

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

567888 20:43 20100718 IN:SSDEMAIL #3799 OUT:NIPRDAAAM #55423

REPORT OF INVESTIGATION (CLOSED)

13JUL10

INDECENT ASSAULT (II)

CONTROL: 01JUN10-FEXO-0056-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW(CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

(A) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI(INTERIM)/02JUN10
(Contains Exhibits 1 - 9)

EXHIBITS

(10) IA: Receipt of (b)(6), (b)(7)(C) Captain's Mast/Punitive Letter of
Reprimand Documents/13Jul10

EXECUTIVE SUMMARY

1. On 31May10, (b)(6), (b)(7)(C) reported she believed she was a victim of sexual misconduct by (b)(6), (b)(7)(C) stated that one week prior to 31May10, she was in the S8 office aboard the USS GEORGE WASHINGTON (CVN 73) and (b)(6), (b)(7)(C) kissed her on her lips, which made her feel uncomfortable. (b)(6), (b)(7)(C) stated she was confused as she looks to (b)(6), (b)(7)(C) as a mentor or father figure. (b)(6), (b)(7)(C) stated during the morning hours of 31May10, she was in her work space and she was again approached by (b)(6), (b)(7)(C) where he stood in front of her gave her a hug and kissed her, while inserting his tongue into her mouth and at the same time grabbing her buttocks with his left hand. (b)(6), (b)(7)(C) reported she pushed him away; however, upon (b)(6), (b)(7)(C) leaving the work area, he again kissed her on her lips without her consent. Pertinent witnesses were identified and interviewed who reported that early in the morning of 31May10, they observed (b)(6), (b)(7)(C) crying and emotionally upset and upon further questioning it was determined that (b)(6), (b)(7)(C) had inappropriately touched (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) has on numerous times grabbed her from behind and attempted to touch his hands against her breasts. (b)(6), (b)(7)(C) provided consent to construct an electronic message with the assistance of Reporting Agent (RA) confronting (b)(6), (b)(7)(C) with what he had done to her. This resulted in (b)(6), (b)(7)(C) receiving seven (7) electronic mail messages from (b)(6), (b)(7)(C) where he apologized for his actions to include kissing her and touching her buttocks. Additionally, (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) that he let his emotions get carried away and his actions were inappropriate. (b)(6), (b)(7)(C)'s LPO reported (b)(6), (b)(7)(C) confessed to him that he kissed (b)(6), (b)(7)(C) twice on the lips and that he was wrong to have done that. On 01Jun10, following advisement of his Article 31B rights, (b)(6), (b)(7)(C) elected to seek the assistance of legal

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 01JUN10-FEXO-0056-8DNA/C

13Jul10

council and remain silent. On 08Jun09, (b)(6), (b)(7)(C) was subject to Captain's Mast before (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) and found guilty of Article 92 (Failure to Obey Lawful General Order), Article 120 (Wrongful Sexual Contact), Article 133 (Conduct Unbecoming and Officer and Gentleman). (b)(6), (b)(7)(C) was awarded a Letter of Reprimand and subsequently removed from the USS GEORGE WASHINGTON (CVN 73). This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, sexual assault, and other sexual misconduct) and Article 134 (Fraternization) of the Uniform Code of Military Justice (UCMJ).

2. Subsequent to the submission of Reference (A), On 08Jun09, (b)(6), (b)(7)(C) was subject to Captain's Mast before (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) and found guilty of Article 92 (Failure to Obey Lawful General Order), Article 120 (Wrongful Sexual Contact, Article 133 (Conduct Unbecoming and Officer and Gentleman). (b)(6), (b)(7)(C) was awarded a Letter of Reprimand and subsequently removed from the USS GEORGE WASHINGTON (CVN 73), Exhibit (10) provides further details. This investigation is closed.

ACTION

FEYK: (b)(6), (b)(7)(C) was removed from the USS GEORGE WASHINGTON (CVN 73) and subsequently placed on the roster of the Fleet and Industrial Supply Center (FISC), Commander Fleet Activities Yokosuka, Japan, where he is pending separation from the United States Navy. Please coordinate with the Commanding Officer of FISC and have (b)(6), (b)(7)(C) escorted to NCISRA Yokosuka, Japan to have his fingerprints and mug shots taken. Please assist in having these forwarded to NCIS HQ for inclusion in the FBI database.

DISTRIBUTION

NCISHQ: 0023B

ACTION: 0023

INFO: 024A/FEYK/FEXO/Command via (b)(6), (b)(7)(C) USN, JAG (H)

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

260322 18:44 20111206 IN:SSDEMAIL #61423 OUT:NIPRDAAAM #60935

REPORT OF INVESTIGATION (CLOSED)

06DEC11

INDECENT ASSAULT (II)

CONTROL: 01OCT11-FEXO-0124-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) Sworn Statement of (b)(6), (b)(7)(C) 01Oct11...(Copy all)
- (2) IA: Results of Interrogation of (b)(6), (b)(7)(C) 01Oct11...(Copy all)
- (3) Sworn Statement of (b)(6), (b)(7)(C) 01Oct11...(Copy all)
- (4) Sworn Statement of (b)(6), (b)(7)(C) 03Oct11...(Copy all)
- (5) Sworn Statement of (b)(6), (b)(7)(C) Oct11...(Copy all)
- (6) IA: Receipt of Desk Journal Entry/27Oct11...(Copy all)
- (7) IA: Results of NJP Documentation for (b)(6), (b)(7)(C) 05Dec11...(Copy all)

EXECUTIVE SUMMARY

1. On 01Oct11, NCISRU USS GEORGE WASHINGTON (CVN-73) received notification from (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73), that (b)(6), (b)(7)(C) reported she was touched inappropriately by (b)(6), (b)(7)(C) while on board the bus that was to take them back to the ship from the Texas Street Liberty area. Reporting Agent (RA) conducted an interview of (b)(6), (b)(7)(C) who stated she was standing in the aisle talking to her liberty buddy, (b)(6), (b)(7)(C) USN, who was seated in front of her when she felt someone's hand and fingers on her buttocks. (b)(6), (b)(7)(C) said she quickly turned around and confronted (b)(6), (b)(7)(C) who was the only person near her. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) ignored her request to know why he touched her. (b)(6), (b)(7)(C) reported the incident to Security once the bus arrived back to the pier. (b)(6), (b)(7)(C) was escorted to the Security Department aboard the USS GEORGE WASHINGTON (CVN-73), where he registered a Blood Alcohol Content (BAC) of .13. Subsequent to (b)(6), (b)(7)(C) reaching a .00 BAC, RA informed (b)(6), (b)(7)(C) of his Article 31b rights, which he waived. RA interviewed (b)(6), (b)(7)(C) who denied any knowledge of touching (b)(6), (b)(7)(C) stated he fell asleep on the bus and did not remember anything else. Witness interviews were conducted. On 17Nov11, (b)(6), (b)(7)(C) was taken before Captain's Mast and found guilty of violation of Article 128 (Assault) and Article 92 (Failure to Obey a Lawful Order) of the Uniform Code of Military Justice. (b)(6), (b)(7)(C) was awarded 60 days restrictions, reduction of rank to E-2, and forfeiture of half months pay for two months. Investigation is closed.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 01OCT11-FEXO-0124-8DNA/C

06Dec11

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to suspected violations of Article 120 (Wrongful Sexual Contact) of the Uniform Code of Military Justice (UCMJ).

2. On 01Oct11, RA conducted an interview of (b)(6), (b)(7)(C) who stated she was standing in the aisle talking to her liberty buddy who was seated in front of her when she felt someone's hand and fingers on her buttocks. (b)(6), (b)(7)(C) said she quickly turned around and confronted (b)(6), (b)(7)(C) who was the only person near her. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) ignored her request to know why he touched her. (b)(6), (b)(7)(C) stated she reported the incident to Security once the bus arrived back to the pier. (b)(6), (b)(7)(C) provided additional details in sworn written statement; Exhibit (1) pertains.

3. On 01Oct11, subsequent to (b)(6), (b)(7)(C) reaching a .00 BAC, RA informed (b)(6), (b)(7)(C) of his Article 31b rights, which he waived. RA interrogated (b)(6), (b)(7)(C) who denied any knowledge of touching (b)(6), (b)(7)(C) stated he fell asleep on the bus and did not remember anything else. The interview was memorialized by audio and video recording. (b)(6), (b)(7)(C) also provided a sworn written statement with additional details; Exhibits (2) and (3) pertain.

4. On 03Oct11, RA conducted an interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated she was the liberty buddy of (b)(6), (b)(7)(C) on the day of the incident under investigation. (b)(6), (b)(7)(C) described how (b)(6), (b)(7)(C) was standing in the aisle talking to her on the bus when (b)(6), (b)(7)(C) suddenly turned around to speak to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) told her, "I think that guy grabbed my ass". (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) was awake and looking forward, but ignored (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) then leaned forward and either spit or threw up. Further details are provided in the sworn written statement of (b)(6), (b)(7)(C) Exhibit (4) pertains.

5. On 03Oct11, RA conducted an interview of (b)(6), (b)(7)(C) USN, Legal Department, USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) was working Beach Guard duty when the liberty bus carrying (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) arrived at the pier. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) informed him that while on the liberty bus, (b)(6), (b)(7)(C) grabbed her ass. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) was alert, but intoxicated to the point that he needed someone to help steady him. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) denied any wrongdoing. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) changed his story about who his liberty buddy was, but was otherwise cooperative. (b)(6), (b)(7)(C) provided a sworn written statement with additional details; Exhibit (5) pertains.

6. On 27Oct11, RA received a copy of the Desk Journal for the report of (b)(6), (b)(7)(C) Blood Alcohol Content (BAC) test. On 30Sep11, at approximately 2137, (b)(6), (b)(7)(C) registered a BAC of .131; Exhibit (6) pertains.

7. On 17Nov11, (b)(6), (b)(7)(C) was taken before CAPTAIN'S Mast and found guilty of Article 128 (Assault) and Article 92 (Failure to Obey a Lawful Order) in violation of the Uniform Code of Military Justice. (b)(6), (b)(7)(C) was awarded 60 days restrictions, reduction of rank to E-2

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 01OCT11-FEXO-0124-8DNA/C

06Dec11

and forfeiture of half months pay for two months; Exhibit (7) pertains.

8. On 17Nov11 [REDACTED] (b)(6), (b)(7)(C) Commanding Officer, USS GEORGE WASHINGTON (CVN-73) and [REDACTED] (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73) were briefed on the results of this investigation, which is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: 002P/FEYK/FEXO/Command (H)/014C

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(b)(6), (b)(7)(C)

V2 LNY

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F13-0580.FEXO 000005

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

123378 06:10 20091002 IN:SSDEMAIL #63816 OUT:NIPRDAAAM #50483

REPORT OF INVESTIGATION (CLOSED)

02OCT09

INDECENT ASSAULT (II)

CONTROL: 01SEP09-FEXO-0065-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRU USS GW (CVN 73) ROI (INTERIM)/14SEP09 (Contains Exhibits 1 - 12)

EXECUTIVE SUMMARY

1. On 01Sep09, (b)(6), (b)(7)(C) reported to NCISRU USS GEORGE WASHINGTON (CVN = 73) that at approximately 0415 hours on 31Aug09 he was awoken in his = rack to someone's hand grabbing his penis. (b)(6), (b)(7)(C) jumped out of his = rack, but the person had gotten away. (b)(6), (b)(7)(C) was wearing boxer = shorts and a t-shirt at the time of the alleged incident, which were = subsequently seized and placed in NCISRU USS GEORGE WASHINGTON (CVN 73) = evidence custody. (b)(6), (b)(7)(C) also stated that (b)(6), (b)(7)(C) had mentioned a = similar incident happening to him during the Singapore port visit (early = August 2009). Subsequently, (b)(6), (b)(7)(C) also reported that he was awoken = in his rack to a small, cold hand grabbing his penis. (b)(6), (b)(7)(C) grabbed = the wrist of the individual, but the person slipped out of his grip and = ran away. (b)(6), (b)(7)(C) fell out of his rack, attempted to chase after the = person, but no one was around. (b)(6), (b)(7)(C) stated the alleged incident = occurred at approximately 0445 hours during the Singapore port visit = (02Aug09-06Aug09). Both (b)(6), (b)(7)(C) sleep in middle racks = located at (b)(6), (b)(7)(C) aboard the USS GEORGE WASHINGTON (CVN 73). During = interviews of members living in (b)(6), (b)(7)(C) berthing, = multiple people suspected (b)(6), (b)(7)(C) USN = (b)(6), (b)(7)(C) was responsible for the alleged incidents. Subsequently, = (b)(6), (b)(7)(C) was interrogated and denied culpability.

NARRATIVE

1. Since the submission of Reference (A), on 01Oct09, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Staff Judge Advocate (SJA), USS GEORGE WASHINGTON (CVN 73) advised command had elected not to take any judicial action against = (b)(6), (b)(7)(C) pertaining to the allegations in this investigation due to = insufficient evidence to pursue judicial proceedings. (b)(6), (b)(7)(C) = advised (b)(6), (b)(7)(C) was being administratively separated from the USN = on 02Oct09 due to various disciplinary issues unrelated to this = investigation. This investigation is closed.

ACTION

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 01SEP09-FEXO-0065-8DNA/C

02Oct09

DIST: Investigation closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/FEXO/002P/COMMAND (VIA (b)(6), (b)(7)(C) SJA) (H)/CFAY CO (via SJA) (H)

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(b)(6), (b)(7)(C) V2 | LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

290002 20:30 20120108 IN:SSDEMAIL #69226 OUT:NIPRDAAAM #68569

REPORT OF INVESTIGATION (CLOSED)

05JAN12

INDECENT ASSAULT (II)

CONTROL: 30SEP11-FEXO-0123-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI (INTERIM)/
08NOV11 (Contains Exhibits 1-12)

EXHIBIT

- (13) IA: Results of Non-Judicial Punishment/22DEC11...(Copy all)
(14) IA: Results of Review of (b)(6), (b)(7)(C) S Service Record
Book/05Jan12...(Copy all)
(15) IA: Results of Review of (b)(6), (b)(7)(C) Service Record
Book/05Jan12...(Copy all)

EXECUTIVE SUMMARY

1. On 27Sep11, NCISRU USS GEORGE WASHINGTON (CVN-73) received notification from (b)(6), (b)(7)(C) USN, Command Judge Advocate, that (b)(6), (b)(7)(C) reported being touched inappropriately by (b)(6), (b)(7)(C) while on board the USS GEORGE WASHINGTON (CVN-73). Due to operational commitments, an interview was conducted with (b)(6), (b)(7)(C) and her assigned Victim Advocate, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73), on 29Sep11. (b)(6), (b)(7)(C) stated that while she was walking near the ship's Mess Deck she saw (b)(6), (b)(7)(C) coming towards her in the opposite direction. (b)(6), (b)(7)(C) said just after (b)(6), (b)(7)(C) passed her she felt a hard slap to her buttocks. (b)(6), (b)(7)(C) advised she looked back and (b)(6), (b)(7)(C) continued walking. (b)(6), (b)(7)(C) stated she immediately reported the incident to her chain of command. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) often gives her looks that make her feel uncomfortable and relayed that another female sailor, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USS GEORGE WASHINGTON (CVN-73), told her that (b)(6), (b)(7)(C) "cornered" her several months ago, but she was able to get away. (b)(6), (b)(7)(C) was provided a Victim Witness Assistance Program (VWAP) pamphlet. A witness, (b)(6), (b)(7)(C) USN, Deck Department, USS GEORGE WASHINGTON (CVN-73), witnessed the assault and provided a sworn statement to Security. A Military Protective Order was issued by Command. On 04Oct11, an interrogation of (b)(6), (b)(7)(C) was attempted but subsequent to having been read his Article 31b rights, (b)(6), (b)(7)(C) elected to remain silent and consult with an attorney. (b)(6), (b)(7)(C) was re-interviewed subsequent to consulting with his attorney and denied touching (b)(6), (b)(7)(C) buttocks. On 05Nov11,

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 30SEP11-FEXO-0123-8DNA/C

05Jan12

(b)(6), (b)(7)(C) was taken before Captain's Mast and found guilty of Article 92 (Failure to Obey Other Lawful Order) and Article 120 (Wrongful Sexual Contact). He was awarded a reduction to next inferior pay grade, forfeiture of \$1,657.00 per month for two months and 60 days restriction. Subsequent to (b)(6), (b)(7)(C) appeal for Non Judicial Punishment being declined, on 22Dec11 the results of judicial action were obtained. Investigation is closed.

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to suspected violations of Article 120 (Wrongful Sexual Contact) of the Uniform Code of Military Justice (UCMJ).

2. On 05Nov11, (b)(6), (b)(7)(C) was taken before Captain's Mast and found guilty of violation of Article 92 (Failure to Obey Other Lawful Order) and Article 120 (Wrongful Sexual Contact) of the Uniform Code of Military Justice (UCMJ). (b)(6), (b)(7)(C) was awarded reduction to the next inferior pay grade, forfeiture of \$1,657.00 per month for two months and 60 days restriction; Exhibit (13) pertains.

3. On 05Jan12, RA conducted a review of (b)(6), (b)(7)(C) Service Record Books (SRB) to document biographical information and military experience. (b)(6), (b)(7)(C) SRB contained the results of the NJP for captioned investigation. No other pertinent information pertaining to this investigation was gleaned; Exhibits (14) and (15) pertain.

4. On 22DEC11, (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73) and (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73) were briefed on the status of this investigation, which is closed.

ACTION

23C2: Submission of two (2) criminal fingerprint cards and three (3) mug shot photographs are for inclusion in the FBI database.
Registered Mail Tracking Number: RR 581 793 434 US.

DISTRIBUTION

NCISHQ: 0023B

ACTION: 23C2 (M)

INFO: 002P/014C/FEYK/FEX0/Command (H)/RLSO, ATTN: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN (H)

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

335558 19:24 20120220 IN:SSDEMAIL #81028 OUT:NIPRDAAAM #80067

REPORT OF INVESTIGATION (CLOSED)

21FEB12

RAPE (II)

CONTROL: 02JUL11-FEXO-0065-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/16AUG11
- (B) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/15OCT11
(Contains Exhibits 1-2)
- (C) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/15DEC11
(Contains Exhibits 3-13)

EXHIBIT

- (14) IA: Results of Victim Declination
Acknowledgement/21Feb12... (Copy All)

EXECUTIVE SUMMARY

1. On 08Jan11, (b)(6), (b)(7)(C) Civ, Japanese National (JN), Section Head of the International Criminal Investigations Section (ICIS), Yokosuka Police Station (YPS), informed NCIS of an allegation of theft and rape made by (b)(6), (b)(7)(C). According to (b)(6), (b)(7)(C) claimed that after drinking in the nightlife district of Yokosuka, she met a (b)(6), (b)(7)(C) male who introduced himself as (b)(6), (b)(7)(C) stated she and (b)(6), (b)(7)(C) returned to her residence. (b)(6), (b)(7)(C) reported waking up the next morning undressed with a bruise on her arm. (b)(6), (b)(7)(C) noticed a used condom with semen in it next to her bed, and claimed that 20,000 Yen (approximately \$220) was missing from her wallet. After speaking with her friends, (b)(6), (b)(7)(C) believed that (b)(6), (b)(7)(C) was actually (b)(6), (b)(7)(C) initially filed a police report for the theft and brought the used condom to the Japanese police station, which was seized as evidence. When police checked the phone number (b)(6), (b)(7)(C) believed was (b)(6), (b)(7)(C) they tracked it back to (b)(6), (b)(7)(C). On 08Feb11 (b)(6), (b)(7)(C) filed an official complaint regarding the rape. Japanese police advised they would initiate an investigation pertaining to the theft of 20,000 Yen (\$220); however, they would not make a determination regarding initiation of an alleged rape investigation until after they conducted several investigative steps. On 14Feb11, a photo line-up was conducted using photographs of (b)(6), (b)(7)(C). Both (b)(6), (b)(7)(C) and one of her friends identified (b)(6), (b)(7)(C) as (b)(6), (b)(7)(C) but neither provided a positive identification. (b)(6), (b)(7)(C) subsequently provided a DNA sample, which did not match the semen in the condom (b)(6), (b)(7)(C) provided police. On 02Mar11, (b)(6), (b)(7)(C) was interviewed

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02JUL11-FEXO-0065-8FNA/C

21Feb12

by YPS and gave multiple stories of what happened the night of the alleged rape. (b)(6), (b)(7)(C) provided a DNA sample for comparison on 12May11 during a re-interview with YPS. On 01Jul11, AOKI contacted NCIS and stated that (b)(6), (b)(7)(C) DNA matched the semen from the used condom. AOKI advised that YPS still intended to pursue the theft investigation; however, in spite of the DNA on the condom matching (b)(6), (b)(7)(C) advised YPS had no intention of pursuing a rape investigation, unless (b)(6), (b)(7)(C) were to make incriminating statements during his interview regarding the theft. In September 2011, (b)(6), (b)(7)(C) was interviewed by YPS and denied any knowledge of the theft and stated he and (b)(6), (b)(7)(C) engaged in consensual sexual intercourse. YPS advised the prosecutor's office declined to pursue charges against (b)(6), (b)(7)(C) for the rape allegation and the case was being referred to NCIS for any investigative actions deemed appropriate. (b)(6), (b)(7)(C) was interviewed at NCISRA Yokosuka and provided details of the alleged rape and stated she was willing to cooperate fully with the investigation. On 20Nov11, after waiving his Article 31b Rights, (b)(6), (b)(7)(C) was interrogated and admitted to having sexual intercourse with (b)(6), (b)(7)(C) but stated she was an active participant and not overly intoxicated. Translations of the YPS reports were conducted. Coordination was made with Trial Counsel, Regional Legal Services Office (RLSO), Yokosuka, Japan, and the Command Judge Advocate on board the USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) USN, Trial Counsel, RLSO, advised (b)(6), (b)(7)(C) signed a Victim Declination Acknowledgement stating she did not wish to participate in the prosecution of (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73) advised no judicial action would be taken against (b)(6), (b)(7)(C) Investigation is closed.

NARRATIVE

1. This case was initiated to document the details and disposition of a Japanese police investigation pertaining to suspected violations of Japanese Penal Code 235 (Larceny), and violation of Article 120 (Rape) of the Uniform Code of Military Justice (UCMJ).

2. On 21Feb12, RA made contact with (b)(6), (b)(7)(C) regarding captioned investigation. (b)(6), (b)(7)(C) advised that he had two meetings with (b)(6), (b)(7)(C) to discuss the investigation and the legal process. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) informed him she moved to Tokyo and has a new boyfriend and she does not want him to become aware of the legal proceedings with (b)(6), (b)(7)(C) advised that on 04Feb12, (b)(6), (b)(7)(C) signed a Victim Declination Letter acknowledging her unwillingness to participate in the potential prosecution of (b)(6), (b)(7)(C) Exhibit (14) pertains.

3. On 21Feb12, (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN 73), was briefed on the status of this investigation, which is now closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

Special Agent, NCISRA Yokosuka
Investigator, NCISRA Yokosuka
Investigator, NCIS Far East Field Office Yokosuka

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F13-0580.FEXO 000011

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02JUL11-FEXO-0065-8FNA/C

21Feb12

NCISHQ: 023B

INFO: 002P/FEYK/FEXO/Command (H)/RLSO (H)/CFAY SJA (H)

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(b)(6), (b)(7)(C) V2 LNY

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F13-0580.FEXO 000012

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

967141 20:24 20090614 IN:SSDEMAIL #36597 OUT:NIPRDAAAM #23548

REPORT OF INVESTIGATION (CLOSED)

11JUN09

INDECENT ASSAULT (II)

CONTROL: 04DEC08-FEXO-0046-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) / (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI(INTERIM)/10DEC08...
(Contains Exhibits 1-17)
- (B) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI(INTERIM)/04Feb09...
(Contains Exhibits 18-22)
- (C) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI(INTERIM)/16Mar09...
(Contains Exhibit 23)
- (D) NCISRU USS GEORGE WASHINGTON (CVN 73)
ROI(INTERIM)/01May09... (Contains Exhibit 24)
- (E) NCISRU USS GEORGE WASHINGTON (CVN 73) CASE FILE: CCN: 11APR09-
FEXO-0023-8DNA/C

EXHIBIT

(25) Results of Trial/09Jun09...(Copy All)

EXECUTIVE SUMMARY

1. On 04Dec08, NCISRU USS GEORGE WASHINGTON (CVN 73) was notified by (b)(6), (b)(7)(C) Security Department, stating that (b)(6), (b)(7)(C) had = alleged he was sexually assaulted by (b)(6), (b)(7)(C) reported = that from 20Nov08 through 25Nov08 an unidentified person had = inappropriately touched him on multiple occasions in the middle of the = night while he was asleep in his rack aboard the USS GEORGE WASHINGTON = (CVN 73). (b)(6), (b)(7)(C) attempted to identify the perpetrator, but was = unable to until an alleged incident on 04Dec08. (b)(6), (b)(7)(C) stated at approximately 0100 on 04Dec08, he was asleep on = his back when he was awoken by a hand inside his boxer shorts grabbing = his genital area (b)(6), (b)(7)(C) immediately grabbed onto the wrist of the = individual, sat up and made eye contact with a shipmate he recognized as = (b)(6), (b)(7)(C) attempted to hold onto (b)(6), (b)(7)(C) but (b)(6), (b)(7)(C) jerked his hand away and ran away.

2. (b)(6), (b)(7)(C) reported an unidentified male grabbed his inner thigh area = while he slept in his rack sometime during the ship's stay in San Diego, = CA. (b)(6), (b)(7)(C) woke up, looked outside his rack and observed a male = squatting with his head down at the foot of his rack. (b)(6), (b)(7)(C) got out of = his rack and confronted a small Asian male with a birth mark under his = right eye. (b)(6), (b)(7)(C) later identified (b)(6), (b)(7)(C) in a photo line-up as the =

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 04DEC08-FEXO-0046-8DNA/C

11Jun09

unidentified male that grabbed his thigh.

3. (b)(6), (b)(7)(C) was interrogated and denied culpability. A Command = Authorization for Search and Seizure (CASS) for an oral DNA sample from = (b)(6), (b)(7)(C) was obtained and executed. (b)(6), (b)(7)(C) boxer shorts, = (b)(6), (b)(7)(C) s oral DNA sample and (b)(6), (b)(7)(C) oral DNA sample were = forwarded to USACIL for forensic analysis in an attempt to identify any = touch DNA on (b)(6), (b)(7)(C) boxer shorts worn during the alleged = incident. On 19Mar09, USACIL advised no DNA profiles matching (b)(6), (b)(7)(C) were found on (b)(6), (b)(7)(C) boxer shorts. On 11Apr09, (b)(6), (b)(7)(C) was = identified as the suspect in the indecent assault of (b)(6), (b)(7)(C) = (b)(6), (b)(7)(C) USN. On 09Jun09, (b)(6), (b)(7)(C) was found guilty for violations of = Uniformed Code of Military Justice (UCMJ) Article 120 (Abusive Sexual = Contact) through a plea trial agreement. (b)(6), (b)(7)(C) was awarded six (6) = months confinement, reduction to an E-1 and total forfeitures of \$5,400.

NARRATIVE

1. Investigative details are documented in References (A) through (D). = Reference (E) documents a separate investigation that was initiated in = 11Apr09 when (b)(6), (b)(7)(C) was reported to have indecently assaulted (b)(6), (b)(7)(C) = (b)(6), (b)(7)(C) who was TAD to Yokosuka, in their berthing aboard = the APL 40 barge aboard Commander Fleet Activities Yokosuka, Japan.

2. Since the submission of Reference (D), on 09Jun09, (b)(6), (b)(7)(C) was found = guilty for violations of Uniformed Code of Military Justice (UCMJ) Article 120 (Abusive Sexual Contact) through a pretrial agreement = at a Special Court-martial. (b)(6), (b)(7)(C) was awarded six (6) months = confinement, reduction to an E-1 and total forfeitures of \$5,400. Refer = to Exhibit (25) for additional details. This investigation is closed.

ACTION

0024B3: FBI 10-print fingerprint cards and mugshots submitted IAW NCIS policy for inclusion on appropriate databases. US Reg Mail RR 873 271 902 US.

DISTRIBUTION

NCISHQ: 0023B (M)

ACTION: 0024B3 (M)

INFO: FEXO/FEYK/COMMAND (VIA SJA (b)(6), (b)(7)(C) H) /RLSO (ATTN (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (M) /002P

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(b)(6), (b)(7)(C) V2 INY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

598758 21:16 20100819 IN:SSDEMAIL #12184 OUT:NIPRDAAAM #63652

REPORT OF INVESTIGATION (CLOSED)

07AUG10

RAPE (II)

CONTROL: 04JAN10-FEXO-0091-8BNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI(INTERIM)/23FEB10
(Contains Exhibits 1 - 20)
- (B) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI(INTERIM)/10MAR10
(Contains Exhibits 21 - 23)
- (C) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI(INTERIM)/15MAY10
- (D) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI(INTERIM)/30JUL10

EXECUTIVE SUMMARY

1. On 04Jan10, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) reported she believed she was the victim of sexual assault/rape during the late night hours of 31Dec09 or early morning hours of 01Jan10. (b)(6), (b)(7)(C) advised on the night of 31Dec09 she went to the Honch area located adjacent to Commander Fleet Activities Yokosuka (CFAY), Japan with friends from her ship to partake in the New Years celebration. (b)(6), (b)(7)(C) advised she is a very light drinker of alcoholic beverages; however, on this night she drank about seven (7) alcoholic drinks, which resulted in her becoming highly intoxicated. (b)(6), (b)(7)(C) advised she could not recall the whole night, but she did have memories of throwing up in the Honch area near an establishment called Club US. (b)(6), (b)(7)(C) also recalled entering back onto CFAY through the main gate. (b)(6), (b)(7)(C) then advised her next memories were of her waking up in a shower with no clothes on with (b)(6), (b)(7)(C), USN, USS GEORGE WASHINGTON (CVN 73) also inside of the shower with her. (b)(6), (b)(7)(C) then stated her next recollection was of her waking up on a bed and (b)(6), (b)(7)(C) was having non-consensual sexual intercourse with her. An oral/wire intercept between (b)(6), (b)(7)(C) was conducted aboard the USS GEORGE WASHINGTON (CVN 73), wherein (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) that she had passed out in taxi cab while they returned to his barracks and that he had put her in the shower to help her sober up; however (b)(6), (b)(7)(C) alleged the sexual intercourse he had with (b)(6), (b)(7)(C) was consensual. Additionally, (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) that he did not take her back to the USS GEORGE WASHINGTON (CVN 73) because she was too intoxicated. Following advisement and waiver of rights, (b)(6), (b)(7)(C) was interviewed and reported the sexual intercourse he had with (b)(6), (b)(7)(C) was consensual. (b)(6), (b)(7)(C) advised at no time did (b)(6), (b)(7)(C) pass out or black out at any time while she was in the taxi cab or in his barracks room. Additionally, (b)(6), (b)(7)(C) reported upon entering into

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CONTROL: 04JAN10-FEXO-0091-8BNA/C

07Aug10

his barracks room, (b)(6), (b)(7)(C) entered the shower under her own accord and at no time did he have to help (b)(6), (b)(7)(C) get into the shower. Pertinent witnesses were identified and interviewed; wherein, they advised (b)(6), (b)(7)(C) disclosed to them that she was raped by (b)(6), (b)(7)(C) on the night of 31Dec09. Further questioning of these individuals resulted in ascertaining that (b)(6), (b)(7)(C) appeared distraught and upset following the encounter with (b)(6), (b)(7)(C). A review of the alleged crime scene was conducted. On 05Aug10, (b)(6), (b)(7)(C) was subject to a Special Courts Martial before members aboard Commander Fleet Activities Yokosuka (CFAY), Japan, wherein he was found not guilty of Article 120 (Rape, Sexual Assault, and other Sexual Misconduct).

