



Department of Defense INSTRUCTION

NUMBER 5505.19

February 3, 2015

Incorporating Change 1, Effective September 4, 2015

IG DoD

SUBJECT: Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)

References: See Enclosure 1

1. PURPOSE. This instruction:

a. Establishes policy, assigns responsibilities, and provides procedures for the MCIOs to implement a special victim capability in accordance with the authority in Appendix 3 of Title 5, United States Code (U.S.C.) (Reference (a)) and DoD Directive (DoDD) 5106.01 (Reference (b)) and pursuant to section 573 of Public Law (P.L.) 112-239 (Reference (c)).

b. Implements the investigative portion of Reference (c) requiring each Military Service to establish a special victim capability comprised of specially trained MCIO investigators, judge advocates, paralegals, and victim witness assistance personnel to support victims of covered special victim offenses. To avoid confusion with Special Victims' Counsel programs, this capability will be referred to as the SVIP capability.

c. Incorporates and cancels Directive-type Memorandum (DTM) 14-002 (Reference (d)).

2. APPLICABILITY. This instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the "DoD Components").

3. POLICY. It is DoD policy that:

a. A timely, effective, worldwide SVIP capability consisting of specially trained MCIO investigators will work collaboratively with assigned SVIP personnel from other disciplines and investigate all covered offenses that occur within their jurisdiction as established by existing Service and MCIO guidance, subject to limitations concerning use of Restricted Reports.

b. MCIO investigators will collaborate with assigned specially trained judge advocates, DoD Sexual Assault Response Coordinators (SARCs), Sexual Assault Prevention and Response Victim Advocates (SAPR VAs), Family Advocacy Program (FAP) managers, and domestic abuse victim advocates (DAVAs), as appropriate, during all stages of the investigative and military justice process for covered offenses.

c. Nothing in this instruction prohibits a MCIO from investigating any offense under existing authorities; however, only covered offenses will be designated as SVIP incidents.

d. All criminal investigative files will be maintained in accordance with the DoD privacy policies in DoDD 5400.11 and DoD 5400.11-R (References (e) and (f)).

4. RESPONSIBILITIES

a. IG DoD. The IG DoD develops policy and procedures for MCIO adult sexual assault investigations and oversees their implementation pursuant to Reference (b).

b. OSD and DoD Component Heads. The OSD and DoD Component heads:

(1) Ensure compliance with this instruction and prescribe additional Component procedures as necessary to implement its policy.

(2) Require that commanders (see Glossary) at all levels immediately report, to the appropriate MCIO, all adult sexual assault allegations of which they become aware involving persons affiliated with the DoD, including active duty personnel and their dependents, DoD contractors, and DoD civilian employees.

(3) Ensure Component procedures exist that allow eligible victims to request handling of allegations of sexual assault or domestic violence as a Restricted Report. Restricted Reports will follow the guidance in:

(a) DoDD 6495.01 (Reference (g)) for sexual assault.

(b) DoD Instruction (DoDI) 6400.06 (Reference (h)) for domestic abuse.

c. Secretaries of the Military Departments. In addition to the responsibilities in paragraph 4b, the Secretaries of the Military Departments will establish Departmental SVIP capabilities in accordance with the policy and procedures in this instruction.

5. PROCEDURES. See Enclosure 2.

6. INFORMATION COLLECTIONS. The investigative report of program performance and

effectiveness, referred to throughout paragraph 7 of Enclosure 2 of this instruction, is exempt from licensing with a report control symbol in accordance with paragraph 1b(6) of Volume 1 of DoD Manual 8910.01, (Reference (i)).

