Welcome to our 1st Qtr Council Meeting & 2023 Annual VWAP Training

William Yables Jr.
Installation Victim Witness Liaison Officer
(910) 449-7159
william.yables@usmc.mil
Agenda

Thank you for coming!

- Old business.
- Issues.
- Annual Training.
Old Business

LAST QUARTER: NO QUESTIONS

TRAINING: FAMILY ADVOCACY PROGRAM AND LSSS VWAC OVERVIEW.
New Business
Any issues with any of our service providers?

Case status.
2023 VWAP
Annual Training
VWAP OFFICIALS

- USMC - SJA to CMC
- CMC (PSL) Corrections
- MCI Regional Commanding Generals - RVWLO
- Installation commanders – VWLO
- Unit commanders – Bn/Sq and above – VWAC
- Law enforcement - VWAP Representative
- Legal representatives - VWAP Representative
- Corrections Personnel - VWAP Representative
- Service providers (advocates, chaplain, legal assistance attorneys, EOA and health care professionals) - VWAP Representatives
SJA to CMC

• Coordinate, implement and manage the VWAP
• Receive complete VWAP reports (2706) and forward to SecNav
• Designate a Functional Area Manager for MCO 5800.16, Chapter 4
VWAP Director

- Hosts annual VWAP training.
- Conduct program policy development.
- Receive complete VWAP reports (2706) and forward to SecNav.

Julie Lindahl, PhD

julie.lindahl@usmc.mil

3/20/2023
MCI-EAST Commander

Andrew M. Niebel
Brigadier General
Commanding General
Marine Corps Installations East

- Ensure that the VWAP is properly implemented by installation Commanders
- Appoint a Regional VWLO to ensure compliance with VWAP
- Report data to HQMC on how many DD form 27XX were issued
Major Michael R. Schulz

- Ensures training is available to all VWLOs and VWACs
- Maintains list of all VWLOs in region
- Chair semi-annual Regional VWLO Meeting
- Ensure data (2701-2704) collection for the region
- Assist CGIP during the preparation and conduct inspections of installation.
Installation commanders are responsible for implementing VWAP and shall be the central points of contact for VWAP issues aboard the installation.

Installation Commander manages through Installation Victim Witness Liaison Officer (VWLO), VWAP Council and Victim Witness Assistance Coordinators for commands.
Installation Commander

• Ensure coordination between VWAP reps, law enforcement, legal service providers, medical facilities, corrections facilities, and Marine and Family programs

• Establish a local Victim Witness Assistance Council
INSTALLATION LEVEL: WHO DOES WHAT

- **Victim and Witness Liaison Officer (VWLO)**
  - Manages base programs for the Commander

- **NCIS/CID/PMO** – Normally first responsibility is to inform crime victims and witnesses of rights under program; perform threat assessment; assist in contacting other services; safeguard property; contact command VWACs

- **Prosecutors and legal personnel** - Have a continuing responsibility to ensure rights and services afforded victims and witnesses

- **Corrections personnel** - Manage post-trial confinement forms, reports & notifications

- **Sexual Assault Prevention and Response Program**
  - Education and training
INSTALLATION LEVEL: WHO DOES WHAT

• Victim Legal Counsel – Represents eligible victims
• Legal Assistance Attorney – Legal services
• Family Advocacy Program – Victim advocates
• Equal Opportunity – Manage the PAC process
• Transitional Compensation – HQMC via commanders
• Unit Commanders – Security, military protective orders, and notifications
• UVAs – Victim advocates
• Chaplain – Counseling and comfort
• Medical - Services
• Civilian advocacy services - Social services & Medical
Staff Judge Advocate

• Advise the Commander on the VWAP

SJA, Building AS-216
next to the MAG-26 HQ
(910) 449-7158

LtCol M. G. Ankrum
SJA, MCAS New River

Council member:
Mr. William Yables
Installation Victim
Witness Liaison Officer

- Ensure that CMC and RVWLO are informed when a new VWLO is appointed.
- Assist victims in exercising their rights and obtaining support, when appropriate.
- Maintain an installation VWAP website.
- Coordinate with PMO and NCIS with VWACs information.
- Conducts annual training.
- Chairs VWAP Council and conduct quarterly meetings.

William Yables Jr.
Paralegal Specialist
Marine Corps Air Station New River
(910) 449-7159
SJA, Bld AS-216 next to MAG-26 HQ
• Maintains copy of all appointment letters.
  Maintains list of all VWACs, service providers and SJAs aboard the installation.
• Maintain a directory of military and civilian programs and services within geographic area.
• Ensures VWACs have relevant information, including VWAC roster and directory of local services/programs.
• Ensures victims and witness are notified of their rights via command VWACs, services providers, PMO, NCIS, and TC.
• Ensure deploying unit have VWAP training prior to departure.
• Assists Installation CO in reporting requirements.
Unit Commanders

Requirements

• Appoint a VWAC in writing.
  Forward a copy to the VWLO within 5 days.

• VWAC’s are immediately notified when a member of the unit is a victim or witness.

• Protect victims and witnesses to all extent possible.
  No Contact orders or Military Protection Order

• Provide annual VWAP training to their personnel.
  Need documentation (slides and rosters)

• Coordinate with LSSS for SCM with confinement.
VWAC Requirements

• Must be an Officer/SNCO/Civilian

• Victims:
  – Ensure victim understands rights
    • Provided 2701, track “if one has not already been provided.”
  – Find out if victim feels in danger/needs MPO
  – Ensure victim is in touch with MFS, VLCO, UVA & SAPR if appropriate
  – Assist in obtaining counseling as necessary
  – Discuss availability of transitional companion and other civilian resources
  – Determine how to be contacted
    • Do you they want to be informed and how?
    • Do they want to be informed about pretrial confinement?
VWAC Requirements

• If charges preferred
  – Ensure TC accounts for victim’s views about trial/sentencing/PTA
  – Ensure victim is aware of ALL trial milestones and rights including right to a copy of the Record of Trial

• Provide annual VWAP training to the Command.

Need documentation (slides and rosters)
Pretrial / DD Form 2701

• DD Form 2701 provides initial rights advisement, discusses impact of various crimes, explains basic services and notifies V/W where to get further assistance.

• PMO, CID, or NCIS normally provide V/Ws with DD Form 2701.

✓ Always double check and ensure they received it!

✓ Trial Counsel, Victim Advocates, UVAs, VLC, Medical, Chaplain, EO, VWACs and VWLO also issue 2701’s.

✓ Have to ask who gave it to them and when (VWAP Intake Form and for LSSS’s Case Management System)

• Add to VWAP tracker if necessary.
Service Providers

Depends on who you are seeing.

- SARP
- VA
- UVA
- EO
- MEDICAL/DENTAL
- VWAP
- VWAP
- VWAP
- LEGAL
- VLCO
- BRIG
- NCIS
- PMO/CID
- CHAPLAIN
- LEGAL ASSISTANCE
Questions
Victim’s Legal Counsel Organization

The Marine Corps Victims' Legal Counsel Organization is fully committed to provide legal advice and, when detailed, representation to victims of sexual assault, domestic violence and other crimes, and to protect victims' rights at all stages of the military justice process.
MISSION. The mission of the Marine Corps Victims’ Legal Counsel Organization (VLCO) is to provide legal advice, counseling, and representation to victims of sexual assault, domestic violence, and other qualifying offenses, while ensuring that victims’ rights are protected at all stages of the investigation and throughout the military justice process.

GENERAL INFORMATION. The Marine Corps is dedicated to providing support services to those affected by sexual assault, domestic violence, and other crimes. The Marine Corps established the VLCO in 2013 to meet statutory requirements to ensure legal advice and representation were provided to victims of sexual assault pursuant to 10 U.S.C. §§ 1044a and 1565b. The VLCO also extended services to victims of other offenses, including domestic violence, who met the basic legal assistance requirements under 10 U.S.C. § 1044. Today, various statutes and regulations provide eligible victims of sexual assault and domestic violence with the right to the assistance of Victims’ Legal Counsel (VLC) upon request.

All victims of alleged sex-related and domestic violence offenses under the Uniform Code of Military Justice (UCMJ), as well as victims of other serious crimes, who desire VLC services are encouraged to contact the responsible VLCO office below to determine eligibility for services.

*Other serious crimes include actual, suspected, or alleged major criminal offenses committed by one person against another, that are punishable under the UCMJ by more than one year of confinement (e.g., aggravated assault, maiming, robbery, kidnapping and homicide offenses).

MARINE CORPS VLC. Marine Corps VLC are attorneys with experience in military justice. Prior to serving as VLC, they complete a specialized legal course on special victim representation, and must successfully undergo a sensitive screening process and be certified to serve as VLC by the Staff Judge Advocate to the Commandant of the Marine Corps. VLC represent the interests of the victim (client), even where those interests may differ from the Government’s interest in prosecuting the accused in the case. VLC are supervised by the responsible supervisory Regional VLC who answers to the Chief VLC of the Marine Corps at Headquarters (HQ), VLC. The VLCO chain-of-command is functionally independent and does not answer to anyone outside the VLCO, including convening authorities, staff judge advocates, and/or trial and defense counsel.

CONFIDENTIALITY. Conversations between VLC and clients (as well as prospective clients) are confidential and privileged communications. The relationship between a VLC and client is that of an attorney and client.

VLCO SERVICES. The VLCO provides consultation and assistance with:

- Understanding the military justice system: Explanation of victims’ rights under the UCMJ, investigative process, roles and responsibilities of commanders/convening authorities, trial and defense counsel, purpose of preliminary hearings (a.k.a. Article 32 hearings), pretrial and referral of charges, and trial procedures and evidentiary matters.
• **Various legal procedure and options** - Making Restricted or Unrestricted reports of sexual assault; seeking military protective orders/civilian restraining orders; addressing issues of harassment, intimidation, retaliation, reprisal, or coercion against the client; coordinating expedited transfer requests in sexual assault cases; facilitating the return of victim property collected during an investigation; and obtaining testimonial or transactional immunity for victims regarding collateral misconduct.

• **Legal representation** - Ensuring victim rights under the UCMJ are fully secured and exerted. This includes the right to be present at military justice proceedings; to provide a victim preference to the convening authority regarding initial disposition of an offense and venue; to not be compelled to make statements or produce evidence in certain situations; to attend and be heard regarding admissibility of evidence under Military Rules of Evidence 412, 513, and 514; to receive a copy of the Record of Trial; and to be heard through VLC in court-martial proceedings where otherwise warranted. VLC accompany clients to various interviews and court proceedings, and represent the clients in court through written motions and oral arguments, and by assisting with post-trial matters.

**Note.** VLC services *supplement, but do not replace*, services provided by other entities such as the Victim Witness Assistance Program (VWAP), Sexual Assault Prevention and Response Program (SAPR), Sexual Assault Response Coordinator (SARC), Family Advocacy Program (FAP), and Victim Advocates (uniformed and civilian).

**Eligibility of Services.** VLC services are not provided to all victims automatically upon the start of an investigation into an offense, upon referral of court-martial charges, or upon any other procedural trigger. Rather, a victim must be eligible to obtain VLC services under pertinent statutes and regulations and must voluntarily seek out these services. Eligible victims include active duty military personnel, dependents, reservists on active duty, retirees and others.

If you have questions regarding your eligibility, please contact the VLCO office at your installation or the VLCO office closest to you.

