

New Reforms Emphasize the Army's Commitment to Support Sexual Assault/Sexual Harassment Victims

Transcript: U.S. Army Directorate of Prevention, Resilience and Readiness Outreach Webinar

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Lytaria Walker: [00:00:06](#) Welcome to the Directorate of Prevention, Resilience, and Readiness Outreach webinar for April. At this time, all participants are in listen-only mode. However, you may ask questions at any time by placing them in the Q&A box. There will be several opportunities for questions throughout the webinar, and we should have some time at the end as well. Please note that the views of DPRR Outreach Webinar presenters are their very own and are not endorsed by the Department of the Army or the Department of Defense. This month our guests are Ms. Stacey Hale and Col. Robert Rodrigues. Ms. Stacey Hale currently serves as a plans and operations specialist for HQDA, DCS G-9 Director of Prevention, Readiness, and Resilience SHARP Program. For the past 25 years, she has served as a Department of the Army civilian providing services to Soldiers and their Families. Ms. Hale has a bachelor's degree in psychology from North Carolina State University with a focus in child and family therapy and a master's degree in social work from the University of Maryland School of Social Work specializing in trauma.

Lytaria Walker: [00:01:26](#) Additionally, she has achieved Master Certification in Critical Incident Stress Management from the International Critical Incident Stress Foundation. Ms. Hale is also certified by the National Victim Assistance Academy as a victim advocate and holds the highest-level certification from the DoD Sexual Assault Advocacy Credentialing Program. As a sexual assault response coordinator, Col. Rob Rodrigues commissioned into the United States Army Judge Advocate General's Corps (JAG) in 2002, currently serves as the Deputy Lead Special Trial Counsel for Operations Policy and Training and Acting Lead Special Trial Counsel in the Army Office of Special Trial Counsel at Fort Belvoir. He holds a BA in political science from James Madison

University, an MA in military law from the United States Army Judge Advocate General School, and a JD from Notre Dame Law School. His Military education includes completion of the Judge, Advocacy, Officer, basic and graduate courses, the Army Command and General Staff College, and the Army War College. Ms. Hale and Col Rodriguez, thank you so much for joining us today. Please take it away.

Stacey T. Hale: [00:02:57](#)

Thank you for setting all of this up. For those of you joining today, expecting to hear from Ms. Londagin, the director of the Army SHARP Program, my apologies that you got me instead. She sends her regrets. I want to first thank you for your interest in this important topic and applaud your support for the Program. I'm glad that you joined us today in the aftermath of the disappearance and death of Army Specialist Vanessa Guillen. The Fort Hood Independent Review Committee, the Department of Defense Independent Review Commission, and the Government Accountability Office all launched investigations or evaluations of the climate and culture across the Army that perpetuates sexual violence. They also conducted a thorough review and evaluation of the Army, Sexual Harassment, Assault, Response, and Prevention, or SHARP Program, and they told us what we should have known.

Stacey T. Hale: [00:03:55](#)

We have a problem. There is a significant gap between the prevalence of sexual harassment and assault and what is reported. They found a pervasive lack of trust, which acts as a barrier and stifles reporting. They found workforce deficiencies, a lack of specialization, and a lack of experience. They found barriers to accessing care and that available care wasn't adequate. The Fort Hood recommendations were combined with the IRC recommendations and the GAO report and serve as a catalyst for many of the changes we're going to talk about today. The ultimate goal is to enhance the Army's readiness through the prevention of sexual harassment and sexual assault and the associated retaliatory behaviors while providing comprehensive response capabilities.

Stacey T. Hale: [00:04:53](#)

The SHARP restructure efforts started just over a year ago when we initiated Phase One, during which, we established or strengthened offices at select Army Commands and Army Service Component Commands to ensure that each installation had a designated Program Managers who provide technical oversight to their subordinate lead SARCs, and they report to their respective commanding general as a member of their special staff. Lead SARCs serve at the installation or senior command level, but not at all geographic locations. They report directly to the installation Senior Commander, and they receive

their technical oversight from their respective Program Manager.

