



# Staff Judge Advocate to the Commandant of the United States Marine Corps



**MCAS MIRAMAR**  
STATION AUDITORIUM  
BLDG 8630  
9-10 DECEMBER 2013

## Victim Witness Assistance Program

Presented by  
**Marine Corps VWAP**

Breaks
Classroom

<b>DAY 1: MONDAY, DECEMBER 9</b>	
0 7 3 0 - 0 8 0 0	<b>CHECK-IN and Distribution of Materials</b>
0 8 0 0 - 0 8 1 5	<b>Welcoming Remarks</b> Maj Sameit, VWAP, Judge Advocate Division
0 8 1 5 - 0 9 0 0	<b>USMC VWAP Overview and New USMC VWAP Order</b> Maj Sameit, VWAP, Judge Advocate Division
0 9 0 0 - 0 9 1 0	Break
0 9 1 0 - 1 0 1 0	<b>USMC SAPR Program Overview</b> Ms. Renee Ferranti, M.S., SAPR Branch, HQMC
1 0 1 0 - 1 1 0 0	<b>VWLO and VWAC Responsibilities</b> Maj Sameit, VWAP, Judge Advocate Division
1 1 0 0 - 1 2 3 0	Lunch
1 2 3 0 - 1 3 3 0	<b>Family Advocacy Program Overview</b> MCAS Miramar Family Advocacy Office Mr. Josho Malfavon, MFS Miramar
1 3 3 0 - 1 4 1 5	<b>Legal Assistance Attorney VWAP Roles Transitional Compensation and Other Available Assistance</b> Captain Joshua Yin, USMC LSST-Miramar
1 4 1 5 - 1 5 0 0	<b>Victim Legal Counsel Organization</b> Maj Olson, Deputy OIC VLCO
1 5 0 0 - 1 5 1 0	Break
1 5 1 0 - 1 6 0 0	<b>Court-Martial Process Overview and MRE 514 Victim Advocate - Victim Privilege</b> Capt Magee, TCAP, Judge Advocate Division
1 6 0 0 - 1 6 3 0	<b>PSL Corrections</b> MSgt Blenis, Admin Chief, Base Brig, MCB Camp Pendleton



**Staff Judge Advocate  
to the Commandant of the  
United States Marine Corps**



**MCAS MIRAMAR**  
STATION AUDITORIUM  
BLDG 8630  
9-10 DECEMBER 2013

## Victim Witness Assistance Program

Presented by  
**Marine Corps VWAP**

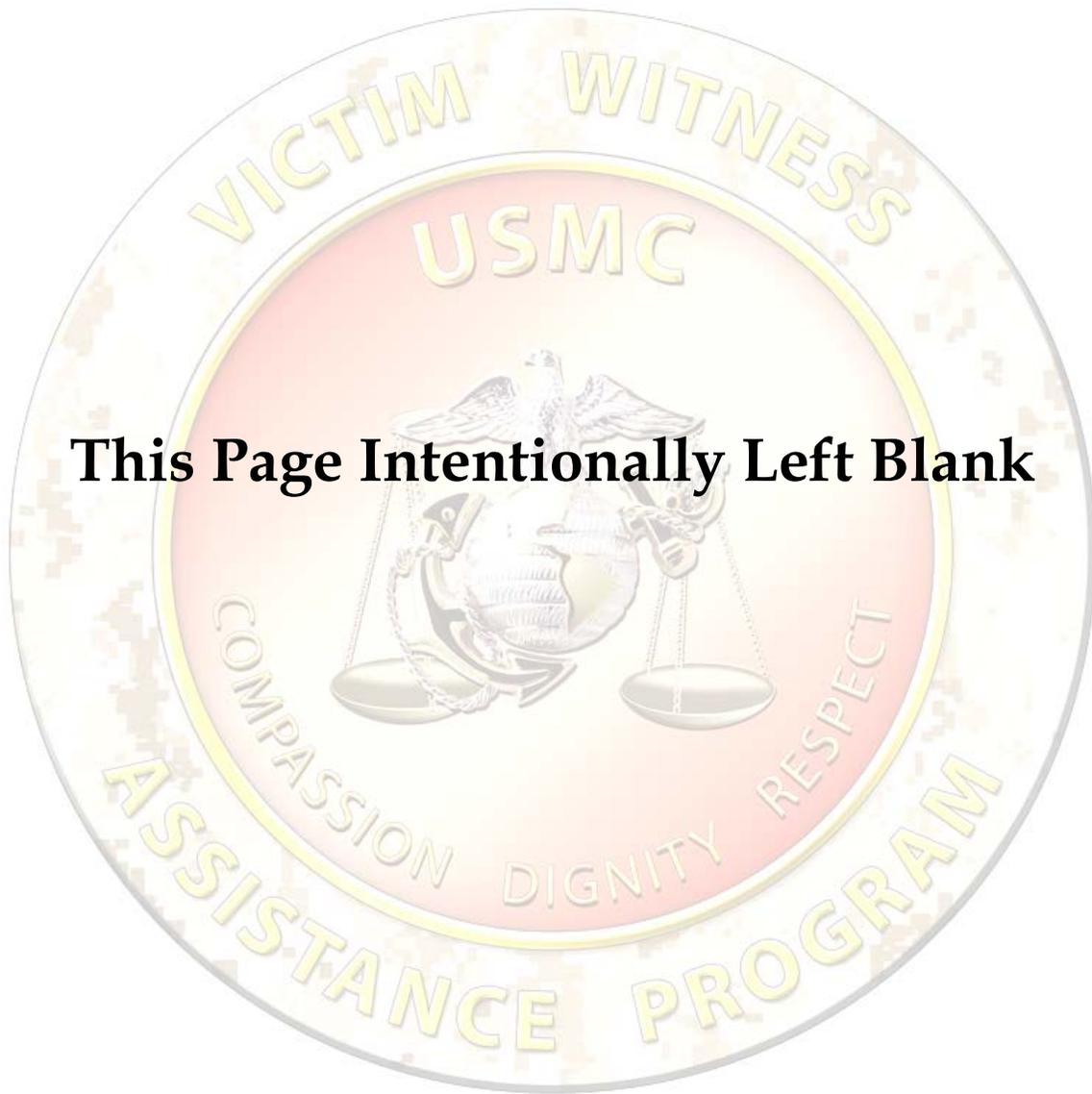
Breaks
Classroom

<b>DAY 2: TUESDAY, DECEMBER 10</b>	
0 7 4 5 - 0 9 4 5	<b>Impact of Crime on Victims Survivors</b> Stephanie Frogge, University of Texas
0 9 4 5 - 1 0 0 0	Break
1 0 0 0 - 1 1 4 5	<b>Communicating with Victim Survivors</b> Stephanie Frogge, University of Texas
1 1 4 5 - 1 3 0 0	Lunch
1 3 0 0 - 1 4 0 0	<b>Transitional Compensation Best Practices</b> Deborah Wagner, MFS, HQMC
1 4 0 0 - 1 4 4 5	<b>Civilian Victim Assistance under the Crime Victim's Rights Act</b> Lisa Watkins, HQE, LSSS-West
1 4 4 5 - 1 5 0 0	Break
1 5 0 0 - 1 5 4 5	<b>Commanding General Inspection Process and 092 Checklist</b> MSgt Sears, Judge Advocate Division
1 5 4 5 - 1 6 1 5	<b>VWAP Best Practices, Questions, &amp; Answer Sessions</b> Maj Sameit, VWAP, Judge Advocate Division

**USMC FY14 VWAP TRAINING  
9-10 DECEMBER 2013**

**TABLE OF CONTENTS**

<u>TOPIC</u>	<u>TAB</u>
VWAP Overview and New USMC VWAP Order	A
USMC SAPR Program Overview	B
VWLO and VWAC Responsibilities	C
Family Advocacy Program Overview and The Role of the Victim Advocate	D
Legal Assistance Attorney VWAP Roles	E
Victim Legal Counsel Organization	F
Court-Martial Process Overview and MRE 514 Victim Advocate Victim Privilege	G
PSL Corrections	H
Impact of Crime on Victims Survivors	I
Communicating with Victim Survivors	J
Transitional Compensation Best Practices	K
Civilian Victim Assistance under the CVRA	L
Commanding General Inspection Process and 092 Checklist	M
VWAP Best Practices, Questions, & Answer Sessions	N



**This Page Intentionally Left Blank**

# ANNEX A:

## USMC VWAP Overview and New USMC VWAP Order



**VWAP Overview**

---

Maj Sameit  
HOMC, VWAP  
703 693 8955

---

---

---

---

---

---

---

---

**GOALS of the Training**

1. Refresher/Basic Training for VWLO and VWAP representatives
2. Understand impact of crime and the justice system upon victims, especially victims of violent crime
3. Improve Marine Corps Installation programs to provide best support to our victims and witnesses
4. Focus on best practices to accomplish #3

---

---

---

---

---

---

---

---

**VWAP 101**

---

---

---

---

---

---

---

---

## VWAP: PURPOSE & GOALS

- Ensure that all victims and witnesses are treated with dignity and respect.
- Ensure all victims are aware of their rights and are provided services they need
- Protect victims from further harm or hardship
- Employ a multi-disciplinary approach to assisting victims and witnesses by combining the services of law enforcement, family advocacy, medical, legal corrections, and command personnel.

---

---

---

---

---

---

---

---

## VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP) - 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
- DoDD 1030.1 of April 13, 2004 “Victim and Witness Assistance”
- DoDI 1030.2 of June 4, 2004 “Victim and Witness Assistance Procedures”
- SECNAVINST 5800.11B of 5 Jan 2006 “Victim and Witness Assistance Program”
- MCO 5814 VWAP

---

---

---

---

---

---

---

---

## Victims Eligible for VWAP Services

- Person who suffers physical, emotional, or pecuniary harm as a result of a crime if any portion of the investigation is conducted primarily by DoD component:
- Includes, *but is not limited to*:
  - Military members and dependents.
  - 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: spouse, guardian, parent, child, sibling, family member, or another person designated by court.
  - Authorized representative of Institutional Entity – but not entitled to individual services – such as, transitional compensation, etc.
- Civilians if the offense is punishable under the UCMJ and any portion of the investigation is conducted primarily by a DoD Component.

---

---

---

---

---

---

---

---

## VWAP: VICTIMS' RIGHTS

- The right
  - to be reasonably protected from the accused.
  - to reasonable, accurate, and timely notice of any public court proceeding, any parole proceeding, movement or release of the accused.
  - not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.

---

---

---

---

---

---

---

---

## VWAP: VICTIMS' RIGHTS

- The right
  - to be reasonably heard at any public proceeding involving release, plea, sentencing, or any parole proceeding.
  - to full and timely restitution as provided in law.
  - to proceedings free from unreasonable delay.
  - to be treated with fairness and with respect for the victim's dignity and privacy.
  - The reasonable right to confer with the attorney for the Government in the case.

---

---

---

---

---

---

---

---

## VWAP: VICTIMS' RIGHTS

- *Victim's rights do not provide authority for a legal "cause of action" against the Government.*

---

---

---

---

---

---

---

---

### VWAP: Witnesses eligible for services

- A person who has information or evidence about a crime, and provides that knowledge to a DOD Component about an offense in the investigative jurisdiction of a DOD component.
  - When the witness is a minor, a witness includes a family member or legal guardian.
- The term witness does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.

---

---

---

---

---

---

---

---

### VWAP: WITNESS' RIGHTS

- To be treated with fairness and respect for the witness's dignity and privacy.
- To be reasonably protected from the accused.
- To be notified of any scheduling changes which will affect their appearance at court-martial.
- 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, and trial proceedings (including entry of guilty pleas and sentencing).
- To receive information about the conviction, sentence, confinement, and release of the accused.

---

---

---

---

---

---

---

---

### VWAP: WITNESS' RIGHTS

- *Witness' rights do not provide authority for a legal "cause of action" against the Government.*

---

---

---

---

---

---

---

---

## VWAP: DOD POLICY

- Role of victims/witnesses should be enhanced/protected
- Do all that is possible to assist victims/witnesses without infringing on the rights of the accused
- *Particular attention should be paid to victims of serious, violent crime, including sexual assault, child abuse, and domestic violence.*

---

---

---

---

---

---

---

---

## VWAP: HOW IT WORKS

- Base and Installation commanders are responsible for implementing VWAP and shall be the central points of contact for VWAP issues aboard the installation.
- Base and Installation Commander manage through Victim Witness Liaison Officer (VWLO), VWAP Council and Victim Witness Assistance Coordinators for commands.

---

---

---

---

---

---

---

---

## VWAP OFFICIALS

- USMC - SJA to CMC
  - CMC provides DoD VWAP Council Rep – That's me!
- 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, medical) - VWAP Representatives

---

---

---

---

---

---

---

---

## VWAP Definitions

- **RVWLO** – MCI Region/MCICOM/MFR CG's primary representative on all VWAP matters.
- **VWLO** - The installation commander's representative responsible for the coordination of victim and witness assistance efforts aboard the installation.
- **VWAC** - The command's primary point of contact for victim and witness assistance matters.
- **Victim** – suffered a direct physical, mental or pecuniary harm from the commission of a crime (UCMJ or local)
- **Witness** – someone who has information about a crime

---

---

---

---

---

---

---

---

## INSTALLATION LEVEL: WHO DOES WHAT

- **RVWLO** – Manages VWAP throughout the Commander's area of responsibility
- **VWLO** - manage base programs for Commanders
- **NCIS/CID/PMO** – normally first responsibility 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 continuing responsibility to ensure rights and services afforded victims and witnesses
- **Victim Witness Legal Officer** – provides limited representation of eligible victims
- **Corrections personnel** - manage post-trial confinement forms, reports & notifications

---

---

---

---

---

---

---

---

## INSTALLATION LEVEL: WHO DOES WHAT

- Sexual Assault Prevention and Response Program/ SARCs, UVAs – SA Only
- Victim Legal Counsel – represents eligible victims
- Family Advocacy Program – Victim Advocates
- Transitional Compensation – HQMC via commanders
- Unit Commanders – Security, military protective orders, notifications
- Chaplain – counseling, comfort
- Medical - services
- Civilian advocacy services, social services, medical

---

---

---

---

---

---

---

---

## VWAP: COORDINATION IS KEY

- "All offices 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.

