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**Performance Goals: Special Victims' Counsel  
(15 July 2013 – 30 April 2014)**

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*Statutory and Policy Mandates: FY14 NDAA statutorily incorporates the Crime Victims Rights Act (CVRA) into military justice and requires the military services to establish Special Victims' Counsel (SVC) to provide legal assistance to eligible victims of sex-related offenses. 10 U.S.C. 1044e*

Pertinent Background: On 9 Nov 2012, the General Counsel for the Secretary of Defense issued a memo regarding Legal Assistance to Victims of Sexual Assault stating 10 U.S.C. 1044 and 1565b authorize, and certainly do not preclude, legal assistance to a victim of a sexual assault in criminal contexts, including attending interviews of the victim and interfacing with military prosecutors, defense counsel and investigators. The memo further provides victims are not parties but have standing under existing military rules of evidence 412, 513, 514. The Air Force implemented an SVC Program on 28 January 2013, the Coast Guard followed suit in July 2013. The FY14 NDAA was enacted 26 December 2013.

The Coast Guard Special Victims' Counsel Program was formally announced in a Service-wide message on 15 July 2013. Attorneys were identified, received Victim Advocate training and were credentialed by RADM Kenney. In addition to victim advocate training, some SVC attended specialized SVC legal training and Special Victims Unit Investigative Course (SVUIC) training.

FY14 NDAA authorizes SVC to provide legal consultation regarding civil legal issues, collateral misconduct, the right to seek defense counsel, victim witness rights, Sexual Assault Response Coordinator and Victim Advocate issues, the military justice process, civil litigation issues, medical and mental health issues, military protective orders, civilian protective orders, veteran's benefits, and transitional compensation.

The program is currently being managed with temporary resources until the Coast Guard is able to secure permanent resources. Seventeen collateral-duty judge advocates located at various Coast Guard units currently provide legal services to victims. These resources have enabled the Special Victims' Counsel Program to begin providing support to victims while working to obtain permanent resources.

The Vice Commandant approved a request to obtain two civilian billets and seven new active duty, full-time Special Victims' Counsel billets. These positions consist of a GS-15 attorney, an O-4 and five O-3 judge advocates, an enlisted yeoman, and a GS-8 administrative assistant. These billets align with a permanent organizational structure approved on 26 November 2013. The Special Victim's Counsel Branch will be located in the Member Advocacy Division of the Office of Member Advocacy and Legal Assistance. A satellite office, staffed with three judge advocates, will be located in Alameda, California. The Special Victims' Counsel will begin operating under this structure in 2014, with judge advocates scheduled to be assigned to these billets in the summer of 2014, recruiting for the civilian leadership position is expected to commence in the spring of 2014.

Special Victims Counsel Personnel:

Director: CAPT [REDACTED]  
SVC Coordinator: LT [REDACTED]

Special Victims' Counsel Working Group

Leader: CDR [REDACTED]

Members:

LCDR [REDACTED]

LT [REDACTED]

LT [REDACTED]

CDR [REDACTED]

LCDR [REDACTED]

LCDR [REDACTED]

Advisors:

S/A [REDACTED]

Ms. [REDACTED]

Ms. [REDACTED]

Ms. [REDACTED]

Collateral Duty SVC:

CDR [REDACTED]

LCDR [REDACTED]

LT [REDACTED]

**Program Objectives:**

To provide trained, active duty judge advocates to assist victims of sex-related offenses in a confidential attorney-client relationship throughout the military justice process from the date a victim reports to the end of the military justice process regardless of whether the report is restricted, or unrestricted and continue to work with stakeholders on program issues and implementation.

**Program Status:**

Initial Operating Capability (IOC) was formed on July 12, 2013, providing services protected by the victim-advocate privilege with 8 collateral duty attorneys. SVC is currently at Enhanced Operational Capability (EOC) providing legal services in accordance with the FY14 NDAA mandating an attorney-client relationship with 17 collateral duty attorneys. As of 17 April 2014, SVC provided legal services to 68 victims of sex-related crimes and filed 3 notices of appearance to argue motions on behalf of SVC clients.

**Goals/Priorities:**

1. Continue to provide quality legal services
2. Maintain awareness/professional development through monthly SVC JAG chats
3. Stand up 094M Member Advocacy Branch
  - (a) Alameda Office/Ballston Office
  - (b) Hire GS15
  - (c) Fully staff SVC billets with trained, full-time SVC
  - (d) Transition to FOC/release work group
4. Finalize COMDTINST

**Action:**

## 1. Training:

- Training attended:
- 17 SVC have attended Victim Advocate training.
- Navy Special Victims Counsel Training: [REDACTED]
- Army Special Victims Training: [REDACTED]
- Army Special Victims Unit Investigators Course: [REDACTED]
  
- Future Training:
- Air Force SVC Course 19-23 May (Annual)
- Army course in August (Annual)
- National Crime Victim Law Institute, Annual Law Conference June 20-21, Portland, Oregon
- Victim Advocate training
- Special Victims Unit Investigators Course

2. SVC Outreach:

- SVC Program Brief provided to DHS Counsel on Violence Against Women – April 3, 2014.
- SVC Program Brief scheduled for the Legal Assistance Conference April 23, 2014.

3. Numbers of cases per attorney and caseload trend:

- FOC: Projected standard caseload = 20/25 cases per attorney.
- EOC: Average 3- 6 cases per attorney.
- Trend: Average 3 SVC requests a week, the rise in Art. 120 prosecutions has resulted in a rise in SVC requests.

4. Program Management:

- Monthly SVC JAG Chats via telephone.
- Monthly SVC Director's meetings.
- Use of Law Manager to track status and time.
- Use of detailing memos, Scope of Representation letter, Notice of Appearance memo and Conclusion of service memo.
- Use of survey to evaluate client satisfaction.
- Continue to work through legal, administrative and procedural issues created by implementation of new legal service.

5. Resource Issues:

- Potential for this program to incur high travel costs as statute authorizes SVC to accompany victims to proceedings in connection with the reporting, investigation and prosecution of the offense.
- Ensuring we have enough JAGs to provide services through EOC.
- Appeals/Extraordinary writs – AF used the JAG school.

6. SVC Survey

- Will allow clients the opportunity to offer feedback on the process and provide the program with constructive data to improve victim services.

7. Issues presented by Assignment season:

- Working to identify transferring SVC to determine their ability to continue to provide service to clients and/or need to be removed from Collateral Duty SVC list and properly recognized.
- New SVC may need to be identified, trained and certified.
- DCL's will not be 27b certified until December.

