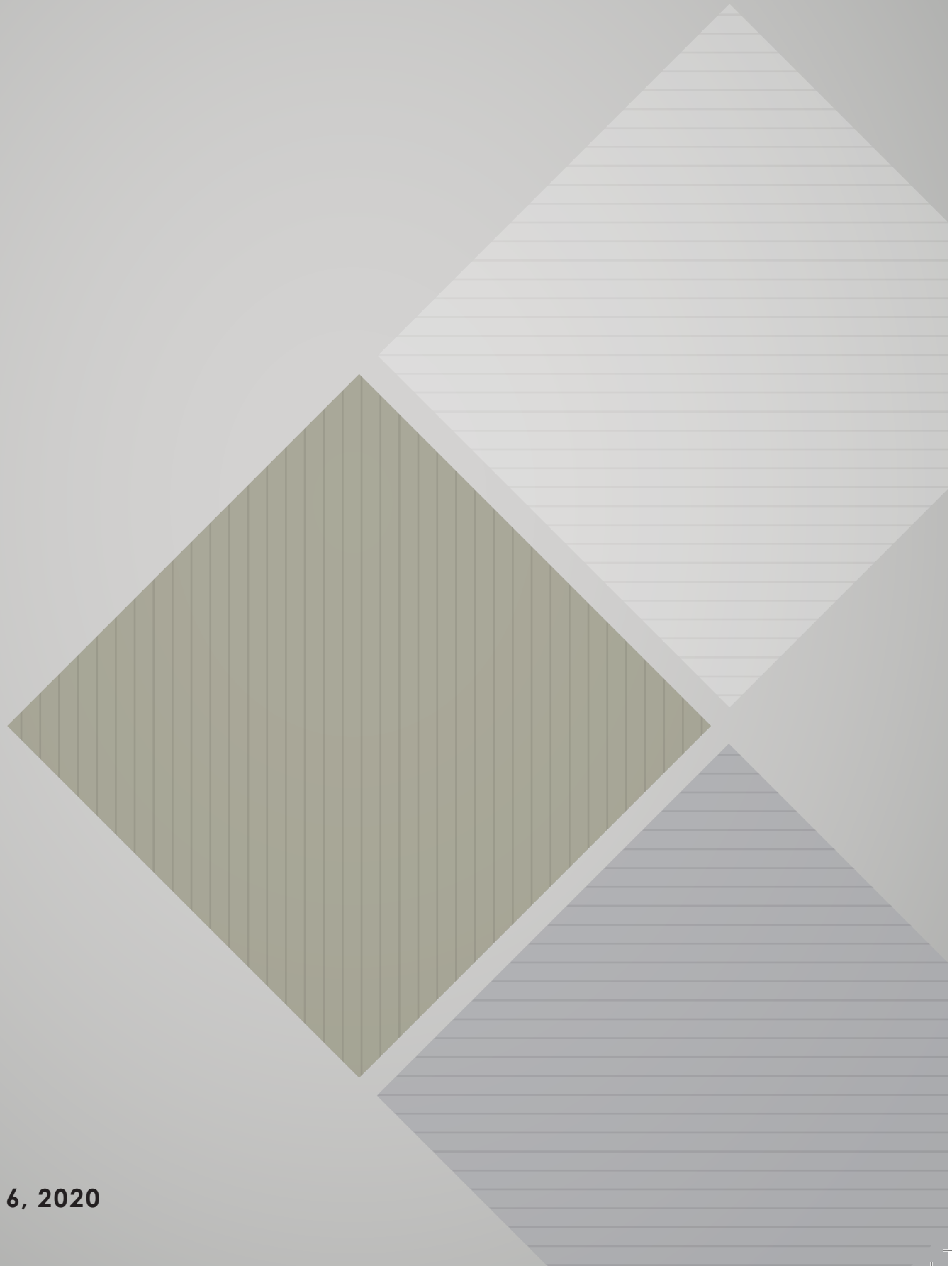


REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE



NOVEMBER 6, 2020



Report of the Fort Hood Independent Review Committee

[REDACTED]

EXECUTIVE SUMMARY

The U. S. Secretary of the Army appointed the Fort Hood Independent Review Committee (FHIRC or Committee) and directed it to “conduct a comprehensive assessment of the Fort Hood command climate and culture [], and its impact, if any, on the safety, welfare and readiness of our Soldiers and units.” In addressing this mandate, the FHIRC determined that during the time period covered by the Review, the command climate relative to the Sexual Harassment/Assault Response and Prevention (SHARP) Program at Fort Hood was ineffective, to the extent that there was a permissive environment for sexual assault and sexual harassment.¹

As set forth in this Report, specific Findings demonstrate that the implementation of the SHARP Program was ineffective. During the review period, no Commanding General or subordinate echelon commander chose to intervene proactively and mitigate known risks of high crime, sexual assault and sexual harassment. The result was a pervasive lack of confidence in the SHARP Program and an unacceptable lack of knowledge of core SHARP components regarding reporting and certain victim services. Under a structurally weak and under-resourced III Corps SHARP Program, the Sexual Assault Review Board (SARB) process was primarily utilized to address administrative and not the actual substantive aspects of the Program. While a powerful tool by design, the SARB process became a missed opportunity to develop and implement proactive strategies to create a respectful culture and prevent and reduce incidents of sexual assault and sexual harassment. From the III Corps level and below, the SHARP Program was chronically under-resourced, due to understaffing, lack of training, lack of credentialed SHARP professionals, and lack of funding. Most of all, it lacked command emphasis where it was needed the most: the enlisted ranks.

A resonant symptom of the SHARP Program’s ineffective implementation was significant underreporting of sexual harassment and sexual assault. Without intervention from the NCOs and officers entrusted with their health and safety, victims feared the inevitable consequences of reporting: ostracism, shunning and shaming, harsh treatment, and indelible damage to their career. Many have left the Army or plan to do so at the earliest opportunity.

As part of the command climate, the issues of crime and Criminal Investigation Division (CID) operations were examined. The Committee determined that serious crime issues on and off Fort Hood were neither identified nor addressed. There was a conspicuous absence of an effective risk management approach to crime incident reduction and Soldier victimization. A military installation is essentially a large, gated community. The Commander of a military installation possesses a wide variety of options to proactively address and mitigate the spectrum of crime incidents. Despite having the capability, very few tools were employed at Fort Hood to do so. Both the Directorate of Emergency Services (DES) and the CID have a mandate and a role to play in crime reduction.² Each

¹ Per an Agreement with the Undersecretary of the Army, the review period encompassed Fiscal Years (FY) 2018, 2019, and 2020. Data and information from previous FYs were incorporated as necessary for context.

² Relevant to crime prevention and investigations, two of CID’s mandated objectives are: (i) “*Participating in the Army crime prevention program by identifying areas which are especially vulnerable to crime and by making recommendations to appropriate*

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

contributed very little analysis, feedback and general situational awareness to the command toward facilitating and enabling such actions. This was another missed opportunity.

The deficient climate also extended into the missing Soldier scenarios, where no one recognized the slippage in accountability procedures and unwillingness or lack of ability of non-commissioned officers (NCOs) to keep track of their subordinates. The absence of any formal protocols for Soldiers who fail to report resulted in an *ad hoc* approach by units and Military Police (MP) to effectively address instances of missing Soldiers during the critical first 24 hours, again with adverse consequences.

Consistent with the FHIRC Charter, this Report sets forth nine Findings and offers seventy Recommendations. The Findings of the Committee are as follows:

- Finding #1: The Implementation Of The SHARP Program At Fort Hood Has Been Ineffective, Due To A Command Climate That Failed To Instill SHARP Program Core Values Below The Brigade Level.
- Finding #2: There Is Strong Evidence That Incidents Of Sexual Assault And Sexual Harassment At Fort Hood Are Significantly Underreported.
- Finding #3: The Army SHARP Program Is Structurally Flawed.
- Finding #4: The Fort Hood CID Office Had Various Inefficiencies That Adversely Impacted Accomplishment Of Its Mission.
- Finding #5: The Mechanics Of The Army's Adjudication Processes Involving Sexual Assault And Sexual Harassment Degrade Confidence In The SHARP Program.
- Finding #6: Fort Hood Public Relations & Incident Management Have Deficiencies.
- Finding #7: There Were No Established Procedures For First Line Supervisors In 'Failure to Report' Situations That Define Appropriate Actions In The Critical First 24 Hours.
- Finding #8: The Criminal Environment Within Surrounding Cities And Counties Is Commensurate With Or Lower Than Similar Sized Areas: However, There Are Unaddressed Crime Problems On Fort Hood, Because The Installation Is In A Fully Reactive Posture.
- Finding #9: The Command Climate At Fort Hood Has Been Permissive Of Sexual Harassment / Sexual Assault.

Based on these Findings, set forth in greater detail within this Report, the FHIRC provides Recommendations regarding: (i) the structure of the SHARP Program; (ii) implementation of the SHARP Program; (iii) legal components of the SHARP Program; (iv) disclosure after adjudication of

authorities for elimination of conditions conducive to criminal activity.”; and, (ii) “Ensuring known or suspected serious crimes and crimes which may result in damaging the public confidence in the Army are thoroughly and impartially investigated by USACIDC special agents.” Army Regulation 195-2, 21 July 2020, para 1-6 (p. 3).

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

SHARP allegation; (v) Fort Hood and U.S. Army Criminal Investigation Command (USACIDC) issues; (vi) missing Soldier protocols; (vii) crime prevention and response; (viii) command climate issues, and, (ix) installation public relations and incident management. While the Recommendations are set forth in full at the end of this Report on Pages 123-132, some of the more salient points include:

- ✓ The United States Army SHARP Program at Fort Hood should have a structure similar to the United States Army Trial Defense Service (TDS) and the United States Army Combat Readiness Center (CRC) and Director of Army Safety, insofar as each are structured to support the Command, while outside of the chain of command.
- ✓ At the installation level, there should be a cadre of pooled full-time Victim Advocates, comprised of a hybrid of civilian and uniformed personnel. Consider whether some or all Civilian Sexual Assault Response Coordinators (SARCs) and Victim Advocates (VAs) need Mobility Agreements to ensure compatibility with unit deployment requirements. All collateral SHARP positions should be phased out and consolidated into full-time VAs within the III Corps SHARP Program Office. All Brigade SARCS and VAs should be civilian positions.
- ✓ Strengthen and centralize all SHARP functions, governance and personnel under the installation SHARP Program Management Office.
- ✓ The SHARP Program Manager should be responsible for assessing the readiness of units in terms of SHARP awareness and cultural posture. Additionally, the installation SHARP Program Office, using the SHARP Cadre Pool, should be responsible for developing and conducting training at units throughout the installation.
- ✓ The Army should require that the installation SHARP Program Office track and monitor the aging and life-cycle of each sexual assault and sexual harassment case, and prepare a quarterly report regarding the same.
- ✓ The nature and the results of all SHARP disciplinary actions should be published at least semiannually, without identifying the subject, victim or unit, in order to deter future conduct and engender confidence in the SHARP response process.
- ✓ The Army should examine, from recruitment throughout the lifecycle of a Soldier, how the Army can better develop the “whole” person, helping each Soldier recognize the value of the warriors with whom they serve.
- ✓ Fort Hood should increase the number of appointed Special Victim Counsel.
- ✓ USACIDC should ensure that the Fort Hood and other CID offices that cover Corps and Divisional Posts maintain a sufficient number of experienced (more than 5 years) and highly experienced (more than 8 years) Special Agents to accomplish its mission. USACIDC should increase Detachment level expertise, licenses and equipment for electronic evidence forensic services, particularly for electronic data from mobile phones and laptops.
- ✓ The Command should establish a crime prevention and public safety working group to develop and implement strategies and employ all the tools available to the Command to reduce crime.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

- ✓ Establish an Army-wide set of protocols for “failure to report” scenarios for the critical first 24 hours of a Soldier’s absence.
- ✓ DES and CID should work with local law enforcement to identify high-risk establishments, locations and living areas and rapidly declare them off limits.

The FHIRC acknowledges the military’s time-honored role in protecting the security of our Nation. The sacrifices made every day by Soldiers and their families deserve unwavering respect and gratitude. Each Member of the FHIRC accepted this appointment with the intention and hope of supporting the mission and well-being of our brave Soldiers. Soldiers assaulting and harassing other Soldiers is both corrosive to esprit de corps and contrary to good order and discipline. Worse, it is contrary to Army Values. The Findings and Recommendations contained in this Report are offered in the spirit of constructive improvements, not to provide a basis for punitive actions.

ENDORSEMENT

The Members of the Fort Hood Independent Review Committee endorse this Report and submit these Findings and Recommendations to the Secretary of the Army for disposition.



Christopher Swecker
FHIRC Chairman



Jonathan P. Harmon
FHIRC Member



Carrie F. Ricci
FHIRC Member



Queta Rodriguez
FHIRC Member



Jack L. White
FHIRC Member

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

TABLE OF CONTENTS

I.	Context & Purpose of Report	1
II.	Objectives.....	3
III.	FHIRC Composition	3
IV.	Methodology / Approach	4
	1. Preparing for the On-Site Review.....	4
	1.1. Inspector General (IG) Briefings	4
	1.2. Fort Hood Overview Brief.....	5
	1.3. Climate Survey Briefings	5
	1.4. Public Source Information.....	5
	1.5. Safety Briefing.....	5
	1.6. Analytical Support and Access	6
	2. During the On-Site Review at Fort Hood.....	6
	2.1. Interviews	6
	2.1.1. Personal Interviews.....	6
	2.1.2. Group Interviews	7
	2.2. In-Person Meetings with Civil Rights Organizations.....	8
	2.3. In-Person Meetings with Local Mayors	8
	2.4. In-Person Meetings with Local Law Enforcement	9
	2.5. In-Person Meetings with Local District Attorneys.....	9
	2.6. In-Person Meeting With The Guillén Family.....	9
	2.7. Confidential Individual Surveys.....	10
	2.8. Hotline	10
	3. Specialized Interviews and Briefings	10
	4. Post On-Site Analysis	11
V.	SHARP Program History & Background.....	11
	The Army SHARP Program.....	12
	Treatment Of Sexual Harassment.....	12
	Treatment Of Sexual Assault.....	14
VI.	Findings	17
	1. Finding #1: The Implementation Of The SHARP Program At Fort Hood Has Been Ineffective, Due To A Command Climate That Failed To Instill SHARP Program Core Values Below The Brigade Level.	17

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

1.1.	During The Review Period Of 2018-2020, Fort Hood Leadership Knew Or Should Have Known Of The High Risk Of Sexual Assault And Harassment At Fort Hood.....	19
1.1.1.	The Published Rates Of Violent Sex Crimes At Fort Hood Were Notably Higher In Comparison With Other Army Installations, The Army, And FORSCOM.....	21
1.1.2.	The DoD Commissioned And Published Comprehensive Studies That Showed A High Risk Of Sexual Assault And Harassment At Fort Hood.....	23
1.1.3.	Command Climate Surveys Of Key Commands At Fort Hood Also Showed A High Risk Of Sexual Assault And Sexual Harassment.....	24
1.2.	There Was Widespread Lack Of Knowledge Of Basic SHARP Reporting Methods And The Right To Special Victims' Counsel.....	24
1.3.	There Was Universal Fear Of Retaliation, Exposure And Ostracism For Reporting SHARP Violations.....	27
1.4.	Review And Analysis Of The Mandated Sexual Assault Review Boards Revealed An Emphasis On Form Over Substance.....	31
1.5.	The SHARP Program Was Understaffed, Undertrained And Under-Resourced During Most Of The Review Period.....	34
1.6.	There Was A Pervasive Lack Of Confidence In The SHARP Program Among Soldiers.....	36
1.6.1.	It Was The Prevailing View Of SHARP Victim Advocates and Sexual Assault Response Coordinators That The SHARP Program At Fort Hood Was Ineffective.....	36
1.7.	Group Interviews Of Representatives Of Fort Hood Units Revealed That Implementation Of The SHARP Program At Fort Hood Did Not Effectively Reach The Troop/Company Levels.....	38
1.7.1.	Fort Hood NCOs in 3CR Acknowledged There Were Issues With Sexual Harassment and Assault But Accepted No Responsibility.....	41
1.7.2.	There Is A Relationship Between The Lack Of Confidence And Underreporting SHARP Violations.....	42
2.	Finding #2: There Is Strong Evidence That Incidents Of Sexual Assault And Sexual Harassment At Fort Hood Are Significantly Underreported.....	43
3.	Finding #3: The Army SHARP Program Is Structurally Flawed.....	48
3.1.	By Design, SHARP Military Professionals Are Assigned Via Borrowed Military Manpower.....	48
3.2.	SHARP Assignments Are Unlike Other Career Broadening Opportunities.....	49
3.3.	Considerable Time Is Required To Develop SHARP Military Professionals.....	50

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

3.4. Aside From Personnel Assignment Problems, Further Structural Problems Frustrate The Efficacy Of The SHARP Program.....	51
4. Finding #4: The Fort Hood CID Office Had Various Inefficiencies That Adversely Impacted Accomplishment Of Its Mission.....	53
4.1. The Fort Hood CID Detachment Did Not Have A Sufficient Number of Credentialed Special Agents On Board To Handle Its Caseload Of Complex Sex Crimes And Death Investigations.....	54
4.2. The Fort Hood CID Detachment Was Inexperienced.....	57
4.3. The Fort Hood CID Detachment Was Over-Assigned.....	61
4.4. Fort Hood CID Investigations Were Extremely Long.....	62
4.5. The Fort Hood Detachment Was Under-Resourced.....	65
5. Finding #5: The Mechanics Of The Army’s Adjudication Processes Involving Sexual Assault And Sexual Harassment Degrade Confidence In The SHARP Program.....	67
5.1. Long Delays In The Process Of Investigation and Adjudication Of Sexual Assault Cases At Fort Hood Were So Prevalent That Victims And Potential Victims Lost Confidence In The SHARP Program.....	67
5.2. Victims Of Sexual Assault Reported They Were Not Kept Informed.....	77
5.3. There Was Widespread Lack Of Awareness Of The Right To A Special Victim Counsel.....	78
5.4. Soldiers Lacked Confidence In Military Protective Orders.....	80
5.5. Soldiers Feared That The SHARP Program Might Incentivize False Reporting.....	81
6. Finding #6: Fort Hood Public Relations & Incident Management Have Deficiencies....	82
7. Finding #7: There Were No Established Procedures For First Line Supervisors In ‘Failure To Report’ Situations That Define Appropriate Actions In The Critical First 24 Hours.....	86
8. Finding #8: The Criminal Environment Within Surrounding Cities And Counties Is Commensurate With Or Lower Than Similar Sized Areas; However, There Are Unaddressed Crime Problems On Fort Hood, Because The Installation Is In A Fully Reactive Posture.....	90
8.1. Crime Rate Comparison: Killeen, Texas vs. Other Cities Adjacent to Army Posts.....	91
8.2. Crime Rates At Fort Hood Are High Compared to Other Installations, FORSCOM, And The Army.....	96
8.3. FHIRC Survey Results.....	97
8.4. Fort Hood Has Experienced A Historically High Rate And Number Of Sexual Assault.. Incidents.....	98

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

8.5. Crime Rates Comparison: Fort Hood vs Fort Bragg & JBLM.....101

8.6. Analysis Of High Rates And Numbers Of Drug Related Incidents On-Post Involving Fort Hood Soldiers.....103

8.7. Crime Rate Comparison: 3CR & 1CD vs Other units at Fort Hood.....104

8.8. Disciplinary Issues At Fort Hood.....105

8.9. Group Interviews By The FHIRC Revealed That Many Soldiers Felt That Fort Hood Was Not Safe.....106

8.10. Interviews Of 3CR And 1CD By Committee Members Regarding Sexual Assault.108

8.11. Absence Of Proactive Crime Reduction Initiatives Based On Sophisticated Crime Reporting and Analysis.....109

8.12. Underutilization Of The Armed Forces Disciplinary Control Board.....112

8.13. Conclusions.....113

9. Finding #9: The Command Climate At Fort Hood Has Been Permissive Of Sexual Harassment / Sexual Assault..... 114

VII. Other Observations Outside of Charter Mandate116

1. Soldiers In The Greatest Need Do Not Seem To Avail Themselves Of Mental / Behavioral Health Assistance, Possibly Because Of Misperceptions And/Or Fear Of Disclosure... 116

2. Mold, Barracks, Family Housing And Other Facilities, As Well As Quality Of Life Issues. 117

3. Equal Opportunity & Inclusion for People of Color and Women May Require Further Attention.....117

3.1. Recent History of Equal Opportunity & Inclusion at Fort Hood..... 117

3.2. The Interviews and Surveys.....121

Recommendations.....123

SHARP Structure..... 123

Implementation of The SHARP Program.....124

Legal Components of The SHARP Program..... 125

Disclosure After Adjudication of SHARP Allegation Adjudication126

Fort Hood & USACIDC Command Issues127

Missing Soldier Protocols128

Crime Prevention & Response.....129

Command Climate Issues..... 130

Installation Public Relations & Incident Management.....132

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

VIII. Conclusion 133

IX. Appendix A: FHIRC Survey Questions..... 134

X. Appendix B: FHIRC Online Survey 136

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

CONTEXT & PURPOSE OF REPORT

Beyond recent events, this Independent Review (Review) must necessarily be informed by the context in which it is undertaken. With decades of military experience among its Members, the Fort Hood Independent Review Committee (FHIRC or Committee) appreciates the difference between the conduct of Soldiers as warfighters in the field or in theater, and the management of a military community during events that occur in garrison. The FHIRC appreciates the skills requisite to inculcating the esprit de corps necessary to cohesively accomplish military missions, in contrast and comparison with interactions within a community as diverse and dynamic as that which exists at Fort Hood and its surrounding cities. And, the FHIRC has been mindful of the fact that every aspect of Army engagement seeks to embrace Army Values.

With this in mind, the culture and climate of Fort Hood cannot be adequately assessed in a vacuum. The FHIRC's assessment would be remiss if it did not consider the culture and climate of the Army on a grander scheme. To be clear, this Report does not suggest – and, the Committee has not identified – a direct correlation between sexual harassment and sexual assault and the Army's endeavors toward gender inclusion. However, in reviewing the atmosphere at Fort Hood as it relates to sexual harassment and sexual assault, the Committee is not oblivious to the context of gender integration in the Army.³

Almost five years ago, then U. S. Secretary of Defense Ashton Carter declared that all positions in the U. S. military, including all combat positions, would be open to women. Although technically the remaining barrier to the integration of women into all military positions was removed with the elimination of the “1994 Direct Ground Combat Definition and Assignment Rule” in January 2013, it was not until December 3, 2015 that the U. S. Secretary of Defense issued a Memorandum regarding Implementation Guidance for the Full Integration of Women in the Armed Forces, which stated that:

Over the last three years, the Military Services have opened over 111,000 positions to women and have independently studied, developed, and verified operationally relevant standards for them. After careful review of this work, and informed by the counsel and judgment of the Secretaries of the Military Departments, Chiefs of the Military Services, and the Chairman of the Joint Chiefs of Staff, I have now determined that no exceptions are warranted to the full implementation of the rescission of the “1994 Direct Ground Combat Definition and Assignment Rule.” Anyone, who can meet operationally relevant and gender neutral standards, regardless of gender, should have the opportunity to serve in any position.⁴

³ At every critical juncture of performing this Review and drafting this Report, the FHIRC remained mindful of the seven core Army Values: Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage.

⁴ See U.S. Secretary of Defense Memorandum, *Implementation Guidance for the Full Integration of Women in the Armed Forces* (03 Dec. 2015), <https://dod.defense.gov/Portals/1/Documents/pubs/OSD014303-15.pdf>.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

In accordance with this declaration, in early 2016 the Army developed an Army Gender Integration Implementation Plan. This Plan detailed the Army's "approach for integrating women into all military occupational specialties (MOSs)," including allowing "qualified female Soldiers to serve in the Infantry, Armor, and Special Forces."⁵ Of note, a pivotal component of the pursuit of full integration involved "[c]ontinually assessing integration strategies to successfully posture the force."⁶

The Army has a history of being forward thinking on social issues of the sort that require a focused and concerted effort in order to get to a better place. The Gender Integration Implementation Plan set forth by the Department of Defense (DoD) is one of these efforts. It is not a coincidence that the U. S. Secretary of Defense's December 3, 2015 Memorandum emphasizes that "[i]t is absolutely critical to our warfighting ability and the welfare of our people that we embark on integration with a commitment to the monitoring, assessment, and in-stride adjustment that enables sustainable success,"⁷ and the Army similarly committed to "[c]ontinually assessing integration strategies to successfully posture the force."⁸ Meaningful change, and the successful implementation of such meaningful change, requires careful iterative thought and assessment, a process toward which the Army has historically demonstrated that it can render itself well-positioned and committed.

The Committee's assessment has taken into account the current climate and culture of integrating women into all positions in the Army. The Army's Plan used the term "Soldier 2020" as "[t]he Army's campaign to gender integrate combat arms and improve readiness across the force."⁹ As the end of 2020 nears, the FHIRC finds that providing a culture and climate that is characterized by inclusion, commitment to diversity, freedom from sexual harassment and sexual assault, and adherence to Army Values is key to successful gender integration.

⁵ See Army Gender Integration Implementation Plan, U.S. Army (10 Mar. 2016), <https://www.army.mil/standto/archive/2016/03/10/>. For more information See also U.S. Secretary of Defense Memorandum, *Implementation Guidance for the Full Integration of Women in the Armed Forces* (03 Dec. 2015), <https://dod.defense.gov/Portals/1/Documents/pubs/OSD014303-15.pdf>.

⁶ *Ibid.*

⁷ See U.S. Secretary of Defense Memorandum, *Implementation Guidance for the Full Integration of Women in the Armed Forces* (03 Dec. 2015), <https://dod.defense.gov/Portals/1/Documents/pubs/OSD014303-15.pdf>.

⁸ See Army Gender Integration Implementation Plan, U.S. Army (10 March 2016), <https://www.army.mil/standto/archive/2016/03/10/>.

⁹ See HQDA Execution Order 097-16 to the U.S. Army Implementation Plan 2016-01 (9 March 2016) (p.39), https://dod.defense.gov/Portals/1/Documents/pubs/WISR_Implementation_Plan_Army.pdf.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

OBJECTIVES

The objectives of the FHIRC are consistent with its Charter, as set forth via Memorandum from the Secretary of the Army and the Chief of Staff of the Army, dated July 28, 2020.¹⁰ Specifically, within a prescribed methodology, the FHIRC set out to review whether the relevant commands and units at Fort Hood were operating within the spirit of applicable DoD and Army policies and regulations regarding sexual assault prevention and response, sexual harassment, and equal opportunity. The FHIRC reviewed the command climate in units at Fort Hood including, without limitation, whether the atmosphere is conducive to the uninhibited reporting of sexual harassment and sexual assault. The FHIRC reviewed the effectiveness of the Fort Hood Sexual Harassment/Assault Response and Prevention (SHARP) Program, to include the training, education and abilities of leaders at all levels to receive and respond appropriately to reports of sexual harassment and sexual assault. Additionally, the FHIRC performed a comprehensive assessment of the regulations, policies, and procedures governing response to on and off-post crime issues involving Soldiers and reports of missing Soldiers.

FHIRC COMPOSITION

With broad expertise with organizational dynamics, the law, and government investigations, the Fort Hood Independent Review Committee Members have a combined 75 years of experience as active-duty military and law-enforcement personnel. The Members' divergent yet complementary backgrounds enabled the Committee to inform this Review by bringing to bear disparate viewpoints from vantage points advantageous to the undertaking.

The Committee was led by Attorney and Risk Consultant Chris Swecker, who retired after 24 years as an FBI Special Agent and head of the FBI's Criminal Investigation Division (CID). Chris has conducted independent reviews of Fortune 500 companies, law enforcement agencies, universities and nuclear facilities. During his FBI career Chris was designated a FBI Inspector for 18 months during which time he inspected various FBI Field Offices. Joining Chris is Jonathan P. Harmon, a West Point graduate and First Calvary Division Officer who now serves as Chairman of McGuireWoods, an Am Law 50 firm providing legal and business solutions to clients worldwide. Jon is a nationally recognized trial attorney skilled in litigating high-stakes cases that require deep investigation of complex facts. Carrie F. Ricci also joins the team, bringing with her an abiding dedication to this nation and our Army. Carrie is a retired Army JAG Officer who served three years at Fort Hood, including as a trial counsel, and is now a senior executive serving as an associate general counsel for the U. S. Department of Agriculture. The team also boasts a native Texan who spent over two decades as an intelligence analyst and manpower operations officer in the U. S. Marine Corps, Queta Rodriguez. Queta has served as Director, Veterans' Services, Bexar County, TX and currently serves as a Regional Director for FourBlock, a national nonprofit that helps veterans transition into civilian careers. Rounding out the team, Jack L. White is a West Point graduate and former Armor

¹⁰ Secretary and Chief of Staff of the Army Memorandum, *Fort Hood Independent Command Climate and Culture Assessment*, (28 Jul. 2020).

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Officer who has been an attorney both in government and in the private sector. After clerking at the U. S. Supreme Court, Jack joined the law firm of FH+H PLLC, where he has served as a Partner and demonstrated expertise in government investigations, civil rights claims, and a wide variety of constitutional and civil matters requiring the development of intricate facts.¹¹

As a team, the FHIRC was augmented by five former FBI Special Agents (FBISA), representing over 100 years of investigative experience. These FBISAs were decorated and accomplished in their field. They were chosen for their experience, professionalism and judgment. Two served in the U. S. Army prior to entering the FBI; one graduated from the United States Military Academy at West Point. These team members are former six year US Army Ranger and (b) (6) FBI Special Agent in Charge (SAC) (b) (6) (West Point (b) (6)), former Supervisory Special Agents (b) (6), (b) (6) and (b) (6), and former Newark Assistant SAC (ASAC) (b) (6).

METHODOLOGY / APPROACH

To accomplish the various components of its Charter, the FHIRC determined early that it needed to gather relevant information from as many Soldiers and members of the Fort Hood community as possible, with context that would be provided by a number of related stakeholders. Accordingly, the Committee developed a multi-faceted approach that was cultivated through considerable review and analysis before engaging directly with the Fort Hood community. Interactions within the Fort Hood community were further informed by subsequent consultations with additional individuals with pertinent expertise, as set forth below.

1. Preparing for the On-Site Review

To properly determine “how” to conduct a Review that included 41,972 Soldiers and civilians comprising the Fort Hood community, the Committee requested and received a wide breadth of briefings and information prior to its on-site review at Fort Hood.

1.1. Inspector General (IG) Briefings

The Committee received a significant amount of information from the Office of the Inspector General (IG) of the U. S. Army regarding inspections it conducted of the Army SHARP Program and related issues relevant to command climate at Fort Hood and other installations. Prior to receiving or reviewing any IG reports, the Committee received an “Army IG 101” briefing. This briefing provided: (1) a general orientation to the Army IG mission and focus; (2) an overview of how Army IGs think about command climate; and (3) an opportunity for the Committee to obtain input from the IG on the Committee’s proposed Survey, to use as part of the review. The Office of the Inspector General remained a valuable resource for the FHIRC throughout its review.

¹¹ The FHIRC received invaluable information management assistance from (b) (6) of McGuireWoods and report composition assistance from (b) (6) of FH+H PLLC.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

1.2. Fort Hood Overview Brief

While two of the Committee Members had been stationed at Fort Hood while serving as Active Duty U. S. Army Officers, the FHIRC deemed it important to receive a contextual overview of the structure and functionality of Fort Hood and III Corps. During a fairly comprehensive briefing, the FHIRC was provided with valuable information concerning the commands, respective missions, units and organization of the garrison at Fort Hood. The briefing provided the FHIRC with further insight into logistical considerations associated with any on-site review, and direction regarding particular stakeholders with information relevant to accomplishing its Charter objectives. Additionally, the FHIRC was briefed on the dynamics of the cities and communities surrounding Fort Hood.

1.3. Climate Survey Briefings

As part of its regular effort to assess a unit's effectiveness, the Army routinely prepares Climate Surveys. These Surveys are commonly referred to as Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS). As the Committee's Charter was to assess the command climate at Fort Hood, it viewed DEOCS of Fort Hood units as very significant. Separately, DEOCS provided valuable information to the Committee before, during, and after its on-site Review.

1.4. Public Source Information

Where appropriate, and as necessary, the Committee conducted its own independent research. Some of the material reviewed included:

- The DOD's *Annual Report on Sexual Assault in the Military* for 2016, 2017, 2018 and 2019
- The Office of People Analytics *2019 Military Service Gender Relations Working Group Active Duty*
- The House Armed Services Committee July 29, 2020 Hearing on "*The Military's #Me Too Movement: An Examination of Sexual Harassment and Perceived Retaliation in The Department of Defense and at FT Hood*"
- The Fort Hood Press Conference Re: the Vanessa Guillén case held on July 2, 2020
- Various media reports in regard to Fort Hood and the Vanessa Guillén case
- Various US Army rules, regulations and policies
- Various public research articles on sexual assault and sexual harassment

1.5. Safety Briefing

At the request of the Committee, the U. S. Army Combat Readiness Center provided a briefing on safety at Fort Hood. The purpose was to help ensure that the FHIRC had an appropriate frame of reference when evaluating the installation, appropriately considering relevant comparables. The briefing covered mission-related accidents, as well as off-duty accidents. It also compared accidental deaths at Fort Hood to the rest of the Army and discussed the elements of the Army's Safety Program.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

1.6. Analytical Support and Access

The FHIRC requested and received numerous briefings before, during, and after its on-site Review at Fort Hood. Communication of anecdotal information as it was being collected, alongside thorough review and analysis of collected data, was a priority throughout the Review. To that end, the Committee's Review included conducting detailed analyses of data and collected information from multiple organizations, such as the Army Analytics Group (AAG), the DoD Sexual Assault Prevention and Response Office (SAPRO), the Army Office of The Inspector General (TIG), and the U. S. Army Criminal Investigation Division Command (USACIDC), Command Intelligence Operation Center (CIOC), in response to requests by the FHIRC. These briefings usually related to topics the Committee requested and / or needed, in order to accomplish the various components of its Charter.

The FHIRC had access to various data sources for this Review, including the Total Army Personnel Database, Active Duty Pay File from the Defense Manpower Data Center, Army Law Enforcement Reporting Tracking System, Defense Casualty Analysis System, Defense Sexual Assault Incident Database, Inspector General Action Reports System, Army Safety Management Information System, Defense Equal Opportunity Management Institute, Organizational Climate Surveys, Interactive Personnel Electronic Records Management System, FBI Uniform Crime Reporting Drug and Alcohol Testing Management Information System, Integrated Case Reporting System, and Army Courts Martial Information System.¹²

2. During the On-Site Review at Fort Hood

Contemporaneous to receiving information from various stakeholders and components of the Army, the FHIRC contemplated and deliberated over its approach to the on-site review. The Committee met on numerous occasions to discuss and strategize regarding the most prudent manner in which to fulfill its Charter. After reviewing and analyzing the wealth of available information and considering various methods, the FHIRC settled upon a three-fold approach: (1) interview and / or talk directly with as many Soldiers within the Fort Hood community—especially women—as possible; (2) encourage and facilitate frank and open discussions, free from the fear of negative consequences or retaliation; and (3) gather relevant and targeted information from every conceivable stakeholder at Fort Hood in a straightforward and manner. To accomplish these goals, the Committee employed a number of directed techniques, tools, and methods, as set forth below.

2.1. Interviews

2.1.1. Personal Interviews

The Committee determined it was critical to personally interview as many Soldiers as possible. The Findings herein resonantly support this determination. In identifying which Soldiers to

¹² The U.S. Army Office of Economic and Manpower Analysis (OEMA) provided support in performing data analytics, at the request of the Committee.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

interview, the Committee placed significant weight on: (i) the unit where Vanessa Guillén was assigned (3CR); (ii) the largest unit on the installation (1CD); and, (iii) women.

The Committee developed and utilized a standardized interview outline that assured anonymity and solicited information in the following areas: (a) personal experience with sexual harassment, assault, and retaliation; (b) reporting of sexual harassment and assault; (c) equal treatment and inclusiveness; and (d) safety on the installation and within the community. To encourage interviewees to provide as much candid information as possible, each Soldier or civilian was appropriately assured that their identity would remain confidential, unless the interviewee discussed direct involvement in criminal activity. A Committee Member or designee personally interviewed each selected Soldier or civilian in a secure, confidential setting away from the interviewee's unit and away from their respective chain of command. To further protect confidentiality all available women Soldiers in the 3CR were interviewed so that no particular Soldier would be perceived to be a willing information source for the FHIRC.

The Committee concluded that female Soldiers and civilians may be more comfortable sharing incidents of sexual harassment and sexual assault with another woman. As a result, the Committee endeavored to have women conduct the majority of the personal interviews of female Soldiers or civilians. Further, any woman who actually expressed a preference to be interviewed by a woman was accommodated. Regardless of gender, the interviews were conducted by experienced interviewers and most lasted a minimum of 30 minutes, with some lasting as long as two hours.¹³

The FHIRC paid particular attention to the leaders of the Fort Hood Sexual Harassment & Assault Response and Prevention (SHARP) Program. The Committee received a briefing from the leader of the Fort Hood SHARP Program and interviewed all of the key SHARP leaders, affording particular attention to interviews of Soldiers serving as either Sexual Assault Response Coordinators (SARC) or Victim Advocates (VA) throughout Fort Hood, in some instances, multiple times.

In summary, over about a three-week period, the FHIRC conducted in-person interviews of 647 Soldiers stationed at Fort Hood. The majority of the interviewees were assigned to the 1CD and the 3CR. Of the 647 interviews, 575 were enlisted (E-1 to E-9); and, the remainder were either officers or civilians. A total of 503 female Soldiers were interviewed from the 3CR and 1CD.

2.1.2. Group Interviews

The Committee also conducted group interviews. The group interviews contained as few as five people and as many as forty-five people. One or more Committee Members led each group interview during which he or she asked questions designed to cover the same areas as the personal interviews. A junior JAG officer was assigned to each group interview to summarize the key results. The group interviews were largely organized by unit and rank. However, the Committee also established a number of specialty group interviews, with Soldiers in common specialties. For example,

¹³ Five former FBI Special Agents (FFBISA) who served as additional support to the FHIRC were instrumental in this undertaking. Each of them had extensive experience conducting investigations, which was helpful during this Review. They were particularly skilled in establishing rapport, interviewing, and drawing and analyzing important details. Three reside in Texas and were familiar with Fort Hood.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

there was a group interview of all available Chaplains on the installation. There were a number of groups established to address the viewpoints of healthcare professionals, both uniformed and civilian. There were group interviews consisting only of personnel who worked on III Corps staff. And, there was a group interview of installation SHARP personnel.

The Committee ensured Soldiers would be free to speak openly during each of the group interviews. Raters or senior raters of any Soldier who was in the session were excused. Soldiers were assured that there would be no written record of anything they said during the group sessions that could be attributed to them. Throughout the interviews, members of the group were asked to respond to certain statements by a show of hands. The JAG officer would generally note the percentage of individuals who agreed or disagreed with certain statements posed by the Committee Member. Additionally, Committee Members asked numerous open-ended questions to solicit viewpoints and opinions from the group. Each session was scheduled for one hour. A total of 1,817 US Army Soldiers and civilians of the Fort Hood Post were interviewed in personal group interviews.

2.2. In-Person Meetings with Civil Rights Organizations

Based in no small part on various Committee Members' respective memberships in various Civil Rights Organizations, the FHIRC determined that meeting with Civil Rights Organizations active within the Fort Hood community would inform its understanding of the interconnectivity between the community writ large and the installation. To that end, the FHIRC met collectively with leaders from the following Civil Rights Organizations: (i) League of United Latin American Citizens (LULAC); (ii) the National Association for the Advancement of Colored People (NAACP); (iii) the Sociedad Cultural Hispano Americana; and, (iv) the Hispanic American Chamber of Commerce. During the group session and subsequent follow-on individual meetings, the Committee shared with the Civil Rights Organizations its plan for reviewing the climate at Fort Hood. Additionally, each Civil Rights Organization spoke directly to the Committee about its concerns and perspectives relating to Vanessa Guillén's death, the command climate, and other issues relating to Fort Hood. Following these meetings, various Committee Members ensured that lines of communication remained open, consistent with accomplishing the objectives of the FHIRC Charter.

2.3. In-Person Meetings with Local Mayors

Again, the FHIRC determined that engaging with local mayors would inform its understanding of the interconnectivity between the community writ large and the installation. To that end, in order to better understand the climate surrounding Fort Hood, the Committee met with the Mayors of Killeen, Copperas Cove, and Harker Heights. The Mayors provided their respective perspectives on their relationships with Fort Hood and its leaders, as well as insights from their respective vantage points regarding the climate at Fort Hood, their cities' dependence on Fort Hood, and their views on sources of problems in and around the installation. The local Mayors also extolled the many strengths of Fort Hood and its surrounding communities.



2.4. In-Person Meetings with Local Law Enforcement

As part of the group and personal interviews, and consistent with the components of its Charter directly related to law enforcement, the Committee interviewed many Soldiers and civilians in the Fort Hood CID Office and the Military Police. Off-post, the Committee met with Sheriffs and Chiefs of Police from Killeen, Copperas Cove, Harker Heights, Coryell County, and Bell County. The FBI's San Antonio Special Agent in Charge (SAC), Assistant SAC and Senior Supervisory Resident Agent for the Waco Resident Agency were interviewed multiple times. The FBI also provided crime analysis and other valuable information. The Director and Colonel of the Texas Department of Public Safety, the DPS Chief of the Criminal Division and a Texas Ranger assigned to the Fort Hood area were also interviewed and provided valuable insight and information. Interviews also included a representative of the US Attorney's Office for the Western District of Texas. After meeting collectively with local law enforcement personnel, the Committee Chair conducted numerous follow-on meetings with local, state and federal law enforcement, prosecutors and their departments.

The Texas DPS and San Antonio FBI also provided crime analysis and data that informed the FHIRC as to the crime environment in and around Fort Hood.

In conjunction with local law enforcement meetings, the FHIRC reviewed all 53 of the CID suicide files for FYs 2018-2020; 19 death files for FY 2018-2020,¹⁴ and a sample of 40 recently closed sexual assault files. In total, the FHIRC reviewed 112 CID files.

2.5. In-Person Meetings with Local District Attorneys

Also because of the components of its Charter directly related to law enforcement, the Committee determined that meeting with local District Attorneys would inform its review, consistent with its Charter. To that end, the FHIRC met with the District Attorneys for the counties surrounding Fort Hood—Bell and Coryell Counties. The District Attorneys offered their perspectives on crime at Fort Hood and in their respective jurisdictions. In particular, the District Attorneys provided insight into sexual assaults prosecuted in their jurisdictions. In order to further discuss specific details relating to crime and to gain more particularized perspectives on the command climate at Fort Hood, the Committee's Chair met extensively with each District Attorney on-site in their respective offices.

2.6. In-Person Meeting With The Guillén Family

Within the confines of the FHIRC Charter, two members of the Committee met with the Guillén family, limited to the family's experiential appreciation of the climate at Fort Hood. (b) (6) Guillén, (b) (6) Guillén, (b) (6) Guillén, (b) (6) Guillén, and the family's attorney were present for the meeting. During the meeting the Committee Members and the Guillén family discussed a range of topics including: the family's dealings with the chain of command; the search for Vanessa and the Fort

¹⁴ These included cases that were the subject of extensive media reporting, including the Vanessa Guillén, Freddie Morales, and Elder Fernandes files.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Hood community's role therein; the protests; the family's interactions with CID; the family's grief; and things the family believes the Army could have done better.

2.7. Confidential Individual Surveys

The FHIRC determined early that gathering confidential, individualized information on command climate topics would be essential in accomplishing the objectives as set forth in its Charter. Consequently, the Committee prepared a twenty (20) question survey that was strategically designed to be completed in five (5) minutes or less.¹⁵ The Survey covered the following topics: sexual assault, sexual harassment, retaliation, knowledge of SHARP basics, equal treatment, confidence in leadership, and safety.

The Survey was distributed electronically to every Soldier and civilian at Fort Hood. Upon conveying the importance of the broadest coverage possible through this survey, the FHIRC benefited tremendously from the support of the Sergeant Major of the Army in this endeavor. All Soldiers and civilians within the Fort Hood community were required to complete the individual survey.¹⁶ As a result, 31,612 responses were submitted.

2.8. Hotline

The FHIRC sought to ensure that anyone within the Fort Hood community who had meaningful information to contribute, consistent with the FHIRC Charter, had the ability to do so. Accordingly, the Committee requested that the Army establish a hotline, to allow Soldiers and civilians alike to talk to Committee Members anonymously about any topic relevant to its Charter. The Committee informed every Soldier and civilian at Fort Hood of the hotline via email and / or during personal or group interviews. The hotline took a life of its own, as Soldiers assisted by sharing its existence and purpose via social media. Committee Members talked with Soldiers and civilians via the hotline throughout the review, and the hotline remained active throughout the Committee's time at Fort Hood. The Hotline received over 30 calls and the Chairman received 11 emails from Soldiers wishing to provide information relevant to the Review.

3. Specialized Interviews and Briefings

The FHIRC also conducted over 150 interviews of and briefings with key stakeholders and individuals who were deemed to be important sources of information. Briefings were requested from subject matter experts on topics that were considered vital to the FHIRC's Review, such as practitioners regarding military law and procedures; USACIDC and its Criminal Intelligence Operations Command (CIOC), regarding global and local CID operations and crime analysis matters; SHARP Program Managers at the III Corps Level and the Department of Defense Sexual Assault

¹⁵ See Appendix A: FHIRC Survey Questions.

¹⁶ As most soldiers do not have home computers that are Common Access Card (CAC) enabled, each unit has access to a CAC enabled computer. The Survey was sent to each unit, to enable each Company-Level Commander and/or First Sergeant to direct Soldiers to a CAC enabled computer to complete the Survey.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Prevention and Response Office (SAPRO), regarding comparisons between and among the Armed Services and perspectives on the SHARP Program; Public Affairs Office personnel, regarding practices and procedures; and, behavioral health specialists, regarding Soldier mental health. In many cases, multiple interviews were conducted in person at Fort Hood and by phone as follow-up to earlier interviews or briefings. Interviews were also held with various Fort Hood Commanders at all echelons.

4. Post On-Site Analysis

After completing the on-site Review at Fort Hood, the Committee conducted additional interviews of Soldiers and civilians within the Fort Hood community via telephone. The Committee analyzed all of the information collected during the on-site Review, and reviewed analysis of particular itemized questions based on data collected. Repeated in-person sessions occurred to evaluate potential supported Findings. The Review entailed an iterative process, with the objective of ensuring helpful recommendations supported by collected data and information.

SHARP PROGRAM HISTORY & BACKGROUND

Findings set forth in this Report are informed by an appreciation of the history, background and inception of the Army's SHARP Program. The SAPR Program and the Sexual Assault Prevention and Response Office (SAPRO) were established in 2005 to create a single point of authority for the Department of Defense (DoD) sexual assault policy. SAPRO and the SAPR Program were formed after a comprehensive review was conducted in 2004 by the Victims of Sexual Assault Task Force, and later that year the Joint Task Force for Sexual Assault Prevention and Response, which analyzed DoD's processes relating to victims of sexual assault in the Military Departments and implemented recommended policies.¹⁷

Section 577 of Public Law 108-375 set forth the SAPR Program and policy requirements. The law required the Secretary of Defense to develop a comprehensive policy for DoD "on the prevention of and response to sexual assaults involving members of the Armed Forces."¹⁸ This included developing a uniform definition of sexual assault for the Military, and creating a policy that "at a minimum, address[ed] the following matters:

- (1) Prevention measures.
- (2) Education and training on prevention and response.
- (3) Investigation of complaints by command and law enforcement personnel.
- (4) Medical treatment of victims.
- (5) Confidential reporting of incidents.
- (6) Victim advocacy and intervention.

