



# CHIEF OF THE NATIONAL GUARD BUREAU MANUAL

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## NATIONAL GUARD EXPEDITED TRANSFER PROGRAM FOR MEMBERS WITH UNRESTRICTED REPORTS OF SEXUAL ASSAULT

References: See Enclosure C.

1. Purpose. This manual provides procedural guidance to expedite the transfer of a National Guard (NG) member who filed an Unrestricted Report (UR) of sexual assault or whose adult dependent made an allegation of sexual assault that is not domestic abuse related in accordance with (IAW) references a through e. Additionally, this manual provides guidance on the option to transfer the alleged offender instead of the NG member requesting an expedited transfer. The intent of this policy is to address situations where a victim feels safe, but uncomfortable, and to assist in the victim's recovery by moving the victim or alleged offender to a new location IAW reference b.

NOTE: Any threat to life or safety of an NG member will be immediately reported to command and to law enforcement authorities. A request to transfer an NG member under these circumstances is processed IAW established Service-specific issuances. This manual does not apply to NG victims of domestic abuse. NG Sexual Assault Prevention and Response (SAPR) personnel will refer domestic abuse victims with an NG nexus to a Service-specific program, local Victim Witness Assistance Program, National Domestic Violence Hotline, coalition against domestic violence, or other civilian domestic abuse resource.

2. Cancellation. None.

3. Applicability. This manual applies to the Army National Guard and the Air National Guard, consistent with reference f.

4. Procedures. See Enclosures A and B.

5. Summary of Changes. None.

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

**UNCLASSIFIED**

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

  
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Enclosures

- A -- Request and Decision Processes
- B -- Approved Expedited Transfer Processes
- C -- References
- GL -- Glossary

ENCLOSURE A

REQUEST AND DECISION PROCESSES

1. Notification Process of Expedited Transfer Eligibility. NG SAPR personnel, immediate commanders, or equivalents will inform victims of sexual assault making an official report of their option to request an expedited transfer. Notification will occur at the time of the report or as soon as practical after the report and will include information on the available options. The victim may request a temporary or permanent transfer from his or her assigned command, a temporary or permanent transfer to a different location within his or her assigned command within the State, or an interstate transfer.
2. Victim's Request for an Expedited Transfer. An immediate commander who receives a request for an expedited transfer from a victim will immediately notify the supporting Sexual Assault Response Coordinator (SARC) of the victim's request. The commander will refer a victim not working with a SARC to the NG Joint Force Headquarters-State (NG JFHQs-State) SARC or wing SARC, as appropriate.
3. Supporting SARC Response. The supporting SARC will facilitate the victim's initiation of the expedited transfer request by:
  - a. Verifying that the victim filed an official UR of sexual assault (see Department of Defense Form 2910, "Victim Reporting Preference Statement," at reference g) and providing the victim with a copy of the form for future reference. In the event the victim did not file an official report, the SARC will assist the victim in completing this process and providing him or her with a copy of the completed "Victim Reporting Preference Statement" (reference g).
  - b. Informing the victim who elected a Restricted Report (RR) that he or she must change to a UR to be eligible to request an expedited transfer and assisting the victim in changing the reporting option on the "Victim's Reporting Preference Statement" (reference g). If the victim does not wish to convert the RR to a UR, the victim will not be able to request an expedited transfer.
  - c. Discussing potential concerns with the victim, such as the Guard member's status, position, possible retraining requirements, or benefits, to support the victim's ability to make an informed decision.
  - d. Describing the expedited transfer request process to the victim, including information about services and support, and the mandatory "intake meeting" with the gaining SARC upon arrival at a new location as applicable, if the request is approved. The SARC will also inform the victim of the option to continue or discontinue SAPR program services at the conclusion of the "intake

meeting" with the gaining SARC. NOTE: Unless the NG member transfers to another State or another wing, the SARC will remain the same.

e. Advising the victim who 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 victim's report is ongoing at the time of the transfer, that he or she must have an "intake meeting" with the gaining commander.

