



CHIEF OF THE NATIONAL GUARD BUREAU MANUAL

NGB-J1-SAPR
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NATIONAL GUARD EXPEDITED TRANSFER PROGRAM FOR UNRESTRICTED REPORTS OF SEXUAL ASSAULT

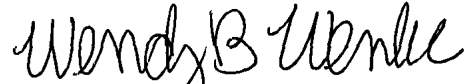
References: See Enclosure D.

1. Purpose. This manual provides procedural guidance to process a temporary or permanent Expedited Transfer (ET) requested by an eligible National Guard (NG) Service member who filed an official Unrestricted Report (UR) of sexual assault, or on behalf of their eligible adult dependent who filed an official UR of sexual assault, in accordance with (IAW) reference a through reference f.
2. Cancellation. This manual cancels and replaces its previous version, Chief of the National Guard Bureau Manual 1300.04, 02 September 2020, "National Guard Expedited Transfer Program for Unrestricted Reports of Sexual Assault."
3. Applicability. This manual applies to all elements of the NG.
 - a. An ET request does not apply to victims of domestic abuse, or in cases when the victim feels unsafe. Any threat to life or safety of a victim will be reported immediately to command and to law enforcement authorities.
 - b. If a victim, who fears for their safety, requests a safety move, Commanders will use Service-specific and State, Territory, or District of Columbia, hereinafter referred to as "States," procedures to ensure a speedy transfer of the individual with safety concerns IAW reference b. Victims of domestic abuse with an NG connection will be referred to a Service-specific program, local Victim Witness Assistance Program, National Domestic Violence Hotline, coalition against domestic violence, or other civilian domestic abuse resources for assistance.
4. Procedures. ETs are intended to assist in the victim's recovery for eligible individuals who feel safe, but are uncomfortable, for reasons such as fear of retaliation or ostracism. See Enclosures A through C for additional procedures.
5. Summary of Changes. This manual has undergone substantial revisions, including updates to the approval timeline for an ET from 72 hours to five calendar days, and additional guidance for the ET process completion, options, and limitations.

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6. Releasability. This manual is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.

7. Effective Date. This manual is effective upon publication and must be revised, reissued, canceled, or certified as current every five years.



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Enclosures:

- A -- Eligibility and General Processes
- B -- Request and Decision Processes
- C -- Approved Expedited Transfer Processes to New Assignment
- D -- References
- GL -- Glossary

ENCLOSURE A

ELIGIBILITY AND GENERAL PROCESSES

1. ET Eligibility. An ET is available to any NG Service member when:

a. An NG Service member victim files an official UR by signing the “Victim Reporting Preference Statement” Department of Defense Form 2910 (DD Form 2910) at reference g.

b. An NG Service member’s adult dependent files an official UR unrelated to domestic abuse and meets both of the following criteria:

(1) The adult dependent victim files an official UR by signing a DD Form 2910.

(2) The alleged offender is a Service member or has a military connection, such as an adult military dependent, Department of Defense civilian employee or government contractor, or the alleged sexual assault occurred on a Department of Defense or NG installation or facility.

2. Notification Process.

a. The servicing SARC will inform the sexual assault victim of their eligibility to request an ET during their initial meeting to discuss the options in filing a report with the victim, or as soon as practical following the report. Based upon the victim’s needs and circumstances following the initial meeting and report, the SARC will continue to address ET questions as requested by the victim or the victim’s sponsor and will assist in their preparation of the ET request.

(1) To request an ET, the victim must submit a request in writing to their immediate Commander for consideration. If the Commander is the alleged offender or in their chain of command, the victim can go outside the chain of command to request the ET through another commanding officer. The SARC may request a template from their National Guard Bureau (NGB) Manpower and Personnel Sexual Assault and Prevention Division (NGB-J1-SAPR) Regional Lead to provide to the victim.

(2) The victim’s request may be hand-delivered, mailed, or sent by email and must have either a digital or wet signature with all the information in Table 1 to assist the Commander in making an informed decision.

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| <ul style="list-style-type: none">✓ Rank and Name✓ Military Status✓ Date UR was filed✓ UR Defense Sexual Assault Incident Database case number✓ Reasons for requesting ET✓ At least three potential transfer options providing clear understanding of victim's situation |
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Table 1. ET Request Information

(3) This request may occur any time after the UR was filed by the NG Service member victim or the NG Service member's adult dependent.

(4) The servicing SARC will inform an NG Service member on an official temporary assignment away from their home station to submit their ET request to the immediate Commander of their temporary assignment. Additionally, the NG Service member will provide a courtesy copy of the ET request to their home station Commander for awareness and coordination.

b. A Commander, supervisor, or equivalent, who receives a question about an ET from a victim or the victim's NG Service member sponsor as it applies to an adult dependent, will:

(1) Explain the eligibility requirements for an ET.