NARRATIVE

1. This reactive investigation was initiated pursuant to a suspected violation of Article 120 (rape, Sexual Assault and other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).

2. Pursuant to investigative actions related to References (A) through (D), on 05Aug10, (b)(6), (b)(7)(C) was subject to a Special Courts Martial before members aboard Commander Fleet Activities Yokosuka (CFAY), Japan, wherein he was found not guilty of Article 120 (Rape, Sexual Assault, and other Sexual Misconduct).

3. (b)(6), (b)(7)(C) Commanding Officer, USN, USS GEORGE WASHINGTON (CVN 73); (b)(6), (b)(7)(C) Executive Officer, USN, USS GEORGE WASHINGTON (CVN 73); and (b)(6), (b)(7)(C) Staff Judge Advocate, USN, USS GEORGE WASHINGTON (CVN 73) have all been apprised of the details of captioned. This investigation is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/FEXO/Commanding Officer via (b)(6), (b)(7)(C) SJA
USS GEORGE WASHINGTON (CVN 73) (H)

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C144075 00:26 20130326 IN:SSDEMAIL #71471 OUT:NIPRDAAAM #71471

REPORT OF INVESTIGATION (CLOSED)

14MAR13

INDECENT ASSAULT (II)

CONTROL: 05AUG12-FEXO-0071-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON/21412

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73) CASE FILE: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN/CCN: 16JUL12-FEXO-0068-8DNA
(B) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI (INTERIM) (Contains Exhibits 1-9)/05FEB13

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

alleged (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

USN, or a person

matching the description of (b)(6), (b)(7)(C) either attempted to sexually assault them or completed the act of sexual assault against them while they were sleeping in their personal berthing areas late at night. On 16JUL12 between 0130 and 0600, (b)(6), (b)(7)(C) alleged a person, later identified as (b)(6), (b)(7)(C) reached into his personal berthing area through closed curtains and touched his penis while he was sleeping. On 04AUG12, (b)(6), (b)(7)(C) alleged (b)(6), (b)(7)(C) reached into his personal berthing area through closed curtains and touched his penis while he was sleeping twice on 03AUG12, between 0300 and 0330, and once on 04AUG12, between 0300 and 0330. On 16SEP12, at approximately 0300, (b)(6), (b)(7)(C) alleged a person matching the description of (b)(6), (b)(7)(C) reached into his personal berthing area through closed curtains and touched his leg in a "gentle" way. (b)(6), (b)(7)(C) was interviewed and admitted being in (b)(6), (b)(7)(C) berthing area on 16JUL12 at approximately 0300 but denied touching (b)(6), (b)(7)(C) s penis. (b)(6), (b)(7)(C) admitted culpability regarding allegations made by (b)(6), (b)(7)(C). On 01FEB13, (b)(6), (b)(7)(C) was awarded the following at Non-Judicial Punishment (NJP): reduction in rate one pay grade, forfeiture of \$783.00 pay per month for two months and 60 days restriction. This investigation is closed.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05AUG12-FEXO-0071-8DNA/C

14Mar13

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, Sexual Assault and Other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ). Reference (A) was administratively closed. Reference (B) documents previous investigative efforts.

2. On 01FEB13, the Commanding Officer of USS GEORGE WASHINGTON (CVN 73) determined (b)(6), (b)(7)(C) violated Article 120 (abusive sexual contact) of the UCMJ and imposed NJP in the form of reduction in rate one pay grade, forfeiture of \$783.00 pay per month for two months and 60 days restriction.

3. This investigation is closed.

DISTRIBUTION

NCISHQ:0023

INFO :FEFO/FEYK/Command Judge Advocate (b)(6), (b)(7)(C)
(H)/Commanding Officer (b)(6), (b)(7)(C) (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C66770 00:26 20121214 IN:SSDEMAIL #71438 OUT:NIPRDAAAM #71438

REPORT OF INVESTIGATION (CLOSED)

03NOV12

INDECENT ASSAULT (II)

CONTROL: 05AUG12-FEXO-0070-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/RESIDENT UNIT USS GEORGE WASHINGTON (CVN-73) (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Results of Receipt of Statement from USN CID of (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) CIV/04AUG12
- (2) IA: Results of Service Record Book Review for (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN/05AUG12
- (3) IA: Sworn Statement of (b)(6), (b)(7)(C) CIV/07AUG12

EXECUTIVE SUMMARY

1. On 04AUG12, Participating Agent (PA) (b)(6), (b)(7)(C) received notification from the Criminal Investigative Division (CID), Security Department, Commander Fleet Activities Yokosuka (CFAY), of an alleged Indecent Assault. (b)(6), (b)(7)(C) reported to CID she was exiting the Womble Gate of CFAY, Yokosuka, Japan, at approximately 2030 on 04AUG12, with her (b)(6), (b)(7)(C) detailed passing two males, one later identified as (b)(6), (b)(7)(C) prior to exiting the Womble Gate and felt (b)(6), (b)(7)(C) pat the right side of her buttocks with his right hand. (b)(6), (b)(7)(C) reported the touching of her buttocks to (b)(6), (b)(7)(C) USN, who attempted to stop the two males from departing the area. (b)(6), (b)(7)(C) reported the two males ignored (b)(6), (b)(7)(C) request for them to stop and continued walking towards the US Naval Hospital. (b)(6), (b)(7)(C) followed (b)(6), (b)(7)(C) and the unidentified male. As the group approached the US Naval Hospital aboard CFAY, Naval Security Forces detained (b)(6), (b)(7)(C). The unidentified male was not detained and not identified. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) made the statement he struck (b)(6), (b)(7)(C) on the buttocks and apologized for this action to (b)(6), (b)(7)(C). Naval Security transported (b)(6), (b)(7)(C) to their Security Office. (b)(6), (b)(7)(C) walked to the Security Office and provided CFAY CID a verbal and written statement. (b)(6), (b)(7)(C) was released to USS GEORGE WASHINGTON (CVN-73) duty personnel and escorted to the USS GEORGE WASHINGTON (CVN-73) NCIS office. (b)(6), (b)(7)(C) was interrogated; however, terminated the interview by requesting to speak with an attorney. On 06NOV12, (b)(6), (b)(7)(C) was found guilty of violating UCMJ Article 92, failure to obey a lawful order, at Captain's Mast, and was awarded reduction in rank, 45 days restriction, 45 days extra duty, and forfeiture of \$500.00 pay for two (2) months. This investigation is closed.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05AUG12-FEXO-0070-8DNA/C

03Nov12

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, Sexual Assault and other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).

2. On 04AUG12, Reporting Agent (RA) (b)(6), (b)(7)(C) received a copy of a voluntary sworn statement obtained by CFAY CID for (b)(6), (b)(7)(C) stated while walking towards the Womble gate at approximately 2030 on 04AUG12, (b)(6), (b)(7)(C) touched her buttocks inappropriately. (b)(6), (b)(7)(C) relayed this information to (b)(6), (b)(7)(C) followed (b)(6), (b)(7)(C) and another unidentified male until CFAY Security Forces detained Exhibit (1) pertains.

3. On 04AUG12, RA (b)(6), (b)(7)(C) interrogated (b)(6), (b)(7)(C) onboard the USS GEORGE WASHINGTON (CVN-73), hereinafter referred to as CVN-73. RA initiated reading (b)(6), (b)(7)(C) a Military Suspect's Rights Waiver; however, (b)(6), (b)(7)(C) interrupted requesting to speak with an attorney and indicated he did not want to speak with NCIS. (b)(6), (b)(7)(C) was released to CVN-73 Security Division for return to command.

4. On 05AUG12, RA (b)(6), (b)(7)(C) obtained a copy of the Service Record Book for (b)(6), (b)(7)(C) A review of the SRB for (b)(6), (b)(7)(C) was conducted and pertinent information is appended as Exhibit (2).

5. On 07AUG12, Participating Agent (PA) (b)(6), (b)(7)(C) obtained a voluntary sworn statement from (b)(6), (b)(7)(C) stated while walking west bound on Independence Road from the USNH Yokosuka towards Nimitz Blvd and Womble gate, (b)(6), (b)(7)(C) "patted" the right side of her buttocks with his right hand. (b)(6), (b)(7)(C) imparted (b)(6), (b)(7)(C) told her he was sorry for touching her and asked her not to notify Security. According to (b)(6), (b)(7)(C) also stated he did not want to get in trouble again, and he had been to "Mast" before. (b)(6), (b)(7)(C) stated Security transported (b)(6), (b)(7)(C) to the Security office while she and (b)(6), (b)(7)(C) walked to the Security office with a Master at Arms. (b)(6), (b)(7)(C) indicated she provided a written and sworn statement to Security. Exhibit (3) pertains.

6. On 06NOV12, (b)(6), (b)(7)(C) was found guilty of violating UCMJ Article 92, failure to obey a lawful order, at Captain's Mast, and was awarded reduction in rank, 45 days restriction, 45 days extra duty, and forfeiture of \$500.00 pay for two (2) months. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) SPECIAL AGENT, RESIDENT AGENCY YOKOSUKA

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INFO :FEYK/FEFO

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F13-0580.FEXO 000020

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

274900 17:41 20111220 IN:SSDEMAIL #65643 OUT:NIPRDAAAM #65066

REPORT OF INVESTIGATION (CLOSED)

05DEC11

RAPE (II)

CONTROL: 05NOV10-FEXO-0128-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/01Dec10
(Contains Exhibits 1-13)
- (B) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/28Jan11
(Contains Exhibit 14)
- (C) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/25Mar11
(Contains Exhibits 15-16)
- (D) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/24May11
- (E) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/08AUG11
(Contains Exhibit 17)
- (F) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/06Oct11

EXHIBIT

- (18) Results of Trial of (b)(6), (b)(7)(C) 30Nov11...(Copy all)

EXECUTIVE SUMMARY

1. On 05Nov10, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73), informed NCIS of a report of rape made by (b)(6), (b)(7)(C) told her chain of command she was sexually assaulted by a shipmate, later identified as (b)(6), (b)(7)(C). According to (b)(6), (b)(7)(C) she and three friends met up with (b)(6), (b)(7)(C) in Yokosuka, Japan and went to several bars throughout the night of 04Nov10. After returning to (b)(6), (b)(7)(C) Navy Lodge room on base, (b)(6), (b)(7)(C) lied next to her on the bed and began fondling her breasts and kissing her neck. (b)(6), (b)(7)(C) described telling him "no" and "stop" numerous times. (b)(6), (b)(7)(C) then reached into her underwear and digitally penetrated her before she could grab his hand and move it away. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) subsequently rubbed his penis against her back at which point she began screaming at him to stop and physically pushed him away. (b)(6), (b)(7)(C) said she woke up the next morning, her underwear was off, her shirt was pushed up halfway, and her genital area was sore. An oral/wire intercept between (b)(6), (b)(7)(C) was conducted during which (b)(6), (b)(7)(C) admitted to digitally penetrating (b)(6), (b)(7)(C) despite her saying no. (b)(6), (b)(7)(C) was later interviewed and denied hearing (b)(6), (b)(7)(C) say no; however, he also stated he could not remember much from that night and was unsure whether he and (b)(6), (b)(7)(C) had sex. Interviews of several witnesses were conducted, but none witnessed a sexual assault. On

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05NOV10-FEXO-0128-8FNA/C

05Dec11

29Nov10, DNA samples from (b)(6), (b)(7)(C) and the other two males present in (b)(6), (b)(7)(C) Navy Lodge room were sent to the United States Army Criminal Investigation Laboratory (USACIL) for comparison against samples taken from the crime scene and (b)(6), (b)(7)(C)s Sexual Assault Forensic Examination (SAFE). The examination indicated that (b)(6), (b)(7)(C) semen was found on rectal swabs collected during the SAFE. (b)(6), (b)(7)(C) was re-interviewed and admitted to attempting to penetrate (b)(6), (b)(7)(C) vagina with his penis. When he was unable to do so, he masturbated close to her genital area and ejaculated on her. References (A) through (F) provide additional information. On 18Nov11, (b)(6), (b)(7)(C) was found guilty of violation of Article 80 (Attempted Aggravated Sexual Assault) and Article 107 (False Official Statement) of the Uniform Code of Military Justice, in a trial by General Courts Martial and was awarded four months confinement, forfeiture of all pay and allowances while confined, Bad Conduct Discharge, and sex offender registration. This investigation is closed.

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to violations of Article 120 (Rape) and Article 107 (False Official Statements) of the Uniform Code of Military Justice (UCMJ).

2. On 18Nov11, (b)(6), (b)(7)(C) was found guilty of Article 80 (Attempted Aggravated Sexual Assault) and Article 107 (False Official Statement) of the Uniform Code of Military Justice, in a trial by General Courts Martial. (b)(6), (b)(7)(C) was awarded four months confinement, forfeiture of all pay and allowances while confined, Bad Conduct Discharge, and sex offender registration; Exhibit (18) pertains.

3. On 20Nov11, (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN 73), and (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73), were briefed on the results of this investigation, which is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/FEXO (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN 73) (H) (b)(6), (b)(7)(C) Lead Trial Counsel, RLSO, Yokosuka, Japan (H)

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(b)(6), (b)(7)(C) V2 LNY

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F13-0580.FEXO 000022

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

130647 02:51 20091013 IN:SSDEMAIL #902 OUT:NIPRDAAAM #52562

REPORT OF INVESTIGATION (CLOSED)

07OCT09

INDECENT ASSAULT (II)

CONTROL: 05OCT09-FEXO-0072-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Receipt of Statements and Documents from (b)(6), (b)(7)(C)
USN/05Oct09...(Copy All)
- (2) IA: Receipt of Evidence from (b)(6), (b)(7)(C)
USN/05Oct09...(Copy All)
- (3) IA: Results of Interview of (b)(6), (b)(7)(C) 05Oct09...(Copy All)
- (4) IA: Results of Interview of (b)(6), (b)(7)(C)
USN/05Oct09...(Copy All)
- (5) IA: Results of Interview of (b)(6), (b)(7)(C)
USN/05OCT09...(Copy All)
- (6) Statement of (b)(6), (b)(7)(C) 07Oct09...(Copy All)

1. This investigation was worked pursuant to suspected violation of Article 120 (Sexual Assault) of the Uniform Code of Military Justice (UCMJ).

2. On 05Oct09, (b)(6), (b)(7)(C) USN, Command Investigator, USS GEORGE WASHINGTON (CVN 73) relayed that (b)(6), (b)(7)(C) had alleged she was sexually assaulted on 04Oct09. (b)(6), (b)(7)(C) stated that Security aboard the USS GEORGE WASHINGTON (CVN 73) was conducting an investigation into (b)(6), (b)(7)(C) for suspected violation of Article 92 (Failure to Obey) of the UCMJ. (b)(6), (b)(7)(C) was found in (b)(6), (b)(7)(C) barracks room aboard Commander Fleet Activities Yokosuka (CFAY), Japan. (b)(6), (b)(7)(C) was discovered inside of (b)(6), (b)(7)(C) bed lying next to him with no pants or panties on. While (b)(6), (b)(7)(C) was being interviewed by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) ultimately fled the scene on foot. After interviews with Security, (b)(6), (b)(7)(C) was informed that (b)(6), (b)(7)(C) had gone to the Medical Office aboard the USS GEORGE WASHINGTON (CVN 73) for examination. (b)(6), (b)(7)(C) provided Reporting Agent (RA) with documents and statements from Security's investigation, Exhibit (1) provides amplifying details.

3. On 05Oct09, RA was informed that (b)(6), (b)(7)(C) had reported to the ships' medical office to have a Sexual Assault Kit examination conducted. (b)(6), (b)(7)(C) MD, USS GEORGE WASHINGTON (CVN 73) ascertained that (b)(6), (b)(7)(C) reported she remembered drinking in the Honch area. (b)(6), (b)(7)(C) stated she was then woken up by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and she had no pants or panties on with no recollection of how she got there or how her pants and underwear came off. (b)(6), (b)(7)(C) did not provide any other details to (b)(6), (b)(7)(C) The Sexual Assault Kit was

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05OCT09-FEXO-0072-8DNA/C

07Oct09

subsequently seized and placed into the Naval Criminal Investigative Service Resident Unit USS GEORGE WASHINGTON (CVN 73) Evidence Repository System under log number 033-09. Exhibit (2) pertains.

4. Subsequently, (b)(6), (b)(7)(C) was interviewed and provided a statement to RA. (b)(6), (b)(7)(C) detailed that she remembered being in (b)(6), (b)(7)(C) barracks room and recalled him touching her vaginal area without her consent. (b)(6), (b)(7)(C) further recalled that when she told (b)(6), (b)(7)(C) to stop touching her vaginal area he did in fact stop, Exhibit (3) pertains.

5. On 05Oct09, following advisement and waiver of rights (b)(6), (b)(7)(C) was interviewed. (b)(6), (b)(7)(C) stated he had met (b)(6), (b)(7)(C) while in the Honch area and later returned together and went to his on base barracks' room. (b)(6), (b)(7)(C) related while on his bed (b)(6), (b)(7)(C) undid her belt, the button to her pants, and he slid her pants and panties down, with her ultimately kicking them to the ground. (b)(6), (b)(7)(C) related he did in fact place his hand on (b)(6), (b)(7)(C) pubic hair area; however, he never digitally penetrated her and when (b)(6), (b)(7)(C) told him to stop he did. (b)(6), (b)(7)(C) also reported after being caught by (b)(6), (b)(7)(C) had attempted to talk to him twice, stating she didn't want to get into trouble, and that she was married, Exhibit (4) provides amplifying details.

6. On 06Oct09, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) V-4 was interviewed. (b)(6), (b)(7)(C) reported he saw (b)(6), (b)(7)(C) during the late night hours of 03Oct09, and opined neither of them were highly intoxicated. (b)(6), (b)(7)(C) further stated that it appeared (b)(6), (b)(7)(C) was in full control of her actions, Exhibit (5) pertains.

7. On 07Oct09, RA re-interviewed (b)(6), (b)(7)(C) wherein, she related she was not a victim of sexual assault. (b)(6), (b)(7)(C) felt that because she was taken to medical for a Sexual Assault Kit to be performed on her command thought she was reporting she was sexually assaulted. (b)(6), (b)(7)(C) reported she remembered (b)(6), (b)(7)(C) placing his hand on her pubic hair region, but remembered that when she told him to stop he stopped. Additionally, (b)(6), (b)(7)(C) reiterated that (b)(6), (b)(7)(C) did not digitally penetrate her nor did he and she have any sexual intercourse on 04Oct09. (b)(6), (b)(7)(C) stated she did not remember how her pants and panties came off. According to (b)(6), (b)(7)(C) she questioned (b)(6), (b)(7)(C) and he informed her that he had taken them off, Exhibit (6) pertains.

8. (b)(6), (b)(7)(C) Executive Officer, and (b)(6), (b)(7)(C) Staff Judge Advocate, USS GEORGE WASHINGTON (CVN 73) were apprised of the details of this investigation. (b)(6), (b)(7)(C) advised that Command will take no judicial or administrative actions will be taken against (b)(6), (b)(7)(C) as (b)(6), (b)(7)(C) recanted and said she was not sexually assaulted by (b)(6), (b)(7)(C). This investigation is closed.

ACTION:

0023: ONLY Report

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05OCT09-FEXO-0072-8DNA/C

07Oct09

NCISHQ: 0023

ACTION: 0023

INFO: FEYK/ADPAC/FEXO/COMMAND (VIA (b)(6), (b)(7)(C) H)

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(b)(6), (b)(7)(C) V2 LNN

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

648655 00:32 20101014 IN:SSDEMAIL #24843 OUT:NIPRDAAAM #11046

REPORT OF INVESTIGATION (CLOSED)

11OCT10

INDECENT ASSAULT (II)

CONTROL: 08SEP10-FEXO-0095-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/STRIKE FIGHTER SQUADRON 102 (VFA-102)/09717

MADE AT/FEXO/NCISRU USS G (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI (INTERIM)/20Sep10
(Contains Exhibits 1-11)

EXECUTIVE SUMMARY

1. On 30Aug10, NCIS was apprised of a report of indecent assault made by (b)(6), (b)(7)(C) while the USS GEORGE WASHINGTON (CVN-73) was underway. On 08Sep10, (b)(6), (b)(7)(C) was interviewed and stated that on 24Jul10, while on liberty in Busan, Korea, (b)(6), (b)(7)(C) grabbed her breast over her clothes at a bar without permission. According to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was talking to someone sitting at her table and suddenly stepped behind her and reached his right hand around her side, holding and squeezing her breast in his hand for several seconds. (b)(6), (b)(7)(C) added that (b)(6), (b)(7)(C) approached her after the incident and said something to the effect of, "you better be glad I'm (b)(6), (b)(7)(C) because you don't know the things I can do to you." (b)(6), (b)(7)(C) USN, was also interviewed and stated he witnessed the indecent assault, confirming (b)(6), (b)(7)(C)'s initial allegation. (b)(6), (b)(7)(C) provided a sworn statement denying the allegation, adding that he never talked to anyone at (b)(6), (b)(7)(C)'s table that night. Contact with the bar's owner revealed no surveillance footage for the night in question. On 09Oct10, (b)(6), (b)(7)(C) command issued him a non-punitive letter of caution. This case is closed.

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to alleged violations of Article 120 (Wrongful sexual contact) of the Uniform Code of Military Justice (UCMJ).

2. On 09Oct10, (b)(6), (b)(7)(C) USN, Staff Judge Advocate, Carrier Air Wing Five, stated (b)(6), (b)(7)(C) command issued him a non-punitive letter of caution as a result of this investigation.

3. This case is closed.

ACTION

24B3: Submission of criminal fingerprint cards (2) and mug shot photographs (3) are for inclusion into the FBI database.

Tracking number: RR 873 272 222 US

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CONTROL: 08SEP10-FEXO-0095-8DNA/C

11Oct10

DISTRIBUTION

NCISHQ: 0023B

ACTION: 24B3 (M)

INFO: FEYK/FEAJ/Command (H)

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(b)(6), (b)(7)(C)

V2 LNY

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F13-0580.FEXO 000027

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

619159 22:59 20100914 IN:SSDEMAIL #17922 OUT:NIPRDAAAM #4239

REPORT OF INVESTIGATION (CLOSED)

12SEP10

INDECENT ASSAULT (II)

CONTROL: 10AUG10-FEXO-0091-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/STRIKE FIGHTER SQUADRON ONE NINE FIVE (VFA-195)/09706

MADE AT/FEXO/NCISRU USS GW/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI (INTERIM)/21Aug10
(Contains Exhibits 1-13)
- (B) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI
(CLOSED)/13Sep10 (b)(6), (b)(7)(C) USN/CCN:13SEP10-FEXO-0098-7PNA/C

EXHIBIT

- (14) Report and Disposition of Offenses for (b)(6), (b)(7)(C) 6Aug10... (Copy All)

EXECUTIVE SUMMARY

1. On 10Aug10, NCIS was notified of an ongoing command investigation into allegations of sexual assault made by (b)(6), (b)(7)(C). Initially, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, reported that (b)(6), (b)(7)(C) accused (b)(6), (b)(7)(C) of inappropriately touching her breast while working on one of the squadron's aircraft. When interviewed by the command-appointed investigating officer, (b)(6), (b)(7)(C) disclosed an additional incident during which she was raped by (b)(6), (b)(7)(C) on or around 05Jul10. After that disclosure, NCIS initiated an investigation. After signing a Victim Preference Statement, (b)(6), (b)(7)(C) claimed the sex between she and (b)(6), (b)(7)(C) that day was consensual, but maintained that she was assaulted when he touched her breast on 01Aug10. (b)(6), (b)(7)(C) was interviewed and provided a sworn statement denying any inappropriate contact occurred. Witnesses were interviewed but none recall seeing anything inappropriate. On 26Aug10, (b)(6), (b)(7)(C) received Non-judicial Punishment (NJP) from (b)(6), (b)(7)(C) USN, Commanding Officer, VFA-195, details of which are listed below. This case is closed.

NARRATIVE

- 1. This case was initiated as a reactive investigation and pertained to alleged violations of Article 120 (Rape and Wrongful Sexual Contact) of the Uniform Code of Military Justice (UCMJ).
- 2. On 26Aug10, (b)(6), (b)(7)(C) was charged with violating Article 92 (Failure to obey an order/sexual misconduct), Article 107 (False official statements, and Article 134 (Adultery) of the UCMJ. He was sentenced to 60 days restriction, forfeiture of 1/2 month's pay for two months, and reduction in rank to E-5; Exhibit (15) pertains.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 10AUG10-FEXO-0091-8DNA/C

12Sep10

3. Command additionally pursued Non-judicial Punishment for
(b)(6), (b)(7)(C) violations of Article 92 and Article 107 UCMJ, which is
reported via Reference (B). This case is closed.

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INFO: 002P/FEYK

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(b)(6), (b)(7)(C) V2 LNZ

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F13-0580.FEXO 000029

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C136164 23:31 20130312 IN:SSDEMAIL #205916 OUT:NIPRDAAAM #205916

REPORT OF INVESTIGATION (CLOSED)

05MAR13

SEXUAL ASSAULT - ADULT (II)

CONTROL: 10AUG12-FEXO-6007-8SNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) Statement of (b)(6), (b)(7)(C) 10AUG12
- (2) IA: Results of Sexual Assault Forensic Examination/30JAN13
- (3) IA: Results of Seized Clothing Items from (b)(6), (b)(7)(C) 10AUG12
- (4) IA: Results of Crime Scene Review/13AUG12
- (5) IA: Results of Crime Scene Examination/13AUG12
- (6) IA: Results of Interview with (b)(6), (b)(7)(C) 14AUG12
- (7) IA: Results of Service Record Book Review for (b)(6), (b)(7)(C) 14AUG12
- (8) IA: Results of Crime Scene Examination/15AUG12
- (9) IA: Results of Interview with (b)(6), (b)(7)(C) 31AUG12
- (10) IA: Results of Evidence Transferred to US Army Criminal Investigation Laboratory/05NOV12
- (11) IA: Receipt of Victim Preference Statement from (b)(6), (b)(7)(C) 06DEC12

EXECUTIVE SUMMARY

1. Airman Apprentice (AA) (b)(6), (b)(7)(C) USN, alleged an unknown male dragged him against his will through the Honcho bar district, a high pedestrian traffic area, a distance from between 150 and 200 feet up to (or exceeding) one quarter mile, and attempted to sexually assault him. (b)(6), (b)(7)(C) alleged the attack occurred between 0005 and 0010 on 10AUG12 and he aggressively fought the assailant while screaming for assistance. (b)(6), (b)(7)(C) stated the unknown attacker was only able to grope his groin over clothing and grabbed at his penis "like he was in a rodeo". (b)(6), (b)(7)(C) refused to identify the alley in person despite multiple requests, and refused to meet in person to discuss the investigation several times. On 06DEC12, (b)(6), (b)(7)(C) signed a Victim Preference Statement and requested no further action on this investigation and requested no further contact regarding this issue. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 - (Rape, Sexual Assault and Other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).

2. On 10AUG12, (b)(6), (b)(7)(C) stated, between 0005 and 0010, an unknown male

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F13-0580.FEXO 000030

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05Mar13

grabbed him from behind and forced him, against his will, a distance from between 150 and 200 feet up to one quarter mile while (b)(6), (b)(7)(C) stated he resisted by screaming and fighting back. (b)(6), (b)(7)(C) stated the unknown male began groping his groin area with the free hand over clothing and grabbed his penis over clothing, "like he was at a rodeo". (b)(6), (b)(7)(C) stated the unknown male was able to lower (b)(6), (b)(7)(C) pants to his knees. (b)(6), (b)(7)(C) was able to escape and returned to CFAY at approximately 0215 after locating friends at another bar. (b)(6), (b)(7)(C) stated, upon his return to his berthing area, he immediately took a shower and went to sleep. (b)(6), (b)(7)(C) statement is appended as Exhibit (1).

3. On 10AUG12, Participating Agent (PA) (b)(6), (b)(7)(C) retrieved the Sexual Assault Forensic Examination (SAFE) kit for (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Registered Nurse, at the CFAY Naval Hospital. All items seized as evidence were submitted into the NCISRA Yokosuka evidence custody system under log number FEYK 218-12. The SAFE report indicated "No findings observed" and "No apparent injuries". Exhibit (2) pertains.

4. On 10AUG12, Reporting Agent (RA) attempted to contact (b)(6), (b)(7)(C) by telephone several times following the initial interview and sworn statement. RA established contact with (b)(6), (b)(7)(C) through his Victim Advocate (VA) and collected the clothing worn during the attack. (b)(6), (b)(7)(C) placed the clothing into a dirty cloths bag the previous night before going to sleep. All items seized were placed into the NCISRU USS GEORGE WASHINGTON (CVN-73) evidence custody system under log number FEXO 044-12. Exhibit (3) pertains.

5. On 10AUG12, RA conducted a crime scene review of the location described by (b)(6), (b)(7)(C) as the location of the attempted sexual assault. As background information, (b)(6), (b)(7)(C) refused to accompany RA to identify the exact location of the attack. RA searched all streets running north and south in the Honcho District and in the vicinity of the alleged attack. RA was unable to locate an alley where the attack could have occurred. An alley was identified on the main bar street approximately one quarter mile away from the intersection (b)(6), (b)(7)(C) alleged the initial attack occurred. Exhibit (4) pertains.

6. On 13AUG12, RA conducted a second crime scene review of the location (b)(6), (b)(7)(C) described as the area of the alleged attack. RA searched for an alley to either the east or west with neon or similar lighting close. No alley was located. Exhibit (5) pertains.

7. On 14AUG12, RA interviewed (b)(6), (b)(7)(C) in the NCIS office on board the USS GEORGE WASHINGTON (CVN-73) regarding the exact location of the alleged attack. (b)(6), (b)(7)(C) stated the attack could have occurred south from the intersection rather than north. (b)(6), (b)(7)(C) refused to accompany RA to the Honcho district to show the exact or general location of the alleged attack. Exhibit (6) pertains.

8. On 14AUG12, RA received and conducted a review of the Service Record Book (SRB) for (b)(6), (b)(7)(C). RA noted (b)(6), (b)(7)(C) provided a separate location for place of birth (POB) different than what is listed in his SRB. (b)(6), (b)(7)(C) stated his POB was (b)(6), (b)(7)(C) and the SRB lists his POB as (b)(6), (b)(7)(C). Appropriate information was documented and appended as Exhibit (7).

