



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20301-4000

OCT 15 2019

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHIEF OF THE NATIONAL GUARD BUREAU

SUBJECT: Defense Sexual Assault Incident Database Updates Involving the Replacement of Lost Forms, Retaliation Reporting, and Electronic File Locker

The DoD Sexual Assault Prevention and Response Office (SAPRO) continues to work in close coordination with the Military Departments' Sexual Assault Prevention and Response (SAPR) Programs to make necessary improvements to the Defense Sexual Assault Incident Database (DSAID). To that end, several DSAID enhancements are pending, including the replacement of lost forms, retaliation reporting, and an electronic file locker that require corresponding Military Service procedural updates.

Replacement of Lost Forms

While not a common occurrence, if a sexual assault victim requests a copy of a previously-filed DoD Form (DD Form) 2910, "Victim Reporting Preference Statement," and the original paper or electronic copy of the DD Form 2910 cannot be located, the victim can complete the attached DD Form 2910-1, "Replacement of Lost DD Form 2910, Victim Reporting Preference Statement." Separated Service member victims shall sign, and then send the form to the nearest Sexual Assault Response Coordinator (SARC) or Military Service headquarters SAPR office. The Services have the flexibility to determine whether to request that the signed 2910-1s be sent through secure email or mail. Only DD Form 2910-1 may be signed remotely, not DD Form 2910. When completing the DD Form 2910-1, victims may elect to convert their reporting option from Restricted to Unrestricted. The DD Form 2910-1 will take the place of the original DD Form 2910 and shall be uploaded to the DSAID File Locker, when operational, in accordance with the procedures described below.

Retaliation Reporting and Retaliation Module

The DoD Retaliation and Prevention Strategy (DRPRS) and ensuing DRPRS Implementation Plan provided guidance for retaliation data collection. Subsequently, section 543 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (attached) mandated that information on each claim of retaliation in connection with a report of sexual assault be included in subsequent Annual Reports on Sexual Assault Prevention and Response. In order to track reports and dispositions of sexual assault-related retaliation, the provisions listed below shall be included in your respective SAPR Military Service procedures. Retaliation allegations associated with a Restricted report cannot currently be accommodated with these procedures.

- SARC or SAPR Victim Advocates (VAs) will assist reporters of retaliation in documenting an official report using the attached DD Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases." SARC or SAPR VAs are the only personnel authorized to assist the retaliation reporter in completing the DD Form 2910-2.
 - The requisite DD Form 2910-2 shall be completed and uploaded into the DSAID File Locker, when operational, within 48 hours of the report (may be extended to 96 hours in deployed locations), in accordance with the above-described procedures, where the DD Form 2910-2 will be maintained for 50 years.
 - If the retaliation reporter chooses not to sign the DD Form 2910-2, then no information is entered into DSAID or tracked by SAPR personnel.
 - Please note retaliation reporters can always provide their allegation directly to the Military Service Inspector General (IG) or the DoD Office of the Inspector General (OIG); they are not required to first notify the SARC or SAPR VA of their allegation.
- Investigative bodies handling retaliation, other than the DoD OIG and Military Service IGs, such as the Military Criminal Investigative Organizations (MCIO), Command, Military Law Enforcement (non-MCIO), and Equal Opportunity, shall update procedures to mandate the notification of the SARC within 48 hours of a victim's request to make an alleged sexual assault-related retaliation report. The SARC or SAPR VA will contact the retaliation reporter and ask if they would like to complete the DD Form 2910-2.
- In accordance with DoD Directive 7050.06, "Military Whistleblower Protection," allegations of reprisal or restriction may be filed with the DoD OIG or a Military Service IG. However, in most instances, these complaints are handled by the DoD OIG.
 - The SARCs will ask the retaliation reporter to provide a copy of the DD Form 2910-2 to the DoD OIG, which documents the victim's election to consent to have the status of the reprisal case discussed at the monthly SAPR Case Management Group (CMG) meetings. If the retaliation reporter does not provide a copy of the form to the DoD OIG, the SARC will provide it to the appropriate IG in the initial update request. If the victim does not consent to the discussion of the reprisal at the CMG meetings, then the SARC will not request DoD OIG updates.
 - SARCs shall request status updates regarding reprisal cases being investigated by the DoD OIG every three months until the IG reprisal investigation is closed.
 - SARCs will email <SAPR-Reprisal@dodig.mil> to request status updates.

