

# HOLLOMAN AIR FORCE BASE VICTIMS' COUNSEL



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VICTIMS' COUNSEL**

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## **What is a Victims' Counsel (VC)?**

VCS are military attorneys who represent eligible victims of sexually-related offenses and domestic violence offenses in the military justice system.

## **What is the purpose of the VC Program?**

In short, the VC Program was created for three main reasons: (1) to **empower** victims – by removing barriers preventing their full participation in the military justice process; (2) to provide victims zealous **advocacy** – by protecting their rights; and (3) to provide legal **advice** – by developing victims' understanding of the often complex investigatory and military justice system.

## **What are the VC Program objectives?**

There are 4 main VC objectives: (1) provide support through independent representation; (2) build and sustain victim resiliency; (3) empower victims; and (4) increase the level of legal assistance provided to victims.

## **How is a VC different from the base legal office or area defense counsel (ADC)?**

The base legal office has attorneys who work for the government of the Air Force while the area defense counsel (ADC) works for Air Force members charged or accused of crimes. In contrast, a VC works for victims including Air Force members or their dependents. A VC has a separate office and different chain of command from the base legal office and ADC. The Chief of the VC Program is located in Washington, DC.

## **Who is eligible for a VC?**

Eligibility is initially determined by statute. The statute authorizes services for active duty, dependents, Guard, Reserve, and certain other individuals. There are also clients that we take on as an exception. The reasons for exceptions vary and not every request is granted, but if a victim was eligible for a VC at the time of the offense, especially if they reported, and they want a VC, they can contact the VC office directly and request consideration.

## **Do VCs represent minors?**

Yes, VCs now represent children of active-duty members and Guard/Reserve on Title 10 orders.

**If a victim doesn't want anyone to know about the crime, can a victim talk to a VC through a restricted report?**

Yes, victims can speak to VCs through a restricted report without letting anyone else know.

**What do VCs do for their clients?**

VCs do many things for their clients such as: offer consultation and advice; advise them of their rights [see next question]; offer referrals for numerous types of services; attend any and all interviews with them; speak to others on the clients' behalf including with trial counsel, area defense counsel, military judges, Office of Special Investigations (OSI), Security Forces Squadron (SFS), commanders, and others; represent the client in courts or discharge boards; assist in cases involving retaliation against victims for reporting a crime; and work through and explain the numerous legal processes, procedures, evidence, and other issues that may arise for courts-martial, discharge boards, or other legal matters. In short, VCs act as zealous advocates for their clients to try and achieve their goals and desires within the context of the law.

**What are some legal rights that victims are entitled to?**

These rights essentially include: (1) being reasonably protected from the offender; (2) the right to notice of identified events in the military justice process about the case; (3) the right not to be excluded from any public hearing involving the case (with some limited exceptions); (4) the right to be reasonably heard at certain hearings; (5) the right to communicate with government counsel in the case; (6) the right to receive restitution, if available; (7) the right to be provided information about any conviction, sentence, imprisonment, and release of the offender; (8) the right to legal proceedings free from unreasonable delay; and (9) the right to be treated with fairness and respect for a victim's dignity and privacy.

**What if a victim doesn't know who the perpetrator is or the perpetrator was a civilian?**

If the victim is active duty, it doesn't matter if the perpetrator is known or unknown, civilian or military. For everyone else, the status of the perpetrator being subject to the Uniform Code of Military Justice is required.

**If the offense happened years ago, is the victim still eligible for a VC?**

It depends on the status of the victim when the offense occurred.

### **What if I meet with a VC and then determine I don't want one?**

That is completely fine. The client/victim who meets with the VC has absolutely no obligation to retain the VC. So, if you or someone you know would like to learn more about the VC's services, you are welcome to set up an appointment.

### **If the offense happened off-base by a civilian, can the VC represent a victim in a civilian court?**

While VCs can still offer those victims confidential consultation, advice, and other services related to the offense, because they are not licensed in most of the states, they **cannot appear in a civilian court.**

### **Is the victim's communication to the VC protected?**

Absolutely! Everything told by a victim to a VC is confidential and protected by attorney-client privilege. This means the VC cannot tell anyone what a victim says unless the victim gives permission to do so. There are only a few limited exceptions where a VC could tell someone about their conversations such as if the victim told the VC that he or she was going to commit a crime or the VC has to defend a claim made by the victim against the VC.

### **If a victim wants to leave the unit, squadron or base, can the VC assist with this?**

Yes. Depending on the victim's status, nature of the case, and whereabouts of the offender the VC can assist with applying for a transfer of either the victim or perpetrator to another unit, squadron, or base.

### **How long does VC representation last?**

Once the VC enters into an ongoing attorney-client relationship that VC remains the counsel for the victim for all matters relating to the sex-related or domestic violence offense, unless released by the client or terminated for good cause, including but not limited to separation or retirement.

### **How much does a VC cost?**

VC services are free.

## **How Do I request a VC?**

A referral can be submitted by the Sexual Assault Prevention and Response (SAPR) office, Sexual Assault Response Coordinator (SARC), Family Advocacy Program (FAP), Domestic Abuse Victim Advocate (DAVA), Chaplain, law enforcement agency (OSI or SFS), base legal office or a victim can speak directly with the Victims' Paralegal to complete a request.

## **Expanded Victims' Legal Services Program:**

As of August 2021, the Air Force began testing the potential need for expanding VC services to victims of crimes other than the qualifying sexually-related and domestic violence offenses. Specifically victims of Interpersonal Violence (IPV).

## **Interpersonal Violence Defined:**

Interpersonal violence is the intentional use of physical force or power, threatened or actual, against a person or group that results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation. This includes sexual assault, dating violence, family violence (e.g., intimate partner and domestic violence, child maltreatment and abuse), and workplace violence (e.g., workplace harassment, sexual harassment, hazing, and bullying).

## **Services Offered**

1. Legal consultation regarding any rights afforded crime victims under the Uniform Code of Military Justice
2. Information and consultation on various complaint processes.
3. Information and consultation on the legal requirements for offenses under the Uniform Code of Military Justice
4. Legal consultation and referral to various military support programs and agencies
5. Information on the availability of, and requirements for obtaining any protections offered by, civilian and military protecting or restraining orders.
6. Information on the availability of, and requirements for any available military and veteran benefits, such as State and Federal victims' compensation programs.
7. Legal consultation regarding services available from appropriate agencies for emotional and mental health counseling and other medical services.

## **IPV Walk-In Hours:**

Walk-in hours on Tuesdays or Thursdays between 0900-1130. In-Person and virtual appointments (via Zoom or MS Teams) are available. Call to make an appointment.