**The VLCO Offices.** The VLCO operates offices at the installations listed below:

<table>
<thead>
<tr>
<th>Office</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantico, VA</td>
<td>(703) 794-4514</td>
<td><a href="mailto:VLCO-NCR@usmc.mil">VLCO-NCR@usmc.mil</a></td>
</tr>
<tr>
<td>Camp Lejeune, NC</td>
<td>(910) 451-8519</td>
<td><a href="mailto:VLCO-East@usmc.mil">VLCO-East@usmc.mil</a></td>
</tr>
<tr>
<td>MCAS Cherry Point, NC</td>
<td>(252) 466-5649</td>
<td><a href="mailto:VLCO-East@usmc.mil">VLCO-East@usmc.mil</a></td>
</tr>
<tr>
<td>MCRR Parris Island, SC</td>
<td>(843) 228-3581</td>
<td><a href="mailto:VLCO-East@usmc.mil">VLCO-East@usmc.mil</a></td>
</tr>
<tr>
<td>MCAS Yuma, AZ</td>
<td>(760) 214-7261</td>
<td><a href="mailto:VLCO-West@usmc.mil">VLCO-West@usmc.mil</a></td>
</tr>
<tr>
<td>MCAGCC 29 Palms, CA</td>
<td>(760) 212-6889</td>
<td><a href="mailto:VLCO-West@usmc.mil">VLCO-West@usmc.mil</a></td>
</tr>
<tr>
<td>Camp Pendleton, CA</td>
<td>(760) 207-8333</td>
<td><a href="mailto:VLCO-West@usmc.mil">VLCO-West@usmc.mil</a></td>
</tr>
<tr>
<td>MCAS Miramar, CA</td>
<td>(703) 232-3487</td>
<td><a href="mailto:VLCO-West@usmc.mil">VLCO-West@usmc.mil</a></td>
</tr>
<tr>
<td>MCB Kaneohe Bay, HI</td>
<td>(808) 257-2274</td>
<td><a href="mailto:VLCO-PAC@usmc.mil">VLCO-PAC@usmc.mil</a></td>
</tr>
<tr>
<td>Camp Butler, Okinawa</td>
<td><strong>DSN (315) 645-4421</strong></td>
<td><a href="mailto:VLCO-PAC@usmc.mil">VLCO-PAC@usmc.mil</a></td>
</tr>
<tr>
<td>MCAS Iwakuni, Japan</td>
<td><strong>DSN (315) 253-4398</strong></td>
<td><a href="mailto:VLCO-PAC@usmc.mil">VLCO-PAC@usmc.mil</a></td>
</tr>
</tbody>
</table>

**denotes DSN prefixes.**

If you need any assistance getting in touch with your installation VLCO office or nearest VLCO office, please contact HQ, VLCO at (703) 693-9526/6306 and/or VLCO@usmc.mil.
Contact Information

- Major Kay Hill
- Regional Victims’ Legal Counsel
- (910) 451-5165 office
- (910) 915-9774 gov cell
- kay.hill@usmc.mil

- Ms. Talana Diggs
- Paralegal
- (910) 451-8519 office
- (703) 859-5310 gov cell
- talana.diggs@usmc.mil

**Call to schedule appointments**
Contact Information

• Capt Ethan Sellers
• Victims’ Legal Counsel
• 910-451-3122
• ethan.sellers@usmc.mil

• Capt Mark Dewyea
• Victims’ Legal Counsel
• 910-450-2499
• mark.dewyea@usmc.mil

• Capt Laura Brewer
• Victims’ Legal Counsel
• 910-451-2545
• laura.brewer@usmc.mil
• Capt Mark Marsella
• Victims’ Legal Counsel
• 252-466-5649
• blake.dunham@usmc.mil
• Cherry Point

• Capt Chris Ventura
• Victims’ Legal Counsel
• 843-228-4801
• christopher.ventura@usmc.mil
• Parris Island
Location

Building 403
L Street
Questions
Legal

Ms. Carly Rivera
Regional VWAC
(910) 915-5403
carly.riveradelvalle@usmc.mil

Mrs. Latoya Hill
Installation VWAC
(910) 451-8028
latoya.l.hill@usmc.mil

Legal Services Support Team (LSST)
Building (Trailer) 59G
Camp Lejeune, NC
How we support VWAP

- Provide victims and witnesses with 2701, 2702, 2703.
- Coordinate/complete all travel arrangements for victims and witnesses.
- Complete 2704 if accused is sentenced with confinement.
- Complete Victim’s Election Form, for cases with victims.
- Notify victims/witnesses of alternate dispo
Trial Counsel

• Once assigned to a case must:
  – Identify victims and witnesses
  – Provide DD 2702
  – Ensure victims/witnesses are provided information about military justice process, including what to expect from the system, what the system expects from them, and the stages of the military justice process
  – Comply with notification requirements
  – Comply with consultation requirement
When a victim has requested notification, must be advised of:

- Pretrial confinement status of suspected offender
- Date charges are preferred and/or referred and the nature of the charges
- Acceptance of a pretrial agreement
- Scheduling of court proceedings
- Findings of a court-martial
- Sentence adjudged
- Convening authority’s action regarding findings and sentence

VWAC must notify all victims who have been scheduled to attend any MJ proceedings of scheduling changes that affect their appearance.

VWACust notify of right to the record of trial in a sexual assault case.
TC - Consultation Requirement

- Victims have a designated advisory role in decisions involving prosecutorial discretion such as plea bargaining
- TC shall ensure victims are aware of the right to act in this advisory capacity
- When a victim has elected to act in advisory capacity, TC shall ensure victim’s views regarding prosecution and plea negotiations are obtained and forwarded to convening authority
TC/VWAC
Other Assistance

• Separate waiting room (upon requested)
• Provide victims/witnesses with information concerning services such as transportation, parking, childcare, lodging, translators and interpreters
• Take reasonable steps to inform employers that victim/witness is involved in court-martial (upon request)
• Contact creditor if victim/witness subject to serious financial strain caused by crime or cooperation in investigation / prosecution
• Safeguard victim’s property held as evidence and return it as soon as possible
TC/VWAC - Sentencing

- Inform victims of the opportunity to present evidence to the court at sentencing, including statement concerning impact of the crime, such as financial, psychological and physical harm
COORDINATION IS KEY

• All offices are responsible for a part of the military justice process (including, but not limited to, law enforcement and criminal investigative agencies, convening authorities, legal, corrections) are responsible for ensuring a smooth transition of victim and witness assistance at each stage of the criminal justice process. This means that close coordination is required among the VWAP personnel assigned to each of these offices during the transition from one phase of the criminal justice process to the next.

• Ensure right contact information is given on each DD Form to each Victim or Witness

• Ensure continuing coverage for Victims/Witnesses of services and rights.
Questions
Religious Ministry Team

Chaplain Glen Kitzman
Chaplain Mike Beasley
RP1 Orrin Bryant

(910) 449-6801 / 7500 Chapel, Building AS-236

Chaplain Mike Beasley
662.643.9312
michael.beasley@usmc.mil
Religious Ministry Team

PROVIDE – CARE – FACILITATE – ADVISE

Chaplain, RP, CA, and Contract Clergy Confidentiality

Does the RMT support people of different faith perspectives?

Is the RMT available 24/7?

Do Chaplains talk to perpetrators?

Can a SAPR VA see a Chaplain?

What topics can I see the Chaplain about?

Is there ever a time a Chaplain will break confidentiality?
Questions
Victims and Witness Assistance Program
Medical

HM1 Hildreth
Agenda

Medical Attention
Safety
Victim Advocacy
Mental Health Resources
Initial Information for Victims and Witnesses of Crime
What to Expect When a Victim Reports to Medical
Medical Attention

Medical attention is typically the number one reason victims of any kind report to medical
- Basic/moderate wound care
- Dental
- Competency for Duty
- Victims of SA will be referred to Naval Medical Center Camp Lejeune if the desire a (Sexual Assault Forensics Exam) SAFE
Safety
- Doors are sypher locked
- PMO notification
- Mental Health Screening
Mental Health Resources

- MCMH New River behavioral health
- Naval Medical Center Camp Lejeune outpatient behavioral health
- Base Chaplains
- Military & Family Life Counselor
- Community Counseling
- Victim's Advocacy
Initial Information for Victims and Witnesses of Crime

- DD Form 2701
- Initial Information and Services Letter
What to Expect When a Victim Reports to Medical

- Victim reports to the Front Desk
  - If they are being sent by the command or another VWAP representative, please let them know to as for the clinic VWAP Rep (HM1 Hildreth)
- Victim will be triaged for medical care
  - Emergent medical concerns or patients requiring a SAFE will be referred to NMCCL
  - Acute injuries requiring medical care will be taken directly to the treatment/exam room (open wounds, minor head injuries, lost teeth, suspected broken small bones without obvious deformity)
  - Non-urgent injuries (non-bleeding scrapes, bruises, etc) will be taken to the treatment/exam room for care when space becomes available.

**IF THE PATIENT DOES NOT FEEL SAFE WAITING IN THE LOBBY, SPACE WILL BE MADE AVAILABLE FOR THEM**

- Before leaving, the paperwork on the previous slide will be discussed and signed
Questions
• Appoint a VWAC to the Victim Witness Assistance Council
  (Ashley M. Davis)
• Manage victim and witness information in a central repository
Request for Notification

The initial notification requirement is sent to the Brig by the trial counsel using a DD Form 2704. A DD Form 2704 must accompany all prisoners, even if there are no witnesses or victims.

• Types of Notifications
  ❖ Initial Contact – Acknowledgement of request to participate in the program.
  ❖ Clemency/Parole Hearing – Notification of local or service board schedules and the right to request personal appearance or submit statements.
• Types of Notifications cont’d
  ❖ Release – Notification providing the date, reason for release, and destination (city and state).
  ❖ Transfer – Notification of all planned transfer and include the address of the receiving brig/PCF.
  ❖ Escape – Telephonically notify as soon as possible after discovery of an escape and shall also notify as soon as the prisoner is apprehended.
  ❖ Emergency Leave – Notify telephonically release on emergency leave.
  ❖ Death – Notification of the death of a prisoner.
General Information

• Notifications to Victims and Witnesses are sent certified mail, returned receipt requested.

• Victim/Witness Notification Records are maintained separate as an adjunct files.

• Reports are submitted to the Repository, PSL, HQMC both monthly and annually.

• Reports are submitted to the VWLO, MCIEAST quarterly.

• The VWAC is assigned as a member of the Victim Witness Assistance Council and attends quarterly meetings.
VICTIM WITNESS ASSISTANCE PROGRAM

1. Request for Notification Received
2. Initial Contact
3. Parole/Clemency Board Notification
4. Release/Transfer Notification
Questions
Take a 10 minute break

10 minutes

End
LEGAL ASSISTANCE

MCB CAMP LEJEUNE
Building #66, Holcomb Blvd
(Cross Street is Molly Pitcher Dr)
Front Desk:  910.451.7085
Access to Services

- For Up-to-Date Hours and Info, LSST Lejeune website
- Open M-F 0730 – 1630 (closed 1130-1300)
- Walk-Ins Tues and Thurs 0730-1000
Eligibility for Services

- Actdu (30 days or more)
- Dependents of actdu
- Dependents of SM that died on actdu
- Rep of incapacitated person eligible for service
- Military retirees
- Dependents of retirees or deceased retirees
Eligibility for services

- Reservist less than 29 days actdu & depts.
- On emergency basis as determined by OIC
- Inactive reserve: consistent w/ mobilization needs
- Certain DoD civilians, DoD contractors or employees under limited circumstances described in Marine Corps Legal Assistance Program Manual (MCLAP 2020)
Allocation of Services

Limited as resources permit
May be prioritized for active duty
Services Offered
Domestic Relations: Divorce Related

- Div / Sep Brief - Tues/Thurs
- Uncontested divorce workshop - Tuesday
- Sep Agreement Assistance
- Parenting/Custody Assistance
- Non support claims
- Advice, assistance, referral
Step-parent adoption
Name change
Services Offered

- Deployment and Mobilization (Briefs, Preparation of Wills and POAs)
- Estate Planning
- Immigration/Naturalization
- Tax Preparation through Tax Center: call 910.451.5287 for appts
Services Offered, Continued:

- Notary Services
- Landlord/Tenant Disputes
- Consumer Law and Debt Collection Issues, including Consumer Fraud
- Service member Civil Relief Act
- Exceptional Family Member (EFM) Legal Counsel
Limitations

- No Military Justice
- No criminal matters
- No fitrep rebuttals, BCNR
- No claims against the US
- No Article 138 complaints
- No representing conflicting interests
- No in court rep (EFM exceptions)
- Initial consult face to face vice phone
- Personal legal assistance, not small business
- No third party advice
Issues related to victimization

• Divorce
• Non-support
• Domestic Violence Protective Order
• Military Protection Order
• Lease Termination
• Identity Theft
• Fraud
Divorce Overview

Grounds

• See LSST Lejeune website section on Domestic Relations / Divorce and separation

• Grounds:
  • Incurable insanity
  • Continuous sep over 1 year

• Separation:
  • Separate residences
  • at least one party intent not to reconcile
Divorce Overview

Jurisdiction

• Jurisdiction over divorce
• Jurisdiction over children
• Jurisdiction over military pension
Divorce Overview:

Marital Separation Agreement (MSA)

- Resolves issues pending divorce
  - Custody / child support
  - Alimony / PSS
  - Property (including pension)
  - Debts
- Makes divorce quick, simple, inexpensive
Process for MSA

- Brief
- Counsel
- Worksheet
- Review
- Notarization
- Divorce workshop
- Incorporation
What if we can’t agree?

