

Written statement of YN1 Crystal Van Den Heuvel

My name is Petty Officer First Class Crystal Van Den Heuvel. At the time of the sexual misconduct my name was Petty Officer First Class Crystal Island, and I was assigned as a production recruiter to Coast Guard Recruiting Office (CGRO) in Hampton Roads, Virginia. I reported to the CGRO in July 2022, was sexually harassed four months later, then later relieved after reporting the incident in January 2023.

In November 2022 I received orders to report to recruiter orientation at Cape May, New Jersey. Aviation Maintenance Technician First Class WILLIAMS requested a ride with me to the training location. I agreed as long as he assured it was ok with his wife, as I was a single woman. We began our travel to Cape May on 28 November 2022. On the way to the training location WILLIAMS following a conversation regarding a TikTok video where a woman asked a male friend if women can pee with a tampon in, WILLIAMS stated he is sexually attracted to women peeing. He admits this to numerous people listed in the report of investigation; however, he places blame on me saying I initiated that topic. He then took notice that I was uncomfortable and began asking if I was going to tell people and stating he didn't know why he told me that. Trying to diffuse a very unsafe situation for myself as a small woman traveling alone at night with an upset male in unfamiliar area, I stated I wouldn't tell anybody and that it would be an inside joke. I told the investigator CWO INGRAM this as well. I did make jokes with WILLIAMS, but none about the topic of urination. The jokes I made were about how long it has taken him to advance and how he isn't a qualified recruiter. There were numerous witnesses to these jokes. During training WILLIAMS texted me numerous times alluding to listening to me urinate through my barracks room wall. He even texted me asking why I turn the water on when I pee. This is only something somebody would know if they were listening. I never responded to these types of messages and when I did not, he would send a follow up text after about 20 minutes saying he was just joking. However, I did not plan to report any of this for sexual harassment. The reason for this was because through my experience in the Coast Guard I know how women who make reports are treated. They are victim blamed and blamed for the male's behavior. I had just reported to the recruiting office and did not want to be labeled an issue. I did not want my coworkers to avoid me, which had happened before when I reported a rape at my first unit by my then supervisor BM3 Robert Johnson. WILLIAMS also stated to me and another Coast Guard Member that he would cheat on his wife if they had to be apart for extended periods of time. I told him this was completely inappropriate, he was a bad husband, and his wife deserved better. Again, I was not going to report this for sexual harassment as I was afraid of being labeled as an "issue." I instead confided in very close friends and told them I would never allow myself to travel with this member again for any reason after we returned from Cape May.

On 02 December 2022 WILLIAMS and myself began our travel back to Hampton Roads, Virginia. During this trip he brought up hanging out with my roommate in our barracks room while I was out for dinner with a friend. He stated he saw my suitcase and saw my "panties" and wanted to take a pair. I immediately responded with "YOU'RE KIDDING!" His reaction to my response was disbelief that I was shocked. He said, "What, I was going to give them back, I just wanted to smell them." I again gave him an opportunity to say he was joking, which he did not. He then began repeatedly trying to get into my bags and suitcases in the backseat of my car. When I asked what he was doing he stated, "he was trying to find my underwear." I asked him to stop and stated he wouldn't be able to find them. He then began trying to get me to pull the car over by asking if we were low on gas. I asked him if he asked that because he needed to stop. He stated he didn't need anything, but it would be easier to get into the back seat if we were parked. I was extremely uncomfortable, and he made comments about it. He asked me what

was wrong with what he said, and I said he was married, and I wasn't interested in being the other woman. I also stated if he wanted to smell a woman's underwear he could smell his wife's. He did not stop attempting to get my underwear until I threatened to kick him out of the car and make his wife and four kids come pick him up. He was dumbfounded on why I would do that. It was like he did not grasp how inappropriate what he was doing was; like something was missing in his brain. I dropped him off at home and minutes after I received a picture of him smelling his wife's underwear with a text that said, "as requested." I want to be very clear I DID NOT request that photograph. I did not respond to this picture. Over the weekend of 03 December and 04 December 2022 he sent numerous texts shown in Exhibit (F-1f) coming up with excuses to try and get me to meet up with him outside of work. I denied every request and said he could get anything he left in my car on Monday at work.

