2014-2018

Incidents of abuse and average age of victim	Incidents of abuse	Average age of victim
Neglect	2806	3.2
Physical	687	5.9
Emotional	911	6.5
Sexual	109	9.2

Offender status	Percentage
Servicemember	51%

Offender status	Percentage
Family member	43%
Non-DOD beneficiary	4%
DOD civilian	1%

Offender previously reported to the Family Advocacy Program	Percentage
Not reported	93%
Reported	7%

Accessible Data for Figure 9: Characteristics of Air Force Family Advocacy Program Incidents That Met Department of Defense (DOD) Criteria for Child Abuse, Fiscal Years 2014-2018

Incidents of abuse and average age of victim	Incidents of abuse	Average age of victim
Neglect	3963	4.2
Physical	1828	7.4
Emotional	1589	8.3
Sexual	278	10.0

Offender status	Percentage
Servicemember	49%
Family member	44%
Non-DOD beneficiary	3%
Non-DOD civilian	2%
DOD civilian	1%
Unknown	1%

Offender previously reported to the Family Advocacy Program	Percentage
Not reported	97%
Unknown	3%

Accessible Data for Figure 10: Characteristics of Department of Defense (DOD) Army Criminal Investigation Command Child Victim Investigations, Fiscal Years 2014-2018

Category	Total number
Cases	5565
Offenders	5965
Victims	6535

Category	Total number
Offenses	8483

Status of at least one of the case's offenders	Percentage
Servicemember	57%
Unknown	36%
Non-DOD civilian	7%
DOD civilian	3%

Relationship of at least one of the offenders to the victim(s)	Percentage
Intrafamilial	42%
Unknown	27%
Extrafamilial	20%
Other	18%
Extrafamilial caregiver	2%

Accessible Data for Figure 11: Characteristics of Department of Defense (DOD) Naval Criminal Investigative Service Child Victim Investigations, Fiscal Years 2014-2018

Category	Total Number
Cases	1513
Offenders	1618
Victims	1731
Offenses	1812

Status of at least one of the case's offenders	Percentage
Servicemember	64%
Unknown	23%
Civilian	18%

Relationship of at least one of the offenders to the victim(s)	Percentage
Intrafamilial	40%
Extrafamilial	26%
Unknown	25%
Other	12%

Relationship of at least one of the offenders to the victim(s)	Percentage
Extrafamilial caregiver	1%

Accessible Data for Figure 12: Characteristics of Department of Defense (DOD) Air Force Office of Special Investigations Child Victim Investigations, Fiscal Years 2014-2018

Category	Total number
Cases	1304
Offenders	1384
Victims	1549
Offenses	1649

Status of at least one of the case's offenders	Percentage
Servicemember	92%
Service dependent	3%
Service retiree	3%
Contractor	2%

Relationship of at least one of the offenders to the victim(s)	Percentage
Intrafamilial	42%
Extrafamilial	29%
Unknown	23%
Other	7%
Extrafamilial caregiver	3%

Accessible Data for Figure 13: Characteristics of Department of Defense Education Activity Child Abuse Reports, School Years 2014-2015 through 2017-2018

Types of child abuse incidents reported	Number	Percentage
Physical abuse	130	51.2%
Other	43	16.9%
Multiple types of abuse	28	11%
Sexual abuse	22	8.7%
Emotional abuse	14	5.5%
Neglect	11	4.3%
Minor physical	4	1.6%
Child-on-child	2	0.8%

Offender status by incident	Percentage
Parent/guardian	54.7%
DODEA personnel	30.7%
Unknown	5.9%
Extrafamilial (child)	3.9%
Extrafamilial (other)	1.6%
Sibling	1.6%
Familial (other)	1.6%

Location by incident	Percentage
Off campus	63.8%
On campus	35%
Unknown	1.2%

Response by incident	Percentage
Reported to Family Advocacy Program	98.8%
Reported to military criminal investigative organization	36.2%

Accessible Data for Figure 14: Characteristics of Department of Defense Education Activity Serious Incident Reports for a Violation of Law or Sexual Event, School Years 2013-2014 through 2017-2018