DOs

DON’Ts
Vol 9, LSAM (MCO 5800.16A)
Applicable only if no MSA or court order
Prospective only upon complaint to SPCMCA
Dependent Support: USMC

1 Dependent = 1/2 of BAH
2 Dependents = 2/3 of BAH
3 Dependents = 3/4 of BAH
4 Dependents = 4/5 of BAH
5 Dependents = 5/6 of BAH
6+ Dependents = 6/7 of BAH
(not to exceed 1/3 of gross pay)
Dependent Support USMC
Discretionary Exemptions by SPCMCA

- Spouse income exceeds Marine income*
- Separated for 1 yr or more and Marine has been voluntarily paying support for 1 yr*
- Marine is victim of spousal abuse*
- Marine is making regular and recurring payments on debts and obligations on behalf of other spouse

*May reduce support for spouse but not child
Dependent Support USMC
Fundamental Fairness Exception

• Releasing Marine from interim spt obligation, given the totality of circumstances, is a matter of fundamental fairness.
• Next CO in chain decides
• CO must consult SJA
Navy Dependent Support MilPersMan section 1754-30

- Obey court orders
- Obey written agreement
- Conform to Navy support guidelines
### Navy Interim Support

<table>
<thead>
<tr>
<th>Supported dependents</th>
<th>Guideline support amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spouse only</td>
<td>1/3 gross pay</td>
</tr>
<tr>
<td>Spouse and 1 minor child</td>
<td>½ gross pay</td>
</tr>
<tr>
<td>Spouse and 2 or more children</td>
<td>3/5 gross pay</td>
</tr>
<tr>
<td>One minor child</td>
<td>1/6 gross pay</td>
</tr>
<tr>
<td>Two minor children</td>
<td>¼ gross pay</td>
</tr>
<tr>
<td>Three minor children</td>
<td>1/3 gross pay</td>
</tr>
</tbody>
</table>

*Gross pay” includes base pay & BAH, but not BAS or special duty pay*
Director, Dependency Claims, DFAS may grant spousal support waiver for:
➢ Desertion without just cause
➢ Spousal abuse
➢ Infidelity on the part of the spouse

Navy CO does not have the power to grant the waiver – Waivers go to DFAS!
MilPersMan
Child Support Exemption

- Location and welfare of child can not be determined
- Person requesting support doesn’t have custody
- Authority: CO
<table>
<thead>
<tr>
<th>Service</th>
<th>Reference</th>
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<tbody>
<tr>
<td>Army</td>
<td>Army Regulation 608-99</td>
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<tr>
<td>Navy</td>
<td>Military Personnel Manual 1754-30</td>
</tr>
<tr>
<td>USAF</td>
<td>Air Force Instruction 36-2906</td>
</tr>
<tr>
<td>USMC</td>
<td>Vol 9, LSAM (MCO 5800.16)</td>
</tr>
<tr>
<td>USCG</td>
<td>Cmdt Inst Manuel M1600.2, section E</td>
</tr>
</tbody>
</table>
The CO is NOT a Judge
No authority to:

- Divide marital property
- Allocate debt
- Require party to enter MSA
- Order more spt than auth in ct order, MSA, or LSAM
- Order retroactive payments
Regulatory Traps

• Loss / recoupment of FSA when “separated”
• Loss of dependent allowance if not providing support to dependents
ONSLOW COUNTY DOMESTIC VIOLENCE COORDINATOR (assists in DVPO filings during normal business hours)
(910) 478-3646 or backup line: (910) 478-3657
Onslow County District Court: 602 Anne St, Jacksonville

ONSLOW WOMEN’S CENTER
(a variety of services for victims, including DVPO E-Filings)
(910) 938-9541 * 226 New Bridge St, Jacksonville

JACKSONVILLE POLICE DEPT
(receives reports of crimes and assists with DVPO E-Filings)
(910) 455-1472 * 200 Marine Blvd, Jacksonville

ONSLOW COUNTY MAGISTRATE’S OFFICE (after-hours filings)
(910) 478-3619 * 701 Mill Ave, Jacksonville
Military Protective Order

• Issued by CO
• Purpose: Prevent harm
• Only revocable by CO
• Violation is a crime under the UCMJ
• Cannot be issued to a civilian spouse
• Difficult to enforce off-Base; DVPO recommended for victims in addition
Uniformed Services Former Spouse Protection Act (USFSPA)

- 10 USC 1408
- Authorizes state divorce courts to divide disposable retired pay
- If 10 yr marriage / service overlap, authorizes direct pay by DFAS
USFSPA: Victim Compensation to Spouse [10 USC 1408 (h)]

Spouse entitled to an amount from the U.S. equal to share of retired pay if:

- Qualifying pension division order and
- SM/ former SM, after retirement eligibility based on yrs svc, loses eligibility due to dependent abuse misconduct, and
- Spouse, while married to SM, was the victim of the abuse or parent of dependent child of SM who was the victim of abuse
- Terminates upon remarriage /starts again death, annulment or divorce
USFSPA: Victim Compensation to Child [10 USC 1408 (h)]

- Spouse entitled to compensation is also eligible for any other benefit of the dependent of a retiree; e.g., medical, dental, commissary, exchange
- Child entitled to compensation is also eligible for benefits as if perp was entitled to retired pay
Victim Rights Under USFSPA 10 USC 1408(h)

Child right to court ordered child support paid by the U.S. if

- Qualifying child support order from retired pay
- Member/former member, after retirement eligibility, loses eligibility for retired pay based on misconduct involving abuse of spouse or child
- Terminates upon remarriage
Early Lease Termination

SCRA (50 USC 3955)
- Pre Service Lease
- PCSO
- Deployment
- Death of SM (Dec 2018 amendment)
- Catastrophic illness or injury of SM (Dec 2019 amendment)
Early Lease Termination
SCRA Waiver

Generally, SCRA rights can be waived if comply with requirements of 50 USC 3918

- In writing
- Executed in instrument separate from obligation to which it applies
- Executed during or after SM’s military service
- Specify the legal instrument to which it applies

HOWEVER.....
Early Lease Termination
SCRA Waiver

Per NC SCRA, (NCGS 127B, Art 4) enacted 25 July 2019

- SCRA incorporated into NC law
- SCRA made applicable to NCNG and
- Can not be waived by prior agreement!
  - See NCGS 127B-33
NCGS 42-45.1
Three Requirements:
(1) 30 day written notice to landlord AND
(2) Safety plan issued during term of tenancy recommending relocation & issued by program substantially complying w/ 50B-9 AND
Lease termination
DV /Sexual Assault / Stalking

(3)

- 50B or 50C protection order (other than ex parte) or
- Criminal order restraining person from contacting protected tenant or
- Address confidentiality program card per NC Gen Stat 15C-4
Identity Theft

- Attacks against existing credit; e.g. credit / debit cards, bank accounts
- Attacks against future credit
  - Fraudulent loans / new credit on your name
- Miscellaneous attacks; e.g. firearms purchase, immigration, passport, tax refund, classified info, criminal ID, etc.
What to do...

- Immediate steps - Stop the bleeding!
  - Close compromised accounts
  - Notify affected vendors, agencies
  - Fraud alert
- Next
  - Security freeze
  - EFTA / FCBA Notices
  - Review and follow FTC checklist
Consumer Fraud

• Statement / Supporting Documentation
• Demand Letter
• Public Enforcement Agencies
  • CFPB (finance, credit, credit reporting)
  • US DoJ (SCRA, USERRA, UOCAVA)
  • Housing Inspector
  • NC REC (Property Managers)
Public Enforcement Agencies

• NC DoI (Insurance)
• NC SecState (Investment Fraud)
• NC DMV License & Theft (fraudulent vehicle sales)
• NC Attorney General (General Consumer Fraud)
Public Enforcement Agencies

- Medical Licensing Boards
- NC State bar (lawyers)
- DSS: NC Adult Protective Services (Abuse, neglect, exploitation of disabled adults)
- NC Licensing Board for General Contractors, Plumbing & Heating, Electrical
- AFDCB
Questions?
MISSION:

MCO 5354.1F updates Marine Corps policy, procedures, and responsibilities for preventing and responding to prohibited conduct involving sexual harassment, prohibited discrimination, harassment, hazing, bullying, dissident and protest activities, and wrongful distribution or broadcasting of intimate images.
The Prohibited Activities and Conduct (PAC) Prevention and Response Order was released in 2021.

- **Abuse**
  - Hazing, bullying ostracism, retaliation
- **Harassment**
  - Offensive jokes, slurs, name calling, display/transmit derogatory or demeaning objects/pictures
- **Sexual Harassment**
  - Gestures, comments, advances, requests for favors
- **Wrongful Distribution or broadcasting of an intimate image**
- **Dissident and Protest Activity**
- **Unlawful Discrimination**
  - Race, color, religion, sex (gender/identity), national origin, or sexual orientation
EO Resources for Victims

• The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.

• There are many resources available to victims. The initial point of contact for these resources and other services is the unit VWAC. Those who wish to maintain privacy may reach out to the:
  – Chaplain
  – Victims' Legal Counsel (VLC).
  – The Marine Corps DSTRESS line now provides 24 hours a day, seven days a week, anonymous phone and chat and referral service using a ‘Marine-to-Marine’ approach via 1-877-476-7734 and/or through www.marines.mil.
  – Behavioral Health Counselors (Community Counseling Program)
  – Sexual Assault Prevention and Response Victim Advocates
Reporting Options & Avenues

• Informal vs. Formal
• Chain of Command (Preferred)
• Equal Opportunity Advisor (EOA)
• Unit EO Representative (EOR)*
• Inspector General (IG)


• NCIS

Reporting Avenues cont’d

• Electronic Prohibited Activities and Conduct (EPAC) Portal
  https://www.manpower.usmc.mil/EPAC

• EO Advice Line  (844) 818-1674

• Communication with Congress

• Anonymous Reporting

Article 132 UCMJ: Retaliation
Command notification / aware of PAC violation. Marine sees EOA for intake and DASH creation. Command sends OPREP / SIR to MCOC. Voice Report and SIR is sent: IF COMPLAINT IS ACCEPTED

CA must make assessment to accept, dismiss, or refer complaint. IO appointed if accepted; investigation commences. Offender acknowledgement form is signed. If dismissed, dismissal letter must be provided for DASH closure.

EOA and Legal Sufficiency review are required prior to CA endorsement. Final report due to GCMCA upon completion and CA endorsement.

If substantiated, follow requirements in Vol. 3, Ch. 4, par 0412 in addition to any actions taken by CA.

Provide alleged offender and complainant rights to appeal information. Receive complainant resolution statement (CRS) upon conclusion. CA provides DASH closure request.

Retention by command two years. Electronic DASH maintained by HQMC-MPE.

Reporting/Process Timeline

- All days below are duty days unless noted
- Duty days are days at work only, calendar days include Saturday/Sunday
- Times after investigation are discretionary, however, too much time may impact resolution/results

- Incident
- Report sent
- Initial Assessment (+3 days)
- Investigation (+14-30 days)
- Reviews
- Resolution Closeout (+2 years days)
- Appeals/CRS
- Records retention

Sexual Harassment complaints resolved in 14 calendar days. All others resolved in 30 calendar days. Update complainant every 14 calendar days. Extensions require GCMCA approval.
GySgt Zarina I. Flemming  
Equal Opportunity Advisor  
MCIEAST-MCB Camp Lejeune  
zarina.flemming@usmc.mil  
Office: (910) 451-2129  
Mobile: (910) 467-9595

MSgt Helen T. Zacniewski  
2D MAW Equal Opportunity Advisor  
helen.zacniewski@usmc.mil  
Com: 252-466-2492  
Cell: 252-466-7118

https://eis.usmc.mil/sites/2DMAW/eo/SitePages/Home.aspx
Questions
Take a 10 minute break
Sexual Assault Prevention & Response

Shanna Colman
Installation Sexual Assault Response Coordinator
Who Do We Serve?

• Service members – whether sexually assaulted prior to service or while in service
• Military Dependents – over the age of 18
• Reserve members
• DoD civilian employees & family – OCONUS
• Limited services to non-DoD affiliated civilians sexually assaulted by a service member
Sexual Assault Prevention and Response

- System accountability
- Prevention through training and education programs
- Treatment and support of victims
What do we do?

