

REGION LEGAL SERVICE OFFICE NAVAL DISTRICT WASHINGTON

THE COUNSELOR

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RLSO NDW LAUNCHES "THE COUNSELOR"

Region Legal Service Office Naval District Washington (RLSO NDW) is pleased to announce the launch of "The Counselor." Our goal is to provide leaders with quick updates on current, hot topics. Additionally, this newsletter will provide guidance on legal assistance issues facing sailors and trial results from the previous quarter. This particular issue will focus on sexual assault and offer readers a "Who's Who" guide to the parties involved in a sexual assault case and information on unaccompanied housing roving patrols and the Navy JAG Corp's new Victims' Legal Counsel Program. Your feedback and any suggestions for future articles are greatly appreciated.

COMMAND SERVICES STAFF JUDGE ADVOCATE DIRECTORY

The mission of command services department is to provide prompt and effective legal services to commands throughout the Naval District Washington area of responsibility. The following is a list of contacts for each installation:

NSA WASHINGTON/WASHINGTON NAVY YARD
(202)685-7046

JOINT BASE ANACOSTIA-BOLLING
(202)767-1767

NSA BETHESDA
(202)767-1767

NSA ANNAPOLIS
(401)293-9203

NAS PATUXENT RIVER
(301)342-1934

NSA SOUTH POTOMAC
(301)342-1934

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SEXUAL ASSAULT ALLEGATION: WHO WILL BE INVOLVED?

Below is a list of personnel available to assist sexual assault victims (and those accused of sexual assault) through the reporting and military justice process:

Investigative Phase:

Sexual Assault Forensic Examiner (SAFE)/Sexual Assault Nurse Examiner (SANE) – Health care providers with specialized training in providing care for victims of rape and sexual assault.

Navy Criminal Investigative Service (NCIS) – Law enforcement agents tasked with investigating the alleged sexual assault, which typically involves obtaining statements and various forms of evidence from the victim.

Available Support for the Victim throughout the Process:

Sexual Assault Prevention and Response Victim Advocate (SAPR VA) – A sailor or civilian trained or certified in supporting a victim through the reporting process, including explaining the reporting options, services available, and navigating the military criminal justice process.

Sexual Assault Response Coordinator (SARC) – Typically located at the Fleet and Family Services Command, SARCs train and manage SAPR Victim Advocates and are often tasked with notifying the command of an alleged sexual assault.

Victim and Witness Assistance Coordinator (VWAC) - A link between the victim and the command, the VWAC ensures that all notifications under the Victim and Witness Assistance Program have been made and all coordination has been completed.

Fleet and Family Support Center – Certified and credentialed personnel trained to provide counselling and crisis intervention services for active duty service members and their spouses.

Chaplain - Outside the chain of command and bound by confidentiality, Chaplains are Naval Officers trained to provide support for victims of sexual assault, as well as to explain the various reporting options available.

Legal Support & Military Justice Phase:

Victims' Legal Counsel – A Judge Advocate tasked with helping victims understand the investigation and military justice process, advocating their legal rights and interests and, when appropriate, appearing in court on their behalf. See page 3 for more info.

Trial Counsel – A Judge Advocate who prosecutes the alleged sexual assault and often coordinates with the victim.

Defense Counsel – A Judge Advocate and/or civilian attorney responsible for representing the legal interests of those accused of sexual assault.

Sexual Assault Initial Disposition Authority (SA-IDA) – An officer O-6 or above, with special court-martial convening authority, responsible for the initial disposition of allegations of sexual assaults (e.g. preferral to court-martial, NJP, ADSEP board, dismissal, etc.).

For more information, please consult SECNAVINST 1752.4B.

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UNACCOMPANIED HOUSING ROVING PATROLS: A POSITIVE PRESENCE IN OUR BARRACKS

As of 1 October 2013, all Naval Installations are implementing Roving Patrols (RPs) in all unaccompanied barracks per NAVADMIN 181/13. NDWINST 5354.4 outlines the duties and responsibilities of RPs in the NDW AOR. It is important to emphasize that these personnel are not intended to act as security guards or police officers, but rather are intended to work as a “positive presence to promote Good Order and Discipline, foster good decision making, and to deter inappropriate conduct and behavior.” The goal of the patrols is to deter sexual assaults and the behaviors that lead to sexual assault, not to provide an additional disciplinary arm of the command or to seek out misconduct. NDWINST 5354.4 provides that if a member of the patrol hears, witnesses, or suspects major misconduct, the member should immediately notify Security and take no further action, unless such action is necessary to stop the commission of a violent crime. Additionally, any evidence or statements regarding incidents of sexual assault should be reported to NCIS immediately.

With regard to questioning, RPs should not question sailors suspected of misconduct about the misconduct. Without proper UCMJ Article 31 warnings, statements a sailor who is suspected of misconduct makes in response to RPs questions regarding misconduct may not be used in any disciplinary or criminal proceedings.

With regard to searches of rooms, RPs should not search rooms in an effort to discover evidence of misconduct. RPs should not enter the private berthing area of a Sailor without that Sailor’s express consent. If an RP suspects that there is evidence of misconduct in a room, they should relay that information to Security so that a probable cause determination can be made by the Installation Commanding Officer.

