

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

74. What is the process for victims to submit a formal report of professional reprisal (i.e., personnel action) or social retaliation (i.e., ostracism, maltreatment, etc.)?

USA	<p>Victims may report allegations of professional or social retaliation to the chain of command, law enforcement, Victim Advocates, Sexual Assault Response Coordinators, Special Victim Counsel, the IG, and hotlines run by the DoD, the Army, or the installation. Once reported, Secretary of the Army Directive 2015-16 requires all allegations of professional or social retaliation will be formally reported to the senior installation commander through the SARB. The commander will ensure that all allegations will be investigated by either law enforcement or the chain of command.</p> <p>Each reporting agency has a separate process for taking complaints of retaliation, investigating the complaint, and producing the results of the investigation. If a victim makes a report of retaliation to the chain of command, the chain of command may initiate an investigation in accordance with AR 15-6.</p>
USAF	<p>See RFI #68 for discussion of the terms “professional retaliation” and “social retaliation.”</p> <p>The process for victims to make a report of reprisal is outlined in AFI 90-301, Chapter 6. Victims may file a report using the mechanisms described in RFI #68 and channels described in RFI #69. Attachment 17 of AFI 90-301 is provided to Airmen so that they understand their rights under 10 U.S.C. § 1034 (Protected Communications; Prohibition of Retaliatory Personnel Actions) and the processing of their report of reprisal.</p> <p>The process for victims to make a report of ostracism or maltreatment is described in RFI #69. If an Airman chooses to make a report of retaliation through their chain of command, the victim’s commander will develop a plan to address the retaliation report. For example, the commander may initially refer the allegation to the Air Force Office of Special Investigations (AFOSI) or the commander could initiate a commander-directed investigation to look into the allegations. If the allegation is against the victim’s immediate commander, a higher level commander would initiate the investigation. The commander’s plan will be briefed at the monthly Case Management Group (CMG) meeting. The report will remain on the CMG agenda until the victim’s sexual assault case has reached final disposition or the report has been appropriately adjudicated according to the CMG Chair.</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 - <i>Commander-Directed Investigation (CDI) Guide</i>, 26 April 2010, http://www.af.mil/Portals/1/documents/ig/cdi-guide.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>To formally report professional reprisal or social retaliation a victim can either contact the NAVINSGEN through their Hotline number or can contact their chain of command. (Where a victim has engaged a VLC, that VLC is primarily responsible for advising and assisting the victim in submitting a formal report of professional reprisal or social retaliation.) Upon receipt of a formal complaint, the NAVINSGEN will evaluate the complaint and either forward the complaint (i.e. in the case of social retaliation) to the appropriate commander for investigation or investigate the complaint (i.e. in the case of professional retaliation). A command, upon receipt of a formal complaint of reprisal or retaliation in the form of unfavorable personnel action will advise the victim in writing of their rights, document the provision of such advice, and offer to forward the complaint of reprisal or retaliation in the form of unfavorable personnel action to the NAVINSGEN. A command, upon receipt of a formal complaint of retaliation in the form of maltreatment or ostracism will investigate the allegations, or forward to the next level in the chain of command for investigation when necessary to avoid the appearance of a lack of impartiality or objectivity. (SECNAVINST 5370.7D, Enclosure (3), paragraph 6.) 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.</p>
USMC	<p>Any retaliation complaint can be filed with DoDIG, IGMC, or any CIG Hotline. All professional retaliation (reprisal) complaints in the USMC, regardless of where the complaint is filed, are then vetted by IGMC for investigative merit and action as appropriate. Any social retaliation complaint filed with the IG will be vetted to determine the appropriate investigative avenue (IGMC or command). Additionally, the Naval Criminal Investigative Service (NCIS) will refer victims to IG or command if the retaliation consisting of Unfavorable Personnel Action (UPA) or ostracism/maltreatment becomes known during an on-going investigation (NCIS will investigate or maintain the investigation if the retaliation consists of a crime other than UPA or social retaliation, for example assault or obstruction of justice (either misdemeanor or felony level)). Other organizations who might receive retaliation complaints (like Military Equal Opportunity) will also refer the victim to the IG. Victims may file an Article 138 complaint if they believe their commanders have engaged in professional retaliation or failed to hold others accountable for retaliation. Chapter 3 of JAGINST 5800.7F (JAGMAN) contains templates for formally filing an Article 138 complaint. The procedures include requesting redress by the commander, and the submission of the complaint to the GCMCA. Article 138 complaints are ultimately reviewed by the ASN. VLC are also available to assist with filing the complaint.</p> <p>Victims may also report social retaliation to their chain-of-command. In such cases, the commander may decide to use a command investigation to determine the fact and character of the social retaliation and to obtain recommendations for appropriate remedies. The commander, assisted by the Staff Judge Advocate (SJA) defines the scope of the investigation, and makes legal counsel available to the investigating</p>

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	<p>officer. Pursuant to Chapter 2 of the JAGMAN, investigating officers may interview witnesses and seek other evidence. In certain cases, the IG will investigate complaints of social retaliation, see response to question 75.</p> <p>Victims of retaliation may also report social retaliation by senior service members through Article 1150 complaints, which are handled according to the procedures for Article 138 complaints.</p>
USCG	<p>Victims can bring a complaint of retaliation to CGIS or their chain of command. An initial report can be made in any form.</p>