



DEPARTMENT OF THE ARMY

HEADQUARTERS, 8TH ARMY

UNIT #15236

APO AP 96205-5236

REPLY TO
ATTENTION OF

EACG

16 DEC 2011

MEMORANDUM FOR All 8th Army Assigned Soldiers and Family Members

SUBJECT: 8th Army Command Policy Letter #52 - Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault

1. References:

a. Army Directive 2011-19, Expedited Transfer or Reassignment Procedures for Victims of Sexual Assault, 03 October 2011.

b. Army Regulation (AR) 614-100, Officer Assignment Policies, Details, and Transfers, 10 January 2006.

c. AR 614-200, Enlisted Assignments and Utilization Management, 26 February 2009 (incorporating Rapid Action Revision 002, 11 October 2011).

2. It is 8th Army policy that there is a presumption in favor of transferring or reassigning a sexual assault victim, at his/her request, following that victim's credible report of sexual assault. Commanders and civilian leaders shall consider requests for transfer or reassignment in an expedited manner. This policy applies to all Soldiers who report being the victim of a sexual assault. The Sexual Harassment/Assault Response and Prevention (SHARP) Program shall take steps to ensure victims are informed of the policy.

3. Victims of sexual assault may not wish to remain in their current units or organizations after the sexual assault incident. Requiring them to remain when they have a desire to leave may negatively affect their safety and emotional well-being, as well as the functioning of the unit/organization. Expediting review of, and action on, a victim's request is an important component of a leader's response to a credible report of sexual assault.

4. For the purposes of this policy, a report of sexual assault is credible when the commander (battalion or above), after considering all available evidence and the advice of a supporting legal advisor, concludes that there are reasonable grounds to believe that an offense constituting sexual assault has been committed against the person requesting the transfer or reassignment. A credible report is limited to unrestricted reports of sexual assault.

5. Requests for a transfer or reassignment must be in writing. Victims are encouraged to include any and all of their concerns in the written request to aid the commander in understanding their needs and in making an appropriate decision.

6. In making a decision on a victim's request, the commander shall start with a presumption in favor of transferring or reassigning the victim. A transfer or reassignment includes, but is not limited to, the victim's temporary or permanent movement to a unit within the same battalion or brigade, to a unit within the same division, to a unit on the same installation or to a unit at a different geographic location.

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7. Commanders may consider certain factors in determining whether a transfer or reassignment is appropriate and, if so, the lowest level of transfer or reassignment that would meet both the needs of the victim and 8th Army. The victim's concerns, the nature and circumstances of the offense, and operational necessity should all be carefully weighed before a decision is made. Factors involving the alleged offender should also be taken into account, such as the location and status (Soldier or Civilian) of the alleged offender, as well as considering transferring the alleged offender instead of the victim. Commanders should consider the status of the investigation and the potential impact of the victim's transfer or reassignment on the future disposition of the investigation. Any other pertinent circumstances or relevant factors may also be considered.

8. Commanders will take reasonable steps to prevent a transfer or reassignment from negatively impacting the victim's career. Prior to approving a request, the commander shall ensure the victim is informed regarding reasonably foreseeable impacts on his/her career, the potential impact of the transfer or reassignment on the investigation and potential prosecution or initiation of other adverse action against the alleged offender, or any other consequences. If the victim elects not to proceed with the request, he or she shall withdraw the request in writing.

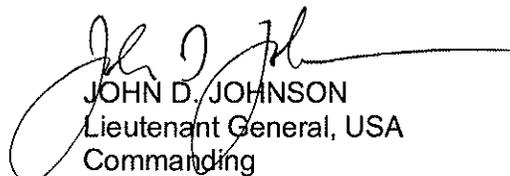
9. If a commander cannot approve a request at his/her level of command, the victim's request will be forwarded through the chain of command to the appropriate approving authority with each commander's recommendation. Requests for permanent change of station transfer must be forwarded to the 8th Army G1.

10. A commander recommending disapproval of a request shall provide the reason(s) for the recommendation in writing. A victim's request may be disapproved ONLY by the first General Officer in the victim's chain of command. When a victim requests transfer to another installation, the authority to disapprove that request is reserved to the Commander, U.S. Army Human Resources Command.

11. This policy does not encompass requests for transfer or reassignment following a victim's receipt of threats of bodily harm or death. Any such threat to a victim should be reported immediately to command and law enforcement authorities. A victim's request under these circumstances will be handled in accordance with AR 614-100, Officer Assignment Policies, Details, and Transfers, and AR 614-200, Enlisted Assignments and Utilization Management.

12. The provisions of this policy are effective immediately.

13. Proponent. The 8th Army G1 Human Resources Service Division is the proponent for this policy. The point of contact is MAJ Adrian Hughley and 1LT Margaret Packer at DSN 724-6072.


JOHN D. JOHNSON
Lieutenant General, USA
Commanding