(2) Ask the victim or sponsor whether an official UR sexual assault report was filed with a SARC.

(3) Provide a warm handoff to a SARC to file a UR, if necessary, receive SAPR services and additional information on the ET request process.

c. The SARC, Commander, Supervisor, or equivalent will discuss interim actions and considerations found in Appendix A of this enclosure with the victim or sponsor to assist them in making an informed decision regarding an ET request.

2. ET Approving Pathways Based on Duty Status. It is the Commander's primary responsibility to maintain the health and welfare of sexual assault victims by supporting and coordinating the NG Service member's ET request to the greatest extent possible, while adhering to the administrative processes, documentation requirements, Service-specific publications, State-specific guidance, and IAW reference h through reference l. Processing the ET request, considerations, and requirements are dependent upon the duty status of the NG Service member identified below.

a. Active Guard and Reserve Service Member. The Commander or Supervisor will coordinate with the servicing Human Resource Office to guide the reassignment processes IAW reference h and reference i, and the NG Joint Force Headquarters-State

or Wing-specific guidance. The servicing Human Resource Office will discuss the specific details regarding transfer options, impacts, possible exceptions, and requirements associated with the desired available Active Guard and Reserve position, and the requirement to apply for vacancies, if applicable. The Active Guard and Reserve Program Manager will provide oversight of the process and coordinate with the appropriate personnel to facilitate identification of vacancies, completion of the requirements, and approval of the transfer. The Human Resource Office will keep the requestor informed on the specific details regarding transfer options, reassignments, impacts, and possible exceptions.

b. Traditional NG Service Member. This ET request is guided by the command structure and supporting Human Resource or Personnel Service offices IAW Service-specific, Army National Guard, and Air National Guard publications. The requesting NG Service member will need to meet the requirements associated with the desired position, such as attending school to obtain another Army military occupational specialty or Air Force specialty code. Coordination between the command and Recruiting or Retention personnel may help to identify potential units, vacancies, and locations which are suitable to assist in the victim's recovery.

c. Title 32 United States Code Military Technician. If the NG Service member is also employed as a Title 32 United States Code Military Technician, coordination with the servicing Human Resource Office to consider the potential reassignment and effect on the NG Service member's employment IAW reference j through reference l will ensure it does not require involuntary termination. Transfers requested by a Title 32 United States Code Military Technician based on a sexual assault will follow Service-specific, Army National Guard or Air National Guard publications, and State issuances and laws to provide the NG Service member with an opportunity for a safe working environment to assist in the victim's recovery.

d. NG Service Member Adult Dependent. Refer to Appendix B of this enclosure.

APPENDIX A OF ENCLOSURE A

INTERIM ACTIONS AND INFORMATION FOR CONSIDERATION

1. Commander's Immediate Interim Actions. Commanders may take immediate interim actions to safeguard the victim or sponsor while waiting for the completion of the ET process and implementation of a transfer. These actions may include:

- a. Allowing the victim to reschedule drill and training or be excused.
- b. Allowing the victim or sponsor to perform work, drill, or training on alternate drill periods or different work schedule from the alleged offender.
- c. Allowing the victim or sponsor to perform work, drill, or train with a different unit to minimize undue burden on the requestor and their family.
- d. Coordinating with the alleged offender's Commander to monitor and restrict access to the victim requesting the expedited transfer.

2. Information for Consideration. Commanders, Supervisors, and SARCs may share the information below for consideration to assist the victim's or sponsor's understanding of the ET process and to manage expectations throughout the process.

a. A description of the process and identification of the offices or positions involved in reviewing and approving the ET, and option to appeal a disapproval decision of the ET request.

b. The general options available, such as:

- (1) Reassignment within the unit of Commander's authority.
- (2) Reassignment within the same Brigade or Wing outside the immediate Commander's authority.
- (3) Reassignment between Brigade or Wing units within the same State.
- (4) Reassignment to a unit in another State, referred to as an interstate transfer.
- (5) Alternate weekends or shifts on a permanent basis as determined by the Commander.

c. Upon approval of the ET request, the appropriate Human Resource or Personnel Services office will immediately search for available positions focused on the desires of the NG Service member identified within the ET request, and other available positions for the Service member's consideration.

d. To search for a new position and location, the NG Service member may seek out a recruiting and retention specialist, make personal contact with other NG Service members, and search various forms of media.

e. Information on approval requirements for reassignments outside the Commander's authority, such as the gaining Commander's concurrence based upon position availability, and The Adjutants General (TAG) or the Commanding General of the District of Columbia (CG) approval for an interstate transfer.

f. Sharing potential reassignment effects on the individual's benefits, entitlements, or career path, such as loss or recoupment of a bonus IAW reference m.

g. The potential of an approved ET without financial support from the government.

h. The potential that they may need to reclassify to obtain a position in the location of their choice or be willing to move to a different location.

i. That an assignment transfer outside the Commander's authority cannot be guaranteed due to position availability and the authorization requirement by the Commander of the outside unit.

j. The victim may choose other avenues available for a transfer rather than the ET process.