67. RELEASEABILITY. Cleared for public release. This instruction is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

78. EFFECTIVE DATE. This instruction is effective February 3, 2015.



Jon T. Rymer
Inspector General of the
Department of Defense

Enclosures

1. References
2. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) Appendix 3 of Title 5, United States Code (also known as “The Inspector General Act of 1978,” current version)
- (b) DoD Directive 5106.01, “Inspector General of the Department of Defense (IG DoD),” April 20, 2012, as amended
- (c) Section 573 of Public Law 112-239, “Establishment of Special Victim Capabilities Within the Military Departments to Respond to Allegations of Certain Special Victim Offenses, National Defense Authorization Act for Fiscal Year 2013,” January 2, 2013
- (d) Directive-type Memorandum 14-002, “The Establishment of Special Victim Capability (SVC) Within the Military Criminal Investigative Organizations,” February 11, 2014 (hereby cancelled)
- (e) DoD Directive 5400.11, “DoD Privacy Program,” October 29, 2014
- (f) DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007
- (g) DoD Directive 6495.01, “Sexual Assault Prevention and Response (SAPR) Program,” January 23, 2012, as amended
- (h) DoD Instruction 6400.06, “Domestic Abuse Involving DoD Military and Certain Affiliated Personnel,” August 21, 2007, as amended
- (i) *DoD Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014*
- (j) DoD Instruction 5505.14, “Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations,” May 27, 2010, as amended
- (k) DoD Directive 1030.01, “Victim and Witness Assistance,” April 13, 2004
- (l) DoD Instruction 1030.2, “Victim and Witness Assistance Procedures,” June 4, 2004
- (m) Title 10, United States Code
- (n) Section 1701 of Public Law 113-66, “Extension of Crime Victims’ Rights to Victims of Offenses Under the Uniform Code of Military Justice, National Defense Authorization Act for Fiscal Year 2014,” December 26, 2013
- (o) DoD Instruction 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” January 25, 2013, as amended
- (p) DoD Instruction 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” March 28, 2013, as amended
- (q) Directive-type Memorandum 14-003, “DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support,” February 12, 2014, *as amended*
- (r) DoD Instruction 5505.03, “Initiation of Investigations by Defense Criminal Investigative Organizations,” March 24, 2011
- (s) DoD ~~Directive-Instruction~~ 6400.01, “Family Advocacy Program (FAP),” ~~August 23, 2004-~~ *February 13, 2015*

ENCLOSURE 2

PROCEDURES

1. SVIP PROCESS. At the initial investigative response, the MCIO will assign a lead investigator knowledgeable of the SVIP priorities to all covered offenses, who will work collaboratively with specially SVIP trained personnel consisting of judge advocates, victim witness assistance personnel (SARCs, SAPR VAs, FAP managers, and DAVAs), and administrative paralegal support personnel. These individuals will comprise the SVIP capability and be referred to as “SVIP members.”

2. COVERED SPECIAL VICTIM OFFENSES. Covered special victim offenses include:

- a. Unrestricted reports of adult sexual assault.
- b. Unrestricted reports of domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm.
- c. Child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm.

3. TRAINING. The lead MCIO investigator assigned to conduct an investigation of a covered offense will be specially trained to respond to and investigate such offenses. Selection and certification of MCIO investigators for the SVIP capability is contingent on the completion of basic training at the respective federal law enforcement training institution (including military training schools). In addition to basic training, the lead MCIO investigator for an SVIP covered offense must have received specialized training which, at a minimum, will include:

- a. Legal jurisdiction for conducting criminal investigations.
- b. The elements of proof for criminal offenses associated with all SVIP covered offenses.
- c. Crime scene management.
- d. DNA collection requirements for criminal investigations in accordance with DoDI 5505.14 (Reference ~~(i)~~).
- e. Identifying, preserving, obtaining, and transporting forensic evidence.
- f. Rights of crime victims and available victim and witness assistance, support, and counseling services in accordance with DoDD 1030.01 and DoDI 1030.2 (References ~~(j)~~ and ~~(k)~~) and Article 6b, Uniform Code of Military Justice (UCMJ), as found in Sections 801-946 of

Title 10, U.S.C. (Reference (~~4m~~)) and as amended by section 1701 of P.L. 113-66 (Reference (~~4m~~)).

g. Sensitivities and risk factors associated with child abuse, including but not limited to:

(1) Various interviewing techniques used by the law enforcement community to help victims recall specific details about a crime.

