

August 2013

## From the Flags

The Judge Advocate General and Deputy Judge Advocate General of the Navy

### VICTIMS' LEGAL COUNSEL

The JAG Corps plays a critical role in the administration of a fair, transparent and efficient military justice system that guarantees due process for the accused and promotes good order and discipline. As judge advocates, we are in a unique position to play an additional role in victim support and advocacy. To that end, we anticipate the Navy will announce the establishment of the Navy Victims' Legal Counsel (VLC) Program.

The VLC Program will consist of a small cadre of specially-trained, independent judge advocates who will be detailed to provide legal support to eligible victims of sexual assault. We are still working through the details, but we anticipate an initial contingent of 29 judge advocate VLCs supported by ten civilian paralegals. The VLC Program will be led by an O-6 Chief of Staff and a civilian Executive Director.

The primary mission of the VLC Program will be to provide legal counsel and, as appropriate, advocacy for victims. Navy VLCs will help protect victims' rights through the investigative and adjudicative stages of the military justice system. VLCs will also assist SARCs and VAs in the successful execution of their duties. VLC duties will include:

- Explaining the investigative and military justice processes;
- Advocating the victim's rights and interests; and,
- When appropriate, appearing in court on the victim's behalf.

Our military justice system is superb, in no small part due to the extraordinary efforts of our SJAs, military judges, trial and defense counsel, legal assistance attorneys, legalmen, paralegals and support staff. The new VLC Program will further strengthen our system consistent with due process for the accused. For those judge advocates interested in becoming VLCs, talk to your detailer. We also strongly encourage involvement by Reserve judge advocates, who will be critical to the initial staffing of the VLC Program.

Next week, we will conduct a series of DCO sessions to provide additional information on the VLC Program and to address other updates to the community. RADM Crawford will also discuss the VLC Program in more depth during his site visits in the month of August. Thank you for all you do, and thank you in advance for supporting this important program.

  
J.R. DONOVAN  
RDML, JAGC, USN

  
J. W. CRAWFORD III  
RADM, JAGC, USN

  
NANETTE M. DERENZI  
VADM, JAGC, USN





SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

AUG 14 2013

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
DEPUTY CHIEF MANAGEMENT OFFICER  
CHIEFS OF THE MILITARY SERVICES  
COMMANDERS OF THE COMBATANT COMMANDS  
CHIEF OF THE NATIONAL GUARD BUREAU  
DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION  
DIRECTOR, OPERATIONAL TEST AND EVALUATION  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
ASSISTANT SECRETARIES OF DEFENSE  
DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT  
DIRECTOR, NET ASSESSMENT  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Sexual Assault Prevention and Response

Eliminating sexual assault from our Armed Forces remains one of our top priorities. This effort requires our absolute and sustained commitment to providing a safe environment in which every Department Service member and civilian is free from the threat of sexual harassment and assault. Our success depends on a dynamic and responsive approach. We, therefore, must continually assess and strive to improve our prevention and response programs.

On May 6, 2013, I directed a range of initiatives designed to strengthen our program in the areas of commander accountability, command climate, victim advocacy, and safety. Today, I am directing immediate implementation of the following additional measures to gain greater consistency of effort and enhance oversight, investigative quality, pretrial investigations, and victim support:

- Improving Victim Legal Support: Secretaries of the Military Departments shall establish a special victim's advocacy program best suited for that Service that provides legal advice and representation to the victim throughout the justice process. Each Service will identify and periodically share best practices, and will establish an initial operating capability not later than November 1, 2013, and a fully established program by January 1, 2014.

- Expanding Victim Rights: General Counsel shall develop draft language for an Executive Order to amend the Manual for Courts Martial to provide victims of crime the opportunity to provide input to the post-trial action phase of courts-martial. Deliver your proposal to me not later than October 15, 2013.
- Enhancing Protections: Secretaries of the Military Departments shall develop and implement policy allowing the administrative reassignment or transfer of a member who is accused of committing a sexual assault or related offense, balancing interests of the victim and accused. Implement this provision not later than January 1, 2014.
- Standardizing Protections: Under Secretary of Defense for Personnel and Readiness shall ensure current policies prohibiting inappropriate relations between trainers and trainees and recruiters and recruits are consistent across the Services. Report your findings to me not later than November 1, 2013.
- Elevating Oversight: Under Secretary of Defense for Personnel and Readiness shall develop policy, standardized across all the Services, that requires status reports of unrestricted sexual assault allegations and actions taken to the first general/flag officer within the chain of command, without delaying reporting to the relevant military criminal investigation organization. Implement this policy not later than November 1, 2013.
- Enhancing Pretrial Investigations: Secretaries of the Military Departments shall mandate that judge advocates serve as investigating officers for all Article 32 hearings on sexual assault offense charges. Implement this policy not later than December 1, 2013.
- Ensuring Investigative Quality: I am requesting that the Department of Defense Inspector General plan to evaluate the adequacy of closed sexual assault investigations on a recurring basis. Respond to this request within 30 days.

Preventing the crime of sexual assault remains our focus. In addition, when a crime does occur, we must ensure that victims' rights are respected, they are provided responsive and timely support, and related investigations and judicial proceedings, if appropriate, are conducted in a thorough, professional, and fair manner. To this end, the measures outlined above will strengthen our overall sexual assault prevention and response programs and efforts. Remember, we are all accountable and responsible for eliminating this crime from our ranks.

Thank you.

