



Research Article

Copy Right@ James T Decker

# Military Sexual Assault

Ryan Kiesling and James T Decker\*

Department of Social Work, California State University, California

\*Corresponding author: James T Decker, Professor, Department of Social Work, California State University, Northridge California.

To Cite This Article: Ryan Kiesling, James T Decker. Military Sexual Assault. Am J Biomed Sci & Res. 2021 - 14(1). AJBSR.MS.ID.001959.

DOI: [10.34297/AJBSR.2021.14.001959](https://doi.org/10.34297/AJBSR.2021.14.001959).

Received: 📅 August 06, 2021; Published: 📅 September 08, 2021

## Abstract

The purpose of this research is to analyze the impact of the Department of Defense Directive 6495.01 that dictates how sexual assault response and prevention is handled within the military, using the Army SHARP program under HQDA EXORD 161-13, HQDA EXORD 221-12 & AR 600-20 as specific examples. This research will identify how this policy has impacted military service members who have been victims of sexual assault or harassment. We will also explore the effectiveness and ineffectiveness of these policies. In addition, we will examine what the experience of military service members who have experienced Military Sexual Trauma (MST) is like and how they are affected both in and out of service. The goal of this policy analysis is to research the effectiveness of the military's sexual assault, response, and prevention programs

**Keywords:** Military sexual assault, Sexual assault prevention and response (SAPR), Sexual harassment/ Assault prevention and response program (SHARP), Other than honorable discharge, Post traumatic stress disorder, Court martial, Rape, Sexual harassment, Substance abuse, Homelessness, Assault, Homicide, Suicide, Uniform code of military justice

## Introduction

Recently, the murder of army soldier Vanessa Guillen at Fort Hood sparked national attention toward sexual assault in the military. More service members have been speaking out, sharing their own experiences of harassment, and voicing their fears [1]. Sexual assault in the military is not a new problem. In the 1990's the army's Aberdeen proving ground scandal and the Navy's 1991 Tailhook Conference caused congress to start paying attention to the threat of sexual violence between service members. In 2003, a scandal at the Air Force Academy brought on public attention toward sexual misconduct between service members in a training environment and a focus on military leaderships response and prevention of sexual misconduct. Growing numbers of incidences were reported between service members in the Iraq and Afghanistan combat theaters. A social media group called Marines United that posted intimate and explicit photos of service members brought the focus on the culture of the military in relation to sexism and sexual violence [2].

In response to the growing attention around sexual assault in the military several guidelines for preventing and responding to sexual assault were developed. The Department of Defense put

out a directive (DoDD 6495.01) that outlines the roles of each upper-level member of leadership in each department and branch. They oversee and assign responsibilities for the Sexual Assault Prevention and Response Program (SAPRP).

More specifically related to the Vanessa Guillen case, the army has its own Sexual Harassment/Assault Response and Prevention Program (SHARP) that has recently come under scrutiny. SHARP is governed by HQDA EXORD 161-13, HQDA 221-12, and AR 600-20. The Secretary of the Army has recently expressed at a pentagon briefing that the Army's SHARP program has lost the trust of soldiers after a recent review of Fort Hood following Specialist Guillen's murder and said that the Army must take a hard look at its effectiveness (Cox, 2020).

To understand how the Guillen case and other sexual assault cases are handled we examined news articles along with the national press attention that highlighted the ongoing changes within congress and the public attention of the Vanessa Guillen case, which has brought attention to the military sexual harassment/assault policy. The keywords that were used to find articles were the following: military sexual assault, sexual assault prevention and



response (SAPR), sexual assault prevention and response program (SHARP), other than honorable discharge, post-traumatic stress disorder, court martial, rape, sexual harassment, substance abuse, homelessness, assault, homicide, suicide, uniform code of military justice.

