

**RECORD VERSION**

**STATEMENT BY**

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**BEFORE THE**

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**ON ARMY EFFORTS RELATED TO THE INDEPENDENT REVIEW COMMISSION ON  
SEXUAL ASSAULT IN THE MILITARY AND THE OFFICE OF SPECIAL TRIAL  
COUNSEL**

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**NOT FOR PUBLICATION UNTIL RELEASED BY THE  
HOUSE ARMED SERVICES COMMITTEE**

Chair Speier, Ranking Member Gallagher, distinguished members of this Committee—thank you for the opportunity to appear before this subcommittee representing the Army.

The Army's number one priority is our People—our soldiers, civilians, retirees, veterans, and their families. Our focus remains on taking care of our soldiers and civilians, treating them with dignity and respect, and promoting a culture where everyone can serve and trust those who serve with them.

We were concerned by the results in the Fiscal Year 2021 Annual Report on Sexual Assault in the Military, which revealed a significant increase in the prevalence of sexual assault alongside a decline in trust in the military system to deal with those problems. Put simply, despite many years of prior effort to address this challenge, we are not where we want to be.

That is why the Army has fundamentally changed our approach. Since the murder of Specialist Vanessa Guillén and the release of the Fort Hood Independent Review Committee (FHIRC) report, Army leadership has taken unprecedented steps to make systemic, lasting changes to the way we prevent harmful behaviors. Fort Hood serves as a line of demarcation for the Army. Our efforts have shifted from a narrow focus on response to these crimes and compliance with related policies, to a more balanced approach rooted in prevention, building positive command climates, and detecting and acting on warning signs before damaging acts occur.

Since the release of the FHIRC, the Army has made significant changes to the way it counters harmful behaviors. We innovated our Sexual Harassment/Assault Response and Prevention (SHARP) training to include creating the People First Center at Fort Hood that offers soldiers the equivalent of “live fire” training for preventing sexual assault, sexual harassment, and other readiness detractors. Through experiential learning, we believe we are imparting valuable, lasting lessons through an approach that is quite different than the “power point” method. We also doubled down on our battalion and brigade-level commander selection processes that have allowed us to select leaders who demonstrate empathy and self-awareness, communicate better, and work more effectively on a team. These programs are already paying dividends in our command climates.

These changes coincide with Secretary Austin's decision to create, at the direction of the President, the Independent Review Commission on Sexual Assault in the Military (IRC), which has galvanized support for the Department's revised approach to addressing sexual assault and sexual harassment, based on IRC recommendations endorsed by the Secretary. The Army is well-positioned to continue driving change:

1. We are focusing on preventing violent acts including sexual assault by rapidly and effectively implementing the recommendations of the IRC and the FHIRC. The Army has already implemented 63 of the 70 FHIRC recommendations and 4 of the 6 Secretary of Defense priority IRC items including the “Connect to Care” or “No Wrong Door” policy

which ensures survivors can access the help they need no matter who they ask first, and improving the way we transfer victims to other duty locations if it would aid their recovery.

2. We are implementing fundamental changes to our response system that directly address the lost confidence of survivors of these crimes. The Army established its Office of Special Trial Counsel reporting directly to the Secretary, which will prosecute sexual assault, domestic violence, and several other violent offenses. A variety of Fort Hood and Sexual Assault IRC recommendations will also make it easier for victims to receive the assistance they need and further professionalize the help they receive.
3. We are continuing to ask hard questions about our own performance and hold ourselves accountable for getting this right. As the Army's designated lead for IRC implementation, I receive weekly updates on our progress, checking to ensure our implementation efforts are effective and on-time.

The FY21 Annual Report on Sexual Assault surveyed the force at the very beginning of the Army's implementation of new initiatives and programs, and we are hopeful that these efforts will have a significant impact on sexual harassment and assault prevention and response moving forward. And personally, as I committed to the Senate Armed Services Committee during my confirmation hearing, preventing sexual assault and harassment will remain my top priority.

We can't afford to fail our soldiers and civilians in this area. Getting this problem right and driving lasting change in the way we prevent and respond to sexual assault will safeguard Soldiers' physical safety, increase military readiness, build trust, and ensure more Army team members' workplaces are characterized by dignity and respect. As we work to recruit and attract talent to our Army, we understand that making progress on this issue is central to our ability to build a capable and effective volunteer force.

Secretary of the Army Christine Wormuth and I are both immensely grateful to Congress, and this committee, for their sustained focus on sexual assault in the military. Due to the responsibility we have to those who serve, it is critical that we are constantly assessed and accountable regarding our approach to sexual assault and harassment prevention and response.

