

**JUDICIAL PROCEEDINGS PANEL
REQUEST FOR INFORMATION SET # 6**

108. (Update to RSP RFI 50) DoD and Services: Provide electronic copies of all current policies and guidance concerning the SVIP capability. If new guidance is pending, what is the timeframe and process for revision of publications and training materials?

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| DoD | <p>Directive-Type Memorandum (DTM) 14-003, “DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support” (February 12, 2014, <i>Incorporating Change 2, February 2, 2016</i>). DTM 14-003 (attached) can be obtained at: http://www.dtic.mil/whs/directives/corres/pdf/DTM-14-003.pdf , DoDi 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” (January 25, 2013, incorporating change 2, June 18, 2015)(attached); and DoDI 5505.19, “Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs), “(February 3, 2015, incorporating Change 1, Effective September 4, 2015)(attached). DTM 14-003 will be incorporated in and replaced by an update to DoDI 1030.02, “Victim Witness Assistance,” anticipated to be published in summer 2016.</p> <p>ENCLOSURES:</p> <ol style="list-style-type: none"> 1. DoDI 5505.19, <i>Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)</i>, dated 3 Feb 15 2. DTM 14-003, “DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support,” dated 12 Feb 14 |
| USA | <p>In addition to policies previously provided in response to RSP RFI 50, please see attached updates.”</p> <p>ENCLOSURES:</p> <ol style="list-style-type: none"> 1. CID Regulation 195-1 excerpt, <i>Special Victim Investigation and Prosecution Capability Team</i> 2. DoDI 5505.18, <i>Investigation of Adult Sexual Assault in the Department of Defense</i>, dated 25 Jan 13 3. DoDI 5505.19, <i>Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)</i>, dated 3 Feb 15 4. DTM 14-002, “The Establishment of Special Victim Capability (SVC) Within the Military Criminal Investigative Organizations,” dated 11 Feb 14 5. DTM 14-003, “DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support,” dated 12 Feb 14 6. CLD Note to Field – Request for SVWLs 7. TCAP Express, <i>The Role of the Special Victims Witness Liaison</i>, dated 22 Feb 16 8. Legal Administrative Specialist Position Description 9. TJAG Sends Vol 37-18, Special Victim Prosecutors and Highly Qualified Experts in Military Justice 10. TJAG Policy Memorandum 14-6, Special Victim Prosecutors, dated 22 Jan 14 |
| USAF | <p>All public Air Force guidance in reference to SVIP capability is found in AFI 51-201, Administration of Military Justice, Section 13R and AFI 90-6001, Sexual Assault Prevention and Response (SAPR) Program. AFOSI uses AFOSI Manual 71-122,</p> |

