

**Written Testimony of Cadet Kyra Holmstrup**  
**Senate Committee on Homeland Security and Governmental Affairs**  
**Permanent Subcommittee on Investigations**  
**December 12, 2023**

Chairman Blumenthal, Ranking Member Johnson, and Members of the Committee. Thank you for inviting me to testify at today's hearing. I am First Class (1/c) Cadet Kyra Holmstrup, a senior at the U.S. Coast Guard Academy and President of Cadets Against Sexual Assault (CASA). I share my story to underscore the progress our Academy still must make and to offer recommendations based on my experience as CASA President. It has been a privilege to attend the U.S. Coast Guard Academy, and I am hopeful that together we can enact necessary and important changes to prevent and respond to sexual assault.

My story begins in my second week as a cadet in August 2020. I'd gotten close to a male classmate in the same training platoon. We were next door neighbors and friends. We both liked each other, and he asked me out on an ice cream date. Because of the pandemic, we were not allowed to be very close to each other indoors, so we headed outside and found a gazebo with picnic tables underneath. I had no idea what was about to happen to me.

To this day, I find myself short of words to describe the violation, helplessness, and fear that I felt that day. I reacted in the way we are taught to: I said "no," I said "I'm not that kind of girl," I said "no I don't like that." I forcefully removed his hands from my body, pushed him away, physically resisted him. I was always told that "no" was a powerful word. "No" to him was an invitation to try again.

For the first time in my life, I had no control over my body. I was frozen, staring at the trees around the gazebo as he forced himself on me. I was 19. It eventually ended after what felt like a lifetime. I went back to my room, showered, and crawled into bed early. A few hours later I woke to him sliding an apology letter under my door.

For the next few weeks, I tried to forget. That's when the harassment began. He told my friends that I was a "bitch" and a "snake," and blocked me from important Company communications when he feared I would share what happened. He made my life hell. One night, I asked to speak with an upperclass member of CASA. Our Academy rules dictated that we must have the doors open when speaking to upperclassmen. As I began to tell her what had happened to me, footsteps could be heard stopping just outside of my room. I quietly indicated to her that he may be outside, trying to listen in. She walked into the hallway and saw my attacker standing there listening to us. He reacted angrily, throwing open his door in a profanity-laced tirade. I was terrified. It was then that I resolved to make an unrestricted report (where command is notified, and an investigation is initiated) out of genuine fear for my safety.

You might assume my trauma stems from the physical attack I endured. While the attack certainly was traumatic, the treatment I experienced following my report is what continues to haunt me to this day. The Coast Guard Academy Command moved my attacker to a different Company within the same barracks and issued a No Contact Order (NCO), meaning he had to stay 20 feet away from me with no contact. Immediately, my classmates stopped talking to me. They wouldn't look me in the eyes. My attacker told anyone who would listen that I was a liar and that I was crazy. I felt incredibly alone. I thought the No Contact Order would protect me. It didn't. My

attacker would come near me and talk freely to friends about what happened, even after being directed by the prior Academy leadership to stop talking about my allegation within the Corps of Cadets. One day, during my Spring 2021 semester, my attacker approached my friends when I left to use the bathroom, asking where I went and when I would be back. My lawyer wanted to call the police, but I pleaded against doing so to prevent making a scene. Instead, the Chase Hall Duty Officer (an officer on duty for 24 hours in charge of cadet safety) was called to direct my attacker to keep his distance, but he only casually reminded him that he had been issued a No Contact Order.

Despite my attacker's blatant violations of orders, my SVC told me no meaningful action would be taken, and that his conduct may not have even been a violation. My attacker continued to cross boundaries. Prior Academy leadership seemed unbothered or unwilling to bring charges for these clear violations, and instead only increased the distance he was required to stay away from me.

Throughout the entire process, my Special Victims Counsel kept telling me that the moment my attacker was charged, he would be removed from the Academy grounds. My SVC told me there was a precedent for this—when there was enough evidence to bring charges against a cadet, they would be moved to another unit. This *would* have happened, if not for the National Defense Authorization Act in January 2021 which eliminated the ability for my attacker to be removed from campus. My hope was waning.

