



# CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NGB-JA  
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CNGBI 0401.01  
06 January 2015

## NATIONAL GUARD SPECIAL VICTIMS' COUNSEL PROGRAM

### References:

- a. DoD Secretary of Defense Memorandum, 14 August 2013, "Sexual Assault Prevention and Response"
  - b. NGB Chief of the National Guard Bureau Memorandum, 27 November 2013, "Implementation of the Joint National Guard Special Victims' Counsel Program"
  - c. DoD Directive 6495.01, 23 January, 2012, "Sexual Assault Prevention and Response Program"
  - d. DoD Instruction 6495.02, 28 March 2013, "Sexual Assault Prevention and Response Program Procedures"
1. Purpose. This instruction establishes policy, assigns responsibilities, and delegates authorities for establishing a National Guard Special Victims' Counsel (SVC) Program in accordance with reference a.
  2. Cancellation. None.
  3. Applicability. This instruction applies to all elements of the National Guard.
  4. Policy. It is National Guard policy to appoint a SVC who will provide legal representation or counsel to eligible victims of sexual assault throughout the military criminal or administrative disposition of the offense, to include civil law issues that have a direct nexus to a sexual assault.
    - a. For the purpose of SVC representation, Air National Guard Judge Advocates may represent members of the Army National Guard, and Army National Guard Judge Advocates may represent members of the Air National Guard.

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b. SVCs will ensure victims' rights are respected, consistent with the Secretary of Defense's priorities stated in reference a.

c. For the purpose of SVC representation, SVCs will operate independently from the command and supervisory chains that govern State National Guard Judge Advocates. The National Guard SVC Program Office will provide functional and policy oversight to SVCs while serving in that capacity.

d. Legal representation of a client takes precedence over all other duties of a SVC.

5. Definitions. See Glossary.

6. Responsibilities.

a. National Guard Bureau Chief Counsel. The Chief Counsel is delegated the authority to implement this policy and provide resources required to sustain the SVC capability for, and in coordination with, the 54 States, Territories, and District of Columbia, in accordance with reference b.

b. Commanders. Commanders at all levels must employ reasonable effort to ensure effective SVC legal representation and victim advocacy. This includes but is not limited to:

(1) Encouraging access to commanders, Judge Advocates, and key personnel involved in sexual assault prevention and response in accordance with references c and d.

(2) Providing secure and safe locations for victim and client interviews.

(3) Addressing requests for expedited transfers and protective orders.

(4) Deterring coercion, reprisal, and retaliation against anyone reporting or cooperating with an investigation of sexual assault.

7. Summary of Changes. This is the initial publication of CNGBI 0400.01.

8. Releasability. This instruction is approved for public release; distribution is unlimited. Copies are available through <<http://www.ngbpd.c.ngb.army.mil>>.

9. Effective Date. This instruction is effective upon publication and must be reissued, cancelled, or certified as current within five years of its publication.



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Enclosure:

GL -- Glossary

## GLOSSARY

### PART I. ABBREVIATIONS AND ACRONYMS

SVC                      Special Victims' Counsel

### PART II. DEFINITIONS

Sexual Assault -- Intentional sexual contact characterized by use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. It includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts.

Special Victims' Counsel -- National Guard Judge Advocates who are specially trained on legal issues concerning victims of sexual assault and certified to provide legal representation and counsel to victims throughout the military disposition of the offense.

Victim -- A person who asserts direct physical, emotional, or pecuniary harm as a result of the commission of sexual assault. For the purpose of this instruction, the term includes all current members of the National Guard, who at the time of the offense were members of the National Guard, and eligible dependents who have reported they are a victim of sexual assault over which a National Guard commander may exercise jurisdiction.