

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MEMORANDUM

November 16, 2022

To: Members of the Subcommittee on National Security

Fr: Majority Staff

Re: Supplemental Memo for Hearing on “JROTC: Protecting Cadets from Sexual Abuse and Instructor Misconduct”

On August 15, 2022, Committee on Oversight and Reform Chairwoman Carolyn B. Maloney and Subcommittee on National Security Chairman Stephen F. Lynch wrote to Secretary of Defense Lloyd J. Austin III and the Secretaries of the Army, Navy, and Air Force requesting information about how the Department of Defense (DOD) and the military services conduct oversight of their respective Junior Reserve Officers’ Training Corps (JROTC) programs to ensure that program leaders, instructors, and administrators cannot abuse, harass, or otherwise victimize the cadets under their supervision.¹

This memorandum summarizes key information obtained by the Committee, including the Department’s November 3, 2022, response to Chairwoman Maloney and Chairman Lynch.

I. SEXUAL MISCONDUCT COMMITTED BY JROTC INSTRUCTORS IS MORE WIDESPREAD THAN PREVIOUSLY REPORTED

In July 2022, the *New York Times* reported that JROTC instructors have been criminally charged for sexual misconduct involving students at rates “far higher than the rate of civilian high school teachers.” According to the *Times*, during the last five years, prosecutors have brought criminal charges against at least 33 JROTC instructors. Many other instructors, according to the *Times* “have been accused of misconduct but never charged.”²

¹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Stephen F. Lynch, Subcommittee on National Security, to Secretary of Defense Lloyd J. Austin III, et. al. (Aug. 15, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-08-15.CBM%20SFL%20to%20Austin-DOD%20et%20al.%20re%20JROTC%20Programs.pdf>).

² “*I Felt Trapped*”: *Sexual Abuse of Teens in the Military’s J.R.O.T.C. Program*, *New York Times* (July 9, 2022) (online at www.nytimes.com/2022/07/09/us/sexual-abuse-jrotc.html).

On August 29, 2022, DOD provided an interim response to the Committee’s August 15, 2022, letter and confirmed that over the last five years, the military services “have been notified by their respective host schools of 33 sexual assault allegations” against JROTC instructors. DOD stated that these allegations resulted “in 14 known arrests and 33 terminations of employment.”³

In the Department’s final November 3, 2022, response to the Committee, DOD and the military services acknowledged that the total incidence of “sexual abuse, harassment, and other sexual misconduct” over the last five years is higher than previously reported. According to DOD and the military services, 60 allegations of sexual abuse, harassment, and other sexual misconduct have been made against JROTC instructors during the past five years, and 58 of those allegations were substantiated following a law enforcement or school investigation. According to DOD, the number of known allegations increased from 33 to 60 due to the new data’s inclusion of “abuse, harassment, and other sexual misconduct,” in addition to “assault” allegations.⁴

This new data may still not reflect the complete universe of allegations that have been made against JROTC instructors and reported to school, law enforcement, and military officials in the last five years. In its response to the Committee, DOD conceded that “[i]nvestigations of school district employees are conducted by local law enforcement and/or school officials,” and therefore, “[s]chool districts and law enforcement may choose not to release all information regarding the outcome of an investigation because JROTC cadets are high school students and generally are minors.”⁵

The chart below lists each allegation identified by DOD of sexual abuse, harassment, and misconduct committed by JROTC instructors in the past five years:

Allegations of Sexual Misconduct Committed by JROTC Instructors (2017-2022)

	<u>Year</u>	<u>Service</u>	<u>Local Investigation Result</u>	<u>Location</u>	<u>Instructor Status</u>
1	2022	Air Force	Substantiated	Ohio	Decertified
2	2022	Air Force	Substantiated	Florida	Decertified
3	2020	Air Force	Substantiated	California	Decertified
4	2019	Air Force	Substantiated	North Carolina	Decertified
5	2019	Air Force	Substantiated	North Carolina	Decertified
6	2017	Air Force	Substantiated	Texas	Decertified
7	2017	Air Force	Substantiated	Texas	Decertified

³ Email from Office of the Assistant Secretary of Defense for Legislative Affairs, Department of Defense, to Subcommittee Staff (Aug. 29, 2022).

⁴ Letter from The Honorable Gilbert R. Cisneros, Jr., Undersecretary of Defense for Personnel and Readiness, Department of Defense, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Stephen F. Lynch, Subcommittee on National Security (Nov. 3, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/OSD006929-22%20UPR%20SIGNED%20RESPONSE.pdf>).

