

*Topics from Deputy Secretary of Defense Memo, "Updates to Department of Defense Policy and Procedures for the Sexual Assault Prevention and Response Program and Adult Sexual Assault Investigations," signed November 10, 2021. Available at [www.sapr.mil/policy](http://www.sapr.mil/policy).*

**TOPIC: Updates to Expedited Transfer Policy for Service Members –and- Authorization for Expedited Transfers for Adult Military Dependent Sexual Assault Victims**

**Enclosure 5, Paragraph 6, of DoDI 6495.02, volume 1 is revised as follows.**

**6. Expedited Victim Transfer Requests for Service member Sexual Assault Victims IMS.**

- (b)(4) Commander (CO) Notification to SARC and Related Duties to Support SAPR-Related Expedited Transfer Requests of Service Members Who Make an Unrestricted Report of Sexual Assault. In accordance with this instruction, adult sexual assault victims who file Unrestricted Reports are eligible to request an Expedited Transfer. The requesting Service member victim's commander will review, approve/disapprove, and track requests for Expedited Transfers. In accordance with section 531 of NDAA FY 2021, the application submitted by a Service member for a change of station or unit transfer must be approved or disapproved by the Service member's commander within five calendar days of the submission of the application. Additionally, if the application is disapproved by the commander, the Service member shall be given the opportunity to request review by the first general officer or flag officer in the chain of command of the Service member, and that decision must be made within five calendar days of the submission of the request for review. Upon receipt of the Expedited Transfer request from a Service member, the commander must immediately notify the SARC of the Expedited Transfer request. Service member victims not working with a SARC will be referred to the installation or appropriate command-level SARC. Once notified of the Service member victim's request, the SARC will immediately:
- (a) Inform the requesting Service member victim of the Expedited Transfer process, to include information about services and support, and the mandatory "intake meeting" with the gaining installation SARC or appropriate command-level SARC ("gaining SARC") upon arrival at a new installation, if the request is approved. The SARC will also inform the requesting Service member victim that at the conclusion of the "intake meeting" with the gaining SARC, the Service member victim may elect to continue or discontinue SAPR program services.
  - (b) Advise the Service member victim of the requirement to have an "intake meeting" with the gaining commander, if the Service member victim seeks continued advocacy, legal, or healthcare (mental health or other medical) services at the new location, or if the investigation or legal proceeding involving the Service member victim's report is ongoing at the time of the transfer. If the Service member does not continue services and there is no ongoing investigative or legal proceeding, then the "intake meeting" with commander is not necessary. However, "intake meeting" with the SARC is still required. These are two separate requirements with different criteria.
  - (c) Verify to the commander that the Service member victim has filed an Unrestricted Report through a DD Form 2910, and that it has been entered into the DSAID. If a DD Form 2910 is not on file, the SARC will assist the Service member victim to file an Unrestricted Report through a DD Form 2910 or refer the Service member victim to the appropriate organization (i.e., family advocacy program (FAP) for domestic abuse sexual assault victims or other victim assistance program, if not otherwise eligible for SAPR services). The SARC will not provide a copy of the signed DD Form 2910 to the CO; verbal confirmation to the commander that a DD Form 2910 was filed is sufficient.

- (d) Advise the Service member victim of the requirement to have an "outbrief meeting" with the losing installation SARC or appropriate command-level SARC ("losing SARC"), if the Expedited Transfer request is approved.
- (e) Annotate the Expedited Transfer request and subsequent decision in DSAID, ensuring all fields are completed, upon receipt of the final decision.

(b)(14) In addition to the current procedures stated above, if the request for an Expedited Transfer is approved, the losing commander will:

- a. Notify both the losing SARC and the Service member victim **in writing** when the Expedited Transfer decision (approval and disapproval) is made to ensure continuity of advocacy services and capture of required data in DSAID. The Services may prescribe additional guidance on what constitutes written notification to the losing SARC.
- b. Immediately notify the appropriate personnel assignments entity to begin processing the transfer.
- c. Assign personnel, within the command (if possible), to assist Service members with approved Expedited Transfers with any out-processing required for Permanent Change of Station moves, to include facilitating transportation, as necessary.
- d. Ensure Service members with approved Expedited Transfers receive a detaching evaluation, fitness report, or other evaluation in accordance with Service policy.
- e. Advise the Service member victim of the requirement to have an "intake meeting" with the gaining commander if the Service member victim seeks continued advocacy, legal, or healthcare (mental health or other medical) services at the new location, or if the investigation or legal proceeding involving the Service member victim's report is ongoing at the time of the transfer. If the Service member does not continue services and there is no ongoing investigative or legal proceeding, then the "intake meeting" with the gaining commander is not necessary. However, an "intake meeting" with the SARC is still required. Explain that these are two separate requirements with different criteria.
- f. Notify the Service member victim of the requirement to have a single "outbrief meeting" with the losing SARC and an "intake meeting" (to be arranged by the losing SARC) with the gaining SARC. After the "intake meeting" with the gaining SARC, the Service member victim can decide whether to continue advocacy services at the new location.
- g. Ensure the Service member victim is scheduled for an "outbrief meeting" with the losing SARC, so that the losing SARC can answer any remaining questions the Service member victim may have about the transfer process or facilitate any further scheduling.

(15) Losing and gaining SARCs' Responsibilities after the Approval of an Expedited Transfer are:

- a. The losing SARC shall meet with the Service member victim to "outbrief" and address any SAPR questions about the transfer process. During the "outbrief meeting," the losing SARC will inform the Service member victim that:
  - (1) The Service member victim's case will be transferred to the installation or appropriate command-level SARC at the gaining location for a mandatory "intake meeting." At installations with more than one SARC, the "Lead SARC" shall be designated as the gaining SARC for the purposes of the Expedited Transfer and the "intake meeting." Explain that the purpose of the "intake meeting" with the gaining SARC is to help the Service member victim understand the full range of support options at the new installation, facilitate appointments with mental health, medical, advocacy, legal services, or other response personnel at the new location, and help answer any questions the Service

member victim may have. Also explain that after the "intake meeting" with the gaining SARC, Service member victims may decline any further SAPR services.

- (2) The Service member victim is required to have an "intake meeting" with the gaining commander, if the Service member victim seeks continued advocacy, legal, or healthcare (mental health or other medical) services at the new location, or if the investigation or legal proceeding involving Service member victim's report is ongoing at the time of the transfer. The losing SARC will explain that the "intake meeting with the commander" and the "intake meeting with the gaining SARC" are two separate requirements with different criteria.
  - (3) The "intake meeting" with the commander and the "intake meeting" with the gaining SARC will not occur at the same time without explicit victim consent. If the victim requests to meet with the commander and SARC at the same time, the SARCs will inform the Service member victim in advance that the communications with the gaining SARC and gaining commander in a joint meeting will not be privileged under Military Rule of Evidence 514.
- b. The losing SARC will facilitate the scheduling of the "intake meeting" with the gaining SARC, taking into account the Service member victim's leave and transfer/travel time. The losing SARC will provide the Service member victim with the gaining SARC's name and contact information, to include the address of the gaining SARC's office, as well as an appointment date and time.
  - c. The losing SARC will follow existing procedures to transfer the case in DSAID to the gaining SARC after all information on the Expedited Transfer has been annotated. Losing SARCs are **not** required to obtain Service member victim consent to transfer the case on the DD Form 2910 and will leave Section 7, "Victim Consented to Transfer of (RR/UR) Case Documents to Another SARC," of the DD Form 2910 blank.
  - d. The gaining SARC will follow up with the Service member victim regularly to ensure the "intake meeting" occurs. During the "intake meeting," the gaining SARC will explain the full range of support options at the new installation, facilitate appointments with mental health, medical, advocacy, legal services, or other response personnel, inquire as to any changes in victim's safety, and help answer any questions the Service member victim may have. The gaining SARC will also explain that after the "intake meeting," Service member victims may decline any further SAPR services. However, if there are any changes in victim's safety, then the SARC will facilitate a safety assessment in accordance with the DoDI 6495.02, volume 1; for example, continued ostracism and bullying through social media that may impact victim's mental health, regardless of the transfer to a new location.
  - e. The gaining SARC will coordinate with the gaining commander for a separate commander "intake meeting," if required (criteria explained above).
  - f. The gaining SARC will update the Service member victim's case in DSAID in accordance with the Service member victim's decision for continued services.
  - g. The gaining SARC will confirm that the appropriate Case Management Group (CMG) oversight action is taken in the Service member victim's case in accordance with existing DoD policy in Table 2 in Enclosure 5 and Enclosure 9 of DoDI 6495.02, volume 1, depending on whether the victim seeks continued services of a SARC or SAPR VA at the new location and whether the investigation or legal proceeding is ongoing at the original installation. The gaining SARC must confirm this to ensure that if continued CMG oversight is required, that it does indeed occur and the victim's case does not inadvertently disappear from the CMG agenda.