• All SARCs and SAPR VAs, regardless of whether they are civilian or uniformed, have confidentiality.
• Provide non-judgmental support and access to resources for sexual assault survivors.
• Information on the reporting process and assistance with navigating the justice system, if desired.
• Advocate to address issues or concerns within the command.
• Training and education/Prevention and awareness
• Ensure collaboration between systems.
# Reporting Options

<table>
<thead>
<tr>
<th>Available Options</th>
<th>Unrestricted Report</th>
<th>Restricted Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim Advocate/SARC Support</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Counseling/Chaplain Services</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Medical Care/Forensic Exam</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Victims’ Legal Counsel</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Law Enforcement Investigation</td>
<td>✓</td>
<td>✗</td>
</tr>
<tr>
<td>Command Support</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Military Protective Order</td>
<td>✓</td>
<td>✗</td>
</tr>
<tr>
<td>Expedited Transfer</td>
<td>✓</td>
<td>✗</td>
</tr>
<tr>
<td>CATCH</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
No Wrong Door: Warm Hand-Off

On Jun 24 2022, The Secretary of the Navy released the Department of the Navy “No Wrong Door Policy”

• Navy Medicine reinforces that there is “no wrong door” for our Sailors and Marines to receive behavioral health support.

• Under this policy, a victim of (Sexual Assault, Sexual Harassment, or Domestic Abuse) who contacts a helping professional from any DON victim care and support office must either receive services from that office or, with the victim’s permission, get a “warm hand-off” to the appropriate service provider which includes a direct connection, introduction to responsible staff at the appropriate on or off installation office, and follow-through to ensure the needs of the person seeking care were met.
No Wrong Door: Warm Hand-off

Warm Hand-off: Is a direct connection, introduction to responsible staff at the appropriate on or off installation office. The office or the person who received the disclosure **MUST** accompany the victim to the correct location and introduce them to the appropriate point of contact who will be providing the service. If taking place virtually, the warm hand-off must take place by conference call or similar technology (NOT A VOICEMAIL).
No Wrong Door: Warm Hand-off instructions

Step 1
- Receive a disclosure outside the scope of the services you provide for victims of sexual assault or sexual harassment or domestic violence.
- Obtain permission from the victim to proceed with a warm hand-off.

Step 2
- With the list provided, reach out to the point of contact listed and set up a time for them to meet (in person if able) with you and the victim. Facilitate that meeting.
- If cannot be done in person, conduct a conference call with the victim.

Step 3
- Follow up with the victim in approximate two weeks.
- Ensure the victim is at the appropriate service provider.
- If they are not at the appropriate service provider, revert back to step 1.

Step 4
- Keep track of the warm hand-offs and notify the Installation SARC once you've completed the follow up (step 3).
No Wrong Door: Warm Hand-off instructions

Step 1

- Receive a disclosure outside the scope of the services you provide, for victims of sexual assault or sexual harassment or domestic violence.
- Obtain permission from the victim to proceed with a warm hand-off.
No Wrong Door: Warm Hand-off instructions

Step 2

• With the list provided, reach out to the point of contact listed and set up a time for them to meet (in person if able) with you and the victim. Facilitate that meeting
• If cannot be done in person, conduct a conference call to the new service provider with the victim.
No Wrong Door: Warm Hand-off instructions

Step 3

- Follow up with the victim in approximate two weeks.
- Ensure the victim is at the appropriate service provider.
- If they are not at the appropriate service provider, revert back to step 1
Step 4

• Keep track of the warm hand-offs and notify the Installation SARC once you’ve completed the follow up (step 3).
No Wrong Door Policy

• Only data is tracked. We do not need the name or details of the victim. We only need to know from where and to where, as well as when the follow up was done.

• Example: Someone comes to an EO and makes a disclosure of Domestic Violence.
  • Step 1: EO will ask the victim if they have permission to do a warm hand-off to the appropriate service provider (FAP).
  • Step 2: EO will set up a meeting between the FAP VA and the victim. The EO will also accompany the victim to this meeting. In the instances that a warm hand-off CANNOT be done in person (which should be few and far between), you can conduct a conference call with both the victim and the FAP VA.
  • Step 3: The EO will contact the victim in two weeks and ask “Was FAP the appropriate service for your issue?”
  • Step 4: The EO will contact the Installation SARC (Shanna Colman) and advise that a warm hand-off was completed between the EO and FAP and follow up was completed (provide the date it was completed).
# Points of Contact

<table>
<thead>
<tr>
<th>Organization</th>
<th>Address</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>New River Sexual Assault Response Coordinator (SARC)</td>
<td>Building AS-90 Curtis Rd, MCAS New River</td>
<td>910-750-5852</td>
</tr>
<tr>
<td>Shanna Colman</td>
<td>Email: <a href="mailto:Shanna.Colman@usmc.mil">Shanna.Colman@usmc.mil</a></td>
<td></td>
</tr>
<tr>
<td>2d MAW SAPR Program</td>
<td>Room 231, Bldg. 219, Cherry Point, NC, 28533</td>
<td>252-466-3549</td>
</tr>
<tr>
<td>Marie Brodie</td>
<td>Email: <a href="mailto:marie.brodie@usmc.mil">marie.brodie@usmc.mil</a></td>
<td></td>
</tr>
<tr>
<td>MCAS New River Family Advocacy Program</td>
<td>Building AS-90 Curtis Rd, MCAS New River</td>
<td>0730-1630 (910) 449-4435 or (910) 449-6110</td>
</tr>
<tr>
<td>Katherine Light  DAVA</td>
<td>Building 27, Room 7, Camp Lejeune, NC</td>
<td>After hours 24/7 line (910) 376-2155</td>
</tr>
<tr>
<td>Equal Opportunity Advisor</td>
<td>Building 27, Room 7, Camp Lejeune, NC</td>
<td>(910) 467-9595</td>
</tr>
<tr>
<td>MCIEAST-MCB Camp Lejeune</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GySgt Zarina Flemming</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2d Marine Aircraft Wing, Equal Opportunity Advisor</td>
<td>Building 1, Cherry Point, NC</td>
<td>(252) 876-6345</td>
</tr>
<tr>
<td>MSgt Zacniewski, Helen</td>
<td></td>
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</tr>
</tbody>
</table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Victim Witness Assistance Program (VWAP)</td>
<td>Building AS-216 Bancroft St, Jacksonville, NC 28545</td>
<td>(910) 449-7159</td>
</tr>
<tr>
<td>Mr. William Yables</td>
<td>Email: <a href="mailto:william.yables@usmc.mil">william.yables@usmc.mil</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td><a href="http://www.newriver.marines.mil/StaffJudgeAdvocate/VWAP.aspx">http://www.newriver.marines.mil/StaffJudgeAdvocate/VWAP.aspx</a></td>
<td></td>
</tr>
<tr>
<td>Victims' Legal Counsel - Eastern Region</td>
<td>Marine Corps Base Camp Lejeune Bldg. 403 off McHugh Blvd and L Street</td>
<td>(910) 451-8519</td>
</tr>
<tr>
<td>MCAS New River Chapel</td>
<td>236 Curtis Rd, Jacksonville, NC 28540</td>
<td>(910) 449-7584</td>
</tr>
<tr>
<td>Chaplain Michael W. Beasley</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MCAS New River Clinic</td>
<td>Building AS-100 / 100 White St., Jacksonville, NC 28540</td>
<td>(910) 449-6500 x277</td>
</tr>
<tr>
<td>Department Head</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Counseling Program</td>
<td>Building AS-90 Curtis Rd, MCAS New River</td>
<td>(910) 449-6110</td>
</tr>
<tr>
<td>Onslow County Women's Shelter</td>
<td>226 New Bridge Street, Jacksonville, NC 28540</td>
<td>(910) 238-2941</td>
</tr>
<tr>
<td>Naval Hospital Sexual Assault Forensic Examiner</td>
<td>100 Brewster Blvd, Camp Lejeune, NC 28547</td>
<td>910-450-4563</td>
</tr>
<tr>
<td>Anita Brown</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Contact Information

Shanna Colman
Sexual Assault Response Coordinator
Office: (910) 449-5243 Cell: (910) 320-4108

Civilian Victim Advocate
Office: (910) 449-5254 Cell: (910) 389-4682
Building AS-90

24/7 Support Line 910-750-5852
Questions
Naval Criminal Investigative Service
Special Agent Sandra Barrow
(910) 449-6012
Building AS-302, MCAS New River
Sexual Assault

- NCIS investigations into sexual assault are guided by UCMJ Articles, DODI 5505.18 and NCIS Policy.

- 01JAN19 was the implementation date of changes to DODI 5505.18 brought forth in 2016.
Sexual Assault

- Timeliness of the initiation of a sexual assault investigation is critical for NCIS. The timely report of a sex assault allows NCIS the opportunity to collect fragile, transient evidence that may provide critical information in the course of the investigation.

- During normal business hours (0800-1630) NCIS can be contacted directly. After hours, PMO should be utilized to initiate the response of the NCIS duty agent. If the afterhours report is of a delayed sex assault, PMO should still be contacted and the duty NCIS agent consulted in the proper course of actions.
Sexual Assault (Consequences)

- Service members should be made aware of the consequences of perpetrating a sex assault. If the investigation shows that it is reasonable to believe a sexual assault was committed and that the suspect committed the crime, the suspect’s fingerprints will be taken and submitted to the FBI. Any future criminal history checks will show the suspect was investigated for a sexual assault. This record does not go away.

- If the suspect is ultimately convicted of a sexual assault, they may be required to register as a sexual offender and may become a prohibited person, not allowed to own, possess or purchase firearms or ammunition.
NCISRA Camp Lejeune

- Main NCIS Office Number 910-451-8071
- SSA Sandra Barrow 910-449-6012
  - Sandra.barrow@ncis.navy.mil
Questions
Agent Steven Lewis
(910) 499-5733 / (910) 320-7645 (Cell)
Building AS-302, MCAS New River

Agent Daniel J. Hardesty
(910) 499-5733 / (910) 431-5216 (Cell)
Law Enforcement

- Appoint a VWAC to the Victim Witness Council
- Provide DD 2701 (VWAP) forms to victims and witnesses
- Maintain data on the number of victims and witnesses provided DD 2701s
- Provide a threat assessment, as required
- Notify VWLO and Command VWAC when investigation cases with an accused or victim that is the member of the command
NR Crime Trends – CY2022

• Assault
• Narcotics
• Larceny (Personal / Government)
• Extortions (Sextortion / Phone Scams)

➢ Likely to increase during holiday season
NR Crime Trends – CY2022

Assault – (33) Total Incidents

- Marines returning home often have difficulty adjusting back to their home life and relating to their family members, which increases the likelihood of domestic disputes and/or violence with spouses and/or children
- Alcohol is a common contributor to domestic-related incidents
NR Crime Trends – CY2022

Narcotics – (31) Total Incidents

• 61% occurred at Curtis Gate and 26% occurred in barracks
• 55% of persons involved were contractors
• 39% involved active duty service members
• 84% of incidents involved THC
NR Crime Trends – CY2022

Larceny-Personal / Larceny-Government –
(24) Larceny-Personal and (16) Larceny-Government Total Incidents

- Service members returning to their quarters after extended absences are more likely to fall victim to property crimes
- Most incidents occur due to quarters / property being left unsecured and / or unattended
  ➢ 98% of property crime victims left their quarters / property unsecured OR were not able to secure their quarters properly due to fault windows, doors or locking mechanisms
- Sports equipment, vehicle parts, and electronics were the most common personal items stolen
- CIF / IIF gear was the most common government property stolen
NR Crime Trends – CY2022

Extortions – (17) Total Incidents

• All persons involved were E-4 and below, of which **65%** were in training / student status
• Most common social media platforms involved included Instagram, SnapChat, and dating applications (Discord, Upward, Plenty of Fish, etc.)
• Of the victims / complainants, **76% **DID NOT** send money to suspect(s)
Questions
Take a 10 minute break
Advocate

Katherine Light
(910) 449-4435
Building AS-90

Office Hours: M-F: 0800-1630 (910) 449-6110

24/7 Helpline (910) 376-2155
Marine & Family Programs

Transitional Compensation for Abused Dependents

February 2021

Katherine Light
Credentialed Advocate
Family Advocacy Program
Marine and Family Programs
Katherine.light@usmc.mil
910-449-4435
Overview

• MCO 1754.11 FAP Advocate responsibilities

• Program overview

• Eligibility criteria

• Program benefits

• Application process
Transitional Compensation for Abused Family Dependents (TCAD) Policy

