

U.S. Department of
Homeland Security

United States
Coast Guard



Expedited Transfer for Military Victims Of Sexual Assault Process Guide



Version

09 January 2015

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I. Record of Changes

Version	Date	Change
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III. References

- (a) Sexual Assault Prevention and Response (SAPR) Program, [COMDTINST M1754.10 \(series\)](#)

- (b) Military Assignments and Authorized Absences, [COMDTINST M1000.8 \(series\)](#)
(FY14 NDAA SAPR CG-1 Implementation, [ALCOAST 362/14](#))

- (c) Personnel Services and Support Unit Temporary Duty and Administrative Guidance, [PSCINST1000.1 \(series\)](#)

- (d) SAPR Crisis Intervention Teams (SAPR CIT), [ALCOAST 320/14](#)

- (e) Reserve Policy Manual, [COMDINST M1001.28 \(series\)](#)

IV. Introduction

A. Process Description and Purpose

The Expedited Transfer for Military Victims of Sexual Assault Process Guide outlines the responsibilities of individual stakeholders to successfully request, process, or assist in a permanent change of station or temporary duty assignment (PCS or TDY/TAD) upon the Unrestricted Report of a sexual assault.

Stakeholders:

Stakeholders will participate in a collaborative approach taking into account the competing needs of victims, commands, and available support resources in order to provide safety, recovery care, career progression, consideration of privacy and dignity, and a successful transition of services.

1. **Victims**
2. **Commands**
3. **Sexual Assault Response Coordinators (SARCs)**
4. **Health Care Providers (HCPs)**
5. **Legal**
6. **Coast Guard Investigative Service (CGIS)**
7. **Personnel Services Center (PSC)**

This process guide explains the steps to be taken by the above stakeholders when requesting or evaluating a transfer request of a victim following an Unrestricted Report of a sexual assault. Upon receiving a request to transfer from the victim, the unit commander will work with the SAPR CIT to determine if the requested transfer will better serve the victim's needs.

Removing the subject to facilitate safety and separation from the victim should be considered immediately if both the subject and the victim are at the same or at nearby units.

B. Background

1. 10 U.S.C. 673 - Under 10 U.S.C. 673, the Coast Guard must make a timely determination and action on a request to transfer by a victim of sexual assault to reduce the possibility of retaliation against the member for reporting the sexual assault.
2. The term victim applies to anyone who files an Unrestricted Report IAW with Ref. (a). Specific policy and timelines for consideration of PCS by military victims of sexual assault are established in Ref. (b).

C. Applicability

This process guide applies to Coast Guard active duty members and Reserve members on active duty or in a drill status, at the time of an Unrestricted Report of sexual assault. Reservists in drill status includes members of the Selected Reserve (SELRES) and members of the Individual Ready Reserve (IRR) who are authorized to drill for points only.

Service members who file an Unrestricted Report of sexual assault in accordance with Ref. (a) shall be informed by their unit commander and/or SARC of the option to request an expedited transfer at the time of making the report. The expedited transfer process provides the option for a victim to request in writing either a permanent change of station or temporary duty assignment (PCS or TDY/TAD) to a different command or installation, or to a different location within their assigned command or installation.

Members who have previously executed a PCS transfer as a result of an Unrestricted Report of sexual assault generally will not be approved for a second expedited transfer(PCS) for the same incident unless the victim can articulate a sufficient basis for consideration of a transfer.

D. Improving this Process Guide

For this Process Guide to remain useful and relevant, it must be periodically reviewed to reflect improvements, new concepts, and revised priorities. The Sexual Assault Prevention and Response (SAPR) program office (CG-1111) will review every three years for updates and revisions. All personnel should submit recommended changes to this Process Guide via the chain-of-command to (CG-1111). Relevant stakeholders will review input and provide recommendations accordingly.

