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Pentagon chief Ashton Carter testifies before the House Armed Services Committee on Capitol Hill in Washington, D.C., on Tuesday, April 28, 2015.

U.S. military fails to protect children from sexual abuse on bases, AP reports

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JACKSONVILLE, N.C. — A decade after the Pentagon began confronting rape in the ranks, the U.S. military frequently fails to protect or provide justice to the children of service members when they are sexually assaulted by other children on base, an Associated Press investigation has found.

Reports of assaults and rapes among kids on military bases often die on the desks of prosecutors, even when an attacker confesses. Other cases don't make it that far because criminal investigators shelve them, despite requirements they be pursued.

The Pentagon does not know the scope of the problem and does little to track it. AP was able to document nearly 800 sex assault cases on base since 2007 through dozens of interviews and by piecing together records and data from the military's four main branches and school system.

Sexual violence occurs anywhere children and teens gather on base — homes, schools, playgrounds, food courts, even a chapel bathroom. Many cases get lost in a dead zone of justice, with neither victim nor offender receiving help.

"These are the children that we need to be protecting, the children of our heroes," said Heather Ryan, a former military investigator.

The lens of thousands of kids who live or bases in the U.S. and abroad are not covered by military law. The U.S. Justice Department, which has jurisdiction over many military bases, isn't equipped or inclined to handle cases involving juveniles, so it rarely takes them on.

Federal prosecutors, for example, pursued roughly one in seven juvenile sex offense cases that military investigators presented, according to AP's review of about 100 investigative files from Navy and Marine Corps bases.

In one unprosecuted case from Japan, witnesses confirmed that a 11-year-old boy pulled a 17-year-old girl from a car in a school parking lot and took her to his residence, where she said he raped her. A medical exam of the girl found his semen.

On a U.S. Army base in Germany, Leandra Mulla told investigators that her teenage ex-boyfriend dragged her to a secluded area and thrust his hand down her pants while forcibly trying to kiss her. Four years later, Mulla still wonders what came of her report.

Offenders, meanwhile, typically receive minor rebukes, if any punishment, and some are shuffled off to other installations or into the civilian world.

In North Carolina, at Camp Lejeune, the coastal training ground for U.S. Marines, a 9-year-old boy admitted to Naval Criminal Investigative Service investigators that he had fondled toddlers in his home and classmates at Heroes Elementary School. He said he couldn't help himself.

Military child abuse specialists couldn't help him either — they intervene only when the alleged abuser is a parent or other caretaker. A federal prosecutor twice declined to take action.

A dozen current or former prosecutors and military investigators described to AP how policies within the Pentagon and Justice Department thwarted efforts to help victims and rehabilitate offenders.

"The military is designed to kill people and break things," said former Army criminal investigator Russell Strand, one of the military's pioneering experts on sexual assault. "The primary mission, it's not to deal with kids sexually assaulting kids on federal property."

Sexual assault cases can be difficult to investigate and messy to prosecute, more so when they involve children. Offenders may threaten further harm, and victims or their parents may not want to relive the trauma through lengthy investigations and prosecutions.

AP began investigating sexual violence among military children after readers of the 2011 investigation of sex assault in U.S. public schools described an even more complex problem on bases.

AP found the otherwise data-driven Pentagon does not analyze reports it receives of sexual violence among children and teens on base. When the Defense Department said it could not pinpoint the number of assault reports, AP used U.S. Freedom of Information Act requests to obtain investigative reports and data from the agencies that police the Army, Air Force, Navy and Marines. AP also analyzed documents released by the Pentagon's school system, which oversees 71,000 students in seven U.S. states and 11 other countries.

Records the military initially released omitted a third of the cases AP identified through interviews with prosecutors, military investigators, family members, whistleblowers and data that officials later provided. Other cases got buried.

Strand, now a private-sector consultant, estimated that in the Army alone colleagues passed on opening several hundred sex assault cases involving offenders under 16. Strand said he learned of those alleged assaults in the 22 years that he was a military investigator and, later, as a trainer.

Responding to AP's findings, the Defense Department said it "takes seriously any incident impacting the well-being of our service members and their families." The department promised to take "appropriate actions" to help juveniles involved in sex assaults. It said it was "not aware of any juvenile sex offender treatment specialists" working in the military or its school system.

