



CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-JA
DISTRIBUTION: A

CNGBI 0401.01A
09 September 2020

NATIONAL GUARD SPECIAL VICTIMS' COUNSEL PROGRAM

References:

- a. DoD Secretary of Defense Memorandum, 14 August 2013, "Sexual Assault Prevention and Response"
 - b. 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," Incorporating Change 4, 11 September 2020
 - d. DoD Instruction 6495.02, 28 March 2013, "Sexual Assault Prevention and Response (SAPR) Program Procedures," Incorporating Change 4, 11 September 2020
 - e. 10 United States Code Section 1044e, "Special Victims' Counsel for Victims of Sex-related Offenses"
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. This instruction cancels and replaces its previous edition, CNGBI 0401.01, 06 January 2015, "National Guard Special Victims' Counsel."
 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.

UNCLASSIFIED

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.

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

c. For the purposes of SVC representation, SVCs will operate independently from 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 National Guard Bureau 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.

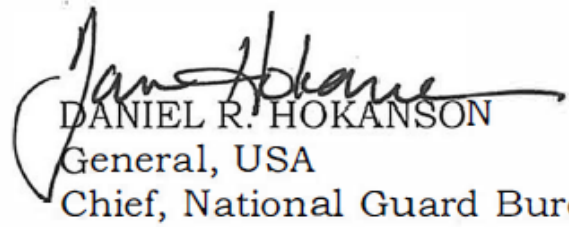
(3) Addressing requests for expedited transfers and protective orders.

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

7. Summary of Changes. This instruction contains various changes throughout.

8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.

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



DANIEL R. HOKANSON
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Enclosure:

GL -- Glossary

GLOSSARY

PART I. ACRONYMS

CNGB	Chief of the National Guard Bureau
SVC	Special Victims' Counsel

PART II. DEFINITIONS

Sexual Assault -- Intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. The term includes a broad category consisting of the following Uniform Code of Military Justice offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these acts.

Special Victims' Counsel -- National Guard Judge Advocates who are specially trained on legal issues concerning victims of sexual 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.