---

---

---

---

---

---

---

---

## RVWLO REQUIREMENTS

- 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
- Available to inspect VWLOs and VWACs as part of CGIP

---

---

---

---

---

---

---

---

## VWLO REQUIREMENTS

- Ensures coordination among all offices
- Maintains list of all VWACs
- Ensures VWACs have relevant information, including VWAC roster and directory of local services/programs
- Chairs VWAP Council
- Ensures victims are notified of all support, services and rights available and VWAC information.
- Assists Base CO in reporting requirements

---

---

---

---

---

---

---

---

### VWLO REQUIREMENTS

- "Maintain a directory of military and civilian programs and services . . . within geographic area of the installation."
- If necessary, assist in contacting the people responsible for providing victim and witness services and relief
- VWLO – Maintains Base VWAP website

---

---

---

---

---

---

---

---

### VWAP vs SAPR

- VWAP is an overarching assistance program for victims and witnesses 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 victims of their rights, fill out the appropriate forms, 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 Purpose

- VWAP  
To uniformly notify victims/witnesses of their rights throughout the criminal justice process.
- SAPR  
To eliminate sexual assaults within the Marine Corps and to assist those Marines affected by sexual assault; to provide standardized requirements, guidelines, protocols, and instructional materials on awareness and prevention of sexual assault; to provide an immediate, trained response capability for each report of sexual assault in all locations; and to ensure support of effective command programs and criminal justice procedures for persons to be held accountable

---

---

---

---

---

---

---

---

## VWAP vs SAPR Applicability

### VWAP

- Applies to all victims of crimes committed in violation of the UCMJ, or in violation of the law of another jurisdiction

### SAPR

- Applies to all eligible victims of sexual assault

---

---

---

---

---

---

---

---

## VWAP vs SAPR Implementation

### VWAP

- All Marine Corps personnel, and Navy personnel attached to Marine units, engaged in detecting, investigation, or prosecuting crime, and all personnel assisting crime victims and witnesses are responsible for the implementation of the VWAP requirements

### SAPR

- Report to command by 3<sup>rd</sup> Party
- Victims may report sexual assaults in one of two manners:
  - Unrestricted Reporting –
  - Restricted Reporting –
- VAs & UVAs are responsible for upholding the rights of the victim

---

---

---

---

---

---

---

---

## VWAP vs SAPR Personnel Involved

### SAPR

- Uniform Victims Advocates

### VWAP

- Victim Witness Assistance Coordinators

- Can they be the same person?
- Look at the job title – different roles and responsibilities evident

---

---

---

---

---

---

---

---

## VWAP FORMS

- An end to themselves?
- No –
  - Ensures that the support, services and rights are provided and ensured.
- ***DD Forms 2701-2704 do not replace genuine service and support.***

---

---

---

---

---

---

---

---

## VWAP: Pretrial & DD Form 2701

- NCIS/CID/PMO provide V/Ws with DD Form 2701
- If no investigation – Prosecution team provides DD Form 2701
- 2701 provides initial rights advisement, discusses impact of various crimes, explains basic services and notifies V/W where to get further assistance

---

---

---

---

---

---

---

---

## VWAP: Military Trial Process & DD Form 2702

- Upon first contact with victim or witness, prosecution provides DD Form 2702
- DD Form 2702 explains military trial process, gives tips and restates rights.
- 2702 includes rights regarding participating in trial process.
- 2702 provides VWAP responsible official contact information and prosecutor contact information

---

---

---

---

---

---

---

---

### VWAP: Post Trial & DD Form 2703

- Prosecution provides victim or witness with DD Form 2703 at finish of trial.
- 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 now on, your POC will be the confinement facility or the Service Central Repository listed on the back of this page."*

---

---

---

---

---

---

---

---

### VWAP: Post Trial & DD Form 2704

- TC provides brig with DD Form 2704 at finish of trial.
- 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 ROT – these have personal info of victims and witnesses and should not be shared**

---

---

---

---

---

---

---

---

### VWAP: Post Trial Notifications & DD Form 2705

- Corrections personnel ensure notifications made to V or Ws listed on DD Form 2704
- Clemency Eligibility
- Parole Eligibility
- Change in status – Parole/Clemency Approved, Released, Deceased, Escaped, Transferred, Work release

---

---

---

---

---

---

---

---

## MCO 5800.14 VWAP

- Creates RVWLO
- TCs shall not serve at VWLO/RVWLO
- Quarterly reporting of 2701-2704 for VWLOs
- Addition of Legal Assistance Attorney Role
  - Now superseded by Victim Legal Counsel
- Additional requirements for Confinement facilities
- VWACs should not serve as UVAs (SAPR Order may be more restrictive)
- LSST OICs have requirement for VWAP Data in CMS

---

---

---

---

---

---

---

---

## Functional Area Checklist

- USMC IG
  - 092 Functional Area Checklist for VWAP
    - New in 2012
  - The Marine Corps Standard for VWAP
  - Soon to be core inspection area
- <http://www.hqmc.marines.mil/igmc/Resources/FunctionalAreaChecklists.aspx>

---

---

---

---

---

---

---

---

## VWAP: RESOURCES AND FORMS

- CMC – Maj Mark Sameit (703) 693-8955; mark.sameit@usmc.mil / Capt Brian Magee micahel.magee@usmc.mil / GySgt Daniel Sears (703)693-9283 [daniel.w.sears@usmc.mil](mailto:daniel.w.sears@usmc.mil)
- CMC (PSL Corrections) (703) 614-1480
- Installation Victim Witness Liaison Officers (VWLO)
- <http://www.defenselink.mil/vwac/dodprograms.html> (DOD VWAP COUNCIL WEBSITE) – contains link to training presentations and forms
- <http://www.ncvc.org/ncvc/Main.aspx> (National Center for Victims of Crime)
- <http://www.ojp.usdoj.gov/programs/victims.htm> (DOJ Office for Victims of Crime)
- <http://vwac.defense.gov/> (DoD Victim Witness Assistance Council)

---

---

---

---

---

---

---

---

## SUMMARY

- Victims/Witnesses of Crime deserve protection and assistance
- Interdisciplinary Program
- Coordination is Key
- Base Commanders own Local Base Programs
- All agencies have a role

---

---

---

---

---

---

---

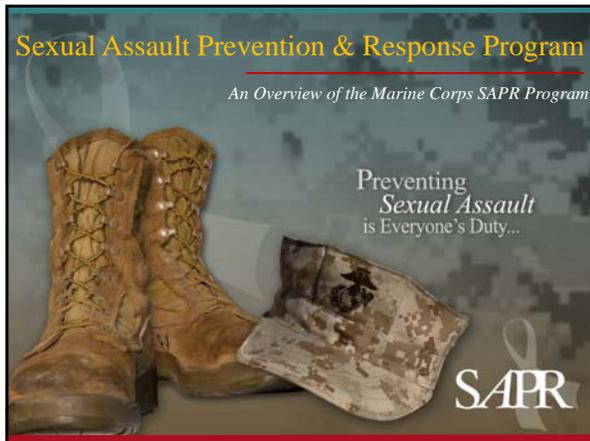
---

# ANNEX B:

## USMC SAPR Overview



*Sexual Assault Prevention & Response Program  
An Overview of the Marine Corps SAPR Program*



---

---

---

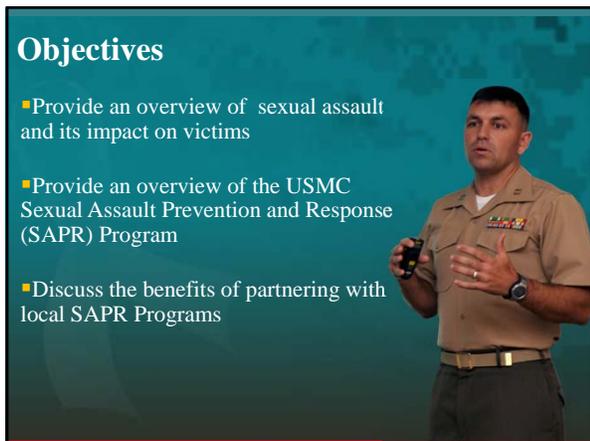
---

---

---

---

---



---

---

---

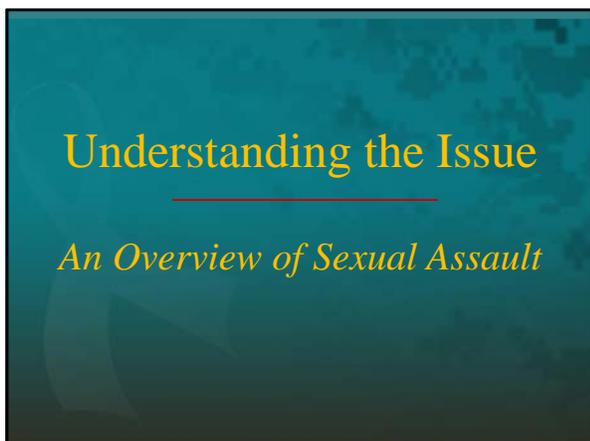
---

---

---

---

---



---

---

---

---

---

---

---

---

## Sexual Assault Defined

- Sexual assault is defined as *intentional sexual contact*, characterized by the use of
  - force
  - threats
  - intimidation
  - abuse of authority
- or when the victim does not or cannot consent

DoDD 6495.01

4

---

---

---

---

---

---

---

---

## Types of Sexual Assault

- Rape  
*Sexual intercourse without a person's consent*
- Forcible sodomy  
*Oral or anal sex without a person's consent*
- Unwanted Sexual Contact  
*Groping, grabbing, fondling, or touching of a sexual nature without consent*
- Attempts to commit any of the above acts

5

---

---

---

---

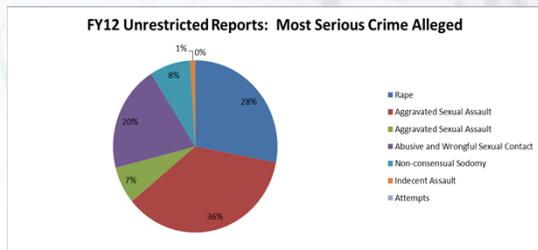
---

---

---

---

## Prevalence of Sexual Assault in the USMC



Department of Defense Annual Report on Sexual Assault in the Military FY 2012

6

---

---

---

---

---

---

---

---

### **Prevalence of Sexual Assault in the USMC**

Of those reports for which data was available:

*Over 75% of victims were age 18-24*

*Over 80% of victims held the rank of E-1 to E-4*

*Over 60% of assaults occurred between Friday & Sunday*

*Almost half of all cases involved alcohol use*

*Over half of all incidents were  
Service Member on Service Member*

Department of Defense Annual Report on Sexual Assault in the Military FY 2012

7

---

---

---

---

---

---

---

---

### **Impact of Sexual Assault on the Victim**

#### **Physical Effects**

- Physical trauma
- Skeletal muscle tension
- Eating pattern disturbance
- STIs and/or pregnancy

#### **Emotional Effects**

- *Individual reactions vary widely*
- Flashbacks
- Anxiety
- Powerlessness
- Disorganization
- Self-blame
- Depression
- Withdrawal

---

---

---

---

---

---

---

---

## **A Source of Support**

*The USMC SAPR Program*

---

---

---

---

---

---

---

---

## The USMC SAPR Program

The Sexual Assault Prevention and Response (SAPR) Program is dedicated to eliminating sexual assault within the Marine Corps and providing continuity of care for victims of sexual assault through effective education, policy, and program support.

*The SAPR Program is operational in both the garrison and deployed environments*

10

---

---

---

---

---

---

---

---

## Those Eligible for SAPR Services

- All Active Duty Service Members
- Reservists
  - While on AD and inactive duty training
- Adult Dependents
  - Eligible for treatment in the military healthcare system
- DoD Civilians and Their Dependents
  - When stationed or working OCONUS
- DoD Contractors
  - When stationed or working OCONUS

11

---

---

---

---

---

---

---

---

## Services Provided by the SAPR Program

- **24/7 sexual assault crisis intervention**
- Advocacy and accompaniment during medical, law enforcement, and judicial procedures
- Systemic advocacy to ensure all victims receive a consistent response to their report
- Support and services at next duty station (if the victim requests) through the SAPR network

12

---

---

---

---

---

---

---

---

### Key Roles in the SAPR Program



---

---

---

---

---

---

---

---

### Key Roles in the SAPR Program



---

---

---

---

---

---

---

---

### Victim Reporting Options

#### *Unrestricted Reporting*

Initiates an official law enforcement investigation & the support of the chain of command

#### *Restricted Reporting*

Allows the victim to report *confidentially* & receive help without an investigation or command involvement

---

---

---

---

---

---

---

---

### Unrestricted Reporting

- An official law enforcement investigation is conducted in order to hold the offender accountable
- Command is notified and therefore able to provide the maximum care and support to the victim

16

---

---

---

---

---

---

---

---

### Expedited Transfers in Unrestricted Reports

- Allows victims, who feel unsafe, an opportunity to *request a transfer and receive a decision quickly*
- Option available for Unrestricted Reports only
- With the assistance of the Victim Advocate, the victim can submit a request for the transfer to the CO
- The CO will respond to the victim's request within 72 hours

17

---

---

---

---

---

---

---

---

### Unrestricted Reporting

For an Unrestricted Report, the victim can contact:

- Uniformed Victim Advocate (UVA)
- Civilian Victim Advocate
- Sexual Assault Response Coordinator (SARC)
- Command
- Law Enforcement

18

---

---

---

---

---

---

---

---

### Restricted Reporting

- Supports victims who need more time or simply don't feel comfortable coming forward
- A law enforcement investigation is not initiated
- The Installation Commander is notified within 24 hours that an incident has occurred, however, *no identifying information will be provided*

19

---

---

---

---

---

---

---

---

### Restricted Reporting

- Victim can **only** report to:
  - Uniformed/Civilian Victim Advocate
  - SARC
  - Healthcare Personnel

*In California, medical providers are required to report sexual assault*
- Option can also be preserved if you speak to a:
  - Chaplain
  - Military Legal Assistance Attorney/VLC

20

---

---

---

---

---

---

---

---

### Restricted Reporting

Victims can choose to make a Restricted Report  
Unrestricted at any time.