• Federal law per 10 U.S.C. 1059

• Mandated program per DoDI 1342.24, 23 Sept 2019

• DoD Financial Management Regulation Vol 7B Chapter 60
Purpose

• To provide temporary financial assistance to eligible family members and, when applicable, Service members (SM)

• Helps ease the financial burden for eligible family members after the Marine offender is separated from the Marine Corps for a documented dependent-abuse offense
Dependent Abuse Offenses

• Must be a criminal offense as specified under Uniform Code of Military Justice (UCMJ), federal law, criminal laws of the States and other jurisdictions of the U.S., and/or laws of other nations
Dependent Abuse Offenses

Some examples of dependent-abuse offenses include*:

- Sexual assault, rape, sodomy
- Assault, battery
- Child abuse, child neglect
- Murder, manslaughter
- Stalking
- Domestic violence (Effective 1 JAN 19 per FY19 National Defense Authorization Act )

* This list is not all inclusive. Other stipulations may apply.
FAP Advocate Responsibilities

• Educate commands at their respective installations, and other relevant personnel on:
  o Transitional Compensation Program
  o Eligibility criteria
  o Importance of including domestic abuse in separation documentation, when appropriate

• Educate eligible victims or legal guardians/representatives

• Assist in the application process

• Liaise between Headquarters Marine Corps (HQMC), victim, law enforcement, Staff Judge Advocate (SJA), and other appropriate entities
Eligibility Criteria for Spouse

• Must have been legally married to SM at time of the offense

• Marine served minimum of 30 days on active duty

• Marine separated from service for a documented dependent-abuse offense via:
  o Result of a court-martial sentence
  o Forfeiture of all pay and allowances via court-martial
  o Administrative separation (Enlisted)
  o Board of Inquiry (Officers)
Eligibility Criteria for Spouse (Continued)

• Can be divorced as of SM’s separation

• If SM is separated for an offense relating to child abuse, spouse must **NOT** have participated in the abuse
Eligibility Criteria for Children

- Under 18 years of age
- Resided with SM at time of offense
- 18 years or older, but incapable of self-support because of mental or physical incapacity (will require evidence)
- Between 18 and 23 years old, but enrolled full time in an institution of higher learning and dependent on SM for greater than half of support (will require evidence)
- Still a dependent at the time of the separation or court-martial
Eligibility Criteria for Children (Continued)

- Proration may occur if the child is not a dependent for duration of payment (i.e., child turning 18 years of age that graduates high school while TCAD is being paid)

- Stepchildren are eligible assuming they are dependents of the member that committed the offense at the time of the separation

- Eligible children not residing with the parent can receive payment through a payee (or legal guardian)
  - Not if child is in foster care – as state has custody
  - If child is returned to spouse/legal guardian, spouse/legal guardian can receive payment
Not Eligible

- Intimate partner (even if residing with SM)

- Dependent when SM was not separated
  - SM dies by suicide after offense but prior to separation
  - SM was subject to Non-judicial Punishment (NJP) but not separated

- Child not residing with the SM or spouse at the time of the dependent-abuse offense
  - SM abuses new wife while biological child from previous marriage is visiting
Forfeiture Provisions for TCAD Beneficiaries

- Cohabitates with former SM upon SM separation
- Spouse remarries while receiving payments
- Loses custody of children (forfeits child amount)
- Noncompliant with annual recertification requirements with DFAS and DEERS
Commencement of Benefits

• On the date the court-martial sentence is adjudged if the sentence includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances

OR

• On the date the Marine’s command informs the Marine that an administrative separation has been initiated (notification letter)
Commencement of Benefits (Continued)

OR

• On the date the Marine’s command accepts a Separation in Lieu of Trial (SILT) request (entire SILT is required to process package)

OR

• On the date the Marine’s command notifies Marine of Board of Inquiry
Detailed benefits

• Duration of benefits:
  o 12-36 months
  o Cannot be extended

• Monthly monetary payments

• Military ID card

• Medical

• Dental (space available status)

• Commissary and Exchange
Benefits (Continued)

• Joint Travel Regulations (JTR) provides for safety transfers in certain situations (MILPERSMAN 1300-1200 CH-40)

• Transportation is **NOT** a TCAD benefit

• Medical expenses related to the abuse can be approved by SecNav on a case-by-case basis for coverage after expiration of TCAD (Designee Program) – includes mental health
Payments

• Based on the rate in effect for dependency and indemnity compensation

• Monies are not reported as income

• Monies are not taxed

• First payment will take up to 8 weeks from approval date to receive
Application Process

• Completion of application packet by victim with assistance from FAP Advocate

• DD Form 2698, Feb. 2019, Application for Transitional Compensation
  o Supporting legal documents
  o Direct Deposit Form SF1199A
  o Cover sheet

• Approval and financial allocation at HQMC

• HQMC notifies Defense Finance and Accounting Services (DFAS), Defense Enrollment Eligibility Reporting System (DEERS), and FAP Advocate
Exceptional Eligibility

• Authorized under OSD DTM 14 April 2008
  o SecNav’s office authorized to review and approve cases where dependent-abuse offense was not documented as reason for separation
  o Evidence of dependent-abuse offense must accompany the application
  o SM must already be separated at the time of application for waiver
Exceptional Eligibility

• Examples of Documentation
  o Incident Determination Committee (IDC) letters showing met criteria for physical abuse (required)
  o NJP documentation (Unit Punishment Books)
  o SILT package (charge sheets, request letter, endorsements)
  o Law enforcement reports including military blotters
  o Court documents (ex parte, protective orders)
  o FAP assessments
Important Notes

• DFAS, DEERS, HQMC are not connected

• HQMC must wait for response from DFAS and DEERS

• Beneficiary maintains responsibility for follow-up with DFAS/DEERS
  o FAP Advocate can assist
  o HQMC can assist
Questions
North Carolina Compensation Program

• The compensation program is designed to cover medical expenses, lost wages, and funeral expenses.
• A maximum of $45,000 may be awarded.
• A maximum of $10,000 may be paid to survivor for funeral expenses.
• Crime must be reported to law enforcement within 72 hours.

Benefits for approved claims are paid directly to a service provider!

https://www.ncdps.gov/document-collection/victim-services-forms
Claims Processing

Three must have to process a claim

- Signed Application/Attestation
- Copy of Law Enforcement Report
- Itemized medical bill
EXPENSES NOT COVERED BY THE PROGRAM

- Compensation may not be paid for a loss of personal property or for any expense paid by insurance or other sources.
- It may also not be paid as reimbursement for pain and suffering.
- Injury or loss that is the result of a violation of motor vehicle law other than Driving While Impaired and Pedestrian Hit and Run.
Domestic Violence Household Support Benefit
Domestic Violence Household Support Benefit

- Assists victims of domestic violence by providing $50.00 per week for each dependent child and is limited to 26 weeks. However, it shall not exceed $300 per week if the following conditions are met:
Domestic Violence Household Support Benefit

- Must be married and living with their spouse at the time of the victimization.
- Unemployed at the time of the victimization.
- One or more children residing in the household at the time of the victimization.
Domestic Violence Household Support Benefit

- A third-party contact must be established
- DV Program/Shelter
- DSS
- A Domestic Violence Household Support Loss Verification Form must be submitted to third party
Domestic Violence Household Support Benefit

- If the victim moves back in with the spouse, the victim is no longer eligible for benefits
Delays in Processing

Processing time is often delayed for various reasons that we cannot alter or that are beyond our control.

- Application not signed
- 2 weeks to 3 months to get LE report
- Medical bills not itemized
- Failure of victims to respond to our continuous requests to contact us
Crime Scene Clean-up
The clean-up of a dwelling or automobile must be performed by a certified company specializing in biohazard clean-up.

A signed contract for services between the purchaser and the company must be submitted.
CRIME SCENE CLEAN-UP

The expenses must be filed with homeowner’s insurance first.
Automobile expenses must be filed first with automobile insurance.
If no insurance is available, a letter from the property/automobile owner must be submitted stating no insurance available.
CRIME SCENE CLEAN-UP

- Replace door locks or doors
- Broken windows
- Remove blood stains from carpet, beds, rugs, floors, and walls.
- Painting
Payer of Last Resort

Like other compensation programs, NC is a payer of last resort paying for financial losses not covered by other sources, including, but not limited to:

❖ Auto, disability or health insurance
❖ Public funds such as Medicaid
❖ Sick or annual (vacation) leave paid by an employer
❖ Workers Compensation or
❖ Restitution paid by an offender.
15B-26
Crime Victims Credit Protection

(a) A creditor that is owed money for services provided to a victim as a result of the criminally injurious conduct inflicted in the victim shall not communicate any information about the debt to a consumer reporting agency during the pendency of an application for an award filed pursuant to G.S. 15B-7 or during the pendency of an appeal from a decision related to such an application.

(b) The victim bears the burden of notifying the creditor that the debt is subject to subsection (a) of this section.

(c) A creditor may request monthly verification from the commission that the application or appeal is still pending, & the Commission shall provide this verification. (2009-355, s. 6.)
Crime Victim Compensation reimburses citizens who suffer medical expenses and lost wages as a result of being an innocent victim of a crime committed in North Carolina. Victims of rape, assault, child sexual abuse, domestic violence, and drunk driving, as well as the families of homicide victims are eligible to apply for financial help.

NC DEPARTMENT OF PUBLIC SAFETY
VICTIM SERVICES
4232 MAIL SERVICE CENTER
Raleigh, NC 27666-4232
(919) 733-7974
1-800-826-2600
How to apply

- **A Crime Victim Compensation Application** is available on the web at **www.ncdps.gov.**
  - Your local law enforcement agency and the victim witness coordinator in your local District Attorney’s Office has the necessary forms and information for application.
  - You can call the Victims’ Compensation Office in Raleigh to obtain applications.

- **NC CRIME VICTIM COMPENSATION COMMISSION**
  - Division of Victims Compensation Services
  - 4232 Mail Service Center
  - Raleigh, North Carolina 27699-4232
  - Telephone 1/800-826-6200 (within NC)
  - or 919/733-7974
Rape Victim Assistance Program (RVAP)
North Carolina Policy now allows victims to obtain forensic medical examinations free of charge. Whenever a forensic medical examination is conducted as a result of a sexual assault or an attempted sexual assault that occurred in the state, the program shall pay for the examination. A medical facility or medical professional that performs a forensic medical examination on the victim of a sexual assault or attempted sexual assault shall not seek payment for the examination except from the program.
No billing of the victim.

A medical facility or medical professional that performs a forensic medical examination shall accept payment made under this section as payment in full of the amount owed for the cost of the examination and other eligible expenses and shall not bill the victims, their personal insurance, Medicaid, Medicare, or any other collateral source for the examination.
A medical facility or medical professional shall not seek reimbursement from the program after one year from the date of the examination.
Eligible expenses

Medical facilities and medical professionals who perform forensic medical examinations shall do so using a Sexual Assault Evidence Collection Kit. Program payments for the forensic medical examination shall be limited to the following:
## RVAP
### MAXIMUM AMOUNT PAID

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHYSICIAN OR SANE NURSE</td>
<td>$600</td>
</tr>
<tr>
<td>HOSPITAL/FACILITY FEE</td>
<td>$500</td>
</tr>
<tr>
<td>OTHER EXPENSES DEEMED ELIGIBLE BY PROGRAM</td>
<td>$400</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1500</strong></td>
</tr>
</tbody>
</table>
RVAP

- Payment directly to provider

The program shall make payment directly to the medical facility or medical professional.
RVAP

Additional victim notification requirements. A medical facility or medical professional who performs a forensic medical examination shall encourage victims to submit an application for reimbursement of medical expenses beyond the forensic examination to the Crime Victims Compensation Commission for consideration of those expenses.
For victims who choose to remain anonymous – The program is required to verify the chain of custody of the rape kit and confirm receipt of the kit by law enforcement.
RVAP

Only the following crimes are eligible through the Rape Victims Assistance Program.

1. First degree rape
2. Second degree rape
3. First degree sexual offense
4. Second degree sexual offense
5. Statutory rape
All other crimes may be eligible through the Crime Victims Compensation Program.
RVAP PAYS FOR ALL RAPE KITS DISTRIBUTED IN THE STATE BY THE SBI.
Counseling for immediate family members of children under the age of 18 who are victims of rape, and sexual assault

The cumulative total for counseling services provided to immediate family members shall not exceed ($3,000) per family may be provided through the Victims Compensation Program.
RAPE VICTIM ASSISTANCE PROVIDES FREE FORENSIC MEDICAL EXAMINATIONS FOR VICTIMS OF RAPE OR SEX OFFENSES.

