

Dear Dean Schenk

*I hope you do not mind me writing but I feel you may wish to correct a very serious mistake you appear to have made by misreading the UK stats available to you in the FOI link you have cited in the academic "Fact Sheet" (attached) you have submitted to Congress on UK sexual crime who are currently conducting hearings. It was this that appears to have led you to your firmly stated conclusion that the UK model was not one to follow. The conclusion was:*

*"If the goal is to prosecute more sex offenses, the UK system seems not to be the model for DoD to emulate. With an average of ten or less courts-martial prosecutions of sex offenses per year and about 90 sex offenses investigated annually, the UK model does not seem to be a framework that the United States Armed Forces should adopt."*

*What the US follow is of course a matter for them having heard evidence, but for Congress to proceed on the basis of what you have informed them would be a serious mistake. I do have some other concerns about what you have written but would suggest that you look first at all the annexes in the FOI Link you have quoted where you will see that (as far as I can tell) you have cited Royal Navy averages only to reach your conclusion that only 2.3 sexual offences were prosecuted each year across our Armed Forces on average. This makes your assessment completely wrong.*

*For ease of reference your citation link is:*

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/16889/Response\\_to\\_06062011151146007\\_CourtMartial\\_Figures.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/16889/Response_to_06062011151146007_CourtMartial_Figures.pdf)

*The Royal Navy also have a very good recent record in addressing the problem of sexual crime and addressing the problem of sexual offending, and the other services are doing much to improve the situation I understand. The Service Prosecuting Authority sometimes have more than 2 cases for these crimes in a single week, not 2.3 in a year as you have suggested!! We also have a robust and independent prosecution policy which is modelled on the Crown Prosecution Service approach and which has been commended by those who understand and have studied the work we have done here. I would be most happy if it was you rather than others who first point this apparent error. Please let me know if I am getting this wrong. It is of course an assertion that reflects very unfairly on the prosecuting authority for which I am responsible.*

*What you have said is as follows, some of which seems to contain some other internal inconsistency as well which is not my main purpose to comment upon:*

*"As indicated in the FOI response, from 2005 to 2010, the UK only tried an average of 2.3 sex offenses per year by courts-martial, and the UK annual prosecution rate per thousand is .013 (2.3/175,940). The rate per thousand of prosecution of DoD sex offenses is 17 times as high as for the UK. The 2013 Defence report to Parliament, supra note 28, indicates the number of sex offenses referred to trial (it might include*

disposition at Summary Dealing, a lower level than courts-martial) as follows: 2010—9 cases; 2011—7 cases; and 2012—14 cases, or an average of 10 cases each year, resulting in a .057 (10/175,940) rate per thousand, whereas the DoD rate per thousand is 3.9 times higher than the UK rate per thousand.

c. The average number of UK military sexual assaults investigated by the police each year from 2005 to 2012 was 67 and the average number of UK rapes investigated by the police from 2005 to 2012 was 22.34. An average of 89 UK sexual assaults and rapes were investigated by the police each year from 2005 to 2012, and an average of 53 serious sex offenses cases (60% of investigated cases) were referred to the SPA from 2007 to 2010. The UK court martial prosecution rate is 4.3% (2.3 cases prosecuted by courts-martial divided by 53 cases referred by investigators to the SPA), or possibly 19% (10 cases on average tried from 2010 to 2012 divided by 53 cases referred by investigators to the SPA). The U.S. Department of Defense prosecution rate for sex offenses is 18%."

I would be grateful for a response as this is a very important issue for us. By way of example, the FOI you quote shows that in 2009 there were 39 Court Martial cases for sexual offences (which needs defining of course to understand the stats properly) and 34 in 2010, and so on across the other years you cite.

If I am in error I will gladly accept this, as I trust you will be your own approach. It is the consequence of the paper that I am most concerned with not the error.

Regards

Bruce Houlder QC DL, Director of Service Prosecutions

Service Prosecuting Authority, RAF Northolt, West End Road, Ruislip, Middlesex HA4 6NG.