*However, once an Unrestricted Report has been made, the Restricted option is no longer available.*

21

---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---

- 
- Connecting With The SAPR Program**
- Both programs can rely on one another for accurate subject matter expertise
  - A partnership allows both programs to work more efficiently toward protecting victims' rights
  - A positive working relationship makes it easier to identify and resolve concerns for a victim
- 24

---

---

---

---

---

---

---

---

### **Raise Awareness Together**

- Partner with the Installation SARC on events that bring awareness to victims' rights issues
  - April is Sexual Assault Awareness Month (SAAM)
  - National Crime Victims' Rights Week
  - Consider an awareness campaign that continues throughout the year

25

---

---

---

---

---

---

---

---

### **Conclusion**

- Sexual assault is a serious crime impacting the Marine Corps
- Both the VWAP and SAPR Programs play a vital role in victim assistance
- Working together can greatly benefit victims of sexual assault

---

---

---

---

---

---

---

---

# ANNEX C:

## VWLO and VWAC Responsibilities



## VWAP Roles and Responsibilities

Maj Sameit  
HOMC, VWAP  
703 693 8955

---

---

---

---

---

---

---

---

## Parties involved in the VWAP

- Component Responsible Official (SJA to CMC)
- Local Responsible Official (Installation Commanders)
- Unit Commanders
- SJA
- LSST OIC
- Law Enforcement
- RVWLO
- VWLO
- VWAC
- Trial Counsel
- Victim Legal Counsel
- Service Providers
- Confinement CO/OIC

---

---

---

---

---

---

---

---

## SJA to CMC

- Coordinate, implement and manage the VWAP
- Receive complete VWAP reports and forward to SecNav
- Designate a Functional Area Manager for FAC (092)

---

---

---

---

---

---

---

---

### COMMCICOM, MFR, and Regional MCI Commanders

- Ensure that the VWAP is properly implemented by installation Commanders
- Appoint a Regional VWLO to ensure compliance with VWAP
- Report data to HQMC wrt DD form 27XX

---

---

---

---

---

---

---

---

### Installation Commanders

- 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

---

---

---

---

---

---

---

---

### Unit Commanders

- Appoint a VWAC in writing
- Protect victims to the extent possible
- Provide annual training to their personnel

---

---

---

---

---

---

---

---

### SJA

- Advise the Commander on the VWAP

---

---

---

---

---

---

---

---

### LSST OIC

- Appoint a VWAC to the Victim Witness Council
- Supervise TCs
- Ensure CMS data wrt VWAP is entered correctly and completely

---

---

---

---

---

---

---

---

### Law Enforcement

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

---

---

---

---

---

---

---

---

### RVWLO

- 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
- Available to inspect VWLOs and VWACs as part of CGIP

---

---

---

---

---

---

---

---

### VWLO

- Ensures coordination among all offices
- Maintains list of all VWACs
- Ensures VWACs have relevant information, including VWAC roster and directory of local services/programs
- Chairs VWAP Council
- Ensures victims are notified of all support, services and rights available and VWAC information.
- Assists Base CO in reporting requirements

---

---

---

---

---

---

---

---

### VWLO

- "Maintain a directory of military and civilian programs and services . . . within geographic area of the installation."
- If necessary, assist in contacting the people responsible for providing victim and witness services and relief
- VWLO – Maintains Base VWAP website

---

---

---

---

---

---

---

---

## VWAC

- Officer/SNCO/Civilian Equivalent
- Victim
  - Ensure victim understands rights
    - Provided 2701
  - Find out if victim feels in danger/needs MPO
  - Ensure victim is in touch with MFS, VWLC, & SAPR if appropriate
  - Assist in obtaining counseling as necessary
  - Discuss availability of transitional comp and other civilian resources

---

---

---

---

---

---

---

---

## VWAC

- 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 training to the Command

---

---

---

---

---

---

---

---

## Trial Counsel

- Once assigned to a case must:
  - Identify victims and witnesses
  - Provide DD 2702
  - Ensure victims/witnesses are provided information about MJ process, including what to expect from the system, what the system expects from them, and the stages of the MJ process
  - Comply with notification requirements
  - Comply with consultation requirement

---

---

---

---

---

---

---

---

### TC - Notification Requirements

- When a victim has requested notification, must advise 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
- TC must notify all victims who have been scheduled to attend any MJ proceedings of scheduling changes that affect their appearance
- TC must notify of right to the record of trial in a sexual assault case

16

---

---

---

---

---

---

---

---

### TC - Notification Requirements

- When a witness has requested notification, must advise of:
  - Acceptance of a plea
  - Findings of a court-martial
  - Sentence adjudged
  - Convening authority's action regarding findings and sentence
- TC must notify all witnesses who have been scheduled to attend any MJ proceedings of scheduling changes that affect their appearance

17

---

---

---

---

---

---

---

---

### 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

18

---

---

---

---

---

---

---

---

## TC - Other Assistance

- Separate waiting room
- Provide victims/witnesses with information concerning services such as transportation, parking, child care, 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

19

---

---

---

---

---

---

---

---

## TC - 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

20

---

---

---

---

---

---

---

---

## Victim Legal Counsel

- Not yet included in the current VWAP Order
  - Provide counseling to all victims of their rights.
  - Represent eligible sexual assault victims throughout the court-martial process.
  - Represent eligible victims on mental health, victim advocate, or prior sexual act motions.

21

---

---

---

---

---

---

---

---

### Service Providers

- Varies depending on the service provider

22

---

---

---

---

---

---

---

---

### Brig and PTC Facility CO/OIC

- Appoint a VWAC to the Victim Witness Assistance Council
- Manage victim and witness information in a central repository
- Provide notification with regards to prisoner status change pursuant to DD 2704 election

23

---

---

---

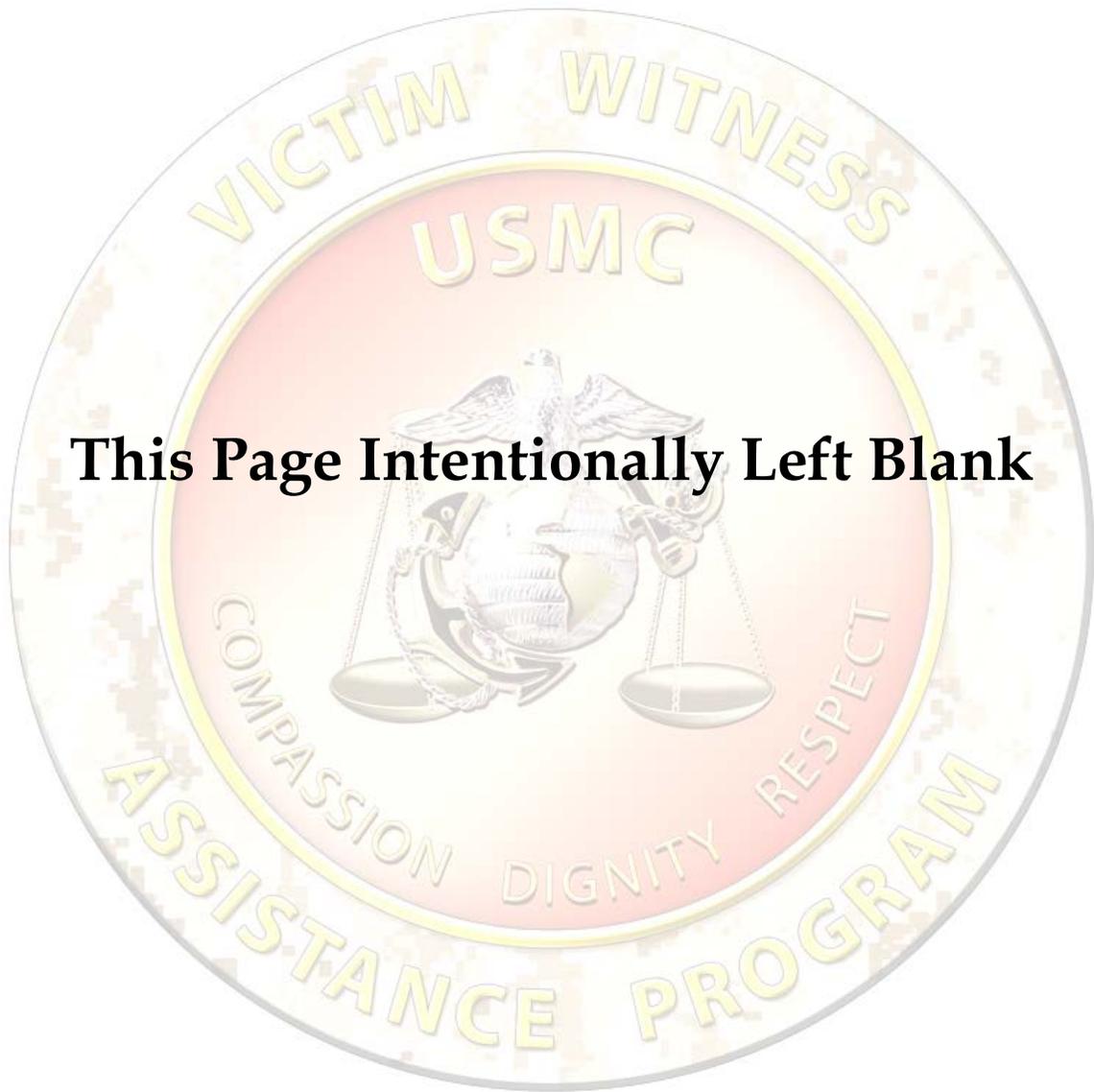
---

---

---

---

---



**This Page Intentionally Left Blank**

## ANNEX D:

# Family Advocacy Program Overview and the Role of the Victim Advocate



### MCCS Miramar Family Advocacy Program



Presented by:  
Josho Mallavon M.A.  
Prevention & Education Specialist  
(858)577-8867

Victim Advocate Hotline (858)864-2815

---

---

---

---

---

---

---

---

### Training Objectives

- ✓ Mission Statement
- ✓ Command Role
- ✓ Restricted & Unrestricted Reporting
- ✓ Types of Abuse
- ✓ Victim Advocates
- ✓ New Parent Support
- ✓ Prevention & Education Program
- ✓ Incident Determination Committee (IDC)
- ✓ Clinical Case Staff Meeting (CCSM)
- ✓ Transitional Compensation

---

---

---

---

---

---

---

---

### Family Advocacy Program

#### Mission Statement

1. **PREVENT** abuse, family violence, rape and sexual assault using education and accountability.
2. **PROTECT** victims by intervening and implementing safety measures.
3. **ASSIST** Commanders in supporting their Marines and families for mission readiness by encouraging them to obtain appropriate family services.



---

---

---

---

---

---

---

---

### Command Sponsored and Congressionally Mandated

DoD-sanctioned and governed by:  
SECNAVINST 1752.3B  
MCO P1700.24B  
MCBO P1752.2B  
MCO 1754.11  
DoDI 6400.06

All policies are available upon request via email or hardcopy.

---

---

---

---

---

---

---

---

### DoD Definition of Domestic Violence

An offense under the United States Codes, the Uniform Code of Military Justice, or State law that involves the use, attempted use, or threatened use of force or violence against:

- A current or former spouse;
- A person with whom the abuser shares a child in common, or
- A current or former intimate partner or former intimate partner with whom the abuser shares or has shared a common domicile

---

---

---

---

---

---

---

---

### DoD Definition of Domestic Abuse

Domestic Abuse is (1) domestic violence or (2) a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty that is directed toward:

- (a) a current or former spouse
- (b) a person with whom the abuser shares a child in common
- (c) a current or former intimate partner with whom the abuser shares or has shared a common domicile.

---

---

---

---

---

---

---

---

## Reporting Options

- Restricted Report
- Unrestricted Report

*You are a mandated reporter.*



---

---

---

---

---

---

---

---

## Restricted Reporting

- Does not trigger 'investigative' process
- Provides full layers of services, support and safety without command/police involvement
- Cannot receive MPO



---

---

---

---

---

---

---

---

## Unrestricted Reporting

- Triggers the 'investigative' process
- Provides full layers of services, support and safety



---

---

---

---

---

---

---

---

## Recognizing Domestic Abuse



- Physical
- Emotional
- Sexual
- Neglect

---

---

---

---

---

---

---

---




---

---

---

---

---

---

---

---

## Dynamics of Domestic Abuse




---

---

---

---

---

---

---

---

### Lethality Indicators

- Job loss/Threat of Job Loss/Financial Crisis
- Victim Recently Left – 75% Domestic Homicides Occur After the Victim Leaves
- Pending Divorce, Child Custody Battles
- Substance Abuse
- Access to Weapons/Threats of Same
- Violations of Protection Orders
- Stalking
- Depression
- Obsessive about Partner
- Sexual Abuse
- Strangulation



---

---

---

---

---

---

---

---

### Why Issue an MPO?

- Stabilizes the situation
- Provides additional time for investigation
- Administrative, NOT Punitive
- Attempt to ensure safety of designated person(s)
- Attempt to protect subject from additional allegations concerning child/spouse abuse while order in effect
- As crisis abates, and facts determined via investigation, final decision regarding decision to extend MPO should be made by CO, with input from FAR/LE, if possible

---

---

---

---

---

---

---

---

### Role of Victim Advocate

- 24 Hour On-Call Response
- Support Adult Victims of DV and Sexual Assault
- Support Non-Offending Parents
- Support Victims Throughout the Process
- Risk Assessment, Safety Planning, Resources
- Manages the Restricted Reporting Cases
- Transitional Compensation
- Liaison for Victim with FAP Case Managers (Occasionally Command)

---

---

---

---

---

---

---

---

## Transitional Compensation

- A congressionally mandated program
- 12 to 36 months of benefits
- Help to ease the transition



---

---

---

---

---

---

---

---

## What is Child Abuse?

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect



---

---

---

---

---

---

---

---

## Impact on Children



- Attachment disorders
- Poor sleeping patterns
- Irritable
- Withdraw
- Chronic health problems
- Increased aggression

---

---

---

---

---

---

---

---

After the Report is Received, Safety Assessed & Post Investigation:

**2 Separate Processes**

<p><b>Incident Determination Committee (IDC)</b></p> <ul style="list-style-type: none"> <li>• Chaired by the Chief of Staff</li> <li>• Administrative vs. Punitive</li> <li>• Determines if incident meets criteria for abuse</li> <li>• DoD data</li> </ul>	<p><b>Clinical Case Staff Meeting</b></p> <ul style="list-style-type: none"> <li>• Coordinates treatment services and monitors risk</li> <li>• Provide collaborative treatment to end family abuse</li> </ul>
--	---

---

---

---

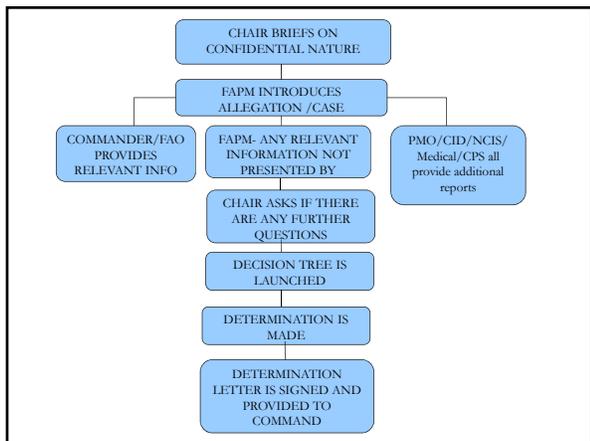
---

---

---

---

---




---

---

---

---

---

---

---

---

**Prevention and Education**

Evidenced Based Classes on the following areas:

- Anger & Stress Management
- Parenting
- Conflict Resolution

Unit Briefs on the following subjects:

- Domestic Violence Awareness & Prevention
- Child Abuse Awareness & Prevention
- Stress Management

---

---

---

---

---

---

---

---

Evidence-Based

- a) Rigorous evaluations with positive results
- b) Comparison groups
- c) Expert evaluation
- d) Program endorsed by federal agency or respected research agency

---

---

---

---

---

---

---

---

New Parent Support

- Home Visitation-Individualized parent support for children 0-5 including:
  - Developmental screenings or activities
  - Discipline and managing difficult behaviors
  - Soothing infants/Newborn care
  - Stages of development
- Parent Child Interaction Therapy
  - Children ages 2-7
  - Increases children's willingness to obey and follow directions
  - Strengthen relationships
  - Evidence-based
- Baby Boot Camp
  - Class addressing topics for new babies, such as diapering, bathing, soothing and developmental stages.

