



TOPIC: UPDATES TO THE EXPEDITED TRANSFER PROCESS
JULY 2024

Topics from Deputy Secretary of Defense Memo, "Updates to Department of Defense Policies to Enhance Support for Adult Sexual Assault Victims," signed May 2024. Available at www.sapr.mil/latest-policy-updates.

Enclosure 5, DoDI 6495.02, volume 1, as follows:
Updates the expedited transfer process.

Expedited Transfer Requests for Service member Sexual Assault Victims

a. Any threat to life or safety of a Service member shall be immediately reported to command and DoD law enforcement authorities (see Glossary in DoDI 6495.01, volume 1) and a request to transfer the victim under these circumstances will be handled in accordance with established Service regulations.

(1) Safety issues are NOT handled through an Expedited Transfer. They are handled through a fast safety move following applicable DoD and Service-specific procedures. (An Expedited Transfer may take longer than a safety move.)

(2) The intent behind the Expedited Transfer policy in this enclosure is to address situations where a victim feels safe, but uncomfortable. An example of where a victim feels uncomfortable is where a victim may be experiencing ostracism and retaliation. The intent behind the Expedited Transfer policy is to assist in the victim's recovery by moving the victim to a new location, where no one knows of the sexual assault.

b. Service members who file an Unrestricted Report of sexual assault shall be informed by the SARC, SAPR VA, or the Service member's commanding officer, or civilian supervisor equivalent (if applicable), 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 in accordance with section 673 of Title 10 United States Code. The Service members shall initiate the transfer request and submit the request to their commanders. The commanders shall document the date and time the request is received *and shall provide the servicing SARC a copy of ALL Expedited Transfer requests received by command as soon as practicable, without the SARC having to go through multiple commanders or supervisors.*

(1) A presumption shall be established in favor of transferring a Service member (who initiated the transfer request) following a credible report (see Glossary in DoDI 6495.01, volume 1) of sexual assault. The commander, 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).

(a) Commanders, in consultation with their respective staff judge advocate, when assessing whether there is a credible report as part of the Expedited Transfer request, should consider as a factor in their decision that victims who have a history of behavioral problems or

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alleged collateral misconduct offenses, such as underage drinking, are the very individuals who may be at greatest risk for being sexually assaulted.

(b) If the Expedited Transfer is disapproved because there was no credible report, the grounds on which it was disapproved must be documented. A commander can always transfer a victim on other grounds, e.g., on humanitarian grounds, through a process outside of the Expedited Transfer process.

(2) Expedited Transfers of Service 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 Glossary of [DoD Directive 6495.01, "Sexual Assault Prevention and Response \(SAPR\) Program,"](#) and includes rape and sexual assault in violation of Article 120 of the UCMJ (section 920 of Title 10, United States Code), and forcible sodomy in violation of Article 125 of the UCMJ (section 925 of Title 10, United States Code). This instruction does not address victims covered under the Family Advocacy Program (FAP).

(b) If the Service member files a Restricted Report in accordance with [DoD Directive 6495.01, "Sexual Assault Prevention and Response \(SAPR\) Program,"](#) and requests an Expedited Transfer, the Service member must affirmatively change *their* reporting option to Unrestricted Reporting on the [DD Form 2910, "Victim Reporting Preference Statement,"](#) in order to be eligible for an Expedited Transfer.

(3) When the *suspect* is the commander or otherwise in the victim's chain of command, the SARC shall inform such victims of the 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, the DoD Safe Helpline, or an SVC/VLC/*VC*. The relationship between an SVC/VLC/*VC* and a victim in the provision of legal advice and assistance will be the relationship between an attorney and client, in accordance with 10 USC section 1044e.

(4) 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 or disapprove, and track requests for Expedited Transfers.

(a) In accordance with section 531 of the Fiscal Year 2021 National Defense Authorization Act, 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 5 CALENDAR DAYS of the submission of the application.

(b) If the application is disapproved by the commander, the Service member will be given the opportunity to request a review by the first general office/flag officer (GO/FO) in *their* chain of command. The GO/FO must make a decision within 5 CALENDAR DAYS of submission of the request for review.

(c) 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

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command-level SARC. Once notified of the Service member victim's request, the SARC will immediately:

1. 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.

