



# **Establishment of Special Victim Capabilities within the Military Departments to Respond to Allegations of Certain Special Victim Offenses**

**Report to the Committees on Armed Services of the  
U.S. Senate and the U.S. House of Representatives**

***Section 573 of Public Law 112-239,  
the National Defense Authorization Act  
for Fiscal Year 2013***

**The estimated cost of report for the Department of Defense  
approximately \$27,000.00 in Fiscal Years 2013-2014.**



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

DEC 12 2013

The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

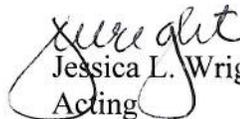
Dear Mr. Chairman:

Section 573(e) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) requires the Department to provide a report on the establishment of the Special Victim Capabilities (SVC) within the Military Departments.

The Department conducted a thorough analysis of the proposed investigative and prosecution capabilities in conjunction with the DoD Inspector General, the Military Services, The Judge Advocates General, and the Military Criminal Investigative Organizations. The enclosed report outlines how the SVC will enable the Department to deliver a distinct, recognizable group of professionals collaborating to provide effective, timely, and responsive worldwide victim support, and a capability to investigate and prosecute special victim offenses.

I appreciate your commitment to the well-being of our Service members. I look forward to continuing to work with you and your colleagues in the Senate on the very important issue of military sexual assault prevention. A similar letter is being sent to the Committee on Armed Services of the House of Representatives.

Sincerely,

  
Jessica L. Wright  
Acting

cc:

The Honorable James M. Inhofe  
Ranking Member



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4000 DEFENSE PENTAGON  
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The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

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Sincerely,

  
Jessica L. Wright  
Acting

cc:  
The Honorable Adam Smith  
Ranking Member

## PURPOSE

Section 573 of Public Law 112-239, the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013, requires the Secretary of Defense to submit a report to the Armed Services Committees of the House of Representatives and the Senate describing the plans and timelines for establishing Special Victim Capabilities (SVC) in each Military Department, along with an assessment of those plans and timelines. This report fulfills this requirement and outlines how the established SVC will enable the Department of Defense (DoD) to deliver a distinct, recognizable group of professionals collaborating to provide effective, timely, and responsive worldwide victim support, and a capability to investigate and prosecute allegations of certain special victim offenses.

## INTRODUCTION

On October 29, 2012, the Under Secretary of Defense (USD) for Personnel and Readiness (P&R) tasked the DoD Sexual Assault Prevention and Response Office (SAPRO) with convening a working group to develop plans for the implementation of a Department-wide SVC. This working group included representatives from each Military Department, the National Guard Bureau, the Office of the DoD General Counsel, and other components within the Office of the USD(P&R), including Health Affairs, Reserve Affairs, the Office of Legal Policy, and the Family Advocacy Program (FAP). Additionally, the Office of the DoD Inspector General sent a representative to the working group meetings as an observer and to advise on criminal investigative policy matters.

Shortly after the DoD SVC Working Group convened, the FY13 NDAA was enacted, requiring the Secretary of Defense to prescribe regulations for the SVC. Specifically, the law required the establishment of a SVC to investigate and prosecute allegations of certain special victim offenses and provide support to victims of these offenses.

The Department's SVC plan is grounded on key principles:

- The SVC will be a capability, not a specific person or team, to provide each of the Military Services flexibility in implementation. At the same time, there will be standardization and consistency in the delivery of the SVC across the Department.
- The SVC will be available globally where our DoD members serve and where incidents are investigated and prosecuted, as appropriate.
- The SVC qualifying offenses are defined as child abuse (involving sexual abuse and/or grievous bodily harm), domestic violence (involving sexual assault and/or aggravated assault with grievous bodily harm), and adult sexual assault offenses (not involving domestic offenses).
- Personnel who are part of the SVC include Military Criminal Investigative Organization (MCIO) investigators, judge advocates, Victim Witness Assistance Program (VWAP) personnel, and paralegal support personnel, who will receive specialized training for their role in the SVC.

This report describes the Department's approach to SVC practices, to include an overview of SVC procedures and functions; selection, training, and certification standards for investigators, judge advocates, VWAP personnel, and paralegal support personnel; plans and timelines for the organizing and fielding of SVC in each Military Service; and the methodology for evaluating the effectiveness of SVC across the Department. Further details on the implementation of SVC within each Military Service and the role of the DoD VWAP in the SVC are provided in Appendices A and B, respectively.

## **SVC PROCEDURES AND FUNCTIONS**

The activation mechanism for SVC will be an Unrestricted Report of a qualifying offense to law enforcement personnel. Restricted (confidential) Reports<sup>1</sup> of adult sexual assault or domestic violence will not trigger the SVC. For the initial investigative response, the MCIO will notify the SVC legal representative within 24 hours of determining that an allegation meets the criteria of a special victim offense. The SVC legal representative will promptly meet or consult with MCIO SVC team members within 48 hours after this designation. SVC legal personnel will subsequently meet or consult at least monthly with MCIO SVC team members to assess progress in the investigation and/or prosecution of a covered offense, including to ensure that any matter raised by the victim or a person designated to assist or represent the victim is properly addressed. MCIO team members will leverage technology to facilitate frequent, prompt and in depth collaboration on cases.

MCIO will investigate reports of adult sexual assault in accordance with DoD Instruction (DoDI) 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense." MCIOs will investigate allegations of child abuse involving sexual abuse and/or grievous bodily harm and domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm in accordance with DoDI 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," and DoD Directive (DoDD) 6400.1, "Family Advocacy Program (FAP)."

Designated SVC personnel will collaborate with local DoD Sexual Assault Response Coordinators (SARC), Sexual Assault Prevention and Response (SAPR) Victim Advocates (VA), Family Advocacy Program Managers (FAPM), and Domestic Abuse Victim Advocates (DAVA) during all stages of the military justice process to ensure an integrated capability, to the greatest extent possible.

In the case of adult sexual assault (non-domestic violence), the Department's SAPR policy requires that a SARC be notified of every incident of sexual assault involving Service members or adult military dependents, in or outside of the military installation,

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<sup>1</sup> Law enforcement and command are not contacted when an adult victim files a Restricted Report of domestic abuse or sexual assault. The installation commander is only provided non-personally identifiable information for Restricted Reports of sexual assault and domestic violence.

when reported to DoD personnel. SARCs and SAPR VAs provide key support to victims of sexual assault, 24 hours a day, 7 days a week. When notified, the SARC or a SAPR VA shall respond and offer the victim access to a Sexual Assault Forensic Exam (SAFE), advocacy services, and facilitate victim access to medical and mental healthcare, legal assistance and victim's counsel, if eligible. It should be noted that victims may seek confidential support from chaplains and Special Victims' Counsel without having the SARC notified.

The Department's FAP policy governs investigation and case management for incidents of child abuse and domestic violence cases. The Department's FAP policy requires that a designated Reporting Point of Contact be identified at each DoD installation and available 24 hours a day, 7 days a week to receive reports of child abuse or neglect and domestic assault incidents. Military Service MCIOs are notified of all SVC level incidents of child abuse and neglect and domestic assault. All child abuse and neglect cases require a report to local community-based child protective services (CPS). FAP staff work in coordination with CPS to provide services and coordinate case management for victims of child abuse and neglect.

Each Military Service will ensure that personnel selected for special victim cases receive comprehensive training on victims' rights, issues unique to sexual assault, domestic violence, and child abuse cases, and best practices for navigating victims through the military justice system. Selection and training of criminal investigators, judge advocates, VWAP personnel, and paralegal support personnel is discussed in detail in the sections that follow.

## **COORDINATION WITH FAP AND SAPR PERSONNEL AND OTHER VICTIM SERVICES**

The SVC represents a multidisciplinary, coordinated approach to victim support and offender accountability. To facilitate the continuity of care and advocacy, SVC personnel will collaborate with personnel from FAP, specifically FAPMs and DAVAs, and the SAPR Program, including SARCs, SAPR VAs and victim's counsel when assigned. SVC legal and investigative representatives will participate in FAP case review meetings for child abuse and domestic violence cases. In cases of adult sexual assault (not to include victims who are assaulted by a spouse or intimate partner), SVC legal and investigative representatives will participate in monthly sexual assault Case Management Group meetings to review individual cases.

In addition, SVC team members will collaborate closely with local law enforcement and child advocacy personnel, medical and mental health care providers, chaplains, unit commanding officers, and other organizations as necessary to provide a continuum of care in special victim cases. This collaboration will enable seamless investigation, prosecution, and support for victims of these offenses.

Healthcare providers and Child Advocacy Center personnel will be incorporated into the efforts of the SVC as their areas of expertise are needed, depending on the specialized investigative capabilities required for each case. SVC personnel will request specially

trained pediatric forensic interviewers to support the investigation and prosecution of complex child abuse and child sexual abuse cases, when appropriate. SVC personnel will also identify any safety concerns and specific needs of victims.

Finally, the Department will utilize the pediatric forensic capability maintained at the Armed Forces Center for Child Protection (AFCCP) at the Walter Reed National Military Medical Center in Bethesda, Maryland. The AFCCP provides consultative services for all DoD agencies requiring medical expertise in suspected child maltreatment cases. The AFCCP employs specialists (including pediatricians, a registered nurse, a nurse practitioner, and a social worker) with broad pediatric, child abuse, and courtroom experience who are sensitive to child and family needs. They provide child forensic interviewing; video-photo-colposcopy employed for suspected sexual abuse, as well as for acute and healed injuries; extensive individual care to evaluate inflicted harm and all medical and psychological needs; expert medical testimony based on examinations and case reviews; medical-legal review of medical, investigative, and legal records in cases of suspected child abuse; and training to medical personnel, family advocacy representatives, social work and mental health professionals, military commands, law enforcement, lawyers, and judges.

