

WHO IS ENTITLED TO A SPECIAL VICTIMS' COUNSEL?

Eligible individuals are active duty Regular Army Soldiers, members of the Army Reserve and Army National Guard in a Title 10 status or an active duty for training status, their dependents and Army Civilians. These individuals are eligible to receive legal services for sex-related offenses, domestic violence offenses and related retaliation, not including sexual harassment.

Victims are eligible if the perpetrator is a U.S. service member on active duty or in an active duty for training status.

Even if an eligible victim has filed a restricted report, they are still entitled to Special Victims' Counsel (SVC) services to learn about the legal process and their rights.

Rights

In addition to a victim's right to assistance from an SVC in a court-martial, a victim has the right to:

- Be treated with fairness and respect with regard to a victim's dignity and privacy
- Be protected from the accused offender
- Be notified of court proceedings
- Be present at all public court proceedings related to the offense, unless the court determines that the victim's testimony would be materially affected if the victim heard other testimony at trial
- Be heard and have an attorney speak on the victim's behalf during certain hearings
- Meet with the prosecuting attorney
- Information about the conviction, sentencing, imprisonment, and release of the offender

Attorney-Client Confidentiality

Victim privacy and confidentiality are extremely important, and with very limited exceptions, an SVC cannot share victim-provided information with anyone without the victim's express permission. The SVC may discuss a victim's case with supervising attorneys and paralegals assisting in the case, but will do so only in representing the victim's interests while maintaining confidentiality.

SEXUAL ASSAULT RESOURCES

DoD

Safe Helpline

Sexual Assault Support for the DoD Community

The **DoD Safe Helpline** provides support for sexual assault survivors in the military community. It is anonymous, confidential, secure, and available 24/7 by phone at 877-995-5247 or online chat at www.safehelpline.org. Trained professionals will walk you through your options, and connect you directly with local resources.

Emergency Assistance: 911

Army Sexual Harassment/Assault Response and Prevention (SHARP):

www.armyresilience.army.mil/SHARP

Army Special Victims' Counsel:

www.jagcnet.army.mil/SVCounsel

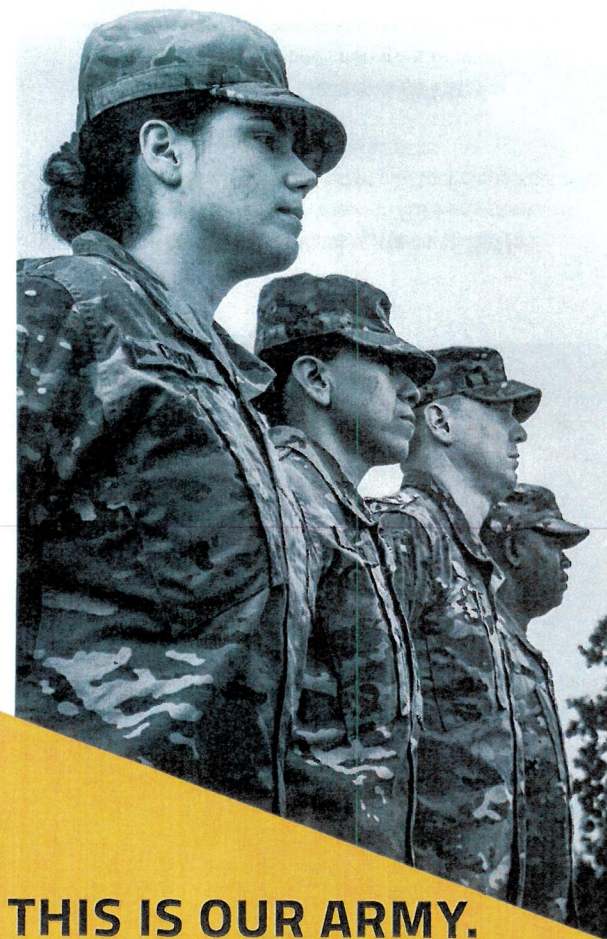


ARMY RESILIENCE



SHARP
SEXUAL HARASSMENT/ASSAULT
RESPONSE AND PREVENTION

SPECIAL VICTIMS' COUNSEL



THIS IS OUR ARMY.

www.ArmyResilience.Army.mil | [@ArmyResilience](https://www.facebook.com/ArmyResilience)  

WHAT IS A SPECIAL VICTIMS' COUNSEL (SVC)?

A Special Victims' Counsel is a lawyer specially trained to provide legal counsel to eligible victims of sexual assault and domestic violence. The Judge Advocate General of the Army certifies each SVC to serve in this critical assignment. SVCs are authorized by law to enter into attorney–client relationships with the victim and protect the victim's legal rights and interests.

The SVC's mission is to provide clients with confidential legal representation in sexual assault and domestic violence cases. Their primary duty is to the victim, representing them throughout the military justice process.

The reporting, administrative action, and court-martial processes can be difficult. Victims may feel anger, frustration, or fear as a result of their experience. Army SVCs are prepared to help victims through this process, looking out for their legal interests.