V. Roles and Responsibilities

A. Victims of Sexual Assault

Victims of sexual assault (active duty members, reservists serving on active duty, and reservists in a drill status) may desire to be removed from the unit in which they filed an Unrestricted Report of sexual assault for many reasons including geographical separation from the subject, any fear of retaliation or re-victimization for reporting a sexual assault, or to be near family or support resources. Likewise, certain triggers may surface at a victim's assigned unit that may promote their Unrestricted Report of sexual assault. Additionally, the victim may need further support services that may not be available at the current unit.

A request for an expedited transfer will not be considered punitive in nature or a barrier to a return to wellness. Consideration of any potential career impacts should be thoroughly assessed and victims should seek career counseling from PSC (OPM/EPM/RPM) in an effort to minimize any disruption to their normal career progression.

1. Notification:

The unit commander and/or SARC shall inform victims of sexual assault of their option to request a permanent change of station or temporary duty assignment (PCS or TDY/TAD) upon the Unrestricted Report of a sexual assault. If a victim requests a PCS transfer, the request shall be routed in writing through the victim's unit commander (**Appendix C**), to PSC (OPM/EPM/RPM). Prior to making the request, the victim will be given the opportunity to discuss the decision with a Special Victim Counsel (SVC).

If the Service member files a Restricted Report in accordance with Ref (a) and requests an expedited transfer, the Service member must affirmatively change his or her reporting option to Unrestricted Reporting, in order to be eligible for an expedited transfer.

When the subject is the unit commander or otherwise in the victim's chain of command, the transfer request will be routed with the assistance of the SARC.

2. Options:

The options for transferring or remaining at the current unit should be assessed carefully, taking into consideration safety and geographical separation of the subject and victim, unit operations, potential career impact, support services (medical and family), and the pending investigation and trial periods that may take away from the duties of the victim.

Transfer requests can be made by the service member at anytime while serving at the unit in which the Unrestricted Report of sexual assault was made. The following flowchart (**Chart 1-1**) and table (**Table 1-1**) outline the options for a victim of sexual assault to review while considering their own needs and desires.