Types of serious incidents reported	Number	Percentage
Nonconsensual sexual contact	59	35.3%
Assault and battery	42	25.1%
Rape	27	16.2%
Child pornography	25	15%
Noncontact sexual act	13	7.8%
Other crime against persons	11	6.6%
Attempt to commit sexual act	5	3%

School type by incident	Percentage
High school	55%
Middle school	26%
Elementary school	18%
Not reported	1%

Location by incident	Percentage
On school grounds	53%
Off school grounds	47%

Response by incident	Percentage
Police notified	73%
Police investigated	65%

Agency Comment Letter

Accessible Text for Appendix VI Comments from the Department of Defense

Page 1

JAN 27 2020

Ms. Brenda Farrell

Director, Defense Capabilities Management

U.S. Government Accountability Office

441 G Street, NW

Washington, DC 20548 Dear Ms. Farrell,

This is the Department of Defense (DoD) response to the GAO Draft Report, GAO-20-110, "CHILD WELFARE: Increased Guidance and Collaboration Needed to Improve DoD's Tracking and Response to Child Abuse," dated December 10, 2019 (GAO Code 103222).

The DoD and the Secretaries of the Military Departments have reviewed and responded to the subject report. The Draft Report Comment Matrix and DoD Comments to the GAO Recommendations are at Enclosures 1 and 2, respectively. My point of contact is Mary E. Campise, who can be reached at mary.e.campise.civ@mail.mil and 571-372-5346.

Sincerely,

Virginia S. Penrod

Acting

Enclosures:

As stated

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GAO DRAFT REPORT DATED DECEMBER 10, 2019 GAO-20-110 (GAO CODE 103222)

“CHILD WELFARE: INCREASED GUIDANCE AND COLLABORATION NEEDED TO IMPROVE DOD'S TRACKING AND RESPONSE TO CHILD ABUSE”

DEPARTMENT OF DEFENSE COMMENTS TO THE GAO RECOMMENDATIONS

RECOMMENDATION 1: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should expand the scope of the department’s centralized database on problematic sexual behavior in children and youth, which is under development, also to track information on all incidents involving the abuse of a child (physical, sexual, emotional, and neglect) reported to the Family Advocacy Program or investigated by a military law enforcement organization, regardless of whether the offender was another child, an adult, or someone in a non-caregiving role at the time of the incident.

DoD RESPONSE: Non-concur. The report conflates three separate and distinct constructs of behavior: juvenile misconduct, problematic sexual behavior in children and youth (PSB-CY), and child abuse and neglect committed by adults. The statute directed the Department’s attention to collecting data on PSB-CY. During the information gathering phase of the GAO study, DoD emphasized that contractual negotiations significantly limited the Department’s ability to share specific details regarding plans and timelines.

Expanding the scope of the PSB-CY database places the Department at risk of violating multiple federal laws (governing both Department of Defense (DoD) and Department of Justice (DOJ)) that contain specific

language requiring additional protections for collecting and sharing information on alleged conduct of juveniles. These statutes designate juveniles as a special population, and require limited access to such information, especially where law enforcement and investigative information is captured. Developing a system that does not distinguish between the conduct of adults and children undermines the implementation of evidence- informed, rehabilitative response to addressing problematic juvenile behavior and violates the intent of federal privacy laws to protect this special population.

The Navy Criminal Investigative Service (NCIS) also notes that under the Federal Juvenile Delinquency Act, juvenile records must not be disclosed to unauthorized persons and must only be released as authorized under the Act (See subsections (a) through (c) of 18 U.S.C. § 5038). Subsection (c) of the statute specifically states that "during the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the Government, or others entitled under this section to receive juvenile records." The DoD position is that it is imperative to protect sensitive juvenile data within any database.

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RECOMMENDATION 2: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should, as part of the ongoing development of the centralized database, identify and define the elements to be tracked by each responsible organization, such as the Family Advocacy Program and military law enforcement.

