

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

78. How does a victim learn of the results of a retaliation investigation? Does victim notification vary for different types of retaliation claims? How is a victim informed of the action that will be taken against the retaliator in a substantiated case?

USA	Victim notification of the results of a retaliation investigation will vary based on the type of claim and the procedures governing the investigating agency. In any case, the SARC/VA will ultimately be responsible for ensuring that victims receive all notifications required.
USAF	<p>If a victim makes a reprisal report to the AF Inspector General (AF IG), the victim will receive periodic updates throughout the course of the investigation. Upon conclusion of the case, the victim will be notified of the determination of the allegations (dismissal, substantiated, not substantiated) and the complainant's options for appeal and/or further consideration through the Board of Military Corrections and/or the AF Ombudsman.</p> <p>AFI 90-301, para. 6.10.2.1. The victim is also entitled to a redacted copy of the final Report of Investigation in accordance with the Freedom of Information Act. AFI 90-301, Atch 17. If the victim makes a retaliation report to the AF IG that the AF IG determines does not involve reprisal, the AF IG informs the victim of the decision to refer a retaliation report to the commander or other appropriate agency and provides the victim the option of not releasing his or her name in the referral. When the AF IG refers a retaliation report to a commander, the referral memorandum requests that the commander receiving the referral notify the IG of the analysis and action within 30 days. Also, the commander is required to notify the victim of the resolution of the retaliation report. The commander may release disposition information to the victim consistent with Privacy Act restrictions and receive legal advice from their servicing Staff Judge Advocate on what information is releasable to the victim.</p> <p>For retaliation reports that are reviewed during monthly installation Case Management Group (CMG) meetings, the victim will receive a monthly update from the victim's commander within 72 hours of the CMG.</p> <p>The Privacy Act and System of Records Notice for the particular action control the release of disciplinary action to the victim. The results of all courts-martial and Article 15, UCMJ, non-judicial punishment actions are releasable to the victim.</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 <p>ATTACHMENT: Attachment 70, Change 1 to 27 February 15 Memorandum - Updated Procedures Regarding Reporting and Tracking Victim Retaliation in Sexual Assault Cases, 17 March 15.</p>
USN	In a case involving a NAVINSGEN investigation, a victim will learn of the results of a retaliation investigation and receive a redacted copy of the investigation within thirty days of when the investigation is complete per 10 U.S.C. 1034. The copy of

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	<p>the investigation will include any recommendation for disposition. The victim will receive an update if the investigation goes beyond 180 days from when the allegation was made. Should the claim be substantiated, the investigation will be forwarded to the appropriate commander who will notify the victim of the action that will be taken against the retaliator.</p> <p>In a case involving a command investigation, unit commanders, commanding officers and officers in charge are responsible for ensuring that victims and witnesses (whether military or civilian) of crimes under military jurisdiction are afforded their rights and kept informed on the status of the case until administrative (nonjudicial punishment, administrative separation, or other) or judicial disposition. (OPNAVINST 5800.7A, paragraph 7(c), available at http://doni.daps.dla.mil/Directives/05000%20General%20Management%20Security%20and%20Safety%20Services/05-800%20Laws%20and%20Legal%20Services/5800.7A.pdf)</p> <p>In a case involving an NCIS investigation, the criminal investigator will inform the victim when an investigation into the victim’s retaliation complaint is initiated and will provide status updates periodically thereafter. At the conclusion of the investigation, NCIS will hand the case over to trial counsel. NCIS, trial counsel, and the victim’s command will provide the victim frequent case updates all the way through case disposition.</p> <p>When a victim has engaged a VLC, the VLC will be tracking the case progress on behalf of the victim and ensure the victim is provided with status and disposition updates.</p>
USMC	<p>For IG complaints, victims should be notified directly by the agency where the complaint was filed due to the fact that such complaints are signed and submitted by the victim. Results of Command or MCIO investigations may be provided directly to the victim, or through detailed VLC. In CIs, victims must request the report of the investigation from the GCMCA, who is the release authority.</p> <p>In cases of professional retaliation (reprisal), the IGMC notifies complainants in writing that their complaint has either been declined (and why) or is under investigation. After an investigation is completed, reviewed for legal sufficiency, and endorsed by the IGMC, it is forwarded to DoD IG for oversight (concurrence). Not later than 30 days after the DOD IG completes or approves a report of investigation, a copy of the report of investigation and, when applicable, the DoD IG approval memorandum will be provided to the service member. The report provided to the service member may be redacted. Upon request, summaries of interviews conducted and documents collected during the investigation will also be afforded to the service member. After the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)) concurs with the findings, complainants are provided a letter explaining the result of investigation and information on how to petition the Board for Correction of Naval Records (BCNR) to change/correct military records. If ASN (M&RA) determines that no corrective, administrative or disciplinary action is appropriate, he will notify the service member of the reasons for</p>

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	not taking action. Procedural criteria for social retaliation cases have not been determined to date. DoDD 7050.06 does not address social retaliation. DON met the requirements of Section 1709 of NDAA 14 by defining ostracism/maltreatment in its SECNAVINST, but has not had DoD guidance on further processes.
USCG	How a victim is informed of the results of a report of retaliation varies depending on the type of report, the organization that investigates the report, and the type of action taken.