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# ***DoD VWAP Policy and Perspective***



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# Way Ahead

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- Perspective: *Why do we (still) have VWAP?*
  - Their Rights: *Beyond Article 6b*
  - Your Standards: *DoDI 6400.07*
  - The Forms: *2701 thru 2704-1 & 2706*
  - The Team: *SVIP*
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# References

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- **DTM 14-003**, *DOD Implementation of Special Victim Capability (SVC) Prosecution and Legal Support*
- **DoD Instruction 1030.02** (pending), *Victim Witness Assistance*
- **DoD Instruction 6400.07**, *Standards for Victim Assistance Services in the Military Community*
- ***Manual for Courts-Martial***



# Perspective

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## ➤ Why do we (still) have VWAP?

- Ever been a witness?
  - Waited for an important answer that took months?
  - Imagine you or family member are called in by police in foreign country (e.g., Lochte robbery incident in Rio)
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# Perspective

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- **VWAP fills critical communication and information role**
    - Not legal advice
    - Need for your services can vary depending on circumstances
    - SVC program: byproduct of inadequate VWAP?
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# Perspective

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## ➤ Why do we (still) have VWAP?

- Not every Victim or Witness entitled to other victim services
  - Everyone entitled to communication
  - Witnesses matter too
  - You are spokesperson for military (justice)
  - You are central resource to connect Vs/Ws to services and rights
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# Their Rights: Beyond Art. 6b

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- Right to Make Statement in Sentencing (R.C.M. 1001A)
    - Whether testified or not during findings
    - Sworn or unsworn
  - Record of Trial (ROT):
    - Sexual Assault Cases: Right to ROT (Art 54(e), UCMJ)
      - Likely opened for all victims in future
    - Other victims:
      - Can always request through FOIA
      - Pending DODI gives Military Departments discretion to provide without using FOIA process
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# Their Rights: Beyond Art. 6b

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- Right to submit clemency matters (Art 60(d))
    - Applies to all victims
  - Appellate Rights:
    - *Pending* policy, DODI 1030.02, Victim Witness Assistance, right to notice (in appeal/conviction section).
    - Will be in new DD Form 2704-1
    - Military Departments responsible for process
    - Congress / Independent panels looking at possibly expanding appellate rights for victims
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# Your Standards: Competency

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- **Recognize basic principles of effective communication**, including verbal, nonverbal, and cultural variation
  - **Listen attentively** and use the information they provide to offer appropriate assistance and referrals for services
  - **Recognize the range of reactions to victimization** (e.g. anger, self-blame, helplessness, etc.) and respond to the victim accordingly
  - **Educate and explain your role** to victims and to other agency personnel in order to address victims' needs
  - **Understand and describe the variety of resources** available in the immediate environment
  - **Recognize the impact of trauma** on victims' ability to connect to services and to assist in the military justice or administrative process
  - **Understand the impact of specific types of crime** on victims
  - **Help victims identify and prepare for potential stressors.**
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# Your Standards: Ethical

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- **Ensure** victims understand that participation is **voluntary**
  - **Respect the privacy** of information provided by victims.
  - **Understand your role, responsibilities, limitations**, and perform duties IAW applicable laws, policies, and regulations.
  - **Respect victims' rights** and act accordingly.
  - **Refrain from** behaviors that communicate **blame, suspicion** regarding victim accounts of the crime or offense, **condemnation** for past behavior, **or other judgmental sentiments** to the victim.
  - **Avoid conflicts of interest** and disclose any possible conflict to the appropriate program personnel and victims served.
  - **Seek support** and increased levels of supervision **when necessary** to serve the best interests of a victim.
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# Your Standards: Foundational

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- **Document and** administer services to **ensure quality** and responsiveness to victims' needs
  - **Provide info on** available on and off-base **resources / services**
  - **Respect victim's** right to make own **decisions** about services
  - **Ensure basic rights are explained, including application** to case
  - **Provide information about military justice system and process**
  - **Manage expectations** of military justice / admin proceedings
  - **Ensure victims understand what constitutes legal advice** and representation, **and who can and cannot provide**
  - **Provide liaison** assistance with other support personnel **as needed**
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# The Forms

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- **DD Form 2701:** @ Initial Contact re: Investigation Process
  - **DD Form 2702:** @ Preferral re: court-martial process
  - **DD Form 2703:** After Conviction re: post-trial process
  - **DD Form 2704:** After Sentencing re: notice of prisoner status
  - **DD Form 2704-1 (pending):** After conviction re: **victim** post-trial elections
  - **DD Form 2706:** Annual reporting form
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# The Forms

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- You have to fill in POCs on 2701-2703
  - Provide flexibility for pending programs (e.g., Retaliation Prevention)
  - Smart Forms with redaction features
  - New block to permit contact with inmate and still receive status notifications
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# The Team: SVIP

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## ➤ **Special Victim Investigation and Prosecution Capability (SVIP):**

*A “distinct, recognizable group of professionals to provide effective, timely, and responsive worldwide support, and capability to support the investigation and prosecution of special victim offenses”*

➤ **Intended to integrate, not replace programs**

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# The Team: SVIP

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- Includes specially trained:
    - **MCIO Investigators**
    - **Judge advocates to serve as prosecutors**
    - **VWAP personnel**
    - **Paralegal / admin support** personnel
  - Works closely with local **SARCs, SAPR VAs, FAPMs, and DAVAs**
  - Applies to **sexual assaults, aggravated domestic violence, and child abuse**
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# The Team: SVIP

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- **Active liaisons** should be established :
    - Local military and civilian law enforcement
    - SARCs / SHARP
    - Victim Advocates (sex assault and domestic violence)
    - Family Advocacy Program Managers
    - Chaplains
    - Medical / Mental Health providers, and SAFEs
    - Commanders
    - Others designated by Military Department
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# Final Thoughts

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- Why do we (still) have VWAP?
    - *Witnesses only have you*
    - Nobody likes to lose, but worse if don't understand rules or feel ignored
    - You are a network resource
    - V/ Ws have been missed in past
  - I.e., **WE NEED YOU.**
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# Questions?

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