DoD RESPONSE: Concur. The contract to develop the PSB-CY centralized data system was awarded on November 13, 2019, and identification and definition of elements tracked by the system are addressed in the fiscal year 2020 scope of work for the data system. Finalization of this information will occur in accordance with contractually appropriate timeframes.

As noted by NCIS in the response to Recommendation 1, under the Federal Juvenile Delinquency Act, juvenile records must not be disclosed to unauthorized persons and must only be released as authorized under

the Act (See subsections (a) through (c) of 18 U.S.C. § 5038). Subsection (c) of the statute specifically states that “during the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the Government, or others entitled under this section to receive juvenile records.” The DoD position is that it is imperative to protect sensitive juvenile data within any database.

RECOMMENDATION 3: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should develop a plan for how it will use the data it will collect in the centralized database to help ensure data-driven decision making is used to inform program efforts.

DoD RESPONSE: Concur. The contract to develop the PSB-CY centralized data system was awarded on November 13, 2019. A data analysis plan, informed by system development throughout fiscal year 2020, will be developed to uncover trends and track outcomes of collected PSB-CY incident information.

RECOMMENDATION 4: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should establish a reliable schedule for the development and implementation of the centralized database on problematic sexual behavior in children and youth that includes key activities, the timeframes and resources needed to execute them, and GAO-identified practices for developing and maintaining a reliable schedule.

DoD RESPONSE: Concur. The contract to develop the PSB-CY centralized data system was awarded on November 13, 2019. A data analysis plan, informed by system development throughout fiscal year 2020, will be developed to uncover trends and track outcomes of collected PSB-CY incident information.

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RECOMMENDATION 5: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should direct the service

Family Advocacy Programs and military law enforcement organizations to document in their respective databases the date that they notified the other entity of a reported incident of child abuse.

DoD RESPONSE: Partially concur. Per DoD policy, the Family Advocacy Programs (FAP) and military law enforcement organizations are currently directed to notify each other of reported incidents of child abuse at the installation level, and these processes are monitored by the Services.

Additionally, NCIS documentation of the notification date and name of the individual at FAP is included within the narrative of NCIS' Reports of Investigation (ROI). However, currently this information is not contained in a defined field within the database where it can be easily extracted. The Air Force Office of Special Investigations' database contains the case file and related case notes such as FAP notification and any subsequent notifications.

DoD will further analyze the efficiency, cost, and feasibility of recording the notification date to law enforcement in FAP databases, as recommended. Additionally, the Under Secretary of Defense for Intelligence, Law Enforcement Policy Office, is creating a Defense Justice Data Standard to be mandated across DoD's criminal justice agencies. The new data standards will incorporate a date of notification to the FAP data field for child abuse allegations.

RECOMMENDATION 6: The GAO recommends that the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should issue guidance that describes the process through which the service Family Advocacy Programs are to receive and incorporate information into their central registries regarding child abuse allegations and determinations involving their servicemembers and dependents that were recorded by another service's installation FAP. Such guidance should include a mechanism to monitor that the process is occurring consistently.

DoD RESPONSE: Partially concur. The process for implementation of FAP data reporting policy is determined by each Service headquarters FAP. DoD will review FAP data reporting policy to explore the potential to reference the crosswalk file, which contains information on incidents from one Service recorded by another Service, in the scheduled reissuance of DoD policy in 2023. In accordance with the purpose of the central registry, the crosswalk file is limited to met criteria incidents of abuse, rather than abuse allegations.

RECOMMENDATION 7: The GAO recommends that the Secretary of the Army should develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked.

DoD RESPONSE: Concur. The Army is updating AR 608-18 to align with current DoD policy, with an anticipated release date by October 1, 2022. Family Advocacy information technology system modernization includes tracking of referrals and reasons for screen out, with

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completion required by October 1, 2023. Compliance monitoring through certification is a current inspection requirement.

RECOMMENDATION 8: The GAO recommends that the Secretary of the Navy should develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked.