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05Mar13

9. On 15AUG12, RA conducted a third crime scene examination to the south of the described location of the initial alleged attack. No alleys matching the description provided by (b)(6), (b)(7)(C) were located. RA terminated the search for the crime scene pending (b)(6), (b)(7)(C)'s participation and cooperation in accompanying RA to the exact location of the alleged attack. Exhibit (8) pertains.

10. On 28AUG12, RA contacted (b)(6), (b)(7)(C) and scheduled an appointment to discuss the alleged attack. (b)(6), (b)(7)(C) agreed to meet in the NCIS office onboard the USS GEORGE WASHINGTON (CVN-73) on 29AUG12 at 1000. (b)(6), (b)(7)(C) failed to make the scheduled appointment. RA rescheduled the appointment for 30AUG12 at 1000. (b)(6), (b)(7)(C) called at 1035 requesting another appointment date but was convinced to come to the office to discuss the allegations. (b)(6), (b)(7)(C) stated the attack could have occurred either north or south of the initial intersection in an alley that could have branched either east or west. (b)(6), (b)(7)(C) refused to show RA the location of the alley in person. Exhibit (9) pertains.

11. On 01SEP12, RA mailed evidence collected to the US Army Criminal Investigation Laboratory (USACIL). All evidence collected on Evidence Custody Document (ECD) log number FEXO 044-12, clothing worn by (b)(6), (b)(7)(C) the night of the attempted sexual assault, was submitted for forensic analysis. On 05NOV12, USACIL reported they recovered nothing of evidentiary value. Exhibit (10) pertains.

12. (b)(6), (b)(7)(C) refused to speak with RA regarding the investigation on 04OCT12. (b)(6), (b)(7)(C) refused to return telephone calls requesting contact on 13OCT12. (b)(6), (b)(7)(C) refused to show RA the exact location of the alley where the attack occurred on 06DEC12. RA explained to (b)(6), (b)(7)(C) failure to cooperate with the investigation would result in termination of the investigation. (b)(6), (b)(7)(C) stated he preferred the investigation terminated and voluntarily signed a Victim Preference Statement. Exhibit (11) pertains.

13. Records checks were initiated on (b)(6), (b)(7)(C) utilizing the National Crime Information Center (NCIS), Defense Central Index of Investigations (DCII), Consolidated Law Enforcement Operations Center (CLEOC), the Joint Personnel Adjudication System (JPAS) and NCIS Knowledge Net (K-NET) and returned with negative results.

14. On 10AUG12, and on several subsequent dates, Commanding Officer (CO), USS GEORGE WASHINGTON (CVN-73) and Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73), were apprised of the status of this investigation.

15. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

SPECIAL AGENT, FEYK

DISTRIBUTION

NCISHQ:0023

INFO :FEYK/Command Judge Advocate (b)(6), (b)(7)(C) (H) /
Commanding Officer USS GEORGE WASHINGTON (CVN-73) (b)(6), (b)(7)(C)

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05Mar13

(b)(6), (b)(7)(C)

(H) / FEFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

967135 20:22 20090614 IN:SSDEMAIL #36596 OUT:NIPRDAAAM #23547

REPORT OF INVESTIGATION (CLOSED)

11JUN09

INDECENT ASSAULT (II)

CONTROL: 11APR09-FEXO-0023-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/27Apr09...
(Contains Exhibits 1-7)
- (B) NCISRU USS GEORGE WASHINGTON (CVN 73) CASE FILE: CCN: 04DEC08-FEXO-0046-8DNA/C

EXECUTIVE SUMMARY

1. On 11Apr09, Reporting Agent (RA) was notified by (b)(6), (b)(7)(C) = USS GEORGE WASHINGTON (CVN 73) Security Department, stating he had = received information pertaining to an incident aboard the APL-40 Barge = aboard Commander Fleet Activities Yokosuka (CFAY), Japan involving = (b)(6), (b)(7)(C) allegedly indecently assaulting (b)(6), (b)(7)(C) in the First Class Petty = Officer's Berthing. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was TAD, attending = training aboard CFAY, and departing for Sasebo, Japan later that = morning. (b)(6), (b)(7)(C) was interviewed and stated at approximately 0434 hours, = he awoke in his rack to a hand moving up his leg that touched his groin = area. (b)(6), (b)(7)(C) squeezed his legs together to try and grab the = perpetrators' hand, but the perpetrator got away. (b)(6), (b)(7)(C) reported only = three (3) other sailors were sleeping in the berthing. (b)(6), (b)(7)(C) checked = all the racks and (b)(6), (b)(7)(C) rack was empty and his laundry bag was on = the floor. (b)(6), (b)(7)(C) checked the rest of the berthing and the bathroom, but = found no one. (b)(6), (b)(7)(C) then went to the APL 40 Quarter Deck to report the = incident. While on the Quarter Deck, (b)(6), (b)(7)(C) approached (b)(6), (b)(7)(C) carrying = his laundry bag, asking him if everything was okay? (b)(6), (b)(7)(C) then = departed the barge with his laundry bag at approximately 0444 hours. = (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was the only person who could have assaulted him = because the only other two people in the berthing were asleep in their = racks when (b)(6), (b)(7)(C) awoke. Subsequently, (b)(6), (b)(7)(C) was advised of his = Article 31b Rights, which he acknowledged and denied culpability. On = 10Jun09, (b)(6), (b)(7)(C) Region Legal Service Office (RLSO), advised = that through a pre-trial agreement related to Reference (B) charges were = not preferred against (b)(6), (b)(7)(C) pertaining to the alleged assault against = (b)(6), (b)(7)(C)

NARRATIVE

- 1. Investigative details are documented in Reference (A). Reference (B) documents an investigation that was initiated in December 2008

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F13-0580.FEXO 000034

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CONTROL: 11APR09-FEXO-0023-8DNA/C

11Jun09

wherein (b)(6), (b)(7)(C) allegedly indecently assault two (2) sailors in his =
berthing aboard the USS GEORGE WASHINGTON (CVN 73). On 09Jun09, (b)(6), (b)(7)(C)
attended a Special Court-Martial and was found guilty of violation of =
the Uniformed Code of Military Justice (UCMJ) Article 120 (Abusive =
Sexual Contact) via a pre-trial plea agreement. (b)(6), (b)(7)(C) was awarded six =
(6) months confinement, reduction to an E-1 and total forfeitures of =
\$5,400. (b)(6), (b)(7)(C) RLSO, advised that charges were not preferred against =
(b)(6), (b)(7)(C) pertaining to the alleged assault against (b)(6), (b)(7)(C) due to the =
pre-trial agreement related to Reference (B).
(b)(6), (b)(7)(C) mug shots and fingerprints will be submitted and documented =
via Reference (B). This investigation is closed.

DISTRIBUTION

NCISHQ: 0023B (M)

INFO: FEYK/FEXO/FESS/COMMAND (VIA (b)(6), (b)(7)(C), SJA) (H) /RLSO (ATTN (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) M) /002P

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(b)(6), (b)(7)(C) V2 LNY

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F13-0580.FEXO 000035

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

639787 19:03 20120802 IN:SSDEMAIL #31047 OUT:NIPRDAAAM #30448

REPORT OF INVESTIGATION (CLOSED)

23JUL12

RAPE (II)

CONTROL: 11JUL12-FEXO-0066-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/VFA-102/60126

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Contact with Shore Liaison Group/22Jul12...(Copy all)
- (2) IA: Results of Contact with (b)(6), (b)(7)(C) USN/22Jul12...(Copy all)
- (3) IA: Results of Interview with (b)(6), (b)(7)(C) USN/22Jul12...(Copy all)
- (4) IA: Results of Initial Contact with (b)(6), (b)(7)(C) 22Jul12...(Copy all)
- (5) IA: Results of Interview of (b)(6), (b)(7)(C) USN/22Jul12...(Copy all)
- (6) IA: Results of Contact with Hong Kong Police/22Jul12...(Copy all)
- (7) IA: Results of Crime Scene Examination/22Jul12...(Copy all)
- (8) IA: Results of Contact with (b)(6), (b)(7)(C) USN/22Jul12...(Copy all)
- (9) IA: Results of Follow Up Contact with (b)(6), (b)(7)(C) 2Jul12...(Copy all)
- (10) Sworn Statement of (b)(6), (b)(7)(C) USN/20Jul12...(Copy all)
- (11) IA: Results of Review of (b)(6), (b)(7)(C) Service Record Book/23Jul12...(Copy all)
- (12) Sworn Statement of (b)(6), (b)(7)(C) USN/23Jul12...(Copy all)

NARRATIVE

1. This investigation was initiated to provide details and disposition to Command and facilitate any requests for assistance from the Hong Kong Police. This investigation pertains to suspected violations of Hong Kong Law, Chapter 200 Section 118 (Rape).

2. On 10Jul12, Reporting Agent (RA) received notification from (b)(6), (b)(7)(C), USN, VAW-115, of a possible sexual assault. (b)(6), (b)(7)(C) advised a female sailor was intoxicated to the point she needed medical treatment at a local Hong Kong hospital. According to (b)(6), (b)(7)(C) after discharge and upon return to Fenwick Pier, the same female sailor, (b)(6), (b)(7)(C) became belligerent and started cussing and then crying and disclosed a possible sexual assault. A duty Victim Advocate was assigned to (b)(6), (b)(7)(C) and she was taken back to the ship until she was cleared by Medical; Exhibit (1) pertains.

3. On 11Jul12, while en route to the USS GEORGE WASHINGTON (CVN-73)

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F13-0580.FEXO 000036

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23Jul12

RA made contact with (b)(6), (b)(7)(C) USN, Intelligence Department, duty Victim Advocate on board USS GEORGE WASHINGTON (CVN-73), regarding a request for her to check the welfare of (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) told her she was "raped by a local Hong Kong National" (NFI) on 10Jul12 somewhere in the Wan Chai Bar area of Hong Kong. (b)(6), (b)(7)(C) stated she did not wish to participate in an investigation. (b)(6), (b)(7)(C) relayed (b)(6), (b)(7)(C) then requested to speak to a Doctor from Psychological Services); Exhibit (2) pertains.

4. On 11Jul12, RA made contact with (b)(6), (b)(7)(C) USN, Psychologist, Medical Department, USS GEORGE WASHINGTON (CVN-73). According to (b)(6), (b)(7)(C) disclosed something significant to him in her history which was causing her to become suicidal. (b)(6), (b)(7)(C) did indicate (b)(6), (b)(7)(C) was able to speak with RA and he would support allowing her to leave the ship to speak to Hong Kong Police authorities; Exhibit (3) pertains.

5. On 11Jul12, RA made contact with (b)(6), (b)(7)(C) at the Medical Department on board the USS GEORGE WASHINGTON (CVN-73). Also present was (b)(6), (b)(7)(C) assigned Victim Advocate (VA)). (b)(6), (b)(7)(C) reiterated she did not wish to participate in the Hong Kong police investigation; Exhibit (4) pertains.

6. On 11Jul12, RA conducted an interview of (b)(6), (b)(7)(C) SN, VFA-102, NAF Atsugi. (b)(6), (b)(7)(C) said he was very concerned when he heard (b)(6), (b)(7)(C) was still in Medical so he went to check on her and observed her right hand in a cast. According to (b)(6), (b)(7)(C) he asked her what happened and (b)(6), (b)(7)(C) replied she was attacked in the alley at Cinta J's and she punched the assailant in the face; Exhibit (5) pertains.

7. On 11Jul12, RA informed Participating Agent (PA) (b)(6), (b)(7)(C) of (b)(6), (b)(7)(C)'s decision to decline to participate in the Hong Kong Police Investigation. PA (b)(6), (b)(7)(C) relayed she made contact with (b)(6), (b)(7)(C) Foreign Liaison Officer, Hong Kong Police Department, who advised Hong Kong Police will not open an investigation until (b)(6), (b)(7)(C) comes to the Police Department to provide an official statement; Exhibit (6) pertains.

8. On 11Jul12, RA conducted a crime scene examination of the alley beside Cinta J's Restaurant and Bar in Wan Chai, Hong Kong. The alley opens directly to the main street where Cinta J's is located, and is heavily travelled by pedestrian and motor vehicle traffic. RA discovered no items of evidentiary value. RA documented the scene with digital photography. Selected photographs attached; Exhibit (7) pertains.

9. On 13Jul12, RA made telephonic contact with (b)(6), (b)(7)(C) USN, VFA-102, duty Victim Advocate, and requested (b)(6), (b)(7)(C) make contact with (b)(6), (b)(7)(C) to inquire if (b)(6), (b)(7)(C) would be willing to speak with RA regarding the sexual assault investigation. Exhibit (8) pertains.

10. On 16Jul12, RA met with (b)(6), (b)(7)(C) and her assigned Victim

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CONTROL: 11JUL12-FEXO-0066-8FNA/C

23Jul12

Advocate. (b)(6), (b)(7)(C) stated it was her intention from the beginning to have the case remain "Restricted" but the paperwork was not filled out correctly. (b)(6), (b)(7)(C) indicated she wished to fill out a Victim Preference Statement which was signed by (b)(6), (b)(7)(C) and witnessed by (b)(6), (b)(7)(C) and RA; Exhibit (9) pertains.

11. On 20Jul12, RA met with (b)(6), (b)(7)(C) USN, VFA-102, NAF Atsugi, for the purposes of having him provide the details from his previous interview in a sworn written statement. Exhibit (10) pertains.

12. On 23Jul12, RA obtained the Service Record Book (SRB) for (b)(6), (b)(7)(C) via the Electronic Military Personnel Records System (EMPRS). No derogatory information was ascertained. An electronic copy of the SRB is maintained in the case notes folder of the captioned investigation; Exhibit (11) pertains.

13. On 23Jul12, RA conducted an interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, VFA-102, NAF Atsugi (b)(6), (b)(7)(C) relayed (b)(6), (b)(7)(C) ent outside to the alley beside Cinta J's to vomit but was only gone for about 10-15 minutes. (b)(6), (b)(7)(C) advised when (b)(6), (b)(7)(C) returned she physically looked the same and was not complaining of any pain. Further details are provided in the sworn statement of (b)(6), (b)(7)(C) Exhibit (12) pertains.

14. Criminal history checks with the National Crime Information Center (NCIC), Defense Central Index of Investigation (DCII), Department of Defense Interactive Data System (DEIDS), NCIS K-Net and the Consolidated Law Enforcement Operations Center (CLEOC) were queried on (b)(6), (b)(7)(C). CLEOC revealed a (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) JPAS indicates (b)(6), (b)(7)(C) maintains a Secret security clearance.

15. On 23Jul12, (b)(6), (b)(7)(C) USN, Executive Officer USS GEORGE WASHINGTON (CVN-73), (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73), and (b)(6), (b)(7)(C) USN, Commanding Officer VFA-102 were briefed on the status of this investigation which is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka Japan

ACTION

R.FEAJ: Provide a copy of Closed Report to Commanding Officer VFA-102, NAF Atsugi

DISTRIBUTION

NCISHQ: 0023B

FEAJ: FEAJ

INFO: 002P/014C/FEYK/FEAJ/FEXO/Commanding Officer USS GEORGE WASHINGTON (CVN-73) (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GW (H) (b)(6), (b)(7)(C) USN, Commanding Officer, VFA-102 (H)

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(b)(6), (b)(7)(C) V2 LNY

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23Jul12

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533667 03:41 20100622 IN:SSDEMAIL #62445 OUT:NIPRDAAAM #48386

REPORT OF INVESTIGATION (CLOSED)

21JUN10

INDECENT ASSAULT (II)

CONTROL: 12JUN09-GCGL-0079-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Great Lakes, IL ROI (INTERIM)/30Jul09... (Contains Exhibits 1 and 2)
- (B) NCISRU USS GEORGE WASHINGTON (CVN 73)
ROI (INTERIM)/24Aug09... (Contains Exhibits 3-14)
- (C) NCISRU USS GEORGE WASHINGTON (CVN 73)
ROI (INTERIM)/14Sep09... (Contains Exhibits 15-17)
- (D) NCISRU USS GEORGE WASHINGTON (CVN 73)
ROI (INTERIM)/16NOV09... (Contains Exhibits 18-22)
- (E) NCISRU USS GEORGE WASHINGTON (CVN 73)
ROI (INTERIM)/12JAN10... (Contains Exhibits 23-24)
- (F) NCISRU USS GEORGE WASHINGTON (CVN 73)
ROI INTERIM/28MAR10... (Contains Exhibit 25)
- (G) NCISRU USS GEORGE WASHINGTON (CVN 73)
ROI INTERIM/24MAY10... (Contains Exhibit 26)

EXHIBIT

- (27) IA: Receipt of Declination Letter in Regards to (b)(6), (b)(7)(C)/20May10... (Copy All)

EXECUTIVE SUMMARY

1. On 12Jun09 (b)(6), (b)(7)(C) reported on the night of 08Jun09, he was the victim of a sexual assault by (b)(6), (b)(7)(C). Pertinent witnesses were identified and interviewed and a crime scene of the suspected area aboard the USS GEORGE WASHINGTON (CVN 73) was conducted. (b)(6), (b)(7)(C) was interviewed; however, he elected to remain silent. Pertinent evidence was seized and subsequently forwarded to the United States Army Criminal Investigations lab where (b)(6), (b)(7)(C) spermatozoa (sperm) were located on (b)(6), (b)(7)(C)'s boxer shorts. On 13Jan10, an Article 32 hearing was convened aboard Commander Fleet Activities Yokosuka, Japan. Per the Request of the Regional Legal Services Office (RLSO), (b)(6), (b)(7)(C) USN was re-interviewed. On 05May10, (b)(6), (b)(7)(C) was provided a polygraph examination following requests from representatives from the Regional Legal Services Office (RLSO) and Navy Legal Services Office (NLSO), Commander Fleet Activities Yokosuka (CFAY), Japan. Following being asked pertinent questions, no opinion could be rendered based on the physiological data obtained. Prior to further questioning, (b)(6), (b)(7)(C) legal defense opted not to continue testing. On 15Jun10, a letter signed

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 12JUN09-GCGL-0079-8DNA/C

21Jun10

by (b)(6), (b)(7)(C) USN, Commander, U.S. Naval Forces Japan, was provided to the Commanding Officer, USS George Washington (CVN 73). The letter advised the case would not be referred to General Court Martial and the case would be returned to the USS George Washington for disposition. Subsequent to receiving the letter, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, SJA, USS GEORGE WASHINGTON (CVN 73), advised no judicial action would be taken regarding captioned investigation. This investigation is closed.

NARRATIVE

1. This reactive investigation is being worked pursuant to suspected violation of the Uniformed Code of Military Justice (UCMJ) Article 125 (Sodomy).

2. On 15Jun10, a letter signed by (b)(6), (b)(7)(C) USN, Commander, U.S. Naval Forces Japan, was provided to the Commanding Officer, USS George Washington (CVN 73). The letter advised the case would not be referred to General Court Martial and the case would be returned to the USS George Washington for disposition. Subsequent to receiving the letter, (b)(6), (b)(7)(C) USN, SJA, USS GEORGE WASHINGTON (CVN 73) advised no judicial action would be taken regarding captioned investigation; Exhibit (27) pertains. This investigation is closed.

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NCISHQ: 0023

INFO: FEYK/FEXO/COMMAND (VIA (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (H) /RLSO (b)(6), (b)(7)(C) N (M)

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

067542 20:20 20110519 IN:SSDEMAIL #11781 OUT:NIPRDAAAM #11679

REPORT OF INVESTIGATION (CLOSED)

18MAY11

RAPE (II)

CONTROL: 13APR11-FEXO-0029-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Contact with (b)(6), (b)(7)(C) 13Apr11...(Copy All)
- (2) IA: Results of Interview of (b)(6), (b)(7)(C) 14Apr11...(Copy All)
- (3) IA: Results of Sexual Assault Forensic Examination/14Apr11...(Copy All)
- (4) IA: Results of Attempted Email Contact Between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) 15Apr11...(Copy All)
- (5) IA: Review of Ship Computer Profiles/15Apr11...(Copy All)
- (6) Sworn Statement of (b)(6), (b)(7)(C), USN/15Apr11...(Copy All)
- (7) IA: Results of Crime Scene Examination/15Apr11...(Copy All)
- (8) IA: Results of Service Record Review/15Apr11...(Copy All)
- (9) IA: Results of Interview of (b)(6), (b)(7)(C) py All)
- (10) IA: Results of Interview of USN/16Apr11...(Copy All)
- (11) IA: Results of Interview of USN/16Apr11...(Copy All)
- (12) IA: Results of Interview of USN/16Apr11...(Copy All)
- (13) IA: Results of Interview of USN/16Apr11...(Copy All)
- (14) IA: Results of Interview of USN/16Apr11...Copy All)
- (15) IA: Results of Interview of USN/18Apr11...(Copy All)
- (16) IA: Results of Interview of USN/19Apr11...(Copy All)
- (17) IA: Review of Computer Server Information/19Apr11...(Copy All)
- (18) IA: Results of Interview of (b)(6), (b)(7)(C) USN/19Apr11...(Copy All)
- (19) Sworn Statement of (b)(6), (b)(7)(C) USN/19Apr11...(Copy All)
- (20) IA: Results of Interview of USN/04May11...(Copy All)
- (21) IA: Results of Interview of USN/04May11...(Copy All)
- (22) IA: Results of Interview of USN/04May11...(Copy All)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13APR11-FEXO-0029-8FNA/C

18May11

- (23)IA: Results of Interview of
USN/04May11...(Copy All)
(24)IA: Results of Interview of
USN/04May11...(Copy All)
(25)IA: Results of Interview of
USN/06May11...(Copy All)
(26)IA: Results of Interview of

(b)(6), (b)(7)(C)

USN/06May11...(Copy All)

- (27)IA: Results of Re-interview of (b)(6), (b)(7)(C) 12May11...(Copy All)

EXECUTIVE SUMMARY

1. On 12Apr11, NCISRU USS GEORGE WASHINGTON (CVN-73) was notified by (b)(6), (b)(7)(C), USN, Ship Beach Guard, of a report of sexual assault made by (b)(6), (b)(7)(C) was taken to Branch Health Clinic Sasebo, Japan, after she became belligerent at the on-base enlisted club. While at the clinic, (b)(6), (b)(7)(C) claimed that (b)(6), (b)(7)(C) raped her by force on board the USS GEORGE WASHINGTON (CVN-73) on 08Apr11. According to (b)(6), (b)(7)(C) grabbed her from behind, threw her on a bench inside the office, and vaginally penetrated her after pulling down her pants while they were alone in an office located in the Weapons Department aboard the ship. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was unable to get fully erect and stopped shortly after penetration. (b)(6), (b)(7)(C) eventually agreed to undergo a Sexual Assault Forensic Examination (SAFE) and provide a written statement. (b)(6), (b)(7)(C) denied any sexual contact between him and (b)(6), (b)(7)(C). Numerous interviews and investigative leads were completed indicating that (b)(6), (b)(7)(C) story was inconsistent with the evidence. On 12May11, (b)(6), (b)(7)(C) was re-interviewed subsequent to being advised of and waiving her Article 31(b) rights. (b)(6), (b)(7)(C) claimed that she had no recollection of accusing (b)(6), (b)(7)(C) of rape based on her drunken state. She said that the next day she continued with the story because she was afraid of getting into trouble. On 12May11, (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73), was briefed on the status of this investigation. This case is closed and a subsequent investigation will be initiated based on the false statements provided to NCIS by (b)(6), (b)(7)(C).

NARRATIVE

1. This case was initiated as a reactive investigation and pertained to alleged violation of Article 120 (Rape) of the Uniform Code of Military Justice (UCMJ).
2. On 12Apr11, Reporting Agent (RA) was notified by the USS GEORGE WASHINGTON (CVN-73) Beach Guard of a report of possible sexual assault made by (b)(6), (b)(7)(C). RA traveled to the Sasebo Branch Clinic and met with (b)(6), (b)(7)(C) who was extremely intoxicated and belligerent. (b)(6), (b)(7)(C) did not provide any details regarding a sexual assault during her conversation with RA, and was eventually transported back to the ship to sleep; Exhibit (1) pertains.
3. On 13Apr11 and 14Apr11, RA interviewed (b)(6), (b)(7)(C) at the NCIS office on board USS GEORGE WASHINGTON (CVN-73). During the 13Apr11 interview, (b)(6), (b)(7)(C) alleged she was raped by (b)(6), (b)(7)(C) in the AWSE shop on 08Apr11, while the ship was underway. (b)(6), (b)(7)(C) initially

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13APR11-FEXO-0029-8FNA/C

18May11

stated she did not want to pursue an investigation. RA gave (b)(6), (b)(7)(C) an additional 24 hours to consider her options. On 14Apr11, returned to NCIS and indicated she was willing to participate in the investigation. She provided a sworn statement detailing her rape allegation. According to (b)(6), (b)(7)(C) she was in the AWSE shop using the computer around midnight on 08Apr11-09Apr11, with (b)(6), (b)(7)(C) being the only other person in there. (b)(6), (b)(7)(C) claimed that at one point (b)(6), (b)(7)(C) grabbed her, threw her on one of the office benches, and vaginally penetrated her without her consent. (b)(6), (b)(7)(C) stated this only lasted a few minutes because (b)(6), (b)(7)(C) had difficulty getting an erection; Exhibit (2) pertains.

4. On 14Apr11, (b)(6), (b)(7)(C) agreed to undergo a SAFE. The exam was conducted on board the USS GEORGE WASHINGTON (CVN-73) by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN. After the exam was completed, RA scanned (b)(6), (b)(7)(C) clothing using an ultraviolet light source in order to identify potential trace evidence. No evidence was discovered; Exhibit (3) pertains.

5. On 15Apr11, (b)(6), (b)(7)(C) agreed to contact (b)(6), (b)(7)(C) via email in effort to elicit statements from him regarding her allegation of rape. RA drafted the email, which was subsequently sent from (b)(6), (b)(7)(C) ship email account to (b)(6), (b)(7)(C). No response was received and (b)(6), (b)(7)(C) reported the email to his chain of command; Exhibit (4) pertains.

6. On 15Apr11, the ship computer profiles for both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were reviewed. The profiles contained the content of their ship email accounts and personal files stored on their profile. No correspondence regarding the alleged rape was discovered; however, time stamps for emails sent by both of them around the time of the incident were noted; Exhibit (5) pertains.

7. On 15Apr11, RA interviewed (b)(6), (b)(7)(C) USN, at the NCIS office on board USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) provided a sworn statement detailing her involvement with (b)(6), (b)(7)(C) the night she first made her allegation. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) told her the rape occurred in port, not at sea, and initially make accusations against another (b)(6), (b)(7)(C) but subsequently withdrew them. (b)(6), (b)(7)(C) also recalled (b)(6), (b)(7)(C) claiming that (b)(6), (b)(7)(C) routinely physically assaults her; Exhibit (6) pertains.

8. On 15Apr11, RA and (b)(6), (b)(7)(C) USN, conducted a crime scene examination of the AWSE shop aboard the USS GEORGE WASHINGTON (CVN-73). Numerous photographs of the space were taken and an ultraviolet light source was utilized to identify potential trace evidence. No evidence was discovered; Exhibit (7) pertains.

9. On 15Apr11, RA reviewed (b)(6), (b)(7)(C) service record. The record contained personal information as well as (b)(6), (b)(7)(C)'s work experience; Exhibit (8) pertains.

10. On 15Apr11, RA interviewed (b)(6), (b)(7)(C) at the NCIS office on board USS GEORGE WASHINGTON (CVN-73). After waiving his Article 31(b)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13APR11-FEXO-0029-8FNA/C

18May11

rights, (b)(6), (b)(7)(C) denied any sexual contact with (b)(6), (b)(7)(C) and provided a sworn statement to that affect. Although he could not recall exactly what he was doing the night of the alleged assault, he claimed that the AWSE shop is almost always manned and was occupied throughout that night, making it impossible for him to rape (b)(6), (b)(7)(C) provided a sample of his DNA for comparison. The entire interview was video recorded; Exhibit (9) pertains.

11. On 16Apr11, RA interviewed (b)(6), (b)(7)(C) USN, at the NCIS office on board USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) described her recollections of 12Apr11 while in Sasebo as (b)(6), (b)(7)(C) liberty buddy. (b)(6), (b)(7)(C) stated that at one point during the night, (b)(6), (b)(7)(C) became upset in the women's bathroom of the base enlisted club. (b)(6), (b)(7)(C) explained that (b)(6), (b)(7)(C) had become extremely intoxicated from drinking alcohol throughout the day; Exhibit (10) pertains.

12. On 16Apr11, RA interviewed (b)(6), (b)(7)(C) USN, at the NCIS office on board USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) described his interactions with (b)(6), (b)(7)(C) as a member of the ship's Beach Guard on 12Apr11. According to (b)(6), (b)(7)(C) was belligerent and was making random statements regarding being touched and wanting to talk to (b)(6), (b)(7)(C) USN; Exhibit (11) pertains.

13. On 16Apr11, RA interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN; from the G-1 division of Weapons department. Each worked the night shift in the AWSE shop on 08Apr11-09Apr11. None recalled ever seeing (b)(6), (b)(7)(C) in the AWSE shop or (b)(6), (b)(7)(C) together. Based on the frequent movement of personnel in and out of the office, all of them doubted the possibility that a crime could have occurred in the AWSE shop; Exhibits (12) through (14) pertain.

14. On 18Apr11, RA interviewed (b)(6), (b)(7)(C) USN, at the NCIS office on board USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) serves as the (b)(6), (b)(7)(C) and provided background information regarding (b)(6), (b)(7)(C) Exhibit (15) pertains.

15. On 18Apr11, RA interviewed (b)(6), (b)(7)(C) USN, at the NCIS office on board USS GEORGE WASHINGTON (CVN-73). As background, (b)(6), (b)(7)(C) made statements on 12Apr11 indicating that she and (b)(6), (b)(7)(C) had a sexual relationship. (b)(6), (b)(7)(C) denied any sexual contact with (b)(6), (b)(7)(C) and maintained his relationships with junior enlisted sailors were purely professional. (b)(6), (b)(7)(C) could not say why (b)(6), (b)(7)(C) would make such statements; Exhibit (16) pertains.

16. On 19Apr11, RA reviewed computer log-in information regarding the ship accounts of (b)(6), (b)(7)(C) According to the logs, (b)(6), (b)(7)(C) had not been logged into any of the computers in the AWSE shop since February 2011. Additionally, internet history records show that (b)(6), (b)(7)(C) was not logged onto any computer on the ship between 2211 on 08Apr11 and 0640 on 09Apr11. Records regarding (b)(6), (b)(7)(C) indicate he was on his computer in the AWSE shop until around 2357 on 08Apr11; Exhibit (17) pertains.

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CONTROL: 13APR11-FEXO-0029-8FNA/C

18May11

17. On 19Apr11, RA interviewed (b)(6), (b)(7)(C), USN, at the NCIS office on board USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) worked the night shift in the AWSE shop on 08Apr11-09Apr11 and could not recall ever seeing (b)(6), (b)(7)(C) there. (b)(6), (b)(7)(C) stated the AWSE shop is heavily trafficked at night with airmen completing maintenance jobs. He could not recall his specific movements that night, but said that the airmen usually receive computer tasking between midnight and 0100 in the office; Exhibit (18) pertains.

