



Victims' Legal Counsel Organization (VLCO)

Overview to Victim Witness Assistance Program Course

Marine Corps National Capital Region Office

Major Jess Martz, Regional Victims' Legal Counsel

Captain Brad Brecher, Deputy Victims' Legal Counsel

Captain Matt Sinnott, Assistant Victims' Legal Counsel

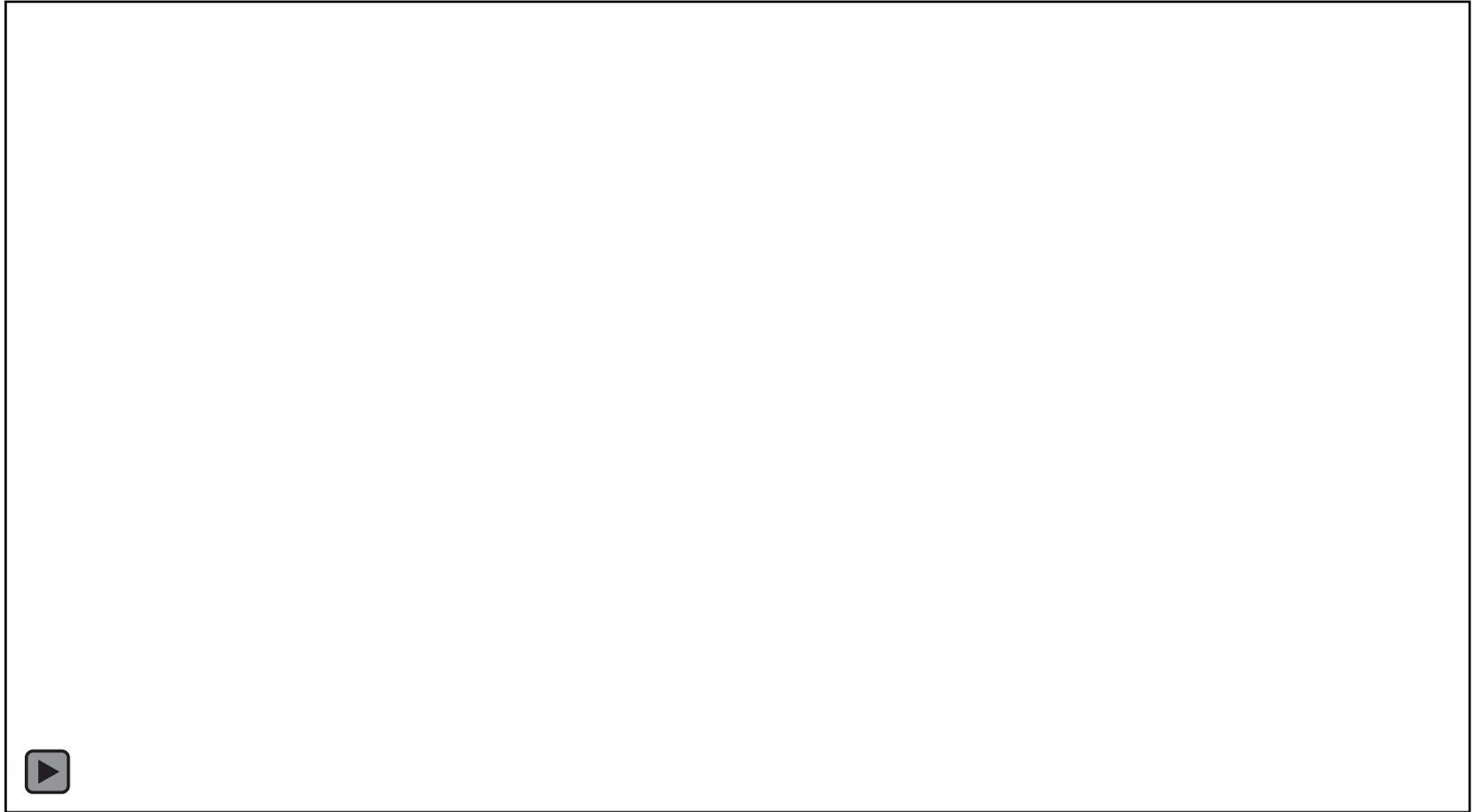
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Agenda

1. Who we are?
2. Why do we exist?
3. Who qualifies for our services?
4. What do we do?
5. What services do we provide?



Victims' Legal Counsel

Who are we?