The responsible MCIO of each of the Military Department ensures only special agents trained in interviewing children conduct child sexual abuse victim interviews. SVC personnel may also request specially-trained pediatric forensic interviewers to support the investigation and prosecution of complex child abuse and child sexual abuse cases. Also, a Naval Criminal Investigative Service (NCIS) agent acts as the MCIO liaison to the National Center for Missing and Exploited Children, providing investigators with additional resources and support in combating child sexual exploitation across the Department. Finally, designated Air Force Office of Special Investigations (AFOSI) field agents participate in Internet Crimes Against Children Task Forces across the U.S., fostering relationships and garnering best practices from the state and local law enforcement agencies within whom they partner.

## **SVC PERSONNEL: TRAINING, SELECTION AND CERTIFICATION STANDARDS**

In addition to the establishment of the SVC, the FY13 NDAA also required the Secretary of Defense to prescribe standards for the training, selection, and certification of SVC personnel. These standards are outlined below.

### **CRIMINAL INVESTIGATORS**

MCIO criminal investigators serve as first responders in special victim cases, securing crime scenes, collecting evidence, interviewing witnesses, and identifying and questioning suspects, while also notifying victims of the network of services and support programs available. Fulfilling this responsibility requires an immediate, experienced, and knowledgeable response capability for each report of a special victim offense at all

DoD installations—including deployed locations—to ensure victims are protected, treated with dignity and respect, and receive timely access to treatment and services. The MCIOs select investigators for SVC cases using these standards.

The Military Department MCIOs include the Army Criminal Investigation Command (CID), NCIS, and AFOSI. By DoD policy, all MCIO criminal investigators are currently required to receive the same initial baseline training.<sup>2</sup> The Army trains its criminal investigators at the U.S. Army Military Police School (USAMPS), Maneuver Support Center of Excellence, at Fort Leonard Wood, Missouri. In the Navy and Air Force, NCIS and AFOSI criminal investigators receive their initial training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, attending the FLETC Criminal Investigator Training Program (CITP) and then Service-specific follow-on investigative training programs for their respective law enforcement organizations.<sup>3</sup> Both USAMPS and FLETC are Federal Law Enforcement Training Accreditation (FLETA) accredited institutions.<sup>4</sup>

All three MCIOs provide sexual assault, domestic violence, and child abuse training as part of their foundational investigator courses, as well as advanced training for investigating special victim offenses. The baseline training has been reviewed and certified by the FLETA, and includes written examinations and practical instructor-graded exercises.

- The Army's Criminal Investigation Division Special Agents Course is a 15-week course which offers basic criminal investigative instruction for prospective civilian, enlisted, and warrant officer criminal investigators;<sup>5</sup>
- NCIS provides sexual assault investigation training during the Special Agent Basic Training Program, its follow on course to the 10-week CITP course;
- AFOSI agents attend Basic Special Investigations Course, which is a 7-week follow-on course to CITP.

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<sup>2</sup> DoD Instruction (DoDI) 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense." Incorporating Change 1, May 1, 2013.

<sup>3</sup> In response to a recommendation in the National Academy of Public Administration report, "Adapting Military Sex Crime Investigations to Changing Times," June 1999, the AFOSI moved its training academy from Andrews Air Force Base, Maryland, to FLETC in 2002. NCIS already received investigative training at FLETC.

<sup>4</sup> This initial baseline training is supplemented in each Military Service by additional periodic and refresher training like AFOSI's Basic Extension Program (BEP), which provides new agents with additional knowledge and capabilities at the start of their careers, using fully interactive distance learning programs. BEP's criminal investigations course includes blocks of instructions on formulating investigative leads in adult sexual assault and child abuse investigations. Completion of BEP is required to successfully complete AFOSI's mandatory 15-month probationary agent period following graduation from initial training at FLETC.

<sup>5</sup> CIDSAC includes training in the following areas: criminal law; crime scene processing; testimonial evidence; investigations of crimes against persons and property; physical evidence; drug investigations; fraud, waste, and abuse investigations; investigative reports; special investigative techniques; and protective service training. CIDSAC is offered on a reoccurring basis, approximately five to six times a fiscal year and can accommodate approximately 24 students per class. Additionally, USAMPS provides 16 hours of sexual assault investigation training. Additionally, USAMPS provides 80 hours of crime scene management training, of which, 14 hours is specific to sexual assault. See *Id.* at 13.

All MCIO course attendees take several written examinations on areas of instruction and must achieve minimum passing scores in order to graduate.

While many of the skills necessary for the investigation of special victim cases are the same as those needed for other criminal investigations, such as preserving crime scenes, collecting evidence, and testifying at trial, SVC offenses require additional proficiencies, advanced training and techniques, and heightened sensitivity to victims' needs. The MCIO investigators assigned to the SVC will be specifically trained to respond to and investigate all SVC covered offenses.

The selection of MCIO investigators for the SVC is contingent on their completion of specialized training. This training, at a minimum, will cover the following competencies:

- Legal jurisdiction for conducting criminal investigations;
- Elements of proof for SVC covered offenses;
- Crime scene management;
- DNA collection requirements;
- Identifying, obtaining, preserving, and transporting forensic evidence;
- Rights of crime victims and available victim and witness assistance, support, and counseling services available;
- Sensitivities associated with child abuse victims, including but not limited to interviewing techniques, SAFEs, risk factors, and protection orders;
- Sensitivities associated with victims of sexual assault, including but not limited to interviewing techniques, impact of trauma, SAFEs and medical treatment, counseling, victim support, establishing victim trust and transparency, impact of alcohol and drugs, and protection orders; and
- Sensitivities associated with victims of serious domestic violence, including but not limited to interviewing techniques, impact of alcohol and drugs, protection orders, Restricted Reporting for domestic violence, and dynamics of domestic abuse.<sup>6</sup>

After individual investigative agents have completed all the required training they will be certified by their respective MCIO to conduct investigations meeting the SVC criteria.

## **JUDGE ADVOCATES, PARALEGALS, AND VWAP PERSONNEL**

To effectively implement the SVC, each Military Service will select and train experienced judge advocates to prosecute (litigate) special victim cases or to assist other trial counsel in prosecuting these cases. Based upon the severity of cases, as determined by supervisory attorneys, SVC-designated trial counsel will be assigned to litigate or assist in the prosecution of SVC cases consistent with Military Service certification requirements and when SVC training is complete. Paralegals and legal support personnel will assist the specially-trained prosecutors in the management of

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<sup>6</sup> Additional training requirements for adult sexual assault investigations are detailed in DoD Instruction 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," and DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures."

these cases. Certified victim witness liaisons and paralegal support personnel appointed by installation commanders, Staff Judge Advocates (SJA) or Region Legal Service Offices provide dedicated support for all special victims in their assigned jurisdiction.

The Judge Advocates General (TJAG) of the Military Departments and the SJA to the Commandant of the Marine Corps (CMC) are in the process of establishing and will maintain SVC selection, certification, and training standards aimed towards achieving fully integrated investigation, prosecution, and victim support. These SVC standards will:

- Enable the selection of SVC trial counsel to competently litigate or to assist other trial counsel in the prosecution of SVC cases; and the selection of paralegals and VWAP personnel to competently support the prosecution of the covered offenses;
- Enable SVC personnel to support local SJAs in the provision of candid, professional, and independent legal advice to commanders and convening authorities in special victim cases;
- Require appropriate training for all SVC personnel to provide victims with a comprehensive understanding of their rights, including the right to victim's counsel if eligible, and notifications of key decisions during the military justice process, and answer victims' questions in a competent and sensitive manner;
- Ensure SVC personnel collaborate effectively with SARCs and SAPR VAs to facilitate a victim's welfare, security, and recovery from the (adult) sexual assault, and coordinate with FAPMs and DAVAs in cases involving domestic violence and child abuse; and.
- Provide dedicated SVC trial support resources, such as civilian highly qualified experts (HQE), to assist in training and consulting in SVC cases as necessary.

Military Service TJAGs and the SJA to the CMC will be responsible for selecting and certifying that SVC trial counsel possesses the skills, professionalism, and leadership necessary. Military Department TJAGs and the SJA to the CMC will further ensure that the SVC prosecution teams collaborate closely with SARCs, SAPR VAs, FAPMs, DAVAs, and other appropriate support organizations and personnel in special victim cases.

The Military Departments will develop comprehensive and integrated SVC training programs for trial counsel, paralegals, administrative legal support personnel, and VWAP personnel, consisting of either in-residence and distance learning courses, trial advocacy courses and workshops, or on-the-job training and periodic refresher training.<sup>7</sup>

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<sup>7</sup> SVC trial counsel and assistant trial counsel conducting adult sexual assault cases must be trained at a minimum on the SAPR training criteria in DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures."

SVC training programs will:

- Focus on the unique dynamics of sexual assault, domestic violence, and child abuse cases;
- Include, at a minimum, training for SVC prosecutors on elements of proof for SVC offenses; effective interviewing techniques and the impact of trauma on memory; and legal issues and sensitivities associated with sexual assault, child abuse, and domestic violence;
- Promote methods of interacting with and supporting special victims to ensure their rights are respected and preserved; and
- Focus on building advanced litigation, case management, and technical skills.

## **PLANS AND TIMELINE FOR ESTABLISHMENT**

The FY13 NDAA required the Secretary of Defense to report on the Military Departments' plans and timelines for the establishment of the SVC. The Military Departments' plans and timelines are summarized and assessed in the sections that follow.

### **ESTABLISHMENT OF SVC IN EACH MILITARY SERVICE**

The Department's SVC will enable investigators and judge advocates to build collaborative professional relationships, allowing for synchronized investigation and prosecution of special victim cases and augmenting the immediate and continuing advocacy support available to victims through SARCs, SAPR VAs, FAPMs, DAVAs, and VWAP personnel.