---

---

---

---

---

---

---

---

Contact Information

- 24hr Victim Advocacy Hotline (858) 864-2815
- Family Advocacy Program (858) 577-6585
- New Parent Support (858) 577-9812
- Prevention & Education (858) 577-8867
- Victim Advocates (858) 577-7285

QUESTIONS?

---

---

---

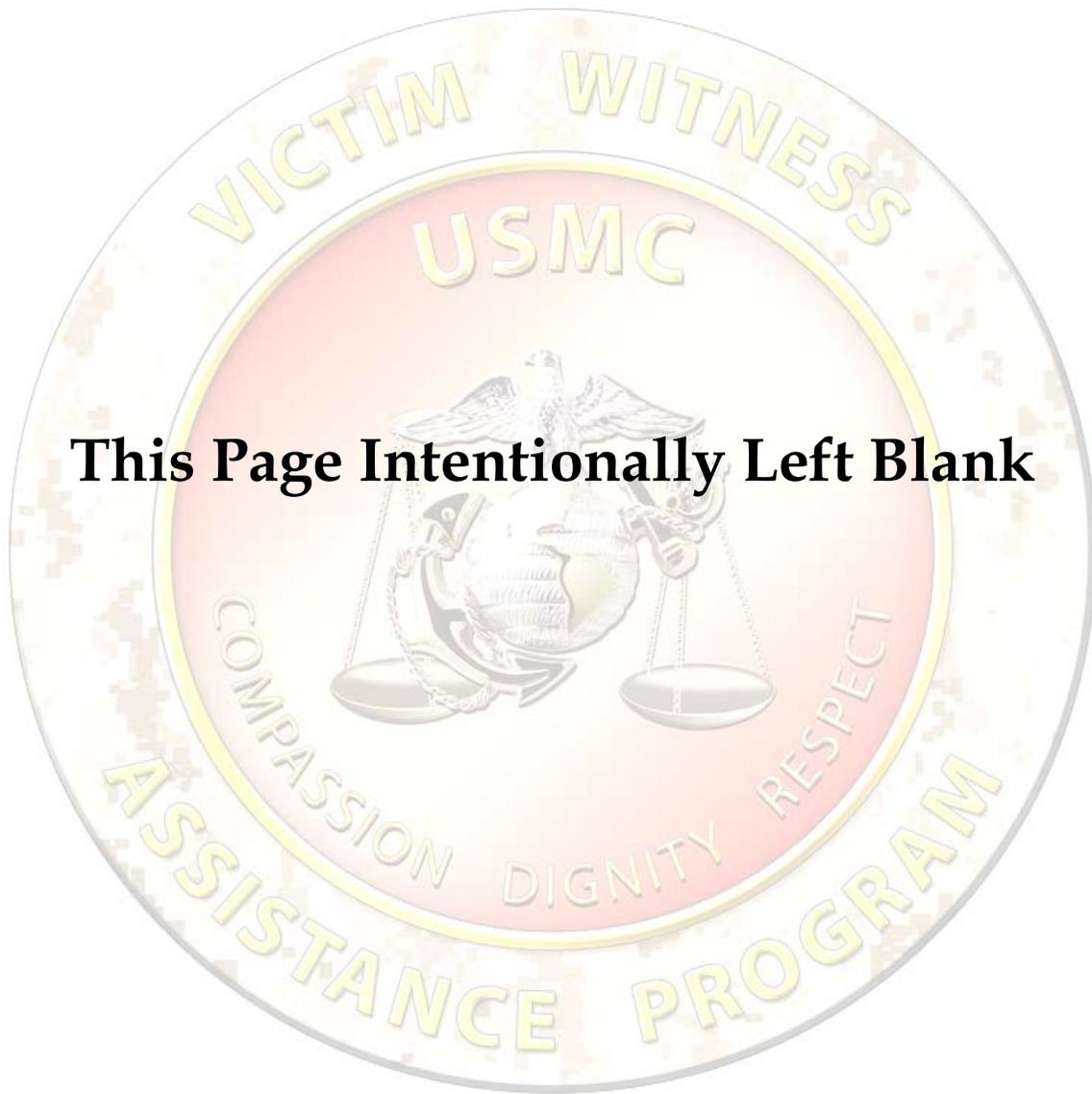
---

---

---

---

---



**This Page Intentionally Left Blank**

# ANNEX E:

## Legal Assistance Attorney VWAP Roles



## Legal Assistance for Victims of Crimes



**Captain Joshua Yin**  
Legal Assistance Office Miramar  
Legal Services Support Team Miramar  
MCAS Miramar, San Diego, California 92145

---

---

---

---

---

---

---

---

## Legal Assistance Office Miramar

- Phone: (858) 577-1656
- Building 6275, Bauer Rd
- Official Walk-In Hours for New Clients:

Tuesday	Wednesday	Thursday
0730-1100		0730-1100
	1300-1600	

- Emergency cases outside of these hours

---

---

---

---

---

---

---

---

## Pre-1 Nov 2013

- Legal Assistance played the main role in assisting victims of crimes.

---

---

---

---

---

---

---

---

 **THE SECRETARY OF THE NAVY**  
 WASHINGTON, D. C. 20380-1000

JUL 6 2011

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE, PERSONNEL AND READINESS

SUBJECT: Legal Assistance for Victims of Crimes

This responds to your memorandum of May 27, 2011, regarding current policies and practices related to provision of legal assistance to victims of crime.

Victims of crime deserve responsive and supportive care, particularly those who are subjected to sexual assault and other crimes of violence. The Department of the Navy's Victim Witness Assistance Program (VWAP) and Sexual Assault Prevention and Response Program (SAPR) are specifically designed to provide that support.

Under existing VWAP/SAPR instructions, Navy and Marine Corps legal assistance attorneys already provide all services specifically listed in the attachment to your memorandum to those victims who are eligible for and request legal assistance under section 1044 of Title 10, United States Code. I have directed the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps to coordinate with all of our activities responsible for interaction with crime victims, including the Department of the Navy Sexual Assault Prevention and Response Office, to ensure all crime victims are fully aware of their rights to legal assistance counsel.

I have asked the Judge Advocate General and the Staff Judge Advocate to the Commandant to work further with your staff to clarify potential options for legal assistance attorneys undertaking "more active advocacy" in the context of the military justice system. Assigning them even limited representational roles of victims may require significant statutory and regulatory changes.

The Judge Advocate General and the Staff Judge Advocate to the Commandant provide additional information and discussion in the attachment. Thank you for this opportunity to comment on this important topic; I look forward to working with you as the Department continues to improve the delivery of victim assistance.

---

---

---

---

---

---

---

---

---

---

---

 **UNITED STATES MARINE CORPS**  
 LEGAL SERVICES SUPPORT TEAM  
 MCAS MIRAMAR  
 P.O. BOX 452022  
 SAN DIEGO, CA 92145-2022

WHDVT  
 5801  
 LAC  
 24 M

From: Client  
 To: Legal Assistance Attorney  
 Subj: VICTIM OF CRIME ACKNOWLEDGMENT OF LIMITED LEGAL ASSISTANCE SERVICES  
 Ref: (a) JAGINST 5803.1D, Rule 1.6  
 Encl: (1) Legal Assistance for Victims of Crimes Scope of Services

1. As evidenced by my signature below, I acknowledge and fully understand the following:

a. I have been provided with the enclosed document, "Legal Assistance for Victims of Crimes Scope of Services," which reflects the scope of Legal Assistance services that will be provided to victims of crimes. I fully understand that my receipt of this general information in no way constitutes the formation of an attorney-client relationship between myself and a Legal Assistance attorney.

b. If I desire to speak with a Legal Assistance attorney about the

---

---

---

---

---

---

---

---

---

---

---

**LEGAL ASSISTANCE FOR VICTIMS OF CRIMES SCOPE OF SERVICES**

A crime victim eligible for Legal Assistance services pursuant to 10 U.S.C. sec. 1044 and JAGINST 5800.7F, Manual of the Judge Advocate General, is also eligible to receive information and advice from a military Legal Assistance attorney in the following matters:

- The Victim/Witness Program, including the rights and benefits afforded to a victim.
  - The role of the Victim/Witness Advocate and what privileges do or do not exist between the victim and the Victim/Witness Advocate.
  - The nature of the communication made to the Victim/Witness Advocate as opposed to those made to the Legal Assistance attorney.
- The differences between the two types of reporting in sexual assault cases: restricted and non-restricted.
- The military justice system, including the roles and responsibilities of the trial counsel, defense counsel, investigators, and rights afforded an accused. This should include the following:
  - The ability of the government to compel cooperation and testimony.
  - The contempt power of the court.
- Services available from appropriate agencies or offices for emotional and mental health counseling and other medical services.

---

---

---

---

---

---

---

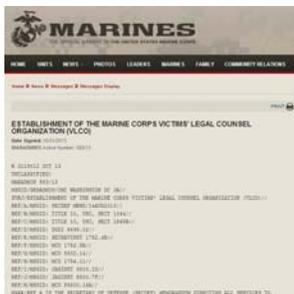
---

---

---

---

## 1 Nov 2013: Establishment of Marine Corps Victims' Legal Counsel




---

---

---

---

---

---

---

---

---

---

3. SCOPE OF REPRESENTATION

A. VICTIMS' LEGAL COUNSEL WILL PROVIDE CONFIDENTIAL LEGAL ASSISTANCE TO ELIGIBLE VICTIMS OF CRIME IN PLACE OF LEGAL ASSISTANCE ATTORNEYS. FULLY ADVISE VICTIMS OF THEIR RIGHTS IN THE MILITARY JUSTICE PROCESS. WHEN DETAILED, WILL REPRESENT THEM AT MILITARY JUSTICE PROCEEDINGS IN ACCORDANCE WITH STATUTE, REGULATION, AND CASE LAW. REPRESENTATION INVOLVES THE FORMATION OF AN ATTORNEY-CLIENT RELATIONSHIP ONLY AUTHORIZED WHEN A VLC IS DETAILED, ASSIGNED, OR OTHERWISE AUTHORIZED TO DO SO BY HIS OR HER DETAILING AUTHORITY, PER REFERENCE I.

B. COLLATERAL MISCONDUCT. IF A VICTIM MAY HAVE BEEN INVOLVED IN COLLATERAL MISCONDUCT, THE VLC WILL REFER THE VICTIM, WHEN APPROPRIATE, TO THE MARINE CORPS DEFENSE SERVICES ORGANIZATION.

C. TRADITIONAL LEGAL ASSISTANCE. IF A VICTIM REQUIRES TRADITIONAL LEGAL ASSISTANCE SERVICES, THE VLC WILL REFER THE VICTIM, WHEN APPROPRIATE, TO THE LEGAL ASSISTANCE OFFICE.

www.marines.mil/DesktopModules/DigArticlePrint.aspx?PortalId=59&ModuleId=27672&Article=153620

7/13 www.marines.mil/DesktopModules/DigArticlePrint.aspx?PortalId=59&ModuleId=27672&Article=153620

THE LEGAL ASSISTANCE OFFICE

---

---

---

---

---

---

---

---

---

---

## Eligibility for Services

Legal Assistance	Victims' Legal Counsel
Active Duty Servicemembers Reservists w/ Active Duty Orders 30+ days Dependents under 10 U.S.C. § 1072 Retired Members Dependents of Retired Members Some Other Reservists Some Other Civilians	Victims' legal counsel services are intended for active duty military members and reservists on active duty, and all other eligible victims as resources permit.
-10 U.S.C. § 1044 -Manual of the Judge Advocate General, IAGINST 5800.7F ¶ 0705	MARADMIN 583/13

---

---

---

---

---

---

---

---

---

---

### Scope of Services

Legal Assistance	Victims' Legal Counsel
Personal civil legal affairs, such as: Divorce, domestic violence, child custody, non-support, landlord-tenant, consumer law, debt collection, contracts, etc.	Crimes committed within our military community, including rape, sexual assault, hazing, and other offenses harm the individuals affected, units and their mission, and the service as a whole. In Confronting these crimes, we must prevent victims from being revictimized when coming forward to seek justice.
Pretty much any legal matter other than criminal (e.g., I'm being NJP'd) or official duties (e.g., I want to NJP someone)	

---

---

---

---

---

---

---

---

### Scope of Representation

Legal Assistance	Victims' Legal Counsel
-No in-court representation -Legal advice -Legal research -Advocacy in the forms of letters, phone calls, assisting with court paperwork -Referrals to civilian attorneys	VLC will fully advise victims of their rights in the military justice process and, when detailed, <b>will represent them at military justice proceedings</b> , in accordance with statute, regulation, and case law.

---

---

---

---

---

---

---

---

### What exactly is the division of labor between Legal Assistance and VLC?

Legal Assistance	?	VLC
-Divorce -Child Custody -Chapter 15 Non-Support -State Law Non-Support -Estate Planning	-MPO -DVTR0 -Permanent Restraining Order -Lautenberg -USFSPA and Transitional Compensation -Lease Termination under Cal. Civ. Code § 1946.7	- Advising victims of rights in the military justice process - Representing victims in courts-martial

---

---

---

---

---

---

---

---

**Domestic Violence Victim**

- I want to move back to Tennessee and get divorced, but I don't have any money. My husband has threatened to kill me if I leave with the kids. He also says that if I move out, he'll report my past drug use to the police, and that I'll lose child custody. I have evidence that my husband has been committing adultery and fraternization, but my husband is close to retirement, and I don't want to do anything to jeopardize that retirement pay. Also, my name is on the lease for our apartment.

