

UNDER SECRETARY OF DEFENSE
4000 Defense Pentagon
Washington, D.C. 20301-4000

Personnel and Readiness

August 12, 1999

**MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS, CHAIRMAN OF
THE JOINT CHIEFS OF STAFF, INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE**

SUBJECT: Guidelines for Investigating Threats Against or Harassment of Service Members Based on Alleged Homosexuality

As recommended in the 1998 Report to the Secretary of Defense on the Effectiveness of the Application and Enforcement of the Department's Policy on Homosexual Conduct in the Military, this memorandum reiterates existing policy regarding the investigation of threats against or harassment of service members on the basis of alleged homosexuality. Service members should be able to report crimes and harassment free from fear of harm, reprisal, or inappropriate or inadequate governmental response. Commanders must take appropriate actions in such instances, with due consideration given to the safety of persons who report threats or harassment, and see that persons found to have made threats or engaged in threatening or harassing conduct are held fully accountable.

Under DoD policy, a commander may initiate an investigation into homosexual conduct only upon receipt of credible information of such conduct. The fact that a service member reports being threatened or harassed because he or she is said or is perceived to be a homosexual shall not by itself constitute credible information justifying the initiation of an investigation of the threatened or harassed service member. Credible information exists only when information, considering its source and the surrounding circumstances, supports a reasonable belief that a service member has engaged in homosexual conduct.

The report of a threat or harassment should result in the prompt investigation of the threat or harassment itself. Investigators should not solicit allegations concerning the sexual orientation or homosexual conduct of the threatened or harassed person. If, during the course of an investigation, information is received that the service member has engaged in homosexual conduct, commanders shall carefully consider the source of that information and the circumstances under which it was provided in assessing its credibility. Such information does not negate the need to investigate the alleged harasser.

Please ensure that this guidance is effectively disseminated to all levels of command and is made part of training programs for law enforcement personnel, commanders, supervisors and incorporated in the training required by section 654(d) of title 10, United States Code.

Rudy de Leon