## Results

### Reporting

In, *The Catch-22 of Females Reporting Sexual Assault in the Military: A Cause for Holistic International Intervention*, [3] the problems that females face in reporting sexual assault are analyzed. According to *Knoer*, the DOD estimated 18,900 sexual assaults had occurred since 2014 at the time the article was written in 2017. There was a 64% increase in victim reports between 2012 and 2014 in the military [3]. Deployed females were more likely to be raped by another service member than to be killed by the enemy [4]. *Knoer* put a spin on Joseph Heller's *Catch-22*, to try to explain one of the many obstacles to reporting that females face, he states, "There was only one catch and that was *Catch-22*, which specified that a concern for one's safety in the face of dangers that were real and immediate was the process of a rational mind, she was crazy for being a woman in the masculine world of the military. All she had to do was act like a lady to be protected; and as soon as she did, she was an outsider who didn't belong in the military. She would be crazy to act like a lady, but if she didn't, she was subject to abuse. If she acted like a lady, she was crazy and didn't have to put up with the abuse; but if she acted like a man, she was sane and had to put up with the abuse" [3]. Of the estimated 25% of sexual assault victims who reported being sexually assaulted, two-thirds of those faced some form of retaliation. Between 2012 and 2014, 62% of military personnel who reported sexual assault or harassment, experienced retaliation to include, being ignored by colleagues, denial of promotion or training, being transferred, or punishment for infractions associated with the assault such as underage drinking and fraternization [5]. The most common form of retaliation reported was social retaliation 53% [5]. Also, reporters of sexual assault were 12 times as likely to face retaliation rather than the offender getting convicted. Military sexual trauma is reported in 1 out of 5 females and 1 out of 500 men during active duty [6].

Mengeling M A, et al. [7] conducted a study to examine differences in reporting. They found that two factors influenced whether a service woman would report those factors, which were rank and education. Enlisted service members were more likely to report sexual abuse than officers and those members had at most a high school education. Currently, the DOD allows two types of reporting. Restricted reporting which gives service members the opportunity to confidentially report to designated military sexual assault response coordinators (SARC) or victim advocates and

receive medical treatment, counseling, and a forensic examination without sparking an official investigation. Unrestricted reporting begins with a full-scale investigation, along with all the same treatment and counseling that restricted reporting provides. The Sexual Assault Prevention and Response Office (SAPRO) formed in 1995 following an assessment of reporting and managing of sexual assault in the military by the DOD. SAPRO is responsible for oversight regarding policy surrounding sexual assault. Some of the reasons that most women do not report sexual assault include, not having enough proof, not wanting people to find out, fear of retribution from the offender, and poor treatment and denial by the criminal justice department [7]. In the military, consequences can arise from misconduct such as using alcohol. In 2012, a survey of service women found that 7% had experienced unwanted sexual contact and 33% of those women had reported it (*DoD, 2014*).

The Fort Hood Independent Review Committee (FHIRC) which is comprised of five civilians was formed in July 2020 as a response to the death of Vanessa Guillen and the other 30 deaths at the base. FHIRC interviewed 503 female soldiers, 93 of whom had credible allegations of sexual assault, only 59 had reported sexual assault [8]. The committee found that reports were not filed because of fear of retaliation toward those who file reports [8].

### Leadership

Are military leaders' behavior a factor for servicewomen's risk of sexual assault in non-deployed locations? A study by [9] looked to answer this question and found that sexual assault in the military (SAIM) was attributed to negative leadership behaviors (NCO's allowing sexually demeaning comments) and found that 13% of 1337 service women interviewed experienced SAIM in non-deployed locations. Military leaders have a critical role in influencing SAIM for female service members in non-deployed locations by enabling a culture that allows it to occur. In 2014, [5] the RAND corporation discovered that 5% of service women had reported being sexually assaulted in the past year, 5 times the rate of men. Most sexual assaults were in a military setting or by other military personnel, but it is not clear what percentage was between service members from this study. Ten to 33% of servicewomen will experience attempted or completed sexual assault during their time in service [10]. Leadership misconduct has been highlighted in the 1991 Navy and Marine Tailhook incidence, the 1996 Aberdeen Proving Ground incidence, the 2003 Air Force and 2013 Lockland Air Force Base incidences, a 2015 Fort Hood prostitution ring involving a SHARP officer, the Courts martial of Brigadier General Jeffrey Sinclair in 2015 and the courts martial of Sergeant Lucas Walker in 2016 for sex crimes [9]. The Department of Veterans Affairs also found that units with leadership making or allowing subordinates to make sexually demeaning comments and gestures toward female service members had a higher risk level for sexual

assaults than other risk factors such as prior victimization [11]. When harassment tolerance becomes the norm from first line leadership, the severity of sexual harassment increases. Female service members who feel that they will be blamed for the assault or treated differently are less likely to report the incident [9]. Research has shown that these concerns are valid [5,7&11]. Perpetrators are not prevented from committing offenses when leadership is unaware or fails to hold them accountable for their actions [9].

