



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION NEW RIVER
PSC BOX 21001
JACKSONVILLE, NC 28545-1001

ASO 5800.1C

SJA

24 MAR 2025

AIR STATION ORDER 5800.1C

From: Commanding Officer, Marine Corps Air Station New River
To: Distribution List

Subj: VICTIM-WITNESS ASSISTANCE PROGRAM

Ref: (a) MCO 5800.16 Volume 16, Chapter 4
(b) MCO 1752.5C
(c) MCO 5040.6J
(d) DoDI 6400.06
(e) DoDI 1030.02
(f) MARADMIN 216/20
(g) JAGINST 5800.7G
(h) SECNAV M-5210.1

Encl: (1) Roles and Responsibilities
(2) Sample VWAC Appointment Letter
(3) Sample Service Provider Appointment Letter
(4) VWAP Flyer
(5) DD Form 2701
(6) DD Form 2702
(7) DD Form 2703
(8) DD Form 2704
(9) DD Form 2706
(10) Initial Information and Services Letter
(11) VWAP Intake Form
(12) VWAP Tracker

1. Situation. The Victim-Witness Assistance Program (VWAP) for Marine Corps Air Station (MCAS) New River, established by reference (a), defines the policies, procedures, and additional responsibilities for compliance with references (a) through (h) and will support the Installation Commanding Officer's obligations to victims and witnesses of crime.

2. Cancellation. ASO 5800.1B.

3. Mission. MCAS New River shall execute a professional VWAP in order to reduce the trauma, frustration, and inconvenience experienced by victims and witnesses of crime; inform victims of their statutory rights; and assist victims and witnesses in understanding the military justice process. All Service Members and civilian personnel assigned to MCAS New River engaged in detecting, investigating, or prosecuting crime, and all personnel assisting victims and witnesses as defined in enclosure (1) of reference (a) shall comply with the policies, procedures, and responsibilities set forth herein.

4. Execution

a. Commander's Intent and Concept of Operations

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

24 MAR 2025

(1) Commander's Intent

(a) All Service Members and civilian personnel serving aboard MCAS New River shall treat every victim and witness of crime with dignity and respect.

(b) Commanding Officers shall protect victims of violence or abuse from further harm.

(c) All appropriate personnel shall assist victims and witnesses of crime without infringing the constitutional rights of the accused.

(2) Concept of Operations

(a) Pursuant to the references, MCAS New River will employ a multi-disciplinary response to assist victims and witnesses of crime. The response will focus on reducing the trauma, frustration, and inconvenience experienced by victims and witnesses during the military justice and administrative process through education and assistance. Various individuals and organizations have roles and responsibilities under the VWAP to inform victims and witnesses of their rights and to assist victims and witnesses during the military justice and administrative process.

(b) Proper execution of the VWAP will lead to increased cooperation by victims and witnesses during the military justice and administrative process.

5. Administration and Logistics

a. MCAS New River has established a VWAP website which provides references, training materials, and links to victim-related resources. The website is: <https://www.newriver.marines.mil/Staff-Judge-Advocate/VWAP/>.

b. Records Management. Records created as a result of this Order shall be managed according to the National Archives and Records Administration approved dispositions per reference (h) to ensure proper maintenance, use, accessibility, and preservation, regardless of format or medium.

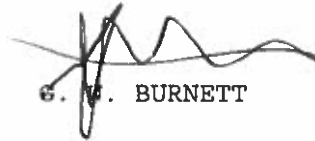
c. Privacy Act. Any misuse or unauthorized disclosure of Personally Identifiable Information (PII) may result in both civil and criminal penalties. The Department of the Navy (DON) recognizes that the privacy of an individual is a personal and fundamental right that shall be respected and protected. The DON's need to collect, use, maintain, or disseminate PII about individuals for purposes of discharging its statutory responsibilities shall be balanced against the individual's rights to be protected against unwarranted invasions of privacy.

d. Recommendations. Recommendations concerning the content of this Order may be forwarded to the Installation Victim Witness Liaison Officer via the chain of command to New_River_SJA@usmc.mil.

6. Command and Signal

a. Command. This Order is applicable to MCAS New River and all tenant and subordinate commands.

b. Signal. This Order is effective the date signed.



G. V. BURNETT

DISTRIBUTION: B

ASO 5800.1C
24 MAR 2025

LOCATOR SHEET

Subj: VICTIM-WITNESS ASSISTANCE PROGRAM

Location: _____
(Indicate the location(s) of the copy(ies) of this Order.)

RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of person Incorporated Change

TABLE OF CONTENTS

<u>IDENTIFICATION</u>	<u>TITLE</u>	<u>PAGE</u>
Enclosure 1	Roles and Responsibilities	1-1
Enclosure 2	Sample VWAC Appointment Letter	2-1
Enclosure 3	Sample Service Provider Appointment Letter	3-1
Enclosure 4	VWAP Flyer	4-1
Enclosure 5	DD Form 2701	5-1
Enclosure 6	DD Form 2702	6-1
Enclosure 7	DD Form 2703	7-1
Enclosure 8	DD Form 2704 and DD Form 2704-1	8-1
Enclosure 9	DD Form 2706	9-1
Enclosure 10	Initial Information and Services Letter	10-1
Enclosure 11	VWAP Intake Form	11-1
Enclosure 12	VWAP Tracker	12-1

Roles and Responsibilities

1. Primary roles and responsibilities are outlined in volume 16, chapter 4 of reference (a). Additional roles and responsibilities are set forth below.

a. Victim and Witness Assistance Council

(1) Per references (a) and (e), the council shall consist of the Installation Victim Witness Liaison Officer (IVWLO), Unit Commanding Officer (CO), Unit Victim Witness Assistance Coordinators (VWAC) and representatives from the Sexual Assault Response Coordinator (SARC) office, Marine and Family Programs, Naval Criminal Investigative Service (NCIS), Criminal Investigation Division (CID), Provost Marshal Office (PMO), the Installation Staff Judge Advocate (SJA), Law Center VWAC, chaplain, and medical representative.

(2) The council shall meet quarterly and be chaired by the IVWLO.

b. Installation Victim Witness Liaison Officer

(1) Per reference (e), the IVWLO is delegated as the MCAS New River Local Responsible Official (LRO).

(2) Ensure that all VWACs have access to or physically maintain copies of all enclosures to include the IVWLO's name and telephone number.

(3) Update the Victim Witness Assistance Program (VWAP) tracking sheet, enclosure (12), on an annual basis and distribute a copy to all members of the VWAP who are required to maintain VWAP data.

(4) Provide VWAP inspection assistance upon request to all service providers and units aboard MCAS New River on an annual basis by utilizing the functional area checklist 5800.16 and Chapter 4 of reference (c).

(5) Ensure that all quarterly reports received from service providers and unit VWACs are compiled and submitted to the Regional Victim Witness Liaison Officer by the 15th day following the end of each quarter (April, July, October, and January), including the total number of victims and witnesses who were provided DD Form 2701-2704 on the DD Form 2706, see enclosure (9).

(6) Upon transfer, the IVWLO shall ensure that their successor has been briefed on the responsibilities as the IVWLO. The newly assigned IVWLO will receive an appointment letter from the Installation CO and provide a signed copy of the appointment letter and receiving endorsement to the VWAP Director for Headquarters Marine Corps (HQMC), Military Justice Branch for HQMC, and the Regional Victim Witness Liaison Officer, Marine Corps Installations-East within five business days.

(7) Ensure to maintain, with the assistance of the Marine and Family Programs office, a directory of military and civilian programs, services, and crime victim compensation funds available to victims and witnesses, and ensure the directory is published on the New River VWAP website.
<https://www.newriver.marines.mil/Staff-Judge-Advocate/VWAP/>

(8) The IVWLO shall maintain "By direction" authority to sign official correspondence and submit the DD Form 2706 on behalf of the Installation CO.

(9) All reports and letters created as a result of this Order shall be managed according to the National Archives and Records Administration approved dispositions per reference (h) to ensure proper maintenance, use, accessibility, and preservation, regardless of format or medium.

c. CO Responsibilities. COs are responsible for understanding and aggressively supporting the VWAP and ensuring compliance with this Order and all applicable regulations supporting the VWAP.

(1) Every squadron-sized unit (or equivalent) and above shall appoint a VWAC in writing utilizing enclosure (2). The VWAC may be an officer, staff noncommissioned officer, or civilian employee on the CO's staff. A copy of the appointment letter and receiving endorsement will be provided to the IVWLO within five business days. The VWAC should not contemporaneously serve as a uniformed victim advocate per reference (a).

(2) COs shall ensure that VWACs are immediately notified when a Service Member of the command is a victim or witness of crime as defined in reference (a), which includes sexual assault. VWACs will also be notified immediately upon a Service Member being placed in pre-trial confinement.

(3) COs shall make every appropriate effort to protect victims of violence or abuse from further harm. COs shall ensure that all victims and witnesses are made aware of the resources that may be available to promote their safety, including an order directing a no contact order (NCO) or a military protective order (MPO) per references (d) and (f), and expedited transfer from their unit when applicable per reference (b).