- 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 DoD OIG Whistleblower Reprisal Investigations Directorate. If the Military Service IG rather than the DoD OIG is handling the case, DoD SAPRO will inquire as to a Service point of contact.
- The DoD OIG has agreed to provide status updates to the SARC (who requested the update) indicating whether the case is open or closed.
- The DoD OIG has agreed to contact the SARC when the reprisal investigation is closed.
- Retaliation reports in a DD Form 2910-2 that come to SARCs and SAPR VAs are tantamount to a request for assistance, and these SAPR personnel have an affirmative duty to ensure that they provide retaliation reporters victim advocacy, and facilitate getting the retaliation allegation referred to the appropriate authority.
 - If the retaliation reporter has authorized the CMG discussion in the DD Form 2910-2, the SARCs shall notify the CMG Chair of all retaliation reports.
 - The CMG Chair will ensure the retaliation reports have been referred to the appropriate entity and will track reports involving the victims, SARCs, and SAPR VAs until resolution.
- Retaliation reporters can request a copy of their DD Form 2910-2, which is their official retaliation report. However, the retaliation reporters cannot receive a copy of the sexual assault report form (DD Form 2910) associated with the retaliation report unless the retaliation reporter is also the sexual assault victim who originally filed the DD Form 2910. The SARC or SAPR VA shall be careful not to inadvertently reveal sexual assault case details to retaliation reporters who are not the sexual assault victims. Any other requests for release of information (e.g., under the Freedom of Information Act) will be handled after consultation with the appropriate legal officer and pursuant to Service regulations.
- Sexual assault-related retaliation cases will be tracked in DSAID from the date of initiation to completion of command action or disposition for the retaliation case. 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 information, which will be used for congressional reporting and for notification to the CMG Chair at the monthly CMG meetings, with victim consent.
- When the DD Form 2910-2 is completed, the SARC or SAPR VA will ensure that the reported retaliation can be directly linked to an Unrestricted sexual assault report previously entered into DSAID and will annotate that DSAID case number on the DD Form 2910-2.

- If the SARC or SAPR VA cannot link the retaliation report to an Unrestricted sexual assault 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 case number.
- If the Service headquarters DSAID Program Manager cannot directly link the retaliation report to an Unrestricted sexual assault report, the report will not be entered into DSAID. The SARC or SAPR VA shall inform the investigative entity that a link to an Unrestricted sexual assault report could not be established, and therefore, no further contact with the SARC or SAPR VA is necessary. The investigating body shall continue to investigate the retaliation report (as appropriate), but the retaliation report will not be considered a sexual assault-related retaliation for the purposes of DSAID tracking and congressional SAPR annual reporting requirements.
- When the DSAID Retaliation Module in DSAID software is fully operational, the appropriate DSAID Military Service Legal Officer will be responsible for documenting the final disposition of each retaliation case entered into DSAID, as legal officers currently do with final dispositions involving reports of sexual assault.
- The DSAID Retaliation Module will be available for use in December 2019, when the supporting DSAID software (version 5.0) is fully operational. The DSAID Retaliation Module will then become the system of record for tracking sexual assault-related retaliation in FY 2021. Retaliation data reporting will follow the same quarterly and annual requirements as outlined in Enclosure 12 of DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," including the requirement that the Military Services and Military Service Academies incorporate in their respective annual reports a synopsis of the incident and the disciplinary action(s) taken in each substantiated sexual assault-related retaliation case.