¹⁷ See Public Law 108-375, "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005," October 28, 2004, <https://www.sapr.mil/mission-history>.

¹⁸ *Id.*

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

- (7) Oversight by commanders of administrative and disciplinary actions in response to substantiated incidents of sexual assault.
- (8) Disposition of victims of sexual assault, including review by appropriate authority of administrative separation actions involving victims of sexual assault.
- (9) Disposition of members of the Armed Forces accused of sexual assault.
- (10) Liaison and collaboration with civilian agencies on the provision of services to victims of sexual assault.
- (11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.”¹⁹

While the DoD SAPRO focuses on sexual assault, around 2008 the Army office reorganized by incorporating sexual harassment into its program. The reorganized program was given the acronym “SHARP” (formerly the Army Sexual Assault Victim Program).

The Army SHARP Program

The Army’s SHARP Program is executed by the Deputy Chief of Staff, G-1 (DAPE–AR) Army Resilience Directorate (ARD), under the supervision of the Assistant Secretary of the Army, Manpower and Reserve Affairs (ASA M&RA), and implements the Army’s policy regarding sexual harassment and sexual assault.²⁰ By design, the SHARP Program “enhances Army readiness by fostering a culture free of sexual harassment and sexual assault through prevention, education and training, response capability, victim support, reporting procedures, and appropriate accountability that enhances [] safety, well-being, [and] readiness.”²¹ It focuses on “cultural change across the Army with a vision toward a culture of discipline and respect in which Soldiers intervene in sexual harassment and sexual assault to protect one another,”²² and is intended to maintain full-time staff at the brigade level. The SHARP Program sets forth different procedures for handling sexual harassment and sexual assault claims.

Treatment Of Sexual Harassment

If a Soldier, or his or her dependent family member who is at least 18 years old, experiences sexual harassment, he or she may file an *informal* complaint. An informal complaint is reserved for “less severe or egregious incidents”²³ that may be resolved by the individual, with minimal assistance, or through direct resolution. Informal complaints are generally dealt with orally and the complainant does not have to submit a writing or follow prescribed timelines (although complaints should generally

¹⁹ *Id.*

²⁰ Army Regulation 600-20, 24 Jul. 2020, para 7-1 and 7-2 (p. 87-88).

²¹ *Id.*, at para 7-2 (p. 88).

²² Mission and Overview, SHARP, U.S. Army, https://www.sexualassault.army.mil/iam_mission.aspx.

²³ Filing an Informal Complaint of Sexual Harassment, SHARP, U.S. Army, https://www.sexualassault.army.mil/informal_harassment.aspx.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

be resolved within 14 calendar days). The complainant may seek the assistance of the Sexual Assault Response Coordinator (SARC), who will provide information regarding support services, but cannot provide mediation themselves (although the SARC can provide a referral to a mediator). The SARC is required to maintain a memorandum of record about the complaint and any resolution.²⁴

Alternatively, if a Soldier, or his or her dependent family member who is at least 18 years old, experiences sexual harassment, he or she may file a *formal* complaint. It is strongly recommended that a formal complaint be filed within 60 calendar days from the date of the harassment to facilitate the complaint investigation and resolution.²⁵ The full-time brigade SARC receives formal complaints on either a DA Form 7746, which documents the complaint and requested remedy (this form may also be used to document anonymous complaints), or if an informal complaint is investigated by a commander, then it will be entered into the Sexual Harassment Integrated Case Reporting System (ICRS) as a formal complaint with the commander as the complainant (if the complainant declines to file a Form 7746).²⁶ Formal complaints are reportable to brigade headquarters, and must include specific information, required documentation and timelines.²⁷ The brigade SARC must immediately refer all formal complaints to the brigade commander, and the complainant must attest to the veracity of the statements in the complaint before the brigade commander, after being read the penalties associated with perjury.²⁸ An investigation will begin within 72 hours from receipt of the complaint and should typically be resolved within 14 calendar days.²⁹

Commanders are responsible for the effective execution and implementation of the SHARP Program. If a Commander becomes aware of or receives a formal or informal complaint of sexual harassment, the commander must initiate a commander's inquiry or AR 15-6 investigation.³⁰ Commanders will not initiate an AR 15-6 investigation if the complaint involves sexual assault; rather, in a complaint involving sexual assault, the commander must immediately contact the SARC and the U. S. Army Criminal Investigation Command (USACIDC). When there is any question

²⁴ Army Regulation 600-20, 24 July 2020, para 7-8, (p.106).

²⁵ *Id.*, at para 7-8.

²⁶ *Id.*

²⁷ Filing a Formal Complaint of Sexual Harassment, SHARP, U.S. Army, https://www.sexualassault.army.mil/formal_harassment.aspx.

²⁸ Army Regulation 600-20, 24 July 2020, para 7-8n(4), (p. 107):

The full-time brigade SARC will refer all formal complaints to the BDE commander immediately. The commander will have the complainant swear to the contents of the statement(s) contained in the formal complaint by administering an oath to the complainant, in accordance with this regulation. At that time, the commander will inform the complainant of the potential adverse consequences to knowingly submitting a false complaint; that is, a complaint containing information that the complainant knew to be false. False complaints may be punishable under the UCMJ.

²⁹ *Id.*, at para 7-8.

³⁰ *Id.*, at para 7-6.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

as to whether a complaint involves sexual harassment or sexual assault, commanders are to consult with their assigned legal office.

Treatment Of Sexual Assault

A Soldier, or his or her dependent family member who is at least 18 years of age, who has been sexually assaulted has multiple vehicles through which to seek assistance or redress. These vehicles include contacting his or her local Sexual Assault Response Coordinator (SARC), Victim Advocate (VA), healthcare provider, chaplain, or a lawyer.³¹ The Army has also established the Special Victims' Counsel (SVC) program, in accordance with a Secretary of Defense August 14, 2013 memorandum regarding Sexual Assault Prevention and Response, to provide legal support to victims of sexual assault. Through the SVC program, a sexual assault victim may request an Army lawyer to provide them with legal advice and representation.³² The SHARP Program envisions a number of resources available to victims of sexual assault. In addition to seeking out these resources, a Soldier (or their adult dependent) may file a restricted report or an unrestricted report regarding the sexual assault.

A *restricted* report allows a sexual assault victim to disclose the details of the assault, including the identity of the assailant, on a confidential basis, and to “receive medical treatment and counseling, without triggering the official investigative process.”³³ Restricted reports may only be filed with the SARC, VA, or a healthcare provider. With the victim’s consent, the SHARP Victim Advocate will ensure the victim is taken to a healthcare provider instead of reporting the sexual assault to the command or law enforcement.³⁴ Although the senior commander is notified when a restricted report is filed, he or she is not provided with the victim’s name or any other personally identifiable information.³⁵ While filing a restricted report does not trigger an investigation, if the victim confides in a person within their chain of command or in law enforcement regarding the sexual assault, then an investigation must be initiated, and confidentiality may be compromised. A restricted report may be converted to an unrestricted report, upon the victim’s written authorization.

In addition to the restricted reporting option, in 2019, the Catch a Serial Offender Program (CATCH) was implemented throughout the Department of Defense. CATCH serves to improve the DoD’s ability to identify repeat sexual assault offenders. The CATCH program enables Soldiers making a restricted report to provide information about the offender and the assault to law enforcement in a confidential manner. If the information provided matches another allegation, the

³¹ What Should I Do?, SHARP, U.S. Army, https://www.sexualassault.army.mil/what_to_do.aspx.

³² SHARP: Special Victim Counsel Program, U.S. Army, <https://www.army.mil/standto/archive/2013/12/02/>.

³³ Army Regulation 600-20, 24 July 2020, Glossary, (p.210).

³⁴ *Id.*, at para 7-5, (p.102).

³⁵ *Id.*, at para 7-9, (p.112).

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

sexual assault victim may convert his or her report from restricted to unrestricted and participate in the investigation.³⁶

Filing an *unrestricted* report “allows a Soldier or eligible DA [Department of the Army] Civilian who is sexually assaulted and desires medical treatment, counseling, and an official investigation of their allegation to use current reporting channels (for example, the chain of command or law enforcement), or they may report the incident to the SARC or SHARP Victim Advocate.”³⁷ Once an unrestricted report is filed, the SARC will immediately notify a SHARP Victim Advocate. With the victim’s consent, a healthcare provider may conduct a forensic examination (which may be used as evidence). The SARC or commander will immediately notify USACIDC when an unrestricted report is filed.³⁸ Once USACIDC is involved, the victim may not change from filing an unrestricted report to a restricted report; however, he or she may decline to participate in the investigation at any time. The victim is assigned a SARC and SHARP Victim Advocate, and is given the “DD Form 2701 (Initial Information for Victims and Witnesses of Crime), which sets out victims’ rights and points of contact,” by DoD law-enforcement agents.³⁹

In addition, a victim who has filed an unrestricted report has the right to request an expedited transfer, this right exists for situations where the victim feels uncomfortable due to retaliation or ostracism for example.⁴⁰ “The “SARCs, SHARP VAs, and VRs [victim representatives] will inform victims of the resources available to report instances of retaliation, reprisal, ostracism, maltreatment, sexual harassment, or to request a transfer, or seek an MPO [Military Protective Order].”⁴¹ If the victim fears for their safety, they can request assistance from the “Commander or SARC to request a safety transfer, or an MPO, TRO [temporary restraining order], and/or CPO [civilian protective order].”⁴² If an MPO is issued, the commander must ensure that the victim is aware of their option to request a transfer from their assigned command.⁴³ The victim will also be informed that if they wish to seek protection off base, they must seek a CPO, as the MPO is not enforceable by civilian law enforcement off base. The Expedited Transfer Victim Requests Army policy states that: “there is a presumption in favor of transferring or reassigning a sexual assault victim, at his or her request, following that victim’s credible report of sexual assault.... For the purposes of this policy, a report of sexual assault is credible when the battalion commander or above, after considering all available evidence from USACIDC or other investigative agency and the advice of the servicing legal office, concludes that there are reasonable grounds to believe that an offense constituting sexual assault has

³⁶ Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2019 (p. 16).

³⁷ Army Regulation 600-20, 24 July 2020, Glossary, (p.212).

³⁸ *Id.*, at para 7-5, (p.102).

³⁹ *Id.*, at para 7-9, (p.111).

⁴⁰ *Id.*, at Appendix I, (p.160).

⁴¹ *Id.*, at para 7-10, (p.113).

⁴² *Id.*, at para 7-10, (p.113).

⁴³ *Id.*, at para 7-11, (p.114).

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

been committed against the person requesting the transfer or reassignment. For purposes of this policy, a credible report is limited to reports of crimes being investigated by USACIDC, other MCIO [Military Criminal Investigation Organization], or other investigative agencies.”⁴⁴

The commander may also “[d]etermine the need for temporary reassignment to another unit, duty location, or living quarters on the installation of the victim or the subject being investigated, working with the subject’s commander if different from the victim’s commander, until there is a final legal disposition of the sexual assault report, and/or the victim is no longer in danger.”⁴⁵ When an unrestricted report of sexual assault has been filed, the commander will also “Flag (suspend favorable personnel actions) any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600–8–2 and suspend the Soldier’s security clearance in accordance with AR 380 –67.”⁴⁶ At the same time, the commander is also supposed to discourage gossip or speculation, and “[e]mphasize that the subject is presumed innocent until proven guilty.”⁴⁷

Commanders are also in charge of ensuring annual SHARP trainings occur. This involves incorporating “unit-level SHARP annual training into the overall training for the unit” and pre-deployment and post-deployment SHARP trainings.⁴⁸ “Annual SHARP training will be conducted face-to-face using the approved Department of the Army SHARP Annual Training Support Package available on the Army Training Network. Commanders will determine the duration, location, and means for conducting training. Unit leaders will lead the training with the assistance of certified SHARP professionals.”⁴⁹ In addition to annual training, when a report of sexual assault has been filed, the commander may also “consider some form of unit training; or have an outside expert address the unit regarding preventive measures, as well as some of the emotional or psychological feelings that may manifest themselves, affect the unit, and require the unit’s response during the course of the investigation.”⁵⁰

Only those personnel with a legitimate need-to-know will be given details of the reported sexual assault. Until final disposition of the reported sexual assault, the sexual assault victim’s immediate commander is required to provide monthly updates to the victim, including the current status of any ongoing investigation or command proceedings regarding the assault.⁵¹ The sexual assault victim “will have access to medical treatment and counseling, support, and consideration for

⁴⁴ *Id.*, at Appendix I, (p.160).

⁴⁵ *Id.*, at para 7-11, (p.115).

⁴⁶ *Id.*, at p. 116.

⁴⁷ *Id.*

⁴⁸ *Id.*, at p. 115.

⁴⁹ *Id.*, at para 7-5, (p. 95).

⁵⁰ *Id.*, at para 7-11, (p.115).

⁵¹ *Id.*, at para 7-5, (p. 97).

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

protection orders and expedited transfers.”⁵² USACIDC will investigate the unrestricted report and provide support to the Sexual Assault Review Board (SARB). “The SARB provides executive oversight, procedural guidance, and feedback concerning the installation’s SHARP Program.”⁵³ The SARB is chaired by the senior commander (or deputy commander), and on a monthly basis the board meets to review the installation’s SHARP Program, including its responses to any unrestricted reports of sexual assault. “Commanders will provide final disposition of sexual assault cases in accordance with AR 190-45.”⁵⁴

FINDINGS

1. FINDING #1: THE IMPLEMENTATION OF THE SHARP PROGRAM AT FORT HOOD HAS BEEN INEFFECTIVE, DUE TO A COMMAND CLIMATE THAT FAILED TO INSTILL SHARP PROGRAM CORE VALUES BELOW THE BRIGADE LEVEL.

The FHIRC determined that, while basic components of the Fort Hood SHARP Program were in place and there was attention devoted to the Program at the III Corps Headquarters level, the core elements of the SHARP Program were diluted at each level below III Corps, to the point of being barely functional within the enlisted ranks. These ranks comprise 85% of the personnel at Fort Hood.⁵⁵ These ranks are also where at least 88% of sexual assault victims and over 90% of the identified subjects under command jurisdiction are found.⁵⁶ The Committee determined that responsibility for flawed execution ultimately rested on the upper echelons of Fort Hood leadership, based in large measure on a lack of emphasis on the SHARP Program. This dearth of command emphasis on the SHARP Program allowed form to pervasively supersede substance across the installation, at a heavy cost to morale and the health and safety of the Soldiers within the Fort Hood community.

The end result has been a SHARP Program that appeared to be compliant on the surface, but was hollow and lacking in leadership attention, day-to-day implementation, broad acceptance by the enlisted Soldiers, and full inculcation into the culture and character of the Fort Hood community. If ever there was a need for intrusive hands-on leadership with regards to the health and welfare of troops, Fort Hood is and was the environment.

⁵² *Id.*, at para 7-9, (p.112).

⁵³ *Id.*, at Appendix F, para F-2, (p.146).

⁵⁴ *Id.*, at para 7-9, (p.112).

⁵⁵ Fort Hood Fact Sheet, August 2020, Page 3.

⁵⁶ *See* Figure 1 derived from DSAID system data. Chart supplied by III Corps SHARP Program Office.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

While certain structural issues of the SHARP Program were contributing factors in the failed execution of the program at Fort Hood,⁵⁷ they were not the primary cause. The main cause was the inability of the command elements at the Division and Brigade levels to proactively drive the SHARP Program elements of knowledge, prevention, reporting, response and recovery down into the ranks where most of the SHARP violations took place.

The Committee sought out to identify gaps between the Army's stated goals and its current state using both qualitative and quantitative methods, in particular, using the following stated goals of the SHARP Program per U. S. Army Regulation 600-20, CH 7:

Sexual Assault Prevention and Response Goals

- 1) *Create a climate that minimizes sexual assault incidents, which impacts Army personnel, Army civilians, and Family members, and, if an incident should occur, ensure that victims and subjects are treated according to Army policy.*
- 2) *Create a climate that encourages victims to report incidents of sexual assault without fear.*
- 3) *Establish sexual assault prevention training and awareness programs to educate Soldiers.*
- 4) *Ensure sensitive and comprehensive treatment to restore victims' health and well-being.*
- 5) *Ensure leaders understand their roles and responsibilities regarding response to sexual assault victims, thoroughly investigate allegations of sexual assault, and take appropriate administrative and disciplinary action.*

The Committee identified a marked lack of focus on the core elements of the SHARP Program. Across the installation, and especially in the Combat Brigades and their supporting elements, readiness was the primary focus of all activities, while the SHARP Program and the general well-being of Soldiers was a distant second. Mission readiness completely overshadowed the SHARP Program. Rather than viewing SHARP as a critical component of Soldier safety, morale, and respect, NCOs and officers at the Company/Troop level and below, treated SHARP as a perfunctory task, not a priority. Too many NCOs acted as if they had to shield the higher echelons from SHARP issues; and, there were too many instances described during individual interviews of NCOs themselves taking advantage of subordinate victims.⁵⁸

The FHIRC, which has several Members with military experience, determined that this deficiency was not a matter of the military capabilities of the officers and NCOs. They will go where they are led. Unfortunately, it was attributable to a lack of commitment and leadership – spanning not one single command, but a series of commands across the Corps, Division and Brigade echelons – to focus efforts where they were needed the most: deep into and below the Company/Troop levels into the enlisted ranks.

⁵⁷ See Finding #3, below.

⁵⁸ Between FYs 2015 to 2020 NCOs comprised 27.5% (287 of 1042) of sexual assault subjects based on data extracted from the Defense Sexual Assault Incident Database (DSAID) as of 21 SEP based on 380 reports in which the Subject was under UCMJ authority and CID completed the investigation and substantiated the report. Data and analysis supplied by III Corps SHARP Program Office.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

The evidence for this Finding is set forth and discussed in the sub-Findings below. This evidence was developed during the course of conducting 647 individual Soldier interviews, group interviews that encompassed over 1800 Soldiers and Army civilians and over 150 specialized interviews of select individuals on the base and the surrounding community. The Committee also examined its own Survey results across over 31,000 respondents and detailed analysis and reports provided by HQDA and US DoD.

The foundational underpinnings of this Finding follow.

1.1. During The Review Period Of 2018-2020, Fort Hood Leadership Knew Or Should Have Known Of The High Risk Of Sexual Assault And Harassment At Fort Hood.

There is basic risk management concept that whenever a risk is predictable, it is preventable.⁵⁹ At Fort Hood there was a clearly identified high risk of serious harm: sexual assault involving female Soldiers in the enlisted ranks, which could have been addressed decisively and in proactive ways to mitigate the risk. Unfortunately, a “business as usual” approach was taken by Fort Hood leadership causing female Soldiers, particularly, in the combat Brigades, to slip into survival mode, vulnerable and preyed upon, but fearful to report and be ostracized and re-victimized.

The absence of Command focus and execution was even more concerning to the Committee, given that the high risks of sexual assault and sexual harassment at Fort Hood were known or should have been known by command leadership at all echelons. It was well publicized that the risk for sexual assault for women at Fort Hood was persistently high before and during the review period.⁶⁰ In fact, there were multiple and patent red flags that should have drawn focus and attention to the need to actively mitigate the risks and drive down the number of serious incidents.

This was especially true in the brigades within the 1CD and 3CR, where women were first introduced into armored/infantry units over 4 years ago. The placement of female Soldiers in combat Brigades is a fairly recent phenomenon. Since then Secretary of Defense Ashton Carter first formally announced the change in 2015, the numbers of female Soldiers in combat brigades have steadily increased. During the review period however, the ratio of males to females in the combat units was approximately 7 to 1.⁶¹ Female enlisted Soldiers make up the lion’s share of the victims, mostly at the hands of enlisted male Soldier subjects.

The Department of Defense (DoD) Fiscal Year (FY) 2018 Annual Report on Sexual Assault in the Military reported that sexual assault occurs most often between junior enlisted acquaintances who are peers or near peers in rank. The 2018 force-wide survey showed that the vast majority of

⁵⁹ *Law Enforcement Today*, March 26, 2017, quoting Retired Commander of California Highway Patrol and 45-year law enforcement risk management professional Gordon Graham.

⁶⁰ Media article from Nov 17, 2017 “*Ft Hood Reports the Most Sexual Assaults of Any Army Post*” KWTX: Killeen, TX.

⁶¹ The 1CD had 18,827 soldiers assigned, of which 2,764(15%) were female. The 3CR had 4,394 soldiers assigned, of which 479 (11%) were female.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

sexual assaults of service members occurred between people aged 17 to 24 who work, train, or live in close proximity. The report indicated that sexual assault offenders were most often military men whom the victim considered to be a friend or acquaintance, acting alone. In addition, the alleged offender's rank was most often the same as the victim's or one rank higher, with most alleged incidents involving junior enlisted women in the grades of E3 and E4.⁶²

This proved to be true at Fort Hood during and several years prior to the review period with the exception that a number of victims also included E-5s and many subjects were NCOs up to the E-7 rank. Numbers obtained from the III Corps SHARP Office showed the following breakdown of victims and subjects by rank for FYs 2018, 2019 and 2020.

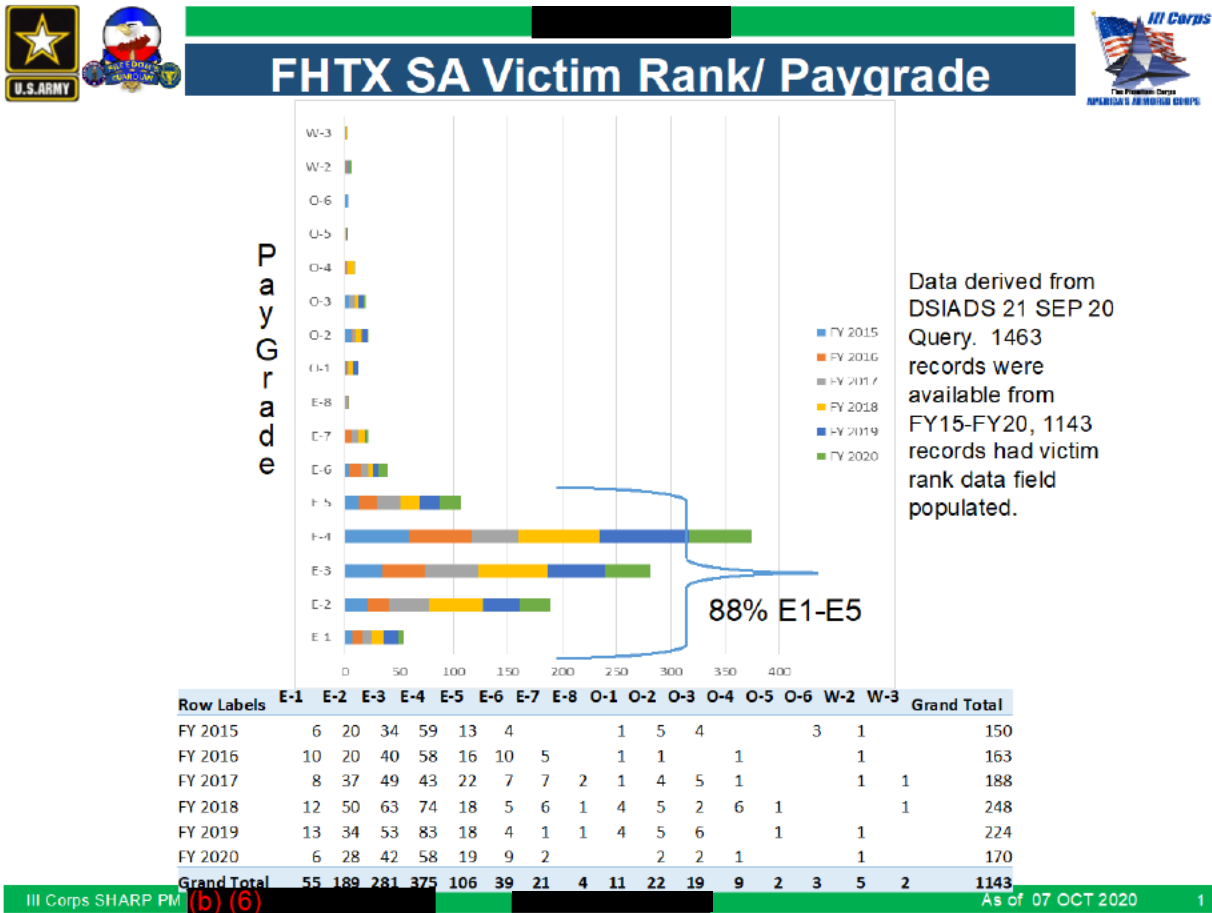
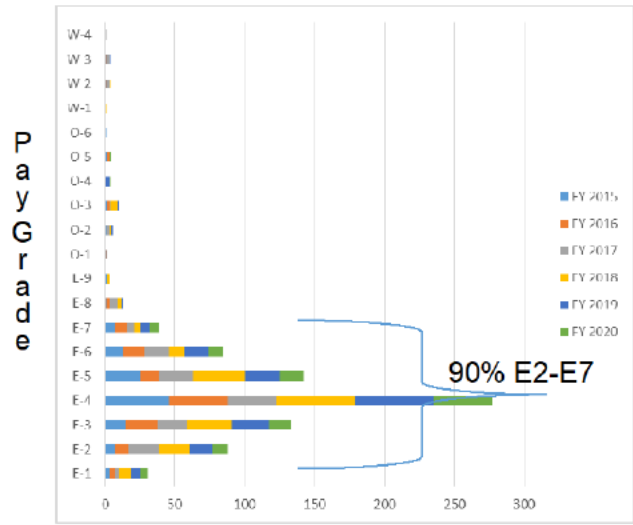


Figure 1: FY15-FY20 Victim Rank Break Out

⁶² Of the 30,733 junior and senior enlisted Soldiers assigned to Fort Hood, 4917 (16%) are female.



Data derived from DSIADS 21 SEP 20 Query. 1463 records were available from FY 15-FY20, 848 records had subject rank data field populated. 463 data fields were blank and 179 were unknown.

Row Labels	E-1E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	O-1	O-2	O-3	O-4	O-5	O-6	W-1	W-2	W-3	W-4	Grand Total	
FY 2015	3	7	15	46	25	13	7	1	2	1	1	2	2	1			1	1	128	
FY 2016	4	10	23	42	14	15	9	2		1	1	1	1				1	1	124	
FY 2017	3	22	21	35	24	18	5	6			2	1					1	1	1	140
FY 2018	9	22	32	56	37	11	4	3	1		2	5			1	1			184	
FY 2019	6	16	26	56	25	17	7	1		1	1	3						1	160	
FY 2020	6	11	16	42	17	10	7					1	2						112	
Grand Total	31	88	133	277	142	84	39	13	3	2	6	10	4	5	1	1	4	4	1	848

Figure 2: FHTX Sexual Assault Subject Rank Breakout

These charts show that most of the sexual assault victims and identified subjects are indeed found in ranks of E-1 to E-7 with the highest concentration of victims in the ranks of E-1 to E-5. These are also the youngest and most vulnerable Soldiers. Data also shows that 63% of the victims were between the ages of 18 to 23 years old.⁶³ This is where the risk at Fort Hood was highest; and, this is where efforts needed to be laser-focused in the area of training, close monitoring and focused initiatives to prevent and deter sexual harassment and sexual assault.

1.1.1. The Published Rates Of Violent Sex Crimes At Fort Hood Were Notably Higher In Comparison With Other Army Installations, The Army, And FORSCOM.

In comparing crime rates from CY 2015 to 2020, based on a five-year average rate per 100,000, Fort Hood's rates of violent sex crimes were 30.6% higher than FORSCOM averages and 43.2% higher than the Army.⁶⁴ Fort Hood also had the highest founded sex offense rates among similar

⁶³ Analysis provided by III Corps SHARP Program Office, based on DSAIDs data for FYs 2015-2020.

⁶⁴ Data provided by USACIDC, includes Soldiers identified as alleged offenders (probable cause threshold or currently under investigation) in incidents recorded in the Army Law Enforcement Case Management system.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

posts in Army for first term enlisted Soldiers, and while not statistically significant,⁶⁵ also has the highest founded sex offense rates for NCOs.⁶⁶ (See Figures 3 and 4 below).

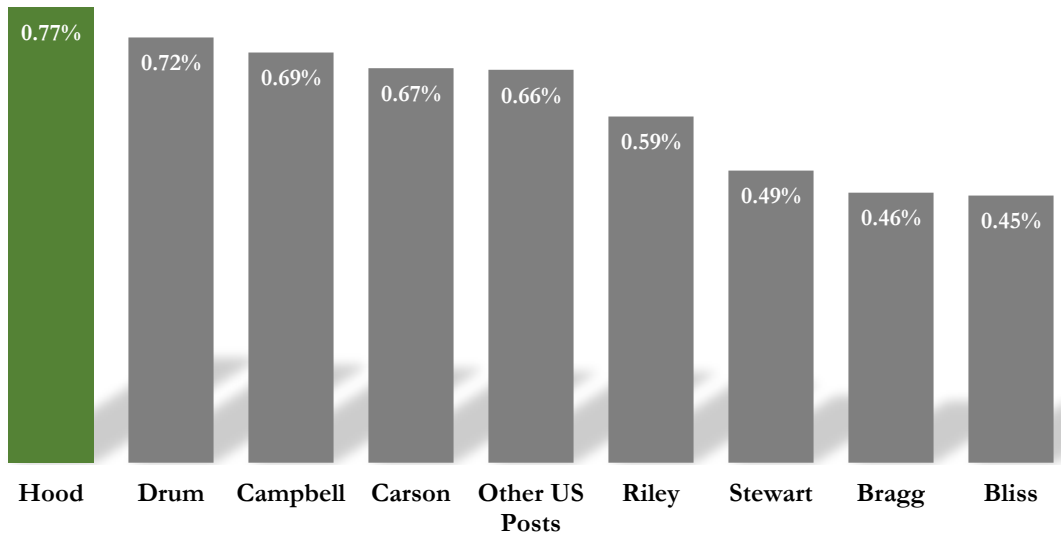


Figure 3: Percent of First Term Enlisted Soldiers with Founded Sex Offense

⁶⁵ According to the FHIRC researcher statistical analysis was conducted to understand how Fort Hood differed from other US Army divisional posts. A statistically significant result meant that the observed difference between Fort Hood and other posts in the data sample was likely to exist in reality after controlling for characteristics such as race, gender, AFQT, rank, MOS, etc. On the other hand, a statistically insignificant result meant that any observed difference is more likely due to randomness in the data sample taking into account those characteristics. Variations in the population can affect statistical significance.

⁶⁶ Analysis of founded offense rates among first term enlisted Soldiers arriving at their duty station between 2015 and 2019 over the duration of their assignment. For NCOs, analysis is among Soldiers E-5 to E-8 who start a new assignment between 2015 and 2018 (inclusive) and offense rates are constructed over a one-year horizon. Data source: US Army personnel data merged with Criminal Investigation Division and Military Police found cases from the Army Law Enforcement Reporting Tracking System database.



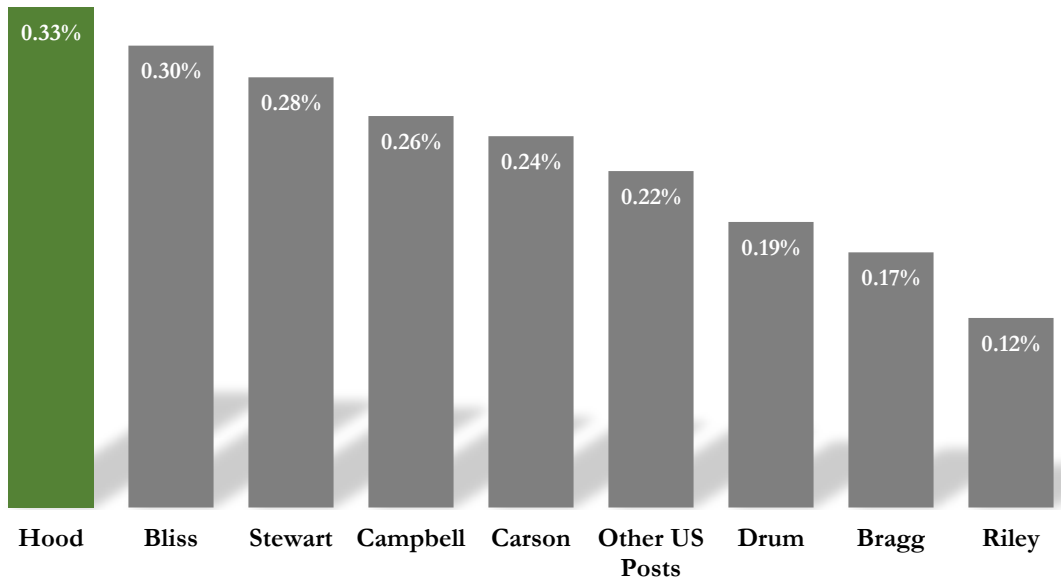


Figure 4: Percent of NCOs (E5 to E8) with Founded Sex Offense

Data analysis revealed that restricted and unrestricted sexual assault reports recorded in the Defense Sexual Assault Incident Database (DSAID) system increased from 214 in 2016, to 241 in FY 2017 to 309 in 2018, before a slightly lower number of 277 in 2019. The 2020 reports stood at 204 as of August 31, 2020, with one month left in the reporting year; however, analysis of historical crime data and interviews revealed that the COVID lockdown and travel restrictions clearly had an impact on most crime categories in 2020.⁶⁷ So even while the 2020 rates at Fort Hood are lower than the FORSCOM average, they were still sufficiently high to merit focused attention. During this Review, the FHIRC also identified significant evidence of substantial underreporting of sexual assault and sexual harassment.⁶⁸

1.1.2. The DoD Commissioned And Published Comprehensive Studies That Showed A High Risk Of Sexual Assault And Harassment At Fort Hood.

Fort Hood was identified as a high-risk installation for sexual assault as far back as 2014. The DOD Office of People analytics used data from the *2016 Workplace and Gender Relations Survey (WGRA)*, to complete the *2016 Contextual Risk for Sexual Assault* project, which estimated sexual assault risk scores for all DoD installations. Fort Hood was identified as having the highest possible sexual assault risk score for installations for women and men in 2016, with an assigned risk level of 5 on a

⁶⁷ The DSAID system does not capture sex crimes directed at a domestic partner, juveniles, or civilians.

⁶⁸ See generally Finding #2.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

scale of 1 to 5, with higher scores indicating a higher risk. This was consistent with the *2014 Rand Military Workforce Study* results for women.⁶⁹

Again in 2018, various climate indicators at Fort Hood were classified as “high risk.” Fort Hood’s risk categories for sexual assault for women in 2018 were classified as level 4 on the same 5-point scale.

Areas of potential climate concern for Fort Hood included high levels of supervisor workplace hostility, gender discrimination against women and underage drinking among women, coupled with low levels of peer respect and cohesion, responsibility and intervention, and supervisor response climate. The risk of female gender discrimination at Fort Hood was also high at an assigned level of 5.

The OPA report was widely disseminated, and it offered several recommendations, which included disseminating the risk estimates to military leaders to make them more aware of problems in their commands and identifying progress on their respective installations, as well as investigating conditions leading to patterns of sexual assault risk.

1.1.3. Command Climate Surveys Of Key Commands At Fort Hood Also Showed A High Risk Of Sexual Assault And Sexual Harassment.

The Defense Organizational Climate Survey (DEOCS), produced by the Army Office of People Analytics, is a unit-level survey designed to provide Commanders information about their unit’s climate. By law, it is administered within 120 days of assuming Command and annually thereafter. It includes quantitative results and open-ended “short answer” responses. These responses are used to inform the command of issues that merit special attention.⁷⁰ The Climate surveys for several of the key commands at Fort Hood showed ample reason for concern and placed them on notice of significant issues with regards to SHARP Program implementation. The FHIRC found minimal evidence that these surveys were used the way they were intended: to identify command climate issues and take action to address them.

1.2. There Was Widespread Lack Of Knowledge Of Basic SHARP Reporting Methods And The Right To Special Victims’ Counsel.

The III Corps climate survey covering the period July 1, 2018 to June 30, 2019 showed that only 55% of the 13,695 respondents could demonstrate a working knowledge of critical aspects of the SHARP Program, to include the various ways to report a sexual assault. Enlisted (E1 to E9) and

⁶⁹ Fort Hood was classified as having an average level of sexual assault reporting in 2016, which OPA suggested the rate at which active duty victims chose to come forward to file a report was in line with the DoD average.

⁷⁰ The DEOCS cautions that that other methods should be employed before taking management or disciplinary action based solely on the results the DEOCs survey.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

junior enlisted (E1 to E6) ranks showed the least knowledge of the system, based on a six-question mini-exam contained in the survey with 53% and 51 % respectively.⁷¹

Results for the 1CD Climate survey for the same time period shows that only 46% of enlisted and 44% of junior enlisted could answer the basic knowledge of reporting methods and SVC questions correctly. Overall, the 1CD as a unit scored only 50% correctly.⁷²

Results for the knowledge of SHARP reporting questions for the 3CR were even more concerning. Only 46% of the 1877 respondents, or 863, could demonstrate basic knowledge of the SHARP reporting processes and right to have a Special Victim Counsel. Once again, enlisted and junior enlisted correct response rates were even lower at 43% and 41%, respectively.⁷³ These are dismal figures and should have alerted the command that basic knowledge of the SHARP Program was lacking in these units, and especially within the junior enlisted ranks. See also Figure 5 below which was created with data from October 2017 to March 2019 which shows similar percentages.⁷⁴

⁷¹ DEOCS Report: Ft Hood III Corps: 7/01/2018 - 6/30/2019.

⁷² DEOCS Report: Ft Hood 1CD 7/01/2019 - 6/30/2019.

⁷³ DEOCS Report: 3d Cavalry Regiment; April 21, 2020.

⁷⁴ Analysis of all surveys completed by Soldiers assigned to units at CONUS installations between October 2017 and March 2019. Data Source: Defense Equal Opportunity Management Institute Organizational Climate Survey (DEOCS). All intra-Fort Hood comparisons using FHIRC Survey or DEOCS data in this report group units into the following categories:

- 1CD: 1st Cavalry Division
- 3CR: 3rd Cavalry Regiment
- III Corps: III Corps Headquarters and subordinate brigades, including 11th Signal Brigade, 36th Engineer Brigade, 89th Military Police Brigade, and 504th Military Intelligence Brigade
- 13th ESC: 13th Expeditionary Sustainment Command and 1st Medical Brigade
- Medical: Darnall Medical Center, Public Health Command, and Dental Command
- Other Fort Hood units: all other Fort Hood units, including 1st Army Division West, 69th Air Defense Artillery Brigade, Operational Test Command, 48th Chemical Brigade, and the 3rd Security Force Assistance Brigade

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

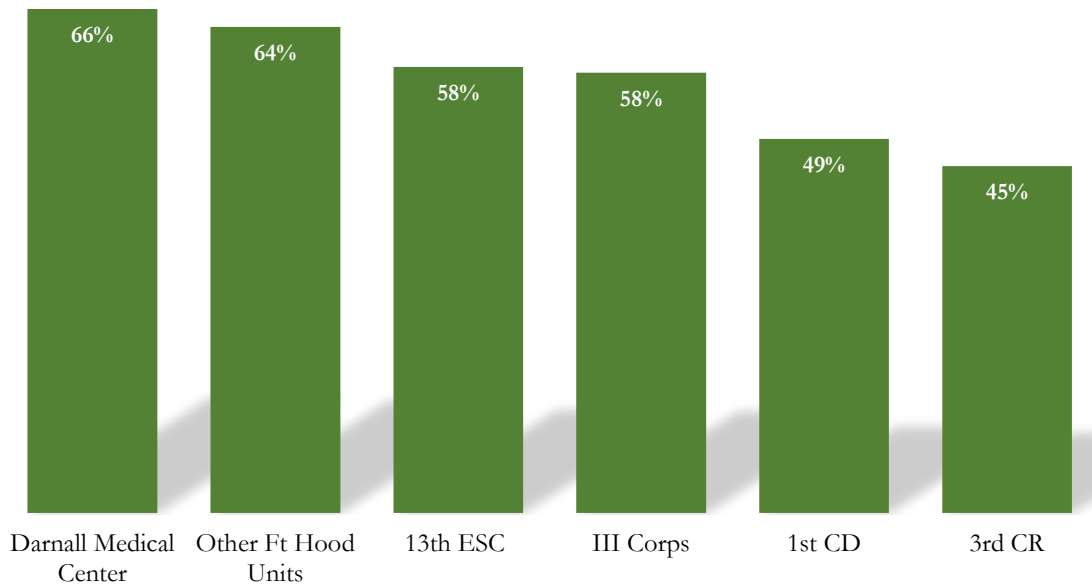


Figure 5: Percent Correct of Five Answers to DEOCS SHARP Reporting Knowledge Questions

It is noteworthy that during FYs 2018 and 2019, 1CD and 3CR were also seriously delinquent in compliance with respect to mandated SHARP training requirements.

Perhaps the most telling result is depicted in Figure 6 below, where the percentages of Soldiers who answer all of the 5 simple SHARP related knowledge questions correctly was less than 30% across the largest units at Fort Hood, with 3CR and 1CD at less than 20%.⁷⁵

⁷⁵ *Ibid.*



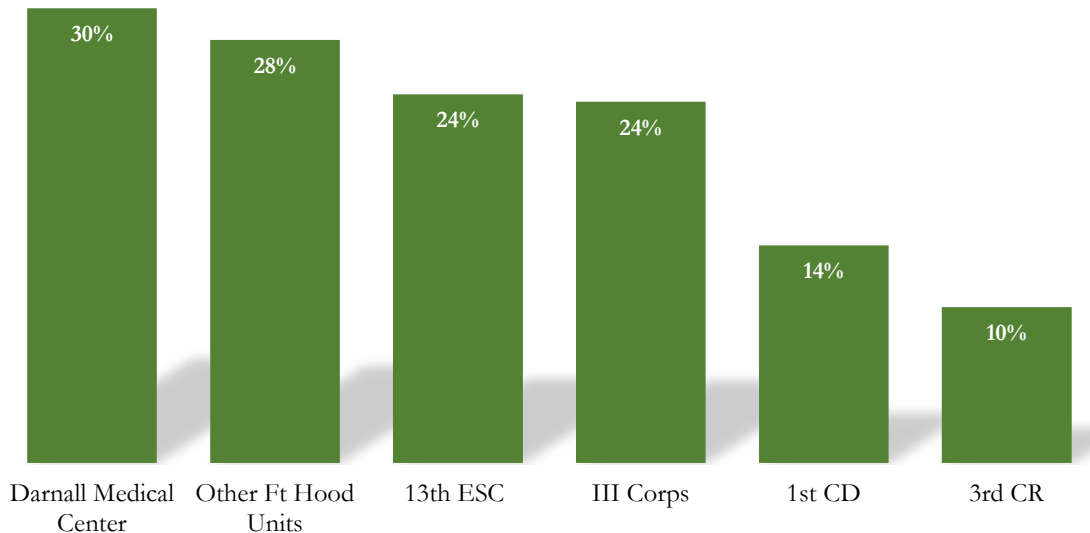


Figure 6. Percent of Respondents Answering All Five Reporting Knowledge Questions Correctly

1.3. There Was Universal Fear of Retaliation, Exposure And Ostracism For Reporting SHARP Violations.

The DEOCs III Corps survey covering July 1, 2018 through June 30, 2019, revealed that only 60% of III Corps women believed there would be no form of retaliation if they were to report a sexual assault. Overall, only 62% of the 13,695 III Corps respondents believed that there would be no form of retaliation if a report were filed. The III Corps percentage was 64% as it related to sexual harassment.⁷⁶

Within the 1CD, only 61% of the 7,849 respondents answered that they had confidence that a reporter would not experience some form of retaliation for filing a complaint of sexual assault and 64% with regard to filing a sexual harassment complaint.⁷⁷

Within the 3CR, only 57% of the respondents were confident that there would be no retaliation if they were to report sexual assault and 61% if they were to report sexual harassment. Among women in the 3CR, only 53% would not fear retaliation for reporting sexual assault and 56% felt the same in regard to reporting sexual harassment. Once again, junior enlisted scored the lowest of all the ranks in this area at 53% and 56% respectively.⁷⁸

⁷⁶ DEOCS Report: Ft Hood III Corps: 7/01/2018 - 6/30/2019.

⁷⁷ DEOCS Report: Ft Hood 1CD 7/01/2019 - 6/30/2019.

⁷⁸ DEOCS Report: 3d Cavalry Regiment; April 21, 2020.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

One Brigade within the 1CD, the 1st ABCT merits special mention, where only 46% of enlisted and 44% of junior enlisted *did not* fear retaliation if they were to report sexual assault. With respect to knowledge of reporting, a dismal 46% of the unit respondents could demonstrate basic knowledge of the SHARP reporting protocols. Among the junior enlisted, only 39% managed to pass the 6 question SHARP reporting mini-test provided in the survey and 42% among enlisted ranks.⁷⁹

Among all units listed above, the highest percentage of positive responses for other elements of the SHARP Program including sexual assault prevention, sexual assault response, and vulnerability to sexual harassment was just over 70%, with a low of 46%.

These are not passing grades in any context. The U. S. Army must not set a bar so low that these numbers are acceptable. The FHIRC took note of the recently published FORSCOM Inspector General Report of their examination of the SHARP Program at Fort Hood. The Committee recognizes the Inspector General Office's essential role of inquiring into and reporting upon the "discipline, efficiency, economy, morale, training, and readiness throughout the Army," through Inspections, Assistance and Investigations.⁸⁰ The Committee also appreciated the limited period of time allotted to the FORSCOM IG to examine the SHARP Program at Fort Hood. Within these time-restrictions, the IG Inspection relied primarily on a limited number of sensing sessions, with a total of 306 total participants and a survey in which only 282 people responded. This actually represented twice the usual number of IG sessions and survey respondents but was a significantly smaller sample than the scope of the FHIRC survey and interviews.⁸¹

By contrast, over 31,612 people completed the FHIRC survey across Fort Hood; and, over 2,500 individuals participated in either group or individual interviews; the FHIRC had the benefit of unfettered access to enterprise level Army and DoD data, multi-disciplinary analysis; consultations were undertaken with a variety of relevant stakeholders and SMEs; and, hundreds of documents were reviewed over an extended time period. Within that context, the FHIRC does not agree with the FORSCOM IG Report's primary Finding that "Unit leaders executed the SHARP Program to standard" at Fort Hood.

The FHIRC noted also that as "the eyes, ears of the FORSCOM Commanding General"⁸² the IG should set higher standards than those set in the recent inspection where only 65% of the 60 female respondents to the IG survey stated that they believed that they could file a sexual assault or

⁷⁹ DEOCS Report: 1 ABCT, 1CD dated July 22, 2020.

⁸⁰ See Army Regulation 20-1.

⁸¹ See Armed Forces Command Inspector General Report (Final), Sexual Assault/Harassment Prevention Program Inspection (FHTX), 4 August 2020. (FORSCOM IG Report).

⁸² See Statement of Colonel Patrick Wempe, US Army Forces Command Inspector General Before the Subcommittee on Military Personnel Committee on Armed Services, United States House of Representatives, July 29, 2020.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

harassment complaint without reprisal/retaliation,⁸³ This strikes at the very heart of the SHARP Program and hardly represents “an overall positive command climate” with respect to female Soldiers.

The FHIRC survey across all Fort Hood units asked several questions about retaliation and the answers of the 31,612 respondents were consistent with the DEOCs surveys. Among enlisted and women, the responses were again the least favorable. For example, 28% (1,644) of women believed that a person would be ostracized for filing a sexual harassment complaint; 22% of women (1,297) believed a reporter would be blamed for causing problems and 18% of women (1,045) felt that a person who intended to file a sexual harassment complaint would be discouraged from moving forward. With regard to sexual assault the percentages were 27%, 20% and 17% respectively. The percentages for the 3CR and 1CD were even higher across these survey questions with the 3CR consistently displaying the highest percentages of female Soldiers who feared retaliation. See Figures 7 and 8 below.

