

Running Head: SEXUAL ASSAULT/SEXUAL HARASSMENT IN THE ARMY

Sexual Assault/Sexual Harassment in the Army

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### Abstract

All service members should take time out of their busy schedule to study military history. Some Army personnel have been victim of sexual assault and were not believed or threatened punishment by their superiors if they reported the incident. Should Soldiers in combat have to worry about the enemy and their fellow Soldier? By making ourselves aware of past events, we can better prepare ourselves for the future and hopefully prevent sexual harassment/sexual assault. Only time will tell!

### Sexual Assault/Sexual Harassment in the Army

All service members should take time out of their busy schedule to study military history. History is information of past events that showed what happened right or what went wrong. To avoid past mistakes, service members need to know what those mistakes entailed. They also need to know what went right to duplicate the same results.

Soldiers of all ranks have the moral responsibilities to do what's right at all times. At times a soldier may find themselves in an ethical dilemma. Should a soldier that has been sexually harassed or sexually assaulted be required to deploy with the people that are responsible for the harassment? Does the unit have the responsibility for protecting soldiers from being sexually harassed and hold the harasser accountable for their actions? This is a conduct that is not tolerated in the military and superiors should do the right thing when face with a dilemma in protecting an accuser and punishing the victim!

Specialist (SPC) Suzanne Swift was arrested for not reporting to duty. She was in an ethical dilemma. She was due to deployed but did not report for the fear of being sexually harassed by her superior officers as in her pervious deployments. SPC Swift chose not to report and was arrested for not performing her duties as sworn to when she enlisted. She knew the consequences of her actions but still refuse to report. I believe that she felt the probability that she would be arrested was slim to none given that she was sexually harassed during a previous deployment. SPC Swift believes that the military will do nothing to support her for not reporting for duty and allow the perpetrators go unpunished for their actions. This has affected the way SPC Swift now view the military; she thinks the military is an institution that would rather protect their image than help a person that has been diagnosis with post-traumatic stress disorder. The alleged

perpetrators will not think twice about their actions as long as the command does nothing to hold them accountable for their actions.

In my opinion I believe that the alleged perpetrators are not justified in their unethical behavior and did not take SPC Swift emotional state into account. They did not thoroughly examine their actions in conjunction with military laws and regulations. If they did, they would not have sexually harassed SPC Swift and she would not be in her dilemma of not reporting for duty. I support her in her decision as well as dozens of other women in the military that may have been in her same situation (Jamieson, 2006).

Female Soldiers are making reports that they are being sexually assaulted by their own within the ranks. At least 37 female Soldiers sought care for being sexually assaulted and reported the cases to their supervisors. It was believed that they were threatened with punishment for reporting the incidents. Commanders have a legal obligation to prevent these types of act and protect the victims from further punishment and hold the perpetrators accountable for their actions. Women are serving in increased combat support roles and are placed in danger on a daily basis. They should not have to worried about being sexually harassed or sexually assaulted by their fellow Soldiers. Some supporting agencies only released general information to protect the Soldier's rights and privacy (Herdy and Moffeit, 2005). Members of Congress are disturbed with these acts taking place in the service and want to investigate the incidents further. "Senate leaders pledge last year to investigate the military's handling of rape and domestic violence cases after a Post series found widespread problems in the armed services, including flawed investigations, inadequate victim services and leniency for thousands of soldier sex offenders (Herdy and Moffeit, 2005)."

Danielle served as a military intelligence officer in Camp Udairi. She remember waking up and being sexually assaulted (raped) by unidentified man that bound her hands and feet and placed her panties in her mouth to keep her quiet during the assault. She fought back but it was to no avail, the man struck her with an object and knocked her unconscious. After the incident, she was taken to receive medical care where she received a rape examination. She was not treated for her other injuries she received from the assault. Her request to see a chaplain was denied and she never received counseling for her sexual trauma. She was even asked to take a polygraph exam which was never conducted. Is this how we treat are victims of sexual assault?