Court-martial-eligible charges were initiated against my attacker by the Superintendent (or, as the military says, preferred) in the spring of 2021: Article 128 of the Uniform Code of Military Justice, Assault Consummated by a Battery. My attacker received the case file, which included my statement and interview. This was his right as a criminal defendant. What my attacker did next was terrible. He openly shared these intensely intimate, traumatic pieces of evidence with my classmates. He exposed my entire, incredibly personal interview with CGIS. I was devastated and thought for sure this must be a violation of regulations governing cadets. After telling my SVC what occurred, he said the best they could do was ask my attacker's defense attorney to stop him from showing it to more cadets.

After the spring semester, I departed for my summer training assignment in May 2021. In July, a Non-Judicial Punishment, also known as a Flag Mast, was determined to be the means of adjudication, and communicated to me through my SVC. This meant my attacker would be kicked out of the Academy. My SVC said this was as good a result as I would get. While I was traveling back to the Academy to give my impact statement to the Academy Superintendent conducting the Non-Judicial Punishment, two SVCs called me. It was then that I learned my attacker was going to receive an Honorable Discharge. The SVCs also told me he would have no record and would be allowed to re-enlist in the military. I broke down in the middle of the airport. My attacker was able to walk away with almost no consequences. Nobody would know what he did to me, and nothing was stopping him from returning to military service. He was emboldened—bragging and sharing his excitement with others about re-enlisting. All I wanted to do was stop him from being able to do again what he did to me. That didn't happen.

During my sophomore year, I joined Cadets Against Sexual Assault and started my journey of healing. I felt hopeless and invisible when going through my case, but by helping other cadets, I felt like I was able to become the person I once needed within the Corps of Cadets. For the past two years as President of CASA, I have worked closely with the Sexual Assault Response

Coordinator (SARC) and the Victim Advocate Program Specialist (VAPS). The role of a CASA member within the Corps of Cadets is to be a peer educator, a mentor, and an advocate for change. We develop and deliver training and host events around campus to help victims and survivors feel supported while bringing awareness to the issues cadets face. And we are there when cadets seek help and support. CASA leadership and its liaisons are trained to shepherd victims to SARCs and VAPS who can rally expert services and assistance. Over the past four years I have interacted with, and I would like to believe helped, numerous victims and survivors. I believe that we have made progress in the realm of cadet sexual assault. However, there is much more to be done.

With the release of recent CNN articles detailing years of hidden internal investigations and cover-ups, cadets feel disillusioned. Many are hesitant to trust leadership. Further, cadets are grappling with the hollowness of the messages from their senior leaders. They tell us to be leaders of character, while failing to heed their own counsel. There is substantial institutional trauma at the Coast Guard Academy and throughout the Coast Guard. This must be addressed. Academy leadership has fallen short in doing so. Leadership has struggled to provide satisfactory answers to the cadets on Operation Fouled Anchor (OFA). In the recently released memorandum, "Commandant's Directed Actions – Accountability and Transparency," we are told "the mishandling of sexual assault and rape cases reviewed in the Operation Fouled Anchor investigations is unlikely to be repeated." We would like to know more about this.

There are bright spots and signs of hope. Current Academy leadership has taken some steps to improve the barracks by seeking to install new locks for our barracks doors and cameras in each hallway. And our Assistant Superintendent has been a great supporter and advocate for CASA, helping to secure \$100,000 for the Academy's Sexual Assault Prevention, Response and Recovery (SAPRR) office, around \$40,000 of which will go directly to the CASA program.

However, there is still much to be done to improve the reporting process and culture of the Academy. We need your help. In my short career, I have learned that it often takes Congressional intervention to effect meaningful change. I therefore hope you may consider the following recommendations:

1. Any cadet who is disenrolled from the Academy due to a NJP for sexual assault or sexual harassment must not be allowed to re-enlist in the military.
  - a. Many victims only want to stop the perpetrator from causing more harm. When I was told that there was nothing that prevented my attacker from re-enlisting and no records would indicate why he left the Academy if he attended another university, I was devastated. This must change.
  - b. Cadets found to have committed an assault or harassment at NJP should not be afforded the privilege of enlisting in any military service.
2. NCOs must be enforced on campus, through the Cadet Regulations, UCMJ provisions, or other means for the safety of all parties involved.
  - a. The Cadet Regulations and Cadet Conduct Manual outlines ways that cadets are held accountable for violating a regulation. The administrative

repercussions take the form of demerits and restriction to base. These administrative actions are very common.