A handwritten signature in blue ink that reads "Chuck Hagel". The signature is written in a cursive, stylized font. Below the signature is a horizontal blue line.

cc:  
Deputy Secretary of Defense



DEPARTMENT OF THE NAVY  
VICE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON DC 20350-2000

IN REPLY REFER TO:  
5800  
Ser 00/13U100538  
15 Aug 13

From: Vice Chief of Naval Operations  
To: Chief of Naval Personnel  
Commander, Navy Installations Command  
Judge Advocate General of the Navy  
Commander, Navy Reserve Force

Subj: ESTABLISHMENT OF NAVY VICTIMS' COUNSEL PROGRAM

1. Effective immediately, the Navy will establish a Victims' Counsel Program to provide dedicated legal support to military and dependent victims of sexual assault.
2. Victims' Counsel shall report to the Judge Advocate General. Accordingly, the Judge Advocate General shall establish an appropriate command and control structure for Navy Victims' Counsel, assign qualified and trained Judge Advocates to serve as Navy Victims' Counsel, and develop the scope of services to be provided. Victims' Counsel will coordinate, as appropriate, with installation Sexual Assault Response Coordinators (SARCs), command Sexual Assault Prevention Response Victim Advocates, Staff Judge Advocates, Trial Counsel, the Naval Criminal Investigative Service, Defense Counsel, and others, in providing legal support to eligible victims of sexual assault.
3. The Navy Victims' Counsel Program will require approximately 30 Judge Advocates, assigned to Navy installations worldwide. Current JAG Corps manning is insufficient to resource Navy Victims' Counsel at the level required. Chief of Naval Personnel is directed to provide an additional 30 billets to the JAG Corps authorized end strength. This growth is in addition to growth already programmed through FY17.
4. Commander, Navy Installations Command is directed to provide logistical support for Navy Victims' Counsel personnel and to coordinate with the Judge Advocate General to implement the stand-up and maintenance of the Navy Victims' Counsel program at installations worldwide.
5. Commander, Navy Reserve Force is directed to support implementation, as necessary, including making Reserve Judge Advocates

Subj: ESTABLISHMENT OF NAVY VICTIM COUNSEL PROGRAM

available until sufficient active judge advocate resources are available to staff and sustain the program.

  
M. E. FERGUSON III

Copy to:  
COMNAVLEGSVCCOM  
CHINFO

QQQQ

SUBJ: ESTABLISHMENT OF NAVY VICTIMS' LEGAL COUNSEL (VLC) PROGRAM

UNCLASSIFIED/

FM CNO WASHINGTON DC//DNS//

TO NAVADMIN

INFO CNO WASHINGTON DC//DNS//

UNCLAS

NAVADMIN 087/14

MSGID/NAVADMIN/CNO WASHINGTON DC/DNS/MAR//

SUBJ/ESTABLISHMENT OF NAVY VICTIMS' LEGAL COUNSEL (VLC) PROGRAM//

REF/A/SECDEF MEMO/14AUG2013//

REF/B/VCNO LTR/15AUG2013//

REF/C/FY14 NDAA SEC 1716/26DEC2013//

PAGE 02 RUEOMFL2066 UNCLAS

REF/D/DODI 6495.02//

REF/E/SECNAVINST 1752.4B//

REF/F/SECNAVINST 1752.3B//

REF/G/TITLE 10, UNITED STATES CODE, SECTION 1044//

REF/H/TITLE 10, UNITED STATES CODE, SECTION 1565B//

REF/I/SECNAVINST 1754.7A//

REF/J/JAGINST 5803.1D//

NARR/REF A IS SECRETARY OF DEFENSE (SECDEF) MEMORANDUM DIRECTING ALL SERVICES TO IMPLEMENT A SPECIAL VICTIMS' ADVOCACY PROGRAM.

REF B IS VICE CHIEF OF NAVAL OPERATIONS (VCNO) LETTER DIRECTING ESTABLISHMENT OF THE NAVY VICTIMS' LEGAL COUNSEL PROGRAM. REF C IS

FISCAL YEAR 2014 NATIONAL DEFENSE AUTHORIZATION ACT. REF D IS DEPARTMENT OF DEFENSE INSTRUCTION OF 28 MARCH 2013, AS AMENDED

ON 12 FEBRUARY 2014, ON SEXUAL ASSAULT PREVENTION AND RESPONSE (SAPR) PROGRAM PROCEDURES. REF E IS SECNAV INSTRUCTION OF

13 APRIL 2013 ON DEPARTMENT OF THE NAVY'S SAPR PROGRAM. REF F IS SECNAV INSTRUCTION OF 10 NOVEMBER 2005 ON DEPARTMENT OF

THE NAVY'S FAMILY ADVOCACY PROGRAM. REF G IS STATUTORY AUTHORITY FOR LEGAL ASSISTANCE SERVICES TO MEMBERS OF THE ARMED FORCES AND OTHER

ELIGIBLE INDIVIDUALS SUBJECT TO THE AVAILABILITY OF LEGAL STAFF

RESOURCES. REF H IS STATUTORY AUTHORITY THAT EXTENDS LEGAL ASSISTANCE SERVICES TO VICTIMS OF SEXUAL ASSAULT. REF I IS SECNAV INSTRUCTION

OF 7 NOVEMBER 2005 ON HEALTH CARE PROVIDERS IN THE DEPARTMENT OF THE NAVY'S FLEET AND FAMILY SUPPORT PROGRAM. REF J IS JUDGE ADVOCATE

GENERAL (JAG) INSTRUCTION ON PROFESSIONAL CONDUCT OF ATTORNEYS.//

POC/CAPT K. A. FISCHER-ANDERSON/UNIT: VLCP, MAYPORT, FL/

TEL: (904) 270-5445 EXT 3028//

RMKS/1. IN ACCORDANCE WITH REFERENCES (A) AND (B), AND AS RECENTLY CODIFIED BY REFERENCE (C), THE NAVY ESTABLISHED A NAVY VICTIMS' LEGAL COUNSEL (VLC) PROGRAM TO PROVIDE INDEPENDENT LEGAL COUNSEL TO ELIGIBLE SEXUAL ASSAULT VICTIMS.