f. Advising the victim that he or she must have an "out-brief meeting" with the losing SARC, if the expedited transfer request is approved, if applicable.

g. Informing the victim to prepare a written request for an expedited transfer or reassignment and to submit the request to the immediate commander for consideration. Options for delivery of the request include hand delivered, mailed, or by using their official military email address with a digital signature. Encourage the victim to include concerns in the written request to provide the commander with a clear understanding of the victim's situation to assist the commander in making an informed decision. In the event the perpetrator is the immediate commander or someone in the victim's chain of command, inform the victim of the option to go outside the chain of command.

h. Documenting the expedited transfer request in the Defense Sexual Assault Incident Database (DSAID) immediately, and ensuring all fields are completed upon notification of the final decision. The disposition of every expedited transfer request is reportable on the Annual Report of Sexual Assault in the Military, to include the rationale for all disapprovals of expedited transfer requests.

i. Providing oral confirmation to the immediate commander receiving the victim's expedited transfer request of the victim's official UR of sexual assault and the report's entry into DSAID. The SARC will not provide a copy of the signed "Victim's Reporting Preference Statement" (reference g) to the commander.

4. Immediate Commander's Response. The immediate commander will:

a. Document the date and time the victim submits the written expedited transfer request. This action begins the official 72-hour requirement to notify the victim whether the request was approved or disapproved.

b. Determine if the request is based on a credible report (see Glossary) and obtain advice from the supporting Judge Advocate, other concerned legal advisors, the SARC, and the available evidence based on law enforcement or the Office of the National Guard Bureau Chief Counsel's Office of Complex Investigations, if necessary.

c. Consider allowing the victim requesting the expedited transfer the option to train separately on alternate weekends or varying times from the subject of an investigation, or train with a different unit in the home drilling location to minimize undue burden on the requestor and his or her family. At a minimum, the immediate commander will control the subject's access to the victim requesting the expedited transfer.

d. Sign a memorandum recommending approval or disapproval of the request based on the information provided by the victim in the expedited transfer request and the items for consideration in Enclosure A, Appendix A, and forward the documents to the approval authority (first O6 or above in the chain of command or as directed by Service-specific issuances). The memorandum will include the following minimum information: the requestor's name, grade, military skill identification, time and date of request, potential reassignment options, extenuating circumstances, and recommendation of approval or disapproval.

5. Approving Authority's Response. Upon receipt of the signed memorandum from the immediate commander, the approving authority will:

a. Review the expedited transfer request and signed memorandum from the immediate commander, and obtain advice from the supporting Judge Advocate, other concerned legal advisors, the SARC, and the available evidence based on law enforcement or the Office of the National Guard Bureau Chief Counsel's Office of Complex Investigations, as necessary.

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

c. Consider the items in Enclosure A, Appendix A, when making a decision to approve or disapprove the request.

d. Directly counsel the victim to ensure he or she is fully informed regarding the following:

(1) Reasonably foreseeable career impacts.

(2) The potential impact of the transfer or reassignment on the investigation and case disposition or the initiation of other adverse action against the subject, and other potential consequences.

(3) The effect on bonus recoupment, if any, according to Service-specific issuances IAW reference h.

(4) The possibility that he or she may have to return for the adjudication of the case.

e. Approve or disapprove a request:

(1) Submitted by the NG victim for a unit transfer or permanent change of assignment (PCA) within 72 hours of the initial receipt of the request by the immediate commander.

(2) Submitted by a Title 32 Active Guard and Reserve member for a permanent change of station, PCA, or unit transfer within 72 hours of initial receipt of the request by the immediate commander. This decision will occur in coordination with the NG JFHQs-State Human Resource Office IAW references i and j.

f. Forward the Decision Disposition.

(1) Approved. Immediately forward the approval decision to the designated activity that processes permanent change of station, PCA, or unit transfers. Transfers to a unit at a different geographical location within the State or an interstate transfer should be completed within 30 days. Transfers to a new unit of assignment within the same geographical location should be completed within seven days.