Recently, an article by Stars and Stripes (2020) [12] highlighted that Fort Hood has fired 14 leaders in response to an investigation launched in the aftermath of the death of Army specialist Vanessa Guillen. Among those who were suspended or relieved of command were, Major General Scott Efflandt III Corps deputy commander, Major General Jeffrey Broadwater 1st Cavalry Division commander and his Command Sergeant Major Thomas Kenny, Colonel Ralph Overland 3rd Cavalry Regiment commander and his Command Sergeant Major Bradley Knapp, and other leaders below the brigade level down to the squad level who will remain unidentified by the Army. The command climate and culture of Fort Hood was investigated by the Fort Hood Independent Review Committee, comprising of five civilians with military and law enforcement experience, which found that there were years of systemic failures at the leadership level. This problem is believed to be widespread among other bases as well. They found that the failures had gone on since at least 2014 and many of the leaders involved had gone on to other bases. It is understood that the 14 leaders that were fired are not solely responsible for the failures and that more work is needed to be done in the future. Their report also found that the command climate surveys that soldiers take showed much of the problems but were ignored in the larger units. Army Secretary, Ryan McCarthy, has started the People First Task Force, which will begin administering recommendations from the civilian committee's report. California representative Jackie Spier has called on the Department of Defense to begin looking into other military installations command climate [12].

Another article by Stars and Stripes (August 21, 2020) quoted Army Secretary McCarthy in his address at the pentagon, "I have determined the issues at Fort Hood are directly related to leadership failures", "Leaders drive culture, and are responsible for everything the unit does or does not happen to do. I am gravely disappointed that leaders failed to effectively create a climate that treated all soldiers with dignity and respect." [8] McCarthy is responsible for the senior leadership firings at the base which include a pair of two-star generals and several command sergeant majors among others. Also mentioned in this article are the findings made by the civilian led Fort Hood Independent Review Committee that soldiers at Fort Hood have lost confidence in the SHARP program which has led to retaliation and underreporting of sexual assault

and harassment cases within the enlisted ranks. The committee also found in three months of investigation that Fort Hood failed to adequately implement the SHARP program. Much of the military's sexual assault policies are focused on leadership responsibilities. The committee had nine findings and 70 recommendations to the SHARP program alone [8].

### **Punishment (Other Than Honorable Discharge, Courts Martial)**

Military sexual trauma (MST) often goes unreported; 85% of MST did not get disclosed in 2014 [13]. MST is not only endured by women; men also suffer MST but at a disproportionate rate. 23% of women as opposed to 1.2% of men although men make up most of the military [14]. Military members who are sexually assaulted are also at risk of reprisal. One study found that "one third of victims were discharged within seven months of reporting sexual assault" [15]. These service members also had higher instances of less than honorable discharges as compared to service members overall; 25% of MST victims had been separated for misconduct on some level [15].

According to Brooks & Pederson [16], veterans who receive other than honorable (OTH) discharges report more mental health issues, higher levels of alcohol abuse, and cannabis use than honorably discharged service members. These veterans also reported increased levels of negative perception toward mental health care [16]. OTH discharges bar veterans from receiving care from the VA for mental health and substance use (38 C.F.R. § 3.12). One study of Marines showed that a diagnosis of PTSD led to a higher probability that they would have a drug related discharge than others without a psychiatric diagnosis [17]. These veterans were likely to have been self-medicating for their trauma. Another study found that a post combat diagnosis of PTSD would result in a nine times higher probability of receiving an OTH discharge [18]. Another concern is that some veterans who receive OTH discharges have undiagnosed mental health issues and will be unable to access mental health care and increased difficulty in obtaining benefits through a review board [16].

### **Mental Health (PTSD, Suicide, Substance Abuse)**

Veterans within the VA who have a history of military sexual trauma are more likely to suffer from substance abuse issues, PTSD and depressive disorders, have more aggression and impulse control difficulties [19]. According to *Knoer K* [3] those who have been sexually assaulted in the military are at a higher risk of developing post-traumatic stress disorder. Victims of military sexual assault are 9 times as likely to suffer from PTSD related to military sexual trauma than PTSD related to combat [3]. Also, women who are sexually assaulted in the military are 9 times more likely to develop PTSD than those who have not been [3].

