



Special Victims' Counsel (SVC)

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Independent Command and Reporting

AFLOA/CLSV- USAFE (Ramstein Region)

**Ramstein, Spangdahlem, Aviano, Incirlik, Al Udeid,
Geilenkirchen, AEWs, GSUs**

➤ **Restricted**

➤ **Unrestricted**

Provide Support Through Independent Representation



Purpose of the SVC Program

- **Provide advocacy: protect the rights afforded to victims in the military justice system**
- **Provide advice: develop victims' understanding of the investigatory and military justice processes**
- **Empower victims by removing barriers to their full participation in the military justice process**

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.



SVC Role

- **Advocacy to military justice actors, including commanders and convening authorities**
- **Attend interviews with investigators, trial counsel, and defense counsel**
- **May include in-court representation (e.g. rape shield hearing, mental health hearing)**
- **Advocacy to AF and DoD agencies/offices where there is a nexus to the client's status as a victim**
- **Advocacy to civilian prosecutors/agencies**
 - **May NOT represent victims in civilian courts**



NDAA FY14

Expanded SVC Representation

- **Mandated by federal law - 10 U.S.C. § 1044e**

- **All military branches**
 - **Special Victims' Counsel (SVC)**
 - **Victims' Legal Counsel (VLC)**

- **Expands to include Art 120a, 120b, 120c**
 - **Stalking**
 - **Sexual offenses against children**
 - **Other sexual misconduct (indecent viewings, exposure, forcible pandering)**



Eligibility for Air Force SVC

UCMJ Articles 120, 120a, 120b, 120c, 125, and 80

- **Air Force – AD/ARC (if incident occurred while in T10 status or window of eligibility)**
 - The status of the perpetrator does not matter (Air Force, other service, civilian, or unknown)
 - Both restricted and unrestricted reports
 - N/A to prior service sex-related offenses

- **Adult Dependents of AF Members**
 - Perpetrator must be subject to UCMJ
 - Both restricted and unrestricted reports
 - Non-spouse – unmarried between 18-20

- **Minor Dependents of AF Members**
 - Perpetrator must be subject to UCMJ
 - Enrolled in DEERS



Eligibility for Air Force SVC

- **Other Services – AD/ARC (if incident occurred while in T10 status or window of eligibility)**
 - Referred to respective service branch's SVC or VLC
 - AF SVC may be appointed if respective service branch is unable to provide representation. Must be approved by Chief, AFLOA/CLSV
- **Dependents of Other Services' Members**
 - Referred to respective service branch's SVC or VLC
 - AF SVC may be appointed if respective service branch is unable to provide representation. Must be approved by Chief, AFLOA/CLSV
- **Other Victims Eligible for legal assistance under AFI 51-504**
 - Perpetrator must be subject to UCMJ
 - Non-AF eligibles referred to respective service branch's SVC or VLC
 - AF SVC may be appointed if respective service branch is unable to provide representation. Must be approved by Chief, AFLOA/CLSV
 - Assistance subject to availability of legal staff resources and capabilities



Eligibility for Air Force SVC

- **Entry-level status Airmen in UPR involving physical contact of a sexual nature with BMT or TT faculty/staff**
- **Deployed Victims – reach back support**
- **Exception to Policy**
 - **Chief, AFLOA/CLSV**
 - **Case by case basis consistent with 10 U.S.C. § § 1044, 1044e, 1565b**



Child Victims

■ Children 16 and Older

- Presumed to have capacity
- Child signs scope of representation

■ Children Under 16

- Competency Determination pursuant to AF Rules of Professional Conduct - Rule 1.14
 - Nature of client-directed relationship
 - Scope of SVC representation
 - Ethical obligations to the child
 - Communicate direction to SVC
 - Deliberate and reach conclusions about own choices
 - Possible consequences of choices
 - Opinions/input by others (Family & Multi-disciplinary child abuse team members)
- If SVC determines competent, child still signs scope of representation



Child Victims & Diminished Capacity

- **Victims of Any Age with Diminished Capacity**
 - **If SVC determines not competent, non-offending parent/guardian signs the scope of representation**
 - **Child and/or diminished capacity victim remains the client**

- **Ongoing Duty to Assess Competency**
 - **Use of developmentally appropriate communication methods**
 - **Determine capacity with regard to each issue**
 - **Concerns**
 - **Address with Chief, AFLOA/CLSV**
 - **If appropriate, consult with appropriate people**
 - **Family, Medical/MH professionals, FAP, state/civil authorities**
 - **Request guardian ad litem if appropriate**



