

**Judicial Proceedings Panel**  
**Victims' Counsel and Victim Access to Information**  
**Lt Col Ryan Oakley, Deputy Director, Office of Legal Policy (OUSD(P&R))**  
**November 14, 2014**

Thank you for the opportunity to brief the Panel on these important issues, with the shared goal of ensuring that victims, particular victims of sexual assault, receive the information they are entitled to and that their needs are met. My office is responsible for the Department of Defense's Victim and Witness Assistance policy, and I will provide a brief update today on the key policy developments in this area.

Over the past 20 years, the Department has strived to protect the rights of victims and witnesses, strengthening cooperation during all stages of the military justice process, while mitigating any physical, psychological, or financial hardships, relying on a multidisciplinary and collaborative approach. This began with our Victim Witness Assistance Programs (VWAP) and has expanded to a network of available support to include Sexual Assault Response Coordinators, Victim Advocates, legal assistance attorneys, special prosecutors, and now, Special Victims' Counsel (SVC) and Victims' Legal Counsel (VLC).

As the Panel is aware, there have been significant changes in the past year including the establishment of Victims' Counsel programs, the implementation of the Special Victim Investigation and Prosecution Capability, the enactment of Article 6b, UCMJ, to expand crime victims' rights. Currently, the Department is

the final stages of a major revision of our victim assistance policy which will be published as a new issuance, DoD Instruction 1030.02, "Victim and Witness Assistance." We contemplate that the revised Instruction will include a section addressing Special Victims/Victims Legal Counsel, reflecting the key legislative provisions. We look forward to the imminent publication of a draft of DoDI 1030.02 in the Federal Register, and receiving public comments, and well as the recommendations of the Panel. We will provide the JPP with the Federal Register notice once published.

All victims of crime under the Uniform Code of Military Justice have the right to reasonable, accurate, and timely information from the parties to a case at key stages of the court-martial process. We have established uniform procedures and standard forms to ensure that victims and witnesses are provided with written information about their rights, support services, and key points of contact, as soon as they are identified and through trial, conviction, confinement, post-trial, and appeal.

Victims' counsel in particular, provide holistic legal services, ranging from advising victims on all aspects of the military justice system, ensuring their privacy rights are protected, as well as providing traditional legal assistance. By statute, the designation, certification, and training of a Victims' Counsel, the purpose of providing legal assistance to a covered victim are a Service function, along with

the development of specific program responsibilities, guidance, standards, rules of practice, and procedures. Under their Article 6 inspection authority, the Military Department Judge Advocates General and the SJA to the Commandant of the Marine Corps ensure that SVCs and VLCs are able to provide independent, zealous, and effective legal representation to empower victims and build resiliency.

As these programs continue to mature, we are greatly encouraged to hear of the significant inter-service cooperation and collaboration between the Services, through regular meetings, joint training, and sharing of best practices and subject matter experts. Already, there is evidence that Victims' Counsel have made a very positive impact in helping victims have a voice, understand the military justice systems, and exercise their rights. The end result, we believe, are stronger, vibrant, and integrated support services for all crime victims. I will be happy to answer your questions and provide any additional information that can assist the Panel in this effort.