



INSPECTOR GENERAL
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February 11, 2014

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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UNDER SECRETARIES OF DEFENSE
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DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

SUBJECT: Directive-type Memorandum (DTM) 14-002, "The Establishment of Special Victim Capability (SVC) Within the Military Criminal Investigative Organizations"

References: See Attachment 1

Purpose. This DTM:

- In accordance with the authority in DoD Directive (DoDD) 5106.01 (Reference (a)) and section 573 of Public Law 112-239 (Reference (b)), directs the military criminal investigative organizations (MCIOs) to establish the investigative portion of an SVC by providing a distinct, recognizable group of appropriately trained investigators to investigate allegations of all designated SVC covered offenses.
- Establishes policy and assigns responsibilities, in accordance with Reference (b) and DoD Instruction (DoDI) 5505.03 (Reference (c)), for the MCIOs to investigate the following designated SVC covered offenses: allegations of adult sexual assault offenses, domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm, and child abuse involving sexual assault and/or grievous bodily harm.

- Is effective February 11, 2014; it must be converted to a new DoD instruction. This DTM will expire effective February 11, 2015.

Applicability. This DTM applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this DTM as the “DoD Components”).

Definitions. See Glossary.

Policy. It is DoD policy that:

- The Secretaries of the Military Departments through their respective MCIO directors will establish a timely, effective, worldwide SVC consisting of specialized, trained investigators who will work collaboratively with the assigned SVC personnel conducting investigations of all covered offenses that occur within their jurisdiction as established by existing Military Service and MCIO guidance, subject to limitations concerning use of restricted reports.
- Designated SVC personnel will closely interact with assigned specially trained judge advocates, DoD Sexual Assault Response Coordinators, Sexual Assault Prevention and Response (SAPR) Victim Advocates, Family Advocacy Program (FAP) managers, and domestic abuse victim advocates (DAVA) during all stages of the investigative and military justice process.
- Nothing in this DTM prohibits an MCIO from investigating any offense under existing authorities; however, only the covered offenses will be designated as SVC incidents.
- All criminal investigative files will be maintained in accordance with the DoD privacy policies in DoDD 5400.11 and DoD 5400.11-R (References (d) and (e)).
- Nothing in this DTM is intended to infringe on the authority of the IG DoD.

Responsibilities

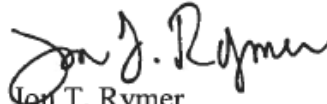
- The IG DoD will develop policy and procedures and provide oversight for the implementation of SVC associated with the investigation of all covered offenses.
- The OSD and DoD Component heads will:
 - Ensure Component commanders and directors at all levels immediately report, through law enforcement channels, to the appropriate MCIO all

allegations of SVC covered offenses of which they become aware involving persons affiliated with the DoD, including active duty personnel and their dependents, DoD contractors, and DoD civilian employees. If the victim is eligible for and requests it, the allegations of adult sexual assault and domestic violence will be handled as a Restricted Report in accordance with DoDI 5505.18 (Reference (f)), DoDI 6495.02 (Reference (g)), and DoDI 6400.06 (Reference (h)).

- Ensure Component compliance with this DTM and prescribe additional procedures necessary to implement its policy.

Procedures. See Attachment 2.

Releasability. **Unlimited.** This DTM is approved for public release and is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.


Jon T. Rymer
Inspector General
Department of Defense

Attachments:
As stated

ATTACHMENT 1

REFERENCES

- (a) DoD Directive 5106.01, "Inspector General of the Department of Defense (IG DoD)," April 20, 2012
- (b) Section 573 of Public Law 112-239, "National Defense Authorization Act for Fiscal Year 2013," January 2, 2013
- (c) DoD Instruction 5505.03, "Initiation of Investigations by Defense Criminal Investigative Organizations," March 24, 2011
- (d) DoD Directive 5400.11, "DoD Privacy Program," May 8, 2007, as amended
- (e) DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- (f) DoD Instruction 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," January 25, 2013, as amended
- (g) DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," March 28, 2013
- (h) DoD Instruction 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," August 21, 2007, as amended
- (i) DoD Directive 6400.1, "Family Advocacy Program (FAP)," August 23, 2004
- (j) DoD Instruction 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations," May 27, 2010, as amended
- (k) DoD Directive 1030.01, "Victim and Witness Assistance," April 13, 2004
- (l) DoD Instruction 1030.02, "Victim and Witness Assistance Procedures," June 4, 2004
- (m) Title 10, United States Code
- (n) DoD Directive 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," January 23, 2012, as amended

ATTACHMENT 2

PROCEDURES

1. At the initial investigative response, the MCIO assigned investigator will be knowledgeable of the SVC priorities, working collaboratively with specially SVC trained personnel consisting of judge advocates, victim witness assistance personnel, and administrative paralegal personnel.

2. The MCIO assigned investigator:

a. Will notify each member of the SVC within 24 hours of determining that an allegation meets the criteria of a special victim covered offense to activate the victim's service support. The contact can occur via personal meeting, telephone conference call, or video teleconference (VTC).

b. Will collaborate with all members of the SVC within 48 hours (without regard to the day of the week) of the allegation's designation by the MCIO as an investigation that meets the criteria of a covered offense. The collaboration can occur via personal meeting, telephone conference calls, or VTC.

c. Must meet or consult with respective SVC partners at least monthly for periodic investigative case reviews and to ensure all aspects of the victim's needs are being met. Where all SVC members are not co-located, meetings are authorized to be conducted via telephone conference calls or VTC.

(1) All SVC notifications, meetings, and consultations will be documented in the appropriate investigative file.

