Navy Victims’ Legal Counsel Program

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Overview

- In Oct 2013, Navy implemented a Victims’ Legal Counsel (VLC) Program to offer a military attorney to represent and assist victims of sexual assault

- Navy VLC provide no-cost legal advice, assistance, and advocacy for victims as desired by the victim

- VLC form an Attorney-Client Relationship with clients and communications with a VLC remain confidential

- VLC function in an independent chain of command (separate from prosecutors, defense counsel, the victim’s command, or the offender’s command)

- VLC compliment and contribute to the SARC/VA/FAP team aiding victims
Navy Victims’ Legal Counsel Program Offices

Bremerton (1)
Everett (1)

Pearl Harbor (2)

Yokosuka (2)
Guam (1)

San Diego (3)
Lemoore (1)
Coronado (2)
Ventura (1)

Great Lakes (1)

Groton (1)
Norfolk (6)
Washington Navy Yard (1)
USNA (1)

San Antonio (1)
Gulfport (1)
Jacksonville (1)
Mayport (1)
Pensacola (1)

Naples (1)
Bahrain (1)
Rota (1)
Sigonella (1)

Office of the Judge Advocate General

July 2018

UNCLASSIFIED
Structure

- 1 O-6 Chief of Staff and 1 civilian Deputy Chief of Staff – reporting to CNLSC

- 5 Senior regional VLC OICs, currently assigned in Norfolk (East), Naples, Italy (EURAFSWA), San Diego (West), Mayport (SE) and Hawaii (Pacific). Senior VLC advise eligible sexual offense victims and provide expertise and leadership to Junior VLC

- 28 additional specially-trained VLC assigned to 23 installations CONUS & OCONUS to advise/represent eligible sexual offense victims; added three billets in FY16 (Norfolk, San Diego, Yokosuka); added billet in Sigonella in June 2017; one of two Great Lakes billets (which had been gapped for two years) has been filled in Norfolk starting Sep 18

- 10 Yeomen providing administrative support; converted one of two NDW YN billets to YNC for leadership and career development of YNs (will be co-located with DCOS at JBAB, to be filled in FY19)

- Initially, 12 Reservists mobilized as plank owners of VLC Program stand-up; by Sep 18, will only have three Reservists on A/D supporting the program (Ventura, Jax, Gulfport)
VLC Duties

- Advise Victims regarding:
  - Military justice system, proceedings, and roles
  - Rights afforded victim under Victim Witness Assistance Program
  - Role of Victim Advocate and any privileges between victim and VA
  - Victim’s duties to the court, responsibility to testify, and proceedings the victim may observe or participate in
  - Services available for medical support, including emotional/mental health counseling
  - Eligibility for military/veteran benefits and availability of Legal Assistance counsel to assist with personal civil legal matters or assist with obtaining military/veteran benefits
  - Any potential criminal liability of the victim and right to seek defense services

- Work closely and in cooperation with SARC, VA, and FAP to best support and assist victims

- Liaise with victim’s command, investigators, and trial counsel

- Attend interviews and court proceedings

- Represent Victim at court proceedings where the Victim has standing and interests

- Appellate practice developing: Standing established for writs; rights and extent of post-trial practice still debated – JPP recommendations pending determination
Eligible Victims

- Active Duty & Reserve

- Dependents (incl Spouses & Children) or Retirees if military offender

- Other Service Victims of a military offender
  - Default is VLC from same service as victim

- As of FY16: All DOD Civilians “may” be eligible per SECNAV/SECDEF

- Eligibility Waiver Requests to COS-VLCP

- As of FY17: Former dependents who were victims while dependents – no waiver req’d
Offenses Covered

- Rape
- Sodomy
- Sexual Assault
- Wrongful Sexual Contact
- Stalking (120a)
- Rape & Sexual Assault of a Child (120b)
- Other Sexual Misconduct (120c)
- Attempts of the Above
- New: 117a (non-consensual distribution of images)-eligible on case-by-case basis
- Congressional interest in expanding eligibility to all victims of violent offenses (to include DV); pending NDAA
Victim’s Rights

- Reasonable Protection from the Accused
- Notice & General Right to Attend Public Proceedings
- Notice of Release/Escape of the Accused
- Right to be Reasonably Heard at Certain Proceedings (*post-trial appellate rights currently being debated*)
- Right to Confer with Government Counsel
- Right to Restitution (as provided by law)
- Right to Proceedings Free from Unreasonable Delay
- Right to Fair Treatment & Respect for Dignity & Privacy
VLC Engagement

- Assignment Letter
- Scope of Representation Letter
- Notice of Representation/Notice of Appearance
- Expedited Transfers
- MPO/RO
- MRE 412, 513, 514, 615
- Article 32
- Courts-Martial / Post Trial & Appellate (412 & 513)
Victim Rights & Input

- Disposition Input to SA-IDA (Pre 32)
- Memo to CA seeking 412 safeguards (Pre 32)
- Disposition Input to GCMCA/CA (Post 32)
- Article 34 notice & response (Pre-GCM Referral)
- Victim Impact Statement to SJA (Post-Trial)
- Victim Input on SJAR/Clemency
- Copy of ROT
- Appellate issues (412 & 513)
Current VLC Metrics

- As of 12 July 2018 and since VLC Program inception:
  - 4,004 clients served total (715 new cases so far in FY18; total of 1,024 current open cases across the Program)
  - Appearance/Advocacy at 2,650 total Proceedings (military justice and administrative); 408 so far in FY18
  - 3,354 Outreach Briefs to 133,002 personnel since inception; 552 briefs to 20,000 during FY18 so far
Questions?