Stacey T. Hale: [00:06:01](#) Six months ago, we moved into Phase Two. During this phase, we are establishing the supervisory structure and the prevention capability. At the installation level, we're hiring supervisory SARCs who will report directly to the lead SARC. These positions are based on the number of Sexual Assault Response Coordinators and Victim Advocates that a lead SARC is responsible to manage. The primary role of a supervisory SARC is to maintain the proper OPM supervisory ratios and to assist the lead SARC by augmenting the technical chain for large organizations. Now, you may be looking at the slide and thinking, "Why is this important? Why are you telling me this?" Well, this is important because the in-state requirement is that we remove SARCs and VAs from the Operational Chain of Command, that we eliminate collateral duty SHARP positions, and that we strengthen and professionalize the SHARP workforce to regain or restore the trust that our Soldiers have in us.

Stacey T. Hale: [00:07:08](#) In order for realignment to incur, the supervisory structure must be in place. Once the supervisory structure is in place, installations can move into Phase Three and begin the realignment. SARCs and VAs will be realigned from the installation to the installation Senior Commanders TDA, from the operational chain of command in which they currently serve, and they will report to the lead SARC or to a supervisory SARC. During Phase Three, all SHARP professionals will migrate to a new DoD standardized position description. The target for this is June 30th, 2024. As I was going through those phases, and I outlined the criteria required to move from Phase One to Phase Two to Phase Three, you may be thinking that not all installations are going to be ready at the same time, and you're absolutely right.

Stacey T. Hale: [00:08:09](#) That will be subject to local conditions and hiring. But as full-time SHARP professionals are on-boarded to meet the demands of the caseload, we will reduce our dependence on Military manpower. As such, in Phase Four, we will eliminate most collateral DoD positions. The IRC report identified that victim advocacy requires a fully dedicated sexual assault response workforce that has specialized skills, knowledge, and competencies to fulfill the sexual assault prevention and response mission. They stated: "These positions are vital to the safety, security, and well-being of victims and survivors, and are more effectively supported through full-time civilian assets who are highly skilled and proficient in carrying out the essential

functions of the position." Although the IRC recommended that all victim advocates must be civilians, the Department recognizes there may be instances when establishing a full-time civilian asset to support the sexual assault prevention response mission in a deployed theater or expeditionary environment is not possible.

Stacey T. Hale:

[00:09:23](#)

Military personnel serve a vital role in our Program, and they will continue to do so in the future model, where deployable victim support specialists will be collateral duty positions that support and supplement the sexual assault response capabilities of deployed or expeditionary commands. They will provide immediate nonclinical crisis intervention and limited support during deployment, and they will complete a warm hand-off to a full-time sexual assault response provider. As soon as that's possible, there will also be a role for special assignment victim advocates. They will be in place to serve full-time in locations with a long-term Military presence where services are unable to fill victim advocacy positions with a full-time civilian employee due to the operational environment or the infrastructure. These Victim Support Specialists and Special Assignment VAs will ensure sexual assault response capability in a remote or austere environment and in deployment theaters of operation. Also in Phase Four, the United States Army Manpower Analysis Agency will conduct a full manpower study to determine if and where additional requirements may exist, and that will inform the request for exceptions to policy to retain collateral duty victim advocates for submission to OSD. The installation-based model incorporates professional technical oversight and is directed by the IRC and recommended by the GAO. The Army understands professional oversight as an aspiring social worker or medical professional intelligence officer, cyber or IT specialist. When you begin your first job, you work under someone who has done that job: someone who can coach, teach, and mentor.

Stacey T. Hale:

[00:11:45](#)

All other sexual assault response agencies, investigations, legal, and medical services have this type of professional oversight. SHARP has never had such a structure in the Command-based model. SARs and VAs were embedded in units and supervised and rated by Brigade Commanders, but there was no formal authority to oversee the program or the workforce requirements, resulting in a lack of standardization and synchronization across the enterprise. This structure de-emphasized specialization and experience. First Brigade might have a really good SARC or VA who provides exceptional services, but Second Brigade's position is vacant, and it has been vacant for a really long time. And Third Brigade's team? Well, they're new to the Program, and they lack experience. Under

the Command-based model, there were no formal opportunities across Commands or across Installations to coach, teach, and mentor SHARP professionals that were new to the Program

Stacey T. Hale: [00:13:01](#) As a result, services were inconsistent, resulting in a lack of trust. Once our course was set and the installation-based model was approved as a result of the services we were providing, we conducted a manning analysis that returned several assumptions. Assumption One: access to care starts with knowing how to access care. Much like embedded behavioral health, we know that if we make care available, people are more likely to access it. Sexual assault response coordinators and victim advocates will still be embedded in units they support whenever possible. SARCs and VAs are distributed across the force based on the population size at each installation, whether supporting a specific Brigade or providing overarching support. In some cases, resources will not be organic to a specific unit, but they'll be shared across the installation to cover multiple small tenant organizations or units. Each installation is responsible for ensuring that all tenant organizations on the installation are provided with sexual assault prevention response capability.

