

## **National Guard Special Victims' Counsel Services**

SVCs may provide their clients with the following non-exclusive list of services for reports of sexual assault, domestic violence and sexual harassment:

- Protect client's right to be treated with fairness and respect;
- Advise client of and coordinating access to the authorized individuals to whom a victim may make disclosures. These include a Sexual Assault Response Coordinator (SARC), Family Advocacy Program (FAP), a Victim Advocate (VA), an Air Force/Army National Guard or Department of Defense (DoD) Health Care Provider (HCP) or a Chaplain;
- Advise client regarding potential criminal liability of the victim stemming from or in relation to the circumstances surrounding the sexual assault, domestic violence and sexual harassment report, including the client's right to seek defense counsel; Advising client of eligibility and requirements for services available from appropriate agencies or offices for emotional and mental health counseling and other medical services;
- SVC participation during the court martial or administrative action can be as limited or as broad as the victim desires.

Legal consultation regarding:

- Certain civil matters directly connected to the sexual assault report on a case by case basis;
- Military justice proceedings in which a victim may participate;
- Availability of and process for obtaining protections offered by military protective orders and/or identifying resources for civilian protective orders;
- Eligibility and requirements for obtaining any available military and veteran's benefits as well as other state and federal victims' compensation programs;
- Restitution, if applicable;
- Matters of reprisal, retaliation, and/or ostracism;
- Advising client regarding Medical Evaluation Board (MEB), Physical Disability Evaluation System (PDES) processes, and referral to Disability Counsel;
- Assist with filing Line of Duty claims or appealing Line of Duty decisions;
- Advise client regarding certain issues that have a nexus to the sexual assault, domestic violence or sexual harassment report as appropriate regarding proceedings of the Personnel Records Review Board, Air Force/Army National Guard Discharge Review Board, and Board of Correction of Military Records if any of these proceedings;
- Advise client regarding certain issues that have a nexus to the sexual assault, domestic violence or sexual harassment report as appropriate regarding requests from and complaints against the government, including Freedom of Information Act (FOIA) requests, allegations under review by an inspector general, complaints regarding equal employment opportunities, and other correspondence/communications with Congress;
- Assist and provide legal guidance on changing a restricted report to an unrestricted report for sexual assault, domestic violence and changing from formal to an informal report for sexual harassment.

For unrestricted reports regarding sexual assault or domestic violence and reports of sexual harassment as applicable, additional legal services include, but are not limited to:

- Advise client of additional individuals and services from whom they may seek assistance and support;
- Advise client of and protecting client's rights;
- Assist client in being reasonably protected from the offender;
- To notify client of court proceedings or any administrative actions being taken;
- To assist client to be reasonably heard at hearings concerning the continuation of confinement prior to trial of the accused, sentencing hearings, and/or clemency and parole board hearings; (Court Martial Related)
- To notify the victim of the outcome of trial or administrative action;
- Advocate on client's behalf to various parties in the military justice system;
- Accompany and represent the client in interviews with OCI, CID, OSI, and communicate with investigators, prosecutors, defense counsel, commanders and other military personnel on behalf of the victim. If scheduling conflicts prohibit in-person attendance, then participating via video- teleconference or other means;
- Accompany the client to all military justice proceedings and that the victim has a right to attend;
- Represent and advocate on behalf of the client in military justice proceedings, including submitting legal arguments through written pleadings on their behalf and submitting oral argument before the military judge or administrative separation board;
- To provide legal advice regarding responsibilities and support provided by the SARC and VA, including advice regarding Military Rule of Evidence 514 (Victim Advocate – Victim privilege);
- To provide legal advice regarding the military justice system and applicable rules of evidence including Military Rules of Evidence 412 (Alleged sexual behavior or predisposition), 513 (Psychotherapist-patient privilege), and 615 (Exclusion of victim from proceedings);
- To provide legal advice and assistance in understanding and obtaining any military and veteran benefits that the client may be eligible for, including transitional compensation and benefits under the Uniform Services Former Spouses Protection Act.

Additionally, SVCs can help victims of sexual assault, domestic violence and sexual harassment with the following as applicable to the reported offense:

- Obtaining a copy of the court-martial trial or administrative separation board transcript;
- Obtaining a copy of any statements made to military criminal investigators such as CID, OCI, OSI;
- Providing an unsworn statement or testimony during the sentencing phase of any court-martial;
- Providing an unsworn statement or testimony during the recommendation phase of an administrative separation board;

- Submitting post-trial matters for the convening authority's consideration in a court martial;
- Submitting matters for an administrative separation board for the board's consideration;
- Providing input to the convening authority regarding the prosecution of your case in a court martial; and,
- Submitting a request for an expedited permanent change of station.