

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

March 24, 1997

**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 Service Members Based on Alleged Homosexuality

This memorandum reiterates existing policy regarding the investigation of threats against service members on the basis of alleged homosexuality. This guidance is issued because of information we have received that some service members have been threatened with being reported as homosexual after they rebuffed sexual advances or themselves reported acts of sexual misconduct by others. The information also indicates some service members reported threats of harm to their person or property based on perceived homosexual orientation.

Under DoD policy, a commander may initiate an investigation into homosexual conduct only upon receipt of credible information of such conduct. Credible information exists when information, considering its source and the surrounding circumstances, supports a reasonable belief that a service member has engaged in homosexual conduct.

The fact that a service member reports being threatened 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 service member. The report of such a threat should result in the prompt investigation of the threat itself. Investigators should not solicit allegations concerning the sexual orientation or homosexual conduct of the threatened 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.

Service members should be able to report crimes free from fear of harm, reprisal, or inappropriate or inadequate governmental response. Please ensure that commanders take appropriate actions in such instances, with due consideration given to the safety of persons who report threats, and see that commanders hold fully accountable persons found to have made threats or engaged in threatening conduct.

Edwin Dorn