



NEVER ALONE

#WEBELIEVEYOU

Advocacy

Make us to choose the harder right instead of the easier wrong and never to be content with a half truth when the whole can be won.

- West Point Prayer

Never Alone Advocacy

- Nonprofit organization
- Comprised of survivors, victim advocates, attorneys, health care professionals, family members, service-members, and Gold Star Families.
- From across all branches of the United States Armed Forces.
- Founded by Amy Franck, former Sexual Assault Program Manager/Advocate for Cyber-Command

Executive Board

- Mrs. Amy Franck, D-SAACP Level IV/Forensic Interviewer
- Major General (USA Ret) Robert Shadley
- Mrs. Camilla Vance Shadley, RN
- Colonel (USA Ret) Wes Martin
- Colonel (USA Ret) John Pitchford
- Senior Executive Staff (SES) Warren Whitlock

Organizational Focus

- Advocate for those affected by sexual harassment, assault, rape, murder, suicide, and retaliation
- In addition, recognizing sexual misconduct also affects unit cohesion and command readiness
- 80% of male high school students cannot pass the standards to enlist; force must be diverse.
- Sexual predators harm both genders

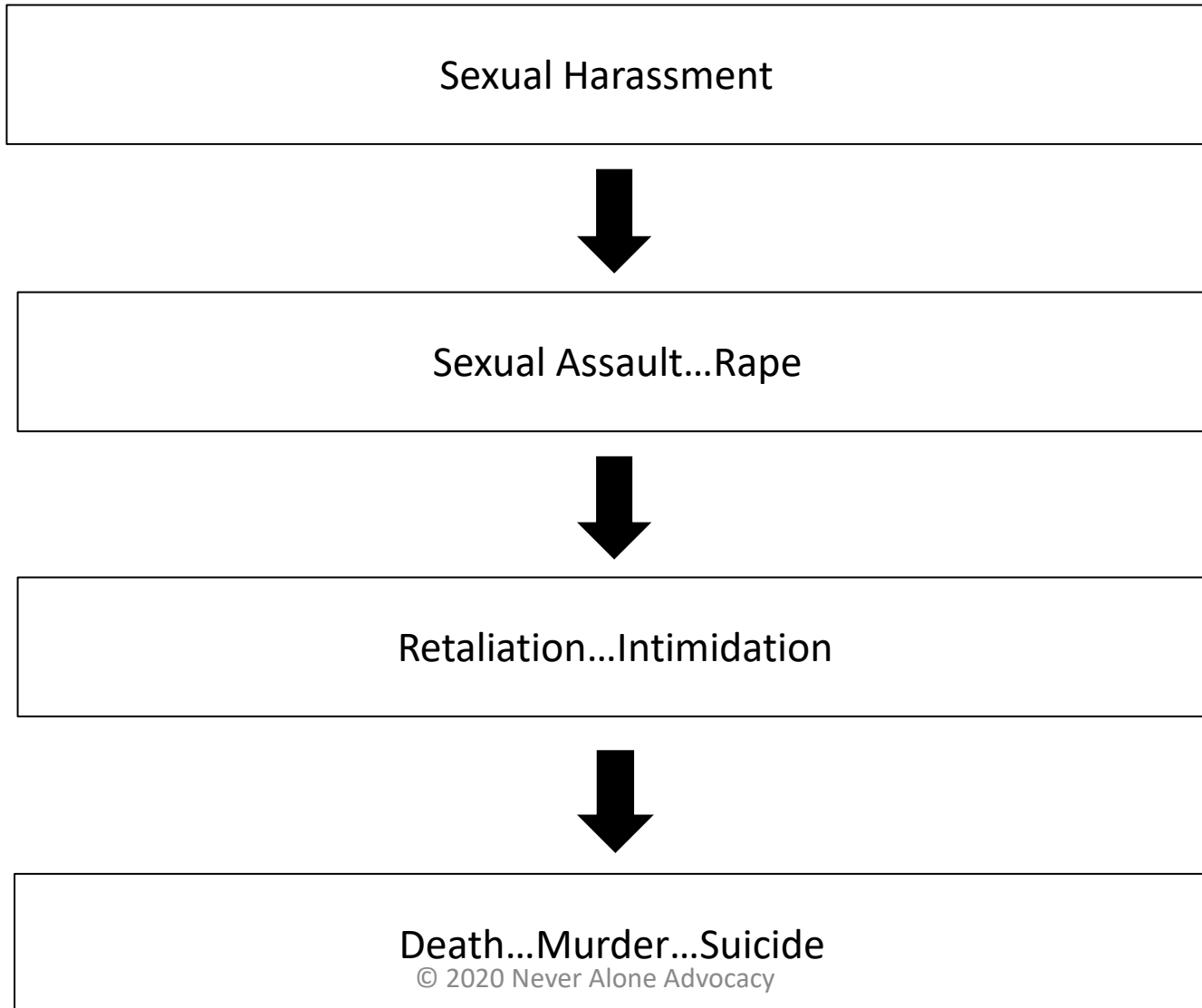
Sexual Misconduct Resulting in Death

“The Pattern”

- SPC Kamisha Block (2003)
- PFC Lavena Johnson (2005)
- Lance Corporal Maria Lauterbach (2007)
- PFC Adrienne Barillas (2017)
- Private Nicole Burnham (2018)
- SSG Morgan Robinson (2018)
- SSG Tina Sheonecker (2018)
- Private First Class Vanessa Guillen (2020)
- Sergeant Elder Fernandez (2020)

