

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

115. DoD and Services: How does the Service evaluate the effectiveness of the SVIP capability (i.e., victim drop-out rates, etc.)?

DoD	<p>See response to 114.</p> <p>OSD has tasked the Military Departments with the primary responsibility for collecting statistics, developing, and reviewing measures of performance and effectiveness (DoDI 5505.18, DoDI 5505.19, and DTM 14-003, as well as the pending DoDI 1030.02). The Office of the Inspector General also maintains responsibility for assessing MCIO effectiveness (per paragraph 4.a., DoDI 5505.18, and paragraph 4.a., of DoDI 5505.19).</p>
USA	<p>The Army evaluates the effectiveness of the SVIP capability through statistics, assessments by military judges, evaluations by senior military justice personnel, and surveys.</p> <ul style="list-style-type: none"> • Statistical data includes caseload analysis, prosecution rates, conviction rates, and victim non-cooperation rates collected in the database of the Army Court of Criminal Appeals and the Annual Report to Congress on Sexual Assault in the Army. • Military judges utilize an online survey to provide assessments of counsel performance at courts-martial. • Senior military justice personnel evaluate counsel on overall performance and any identified gaps in skill to inform training and assignments. <p>Surveys administered by the Department of Defense, including the Military Justice Individual Experience Survey and the Survivor Experience Survey are provided to victims of sexual assault and include assessments of SVIP personnel.</p>
USAF	<p>With regard to the VWAP component of the SVIP capability, the installation legal office and AFOSI detachment regularly conduct self-inspections and undergo periodic inspection by higher headquarters. For the legal office, the inspection specifically covers VWAP, and there is a specific VWAP self-inspection checklist. All personnel involved in the military justice process and those responsible for providing services to victims and witnesses of crime must be familiar with VWAP. The installation commander is the Local Responsible Official (LRO) responsible for developing and implementing a VWAP at the installation. The LRO is also responsible for ensuring the accomplishment of required annual training by all local agencies. Additionally, per AFI 51-201, Administration of Military Justice, Section 7F, the LRO develops a system to assess the effectiveness of the installation VWAP. For each case involving victims or witnesses covered by VWAP, the VWAP Coordinator and victim liaisons keep a record to document compliance with VWAP requirements. The record may include dates of notification, such as distribution of DD Forms 2701, 2702, and 2703. Legal office inspections also include a review of the process to certify trial counsel and an assessment of the processing of courts-martial.</p> <p>The Military Justice Division, Air Force Legal Operations Agency (AFLOA/JAJM) uses the Victim Impact Survey (VIS) to assess victim satisfaction with the military justice process (Atch 115.1). The VIS was implemented in March 2013 primarily to evaluate the SVC Program but includes several questions to evaluate VWAP and the military justice process. Several of the questions were drawn directly from a RAND study, No</p>

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	<p>More Rights Without Remedies: An Impact Evaluation of the National Crime Victim Law Institute’s Victims’ Rights Clinics. The survey includes 42 questions, some of which ask for a selection from a range and some of which ask for written comments. A victim is given the opportunity to complete a VIS after final disposition of the allegation. A victim may answer questions anonymously or provide a name and contact information. The survey asks about the victim’s satisfaction levels at all stages of the investigative and military justice process and with the people involved in the process. Victims are asked to describe their experiences with SVC, defense counsel, and trial counsel and law enforcement, including the SVIP capability. The survey results are reviewed monthly by AFLOA/JAJM and forwarded to AFOSI, AFLOA/JAJG, and the Special Victims’ Counsel Division, AFLOA/CLSV. If there are specific concerns or complaints about a particular individual, the appropriate supervisor is contacted to resolve the complaint and address any systemic issues.</p> <p>The entire SVIP capability is periodically evaluated by the various organizations involved in sexual assault cases. AFLOA/CLSV polls SVCs and monitors how many victims “drop out” of the military justice process and why. Legal offices at all levels of command track and engage on sexual assault investigations and prosecutions and evaluate what works well and what could be improved.</p> <p>ENCLOSURE:</p> <p>Victim Impact Survey</p> <p>REFERENCE:</p> <p>No More Rights Without Remedies: An Impact Evaluation of the National Crime - Victim Law Institute’s Victims’ Rights Clinics. https://www.ncjrs.gov/pdffiles1/nij/grants/241752.pdf</p>
USN	<p>Measures of effectiveness for prosecution will include at least the following:</p> <ul style="list-style-type: none"> - Percentage of special victim capability cases preferred, compared to overall number of courts-martial in each FY; - Percentage of special victim capability offense courts-martial tried by, or under direct supervision of, a specially trained prosecutor; - Percentage of specially trained prosecutors and other legal support personnel having received additional and advanced training in special victim capability topical areas; <p>Victim feedback on the effectiveness of special victim capability support services and recommendations for possible improvements; feedback mechanisms will be coordinated and standardized with the Military Service so that victims do not have to unnecessarily complete multiple questionnaires.</p>
USMC	<p>The Marine Corps evaluates the effectiveness of the SVIP capability based upon its implementation of the SVIP process. An effective SVIP capability is one that has all the required components, properly trained and resourced, working together throughout the investigation and prosecution process to support special victims. Victim drop-out rates are not an optimal measure of SVIP effectiveness because they are subjective and the</p>

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	<p>result of a number of factors, such as the length of the proceeding, probability of success at trial, desire to move on, and other issues. Similarly, conviction rates are subject to too many variables to serve as an adequate or appropriate measure of SVIP effectiveness. To ensure quality, supervisors of SVIP capabilities across the Marine Corps continually monitor various aspects of each case to identify and overcome obstacles and to improve SVIP performance. This includes objective, procedural measures, such as the timeliness of certain actions and a careful monitoring of the case chronology, as well as more subjective measures, such as the quality of analysis provided in a prosecution merits memo. At the service level, however, the Marine Corps evaluates its SVIP capability by measuring and monitoring each constituent part's compliance with applicable regulations.</p>
USCG	<p>The Coast Guard does not have policies concerning Special Victim Capability services. 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>