

National Guard Special Victims' Counsel Services

SVCs may provide their clients with the following non-exclusive list of services for reports of sex related offenses or domestic violence:

- 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;
- Legal consultation regarding potential criminal liability of the victim stemming from or in relation to the circumstances surrounding the alleged sex related offense or domestic violence offense, 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;
- Representing the victim at any proceedings in connection with the reporting, military investigation, and military prosecution of the alleged sex related or domestic violence offense.

Legal consultation regarding:

- Certain civil matters directly connected to the reported sex related offense 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;
- Matters of retaliation: understanding the rights and protections for victims of retaliation, filing complaints, and in any resulting military proceeding;
- Assisting clients in accessing the correct processes regarding Medical Evaluation Board (MEB) and Physical Disability Evaluation System (PDES) or a 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 sex related offense or domestic violence 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;
- Advise client regarding certain issues that have a nexus to the sex related or domestic violence offense 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 of a sex related offense or domestic violence and changing from formal to an informal report for sexual harassment when appropriate.

For unrestricted reports regarding a sex related offense 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 understanding the availability of, and obtaining any protections offered by, civilian and military protecting or restraining orders;
- To ensure command or the appropriate convening authority is providing timely notifications to the client of military court proceedings or any administrative actions being taken;
- To assert client's right to be heard in connection with the Military prosecution of the alleged sex related or domestic violence offense such as at hearings concerning the continuation of confinement prior to trial of the accused, motions hearings, sentencing hearings, clemency and parole board hearings, and victim impact statements;
- To coordinate with Command or the appropriate disposition authority to ensure the victim is notified of the outcome of trial or administrative action as required;
- Advocate on client's behalf to relevant 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 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 the victim's privileges such as under Military Rule of Evidence 514 (Victim Advocate - Victim privilege); 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 a sex related offense, 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.