



DoD INSTRUCTION 6495.02, VOLUME 3

SEXUAL ASSAULT PREVENTION AND RESPONSE: RETALIATION RESPONSE FOR ADULT SEXUAL ASSAULT CASES

Originating Component: Office of the Under Secretary of Defense for Personnel and Readiness

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Purpose: This instruction is composed of multiple volumes, each containing its own purpose. In accordance with the authority in DoD Directive (DoDD) 5124.02 and the guidance in DoDD 1400.25:

- This instruction establishes and implements policy, establishes procedures, provides guidelines and processes, delegates authority and assigns responsibilities regarding the prevention of and response to sexual assault in the DoD.
- This volume:
 - Establishes policy, assigns responsibilities, and prescribes procedures for the implementation, management, and oversight of the response to retaliation related to adult sexual assault cases within the Sexual Assault Prevention and Response (SAPR) Program.
 - Implements the April 2016 “DoD Retaliation Prevention and Response Strategy: Regarding Sexual Assault and Harassment Reports.” This volume supersedes the requirements and tasks in the January 2017 “DoD Retaliation Prevention and Response Strategy Implementation Plan (Implementation Plan)” associated with regarding retaliation in the SAPR Program only, **not** for the retaliation response to sexual harassment.
 - Provides a definition of “retaliation” as used in the SAPR Program only.
 - Provides procedures for the response to retaliation related to adult sexual assault cases within the SAPR Program, to facilitate services for those who report allegations of retaliation related to an

unrestricted report to assist in their recovery, as well as track reports of retaliation allegations through disposition in the monthly SAPR Case Management Group (CMG) meetings.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY.

It is DoD policy to provide for an ethical and professional climate, intolerant of retaliatory behaviors associated with reporting sexual assault allegations, and to maintain a standardized response process for comprehensive support to individuals who report experiencing retaliation (as defined in G.2 Definitions) associated with making an unrestricted report of adult sexual assault.

a. Require that adult victims reporting sexual assault allegations made under the purview of the SAPR program (the Family Advocacy Program has its own retaliation reporting processes) are able to do so without fear of being retaliated against (reprisal, coercion, ostracism, maltreatment, and witness intimidation) by their peers, chain of command, or other enlisted, officer, or civilian supervisors, so they can access support and services, alleged offenders can be held appropriately accountable, and to ensure that persons are not deterred from reporting sexual assault allegations for fear of retaliation.

b. Require that witnesses, bystanders (who intervened), sexual assault response coordinators (SARC), sexual assault prevention response victim advocates (SAPR VA), responders, and other individuals associated with the sexual assault incident are not retaliated against because of their involvement with the victim’s unrestricted report of sexual assault. Commanders and supervisors will, to the extent feasible, ensure family members of the adult sexual assault victim are not retaliated against by other Service members or DoD civilian employees.

c. Require that retaliation reporters file a DD Form 2910-2, “Retaliation Reporting Statement for Unrestricted Sexual Assault Case,” if they wish to report their retaliation through the SAPR Program. The DD Form 2910-2 is located on the DoD Forms Website, and can be filed with their local SARC or any available SARC or SAPR VA.

d. Requires the Chair of the SAPR CMG to conduct monthly oversight of the CMG activities related to the status of sexual assault cases, and associated allegations of retaliations at relevant SAPR CMG meetings until resolution in accordance with Section 4 of this issuance. The retaliation reports will be discussed at the same SAPR CMG that deals with the unrestricted report of sexual assault, from which the retaliation allegation stemmed.

e. However, if the CMG Chair is the alleged offender of the sexual assault or the retaliation, then the oversight of the retaliation allegation will be elevated to the first general officer/flag

officer (GO/FO) in the CMG Chair's chain of command. The SARC who took the DD Form 2910-2 report will contact that GO/FO to elevate the retaliation claim.

f. Require education and training on the DoD policy prohibiting retaliating against those who report adult sexual assault allegations and against witnesses, bystanders, and those individuals associated with the unrestricted report who are the adult sexual assault victim's adult family member, witness, bystander (who intervened), SARC and SAPR VA involved in the case, responder, and other individuals associated with the incident (e.g., the victim's roommate, friend, or co-worker who could be perceived as supporting the victim), eligible to file a DD Form 2910, "Victim Reporting Preference Statement," located on the DoD Forms Website.

1.3. POLICY REPLACEMENT.

a. This issuance implements requirements for reporting retaliation allegations related to an unrestricted report of adult sexual assault (not retaliation related to a sexual harassment report) found in the Retaliation Strategy. In the event there is a conflict between this issuance and content in the documents below regarding sexual assault, this issuance is controlling.

b. This issuance supersedes the requirements and tasks regarding retaliation allegations related to an unrestricted report of adult sexual assault (not retaliation related to a sexual harassment report) found in the Implementation Plan.

c. The Retaliation Strategy and the Implementation Plan are still in effect for retaliation related to sexual harassment, but:

(1) The SAPR CMG is no longer required to discuss retaliation allegations related to sexual harassment at its monthly meetings.

(2) DoD Components are not required to send any corresponding sexual harassment retaliation data to the SARC.

(3) The military equal opportunity and equal employment opportunity personnel are no longer required to notify the senior SARC of a sexual harassment retaliation report that is opened, and entered in a Service's sexual harassment data case file management system.

1.4. INFORMATION COLLECTIONS.

a. Section 543 of Public Law 114-328 mandated that information on each claim of retaliation in connection with a report of sexual assault be included in subsequent DoD annual reports on sexual assault in the Military Services.

b. The Military Services will include the provisions listed in this issuance to track reports and dispositions of retaliation related to an unrestricted report of sexual assault, within their SAPR procedures, when allegations are not initially provided to the IG DoD.

c. Retaliation can always be reported directly to the IG DoD. But when retaliation is reported through the SAPR Program and associated with an unrestricted report, the DD Form 2910-2 serves as the official report of retaliation. The following individuals can report retaliation on a DD Form 2910-2:

- (1) Adult sexual assault victim who has previously made an unrestricted report of sexual assault.
- (2) Adult sexual assault victim's adult family member.
- (3) Witness.
- (4) Bystander (who intervened).
- (5) SARC involved in the case.
- (6) SAPR VA involved in the case.
- (7) Responder (refer to DoD Instruction (DoDI) 6495.02, Volume 1 "Definitions")
- (8) Other individuals associated with the incident (e.g., the victim's roommate, friend, or co-worker who could be perceived as supporting the victim).

d. DD Form 2910-2, which is covered under "Defense Sexual Assault Incident Reporting", referred to in this issuance, has been assigned OMB control number 0704-0482 in accordance with the procedures in Volume 2 of DoD Manual 8910.01. The expiration date of this information collection can be found on the Office of Information and Regulatory Affairs website at <https://www.reginfo.gov/public/do/PRASearch>.

SECTION 2: RESPONSIBILITIES

2.1. EXECUTIVE DIRECTOR, FORCE RESILIENCY (EDFR).

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the Executive Director, Force Resiliency, develops policy for issuance by the USD(P&R), prescribes procedures, and conducts oversight of the DoD Sexual Assault Prevention and Response Office (SAPRO).

2.2. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY.

Under the authority, direction, and control of the USD(P&R), the Director, Department of Defense Human Resources Activity provides support to the EDFR, as appropriate, in the execution of the duties and responsibilities of this DoDI.

2.3. DIRECTOR, SAPRO.

Under the authority, direction, and control of the Director, Department of Defense Human Resources Activity the Director, SAPRO:

- a. Provides recommendations through the EDFR, to the USD(P&R) regarding SAPR policy and policy oversight of the CMG activities related to the status of sexual assault cases and corresponding allegations of retaliation, not otherwise under the purview of the IG DoD or FAP.
- b. Identifies resources for SARCs and SAPR VAs, to provide to individuals who report retaliation allegations.

