



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
NAVAL LEGAL SERVICE COMMAND  
WASHINGTON NAVY YARD DC 20374-5066

JAG/CNLSCINST 5817.2  
TCAP  
MAY 22 2019

JAG/COMNAVLEGSVCCOM INSTRUCTION 5817.2

From: Judge Advocate General  
Commander, Naval Legal Service Command

Subj: SPECIAL VICTIM INVESTIGATION AND PROSECUTION POLICY

Ref: (a) SECNAVINST 1752.4C  
(b) OPNAVINST 1752.1C  
(c) Title 10, United States Code, Section 1044(e)  
(d) SECNAV M-5210.1  
(e) OPNAVINST 5215.17A

Encl: (1) SVIP Certification Requirements  
(2) SVIP Certification

1. Purpose. This instruction provides procedural guidance for the selection, training, and certification of Special Victim Investigation and Prosecution (SVIP) trial counsel (TC), paralegals, and administrative support personnel (ASP) and implements the requirements of references (a) and (b).

2. Applicability. This instruction applies to Naval Legal Service Command personnel.

3. Definitions

a. SVIP Capability. Per references (a) and (b), a distinct, recognizable group of appropriately skilled professionals, including investigators, judge advocates, victim witness assistance personnel, and administrative paralegal support personnel who work collaboratively together to investigate and prosecute allegations of child abuse (involving sexual assault or aggravated assault with grievous bodily harm), domestic violence (involving sexual assault or aggravated assault with grievous bodily harm) and adult sexual assault (not involving domestic offenses) and to provide support for the victims of such offenses.

b. Victims' Legal Counsel (VLC). Attorneys who are assigned to provide legal assistance and representation in accordance with reference (c) and service regulations. The Navy and Marine Corps refer to these attorneys as VLC.

c. Special Victim Case (SVC). Per references (a) and (b), an SVC is a case involving an allegation of child abuse (involving sexual assault or aggravated assault with grievous bodily

harm), domestic violence (involving sexual assault or aggravated assault with grievous bodily harm) or adult sexual assault (not involving domestic offenses).

4. Discussion

a. The Navy has an experienced cadre of highly-trained judge advocates, litigation specialists, and military justice experts serving in litigation-intensive billets. This includes the nine regional Senior Trial Counsel (STC), who prosecute complex cases while supervising, mentoring, and training junior trial counsel (TC). All of the STCs are specialists or experts in the Military Justice Litigation Career Track (MJLCT) which the Navy Judge Advocate General's Corps established in 2007 to identify, develop, and retain those judge advocates who demonstrate significant military justice knowledge, litigation, and trial advocacy skills.

b. The Navy has established a Trial Counsel Assistance Program (TCAP) to provide high quality military justice advice, assistance, support, and resources for TCs worldwide. TCAP provides full-spectrum advice to TCs advising investigators and commanders, serving as a resource through every phase of pretrial investigation and court-martial prosecution. TCAP personnel conduct outreach training using a multidisciplinary approach to improve efforts between prosecutors, investigators, sexual assault response coordinators (SARCs), and sexual assault prevention and response victim advocates (SAPR VAs).

c. Region Legal Service Office (RLSO) Commanding Officers (COs) supported by their STCs and TCAP personnel will ensure SVCs are litigated and managed by SVIP-certified personnel (TCs, paralegals, and ASPs).

d. SVIP certification standards are designed to:

(1) Enable the selection of SVIP-certified TCs to competently prosecute or assist other TCs in the prosecution of SVCs and the selection of paralegals and ASPs to competently support the prosecution of covered offenses;

(2) Enable certified personnel to support local Staff Judge Advocates in the provision of candid and independent legal advice to commanders and convening authorities in SVCs;

(3) Require appropriate training for all SVIP-certified personnel to provide victims with a comprehensive understanding of their rights, including the right to a VLC if eligible, and notifications of key decisions during the military justice process, and answer victims' questions in a competent and sensitive manner;

(4) Ensure Naval Legal Service Command (NLSC) personnel collaborate effectively with SARCs and SAPR VAs to facilitate a victim's welfare, security, and recovery from the sexual assault, and coordinate with Family Advocacy Program Manager in cases involving domestic violence and child abuse; and

(5) Provide dedicated special victim capability trial support resources, such as civilian highly qualified experts, to assist in training and consulting in SVCs as necessary.

