



**DEPARTMENT OF DEFENSE
SEXUAL ASSAULT PREVENTION
AND RESPONSE OFFICE**



DACOWITS DoD SAPRO Retaliation Overview

December 9, 2015



Agenda

- Background
- Investigative Responsibility
- Policy & Legislation
- Key Initiatives



- Definition of “Retaliation”
 - An umbrella term, not yet defined in law or policy
 - Encompasses illegal, impermissible or hostile actions taken against someone for making a protected communication, which includes making a crime report
- Types of Retaliation Defined in Law and Policy
 - **Reprisal**
 - *What: Personnel actions* *By Whom: Chain of Command*
 - **Ostracism**
 - *What: Social exclusion* *By Whom: Anyone*
 - **Cruelty, Oppression and Maltreatment**
 - *What: Misconduct against the reporter* *By Whom: Anyone*
- Current definitions of various types of retaliation are not fully aligned and standardized across the military Services
 - Alignment will occur during the implementation planning phase of the forthcoming DoD Retaliation Prevention and Response Strategy



Background

- DoD conducted several data gathering efforts to capture sexual assault victim experience with retaliatory behavior in 2012 and 2014
- Force-wide survey¹ results indicated:
 - Over half of female² victims who reported a sexual assault to a DoD authority perceived some kind of retaliatory behavior for doing so by either peers, coworkers or the chain of command
 - There was no change from 2012 to 2014 in the proportion of female sexual assault victims indicating an experience of retaliatory behavior associated with reporting the crime
- Focus group³ participants thought some victims may experience some kind of retaliation after reporting a sexual assault from peers and, on a lesser level, from some in the chain of command
- Victim experience survey⁴ results indicated 73% of victims who indicated they were retaliated against after reporting would still recommend reporting to others
- Climate survey⁵ results showed most Service members rated their climates as quite favorable (3.4 out of 4), meaning they did not observe indications that victims would experience retaliation for reporting

¹ 2012 Workplace Gender Relations Survey of the Active Duty (WGRA) and 2014 RAND Military Workplace Study

² Data not reportable for men

³ 2014 Focus Groups on Sexual Assault Prevention and Response

⁴ 2014 Survivor Experience Survey (SES)

⁵ 2014 DEOMI Equal Opportunity Climate Survey



Investigative Responsibility

- Reprisal:
 - Under exclusive purview of the DoD Inspector General (IG); Service IGs may address in a supporting role
- Ostracism, Cruelty, Oppression & Maltreatment:
 - Typically addressed by the Services - either by Military Criminal Investigative Organizations (MCIOs), law enforcement investigators, or commander directed investigations
- Other Perceived Retaliation (deemed non-criminal):
 - Typically addressed by command through correcting unit climate issues and unprofessional behavior
 - Command responses may vary, causing frustration for those involved



- **10 USC 1034** – Protected Communications; Prohibition of Retaliatory Personnel Actions
- **DoDD 7050.06** – Military Whistleblower Protection
- **DoDI 6495.02** – Mandates protection from reprisal, or threat of reprisal, for filing a sexual assault report
 - Comprehensive retaliation training requirements
 - Procedures to require commanders to protect those who report or intervene to prevent a sexual assault
 - Additional roles/responsibilities for SAPR personnel, supervisors, and commanders
- **FY14 NDAA, SEC. 1709**: Prohibition of Retaliation Against Members of the Armed Forces for Reporting a Criminal Offense
 - Mandates definitions of retaliation for DoD and Service policies
- **FY16 NDAA**: Mandates development of strategy to combat retaliation against reporters of sexual assault, to include bystanders



Key Initiatives

- Revised Survey Questions
- Safe Helpline Reporting Option
- SecDef Directives
- Retaliation Prevention and Response Strategy



Revised Survey Questions

- New survey questions were developed to achieve greater clarity as to the scope and specificity of the range of perceived retaliation
- Questions incorporated into the WGRA, SES, and the new Military Investigation and Justice Experience Survey
- Further updates to questions will be made, if needed, after the development of new definitions of the types of retaliation
- Research planned to analyze existing and future survey results to identify insights, gaps and areas to expand



Safe Helpline (SHL) Reporting Option

- Option added to SHL in July 2015
- Members of the DoD community can now anonymously report retaliation through a secure web form at safehelpline.org
 - Allows those who experienced retaliation to safely and securely report their experience to either the DoD IG or directly to SAPRO leadership via the “Military Feedback Form” to begin the official retaliation reporting process
 - Also includes direct link to DoD IG complaint webpage
- SHL staff was trained on how to refer Service members to the appropriate authority



SecDef Directives to Address Retaliation (2014-2015)

- Enhance First Line Supervisor Skills and Knowledge (Dec 2014)
 - Emphasizes prevention of and response to retaliation for reporting a sexual assault
- Engage Command to Prevent Retaliation (Dec 2014)
 - New procedures for installation commanders at Case Management Groups
- Bolster Service-wide Efforts Aimed at Reducing Retaliation Associated with Reporting of Sexual Assault (Feb 2015)
 - Review of means available to address retaliation, including social media conduct
- Improve Organizational Culture to Address Sexual Assault, Sexual Harassment, and Reporting-Related Retaliation (May 2015)
 - Retaliation content added to prevention training
- Develop A Department Strategy to Prevent Retaliation Associated with Reporting Crimes and other Misconduct (May 2015)
 - Focus narrowed to sexual assault and sexual harassment involving Service and National Guard members for “Phase I”



DoD Retaliation Prevention and Response Strategy

- Forthcoming in 2nd Quarter, FY16
- Targets five issue areas:
 - Standardizing Definitions
 - Closing the Gap in Knowledge – Data Collection and Analysis
 - Response Process: Investigation and Accountability
 - Response Process: Reporter Protections
 - Creating a Culture Intolerant of Retaliation
- Addresses retaliation related to:
 - Reports of Sexual Assault
 - Complaints of Sexual Harassment
- Includes protections for bystanders who intervene, as well as first responders who experience retaliation related to the execution of their duties and responsibilities
- Strategic guidance to further promote a professional environment where Service members can report crime without fear of retaliation

A healthy culture supports those who make the difficult decision to report a sexual assault



Contact Information

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Learn More:
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