2. VLC WILL WORK WITH VICTIMS THROUGH THE INVESTIGATION AND MILITARY JUSTICE PROCESSES, ADVOCATE FOR THE VICTIM'S RIGHTS AND INTERESTS, AND HELP VICTIMS OBTAIN ACCESS TO OTHER SUPPORT RESOURCES. VLC WILL

COMPLEMENT THE CARE AND SUPPORT VICTIMS RECEIVE THROUGH OTHER RESOURCES, SUCH AS THE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM (SAPR), THE FAMILY ADVOCACY PROGRAM (FAP), THE VICTIM-WITNESS ASSISTANCE PROGRAM, VICTIM ADVOCATES, CHAPLAINS AND HEALTHCARE PROVIDERS, AS OUTLINED IN REFERENCES (D), (E) AND (F).

3. VLC REPORT INDEPENDENTLY TO COMMANDER, NAVAL LEGAL SERVICE COMMAND THROUGH THE CHIEF OF STAFF, VLC. TWENTY-NINE SPECIALLY-TRAINED AND CERTIFIED JUDGE ADVOCATES ARE ASSIGNED TO THE PROGRAM AT VARIOUS NAVAL INSTALLATIONS AROUND THE WORLD.

4. ELIGIBILITY. AS AUTHORIZED BY REFERENCE (G), SEXUAL ASSAULT VICTIMS ELIGIBLE FOR VLC SERVICES INCLUDE:

A. NAVY MEMBERS ON ACTIVE-DUTY.

B. NAVY RESERVE PERSONNEL ON ACTIVE DUTY OR ON INACTIVE-DUTY TRAINING AT THE TIME OF THE ASSAULT.

C. OTHER DOD SERVICE PERSONNEL AND RETIREES WHEN ASSAULTED BY AN ACTIVE-DUTY NAVY MEMBER.

D. ADULT DEPENDENTS, INCLUDING SPOUSES, OF ACTIVE-DUTY NAVY MEMBERS WHEN ASSAULTED BY AN ACTIVE-DUTY NAVY MEMBER.

E. SOME OVERSEAS DON CIVILIANS.

F. VICTIMS NOT SPECIFICALLY IDENTIFIED BY THIS NAVADMIN WHO ARE SEEKING VLC CONSULTATION SHALL BE REFERRED TO THE NEAREST VLC OFFICE PER PARAGRAPH (7) FOR AN ELIGIBILITY DETERMINATION.

5. REFERRAL. CONSISTENT WITH REFERENCES (C), (D), (E), (G), AND (H), SEXUAL ASSAULT RESPONSE COORDINATORS, SEXUAL ASSAULT VICTIM ADVOCATES, MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS, VICTIM WITNESS LIAISONS, TRIAL COUNSEL AND HEALTHCARE PROVIDERS SHALL INFORM SEXUAL ASSAULT VICTIMS OF THE AVAILABILITY OF VLC SERVICES. VICTIMS SHALL BE INFORMED THAT VLC SERVICES ARE OPTIONAL AND MAY BE DECLINED, IN WHOLE OR IN PART, AT ANY TIME REGARDLESS OF WHETHER THE VICTIM ELECTS RESTRICTED OR UNRESTRICTED REPORTING. ADDITIONALLY, PER REFERENCE (C), VICTIMS SHALL ALSO BE INFORMED THAT DECLINING SUCH SERVICES DOES NOT PRECLUDE THEM FROM SUBSEQUENTLY REQUESTING VLC SERVICES AT A LATER TIME. PER REFERENCE (I), FAP CLINICAL HEALTH CARE PROVIDERS ARE CONSIDERED HEALTHCARE PROVIDERS.

6. SCOPE OF REPRESENTATION. VLC WILL FORM AN ATTORNEY-CLIENT RELATIONSHIP WITH ELIGIBLE VICTIMS. ACCORDINGLY, ALL COMMUNICATIONS BETWEEN VLC AND THE CLIENT WILL BE CONFIDENTIAL AND PRIVILEGED. VLC WILL ADVISE VICTIMS ON SEXUAL ASSAULT REPORTING OPTIONS; PROVIDE LEGAL REPRESENTATION AND ADVICE DURING THE INVESTIGATIVE PROCESS; ADVOCATE ON THE VICTIM'S BEHALF; REPRESENT THE VICTIM IN MILITARY JUSTICE PROCEEDINGS WHERE THE VICTIM HAS AN INTEREST AND RIGHT TO BE HEARD BY THE COURT; AND PROVIDE OTHER LEGAL ADVICE AND SERVICES CONNECTED WITH A REPORT OF SEXUAL ASSAULT. VLC ARE SUBJECT TO AND MUST COMPLY WITH THE RULES OF PROFESSIONAL CONDUCT IN ACCORDANCE WITH REFERENCE (J).

A. COLLATERAL MISCONDUCT. VLC WILL PROVIDE PERSONAL REPRESENTATION ADVICE TO VICTIMS INVOLVED IN COLLATERAL MISCONDUCT CONNECTED WITH A REPORT OF SEXUAL ASSAULT. COLLATERAL MISCONDUCT RESULTING IN ADMINISTRATIVE PROCESSING OR COURT-MARTIAL WILL NECESSITATE ASSIGNMENT OF A SEPARATE MILITARY DEFENSE COUNSEL.