5. SVIP-Certification Requirements

a. Trial Department Certification Standard. Each RLSO trial department shall have one SVIP-certified TC for every four TC assigned to the department. Each department shall have one SVIP-certified paralegal or ASP.

(1) STC Certification. A MJLCT officer in the rank of Lieutenant Commander-select or above will be detailed at each RLSO as STC. Each STC will be SVIP-certified within six months of reporting to the STC billet. The STC shall maintain their SVIP certification for the duration of their assignment as STC.

(2) STC Responsibility. The STC is responsible for monitoring and maintaining SVIP-certification within their department.

b. Annual Report. Each RLSO CO shall report their SVIP-certification status to Director, TCAP annually on first day of March.

c. Article 6 Assessment. TCAP shall review and comment on adherence to SVIP-certification standards during Article 6 assessments.

d. Trial Department Civilian Employees

(1) Hiring Actions. Upon a trial department's civilian position(s) becoming vacant, each RLSO CO shall review the advertised position description (PD) to ensure that the PD requires attainment and maintenance of SVIP-certification standards.

(2) Candidate Background Checks. Each RLSO CO responsible for a trial department civilian hiring action shall verify that eligible candidates have no record of child abuse, domestic violence or sexual assault. Each RLSO CO, in coordination with TCAP, may request Naval Criminal Investigative Service assistance to accomplish this required candidate background check.

(3) Annual Appraisals. During the trial department's civilian's appraisal cycle, adherence to SVIP-certification standards shall be reviewed against the approved performance plan.

e. SVIP-Certified Personnel Utilization

(1) Normally, an SVIP-certified TC will be detailed to courts-martial involving SVCs. When such detailing is not possible, the RLSO CO, or their detailing authority designee, shall

evaluate SVIP-certification, experience, aptitude, maturity, caseload, complexity of caseload, and the nature of the case in controversy when making the detailing decision.

(2) When a SVIP-certified TC is not detailed to a court-martial involving an SVC, an SVIP-certified TC will be made available to support the detailed TC throughout all stages of the court-martial.

(3) If a RLSO does not have an SVIP-certified TC available to assign, TCAP will assist by either providing SVIP-certified expertise or facilitate the detailing of an SVIP-certified TC from another RLSO.

6. SVIP Certification. RLSO COs are the SVIP certification authority for personnel assigned to their commands. In addition to the requirements detailed in enclosure (1), RLSO CO's shall consider a candidate's litigation currency, judgment, and maturity, in addition to their observed ability to litigate and manage SVCs and work with victims, as well as any other relevant factors when determining SVIP certification.

a. Minimum Requirements. Enclosure (1) defines minimum experience and training requirements. RLSO COs may determine that candidates require additional experience, currency, or training prior to certification. SVIP certification is not an entitlement, and candidates may be denied certification despite meeting or exceeding experience and training requirements at the discretion of the RLSO CO.

b. Disqualifying Factors. Absent an approved waiver, any substantiated incident of sexual assault, domestic violence, or child abuse is a disqualifying factor precluding SVIP certification.

c. Certification, Filing, Expiration. Enclosure (2) provides a template for SVIP certification. RLSOs shall maintain a copy of all SVIP actions, both certifications and rescissions. RLSOs shall forward an electronic copy of each SVIP action to TCAP, who will maintain a current roster of all SVIP-certified personnel in the NLSC enterprise. Unless rescinded by the RLSO CO, SVIP-certifications remain valid for 48 months.

d. Suspension. SVIP certification shall be immediately suspended by the RLSO CO in the event an individual is accused of sexual assault, domestic violence, or child abuse.

e. Recusal. SVIP-certified personnel shall request their certification be suspended if they are involved as either the alleged suspect or the victim of a sexual assault, domestic violence, or child abuse incident.

7. Waiver Authority. Chief of Staff, Region Legal Service Offices is the waiver authority for policy exceptions or exemptions, and will notify Commander, Naval Service Command/Deputy Judge Advocate General when exercising this authority.

8. Point of Contact. Questions or concerns regarding this instruction may be addressed to Director, TCAP at (703) 350-8132.

9. Records Management. Any records created as a result of this instruction, regardless of media and format, shall be managed in accordance with reference (d).