The way that men and women respond to sexual assault may be different. Women who have been sexually assaulted have more severe PTSD and depressive symptoms than men [3]. Men have more anger issues and develop substance abuse issues [20-22]. Sexual assault could impact how a person identifies sexually and affect their concept of self and challenge their masculinity or femininity [23,24].

There is also a higher level of reported shame and stigma among males [25]. One study that examined treatment outcomes for veterans in a seven-week treatment program found that men had a higher prevalence of sexual abuse trauma symptoms than women at discharge [26]. Another study conducted by *Tiet, et al.* [27] which focused on veterans in the VA who had a diagnosis of PTSD and were in an intensive treatment program found no difference between outcomes among men and women when testing the interaction between gender and military sexual assault [27].

## Culture

Most of the focus regarding sexual assault in the military is on treatment for the victim and prosecution of the offender. These actions take place after the assault occurred and do little to act as a primary preventive measure. To prevent sexual assault, the focus should be on preventing the assault in the first place, by looking at the aspects of military culture which allows it to occur [4]. The Department of Defense requires annual sexual harassment and assault prevention training but does not specify the format. It recommends that training utilizes group participation and interaction, a part of adult learning theory (*DoD, 2013*). A report by the Government Accountability Office (2008) [28] found that training often occurs in large group setting with no interactive components and is seen as a simple check the box training requirement. The training can also be computer based and loses the service members' attention by being heavily reliant on power point. The report also found that only between 61 and 88% of service members surveyed had received the training during the prior 12 months (*GAO, 2008*).

Military culture has been described as misogynistic, masculine, and hyper-masculine [29]. This culture intrinsically subordinates women and is believed to be a predictor of sexual assault [4]. *Schmid* (2010) argues that the masculinity in the military is a social practice which is "reinforced by a culture of the masculine and domination of the feminine" This is supported by *Vodjik* (2006) who posits that inequality and subordination is rationalized by masculinity as a social practice. She describes sexual violence as being necessary in a hyper masculine culture as a vector of dominance and power over the weak or feminine. *Vodjik* (2006) states that violence and denigration of the feminine is necessary for the warrior to prove his manhood. Recruits are often called derogatory terms that

label them as feminine or weak. Sexual assault, being a form of domination, is inherently part of the military due to its culture [4].

Changes have been made over the years to address issues deemed as contributing factors to military sexual assault. The don't ask don't tell policy, and restrictions on females in combat and other jobs which makes them "token", minority, or inferior [30] have either been eliminated or made more equal.

Following a meeting by Army Secretary of Staff McCarthy with the League of United Latin American Citizens and two members of congress on July 10, 2020, McCarthy had ordered an independent review of the command climate and culture at Fort Hood [31]. The Fort Hood Independent Review Committee completed their investigation in three weeks. House lawmakers were briefed of the committee's findings in December of 2020. In response, California representative, Jackie Spier stated, "A toxic culture was allowed to harden and set" [12]. The findings at Fort Hood are believed to be generalizable for the military.

According to the Army news service [32] on July 22nd, 2020, senior Army leaders in Washington stated that the Army will take extra measures to combat sexual assault and harassment within the branch. This includes changes to the promotion boards and competitions. Promotion boards and Best Warrior competitions will include situational questions that assess a soldier's response to what they should do during incidences of sexual assault and harassment. In fiscal year 2021 a module on trust building will be added to the "This Is My Squad" initiative that focuses on building unit cohesion. The Army also intends on improving race relations by expanding its dialogue with ethnic soldiers. Army Secretary of Staff, Ryan McCarthy acknowledged these are all things that require quick and decisive action to improve. He stated, "We can only do that by listening and learning from all of you" [32].

Army Chief of Staff Gen. James C. McConville said a culture shift within the Army must take place where Soldiers assume an active role in preventing and quickly reporting sexual assault and harassment to their chain of command. He stated, "What I need every leader to do is to teach our Soldiers -- to teach our leaders -that they must intervene," [32].

## Discussion

"They were very angry. They're heartbroken. They're in a lot of pain because they sent us their daughter and, quite frankly, we didn't take care of her." Army Chief of Staff Gen. James C. McConville statement at the memorial of Specialist Vanessa Guillen [32].