NC DEPARTMENT OF PUBLIC SAFETY
VICTIM SERVICES
4232 MAIL SERVICE CENTER
Raleigh, NC 27666-4232
(919) 825-2803
1-800-826-2600
QUESTIONS?

Any QUESTIONS?
NC CRIME VICTIM COMPENSATION COMMISSION

Division of Victims Compensation Services
4232 Mail Service Center
Raleigh, North Carolina 27699-4232

Telephone 1/800-826-6200 (within NC)
or 919/733-7974
Questions
VWAP Overview
REFERENCES

- Victim Witness Protection Act of 1982 – establishes VWAP
- Victims of Crime Act of 1984 – DOJ funded/Victims have fund
- Crime Control Act of 1990 – Victims right to information about offenders
- NDAA 1994 – mandates notification of inmate status changes
- 18 U.S.C. § 3771(a) “Justice for All Act of 2004” – most recent
- DoDI 1030.02 of Sept 2, 2020 “Victim and Witness Assistance”
- SECNAVINST 5800.11B of 5 Jan 2006 “Victim and Witness Assistance Program”
- JAGINST 5800.7G of 19 Jan 2021 “Manual of the Judge Advocate General”
- MCO 5800.16 W/CH7 Vol 16, Chap 4 of 26 Aug 2021 “Victim and Witness Assistance Program”
- ASO 5800.1A of 24 Aug 2021 “Victim and Witness Assistance Program”
• Installation commanders are responsible for implementing VWAP and shall be the central points of contact for VWAP issues aboard the installation.

• Installation Commander manage through Installation Victim Witness Liaison Officer (VWLO), VWAP Council which includes all service provides and Victim Witness Assistance Coordinators (VWAC) from each command.
SERVICE PROVIDERS

Depends on who you are seeing.

- SARP
- VA
- UVA
- EO
- MEDICAL/DENTAL
- LEGAL ASSISTANCE
- CHAPLAIN
- VWAP
- VWAP
- VWAP
- LEGAL
- VLCO
- BRIG
- NCIS
- PMO/CID
**VWAP vs SAPR**

- VWAP is an *overarching assistance program for victim(s) and witness(es) of any crime*, regardless of type and criminal proceeding.
  - SAPR is a *specialized victim assistance program for sexual assault cases*.

- The main requirements of VWAP are for the necessary personnel to inform victim(s) and witness(es) of their rights, providing appropriate information (forms/notification), and track the status of a confined individual if requested.
  - Under SAPR, the obligations are much more *labor intensive* and require constant coordination of all parties.
VWAP vs SAPR: Applicability

**VWAP**

- Applies to all victims and witnesses of crimes committed in violation of the UCMJ.

**SAPR**

- Applies to all eligible victims of sexual assault.
VWAP vs SAPR

PERSONNEL INVOLVED

VWAP
- Victim Witness Assistance Coordinators (VWAC)
- Victim Legal Counsel Organization (VLCO)
- All Service providers

SAPR
- Uniform Victims Advocates (UVA)

Question:
- Can the UVA and VWAC be the same person?
  - NO!
    - Look at the job title
      - different roles and responsibilities evident
WHO IS A VICTIM?

Definition:
A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime in violation of the Uniform Code of Military Justice (UCMJ), or in violation of the law of another jurisdiction if any case where military authorities have been notified.
Victims shall include, *but is not limited to*: 
- **Military members and their family members.**
- **Outside the Continental U.S.** - DoD civilian employees, contractors, and family members.
- If victim is under 18, incompetent, incapacitated, or deceased, the term includes either: legal guardian, spouse, parent, child, sibling, family member, or another person designated by court.
- The term *does not include any individual involved in the crime as a perpetrator or accomplice*, even if individual meets one of the other groups listed above.
- An authorized representative of an institutional entity that meets the direct loss requirement. Federal Departments, State, and local agencies are *not eligible for services* as institutional entity victims.
In addition to any other rights afforded to third parties, a crime victim has the right to:

A. Be reasonably protected from the accused offender.

B. Be provided with a reasonable, accurate, and timely notice of:

   (1) A public hearing concerning the continuation of pretrial confinement of the accused.

   (2) A preliminary hearing pursuant to Article 32, UCMJ, relating to the offense. Including the right to receive a copy of the appointing order directing the preliminary hearing.

   (3) A court-martial relating to the offense, including any open hearing held pursuant to Article 39a, UCMJ, and any post-trial vacation hearing.

   (4) A public proceeding of the Military Department Clemency and Parole Board relating to the offense.

   (5) The release or escape of the accused, unless such notice may endanger the safety of any person.
(6) The date and time of any review of the accused’s case by an appellate court, the scheduling (including changes and delays) of each public appellate court proceeding the victim is entitled to attend, and the decision of any appellate court or judge advocate review.

(7) Any post-trial motion, filing, or hearing that addresses either the findings or sentence of a court-martial involving the accused, the unsealing of privileged or private information of the victim, or which may result in the release of the accused.

C. The right to receive, upon request, a copy of, or access to, the recording of a preliminary hearing held under Article 32, UCMJ, as soon as practicable following the conclusion of the hearing.

D. The right to not be excluded from any public hearing or proceeding described in paragraph 040401.E. of this chapter except under such circumstances as permitted exclusion under Military Rule of Evidence 615 of reference (g).

E. Be reasonably heard, personally or through counsel, at:

(1) A public hearing concerning the continuation of confinement before the court-martial of the accused.
(2) Preliminary hearings conducted pursuant to Article 32, 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.

(3) A public sentencing hearing relating to the offense.

(4) A public Military Department Clemency and Parole Board hearing relating to the offense.

F. The right to confer with the attorney for the U.S. Government at any proceeding described in paragraph 040401.B of this chapter.

G. The right to be consulted and express their opinion concerning:
   (1) Pretrial confinement of the accused and release of the accused from pretrial confinement.
   (2) Regarding offense(s) committed against the victim, any decision to not prefer charges and any decision to dispose of the charges by means other than court-martial.
   (3) Regarding offense(s) committed against the victim, any decision concerning whether to dismiss or refer charges.
   (4) The proposed terms and conditions of any plea agreement.
(5) About testifying as a witness. Note: while the convening authority and trial counsel should strongly consider the victim preference concerning whether to provide testimony, the victim’s to Article 39a, UCMJ, and any post-trial vacation hearing. Preference against testimony does not prevent the government using subpoena, or other appropriate legal process, to require victim testimony in the interest of justice.

H. Crime victims and their dependents who are eligible for legal assistance may consult with a military legal assistance attorney in accordance with DoDI 1030.02 Paragraph 3.4 and Volume 5 of this manual. Additionally, victims may elect to seek the advice of a private attorney, at their own expense.

I. Victims of an offense alleged under Articles 120, 120a, 120b, or 120c or forcible sodomy under the UCMJ or attempts to commit such offenses under Article 80, UCMJ, who are eligible for legal assistance per Military Department or National Guard Bureau policies or in accordance with Sections 1044 or 1044e of Title 10, U.S.C., may consult with a VLC in accordance with DoDI 1030.02 Paragraph 3.5 and Volume 4 of this Manual. Victims of these covered offenses will be informed by a sexual assault response coordinator (SARC), victim advocate, victim witness liaison, military criminal investigator, trial counsel, or other responsible official that they have the right to consult with a VLC as soon as they seek assistance in accordance with Section 1565b of Title 10, U.S.C., and as otherwise authorized by Military Department and National Guard Bureau policy.
J. Receive restitution as provided in accordance with state and federal law.

K. Proceedings free from unreasonable delay.

L. Be treated with fairness and respect for his or her dignity and privacy.

M. Express his or her views to the commander or convening authority as to disposition of the case.

N. Not be prevented from, or charged for, receiving a medical forensic examination.

O. Have a sexual assault evidence collection kit or its probative contents preserved, without charge.

P. Be provided a copy of any reports arising from result of a sexual assault evidence collection kit, including a deoxyribonucleic acid (DNA) profile match, toxicology report, or other information collected as part of a medical forensic examination, unless doing so would impede or compromise an ongoing investigation.

Q. Be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.
R. Upon written request, receive written notification from the appropriate official with custody not later than 60 days before the date of the intended destruction or disposal of a sexual assault evidence collection kit.

S. Upon written request, be granted further preservation of the kit or its probative contents.

T. For victims of sex-related offenses committed in the United States, to be provided an opportunity to express a preference regarding whether the offense should be prosecuted by court-martial or in a civilian court with jurisdiction over the offense. Additional details concerning this notification requirement are outlined in paragraph 040402 of this Volume.

U. Where the accused was found guilty of an offense tried at a court-martial, the right to submit a written statement to the convening authority after the sentence is adjudged.

V. The right to petition the Navy and Marine Corps Court of Criminal Appeals for a writ of mandamus contesting a ruling in an Article 32, UCMJ, preliminary hearing or court-martial if the victim believes the ruling violates the victim’s rights as enumerated in Article 6b, UCMJ, or afforded by Military Rule of Evidence (MRE) 412, MRE 513, MRE 514, or MRE 615 pursuant to Article 6b(e), UCMJ.
W. In all cases arising after 1 January 2019, the victim has the following additional rights.

(1) The right to petition for an Article 30a, UCMJ, hearing before a military judge for matters arising under Article 6b(c) and (e), UCMJ.

(2) The right to petition for an Article 30a, UCMJ, hearing before a military judge for relief or quashing of an investigative subpoena.

(3) The right to decline an interview with defense counsel, or to condition such interview in the presence of trial counsel, victim advocate, and/or victims legal counsel.

(4) If named in a specification being considered in an Article 32, UCMJ, preliminary hearing, the right to submit supplemental materials for the preliminary hearing officer’s consideration within 24 hours of the preliminary hearing officer’s closing the hearing.

(5) The right, upon request, to receive a redacted recording of all open sessions of the court-martial.

(6) The right, upon request, to receive a redacted copy of the court-martial record of trial, provided the victim was named in a specification for which the accused was charged.

(7) In any case in which the victim testified, the right to receive a redacted copy of the court-martial record of trial, regardless of the findings.

(8) The right to receive a copy of any post-trial action taken by the convening authority, if applicable.

(9) The right receive a copy of the Entry of Judgement.
X. For victims of sex-related offenses, a right to receive notifications in accordance with sections 0128(i), 0142a, and 0142b of the JAGMAN. Additional details concerning these notification requirements are outlined in paragraphs 040402 and 040403 of this Volume.

Y. Notification of disposition of the case, to include the acceptance of a plea of "guilty." This also includes the right to be notified of any decision to dispose of an alleged offense at NJP or ADSEP proceeding, and the right to notification of the time, location, and outcome of the NJP or ADSEP proceeding.
WHO IS A WITNESSES?

Definition:

“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 witness has the right:

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).
DD Forms 2701-2706 do not replace genuine service and support.
A. **Immediately after identifying a crime victim or witness** the unit Victim Witness Assistance Coordinator (VWAC), the LSST VW AC, or trial counsel will explain and provide a copy of DD Form 2701, "Initial Information for Victims and Witness of Crime" and provide the below information.

   1. Contact information for the appropriate victim and witness services, including NCIS/CID, the command Victim and Witness Liaison, the trial counsel office, victim compensation personnel, legal assistance, VLC, and the Inspector General's office.

   2. **Record the date on which the DD Form 2701 was provided to the victim or witness.** Proper completion and recording of this completion serves as evidence the victim or witness was timely notified of his or her rights.

   3. Information about available military and civilian emergency medical and social services, victim advocacy services for victims of domestic violence or sexual assault. When necessary, party administering DD Form 2701 will provide assistance in obtaining such services.

   4. Information about restitution or other relief a victim may be entitled to, and the manner in which such relief may be obtained.

   5. To victims of intra-familial abuse, information on the availability of limited transitional compensation benefits and possible entitlement a portion 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.
(6) Information about public and private programs available to provide counseling, treatment, and other support, including available compensation through federal, state, and local agencies.

(7) 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 offender and from people acting in concert with or under the control of the accused offender.

(8) Information concerning military and civilian protective orders, as appropriate.

(9) If necessary, provide assistance in contacting the people responsible for administering victim and witness services and relief.