I thought about the drive back all weekend and I feared this member. I had my daughter's dad, who I was legally separated from, come sleep on my couch because I was so sure he would show up at my house. I decided I had to report the incident that occurred on the drive back, as WILLIAMS had interaction with young women trying to join the Coast Guard. If this was his level of comfort with a fellow E6 with 10 years in the Coast Guard, what would he do with somebody with no experience. At work on 05 December after discussing the issue with Petty Officer Ellen Audrey DAVIS and Petty Officer Stephanie FIGUEROA, I decided to make an official report. I made the report to now retired Chief Walter MOREY and Chief Andrew LIVINGSTON on the morning of 05 December 2022. Little did I know, I would be changing the course of my career forever. MOREY and LIVINGSTON gave the appearance they cared and supported me in my report. However, after reviewing their statements in the report of investigations (ROI), and the treatment I received after I reported made it clear that it was all smoke and mirrors. There are checklist commands use and part of that is "showing support to the victim." Every member of my chain of command was giving the illusion of support, while simultaneously trying to figure out "what I did to possibly allow WILLIAMS to behave the way he did. As if, anything I could have done would give the perception that I was ok with him stealing my underwear. This is a common theme with Coast Guard Commands; they try to blame the victim instead of just holding the perpetrator at fault.

I got the vibe the command was trying to place blame on me when I returned to the office for the first regular workday after making my report and was immediately counseled on my work performance, asked about my marital status, and instructed not to talk about my personal life with my coworkers by MOREY. MOREY also instructed me to make "amends" with DAVIS and FIGUEROA. I later learned they were upset I did not tell MOREY I confided in them about the harassment. I was not required to divulge this information to MOREY as he was not the investigator, nor did he ask me. When the investigator asked me, I did state I told DAVIS and FIGUEROA. I also included three other Coast Guard members I confided in, but these members were not questioned by the investigating officer (IO) CWO3 Brandon INGRAM. It was hard to place blame on INGRAM, he was appointed as the IO incorrectly by my then Commanding Officer Captain Ritcher TIPTON. He did not have the necessary training required by Coast Guard Policy to investigate a sexual harassment claim. This failure by TIPTON caused revictimization to me as the victim. Exhibit (F-15) (pg.395.) paragraph 1. is the investigation summary submitted by INGRAM to the Executive Officer Commander Andrea SMITH with his Preliminary Statement that WILLIAMS did violate article 134 of the UCMJ, however, WILLIAMS never received any disciplinary action specifically for this charge. Instead, he received the same disciplinary measures as I did although he was the perpetrator, and I was a victim. In INGRAM's Findings of "FACT" (pg. 396) he states "YN1 Island is legally married." This statement was incorrect as I was legally separated, but also was irrelevant to the

investigation as I was not the person that should have been investigated. He also states “YN2 Stephanie Figueroa, another recruiter at RO Hampton Roads, asserts YN1 Island told her that she told AMT1 Williams to prove he likes to smell women’s underwear.” However, I did not make this statement to FIGUEROA and if I had it would have been included in DAVIS’ testimony. Furthermore, FIGUEROA’s victim blaming statement, ALMODOVAR’S permission to discuss the investigations, and WILLIAMS’ similar statement leads me to have the reasonable suspicion that FIGUEROA is testifying on what she discussed with the perpetrator.

