

TRAINEE ABUSE CASE STUDIES

The purpose of this case study is to provide other commanders and cadre an opportunity to learn from how I, a battalion commander of an AIT battalion, handled a specific instance of trainee abuse. I will provide insight on how the trainee abuse was identified and investigated, and what command action was taken.

The following case is of an actual situation, however the names and unit references have been changed due to privacy act requirements:

FACTS:

SSG Male Instructor: A male AIT MOS course instructor. Approximately 15 years in service. He is married to a non-military spouse, and they have two children. Their marriage had been experiencing some difficulties for months preceding the incident.

PVT First Female had just graduated from her MOS course when she reported to her unit cadre that SSG Instructor was asking her to go to a concert with him since she had just graduated from her AIT course. SSG Male Instructor told her that it was alright to do so because she now had permanent party privileges. PVT First Female was slated to remain at the installation to complete follow-on ASI training. Because PVT First Female felt uneasy about whether or not she should go out with SSG Male Instructor, she decided to get clarification from her unit chain of command.

Unit cadre immediately requested the Investigative Services Division (ISD) of the installation's Provost Marshall's Office to investigate and confirm whether or not SSG Male Instructor was violating the TRADOC policy regarding prohibited practices. The unit requested ISD to conduct a sting to apprehend SSG Male Instructor with PVT First Female. ISD decided not to investigate because it considered PVT First Female a permanent party soldier, who could socialize with SSG Male Instructor. The unit commander and the battalion commander spent a few days reasoning that, for all intents and purposes, PVT First Female was still a trainee and did not have permanent party privileges, but privileges that approximate those of permanent party personnel. However, this did not change ISD's or OSJA's position, so the unit proceeded with what it had collected during the AR 15-6 investigation.

The investigation revealed SSG Male Instructor had, discreetly and unbeknownst to cadre personnel, exercised poor judgment and behaved in an unprofessional manner during the three to four weeks preceding PVT First Female's graduation date. PVT First Female stated that immediately after the graduation ceremony, while escorting her father through the training department, SSG Instructor told her father, among other things, that his daughter was very beautiful, and that alone would get her far in the Army. During this tour, SSG Instructor invited her to ride with him on his motorcycle to a concert in the area. SSG Instructor called PVT First Female at the barracks that weekend, and we discovered that he had not only called her at the barracks before but had also given her his cell phone number to contact him.

PVT Second Female submitted a sworn statement, supported by female and male AIT classmates, that SSG Instructor had wrongfully sexually harassed her by making unwanted physical contact with her when he spread her legs apart while they were training on a vehicle. Later that same day, SSG Instructor apologized to the entire class and asked them not to tell anyone, because he could get into trouble. A week or so previously, SSG Instructor had been talking to PVT Second Female about something and told her he was trying to flirt with her. Another time in a training department hallway, SSG Instructor dropped PVT Second Female for push-ups and bent down beside her and told her that he dropped her because he was jealous, because she had been talking to a male trainee.

SSG Instructor's defense was that he was merely trying to take care of PVT First Female by inviting her to attend the concert with him and his wife, although his wife backed out at the last minute. He also stated that he did not believe that he did anything wrong because he believed her to have gained permanent party privileges. SSG Instructor denied all of the allegations made by PVT Second Female, even though other trainees corroborated some of them.

DISCIPLINARY ACTION:

SSG Instructor received a Field Grade Article 15 for conduct unbecoming of an NCO, three counts of wrongful sexual harassment, and wrongfully engaging or attempting to engage in prohibited practices.

LESSONS LEARNED:

1. Clarified that phase V+ status is not equal to normal permanent party status. An instructor attempted to manipulate the system by arguing that a trainee is considered permanent party when she attained phase V+ status. Even though the trainee received additional, phase V+ privileges after graduation, she was still considered a trainee until she completed the ASI course and PCS'd to her first permanent duty assignment.
2. SSG Instructor discreetly violated the battle buddy policy when he bent down beside PVT Second Female and whispered in her ear while she was doing push-ups that he made her do. He created an opportunity to talk to her privately, out of hearing range of her battle buddy and passers-by.