B. LEGAL ASSISTANCE. VLC CAN PROVIDE BASIC LEGAL ASSISTANCE SERVICES DIRECTLY CONNECTED TO A REPORT OF SEXUAL ASSAULT, TO INCLUDE NOTARIZATIONS AND POWERS OF ATTORNEY. ASSISTANCE WITH MORE SUBSTANTIVE MATTERS WILL BE REFERRED TO THE NEAREST MILITARY LEGAL ASSISTANCE OFFICE.

7. SERVICE LOCATIONS. VLC SERVICES WILL BE AVAILABLE AT 23 NAVAL INSTALLATIONS WORLDWIDE. VLC ARE CURRENTLY LOCATED IN:

- A. ANNAPOLIS, MD
- B. WASHINGTON, D.C.
- C. OCEANA, VA
- D. NORFOLK, VA
- E. GROTON, CT
- F. MAYPORT, FL
- G. JACKSONVILLE, FL
- H. PENSACOLA, FL
- I. SAN ANTONIO, TX
- J. GREAT LAKES, IL
- K. CORONADO, CA
- L. SAN DIEGO, CA
- M. LEMOORE, CA
- N. VENTURA, CA
- O. BREMERTON, WA
- P. EVERETT, WA
- Q. PEARL HARBOR, HI
- R. GUAM; BAHRAIN
- S. NAPLES, ITALY
- T. ROTA, SPAIN.

U. BY JULY 2014, VLC WILL ALSO BE LOCATED IN GULFPORT, MS AND YOKOSUKA, JAPAN.

8. VLC CONTACT. SEXUAL ASSAULT VICTIMS MAY CONTACT VLC DIRECTLY OR VIA OTHER VICTIM SUPPORT PROVIDERS, INCLUDING SEXUAL ASSAULT RESPONSE COORDINATORS, VICTIM ADVOCATES, FAP CLINICAL COUNSELORS, DOMESTIC ABUSE VICTIM ADVOCATES (DAVAS), CHAPLAINS, OR TRIAL COUNSEL. VLC CONTACT INFORMATION IS AVAILABLE AT [HTTP://WWW.JAG.NAVY.MIL/LEGAL\\_SERVICES/VLC.HTM](http://www.jag.navy.mil/legal_services/vlc.htm).

9. RELEASED BY VICE ADMIRAL S. H. SWIFT, DIRECTOR, NAVY STAFF.//

PAGE 04 RUEOMFL2067 UNCLAS

BT

#2066

NNNN

UNCLASSIFIED//



# Navy Victims' Legal Counsel Program

---



# Overview

- In Oct 2013, Navy implemented a Victims' Legal Counsel (VLC) Program to offer a military attorney to represent and assist victims of sexual assault
- Navy VLC provide no-cost legal advice, assistance, and advocacy for victims as desired by the victim
- VLC form an Attorney-Client Relationship with clients and communications with a VLC remain confidential
- VLC function in an independent chain of command (separate from prosecutors, defense counsel, the victim's command, or the offender's command)
- VLC compliment and contribute to the SARC/VA/FAP team aiding victims



# Structure

- 1 O-6 Chief of Staff and 1 O-5 Deputy Chief of Staff – reporting to CNLSC
- 5 Senior VLC OIC's assigned in Norfolk, Naples, Ventura, Mayport (MJCLT) and Pearl Harbor. Senior VLC advise eligible sexual assault victims and provide expertise and leadership to Junior VLC
- 24 specially-trained Junior VLC assigned to 23 installations CONUS & OCONUS to advise/represent eligible sexual assault victims
- 10 Yeomen providing administrative support
- Current VLC include 11 Reserve and 20 Active Duty Judge Advocates



# VLC Duties

- Advise Victims regarding:
  - Military justice system, proceedings, and roles
  - Rights afforded victim under Victim Witness Assistance Program
  - Role of Victim Advocate and any privileges between victim and VA
  - Victim's duties to the court, responsibility to testify, and proceedings the victim may observe or participate in
  - Services available for medical support, including emotional/mental health counseling
  - Eligibility for military/veteran benefits and availability of Legal Assistance counsel to assist with personal civil legal matters or assist with obtaining military/veteran benefits
  - Any potential criminal liability of the victim and right to seek defense services
- Work closely and in cooperation with SARC, VA, and FAP to best support and assist victims
- Liaise with victim's command, investigators, and trial counsel
- Attend interviews and court proceedings
- Represent Victim at court proceedings where the Victim has standing and interests



# Eligible Victims

---

- Active Duty & Reserve
- Dependents (incl Spouses & Children) or Retirees in the case of a Navy Offender
- Other Service Victims of a Navy Offender
- Some Overseas DON Civilians



# Offenses Covered

- Rape
- Sodomy
- Sexual Assault
- Wrongful Sexual Contact
- Stalking (120a)
- Rape & Sexual Assault of a Child (120b)
- Other Sexual Misconduct (120c)
- Attempts of the Above



# Victim's Rights

- Reasonable Protection from the Accused
- Notice & General Right to Attend Public Proceedings
- Notice of Release/Escape of the Accused
- Right to be Reasonably Heard at Certain Proceedings
- Right to Confer with Government Counsel
- Right to Restitution (as provided by law)
- Right to Proceedings Free from Unreasonable Delay
- Right to Fair Treatment & Respect for Dignity & Privacy

