

Expedited Victim Transfer Requests

- A. Any threat to life or safety of a Service member shall be immediately reported to command and DoD law enforcement authorities and a request to transfer the victim under these circumstances will be handled in accordance with established Service regulations.
- B. Services members who file an Unrestricted Report of sexual assault shall be informed by the SARC, SAPR VA, or the Service member's commanding officer (CO) at the time of making the report, or as soon as practicable, of the option to request a temporary or permanent expedited transfer from their assigned command or installation, or to a different location within their assigned command or installation. The Service members shall initiate the transfer request and submit the request to their Cos. The CO shall document the date and time the request is received.
 - (1) A presumption shall be established in favor of transferring a Service member (who initiated the transfer request) following a credible report of sexual assault. The CO, or the appropriate approving authority, shall make a credible report determination at the time the expedited request is made after considering the advice of the supporting judge advocate, or other legal advisor concerned, and the available evidence based on an MCIO's investigation's information (if available).
 - (2) Expedited transfers for Services members who report that they are victims of sexual assault shall be limited to sexual assault offenses reported in the form of an Unrestricted Report.
 - (a) Sexual assault against adults is defined in the (DODI 6495.02), and included UCMJ Article 120 and Article 125 of Reference (q) . This Instruction does not address victims covered under the Family Advocacy Program in reference (n).
 - (b) If the Service member files a Restricted Report in accordance with Reference (b) and requests an expedited transfer, the Service member must affirmatively change his or her reporting option to Unrestricted Reporting on the DD Form 2910, in order to be eligible for an expedited transfer.
 - (3) When the alleged perpetrator is the commander or otherwise in the victim's chain of command, the SARC shall inform such victims of opportunity to go outside the chain of command to report the offense to MCIOs, other commanding officers or an Inspector General. Victims shall be informed that they can also seek assistance from a legal assistance attorney or the DoD Safe Helpline.

- (4) The CO shall expeditiously process a transfer request from a command or installation, or to a different location within the command or installation. The CO shall request and take into consideration the Service member's input before making a decision involving a temporary or permanent transfer and the location of the transfer. If approved, the transfer orders shall also include the Service member's dependents or military spouse (as applicable).
- (5) The CO must approve or disapprove a Service member's request for a permanent change of station (PCS), permanent change of assignment (PCA), or unit transfer within 72 hours from receipt of the Service member's request. The decision to approve the request shall be immediately forwarded to the designated activity that processes PCS, PCA, or unit transfers.
- (6) If the Service member's transfer request is disapproved by the CO, the Service member shall be given the opportunity to request review by the first G/FO in the chain of command of the member, or an SES equivalent. The decision to approve or disapprove the request for transfer must be made within 72 hours of submission of the request for review. If a civilian SES equivalent reviewer approves the transfer, the Secretary of the Military Department concerned shall process and issue orders for the transfer.
- (7) Military Departments shall make every reasonable effort to minimize disruption to the normal career progression of a Service member who reports that he or she is a victim of a sexual assault.
- (8) Expedited transfer procedures require that a CO or the appropriate approving authority make a determination and provide his or her reasons and justification on the transfer of a Service member based on a credible report of sexual assault. A CO shall consider:
 - (a) The Service member's reason for the request
 - (b) Potential transfer of the alleged offender instead of the Service member requesting the transfer.
 - (c) Nature and circumstances of the offense
 - (d) Whether a temporary transfer would meet the Service member's needs and the operational needs of the unit.
 - (e) Training status of the Service member requesting the transfer.
 - (f) Availability of positions within other units on the installation.

- (g) Status of the investigation and potential impact on the investigation and future disposition of the offense, after consultation with the investigation MCIOs.
 - (h) Location of the alleged offender.
 - (i) Alleged offender's status (Service member or civilian).
 - (j) Other pertinent circumstances or facts.
- (9) Service members requesting the transfer shall be informed that they may have to return for the prosecution of the case, if the determination is made that prosecution is the appropriate command action.
- (10) Commanders shall directly counsel the Service member to ensure that he or she is fully informed regarding:
- (a) Reasonably foreseeable career impacts.
 - (b) The potential impact of the transfer or reassignment on the investigation and case disposition or the initiation of other adverse action against the alleged offender.
 - (c) The effect on bonus recoupment (if, for example, they cannot work in their Air Force Specialty or Military Occupational Specialty).
 - (d) Other possible consequences of granting the request.
- (11) Require that expedited transfer procedures for Reserve Component, Army NG, and Air NG members who make Unrestricted Reports of sexual assault be established by commanders within available resources and authorities. If requested by the Service member, the command should allow for separate training on different weekends or times from the alleged offender or with a different unit in the home drilling location to ensure undue burden is not placed on the Service member and his or her family by the transfer. Potential transfer of the alleged offender instead of the Service member should also be considered. At a minimum, the alleged offender's access to the Service member who made the Unrestricted Report shall be controlled, as appropriate.
- (12) Even in those court-martial cases in which the accused has been acquitted, the standard for approving an expedited transfer still remains whether a credible report has been filed. The commander shall consider all the facts and circumstances surrounding the case and the basis for the transfer request.