The Office of the Secretary of Defense described child-on-child sexual assault as "an emerging issue" that merited further review. AP found that military lawyers have warned about a juvenile justice block hole since the 1970s.

The military's school system said student safety was its highest priority, that school officials were obligated to report all incidents and that "a single report of sexual assault is one too many."

MISSING REPORTS

Leandra Mulla was a freshman at Vilseck High School on a U.S. Army base in Germany when, she recalls, her former boyfriend dragged her off campus and sexually assaulted her one afternoon in February 2014. Her basketball coach saw her crying and alerted the principal's office.

At a police station on base, Army criminal investigators and local authorities met with Mulla. They took some of her clothes as evidence, she said, and when it was over an officer explained someone would be in touch.

After no one followed up and the boy remained in school, her father sought answers. Pete Mulla, a civilian Army employee, said military investigators offered hazy details about German officials possibly having done something.

All the family could glean was that some sort of restraining order had been issued.

"I just really want closure," said Mulla, who graduated last spring. "At least tell me something."

Prosecutors in Germany, who share jurisdiction over crimes on U.S. military bases there, told AP they investigated but found insufficient evidence to file charges. The Pentagon school system told AP it had "no responsive records" on the Mulla case.

Leandra Mulla said neither the Army nor the school offered her any help, such as counseling.

"The military is a great field to be in," she said. "But they just like to cover up what goes on because they have an expectation and they try to uphold an image."

How sexual assault reports are handled can hinge on personality and rank. Whether their child is the accused or accuser, higher-ranking families receive more consideration, several former military investigators and lawyers told AP. Supervisors with kids of their own were more likely to push an investigation, they said, while junior Army officers preoccupied with case backlogs investigators would slash less serious allegations in a "new deal" file, where they languished.

Regulations require that all credible reports of sexual assault be investigated. Army Criminal Investigation Command spokesman Chris Grey said, adding that new data files are checked for cases that merit a second look.

AP unearthed just over 200 cases missing from records the military and Pentagon school system initially provided when asked about assaults. At least two had been criminally investigated.

Some agencies resisted providing all data sources or defined cases in ways that led to undercounts. Pressed about missing cases, for example, Grey said that data initially released representing "the number of sex crimes reported at installations" in fact reflected a much narrower subset — full investigations "closed" only after an extensive, bureaucratic paperwork process.

Among the missing cases was one in which an Army investigator's step-daughter reported being assaulted in a pool at Fort Leonard Wood, Missouri, in 2009. The official data provided AP there were no assaults at that base. The last account of an Army base in Germany was, according to the records, in 2011 — two years before Mulla reported being attacked.

AP also found undisclosed cases at large military bases in Alaska, Colorado, Texas and Italy, which reported having no or only a few sexual assaults.

Unlike many U.S. school districts, Pentagon schools do not publicly share statistics on student sex assaults. Responding to AP's request for total incidents since the start of 2007, school officials said they had information only as of fall 2011 and produced documents that showed 67 sexual assault or rape reports through last summer.

A review of the school system's underlying records, though, showed they were in such disarray that, for four years, forms recording sexual assaults were misclassified as "child pornography" reports.

Reporters also learned of a separate student information database that logs student misconduct. After arguing the database could not be analyzed, school system officials released logs showing 123 confirmed cases — mostly fondling and groping — that fit the criteria for a federal felony charge. They acknowledged those records were incomplete.

Presented with AP's findings before publication, school system officials said their primary incident tracking system "has had some challenges" and acknowledged that the student information database included "additional cases of interest."

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ELUSIVE JUSTICE

On most bases, the military's criminal branches investigate sex assault reports, and U.S. Justice Department attorneys decide whether to prosecute.

Federal prosecutors tend to be "allergic" to any case involving juveniles, said James Trusty, a Washington, D.C., attorney who as a longtime Justice Department section chief advised colleagues for considering juvenile prosecutions.

Department policy is that federal prosecutors should hand juvenile cases to their state counterparts whenever possible. AP found few military bases where local authorities regularly assumed such cases.

The federal reluctance to prosecute is clear in an AP analysis of about 100 juvenile-on-juvenile sex assault investigations on Navy and Marine Corps bases over the last decade.