APPENDIX B OF ENCLOSURE A

EXPEDITED TRANSFER PROVISIONS ON BEHALF OF AN ADULT MILITARY DEPENDENT

1. An NG Service member whose adult dependent makes an allegation of sexual assault that meets the eligibility requirements in paragraph 1.b. of Enclosure A may request an ET on behalf of their adult military dependent victim as the sponsor by submitting a written request as outlined in Enclosure A.
2. The ET will include the NG Service member and the NG Service member's dependents, even if they are geographically separated. However, the NG Service member can request that only the NG Service member's dependents be transferred, or the dependents be transferred expeditiously while the NG Service member's transfer be delayed. Reasons for a delay may be the NG Service member is on deployment and desires to finish the deployment term, or the NG Service member is in training and wants to complete the training. Ultimately, the NG will determine whether the NG Service member is transferred at the same time as the dependents.
3. NG Service members who request an ET because their adult dependent was the victim of an alleged sexual assault will submit the request to their immediate Commander, who will follow the procedures outlined in Enclosure B of this manual.
4. Immediate Commanders of NG Service members with approved dependent ETs will take the actions identified in Enclosure C of this manual.
5. Adult dependents are not required to meet with the Commander. However, they may request an intake meeting to ensure continuity of care and to gain information on resources available at the new location. The losing SARC and gaining SARC will coordinate the transfer of the adult dependent's case, as well as facilitate the intake meeting with the gaining SARC at the new installation as outlined in Enclosure B of this manual.

ENCLOSURE B

REQUEST AND DECISION PROCESSES

1. Victim or Sponsor Requests an ET. The NG Service member submits an ET request to their immediate Commander or other commanding officer.

2. Commander's Immediate Response. An immediate Commander or other commanding officer who receives a request for an ET from an NG Service member will:

a. Immediately notify the supporting SARC of the receipt of the ET request and ask for immediate verification that the NG Service member or sponsor's adult dependent filed a UR of sexual assault. If the NG Service member victim or sponsor's adult dependent has not filed a UR, the Commander will refer the NG Service member victim or refer the adult dependent's sponsor to their servicing SARC, and no further action will occur at that time.

b. Document the date and time the written ET request was received if the SARC verifies the NG Service member or sponsor's adult dependent filed a UR. This action begins the official five calendar days required to notify the victim of the approval or disapproval of the request.

3. Supporting SARC Response. Once notified, the supporting SARC will:

a. Verify that the NG Service member victim or sponsor's adult dependent already filed an official UR of sexual assault by signing a DD Form 2910 found at reference g or assist the victim in filing an official report if not already filed. The NG Service member or sponsor's adult dependent victim will receive a copy of the form for future use.

b. Inform any victim who elected a Restricted Report that they must convert their election to a UR to be eligible to request an ET. The SARC will assist the victim in changing their election to UR on the DD Form 2910, if requested. If the victim does not wish to convert the Restricted Report to a UR, the victim or sponsor is ineligible to request an ET, however, they can initiate other personnel transfer procedures not associated with the ET process.

c. Notify the Commander verbally that the NG Service member or sponsor's adult dependent filed an official UR and that it was entered into the Defense Sexual Assault Incident Database (DSAID). The SARC must not provide the Commander with a copy of the report or allow them to view the report; verbal communication is sufficient IAW reference b.

d. Discuss potential concerns with the NG Service member or adult-dependent victim or provide a warm handoff to a subject matter expert to discuss topics such as their status, position, possible retraining requirements, or benefits, to the support the victim's ability to make an informed decision. The warm handoff will be determined by victim preference, which may include obtaining the victim's consent for a face-to-face

meeting or to coordinate using a speaker phone to conduct the conversation to maintain privacy and anonymity.

e. Inform the NG Service member of their continuing support regarding the ET process through completion, in addition to continued support and services related to the sexual assault.

f. Identify the routing of the ET request and explain to the victim and sponsor their option to request the first or next General Officer in their chain of command review and provide a determination on their ET request if the ET is disapproved by the approval authority

g. Inform the NG Service member that the details shared for ongoing case management are limited to information pertaining to the status of the investigation or legal proceedings, case disposition, and support in place or needed.

h. Describe the ET request process to the victim and sponsor, including the following requirements if approved:

(1) The mandatory intake meeting with the gaining SARC upon arrival at a new location, as applicable. The SARC will also inform the victim and sponsor of the option to continue or discontinue SAPR program services at the end of the intake meeting with the gaining SARC. Unless the victim transfers to another State, Brigade, or another Wing, the SARC will remain the same.