(2) The documentation will include the name, position, organization, and response of the persons briefed and the date of the briefings.

d. Will investigate unrestricted adult sexual assaults in accordance with References (f) and (g).

e. Will investigate all unrestricted reports of domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm in accordance with DoDI 6400.06 (Reference (h)) and DoDD 6400.1 (Reference (i)).

f. Will investigate allegations of child abuse involving sexual assault and/or aggravated assault with grievous bodily harm in accordance with References (h) and (i).

3. The MCIO investigators assigned to the SVC will be specifically trained to respond to and investigate all SVC covered offenses. Selection of MCIO investigators for the SVC is contingent on the completion of advanced specialized training. The training, at a minimum, will include:

- a. Legal jurisdiction for conducting criminal investigations.
- b. The elements of proof for criminal offenses associated with all SVC covered offenses.
- c. Crime scene management.
- d. DNA collection requirements for criminal investigations in accordance with DoDI 5505.14 (Reference (j)).
- e. Identifying, preserving, obtaining, and transporting forensic evidence.
- f. Rights of crime victims and available victim and witness assistance, support, and counseling services in accordance with DoDD 1030.01 (Reference (k)) and DoDI 1030.02 (Reference (l)).
- g. Sensitivities associated with child sexual assault victims, including but not limited to:
 - (1) Various child interviewing techniques used by the law enforcement community to assist children in recalling specific details about the crime.
 - (2) Sexual assault forensic exams (SAFE) kits; the evidence collection and storage requirements.
 - (3) Risk factors for the dynamics of child sexual assault.
 - (4) Protection orders; for civilians in accordance with section 1561a of Title 10, United States Code (Reference (m)), and for military in accordance with Reference (h).
 - (5) Working with the FAP in accordance with Reference (h).
 - (6) Working with the victim advocate to ensure the victim and the victim's family receives support and required services, in accordance with References (h), (k), and (l).
- h. Sensitivities associated with victims of sexual assault, including but not limited to:
 - (1) Varying interviewing techniques used by the law enforcement community in assisting victims in recalling specific details about the crime.
 - (2) Understanding and respecting the victim's immediate priorities.
 - (3) Recognizing the impact of trauma and how this affects an individual's behavior.
 - (4) Providing access to SAFE and available medical treatment, counseling, and victim support.

(5) Establishing transparency and trust for the victim while helping restore the victim's sense of control to include explaining all processes during each step of the interview and investigation.

(6) Assuring victims that the information reported will be taken seriously.

(7) Determining the impact and involvement of alcohol and drugs.

(8) Working with the SAPR program coordinator in accordance with Reference (n).

(9) The requirements associated with obtaining and executing protection orders; for civilians, in accordance with section 1561a of Reference (m) and for military, in accordance with Reference (h).

i. Additional training requirements for adult sexual assault investigations are detailed in References (f) and (g).

j. Sensitivities associated with victims of domestic violence, including but not limited to:

(1) Various interviewing techniques used by the law enforcement community to assist victims in recalling specific details about the crime.

(2) Determining the impact and involvement of alcohol and drugs.

(3) The requirements associated with obtaining and executing protection orders; civilian, in accordance with Reference (m) and military, in accordance with Reference (h).

(4) Restricted reporting for domestic violence in accordance with Reference (h).

(5) Dynamics of domestic abuse.

(6) Patterns of actions that are used to control or dominate behaviors.

(7) Working with a DAVA.

4. The MCIO must be able to identify, retrieve, and track SVC investigations from its automated investigative management system.

5. Investigations will be assessed for their effectiveness in accordance with, at a minimum, References (f), (g), (h), and (i), as well as Service- and MCIO-specific regulations.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DAVA	domestic abuse victim advocate
DNA	deoxyribonucleic acid
DoDD	DoD Directive
DoDI	DoD Instruction
DTM	Directive-type Memorandum
FAP	Family Advocacy Program
IG DoD	Inspector General of the Department of Defense
MCIO	military criminal investigative organization
SAFE	sexual assault forensic examination
SVC	special victim capability
VTC	video teleconference

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this DTM.

active duty. Defined in section 101(d)(1) of Reference (m).

adult. A person who has attained the age of 18 years or is an active duty service member or is married.

child. A person who has not attained the age of 18 years and who is unmarried and is not an active duty service member.

child abuse. Acts involving child sexual assault and/or aggravated assault with grievous bodily harm.

commander. Defined in Reference (f).

covered offenses. The designated criminal offenses of adult sexual assault, child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm, and domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm.

DAVA. An appointed advocate who provides safety planning services and comprehensive assistance and liaison to and for victims of domestic abuse.

domestic violence. An offense under the United States Code, the Uniform Code of Military Justice, or State law involving the use, attempted use, or threatened use of force or violence or a violation of a lawful order issued for the protection of a person who is a current or former spouse of the abuser, a person with whom the abuser shares a child in common, or current or former intimate partner of the abuser; involving sexual assault and/or aggravated assault with grievous bodily harm.

grievous bodily harm. Serious bodily injury that includes fractures or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or bloody nose.

MCIOs. U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

restricted reporting. In cases of adult sexual assault (not to include victims who are assaulted by a spouse or intimate partner) defined in Reference (n). For domestic violence FAP cases, defined in Reference (h). There is no restricted reporting for child abuse.

SAFE kit. Defined in Reference (n).

SAPR Victim Advocate. Defined in Reference (n).

Sexual Assault Response Coordinator. Defined in Reference (n).

sexual assault. Defined in Reference (n).

SVC. In accordance with Reference (b), a distinct, recognizable group of appropriately skilled professionals, consisting of specially trained and selected MCIO investigators, judge advocates, victim witness assistance personnel, and administrative paralegal support personnel who work collaboratively to investigate allegations of adult sexual assault, domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm, and child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm; and provide support for the victims of these offenses.

victim advocate. Defined in Reference (h).