(2) Working with the FAP in accordance with Reference (h).

(3) Working with the DAVA to help ensure the victim and his or her family receives support and required services, in accordance with References (h) and (~~kl~~).

h. Sensitivities and risk factors associated with victims of domestic violence, including but not limited to:

(1) Various interviewing techniques used by the law enforcement community to help victims recall specific details about the crime.

(2) Determining the impact and involvement of alcohol and drugs.

(3) Understanding the requirements associated with obtaining and executing protection orders. For civilians, this must be done in accordance with section 1561a of Reference (~~4m~~); for military personnel, in accordance with Reference (h).

(4) Understanding aspects of restricted reporting for domestic violence in accordance with Reference (h).

(5) Recognizing the dynamics of domestic violence, including behaviors used by abusers to control or dominate their victims.

(6) Working with a DAVA.

i. The adult sexual assault training requirements in DoDI 5505.18 and DoDI 6495.02 (References (~~4o~~) and (~~4p~~)).

j. Knowledge of and familiarity with the SVIP Prosecution and Legal Support requirements in DTM 14-003 (Reference (~~4q~~)).

4. CRITERIA AND CERTIFICATION. Upon completion of all identified training, the MCIO will select and certify those investigators who will serve as lead investigators for SVIP covered offenses.

5. MCIO LEAD INVESTIGATOR. The MCIO lead investigator:

a. Will notify each SVIP member, as appropriate, within 24 hours after determining that an allegation meets the criteria of a special victim covered offense. The contact can occur via personal meeting, telephone conference call, electronic mail or video teleconference (VTC).

b. Will collaborate with all SVIP members, as appropriate, within 48 hours (without regard to the day of the week) after determining that an allegation meets the criteria of a special victim covered offense. The collaboration can occur via personal meeting(s), telephone conference calls, or VTC(s).

c. Must consult with respective SVIP members at least monthly to assess progress in the investigation or prosecution of a covered offense and to help ensure all aspects of the victim's needs are being met. Where all SVIP members are not co-located, meetings can be conducted via telephone conference call(s) or VTC(s).

(1) The MCIO lead investigator will document all SVIP notifications, meetings, and consultations in the appropriate investigative file.

(2) The documentation will include the name, position and organization of the persons involved in the consultation and the date of the consultation.

d. Will investigate unrestricted reports of adult sexual assaults in accordance with References (~~ho~~) and (~~op~~), and DoDI 5505.03 (Reference (~~er~~)).

e. Will investigate all unrestricted reports of domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm in accordance with Reference (h) and DoDD 6400.1 (Reference (~~es~~)).

f. Will investigate allegations of child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm in accordance with References (h) and (~~es~~).

g. Will provide any applicable information to SVIP members related to case progression as long as it does not hinder the investigation.

6. CASE FILE MANAGEMENT. The MCIO must be able to identify and retrieve SVIP investigations from their automated investigative management system.

7. ASSESSMENT. ~~Investigations~~

a. ~~OIG~~ will ~~be~~ assessed ~~the investigations~~ for their effectiveness in accordance with, at a minimum, References (g), (h), (~~ho~~), and (~~op~~), as well as Service- and MCIO-specific regulations.

b. In accordance with Reference (c), the Secretaries of the Military Departments will collect data and periodically report on the effectiveness and impact of the investigative portion of the

SVIP to the Secretary of Defense. These reports will assess the performance and effectiveness of Service programs, policies, training, and services. At a minimum, the Secretaries of the Military Departments will collect data regarding compliance with the following requirements:

(1) The appropriate SVIP members were notified within 24 hours when an allegation met the criteria of a covered offense.

(2) The appropriate SVIP members collaborated within 48 hours when an allegation met the criteria of a covered offense.

(3) The MCIO lead investigators identified to conduct investigations of covered offenses were trained and certified in accordance with the requirements in this instruction.