10. Review and Effective Date. Per reference (e), TCAP will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, Department of Defense, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. As the instruction nears its 5-year anniversary, and if it is still required, it will be reissued. If the instruction is no longer required, it will be processed for cancellation as soon as the cancellation is known following the guidance in E.O. 13526.

  
D. E. CRANDALL  
Commander, Naval Legal Service Command

  
JOHN G. HANNINK  
Judge Advocate General

Releasability and Distribution: This instruction is cleared for public release and is available electronically only via the Judge Advocate General's web site: <http://www.jag.navy.mil>.

**SPECIAL VICTIM INVESTIGATION AND PROSECUTION (SVIP)  
CERTIFICATION REQUIREMENTS**

**Senior Trial Counsel (STC) or core Trial Counsel (TC)**

- Litigate two contested Special Victim Case (SVC) courts-martial through findings. One of the contested SVC courts-martial may have been conducted as defense counsel.

AND

- Attend one Naval Criminal Investigative Service (NCIS) SVIP course. Options: Advanced Adult Sexual Assault Investigations Training Program (AASAITP) or Advanced Family and Sexual Violence Training Program (AFSVTP).

AND

- Attend one Department of Defense (DoD) SVIP course (e.g., Prosecuting Special Victim's Crimes); or one Victims' Legal Counsel (VLC) or Trial Counsel Assistance Program (TCAP)-approved non-DoD SVIP course (e.g., National District Attorney's Association, local prosecuting agency training, International Symposium on Child Abuse, National Center for Missing and Exploited Children, National Crime Victim Law Institute training events).

AND

- Complete five TCAP-designated SVC webinar courses. Options: Prosecuting Child Abuse Cases and Understanding Child Forensic Interviews; Trauma Informed Sexual Assault Prosecution: Overview on How to Win 'He Said / She Said' Cases; Prosecuting Child Exploitation Cases; Prosecuting Domestic Violence; Prosecuting Alcohol Facilitated Sexual Assault; Working with Victims; Victim Witness Assistance Program (VWAP); or, a TCAP approved non-DoD SVC webinar.

**Paralegal or Administrative Support Personnel (ASP)**

- Attend one DoD SVIP course (e.g., Prosecuting Special Victim's Crimes); or one Victims' Legal Counsel (VLC) or Trial Counsel Assistance Program (TCAP)-approved non-DoD SVIP course (e.g., National District Attorney's Association, local prosecuting agency training, International Symposium on Child Abuse, National Center for Missing and Exploited Children, National Crime Victim Law Institute training events).

AND

- Complete five TCAP-designated SVC webinar courses. Options: Prosecuting Child Abuse Cases and Understanding Child Forensic Interviews; Trauma Informed Sexual Assault Prosecution: Overview on How to Win 'He Said / She Said' Cases; Prosecuting Child Exploitation Cases; Prosecuting Domestic Violence; Prosecuting Alcohol Facilitated Sexual Assault; Working with Victims; VWAP; or, a TCAP approved non-DoD SVC webinar.

**SAMPLE SVIP CERTIFICATION DESIGNATION LETTER**

**COMMAND LETTER HEAD**

5817  
SER  
Date

**From:** Commanding Officer, Region Legal Service Office [INSERT REGION]  
**To:** LT I. M. Sailor, JAGC, USN

**Subj:** SPECIAL VICTIM INVESTIGATION AND PROSECUTION CERTIFICATION

**Ref:** (a) JAG/CNLSCINST 5817.2  
(b) NCIC of LT I.M. Sailor of [DDMMYY]

1. Pursuant to reference (a), you are certified as a Special Victim Investigation and Prosecution (SVIP) [STC or Paralegal or Administrative Support Personnel].
2. I have verified your completion of the minimum standards established in reference (a) enclosure (1). Your criminal background, reference (b), contains no disqualifying incidents.
3. Your certification is based on my assessment of a myriad of factors to include your aptitude, litigation capability, experience, professionalism, and empathy. As a representative of the Government in special victim crime courts-martials, your designation requires that your actions, at all times, be above reproach. Alert me of any incident that could require inquiry and possible reassessment of your SVIP-certification.
4. Unless suspended or rescinded, your certification expires four years from the date of this letter.

I. M. Aleader  
CAPT, JAGC, USN

**Copy:**  
Director, TCAP  
Senior Trial Counsel

Enclosure (2)