The Department's collective capability is presented uniquely in each Military Service:

- The Army has assigned 23 Special Victim Prosecutors (SVP) dedicated to the handling of sexual assault and family violence cases. Army SVPs work with CID special agents and Special Victim Unit (SVU) investigative teams at over 65 installations worldwide to investigate and prosecute special victim offenses. The Army has also retained several HQEs who have served as civilian criminal prosecutors to provide training, mentorship, and advice to judge advocates and CID special agents across the globe.
- The Air Force maintains a team of 16 Senior Trial Counsel, including 10 who are members of the SVU, working alongside 24 AFOSI special agents located at 16 Air Force installations with a high number of reported sexual offenses. The Air Force has also established a reach-back capability situated at Joint Base Andrews, Maryland, which is comprised of the AFOSI Sexual Assault Investigation and Operations Consultant and the JAG Corps SVU Chief of Policy and Coordination, who provide expert assistance for investigators and judge advocates in the field.

- The Navy has nine regional-based Senior Trial Counsel who collaborate with NCIS special agents to investigate, review and prosecute special victim cases. The Navy has also created a Trial Counsel Assistance Program (TCAP) with case review and prosecution reach-back and support. TCAP attorneys can also be detailed to prosecute complex cases. The Navy also has several civilian and highly qualified expert positions, through which civilian attorneys with extensive prosecution experience provide assistance to trial counsel in complex and sexual assault cases and specialized training.
- The Marine Corps has established specially qualified, geographically-assigned Complex Trial Teams led by a seasoned Regional Trial Counsel providing special victim prosecutorial expertise and support. The Marine Corps has also established HQE positions, through which civilian attorneys with extensive litigation and court-martial experience provide assistance to trial counsel in complex and sexual assault litigation. Marine Corps judge advocates will also team with NCIS special agents in special victim cases. Furthermore, the Marine Corps recently increased the opportunity for its judge advocates to receive graduate-level education in criminal law.

## TIMELINE FOR ESTABLISHMENT

The Department is developing and issuing investigative and legal policies to implement the SVC. The DoD Inspector General (IG) is developing policy and procedures for the MCIOs for the implementation of SVC in the Directive-type Memorandum (DTM) DRAFT-088 – “The Establishment of Special Victim Capability (SVC) within the Military Criminal Investigative Organizations.” The Office of Legal Policy in the Office of the USD (P&R) is developing the companion legal policy for the judge advocates, VWAP personnel, and paralegal support personnel in the DTM DRAFT-095 – “DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support.”

The Secretaries of the Military Departments have developed plans for an SVC that comply with the requirements outlined in the FY13 NDAA and are on track to field an initial capability by the January 2, 2014 deadline. Aligned with the above Departmental DTMs, the Military Departments’ SVC plans will enable the expert investigation and prosecution of special victim offenses and provide victims of these offenses with the support they need. The Department will monitor these plans as they are implemented and make adjustments as necessary to ensure effectiveness.

## EVALUATION OF EFFECTIVENESS

The NDAA for FY13<sup>8</sup> also required that the Secretary of Defense prescribe the common criteria for measuring the effectiveness and impact of the SVC from investigative, prosecutorial, and victim perspectives. In accordance with the law, the Secretaries of the Military Departments will collect and report on this data.

At a minimum, the measures reviewed at the Military Service level will include:

- Percentage of SVC cases preferred, compared to overall number of courts-martial preferred in each FY;
  - Percentage of special victim offense courts-martial tried by, or with the direct advice and assistance of, a specially trained prosecutor;
  - Compliance with DoD VWAP reporting requirements to ensure victims are consulted with and regularly updated by SVC legal personnel;
  - Percentage of specially-trained prosecutors and other legal support personnel having received additional and advanced training in SVC topical areas; and
  - Victim feedback on the effectiveness of SVC prosecution and legal support services and recommendations for possible improvements; participation by victims will be voluntary and provide for confidentiality, feedback mechanisms will be coordinated and standardized within each Military Service so that victims do not have to unnecessarily complete multiple questionnaires, and these mechanisms will be used to gain a greater understanding of the reasons why a victim elected or declined to participate at trial and whether SVC prosecution and legal support services had any positive impact on this decision.
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These evaluation criteria are intended to ensure that special victim offense cases are expertly prosecuted, and that victims and witnesses are treated with dignity and respect at all times, have a voice in the process, and that their specific needs are addressed in a competent and sensitive manner by SVC personnel.

## ASSESSMENT

The FY13 NDAA further required the Secretary of Defense to provide an assessment of the Military Departments' plans and timelines for the establishment of the SVC. The plans and timelines provided above meet the stated requirements in Section 573 and exceed the requirements in law by mandating collaboration with the SAPR and FAP programs to assure continuity of care and services for victims of special offenses.

Numerous SVC elements are already in place, to include Army Special Victim Prosecutors and SVU CID investigative teams; Air Force Senior Trial Counsel team and AFOSI sexual assault investigators; Navy Senior Trial Counsel and Adult Sexual Assault Program (ASAP) specially trained NCIS special agents; and Marine Corps

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<sup>8</sup> National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013, Public Law (P.L.) 112-239, Section (Sec.) 573 (2013).

Complex Trial Teams. The Services have also retained HQEs with civilian criminal prosecution expertise to assist judge advocates.

In addition to the plans and timelines, the Department is developing and issuing investigative and legal policies to implement the SVC. The DoD IG is developing policy and procedures for the MCIOs for the implementation of SVC in DTM DRAFT-088 – “The Establishment of Special Victim Capability (SVC) within the Military Criminal Investigative Organizations.” The Office of Legal Policy is developing the companion legal policy for the judge advocates, VWAP personnel, and paralegal support personnel in the DTM DRAFT-095 – “DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support.”

The existence of numerous SVC elements in conjunction with the development of investigative and legal policies allows the Department to project that the SVC initial capability will be operational by the January 2, 2014 deadline. Additional details on the implementation of SVC within each Military Service and the role of the DoD VWAP in the SVC are provided in Appendices A and B, respectively.

# APPENDIX A: SERVICE-SPECIFIC SPECIAL VICTIM CAPABILITIES

## ARMY

### *Specially-Trained Criminal Investigators*

Training prosecuting attorneys alongside Military Criminal Investigative Organization (MCIO) agents is key to the successful implementation of a Special Victim Unit (SVU). The U.S. Army Military Police School (USAMPS)-hosted Special Victims Unit Investigations Course (SVUIC) is a 10-day, 80-hour course designed to provide advanced specialized training for criminal investigators and prosecutors charged with investigating special victim offenses. Army Criminal Investigative Command (CID), Naval Criminal Investigative Service (NCIS), Marine Corps Criminal Investigation Division, and Coast Guard Investigative Service special agents, as well as attorneys from each of the Military Services, attend the SVUIC to receive advanced training on sexual assault, intimate partner sexual assault, child abuse, child sexual abuse, and family violence investigations. Students conduct case reviews of previously completed sexual assault investigations and complete “table top” exercises which guide students through the dynamics of a sexual assault investigation. They receive extensive training on trauma and its effect on memory and other related psychology aspects to sexual assault and violent crime.

As part of its course curriculum, the SVUIC features Forensic Experiential Trauma Interview (FETI) technique training.<sup>9</sup> First employed by CID agents, FETI is a best practice featured by numerous national organizations including the International Association of Chiefs of Police, Ending Violence Against Women International, Battered Women’s Justice Project, and the New York State Police Academy. The use of FETI has yielded the development of another type of evidence that can be presented in criminal investigations: forensic psychophysiological evidence. Further, the use of FETI has proven to be extremely effective in domestic violence and child abuse cases for interventions, investigations, and prosecutions. The SVUIC course curriculum also includes a military senior trial counsel’s perspective on these investigations, effective pretrial preparation with trial counsel, and techniques for testifying in court. To graduate from the course, students must take a comprehensive examination and achieve a passing score of at least 70 percent. Army graduates receive an additional skill identifier (ASI) code to assist in ensuring the assignment of trained and certified investigators to Special Victim Capability (SVC) teams.

As noted, seasoned prosecutors from the Army, Air Force, Navy, Marine Corps, and Coast Guard, as well as seasoned prosecutors from the National Guard Bureau, attend

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<sup>9</sup> This interview technique draws on the best practices of child forensic interviews, critical incident stress management, and motivational interview techniques combining them into a simple, three-pronged approach to unlock the trauma experience in a way that criminal investigators can better understand the victim and the events experienced.

this collaborative training, alongside Army CID, NCIS, Marine Corps, and Coast Guard law enforcement personnel.<sup>10</sup> The extensive SVUIC curriculum has been reviewed and received certification by the Federal Law Enforcement Training Accreditation (FLETA). Additionally, SVUIC has also been certified as an official Army Training and Doctrine Command course.

All participating Military Service investigators and prosecutors receive training on key topics, including:

- DoD and Military Service-specific policy, roles, and responsibilities;
- Expectations and standards for special agents investigating special victim crimes;
- Legal aspects and challenges;
- Comprehensive overview of sexual assault in the military, including statistics and members at substantial risk for sexual assault during their military career;
- Common types of injuries encountered in sexual assault and their evidentiary significance;
- Sexual offender behaviors and motives for their crimes;
- Proper collection and documentation of forensic physiological evidence;
- Instruction and practical exercises on employing the FETI technique;
- Investigating domestic violence and marital sexual assault cases;
- Drug and alcohol-facilitated sexual assault;
- Lessons learned, best practices, and common mistakes to avoid;
- Impact of child abuse, domestic violence, and sexual assault, including how trauma can hinder the brain's ability to recall information or remember details following an assault;
- Male victimization and dispelling myths regarding males who report sexual assault or intimate partner violence;
- Conducting child abuse interviews;
- Victim empathy, and how criminal investigators can appropriately console a victim and help alleviate distress; and
- Practical exercises, with instructor critiques, on how students apply victim interview techniques to enhance their ability to obtain key information during victim interviews.