DoD RESPONSE: Concur. The Navy has an established definition for triaging allegations of child abuse and neglect (CAN) and has used the DoD criteria to establish reasonable suspicion of abuse (as defined in OPNAV 1752.2C) for every allegation of CAN received by the FAP office. The Navy uses its official electronic documentation system, Fleet and Family Support Management Information System (FFSMIS), which adequately documents and ensures compliance related to each step in the process of documentation. The installation and regional requirements and accountability that are established in the quarterly Quality Assurance reviews provide assurance and culpability in compliance with triage standards. The Fleet and Family Support Certification Program reviews compliance with the National Military and Family Readiness Program standards and Navy specific standards. This comprehensive evaluation system was designed to confirm Service-wide compliance with legal and regulatory DoD requirements, including screening and triaging allegations of CAN.

RECOMMENDATION 9: The GAO recommends that the Secretary of the Navy should ensure that the Commandant of the Marine Corps develops a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that

should be presented to an Incident Determination Committee are consistently presented and therefore tracked

DoD RESPONSE: Concur. The Marine Corps will develop a process, via a protocol, to document the standardized and formalized screening of incidents of child abuse at the installations to ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee (IDC) are consistently reported and tracked. The target completion date for implementing Recommendation 9 is December 31, 2020.

RECOMMENDATION 10: The GAO recommends that the Secretary of the Air Force should develop a process to monitor how reported incidents of child abuse are screened at installations to help ensure that all reported child abuse incidents that should be presented to an Incident Determination Committee are consistently presented and therefore tracked.

DoD RESPONSE: Concur. To strengthen compliance oversight in the future, Air Force FAP is projecting a new position for assessing compliance with DoD and Air Force policy at installation FAP offices. This position will also sample cases to provide additional oversight regarding the potential concern annotated here. Estimated completion date for adding this capability is July 31, 2020.

RECOMMENDATION 11: The GAO recommends that the Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness, in coordination with the

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Director of the Department of Defense Education Activity, clarifies Department of Defense Education Activity guidance to define what types of incidents must be reported as “serious incidents” to help ensure that all serious incidents of which Department of Defense Education Activity leadership needs to be informed are accurately and consistently reported by school administrators.

DoD RESPONSE: Concur. The Department of Defense Education Activity (DoDEA) will conduct a review/assessment of reporting via the new DoDEA serious incident reporting system in February 2020, after which updated serious incident reporting guidance will be developed and published within calendar year 2020.

RECOMMENDATION 12: The GAO recommends the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should expand the voting membership of the Incident Determination Committee to include medical personnel with the requisite knowledge and experience.

DoD RESPONSE: Partially concur. The Department agrees that the inclusion and consideration of medical information in the determination process is important; hence, current IDC policy includes medical personnel as non-voting members, as appropriate to their involvement in serving the individual(s) involved in the incident. To assess whether current IDC policy and process adequately includes medical personnel in IDC child maltreatment reviews, in FY2020 we will engage the researchers who developed the IDC algorithm and process, as well as other stakeholders, including the Defense Health Agency and the Military Services, for collaborative input and guidance for inclusion in DoDM 6400.01 Vol 3, which is due for reissuance in FY2023.

RECOMMENDATION 13: The GAO recommends the Secretary of the Army should establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services.

DoD RESPONSE: Concur. The Army and DoD currently have multiple informational products and websites regarding the FAP processes and resources, tailored to the audience, and specific information needed at that point of contact. This includes comprehensive guides for Commanders regarding the FAP and brochures regarding installation-specific FAP prevention programs and resources. Soldiers and family members receive an information paper regarding the FAP case process at the initial FAP assessment, and a copy of the incident determination that includes the treatment plan with specific resources. Crime victims receive DD Form 2701, and potential beneficiaries receive brochures related to Transitional Compensation. In coordination with stakeholders, Army Materiel Command will develop a web portal providing comprehensive information related to Family Advocacy, law enforcement, and resources for families at any point in the process, synchronizing information across commands and installations to ensure accuracy. The link will be included in all informational products delivered at specific points of contact in the FAP case process and will be publicized through multiple media outlets.

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Identification of requirements will be completed in FY20, with web portal completion no later than October 1, 2022.

RECOMMENDATION 14: The GAO recommends the Secretary of the Navy should establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services.