## PROCEDURAL CHANGES IN DSAID —

### **Monthly Case Management Group Meeting Responsibility in Expedited Transfers:**

After the mandatory "Intake Meeting", the Gaining SARC will ask the victim whether they want to continue SAPR advocacy services.

1. **If the victim says YES to continued advocacy:** If the victim says yes, then the monthly CMGs will be held at the new location with relevant members from the old location calling in (e.g., MCIOs investigating the case at the old location would call in to the CMG meeting at the new location – the responsibility cannot be delegated).
2. **If the victim says NO to continued advocacy:** If the victim says no and there is an ongoing investigation or legal proceeding at the old location, then the SARC will transfer the case in DSAID back to the Losing SARC and the monthly CMGs will be held at the old location with the victim's new commander calling in to the CMG meeting at the old location.

## **7. EXPEDITED TRANSFER FOR ADULT DEPENDENTS**

- a. **New SAPR Program Provisions for the Transfer of a Service Member whose Adult Dependent Filed an Unrestricted Report of a Sexual Assault.**
  - (1) The SAPR policy regarding Expedited Transfers is expanded to allow the transfer of a Service member whose adult military dependent makes an Unrestricted Report of sexual assault unrelated to domestic abuse. Victims whose circumstances meet the definition of domestic abuse in DoDI 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," will be supported by FAP. In accordance with section 531 of NDAA FY 2021, the application submitted by a Service member for a change of station or unit transfer must be approved or disapproved by the Service member's commander within five calendar days of the submission of the application. Additionally, if the application is disapproved by the commander, the Service member shall be given the opportunity to request review by the first general officer or flag officer in the chain of command of the Service member, and that decision must be made within five calendar days of the submission of the request for review.
  - (2) Service members must request the Expedited Transfer on behalf of their adult military dependent victims.
  - (3) Adult military dependent sexual assault victims are eligible to request Expedited Transfers through the SAPR Program if:
    - (a) The victim has filed an Unrestricted Report through a DD Form 2910 in the SAPR Program, and
    - (b) The sexual assault suspect is a Service member, if the suspect has a military nexus (e.g., adult military dependent, DoD civilian employee, or government contractor personnel), or the alleged sexual assault occurred on a DoD installation or facility.
  - (4) The Expedited Transfer will include the Service member and the Service member's dependents, even if they are geographically separated. While the Service concerned will ultimately determine whether the Service member will be transferred at the same time as the dependents, the Service should favorably consider the Service member's request that:
    - (a) Only the Service member's dependents be transferred, or

- (b) The dependents be transferred expeditiously, and the Service member's transfer be delayed (e.g., the Service member may be deployed and wants to finish the deployment term, or the Service member is in training and wants to complete the training).
- (5) Service members who request an Expedited Transfer because their adult dependent was the victim of a reported sexual assault will submit the request to their commander, who will follow policy guidance outlined in this policy to make Expedited Transfer determinations. The Service member's commander will:
  - (a) Assign personnel, within the command (if possible), to assist Service members with approved dependent Expedited Transfers with the out-processing required for Permanent Change of Station moves, to include facilitating transportation, as necessary.
  - (b) Ensure Service members with approved dependent Expedited Transfers receive a detaching evaluation, fitness report, or other evaluation in accordance with Service policy.
- (6) While adult dependents are not required to meet with commanders, the Services shall follow the other procedures described above to ensure that the losing SARC and gaining SARC coordinate the transfer of the adult dependent's case, as well as facilitate the "intake meeting" with the gaining SARC at the new installation.
- (7) These procedures, involving the mandatory losing SARC "outbrief meeting" and gaining SARC "intake meeting," underscore the Department's responsibility to ensure that Service members and their adult dependents who elect an Expedited Transfer have the best chances for success and recovery at their new location.