In 2009, CID authorized and fielded 30 civilian sexual assault investigators (SAI) to improve the overall quality of investigations, mentor and train less experienced investigators, provide a more permanent expertise and senior investigator presence at 21 major Army installations around the world, and help attain the Army Sexual Assault Campaign goals and objectives. A combination of supervisory criminal investigators and criminal investigators were strategically placed at 21 major Army installations

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<sup>10</sup> In addition to training for Army and National Guard Bureau staff attorneys, there are two annual sessions of SVUIC conducted at FLETC specifically for NCIS agents. The NCIS-specific course has been modified to include additional instruction on crime scene processing, evidence collection, Navy policy, and Sexual Assault Nurse Examiner training and includes attendance and instruction by Navy prosecutors, civilian TCAP personnel and HQEs.

around the world in order to maximize efforts in both training and investigations. As of FY13, CID has only 22 SAs in place because of budgetary constraints. It is anticipated that CID will be able to hire an additional eight criminal investigators based on FY14 fiscal projections.

The SAs serve as the senior investigator responsible for independently planning, developing, and conducting sexual assault and child assault investigations and training other agents in these skill sets. The SAs are Team Chiefs of the SVU teams at the installations where they are stationed. Through early and frequent meetings with the Special Victim Prosecutors (SVP), the SAs ensure that all special victim crimes are investigated in a thorough and timely manner and that the appropriate action is taken against offenders. The SAs execute planning and coordination with other federal criminal investigators and worldwide law enforcement agencies such as the Defense Criminal Investigative Service, Federal Bureau of Investigation, AFOSI, NCIS, Allied and foreign countries' national police forces, and other federal, state, and local police agencies. The SAs further execute planning and coordination with affected non-law enforcement agencies such as the U.S. Army Medical Command and the Army Trial Counsel Assistance Program (TCAP). The coordination is necessary to ensure the timely collection, preservation, and protection of extremely sensitive, and often perishable, evidence, as well as ensuring the health and well-being of the victims of these crimes. Coordination is also required to share vital criminal intelligence, plan and conduct large scale raids or searches, and conduct extensive and often dangerous undercover or surveillance operations.

To implement a program that addresses selection, training, and certification of CID agents to be members of a SVU as required by the Fiscal Year (FY) 2013 National Defense Authorization Act, CID implemented a Concept of Operations to do the following:

- Implement prerequisites for selection for CID agents to become members of an SVU; and
- Develop a training plan for CID agents to become eligible to be members of a SVU; the personnel who have completed the training will be awarded an ASI, which will allow CID to oversee, assign, and manage qualified SVU CID agents.

There will be two levels of SVU CID agents: Basic and Senior. CID will make its certification of agents to be SVU members contingent on the selection requirements and completion of the training. The goal will be to certify all CID agents as SVU members on or before their sixth year as an agent. In order to be considered for selection to be a SVU member, a CID agent must:

- Not be an apprentice CID agent;
- Not be a CID agent on probation;
- Be a CID agent in good standing with the command (e.g., not the subject of an ongoing commander's inquiry, not pending some type of adverse personnel or judicial action);

- Have at least three years' experience in general crimes investigation as a CID agent (or be hired as a civilian CID Sexual Assault Investigator (1811) and meet all other criteria);
- Not have information in their background that would prevent them from serving as a credible witness during a court or administrative proceeding;
- Have successfully completed the USAMPS SVUIC; and
- Have been awarded the ASI for Basic SVU or Senior SVU.

Because of the expansion of the SVU from only sexual assault incidents to now including sexual assault, child abuse, and serious domestic violence, along with the corresponding need to offer more advanced training in these expanded areas, there are two levels of SVU CID agents. The critical task selection board for the USAMPS SVUIC expanded the training to include more topics related to the investigation of child abuse and domestic violence. Thus, an agent who graduates from the SVUIC will be awarded the basic ASI and certified at the basic level to be a SVU CID agent, since he/she is deemed qualified to successfully investigate sexual assaults, child abuse, and serious domestic violence. Upon more training in the areas of child abuse and domestic violence, and graduation from the SVUIC either before or after the additional training, the agent will be awarded the senior ASI and certified at the senior level to be a SVU CID agent, fully qualified to successfully investigate the most complex of sexual assault, child abuse, and domestic violence incidents. The training for a basic SVU CID agent consists of successfully completing the USAMPS SVUIC. The training for a senior SVU CID agent consists of successfully completing the USAMPS SVUIC, the USAMPS Advanced Crime Scene Course, the Department of Defense (DoD) Child Abuse Prevention Intervention Training, and the DoD Domestic Violence Intervention Training.

Each local CID office will have at least one CID agent who is a certified SVU member. In offices that are authorized ten or more CID agents, there will be a minimum of two certified SVU CID agents. Future manning documents will identify a need to have at least one certified SVU CID agent per team within a deployable CID Detachment (there are five teams per detachment). The SVU CID agents are under the command and control of the CID unit Special Agent in Charge (SAC). At small installations, the SVU CID agent duties will normally be assigned as an additional duty, unless there is sufficient work to justify an agent performing the duties full-time. At larger Army installations, a SVU Team will be implemented and employed. The Senior SVU CID agent will act as the supervisor or team chief of the SVU Team, and he/she will report to and be supervised by the office SAC. If there is no Senior SVU CID agent available, then a Basic SVU CID agent will act as the supervisor or team chief of the SVU Team, until a Senior SVU agent can be assigned. Civilian supervisory SAIs will act as the SVU Team Chief at the major Army installations where they are assigned. Not all members of the SVU Team need to be certified SVU members. Those agents on a SVU Team who are not certified SVU members must be closely supervised by a certified SVU CID agent. The SVU Team will have oversight over all sexual assault, child abuse and serious domestic violence investigations in the CID office and will work hand-in-hand with designated SVPs and trial counsel from the onset of an investigation and throughout the whole investigative process.

The goal of CID is for all sexual assaults, child abuse and serious domestic violence incidents to be investigated by a certified SVU CID agent. However, with agents dispersed to 102 or more locations around the world, combined with workload, deployments, training, leave, illness, and various other situations that reduce the number of available agents at any one place or time, it is not currently possible to meet that desired goal. Therefore, it is CID policy that if a certified SVU CID agent cannot investigate a sexual assault, child abuse, or serious domestic violence incident, then the agent investigating such a case will be closely supervised by a certified SVU CID agent from another unit as identified by the responsible CID higher headquarters. In instances of very serious or complex SVU crimes occurring at a location that does not have a SVU agent assigned, Senior and Basic SVU certified agents will be immediately dispatched to that installation to assume investigative responsibility for the case.

Consistent with current CID best practices, certified SVU CID agents will collaborate with the various SVU disciplines and partners on Army installations. As part of that collaborative effort, SVU CID agents will conduct joint training regarding the investigative process with SVPs, trial counsel, Sexual Assault Response Coordinators (SARC), Sexual Assault Prevention and Response (SAPR) Victim Advocates (VA), and Sexual Assault Nurse Examiners. Further, SVU CID agents will act as sitting members of all FAP committees and Sexual Assault Review Boards and will support installation commanders by providing sexual assault crime prevention briefings to assigned units and the local Commander-First Sergeant courses. This multidisciplinary team approach will produce a superior investigative product that will allow commanders to hold offenders appropriately accountable.

### *Special Victim Prosecutors*

The Army has 23 SVPs assigned to directly support the investigation and prosecution of special victim cases. SVPs are selected and assigned based on demonstrated court-martial trial experience, experience with sexual assault and special victim cases, and general expertise in criminal law. All SVPs complete specially designed foundational and annual training programs to elevate their level of expertise in the investigation and disposition of allegations of sexual assault and family violence. The Army TCAP provides management, technical supervision and support for the SVPs, as well as victim witness liaisons (VWL) and paralegals assigned SVC duties. The SVP geographic areas of responsibility are adjusted to provide coverage for all deployed and joint environments.

The primary mission of the SVP is to supervise and/or litigate special victim cases within their geographic area of responsibility. Their secondary mission is to develop a sexual assault and family violence training program for investigators and assistant trial counsel in their areas of responsibility. In addition to trying cases, these talented prosecutors train, mentor, and develop junior trial counsel in the litigation of special victim cases. Army SVPs are closely involved in every special victim case in their assigned region.

All SVPs are supported in the prosecution of special victim cases by a network of local trial counsel.

### *Paralegal Support Personnel*

Army SVC paralegal support personnel are selected from assigned legal personnel by the local Staff Judge Advocate (SJA). SVC paralegals provide support to SVPs and trial counsel in all sexual assault cases arising in their jurisdiction. Paralegals selected for SVC duties have completed the Army Law for Paralegals Course, which prepares them to provide general military justice support. In addition, SVC paralegals complete VWL training that focuses on issues unique to sexual assault and special victim offenses, including impact of sexual assault on victims, post-traumatic stress disorder, counterintuitive behavior, sex offender registration, expedited transfer, DoD Victim Service Standards, rights of crime victims, victim support agencies, the SAPR program as well as SARC and SAPR VA privileges.

Army paralegals assigned to these positions provide the full range of pretrial and trial support for the SVP, including interviewing witnesses, preparing courts-martial documents, drafting charges and specifications, managing military justice actions, providing technical and administrative support, and recording and transcribing judicial and administrative proceedings and investigations, as required. Paralegals will also facilitate witness and court member appearances, and coordinate and provide logistical support for all legal proceedings and hearings.

### *Victim Witness Liaisons*

Army VWLs are selected from assigned legal personnel by the responsible SJA. VWLs provide support to SVPs in all sexual assault cases, as well as other cases arising in their jurisdiction. The Army also maintains a dedicated Victim Witness Assistance Program (VWAP) representative at the Army Court of Criminal Appeals, to support victims and witnesses during the appellate process.

To qualify as a VWL, a nominee must be a commissioned officer, or a DoD civilian in the grade of GS-11 or above. In exceptional circumstances, an enlisted noncommissioned officer in the grade of E-6 or above, or civilian in the grade of GS-6 or above, can be designated as a VWL if a commissioned officer is not reasonably available at a specific location. The VWL is a facilitator and coordinator; he or she acts as the primary point of contact through which sexual assault victims obtain information and assistance in securing other victim services. The VWL also acts in conjunction with the unit victim advocate responsible for providing crisis intervention, referral, and ongoing nonclinical support to sexual assault victims.

