

United States Senate

WASHINGTON, DC 20510

January 15, 2020

The Honorable Ryan D. McCarthy
Secretary of the Army
101 Army Pentagon
Washington, D.C. 20310-0101

Dear Secretary McCarthy:

We write in light of a recent *Associated Press* report that highlights the mishandling by leaders of the Illinois-based Army Reserve unit, the 416th Theater Engineer Command (TEC), of at least two sexual assault allegations. As you know, the Department of Defense's (DOD) Sexual Assault Prevention and Response (SAPR) Instruction 6495.02, which has been updated over the years, outlines DOD policy and procedure with respect to addressing sexual assault and applies Department-wide. However, *The Associated Press* provides a troubling report about 416th leadership disregarding sexual assault prevention and response instruction, and calling into question the Army's commitment to appropriately preventing and responding to such challenges. We urge you to pursue a comprehensive review of the troubling charges brought to light by this article and provide clarity on any ongoing Army investigation into handling of sexual assault claims by the 416th.

According to *The Associated Press*, a civilian victim advocate with the 416th alleged that the Command launched internal investigations into at least two complaints rather than referring them to the Army's criminal investigation division as required by regulations and Federal law. This policy is critical to ensuring that investigations are conducted without bias and in a fair, comprehensive, timely, and transparent manner. In another case, the Command placed an alleged victim on a firing range with someone she had accused of sexual harassment, causing her to fear for her safety.

Further troubling, according to *The Associated Press* report, the Command failed to implement a number of policies and procedures, including holding monthly sexual assault management meetings and operating without a Sexual Assault Response Coordinator (SARC). Moreover, the Command reportedly suspended the civilian victim advocate after she alerted the Army to the Command's failures, raising serious questions about retaliation. Accordingly, we urge you to include as part of your review a close look at any allegations within the 416th TEC of reprisal against service member victims of sexual assault or harassment, SARCs, or SAPR Victim Advocates.

The 416th TEC serves as headquarters for nearly 11,000 soldiers located throughout the United States and provides technical and tactical engineering support to the U.S. Armed Forces.

Command leadership, like all other Soldiers, have a responsibility to serve and protect the men and women who are tasked with successfully carrying out this mission, including taking seriously allegations of sexual assault.

We appreciate your attention to this important matter and look forward to a timely response.

Sincerely,



Richard J. Durbin
United States Senator



Tammy Duckworth
United States Senator