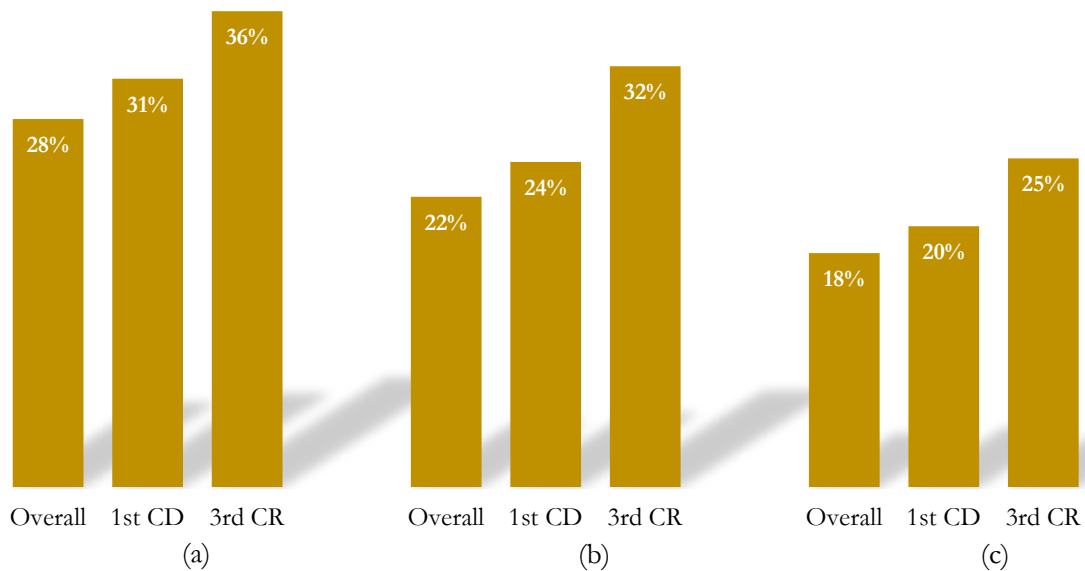


Figure 7: Left to Right, Percent of Females That Agree if an Individual Were to File a Sexual Harassment Complaint They Would be a) Socially Excluded, b) Blamed For Causing Problems, or c) Discouraged From Moving Forward With Complaint

⁸³ See FORSCOM IG Report page 6 statement that “the majority” of female soldiers would not expect reprisals for filing a report.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

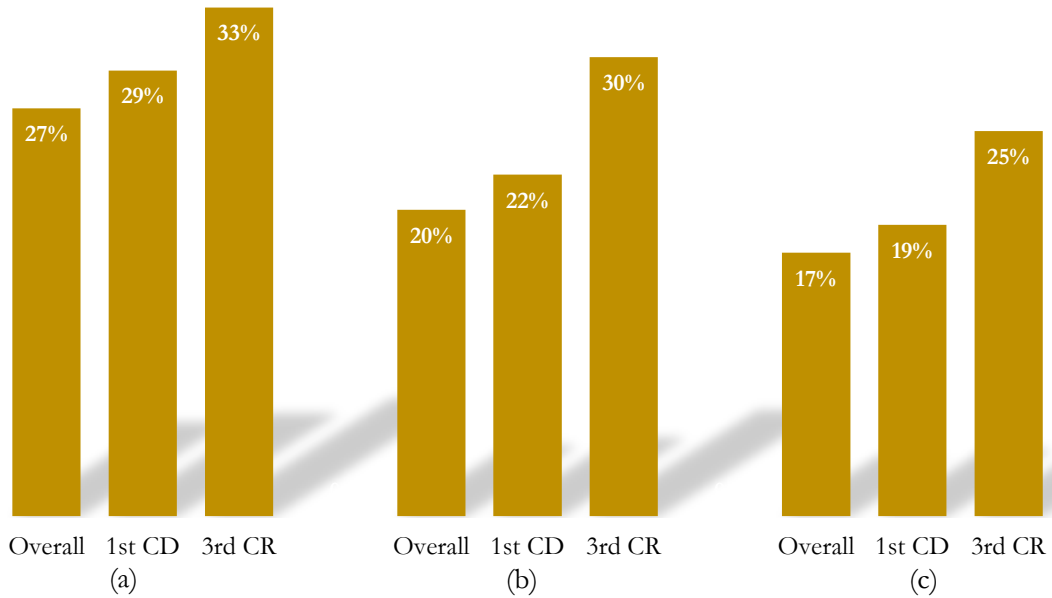


Figure 8: Left to Right, Percent of Females That Agree if an Individual Were to File a Sexual Assault Complaint They Would be a) Socially Excluded, b) Blamed For Causing Problems, or c) Discouraged From Moving Forward With Complaint

Regarding confidentiality, 1,112 of 5942 women (19%) did not believe that a report would be kept confidential by the chain of command; however, 27% of female Soldiers in the 3CR felt that a report would not be kept confidential. (See Figure 9)

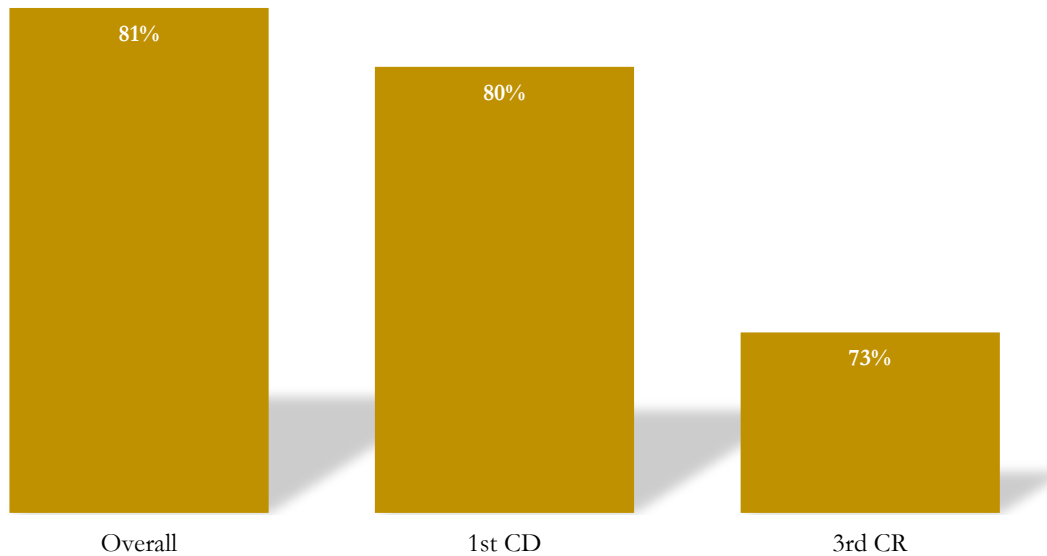


Figure 9: Percent of Females That Agree if a Coworker Were to Report a Sexual Assault, Chain of Command/Supervisors Can Be Trusted to Keep the Knowledge of the Report Limited to Those With Need to Know



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

The numbers are similar when it comes to reporting sexual assault. In both categories across ranks, junior enlisted Soldiers and junior NCOs agree at 4-7 percentage points less than senior NCOs and officers.

These numbers reflect a widespread lack of knowledge and confidence in the system, and they signal an increased risk of sexual assault and sexual harassment, especially in the lower enlisted ranks where over 88% of the violations occur and the highest numbers of victims and subjects are found. (See Figures 1 and 2.)

The SHARP Program cannot be effective without driving the execution of the program essentials deep into the enlisted levels, which at Fort Hood represent 85% of the base Soldier population. These program essentials necessarily include creating conditions that engender wholesale confidence in reporting and establishing and developing a system wide knowledge of reporting channels. The Command must cultivate a zero-tolerance orientation toward sexual assault, sexual harassment, retaliation, and breaches of confidentiality. And, there must be a swift and just response that is visible to the victim and would-be wrongdoers. This Review determined that these critical elements were lacking.

The Department of the Army Inspector General (DAIG) conducted a Special Interest Inspection (SII) of the Army SHARP Program from November 2013 to 28 February 2014, entitled *Special Interest Item (SII) Inspection of the Army Sexual Harassment/ Assault Response and Prevention (SHARP) Program* to assess compliance with and implementation of applicable Army and DoD policy and guidance. The inspection found that leaders (both NCOs & Officers) who inculcated and personally took ownership of promoting dignity and respect in their units and demonstrated it on a daily basis, were more successful than those who merely had administratively correct programs and processes. This finding is not surprising.

1.4. Review And Analysis Of The Mandated Sexual Assault Review Boards Revealed An Emphasis On Form Over Substance.

The Sexual Assault Review Board (SARB) is an Army mandated executive tool to ensure victims are protected and to identify issues in the area of SHARP implementation and drive prevention strategies, remedies and improvements in its administration. When used properly, the SARB process is one of the Commander's best opportunities to receive vital information and assess the effectiveness of the implementation of the SHARP Program across his/her area of responsibility. It is also an opportunity and tool to formulate and drive strategies to address those issues.

US Army Regulation 600-20 states:

The primary purpose of the SARB is to ensure victims' physical, emotional, and spiritual needs are provided for, their rights are protected, and their recovery is facilitated. The SARB provides executive oversight, procedural guidance, and feedback concerning the installation's SHARP Program. This board reviews the installation's prevention program and the response to any unrestricted report of sexual assault involving the installation. This includes reviewing cases and procedures to improve processes, system accountability, and victim access to

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

quality services. In order to ensure the SARB remains victim-centric and to avoid potential interference with the administration of justice, the subject will not be discussed at the SARB, except when retaliatory behavior is being reported or the safety of the victim is being discussed.⁸⁴

Members of the Review Committee examined the 2018, 2019 and 2020 SARB minutes/SARB presentations and interviewed key participants in the monthly SARB meetings. A retired career Army Officer became the Program Manager (PM) of the III Corps SHARP Team in August of 2018. He immediately focused on using the SARB meetings to stimulate action to address training delinquencies and understaffing, as well as training and provisioning of the SHARP SARCs and VAs.

The SARB records revealed many of the Fort Hood units were seriously deficient in mandated basic and refresher SHARP training. In fact, the 1CD and 3CR were the most delinquent and non-complaint. SARB presentations reveal that as of August 2018 *only 135* of the 4,171 Soldiers and civilians of the 3CR received the mandatory “Annual Standing Tall” online training and only 2,085 had taken the mandated annual unit refresher training. The First Brigade of the 1CD had similarly dismal numbers with 887 of 2,630 and 1,956 of 2,630 respectively. In November 2019, *none* of the 2,153 members of the 69th ADA Brigade took either of the mandated training. Similarly, none of the 2,630 members of the 1st Air Calvary Brigade (1ACB) had taken either course. These numbers slowly improved in 2019; however, 3 of the 1CD Brigades continued to lag behind, with only approximately half of the unit members completing the required training. By mid-2020, through the urging and persistence of the Program Manager, training within most units was current.

There is evidence that the Program Manager also identified and called out at the meetings serious SHARP staffing, training and resource deficiencies at the Provost Marshal’s Office (PMO) and across Fort Hood units. Gradually, these issues were addressed, and by the end of first quarter 2020, most of the training was up to date and SHARP personnel staffing/training and provisioning was over 90%.

During the review period six different Senior Commanders or Deputy Senior Commanders presided over the SARB meetings, reflecting a lack of continuity until MG Efflandt took over in December 2019. MG Efflandt personally attended 11 meetings during the review period. By all accounts, he was the most engaged and active of the presiding Commanders. MG Efflandt focused on cleaning up the number of older cases carried as pending due to administrative defects or deficiencies, and he consolidated the 1CD SARB into the III Corps SARB by engaging the Commanding General, LTG White, to order the consolidation.

The Committee assessed that, while certain administrative aspects of the SHARP Program were addressed, the Command at Fort Hood did not effectively use the SARB process to address serious SHARP Program issues. Nor did the Command use the SARB to devise strategies to drive the SHARP core elements below the III Corps level, despite being provided sufficient essential information necessary to do so by the SHARP Program Office and other key SARB participants.

⁸⁴ Army Regulation 600-20, 24 July 2020, Appendix F.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

The minutes confirmed, however, that throughout the review period the majority of these SARB meetings generally lasted for an hour or less, and appeared to be focused on administrative issues from a higher command standpoint. The meetings and PowerPoint slides largely reflected efforts to highlight SARC/VA staffing and credentialing status/issues, as well as to aggregate and distill consolidated data from BDE/Regimental SARCs/VAs. This was clearly designed to satisfy DA/DoD-mandated SHARP Program requirements regarding the gathering, collating and tracking of incidences of sexual assault and to a lesser degree during this period, sexual harassment. The Committee determined that this focus on mostly administrative matters and quantitative response dynamics regarding the SHARP Program came at the expense of qualitative, proactive prevention-driven outputs.

Given the limited amount of time allocated for these high-level meetings, SARB discussions adhered to a prescribed format which appeared to be noticeably void of any consistent emphasis on ensuring that Commanders and their subordinate leaders at every level down to SGT/E-5 and even Corporal/E-4 were appropriately and tangibly engaged with their troops and were being held accountable for results which could be validated by way of applicable metrics. In fact, there was very little evidence of the establishment or tracking of any specific and measurable goals, objectives and metrics for success while a great deal of focus was placed on simply correcting administrative issues.

An area of concern was the lack of evidence in the minutes of the participation of Brigade Commanders. The III Corps PM revealed that the Brigade Commanders primarily participated by phone or teleconference, but no roll call was taken nor was participation documented. Also, of concern was the non-participation of any Brigade commanders or representatives of the 1CD, which apparently held their own unsanctioned SARB.⁸⁵ It finally took an order by LTG White, while still serving in Iraq, for the 1CD representatives to begin participating in June 2020. Given that the 1CD is the largest unit at Fort Hood this Committee assessed that the lack of 1CD participation was detrimental to a cohesive unified installation command strategy to implement the SHARP Program. Note that the 1CD, until mid-2019, was consistently deficient in their training and throughout the review period had a high number of offenses in the ALERTS system.

The Committee also determined that the SARB meetings were not conducted in person from December 2019 thru February 2020. After the Vanessa Guillén case became public, however, the meetings began to focus almost singularly on reducing the number of active sexual assault cases reflected in DSAIDs, which at the time numbered over 1,000.

It was clear that SARB meeting frequency and SHARP Program data scrutiny on the part of MG Efflandt regarding administratively delinquent unit reporting and victim follow ups that were the primary causes of the 1000+ open cases demonstrably intensified and became more prescriptive beginning in 5/2020. The FHIRC was informed he initiated two-part meetings at that juncture in order to provide additional time for him to be briefed in detail by each unit commander on individual SHARP cases and to personally review, approve or deny requests to close these complaints and investigations. Dual-meeting dates were as follows:

⁸⁵ SHARP Program Managers pointedly stated that these sessions were “meetings, not SARBs.”

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

- 5/28/2020 & 6/4/2020
- 6/25/2020 & 6/26/2020
- 7/29/2020 & 8/4/2020
- 8/27/2020 & 9/1/2020

To be sure, this effort was commendable and went beyond what any other Commander had done. But these were administrative issues that should have been addressed throughout the three-year review period by the previous presiding Commanders. Also, there continued to be an absence of any goals or objectives. At the same time, the concentration and development of initiatives by leadership to drive the prevention aspects of the SHARP Program into the enlisted ranks was still nowhere apparent in the meeting presentations and minutes.

Finally, the SARB process was never utilized to identify hotspots in terms of units that were outliers in areas of concern. For example, at times the III Corps, the 3CR and the 1CD were identified as obvious hotspots; but prescriptive remedies were never discussed, developed or implemented.

1.5. The SHARP Program Was Understaffed, Undertrained And Under-Resourced During Most Of The Review Period.

The FHIRC determined from reviewing III Corps Program data derived from the SARB presentations and interviews with Fort Hood SHARP representatives that the staffing, training and provisioning of SHARP personnel was not a priority in the Brigades, which contributed to inefficiencies in the overall program. As noted in Finding #3, SHARP SARCs and VAs are not selected through the Army Department of Administrative Services. They are selected by Brigade or Battalion Commanders and, aside from the Civilian Brigade lead VAs, are taken from existing manning allocations without a backfill. They were not trained, provisioned or provided the necessary system accesses when their assignment to SHARP duties began.

The III Corps Program Manager classified a brigade or his own III Corps program office as yellow or green in terms of staffing, training and provisioning the full time brigade level SARCS and civilian lead VA positions depending on whether their SARCs and/or VAs met all the requirements above. The PM also tracked this information as it related to Collateral SARCs and VAs, which operate at the battalion level.

At the beginning of FY 2019, eight of the 21 brigades were classified as yellow due to one missing SARC, three missing VAs, four VAs or SARCs lacking appointment orders, eight lacking training and one lacking system access. This represented a 72% readiness level.

The readiness status of the Collateral SARCs/VAs at the Battalion/Troop levels was even more concerning. At the beginning of FY 2019 eleven of the 21 Brigades were lacking one or more fully trained, duly appointed and fully credentialed SARCs and/or VAs. For example, 19 of 62 allocated collateral duty SARCs were not on-board. This situation was particularly concerning in the 1CD where only 12 of 22 allocated collateral SARCs were on-board. This means that 10 Battalions had no local SARCs to receive victims and direct victim services. The Headquarters Battalion had no SARC on-board.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

By the beginning of FY 2019 the status of full time SARC and VAs had stabilized, however, collateral duty SARC and VAs were still in a yellow status with 46 of 71 credentialed and trained collateral duty SARC and 78 of 91 VAs on board at the battalion/troop levels. It was only after MG Efflandt began presiding over the SARB meetings that these numbers were published, and the situation began to improve. Over the next 8 months the collateral duty SARC/VA staffing and readiness was gradually raised to 89% by August 2020.

Besides staffing, there were other issues identified during the review that involved SHARP resources and properly equipping SHARP personnel to effectively discharge their duties. Many did not have mobile phones or internet access in their offices. The 3CR placed their Regimental SHARP office in a tiny windowless room with no phone or internet access. Few had access to official vehicles to meet victims and transport them to the hospital or for follow up services. There were minimal resources or funding for training aids and training in general. SHARP personnel often had to pay for all these items out of their personal funds or use their personal mobile phones and vehicles.

Additionally, the quality of SHARP personnel in the 3CR was raised as a serious issue. Multiple interviews supported this assertion. During the course of individual interviews one particular VA was singled out by many 3CR Soldiers as being toxic and unresponsive to their needs. It was heard from a large number of interview subjects that none of the 3CR Soldiers would go to that person because they gave bad advice. This VA was also notorious with CID Special Agents who complained about the VA's lack of professionalism during victim interviews. (b) (6)

[REDACTED] The III Corps SHARP PM warned the last two 3CR commanders about this VA on several occasions beginning in 2018 and nothing was done until a victim finally lodged an IG complaint. It was the opinion of the PM and other SHARP officials that this VA placed victims in the 3CR at risk. Another 3CR SHARP VA was (b) (6) [REDACTED] at the time of the onsite portion of this review. The 3CR Commander selected and senior rated the brigade lead VA.

Lastly, III Corps is allocated two SHARP Program trainers responsible for supporting and coordinating the training of all collateral duty SHARP personnel, at the battalion level, through a 2-week "Foundation Training." These trainers also support unit level annual, pre-deployment and post-deployment training for all personnel across III Corps. However, since May 2018, there has been only one trainer available to conduct training and serve as a resource to Commanders. Given the high turnover rate of SHARP personnel, it is nearly impossible for one master trainer alone to ensure training is conducted, much less track vacancies at the unit level to ensure new personnel are properly trained.

The training, staffing, credentialing and quality of SHARP personnel is critical to the effectiveness of the program. It is also incumbent on the Brigade leadership to select and maintain competent and effective SHARP personnel in their units. The FHIRC found that the resource and staffing shortcomings adversely impacted the Fort Hood program and contributed to its ineffectiveness.

1.6. There Was A Pervasive Lack Of Confidence In The SHARP Program Among Soldiers.

The extensive interactions that the Committee had with Soldiers at Fort Hood demonstrated a wholesale lack of confidence from the vantage point of those whom the SHARP Program is designed to protect. The FHIRC determined that this pervasive lack of confidence had a detrimental impact on reporting and other critical aspects of the program. This lack of confidence partly stemmed from a widespread perception revealed during interviews and surveys that SHARP reports were not treated with confidentiality and Soldiers feared retaliation in some form should they file a SHARP-related incident report.

Individual interviews of hundreds of members of the Fort Hood community were conducted within the construct of a deliberate methodology, as set forth earlier in this Report. The results of these interviews were both alarming and informative. Even filtering and discounting the interview results for possible influencing factors such as personal agendas, social media and extensive news reporting around the Vanessa Guillén case, the inevitable conclusion is that the SHARP Program at Fort Hood failed to protect and serve the people who need its protections and services the most.

The main factors affecting confidence in the SHARP Program were fear of retaliation, lack of confidence in leadership's ability to effectively address sexual assault or sexual harassment, lack of confidentiality, and lack of confidence in the outcome. The individual interviews also uncovered an unacceptably high number of unreported instances of sexual assault and sexual harassment.

Also informative were the responses to questions regarding the basic elements of the SHARP Program. Of the 507 females interviewed, 32% (164 female Soldiers) stated that they would not be comfortable reporting sexual assault or sexual harassment through the SHARP Program as currently implemented at Fort Hood. Only 50% of the female Soldiers interviewed were confident that their command would take any such report seriously. In addition, 50% were not confident in their Commanders.

Another extremely disturbing set of responses addressed the question whether the interviewee had witnessed or experienced acts of retaliation for reporting an incident of sexual harassment or sexual assault. A total of 36%, 184 of the 507 females interviewed, responded yes to this question. Finally, 355 or 70% of the female Soldiers interviewed stated that the leadership at Fort Hood had not done a sufficient job in sexual harassment and sexual assault training and prevention.

1.6.1. It Was The Prevailing View Of SHARP Victim Advocates And Sexual Assault Response Coordinators That The SHARP Program At Fort Hood Was Ineffective.

In addition to the 647 interviews of the 1CD and 3CR Soldiers a total of 79 personal interviews were conducted with Fort Hood SHARP and EO specialists including 51 Sexual Assault Response Coordinators and Victim Advocates (VA). These interviews revealed that many of those most closely involved in the SHARP Program at Fort Hood lacked confidence in most aspects of the program.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

The following interview summary from a very dedicated and experienced SARC (SARC 1) summed up the general attitude of these representatives. “After four exhaustive years as a high-level SARC official, he/she feels disillusioned at what he/she now perceives is an increasing degree of erosion in the support for and commitment to the SHARP Program as a whole by leaders spanning the ranks of major general (O-8) down to squadron/battalion commanders (O-5). While he/she believes that the “nuts and bolts” of the SHARP Program are materially sound, the lack of leadership emphasis within most units at Fort Hood has manifested a climate of distrust and non-confidence about the program’s effectiveness and confidentiality.”

A SARC (SARC 2) stated *“I believe a vast number of the issues which the SHARP program is experiencing of late is attributable to the poor quality of the NCOs that unit commanders at the Company/Troop level are consistently selecting to function as their SHARP representatives. These soldiers are most often NCOs within the unit who have consistently provided subpar performances relative to their assigned responsibilities, and they are buttonholed into collateral duties such as SHARP so that other more effective NCOs can address ongoing leadership/operational taskings of a priority nature. As a result, these poorly-equipped NCOs are responsible for administering to a Special Emphasis Program (SEP) for their unit that they are not trained or competent to handle, and the SHARP program as a whole suffers a loss in confidence re confidentiality, retaliation, timeliness and appropriate adjudication as a result.”*

A third SARC (SARC 3) had such little faith in the Army SHARP Program at Fort Hood that he/she encouraged victims to report to an entity outside Off-Post and to use outside victim services.

A fourth SARC (SARC 4) stated *“The general feeling of the soldiers in my (unit) is that the SHARP program is largely ineffective and worthless. The overall process just takes too long, and the victims of these alleged and unacceptable acts are victimized over and over again in many different ways after initially summing up the courage to finally report them using the program. Soldiers do not trust their leaders or the SHARP program due to the prevailing perception of a failure in keeping their information confidential, and because alleged perpetrators of these incidents seem to remain in their units without any fear of being moved or punished.”*

A fifth SARC (SARC 5) whose statement is worth airing in its entirety summed up: *“I have been waiting for a long time to have the opportunity to come clean about the many issues that the SHARP program is experiencing relative to soldier trust and credibility. These fundamental issues must be aggressively addressed, as the III Corps command is clearly sweeping everything under the rug in favor of protecting their career progression instead. I have personally heard many high-level commanders state that the SHARP program is pointless, and it is apparent that most Brigade, Battalion and Company commanders do not take the program seriously unless an adverse incident or development takes place.*

However, due largely to the Vanessa Guillén murder and other transgressions which have recently occurred at Fort Hood, commanders are now responding in a knee-jerk manner to demonstrate their sudden seriousness and commitment to supporting SHARP, most notably within 3 CR. III Corps general officers and senior leaders who are not nearly as proactive as they need to be re supporting the SHARP program overall through personally and visibly leading by example, emphasizing the importance of the program with subordinate leaders at every level, and holding commanders accountable for results and corresponding metrics that will substantiate effectiveness and restore confidence on the part of soldiers re how this program will ensure that reporting, investigation and adjudication of their cases will be handled in a fair, timely and confidential manner.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

...Our commanders need to do a much more effective job of remaining engaged re the true climate, morale and concerns within their units, and I strongly believe they are just as culpable as the soldiers who perpetrate acts of sexual harassment and assault when these officers and senior NCOs do not emphasize the need for the SHARP program to be a unit priority to ensure its effectiveness. The reporting process re SHARP should not be delegated to any level below Brigade, as it is abundantly clear and compelling that reporting below this level is potentially exposed to unit politics, commander/senior NCO influence and possible corruption/compromise re confidentiality and retaliation.” (emphasis added)

1.7. Group Interviews Of Representatives Of Fort Hood Units Revealed That Implementation Of The SHARP Program At Fort Hood Did Not Effectively Reach The Troop/Company Levels

A mission-critical component of this Review was the conduct of group interviews of up to 45 Soldiers and Army civilian workers at a time from all units represented on the installation. A Committee Member led each of these interviews, while a JAG officer took notes, noted reactions, and recorded observations. During some sessions, a second committee Member recorded observations and asked questions. These group sessions were intended to complement the individual interviews and comprehensive survey results. The goal was to develop a deeper and broader understanding of attitudes and beliefs across ranks and units’ components related to key SHARP components, such as prevention, the reporting system and incident response up to and including resolution. The interviews also touched on safety, mental health, and morale and equal opportunity issues. Over 80 sessions were conducted while the FHIRC was on-site at Fort Hood. This section focuses primarily on the responses of the 1CD and 3CR, not only because the FHIRC Charter mandates such a review, but also because they are the largest units and consist of combat brigades where women are significantly outnumbered, and the risk of SHARP violations was documented to be the highest, according to the DEOCS surveys discussed previously.



**“[I]T IS UP TO US (NCOs) TO STOP THIS ...
WE HAVE KNOWN ABOUT IT FOR YEARS ...
IT IS STILL A PROBLEM BECAUSE WE ARE
NOT DOING RIGHT BY OUR SOLDIERS.”**

1CD NCO

The interviews were not conducted like traditional IG focus/sensing sessions. A show of hands was requested on key issues and questions and responses were noted by the JAG officer. If a particular issue was of interest, the moderator had the freedom and discretion to dwell on the issue as long as necessary to develop a good understanding as to numbers and intensity of the attitudes and beliefs on the issue. The results were compiled, and certain conclusions can be drawn in areas where there was overwhelming consensus within and between group interview sessions.

A total of 970 members of the 1CD were interviewed which consisted of 584 male, 218 minority male, 102 minority female and 66 Caucasian female Soldiers. They were generally divided into separate groups that were composed of ranks of enlisted, junior enlisted, senior enlisted and



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

officers however some groups were mixed ranks. The most candid and animated groups were the ones consisting of enlisted Soldiers. The results were informative and sometimes disturbing.

The overwhelming majority of these interviewees lacked confidence in the SHARP reporting system and believed that a justifiable fear of retaliation, ostracism, embarrassment and breach of confidentiality greatly inhibited reporting sexual harassment and sexual assault. A clear and convincing majority felt that responses/investigations that resulted from reports took too long and often the perpetrator appeared back in the unit or a nearby unit. A very large number of Soldiers commented that the SHARP Program essentially took a back seat to other priorities, and SHARP personnel were not good trainers. It was uniformly believed that SHARP VAs were not the best Soldiers and expendable, therefore were assigned SHARP duties.

For example, 8 of the 10 groups made up of 40 to 45 Soldiers each in the ranks of E-1 to E-4 (444 Soldiers in total) reported a sense of hopelessness with the SHARP reporting process. Most reported they had been exposed to senior NCOs acting inappropriately toward someone they know, and they were aware of multiple incidents of retaliation against the victim by both the unit and by senior NCOs. Soldiers were ostracized and treated as the problem when they reported. Many in this rank expressed concern that there were no real consequences for offenders; *“the victim gets all of the hardship”*; and, there was a complete lack of confidentiality for the reporting process.

Many in this group also recounted times when the accused was moved, and the victim was then punished by being given extra duties or “chaptered out.” These E-1 to E-4 Soldiers recounted multiple instances of an accused being moved to another unit where he was allowed to *“victimize a whole other unit.”*

They stated NCOs of all ranks were often the ones junior enlisted Soldiers saw preying on their friends and fellow Soldiers. Many reported NCOs contacting junior enlisted Soldiers by phone and communicating inappropriate messages that made the junior enlisted Soldiers feel uncomfortable; however, the junior enlisted Soldier felt they had to put up with it because of the rank of the person sending the message.

During the interview sessions with these E-1s to E-4s, only 2 of the 10 groups stated they did not think sexual assault and/or sexual harassment were problems in their particular units; however, Soldiers in both of these units said they did think Fort Hood overall has a significant problem with both.

Despite their units having a favorable climate, however, Soldiers in these two groups also cited a lack of confidentiality in reporting; retaliation against the victim; and, a total failure of “toxic” leadership to hold the offenders accountable as major detriments to reporting these offenses.

All the E-1 to E-4 groups spoke of the same problems with reporting: the lack of confidentiality; the length of time an investigation takes; keeping the victim *“in the dark”* regarding the status of the investigation, as well as the outcome; retaliation against the victim and little to no consequences for the offender.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Soldiers in all 10 sessions expressed doubt that anything would happen to an offender. Multiple Soldiers told stories of NCOs or higher leadership protecting each other. Even in the groups that did not think their particular units had problems provided multiple accounts of knowing someone in another unit that had experienced sexual assault and/or sexual harassment.

An overwhelming number of Soldiers in this rank believe if someone reported a SHARP complaint, their career would be over. Most Soldiers did not know who their SHARP Representatives were.


Of 4 other groups that consisted only of Soldiers in the ranks of E-4 to E-5, there was agreement that Fort Hood has a problem with sexual harassment, sexual assault and retaliation. They said victims who report become targets for retribution. Some voiced the feeling females who are in the Infantry are ready targets, especially when they are deployed.

Three out of these four groups of E-4s to E-5s believed the problems of sexual harassment, sexual assault and retaliation were worse at Fort Hood and that “the superiors are the guilty party.” Many in these three groups recalled instances when the victim had to continue working with the predator. One valiant Soldier stated with considerable passion: “[I]t is up to us [NCOs] to stop this ... we have known about it for years ... it is still a problem because we are not doing right by our Soldiers.” Three of these four E-4 to E-5 groups felt confidentiality is breached often during the SHARP process, with no consequences.

One group consisting of 45 E-4 to E-6 members of the 1CD had a lot to say about confidentiality of the SHARP reporting process, with everyone in this group describing an extreme lack of confidentiality. Most said if these cases were truly confidential, no one would be able to speak with specific details. The consensus was that because details always seem to leak out, confidentiality does not exist. Most in this group said their Soldiers *would not report* because they do not have faith the system would take care of their case, and that biased behavior throughout leadership sometimes begins even when a report is first hinted at.

One group of 42 E-6 Staff Sergeants to O-3 Captains unanimously agreed that reporting is rare due to fear of retaliation. They noted there is no trust in the Soldier’s first line supervisor because they have seen times when reports have been swept under the rug. They believe there is lack of protection for the victim, and that the victim’s career could be negatively affected because of retaliation.

Three groups consisting of a mix of officers up to the rank of Captain all acknowledged that reporting sexual harassment or sexual assault was greatly inhibited for fear of embarrassment and possible reprisal. One female Soldier summed up the feeling of the women in these units by stating with visible emotion: “[T]his is us calling for help right now...we need help.”



***“[T]his is us calling for help
right now...we need help”***

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

A total of 279 male Soldiers from the 3CR were interviewed in groups of 40-45. There were no females in these groups as the female Soldiers in the 3CR were all afforded individual interviews. The male Soldier's responses differed in some respects from the mixed group of 1CD Soldiers but there was consensus that there were serious problems at Fort Hood with respect to sexual harassment and sexual assault.

For example, in a group of 45 E-1s to E-4s most did not believe Fort Hood has a healthy environment regarding sexual harassment and sexual assault. Most agreed that the higher-ranking NCOs are the ones who get away with sexual misconduct because they are moved when there is an incident. This group was concerned that when these NCOs are moved, the toxic environment and leadership spreads, directly affecting morale. Retaliation is a big deterrent to reporting.

Many in the group expressed that the main problems were the lack of trust in the leadership; the lack of confidentiality in the reporting process and the fear or retaliation. Compared to other duty stations, many felt that Fort Hood leadership does not engage with their Soldiers; and, thus do not know anything about them. Some who have been at other posts see this as an Army wide issue.

The importance and relevance of designing the personal interviews to focus heavily on female Soldiers was reinforced by what FHIRC members observed during these group interviews. When female Soldiers spoke up about their concerns, they were frequently shut down and essentially drowned out by the male Soldiers. There were many incidents when a courageous female Soldier would speak up regarding her experiences with the SHARP Program or the flaws in the program, only to be contradicted and even ridiculed by other male members in the group in front of both the interviewer and the JAG Officer annotating responses. This dynamic exposed the hardened attitudes of a number of male Soldiers towards female Soldiers and the SHARP Program in general.

The responses of the male Soldiers primarily revealed a satisfaction with the status quo and their belief that it is incumbent on female Soldiers to adjust to the male environment since they volunteered to join the Army. It is worth noting however 45%, or 63 of 140 male Soldiers advised during individual interviews that the Army had not done a sufficient job in sexual harassment and sexual assault training and prevention; 21%, or 30 male Soldiers had seen or heard of someone who had experienced retaliation for reporting a sexual harassment or sexual assault and only 60% or 84 responded that their command would take a SHARP report seriously.

1.7.1. Fort Hood NCOs in 3CR Acknowledged There Were Issues With Sexual Harassment And Assault But Accepted No Responsibility.

Group interviews of 3CR NCOs exposed an interesting dynamic that revealed much about the attitude of the first line supervisors towards female Soldiers and the SHARP Program. Three groups consisting of a total of 131 E5 and E6 male NCOs expressed that they had no concerns about sexual assault and sexual harassment. They did not take responsibility for any of the prevalent issues at Fort Hood or the Army at large. Many in these sessions expressed that it is the breed of Soldier that is the root of all of these problems. These groups expressed a preference and practice of resolving sexual harassment brought to their attention informally, but none of them reported or documented

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

their actions. If the behavior persisted, however, they indicated that they would report it to their SARC.

Another group of 48 E-7 to E-9 male Soldiers also saw no problems with sexual harassment or sexual assault at Fort Hood. Many in this group felt that compared to colleges, Fort Hood does a better job taking care of their Soldiers regarding sexual assault and sexual harassment. Everyone in the group felt that if a report were made, it would be taken seriously. About half thought the report would be handled fairly; and, half thought that the person who is accused would not get a fair shake. This group believed the stigma attaches to the accused, even if it is determined that an accusation of sexual harassment or assault is unfounded. This group also believed the fear of retaliation emanates from the lower enlisted. This group stated that there is a breakdown in basic leadership. This breakdown stems from deficient manning, as there are not enough qualified leaders in positions to help Soldiers.

The last two groups consisting of WO1s to Majors (O-5) were of mixed views. Some in the room said they did not feel Fort Hood was safe for female Soldiers, especially junior enlisted. *“Once leadership leaves for the day, there is no accountability in the barracks or on post.”* Most in the group thought there were some incidences of both sexual harassment and sexual assault at Fort Hood, but they did not believe it was any different from the rest of the Army. Most in this group were concerned with the climate at the lower levels regarding professionalism in the workplace; but all Soldiers in the group stated they were doing what they could to educate their Soldiers on appropriate conduct. This group expressed having difficulty in readily identifying what is considered “unwanted” in terms of the demeanor and behavior of some of the Soldiers. They also expressed that being able to identify what is unwanted is a critical element in these incidences.

This group expressed that they took their jobs as mandatory reporters seriously. However, from what they had seen, some junior enlisted believe certain unacceptable behaviors are treated as acceptable. It was observed that some have grown up with this type of behavior their whole lives and now they are expected to change. They believe the junior enlisted Soldiers do not trust field grade leaders *because they see some of those individuals actually committing the acts of misconduct.* These Soldiers indicated that particular leaders are not trained to lead; they are being shoved into these positions with little to no training or guidance.

1.7.2. There Is A Relationship Between The Lack Of Confidence And Underreporting SHARP Violations.

The group interviews also revealed that the general lack of confidentiality in the SHARP Program affected SHARP reporting. Underreporting occurs in the junior enlisted ranks and among junior officers, for similar reasons: reports are not taken seriously or lack of confidence in leadership; lack of confidentiality; and, fear of retaliation. For example, across ten focus groups comprised of E1-E4, there was an overwhelming consensus there would be little to no consequence to the offender. Multiple Soldiers told stories of NCOs or higher leadership protecting each other or “sweeping it under the rug.” The group interviews underscored the connection between Soldiers’ lack of confidence in the SHARP Program and their lack of willingness to report incidents of sexual harassment or sexual assault.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

All of these factors appear to have a direct negative impact on uninhibited reporting. In fact, the FHIRC observed that there was wholesale fear of reporting sexual assault and sexual harassment and very little confidence in the response to reports, when reporting actually occurred. As set forth below in Finding #2, there is considerable evidence that sexual assault and sexual harassment are significantly underreported at Fort Hood and that female Soldiers have been and remain at high risk.

In summary there were many breakdowns in the process, not the least of which was the absence of leadership emphasis or any goals or objectives in the area of prevention. Very few of the most critical components of the SHARP Program were tracked. Command elements did not use the tools available such as the SARB process to drive initiatives to any measurable effect. The main cause, however, was the failure of leadership to get the message to the ranks where the lion's share of the violations occurred. Operational imperatives overshadowed the safety and security of the Soldiers who were vulnerable and essentially on their own. With the mountain of evidence collected, it was not difficult to determine that implementation of the SHARP Program was ineffective.

2. FINDING #2: THERE IS STRONG EVIDENCE THAT INCIDENTS OF SEXUAL ASSAULT AND SEXUAL HARASSMENT AT FORT HOOD ARE SIGNIFICANTLY UNDERREPORTED.

In examining a variety of data sources, the FHIRC determined that incidents of sexual harassment and sexual assault were significantly underreported. It is worth noting that addressing the psychological, spiritual and physical needs of victims of sexual harassment and sexual assault is important to leaders within the Fort Hood community. To that end, there are a number of methods through which any victim may report. Some of these methods never result in a record of an official report within the structure of the SHARP Program. For example, when a victim consults a member of the Chaplain Corps, there may very well be no interaction with a Sexual Assault Response Coordinator or Victim Advocate. Or, if a victim reports to the Carl R. Darnall Army Medical Center (CRDAMC), that victim may request medical treatment only. To be sure, the professionals at CRDAMC are very well trained and customarily advise victims of the avenues of reporting through the SHARP Program. However, for a variety of reasons as set forth in this Finding, Soldiers frequently elect not to report at all.

The most compelling evidence that incidents of sexual assault and sexual harassment are significantly underreported comes from the individual interviews, group interviews, and the installation-wide survey conducted by the FHIRC. Through the individual interviews, the FHIRC learned the magnitude of Soldiers' distrust in the SHARP Program and the impact of that distrust on reporting. Specifically, of the 507 interviews of female Soldiers, *the team identified 93 credible accounts of sexual assault and 135 credible instances of sexual harassment.* Of these incidents, only 59 out of the 93 accounts of sexual assaults were actually reported using either restricted or unrestricted channels. Only 72 of the 135 incidents of sexual harassment were reported. Some of the accounts of unreported sexual assault were extremely serious and had significant impact on the victim's health and well-being. They had to work each day carrying this burden, and many described having to see the



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

subject/predator working in the same or nearby unit. Narratives from these interviews invoke sadness and outrage.

Some of the most compelling evidence comes from the 20-question survey that was a mandatory exercise across all units assigned to Fort Hood. Over 31,000 responses were submitted rendering the results credible and persuasive. By way of example, underreporting was captured through question 13 of the survey which requested a yes or no response to the following: “In the past 12 months I observed a situation I believe was sexual assault.” Of the 31,612 respondents 1,339 responded yes. This is a stark number when considering that the SHARP Program at Fort Hood recorded only a total of 185 unrestricted and 32 restricted reports of sexual assault incidents on Fort Hood in FY 2019 and 103 and 16 respectively as of the end of August FY 2020.

Further, Question 12 of the FHIRC survey asked respondents to answer yes or no to the question: “In the past 12 months I observed a situation that I believe was sexual harassment.” Of the 31,612 respondents 2,625 answered yes. In contrast, only 36 formal and informal sexual harassment reports were filed at Fort Hood in FY 2019, 35 in FY 2020. Even if one were to significantly discount the number of positive survey responses this is compelling indicator that reports of both sexual assault and sexual harassment were grossly underreported.

The responses to a follow up question regarding whether the sexual assaults or sexual harassments that were witnessed were reported raised significant concern. As depicted in Figures 10 and 11 the survey responses indicated that only 25% of the females who witnessed sexual harassments were reported and only 20% of the observed sexual assaults were reported. The percentage that were reported may actually be high if the FHIRC survey results, which revealed that 1339 respondents witnessed a sexual assault in the last 12 months, are taken into consideration. Using this number based on 217 sexual assault reports in 2019 and 113 in 2020 the reporting rate would be only 16% of observed assaults.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

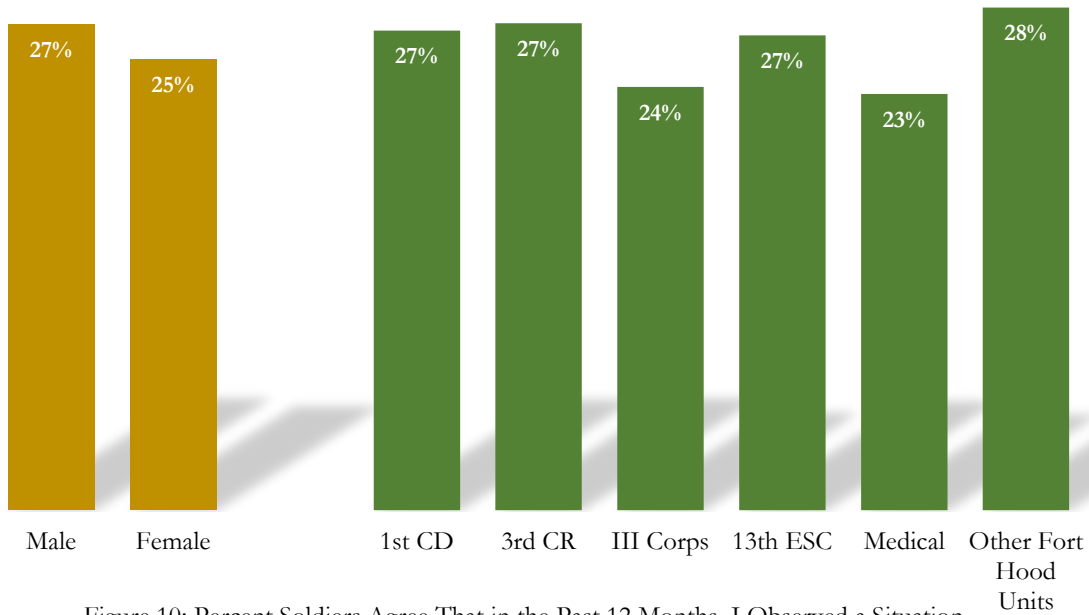


Figure 10: Percent Soldiers Agree That in the Past 12 Months, I Observed a Situation That I Believe Was Sexual Harassment and it Was Reported

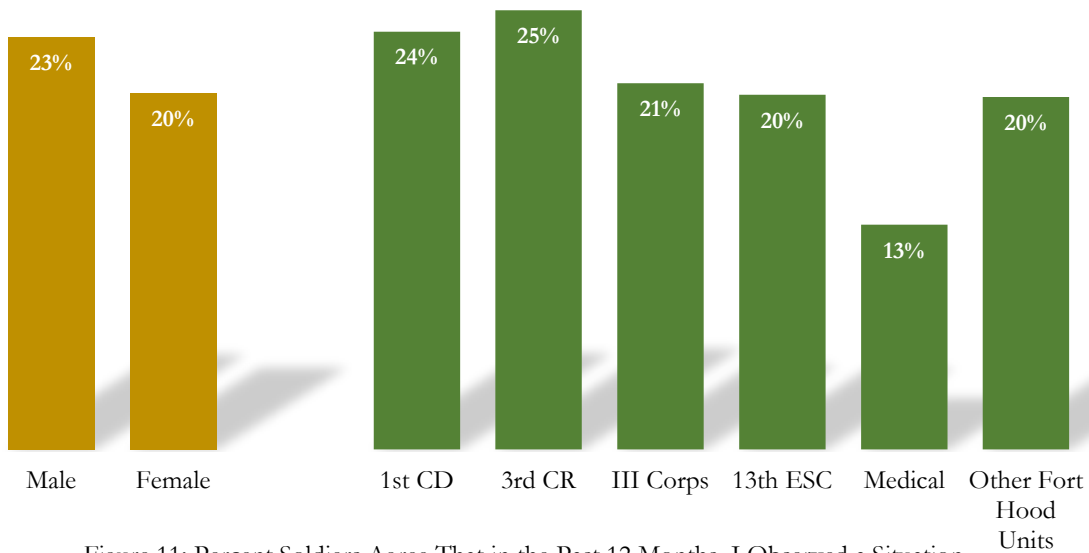


Figure 11: Percent Soldiers Agree That in the Past 12 Months, I Observed a Situation That I Believe Was Sexual Assault and it Was Reported

Most SHARP representatives who were interviewed in person on this topic stated that the reported numbers for sexual harassment were extremely far off the mark. One described a formal report of sexual harassment as “a unicorn.” In interviews the III Corps SHARP Program Manager and Program staff insisted that the sexual harassment numbers are not trustworthy. If such reports



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

are made, they are often made verbally to the Soldier's immediate supervisor. If the supervisor fields a verbal complaint, then it appears he or she rarely documents the report and action taken.

The FHIRC also determined from in-person interviews and group interviews that a significant number of sexual assault victims opt to go outside the installation to urgent care clinics or appear for treatment, meds or pregnancy/STD tests at Darnell Hospital but do not file a report of any kind. The Darnell Hospital based Forensic Nurse/SHARP Program Manager (Darnell PM) stated that the hospital always treated them and honored their requests to not file any report in DSAIDs.

The Bell County and Coryell County District Attorneys (DA) advised that each year approximately two dozen Soldier and civilian victims who were sexually assaulted by a Soldier off the installation are afforded the DA's prosecution and victim safeguard services, rather than reporting the sexual assault to someone at Fort Hood. They cited lack of confidentiality, slow justice and fear of retaliation as reasons they reported off the installation. They also cited a very slow investigation and resolution process as a basis for the mistrust.

Note also that the DSAID system does not capture SHARP violations committed by a Soldier against a current or former domestic partner or juvenile. The ALERTS system should capture these incidents as they will still be investigated by CID, but they will not be tracked in DSAID and it's unlikely they will be tracked if they occurred off-post.