18. On 19Apr11, RA interviewed (b)(6), (b)(7)(C) at the NCIS office aboard the USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) provided a sworn statement wherein he described his interactions with (b)(6), (b)(7)(C) the night she alleged (b)(6), (b)(7)(C) sexually assaulted her. (b)(6), (b)(7)(C) described (b)(6), (b)(7)(C) having difficulty explaining the details of the sexual assault based on her intoxicated state; Exhibit (19) pertains.

19. On 04May11 and 06May11, RA interviewed (b)(6), (b)(7)(C) USN; (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) USN; all members of Weapons Department aboard the USS GEORGE WASHINGTON (CVN-73). All personnel with the exception of (b)(6), (b)(7)(C) worked the night shift in the AWSE shop on 08Apr11-09Apr11. No personnel recalled ever seeing (b)(6), (b)(7)(C) in the AWSE shop. Some personnel stated it was impossible for (b)(6), (b)(7)(C) to have been alone in the AWSE shop with (b)(6), (b)(7)(C) for more than a couple of minutes. (b)(6), (b)(7)(C) recalled speaking with (b)(6), (b)(7)(C) about the assault. During that conversation, (b)(6), (b)(7)(C) reiterated what she provided in her statement to NCIS; Exhibits (20) through (26) pertain.

20. On 12May11, RA and Participating Agent (PA) (b)(6), (b)(7)(C) re-interviewed (b)(6), (b)(7)(C) at the NCIS Far East Field Office. When asked if she was logged onto the computer in the AWSE shop prior to being raped, (b)(6), (b)(7)(C) said she was. After being confronted with the inconsistencies between her allegation and the evidence, (b)(6), (b)(7)(C) admitted to providing a false official statement to NCIS. After waiving her Article 31(b) rights, (b)(6), (b)(7)(C) claimed that she had no recollection of accusing (b)(6), (b)(7)(C) of rape based on her drunken state. She said that the next day she continued with the story because she was afraid of getting into trouble. The interview was video recorded and placed into evidence under log number 101-11; Exhibit (27) pertains.

21. This case is being closed based on (b)(6), (b)(7)(C) statement indicating she knowingly made a false allegation against (b)(6), (b)(7)(C). On 12May11, (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73), was briefed on the closure of this case. A perjury investigation will be initiated with (b)(6), (b)(7)(C) listed as the subject. This case is closed.

PARTICIPANT

(b)(6), (b)(7)(C)

Special Agent, NCISRA Yokosuka, Japan

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F13-0580.FEXO 000046

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13APR11-FEXO-0029-8FNA/C

18May11

INFO: 002P/FEYK/Command (H)

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(b)(6), (b)(7)(C)

V2 INY

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F13-0580.FEXO 000047

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C104894 17:51 20130203 IN:SSDEMAIL #69496 OUT:NIPRDAAAM #69496

REPORT OF INVESTIGATION (CLOSED)

01FEB13

RAPE (II)

CONTROL: 13APR12-FEXO-0037-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/RESIDENT UNIT USS GEORGE WASHINGTON (CVN-73)
AGENT

(b)(6), (b)(7)(C)

SPECIAL

REFERENCE(S)

- (A) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM) (CONTAINS EXHIBITS 1-13)/14MAY12
- (B) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM) (CONTAINS EXHIBITS 14-16)/14JUL12
- (C) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM) (CONTAINS EXHIBITS 17-18)/09SEP12
- (D) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM) (CONTAINS EXHIBITS 19-20)/02NOV12
- (E) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/17DEC12

EXHIBIT(S)

- (21) Results of Trial/30JAN13

EXECUTIVE SUMMARY

1. This reactive investigation was initiated pertaining to the alleged rape of (b)(6), (b)(7)(C) by (b)(6), (b)(7)(C) during the evening of 08APR12 in an off-base residence of a friend. In the preceding hours, (b)(6), (b)(7)(C) and friends had been drinking alcoholic beverages at several establishments in the Honcho district, Yokosuka, Japan. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) requested to perform sexual acts on her to which she rejected. (b)(6), (b)(7)(C) explained she woke to (b)(6), (b)(7)(C) performing oral sex on her and realized her shorts and underwear were removed while sleeping. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) moved up and penetrated her vagina with his penis. (b)(6), (b)(7)(C) physically and verbally resisted. (b)(6), (b)(7)(C) opted not to participate in a Sexual Assault Forensic Examination (SAFE). On 30JAN13 (b)(6), (b)(7)(C) was found guilty of violating two specifications of Article 120 of the Uniform Code of Military Justice, Abusive Sexual Contact. The General Court-Martial Military Judge sentenced (b)(6), (b)(7)(C) to a Dishonorable Discharge, reduction in rate to E-1, total forfeiture of pay and allowances, \$50,000 fine and four years confinement. This investigation is closed.

NARRATIVE

- 1. This reactive investigation was initiated pertaining to alleged

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F13-0580.FEXO 000048

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CONTROL: 13APR12-FEXO-0037-8FNA/C

01Feb13

violations of Article 120 (Rape, sexual assault, and other sexual misconduct) of the Uniform Code of Military Justice.

2. On 30JAN13 [REDACTED] Military Judge, Judge Advocate General's Corps, U.S. Navy, sitting as General Court-Martial, found [REDACTED] guilty of two specifications of the Uniform Code of Military Justice Article 120: Abusive Sexual Contact. [REDACTED] was sentenced to a Dishonorable Discharge, reduction in rate to E-1, total forfeiture of pay and allowances, a 50,000 fine and four years confinement. Exhibit (21) pertains.

3. This investigation is closed.

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NCISHQ:0023

INFO :FEFO/FEYK/USS GEORGE WASHINGTON (CVN 73) (Commanding Officer) (H)

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F13-0580.FEXO 000049

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

536248 01:51 20100624 IN:SSDEMAIL #63169 OUT:NIPRDAAAM #49083

REPORT OF INVESTIGATION (CLOSED)

22JUN10

RAPE (II)

CONTROL: 13MAY10-FEXO-0053-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW/ (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) Statement of (b)(6), (b)(7)(C), USN/13May10...(Copy All)
- (2) IA: Results of Review of (b)(6), (b)(7)(C) WWW.FACEBOOK.COM Account/13May10...(Copy All)
- (3) Statement of (b)(6), (b)(7)(C) USN/14May10...(Copy All)
- (4) IA: Results of Review of (b)(6), (b)(7)(C)'s USS GEORGE WASHINGTON (CVN 73) Electronic Mail/13May10...(Copy All)
- (5) IA: Review of (b)(6), (b)(7)(C) Shipboard Computer Account/15Jun10...(Copy All)
- (6) IA: Results of Meeting with (b)(6), (b)(7)(C)/16Jun10...(Copy All)
- (7) IA: Review of (b)(6), (b)(7)(C)'s Medical Records/17Jun10...(Copy All)

EXECUTIVE SUMMARY

1. On 13May10, (b)(6), (b)(7)(C) reported she was raped during the late evening hours of 17Mar10, by (b)(6), (b)(7)(C) USN, USS MCCAMPBELL (DDG 85), who has since been discharged from the US Navy. (b)(6), (b)(7)(C) reported she went to (b)(6), (b)(7)(C)'s barracks room aboard Commander Fleet Activities Yokosuka (CFAY), Japan where she and (b)(6), (b)(7)(C) participated in mutual kissing. (b)(6), (b)(7)(C) reported they both laid on (b)(6), (b)(7)(C)'s bed where he removed her pants and he removed his clothes. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) obtained a condom from his backpack, placed the condom on his penis, and forced (b)(6), (b)(7)(C) to participate in non consensual sexual intercourse for fifteen minutes. (b)(6), (b)(7)(C) stated she told (b)(6), (b)(7)(C) she could not have sexual intercourse, as she was not on birth control. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) removed the condom on his penis and ejaculated inside of her vagina. (b)(6), (b)(7)(C) stated that after this, (b)(6), (b)(7)(C) provided her with tissues and then started playing video games. (b)(6), (b)(7)(C) stated she was reporting this incident because she believed she was now pregnant with (b)(6), (b)(7)(C)'s child, and she did not want him to have parental rights to the child. Pertinent witnesses were identified and interviewed. (b)(6), (b)(7)(C)'s www.facebook.com and USS GEORGE WASHINGTON (CVN 73) mail accounts were reviewed, which revealed various messages of evidentiary value. Attempts to obtain (b)(6), (b)(7)(C) electronic mail resulted in negative efforts. On 17Jun10, (b)(6), (b)(7)(C) signed a Victim's Preference Statement stating she no longer wanted to participate with this investigation. Command has been briefed on the status of this investigation to date and elected not to seek administrative or judicial action against (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) has detached from the USS MCCAMPBELL and is currently on terminal leave. This investigation is closed.

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CONTROL: 13MAY10-FEXO-0053-8FNA/C

22Jun10

NARRATIVE

1. This reactive investigation was initiated pursuant to a suspected violation of Article 120 (Rape, Sexual Assault and other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).

2. On 13May10, (b)(6), (b)(7)(C) reported she believed she was the victim of rape on the night of 17Mar10. (b)(6), (b)(7)(C) stated that on the night of 17Mar10, she visited the room of (b)(6), (b)(7)(C) where she and he kissed on his bed. (b)(6), (b)(7)(C) alleged that she informed (b)(6), (b)(7)(C) that she could not have sexual intercourse because she was not on the birth control; however, (b)(6), (b)(7)(C) removed her pants, obtained a condom from his backpack, took off his clothes, and forced (b)(6), (b)(7)(C) to participate in non consensual sexual intercourse for fifteen minutes. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) removed his condom and ejaculated inside of her vagina and upon finishing, threw her a box of tissues and then started playing video games. (b)(6), (b)(7)(C) stated she was reporting that she was sexually assaulted, because she did not want (b)(6), (b)(7)(C) to have custody of her child that she was now carrying, Exhibit (1) pertains.

3. On 13May10, (b)(6), (b)(7)(C) provided consent to have her www.facebook.com page reviewed via a signed Permissive Authorization for Search and Seizure form. The review resulted in identifying that (b)(6), (b)(7)(C) contacted (b)(6), (b)(7)(C) the day after the alleged incident on 17Mar10 and requested permission to go to the USS MCCAMPBELL (DDG 85) in an effort to obtain her Ipod, Exhibit (2) pertains.

4. On 14May10, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) was interviewed. (b)(6), (b)(7)(C) stated he was the current boyfriend of (b)(6), (b)(7)(C) and he was aware that she had reported to him that (b)(6), (b)(7)(C) believed she was a victim of sexual assault; however, (b)(6), (b)(7)(C) stated he was not informed of any of the details of the alleged assault. (b)(6), (b)(7)(C) was questioned if he thought the child that (b)(6), (b)(7)(C) was carrying could be his, to which he replied with a yes. (b)(6), (b)(7)(C) stated he and (b)(6), (b)(7)(C) had in fact had sexual intercourse two times in April 2010 without the use of a condom and he did ejaculate inside of her as (b)(6), (b)(7)(C) had informed him that she was on birth control, Exhibit (3) pertains.

5. On 14May10, a review of (b)(6), (b)(7)(C)'s USS GEORGE WASHINGTON (CVN 73) electronic mail account was conducted. This review resulted in numerous items of evidentiary value being discovered. These messages are appended to this report as Exhibit (4).

6. On 15Jun10, a review of (b)(6), (b)(7)(C) USS MCCAMPBELL (DDG 85) account was conducted; however, no items of evidentiary value were discovered, Exhibit (5) pertains.

7. On 16Jun10, (b)(6), (b)(7)(C) was re-interviewed and requested to partake in an oral/wire intercept with (b)(6), (b)(7)(C) however, (b)(6), (b)(7)(C) stated she was adamant she did not want to participate with this investigation any further. (b)(6), (b)(7)(C) elected to sign a Victim's Preference Statement identifying she no longer wanted to participate with this investigation, Exhibit (6) pertains.

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CONTROL: 13MAY10-FEXO-0053-8FNA/C

22Jun10

8. On 17Jun10, (b)(6), (b)(7)(C) signed an Authorization for Disclosure of Medical and Dental Information form. which resulted in identifying that (b)(6), (b)(7)(C) went to medical for a Sexual Transmitted Disease screening due to unprotected sexual intercourse. Medical documents state that (b)(6), (b)(7)(C) reported the sexual contact was non consensual; however, she did not want to press charges. An estimated date of conception of the baby that (b)(6), (b)(7)(C) is currently holding was listed as 24Mar10, Exhibit (7) pertains.

9. On 22Jun10, Participating Agent (PA) (b)(6), (b)(7)(C) briefed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Executive Officer, USS MCCAMPBELL (DDG 85), regarding captioned investigation and to determine if command intended on seeking administrative or judicial action against (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) advised that the Commanding Officer, USS MCCAMPBELL, elected not to pursue administrative or judicial action against (b)(6), (b)(7)(C) has detached from the USS MCCAMPBELL and is currently on terminal leave. This investigation is closed.

PARTICIPANT

(b)(6), (b)(7)(C)

Special Agent, NCISRA Yokosuka, Japan

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INFO: FEYK/FEXO

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(b)(6), (b)(7)(C)

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F13-0580.FEXO 000052

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

620445 23:20 20100915 IN:SSDEMAIL #18295 OUT:NIPRDAAAM #4598

REPORT OF INVESTIGATION (CLOSED)

14SEP10

INDECENT ASSAULT (II)

CONTROL: 13SEP10-FEXO-0097-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW/ (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) Sworn Statement of (b)(6), (b)(7)(C) USN/04Sep10...(Copy All)
- (2) IA: Results of Ship Roster Checks/13Sep10...(Copy All)

NARRATIVE

1. This case was initiated as a reactive investigation and pertained to alleged violation of Article 120 (Wrongful sexual contact) of the Uniform Code of Military Justice (UCMJ).

2. On 04Sep10, NCIS was notified of an indecent assault allegation made by (b)(6), (b)(7)(C). According to (b)(6), (b)(7)(C) a male in a green shirt (NFI) was walking past her in a passageway aboard ship and suddenly pushed his body against hers, touching her genital area over her clothes with his hand. (b)(6), (b)(7)(C) was unable to further identify the individual and doubted her ability to recognize him if she saw him again; Exhibit (1) pertains.

2. On 13Sep10, ship roster checks were conducted in an effort to narrow down the number of possible suspects. According to ship security, all sailors rated as an Aviation Boatswain's Mate wear green shirts as part of their uniform. Also, when including airmen from the onboard squadrons, a total of approximately 300 people aboard the USS GEORGE WASHINGTON (CVN-73) wear green shirts; Exhibit (2) pertains.

3. Based on the inability to identify a suspect, this investigation is being closed pending receipt of new information. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Staff Judge Advocate, USS GEORGE WASHINGTON (CVN-73), was briefed on this case.

ACTION

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(b)(6), (b)(7)(C) V2 LNY

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F13-0580.FEXO 000053

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

384437 01:32 20120330 IN:SSDEMAIL #93443 OUT:NIPRDAAAM #91717

REPORT OF INVESTIGATION (CLOSED)

27MAR12

SPECIAL INQUIRY (II)

CONTROL: 14MAR12-FEXO-0022-8XNA/C

I/CFAY, JAPAN/REPORT OF POSSIBLE SEXUAL ASSAULT BY USS GEORGE
WASHINGTON (CVN-73) SAILOR

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview of (b)(6), (b)(7)(C) 14MAR12... (Copy All)
- (2) IA: Results of Interview of (b)(6), (b)(7)(C) at USNH/14MAR12... (Copy All)
- (3) IA: Results of Receipt of Sexual Assault Forensic Examination/14Mar12... (Copy All)
- (4) IA: Results of Photographic Coverage of Evidence/14Mar12... (Copy All)
- (5) Sworn Statement of (b)(6), (b)(7)(C) ar12... (Copy All)
- (6) Sworn Statement of (b)(6), (b)(7)(C) USN/16Mar12... (Copy All)
- (7) IA: Results of Interview of Civ/16Mar12... (Copy All)
- (8) IA: Results of Interview of (b)(6), (b)(7)(C) 12... (Copy All)
- (9) IA: Results of Interview of USN/16Mar12... (Copy All)
- (10) IA: Documentation of The Stadium Bar/16Mar12... (Copy All)
- (11) IA: Results of Recording of (b)(6), (b)(7)(C) from CFAY Security/16Mar12... (Copy All)
- (12) IA: Results of Receipt of (b)(6), (b)(7)(C) Medical Records/20Mar12... (Copy All)

EXECUTIVE SUMMARY

1. On 14Mar12, Reporting Agent (RA) was contacted by Hospital (b)(6), (b)(7)(C) USN, U. S. Naval Hospital (USNH) Yokosuka, Japan concerning a possible sexual assault. (b)(6), (b)(7)(C) stated she was the Sexual Assault Victim's Advocate for (b)(6), (b)(7)(C) Civ, dependent wife of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), USN, USS BLUE RIDGE (LCC-19), who was admitted to the USNH on 13Mar12 with a Blood Alcohol Content level of 0.3, and was undergoing a Sexual Assault Examination. (b)(6), (b)(7)(C) was interviewed at the USNH following her examination and stated on 13MAR12 she was alone at TGI Friday's near Yokosuka main base consuming alcoholic drinks, from approximately 1500 hours until 2000 hours. (b)(6), (b)(7)(C) stated she was joined by a man who identified himself as (b)(6), (b)(7)(C) a sailor from the USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) stated she and (b)(6), (b)(7)(C) left TGI Friday's at approximately 2000 hours and went to the "Shamrock bar" (later identified as "Stadium Bar") in the Honch. (b)(6), (b)(7)(C) stated she sat

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27Mar12

at the bar with (b)(6), (b)(7)(C) and his two unidentified friends. (b)(6), (b)(7)(C) stated that her last memory was sitting at the bar while (b)(6), (b)(7)(C) sang karaoke. (b)(6), (b)(7)(C) stated the next thing she remembered was sitting on a bench in front of the Stadium Bar and was being handcuffed by security. Members of Commander Fleet Activities Yokosuka, Japan (CFAY) Security Department were interviewed and stated they apprehended (b)(6), (b)(7)(C) for being Drunk and Disorderly at approximately 2030-2100 hours. (b)(6), (b)(7)(C) was detained at Military Police Head Quarters (MPHQ) and was transported to the Emergency Department at USNH CFAY due to her drunken state. (b)(6), (b)(7)(C) was interviewed and stated that when she asked (b)(6), (b)(7)(C) if she was sexually assaulted, she said, "No." (b)(6), (b)(7)(C) advised that she went back later and re-asked the question, and (b)(6), (b)(7)(C) said, "Yes, I was assaulted." The sexual Assault Examination did not reveal any evidence indicative of sexual assault. (b)(6), (b)(7)(C) provided a sworn statement on 15Mar12 and stated she did not feel she was sexually assaulted or raped, and was relieved when the nurse told her the results were negative. (b)(6), (b)(7)(C) added the only reason she said she was assaulted was because (b)(6), (b)(7)(C) talked her into getting the sexual assault examination done just in case. NCIS interviewed the bartenders and customers of the Stadium Bar that were present the night of the incident. All witnesses remembered seeing a female, which fits the description of (b)(6), (b)(7)(C) with three (3) other male sailors; however, nothing seemed to be out of the ordinary. All investigative steps are complete. Based on the absence of an allegation of criminal activity this case is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to a possible violation of the Uniform Code of Military Justice (UCMJ) Article 120 (Rape).

2. On 14Mar12, RA met with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Sexual Assault Victim's Advocate, U. S. Naval Hospital, Commander Fleet Activities Yokosuka (CFAY), Japan, concerning the possible sexual assault of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated she asked (b)(6), (b)(7)(C) if she was sexually assaulted and (b)(6), (b)(7)(C) responded by saying, "no." (b)(6), (b)(7)(C) advised that she reengaged with (b)(6), (b)(7)(C) after some time had passed and explained to her that she could get a sexual assault kit done on her just in case. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) said she didn't think she was assaulted, but would do the examination just in case; Exhibit (1) pertains.

3. On 14Mar12, RA interviewed (b)(6), (b)(7)(C) Civ at the USNH Yokosuka, Japan subsequent to a Sexual Assault Examination. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated on 13MAR12 she was alone at TGI Friday's near Yokosuka main base consuming alcoholic drinks, from approximately 1500 hours until 2000 hours. (b)(6), (b)(7)(C) stated she was joined by a man who identified himself as (b)(6), (b)(7)(C) "a sailor from the USS GEORGE WASHINGTON (CVN-73)." (b)(6), (b)(7)(C) stated she and (b)(6), (b)(7)(C) left TGI Friday's at approximately 2000 hours and went to the "Shamrock bar" (later identified as "Stadium Bar") in the Honch. (b)(6), (b)(7)(C) stated the next thing she remembered was sitting on a bench in front of the Stadium Bar and was being handcuffed by security. (b)(6), (b)(7)(C) also

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27Mar12

gave a description of (b)(6), (b)(7)(F); Exhibit (2) pertains.

4. On 14Mar12, RA met with (b)(6), (b)(7)(C) USN, Sexual Assault Forensic Examination (SAFE) Coordinator, Family Practice, U. S. Naval Hospital (USNH) Yokosuka, Japan. (b)(6), (b)(7)(C) conducted the SAFE on (b)(6), (b)(7)(C) Civ, and secured the evidence kit. RA took custody of the evidence and submitted it to the NCISRA Yokosuka Evidence Vault under log number 063-12. (b)(6), (b)(7)(C) stated that there were no signs of trauma or visible injuries consistent with sexual assault; Exhibit (3) pertains.

5. On 14Mar12, RA photographed Item (A) from log number 063-12 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) sweater containing vomit. RA spoke with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Criminal Investigative Division (CID), Commander Fleet Activities Yokosuka (CFAY) Japan concerning the vomit on the front of (b)(6), (b)(7)(C) sweater. (b)(6), (b)(7)(C) advised that while at CFAY Security's Interview room (b)(6), (b)(7)(C) became unresponsive when the ambulance arrived to transport her to the hospital. (b)(6), (b)(7)(C) stated that a Hospital Corpsman administered a breathing tube into (b)(6), (b)(7)(C) throat and in doing so caused her to vomit. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was revived and transported to USNH; Exhibit (4) pertains.

6. On 15Mar12, (b)(6), (b)(7)(C) provided a sworn statement to RA concerning the details of the events on 13Mar12. (b)(6), (b)(7)(C) stated she remembered drinking at the Stadium Bar, but could not remember leaving the bar. (b)(6), (b)(7)(C) stated she remembered being admitted to the USNH and asked by a Sexual Assault Victims Advocate if she felt like she was assaulted. (b)(6), (b)(7)(C) stated she said no, but was later talked into reporting she was assaulted so she could get a sexual assault forensic examination. (b)(6), (b)(7)(C) stated that at no time did she feel that she was sexually assaulted or raped. RA provided (b)(6), (b)(7)(C) with a victim/witness pamphlet, DD Form 2701; Exhibit (5) pertains.

7. On 16Mar12, Participating Agent (PA) (b)(6), (b)(7)(C) obtained a sworn statement from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73) concerning his knowledge of the captioned investigation. (b)(6), (b)(7)(C) stated he was on shore patrol when he noticed (b)(6), (b)(7)(C) and an unidentified male sitting on a bench near the Stadium Bar. (b)(6), (b)(7)(C) stated that he did not notice anything strange. (b)(6), (b)(7)(C) stated when he walked by a second time (b)(6), (b)(7)(C) started yelling at him saying that the male was trying to take advantage of her. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was obviously drunk and was rambling about Navy men always trying to take advantage of her. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) became hostile toward him by cursing at him. (b)(6), (b)(7)(C) stated he called for backup and (b)(6), (b)(7)(C) was handcuffed and taken to Security; Exhibit (6) pertains.

8. On 14Mar12, PA (b)(6), (b)(7)(C) and Participant (b)(6), (b)(7)(C) conducted an interview of (b)(6), (b)(7)(C) Civ, Bartender, Stadium Bar, Honcho, Yokosuka Japan. (b)(6), (b)(7)(C) stated on 13Mar12 at around 2000 hours, a (b)(6), (b)(7)(C) female matching (b)(6), (b)(7)(C) description came into the bar with three (b)(6), (b)(7)(C) males. (b)(6), (b)(7)(C) said they all appeared to know each

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27Mar12

other and to be friends. (b)(6), (b)(7)(C) stated that she didn't see (b)(6), (b)(7)(C) hugging or kissing anyone in the bar and everything appeared friendly. (b)(6), (b)(7)(C) stated that she did not see any interactions between (b)(6), (b)(7)(C) and the other males that would give her any cause for concern; Exhibit (7) pertains.

9. On 14Mar12, PA (b)(6), (b)(7)(C) and Participant (b)(6), (b)(7)(C) conducted an interview of (b)(6), (b)(7)(C) Civ, Bartender, Stadium Bar, Honcho, Yokosuka Japan. (b)(6), (b)(7)(C) recalled seeing a white female matching (b)(6), (b)(7)(C) S description come into the bar with three male friends on 13Mar12. (b)(6), (b)(7)(C) said he observed the Male (NFI) sitting next to (b)(6), (b)(7)(C) talking to her closely, and at one point, he gently put his hand on (b)(6), (b)(7)(C) back. (b)(6), (b)(7)(C) said their conversations appeared friendly and there were no further physical interactions between them. RA asked (b)(6), (b)(7)(C) for a copy of the video surveillance footage from that night. (b)(6), (b)(7)(C) spoke to the owner, (b)(6), (b)(7)(C) who advised that the cameras do not record video, but are for observation purposes and crime prevention; Exhibit (8) pertains.

10. On 14Mar12, PA (b)(6), (b)(7)(C) and Participant (b)(6), (b)(7)(C) conducted an interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Fleet Logistics Center (FLC), CFAY, Japan. (b)(6), (b)(7)(C) recalled seeing a female matching (b)(6), (b)(7)(C) appearance in the bar with three other male sailors. (b)(6), (b)(7)(C) stated that he was not really paying them any attention but from what he could tell, all of them were having fun and were sober. (b)(6), (b)(7)(C) stated that nothing appeared out of the ordinary; Exhibit (9) pertains.

11. On 14Mar12, PA (b)(6), (b)(7)(C) and Participant (b)(6), (b)(7)(C) made contact with (b)(6), (b)(7)(C) for the purpose of documenting the Stadium Bar to aide in determining where (b)(6), (b)(7)(C) was on 13Mar12 prior to her contact with Shore Patrol and CFAY Security. PA (b)(6), (b)(7)(C) photographed the establishment; Exhibit (10) Pertains.

12. On 16Mar12, PA (b)(6), (b)(7)(C) made contact with (b)(6), (b)(7)(C) USN, CFAY CID. (b)(6), (b)(7)(C) provided a DVD-R containing video surveillance footage from the Security Department cameras of (b)(6), (b)(7)(C) who had been taken into custody and escorted to the CFAY Security Department after being drunk and disorderly and assaulting a Master at Arms in the Honch, Yokosuka City; Exhibit (11) pertains.

13. On 20Mar12, RA obtained a copy of (b)(6), (b)(7)(C) medical record, specifically for the night of 13Mar12, from the USNH Patient Administration Office. A review of the records reveal (b)(6), (b)(7)(C) was

(b)(6), (b)(7)(C)

Attending Physician (b)(6), (b)(7)(C) USN, USNH, stated in his notes (b)(6), (b)(7)(C) Exhibit (12) pertains.

14. Records checks for (b)(6), (b)(7)(C) were conducted utilizing the National Crime Information Center (NCIC), Defense Clearance Index of Investigations (DCII), the Consolidated Law Enforcement Operations Center (CLEOC), and the NCIS Knowledge Network. NCIC revealed one (1) incident on 01Aug11 in Surfside Beach, SC, where (b)(6), (b)(7)(C) was arrested for a misdemeanor offence of Assault and Battery, 3rd

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CONTROL: 14MAR12-FEXO-0022-8XNA/C

27Mar12

Degree. The results are maintained in the case file. A check of the Joint Personnel Adjudication System revealed negative results.

15. On 15Mar12, PA (b)(6), (b)(7)(C) briefed (b)(6), (b)(7)(C) USN, Commanding Officer (CO), USS BLUE RIDGE (LCC-19) on the status of the investigation. RA Briefed (b)(6), (b)(7)(C) Staff Judge Advocate, CFAY. All investigative steps are complete. Based on the absence of an allegation of criminal activity this case is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

Special Agent Afloat, USS GEORGE WASHINGTON (CVN-

73)

(b)(6), (b)(7)(C)

ial Agent, NCISRA Yokosuka, Japan

Investigator, NCISRA Yokosuka, Japan

Special Agent, USS BLUE RIDGE (LCC-19)

ACTION

0023: ONLY Report

DISTRIBUTION

NCISHQ: 0023

ACTION: 0023

INFO:

FEYK/FEXO

(b)(6), (b)(7)(C)

USN, CO, CFAY (H

(b)(6), (b)(7)(C)

USN, CO, USS BLUE RIDGE (LCC-19) (H)

(b)(6), (b)(7)(C)

USN, CO, USS COWPENS (CG-63) (H

(b)(6), (b)(7)(C)

USN,

Force Judge Advocate, Task Force 70, Carrier Strike Group

Five (H)

(b)(6), (b)(7)(C)

USN, RLSO, CFAY (H)

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(b)(6), (b)(7)(C)

V2 LNY

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F13-0580.FEXO 000058

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

499562 19:16 20120523 IN:SSDEMAIL #10796 OUT:NIPRDAAAM #10480

REPORT OF INVESTIGATION (CLOSED)

23MAY12

RAPE (II)

CONTROL: 14NOV11-FEXO-0149-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73)/12DEC11 (Contains Exhibits 1-16)
- (B) NCISRU USS GEORGE WASHINGTON (CVN-73)/22FEB12 (Contains Exhibits 17-21)
- (C) NCISRU USS GEORGE WASHINGTON (CVN-73)/20Apr12 (Contains Exhibits 22-23)

EXHIBIT

- (24) IA: Receipt of Sexual Assault Disposition Report/23May12... (Copy all)

EXECUTIVE SUMMARY

1. On 13Nov11 at approximately 2330 hours, Reporting Agent (RA) received notification from (b)(6), (b)(7)(C) USN, CAG-5 Sexual Assault Program Coordinator onboard the USS GEORGE WASHINGTON (CVN-73), that (b)(6), (b)(7)(C) reported she had been raped by an unknown male while on liberty in Hong Kong. RA interviewed (b)(6), (b)(7)(C) who advised that on the evening of 11Nov11, she and her liberty buddy, (b)(6), (b)(7)(C) USN, went to various bars while on liberty in Hong Kong. (b)(6), (b)(7)(C) said she noticed a male at one of the bars staring at her in a way that made her feel uncomfortable. (b)(6), (b)(7)(C) said the male looked Middle Eastern and he said he was an Arabic Translator who came to Hong Kong to meet a friend. (b)(6), (b)(7)(C) said the man bought her and (b)(6), (b)(7)(C) several drinks and invited them back to his hotel room and they agreed to go. (b)(6), (b)(7)(C) said that later in the night, she passed out on the bed beside (b)(6), (b)(7)(C) fully clothed. (b)(6), (b)(7)(C) said she woke up to the male having sexual intercourse with her and she was unable to resist. (b)(6), (b)(7)(C) said she was in and out of consciousness and unable to speak, move or consent. (b)(6), (b)(7)(C) said she woke up the next morning without her pants or underwear on, and shortly after waking, (b)(6), (b)(7)(C) left the hotel. During (b)(6), (b)(7)(C) interview, she indicated that she observed the name "(b)(6), (b)(7)(C)" on the screen of the man's laptop. A records check revealed that (b)(6), (b)(7)(C) was possibly (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) was taken to the Medical

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 14NOV11-FEXO-0149-8FNA/C

23May12

Department on board the USS GEORGE WASHINGTON (CVN-73) for a Sexual Assault Forensic Examination (SAFE). On 14Nov11, after waiving his Article 31b rights, (b)(6), (b)(7)(C) was interviewed and admitted to lying to (b)(6), (b)(7)(C) about his identity. (b)(6), (b)(7)(C) also stated during a subsequent interview, that he believed (b)(6), (b)(7)(C) was too drunk to consent to sex; however, he maintained that she initiated some of the sexual contact. Witness interviews were conducted with service members who were with (b)(6), (b)(7)(C) shortly before the alleged assault who indicated (b)(6), (b)(7)(C) was intoxicated and acting in a sexually provocative manner. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) told her not to share certain details with NCIS. Video footage from the hotel security camera depicted (b)(6), (b)(7)(C) kissing and hugging (b)(6), (b)(7)(C) on the elevator on the way up to (b)(6), (b)(7)(C)'s room. (b)(6), (b)(7)(C) were re-interviewed and denied any memory of any of the events in the elevator. On 13Apr12, (b)(6), (b)(7)(C)'s investigation was presented to an Article 32 hearing. On 01May12, (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73) concurred with the recommendations of the Article 32 officer and dismissed all charges against (b)(6), (b)(7)(C) without prejudice. No further action will be taken and this investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, sexual assault, and other sexual misconduct) of the Uniform Code of Military Justice (UCMJ).
2. On 23May12, (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73) provided the Sexual Assault Disposition Report regarding (b)(6), (b)(7)(C). The report indicated that Court Martial charges were preferred by Command. However, the Article 32 Report dated 11Apr12, recommended dismissal by the Investigating Officer; Exhibit (24) pertains.
3. (b)(6), (b)(7)(C) USN, Commanding Officer (CO), USS GEORGE WASHINGTON (CVN-73) and (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73) were briefed on the status of this investigation. (b)(6), (b)(7)(C) USN, Trial Counsel, Regional Legal Services Office (RLSO) Yokosuka, Japan, was also briefed on the status of this investigation. On 01May12, (b)(6), (b)(7)(C) concurred with the recommendations of the Article 32 officer and dismissed all charges against (b)(6), (b)(7)(C) without prejudice. No further action will be taken and this investigation is closed.

