

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

**142. Services: FY16 NDAA § 533 extends authority to SVCs and VLCs to provide legal consultation and assistance with any complaint against the Government, IG, EO or Congressional complaints, and FOIA requests.**

**a. How are those responsibilities being implemented into SVC policies and procedures?**

<b>USA</b>	Army SVC have provided these services to clients in their legal assistance capacity prior to the enactment of FY16 NDAA and will continue to do so.
<b>USAF</b>	Air Force SVCs have been provided program guidance and direction authorizing them to provide assistance to clients with complaints filed through IG, EO, or Congress and FOIA requests. Explicit authorization is included in the proposed AFI 51-504. During FY15, SVC training covered complaints as within the scope of representation and explained that in-scope representation included SVC review of a client’s complaint to ensure that the complaint did not jeopardize the client’s rights or positions with respect to the original matter that led to the SVC representation.
<b>USN</b>	Navy VLC are trained and certified to provide advice, assistance, and advocacy to Navy victims of sexual assault. Even before promulgation of § 533 of the FY16 NDAA, Navy VLC were providing legal consultation and assistance to sexual assault victims regarding complaints against the Government in the form of review of 1150 and 138 Complaints of Wrong, complaints to the Inspector General (IG), Congressional Complaints, Equal Opportunity (EO) issues and Freedom of Information Act (FOIA) requests. For example, in response to a January 2015 data call, Navy VLC reported having addressed client issues through three IG complaints, one EO complaint and one Congressional Complaint. These services fall under general legal assistance. Before filing formal complaints, VLC have been successful communicating issues of concern to the victims’ chain of command and resolving complaints at the lowest level.
<b>USMC</b>	The draft USMC VLC Manual states that VLC representation of a victim includes legal consultation, assistance, and advocacy for the client in any complaint against the Government. Some examples of a complaint against the Government include the following: a request mast, petitions to the Board of Corrections for Naval Records (BCNR) to remove or correct records (e.g., records associated with collateral misconduct or retaliation against the victim), complaints under Article 138 of the UCMJ or Article 1150 of the U.S. Navy Regulations, complaints to an inspector general, allegations under review by an inspector general, complaints regarding equal employment opportunities, any request for information under the Freedom of Information Act (FOIA), and any correspondence or other communication with Congress. As of 31 March 2016, the USMC VLC Manual is pending final review and approval.
<b>USCG</b>	The Coast Guard SVC Program has been helping clients with many of these actions on a case-by-case basis since 2015 with individual guidance from the SVC Program Manager and the Chief, Office of Member Advocacy and Legal Assistance. The responsibility for CG SVCs to provide these services to clients is incorporated into the draft SVC Instruction and briefings from subject matter experts. Best practices have been included in monthly SVC JAG Chats (discussion among all fulltime and collateral duty SVCs) and during bi-weekly meetings between all fulltime SVCs. A sample JAG Chat briefing is attached regarding BCMRs. (See Enclosure 21)  ENCLOSURES:

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	<ol style="list-style-type: none"> <li>1. JAG Chat Briefing – BCMR</li> <li>2. JAG Chat Form (Sample)</li> </ol>
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**b. What training is being done to expand SVCs expertise on these various types of requests and the related legal issues?**