File Locker for 50-year Retention of Forms

The NDAA requirement to retain the DD Form 2910 for 50 years for both Restricted and Unrestricted reports will now be accomplished through the addition of an electronic File Locker component in DSAID. In addition to the DD Form 2910, the DD Forms 2910-1 and 2910-2 are also required to be uploaded into the File Locker, once operational. The following DSAID File Locker provisions shall be included in your respective Military Service and National Guard Bureau (NGB) procedures:


- SARCs or designated SAPR VAs, who have been authorized to have DSAID access, will upload DD Forms 2910, 2910-1, and/or 2910-2 into the DSAID File Locker (once operational) within 48 hours of the form being completed. In deployed locations, such as areas of combat that have internet connectivity issues, the timeframe is extended to 96 hours.

- Once operational, the DSAID File Locker will be the only DoD-authorized database for the electronic retention of DD Forms 2910, 2910-1, and 2910-2 to ensure the protection of personally identifiable information and to make reports more easily retrievable in one centralized database.
- All DD Forms 2910, 2910-1, or 2910-2 currently being retained outside of DSAID, including those reports made prior to the fielding of DSAID, shall be uploaded to the DSAID File Locker not later than six months following the release of the supporting DSAID software (version 5.1). After upload to the DSAID File Locker, the Military Services shall follow established procedures to assess whether to continue to separately store the original paper copy of the DD Forms 2910, 2910-1, and 2910-2 to ensure adherence to all Federal laws and Military Service regulations.

DSAID Training and New Training Definition for Retaliation

DoD SAPRO shall develop training for Military Service and NGB SAPR personnel and DSAID Legal Officers (as appropriate) to ensure understanding of the DSAID File Locker, DD Forms 2910-1 and 2910-2, and respective reporting responsibilities before SAPRO implements these DSAID enhancements. This training will include the attached new training definition for retaliation.

Please update your respective policies (or issue interim guidance) to reflect the above guidance. Within 180 days of this memorandum, please provide your updated guidance to the Director of DoD SAPRO, who is my point of contact for this action. The changes outlined above will allow us to build on the unwavering support we strive to provide to victims of sexual assault, while ensuring due process for the accused, and maintaining an equal commitment to end any sexual assault-related retaliation offenses perpetrated within our ranks. Thank you for your efforts, and I look forward to seeing your updated policies and regulations.



James N. Stewart
Assistant Secretary of Defense for Manpower
and Reserve Affairs, Performing the Duties
of the Under Secretary of Defense for
Personnel and Readiness

Attachments:
As stated

cc:
Inspector General of the Department of Defense
Director of the Office for Diversity, Equity, and Inclusion

Attachment 1

DD Form 2910-1, "Replacement of Lost DD Form 2910, Victim Reporting Preference Statement"