Stacey T. Hale: [00:14:17](#) Assumption Two: the National Defense Authorization Act for 2012 requires one SARC and one VA per Brigade or Brigade-like organization with over one thousand people. Most installations saw a significant increase in the number of full-time SHARP professionals on their installation based on population size and on the caseload, or how many cases that installation is managing over a span of time. That's a pretty important planning factor. Assumption Three: the response workforce should focus on response. This will ensure a dedicated full-time response workforce that is solely focused on supporting victims. SHARP specialists are also being added to the workforce at the installation level to enhance our prevention, education, training, and outreach efforts. Prevention specialists support the senior commander but work for all tenant commands on the installation.

Stacey T. Hale: [00:15:26](#) They are responsible for the coordination and implementation of primary prevention activities that address individual organizational and community factors that will contribute to sexual harassment and sexual assault. They are part of the SHARP program, but they work closely with members of the Integrated Prevention Advisory Group for IPA as well as other prevention programs on the installation. The installation-based model will improve access to care, as it will provide services,

much as it does for victims of other forms of violence and abuse in a similar manner to the Family Advocacy program. The model holds true for units and organizations where all components or subordinate units serve on a specific installation, as well as those that are geographically dispersed. Services will be provided in a manner similar to COMPO 2 or COMPO 3 for our Reserve and Guard Soldiers and their Families.

Stacey T. Hale: [00:16:36](#)

Victims will access care at the closest installation regardless of affiliation, COMPO, or Branch of Service. It establishes a No Wrong Door approach to sexual assault prevention and response. These services can be provided by our sister Services through the local hotline DoD Safe Healthline. Department of Defense Forms have been updated to provide the capability to take reports by telephone or digitally or electronically, or through a VA who is working hotline support. That individual can then coordinate care to support services wherever they're available closest to the victim. The installation-based model is a victim-centric model. Our focus is not on forms; it's not on taking reports. It's about providing the best possible care to a person on the worst possible day of their life. Col. Rodrigues, please tell us about the changes in the military justice process.

COL Rob Rodrigu...: [00:17:48](#)

Thank you, Ms. Hale. I am very excited to do so. Good morning, good afternoon, good evening. I really appreciate the opportunity to talk to you all about the new Office of Special Trial Counsel. I'm going to take roughly 20 minutes to talk a little bit about our organization, how we got to this new program, what we do, and what that means for victims and for SHARP professionals.

COL Rob Rodrigu...: [00:19:28](#)

I'll talk on the background of the SHARP program just to give you a little bit of context, and then I want to tell you about the OSTC itself, who we are, where we are, and how we have organized ourselves. Third, I will talk about the mission and how it's different from how business was being done before.

COL Rob Rodrigu...: [00:20:23](#)

Those of you that have been working in this space for a while will be familiar with what I have to say now, but for those of you that may be newer, I think it's important to get a little bit of context here on how we got to this point. I've been doing this for 22 years: almost the entirety of my career. There has been an increased scrutiny on how the Military handles sex assault cases, which started to peak around 10 years ago when certain members of Congress brought up a couple of problems with our Military justice system. One was the fact that Commanders, persons without legal training, were making decisions about whether or not cases should proceed to a court martial.