⁵ *Id.*

1	2022	Army	Substantiated	Texas	Died by Suicide
2	2021	Army	Substantiated	Hawaii	Decertified
3	2021	Army	Substantiated	Mississippi	Decertified
4	2021	Army	Substantiated	Florida	Decertified
5	2021	Army	Substantiated	Texas	Decertified
6	2021	Army	Substantiated	Florida	Decertified
7	2021	Army	Substantiated	Georgia	Decertified
8	2020	Army	Substantiated	Iowa	Decertified
9	2020	Army	Substantiated	Florida	Decertified
10	2020	Army	Substantiated	Illinois	Decertified
11	2019	Army	Substantiated	Illinois	Decertified
12	2019	Army	Substantiated	Guam	Decertified
13	2019	Army	Substantiated	Texas	Decertified
14	2019	Army	Substantiated	Alabama	Decertified
15	2019	Army	Substantiated	Nevada	Decertified
16	2019	Army	Substantiated	Texas	Decertified
17	2018	Army	Substantiated	Illinois	Decertified
18	2018	Army	Substantiated	Texas	Decertified
19	2018	Army	Substantiated	Illinois	Decertified
20	2018	Army	Substantiated	Kansas	Decertified
21	2018	Army	Substantiated	Florida	Decertified
22	2018	Army	Substantiated	Texas	Decertified
23	2018	Army	Unsubstantiated	Texas	Unsubstantiated
24	2018	Army	Substantiated	North Carolina	Decertified
25	2017	Army	Substantiated	Florida	Decertified
26	2017	Army	Substantiated	Louisiana	Decertified
1	2022	Navy	Substantiated	Nebraska	Decertified
2	2022	Navy	Substantiated	Texas	Decertified
3	2021	Navy	Substantiated	Florida	Decertified
4	2019	Navy	Substantiated	New Mexico	Decertified
5	2019	Navy	Substantiated	Texas	Decertified
6	2019	Navy	Substantiated	New York	Decertified
7	2018	Navy	Substantiated	Florida	Decertified
8	2017	Navy	Unsubstantiated	Virginia	Unsubstantiated
9	2017	Navy	Substantiated	Texas	Decertified
10	2017	Navy	Substantiated	New York	Decertified
11	2017	Navy	Substantiated	Florida	Decertified
1	2022	USMC	Substantiated	New Mexico	Decertified
2	2022	USMC	Substantiated	Washington	Decertified
3	2021	USMC	Substantiated	Georgia	Decertified
4	2021	USMC	Substantiated	Maryland	Died by Suicide
5	2021	USMC	Substantiated	Arizona	Decertified
6	2020	USMC	Substantiated	New Mexico	Decertified
7	2019	USMC	Substantiated	North Carolina	Decertified
8	2019	USMC	Substantiated	North Carolina	Decertified

9	2019	USMC	Substantiated	Georgia	Decertified
10	2018	USMC	Substantiated	Georgia	Decertified
11	2018	USMC	Substantiated	Delaware	Decertified
12	2017	USMC	Substantiated	California	Decertified
13	2017	USMC	Substantiated	Arizona	Decertified
14	2017	USMC	Substantiated	Tennessee	Decertified
15	2017	USMC	Substantiated	Missouri	Decertified
16	2017	USMC	Substantiated	Maryland	Decertified

II. SCHOOL JROTC PROGRAMS ARE NOT CONSISTENTLY INSPECTED OR EVALUATED ANNUALLY AS REQUIRED BY DOD POLICY

DOD Instruction 1205.13 directs the Secretaries of each military service to annually “evaluate the operation, administration, and effectiveness of the overall JROTC Program and the individual JROTC units for contractual compliance, cost, and performance objectives.”⁶ However, information obtained by the Committee reveals that the military services do not consistently meet this requirement⁷:

- Army: United States Army Cadet Command (USACC) conducts accreditation inspections on an annual basis for 1/3 of all programs. USACC conducts what it calls “assist visits” on an annual basis to programs identified as requiring additional attention due to noncompliance issues, failed accreditation inspections, and reported misconduct. Army JROTC instructor performance is evaluated as a subset of the accreditation inspection.
- Navy: Navy JROTC area managers inspect each Navy JROTC program at least once every other academic school year. During the academic year in which Navy JROTC area managers do not perform an in-person inspection, Navy JROTC units must complete an off-site evaluation with a guest inspector, who is a senior officer and approved by the Navy JROTC area manager. The Navy JROTC program evaluates instructors annually during the area manager inspections and off-site evaluations performed by Navy JROTC area managers and senior officers, respectively.
- Air Force: Headquarters Air Force JROTC currently conducts virtual unit assessments annually and on-site (in-person) unit assessments once every 3.3 years. During on-site unit assessments, Air Force JROTC instructor performance is evaluated as a subset of the unit assessment.

⁶ Department of Defense, Junior Reserve Officers’ Training Corps Program (May 21, 2021) (DOD Instruction 1205.13) (online at www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/120513p.pdf).

⁷ Letter from The Honorable Gilbert R. Cisneros, Jr., Undersecretary of Defense for Personnel and Readiness, Department of Defense, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Stephen F. Lynch, Subcommittee on National Security (Nov. 3, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/OSD006929-22%20UPR%20SIGNED%20RESPONSE.pdf>).

- U.S. Marine Corps: Four Regional Directors, with additional support from the Program Director, Deputy Director, and Operations and Instructional Support Manager, conduct official in-person visits once every two years for a Marine Corps Training and Education Command inspection or a command visit.

This hearing will provide Subcommittee Members with an important opportunity to question Department of Defense and military service officials directly about the steps they are taking to ensure the safety and well-being of cadets enrolled in JROTC units across the country.