(2) The required intake meeting for NG Service members with the gaining Commander and continuation of the Case Management Group (CMG) meetings for victims who want to continue advocacy, legal, or healthcare (medical and mental health) services at the new location, or if the investigation or legal proceeding involving the victim's report is ongoing at the time of the transfer. Discuss the potential advantages to choosing to meet with the gaining Commander at the new location if the intake meeting is not a requirement.

(3) The mandatory out-brief meeting with the losing SARC, if applicable.

i. Ensure that non-clinical safety assessments are conducted and documented in DSAID throughout the course of the ET process, including if a victim filed a complaint of retaliation using of the DD Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases" found at reference n, or requested support to obtain either a Military Protective Order (MPO) or Civilian Protective Order (CPO). Communicate safety concerns to the CMG Chair and the immediate Commander. The CMG Chair may activate the High-Risk Response Team meeting IAW reference b.

j. Document the request for ET in DSAID immediately. Complete all fields upon notification of the final decision, the date the transfer was accomplished, and confirmation of the required outtake briefs. Transfer the case in DSAID to the gaining SARC, if applicable, who will confirm the intake brief. The disposition of every ET

request is reportable on the Annual Report of Sexual Assault in the Military, to include the rationale for all disapprovals of ET requests.

k. Ensure updates regarding the ET from request to completion of transfer is briefed during the CMG and annotated in the CMG minutes.

4. Immediate Commander's Response. The immediate Commander will provide a recommendation for approval or disapproval of the ET request to the approval authority within five calendar days of the documented receipt of the request. The immediate Commander will:

a. Establish a presumption in favor of approving the request following a credible report (see Glossary) and consideration of a victim's history of behavioral problems or collateral offenses that may place them at risk for sexual assault. The Commander will consult with the supporting Judge Advocate, other concerned legal advisors, and the SARC, and review the available evidence provided by law enforcement or the NGB Office of Complex Investigations, as appropriate, to determine report credibility. If the ET is disapproved due to lack of a credible report, the reasons for this determination must be documented accordingly. The Commander may transfer the NG Service member for other reasons, such as humanitarian, through an alternate process.

b. Consult with the SARC and Director of Psychological Health regarding the victim's well-being, and address any safety concerns, reports of retaliation, and MPO or CPO requests. Communicate safety concerns to the CMG Chair and SARC. The CMG Chair may activate the High-Risk Response Team meeting IAW reference b.

c. Document the discussion with the victim and sponsor to ensure they are fully informed on the information in Table 2.

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| <ul style="list-style-type: none">✓ Command and approval authority limitations and inclusion of specified personnel to research and coordinate transfers.✓ Potential career trajectory impacts, including status and grade.✓ Potential bonus recoupment or other entitlements. An NG Service member paid a bonus or special pay for a period of enlistment under a written agreement, should receive a case review and determination of repayment or continued payments by the applicable Service-Secretary IAW reference m and Service- or State-specific issuances prior to ET approval and before recoupment actions.✓ Potential impact of the transfer or reassignment on the investigation and case disposition or the initiation of other adverse action against the alleged offender.✓ The potential that they may need to return for the prosecution of the case, if determined as the appropriate action.✓ That every reasonable effort will be made to minimize disruption to the NG Service member's normal career progression and in locating a suitable position and location that the victim will accept. The immediate Commander will keep the NG Service member informed of the process and options available. |
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Table 2. ET Request Considerations

d. Sign a memorandum recommending approval or disapproval of the request based on the information provided by the victim in the ET request and the items for consideration in Appendix A in this enclosure and forward the documents to the approval authority (Brigade or Wing Commander or the first O6 Commander or above in the chain of command of a unit outside a Brigade or Wing) and a copy to the supporting SARC. The memorandum must include the information in Table 3.

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| <ul style="list-style-type: none">✓ Rank and Name✓ Military Skill Identification✓ Time and Date the request was received✓ Date the Commander discussed reassignment options with the requestor✓ Extenuating circumstance✓ Recommendation of Approval or Disapproval |
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Table 3. ET Request Approval or Disapproval

e. Upon notification of approval by the approval authority or after the General Officer review, notify the NG Service member and adult dependent victim, as applicable, and instruct the staff to work with the supporting Human Resource or Personnel Service offices, and Recruiting and Retention personnel to identify a suitable position and location expeditiously.

f. Upon identifying a suitable position and location for the NG Service member and with their concurrence, instruct the staff to initiate necessary unit actions expeditiously to complete the move.

g. Upon notification of disapproval by the approval authority notify the victim and sponsor and inform them that they may request a General Officer review of the request, which will be the final determination for approval or disapproval.

h. Consider a non-punitive administrative reassignment or removal of the alleged NG offender from a position of authority or assignment instead of transferring the requestor. This determination may be made at any time after receipt of a UR of sexual assault that identifies an NG Service member as the alleged offender.