Child As Client

- **Diminished Capacity is contextual**
- **SVC may process in a manner consistent with client's expressed goals**

- **Client's Preferences**
 - **Legal Interests vs. Best Interests**
 - **Duty is to advocate the expressed interests of the client**
 - **Not what SVC or 3rd party believe is best interest**
 - **SVC makes good faith effort to determine interests or request appointment of guardian ad litem / Art 6b Designee from military judge**
 - **When expressed preference would be seriously injurious**
 - **Not just contrary to SVC's opinion**
 - **Request appointment of guardian ad litem or Art 6b Designee**
 - **Shall not reveal the basis of the request for appointment if would compromise child's position**



Role of Parent/Guardian

- **SVC, with client's permission, may consult with non-offending parent, guardian, or to the extent permitted under ethical guidelines, other individuals in the child's life.**

- **Access to client**

- **If parent/guardian becomes a problem, SVC may seek appointment of guardian, guardian ad litem, or Art 6b Designee as appropriate**
 - **No longer acting in good faith**
 - **Making untruthful representations about child's well being**
 - **Endangering safety of child**
 - **Willfully obstructing SVC from meeting client's directions**



Crime Victims' Rights Act

UCMJ Art 6b

- The right to be reasonably protected from the accused
- The right to reasonable, accurate, and timely notice of certain proceedings
- The right not to be excluded from any public hearing or proceeding (unless the military judge or investigating officer determines after receiving clear and convincing evidence that testimony by the victim would be materially altered)
- The right to be reasonably heard at any of the following:
 - A public hearing concerning the continuation of confinement prior to trial of the accused.
 - A sentencing hearing relating to the offense.
 - A public proceeding of the service clemency and parole board relating to the offense.
- The reasonable right to confer with the government
- The right to receive restitution as provided in law
- The right to proceedings free from unreasonable delay
- The right to be treated with fairness and with respect for the dignity and privacy of the victim



Scope of Representation

- **Scope of Representation**
 - UCMJ Art 6b
 - VWAP requirements
 - Other legal rights existing under state and federal law
 - OCONUS – ERD to CONUS

- **Precluded Representation**
 - Civilian criminal/civil courts – e.g. Delinquency, Custody, Neglect, Divorce, School System/Boards
 - May still advocate to agencies – e.g. prosecutors, CPS
 - Collateral misconduct



Client Confidentiality

- **SVC shall not reveal information related to representation of child client unless client consents to disclosure**
 - **Exception – SVCs SHALL comply with federal mandatory reporting laws involving child, elderly, and other abuse**
 - **AF Rules of Professional Conduct, Rule 1.6**
 - **State Rules of Professional Conduct**
 - **Contact Chief, AFLOA/CLSV**

- **SVC may consult with non-offending parent/guardian when client consents to disclosure**
 - **Duty to maintain client confidentiality not impacted by presence of non-offending parent/guardian**
 - **Proactive measures to ensure child and third parties understand and keep confidential info regarding representation**



Bottom Line

“It takes a strong team to succeed in our mission to protect and defend the nation, and sexual assault undermines that. It’s devastating to those involved...[T]his program embodies what the Air Force is all about -- **taking care of our people.”**

***General Mark A. Welsh, III, Air Force Chief of Staff
5 January 2013***



QUESTIONS?

SAPRO FOR YOU!

DO YOU HAVE QUESTIONS OR CONCERNS RELATED TO A SEXUAL ASSAULT? WE CAN ASSIST AND WE ARE 100% CONFIDENTIAL!

Services are available for you regardless if an incident occurred before or during your military service. We are available 24/7 to support you.



Carolina Yepez, SARC Bridget Blossom-Love, VA

IF YOU ARE NOT SURE OF YOUR OPTIONS, THAT'S OKAY. COME TALK WITH US, AND TOGETHER WE CAN FIGURE IT OUT!