On January 25, 2023, I was called into a meeting with SMITH, Lieutenant Victor ALMODOVAR, and our command Master Chief Randall LAWRENCE. I was expecting to get the results of my sexual harassment report. However, I was instead removed from my special duty position, given a non-recommendation for advancement, and given administrative paperwork that was negative in nature. The ROI shows this was a blatant act of retaliation for reporting sexual harassment. SMITH states in the ROI the information used to support these disciplinary actions was only gained through the investigation into my report. TIPTON states, he only looked into my social media after receiving the report of sexual harassment. This again displays how the Coast Guard often responds to victims. They try to secretly investigate any wrongdoing by the victim no matter how small. However, in this case I had proof of his support of my TikTok @cryssiethecoastie. The Coast Guard does these investigations into the victim’s career and personal life without providing the victim their article 31B rights and notifying them they are under investigation.

There were many contradictions presented by my chain of command during the initial investigation into my sexual harassment report and in the EEO investigation for retaliation. These statements show how blatant TIPTON and others were in their disregard for a sexual harassment victim. Some are listed below:

MOREY stated in Exhibit (13) (Pg. 420-421) that WILLIAMS knew why he was called into a meeting with himself and LT Victor Almodovar. If he felt he did nothing wrong, he would have no knowledge of why he was pulled into that meeting.

FIGUEROA stated in Exhibit (9) (Pg. 416-417) admits she was showing support but started out immediately victim blaming. She recalls numerous details about the conversation we had on 05 December 2022 incorrectly and are contradicted by DAVIS’ statement Exhibit (10) (Pg. 418) who was also a part of the conversation.

TIPTON routed to Rear Admiral Russell DASH a memo (pg.463-465) where he summarized relevant facts to support his decision. However, these were not facts as in my testimony during the investigation specifically contradicted the statements listed in paragraph two.

- TIPTON writes in paragraph 2a. YN1 Island began the conversation by asking AMT1 if he thought females could pee with a tampon in. However, the inappropriate conversation was not started this way and the only testimony that supports this is the perpetrators.
- TIPTON writes in paragraph 2b. AMT1 disclosed he enjoyed watching women pee after being asked by YN1. This is not a factual statement. I specifically testified I did not ask this. The only testimony that supports this is the perpetrators. TIPTON also states that I stated I would look at him and laugh during training each time a female needed to go to the bathroom. This is abhorrently false, and he purposely left out key information. AMT1 got extremely anxious and

nervous after telling me about the sexual gratification he receives by watching women urinate. I was alone in the car with him in an isolated area and stated it would be an inside joke between us and I would not tell anybody. This demonstrates TIPTON's failure to understand the mindset of a member experiencing harassing behaviors.

- TIPTON writes in paragraph 2d. that both AMT1 and YN1 concur that YN1 told AMT1 to smell his wife's underwear. However, he left out that I told him he was married and if he wanted to smell somebody's underwear it should be his wife's. TIPTON stated YN2 Figueroa stated YN1 told her she told AMT1 to prove he likes to smell women's underwear, which is false and even AMT1's testimony did not corroborate this statement. YN2 Figueroa saw the text message from AMT1 stating "as requested" she also received details of the case that caused bias in her testimony from LT Victor Almodovar.
- TIPTON writes in paragraph 2g. that AMT1 apologized about "joking" about grabbing my suitcase in the in the car to retrieve my underwear. However, TIPTON writes in paragraph 2e. AMT1 asserted he was attempting to reach his water bottle. This is a blatant contradiction in testimony and furthermore admission by the perpetrator.
- TIPTON writes in 3b. "the command had preexisting sensitivity about YN1 Island's use of social media." This shows he and the rest of the command were aware of my social media advertising the Coast Guard on "TIKTOK," but it did not become an issue until after I reported sexual harassment.

TIPTON stated in his interview with the EEO investigator that he was not doing a sexual harassment investigation and instead doing an administrative investigation, but exhibit (4-B) (pg. 407) AMT1 was advised on his article 31B rights by INGRAM with a statement from INGRAM "that he/she is investigating sexual harassment."