---

---

---

---

---

---

---

---

**What exactly is the division of labor between Legal Assistance and VLC?**

- Not clear. But let us be the ones to figure it out.

---

---

---

---

---

---

---

---

# ANNEX F:

## Victim Legal Counsel Organization





## Victims' Legal Counsel Organization

Major J. C. Olson, Deputy Officer in Charge, VLCO  
Headquarters, U.S. Marine Corps  
jahn.olson@usmc.mil  
Phone: (703) 955-1430

---

---

---

---

---

---

---

---

---

---



## 10 U.S.C. §1044

Subject to the availability of legal staff resources, the Secretary concerned may provide legal assistance in connection with personal civil legal affairs to eligible individuals, including:

- Members of the armed forces who are on active duty;
- Reservists serving on active duty;
- Members and former members entitled to retired or retainer pay;
- Military dependents of members and former members; and
- Others as provided in the statute.

---

---

---

---

---

---

---

---

---

---



## 10 U.S.C. §1565b

- A member of the armed forces or dependent who is the victim of sexual assault shall be informed of the availability of assistance from a VLC "as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator, a Sexual Assault Victim Advocate, a military criminal investigator, a victim/witness liaison, or a trial counsel."
- Assistance is available regardless of whether the victim elected Restricted or Unrestricted Report.

---

---

---

---

---

---

---

---

---

---



### SECDEF MEMO 14AUG13

“Secretaries of the Military Departments shall establish a special victim’s advocacy program best suited for that Service that provides legal advice and representation to the victim throughout the justice process.”

SECRETARY OF DEFENSE  
MEMORANDUM FOR THE SECRETARY OF DEFENSE  
SUBJECT: Special Victim Legal Support

---

---

---

---

---

---

---

---

---

---



### MARADMIN 583/13

“The VLCO will provide dedicated legal advice and representation to victims of sexual assault and other crimes, ..., in order to help protect victims’ rights at all stages of the military justice process.”

MEMORANDUM FOR THE MARINE CORPS VICTIMS LEGAL COUNSEL ORGANIZATION  
BY CHAIRMAN  
UNCLASSIFIED  
SUBJECT: MARADMIN 583/13

---

---

---

---

---

---

---

---

---

---



### Mission Statement

The Marine Corps Victims' Legal Counsel Organization is fully committed to provide legal advice and, when detailed, representation to victims of sexual assault and other crimes, and to protect victims' rights at all stages of the military justice process.

---

---

---

---

---

---

---

---

---

---







## VLC Advice & Counseling (Cont'd)

- Explain M.R.E. 412 on sexual behavior evidence; M.R.E. 513 regarding psychotherapist-patient privilege; and M.R.E. 514 on victim advocate-victim privilege.
- Explain potential consequences of collateral misconduct and options including exercising Article 31b rights, obtaining testimonial or transactional immunity, and right to defense counsel.

---

---

---

---

---

---

---

---

---

---

---

---



## VLC Representation

- VLC detailed to a case represent the victim's interests throughout the military justice process, ending at convening authority action.
- Advocate victim's position regarding pretrial confinement of accused.
  - Accompany victim to all interviews related to the crime against them, including with trial counsel, defense counsel, and law enforcement officers.
  - Accompany victim to Article 32 investigation.
  - Protect the victim's rights under M.R.E. 412, 513, or 514, by filing appropriate motions or amicus curiae pleadings with the court.
  - Attend pretrial, trial, and post-trial proceedings as necessary to protect the interests of the victim.
  - Guide the victim through the post-trial process, including assisting the victim prepare matters for consideration by the convening authority in accordance with R.C.M. 1105.

---

---

---

---

---

---

---

---

---

---

---

---



## Whose Side is VLC on?

The VLC works for the Victim

---

---

---

---

---

---

---

---

---

---

---

---



## REFERENCES

- 10 USC §1044 – Legal Assistance
- 10 USC §1565b – Legal Assistance to Sexual Assault Victims
- JAGINST 5800.7F (JAGMAN)
- SECDEF Memo – 14 Aug 2013
- MARADMIN 583/13 – 31 Oct 2013
- DODI 6495.02 – SAPR Program
- MCO 1752.5B – SAPR Program
- MCO 5800.14 – VWAP
- MCO 1754.11 – Family Advocacy Program
- 18 USC §3771 – Crime Victims' Rights Act

---

---

---

---

---

---

---

---

---

---



## QUESTIONS?

---

---

---

---

---

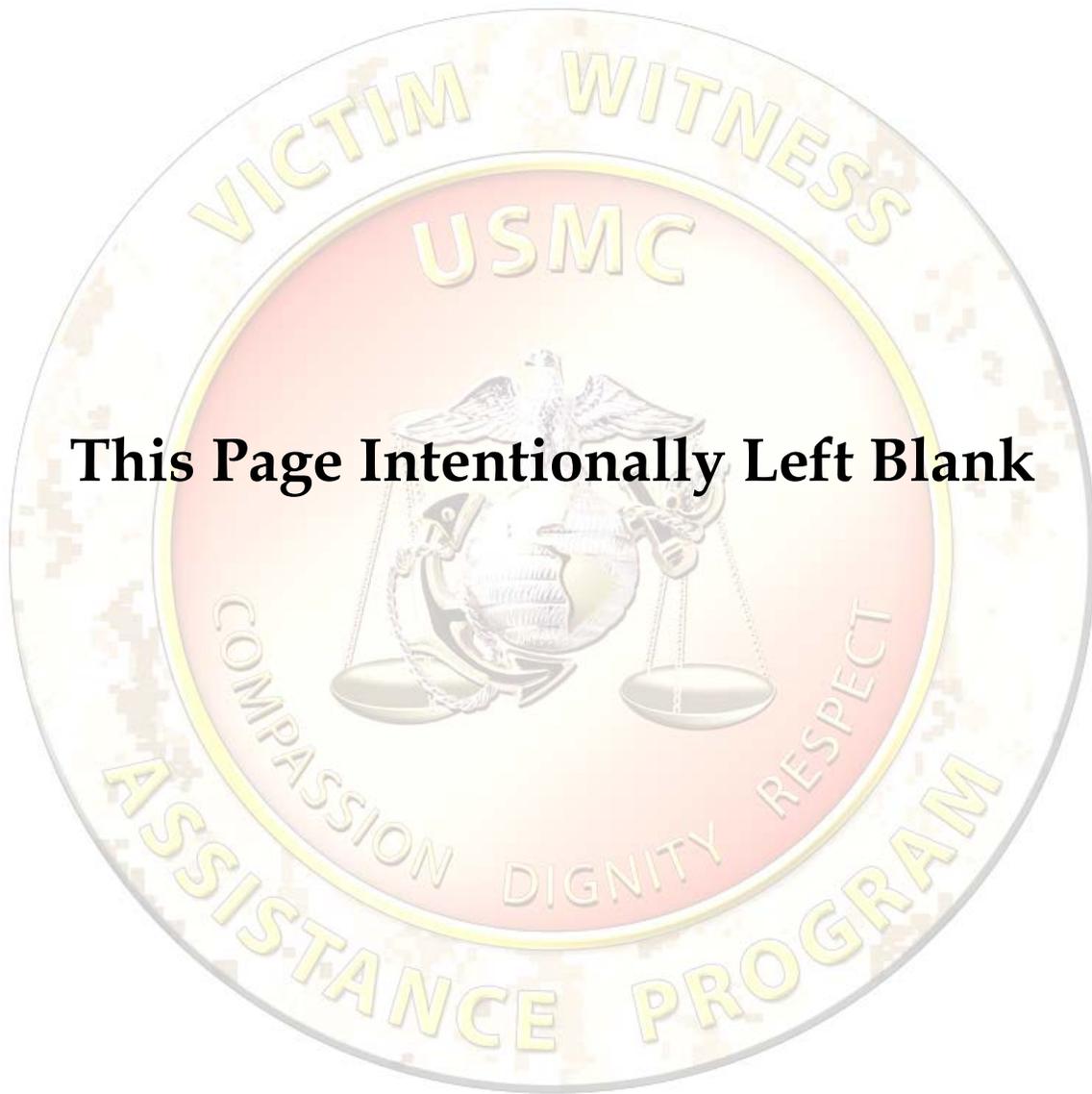
---

---

---

---

---



**This Page Intentionally Left Blank**

## ANNEX G:

# Court-Martial Process Overview and MRE 514 Victim Advocate – Victim Privilege



**An Overview of  
The Court-Martial Process  
& MRE 514**

---

Marine Corps TCAP 

---

---

---

---

---

---

---

---

**Class Agenda** 

- 1) Overview of Court Martial Process
  - Process/types/anatomy of courts-martial
  - Role of the actors: trial counsel (prosecutor), defense counsel, victim legal counsel, military judge court-martial members (the jury)
- 2) MRE 514

---

---

---

---

---

---

---

---

**Getting Started** 

- Investigation ≠ Court-Martial
- An alleged sexual assault (or other misconduct) DOES NOT start the court-martial process.
- The court-martial process begins when a command submits a request for legal services (RLS) to the law center/LSSS.

---

---

---

---

---

---

---

---

## From RLS to Referral



- Once the law center receives an RLS, the trial counsel process the case and, if warranted, will prefer charges.
  - Trial Counsel should contact victim for interview. Victim Advocate involved and may be present if victim requests.
- Article 32 Investigation (req for GCM only)
  - In most cases victim will testify.
  - Investigating officer makes report and recommendation
- Convening Authority may refer charges to CM.

---

---

---

---

---

---

---

---

## Types of Courts-Martial



- General Court-Martial
  - Felony "Equivalent" Conviction
  - Max Punishment varies by UCMJ Article
- Special Court-Martial
  - Misdemeanor "Equivalent" Conviction
  - Max Punishment: 1 year confinement, reduction in rank to E-1, forfeitures of 2/3 pay per month for 1 year
- Summary Court-Martial
  - Not a Criminal Conviction (normally)
  - Max Punishment: 30 days confinement, reduction in rank, forfeitures of 2/3 pay for 1 month

---

---

---

---

---

---

---

---

## Trial Process / Anatomy



- Voir Dire
- Opening Statements
- Government's case-in-chief\*
- Defense case-in-chief\*
- Government rebuttal case\*
- Closing statements
- Verdict
- Presentencing
- Sentence

\* Victim may NOT be excluded from the court-room without a hearing

---

---

---

---

---

---

---

---

## Pre-trial 39a Sessions



- Motions concerning the victim
  - Military Rule of Evidence 412 – Victim's past sexual behavior generally NOT admissible.
    - Exceptions: 1) other source of injury;
    - 2) other acts w/ accused; and
    - 3) constitutionally required.
  - E-mail, Phone Records, Facebook, etc.
  - SART examination evidence (statement, photos)

---

---

---

---

---

---

---

---

## Pretrial Agreements (PTA)



- "PTA" is the military version of a plea bargain
  - Accused (most commonly) agrees to plead guilty and forfeit some rights otherwise afforded in court-martial process
  - Convening Authority agrees to limit accused's exposure to types of punishment and other miscellaneous protections as negotiated
- Victims have the right to consult with Government prior to a Convening Authority agreeing to PTA

---

---

---

---

---

---

---

---

## Verdict and Sentence



- Verdict – "not guilty" ≠ innocent
  - A verdict of "not guilty" simply means that the government did not prove its case **beyond a reasonable doubt** (highest standard of proof known to law).
- Sentence
  - 5 principals reasons of sentencing:
    1. Protection of society from the wrongdoer;
    2. Punishment of the wrongdoer;
    3. Rehabilitation of the wrongdoer;
    4. Preservation of good order and discipline in the military;
    5. General and specific deterrence.
  - Victim allowed to **testify** or may be allowed to submit a victim-impact statement regarding how the incident affected her/him.

---

---

---

---

---

---

---

---

## Role of the Trial Counsel

- Trial Counsel (prosecutor) is not a victim advocate
- What can the victim expect from the trial counsel?
  - Respect and dignity
  - Keep the victim informed
  - Refer the victim to locally available assistance
  - Explain court-martial process
  - Thoroughly prepare the victim for trial
- Direct examination
  - Detailed account of incident/aftermath
  - Can take a long time (often more than 2 hours)

---

---

---

---

---

---

---

---

## Role of the Defense Counsel

- The mission of the defense counsel is to zealously advocate for his client.
- What can the victim expect from the defense counsel?
  - Interviews (VA can be present)
  - Requests for information
  - Inquiries to command, friends, coworkers, family
  - Defense Investigator?
  - Should expect him/her to act like a Marine Officer
- Cross-examination
  - Confrontational
  - Goal is to expose inconsistencies and damage credibility

---

---

---

---

---

---

---

---

## Role of the Military Judge

- The military judge will be an officer (Major – Col) with trial experience.
- The Military Judge does not take sides.
- Ultimate goal is to conduct a fair and impartial trial, wherein the constitutional rights of both victim and accused are protected.
  - Rights of the accused are paramount.
  - Respect for the victim is an important concern.

---

---

---

---

---

---

---

---

## Members (a.k.a. The Jury)

- Members are drawn from the local population of officers/enlisted.
  - Must be senior to the accused.
  - Enlisted cannot be from the command (company/squadron) of the accused.
  - Members are *"best qualified for duty by reason of their age, education, training, experience, length of service, and judicial temperament."*
  - Could ultimately be from the command of the victim.

---

---

---

---

---

---

---

---

## MRE 514 Victim Advocate – Victim Privilege

---

14 November 2013

14

---

---

---

---

---

---

---

---

## Background

- Executive Order 13593
  - Signed 13 Dec 2011
  - Effective 30 days from EO date
  - 12 January 2012

15

---

---

---

---

---

---

---

---

## The Privilege

“A **victim** has a **privilege** to **refuse to disclose** and to **prevent any other person** from disclosing a **confidential communication** made between the **victim and a victim advocate**, in a **case arising under the UCMJ**, if such communication was made for the purpose of **facilitating advice or supportive assistance** to the victim.”

