

Headquarters U.S. Air Force

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AF SVC Program Update



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Overview

- **Purpose of SVC program**
- **Manning and Organization**
- **Eligibility and SVC Request Procedures**
- **Program Expansion by Congress**
- **Retaliation/Ostracism**



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What is the purpose of the SVC Program?

- **Advocate:** protect the rights afforded to victims in the military justice system
- **Advise:** develop victims' understanding of the investigatory and military justice processes
- **Empower:** remove barriers and give victims a voice

Providing this service to victims will result in a more robust opportunity for victims to be heard, to retain and take advantage of their rights, and enhance the military justice system while neither causing unreasonable delay, nor infringing upon the rights of an accused.



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Common Concerns – Military and Civilian Victims

- **Privacy Concerns**
 - Mental health records
 - Cell phones
 - Prior sexual history
- **Respectful Treatment**
- **Feeling Alone**
- **Self-blame**
- **Safety concerns**
- **Civil legal matters**



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Issues Unique to Military Victims

- **Feeling ostracized/retaliated against by co-workers and social peers**
- **Collateral misconduct**
- **Unit Impact**
- **Having to work with the assailant**
- **Military Orders**
 - **To participate**
 - **To testify**
- **Career Impacts**
 - **Missing training**
 - **PTSD**



SVC Role

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- First and foremost – taking care of the client’s needs
 - Advocacy to military justice actors
 - Attend all interviews, including during investigatory stage (think OSI interviews)
 - Advocate to convening authorities both pre- and post-trial
 - **In court-representation**
 - Rape shield/mental health records/privileges/
 - **Assert Article 6(b) rights (MCVRA)**
 - Advocacy to AF/DoD agencies/offices
 - Expedited transfers
 - Advocacy to civilian prosecutors/agencies
 - May NOT represent victims in civilian courts
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How are we fulfilling this role?

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- **Protecting privacy in media**
- **Landlord-Tenant Issues**
- **Property Claims**
- **Ensured client could bring support animal into hearing**
- **Filtered discovery requests that harass/intimidate client**
- **Minimizing career impacts**
- **Civilian restraining order**
- **PCS funding**

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Successes

- Service “comfort” dog in court proceedings
- Obtained 2d opinion on mental health diagnosis – waiver obtained to keep Airman on active duty
- Direct access to convening authorities to express views
- Resolving technical training conflicts to allow airmen to keep their preferred career field
- Educating commander about post-assault misconduct of victim to focus efforts on treatment options vice punishment
- Getting online news org to remove comment about victim
- Convincing MJ to deny *in camera* review of MH records



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Result: Improved Victim Care

- **Empathy and sensitivity**
- **Recognize the impact of trauma**
- **Help empower victims**
 - **By providing information**
 - **By providing choices**
 - **By giving them a voice**
- **Help victims understand their rights and options**
- **Help victims make informed decisions**
- **Help protect victims' rights**



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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
- Attend interviews
 - Avg days TDY – 12 depending on SVC
- Collateral misconduct – partnership with ADC
- Case disposition advocacy
- Be creative within ethical bounds
- LISTEN



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AFLOA/CLSV Chain of Command





Where are SVCs?