2.4. IG DOD.

- a. Allegations of restriction or reprisal fall within the jurisdiction of the IG DoD in accordance with Section 1034 of Title 10, United States Code (U.S.C.), and as such, an investigative determination will be made by the IG DoD.
- b. If a sexual assault victim reports retaliation allegations through the IG DoD Hotline for Whistleblower Reprisal Complaints (IG Whistleblower Hotline) or a Military Department or Service Inspector General (IG), the report will be sent to the IG DoD. The IG Whistleblower Hotline can be reached at <https://www.dodig.mil/Components/Administrative-Investigations/DoD-Hotline/>. The IG DoD will then review the allegation to determine if it will investigate the allegations. If the IG DoD decides to conduct the investigation, they will notify the individual who reported the allegation(s) that the allegation will be investigated.
- c. For reprisal investigations handled by the IG DoD, the SARC will request updates from the IG DoD every 3 months (as per the agreement with the IG DoD) to provide the update during

the SAPR CMG meeting; and for the other monthly CMG meetings, the SARC will just provide the date of the next scheduled IG DoD update.

2.5. SECRETARIES OF THE MILITARY DEPARTMENTS.

The Secretaries of the Military Departments, in coordination with IG DoD, will establish retaliation prevention and response guidance and procedures to:

a. Direct commanders at every level publicize by all means available, how to report allegations of retaliation associated with making a report of sexual assault and the availability of support resources at their locations, including resources outside an individual's immediate chain of command or supervision (e.g., Service or IG DoD, installation SARC, SAPR VAs, DoD Safe Helpline).

b. Direct that the SARC or SAPR VA will offer services to individuals seeking to report retaliation allegations related to an unrestricted report of sexual assault, and ask if they would like to complete the DD Form 2910-2 in order to file an official retaliation report with the SAPR Program, which will be tracked at the monthly CMG meetings with the victim's consent.

(1) Based on the retaliation reporter's request, the SARC or SAPR VA will facilitate the retaliation report being referred to the appropriate personnel; e.g., command, CMG, commander outside the chain of command, military criminal investigative organization (MCIO), or the filing of a reprisal complaint directly with the IG DoD.

(2) The SARCs cannot submit the DD Form 2910-2 to the IG DoD to commence an IG investigation; the person alleging the retaliation has to directly report to the IG DoD or the IG Whistleblower Hotline.

c. Direct that information regarding a report of sexual assault and a report of retaliation related to sexual assault, will only be disclosed to personnel with an official need to know or as authorized by law.

d. Direct officers, enlisted leaders, and civilian supervisors (to include first-line supervisors) to encourage victims to report allegations of sexual assault through appropriate reporting channels in accordance with Volume 1 of DoDI 6495.02, as well as reporting of retaliation in accordance with this issuance, and other Department and Service guidance. A commander retains their duty to immediately contact the MCIO upon being notified of a sexual assault, whether or not the sexual assault is in their own chain of command.

e. Require that all allegations of retaliation related to a report of sexual harassment to be referred to Service military equal opportunity or equal employment opportunity personnel, or other staff designated by the Service to receive sexual harassment complaints, if brought to the attention of command or to the CMG Chair at the SAPR monthly or quarterly CMG meetings. If the SARC is notified (e.g., by the retaliation reporter or the MCIO) that the retaliation reporter is pursuing action relating to allegations with the IG DoD or the MCIO, the SARC will not make any notification to command, especially if the commander is the subject in the retaliation report.

Additionally, the commander will be removed from attending the CMG discussing the retaliation reporter's report, if notification has already been given to the command.

f. Require this information when receiving a DD Form 2910-2:

(1) A commander who receives a retaliation report filed with a DD Form 2910-2, will immediately refer the matter to the appropriate MCIO, and will not attempt to assess the credibility of the retaliation report.

(2) If the MCIO declines to investigate the retaliation, then the commander may conduct internal, command-directed investigations on the retaliation allegations only, not on the original sexual assault. However, prior to commencing a command-directed investigation, the commander will notify the MCIO investigating the sexual assault to avoid any impediment to the criminal sexual assault investigation.

g. Direct that the SARC or SAPR VA offer services to individuals seeking to report retaliation allegations related to an unrestricted report of sexual assault, and the SARC or SAPR VA will ask if they would like to complete the DD Form 2910-2 in order to file an official retaliation report with the SAPR Program.

(1) Based on the retaliation reporter's request, the SARC or SAPR VA will facilitate the retaliation report being referred to the appropriate personnel; e.g., command, IG DoD, commander outside the chain of command, MCIO, or the filing of a reprisal complaint directly with the IG DoD. The SARCs cannot submit the DD Form 2910-2 to the IG DoD to commence an IG investigation; the person alleging the retaliation has to directly report to the IG DoD or the IG Whistleblower Hotline.

(2) If the retaliation reporter gave consent to discuss at the monthly CMG meeting, require the SARC to discuss retaliation reports.

(3) If the retaliation reporter did not consent to discussion at the CMG meeting, there will be no discussion at the CMG meetings. Even though there is no CMG discussion, the SARC or SAPR VA is still required to explain to the retaliation reporter referral options for their retaliation report to include to the IG DoD, and will offer the retaliation reporter, if eligible, a referral to the special victim counsel (SVC) or victim legal counsel (VLC) to further discuss retaliation referral options.

(a) The SARC or SAPR VA will ask the retaliation reporter for their retaliation referral decision, and will facilitate the retaliation report being referred to the appropriate personnel; e.g., command, commander outside the chain of command, MCIO, or IG DoD.

(b) The SARC will follow up with the retaliation reporter to provide services and referrals depending on eligibility, and will document the retaliation report in the Defense Sexual Assault Incident Database (DSAID). However, the retaliation case will not be tracked by the CMG Chair.

h. Conduct routine oversight to confirm that CMG Chairs are addressing individual retaliation allegations at the monthly CMG meetings, in accordance with the procedures in Section 4 of this issuance to uncover problems.

(1) However, if the CMG Chair is the alleged offender of the sexual assault or the retaliation, then confirm that the SARC who took the DD Form 2910-2 report notified the first GO/FO in the CMG Chair's chain of command, and oversight of the retaliation is being conducted by that GO/FO.

(2) Confirm that safety assessments were conducted where there are allegations of retaliation. Conduct follow-up to ensure effective resolution of identified issues.

(3) The monthly CMG meeting addresses individual SAPR case management and is a separate discussion from oversight at the SAPR quarterly CMG meetings, which identifies problems with the system; e.g., insufficient availability of mental health counseling appointments at the local healthcare facility.

i. Conduct routine oversight (and follow-up to ensure effective resolution of identified issues) to confirm that, during the SAPR quarterly CMG meetings, CMG Chairs are:

(1) Confirming that commanders and supervisors (officers, enlisted, civilian employees) adhere to the requirements listed in Section 3 of this volume.

(2) Confirming that individuals experiencing retaliation are afforded the rights listed in Section 3 of this volume.

(3) Inquiring whether there are challenges to the retaliation system's response; e.g., lack of trained personnel to conduct safety assessments.

j. Implement Military Department and Service guidance consistent with this issuance, to include incorporating the retaliation training definition (see G2. Definitions).

k. Issue and completes data calls in response requirements for retaliation data in accordance with Section 5 of this volume.

l. Promulgate social media policies that specifically prohibit retaliatory online posts, and that prohibit the encouragement of others to undertake retaliatory actions, to the extent allowable by law.

m. Ensure the performance appraisals of commanding officers indicate whether or not the commanding officer has established a command climate, in accordance with Section 508 of Public Law 113-291, whereby:

(1) Allegations of sexual assault are properly managed and fairly evaluated; and

(2) A sexual assault victim can report their assault allegations without fear of retaliation from other members of the command.

n. Require that the performance rating official for a victim of sexual assault who files an unrestricted report is not the alleged perpetrator. If the victim tells the SARC or SAPR VA that the performance rating official for a victim of sexual assault who files a restricted report is the alleged perpetrator, require the SARC or SAPR VA to offer the victim a referral to an SVC or VLC to discuss available options.

o. Require that when retaliation allegations are made against a reviewing or rating official, the GO/FO will take appropriate action to remove the reviewing or rating official from the retaliation reporter's chain of command, in accordance with applicable Military Department or Service instructions and procedures. If the retaliation allegation is filed through the IG Whistleblower Hotline, the retaliation reporter with the assistance of the SARC, may inform their GO/FO of the retaliation report in order to ensure appropriate action is taken concerning the reviewing or rating officer.

p. Require investigators charged with investigating reports of retaliation receive training on the nature and consequences of retaliation, to include the nature and consequences of sexual assault trauma in accordance with Section 546 of Public Law 114-328.

q. Ensure individuals reporting allegations of retaliation related to an unrestricted report of adult sexual assault are informed by the SARC or SAPR VA that they can provide their allegations directly to the applicable Military Department or Service IG or the IG DoD; they are not required to first notify anyone else of their allegation or to file a retaliation report with the SARC or SAPR VA, in accordance with DoDD 7050.06. This notice will also be given to retaliation reporters when they are filling out the DD Form 2910-2 to report the retaliation.