Group interviews of 28 Chaplains revealed further evidence of unreported SHARP violations. Without breaching privileges or confidences, the interview of Chaplains related that many had met with victims seeking spiritual help and counsel who have unburdened themselves in describing sexual assaults and sexual harassments. According to the Chaplains to the best of their knowledge many of these victims did not report their experiences for fear of retaliation and being stigmatized.

Finally, the Committee learned of situations described as "walkaways, consults or contacts," which are victims who contact SHARP representatives to receive information about services, but refuse to file any type of report. Such incidents were singled out in the DoD Inspector General's 2020 *Evaluation of the Department of Defense's Handling of Incidents of Sexual Assault Against (or Involving) Cadets at the United States Military Academy* dated September 30, 2019. The DoD IG recommended that the Director of the DoD Sexual Assault Prevention and Response Office (SAPRO) develop and institute a process that documents consults or contacts with victims of sexual assault and any results.⁸⁶ Interviews of SHARP personnel at Fort Hood revealed that this change has yet to be implemented.

Examples of many of the non-reported instances described above were described to FHIRC Members in either individual or group interviews. The information provided above is consistent with a 2018 study conducted by the Defense Department's SAPRO which found that by comparing survey

⁸⁶ DoD Inspector General's 2020 Evaluation of the Department of Defense's Handling of Incidents of Sexual Assault Against (or Involving) Cadets at the United States Military Academy dated September 30, 2019.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

estimated sexual assault prevalence rates to reported sexual assaults in FY 2018, SAPRO projected that only approximately 38% of victim service members in the Army report their sexual assault.⁸⁷

In the *DOD annual report of sexual assaults 2019* it was reported that in FY 2019 the Military Services received a total of 1,021 formal sexual harassment complaints. The number of sexual assault reports from Service members increased by 3%, from 6,053 in FY18 to 6,236 in FY19. There were only 28 formal and 8 informal sexual harassment reports at Ft Hood in 2019. There were 25 formal and 10 informal reports in 2020.⁸⁸ Across the military and at Fort Hood the ratio of reported sexual assaults to sexual harassments is roughly 6 to 1 and 8 to 1 respectively.

Logic alone would challenge such a low number of sexual harassment reports across the entire military and at Fort Hood. It would mean that for every less serious violation, there are 6 to 8 extremely serious ones. An analogy in the civilian sector would be if there were 8 times more homicides than assaults. It is just not possible and does not reflect the real world. In order to enter into the realm of prevention, sexual harassment must be reported and documented. Studies, including Army research projects, have demonstrated that sexual harassment is a precursor and grooming process for sexual assault.

In conjunction with an appropriate command response, DoD policy encourages service members to address behaviors perceived to be sexually harassing at the lowest interpersonal level. Service members may also elect to address what they believe to be offensive situations through an informal or formal complaint, or even an anonymous complaint. Dealing with such situations at the lowest levels as they occur may be desirable. But without documenting the incident as, at a minimum, an informal complaint, there is no opportunity to address these precursor offenses. There was consensus from almost all sources interviewed during this review that such conduct should be made known to the leaders who would then be able to proactively address the situation and deter more serious conduct. This is the very reason informal sexual harassment reporting was established.

A major inhibitor to reporting as identified in individual and group interviews and the FHIRC survey, was that when the sexual harassment or sexual assault occurred many victims were engaged in collateral violations. The most common were underage alcohol consumption. DSAIDs and ALERTS Data shows that almost 70% of SHARP related incidents involve alcohol and between 7% to 10% involve drugs. Interviews also revealed several instances of use of a “date rape” drug being introduced in the victim’s drinks. Interviews with JAG and CID revealed that these collateral violations are not automatically discarded from consideration as a disciplinary matter and may be used as impeachment material for the subject’s defense. The FHIRC determined through interviews that this had a discernable chilling effect on reporting.

Finally, as an adjunct to this discussion, the DEOCs discussion in Finding #1 regarding fear of retaliation should be noted. In summary, this Committee has high confidence that sexual assault

⁸⁷ See DoD 2018 *Annual Report on Sexual Assaults*.

⁸⁸ Fort Hood III Corps Program Office Data.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

and sexual harassment are significantly under-reported which seriously undermines any effort to deal with and deter such conduct.

3. FINDING #3: THE ARMY SHARP PROGRAM IS STRUCTURALLY FLAWED.

Attempts at effectively addressing issues related to sexual misconduct is not new to the Armed Services. Indeed, the *Report of The Defense Task Force on Sexual Assault in the Military Services*, published in December of 2009, set forth a number of recommendations related to strategic direction, prevention and training, response to victims, and accountability. To the great credit of the Department of the Army, the FHIRC identified a number of these recommendations that have been implemented. Yet, in a number of ways, the current SHARP manning structure reflects the needs placed on the Army a decade ago, when the objective was to rapidly infuse Sexual Assault Response Coordinators (SARC) or Victim Advocates (VA), after contractor staffing was eliminated due to the finding that sexual assault prevention and response is an inherently governmental function. As set forth below, the next steps in the evolution of the structure of the SHARP Program are due.

3.1. By Design, SHARP Military Professionals Are Assigned Via Borrowed Military Manpower.

As *Findings #1 and #2* demonstrate with pristine clarity, SHARP Military professionals are an integral part of the SHARP Program's success. However, manning and utilization within the SHARP Program suffer from the fact that there is no visibility of personnel placement Army-wide. This is best illustrated by direct comparison with other areas of importance within the Army.

For example, the Army emphasizes the training, coaching, counseling, and mentoring of Soldiers upon initial entry into the Army, in order to transform them from civilians to combat-ready Soldiers. Accordingly, the Army assigns Drill Sergeants a Special Qualifications Identifier (SQI), and stabilizes Soldiers in this role for a period of 2-3 years.⁸⁹ Because of the priority afforded to the services provided by Drill Sergeants, manning is controlled by Training and Doctrine Command (TRADOC).⁹⁰

Similarly, determining and reporting on the economy, efficiency, discipline, morale, esprit de corps, readiness, and resources of the command is important to the Army. Accordingly, the Army assigns Inspector General (IG) non-commission officers (NCOs) a SQI, and stabilizes Soldiers in this role for a period of 3 years.⁹¹ Because of the priority afforded to the services provided by IG NCOs, manning is governed by the modified table of organization and equipment (MTOE) and table of distribution and allowances (TDA) authorization documents.⁹²

⁸⁹ DA PAM 614-200, 3-3.

⁹⁰ TRADOC Regulation 350-16, May 2020.

⁹¹ DA PAM 614-200, 8-12.

⁹² Inspector General Activities and Procedures, AR 20-1, 2-1.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Likewise, the Army values the process of formulating, directing, and sustaining a comprehensive effort to maximize human potential to ensure fair treatment for military personnel, family members and civilians without regard to race, color, gender, religion, age, disability or national origin. Accordingly, the Army assigns Equal Opportunity Advisors (EOAs) a SQI and stabilizes Soldiers in this role for a period of 3 years.⁹³ Because of the priority afforded to the services provided by EOAs, manning is governed by regulation and is visible Army-wide.⁹⁴

Unlike these career broadening opportunities, SHARP assignments are Command Selected. There is no visibility Army-wide; and, there is only an Additional Skill Identifier (ASI) of 1B or 1H. In contrast to assignments as a Drill Sergeant, an IG NCO or an EOA, where assignments and utilization are governed in a manner commensurate with their respective priorities within the Army, SHARP personnel come from borrowed military manpower. These personnel are stabilized for only a period of 2 years.⁹⁵ And, a significant portion of this stabilization period is spent completing the credentialing process and attending the 6-week SHARP Career Course,⁹⁶ leaving little time to actually perform their valuable services. Manning at the Brigade level is per the MTOE and TDA; however, the lower unit SARCs are assigned catch-as-catch-can.

3.2. SHARP Assignments Are Unlike Other Career Broadening Opportunities.

Noncommissioned Officers can benefit from the opportunity to advance their military careers through a variety of broadening assignments. Those specific opportunities are: (i) Drill Sergeant; (ii) Inspector General; (iii) Equal Opportunity; (iv) Recruiting; (v) White House; and, (vi) SHARP. Different broadening opportunities enjoy different attributes. For example, as noted in the previous section, Drill Sergeants, Inspector General NCOs, and Equal Opportunity Advisors each enjoy a SQI; specifically, Drill Sergeants have SQI-X;⁹⁷ IG NCOs have SQI-B; and, Equal Opportunity NCOs have SQI-Q. Recruiting and Retention NCOs enjoy a unique Military Occupational Specialty associated with a broadening opportunity, particularly MOS 79R or 79T.⁹⁸ And, NCOs with the opportunity to serve in the White House enjoy particularized attention through the Army's Special Management Branch. Assignments in each of these roles are Department of the Army (DA) selected, managed, and developed. The *only* assignments that are labeled career broadening, but are not DA-selected, DA-managed, and DA-developed are SHARP assignments.

Unlike other career opportunities advantageous to a Soldier's professional development, service within the SHARP Program is not *functionally* a broadening developmental

⁹³ DA PAM 614-200, 8-13.

⁹⁴ Army Regulation 600-20, 24 July 2020, para 6-1, (p. 72).

⁹⁵ DA PAM 614-200, 8-37.

⁹⁶ DA PAM 614-200, p. 13 (Code P).

⁹⁷ DA PAM 614-200, 8-2, pg. 82, Positions of Significant Trust and Authority.

⁹⁸ *Ibid.*

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

opportunity. Examples of broadening through developmental assignments are Joint, North Atlantic Treaty Organization (NATO), Drill Sergeant, Recruiting, Advanced Individual Training (AIT) platoon sergeant, instructor, Reserve Officers' Training Corps (ROTC), IG NCO, and EOA assignments. These assignments are primarily Military Occupational Specialty (MOS)-immaterial and challenge the NCO to increase their knowledge of Army policy and programs, increase skills beyond their Career Management Field (CMF) by performing the required duties of the assignment, and encourage growth as well as mentorship of these key attributes: character, presence, and intellect.⁹⁹ Common among career broadening opportunities is oversight and visibility within Enlisted Personnel Management.¹⁰⁰ Because of the importance of these roles within the Army, there is visibility over all Enlisted Branches and Military Occupational Specialties.

Assignments within the SHARP Program may also be contrasted through a different aperture. To the extent that the importance of the SHARP Program may be reflected in the Army's allocation of personnel, a comparison between Army EOAs and SHARP personnel is illuminating. Each Army Command (ACOM), Army Service Component Command (ASCC) and Direct Reporting Unit (DRU) is allocated one (1) O-5 Lieutenant Colonel, one (1) E-9 Sergeant Major, and one (1) E-8 Master Sergeant. Each Corps is allocated one (1) O-5 Lieutenant Colonel, one (1) E-9 Sergeant Major, one (1) E-8 Master Sergeant, and one (1) E-7 Sergeant First Class.¹⁰¹ Large installations, with over 10,000 Soldiers, are allocated an additional Sergeant First Class. Each Division is allocated one (1) O-5 Lieutenant Colonel, one (1) E-9 Sergeant Major, and two (2) Sergeants First Class. And, each Brigade is allocated 1 EOA.

In contrast with the EO Program, the SHARP Program allocates a single full-time Sexual Assault Response Coordinator and Victim Advocate to each Brigade.¹⁰² On installations with more than one SARC, the senior commander appoints a lead SARC. To be clear, there is no requirement that the senior commander hire or appoint an individual specifically to fill the role of lead SARC. Rather, any existing SARC on the installation may be appointed as the lead SARC. The senior commander, however, should select a full-time SARC assigned to their command as the lead SARC. The lead SARC is supported by and works in collaboration with the supporting SHARP Program Manager, as appropriate. This latitude, in contrast with the deliberate allocation of key experienced personnel within the EO Program, reflects a marked disparity in priority.

3.3. Considerable Time Is Required To Develop SHARP Military Professionals.

Unlike other career broadening opportunities where screening, selection, training and certification occurs prior to commencement of duties, there is a long timeline for screening, selection,

⁹⁹ Army Regulation 600-25, 11 December 2018, para 2-14, (p.13-14).

¹⁰⁰ DA PAM 611-21, <https://www.milsuite.mil/book/groups/smartbookdapam611-21/>.

¹⁰¹ Army Regulation 600-20, 24 July 2020, C-1b, Command Staffing (p.132).

¹⁰² Army Regulation 600-20, 24 July 2020, para 7-5, z, Installations (pg. 101).

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

training and certification of SHARP Military Professionals, all of which must occur during the NCO's time on station. Specifically, the credentialing process takes 2-6 months, at best.

A Battalion Sexual Assault Response Coordinator and all Victims Advocates must be appointed by the first O-6 Commander in the chain of command. A Brigade SARC must be appointed by a General Officer or SES. This appointment occurs after a diligent interview process with the appointing commander. The candidate must then submit for local police records, ASAP, and National Sex Offender Checks, which takes 1-2 weeks. Next, there is a submission for HRC background screening, which takes another 2-3 weeks at best and can sometimes take 2 or more months. Then, the candidate must attend and complete the SHARP Foundation Course. Following this 2-week course, the D-SAACP/NOVA, which is held quarterly, must approve the appointment, which ordinarily occurs 3-15 weeks from submission. Only after all of this may Appointment Orders be signed by the proper appointing authority.¹⁰³

There are no institution directed career possibilities for the Military SHARP Professional. A SFC/E-7 SARC that starts at the Brigade does not have an institutionally supported path forward to serve as a SARC at echelons above the Brigade. As a direct result, the Army does not increase or grow the institutional knowledge, experience and expertise of dedicated SHARP Professionals over time.

3.4. Aside From Personnel Assignment Problems, Further Structural Problems Frustrate The Efficacy Of The SHARP Program.

Setting aside the aforementioned issues related to staffing within the SHARP Program, the Committee observed conceptual problems that impact the Program's implementation. The SHARP Program conflates a number of crucial components that have dynamic differences. For example, there are marked differences between sexual assault, which is criminal conduct that invites an investigation under the Uniform Code of Military Justice (UCMJ) and sexual harassment, which is disruptive misconduct that invites direct action by the chain of command.

The most salient difference is that victims making a *restricted* report of sexual assault have confidentiality from the chain of command being informed; but, those making a sexual harassment allegation do not. There is no "confidential" sexual harassment report. In practice, within the chain of command, one cannot have complete confidentiality regarding criminal activity like sexual assault, according to AR 600-20. However, a Soldier alleging sexual harassment may actually benefit from discretion, particularly where such confidentiality could shield the Soldier from unwarranted reprisal. Increased recognition that treatment of a victim is resonantly distinguishable from socialized prevention would be advantageous.

Similarly, response to both sexual harassment and sexual assault is markedly different from prevention. When responding to an instance of either sexual harassment or sexual assault, the

¹⁰³ Of note, in some instances, an exception to policy for a rank waiver is required and must (i) be signed by the first GO/SES in the SARC or VA candidate's chain of command, (ii) receive concurrence from the ACOM/ASC/DRU SHARP PM, and (iii) be approved by the SHARP HQDA Director.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

command is addressing a discrete and known victim, and a potentially identifiable alleged offender or assailant. The singularity of focus is unique. However, prevention is social, involving a group or groups, of different sizes and attributes. Prevention is a sophisticated undertaking, requiring data-informed modification of cultural norms and priorities. Effective prevention improves group dynamics such that instances of sexual harassment and sexual assault are unacceptable. Conflating response and prevention, without respecting the marked differences between the two, compromises the ability to adequately focus on each.

With that in mind, the Committee observed a general lack of emphasis on prevention, to the detriment of the overall efficacy of the SHARP Program. Effective prevention must be proactive.¹⁰⁴ Proactive prevention requires an education and skillset that is distinguishable from response or victim support, which are no less important. The Army made a deliberate choice to assign prevention duties to SARCs and VAs, and to spend comparatively little time in training focused on prevention. However, this choice creates a substantive mission burden that is unlikely to advance the ability to implement courses of action oriented toward forward-thinking prevention and substantive alteration of climates that are permissive of sexual assault and sexual harassment.

The FHIRC observed that there would be tremendous benefit to having assigned and dedicated violence prevention personnel, who are practitioners assigned at the Major Command and Post level. Indeed, the Committee saw specific instances where such professionals could have guided senior mission commanders in what they should do to address risk factors for sexual assault - as well as sexual harassment, gender discrimination, workplace incivility, domestic violence, child abuse, and other “people” problems. This observation suggests that the Army would benefit from increasing its capacity for violence prevention. While the Army tasks its SARCs and VAs to do this, the present training program, which is nobly intended to render them optimally beneficial, can only provide them rudimentary skills. And, these skills are often lost once borrowed military manpower transitions back into their regular MOS duties. Having dedicated professionals would increase the Army’s proactive capabilities. When compared with the other Armed Services, the Army leads the way insofar as it has identified the importance of dedicating a significant investment of time training SHARP Military Professionals for their “response” duties.¹⁰⁵ The Army would benefit from taking the next steps in deepening and broadening this training, in order to better equip these professionals in the realm of prevention.

Furthermore, there is a degree to which the treatment of sexual harassment and sexual assault, and the environment where such activities occur, is viewed in isolation. What causes the disrespect of the contributions of both genders that leads to such activities? What signature behaviors may be

¹⁰⁴ This observation is consistent with a specific observation articulated in the 2009 Report of The Defense Task Force on Sexual Assault in the Military Services, where a General Court-Martial Convening Authority commented: “If I had the opportunity to make a suggestion it would be that there is a full time SARC paid appropriately. When a case does come in it is ‘STOP ALL.’ This makes the SARC a ‘reactive’ position and a person who responds due to emergencies. The SARC should be a proactive position who consistently thinks about SARC duties, not just during emergencies.”

¹⁰⁵ The Committee benefited from consultation with Dr. Nathan W. Galbreath, Ph.D., M.F.S., Director, Department of Defense Sexual Assault Prevention Office.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

addressed early, in order to change the environment where such unhealthy activities occur? Are there ways to develop Soldiers to make them less likely to engage in such destructive activities? These questions are the underpinnings of a whole-person concept that leads to better Soldiers and more cohesive units.

Finally, the Army's 21st Century Soldier concept would benefit from a more holistic personnel development program and military community development program, in order to address core problems that lead to instances of sexual harassment and sexual assault. The FHIRC observed no uniform system of addressing, from recruitment throughout the lifecycle of a Soldier, how the Army develops the "whole" person, thereby helping each Soldier recognize the value of the warriors with whom they serve. It is readily apparent that the notion of considering the well-being of the whole Soldier is within the contemplation of the Department of Defense. The recently published DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm is a strong step in the right direction.¹⁰⁶ The Army would benefit tremendously from genuinely embracing steps like this.

Given the apparent increase in Adverse Childhood Experiences in recent generations,¹⁰⁷ leaders must recognize that today's recruits and newest leaders may need "more" in terms of focus on the character of a professional warrior. Past training approaches must be updated to inculcate from day one the dignity, respect, and inclusion demanded from Soldiers serving in today's Army. Additionally, separation policy must be enforced, so those who cannot live up to Army standards are not afforded multiple opportunities to demonstrate their incompatibility with military service.

4. FINDING #4: THE FORT HOOD CID OFFICE HAD VARIOUS INEFFICIENCIES THAT ADVERSELY IMPACTED ACCOMPLISHMENT OF ITS MISSION.

This Review determined that the Fort Hood based 43rd Criminal Investigation Division (CID) detachment Special Agent workforce was unstable, under-experienced, over-assigned and under-resourced leading to inefficiencies that had an adverse impact on investigations, especially complex cases involving sex crimes and Soldier deaths. The FHIRC determined that these inefficiencies are the result of staffing protocols and other policies and procedures that transcend Fort Hood CID.

The USACIDC command is mandated by Army Regulation (AR) 195-2 to pursue the following objectives:

¹⁰⁶ See DoD Instruction 6400.09, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/640009p.pdf?ver=2020-09-11-104936-223>.

¹⁰⁷ Logan-Greene, P., Green, S., Nurius, P., and Longhi, D. (2014) Distinct Contributions of Adverse Childhood Experiences and Resilience Resources: A Cohort Analysis of Adult Physical and Mental Health. *Social Work Health Care, 53*, 776-797.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

1-6. Objectives

The operational procedures of each Army USACIDC element will be directed toward attaining the following objectives:

a. Ensuring known or suspected serious crimes and crimes which may result in damaging the public confidence in the Army are thoroughly and impartially investigated by USACIDC special agents.

b. Participating in the Army crime prevention program by identifying areas which are especially vulnerable to crime and by making recommendations to appropriate authorities for elimination of conditions conducive to criminal activity. This USACIDC effort, in the form of crime surveys, includes the examination of all aspects of management and property and fiscal accountability in which malfeasance and misfeasance may occur. Additionally, the Army crime prevention program will be conducted when criminal conditions, either engaged in or directed against Army personnel, may affect troop health, discipline, and welfare both on and off military installations.

c. Informing promptly appropriate authorities of facts uncovered during criminal investigations and crime prevention activities by preparing and submitting required reports in accordance with applicable directives.

d. Maintaining a proactive criminal intelligence collection, analysis and reporting cycle to alert commanders to threats and criminal elements. Commanders who are provided with validated criminal intelligence can initiate appropriate force protection measures.¹⁰⁸

4.1. The Fort Hood CID Detachment Did Not Have A Sufficient Number of Credentialed Special Agents On Board To Handle Its Caseload Of Complex Sex Crimes And Death Investigations

The Fort Hood Army CID is the 43rd Military Police Detachment (CID) of the 11th Military Police (MP) Battalion, which consists of four other CID detachments located at US Army installations across the southwest including Fort Bliss, Fort Huachuca, Fort Sill, and Fort Sam Houston (JBSA). The 11th MP Battalion reports to the US Army Criminal Investigation Command (USACIDC) at Quantico, Virginia. Counting all the CID detachments across the entire Army, CID composes only 3% of the USACIDC. Fort Hood CID is the largest CID component in the 11th MP Battalion and the third largest Army installation in the US.

Fort Hood CID like most CID offices is staffed mainly with Warrant Officers and Enlisted E-5 through E-9s. The Fort Hood CID also has 3 Civilian Law enforcement investigators called "1811s" which is the Office of Personnel Management (OPM) criminal investigation occupational series.

The FHIRC was informed that the USACIDC only allocates staffing resources every five years. The Command uses a weighted case complexity system. For example, a weight of 12 is

¹⁰⁸ Army Regulation 195-2, 21 July 2020, para 1-6 (p. 3).

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

allocated to death investigations, 8 to sex crimes and 3 to drug crimes so 4 homicide cases a year would equate to a score of 48. The formula does not take into consideration the experience level of the agents assigned to any given office nor how many agents actually work cases. The Fort Hood CID Commander advised that the 43rd CID detachment staffing level had not been updated for at least 4 years.

During the review period the Fort Hood CID was allocated 45 Special Agents consisting of 19 Agents assigned to penetrative and other serious sex crime cases, 16 General Crimes investigators, and 4 TDA Agents. The TDA designation is for Agents who are not subject to deployment. Fort Hood CID also had three 1811 Sexual Assault Investigators (SAIs) who advised on special victim cases and cyber forensics. The complement also includes the Commander/Special Agent in Charge (C/SAC), an ASAC and an E-7 detachment Sergeant.

The FHIRC was advised by the Fort Hood CID that in FYs 2018, 2019 and the beginning of 2020 the Fort Hood CID average staffing level of on-board Agents was at approximately 65%, but had dipped to as low as 45%. As a result of the Guillén case at the time of the site visit to Fort Hood there were 41 of 45 allocated Special Agents (SAs) actually on board. The CID Command counts “spaces not faces” and is oblivious to how many “faces” are actually working on a busy post like Fort Hood. The current formula allocates one civilian SAI for every 30 sex-crime cases opened per year that met the criteria for case initiation.¹⁰⁹ The allocations stop when the staffing level reaches justification for three SAIs or 90 cases. The Fort Hood CID opened approximately 342 to 359 sex crime cases annually between FYs 2018 and 2020 and could justify an allocation of 9-10 SAIs (yet it only has 3).¹¹⁰ The SAIs bring much needed specialized skills, experience and continuity to the Fort Hood CID Detachment.

Fort Hood CID sex crimes caseload per Senior Special Victims Investigator (SSVI) and Basic Special Victims Investigator (BSVI) were the highest and second highest respectively among divisional posts.¹¹¹ While not statistically significantly different from other posts after controlling for basic post characteristics such as gender, rank, AFQT score, etc. this was primarily due to the wide variation in the number of SSVIs and BSVIs during the research time sample of 2015-2020. For example, during that period the Fort Hood CID only had between one and four SSVIs. The SSVI designation is for Special Agents who have advanced training in sex crime investigations and the BSVI is for Agents

¹⁰⁹ CID’s sex crimes caseload includes more than the sexual assaults tracked in the DSAID system, which does not track juveniles, domestic sexual assaults and certain other sex crimes. As a result, this is a higher number than the sexual assaults carried in DSAID.

¹¹⁰ Sex crime cases investigated by CID are all sex crime offenses listed under Article 120 of the UCMJ. These include Rape, Sexual Assault, Aggravated Sexual Contact and abusive sexual contact. Not all of these offenses are tracked in DSAIDS therefore these numbers will not match with DSAIDS offenses. By definition, they will also not include restricted reports of sexual assault which are not worked by CID.

¹¹¹ Analysis of cases opened and individual agents active from fiscal year 2015 through 2019. Data source: US Army personnel data merged with Army Law Enforcement Report Tracking System.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

who have only completed a basic course. This illustrates how few experienced Special Agents were available to work the sex crime caseload described above.¹¹²

The Fort Hood CID also had responsibility for maintaining a drug suppression program. Fort Hood has the highest drug test failure rate per test taken of all divisional posts. Fort Hood's failure rates are over 30% higher than divisional posts and 151.7% higher than non-divisional CONUS posts.¹¹³ The USACIDC Criminal Intelligence Operations Center (CIOC) provided analysis of FORSCOM crime data that Fort Hood average drug crime rates from FYs 2015-2020 were almost 31% higher than FORSCOM.¹¹⁴ The Fort Hood CID is assigned 13 Military Police Investigators (MPI) for drug suppression efforts and two for General Crimes. There were 11 on board as of the date of the Fort Hood site visit. The drug MPIs mainly were used to interview Soldiers who tested positive for drugs and document the failed Urinalysis test failure case files. Despite this gilded opportunity for the gathering of intelligence and development of human sources, nothing was done in that regard. In fact, this review found that very little actual drug suppression took place at Fort Hood despite what area police chiefs described as a "thriving drug culture" among Soldiers they encountered as a result of drug violations within their jurisdictions involving Fort Hood Soldiers.

Leadership of the 43rd CID detachment at Fort Hood consists of a Commander or Special Agent in Charge (C/SAC) and two Assistant Special Agents in Charge (ASAC). All three are Warrant Officers who are experienced, competent and professional. In contrast they report to leadership at the Battalion level whose experience in actual law enforcement positions was minimal. This Review determined that the Fort Hood CID office received almost no guidance and minimal support from the Battalion leadership. In fact, during the Vanessa Guillén investigation, guidance and resource assistance from the Battalion was nonexistent until MG Efflandt inquired into whether the CID had sufficient resources and expertise. After that inquiry, the CID Office finally obtained some much-needed assistance in the form of temporary duty Special Agents, electronic evidence forensics, analysis of electronic evidence, and drafting of probable cause affidavits to support warrants.

The Fort Hood CID has no clerical or administrative support employees and no dedicated evidence technicians or training specialists. As a result, these full-time duties must be assigned to Special Agents. Two Special Agents are assigned full-time to evidence technician duties and one to training responsibilities. There are many administrative and reporting requirements for CID investigations, so yet another Special Agent is assigned to coordinate and discharge those duties. Counting the three managers, the three vacancies, two evidence technicians, one trainer and the Agent assigned mostly administrative duties the actual number of Special Agents working cases

¹¹² Research based on CID cases opened after 2015 and Office of Economic and Manpower Analysis personnel data merged with Military Entrance Processing Command (MEPC) data.

¹¹³ Analysis of all drug test records between January 2015 and March 2020. Data Source: Drug and Alcohol Testing Management Information System (DAMIS) Drug Test results linked to DMDC Master Personnel File at the individual level for duty locations.

¹¹⁴ Fort Hood Crime Comparison-Soldier Offender Rates provided by CIOC.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

was 35. Of those the FHIRC determined that only three had more than 2 years of investigative experience.

This Review also found that there was a serious and almost debilitating lack of continuity in the Fort Hood Special Agent ranks that hindered its overall mission. All Enlisted and Warrant Officer SAs were subject to transfer and were usually transferred just after reaching the 2-year mark at Fort Hood. They also were subject to deployment (minus the four TDA Agents), TDY assignments, on and off site training programs, protection details, ancillary duties, and attendance at combat unit field training events. Numerous law enforcement, civilian and military sources cited a persistent lack of continuity as a problem in establishing any kind of working relationship with CID at Fort Hood.

A prime example of the priority placed on movement of Agents and CID leadership over stability and continuity was evident in the Guillén investigation. In that investigation, the Special Agent in Charge of the Fort Hood CID left his duties at Fort Hood pursuant to his Permanent Change of Station (PCS) to another post *in the middle of the Guillén investigation*, one of the most complex and high profile investigations the office has ever handled. This was noted by local law enforcement and prosecutors who considered it unwise and detrimental to the case.

4.2. The Fort Hood CID Detachment Was Inexperienced.

There is also a high ratio of inexperienced Special Agents assigned to Fort Hood CID, which contributed to its inefficiencies. A review of the Agents assigned to Fort Hood CID during FY 2019 revealed that 58 of the 63 Agents assigned Enlisted Agents (92%) were apprentice agents, who were fresh out of the 16 week CID Special Agent Course (CIDSAC) at Fort Leonard Wood, Missouri and not fully accredited to conduct investigations solo. An apprentice Agent is defined as an agent who has been at his first unit assignment less than a year and must receive mentorship and constant evaluation for suitability from a more experienced SA. Upon successful completion of the year and the certification of his/her SAC, an apprentice becomes an accredited CID Special Agent.

During the same period 6 of the 13 assigned Warrant Officers were also apprentice Special Agents. According to CID sources in and outside Fort Hood, these extremely high ratios of apprentice agents are not conducive to timely, thorough and compliant investigations. Most of these SAs were reassigned after 26 months, causing a rolling cascade of apprentice Agents at Fort Hood CID.

Between the Chairman of the FHIRC and 5 support members of the FHIRC, all of whom are former FBI Special Agents, there is a combined 150+ years of experience in conducting and managing complex investigations. It has been the experience of these career federal law enforcement professionals that investigative agents with less than 2 years' experience are generally only capable of conducting simple witness interviews, handling less complex investigative techniques and acting in a support role for more experienced case agents. They are still developing investigative skills and learning procedures, documentation and administrative requirements. They have less training and need to work under close supervision. They are not ready for complex investigations involving deaths, traumatized victims, warrants and electronic and other forensic evidence. It is the rare newly minted

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Agent who is capable of developing and articulating evidence to support evidentiary warrants issues by judges or magistrates to obtain such evidence.

In essence, the Fort Hood CID is a training ground. When considering the crime issues, the number of highly publicized death cases, the high number of sexual assaults and the other crime dynamics on the post discussed in Finding #8, this situation cannot help but impact investigative tempo, quality and timeliness of investigations, especially when a very complex case arises such as that involving the disappearance of Vanessa Guillén. There were simply too few journeyman level Agents to work the complex sex crime and death cases while mentoring the large number of inexperienced and un-credentialed Special Agents who are constantly transferring in and out. There was minimal continuity and institutional knowledge at the Fort Hood CID. This also impacted outside law enforcement relationships as discussed further in Section 4.5 below.

CID sources and outside law enforcement and prosecution sources stated that due to the wholesale inexperience of the Agent cadre the investigations are “checklist driven” with emphasis on developing a complete file as opposed to identifying and working leads and suspects that are most likely to resolve cases. Investigative acumen and experience driven actions are lacking. The Commander/Special Agent in Charge (SAC) and ASACs are competent and experienced, however they have burdensome administrative duties and also carry a caseload. They have very little time to mentor.

That inexperience was evident to the FHIRC when reviewing the death and suicide CID case files covering FYs 2018-2020. These reviews revealed areas of concern as to investigative attention to detail, completeness and file documentation. For example, in one death case in April 2020 a Soldier overdosed on Methamphetamine and Fentanyl. There were no interviews, no crime scene investigation, and no apparent attempt to determine who supplied the drugs. There was no attempt to investigate the Soldier’s history of drug use or the identity of his associates. Drug overdoses should be fully investigated to determine where, when and how such drugs come into the possession of a Soldier and who supplied the drugs for potential prosecution of the supplier and to cut off the flow of drugs to the post.

In another investigation in 2018 an infant was shaken to death by his Soldier grandfather in a Fort Hood apartment. The subject lied about the circumstances and cause of the child’s death. Several statements were taken of the subject who initially said the infant struck his head. He later admitted he shook the baby to death because he was crying excessively. Autopsy results stated the death was a homicide, however a referral was not documented in the file as of the time of this Review. Moreover, the subject was allowed to stay in the barracks while the case was investigated for 18 months, with no apparent evaluation of the risk the subject posed to himself or others.¹¹⁵

¹¹⁵ The FHIRC Chairman was advised by Fort Hood CID that the subject was found guilty at a Courts Martial, but final disposition was not reflected in the file and therefore no disposition was sent to the FBI’s records management system, The National Crime Information Center (NCIC).



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Deficiencies in failing to pursue all logical investigative leads were also noted by the FHIRC in another high-profile case of a Soldier who went missing and ultimately committed suicide. Conspicuously absent in the CID file was any documentation of a search for the Soldier, nor was there any indication that a key witness was contacted or interviewed. The totality of the facts contained in the file led the FHIRC to conclude that the initial underpinnings of what might be a motive on the part of another to engineer the Soldier's disappearance existed. At a minimum, important investigative threads that should have been identified, analyzed and logically run to ground by CID during the initial stages of this investigation were not pursued.

The case file review also revealed that off-post suicides and deaths were not fully investigated by CID to determine whether there were contributory causes such as lifestyle issues, locations, or other influences that would inform the command about certain activities, people and places off-post that may be higher-risk for their Soldiers. Such information would enable the formulation of remedial actions for the health and safety of Soldiers living off-post. For example, in 2019 there was a homicide of a Soldier outside a notorious strip bar in Killeen. It was determined that a number of establishments are known for prostitution and drugs. In fact, the area Police Chiefs stated that prostitution was rampant. Several of the death investigations revealed a nexus with vice crimes.

A fulsome investigation of each suicide would have satisfied the USACIDC objectives stated in its regulation quoted above. Of the 19 on-post suicide cases, only one mentioned a postmortem behavioral assessment. This case happened to involve (b) (6)

The same absence of a postmortem applies to the 34 off-post suicides. It is not clear whether or why this is not done as a matter of practice in all cases. Failure to perform and refer to a postmortem behavioral assessment is a wasted opportunity to learn more about Soldier suicides that can help lead to better prevention strategies.

The lack of fulsome investigations in these cases was attributable to the low number of experienced Agents, which also contributed to the absence of true joint investigations with off post law enforcement agencies.

Consistent with its Charter and for the limited purpose of evaluating the CID mission, the Committee examined the conduct of the SPC Vanessa Guillén investigation, which exposed the inexperience of the Fort Hood CID Special Agents.¹¹⁶ The Committee noted that early in the investigation various Special Agents conducted brief, choppy interviews of key individuals. In these critical early interviews there was no indication in the file of whether the interviews were by phone or in person. There were no witness contacts provided, insufficient details gleaned, and no witness diagrams. The interviews appeared to be rote and indeed checklist driven.

There also appeared to be little cohesion as disparate Special Agents conducted important interviews that should have been tied together. For example, according to the CID case file at 1425

¹¹⁶ Vanessa Guillén was posthumously promoted from PFC to SPC. Her new rank will be used in this report.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

hours on April 24, 2020 SA #1 interviewed a Squadron Headquarters arms room custodian and recorded in the file that on the day SPC Guillén disappeared, she left his location to meet with SPC Aaron Robinson, who was alone in his unit's arms room (an isolated area in a basement) that Robinson staffed and controlled that day. SPC Robinson was ultimately revealed to be her killer.

Two hours later, at 1630 hours, CID SA #2 determined from SPC Guillén's phone records that SFC Guillén had texted Robinson at 1018 hours.

SPC Robinson was interviewed two more hours later at 1822 hours on April 24, 2020 by CID SA #3. There was no indication of whether SA #3 attempted to examine or take custody of Robinson's phone, take a picture of the important 1018 hours text, or took any steps whatsoever to preserve evidence on the phone device itself, especially that critical text. This interview was short, perfunctory, and lacked important details.

Finally, at 2005 hours CID SA #4 interviewed SPC Robinson by phone during which Robinson described his personal interaction with SPC Guillén in his arms room the morning she disappeared. Again, important details were lacking.

Apparently, CID bought wholesale into information provided by three NCOs who were interviewed and stated that they observed SPC Guillén leave the arms room area at 1330 on April 22, 2020 and walk in the direction of the barracks parking lot. None of the NCOs were in SPC Guillén's unit, nor were they personally acquainted with her. They provided conflicting descriptions of her clothing, and apparently were not pressed for details or re-interviewed until much later in the investigation. As a result, CID Agents did not consider SPC Robinson of sufficient interest to even examine his phone, subject him to a more intense investigative focus and at least a more intense and detailed interview by an experienced Special Agent. The NCOs later changed their stories about the time they supposedly observed SPC Guillén the morning she disappeared.

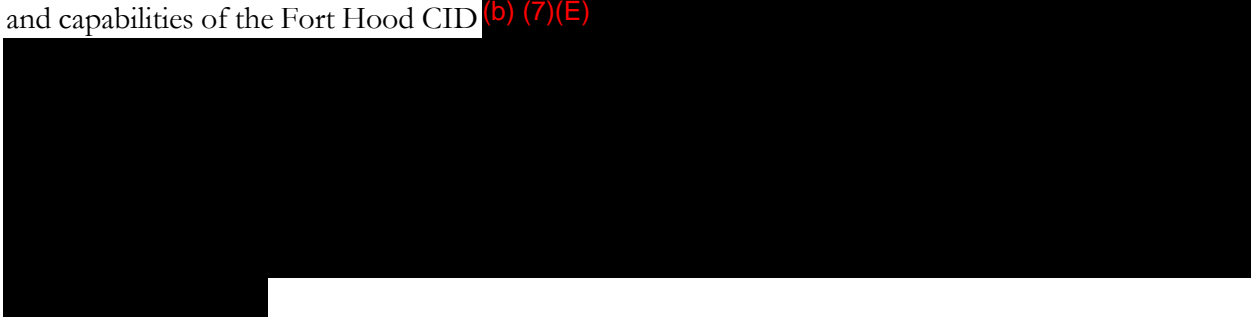
CID did not advise her unit to change SPC Guillén's duty status entry from absent without leave (AWOL), despite the fact that her car keys, barracks room key, government issued Common Access Card (CAC), and wallet were left in the Squadron HQ arms room and she never returned from what was supposed to be a very brief visit to the other arms room to meet with SPC Aaron Robinson, the subject who ultimately murdered her. Also notable, SPC Guillén's car was still parked in the parking lot across the street from her barracks and all financial activity on her credit card and bank accounts had ceased.

(b) (7)(E)

117 (b) (7)(E)

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

The missing person investigation of SPC Guillén revealed some issues with the provisioning and capabilities of the Fort Hood CID (b) (7)(E)



As quoted earlier in this Finding, one of CID's mandated objectives is "*Ensuring known or suspected serious crimes and crimes which may result in damaging the public confidence in the Army are thoroughly and impartially investigated by USACIDC special agents.*"¹¹⁸ The file reviews reveal that Fort Hood CID fell short on this objective due to an inexperienced and constantly changing cadre of Special Agents.

4.3. The Fort Hood CID Detachment Was Over-Assigned.

Across multiple interviews with the Fort Hood CID leadership, examination of CID manning tables for the 11th MP Battalion and knowledgeable CID sources, there was evidence that, when factoring in the number of Agents actually assigned sex crimes and other complex cases such as Soldier deaths, the Fort Hood CID was understaffed compared to other CID Battalions.

Further empirical support for the determination that Fort Hood CID's Special Victim Investigators were over-assigned with regard to sex crimes cases can be found in data which compares Fort Hood CID's sex crime caseload numbers to its peers. Fort Hood CID was found to have, by a large margin, the highest sex crimes caseload per Senior Special Victims Investigator (SSVI) with an average of 64.2 compared to 41.2¹¹⁹ (See Figure 12). Again, while not statistically significantly different from other posts after controlling for basic post characteristics, the Fort Hood CID had the second highest caseload per Basic Special Victims Investigator (BSVI) when compared to installations of a similar size.¹²⁰ As discussed in Section 4.1 the statistical significance was impacted by the wide fluctuations in the number of SSVIs and BSVIs as well as the low number of SSVIs. These factors were a reflection of both the instability of the overall SVI workforce and the lack of experience of the sex crimes investigators.

¹¹⁸ Army Regulation 195-2, 21 July 2020, para 1-6 (p. 3).

¹¹⁹ Analysis of cases opened and individual agents active from fiscal year 2015 through 2019. Data source: US Army personnel data merged with Army Law Enforcement Report Tracking System.

¹²⁰ Analysis of cases opened and individual agents active from fiscal year 2015 through 2019. Data source: US Army personnel data merged with Army Law Enforcement Report Tracking System.

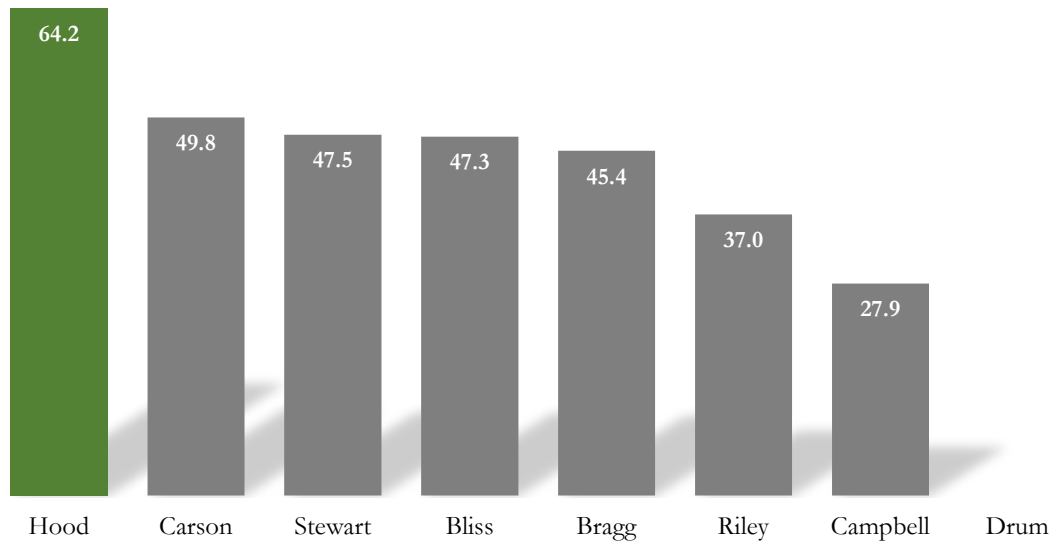


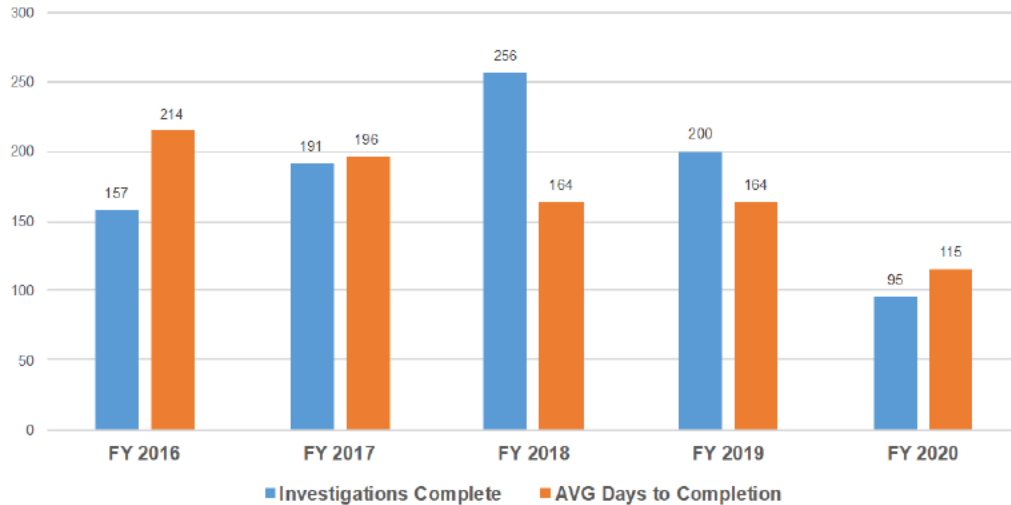
Figure 12: Sex Crime Cases per Senior Special Victims Investigator (SSVI)

4.4. Fort Hood CID Investigations Were Extremely Long.

Separately, a very large number of Soldiers in both personal and group interviews reported that investigations were extremely drawn out, and by the time they were completed, the victims or subjects or both had transferred or transitioned out of the Army. Victims seldom saw the outcome of their cases, and there was minimal deterrent value derived from the cases. This Review obtained data that showed that the yearly average days to complete an investigation between 2016 and 2020 ranged between a high of 214 days in 2016 to 115 in 2020. (See Figure 13 below).



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE



DSAIDS Data as of 18 SEP 2020. 957 records were pulled from FY16 to FY20. 899 were reliable and utilized for this analysis.



Figure 13: Average Days Completion of Investigation

Figure 14 below shows the average case duration for sex crimes (between case opening and referral to commander) across Army posts for 2015-2020. Excluding Fort Bragg, the duration of CID investigations of sex crimes at Fort Hood was the second highest among divisional posts which was statistically significantly different from other divisional posts. Again, excluding Fort Bragg, Fort Hood also had the longest duration time (215 days) among the divisional posts and sex crime cases took an average of 30 days longer than other divisional posts.¹²¹

¹²¹ Analysis of length of CID investigations that opened in fiscal year 2015 or later (up to July 2020) with a founded offense and that are referred to a commander. For duration, analysis of the time between the date the commander receives the DA Form 4833 referral from CID and the date this is returned to CID. Data source: CID cases from the Army Law Enforcement Reporting Tracking System.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

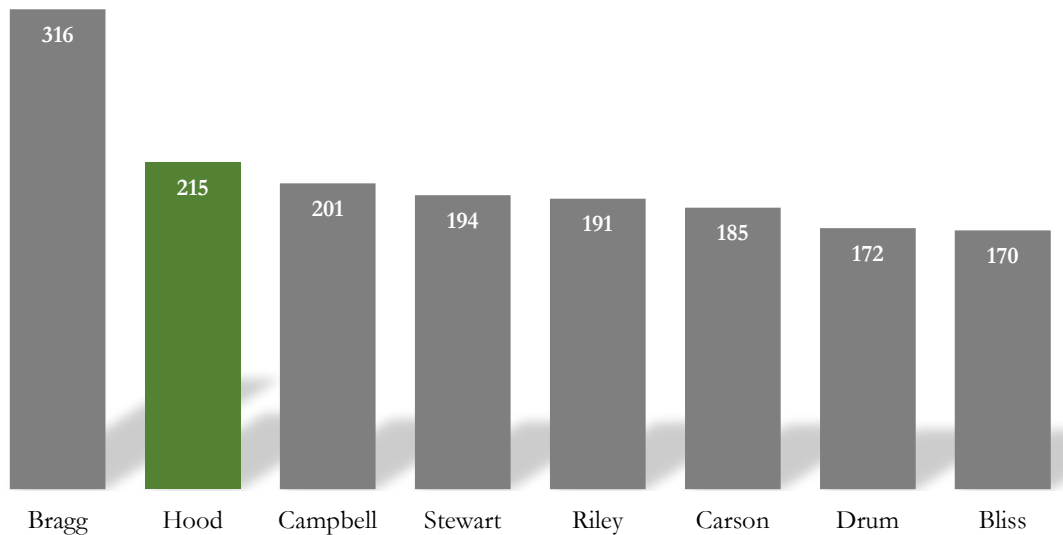


Figure 14: Average Days Between CID Case Open and Case Referral to a Commander (via DA Form 4833) for Sex Crimes

Moreover, in interviews with Fort Hood FHIRC members JAG prosecutors conveyed that many sex crime cases were sent back to CID after they were placed in a “Final Report” status for additional investigation, to provide critical items of evidence. In many cases, the JAG Officers conducted their own follow-up to obtain evidence, but could not provide a specific number, as such situations are not tracked. They informed the FHIRC in response to a request for information (RFI) that a hand search of the over 600 cases was prohibitive. Similarly, CID could not provide, nor did they track, such events.