(2) Disapproved.

(a) Immediately forward the disapproval decision with written justification to the first general officer in the NG member's chain of command.

(b) Inform the NG member of the right to request a review by the first general officer in his or her chain of command.

6. General Officer Review. The general officer will, when requested by the NG member, review the approval authority's recommended disapproval of the expedited transfer request, and approve or disapprove the expedited transfer request within 72 hours of receipt.

a. If the general officer approves the request, then he or she instructs staff to expeditiously initiate and process orders to complete the move.

b. If the general officer disapproves the request, then he or she provides the following information in writing to The Adjutant General of the State or Territory, or the Commanding General of the District of Columbia, and furnishes a copy to the appropriate Director of the Army National Guard or the Director of the Air National Guard:

(1) Name of the NG member who requested the expedited transfer.

(2) Date the NG member submitted his or her request for an expedited transfer.

(3) Reasons for recommending disapproval of the request.

APPENDIX A TO ENCLOSURE A

COMMANDERS' DECISION CONSIDERATION FACTORS

1. The NG member's reasons for the expedited transfer request.
2. Nature and circumstance of the offense.
3. Whether a temporary transfer would meet the needs of the victim requesting the expedited transfer and the operational needs of the unit.
4. Training and duty status of the NG member requesting the transfer.
5. Availability of other positions within the State.
6. Status of the investigation, potential impact on the investigation, and future disposition of the offense based on consultation with the investigating authority.
7. Location of the subject of the investigation.
8. Potential non-punitive administrative reassignment or removal of the alleged NG offender from a position of authority or assignment instead of transferring the requestor. These options enhance protection, and balance the interests of a victim of sexual assault and the subject of the associated investigation, while maintaining good order and discipline within the member's unit IAW reference b.
9. Subject's status as an NG member or civilian.
10. Other pertinent circumstances or facts.

APPENDIX B TO ENCLOSURE A

PROVISIONS FOR EXPEDITED TRANSFER ON BEHALF OF AN ADULT  
MILITARY DEPENDENT

1. An NG member, whose adult dependent makes an allegation of sexual assault, that is not domestic abuse related, may request an expedited transfer on behalf of their adult military dependent victim if both of the following situations exist:

a. The victim filed an official UR by signing a “Victim Reporting Preference Statement” (reference g) with an NG SARC or Sexual Assault Prevention And Response Victim Advocate (SAPR VA) and it was entered into DSAID.

b. The sexual assault suspect is a Service member or has a military nexus, such as an adult military dependent, Department of Defense (DoD) civilian employee (appropriated and non-appropriated fund employees), or government contractor, or the alleged sexual assault occurred on a military or National Guard installation or facility.

2. The expedited transfer will include the NG member and the NG member's dependents, even if they are geographically separated. However, the NG member can request that only the NG member's dependents be transferred, or the dependents be transferred expeditiously and the NG member's transfer be delayed. Reasons for a delay may include the following: the NG member is on deployment and desires to finish the deployment term or the NG member is in training and wants to complete the training. Ultimately, the NG will determine whether the NG member is transferred at the same time as the dependents.

3. NG members who request an expedited transfer 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 A of this manual.

4. Immediate commanders of NG members with approved dependent expedited transfers will take the actions identified in Enclosure B.

5. Adult dependents are not required to meet with the commanders, however, 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.

ENCLOSURE B

APPROVED EXPEDITED TRANSFER PROCESSES

1. Actions taken by the losing commander upon approval of the expedited transfer. The losing commander will:

a. Ensure both the losing SARC and the NG member victim received a copy of the approving authority in writing upon reaching a decision on the expedited transfer request. This action serves to assure continuity of advocacy services and to capture required data in DSAID.

b. Immediately notify the appropriate personnel assignments entity to begin processing the transfer.

c. Assign personnel, within the command, if possible, to assist the NG member victim with any out-processing required for interstate moves or outside the geographical location of the original unit of assignment, to include facilitating transportation, as necessary.

d. Verify the NG member victim receives a detaching evaluation, fitness report, or other evaluation IAW Service-specific policy.

e. Notify the NG victim member with an approved expedited transfer request of the following requirements:

(1) A single out-brief meeting with the losing SARC and an intake meeting with the gaining SARC as arranged by the losing SARC. After the intake meeting with the gaining SARC, the NG member 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 member victim seeks continued advocacy, legal, or healthcare (mental health or other medical) services at the new location.

