



SECRETARY OF THE ARMY
WASHINGTON

07 MAY 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2014-09 (Reserve Component Eligibility for the Special Victims' Counsel Program)

1. References:

a. National Defense Authorization Act for Fiscal Year 2014, Pub. L. No. 133-66, section 1716 (Designation and availability of Special Victims' Counsel for victims of sex-related offenses).

b. Memorandum, Secretary of Defense, Aug 14, 2013, subject: Sexual Assault Prevention and Response.

c. Department of Defense Instruction 1215.06 (Uniform Reserve, Training, and Retirement Categories for the Reserve Components), March 11, 2014.

d. Joint Publication 1-02, Department of Defense Dictionary of Military and Associated Terms, 8 November 2010 (as amended through 15 March 2014).

e. Army Regulation 27-3 (The Army Legal Assistance Program), 21 February 1996, including Rapid Action Revision issued 13 September 2011.

2. Pursuant to references 1a and 1b, The Judge Advocate General has implemented an Army Special Victims' Counsel Program. By this directive and effective immediately, I am ensuring that members of the Army National Guard and U.S. Army Reserve are eligible for the Special Victims' Counsel Program.

3. A reserve component Soldier (National Guard or Army Reserve) who is the victim of an alleged sexual assault, as defined in 10 United States Code (U.S.C.) section 1044e(g), which occurs while the Soldier or the alleged perpetrator is on active duty, full-time National Guard duty, performing inactive duty for training or performing inactive duty, as defined in references 1c and 1d, is entitled to the services of a Special Victims' Counsel as provided by 10 U.S.C. section 1044e. This includes, but is not limited to, reserve component Soldiers:

a. called or ordered and performing active duty for a period of 30 days or less;

b. performing training or other duty under 32 U.S.C. section 502;

SUBJECT: Army Directive 2014-09 (Reserve Component Eligibility for the Special Victims' Counsel Program)

c. performing service on funeral honors duty under 10 U.S.C. section 12503 or 32 U.S.C. section 115, to include when remaining overnight immediately before serving on funeral honors duty at or in the vicinity of where the Soldier was to serve the duty;

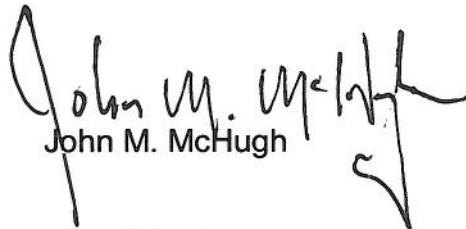
d. traveling directly to or from where that Soldier is to perform or has performed full-time National Guard duty, inactive duty for training or inactive duty, as defined in references 1c and 1d; or

e. remaining overnight immediately before the start of full-time National Guard duty, inactive duty for training or inactive duty, as defined in references 1c and 1d, or while remaining overnight between successive periods of such duty at or in the vicinity of the duty site.

4. Adult dependents of reserve component Soldiers will be entitled to the services of a Special Victims' Counsel as provided by 10 U.S.C. section 1044e if they are the victim of a sexual assault as defined in 10 U.S.C. section 1044e(g) and the alleged perpetrator is an active component Soldier or a reserve component Soldier serving on active duty or full-time National Guard duty, performing inactive duty for training, or performing inactive duty as defined in references 1c and 1d at the time of the alleged offense.

5. The scope of services provided to victims under this exception will be those set forth in 10 U.S.C. section 1044e(b)(1)–(9) and as further defined by The Judge Advocate General. Special Victims' Counsel services include assisting victims and representing their interests during military criminal and administrative proceedings against alleged perpetrators initiated as a result of the sexual assault. When the alleged offense is investigated and/or prosecuted by civil authorities, Special Victims' Counsel will not represent the victims before those civil investigative or prosecutorial agencies.

6. The Judge Advocate General is the proponent for this policy and will incorporate the provisions of this directive into the next revision of Army Regulation 27-3 as soon as possible. This directive will be rescinded upon publication of the revised regulation.


John M. McHugh

DISTRIBUTION:
Principal Officials of Headquarters, Department of the Army
(CONT)

SUBJECT: Army Directive 2014-09 (Reserve Component Eligibility for the Special Victims' Counsel Program)

DISTRIBUTION: (CONT)

Commander

- U.S. Army Forces Command
- U.S. Army Training and Doctrine Command
- U.S. Army Materiel Command
- U.S. Army Pacific
- U.S. Army Europe
- U.S. Army Central
- U.S. Army North
- U.S. Army South
- U.S. Army Africa/Southern European Task Force
- U.S. Army Special Operations Command
- Military Surface Deployment and Distribution Command
- U.S. Army Space and Missile Defense Command/Army Strategic Command
- U.S. Army Medical Command
- U.S. Army Intelligence and Security Command
- U.S. Army Criminal Investigative Command
- U.S. Army Corps of Engineers
- U.S. Army Military District of Washington
- U.S. Army Test and Evaluation Command
- U.S. Army Installation Management Command

Superintendent, U.S. Military Academy
Director, U.S. Army Acquisition Support Center
Executive Director, Arlington National Cemetery
Commander, U.S. Army Accessions Support Brigade
Commandant, U.S. Army War College
Commander, Second Army

CF:

- Director, Army National Guard
- Director of Business Transformation
- Commander, Eighth Army
- Commander, U.S. Army Cyber Command