2. 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 (medical *and mental health*) 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 commander is not necessary. However, the intake meeting with the SARC is still required. These are TWO SEPARATE REQUIREMENTS with different criteria.

3. 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.

a. 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., FAP for domestic abuse *or domestic violence related* sexual assault victims or other victim assistance program, if not otherwise eligible for SAPR services).

b. The SARC will not provide a copy of the signed DD Form 2910 to the commander; verbal confirmation that a DD Form 2910 was filed is sufficient.

4. 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.

5. Annotate the Expedited Transfer request and subsequent decision in DSAID, ensuring all fields are completed, upon receipt of the final decision.

(5) The commander shall expeditiously process a transfer request from a command or installation, or to a different location within the command or installation. The commander 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 (if accompanied) or military spouse (if the military spouse consents). In most circumstances, transfers to a different installation should be completed within 30 calendar days from the date the transfer is approved. Transfers to a new duty location that do not require a change of station move should be completed within 1 week from the date the transfer is approved.

(6) The commander must approve or disapprove a Service member's request for a permanent change of station (PCS), permanent change of assignment (PCA), or unit transfer

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within 5 calendar days 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 (see Glossary in DoDI 6495.01, volume 1).

(7) If the Service member's transfer request is disapproved by the commander, the Service member shall be given the opportunity to request review by the first GO/FO in the chain of command of the member, or a Senior Executive Service (SES) equivalent (if applicable). The decision to approve or disapprove the request for transfer must be made within 5 calendar days 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. All transfer requests must be reported in the Services' and NGB Annual Program Review submission; to include all disapproved transfer requests, and the reason for disapproval.

(8) Military Departments shall make every reasonable effort to minimize disruption to the normal career progression of a Service member who reports that *they are* a victim of a sexual assault.

(9) Expedited Transfer procedures require that a commander or the appropriate approving authority make a determination and provide *their* reasons and justification on the transfer of a Service member based on a credible report of sexual assault. A commander shall:

(a) *Consider the* Service member's reasons for the request. *The Commander shall ask:*

1. The victim's preference of location.

2. Whether the victim prefers the suspect be transferred instead.

(b) *Ensure that PCS moves following the final disposition of the victim's case are:*

1. Within an appropriate assignment cycle for the victim's career and development.

2. Are not used to inappropriately extricate an individual perceived as problematic from the losing unit.

(c) *Consider* potential transfer of the *suspect* instead of the Service member requesting the transfer.

1. Commanders have the authority to make a timely determination and to take action regarding whether a Service member who is alleged to have committed or attempted to commit a sexual assault offense should be temporarily reassigned or removed from a position of authority or from an assignment. This reassignment or removal must be taken not as a punitive measure, but solely for the purpose of maintaining good order and discipline within the member's unit in accordance with 10 USC section 674.

2. This determination may be made at any time after receipt of notification of an Unrestricted Report of a sexual assault that identifies the Service member as a *suspect*.

(d) *Consider:*

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1. Nature and circumstances of the offense.
2. Whether a temporary transfer would meet the Service member's needs and the operational needs of the unit.
3. Training status of the Service member requesting the transfer.
4. Availability of positions within other units on the installation.
5. Status of the investigation and potential impact on the investigation and future disposition of the offense, after consultation with the investigating MCIOs.
6. Location of the *suspect*.
7. *Suspect's* status (Service member or civilian).
8. Other pertinent circumstances or facts.

(10) 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 action.

(11) Commanders shall directly counsel the Service member to ensure that *they are* 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 *suspect*.
- (c) The effect on bonus recoupment, if any.
- (d) Other possible consequences of granting the request.

(12) When an Expedited Transfer is approved, notification from the losing commander to the gaining commander will depend on whether there is an open case and continuation of services. If there is neither an open case nor continuation of services, no other action is needed. If there is an open case and services are requested, then notification to the gaining commander will occur to facilitate the investigation and access to services. This procedure applies to any sexual assault victim move (e.g., PCS either on or before the member's normal rotation date, temporary duty inside or out of local area).