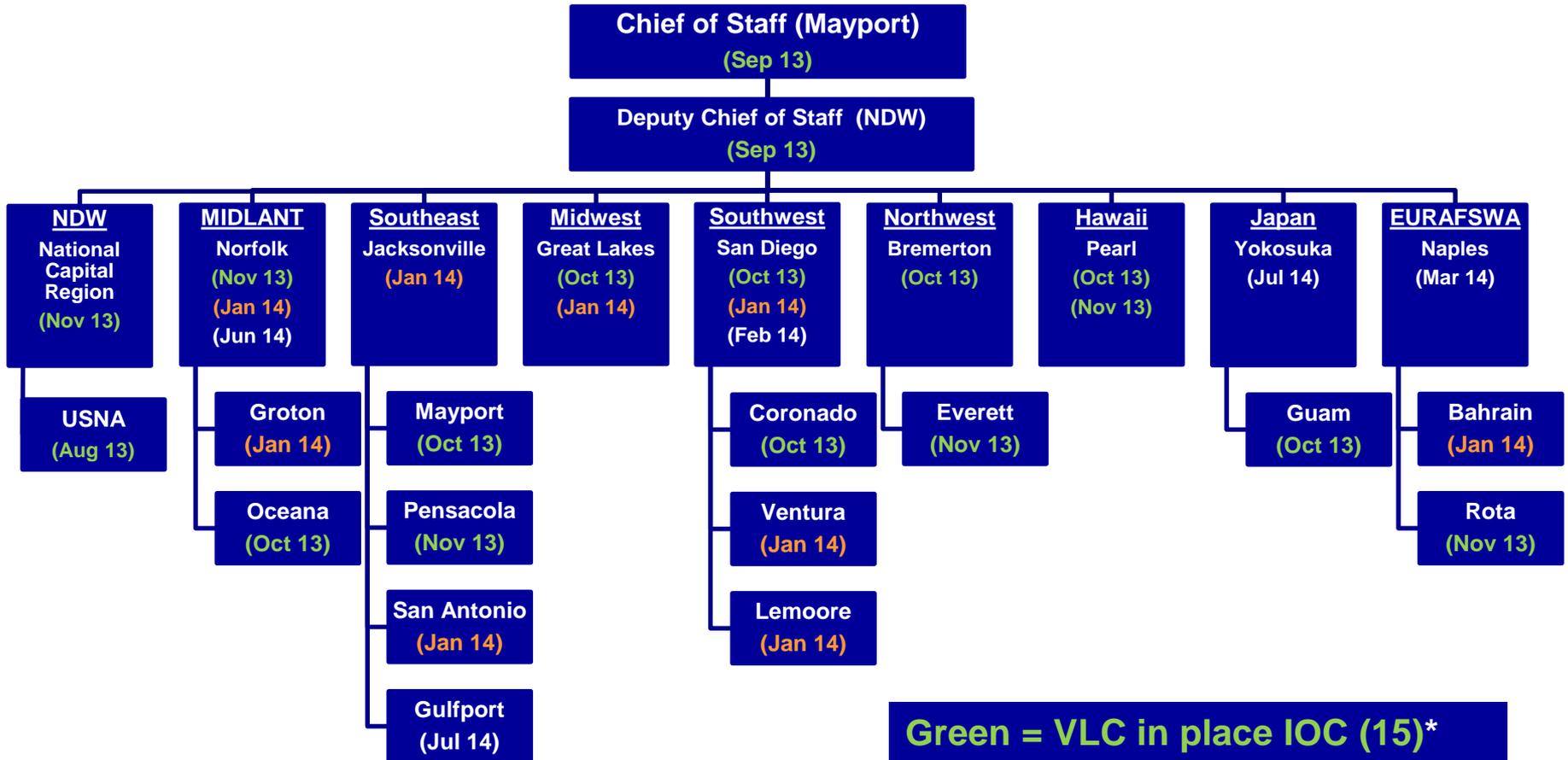


# VLC Engagement

- Detailing Letter
- Scope of Representation Letter
- Notice of Representation/Notice of Appearance
- Expedited Transfers
- MPO/RO
- MRE 412, 513, 514, 615
- Article 32
- Courts-Martial



# VLC Locations/Report Dates



Green = VLC in place IOC (15)\*  
 Orange = VLC in place FOC (24)\*  
 \*Totals do not include COS/DCOS



# Current VLC Metrics\*

- 719 Clients
- Appearance/Advocacy at 341 MILJUS Proceedings
- 808 Outreach Briefs
- 23,967 Personnel Briefed

\* As of 20 Sep 14



# Questions?



**DEPARTMENT OF THE NAVY**  
NAVAL LEGAL SERVICE COMMAND  
WASHINGTON NAVY YARD  
1322 PATTERSON AVENUE SE SUITE 3000  
WASHINGTON DC 20374-5066

IN REPLY REFER TO:

3 Jun 14

**FOR: DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE  
OFFICE (SAPRO)**

**FROM: Commander, Naval Legal Service Command**

**SUBJECT: NAVY VICTIMS' LEGAL COUNSEL (VLC) PROGRAM**

The Navy VLC Program is similar to the U.S. Army's and U.S. Air Force's "Special Victims' Counsel" (SVC) Programs and the U.S. Marine Corps' Victims' Legal Counsel Program.