SPECIAL VICTIMS' COUNSEL SERVICES

SVCs offer consultation and assistance with:

- Navigating the military justice system, including accompanying and advising victims during interviews, examinations, and hearings, and representing them at a court-martial as permitted by law
- Explaining the responsibilities and support provided by Sexual Assault Response Coordinators (SARCs), SHARP Victim Advocates (VAs), and domestic abuse advocates, including privileged communications with the victim
- Eligibility and requirements for behavioral health counseling and other medical services
- Victim misconduct stemming from the sexual assault and assistance directing the victim to Trial Defense Service (TDS) if the victim is a U.S. service member
- Victim impact statement submissions
- Eligibility and requirements for obtaining transitional compensation benefits



SPECIAL VICTIM SERVICES

The Army provides the following services to ensure victims receive comprehensive support:

Special Victims' Counsel (SVC):

Specially-trained judge advocates (i.e., attorneys) who represent eligible victims of alleged sexually-based offenses at installations worldwide, seeking to ensure each victim's expressed interests are considered throughout the investigation and in any UCMJ or administrative action

Legal Assistance Attorneys:

Assist clients, including victims of domestic violence, with Family law matters such as separation, divorce, financial nonsupport, child custody, and visitation

Special Victim Prosecutors (SVPs):

Skilled trial attorneys who assist with prosecuting sexual assault and domestic violence crime cases

Special Victim Paralegals:

Trained and skilled paralegals who work alongside the SVCs and SVPs

Special Assault Investigators (SAIs):

Criminal Investigation Division (CID) investigators responsible for certain offenses, to include sexually-based offenses and special victims

Victim Witness Liaisons (VWLs):

Trained facilitators and coordinators who provide information and assistance in obtaining victim and witness services

Sexual Assault Response Coordinators (SARCs):

Serve as the single point of contact for coordinating appropriate and responsive care for sexual assault victims

SHARP Victim Advocates (VAs):

Provide crisis intervention, support, referrals, ongoing nonclinical services, coordination between agencies, and explain reporting options, empowering victims to make informed and educated decisions

INFORMATION PAPER

SUBJECT: The Special Victim's Counsel Program

1. BLUF: Special Victim's Counsel (SVC) Judge Advocates are uniformed attorneys who provide legal counsel to eligible clients reporting as victims of an alleged sex-related offense or an alleged domestic violence offense. SVCs deliver exceptional legal representation and advice to their clients and empower clients through professional competency and advocacy. SVCs ensure the clients' interests and rights are recognized and protected throughout all proceedings

2. PURPOSE: The purpose of this information paper is to detail the scope of the Special Victims Counsel Program and discuss the role of the SVC in the military justice and administrative processes involving an alleged sex-related or domestic violence offense.

3. DISCUSSION:

a. Army SVCs are Judge Advocates (JAs) who receive specialized training and are certified by The Judge Advocate General (TJAG) to provide legal assistance to eligible victims of sexual assault and domestic violence. To be eligible for SVC services, victims must be either active duty Regular Army Soldiers, members of the Army Reserve and Army National Guard in a Title 10 status or an active duty for training status, or a dependent, and Army Civilians; and the alleged perpetrator must be a U.S. service member on active duty or in an active duty for training status. Once eligible, victims receive legal services for sex-related offenses, domestic violence offenses and related retaliation, not including sexual harassment. Army SVCs competently represent their clients throughout the military justice process. They advocate for their clients' interests, even when the client's interest do not align with the Government's interests. For sexual assault victims not eligible for an SVC (e.g., the alleged perpetrator is not subject to Article 2, UCMJ jurisdiction), and when the case is being handled by German authorities (police and prosecution), IAW AR 27-50 and AER 550-50, the victim may request from OJA (Client Services SPD) the hiring of a local national German attorney to represent them and act as a liaison with German authorities during German court proceedings.

b. An SVC's primary duty as an Army lawyer is to his/her client and no other person, organization, or entity. They empower their clients by fostering an understanding of the military justice and administrative processes thereby enabling their clients to make informed decisions. SVCs function as a part of an interdisciplinary team of professionals providing service to victims of an alleged sexual assault or domestic violence incident and assists in the resiliency building process by ensuring access to services through referral as appropriate. Further, pursuant to Section 541 of the Fiscal Year 2020 National Defense Authorization Act, the Secretary of Army has four years to ensure that each SVC's caseload "does not exceed, to the extent practicable, 25 cases, [at] any given time." Thus, enabling greater focus and legal support to each victim.

UNCLASSIFIED

c. Army SVCs are available to provide representation in military justice and administrative processes to victims of alleged sexual assault and domestic violence offenses who file both restricted and unrestricted reports. Additionally, Army SVC's provide consultation, representation and counsel during investigations and work with OSJAs and Command elements to address allegations of retaliation when they arise. Army SVCs assist clients in matters related to military protective orders, counsel victims on personal civil legal matters, provide information and referral to the civilian criminal system, and provide guidance in obtaining services for matters related to collateral misconduct.

d. Since 1 December 2020, Army SVCs, in conjunction with legal assistance attorneys, have also been providing counsel to victims of domestic violence. Army SVCs provide zealous representation of a client's rights and interests during all phases of investigations related to sexual assault and domestic violence, throughout the Military Justice process, or during administrative proceedings.

4. CONCLUSION: Army SVCs ensure that the military justice and the administrative process proceeds in a fair and just manner, protecting both the rights of the victim and the rights of the accused. Army SVCs competently represent their clients to ensure the victim's interests are known, that a balance is maintained, and the rights of the victim are protected.

5. Point of Contact: CPT Kevin R. Hill, Special Victims' Counsel, Office of the Judge Advocate (OJA), U.S. Army Europe, DSN 314-537-0661, kevin.r.hill10.mil@mail.mil.

PREPARED BY: CPT Kevin Hill
APPROVED: Mr. Daniel A. Lauretano, Sr.

UNCLASSIFIED