(a) Issuing Orders. References (d) and (f) provide COs with guidance on when to issue an order directing an NCO between parties or a MPO to safeguard a victim, quell a disturbance, or ensure the safety of any person. If an incident does not require protection of a person, but the CO seeks to keep parties from having contact or communications, the commander should issue an NCO between parties instead of an MPO per reference (f). An NCO can be issued by the CO and does not require reporting per reference (d). DD Form 2873 shall be used to issue an MPO. The current version of DD Form 2873 can be found at the DoD Publications and Forms website: http://www.esd.whs.mil/Directives/forms/dd2500_2999/.

(b) MPO Reporting Procedures. Your SJA should be consulted in setting the date of review (block 8) on the MPO, per reference (f). Within 24 hours of issuing an MPO, COs are required to provide a copy of the MPO to PMO via their organization mailbox: MPO_MCBCLJNC-MCASNR@usmc.mil. Issuance of an MPO triggers reporting requirements per references (d) and (f).

(4) COs shall notify the IVWLO within 30 days prior to deployment to ensure that the unit VWAC receives appropriate VWAP training and VWAP materials.

(5) Upon referral of charges to a summary court-martial (SCM), the CO or appropriate member of the CO's staff shall coordinate with the supporting Law Center VWAC or trial counsel and request a completed DD Form 2704.

(6) Upon replacing the unit's VWAC, COs shall forward a copy of the new appointment letter and receiving endorsement, enclosure (2), to the IVWLO within five business days.

(7) COs shall always be prepared to be inspected via the Commanding General's Readiness Inspection (CGRI); however, the IVWLO shall be available to inspect unit COs and VWACs as requested.

(8) Ensure all unit personnel are provided annual VWAP training that ensures unit personnel know the identity of the VWAC and understand victim and witness rights.

d. Victim Witness Assistance Coordinators

(1) VWACs may update the VWAP flyer, enclosure (4), with their unit's information and post it on unit read boards and common areas.

(2) Checking-in/out Procedures

(a) Ensure all new Service Members upon checking-in to the command sign a logbook or other forms of tracking that the Service Member has read and understands the victim and witness rights and knows the identity of the unit's VWAC.

(b) Ensure the VWAC asks all new Service Members if they are a victim or a witness to an active case from their prior command and if so, contact the prior command's VWAC and obtain all the points of contact for the case.

(c) Ensure the VWAC asks all Service Members upon checking-out if they are a victim or witness to an active case and if so, contact the Service Member's gaining command's VWAC and provide them with all points of contact for the case or obtain the address and telephone number where the Service Member is moving to if leaving active duty.

(3) Immediately after identification of a crime victim or witness of the command, the VWAC shall ensure that the victim and/or witness has been advised and understands the rights afforded to him or her under the VWAP. The VWAC shall provide and explain the DD Form 2701, "Initial Information for Victims and Witnesses of Crime," enclosure (5), if one has not already been provided. Completion of the Initial Information and Services Letter (IISL), enclosure (10), (signed, dated, and retained) serves as evidence that the VWAC has notified the victim or witness of their rights, per references (a) and (e). A copy of the IISL shall be forwarded to the IVWLO within five business days.

(4) VWACs shall ensure processes are in place to track and maintain data on the number of victims and witnesses who receive a DD Form 2701. Enclosure (12) is a sample tracker that may be used as part of the process to maintain data.

(5) VWACs shall ensure that the total number of victims and witnesses provided DD Form 2701-2704 are reported to the IVWLO by the fifth day following the end of each quarter (April, July, October, and January) on the DD Form 2706, enclosure (9).

(6) In the event that charges are preferred, the VWAC shall coordinate with PMO, Law Center VWAC or trial counsel, and other command VWACs if necessary to ensure that victims and witnesses have been provided and understand the required notifications under the VWAP. Enclosures (11) and (12) will assist in tracking this process.

(7) In the event of a SCM, the VWAC will ensure all victims and witnesses are provided appropriate notices and copies of the DD Forms 2702 and 2703. If confinement is adjudged and approved, the VWAC or the SCM officer shall ensure all victims and witnesses are provided appropriate notices and copies of the DD Form 2704 if requested notification.

(8) VWACs shall ensure that victims of financial or property crimes are notified of their right to file a claim pursuant to Article 139, Uniform Code of Military Justice (UCMJ) and in accordance with Chapter 4 of reference (g).

(9) As appropriate, VWACs shall inform victims that they may be reimbursed through state crime compensation funds for certain expenses incurred as a result of the crime. For more information and how to apply see the North Carolina Department of Public Safety website at <https://www.ncdps.gov/dps-services/office-victim-compensation-services>.

(10) VWACs shall provide annual VWAP training to ensure that unit personnel know the identity of their assigned VWAC and understand the rights of victims and witnesses.

(11) Ensure victims and witnesses are receiving the information and services as required under the VWAP until the accused enters post-trial confinement or all other administrative action is completed.

(12) Ensure victim assistance services are receiving support and care for the victim from initiation of a report of a crime until the victim is no longer eligible for such services or the victim specifies to the LRO in writing that they no longer desire services, per reference (e).

(13) VWACs should always be prepared to be inspected via the CGRI; however, the IVWLO shall be available to inspect unit COs and VWACs as requested.

(14) Upon transfer from this billet, the VWAC shall ensure that their successor has been briefed on his/her new responsibilities as the VWAC. The newly appointed VWAC will receive an appointment letter from the unit CO and provide a signed copy of the appointment letter and receiving endorsement to the IVWLO within five business days.

e. Service Providers (Staff Judge Advocate, Marine and Family Programs, Sexual Assault Prevention and Response Coordinator, Chaplain, and Medical)

(1) Each service provider shall be appointed in writing by name, title, duty address, and telephone number as a representative to the VWAP council. A copy of the appointment letter and receiving endorsement, enclosure (3), shall be forwarded to the IVWLO within five business days.

(2) Service providers shall ensure victims understand the rights afforded to them under the law and this chapter and have been provided with a completed DD Form 2701, enclosure (5), if one has not already been provided, and the IISL, enclosure (10). Completion of the IISL (signed, dated, and retained) serves as evidence that the service provider has notified the victim or witness of their rights, per references (a) and (e).

(3) Service providers shall ensure processes are in place to track and maintain the number of victims and witnesses who have received DD Form 2701. Enclosure (12) is a sample tracker that may be used as part of the process to maintain data.

(4) Service providers shall ensure that total numbers are reported to the IVWLO by the fifth day following the end of each quarter (April, July, October, January), including the total number of victims and witnesses provided DD Form 2701-4 on the DD Form 2706, enclosure (9).

(5) Service providers shall always be prepared to be inspected by CGRI; however, the IVWLO shall be available to inspect service providers as requested.

(6) As appropriate, service providers shall inform victims that they may be reimbursed through state crime compensation funds for certain expenses incurred as a result of the crime. For more information and how to apply see the North Carolina Department of Public Safety website at <https://www.ncdps.gov/dps-services/office-victim-compensation-services>.

(7) Service providers should ensure that victims of financial or property crimes are notified of their right to file a claim pursuant to Article 139, UCMJ and in accordance with Chapter 4 of reference (g).

(8) Upon transfer from this billet, the service provider shall ensure their successor has been briefed on his/her new responsibilities as the representative. The newly appointed service provider will receive an appointment letter from the service provider's director or from the Installation CO and provide a signed copy of the appointment letter and receiving endorsement to the IVWLO within five business days.

(9) Ensure victim assistance services are receiving support and care for the victim from initiation of a report of a crime until the victim is no longer eligible for such services or the victim specifies to the LRO in writing that they no longer desire services, per reference (e).

ASO 5800.1C
24 MAR 2025



Sample VWAC Appointment Letter

UNITED STATES MARINE CORPS
YOUR SQUADRON/GROUP
LETTERHEAD

5000.11a
CO
DATE

From: Commanding Officer, Squadron or Group Name
To: Rank First M. Last Name #####/#### USMC

Subj: VICTIM WITNESS ASSISTANCE PROGRAM

Ref: (a) MCO 5800.16
(b) ASO 5800.1C

1. In accordance with the references, you are hereby appointed as the Victim Witness Assistance Coordinator (VWAC) for [INSERT SQUADRON(S)/GROUP] and a member of the Victim and Witness Assistance Council for Marine Corps Air Station (MCAS) New River. As the VWAC, you will serve as the Command's primary point of contact for victim and witness assistance matters.

2. As the responsible official for the Victim Witness Assistance Program (VWAP) for this Command, your contact information will be published as follows:

Rank First M. Last Name
Legal Officer (or other billet)
Squadron Name
Address 1
Address 2 (Bldg AS-####)
Jacksonville, NC 28545
Email Address
(910) 449-XXXX

3. You are directed to review the provisions of reference (a), particularly those specific requirements of your office that are outlined in Volume 16, Chapter 4 and to review reference (b) in its entirety.

4. For any additional assistance or information that you require regarding the VWAP, contact Mr. William Yables, the Installation Victim Witness Liaison Officer (IVWLO) for MCAS New River. He can be reached at (910) 449-7159 or via email at william.yables@usmc.mil.

5. You are required to notify the IVWLO within 30 days of deployment to ensure you receive appropriate VWAP training and information prior to deployment.