DoD RESPONSE: Concur. The Navy agrees that victims should have resources and information about the FAP process, coordination with accessing military and civilian helping agencies and referral sources. The Navy is developing tailored communication and actionable guidance, and products that inform how incidents of child abuse will be addressed following an initial report.

RECOMMENDATION 15: The GAO recommends the Secretary of the Navy should ensure that the Commandant of the Marine Corps establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services

DoD RESPONSE: Partially concur. This recommendation is addressed via Marine Corps Order (MCO) 1754.11 dated March 26, 2012, chapter 7, "…VAs are assigned….to the non- offending parent of a victim of child abuse who request services…" It is out of scope for the Family Advocacy Program to explain the processes that law enforcement organizations will follow. Via MCO 1754.11, the Marine Corps has effectively implemented Recommendation 15 and requests that the GAO close the recommendation as complete.

RECOMMENDATION 16: The GAO recommends the Secretary of the Air Force should establish efforts to comprehensively inform victims' families about how reported incidents of child abuse will be addressed following the report, such as a comprehensive guide that explains the process the Family Advocacy Program and military law enforcement organizations will follow, and available victim services.

DoD RESPONSE: Concur. The Air Force FAP has periodically produced materials along these lines; however, such efforts and products will be consolidated and strengthened to address the recommendation. Estimated completion date for review and consolidation is May 1, 2020.

RECOMMENDATION 17: The GAO recommends the Secretary of Defense, in collaboration with the Secretaries of the military departments and the Commandant of the Marine Corps, should clarify, in guidance, the circumstances under which commanders may exercise their authority to remove a child from a potentially unsafe home on an overseas installation.

DoD RESPONSE: Concur. The Department of Defense will work through the Secretaries of the Military Departments to require that the installation Family Advocacy Committees and

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servicing Staff Judge Advocates develop and issue guidance on the installation commander's authority to remove a child from a potentially unsafe home on an overseas installation.

RECOMMENDATION 18: The GAO recommends the Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness, in coordination with the Director of the Defense Health Agency, establishes processes that help ensure children who are sexually abused overseas have timely access to a certified pediatric sexual assault forensic examiner to conduct the examination. Initiatives could include certifying pediatricians or adult sexual assault forensic examiners as pediatric examiners during mandatory training or establishing shared regional assets.

DoD RESPONSE: Concur. The Department acknowledges the importance of establishing processes and standards for ensuring timely access to providers with specialized experience and certifications in medical management of pediatric sexual abuse. Over the last year, the Department convened working groups, published policy, drafted procedural guidance, and created a program to establish processes and standards for medical forensic care of sexual assault victims in the military.

The recent publication of the Department of Defense Instruction (DoDI) 6310.09, "Health Care Management for Patients Associated with a Sexual

Assault" on May 7, 2019, establishes policy and assigns responsibilities for providing evidence-based health care, including sexual assault medical forensic exams, to all patients affected by sexual assault utilizing the Military Health System for their care.

Health Affairs and the Defense Health Agency (DHA) created and managed the Medical Management of Sexual Assault Working Group consisting of subject matter experts from various areas of the sexual assault field. The working group drafted the DHA Procedural Instruction (DHA-PI) 6310.09, anticipated for publication in 2020, to provide procedural guidance on the policy established in DoDI 6310.09 and to establish the Medical Forensic Healthcare Program.

The DHA-PI provides procedural guidance and standards for the specialty care of children who report sexual abuse or who are suspected of having been sexually abused, in both the Continental United States (CONUS) and overseas locations (OCONUS). This portion of the instruction was primarily written by DoD pediatricians who hold certification and expertise in medical forensic care and exams of children.

The DHA-PI establishes capability requirements to ensure patients affected by sexual assault get expedient, quality care that meets established standards. For CONUS Military Treatment Facilities (MTF) with a twenty-four hours a day, seven days a week (24/7) emergency room (ER), MTFs must have the capability to provide medical forensic care for children or have a Memorandum of Understanding (MOU) with a facility that adheres to national standards .

