PRINCIPLES OF PREVENTION

Reprisal & Retaliation

## Strategic Components

Risk Domains

A specific area or level where the identification of key risk and protective factors can influence preventative measures or actions to reduce or eliminate problematic behaviors.
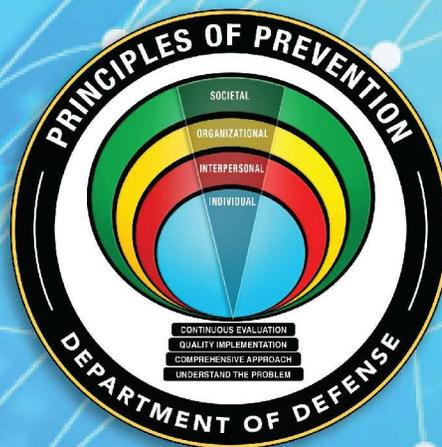
Risk Factors

Variables associated with higher probability of a negative situation or outcome.

Protective Factors

Conditions or attributes within the individuals, communities, and societies that migrate or eliminate risk of a negative situation or outcome.
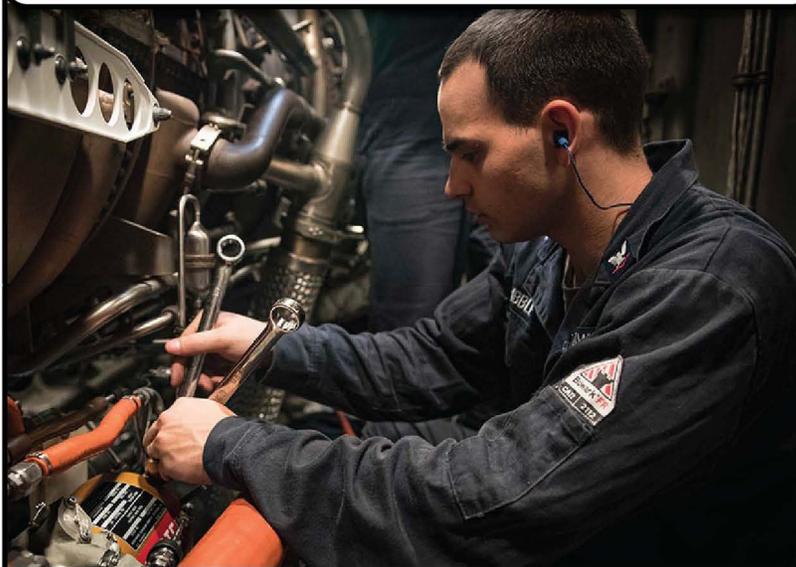
Principles of Prevention = Combat Readiness

Harassment Prevention

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PRINCIPLES OF PREVENTION

Reprisal and Retaliation:
Risk and Protective Factors

Overview

The Principles of Prevention is a comprehensive strategy that supports DoD Instruction 1020.03, Harassment Prevention and Response in the Armed Forces. This document orients leaders to the components of prevention and their linkage to Harassment.

The Principles of Prevention (PoP) is a model which aids leaders in understanding, responding to, and preventing harassment across four interrelated risk domains (individual, interpersonal, organizational, and societal). Within each risk domain there are characteristics (risk and protective factors) which, if identified, can assist in developing prevention methods to reduce or eliminate potential problematic behaviors. Using relevant tools, leaders and unit members should attempt to identify these areas, and apply this knowledge to develop proactive preventative measures for their organizational teammates. The description of Risk/Protective Factor include:

1. Individual
   This domain considers biological and personal history, to include age, education, income, substance use, or history of abuse, etc. Prevention strategies would focus on providing access to resources such as education and life-skills training, would promote positive attitudes, beliefs, and behaviors.

2. Interpersonal
   This domain examines an individual's close relationships and social circles like partners, families, work colleagues, educational peers, etc. Prevention strategies would be designed to promote active group/bystander intervention, mentoring programs, or support networks or resources for at-risk individuals.