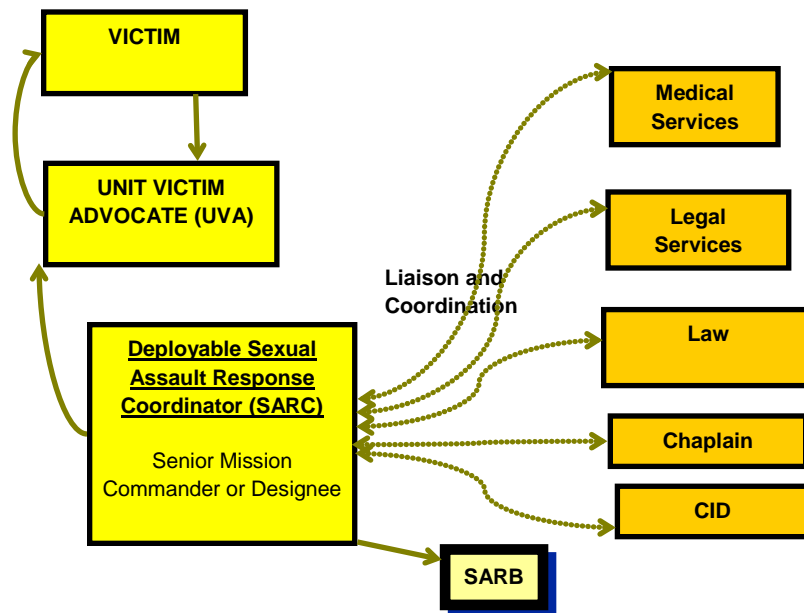
Secretary of Defense Donald Rumsfeld received heavy pressure from Congress and ordered an investigation into the military's handling of sexual assault cases. Rumsfeld directed Undersecretary David Chu to review how victims of sexual assault are treated. During the investigation, approximately 80 allegations of sexual misconduct among the armed services (Herdy and Moffeit, 2005). After the investigation, the Department of Defense established chapter eight in Army Regulation 600-20. The Department of Defense or the United States Army does not tolerate sexual assault and is committed to preventing this crime. In the event of an assault, the Army is equally committed to ensuring that our Soldiers are treated with dignity and respect and receive excellent medical care and support. However, the Army is not simply implementing new rules and procedures; we are effecting a cultural change throughout the Army that informs Soldiers that such behaviors will not be tolerated.

Sexual assault is a crime. "It is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted,

inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim (AR 600-20).”

There are several response groups for sexual assaults. They include Unit Victim Advocates (UVA), Sexual Assault Response Coordinators (SARC) or Deployed SARC, health care personnel, law enforcement and criminal investigators, judge advocates, and chaplains. There will be immediate response capability in all locations, including deployed locations to ensure timely access to appropriate victim services. There will be UVAs in all battalions and SARCs at the Division level or higher. The SARC will ensure system accountability and victim access to quality services as needed.

### REPORTING PROCEDURE



The UVA will be assigned by the SARC to support the victim and will be on call for a 24/7 response. The UVA will be available as long as the victim needs medical care and support throughout the process. The UVA will advise victims of their reporting options and with information on other services available to them.

The SARC is the “center of gravity” for the program. As such, the SARC must be flexible and creative in supporting the Command efforts to implement the program goals at the local level to ensure success of the program. Under this plan, the SARC is responsible for implementing prevention training and awareness program. The primary responsibility of the SARC is to serve as the “single point of contact” in coordinating victim care from the initial report to resolution of the victim’s health and well-being. Assisting the Command and first response groups to improve systemic barriers to victims’ services and offender accountability is a secondary role. The deployed SARC will assign UVAs to sexual assault victims while in the deployed environment. The deployed SARC will also ensure that all sexual assault victims relocated from Theater to Garrison, or vice versa receive continuous advocacy support.