2. Options (cont):

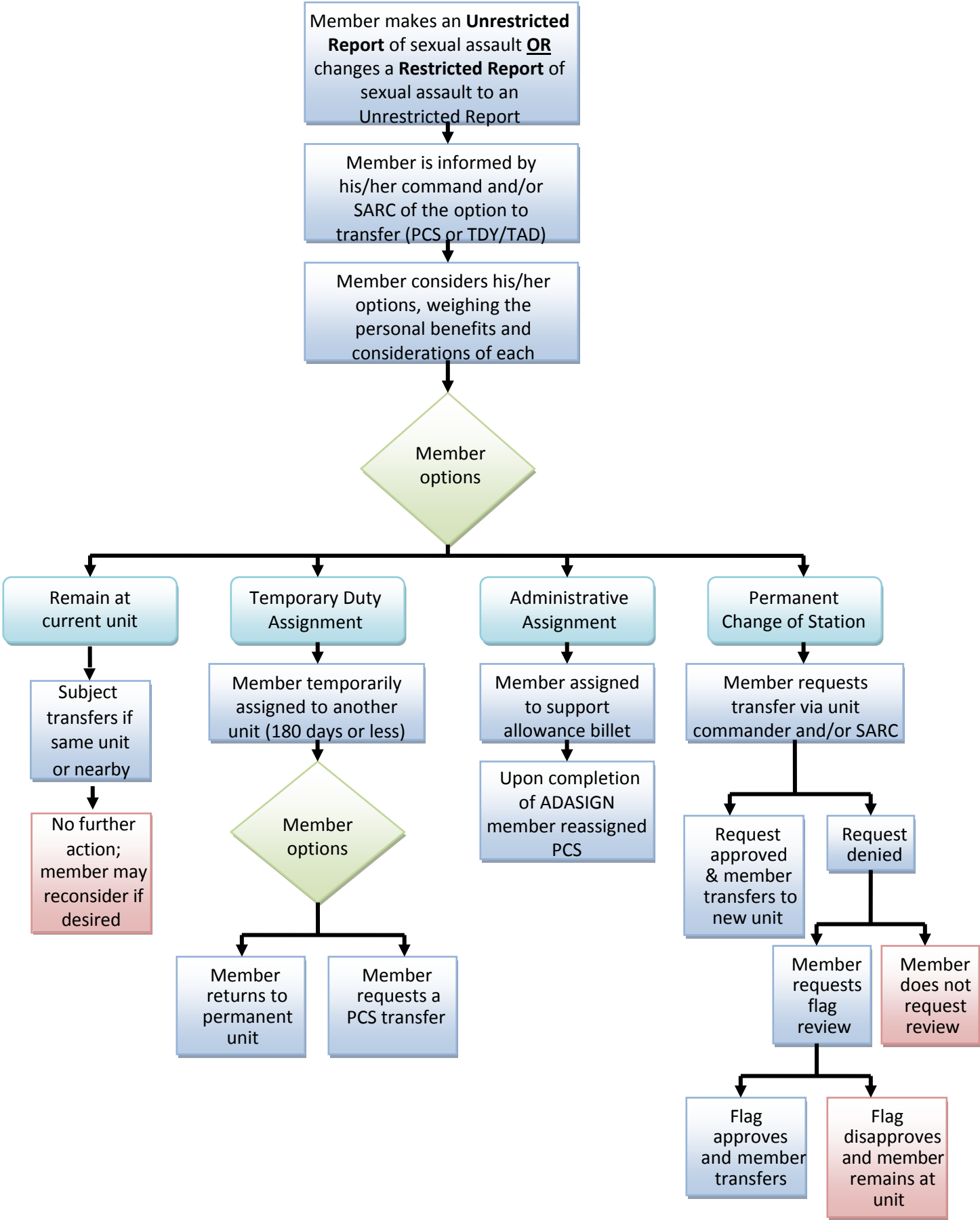
NOTE: Prior to requesting a PCS transfer before final case disposition, the consideration of privacy with the potential to transfer certain stakeholders of the SAPR CIT should be thoroughly understood by the victim.

- a. **Prior to case disposition** – Membership responsibilities of the Crisis Intervention Team (CIT) (victim’s original and receiving command, CGIS, Legal, SARC, and medical representatives) may transfer roles to the new unit. Member's of the SAPR CIT will be required to be briefed on the status of the case. Additionally, Victim Advocate (VA) services may transfer if the member desires to continue use of the VA and the location of transfer is outside of current VA availability.
- b. **After case disposition** – Victim may transfer with full privacy considerations if desired and support services will continue as the victim desires or needs (SAPR CIT concluded).

NOTE: In accordance with Ref. (b), a request for an expedited transfer must be made at the same unit the Unrestricted report was made. If the offense occurred at a previous unit, a request can still be made, but the timelines and CO/Flag review in Table 1-2 do not apply.

Victim Transfer Flow Chart

Chart 1.1



Transfer Options

Table 1-1

Action	Considerations
<p>Remain at current unit</p>	<p>Members may elect to remain at their current unit in lieu of a transfer.</p> <ul style="list-style-type: none"> • Location and status of subject, transfer options of subject • Established support network • Consideration of current career progression and track • Availability of support services • Continuity of care and support • Command climate and circumstances of assault
<p>Temporary Duty Assignment (TDY/TAD)</p>	<p>It may be more beneficial for members to be temporarily assigned to a nearby unit that can assist with providing access to support services. Member may then return to their permanent unit or execute a PCS transfer if desired.</p> <ul style="list-style-type: none"> • Type of unit and operations • Whether TDY unit is within a reasonable commuting distance (RCD), particularly for a Reserve member in drill status • Command disclosure at temporary unit necessary • Availability of support services • Workload considerations for the member and Command operations • TDY/TAD away from permanent unit cannot exceed 180 days in duration unless it becomes an Administrative Assignment • Determine funding and travel costs as well as appropriate berthing/housing if necessary
<p>Administrative Assignment (ADASSIGN)</p> <p>COMDTINST M1000.8 (series) PSCINST 1000.1 (series)</p> <p>Consult PSC-RPM if Reserve member in drill status.</p>	<p>Consideration of an administrative assignment to a support allowance billet can be processed IAW COMDTINST M1000.8 (series).</p> <ul style="list-style-type: none"> • Availability of medical services • Member's duty status • Alleviates member from fulfilling their billeted duties while recovery and investigation take place • Upon completion of ADASSIGN member re-assigned PCS • Unit operational status

