



# Department of Defense **INSTRUCTION**

NUMBER 5505.19

February 3, 2015

Incorporating Change 2, March 23, 2017

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IG DoD

**SUBJECT:** Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)

References: See Enclosure 1

1. PURPOSE. This instruction:

a. Establishes policy, assigns responsibilities, and provides procedures for the MCIOs to implement a special victim capability in accordance with the authority in Appendix 3 of Title 5, United States Code (U.S.C.) (Reference (a)) and DoD Directive (DoDD) 5106.01 (Reference (b)) and pursuant to section 573 of Public Law (P.L.) 112-239 (Reference (c)).

b. Implements the investigative portion of Reference (c) requiring each Military Service to establish a special victim capability comprised of specially trained MCIO investigators, judge advocates, paralegals, and victim witness assistance personnel to support victims of covered special victim offenses. To avoid confusion with Special Victims' Counsel programs, this capability will be referred to as the SVIP capability.

c. Incorporates and cancels Directive-type Memorandum (DTM) 14-002 (Reference (d)).

2. APPLICABILITY. This instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the "DoD Components").

3. POLICY. It is DoD policy that:

a. A timely, effective, worldwide SVIP capability consisting of specially trained MCIO investigators will work collaboratively with assigned SVIP personnel from other disciplines and investigate all covered offenses that occur within their jurisdiction as established by existing Service and MCIO guidance, subject to limitations concerning use of Restricted Reports.

b. MCIO investigators will collaborate with assigned specially trained judge advocates, DoD Sexual Assault Response Coordinators (SARCs), Sexual Assault Prevention and Response Victim Advocates (SAPR VAs), Family Advocacy Program (FAP) managers, and domestic abuse victim advocates (DAVAs), as appropriate, during all stages of the investigative and military justice process for covered offenses.

c. Nothing in this instruction prohibits a MCIO from investigating any offense under existing authorities; however, only covered offenses will be designated as SVIP incidents.

d. All criminal investigative files will be maintained in accordance with the DoD privacy policies in DoDD 5400.11 and DoD 5400.11-R (References (e) and (f)).

#### 4. RESPONSIBILITIES

a. IG DoD. The IG DoD develops policy and procedures for MCIO adult sexual assault investigations and oversees their implementation pursuant to Reference (b).

b. OSD and DoD Component Heads. The OSD and DoD Component heads:

(1) Ensure compliance with this instruction and prescribe additional Component procedures as necessary to implement its policy.

(2) Require that commanders (see Glossary) at all levels immediately report, to the appropriate MCIO, all adult sexual assault allegations of which they become aware involving persons affiliated with the DoD, including active duty personnel and their dependents, DoD contractors, and DoD civilian employees.

(3) Ensure Component procedures exist that allow eligible victims to request handling of allegations of sexual assault or domestic violence as a Restricted Report. Restricted Reports will follow the guidance in:

(a) DoDD 6495.01 (Reference (g)) for sexual assault.

(b) DoD Instruction (DoDI) 6400.06 (Reference (h)) for domestic abuse.

c. Secretaries of the Military Departments. In addition to the responsibilities in paragraph 4b, the Secretaries of the Military Departments will establish Departmental SVIP capabilities in accordance with the policy and procedures in this instruction.

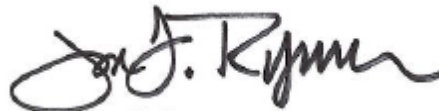
#### 5. PROCEDURES. See Enclosure 2.

6. INFORMATION COLLECTIONS. The investigative report of program performance and effectiveness, referred to throughout paragraph 7 of Enclosure 2 of this instruction, is exempt from licensing with a report control symbol in accordance with paragraph 1b(6) of Volume 1 of DoD Manual 8910.01 (Reference (i)).

7. RELEASEABILITY. **Cleared for public release**. This instruction is available on the DoD Issuances Website at <http://www.esd.whs.mil/DD/>.