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McChord
SVC / SVP

Minot
SVC

Beale
SVC

Nellis
SVC / SVP

Travis
SSVC / SVC / SVP

Hill
SVC

Offutt
SVC

McGuire
SVC

Wright Patterson
SVC

Andrews
SVC / SVP

Peterson
SVC / SVP

USAFA
SVC

Scott
SVC

Langley
SSVC / SVC

Seymour-Johnson
SVC

Vandenberg
SVC

Kirtland
SVC

Tinker
SVC

Robins
SVC

Charleston
SVC

Davis-Monthan
SVC

Little Rock
SVC

JBSA-Lackland
SSVC / SVC / SVP

Keesler
SVC

Hurlburt
SVC / SVP

MacDill
SVC

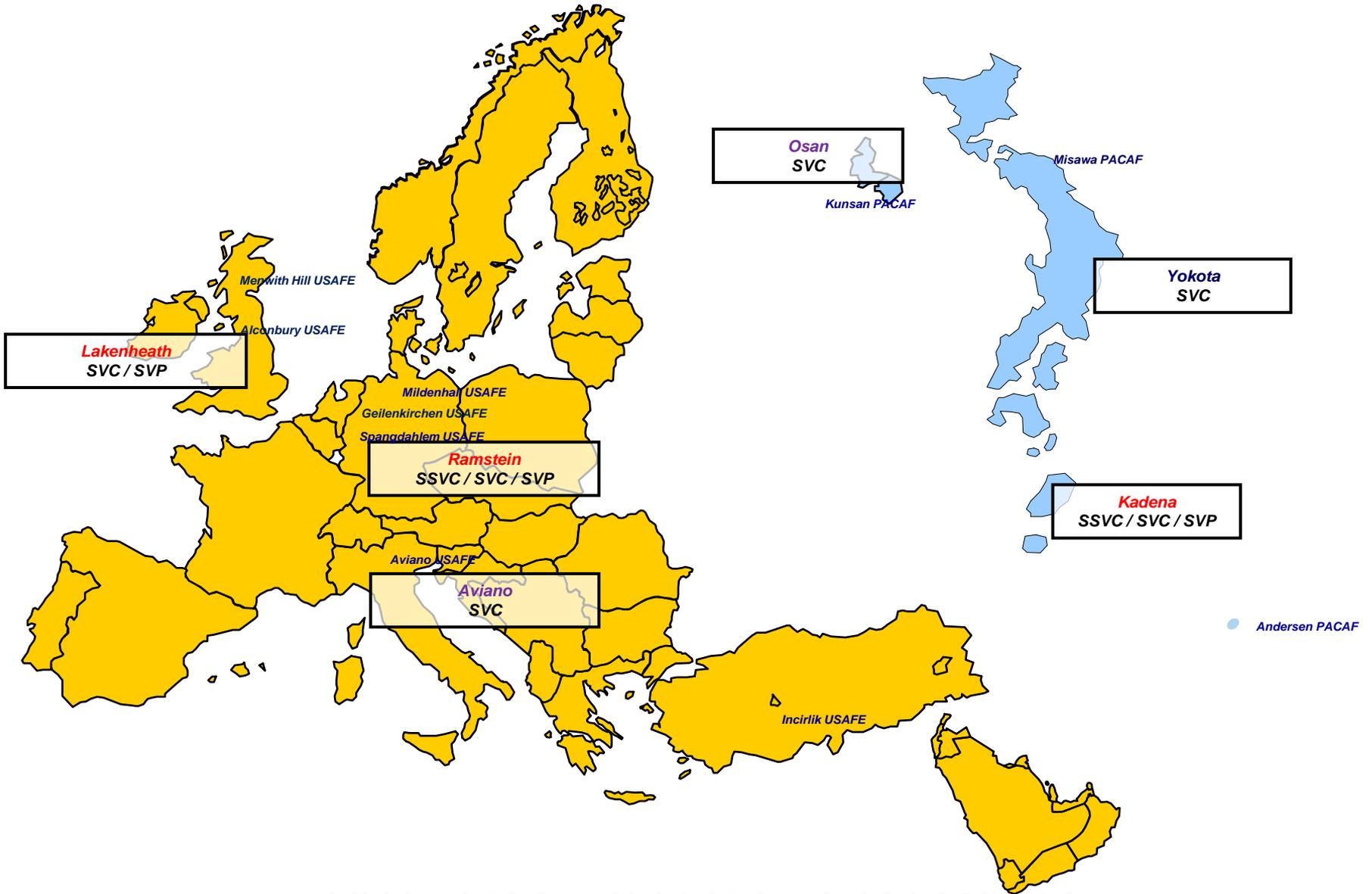
Eielson PACAF

Elmendorf
SVC

Hickam PACAF

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Where are SVCs, con't?