DISTRIBUTION

NCISHQ: 023B

INFO: 002P/FEYK/FEXO/Command USS GEORGE WASHINGTON (CVN-73) (H)/Command HS-14 (H)/RLSO (H)

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(b)(6), (b)(7)(C)

V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C46745 12:58 20121116 IN:SSDEMAIL #71472 OUT:NIPRDAAAM #71472

REPORT OF INVESTIGATION (CLOSED)

12OCT12

RAPE (II)

CONTROL: 15AUG12-FEXO-0073-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/RESIDENT UNIT USS GEORGE WASHINGTON (CVN-73) (b)(6), (b)(7)(C), SPECIAL AGENT

REFERENCE(S)

(A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI (INTERIM) /CONTAINS EXHIBITS (1-28)/03SEP12

(B) NCISRU USS GEORGE WASHINGTON (CVN-73) CASE FILE (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) CCN 15OCT12-FEXO-6001-7PNA/15OCT12

EXECUTIVE SUMMARY

1. On 15AUG12, Reporting Agent (RA) (b)(6), (b)(7)(C) received notification from (b)(6), (b)(7)(C), USN, Executive Officer (XO), USS GEORGE WASHINGTON (CVN-73), hereinafter referred to as CVN-73, of an alleged rape with injuries involving (b)(6), (b)(7)(C) aboard Command Fleet Activities Yokosuka (CFAY), Japan at approximately 2200 on 14AUG12. (b)(6), (b)(7)(C) provided a sworn statement indicating (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, as the three people involved with the attack and rape. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) held her to the ground, threatened her with a knife, knocked her unconscious and raped her aboard CFAY. (b)(6), (b)(7)(C) stated she was absolutely positive of the identity of all three attackers. Investigation showed at the time of the alleged offence, (b)(6), (b)(7)(C) was on suicide watch in medical division aboard CVN-73 under guard; (b)(6), (b)(7)(C) was with a friend playing video games aboard CVN-73 with PASSCAC and white card sign out sheet showing (b)(6), (b)(7)(C) had not left the ship since 12AUG12; and (b)(6), (b)(7)(C) was playing cards aboard CVN-73. On 15AUG12, the night of the alleged rape and prior to allegations of rape, (b)(6), (b)(7)(C) who is currently assigned a (b)(6), (b)(7)(C) was directed to medical for excessive intoxication and issued a Blood Alcohol Content (BAC) Card which registered a BAC level of .220. As investigative findings determined (b)(6), (b)(7)(C)'s allegations to be false, this investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape and Sexual Assault).

2. During the course of this investigation, it was determined (b)(6), (b)(7)(C) statements were unfounded based on confirmation the accused were found to be at separate locations aboard the USS GEORGE WASHINGTON (CVN-73) on the date and time of the alleged offence. One of the accused was under guard in

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 15AUG12-FEXO-0073-8FNA/C

12Oct12

Medical Division and the other two were with witnesses who verified their location during the time of the alleged attack. Additionally, the pass system for the common access cards aboard the USS GEORGE WASHINGTON (CVN-73) (PASSCAC) indicated all of the accused had not left the ship for several days prior to the alleged attack. Reference (A) pertains.

3. As investigative findings revealed (b)(6), (b)(7)(C)'s allegations to be false, this investigation is closed. A separate investigation has been initiated regarding the false statements provided by (b)(6), (b)(7)(C). Reference (B) pertains.

PARTICIPANTS

(b)(6), (b)(7)(C) SPECIAL AGENT, RESIDENT AGENCY YOKOSUKA (b)(6), (b)(7)(C),
SPECIAL AGENT, RESIDENT AGENCY YOKOSUKA (b)(6), (b)(7)(C), SPECIAL AGENT, RESIDENT AGENCY
YOKOSUKA (b)(6), (b)(7)(C) SPECIAL AGENT, RESIDENT AGENCY YOKOSUKA

ACTION

DIST: Please note the original transmission of Reference (A) reflects inaccurate data within the narrative. In Paragraph 14 it was stated, (b)(6), (b)(7)(C) stated he was with (b)(6), (b)(7)(C) at the 02 smoke deck at approximately 2130. Paragraph 14 should read, On 15AUG12, PA (b)(6), (b)(7)(C) interrogated (b)(6), (b)(7)(C) at the NCISRA Yokosuka Field Office. (b)(6), (b)(7)(C) voluntarily signed a Military Suspect's Acknowledgement and Waiver of Rights and voluntarily signed a Permissive Authorization for Search and Seizure for a SAFE kit. (b)(6), (b)(7)(C) stated he last saw (b)(6), (b)(7)(C) on 14AUG12 at approximately 2230 at a smoke pit aboard the USS GEORGE WASHINGTON (CVN 73). (b)(6), (b)(7)(C) also provided a video from his cellular telephone of (b)(6), (b)(7)(C) displaying her nude breasts to the camera while talking with (b)(6), (b)(7)(C). Exhibit (13) pertains.

Paragraph 18 originally stated, (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) has frequently been involved with fighting other women in the Honcho District located outside the main gate of CFAY. Paragraph 18 should read, On 16AUG12, PA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) USN, at building E22 aboard CFAY regarding her knowledge of the alleged rape of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated after speaking with (b)(6), (b)(7)(C) at approximately 2300 on 14AUG12 on the smoke deck of CVN-73, she did not feel (b)(6), (b)(7)(C) was involved in a traumatic incident such as rape that evening and briefly described (b)(6), (b)(7)(C)'s recent fight with another woman in the Hancho District. (b)(6), (b)(7)(C) commented she would not be surprised to find out (b)(6), (b)(7)(C) was in a physical altercation. Exhibit (17) pertains.

DISTRIBUTION

NCISHQ:023B/0023

ACTION:DIST

INFO (b)(6), (b)(7)(C) USN, Command Judge Advocate USS GEORGE
WASHINGTON (CVN-73) (H) /
(b)(6), (b)(7)(C), USN, Commanding Officer USS GEORGE WAS
INGTON (CVN-73) (H)/FEFO/FEYK

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CONTROL: 15AUG12-FEXO-0073-8FNA/C

12Oct12

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F13-0580.FEXO 000063

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C53760 00:21 20121126 IN:SSDEMAIL #70516 OUT:NIPRDAAAM #70516

REPORT OF INVESTIGATION (CLOSED)

04NOV12

RAPE (II)

CONTROL: 15JUN12-FEXO-0059-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/HSL-51/25251

MADE AT/FEAJ/RESIDENT AGENCY ATSUG (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA Atsugi, Japan ROI (INTERIM) (Contains Exhibits 1-11)/24JUL12
- (B) NCISRA Atsugi, Japan ROI (INTERIM) (Contains Exhibits 12 & 13)/18SEP12

EXHIBIT(S)

- (14) Copy of Command Recommendation ICO U.S. V. (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN/18Oct12

EXECUTIVE SUMMARY

1. On 12Jun12, NCISRU USS GEORGE WASHINGTON (CVN-73) received notification from (b)(6), (b)(7)(C) USN, Executive Officer, USS LASSEN (DDG-82) of an alleged sexual assault which occurred on 01Jun12 onboard the ship. (b)(6), (b)(7)(C) stated the disclosure was made during an investigation into the discovery of (b)(6), (b)(7)(C) having engaged in sexual relations on the ship while it was underway. During the Command investigation, (b)(6), (b)(7)(C) met with the Sexual Assault Response Coordinator (SARC), USS LASSEN (DDG-82) who reported (b)(6), (b)(7)(C) was not descriptive but reported (b)(6), (b)(7)(C) said "no" and (b)(6), (b)(7)(C) continued to have sex with her anyway. Command discontinued the PIO investigation in lieu of referral to NCIS. (b)(6), (b)(7)(C) declined to have a Sexual Assault Forensic Examination (SAFE). Command provided the PIO's voluntary statements to include the one provided by (b)(6), (b)(7)(C) who stated the sex was consensual and initiated by (b)(6), (b)(7)(C) as interviewed and stated while on watch on 31May12 or 01Jun12, she was in the Helicopter Control (HCO) Tower when (b)(6), (b)(7)(C) followed her in the space and started making sexual comments to her. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) started touching her breasts and tried to take her pants off. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) pushed her to the ground and then forced her to perform oral sex before pulling her pants down and vaginally penetrating her. (b)(6), (b)(7)(C) was interviewed and relayed (b)(6), (b)(7)(C) had feelings of affection for (b)(6), (b)(7)(C). An interview was conducted with (b)(6), (b)(7)(C) who stated (b)(6), (b)(7)(C) admitted to her she had consensual sex with (b)(6), (b)(7)(C). The crime scene was documented by digital photography. (b)(6), (b)(7)(C) was interrogated and admitted to having consensual

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 15JUN12-FEXO-0059-8FNA/C

04Nov12

sexual intercourse with (b)(6), (b)(7)(C) Review of (b)(6), (b)(7)(C) s naval service record book revealed (b)(6), (b)(7)(C) According to JAGC, (b)(6), (b)(7)(C) signed a Victim Declination Acknowledgement. Command recommended the case be remanded to HSL-51 to proceed with Non-Judicial Punishment proceedings and administrative separation processing on (b)(6), (b)(7)(C) for violation of UCMJ Article 134 (Adultery).

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 of the Uniform Code of Military Justice, rape, sexual assault, and other sexual misconduct.

2. On 18Oct12, (b)(6), (b)(7)(C) USN, Commanding Officer, HSL-51, recommended the case be remanded to HSL-51 in order to proceed with Non-Judicial Punishment proceedings and administrative separation processing on (b)(6), (b)(7)(C) for violation of Article 134 of the Uniform code of Military Justice, Adultery. Concurrence for this action from Commander, Helicopter Maritime Strike Wing was subsequently obtained, Exhibit (14) applies. (b)(6), (b)(7)(C) subsequently received a reduction in rate to E-1, (45) days restriction, (45) days extra duty, and forfeiture of one-half months pay for (2) months prior to his impending administrative separation. (b)(6), (b)(7)(C) was advised of the pending closure of this investigation. This case is closed.

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INFO :FEAJ/HSL-51 Command (H)/FEYK/FEXO

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F13-0580.FEXO 000065

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

580737 19:23 20120611 IN:SSDEMAIL #15815 OUT:NIPRDAAAM #15369

REPORT OF INVESTIGATION (CLOSED)

10JUN12

INDECENT ASSAULT (II)

CONTROL: 16FEB12-FEXO-0008-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI (INTERIM)/24Mar12
(Contains Exhibits 1-12)

EXHIBITS

- (13) IA: Results of CAPTAIN'S Mast/10Jun12...(Copy all)

EXECUTIVE SUMMARY

1. On 15Feb12, NCISRU USS GEORGE WASHINGTON (CVN-73) received notification from (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73), that (b)(6), (b)(7)(C) reported while at a bar in Yokosuka Japan, an unknown male approached her on the dance floor grabbed her buttocks and then kissed and bit her neck without her consent. (b)(6), (b)(7)(C) stated she later identified the sailor as (b)(6), (b)(7)(C) through a review of a media guide for the ship (b)(6), (b)(7)(C) then reported the incident to the Sexual Assault Response Coordinator (SARC) for the USS GEORGE WASHINGTON (CVN-73). Command issued a Military Protective Order for (b)(6), (b)(7)(C)'s safety. (b)(6), (b)(7)(C) was interviewed in the presence of her assigned Uniform Victim Advocate. (b)(6), (b)(7)(C) detailed (b)(6), (b)(7)(C) continued to harass her and told her to get up and that she should start drinking. (b)(6), (b)(7)(C) said she reluctantly gave in to (b)(6), (b)(7)(C) requests and agreed to dance with him. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) put his hands on her hips and then tried to kiss her on the lips. (b)(6), (b)(7)(C) said she moved her head and said no and (b)(6), (b)(7)(C) then kissed her neck and then grabbed her "ass" with his hands. (b)(6), (b)(7)(C) said a friend, (b)(6), (b)(7)(C) intervened and she was able to get away from (b)(6), (b)(7)(C) and then they left the bar. (b)(6), (b)(7)(C) was interviewed and confirmed that she saw (b)(6), (b)(7)(C) holding (b)(6), (b)(7)(C) and kissing on her neck. (b)(6), (b)(7)(C) said she heard (b)(6), (b)(7)(C) saying "no" and saw her moving her head and face away from (b)(6), (b)(7)(C) while she was pushing on his chest at the same time. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) gave her a look like "help me". (b)(6), (b)(7)(C) stated that was when she intervened and grabbed (b)(6), (b)(7)(C) arm and pulled her away from (b)(6), (b)(7)(C) stated that she could tell (b)(6), (b)(7)(C) didn't want to let go of (b)(6), (b)(7)(C) but when she pulled on (b)(6), (b)(7)(C) finally let go. Multiple witnesses were interviewed to gather supporting details. (b)(6), (b)(7)(C) was interrogated after having waived

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CONTROL: 16FEB12-FEXO-0008-8DNA/C

10Jun12

his Article 31b rights, and admitted to being caught up in the "heat of the moment" and to kissing (b)(6), (b)(7)(C) on the neck and putting his hands on her buttocks. (b)(6), (b)(7)(C) stated it "clicked" what he was doing so he stopped. On 05Jun12, (b)(6), (b)(7)(C) was taken to CAPTAIN'S Mast for violations of the UCMJ, Article 120 (Wrongful Sexual Contact) and Article 128 (Assault). The charges were "Dismissed with Warning" by (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73). Investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Wrongful Sexual Contact) of the Uniform Code of Military Justice.

2. On 05Jun12, (b)(6), (b)(7)(C) was taken to Captain's Mast for violations of the UCMJ, Article 120 (Wrongful Sexual Contact) and Article 128 (Assault). The charges were "Dismissed with Warning" by (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73). On 10Jun12, Reporting Agent (RA) received the Report of Disposition of Offenses and subsequent results of Captain's Mast; Exhibit (13) pertains.

3. On 10Jun12, (b)(6), (b)(7)(C) USN, Executive Officer, USS GEORGE WASHINGTON (CVN-73) and (b)(6), (b)(7)(C) Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73) were apprised of the status of this investigation, which is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

Special Agent, NCISRA Yokosuka, Japan
pecial Agent, NCISRA Yokosuka, Japan
panese Investigator, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 023B

INFO: 002P/014C/FEYK/FEXO/(b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73) (H) (b)(6), (b)(7)(C) USN, CJA, USS GW (H) / (b)(6), (b)(7)(C) USN, RLISO (H)

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(b)(6), (b)(7)(C) 72 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C70880 17:31 20121219 IN:SSDEMAIL #70957 OUT:NIPRDAAAM #70957

REPORT OF INVESTIGATION (CLOSED)

18DEC12

INDECENT ASSAULT (II)

CONTROL: 16JUL12-FEXO-0068-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON/21412

MADE AT/FEXO/RESIDENT UNIT USS GEORGE WASHINGTON (CVN-73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

(A) NCISRU USS GEORGE WASHINGTON (CVN-73) CASE FILE: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN/CCN:16JUL12-FEXO-0071-8DNA/05AUG12

EXECUTIVE SUMMARY

1. On 16JUL12, NCIS received notification of a possible sexual assault involving (b)(6), (b)(7)(C). Reporting was initiated to NCIS by (b)(6), (b)(7)(C) USN, Sexual Assault Response Coordinator, USS GEORGE WASHINGTON (CVN-73), who explained (b)(6), (b)(7)(C) reported he was the victim of a sexual assault which occurred in his berthing area on 14JUL12. (b)(6), (b)(7)(C) stated he returned to the USS GEORGE WASHINGTON (CVN-73) from his liberty pass to Hong Kong on 14JUL12 at approximately 0100. (b)(6), (b)(7)(C) recalled unpacking a bag, undressing down to his underwear and entering his sleeping area located at (b)(6), (b)(7)(C) middle rack, left hand side. (b)(6), (b)(7)(C) fell asleep at approximately 0130. At an unknown time during the night, (b)(6), (b)(7)(C) woke to the feeling of something touching his genitals. (b)(6), (b)(7)(C) reported reaching down to identify what was happening and noticed his penis was outside of his underwear with an unknown male hand reaching into his sleeping area holding his penis. (b)(6), (b)(7)(C) indicated making the statement, "What the fuck". According to (b)(6), (b)(7)(C) the hand quickly retracted out of his sleeping area and the unknown person backed against the wall locker adjacent to his sleeping area and stood motionless. (b)(6), (b)(7)(C) stated, "What the fuck are you doing" to the unknown male, who ran in the direction of the exit. (b)(6), (b)(7)(C) did not pursue the unknown male because of being in a state of shock and being only partially dressed in his underwear. (b)(6), (b)(7)(C) indicated he stayed in his sleeping area in shock for several minutes and eventually fell back asleep.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the Uniform Code of Military Justice Article 120, Rape,

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F13-0580.FEXO 000068

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 16JUL12-FEXO-0068-8DNA/C

18Dec12

Sexual Assault, and other sexual misconduct (UCMJ 120). Reference (A) reports prior investigative effort.

2. At the request of Regional Legal Service Office (RLSO) Far East, the reporting for (b)(6), (b)(7)(C) will be incorporated in Reference (A).

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INFO :FEYK/FEXO/FEFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

98970 20:18 20090902 IN:SSDEMAIL #56724 OUT:NIPRDAAAM #43401

REPORT OF INVESTIGATION (CLOSED)

25AUG09

INDECENT ASSAULT (II)

CONTROL: 17AUG09-FEXO-0063-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/STRIKE FIGHTER SQUADRON ONE NINE TWO (VFA 192)/09076

MADE AT/FEXO/NCISRU USS GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) Sworn Statement of (b)(6), (b)(7)(C) 17Aug09... (Copy All)
- (2) IA: Results of Email Communication/19Aug09... (Copy All)
- (3) Sworn Statement of (b)(6), (b)(7)(C) 9... (Copy All)
- (4) Sworn Statement of (b)(6), (b)(7)(C) 09... (Copy All)
- (5) Sworn Statement of (b)(6), (b)(7)(C) 9Aug09... (Copy All)
- (6) Sworn Statement of (b)(6), (b)(7)(C) Copy All)
- (7) IA: Results of Interview with (b)(6), (b)(7)(C) 19Aug09... (Copy All)
- (8) Report and Disposition of Offenses/25Aug09... (Copy All)

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected = violation of the Uniformed Code of Military Justice (UCMJ) Article 120 = (Indecent Assault).

2. On 17Aug09, (b)(6), (b)(7)(C) reported that on 13Aug09 while on liberty in = Manila (b)(6), (b)(7)(C) put his hand down the front of her dress and touched her = nude breasts. (b)(6), (b)(7)(C) stated while she was eating dinner with her = liberty buddies, (b)(6), (b)(7)(C) came up behind her, reached over her shoulder, = stuck his hand down the front of her dress and swiped his hand across = her chest. (b)(6), (b)(7)(C) had been drinking with her liberty buddies, but = did nothing to provoke (b)(6), (b)(7)(C) advised that (b)(6), (b)(7)(C) was also = drunk. When (b)(6), (b)(7)(C) was confronted by (b)(6), (b)(7)(C) liberty buddies, = (b)(6), (b)(7)(C) sarcastically apologized to (b)(6), (b)(7)(C) provided = copies of email communication with (b)(6), (b)(7)(C) apologizing. Refer to Exhibits = (1) and (2) for additional details.

3. On 19Aug09 (b)(6), (b)(7)(C) was interviewed regarding his = knowledge of (b)(6), (b)(7)(C) allegedly indecently assaulting (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated that on 13Aug09 while eating dinner he overheard (b)(6), (b)(7)(C) = stumbling and saying, "Oh sorry". (b)(6), (b)(7)(C) looked up and noticed = (b)(6), (b)(7)(C) appeared upset (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) what was the = matter. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) had put his hand down = the front of her dress. (b)(6), (b)(7)(C) later confronted (b)(6), (b)(7)(C) in the = liberty line telling him that he needed to apologize to (b)(6), (b)(7)(C) and = he should not be "grabbing" females. Refer to Exhibit (3) for additional details.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 17AUG09-FEXO-0063-8DNA/C

25Aug09

4. On 19Aug09, (b)(6), (b)(7)(C) was interviewed regarding his = knowledge of (b)(6), (b)(7)(C) allegedly indecently assaulting (b)(6), (b)(7)(C) = (b)(6), (b)(7)(C) stated he was with his liberty buddies playing his guitar when = he heard (b)(6), (b)(7)(C) mumble something in an angry tone. (b)(6), (b)(7)(C) = looked up and noticed (b)(6), (b)(7)(C) was real upset and her face was pink. = (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) what was the matter and she said "that = guy (b)(6), (b)(7)(C) had stuck his hand down her dress. Refer to Exhibit (4) = for additional details.

5. On 19Aug09, (b)(6), (b)(7)(C) was interviewed regarding his = knowledge of (b)(6), (b)(7)(C) allegedly indecently assaulting (b)(6), (b)(7)(C) = (b)(6), (b)(7)(C) recalled (b)(6), (b)(7)(C) came up started talking to him and then grabbed = his shoulder when saying good-bye. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) went to = pat (b)(6), (b)(7)(C) on the shoulder and his hand swiped across her chest. (b)(6), (b)(7)(C) = (b)(6), (b)(7)(C) only saw a glimpse of what happened, but saw (b)(6), (b)(7)(C) looked = uncomfortable and shocked. (b)(6), (b)(7)(C) then told (b)(6), (b)(7)(C) hat (b)(6), (b)(7)(C) = had just put his hand down her dress and touched her chest. Later, (b)(6), (b)(7)(C) = (b)(6), (b)(7)(C) confronted (b)(6), (b)(7)(C) in the liberty line and (b)(6), (b)(7)(C) claimed it was = an accident. Refer to Exhibit (5) for additional details.

6. On 19Aug09, (b)(6), (b)(7)(C) was interviewed regarding his knowledge of = (b)(6), (b)(7)(C) allegedly indecently assaulting (b)(6), (b)(7)(C) said while = getting dinner at Mall of Asia, (b)(6), (b)(7)(C) was upset. (b)(6), (b)(7)(C) = (b)(6), (b)(7)(C) said that (b)(6), (b)(7)(C) had put his hand down her dress. (b)(6), (b)(7)(C) = saw (b)(6), (b)(7)(C) approach (b)(6), (b)(7)(C) in the liberty line trying to apologize = to her, but told him to leave (b)(6), (b)(7)(C) alone. (b)(6), (b)(7)(C) said everyone = had been drinking and felt (b)(6), (b)(7)(C) should apologize after getting sober. = Refer to Exhibit (6) for additional details.

7. On 19Aug09, (b)(6), (b)(7)(C) was advised of his Article 31b rights, which he = acknowledged and admitted culpability. (b)(6), (b)(7)(C) stated he was drunk and = while trying to pat (b)(6), (b)(7)(C)'s shoulder slipped and put his hand down = the front of her dress. (b)(6), (b)(7)(C) denied (b)(6), (b)(7)(C) flirting or saying = anything to him to provoke his actions. (b)(6), (b)(7)(C) considers (b)(6), (b)(7)(C) a = friend and regretted his actions. (b)(6), (b)(7)(C) tried to apologize to = (b)(6), (b)(7)(C) but she did not want to talk to him. Refer to Exhibit (7) = for additional details.

8. On 25Aug09, (b)(6), (b)(7)(C) attended a Captain's Mast for violations of the = Uniformed Code of Military Justice (UCMJ) Article 120 (Sexual Assault) and UCMJ Article 135 (Drunk and disorderly conduct). (b)(6), (b)(7)(C) was = found guilty for violation of UCMJ Article 135 and not-guilty of UCMJ = Article 120. (b)(6), (b)(7)(C) was awarded ten (10) days restriction, reduction to = an E-2, and thirty (30) days extra duty. Refer to Exhibit (8) for = additional details.

9. (b)(6), (b)(7)(C) Commanding Officer, VFA 192 and (b)(6), (b)(7)(C) = Staff Judge Advocate, CTF 70 have all been apprised of the details of = this investigation. This investigation is closed.

ACTION

0023: ONLY report

0024B3: FBI 10-print fingerprint cards and mugshots submitted IAW
NCIS policy for inclusion on appropriate databases. US Reg
Mail RR 873 271 981 US.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 17AUG09-FEXO-0063-8DNA/C

25Aug09

DISTRIBUTION

NCISHQ: 0023

ACTION: 0024B3 (M)

INFO: FEYK/FEXO/COMMAND (ATTN (b)(6), (b)(7)(C)) (H)

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

564414 03:38 20100715 IN:SSDEMAIL #3145 OUT:NIPRDAAAM #54782

REPORT OF INVESTIGATION (CLOSED)

13JUL10

RAPE (II)

CONTROL: 18MAR10-FEXO-0025-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) / (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/15MAY10
(Contains Exhibits 1 - 27)

EXHIBITS

- (28) IA: Receipt of Results of USACIL Sexual Assault
Examinations/17Jun10...(Copy All)
(29) IA: Receipt of (b)(6), (b)(7)(C) Victim Preference
Statement/21Jun10...(Copy All)

EXECUTIVE SUMMARY

1. On 18Mar10 (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73), Yokosuka, Japan, reported she was raped by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), USN, USS GEORGE WASHINGTON (CVN 73), during the late night hours of 17Mar10. A review of (b)(6), (b)(7)(C) personal cell phone identified multiple text messages where (b)(6), (b)(7)(C) stated, "I don't know what happened. I ended u in a hotel, started having sex with someone, started crying in the middle, threw up, woke up alone." Following advisement and waiver of rights, (b)(6), (b)(7)(C) was interviewed and denied culpability to placing his penis in (b)(6), (b)(7)(C) vagina and alleged he and (b)(6), (b)(7)(C) only participated in kissing and mutual masturbation prior to her throwing up. Both (b)(6), (b)(7)(C) were given sexual assault examinations, which resulted in various items of evidentiary value being seized and placed into evidence. Pertinent witnesses were identified and interviewed. Results of the US Army Criminal Investigations Laboratory (USACIL) forensic review of the sexual assault kits obtained from (b)(6), (b)(7)(C) resulted in determining that (b)(6), (b)(7)(C) had seaman on her underwear; however, the review was unable to directly attribute the seaman to (b)(6), (b)(7)(C). In addition, her DNA was found in (b)(6), (b)(7)(C)'s pubic region. On 21Jun10, (b)(6), (b)(7)(C) signed a Victim Preference Statement and elected not to participate in any further investigative actions or future courtroom proceedings. On 08Jul10, (b)(6), (b)(7)(C) USN, Lead Prosecutor, Regional Legal Service Office, Yokosuka, Japan, advised no judicial action would be taken with this investigation. Additionally, (b)(6), (b)(7)(C) USN, Staff Judge Advocate, USS GEORGE WASHINGTON (CVN 73), advised command elected not to take any administrative or judicial action. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to a suspected

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 18MAR10-FEXO-0025-8FNA/C

13Jul10

violation of Article 120 (Rape, Sexual Assault and other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).

2. Pursuant to investigative actions related to Reference (A), on 17June10, (b)(6), (b)(7)(C) Civ, Forensic DNA Examiner, USACIL, provided the final report for (b)(6), (b)(7)(C) Sexual Assault Examination Kit. This examination identified seaman on (b)(6), (b)(7)(C) underwear; however, was unable to directly attribute this to (b)(6), (b)(7)(C). Additionally, two DNA profiles were obtained from the crotch area of (b)(6), (b)(7)(C) with one belonging to (b)(6), (b)(7)(C). Exhibit (28) provides further details.

3. On 22Jun10, representatives from the Regional Legal Service Office, Commander Fleet Activities, Yokosuka, Japan provided a copy of (b)(6), (b)(7)(C) signed Victim Preference Statement (VPS). This statement advised that (b)(6), (b)(7)(C) had elected to not participate in any future investigative actions or court room proceedings, Exhibit (29) pertains.