USEFUL NUMBERS/RESOURCES

SAPR Office:	226-3765
SARC (24/7) Hotline:	226-7272 07809603815
SVC	226-3339
Safe Helpline:	1-877-995-5247 www.safehelpline.org
Military OneSource:	1-800-342-9647
Medical Assistance: Emergency Room (RAFL):	226-4226
Mental Health:	226-8603
Family Advocacy:	226-8070
Base Chapel:	226-3711
Base Legal Assistance:	226-3553
911 on base:	911 or 01638527911
AFOST: Command Post:	238-3550 226-4800
EO:	226-2468

SEXUAL ASSAULT PREVENTION & RESPONSE



Carolina Yepez, M.A.
Sexual Assault Response Coordinator
314-226-2882
07876148466
carolina.yepez@us.af.mil

Bridget Blossom-Love
Sexual Assault Victim Advocate
314-226-3765
07595821956
bridget.blossomlove@us.af.mil

**SARC 24/7
HOTLINE
314-226-7272
07809-603815**

BLDG. 1070

TYPES OF REPORTS

Restricted Reporting

- ⇒ Enables AD military or Dependents to report allegations of sexual assault to the SARC with-out triggering an investigation.
- ⇒ Allows access to medical care, counseling, a victim advocate, referral to Special Victims' Counsel, and further referrals and re-sources.
- ⇒ No command notification.

Unrestricted Reporting

- ⇒ The SARC, command, and OSI will be notified and an investigation will be initiated. Details of the allegation will be provided only to those personnel with a legitimate need to know.
- ⇒ Allows access to medical care, counseling, a victim advocate, referral to Special Victims' Counsel, and further referrals and re-sources.

Independent Reporting

- ⇒ Occurs when a victim discusses their assault with an individual who subsequently notifies command or if an individual observes the assault and notifies command or investigative authorities and an investigation is initiated. When this occurs, the victim may lose the right to file a Restricted report.

GUIDELINES FOR REPORTS

To maintain the option for a **RESTRICTED** report, you may contact the following:

- SAPR office (238-7272)
- Victim Advocate: (07809603815)
- Special Victims' Counsel (226-3339)
- Chaplain (226-3711)
- Contact a medical provider

To initiate an **UNRESTRICTED** report you can contact:

- SAPR office (226-7272); (07809603815)
- Notify authorities (AFOSI, SF)
- Inform Chain of Command/"mandatory reporter" (direct supervisor, first sergeant)
- Ask another individual for assistance with contacting authorities

BECOMING AN ADVOCATE

Air Force Victim Advocates provide essential support, and care to sexual assault victims. Victim Advocates are active-duty military personnel or DoD civilian employee volunteers. You must possess a level of maturity and be available to assist in these very sensitive/confidential cases. You will be required to complete a 40-hour training class and be expected to rotate into an on call duty schedule.

Responsibilities Include:

- Providing crisis intervention, referral and ongoing non-clinical support until the victim states that support is no longer needed
 - Providing information on available options and resources to assist with informed decision making
 - May accompany the victim, if requested, during investigative interviews and medical examinations
- Does NOT provide counseling or other professional services**

SPECIAL VICTIMS' COUNSEL

What SVCs do for victims of sexual assault:

- Represent you and you alone!
- Provide **CONFIDENTIAL** legal advice
- Provide legal assistance
- Protect your rights & privacy interests
- Advise you on the status of the investigation (for Unrestricted reports)
- Attend interviews with you (for Unrestricted reports)
- Attend hearings & courts-martial with you (for Unrestricted reports)

Who does the SVC work for?

- **YOU!**
- SVC does not work for anyone on your base
- SVC Chain of Command is an independent office in Washington, D.C.

HOW CAN YOU REQUEST AN SVC?

- Contact your base SARC, Family Advocacy Program, or Legal Office
- **Contact the SVC directly @ 226-3339**



Capt. Micah Smith
Special Victims'
Counsel



TSgt. Tiana Martel
Special Victims'
Paralegal

SVC IS ALSO LOCATED IN BLDG. 1070



Special Victims' Counsel (SVC)



Capt Micah Smith
Special Victims' Counsel

TSgt Tiana Martel
Special Victims' Paralegal

Integrity - Service - Excellence



Overview

1. What is an SVC?
2. Structure of the SVC Program
3. Eligibility for a SVC
4. What an SVC does for your Airmen

“It takes a strong team to succeed in our mission to protect and defend the nation, and sexual assault undermines that. It’s devastating to those involved...[T]his program embodies what the Air Force is all about -- **taking care of our people.**”