(4) A DD Form 2701, "Initial Information for Victims and Witnesses of Crime," was provided to all victims and witnesses identified in a covered offense.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DAVA	domestic abuse victim advocate
DNA	deoxyribonucleic acid
DoDD	DoD Directive
DoDI	DoD Instruction
DTM	Directive-type Memorandum
FAP	Family Advocacy Program
IG DoD	Inspector General of the Department of Defense
MCIO	military criminal investigative organization
P.L.	Public Law
SAPR	sexual assault prevention and response
SAPR VA	sexual assault prevention and response victim advocate
SARC	sexual assault response coordinator
SVIP	special victim investigation and prosecution
UCMJ	Uniform Code of Military Justice
U.S.C.	United States Code
VTC	video teleconference

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this instruction.

active duty. Defined in section 101 of Reference (1m).

adult. A person who has attained the age of 18 years, is an active duty Service member, or is married.

child. A person who has not attained the age of 18 years and who is unmarried and is not an active duty Service member.

child abuse. Acts involving child sexual assault and/or aggravated assault with grievous bodily harm.

commander. Defined in Reference (1o).

covered offenses. The designated criminal offenses of adult sexual assault, child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm, and domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm.

DAVA. An appointed advocate who provides safety planning services and comprehensive assistance and liaison to and for victims of domestic abuse.

domestic violence. An offense under the U.S.C., the UCMJ, or State law that has an element of the use, attempted use, or threatened use of physical force against a person and is committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent, or guardian of the victim.

grievous bodily harm. Serious bodily injury that includes fractures or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or bloody nose.

MCIOs. U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

Restricted Reporting. In cases of adult sexual assault (not to include victims who are assaulted by a spouse or intimate partner), defined in Reference (g). For domestic violence FAP cases, defined in Reference (h). There is no Restricted Reporting for child abuse.

SAPR VA. Defined in Reference (g).

SARC. Defined in Reference (g).

sexual assault. Defined in Reference (g).

SVIP. The term used for special victim capability to differentiate from the “Special Victims’ Counsel,” which is abbreviated as SVC. A distinct, recognizable group of appropriately skilled professionals, consisting of specially trained and selected MCIO investigators, judge advocates, victim witness assistance personnel to include SARCs, SAPR VAs, FAP managers, and DAVAs, and administrative paralegal support personnel who work collaboratively to investigate allegations of adult sexual assault, domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm, and child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm; and provide support for the victims of these offenses.



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

February 12, 2014

Incorporating Change 2, February 2, 2016

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
DIRECTOR, COST ASSESSMENT AND PROGRAM
EVALUATION
DIRECTOR, OPERATIONAL TEST AND EVALUATION
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

SUBJECT: Directive-type Memorandum (DTM) 14-003, "DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support"

References: See Attachment 1

Purpose. In accordance with the authority in DoD Directive 5124.02 (Reference (a)), section 573 of Public Law 112-239 (Reference (b)), and Under Secretary of Defense for Personnel and Readiness Memorandum (Reference (c)), this DTM:

- Establishes policy for implementation of an SVC across the Department of Defense by providing a distinct, recognizable group of appropriately skilled personnel to prosecute covered offenses.
- Requires the designation of specially trained prosecutors, paralegals, administrative support personnel, and victim witness assistance personnel to:
 - Provide related legal support, in accordance with Reference (c) and chapter 47 of Title 10, United States Code (Reference (d)), also known and referred to in this DTM as the "Uniform Code of Military Justice (UCMJ)".
 - Collaboratively work with military criminal investigative organizations (MCIOs) to provide advice, guidance, and support during the investigatory and military justice process of all reported criminal cases involving:
 - Unrestricted reports of adult sexual assault.

- Unrestricted reports of domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm.
- Child abuse involving sexual assault and/or aggravated assault with grievous bodily harm.
- This DTM is effective February 12, 2014; it will be incorporated into DoD Directive 1030.01 (Reference (e)) and DoD Instruction 1030.2 (Reference (f)). This DTM will expire effective February 12, ~~2016~~ 2017.

