



DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE



Commander Fact Sheet: Expedited Transfer (ET) Procedures for Commanders

The intent behind the ET policy is to promote recovery from sexual assault in a supportive environment. The goal is to facilitate warfighter recovery and, when possible, help return them to mission readiness. Consequently, a victim's safety issues are never addressed with an ET, but rather through a quick safety move in accordance with applicable DoD and Service-specific procedures. An ET takes longer than a safety move.

The policy for ETs and decision timeframes for requests detailed below are explicitly described in Federal law and located in DoDI 6495.02, vol. 1, Enclosure 5. When a commander receives a request for an ET, the commander must immediately document the date and time the request is received. The commander must also provide the request directly to the servicing Sexual Assault Response Coordinator (SARC) for warfighter assistance and request tracking.

Reminder: ETs are only available to Service members and adult military dependents who file an Unrestricted Report with a DD Form 2910. For adult military dependents, the Service member sponsor will submit the request on behalf of the dependent.

Criteria for Approving an ET Request

Policy establishes a "presumption" in favor of transferring the requesting Service member following a credible report of sexual assault. Commanders shall:

- Consider the advice of the Staff Judge Advocate and the available evidence based on a Military Criminal Investigative Organization (MCIO) investigation, if available. Note: All elements of an Article 120 offense do not have to be fully investigated and proven in order to have reason to believe the report is credible.
- Consider that victims who have a history of behavioral problems or alleged collateral misconduct, such as underage drinking, are commonly targeted by suspects.
- Include the Service member's dependents (if accompanied) or military spouse (if the military spouse consents) in approved transfers.

An ET can be granted for either permanent or temporary moves, including Permanent Change of Station (PCS) or a Permanent Change of Assignment (PCA) (e.g., change of quarters, and/or change of duty hours or work location).

If the ET request is disapproved because there was no credible report, the grounds on which it was disapproved must be documented. As an alternative to ET, a commander can employ other means to transfer a victim, e.g., humanitarian reassignment, using the Service's established process.

Timeframe for Commander ET Request Decisions

- **Initial commander decision:** The victim is owed a response within five (5) calendar days of submission the request.
- **Appeal:** If the commander disapproves the request, the Service member may request review by the first General Officer (GO)/Flag Officer (FO) in their chain of command. The GO/FO must respond to the victim with their decision within five (5) calendars days of the review request.

Issues to Consider When Approving ET Requests

- Victim's requested transfer location and available social support nearby to aid in recovery.
- Potential transfer of the suspect instead of the requesting Service member. Commanders may request and consider victim preference.
 - Suspect reassignment or removal must be taken solely for the purpose of maintaining good order and discipline in the unit, not as a punitive measure in accordance with 10 USC Section 674.
 - This determination may be made at any time after receipt of notification of an Unrestricted Report that identifies the Service member as a suspect.
- Nature and circumstances of the offense.
- Whether a temporary transfer would meet the Service member's needs and the operational needs of the unit.
- Training status of the Service member requesting the ET.
- Availability of positions in other units on the installation.
- Status of the investigation and potential impact on the investigation and future disposition of the offense after consultation with the MCIO.
- Location of the suspect.
- Suspect's status (Service member or civilian).
- Other pertinent circumstances or facts.

For more information, please visit sapr.mil/toolkit.

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Military Departments should make every reasonable effort to minimize disruption to the normal career progression of a Service member who reports they are a victim of sexual assault.

An ET may be requested at any time after the report of sexual assault, including after the final disposition of the case. Moves granted after the end of the case should be done with an appropriate assignment cycle of the victim's career and development, and not used to inappropriately extricate an individual perceived as problematic in the unit.

Commander Must Directly Counsel Victims

Provide the following notifications to Service member victims requesting ETs:

- Service members requesting the ET should be informed they may have to return for the prosecution of the case, if the determination is made that prosecution is the appropriate action.
- Commanders should directly counsel the Service member to ensure that they are fully informed regarding:
 - Reasonably foreseeable career or educational impacts.
 - The potential impact of the transfer or reassignment on the investigation and case disposition or the initiation of other adverse action against the suspect.
 - The effect on bonus recoupment, if any.
 - Other possible consequences of granting the request.