General Mark A. Welsh, III, Air Force Chief of Staff
5 January 2013

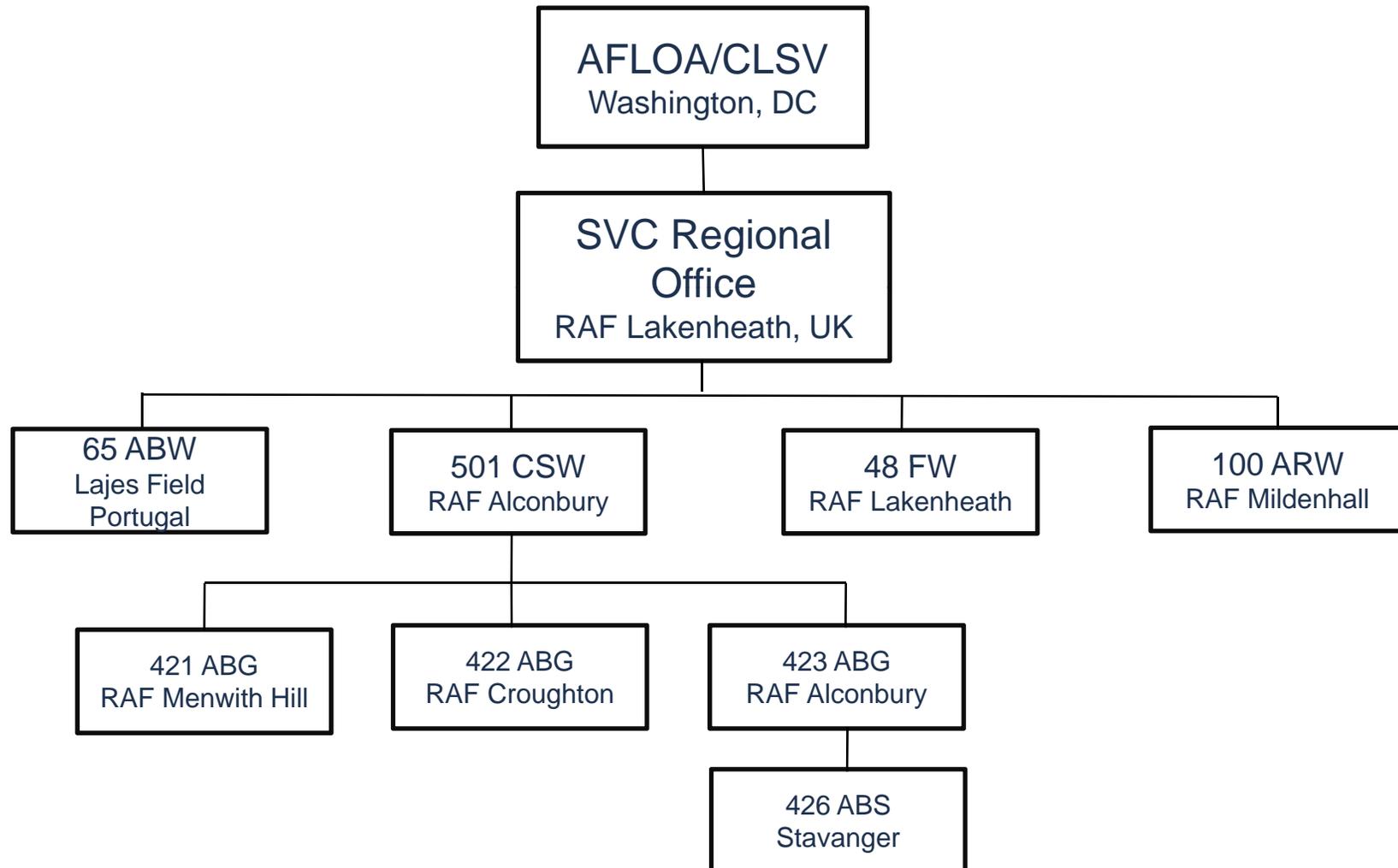


What is an SVC?