OCONUS MTFs with a 24/7 ER must be required to have the capability for child examinations, via a provider certified as a Sexual Assault Medical Forensic Examiner-Pediatric (SAMFE-P), or by the SAMFE-A (adult), working in tandem with a healthcare provider with expertise providing clinical care to children or as a last resort, transfer to the closest MTF with pediatric medical forensic examination capability.

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While the DHA-PI outlines requirements for SAMFE-Ps, associated courses are in development and full implementation across the Department is pending publication of the DHA-PI and completion of course development. Until fully implemented, MTF's will continue to rely on MOUs with proper healthcare providers and facilities CONUS and OCONUS or utilize military healthcare providers that are DHA certified,

nationally certified, or state certified to perform such exams (e.g. SAMFE-P, Sexual Assault Nurse Examiner-Pediatric © (SANE-P) via the International Association of Forensic Nurses--IAFN) or provide the necessary exam utilizing two healthcare providers identified above. OCONUS facilities with providers who are certified to provide medical forensic pediatric exams will continue to provide them, however efforts are underway to create a military medical forensic pediatric exam course that will allow SAMFEs positioned at OCONUS MTFs to also perform pediatric exams as needed, as long as they maintain their competency.

Healthcare providers who can be trained, and who can provide such specialty care after medical forensic pediatric certification (SAMFE-P), are the same as those listed for SAMFE-A in the NDAA 2014 SEC. 53 and DoDI 6310.09. In addition, all SAMFE-P certified providers will also be required to attend the SAMFE-A course since it includes care of adolescents and since having providers with a combination of SAMFE-A and SAMFE-P certifications provides greater versatility and capability.

References:

1. U.S. Department of Justice, A National Protocol for Sexual Abuse Medical Forensic Examinations-Pediatric, April 2016, or current version.

2. Adams, J., Kellogg, N., Farst, K., et al. (2015) Updated Guidelines for the Medical Assessment and Care of Children Who May Have Been Sexually Abused. Journal of Pediatric Adolescent Gynecology.

3. National Children’s Alliance, “Standards for Accredited Members,” 2017 edition.

RECOMMENDATION 19: The GAO recommends the Secretary of Defense, in collaboration with the Deputy Attorney General, should seek avenues to improve communication between the military criminal investigative organizations and United States Attorneys for relevant cases involving child victims to help ensure that investigators are notified when prosecution is declined, including the reasons for the declination when appropriate, such as details about any investigative deficiencies.

DoD RESPONSE: Concur. Since April 2018, the Department of Justice and Department of Defense have participated in a working group examining how to improve collaboration in the management of the

government's response to juvenile-on-juvenile sexual assaults on military installations. Among the areas under review by the working group are closer collaboration and case management between military criminal investigative organizations and the Department of Justice. This includes exploring methods to increase the efficiency and reliability of declination to prosecute tracking and notification. For example, when NCIS has primary jurisdiction for investigating these incidents, the date of declination is provided within the ROI ("Closed"); however a reason is not always provided by the U.S. Attorney's office. In the future, NCIS will make a request that a reason be provided, and then will include it in the ROI (Closed) if a reason is provided by the relevant U.S. Attorney's Office.

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RECOMMENDATIONS 20 - 24: DoD RESPONSE TO SERVICES' COMMENTS: Each of the Services concurs with the overall recommendation to seek to establish memorandums of understanding with the National Children's Alliance. The individual Service differences in organizational structure and process are reflected in the nuances of their responses.

RECOMMENDATION 20: The GAO recommends the Secretary of the Army should seek to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Army installations and thereby increase awareness of those services across the department.

DoD RESPONSE: Partially concur. The Army (Deputy Chief of Staff, G9 and Medical Command) participates in a Child Advocacy Center (CAC)-Military Partnership Collaborative Work Group facilitated by the National Children's Alliance (NCA). The Army is working with NCA to develop a broad Memorandum of Understanding (MOU) to support partnerships between military installations and local CACs to assist with providing supportive services, education, and prevention services to military families; and investigation of incidents of child abuse, child neglect and Problematic Sexual Behavior in Children and Youth. The goal is to finalize the MOU in FY21. NCA cannot dictate or direct local CACs to provide services, thus local MOUs that address protocols and procedures must be developed or updated, with anticipated completion in FY22. Compliance monitoring will be accomplished through certification inspections.