In California Representative Jackie Spier's opening statement at the Subcommittee on Military Personnel Hearing: The Military's #Me Too Movement: An Examination of Sexual Harassment and Perceived Retaliation in the DoD and at Fort Hood, July 29, 2020,

she stated, "When our service members pledge their lives to defend our nation, when their parents, brothers, sisters, loved ones, entrust their child, their sister, their friend to the military, it should be with the comfort that they will not be sexually harassed, demeaned, raped, or brutally murdered by one of their own. Specialist Guillen's death will not be in vain."

At first glance, the Department of Defense's Sexual Assault Prevention and Response program appears to be a well thought out policy to prevent and respond to sexual assault in the military. Victims of sexual assault within the National Guard and reserve who were assaulted prior to or while not on active duty are able to access the same services as active-duty members assaulted while on active duty. Adult military dependents can file both restricted and unrestricted reports. Service members who were assaulted prior to their enlistment or commission are also able to make reports and receive supportive services (DoD, 2013). These are wonderful additions to policy allowing the DoD to support those who are within the military family to receive help when the assault occurred outside of the military. But what happens when someone is assaulted in the military by a member of the military. One of the limitations of the military's policies governing sexual assault and prevention are that they take a top-down approach and address what the top leadership's role are in managing prevention and response within their own ranks. The DoD policy ends with placing the responsibility on each of the individual branches of service to carry out required trainings and develop their own policies.

The Army's SHARP program has recently come under great scrutiny for its inability to properly prevent and respond to sexual assault within its ranks. The death of Army specialist Vanessa Guillen served as a catalyst for several investigations and changes within the Fort Hood community and the Army as a whole. Like the DoD SAPR policy, the Army SHARP program offers top-down guidance and delegation of responsibilities for upper leadership and commanders. This leaves each duty station and unit subject to developing their own priorities and leaves their response at the mercy of their individual available resources. The top-down structure also only addresses top commanders' responsibilities and leaves junior commanders and first line leadership, who are often the ones closest to the victims, with little to no guidance or well-developed training to attack sexual assault and harassment where it occurs. If there is toxic leadership or incompetent leadership, then poor implementation of the policy can easily trickle down. An even worse situation exists when the assaults are being made by those with power over the victim through rank or chain of command, or the suspected assailant has close knit ties to the chain of command which will oversee their prosecution.

From a feminist perspective, the concept of power will be used to take a critical look at the SHARP program. Power dynamics is one

thing that the SHARP policy fails to recognize. It does a good job of outlining available resources, reporting options, and awareness training for prevention, but does not address how chain of command and power can negatively influence outcomes for victims. Consider the choices a lower enlisted service member must make when sexually inappropriate comments or behavior come from someone within their unit. Does that lower enlisted member make a report on their team leader to their platoon sergeant and run the risk of either not being believed, told it is not as big of a deal as they are making it, or worse being ostracized or cast out by their peers? Or do they simply keep quiet and try to ignore the harassment? When prevention training consists of a power point presentation that is the same for all levels of leadership and is viewed as a waste of time, check the box item to complete once or twice a year, are personnel in those lower-level positions of power being made aware of the power that they hold over their subordinates? Their power is not only in the means of giving orders, but in how lower enlisted members receive their messages even if they are inappropriate. In the military, it is not acceptable to speak back to an authority even if they are in the wrong. To make things worse, these lower-level leaders are not being trained to recognize that they may say comments or behave in ways that are sexually offensive.

SHARP trainings should differ for each level of leadership and be taught by the next higher level of leadership down, striving to ensure an understanding of the power one holds over others and how their professionalism must shine through in their everyday, informal encounters with their subordinates and peers.

Often, sexual assault does not occur as the first indiscretion. Sexual assault among service members sometimes begins with inappropriate comments, looks, private discussions among friends about the features of another service member, and inappropriate relationships (fraternization). Fraternization in the military is already prohibited among lower enlisted and non-commissioned officers (NCO's), and between enlisted and commissioned (officers) members. This does not prevent it from happening. When someone in a position of power uses their rank to attract a service member of lower rank they are abusing that power. If those parties are in the same unit or chain of command, then this abuse of power creates barriers to reporting any assault that occurs and creates difficulty in proving fault because both members may have begun the relationship with mutual consent. The imbalance of power provides a position of domination for the higher-ranking member, which may result in sexual behavior that is not wanted by the subordinate member. The ingrained respect for hierarchy in the military makes it difficult for the lower ranking member to voice their feelings without being silenced by the dominant, higher-ranking person in a position of power.