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Growing SVC Program

- **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 arriving in Jul 15**
- **Newly assigned O-4 Reservist to CLSV**
- **15 SVP positions filled in Fall 15**



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New SVC Locations

- Barksdale
- Cannon
- Dover
- Ellsworth
- Ft Sam Houston
- Goodfellow
- Hickam
- Holloman
- Malmstrom
- Moody
- Mt Home
- Shaw
- Tyndall
- Whiteman



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New SVP Positions

- **USAFA (Oct)**
- **Kirtland (Oct)**
- **JBLE (Oct)**
- **Scott (Oct)**
- **Keesler (Oct)**
- **Hill (Nov)**
- **Osan (Nov)**
- **Davis-Monthan (Nov)**
- **MacDill (Nov)**
- **Charleston (Nov)**
- **Robins (Dec)**
- **Tinker (Dec)**
- **McGuire (Dec)**
- **Minot (Dec)**
- **Hickam (Summer 16)**



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Who can get an SVC?

- **AD AF – Any accused**
- **ARC – Nexus to military service, but really this means any accused in practice**
- **ANG – Title 10 will typically be represented by Title 10 ANG SVCs, but AD SVCs will support**
- **Dep – Accused must be subject to UCMJ**
- **Retiree – Accused must be subject to UCMJ***
- **USAFA cadets – Any accused**
- **ROTC Cadets – ETP but will likely grant if accused is subject to UCMJ or is another cadet**

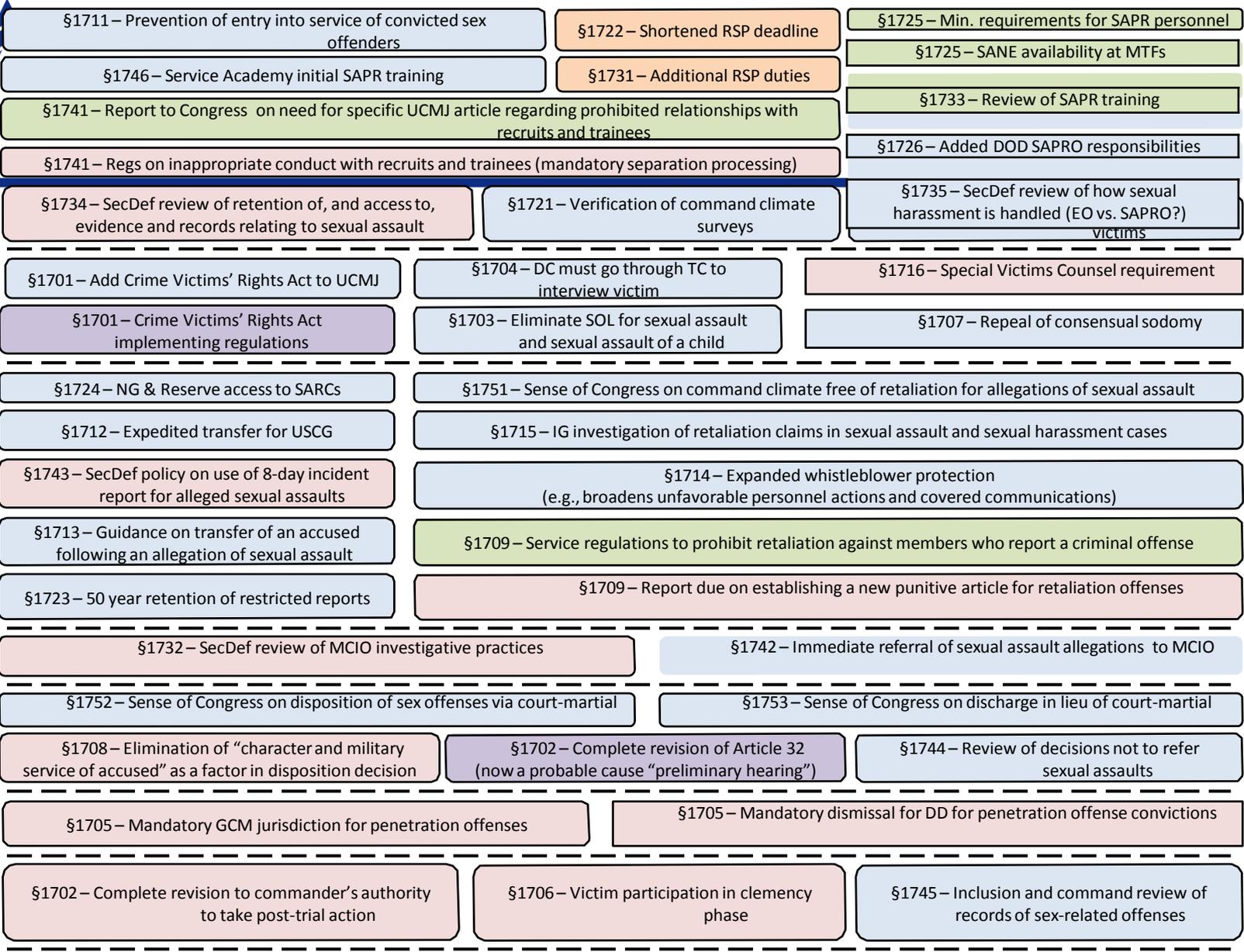
***but if assault happened while on AD, may be an ETP – see NDAA update**



