



SECRETARY OF THE ARMY
WASHINGTON

01 MAY 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2017-16 (Civilian Employee Eligibility for the Special Victims' Counsel Program)

1. References:

a. Title 10, United States Code, section 1565b (10 U.S.C. § 1565b) (Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates).

b. National Defense Authorization Act for Fiscal Year 2016, Pub. L. No. 114-92, section 532, 129 Stat 811 (codified in 10 U.S.C. § 1044e(a)(2)(c)).

c. National Defense Authorization Act for Fiscal Year 2014, Pub. L. No. 113-66, section 1716, 127 Stat 966–969.

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

e. Army Directive 2017-02 (Sexual Harassment/Assault Response and Prevention (SHARP) Services for Department of the Army Civilians), 5 January 2017.

f. 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, 1c, and 1d, The Judge Advocate General (TJAG) implemented the Army Special Victims' Counsel Program. This directive implements reference 1b. Army Special Victims' Counsel are hereby authorized to provide the services described in paragraph 3 to civilian employees of the Department of Defense who are victims of a reported sexual assault as defined in 10 U.S.C. § 1044e(g), regardless of their eligibility for legal assistance, in instances where the alleged perpetrator is a servicemember and the Army has jurisdiction to prosecute under the Uniform Code of Military Justice.

3. The scope of such Army Special Victims' Counsel services will be strictly limited to the assistance authorized in 10 U.S.C. § 1044e(b) and as TJAG further defines. Additionally, the services are limited to assisting victims and representing their interests during military criminal proceedings against alleged perpetrators initiated as a result of the sexual assault. Pursuant to 10 U.S.C. § 1044(b)(4), services do not include

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consultation regarding potential civil litigation against the United States. When civil authorities investigate and/or prosecute the alleged offense, Special Victims' Counsel will not represent the victims before those civil investigative or prosecutorial agencies.

4. This policy is effective immediately and applies to the Active Army, Army National Guard/Army National Guard of the United States, and U.S. Army Reserve.

5. TJAG 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 practicable. This directive is rescinded upon publication of the revised regulation.



Robert M. Speer
Acting

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