Transfer Options (cont)

Table 1-1

Action	Considerations
Permanent Change of Station (PCS) Expedited Transfer	<p>A request for a PCS transfer can be considered in conjunction with the other temporary options at any time during the member's tour from which the Unrestricted Report of sexual assault occurred.</p>
COMDTINST M1000.8 (series) COMDTINST M1001.28 (series)	<ul style="list-style-type: none"> ➤ <u>Prior to case disposition:</u> <ul style="list-style-type: none"> • SAPR CIT responsibilities may be transferred and member will not have full privacy of the reported assault and pending case investigation, receiving command aware of assault • Disruption of new duties and responsibility due to trial and pending case investigation • Added stress of moving and transfer • Potential delay and change of support providers (VA, SARC, Legal, CGIS) and treatment (HCP) ➤ <u>After case disposition:</u> <ul style="list-style-type: none"> • Member can achieve a fresh start at a new unit that may be desired with consideration of privacy • Conclusion of trial and investigation will not disrupt new assignment • Availability of support providers and treatment should be considered even if not needed

NOTE: If the request for a PCS expedited transfer is denied, the victim has seven days from the date of notification to appeal the disapproval and forward their request to the first Flag Officer in their chain of command. The victim will receive a response from the Flag Officer within 72 hours of the request. See Ref. (b) or **Table 1-2** for specific timelines and instructions.

B. Commands

1. Notification:

Upon receiving an Unrestricted Report of sexual assault the unit commander and/or SARC will inform the victim of the option to request an expedited transfer. Commands should consider all transfer options in collaboration with the SAPR CIT and decide upon an appropriate course of action with consideration given to the victim's request.

Note: If there is an immediate/emergent need to move the victim to provide geographical separation of victim and subject, a TAD/TDY arrangement may be made by the member's unit commander or designated authority. PSC does not need to approve a TAD/ TDY situation.

2. Considerations:

- The Service member's reasons for the request and their desire to remain at their unit or transfer.
- Potential transfer of the alleged offender instead of the Service member requesting the transfer.
- Nature and circumstance of the offense and impact on the victim.
- Whether a temporary transfer would meet the Service member's needs and the operational needs of the unit.
- Training status of the Service member requesting the transfer. Career development and progression impact, if any, due to the transfer.
- Availability of positions within other units nearby or the option to double encumber positions.
- Status of the investigation and potential impact on the investigation and future disposition of the offense, after consultation with the SAPR CIT.
- Location and status of the subject (military/civilian).
- Reserve duty type and duration for reservists on active duty.
- Availability and approval of drill for points option at new command (for IRR members).
- Reasonable commuting distance (RCD) from Reserve member's home (SELRES or IRR member in drill status).
- Requirement and/or eligibility for Reserve incapacitation benefits.
- Assignment orders for drilling reservists are no cost to the government.
- Reservists are responsible for all IDT travel to and from their primary duty location.
- Other pertinent circumstances or facts.

3. Options:

Transfer options should be considered IAW **Table 1-1** with the victim's needs and safety taken into primary consideration as well as unit operational impacts. Victims may wish to remain at their current unit or be temporarily assigned to facilitate recovery care. Likewise, a victim may desire a permanent transfer to an area where family or support services are readily available and where privacy and dignity can be preserved. Victims shall be counseled regarding any career implications or potential impacts to duties or career progression if transferred.