We have consistently been held accountable for solving a deep-rooted, pernicious problem that has frustrated years of military leadership. The good news, I believe, is that, with your help, we have the tools, funding, and senior leadership commitment that together create an unmatched opportunity for progress. To take advantage of it, we will need to keep putting in hard work.

The Army made a serious commitment to change by accepting the recommendations of the FHIRC and IRC reports, and we have followed through by implementing significant reforms. But, we are not done yet. The Army is at the beginning of a years-long process of changing the way we build positive command climates and reduce harmful behaviors. You have my commitment that Army leaders will keep pushing until the job is done.

Below is some additional detail on the progress we have made, and where we will focus our efforts moving forward.

### **IRC Implementation**

In his first week on the job, Secretary Austin announced the creation of the Independent Review Commission (IRC) on Sexual Assault in the Military, which supported the President's efforts to address sexual assault and harassment in the military. While the Services sought to address the problems for decades, the IRC took a comprehensive outside look at the Department's efforts to combat harmful behaviors. The IRC made 82 recommendations on how to address sexual assault and harassment across the Department of Defense by focusing on accountability, prevention, climate and culture, and victim care and support. Out of the IRC's 82 recommendations, the Secretary of Defense assigned the Services 32 for action, while he retains 50 for DoD to implement or study further before giving to the Services. He further broke the recommendations into four tiers. We have a plan to implement all 32 recommendations in a deliberate, phased approach as guided by the Secretary of Defense. We are pushing hard to accomplish the six priority items by the end of this fiscal year.

So far, we have completed implementation of the following four IRC recommendations:

1. We reviewed and updated all policies that unnecessarily restrict data collection on important populations of servicemembers.
2. We improved the processes we use to help survivors quickly change duty locations when they believe doing so would aid their recovery. The improvements to our expedited transfer policy give Soldiers and their families more time to decide to transfer and ensure that they have the best care before, during, and after their moves.
3. We have, since 2009, made sexual harassment and sexual assault services available for all victims of sexual violence including our Soldiers and their dependents, civilians, retirees, veterans, and contractors.
4. Just last week, the Secretary signed an Army Directive which implemented the "No Wrong Door" approach to sexual harassment and assault and domestic abuse which ensures all providers offer an individual seeking services a connection to the appropriate provider.

For the last two priority recommendations Secretary Austin, we are working to eliminate collateral duty for our Sexual Assault Response Coordinators and Sexual Assault Prevention Response Victim Advocates. That action is pending a manning analysis on these positions which will conclude at the end of this month. We stand ready to implement independent, trained investigators for sexual harassment investigations. Following the FHIRC's recommendations, and in accordance with the FY22 National Defense Authorization Act (NDAA), we have already required that investigating officers be appointed from outside the chain of command, and we are working with the Office of the Secretary of Defense for additional changes to fully comply with

the IRC recommendation. There are 26 other recommendations in Tiers 1 to 4 that we will implement in accordance with Secretary Austin's guidance.

### **Military Justice Reform**

The IRC found that rank-and-file Soldiers have lost confidence in the chain of command's ability to impartially handle sexual assault and related crimes, which damages the credibility of the military justice system and our broader efforts in this space. The Army is in full support of the Secretary of Defense's decision and Congressional legislation requiring dedicated, highly skilled prosecutors and support staff that report directly to the Service Secretaries, without intervening authority. The Army is reforming military justice through structural changes that include the establishment of an independent Office of Special Trial Counsel (OSTC) reporting directly to the Secretary of the Army. The Army established the OSTC as a Field Operating Agency on July 15, 2022. Once fully operational, it will make initial disposition decisions and binding referral decisions for 11 covered offenses, as called for by the FY22 NDAA.

The interim headquarters in the National Capital Region is led by a senior Colonel with significant military justice experience, while the Army awaits confirmation of the first Brigadier General Lead Special Trial Counsel.

The current OSTC headquarters staff includes seasoned policy attorneys with years of criminal justice litigation experience in both the civilian and military justice systems. The Army Judge Advocate General's Corps is in the process of hiring additional civilian experts in specialized areas (litigation of sexual assault and domestic violence, training, data analysis, and wellness) to support the OSTC. To facilitate the standup of the OSTC, the Army published an execution order which details a phased approach to staff, train, and equip the office across the enterprise, from initial operating capability now to a fully operational team of 159 uniformed and civilian personnel on December 27, 2023. In 2025, the organization will grow to 180 personnel.

Accompanying these structural efforts, the Army is refining a plan for career litigation billets that increases our ability to identify, grow, and staff experienced criminal litigation positions, in both the prosecution and defense, at all stages and ranks of a military career. These crimes, often with complex fact patterns, require specialized expertise and experience. These changes complement the numerous Army efforts underway to drive structural, cultural, and technical change around sexual assault accountability.