(a) When an Expedited Transfer is approved, the losing commander will NOT inform the gaining commander of the sexual assault incident unless one of the following applies:

1. Active criminal investigation.
2. Active legal proceeding.
3. Ongoing victim healthcare (medical or mental health) needs that are directly related to the sexual assault.

- 4. Ongoing monthly CMG oversight involving the victim or
- 5. Active SAPR victim support services.

(b) When an Expedited Transfer is approved, the losing commander will inform the gaining commander of the inbound Expedited Transfer if ~~any of the circumstances in paragraphs 5.b.(11)(a)1-4. are occurring.~~ *there is an ongoing investigation or legal proceeding or SAPR advocacy services are requested. Subsequently, the gaining commander shall facilitate access to services.*

1. The losing commander will limit the information given to objective facts about victim care provided, status of open investigations, and the status of ongoing legal proceedings in order to provide the gaining commander with some context for victim behavior and to facilitate the victim's access to advocacy, healthcare, Military Criminal Investigative Organization (MCIOs), and legal counsel.

2. The gaining commander will adopt processes to *ensure* strict confidentiality *to the extent provided for in law and DoD regulations.* 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 shall 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 as a result of a sexual assault report.

(13) If a victim transfers from the installation, then the processes in Table 2 apply as appropriate.

Table 2. ~~Victim Transfer Processes-DSAID Case Transfers after Victim Transfers to New Location~~

IF	THEN
<ul style="list-style-type: none"> • The victim does NOT seek continued services of a SARC or SAPR VA at the new location after the required intake meeting with the gaining SARC, AND • The investigation or legal proceeding IS ONGOING at the original installation: 	<ul style="list-style-type: none"> • <i>Advise the victim of the requirement to have an intake meeting with the gaining SARC. The gaining SARC will advise the victim of their ability to continue or discontinue SAPR Program services with the gaining SARC at that intake meeting.</i> <ul style="list-style-type: none"> • <i>If the victim declines services at the new location, AND</i> • <i>The investigation or legal proceeding is ONGOING at the original installation,</i> • <i>Then</i> CMG responsibility remains with the original installation's CMG chair. • The victim will be asked if she or he would like to receive the monthly update from the CMG meetings <i>at the losing installation.</i>

IF	THEN
	<ul style="list-style-type: none"> • If the victim wants the CMG updates, then the victim's new commander will participate in person or call in to the CMG meetings and this call in will be documented in the minutes of the CMG. • The new commander will provide the victim a monthly update of her or his case within 72 hours of the last CMG.
IF	THEN
<p>The victim DOES seek SAPR services at the new location:</p>	<ul style="list-style-type: none"> • The advocacy responsibility transfers to the receiving SARC at the victim's new installation (if the victim consents to seek SAPR services at new location, after the required intake meeting with the gaining SARC), and then the CMG responsibility may transfer to the new location. • If the CMG does transfer to the location of the victim, then the MCIOs at the original installation (if there is an ongoing investigation) and the legal officer at the original installation (if there are ongoing legal proceedings) are required to call in to the new CMG. This MCIO and legal officer call-in will be documented in the CMG notes. • The SARC's advocacy responsibility transfers to the receiving SARC at the victim's new installation (if the victim consents to seek SAPR services at the new location, after the required intake meeting with the gaining SARC), and then the CMG responsibility may transfer to the new location. • If the CMG does transfer to the location of the victim, then the MCIOs at the original installation (if there is an ongoing investigation) and the legal officer at the original installation (if there are ongoing legal proceedings) are required to call in to the new CMG. This MCIO and legal officer call-in will be documented in the CMG notes. • SARC will: <ul style="list-style-type: none"> ○ Inform the victim of the case transfer process, to include information about

IF	THEN
	<p><i>services and support, and the mandatory intake meeting with the gaining SARC.</i></p> <ul style="list-style-type: none"> ○ <i>Advise the victim of the case transfer to the CMG at the new location.</i> ○ <i>Advise victim of their ability to continue or discontinue SAPR Program services with the gaining SARC.</i> ● <i>The MCIOs at the original installation (if there is an ongoing investigation) and the legal officer at the original installation (if there are ongoing legal proceedings) are required to call in to the new CMG. This MCIO and legal officer call-in will be documented in the CMG notes.</i>

(14) In addition to the current procedures stated in Paragraph 12 of this Enclosure, 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 or disapproval) is made to ensure continuity of advocacy services and capture of required data in DSAID. The Military 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 PCS 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 (medical *and mental health*) 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.