6. You are required to attend all council meetings and periods of training scheduled by the IVWLO.

7. When you transition from your billet, ensure that your successor has been briefed on his/her new responsibilities as the [INSERT SQUADRON(S)/GROUP] VWAC. Your successor must receive a new appointment letter from me and provide that letter to the IVWLO, Mr. Yables.

I. M. COMMANDING

Copy to: IVWLO



UNITED STATES MARINE CORPS
LETTERHEAD
GOES HERE

ASO 5800.1C
24 MAR 2025

5000.11a
CO
DATE

FIRST ENDORSEMENT on CO, [INSERT SQUADRON(S)/GROUP] ltr 5000.11a CO of date

From: Rank First M. Last Name #####/#### USMC
To: Commanding Officer, Squadron or Group Name

Subj: VICTIM WITNESS ASSISTANCE PROGRAM

1. I hereby assume the duties and responsibilities as the (INSERT SQUADRON/GROUP) VWAC.
2. I have read and familiarized myself with the duties and responsibilities of the VWAC per the references.

I. B. APPOINTED

Copy to: IVWLO



Sample Service Provider Appointment Letter

ASO 5800.1C
24 MAR 2025

UNITED STATES MARINE CORPS
SERVICE PROVIDERS
LETTERHEAD
GOES HERE

5000.11a
CO
DATE

From: Department Head/Director/OIC for [INSERT SERVICE PROVIDERS]
To: Rank First M. Last Name #####/#### USMC

Subj: VICTIM WITNESS ASSISTANCE PROGRAM

Ref: (a) MCO 5800.16
(b) ASO 5800.1C

1. In accordance with the references, you are hereby appointed as the [INSERT SERVICE PROVIDERS] representative for the Victim and Witness Assistance Council for Marine Corps Air Station New River. As the representative, you will serve as the [INSERT SERVICE PROVIDERS]'s primary point of contact for victim and witness assistance matters.
2. As the responsible official for the Victim Witness Assistance Program (VWAP) for this [INSERT SERVICE PROVIDERS], your contact information will be published as follows:

Rank First M. Last Name
SERVICE PROVIDER
Address 1
Address 2 (Bldg AS-####)
Jacksonville, NC 28545
Email address
(910) 449-XXXX
3. You are directed to review the provisions of reference (a), particularly those specific requirements of your office that are outlined in Volume 16, Chapter 4 and to review reference (b) in its entirety.
4. For any additional assistance or information that you require regarding the VWAP, contact Mr. William Yables, the Installation Victim Witness Liaison Officer (IVWLO) for Marine Corps Air Station New River. He can be reached at (910) 449-7159 or via email at william.yables@usmc.mil.
5. You are required to attend all council meetings and periods of training scheduled by the IVWLO.
6. When you transition from your billet, ensure that your successor has been briefed on his/her new responsibilities as the [INSERT SERVICE PROVIDERS] representative. Your successor must receive a new appointment letter from me and provide that letter to the IVWLO, Mr. Yables.

I. B. INCHARGE

Copy to: IVWLO



UNITED STATES MARINE CORPS
SERVICE PROVIDERS
LETTERHEAD
GOES HERE

ASO 5800.1C
24 MAR 2025

5000.11a
CO
DATE

FIRST ENDORSEMENT on Department Head/Director/OIC for [INSERT SERVICE PROVIDERS] ltr 5000.11a CO of date

From: Rank First M. Last Name #####/#### USMC
To: Department Head/Director/OIC for [INSERT SERVICE PROVIDERS]
Subj: VICTIM WITNESS ASSISTANCE PROGRAM

1. I hereby assume the duties and responsibilities as [INSERT SERVICE PROVIDERS] representative.
2. I have read and familiarized myself with the duties and responsibilities per the references.

I. B. APPOINTED

Copy to: IVWLO



Victim-Witness Assistance Program (VWAP)



Victim. A person who has suffered direct physical, emotional, or financial harm due to a crime committed in violation of the Uniform Code of Military Justice.

A victim has the right to:

- (1) Be reasonably protected from the accused.
- (2) Be provided with reasonable, accurate, and timely notice of:
 - (a) A public hearing concerning the continuation of confinement before the trial of the accused.
 - (b) A preliminary hearing pursuant to Article 32 of the UCMJ relating to the offense.
 - (c) A court-martial relating to the offense.
 - (d) A post-trial motion, filing, or hearing that may address the finding or sentence of a court-martial with respect to the accused, may unseal privileged or private information of the victim, or may result in the accused's release.
 - (e) A public proceeding of the Military Department Clemency and Parole Board relating to the offense.
 - (f) The release or escape of the accused, unless such notice may endanger any person's safety.
- (3) Be present at, and not be excluded from, any public hearing or proceeding described in DoDI 1030.02, Paragraph 3.2.a.(2), unless the military judge or preliminary hearing officer determines, after receiving clear and convincing evidence, that testimony by the victim would be materially altered if the victim observed that hearing or proceeding.
- (4) Be reasonably heard, personally or through counsel, at:
 - (a) A public hearing concerning the continuation of confinement before the court-martial of the accused.
 - (b) Preliminary hearings conducted pursuant to Article 32 of the UCMJ and court-martial proceedings relating to Rules 412, 513, and 514 of the Military Rules of Evidence or regarding other rights provided by statute, regulation, or case law.
 - (c) A sentencing hearing relating to the offense.
 - (d) A public Military Department Clemency and Parole Board hearing relating to the offense. A victim may make a personal appearance before the Military Department Clemency and Parole Board or submit an audio, video, or written statement.
- (5) Confer with the attorney for the U.S. Government in the case. This will include the reasonable right to confer with the attorney for the U.S. Government at any proceeding described in DoDI 1030.02, Paragraph 3.2.a.(2).
 - (a) Victims who are eligible for legal assistance may consult with a military legal assistance attorney in accordance with Paragraph 3.4.
 - (b) Victims of an alleged sex-related offense, who are eligible for legal assistance may consult with an VLC.
 - (c) All victims may seek the advice of a private attorney at their own expense.
- (6) Receive restitution as provided in accordance with State and Federal law.
- (7) Proceedings free from unreasonable delay.
- (8) Be informed in a timely manner of any plea agreement, separation-in-lieu-of-trial agreement, or non-prosecution agreement relating to the offense, unless providing such information would jeopardize a law enforcement proceeding or violate the privacy concerns of an individual other than the accused.
- (9) Be treated with fairness and respect for their dignity and privacy.
- (10) Express their views about disposition of the case to the commander or convening authority.
- (11) Decline to testify at a preliminary hearing conducted pursuant to Article 32 of the UCMJ.

Witness. A person possessing information or evidence about a crime within the investigative jurisdiction of the Marine Corps and who provides that knowledge to investigative and law enforcement personnel or to a Marine Corps representative. When the witness is a minor, the term "witness" includes an adult family member, legal guardian, or other person responsible for the minor witness. The term does not include a non-percipient character witness, expert witnesses, or any individual involved in the crime as a perpetrator or accomplice.

Witness Rights:

- A. To be treated with fairness and respect for the witness's dignity and privacy.
- B. To be reasonably protected from the accused.
- C. To be notified of any scheduling changes that will affect the witness's appearance at court-martial or ADSEP proceeding.
- D. To be notified of any decision to dispose of an alleged offense at court-martial, NJP, or ADSEP proceedings.
- E. To be provided information about the resolution of the case to include ADSEP decisions, any punishment awarded to the offender, sentencing, imprisonment and release of the offender, if confined.
- F. To be notified of the apprehension of an accused, the initial appearance of an accused before a military judge, the release of the accused pending court-martial, any escape of the accused, and the time and location of any trial, NJP, or ADSEP proceedings (including entry of guilty pleas and sentencing).

Points of Contacts:

Unit: _____

VWAC: _____ (910) 449-_____

UVA: _____ (910) 449-_____

UVA: _____ (910) 449-_____

Insert Unit Logo
Installation Victim Witness Liaison Officer: Mr. William Yables (910) 449-7159

Installation Sexual Assault Prevention and Response Office: (910) 449-5243

MCAS New River 24/7 Sexual Assault Hotline: (910) 750-5852

Marine and Family Services: Victim Advocates (910) 449-6110

MCAS New River Domestic Violence 24/7 Helpline: (910) 376-2155

Victim Legal Counsel Organization: (910) 451-8519 / 5165

Law Enforcement (CID/PMO) Representative: (910) 449-6193

Law Enforcement (NCIS) Representative: (910) 449-6012

Installation Chaplain: (910) 446-6801

Prosecution Representatives: (910) 451-0947 / OSTC (910) 451-7079

Medical Representative: (910) 449-6500 x292

MCI-East Equal Opportunity Advisor: (910) 451-1850

MCAS New River Legal Assistance: (910) 449-6169 / Camp Lejeune (910) 451-7085

ENCLOSURE (4)

Your Rights as a Victim.