- COL Rob Rodrigu...: [00:21:31](#) Members of Congress said, "Why is a non-legal person making what is essentially a legal decision?" If you compare us to the civilian side, the person that decides about prosecuting a case is a prosecutor. If you work at Walmart, your boss at Walmart doesn't decide if you go to court. That was one critique of our system. Another critique was that the actual Army prosecutors traditionally would change jobs as frequently as once every one to three years. And we don't just do military justice there, prosecutors practice in all sorts of other areas of the law.
- COL Rob Rodrigu...: [00:22:32](#) One might be doing military justice one year and then you switch to advising a Commander about the law of war or the rules of engagement and doing that for two years. One's next job might be doing contracts or fiscal law: money stuff. All are important jobs, and the Army needs legal support in all those fields. But if you want to get an expert at doing something they need to keep doing it. We all say practice makes perfect, so the idea was that if we don't have a specialty assignment for folks that they can keep doing military justice, they're not going to be very good at it.
- COL Rob Rodrigu...: [00:23:31](#) We need people that are good at this because sexual assault cases are typically the hardest cases to prove in court because it's not a crime that tends to have a bunch of witnesses. It's usually one person's word against another person's word. To be able to prove those, you need attorneys that have the experience, the skills, and the training to be able to effectively present these cases and to be able to convince a judge or a jury to find someone guilty.
- COL Rob Rodrigu...: [00:24:30](#) If you've been reading the sexual assault case reports, then you know that these incidents have gone up. There's always the never-ending debate as to is it because there's more sex assault taking place in the Army, or is this actually a good news story because victims feel more comfortable reporting and coming forward and that's why we're getting more reports? I don't think we'll ever come to a conclusion on that. From the outside, looking in, seeing the trend going up every year for reported sex assaults is a sign that whatever we're doing is not working to bring sexual assault down.
- COL Rob Rodrigu...: [00:25:24](#) You have several high profile cases where a victim is not treated well, where a Commander maybe made a decision that could be criticized in hindsight as a further justification for doing something to change the system. If you've seen The Invisible War, that documentary that came out in 2012, it laid out a couple of real-life situations where the system did not work as it should have, and where victims were not treated as they should

have been. That was mandatory viewing for Military Justice Practitioners when it came out, and members of Congress were also watching it and saying that the system was broken, and it needed to be fixed.

COL Rob Rodrigu...: [00:26:24](#)

If you're a SHARP professional, the Independent Review Commission (IRC) is probably something you've heard a lot about. When Secretary Austin took office, he conducted a 90-day review, and then a bunch of recommendations came back from the IRC in terms of how to change business. The biggest recommendation from the IRC was to create an independent prosecution office separate from the Chain of Command. Congress approved it and then laid out the details in the Fiscal Year 2022 National Defense Authorization Act, telling the Army and the rest of the Services that they would create an independent prosecution office that reports directly to, in our case, the Secretary of the Army.

COL Rob Rodrigu...: [00:27:37](#)

All prosecutors are going to be assigned to that Office; they're not going to work for Command. They're going to work for the Lead Special Trial Counsel in this Office. That office has been operational since December 2023. The idea was taking the power of decision-making away from Command and giving it to lawyers, and then having an organization that lawyers can get into and stay there, progressing to different levels within the organization as you advance in your career instead of leaving for other positions, to be able to build up that legal expertise needed for these tough sexual assault cases.

COL Rob Rodrigu...: [00:28:40](#)

This doesn't apply to every crime, it only applies to what the Congress calls covered offenses, so it's certain crimes that we're talking about, and I'll discuss exactly what crimes those are later. I just want to give you kind of a sense of how we're organized. I mentioned that this is an independent organization and that it falls under the Secretary of the Army. On the slide you can see the leadership of our organization: a Lead Special Trial Counsel who directly reports to the Secretary of the Army with no one in between. Our headquarters is there at Fort Belvoir, Virginia, and besides military attorneys and support personnel, we've also got five GS-15 prior civilian prosecutors with decades of experience prosecuting cases in the civilian world who are here as advisors and trainers.

COL Rob Rodrigu...: [00:30:00](#)

They can't be at the podium presenting a case at a Court Martial, but they're right behind that prosecutor helping and providing guidance and assistance. We have the expertise in place to make sure our folks are going to get the training, coaching, and mentoring to be able to put on the best case

possible. In this middle dark grey are our circuit headquarters. We have eight circuit headquarters: six CONUS and two OCONUS. These are the middle management of the organization who manage the day-to-day operations down at our field offices.

