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Why we do it...

- ***“I am internally grateful for Capt XX’s representation. Capt XX literally (probably unknowingly) saved my life. He is my hero. During the most stressful, most discouraging, most painful time in my life, Capt XX was there to guide me. I spoke to Capt XX nearly every day, if not weekly, until my case was finally closed. I fully understood and supported all of the decisions made in my case. Capt XX is the epitome of a Special Victim’s Counselor. He doesn’t just file the paperwork and make phone calls; he holds you up when everything around you is crumbling down. He always knows the best move to make, and always says things in exactly the right way. This case was an emotional rollercoaster, and it seemed like every day something new and terrible came up. For over a year, I felt like there were only two people I could trust; my husband and Capt XX. I owe him my life and my sanity. Thank you Capt XX.”***

I n t e g r i t y - S e r v i c e - E x c e l l e n c e



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What are the experts saying now?

- *The DoD has done an incredible amount of work in a short amount of time combatting sexual assault and violence against women. We have never seen that kind of change in a civilian community and I just wish more people would recognize that fact.*

■ *Joanne Archambault*

■ *Executive Director of End Violence Against Women*



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How does the SVC Program exist legally?

- **NDAA FY14 became 10 U.S.C. 1044(e)**
 - **Types of legal assistance**
 - **Potential criminal liability**
 - **VWAP – esp confidentiality differences**
 - **SARC/VA/DAVA – esp confidentiality**
 - **Potential for civil litigation**
 - **Military Justice**



More of 10 USC 1044(e)

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- **Represent victims in ANY proceeding in connection with reporting, military investigation, and military prosecution**
- **Explain and assist with services from other agencies**
- **Assistance (representation)**
 - **Military proceedings where victim is a witness or party**
 - **Civilian or military protection orders**
 - **Eligibility for military and veteran benefits**



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The CVRA and Article 6b, UCMJ

- 1. Right to be reasonably protected*
- 2. Right to reasonable, accurate, and timely notice*
- 3. Right not to be excluded*
- 4. Right to be reasonably heard*
- 5. Reasonable right to confer*
- 6. Right to receive restitution*
- 7. Right to proceedings free from unreasonable delay*
- 8. Right to be treated with fairness and with respect for the victim's dignity and privacy*



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Concerns of Victims

- **Feeling alone, self blame, respectful treatment**
- **Privacy (cell phones, mental health records)**
- **Collateral misconduct**
- **Unit Impact**
 - **Feeling ostracized by co-workers and social peers**
 - **Having to work with the assailant**
- **Military Orders**
 - **To participate**
 - **To testify**
- **Career Impacts**



How the SVC addresses those concerns

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- Advocacy to military justice actors
 - Represent at interviews
 - Advocate to convening authorities
- **In court-representation**
 - Rape shield/mental health records/privileges
 - Appeals
- **Assert Article 6(b) rights (MCVRA)**
- Advocacy to AF/DoD agencies/offices
 - MEO
 - Expedited transfers
- Advocacy to civilian prosecutors/agencies
- Assistance with IG, Congress,
- **Collateral misconduct**



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What do SVCs do on any given day?

- Client care – education on Article 6b rights and legal processes
- Legal assistance – myriad issues
- Motions
- ET advocacy
- Represent in interviews, hearings, trials
 - Avg days TDY – 12 depending on SVC
- Collateral misconduct – partnership with ADC
- Case disposition advocacy
- Be creative
- LISTEN



What is legal assistance?