A knowledgeable CID source who contacted a FHIRC Member—in addition to various other knowledgeable JAG interview sources—stated that a large number of sexual assault cases were lost or dismissed at court-martial partially due to investigations that are rote and lack essential evidence. This Review obtained data from the Fort Hood OSJA which showed that there were 75 Courts-Martial convened between 2018 and 2020 that involved at least one sex crime specification. In these cases, there were 85 total *not guilty* verdicts out of a total of 306 specifications preferred.¹²² Some defendants, however, were found guilty of separate specifications.

More illuminating was that in these 75 cases there were a total of 65 charges of sexual assault preferred. Of these 28 charges were withdrawn/dismissed, 22 were found not guilty and there were 3 mistrials. That is a success rate of 22%. Similarly, a total of 51 abusive sexual contact charges were preferred which resulted in 17 charges withdrawn and 15 not guilty dispositions for a successful prosecution rate of 33%. Of 18 total rape charges preferred only two resulted in guilty

¹²² In many cases, multiple charges were preferred besides sex crimes.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

dispositions. Of these 18 rape cases 13 were found not guilty and 3 were dismissed. This represents an 11% successful prosecution rate.

4.5. The Fort Hood Detachment Was Under-Resourced.

State and federal prosecuting attorneys and local law enforcement advised that there was little interaction between their offices and Fort Hood CID. Unlike other Army posts there were no CID Agents imbedded at any of the local police departments. They could not remember a true joint investigation they had done with CID despite the many overlapping jurisdiction cases involving Soldier subjects or victims, some of which were very high profile. It was evident that few of the Chiefs or Sheriffs had met the previous CID leadership and were barely acquainted with the current leadership. Many described CID as a “closed book” because of its perceived limitations in sharing information.¹²³ The FHIRC has determined that a well-crafted MOU and joint investigations would greatly enhance investigations of mutual interest.

It was discovered that the Killeen Police Department (KPD) made a formal request to Fort Hood CID to imbed an Agent with them because they handle over 100 Soldier-subject cases a year and many victims were Soldiers. The Chief of the KPD produced a PowerPoint (PPT) presentation for the FHIRC which was used to support the request to CID. The presentation opened with the purpose of the request: *“To develop a strong partnership with the Killeen PD and Fort Hood CID to allow for early identification of problems and rapid joint solutions reducing crime and violence involving US Army personnel.”* The PPT went on to describe the current state as *ad hoc* coordination. The presentation pointed out that there were no specific MOUs, designated points of contact or regularly scheduled contact (i.e. monthly liaison, etc.). It was a well-reasoned and justified request; however, CID leadership advised a Member of the FHIRC that there were no Special Agents with the requisite skills and experience to imbed with local law enforcement. Another limitation was that any Agent who was assigned would be subject to movement via a PCS or deployment.

Local and state law enforcement executives also mentioned that CID did not attend their regular monthly law enforcement meetings to maintain liaisons. They also mentioned that there were open offers to CID to participate in “ride-a-longs” in squad cars during busy shifts. Other posts had CID and unit leaders participate in riding in a patrol car for busy shifts. It would have been extremely useful for Fort Hood CID, DES and Command leadership to observe the local crime hotspots, tour the much discussed high density housing areas where crime rates were high and develop a better understanding of the Soldier related crime and crime dynamics in their jurisdictions on busy shifts.


Complex investigations and those involving forensic electronic evidence exploitation needs were slowed down by the shortage of electronic forensic exploitation equipment, application licenses and Agents qualified and experienced enough to retrieve, analyze and exploit the forensic evidence. Other bottlenecks were DNA and body fluid testing and analysis, which are common in

¹²³ Because unlike most states, Texas does not recognize Army CID Special Agents as Law Enforcement Officers, in the absence of a joint investigation, many departments will not share their law enforcement reports with Fort Hood CID.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

sexual assault cases. All DNA testing takes place at the CID forensic Lab in Georgia with a 30 to 60 day turnaround. (b) (7)(E)



Some critical computer and electronic devices and forensic resources were held at the Battalion level and priority was afforded to cases that had charges filed and for which the 120-day trial clock was running. CID sources advised that the JAGs were not interested in preferring charges without DNA analysis so pending investigations were at the back of the line.

There was also mention by Fort Hood JAG sources that the apprentice Agents had great difficulty supporting warrants for crucial evidence. This is an investigative skill that was in short supply. Reliable CID and Fort Hood JAG sources stated that cases that involved search warrants or magistrate orders to obtain evidence were problematic as the inexperienced Agents had difficulty developing and articulating the necessary probable cause. For example, in the Vanessa Guillén case the Fort Hood CID office needed the assistance from USACIDC resources at Quantico, VA, Texas Rangers and other federal agencies to help them develop the information needed to secure warrants to obtain cell phone and computer evidence. In the Guillén case there were two instances where the incorrect information led to fruitless searches and expenditure of scarce manpower.

The FHIRC also developed information that Fort Hood CID has very few Agents who can act as case Agents capable of leading even a moderately complex investigation. This was again evident in the Guillén case where no one individual Agent seemed to have a strategic overview of the entire case to direct leads and focus the investigation where it was needed. It was only when outside help was secured from the Texas Department of Public Safety, the U. S. Marshalls, and the FBI, that the case was broken. During this review there were ample indications that Fort Hood CID was in no position to conduct any proactive investigations, such as mandated drug suppression investigations, contributing to the overall reactive posture at Fort Hood with respect to crime reduction and suppression.¹²⁴

In short, the CID staffing and resource allocation model as it related to Fort Hood did not work effectively to support the CID mission. There were not enough experienced Agents to provide continuity and institutional experience to work complex cases or be proactive in crime prevention. The Fort Hood CID needed to have a balanced mix of apprentice, experienced (5-10 years) and highly experienced (8 or more years) Special Agents to provide stability and ongoing expertise. Going forward there should always be a cadre of experienced and highly experienced investigators to handle the over 340 sex crime cases and an average of 18 death cases per year involving Fort Hood Soldiers.¹²⁵ These are complex matters that involve forensic evidence, evidentiary warrants, evidence analysis and informed judgment about investigative strategy. The Fort Hood CID must be provided the capability to routinely work joint investigations with their state, local and federal

¹²⁴ See Finding #8.

¹²⁵ Data provided by CIOC on death cases between FYs 2018 and 2020.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

counterparts and should not have to scramble to plug holes in a complex and urgent investigation such as the Vanessa Guillén missing soldier/homicide case.

5. FINDING #5: THE MECHANICS OF THE ARMY'S ADJUDICATION PROCESSES INVOLVING SEXUAL ASSAULT AND SEXUAL HARASSMENT DEGRADE CONFIDENCE IN THE SHARP PROGRAM.

Fort Hood Soldiers revealed a lack of confidence in the SHARP Program that emanates out of concern for the fair treatment of both the victim and the accused throughout the Military Justice or administrative adjudication process. Soldiers want the administration of justice to be swift and fair, but to have both demands carefully weighing multiple factors and maximum transparency.¹²⁶ Striking the right balance requires continual reassessment and refinement, as evidenced by the more than 250 legislative proposals to revise the DoD SAPR Program since 2004.

Regarding fair treatment of victims, Soldiers voiced multiple concerns. During individual interview sessions, past victims of sexual assault expressed frustration over the length of time it took for their complaint to be fully adjudicated. Additionally, it was also noted that subjects often reappeared in the same unit or another unit within the same brigade, battalion or company. Victims described being uninformed about the progress of their cases and case resolutions. Soldier observers noted that because there was seldom, if any, general information published about disciplinary actions, no deterrent value was derived from final adjudications. Some cited other Army installations where such actions were regularly publicized, but with names, units and other identifying details omitted, allowing the type of action and disposition to be publicly disseminated.

Victims further expressed dismay that Military Protective Orders failed to protect them from periodic contact with their assailant while their case was being adjudicated. Soldiers also questioned the fair treatment of subjects, expressing a misplaced belief that a “false” victim could ruin the career of another Soldier through false reporting. The FHIRC discovered that fears in this regard are largely uninformed and exaggerated.

5.1. Long Delays In The Process Of Investigation And Adjudication Of Sexual Assault Cases At Fort Hood Were So Prevalent That Victims and Potential Victims Lost Confidence In The SHARP Program.

It is often said that justice delayed is justice denied. This was frequently the case at Fort Hood, at least as to the case files reviewed by the FHIRC. A thorough review across group interviews, individual interviews, survey comments and interviews of key SHARP, JAG and CID personnel, noted that after a Soldier files a sexual assault report, the investigation and final adjudication of these cases

¹²⁶ DoDI 6495.02, March 28, 2013, Enclosure 4, 3b. Victim's Perception of the Military Justice System. The DoD seeks increased reporting by victims of sexual assault. A system that is perceived as fair and treats victims with dignity and respect, and promotes privacy and confidentiality may have a positive impact in bringing victims forward to provide information about being assaulted.




REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

were interminably long. Criminal justice is necessarily a lengthy process in any jurisdiction, military or civilian; however, Soldiers on Fort Hood experienced unreasonable delays that can be mitigated.

Neither the III Corps SJA Office nor the Fort Hood CID office were able to produce data regarding the time lapse between the filing of a report of sexual assault to final adjudication. Only the III Corps SHARP Office was willing and able to conduct even a rudimentary analysis of the overall time lapse based upon a request for information by the FHIRC. Worse, it appears that no specific office is assigned the responsibility of routinely tracking the aging of sexual assault and related sex crime cases.¹²⁷

Research and document requests revealed some informative data. However, it was abundantly clear that no leader at any level was accountable, and no one undertook to track the aging of cases from the time of reporting through investigation, commander referral, disciplinary procedure and final disposition. This was true despite the many points at which delays and bottlenecks can and often do occur, to include the initial SJA probable cause (PC) opine, SJA return of case files to CID for reinvestigation or additional investigation, assignment of a Special Victim Counsel, and selection of the appropriate disciplinary proceeding to pursue. Without executive level tracking of sexual assault and sexual harassment cases, there is no way to effectively evaluate whether victims are receiving just results or any results at all. The FHIRC found this scenario surprising and unacceptable.



"I WAS SEXUALLY ASSAULTED TWO TIMES BY THE SAME SOLDIER BEFORE MUSTERING UP THE COURAGE TO FINALLY FILE AN UNRESTRICTED REPORT WHEN HE ATTEMPTED TO ASSAULT ME A THIRD TIME. I FILED THE COMPLAINT IN EARLY APRIL OF THIS YEAR, AND IT IS STILL BEING INVESTIGATED...IT'S TAKING TOO LONG FOR RESOLUTION."

Female SPC/E4

Part of the delay in adjudication occurs during the criminal investigation. CID personnel have identified significant resource constraints, and as discussed in Finding #4 above, the Fort Hood CID office was understaffed and inexperienced, yet routinely handled approximately 33% more sex crime cases than the next closest caseload for a CID office servicing a divisional post.¹²⁸ The Fort Hood CID Command provided anecdotal data and charts that illustrate that factoring in that only 35 Special Agents are actually working cases, that their caseload is actually twice that of other CID Commands with half the number of working Agents.

¹²⁷ This question was asked during several interviews of Fort Hood JAG personnel and in a formal RFI.

¹²⁸ The sex crime caseload per Enlisted 31D and Warrant Officer 31A CID Agent was approximately 30% higher than other Divisional Installations. Analysis of all cases and individuals active from fiscal year 2015 through 2019. Data Source: CID cases that opened after fiscal year 2015 through 2019, merged with Military Entrance Processing Command (MEPC) and Total Army Personnel Database personnel data.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

The time that elapsed from when the CID office received a report of sexual assault to completion of the CID investigation varied between 2016 and 2019 from 157 to 256 days. The Figure below reveals that the duration of CID investigations of sex crimes at Fort Hood is the second highest among divisional posts. On average, a CID investigation of a sex crime offense takes 215 days at Fort Hood and 211 days at other divisional posts, including Fort Bragg. With Fort Bragg excluded, Fort Hood sex crime investigations take about 30 days longer on average and the median investigation takes about 25 days longer than other divisional posts.¹²⁹

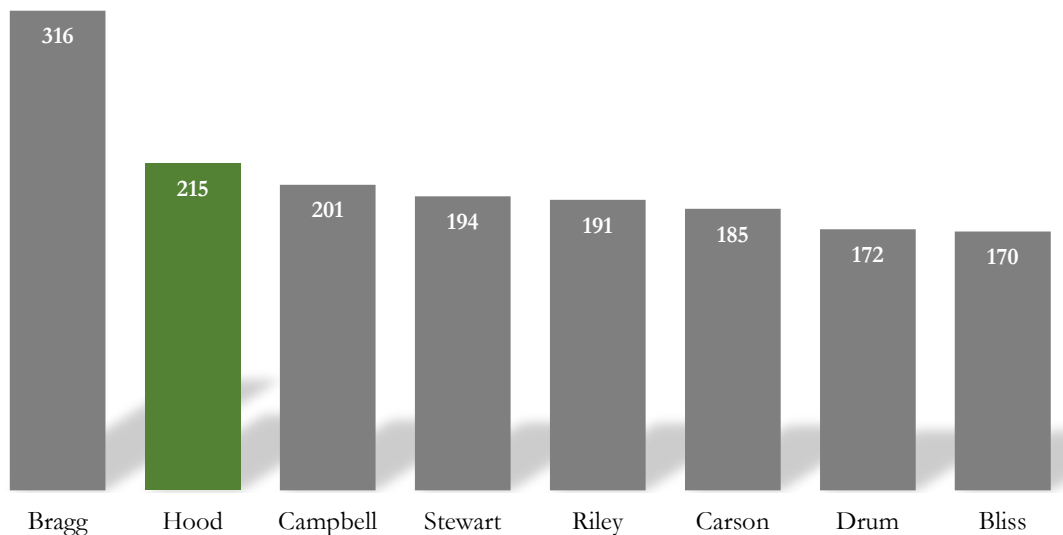


Figure 15: Average Days Between CID Case Open and Case Referral to a Commander (via DA Form 4833) for Sex Crimes

One source of delay can come about when the CID case agent requested a “probable cause (PC) opine” from the assigned legal advisor in the servicing SJA office. The PC opine is a legal opinion that states whether there are reasonable grounds to believe an offense was committed and the alleged offender committed it. Although the probable cause opine can be made at any time during the investigation, it is a vital component of the investigative case file. Indeed, without it, potential investigative leads from fingerprint and DNA analyses cannot be pursued.

The Army Office of the Judge Advocate General (OTJAG) and the U. S. Army Criminal Investigation Command (CID) maintain a Memorandum of Agreement (MOA) as to legal coordination for law enforcement reports.¹³⁰ Pursuant to the MOA, the legal adviser must provide a

¹²⁹ Data Source: CID cases that opened in fiscal year 2015 or later (up to July 2020), from the Army Law Enforcement Reporting Tracking System (ALERTS).

¹³⁰ Memorandum of Agreement Between The Office of the Judge Advocate General and the U. S. Army Criminal Investigation Command (CID), Subject: *Legal Coordination for CID Law Enforcement Reports, June 5, 2018*. The MOA expires on October 1, 2022, but is subject to renewal.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

PC opine within 14 calendar days after the Special Agent has presented the supporting facts. Data provided by Fort Hood for calendar year 2019 and 2020 (through 26 October 2020) reveals that, out of 27 offenses that received an opine, 15 (56%) were rendered in 14 days or less, and 12 (44%) were provided after more than 14 days, with an average length of time of 23 days. Recognizing that complex cases will require a lengthier legal review process, the 23-day average is reasonable. However, there were individual cases with lengthy delays by any standard, such as 78, 70, 66, 60 and 50 days. Also, there is anecdotal information from OSJA personnel that legal advisors must periodically send case files back to CID for further investigation before a PC opine could be rendered, causing further delays. In the 2019/2020 data provided by Fort Hood, three of the 33 cases documented were with the CID office after being returned for further investigation.

Another bottleneck can occur at Fort Hood at the time of appointment of a Special Victims' Counsel (SVC). As of the date of this report there are just four trained full-time SVCs on Fort Hood, despite a total of 269 unrestricted sexual assault reports in 2018 and 220 in FY 2019 (Figure 17). In fact, Fort Hood has the unfortunate distinction of having the highest percent of Soldiers reporting on-post sexual assault.¹³¹ A sexual assault adjudication cannot proceed without assignment of a SVC in cases where the victim wishes to be represented by a SVC. The Fort Hood CID Command advised that it can take up to three weeks to conduct a victim interview with the SVCs because of delays in assignment or the workload of the SVCs.

Fort Hood was not able to produce any data on the length of time it took to appoint an SVC, but with only four SVCs, it is reasonable to believe that anecdotal stories of periodic backlogs are not fictional. As of the date of this report, the FHIRC understands that the Judge Advocate General requested and has been authorized additional SVCs Army-wide, and that additional SVCs will be allocated to Fort Hood in short order.

¹³¹ Analysis from unrestricted victim-level sexual assault reports among first term enlisted Soldiers arriving at their duty station over the duration of their assignment between 2015 and 2019. Data Source: Unrestricted Defense Sexual Assault Incidence Database, merged with administrative personnel data.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

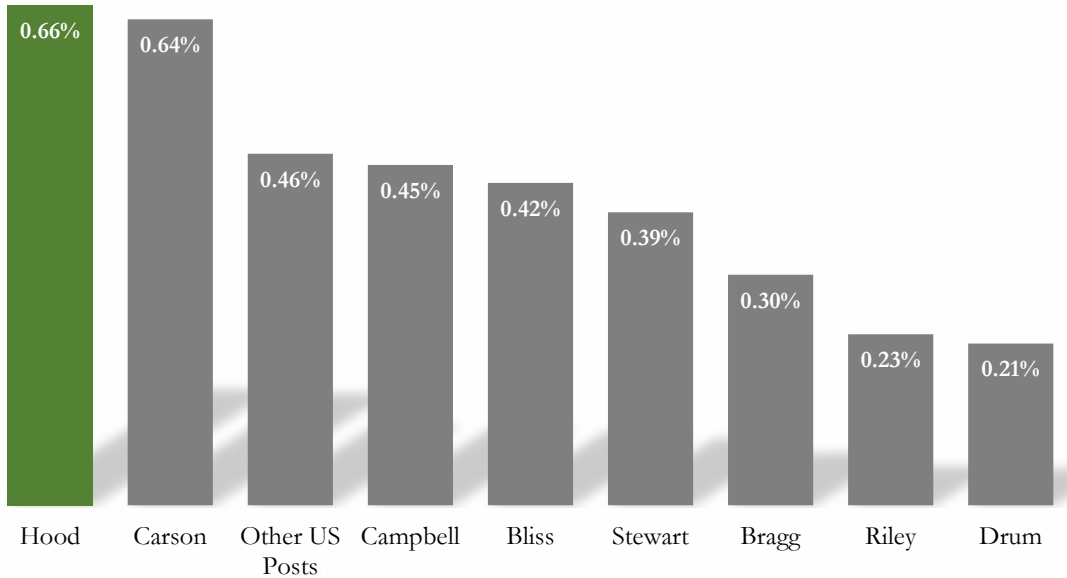
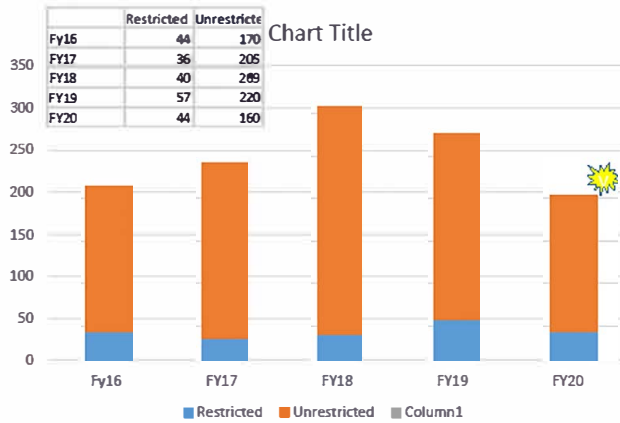


Figure 16: Percent of Post Population Reporting On-Installation Sexual Assault

Fort Hood Sexual Assault Reports FY16 – FY 20



Does not include SEP 2020

(b) (6) Data derived from SMS as of 31 AUG 2020

Figure 17: Fort Hood Sexual Assault Reports FY16-FY20

The FHIRC had to look to the SHARP PM for some relevant usable data related to sexual assault investigations. This data revealed that the average length of time it took just to prefer Courts

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Martial cases ranged from a low of 72 days in 2020 to a high of 102 days in 2020. The average time to prefer charges for non-sexual offenses ranged from a low of 54 days in 2017 to a high of 221 days in 2019. Between 2017 and 2020 Non-Judicial Punishment took an average low of 69.5 days in 2020 to an average high of 162 days in 2018. The length of time it took to complete an investigation is set forth in the following chart provided by the III Corps SHARP PM:

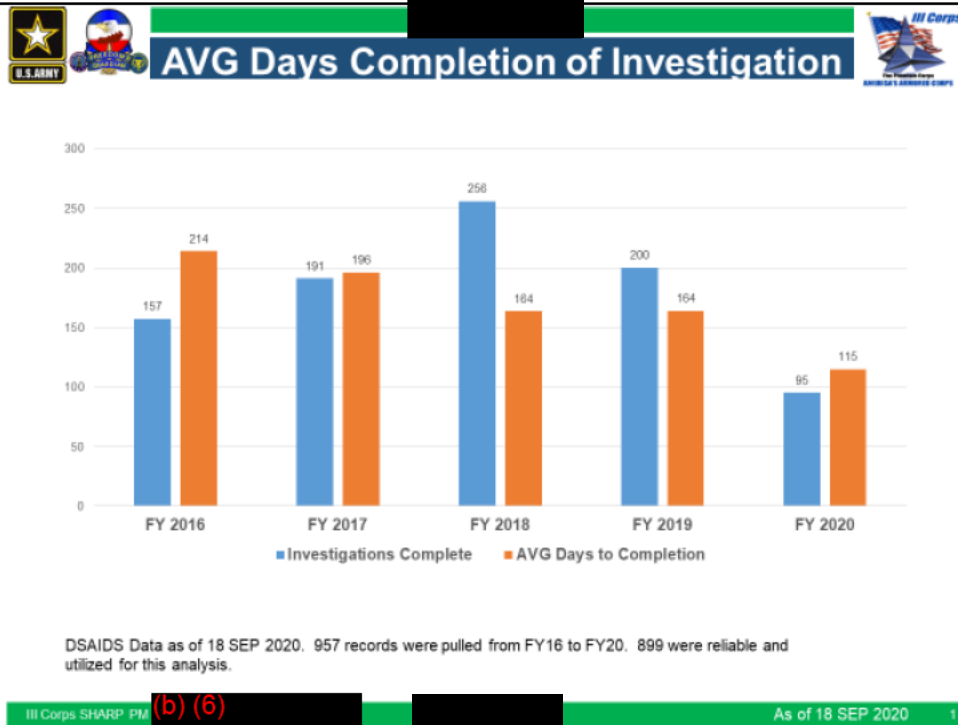



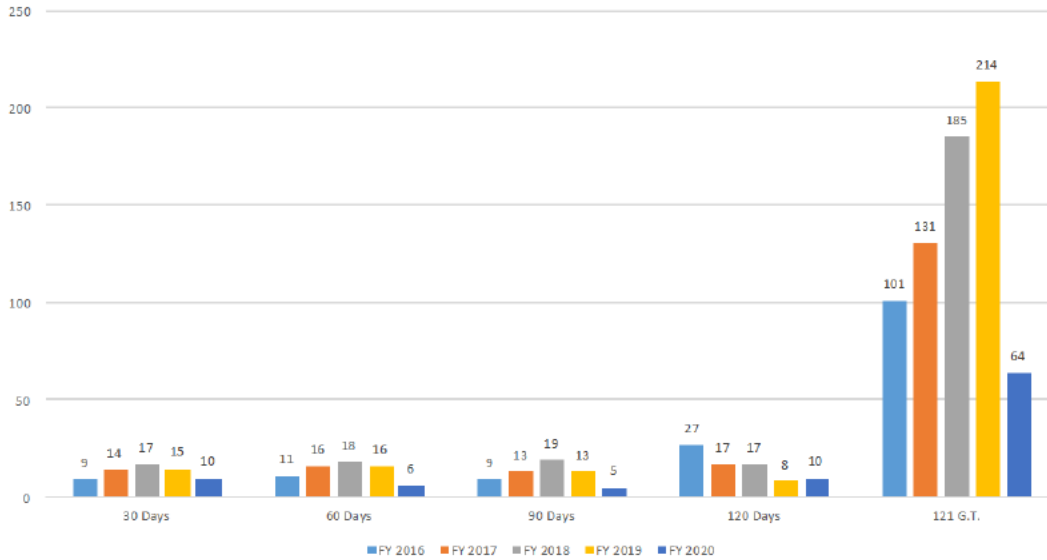


Figure 18: Average Days of Completion of Investigation

By regulation all sexual assaults are investigated by the CID. In response to a request for information, the SHARP PM provided the FHIRC the breakdown of time lapses from the time of a sexual assault report to CID and the time a final report was submitted for a close out “opine” to the unit Commander and his/her Military Justice Advisor of the Soldier subject, as depicted in Figure 19 below. Analysis revealed that between FY 2016 and 2020 a total of 695 of 899 (77%) sexual assault investigations took over 120 days; a total of 79 (9%) took 90 to 120 days. CID advised that some cases took over 1.5 years.



(b) (6)


30, 60, 90, 120, G.T Completion of Investigation



DSAIDS Data as of 18 SEP 2020. 957 records were pulled from FY16 to FY20. 899 were reliable and utilized for this analysis.

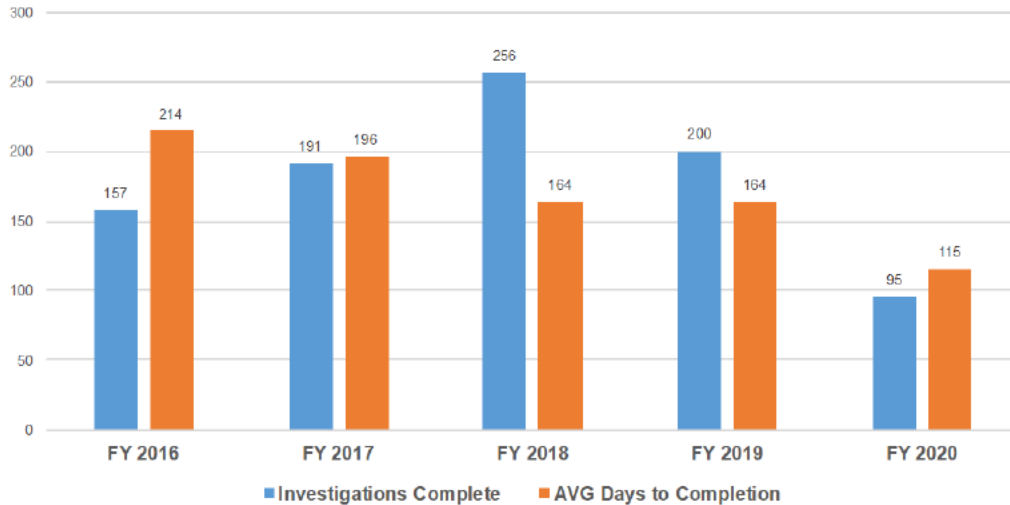
III Corps SHARP PM (b) (6)
As of 18 SEP 2020 1

Figure 19: 30, 60, 90, 120, G.T Completion of Investigation

The breakdown of these time lapses from report to completion and average days to completion of CID sexual assault or related sex crime investigations from 2016 to 2020 are set forth below, in Figure 20.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE



DSAIDS Data as of 18 SEP 2020. 957 records were pulled from FY16 to FY20. 899 were reliable and utilized for this analysis.



Figure 20: Average Days Completion of Investigation

Of note, the time lapse for completion of a sexual harassment investigation was much lower than the time lapse for completion of a sexual assault investigation. Between 2016 and 2020, the average investigation time period was 20 days or less each year.¹³² There are, however, statutory requirements for initiation of an investigation within 72 hours of a report, completion within 14 days of commencement, and production of a final report to the command within 20 days.¹³³ Also of note, 191 formal and informal reports of sexual harassment were lodged at Fort Hood between 2016 and 2020, for an average of thirty-eight (38) per year.¹³⁴ These cases are investigated by an officer appointed by the command and not by CID, and are admittedly less complex. It is reasonable to conclude, however, that statutory requirements for opening and completing an investigation positively impacts the timeliness of sexual harassment investigations.

Turning to the adjudication process once a case is referred to the command for action, Fort Hood timeframes are in line with other divisional posts. According to information contained in the Army Courts Martial Information System (ACMIS), from prefferal of charges by a commander to trial

¹³² Data provided by III Corps SHARP Program Office utilizing Army Consolidated Records Schedule (ACRS) data as of August 31, 2020.

¹³³ See 10 U. S. C. § 1561.

¹³⁴ *Ibid.*

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

termination, the average time at Fort Hood is 209 days. However, the time between referral to court-martial and trial termination is statistically significantly shorter at Fort Hood, averaging 109 days (median 92) as compared to the divisional post average of 121 days (median 103).¹³⁵

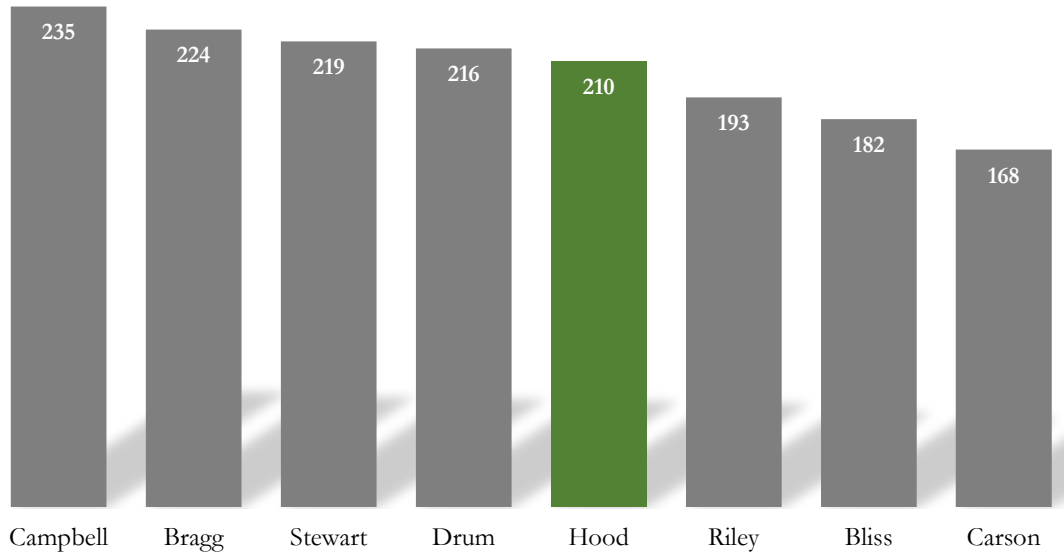


Figure 21: Average Days Between Preferral of Charges and Trial Termination

¹³⁵ Analysis of courts-martials relating to sex crimes that terminated between the beginning of fiscal year 2015 and 2019. Data source: Courts-Martial trials recorded in the Army Courts Martial Information System (ACMIS).



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

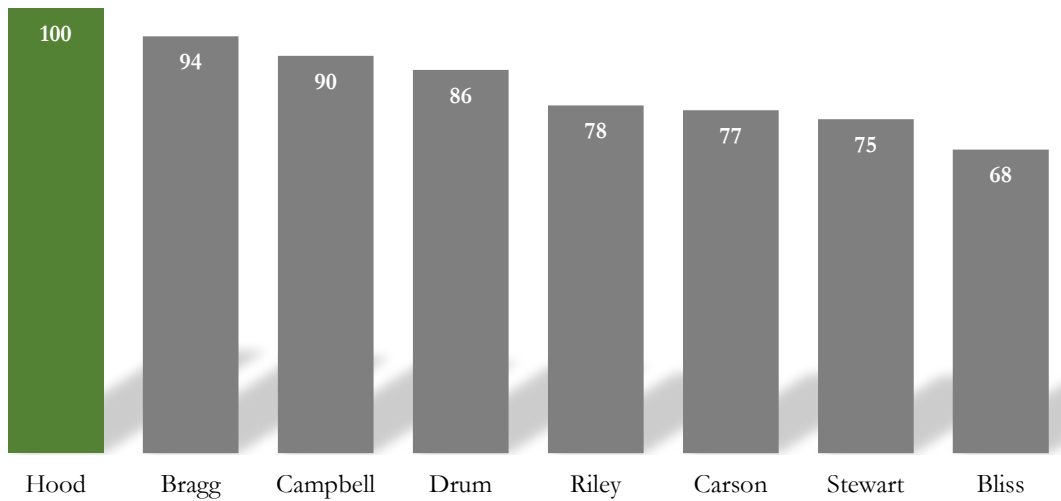


Figure 22: Average Days Between Preferral of Charges and Referral to Court-Martial

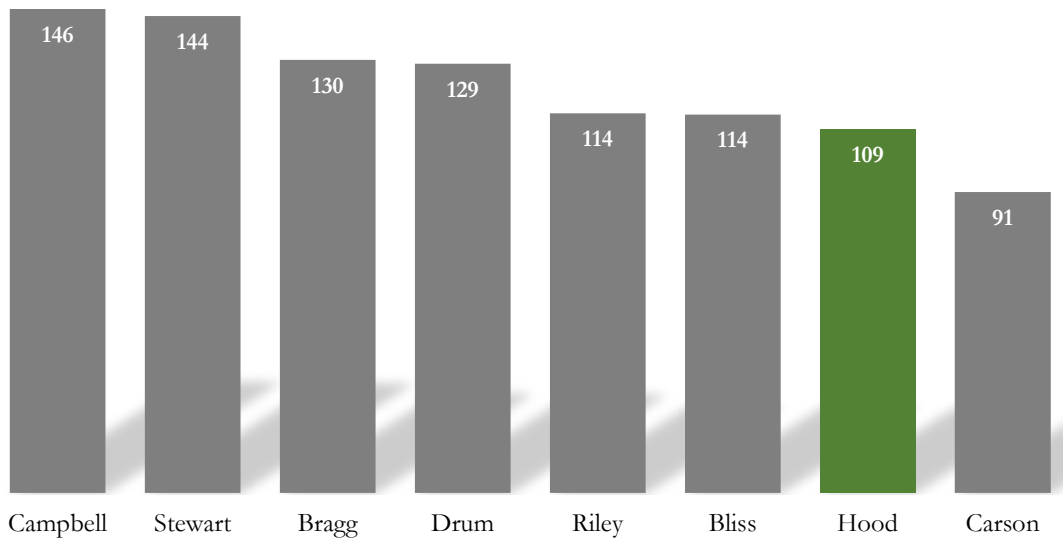


Figure 23: Average Days Between Referral to Court Martial and Trial Termination

The data available supports the widely held perception that sexual assault and related sex crime cases move very slowly after they are reported, as further discussed in the Finding 4. According to knowledgeable outside contacts involved in the criminal justice system as well as insiders within CID, the CID, the OSJA and the SHARP III Corps Program Office are not adequately staffed for the size of their caseload; and, they experience constant turnover. These circumstances were cited as fueling



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

delays throughout the process. It was especially disturbing to the FHIRC members that the time lapses were not routinely tracked by CID, the OSJA, or the SHARP Program Manager. The FHIRC could not identify person, position or entity who routinely tracked the entire lifecycle of any SHARP violations to monitor and address any preventable delays.

As one SHARP official pointed out, a program that is not inspected or afforded attention by leadership will deteriorate. The time interval at each separate stage of the process must be monitored and documented to identify and relieve bottlenecks. The tracking mechanism should also include a reporting requirement to raise leadership awareness to trends or problems that demand their attention. The FHIRC determined this lack of attention to tracking important time frames for completion of investigations and adjudications to be a serious deficiency that contributed to the lack of confidence in the response to sexual assault incidents.

5.2. Victims Of Sexual Assault Reported They Were Not Kept Informed.

The Department of Defense instructs the services that a foundational standard for a victim assistance program includes “manag[ing] the expectations of military justice or administrative proceedings.”¹³⁶ Multiple victims of sexual assault reported they were not kept informed of the ultimate disposition of their complaint, or even if any action had been taken against the accused Soldier. A closer review of the process reveals this should not be the case. Criminal proceedings are a matter of public record, and there is no impediment to informing the victim of the final judgement. Furthermore, Judge Advocate General Policy Memorandum 17-08, dated 1 December 2017, requires that the prosecution provide certain information to the victim and special victim’s counsel if applicable, without requiring that the victim first submit a request. This includes information about the preferral of charges, the preliminary hearing, pre-trial confinement, docketing and scheduling orders, and pleadings implicating victim’s interests. Finally, the National Defense Authorization Act (NDAA) of 2020 contains a provision that requires victims of sexual assault “receive notification of each significant event in the military justice process that relates to the investigation, prosecution, and confinement of such other member [the accused] for such assault.”

The difficulty in providing information to victims occurs when a determination is made not to proceed via the military justice route, but to instead initiate an administrative action against the accused Soldier. Administrative actions are not made public and the Soldier retains rights under the Privacy Act before information pertaining to such records can be released. Currently, when the Army receives FOIA requests for this kind of information the request is routinely denied under both FOIA and the Privacy Act, because administrative actions are protected personnel records. The standard response has been to simply state that “appropriate administrative action was taken.”

It would appear Congress sought to address this problem through section 549 of the NDAA of 2020, which provides that the commander “shall periodically notify the victim of the status of a final determination on further action on such case, whether non-judicial punishment under section

¹³⁶ DoD Instruction 6400.07, 3b(3), November 25, 2013; Incorporating Change 1, April 3, 2017.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

815 of such title (article 15 of the Uniform Code of Military Justice), *other administrative action*, or no further action. Such notifications shall continue not less frequently than monthly until such final determination” (emphasis added). This provision, however, presents some ambiguity and can be interpreted to prevent disclosure of the ultimate disposition or characterization of service. For example, although the victim is to be notified of “the status of a final determination,” the word “status” can be interpreted strictly to mean whether action has been taken, which would preclude disclosure of the final determination itself, and/or other related information, such as the characterization of service. Additionally, section 549 does not contain the language “notwithstanding 5 U.S.C. § 552a,” which would serve to clearly override operation of the Privacy Act. Because this leaves the provision subject to interpretation, and because the provision requires implementation “under regulations prescribed by the Secretary of Defense,” the services will need to look to DoD for clarification.

Fort Hood should maintain a robust cadre of well-trained SVCs who will ensure victims are properly informed. Victims who decline representation will not benefit from the skilled assistance of an SVC and will be less likely to remain informed. With or without an assigned SVC, Commanders must be sure to execute their responsibility to provide information to victims of sexual assault, as outlined and required by DoDI 6495.02 and AR 600-20.

Fort Hood would benefit from considering ways to provide greater transparency to the Fort Hood community on the adjudication of sexual assault, as well as other misconduct, at regular intervals. Take steps to increase transparency and demonstrate the command’s focused attention, concern, and action would help shift the permissive environment found on Fort Hood from one of passive acceptance to accountability.

5.3. There Was Widespread Lack Of Awareness Of The Right To A Special Victim Counsel.

A review of DEOCS data revealed that when Soldiers were asked whether they were aware of the SVC and the role they play, approximately 35% of Fort Hood respondents answered the question incorrectly in the 2017 to 2019 timeframe. Of the Soldiers responding, E1 to E3 respondents answered incorrectly about 50% of the time. With a majority of sexual assault victims falling into the junior enlisted ranks, it is important to better educate Soldiers on Fort Hood about the availability of SVCs. This knowledge will help bolster confidence in the SHARP Program.¹³⁷

“SVCs ensure that their clients know that, regardless of the outcome of the judicial or administrative process, the military justice and administrative system supports them and gives them the opportunity to be heard. It is vital that the military justice process proceed in a fair and just manner, protecting both the rights of the victim and the

¹³⁷ Analysis of all surveys completed by Soldiers assigned to units at CONUS installations between October 2017 and March 2019. Data Source: Defense Equal Opportunity Management Institute Organizational Climate Survey (DEOCS).

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Constitutional rights of the accused. Communications between SVCs and victims are confidential and privileged due to the attorney-client relationship established. This gives victims not only a sense of comfort, but also assists in building rapport between the SVC and victim.¹³⁸

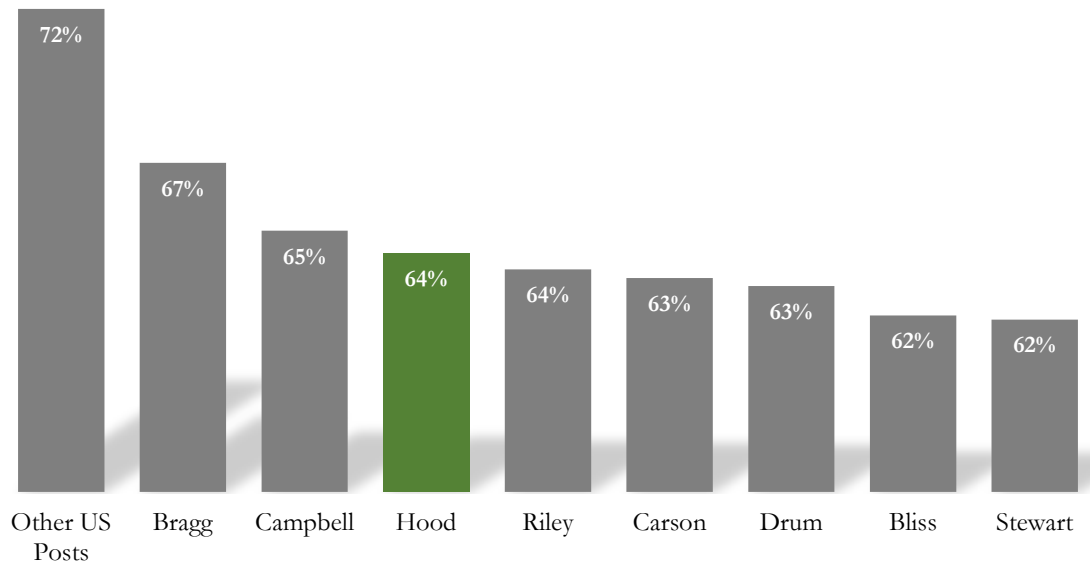


Figure 24: Percent of All Respondents Who Knew of Right to Special Victim Counsel

¹³⁸ Army Special Victims' Counsel, <https://www.jagcnet.army.mil/Sites/SVCounsel.nsf/home.xsp>, Posted: 03/27/2017 09:34:11 AM EDT.



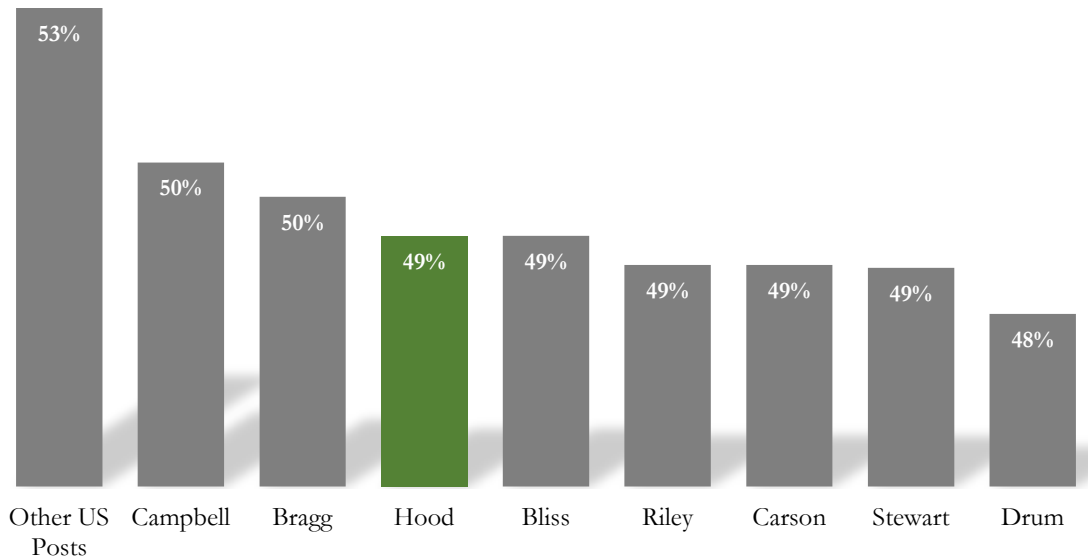


Figure 25: Percent of E1 to E3 Respondents Who Knew of Right to Special Victim Counsel

5.4. Soldiers Lacked Confidence In Military Protective Orders

During individual interview sessions, Soldiers did not express a great deal of confidence in Military Protective Orders (MPOs), describing multiple occasions where protective order “did not work,” either for themselves or a fellow Soldier. MPOs are lawful orders issued by commanders and are formalized on DD Form 2873. A MPO is described as “[a] written lawful order issued by a commander that orders a Soldier to avoid contact with those persons identified in the order. MPOs may be used to facilitate a ‘cooling-off’ period following domestic violence and sexual assault incidents, to include incidents involving children.”¹³⁹ It is a tool that the commander uses to keep the parties safely distanced from each other, and the parameters of the order will be contained on the form.

The most frequent complaint was that the accused Soldier was moved to a sister unit in the same brigade footprint and could be seen walking across the parking lot or in another area near the victim’s workplace. The issuance of an MPO does not necessarily mean that the victim will never see the accused again. It is important for leaders to manage a victim’s expectations regarding the MPO and ensure the victim understands its limitations and all options available to a victim to distance themselves from the accused, included the possibility of an expedited transfer for the Victim. If a victim finds they frequently see the accused after the issuance of an MPO and it is making the victim feel unsafe, the victim or an advocate for the victim should discuss this with the commander, who can review available options for remedying the situation while respecting both the rights of the accused and the victims.

¹³⁹ See 32 CFR § 635.19.



5.5. Soldiers Feared That The SHARP Program Might Incentivize False Reporting.

Soldiers also raised concerns for the subject of a SHARP complaint, fearing that an innocent Soldier may be falsely accused. Soldiers, male and female, frequently shared their belief that the SHARP Program can be weaponized to discredit another Soldier, giving examples such as the possibility of filing a false SHARP report against an overbearing superior or a peer with whom a Soldier has quarreled. The subject is typically moved to a different unit and flagged, pending investigation of the underlying complaint. A “flag” is placed in the personnel file of the accused Soldier in order to preclude any favorable personnel actions, including schooling and PCS moves, while the appropriate body investigates the complaint. Essentially, a Soldier’s career is placed on hold and a stigma will likely attach throughout the lengthy adjudication process. If the Soldier is later absolved of the charges, regaining that lost career time may be difficult. Soldiers of all ranks, including some Judge Advocates, identify the ability to obtain an expedited transfer as an enticing incentive that may cause a disgruntled Soldier to fabricate a complaint. However, there are safeguards in place. A Soldier’s O-6 level commander must first conclude that “there are reasonable grounds to believe that an offense constituting sexual assault has been committed against the person requesting the transfer or reassignment,” and the Soldier is not entitled to dictate the location to which they will be transferred or reassigned.¹⁴⁰ This phenomenon appears to be more mythical than factual.