The 4910 Exhibit (F-15B) (pg. 404) shows the incident that was to be investigated, which was on 02 December WILLIAMS "expressed to YN1 his intent to taker her underwear" and "sent a picture via text showing him smelling his wife's underwear." However, numerous statements from INGRAM, MOREY, TIPTON, LIVINGSTON, DAVIS, and FIGUEROA displayed they immediately jumped to the conclusion that I did something to make WILLIAMS think it was ok to act this way. However, using a little critical thinking would conclude that if I was ok with that topic or action then I would not have reported the incident. It is apparent through the investigation that I became a suspect of alleged misconduct, however INGRAM never notified SMITH or BAKER as ordered in paragraph 6 of Exhibit (F-15b)(pg.403.)

Commander John WALSH the approving official for my evaluations states "No" when asking was WILLIAMS rated more favorably than complainant, Exhibit (F-7) (Pg.333.) However, he was originally rated more favorable including receiving a positive recommendation of advancement from LIVINGSTON. This was not changed until I amended my EEO complaint to include my evaluations where LIVINGSTON gave me a negative recommendation for advancement and included comments that I caused my own sexual harassment.

The EEO investigator noted the documents submitted in the investigation did not match oral testimony (pg.559 of ROI.)

Exhibit (F-6) (pg. 315) HENRY states "ITC Livingston was working with LT Almodovar on members EERs. Guidance came from LT Almodovar." When asked "Did you provide Chief Livingston with instruction,

guidance, or directions not to recommend Complainant for advancement?” This shows the back door dealings that happen within senior leaderships of commands regarding EEO complaints and sexual harassment. There are numerous statements from individuals testifying that ALMODOVAR recused himself fully from my evaluations, but he still gave guidance to all the individuals that were evaluating me.

Exhibit (F-5) (pg. 290) LIVINGSTON states that he also used me “not showing up to work” for my evaluations. However, there was not a single comment in my evaluations made about it. Furthermore, I did show up to work, but while I was out of office guidance was pushed out for our Holiday routine and office hours. Nobody in the office passed me the updated schedule where my scheduled day in office was moved. I had been told not to come into the office following the sexual harassment complaint, so there was no other way to find this information out. I showed up to work on the day I was originally scheduled for. It was later in the day since I had an interview with a potential applicant at 1700. I was counseled on “not showing up” by MOREY the first regular day back in the office following my sexual harassment complaint. This is a common tactic used by the Coast Guard; When they don’t like that somebody made a report, they will then start nit picking things to diminish their reputation and support disciplinary action and separations from the service.

Exhibit (F-2) (pg. 230) TIPTON states “there is no harassment happening to his knowledge and if he did know about, he would not tolerate it.” However, I reported via CG-4910, Exhibit (F-1E), harassment by FIGUEROA following her contacting another Coast Guard member from a different unit and stating that I filed a sexual harassment claim against WILLIAMS because he was black. That I was a “problem” because I had reported previous cases of sexual assault. I provided a recording of the member FIGUEROA stated these things to this command as evidence with my report. Nothing was done and a harassment investigation was not initiated.

Exhibit (F-2) (pg. 226) TIPTON states he used the videos, referencing my TikTok, he sent the investigator to make a determination. The videos provided were posted before I made the report of sexual harassment, some of the videos where before I was selected as a recruiter, and some where before he personally endorsed me for advancement to Chief Warrant Officer. He followed me on TikTok since July 2022 and the videos “coincidentally” became an issue following my report of sexual harassment.

Upon being retaliated against I filed an ARTICLE 138 against TIPTON to Rear Admiral Russel DASH, who is the Commander of Personnel Services. I was reporting TIPTONs complete mishandling of my sexual harassment report. However, DASH refused to take action on my ARTICLE 138 unless I retracted my EEO complaint. This did not make sense to me as my EEO complaint was for retaliation and my article 138 was for how TIPTON did not follow policy in conducting the investigation that led to retaliation. Furthermore, there is no policy saying DASH could not have taken action and refusal to take action could be seen as an act of retaliation. I have included a copy of the ARTICLE 138 I submitted, TIPTONs response, and DASHs refusal to make a decision.

