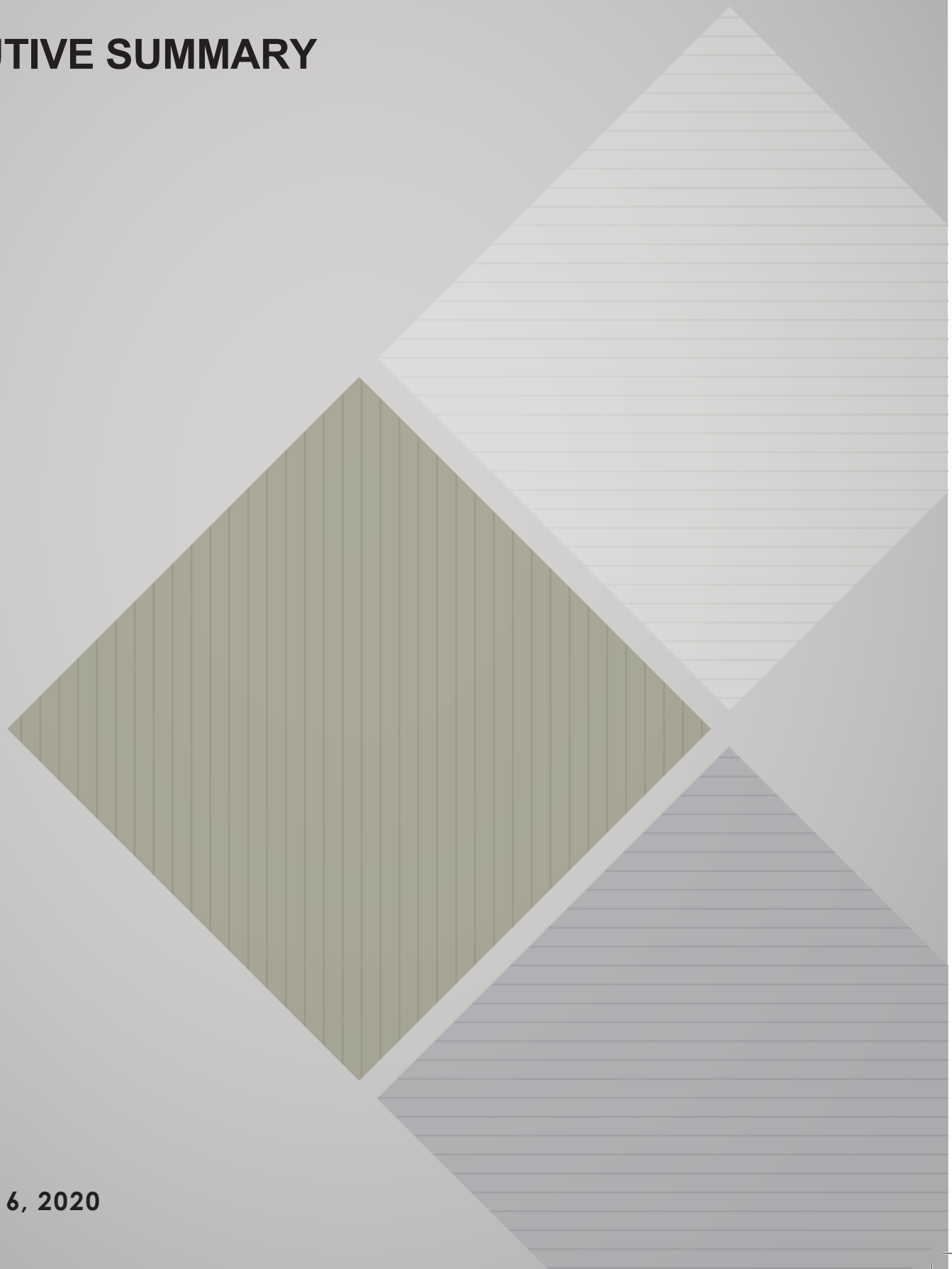


REPORT OF THE FORT HOOD INDEPENDENT REVIEW COMMITTEE

EXECUTIVE SUMMARY



NOVEMBER 6, 2020

The information contained in the Report and any accompanying attachments contains sensitive information which may be protected from mandatory disclosure under 5 U. S. C. § 552. Matters within this report were formulated by an Independent Review Committee, are pre-decisional in nature, and do not represent final approved Department of the Army (DA) executive decisions or policy.

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