- COL Rob Rodrigu...: [00:30:54](#) We have 28 field offices where the prosecutors actually work and interact with victims and law enforcement, develop investigations, and ultimately prosecute cases. If you go to the next slide, I'm going to talk about certain people and their roles and things like that. Let's break it down by level and examine each role more closely. Up at the headquarters, we do what any other headquarters does in terms of laying out policy, managing the organization, and things like that. The other thing we do, and this is where it starts to get different from the old way of doing business, is that instead of a Commander at an installation making the decision about a court martial, you see that we are making that decision.
- COL Rob Rodrigu...: [00:32:03](#) Below that, our circuit headquarters are the middle management of the organization and the direct supervisors for our field offices. They are also referring cases to court martial themselves, and if it's not a penetrative sexual assault or a homicide, it's generally going to be at their level.
- COL Rob Rodrigu...: [00:33:03](#) At the end of the day, it's our decision, but the victim is always going to be involved in that conversation in terms of getting to express their preference for what happens in a case. We also will take a recommendation from the Chain of Command. They still make recommendations, but they don't get to make the decisions. At that lowest level down at the field offices, that's where the work is actually getting done.
- COL Rob Rodrigu...: [00:34:06](#) There are civilian positions in each field office who are responsible for coordinating with victims from the investigations through prosecution, making sure they are kept up to date on developments in the case. If they need a hand being held as they're sitting in a waiting room waiting to go testify, the SVL can provide that as well. We have what we call our Victim Engagement Plan (VEP) here in the OSTC which is our way of making sure that from the moment a victim reports a crime, our office is in touch with them and keeps them updated on the status of the case. This includes getting any input from that victim in terms of a preference to participate in a case, willingness to testify at trial, approval of an offer to plead guilty that an accused has made, and everything else related to that case.

- COL Rob Rodrigu...: [00:35:23](#) That's one of the cornerstones of how we're doing business differently here at the OSTC to make sure we're treating victims the right way. Throughout this process the hope is twofold. If you keep a victim up to date, you treat them with respect, and they are more likely to see this process through and participate in a case. There's nothing more frustrating for a prosecutor than having a case that you believe you can prove that the accused is guilty but you can't go forward because the victim, for whatever reason, decides they don't want to participate in a court martial. Testifying is scary. I've been in court a million times, and I'm pretty comfortable in court. I've only had to testify as a witness once, and it was terrifying.
- COL Rob Rodrigu...: [00:36:24](#) So I get it. We need to do what we can to make victims more comfortable because we can't prosecute a case without them. The other hope is that, in terms of encouraging others to report, if a victim has a "good" experience (good in quotation marks because there's nothing good about this process or what happened to them), if they feel they were treated fairly, that will encourage other people to come forward.
- COL Rob Rodrigu...: [00:38:14](#) Here is the regional approach to coverage for different installations. Every installation has an STC who is responsible for that installation. We split up the world into eight circuits and then have every installation that falls within those eight circuits geographically assigned to one of our field offices for support. I've seen a couple questions about things like the National Guard and Reserves, and that's a great question. This is a geographical model in terms of providing support to the field, and if you're active duty, you're subject to the UCMJ. For Guard or Reserves you've got to be in a status at the time the crime was allegedly committed that would subject you to the UCMJ. For mobilized Reservists, if you're subject to the UCMJ, this model applies to you. We've actually got Reservists working in our offices as well to help us develop those cases and prosecute if necessary. For National Guard, typically you're going to have to be on a Title 10 status of some kind for the UCMJ to apply to you. The short answer to that question is if you're in a status where the UCMJ applies then this model applies to you.
- COL Rob Rodrigu...: [00:40:09](#) Now I want to talk about what do we do, what is our authority. Effective December 2023, we began exercising that independent authority to make decisions about covered offenses. This includes making that decision about whether or not something even is a covered offense. The Command can't say, "No, no, no, no, we're going to keep this one." We make the decision if it's a covered offense, and then we make the decision about whether or not this goes to trial or not.