ET Procedures for Reservists and Members of the National Guard

If requested by the Service member victim, the commander should allow separate training on different weekends or time from the suspect, or with a different unit in the home drill location to ensure undue burden is not placed on the Service member and their family by the transfer.

Potential transfer of the suspect instead of the Service member should be considered. At a minimum, the suspect's access to the Service member who made the Unrestricted Report should be controlled, as appropriate.

After Approval: Timeframe for ET Moves

Permanent or temporary PCS: In most circumstances, transfers to a different installation should be completed within 30 calendar days from the date the transfer is approved.

Permanent or temporary PCA: Transfers to a new duty location, a new duty assignment/workday, or a new berthing assignment that do not require a change of station should be completed within one week from the date the transfer is approved.

Moves taking longer than 30 days will be discussed and documented at the monthly Case Management Group (CMG) meeting. The victim's safety will be assessed and the reasons for the delay will be discussed and documented in the Defense Sexual Assault Incident Database (DSAID) until the move is completed.

Caveat: Victims may request a transfer move delay if, for example, they would like their child to finish the school term before transferring.

Notifications from Losing Commander to Gaining Commander

When an ET request is approved, the losing commander will contact the gaining commander if there is:

1. An active criminal investigation
2. An active legal proceeding
3. Ongoing victim healthcare (medical or mental health) needs directly related to the sexual assault
4. Ongoing monthly CMG oversight involving the victim
5. Active SAPR victim support services

In all other cases, there is no contact from losing commander to gaining commander for victim privacy. The commander at the losing location will limit the information given to objective facts about victim care provided, the status of open investigations, and the status of ongoing legal proceedings in order to provide the gaining commander with context on victim behavior and facilitate the victim's access to advocacy, healthcare, MCIOs, and legal counsel.

However, there is always a mandatory outtake meeting with the losing SARC and a mandatory intake meeting with the gaining SARC to brief the victim on resources available at the new location.

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The gaining commander will adopt processes to ensure strict confidentiality to the extent provided for in law and DoD regulations, including:

- Only the immediate commander of the victim will be notified. The immediate commander may share the notification with the senior enlisted advisor, if deemed necessary to support the victim.
- All information should be kept confidential to the extent authorized by law.
- Additional personnel will be notified by the commander only if they have direct input to the monthly CMG meeting.
- Every attempt must be made to limit access to the information that a victim has been transferred into the unit because of a sexual assault report to protect the victim's privacy and give them the opportunity for a fresh start.

After Approval: Requirements to Ensure Tracking of the Warfighter

After an ET request is approved, commanders should:

- Review the "Notifications from Losing Commander to Gaining Commander," above.
- Notify the losing SARC and the Service member **in writing** when the ET decision is made to ensure continuity of advocacy services and capture of required data in DSAID.
- Immediately notify the appropriate personnel assignments entity to begin processing the transfer.
 - Assign personnel, within the command if possible, to assist the Service member with outprocessing required for PCS moves, including facilitation of transportation as necessary.
- Ensure Service members with approved ET requests receive a detaching evaluation, fitness report, or other evaluation in accordance with Service policy.
- Confirm there is continued oversight of the Unrestricted Report at the CMG.
 - **If the CMG oversight transfers to the gaining location**, confirm with the losing SARC that the gaining SARC included the victim's case on the new location's CMG agenda.
 - **If the CMG oversight stays at the losing location**, confirm with the Lead SARC that the gaining commander has been invited to the losing location's CMG meeting.

Adult Military Dependent ETs (as directed by the National Defense Authorization Act)

Example: A Service member is deployed and their spouse at home is sexually assaulted by their neighbor. The spouse wants to leave the base so they do not have to see the neighbor every day.

The Service member must request the ET on behalf of their military dependent. ETs are only available for Unrestricted Reports filed with a DD Form 2910.

The ET will include the Service member and the Service member's dependents, even if they are geographically separated. While the Military Service will determine whether the Service member will be transferred at the same time as the dependents, the Military Service should favorably consider the Service member's request that:

- Service member and their dependents be transferred at the same time
- Only the Service member's dependents be transferred
- The dependents be transferred expeditiously and the Service member's transfer be delayed (e.g., the Service member is deployed and wants to finish the deployment term or the Service member is in training and wants to complete the training)

See additional requirements in DoDI 6495.02, Vol. 1, Enclosure 5.

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