As a crime victim, you have the following rights:

- The right to be treated with fairness and respect for your dignity and privacy;
 - The right to be reasonably protected from the accused offender;
 - The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, and clemency and parole hearings related to the offense;
 - The right to be present at all public proceedings related to the offense unless the hearing officer or military judge determines that your testimony would be materially altered if you as the victim heard other testimony;
 - The right to reasonably confer with the prosecutor/Trial Counsel in the case;
 - The right to receive available restitution;
 - The right to be reasonably heard at: 1) a public hearing concerning the continuation of any pretrial confinement of the accused; 2) a sentencing hearing related to the offense; 3) a public Military Department Clemency and Parole Board hearing related to the offense;
 - The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence;
 - The right to proceedings free from unreasonable delay;
 - The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.
- For further information on crime issues, see the DoD Victim and Witness Assistance Council web page at: <http://vwac.defense.gov/>

If You Need Additional Assistance:

In regard to the status of the investigation, contact the investigator below:

(Name)
(Telephone Number)
In regard to other assistance available, contact the command Victim/Witness Liaison (VWL), or the person identified below:
VWLO: Mr. W. Yables/ VWAC:
(Name)
(910) 449-7159
(Telephone Number)

In regard to the prosecution, contact the legal office below:

Military Justice, Law Center-Camp Lejeune / OSTC

(910) 451-0947	(Name)	(910) 451-7079
----------------	--------	----------------

(Telephone Number)

In regard to compensation for medical or other expenses, contact the state office for Crime Victim Compensation:

North Carolina Dept. of Public Safety -Victim Services

(Office/Name)
1-800-826-6200 or (919) 733-7974

(Telephone Number)

In regard to any reprisal, retaliation, or ostracism you experienced as a result of reporting a crime, contact:

Command Inspector General, MCB Camp Lejeune

(Office/Name)
(910) 451-3928

(Telephone Number)

You may be eligible for legal assistance and/or a Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC), depending on the specific offense. To determine eligibility or obtain assistance, contact these offices at:

Legal Assistance Office, Law Center Camp Lejeune / New River

(Legal Assistance Office)	/	(910) 449-6169
(910) 451-7085		

(Telephone Number)

Victim's Legal Counsel Organization

(SVC/VLC Office Number)
(910) 451-8519

(Telephone Number)

If you believe one of your rights as a victim or witness of a crime has been violated, contact the following authority responsible for receiving and investigating such complaints:

VWLO: Mr. William Yables

(Office/Name)
(910) 449-7159

(Telephone Number)

DEPARTMENT OF DEFENSE



INITIAL INFORMATION FOR VICTIMS AND WITNESSES OF CRIME

Initial Information

For Victims and Witnesses of Crime

Introduction. We are concerned about the problems often experienced by victims and witnesses of crime. We know that as a victim or witness, you may experience anger, frustration, or fear. The Victim/Witness Liaison (VWL) can help. His or her name is listed on the back of this brochure.

We have prepared this brochure to help you deal with the problems and questions which often surface during an investigation and to provide you with a better understanding of how the military criminal justice system works. Your continued assistance is greatly needed and appreciated.

A criminal investigation can be both complex and lengthy and may involve several agencies, some Federal and some local. You can request a status report of the investigation by contacting the investigator handling the case. His or her name is listed on the back of this brochure. It is important to keep the assigned investigator and your VWL informed of any changes to your address, email, or telephone number.

If You Are Threatened or Harassed. If anyone threatens you or you feel that you are being harassed because of your cooperation with this investigation, contact the investigator or the VWL right away. It is a crime to threaten or harass a victim or witness.

Safety. For your safety, you may want a civilian restraining order, military protective order, or temporary shelter. Certain victims may request a transfer, and dependents may request a personal safety move. Your VWL, Victim Advocate, and the Family Advocacy Program (FAP) can assist you in safety planning and obtaining counseling. For further information, please call your VWL, Victim Advocate, or FAP official. If you fear for your immediate safety, call 911, or notify law enforcement.

If You Were a Victim of Spouse or Child Abuse.

For information about these steps or about counseling services, call the Family Advocacy Office or the VWL. If the offender is convicted or discharged for abusing you or your children, you may be eligible for "transitional compensation" benefits. Contact the VWL identified on the back of this brochure for further information.

Restitution. If an individual is arrested and

prosecuted in federal court, you may be eligible for restitution. Restitution is court-ordered payment to you as a victim of crime, generally for out-of-pocket costs. It is made by the offender for any out of pocket expenses caused by the crime. Restitution cannot be ordered as a sentence in a military court-martial, but it can be used as a condition of a pre-trial agreement to plead guilty to an offense, or as a condition of clemency or parole. Under Article 139, Uniform Code of Military Justice, victims may be provided with relief if the property loss or damage resulted from wrongful taking or willful damage by a Service member due to riotous, violent, or disorderly conduct. Contact your VWL for further information on available restitution.

If your property was stolen, we hope to recover it as part of our investigation. If we do, we will notify you and return it to you as quickly as possible. Sometimes property needs to be held as evidence for trial. We will return your property once it is no longer needed as evidence.

If You Need Assistance With Your Employer or Command. If you have problems at work because of the crime or the investigation, we can contact your employer or Commanding Officer to discuss the importance of your role in the case.

Pretrial Confinement. If an accused offender is placed in pretrial confinement, there may be a 7-day review on whether to continue such confinement. Victims have the right to be reasonably heard at this review. Both victims and witnesses can seek a military or civilian protective order if safety is a concern and the accused offender is released before trial.

Trial. Once an offense has been referred to trial, you will be contacted by the Trial Counsel (prosecutor), district attorney, or the Assistant U.S. Attorney assigned to handle your case, as appropriate. Each command, district attorney, and U.S. Attorney has a Victim/Witness Responsible Official to help answer your questions and deal with your concerns during the prosecution. You may have the right to be consulted at key stages in the trial and will be informed of these rights by trial counsel. If you are the victim of a sexual assault, and the case goes to court-martial, you will be entitled to receive a copy of the record of the trial.

Legal Assistance and Special Victims' Counsel

Victims' Legal Counsel (SVC/MLC). If you are a

member of the Armed Forces or a dependent, you have the right to speak with a legal assistance attorney, at no cost. You may contact the legal assistance office listed on the back of this form. If you are the victim of sexual assault and certain related offenses, you may also be entitled to the assistance of a SVC/MLC, in addition to services provided by a Sexual Assault Response Coordinator and your Victim Advocate.

If You Believe You Were the Victim of Reprisal, Retaliation, or Ostracism. Federal law prohibits

military members, civilian employees, and contractors from reprisal, retaliation, or ostracizing individuals who report a crime or provide information relating to a criminal investigation. Prohibited actions may include taking, or threatening to take an unfavorable personnel action; withholding, or threatening to withhold a favorable personnel action; or socially ostracizing you for making a protected communication. If you believe someone has reprisal, retaliated, or ostracized you for reporting a crime or participating in a criminal investigation, contact the corresponding official listed on the back of this form.

If You Were Injured. If you do not have insurance to pay the cost of your medical or counseling bills, or related expenses, the state Crime Victim Compensation office may be able to assist.

Financial and Emotional Impact of Crime. Many victims and witnesses are emotionally affected by the crime. Although everyone reacts differently, victims and witnesses report some common behaviors, such as increased concern for their personal safety and that of their family, trouble concentrating on the job, difficulty handling everyday problems, feeling overwhelmed, and thinking of the crime repeatedly.

Some or all of these behaviors may occur and should ease with time. They are normal reactions but you may wish to see a counselor. State resources may be available to assist you with recovery, to include possible reimbursement for costs or financial losses you may have had, such as lost wages. Your VWL will have further information.

DEPARTMENT OF
DEFENSE



Victims' Rights in Trial Process.

You may choose to participate in the trial at several stages. Your rights include being:

- Notified in a reasonable, accurate, and timely manner of public preliminary hearings, pretrial confinement hearings, court proceedings, and clemency and parole hearings related to the offense;
- Being present at all public proceedings related to the offense unless the hearing officer or military judge determines that your testimony would be materially altered if you as the victim heard other testimony;
- Consulted on pre-trial confinement of accused and release of accused from pre-trial confinement;
- Consulted about the proposed dismissal of any and all charges;
- Consulted on decision not to prosecute;
- Consulted on proposed terms of any pre-trial agreement;
- Notified of the acceptance of a guilty plea: to present to the court evidence on sentencing.

Crime victims have the opportunity to present a written statement to the Convening Authority before any action on findings and sentence.

- Informed about the conviction, sentencing, and imprisonment of the accused;
- Consulted about testifying as a witness.

If You Believe You Were the Victim of Reprisal, Retaliation, or Ostracism.

Federal law prohibits military members, civilian employees, and contractors from reprisal, retaliating, or ostracizing individuals who report a crime or provide information relating to a criminal investigation. Prohibited actions may include taking, or threatening to take an unfavorable personnel action; withholding, or threatening to withhold a favorable personnel action; or socially ostracizing you for making a protected communication. If you believe someone has reprisal, retaliated, or ostracized you for reporting a crime or participating in a criminal investigation, contact the corresponding official listed on the back of this form.

If You Are Threatened or Harassed.

If anyone threatens you or you feel that you are being harassed because of your cooperation with this investigation, contact Law Enforcement, the Trial Counsel, and your VWL right away. It is a crime to threaten or harass a victim or witness. If you fear for your immediate safety, call 911 or law enforcement immediately. You may also seek a military protective order and/or civilian restraining order.