REPLACEMENT OF LOST DD Form 2910, VICTIM REPORTING PREFERENCE STATEMENT <small>(Read Privacy Act Statement Before Completing This Form)</small>		OMB No. 0704-0482 OMB Approval Expires: 20220131
<p>The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-informationcollections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid Office of Management and Budget control number.</p>		
PRIVACY ACT STATEMENT		
<p>AUTHORITY: 10 U.S.C. 932, Art. 132 Retaliation, 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 7013, Secretary of Army, 10 U.S.C. 8013, Secretary of the Navy, 10 U.S.C. 9013, Secretary of the Air Force, 32 U.S.C. 102, National Guard; DoD Directive 6495.01, (Sexual Assault Prevention and Response Program); Army Regulation 600-20 (Army Command Policy) Chapter 8, Office of the Chief of Naval Operations (OPNAV) Instruction 1752.1C, Sexual Assault Prevention and Response Program; Marine Corps Order 1752.5B, SAPR Program; Air Force Instruction 90-6001, SAPR Program, and E.O. 9397 (SSN), as amended.</p> <p>PRINCIPAL PURPOSE(S): Information will be used to document elements of the sexual assault response and/or reporting process and comply with the procedures set up to effectively manage the Sexual Assault Prevention and Response (SAPR) Program. Specifically, the form will document the loss of the original DD Form 2910 through the request for a replacement form. The form shall document the reaffirmation or change of the original reporting option. At the local level, Service SAPR Program Management, Major Command Sexual Assault Response Coordinator(s) (SARCs), Installation, and Brigade SARCs use the information to ensure that victims are aware of services available and have contact with medical treatment personnel and DoD law enforcement entities. At the DoD level, only de-identified data is used to respond to mandated congressional reporting requirements. The DoD Sexual Assault Prevention and Response Office has access to identified closed case information and de-identified, aggregate open case information for congressional reporting, study, research, and analysis purposes.</p> <p>ROUTINE USE(S): Applicable Routine Use(s) are: To Permit the disclosure of records of closed cases of unrestricted reports to the Department of Veterans Affairs (DVA) for purpose of providing mental and medical care to former Service members, to determine the eligibility for or entitlement to benefits, and to facilitate collaborative research activities between the DoD and DVA. Additional routine uses are listed in the applicable system of records notice, DHRA 06, Defense Sexual Assault Incident Database (DSAID), at https://dpcid.defense.gov/Privacy/SORNSinex/DOD-wide-SORN-Article-View/Article/570559/dhra-06-dod/.</p> <p>DISCLOSURE: Voluntary. However, if you decide not to provide certain information, it may impede the ability of the SARC to offer the full range of care and support established by the Sexual Assault Prevention and Response program. You will not be denied advocacy services or healthcare (medical and mental health) because you selected Restricted Reporting option. The Social Security Number (SSN) is one of several unique personal identifiers that may be provided. This form will be retained for 50 years.</p>		
<p>1. REQUESTOR (VICTIM)</p> <p>I, (Full Name) _____ (Social Security Number) _____</p> <p>and/or (DoD Identification Number) _____</p> <p>Requested a copy of the original DD Form 2910 from: [select one]</p> <p><input type="checkbox"/> Sexual Assault Prevention and Response Victim Advocate (SAPR VA) or</p> <p><input type="checkbox"/> Sexual Assault Response Coordinator (SARC)</p> <p>On _____ (date the request was made), I have been advised that my original DD Form 2910 cannot be located.</p>		
<p>2. DOCUMENTING MY ORIGINAL REPORTING OPTION (Victim initials one of the options)</p> <p>a. I filed my report at _____ (location) on/about _____ (date).</p> <p>b. When I signed the original DD Form 2910, I elected Unrestricted Reporting.</p> <p>c. When I signed the original DD Form 2910, I elected Restricted Reporting.</p> <p>d. When I signed the original DD Form 2910, I elected Restricted Reporting but converted to Unrestricted Reporting.</p> <p>e. When I signed the original DD Form 2910, I elected Restricted Reporting, but I am now choosing to make an Unrestricted Report. Therefore, I am completing a new DD Form 2910.</p>		
<p>This FORM replaces the original DD Form 2910 and may be used by the requestor in other matters before other agencies (e.g., Department of Veterans Affairs), to the extent authorized by law.</p>		
3. SIGNATURE OF THE REQUESTOR VICTIM		DATE (YYYYMMDD)
4. SARC OR SAPR VA (print name)	SIGNATURE OF SARC OR SAPR VA	DATE (YYYYMMDD)

Attachment 2

Section 543 of the National Defense Authorization Act for Fiscal Year 2017

SEC. 543. INCLUSION IN ANNUAL REPORTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE EFFORTS OF THE ARMED FORCES OF INFORMATION ON COMPLAINTS OF RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note) is amended by adding at the end the following new paragraph:

"(12) Information on each claim of Retaliation in connection with a report of sexual assault in the Armed Force made by or against a member of such Armed Force as follows:

"(A) A narrative description of each complaint.