- Judge advocates with military justice experience who have been screened and approved by VLCO OIC and completed a certified SVC/VLC course.
- Functionally independent of CAs, TCs, and DCs, and will report to SJA to CMC.



VLCO Organization

HQMC

Col McDonald, OIC
LtCol Wissman, Deputy OIC
Ms. White, Paralegal

Reserve Support- IMA Det

LtCol Hines, Branch Head
Capt Kennon, VLC

VLCO – WEST Camp Pendleton

Capt Walsh, RVLC
Mrs. Cornelio, Paralegal

Camp Pendleton
Capt Tedford, VLC

MCAS Miramar
Capt Smith, VLC
Capt Nakajo-Kleinman, VLC
Capt Lumpkin, VLC
Mr. Board, Paralegal

29 Palms
Capt Stark, VLC
Mr. Clader, Paralegal

VLCO – EAST Camp Lejeune

Maj Pendley, RVLC
Mrs. Diggs, Paralegal

Camp Lejeune
Capt Pfluke, VLC
Capt Daza, VLC

MCRD Parris Island
Capt Massey, VLC
Ms. Swanson, Paralegal

MCAS Cherry Point
Capt Oliveira, VLC

AVLC Camp Lejeune
Unassigned

VLCO – PAC Camp Butler, Okinawa

Maj Hoover, RVLC
Sgt Alden, NCOIC

Camp Butler
Maj Collins, VLC
Capt Williams, VLC

Kaneohe Bay, HI
Capt McCormick, VLC
Sgt Labarca, NCOIC

AVLC Iwakuni
Capt Rasmussen
(LegAsst)

VLCO – NCR MCB Quantico

Maj Martz, RVLC
Mrs. Stanley, Paralegal

MCB Quantico
Capt Brecher, VLC

AVLC Quantico
Capt Sinnott
(LegAsst)



VLCO Caseload

- **Snapshot week of 15-19 August 2016**

New Intakes	8
Total Active Cases to Date	337
Total Detailed Cases to Date	398
Average Caseload NCR (24/2)	12
Average Caseload East (137/5)	27
Average Caseload West (130/5)	27
Average Caseload PAC (46/4)	12
Average Caseload Organization (337/16)	21