Additional evidence that this fear is unfounded lies in a review of 647 individual interviews and surveying 1,817 Soldiers using a group interview format, where just two Soldiers claimed to have been on the receiving end of a false SHARP report, and neither career was destroyed. FHIRC is not aware of a single substantiated report from a Soldier on the receiving end of an invented SHARP report. Still, this perception was not uncommon and has a potent and degrading influence on the confidence that Soldiers place in the SHARP Program. The fear that women lie about sexual assault is not unique to the military and certainly not to Fort Hood. However, Soldiers should be made aware that all credible studies show that false reporting of sexual assault is rare,¹⁴¹ and that no realistic incentives exist for Soldiers to file a false report. Commanders are not required to grant an expedited request unless credible evidence exists to believe a sexual assault has occurred, a victim cannot dictate the location for an expedited reassignment, and lying to cover up an offense does not work as victims can be prosecuted for collateral offenses when appropriate.

¹⁴⁰ AR 600-20, Appendix I.

¹⁴¹ In the “False Reporting Overview,” provided by the National Sexual Violence Resource Center, the Center explains that a review of research finds that the prevalence of false reporting is between 2 percent and 10 percent. <https://www.nsvrc.org/publications/false-reporting-overview> (2012). The following studies support these findings: a multi-site study of eight U.S. communities including 2,059 cases of sexual assault found a 7.1 percent rate of false reports (Lonsway, Archambault, & Lisak, 2009); a study of 136 sexual assault cases in Boston from 1998-2007 found a 5.9 percent rate of false reports (Lisak et al., 2010); using qualitative and quantitative analysis, researchers studied 812 reports of sexual assault from 2000-2003 and found a 2.1 percent rate of false reports (Heenan & Murray 2006). Furthermore, research shows that rates of false reporting are frequently inflated, in part because of inconsistent definitions and protocols, or a weak understanding of sexual assault.

6. FINDING #6: FORT HOOD PUBLIC RELATIONS & INCIDENT MANAGEMENT HAVE DEFICIENCIES.

The ability of the command at Fort Hood to manage public relations has a direct impact on the installation's command climate. Recent negative media attention caused Soldiers to question their environment and fear their surroundings. At Fort Hood, over 50% of men and nearly two-thirds of women are concerned about what goes on after duty hours.¹⁴² As stories spun out of control regarding Fort Hood's alleged pervasive criminal activity, Soldiers lost confidence in the ability of the Army to guard their safety. While the death of any Soldier is tragic, and the murder of SPC Guillén was horrific, known truths about each incident were quickly overshadowed by gross speculation, false narratives, and viral internet story telling.

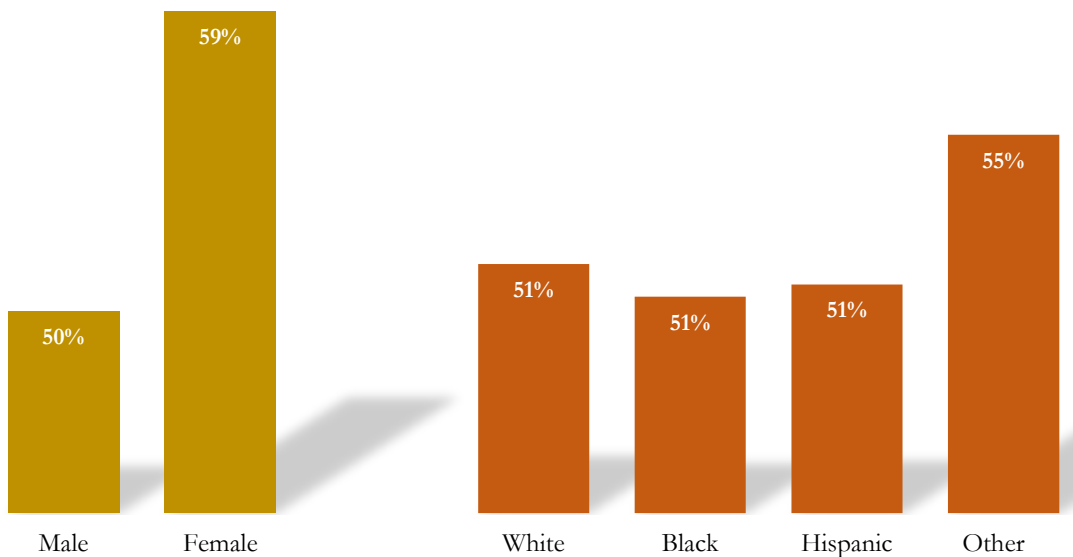


Figure 26: Percent Concerned About What Goes On After Duty Hours On or Near Fort Hood (By Gender And Race)

¹⁴² See Figure 26. Graphs reflect percentage that answer yes and/or agree with statement (lower is better). Women agree more than men with this statement by 9 percentage points.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

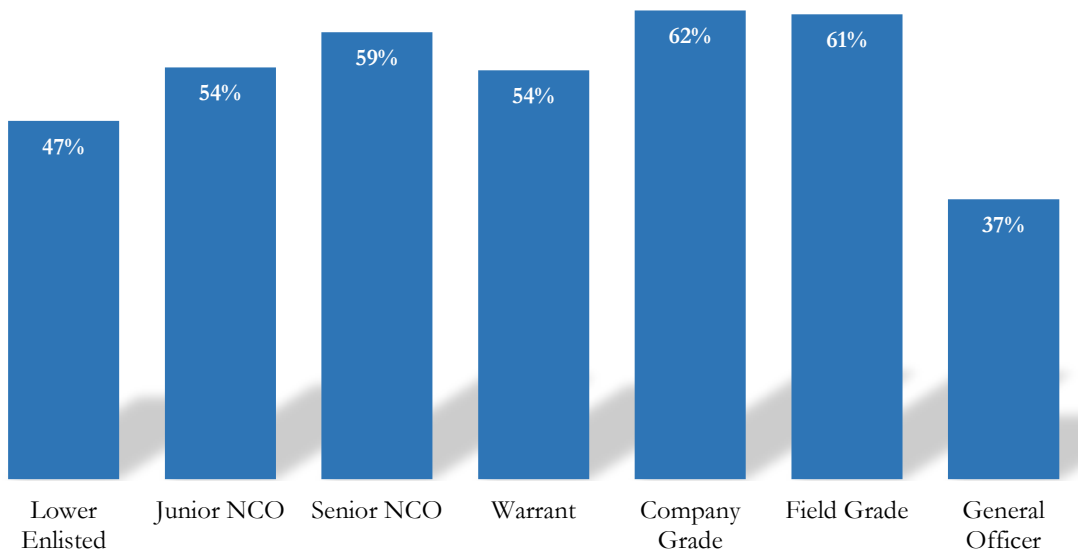


Figure 27: Percent Concerned About What Goes On After Duty Hours On or Near Fort Hood (by rank)

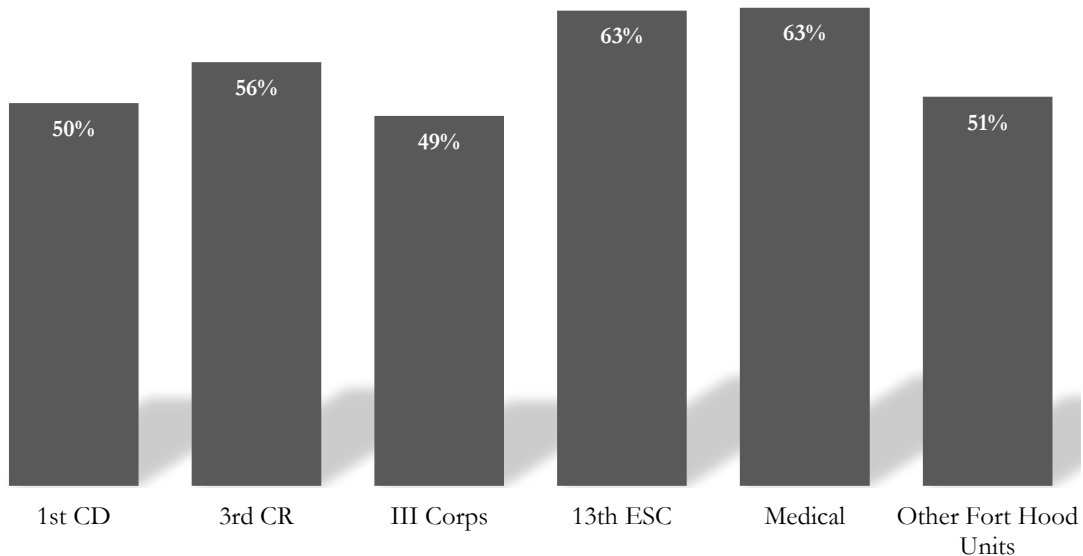


Figure 28: Percent Concerned About What Goes On After Duty Hours On or Near Fort Hood (by unit)

Army Public Affairs Officers are expected to “leverage communication techniques to effectively tell the Army’s story to the right audience using the right tools, doing so as rapidly as possible.”¹⁴³ In 2020 the III Corps and U. S. Army Garrison Fort Hood Public Affairs Office (Fort

¹⁴³ *The United States Army*, Army Public Affairs, accessed 23 Oct. 2020, www.army.mil/publicaffairs/.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Hood PAO) was not adequately manned to deliver on this mission. Several key members of the office, including the senior public affairs officer, were forward deployed with the Corps headquarters, leaving behind an office sorely understaffed to handle a crisis. Of the six uniformed personnel assigned to the Fort Hood PAO, three were deployed, and in May the most senior member, the Deputy PAO, began retirement processing. The office received no relief until early July, with the redeployment of the PAO Sergeant Major.

In the critical months of May and June, the severely undermanned Fort Hood PAO faced a public affairs crisis, beginning with the disappearance of 3CR Soldier SPC Vanessa Guillén and the unanticipated public uproar and media frenzy that ensued. In a few short months, the installation, its leadership, and the Army itself came under intense public scrutiny. From the time of SPC Guillén's disappearance on April 22, 2020, through the remainder of the Spring and Summer months, the Fort Hood PAO found itself unable to adequately inform the public and pragmatically inform public perception. The facts became largely irrelevant as a groundswell of support for false theories and poorly informed accusations took root through social media outlets.

Sample Comment #1:¹⁴⁴

Normally I would not comment on posts like this. However, being that this is the III Corps and Fort Hood page, I figured those in charge of posts and podcast production might have a bit more tact when addressing such a serious, and sensitive matter. I'm extremely disappointed by this post, and the lost potential of what could have been a proper statement to the public.

Sample Comment #2:¹⁴⁵

Do you guys seek outside perspective before you make posts?

Because this was made in poor taste.

To frustrate public relations further, beyond PAO activities, the Committee observed a pervasive absence of a human touch in the command's interactions with the family of SPC Guillén and with the general public. Simply put, many of the command's actions were clumsy at best and at times insensitive. As an example, SPC Guillén's command contacted the Guillén family after their arrival in the Fort Hood area and tried to arrange for the family to accept a gift basket with items such as a supermarket gift card and toys for their youngest child. At this point, offers of charity were unwelcome. The family understandably wanted nothing more than to have all efforts focused on locating their missing loved one. Although the gift basket was coordinated by the family readiness group with only the best of intentions and out of sincere compassion, the offer was not framed in that

¹⁴⁴ Comment found on the Fort Hood and III Corps Facebook page, July 9, 2020, in response to Season 1, Episode 29 "Fort Hood's Great Big Podcast," posted to the Facebook page.

¹⁴⁵ Comment found on the Fort Hood and III Corps Facebook page, July 9, 2020, in response to Season 1, Episode 29 "Fort Hood's Great Big Podcast," posted to the Facebook page.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

vein, and instead looked more like complete insensitivity to the family's immediate needs – they were desperate to find their daughter/sister. This outreach only served to brew suspicion and mistrust.

Public relations also suffered because of limited local connectivity. Upon visiting Fort Hood, the FHIRC learned that the installation's connection to the local community is largely through the Chamber of Commerce and elected officials, with no enduring connection to local cultural or civil rights organizations. Indeed, the civil rights groups we met with seemed to yearn for a more meaningful connection to the Fort Hood community and expressed a desire to work in harmony with the installation's leadership. One prominent organization pointed out with considerable emotion the lack of a "*seat at the table*" with anyone at the Post at Fort Hood. This lack of community connection contributed to the command's overall lack of relatability before the general public. In late Spring when the public began vocalizing its mistrust of Fort Hood and Army leadership, the installation's deepest connections outside of its gates rested almost entirely with political and business leaders. With the public already expressing distrust for military authority, civilian authorities would fare no better. Hinging community relations solely on engagement with political and business representatives fosters relationships that risk being more transactional and exploitive than interactive and relational.

Perhaps the most glaring example of blundered public relations that the FHIRC uncovered is the July 2, 2020 press conference held on Fort Hood to inform the media and the public that human remains had been located. The Deputy Commanding General and a CID Special Agent provided the briefing and awkwardly took turns answering questions, with each rushing to leave the podium as soon as they completed their response, causing viewers to question their sincerity. Additionally, statements like "I can't release that information," only served to frustrate media attendees who openly displayed their dismay. It also unfortunately fueled misplaced suspicion of a cover up within the general public.

Sample Comment #1:¹⁴⁶

This press release was horrible to watch! Everyone was stumbling all over their words. There was zero lack of sincerity in this press release. They couldn't even look the media in the eyes while they addressed them. I guess looking at that piece of paper was better to look at. Was I the only one who noticed how many times they flubbed her rank after they posted a headline that she had been posthumously promoted to the rank of Specialist? Talk about damage control for the post going south. They literally just raised more questions than answers especially with the dates. I clearly remember photos being posted in mid-June of Soldiers searching for her, not April 23.

¹⁴⁶ Comment responding to the July 2, 2020 press conference posted to the Fort Hood and III Corps Facebook page.

Sample Comment #2:¹⁴⁷

I can't watch this. I don't believe any of you are being honest or really care about the soldier Vanessa Guillén. I feel shame, disappointment and disgust. Her life mattered. SHE mattered.

Finally, Soldiers interviewed by the Committee frequently indicated they did not feel they were kept informed of crime related events and Soldier deaths on Fort Hood. Fort Hood Soldiers and civilians were just as adversely affected by the media blitz as the local community around Fort Hood and openly contributed to the negativity on social media. The entire Fort Hood and Killeen community was on edge, but we found that Soldiers stationed there were no better informed than the community outside of the gates. As a direct result, during one on one interviews many Soldiers stated they do not feel safe on Fort Hood because of "recent events," or some would say "all of the soldiers turning up dead." Much of the information about these events (Soldier deaths and suicides) Soldiers gathered from news reports that often were incomplete and contained inaccurate supposition that went uncorrected.

7. FINDING #7: THERE WERE NO ESTABLISHED PROCEDURES FOR FIRST LINE SUPERVISORS IN 'FAILURE TO REPORT' SITUATIONS THAT DEFINE APPROPRIATE ACTIONS IN THE CRITICAL FIRST 24 HOURS.

Prior to the murder of SPC Guillén and the arrival of the FHIRC, Fort Hood's protocols and procedures were inadequate to account for, to safeguard and to determine the whereabouts of missing Soldiers in the hours immediately after they went missing. What happened when a Soldier was first identified, or should have been first identified, as not present for duty under irregular, unusual, uncharacteristic, or suspicious circumstances was in the hands of the immediate NCO responsible for that Soldier and that Soldier's whereabouts. The NCO had total discretion in handling the matter immediately after learning a Soldier failed to report for duty, leading to inconsistent *ad hoc* responses across the various units. It was apparent to the FHIRC that NCOs had little guidance on how to handle—or even what facts should be considered—"suspicious circumstances."

Although the FHIRC conducted file reviews of the CID death investigations, there was scant information in the files as to the initial action of deceased Soldiers' units when/if the Soldier failed to report.¹⁴⁸ Some of the cases involved scenarios where the death of the Soldier was known immediately, and others involved circumstances where the Soldiers were missing for an extended

¹⁴⁷ Comment responding to the July 2, 2020 press conference posted to the Fort Hood and III Corps Facebook page.

¹⁴⁸ Despite data showing that during the review period of 2018-- 2020 there were over 50 soldier suicides and 11 homicides, the Fort Hood CID Commander advised that the Fort Hood CID Detachment has only worked two missing soldier cases in the last five years. The Fort Hood CID investigates missing soldier cases when they are reported by the Military Police, a unit, or an interested party, such as a family member or friend.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

period of time. Unfortunately, especially in cases handled in coordination with local law enforcement, there was often insufficient information in the files to make a determination. In one case, a Soldier was reported as AWOL on August 30, 2016. Pursuant to Army regulations, this Soldier was declared a deserter on September 27, 2016. On October 6, 2016, this Soldier was found dead at his residence. Apparently, his unit NCO(s) knew so little about their Soldier that in looking for him they only checked an old address in Copperas Cove. (b) (6)

The FHIRC identified several examples where day-to-day Soldier accountability was loosely enforced, leading to an initial presumption that a Soldier who fails to report is AWOL. In other instances, there was little to no effort expended at the unit level to even try to identify whether a missing Soldier's absence was involuntary, or the circumstances suspicious. The status of AWOL often became a default designation without fact gathering or any documented due diligence.

Parallel to unit Soldier accountability deficiencies, the FHIRC determined that the Military Police (MPs) play an important role in failure to report/missing Soldier cases reported to them. They are the first responders and have the capability to enter the missing Soldier into law enforcement databases, put out "be on the look out" (BOLO) notices, conduct mobile phone pings under an emergency order and conduct other initial investigation. The Committee found that the Fort Hood MPs and Directorate of Emergency Services (DES) follow the practice that a Soldier must be missing over 24 hours before they take such actions. Incidentally, this occurred in the Guillén case where, despite immediate indications that her absence was suspicious, the MPs initially refused to begin taking these types of investigative actions.¹⁴⁹

At Fort Hood, how an NCO initially dealt with situations in the first hours of becoming aware of a missing Soldier was totally dependent on the NCO's knowledge of that Soldier and how up-to-date the NCO's "*Leader Book*" was concerning the missing Soldier's vital information such as address/contacts as well as contacts for family and friends.¹⁵⁰ Also important were the NCO's knowledge of his/her Soldier's off duty pursuits as well as the Soldier's past and current reliability, personal and family situation, general accountability, mental health, and any at risk behavior.

Without any firm, formal, objective guidance from the command, NCOs were left to their own subjective evaluations and processes. The NCO would need to evaluate the circumstances for indicators of involuntary absence and determine what course of action to take, if any, in those first few hours, which could be crucial in the case of a Soldier at risk of harm from themselves or others. Given the high incidence of sexual assaults and attempts, suicides and attempts, AWOLs and desertions, and the numbers of Soldiers reporting mental health issues, the absence of guidance is a lapse in leadership at Fort Hood that the FHIRC identified.

¹⁴⁹ Some of SPC Guillén's personal belongings, including her military ID/CAC, her car keys and other items, were found in an arms room where she had been working, and her car was still in the barracks parking lot. This was known by SPC Guillén's first line NCO and was relayed to the MPs.

¹⁵⁰ Leader books should contain vital information about each soldier an NCO supervises.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

As a marker, the regulations, protocols and procedures in place prior to the death of SPC Guillén clearly focused on determining whether a Soldier was present for duty, and if not, whether they were properly and timely identified as being Duty Status Whereabouts Unknown (DUSTWUN), Absent Without Leave (AWOL), or a Deserter, and to ensure that the proper protocols and procedures were timely initiated and followed through for each such classification. The guidelines in place did not appear to address the steps to take and the criteria to consider in making an initial determination whether the circumstances might indicate the missing Soldier was at risk of harm to themselves or others.

During the individual and group interviews involving over 2500 Soldiers, and the specialized interviews of Fort Hood's top leaders, select unit commanders, CID, DES and civilian law enforcement, it was evident that there was considerable confusion at the NCO levels as to the actions to undertake when a Soldier fails to report at the appropriate times. Several disturbing trends were identified. First there was almost universal agreement that the NCOs did not know their enlisted Soldiers well enough to identify whether they were truly missing or AWOL. Most NCOs when prompted at group interview sessions could not produce a "leader book" which, when kept up to date is an effective tool for the NCO to collect and maintain detailed information about the Soldiers under their supervision.

Second, the interviews revealed that the methods of conducting daily accountability formations varied widely, especially during the COVID lockdown phases. Some were allowed to text their check-ins from mobile devices, some required some sort of mobile device video application check-in and some NCOs required in-person check-ins. The Fort Hood CID advised the FHIRC Chairman that during one missing person investigation an NCO advised "50% accountability is good enough."

It was also determined that the Military Police had adopted a policy of withholding the use of very effective tools to locate missing persons until 24 hours passed despite the circumstances. In the case of SPC Guillén, the Military Police (b) (7)(E) on April 22, 2020 at 0600, approximately 10 hours after she failed to report under suspicious circumstances.¹⁵¹ They concluded that she was in no known danger, despite the facts that: (a) she left her car keys, barracks room key, CAC card and wallet in the arms room where she had been working; (b) she oddly never returned to retrieve these items; and, (c) her car was still in the barracks lot. No BOLO was disseminated to nearby law enforcement agencies, and her name was not entered into NCIC until 2342 hours on April 24, 2020, almost 54 hours after she failed to report on April 22, 2020 at 1800. It is clear that none of these steps would have saved the life of SPC Guillén, but such steps may be the difference between life and death in future cases.

During the Committee's on-site visit FHIRC Members asked pointed questions of various leaders concerning this topic. Before departing Fort Hood, the FHIRC Chairman was provided a *Missing Persons Protocol/Checklist* that addresses the absence of such protocols and procedures. The

¹⁵¹ (b) (7)(E)

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Chairman was advised that this protocol was going to be adopted across the installation. These are much needed protocols that establish mandatory actions and a checklist in the hours immediately following a Soldier failing to report. In issuing these protocols, the Command signaled its intention to change the mindset of those involved in reporting and investigating missing persons at Fort Hood. This is clear from the very first sentence of the Checklist, which states:

“Missing person reports are extremely serious and should be handled as a homicide investigation, until evidence clearly proves otherwise.”

The checklist also calls for expedited entry of a missing person’s information into the National Crime Information Center (NCIC), within two hours, and the National Missing and Unidentified Persons System (NamUs), within 24 hours.¹⁵² In addition, the proposed *Absent Service Member Battle Drill* lists a number of specific immediate actions to be taken, to be followed up if necessary, with a number of other elevated, specific actions to be taken in the second hour, to include specific actions by MPs, DES, CID and Retention, insuring each one of these agencies is involved at the outset, when time is critical. The Battle Drill also emphasizes the assessment of life-threatening indicators. At the expiration of this initial period of investigation, a decision point is reached on whether to activate a Crisis Action Team.

The necessity and advisability of the implementation of these new protocols has already been proven. During the time the Panel was at Fort Hood, these protocols and prompt action by Fort Hood personnel located a missing Soldier at risk for self-harm.

If these protocols had been in place at Fort Hood during the review period they may have been sufficient to save Soldiers from harm, as demonstrated by a suicide that was prevented during the on-site review.¹⁵³ At minimum an immediate response at the unit level and first responder level may very well have brought a speedier resolution and mitigated the painful impacts in certain missing Soldier cases. Additionally, action has been taken to conduct a “training stand down” for a period of time to require the officers and NCOs to get to know their Soldiers and rebuild lost trust. Getting back to the basics of taking care of Soldiers is important for many reasons, not the least of which is recognizing when an absent Soldier may be in trouble.

¹⁵² NCIC and NaMus are law enforcement data clearing houses that contain missing persons, arrest warrants for fugitives, stolen property, criminal histories and other law enforcement records.

¹⁵³ This event was described during group and individual interviews.

8. FINDING #8: THE CRIMINAL ENVIRONMENT WITHIN SURROUNDING CITIES AND COUNTIES IS COMMENSURATE WITH OR LOWER THAN SIMILAR SIZED AREAS; HOWEVER, THERE ARE UNADDRESSED CRIME PROBLEMS ON FORT HOOD, BECAUSE THE INSTALLATION IS IN A FULLY REACTIVE POSTURE.

As part of its Review of the command climate the FHIRC examined whether the perception that there are significant crime problems facing Soldiers at Fort Hood on and off-post was a reality. The impression created by the intense media coverage focused on Fort Hood during and after the Vanessa Guillén case, was that crime is out of control at Fort Hood and the surrounding communities.

This Review determined that there are indeed unaddressed crime issues at Fort Hood, which require proactive analysis and command level actions to mitigate. Similar to Finding #2 above regarding the clearly identified high-risk of sexual assault, the FHIRC considered the high crime rates on Fort Hood to be a risk to health and safety that leadership knew or should have known existed.

The FHIRC also found, however, that the crime rates of surrounding cities and counties of Fort Hood are actually low compared to cities outside other major US Army installations and comparable sized cities and towns in Texas and elsewhere in the US.¹⁵⁴

Media coverage has highlighted instances of missing Soldiers, Soldier related homicides, and Soldiers arrested in prostitution, drugs, and sex crimes, all involving a connection to Fort Hood. The FHIRC made a concerted effort to separate fact from fiction. Where crime issues were identified the FHIRC attempted to pinpoint the drivers of these crime dynamics.

There is also a violent sex crime rate at Fort Hood that notably exceeded the average Soldier offender rate for Violent Sex Crimes for FORSCOM by 30.6% and for the Army by 75.8% for CYs 2015 – 2018.¹⁵⁵

This Finding was informed by a number of information sources and relied heavily on data provided by the CID Command Headquarters Criminal Intelligence Operations Center (CIOC) at Quantico, Virginia, which provided valuable assistance to the FHIRC.¹⁵⁶ In addition, several hundred relevant documents were reviewed; specialized interviews were conducted with key Fort Hood based command level individuals within the Garrison Command, CID, OTJA, the 89th MP Group, the Fort Hood Department of Emergency Services (DES) and III Corps leadership; a full slate of interviews were conducted with over 25 state, local and federal law enforcement officers, Special Agents, executives and prosecutors that were identified as stakeholders in crime issues relating to Fort Hood

¹⁵⁴ Analysis conducted using all data is from 2018, the most recent year available. Data Source: FBI Uniform Crime Reporting (UCR) Program Known Offenses.

¹⁵⁵ Fort Hood CY Crime Comparison – Soldier Offender Rates provided by CIOC.

¹⁵⁶ The CID Command detailed a Supervisory Analyst to support the FHIRC who accessed relevant data bases, performed analysis and coordinated with CIOC resources at Quantico, Virginia.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

and Soldiers assigned to the post; and, analysis of ALERTS database undertaken to further inform the FHIRC on this topic.

8.1. Crime Rate Comparison: Killeen, Texas vs. Other Cities Adjacent To Army Posts.

To assess the crime environment off-post the Committee looked at Uniform Crime Reports (UCR) data and CIOC data which compared the FBI UCR data for crime rates at Killeen, Texas, which is adjacent to Fort Hood, to the crime rates for cities near other Major Army Posts for 2018.

The results were surprising. Of the eight cities examined, Killeen was at the bottom for most categories (7th for Aggravated Assault, 6th for Violent Crime and Property Crime, 5th for Murder and Non-Negligent Manslaughter, 4th for Robbery) except Rape, in which Killeen was 3rd. When Fort Hood (*on base only*) and Killeen, Texas were compared to other similar sized cities in Texas Fort Hood had the lowest rate of crime per 100,000 for Violent Crime and the second to lowest rate for Rape. Killeen was 6th for Violent Crime and 4th for Rape.¹⁵⁷ Military Posts are essentially large gated communities so a comparison of crime rates on an installation like Fort Hood to civilian jurisdictions is not useful.¹⁵⁸

Jurisdiction	Population	Violent Crime	Murder & Non-Negligent Manslaughter	Rape	Robbery	Aggravated Assault	Property Crime
Killeen, TX	148,007	577	7	117	146	307	3,366
Rate per 100,000		389.8	4.7	79.1	98.6	207.4	2,274.2
El Paso, TX	688,442	2,554	24	405	376	1,750	10,391
Rate per 100,000		370.98	3.5	58.8	54.6	254.2	1,509.4
Fayetteville, NC	210,117	1,549	19	79	228	1,223	6,742
Rate per 100,000		737.2	9.0	37.6	108.5	582.1	3,208.7
Clarksville, TN	156,264	1,078	20	108	129	826	4,551
Rate per 100,000		689.9	12.8	69.1	82.6	528.6	2,912.4
Colorado Sp., CO	471,124	2,705	34	543	525	1,605	16,236
Rate per 100,000		574.2	7.2	115.3	111.4	340.7	3,446.2
Watertown, NY	25,525	175	0	65	19	91	911
Rate per 100,000		685.6	0	254.7	74.4	356.5	3,569.1
Junction City, KS	22,875	51	2	6	5	38	197
Rate per 100,000		223.0	8.7	26.2	21.9	166.1	861.2
Hinesville, GA	33,163	147	1	8	33	105	1,204
Rate per 100,000		443.3	3.0	24.1	99.5	316.6	3,630.6

Figure 29: FBI Uniform Crime Report Comparison of Selected Jurisdictions US Army Post¹⁵⁹

¹⁵⁷ CIOC Chart: Fort Hood to Uniform Crime Report Comparison 2018.

¹⁵⁸ FBI Uniform Crime Reports provided by Texas Department of Public Safety

¹⁵⁹ Provided by CIOC.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

In fact, Killeen and other areas near Fort Hood are not uniquely high crime areas. See Figure 30 below.

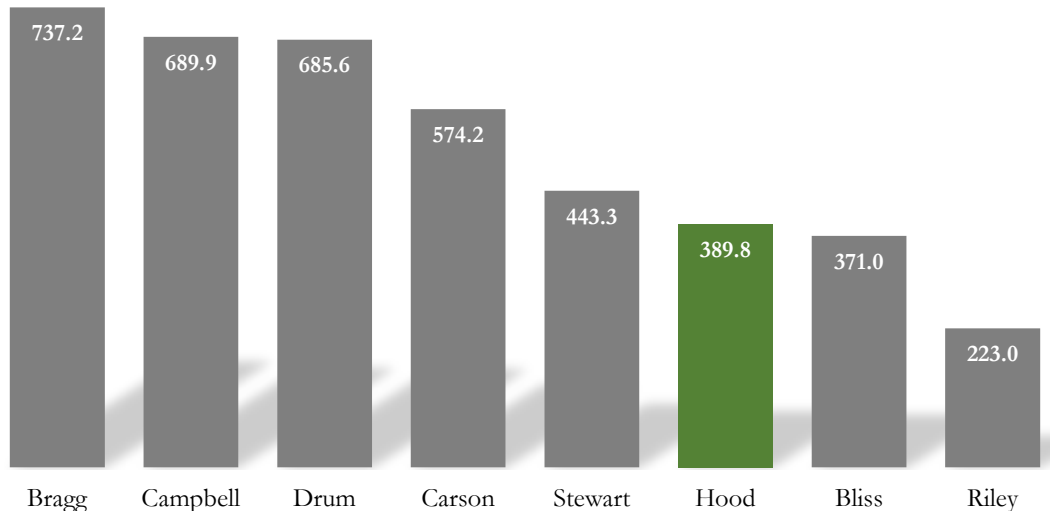


Figure 30: Violent Crime Rate per 100,000 Near Divisional Posts (2018)

There are however logical explanations for the perception that Soldiers were targeted as easy victims of crime or fell into bad elements in the cities surrounding the installation. These cities include large numbers of Fort Hood based Soldiers, Army Family Members as well as Soldier retirees and Soldiers involuntarily separated from the Army during their tenure at Fort Hood. The area is known for being military friendly and boasts a low cost of living attractive to active duty Soldiers and retirees. In fact, there are 19,868 active duty Soldiers living in the communities surrounding Fort Hood. In addition, there are 37, 021 Army Family Members living with them.

In Killeen, Texas, the most populous community which is located just outside two of the main gates to Fort Hood there are a combined 11,002 active duty Soldiers and 20,501 Family Members living within the city limits. This constitutes 21% of the 148, 007 residents of Killeen. In addition, the area Police Chiefs and Sheriffs advised that Soldiers assigned on-post spend a lot of leisure and entertainment time off-post in the surrounding communities, often at late hours. They opined that the hours, locations and activities they engage in render them vulnerable to crime victimization.

According to the Chief of Police (COP) for the KPD, the housing allowances for enlisted personnel often force them to rent “quadraplex or eightplex units”, which are high density connected housing units located in housing projects prevalent in Killeen. According to the COP these are high crime areas, which have become beehives of criminal activity such as drugs, domestic violence and vice crimes. The COP has been very vocal in communicating that the density and configuration of these housing developments breeds crime.

Even with the relatively low crime rates within the city there is a large population of Soldiers and Army Family Members that could potentially fall victim to all the crimes that occur in the



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

city. More Soldiers in the population equates to more Soldier victims according to the area Police Chiefs who consider themselves stakeholders with Fort Hood because they have encountered many Soldier victims and subjects in their jurisdictions.

Even with this large Soldier population the perception that Soldier victimization is at epidemic levels is not supported by empirical data. For example, Killeen's aggravated assault rate of 207 per 100,000 would be expected to produce approximately 42 Soldier or dependent assault victims per year. To assist in our analysis, the CIOC, HQ USACIDC provided crime data mined from the Army's ALERTS data system on Soldier victims in off-post incidents. The data provided by them shows that there were only 4 aggravated assaults reported to CID involving Soldier victims off-post in FY 2018; 4 in 2019 and 5 in 2020. In comparison on-post there were reports of 9 aggravated assault victims in 2018, 32 in 2019, and 31 in 2020.

The CID Command cautioned that off-post Soldier victims are undercounted and not routinely tracked by Fort Hood CID. The DES maintains a daily chronological record of police activity known as a "blotter" and canvasses the local law enforcement agencies to see if any Soldiers were admitted to local jails, however, outside law enforcement contacts, Fort Hood CID, and DES sources agreed that many Soldier arrests "fall through the cracks." Federal, State and local law enforcement and prosecutors advised that this partly due to lack of close connectivity between surrounding communities and Fort Hood CID. They cited a good working relationship with DES however that was due primarily to the efforts of the Acting Deputy DES Director who has been stationed at Fort Hood for a significant period of time and represented the only real continuity between outside law enforcement and Fort Hood due to constant transfers and "churn" of Fort Hood CID and DES leadership.

This review noted that unlike other major bases Fort Hood does not have a MOU governing cooperation with the surrounding local police jurisdictions. There were no recent MOUs between the local District Attorneys of Bell and Coryell Counties regarding overlapping jurisdictional matters involving Soldier subjects and victims. The KPD presented a detailed request for an MOU and an imbedded CID presence at KPD to CID, however no MOU has been forthcoming. It was alarming to learn from the KPD Police Chief stated that he has never met his current counterparts at CID other than in passing at a press conference regarding the Vanessa Guillén case.

Despite the perceptions built up by the media, data and collective input from the surrounding jurisdictions and CIOC data seem to indicate that Soldiers are not victimized off-post any more than civilian residents and in fact crime rates outside the post are relatively low. Below is a chart provided by the CIOC showing the tally of Soldier victims outside Fort Hood:



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Crime Types/Subtypes/ Subtypes Grouped	Fort Hood Soldier Victims for FY18-FY20 by On/Off Post (All Offense Findings by Most Serious Offense in the LER)											
	FY18			FY19			FY20			Grand Total		
	Off Post	On Post	Total	Off Post	On Post	Total	Off Post	On Post	Total	Off Post	On Post	Total
Violent Felony	49	78	127	45	88	133	64	78	142	158	244	402
Homicide	1	2	3	1	3	4	2	2	4	4	7	11
Murder				1		1	2	1	3	3	4	7
Voluntary Manslaughter	1		1							0	1	1
Involuntary Manslaughter				1	1	2				0	1	1
Negligent Homicide				1	1	2				0	1	1
Attempted Murder		2	2		1	1		1	1	0	4	4
Sex Crimes	45	59	104	40	49	89	57	44	101	142	152	294
Rape and Attempts	10	9	19	10	9	19	6	4	10	26	22	48
Sexual Assault and Attempts	35	48	83	30	39	69	51	40	91	116	127	243
Forcible Sodomy		2	2		1	1				0	3	3
Aggravated Assault	3	9	12	4	32	36	5	31	36	12	72	84
Kidnapping		2	2		1	1				0	3	3
Robbery		6	6		3	3		1	1	0	10	10
Non-Violent Felony	44	500	544	38	520	558	38	440	478	120	1,460	1,580
Drug Crime					1	1				0	1	1
Failure to Obey General Order					2	2		1	1	0	3	3
Larceny	9	203	212	6	244	250	8	155	163	23	602	625
Larceny - Government Property/Funds		24	24	7	32	39	7	23	24	2	79	81
Larceny - Private Property/Funds	9	179	188	0	212	217	7	132	139	21	523	544
Other Sex Crimes	20	30	50	13	47	60	15	51	66	48	168	216
Other Non-Violent Felonies	15	237	252	18	225	243	15	223	238	49	388	437
Misdemeanor	29	204	233	20	195	215	25	185	210	74	584	658
Traffic Violations		2	2	1	10	11		3	3	1	15	16
Assault and Battery	8	168	176	5	148	153	3	150	153	16	464	480
Drunk and Disorderly					2	2				0	2	2
Drunk Driving without Personal Injury								1	1	0	1	1
Family Abuse	1		1		1	1		1	1	1	2	3
Other Misdemeanors	20	34	54	14	36	50	22	30	52	56	100	156
Other	19	7	26	12	7	19	14	7	21	45	21	66
Other - Accidental Death	2	1	3	3	1	4	4	2	6	9	4	13
Other - Attempted Suicide		1	1							0	1	1
Other - Death By Natural Causes	1	1	2		1	1	1	1	1	2	2	4
Other - Missing Persons								1	1	0	1	1
Other - Suicide	12	4	16	8	5	13	8	2	10	28	11	39
Other - Undetermined Manner of Death	4		4	1		1	1	2	3	6	2	8
Grand Total	141	785	930	115	810	925	141	710	851	397	2,309	2,706

Figure 31: Fort Hood Soldier Victims for FY18-FY20 by On/Off-Post

State, local and federal law enforcement advised that while crime rates are comparatively low drugs and vice can easily be found in Killeen and the surrounding cities and counties for Soldiers who go looking for such illicit activities. Some of the crime is driven by a thriving trade in cannabis legally purchased or diverted from Colorado, California and/or other states where cannabis sales and cultivation has been legalized. These law enforcement professionals agreed that the drug trade boosts the number of crime incidents such as drug “rip off” robberies; crimes committed to procure money for drugs; and crimes committed in furtherance of the illicit drug trade. Black markets of any kind invite crime some of which, especially drug purchases and drug usage, will inevitably spill over onto Fort Hood or impact its Soldiers.

Police executives in the cities near Fort Hood cited high levels of domestic violence, which contributed to a large share of the crime incidents, especially in Killeen. Outside law enforcement sources noted that most of their domestic incidents were related to alcohol and drugs. Both habits are expensive, drain family resources, cloud judgment, and cause family disturbances.

Other notable observations from these contacts was that many Soldiers who separate involuntarily from the military either stay in Killeen or gravitate to Killeen and surrounding cities after separating from other Army installations because of the military friendly environment. (*See discussion of SPC Delacruz homicide below*). They also observed that there are a large number of broken military homes where both separated/divorced spouses and children live in the area off-post giving rise to domestic disputes. This was the case in the off-post murder of Freddie Delacruz.

While there has been a considerable amount of publicity over recent Soldier suicides and homicides there was no evidence developed that an unusual crime surge in the surrounding communities was the exclusive driving force behind these tragic events.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Fort Hood had the second highest number of attempted suicides by a large margin over other divisional posts having the 3rd and 4th highest offenses, and had the 3rd highest suicide deaths for first-term enlisted Soldiers arriving at duty station between 2015 and 2019.¹⁶⁰ However, because the decision to report suicide attempts as a crime may differ across commands, these rates could reflect differences in policy and enforcement, rather than higher prevalence.

The Fort Hood CID investigated every incident of suicide on-post involving a Fort Hood Soldier during the review period, 2018 to 2020. Suicides that occurred off-post were investigated by the appropriate local law enforcement agency and was monitored by CID, meaning that they “coordinated” with the investigation and populated the CID investigative files with whatever reports the local jurisdiction was willing to provide them. Of the 53 suicide cases recorded between FYs 2018 and August 2020 a total of 34 occurred off-post and these CID files were generally sparse.

During the onsite review, support members of the FHIRC reviewed CID death files relating to Fort Hood based Soldiers. There was no evidence that the suicides were caused by external forces outside the post. The motivations for the suicides gleaned from the files were observed to be domestic situations, mental health issues or in three cases, pending criminal charges or military disciplinary actions.

This review also studied all homicide cases between 2018 and 2020 involving Fort Hood based Soldier victims. Murders on base were rare and CID has only investigated 2 missing person cases in the last 5 years. There were only 2 deaths originating on post in 2020, both of which involved the Guillén case. The cases of Guillén and Robinson are still under investigation and a prosecution is pending, therefore no conclusions are presented in this report regarding those cases.

The Committee also studied the off-post homicides during the same time period, including:

1. PV2 Gregory Scott Morales - Disappeared on 19 August 2019; remains discovered in a field in Killeen on 19 June 2020. Killeen PD and Army CID investigation pending, foul play suspected, cause of death pending/undisclosed.
2. Shelby Tyler Jones - Died from gunshot wound on 1 March 2020; Soldier was shot outside of a strip club in Killeen. Killeen PD investigation presented to grand jury. DA declined to prosecute.
3. SPC Freddy Delacruz Jr. - Died from gunshot wound on 14 March 2020; Soldier was shot during a triple homicide at an apartment complex in Killeen. A state capital murder warrant was issued for Barnard Morrow, a Soldier who was chaptered out of the Army and served in the same unit as Delacruz.
4. Former Fort Hood Soldier, Michael Steven Wardrobe - Died from gunshot wound on 23 March 2020; Former Soldier was shot during a dispute with current Fort Hood SPC. Jovino Jamel Roy – Died at a Killeen residence. Motive of the altercation remains unknown.

¹⁶⁰ Analysis conducted on first-term enlisted Soldiers arriving at duty station between 2015 and 2019. Data Source: Administrative personnel data merged with Army Law Enforcement Reporting Tracking System (ALERTS) and Defense Casualty Analysis System (DCAS).

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

5. PFC Brandon Scott Rosecrans - Died from gunshot wound on 18 May 2020; Soldier was found dead in Harker Heights and his vehicle was discovered burned several miles away. Court documents indicated the homicide was over disagreement about a gun sale.

These cases occurred in two different cities and involved disparate facts. FHIRC was unable to discern any patterns or find evidence to support a conclusion that the homicides were caused by an abnormal crime wave in the areas surrounding the post or that Soldiers were being specifically targeted for homicides.

In summary, there is reliable evidence that crime rates are low in Killeen and very low in the other cities and counties surrounding Fort Hood.¹⁶¹ Soldiers visit and live in areas where much of the crimes occur in Killeen.¹⁶² Based on the data available the FHIRC could not conclude that Killeen and the surrounding communities were driving crime rates on Fort Hood.

8.2. Crime Rates At Fort Hood Are High Compared To Other Installations, FORSCOM, And The Army.

In analyzing the crime environment on Fort Hood the FHIRC examined data provided by the CIOC entitled *Fort Hood CY 2015 – 2019 Crime Comparison*. The data provided Soldier offender rates, referenced above, in which Fort Hood average crime rates in various categories are compared directly to FORSCOM. Using data from this chart, the FHIRC support team created a new chart that added comparisons to the Army as well.¹⁶³ The evaluation of this data offered a method for evaluating the problems facing Fort Hood that provided important context.

This review determined that violent sex crimes and other sex crimes, violent felonies, assault and battery, drug offenses, drunk and disorderly, larceny and other misdemeanors, desertions and AWOL were all higher at Fort Hood compared to FORSCOM averages over the 2016 to 2020 time period. This information is set forth below in the following table in Figure 32.

¹⁶¹ This includes Bell County, Coryell County, Copperas Cove, Belton, Gatesville, Harker Heights, Temple and Lampasas.

¹⁶² These places could be declared off limits by the Fort Hood Command which expressed a reluctance to do so because of the cumbersome procedures it would entail. The installation must use an Armed Forces Disciplinary Control Board, governed by AR 190-24, to place an off-post establishment off limits. In addition to procedural requirements, the regulation states that “[p]rior to initiating AFDCBs action, installation commanders will attempt to correct adverse conditions or situations through the assistance of civic leaders or officials.” As mentioned in *Finding #6*, community relations are not presently a priority of the installation.

¹⁶³ FORSCOM has more soldiers as opposed to the larger Army which includes a sizable civilian population.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Fort Hood Crime Comparison (FORSCOM and All-Army): CY2015 - JUN CY2020-Soldier Offenders						
Crime Types & Categories (Rate per 100,000 Active Duty Soldiers)	Avg for CY2015-2019			CY15-19 Fort Hood Average Soldier Offender Rates Compared to FORSCOM & ARMY		
	Fort Hood	FORSCOM	Army	Fort Hood compared to FORSCOM	FORSCOM compared to Army	Fort Hood compared to Army
Violent Felony	376	338	236	11.2%	43.1%	59.3%
Violent Sex Crimes	232	177	132	30.6%	34.8%	75.8%
Rape & Attempts	62	56	39	10.7%	43.6%	59.0%
Sexual Assault & Attempts	180	128	97	40.6	32.0%	85.6%
Other Sex Crimes	197	168	158	17.4%	6.1%	24.7%
Desertion	202	123	85	64.0%	44.5%	137.6%
AWOL	434	313	180	38.7%	73.9%	141.0%
Assault & Battery	718	713	552	0.7%	29.1%	30.1%
Drug Crimes	1,513	1,271	803	19.0%	58.3%	88.4%
Drunk & Disorderly	289	274	220	5.2%	24.9%	31.4%
Larceny	46	41	32	13.1%	25.5%	43.8%
Larceny: Private Property/Funds	26	16	13	66.8%	16.0%	100.0%
Other Misdemeanors	876	768	584	14.0%	31.6%	50.0%

Figure 32: **RED** indicates the percent by which Fort Hood’s crime rate exceeds FORSCOM’s, FORSCOM’S exceeds the Army, and Fort Hood exceeds the Army.

This table dramatically illustrates the most serious crime problems facing Fort Hood and the extent to which Fort Hood’s crime rates in these serious offenses exceeds the crime rates found throughout FORSCOM and Army-wide. The FHIRC determined that a comparison of Fort Hood to similar Army installations, to the Army as a whole, and to the Army community – not the surrounding civilian community, offers a better identification and understanding of the extent of the crime problems facing Fort Hood.

This data also aided the Committee in attempting to identify the factors causing or contributing to that crime problem and to recommend actions that can be taken to reduce the severity of the crime problems that Fort Hood and its most vulnerable Soldiers are facing.

8.3. FHIRC Survey Results

Also, of significance to the FHIRC were the results of the FHIRC Survey responses to question 16: *“I have reason to believe that individuals in my workplace have been engaging in criminal activity.”* Over 10% (3,593) of the total respondents across the Post answered yes to this question. Across the ranks



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

enlisted, junior NCOs, and company grade officers agreed at twice the level of other ranks. (Notably members of the 1CD, 3CR and 13ESC agree with this statement at 2-3 times the rate of other III Corps units.

Similarly of import were the results of FHIRC survey questions 17: “*I am concerned about what goes on after duty hours at Ft Hood*” and 18: “*Laws and regulations are not always enforced in my unit.*” An alarming 50% of men and 66% of female respondents answered yes to question 17 for a total of 16, 228 respondents and 30% of all respondents agreed with number 18 for a total of 9, 202 respondents. These results speak volumes regarding the crime dynamic on Fort Hood.