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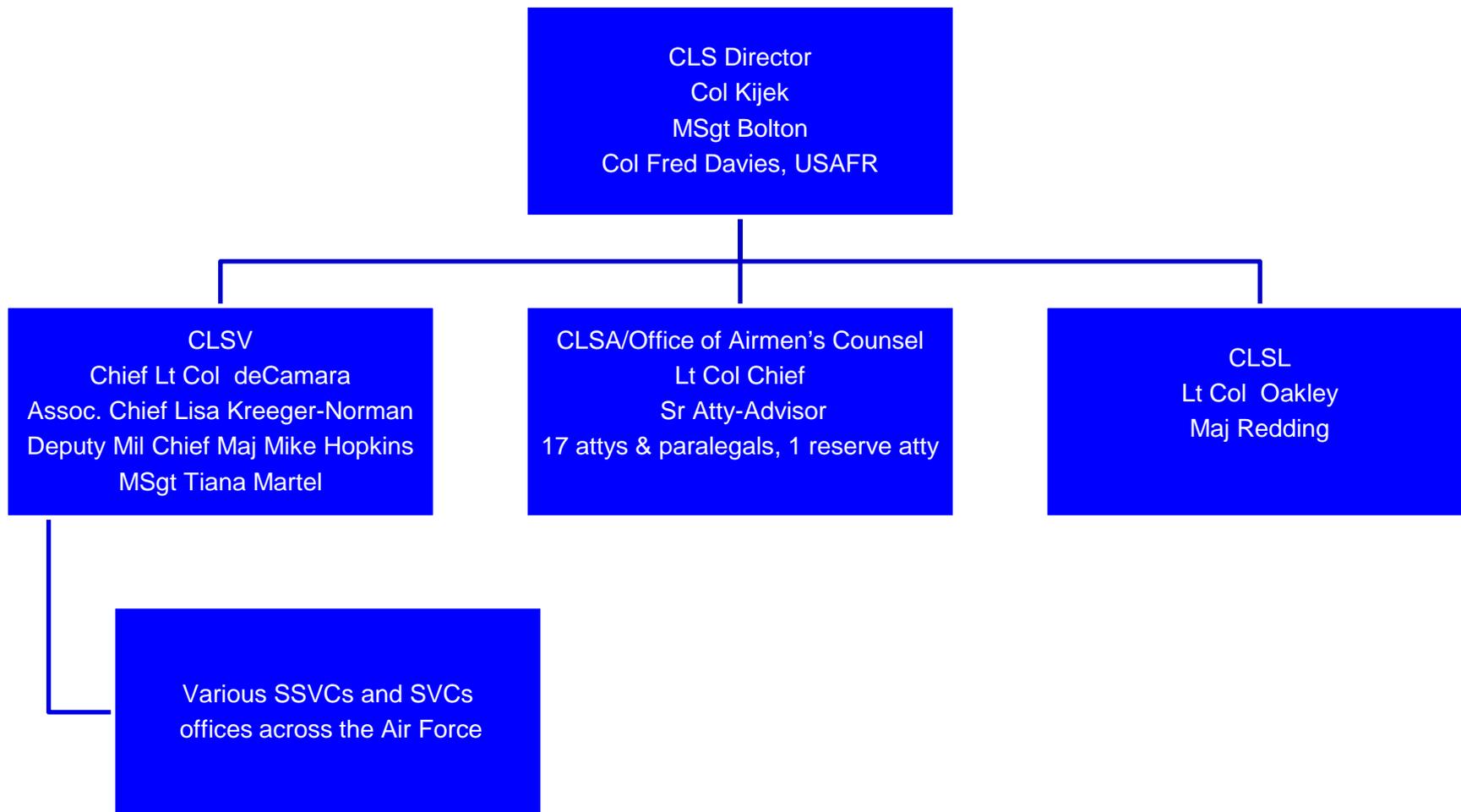
- **Custody of children**
- **Protecting privacy in media**
- **Landlord-Tenant Issues**
- **Victim's Compensation & Restitution**
- **Property Reimbursement Claims**
- **Ensured client could bring support animal into hearing**
- **Minimizing career impacts**
- **Civilian restraining order**
- **PCS funding**
- **Helping maintain benefits**

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AFLOA/CLS Organization Chart