All VWLs are certified by their SJA as qualified to administer the VWAP for all criminal offenses for their jurisdictions. All VWLs are qualified to perform their duties upon completion of one of the following training options: (1) completion of The Judge Advocate General's (JAG) Officer Basic Course, or Graduate Course; (2) attendance at

a DoD or Headquarters of the Army sponsored VWL regional training event; or (3) completion of VWL training designated by Headquarters or the certifying SJA. This training now includes instruction on issues unique to sexual assault cases and other special victim offenses. VWLs also have the opportunity to attend annual training which includes three days of focused interactive classroom instruction by subject matter experts (SME).

### *Training, Selection, and Certification Standards*

The Army JAG Corps trains and certifies all judge advocates for assignment as trial counsel, to include the prosecution of sexual assault cases. All trial counsel are to complete the JAG Corps Officer Basic Course trial advocacy training, the New Prosecutor/Essential Strategies in Sexual Assault Prosecution Course, and the Intermediate Trial Advocacy Course. All of these training courses employ a sexual assault prosecution scenario.

The creation of the SVP program has delivered a higher level of training and experience in prosecuting sexual assault cases. SVPs undergo additional extensive training specific to sexual assault prosecutions. To gain practical experience, SVPs often receive two to three weeks of on-the-job training with a large city sex crimes unit. During this training, the SVPs shadow sex crimes unit prosecutors throughout their trial preparation. The SVPs attend trial planning strategy meetings, participate in victim and witness interviews, and meet with investigators and experts involved in the various cases. In addition to on-the-job training, the SVPs also attend the National District Attorney's Career Prosecutors Course, as well as other sexual assault focused foundational and annual training courses. SVPs and other trial counsel also have the opportunity to attend the Army SVUIC, which CID agents also attend.

## AIR FORCE

### *Specially Trained Criminal Investigators*

The Secretary of the Air Force approved the hiring of 24 additional civilian special agents to investigate sexual offenses. These 24 Sexual Assault Investigators have been stationed at AFOSI units with high sexual offense caseloads. They serve as AFOSI's primary SVC investigators and sexual assault SMEs. In most instances, these investigators are the lead agents on all sexual assault investigations within their units. All specially designated Sexual Assault Investigators are required to attend advanced sexual assault investigations training designated by Headquarters AFOSI within 180 days of assuming their duties.

One of the 24 Sexual Assault Investigator billets has been designated as the AFOSI Sexual Assault Investigation and Operations Consultant (IOC) and is located at AFOSI 2 Field Investigations Squadron, Joint Base Andrews, Maryland. The individual assigned to this billet is available to provide all units with guidance on sexual assault investigation tools, techniques, and best practices. He or she also serves as the command's point of contact for special victim capabilities and services and is expected to work closely with the Air Force Judge Advocate's General primary SVC designee. This individual may review recently-opened, high-interest sexual assault cases to determine whether the owning unit's investigative plan is sufficiently scoped to address all pertinent aspects of the allegation. She or he may also provide detailed advice and on-scene assistance for particularly complicated (e.g., serial) or especially serious sexual assault allegations. The AFOSI IOC assists field agents in conducting violent crime investigations, to include sexual assault cases; however, the Sexual Assault IOC serves as the primary AFOSI SME for sexual offenses and focuses his or her field assistance on those investigative activities most likely to result in probative information or evidence for these cases.

A Sexual Assault Investigator is assigned to the Air Force Special Investigations Academy, Federal Law Enforcement Training Center (FLETC), and provides both basic and advanced sexual assault investigations training to AFOSI and judge advocate personnel.

The 24 Sexual Assault Investigators are currently assigned to 18 different locations including three sites outside the continental United States. The locations are adjusted as needed, based upon sexual assault case loads. Sexual Assault Investigators are supported by specialists (psychologists, forensic science consultants, polygraph examiners, criminal analysts, technical services, etc.) assigned to various AFOSI specialty centers throughout the world.

All AFOSI special agents receive instruction on the sexual assault investigations training requirements set forth in DoD Instruction (DoDI) 6495.02 and DoDI 5505.18. In addition, AFOSI established a new Sexual Crimes Investigations Training Program (SCITP) in August 2012 to train agents in advanced sexual assault investigation topics

and techniques. To be certified as an SVC investigator, AFOSI special agents receive advanced sexual assault investigation instruction during the AFOSI SCITP Course. SCITP is an eight-day, 64-hour course designed to provide advanced specialized training for criminal investigators and prosecutors. In 2013, 54 AFOSI agents attended SCITP.

SCITP attendees include AFOSI special agents and Air Force prosecutors designated to work sexual assault cases. Each SCITP class consists of 24 students (18 special agents and six attorneys). The intermixing of AFOSI agents and JAGs fosters collaboration, enables students to discuss Air Force-specific policies, procedures and challenges throughout the course, and is critical to building an SVC across the Air Force. As of FY13, four iterations of SCITP have been held with 72 AFOSI special agents and 24 Air Force JAGs graduating from the program. Three iterations of SCITP are planned for FY14.

The advanced topics taught at SCITP include cognitive bias, cognitive interviewing, topics on better understanding and treating victims of sexual assault, advanced topics on predatory behaviors of some sexual assault perpetrators, advanced crime scene processing, special investigative techniques, domestic violence, and other topics. Investigators meeting the SCITP training requirements will be identified in the Air Force personnel system as having a Special Experience Identifier designated for SVC. Efforts are currently underway to obtain FLETA accreditation for SCITP.

An AFOSI Operational Psychologist provides instruction on the cognitive interview technique, designed to empower victims and improve their ability to provide detailed information. This technique was developed by Dr. Ronald Fisher, a Professor of Psychology at Florida International University, and is backed by years of peer-reviewed scientific research. The FLETC is planning to incorporate cognitive interviewing into the entry-level instruction they provide federal law enforcement officials on interviewing. AFOSI is already teaching this technique in several of its advanced criminal investigations courses and currently has more than 100 agents trained.

Additionally, AFOSI supervisory special agents attend the Advanced General Criminal Investigation Course (AGCIC). AGCIC is designed as a train-the-trainer course geared towards Superintendents and Criminal Investigations Branch Chiefs, who, as local installation leaders will train personnel under their supervision. This advanced training incorporates the eight essential task requirements identified in DoDI 6495.02, and includes the participation of judge advocates, forensic scientists, and clinical psychologists, who serve as course instructors.<sup>11</sup>

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<sup>11</sup> DoDI 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures." March 28, 2013.

### *Special Victims Unit Senior Trial Counsel*

All Air Force JAGs receive significant trial advocacy training and preparatory moot court experience during the initial training course to become judge advocates at the Judge Advocate Staff Officer Course (JASOC). To become certified as trial and defense counsel, JAGs must graduate from JASOC, serve effectively as trial or assistant trial counsel courts-martial, and be recommended for certification by his or her supervisory SJA and by a military judge.

Experienced trial counsel are selected to serve as Senior Trial Counsel (STC), typically for a three-year period in which their responsibilities entail early interaction with local counsel on reviewing evidence and drafting charges, consultation with investigators, and serving as lead counsel on complex cases, to include sexual assault cases. There are currently 16 STCs. Of these 16, a team of 10 are part of the SVU, specializing in the prosecution of particularly difficult cases including sexual assault, crimes against children, and homicides. Two of these SVU-STCs serve additional roles. One acts as a liaison to the Defense Computer Forensics Laboratory, ensuring expeditious analysis of forensic evidence (particularly in child pornography cases) and providing expert consultation to local trial counsel on issues of digital evidence. The other, the SVU Chief of Policy and Coordination, serves numerous roles: liaises with Headquarters AFOSI to improve Judge Advocate-AFOSI teaming at the headquarters and local level; provides expert reach-back capability to local judge advocate offices; and leads training of JAGs worldwide in all aspects of sexual assault prosecution.

The Chief, Government Trial and Appellate Counsel Division decides which STC will be designated as an SVU-STC, taking into account completion of one year as either STC or Senior Defense Counsel, attendance at two or more advanced litigation-skills-focused courses, specialized training in prosecuting sexual assaults, and demonstrated ability to prosecute a variety of sexual assault and/or complex cases.<sup>12</sup>

SVU-STCs share the primary responsibility for early interaction with local counsel for offenses involving special victims, including consultation with criminal investigators and trial counsel. This consultation routinely occurs prior to the first legal office interview of the victim, and prior to the preferral, or initiation, of charges in the case. SVU-STCs are trained to look for the specific kinds of forensic evidence needed to successfully prosecute a special victim case, as well as understanding common sexual predator and victim behaviors.

### *Integration of AFOSI and Judge Advocate Capabilities*

At the case level, investigators and trial counsel work together from the start of the case through completion. SJAs develop local procedures with their servicing AFOSI

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<sup>12</sup> There is no minimum number/type of cases required to meet this criterion. Skills considered include courtroom demeanor, mastery of the rules and law, ability to handle expert witnesses, and ability to appropriately support victims.

detachment commander to coordinate with agents as early as possible in the investigative stages of a case. AFOSI notifies the judge advocate when substantive criminal investigations are initiated and at a minimum, the SJA designates an attorney to provide initial counsel to the AFOSI case agent on the new investigation.

The SJA designates an investigative support team as early as practicable in the investigative process. The team is composed of attorneys, and paralegals when appropriate, who work with the AFOSI case agent during the investigation to provide legal support.

AFOSI briefs the judge advocate on initial investigative steps. The collaborative process continues during the development of the Investigative Plan and the investigative support team works with the AFOSI case agent in identifying potential criminal offenses for investigation, comparing evidence in the case with the elements of proof for a given offense. The judge advocate coordinates with the AFOSI case agent on subject interviews.