<b>USA</b>	<p>The Program Manager provides training on these topics during the certification course. Also see Enclosures 1 and 2; SVC Establishment Documents and SVC Training.</p> <p><b>ENCLOSURES:</b></p> <ol style="list-style-type: none"> <li>1. Info Paper on SVC Program</li> <li>2. Representing Children Overseas Info Paper</li> <li>3. SVC Course Presentation</li> <li>4. SVC Program Overview Hill Engagement</li> <li>5. SVC Structure Slide</li> <li>6. 2nd Child SVCC Block Schedule</li> <li>7. 3rd Child SVCC Block Schedule</li> <li>8. 4th SVC Course Block Schedule</li> <li>9. 5th SVC Course Block Schedule</li> <li>10. 6th SVC Course Block Schedule</li> <li>11. DC2016 Brochure</li> <li>12. FEB 2014 2nd Child SVCC Block Schedule</li> <li>13. Final WO Training Schedule</li> <li>14. Attorney 2 Attorney Training Courses</li> </ol>
<b>USAF</b>	<p>In the June 2015 Air Force SVC course, a block on “Retaliation and Ostracism” was added as a seminar to specifically address complaint issues and possible remedies. The instruction included identification of the various complaint avenues available to clients, including IG, EO, and Congress.</p>
<b>USN</b>	<p>All Navy judge advocates receive training on Complaints of Wrong, IG, EO and Congressional Complaints as part of the Civil Law Curriculum of the Basic Lawyer Course (curriculum contained in enclosure (31)). More senior judge advocates receive refresher training on the Inspector General complaint process when they attend Staff Judge Advocate (SJA) Training at the Justice School prior to reporting for duty as an SJA (curriculum contained in enclosure (32)). Navy VLC will be receiving additional instruction and best practice tips on these topics as part of monthly training during 2016 (see enclosure (27) from Question 133) and at the Navy VLC symposium in April of 2016.</p> <p><b>ENCLOSURES:</b></p> <ol style="list-style-type: none"> <li>1. NJS Basic Lawyer Course Schedule – 4-10 October 2015</li> <li>2. NJS Advanced SJA Course Schedule – 3-9 May 2015</li> <li>3. VLC Training Schedule (FY15 &amp; 16)</li> </ol>
<b>USMC</b>	<p>During the 2d Annual USMC VLC Symposium, the Deputy OIC provided instruction on this paragraph in the draft USMC VLC Manual and provided recent examples of VLC assisting their clients in making complaints to IGs, BCNR, and Congress.</p>

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<b>USCG</b>	As noted above, the training is occurring through monthly and bi-weekly meetings and in April, at the CG SVC conference, there will be small group discussion, briefings, and moderated panels to discuss the new areas of responsibility for SVCs.
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**c. How are the Services ensuring that this representation right is incorporated into EO and IG policy, procedure and training?**

<b>USA</b>	The Joint Service Committee is responsible for incorporating the right to SVC representation into the EO and policy.
<b>USAF</b>	Air Force SVCs regularly conduct training at their installations and when they are TDY with other helping and support agencies, such as IG and EO. AFLOA/CLSV maintains oversight of SVC outreach and education efforts with a section on training conducted while TDY that is included in all SVC trip reports.
<b>USN</b>	Current NAVINSGEN Inspector training directs that any potential victim of sex-related offense be referred to NCIS and their command Sexual Assault Prevention and Response (SAPR) program, as NAVINSGEN does not handle criminal cases. Those programs are tasked with ensuring that victims have a Navy Victims' Legal Counsel (VLC). If there is a follow-on IG complaint not entailing criminal allegations, current training highlights that the VLC may be included in communications with the complainant.
<b>USMC</b>	Investigators are trained that victims of sex-related offenses may have a Special Victims Counsel (or VLC) that may accompany the victim to an IG meeting/interview. Otherwise the IG is not the primary agency responsible for training on this matter.
<b>USCG</b>	The Coast Guard SVC Program and the Coast Guard Military Justice office will engage the necessary parties to discuss incorporating these provisions into EO as well as including this information in the draft SVC Instruction.

**d. How and when will availability of this assistance be communicated to Service members?**

<b>USA</b>	The availability of SVC is incorporated into all training and multiple marketing materials.
<b>USAF</b>	The proposed AFI 51-504, <i>Legal Assistance and Special Victims' Counsel Programs</i> , includes specific guidance to SVCs that they may assist clients with filing complaints. Once approved, the AFI language can be incorporated into Air Force policy and training and briefed to Airmen.
<b>USN</b>	Availability of this assistance is on-going and communicated to Service members by VLC as part of the VLCP outreach brief. See relevant slide from standard VLCP outreach brief at enclosure (33).  <b>ENCLOSURE:</b>  VLC Outreach Duties Training – January 2016
<b>USMC</b>	This is currently being taught as part of our IGMC Mobile Training Team visits to the various commands around the Marine Corps. Additionally, it will be included in the new revision of the IGMC Hotline order under the topic of "Complainant's Rights" which is expected to be released in the summer of 2016.
<b>USCG</b>	Through discussions with the relevant offices to ensure they are aware that SVC representation is available and, as noted above, via changes to the governing policies.