Applicability. This DTM applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (referred to collectively in this DTM as the “DoD Components”).

Definitions. See Glossary.

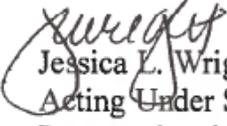
Policy. It is DoD policy that:

- MCIO investigators, judge advocates, paralegals, administrative legal support personnel, victim witness liaisons, and other personnel involved in special victim cases play critical and interconnected roles in the investigation and prosecution of criminal offenses, and ensure that the rights of victims are protected.
- DoD is committed to:
 - Treating all victims with dignity and respect.
 - Providing an immediate, coordinated, and comprehensive response in the investigation and, if appropriate, prosecution of special victim cases.
 - Administering the military justice system in accordance with the principles of fairness and due process of the United States Constitution.

Responsibilities. See Attachment 2.

Procedures. See Attachment 3.

Releasability. **Unlimited.** This DTM is approved for public release and is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.


Jessica L. Wright
Acting Under Secretary of Defense for
Personnel and Readiness

Attachments:

As stated

ATTACHMENT 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R)), June 23, 2008
- (b) Section 573 of Public Law 112-239, "The National Defense Authorization Act for Fiscal Year 2013," January 2, 2013
- (c) Under Secretary of Defense for Personnel and Readiness Memorandum, "Department of Defense Working Group to Implement Special Victims Capability," October 29, 2012
- (d) Title 10, United States Code
- (e) DoD Directive 1030.01, "Victim and Witness Assistance," April 13, 2004
- (f) DoD Instruction 1030.2, "Victim and Witness Assistance Procedures," June 4, 2004
- (g) DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," March 28, 2013
- (h) Under Secretary for Defense for Personnel and Readiness Memorandum, "Legal Assistance for Victims of Crimes," October 17, 2011
- (i) DoD Instruction 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," August 21, 2007, as amended

ATTACHMENT 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS. The Under Secretary of Defense for Personnel and Readiness serves as the point of contact in the OSD for victim witness assistance policy and procedures, including the implementation of an SVC.

2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments ensure that the military justice process is responsive, transparent, and accessible to all victims and witnesses, and that all participants are treated with dignity and respect. Commensurate with their unique missions, structures, and resources, the Secretaries of the Military Departments each establish an SVC.

a. At a minimum, the SVC will provide for specially trained prosecutors, victim witness assistance personnel, paralegals, and administrative legal support personnel who will work collaboratively with specially trained MCIO investigators.

b. Designated SVC personnel will collaborate with local Military Department sexual assault response coordinators (SARCs), sexual assault prevention and response victim advocates (SAPR VAs), family advocacy program managers (FAPMs), and domestic abuse victim advocates (DAVAs) during all stages of the investigative and military justice process to ensure an integrated capability, to the greatest extent possible.

3. THE JUDGE ADVOCATES GENERAL (TJAGs) OF THE ARMY, AIR FORCE, AND NAVY, AND THE STAFF JUDGE ADVOCATE (SJA) TO THE COMMANDANT OF THE MARINE CORPS (CMC). TJAGs of the Army, Air Force, and Navy, and the SJA to the CMC are accountable for and have statutory authority to regulate the activities of their legal personnel and the provision of legal services. Therefore, the Military Departments, through their TJAGs and the SJA to the CMC, establish a timely, effective, worldwide SVC to support the investigation and prosecution of covered offenses within their respective Military Services. TJAGs and the SJA to CMC will:

a. Oversee the provision of professional legal services by Service judge advocates, civilian attorneys, enlisted and civilian paralegals, and additional civilian employees who provide legally related victim witness assistance program (VWAP) support services to implement an SVC.

b. Supervise and inspect the administration of military justice within the respective Military Services, and enforce ethical standards in the military legal practice and standards for training, selection, and certification of personnel who will perform these duties in accordance with Article 6 of the UCMJ.

