

Ladies and Gentlemen,

We began the process of hiring 24 Special Victim Witness Liaisons (SVWLs) late last year. After drafting the position description, advertising the jobs, reviewing hundreds of applications, interviewing scores of applicants, checking countless references, and coordinating with local SJAs and DSJAs, we are finally in the process of filling many of the GS-11 SVWL positions. A couple SVWLs have already been hired and are on-the-ground in your offices. We anticipate that many more SVWLs will be hired and arriving at your offices in the near future.

In anticipation of their arrival, we have received several inquiries from the field regarding the SVWLs. This note will attempt to answer many of the questions we have received.

Section 573 of the FY13 NDAA mandated the "Special Victim Capability" including JAs, paralegal support, and victim assistance personnel. The SVWL positions were created in response to the requirement to have victim assistance personnel dedicated exclusively to special victim cases (i.e. sexual assault, domestic violence, and child abuse).

The SVWLs are on the USALSA TDA and, as part of the SVP Program, are managed by the Trial Counsel Assistance Program. I have attached the SVWL Position Description and a copy of the TJAG memo creating the SVP Program.

The SVWLs will work directly with the local SVP and the SVNCO. The SVP will be the immediate supervisor for the SVWL. Together, the SVP, the SVNCO, and the SVWL will work to help ensure that special victim cases are properly investigated, properly charged, and properly prosecuted. Specifically, the SVWLs responsibilities include ensuring that victim-witnesses are made aware of the various resources available, explaining the investigative process, explaining the court-martial process, and assisting with the administrative requirements in special victim cases.

The SVWL will be rated by the SVP and should be senior rated by the Chief of Justice, Deputy SJA, or SJA. As you can see in the Position Description, they work directly for the SVP. They are also a dedicated asset to the SVP. As such, they will not ordinarily be responsible for providing support to non-special victim cases. However, if time permits or if there is an exceptional case (e.g. murder case), the SVWL can support other prosecutions with the concurrence of the supervising SVP and the Chief, TCAP.

SVWLs support the prosecution effort. As such, it would be improper to co-locate them with your Special Victim Counsel or have them under the supervision of your Special Victim Counsel.

Again, we are actively attempting to fill each of the 24 SVWL positions, but it has been a slow process, and in some instances we may have to re-advertise the positions. However, I hope that you will support the SVWL program with the same enthusiasm that you support the SVP Program.

There may be issues yet to be worked regarding this program, and please feel to contact me or LTC Bret Batdorff to help resolve those issues as they arise.



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

DAJA-ZA

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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.



FLORA D. DARPINO  
Lieutenant General, USA  
The Judge Advocate General



## ARMY POSITION DESCRIPTION

<b>PD#:</b> HT428195	<b>Sequence#:</b> VARIES	<b>Replaces PD#:</b>		
<b>LEGAL ADMINISTRATIVE SPECIALIST (VICTIM WITNESS SUPPORT)</b>  <b>GS-0901-11</b>				
<b>POSITION LOCATION:</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Servicing CPAC:</b> PERSONNEL AND EMP PENTAGON, DC  <b>Installation:</b> VARIES  <b>Region:</b> NORTH CENTRAL         </td> <td style="width: 50%; vertical-align: top;"> <b>Agency:</b> VARIES  <b>Army Command:</b> VARIES  <b>Command Code:</b> VARIES         </td> </tr> </table>			<b>Servicing CPAC:</b> PERSONNEL AND EMP PENTAGON, DC <b>Installation:</b> VARIES <b>Region:</b> NORTH CENTRAL	<b>Agency:</b> VARIES <b>Army Command:</b> VARIES <b>Command Code:</b> VARIES
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<b>POSITION CLASSIFICATION STANDARDS USED IN CLASSIFYING/GRADING POSITION:</b>  <b>Citation 1:</b> OPM PCF GENERAL LEGAL AND KINDRED SERIES, GS-0901, AUGUST 2001 <b>Citation 2:</b> OPM ADMIN ANALYSIS GEG, AUG 90				
<p><b>Supervisory Certification:</b> <i>I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.</i></p> <p><b>Supervisor Name:</b> JANET MANSFIELD      <b>Reviewed Date:</b> 01/06/2014</p>				
<p><b>Classification Review:</b> <i>This position has been classified/graded as required by Title 5, U.S. Code in conformance with standard published by the U.S. Office of Personnel Management or if no published standards apply directly, consistently with the most applicable published standards.</i></p> <p><b>Reviewed By:</b> HQDA CPAC, C. TAYLOR      <b>Reviewed Date:</b> 03/04/2014</p>				
<b>POSITION INFORMATION:</b> <b>FLSA:</b> EXEMPT <b>FLSA Worksheet:</b> EXEMPT	<b>CONDITION OF EMPLOYMENT:</b> <b>Drug Test Required:</b> VARIES	<b>POSITION ASSIGNMENT:</b> <b>Competitive Area:</b> VARIES		