Another aspect of power relating to chain of command that the Army's policy fails to recognize is how having the perpetrator within the chain of command affects the investigation and reporting of sexual assault. If the victim has to report the incident to their SHARP representative, and that representative is an NCO within their unit, and the perpetrator is also of higher rank than the victim, there is a chance the victim will not feel comfortable making the report. Military units are sometimes close-knit families consisting of soldiers that have trained and deployed together. If the SHARP representative is a buddy of the perpetrator, there is a good chance that the report will not be made. Service members in positions of power may have long standing relationships with other members in power, including members overseeing a court-martial. These interpersonal connections of those in power can have a devastating effect on the lower enlisted service member who is being sexually assaulted by a higher-ranking member in their own unit. To be on the bottom of the totem pole trying to have one's voice heard about what happened as the result of someone higher on the hierarchy's actions, when the individuals at the top and in between have established relationships is an arduous task at best. Allowing service members to report to SHARP representatives outside of their unit and mandating that all investigations into sexual assault be conducted by an outside source, preferably a civilian entity, could be a step in the right direction in responding to the power dynamics within the military when it comes to reports and investigations.

During the Fort Hood Independent Review Committee: Investigation Hearing, an online public event that took place on Tuesday, March 16th, 2021, the committee found that some of the problems with the Judge Advocate General's (JAG) office handling the criminal investigation of sexual assaults was that the majority of their special agents were non-licensed apprentices without the experience to conduct complex investigations to determine trends in reported cases, and once personnel gained experience they were reassigned to other positions, including a senior officer in charge of an ongoing investigation. Reassignment is a normal part of being in the military and is often something that soldiers look forward to. The committee's suggestion was to keep JAG special agents at their duty station until the investigations they are involved in are complete or have them sign a waiver to voluntarily extend if their service contract is coming to an end. A better idea could come from the Navy. Mr. Omar Lopez, Director, Naval Criminal Investigative Service, was the only civilian on the second panel of leaders from criminal investigation units in the Army, Navy and Air Force. This is because after the Navy's own major sexual assault case, the 1991 Tailhook Conference, the Navy's Naval Investigative Service (NIS) failed to properly investigate the matter, in part to leadership, and a culture that subjugated women [33]. This resulted in the NIS being put under permanent civilian control and renamed NCIS [34]. By following the Navy's lead and making JAG a civilian entity, or by

making a special unit of civilian special agents within JAG to handle sexual assault cases or other long investigations, the Army could eliminate the problem of inexperienced agents being assigned to complex cases and end problems with agents being reassigned in the middle of investigations.

The I Am Vanessa Guillen Act of 2020, [35] addresses some of these concerns. First, it includes a modification to section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice [UCMJ]), "An officer specified in subsection (a)(8) may not convene a court-martial under this section if the officer is in the chain of command of the accused or the victim" (H.R. 8270). This takes away any member within the chain of command of the accused or the victim from the court-martial hearing for sexual-related charges, enabling an outside prosecutor to bring the charges. This removes the commander from determining whether to prosecute sexual offenses. Another feature of the act is the addition of section 920d. Art. 120d. sexual harassment, to subchapter X of chapter 47, United States Code of Military Justice. This makes the act of sexual harassment, as defined under section 920d. Art.120d, an offense subject to court-martial (H.R. 8270) [36]. The prosecution of sexual harassment will act as a preventative measure for sexual assault and help to alter the culture that enables sexual harassment to occur unchecked. The act also includes a requirement for the Secretary of Defense to establish a process for confidential reports of sexual harassment to be made, and to submit a report on the Sexual Harassment/ Assault Response Programs of each branch of service to congress within 180 days of the implementation of the act (H.R. 8270), this will force the policies being analyzed in this paper to be looked at by those in charge, and critically evaluated. The act was introduced in the house on September 16, 2020 [37-39] and referred to the House Committee on Armed Services the same day. The senate version S. 4600 was introduced to the senate the same day and referred to the Senate Armed Services Committee. The 116th congress convened on January 3, 2021, legislation had not been passed and the bill died, and was cleared from the books [40,41].

