

Victim's Rights

Pursuant to 10 USC 806b, Article 6b. A victim of an offense has the following rights:

- 1)The right to be reasonably protected from the accused.
- 2)The right to reasonable, accurate, and timely notice of any of the following:
 - a. A public hearing concerning the continuation of confinement prior to trial of the accused.
 - b. A preliminary hearing under section 832 of this title (article 32) relating to the offense.
 - c. A court-martial relating to the offense. A public proceeding of the service clemency and parole board relating to the offense.
 - d. The release or escape of the accused, unless such notice may endanger the safety of any person.
- 3)The right not to be excluded from any public hearing or proceeding described in paragraph (2) unless the military judge or investigating officer, as applicable, after receiving clear and convincing evidence, determines that testimony by the victim of an offense under this chapter would be materially altered if the victim heard other testimony at that hearing or proceeding.
- 4)The right to be reasonably heard at any of the following:
 - a. A public hearing concerning the continuation of confinement prior to trial of the accused.
 - b. A sentencing hearing relating to the offense.
 - c. A public proceeding of the service clemency and parole board relating to the offense.
- 5)The reasonable right to confer with the counsel representing the government at any proceeding described in paragraph (2).
- 6)The right to receive restitution as provided by law.
- 7) The right to proceedings free from unreasonable delay.
- 8) The right to be treated with fairness and with respect for the dignity and privacy of the victim of a covered offense.

Special Victims' Counsel Program

Among the Army's efforts to combat sexual assault in the ranks, the Special Victims' Counsel (SVC) Program was developed to strengthen the support of victims of sexual assault and enhance their rights within our military justice system. The role of an SVC is to zealously represent the client's interests throughout the military justice process.

<https://home.army.mil/hawaii/index.php/my-fort/services/legal>

Special Victims' Counsel Program



SPECIAL

VICTIMS'

COUNSEL

WHAT IS AN SVC?

Special Victims' Counsel (SVC) are legal assistance attorneys who received specialized training in representing victims of sex assault and domestic violence, including child victims. SVCs zealously represent and advocate for their clients even when those interests do not align with those of the command or the Army. An SVC's primary duty is to his/her client and the relationship formed between an SVC and a sex assault victim is protected by attorney client privilege.

WHO IS ELIGIBLE FOR SVC REPRESENTATION?

There is a two-part eligibility requirement for SVC services:

1) Individual Status: To be eligible for SVC assistance, a victim of sexual assault must be eligible for legal assistance services in accordance with 10 U.S.C. 1044e, and Army Regulation 27-3: Active duty members and retirees, their spouses and minor dependents (restrictions on adult dependents) are eligible. Reserve component members, retirees and their dependents, and DoD Civilians may also be eligible. Civilian personnel with no ties to the military are currently not eligible for SVC services.

2) Crime Type: To be eligible for SVC services, a victim of sexual assault must make either a restricted or unrestricted report of sexual assault, rape, forcible sodomy, or unwanted sexual contact. Victims of domestic violence are eligible for services. Other sex-related crimes may also qualify.

ROLE OF THE SVC

- Advocate client's interests to commanders, military prosecutors, defense counsel, and others involved in the investigative and prosecutorial process.
- Communicate directly with criminal investigators, military prosecutors, and defense counsel, which provides an additional layer of protection for the client.
- Provide legal assistance on related issues.
- Educate about the court-martial process.
- Maintain attorney/client confidentiality.
- Attend CID interviews with clients.
- Assist in obtaining information related to the case.
- Assist in claims process when appropriate.
- Help obtain other services available to clients.
- Help obtain civilian and military protective orders.
- Assist with expedited transfer requests.
- Represent victims in courts-martial.
- Advocate at pre-trial confinement hearings.
- File motions and argue before the military judge.



HOW CAN I CONTACT A SVC?

If you are eligible for services and wish to request SVC representation, please contact your unit's Victim Advocate, Brigade SARC, or the Family Advocacy Program at ACS for initial eligibility screening.

Eligible personnel will be referred to the SVCs for representation.

SVCs are located at the
Schofield Barracks
Legal Assistance Office
CPT Alex Kennedy: (703) 347-3857
CPT Josalyn Ayuso: (202) 893-6854
CPT Sara Jarman: (202) 834-4396
278 Aleshire Ave
Schofield Barracks
Office Hours
Mon – Thurs: 0900 - 1630
Fri and 1st Wed of each month:
1300 – 1630

