

SUBJECT: Special Victims' Counsel Program

1. Overview:

- The SVC Program is a legal assistance program that provides independent representation for victims of sexual assault committed by Soldiers. It aims to empower victims and build resiliency, by enabling victims to fully participate in the military justice and adverse administrative processes, as well as protecting victims from all forms of retaliation.
- The SVC are military attorneys nominated by their Staff Judge Advocate based on their ability, maturity and judgment. The Judge Advocate General (TJAG) certifies each SVC only after a thorough review of their records and completion of a week-long SVC training course. SVC must have prior military justice experience or criminal law experience as a civilian attorney to be certified (limited exceptions are granted).
- Full-time SVC are legal assistance attorneys who serve a one to two year tour and are supervised by their Chief of Legal Assistance. In some situations, SVC who are assigned to other positions, such as administrative law attorney, may serve as part-time SVC, but are supervised by the Chief of Legal Assistance whenever performing SVC duties. In addition, the SVC Program Manager, who works directly for The Judge Advocate General (TJAG), provides direct professional responsibility and technical supervision to all SVC in the field.

2. Key Facts:

- Currently, 75 (50 full time & 25 part time) active duty judge advocates serve as SVC at 34 installations worldwide.
- Since November 2013, Active Component SVCs have represented over 2,118 adult and 85 minor clients, and provided over 9,000 legal counseling sessions. They have participated in 415 Courts-Martial, filed or assisted in 7 writs of mandamus, and filed amicus briefs in support of a government appeal.
- The SVC program has also been fully implemented in U.S. Army Reserve and National Guard.
- The Judge Advocate General's Legal Center and School has trained 464 SVC from all the Services and certified 420 Army SVC (AC/RC/NG) in accordance with 10 USC §1044e.
- Two SVC Certification Courses and one Child Course, open to all Services and components, are taught annually. The SVC program executed approximately \$6.4 million in program funding.

3. Eligibility:

- Eligibility for SVC services is determined by 10 U.S.C. §§ 1044, 1044e, and AR 27-3, The Army Legal Assistance Program. Generally, victims, who allege sexual assault by a Soldier and are eligible for military legal assistance services, are eligible for SVC services. This includes active component Soldiers and their dependents; members of the reserve component on active duty or active-duty for training and their dependents; full time National Guard and those on duty at the time of the alleged offense and their

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dependents; and members who, regardless of duty status, allege a sexual assault offense that is determined to have a nexus to their military service. The FY16 NDAA authorizes SECDEF or the appropriate Service Secretary to waive provisions of 1044(a)(7), Legal Assistance eligibility, so that DoD civilian employees, not eligible for Legal Assistance, may be offered SVC services.

- An SVC is available to eligible victims who make either an unrestricted or restricted report. Victims may also consult an SVC without making a report. An SVC may represent their client during the criminal investigative process, in courts-martial IAW the Military Rules of Evidence, and may advocate their client's interests to DOD or Service agencies where there is a nexus to the client's status as a victim. An SVC may not represent the client in civilian court. However, the SVC may communicate a victim's interest to civilian prosecutors, law enforcement agencies, and other civilian and government agencies off-installation. This includes educating the client on federal victim compensation and restitution programs.

4. Talking Points.

- Special Victims' Counsel protect victims' rights and allow them to make informed decisions during the military justice process.
- By ensuring victims have access to the full range of services available in the Army, Special Victims' Counsel enable victims to build resiliency, so they can fully participate in the military justice system.
- Victims are able to swiftly address retaliation with the assistance of Special Victims' Counsel.
- I appreciate Congress's interest in improving the Army's SVC Program and look forward to sharing the positive impact of the many changes already made.

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