16

---

---

---

---

---

---

---

---

## Who Claims Privilege?

- **Victim**
  - Any person who suffered direct physical or emotional harm as the result of a **sexual or violent offense**
- **Guardian or Conservator of Victim**
- **Trial Counsel** (if authorized by victim)
- **Defense Counsel** (if representing & authorized by victim)

17

---

---

---

---

---

---

---

---

## Who Claims Privilege?

- **Victim Advocate** who received communication
  - Designated in writing as a VA **OR**
  - Authorized to perform VA duties IAW service regulations, and is acting in the performance of those duties **OR**
  - Certified as a VA pursuant to Federal or State requirements
- Authority to assert privilege is presumed in absence of evidence to the contrary

18

---

---

---

---

---

---

---

---

## What Info is Protected?

- Confidential Communications
  - Communication made to a VA acting in the capacity of a VA **AND**
  - Not intended to be disclosed to third persons other than...
    - Those to whom disclosure is made in furtherance of the rendition of advice or assistance to the victim **OR**
    - An assistant to a VA
- Must be a case **arising under UCMJ**
  - When assailant is civilian, victim's records **probably** not privileged
- Must be made for the purpose of facilitating
  - Advice **OR**
  - Supportive assistance to the victim

19

---

---

---

---

---

---

---

---

## Exceptions – 514(d)

- There is no privilege when
  - The victim is **dead**
  - Federal/State law or Service regulation impose **duty to report** information contained in the communication (e.g. California)
  - Communication clearly contemplated the **future commission of a fraud or crime**

20

---

---

---

---

---

---

---

---

## Exceptions – 514(d)

- The VA services are sought or obtained to **enable or aid** anyone to **commit or plan to commit** what the victim knew or reasonably should have known to be a **crime or fraud**
- **Necessary to ensure safety & security** of military personnel, military dependants, military property, classified information, or accomplishment of a military mission
- **Necessary to ensure safety of any other person** (including the victim) when a VA believes that **victim's mental or emotional** condition makes the victim a danger
- Admission or disclosure is **constitutionally required**

21

---

---

---

---

---

---

---

---

### MRE 514 – Judicial Process

- Evidence is known or suspected to exist
- Dispute about disclosure, admissibility, or use of evidence (testimony, records, etc)
- Seek interlocutory (preliminary, no finder of fact) ruling from the military judge by filing a motion and allowing opposing party to respond (victim has opportunity to be heard)
- 39(a) court session, can be closed due to privacy concerns

22

---

---

---

---

---

---

---

---

### MRE 514 – Judicial Process

- Witness testimony and presentation of evidence that is necessary to decide the issue at hand
- Military judge can review evidence in camera (by himself) in order to preserve confidentiality
- Military judge can limit use or issue protective order to prevent unnecessary disclosure
- Portions of the record of trial (motion, related papers, etc) shall be sealed unless military judge or appellate court orders otherwise

23

---

---

---

---

---

---

---

---

### MRE 514 – Reporting

- MRE 514 **does not change** the unrestricted reporting process
- NCIS, law enforcement, JAs, and the chain of command **are not VAs and are not covered** by the MRE 514 privilege
- Victim who first makes a restricted report and then decides to make an unrestricted report *can* claim MRE 514 privilege with regard to communications to a VA

24

---

---

---

---

---

---

---

---

## MRE 514 – Takeaways

- No longer a "free for all" WRT victim's records and testimony by SARC or VA at trial
- Privilege is limited to certain situations
  - Likely covers the vast majority of normal VA-victim interaction
- Privilege is not absolute
  - Portions of records/testimony may be released (e.g., if Military Judge determines accused has need in order to meaningfully confront victim due to contradictory statements)

25

---

---

---

---

---

---

---

---

## MRE 514 – Takeaways

- Trial Counsel **are not covered**, but victim can authorize a TC to claim privilege on their behalf (MRE 514 (c))
- Legal assistance attorneys **are not covered** (MRE 514 (b)(3)), but victim and LA attorney may have attorney-client privilege (depends on type of communication)
- VA-V privilege **does not protect all communication**, such as: exculpatory information, information about future crimes or for the safety of victim, military personnel, dependents, or property (MRE 514 (d) (2), (3) and (4))

26

---

---

---

---

---

---

---

---

## MRE 514 – Takeaways

- Inform victim of privilege, but clearly discuss the potential that their records could get released
- Privilege operates similarly to MRE 513 (Psychotherapist-Patient Privilege)

27

---

---

---

---

---

---

---

---

### MRE 514 – Hypothetical #1

- Defense Counsel calls Victim Advocate and says “I’d like to set up a time to interview you about what the victim discussed with you.”

28

---

---

---

---

---

---

---

---

### MRE 514 – Hypothetical #2

- Defense Counsel is interviewing victim and says “I heard that you told the victim advocate the accused probably couldn’t tell how drunk you were the night of the assault.”

29

---

---

---

---

---

---

---

---

QUESTIONS?



---

---

---

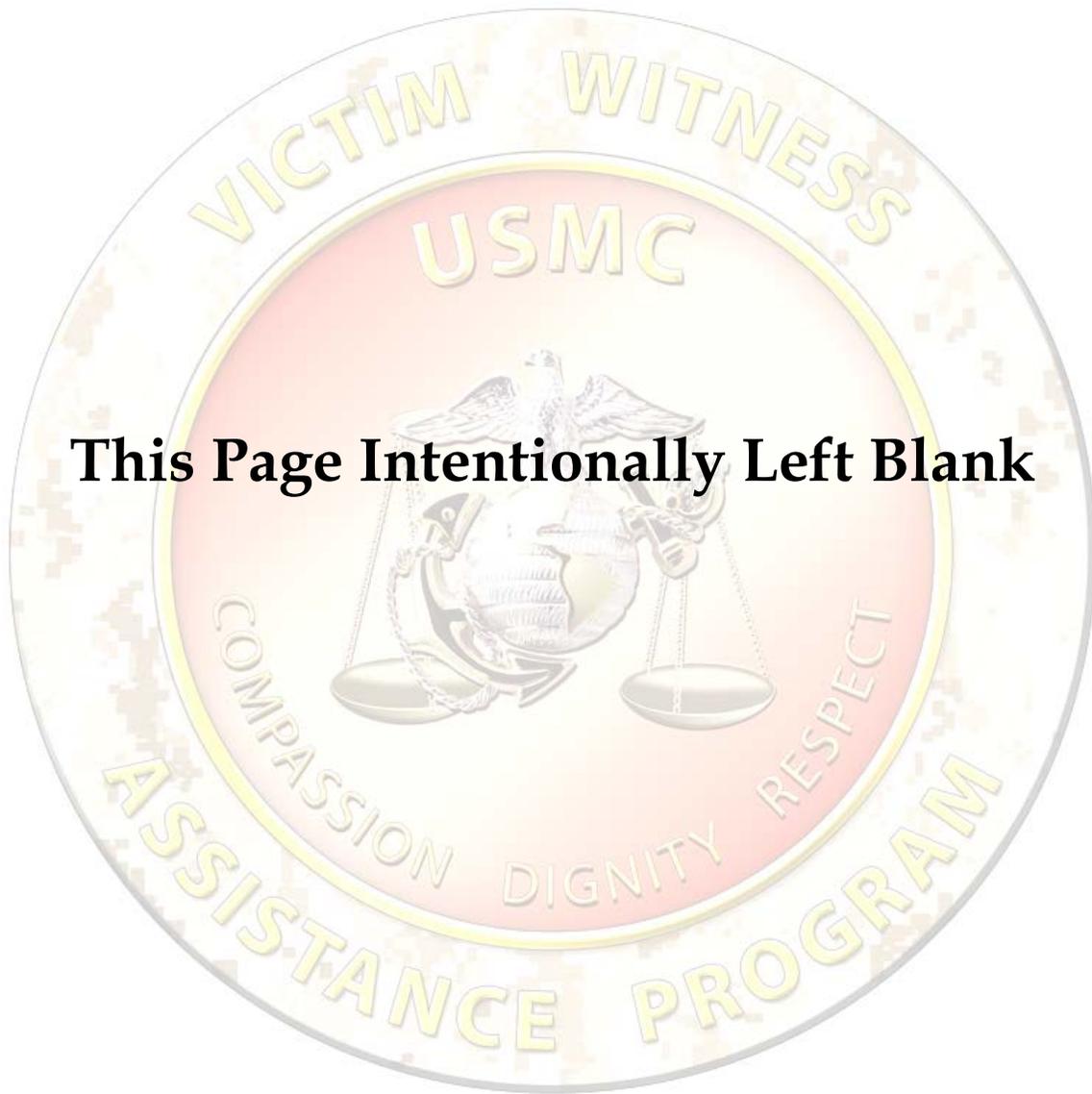
---

---

---

---

---



**This Page Intentionally Left Blank**

# ANNEX H:

## PSL Corrections





## VICTIM / WITNESS ASSISTANCE PROGRAM

9 December 2013

MSgt Craig M. Blenis  
Camp Pendleton Base Brig  
Administration Chief

---

---

---

---

---

---

---

---



## Agenda

- References
- VWAP Mission
- Confinement Facility Responsibilities
- DD 2704 (Victim/Witness Certification and Election Concerning Prisoner Status)
- Stats

2

---

---

---

---

---

---

---

---



## 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
- DoDD 1030.1 of April 13, 2004 "Victim and Witness Assistance"
- DoDI 1030.2 of June 4, 2004 "Victim and Witness Assistance Procedures"
- SECNAVINST 5800.11B "Victim and Witness Assistance Program"
- MCO P5800.16A (LEGADMINMAN) Chapter 6

3

---

---

---

---

---

---

---

---



## Mission



- To ensure that victims and witnesses of crimes are informed of their rights and provided assistance as appropriate
- To notify victims and witnesses of changes in a confinee's status; and
- To report those notifications to the central repository .

4

---

---

---

---

---

---

---

---



## Confinement Facility Responsibilities



- Establish a Victim Witness Assistance Program for persons entered into the program through receipt of a DD 2704.
- Submit a monthly report to PSL Corrections concerning the status of service members confined in Marine Corps Brigs.
- Ensure every prisoner confined has a DD 2704 completed regardless if victims/witnesses elect to be part of the program.
- All brig staff are required to have annual VWAP familiarization training.

5

---

---

---

---

---

---

---

---



## Confinement Facility Responsibilities



- VWAP file shall be maintained separately by the appointed VWAP Coordinator on all prisoners enrolled in the program.
  - DD 2704 Certification & Election
  - DD 2705 Notification of inmate status
  - Copies of correspondence
  - Record of telephone contacts
- Notify victims / witnesses:
  - Initial contact
  - Parole/Clemency hearing
  - Escape
  - Transfer
  - Release
  - Death
  - Emergency leave
  - **Notifications are not limited to the above**

6

---

---

---

---

---

---

---

---

**DD 2704** (March 2013)

---

**SECTION 1 - ADMINISTRATIVE INFORMATION**

Incident Number \_\_\_\_\_  
 Installation \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_  
 Court-martial case of United States v. \_\_\_\_\_  
*First Name of Accused (Last, First, Middle Initial) Social Security Number (last 4 only)*  
 Convened by \_\_\_\_\_  
*Court-Martial Convening Order Number, Date, and Issuing Command*

➤ Local generated information

7

---

---

---

---

---

---

---

---

---

---

**DD 2704** (March 2013)

---

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

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

Date (YYYYMMDD) \_\_\_\_\_ Signature of Trial Counsel or Designee \_\_\_\_\_ Type Name (Last, First, Middle Initial) \_\_\_\_\_  
 Grade and Title \_\_\_\_\_ Telephone Number (include area code) \_\_\_\_\_

➤ Completed only if there are no victims or witnesses listed in section 5

8

---

---

---

---

---

---

---

---

---

---

**DD 2704** (March 2013)

---

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

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

Date (YYYYMMDD) \_\_\_\_\_ Signature of Trial Counsel or Designee \_\_\_\_\_ Type Name (Last, First, Middle Initial) \_\_\_\_\_  
 Grade and Title \_\_\_\_\_ Telephone Number (include area code) \_\_\_\_\_

➤ Completed if there are any victims or witnesses listed in section 5, regardless of notification election

9

---

---

---

---

---

---

---

---

---

---

**DD 2704 (March 2013)**

---

**SECTION 4 - DISTRIBUTION**

<b>1. MILITARY SERVICE CENTRAL REPOSITORY</b> CMC Code (PSL-Corr) 2 Navy Annex Washington, D.C. 22302-1432 COMM: (703) 614-2094 DSN: 224-2094	<b>2. LAW ENFORCEMENT/SPECIAL INVESTIGATION</b> NCIS Bldg 1224 Box 555238 Camp Pendleton, CA 92055-5238 (760) 725-5128	<b>3. CORRECTIONAL FACILITY</b> Camp Pendleton Base Brig Security Battalion Camp Pendleton, CA 92055
--	---	---

➤ Section 4 must be completed

10

---

---

---

---

---

---

---

---

---

---

---

---

**DD 2704 (March 2013)**

---

**SECTION 5 - LIST OF VICTIMS AND WITNESSES**  
**VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING PRISONER STATUS**

Court/martial case of United States v. \_\_\_\_\_ PRISONER NAME OF ACCUSED "LAST, FIRST, MIDDLE NAME" "STATE" "BRIEF OF CASE"

**STATEMENT OF UNDERSTANDING:** The victims and witnesses that have elected to receive information about changes in the status of the prisoner are required to notify the respective military, central repository with an accurate address and telephone number to continue receiving notifications on the prisoner's status, if their relocation results in changes to their address and/or telephone numbers.

**STATEMENT OF TRANSFER NOTIFICATION:** This transfer notification only applies in the event the above named prisoner is permanently transferred to another Federal, State or local law enforcement agency or correctional facility. The victims and witnesses will be notified using the address on file for DD Form 2704 of the prisoner's new location. The receiving Federal, State, or local agency will be responsible for all further notifications to the victims and witnesses about the prisoner's status. The military correctional facility retains responsibility for clemency board notifications.

**INSTRUCTIONS: LIST ALL VICTIMS AND WITNESSES INVOLVED IN THE CASE.** Using the strip-down box, indicate whether Adult, Parent, Legal Guardian, Next-of-Kin, Representative, Designated, or Other. If under 18 years old, incarcerated or incarcerated, also list parent or legal guardian name. Using the first strip-down box, indicate whether victim (V), witness (W), or victim and witness (V&W). For all minor victims/witnesses, enter their date and age (at time of CMJ) and identify after their full name in Column 1. All minor, incapacitated and incompetent persons require a competent adult to be notified on their behalf by placing an adult's name and address in the same row. Individuals that elect to be notified of prisoner status changes enter the "Yes" block in Column 4, otherwise enter the "No" block adjacent the respective name. The Trial Counsel or Designee (TCD) are required to enter their initials in the Yes or No box in Column 4 for non-minor victims or witnesses.