<p><b>FLSA Appeal:</b> NO  <b>Bus Code:</b> VARIES  <b>DCIPS PD:</b> NO</p> <ul style="list-style-type: none"> <li>• <b>Mission Category:</b></li> <li>• <b>Work Category:</b></li> <li>• <b>Work Level:</b></li> </ul> <p><b>Acquisition Position:</b> NO</p> <ul style="list-style-type: none"> <li>• <b>CAP:</b></li> <li>• <b>Career Category:</b></li> <li>• <b>Career Level:</b></li> </ul> <p><b>Functional Code:</b> 00  <b>Interdisciplinary:</b> NO  <b>Supervisor Status:</b>  VARIES  <b>PD Status:</b> VERIFIED  <b>DCA Override:</b> NO</p>	<p><b>Financial Management Certification:</b> VARIES  <b>Position Designation:</b> VARIES  <b>Position Sensitivity:</b> VARIES  <b>Security Access:</b> VARIES  <b>Emergency Essential:</b>  <b>Requires Access to Firearms:</b> VARIES  <b>Personnel Reliability Position:</b> VARIES  <b>Information Assurance:</b> N  <b>Influenza Vaccination:</b>  <b>Financial Disclosure:</b> NO</p> <p><b>Enterprise Position:</b>  VARIES</p>	<p><b>Competitive Level:</b> VARIES  <b>Career Program:</b> VARIES  <b>Career Ladder PD:</b> NO  <b>Target Grade/FPL:</b>  <b>Career Pos 1:</b>  <b>Career Pos 2:</b>  <b>Career Pos 3:</b>  <b>Career Pos 4:</b>  <b>Career Pos 5:</b>  <b>Career Pos 6:</b></p>
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### **POSITION DUTIES:**

The Legal Administrative Specialist is assigned to the United States Legal Services Agency, Fort Belvoir, Virginia, with duty at selected field locations. The Legal Administrative Specialist works under the supervision of the Special Victim Prosecutor (SVP), and coordinates the Victim/Witness Assistance Program for sexual assault and special victim cases within the assigned region. The incumbent provides specialized legal support and services to victims and witnesses in accordance with applicable regulations and other guidance, and provides litigation support to Special Victim Prosecutors in all assigned cases.

#### 1. Legal Support:

Serves as the Special Victim Capability VWL in the assigned region, in support of the Special Victim Prosecutor, with a focus on sexual assault and domestic violence victims. Performs duties IAW Army Regulation 27-10.

Informs victims and witnesses of their right to receive the services described Army Regulation 27-10, and other applicable regulations.

Coordinates with officers and other employees engaged in the detection, investigation, prosecution of crimes, the confinement of soldiers and the change of inmate status. Works directly with crime victims and witnesses of offenses under investigation of violation of the UCMJ or other statutory authority as needed, to facilitate criminal prosecutions.

Stays current with legal aspects of victims and witnesses rights through legal research and annual training.

Provides information to victims and witnesses regarding investigation, apprehension, trial, conviction or release, sentence, parole, and of the right to be notified if confinement or

parole status changes.

Performs investigative duties in preparation for trial by court-martial including locating witnesses worldwide, interviewing witnesses, and providing to the trial attorney summaries of the interview of essential witnesses.

Causes subpoenas to be issued and served under direction of SVP as necessary. Coordinates witnesses and victim matters to ensure witness are properly subpoenaed to appear in court and are appropriately paid for their appearances. Initiates justifications for the procurement of witnesses.

Notifies victims and witnesses that their rights to be free from intimidation are protected by criminal sanctions and, in cases where they express concern for their own safety, informs the SVP, SJA, DSJA, or Chief of Military Justice of such so that appropriate law enforcement agencies are informed.

50%

#### 1. Victim/Witness Support:

Manages and facilitates SVP Victim-Witness Assistance Programs within assigned region and as available provides direct support to the Command victim/witness assistance program..

Serves as the primary point of contact through which victims and witnesses may obtain information and assistance in securing available victim/witness services.

Ensures victims are afforded all available assistance and accorded the rights as outlined in the Victim's Bill of Rights. Refers victims for services.

The VWL informs victims about public and private programs, counseling, treatment, and other support, including available compensation through Federal, state, and local agencies.