- A SARC
- An SVU Investigator (like the TV show)
- A Counselor
- An Advocate
- The Bellybutton for a Sexual Assault Investigation
- A Lawyer for the Victim



Independent Command



Integrity - Service - Excellence



Eligibility for SVC

STEP 1: What is the Nature of the Offence

- Crimes under articles 120, 125, and 80 of the UCMJ
 - Rape to unwanted sexual touching (attempts)
 - Stalking
 - Indecent viewing/recording/broadcasting/exposure
- Unprofessional Relationships for BMT or TT



Eligibility for SVC

STEP 2: What is the Status of Victim

- **Active Duty Service Members**
 - Includes Reserves/Guard if incident occurred while in status
 - **Status of perpetrator doesn't matter (AF, other service, or civilian)**
 - **Both restricted and unrestricted reports**
- **Dependents of AD Service Members**
 - Includes child victims (child is client, not parent)
 - Perpetrator must be DoD Member
 - **Both restricted and unrestricted reports**
- **DoD Civilian Employees**
 - Perpetrator must be DoD Member
- **Retirees**
 - Perpetrator must be DoD Member
- **FY 14 NDAA required all services to have SVCs**
- **FY 14 NDAA required representation of child sex abuse victims**



What Do We Do?

■ REPRESENT THE VICTIM

- Provide confidential legal advice
- Provide advocacy
- Protect the victim's rights & privacy interests
- Provide legal assistance
- Advise victim on the status of the investigation
- Attend interviews with the victim
- Attend legal proceedings with the victim



Purpose of SVC

■ Provide Confidential Legal Advice

- **Restricted, unrestricted, or no report**
- What is the process going to be like?
- Who is calling, and why are they calling?
- What will be required of me?
- Will I have to testify?
- Why are they asking me this?

■ There may be things we can't tell you



Purpose of SVC

■ Provide Advocacy

- In court and out of court
 - JA, Convening Authority, ADC, Military Judge)
- Commanders, First Sergeants, Supervisors
 - Preferral, Referral, Discharge, other Admin action
 - **Facilitate conversations w/ your Airmen (rebuild trust)**
 - Facilitate helping services (time to attend appointments)
 - **Talk about practical ways you can help**
 - Different duty section
 - Different work hours
 - Expedited transfers
 - Collateral misconduct – Not their ADC, but...



Purpose of SVC

■ Protect the victim's rights & privacy interests

- UCMJ, Federal Law, Air Force Instruction
 - (1) Be reasonably protected from the accused
 - (2) The right to reasonable, accurate, and timely notice of any of:
 - (A) Pretrial confinement
 - (B) Article 32 hearing
 - (C) A court-martial
 - (D) Clemency and parole board
 - (3) Not to be excluded unless clear and convincing evidence that their testimony would be materially altered
 - (4) The right to be reasonably heard at (same as para. 2)
 - (5) Confer with the counsel representing the Government
 - (6) Right to receive restitution as provided in law
 - (7) Proceedings free from unreasonable delay
 - (8) Be treated with fairness and respect for their dignity and privacy**



How to Request an SVC

- **VICTIMS MAY CONTACT SVC DIRECTLY**
 - Cannot take restricted report
 - Can still provide legal assistance/advice about the process

- **Unrestricted Reports**
 - Victim informed as soon as they seek assistance from the SARC/VA, FAP, Legal Office, or investigator.
 - DD Form 2701

- **Restricted Reports**
 - Directly through SARC/FAP/Medical



Contact Information

- RAF Lakenheath, United Kingdom

DSN: 314-226-3339

Comm: +44 (0)1638 523 339

Cell: +44 (0)7734-880-578

Email: micah.smith.14@us.af.mil



QUESTIONS?

Integrity - Service - Excellence

AIR FORCE SPECIAL VICTIMS' COUNSEL UNITED KINGDOM REGION



- **WHAT SVCs DO FOR SEXUAL ASSAULT VICTIMS**
 - REPRESENTS YOU AND YOU ALONE
 - PROVIDES **CONFIDENTIAL** LEGAL ADVICE
 - PROTECTS YOUR RIGHTS & PRIVACY INTERESTS
 - PROVIDES LEGAL ASSISTANCE
 - ADVISES YOU ON THE STATUS OF THE INVESTIGATION
 - ATTENDS INTERVIEWS WITH YOU
 - ATTENDS HEARINGS & COURTS-MARTIAL WITH YOU
- **WHO DOES THE SVC WORK FOR? YOU!**
 - SVC DOES NOT WORK FOR ANYONE ON YOUR BASE
 - CHAIN OF COMMAND IS AN INDEPENDENT OFFICE IN D.C.
- **HOW CAN YOU REQUEST AN SVC?**
 - CONTACT YOUR LOCAL SARC, FAP, OR LEGAL OFFICE
 - SARC RAF LAKENHEATH 314-226-7272
 - FAMILY ADVOCACY (FAP) 314-226-8070
 - LEGAL OFFICE 314-226-3553
 - **SVC UNITED KINGDOM 314-226-3339**
 - RESTRICTED REPORTS – GO TO THE SVC/SARC/FAP TO ENSURE THE REPORT REMAINS RESTRICTED