c. Be responsible and accountable for the recruitment, selection, certification, professional development, assignment, and training of judge advocates to serve as qualified trial counsel in courts-martial involving covered SVC offenses in accordance with Article 27 of the UCMJ.

d. Supervise paralegal and administrative legal support personnel and detailed VWAP liaisons in accordance with References (e) and (f) in support of covered SVC offenses.

e. Implement appropriate policies, procedures, and regulations to establish an SVC that includes specially trained prosecutors, victim witness assistance personnel, and administrative or paralegal support personnel in accordance with the guidance in this DTM.

f. Ensure that the SVC legal personnel collaborate closely with SARCs, SAPR VAs, FAPMs, DAVAs, and other appropriate support organizations and personnel in special victim cases.

ATTACHMENT 3

PROCEDURES

1. ESTABLISHMENT OF STANDARDS FOR THE SELECTION, CERTIFICATION, AND TRAINING OF SVC PROSECUTORS AND LEGAL SUPPORT PERSONNEL. The Military Departments will:

a. Establish a distinct, recognizable group of professionals to provide effective, timely, and responsive worldwide victim support, and a capability to support the investigation and prosecution of special victim offenses within the respective Military Departments.

b. Establish policies and procedures to establish SVC. At a minimum, these Service-level policies and procedures will include provisions regarding, as applicable:

(1) General planning to establish Service SVC policies and regulations. After Service policies and regulations are established, widespread distribution, training, necessary manpower, and dedicated resources will be required.

(2) Activation protocol and procedures to ensure that the MCIO will notify the responsible legal office and other appropriate individuals within 24 hours of determining that an allegation meets the criteria of a special victim offense. The SVC legal representative will promptly meet or consult with MCIO SVC members within 48 hours after the designation of an investigation as meeting SVC requirements. The SVC legal representative will meet or consult with MCIO SVC members at least monthly to assess progress in the investigation or prosecution of a covered offense, including ensuring any matter raised by the victim or a person designated to assist or represent the victim is properly addressed.

(3) Integrated professional development and training initiatives focused on enhancing the prosecution of special victim offenses. Additional SAPR training requirements for interacting with adult sexual assault victims are detailed in DoD Instruction 6495.02 (Reference (g)).

(4) Case reporting, response, and victim access to care and services.

(5) Other items as deemed essential by the Military Service concerned.

c. Establish and maintain selection, certification, and training standards aimed towards achieving fully integrated investigation, prosecution, and victim support. These SVC standards will:

(1) Enable the selection of SVC prosecutors to competently litigate or assist in the prosecution of SVC cases and VWAP personnel and paralegals to competently support the prosecution of covered offenses.

(2) Enable SVC personnel to support local SJAs and responsible legal offices in the provision of candid, professional, and independent legal advice to commanders and convening authorities in special victim cases.

(3) Require appropriate training for all SVC legal personnel to provide victims with a comprehensive understanding of their rights and information required to be provided during the investigation and court-martial process, in accordance with References (e) and (f). SVC legal personnel must answer all victims' questions in a competent and sensitive manner.

(4) Ensure SVC legal personnel collaborate effectively with SARCs and SAPR VAs to facilitate a victim's welfare, security, and recovery from the sexual assault, and coordinate with FAPMs and DAVAs in cases involving covered offenses where the victim is eligible and has accepted support from these services.

d. Select specially-trained SVC prosecutors. Based upon the severity of cases, as determined by supervisory attorneys, SVC prosecutors will be assigned to litigate or assist in the prosecution of SVC cases consistent with Service certification requirements and when SVC training is complete.

e. Certify that nominated SVC prosecutors possess the requisite litigation skills, professionalism, and leadership to provide the highest quality of legal representation for the government and support to victims in SVC cases, in accordance with established Service certification standards. Selected SVC prosecutors must be capable of supervising, mentoring, and training junior counsel while providing candid, independent legal advice and expert prosecutorial support to responsible legal offices in SVC cases.

f. Ensure that qualified victim witness liaisons are selected, certified, and trained to administer a comprehensive VWAP to support SVC cases within their local jurisdictions, in accordance with References (e) and (f).

g. Ensure that all SVC paralegals and administrative legal support personnel possess the requisite knowledge, training, and experience to qualify them to provide the broad variety of legal support required in SVC cases under the supervision of an attorney.

h. Provide dedicated SVC trial support resources, such as military or civilian highly qualified experts to assist in training and consulting as necessary in SVC cases.