8. SUMMARY OF CHANGES. Administrative change updating the references.

9. EFFECTIVE DATE. This instruction is effective February 3, 2015.



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Enclosures

1. References
2. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) Appendix 3 of Title 5, United States Code (also known as “The Inspector General Act of 1978,” current version)
- (b) DoD Directive 5106.01, “Inspector General of the Department of Defense (IG DoD),” April 20, 2012, as amended
- (c) Section 573 of Public Law 112-239, “Establishment of Special Victim Capabilities Within the Military Departments to Respond to Allegations of Certain Special Victim Offenses, National Defense Authorization Act for Fiscal Year 2013,” January 2, 2013
- (d) Directive-type Memorandum 14-002, “The Establishment of Special Victim Capability (SVC) Within the Military Criminal Investigative Organizations,” February 11, 2014 (hereby cancelled)
- (e) DoD Directive 5400.11, “DoD Privacy Program,” October 29, 2014
- (f) DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007
- (g) DoD Directive 6495.01, “Sexual Assault Prevention and Response (SAPR) Program,” January 23, 2012, as amended
- (h) DoD Instruction 6400.06, “Domestic Abuse Involving DoD Military and Certain Affiliated Personnel,” August 21, 2007, as amended
- (i) DoD Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014, as amended
- (j) DoD Instruction 5505.14, “Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders,” December 22, 2015
- (k) DoD Directive 1030.01, “Victim and Witness Assistance,” April 13, 2004
- (l) DoD Instruction 1030.2, “Victim and Witness Assistance Procedures,” June 4, 2004
- (m) Title 10, United States Code
- (n) Section 1701 of Public Law 113-66, “Extension of Crime Victims’ Rights to Victims of Offenses Under the Uniform Code of Military Justice, National Defense Authorization Act for Fiscal Year 2014,” December 26, 2013
- (o) DoD Instruction 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” January 25, 2013, as amended
- (p) DoD Instruction 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” March 28, 2013, as amended
- (q) Directive-type Memorandum 14-003, “DoD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support,” February 12, 2014, as amended
- (r) DoD Instruction 5505.03, “Initiation of Investigations by Defense Criminal Investigative Organizations,” March 24, 2011, as amended
- (s) DoD Instruction 6400.01, “Family Advocacy Program (FAP),” February 13, 2015

ENCLOSURE 2

PROCEDURES

1. SVIP PROCESS. At the initial investigative response, the MCIO will assign a lead investigator knowledgeable of the SVIP priorities to all covered offenses, who will work collaboratively with specially SVIP trained personnel consisting of judge advocates, victim witness assistance personnel (SARCs, SAPR VAs, FAP managers, and DAVAs), and administrative paralegal support personnel. These individuals will comprise the SVIP capability and be referred to as “SVIP members.”

2. COVERED SPECIAL VICTIM OFFENSES. Covered special victim offenses include:

- a. Unrestricted reports of adult sexual assault.
- b. Unrestricted reports of domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm.
- c. Child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm.

3. TRAINING. The lead MCIO investigator assigned to conduct an investigation of a covered offense will be specially trained to respond to and investigate such offenses. Selection and certification of MCIO investigators for the SVIP capability is contingent on the completion of basic training at the respective federal law enforcement training institution (including military training schools). In addition to basic training, the lead MCIO investigator for an SVIP covered offense must have received specialized training which, at a minimum, will include:

- a. Legal jurisdiction for conducting criminal investigations.
- b. The elements of proof for criminal offenses associated with all SVIP covered offenses.
- c. Crime scene management.
- d. DNA collection requirements for criminal investigations in accordance with DoDI 5505.14 (Reference (j)).
- e. Identifying, preserving, obtaining, and transporting forensic evidence.
- f. Rights of crime victims and available victim and witness assistance, support, and counseling services in accordance with DoDD 1030.01 and DoDI 1030.2 (References (k) and (l)) and Article 6b, Uniform Code of Military Justice (UCMJ), as found in Sections 801-946 of Title 10, U.S.C. (Reference (m)) and as amended by section 1701 of P.L. 113-66 (Reference (n)).

g. Sensitivities and risk factors associated with child abuse, including but not limited to:

(1) Various interviewing techniques used by the law enforcement community to help victims recall specific details about a crime.

(2) Working with the FAP in accordance with Reference (h).

(3) Working with the DAVA to help ensure the victim and his or her family receives support and required services, in accordance with References (h) and (l).

h. Sensitivities and risk factors associated with victims of domestic violence, including but not limited to:

(1) Various interviewing techniques used by the law enforcement community to help victims recall specific details about the crime.

(2) Determining the impact and involvement of alcohol and drugs.

(3) Understanding the requirements associated with obtaining and executing protection orders. For civilians, this must be done in accordance with section 1561a of Reference (m); for military personnel, in accordance with Reference (h).

(4) Understanding aspects of restricted reporting for domestic violence in accordance with Reference (h).

(5) Recognizing the dynamics of domestic violence, including behaviors used by abusers to control or dominate their victims.

(6) Working with a DAVA.

i. The adult sexual assault training requirements in DoDI 5505.18 and DoDI 6495.02 (References (o) and (p)).

j. Knowledge of and familiarity with the SVIP Prosecution and Legal Support requirements in DTM 14-003 (Reference (q)).

4. CRITERIA AND CERTIFICATION. Upon completion of all identified training, the MCIO will select and certify those investigators who will serve as lead investigators for SVIP covered offenses.