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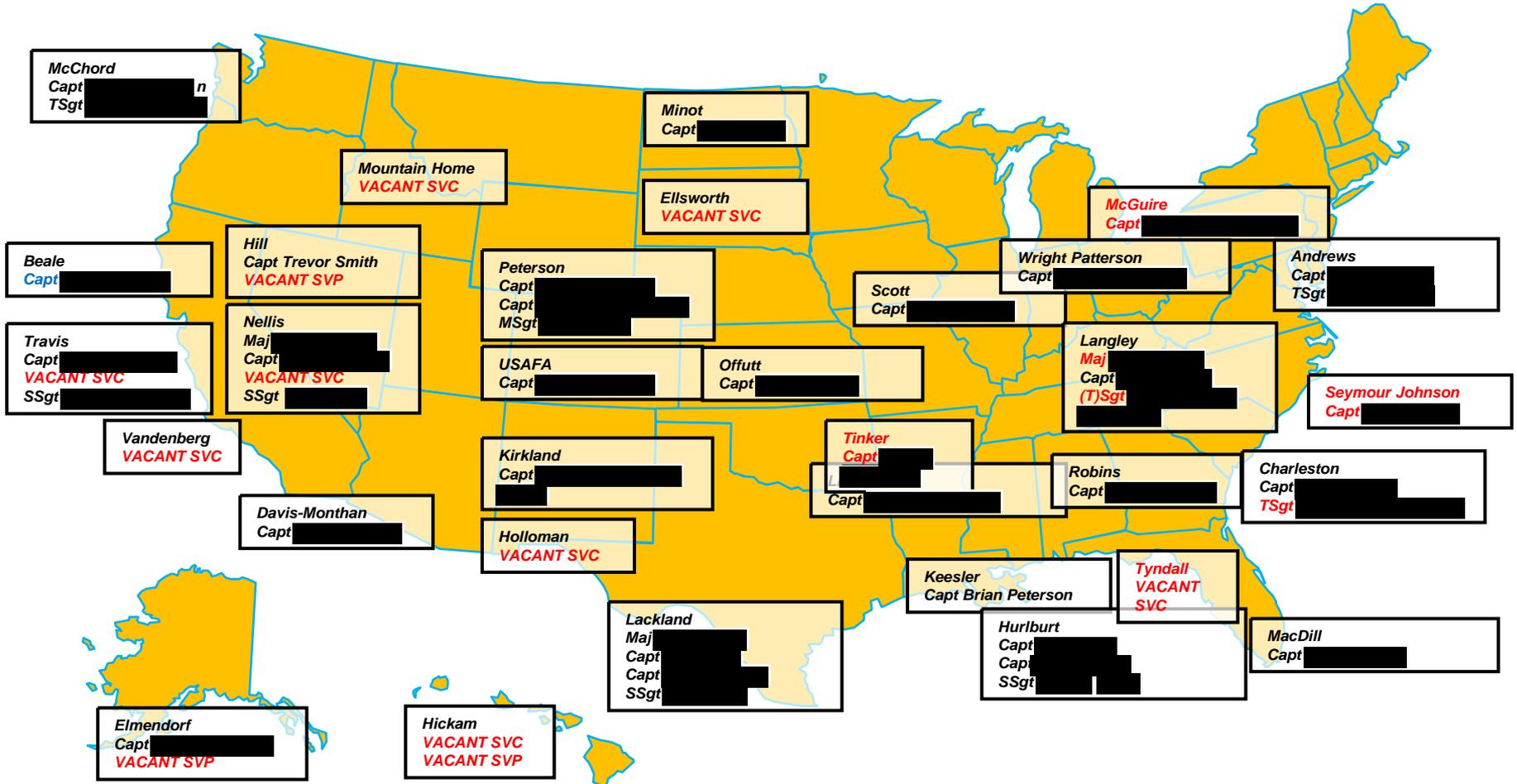