The request for an early transfer (temporary or permanent) as a result of an Unrestricted Report of sexual assault shall be documented on the Sexual Assault Incident Report CG-5370. The request must be made at the same unit the Unrestricted Report was made. If a PCS transfer request is desired from the victim, a request in memo format (Appendix C) with the unit commander's (or designated authority) recommendation shall be forwarded to PSC (OPM/EPM/RPM) as appropriate. To the extent practical, strictly limit details regarding the incident. The unit commander's final recommendation should consider input from the associated SAPR CIT as well as consideration in favor of the victim's request.

Members who have previously executed a PCS transfer as a result of a sexual assault will not be approved for a second expedited transfer (PCS) for the same incident unless unforeseen circumstances develop that may warrant consideration.

Immediate or emergent needs to move the victim TAD/TDY due to safety or separation of subject may be arranged by the member's unit commander or designated authority (i.e. executive officer, Sector CO of Military Personnel, etc.). Commands should consider moving the subject instead of the victim with significant deference given to the desire and needs of the victim. PSC (OPM/EPM/RPM) does not need to approve a TAD/TDY situation and can be facilitated via commands.

NOTE: If an ADASSIGN or PCS transfer is approved and the victim transfers prior to the final case disposition, the SAPR CIT will coordinate continuing membership responsibilities between the victim's original and receiving command. The original command representative will be responsible for informing the receiving command of the transfer and SAPR CIT membership. The receiving command will follow guidance IAW Refs. (a-d) to include notification to the first O-6 and first flag officer in the receiving unit's chain of command.

- a. **Prior to case disposition** – Membership responsibilities of the Crisis Intervention Team (CIT) (victim's original and receiving command, CGIS, Legal, SARC, and medical representatives) will transfer roles to the new unit. Members of the SAPR CIT will brief on the status of the case to the incoming SAPR CIT. Additionally, Victim Advocate (VA) services may transfer if the member desires to continue use of the VA and the location of transfer is outside of current VA availability.
- b. **After case disposition** – Victim may transfer with full privacy considerations if desired and support services will continue as the victim desires or needs (SAPR CIT concluded). Privacy concerns of the victim are respected and treated with the utmost importance.

3. Options (cont):

Specific timelines and procedures for a PCS transfer upon the Unrestricted Report of sexual assault are prescribed IAW Ref. (b) and highlighted in **Table 1-2** below.

Table 1-2

Step	Action	Timeline
1	Unrestricted Report of sexual assault received.	
2	SAPR Crisis Intervention Team stands up.	<24 hrs
3	Immediate concerns of separating victim and subject addressed and processed.	Immediate
4	Command and/or SARC informs victim of option to request permanent change of station or temporary duty assignment.	24 – 72 hrs
5	Options discussed and considered with victim and SAPR CIT members.	24 – 72 hrs
6	If victim chooses or needs immediate TDY/TAD options, arrange through local commands.	<72 hrs upon transfer request
6a	If ADASSIGN is appropriate or victim chooses PCS, command forwards with their recommendation to PSC.	<72 hrs upon transfer request
7	PSC (OPM/EPM/RPM) processes the request and coordinates with SAPR CIT members.	<two weeks from date of request
7a	PSC disapproval – Commands notify victim and first Flag Officer in victim's chain. If requested, victim forwards appeal to first Flag Officer in chain.	< 7days upon notification
7b	Flag Officer forwards appeal with recommendation to Commander, CG PSC.	<72 hrs upon notification of appeal
8	Commander, CG PSC processes request and coordinates with SAPR CIT members.	< two weeks from date of request

NOTE: This timeline applies to Selected Reserve assignments and not to ADOS or other short term assignments.