*Sample of Recent Cases

This Is The Pattern



Unique Institutional Memory

“The History”

- MG Shadley, COL Martin, and COL Pitchford were central figures in forcing Army reform concerning sexual misconduct in 1990s
- All three agree problem is worse now. In 1990s soldiers were not being murdered and committing suicide, as happened to soldiers mentioned above

Sexual Harassment/Assault Response and Prevention (SHARP)

- Army Program implemented to provide commanders at all levels regulatory direction in preventing and addressing sexual misconduct
- Commanders are violating US Federal Code CFR 32 § 105.8/105.9 and AR 195-2 para 1-7
 - Not reporting crimes to appropriate law enforcement agencies
 - Not protecting soldiers
 - Not engaged in oversight meetings
 - Not providing service member updates, information and access to care

Fundamental Command Failures

- Advocates are required to have “unimpeded” access to commanders
- Advocates are buried throughout the Military under multiple administrative staff layers
- Advocate positions are often filled with sub-standard performers and unqualified personnel
- Safety and Risk Assessments are not conducted and/or not implemented
- Special Victims Counsels have a limited scope

Fundamental Command Failures (Continued)

- Expedited transfers are improperly executed
- Commanders are moving victims to avoid addressing the real crimes
- Commanders abdicate their responsibility to take care of their soldiers
- Commanders fail to uphold the Federal Victims Crimes Rights
- Special Victim's Counsels are impeded from protecting their clients Civil Rights and Due Process

Legal Requirements Not Enforced

- Federal Victims Crimes Rights are not supported/enforced 18 U.S.C § 3771
 - Right to be protected
 - Right to be informed
 - Right not to be excluded
 - Right to be reasonably heard
 - Right to confer with an attorney
 - Right to timely resolution
 - Right to be free from delays
 - Right to be treated with fairness and with respect for the victim's dignity and privacy
 - Right to be informed of any plea bargain or deferred prosecution
 - Right to be informed of these rights

Failure of Care for Sexual Assault Victims

- Not protected from retaliation and bullying
- No continuity of mental health & legal care
- Do not receive proper referrals for support
- Blamed for circumstances surrounding assault
- Transfers not processed properly within the 30 days requirement
- No Advocacy beyond initial response

Failure of Care for Sexual Assault Victims (Continued)

- Administratively Discharged from the military for “Adjustment Disorders”
- Advocates are not properly trained to address suicidal ideations
- Risk assessments are not completed every 30 days
- Military Protective Orders and Reprisal Plans are not issued and/or enforced

Military #MeToo movement

- Due to lack of trust, faith and failures of Commands and the process
 - Service Members are posting publicly that they were sexually assaulted and retaliated against in desperation for help
 - DOD/Army has no protocol for outreach, reporting and addressing these crime reports
 - Victims are being exposed to additional retaliation, vulnerability and re-victimization

Failure to meet Congressional Mandate

- Defense Sexual Assault Incident Data Systems(DSAIDS), request error reports
- Integrated Case Reporting System(ICRS): Cases are not properly inputted into this system and deadlines are not followed in Sexual Harassment investigations
- Retaliation Data call information sent to HQDA SHARP: What is done with the information once forwarded to Congress?

Problems for SHARP Professionals

- Not given the independent power and authority to execute the mission and buried under administrative staff
- Sexual misconduct is treated as a Human Resources issue, it is a Force Protection/Readiness issue
- Active Duty Sexual Assault Resource Coordinator and Victim Advocate appointments requirement no background in Social Work or Behavioral Health

Problems for SHARP Professionals (Continued)

- No specialized training on executing advocacy, safety planning, and risk assessments or suicide; training is focused on reporting processes
- No standard education/experience requirement for civilians
- Zero support from HQDA, DOD Sexual Assault Prevention and Response Oversight (SAPRO) or National Organization for Victims Assistance (NOVA) for retaliation endured for advocating for crime victim's rights.

Solutions Identified by MG Shadley in 1990s Still Apply Today

- Prevention of sexual harassment and sexual assault should be a critical Force Protection mission.
- Hold senior leaders accountable.
- Routinely publish a list, in open source media, of leaders punished for sexual assault/harassment crimes.
- Make proactive enforcement of sexual assault/harassment policies and its procedures a part of the officer and NCO performance appraisal systems.
- Laws: Felonies, such as sexual assault, need to be prosecuted through a separate legal channel within the military, but outside of the Chain of Command.

Way Ahead

- SecDef and Chairman of Joint Chiefs must acknowledge that a DOD-wide problem exists and is pervasive throughout the forces
- Enforce existing regulations and laws
- Accountability of commanders and predators
- Implement the existing SAPR/SHARP Program
- Ensure consistency across all services in the execution of the laws governing SAPR/SHARP
- SAPR/SHARP positions must be a professional track filled with qualified, dedicated trauma informed specialists
- Congressional funding for SHARP needs to be used as designated, not a command slush-fund

Way Ahead (Continued)

- Require annual inspections by a specialized SHARP/IG team
 - Require that SAPR/SHARP positions report to the Commander O-6 or higher
- OR-
- Place Special Victim's Counsels/SARCs/VAs in a stand-alone command
 - Structured similar to CID
 - Maintains all oversight in CMG/SARB and Commanders O-6 and higher required to attend
 - Ultimately a Congressional hearing comprised of advocates and victims