5. Approval Authority's Response. The approval authority is the Brigade or Wing Commander or the first O6 Commander or above in a unit outside a Brigade or Wing within the victim's chain of command. Upon receipt of the signed memorandum from the immediate Commander, the approval authority will:

a. Review the ET request and signed memorandum from the immediate Commander, obtain advice from the supporting Judge Advocate, other concerned legal advisors, and the SARC, and review the evidence provided by law enforcement or NGB Office of Complex Investigations, as appropriate

b. Establish a presumption in favor of transferring the victim following a credible report of sexual assault.

c. Consider the items in Appendix A of this enclosure, when deciding whether to approve or disapprove the request.

d. Validate that the NG Service member was fully informed of the items in Table 2.

e. Approve or disapprove the ET request within five calendar days of the initial receipt of the request by the immediate Commander.

f. Forward the Decision Disposition.

(1) If approved, immediately forward the memorandum documenting approval to the immediate Commander and supporting SARC and provide instructions to work with the supporting Human Resource or Personnel Service offices and Recruiting and Retention personnel to identify a suitable position and location expeditiously that the victim will accept to fulfil the requested ET IAW reference b and Service specific guidance. Notify TAG or the CG of any ET request approved for an interstate transfer.

(2) If disapproved, immediately forward the memorandum documenting disapproval and justification to the first or next General Officer in the victim's chain of command, the immediate Commander, and the supporting SARC for review. The SARC will share the memorandum with their NGB-J1-SAPR Regional Lead.

6. General Officer Review. The first or next General Officer within the victim's chain of command will, when requested by the NG Service member, review the approval authority's recommended disapproval of the ET request, and approve or disapprove the expedited transfer request within five calendar days of receipt of the request for review.

a. If approved, the General Officer will inform the approval authority, who will instruct the staff to work with the supporting Human Resource or Personnel Service offices and Recruiting and Retention personnel to identify a suitable position and location expeditiously to fulfil the requested ET IAW reference b and Service specific guidance.

b. If disapproved, the General Officer will forward the memorandum documenting disapproval and justification to TAG or the CG, the approval authority, the immediate Commander, the State SAPR PM or equivalent, and the supporting SARC. The immediate Commander will provide NGB-J1-SAPR Regional Lead with the following for routing to the Director of the Army National Guard or Director of the Air National Guard, as appropriate:

(1) Name of the NG Service member who requested the ET.

(2) Date the NG Service member submitted his or her request for an ET

(3) Reasons for recommending disapproval of the request.

APPENDIX A OF ENCLOSURE B

COMMANDERS' DECISION CONSIDERATION FACTORS

- ✓ The NG Service member's reasons for the ET request and the victim's general well-being, and recovery.
- ✓ Nature and circumstance of the offense.
- ✓ Whether a temporary transfer would meet the needs of the victim requesting the expedited transfer and the operational needs of the unit.
- ✓ Training and duty status of the NG Service member requesting the transfer.
- ✓ Availability of other positions within the State or possibility of an interstate transfer.
- ✓ Status of the investigation, potential impact on the investigation, and future disposition of the offense based on consultation with the investigating authority.
- ✓ Location of the alleged offender of the investigation.
- ✓ The victim's preference of location and preference on whether the alleged offender be transferred instead of the victim. Transferring the alleged offender, as a non-punitive measure may be appropriate, to maintain good order and discipline within the Commander's unit IAW reference b. This determination may be made at any time after receipt of a UR of a sexual assault that identifies an NG Service member as the alleged offender.
- ✓ Alleged offender's status as an NG Service member or civilian.
- ✓ Other pertinent circumstances or facts.

Table 4. Commander's Decision Consideration Factors

ENCLOSURE C

APPROVED EXPEDITED TRANSFER PROCESSES TO NEW ASSIGNMENT

1. Approved Expedited Transfer. An approved ET for an NG Service member will include the NG Service member and the NG Service member's dependents, even if they are geographically separated. Refer to Appendix B of Enclosure A for the processes for an NG Service member whose adult dependent filed the sexual assault report. These processes will occur after the approval of the ET and after concurrence by the victim on the identification of a suitable position and location.
2. Losing Commander Actions. The immediate Commander, upon approval of the ET and selection of position and location, will:
 - a. Ensure the supporting SARC, the NG Service member, and adult dependent victim receive a copy of the approval memorandum for the ET request. This action supports continuity of advocacy services and captures required data in DSAID to track the number of days from the request's approval to the date of the NG Service member's departure.
 - b. Immediately notify the appropriate Human Resource or Personnel Service office IAW Service-specific, Army National Guard, or Air National Guard publications to begin processing the transfer to meet the following timeframes:
 - (1) A transfer for a position within the immediate Commander's scope of authority should be completed immediately.
 - (2) A transfer to a new unit of assignment within either the same location, or outside the commuting distance from the original duty location, should be completed within seven calendar days of the approved transfer but may be adjusted to meet the victim's needs.
 - (3) An interstate transfer, which requires approval by the losing Commander and TAG or the CG, and the gaining Commander and TAG or the CG, should be completed within 30 calendar days of the approved transfer, but may be adjusted to meet the victim's needs.
 - c. Become the losing Commander when the assignment is outside their scope of authority and will:
 - (1) Discuss the ongoing process and address any delays or extenuating circumstances at the CMG.
 - (2) Ensure the NGB-J1-SAPR Regional Lead is notified by the SARC of ETs taking more than 90 calendar days to accomplish.