- The Navy established its VLC Program in October 2013 to provide independent legal counsel to eligible sexual assault victims. Currently, 26 of 29 Navy judge advocate VLC are in place at 23 naval installations around the world. VLC are certified by the Judge Advocate General of the Navy following completion of specialized, victim-focused training. VLC report independently to Commander, Naval Legal Service Command through an O-6 Chief of Staff and an O-5 Deputy Chief of Staff. Ten active-duty Yeomen are assigned to significant case concentration areas.
- VLC are currently located in Annapolis, MD; Washington, D.C.; Oceana, VA; Norfolk, VA; Groton, CT; Mayport, FL; Jacksonville, FL; Pensacola, FL; San Antonio, TX; Great Lakes, IL; Coronado, CA; San Diego, CA; Lemoore, CA; Ventura, CA; Bremerton, WA; Everett, WA; Pearl Harbor, HI; Guam; Bahrain; Naples, Italy; and Rota, Spain. By July 2014, VLC will also be located in Gulfport, MS and Yokosuka, Japan.
- Victims can seek assistance from a VLC at any point following a sexual assault. Victims are not required to contact or consult with a VLC – the choice remains with the victim and services may be declined or elected at any time regardless of whether the victim elects restricted or unrestricted reporting. VLC can assist victims in understanding and exercising their options in filing a report.
- Victims may contact VLC directly or via other support personnel. Contact information for VLC is located on the Navy JAG Corps website and available from Sexual Assault Response Coordinators (SARC), Victim Advocates (VA), trial counsel, Naval Criminal Investigative Service, staff judge advocates, chaplains, and health care providers.
- VLC form an attorney-client relationship with eligible victims. All communications between VLC and their clients are confidential and privileged.
- Eligible victims include Navy active-duty, Navy Reserve personnel while on active duty or on inactive-duty training at the time of the assault, other service personnel and retirees when assaulted by an active-duty Navy member, adult dependents of active-duty Navy members when

assaulted by an active-duty Navy member, and some overseas DON civilians. Other Reserve personnel may be eligible on a case-by-case basis. Eligibility will expand to child victims in June 2014 in accordance with the Fiscal Year 2014 National Defense Authorization Act.

- VLC support is provided both in-person and via remote means, if necessary, including by telephone, email, and video-teleconferencing. VLC advise and assist victims regarding:
  - The nature and effect of sexual assault reporting options.
  - The military justice system, court proceedings, and each participant's relative role.
  - The Government's authority to compel testimony and cooperation.
  - The victim's duties to the court, responsibility to testify, and proceedings the victim may observe or participate in.
  - The rights afforded to the victim under the Victim Witness Assistance Program.
  - The role of a VA, SARC, and other support providers and any privileges that may exist between the victim and those providers.
  - The privileges that exist between the victim and VLC.
  - Criminal liability of the victim and right to seek defense services.
  - Services available for medical support, including emotional/mental health counseling.
  - Eligibility for military/veteran benefits and availability of Legal Assistance counsel to assist with personal civil legal matters or in obtaining military/veteran benefits.
  - Legal representation and advice during the investigative and court-martial processes.
  - Advocacy on the victim's behalf with investigators, trial counsel, and command authorities.
  - The availability and utility of obtaining a civilian or military protective order.
  - The possibility of pursuing civil litigation against an offender.
  - The option to seek an expedited transfer.
  - Other legal advice and services connected with a report of sexual assault.
  
- To date, Navy VLC have aided 450 sexual assault victims, assisted them in 195 military justice proceedings, and conducted educational outreach to the Fleet on VLC services, delivering 540 briefs to 13,458 personnel.
  
- The estimated cost of the Navy VLC Program is \$672,751 for FY14; \$542,596 for FY15; \$619,691 for FY16; \$709,565 for FY17; and \$725,690 for FY18. The Navy JAG Corps recently received \$673,000 in FY14 funding to execute the VLC Program.

Estimated Cost Associated with Navy (NLSC) VLC Program  
18-Mar-14

**MPN SUPPORT (Active Navy)**

	FY14	FY15	FY16	FY17	FY18	FY19
O-6 Chief of Staff	1	1	1	1	1	1
O-4 Senior VLCs	4	4	4	4	4	4
O-3 VLCs	25	25	25	25	25	25
E-6/E-5 Administrative Support (YN1/YN2)	10	10	10	10	10	10
<b>TOTAL: (end strength)</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>

**RPN SUPPORT (Reserve Navy)**

none

**SUPPORT COST (NLSC):**

OMN 1 Civilian Executive Director (POM-16)	\$ -	\$ -	\$ 66,243	\$ 145,049	\$ 149,883	\$ 164,898
Phone reoccurring charges	\$ 8,750	\$ 15,000	\$ 15,300	\$ 15,606	\$ 15,918	\$ 16,236
Supplies	\$ 20,000	\$ 20,360	\$ 20,767	\$ 21,183	\$ 21,606	\$ 22,038
Travel (adjusted by \$50k for site visits by COS and DCOS)	\$ 222,500	\$ 280,000	\$ 285,600	\$ 291,312	\$ 297,138	\$ 303,081
Training (VLC (previously addressed) and to support victims of Child Abuse)	\$ 107,500	\$ 186,000	\$ 189,720	\$ 193,514	\$ 197,385	\$ 201,332
Equipment (MFD's, Computers)	\$ 34,751	\$ 7,000	\$ 7,140	\$ 7,283	\$ 7,428	\$ 7,577
NMCI Seat Costs	\$ 27,000	\$ 27,486	\$ 28,036	\$ 28,596	\$ 29,168	\$ 29,752
Vehicle(s)	\$ 2,250	\$ 6,750	\$ 6,885	\$ 7,023	\$ 7,163	\$ 7,306
Soundproofing of VLC offices (25 offices X \$10K each) (new)	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL SUPPORT: (OMN) (NLSC)</b>	<b>\$ 672,751</b>	<b>\$ 542,596</b>	<b>\$ 619,691</b>	<b>\$ 709,566</b>	<b>\$ 725,690</b>	<b>\$ 752,221</b>

**TOTAL EST COST ASSOCIATED WITH NAVY VLC:**

<b>\$ 672,751</b>	<b>\$ 542,596</b>	<b>\$ 619,691</b>	<b>\$ 709,566</b>	<b>\$ 725,690</b>	<b>\$ 752,221</b>
<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>

**TOTAL MILITARY PERSONNEL**



DEPARTMENT OF THE NAVY  
NAVAL LEGAL SERVICE COMMAND  
WASHINGTON NAVY YARD  
1322 PATTERSON AVENUE SE SUITE 3000  
WASHINGTON DC 20374-5066