## Limitations

Information gathered for this analysis was gathered from the University's library database, news articles, social media pages dedicated to victims of military sexual assault, and ongoing congressional hearings. Articles were limited to those that have been published, restricting new insight from recent cases. Social media pages and news articles often offered new ongoing information about changes to the SHARP program, but a good deal of the information provided was opinion based. The ongoing hearings offered the best information on the current reviews and changes, but often needed to be viewed live as it was happening because some of the hearings were later edited. There was a lack

of insight from current leadership due to the nature of this analysis not including interviews.

## Conclusion

Determining how to best eradicate sexual harassment and assault in the military is difficult because there are many factors at play. Combat readiness often takes precedent over prosecuting sex crimes, and often leaves victims unjustly served. The very nature of the military, being a hypermasculine organization, can lead to leaders at all levels being unaware of the damage that sexual comments and seemingly harmless behavior can lead to. Toxic leaders can have an impact on service members by means of power differentiation, leaving victims powerless to voice what may have happened to them. The family like environment of the military can enable victims to be silenced as they become the enemy, seen as possibly trying to ruin a career of an authority's peer or longtime friend. The current policy that makes members of the chain of command of a victim or suspect leads to less reporting and convictions. To address this the Department of Defense needs to have oversight on the different branches and duty stations, to see what is working and what is failing within each branch and discontinue allowing each branch and duty station to operate separately. A hard look needs to be taken at the culture that enables sexual harassment to occur unchecked as a preventative measure for sexual assault. Leaders must be held accountable as well as perpetrators, and an outside party must take over the court proceedings for sex crimes. Often combat readiness takes precedent over prevention and prosecution of sex crimes; sexual harassment and assault in the military impacts combat readiness tremendously, especially when so much time and effort go toward reporting, investigating, prosecuting, and the trauma inflicted on the victims and their families.

## References

- Helling S (2020) After Vanessa Guillen's Death, Soldiers Speak Out on Sexual Harassment in Military. People.
- Kamarck K N (2018) Military sexual assault: A framework for congressional oversight. In B. S. Torreon (Ed.). Washington, D.C.: Congressional Research Service.
- Knoer KEB (2017) The catch-22 of females reporting sexual assault in the military: a cause for holistic international intervention. Nebraska law review 95(4): 1160.
- Schmid M (2010) Combating a Different Enemy: Proposals to change the culture of sexual assault in the military. Villanova law review 55(2): 475.
- Morrall A, Gore K, Schell T (2015) Sexual Assault and Sexual Harassment in the US Military: Estimates for Department of Defense Service Members from the 2014 RAND Military Workplace Study. CA: RAND Vol 2.
- (2015) US: Military whistleblowers at risk: retaliation for reporting sexual assault.
- Mengeling M A, Booth B M, Torner J C, Sadler A G (2014) Reporting Sexual Assault in the Military: who reports and why most servicewomen don't. Am J Prev Med 47(1): 17-25.
- Dickstein C, Thayer R (2020) Army fires several Fort Hood leaders, including a two-star, following probe triggered by several deaths at the base. Stars and Stripes.
- Sadler AG, Mengeling M A, Booth B M, Shea A M J, Torner J C (2017) The Relationship Between US Military Officer Leadership Behaviors and Risk of Sexual Assault of Reserve, National Guard, and Active Component Servicewomen in Nondeployed Locations. Am J Public Health 107(1): 147-155.
- Turchik J, Wilson S (2010) Sexual assault in the US military: a review of the literature and recommendations for the future. Aggress Violent Behav 15(4): 267-277.
- Sadler A, Booth B, Cook B, Doebbeling B (2003) Factors associated with women's risk of rape in the military environment. Am J Ind Med 43(3): 262-273.
- Thayer R (2020) Leadership failures outlined in Fort Hood report could go beyond the Texas base. Stars and Stripes.
- Protect Our Defenders (2016) Facts on United States Military Sexual Violence.
- (2012) Military Sexual Trauma Screening Report, FY 2011. Washington, DC: Department of Veterans Affairs. Military Sexual Trauma Support Team.
- Tayyeb A, Greenburg J (2017) "Bad Papers": The invisible and increasing costs of war for excluded veterans. Health 104(10): 1805-1811.
- Brooks Holliday S, Pedersen E (2017). The association between discharge status, mental health, and substance misuse among young adult veterans. Psychiatry Res 256: 428-434.
- Highfill McRoy R M, Larson G E, Booth Kewley S, Garland C F (2010) Psychiatric diagnoses and punishment for misconduct: the effects of PTSD in combat-deployed Marines. BMC psychiatry 10(1): 88.
- Booth Kewley S, Highfill McRoy R M, Larson G E, Garland C F (2010) Psychosocial predictors of military misconduct. J Nerv Ment Dis 198(2): 91-98.
- Kimerling R, Gima K, Smith M W, Street A, Frayne S (2007) The Veterans Health Administration and military sexual trauma. Am J Public Health 97(12): 2160-2166.
- Galovski T E, Blain L M, Chappuis C, Fletcher T (2013) Sex differences in recovery from PTSD in male and female interpersonal assault survivors. Behav Res Ther 51(6): 247-255.
- Maguen S, Cohen B, Ren L, Bosch J, Kimerling R, et al. (2012) Gender differences in military sexual trauma and mental health diagnoses among Iraq and Afghanistan veterans with posttraumatic stress disorder. Women's Health Issues 22(1): e61-e66.
- Zlotnick C, Zimmerman M, Woldsdorf B A, Mattia J I (2001) Gender differences in patients with posttraumatic stress disorder in a general psychiatric practice. Am J Psychiatry 158(1): 1923-1925.
- Mezey G, King M (2000) Male victims of sexual assault (2nd ed.). Oxford, England: Oxford University Press.
- Walker J, Archer J, Davies M (2005) Effects of rape on men: A descriptive analysis. Arch Sexual Behav 34(1): 69-80.
- Turchik J A, Pavao J, Nazarian D, Iqbal S, McLean C, et al. (2012) Sexually transmitted infections and sexual dysfunctions among newly returned veterans with and without military sexual trauma. International Journal of Sexual Health 24: 45-59.
- O'Brien C, Gaher R M, Pope C, Smiley P (2008) Difficulty identifying feelings predicts the persistence of trauma symptoms in a sample of veterans who experienced military sexual trauma. J Nerv Ment Dis 196(3): 252-255.