8.4. Fort Hood Has Experienced A Historically High Rate And Number Of Sexual Assault Incidents

According to prior reporting by the *Stars and Stripes*,¹⁶⁴ the Pentagon reported Fort Hood had the most sexual assaults of any Army post from 2013 to 2016 and the second most of any U.S. military installation in the world. This situation would appear significantly unchanged according to the most recent data available. This is supported by data which shows that between 2015 and 2019, Fort Hood had the highest first term enlisted Soldier founded sex crime offense rate of any other divisional post¹⁶⁵

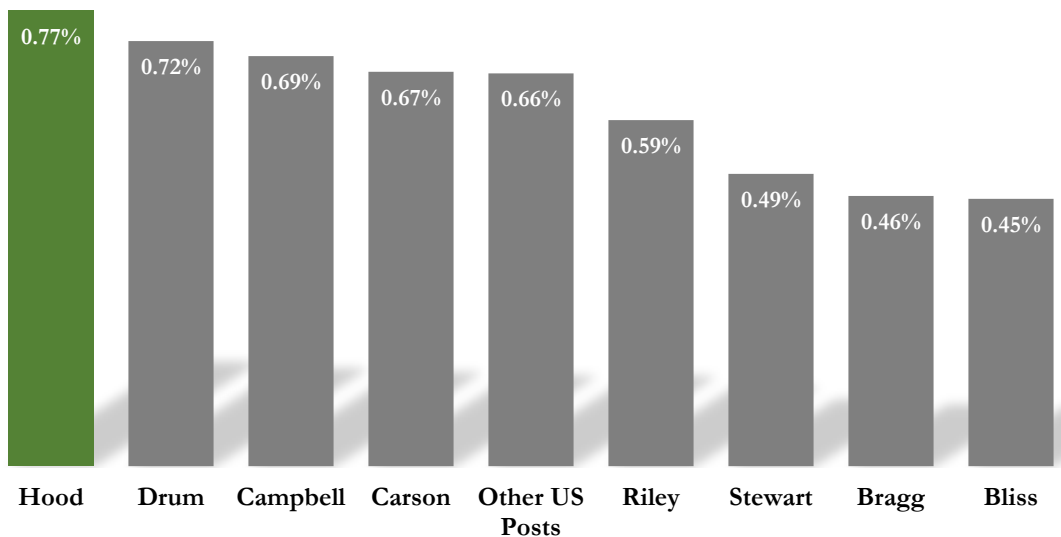


Figure 33: Percent of First Term Enlisted Soldiers with Founded Sex Offense

¹⁶⁴ *Stars and Stripes* is an editorially independent daily American military newspaper reporting on matters concerning the members of the United States Armed Forces and their communities.

¹⁶⁵ Analysis from founded offense rates among first term enlisted Soldiers arriving at their duty station between 2015 and 2019 over the duration of their assignment. Data Source: Administrative personnel data merged with CID and MP found cases from the Army Law Enforcement Reporting Tracking System (ALERTS) database.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Additional analysis shows that, among divisional posts, Fort Hood has the highest reported on and off installation sexual assault rates (unrestricted cases only) among first term Soldiers. This is true for both men and women for on installation sexual assault report rates.¹⁶⁶

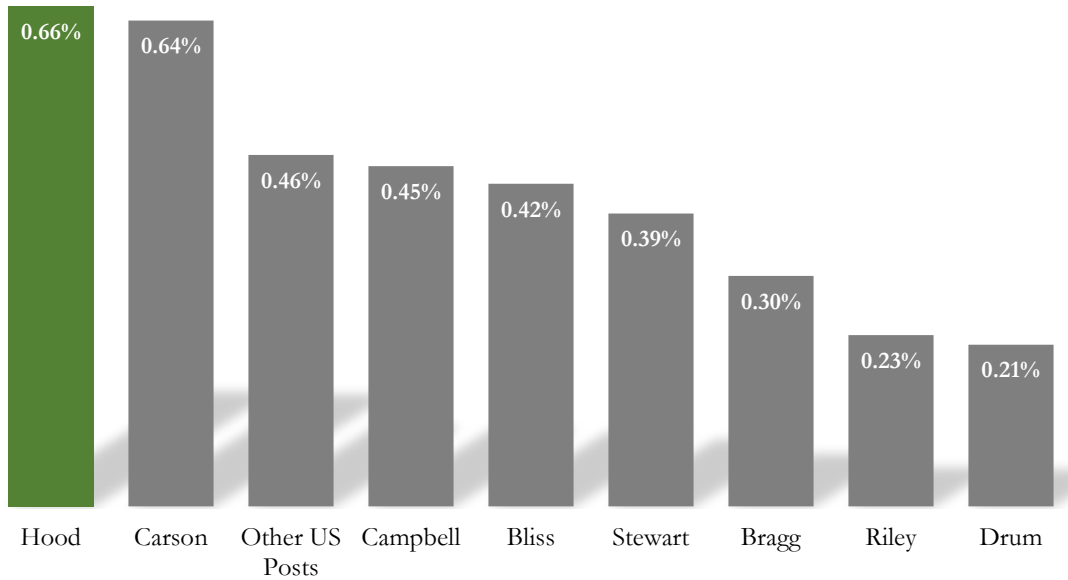


Figure 34: Percent of Post Population Reporting On-Installation Sexual Assault

¹⁶⁶ Analysis of unrestricted victim-level sexual assault reports among first term enlisted Soldiers arriving at their duty station over the duration of their assignment between 2015 and 2019. Data Source: Administrative personnel data merged with Defense Sexual Assault Incidence Database (DSAID) unrestricted, victim-level sexual assault reports (closed cases only). Note: Reports can be made at any military location and not only the location where the incident occurred; therefore, these reporting data represent the location of the sexual assault response coordinator currently responsible for the victim's case management. Unrestricted sexual assault reports likely underestimate actual prevalence (i.e., number of soldiers experiencing a sexual assault, as estimated by scientific surveys). Moreover, reporting rates differ by gender (women report at higher rates than men) and by installation. Different reporting rates across installations may reflect a multitude of factors that make the true underlying crime rate difficult to uncover. In so much as it is thought that these factors differ across installations, reporting rate comparisons should be interpreted with caution.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

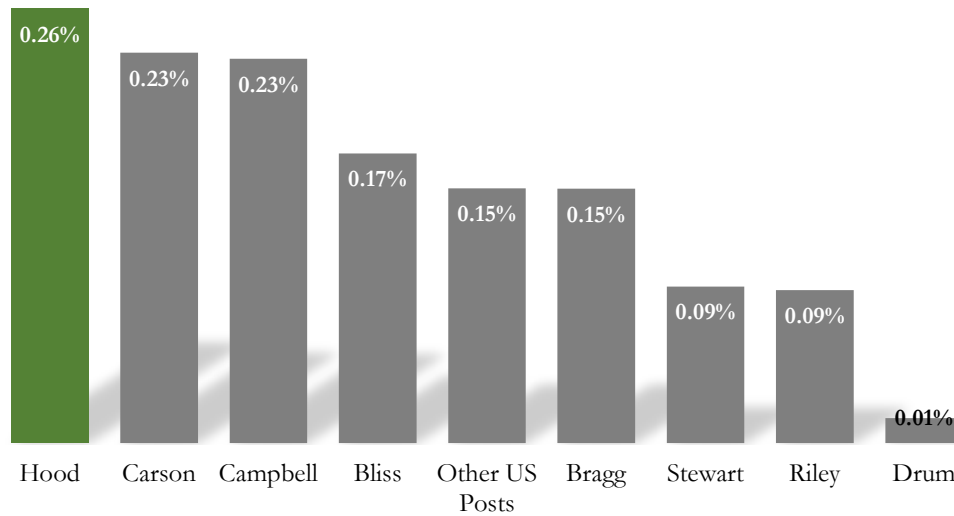


Figure 35: Percent of Post Population Reporting Off-Installation Sexual Assault

The analysis further revealed that unrestricted sexual assault reports likely underestimate actual prevalence (i.e., number of Soldiers experiencing a sexual assault, as estimated by scientific surveys). By comparing survey-estimated sexual assault prevalence rates to reported sexual assaults in fiscal year 2018, the DoD SAPRO found that only approximately 38% of victimized service members in the Army report their sexual assault.¹⁶⁷

Overall, less than one percent (0.66%) of first term Soldiers at Fort Hood reported an unrestricted, on-installation sexual assault during their first assignment (3.16% of female and 0.16% of male). These rates are higher than any other divisional post. Furthermore, Fort Hood's sexual assault report rates are statistically significantly higher than the average report rates for all divisional posts (0.44% overall, 2.30% for females, and 0.11% for males) both without and with controls.¹⁶⁸

More disturbing, among Soldiers with the rank of Sergeant to Master Sergeant (E5 to E8), Fort Hood has higher non-violent felony rates as compared to similar posts. Sex crimes and AWOL offenses, while not statistically different from other divisional posts, are still high.¹⁶⁹ This information was corroborated by group and individual interviews conducted by the FHIRC. Many interviewees pointed out that NCOs were the worst sexual assault and sexual harassment offenders.

¹⁶⁷ See DoD 2018 Annual Report on Sexual Assaults.

¹⁶⁸ Analysis of unrestricted sexual assault reports among first term Soldiers. Data Source: Administrative personnel data merged with Defense Sexual Assault Incidence Database (DSAID) unrestricted, victim-level sexual assault reports (closed cases only)

¹⁶⁹ Analysis conducted using founded offense rates among Soldiers E-5 to E-8 who start a new assignment between 2015 and 2018 (inclusive). Data Source: Administrative personnel data merged with CID and MP found cases from the Army Law Enforcement Reporting Tracking System (ALERTS) database.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

The most recent data for the first six months of CY 2020 shows Fort Hood’s overall Violent Felony rate dropped by 12.8 % compared to FORSCOM, but Fort Hood’s rates for Homicide, Murder and Attempted Murder were higher than FORSCOM. Fort Hood’s rates for Violent Sex Crimes decreased relative to FORSCOM, but the rate for other Sex Crimes increased relative to FORSCOM. Fort Hood in FY 2020 continued to have much higher rates for Desertion, AWOL, Drug Crime, and Larceny.

Fort Hood Crime Comparison (FORSCOM and All-Army) CY 2020-Soldier Offenders					
Crime Types & Categories (Rate per 100,000 Active Duty Soldiers)	CY2020				
	Fort Hood	FORSCOM	Army	Fort Hood compared to FORSCOM	Fort Hood compared to Army
Violent Felony	197	226	156	-12.8%	26.3%
Homicide	11	10	6	10.0%	83.3%
Murder	8	6	4	33.3%	100.0%
Attempted Murder	3	2	1	50.0%	200.0%
Violent Sex Crimes	123	130	93	-5.4%	32.3%
Rape and Attempts	22	26	21	-15.4%	4.8%
Sexual Assault and Attempts	101	107	75	-5.6%	34.7%
Other Sex Crimes	99	88	82	12.5%	20.7%
Desertion	66	43	34	53.5%	94.1%
AWOL	200	149	91	34.2%	120.0%
Assault and Battery	194	291	223		
Drug Crime	1,013	766	463	32.2%	118.8%
Drunk and Disorderly	112	138	87	-18.8%	28.7%
Drunk Driving with Personal Injury	27	20	10	170.0%	197.0%
Larceny	19	12	8	58.3%	137.5%
Larceny: Government Property/Funds	16	8	5	100.0%	220.0%

Figure 36: RED indicates the percent higher than. GREEN indicates the percent lower than.

8.5. Crime Rates Comparison: Fort Hood vs Fort Bragg & JBLM

In a Fort Hood Fact Sheet, dated August 2020, provided by CIOC,USCIDC, there is a comparison between Fort Hood, Fort Bragg, and JBLM for CY 2018, CY 2019, CY 2020, and for CY 2015–2019, based on the comparison of population normalized crime rates per 100,000



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Soldiers.¹⁷⁰ The table below illustrates the crime areas in which Fort Hood’s crime rates exceeded the crime rates of Fort Bragg and JBLM, which are highlighted in blue and red. For CY 2015–2019, with the exception of Rape and Attempts and Forcible Sodomy, Fort Hood’s average crime rates exceeded those of Fort Bragg and JBLM in every area as set forth below. The percentage by which Fort Hood exceeded the crime rates of Fort Bragg and JBLM for those offenses is also set forth in red in the table below:

Crime Types and Categories (Active Duty Soldier Offender Counts)	CY2018			CY2019			CY2020			Avg for CY2015-CY2019				
	Hood	Bragg	JBLM	Hood	Bragg	JBLM	Hood	Bragg	JBLM	Hood	% over Bragg	Bragg	% over JBLM	JBLM
Violent Felony	132	88	95	146	100	123	72	77	65	129	43%	90	18%	109
Violent Sex Crimes	89	51	58	82	49	76	45	43	45	80	57%	51	14%	70
Rape and Attempts	16	20	26	23	14	29	8	7	13	21		16		31
Sexual Assault and Attempts	74	35	32	63	36	52	37	36	34	62	59%	39	51%	41
Forcible Sodomy	2		3	2	2	1	0	1	1	2		2		3
Aggravated Assault	37	28	31	63	52	49	30	26	19	44	42%	31	22%	36
Non-Violent Felony	950	974	717	1,030	886	812	615	369	460	940	14%	822	31%	720
Drug Crime	553	455	405	524	442	460	370	158	248	520	33%	392	44%	362
Desertion	71	38	20	45	29	22	24	8	11	69	116%	32	176%	25
AWOL	127	88	64	154	84	55	73	32	28	149	99%	75	119%	68
Other Sex Crimes	75	47	52	76	53	58	36	35	29	68	17%	58	26%	54
Other Non Violent Felonies	203	217	175	320	245	260	129	117	150	229	7%	214	9%	211
Assault and Battery	262	251	186	219	131	170	71	57	77	246	18%	208	27%	193
Drank and Disorderly	81	46	74	92	25	57	41	13	27	99	241%	29	39%	71
Family Abuse	103	106	18	19	16	8	15	18	4	70	49%	47	192%	24
Other Misdemeanors	332	253	135	297	169	168	125	68	85	301	57%	192	117%	139
Population Averages	35,461	46,037	27,336	36,556	46,250	27,443	36,540	46,048	28,003	34,384		46,332		27,654

Figure 37

As set forth in the table below, Fort Hood Sexual Assault Reports and Sexual Assault Incidents for FY 2016 to 2020 show a peak in FY 2018 with 309 and 283 respectively. Both declined in FY 2019 to 277 and 217 respectively but were still demonstrably higher than FY 2016 and FY 2017. The average number of Sexual Assault Reports was 260.25 for FY 2016–2019. The average number of Sexual Assault Incidents was 226 for FY 2016–2019 (Data provided by III Corps SHARP PM as of 31 August 2020).¹⁷¹

¹⁷⁰ Subject: Fort Hood Crime Data Comparison, Purpose: To provide senior leaders an overview of Fort Hood death and crime data.

¹⁷¹ Note these numbers come from the DSAID system and thus the Sexual Assault Report numbers here will not match the Fort Hood CID sex crimes caseloads because the DSAID system does not track juveniles, domestic and certain other sex crimes.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

	Sexual Assault Reports			Sexual Assault Incidents		
	Unrestricted	Restricted	Total	Unrestricted	Restricted	Total
FY 2016	170	44	214	165	36	201
FY 2017	205	36	241	176	27	203
FY 2018	269	40	309	257	26	283
FY 2019	220	57	277	185	32	217
FY 2020 3 Quarters	160	44	204	103	16	119
FY 2020 Projected	213	59	272	137	21	158

Figure 38

8.6. Analysis Of High Rates And Numbers Of Drug Related Incidents On-Post Involving Fort Hood Soldiers

It was expressed frequently to Members of the FHIRC that Fort Hood’s Soldiers and families were concerned by the amount of drug use by their fellow Soldiers. The FHIRC noted that drug crimes were up 39% for the quarter. Fort Hood DES crime reports indicate this increase was largely due to proactive efforts to increase random anti-terrorism measures (RAMs) at Access Control Points (ACP), which enabled Fort Hood to interdict drugs at the gates. The DES crime report predicted that drug crimes are expected to go up again in the 4th quarter with resumption of Military Working Dog Health and Welfare Inspections and unit Urinalysis (UA). These types of proactive efforts are commendable and may contribute to an eventual downward trend in these types of drug crimes, however, stops at the gates and conducting follow ups to positive UA tests are only part of an effective drug suppression program on a military post. There are many other effective proactive measures that can be taken.

As previously stated, state, local and federal law enforcement contacts advised that drugs could be easily found in Killeen and the surrounding cities and counties. The source is mostly a robust and thriving trade in cannabis legally purchased or diverted from Colorado, California and/or other states where cannabis sales and cultivation has been legalized. This review determined that the influence of traditional drug cartels was minimal as the diverted domestic cannabis is considered far superior to the cartel products. Law enforcement sources noted the previous presence of some well-known gangs, which were involved in drug dealing, but aggressive task force enforcement operations directed towards national and regional level gangs such as the gangster disciples, has reduced the gang presence in and around Fort Hood to localized “hybrid gangs” based in certain neighborhoods and some motorcycle gang activity.¹⁷²

¹⁷² Local, state and federal law enforcement officials interviewed by FHIRC members described these types of gangs as gangs loosely organized around high crime neighborhoods who were not affiliated with regional or national gangs such as MS-13, Bloods, Crips etc. They engaged in criminal activities but were not stable nor did they reflect the organizational structure of traditional gangs.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Analysis using the Army's drug testing program shows that Fort Hood's rate of failed drug tests per administered test was statistically the highest among all Army posts, even when including control variables. Specifically, the rate of failed drug tests per administered tests was 30.5% higher than the average rate at divisional installations, and 151.7% higher than the rate at other CONUS installations.¹⁷³ Of the positive UAs the presence of THC/cannabis was four times more prevalent than the next highest drug, cocaine with methamphetamine and amphetamine third and fourth respectively.¹⁷⁴

Individual and group interviews that touched over 2400 Soldiers made it absolutely clear that illegal drugs are readily available on and off the post. Illicit drugs can undermine a Soldier's readiness, infect units with malaise and drive other crimes.

Unfortunately, this review could not find any evidence of a proactive drug suppression program using all available tools including development of human sources, joint drug operations with local anti-drug task forces to address suppliers, limited undercover operations on bases to make controlled drug purchases,¹⁷⁵ and the identification of on base suppliers and health and welfare checks at strategic times to detect and deter drug usage on the base and in the barracks. Significant drug cases are often made using credible informants and human sources. (b) (7)(E)

8.7. Crime Rate Comparison: 3CR & 1CD vs Other Units At Fort Hood

The Committee was provided data by CIOC with similar breakdowns comparing select Brigades – 1ABCT, 2ABCT, 3ABCT, and 1st CAB, 1st CD Sustainment Brigade & 3rd Cavalry Regiment—to Total Fort Hood Soldiers by Subject Offenses and Soldier Subjects (by most Serious Offense). A noteworthy data point is that these Brigades account for 100% of the on-post incidents of homicide, voluntary manslaughter, negligent homicide, attempted murder, kidnapping and robbery between 2017 and 2020. Also, according to CIOC data the Brigades of the 1CD and the 3CR led all other Fort Hood units in Law Enforcement Reports (LER) filed from June 2018 through June 2019.¹⁷⁶

¹⁷³ Analysis conducted using all drug test records between January 2015 and March 2020. Data Source: Drug and Alcohol Testing Management Information System (DAMIS) Drug Test results between January 2015 and March 2020 linked to DMDC Master Personnel File at the individual level for duty locations.

¹⁷⁴ Army Regulation 600-85 prohibits drug usage by Army employees and Soldiers. While there are varying views and attitudes towards cannabis usage in today's society and many states have legalized the drug, the Army has a zero tolerance for usage as Soldiers are constantly operating sophisticated machinery and equipment outfitted with the latest technology and must be ready to deploy to conflict areas or rescue missions on short notice. AR 600-35 requires that separation be initiated after a positive UA or documented incident of drug possession or sale.

¹⁷⁵ (b) (7)(E)

¹⁷⁶ CIOC analysis of ALRTS data provided in graph depicting "Top Ten Brigades by LER Count (6/1/2018-6/1/2020). The 3CR had 261; 2nd ABCT-243;1st ABCT-225;1st CDCA-129 and the 1st CDSB-112.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Analysis also found 1CD has higher rates of assault that are statistically significant, and, although not statistically significant accounting for the usual factors of AFQT scores, rank, gender etc. 3CR had the highest rate for Failure to Obey a General Order, Drug Related and Drinking Related Offenses.¹⁷⁷

The rate of deaths by suicide among first term Soldiers at Fort Hood is highest among first term Soldiers in the 3CR and is a statistically significant rate compared to the rest of Fort Hood.¹⁷⁸

The analysis also shows that 3CR has the lowest female reporting rates for sexual assault occurring in on-post units.¹⁷⁹ FHIRC is not able to draw a statistical conclusion of whether this lower number is due to underreporting or a lower number of cases.

The Committee does note that in one of the focus group sessions with the 1CD the participants stated they believed if a Soldier is harassed or assaulted most would not report the incident for a variety of reasons, to include embarrassment, lack of trust in leadership, personal concerns over their use of alcohol and their fear of collateral misconduct, and the fear of retaliation by peers and leadership. In response to this, one participant stated, “the narrative I have to have as a commander is who is not reporting ... that is the narrative getting away from us.”

8.8. Disciplinary Issues At Fort Hood

There were also other signs of disciplinary issues at Fort Hood which has the highest fraction of first-term enlisted Soldiers separated for misconduct or barred from reenlistment.¹⁸⁰ Fort Hood had a statistically significant higher average rate of courts-martial (making up 29% of courts-martial at divisional installations) and Referred Non-Commissioned Officer Evaluation Reports compared to other divisional installations.¹⁸¹

¹⁷⁷ Analysis of founded offense rates among first-term Soldiers who start a new assignment between 2015 and 2019. Data Source: US Army personnel data merged with CID and MP found cases from the Army Law Enforcement Reporting Tracking System database.

¹⁷⁸ Analysis of suicide casualty rates among first term enlisted Soldiers arriving at their duty station between 2015 and 2019 over the duration of their assignment. Data Source: US Army personnel data merged with CID and MP found cases from the Army Law Enforcement Reporting Tracking System (ALERTS) database, and with casualty data from the Defense Casualty Analysis System (DCAS).

¹⁷⁹ Analysis of unrestricted victim-level sexual assault reports among first term enlisted Soldiers arriving at their duty station between 2015 and 2019 over the duration of their assignment. The rates reflect the share of first-term Soldiers that make any unrestricted sexual assault report (based on case open date) during their assignment to a given unit (on average 2.5 years). Data Source: US Army personnel data merged with Defense Sexual Assault Incidence Database (DSAID) unrestricted, victim-level sexual assault reports (closed cases only).

¹⁸⁰ Analysis of first-term enlisted Soldiers arriving at duty station between 2012 and 2019 with a contract term between three and six years. Data Source: US Army personnel data merged with Military Entrance Processing Command (MEPCOM) data.

¹⁸¹ Analysis of derogatory information filed against Soldiers while they were assigned to units stationed at CONUS installations between January 2015 and May 2018. Data Source: IPERMS Derogatory Records combined with the population of installations using DMDC Master Personnel data.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

In addition to the attention-grabbing statistics regarding violent felonies, violent sex crimes and other sex crimes, Fort Hood has extremely high drug crime, desertion and AWOL rates.¹⁸²

8.9. Group Interviews By The FHIRC Revealed That Many Soldiers Felt That Fort Hood Was Not Safe.

The FHIRC conducted numerous group interviews while on Fort Hood to learn more about these issues. One of the issues addressed in each focus group was safety, on and off post.

It was clear from the responses from the group interviews of all ranks that safety on and off post was a real, every day, continuing, significant concern. Most focus groups reported concerns that Soldiers and their families did not feel safe on or off post. Some reported they did not feel as safe on Fort Hood as they felt at other posts. One reason they cited for this was the belief that the leadership at Fort Hood was so mission oriented, so focused on being in a continuous mission first OPTEMPO status, that the health, safety and welfare of its Soldiers was a secondary priority at best, and at worst an unwelcome distraction that detracts from its mission critical priorities. Soldiers who have been assigned to other installations said the other posts *they have served at have been proactive in making their post safe, as opposed to Fort Hood, which has not been proactive in these areas.*

One group of Soldiers compared Fort Hood to deployment in war zones. One said, “being at Fort Hood is more of a deployment than Kuwait.” Several Soldiers stated they felt “*safer in Afghanistan than at Fort Hood.*”

Several NCOs said their Soldiers choose to go AWOL to get out of Fort Hood and said their Soldiers don’t feel like the Army values them at all. Many acknowledged that they, along with their junior Soldiers, joined the Army to escape the same type of community they now find themselves a part of in Killeen and Fort Hood. Some females reported they did not feel safe doing staff duty checks on the installation, because they are afraid of their fellow Soldiers.

Based on the review of group interview session comments regarding safety by the 1CD, 3CR, III Corps and the 89th MP Brigade, the following issues were the ones most commonly voiced as the reasons why Soldiers and their families do not feel safe on base, in work areas, barracks and housing areas:

- 1) Access to the base and movement around all areas of the base are not sufficiently monitored nor controlled. It is too easy to access the base and to move freely around the base. “One CAC card is all you need,” to enter and then freely move about the base.
- 2) Surveillance cameras are scarce.
- 3) Adequate lighting is lacking in the bathrooms, particularly women’s bathrooms, arms rooms, barracks and housing.¹⁸³

¹⁸² CIOC Fort Hood CY Crime Comparison-Soldier Subjects, *supra*.

¹⁸³ The FHIRC observed the arms room area where SPC Vanessa Guillén was murdered and it was indeed dark and secluded.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

- 4) Adequate mental health services and confidential access to those services without fear of damaging one's standing or career are lacking. Soldiers expressed fear that someone in their ranks might snap under the pressure. There was a consensus perception that the mental health services afforded on post were insufficient to deal with this problem and access to these services was hindered due to the lasting stigma attached to those who sought help.
 - a. Soldiers also reported that some people seeking mental health services are turned away or told it will take three weeks to be seen, unless they are on the verge of suicide. There were also indications that Soldiers may not have full knowledge of what services are available to them and how best to avail themselves of those services.
 - b. MPs reported having to deal with Soldiers who have voiced suicidal or homicidal thoughts on a frequent basis. "This is a call we get as MPs almost daily." The MPs did not feel they were adequately trained in dealing with suicidal Soldiers and were only learning to cope with these issues and situations through repeated experience.
- 5) Barracks checks, welfare checks and communications between NCOs and their units and their Soldiers to keep track of all Soldiers and achieve a safer environment were lacking. Some noted most SHARP complaints arise from incidents in the barracks. In one group some members claimed there are NCOs who never conduct barracks checks of their Soldiers.
- 6) Soldiers in the barracks complained they were not afforded an appropriate level of personal privacy. Senior leaders barge in unannounced without regard for or respect for any personal boundaries. Several talked about the lack of doors and locks in sleeping areas of the barracks and bathrooms and the lack of shower curtains.
- 7) Soldiers complained about a lack of safe alternatives for recreation and entertainment. They cited a need for adequate recreational facilities on post, such as basketball courts and lounges with video games.

A large segment of the Soldiers interviewed expressed that Fort Hood leadership was not proactive in insuring a safe environment on base. One Soldier stated, "*the military is good at training us to fight the enemy; it doesn't seem to afford us the training to protect ourselves in our own lives.*"

One group said no one feels safe on post anymore and that the command cares more about a lost sensitive item than they do about finding a missing Soldier. The feelings of some were summed up in the following statement, "*If we lose a piece of equipment, the whole base is locked down, but if we lose a Soldier, nothing happens.*" Many Soldiers are convinced leadership does not care and that nothing is going to change. Some noted spontaneously a seeming lack of respect given to Soldiers who pass away.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Fort Hood's reactive posture may very well explain recent climate surveys conducted by DEOMI showing Trust in Leadership at Fort Hood was at the bottom in 2014–2016 and one rung from the bottom in 2017–2019.¹⁸⁴

8.10. Interviews Of 3CR And 1CD By Committee Members Regarding Sexual Assault.

During the confidential interviews with female Soldiers of 3CR and 1CD, many spoke of the culture at Fort Hood, which they feel exhibits a total disregard and disrespect for female Soldiers. Some female Soldiers said they have come to believe the Army only wants females “*on paper or to show numbers*” but “*now that we are here, they really don't want us.*” A female E-4 stated “[Fort Hood] *is the worst place I have ever been.*”

A (b) (6) talked about overhearing her NCO tell her unit that “*females are here for our entertainment.*” Another (b) (6) said her NCO openly stated he did not want any females in his unit, but, now that they are here, they are sexual objects and “*should be at his feet.*”

There were multiple female Soldiers who related instances where male Soldiers held betting pools to see who could “*get to*” new female Soldiers assigned to the unit.

(b) (6) reported she has witnessed NCOs openly discussing junior enlisted Soldiers in sexual terms; in fact, it happens so often, “*it's the norm.*” (b) (6) . Another (b) (6) “*Everyone knows but no one says anything*” for fear of retaliation.

An E-7 reported sexual harassment and/or assault is “*almost like an initiation to Fort Hood.*” This E-7 said “*in my Command, I believe sexual harassment happens every single day.*” The E-7 advised “*nobody stops it; leaders turn a blind eye or they themselves are the offenders.*”

(b) (6)

Female Soldiers in the 3CR talked about the disregard for their privacy and safety at Fort Hood, particularly in their barracks and at their work places on base, specifically by their NCOs, and how their complaints of mistreatment and even sexual assault were ignored. Female Soldiers reported the belief that if an NCO accused of sexual assault was critical to the mission, nothing would happen to that NCO.

¹⁸⁴ Analysis of surveys completed by Soldiers assigned to units at CONUS installations between April 2014 and September 2016, and between October 2017 and March 2019. Data source: Defense Equal Opportunity Management Institute Organizational Climate Survey (DEOCS).

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

One female Soldier reported being sexually assaulted twice (b) (6) since coming to Fort Hood. She told her Platoon Sergeant, who told her “*you can report it but nothing will happen.*” Nothing has happened (b) (6).

One (b) (6) had a Sergeant walk in on her in her barracks room while she was not dressed. (b) (6) tried to report the Sergeant and learned he has multiple reports against him for similar behavior. Another female Soldier reported being in her barracks room (b) (6) when her NCO came in to do a room check without knocking. She was partially undressed (b) (6) had to push him away to keep him from assaulting her in her room.

This type of culture towards women in the Enlisted ranks if not addressed proactively creates breeding grounds for sexual assault.

Numerous females Soldiers reported that it is a daily battle to get through the day without allowing the multiple advances from male Soldiers upset them. They explained that male Soldiers routinely, openly, aggressively and relentlessly approach female Soldiers. When Soldiers explain this to leaders they say they don’t have any way to stop that kind of behavior. The FHIRC described this to a senior installation leader who stated, “what can I do about it?” This type of climate quickly develops into a hostile working environment, particularly for the junior enlisted Soldier, and particularly when leaders don’t recognize this kind of behavior as an issue.

8.11. Absence Of Proactive Crime Reduction Initiatives Based On Sophisticated Crime Reporting And Analysis

The FHIRC determined that during the review period the Fort Hood command was appraised of crime incidents as well as basic crime trends on a monthly basis. The FHIRC was provided copies of monthly emails that provided a “Monthly Crime Data Snapshot.” The emails broke crime down by brigade and listed top ten repeat offenders, police initiatives, LER tracking, and recommendations from the 89 MP Brigade.

The FHIRC reviewed every monthly crime update email for the period 2018 through July 2020. The information contained in the emails was informative but did not provide sufficient context and enough crime analysis commensurate with law enforcement industry standards. It did not display the same type of detailed, in-depth criminal intelligence the FHIRC has seen in modern law enforcement intelligence units or even other Army installations. Ironically, the FHIRC was provided a similar update from 2014 that did provide such analysis. It is not clear when or why this modern approach to public safety was abandoned at Fort Hood.

Such analysis should inform the command elements as to the most serious problems, where and why these incidents occur, and recommend the most viable options to proactively address the crime issues and drive down incidents. Without context, the limited information provided in this report could be misleading. For example, while trends are interesting, simply reporting that a particular crime category dropped from one month invites complacency on the part of the command responsible for the health and welfare of the Soldiers despite that the crime rate is still significantly

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

above the those of peer installations and FORSCOM averages. All crime affects quality of life and safety was a frequent issue raised in individual, group, and specialty interviews.

As another example, the email noted sex crimes had been down, but pointed out that July experienced Fort Hood's most significant jump in sex crimes and the highest number of reported sex crimes in the last six months. The email also noted July was especially high for Military Protective Orders (MPOs). The email went on to note MPOs were a recent initiative and emphasis. There has been a national and installation-wide focus on reporting and responding to sexual harassment and sexual assault which may account for the increase in both MPOs and reported sex crimes. This type of information and analysis was not sufficient to develop and drive a proactive approach to improving Fort Hood's response to a persistent and troubling history of Violent Sex Crimes perpetrated by Fort Hood Soldiers against their fellow Soldiers.

This was partially a function of the command not asking the right questions and partly DES and CID not conducting the type of modern crime analysis practiced by every good law enforcement agency in the country. In order to be effective at crime reduction one must clearly identify the crime issues, understand their drivers and design proactive initiatives to drive them down and deter future violations. This was the shortcoming at Fort Hood. Despite a persistently high crime rate in key areas the command and its supporting law enforcement elements were back on their heels conducting business as usual, reacting to crimes and not developing and implementing strategies to prevent them.

Unlike other installations, there was no regular crime prevention/reduction focused working group in operation at Fort Hood to routinely engage Fort Hood stakeholders in understanding and cooperating to reduce crime issues. The closest thing to it was the monthly email that was disseminated to various stakeholders, including leadership elements at every echelon from Brigade Commander to the Commanding General.

The Fort Hood CID also had responsibilities towards the command to provide criminal intelligence and analysis in furtherance of crime reduction per USACIDC objectives: "*Participating in the Army crime prevention program by identifying areas which are especially vulnerable to crime and by making recommendations to appropriate authorities for elimination of conditions conducive to criminal activity.*" Another objective is "*Ensuring known or suspected serious crimes and crimes which may result in damaging the public confidence in the Army are thoroughly and impartially investigated by USACIDC special agents.*"¹⁸⁵

As a result of a high crime rate and absence of any proactive initiatives to address the crime issues on Fort Hood, Soldiers on the installation expressed a general feeling of insecurity and perceived the post to be unsafe. Both group and individual interviews overwhelmingly supported this Finding.

After extensive discussion with the recently arrived 89th MP Brigade Commander, who has extensive experience in crime analysis and crime reduction methods, the DES released their first *3d QTR FY20 Fort Hood Quarterly Criminology Report* dated 30 SEP 20. This report represents a step forward by Fort Hood in developing the type of criminal intelligence product that can be used to drive a proactive approach to addressing the issues Fort Hood is facing. However, the report still does not

¹⁸⁵ Army Regulation 195-2, para 1.6, 21 July 2020.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

include any comparative analysis of Fort Hood to FORSCOM, other bases, or the Army. Comparative analysis of Fort Hood to these entities is the yardstick that has been used in the past and is being used now to put Fort Hood's crime problem into perspective.

Another glaring omission was crime analysis of off-post jurisdictions. Given that more than half of Fort Hood based Soldiers live off-post this is vital information. Soldiers can be victims and subjects off-post, however the command is generally uninformed on this important topic and thus unable to formulate strategies to protect Soldiers and their families when not on-post.

The analysis notes a downward crime trend for the 3rd quarter and predicts one for the long term, due to various factors, such as COVID, but also notes all units are not present, and that the "3rd QTR saw less interaction with leadership outside the home delaying reporting for many crimes until 4th QTR and may have contributed to significant decreases in many offenses."

The report's statement that, "[a]n increase in some felony and high profile crimes contribute to [the] perception" that crime levels are not trending down appears to skirt the issues of most concern to its Soldiers and their families, mainly: how long these feelings have existed, and that these feelings will continue to persist, until there is real progress in how these matters are handled, and there is sustained, long term improvement in Fort Hood command's ability to address all crime problems affecting the health, safety and welfare of Fort Hood Soldiers and their families. It is totally understandable that the Fort Hood community's perceptions aren't significantly changed by a one quarter downturn which may simply be attributed to COVID restrictions, delayed reporting, or not all units being present on post.

For the 3rd quarter sex crimes were up by 18.6% compared to the 2nd quarter. This increase in sex crimes could contribute to the public perception that crime is not trending downward at Fort Hood.

The conditions in 3CR were of particular concern in the FHIRC's review of sex crimes at Fort Hood. The 3CR had the highest number of sex crimes this quarter compared to all other (14) units at Fort Hood. 3CR had 24 reported sex crimes, 17 penetrative and attempts and 7 abuse/misconduct (non-penetrative). The next highest unit had a total of 13. Only one other unit had more than 10.

The 3CR also had the highest per capita drug rates for both positive UAs and those offenses not including UAs. 3CRs crime rate for positive UAs was over twice as high as the next highest unit (31 to 15). No other unit had a rate higher than 10. The average was 4.8 excluding 3CR. For drug offenses not including UAs, 3CR also reported the highest per capita, 8.4, the average for the other 7 units reported was 3.1

The report did not provide any takeaways, analyst comments, 4th Quarter Police Initiatives or Command Mitigation Strategies for 3CR's issues regarding sex crimes or drug crimes.



8.12. Underutilization Of The Armed Forces Disciplinary Control Board

This review determined that The Fort Hood Armed Forces Disciplinary Control Board (AFDCB) was underutilized and dormant.¹⁸⁶ Officers and commanders advised that the process was cumbersome and slow and seldom used. The FHIRC determined that business and commerce between the installation and the community seemed to override Soldier safety. On numerous occasions, the Committee was told that if local places are declared off-limits, then Soldiers would go elsewhere. This seemed self-serving to the Members of the FHIRC who noted that business with Soldiers seemed to be placed above Soldier safety. The FHIRC heard numerous accounts during interviews of Soldiers who had been stationed at other U. S. Army installations where the AFDCB had been actively and effectively utilized.¹⁸⁷

The FHIRC also examined examples of off-limits memorandums from other bases, which listed dozens of businesses and locations of every description that were declared off-limits.¹⁸⁸ There should be zero tolerance for high-risk establishments and businesses that exploit and cheat Soldiers.

No person interviewed during this review could provide a current list of off-limits establishments, however a series of memos were accessed online that showed only two specific establishments were currently off-limits. The memo had barely changed since 2013 and only two businesses had been declared off-limits during that entire time period. Notably these were the same two businesses for the 7-year period. Certain types of business such as drug paraphernalia shops and unlicensed tattoo parlors were also declared off-limits.

Despite the assertions of the KPD Chief of Police regarding high crime in the notorious Killeen high density housing areas, known as “quadraplexes,” none had been declared off-

¹⁸⁶ 32 CFR § 631.11 Off-limits establishments and areas.

- (a) The establishment of off-limits areas is a function of Command. It may be used by commanders to help maintain good order and discipline, health, morale, safety, and welfare of service members. Off-limits action is also intended to prevent service members from being exposed to or victimized by crime-conducive conditions. Where sufficient cause exists, commanders retain substantial discretion to declare establishments or areas temporarily off-limits to personnel of their respective commands in emergency situations. Temporary off-limits restrictions issued by commanders in an emergency situation will be acted upon by the AFDCB as a first priority. As a matter of policy, a change in ownership, management, or name of any off-limits establishment does not, in and of itself, revoke the off-limits restriction.
- (b) Service members are prohibited from entering establishments or areas declared off-limits according to this part. Violations may subject the member to disciplinary action per applicable Service parts, and the Uniform Code of Military Justice (UCMJ). Family members of service members and others associated with the Service or installation should be made aware of off-limits restrictions...

¹⁸⁷ A ten-year-old article in the *Fort Hood Sentinel* indicates the AFDCB was once active at Fort Hood as well, *see* article at http://www.forthoodsentinel.com/editorial/armed-forces-disciplinary-control-board-good-order-and-discipline-matters-reviewed-effected/article_583f59da-3573-50ae-9a46-34fbee2bf44.html, dated January 1, 2010.

¹⁸⁸ For example, a 1.2-mile area of a river was declared off-limits because of currents and drownings. It should be noted that several Soldier deaths at Fort Hood involved Soldier drownings.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

limits. Other installations have been proactive in declaring such high crime neighborhoods as off-limits.

A disproportionate number of Soldiers live off-post because of the condition of the housing and barracks on-post. Leaders from Commanders down to NCOs have a duty to closely monitor conditions off-post to address and, as much as possible, remediate high-risk areas and activities. If sufficient information is available, areas and establishments can be made off-limits by the commander pursuant to 32 CFR § 631.11 and Army Regulation 190-24.

8.13. Conclusions

Leadership is, and will remain, at a loss to address the crime problems affecting the health, safety and welfare of its Soldiers and their families at Fort Hood without a comprehensive, intelligence driven, proactive strategy to address the crime issues facing its command. Fort Hood must look beyond the numbers being reported for criminal offenses. It must develop the capability to analyze those numbers, to identify the factors driving those numbers up or down (beyond COVID and the number of units on post), and to identify the policies, practices and procedures needed to attack its crime problems. It must be able to look at units where concentrations of incidents occur such as 3CR and 1CD and determine why they have inordinate offense rates and execute a plan to mitigate them.

Fort Hood can also better prepare its Soldiers to confront a known danger. Based on the individual and focus group interviews conducted, the FHIRC was left with the firm belief that Fort Hood, with the concentrated efforts of commanders, SHARP, DES and CID, should be able to construct reliable profiles of criminal drivers, subjects, abusers, victims, behaviors, circumstances and situations that could be used to train its Soldiers to better protect themselves from crimes.

Soldiers could be trained to recognize the most likely offenders and the methods used by predators to groom, isolate and/or otherwise increase the likelihood of a successful sexual assault and decrease the likelihood of an unrestricted crime report. Instruction and warnings are specifically needed on the role of alcohol and drugs, especially date rape drugs, in predatory behavior and rape. Soldiers of all ranks need to be better prepared to identify the most at-risk Soldiers, the behaviors and circumstances that put them at greater risk, and the locations and situations on and off base to avoid. Further guidance to all ranks on what behavior is unacceptable and will not be tolerated of any professional Soldier and how best to prevent, avoid, evade and report unacceptable behavior is needed.

Simple safety and security measures also need to be taken at Fort Hood. Adequate lighting in bathrooms, barracks and housing areas make everyone safer and deter crime. High quality surveillance cameras and license plate readers at all gates and strategically placed cameras at major intersections would contribute to deterring crime, solving crimes, increasing the security of the post. They would especially enhance law enforcement efforts. Practices and procedures governing access to and movement around the post also needs to be reviewed and tightened to ensure only those who should have access to the base have it and that they are not free to roam the base without restriction, unless that is in the best interests of the Army.

9. FINDING #9: THE COMMAND CLIMATE AT FORT HOOD HAS BEEN PERMISSIVE OF SEXUAL HARASSMENT / SEXUAL ASSAULT.

Throughout its hallowed history, the U.S. Army has justifiably prided itself on its remarkable ability to consistently identify, develop and maximize the talents of superb leaders at every level. These leaders have reliably provided the requisite level of expertise, skill, inspiration, and passion necessary to vigorously protect and defend our Nation from all existential threats.

This foundational premise has taken on an added level of significance of late at the Army's largest domestic installation located at Fort Hood, Texas. Emblematic of an Army that has been decisively engaged in conflicts for the better part of two decades, at Fort Hood, the ever-increasing demands related to operational tempo, training requirements and logistical / administrative support needs within its garrison environment necessitate the sustainment of a dedicated, focused and engaged leadership cadre. And, these leaders must be fully committed to facilitating overall success in achieving mission objectives, maintaining good order and discipline, and most importantly, taking care of Soldiers and their families as a high-priority endeavor.

However, subsequent to conducting an extensive number of interviews of Fort Hood Soldiers, Department of the Army civilians, local officials and other members of the community that comprises Fort Hood, aggregating a voluminous amount of substantive relevant data, and ultimately analyzing this universe of data and information within the context of assessing the current level of Soldier confidence in the SHARP Program, the FHIRC has concluded that the existing command climate at Fort Hood is neither conducive to nor adequately supportive of the prevention of incidences of sexual harassment and sexual assault.

Of note, there were two Commanding Generals and one Acting Commanding General from 2018 through September 2020, when the on-site phase of this review began. This climate, however, is not attributable to any one commander or command staff. Nor did it spontaneously combust during the review period, or as a direct consequence of recent events. It was a culture that was developed over time out of neglect and persisted over a series of commands that predated 2018. A toxic culture was allowed to harden and set.

As much as this finding applies to the actual prevention of incidents of sexual harassment and sexual assault, it also applies to the fear of reporting, the treatment of reporters, the adequacy and timeliness of the ensuing investigation, and the adjudication of cases and investigations. The FHIRC largely attributes this determination to a definitive lack of leadership engagement, commitment and accountability at all levels of officer and NCO oversight relative to emphasizing and personalizing the importance of preventing, reporting and responding to sexual harassment/abuse incidents. It is also attributable to inadequacies of junior NCOs in identifying and engaging in training opportunities related to personal development and interpersonal interactions.

Pervasive erosion of confidence in the SHARP Program, and frustration of the numbers of Soldiers willing to report being violated, result from shortcomings in terms of tangible, visible and measurable leadership with respect to the creation of a zero-tolerance command climate in relation to sexual harassment and sexual assault, failure to prioritize SHARP protocols and response, and an

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

unacceptable inability to ensure that the confidentiality of reporting remains paramount. These factors also inhibit the creation of an environment where sexual harassment and sexual assault never occurs in the first instance.

This situation has been further exacerbated by an overwhelming perception on the part of interviewees within the Fort Hood community that they would likely be subjected to direct or indirect retaliation, reprisal, intimidation or adverse reputational impact by their respective chains of command if they filed reports of sexual harassment or sexual assault, utilizing the SHARP Program.

As set forth with greater clarity in Findings #1 and #2, numerous Soldiers, particularly within the ranks of PVT/E-1 through SPC/E-4, cited an overall lack of confidence in the credibility and effectiveness of the SHARP Program. Interviewees largely felt that the training was outdated and prosaic, and many expressed concerns that it was administered by fellow Soldiers whom they did not fully trust. The lengthy amount of time that the SHARP Program takes to fully investigate and adjudicate cases was frequently noted as well.

An environment where sexual assault and sexual harassment is as insidious as it appears to be at Fort Hood portends a widespread lack of respect between and among its Soldiers. Where there is respect for the value, purpose and contributions of all Soldiers, no matter their gender, the environment will not tolerate sexual assault or sexual harassment in any form. Indeed, a noteworthy and troubling lack of overall respect and emphasis on dignity and equality was noted within the culture at 3CR. This is emblematic of a broader problem that may require further focus on personal development, adjacent to leadership development, in order to ensure an Army comprised of Soldiers with reciprocal appreciation for the worth of their fellow Soldiers.

All issues related to response to and prevention of sexual harassment and sexual assault are difficult. Among these difficult issues, between response and prevention, it is less difficult to contemplate how to *respond* to incidents of sexual harassment and sexual assault. In those instances, horrible though they are, there is a victim, there is an allegation, and there is either an assailant or an individual behaving improperly. Prevention is more difficult. It is more difficult to create a culture where these instances never occur in the first instance. But, the Nation deserves more than an Army that does what is easy. The Nation deserves an Army that does what is necessary. It is necessary for Soldiers of both genders to never be more concerned with what may happen to them inside the wire than what may happen to them outside the wire. It is necessary for all who choose to serve their country by wearing the Uniform of a U.S. Army Soldier to be treated with dignity and respect, in an environment free from sexual harassment and sexual assault. Such an environment increases combat readiness. Our Soldiers deserve no less.

OTHER OBSERVATIONS OUTSIDE OF CHARTER MANDATE

1. Soldiers In The Greatest Need Do Not Seem To Avail Themselves Of Mental / Behavioral Health Assistance, Possibly Because Of Misperceptions And/Or Fear Of Disclosure.