SECTION 3: PROCEDURES

3.1. GENERAL PROCEDURES.

Procedures for the implementation, management, and oversight of the response to retaliation related to unrestricted reports of adult sexual assault cases within the SAPR Program are as follows:

a. For personnel under the jurisdiction of the sexual assault victim's or suspect's commander or supervisor (officer, enlisted, civilian employee), require all commanders or supervisors, in the sexual assault victim's and suspect's chains of command or supervisory chain when they become aware of allegations of retaliation, take appropriate measures to protect the victims, their family members, witnesses, responders, and bystanders (who intervened) from retaliation that is related to an unrestricted report of sexual assault made by the victim or through a third-party report related to the unrestricted report.

(1) This includes those who have filed complaints, made statements, or testified in connection with an unrestricted report of sexual assault or provided assistance to a sexual assault victim in accordance with DoDD 7050.06, Section 1709 of Public Law 113-66, and Article 132 of the Uniform Code of Military Justice (UCMJ).

(2) Upon becoming aware of an allegation of retaliation, immediately confer with the servicing staff judge advocate (SJA) and the Service's IG office to ensure the allegations are referred to the appropriate office for evaluation.

(3) If a retaliation allegation is initially brought to the attention of the CMG Chair at the monthly SAPR CMG meeting, then the CMG Chair will immediately confer with the servicing SJA and the Service's IG office to ensure the allegations are referred to the appropriate office for evaluation.

(4) Additionally, the SARC or SAPR VA will be notified of the retaliation allegation for the purpose of discussing DD Form 2910-2.

b. To prevent retaliatory behaviors, require commanders to explicitly detail professional conduct requirements to their command leadership team (officer, enlisted, and civilian employees), and separately, for their other subordinates (military and civilian personnel) on the appropriate, professional response by peers to a sexual assault victim and to an alleged offender when a **sexual assault is reported** in a unit.

c. Require commanders to explicitly detail professional conduct requirements to their command leadership team (officer, enlisted, and civilian employees) and, separately, to their other subordinates (military and civilian personnel) explaining how to **promote healthy unit climates** and **prevent incidents of retaliation** against sexual assault victims, victim's family members, bystanders, witnesses, SARCs, SAPR VAs, and responders. Commanders will explain that incidents of retaliation violate good order and discipline, erode unit cohesion and military readiness, and may deter reporting of sexual assault and other misconduct.

d. Require the use of the DD Form 2910-2, to file an official report of retaliation in the SAPR Program with a SARC or SAPR VA. Retaliation reporters can always report directly to the IG DoD.

(1) An official report of retaliation through a DD Form 2910-2 can only be filed on retaliation allegations related to a reported unrestricted report of adult sexual assault. Retaliation reporters can file a DD Form 2910-2 with their local SARC or any available SARC or SAPR VA.

(2) The SARC or SAPR VA will facilitate a safety assessment on **all reporters** who file a DD Form 2910-2, with heightened attention to the safety of the sexual assault victim from potential self-harm and threats from others. For a sample safety assessment, see “Safety Assessment Tool” under “SAPR Policy Toolkit for SARCs” at <https://www.sapr.mil/sarc-toolkit>.

(3) If a victim who filed a restricted report of sexual assault discusses allegations of retaliation with a SARC or SAPR VA, then, in accordance with Volume 1 of DoDI 6495.02, this is a “disclosure” and not an “official report” of retaliation. The SARC or SAPR VA will inquire whether the victim wants to convert to an unrestricted report (through a DD Form 2910) and then file an official report of retaliation through a DD Form 2910-2. If the victim wishes to retain the restricted report relating to the initial report of sexual assault, the SARC or SAPR VA will provide a response to the retaliation disclosure by:

(a) Facilitating a safety assessment.

(b) Discussing “Multiple Avenues for Individual Experiencing Retaliation to Seek Assistance and Report” (see Paragraph 3.2. of this volume).

(c) Encouraging the victim to seek the assistance of an SVC or VLC to discuss ways to address the retaliation.

(d) Notifying the victim that they may file a complaint with the IG DoD or the IG Whistleblower Hotline alleging reprisal for being perceived as having filed, or prepared to file a report of sexual assault.

(4) If an individual discloses retaliation that is not related to an unrestricted report (filed through a DD Form 2910), that individual is not eligible to file a DD Form 2910-2 through the SAPR Program, but can still report the retaliation through other sources or the IG DoD. Consequently, the SARC or SAPR VA will discuss options for reporting allegations of retaliation not related to a report of sexual assault, in accordance with “Multiple Avenues for Individual Experiencing Retaliation to Seek Assistance and Report” (see Paragraph 3.2. of this volume) with the individual.

e. Require the CMG Chair to notify the first GO/FO in the reporter’s chain of command when:

(1) A DD Form 2910-2 is filed by a retaliation reporter, and the retaliation reporter has consented to have their retaliation report discussed in the CMG. The notification will include:

(a) Whether the retaliation is reported against someone in the reporter's chain of command or supervisory chain.

(b) Whether the suspect of the sexual assault allegation is the rater, reporting senior, or reviewing officer of the sexual assault victim who also reported retaliation.

(2) A high-risk response team (HRRT) is stood up for a sexual assault victim who also reported retaliation, and when that HRRT is dissolved. Refer to Volume 1 of DoDI 6495.02, Enclosure 9, for HRRT membership criteria, suspense for reports to the CMG Chair, and evaluation list.

(3) When the retaliation is resolved and no longer on the monthly CMG agenda.

f. When retaliation allegations involve allegations against an official who conducts evaluations on or rates the Service member's performance, the GO/FO will take appropriate action to remove the rater or reviewing official from the evaluation process of the retaliation reporter's chain of command, in accordance with Military Department or Service instructions and procedures. If the retaliation allegation is filed through the IG Whistleblower Hotline, the retaliation reporter, with the assistance of the SARC, inform their GO/FO of the retaliation report in order to ensure appropriate action is taken concerning the rater, reporting senior, or reviewing officer.

g. GO/FO reviews:

(1) **GO/FO Training.** Require that Prior to conducting a formal GO/FO review in response to (2)(a) below, the GO/FO receive a briefing by the lead SARC and also by the senior SVC or VLC on victim's rights and available resources, and the effect of trauma and stress on sexual assault victims and individuals alleging retaliation.