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| | <p>Volume 1 (AFAFOSIMAN 71-122V1), <i>Criminal Investigations</i>, which outlines AFOSI policies and procedures in reference to SVI. AFOSI regulations are For Official Use Only (FOUO) and cannot be released publically.</p> | | | | | | | | | | | | |
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| <p>USN</p> | <p>The Navy 21st Century Sailor Office's (N17) current policy and guidance concerning the SVIP capability, OPNAVINST 1752.1C, is annotated and attached as requested. Relevant provisions are highlighted in yellow on pages 14 to 16, and 92 to 95 of the instruction.</p> <p>Additional guidance for trial counsel and paralegals is currently being staffed by Navy's Trial Counsel Assistance Program (TCAP). This guidance will formalize current practices, including setting SVIP certification process for trial counsel and trial paralegals and clarifying SVIP training requirements for certifying individuals and prosecution offices. Approval for proposed requirements is scheduled before end of April. After approval, instruction will be drafted with an expected signature by approximately 1 June 16.</p> <p>NCIS policy on sexual assault investigations has been updated to include the current requirements of the SVIP program and is promulgated to the field. All NCIS personnel who potentially may respond to an allegation of sexual assault receive specialized training in the NCIS Advanced Adult Sexual Assault Investigator Training Program (AASAITP), which emphasizes effective techniques for interviewing victims of sexual assault. In addition, NCIS investigators assigned to a full time Family and Sexual Violence (F&SV) billet receive training in the Advanced Family Sexual Violence Training Program (AFSVTP), which includes investigations of domestic violence and child victim crimes.</p> <p>ENCLOSURE:</p> <p>OPNAVINST 1752.1C – Navy Sexual Assault Prevention and Response Program, dated 15 August 2015</p> | | | | | | | | | | | | |
| <p>USMC</p> | <p>The following table provides the status of relevant policies. Hyperlinks are provided to current policies.</p> <table border="1" data-bbox="331 1352 1419 1906"> <thead> <tr> <th data-bbox="331 1352 537 1476">Reference</th> <th data-bbox="537 1352 862 1476">Subject/Name</th> <th data-bbox="862 1352 1179 1476">New Guidance Pending</th> <th data-bbox="1179 1352 1419 1476">Timeframe for Revision of Publications / Training</th> </tr> </thead> <tbody> <tr> <td data-bbox="331 1476 537 1629">MCO 5800.14A (DRAFT)</td> <td data-bbox="537 1476 862 1629">Victim-Witness Assistance Program (VWAP)</td> <td data-bbox="862 1476 1179 1629">Yes. The Current VWAP order does not reference SVIP. The new MCO 5800.14A is nearing completion.</td> <td data-bbox="1179 1476 1419 1629">April 2016 / May 2016</td> </tr> <tr> <td data-bbox="331 1629 537 1906">MCO 5800.16 (DRAFT)</td> <td data-bbox="537 1629 862 1906">Legal Support and Administration Manual (LSAM)</td> <td data-bbox="862 1629 1179 1906">Current LEGADMINMAN does not reference SVIP. The new LSAM is in draft form. The USMC will publish a bulletin to provide interim guidance on SVIP requirements</td> <td data-bbox="1179 1629 1419 1906">April 2016 (bulletin) / May 2017 (LSAM)</td> </tr> </tbody> </table> | Reference | Subject/Name | New Guidance Pending | Timeframe for Revision of Publications / Training | MCO 5800.14A (DRAFT) | Victim-Witness Assistance Program (VWAP) | Yes. The Current VWAP order does not reference SVIP. The new MCO 5800.14A is nearing completion. | April 2016 / May 2016 | MCO 5800.16 (DRAFT) | Legal Support and Administration Manual (LSAM) | Current LEGADMINMAN does not reference SVIP. The new LSAM is in draft form. The USMC will publish a bulletin to provide interim guidance on SVIP requirements | April 2016 (bulletin) / May 2017 (LSAM) |
| Reference | Subject/Name | New Guidance Pending | Timeframe for Revision of Publications / Training | | | | | | | | | | |
| MCO 5800.14A (DRAFT) | Victim-Witness Assistance Program (VWAP) | Yes. The Current VWAP order does not reference SVIP. The new MCO 5800.14A is nearing completion. | April 2016 / May 2016 | | | | | | | | | | |
| MCO 5800.16 (DRAFT) | Legal Support and Administration Manual (LSAM) | Current LEGADMINMAN does not reference SVIP. The new LSAM is in draft form. The USMC will publish a bulletin to provide interim guidance on SVIP requirements | April 2016 (bulletin) / May 2017 (LSAM) | | | | | | | | | | |

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| | | | prior to LSAM's publication. | |
| | USMC Military Justice Practice Advisory 5-15 | Special Victim Cases, Processes, and Reporting | Yes. This is interim guidance that will be incorporated in the LSAM. | N/A. See LSAM, above. |
| | DTM 14-003 | DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support | Yes. DTM will expire Feb 17. | Unknown. |
| | DODI 6495.02 | Sexual Assault Prevention and Response (SAPR) Program Procedures | N/A | Updating Service guidance (VWAP, SAPR, LSAM), as explained above |
| | DODI 5505.19 | Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs) | N/A | Updating Service guidance (VWAP, SAPR, LSAM), as explained above |
| USCG | <p>Section 573 of NDAA FY 13 mandates that each DoD military department establish a "special victim capability" to investigate and prosecute for specified criminal offenses. Section 573 of the NDAA 2013 does not expressly apply to Department of Homeland Security or the Coast Guard.</p> <p>As such, the Coast Guard does not have a formal Special Victim Capability. However, the Coast Guard has taken steps to build proficiency and capability in the prosecution and investigation of sexual assault cases. For example, the Coast Guard has bolstered prosecutorial capabilities by centralizing general court-martial prosecutions into one unit—the Legal Service Command (LSC). Attorneys at the LSC are supervised by some of the most experienced prosecutors in the Coast Guard, and are offered specialized and advanced training in military justice, including prosecution of sex offenses. Select Coast Guard Investigative Service special agents have also received specialized training in investigation of sexual assault cases. A robust special victims' counsel program has reached full operating capacity and ensures that victims receive high-quality representation. The Coast Guard's Memorandum of Understanding with the Navy, by which the Navy provides defense services for Coast Guard accused members in exchange for full-time Coast Guard defense and appellate defense counsel, has been expanded so that more Coast Guard judge advocates gain valuable defense counsel experience. These steps are detailed in response to questions below.</p> | | | |