1. NAME - Last, First, Middle Initial (Mandatory) (Insert initials and address from the above text) (Provide age if incarcerated or minor, last Parent or legal guardian's name, if different from above information)	2. ADDRESS - Street, Apartment No., City, State, ZIP Code (If under 18 years old, incarcerated or incarcerated, also list Parent or legal guardian's address, if different from above information)	TELEPHONE NUMBER - include area code if under 10 digits, provide appropriate area code, country number if different from above information	3. NOTIFY (Initial)	
			YES	NO

➤ Trial counsel/designee may initial for Victim/Witness  
 ➤ Complete mailing address (no BEQ/BLDG numbers)

11

---

---

---

---

---

---

---

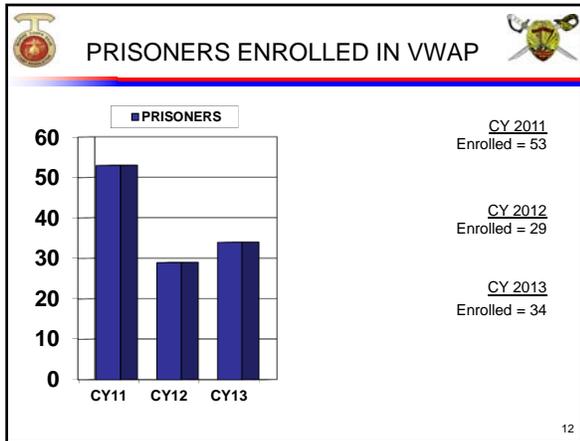
---

---

---

---

---




---

---

---

---

---

---

---

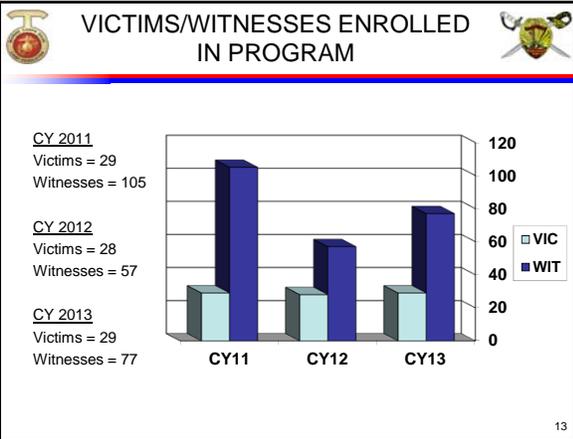
---

---

---

---

---




---

---

---

---

---

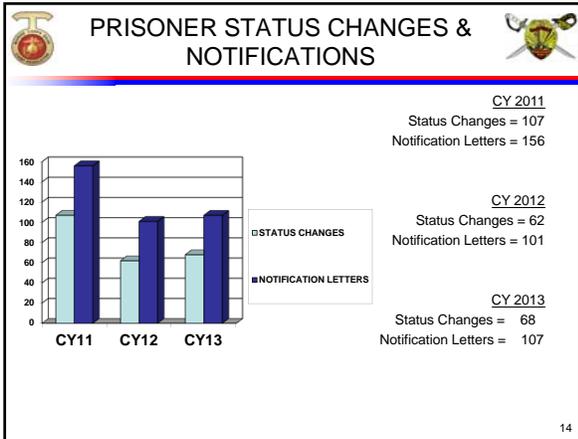
---

---

---

---

---




---

---

---

---

---

---

---

---

---

---

- ### HOW CAN YOU HELP?
- Continue to ensure complete and accurate DD Form 2704's:
    - Enables timely notifications to be made to victims and witnesses
    - Incomplete/inaccurate 2704 delays transfer process
    - Fulfills the purpose of the VWAP program
  - Process for incomplete, incorrect, or undelivered DD 2704's:
    - Brig attempts to rectify discrepancies through trial counsel
    - Brig notifies CMC PSL Corrections of unresponsive actions
    - CMC PSL Corrections attempts to rectify through SJA
    - CMC PSL Corrections notifies CMC JA of unresponsive actions
- 15

---

---

---

---

---

---

---

---

---

---

 **Points of Contact** 

---

**HQMC (PSL Corrections Branch)**  
Ms. Jenny Franks  
(703)604-4354

GySgt Fuller  
(703) 604-4138

**Camp Pendleton Base Brig**  
Admin Chief: MSgt C. M. Blenis  
(760) 725-8568

VWAP Coordinator: Mrs. Jan Barth  
(760) 725-8556

Asst VWAP Coordinator: GySgt D. Martinez  
(760) 725-8556

16

---

---

---

---

---

---

---

---

 **QUESTIONS** 

17

---

---

---

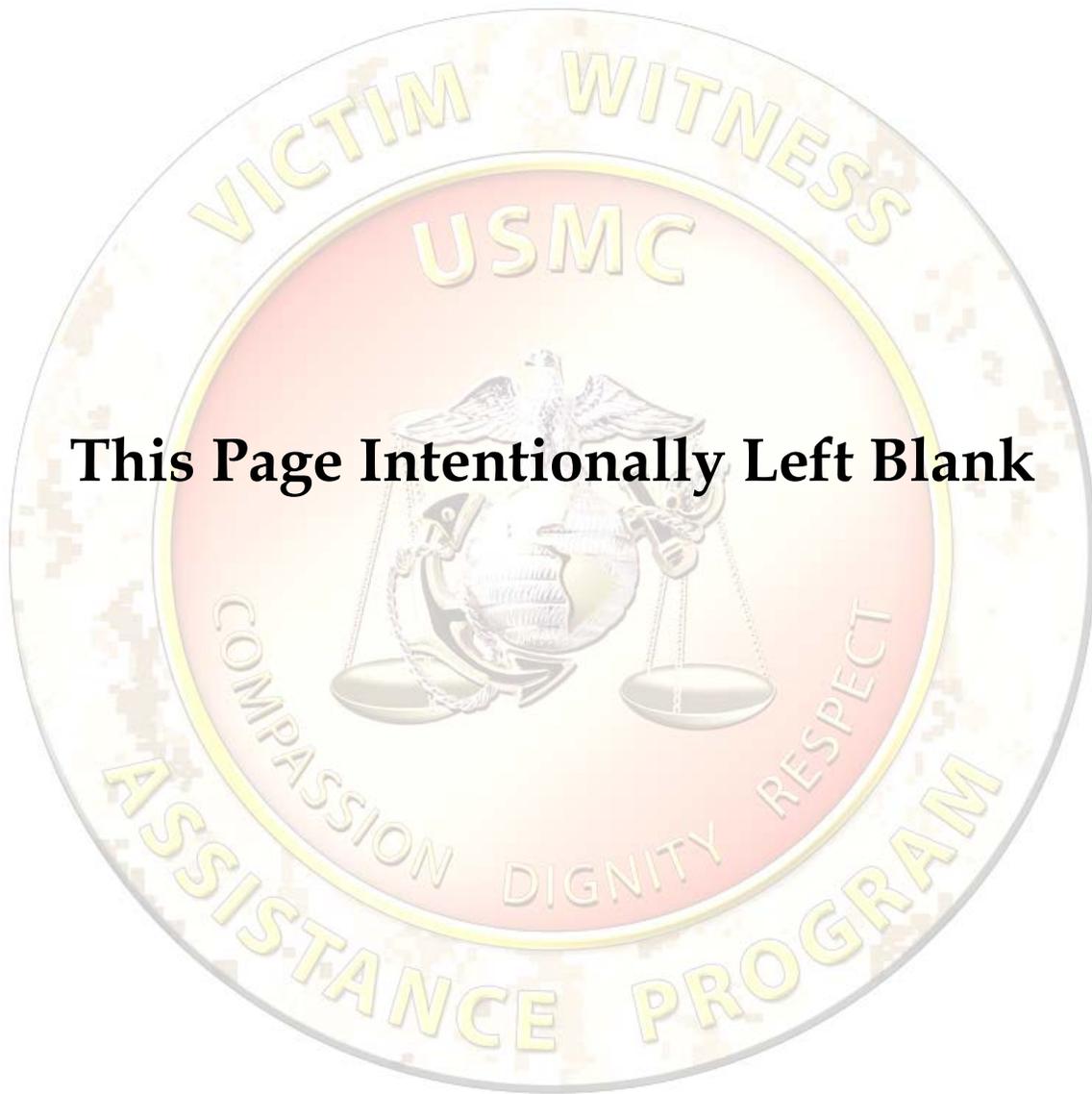
---

---

---

---

---

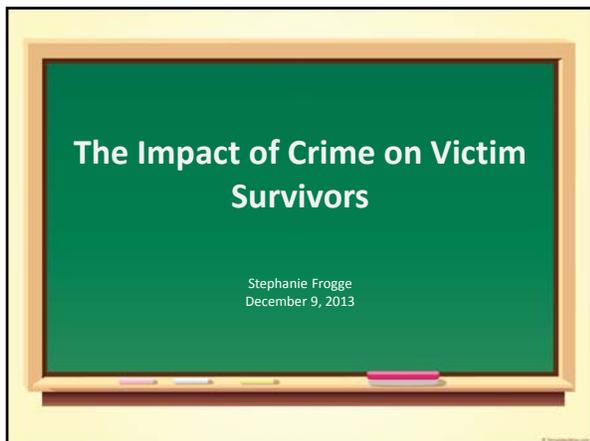


**This Page Intentionally Left Blank**

# ANNEX I:

## Impact of Crime on Victim Survivors





---

---

---

---

---

---

---

---

### Learning Objectives

- Identify the immediate-, short- and long-term psychological impact of criminal victimization
- Describe key aspects of the physical, spiritual, social and financial impact of crime on victim survivors
- Describe measures that can empower victim survivors to participate
- Identify the role of military service providers



---

---

---

---

---

---

---

---

### Things to Think About

- More than half of victim survivors *know* their offenders
- Not all victim survivors report crimes to law enforcement
- Many non-reporting victim survivors still seek support and services
- Many reporting victim survivors may have prior victimizations / trauma history
- 90% say they received *no* services beyond law enforcement

---

---

---

---

---

---

---

---

### And the System Asks Them To:

- Purposefully think about the criminal act
- Discuss what happened in intimate detail
- Confide in people they do not know / in a public setting
- Face the alleged or convicted perpetrator
- Participate in a process they may not understand, and in which they may be unwilling participants



---

---

---

---

---

---

---

---

### By Recognizing and Addressing Victim Trauma We Can Potentially:

- Increase capacity to report crimes and cooperate.
- Enhance ability to effectively participate as witnesses.
- Affect overall perception of the DoD & MJS.
- Increase input into plea agreements, VIS, and seeking services.
- Enhance capacity to provide information critical to offender management.
- Avoid secondary trauma.
- Assist victim survivor return to pre-crime functioning

---

---

---

---

---

---

---

---

### Considerations for Helpers

- Every victim is unique.
- Every case is unique.
- Helpful responses must be:
  - Tailored to individual needs
  - Culturally competent
  - Collaborative – likely involving both military and civilian agencies and organizations.



---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---

### Just World Theory

- Bad things won't happen to us
- The world is orderly and meaningful
- We see ourselves and our actions in a positive light



Janoff-Bulman & Frieze

---

---

---

---

---

---

---

---

### Expectations of Victim Survivors

- To be treated with respect / as an adult
- That their harm be acknowledged
- To receive information



---

---

---

---

---

---

---

---

### Predictors of Trauma-related Stress

- Degree of life threat
- Bereavement
- Speed on onset
- Duration of trauma/injury
- Displacement from home community
- Potential for recurrence
- Exposure to death, dying, destruction

---

---

---

---

---

---

---

---

### But...My Trauma Isn't Necessarily Your Trauma

- Any situation for which a person doesn't have adequate coping skills
- An event that requires a person to adjust and adapt to an unpredicted situation
- An event outside the range of normal human experience

---

---

---

---

---

---

---

---

### Basic Survival Needs

- Safety
- Food
- Shelter
- Minimal resources (clothing, personal hygiene, etc.)
- Transportation
- Social support
- Income



---

---

---

---

---

---

---

---

### Immediate and Short-term Reactions

- Shock, surprise and terror that the crime happened.
- Feelings of unreality.
- High levels of physiological anxiety.
- Continued symptoms of anxiety.
- People who have been victimized in the past are at greater risk of developing emotional problems than the first-time victimized.

---

---

---

---

---

---

---

---

### Immediate and Short-term Trauma Reaction - Examples

- Preoccupation with the crime.
- Concerned about their safety and that of their loved ones.
- Concerned that they will not be believed, and be blamed.
- Negative changes in belief systems.
- Hyper-vigilance (especially in chronic trauma)



---

---

---

---

---

---

---

---

### Long-term Trauma Reactions

- Major depression.
- Thoughts of suicide and suicide attempts.
- Use/abuse of alcohol and other drugs.
- Ongoing problems with relationships.
- Anxiety disorders.
- Changing view of the world as "a safe place."
- Increased risk of further victimization.
- Post-traumatic Stress Disorder (PTSD).

---

---

---

---

---

---

---

---

### Keep in Mind

- Not *all* victim survivors endure significant trauma in the aftermath of crime.
- The range of reactions often depends upon pre- and post-victimization factors, and factors related to the crime.
- An *immediate* and *ongoing* sensitive response always benefits victim survivors!
- *Ask* what would be most helpful.



---

---

---

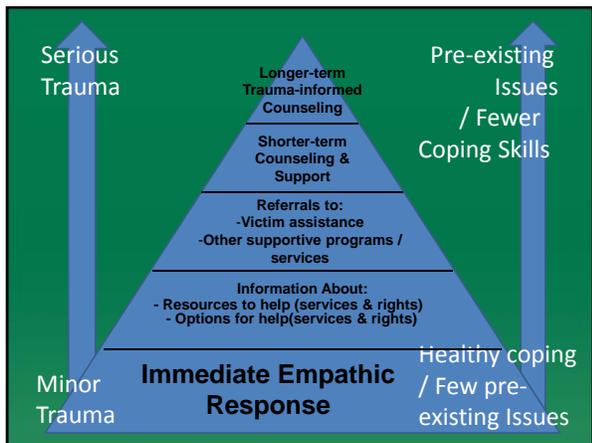
---

---

---

---

---



---

---

---

---

---

---

---

---

### Potential Challenges

- Pre-existing relationship between victim and perpetrator
- Feelings of not being believed
- Correlating factors in many sexual assault cases
- Much case work takes place over the phone
- Difficulties in trial preparation and participation



---

---

---

---

---

---

---

---

### Complicating Factors in Homicide

- Sexual assault either before or after
- Torture / mutilation of the body
- Multiple offenders
- Multiple victims
- Survivor witnesses

---

---

---

---

---

---

---

---

### Usefulness of Counseling

**Pre-victimization Factors:**

- No consistent finding with respect to demographic characteristics.
- Prior victimization history increases trauma following a new crime.
- History of prior mental health problems increases trauma following a new crime, particularly history of PTSD or major depression.