Legal Assistance and Special Victims' Counsel

Victims' Legal Counsel (SVC/MLC).

If you are a member of the Armed Forces or a dependent, you have the right to speak with a legal assistance attorney, at no cost. You may contact the legal assistance office listed below. If you are the victim of sexual assault and certain related offenses, you may also be entitled to the assistance of a SVC/MLC, in addition to services provided by a Sexual Assault Response Coordinator and your Victim Advocate.

Points of Contact:

Victim/Witness Liaison (VWL)

VWLO: Mr. W. Yables/ VWAC:

910) 449-7159 (Name)

Trial Counsel

Military Justice, Law Center-Camp Lejeune / OSTC

910) 451-0947 (Name) 910) 451-7079 (Telephone Number)

Legal Assistance and SVC/MLC.

You may be eligible for legal assistance and/or a Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC), depending on the specific offense. To determine eligibility or obtain assistance, contact these offices at: Legal Assistance Office, LSST-Camp Lejeune / New River

910) 451-7085 (Legal Assistance Office) 910) 449-6169 (Telephone Number)

Victim's Legal Counsel Organization

(SVC/MLC Office) 910) 451-8519 (Telephone Number)

In regard to any reprisal, retaliation, or ostracism you experienced as a result of reporting a crime, contact: Command Inspector General, MCB Camp Lejeune

910) 451-3928 (Telephone Number)

For further information on crime issues, see the DoD Victim and Witness Assistance Council web page at: <http://vwac.defense.gov/>

COURT-MARTIAL
INFORMATION FOR
VICTIMS AND WITNESSES
OF CRIME

Court-Martial Information For Victims and Witnesses of Crime

Introduction.

The Department of Defense is concerned about the problems often experienced by victims and witnesses of crime. We know that as a victim or witness, you may feel anger, confusion, frustration, or fear and then feel added frustration in the course of the trial. The information in this brochure will explain the criminal justice procedures, and your role as a witness.

In the military, a prosecutor is called the Trial Counsel. The Trial Counsel's office will make every effort to keep you informed of the times and places you may be needed. However, it is not unusual for court dates to change several times before the trial. It is very important to keep the Trial Counsel informed of your current address and telephone number.

Preferral of Charges.

Like a civilian criminal "complaint," the referral of charges begins the criminal trial process. Upon referral, you may participate in the case at several points as outlined below.

Preltrial Conference.

You will be asked to speak with the Trial Counsel handling the case at least once before you testify. The Trial Counsel will answer any questions you may have at this time, and will tell you what will be expected of you as a witness.

Article 32 Hearing.

Crimes dealt with in a General Court-Martial require an Article 32 hearing. An Article 32 preliminary hearing officer (PHO) reviews the charges to determine if probable cause exists to believe the accused committed the crimes charged. In the Article 32 hearing, testimony is given to a PHO, rather than a judge or jury. You may have to appear at the hearing and testify under oath regarding what you know about the charges. After the Article 32 hearing, the PHO recommends whether to "refer" (send) the case to trial. The preliminary hearing is not required in cases referred directly to a Special Court-Martial.

If you are the victim of a crime, it is your decision whether or not you want to testify at the Article 32 hearing. You also have the right to attend the hearing and may only be excluded if the hearing officer finds that your testimony may be influenced by watching the proceedings. If you are a witness, you may be required to testify under oath regarding what you know about the charges.

Court-Martial.

This is the trial of the accused. It generally has two parts: findings (guilty or not guilty) and sentencing (punishment). In the findings phase the accused has the right to choose whether a military judge sitting alone or a panel of "members" (jury) will decide whether the accused is guilty of any offenses. If you are the victim of a crime, you have the right to attend the court-martial unless the military judge finds that your testimony may be influenced by watching the testimony of the other witnesses.

Testimony.

If you testify, you will be placed under oath and asked questions by the Trial Counsel, and, in most cases, cross-examined by the Defense Counsel. If you have concerns about embarrassing questions that could be asked, tell the Trial Counsel before trial.

Pointers When Testifying.

- Dress Appropriately: Be neat. Dress conservatively.
- Tell the Truth.
- Speak Clearly and Loudly: Everyone in the courtroom must be able to hear what you have to say. No gum chewing.
- Don't Guess or Speculate: If you don't know, say you don't know. Give positive, definite answers when you remember positively.
- Be Courteous: Answer politely and address the judge as "Your honor."
- Don't Lose Your Temper: Stay calm.

Closing Argument.

After all evidence is received by the court, each side makes a closing argument. After argument, the judge or members will adjourn to deliberate on the issue of guilt or innocence. If there is a finding of "not guilty," the accused is released and the court-martial process ends. If there is a finding of "guilty," the trial goes to the sentencing phase.

Sentencing.

In this phase, the judge or members (jury) decide the appropriate types and amount of punishment. The Trial Counsel may call witnesses to show aggravating factors concerning the offenses, who may be cross-examined by the Defense Counsel. The defense may call witnesses to explain the circumstances, lessen the potential punishment, or establish grounds for clemency. You may be asked to return to the witness stand and testify as to how the crime has affected you. This may include any emotional, physical and financial suffering you experienced. A crime victim may also elect to submit an unsworn statement, oral or written, which is not subject to cross-examination.

Punishment.

The court-martial ends when the judge or members read the sentence to the accused. Normally, any confinement ordered begins at the time the sentence is announced. Forfeitures of pay and reductions in rank usually begin 14 days after the sentence is announced, unless deferred by the Convening Authority, who is typically a senior officer. Other parts of the sentence take effect only after the "Convening Authority" takes "action" on the case, which generally occurs within two to four months after trial. Depending on the offense, the Convening Authority may, in his or her action, give clemency to the offender in the form of dismissing charges or reducing the sentence. If you are a victim, you have the right to submit a written statement to the Convening Authority, which may include your feelings about whether the accused should receive clemency and how you have been impacted by the crime. The VWL will inform you of the process for how to do this.

If the accused is sentenced to prison, you have additional rights to notification of any changes in the inmate's status. These will be explained to you by the VWL or Family Advocacy Program (FAP) official, or a designated representative.

If the offender is convicted or discharged for abusing you or your children, you may be eligible for "transitional compensation" benefits. Contact the Trial Counsel or VWL for an application (DD Form 2698) and for further information.

**DEPARTMENT OF
DEFENSE**



Your Rights as a Victim.

As a crime victim, you have the following rights:

- The right to be treated with fairness and respect for your dignity and privacy;
- The right to be reasonably protected from the accused offender;
- The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, and clemency and parole hearings related to the offense;
- The right to be present at all public proceedings related to the offense unless the hearing officer or military judge determines that your testimony would be materially altered if you as the victim heard other testimony;
- The right to reasonably confer with the prosecutor/Trial Counsel in the case;
- The right to receive available restitution;
- The right to be reasonably heard at: 1) a public hearing concerning the continuation of any pretrial confinement of the accused; 2) a sentencing hearing related to the offense; 3) a public Military Department Clemency and Parole Board hearing related to the offense;
- The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence;
- The right to proceedings free from unreasonable delay;
- The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.

Points of Contact:

From now on, your point of contact will be the confinement facility or the Service Central Repository listed below. Please call if you have any questions.

Service Central Repository

HQMC, PSL Correction

(Name)

(703) 604-4354

(Telephone Number)

Confinement Facility

Marine Corps Base, Camp Lejeune, NC

(Name)

(910) 451-1308

(Telephone Number)

Service Clemency and Parole Board

Naval Clemency and Parole Board (NCPB)

(Name)

(202) 685-6338

(Telephone Number)

Other

(Name)

(Telephone Number)

**POST-TRIAL
INFORMATION FOR
VICTIMS AND
WITNESSES OF CRIME**

For further information on crime issues, see the DOD Victim and Witness Assistance Council web page at: <http://vwac.defense.gov/>

Post-Trial Information For Victims and Witnesses of Crime

Introduction.

This brochure details the post-trial process and your rights in that process. This includes your right to be notified of changes in the confinement status of the offender in your case, and for a victim to submit matters.

Record of Trial.

After the trial, a transcript of the proceedings will be prepared. If you are the victim of a qualifying sexual offense, you are entitled to a no-cost copy of the record of trial as soon as it is authenticated.

Location of Confinement Facility.

The Victim and Witness Assistance Program does not end with the completion of the court-martial. If the accused is convicted of any offense, the court-martial will sentence the accused. If the sentence includes confinement, the accused, now called "prisoner", is usually taken immediately to jail.

If there is a confinement facility at the installation where the trial was held, the prisoner will be held there temporarily.

Depending on the security level of the prisoner, he/she may be assigned to various work details around the installation. If the prisoner's period of confinement is minimal, and there are adequate facilities on the installation or in a locally-contracted confinement facility, the prisoner may serve the entire sentence at the installation or local facility.

If there is no confinement facility at the installation, the facility is not adequate to house the prisoner, or the sentence is in excess of what is handled on the installation, he/she will be taken to a regional confinement facility. The prisoner may later be transferred to other facilities available, based on length of sentence, programs and security levels.

