

Opening Statement
House Committee on Armed Services Subcommittee on Military Personnel

Hearing Title: Fort Hood 2020: The Findings and Recommendations of the Fort Hood Independent Review Committee

Date: Thursday, March 11, 2021 4:00PM

Location: Room 2118 Rayburn House Office Building

Chairwoman Speier, Ranking Member Banks, and Distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before you to discuss the findings and recommendations of the Fort Hood Independent Review Committee.

The Secretary of the Army appointed five executive members who have broad expertise with organizational dynamics, the law, and government investigations, and a combined 75 years of experience as active-duty military and law-enforcement personnel. Other members of the team included five former FBI Special Agents all of whom have extensive post FBI experience in corporate security, risk management and investigations. We have four team members with us today to answer your questions, two in person and two by Zoom.

While the CVs of these team members have been provided to the Subcommittee to be made part of the record I would like to briefly introduce these members today.

Carrie Ricci 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 Associate General Counsel for the US Department of Agriculture. Carrie conducted over 100 interviews of 1CD and 3CR soldiers, dozens of specialized interviews of key Fort Hood personnel and outside contacts. She also conducted group interviews consisting of 30-45 soldiers from various FT Hood based Units. As a FHIRC Committee member she co-authored the Final Report and has testified before this Subcommittee regarding the report.

Mary Counts served over 25 years as an FBI Special Agent and Supervisory Special Agent in the Honolulu, Washington DC and El Paso Field Offices as well as FBI Headquarters. She worked and directed investigations of drug cartels, gangs, crimes against children and kidnappings. In her role as a FHIRC team member Mary personally conducted 157 face to face interviews with female service members at Fort Hood, the majority of whom were assigned to the Third Calvary Regiment and the First Calvary Division. She also reviewed and summarized the results of all the focus group meetings conducted by members of the Executive Committee during their review, which included 1,817 service members of all ranks. In addition she reviewed a number of sexual assault case files provided by the Army Criminal Investigative Command (CID) at Fort Hood.

Andy Bland III is a 23-year veteran of the FBI. His final assignment was as Special Agent in Charge of the FBI's Houston office. He also served as the FBI's Senior-Level Executive Attaché in Baghdad, Iraq; as the Deputy Assistant Director of the Inspection Division at FBI Headquarters in Washington, DC and as Special Agent in Charge of the FBI Academy at Quantico, VA. He previously served as the Senior Vice President & Chief Security Officer for a Financial Services corpora-

tion for 11 years. Andrew holds a BS degree in Engineering from the United States Military Academy at West Point. He successfully completed both the US Army Airborne and Ranger Schools at Fort Benning, Georgia, and also led combat arms units in California and Northern Germany during the course of his six-year military career. Andy conducted over 100 interviews of 1CD and 3CR soldiers and reviewed in detail number of death investigations conducted by CID and developed some important perspectives in that regard.

I am the Chairman of the FHIRC. I am a former state prosecutor and served 24 years in the FBI, retiring as Acting Executive Assistant Director of the Law Enforcement Services Branch with responsibility for eight FBI Divisions including the Criminal Investigative Division, Cyber Investigations, International Operations, The FBI Academy and Law Enforcement Liaison. I also served as a Special Agent in Charge, Inspector and On Scene Commander of FBI Operations in Iraq. I currently practice law and conduct independent reviews as a risk and security consultant.

The Committee was directed by the Secretary of the Army 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.” The relevant part of the Charter that we will address today includes the following: *Whether the relevant commands and units at Fort Hood (e.g., III Corps, 3rd Cavalry Regiment, the 38th and 43rd Military Police Detachments [Fort Hood CID Office] and 11th Military Police Battalion) are in compliance with all applicable policies and regulations regarding sexual assault prevention and response (SAPR) sexual harassment and equal opportunity.*

It is absolutely critical to understand the basic mission of CID in assessing its effectiveness. The fundamentals objectives of CID are set forth in Army Regulation 195-2 Section 1-6 titled Objectives. The relevant portions of this section state that the Objectives of CID are fourfold:

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.*

As part of the command climate, the issues of crime rates and Criminal Investigation Division (CID) operations were examined. Members of the Committee interviewed various members of the 11th MP Battalion, relevant CID Commanders at FT Hood, CID Agents and dozens of CID stakeholders on and off then base including Police Chiefs, Sheriffs, District Attorneys and Federal Prosecutors, community leaders, The FBI, the Texas Department of Public Safety and the

Provost Marshall's Office. We reviewed all death and suicide investigative files and a broad sampling of sexual assault files. Dozens of data research and analysis products were conducted which provided highly relevant insights into CID operations and effectiveness.

Finding #4 in the Final FHIRC report stated that The Fort Hood CID had various inefficiencies that adversely impacted accomplishment of its mission. The FHIRC determined that the Fort Hood based 43rd Criminal Investigative Division (CID) detachment was understaffed, underexperienced, over-assigned and poorly supported 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.

It is important to note at the outset that this Finding does not challenge the competence, motivation, work ethic or on site leadership of the FT Hood CID. The issue is one of experience, resources, staffing methods and the CID business model.