RECOMMENDATION 21: The GAO recommends the Secretary of the Navy should continue to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Navy installations and thereby increase awareness of those services across the department.

DoD RESPONSE: Partially concur. The Navy recommends flexibility to develop MOUs with Children's Advocacy Centers accredited through the National Children's Alliance (NCA), and directly with local Children's Advocacy Centers that are not accredited through the NCA. In order to develop partnerships to enhance collaboration between Children's Advocacy Centers that are not accredited through the NCA, Navy installation FAP offices will be responsible for ensuring that there is a basic understanding of the other's responses to reports of suspected child maltreatment. The Navy is currently collaborating with the Coordinator for Services to Military Families from the NCA to develop an MOU between the Commander, Naval Installations Command (CNIC) Counseling, Advocacy and Prevention Program, and the NCA. This MOU will serve to guide and support the collaborative relationship between the installation Navy FAP programs and local Children's Advocacy Centers. This agreement will outline each entity's responsibilities in providing services and support to families impacted by PSB-CY.

RECOMMENDATION 22: The GAO recommends the Secretary of the Navy should ensure that the Commandant of the Marine Corps continues to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Marine Corps installations and thereby increase awareness of those services across the service.

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DoD RESPONSE: Concur. The MOU between the Marine Corps and the National Children's Alliance is in development. The target completion date for implementing Recommendation 22 is December 31, 2020.

RECOMMENDATION 23: The GAO recommends the Secretary of the Air Force should seek to develop a memorandum of understanding with the National Children's Alliance that makes children's advocacy center services available to all Air Force installations and thereby increase awareness of those services across the department.

DoD RESPONSE: Concur. The Air Force FAP has been in contact with the National Children's Alliance military liaison regarding this issue. Plans are underway to produce such a memorandum. Completion is projected for April 30, 2020.

Related GAO Products

Military Justice: DOD and the Coast Guard Need to Improve Their Capabilities to Assess Racial and Gender Disparities. GAO-19-344. Washington, D.C.: May 30, 2019.

Children Affected by Trauma: Selected States Report Various Approaches and Challenges to Supporting Children. GAO-19-388. Washington, D.C.: April 24, 2019.

Sexual Violence: Actions Needed to Improve DOD's Efforts to Address the Continuum of Unwanted Sexual Behaviors. GAO-18-33. Washington, D.C.: December 18, 2017.

Child Well-Being: Key Considerations for Policymakers, Including the Need for a Federal Cross-Agency Priority Goal. GAO-18-41SP. Washington, D.C.: November 9, 2017.

Military Personnel: DOD Has Processes for Operating and Managing Its Sexual Assault Incident Database. GAO-17-99. Washington, D.C.: January 10, 2017.

Sexual Violence Data: Actions Needed to Improve Clarity and Address Differences Across Federal Data Collection Efforts. GAO-16-546. Washington, D.C.: July 19, 2016.

Sexual Assault: Actions Needed to Improve DOD's Prevention Strategy and to Help Ensure It Is Effectively Implemented. GAO-16-61. Washington, D.C.: November 4, 2015.

Youth Athletes: Sports Programs' Guidance, Practices, and Policies to Help Prevent and Respond to Sexual Abuse. GAO-15-418. Washington, D.C.: May 29, 2015.

Military Personnel: Actions Needed to Address Sexual Assaults of Male Servicemembers. GAO-15-284. Washington, D.C.: March 19, 2015.

Child Welfare: Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel. GAO-14-42. Washington, D.C.: January 27, 2014.

Child Maltreatment: Strengthening National Data on Child Fatalities Could Aid in Prevention. GAO-11-599. Washington, D.C.: July 7, 2011.

Military Justice: Oversight and Better Collaboration Needed for Sexual Assault Investigations and Adjudications. GAO-11-579. Washington, D.C.: June 22, 2011.

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