You can be notified of these changes if you fill out a form called DD Form 2704, "Victim/Witness Certification and Election Concerning Prisoner Status." It is very important that you keep the confinement facility informed of your current address, email, and telephone number.

Convening Authority Action.

Forfeitures of pay and reductions in rank usually begin 14 days after the sentence is announced, unless deferred by the Convening Authority, who is typically a senior officer. Other parts of the sentence take effect only after the "Convening Authority" takes "action" on the case, which generally occurs within two to four months after trial. Depending on the charges, the Convening Authority may disapprove findings, disapprove or reduce part of the sentence, or approve everything except a punitive discharge. The Convening Authority cannot increase any part of the sentence. A victim has the right to submit a written statement to the Convening Authority, which may include an opinion on whether the accused should receive clemency and how the victim has been impacted by the crime. A victim also has the right to receive notification of the Convening Authority's action and the outcome of any appeal. You will be informed of the process for how to do this, if applicable.

Appellate Review.

All court-martial convictions are either reviewed by a judge advocate or subject to some form of appellate review. An appeal is when a higher court reviews the decisions made by lower courts to determine if a legal error was made. The post-trial appeal process can take a long time. Depending on the offense, an accused can choose to waive appellate review. A victim has the right to be notified in advance of the date and time of any appellate courtroom hearings, and to be notified of the final decision of any appellate court or judge advocate review.

Clemency and Parole Consideration.

Military prisoners are generally eligible for clemency consideration within their first year of confinement. Military prisoners are generally eligible for parole consideration when they have completed 1/3 of their confinement, and every year thereafter. A victim may make a statement to the confining Correctional Facility or directly to the Clemency and Parole Board on how the crime affected him/her. This statement may be given in person, or submitted by a victim in writing or on audio or videotape to the Service Clemency and Parole Board at the address on the back of this page.

Notification Rights.

You have the right to be notified in writing of the following changes in the prisoner's status: transfer to another facility, parole, escape, release from confinement, or death while in confinement. If the prisoner is released on temporary home leave (for example, to visit a dying parent), the confinement facility will make every effort to notify you in advance.

How To Exercise Your Rights.

If you want to exercise any of your post-trial rights, you must make your elections on the DD Form 2704, "Victim/Witness Certification and Election Concerning Prisoner Status," and DD Form 2704-1, "Victim Election of Post-Trial Rights." You will be provided an opportunity to make your elections and to receive a copy of this form after sentencing. You MUST notify the appropriate offices of any change in your address or contact information if you want to receive these notices. Your information will be kept confidential.

VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING PRISONER STATUS

PRIVACY ACT STATEMENT

AUTHORITY: 42 U.S.C. 10607 et seq.; 18 U.S.C. 1512 et seq; DoDI 1325.07; DoDI 1030.2; and DoDD 1030.1.

PRINCIPAL PURPOSES: To inform victims and witnesses of their post-trial rights; to determine whether the victim or witness of a crime elects to be notified of changes in the confinement status of a convicted criminal offender; and to record the election by the victim or witness of their desire to be notified about subsequent changes in prisoner status.

ROUTINE USES: None.

DISCLOSURE: Voluntary; however, failure to provide identifying information will prevent the correctional facility from notifying victim or witness of changes in a criminal offender's status.

SECTION 1 - ADMINISTRATIVE INFORMATION

Incident Number _____

Installation MCAS NEW RIVER City JACKSONVILLE State NC ZIP Code 28545

Court-martial case of United States v. _____
Print Name of Accused (Last, First, Middle Initial) *Social Security Number (last 4 only)*

Convened by _____
Court-Martial Convening Order Number, Date, and Issuing Command

SECTION 2 - CERTIFICATION OF NO VICTIM(S) OR WITNESS(ES)

I certify that this case does not involve a victim or witness entitled to receive information about the confinement status of the defendant as required by 42 U.S.C. 10607 et seq., and U.S.C. 3771 et seq.

Date (YYYYMMDD) *Signature of Trial Counsel or Designee* *Type Name (Last, First, Middle Initial)*

Grade and Title *Telephone Number (Include area code)*

IF THERE ARE NO VICTIM(S) OR WITNESS(ES), STOP HERE AND SKIP TO SECTION 4.

SECTION 3 - CERTIFICATION OF ADVICE TO VICTIM(S) AND WITNESS(ES)

I certify that on this date I personally notified the victim(s) and witness(es) in the above-named court-martial case that included a sentence to confinement, of their right under 42 U.S.C. 10607 et seq., and U.S.C. 3771 et seq., to receive information about the status of the prisoner named in Section 1 of this form, to include length of sentence, anticipated earliest release date, likely place of confinement, the possibility of transfer, and the right to receive notification of a new place of confinement. I advised of the possibility of parole or clemency with an explanation of these terms. Additionally, I advised of the right to prior notification of the prisoner's parole hearings, release from confinement, escape and death. I advised the victim(s) and witness(es) that to receive notification of the prisoner's transfer, parole hearings, and release confinement, the victim or witness **MUST PROVIDE THE INFORMATION REQUIRED ON PAGE 2 OF THIS FORM.** I advised all victim(s) and witness(es) that if they elect to terminate or reinstate notifications, or if they change their address, they must contact the Military Service Central Repository listed in Section 4. When a Victim or Witness is not present to initial box 4 (on page 2 of this form) the Trial Counsel or Designee shall contact the Victim or Witness in order to determine their election choice (Yes or No). Once verified, the Trial Counsel or Designee shall initial box 4 indicating and validating the Victim's or Witness's election choice.

Date (YYYYMMDD) *Signature of Trial Counsel or Designee* *Type Name (Last, First, Middle Initial)*

Grade and Title *Telephone Number (Include area code)*

SECTION 4 - DISTRIBUTION

1. MILITARY SERVICE CENTRAL REPOSITORY

HQMC PP&O PSL CORRECTIONS
 755 S. COURTHOUSE ROAD, SUITE 2000
 ARLINGTON, VA 22204-2478
 COMM: (703) 604-4354

2. LAW ENFORCEMENT/SPECIAL INVESTIGATION

3. CORRECTIONAL FACILITY

BRIG COMPANY HQSPTBN
 PSC BOX 20140
 CAMP LEJEUNE, NC 28542
 COMM (910) 451-1308

SECTION 5 - LIST OF VICTIM(S) AND WITNESS(ES)
VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING PRISONER STATUS

Court-martial case of United States v. _____

(Printed Name of Accused - Last, First, Middle Initial)

(SSN - last 4 only)

STATEMENT OF UNDERSTANDING: The victim(s) and witness(es) that have elected to receive information about changes in the status of the prisoner are required to notify the respective Military Central Repository with an accurate address and telephone number to continue receiving notifications on the prisoner's status, if their relocation results in changes to their address and/or telephone numbers.

STATEMENT OF TRANSFER NOTIFICATION: This transfer notification only applies in the event the above named prisoner is permanently transferred to another Federal, State or local law enforcement agency or correctional facility. The victim(s) and witness(es) will be notified using the address on file by DD Form 2705 of the prisoner's new location. The receiving Federal, State, or local agency will be responsible for all further notifications to the victim(s) and witness(es) about the prisoner's status. The military correctional facility retains responsibility for clemency board notifications.

INSTRUCTIONS: LIST ALL VICTIMS AND WITNESSES INVOLVED IN THE CASE. Using the drop-down box, indicate whether Adult, Parent, Legal Guardian, Minor/Age, Incompetent, Incapacitated. If under 18 years old, incompetent or incapacitated, also list parent or legal guardian's name. Using the next drop-down box, indicate whether victim (V), witness (W), or victim and witness (V&W). For all minor victims/witnesses, ensure minor status and age (at time of CM) are identified after their full name in Column 1. All minors, incapacitated and incompetent persons require a competent adult to be notified on their behalf by placing an adult and minor victim in the same row. Individuals that elect to be notified of prisoner status changes initial the "Yes" block in Column 4; otherwise initial the "No" block adjacent the respective name. The Trial Counsel or Designee (TC/D) are required to enter their initials in the Yes or No box in Column 4 for unavailable victims or witnesses.

1. NAME - Last, First, Middle Initial/AFFILIATION/STATUS (Select affiliation and status from drop-down lists.) (Provide age if Victim/Witness is a minor.) (List Parent or Guardian if Victim/Witness is under 18 or incompetent or incapacitated.)	2. ADDRESS - Street, Apartment No., City, State, ZIP Code (If under 18 years old, incompetent or incapacitated, also list Parent or Legal Guardian's address, if different from victim/witness)	3. TELEPHONE NUMBER (Include Area Code) (If under 18 years old, incompetent or incapacitated, also list Parent or Legal Guardian's number, if different from victim/witness)	4. NOTIFY (Initial)	
			YES	NO
			TC/D:	
			TC/D:	
			TC/D:	
			TC/D:	
			TC/D:	
			TC/D:	
			TC/D:	
			TC/D:	

INSTRUCTIONS FOR COMPLETING DD FORM 2704, VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING PRISONER STATUS

PURPOSE: This form shall be used for victims and appropriate witnesses (those who fear harm by the offender) to elect to be notified of changes in the offender's status while in confinement. For all cases resulting in a sentence to confinement, the DD Form 2704 shall be completed and forwarded to the Service Central Repository, the gaining confinement facility, local responsible official, and the victim or witness, if any.