4. On 08Jul10 (b)(6), (b)(7)(C) USN, Lead Prosecutor, Regional Legal Service Office, Commander Fleet Activities Yokosuka, Japan, advised no judicial action would be taken with this investigation. Additionally, (b)(6), (b)(7)(C) USN, Staff Judge Advocate, USS GEORGE WASHINGTON (CVN 73) advised command elected not to take any administrative or judicial action as well. (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN 73) and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN Executive Officer, USS GEORGE WASHINGTON (CVN 73) have been apprised of the details of captioned investigation. This investigation is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/FEXO/Commanding Officer via (b)(6), (b)(7)(C) SJA

USS GEORGE WASHINGTON (CVN 73) (H)/RLSO Attn: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) USN (H)

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(b)(6), (b)(7)(C) V2 LNY

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F13-0580.FEXO 000074

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C145290 21:16 20130326 IN:SSDEMAIL #70119 OUT:NIPRDAAAM #70119

REPORT OF INVESTIGATION (CLOSED)

14MAR13

INDECENT ASSAULT (II)

CONTROL: 19MAY12-FEXO-0050-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/RESIDENT UNIT USS GEORGE WASHINGTON (CVN-73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI(INTERIM) (Contains Exhibits 1-14)/18JUN12
- (B) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI(INTERIM)/24AUG12
- (C) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI(INTERIM)/13DEC12

EXECUTIVE SUMMARY

1. On 18MAY12, Reporting Agent (RA) received notification from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73), regarding (b)(6), (b)(7)(C) reporting she was sexually assaulted and sexually harassed by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C), while TAD to Iwo Jima. (b)(6), (b)(7)(C) stated she visited (b)(6), (b)(7)(C) Bachelor's Enlisted Quarters (BEQ) room on 16MAY12 for drinks and Salsa dancing. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) kissed her neck and grabbed her buttocks with his hands while they were dancing. (b)(6), (b)(7)(C) stated she exited (b)(6), (b)(7)(C) BEQ room and (b)(6), (b)(7)(C) followed while attempting to convince her to have sexual intercourse. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) later approached her from behind while sitting in the smoking area, and placed his arms around her between her waist and chest area. (b)(6), (b)(7)(C) said she forcefully slapped (b)(6), (b)(7)(C)'s face and returned to her room. After advisement and waiver of his Article 31B Rights, (b)(6), (b)(7)(C) was interrogated and voluntarily provided a sworn statement wherein he denied inappropriate physical or sexual conduct. On 19MAY12, (b)(6), (b)(7)(C) was advised of, and waived his Article 31B Rights and voluntarily provided a sworn statement wherein he confessed to the kissing and sexual contact with (b)(6), (b)(7)(C). On 25JUL12, (b)(6), (b)(7)(C) received Non-Judicial Punishment (NJP). (b)(6), (b)(7)(C) was awarded reduction in pay grade, forfeiture of \$1,663.00 per month for two months and 60 days restriction onboard the USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) was awarded reduction in pay grade, forfeiture of \$1,326.00 per month for two months and 60 days restriction onboard the USS GEORGE WASHINGTON (CVN-73). This investigation is closed.

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F13-0580.FEXO 000075

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 19MAY12-FEXO-0050-8DNA/C

14Mar13

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape and Sexual Assault) of the Uniform Code of Military Justice (UCMJ). References (A-C) report prior investigative effort.

2. On 25JUL12, the Commanding Officer (CO) of USS GEORGE WASHINGTON (CVN 73) determined (b)(6), (b)(7)(C) violated Article 120 (wrongful sexual contact) of the Uniform Code of Military Justice (UCMJ) and imposed nonjudicial punishment in the form of reduction in rate one pay grade, forfeiture of \$1663.00 pay per month for two months and 60 days restriction. A copy of (b)(6), (b)(7)(C) NJP Court Memorandum will be maintained within the investigative case file notes.

3. On 25JUL12, the CO of the USS GEORGE WASHINGTON (CVN-73) determined (b)(6), (b)(7)(C) violated UCMJ Article 128 (assault by unlawfully touching) and imposed nonjudicial punishment in the form of reduction in rate one pay grade, forfeiture of \$1326.00 pay per month for two months and 60 days restriction. A copy of (b)(6), (b)(7)(C) NJP Court Memorandum will be maintained within the investigative case file notes.

4. This investigation is closed.

DISTRIBUTION

NCISHQ:0023

INFO :FEFO/FEYK/USS GEORGE WASHINGTON (CVN 73) (Commanding Officer) (H)

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F13-0580.FEXO 000076

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

670580 01:41 20120904 IN:SSDEMAIL #38671 OUT:NIPRDAAAM #37833

REPORT OF INVESTIGATION (CLOSED)

26AUG12

SPECIAL INQUIRY (II)

CONTROL: 20APR12-FEXO-0040-8XNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISFU USS GEORGE WASHINGTON (CVN-73) ROI (INTERIM)/20JUN12
Contains Exhibits (1) through (9)

EXHIBIT

- (10) Statement of (b)(6), (b)(7)(C) /27APR12...(Copy all)
(11) IA: Results of Permissive Authorization to Search the home of
(b)(6), (b)(7)(C) 27APR12...(Copy all)
(12) Forensic Laboratory Examination Request to USACIL/18MAY12...
(Copy all)
(13) Memorandum of Receipt of Evidence Processing Request/31MAY12...
(Copy all)
(14) IA: Results of USACIL Forensic Examination/17AUG12...(Copy all)
(15) IA: Results of Interview with (b)(6), (b)(7)(C) DATE...(Copy
all)

EXECUTIVE SUMMARY

1. On 20Apr12 at approximately 0300 hours, NCISRA Yokosuka received notification from the US Army Criminal Investigations Division (CID), Commander Fleet Activities Yokosuka (CFAY), Japan, stating (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was at the US Naval Hospital (USNH), Yokosuka, Japan, reporting she may have been sexually assaulted. (b)(6), (b)(7)(C) completed a Sexual Assault Forensic Examination (SAFE) kit and explained how, on 18Apr12, after having dinner and consuming one alcoholic beverage, she returned to her off base residence alone. (b)(6), (b)(7)(C) reported feeling normal prior to going to sleep, but woke with vaginal pain. (b)(6), (b)(7)(C) opined she may have been sexually assaulted and stated she either recently lost or an unknown person stole a key to her house. (b)(6), (b)(7)(C) stated it was likely someone possibly drugged her, entered her residence, and sexually assaulted her without her knowledge. (b)(6), (b)(7)(C) advised she was alone and fully clothed when she woke. (b)(6), (b)(7)(C) also stated the residence appeared to be in the same condition as the previous night. (b)(6), (b)(7)(C) denied recent consensual sexual activity and had no idea who could have assaulted her. (b)(6), (b)(7)(C) was provided a Victim Witness Assistance Program (VWAP) pamphlet. (b)(6), (b)(7)(C) Psychiatrist, Medical Department, USS GEORGE WASHINGTON (CVN-73), advised (b)(6), (b)(7)(C) has (b)(6), (b)(7)(C) A crime scene search was conducted and several items were seized for analysis. On 09May12, (b)(6), (b)(7)(C) was recommended for Administrative Separation due

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20APR12-FEXO-0040-8XNA/C

26Aug12

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

U.S. Army

Criminal Investigations Laboratory (USACIL) reported no semen detected on evidence provided and no stains of apparent evidentiary value observed. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to potential violations of Article 120-Sexual Assault of the Uniform Code of Military, rape (UCMJ 120); Japanese Penal Code Penal Code Article 176 (Sexual Assault) and Article 177 (Rape).

2. On 27APR12, (b)(6), (b)(7)(C) provided Participating Agent (PA) (b)(6), (b)(7)(C) a signed and sworn statement. (b)(6), (b)(7)(C) stated she was feeling suicidal on Tuesday, 17APR12 due to stress at work. (b)(6), (b)(7)(C) stated, after having dinner and consuming one alcoholic beverage on 18APR12, she returned to her off base residence alone. (b)(6), (b)(7)(C) reported feeling normal prior to going to sleep, but woke with vaginal pain. (b)(6), (b)(7)(C) opined she may have been sexually assaulted and stated she either recently lost or an unknown person stole a key to her house. (b)(6), (b)(7)(C) stated it was likely someone possibly drugged her, entered her residence, and sexually assaulted her without her knowledge. (b)(6), (b)(7)(C) advised she was alone and fully clothed when she woke. (b)(6), (b)(7)(C) also stated the residence appeared to be in the same condition as the previous night. (b)(6), (b)(7)(C) denied recent consensual sexual activity and had no idea who could have assaulted her. Exhibit (10) pertains.

3. On 27APR12, PA (b)(6), (b)(7)(C) obtained a Permissive Authorization for Search and Seizure from (b)(6), (b)(7)(C) for her residence at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Yokohama, Japan. Several items of possible evidentiary value were seized and submitted to the USACIL. Exhibit (11) provides amplifying details.

4. On 18MAY12, PA (b)(6), (b)(7)(C) submitted a Forensic Laboratory Examination Request to USACIL requesting routine examination of evidence seized from (b)(6), (b)(7)(C) home. All evidence was submitted via ECD log numbers 107-12, Item A and 127-12, Items A and B via registered mail number RR5817994015US. Exhibit (12) pertains.

5. On 31MAY12, PA (b)(6), (b)(7)(C) received notification of receipt of evidence submitted from USACIL via registered mail number RR5817994015US. USACIL indicated the evidence was currently being processed for trace evidence of DNA. Exhibit (13) pertains.

6. On 20AUG12, Reporting Agent (RA) (b)(6), (b)(7)(C) received notification from USACIL reporting results of forensic examination of evidence. USACIL indicated no semen was detected on evidence provided and no stains of apparent evidentiary value observed. Exhibit (14) provides amplifying details.

7. On 28AUG12, RA (b)(6), (b)(7)(C) conducted a final interview with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated she had nothing additional to add to the investigation. (b)(6), (b)(7)(C) was informed the investigative steps were

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20APR12-FEXO-0040-8XNA/C

26Aug12

complete and this investigation is now closed. Exhibit (15) pertains.

8. This investigation is closed.

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK/FEXO/[REDACTED] USN, Commanding Officer
USS GEORGE WASHINGTON (CVN-73) (H) [REDACTED] USN,
CJA USS GW (H)

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F13-0580.FEXO 000079

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

165909 18:47 20110913 IN:SSDEMAIL #40577 OUT:NIPRDAAAM #39771

REPORT OF INVESTIGATION (CLOSED)

12SEP11

RAPE

CONTROL: 21FEB11-FEXO-0011-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73)
ROI(INTERIM)/26Mar11...(Contains Exhibits 1-18)
- (B) NCISRU USS GEORGE WASHINGTON (CVN-73)
ROI(INTERIM)/26May11...(Contains Exhibits 19-21)
- (C) NCISRU USS GEORGE WASHINGTON (CVN-73)
ROI(INTERIM)/24Jul11...(Contains Exhibit 22)

EXECUTIVE SUMMARY

1. On 21Feb11, (b)(6), (b)(7)(C) reported to the Security Department, Commander Fleet Activities Yokosuka (CFAY), Japan, that she was physically assaulted by (b)(6), (b)(7)(C) while at her on base residence in the Ikego Military Housing Complex, CFAY, Japan. During her interview with the Criminal Investigative Division (CID), CFAY, Japan, (b)(6), (b)(7)(C) alleged (b)(6), (b)(7)(C) sexually assaulted her as well, so NCIS was contacted. Reporting Agent (RA) interviewed (b)(6), (b)(7)(C) and she provided a sworn statement detailing the events of 20Feb11, as well as her relationship with (b)(6), (b)(7)(C). According to (b)(6), (b)(7)(C) she met (b)(6), (b)(7)(C) a little over a year ago, not realizing at first that he was enlisted. She described being threatened by (b)(6), (b)(7)(C) to stay in the relationship or else he would tell her command they were involved with fraternization. (b)(6), (b)(7)(C) said that on 20Feb11 (b)(6), (b)(7)(C) discovered sexual emails she was sending to other men and hit her on the head with a cordless telephone, causing injury. She said that on the same night, (b)(6), (b)(7)(C) had sex with her after she told him "no. (b)(6), (b)(7)(C) was interviewed and denied having sex with (b)(6), (b)(7)(C) that night or physically assaulting her. (b)(6), (b)(7)(C)'s DNA was obtained and sent to the United States Army Criminal Investigative Laboratory (USACIL) with (b)(6), (b)(7)(C) Sexual Assault Forensic Examination (SAFE) for comparison. Attempts at recording a telephone conversation between (b)(6), (b)(7)(C) were unsuccessful. USACIL results indicated that (b)(6), (b)(7)(C) could not be excluded as a DNA contributor to the cervical swabs collected during (b)(6), (b)(7)(C)'s exam. On 10Jun11, Participating Agent (PA) (b)(6), (b)(7)(C) attempted to administer a specific issue polygraph examination to (b)(6), (b)(7)(C). During the initial interview portion, (b)(6), (b)(7)(C) declined to undergo the

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 21FEB11-FEXO-0011-8FNA/C

12Sep11

examination. The Article 32 was held on 25Jul11 and the Investigating Officer recommended the charge of rape be dismissed and the charge of assault by battery be disposed of at Captain's Mast and that (b)(6), (b)(7)(C) be administratively separated. (b)(6), (b)(7)(C) was beyond his Expiration of Active Obligated Service (EAOS) therefore, Command removed the legal hold and (b)(6), (b)(7)(C) processed out of the USN. Investigation is closed.

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to alleged violations of Article 120 (Rape) and Article 128 (Assault) of the Uniform Code of Military Justice (UCMJ).

2. The Article 32 Hearing was held on 25Jul11 and the Investigating Officer recommended the charge of rape be dismissed; and that the charge of assault by battery be disposed of at Captain's Mast and (b)(6), (b)(7)(C) be administratively separated.

3. On 09Sep11, contact was made with (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73), who advised (b)(6), (b)(7)(C) was beyond his Expiration of Active Obligated Service (EAOS) therefore, Command removed the legal hold and (b)(6), (b)(7)(C) processed out of the USN. (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73), was briefed on the status of this investigation which is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

1 Agent, NCISRA Yokosuka Japan
Agent, NCISRA Yokosuka Japan
cial Agent, NCISRA Yokosuka Japan
1 Agent, NCISRA Yokosuka Japan
igator, NCISRA Yokosuka Japan
Investigator, CFAY CID, Yokosuka Japan
Special Agent, NCIS Far East Polygraph Unit

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/002P/014C/Commanding Officer (CO) USS GEORGE WASHINGTON (CVN-73) (H)

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C124288 00:16 20130227 IN:SSDEMAIL #167676 OUT:NIPRDAAAM #167676

REPORT OF INVESTIGATION (CLOSED)

26FEB13

SEXUAL ASSAULT - ADULT (II)

CONTROL: 21NOV12-FEXO-6006-8SNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Results of Information Received from Security Division/20OCT12
- (2) Statement of (b)(6), (b)(7)(C) USN/29OCT12
- (3) IA: Results of Information Received from Security Division/09NOV12
- (4) IA: Results of Interview with (b)(6), (b)(7)(C) USN/12NOV12
- (5) IA: Results of Interview with (b)(6), (b)(7)(C) USN
- (6) IA: Results of Canvassing Interviews of Female Sailors Working within Repair Locker 7F/16NOV12
- (7) IA: Results of Interview with (b)(6), (b)(7)(C) USN/04DEC12
- (8) Statement of (b)(6), (b)(7)(C) USN/20DEC12
- (9) IA: Results of NJP Final Adjudication of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN/06FEB13

EXECUTIVE SUMMARY

1. On 29OCT12, (b)(6), (b)(7)(C), USN, alleged through sworn statement that (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, requested she perform oral sex on him and subsequently placed an object on her shoulder that could possibly have been his penis. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, alleged in July 2011, (b)(6), (b)(7)(C) exposed his penis to her. (b)(6), (b)(7)(C) initially refused to participate in the investigation but eventually provided a sworn statement and acknowledged consensually engaging in oral sex with (b)(6), (b)(7)(C) Canvas interviews of females working with or having contact with (b)(6), (b)(7)(C) were conducted. All interviewed indicated no inappropriate behavior by any member of the USS GEORGE WASHINGTON (CVN-73). On 04JAN13, (b)(6), (b)(7)(C) received notification of Non-Judicial Punishment (NJP) and was awarded reduction in pay grade from E-6 to E-5; forfeiture of \$1,694.00 for two months (suspended from six months); 45 days restriction onboard the USS GEORGE WASHINGTON (CVN-73); and 45 days extra duty. This investigation is closed.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 21NOV12-FEXO-6006-8SNA/C

26Feb13

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, Sexual Assault and Other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).

2. On 29OCT12, RA interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, who alleged (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, requested she engage in oral sex with him and subsequently placed an object on her shoulder that could possibly have been his penis. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) requested her to engage in oral sex on him but she declined and requested (b)(6), (b)(7)(C) leave the area. (b)(6), (b)(7)(C) turned in her seat so her back was to (b)(6), (b)(7)(C) heard a zipper and felt something placed on her shoulder. (b)(6), (b)(7)(C) acknowledged she did not look to see what item was placed on her shoulder, only requested (b)(6), (b)(7)(C) remove the object immediately. (b)(6), (b)(7)(C) provided a voluntary sworn statement to the USS GEORGE WASHINGTON (CVN-73) Security Division and a voluntary sworn statement to NCIS. Exhibits (1) and (2) pertain.

3. On 29OCT12, (b)(6), (b)(7)(C) requested consultation with a lawyer prior to initial questioning by the USS GEORGE WASHINGTON (CVN-73) Security Division.

4. On 09NOV12, RA received a copy of a voluntary sworn statement obtained by Security Division from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) alleged in July 2012, (b)(6), (b)(7)(C) exposed his penis while the two were working in a remote area. (b)(6), (b)(7)(C) explained in October 2012, she requested a signature on an official document and (b)(6), (b)(7)(C) replied with a phrase similar to, "what are you going to do for me" or "what do I get out of it". (b)(6), (b)(7)(C) stated she felt the comments were sexual in nature. Exhibit (3) pertains.

5. On 12NOV12, RA interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) is assigned to repair locker 7F Pipe patching crew with (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) often brags about being able to dislocate her jaw and states, "it's for my boyfriend". (b)(6), (b)(7)(C) explained they often engage in inappropriate sexually related conversations within repair locker 7F. Exhibit (4) pertains.

6. On 16NOV12, RA interviewed (b)(6), (b)(7)(C) USN, regarding inappropriate behavior by (b)(6), (b)(7)(C) claimed on 30OCT12, (b)(6), (b)(7)(C) confided (b)(6), (b)(7)(C) requested she perform oral sex on him and declined. Additionally, (b)(6), (b)(7)(C) stated she observed (b)(6), (b)(7)(C) penis on her shoulder. (b)(6), (b)(7)(C) stated knowing (b)(6), (b)(7)(C) since June 2010 and does not feel he is capable of the allegations against him. (b)(6), (b)(7)(C) indicated having a hard time believing allegations by (b)(6), (b)(7)(C) because she is known to stretch the truth. Exhibit (5) pertains.

7. On 16NOV12, RA conducted canvassing interviews of females assigned to repair locker 7F and who work with or around (b)(6), (b)(7)(C) RA interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, regarding inappropriate sexual advances by any member of the USS GEORGE WASHINGTON (CVN-73). All

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CONTROL: 21NOV12-FEXO-6006-8SNA/C

26Feb13

three reported no inappropriate behavior, touching or discussions by any member of the crew. All three indicated they would make either an unrestricted or restricted report if any crew member made inappropriate sexual advances. Exhibit (6) pertains.

8. On 21NOV12, records checks were initiated on (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) utilizing the National Crime Information Center (NCIC); the Defense Central Index of Investigations (DCII); the Consolidated Law Enforcement Operations Center (CLEOC); the Joint Personnel Adjudication System (JPAS); and the NCIS Knowledge Network (K-NET). Records checks through JPAS indicated (b)(6), (b)(7)(C) re both eligible for and currently maintain a Secret security clearance. CLEOC shows (b)(6), (b)(7)(C) All additional records checks showed negative results.

9. On 04DEC12, RA interviewed (b)(6), (b)(7)(C). As background, (b)(6), (b)(7)(C) refused to speak with NCIS regarding the allegations by (b)(6), (b)(7)(C) towards (b)(6), (b)(7)(C) despite multiple attempts to conduct an interview. (b)(6), (b)(7)(C) initially refused to participate in the investigation in any way, and signed a Victim Preference Statement. Exhibit (7) pertains.

10. On 19DEC12, RA received an email from (b)(6), (b)(7)(C) requesting an appointment to discuss the allegations by (b)(6), (b)(7)(C) against (b)(6), (b)(7)(C). On 20DEC12, RA interviewed (b)(6), (b)(7)(C) who voluntarily provided a sworn statement. (b)(6), (b)(7)(C) admitted to an intimate relationship with (b)(6), (b)(7)(C) while on duty and at sea. (b)(6), (b)(7)(C) alleged (b)(6), (b)(7)(C) may have used his physical size and rank to pressure her into a sexual relationship consisting of oral sex only, which occurred one time in July 2011 onboard the USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) was issued a second Victim and Witness Assistance Program (VWAP) pamphlet with appropriate contact information attached. (b)(6), (b)(7)(C)'s statement is appended as Exhibit (8).

11. On 06FEB13, RA received final disposition and adjudication of NJP for (b)(6), (b)(7)(C) via court memorandum. On 04JAN13, (b)(6), (b)(7)(C) was alleged to have violated Article 92 (Failure to Obey an Order) of the Uniform Code of Military Justice. (b)(6), (b)(7)(C) was awarded reduction in pay grade from E-6 to E-5; forfeiture of \$1,694.00 for two months (suspended from six months); 45 days restriction onboard the USS GEORGE WASHINGTON (CVN-73); and 45 days extra duty. Exhibit (9) pertains.

12. On various dates between 29OCT12 and 04FEB12, (b)(6), (b)(7)(C) USN, Commanding Officer (CO), USS GEORGE WASHINGTON (CVN-73), and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Command Judge Advocate (CJA), USS GEORGE WASHINGTON (CVN-73), were apprised of the status of this investigation.

13. This investigation is closed.

DISTRIBUTION

NCISHQ:014C/0023

INFO :USS GEORGE WASHINGTON (CVN-73) (Commanding Officer)

(H)/USS GEORGE WASHINGTON (CVN-73) (Command Judge Advocate)

(H)/002P/FEYK/FEFO

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323337 00:42 20120208 IN:SSDEMAIL #77736 OUT:NIPRDAAAM #76861

REPORT OF INVESTIGATION (CLOSED)

07FEB12

RAPE (II)

CONTROL: 23JAN12-FEXO-0005-8FNA/C

I/USS GEORGE WASHINGTON (CVN-73), YOKOSUKA JAPAN/REPORT OF SEXUAL ASSAULT

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Contact with Security Department/23Jan12...(Copy all)
- (2) IA: Results of Interview of (b)(6), (b)(7)(C) 23Jan12...(Copy all)
- (3) IA: Results of Attempted Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 23Jan12...(Copy all)
- (4) IA: Results of Contact with (b)(6), (b)(7)(C) 25Jan12...(Copy all)
- (5) Sworn Statement of (b)(6), (b)(7)(C) 25Jan12...(Copy all)
- (6) Sworn Statement of (b)(6), (b)(7)(C) 26Jan12...(Copy all)
- (7) Sworn Statement of (b)(6), (b)(7)(C) 26Jan12...(Copy all)
- (8) IA: Review of Ships Email for (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) 01FEB12...(Copy all)
- (9) IA: Review of Hotel Video Surveillance/02Feb12...(Copy all)
- (10) IA: Results of Interrogation of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 2Feb12...(Copy all)
- (11) Sworn Statement of (b)(6), (b)(7)(C) 02Feb12...(Copy all)
- (12) IA: Review of Face Book Messages/02Feb12...(Copy all)
- (13) IA: Review of (b)(6), (b)(7)(C) SRB/07Feb12...(Copy all)
- (14) IA: Review of (b)(6), (b)(7)(C) SRB/07Feb12...(Copy all)

NARRATIVE

1. This reactive investigation was initiated pursuant to potential violations of Article 120 (Rape, sexual assault, other sexual misconduct) of the Uniform Code of Military Justice.

2. As background, on 22Jan12, at approximately 2245 hours, NCISRU USS GEORGE WASHINGTON (CVN-73) received notification of a potential rape from (b)(6), (b)(7)(C)

USN, Security Department, USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73), augmented to support the Security Department, was making his rounds on board the USS GEORGE WASHINGTON (CVN-73) when he heard two females crying near their berthing. (b)(6), (b)(7)(C) relayed when he asked the two female sailors what was the matter, one female sailor, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73), stated her friend, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73), just told her she was "raped". (b)(6), (b)(7)(C) relayed that (b)(6), (b)(7)(C) refused to talk with him about what happened. (b)(6), (b)(7)(C) said he also made contact with (b)(6), (b)(7)(C) who refused to speak about what happened. (b)(6), (b)(7)(C) said he was able to

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23JAN12-FEXO-0005-8FNA/C

07Feb12

get [REDACTED] to go to Medical on board the ship. [REDACTED] said interviews were conducted with two possible witnesses, [REDACTED] [REDACTED] USN, USS GEORGE WASHINGTON (CVN-73) and [REDACTED] [REDACTED] USN, USS GEORGE WASHINGTON (CVN-73), and they provided voluntary statements; Exhibit (1) pertains.

3. On 22Jan12, Reporting Agent (RA) and Participating Agent (PA) [REDACTED] [REDACTED] responded to the USS GEORGE WASHINGTON (CVN-73). Contact was made with [REDACTED] USN, Medical Department, USS GEORGE WASHINGTON (CVN-73), who advised that [REDACTED] wished to have the report restricted. [REDACTED] was informed that [REDACTED] was alleged to have reported the incident to a friend, which made the report unrestricted. [REDACTED] stated that [REDACTED] told him that she "never said it was rape". Furthermore, [REDACTED] stated that [REDACTED] did not want a Sexual Assault Forensic Examination (SAFE) and therefore no evidence was seized. [REDACTED] said [REDACTED] did not make any complaints to him; Exhibit (2) pertains.

4. On 22Jan12, RA and PA [REDACTED] attempted to interview [REDACTED] at the Medical Department on board the USS GEORGE WASHINGTON (CVN-73). Also present was her assigned Uniform Victim Advocate (UVA), [REDACTED] [REDACTED] USN, USS GEORGE WASHINGTON (CVN-73). [REDACTED] was provided a Victim Witness Assistance Program Pamphlet (VWAP). [REDACTED] did not appear injured and her clothing was orderly and in good condition. [REDACTED] also did not appear intoxicated. [REDACTED] stated that she wished to keep things "confidential" and did not want to speak to NCIS and the interview was concluded; Exhibit (3) pertains.

5. On 25Jan12, RA met with [REDACTED] and her UVA, [REDACTED] at the Medical Department on board USS GEORGE WASHINGTON (CVN-73). RA informed [REDACTED] that since a report of sexual assault was made to someone outside of the three parties that could be held as "restricted", then NCIS would have to continue with an investigation. [REDACTED] reiterated that she did not wish to participate in the NCIS Investigation and signed a Victim Preference Statement. RA explained there was concern for the public safety of other females on the ship. RA asked [REDACTED] if the "suspect" involved in this reported sexual assault was a "danger" to others or someone to be considered violent or aggressive. [REDACTED] responded "No" and that "he was just the opposite". When asked to give her reasons to have it remain "confidential", [REDACTED] stated, "It's personal" and would not elaborate. The interview was terminated; Exhibit (4) pertains.

6. On 26Jan12, RA conducted an interview of [REDACTED] stated that she was in the shower at the female berthing area when she heard the sound of another female crying. [REDACTED] said she got dressed and went over and found [REDACTED] at her rack with her head down and crying into her arms. [REDACTED] stated she asked [REDACTED] what was the matter and [REDACTED] told her, "I told him to stop". [REDACTED] said the male "touched her everywhere" and [REDACTED] confirmed that sexual intercourse occurred. [REDACTED] said she tried to get additional details about who "he" was and where the incident occurred, but stated [REDACTED] didn't want to tell her. [REDACTED] said it was about that time that Security came up to them and then [REDACTED] ran back to her rack and yelled out, "Don't tell him anything". Further details are provided in the sworn statement of

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23JAN12-FEXO-0005-8FNA/C

07Feb12

(b)(6), (b)(7)(C) Exhibit (5) pertains.

7. On 26Jan12, RA conducted an interview of (b)(6), (b)(7)(C) identified the person who was involved with (b)(6), (b)(7)(C) on 22Jan12 as being (b)(6), (b)(7)(C) " later identified by RA as (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) said that on the evening of 22Jan12, she and a group of sailors went to socialize at Club Isanbul, in the Honch, Yokosuka, Japan. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) has a fiancée back home in the States, but when she starts drinking alcohol she lets her guard down. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) has been very open that he is interested in (b)(6), (b)(7)(C) and when they both drink, they have kissed or "made out" on several different occasions. (b)(6), (b)(7)(C) said she saw (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) issuing inside the club and in the stairwell and she told (b)(6), (b)(7)(C) to knock it off because she knew that it was out of character for her. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) acted annoyed at her and then (b)(6), (b)(7)(C) left with (b)(6), (b)(7)(C) allegedly to go back to base. (b)(6), (b)(7)(C) said that she has seen (b)(6), (b)(7)(C) on at least three different occasions since 22Jan12, talking to each other in a friendly manner. Further details are provided in the sworn statement of (b)(6), (b)(7)(C) Exhibit (6) pertains.

8. On 26Jan12, RA conducted an interview of (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) stated he was pulling duty with the Security Department, making rounds when he was approached by another sailor who reported hearing two females crying. (b)(6), (b)(7)(C) said he made contact and (b)(6), (b)(7)(C) told him, "My friend was raped". (b)(6), (b)(7)(C) said he tried to talk to the victim but she ran away and yelled, "No". (b)(6), (b)(7)(C) said he then reported it to his Watch Commander. (b)(6), (b)(7)(C) provided a sworn written statement; Exhibit (7) pertains.

9. On 30Jan12, RA made contact with (b)(6), (b)(7)(C) USN, (b)(6), (b)(7)(C), USS GEORGE WASHINGTON (CVN-73) with a request for a copy of the PST files for (b)(6), (b)(7)(C) On 31Jan12, RA received a CD-R with the PST files, containing emails from (b)(6), (b)(7)(C) government email accounts. A review of the PST files revealed no communications between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and nothing of evidentiary value; Exhibit (8) pertains

10. On 30Jan12, RA and Participant (b)(6), (b)(7)(C) made contact with (b)(6), (b)(7)(C) at the Hotel Goddess, 1-2 Honcho Yokosuka Japan in regards to acquiring the video surveillance footage from 22Jan12. (b)(6), (b)(7)(C) provided a VHS tape of the video from approximately 1300 hours on 22Jan12 to 0700 hours on 23Jan12. The VHS tape was entered into the NCISRU USS GEORGE WASHINGTON (CVN-73) Evidence Custody System under log # 003-12. RA coordinated with (b)(6), (b)(7)(C) USN, Media Department, for assistance in copying and reviewing the footage. On 02Feb12, RA reviewed the video, which was blurry with lines running across the center of the screen, and of no value; Exhibit (9) pertains.