- b. As an NCO is an order from command, violating the order can be punished under the UCMJ or Cadet Regulations.
  - c. Many cadets feel that the current manner in which NCOs are (or are not) enforced allows for the accused to go unchecked and does not help the victim feel safe throughout investigation and adjudication processes.
3. The National Defense Authorization Act of 2021, Sec. 539, Policy for Military Service Academies on Separation of Alleged Victims and Alleged Perpetrators in Incidents of Sexual Assault, must be revisited with cadet and other stakeholder input to promote safety and proper regulation of the unique military service academy environment.
- a. Section 539 of the 2021 NDAA states that “The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Superintendent of each military service academy, prescribe in regulations a policy under which a cadet or midshipman of a military service academy who is the alleged victim of a sexual assault and a cadet or midshipman who is the alleged perpetrator of such assault shall, to the extent practicable, each be given the opportunity to complete their course of study at the academy without— (1) taking classes together; or (2) otherwise being in close proximity to each other during mandatory activities.”
  - b. During the fall semester of 2022, when I was a junior, members of Congress attended a meeting at the Academy with our Affinity Group representatives. There I discussed the barriers we faced at the Academy, one being the implementation of the 2021 NDAA. One Congressman said that he had helped write Sec. 539 and they forgot to invite a U.S. Coast Guard Academy representative to discuss the unique environment and layout of the Academy. He said he would follow up, but that has not yet happened.
  - c. The Coast Guard Academy is little more than 100 acres in size. Our buildings, including academic and athletic halls, barracks, and the like occupy a much smaller footprint than other military academies. As such, it is very difficult to effectively separate victims from accused cadets within our small campus. Provisions within Section 539 compound this problem.
  - d. Cadet victims and survivors have confided that they did not make an unrestricted report because of the fear of both parties remaining on campus. Instead, they suffer silently until they graduate and are able to physically separate from their attacker.

- e. By including representatives from the U.S. Coast Guard Academy in discussions on improving Sec. 539 of the 2021 NDAA, Congress would be better informed of impacts to the smaller Coast Guard Academy campus.
4. Special Victims Counsels (SVCs) must be afforded the opportunity to review the entirety of the case file for their client in order to give the best and most informed counsel. Furthermore, SVCs should not be first-year lawyers and should have a working knowledge of the Coast Guard Academy and its peculiar Cadet regulations before working with cadet victims.
- a. While I appreciated having an SVC on my case, I would be remiss if I didn't discuss the lack of understanding and inability to adequately advocate for me during the process.
  - b. The intent of the SVCs was to close the feedback loop and advocate for the best interests of the victim.
  - c. There are a few different routes to become a lawyer in the Coast Guard. The most common are the Funded Law Program that existing officers and enlisted members of the Coast Guard apply for or the Direct Commission Officers who enter the Coast Guard from civilian life.
  - d. Many SVCs are first year lawyers within the Coast Guard. Some have attended the Academy but are new to the practice of law. Some are civilians thrust into service with little understanding of the Coast Guard and, often, no knowledge of the operations of the Coast Guard Academy.
  - e. My SVC was a Direct Commission Lawyer and did not understand Academy life and rules. This led to a disconnect when explaining what I was experiencing.
  - f. Further, as SVCs are neither the prosecutor nor the defense attorneys, they are not entitled to the case file. Instead, they must counsel based solely on the statements from the victim and whatever information is shared from the prosecutors and command. Thus, SVCs are unable to adequately provide counsel to the victims, prepare them for trial, or advocate for them as they do not have the full picture.
5. The U.S. Coast Guard Academy must adopt the Safe-to-Report policy that each Service Academy follows.
- a. The U.S. Coast Guard Academy is the only service academy that has not adopted the Safe-to-Report policy. This policy protects victims of sexual assault from being penalized for any collateral misconduct that occurred surrounding the assault, such as underage drinking or being behind closed doors with the opposite sex.

- b. Many cadets are scared to come forward if they violated a Cadet Regulation, even if they were sexually assaulted, because of potential repercussions for those violations.
- c. The Safe-to-Report policy would alleviate the barriers to reporting as underage drinking and minor collateral misconduct cannot be pursued against the victim.

While there have been some steps taken to improve the issues we currently face at the Coast Guard Academy, without the help of Congress, victims will not be adequately supported or advocated for during the reporting process. I stayed in the Coast Guard because I believe in a brighter future for our institution. With your help, we can make that future a reality.

Thank you for your time.