In accordance with Chapter 3.10, U.S. Coast Guard Civil Rights Manual COMDTINST M5350.4E, TIPTON should have provided me a written acknowledgment of receipt of allegations, initiated an AHHI investigation, notified the Civil Rights Service provider or Civil rights Director, and Coast Guard Investigation Services. He should also have appointed an IO, who has completed DHS/Coast Guard Training in investigating allegations of harassing behavior within the past three years and completed a findings and outcome memo. TIPTON failed to do all of these actions, which puts him in a violation of a

direct order or regulation Article 92 of the UCMJ. DASH is aware of this and made the choice not to hold him accountable for his actions. Furthermore, ALMODOVAR is also in violation of the same article of the UCMJ for briefing my entire unit on my report and giving permission to discuss it, which compromised the entire investigation. He was not held accountable for his actions and is still assigned to Coast Guard Recruiting. MOREY, LIVINGSTON, DAVIS, and FIGUEROA were allowed to make victim blaming statements and were allowed to compromise an entire investigation. They were never held accountable. Instead, FIGUEROA was advanced, MOREY honorably retired, and LIVINGSTON was given an assignment as the permanent Recruiter in Charge of the Recruiting Office in San Antonio, Texas. Lastly, DASH's failure to take any action during these investigations has gone unnoticed. He oversees the entire Personnel services, which includes advancements, evaluations, accessions, and separations; but he has shown his inability to lead the Coast Guard in a direction to prevent Sexual Harassment and hold perpetrators and those who promote toxic work climates accountable.

In conclusion I would like to make the following recommendations:

- Relieve Rear Admiral Russel Dash and Captain Ritcher Tipton immediately to demonstrate to other unit Commanders that there will be a zero tolerance for those who display inaction when receiving reports of sexual misconduct or retaliation.
- Create a zero-tolerance policy for the Coast Guard to hold commands responsible for not holding perpetrators accountable and for not following Commandant Instruction when responding to reports.
- Prevent Commands from evaluating members, who have open EEO complaints against them.
- Implement a policy to waive Evaluations for members who have experienced sexual harassment or assault for one year.
- Mandate the Commandant create a process in which previous cases can be submitted to be reviewed by an outside agency to identify Commands who did not take appropriate action and remove disciplinary actions implemented on victims.
- Mandate Coast Guard Recruiting Offices answer honestly when asked by applicants about the statistics regarding sexual misconduct in the Coast Guard. (Currently recruiters are ordered to only reply that the Coast Guard has a Zero Tolerance Policy.)

You could interview a thousand victims of sexual misconduct in the Coast Guard. There will be one common denominator in which the victim gets justice, nothing is done, or worse the victim is punished in response to reporting. That common denominator is the issue lying within command discretion. The Coast Guards mishandling of sexual harassment came to light during the investigation into Operation Fouled anchor. This investigation uncovered numerous coverups regarding sexual assault and harassment at the Coast Guard Academy. Before I end my testimony, I want to point out, these members that assaulted and harassed others and were protected are still in the Coast Guard today. These are the Flag officers and Commanding Officers we are supposed to trust to make decisions regarding our reports. I want to condemn those that continue the culture that allows assaults and harassments to take place Rear Admiral Russell Dash, Captain Ritcher Tipton, Lieutenant Victor Almodovar, Chief Warrant Officer Brandon Ingram, Retired Chief Walter Morey, Chief Andrew Livingston, Petty Officer Ellen "Audrey" Davis, and Petty Officer Stephanie Figueroa. Those nine members and those like them are the reason members like Petty Officer Matthew Williams felt comfortable sexual harassing me and the reason numerous members refuse to make reports of sexual assault and harassment. I respectfully

request this committee to not only demand change for the future of the Coast Guard, but to demand that previous victims get the justice they deserve.