5. MCIO LEAD INVESTIGATOR. The MCIO lead investigator:

a. Will notify each SVIP member, as appropriate, within 24 hours after determining that an allegation meets the criteria of a special victim covered offense. The contact can occur via personal meeting, telephone conference call, electronic mail or video teleconference (VTC).

b. Will collaborate with all SVIP members, as appropriate, within 48 hours (without regard to the day of the week) after determining that an allegation meets the criteria of a special victim covered offense. The collaboration can occur via personal meeting(s), telephone conference calls, or VTC(s).

c. Must consult with respective SVIP members at least monthly to assess progress in the investigation or prosecution of a covered offense and to help ensure all aspects of the victim's needs are being met. Where all SVIP members are not co-located, meetings can be conducted via telephone conference call(s) or VTC(s).

(1) The MCIO lead investigator will document all SVIP notifications, meetings, and consultations in the appropriate investigative file.

(2) The documentation will include the name, position and organization of the persons involved in the consultation and the date of the consultation.

d. Will investigate unrestricted reports of adult sexual assaults in accordance with References (o) and (p), and DoDI 5505.03 (Reference (r)).

e. Will investigate all unrestricted reports of domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm in accordance with Reference (h) and DoDD 6400.1 (Reference (s)).

f. Will investigate allegations of child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm in accordance with References (h) and (s).

g. Will provide any applicable information to SVIP members related to case progression as long as it does not hinder the investigation.

6. CASE FILE MANAGEMENT. The MCIO must be able to identify and retrieve SVIP investigations from their automated investigative management system.

7. ASSESSMENT.

a. OIG will assess the investigations for their effectiveness in accordance with, at a minimum, References (g), (h), (o), and (p), as well as Service- and MCIO-specific regulations.

b. In accordance with Reference (c), the Secretaries of the Military Departments will collect data and periodically report on the effectiveness and impact of the investigative portion of the SVIP to the Secretary of Defense. These reports will assess the performance and effectiveness of Service programs, policies, training, and services. At a minimum, the Secretaries of the Military Departments will collect data regarding compliance with the following requirements:

(1) The appropriate SVIP members were notified within 24 hours when an allegation met the criteria of a covered offense.

(2) The appropriate SVIP members collaborated within 48 hours when an allegation met the criteria of a covered offense.

(3) The MCIO lead investigators identified to conduct investigations of covered offenses were trained and certified in accordance with the requirements in this instruction.

(4) A DD Form 2701, "Initial Information for Victims and Witnesses of Crime," was provided to all victims and witnesses identified in a covered offense.



GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DAVA	domestic abuse victim advocate
DNA	deoxyribonucleic acid
DoDD	DoD Directive
DoDI	DoD Instruction
DTM	Directive-type Memorandum
FAP	Family Advocacy Program
IG DoD	Inspector General of the Department of Defense
MCIO	military criminal investigative organization
P.L.	Public Law
SAPR	sexual assault prevention and response
SAPR VA	sexual assault prevention and response victim advocate
SARC	sexual assault response coordinator
SVIP	special victim investigation and prosecution
UCMJ	Uniform Code of Military Justice
U.S.C.	United States Code
VTC	video teleconference

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this instruction.

active duty. Defined in section 101 of Reference (m).

adult. A person who has attained the age of 18 years, is an active duty Service member, or is married.

child. A person who has not attained the age of 18 years and who is unmarried and is not an active duty Service member.

child abuse. Acts involving child sexual assault and/or aggravated assault with grievous bodily harm.

commander. Defined in Reference (o).

covered offenses. The designated criminal offenses of adult sexual assault, child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm, and domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm.

DAVA. An appointed advocate who provides safety planning services and comprehensive assistance and liaison to and for victims of domestic abuse.

domestic violence. An offense under the U.S.C., the UCMJ, or State law that has an element of the use, attempted use, or threatened use of physical force against a person and is committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent, or guardian of the victim.

grievous bodily harm. Serious bodily injury that includes fractures or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or bloody nose.

MCIOs. U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

Restricted Reporting. In cases of adult sexual assault (not to include victims who are assaulted by a spouse or intimate partner), defined in Reference (g). For domestic violence FAP cases, defined in Reference (h). There is no Restricted Reporting for child abuse.

SAPR VA. Defined in Reference (g).

SARC. Defined in Reference (g).

sexual assault. Defined in Reference (g).

SVIP. The term used for special victim capability to differentiate from the “Special Victims’ Counsel,” which is abbreviated as SVC. A distinct, recognizable group of appropriately skilled professionals, consisting of specially trained and selected MCIO investigators, judge advocates, victim witness assistance personnel to include SARCs, SAPR VAs, FAP managers, and DAVAs, and administrative paralegal support personnel who work collaboratively to investigate allegations of adult sexual assault, domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm, and child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm; and provide support for the victims of these offenses.