11. On 02Feb12, RA conducted an interrogation of (b)(6), (b)(7)(C) subsequent to him waiving his Article 31B rights. (b)(6), (b)(7)(C) stated he had consensual sexual intercourse with (b)(6), (b)(7)(C) at the Hotel Goddess in Yokosuka City Japan. (b)(6), (b)(7)(C) said he and (b)(6), (b)(7)(C) had

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CONTROL: 23JAN12-FEXO-0005-8FNA/C

07Feb12

been drinking alcoholic beverages, but they were both aware of their actions. (b)(6), (b)(7)(C) described the consensual sexual acts and stated at one point after about 20 minutes of having sex, (b)(6), (b)(7)(C) lightly pushed his shoulder or chest and he took that to mean that he should get off of her so he did. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) got up and started getting dressed and got her IPHONE and noticed a message from her fiancé. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) then told him, "I hate you". (b)(6), (b)(7)(C) said he then walked (b)(6), (b)(7)(C) back to the ship. The interrogation of (b)(6), (b)(7)(C) was memorialized by audio and video recording and a copy was entered the NCISRU USS GEORGE WASHINGTON (CVN-73) Evidence Custody System under log # FEXO 004-12. Further details are provided in the sworn statement of (b)(6), (b)(7)(C) Exhibits (10) and (11) pertain.

12. On 02Feb12, subsequent to receiving permissive authorization, RA conducted a review of (b)(6), (b)(7)(C) iPhone for Face Book messages between (b)(6), (b)(7)(C) As background, (b)(6), (b)(7)(C) said that he has texted with (b)(6), (b)(7)(C) on Face Book since they had consensual sex and they have communicated on friendly terms. In one of the messages (b)(6), (b)(7)(C) states that she feels that (b)(6), (b)(7)(C) "crossed the line". (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) felt that way because they had made a pact that if they got drunk they could kiss but they would not have sex because (b)(6), (b)(7)(C) had a serious boyfriend back home. (b)(6), (b)(7)(C) reiterated the sexual intercourse was consensual. Twenty-five images were taken to document the messages and nine (9) selected images are attached; Exhibit (12) pertains.

13. On 07Feb12, RA conducted a review of (b)(6), (b)(7)(C) Service Record Books (SRB). Information pertaining to their personal history and military work history were detailed. No record of disciplinary action was recorded in either SRB; Exhibits (13) and (14) pertain.

14. Criminal records checks on (b)(6), (b)(7)(C) were conducted utilizing the National Crime Information Center (NCIC), Defense Central Index of Investigations (DCII), Consolidated Law Enforcement Operations Center (CLEOC) and NCIS Knowledge Net (K-Net) with negative results. A check of records on file with the Joint Personnel Adjudication System (JPAS) revealed (b)(6), (b)(7)(C) maintains a Secret security clearance.

15. On 07Feb12, (b)(6), (b)(7)(C) USN, Executive Officer, USS GEORGE WASHINGTON (CVN-73) and (b)(6), (b)(7)(C) USN, Command Judge Advocate were apprised of the status of this investigation. (b)(6), (b)(7)(C) advised no judicial action would be taken concerning this matter. Investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

Agent, NCISRA Yokosuka JP
Special Agent, NCISRA Yokosuka JP
Investigator, NCISRA Yokosuka JP

ACTION

R.0023: Only Report

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CONTROL: 23JAN12-FEXO-0005-8FNA/C

07Feb12

NCISHQ: 0023B

ACTION: 0023

INFO: 002P/FEYK/FEXO/014C (b)(6), (b)(7)(C) USN, Commanding
Officer, USS GEORGE WASHINGTON (CVN-73) Command (H)

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(b)(6), (b)(7)(C)

V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

122433 22:10 20090930 IN:SSDEMAIL #63547 OUT:NIPRDAAAM #50211

REPORT OF INVESTIGATION (CLOSED)

25SEP09

RAPE (II)

CONTROL: 23SEP09-FEXO-0071-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview with (b)(6), (b)(7)(C) 23Sep09... (Copy All)
- (2) IA: Results of Permissive Search and Seizure/23Sep09... (Copy All)
- (3) IA: Results of Interview of (b)(6), (b)(7)(C) USN/23Sep09... (Copy All)
- (4) Statement of (b)(6), (b)(7)(C) 18Sep09... (Copy All)

NARRATIVE

1. This investigation was initiated on 23Sep09, and worked pursuant to = suspected violation of Article 120 (RAPE) under the Uniform Code of = Military Justice (UCMJ).

2. On 23Sep09, (b)(6), (b)(7)(C) Investigator, Criminal Investigations = Division (CID), Commander Fleet Activities Yokosuka, Japan (CFAY) = reported (b)(6), (b)(7)(C) reported she was raped by (b)(6), (b)(7)(C) USS GEORGE WASHINGTON = (CVN 73), during the late night hours of 22Sep09.

3. On 23Sep09, (b)(6), (b)(7)(C) was interviewed, wherein she reported during the = late night hours of 22Sep09, she consumed approximately sixteen (16) sleeping pills and was subsequently raped by (b)(6), (b)(7)(C) inside of their on base residence, Exhibit (1) pertains.

4. On 23Sep09, a search of (b)(6), (b)(7)(C) on base residence, located at (b)(6), (b)(7)(C) Ikego Base, CFAY, Japan was conducted via a signed = Permissive Authorization for Search and Seizure form. Various items of = evidentiary value were identified, seized and subsequently placed inside = of the NCISRU USS GEORGE WASHINGTON (CVN 73) Evidence Repository System = under log number 031-09, Exhibit (2) provides amplifying details.

5. On 23Sep09, following advisement and waiver of rights, (b)(6), (b)(7)(C) was interviewed. (b)(6), (b)(7)(C) denied culpability to raping (b)(6), (b)(7)(C) = however, he acknowledged he was aware that she was under the influence = of sleeping pills when he engaged in sexual contact with her during the = late night hours of 22Sep09. The interview was captured via audio and = visual means and the recording was placed onto a DVD disc which was = subsequently placed inside of the USS GEORGE WASHINGTON (CVN 73) = Evidence Repository System under log number 032- 09. Refer to Exhibit = (3) for additional details.

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CONTROL: 23SEP09-FEXO-0071-8FNA/C

25Sep09

6. On 24Sep09, (b)(6), (b)(7)(C) contacted NCISRA Yokosuka and advised that she = had lied about being raped by (b)(6), (b)(7)(C) on 23Sep09, Exhibit (4) = provides amplifying details.

7. Contact with representatives from the Family Advocacy Program (FAP) aboard CFAY, Japan resulted in information being obtained = detailing tha (b)(6), (b)(7)(C) were currently going through = (b)(6), (b)(7)(C) counseling.

8. (b)(6), (b)(7)(C) Commanding Officer, (b)(6), (b)(7)(C) Executive Officer, and (b)(6), (b)(7)(C) Staff Judge Advocate, USS = GEORGE WASHINGTON (CVN 73) were apprised of the details of this = investigation. Due to (b)(6), (b)(7)(C) recanting her initial allegation and = stating that the incident did not actually occur as originally reported = on 23Sep09. On 25Sep09, Command advised that no judicial or = administrative actions will be taken against (b)(6), (b)(7)(C) A copy of this = report is being provided to FAP for informational purposes. This = investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan (b)(6), (b)(7)(C) = Special Agent, NCISRA Yokosuka, Japan (b)(6), (b)(7)(C) Special Agent, = NCISRA Yokosuka, Japan

ACTION:

0023: ONLY Report

DISTRIBUTION

NCISHQ: 0023

ACTION: 0023

INFO: FEYK/ADPAC/FEXO/COMMAND (VI (b)(6), (b)(7)(C) (H) /FAP (H)

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(b)(6), (b)(7)(C) V2 LNY

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C79030 19:26 20130103 IN:SSDEMAIL #66280 OUT:NIPRDAAAM #66280

REPORT OF INVESTIGATION (CLOSED)

13DEC12

RAPE (II)

CONTROL: 23SEP11-FEXO-0120-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/RESIDENT UNIT USS GEORGE WASHINGTON (CVN-73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRU USS GEORGE WASHINGTON ROI (INTERIM) (Contains Exhibits 1-13)/18NOV11
- (B) NCISRU USS GEORGE WASHINGTON ROI (INTERIM) (Contains Exhibits 14-15)/12JAN12
- (C) NCISRU USS GEORGE WASHINGTON ROI (INTERIM) (Contains Exhibits 16-18)/22FEB12
- (D) NCISRU USS GEORGE WASHINGTON ROI (INTERIM)/20APR12
- (E) NCISRU USS GEORGE WASHINGTON ROI (INTERIM) (Contains Exhibit 19)/19JUN12
- (F) NCISRU USS GEORGE WASHINGTON ROI (INTERIM)/29AUG12

EXHIBIT(S)

- (20) IA: RESULTS OF TRIAL OF (b)(6), (b)(7)(C) 17AUG12

EXECUTIVE SUMMARY

1. On 23SEP11 at approximately 0900 hours, NCISRU USS GEORGE WASHINGTON (CVN-73) received notification from the Sexual Assault Prevention and Response (SAPR) coordinator onboard the USS GEORGE WASHINGTON (CVN-73), regarding (b)(6), (b)(7)(C) reporting a sexual assault. Participating Agent (PA) (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) with (b)(6), (b)(7)(C) USN, Victim's Advocate. (b)(6), (b)(7)(C) explained how, while on liberty in Pattaya, Thailand on 07AUG11, (b)(6), (b)(7)(C) attended a social gathering which included (b)(6), (b)(7)(C) consumed several alcoholic beverages (vodka and grape juice) resulting in her passing out. (b)(6), (b)(7)(C) stated she woke up in (b)(6), (b)(7)(C) bed with her bra and underwear removed and felt pain, soreness, and observed bleeding from her vaginal area. (b)(6), (b)(7)(C) was interrogated after advisement and waiving his Article 31B Rights and stated the sexual intercourse was consensual, and (b)(6), (b)(7)(C) was aware and an active participant. On 06Feb12, (b)(6), (b)(7)(C) was administered a polygraph examination with a finding of Deception Indicated. On 15Feb12, (b)(6), (b)(7)(C) was re-interrogated after having been advised of, and waiving his Article 31B Rights and provided a sworn statement (b)(6), (b)(7)(C) admitted removing (b)(6), (b)(7)(C) clothing while

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CONTROL: 23SEP11-FEXO-0120-8FNA/C

13Dec12

she was substantially impaired and (b)(6), (b)(7)(C) passed out two to three times while he was having sexual intercourse with her. The Article 32 Hearing was held on 03MAY12. (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73) and (b)(6), (b)(7)(C) USN, Regional Legal Services Office (RLSO) advised the investigation was to be heard at a General Courts Martial on 17AUG12; which resulted in a finding of not guilty for (b)(6), (b)(7)(C)

NARRATIVE

1. This reactive investigation was initiated pursuant to alleged violations of Article 120 (Rape, Sexual Assault, and Other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ). References (A)-(F) report prior investigative efforts.

2. On 05Sep12, Participating Agent (PA) (b)(6), (b)(7)(C) received a report of the results of trial in the case of United States V. (b)(6), (b)(7)(C). The report indicated (b)(6), (b)(7)(C) as found Not Guilty of Violation of UCMJ Article 120; Exhibit (20) pertains. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C), SPECIAL AGENT, NCISRU USS GEORGE WASHINGTON

DISTRIBUTION

NCISHQ:0023

INFO :FEYK (b)(6), (b)(7)(C) USN, Commanding Officer,
USS George Washington (CVN-73) (H) (b)(6), (b)(7)(C) USN,
Command Judge Advocate, USS GW (H) (b)(6), (b)(7)(C) USN,
RLSO (H)/FEFO/FEXO

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533450 19:20 20100621 IN:SSDEMAIL #62398 OUT:NIPRDAAAM #48342

REPORT OF INVESTIGATION (CLOSED)

21JUN10

RAPE (II)

CONTROL: 26FEB10-FEXO-0016-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/21APR10
(Contains Exhibits 1 - 18)

EXHIBIT

- (19) IA: Receipt of Report of AFIP Toxicological Examination/11May10... (Copy All)
(20) IA: Receipt of Victim's Preference Statement from (b)(6), (b)(7)(C) 18Jun10... (Copy All)

EXECUTIVE SUMMARY

1. On 26Feb10, following reporting back to the USS GEORGE WASHINGTON (CVN 73) at 1000hrs, (b)(6), (b)(7)(C) reported she believed she was a victim of sexual assault/rape. (b)(6), (b)(7)(C) advised throughout the night of 25Feb10, she consumed three (3) alcoholic drinks and upon fighting with her boyfriend, she eventually met another unknown (b)(6), (b)(7)(C) male and they played pool together at an unknown club. (b)(6), (b)(7)(C) reported that after playing pool with this individual for approximately an hour, she recalled him talking, but she was not responding and the next thing she knew she woke up at Hotel Goddess and there were two used condoms in the room. A Sexual Assault examination of (b)(6), (b)(7)(C) was performed. Pertinent witnesses were identified and interviewed who all reported, (b)(6), (b)(7)(C) was intoxicated on the night of 25Feb10, and multiple individuals attempted to get her to return to Commander Fleet Activities, Yokosuka, Japan prior to her curfew expiring. Review of Hotel Goddess security camera's resulted in identifying that (b)(6), (b)(7)(C) and an (b)(6), (b)(7)(C) male, who was later identified as (b)(6), (b)(7)(C) USN checked into the hotel at 0136hrs, and (b)(6), (b)(7)(C) checked out of the hotel at 0220hrs. Additionally, this video showed (b)(6), (b)(7)(C) leading (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) into the hotel elevator prior to them entering into their hotel room. An interview of the hotel staff determined that observations of (b)(6), (b)(7)(C) indicated (b)(6), (b)(7)(C) did not appear overly intoxicated and she appeared to be acting upon her own accord when she checked into the hotel. Following advisement and waiver of rights, (b)(6), (b)(7)(C) was interviewed and reported the sexual intercourse that took place between him and (b)(6), (b)(7)(C) was consensual and he did not put any date rape drugs in (b)(6), (b)(7)(C) drink while at a club called Customs. Representatives from the Armed Forces Institute of Pathology resulted in determining that (b)(6), (b)(7)(C)

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CONTROL: 26FEB10-FEXO-0016-8FNA/C

21Jun10

did not have any date rape drugs in her system during the early morning hours of 26Feb10. On 18Jun10, (b)(6), (b)(7)(C) reported she no longer wanted to participate with the investigation and elected to sign a Victim Preference Statement. (b)(6), (b)(7)(C) USN, Staff Judge Advocate stated no administrative or judicial action would be taken against (b)(6), (b)(7)(C). This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to a suspected violation of Article 120 (Rape, sexual assault, and other sexual misconduct) of the Uniform Code of Military Justice (UCMJ).

2. On 11May10, (b)(6), (b)(7)(C) Civ, Director Forensic Toxicology Laboratory, Office of the Armed Forces Medical Examiner provided a final report for the forensic review of (b)(6), (b)(7)(C) urine, which resulted in no chemicals of interest being identified, Exhibit (19) pertains.

3. On 18Jun10, (b)(6), (b)(7)(C) reported she no longer wanted to participate with this investigation and elected to sign a Victim Preference Statement, Exhibit (20) pertains.

4. On 19Jun10, (b)(6), (b)(7)(C) USN, Staff Judge Advocate, Commander Fleet Activities Yokosuka, Japan reported no administrative or judicial action would be taken against (b)(6), (b)(7)(C). This Investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK (b)(6), (b)(7)(C) USN (CFAY) via (b)(6), (b)(7)(C) USN, SJA
(E) / (b)(6), (b)(7)(C) USN (USS GEORGE WASHINGTON (CVN 73)
via (b)(6), (b)(7)(C) USN, SJA) /RLSO (H)

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C154570 00:21 20130408 IN:SSDEMAIL #70246 OUT:NIPRDAAAM #70246

REPORT OF INVESTIGATION (CLOSED)

13MAR13

INDECENT ASSAULT (II)

CONTROL: 26MAY12-FEXO-0056-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/RESIDENT UNIT USS GEORGE WASHINGTON (CVN-73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI(INTERIM) (CONTAINS EXHIBITS 1-14)/18JUN12
- (B) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI(INTERIM) (CONTAINS EXHIBIT 15)/28AUG12
- (C) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI(INTERIM) (CONTAINS EXHIBIT 16)/12DEC12

EXECUTIVE SUMMARY

1. On 25MAY12, Reporting Agent (RA) received notification from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Sexual Assault Prevention and Response (SAPR) coordinator, USS GEORGE WASHINGTON (CVN-73), involving (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, and (b)(6), (b)(7)(C) was provided a VWAP pamphlet and reported the sexual assault occurred in the weapons magazine on board the USS GEORGE WASHINGTON (CVN-73) in July 2011. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) approached him in the 7th deck magazine, grabbed his hand and made him touch his penis. (b)(6), (b)(7)(C) alleged (b)(6), (b)(7)(C) told him to perform oral sex on him and (b)(6), (b)(7)(C) briefly complied out of fear for personal safety. According to (b)(6), (b)(7)(C) made the statement, "if you tell anyone I will kill you". (b)(6), (b)(7)(C) USN, stated (b)(6), (b)(7)(C) questioned her in September 2011 regarding her sexual interactions with others. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) asked if she would crack his back; offering to demonstrate. (b)(6), (b)(7)(C) indicated (b)(6), (b)(7)(C) picked her up from behind and pushed his groin into her buttocks. (b)(6), (b)(7)(C) USN, disclosed (b)(6), (b)(7)(C) showed her two photographs of his penis on his iPhone. (b)(6), (b)(7)(C) was interrogated following advisement of and waiving his Article 31B Rights, and provided a sworn statement. (b)(6), (b)(7)(C) denied forced or consensual sexual acts with (b)(6), (b)(7)(C) On 12AUG24, (b)(6), (b)(7)(C) received Non Judicial Punishment (NJP) and was awarded reduction in pay grade, forfeiture of \$1,326.00 per month for two months, and 60 days restriction onboard the

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 26MAY12-FEXO-0056-8DNA/C

13Mar13

USS GEORGE WASHINGTON (CVN-73). This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, Sexual Assault and other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).

2. On 24AUG12, the Commanding Officer (CO) of USS GEORGE WASHINGTON (CVN 73) determined (b)(6), (b)(7)(C) violated Article 120 (abusive sexual contact) of the Uniform Code of Military Justice (UCMJ) and imposed nonjudicial punishment in the form of reduction in rate one paygrade, forfeiture of \$1326.00 pay per month for two months and 60 days restriction. A copy of (b)(6), (b)(7)(C)'s NJP Court Memorandum will be maintained in the investigative case file notes.

3. This investigation is closed.

DISTRIBUTION

NCISHQ:0023

INFO :FEYK/FEFO/USS GEORGE WASHINGTON (CVN 73) (Commanding Officer) (H)

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F13-0580.FEXO 000097

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

229648 19:45 20111102 IN:SSDEMAIL #53258 OUT:NIPRDAAAM #52221

REPORT OF INVESTIGATION (CLOSED)

02NOV11

INDECENT ASSAULT (II)

CONTROL: 27AUG11-FEXO-0119-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI(INTERIM)/06SEP11...
(Contains Exhibits 1-6)

EXHIBIT

(7) IA: Receipt of Documents Concerning Administrative Action
Against (b)(6), (b)(7)(C) 02NOV11...(Copy all)

EXECUTIVE SUMMARY

1. On 27Aug11 Reporting Agent (RA) received notification from the Sexual Assault Prevention and Response (SAPR) representative aboard USS George Washington (CVN-73), that (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, reported being sexually assaulted by a known male U.S. Navy service member but initially declined to provide further information. After having been provided a Victim Witness Assistance Program pamphlet and discussing his Victim's rights, (b)(6), (b)(7)(C) said that on 27Aug11 at approximately 0400 hours, he was awakened in his bunk aboard the USS George Washington (CVN-73) by the sensation of someone touching his penis on the outside of his shorts. (b)(6), (b)(7)(C) said he knew the alleged offender and was initially reluctant to disclose the person's name because he was angry and embarrassed. (b)(6), (b)(7)(C) identified the suspect (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) provided a copy of an email from (b)(6), (b)(7)(C) where he apologized for his actions. (b)(6), (b)(7)(C) was interrogated after having been advised of and waiving his Article 31B Rights. (b)(6), (b)(7)(C) admitted to touching (b)(6), (b)(7)(C) penis on the outside of his clothing while (b)(6), (b)(7)(C) was asleep. (b)(6), (b)(7)(C) said he did it because he thought (b)(6), (b)(7)(C) would like it. (b)(6), (b)(7)(C) provided a sworn written statement, and the interview was memorialized by audio and video recording. A witness interview was conducted which corroborated (b)(6), (b)(7)(C) account of what transpired. A crime scene examination of the berthing area was conducted, but no items of evidentiary value were identified. On 29Oct11, (b)(6), (b)(7)(C) USN, Commander, Carrier Strike Group Five/CTF 70, issued an Administrative Discharge of (b)(6), (b)(7)(C) under Other Than Honorable Conditions in Lieu of Trial by Courts Martial.

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CONTROL: 27AUG11-FEXO-0119-8DNA/C

02Nov11

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to suspected violations of Article 120 (Wrongful Sexual Contact) of the Uniform Code of Military Justice (UCMJ).

2. On 29Oct11, at the request of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, and brought forward by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73), (b)(6), (b)(7)(C) USN, issued an Administrative Discharge of (b)(6), (b)(7)(C) under Other Than Honorable Conditions in Lieu of a Trial by Court Martial. On 02Nov11, (b)(6), (b)(7)(C) USN, Command Judge Advocate, provided copies of the paperwork concerning (b)(6), (b)(7)(C) discharge from service; Exhibit (7) pertains.

3. On 02NOV11, (b)(6), (b)(7)(C) USN, Executive Officer, USS George Washington (CVN-73) and (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS George Washington (CVN-73) were briefed on the status of this investigation, which is closed.

PARTICIPANT

(b)(6), (b)(7)(C) Master at Arms Petty Officer First Class, USS George Washington (CVN-73)

DISTRIBUTION

NCISHQ: 0023B

INFO: 002P/FEYK/FEXO/Command (H)/RLSO, ATTN: (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

885501 01:54 20090317 IN:SSDEMAIL #12648 OUT:NIPRDAAAM #91

REPORT OF INVESTIGATION (CLOSED)

12MAR09

RAPE (II)

CONTROL: 28JAN09-FEXO-0002-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/USS GW (CVN 73)

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCE

(A) NCISRU USS GEORGE WASHINGTON ROI (INTERIM)/06Feb09... (Contains Exhibits 1-13)

EXECUTIVE SUMMARY

1. On 27Jan09, Reporting Agent (RA) was notified by (b)(6), (b)(7)(C) SAVI Advocate, USS GEORGE WASHINGTON (CVN 73) stating that (b)(6), (b)(7)(C) had reported that she thought she might have been raped on or about 19Dec08 in (b)(6), (b)(7)(C) aboard the USS GEORGE WASHINGTON (CVN 73). Subsequently, (b)(6), (b)(7)(C) was interviewed and stated that if she was raped that the alleged incident must have occurred in (b)(6), (b)(7)(C) aboard the USS GEORGE WASHINGTON (CVN 73). (b)(6), (b)(7)(C) remembered going to Club Alliance on base on the evening of 19Dec08 and drinking approximately 4-5 shots of Chivas Regal and 4-5 bottles of Budweiser. (b)(6), (b)(7)(C) stated she left the club alone, returned to the ship and went to (b)(6), (b)(7)(C) to check email. (b)(6), (b)(7)(C) could not recall any further details of the evening of 19Dec08. (b)(6), (b)(7)(C) stated that she felt (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USS GEORGE WASHINGTON (CVN 73) might have been the person who sexually assaulted her in (b)(6), (b)(7)(C) on 19Dec08. (b)(6), (b)(7)(C) was interrogated and adamantly denied culpability.

2 (b)(6), (b)(7)(C) further reported that she thought she had performed oral sex on (b)(6), (b)(7)(C) USS CURTIS WILBUR (DDG 54) at the (b)(6), (b)(7)(C) on base on 12Dec08. (b)(6), (b)(7)(C) stated she was highly intoxicated and although the act was not forced she would not have performed oral sex on (b)(6), (b)(7)(C) if she were sober. Subsequently, (b)(6), (b)(7)(C) was interviewed and adamantly denied ever having any kind of sexual contact with (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) has never performed oral sex on him consensually or non-consensually. Command has declined to take criminal action pertaining to this investigation due to insufficient evidence corroborating (b)(6), (b)(7)(C) allegations.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violation of Uniformed Code of Military Justice (UCMJ) Article 120 (Rape).

2. Since the submission of Reference (A), on 12Mar09 (b)(6), (b)(7)(C) Assistant Staff Judge Advocate, USS GEORGE WASHINGTON (CVN 73), advised =

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 28JAN09-FEXO-0002-8FNA/C

12Mar09

command has declined to take criminal action pertaining to
this investigation due to insufficient evidence corroborating =
(b)(6), (b)(7)(C) s allegations. This investigation is closed.

ACTION

0023B: Investigation closed.

DISTRIBUTION

NCISHQ: 0023

ACTION: 0023B

INFO: FEYK/FEXO/COMMAND (VIA (b)(6), (b)(7)(C) (H)/USS CURTIS WILBUR (VIA
(b)(6), (b)(7)(C) M)/002P

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(b)(6), (b)(7)(C) V2 INN

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F13-0580.FEXO 000101

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C143208 18:46 20130324 IN:SSDEMAIL #70972 OUT:NIPRDAAAM #70972

REPORT OF INVESTIGATION (CLOSED)

13MAR13

INDECENT ASSAULT (II)

CONTROL: 28JUN12-FEXO-0065-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/VFA-115/09604

MADE AT/FEXO/RESIDENT UNIT USS GEORGE WASHINGTON (CVN-73)

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCE(S)

- (A) NCISRU USS GEORGE WASHINGTON ROI (INTERIM) (Contains Exhibits 1-20)/02AUG12
- (B) NCISRU USS GEORGE WASHINGTON ROI (INTERIM) (Contains Exhibits 21-22)/17DEC12

EXECUTIVE SUMMARY

1. On 27Jun12 Reporting Agent (RA) received notification from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Executive Officer, VFA-115, embarked on board the USS GEORGE WASHINGTON (CVN-73), of a report of a possible sexual assault involving two sailors from his Command currently on liberty for the Strike Group's Port Visit to Pusan, South Korea. According to (b)(6), (b)(7)(C) USN, VFA-115, was approached by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) while standing at a bus stop in Haeundae Beach, who stated he, (b)(6), (b)(7)(C) would likely be accused of trying to rape (b)(6), (b)(7)(C) USN. (b)(6), (b)(7)(C) accused (b)(6), (b)(7)(C) trying to kiss her, fondle her breasts, and forcibly remove her blue jeans. This incident allegedly occurred in the stairwell of the Sea Star Building in Haeundae Beach, Republic of Korea. (b)(6), (b)(7)(C) denied any sexual contact under her clothing and declined a Sexual Assault Forensic Examination (SAFE). During an interrogation, (b)(6), (b)(7)(C) claimed he consumed approximately 14 alcoholic beverages over the course of about 9 hours and conceded his ability to recall exact details was very limited but reported engaging in consensual kissing with (b)(6), (b)(7)(C) at the Rock N Roll bar. (b)(6), (b)(7)(C) denied any sexual contact of (b)(6), (b)(7)(C) or trying to forcibly remove her clothing. On 16NOV12, nonjudicial punishment was imposed on (b)(6), (b)(7)(C) in the form of reduction in rate two pay grades, forfeiture of \$1656.00 pay per month for two months and 60 days restriction. This investigation is closed.

NARRATIVE

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 28JUN12-FEXO-0065-8DNA/C

13Mar13

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, Sexual Assault, and Other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).

2. On 16NOV12, nonjudicial punishment was imposed on (b)(6), (b)(7)(C) in the form of reduction in rate two pay grades, forfeiture of \$1656.00 pay per month for two months and 60 days restriction. A copy of the ruling will be maintained in the case notes.

3. This investigation is closed.

DISTRIBUTION

NCISHQ:0023

INFO :FEYK/FEFO/USS GEORGE WASHINGTON (CVN 73) (Commanding Officer) (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

384665 20:13 20100223 IN:SSDEMAIL #32655 OUT:NIPRDAAAM #19247

REPORT OF INVESTIGATION (CLOSED)

22FEB10

RAPE (II)

CONTROL: 28NOV09-FEXO-0086-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

(A) NCISRU USS GEORGE WASHINGTON ROI (INTERIM)/03DEC09... (Contains Exhibits 1-9)

EXHIBIT(S)

(10) IA: Results of Trial/17Feb10... (Copy All, Less 0023)

EXECUTIVE SUMMARY

1. On 28Nov09, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) reported during the early morning hours of 28Nov09, she was the victim of a rape aboard the USS GEORGE WASHINGTON (CVN 73). (b)(6), (b)(7)(C) reported a fellow shipmate named (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) removed a camera from her computer bag and discovered that it possessed nude photographs of her on the memory disk. (b)(6), (b)(7)(C) advised she asked for the camera back numerous times; however, (b)(6), (b)(7)(C) refused to cooperate with her requests. (b)(6), (b)(7)(C) stated in order to have the camera and disk returned to her, (b)(6), (b)(7)(C) told her she had to have sex with him. (b)(6), (b)(7)(C) advised she felt like she was blackmailed into having sex with (b)(6), (b)(7)(C) as he would not relinquish control of the media disk until she did. After advisement and waiver of rights, (b)(6), (b)(7)(C) was interviewed, wherein he admitted culpability to manipulating (b)(6), (b)(7)(C) to get her to have sex with him in return for the camera and disk. Pertinent witnesses were identified and interviewed, and a crime scene examination where the incident took place was conducted, which resulted in various items of evidentiary value being discovered. Additionally, a Permissive Authorization for Search and Seizure of (b)(6), (b)(7)(C) berthing area as conducted, which resulted in more items of evidentiary value being discovered. (b)(6), (b)(7)(C) was subsequently placed into Pre-Trial confinement.

2. On 25Jan10, (b)(6), (b)(7)(C) was subject to a Special Court-Martial before a judge alone aboard Commander Fleet Activities, Yokosuka, Japan and found guilty of the following Uniform Code of Military Justice (UCMJ) offenses; two (2) counts of Article 92 (Disobeying a lawful order), two (2) counts of Article 120 (Abusive Sexual Contact by Using Threats or Placing in Fear), and three (3) counts of Article 128 (Assault consummated by Battery). (b)(6), (b)(7)(C) was given sixty days hard labor with out confinement, reduction in grade to E-2, forfeiture of

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 28NOV09-FEXO-0086-8FNA/C

22Feb10

2/3 pay for ninety days and restricted to the confines of the USS GEORGE WASHINGTON (CVN 73) for sixty days. Additionally, (b)(6), (b)(7)(C) was administratively separated from the USN under Other than Honorable Conditions. Case Closed.

NARRATIVE

1. This instant investigation was initiated pursuant to a suspected violation of Article 120 (Rape, sexual assault, and other sexual misconduct) of the UCMJ.

2. On 25Jan10 (b)(6), (b)(7)(C) was subject to a Special Court-Martial before a judge alone aboard Commander Fleet Activities, Yokosuka, Japan and found guilty of the following Uniform Code of Military Justice offenses; two (2) counts of Article 92 (Disobeying a lawful order), two (2) counts of Article 120 (Abusive Sexual Contact by Using Threats or Placing in Fear), and three (3) counts of Article 128 (Assault consummated by Battery). (b)(6), (b)(7)(C) was given sixty days hard labor with out confinement, reduction in grade to E-2, forfeiture of 2/3 pay for ninety days and restricted to the confines of the USS GEORGE WASHINGTON (CVN 73) for sixty days. Additionally, (b)(6), (b)(7)(C) was administratively separated from the USN under Other than Honorable Conditions, Exhibit (10) provides amplifying details. Case Closed.

