



DEPARTMENT OF THE AIR FORCE  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
SPECIAL VICTIMS' COUNSEL DIVISION

Special Victims' Counsel Expanding Services to Assist Victims of Domestic Violence

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Domestic violence has absolutely no place in our society, much less in our military. While October has been designated “Domestic Violence Awareness Month,” we must continuously work together to address this crisis. According to the Centers for Disease Control and Prevention, over one in three women and one in three men have experienced some form of violence perpetrated by an intimate partner, with one in five women and one in seven men having been victims of severe physical violence by an intimate partner during their lifetime. Another one in six women and one in seventeen men have been stalked by an intimate partner to the point they feared for their safety during their lifetime.<sup>1</sup> Domestic violence, also known as “Intimate Partner Violence (IPV),” accounts for over 15% of all violent crime in the United States.<sup>2</sup> IPV almost always occurs out of the public eye, with most incidents occurring at or near the victim’s home. As such, victims often feel an immense sense of isolation, with some choosing never to report the abuse or seek help for their injuries. Various phases of the public response to the COVID-19 pandemic have included “stay-at-home” orders and social distancing, further isolating victims from resources needed to break the cycle of abuse. This sense of isolation may also contribute to low reporting rates, with less than one out of four female and one out of ten male victims reporting these crimes to law enforcement.<sup>3</sup>

Recognizing the severity of this problem, Congress has mandated that victims of certain domestic violence crimes be provided additional services to assist them in navigating and understanding the military justice process, and more importantly, ensuring their voice is heard and they are protected. Beginning 1 Dec 2020, qualifying victims of certain aggravated domestic violence offenses<sup>4</sup> may seek and obtain representation by Air Force Special Victims' Counsel (SVC). As an attorney independent of the alleged perpetrator’s chain of command, an SVC can advocate on behalf of their client’s stated interests, without the concern that their advice will be influenced by the alleged abuser’s leadership. SVCs can assist their clients by advising on the military justice process, by advocating a client’s position to various decisional authorities, ensuring the appropriate means of protection are afforded to victims, and that their client’s rights under Article 6(b), Uniform Code of Military Justice (UCMJ) are upheld. SVCs can also advocate to other military partners to ensure the safety and welfare of their clients by ensuring the perpetrator’s commander has been advised on whether Air Force regulations prohibit a perpetrator from possessing a firearm and whether the perpetrator has been providing

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<sup>1</sup> The Centers for Disease Control and Prevention, *National Intimate Partner and Sexual Violence Survey, 2015 Summary Report*, dtd November 2018

<sup>2</sup> U.S. Department of Justice, *Special Report, Nonfatal Domestic Violence, 2003 – 2012*, dtd April 2014

<sup>3</sup> CDC, *2015 Summary Report*.

<sup>4</sup> An eligible DV victim is one who is both 1) the victim of any offense committed by a spouse who is subject to the UCMJ; an immediate family member who is subject to the UCMJ; or an intimate partner who is subject to the UCMJ; and 2) the victim is eligible to receive legal assistance under 10 U.S.C. §1044. While Section 548 of NDAA FY 2020 includes any crime of violence by an immediate family member to another, SVC representation will be limited to only those most severe and aggravated forms of violence.

adequate dependent support as defined by Air Force regulations. SVCs also work with civilian agencies to ensure all avenues of meaningful protection can be utilized and any gaps closed. This includes working with civilian prosecutors to ensure victims understand both the civilian and military justice processes, and how they might be intertwined and affect the other. Ultimately, SVCs can provide a voice to victims during what can be an overwhelming process. Finally, SVCs will continue to provide representation and legal support to victims of sexual assault and sexually-related UCMJ offenses.

For victims of domestic violence offenses that do not meet the Congressionally-mandated threshold for SVC representation, there are still other options for assistance. The Victim Witness Assistance Program (VWAP), managed by each installation's Office of the Staff Judge Advocate (OSJA), can provide victims of domestic violence offenses (as defined by the UCMJ) resources and information, including information on the rights afforded to victims under Article 6b, UCMJ.

In addition to the VWAP, the OSJA can also provide legal assistance to victims on issues commonly associated with domestic abuse, such as advice on child custody issues, divorce, and dependent support. Legal assistance attorneys are available to qualifying servicemembers, dependents and retirees, regardless of whether there has been a reported incident of domestic violence.

Additionally, the Family Advocacy Program (FAP) also has resources to assist with domestic violence and domestic abuse. This program has additional resources, including Domestic Abuse Victim Advocates, available to assist qualifying persons even when a violation of the UCMJ has not occurred.

Together we can work to ensure all victims of domestic violence understand their rights, are fully aware of their access to various military programs designed to provide support and protection, and have a voice in the military justice process, all while working to hold the perpetrator accountable. Most importantly, we must work to ensure all servicemembers and dependents are safe from domestic violence.

If you or someone you know would like more information on the resources available to for victims of domestic violence or abuse, please contact any of the following resources for more information. Additionally, assistance is available at your installation. You can contact the Family Advocacy Program at your installation, your local Special Victims' Counsel's office, or the Victim Witness Assistance Program manager at your installation's Office of the Staff Judge Advocate for additional information. Finally, if you are in danger, contact local law enforcement via 911 or other emergency services. Help is available. You are not alone.

#### Additional Resources:

The Department of Defense Safe Helpline: (877) 995-5247

Military One Source Domestic Abuse: (800) 342-9647

National Domestic Violence Hotline: (800) 799-SAFE

National Suicide Prevention Lifeline: (800) 273-8255

(The inclusion of any resources in this article does not constitute endorsement by the Department of Defense.)