d. Assign personnel from within the command, if possible and as necessary, to assist the NG Service member with any out-processing or transportation required for interstate moves or outside the geographical location of the original unit of assignment. Interstate transfers will adhere to Service-specific and State guidance.

e. Verify the victim receives a final evaluation, fitness report, medical clearance, or other required documents for completing the transfer IAW Service-specific policy.

f. Discuss the following requirements with the NG Service member and verify coordination for completion:

(1) An out-brief meeting with the losing SARC to discuss any remaining questions regarding the transfer process and coordination of the intake meeting with the gaining SARC as arranged by the losing SARC. After the intake meeting with the gaining SARC, the victim can decide whether to continue advocacy services at the new location.

(2) An intake meeting with the gaining Commander only if one of the following circumstances apply:

(a) The NG Service member victim seeks continued advocacy, legal, or healthcare (medical or mental health) at the new location.

(b) The investigation or legal proceeding involving the NG Service member is ongoing at the time of the transfer.

(c) The adult dependent requests participating in this intake meeting.

g. Inform the gaining Commander of the incoming ET only if one of the following situations applies, and then, only provide limited information on the objective facts about victim care provided, status of open investigations, and the status of ongoing legal proceedings, as necessary. This information will provide the gaining Commander with some context as to the victim's behavior, and facilitate the victim's access to advocacy, healthcare, law enforcement organizations, and a Special Victims' Counsel (SVC). The only situations for informing the gaining Commander include:

(1) An active investigation.

(2) An 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.

(5) Active SAPR victim support services.

2. Gaining Commander Actions. If informed by the losing Commander of an approved ET, the gaining Commander will:

a. Ensure strict confidentiality of the NG Service member victim as required by law. The Commander may notify the Senior Enlisted Advisor, if necessary, to support the victim.

b. Conduct the required intake meeting with the incoming NG Service member if required or requested by the NG Service member and discuss:

(1) Orientation and unit information.

(2) Primary points of contact within the chain of command

(3) Available resources and reporting options, to include the use of the DD Form 2910-2 found at reference n to address concerns of retaliation, safety, and MPO and CPO.

c. Attend the monthly CMG meeting as established in Table 5 below and provide information to authorized personnel who have direct input to the monthly CMG meeting.

d. Make every attempt to limit access to the information about the transfer of an NG Service member into the unit because of a sexual assault report.

3. Losing SARC Actions. The losing SARC will:

a. Meet with the NG Service member or adult dependent to address any SAPR questions about the transfer process.

b. Ensure that updates are being provided at the CMG through completion of transfer, and track and update DSAID accordingly. Note delays and extenuating circumstances in the CMG minutes and notify the NGB-J1-SAPR Regional Lead to identify any increased risk of harm to the victim resulting from the delay. An increased risk could result in the initiation of the High-Risk Response Team by the CMG.

c. Conduct the out-brief meeting when the transfer is outside of the supporting SARC's area of responsibility. The supporting SARC becomes the losing SARC when the gaining unit is not within their area of responsibility or out of State. During this meeting, the losing SARC will discuss the following with the victim:

(1) The transfer of the victim's case and expected coordination to take place for the mandatory intake meeting with the gaining SARC. The intake meeting with the gaining SARC is preferred to be conducted in-person but can occur by telephone and include the victim's losing SARC or SVC.

(2) The purpose of the intake meeting with the gaining SARC occurring within 30 calendar days of arrival to the new location to help the victim understand the full range of support options, facilitate appointments with mental health, medical, advocacy, legal

services, or other response personnel, and help answer any questions the victim may have concerning to the new location.

(3) The option to decline continued SAPR services after accomplishing the intake meeting with the gaining SARC.

(4) The intake meeting with the Commander, which will occur within 30 calendar days of arrival if the victim seeks continued advocacy, legal, or healthcare (medical and mental health) services, or the investigation or legal proceeding involving the victim's report is ongoing at the time of the transfer. The intake meeting with the gaining Commander is preferred to be conducted in-person but can occur telephonically and include the victims gaining SARC or SVC. Discuss the potential advantages to opting in to meeting with the gaining Commander at the new location if the intake meeting is not a requirement.