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SVC CONUS Map

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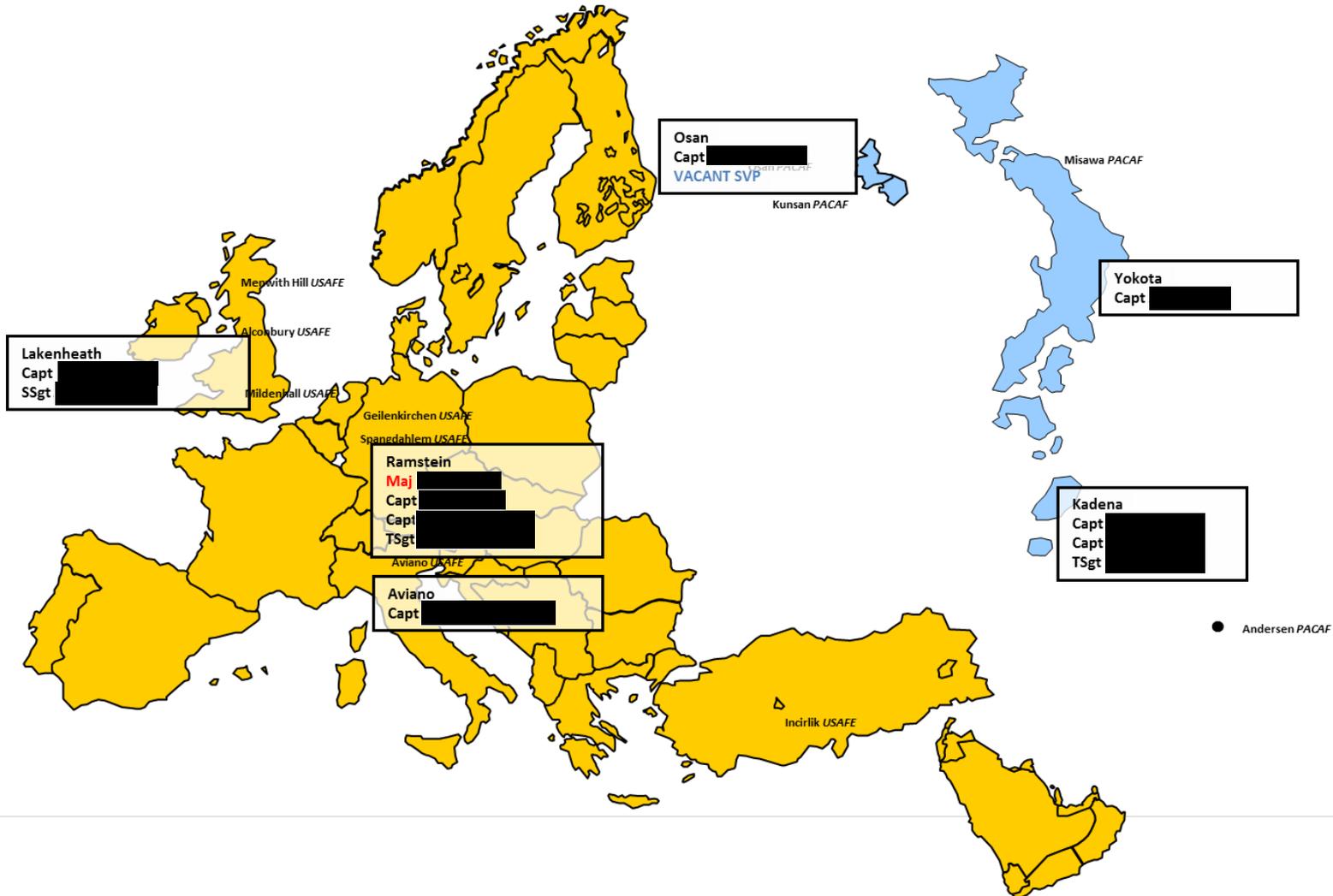


KEY
 NOT IN PLACE - BLUE
 VACANT - RED



SVC OCONUS Map

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Growing SVC Program?

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- **Addition of 3 CONUS SSVCs in Jan 15**
- **2 additional SSVCs in Pacific and Europe in Jul 15**
- **Growing from 33 to 40 SVCs by Jul 15, 50 by Jul 16**
- **O-5 military Deputy**
- **O-4 Reservist**
- **15 SVP positions filled through Spring 16**



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Beginning in 2014, how does a JAG become an SVC?