Facilitates logistical support for victims and witnesses e.g. lodging arrangements as required.

Coordinates services with federal and local governmental, civilian, and non-profit organizations, as appropriate, to ensure victims' needs are met, to maximize available services.

Inform victims who suffer personal injury or property loss as the result of an offense of the various means available to seek restitution, including, as appropriate, claims against the soldier/offender; private lawsuits, or any crime victim compensation available from federal or civilian sources; and of appropriate and authorized points of contact to assist them, e.g., local claims office, legal assistance or lawyer referral services, and state victim assistance or compensation programs.

Assists in the Transitional Compensations Program for abused family members and ensures the applicant meets criteria set forth in AR 608-1. Prepares or assists in preparation of an application packet consisting of all pertinent documents.

Coordinates with local providers of victim/witness assistance services, including military law enforcement, criminal investigative, and other military civilian agencies to ensure distribution of pertinent information.

Serves as a liaison and focal point for victim and witness matters and provide authoritative advice and guidance to command VWLs within assigned region. Under the direction of the SVP, provides training to VWLs in coordination with Staff Judge Advocates within the assigned region, and ensures annual victim/witness assistance program training is provided to representatives of all agencies performing victim/witness assistance functions.

25%

### 3. Administrative Support:

Processes civilian travel and witness fee payment vouchers, witness travel orders (military and civilian travel orders), receives and processes defense requests for witnesses if necessary, and reviews all requests for completeness and compliance with the Manual for Courts Martial and other controlling regulations, statutes, and directives.

Acts as agent for cash advances and payment of fees to witnesses as required by appropriate regulations and statutes.

Coordinates travel and lodging reservations for non-local witnesses.

Maintains records and balances the expenditure of installation funds designated for all courts-martial witness costs.

Prepares and initiates correspondence, reports relating to victim/witness assistance program.

Use Microsoft Office (e.g., PowerPoint, Excel, Word, and Outlook) and other software to complete assignments.

25%

Performs other duties as assigned.

### FACTOR 1 KNOWLEDGE REQUIRED BY THE POSITION FL 1-7 1250 PTS

Extensive knowledge of the principles, concepts and methods of legal reference sources to include: Manual for Courts-Martial, Uniform Code of Military Justice, procedures, applicable decisions of the Army Court of Military Review and the US Court of Military Appeals. Knowledge of Army Regulation 27-10, and other applicable regulations to inform victims and witnesses of their rights. Knowledge of other applicable regulations that govern adverse administrative and military justice actions .

Knowledge of legal matters concerning Army regulations, DOD instructions, court rules and internal operating procedures, OTJAG and USALSA policies, and procedures. Knowledge of legal procedures such as the investigation, apprehension, trial, conviction or release, sentencing, and parole, processes to inform witnesses and victims of their rights.

Knowledge of Victim-Witness Assistance Programs and services (federal, local governmental, civilian, non-profit organizations, and private programs) to ensures victims are afforded all available assistance (counseling, treatment and other support services) and accorded the rights as outlined in the Victim's Bill of Rights. Ability to refer victims/witnesses to appropriate program for assistance.

Knowledge of USALSA programs and functions of Headquarters field organizations and related agencies concerning the coordination of administrative and legal matters.

Knowledge and skill in applying analytical and evaluative methods and techniques to conduct interviews. Ability to apply qualitative techniques, to draw valid conclusions and make recommendations regarding highly sensitive, controversial issues.

Knowledge of administrative regulations and operating procedures. Ability to identify, analyze and recommend solutions to problems and to develop plans for ensuring that procedures are conducted in accordance with regulations.

Skill and in written and oral communication is required.

#### FACTOR 2 SUPERVISORY CONTROLS FL 2-4 450 PTS

Within the parameters of existing and approved projects and established priorities, the employee plans, develops, and executes assignments and institutional requirements in coordination with supervisor and other external partners. The employee typically exercises discretion and judgment in completing assignments and informs the supervisor of potentially controversial outcomes, issues, or problems with widespread impact.

#### FACTOR 3 GUIDELINES FL 3-3 275 PTS

Guidelines generally consist of applicable titles of the United States Code, state and federal statutes, implementing U.S. Army regulations, agency manuals, DoD directives, case law, commercial legal publications, and publications from other relevant agencies. Implements policies and guidelines after broad guidance from the SVP and as applicable the Chief, Military Justice/Criminal Law Branch. Certain situations require a great deal of discretion. Uses judgment in selecting and adapting guidelines to specific situations and cases and recommends changes in the manner of analyzing and preparing similar cases.