Investigators referred 76 cases to federal prosecutors who, according to records released to AP pursued only 11 cases. In contrast, local prosecutors were presented with 29 cases and acted on 11.

Cases from overseas bases were almost never prosecuted, including those that came with a confession.

In one unprosecuted case, a 16-year-old boy told investigators that over many months he broke into the bedrooms of two girls on an Air Force base in Japan while their families slept. He later recanted an admission that he molested one girl, though records noted video evidence of a sexual assault.

The findings come from more than 800 pages of investigative summaries the Naval Criminal Investigative Service released after redacting some details on personal privacy grounds.

One case involved the alleged assaults by the 9-year-old boy at Heroes Elementary on Marine Corps Base Camp Lejeune.

Less than 24 hours after the initial report of an assault in the boy's home, the federal prosecutor on base declined to take the case because of "the age of the parties involved and the circumstances surrounding the alleged incident," according to the case file.

That decision came before NCIS agents had interviewed the boy. When agents pressed on, they found he had also fondled kids in school and at a sleepover. Approached again by investigators, the prosecutor stood firm. AP was unable to locate the families involved, and no official record discuss the case.

A Justice Department spokesman said the agency does not comment on how its attorneys select cases. Prosecution rates are not a good way to assess how the system is working, spokesman Wyn Hornbuckle wrote in an email, though he said there was no alternative measure for such "a niche area" as juvenile sex assault cases on bases.

Former prosecutors and criminal investigators described to AP a legal system in which justice for the children of service members depends on luck and location.

When a call came into the Air Force Office of Special Investigations on bases where Nate Gebhardt was a special agent, his first move was to a map. Even bases that are governed by federal law can have nooks where, due to historical quirks and formal or informal agreements, local law enforcement takes the lead.

"If got very complicated very quickly," recalled Gebhardt, now the top expert at the Pentagon's Sexual Assault Prevention and Response Office, which monitors and responds to incidents among service members.

No place illustrates the intricate legal terrain quite like Fort Campbell, which so home to the Army's 101st Airborne Division straddles the Kentucky-Tennessee line. Even though it is a base where federal law prevails, the local court handed some alleged assaults on the Kentucky side. Cases on the Tennessee side were routed to federal prosecutors.

There is no one legally bulletproof way to move civilian cases from a federal jurisdiction basis, experts said. It involves a rarely used legal process in which the Pentagon formally transfers jurisdiction to local authorities, as has been done at Kentucky's Fort Knox and Joint Base Lewis-McChord outside Tacoma, Washington.

When prosecutors don't get involved, a base commander may ban an offender from returning, pending therapy, or transfer the family. But commanders don't have to take any action.

"There's not necessarily any kind of justice, it's just, "You can't be here anymore," said Marcus Williams, a former NCIS investigator who now handles discrimination claims, including sex assault reports, at Brigham Young University.

Relocating a kid rather than requiring rehabilitative therapy through a court process misses a crucial opportunity for reform. The most comprehensive research suggests that only 3 percent of juveniles who are arrested for a sex offense will get caught reoffending. Experts worry that when adults do not intervene, children may conclude sex assaults are acceptable.

The fear of future victims still gnaws at Heather Ryan, who worked as an NCIS investigator for more than two years at Camp Lejeune.

In 2011, two sisters, 7 and 9, said their 10-year-old half-brother sexually assaulted them and threatened violence if they talked. The boy confessed.

Ryan worried the boy could become a lifelong offender, but said she struggled to get him help from the military's east-support structure. Desperate, Ryan persuaded a federal prosecutor to take the case with a plan of forcing the 10-year-old into sex offender treatment in the civilian world.

When the boy stopped cooperating, the case fell apart. His family was later transferred to a base in another state. It's unclear whether he ever received therapy.

"This child needed help. He really, really needed help," Ryan, who retired from NCIS in 2015, said. "I think of him a lot and wonder how he's doing, and if he has hurt anybody else."

Pritchard reported from Los Angeles. David Rising in Berlin, Germany, contributed reporting. Alex contributing were Rhonda Shafner and Jennifer Farrar in New York, and Yuri Kageyama in Tokyo.

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