(2) **Eligibility for GO/FO Review.**

(a) Service members who report retaliation because they are being processed for an administrative separation within 1 year of the final disposition of the victim's sexual assault case (e.g., 1 year from the court-martial verdict or Convening Authority's decision not to refer to court-martial), have the right to request that the appropriate GO/FO in their chain of command review the separation. In cases involving retaliation allegations against one's chain of command, the Service member may **request review outside of their chain of command.**

(b) Service members who believe that there were adverse impacts to their military career because they reported retaliation, have the right to discuss those career impacts with a GO/FO. In cases involving retaliation allegations against one's chain of command, the Service member may request **review outside of their chain of command.**

(3) **Notification of Availability of GO/FO Review.** Require SARCs and SAPR VAs to notify individuals reporting retaliation through a DD Form 2910-2 of the availability of the two types of GO/FO reviews.

h. Require the Chair of the SAPR CMG to conduct oversight over the monthly CMG activities related to retaliation allegations, until resolution during the monthly CMG meetings following the procedures detailed in Section 4 of this volume, including:

(1) Ensure that an initial safety assessment was completed and that additional assessments are being conducted on a monthly basis, at a minimum. The SARC will annotate the date and results of all safety assessments in the applicable module in DSAID following standard procedures.

(2) Tracking the timeframe for processing expedited transfers, to include the reasons for delays in reaching a decision, especially where there are allegations of retaliation.

i. Require that efforts to prevent retaliation are aligned to the DoDI 6400.09.

j. Require that retaliation-related training is completed in accordance with Volume 2 of DoDI 6495.02. SAPR retaliation training must include the training definition of retaliation in the Glossary of this issuance.

k. Require that individuals have unimpeded access to go to the IG DoD at any time during the process to discuss and report retaliation.

(1) Require that when SARCs and SAPR VAs are speaking to the reporter of retaliation about filing a retaliation report through a DD Form 2910-2, they also explain that the DD Form 2910-2 is not a method of filing a reprisal complaint with the IG DoD. All reprisal complaints must be filed either directly with the IG DoD or through the IG Whistleblower Hotline.

(2) If an individual alleging retaliation is interested in speaking with the IG DoD, then law enforcement personnel, or any DoD response personnel will explain that all reprisal allegations should be filed directly with the IG DoD, which receives and evaluates all claims of whistleblower retaliation in sexual assault cases. Such complaints filed with Military Department or Military Service IGs are exclusively handled by the IG DoD, which has two dedicated teams of investigators specially trained in sexual assault cases in its IG DoD Whistleblower Reprisal Investigations Directorate, which is found at <https://www.dodig.mil/Components/Administrative-Investigations/Whistleblower-Reprisal-Investigations/Whistleblower-Reprisal/>.

3.2. MULTIPLE AVENUES FOR INDIVIDUAL EXPERIENCING RETALIATION TO SEEK ASSISTANCE AND REPORT PROCEDURES.

a. Require that individuals, in accordance with eligibility in Volume 1 of DoDI 6495.02, who **disclose** retaliation to SARCs and SAPR VAs be notified that they may report their allegations or seek different avenues for assistance from various different sources to include:

(1) A SARC or SAPR VA.

(2) SVC or VLC, in accordance with Section 1044e (b)(1) of Title 10, U.S.C.

- (3) A SARC on a different installation, which can be facilitated by the DoD Safe Helpline.
 - (4) Their immediate commander.
 - (5) A commander outside their chain of command.
 - (6) Service personnel to invoke their Service-specific reporting procedures regarding such allegations; e.g., Service human resources department, dedicated Service programs for retaliation reporters that may be available in addition to the procedures in this issuance.
 - (7) A GO/FO if the retaliation involves the administrative separation (see Paragraph 3.1.g.(2)(a) of this volume).
 - (8) A GO/FO if the Service member believes that there has been an impact on their military career (see Paragraph 3.1.g.(2)(b) of this volume).
 - (9) Trial counsel and Victim and Witness Assistance Program personnel, or a legal assistance attorney to facilitate reporting with a SARC or SAPR VA.
 - (10) Procedures under Article 132, "Retaliation" under the UCMJ.
 - (11) Procedures under Article 138, "Complaint of Wrongs" under the UCMJ.
 - (12) The IG DoD at any time and the IG DoD, when specifically invoking whistleblower protections in accordance with DoDD 7050.06.
 - (13) Commander or SARC to request an expedited transfer for retaliation reporters who file an unrestricted report.
 - (14) Commander or SARC to request a safety transfer or a military protective order (MPO) or civilian protective order, if the sexual assault victim, or other retaliation reporter who is eligible for a transfer or an MPO, is in fear of their safety.
 - (15) The servicing MCIO who will assess the nature of the retaliation and act in accordance with DoDI 5505.18.
- b. Require installation commanders and commanders in comparable locations to post **reporting options for sexual assault**, and **also reporting options for retaliation** in high-traffic locations. The posts will include:
- (1) Location and phone numbers and e-mails for the local SARCs and SAPR VAs.
 - (2) Location and phone numbers and e-mails for the SVC or VLC, so individuals can discuss reporting options.
 - (3) Process for reporting to an individual outside the chain of command of the Service member, to explicitly include information for the DoD Safe Helpline that can direct the individual to a SARC and other personnel outside their chain of command.

(4) Information for the DoD Safe Helpline for crisis intervention, 24 hours a day, 7 days a week worldwide.

(5) Information for the Catch a Serial Offender “CATCH” Program, located in DoDI 5505.18 and the June 10, 2019 USD(P&R) Memorandum, as required by Section 543 of Public Law 113–291.

(6) Information for the IG DoD Hotline for Whistleblower Reprisal Complaints.

(7) Information regarding services furnished by the Secretary of Veterans Affairs to survivors of sexual trauma. This should also be posted in areas where sexual assault prevention staff normally post notices or information.

(8) Information that persons eligible to file a retaliation report related to an unrestricted adult sexual assault report include:

(a) Adult sexual assault victim, who has or plans to make an unrestricted report of sexual assault.

(b) Adult sexual assault victim’s adult family member (e.g., spouse, son, daughter).

(c) Witness.

(d) Bystander (who intervened).

(e) SARC or SAPR VA assigned to the case.

(f) Responder.

(g) Other individuals associated with the incident (e.g., the victim’s roommate, friend, or co-worker who could be perceived as supporting the victim).

(9) Information on military equal opportunity and equal employment opportunity referrals to IG DoD or Service IG for sexual harassment retaliation reports.

3.3. COMMANDER AND SENIOR/INSTALLATION COMMANDER PROCEDURES.

a. Adhere to the retaliation response requirements listed in Paragraph 3.1 of this volume, and direct that individuals experiencing retaliation are afforded the protections listed in Paragraph 3.1. of this volume.

b. Require the SARCs or SAPR VAs to assist reporters of retaliation in documenting an official report using DD Form 2910-2.

c. Ensure SARCs or SAPR VAs are the only personnel authorized to assist a retaliation reporter in completing the DD Form 2910-2. SVC or VLCs, chaplains, or other personnel with whom retaliation is discussed will refer the individual to SARC or SAPR VA to file a DD Form 2910-2, if the individual wishes to report through the SAPR Program.

d. Confirm through verbal affirmation from the SARC that safety assessments are completed and re-administered when needed, and that the sexual assault victim's safety is continuously assessed.

e. Commanders who receive retaliation reports:

(1) A commander who receives a retaliation report filed with a DD Form 2910-2, will immediately refer the matter to the appropriate MCIO, and will not attempt to assess the credibility of the retaliation report.

(2) If the MCIO declines to investigate the retaliation allegation(s), then the commander will document the MCIO declination and may conduct internal, command-directed investigations on the retaliation allegations **only**, not on the original sexual assault. The commander will:

(a) Consult with the servicing SJA and the IG DoD when deciding whether to conduct a command-directed investigation of retaliation. If a command-directed investigation is recommended, the commander will appoint an individual independent of the unit or organization where the alleged retaliation originated to conduct the investigation of the retaliation allegation.

(b) Notify the MCIO investigating the sexual assault to avoid any impediment to the criminal sexual assault investigation, prior to commencing a command-directed investigation on the retaliation allegation.

(c) Inform the retaliation reporter and the SARC or SAPR VA of the status of command-directed investigations of retaliation allegations. This requirement is non-delegable and is in addition to the requirement to provide the status to the CMG Chair.