RPs should only seek to correct instances of improper military bearing or uniform violations with immediate positive counseling. RPs are present to promote an environment that fosters the Navy’s core values. RPs should be perceived as a positive influence within the living spaces of the junior Sailors, not as an additional way to get into trouble with the Command. The Command Services Department for RLSO NDW is standing by to assist in the implementation of NDWINST 5354.4 and provide training and guidance as required.

NAVY VICTIMS’ LEGAL COUNSEL PROGRAM

The Navy is implementing a Victims’ Legal Counsel (VLC) Program, which will offer a military attorney to represent and assist victims of sexual assault (Rape, Attempted Rape, Sodomy, Attempted Sodomy, Sexual Assault, Attempted Sexual Assault, Wrongful Sexual Contact, and Attempted Wrongful Sexual Contact). Eligible victims are Active Duty, Reservists assaulted during active service or mobilization, Dependents, and some Overseas DON Civilians.

VLC judge advocates will be specially-trained and assigned to key locations. They will function within an independent chain of command, separate from trial counsel, defense counsel, and convening authorities. VLCs will work closely with Sexual Assault Response Coordinators and Victim Advocates.

Unaccompanied Housing Roving Patrols: A Positive Presence in Our Barracks, Not Extra Security

Navy Victims’ Legal Counsel Program

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Assigned VLCs will liaise with victims' commands, investigators, and trial counsel. They will attend interviews and court proceedings and advise victims regarding:

- Military justice system, proceedings, and roles
- Rights afforded victim under Victim Witness Assistance Program
- Role of Victim Advocate and any privileges between victim and Victim Advocate
- Victim's duties to the court, responsibility to testify, and proceedings the victim may observe or participate in
- Criminal liability of the victim and right to seek defense services
- Services available for medical support, including emotional/mental health counseling
- Eligibility for military/veteran benefits and availability of Legal Assistance counsel to assist with personal civil legal matters or assist with obtaining military/veteran benefits

Implementation of the VLC Program is underway and expected to provide basic support by November 2013, with full support in place by January 2014.

LEGAL ASSISTANCE SERVICES

The RLSO NDW Legal Assistance Department is standing by at various bases in the Naval District Washington area to provide a myriad of legal services, including: Drafting of Wills and Powers of Attorney, Divorce and Family Law, Immigration Law, Landlord Tenant Law, Contract Law, and assistance with most basic legal disputes. To speak with an attorney, please call in advance for an appointment. Only powers of attorney and notarizations are offered on a walk-in basis.

Legal Assistance Services

WASHINGTON NAVY YARD:

For an appointment, call (202)685-5569.

Walk-in-hours are Monday-Friday, 0800-1200 and 1300-1530.

JOINT BASE ANACOSTIA-BOLLING:

For an appointment, call (202)767-5297/7588/7599.

Walk-in-hours are Monday-Friday, 0800-1200 and 1300-1600.

WALTER REED NATIONAL MILITARY MEDICAL CENTER, BETHESDA:

For an appointment, call (301)295-6052.

Walk-in-hours are Monday-Friday, 0800-1145 and 1300-1500.

NSA ANNAPOLIS:

For an appointment, call (401)293-3743.

Walk-in-hours are Monday-Friday, 0800-1600.

NAS PATUXENT RIVER:

For an appointment, call (301)342-7510.

Walk-in-hours are Monday-Thursday 0800-1100 and 1300-1500.

NSA SOUTH POTOMAC:

For an appointment, call (540)653-1839.

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RESULTS OF TRIAL 4TH QUARTER 2013

A Navy O-5 with over 18 years of service was sentenced to a dismissal after being convicted of sexual harassment, abusive sexual contact, and conduct unbecoming an officer. This court was held on 13 September 2013.

A Navy E-5 with over 19 years of service was sentenced to 120 days confinement and reduction to E-1 after being convicted of larceny. This court was held on September 20, 2013.

A Navy E-7 with over 17 years of service was sentenced to Bad Conduct Discharge, confinement for 12 months, reduction to E-1 and total forfeitures for 12 months after being convicted of making a false official statement, assault, adultery, cyber-stalking, depositing obscene materials in the mail and computer hacking. This court was held on 25 September 2013.

For information on Navy courts-martial, please go to the following website:

<http://www.jag.navy.mil/news/ROT.htm>

RLSO NDW LEADERSHIP

COMMANDING OFFICER: CAPT Gregory J. Smith

EXECUTIVE OFFICER: CDR Kelvin M. Stroble

COMMAND MASTER CHIEF: LNCM Shannon Charles

REGION STAFF JUDGE ADVOCATE: LCDR Justin Pilling

COMMAND SERVICES DEPARTMENT HEAD: LCDR Delicia Zimmerman

TRIAL DEPARTMENT HEAD: LCDR Phillip Hamon

LEGAL ASSISTANCE DEPARTMENT HEAD: LCDR Paul Kapfer

COMMAND DUTY OFFICER: (202)329-0249

E-MAIL: RLSO.NDW@NAVY.MIL

ARTICLE CONTRIBUTORS:

LT Brian John, LTJG James Howland and LNC Cindy Huamani

EDITOR:

LT Joey Ann Lonjers