(5) The intake meeting with the gaining SARC will not occur at the same time as the intake meeting with the Commander without explicit victim consent. Communications shared during an intake meeting conducted jointly with the gaining SARC and the gaining Commander will not be privileged.

d. Coordinate and schedule the intake meeting with the gaining SARC considering the victim's leave, transfer, and travel time. The losing SARC will provide the victim and appointed SVC with the gaining SARC's name, office address, telephone number, email, and date, time, and location of the scheduled intake meeting. With victim's consent, the losing SARC will provide the gaining SARC with contact information for coordination and follow-up.

e. Coordinate and invite the gaining SARC to the losing unit's CMG, and the gaining Commander only if 2.g. of this enclosure applies. The CMG updates will include validation that intake meetings have occurred, status of investigation or legal proceedings, case disposition, open retaliation reports, safety concerns, supports in place or needed to include an MPO and CPO, and identify the next steps for CMG oversight and case transfer as established in Table 5.

f. Follow existing procedures to update DSAID with all ET information for tracking and uploading CMG minutes to identify attendees, validate intake meetings have occurred, and summarize discussion of critical areas passed on to the gaining SARC and gaining Commander. The losing SARC will transfer the case in DSAID to the gaining SARC as established in Table 5. Losing SARCs are not required to obtain the victim's consent on the DD Form 2910 found at reference g to transfer the case. The SARC will leave Section 7, "Victim Consented to Transfer of (RR/UR) Case Documents to Another SARC," on the form blank.

4. Gaining SARC Actions. The gaining SARC will:

a. Coordinate with the losing SARC to schedule the intake meeting considering the victim's leave, transfer, and travel time.

b. Follow up with the victim weekly until the intake meeting occurs. The intake meeting will occur within 30 calendar days of arrival. The intake meeting will occur within 30 calendar days of arrival and is preferred to be conducted in-person but can occur telephonically and include the victims losing SARC, Victim Advocate, or SVC.

c. Conduct the intake meeting to answer any questions the victim may have and discuss the following:

(1) Describe the full range of support options at the new location, including resources and reporting options, and the use of the DD Form 2910-2 at reference n, to address concerns of retaliation, safety, and an MPO and CPO.

(2) Offer to facilitate referrals for appointments with mental health, medical, advocacy, legal services, or other response personnel.

(3) The transfer of the case and information regarding the CMG meetings.

(4) Explain that after the intake meeting is accomplished victims may decline any further SAPR services.

(5) Discuss the potential advantages to opting in to meeting with the gaining Commander at the new location if the intake meeting is not a requirement.

d. Coordinate with the gaining Commander for a separate Commander intake meeting, as required (see Table 5). If intake meeting with gaining Commander is required or requested, ensure that the gaining Commander is prepared for the discussion and understands the impact of this meeting.

e. Ensure the CMG at the gaining installation reviews the victim's case at the CMG meeting when transferred as established by Table 5 and IAW existing Department of Defense and Chief of the National Guard Bureau policy and addresses ongoing information regarding status of investigation or legal proceedings, case disposition, open retaliation reports, safety concerns, and supports in place or needed to include an MPO and CPO, as applicable.

f. Update the DSAID with the victim's decision for continued services when transferred, and update CMG meeting minutes, as applicable.

5. CMG Responsibility. The States CMG responsibility may change only if the victim or sponsor selects an interstate transfer. Subordinate CMGs, such as a Wing or Brigade CMG, may change if the victim or sponsor transfers outside the original command structure conducting the CMG. See Table 5- for additional criteria.

| IF | THEN |
|---|---|
| <p>The victim does not seek continued services of a SARC or SAPR Victim Advocate at the new location and</p> <p>The investigation or legal proceeding is ongoing at the original location</p> | <ul style="list-style-type: none"> • The case is not transferred in DSAID, and the CMG responsibility remains with the original CMG chair. • The losing Commander will ask the victim if he or she would like to receive the monthly updates from the CMG meetings. • If the victim wants the CMG updates, then the victim’s gaining Commander will participate in person or call in to the CMG meetings and is documented in the CMG minutes. • The gaining Commander will provide the victim a monthly update of his or her case within 72 hours of the last CMG meeting. |
| <p>The victim seeks SAPR services at the new location and</p> <p>It is determined that the CMG will change to the new location:</p> | <ul style="list-style-type: none"> • The case is transferred in DSAID to the gaining SARC for continued advocacy and CMG oversight at the victim’s new location. • The State Staff Judge Advocate (on behalf of the civilian law enforcement organization at the original location), military criminal investigative organization at the original location, and the SVC at the original location are required to call in to or attend the case’s first CMG at the new location. Their attendance will be documented in the CMG meeting minutes. • After the initial CMG, the State Staff Judge Advocate will provide updates on the investigation and legal proceedings at each CMG until final disposition. • Continued updates regarding investigation and legal proceedings through case disposition can be provided by either losing or gaining State Staff Judge Advocate. |
| <p>The victim seeks SAPR services at the new location and</p> <p>It is determined that the CMG should stay at the original location:</p> | <ul style="list-style-type: none"> • The case will not be transferred in DSAID, and the CMG responsibility will remain with the original CMG chair. • The gaining SARC and gaining Commander will attend the CMG at the original location to provide updates regarding victim services and any safety or retaliation-related matters. Their attendance will be documented in the CMG meeting minutes, as applicable. • The gaining Commander will provide the victim a monthly update of the case within 72 hours of the CMG meeting. The gaining SARC will provide confirmation to the losing SARC that the update occurred. |