- **Call for nomination to MAJCOM SJA using the criteria:**
 - **Trial experience**
 - **Victim and witness interactions**
 - **Leadership**
 - **Work ethic/ productivity**
- **Supervisor's recommendation**
- **SVC Leadership vetting**
- **TJAG Appointment**



SVC Program Eligibility

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- **Air Force – AD** -- The status of the perpetrator does not matter (Air Force, other service, civilian, or unknown)
- **Air Force – ARC members** The status of the perpetrator does not matter, all that is required is a “military nexus”
- **Dependents of AF Members** Children eligible as of 24 Jun 14
 - Perpetrator must be a military member subject to the UCMJ
- **Other Services – AD/ARC**
 - Perpetrator must be a military member subject to the UCMJ
 - Refer to servicemember’s SVC/VLC office
- **Dependents of Other Services’ Members**
 - Perpetrator must be a military member subject to UCMJ
 - Refer to sponsor’s SVC/VLC office
- **For offenses under UCMJ Articles 120, 120a/b/c, 125, and 80**
 - Restricted and Unrestricted
- **Entry-level status Airmen in UPR involving physical contact of a sexual nature with BMT or TT faculty/staff**

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Notifying Victims of SVC Availability

- 10 U.S.C. § 1565b
- “(2) A member of the armed forces or dependent who is the victim of sexual assault shall be informed of the availability of assistance under paragraph (1) as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, or a trial counsel.
- SVC is a **service** that is available IAW 10 U.S.C. § 1565b



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SARC, FAP and AFOSI

- **SARCs/FAPs likely first to notify victim of SVC availability**
- **Process request for SVC in parallel with notifying AFOSI of incident**
 - **Unrestricted cases**
 - **Follow existing reporting/notification procedures under AFI 36-6001 and SAPR policy**
- **Victim should be informed of their choice to have an SVC represent them at the interview**



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Better equipping SVC to be available

- **VTC equipment in every SVC Office**
- **SSVCs**
 - **Andrews, Lackland, Nellis**
 - **Will have a caseload**
 - **Are able to approve travel (now 5 people can approve)**
- **Increase in numbers of SVCs at more bases**
 - **(not 5 in one office but 5 in 5 bases)**



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Interaction with OSI – the Interview

- **Get to know the SVC and their role prior to interview**
 - **Discuss interview “off-limits” areas, consent for records: “ok to ask, ok to say no”**
 - **If collateral misconduct at issue...might offer up a follow-on interview later**

- **Understand the why – both ways**

- **SVCs don’t want to become potential witnesses**



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There are benefits!

- **Benefits!!!!**
 - **Coordinated commitment with both victim and their attorney to come back for follow-up**
 - **Victim sees a multi-faceted, professional AF response to their report and request**
 - **Victim may have increased trust in both Agent and SVC**
 - **More efficient b/c Agent and SVC working from same set of facts**
- **Fewer interviews for victim**



An interesting perspective

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- I was questioned by the guy's attorney and did not even realize I could have a SVC until SHE told me go back to the SARC and ask for my SVC. The SARC did tell me I had options but the day I reported everything I went into the investigators office at 0850 and did not leave base till 2100. I went from the SARC and then to OSI. I completely understand how the military wants to cover all there resources at once but that does not work when someone is going through that much trauma. I know that everything has to be covered in a certain amount of time but the victim coming forward should have time to breath before having so much shoved down their throats, clearly the information can not be retained that way. I was briefed on my rights as a victim, I thought I understood every part of it but when it really comes down to it you're stuck in a haze and it's not at all understood. My main point is maybe the SVC would have slowed things down so that I didn't have everything thrown at me at once so all time limits are reached, its suppose to be a time of relief for the victim, not make them feel like they made another mistake.