As appropriate, investigative support team members or judge advocate staff members attend AFOSI case review meetings and AFOSI personnel attend relevant judge advocate military justice meetings.

The investigative support team reviews and updates the initial proof analysis crafted by trial counsel to address the elements, evidence, anticipated objections, and potential defenses for each specification and the judge advocate will discuss the results of the analysis with AFOSI.

Within 30 days of the conclusion of trial, the SJA and members of the trial team will conduct a case review with AFOSI to review case lessons learned. The Air Force has developed a special victim reach-back capability, physically located at Joint Base Andrews. This team consists of the previously mentioned AFOSI Sexual Assault IOC and the JAG Corps SVU Chief of Policy and Coordination. These two positions collaborate to ensure productive integration between AFOSI and judge advocate personnel working at the case level. AFOSI and the judge advocate will utilize the reach-back capability as needed to access specific expertise.

### *Paralegal Support Personnel*

Air Force SVC paralegal support personnel are selected from assigned legal personnel by the local SJA. SVC paralegals provide support to SVUs and trial counsel in all sexual assault cases arising in their jurisdiction. Paralegals selected for SVC duties have completed the Paralegal Apprentice Course (PAC) and/or Paralegal Craftsman Course (PCC) at the Air Force Judge Advocate General's School (AFJAGS). These intensive nine- to 11-week courses are designed to prepare paralegals to provide general military justice support, while providing additional training in legal research and writing, as well as witness interviewing skills. In addition to PAC and PCC training requirements, paralegals who are selected to serve as a Noncommissioned Officer in

Charge (NCOIC) of a Military Justice section in a base legal office will also attend the Military Justice Administration Course (MJAC) offered at AFJAGS. MJAC provides training in the management of the base legal office military justice section to judge advocates and paralegals that are currently or soon will be the Chief of Military Justice (attorney) or the NCOIC of Military Justice (paralegal). Students learn to manage a base-level military justice section, including how to administratively process a case from the initial stages of the investigation through the post-trial phase.

Paralegals may also receive distance education and on-the-job training on topics such as post-traumatic stress disorder, counterintuitive behavior, sex offender registration, expedited transfer, DoD Victim Service Standards, rights of crime victims, victim support agencies, the SAPR program, and SARC and SAPR VA privileges. Paralegals assigned to SVC positions will be capable of providing a full spectrum of pretrial and trial support for the SVU-STCs, including interviewing witnesses, preparing court-martial documents, drafting charges and specifications, managing military justice actions, providing technical and administrative support, and recording and transcribing judicial and administrative proceedings and investigations, as required. Paralegals will also facilitate witness and court member appearance, and coordinate and provide logistical support for all legal proceedings and hearings.

### *VWAP Personnel*

Each base legal office has a VWAP coordinator and at least one VWL appointed to assist victims during the military justice process. The victim liaison assigned to the victim in each particular case will be a member of the SVU for purposes of that case. Currently JAGs and paralegals receive VWAP training through the respective military justice courses they attend.

In Fiscal Year 2014, AFJAGS will launch a VWAP distance education course, providing web-based training and interactive lessons. This five-week course will focus on teaching victim liaisons how to discuss the military justice process with victims, enhance their understanding of the neurobiology of trauma and counterintuitive behavior, and ensure every victim liaison is familiar with Air Force and civilian resources available to victims of crime. The VWAP distance education course will be fielded multiple times a year, enhancing the installation-level training and reach-back support for JAGs and paralegals who serve as victim liaisons in base legal offices so that they will be prepared to support victims throughout the military justice process and work with SAPR and FAP personnel and Special Victims' Counsel to ensure victims have access to the support and resources they need to get through the military justice process and work towards recovery.

### *Training, Selection, and Certification Standards*

The Air Force litigation training roadmap includes foundational courses offered by the AFJAGS, which include: the Judge Advocate Staff Officer Course (JASOC) the Trial and Defense Advocacy Course (TDAC), and the Advanced Trial Advocacy Course

(ATAC). In order to foster a collaborative approach to SVC investigations and prosecutions, judge advocates are attending jointly with the AFOSI SCITP at the FLETC and the Advanced Sexual Assault Litigation Course (ASALC) at the AFJAGS. So far in FY13, nearly 30 JAGs attended three SCITP courses and six AFOSI agents attended the first iteration of ASALC.

Specifically, AFJAGS implemented ASALC in 2013, incorporating course material focused on sexual assault, domestic violence, and child abuse. All SVU-STCs are required to attend this course annually. AFJAGS also provides continuing litigation training through its Training by Reservists in Advocacy and Litigation Skills program which visits multiple Air Force legal offices each year, and Trial Advocacy Courses, which are held at regional locations so that JAG Corps personnel may receive updated training.

In addition to TDAC, ATAC, and ASALC, trial counsel and STCs may also take advantage of the advanced training courses offered by the other Military Departments and interagency partners. Examples include the Army's Sexual Assault Investigations and Prosecution Course, Army SVUIC, ATAC, Prosecuting Complex Cases, and the National District Attorney's Association Prosecution of Sexual Assault Course. These courses hone the skill sets of both trial counsel and AFOSI investigators while facilitating effective partnership in investigating and prosecuting special victim cases.

## NAVY

### *Specially Trained Criminal Investigators*

In support of the SVC initiative, NCIS created the Adult Sexual Assault Program (ASAP) approach to provide distinct and recognizable groups of specially trained NCIS special agents and personnel to investigate SVC related offenses. ASAP is an initiative in which teams of NCIS special agents and personnel are dedicated to investigate reports of adult sexual assault. Upon receipt of a sexual assault report, ASAP teams will employ a surge response to complete the investigative activity in a timely manner, with the intent of providing more rapid delivery of the investigative package to the convening authority. The ASAP initiative also includes early engagement with legal and victim advocacy personnel. ASAP teams are located in the large fleet concentration areas where reports of sexual assaults are highest.

All NCIS special agents assigned to an ASAP team have completed the CITP and Special Agent Basic Training Program at the FLETC. Additionally, ASAP special agents and first line supervisors must attend the Advanced Adult Sexual Violence Training Program (AASVTP). The AASVTP is a two-week advanced course collaboratively created by NCIS and Army CID. Within the AASVTP, students receive advanced training on victim and offender dynamics as well as interview techniques designed for trauma survivors. Students conduct case reviews and “table top” exercises facilitated by nationally recognized experts and military senior trial counselors. Students must complete a comprehensive examination at the conclusion of the course.

Similar to ASAP, NCIS special agents responsible for investigating domestic violence or child abuse offenses must attend the NCIS Advanced Family and Sexual Violence Training Program (AFSVTP) at FLETC. The AFSVTP is a two-week advanced course focused on domestic violence and child abuse. Experts from the law enforcement field, social services, and DoD instruct students on victim and offender dynamics, domestic violence and child abuse injuries, risk assessments, stalking, and other associated topics. The AFSVTP curriculum includes case studies and table top exercises.

NCIS special agents who have attended AASVTP and AFSVTP must attend the one-day Trial Component Training Program (TCTP). The TCTP is a joint learning environment where special agents and prosecutors discuss topics such as enhancements to improve investigations, trial preparation, and courtroom testimony. TCTP is held locally and delivered by the regional Senior Trial Counsel.

### *Specially-Trained Trial Counsel*

The Navy has an experienced cadre of highly-trained judge advocates, litigation specialists, and military justice experts serving in litigation-intensive billets. This includes the nine regional Senior Trial Counsel, who prosecute complex cases while supervising, mentoring, and training junior trial counsel. Detailed Senior Trial Counsel attend many specialized courses including the Senior Trial Counsel Course at Naval Justice School.

All of the Senior Trial Counsel are experts or specialists in the Military Justice Litigation Career Track (MJLCT) which the Navy JAG Corps established in 2007 to identify, develop, and retain those judge advocates who demonstrate significant military justice knowledge, litigation, and trial advocacy skills. This community of military justice litigators forms the nucleus for reach-back capability for trial practitioners and SJAs worldwide, while providing advanced leadership opportunities for seasoned prosecutors. Career track judge advocates are board-selected and approved by The Judge Advocate General of the Navy.

The Navy is also hired a highly qualified GS civilian and a Highly Qualified Experts (HQEs) who are former civilian prosecutors to assist trial counsel in all aspects of case preparation. Their assistance includes motion drafting, expert witness preparation, devising trial strategy, assisting with post trial matters, and providing advice concerning professional responsibility issues. In SVC cases, HQEs play a key role in enhancing information flow and knowledge sharing, promoting consolidation of Government resources and collaboration between investigators and trial counsel located worldwide. The Navy hired an additional headquarters HQE with significant civilian prosecution experience to develop specialized training for SVC cases. TCAP personnel and HQEs conduct on-site training and field assist visits for trial and defense counsel at every level of experience and expertise to educate and improve counsel judgment and performance. This training will include concentration on every aspect of case preparation, including any necessary supplementary investigation, case management, trial advocacy, and post-trial responsibilities.

### *Paralegal Support Personnel*

Navy paralegals, or Legalmen, possess knowledge and expertise regarding military and civilian legal systems and substantive and procedural law, which qualify them to provide the broad variety of legal support under the supervision of an attorney. Legalmen receive wide-ranging training in military justice, court-martial procedures, legal assistance, and administrative, civil, operational, and procedural law. The course includes classroom instruction and practical application. Once trained, Legalmen may perform a diverse array of military justice duties including preparation of records and hearings, investigations, courts-martial and courts of inquiry, processing appeals, and the coordination of non-judicial punishment hearings. Legalmen may act as trial paralegals for SVC prosecution teams.

The Naval Justice School based in Newport, Rhode Island, with additional command detachments in Virginia and California, provides extensive training for enlisted personnel performing legal duties. The Legalmen Accession Course, for example, is an 11-week course which offers intensive paralegal training to Sailors selected for the Legalmen rating. The Marine Corps Legal Services Specialist Course is a nine-week course designed to provide junior enlisted Marines the skills and training necessary to support legal offices throughout the Marine Corps. Select graduates from the Legal Services Specialist Course receive additional training in the preparation of verbatim records of trial.