SECTION 1 - ADMINISTRATIVE INFORMATION

Incident Number: Obtained from the DD Form 1569.

Installation, City, State and Zip Code: The geographical location of the Convening Authority (CA).

Court-Martial Case of United States v.: Add the offender's name and last four digits of his/her Social Security number.

Convened By: Add the court-martial convening order number, date, and issuing command.

SECTION 2 - CERTIFICATION OF NO VICTIM(S) OR WITNESS(ES)

Complete this section only if there are no victims or witnesses who are entitled to notification under the Victim's Rights and Restitution Act of 1990, and DoD Instruction 1030.2.

Date and Signature certifying there are no victim(s) or witness(es) who are entitled to notification under the Victim's Rights and Restitution Act of 1990, and DoD Instruction 1030.2.

Print Name (Last, First, Middle Initial), **Grade, Title and Telephone Number.** Add the same identification as the individual signing the form.

If there are no victims or witnesses involved in this case, stop and go to Section 4.

Forward Page 1 only to the respective Military Central Repository.

SECTION 3 - CERTIFICATION OF ADVICE TO VICTIM(S) AND WITNESS(ES)

Complete this section, print, date and sign, certifying the victim(s) and/or witness(es) have been advised of their rights to be notified by the person signing this document.

Date and Signature certifying that any victim(s) or witness(es) have been advised of their rights to notification under the Victim's Rights and Restitution Act of 1990, and DoD Instruction 1030.2. The authorized signature per DoDI 1030.2 is the "Trial Counsel or Designee" as identified by Service specific regulations.

Print Name (Last, First, Middle Initial), **Grade, Title and Telephone Number.** Add the same identification as the individual signing the form.

When a victim or witness **is not present** to initial box 4 (on Page 2 of this form), the certifying official of this document shall contact the Victim or Witness in order to determine their election choice (Yes or No). Once verified, the certifying official shall initial box 4 indicating and validating the Victim's or Witness's election choice.

Forward Page 1 and all other pages listing victims and witnesses to the Military Central Repository.

SECTION 4 - DISTRIBUTION

A copy of the completed form shall be forwarded to each of the listed agencies.

Block 1 - Military Service Central Repository. Add the address for the offender's branch affiliation.

Block 2 - Law Enforcement/Special Investigation. Add the address for the offender's branch affiliation.

Block 3 - Correctional Facility. Add the location of the prisoner's confinement.

SECTION 5 - LIST OF VICTIM(S) AND WITNESS(ES)

Statement of Understanding should be read to the victim(s) and witness(es) when possible.

Statement of Transfer Notification should be read to the victim(s) and witness(es) when possible.

Column 1. Add the identified victim(s) and witness(es). Provide age if victim/witness is a minor. Indicate whether Adult, Parent, Legal Guardian, Minor, Incompetent, Incapacitated. If under 18 years old, incompetent or incapacitated, also list parent or legal guardian's name. Indicate whether victim (V), witness (W), or victim and witness (V&W) in this case.

Column 2. Add the address of the identified victim(s) and witness(es). If under 18 years old, incompetent or incapacitated, also list parent or legal guardian's address (if different from that of victim or witness).

Column 3. Add the complete telephone number of the identified victim(s) and witness(es). If under 18 years old, incompetent or incapacitated, also list parent or legal guardian's telephone number (if different from that of victim or witness).

Column 4. Victim, witness, or Trial Counsel or Designee are required to enter initials in the Yes or No column, indicating desire to be notified regarding the prisoner's status.

NOTE: Prevent victim(s) and witness(es) personal information from being released to other victim(s) and witness(es).

NOTE: DO NOT provide this form to the prisoner. This form (when filled in) is FOIA and PA exempt from release under DoD 5400.7R and 5 U.S.C.

TERMS AND DEFINITIONS

Victim: A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of the UCMJ (Chapter 47 of the U.S.C., reference (b)) or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DoD Components. Refer to DoDD 1030.1, Enclosure 1, E1.1.5. - E1.1.5.4. for the list of individuals included as victims. When Victim is under 18 years of age, the term includes Parent, etc. (loco parentis precedence) and are afforded the same notification status as the victim due to the minor victim relationship. Ensure their loco parentis title, e.g., Parent, is completed after their name in Column 1.

Witness: A person who has information or evidence about a crime, and provides that knowledge to a DoD Component about an offense in the investigative jurisdiction of a DoD Component. When the victim is a minor, that term includes a family member or legal guardian.

THE TERM "WITNESS" DOES NOT INCLUDE A DEFENSE WITNESS OR AN INDIVIDUAL INVOLVED IN THE CRIME AS A PERPETRATOR OR ACCOMPLICE. Further state - when the parent or guardian are crime witnesses for which the accused is found guilty and ordered a confinement sentence (witnessed charges), in addition of being afforded the Victim status for the notification of a minor, as a parent/guardian, they are also afforded the Witness status - annotate as (V & W). Those parent(s)/legal guardians of minors who assume the Victim status for notification purposes but did not witness or provide evidence of the crime only assume the Witness status.

ANNUAL REPORT ON VICTIM AND WITNESS ASSISTANCE						
1. REPORT IS DUE BY ELECTRONIC SUBMISSION TO THE OFFICE OF LEGAL POLICY (OLP) ANNUALLY BY MARCH 15TH.						
2. REPORTING DOD COMPONENT		3. REPORT DATE (YYYYMMDD)	4. PERIOD COVERED 1 JANUARY TO 31 DECEMBER		5. REPORTING YEAR	
6. POINT OF CONTACT						
a. NAME (Last, First, Middle Initial)		b. TELEPHONE NUMBER (Include Area Code)		c. ORGANIZATIONAL EMAIL ADDRESS		
		(1) COMMERCIAL	(2) DSN			
7. ASSISTANCE PROVIDED TO VICTIMS AND WITNESSES			(1) NUMBER OF CRIME VICTIMS	(2) NUMBER OF WITNESSES		
a. TOTAL NUMBER OF CRIME VICTIMS (Number of new crime victims during reporting year.)						
b. DD FORM 2701 - INITIAL INFORMATION FOR VICTIMS AND WITNESSES (Number of crime victims and witnesses informed of their rights to assistance upon initial contact.)						
c. DD FORM 2702 - COURT-MARTIAL INFORMATION FOR VICTIMS AND WITNESSES (Number of crime victims informed of their consultation rights upon referral to court-martial.)						
d. DD FORM 2703 - POST-TRIAL INFORMATION FOR VICTIMS AND WITNESSES (Number of crime victims and witnesses informed of their right to be notified of changes in the prisoner's status in confinement (i.e., release, transfer, escape, parole, death))						
e. DD FORM 2704 - VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING PRISONER STATUS (Number of crime victims and witnesses who elected to be notified of prisoner status changes.)						
f. DD FORM 2704-1 - VICTIM ELECTION OF POST-TRIAL AND APPELLATE RIGHTS (Number of crime victims who confirmed their election of their post-trial and/or appellate rights.)						
8. CORRECTIONAL FACILITY NOTIFICATIONS			(1) NUMBER OF PRISONER STATUS CHANGES	(2) NUMBER OF VICTIM NOTIFICATION LETTERS		
a. DD FORM 2705 - NOTIFICATION TO VICTIM/WITNESS OF PRISONER STATUS (Number of crime status changes that required notification letters.)			0	0		
9. AS OF DECEMBER 31, _____ OUR CORRECTIONAL FACILITIES CUMULATIVE REPORT OF TOTAL SERVICE PRISONERS THAT REQUIRE VICTIM AND WITNESS NOTIFICATIONS:		(1) ARMY	(2) NAVY	(3) AIR FORCE	(4) MARINES	(5) SPACE FORCE
		0	0	0	0	0

10. SPECIAL VICTIM INVESTIGATION AND PROSECUTION (SVIP)

a. Number of SVIP cases initiated (*i.e., investigation opened*) in the reporting year.

b. Number of SVIP personnel (*e.g., criminal investigators, judge advocates, victim witness assistance personnel, and administrative paralegal support personnel*) assigned within the DoD Component in the reporting year.

c. Number of SVIP personnel that received additional and/or advanced training in SVIP topical areas in the reporting year.

d. Any victim feedback on effectiveness of SVIP prosecution and legal support services. (*Can be provided in the block below or submitted as an attachment to this form. Do not include any information or details that would enable identification of the victim.*)

e. Any victim recommendations for improvement of SVIP. (*Can be provided in the block below or submitted as an attachment to this form. Do not include any information or details that would enable identification of the victim.*)

11. CERTIFICATION OF COMPLIANCE

On behalf of my DoD Component, I certify that all DoDI 1030.02 policy requirements were met for the reporting year.

DOD COMPONENT RESPONSIBLE OFFICIAL

a. NAME (*Last, First, Middle Initial*)

b. SIGNATURE

c. DATE SIGNED
(YYYYMMDD)

INITIAL INFORMATION AND SERVICES LETTER

1. I have provided and explained to the victim or witness the DD Form 2701, Initial Information for Victims and Witnesses of Crime and provide the below information:

_____ (a) Information about available military and civilian emergency medical and social services, victim advocacy services for victims of domestic violence or sex-related offenses, and, when necessary, help securing such services.