3. Organizational
   This domain focuses on larger settings like command climates, organizational traditions, exclusive groups, and unit environments. Prevention strategies would affect the social and physical environments. For example, there would be a focus on promoting inclusive environments through cross-cultural competence, reinforcing unit values and expectations and improving communication and accountability. It is also important to improving leader presence, involvement, and buy-in.

4. Societal
   This domain emphasizes broad cultural factors that affect climate like media influences, differences in norms and standards, large social movements, etc. Prevention strategies would be positive changes to high-level policies and laws. Within the DoD, it may be difficult for leadership to affect meaningful change at the societal-level, but leadership must remain aware of societal-level effects and their impact on their peers and subordinates.

<u>Relevant Definitions</u>

Risk Domain- A specific area or level where the identification of key risk and protective factors can influence preventative measures or actions to reduce or eliminate problematic behaviors.

Risk Factor- Variable associated with higher probability of a negative situation or outcome.

Protective Factor- Condition or attribute within the individuals, communities, and societies that mitigate or eliminate risk of a negative situation or outcome.

DoDI 1020.03 Definitions:

Retaliation: Retaliation encompasses illegal, impermissible, or hostile actions taken by a Service member's chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication in accordance with DoDD 7050.06. Retaliation for reporting a criminal offense can occur in several ways, including reprisal. Investigation of complaints of non-criminal retaliatory actions other than reprisal will be processed consistent with Service-specific regulations. In addition to reprisal, defined in Paragraph 3.7, additional retaliatory behaviors include ostracism, maltreatment, and criminal acts for a retaliatory purpose in connection with an alleged sex-related offense or sexual harassment; or for performance of duties concerning an alleged sex-related offense or sexual harassment. For detailed definitions of the full range of retaliatory behaviors, see the RPRS Implementation Plan.

Reprisal: In accordance with Section 1034 of Title 10, U.S.C., as implemented by DoDD 7050.06, reprisal is defined as 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.

For Risk and Protective Factors on this topic, see Tabs A and B.

TAB A
Risk Factors – Retaliation and Reprisal

RETALIATION/REPRISAL – RISK FACTORS		
INDIVIDUAL – TARGET[1]	**INDIVIDUAL – OFFENDER**	

• Demographic
  o About 95% of reported claims are from women—much higher risk of retaliation
  o Lower socioeconomic status
	• Personality type
	  o Revengeful	

INTERPERSONAL	**ORGANIZATIONAL**	**SOCIETAL**

• Employment
  o Administrative/Secretarial position or unskilled laborer
  o Lack of support from middle managers
  o Serious wrongdoing from peers
• Existence of gossip/rumors about allegations and complaints
	• Professional work-groups
	  o High levels of segregation
	• Team members participate in retaliation and reprisal against those who file complaints or support investigations into complaints
	• Leadership displaying signs of reprisal, ostracism, maltreatment or criminal acts for retaliatory purposes
	• Unit cohesion is undermined and there is a lack of trust in unit leadership
	• Organizational climate fosters inappropriate behaviors that lead to harassing and discriminatory complaints
	• Increased in acceptability of sexual violence and criminal activity within the organization
		• The cultural norm of focusing on the individual, rather than the community

(Row label spanning left: **RISK DOMAINS**)

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[1] Plimmer, G., Proctor-Thomson, S., Donnelly, N., & Sim, D. (2017). The mistreatment of public service workers: Identifying key risk and protective factors. *Public Money & Management*, *37*(5), 333-340.

TAB B
Protective Factors – Retaliation and Reprisal

RETALIATION/REPRISAL – PROTECTIVE FACTORS		
RISK DOMAINS	**INDIVIDUAL – TARGET**[2]	**INDIVIDUAL – OFFENDER**

	• Personality
	  o Resistant to peer pressure
	  o Empathetic
	  o High self-esteem and self-awareness—does not feel the need to belong in large group
		• Inclusive behaviors
		• Cross-cultural competence
		• Willingness to seek help
		• Willing to admit wrong

	INTERPERSONAL / **ORGANIZATIONAL** / **SOCIETAL**	
	• Group of targets reporting together[3] • Strong professional relationships with senior leaders • Position of authority in workplace hierarchy	• Organizational environment o Follows through with allegations and reports	• Encourage culture of social support and understanding, rather than punishment

The above non-inclusive list of conditions or attributes are areas where prevention strategies could be potentially enhanced, reinforced, or developed, and then incorporated to positively address problematic indicators or behaviors in regards to reprisal/retaliation.