## *VWAP Personnel*

The Navy's VWAP is governed by OPNAVINST 5800.7A and provides for a two-tiered approach. Oversight of the program is done locally by Victim Witness Liaison Officers (VWLO) who are appointed by the Regional Commander or Type Commander. They provide supervision and oversight of the VWAP in their area of responsibility. This individual, VWLO, works in the Region Legal Service Office and is appointed by the legal office to provide legal support to the Region/Type Commander and either is a SJA, civilian attorney, or paralegal with legal training/experience with VWAP in the grade of GS-9 or above.

All commands are required to appoint, in writing, a Victim Witness Assistance Program Coordinator (VWAC). This individual must be an E-5 (Noncommissioned Officer) or above or a civilian equivalent, but may not be a Chaplain. Navy VWACs are required to distribute the DD Form 2701, "Initial Information for Victims and Witnesses of Crimes," to all crime victims within their command.

Additionally, both NCIS agents and all trial counsel are educated in the VWAP as they also play a role by immediately advising victims and witnesses of their rights. NCIS provides initial notification and information, while trial counsel are responsible for advising victims at key milestones throughout the court-martial process.

## *Training, Selection, and Certification Standards*

Navy JAG Corps prosecutors attend specialized courses at the Naval Justice School, including "Litigating Complex Cases" and "Prosecuting Alcohol Facilitated Sexual Assault Cases." The MJLCT program also provides continuing educational and leadership development opportunities. Most career track prosecutors, including SVC prosecutors will also obtain their Master of Laws (LL.M.) in Trial Advocacy at some point in their career. Through these training programs, judge advocates improve their technical trial skills, learn new litigation strategies and tools, and strengthen their persuasive abilities in the courtroom. They also attend the Army's SVUIC course described previously.

In September 2013 the Navy developed and held its first SVC course which provided multidisciplinary instruction to over 160 judge advocates, Legalmen, paralegals and the Navy's newly hired civilian Victim Advocates.

The Navy's TCAP also provides high quality advice, assistance, support, and resources for trial counsel worldwide. TCAP provides full-spectrum advice to trial counsel advising investigators and commanders, serving as a resource through every phase of pretrial investigation and court-martial prosecution. Further, TCAP personnel have conducted outreach training using a multidisciplinary approach to improve efforts between prosecutors, NCIS agents, other military investigators, SARCs, and SAPR VAs. This training focused on advanced domestic violence and sexual assault investigation and

prosecution has been provided at FLETC, the U.S. Naval Academy, the Army JAG School, and at an Air Force training conference, which focused on litigating alcohol-facilitated sexual assault cases.

The Navy's most talented prosecutors also serve as instructors at a variety of courses at the Naval Justice School, including the Basic and Intermediate Trial Advocacy Courses, Trial Advocacy Orientations, Senior Trial Counsel Course, and Litigating Complex Cases Course. Instruction topics include victim witness assistance, case theme and theory, effective direct and cross examination use of experts, toxicology, forensics, evidence, familiarization of Article 120, Uniform Code of Military Justice, and specialized topics on special victim offenses.

## MARINE CORPS

In accordance with SECNAVINST 5520.3, Military Police CID refers all major felony investigations to NCIS. NCIS will investigate offenses that meet SVC criteria, as discussed in the previous section.<sup>13</sup>

### *Regional Trial Counsel and Complex Trial Teams*

Pursuant to the Marine Corps' Sexual Assault Campaign Plan, published on June 20, 2012, the SJA to the Commandant of the Marine Corps (CMC) reorganized the legal structure of the Marine Corps into regionalized offices that specialize in effectively prosecuting complex cases, including sexual assault. This reorganization achieved full operating capability on October 1, 2012, and will continue to develop its SVC across the Marine Corps.

The Marine Corps legal community is organized in four geographic regions—National Capital Region, East, West, and Pacific. These regions are designated Legal Service Support Areas (LSSA) and are synchronized with their regional installation commands. Each LSSA contains a Legal Services Support Section (LSSS) that is supervised by a colonel judge advocate officer-in-charge (OIC). Each LSSS contains a Regional Trial Counsel (RTC) office that provides a special victim investigative support and prosecution capability.

Each RTC office contains a Complex Trial Team (CTT) supervised by an experienced lieutenant colonel (O-5) career litigator, two experienced military prosecutors, military criminal investigators, and a legal administrative officer. The RTCs are supported by civilian HQEs, who are experienced civilian prosecutors that provide training and mentoring for all trial counsel in the region. The two military prosecutors are selected based on experience, training, and demonstrated skills as successful litigators. The Marine Corps sends these trial counsel to courses in advanced litigation and investigation techniques, including the Army's SVUIC which is an advanced sexual assault investigations course that focuses on how to improve the critical processes for law enforcement and prosecutors and how to improve their collection and presentation of testimonial and physical evidence necessary for a successful prosecution.

The refined RTC CTT structure gives the Marine Corps the flexibility to leverage the experience and supervision of its most experienced prosecutors at worldwide locations. It allows the Marine Corps to place the appropriate counsel on the appropriate case at

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<sup>13</sup> Specifically, CID conducts minor felony criminal investigations within the jurisdiction of the Provost Marshal's Office and prepares Reports of Investigation for tenant Commanders documenting the results of these investigations. Additionally, CID has a Domestic Violence Section which oversees the law enforcement aspects of domestic violence issues at USMC installations, and coordinates with the Family Advocacy Program. While NCIS will have the investigative lead in any SVC case, Marine Corps Criminal Investigation Division investigators also receive advanced training on sexual assault, child abuse, and family at SVUIC. CID maintains liaison with other military and civilian law enforcement agencies concerning matters of military interest.

the appropriate time, with the requisite expertise, supervision, and support staff. RTC offices are capable of prosecuting the complex cases directly, or assisting other trial counsel in the region with the toughest of courts-martial.

### *Legal Administrative Support*

Historically, a Marine Corps prosecutor was individually responsible for the coordination of witnesses and experts, evidence, background investigations, and finding additional evidence for rebuttal, sentencing, or other aspects of the trial. These logistical elements of a trial are even more demanding in a court-martial for special victim offenses. Now, NCIS investigators, the Complex Trial Team Legal Administrative Officer, and Legal Services Support Specialists provide critical collaborative support, effectively allowing military prosecutors to focus on preparing the merits of their case. Marine Corps Legal Services Specialists received extensive training at the Naval Justice School. A nine-week Marine Corps Legal Services Specialist course provides junior enlisted Marines the requisite skills and training necessary to support legal offices, including CTTs, throughout the Marine Corps. Select graduates from the Legal Services Specialist Course receive additional training in the preparation of verbatim records of trial.

### *VWAP Support*

Each Marine Corps Installation's VWAP is managed by a VWLO appointed by the Base Commander. The purpose of the VWAP in the Marine Corps is to ensure that all victims and witnesses are treated with dignity and respect; ensure all victims are aware of their rights and are provided services they need; protect victims from further harm or hardship; and to employ a multidisciplinary approach to assisting victims and witnesses by combining the services of law enforcement, family advocacy, medical, legal corrections, and command personnel.

The VWAP provides rights to victims that are analogous to those in the Crime Victim's Rights Act (CVRA), which include the right to be reasonably protected from the accused; the right to reasonable, accurate, and timely notice of any public court proceeding, any parole proceeding, movement or release of the accused; the right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at the proceeding; to be reasonably heard at any public proceeding involving release, plea, sentencing, or any parole proceeding; the right to full and timely restitution as provided in law; the right to proceedings free from unreasonable delay; the right to be treated with fairness and with respect for the victim's dignity and privacy; and the reasonable right to confer with the attorney for the Government in the case. Local officials fulfill the VWAP mission at the base level by working with SAPR and FAP personnel and Victims' Legal Counsel to provide vital services for victims and witnesses of crime.

In addition to the victim advocate systems already in place, the Marine Corps also implemented 10 United States Code (U.S.C.) § 1565b, which makes legal assistance,

assistance by a SARC, and assistance by a SAPR VA, available to victims of sexual assault. Additionally, prosecutors are trained to explain the application of the military rape shield rule, Military Rule of Evidence 412. Finally, the Marine Corps' civilian HQEs are responsible for the training of all personnel with designated responsibilities associated with the VWAP.

Recent reforms have also greatly expanded the capacity of the Marine Corps to support victims in all cases under the VWAP. In FY13, the Marine Corps revised and republished its VWAP order and implemented a Commanding General's Inspection Program (CGIP) functional area checklist used to ensure compliance with the VWAP. Inclusion of VWAP in CGIP inspections will ensure that commanding generals Marine Corps-wide are holding their subordinate leaders responsible and accountable for proper execution of the Marine Corps VWAP.

Finally, VWAP training opportunities have increased across the spectrum of professionals involved in responding to and prosecuting sexual assault cases. From victim advocates, to investigators, to prosecutors and legal services specialists, the Marine Corps has focused this year, under the Commandant's SAPR Campaign Plan, on upgrading processes to better meet the requirement to address the needs of victims and witnesses, with the utmost regard for their rights and comfort with the process.

### *Training, Selection, and Certification*

To certify that Marine Corps judge advocates who are detailed as trial counsel and Article 32 investigating officers possess the appropriate expertise to perform their duties, the CMC promulgated a Marine Corps Administrative Message (MARADMIN) establishing uniform standards, policies, and procedures for the operation of the LSSAs and subordinate LSSS teams. This authoritative policy guidance ensures that detailing authorities consider the following factors when detailing counsel and Article 32 investigating officers: experience, education, training, ability, existing caseload, professional responsibilities, grade, and the individual characteristics of the case (e.g., nature of the offense, special victims, expert witnesses, aggravating circumstances, media, and/or public scrutiny, etc.).

