

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

Data Call

81. For fiscal years 2012-2014, please provide the number of: sexual assault (SA) victims who filed an unrestricted report, followed by a retaliation claim, indicate the number of investigations each organization, the final disposition of the investigation.

SA/Retaliation Claims Investigated	FY12	FY13	FY14
a. SA Victims who filed an unrestricted report			
b. SA Victims who filed an unrestricted report and subsequently complained of retaliation			
c. Investigated by Command			
d. Investigated by MCIO			
e. Investigated by Service IG			
f. Investigated by DOD IG			
g. Other type of Investigations			
h. Investigations incomplete			
i. Investigations unsubstantiated			
j. Investigations substantiated			

USA	<p>The Army has not historically tracked allegations of retaliation or disposition information on those offenses and does not have reliable data available.</p> <p>In March 2015, pursuant to SECARMY Directive 2015-16, the Army established a formal mechanism to track all allegations of retaliation through the monthly Sexual Assault Review Board (SARB). The senior installation commander will ensure all allegations of retaliation made by victims, bystanders, witnesses, and first responders are investigated by either law enforcement or through Army Regulation 15-6 Investigations. The results of those investigations and any subsequent accountability actions will be monitored by the SARB until complete.</p> <p>Additionally, the Chief of Staff of the Army directed that Army SHARP Resource Centers, located at select installations across the force, collect data on retaliation allegations beginning in May 2015.</p> <p>The Army believes that the SARB and Resource Center reports will serve as reliable sources of data for future analysis.</p> <p>In March 2015, at the direction of the Undersecretary of Defense for Personnel and Readiness, the Army conducted a data call of multiple sources for reports, investigations and dispositions of retaliation allegations. The Army does not have confidence in the specifics of the data collection results because there was not sufficient time to properly collect and analyze the results. The Army believes that our results may be incomplete, inconsistent, and potentially duplicative, which would lead to potentially improper conclusions and corrective action. Therefore, the data collected through the SARB and SHARP Resource Centers is the proper source to determine policy and actions for the future.</p>
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Although the detailed results of the data call are not appropriate for release, the data collection did confirm that: (1) as of March 2015, the SARBs are collecting data as required by SECARMY Directive 2015-16; (2) the Inspector General (IG) complaint process is being properly executed for allegations of retaliation and reprisal in accordance with the Military Whistle Blower Protection Act; and (3) victims are reporting allegations of retaliation through multiple channels including the chain of command, law enforcement, Victim Advocates, Sexual Assault Response Coordinators, Special Victim Counsel, the IG, and Congressional representatives.

USAF The AF did not publish its service instruction on retaliation, incorporated in AFI 36-2909, until 19 June 2014. Starting in March 2015, the AF Sexual Assault Prevention and Response Office began tracking retaliation reports made by victims who fall under the SAPR program IAW the guidance in the CMG Memo. Allegations of retaliation that comprise reprisal are tracked by the AF IG. Information about reprisal reports are included below in RFI #84.

References:
- DoD Annual SAPRO Report, 1 May 2015, Enclosure 3, Department of the Air Force, Chart 1.1, Reports of Sexual Assault Over Time

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.

USAF			
SA/Retaliation Claims Investigated	FY12	FY13	FY14
a. SA Victims who filed an unrestricted report	483	737	944
b. SA Victims who filed an unrestricted report and subsequently complained of retaliation			
c. Investigated by Command			
d. Investigated by MCIO			
e. Investigated by Service IG	0	0	2
f. Investigated by DOD IG			
g. Other type of Investigations			
h. Investigations incomplete			
i. Investigations unsubstantiated			
j. Investigations substantiated			

USN Navy is unable to provide Service-wide numbers for many of the requested data points due to lack of information.

NAVINGEN received a total of four allegations of reprisal or retaliation from sexual assault victims from FY12 through FY14. The three allegations received in FY12 and FY13 involved professional reprisal. All three were unsubstantiated following an investigation. The single allegation received in FY14 from a victim of sexual assault involved retaliation in the form of ostracism and unfavorable personnel action. This

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claim of reprisal/retaliation was unsubstantiated following an investigation. However, in the course of the investigation it was discovered that the Victim Advocate violated the Victim Advocate Code of Professional Ethics. The Victim Advocate received a written letter of counseling and the Victim Advocate's credentials were suspended.

Although Navy is unable to provide an accurate Service-wide response to the requested data call, the Twenty First Century Sailor office received information from some Navy commands, as well as NCIS. The following alleged retaliation case synopsis capture information involving retaliation against a sexual assault victim who made an Unrestricted Report during the period of October 1, 2013 through February 2015, and what action was taken, if any. This data was gathered quickly without quality assessment and has not been validated. Further, the number of reported allegations from Naval commands and NCIS, and NAVINSGEN may include some of the same cases reducing the total number of reported allegations below 26.

Naval commands:

- Navy commands that were able to respond to the request for data reported a total of 21 allegations of reprisal or retaliation (8 were reported as professional, 12 social, and 1 both).
- Males and females, acting alone or in multiples, were the retaliators.
- In all but 2 of the cases, the victim who experienced the retaliation was female.
- In 4 of the cases, the retaliator was the perpetrator of the underlying sexual assault report.
- Actions taken in the cases included:
 - 1 resulted in nonjudicial punishment (NJP).
 - 3 resulted in an expedited transfer of the victim.
 - 5 resulted in briefings or trainings for the retaliator. (One of these was concurrent with an expedited transfer.)
 - 2 resulted in briefings or trainings for the command.
 - 1 resulted in a military protective order (MPO) for the victim.
 - 5 resulted in some other form of action being taken, and was elaborated on in the data response.
 - 4 resulted in no action being taken.

NCIS:

- NCIS reported 5 allegations.
- NCIS investigates retaliation and does not classify cases as social or professional.
- 1 of the cases was considered actionable and was dealt with via NJP.
- 3 of the cases resulted in no action being taken, one of which is an ongoing investigation.
- All 5 of the victims of allegation were female.
- 3 of the cases identified the retaliator as being a single male (one was listed as the perpetrator of the underlying sexual assault report).
- 2 of the cases listed the retaliator as female. 1 case was a single female, and the other was multiple females.

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USN			
SA/Retaliation Claims Investigated	FY12	FY13	FY14
a. SA Victims who filed an unrestricted report	556	902	1001
b. SA Victims who filed an unrestricted report and subsequently complained of retaliation			
c. Investigated by Command			
d. Investigated by MCIO			
e. Investigated by Service IG	2	1	1
f. Investigated by DOD IG			
g. Other type of Investigations			
h. Investigations incomplete			
i. Investigations unsubstantiated			
j. Investigations substantiated			

USMC	The Marine Corps does not track this information
USCG	The Coast Guard has not historically tracked allegations of retaliation or disposition information on those offenses and does not have reliable data available.