IN REPLY REFER TO:

COMNAVLEGSVCCOMNOTE 1300.1  
Code 67  
FEB 11 2014

COMNAVLEGSVCCOM NOTICE 1300.1

From: Commander, Naval Legal Service Command

Subj: ASSIGNMENT OF NAVY VICTIMS' LEGAL COUNSEL PROGRAM (VLCP)  
PERSONNEL TO REGION LEGAL SERVICE OFFICES (RLSOs)

Ref: (a) SECDEF Memorandum of 14 Aug 13  
(b) VCNO ltr 5800 Ser 00/13U100538 of 15 Aug 13  
(c) OPNAVINST 5350.4D  
(d) OPNAVINST 6110.1J  
(e) OPNAVINST 3100.6J  
(f) SECNAVINST 6120.3  
(g) BUPERSINST 1610.10C  
(h) JAG/CNLSCINST 1650.1B

1. Purpose. This directive promulgates business rules applicable to the assignment of Victims' Legal Counsel Program (VLCP) personnel to Region Legal Service Offices (RLSOs) for administrative purposes.

2. Cancellation. CNLSC ltr 1610 Ser 001/0027 of 31 Jan 14.

3. Background. Pursuant to references (a) and (b), the Navy established a Victims' Legal Counsel Program to provide advice, assistance, and advocacy to eligible sexual assault victims. In order to execute this program, VLCP officer and enlisted personnel will be administratively assigned to the RLSO regionally associated with their duty assignment. This assignment is solely for the administrative maintenance and support of VLC personnel; VLCP personnel shall not participate in any capacity in RLSO mission execution, to include the provision of trial services, command services, or legal assistance. VLCP personnel report to Commander, Naval Legal Service Command (CNLSC) via the Chief of Staff, Navy Victims' Legal Counsel Program (COS VLCP). COS VLCP is ultimately responsible for the formal evaluation, training, and mentoring of VLCP personnel. Accordingly, RLSO Commanding Officers' (COs) authority and responsibility over VLCP personnel is strictly limited to the administrative matters described below.

#### 4. Responsibilities

a. RLSOs. RLSOs will provide the following administrative support to VLCP personnel assigned to their UICs:

(1) Leave Approval. COS VLCP, or designee, is the leave approval authority for all VLCP personnel. RLSOs shall establish an active Navy Standard Integrated Personnel System (NSIPS) account for assigned VLCP personnel to administratively process their leave requests. VLCP personnel will contact COS VLCP, or designee, for leave approval prior to submitting a leave request via NSIPS and will annotate that approval in the remarks section of the request. Upon COS VLCP approval, RLSOs will administratively approve the leave request in NSIPS.

(2) Urinalysis and Alcohol Detection Device (ADD) Participation. RLSOs shall include VLCP personnel in routine urinalysis and ADD sampling. VLCP personnel will respond to any selection for sampling in a timely manner. If VLCP personnel fail to appear for urinalysis or ADD sampling, Deputy Chief of Staff (DCOS) VLCP will confirm their location and availability status (e.g., leave or TAD) when requested by the RLSO. RLSO COs will provide any positive sampling report to COS VLCP immediately for appropriate action.

(3) Drug and Alcohol Program Advisors (DAPA). Designated RLSO DAPAs will be the primary point of contact for VLCP personnel for DAPA-related matters as described in reference (c). Any self-referral or known substantiated incidents of alcohol or drug abuse shall be referred to COS VLCP.

(4) Physical Fitness Assessment (PFA). RLSOs shall include VLCP personnel in RLSO PFA testing, to include both the body composition assessment (BCA) and the physical readiness test (PRT). RLSOs will also include VLCP personnel in the command Fitness Enhancement Program, as applicable. RLSO COs will provide notice of any VLCP BCA or PFA failure to COS VLCP immediately for appropriate action. COS VLCP will issue any required warnings or direction related to such a failure in accordance with reference (d). VLCP personnel may participate in other RLSO command fitness activities, assuming no negative impact to VLCP duties.

(5) Enlisted Career Development. RLSO Senior Enlisted Leaders shall provide career counseling and guidance, to include preparation for advancement exams, to enlisted VLCP personnel.

FFB 11 2014

(6) General Military Training (GMT). RLSOs shall include VLCP personnel in command GMT events. RLSOs shall inform VLCP personnel of all Department of Defense, Department of the Navy, or JAG Corps training requirements, and shall track compliance and report status to COS VLCP.

(7) Misconduct of VLCP Personnel. RLSO COs shall immediately inform COS VLCP of any misconduct involving VLCP personnel, as well as any incident triggering the reporting requirements of reference (e).

(8) Individual Medical Readiness. In accordance with reference (f), RLSOs shall track individual medical readiness of VLCP personnel assigned to their commands. Upon receipt of notice that VLCP personnel assigned to the RLSO are not medically ready, RLSO COs will forward that information to COS VLCP for appropriate action.

(9) Fitness Reports and Performance Evaluations. In accordance with reference (g), CNLSC, as Immediate Superior in Command to all RLSO COs, assumes Reporting Senior responsibility and authority for all officers and enlisted personnel assigned to the VLCP. As a result, RLSO COs have no authority or responsibility to submit officer fitness reports, chief petty officer evaluations, or enlisted performance evaluations on VLCP personnel.