(10) If appropriate, explain how victim or witness experiencing reprisal as a result of their making, preparing to make, or being perceived as making or being prepared to make a protected communication in accordance with Section 1034 of Title 10, U.S.C. and DoD 7050.06 may file a military whistleblower complaint with the Inspector General's Office.

(11) Information about the victim's right to seek the advice of an attorney with respect to his or her rights as a crime victim pursuant to federal law and DoD policy. This includes the right of Service members and their dependents to consult a military legal assistance attorney or a VLC.
## Victim Witness Program
### Four Phases of Assistance

<table>
<thead>
<tr>
<th>Initial Contact</th>
<th>Investigation</th>
<th>Prosecution</th>
<th>Incarceration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify victim</td>
<td>Keep victim informed</td>
<td>Consult &amp; provide notice proceedings</td>
<td>Provide confinement information</td>
</tr>
<tr>
<td>Provide information on rights</td>
<td>Protect from harassment</td>
<td>Secure waiting areas if desired</td>
<td>Provide notice of parole hearings/release</td>
</tr>
</tbody>
</table>

**DD Form 2701**

Ensure that V/W have received and if not issue it!

**DD Forms 2702/2703**

TC will pass out 2702-4

**DD Forms 2704/2705**

Brig does the 2705
Pretrial / DD Form 2701

• DD Form 2701 provides initial rights advisement, discusses impact of various crimes, explains basic services and notifies V/W where to get further assistance.

• PMO, CID, or NCIS normally provide V/Ws with DD Form 2701.

  – Always double check and ensure they received it!
  – Trial Counsel, Victim Advocates, UVAs, VLC, Medical, Chaplain, VWACs and VWLO also issue 2701’s.
  – Have to ask who gave it to them and when (VWAP Intake Form and for LSSS’s Case Management System)

• Add to VWAP tracker if necessary.
Military Trial Process / DD Form 2702

• Upon first contact with victim or witness, the Prosecution (TC) will provide DD Form 2702.

• DD Form 2702 explains military trial process, gives tips and restates rights.
  
  – Includes rights regarding participating in trial process.
  – Also provides VWAP responsible official contact information and prosecutor contact information.
• Prosecution provides at the conclusion of a court-martial resulting in a conviction, trial counsel shall inform victims and witnesses of basic information about the post-trial process and provide each with a completed DD Form 2703 (Post-Trial Information for Victims and Witnesses).

• Includes the right to receive information about the conviction, sentencing, imprisonment, parole eligibility and release of the accused.

• Provides primary Contact info for Service Central Repository (CMC PSL (Corrections)), Confinement Facility, Service Clemency and Parole Board and any other necessary agency/office.
Post Trial / DD Form 2703

• Prosecution provides victim or witness with DD Form 2703 upon the finding of guilty at a Special or General court-martial trial or VWAC/Summary court-martial officer for Summary court-martials.

  — Includes “Right to receive information about the conviction, sentencing, imprisonment, parole eligibility and release of the accused”

  — Provides Contact info for Service Central Repository (CMC PSL (Corrections)), Confinement Facility, Service Clemency and Parole Board and any other necessary agency/office

  — From this point on the V/Ws POC will be the confinement facility or the Service Central Repository listed on the back of this page.
Trial Counsel provides brig with DD Form 2704 at finish of trial for Special and General Courts-martial.

Command VWAC provides brig with DD Form 2704 at finish of trial for Summary Courts-martial.

Requires election by each V/W whether to receive information on confinement status.

Provided to victims and witnesses upon request (redacted).

The 2700s are never included in the Record of Trial (ROT) – these have personal info of victims and witnesses and should not be shared.
-A DD Form 2704 must accompany a prisoner if a sentence to confinement is adjudged, regardless if there are no victims and witnesses.

-If there is a minor, a parent or guardian must be listed. The age of the minor must be provided.

-Notifications to victims and witnesses are made via certified mail. A complete mailing address should be provided. (Not a barracks address)
**Incident number:**
This is the blotter number, CID or NCIS case number.

**Victim(s) or Witnesses certification**

If CID or NCIS were involved in the case then you will need to add their address and phone number.
**Affiliation and status**

**Victim(s) or Witnesses elect to be notified.** They must put their initials in the box. The Trial Counsel can initial on their initials.

<table>
<thead>
<tr>
<th>NAME: Last, First, Middle Initial/AFFILIATION/STATUS (Provide age if victim or witness is under 18, incompetent, incapacitated.)</th>
<th>ADDRESS - Street Address, City, State, ZIP Code</th>
<th>TELEPHONE NUMBER (Include Area Code) (If under 18, incompetent or incapacitated, also list Parent or Legal Guardian's address, if different from victim/witness)</th>
<th>NOTIFY (Initials)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult</td>
<td></td>
<td></td>
<td>YES NO</td>
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<tr>
<td>Legal Guardian</td>
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<td>Minor/Age:</td>
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<tr>
<td>Incapacitated</td>
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</tr>
</tbody>
</table>

DD FORM 2704, MAR 2013
• Corrections personnel ensure notifications made to Victims or Witnesses listed on DD Form 2704 if requested.

➢ Clemency Eligibility.

➢ Parole Eligibility.

➢ Change in status – Parole/Clemency Approved, Released, Deceased, Escaped, Transferred, Work release, etc…
DoD has an annual reporting however, USMC requires a quarterly reporting.

Due by the 5th day following the each quarter (April, July, October, and January)

<table>
<thead>
<tr>
<th>REPORTING OFFICE</th>
<th>REPORTING PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a. FROM</td>
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3. DURING THE REPORTING PERIOD, OUR LAW ENFORCEMENT, SPECIAL INVESTIGATION, TRIAL COUNSEL, AND RELATED OFFICES ASSISTED:

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<th>(1) NUMBER OF CRIME VICTIMS</th>
<th>(2) NUMBER OF WITNESSES</th>
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<td>a. DD FORM 2701 UPON INITIAL CONTACT (Number of crime victims and witnesses informed of their rights to assistance.)</td>
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# Victim and Witness Assistance Assistance Program

**Tracker for 2023 (1 Jan - 31 Dec 2023)**

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Submit 1st Qtr report to VWLO by 5 April 2023
Questions
Article 139 Claims

- Reference:
  - 10 U.S.C. § 939
  - MCM, Article 139 UCMJ
  - JAGMAN, Chapter 4: ARTICLE 139 CLAIMS -- REDRESS OF DAMAGE TO PROPERTY

“This chapter provides for assessments against the pay of members of the Naval service in satisfaction of claims for damage or wrongful taking of privately owned property under Article 139, Uniform Code of Military Justice (UCMJ). Under Article 139, UCMJ, pay may be assessed if the damage, destruction, or loss is caused by willful, wrongful, reckless, riotous, or disorderly conduct by the service member. Charges against pay under these regulations shall be made only against the pay of persons shown to have been principal offenders or accessories.”
ARTICLE 139 CLAIMS

Commanders have the authority to deduct money from one military member’s pay and give it to another military member or civilian for **loss or damage of property**.
ARTICLE 139 CLAIMS

Commanders have the authority to deduct money from one military member’s pay and give it to another military member or civilian for **loss or damage of property**.
PROPER CLAIMANTS

• Proper claimants include any individual (whether civilian or military), a business, charity, or a state or local government that lawfully owns or possesses property.
PROPER CLAIMANTS

- Proper claimants include any individual (whether civilian or military), a business, charity, or a state or local government that lawfully owns or possesses property.
Example:

LCpl I. B. Wrong gets into a fight with his girlfriend. He launches her new iPhone 14 across the room like he’s trying out for Detroit Tigers. She comes to you with her shattered phone. You can tell her about Article 139 complaints.

BLUF: CO can direct that the cost of the damage be deducted from LCpl Wrong’s pay and given to his ex-girlfriend!
CLAIMS NOT COGNIZABLE

- Claims resulting from simple negligence.
- Claims of subrogees.
- Claims for personal injury or death.
- Claims arising from acts or omissions within the scope of employment of the offender.
- Claims for reimbursement for damage, loss, or destruction of Government property.
- Claims resulting from a breach of contractual or fiduciary duty, such as nonpayment of rent.
- Claims for a bad check.
LIMITATION ON CLAIMS

• Time limitations: A claim must be submitted within **90 days** of the incident.

• Acts of property owner: When the acts or omissions of the property owner, his lessee, or agent were a proximate **contributing factor** to the loss or damage of the property, assessments will not be made against members of the Naval service in excess of the amount for which they are found to be directly responsible, i.e., **comparative responsibility** for the loss will be the standard for determining financial responsibility.

• Only direct physical damage considered: Assessment will be made only for direct physical damage to the property. Consequential damages, such as loss of use, will not be considered.
SUBMITTING A CLAIM

• Contents of the claim:
  ✓ Amount of the claim
  ✓ The facts and circumstances surrounding the claim
  ✓ Personally signed by the claimant.

• Claim submission: A claim shall be filed with the commanding officer of the alleged offender.
ACTIONS BY THE COMMAND

• Promptly investigated and adjudicated.

• If CO to whose command the alleged offender does not report, that officer shall forward the claim to other CO.

• Where the command of the alleged offender cannot be determined, the claim and supporting materials shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, for action.

• Upon receipt of the claim: CO shall provide notice to the alleged offender of the basic allegations in the claim and appoint an investigating officer (IO).
  – If at any time during the processing of the claim, the alleged offender voluntarily elects to make restitution, this matter may be closed.
The investigation shall gather all relevant information about the matter, answering the who, what, where, when, why, and how questions, and make findings and opinions, as appropriate, about the validity of the claim under Article 139, UCMJ, and these regulations.

The investigation shall determine the amount of damage suffered by the property owner. The standard of proof for a finding of pecuniary liability and for the amount to be assessed under Article 139, UCMJ, is preponderance of the evidence. “More likely than not”

The investigation shall make recommendations about the amount to be assessed against the pay of the responsible parties. If more than one person is found responsible, recommendations shall be made about the assessments against each individual.

Where a recommendation of pecuniary liability is made, the IO will forward a copy of the investigation to the identified responsible member. The member will be advised that he has 5 working days to submit a statement or additional information about the incident.

Upon receipt of comments from the member or the expiration of the comment period, the IO shall forward the investigation to a judge advocate for review.
CO ACTION

• Once satisfied the report is complete, the judge advocate will forward the investigation and his review to the CO.

• If the CO is not a GCMCA
  – The written claim;
  – The IO report;
  – The offender’s statement, and
  – The SPCMCA recommendation are all forwarded to the GCMCA for review and action.

• Directs DFAS to withhold the specified amount from each paycheck to the claimant
  – Special review if greater than $5,000

• Notifies the offender and claimant of action
APPEAL

• Claimant or offender may request reconsideration within 5 working days of GCMCA decision, goes to OJAG.

• No action can be taken until after opportunity for reconsideration and final action is complete

• A successor commander may change or cancel the assessed compensation based only on newly discovered evidence, fraud, or obvious error of law or fact.
Questions
PERSONAL CLAIMS ACT

• Military Personnel and Civilian Employees' Claims Act (PCA), 31 U.S.C. § 3721 – Gratuitous act to compensate military and civilians for loss, damage or destruction of personal property "incident to service."

– Reference JAGMAN Chapter 8

– Claims & Tort Litigation (Code 15)
  • For questions regarding PCA claims (888) 897-8217
Admiralty & Claims Division (Code 15)

FILING CLAIMS UNDER THE CAMP LEJEUNE JUSTICE ACT OF 2022
>>> CLICK HERE <<<

MISSION

The Admiralty and Claims Division (Code 15) has worldwide responsibility for processing different types of claims under various statutes and regulations. Code 15 processes approximately 45,000 claims each year, with claims paid and recovered totaling $60-$70 million.

Code 15 is comprised of the Headquarters and Admiralty Units at the Washington Navy Yard, D.C.; a Tort Claims Unit (TCU) in Norfolk, VA; a Personnel Claims Unit (PCU) in Norfolk, VA; and three Medical Care Recovery Units (MCRU), one each in Norfolk, VA, Pensacola, FL, and San Diego, CA.

Code 15 is the principal advisor to the Judge Advocate General of the Navy on Claims Policy and Tort/Admiralty Litigation matters; advisor to Navy and other U.S. Govt agencies on Maritime Law matters; certifies closest possible compliance for lights, day shapes, and sound signals on DoN vessels when they are unable to fully comply with 72 COLREGS; coordinates issues with claims, litigation, and transportation offices within DoD, DoJ, Department of State (DOS) and the carrier industry; and responds to Congressional inquiries and requests for information for tort litigation purposes from DoD.