(d) Provide in writing to the retaliation reporter and the SARC the final disposition, administrative actions, and disciplinary actions taken against Service members suspected of or found accountable for retaliatory behavior, when the command-directed investigation comes to a conclusion.

(e) If the command-directed investigation is **not** recommended, the commander will inform the SARC of the reason an investigation was not initiated for entry into DSAID; e.g., IG DoD or MCIO is conducting an investigation on the retaliation.

f. The commander of the retaliation reporter will attend the monthly CMG meetings until the retaliation is resolved, to ensure that commander understands the impact on the retaliation reporter, and so that the commander can provide the retaliation reporter (not including the victim and their family who receive updates separately under a different policy requirement) updates on the status of their retaliation report.

(1) If the commander of the retaliation reporter is the alleged retaliator, the next senior commander in the retaliation reporter's chain of command will attend the monthly CMG meeting.

(2) Additionally, if the CMG Chair is the alleged offender of the sexual assault or the retaliation, then the oversight will be elevated to the first GO/FO in the CMG Chair's chain of

command. The SARC who took the DD Form 2910-2 report will contact that GO/FO to elevate the retaliation claim.

g. The CMG Chair, will conduct oversight over CMG activities related to retaliation in accordance with the requirements in Section 4 of this volume.

3.4. SARC AND SAPR VA PROCEDURES.

a. Retaliation Response Procedures.

SARC and SAPR VA responsibilities:

(1) The SARC or SAPR VA discusses available “Multiple Avenues for Individual Experiencing Retaliation to Seek Assistance and Report,” (see Paragraph 3.2 of this issuance) and the process to request an expedited transfer for eligible personnel, as defined in Volume 1 of DoDI 6495.02.

(2) The SARC or SAPR VA informs the individual alleging retaliation of available support services, to include mental health providers, and chaplain corps resources.

(3) The SARC or SAPR VA facilitates a safety assessment.

(4) The SARCs do not discuss the legal definition of retaliation the same way that they are trained not to discuss the legal definition of sexual assault. SARCs merely facilitate the reporting through the DD Form 2910-2. Additionally, the SARC is not providing legal interpretation, but rather are explaining how to seek or obtain assistance with the legal or investigative process.

(5) The SARC or SAPR VA explains that the individual alleging retaliation can go to a Service IG or IG DoD at any time during the process to discuss and report retaliation.

(6) The SARC or SAPR VA explains eligibility for GO/FO review:

(a) Service members who report retaliation because they are being processed for an administrative separation within 1 year of the final disposition of the victim’s sexual assault case (e.g., 1 year from the courts-martial verdict or Convening Authority’s decision not to refer to courts-martial), have the right to request that the appropriate GO/FO in their chain of command review the separation. In cases involving retaliation allegations against one’s chain of command, the Service member may **request review outside of their chain of command**.

(b) Service members who believe that there were adverse impacts to their military career because they reported retaliation, have the right to discuss those career impacts with a GO/FO. In cases involving retaliation allegations against one’s chain of command, the Service member may request **review outside of their chain of command**.

(7) The SARC or SAPR VA will offer support throughout the process, to include providing referrals (e.g., SVC, VLC, or legal assistance for legal advice).

(8) The SARC will consult with the local SJA if there are concerns about violating privileged communication, if applicable, with the retaliation reporter, prior to notifying the command.

(9) If given consent by the retaliation reporter to discuss the case at the monthly CMG meeting on the DD Form 2910-2, the SARC (or, if needed the SAPR VA) will:

(a) Notify the retaliation reporter's commander and the CMG Chair of the retaliation report within 24 hours.

(b) If the SARC is notified (e.g., by the retaliation reporter or the MCIO) that the retaliation reporter is pursuing action relating to allegations with the IG DoD or the MCIO, the SARC will **not** make any notification to command.

(c) If the initial retaliation report is made to the SARC involving the individual's immediate commander or first-line supervisor, the SARC will notify the next level of command above the alleged named offenders. If the retaliation reporter reports the allegations to the IG DoD or MCIO, the SARC will **not** make any notification to command.

(d) During the monthly CMG meetings, the SARC will:

1. Subject to the consent of the retaliation reporter indicated on the DD Form 2910-2, present verbal updates from the retaliation reporter and from the IG DoD (at the set 3-month intervals for IG updates) to the CMG Chair during the CMG meetings. The update will include information within the SARC's purview that is not customarily provided by other stakeholders.

2. Request, track, and upload status updates in DSAID for the monthly CMG meetings in accordance with Section 4 of this volume.

3. If the CMG Chair is the alleged offender of the sexual assault or the retaliation, then confirm that the SARC who took the DD Form 2910-2 report notified the first GO/FO in the CMG Chair's chain of command, and oversight of the retaliation is being conducted by that GO/FO.

(10) If the retaliation reporter does not consent to having the retaliation discussed at the monthly CMG, the SARC or SAPR VA is still required to discuss with the retaliation reporter referral options for their retaliation report to include the IG DoD, and will offer the reporter, if eligible, a referral to the SVC or VLC to further discuss retaliation referral options. The SARC or SAPR VA will ask the retaliation reporter for their retaliation referral decision, and will facilitate the retaliation report being referred to the appropriate personnel; e.g., command, commander outside the chain of command, MCIO, or filed with the IG DoD via the IG Whistleblower Hotline.

(11) The SARC or SAPR VA will ensure retaliation communications with retaliation reporters are confidential, and for those eligible, handled as privileged communications under Military Rule of Evidence 514. The SARC or SAPR VA will limit disclosure of retaliation

reporter information to only parties with a verified need to know, unless otherwise provided for in law or DoD policy.

b. Procedures for the DD Form 2910-2.

(1) The DD Form 2910-2 will be used to report allegations of retaliation in the SAPR Program related to an unrestricted report of adult sexual assault, which has been previously filed through a DD Form 2910.

(2) The DD Form 2910-2 will be completed and uploaded into the DSAID file locker within 48 hours of the report (may be extended to 96 hours in deployed locations with connectivity issues), in accordance with the described procedures in Volume 1 of DoDI 6495.02. The DD Form 2910-2 will be maintained for 50 years.

(3) When the DD Form 2910-2 is completed, the SARC or SAPR VA will ensure that the form can be directly linked to an unrestricted report of sexual assault previously entered into DSAID, and will annotate that unrestricted report DSAID control number on the DD Form 2910-2.

(a) If the SARC or SAPR VA cannot link the form to an unrestricted report, the SARC or SAPR VA will contact the Service headquarters DSAID Program Manager for assistance, and to check for cross Service cases. If it is available, the Service headquarters DSAID Program Manager will provide the requested unrestricted report DSAID control number.

(b) If the Service headquarters DSAID Program Manager cannot directly link the retaliation report to an unrestricted report, the report will not be entered into DSAID.

1. The SARC or SAPR VA must inform the investigative entity that a link to an unrestricted report could not be established, and therefore, no further updates to the SARC or SAPR VA are necessary, since the retaliation will not be tracked in the SAPR Program for the purposes of DSAID, CMG tracking, and congressional SAPR annual reporting requirements.

2. This notification by the SARC is essential because the investigating body will continue to appropriately investigate the retaliation report, but not as part of the SAPR Program, so the investigative body has to ensure the notifications are going to the retaliation reporter and to the DoD program tracking the status of the retaliation investigation.

(4) If an individual **discloses** the retaliation to a SARC or SAPR VA, but are **not** ready to complete a DD Form 2910-2 to file an official report:

(a) The SARCs and SAPR VAs will ensure that individuals who **disclose** experiencing retaliation are notified of “Multiple Avenues for Individual Experiencing Retaliation to Seek Assistance and Report,” in Paragraph 3.2 of this issuance.

(b) The SARCs and SAPR VAs will facilitate a safety assessment in accordance with established sexual assault policy.

(c) The retaliation disclosure will be treated as a “SAPR-related Inquiry (SRI)” and will be documented by Service SAPR program managers, SARCs, and SAPR VAs (authorized to use DSAID) in DSAID under the “SRI Module.” As previously stated, an official report is filed through a DD Form 2910-2, so any other conversations with the SARC or SAPR VA are disclosures or inquiries.

