

## **SVC Program Overview**

**COL Elizabeth Marotta, SVC Program Manager**

**1. Introduction:** The SVC Program Manager is The Judge Advocate General's designee primarily responsible for executing her strategic vision for the SVC Program. The Program Manager's duties include policy development, training, certification, force structure, providing guidance to SVC in the field regarding questions of law, and coordinating program outreach with other organizations. Additionally, the Program Manager provides oversight for Army Reserve and NGB Programs, which each have their own Program managers. The program Manager works very closely with other service Program Managers and meetings occur every 4-6 weeks.

**a. SVC Role and Responsibilities:** Special Victims Counsel are uniformed Judge Advocates who zealously represent victims of sex-related offenses throughout all criminal investigative, administrative, and judicial proceedings, regardless of whether the victim files a restricted or unrestricted report. The SVC Program's mission statement is to provide exceptional legal representation and advice to qualified victims of sexual assault. The SVC Program is a legal assistance program that 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 Program seeks to build relationships with stakeholders at all levels in order to guarantee the success of the Program on behalf of our clients.

Army SVC are legal assistance attorneys who are nominated by their Staff Judge Advocate based on their maturity and judgment to guide sexual assault victims through the complex military and administrative process. The SVC's primary duty is to zealously represent the best interests of the client. As part of this zealous representation, the Program requires the SVC to remain independent.

Depending on a particular case, the interests of the client may converge or diverge from that of the Army or the U.S. Government. But in every case, the SVC advocates for the client, without regard for any other interest. The SVC's special area of responsibility is ensuring that the victim understands his or her rights and duties within the military justice system and is given the help and advocacy necessary to exercise them. But the SVC also coordinates with the VWL and Victim Advocates to ensure that the victim is informed and can access various victim's rights and services, including reporting options, military, civilian, and VA benefits, expedited transfers and military or civilian protective orders, to name a few.

Army SVC have assisted victims with allegations of both social and professional retaliation. Allegations of “social retaliation” are often allayed by the SVC helping the victim obtain an expedited transfer to a different unit or installation. Army SVC have also assisted victims in filing Inspector General (IG) and Equal Opportunity (EO) complaints, aided the victim in writing his or her response to adverse evaluation reports and letters of reprimand, drafted appeals to both, and successfully advocated to upgrade the characterization of a discharge. They have advocated against releasing a client’s mental health records, and worked with investigative agencies to obtain copies of the client’s statement.

Army SVC have assisted victims with a myriad of personal legal matters, including accessing state and federal victim compensation and restitution programs, consumer protection and landlord-tenant issues, financial matters and family law issues, such as separation, divorce, and child support. If an SVC is unable to resolve issues on his or her own, the SVC has direct access to myself and my staff. I work directly with SJAs to resolve such matters.

**b. Supervision:** 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, I also provide direct professional responsibility and technical supervision to all SVCs in the field.

SVCs are part of the OSJA but fiercely independent. We find this model works well for the Army because of the size of our force, this enables us to maximize face to face interaction with our clients. It also allows SVCs to develop relationships with TC, DC, CID, Judge, CID and SHARP/VA personnel. These relationships are often key to effective representation of clients.

**c. Certification:** 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. SVC must have prior military justice or civilian criminal law experience to be certified (limited exceptions are granted). Additionally, attorneys must be familiar with supporting resources, understand victim behavior/impact of crime on victims, have maturity, sensitivity & judgment; and be a good listener. There is also a professional responsibility scrub.

**d. Training:** All SVC must complete a week-long SVC training course at TJAGLCS in C’ville. The Army runs 2 Certification Courses each year and 1 Child Course – the AF, Navy and

Marines often send their counsel to the Army course, and we send Army counsel to their courses.

At the course we bring in experts to teach counsel about sexual assault victim's behavior and how the brain reacts to trauma. We do a deep dive into the legal issues that SVCs most commonly face in the courtroom (access to mental health records and rape shield). We also hear from prosecutors, defense counsel, military judges and staff judge advocates so we can leave what is working and what is not working, so we can constantly improve. Most importantly we bring in victims and serving SVCs to discuss their experiences and answer questions. We also do several exercises so SVCs can practice implementing what they've learned.

We also conduct a CLE each year and have quarterly VTC/conf call to put out recent information and give SVCs that opportunity to raise issues. We also utilize MilSuites which is a DoD platform that allows for collaboration within our SVC community.

The Judge Advocate General's Legal Center and School has trained 468 Army SVC (AC/RC/NG) and 56 Sister Service SVC in accordance with 10 USC §1044e.

## **2. Key Facts:**

Currently 75 Judge Advocates (50 full time & 25 part time) serve as SVC at 43 installations, throughout the Army and in deployed environments. Having the SVCs as part of the OSJA also ensures that when the unit deploys, an SVC will be with them. This maximizes the opportunity for face-to-face interactions between counsel and clients, no matter where they are.

We have serviced over 2,118 people, to include 87 minors, provided over 9,000 legal counselings, attended over 415 courts-martial, and filed 7 writs of mandamus with the Army Court of Criminal Appeals (ACCA), and filed amicus briefs in support of a government appeal with the Court of Appeals for the Armed Forces. The SVC program has also been fully implemented in U.S. Army Reserve and National Guard.

**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 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 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. Success:** An overwhelming majority of service-member victims are satisfied with the services their Special Victim Counsel provide. The Army's model maximizes face to face interaction with the clients and fosters professional relationships in the OSJA and command.

SVCs have proven to be zealous independent advocates for their clients, as evidenced by the 7 writs of mandamus filed. Promotion rates are on par with the rest of the JAGC. There are no reported adverse actions against SVCs by their supervisors in the OSJA.

Feedback received from victims has been extremely positive. SVC clients have shared their experiences with the Judicial Proceedings Panel (JPP), Congressional members and staff, SHARP Summits, and at numerous SVC related training events. Victims indicate that they feel empowered and better able to participate in the military justice process because of their SVC.

The SVC Program has proven to be extremely successful in a short amount of time. The driving force behind the Program's success is the ability to build relationships with local stakeholders, such as SHARP, FAP, and medical and investigative agencies, creating an interdisciplinary team of caring professionals to meet the client's needs. Only by working together with agencies that play such important roles in taking care of victims can stakeholders ensure the comprehensive representation of the victim's interests.

In closing, the SVC Program strives to ensure that victims are empowered, and know that regardless of the outcome of the judicial or administrative process, the military justice and administrative system supports them and gives them an opportunity to be heard