The victim has two options when reporting sexual assault, restricted and unrestricted. The preferred reporting option is unrestricted reporting. A Soldier who is sexually assaulted and desires an official investigation of his/her allegation should make an unrestricted report. This report initiates the investigative process and victims are given the choice of receiving any and/or all the following services – medical treatment, a forensic examination, advocacy services, and referrals for counseling. Some benefits of unrestricted reporting include full investigation that hold offender(s) accountable, may encourage other victims to come forward, ensures the widest range of rights and protections to the victim, and enhance community safety. Some victims are concerned that they will not be believed, feeling of embarrassment and stigma, fear of reprisal from

the offender or perceive lack of privacy and confidentiality. The victims elects for the other option, restricted reporting.

Restricted reporting allows a Soldier who is sexually assaulted to disclose his/her assault to specifically identified personnel without triggering an investigation and maintain confidentiality throughout the process. To make a restricted report, the victim must notify the SARC, UVA, health care provider or chaplain. One of the four responders will offer the victim the choice of receiving any and/ or all of the following services – medical treatment, a forensic examination that will be maintained in a secure location for one year. The victim will also be afforded to receive advocacy service and referrals for counseling. Law enforcement will not be informed nor does the Chain of Command become involved, thus eliminating the opportunity for offender accountability. If the victim notifies anyone else, the report will automatically be an unrestricted report.

No matter what option the victim elects, the SARC or UVA responding to the victim must ensure the victim signs the Victim Preference Statement. The Victim Preference Statement informs the victim of his/her rights and the services and protection offered under both types or reporting. It also informs the victim that restricted reporting might limit the government's ability to prosecute suspected perpetrators. If the victim refuses to sign the preference statement, the SARC or UVA must make a formal report to an investigator and the appropriate Commander. After reporting a sexual assault and signing the preference statement, the victim is free to walk away without providing any further information thus not triggering the investigative process. There are some exceptions to the rule. When the SARC or the Command feels that the safety and well-being of the victim or other personnel are placed at risk by not disclosing information about the assault or when outside agencies become aware of the assault. A restricted report may

become unrestricted when the victim disclose his/her sexual assault to someone other than a SARC, UVA, medical personnel, or chaplain. In the event that information about a sexual incident is disclosed to the Commander from a source outside the restricted reporting avenues, or to law enforcement from other sources, the Command must report the incident to law enforcement. Law enforcement are authorize to conduct an independent investigation. The SARC, UVA, and medical personnel will not disclose covered communications unless the victim authorizes the disclosure in writing or another exception established herein applies. Improper disclosure may result in UCMJ, loss of credentials, other adverse personnel or administrative action.

In previous lessons H105, the Full Spectrum Operations Vera Cruz War, jobs were created in Mexico and the same was done with creating sexual assault response coordinators (SARCs). Many SARCs were trained to help prevent sexual assaults in the Armed Forces. The H106 lesson block focused on the chain of command and the same could be said when the chain of command was responsible for selecting the SARC and UVA. Also in H106, the role of the NCO evolved and again in the institution of the sexual assault program. History normally repeats itself, hopefully for the better!

In conclusion, if any Soldier becomes aware of a sexual assault, he/she should immediately (within 24 hours) report the incident to either the first LTC in the Chain of Command, CID/MP. This policy applies to incidents that occur on or off post and while deployed. Failure to report is inconsistent with the Army Values and is punishable under UCMJ. The Army leaders have learned from past mistakes and added chapter eight to Army Regulation 600-20. The Army leaders have directed prevention training to be conducted annually and that all service members attend. With this training, Soldiers learned how to report sexual assault in two ways, restricted

and unrestricted and what rights they have. The Army also added sexual assault response coordinators and unit victim advocates to the programs. Soldiers now know who to report sexual misconduct incidents. This is why all service members should take time out of their busy schedule to study military history.

## References

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