Table 5. Victim CMG Transfer Processes

ENCLOSURE D

REFERENCES

PART I. REQUIRED

- a. Chief of the National Guard Bureau (CNGB) Instruction 1300.01, 26 June 2020, "National Guard Sexual Assault Prevention and Response Program"
- b. Department of Defense (DoD) Instruction 6495.02, Volume 1, 28 March 2013, "Sexual Assault Prevention and Response: Program Procedures," Incorporating Change 6, 10 November 2021
- c. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, 10 February 2020, "Revisions to the Sexual Assault Prevention and Response Program's Expedited Transfer Policy"
- d. Army Regulation (AR) 600-20, 24 July 2020, "Army Command Policy"
- e. Department of Air Force (DAF) Instruction 90-6001, 15 July 2020, "Sexual Assault Prevention and Response (SAPR) Program" Incorporating Change 1, 26 March 2021
- f. DoD Directive 5105.77, 30 October 2015, "National Guard Bureau (NGB)," Incorporating Change 1, 10 October 2017
- g. DoD Forms Management Program, DD Form 2910, "Victim Reporting Preference Statement," <https://www.esd.whs.mil/Directives/forms/dd2500_2999/>, accessed 18 November 2022
- h. NGR 600-5, 21 September 2015, "The Active Guard Reserve (AGR) Program Title 32, Full Time National Guard Duty (FTNGD) Management"
- i. Air National Guard Instruction 36-101, 21 April 2022, "Air National Guard Active Guard and Reserve (AGR) Program"
- j. CNGB Instruction 1400.25A, 11 May 2020, "National Guard Technician and Civilian Personnel"
- k. CNGB Instruction 1400.25, Volume 303, 11 December 2018, "National Guard Title 32 Dual Status Military Technician Compatibility Program"
- l. CNGB Instruction 1400.25, Volume 511, 30 June 2020, "National Guard Technician and Civilian Personnel Classification and Position Management Program"
- m. DoD Financial Management Regulation 7000.14-R, Volume 7A, Chapter 2, May 2022, "Repayment of Unearned Portion of Bonuses and Other Benefits"

n. DoD Forms Management Program, DD Form 2910-2, "Retaliation Reporting Statement for Unrestricted Sexual Assault Cases," <https://www.esd.whs.mil/Directives/forms/dd2500_2999/>, accessed 18 November 2022

PART II. RELATED

o. Title 32 United States Code, Section 328, "Active Guard and Reserve Duty: Governor's Authority"

p. Title 10 United States Code, Section 101(d)(6), "Duty Status: Active Guard and Reserve Duty"

q. "DoD Dictionary of Military and Associated Terms," November 2021

GLOSSARY

PART I. ACRONYMS

| | |
|-------------|--|
| CG | Commanding General of the District of Columbia |
| CMG | Case Management Group |
| CPO | Civilian Protective Order |
| DSAID | Defense Sexual Assault Incident Database |
| ET | Expedited Transfer |
| IAW | In accordance with |
| MPO | Military Protective Order |
| NG | National Guard |
| NGB | National Guard Bureau |
| NGB-J1-SAPR | National Guard Bureau Manpower and Personnel Sexual Assault Prevention and Response |
| SAPR | Sexual assault prevention and response |
| SARC | Sexual Assault Response Coordinator |
| SVC | Special Victims' Counsel |
| TAG | The Adjutant General |
| UR | Unrestricted Report |

PART II. DEFINITIONS

Credible Report -- Either a written or verbal report made in support of an expedited transfer that is determined to have information that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to presume that the fact, or facts, in question are true.

Human Resources -- Individuals assigned to or having specialty in military and civilian administrative personnel processes.

Restricted Reporting -- A reporting option that allows sexual assault victims to confidentially disclose the assault to specified individuals and receive medical treatment and counseling without triggering an official investigation in accordance with reference b.

Title 32 Active Guard and Reserve -- For this instruction, Active Guard and Reserve refers to National Guard Service members serving on Full-Time National Guard Duty status in accordance with reference o and reference p.

Unrestricted Reporting -- A process that a Service member uses to disclose, without requesting confidentiality or restricted reporting, that he or she is the victim of a sexual assault in accordance with reference q.

Warm handoff -- The process of directly connecting an individual to appropriate resources and services either by in person accompaniment, by telephone, or virtual introductions.