27. Tiet Q Q, Leyva Y E, Blau K, Turchik J A, Rosen C S (2015) Military Sexual Assault, Gender, and PTSD Treatment Outcomes of U.S. Veterans: Military Sexual Assault, Gender, and PTSD. *J trauma stress* 28(2): 92-101.
28. (2008) DOD's and the Coast Guard's Sexual Assault Prevention and Response Programs Face Implementation and Oversight Challenges. U.S. Government Accountability Office.
29. Pershing, Linda, Burke Carol (2007) Camp All-American, Hanoi Jane, and the High-and-Tight: Gender, Folklore, and Changing Military Culture. *The Journal of American Folklore* 120(477): 368.
30. (2005) Report of the Defense Task Force on sexual harassment & violence at the military service academies. US Dept of Defense.
31. (2020) Secretary of the Army announces independent review of Fort Hood. US Army Public Affairs.
32. Lacdan J (2020) Army leaders pledge culture shift to eradicate sexual harassment, assault. Army News Service.
33. Zimmerman J (1995) *Tailspin: Women at War in the Wake of Tailhook*. New York: Doubleday. ISBN 0-385-47789-9.
34. McMichael W (1997) *The Mother of All Hooks: The Story of the U.S. Navy's Tailhook Scandal*. New Brunswick, New Jersey: Transaction Publishers. ISBN 1-56000-293-X.
35. (2020) I Am Vanessa Guillen Act of 2020, HR 8270, 116th Cong.
36. (2021) H.R. 8270-116th Congress: I am Vanessa Guillen Act of 2020. GovTrack.us.
37. Bennett J (2018) Combating Sexual Assault With the Military Ethic: Exploring Culture, Military Institutions, and Norms-Based Preventive Policy. *Armed forces and society* 44(4): 707-730.
38. Carmody, Moira, Carrington Kerry (2000) Preventing Sexual Violence?. *Australian & New Zealand Journal of Criminology*, 33(3): 341-361.
39. (2013) Sexual assault prevention and response program procedures, Department of Defense Instruction 6495.02, incorporating change 4.
40. (2004) Task Force report on care for victims of sexual assault. Washington DC: Department of Defense.
41. Swecker C, Harmon J, Ricci C, Rodriguez Q, White J (2020) Report of the Fort Hood Independent Review Committee.