(10) Command Managed Equal Opportunity (CMEO) Program. RLSOs shall include VLCP personnel within the command CMEO Program for purposes of completing training requirements and processing CMEO complaints. RLSO CMEOs shall coordinate specific VLCP CMEO issues with the NLSC or regional Equal Opportunity Advisor (EOA), as necessary. RLSOs shall not include VLCP personnel in Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Surveys (DEOCS).

b. VLCP. COS VLCP will direct, manage, and supervise the duties of VLCP personnel, as outlined below. Program responsibilities not specifically listed under paragraph 4.a above shall be the responsibility of COS VLCP.

(1) Leave Approval. COS VLCP, or designee, shall be the leave approval authority for all VLCP personnel.

(2) Urinalysis and ADD Participation. VLCP personnel shall participate in RLSO urinalysis and ADD programs. VLCP personnel will respond to any selection for sampling in a timely

FEB 11 2018

manner. If selected VLCP personnel fail to appear for urinalysis or ADD sampling, DCOS VLCP will confirm their location and availability status (e.g., leave or TAD). COS VLCP shall take appropriate action on any positive urinalysis result.

(3) Drug and Alcohol Prevention. COS VLCP is responsible for executing the concept and policy outlined in reference (c) as it pertains to VLCP personnel. After being informed of a reportable incident or referral pursuant to reference (c), COS VLCP will be responsible for those matters assigned to COs.

(4) Physical Fitness Assessment. VLCP personnel will contact the RLSO PFA Coordinator for participation in RLSO PFA testing, to include both the BCA and PRT. COS VLCP will issue any required warnings or direction related to a PFA failure by VLCP personnel in accordance with reference (d). VLCP may participate in other RLSO command fitness activities, assuming no negative impact to VLCP duties.

(5) Supervision, Mentoring, and Evaluation. COS VLCP shall direct, manage, and supervise the duties of VLCP personnel. VLCP personnel will seek policy, mission, and professional guidance from VLCP leadership. COS VLCP will provide all professional counseling and mentoring of VLCP personnel. In accordance with reference (g), the Reporting Senior responsibility and authority assumed in paragraph 4.a.(9) above is hereby delegated to COS VLCP. COS VLCP is responsible for submitting officer fitness reports, chief petty officer evaluations, and enlisted performance evaluations on VLCP personnel. Further delegation of Reporting Senior authority by COS VLCP is not authorized.

(6) GMT. To the extent possible, VLCP personnel shall complete mandatory GMT, and other DoD, DON, or JAG Corps training requirements, with their assigned RLSO. COS VLCP, or designee, will report VLCP completion of GMT or other required training, as necessary.

(7) Personnel Awards. COS VLCP shall submit award nominations for VLCP personnel to CNLSC for approval in accordance with reference (h).

(8) Individual Medical Readiness. COS VLCP, or designee, shall ensure that VLCP personnel are medically ready in accordance with reference (f). Upon notification that VLCP

Feb 11 2014

personnel temporarily assigned to the RLSO are not medically ready, DCOS VLCP shall take appropriate follow-up action.

(9) Facilities Oversight. COS VLCP will provide immediate oversight for the establishment, supply, furnishing, and refurbishing of VLCP offices. VLCP will coordinate the upgrade or alteration of any local VLCP offices or spaces with the Fiscal & Resource Services Support Division (Code 64) and Knowledge and Information Services Division (Codes 67) of the Office of the Judge Advocate General (OJAG), as well as appropriate Public Works authorities. VLCP will coordinate IT support, service, or upgrade of VLCP systems, and purchase of VLC IT equipment with Codes 64 and 67. VLCP will coordinate telephone support, service, or upgrade with Codes 64 and 67. VLCP will coordinate any furniture purchase or upgrades with Code 64. VLCP will coordinate all office supply purchases with the JAG Consolidated Administrative Business (JCAB) Office and Code 64.

(10) Travel. VLCP will process all travel requests and travel claims in coordination with JCAB. VLCP will administer Government Credit Card operations in coordination with JCAB.

(11) CMEO. COS VLCP will conduct annual DEOCS Command Climate Surveys for VLCP personnel. Assistance may be sought from the CNLSC/OJAG Command Assessment Team.

c. JCAB Responsibilities

(1) JCAB Check-In/Out Sheets. All VLCP staff check-in/out sheets will be submitted to JCAB by the VLCP Administrative Officer (AO) or DCOS VLCP.

(2) Personnel Security. JCAB will serve as the VLCP's primary Security Manager. VLCP staff will be maintained in JPAS under CNLSC.

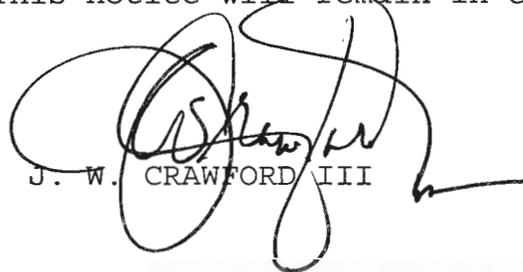
(3) Supplies/Services. All Requests for Supplies/Services (NAVJAG 4270/5) will be submitted to the VLCP AO or DCOS VLCP for verification, approval, and forwarding to JCAB for processing.

(4) Defense Travel System (DTS). All VLCP personnel will be assigned under the host RLSO's DTS organization to enable the use of the local Commercial Travel Office (CTO). VLC DTS profiles will be annotated with "VLCP Staff" in the "Present Duty Station Name" field.

FEB 11 2014

(5) Government Travel Credit Card (GTCC). JCAB is the Agency Program Coordinator (APC) for the CNLSC GTCC program and will maintain VLCP staff under their own hierarchy (HL5-52725: VICTIMS LEGAL COUNSEL).

5. Cancellation Contingency. This notice will remain in effect until cancelled or superseded.



J. W. CRAWFORD III

Distribution:

Electronic only via the OJAG website at <http://www.jag.navy.mil>.