

Investigations of Sexual Misconduct by the Defense Criminal Investigative Organizations and Other DoD Law Enforcement Organizations.

- o Applies to all criminal investigations of sexual misconduct conducted by DOD Components including all Defense Criminal Investigative Organizations (DCIOs) and other DoD law enforcement organizations.
- o Prohibits DCIOs and other DOD law enforcement organizations from conducting investigations solely to determine a servicemember's sexual orientation.
- o Provides that investigations of sexual misconduct will be conducted in an evenhanded manner, without regard to whether the misconduct involved homosexual or heterosexual conduct.
- o Provides that allegations of consensual adult private sexual conduct that violates the UCMJ will normally be referred to the commander(s) of the servicemember(s) involved for appropriate action.
- o Authorizes commanders, upon their determination that they have credible information of violations of the UCMJ, to request an investigation by the DCIO, or other DOD law enforcement organization, as appropriate.
- o Restates authority of Commanders and Directors of DCIOs, or the supervisors and managers they designate, to decline to open a case upon referral from a servicemember's commander if, after their independent evaluation, they determine that the request lacks credible information that a violation of the UCMJ has occurred.
- o Provides that Commanders and Directors of the DCIOs, or their Principal Deputies, may independently initiate an investigation based upon credible information without a referral by a commander of a DoD Component when the DCIO believes that such an investigation is an appropriate use of investigative resources.
- o Provides guidelines for criminal investigations by DCIOs of adult private consensual misconduct and clarifies policy and rationale for deferring responsibility for investigation of such cases to military commanders.