(b) The investigation or legal proceeding involving the NG member victim's report is ongoing at the time of the transfer.

f. Ensure the NG member victim is scheduled for an "out-brief meeting" with the losing SARC, so that the losing SARC can answer any remaining questions the NG member victim may have about the transfer process or facilitate any further scheduling.

g. Inform the gaining commander of the inbound expedited transfer 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, as well as, to facilitate the victim's access to advocacy, healthcare, law enforcement organizations, and a Special Victims' Counsel. 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 Case Management Group (CMG) oversight involving the victim.
- (5) Active SAPR victim support services.

2. Actions taken by the gaining commander ONLY if informed by the losing commander of the approved expedited transfer. The gaining commander will adopt processes to ensure strict confidentiality of the NG member victim, but may notify the senior enlisted advisor if deemed necessary to support the victim. The gaining commander will also:

- a. Ensure that all information is kept confidential to the extent authorized by law.
- b. Provide information to additional personnel who have direct input to the monthly CMG meeting.
- c. Make every attempt to limit access to the information about the transfer of an NG member victim into the unit as a result of a sexual assault report.

IF	THEN
<p>The victim does NOT seek continued services of a SARC or SAPR VA at the new location</p> <p>and</p> <p>The investigation or legal proceeding is ongoing at the original location:</p>	<p>The CMG responsibility remains with the original CMG chair.</p> <p>The original commander will ask the victim if he or she would like to receive the monthly updates from the CMG meetings.</p> <p>If the victim wants the CMG updates, then the victim's new commander will participate in person or call in to the</p>

	<p>CMG meetings. The new commander's participation is documented in the minutes in the CMG.</p> <p>The new commander will provide the victim a monthly update of his or her case within 72 hours of the last CMG meeting.</p>
IF	THEN
<p>The victim DOES seek SAPR services at the new location.</p> <p>NOTE: The CMG responsibility will change only if the victim selects a new wing or an interstate transfer.</p>	<p>The advocacy responsibility transfers to the receiving SARC at the victim's new location.</p> <p>If the CMG transfers to the location of the victim, the State Staff Judge Advocate (on behalf of the civilian law enforcement organization) or military criminal investigative organization at the original location (if there is an ongoing investigation) and the Special Victims' Counsel at the original location are required to call in to (or attend) the CMG for the case's first CMG at the new location. The State Staff Judge Advocate or law enforcement organization and Special Victims' Counsel call-ins are documented in the CMG meeting minutes.</p> <p>After the initial CMG, the State Staff Judge Advocate will provide updates on the investigation and legal proceedings at each CMG until final disposition.</p>

**Table 1.** Victim Transfer Processes

3. Actions taken by the losing SARC upon approval of the expedited transfer.  
The losing SARC will:

a. Meet with the NG member victim to out-brief and address any SAPR questions about the transfer process. During this meeting, the losing SARC will inform the NG member victim on the following items:

(1) The transfer of the NG member victim's case to the NG JFHQs-State SARC or wing SARC at the gaining location for a mandatory intake meeting. Explain that the purpose of the intake meeting with the gaining SARC is to help the NG member victim understand the full range of support options at the new location, facilitate appointments with mental health, medical, advocacy, legal services, or other response personnel at the new location, and help answer any questions the NG member victim may have. Also explain that after the intake meeting with the gaining SARC, NG member victims may decline any further SAPR services.

