



SECRETARY OF THE ARMY
WASHINGTON

19 JUN 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2014-20 (Prohibition of Retaliation Against Soldiers for Reporting a Criminal Offense)

1. References:

- a. National Defense Authorization Act for Fiscal Year 2014, Public Law 113-66, section 1709.
- b. Title 10, United States Code, Chapter 47.
- c. Department of Defense Directive 7050.06 (Military Whistleblower Protection), July 23, 2007.
- d. Department of Defense Instruction 6490.04 (Mental Health Evaluations of Members of the Military Services), March 4, 2013.
- e. Manual for Courts-Martial, United States, Part IV Punitive Articles, 2012 Edition.
- f. Army Regulation 20-1 (Inspector General Activities and Procedures), 29 November 2010, Including Rapid Action Revision Issued 3 July 2012.
- g. Army Regulation 600-20 (Army Command Policy), 18 March 2008, Including Rapid Action Revision No. 5 Issued 20 September 2012.

2. No Soldier may retaliate against a victim, an alleged victim or another member of the Armed Forces based on that individual's report of a criminal offense.

3. This directive implements reference 1a effective immediately. The provisions of this directive are punitive, and violations may be punished under Article 92, Uniform Code of Military Justice (UCMJ) (reference 1b).

4. Definitions

a. Subject to more specific guidance from the Department of Defense, for the purposes of this directive, "retaliation" is defined as:

(1) taking or threatening to take an adverse or unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a victim or other member of the Armed Forces because the individual reported a criminal offense or was believed to have reported a criminal offense; or

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(2) ostracism, which is defined as excluding from social acceptance, privilege or friendship a victim or other member of the Armed Forces because: (a) the individual reported a criminal offense; (b) the individual was believed to have reported a criminal offense; or (c) the ostracism was motivated by the intent to discourage reporting of a criminal offense or otherwise to discourage the due administration of justice; or

(3) acts of cruelty, oppression or maltreatment (as these terms are described in paragraph 17c(2) of reference 1e), committed against a victim, an alleged victim or another member of the Armed Forces by peers or other persons, because the individual reported a criminal offense or was believed to have reported a criminal offense.

b. Personnel action is defined in reference 1c as any action taken against a member of the Armed Forces that affects, or has the potential to affect, that member's current position or career. Such actions include a promotion; a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards or training; referral for mental health evaluations under reference 1d; and any other significant change in duties or responsibilities inconsistent with the member's grade.

5. Allegations of retaliation described in paragraph 4a(1) will be referred to, and investigated by, the appropriate Inspector General in accordance with references 1c and 1f.

6. Allegations of retaliation described in paragraphs 4a(2) and 4a(3) will be referred to, and investigated by, the victim's chain of command or supervision, or by any other appropriate investigative agency, organization or entity.

7. Commanders should consult with their servicing legal advisor and/or Inspector General for guidance on implementation of this directive at the command level.

8. The Deputy Chief of Staff, G-1 is the proponent for this policy and will incorporate the provisions of this directive into the next revision of Army Regulation 600-20 as soon as practicable. This directive is rescinded upon publication of the revised regulation.


John M. McHugh

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