DoD Sexual Assault Overview

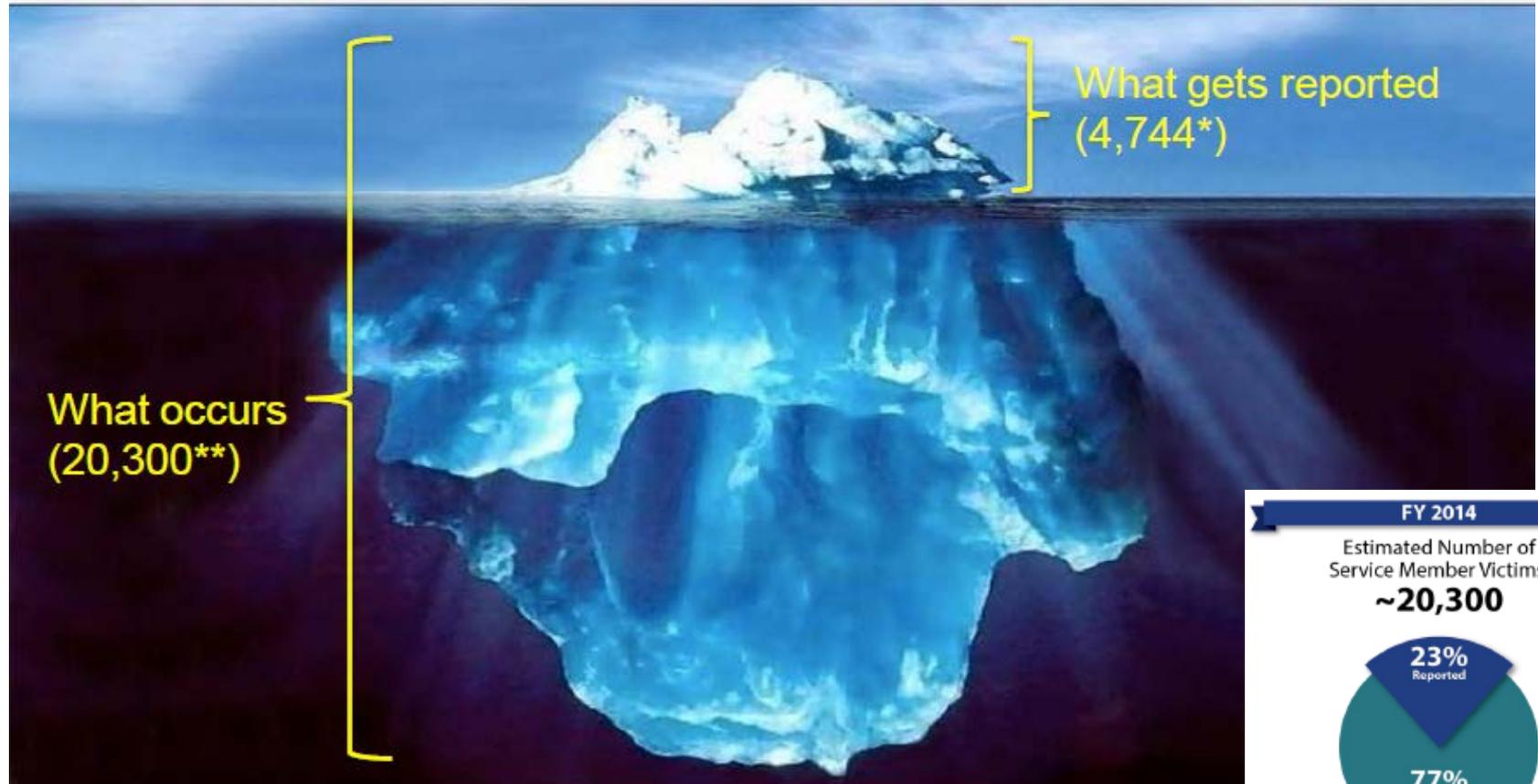
DoD Statistic Snapshot:

- 54 Secretary of Defense-directed SAPR initiatives enacted to improve prevention and response since 2012
- 71 sections of law and over 100 unique requirements legislated by Congress – most sweeping military justice reforms since 1968
- **185 specially-trained attorneys in place to help victims exercise their rights and understand the justice system**
- http://sapr.mil/public/docs/press/SAPROOverviewSlickSheet_20160725.pdf





Underreported Crime



*Service member victims reporting sexual assault for 2014

**Estimated Service member prevalence statistics for 2014



Victims' Legal Counsel

Why do we exist?

- MARADMIN 583/13 directed the establishment of an organization to provide legal advice and representation to victims of sexual assault and other crimes, ..., in order to help protect victims' rights at all stages of the military justice process.”
- Done in response to a series of high visibility cases and reports about sexual assault in the military.
- Created to advocate for victims' rights as set forth in Article 6b, UCMJ



Article 6b, UCMJ

- Victims' "Bill of Rights"
- 8 Rights, set forth in federal law, designed to protect victims' interests in court proceedings

VICTIMS' RIGHTS

PROTECTION To be reasonably protected from the accused	COUNSEL (CHOICE) To confer with trial counsel for case input
NOTICE To reasonable, accurate, and timely notice of specified hearings	RESTITUTION To receive restitution
INCLUSION To not be excluded from any public hearing	PROMPTNESS To proceedings free from unreasonable delay
VOICE To be reasonably heard	PRIVACY To be treated with fairness and with respect for dignity and privacy



Eligibility

Victims' legal services are provided to:

1. eligible service members,
2. dependents, and
3. DoD civilian employees

Services are provided for:

- Victims of sexual assault, domestic violence, child abuse, and other crimes punishable under the Uniform Code of Military Justice.