The MARADMIN also establishes standard requisite experience levels for counsel and investigating officers detailed to special victim cases. This policy also requires that trial counsel, in all cases that involve allegations of violations of UCMJ articles 118, 119, 119a, 120, 120b, 120c, 125 (with a child or forcible sodomy), 134 (child pornography), or 80 (attempts to commit the previously listed articles in this paragraph), to provide an initial case assessment to and seek advice from their regional HQE no later than 10 days after being detailed to the case. If their HQE is unavailable, trial counsel are required to provide the initial case assessment to and seek advice from the RTC, who will facilitate coordination with an HQE from another region.

In addition to the training initiatives for the Marine Corps for SVC trial counsel, including Naval Justice School advanced litigation courses, and the Army's SVUIC, all Marine

Corps judge advocates receive intensive foundational training at the Naval Justice School and at other Military Department JAG Schools, and have the opportunity to attend a broad array of rigorous courses. To further support prosecutors, the Marine Corps created the TCAP at its Judge Advocate Division Headquarters. The TCAP consolidates lessons learned from the Marine Corps and provides training and advice to Marine Corps prosecutors trying cases in each of the regions. Additionally, TCAP provides specialized training in regional conferences focused on the prosecution of sexual assaults. This training includes prominent speakers on victim and offender typology, expert witnesses, working with victim advocates, law enforcement techniques, and forensics.

Finally, the Marine Corps recently increased the opportunity for its judge advocates to receive graduate-level education in criminal law. Through the legal reorganization, the Marine Corps re-coded nine billets to require the individual holding the position to possess an LL.M. in Criminal Law. Consequently, after the reorganization, the Marine Corps now has 31 specialized billets that are structured for judge advocates with this criminal law expertise.

## APPENDIX B: DEPARTMENT OF DEFENSE VICTIM WITNESS AND ASSISTANCE PROGRAM

The Department of Defense (DoD) is committed to supporting the needs of crime victims and witnesses throughout the military justice process, including all stages of investigation, prosecution, and post-trial matters. The overarching mission of the Victim Witness Assistance Program (VWAP) is to safeguard the rights of victims, foster cooperation, and mitigate any physical, psychological, or financial hardships. VWAP is an essential element of each Military Service's Special Victim Capability (SVC), providing dedicated support to victims of serious, violent crime, including child abuse, domestic violence, and sexual misconduct.

### POLICY GUIDANCE

Over the past decade, the Department has developed extensive guidance and specific procedures, particularly for victims of sexual assault.<sup>14</sup> The principal policy is contained in DoD Directive (DoDD) 1030.01, "Victim Witness Assistance" and DoD Instruction (DoDI) 1030.02, "Victim Witness Assistance Procedures," which are reinforced by further regulations from each Military Service. This DoD policy includes the following rights to victims, which are modeled on federal crime victims' rights legislation:<sup>15</sup>

- Be treated with fairness and respect for the victim's dignity and privacy;
- Be reasonably protected from the accused offender;
- Be notified of court proceedings;
- Be present at court proceedings related to the offense, unless the military judge determines that testimony by the victim would be materially affected if the victim heard other testimony at trial;
- Confer with the attorney for the Government in the case; Service members and their dependents may also consult a legal assistance attorney, as provided by their Military Service;
- Be provided information about the conviction, sentencing, imprisonment, and release of the offender; and
- Receive available restitution.

Building on this foundation, DoDI 1030.02 requires an in-depth list of information and immediate notifications to be provided to victims and witnesses from the initiation of an investigation, continuing through all court-martial proceedings, and post-trial matters. Individuals are provided with information on key points of contact, and medical and legal services, and receive regular updates the status of the case. As soon as they are identified, victims are provided with basic information and notice of their rights in writing. If a decision is made to pursue court-martial charges, victims are given further

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<sup>14</sup> Department of Defense Directive 1030.01, "Victim and Witness Assistance", April 23, 2007; Department of Defense Instruction 1030.02 "Victim Witness Assistance Procedures," April 23, 2007.

<sup>15</sup> DD Form 2701, "Initial Information for Victims and Witnesses of Crimes."

information about the court-martial and military justice process, and their notification rights during the process.<sup>16</sup> In the event of the conviction and confinement of the accused, victims are provided with information about the offender's sentence, confinement status, clemency and parole hearings, and release from confinement.<sup>17</sup> The number of victims and witnesses who receive this information is reported to the Under Secretary of Defense (USD) for Personnel and Readiness (P&R) on an annual basis.<sup>18</sup>

## LOCALLY RESPONSIBLE OFFICIALS

The installation commander is the local responsible official for identifying victims and witnesses of crimes and providing the services required by VWAP. This responsibility is normally delegated to the installation Staff Judge Advocate in writing, who will appoint a qualified VWAP coordinator. The VWAP coordinator may be a commissioned officer, experienced civilian, or noncommissioned officer.

## TRANSITIONAL COMPENSATION

It is DoD policy to provide monthly transitional compensation benefits and other benefits for dependents of military members who are separated from active duty for abusing family members, or who been sentenced to forfeit all pay and allowances based on abuse.<sup>19</sup> Under federal law, this assistance may include monthly monetary compensation, extension of commissary and exchange benefits, and TRICARE medical and dental care for 12 to 36 months.<sup>20</sup> These temporary payments are intended to assist victims and their children in escaping the cycle of violence and successfully transitioning from military to civilian life.

Command representatives will assist dependents in requesting transitional compensation by completing DD Form 2968, which will be approved by the installation commander, following a legal review. The monthly amount for transitional compensation is set by Congress based on the Dependency and Indemnity Compensation (DIC) rate. Under the current DIC rate, abused spouses are authorized to receive \$1,215 per month and \$301 per each eligible child, with a payment of \$513 per available child if there is no spouse payment. By law, dependents are ineligible for transitional compensation benefits if they remarry, cohabit with the member, or are found to have been an active participant in the subject dependent abuse. In addition,

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<sup>16</sup> DD Form 2702, "Court-Martial Information for Victims and Witnesses"

<sup>17</sup> DD Form 2703, Post-Trial Information for Victims and Witnesses of Crime; DD Form 2704, Victim/Witness Certification and Election Concerning Prisoner Status; DD Form 2705, Notification to Victim/Witness of Prisoner Status

<sup>18</sup> DD 2706, Annual VWAP Report. This report is provided annually to the Department of Justice Bureau of Justice Statistics.

<sup>19</sup> Military members may be separated through administrative discharge, or as the result of a punitive discharge adjudged in a court-martial sentence. See DoDI 1342.24, "Transitional Compensation for Abused Dependents.

<sup>20</sup> See Sections 1059 and 1076, title 10 United States Code.

the USD(P&R) has authorized the Secretary of the Military Department concerned to review and approve transitional compensation in exceptional cases in which a service member was separated from military service for a non-dependent abuse offense (such as drug use), even though the service member committed a dependent abuse offense.

## APPENDIX C: ABBREVIATIONS AND ACRONYMS

AFJAGS	Air Force Judge Advocate General's School
AFSVTP	Advanced Family and Sexual Violence Training Program
AFOSI	Air Force Office of Special Investigations
AGCIC	Advanced General Criminal Investigation Course
ASALC	Advanced Sexual Assault Litigation Course
ASI	Additional Skill Identifier
ATAC	Advanced Trial Advocacy Course
AFCCP	Armed Forces Center for Child Protection
BEP	Basic Extension Program
CGIP	Commanding General's Inspection Program
CID	Criminal Investigation Command
CIDSAC	Criminal Investigation Division Special Agents Course
CITP	Criminal Investigator Training Program
CMC	Commandant of the Marine Corps
CTT	Complex Trial Team
DAVA	Domestic Abuse Victim Advocate
DIC	Dependency and Indemnity Compensation
DoD	Department of Defense
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
EVAWI	End Violence Against Women International
FAP	Family Advocacy Program
FAPM	Family Advocacy Program Manager
FETI	Forensic Experiential Trauma Interview
FLETA	Federal Law Enforcement Training Accreditation
FLETC	Federal Law Enforcement Training Center
FY	Fiscal Year
HQE	Highly Qualified Expert
IOC	Investigation and Operations Consultant
JAG	Judge Advocate General
JASOC	Judge Advocate Staff Officer Course
LL.M.	Master of Laws
LSSA	Legal Service Support Area
LSSS	Legal Services Support Section
MCCS	Marine Corps Community Services
MCIO	Military Criminal Investigative Organization
MJAC	Military Justice Administration Course
NCIS	Naval Criminal Investigative Service
NCOIC	Noncommissioned Officer in Charge
NDAA	National Defense Authorization Act
PAC	Paralegal Apprentice Course
PCC	Paralegal Craftsman Course
RLSO	Region Legal Service Office

RTC	Regional Trial Counsel
SAC	Special Agent in Charge
SAFE	Sexual Assault Forensic Exams
SAPRO	Sexual Assault Prevention and Response Office
SAPR	Sexual Assault Prevention and Response
SAPR VA	Sexual Assault Prevention and Response Victim Advocate
SARC	Sexual Assault Response Coordinator
SCITP	Sex Crimes Investigation Training Program
SJA	Staff Judge Advocate
SME	Subject Matter Expert
STC	Senior Trial Counsel
SVC	Special Victim Capability
SVP	Special Victim Prosecutor
SVU	Special Victims Unit
SVUIC	Special Victim Unit Investigations Course
TCAP	Trial Counsel Assistance Program
TDAC	Trial and Defense Advocacy Course
TJAG	The Judge Advocate General
VA	Victim Advocate
VWAC	Victim Witness Assistance Coordinator
VWAP	Victim Witness Assistance Program
VWL	Victim Witness Liaison
VWLO	Victim Witness Liaison Officers
UCMJ	Uniform Code of Military Justice
USAMPS	United States Army Military Police School
USD(P&R)	Under Secretary of Defense for Personnel and Readiness