Code 15 is also the custodian and designated release authority for all command investigations convened pursuant to Chapter II of the Manual of the Judge Advocate General conducted prior to December 1995, and all litigation report investigations, including Chapter XI Admiralty Letter Reports and Dual-Purpose Investigations. Code 15 is not the custodian or release authority for command investigations convened after December 1995 nor investigations involving breaches of classified information or information security regulations maintained by the Chief of Naval Operations (N69N).
Questions
Crime occurs what do you do?

- Complete Initial Information and Services Letter for all Victim/Witness.
- Issued the 2701 – who did it (NCIS/CID/PMO) you need to ask the Victim/Witness so you know who can count on the VWAP tracker.
- For the Victim’s you must inform them of their right to see VLCO and MFS programs – if applicable.
- Must coordinate with UVA & SARP if they are victim of Article 120 regarding transfers of the victim or the accused.
- Is the accused in confinement? - must notify V/W of status chances if requested.
- Status of the Case (Court-martial, AdSep, NJP, 6105, nothing – case closed)
- The victim has the right to be present all proceedings to include NJP.
Crime occurs what do you do?

- If court-martial after preferral who issued the 2702 (TC or VWAC)
- Is the Victim/Witness aware that the accused is going to be arraigned?
- Is the Victim/Witness aware of the motions date?
- Is the Victim aware of any PTA?
- Is the Victim/Witness aware of the trial date?
- If found guilty at court-martial who issued the 2703 (TC at Special and General) but what about Summary? (SCM Officer or VWAC)
- If confinement was awarded who issued the 2704 (TC at Special and General) but what about Summary? (SCM Officer) but you need to ensure victim and witness information is on the form!
- Is the victim notified of the right to receive a copy of the court transcript?
- Is the victim notified that the decision to dispose of the case at NJP, when, where, to be present, and notified of the findings and sentence imposed?
VWAP Intake Form

VWAP INTAKE FORM

PRIVACY ACT STATEMENT

Information contained on this form is maintained under Privacy Act System of Records Notice N00101-2. Military Justice and Correspondence Information File (January 26, 2001, 05 FR 12121) AUTHORITY: 5 U.S.C. 301, Departmental Regulations and 42 U.S.C. 1985 (a) to provide information to victims and witnesses in compliance with the Victims’ Rights and Assistance Program, the Sexual Assault Prevention and Response Program, and the Victims Rights and Restitution Act of 1988. Disclosure: in order to provide this information may result in the release 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:

Victim Witness Work Email address:
Victim Witness Personal Email address:
Victim Witness Work Phone:
Home Phone:
Cellular Phone:
Victim Witness Unit home address:

Witness Names (complete additional Intake Form for each witness):

Accused Information

Are these multiple accused: Yes or No
Accused Name:
Accused Phone:
Accused Email:

Charges:

Victim Legal Counsel Organization

Has the Victim been notified via the Victim Legal Counsel Organization? Yes or No
Was the VVAC notified of the victim of obtaining counseling services? Yes or No
Is the Victim represented by the 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

Victim new Unit:
Victim new Phone:
Victim new Email:
Date New JWAC notified:
Transfer Date:

VWAP Personnel Contact Information

Final Council:
NCIS Agent:
CID Agent:
IVA:
VVA:
Mod/SNCO:

Court-martial Proceeding:
Victim/Witness aware of the next phase of the legal process, preferred charges, the date of the arraignment? Yes or No
Victim/Witness aware of the general nature of the charges preferred? Yes or No
Victim/Witness receive a assignment on the DD Form 2709? Yes or No
Victim/Witness receive a assignment on the DD Form 2709? Yes or No
Victim/Witness request notification of confinement status changes? Yes or No
Victim/Witness request notification of confinement status changes? Yes or No
Victim/Witness request a transfer? Yes or No
Transfer Date:

Special Instructions for Article 120 Offenses

Was the accused charged with an Article 120 offense? Yes or No
If yes, did the victim or the Summary Court-martial Officer issue the 2709? Yes or No
Was the accused found guilty? Yes or No
If yes, did the VVAC or the Summary Court-martial Officer issue the 2709? Yes or No
Was the accused sentenced to serve any future time in the brig? Yes or No
If yes, did the VVAC provide the victim notification of the right to receive a copy of the sentence? Yes or No

Case Closed on this date:

Date per SEC 5811, 5811-2, PART III, CHAP. 5, PARA. 5811-2 YRS.

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Recommendation:

- 6 Part folder/binder:
  1. VWAP Tracker
  2. Quarterly Reports to include the email
  3. Appointment letter
  4. Annual Training with slides and rosters
  5. Materials that you have obtain and distributed to include the email
  6. Inspection results

SSIC 5000-82 General Operations - Administration and Management. (VWAP)

OPEN 20230101
CLOSE 20231231

TEMPORARY: Cutoff at end of calendar year. Destroy 3 years after cutoff.
FUNCTIONAL AREA CHECKLIST

IGMC

• 5800.16 Chapter 4 Functional Area Checklist for VWAP
• Marine Corps Standard for VWAP
• This is a core inspection area!


➢ B.P. Have written procedures for all questions
➢ Per ASO 5800.1A, IVWLO will provide VWAP inspection upon request.
0115 Are processes in place to ensure that victims are notified of any decision to dispose of an alleged offense at non-judicial punishment? Reference: MCO 5800.14, encl 2, par 1(c)

Result
Comments

0116 Are processes in place to ensure that victims are notified of the time and location of any NJP? Reference: MCO 5800.14, encl 2, par 1(h)

Result
Comments

0117 Are victims afforded the right to be present and to be heard at the NJP, including the right to be heard through counsel? Reference: MCO 5800.14, encl 2, par 1(d)-1(e); MCO 5800.16, Vol. 4, par 010602

Result
Comments

0118 Are processes in place to ensure that victims are notified of the findings and sentence imposed at NJP? Reference: MCO 5800.14, encl 2, par 1(g)
COMMON ISSUES

• Investigation - victim(s) and witness(es) not being provided DD Form 2701’s;
• Not notifying victims and/or witnesses of NJP or Administrative Separation;
• Appointment letters missing information i.e. title;
• No process written down;
• No training could be verified;
• Not keeping copies of reports/emails; and
• Obtain and distribute relevant information.
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-perpicient 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 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 or recapture of the accused, and the time and location of any trial, NJP, or ADSEP proceedings (including entry of guilty pleas and sentencing).

Resources

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

To report a sexual assault PLEASE call the MCAS New River 24/7 Sexual Assault Hotline: (910) 750-5852 DoD Safe Helpline: 877-995-5247

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

Marine and Family Services: (910) 449-6110
Victim Advocates: (910) 449-4435
Domestic Violence 24/7 Helpline: (910) 376-2155

Victim Legal Counsel Organization: (910) 451-8519

Staff Judge Advocate: (910) 449-7158
Station Chaplain: (910) 449-6801

Medical: (910) 449-6500
Legal Services Support Section: (910) 450-7111

Naval Criminal Investigative Service: (910) 449-6012

Provost Marshall Office & Criminal Investigative Division: (910) 451-6193

Should you have any questions about the VWAP please contact the IVWLO, victim witness assistance coordinator (VWAC) at your unit or visit the MCAS New River VWAP website at:

https://www.newriver.marines.mil/StaffJudgeAdvocate/VWAP.aspx
**Victim**

A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime in violation of the Uniform Code of Military Justice or the laws of another jurisdiction in any case where military authorities have been notified.

**Victim Rights** (Below are just a few)

A. Be reasonably protected from the accused offender.

B. Be provided with reasonable, accurate, and timely notice of:
   1. A public hearing concerning the continuation of pretrial confinement of the accused.
   2. A preliminary hearing pursuant to Article 32, UCMJ, relating to the offense, including the right to receive a copy of the appointing order directing the preliminary hearing.
   3. A court-martial relating to the offense, including any open hearing held pursuant.
   4. A public proceeding of the Military Department Clemency and Parole Board relating to the offense.
   5. The release or escape of the accused, unless such notice may endanger the safety of any person.
   6. The date and time of any review of the accused's case by an appellate court, the scheduling (including changes and delays) of each public appearance or proceeding the victim is entitled to attend, and the decision of any appellate court or judge advocate review.
   7. Any post-case proceeding, hearing that adds to the time or sentence of a court-martial involving the accused, the unsealing of privileged or other information of the victim, or which may result in the release of the accused.

C. The right to receive, upon request, a copy of, or access to, the recording of a preliminary hearing held under Article 32, UCMJ, as soon as practicable following the conclusion of the hearing.

D. The right to not be excluded from any public hearing or proceeding described in paragraph 040401.E. of this chapter except under such circumstances as permitted exclusion under Military Rule of Evidence 615 of reference (g).

E. Be reasonably heard, personally or through counsel, at:
   1. A public hearing concerning the continuation of confinement before the court-martial of the accused.
   2. Preliminary hearings conducted pursuant to Article 32, 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.
   3. A public sentencing hearing relating to the offense.
   4. A public Military Department Clemency and Parole Board hearing relating to the offense.

G. The right to be consulted and express their opinion concerning:
   1. Pretrial confinement of the accused and release of the accused from pretrial confinement.
   2. Regarding offense(s) committed against the victim, any decision to not prefer charges and any decision to dispose of the case by means other than court-martial.
   3. A court-martial proceeding described in paragraph 040401.E. of this chapter.
   4. About testifying as a witness. Note: while the convening authority and trial counsel should strongly consider the victim's preference concerning whether to provide testimony, the victim's to Article 39a, UCMJ, and any post-trial vacation hearing, preference against testimony does not prevent the government from using subpoena, or other appropriate legal process, to require victim testimony in the interest of justice.

Y. Notification of disposition of the case, to include the acceptance of a plea of “guilty.” The also includes the right to be notified of any decision to dispose of an alleged offense at NJP or ADSEP proceeding, and the right to notification of the time, location, and outcome of the NJP or ADSEP proceeding.

SEE MCO 5800.16 VOL 16. CHAP 4 FOR THE COMPLETE LIST OF VICTIMS’ RIGHTS

**Important DoD Information Forms**

Victim and witness assistance programs throughout DoD use standard forms to advise victims and witnesses of their rights during all stages of a case. Each military service is also required to provide DoD an annual report indicating the numbers of victims and witnesses who have received assistance and services. The following lists the DoD forms number, the title of the form, when they are used, and their purpose.

**DD Form 2701**

Initial Information for Victims and Witnesses of Crime

Informs victims and witnesses on rights and points of contact in the military justice system and points of contact.

**DD Forms 2702/2703**

Court Martial Information for Victims and Witnesses of Crime and Post-Trial Information for Victims and Witnesses of Crime

Provides notice to victims and witnesses on rights during court-martial proceedings and process and during the command’s decision-making process.

**DD Forms 2704/2705**

Victim/Witness Certification and Election Concerning Inmate Status and Victim/Witness Notification of Inmate Status

Provides information to victims and witnesses on rights during parole hearings and release from confinement.

**DD Form 2706**

Annual Report

Provides statistical information to DoD on assistance rendered to victims and witnesses.

[Links to DoD forms and information]

[https://www.newriver.marinest.mil/Staff-Judge-Advocate/VWAP/](https://www.newriver.marinest.mil/Staff-Judge-Advocate/VWAP/)
NATIONAL CRIME VICTIMS' RIGHTS WEEK
APRIL 23-29, 2023
Do you have the keys?

“Work the program and it will work”™

by William Yables Jr.
SUMMARY

• Victim(s) and Witness(es) Crime deserve protection and your assistance.
• Installation Commanders own the VWAP.
• All agencies have their roles.
• Coordination is Key.
Last Change
Next Council Meeting

3 May 2023 1300-1400 [Topic TBD]
2 Aug 2023 1300-1400 [Topic TBD]
1 Nov 2023 1300-1400 [Topic TBD]

At New River Theater

Mark your calendar today!
VWAP Initial Training
@ building AS-216

1300-1530 13 March 2023
1300-1530 12 June 2023
1300-1530 11 September 2023
1300-1530 11 December 2023
THANK YOU FOR COMING TO OUR 1ST QTR COUNCIL MEETING & 2023 ANNUAL VWAP TRAINING

William Yables Jr.
Installation Victim Witness Liaison Officer
(910) 449-7159
william.yables@usmc.mil