1. In addition to the retaliation reporter, other persons may approach the SARC or SAPR VA with retaliation-related questions (e.g., witnesses or supervisors, co-workers, friends, and family members of the sexual assault victim or retaliation reporter), and these questions would also result in DSAID-documented SRIs.

2. The SARC will make the entries in the DSAID module within 48 hours of the SRI. In deployed locations, such as areas of combat that have internet connectivity issues, the timeframe is extended to 96 hours.

(d) The SARC or SAPR VA will follow-up, 1 week after the initial meeting, with individuals declining to complete or sign a DD Form 2910-2, to ask if the individual proceeded with making a retaliation report outside of the SAPR Program (i.e., with the IG DoD) or if they now want to complete a DD Form 2910-2, and have the retaliation allegation discussed at monthly CMG. They will also inquire if the individual has any safety concerns.

(5) The SARC or SAPR VA will inform victims making a restricted report of sexual assault, that because allegations made in a restricted report are not investigated, the ability for command to respond and remedy any resulting retaliatory behavior alleged is constrained, unless a victim converts to an unrestricted report.

(6) Retaliation reporters can request a copy, through the SARC or SAPR VA, of their own, signed DD Form 2910-2, which is their official retaliation report.

(a) Only the victim who made the sexual assault report may receive a copy of the signed DD Form 2910 associated with the retaliation allegation.

(b) The SARC or SAPR VA will be careful not to inadvertently reveal sexual assault case details to retaliation reporters who are not the sexual assault victim.

(7) Any other requests for release of information (i.e., under the Freedom of Information Act) should be referred to the appropriate office of the Military Department concerned.

SECTION 4: SAPR CMG CHAIR OVERSIGHT OF CMG ACTIVITIES OF RETALIATION RELATED TO SEXUAL ASSAULT REPORTING

4.1. DISCUSSION OF RETALIATION (REPRISAL, COERCION, OSTRACISM, MALTREATMENT, AND WITNESS INTIMIDATION) ALLEGATIONS.

Upon the receipt of the retaliation reporter's consent on the DD Form 2910-2, the status of a retaliation allegation will be discussed monthly at the SAPR CMG meeting to ensure retaliation reporter concerns are appropriately addressed, and so that the retaliation reporter's safety is continually assessed. The retaliation reports will be discussed at the same SAPR CMG that deals with the unrestricted report of sexual assault, from which the retaliation allegation stemmed. The SAPR CMG will not address retaliation related to a sexual harassment incident, the CMG will only address retaliation related to an unrestricted report of adult sexual assault filed with a DD Form 2910. If the CMG Chair is the alleged offender of the sexual assault or the retaliation, then the SARC who took the DD Form 2910-2 report must notify the first GO/FO in the CMG Chair's chain of command, and oversight of the retaliation allegation will be conducted by that GO/FO.

a. At every monthly CMG meeting, the CMG Chair will ask the CMG members if the sexual assault victim, victim's family members, witnesses, bystanders (who intervened), SARCs and SAPR VAs, responders, or other individuals associated with the incident (e.g., the victim's roommate, friend, or co-worker who could be perceived as supporting the victim), have allegations of retaliation (reprisal, coercion, ostracism, maltreatment, and witness intimidation) and if they reported through the 2910-2, if they consented to having their allegations of retaliation discussed in the CMG meeting.

b. If the allegation is initially brought to the attention of the CMG Chair during the monthly SAPR CMG meeting, then the CMG Chair, as a commander who receives a retaliation report filed with a DD Form 2910-2, will immediately refer the matter to the appropriate MCIO and will not attempt to assess the credibility of the retaliation report.

c. Even when allegations of retaliation have been referred for investigation, the monthly CMG meeting forum may be leveraged by the CMG Chair to ascertain what other services or resources have been provided to the retaliation reporter, and whether other referrals are necessary, as appropriate.

d. In the event the alleged retaliator of the individual who signed the DD Form 2910-2 is a member of the CMG, such as the Chair, Co-Chair, victim's or subject's commander, or any other mandatory attendee, the alleged retaliator's senior leader or GO/FO will provide a replacement for the alleged retaliator to attend the CMG.

e. If the retaliation reporter's commander is the alleged perpetrator of the retaliation, then the CMG Chair will designate the commander at the next level of command or the appropriate personnel (i.e., lead SARC) to provide the retaliation reporter the status update, and the CMG Chair will also invite the designated personnel to attend the monthly CMG meetings for as long

as the retaliation allegation is on the agenda and consent to discuss in the CMG has not been rescinded by the retaliation reporter.

f. The CMG Chair will require the lead SARC, as the CMG Co-Chair, to conduct oversight of the CMG meeting activities related to all allegations of retaliation, and ensure that the other SARCs on the installation are providing the appropriate support including facilitating safety assessments, which must be repeated when there is an allegation of retaliation. If the lead SARC uncovers issues, then the lead SARC will report it to the CMG Chair, who will address the issue with each SARC's supervisor (if not the lead SARC).

g. Retaliation DD Form 2910-2 reports involving the victim, victim's family members, witnesses, bystanders (who intervened), SARCs and SAPR VAs, responders, or other individuals associated with the incident (e.g., the victim's roommate, friend, or co-worker who could be perceived as supporting the victim), who have consented to have their retaliation report discussed in the CMG meeting, will remain on the CMG agenda for status updates, until their retaliation allegations have been appropriately addressed and the retaliation reporter is notified of the outcome or until the reporter rescinds his or her consent to discuss the retaliation at the CMG.

(1) Notification to the retaliation reporter of the outcome will also include informing the reporter that if they believe that they are still being retaliated against, new allegations should be reported to the SARC, and the SARC will, with the reporter's consent, request that the new retaliation allegations be added to the CMG meeting agenda, to ensure appropriate case monitoring. If the sexual assault unrestricted report reaches disposition prior to the closure of the associated retaliation report, the monthly CMG meeting will discuss the retaliation report without discussion of the associated sexual assault report.

(2) Sexual assault allegations associated with a retaliation report will continue to remain on the CMG agenda in accordance with the requirements in Enclosure 9 of Volume 1 of DoDI 6495.02, even if the retaliation allegations have been resolved.

h. During the CMG meeting when the retaliation allegations are first discussed, the CMG Chair will confirm with the assigned SARC that each retaliation report reviewed at the CMG meeting has a signed corresponding DD Form 2910-2 and DSAID entry.

i. The CMG Chair will ensure that at every CMG meeting, members strictly adhere to existing procedures to discuss, track, and appropriately refer retaliation allegations made by sexual assault victims and others, to include ensuring that reprisal allegations reviewed at the CMG meeting follow the process established to obtain updates from the IG DoD (see SARC CMG responsibilities Paragraph 4.3 of this volume). However, if the reprisal reporter did not consent to have their reprisal report discussed at the CMG meeting, there will be no request for IG DoD updates.

j. If the retaliation reporter has provided consent on DD Form 2910-2 and the lead SARC has concerns regarding privileged communications, if applicable, the lead SARC will seek guidance from the servicing SJA office prior to any discussion at the CMG meeting.

k. Status updates will be provided to retaliation reporters:

(1) Updates to sexual assault victims and their family members. Commanders will provide an update, after the CMG, on the status of the unrestricted sexual assault case and the retaliation investigation to sexual assault victims in their units. The victim's commander will also provide the retaliation investigation status to the victim's family members who filed a retaliation report.

(2) Updates to other retaliation reporters. The retaliation reporter's direct commanders, who attends the CMG meeting, will provide updates on the retaliation investigation (criminal, IG DoD, administrative, or otherwise) filed with a DD Form 2910-2 to witnesses, bystanders, first responders, SARCs and SAPR VAs, since their retaliation allegations will stay on the CMG agenda until their retaliation investigations are closed or the retaliation allegations have been appropriately addressed, and until the retaliation reporter has been notified of the outcome, or rescinds consent to discuss at the CMG.