"(B) The nature of such complaint, including whether the complainant claims professional or social Retaliation.

"(C) The gender of the complainant.

"(D) The gender of the individual claimed to have committed the Retaliation.

"(E) The nature of the relationship between the complainant and the individual claimed to have committed the Retaliation.

"(F) The nature of the relationship, if any, between the individual alleged to have committed the sexual assault concerned and the individual claimed to have committed the Retaliation.

"(G) The official or office that received the complaint.

"(H) The organization that investigated or is investigating the complaint.

"(I) The current status of the investigation.

"(J) If the investigation is complete, a description of the results of the investigation, including whether the results of the investigation were provided to the complainant.

"(K) If the investigation determined that Retaliation occurred, whether the Retaliation was an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice)."

Attachment 3

DD Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases."

RETALIATION REPORTING STATEMENT FOR UNRESTRICTED SEXUAL ASSAULT CASES <small>(Read Privacy Act Statement Before Completing This Form.)</small>		OMB No. 0704-0482 OMB Approval Expires: 20220131
The public reporting burden for this collection of information is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-informationcollections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.		
PRIVACY ACT STATEMENT		
AUTHORITY: 10 U.S.C. 932, Art. 132 Retaliation, 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 7013, Secretary of Army, 10 U.S.C. 8013, Secretary of the Navy, 10 U.S.C. 9013, Secretary of the Air Force, 32 U.S.C. 102, National Guard; DoD Directive 6495.01, (Sexual Assault Prevention and Response Program); Army Regulation 600-20 (Army Command Policy) Chapter 8, Office of the Chief of Naval Operations (OPNAV) Instruction 1752.1C, Sexual Assault Prevention and Response Program; Marine Corps Order 1752.5B, SAPR Program, Air Force Instruction 90-6001, SAPR Program, and E.O. 9397 (SSN), as amended. PRINCIPAL PURPOSE(S): Information will be used to document reports of retaliation and elements of the response related to retaliation reports when the retaliation is associated with an Unrestricted Report of sexual assault. SAPR Program personnel use information to ensure that victims are aware of available services. At the DoD level, only de-identified data is used to respond to mandated congressional reporting requirements. ROUTINE USE(S): Applicable Routine Use(s) are: To Permit the disclosure of records of closed cases of unrestricted reports to the Department of Veterans Affairs (DVA) for purpose of providing mental and medical care to former Service members, to determine the eligibility for or entitlement to benefits, and to facilitate collaborative research activities between the DoD and DVA. Additional routine uses are listed in the applicable system of records notice, DHRA 06, Defense Sexual Assault Incident Database (DSAID), at https://dpcid.defense.gov/Privacy/SORNsinex/DOD-wide-SORN-Article-View/Article/570559/dhra-06-dod/ DISCLOSURE: Voluntary. However, if you decide not to provide certain information, it may impede the ability of the SARC to offer the full range of care and support established by the Sexual Assault Prevention and Response program. You will not be denied advocacy services or healthcare (medical and mental health) because you selected Restricted Reporting option. The Social Security Number (SSN) is one of several unique personal identifiers that may be provided. This form will be retained for 50 years.		
UR DSAID Case # _____	RETALIATION CASE NUMBER _____	
1. Retaliation Reporting Process Discussed with SARC or SAPR VA:		
I, (Full Name) _____, DoD Identification Number (for personnel with Common Access Cards only) _____ and/or Social Security Number (not required if DoD Identification Number is provided) _____ met with a Sexual Assault Response Prevention and Response Victim Advocate (SAPR VA) or a Sexual Assault Response Coordinator (SARC) to discuss retaliation experienced by me.		
INITIALS		