Mission Statement

Provide:

- Legal advice
- Legal counseling
- Representation

To victims of qualifying crimes.

- Ensure that victims' rights are protected at all stages of the investigation and military justice process.
- **We educate, advocate for, and represent victims**



Scope of Services

Legal Advice & Counseling

- Privileged, confidential communication with VLC.
- VLC can provide information and guidance regarding any crime committed in violation of the UCMJ.
- VLC will refer victims to Defense and/or Legal Assistance when appropriate.

Representation (let VLCO decide)

- All victims of sexual assault and domestic violence when requested.
- All cases with issues arising under M.R.E. 412, 513, 514, when requested.
- Representation ends at convening authority action in the case, although additional assistance may be approved by OIC VLCO.



VLC Advice & Counseling

- Provide overview of the military justice system, including investigation of crimes, preferral and referral of charges, Preliminary Hearing, trial convening authority role, and post-trial role.
 - Discovery issues: social media, email, text messages, journals, and other evidence.
- Explain roles and responsibilities of the trial counsel, defense counsel, and investigators (PMO, CID, NCIS, etc).
- Explain civilian restraining orders and military protective orders (**MPOs**).
- Explain the difference between Restricted and Unrestricted reporting of sexual assault.
- Advise victim of right to be present at military justice proceedings in accordance with Military Rules of Evidence (M.R.E.) 615 and Rules for Court-Martial (R.C.M.) 806 and Article 6b rights.



VLC Advice & Counseling (Cont'd)

- Explain M.R.E. 412 on sexual behavior evidence; M.R.E. 513 regarding psychotherapist-patient privilege; and M.R.E. 514 on victim advocate-victim privilege.
- Explain potential consequences of **collateral misconduct** and options including exercising Article 31b rights, obtaining testimonial or transactional immunity, and right to defense counsel.
- Explain privacy right and **Article 6b rights**.
- Provide limited legal assistance or legal assistance referrals.
- Address issues and concerns regarding **retaliation**.



How Services Are Provided

- **10 U.S.C. §1565b**: A member of the armed forces or dependent who is the victim of sexual assault shall be informed of the availability of assistance from a VLC “as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, or a trial counsel.”
- Assistance is available regardless of whether the victim elected Restricted or Unrestricted Report.
- **NOTE: We do not seek out clients!**
- **Clients must come to us.**



VLCO Common Trends

- Retaliation
 - restriction, reprisal, ostracism, or acts of maltreatment
- Collateral Misconduct
- Mental Health Records
- Medical Records
- Victims' Prior Acts
 - Sexual history, etc



DoD Annual Report on Sexual Assault in the Military, FY 2015



VLCO Impact

Positive victim responses to legal services

- Confidence to report crimes
- Increased satisfaction with military justice process
- Rehabilitation
- Success protecting victims' privacy rights
 - Mental health records
 - Sexual history
- Legal services provided are based on individual client goals
 - Right to be heard
 - Expedited transfer
 - Transitional compensation
 - Declination to participate in court-martial
 - Some legal assistance and legal assistance referral

Military Investigation and Justice Experience Survey: Overall Experience



of survivors said they would recommend others to report



of survivors who interacted with a SVC/MLC were satisfied



References

- 10 USC §1044 – Legal Assistance
- 10 USC §1044e – Special Victims' Counsel
- 10 USC §1565b – Legal Assistance to Sexual Assault Victims
- JAGINST 5800.7F (JAGMAN)
- SECDEF Memo – 14 Aug 2013
- MARADMIN 583/13 – 31 Oct 2013
- MCO P5800.16A – Marine Corps Manual for Legal Administration
- DODI 6495.02 – SAPR Program
- MCO 1752.5B – SAPR Program
- MCO 5800.14 – VWAP
- MCO 1754.11 – Family Advocacy Program
- 18 USC §3771 – Crime Victims' Rights Act
- Article 6b, UCMJ – Victim Rights under the UCMJ
- MARADMIN 285/16 – Retaliation and Reporting



Questions?



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