1. If the retaliation reporter's commander is the alleged perpetrator of the retaliation, then the CMG Chair will appoint the commander at the next level of command or the appropriate personnel (i.e., lead SARC) to provide the retaliation reporter the status update, and the CMG Chair will also invite the designated personnel to attend the monthly CMG meetings for as long as the retaliation allegation is on the agenda and consent from the reporter has not been rescinded.

m. The CMG Chair will notify the first GO/FO in the chain of command when:

(1) A DD Form 2910-2 is filed by a retaliation reporter and again when that retaliation is resolved and no longer on the CMG agenda. The notification needs to highlight when:

(a) The retaliation is reported against someone in the reporter's chain of command or supervisory chain.

(b) The suspect of the sexual assault allegation is the rater, reporting senior, or reviewing officer of the individual filing the DD Form 2910 (unrestricted report).

(2) A HRRT is stood up for a sexual assault victim who also reported retaliation, and when the HRRT is dissolved.

n. In those instances where the installation commander does not possess administrative or operational authority over a tenant commander, the tenant commander is required to adhere to the CMG policy mandates established in Volume 1 of DoDI 6495.02. Specifically, the tenant commander is required to address any allegations of retaliation (reprisal, coercion, ostracism, maltreatment, and witness intimidation) experienced by the victim, victim's family members, witnesses, bystanders (who intervened), SARCs and SAPR VAs, responders, or other individuals associated with the incident (e.g., the victim's roommate, friend, or co-worker who could be perceived as supporting the victim) within their command. Additionally, the tenant commander will report to the CMG Chair on status updates until the retaliation investigation is closed, or until the retaliation allegation has been appropriately addressed and the reporter has been notified, or the retaliation reporter rescinds consent to have their allegation discussed at the CMG.

4.2. CMG CHAIR ROLE IN RETALIATION RESPONSE EVALUATION DURING SAPR QUARTERLY CMG MEETINGS.

a. In addition to the monthly CMG Meetings, the CMG Chair will schedule **SAPR quarterly CMG meetings** to assess the effectiveness of the response system. Among the topics discussed, these items are specifically tied to retaliation: HRRT and other organizational responses to sexual assault victim and retaliation reporter safety issues, retaliation allegation reporting and other associated data, and timeliness of moves after expedited transfer approvals. This is a separate discussion from individual SAPR case management oversight at the monthly CMG meetings and no information directly related to unrestricted reports, specific sexual assault victims, or retaliation reporters will be discussed to protect their privacy.

b. During the SAPR quarterly CMG meetings, the CMG Chair will conduct oversight over the CMG activities to confirm that:

(1) Subordinate commanders, tenant commanders and supervisors (officers, enlisted, civilians) are adhering to retaliation response requirements in this issuance. Conduct follow-up to ensure effective resolution of identified issues.

(2) SARCs and SAPR VAs are adhering to the requirements listed in Section 3 of this volume, and that the SARCs are effectively executing the SARC CMG responsibilities Paragraph 4.3, in accordance with this issuance.

(3) The CMG Co-Chair (i.e., the lead installation SARC) recorded the minutes of the SAPR quarterly CMG meetings in DSAID, including all action items assigned by the CMG Chair to address or improve system response to retaliation (reprisal, coercion, ostracism, maltreatment, and witness intimidation). The CMG Chair will review minutes and action items at the next SAPR quarterly CMG meetings to drive progress, and conduct oversight on any open system coordination and accountability issues for retaliation response within the CMG meeting activities for SAPR.

4.3. SARC CMG RESPONSIBILITIES.

Retaliation (reprisal, coercion, ostracism, maltreatment, and witness intimidation) allegations that come to the attention of SARCs and SAPR VAs are tantamount to a request for assistance. SAPR personnel have an affirmative duty to ensure the individual reporting retaliation allegations is provided with timely and accurate information related to DD Form 2910-2 and information to report directly to the IG DoD or through the IG Whistleblower Hotline, in preparation for discussion at the monthly CMG meeting upon the retaliation reporter's approval.

a. Report on the status of IG DoD investigations of reprisal. In accordance with DoDD 7050.06, allegations of reprisal or restriction may be filed with the IG DoD or a Military Service IG. However, these complaints are exclusively handled by the IG DoD Whistleblower Reprisal Investigations Directorate, not the Service IGs.

(1) The SARCs will ask the retaliation reporter to provide a copy of the DD Form 2910-2 to the IG DoD, where the retaliation reporter will document their election to consent to have

the status of the IG DoD reprisal report discussed at the monthly SAPR CMG meetings. If the retaliation reporter does not consent to the discussion of the reprisal at the CMG meetings, then the SARC will not request IG DoD updates.

(2) SARCs will request status updates regarding reprisal cases being investigated by the IG DoD every 3 months until the IG DoD reprisal investigation is closed. SARCs will make this request 10 business days (Monday through Friday) prior to the designated monthly CMG meeting.

(a) To request status updates, SARCs will e-mail SAPR-Reprisal@dodig.mil.

(b) If the SARC does not receive an update, the SARC will contact his or her Service SAPR headquarters, which in turn will contact DoD SAPRO. DoD SAPRO will facilitate contact with the IG DoD Whistleblower Reprisal Investigations Directorate.

(c) The IG DoD will provide status updates to the SARC (who requested the update) indicating whether the reprisal investigation is open or closed.

(d) The IG DoD will contact the SARC when the reprisal investigation is closed.

b. Sexual assault-related retaliation cases reported on the DD Form 2910-2 will be tracked in DSAID from the date of initiation to completion of command action or disposition for the retaliation. When a sexual assault-related retaliation is reported, the investigating body is responsible for providing the servicing SARC or SAPR VA with the DSAID-required retaliation information; which will be used for congressional reporting and for notification to the CMG Chair at the monthly CMG meetings with the retaliation reporter's consent.

SECTION 5: RETALIATION DATA COLLECTION AND METRICS

5.1. DATA COLLECTION.

In accordance with Section 543 of Public Law 114-328, information on each allegation of retaliation in connection with a report of sexual assault as documented on a DD Form 2910-2 will be captured for inclusion in the annual reports on SAPR. Metrics will be assessed to evaluate Department efforts to prevent and respond to retaliation.

a. Sexual assault-related retaliation report will be tracked in DSAID from the date of initiation of the retaliation report to completion of command action or disposition for the retaliation. SARCs (and SAPR VAs authorized to use DSAID) will execute the protocols concerning DD Form 2910-2 including:

(1) Assisting reporters of retaliation in documenting an official report using DD Form 2910-2.

(2) Limiting personnel assisting the retaliation reporter in completing the DD Form 2910-2 to only the SARC and SAPR VA.

(3) Uploading the completed DD Form 2910-2 into the DSAID file locker within 48 hours of the report completion (may be extended to 96 hours in deployed locations), in accordance with established DD Form 2910 records management procedures for a storage period of 50 years.

(4) Not retaining or tracking information in DSAID when the retaliation reporter chooses not to sign the DD Form 2910-2, since it will not be tracked in the SAPR Program. However, related SRIs will be documented in DSAID.

b. The SARC and authorized SAPR VA are required to obtain retaliation investigation information from the SJA, MCIO, or other investigative organizations for entry into the Retaliation Module in DSAID.

c. The DSAID military service legal officer designated by the Service headquarters concerned will be responsible for documenting the final disposition of each retaliation report entered into the DSAID.

d. DSAID is the system of record for tracking official reports of sexual assault-related retaliation. Retaliation data reporting will follow the same quarterly and annual requirements as outlined in Volume 1 of DoDI 6495.02, including the requirement that the Military Services and Military Service Academies incorporate in their respective annual reports a synopsis of the retaliatory behavior, and the disciplinary action(s) taken in each substantiated retaliation report.