1. 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.

2. However, a *warm handoff and* intake meeting with the SARC is still required. Explain that these are two separate requirements with different criteria.

3. The losing Lead SARC will coordinate with the gaining Lead SARC to identify the gaining SARC who will be assigned for case transfer.

(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 that 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 will 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 will be designated as the gaining SARC for the purposes of the Expedited Transfer and the intake meeting. The losing SARC will explain that:

a. 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 healthcare *(medical and mental health) personnel*, advocacy, legal services, or other response personnel at the new location; and help answer any questions the Service member victim may have.

b. After the intake meeting with the gaining SARC, Service member victims may decline any further SAPR services.

2. If the Service member victim seeks continued advocacy, legal, or healthcare (medical *and mental health*) 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 Service member victim must have an intake meeting with the gaining commander. 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 *gaining* 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 MRE 514 of the "Manual for Courts-Martial".

(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 or travel time. The losing SARC will provide the Service member victim with the gaining SARC's name and

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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 annotating all information on the Expedited Transfer. Losing SARCs are not required to obtain Service member victim consent to transfer the case on the DD Form 2910, and will leave Section 8 ("Victim Consented to Transfer of (RR/UR) Case to Another SARC. Not Applicable for Expedited Transfers.") of the DD Form 2910 blank, since the intake meeting with the gaining SARC is mandatory.

(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 healthcare (*medical and mental health*), 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.

1. The gaining SARC will also explain that, after the intake meeting, Service member victims may decline any further SAPR services.

2. However, if there are any changes in victim's safety, then the SARC will facilitate a safety assessment in accordance with this instruction (e.g., continued ostracism and bullying through social media that may impact victim's healthcare (*medical and 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 in Paragraph (15)(a)2. of this Enclosure)~~. *A commander intake meeting is required if there is an ongoing investigation or legal proceeding or SAPR advocacy services are requested; the gaining commander shall facilitate access to services.*

(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 CMG oversight action is taken in the Service member victim's case in accordance with existing DoD policy in this instruction, 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.

(16) Require that Expedited Transfer procedures for Reserve Component members, 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 *suspect* 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 *suspect* instead of the Service member should also be considered. At a minimum, the *suspect's* access to the Service member who made the Unrestricted Report shall be controlled, as appropriate.

(17) 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.

Is there any oversight of approved requests for ETs where the move takes longer than 30 days?

Yes. At the monthly Case Management Group (CMG) meeting and at the Quarterly Case Management Group (QCMG) meeting.

At the CMG, the CMG Chair will:

- Require the Lead SARC and SARC provide an update of the status of each ET request and Military Protective Order (MPO)
- Track the number of days between the approval date of a victim's request for ET and the date the victim physically departs the losing station (PCS) or the date the victim changes duty assignment location (PCA)
 - All ETs taking longer than 30 calendar days must have documented circumstances for the delay in the CMG minutes and be reported to the CMG Chair who must review the circumstances of the delay.
 - The CMG Chair will direct a High-Risk Response Team (HRRT) to be initiated when circumstances indicate that the transfer delay appreciably increases risk of harm to the victim.

At the QCMG the QCMG Chair will review the timeliness of moves after ET approvals

How does ET work for the suspect, particularly if they have a spouse who works, kids enrolled in EFMP, etc.?

There are no ETs for suspects. However, when consistent with applicable policy commanders have discretion to temporarily reassign or remove from a position of authority or from an assignment a Service member who is accused of misconduct. Such actions, if taken, must not be taken as a punitive measure, but solely for the purpose of maintaining good order and discipline within the member's unit.

How will it work if the victim would prefer the subject to transfer?

A victim can request or express his or her preference that a subject be transferred for consideration by the commander, but the commander is not required to accommodate the victim's preference or request to transfer a subject.

Can dependents now ask for ETs themselves without going through a sponsor?

No.

Is ET decided using victim preference?

The commander has to ask for and consider the victim's preference but is not bound by it.