(1) The SARC or SAPR VA discussed available resources with me to report instances of retaliation, reprisal, ostracism, or maltreatment, and, if I am interested, the process to request an Expedited Transfer. (Resources listed in Enclosure 4 of DoDI 6495.02)		
(2) The SARC/SAPR VA has informed me of available support services, to include mental health providers, and chaplain resources.		
(3) The SARC or SAPR VA explained that I can consult with a Special Victims' Counsel (SVC), Victims' Legal Counsel (VLC), or a legal assistance attorney, if I am eligible for one, before deciding to file this report of retaliation. I understand that the SVC/VLC may discuss the legal definition of retaliation, available reporting options, and the investigative and military justice processes involved.		
(4) The SARC or SAPR VA explained that I can go to an Inspector General at any time during the process to discuss and report retaliation.		
(5) If I am a service member and if I report retaliation because I am being processed for an administrative separation within one year of the final disposition of the victim's sexual assault case, the SARC or SAPR VA explained that I may request that the appropriate General or Flag Officer (G/FO) in my chain of command review the separation. [In accordance with 24 Jan 2018, P&R Memo, "Execution of the Department of Defense Retaliation Prevention and Response Strategy Implementation Plan- Sexual Assault" [hereafter 24 January 2018 P&R Retaliation Memo]].		
(6) If I am a Service member and I believe that there were impacts to my military career because I reported retaliation, the SARC or SAPR VA explained that I have the right to discuss those career impacts with a G/FO. [In accordance with 24 January 2018 P&R Retaliation Memo].		
Initial one, but not both		
(7) <input type="checkbox"/> Yes <input type="checkbox"/> No I consent to my allegation of retaliation being discussed at the monthly Case Management Group meeting.		
(8) I have reconsidered my earlier refusal of having my allegation of retaliation being discussed at the (SARC Initials) _____ Date _____ CMG. I now consent to have my case discussed.		
2. DESIGNATION OF PERSON REPORTING RETALIATION: I am the (please Indicate below)		
INITIALS		
(1) Adult Sexual Assault Victim, who has previously made an unrestricted report of sexual assault		
(2) Adult Sexual Assault Victim's adult family member, please specify the relationship to the sexual assault victim (i.e., spouse, son, daughter, etc.): _____		
(3) Witness		
(4) Bystander (who intervened)		
(5) SARC on this case		
(6) SAPR VA on this case		
(7) Responder, please specify the type of responder: _____		
(8) Other party to the incident, please specify (i.e., friend, co-worker, etc.): _____		
3. SIGNATURE OF RETALIATION REPORTER	DATE (YYYYMMDD)	
_____	_____	
4. SIGNATURE OF SARC OR SAPR VA and Print Name	DATE (YYYYMMDD)	
_____	_____	
5. SARC INSTALLATION AND CONTACT INFORMATION:		

Attachment 4
Training Definition for Retaliation

A. Retaliation is an act that:

1. 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 (e.g., reporting a sexual assault).
 - (IG legislative mandate 10 U.S.C. §1034) (UCMJ Article 132, Retaliation)
(disciplinary actions)
2. Involves certain social interactions (e.g., ostracism): With a nexus to military service, wrongfully excluding a military member from social acceptance or membership with the intent to inflict emotional distress, discourage reporting, and discourage the administration of justice.
 - (UCMJ Article 92, Failure to obey order or regulation) (disciplinary action)
3. Involves cruelty: Occurs when a person subject to the UCMJ is cruel toward, or oppresses or maltreats, any person subject to his or her orders, but not necessarily in their chain of command. Not necessarily physical.
 - (UCMJ Article 93, Cruelty and maltreatment) (disciplinary actions)

B. 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.

C. Retaliation protections include:

- Victims and their family members,
- Bystanders who intervene,
- Witnesses,
- SARCs and SAPR VAs, and
- All responders.

D. Refer to “The DoD Retaliation Prevention and Response Strategy: Regarding Sexual Assault and Harassment Reports” April 2016.

- https://www.sapr.mil/sites/default/files/DoD_Retaliation_Strategy.pdf