5.2. METRICS.

a. Metrics will be assessed by DoD SAPRO and by each Service and the National Guard Bureau to evaluate Department and Service efforts to prevent and respond to retaliation due to a report of sexual assault.

b. Metrics and non-metrics information (e.g., DD Form 2910-2, DSAID, surveys) include:

(1) Number of individuals alleging retaliation, which is discussed by the servicing SARC and others at the monthly CMG meeting or Service equivalent.

(2) Number of reports received by the Service IGs (reported directly to DoD SAPRO).

(3) Number of reports received by MCIOs, law enforcement, and command.

(4) Follow-on actions taken in retaliation cases discussed at the monthly CMG meetings:

(a) Percentage of retaliation allegation cases in which the Chair of the monthly CMG meeting or Service equivalent took at least one action; e.g., medical referral standing up HRRT.

(b) Total number of actions taken by DoD personnel as the result of the current retaliation allegation discussed at the monthly CMG meeting or Service equivalent (e.g., expedited transfer, safety plan updated, or training for unit.).

(5) Perceptions of retaliation by sexual assault victims captured through force-wide Department survey responses.

(6) Risk and protective factors relating to healthy unit climates from Defense Organizational Climate Survey results.

(7) Disciplinary or other military personnel action taken based on investigative reports conducted by the Service IGs, MCIOs, law enforcement, and command:

(a) Outcomes for alleged retaliator.

(b) Actions taken to support retaliation reporter.

(8) Matter(s) investigated for the report of retaliation:

(a) Reprisal actions.

(b) Restriction.

(c) Ostracism.

(d) Cruelty or maltreatment.

(e) Criminal act for a retaliatory purpose in connection with an alleged sex-related offense within Article 120 of the UCMJ.

(9) Source of the report:

- (a) Sexual assault victim.
- (b) Witness.
- (c) Bystander who intervened.
- (d) First responder.
- (e) Victim's family member.
- (f) SARC on this case.
- (g) SAPR VA on this case.
- (h) Other individuals associated with the incident (e.g., the victim's roommate, friend, or co-worker who could be perceived as supporting the victim).

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
CMG	case management group
DoDD	DoD directive
DoDI	DoD instruction
DSAID	Defense Sexual Assault Incident Database
EDFR	Executive Director, Force Resiliency
GO/FO	general officer/flag officer
HRRT	high-risk response team
IG	inspector general
IG DoD	Inspector General of the Department of Defense
MCIO	military criminal investigative office
SAPR	sexual assault prevention and response
SAPR VA	sexual assault prevention and response victim advocate
SAPRO	Sexual Assault Prevention and Response Office
SARC	sexual assault response coordinator
SJA	staff judge advocate
SRI	sexual assault prevention and response-related inquiry
SVC	special victims' counsel
UCMJ	Uniform Code of Military Justice
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
U.S.C.	United States Code
VLC	victim legal counsel

G.2. DEFINITIONS.

TERM	DEFINITION
installation	A base, camp, post, station, yard, center, homeport facility for any ship, or other area under the jurisdiction of the Secretary of a Military Department of the Secretary of Defense, including any leased location, or in the case of an activity in a foreign country, any area under the operational control of the Secretary of a Military Department or the Secretary of Defense, without regarding to the duration of operational control.
maltreatment	Involves cruelty. Occurs when a person subject to the UCMJ is cruel toward, oppresses, or maltreats any person subject to their orders, but not necessarily in their chain of command. Not necessarily physical. Alleged perpetrators may be held accountable through: Article 93 of the UCMJ “Cruelty and Maltreatment,” disciplinary actions.
reprisal	Section 1034 of Title 10, U.S.C. Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication.
responders	Includes first responders, who are generally composed of personnel in these disciplines or positions: SARCs, SAPR VAs, healthcare personnel, law enforcement, and MCIOs. Other responders are judge advocates, chaplains, and commanders, but they are usually not first responders.
restriction	Restriction. Preventing or attempting to prevent a current Service member from making or preparing to make a lawful communication to a Member of Congress or an IG, as defined by DoDD 7050.06.
retaliation	An act that: Involves personnel actions: Wrongfully takes (or threatens to take) an adverse personnel action against any person; or wrongfully withholds (or threatens to withhold) a favorable personnel action with respect to any person for making or preparing to make a protected communication (i.e., reporting a sexual assault). Section 1034 of Title 10, U.S.C.; Article 132 of the UCMJ. Involves certain social interactions (i.e., ostracism): With a connection to Military Service, wrongfully excluding a Service member from social acceptance or membership with the intent to inflict emotional distress, discourage reporting, and discourage the

TERM

DEFINITION

administration of justice. Article 92 of the UCMJ - “Failure to obey order or regulation, disciplinary action.”

Involves cruelty: Occurs when a person subject to the UCMJ is cruel toward, oppresses, or maltreats any person subject to their orders, but not necessarily in their chain of command. Not necessarily physical. Article 93 of the UCMJ - “Cruelty and maltreatment, disciplinary actions.”

Retaliation for UCMJ purposes is done with the intent to retaliate against any person for:

Reporting or planning to report a criminal offense, or with the intent to discourage any person from reporting a criminal offense;

Intervening (or attempting to intervene) to prevent the sexual assault; or

Cooperating as a witness (or believed to have cooperated) to the sexual assault.

The individuals who experience retaliation can file a formal report of retaliation through a DD Form 2910-2 are:

Adult sexual assault victims.

Family members of adult sexual assault victims.

Bystanders who intervene.

Witnesses.

SARCs and SAPR VAs, on this case.

Responder on this sexual assault case (e.g., MCIO, sexual assault medical forensic examiner, commander, SVC (Air Force, Army, National Guard, and Coast Guard) VLC (Navy and Marine Corps)).

Other individuals associated with the incident (e.g., the victim’s roommate, friend, or co-worker who could be perceived as supporting the victim).

TERM	DEFINITION
unit	Any military element whose structure is prescribed by competent authority.
witness intimidation	Conduct or acts that seek to improperly influence a witness' ability to testify or seeks to alter a witness' testimony such as threats of assault, obstruction of justice, threats, or damage to personal property.

REFERENCES

- DoD Directive 1400.25, “DoD Civilian Personnel Management System,” November 25, 1996
- DoD Directive 5100.87, “Department of Defense Human Resources Activity (DoDHRA),” February 19, 2008, as amended
- DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- DoD Directive 7050.06, “Military Whistleblower Protection,” April 17, 2015, as amended
- DoD Instruction 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” March 22, 2017, as amended
- DoD Instruction 6400.09, “DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm,” September 11, 2020
- DoD Instruction 6495.02, Volume 1, “Sexual Assault Prevention and Response: Program Procedures,” March 28, 2013, as amended
- DoD Instruction 6495.02, Volume 2, “Sexual Assault Prevention and Response: Education and Training,” April 9, 2021
- DoD Manual 8910.01, Volume 2, “DoD Information Collection Manual: Procedures for DoD Public Information Collections,” June 30, 2014, as amended
- DoD Retaliation Prevention and Response Strategy Implementation Plan, January 2017¹
- DoD Retaliation Prevention and Response Strategy: Regarding Sexual Assault and Harassment Report, April 16, 2016
- Military Rule of Evidence 514, Manual for Courts-Martial, United States, current edition
- Public Law 113-66, Section 1709 “National Defense Authorization Act for Fiscal Year 2013,” December 26, 2013
- Public Law 113-291, Section 508, “National Defense Authorization Act for Fiscal Year 2015,” December 19, 2014
- Public Law 114-328, Section 543, “National Defense Authorization Act for Fiscal Year 2017,” December 23, 2016
- Under Secretary of Defense for Personnel and Readiness Memorandum, “Procedures to Implement the ‘Catch a Serial Offender’ Program,” June 10, 2019
- United States Code, Title 5, Section 552 (also known as “the Freedom of Information Act,” as amended)
- United States Code, Title 10, Section 1034
- United States Code, Title 10, Chapter 47 (also known as the “Uniform Code of Military Justice”)

¹ located at <https://www.sapr.mil>