A significant portion of the report addressed the role of CID in conducting prompt, thorough investigations of death, felony and sex crimes cases. Another important CID objective that was in scope was the role of CID in providing meaningful criminal intelligence analysis to Fort Hood Commanders to enable Commanders to formulate and implement prevention and mitigation measures. The FHIRC found that CID played no role whatsoever in addressing this important function.

In essence we found that the Fort Hood CID was 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 this situation impacted investigative tempo, quality and timeliness of investigations, especially when a very complex case arose such as the disappearance of Specialist 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 were 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 below.

A significant factor in the inefficiencies noted was apparent in the Fort Hood CID's caseload numbers when compared to its peers. Fort Hood was found to have by a large margin the highest sex crimes caseload per Senior Special Victims Investigator with an average of 64.2 compared to 41.2 Fort Hood CID had the second highest caseload per Basic Special Victims Investigator (BSVI) when compared to installations of a similar size. (Chart 49 figure 2.)

CID 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/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.

The inexperience of CID Special Agents was evident in CID onsite file reviews that FHIRC Members conducted of death/suicide and sexual assault cases from FYs 2018-2020. These reviews revealed some areas of concern as to investigative attention to detail, completeness and file documentation. With respect to the quality of investigations conducted by CID, file reviews revealed that the overall number of interviews of relevant personnel were viewed to be insufficient in terms of scope and quality. Moreover, interviews were generally pro-forma, shallow and lacking in the degree of depth/granularity re the identification and documentation of requisite details during the initial stages of their cases that could have generated viable, tangible leads to logically pursue on behalf of achieving positive investigative outcomes.

Consistent and definitive progress on behalf of many of these cases seemed to languish over time and was characterized by a notable lack of investigative vigor and/or a sense of urgency.

State and federal prosecuting attorneys and local law enforcement advised that there is little interaction between their offices and CID. Unlike other Army posts there are 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. It was evident that none of the Chiefs or Sheriffs had met the previous CID C/SAC and were barely acquainted with the current C/SAC. Many described CID as a “closed book” because of its perceived limitations in sharing information. 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 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 are 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 which described as ad hoc coordination. It was a well-reasoned and justified request, however, CID leadership advised a Member of the FHIRC that there were no 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 a PCS.

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

In short, the CID staffing and resource allocation model as it relates to Fort Hood does not work effectively to support the CID mission. There are not enough experienced Agents to provide continuity and institutional experience to work complex cases or be proactive in crime prevention. The Fort Hood CID needs to have a balanced mix of apprentice, experienced and journeyman level Agents to provide stability and ongoing expertise. There should always be a cadre of experienced

and highly experienced investigators to handle the over 340 sex crime cases and 20-30 death cases per year involving Fort Hood Soldiers. 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 work joint investigations with their state, local and federal counterparts and not wait for a crisis investigation such as Vanessa Guillén to attempt to do so.

The FHIRC Final Report made 8 significant Findings and 70 Recommendations all of which were accepted by the then Secretary of the Army, Ryan McCarthy. A total of 11 Recommendations addressed CID operations, the most significant of which addressed the following:

- The Fort Hood CID should establish and track the progress of specific and measurable goals, objectives and metrics for their operations regarding timely investigations, drug crime suppression, crime reduction, task force and joint investigation activities, staffing and training
- The CID Command should evaluate its staffing model and personnel movement protocols for high tempo/high turnover CID offices like Fort Hood to ensure they are staffed at a level where they are capable of working complex cases on the installation, joint investigations for cases off the installation, engage in proactive crime suppression in conjunction with DES and Commanders especially drug incidents and competently and effectively handle the large volume of death and sex crime cases.
- CID should enhance the availability at the Detachment level of expertise, licenses and equipment related to forensic services, specifically related to the retrieval and exploitation of electronic evidence regarding mobile phones and laptops, to service the high volume of requests in a timely manner.
- CID Command 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.
- The USACIDC and the Army Department of Administrative Services should evaluate whether this requires a greater number of CID Civilian Special Agents (1811) civilian investigators for continuity and effectiveness in handling complex cases.
- CID Fort Hood should immediately establish MOUs with local law enforcement stakeholders such as KPD, Bell County and other stakeholder law enforcement partners to facilitate rapid notification and tracking of Soldier subjects and victims; conduct of joint investigations involving crimes involving Soldiers and cases of mutual interest; development of true Law enforcement partnerships; enhance day-to-day communication channels; exchange of crime information, criminal intelligence and crime analysis; identify establishments, neighborhoods and areas off post that were are high risk to soldiers;
- Using information and intelligence provided by CID and DES, Fort Hood should employ all the tools available to the Command to reduce crime such as drug suppression, declarations that high crime establishments are off limits, identification and banning of high risk activities and sites off post, barracks health and welfare checks, targeted law enforcement operations on base;

- CID should fully investigate all drug overdoses to determine the source of the drugs and the extent and nature of the soldier's and his/her associate's involvement in drugs;
- 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 mitigation strategies to be formulated.

That concludes my statement and as the Chair of the FHIRC, we welcome the opportunity to field any questions, and with your concurrence I will direct them to the appropriate Committee Team Member as necessary, to ensure the Subcommittee receives fulsome responses.