### **Pivoting to Prevention**

One of the IRC's core findings was that that DoD and the Military Services lack a primary prevention capability. As Secretary Wormuth has said publicly, investing in prevention will allow us to reduce the frequency of sexual assault and other negatives behaviors, while creating better command climates and healthier workplaces. While I am proud of the work we have done to build and improve our response systems, we must also prioritize prevention.

To support Secretary Wormuth's call for action, the Army People First Task Force is currently developing the Army Integrated Prevention Strategy (AIPS) as a new, holistic approach for preventing harmful behaviors and integrating policy, programs, and directives to ensure the health, safety, and well-being of our People. Major objectives of the strategy include the development of an integrated prevention infrastructure and unifying supporting policies, resources, authorities, and prevention stakeholders across the total Army.

Additionally, the Army's nascent prevention workforce will collaborate with existing prevention programs to develop integrated prevention strategies and activities for Army leaders and commanders based on the unique needs and conditions of the organization and community. This effort is intended to mitigate risk factors and promote protective factors within Army Communities.

The prevention workforce will examine and synthesize relevant data at an installation to provide recommendations to commanders on installation-specific risk and protective factors and develop and support the implementation of focused prevention activities. This analysis will enable the Army to mitigate negative behaviors before they occur, take care of Soldiers, and create healthy, positive climates that foster mission success.

Implementation of the prevention workforce is underway across five Army installations: Fort Hood, Texas; Fort Riley, Kansas; Fort Sill, Oklahoma; Schofield Barracks, Hawaii; and Camp Humphreys, South Korea. Onboarding of prevention specialists at the Headquarters, Army level is almost complete, and I remain personally focused on getting individuals hired and on board. Our hiring efforts will continue to expand in coming years across the entire Army, including the Army Reserve and the National Guard Bureau, with the intent of reaching full operational capability by FY 2027.

### **SHARP Workforce Restructure**

Both the FHIRC and IRC found that the SHARP workforce could not adequately care and advocate for victims' needs without becoming a full-time, professional force outside of units' chains of command. In alignment with the IRC recommendations, the Army is establishing an oversight structure to professionalize the SHARP program across the force. Eliminating collateral duty assignments for Sexual Assault Response Coordinators (SARC) and Sexual Assault Prevention Response Victim Advocates (VAs) will be a starting point. We will also give these full-time response professionals more assistance and oversight to strengthen their ability to provide compassionate, victim-centric services. Additionally, we moved SARCs and VAs from the command reporting structure and aligned them under a lead SARC who reports directly to the installation commander. This independence should enable SHARP professionals to advocate for victims more effectively.

## **Additional Initiatives**

In addition to implementation of IRC recommendations, the Army is working to implement the Fort Hood Independent Review Committee recommendations and several other initiatives we believe will help address sexual assault and sexual harassment.

### **Fort Hood Independent Review Committee Recommendations**

Before the Secretary of Defense created the 90-day Independent Review Commission, then Secretary McCarthy appointed the Fort Hood Independent Review Committee. We received its results in December 2020 and have been working diligently to implement its recommendations over the last two years. The Army has addressed 63 of its 70 recommendations, and we are on track to address the last seven by the end of this year, one year ahead of schedule. There is some overlap in recommendations between the IRC and the FHIRC and we are grateful to both organizations for their role in helping us identify and address some areas that may previously have been blind spots.

The Army has more work to do, but I would like to highlight some of the changes we made based on the FHIRC's recommendations. We made significant adjustments to our SHARP program.

1. We moved investigations of sexual harassment out of a subject's brigade to an investigating officer in a different brigade, to promote fairness and impartiality.
2. We implemented better tracking of sexual assault and harassment cases and their timelines.
3. We ensured the appropriate staffing levels of our special victims counsels to guarantee their availability in time of need.
4. At Fort Hood specifically, III Corps established the People First Center – a centralized training facility to train our units to be cohesive teams. It is a location for resources and information not just for sexual assault and harassment prevention and response, but for family advocacy, equal opportunity, resilience training, our substance abuse program, suicide awareness, and spiritual readiness. The People First Center focuses on prevention while it also addresses response.

Secondly, the FHIRC identified issues to address with Fort Hood Criminal Investigative Division (CID) and the Army CID Command (USACIDC). Not only did we make changes at Fort Hood, we restructured CID, separating it from the office of the Provost Marshal General and creating a new civilian director for the organization that reports directly to the Secretary of the Army. We increased our number of civilians across the Army by over 600 to better balance our force and increase tenured civilian investigative leadership, continuity, and experience. We reevaluated our staffing model and personnel movement protocols for high tempo offices like Fort Hood to ensure they were staffed properly with agents of the right experience level for the volume of cases, joint investigations off the installation, and the capability to conduct proactive crime

suppression. Additionally, CID capabilities now include mobile phone tracking expertise, software, and equipment.