#### FACTOR 4 COMPLEXITY FL 4-4 225 PTS

The work involves gathering information, identifying and analyzing issues, and developing recommendations to resolve substantive problems involving sexual assault and harassment.

The work includes numerous duties involving different and unrelated processes, legal advice and referral services for sexual harassment, sexual assault incidents reporting requirements, funding, training, public forums, health issues, etc. Decisions regarding how to proceed depend upon qualitative and quantitative analysis of issues and incidents, and the course of action may have to be selected from many alternatives. The work requires making many decisions concerning such things as interpretation of considerable data, planning of the work, or refinement of the methods and techniques to be used to meet a variable of situations.

#### FACTOR 5 SCOPE AND EFFECT FL 5-3 150 PTS

Work involves data gathering, analysis, evaluation, resolution of problems and making recommendations regarding administrative and legal aspects of a highly visible program throughout the organization.

The work directly affects the ability to provide service to victims, witnesses, and family members. Actions and recommendations affect the outcome of cases, the well-being of the individuals involved and good order and discipline within a command.

#### FACTORS 6/7 PERSONAL CONTACTS/PURPOSE OF CONTACTS FL 6-3B 120 PTS

Contacts include persons inside and outside the agency which may include; clients and their family members, retirees, attorneys, SVP, SJA, DSJA, or Chief of Military Justice, local providers of victim/witness assistance services, including military law enforcement, criminal investigative, and other military civilian agencies. This level may also include contacts with the head of the employing agency or program officials several managerial levels removed from the employee when such contacts occur on an ad-hoc basis.

The purpose of contacts is to respond to requests and /or provide advice or legal information. These contacts uniformly require knowledge, initiative, courtesy, tact, and discretion. In addition, the employee uses tact and persuasion to convince potential witnesses to testify at hearings or in court appearances.

Develops working relationships with military and civilian service providers in order to facilitate delivery of services to victims and witnesses.

#### FACTOR 8 PHYSICAL DEMANDS FL 8-1 5 PTS

The work is primarily sedentary, although some slight physical effort may be required.

#### FACTOR 9 WORK ENVIRONMENT FL 9-1 5 PTS

Work is typically performed in an adequately lighted and climate controlled office.

TOTAL POINTS: 2470

RANGE: 2355-2750 = GS-11

**Fair Labor Standards Act (FLSA) Determination = (EXEMPT)**

- 1. Availability Pay Exemption** - (e.g., Criminal Investigators, U.S. Customs and Border Protection pilots who are also Law Enforcement Officers).
- 2. Foreign Exemption** - (Note: Puerto Rico and certain other locations do not qualify for this exemption – [See 5 CFR 551.104](#) for a list of Nonexempt areas.)
- 3. Executive Exemption:**
  - a. Exercises appropriate management responsibility (primary duty) over a recognized organizational unit with a continuing function, AND
  - b. Customarily and regularly directs 2 or more employees, AND
  - c. Has the authority to make or recommend hiring, firing, or other status-change decisions, when such recommendations have particular weight.

Note: Shared supervision or “matrix management” responsibility for a project team does not meet the above criteria. Limited “assistant manager” functions or “acting in the absence” of the manager does not meet the above criteria.

- 4. Professional Exemption:**
  - a. Professional work (primary duty)
  - b. Learned Professional, ([See 5 CFR, 551.208](#)) (Registered Nurses, Dental Hygienists, Physician’s Assistants, Medical Technologists, Teachers, Attorneys, Physicians, Dentists, Podiatrists, Optometrists, Engineers, Architects, and Accountants at the independent level as just some of the typical examples of exempt professionals). Or
  - c. Creative Professional, ([See 5 CFR, 551.209](#)) (The primary duty requires invention and originality in a recognized artistic field (music, writing, etc.) and does not typically include newspapers or other media or work subject to control by the organization are just some examples of Creative Professionals). Or
  - d. Computer Employee, ([See 5 CFR, 551.210](#)) ( must meet salary test and perform such duties as system analysis, program/system design, or program/system testing, documentation, and modification). Computer manufacture or repair is excluded (non-exempt work).
- 5. Administrative Exemption:**
  - a. Primary duty consistent with [5 CFR 551](#) (e.g.; non-manual work directly related to the management or general business operations of the employer or its customers), AND job duties require exercise of discretion & independent judgment.

- FLSA Conclusion:**
  - Exempt**
  - Non Exempt**

**FLSA Comments/Explanations:**

Employee exercises responsibility to make significant, complex determinations and recommendations.

**POSITION EVALUATION:**

Not Listed