C. Sexual Assault Response Coordinator (SARC)

SARCs will assist victims in determining the best options available for the victim with regards to safety, privacy, career progression, medical or mental health needs and services, and support resources. This will include a discussion about availability and access to services at the new unit and (if requested) coordinating a new VA. Throughout the entire process, the SARC will ensure that the privacy concerns of the victim are respected and treated with the utmost importance and the victim understands that a PCS transfer prior to final case disposition will require the receiving command to be aware of the assault and establish membership with the SAPR CIT.

In the event of a transfer outside of the SARC's area of responsibility, the SARC will coordinate a transfer of case management to the receiving SARC and ensure that all services are continued until final case disposition and after if the victim chooses to continue SARC support. The member shall be given the opportunity to discuss the decision of a transfer with a Special Victim Counsel (SVC) and coordinate a new SVC if needed or desired.

The SARC may need to assist the victim in the request for transfer in the event the subject is the unit commander or otherwise in the victim's chain of command.

Transferring SARC actions are further detailed in Ref (a).

D. Health Care Provider (HCP)

The current Senior Medical Executive (SME) or Designated Medical Officer Advisor (DMOA) will assist the SAPR CIT to determine whether an expedited transfer is conducive to the physical and mental well-being of the victim. The SME or DMOA shall conduct a review of the medical and/or psychiatric record to determine whether any ongoing medical or mental health care is warranted. If ongoing medical or mental health care is necessary, the current SME or DMOA will coordinate with the gaining SME or DMOA to provide a transfer of services and treatment. The needs of the victim will be assessed, including the availability of medical and mental health services, at the new unit location.

For Reserve members, the SME or DMOA must contact PSC-RPM if continued medical care is required. If the sexual assault occurred while the reservist was on active duty or inactive duty orders, or enroute to or from or staying overnight in the vicinity of such orders, they may be eligible for Reserve Incapacitation Benefits (RIBs) in accordance with chapter 6 of Ref. (e).

E. Legal

The current command's servicing legal office will assist the SAPR CIT to determine whether any impact to any pending trial or case procedures will occur in the event of an expedited transfer request. If a transfer is executed outside the area of responsibility, the servicing legal office will coordinate with the receiving command's legal office to ensure an appropriate transfer of services if needed.

F. Coast Guard Investigative Service (CGIS)

The CGIS case agent will consult with the SAPR CIT members to determine whether an expedited transfer of the victim would impact an ongoing case investigation. The current command's CGIS office will coordinate with the gaining command's CGIS office to ensure appropriate transfer of services, if needed, and access to victim throughout the investigation and trial in the event of an ongoing investigation.

G. Personnel Service Center (PSC)

PSC (OPM/EPM/RPM) will ensure compliance with applicable law and timelines (i.e. 10 U.S. C. 673) and Coast Guard policy contained in Refs (a)-(e), and other appropriate manuals and instructions.

PSC (OPM/EPM/RPM) will serve as a trusted and neutral broker to resolve issues regarding the potential transfer of sexual assault victims and work with SAPR CIT stakeholders to determine an appropriate billet.

PSC (OPM/EPM/RPM) shall make every reasonable effort to minimize disruption to the normal career progression of a Service member who reports that he or she is a victim of a sexual assault. Career counseling will be provided to the victim, to include short and long-term career plans and progression, prior to determining the appropriate gaining command.

If approved, the transfer orders shall also include the Service member's dependents and if the member has a military spouse, every effort will be made to maintain a collocation. This does not apply to reservists in a drill status.

VI. Appendix A: Glossary

A. Terms

Designated Medical Officer Advisor (DMOA) – HSs on independent duty (IDHSs) shall have a DMOA identified. The DMOA shall provide professional advice and consultation to the IDHS and shall ensure that the IDHS maintains his/her clinical competency. The DMOA, along with the XO of the IDHS's unit, is responsible for ensuring the medical and dental readiness compliance through the supervised IDHS.

Credible Information – 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.

Credible Report – Either a written or verbal report made in support of an expedited transfer that is determined to have credible information.