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Interaction with AFOSI

- **Notice of representation**
- **Pursuant to statute, attorney-client relationship formed**
 - **Served on trial counsel, defense counsel, AFOSI, SFOI, victim's CC, SARC/FAP as appropriate**
- **Request not to contact victim directly but to contact SVC as victim's attorney is not binding on AFOSI in the same way as the right of an accused to an attorney**
 - **Unless victim is represented for collateral misconduct as ADC**
- **We ask that AFOSI always contact SVC before contacting a represented victim unless to do so interferes with investigation**



Collateral Misconduct

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SVC Program:

- **Does not alter the obligation to advise members of their Article 31 rights when required**

- **May represent alone or in conjunction with ADC**
 - **New notice of representation letter**
 - **Spells out ADC-like role/limitations on contact**

- **OSI must abide by request not to contact client on the represented matter (exclusionary rule)**



Measuring Effectiveness

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- **Victim Impact Survey (VIS):**
- **- 90% "extremely satisfied" with the advice and support the SVC provided during the Article 32 hearing and court-martial (9% "satisfied"; 1% "dissatisfied");**
- **- 99% would recommend other victims request an SVC;**
- **- 95% indicated their SVC advocated effectively on their behalf;**
- **- 96% indicated their SVC helped them understand the investigation and court-martial processes**



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Success story

- **VIC files a restricted case. OSI informed her of the right to an SVC. She requested SVC and a non-participation MFR was submitted. OSI acknowledged and honored the MFR. During the investigation, OSI interviewed several witnesses who later contradicted what the Acc said (Acc said VIC was sober, others said she was severely intoxicated, Acc said VIC was flirtatious, other witnesses said there was no flirtation). OSI coordinated with SVC and they relayed information to the VIC. OSI expressed that the Acc was controlling the narrative at this point. They invited the VIC, at her convenience and in coordination with the SVC, to come to OSI and give statement. OSI respectfully asked her to write a statement, release some medical documents, and to look at her phone. She did not write a statement, she did release her medical documents, and she did not turn over her phone. VIC still decided to not participate any further in the process (testifying). OSI from the very beginning respected her right to have an attorney and to not participate.**

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January 14 Direction about ROIs

- Although AFI 71-101V1, paragraph 1.5.9, specifically states the servicing legal office releases ROIs to defense attorneys (after proper redaction of Privacy Act and other sensitive information), the current version of the AFI is silent on releases to SVCs. We recommend staff judge advocates brief their action authorities that SVCs may come to them with requests for AFOSI ROIs and that the servicing legal office is available for consultation prior to any release of information. The servicing legal office may then help ensure that the SVC has specified his or her official need for the record on a case-by-case basis; ensure that the information to be released is only the minimum necessary; and redact non-releasable data (such as confidential source information). In addition, the information released to the SVC will be for official use only. As such, the servicing legal office may consider what, if any, restrictions will be placed on the SVC with regard to further release of the information.



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DoDI 6495.02 SAPR Program

- If at any time the victim who originally chose the Unrestricted Reporting option declines to participate in an investigation or prosecution, that decision should be honored.
- What kind of forewarning can be given to the SVC and victim, when investigation must continue?



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Congressional Interest In SVC Program

- **Changes to the SVC program in each of the last 3 NDAAAs**
- **Areas under Congressional consideration include:**
 - **Eligibility**
 - **DOD Civilians as well as any victim of a sex-related offense by a military member**
 - **Previously eligible but no longer connected to the service if the incident happened while eligible for legal assistance**



Recent changes, cont'd

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- **Retaliation protection for not only victims but also SVCs**
- **Information sharing with Victims/SVCs**
- **Enforcement of Victims Art 6b rights by Court of Criminal Appeals**



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What experts are saying now

(2)



- "I have been doing [Crime Victims' advocacy] work since 2003 and three years ago when I started to work with the military on [the SVC program], I thought I had a lot to share with the military. Now, I will say the military has a lot to share with the civilian world." -- Prof. Meg Garvin, NCVLI

Headquarters U.S. Air Force

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Questions?



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