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Frequently Asked Questions

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, an SVC works for victims including Air Force

members or their dependents. An 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.

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

It depends on many factors, including the status of the victim and the status of the perpetrator. If the victim is not eligible he

or she could request a SVC by exemption.

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 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 civilian court?

While SVCs can still offer those victims confidential consultation, advice, and other services related to the offense, because

they may not be licensed in the state where the offense occurred, they cannot appear in 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

Yes, victims can speak to SVCs without letting anyone else know. SVCs can advise victims on legal implications on

restricted and unrestricted reporting and help facilitate if he/she decides to report.

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.

What is the role of the Special Victims' Paralegal (SVP)?

The paralegal is an extension of that attorney-client team for victims. They maintain the privileged communication just as

the SVC does. The paralegal conducts the administrative tasks involved and manages initial requests.

The paralegal is also

that other point of contact when the attorney may not be available. The paralegal will likely be the first contact you have

with the SVC office and they can answer questions you may have and ensure that you receive the services needed. Simply

put, they handle everything behind the scenes and will be just as involved as the attorneys on a case so don't hesitate to

utilize them as well.

Eligibility

Victims of sexually-related offenses generally qualify for SVC services when they fall into one of the following statuses:

- AF Active Duty, Reserve and ANG members
- DoD Civilian Employees if
 - Perpetrator is a Service member
 - Currently
 - When Crime was Committed
- Active Duty Dependents/Retirees if
 - Perpetrator is a Service member
 - Currently
 - When Crime was Committed; and
 - At time of Report

****Even if Victims do not fall into one of the above categories they may request an exception allowing them to receive SVC services.****

Scope of Representation

SVCs and Special Victims' Paralegals (SVPs) assist with many victims' rights issues, including the following:

- Guiding Clients through Investigations
 - Attend Interviews with OSI, Prosecutors, and Defense Attorneys
 - Coordinate with commanders, first sergeants and the legal office
- Representation to Protect Client's Rights during Proceedings
 - Courts-Martial (Trials and Article 32 Hearings)
 - Discharge Boards
- Advocacy to Civilian Prosecutors/Agencies
- While SVCs cannot represent clients in civilian courts, we can help ensure that your views are heard to civilian prosecutors and investigators
- Collateral Misconduct (under certain conditions)
- Inspector General, Equal Opportunity, Article 138, and Congressional Complaints

Program Overview

In 2013, the Air Force established the Special Victims' Counsel (SVC) program as part of a larger initiative to ensure that victims of sexual assault receive care and support. Today, the SVC program has become an integral part of the military justice system. SVCs are experienced JAGs who advise, advocate for, and empower victims of sexual assault by providing them with independent legal representation throughout the court-martial process. To preserve this independence, SVCs do not fall under installation's chain of command, and maintain strict attorney-client privilege with their clients. They help ensure that clients' rights under Article 6b of the Uniform Code of Military Justice are preserved at every step of the judicial process. SVCs may assist clients who have made a restricted report, unrestricted report, or no report at all.

Victims' Rights under the Uniform Code of Military Justice

Article 6b of the Uniform Code of Military Justice states that victims of an offense have the following rights. SVCs work to ensure that these rights are upheld on behalf of their clients.

1. The right to be reasonably protected from the accused.
2. The right to reasonable, accurate, and timely notice of any of the following:
 - A. A public hearing concerning the continuation of confinement prior to trial of the accused
 - B. A preliminary hearing under section 832 of this title relating to the offense
 - C. A court-martial relating to the offense
 - D. A public proceeding of the service clemency and parole board relating to the offense
3. The right not to be excluded from any public hearing or proceeding unless a military judge or investigating officer, after receiving clear and convincing evidence, determines that testimony by the victim...would be materially altered if the victim heard other testimony at that hearing or proceeding
4. The right to be reasonably heard at any of the following:
 - A. A public hearing concerning the continuation of confinement prior to trial of the accused
 - B. A sentencing hearing relating to the offense
 - C. A public proceeding of the service clemency and parole board relating to the offense
5. The reasonable right to confer with the counsel representing the Government at any proceeding describe in paragraph (2) above
6. The right to receive restitution as provided in law.
7. The right to proceedings free from unreasonable delay.
8. The right to be treated with fairness and with respect for the dignity and privacy of the victim