Expedited Transfer– Temporary or permanent transfer from an assigned command or installation, or to a different location within an assigned command or installation, that may be requested by a Service member who has filed an Unrestricted Report of sexual assault. A Service member initiates the transfer request and submits the request to their commander. A presumption exists in favor of transferring a Service member who initiated the transfer request following a credible report of a sexual assault. The commander must approve or disapprove a Service member's request for a permanent change of station, permanent change of assignment, or unit transfer within 72 hours from receipt of the Service member's request, in accordance with Reference (b). A commander may also consider potential transfer of the subject instead of the Service member requesting the transfer.

Final Disposition – Actions taken to resolve the reported incident, document case outcome, and address the misconduct by the subject, as appropriate. It includes, but is not limited to, military justice proceedings, nonjudicial punishment, or administrative actions, including separation actions taken in response to the offense, whichever is the most serious action taken.

Senior Medical Executive (SME) – is responsible for the provision of the services delivered by or supervised by all Medical Officers in the Field Office (FO)

Subject – the person who is suspected of committing an offense

B. Acronyms

ADASSIGN	Administrative Assignment
CGIS	Coast Guard Investigative Service
DMOA	Designated Medical Officer Advisor
EPM	Enlisted Personnel Management
FFD	Fit for Full Duty
HCP	Health Care Provider
HS	Health Service Technician
IDHS	Independent Duty Health Services Technician
IDT	Inactive Duty Training
OPM	Officer Personnel Management
PCS	Permanent Change of Station
PSC	Personnel Service Center
RPM	Reserve Personnel Management
SAPR	Sexual Assault Prevention Response
SAPR CIT	Sexual Assault Prevention Response Crisis Intervention Team
SARC	Sexual Assault Response Coordinator
SME	Senior Medical Executive
SVC	Special Victim Counsel
TAD	Temporary Assigned Duty
TDY	Temporary Duty
VA	Victim Advocate

VII. Appendix B: Frequently-Asked Questions (FAQs)

TBD



Commanding Officer
United States Coast Guard
Unit Name

Address
Staff Symbol:
Phone: ()
Fax: ()
Email:

1700
dd Mmm yyyy

MEMORANDUM

From: X. X. XXXXX, XX (CO)
CG UNIT

Reply to Rank/name
Attn of: Phone number

To: CG PSC-opm/epm/rpm

Subj: REQUEST TO TRANSFER

Ref: (a) CGIS Case Control Number: XXXXXXXX
(b) COMDT COGARD Washington DC 291230Z Aug 14, ALCOAST 362/14

1. Member rank/name requested a permanent change of station transfer as a result of the events outlined in reference (a) from CG Unit to a particular region/type of unit due to confirmed support in this area. **[NOTE: The member may submit their request in any format, including via email. Emails may be attached to the memo to CG PSC as an enclosure]**

2. I recommend approval/disapproval of the requested transfer for the following reasons:

3. CG Unit confirms the following:

- a. Reference (a) is closed/open and a final Report of Investigation (ROI) will be completed by CGIS.
- b. The member does/does not face any disciplinary or administrative actions.
- c. There are/are not additional treatments that need to be completed at the local medical facilities prior to transfer.
- d. Medical needs can/cannot be met in the requested region and the member's medical duty status is (i.e. FFFD, etc.)
- e. The SAPR CIT concurs/does not concur that a permanent change of station transfer from CG Unit is in the best interest of the member and the best interest of the command. If not concur state reason:

(1) The member has been counseled that the receiving unit's Commanding Officer will be informed of the situation surrounding the transfer **[if prior to final case disposition]**.

(2) The member has been counseled that follow on services and disclosure to the receiving command is pending the member's desires and needs and should be facilitated through the local SARC at the receiving unit **[if after final case disposition]**.

4. If additional information is required, please contact me at (phone number) or (email address) or my representative (SARC, SVC, Executive Officer, etc) at (phone number) or (email address).

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