2. DEVELOPMENT OF SVC TRAINING PROGRAMS. The Military Departments will:

a. Develop comprehensive and integrated SVC training programs for SVC prosecutors, paralegals, administrative legal support personnel, and VWAP personnel, consisting of either in-residence or distance learning courses, trial advocacy courses and workshops, or on-the-job training and periodic refresher training.

b. SVC prosecutors, assistant trial counsel, and other judge advocates conducting adult sexual assault cases must be trained at a minimum on the SAPR training criteria in Reference (g). SAPR training, at a minimum, will incorporate adult learning theory, which includes interaction and group participation.

c. Establish SVC training programs that:

(1) Focus on the unique dynamics of sexual assault, aggravated domestic violence, and child abuse cases. Training for SVC prosecutors, at minimum, will include:

- (a) The elements of proof for SVC offenses.
- (b) Effective interviewing techniques and the impact of trauma on memory.
- (c) Legal issues and sensitivities associated with sexual assault victims.
- (d) Legal issues and sensitivities associated with child abuse victims.
- (e) Legal issues and sensitivities associated with victims of domestic violence.

(2) Promote methods of interacting with and supporting special victims to ensure their rights are understood and respected.

(3) Focus on building advanced litigation, case management, and technical skills.

(4) Ensure that all SVC legal personnel are capable of understanding the impact of trauma and how this affects an individual's behavior and the memory of a traumatic incident when interacting with a victim.

(5) Train SVC legal personnel to identify any safety concerns and specific needs of victims.

d. SVC legal personnel will request specially trained pediatric forensic interviewers to support the investigation and prosecution of complex child abuse and child sexual abuse cases, when appropriate, depending on the specific facts and circumstances.

e. The implementation and administration of SVC for prosecution and legal support personnel will be supervised in accordance with Article 6 of the UCMJ and applicable Service regulations.

3. STATISTICS AND MEASUREMENTS OF PERFORMANCE AND EFFECTIVENESS

a. The Military Departments will collect statistics and develop and review measures of

performance and effectiveness to objectively assess Service programs, policies, training, and services.

b. At a minimum, these Service-level review measures will include:

(1) Percentage of all preferred court-martial cases that involve SVC offenses in each fiscal year.

(2) Percentage of special victim offense courts-martial tried by, or with the direct advice and assistance of, a specially trained prosecutor.

(3) Compliance with DoD VWAP reporting requirements in accordance with References (e) and (f) to ensure victims are consulted with and regularly updated by SVC legal personnel.

(4) Percentage of specially trained prosecutors and other legal support personnel having received additional and advanced training in SVC topical areas, in accordance with section 2 of this attachment.

(5) Victim feedback on effectiveness of SVC prosecution and legal support services and recommendations for possible improvements.

(a) Participation by all victims will be voluntary and provide for confidentiality.

(b) These feedback mechanisms developed by the Military Services will be used to gain a greater understanding of the reasons why a victim elected to participate or declined to participate at trial in accordance with Enclosure 12 of Reference (g), and whether SVC prosecution and legal support services had any positive impact on this decision.

(c) SVC feedback mechanisms will be coordinated and standardized within each Military Service so that victims do not have to unnecessarily complete multiple questionnaires.

4. LEGAL ASSISTANCE FOR CRIME VICTIMS. Designated SVC legal personnel should ensure victims of crimes entitled to military legal assistance are able to consult with legal assistance attorneys, in accordance with sections 1044 and 1565 of Reference (d) and Under Secretary of Defense for Personnel and Readiness Memorandum (Reference (h)). These legal assistance services will include confidential advice and assistance addressing:

a. Rights and benefits afforded to the victim under law and DoD policy.

b. Role of the VWAP.

