



DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
2200 ARMY PENTAGON
WASHINGTON, DC 20310-2200

REPLY TO
ATTENTION OF:

DAJA-ZA

22 JAN 2014

MEMORANDUM FOR JUDGE ADVOCATE LEGAL SERVICES (JALS) PERSONNEL

SUBJECT: Special Victim Prosecutors - **POLICY MEMORANDUM 14-06**

1. This policy addresses Judge Advocates (JAs) assigned as Special Victim Prosecutors (SVPs).
2. Background. SVPs are part of an Army-wide effort to enhance the investigation and disposition process for allegations of sexual assault and family violence. SVPs focus exclusively on sexual assault and family violence cases.
3. Mission.
 - a. The SVP's primary mission is to develop and litigate special victim cases within their geographic areas of responsibility. SVPs must maintain excellent working relationships with investigating agencies and those professionals who provide crime victims with physical, spiritual, and emotional support.
 - b. Secondary to their primary mission, to the extent practicable, SVPs will develop and implement a sexual assault and family violence training program for investigators and trial counsel in their area of responsibility using both civilian and military resources. The local Staff Judge Advocate (SJA), with the assistance of their SVP, will ensure that trial counsel receive appropriate sexual assault and special victim training.
 - c. SVPs will not be tasked to perform non-SVP duties, to include litigation support in non-SVP cases. The AJAG (MLO) may waive this duty limitation.
 - d. The Trial Counsel Assistance Program (TCAP) manages the operation of the SVP program, including the caseload management between SVPs. All SVPs will coordinate their caseload with the Chief, TCAP. At a minimum, SVPs will provide Chief, TCAP a report of the number and status of each special victim case investigated and prosecuted in their area of responsibility. The AJAG (MLO), with recommendations from SVPs, SJAs, TCAP, and Chief, Government Appellate Division, will determine whether to provide SVP assistance outside the SVP's normal geographic area of responsibility.
4. Duty Location. Presently, SVPs are assigned to the U.S. Army Legal Services Agency with duty at a specific installation in order to support a geographic area of

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responsibility as identified by the Personnel, Plans & Training Office (PPTO). SVPs are not subject to deployment without approval from the AJAG (MLO).

5. Rating Scheme. To ensure a proper balance between local and Army-wide needs, the SVP rating chain will include both installation and OTJAG-level supervisors.

a. Captains and majors serving as SVPs will be rated by the Chief, TCAP and senior rated by the SJA of the office that serves as the SVP's primary place of duty. The Deputy SJA or the Chief, Military Justice (CoJ) may serve as intermediate rater if deemed appropriate.

b. Lieutenant colonels serving as SVPs will be rated by the SJA of the office that serves as their primary place of duty and senior rated by the AJAG (MLO).

6. SVP Training. TCAP, in coordination with Criminal Law Division (CLD), OTJAG and The Judge Advocate General's Legal Center and School (TJAGLCS), will execute a SVP training program. Training will consist of foundational courses and follow-on annual training. The AJAG (MLO) may waive the mandatory training requirement.

7. Working Relationships.

a. The SJA will ensure that SVPs receive appropriate administrative and logistical support to carry out the SVP mission.

b. SVPs will provide the local OSJA investigative and litigation support, professional development and training. SJAs will notify their SVP of any allegation of sexual assault or family violence and should detail SVPs to sexual assault and family violence cases within their areas of responsibility. SVPs, TCAP, and SJAs will balance SVP caseload considering SVP training and investigative support duties.

c. The SVP will not serve as the local commander's legal advisor. However, CoJs and/or BJAs will consult with the SVP regarding the disposition, to include charging and referral decisions, charge sheet review and review of investigative file for **every** sexual assault and special victim case in their jurisdiction(s). Unless exceptional circumstances dictate otherwise, SVPs will communicate to the command through the servicing trial counsel and chief of military justice.



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