While outside of the scope of the FHIRC Charter, the Committee made a number of observations, leading to its conclusion that mental health issues require further investigation. Of the 647 individuals interviewed, 523, or 81%, stated they would feel comfortable seeking mental health assistance. The FHIRC learned that adequate mental health resources are available for Soldiers at Fort Hood, and that most Soldiers would feel comfortable seeking mental health assistance. Combat units have embedded behavioral health officers assigned at the brigade/regimental level. Soldiers can also seek assistance through Military and Family Life Counselors, or up to eight sessions with an off-post civilian provider through MilitaryOneSource.

Despite the high positive response rate and availability of multiple mental health care venues, Fort Hood has high suicide attempt and suicide death rates relative to similar posts. First-term enlisted Soldiers arriving at Fort Hood between 2015 and 2019 have the second highest attempted suicide offense rates (0.91%), which is significantly higher than the average rate among divisional posts (0.39%). Because the decision to report suicide attempts as a crime may differ across commands, these rates could reflect differences in policy and enforcement, rather than higher prevalence. However, on Fort Hood, deaths by suicide as reflected in casualty records are high (0.07%). Among CONUS installations that host a division, Fort Hood has the third highest suicide death rate.

Aside from issues concerning Soldiers' willingness to avail themselves of mental health assistance, a significant number of Soldiers reported difficulty, even when they tried. Wait times for mental health help were often prohibitive, sometimes several months or more, considering delays caused by field and training obligations.

Additionally, during individual interviews, Soldiers who indicated they would not feel comfortable seeking help for a mental health issue stated that they did not believe that their communications would be kept confidential. Others feared that seeking mental health assistance would negatively impact their career and possibly follow them into civilian life.

The Committee reviewed 19 case files provided by the Fort Hood CID office investigating Soldier suicides that occurred in FYs 2018- 2020. A postmortem behavioral assessment was mentioned in only one of the 19 files, making it appear that no such assessment was conducted in the other 18 cases. The FHIRC suggests that because of the high rate of Soldier suicides and suicide attempts, a postmortem analysis in every case is indicated. As a general matter, further study of mental health treatment and suicide at Fort Hood is recommended.



2. Mold, Barracks, Family Housing And Other Facilities, As Well As Quality Of Life Issues.

Throughout individual and group interview sessions, Soldiers and civilians complained that many barracks, workspaces, and family housing units are in poor repair and present health hazards. The most common but certainly not the only complaints include: persistent mold, bug and pest infestations, lengthy wait times for needed repairs, and inadequate or non-functioning lighting. Many female soldiers reported the inability to use a restroom, without the benefit of lighting provided by their personal cell phones. In office spaces, numerous soldiers described the sound of mice scurrying in overhead ceiling tiles and the prevalence of mice feces and urine in motor pool areas. The subject of decrepit facilities arose so frequently that the FHIRC recommends further investigation to determine what actions might be taken to better address these quality of life issues.

Two FHIRC members had the opportunity to meet with a military spouse of perhaps the most outspoken family to call attention to the substandard conditions that plague numerous family housing units on Fort Hood. This family stated they have suffered the misfortune of having mold and other health threats present in three of their previous on-base units, causing each of their five children to become ill. Additionally, most of their clothing and household goods have been ruined. The family also reports that their persistent pursuit of adequate living quarters appears to be a nuisance for the installation, as reflected in a reminder they received from the Garrison Commander that “family housing is a privilege, not a right.” Once again, it appears the human touch is missing at Fort Hood.

3. Equal Opportunity & Inclusion For People Of Color And Women May Require Further Attention.

As part of its assessment of the command climate at Fort Hood, the FHIRC researched, investigated and assessed equal opportunity and inclusion at Fort Hood.¹⁸⁹ Despite the abundance of data from personal interviews, surveys, and previous DEOCS, the FHIRC was not able to make a conclusive finding. Nevertheless, the FHIRC believes that further attention in the area of equal opportunity and inclusion for people of color and women is warranted.

3.1. Recent History Of Equal Opportunity & Inclusion At Fort Hood

Numerous DEOCS were conducted at Fort Hood between 2014-2019 relating to diversity management, inclusion, and discrimination. These surveys show that there were deficiencies in these areas well before the events that led to the FHIRC’s investigation. Below, Figures 39-44 depict the average scores, by installation, on various metrics evaluated during each DEOCS. As is evident, Fort

¹⁸⁹ In assessing the command climate as it relates to diversity and inclusion, the FHIRC was very cognizant of the current climate in the United States. At the time of the investigation, the United States was undergoing tremendous social unrest due to the recent deaths of African Americans after encounters with the police. Racial equality, justice, and discrimination were dominating the news and social media. In a nutshell, the FHIRC’s investigation into the issue of race and inclusion was done at a time of unprecedented sensitivity to racial issues. The FHIRC analyzed the data it received from the on-site investigation against this backdrop.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

Hood scored at or near the bottom in each of these categories from 2014-2019. While not substantially lower than the average, Fort Hood's scores were statistically significantly different even after controlling for basic post characteristics (in all Figures below, a higher score is better).¹⁹⁰

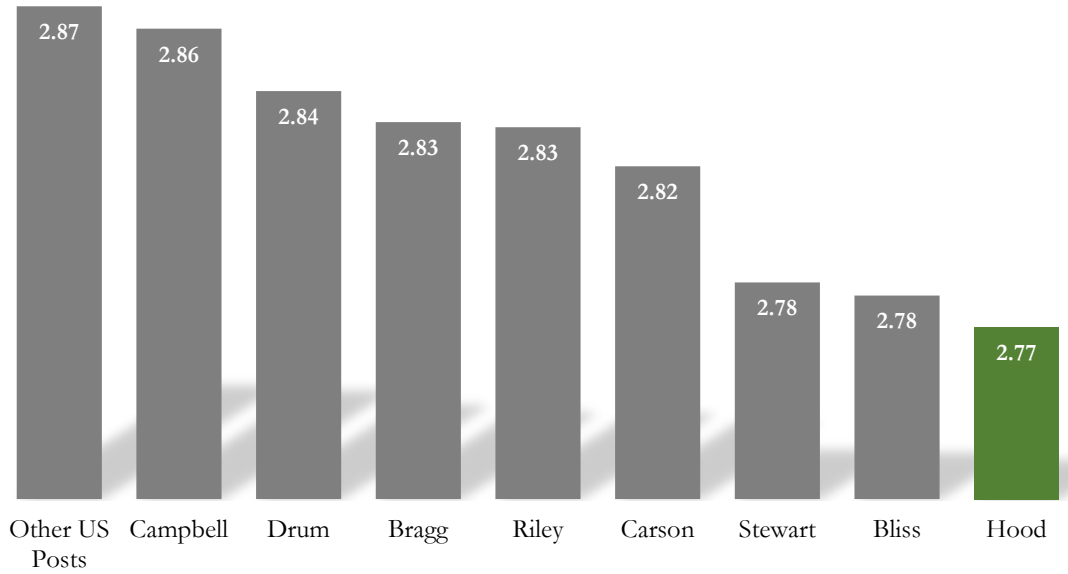


Figure 39: Diversity Management (2014 to 2016)

¹⁹⁰ Analysis of surveys completed by Soldiers assigned to units at CONUS installations between April 2014 and September 2016, and between October 2017 and March 2019. Data source: Defense Equal Opportunity Management Institute Organizational Climate Survey (DEOCS).



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

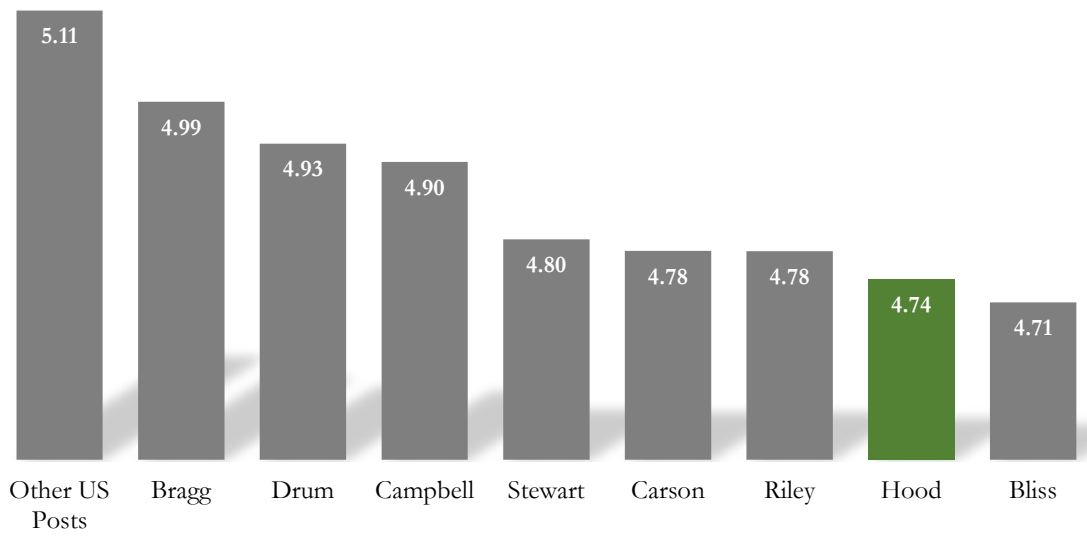


Figure 40: Inclusion (2017 to 2019)

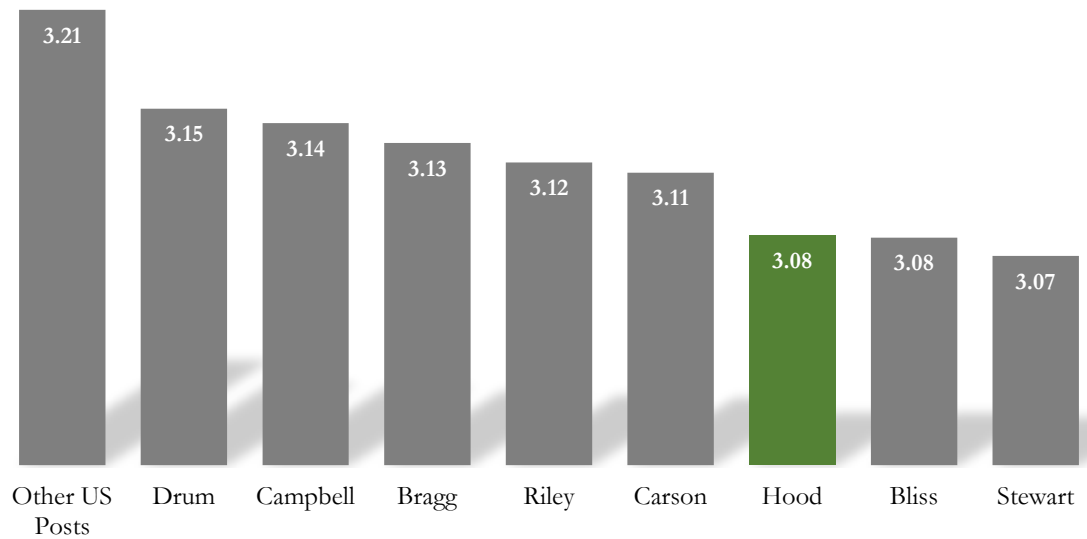


Figure 41: Sex Discrimination (2014 to 2016)



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

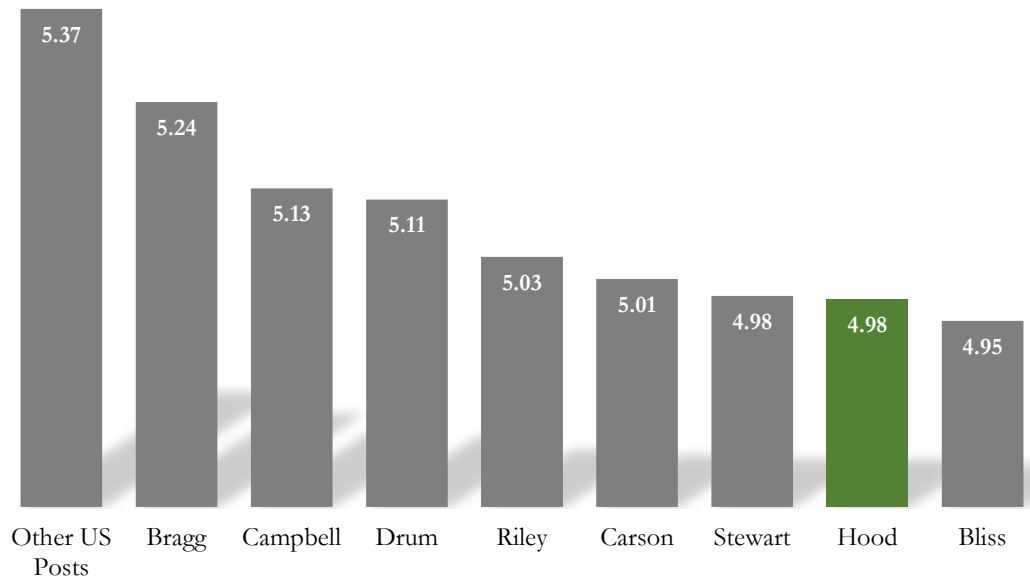


Figure 42: Sex Discrimination (2017 to 2019)

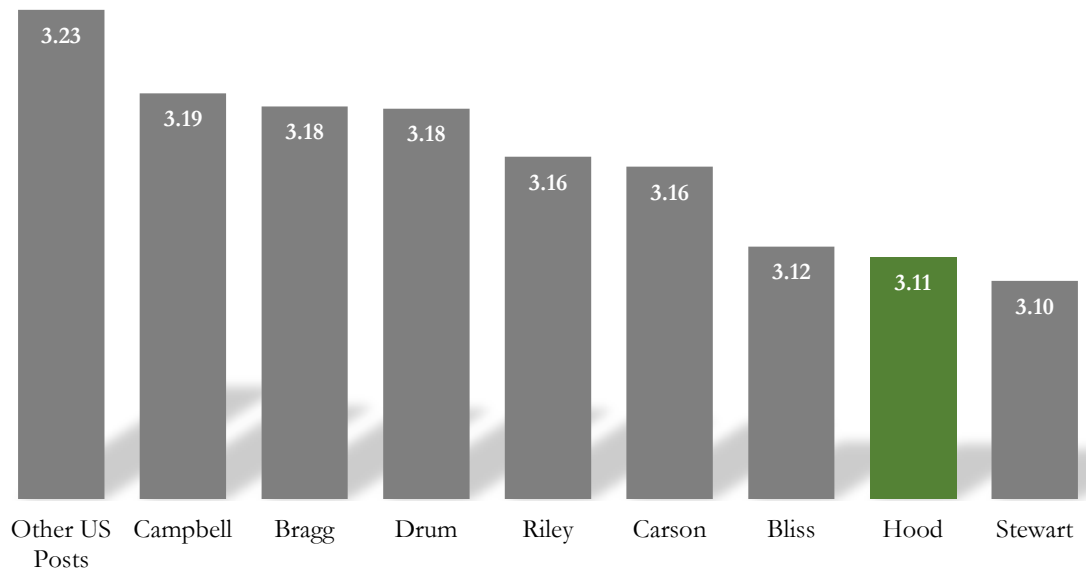


Figure 43: Racial Discrimination (2014 to 2016)



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

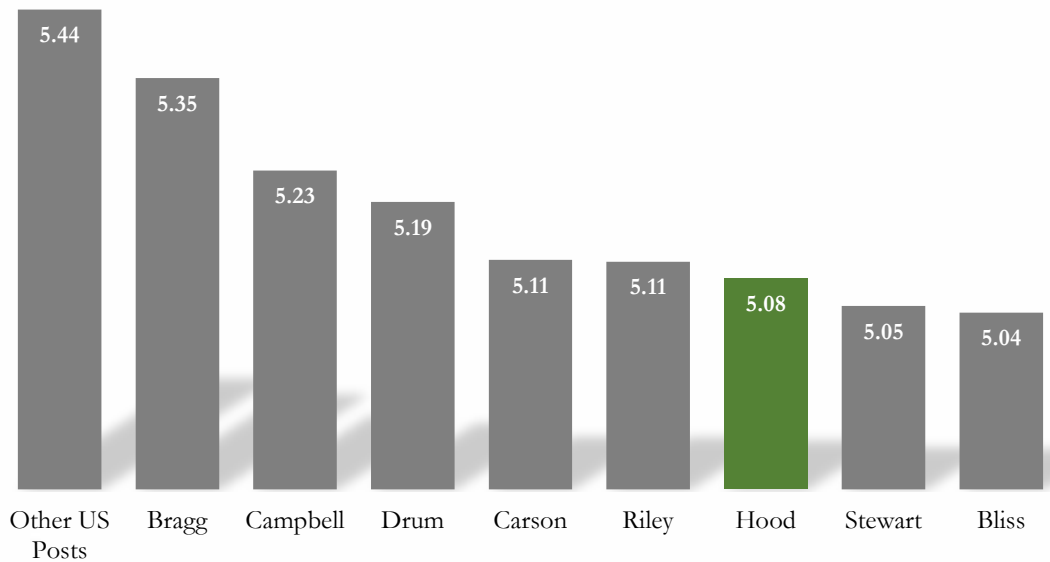


Figure 44: Racial Discrimination (2017 to 2019)

3.2. The Interviews And Surveys

The results from the individual interviews and Surveys were concerning but not conclusive. The personal interviews showed that fifty-four percent (54%) of respondents had concerns about how women or minorities were treated in the Army; and forty-four percent (44%) believed the Army had not gone far enough in the promotion of women and minorities. Given the Survey's sample size, the FHIRC could not draw a definitive conclusion from these percentages. However, the Group Interviews and Survey results provided further support for the belief that equal opportunity for people of color and women merits further attention.

Soldiers were not required to provide written comments relating to discrimination or inclusion, yet many did. Soldiers and civilians provided numerous examples and/or comments relating to discrimination and/or a lack of inclusion within their unit. Below are some excerpts from the individual surveys that highlight the types of written comments received:

"Racism is a huge problem in my unit. (b) (6) My chain of command asked me to keep quiet about it and said 'It's not a big deal' when I reported it. I tried to go to our brigade EO rep."

"The contributions of female Soldiers in this command is still not appreciated as much as those of the males - there is a definite 'boys club' among the staff and commanders."

"They don't treat females equally and if you do treat females equally you are frowned upon."

"Yes, I have observed a great deal of favoritism by superiors. Also, I have witnessed a number of racist remarks and often people's complexions are joked about. I really do not appreciate the amount of disrespect that I see here."

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

“Females in this unit are not respected at all. We are often taunted, teased and ridiculed for going to seek medical help for sickness injuries or other female health issues. We are often seen and verbally told that we are weaker than the males and that we should not be amongst males in a combat MOS, because we are not fit.”

“[T]here is so much race segregation that doesn’t allow some to feel comfortable and its blatantly obvious. Everything is a big put on or show when anyone from above shows up so nobody ever gets caught. As a Hispanic I feel like I can’t come up to soldiers of other races and get the same treatment and compassion as others would.”

“While it’s not sexual harassment/ assault related, I have heard racist remarks that I think were not dealt with properly. Furthermore I don’t think it is professional by the EO rep to discourage the person reporting the overt racism from properly filing a complaint, basically sweeping it under the rug.”

“There is a disparity in the treatment of individuals based on race and its blatantly obvious. . . The punishments for infractions should be the SAME across the board. Currently this is not the case. Diversity & Inclusion and Racism & Sexism training should be implemented in basic training and should be an annual requirement taught by someone OUTSIDE that organization.”

“I wake up now regretting I joined the military as a young minority female and do not feel as though I fit in with my current company. I feel like an outcast often, I come to work and just sit here and talk to no one. . . I want to be somebody and I want to be utilized, but instead I am left to defend for myself at Fort Hood with no voice.”

“There is notable favoritism in regards to some communications, promotions and assignments I have observed at this Army post but nothing criminal or falling under the heading of sexual harassment or assault. I do feel I am listened to differently and treated as less valued as a female than my male colleagues in my place of”

“I have worked for the Government for over (b) years and I have never seen “SO MUCH” in your face RACISM, CRONYISM, NEPOTISM, and RETALIATION. I know it sound harsh, but this is a daily reality here for people of color. The sad part about it, is that it is allowed here on Fort Hood.

While the Committee cannot generalize these comments into an overall finding, these words are important to share as they do represent a part of the climate at Fort Hood. In addition to the individual interviews and surveys, the FHIRC analyzed feedback received during Group Interviews. Although the FHIRC conducted Group Interviews with over 1,800 people, the results of these interviews were inconclusive. Some Soldiers believed that equal opportunity and inclusion were problematic at Fort Hood, while many others believed that it was not.

In sum, there was not enough evidence to conclude that discrimination or inclusion was a widespread problem at Fort Hood. In general, responses to the FHIRC indicated a belief that, while Fort Hood and the Army had endeavored to improve in the areas of discrimination and inclusion, there was still much more work to be done on these issues. This sentiment is worthy of consideration as the Army takes a closer look at equal opportunity and inclusion at Fort Hood.

RECOMMENDATIONS

SHARP Structure

The SHARP Program manning structure would benefit greatly from professionalizing the force. Specifically, rather than staffing the Program with borrowed military manpower, the SHARP Program should be comprised of qualified trained professionals, committed to this crucial component of military readiness. The FHIRC offers the following Recommendations for implementation at Fort Hood to address the Findings articulated above, and for consideration for broader application. The Recommendations below are justified by the Findings set forth in this Report. The Committee believes they are ideal, but are provided without regard for external factors such as budgeting and manpower constraints.

1. The United States Army SHARP Program at Fort Hood should have a structure similar to the United States Army Trial Defense Service (TDS) and the United States Army Combat Readiness Center (CRC) and Director of Army Safety, insofar as each are structured to support the Command, while outside of the chain of command. To ensure objectivity and fairness, the SHARP Program should operate independent from local commands and their legal advisors.
2. While the climate related to sexual assault and sexual harassment within a unit should remain within a Unit Commander's authority, the oversight of the SHARP Program should not. The Army should assign a Senior Pentagon level SHARP Commander at the rank of Brigadier General (O-7) or above, who works in coordination with the Army Resilience Directorate, and reports directly to the Vice Chief of Staff of the Army.
3. Fort Hood should have an enhanced SHARP Program Office that is fully staffed, trained, funded and led by an SES or SL civilian who reports to and is rated by the Senior Pentagon level SHARP Commander.
4. The local SHARP Program Manager (PM) should be an SES or SL civilian, at a level incapable of being managed by the Installation Commander.
5. All Brigade level SARCs and lead VAs should report to and be rated by the installation SHARP PM. Brigade level SARCs are responsible for managing each SHARP complaint from immediately following intake, through resolution.
6. At the installation level, there should be a cadre of pooled full-time SARCs and VAs, comprised of a hybrid of civilian and uniformed personnel, instead of the current structure of collateral-duty SARCs and VAs. This structure has the added benefit of relieving collateral duty burdens within units. The FHIRC is well aware of the hazards of having contract civilian personnel in these positions and does not recommend this course of action. Civilian SARCs and VAs must have Mobility Agreements, to ensure compatibility with unit deployment requirements.
7. All SARCs and lead Victim Advocates supporting a Brigade or Brigade level equivalent should be civilians at a GS grade level to be determined after a comprehensive assessment based upon level of responsibility. The Army should consider giving SHARP Program positions a career

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

ladder track to provide for succession planning and development of expertise. Under a career ladder, employees would be eligible to receive promotion to the next grade level after successfully completing the specified GS level for one year. For example, depending on the duty position (VA or SARC), the career ladder could span GS9-GS11; GS-11-GS13, or GS12-GS14.

8. Strengthen and centralize all SHARP functions, governance and personnel under the installation SHARP Program Management Office.
9. SHARP Cadre Pool Members report to the SHARP PM, not any unit commander.
10. Within this Cadre, SHARP Military Professionals (SARCs and VAs) should be selected, trained and assigned at the Department of the Army level, which will ensure they are appointed, credentialed, trained and ready to perform their duties when they hit the ground.
11. Establish SHARP as a Special Qualifications Identifier (SQI) and fully fund the Program, in order to: (i) enable interdisciplinary development of SHARP Military Professionals across Military Occupational Specialties, (ii) encourage the best to aspire to become SHARP Military Professionals, (iii) reward these professionals for their service, and (iv) preserve institutional knowledge through professional development.

Implementation of The SHARP Program

The FHIRC appreciates the perspective that unit commanders bear ultimate responsibility for the command climate within their respective units, and should therefore control factors that directly impact that climate, including response to and prevention of sexual harassment and sexual assault. However, in light of its observations regarding SHARP systems and their functionality, the Committee has concluded that in the war against deeply dysfunctional norms related to sexual harassment and sexual assault, many of the weapons best suited to combat these ills lie outside of the command. The increased trust that would be engendered among Soldiers—who overwhelmingly support this solution—only bolsters this conclusion.

12. Members of the SHARP Cadre Pool should be responsible for initial intake, such that no Soldier reporting an incident of sexual assault/harassment *must* report to uniformed personnel. However, any *soldier* desiring to report to uniformed personnel because of military unique circumstances, for example, may do so.
13. Investigations of sexual harassment must be handled by a 15-6 Investigating Officer from a different brigade or brigade equivalent than the subject, who are trained by and work closely with a legal advisor to conduct a thorough and complete investigation.
14. The Sexual Assault Review Board should establish specific and measurable goals and objectives for the SHARP Program.
 - a. Incident prevention and reduction
 - b. Timely investigations
 - c. Timely adjudications

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

- d. SHARP knowledge
 - e. Training completion and results of knowledge tests
 - f. Case tracking timelines from report to resolution and identify bottlenecks and delays built into the system
 - g. Victim updates and victim satisfaction
15. Unit commanders should be required to take appropriate actions and, at minimum, engage neutral parties to facilitate focus group discussions within their units to identify causes, whenever their DEOCS climate surveys indicate a yellow status in any unit component regarding SHARP related climate factors.
 16. There must be a command emphasis on SHARP training, to demonstrate its importance. Unit commanders must ensure time is allotted for SHARP training and the assessment of SHARP readiness.
 17. The SHARP PM should be responsible for assessing the readiness of units in terms of SHARP awareness and cultural posture, with the commanders responsible for acting upon this assessment. The installation SHARP Program Office, utilizing the SHARP Cadre Pool, should be responsible for developing and conducting training at units throughout the installation. The SHARP Program Office must track assessments and recommend remedial measures when appropriate.
 18. Specific to Fort Hood, the SHARP 360 training currently housed in a self-contained building provides highly effective and engaging training, particularly for peer intervention and incident prevention, and should be utilized to the maximum extent possible. Units that do not take advantage of this training are missing a golden opportunity to positively impact their Soldiers' understanding of the SHARP Program and its principles.
 19. Increase focus on the SHARP-related component of the evaluations of all officers and NCOs, to make it material and substantive, rather than just another block to check.
 20. The Army Inspector General and the Army Department of Administrative Services should change the thresholds for green, yellow, and red status for SHARP climate factors, to raise the bar. A status of red should begin at 60% favorable responses and all levels above that should be adjusted accordingly.

Legal Components Of The SHARP Program

The FHIRC understands very clearly that Soldiers at Fort Hood overwhelmingly question the objectivity and fairness of the SHARP Program. To address this inherent mistrust, the Program must operate independent from local commands and their legal advisors. Furthermore, local commanders must make it their business to properly manage and prioritize SHARP related adjudications.

21. The Army should conduct an audit of OTJAG compliance over the last five years at Fort Hood, with the MOU dated June 5, between Army CID Command and OTJAG establishing a 14 day time frame to render a probable cause and/or final report opinion. The audit should determine

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

whether these opinions are timely, identify the causes of any delays, and require appropriate adjustments to facilitate compliance.

22. The pervasive mistrust of the SHARP process and the lack of soldier confidence in leadership's ability to effectively address sexual harassment or sexual assault complaints demands an external check on the process. The SHARP PO, in consultation with its legal advisors, should review the disposition of substantiated Sexual Harassment and Sexual Assault cases on a semiannual basis for consistency and report such to all commanders serviced by that Program Office, up to and including the GCMCA for each command. Unsubstantiated cases should be forwarded to the next higher-level commander for a second review and final determination.
23. The Army should coordinate with DoD regarding implementation of Section 549 of the National Defense Authorization Act of 2020, entitled "Notice to victims of alleged sexual assault of pendency of further administrative action following a determination not to refer to trial by court-martial."
24. The Army should examine the staffing levels and timely assignment of Special Victim Counsel at Fort Hood and assess the impact on CID investigations, as any delay in assignment of an SVC can bring an investigation to a standstill.
25. The Army should require that the installation SHARP Program Management Office track and monitor the aging and life-cycle of each sexual assault and sexual harassment case, and prepare a semiannual report regarding the same.
26. Assign executive level responsibility to accurately track the length of time elapsed for full adjudication of a sexual assault complaint from investigation to final disposition.
27. The Army should ensure that breach of confidentiality with respect to leaking or publication of a SHARP report by any person involved in the process is a punitive offense.
28. Reinforce leadership education on the management of Military Protective Orders and management of complainant expectations. Commanders should make every effort to ensure the subject and the complainant are able to avoid contact to the maximum extent possible.

Disclosure After Adjudication of SHARP Allegation

29. The nature of the case and the results of all SHARP disciplinary actions should be published at least semiannually, without identifying the subject, victim or Unit, in order to deter future conduct and engender confidence in the SHARP response process.
30. Publicly disseminate court-martial convictions for SHARP offenses.
31. Ensure required disclosures are provided to complainants, particularly the final resolution of their SHARP report, and contain the maximum disclosure allowed by law.
32. Educate Soldiers at all levels, including leaders and Judge Advocates, of available statistics that demonstrate the low incidence of false sexual assault reporting generally, and the flawed logic in believing soldiers are highly incentivized to file false SHARP reports.

Fort Hood & USACIDC Command Issues

In order to fully address its own stated objectives in AR 195-2 the USACIDC needs to develop and maintain a Special Agent workforce capable of effectively and efficiently handling the high volume and scope of complex sex crime and death caseloads at CID offices covering Corps and Divisional Posts such as Fort Hood and equip them with the tools necessary to do so. The FHIRC cautions that treating these CID Offices as training sites seriously undermines the ability to meet those CID objectives.

33. The Fort Hood CID should establish and track the progress of specific and measurable goals, objectives, and metrics, for their operations regarding:
 - a. Timely investigations
 - b. Drug crime suppression
 - c. Crime reduction
 - d. Task force and joint investigative activities
 - e. Staffing
 - f. Training
34. The CID Command should evaluate its staffing model and personnel movement protocols for high tempo/high turnover CID offices like Fort Hood which cover Corps and Divisional posts to ensure they are staffed at a level where they are capable of working:
 - a. Complex cases on the installation;
 - b. Joint investigations for complex cases off the installation;
 - c. Proactive crime suppression in conjunction with DES and Commanders, especially drug activity;
 - d. Competently and effectively handle the large volume of death and sex crime cases.
35. USACIDC should enhance the availability at the Detachment level of electronic forensic resources, expertise, software licenses and equipment, related to the retrieval and exploitation of electronic evidence regarding mobile phones and laptops such that exigent cases can be handled immediately and sex crime and death investigations are fully and timely serviced.
36. CID should be furnished its own mobile phone tracking expertise, software application licenses and equipment.
37. USACIDC should ensure that on the largest and busiest installation, the CID Office has an appropriate number of experienced Special Agents to handle complex investigations and mentor apprentice Special Agents.
 - a. There should be no less than a 50/50 ratio of apprentice to credentialed Special Agents; and, 30% of these Special Agents should have no less than 5 years of experience and 20% should have no less than 8 years of experience.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

- b. The USACIDC and the Director of Army Staff should evaluate whether this requires an increase in the number of CID Civilian Special Agents (1811 civilian criminal investigators) for continuity and effectiveness in handling complex cases.
 - c. CID should study whether manpower allocations should be reallocated every other year to ensure the CID staffing in the Detachments covering Corps and Divisional Posts are fully capable of discharging all of the USACIDC objectives listed in AR 195-2
38. CID Fort Hood should immediately establish MOUs and reconsider imbedding Special Agents with local law enforcement stakeholders, especially KPD to facilitate:
- a. Rapid notification and tracking of Soldier subjects and victims;
 - b. Conduct of joint investigations involving crimes involving Soldiers and cases of mutual interest;
 - c. Development of true law enforcement partnerships;
 - d. Enhancement of day-to-day communication channels;
 - e. Exchange of crime information, investigative reports, criminal intelligence and crime analysis;
 - f. Identify establishments, neighborhoods and areas off post that are high risk to soldiers;
39. Fort Hood CID, DES and unit commanders should periodically participate in “ride-a-longs” with local police and sheriffs to establish greater understanding of crime dynamics outside Fort Hood and high-risk areas for Soldiers.
40. CID and DES should provide Fort Hood Command and stakeholders with information and intelligence on a regular basis to support employment of all the tools available to the Command to reduce crime such as drug suppression, placing high crime establishments off limits, identification and dissemination of high-risk activities and sites off post, barracks health and welfare checks, and targeted law enforcement operations on the installation.
41. CID should fully investigate all soldier drug overdoses to determine the source of the drugs and the extent and nature of the soldier’s and his/her known associates’ involvement in drugs.
42. CID should fully investigate all death cases, including suicides on and off post to determine whether high-risk people, places or activities contributed to the death to inform responsible commanders and enable formulation of mitigation strategies.

Missing Soldier Protocols

While the installation announced it is presently engaged in establishing protocols for handling instances of missing Soldiers, this undertaking must be deliberate and ongoing. Protocols must focus on proactive accountability and timely response.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

43. Establish an Army-wide set of protocols for “failure to report” scenarios for the critical first 24 hours to ensure consistent and robust response at the Unit and MP level when a Soldier’s absence may be involuntary.
44. Train and equip NCOs with the criteria, knowledge and skills necessary to develop and evaluate facts that would help them more clearly identify and recognize “suspicious circumstances” in situations where a Soldier fails to report.
45. Through training, command emphasis and strict enforcement, ensure that Unit leadership and NCOs know enough about their Soldiers to position them to effectively ensure their health and safety.
 - a. Maintain up to date Leader books regarding their Soldiers;
 - b. Conduct regular health and welfare checks;
 - c. Monitor and be alert for lifestyle issues that are high-risk and deal with them;
 - d. Receive and brief their soldiers on CID/DES information about crime and high-risk places and activities.
46. Ensure Unit Soldier accountability checks are strictly enforced and documented according to general orders and Army policy and regulations.
47. Establish stricter protocols for MPs to respond effectively when contacted by units in possible missing Soldier scenarios such that time lapse of 24 hours is not the only criteria that initiates an MP response.

Crime Prevention & Response

Fort Hood would benefit greatly from a reorientation toward identifying, assessing and preventing criminal activity before it even occurs utilizing modern public safety strategies and techniques.

48. Establish a monthly crime prevention governance body of all Fort Hood stakeholders with the overall mission of force protection and enhancing public health and safety through risk management and targeted reduction of crime incidents on the installation by:
 - a. Establishing shared specific and measurable goals, objectives and appropriate metrics for success;
 - b. Using sophisticated crime analysis to identify trends, hot spots, high crime, or outlier units;
 - c. Establishing mitigation actions and initiatives;
 - d. Identifying accountability for achievement of goals and objectives;
 - e. Informing command stakeholders of all information affecting their units;
 - f. Providing analytical products and reports regarding off-post crime dynamics involving Soldiers and identify initiatives and strategies to interact with off-post law enforcement to mitigate the crime risks to Soldiers off-post;
 - g. Devising specific proactive strategies to reduce drug crimes.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

49. Consider full-time imbeds, of CID and/or DES with local law enforcement partners to facilitate rapid notification and decisions in case of joint jurisdictional issues involving Fort Hood Soldiers.¹⁹¹
50. Commission a survey to identify strategic locations to install closed-circuit television (CCTV) and license plate readers on the installation to:
 - a. Deter crime by alerting Fort Hood visitors, workers, and inhabitants that certain movements and actions are under CCTV coverage;
 - b. Solve crimes by timely identification of vehicle movements and suspects;
 - c. Assist criminal investigators in complex investigations by establishing critical timelines of people and vehicle movements;
 - d. Facilitate real time crime apprehensions in exigent circumstances;
 - e. Provide real time intelligence to crises managers during such situations.
51. Establish an awareness program with the theme of “Vulnerability Avoidance,” especially in the area of sexual assault and high-risk off-post activities.
52. Streamline the Fort Hood Armed Forces Disciplinary Control Board process so that timely and effective actions can be taken to address high risk establishments and areas off base.
53. Through effective liaison and sophisticated crime analysis, DES and CID should work with local law enforcement to identify high-risk establishments and living areas. These areas should be rapidly declared off limits by the commander. This topic should be a regular agenda item for the Crime working group.
54. DES and CID crime reports should focus on the crime dynamics both on and off post, since a large number of Soldiers live off-post.
55. DES and CID should publish off post crime statistics and hotspots to the general Fort Hood population, to facilitate situational awareness.

Command Climate Issues

Although the gravamen of the Committee’s Recommendations is focused on tangible, quantifiable, material actions that the Army may undertake, there is an imperative Recommendation that will necessarily require considerable circumspection and contemplation. Fort Hood in specific—and the Committee believes the Army as a whole—must undertake the process of dramatic change in its culture related to sexual harassment and sexual assault. In the humble but informed opinion of the FHIRC Members, this involves a core change in perspective, which will begin with the type of heightened respect and appreciation for the contributions and value of all service members that lessens proclivities toward engagement in or toleration of activities as denigrating as sexual harassment and sexual assault. Furthermore, it is necessary to better understand the science of victim psychology and

¹⁹¹ DES has limitations conducting off-post law enforcement activities, but can embed and liaise with a local department. CID has fewer limitations and more flexibility operating off-post in a task force or joint investigation environment.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

behavior to avoid victim shaming and callous responses to counterintuitive victim conduct. Failure to institute this cultural change ostracizes an entire segment of the Army and compromises combat readiness.

56. The Army should examine, from recruitment throughout the lifecycle of a Soldier, how the Army can better develop the “whole” person, helping each Soldier recognize the value of the warriors with whom they serve. This development must be iterative through the Soldier’s career; and, it cannot be relegated to another perfunctory PowerPoint presentation. It requires comprehensive consideration and circumspect implementation.
57. Define the 21st Century Soldier as one who values respect and inclusion, and knows how to carry that out in day-to-day interactions.
58. Command leadership at all levels should devise strategies and initiatives to reestablish and emphasize the role of NCOs and Junior Officers in knowing and connecting with their Soldiers at the unit level in ways that facilitate respect for the health, safety, and well-being of all members of the unit and the Army.
59. Establish and maintain a culture and climate of equal opportunity, and zero tolerance for sexual assault and sexual harassment.
60. Practice intrusive leadership in these areas through direct and persistent engagement.
61. Mandate the use of DEOCs climate surveys to identify and take action on items identified as yellow or red.
62. The U. S. Army should raise expectations by utilizing the DEOCS climate surveys more effectively by revising the red category so that a red condition starts 60% favorable response and adjust the other color conditions accordingly.
63. Establish Command focus and leadership in the area of crime prevention and drive initiatives to enhance health and safety of Soldiers, Army civilians, and dependents.
64. The Installation Commander should lead and direct the SARB process, and use it as a tool to support the SHARP Program.
65. Ensure that unit leaders use existing tools to check the state of morale and well-being of Soldiers and establish new ways to do so where warranted.
 - a. Focus groups
 - b. Climate surveys
 - c. Walk around
 - d. Rely on NCO information
 - e. Monitor crime and sexual assault and sexual harassment incidents involving respective units

Installation Public Relations & Incident Management

Structural impediments to robust dissemination of information during ongoing investigations do not obviate the need for a human touch in communicating with the public and managing serious incidents. Development of deep and abiding relationships within the community—relationships that are greater than mere transactional or exploitative engagements—can be advantageous during times of crisis.

66. The III Corps and Fort Hood Public Affairs Office needs a surge capability and public relations crisis management team.
67. III Corps and Fort Hood must respond quickly and factually to inform the public and help shape public perception.
68. Use a trained spokesperson as the primary means of communicating with the public rather than relying on commanders and law enforcement.
69. Cultivate enduring holistic relationships with community organizations.
70. Make a special effort to keep the Fort Hood community informed.



REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

CONCLUSION

Although the Findings in this Report outline failures in leadership, they should not be interpreted as an indictment of military commanders or the U. S. Army. While the issues raised in this Report are serious and require urgent attention, they did not result from intentional or malicious action. Rather, the climate described throughout this Report was the result of inaction in critical areas like the SHARP Program that are critical to the health and safety of our Soldiers.

This climate was the product of a mindset developed over the course of almost two decades of intense military conflicts and countering threats to the national security of this Nation around the globe. Military readiness became paramount over all other responsibilities, without fully appreciating that integrity and respect between and among Soldiers is a critical component of military readiness. Over the years, those in command at Fort Hood, however, failed to make the connection between the health and safety of the Soldiers and mission readiness. This paradigm of benign neglect was allowed to take root over time at Fort Hood, at the expense of Soldiers, particularly females in combat units.

The Committee's Review was not conducted like an audit or Inspector General inspection. It was a comprehensive assessment of something that is intangible, the neglect of which risks tangible and sometimes tragic consequences—command climate. Considering the breadth and scope of individual and group interviews, specialized interviews, and a survey that drew a 100% response across the installation, the FHIRC purposed to go far beyond any previous review or assessment. The FHIRC is confident that these steps, combined with analyzing the Army's own data, were effective in developing an accurate picture of the climate and fully support the Findings herein.

One of the most important takeaways is that the military must raise the bar for its leadership. Military commanders must be capable of achieving success in warfighting while fostering a climate that is consistent with Army values of respect, and *esprit de corps*, leaving no Soldier behind, whether on the battlefield or in garrison. Sexual assault and sexual harassment, a form of bullying, is fratricide. A climate of zero tolerance must be driven deep into the ranks.

While the FHIRC was chartered to examine the conditions at Fort Hood, it would behoove the leadership of the U. S. Army to examine whether the mindset described in this Report exists elsewhere within the organization. The current situation at Fort Hood calls for engaged and intrusive leadership. Our Soldiers deserve nothing less.

APPENDIX A: FHIRC SURVEY QUESTIONS

- 1) My chain of command/supervisors do not tolerate sexual harassment. [Agree/Disagree answers for all questions]
- 2) My chain of command/supervisors model respectful behavior towards all individuals.
- 3) My chain of command/supervisors would correct individuals who refer to coworkers as 'honey', 'babe', 'sweetie', or use other unprofessional language at work.
- 4) Individuals from my workplace do not use offensive gestures or images that are sexual in nature while on
- 5) If a coworker were to report a sexual assault, my chain of command/supervisors would take it seriously and take action.
- 6) If a coworker were to report a sexual assault, my chain of command/supervisors can be trusted to keep the knowledge of the report limited to those with a need to know.
- 7) Contributions of males (both military and DA civilians), in all career fields, are respected within my organization.
 - 7a) Contributions of females (both military and DA civilians), in all career fields, are respected within my organization.
- 8) In my work group, if a military member or civilian employee were to file a sexual harassment complaint they would be excluded from social interactions or conversations.
- 9) In my work group, if a military member or civilian employee were to file a sexual harassment complaint, they would be blamed for causing problems.
- 10) In my work group, if a military member or civilian employee were to file a sexual harassment complaint, they would be discouraged from moving forward with the complaint.
- 11) Would any of your answers in 8-10 above change if the individual were reporting a sexual assault instead of sexual harassment?
 - 11a) If yes, which question number(s), (Number of surveys with/without a selection).
- 12) In the past 12 months, I observed a situation that I believe was sexual harassment.
 - 12a) If yes, was the situation reported?
- 13) In the past 12 months, I observed a situation that I believe was sexual assault.
 - 13a) If yes, was the situation reported?
- 14) I know the difference between a restricted and unrestricted report of sexual harassment or sexual assault.
 - 14a) Given #14, I also understand how each one works.

REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

- 15) I know where to go to report sexual assault or sexual harassment and I would feel comfortable going to that location, or telling a co-worker who needs to make a report to go to that location.
 - 15a) Given #15, I also know how to report sexual assault or sexual harassment via online website/hotline numbers/email process
- 16) I have reason to believe individuals in my workplace have been engaging in criminal activity.
- 17) I am concerned about what goes on after duty hours on or near Fort Hood.
- 18) Laws, regulations, and policies are not always enforced in this command.
- 19) If the results of this survey show areas that need improvement, my command will take the results seriously and make positive changes.

Are there any additional comments you would like to provide to the panel members?
(Comments)




REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

APPENDIX B: FHIRC ONLINE SURVEY

Fort Hood Awareness Survey x +
https://fhoodsurvey.army.mil

FORT HOOD AWARENESS SURVEY

 Welcome to the Fort Hood Awareness Survey
Your submission will be sent anonymously to a review team.

Service Status:
Rank/Grade:
Unit:
Gender:
Race/Ethnicity:

1. My chain of command/supervisors do not tolerate sexual harassment.
 Agree Disagree

2. My chain of command/supervisors models respectful behavior towards all individuals.
 Agree Disagree

3. My chain of command/supervisors would correct individuals who refer to coworkers as 'honey', 'babe', 'sweetie', or use other unprofessional language at work.
 Agree Disagree

4. Individuals from my workplace do not use offensive gestures or images that are sexual in nature while on duty.
 Agree Disagree

5. If a coworker were to report a sexual assault, my chain of command/supervisors would take it seriously and take action.
 Agree Disagree

6. If a coworker were to report a sexual assault, my chain of command/supervisors can be trusted to keep the knowledge of the report limited to those with a need to know.
 Agree Disagree

7. Contributions of males (both military and DA civilians), in all career fields, are respected within my organization.
 Agree Disagree

7a. Contributions of females (both military and DA civilians), in all career fields, are respected within my organization.
 Agree Disagree

8. In my work group, if a military member or civilian employee were to file a sexual harassment complaint they would be excluded from social interactions or conversations.
 Agree Disagree

9. In my work group, if a military member or civilian employee were to file a sexual harassment complaint, they would be blamed for causing problems.
 Agree Disagree

10. In my work group, if a military member or civilian employee were to file a sexual harassment complaint, they would be discouraged from moving forward with the complaint.
 Agree Disagree

11. Would any of your answers in 8-10 above change if the individual were reporting a sexual assault instead of sexual harassment?
 Yes No

11a. If so, which question number(s)
 8 9 10

12. In the past 12 months, I observed a situation that I believe was sexual harassment.
 Agree Disagree

12a. If yes, was the situation reported?
 Yes No

13. In the past 12 months, I observed a situation that I believe was sexual assault.
 Agree Disagree

13a. If yes, was the situation reported?
 Yes No

14. I know the difference between a restricted and unrestricted report of sexual harassment or sexual assault.
 Agree Disagree

14a. Given #14, I also understand how each one works.
 Agree Disagree

15. I know where to go to report sexual assault or sexual harassment and I would feel comfortable going to that location, or telling a co-worker who needs to make a report to go to that location.
 Agree Disagree

15a. Given #15, I also know how to report sexual assault or sexual harassment via online website/hotline numbers/email process.
 Agree Disagree

16. I have reason to believe individuals in my workplace have been engaging in criminal activity.
 Agree Disagree

17. I am concerned about what goes on after duty hours on or near Fort Hood.
 Agree Disagree

18. Laws, regulations, and policies are not always enforced in this command.
 Agree Disagree

19. If the results of this survey show areas that need improvement, my command will take the results seriously and make positive changes.
 Agree Disagree

Are there any additional comments you would like to provide to the panel members?

Thank you for your submission - your input is important to us!

We understand the need for confidentiality so all of your previous inputs will be sent anonymously to the Fort Hood Independent Review Panel (FHIRP).

If you would like to schedule an appointment to speak to a panel member, call (937) 846-0900 between 0900-1700. This scheduling line will close on 11 September 2020.

Otherwise, please press 'Done'. (Do not use the back arrow)