- COL Rob Rodrigu...: [00:41:00](#) If someone were to want to plead guilty, we make the decision about whether to accept that guilty plea or not in consultation with the victim. All of those decisions historically were made by Commanders, so this is the big change. For any case of a covered offense committed after December 28th, 2023, we automatically have that authority. For crimes committed before December 28th, 2003, we have discretionary authority over whether or not we take it and put it in this new process or else leave it to the Command and have it processed by the old process. Either way, whatever decision we make is final.
- COL Rob Rodrigu...: [00:42:03](#) No one can make us change our mind. These decisions are under a completely independent authority. If we decide to exercise authority over a case and then decide it's not suitable for a court martial, that could be for a number of reasons. Either the evidence just isn't there to support a court martial, it may be that the crime just is not serious enough to support a court martial, or it may be that a victim just refuses to testify and doesn't want to go forward for any other reasons. We can defer the case back to the Command, and then the Command can take whatever action they think is appropriate, with the exception that they can't send it to a special or general court martial.
- COL Rob Rodrigu...: [00:43:00](#) Generally speaking, a sexual assault case that's a general court martial is the most serious court martial. The bottom line is if our Office says it's not going to be a court martial, and we give it to the command, they're going to take some other lesser action that's not a court martial. What this doesn't change, though, is how crimes are reported. Don't tell people to come report crimes to our office. The reporting remains the exact same.
- COL Rob Rodrigu...: [00:43:57](#) This is the list of covered offenses, and I want to make a couple of highlights. The biggest offences for you all are going to be the Article 120s which are rape and sexual assault. You see retaliation on there and sexual harassment which becomes a covered offense in 2025. Formal substantiated claims of sexual harassment that will fall under this list of covered offenses where we will be making the decision initially about what action to take for sexual harassment, so that will add to our workload tremendously, and it's going to take a little bit of extra coordination. There will probably be some growing pains in making sure those investigations actually get to us because people are used to doing Command investigations for harassment and then dealing with it at the Unit level, but that's actually going to have to come to us for those formal substantiated claims.

- COL Rob Rodrigu...: [00:45:11](#) A known offense is some other crime allegedly committed by someone who's accused of one of these covered offenses. Let's say you have an accused who is suspected of an Article 120 sexual assault, and they also came up hot for drugs. If they have committed at least one crime on here, our Office has authority over everything that they're suspected of, so there aren't going to be two separate trials or something like that, we're going to take control of everything. Related offenses are when I've got a victim of a covered offense, and they also are accused of some sort of misconduct (a common scenario would be a victim who is underage who was drinking alcohol). That falls under our authority as a related offense, and we have the authority to decide what action to take or not take against a victim in a case who also has some other misconduct.
- COL Rob Rodrigu...: [00:46:55](#) I don't want to give the impression that the Commanders are completely out of the loop or that the Commanders don't matter, because that is absolutely not the case. In terms of Commander authority over sexual assault and other covered offenses, they still provide input to us as recommendations. If we give the case back to them because it's not suitable for court-martial then they take whatever action they think is appropriate. We can't tell them what to do. We might make a recommendation back to them, but ultimately it's up to them. The only limit is that they're just not going to be able to court martial the person at a serious level court martial for the offense.
- COL Rob Rodrigu...: [00:48:20](#) The things that have not changed are care for victims, care for the accused, and care for others as a Command responsibility. We're not in anyone's Chain of Command at that installation. We have our own separate Chain of Command, so when it comes to accessing services, support from the Unit, or other things of that nature, that remains a Command responsibility. As far as actually putting on a court martial, like the organization chart shows, we simply do not have the personnel to take those over fully.
- COL Rob Rodrigu...: [00:49:15](#) With all the administration and logistics to do a court martial, our Office could never hope to do them ourselves. We still rely on Command to do a lot of the administrative and logistical lift that it takes to actually put on a court martial. For anything not on that list of covered offenses, the old process is still in place. Things like stealing, regular assault, drugs, AWOL; as long as they aren't otherwise related to a covered offense, Command is still 100% in charge of those cases, and the old system remains in place.

Lytaria Walker: [00:50:22](#) Thank you Col. Rodrigues and Ms. Stacy Hale for your presentations. We will now take questions from the audience. If you would like to ask a question, please type your question in the Q&A box and we will read them aloud. There will be a short delay before the first question is announced.

COL Rob Rodrigu...: [00:50:41](#) "Is the Commander still responsible for the 4833s?" Yes. There are so many regulations and policies that have to be updated to account for our existence. All the regulations talk about the Commander's responsibilities, and then when it's our Office doing it all those regulations have to be changed, and it's only for certain crimes. So it gets pretty complicated. I could see a future where the STCP completes the 4833 if it's a case we prosecuted, but until that changes, Commanders are still responsible.