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[2] Plimmer, G., Proctor-Thomson, S., Donnelly, N., & Sim, D. (2017). The mistreatment of public service workers: Identifying key risk and protective factors. *Public Money & Management*, *37*(5), 333-340.

[3] Wright, C. V., & Fitzgerald, L. F. (2009). Correlates of joining a sexual harassment class action. *Law of Human Behavior*, *33*, 265-282.

IT'S ALL ABOUT CONDUCT

Let's Talk Strategy! After identifying and analyzing risk and protective factors in a given situation, leaders should consider what proactive measures they could develop to address concerns, or reinforce positive behaviors, in an attempt to reduce or prevent future occurrences. Prevention programs must be realistic and focus on attainable goals from assessments and consultations. Strategies include policies and programs divided into three categories: primary, secondary, and tertiary.

- Primary prevention strategies transpire prior to problematic behaviors
- Secondary prevention strategies respond immediately after the occurrence
- Tertiary prevention strategies are to mitigate the lasting effects of problematic behaviors and prevent future occurrences

Examples of Primary Prevention Strategies

- Conducting retaliation/reprisal prevention training (tailored, and facilitated to the targeted audience). Training should focus on:
  - Clearly defining what is, and what is not retaliation/reprisal (provide real-life examples)
  - Identifying resources available to assist someone if they are being retaliated against (real or perceived)
  - Understand reporting procedures, and policies/regulations
- Monitor trends (e.g., monthly, quarterly), identify patterns and establish a plan of action to prevent retaliation and reprisal behaviors
- Mandating leader presence in all workplace settings
- Conducting unit activities that build group inclusion, cohesion, trust, and respect
- Conducting required climate assessments (per Service requirements); developing and implement proactive measures
- Clearly defining retaliation and reprisal to all members involved in any/all (reported or perceived to be reported) protected communication(s); and explain the administrative and punitive tools available to commanders to ensure retaliation and reprisal does not occur

Examples of Secondary Prevention Strategies

- Take all allegations/reports of retaliation/reprisal seriously and take appropriate actions to resolve allegations
- Inform leadership of retaliation/reprisal complaints (provide updates as requested/ required)
- Remain neutral and professional; ensure all members are treated with dignity and respect throughout the investigative process
- Identify why retaliation/reprisal occurred (e.g., lack of policy, education, enforcement of the rules)
- Resolve complaints expeditiously using unbiased processes
- Provide resources and support to all involved members (e.g., spiritual, medical, legal)
- Separate non-conforming members from military Services as needed/required

*Note: After an event occurs, it is recommended that senior leaders individually counsel all members involved in a potentially protected communication situation. Counseling should clearly define retaliation and reprisal, and the administrative/punitive tools available to hold offenders appropriately accountable for their behaviors. Document the counseling. Have all members involved sign a "Memorandum For Record" stating that they clearly understand retaliation and reprisal and the actions that may result.

Examples of Tertiary Prevention Strategies
- Develop and reinforce strong Service Ethos and Values; reinforce at multiple opportunities
- Establish inclusive environments ensuring all members are treated with dignity and respect
- Establish environments where individuals feel confident in coming forward and addressing concerns; articulate whom they can go to to make issues known
- Conduct follow-up assessments on complaints within 45-60 days after complaint resolution to ensure the complaint is resolved, and to ensure no retaliation has occurred
- Using lessons learned, develop training to prevent any possible future retaliation/reprisal events
- Review current policies and revise as needed
- Ensure required climate assessments are completed (based on Service requirements/or as directed
- Work with community members to leverage resources available for Service, Civilian and Family Members especially newcomers