

**JUDICIAL PROCEEDINGS PANEL
REQUEST FOR INFORMATION SET # 3**

73. Is there standardization of the advice within different organizations that is given to victims of sexual assault who wish to make a complaint of professional or social retaliation? If so, what advice is given?

USA	<p>There is standardization of the advice that is given to victims across the Services. The SARC or VA advises the victim, as part of completing the DD Form 2910 (Victim Reporting Preference Statement) that: (6) “I understand that if I experience coercion, retaliation, reprisal, or ostracism from my supervisors or peers, I can report it to the SARC, Special Victims Counsel, my commander, Victim Witness Assistance Program personnel or my Service Inspector General.”</p>
USAF	<p>See RFI #68 for discussion of the terms “professional retaliation” and “social retaliation.”</p> <p>There are standard definitions for the terms reprisal, ostracism, and maltreatment. Ostracism and maltreatment are defined in AFI 36-2909, paras. 11.2 and 11.3. Reprisal is defined in 10 U.S.C. § 1034 (Protected Communications; Prohibition of Retaliatory Personnel Actions) and reprisal complaints are investigated in the AF under AFI 90-301, <i>Inspector General Complaints Resolution</i>, Chapter 6.</p> <p>The personnel/organizations discussed in RFI #71 advise victims to report allegations of reprisal to the IG and allegations of ostracism and maltreatment to the Air Force Office of Special Investigations (AFOSI) or the victim’s commander. AFOSI will investigate the allegation if the retaliation report (to include ostracism and maltreatment as defined in AFI 36-2909) involves a violation of the UCMJ and AFOSI agrees to investigate. DoDI 5505.18, <i>Investigation of Sexual Assault in the Department of Defense</i>, paragraph 3.d.(1), provides that “when an MCIO initiates an adult sexual assault investigation, it will also initiate and conduct subsequent investigations relating to suspected threats against the sexual assault victim, to include minor physical assaults and damage to property.” If the alleged retaliation is not a criminal violation that AFOSI investigates, AFOSI will refer the matter to the AF Security Forces, AF IG, or unit commander for resolution.</p> <p>The definitions of reprisal and retaliation and interplay between reporting options and helping agencies are further explained in the Case Management Group Memo provided as an attachment to RFI #70.</p> <p><u>References:</u></p> <ul style="list-style-type: none"> - AFI 90-301, <i>Inspector General Complaints Resolution</i>, 6 June 2012, http://static.e-publishing.af.mil/production/1/saf_ig/publication/afi90-301/afi90-301.pdf - AFGM 2014-01 to AFI 36-2909, <i>Professional and Unprofessional Relationships</i>, 19 June 2014, http://static.e-publishing.af.mil/production/1/af_ja/publication/afi36-2909/afi36-2909.pdf <p>ATTACHMENT: Attachment 70, Change 1 to 27 February 15 Memorandum - Updated Procedures Regarding Reporting and Tracking Victim Retaliation in Sexual</p>

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	Assault Cases, 17 March 15.
USN	<p>Victims of sexual assault who wish to make a complaint of professional or social retaliation are advised to report allegations to the NAVINSGEN or their command. (See SECNAVINST 5370.7D.) Victims are advised that allegations of reprisal or retaliation in the form of unfavorable personnel action are investigated by the NAVINSGEN, while allegations of retaliation in the form of maltreatment or ostracism are typically investigated by the victim's command. If an allegation of reprisal, or any other allegations of criminal activity against the victim (threats, minor physical assaults, damage to property, etc.) is identified during a NCIS sexual assault investigation, NCIS shall initiate a separate investigation. For all other instances, NCIS will open a formal investigation or refer the matter to either NAVINSGEN or the victim's command. Regardless of which option the victim chooses, the victim's report will be forwarded to the appropriate investigator.</p>
USMC	<p>Relevant organizations give substantively similar advice governed by applicable regulations within the specific duties each organization has. At this time, there is no standardized advice among these organizations.</p> <p>Currently, Marine Corps SARCs and SAPR VA/UVAs inform sexual assault victims on how to report allegations of professional and social retaliation when reviewing the DD Form 2910. To enhance standardization and ensure pertinent information is being communicated to each victim, HQMC SAPR has developed a retaliation module, which will be disseminated to SAPR personnel via All-Hands training in May 2015. See response to question 85 for additional details.</p> <p>If an issue of retaliation is identified by a VLC during the course of interviewing a victim, all options will be discussed and considered, as provided in the response to Question #69.</p> <p>IGMC is typically not a first responder for sexual assault victims, but the IGMC and CIG accept and process all requests for assistance and/or investigations in accordance with SECNAVINST 5370.7D and will assist anyone who comes to the IG to file a retaliation complaint. The IGMC is responsible for conducting all inquiries in an independent, unbiased, and professional manner and will ensure all complaints to the IG are addressed.</p>
USCG	<p>If a victim wishes to make a complaint of retaliation, generally they are advised to work with their SARC or SVC and bring the issue to the attention of CGIS or their chain of command. There is no standardization of the advice given by the SARC or SVC.</p>