Lytaria Walker: [00:51:49](#) A question here from Diane Rose: "At what point would a case go to civilian court instead of military court?"

COL Rob Rodrigu...: [00:51:59](#) That all comes down to a question of jurisdiction; which authority has like the legal ability to take a case, so it can get complicated depending on where you are. For UCMJ jurisdiction it doesn't matter where the crime occurred, the Army has authority over you. For civilian courts to have jurisdiction, the crime has to occur in a place where that civilian authority has jurisdiction. That either means off-post—there's always going to be some civilian jurisdiction off-post—or on-post if there is something called concurrent jurisdiction.

COL Rob Rodrigu...: [00:53:03](#) So it gets complicated. One of the things we always ask our victims as part of our Victim Engagement Plan is, "Do you have a preference on a civilian prosecution or a military prosecution?" And if they say civilian prosecution and the crime occurred in a place where the civilians have jurisdiction, we will reach out to the civilians and say, "Hey, we've got this case. Do you want to take it?"

Lytaria Walker: [00:54:03](#) We have a question from Dana Price: "How is this going to work for USACE?"

Stacey T. Hale: [00:54:36](#) USACE is certainly different. They take geographically dispersal to a whole new level, but the victim will still access services at the installation or location that is closest to them. The SARC or VA might not be at our regional headquarters, and they might not be at USACE: they'll be wherever the victim is, and that's where the services will be provided. USACE has had a 125% increase in their full-time SHARP authorizations under the installation-based model, and so they're going to be following

our regional support model. Again, the most important thing is the victim is going to access care closest to where the victim is.

- Lytaria Walker: [00:55:45](#) We have another question from Dietra Woods: "Are Brigade Commanders given this same briefing when they go through the pre-Command course, and then required to receive this training again once they're assigned to their installation? Especially concerning their role within the sexual assault cases?"
- COL Rob Rodrigu...: [00:56:17](#) Commanders at all levels have been trained on this. I've given this briefing to Army Senior Leaders all the way down. They should be very much tracking the change in their authorities. For the most part, if you say "Hey, we're going to take this off your plate and you can focus on other things," Commanders respond, "Great, what else do you want to take?" The response has actually been really positive from Commanders. We've been at this for four months now and I have not heard of any Commanders trying to hold onto this responsibility. That's just not happening as far as I can tell.
- Stacey T. Hale: [00:57:22](#) I'm going to jump in with a question from the chat: "Is collateral misconduct not going to be addressed by the commanders anymore? For example, if a victim was underage drinking, are they going to be facing punishment under related offenses? How can we encourage victims to come forward if they are afraid of getting in trouble too?" From a SHARP perspective, the Safe to Report policy isn't going to change, and that states that if the individual is found to have engaged in collateral misconduct as a part of a sexual assault investigation, that can be deferred by that Command so that they will come forward and that they will feel safe to make that report and to access care. Does anything we said this morning change that Col. Rodrigues?
- COL Rob Rodrigu...: [00:58:11](#) Absolutely not. The Safe to Report policy applies to us just as the same as it did to the Command when they were making decisions related to these cases. If we're exercising authority over a sexual assault case, and you've got this collateral misconduct by a victim, generally speaking, if it's a minor collateral misconduct, the policy says to not take any action against that as a means to encourage victims to come forward.
- Lytaria Walker: [00:58:57](#) Thank you for those answers. Unfortunately, we have run out of time, and we'll need to conclude this morning's webinar. I want to extend a gracious thank you to Ms. Stacy Hale and Col. Rob Rodrigues for taking the time today to provide this great presentation for us. Thank you listeners for joining today's webinar as well. Once the webinar concludes, you will be

prompted to complete a survey. We appreciate your feedback as this helps us to improve upon future webinars. If you'd like to receive invitations for DPRR webinars and receive the latest news and information from the Director of Prevention, Resilience, and Readiness, please go to DPRR's website at armyresilience.army.mil and sign up for notifications there. Today's webinar slides have been dropped into the chat box. They will also be emailed to registered participants. Please hold on to those slides as you will need them as attendance verification for attending today's webinar in order to receive your CEU credit. Thank you for joining us today and have a wonderful rest of your day.