

Special Victims' Counsel

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What is a Special Victims' Counsel (SVC)?

A SVC is a military attorney who specializes in representing victims of sexual assault, sexual misconduct, stalking, and other similar crimes.

How is a SVC 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 SVC works for victims* including Air Force members or their dependents. A SVC has a separate office and different chain of command from the base legal office and ADC. The Chief of the SVC Program is located in Washington, DC.

What are the SVC Program objectives?

There are 4 main SVC 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.

When did the SVC Program begin?

It started in January 2013 as a test program in the Air Force. It was the first program in the DoD to offer victims free legal representation. Due to its success, all military branches now have their own special victims' counsel-type programs.

What is the purpose of the SVC Program?

In short, the SVC Program was created for three main reasons: (1) to empower victims – by removing barriers to 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.

Who is eligible for a SVC?

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 an SVC at the time of the offense, especially if they reported, and they want an SVC, they can contact the SVC office directly and request consideration.

If the offense happened years ago, is the victim still eligible for an SVC?

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

Do SVCs represent minors?

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

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.

How much does a SVC cost?

SVC services are free.

What if I meet with a SVC and then determine I don't want one?

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

What do SVCs do for their clients?

SVCs 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, SVCs 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.

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

While SVCs 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 SVC protected?

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

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

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

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

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

How long does SVC representation last?

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