(2) The intake meeting with the commander, if applicable, and the "intake meeting" with the gaining SARC will not occur at the same time without explicit victim consent. The SARC will inform the NG member victim in advance of the meeting that the communications with the gaining SARC and gaining commander in a joint meeting will not be privileged.

c. The losing SARC will coordinate with the gaining SARC to schedule the intake meeting with the gaining SARC, taking into account the NG member victim's leave, and transfer and travel time. The losing SARC will provide the NG 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.

d. 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 in DSAID. Losing SARCs are not required to obtain the NG member victim's consent on the "Victim Reporting Preference Statement" (reference g) to transfer the case. The SARC will leave Section 7, "Victim Consented to Transfer of (RR/UR) Case Documents to Another SARC," of the form blank.

e. The NG member victim may also be required to have an intake meeting with the gaining commander if:

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

(2) The investigation or legal proceeding involving the NG member victim's report is ongoing at the time of the transfer.

4. Actions taken by the gaining SARC upon approval of the expedited transfer.  
The gaining SARC will:

a. Follow up with the NG 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 location, facilitate appointments with mental health, medical, advocacy, legal services, or other response personnel, and help answer any questions the NG member victim may have.

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

b. Coordinate with the gaining commander for a separate commander intake meeting, if required (see Table 1).

c. Ensure the CMG at the gaining installation reviews the NG member victim's case at the CMG meeting IAW existing Department of Defense and Chief of the National Guard Bureau policy.

d. Update the NG member victim's case in DSAID in accordance with the NG member victim's decision for continued services.

ENCLOSURE C

REFERENCES

PART I. REQUIRED

- a. CNGB Instruction 1300.01, 26 June 2020, “National Guard Sexual Assault Prevention and Response Program”
- b. DoD Instruction 6495.02, 28 March 2013, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” Incorporating Change 3, 24 May 2017
- 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. AF Instruction 90-6001, 15 July 2020, “Sexual Assault Prevention and Response (SAPR) Program”
- e. Secretary of the Army Memorandum, 03 October 2011, “Army Directive 2011-19 (Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault)”
- f. DoD Directive 5105.77, 30 October 2015, “National Guard Bureau (NGB),” Incorporating Change 1, 10 October 2017
- g. DD Form 2910, April 2020, “Victim Reporting Preference Statement”
- h. DoD 7000.14-R, Volume 7A, Chapter 2, May 2018, “Repayment of Unearned Portion of Bonuses and Other Benefits”
- i. NGR 600-5, 21 September 2015, “The Active Guard Reserve (AGR) Program Title 32, Full Time National Guard Duty (FTNGD) Management”
- j. ANG Instruction 36-101, 03 June 2010, “Air National Guard Active Guard Reserve (AGR) Program,” Certified Current 14 August 2014

PART II. RELATED

- k. “DoD Dictionary of Military and Associated Terms,” As of January 2020
- l. Title 32 United States Code, Section 502(f)

## GLOSSARY

### PART I. ACRONYMS

CMG	Case Management Group
DSAID	Defense Sexual Assault Incident Database
IAW	In accordance with
NG	National Guard
NG JFHQs-State	National Guard Joint Force Headquarters-State
PCA	Permanent change of assignment
RR	Restricted Report
SAPR	Sexual assault prevention and response
SAPR VA	Sexual Assault Prevention and Response Victim Advocate
SARC	Sexual Assault Response Coordinator
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.

Restricted Reporting -- Reporting option that allows sexual assault victims to confidentially disclose the assault to specified individuals (for example, sexual assault response coordinator, sexual assault prevention and response victim advocate, or healthcare personnel) and receive medical treatment and counseling without triggering an official investigation in accordance with reference k.

National Guard Sexual Assault Prevention and Response Personnel -- National Guard Joint Force Headquarters-State Sexual Assault Response Coordinators, wing Sexual Assault Response Coordinators, National Guard Joint Force Headquarters-State Victim Advocate Coordinators, and Sexual Assault Prevention and Response Victim Advocates.

Title 32 Active Guard and Reserve -- For the purpose of this instruction, Active Guard and Reserve refers to National Guard Service members serving on Full-Time National Guard Duty status in accordance with references i, j, and l.

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 k.