_____ (b) Information about restitution or other relief a victim may be entitled to and how such relief may be obtained.

_____ (c) Information to victims of alleged intra-familial abuse offenses on the availability of limited transitional compensation benefits and possible entitlement to some of the active duty Service member's retirement benefits pursuant to Sections 1059 and 1408 of Title 10, U.S.C. and DoDI 1342.24.

_____ (d) Information about public and private programs available to provide counseling, treatment, and other support, including available compensation through Federal, State, and local agencies.

_____ (e) Information about the prohibition against intimidation and harassment of victims and witnesses, and arrangements for the victim or witness to receive reasonable protection from threat, harm, or intimidation from an accused and from people acting in concert with or under the control of the accused.

_____ (f) Information concerning military and civilian protective orders and no contact orders, as appropriate.

_____ (g) Information about the military criminal justice process, the role of the victim or witness in the process, and how the victim or witness can obtain additional information concerning the process and the case in accordance with Articles 6b, 32, 46, and 60 of the UCMJ. This includes an explanation of:

_____ 1. The victim's roles and rights during pretrial interviews with law enforcement, criminal investigators, government counsel, and defense counsel and during preliminary hearings pursuant to Article 32 of the UCMJ.

_____ 2. The victim's rights when the convening authority takes action pursuant to Article 60 of the UCMJ, and during the post-trial and clemency phases of the process.

_____ (h) If necessary, how to contact the offices responsible for providing victim and witness services and relief.

_____ (i) If appropriate, how to file a military whistleblower complaint with an inspector general regarding suspected reprisal for making, preparing to make, or being perceived as making or preparing to make a protected

communication in accordance with Section 1034 of Title 10, U.S.C. and DoDD 7050.06.

_____ (j) Information about the victim's right to seek the advice of an attorney with respect to their rights as a victim pursuant to Federal law and DoD policy. This includes Service members and their dependents' right to consult a military legal assistance attorney in accordance with Paragraph 3.4. or an VLC in accordance with DoDI 1030.02, Paragraph 3.5.

VWAC NAME (Print Name)	VWAC SIGNATURE	DATE
VICTIM OR WITNESS (Print Name)	VICTIM OR WITNESS SIGNATURE	DATE
UNIT:		

Copy to:
IVWLO

VWAP INTAKE FORM

PRIVACY ACT STATEMENT

Information contained on this form is maintained under Privacy Act System of Records Notice N05810-2, Military Justice and Correspondence Information File (January 08, 2001, 66 FR 1321) **AUTHORITY:** 5 U.S.C. 301, Departmental Regulations and 42 U.S.C. 10601 et seq., Victim's Rights and Restitution Act of 1990 as implemented by DoD Instruction 1030.2, Victim and Witness Assistance Procedures. **PURPOSE:** To provide information and support to victims and witnesses in compliance with the Victim and Witness Assistance Program, the Sexual Assault Prevention and Response Program, and the Victims' Rights and Restitution Act of 1990. **ROUTINE USE:** In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: To victims and witnesses to comply with the Victim and Witness Assistance Program, the Sexual Assault Prevention and Response Program, and the Victims' Rights and Restitution Act of 1990. **DISCLOSURE:** Voluntary, however failure to provide this information may result in lack of information and services provided under the Victim Witness Assistance Program.

Victim/Witness Information

Victim/Witness Name:

Type of Crime:

Date of Incident:

Incident Number:

Determine if there is intra-familial abuse by the service member? Yes or No If yes, ensure that the victim received information on Transitional Compensation for Abused Family Members Program from Marine and Family Programs.

What date was the DD Form 2701 issued on:

and by who:

Victim/Witness Work Phone:

Home Phone:

Cellular Phone:

Victim/Witness Work Email address:

Victim/Witness Personnel Email address:

How does the Victim/Witness wish to receive additional information?

Does the Victim/Witness request notification of pretrial confinement status changes? Yes or No

Victim/Witness Unit/home address:

VWAC Unit:

VWAC Name:

VWAC Phone:

VWAC Email:

Witness Names (complete additional Intake Form for each witness)

1.

4.

2.

5.

3.

6.

Accused Information

Are there multiple accused: Yes or No

Accused Unit VWAC Name:

Accused Name:

Accused Unit VWAC Phone:

Accused Unit:

Accused Unit VWAC Email:

Accused in confinement? Yes or No

Date confined:

Has the Accused been released from confinement? Yes or No

Date released:

Multiple Accused use the space below for Name(s), Unit, VWAC and Phone numbers:

Victim Legal Counsel Organization

Has the Victim been notified that they may seek assistance via the Victim Legal Counsel Organization? Yes or No

Did the VWAC need to assist the Victim with obtaining counseling services? Yes or No

Is the Victim represented by Victim Legal Counsel? Yes or No

Name of the Victim Legal Counsel:

Phone number of the Victim Legal Counsel:

Email address for the Victim Legal Counsel:

Transfer Information	
Has the victim request a transfer? Yes or No	Transfer date:
Victim's new Unit:	New Unit's VWAC Name:
Victim's new Phone:	New Unit's VWAC Phone:
Victim's Email if changed:	Date New VWAC notified:
Has the Accused transferred? Yes or No	Transfer date:
VWAP Personnel Contact Information	
Trial Counsel:	Phone Number:
NCIS Agent:	Phone Number:
CID Agent:	Phone Number:
UVA:	Phone Number:
VA:	Phone Number:
Members OIC/SNCO:	Phone Number:
Courts-martial Process	
Victim/Witness aware of the next stage of the legal process: <u>pretrial of charges, referral of charges, and then arraignment</u> ? Yes or No	
Did the Victim/Witness receive and understand the DD Form 2702? Yes or No	
Is the Victim/Witness aware of the <u>general nature of the charges preferred</u> ? Yes or No	
Does the Victim/Witness request notification of confinement status? Yes or No	
Did the accused receive a pretrial agreement (PTA)? Yes or No - If yes, was the victim notified? Yes or No	
General Courts-martial Only	
Is the Victim/Witness aware of the Article 32 date? Yes or No	Date of Article 32:
Is the Victim/Witness aware of the legal forum recommended by the Art 32 Investigating Officer? Yes or No	
General and Special Courts-martial	
Is the Victim/Witness aware of the arraignment date? Yes or No	Date of arraignment:
Is the Victim/Witness aware of the Motions date? Yes or No	Date of Motions:
Is the Victim/Witness aware of the Trial date? Yes or No	Date of Trial:
Was the Accused convicted of any crime? Yes or No	Did the TC issues 2703? Yes or No
Was the Accused sentence to serve any future time in the Brig? Yes or No	Did the TC issue 2704? Yes or No
Summary Courts-martial Only	
Was the accused found guilty? Yes or No	
- If yes, did the VWAC or the Summary Court-martial Officer issue the 2703? Yes or No	
Did the accused receive confinement? Yes or No	
- If yes, did the VWAC or the Summary Court-martial Officer issue the 2704? Yes or No	
Special Instructions for Article 120 Offenses	
Was the Accused charged with an Article 120 offense? Yes or No	
If yes: Did the Victim testify during court-martial proceeding? Yes or No	
If yes: Did the TC provide the victim notification of the right to receive a copy of the record of trial? Yes or No	
Case Closed on this date, _____	
File under SSIC 5811, SECNAV M-5210.1, PART III, CHAP. 5, PARA 5811.1 - 2 YRS	

VICTIM AND WITNESS ASSISTANCE PROGRAM TRACKER FOR 20__ (1 Jan - 31 Dec 20__)

ASO 5800.1C

Week ending	2701		2702		2703		2704	
	Total # of victims	Crime Victims	Witnesses	Crime Victims	Witnesses	Crime Victims	Witnesses	Crime Victims
1/7								
1/14								
1/21								
1/28								
2/4								
2/11								
2/18								
2/25								
3/4								
3/11								
3/18								
3/25								
3/31								
Submit 1st Qtr report to IVWLO by 5 April 20__								
4/7								
4/14								
4/21								
4/28								
5/5								
5/12								
5/19								
5/26								
6/2								
6/9								
6/16								
6/23								
6/30								
Submit 2d Qtr report to IVWLO by 5 Jul 20__								

VICTIM AND WITNESS ASSISTANCE PROGRAM **TRACKER FOR 20__ (1 Jan - 31 Dec 20__)**

ASO 5800.1C

Week ending	2701		2702		2703		2704	
	Total # of victims	Crime Victims	Witnesses	Crime Victims	Witnesses	Crime Victims	Witnesses	Crime Victims
7/7								
7/14								
7/21								
7/28								
8/4								
8/11								
8/18								
8/25								
9/1								
9/8								
9/15								
9/22								
9/30								
Submit 3d Qtr report to IVWLO by 5 Oct 20__								
10/7								
10/14								
10/21								
10/28								
11/4								
11/11								
11/18								
11/25								
12/2								
12/9								
12/16								
12/23								
12/31								
Submit 4th Qtr report to IVWLO by 5 Jan 20__								