ACTION

DIST: Please note the original transmission of this ROI contained an error in the "Header" as it listed this as an INTERIM report vice a CLOSED report. Any previous transmissions of this ROI should be destroyed. This transmission supersedes all others and contains revised "Header" information.

0024B3: Submission of criminal fingerprint cards (2) and mug shot photographs for inclusion into the FBI database. Tracking number: RR 581 792 306 US

DISTRIBUTION

NCISHQ: 0023B

ACTION: 0024B3

INFO: FEYK/FEXO/ Commanding Officer via (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) SJA (H)/RLSO (H)

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

336800 18:26 20120221 IN:SSDEMAIL #81358 OUT:NIPRDAAAM #80386

REPORT OF INVESTIGATION (CLOSED)

21FEB12

RAPE

CONTROL: 29AUG11-NWBR-0204-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISRA BREMERTON ROI (INTERIM)/19OCT11 (Contains Exhibits 1-2)
- (B) NCISRU USS GEORGE WASHINGTON (CVN-73)/19DEC1 (Contains Exhibits 3-11)

EXHIBITS

(12) Sworn Statement of (b)(6), (b)(7)(C) Civ/15Nov11... (Copy all)

EXECUTIVE SUMMARY

1. On 29Aug11, NCISRA Bremerton was contacted by (b)(6), (b)(7)(C) USN, Executive Officer, Transient Personnel Unit-Bangor, Washington, regarding allegations of rape. According to (b)(6), (b)(7)(C) had disclosed being raped while speaking with (b)(6), (b)(7)(C) USN, earlier that morning. (b)(6), (b)(7)(C) further advised the alleged rape had occurred while (b)(6), (b)(7)(C) was stationed onboard the USS GEORGE WASHINGTON (CVN-73) in Yokosuka, Japan. (b)(6), (b)(7)(C) was subsequently interviewed by NCIS and advised that on 24Apr11, she had received several text messages from (b)(6), (b)(7)(C) wanting to speak with her. (b)(6), (b)(7)(C) stated she met (b)(6), (b)(7)(C) on the hangar bay and they decided to talk on the pier. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) convinced her to continue their conversation in her room at the Navy Lodge with him. According to (b)(6), (b)(7)(C) once they returned to her room, (b)(6), (b)(7)(C) started to kiss her. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) to stop, but he wouldn't listen and proceeded to put his hand down her pants and digitally penetrated her. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) then forced her to engage in non-consensual sexual intercourse. Contact was made with (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73) who advised (b)(6), (b)(7)(C) was administratively separated from the U.S. Navy for (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was interrogated after having been advised of and waiving his Article 31b rights, and admitted to having consensual sexual relations with (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) gave permissive authorization for the search of his IPHONE, which revealed text messages from (b)(6), (b)(7)(C) dated after the alleged sexual assault where (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) if on the night they had sex if she got caught by her current boyfriend, (b)(6), (b)(7)(C) for being with (b)(6), (b)(7)(C). In other messages (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) that she missed him and wished he were with her and stated (b)(6), (b)(7)(C) was angry with her because she won't stop talking to (b)(6), (b)(7)(C). On 27Oct11,

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CONTROL: 29AUG11-NWBR-0204-8FNA/C

21Feb12

(b)(6), (b)(7)(C) was re-interviewed and reiterated that everything in her original statement was accurate and that she sent the friendly text messages to (b)(6), (b)(7)(C) because she was worried that (b)(6), (b)(7)(C) would tarnish her reputation within Command if she confronted him about the rape. A witness interview was conducted with (b)(6), (b)(7)(C) Civilian, who advised that the day after the alleged rape, he was with (b)(6), (b)(7)(C) at a bar and (b)(6), (b)(7)(C) confronted (b)(6), (b)(7)(C) about her taking (b)(6), (b)(7)(C) back to the room at the Navy Lodge. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) admitted to bringing (b)(6), (b)(7)(C) back to the room, but said they slept in separate beds and did not have sex. An interview was conducted with (b)(6), (b)(7)(C) who stated that (b)(6), (b)(7)(C) initially told him that she kissed (b)(6), (b)(7)(C) and nothing else happened. (b)(6), (b)(7)(C) stated after he and (b)(6), (b)(7)(C) went UA together, (b)(6), (b)(7)(C) told him that she told (b)(6), (b)(7)(C) "No" and that they started off kissing and ended up having sexual intercourse. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) never said or indicated any force was used. After having been re-interviewed in October 2011, (b)(6), (b)(7)(C) has not responded to the multiple attempts to contact her made by Reporting Agent and Trial Counsel. On 21Feb12, coordination was made with (b)(6), (b)(7)(C) USN, Regional Legal Services Office (RLSO) and (b)(6), (b)(7)(C) advised Command would take no judicial or administrative action against (b)(6), (b)(7)(C) citing a lack of evidence to support the alleged crime and victim non-participation. Investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the Uniform Code of Military Justice Article 120 (Rape, Sexual Assault and other sexual misconduct).

2. On 15Nov12, Participating Agent (b)(6), (b)(7)(C) conducted an interview of (b)(6), (b)(7)(C) former boyfriend of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) use to date (b)(6), (b)(7)(C) and that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) continued "talking" even after he (b)(6), (b)(7)(C) started dating her. (b)(6), (b)(7)(C) reported on the night in question, (b)(6), (b)(7)(C) told him that (b)(6), (b)(7)(C) had been texting her wanting her to "go out" with him. (b)(6), (b)(7)(C) said he warned (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) anted to have sex. (b)(6), (b)(7)(C) said that when he discovered that (b)(6), (b)(7)(C) had obtained an extra key from the front desk for the room at the Navy Lodge, he confronted her about whether (b)(6), (b)(7)(C) had been with her. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) initially told him that she kissed (b)(6), (b)(7)(C) and nothing else happened. (b)(6), (b)(7)(C) stated after he and (b)(6), (b)(7)(C) went UA together, (b)(6), (b)(7)(C) told him that she told (b)(6), (b)(7)(C) "No" and that they started off kissing and ended up having sexual intercourse; Exhibit (12) pertains.

3. On 08Feb12, (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73) was briefed on the status of the investigation. On 21Feb12, coordination was made with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) advised Command would take no judicial or administrative action against (b)(6), (b)(7)(C) citing a lack of evidence supporting the alleged crime and victim non-participation. Investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, NCISRU Cleveland

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 29AUG11-NWBR-0204-8FNA/C

21Feb12

DISTRIBUTION

NCISHQ: 023B

INFO: 002P/014C/NWBR/FEYK/FEXO/Command USS GEORGE WASHINGTON CVN-73 (H) /RLSO (H)

29AUG11-NWBR-0204-8FNA/C

21FEB12

SUBJ:

(b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C)

V2 LNY

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Page 3 of 3

F13-0580.FEXO 000108

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

497020 23:52 20100606 IN:SSDEMAIL #58525 OUT:NIPRDAAAM #44568

REPORT OF INVESTIGATION (CLOSED)

05JUN10

INDECENT ASSAULT (II)

CONTROL: 29MAR10-FEXO-0030-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRU USS GW ROI (INTERIM)/17APR10 (Contains Exhibits 1-8)

EXHIBITS

- (9) IA: Receipt of (b)(6), (b)(7)(C) Victim Preference Statement/12May10... (Copy All, Less 0023)
- (10) IA: Receipt of NJP Results for (b)(6), (b)(7)(C) 31May10... (Copy All, Less 0023)

EXECUTIVE SUMMARY

1. On 29Mar10, (b)(6), (b)(7)(C), USA, Japan District Veterinary Command reported that during the early morning hours of 27Mar10, she awoke and (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) was digitally penetrating her vagina without her consent. A crime scene search was conducted and various items of evidentiary value were seized as evidence. Pertinent witnesses were identified and interviewed. An oral/wire intercept was conducted, wherein (b)(6), (b)(7)(C) apologized to (b)(6), (b)(7)(C) and stated he digitally penetrated (b)(6), (b)(7)(C) advised he did not touch his penis against her vagina. Following advisement and waiver of rights, (b)(6), (b)(7)(C) was interviewed and admitted culpability to inserting his fingers into (b)(6), (b)(7)(C) vagina, while she was sleeping/passed out. (b)(6), (b)(7)(C) denied touching his penis against her vagina. On 12May10, (b)(6), (b)(7)(C) advised representatives from the Regional Legal Services Office that she did not wish to partake in any court proceedings related to this investigation. On 31May10, (b)(6), (b)(7)(C) was subject to Non Judicial Punishment via Captains Mast and was found guilty of Article 120 (Wrongful Sexual Contact) of the Uniform Code Military Justice. (b)(6), (b)(7)(C) was awarded reduction in rate to the next inferior pay grade, forfeiture of \$841.00 for two months, and sixty days restriction. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, Sexual Assault, and other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).

2. Pursuant to investigative actions related to Reference (A), on 12May10, (b)(6), (b)(7)(C) contacted (b)(6), (b)(7)(C) JAGC, USN, CFAY,

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 29MAR10-FEXO-0030-8DNA/C

05Jun10

Japan and advised she no longer wanted to participate in any further judicial proceedings. (b)(6), (b)(7)(C) provided a Victim Preference Statement; Exhibit (9) pertains.

3. On 31May10, (b)(6), (b)(7)(C) was subject to Non Judicial Punishment via Captains Mast and was found guilty of Article 120 (Wrongful Sexual Contact) of the Uniform Code Military Justice. (b)(6), (b)(7)(C) was awarded reduction in rate to the next inferior pay grade, forfeiture of \$841.00 for two months, and sixty days restriction. This investigation is closed.

ACTION

0024B3: Submission of criminal fingerprint cards (2) and mug shot photos (3) are in inclusion into FBI database. Registered mail number (RR 873 272 050 US).

DISTRIBUTION

NCISHQ: 0023

ACTION: 24B3

INFO: FFYK/CO USS GEORGE WASHINGTON (CVN 73) via (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN, JAG (H)

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

125923 18:49 20110724 IN:SSDEMAIL #28276 OUT:NIPRDAAAM #27768

REPORT OF INVESTIGATION (CLOSED)

22JUL11

INDECENT ASSAULT (II)

CONTROL: 29MAY11-FEXO-0056-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRU USS GEORGE WASHINGTON (CVN 73) ROI (INTERIM)/20Jun11
(Contains Exhibits 1-7)

EXECUTIVE SUMMARY

1. On 28May11, NCISRU USS GEORGE WASHINGTON (CVN-73) was notified by (b)(6), (b)(7)(C) USN, Command Duty Officer, of an allegation of wrongful sexual contact made by (b)(6), (b)(7)(C) According to (b)(6), (b)(7)(C) that day while taking part in a fire drill aboard the USS GEORGE WASHINGTON (CVN-73), (b)(6), (b)(7)(C) asked for her help. (b)(6), (b)(7)(C) eventually began asking (b)(6), (b)(7)(C) questions about her sex life after discovering she was bisexual. While in one of the ship's repair lockers, (b)(6), (b)(7)(C) attempted to kiss (b)(6), (b)(7)(C) by using his hand to pull her chin towards his face. (b)(6), (b)(7)(C) said she pulled away and told him "no." Immediately afterwards, (b)(6), (b)(7)(C) put both of his hands on (b)(6), (b)(7)(C) breasts over her uniform and said something like, "damn, I didn't know they were so big." (b)(6), (b)(7)(C) advised she ran out of the room after that and subsequently told her work supervisor about the incident. On 21Jul11, the command declined to pursue charges against (b)(6), (b)(7)(C) This case is closed.

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to alleged violations of Article 120 (Wrongful Sexual Contact) of the Uniform Code of Military Justice (UCMJ).

2. On 21Jul11, (b)(6), (b)(7)(C) USN, Staff Judge Advocate (SJA), USS GEORGE WASHINGTON (CVN 73), indicated that the command would not be pursuing charges against (b)(6), (b)(7)(C) due to a lack of supporting evidence. He added that (b)(6), (b)(7)(C) would be issued a formal counseling letter, which will be included in his service record.

3. This case is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: 002P/FEYK/Command (H)

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F13-0580.FEXO 000111

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CONTROL: 29MAY11-FEXO-0056-8DNA/C

22Jul11

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(b)(6), (b)(7)(C)

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F13-0580.FEXO 000112

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

658756 02:35 20120821 IN:SSDEMAIL #35454 OUT:NIPRDAAAM #34709

REPORT OF INVESTIGATION (CLOSED)

20AUG12

INDECENT ASSAULT (II)

CONTROL: 30APR12-FEXO-0043-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI (INTERIM)/12Jun12
Contains Exhibits (1-10)

EXHIBITS

- (11) IA: Results of Non-Judicial Punishment/05Aug12...(Copy all)

EXECUTIVE SUMMARY

1. On 29Apr12, NCISRU USS GEORGE WASHINGTON (CVN-73) received notification from (b)(6), (b)(7)(C) USN, Command Duty Officer, USS GEORGE WASHINGTON (CVN-73), stating (b)(6), (b)(7)(C) was arrested by the Japanese Police for allegedly grabbing the buttocks of a Japanese National female while attending a beer festival in Yokohama, Japan. Further inquiries with (b)(6), (b)(7)(C) Suijo Police Station (SPS), Yokohama, Japan, revealed (b)(6), (b)(7)(C) was at "Octoberfest" in Yokohama, Japan, when he approached (b)(6), (b)(7)(C) and whispered closely to her about being cute. (b)(6), (b)(7)(C) then proceeded to place his hand on her buttocks. (b)(6), (b)(7)(C) a Security Guard working the event, detained (b)(6), (b)(7)(C) until the arrival of Japanese Police. (b)(6), (b)(7)(C) was subsequently arrested for sexual assault and the Japanese Police assumed jurisdiction. The Japanese Prosecutor overseeing this case decided to impose an initial 10 day detention for (b)(6), (b)(7)(C). The Yokohama Suijo Police Station provided copies of their police reports, including interviews of (b)(6), (b)(7)(C) and a witness, which were subsequently translated. On 07May12, (b)(6), (b)(7)(C) was interviewed by Japanese Police and he provided a voluntary statement admitting the wrongful sexual touching of (b)(6), (b)(7)(C). On 09May12, (b)(6), (b)(7)(C) was presented with an apology and monetary compensation as a part of a formal arrangement between (b)(6), (b)(7)(C) and the Japanese Prosecutor's Office. (b)(6), (b)(7)(C) was detained at the Kaga Cho Police Station in Yokohama until his release on 14May12. On 14May12, the Japanese Prosecutor's Office declined to press formal charges against (b)(6), (b)(7)(C) therefore, the NCISRU USS GEORGE WASHINGTON (CVN-73) has assumed primary control of this investigation since (b)(6), (b)(7)(C) is a Navy member. On 23May12, (b)(6), (b)(7)(C) declined to be interviewed by NCIS citing the Japanese Police had already investigated the issue and she did not wish to

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 30APR12-FEXO-0043-8DNA/C

20Aug12

repeat the process with the U.S. Navy. (b)(6), (b)(7)(C) was interrogated after having waived his Article 31B rights and stated he "blackened out" from heavy alcohol consumption and does not recall touching

(b)(6), (b)(7)(C) On 25Jul12, (b)(6), (b)(7)(C) was taken before CAPTAIN'S Mast and found guilty of Violating Article 128 (Assault) and Article 134 (Drunk and Disorderly Conduct), and awarded reduction to the next inferior pay grade, forfeiture of \$1,040.00 per month for two months, and 60 days restriction on board the USS GEORGE WASHINGTON (CVN-73). Investigation is closed.

NARRATIVE

1. This investigation was initiated to provide details and disposition to Command and facilitate any requests for assistance from the Japanese Police. This investigation pertains to suspected violations of Japanese Law, Article 3.1.1 (Inappropriate Touching) Kanagawa Prefectural Ordinance, and Article 120 (Wrongful Sexual Contact) of the Uniform Code of Military Justice. Reference (A) reports prior investigative effort.

2. On 25Jul12, (b)(6), (b)(7)(C) was taken before CAPTAIN'S Mast and found guilty of Violating Article 128 (Assault) and Article 134 (Drunk and Disorderly Conduct), and awarded reduction to the next inferior pay grade, forfeiture of \$1,040.00 per month for two months, and 60 days restriction on board the USS GEORGE WASHINGTON (CVN-73); Exhibit (11) pertains.

3. On 25Jul12, (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73) and (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73), were briefed on the status of this investigation. On 20Aug12, (b)(6), (b)(7)(C) USN, Regional Legal Services Office (RLSO), Yokosuka, Japan and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Staff Judge Advocate, CFAY, Japan, were also briefed. Investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Investigator, NCISRA Yokosuka Japan
(b)(6), (b)(7)(C) Investigator, NCISRA Yokosuka Japan

DISPOSITION

NCISHQ: 023B

INFO: 002P/014C/FEYK/FEXO (b)(6), (b)(7)(C), USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73) (H) (b)(6), (b)(7)(C) CJA, USS GW (H) (b)(6), (b)(7)(C) USN, RLSO (H) / (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Staff Judge Advocate (CFAY) Japan (H)

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

328508 20:50 20120212 IN:SSDEMAIL #78766 OUT:NIPRDAAAM #77859

REPORT OF INVESTIGATION (CLOSED)

09FEB12

INDECENT ASSAULT (II)

CONTROL: 30NOV11-FEXO-0150-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI (INTERIM)/20Dec11
(Contains Exhibits 1-9)

EXHIBITS

- (10) IA: Review of (b)(6), (b)(7)(C) Service Record/07Jan12...(Copy all)
(11) IA: Review of (b)(6), (b)(7)(C) Service Record/07Jan12...(Copy all)
(12) IA: Results of Non-Judicial Punishment/09Feb12...(Copy all)

EXECUTIVE SUMMARY

1. On 30Nov11, NCISRU USS GEORGE WASHINGTON (CVN-73), received notification from (b)(6), (b)(7)(C) USN, Executive Officer, USS GEORGE WASHINGTON (CVN-73), that (b)(6), (b)(7)(C) reported she was "groped" in her genital area by (b)(6), (b)(7)(C) on 28Nov11. RA interviewed (b)(6), (b)(7)(C) with her assigned Victim Advocate, Hospital Corpsman Petty Officer First Class (HM1) (b)(6), (b)(7)(C) USN. Prior to the interview, (b)(6), (b)(7)(C) was provided a Victim Witness Assistance Program (VWAP) pamphlet. (b)(6), (b)(7)(C) stated she received a phone call from (b)(6), (b)(7)(C) asking her to go "hang out" in the Honch. (b)(6), (b)(7)(C) said she and (b)(6), (b)(7)(C) met and ate at a local restaurant off base. (b)(6), (b)(7)(C) stated that after dinner, they went to a bar. (b)(6), (b)(7)(C) stated she and (b)(6), (b)(7)(C) sat down next to each other and she put a pillow in between herself and (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) removed the pillow and grabbed her vaginal area on the outside of her clothes. (b)(6), (b)(7)(C) said she quickly pushed (b)(6), (b)(7)(C) hand away and reminded him that she was interested in someone else. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) then grabbed her in the crotch again on the outside of her clothing. (b)(6), (b)(7)(C) advised she then left the establishment. Oral/wire intercept authority was granted and multiple phone calls and text messages between (b)(6), (b)(7)(C) were captured. Initially (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) he was "high" and didn't remember what he did to her. (b)(6), (b)(7)(C) then admitted he knew what he did and he apologized for offending her and asked (b)(6), (b)(7)(C) to move on and forget it. (b)(6), (b)(7)(C) was subsequently interrogated after having been advised of and waiving his Article 31b rights, and denied any sexual contact with (b)(6), (b)(7)(C) provided a sworn statement. Witness interviews were conducted, which revealed that (b)(6), (b)(7)(C) was emotional and

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CONTROL: 30NOV11-FEXO-0150-8DNA/C

09Feb12

expressed an urgent need to leave the bar after the alleged incident. The witnesses provided sworn statements detailing how (b)(6), (b)(7)(C) told them about the alleged sexual assault. On 01Feb12, (b)(6), (b)(7)(C) was subject to Non-Judicial Punishment on board the USS GEORGE WASHINGTON (CVN-73) and was found guilty of Article 128 (Assault) and awarded forfeiture of \$770.00 per month for two months and 60 days restriction. Investigation is closed.

NARRATIVE

1. This case was initiated as a reactive investigation pursuant to suspected violations of Article 120 (Wrongful Sexual Contact) of the United States Code of Military Justice (UCMJ).

2. On 05Jan12, Reporting Agent (RA) conducted a review of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) Service Record Books for pertinent personal history and military experience; Exhibits (10) and (11) pertain.

3. On 06Feb12, RA made contact with (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) advised that on 01Feb12 (b)(6), (b)(7)(C) was subject to Non-Judicial Punishment on board the USS GEORGE WASHINGTON (CVN-73) and was found guilty of Article 128 (Assault), specifically that he did unlawfully strike (b)(6), (b)(7)(C) on the body with his hands. (b)(6), (b)(7)(C) as awarded forfeiture of \$770.00 per month for 2 months and 60 days restriction.

4. On 08Feb12, (b)(6), (b)(7)(C), USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73), (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73), and (b)(6), (b)(7)(C) USN, Senior Trial Counsel, Regional Legal Services Office (RLSO) Yokosuka Japan, were briefed on the status of this investigation, which is closed.

ACTION

23C2: Submission of two (2) criminal fingerprint cards and three (3) mug shot photographs are for inclusion in the FBI database via Livescan transmission FEYK0000000155.

DISTRIBUTION

NCISHQ: 023B

ACTION: 23C2

INFO: 002P/014C/FEYK/FEXO/Command (H)/RLSO (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

290002 20:30 20120108 IN:SSDEMAIL #69226 OUT:NIPRDAAAM #68569

REPORT OF INVESTIGATION (CLOSED)

05JAN12

INDECENT ASSAULT (II)

CONTROL: 30SEP11-FEXO-0123-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEXO/NCISRU USS GW (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISRU USS GEORGE WASHINGTON (CVN-73) ROI (INTERIM)/
08NOV11 (Contains Exhibits 1-12)

EXHIBIT

- (13) IA: Results of Non-Judicial Punishment/22DEC11...(Copy all)
(14) IA: Results of Review of (b)(6), (b)(7)(C) Service Record
Book/05Jan12...(Copy all)
(15) IA: Results of Review of (b)(6), (b)(7)(C) Service Record
Book/05Jan12...(Copy all)

EXECUTIVE SUMMARY

1. On 27Sep11, NCISRU USS GEORGE WASHINGTON (CVN-73) received notification from (b)(6), (b)(7)(C) USN, Command Judge Advocate, that (b)(6), (b)(7)(C) reported being touched inappropriately by (b)(6), (b)(7)(C) while on board the USS GEORGE WASHINGTON (CVN-73). Due to operational commitments, an interview was conducted with (b)(6), (b)(7)(C) and her assigned Victim Advocate (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73), on 29Sep11. (b)(6), (b)(7)(C) stated that while she was walking near the ship's Mess Deck she saw (b)(6), (b)(7)(C) coming towards her in the opposite direction. (b)(6), (b)(7)(C) said just after (b)(6), (b)(7)(C) passed her she felt a hard slap to her buttocks. (b)(6), (b)(7)(C) advised she looked back and (b)(6), (b)(7)(C) continued walking. (b)(6), (b)(7)(C) stated she immediately reported the incident to her chain of command. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) often gives her looks that make her feel uncomfortable and relayed that another female sailor, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USS GEORGE WASHINGTON (CVN-73), told her that (b)(6), (b)(7)(C) "cornered" her several months ago, but she was able to get away. (b)(6), (b)(7)(C) was provided a Victim Witness Assistance Program (VWAP) pamphlet. A witness, (b)(6), (b)(7)(C) USN, Deck Department, USS GEORGE WASHINGTON (CVN-73), witnessed the assault and provided a sworn statement to Security. A Military Protective Order was issued by Command. On 04Oct11, an interrogation of (b)(6), (b)(7)(C) was attempted but subsequent to having been read his Article 31b rights, (b)(6), (b)(7)(C) elected to remain silent and consult with an attorney. (b)(6), (b)(7)(C) was re-interviewed subsequent to consulting with his attorney and denied touching (b)(6), (b)(7)(C) buttocks. On 05Nov11,

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F13-0580.FEXO 000117

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 30SEP11-FEXO-0123-8DNA/C

05Jan12

(b)(6), (b)(7)(C) was taken before Captain's Mast and found guilty of Article 92 (Failure to Obey Other Lawful Order) and Article 120 (Wrongful Sexual Contact). He was awarded a reduction to next inferior pay grade, forfeiture of \$1,657.00 per month for two months and 60 days restriction. Subsequent to (b)(6), (b)(7)(C) appeal for Non Judicial Punishment being declined, on 22Dec11 the results of judicial action were obtained. Investigation is closed.

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to suspected violations of Article 120 (Wrongful Sexual Contact) of the Uniform Code of Military Justice (UCMJ).

2. On 05Nov11, (b)(6), (b)(7)(C) was taken before Captain's Mast and found guilty of violation of Article 92 (Failure to Obey Other Lawful Order) and Article 120 (Wrongful Sexual Contact) of the Uniform Code of Military Justice (UCMJ). (b)(6), (b)(7)(C) was awarded reduction to the next inferior pay grade, forfeiture of \$1,657.00 per month for two months and 60 days restriction; Exhibit (13) pertains.

3. On 05Jan12, RA conducted a review of (b)(6), (b)(7)(C) Service Record Books (SRB) to document biographical information and military experience. (b)(6), (b)(7)(C) SRB contained the results of the NJP for captioned investigation. No other pertinent information pertaining to this investigation was gleaned; Exhibits (14) and (15) pertain.

4. On 22DEC11, (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN-73) and (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73) were briefed on the status of this investigation, which is closed.

ACTION

23C2: Submission of two (2) criminal fingerprint cards and three (3) mug shot photographs are for inclusion in the FBI database.
Registered Mail Tracking Number: RR 581 793 434 US.

DISTRIBUITION

NCISHQ: 0023B

ACTION: 23C2 (M)

INFO: 002P/014C/FEYK/FEX0/Command (H)/RLSO, ATTN: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) USN (H)

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(b)(6), (b)(7)(C) V2 LNY

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F13-0580.FEXO 000118

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101236 04:11 20090908 IN:SSDEMAIL #57447 OUT:NIPRDAAAM #44100

REPORT OF INVESTIGATION (CLOSED)

02SEP09

INDECENT ASSAULT (II)

CONTROL: 31AUG09-FEXO-0064-8DNA/C

I/USS MCCAMPBELL (DDG 85), YOKOSUKA JAPAN/POSSIBLE INDECENT ASSAULT
ABOARD THE USS MCCAMPBELL (DDG 85)

COMMAND/USS MCCAMPBELL (DDG 85)/22993

MADE AT/FEXO/NCISRU USS GW (CVN 73) / (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT

(1) Sworn Statement of (b)(6), (b)(7)(C) 31Aug09... (Copy All)

NARRATIVE

1. On 30Aug09, Reporting Agent (RA) was contacted by (b)(6), (b)(7)(C) USS MCCAMPBELL (DDG 85) relaying that during a Disciplinary Review Board = (DRB) hearing, (b)(6), (b)(7)(C) alleged she was sexually assaulted by = (b)(6), (b)(7)(C) on 29Aug09 aboard the USS MCCAMPBELL (DDG 85). (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) reported that (b)(6), (b)(7)(C) was attending DRB for charges regarding = Adultery and Failure to Obey pertaining to an investigation that = involved (b)(6), (b)(7)(C) being caught in a fan room engaged = in sexual activity. During (b)(6), (b)(7)(C) investigation, both (b)(6), (b)(7)(C) admitted the = sexual activity was not forced and was consensual. (b)(6), (b)(7)(C) pled = guilty to the charges at DRB, but during questioning stated she was = forced and sexually assaulted by (b)(6), (b)(7)(C) DRB was immediately stopped = and (b)(6), (b)(7)(C) as excused to see a SAVI advocate on the ship. = Subsequently, RA was requested to fly via a helicopter to the USS = MCCAMPBELL (DDG 85) and investigate (b)(6), (b)(7)(C) allegations.

2. On 31Aug09, (b)(6), (b)(7)(C) was interviewed regarding the allegations of = being sexually assaulted by (b)(6), (b)(7)(C) explained she had = watch on 29Aug09 until 2330 hours. When she got off watch, (b)(6), (b)(7)(C) = was waiting for her outside her work station. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) went to the smoke sponson and sat down outside the darkend = ship curtains. While sitting on the non-skid, (b)(6), (b)(7)(C) was talking = about sex with (b)(6), (b)(7)(C) but she was not interested. (b)(6), (b)(7)(C) attempted to kiss (b)(6), (b)(7)(C) on the lips, but she pushed him away = before he actually kissed her. When (b)(6), (b)(7)(C) pushed (b)(6), (b)(7)(C) away, = he stopped, but kept attempting to kiss her a few more times. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) would rub the outside of her thigh = over her clothing on and off throughout the conversation. (b)(6), (b)(7)(C) slapped his hand away each time; he would stop, but then would attempt = it again throughout the conversation. (b)(6), (b)(7)(C) stated she was = offended by (b)(6), (b)(7)(C) actions and that was what she meant at DRB when = she felt she was sexually assaulted by (b)(6), (b)(7)(C) When talking to RA, = (b)(6), (b)(7)(C) stated she doesn't believe she was sexually assaulted but = she was offended by (b)(6), (b)(7)(C) persistence.

3. (b)(6), (b)(7)(C) explained she did consensually kiss (b)(6), (b)(7)(C) multiple = times near the smoke sponson after the conversation on the non-skid (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 31AUG09-FEXO-0064-8DNA/C

02Sep09

(b)(6), (b)(7)(C) also stated she voluntarily followed (b)(6), (b)(7)(C) into the fan room on 29Aug09 after their conversation on the smoke = sponson. After entering the fan room, (b)(6), (b)(7)(C) consented and allowed = (b)(6), (b)(7)(C) to digitally penetrate her vagina before getting caught by = shipmates. (b)(6), (b)(7)(C) denied making sexual assault allegations to get = out of DRB, but stated DRB was stopped before she could further explain = her answers to their questions. Refer to Exhibit (1) for additional = details.

4. On 31Aug09, (b)(6), (b)(7)(C) Commanding Officer, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Executive Officer and (b)(6), (b)(7)(C) USS MCCAMPBELL (DDG 85) and (b)(6), (b)(7)(C) Staff Judge Advocate, CTF 70, were all = apprised of the details of this investigation. Command has decided to = take no action further action in light of the information contained in = this report but will take (b)(6), (b)(7)(C) back to DRB.

ACTION

0023: ONLY report

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK/FEXO/ADPAC/COMMAND (ATTN (b)(6), (b)(7)(C) COMMANDING OFFICER)

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(b)(6), (b)(7)(C) V2 LNY

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