Capt Micah Smith
Special Victims' Counsel



TSgt Tiana Martel
Special Victims' Paralegal

Your Rights as a Victim

- To be treated with fairness and respect for your dignity and privacy,
- To reasonable protection from a suspect or the Accused,
- To notification of all court-martial proceedings,
- To confer with Trial Counsel in the case,
- To appropriate restitution, when available,
- To information about an Accused's conviction, sentencing, confinement and release,
- To make a personal appearance at a Military Department clemency and parole board.

How can you request an SVC?

Unrestricted Reports

- Contact your local SARC, FAP, or Legal Office

-SARC RAF Lakenheath 314-226-7272
-SARC RAF Mildenhall 314-238-7272

Restricted Reports

- Contact the SVC, SARC, or FAP to ensure the report remains restricted

Other Services Available

Chaplains

-RAF Lakenheath 314-226-3771
-RAF Mildenhall 314-238-2822

Family Advocacy (FAP) 314-226-8070

Mental Health Clinic 314-226-8010

Legal Office

-RAF Lakenheath 314-226-3553
-RAF Mildenhall 314-238-2028

Special Victims' Counsel

▶ Building 1070, RAF Lakenheath

AFLDA/SVC
Unit 5121
APO AE 09461-5121

Phone: 314-226-3339
Com: +44 (0)1638 523 339
E-mail: afloa.svc.lakenheath@us.af.mil



Air Force Legal Operations Agency
Special Victims' Counsel

Special Victims' Counsel Services





In the military, we pride ourselves on being ready for whatever our adversaries throw at us. We plan, we train, we exercise, and we prepare. Unfortunately, no one can fully prepare for what it's like to be the victim of a crime. You may be uneasy or angry, and, in all probability, anxious about what may follow. Surviving a sexual assault can be stressful and the process may make you feel victimized all over again.

The Special Victims' Counsel (SVC) position is designed to make this process a little easier. It is designed to help you understand the process and make sure that your voice is heard. We are here to walk this road with you.

Purpose of SVC

- Empower Victims
- Represent Victims
 - The SVC do not work for anyone on your base or in your chain of command
- Provide Advocacy
 - To military justice actors, including commanders and convening authorities
 - To AF and DOD agencies/offices where there is a nexus to the client's status as a victim
 - To civilian prosecutors/agencies
- Provide confidential legal advice
- Protect Victim's rights and privacy interests
- Provide legal assistance
- Advise Victim on the status of the investigation
- Attend interviews with Victim
- Attend hearings and courts-martial with Victim
 - May include in-court representation—**except in civilian courts**

Local Community Support:

Talk with an SVC first about the best service to use for your unique situation..

Victim Support: <http://www.victimsupport.org.uk/Contact-us/East-of-England>

Rape Clinics

Waveney Counseling Service – (01502) 51 6957

Suffolk Rape Crisis – (01473) 71 5333. Support for women who have suffered sexual abuse and rape. They offer face-to-face support for women and their families. Mon 1900-2100 and Fri 1900-2100

Waveney Rape & Abuse Center (01502) 58 5707

NHS Trust Department of Sexual Health – (01473) 71 1011. Offers rape counseling and can refer to a female physician.

CARELINE – (02085) 14 1177. Telephone counseling for victims of rape.

Domestic Violence

Waveney Women's Aid – Refuge, support and advice for women escaping domestic violence. Free confidential advice and support. (01502) 51 9801. 24-hour helpline.

National Help Line – (08082) 00 0247. 24-hour free phone offers women and children access to emergency refuge accommodation, an information service, safety planning and translation facilities.

Citizens Advice Bureau

Mildenhall: (01638) 712094 Brandon: (01842) 811511

Newmarket: (01638) 665999 Kings Lynn: (01553) 774719

Cambridge: (08701) 264010 Thetford: (01842) 752777

Bury St Edmunds: (01284) 753675 Ely: (08707) 510933