

Your Rights as a Victim

In addition to your right to assistance from a Special Victim Counsel, you have the following rights in any courts-martial:

- The right to be treated with fairness and with respect for your dignity and privacy;
- The right to be reasonably protected from the accused offender;
- The right to be notified of court proceedings;
- The right to be present at all public court proceedings related to the offense, unless the court determines that your testimony would be materially affected if you as the victim heard other testimony at trial;
- The right to be heard and the right to have an attorney speak for you during certain hearings;
- The right to confer with the attorney for the government in the case;
- The right to information about the conviction, sentencing, imprisonment, and release of the offender.

It is important for you to know that even if you have filed a restricted report, you are still entitled to SVC services and the opportunity to learn about the legal process and your rights as a victim.

Attorney-Client Confidentiality

Your privacy and confidentiality are extremely important to your SVC. With limited exceptions, your SVC cannot share information you provide with anyone without your express permission. Your SVC may discuss your case with supervising attorneys and paralegals assisting in your case, but will do so only in furtherance of the representation of your interests. In such cases, the same rules of confidentiality will apply.

If You Need Assistance

The Special Victim Counsel in your area may be contacted through Ft. Myer's Legal Assistance Office located at:
202 Custer Road
Bldg. 201, Fort Myer, VA 22211
Office: (703) 696-0761

Additionally, each unit has a Victim Advocate (VA) trained and certified to provide confidential advice regarding the difficult process of addressing your victimization.

For further information on the military's programs to assist victims, please visit the DoD Victim and Witness Assistance Council web page at <https://vwac.defense.gov/>.

Special Victim Counsel Program



INFORMATION FOR VICTIMS OF SEXUAL ASSAULT

Contact: (703) 696-0761
Fort Myer, Virginia

What Is a Special Victim Counsel?

Special Victims Counsel (SVC) are legal assistance attorneys who have received special training and are designated by the Staff Judge Advocate as SVCs.

An SVC's role is to zealously represent you. This means, an SVC's primary duty is to you and no other person, organization, or entity.

SVCs will work to empower you by fostering your understanding of the military justice process. This will be accomplished by providing effective and timely advice during the investigation, being available to assist throughout the entire military justice process, and providing appropriate advocacy to ensure that the rights you are entitled to are fully realized.

An SVC's mission is to provide you with confidential legal representation related to issues that may arise as a result of sex-related or domestic violence related misconduct and during the investigative, administrative, or punitive disposition of your offender's case.

The United States Army is concerned about the problems experienced by sexual assault and domestic violence victims. We understand that as a victim, you may experience anger, frustration, or fear as a result of your experience. We also understand that the reporting process and following courts-martial can be difficult. The SVC for the Military District of Washington can help you through this process by putting you into contact with a qualified health professional or other services.

Special Victim Counsel Services

- Accompany and advise you during interviews, examinations, hearings, courts-martial proceedings, or any adverse administrative processes
- Represent you in any court-martial proceeding as permitted by law
- Advocate your interests with submissions to the court and convening authority to include motions and victim impact statements
- Answer any questions that you may have about the investigative, courts-martial or other processes

Who Is Entitled To An SVC?

Entitlement to an SVC is based on status (listed below), whether you are a victim of sexual assault or domestic violence, and if the military has jurisdiction over the accused.

1. Victims
 - a. Active duty military
 - b. Army Reserve (active 30 or more days)
 - c. Army National Guard (ARNG) in a Title 10 status or Title 32 status more than 30 days
 - d. DoD Civilians entitled to legal assistance
 - e. An offender's intimate partner (not necessarily a dependent)
 - f. Dependents of a, b, or c above
2. The victim is a victim of sexual assault or domestic violence;
 - a. UCMJ Article 120 Offense(s); and/or
 - b. UCMJ Article 128b Offense
3. Jurisdiction – the military must have jurisdiction over the offender. This is typically possible depending on the status of the offender – not the place it occurred. However, if the military does not have jurisdiction, the local civilian law enforcement likely will.

*Note, even if a victim does not qualify for SVC services based on the criteria above, the victim may submit an Exception to Policy (ETP) through the SVC to the SVC Program Manager. ETPs are usually approved within days.

Restricted or Un-Restricted Reports

RESTRICTED Victims who want assistance **without** triggering an official investigation.

By filing a restricted report a victim can receive medical treatment, advocacy services, legal assistance, and counseling. When selecting restricted reporting, you may report the incident to the SARC/SHARP specialist, VA/SHARP Specialist, or healthcare providers, or SVC. The command will not be notified of the persons involved and thus you may still be in the same unit as the offender.

The victim has the choice to change a restricted report to an unrestricted report. This will prompt and official investigation, notification to the command, and may ease the process of transferring out the unit to avoid contact with the accused via changing units or an expedited transfer

REPORTS THROUGH YOUR CHAIN OF COMMAND ARE UNRESTRICTED.

UNRESTRICTED Victims who desire medical treatment, counseling, SVC legal assistance, **and** an official investigation of the crime.

Details regarding the incident will be limited to personnel with a legitimate need to know.

When selecting unrestricted reporting, you may report the incident to the SARC/SHARP specialist, VA/SHARP Specialist, request healthcare providers to notify law enforcement, contact law enforcement yourself, or use current reporting channels, e.g. chain of command.

However, an unrestricted report may not later be changed to a restricted report.