SVC Request Procedures

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- **Know who your servicing SVC/SVP team is – it might not be on your base**
 - **Cell phone numbers for after duty calls**
 - **Senior SVC contact info**
- **Make request as soon as victim indicates they would like to utilize SVC services (one will not be automatically appointed – SVC services must be requested)**
- **Timing**
- **Eligibility determination – only AFLOA/CC or higher can deny an Exception to Policy request for SVC services**
- **No requirement to channel request through servicing legal office**



Victim's Rights

The LAW

Article 32

Post Trial

Effective dates



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SVC Policy Documents

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- **10 U.S.C. 806b (commonly referred to as “Article 6b”)**
- **10 U.S.C. 1044e (statutorily establishes SVC program for S.A. victims)**
- **10 U.S.C. 1565b (statutorily establishes victim access to legal assistance and SARC/VA services)**
- **AFGM1 to AFI 51-504, *Legal Assistance, Notary, and Preventive Law Programs***
- **SVC Rules of Practice - outlines eligibility for program, referral process, and guidance for SVCs**
- **SVC Charter – mirrors defense counsel Charter and outlines scope of practice for SVCs**



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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**
 - **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**
 - **Timing of when an SVC is provided to a victim (think initial OSI interview)**
 - **SVC representation to IG, Congress, EO, etc**
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Retaliation...it is a real problem

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- **CLSV data call**
 - **74 instances of retaliatory-type situations**
 - **Current SVCs – former SVCs not polled**
 - **Not all official complaints about CCs, rather about 1st line supervisors**
- **Ostracism most prevalent – either through social media or in social settings**
- **CMG reporting – work together but...attorney/client privilege consideration**



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Thoughts on SVC—SARC partnership

- **We need you – SARCs provide more referrals to the SVC program than all the other helping agencies combined**
- **SVCs often fight to protect the SARC privilege under MRE 514 in military justice hearings**
- **Shared resources, and not just those advocated for during end-of-year closeout**
- **SVC Attorney/client privilege – sometimes we can't tell you what our clients have told us**
- **Beware of cross-claim cases – perhaps refer at least one of the clients to a SARC at another base?**



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Your Questions or Concerns?

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