Thirdly, we established Army-wide protocols for Soldiers who fail to report to their appointed place of duty, specifically highlighting the critical first 24 hours and ensuring robust response at the unit and military police levels. A part of that effort is also training our first line leaders, officers, and noncommissioned officers better on how to identify and recognize suspicious circumstances when a Soldier fails to report.

### **Cohesion Assessment Teams**

To combat unhealthy command climates across the force, the Army is employing teams of experienced leaders and subject matter experts to conduct organizational climate assessments and provide commanders at brigade and below an assessment of their unit's trust and cohesion. These Cohesion Assessment Teams (CATs) inform commanders of potential blind spots while providing specific, prioritized, actionable feedback regarding their climate and tools to assist in the development of action plans. This directly contributes to more disciplined, cohesive, lethal, and fit teams. We then share best practices throughout the Army, improving our whole force.

So far, we have deployed seven CATs to seven different installations. They have identified issues for our units to address from culture and how to build better teams, to how to address processes like training schedules to give our soldiers more predictability and better training, to leadership and how to better put our people first. We are moving these CATs from our People First Task Force to Training and Doctrine Command (TRADOC), which will strengthen the CAT structure. It will allow for increased flexibility and the ability to surge to units that are showing higher warning signs, and it will provide the CATs the ability to develop yearly trends analysis to give us a broader view of the needs of our force.

### **New SHARP Policies**

The Army is equipping commanders and leaders with improved policies to better support implementation of the SHARP Program. These include:

- **Additional Leader Training.** An Army Directive requires all Army leaders at the squad level and above—to include Army Civilians—to receive additional training on newly-published DoD policies and other necessary information to effectively execute their responsibilities regarding the SHARP Program.
- **Expanded Services for Civilians.** A new directive expands unrestricted reporting eligibility to our civilians who are victims of sexual assault, whether they are serving in the Continental United States or overseas.



- **Safe to Report Policy.** A Safe-to-Report policy safeguards sexual assault victims from disciplinary action for minor collateral misconduct, such as underage drinking, curfew violations, or inappropriate relationships that may be associated with the sexual assault incident by time, place, or circumstance.

### **Command Assessment Program**

The Army recognizes how important having the right leaders in place is to building healthy command climate and preventing harmful behaviors. We will continue to focus on the best methodologies for the development, screening, and selection of leaders for positions of significant trust. To that end, over the last three years, we implemented the Command Assessment Program (CAP) to identify the most qualified candidates for key battalion and brigade-level leadership roles across the Army. In November 2021, the Army completed the third iteration of CAP and we have assessed over 3,400 leaders.

When compared to the legacy Command Selection List system, CAP assesses and identifies leaders who are more cognitively capable, better communicators, more self-aware, and less likely to exhibit counterproductive or ineffective leader traits. The IRC recognized CAP as a promising practice for identifying leaders who are committed to the well-being of those under their command, as well as screening for leaders who do not show similar commitment.

### **Fusion Directorate**

As part of our redesign of the SHARP program, the Army launched its fusion directorate pilots this past April at Fort Riley, Kansas; Fort Sill, Oklahoma; Fort Bragg, North Carolina; Fort Irwin, California; Aberdeen Proving Ground, Maryland; Schofield Barracks, Hawaii; and a virtual pilot established with the 99th Readiness Division at Fort Dix, New Jersey. When our soldiers, civilians, retirees, veterans, or family members need help, they can go to one location and get the help they need rather than search across a potentially unfamiliar installation for the necessary resources. These multi-disciplinary sexual harassment and assault fusion directorates operate under a fusion director at a single facility, under the oversight of the installation senior commander. They offer an alternate reporting capability and coordinated medical, investigative, legal and support services that remain independent of the immediate command. They increase accountability, transparency, and efficiency by coordinating medical, investigative, legal, and support services to maximize efforts and ensure timely, comprehensive, and compassionate response to victims. Not only will these directorates share best practices across the force, the results of these pilots will inform Army leadership about Army-wide expansion and SHARP program reform.

### **Conclusion**

The Army will always be a People organization. Our people are what enable us to accomplish incredible things every day. Their talents, courage, and commitment make our Army the greatest fighting force in the world. We must continue to build our force with individuals who embody

the best of America and protect those with whom we have been entrusted. The Army will continue to dedicate our efforts to rooting out harmful behaviors such as sexual harassment and assault and domestic violence.