- c. The distinctive role of the victim's advocate (VA) in the SAPR and family advocacy programs (FAPs).
- d. Privileges existing between the victim and a VA.
- e. The differences between restricted and unrestricted reporting. This information should be consistent with the information provided by SARCs, SAPR VAs, FAPMs, and DAVAs.
- f. An overview of the military justice system.
- g. Services available from appropriate agencies for emotional and mental health counseling and other medical services. This information should be consistent with the information provided by SARCs, SAPR VAs, FAPMs, DAVAs, and VWAP liaisons.
- h. Requests for expedited transfer.
- i. Availability of and protections offered by civilian and military protective orders.
- j. Availability of a safety assessment conducted by trained personnel.
- k. Availability of appeal of an administrative separation action to the general officer of the Service separation authority following an unrestricted report of a sexual assault.

5. COORDINATION WITH KEY ORGANIZATIONS AND VICTIM SUPPORT SERVICES

- a. Consistent with applicable laws and regulations, TJAGs and the SJA to the CMC will ensure that responsible legal offices establish active liaisons with the following organizations and key individuals to ensure victim care:
 - (1) Local military and civilian law enforcement agencies.
 - (2) SARCs and SAPR VAs.
 - (3) FAP clinicians, FAPMs, and DAVAs.
 - (4) Military chaplain offices.
 - (5) Medical and mental health care providers.
 - (6) Unit commanding officers.
 - (7) Other persons designated by the Secretaries of the Military Departments as necessary to provide a continuum of care in special victim cases.

b. In addition to or in conjunction with SVC meetings, in cases of adult sexual assault the SJA or designated representative of the responsible legal office will participate in case management group meetings, in accordance with Reference (g), on a monthly basis to review individual cases. Cases involving victims who are assaulted by a spouse or intimate partner will be reviewed by FAP.

c. The SJA or designated representative of the responsible legal office will participate in FAP case review meetings of domestic violence, spouse or intimate partner sexual assault, and child abuse cases in accordance with DoD Instruction 6400.06 (Reference (i)).

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

CMC	Commandant of the Marine Corps
DAVA	domestic abuse victim advocate
DTM	Directive-type Memorandum
FAP	family advocacy program
FAPM	family advocacy program manager
MCIO	military criminal investigative organization
SAPR	sexual assault prevention and response
SARC	sexual assault response coordinator
SJA	staff judge advocate
SVC	special victim capability
TJAG	The Judge Advocate General
UCMJ	Uniform Code of Military Justice
VA	victim advocate
VWAP	victim witness assistance program

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this DTM.

covered offenses. The designated criminal offenses of sexual assault, domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm, and child abuse involving sexual assault and/or aggravated assault with grievous bodily harm, in accordance with the UCMJ.

on-the-job training. Hands-on, supervised training conducted to certify personnel in both upgrade (skill level award) and job qualification (position certification training).

specially trained prosecutors. Experienced judge advocates detailed by Military Department TJAGs, the SJA to the CMC, or other appropriate authority to litigate or assist with the prosecution of special victim cases and provide advisory support to MCIO investigators and responsible legal offices. Before specially trained prosecutors are detailed, their Service TJAG, SJA to CMC, or other appropriate authority has determined they have the necessary training, maturity, and advocacy and leadership skills to carry out those duties.

SVC. In accordance with Reference (b), a distinct, recognizable group of appropriately skilled professionals, consisting of specially trained and selected MCIO investigators, judge advocates, victim witness assistance personnel, and administrative paralegal support personnel who work collaboratively to:

Investigate allegations of adult sexual assault, domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm, and child abuse involving sexual assault and/or aggravated assault with grievous bodily harm.

Provide support for the victims of such covered offenses.

VWAP. A program that provides policies and responsibilities for assisting victims and witnesses of crimes committed in violation of the UCMJ or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by a DoD Component.