---

---

---

---

---

---

---

---

### Usefulness of Counseling

- **Crime Factors:**
  - Life threat and injury increases risk.
  - Violent crimes vs. property crimes.
- **Post victimization Factors:**
  - Poor social support.
  - Degree of exposure to the justice system.

---

---

---

---

---

---

---

---

**Other Impacts of Trauma**

- Physical
- Financial
- Spiritual
- Social



---

---

---

---

---

---

---

---

**Empowering Victim Survivors**

- Put yourself in a victim survivor's shoes:
  - What might they think about the MJS?
  - What "word out" might they have heard?
  - Why might they not want to participate?
- Start at the beginning:
  - First response
  - Coordination between MJS and community-based victim assistance programs
- How are victim survivors viewed and treated as a whole?

---

---

---

---

---

---

---

---

**Empowering Victim Survivors**

- Review your victim information:
  - Sensitive?
  - Clear?
  - Easy to understand?
- Collaborate with allied agencies:
  - CJS agencies (X-jurisdiction cases)
  - Victim services
  - Other community-based services
- Evaluate and seek feedback

---

---

---

---

---

---

---

---

## Empowering Victim Survivors

- Learn about victim services:
- Get trained!:
  - Victim survivor trauma
  - Victim survivors' major needs
- Over 10,000 system- and community-based victim assistance programs
- The role of victim advocates
- Office for Victims of Crime portal: [www.ovc.gov](http://www.ovc.gov)



---

---

---

---

---

---

---

---

## TAKE CARE OF YOURSELF!

- Secondary traumatic stress has significant repercussions when left unaddressed.

---

---

---

---

---

---

---

---

# ANNEX J:

## Communicating with Victim Survivors



**COMMUNICATING WITH VICTIM SURVIVORS**  
Stephanie Frogge  
December 9, 2013

---

---

---

---

---

---

---

---

**SESSION GOALS**

- ◉ Identify challenges to talking with victims
- ◉ Identify how to encourage effective communication
- ◉ Learn practical tips about talking to victims

2

---

---

---

---

---

---

---

---

*"Victims remember two things: those who help, and those who hurt."*

- Cheryl Ward Kaiser

3

---

---

---

---

---

---

---

---

## COMMUNICATING WITH VICTIM SURVIVORS

- ◉ Difficult interviews with victim survivors:
  - Who are angry, confused, highly traumatized or don't want to talk to you
- ◉ Limited information:
  - On what you can tell the victim
  - On what the victim can tell you
- ◉ Stressful to you:
  - Vicarious trauma

4

---

---

---

---

---

---

---

---

## NON-VERBAL COMMUNICATION

- ◉ Setting
- ◉ Attending Behaviors
- ◉ Body Language



---

---

---

---

---

---

---

---

## THE SETTING

- ◉ Comfort
- ◉ Quiet
- ◉ Minimizing Distractions



---

---

---

---

---

---

---

---

## ATTENDING BEHAVIORS

- ◎ Specific gestures
- ◎ Your presence

---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---

## WORDS VS. BEHAVIOR

LAST FEBRUARY AT THE CANADIAN BAR ASSOCIATION'S THREE-DAY MEETING CALLED TO DISCUSS THE SPECIAL PROBLEM OF SEXISM WITHIN THE LEGAL PROFESSION, THE SPONSORS' MAIN SOCIAL EVENT WAS A TOGA PARTY. THE PRESIDENT OF THE BAR CALLED ON "EVERY ADONIS AND APHRODITE TO SLIP ON THAT FAVORITE BED SHEET."

---

---

---

---

---

---

---

---

## BODY LANGUAGE

### SOLER

- ◉ Squarely
- ◉ Open stance
- ◉ Lean forward
- ◉ Eye contact
- ◉ Relaxed

---

---

---

---

---

---

---

---

## VERBAL COMMUNICATION

- ◉ Reflection
- ◉ The accent
- ◉ Minimal prompts
- ◉ Silence

---

---

---

---

---

---

---

---

## REFLECTION

- ◉ Just saying what you think you heard!

- Verbal feedback*
- Reflective / Active listening*
- Summarizing*
- Paraphrasing*

☞ *Take notes. Demonstrates your professionalism and concern, as well as preserves essential information.*

---

---

---

---

---

---

---

---

## REFLECTION

- “It sounds like...”
- “What I’m hearing you say...”
- “I can see that...”
- “Let me make sure that I’ve...”
- “So what you’re saying is...”

☞ *...and your cell phone is where?*

---

---

---

---

---

---

---

---

## ACCENT

*Simply repeating one or two words of what was said that seemed significant. May or may not sound like a question.*

- “Never?”
- “Two weeks”
- “Both?”
- “A flash”

---

---

---

---

---

---

---

---

## MINIMAL PROMPTS

*Those little signs that signal “I’m still here and keep going.”*

### Verbal

- “Uh huh”
- “Yeah?”

### Non-verbal

- head nod
- facial expressions

---

---

---

---

---

---

---

---

## SILENCE

*Just zip it! And practice staying quiet even when the other person has stopped talking.*

*"We have two ears and one mouth and God intended for us to use them in proportion." — Dr. Alan Wolfelt*

---

---

---

---

---

---

---

---

## VICTIM SURVIVOR COMMUNICATION

- ◎FIRST: Listen
- ◎SECOND: Gather information
- ◎THIRD: Solve problems

---

---

---

---

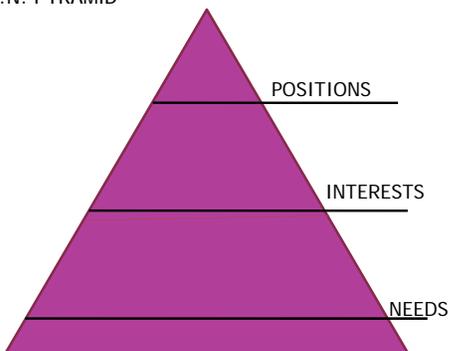
---

---

---

---

P.I.N. PYRAMID



---

---

---

---

---

---

---

---

## VICTIM SURVIVOR TRAUMA COMMUNICATION

- ◎ SAFETY AND SECURITY
- ◎ PREDICT AND PREPARE
- ◎ VENTILATE AND VALIDATE

---

---

---

---

---

---

---

---

## SAFETY AND SECURITY

- ◎ CRISIS “FIRST AID”
  - YOU'RE SAFE NOW
  - IT'S NOT YOUR FAULT
  - I'M SORRY IT HAPPENED
- ◎ CALM, REASSURING AUTHORITY
- ◎ RESTORATION OF CONTROL

---

---

---

---

---

---

---

---

## SAFETY AND SECURITY

- ◎ Victim survivor safety must be *first priority* of the MJS and service providers
  - Immediate
  - Long-term
- ◎ Victim survivors will not always tell you that they do not feel safe -- it is crucial to ask if they have any safety concerns!
- ◎ Allow the victim survivor to *define the harm*, which contributes to safety/ security responses

---

---

---

---

---

---

---

---

**SAFETY AND SECURITY  
VICTIM PROTECTION  
MEASURES**

- ◉ Immediate, sensitive response by MJS
- ◉ Confidentiality of victim services and requests for MJS interventions
- ◉ Protective orders
- ◉ Cross-agency collaboration
- ◉ Safety plans
- ◉ Offender accountability

---

---

---

---

---

---

---

---

**PREDICT AND PREPARE**

- ◉ Let them know what's likely going to happen
- ◉ Put things in writing
- ◉ Answer questions honestly
- ◉ "Predictions" versus "Prescriptions"

---

---

---

---

---

---

---

---

**PREDICT AND PREPARE**

- ◉ Recognize most victims *do not* understand the MJS.
- ◉ Provide information about the system:
  - Different agencies and how they interact (if they interact)
  - Key players
  - Respective responsibilities for implementing victims' rights
  - Victim compensation

---

---

---

---

---

---

---

---

## PREDICT AND PREPARE

- ◉ A “glossary of terms” is helpful
- ◉ Know all applicable victims’ rights
- ◉ Be willing/able to provide information about and referrals to victim services
- ◉ Explain what you *can* and *will* do. Never assume the victim knows this!
- ◉ Ask how they’ve coped with crises in the past

---

---

---

---

---

---

---

---

## VENTILATE AND VALIDATE

- ◉ Allow them to tell their story as needed
- ◉ Accept all feelings without judgment
- ◉ Understand crisis response / reaction
- ◉ “Being” versus “Doing”

---

---

---

---

---

---

---

---

## VENTILATE AND VALIDATE

- ◉ Understand that the more victims speak about their crimes, the more (and more clearly) they remember details.
- ◉ Validate that *the victim is your client!*
- ◉ Always allow victims to talk, ventilate and express their opinions
- ◉ If you need to set time limits for victim interactions, *help victims make the best use of your limited time together.*

---

---

---

---

---

---

---

---

## VENTILATE AND VALIDATE

Questions to aid in ventilation:

- ◉ “How has this crime/ offense affected you and your family?”
- ◉ “Who else have you talked to? Was that helpful?”
- ◉ “What do *you* want to happen?” (*this helps set parameters*)
- ◉ What have you found that helps so far?”
- ◉ Validate victims’ anger directed at the offender, the MJS, and society

---

---

---

---

---

---

---

---

## WHAT HELPS

- ◉ Talking about what happened
- ◉ Having our feelings accepted
- ◉ Being with others who have been through something similar

---

---

---

---

---

---

---

---

## WHAT DOESN'T HELP

- ◉ Clichés
- ◉ Minimization
- ◉ Advice

---

---

---

---

---

---

---

---

## LIMITS: SURVIVORS WHO MONOPOLIZE

- ◉ “It’ll help both of us if we can identify and focus on your major needs/concerns.”
- ◉ “Thanks for calling. Let’s see if we can identify ways I can assist you.”
- ◉ “I’d like to help you, or figure out who is the best person to help you.”

---

---

---

---

---

---

---

---

## LIMITS: SURVIVORS WHO MONOPOLIZE

- ◉ “I only have # minutes. I wish I had more time, but let’s see what we can do to meet your needs in this timeframe.”
- ◉ “I am not a counselor, but can offer you referrals if you need more help.”
- ◉ “My job is to \_\_\_\_\_. It sounds like you need to talk to someone with the experience to help you. Can I offer you’re a referral?”

---

---

---

---

---

---

---

---

## LIMITS: SURVIVORS WHO MONOPOLIZE

- ◉ Search for a “break” in the victim’s conversation with you.
- ◉ Express appreciation for their call:
  - “I’m glad you called...”
  - “The information you’ve given me is helpful.”
  - “Thanks for taking time to share your concerns/issues....”

---

---

---

---

---

---

---

---

**LIMITS: SURVIVORS WHO MONOPOLIZE**

- ◉ “As I said earlier, I wish I had more time to speak with you. Since I don’t, is there any final information I should have about.....?”
- ◉ Offer “action steps” that you and/or the victim survivor should take, and/or referrals.
- ◉ If possible, provide a time line for the action steps.
- ◉ Thank the victim survivor for calling.

---

---

---

---

---

---

---

---

**LIMITS: SURVIVORS WHO ARE ANGRY**

- ◉ Remember how *victim trauma* affects victim reactions and interactions!
- ◉ Focus not just on *that* the victim is angry, but on *what may be causing the anger*.
- ◉ Try not to take it personally – it *isn't!*
- ◉ It just is...you may not have to do anything.

---

---

---

---

---

---

---

---

**LIMITS: SURVIVORS WHO ARE ANGRY**

- ◉ Validate the victim survivor's anger:
  - “I can tell by your voice that you’re pretty upset.”
  - “Let’s see if we can *identify* and *address* the issues/concerns that are making you upset.”
- ◉ If you feel you are being verbally abused, seek help from a supervisor.

---

---

---

---

---

---

---

---

**ONE FINAL THOUGHT.....**

You may be the *first* person  
the victim has spoken to,  
or you may be *the most  
important person* the victim  
needs to talk to!

---

---

---

---

---

---

---

---

# ANNEX K:

## Transitional Compensation Best Practices





Transitional Compensation for  
Abused Family Members

Deborah Wagner  
Clinical Program Manager  
HQMC Family Advocacy Program  
December 2013

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



Overview

- MCO 1754.11 VA Responsibilities
- Program overview
- Eligibility criteria
- Program benefits
- Application process

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



Overview

- Federal Law per 10 USC 1059
- Mandated program per DoDI 1342.24,  
23 May 1995
- DoD Financial Management Regulation  
Vol 7B Chapter 60

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Purpose

- To provide temporary financial assistance to eligible family members while they reestablish their lives after the abusive Marine is separated from the Marine Corps for a dependent-abuse offense
- To ease unexpected transition from military to civilian life

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Dependent Abuse Offenses

- Acted out by Marine upon dependent
- Involves abuse of the spouse or dependent child of the SM
- Must be a criminal offense as specified under UCMJ, Federal criminal law, criminal laws of the States and other jurisdictions of the U.S., and/or laws of other nations

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Dependent Abuse Offenses

- Sexual assault, rape, sodomy
- Assault, battery
- Child abuse (to include child neglect)
- Murder and manslaughter
- Stalking

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Victim Advocate Responsibilities

- Educate Command and other relevant personnel
  - On program
  - On eligibility
  - On importance of including domestic abuse in separations when appropriate
- Educate victims
- Assist in the application process
- Liaison between HQMC, victim, law enforcement, SJA, etc.

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Eligibility Criteria

- Dependents must have been residing with spouse or service member
- Marine served minimum of 30 days on Active Duty
- Marine separated for a dependent abuse offense via:
  - Result of a court-martial sentence; or
  - Forfeiture of all pay and allowances via court-martial; or
  - Administrative separation (Enlisted); or
  - Board of Inquiry (Officers)

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Eligibility Criteria - Children

- Under 18 years of age
- 18 years or older, but incapable of self-support because of mental or physical incapacity (will require proof)
- Between 18 and 23 years, but enrolled full-time in an institution of higher learning and dependent on service member for greater than ½ of support (will require proof)
- Still a dependent at the time of the separation or court martial

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Eligibility Criteria - Children

- Proration may occur if they are not dependent for duration of payment
- Stepchildren are eligible assuming they are dependents at the time of the separation
- Children not residing with the parent can receive payment through a payee
  - Not if child is in foster care as state has custody
  - If child is returned to spouse, spouse can receive payment

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Eligibility Criteria - Spouse

- Must have been married at the time of offense
- Can be divorced as of SM's separation
- If SM is separated for abuse of a child, spouse must not have participated in abuse

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Not Eligible

- Intimate Partner (even if residing with service member)
- Dependents when SM was not separated
  - Service member commits suicide after offense
  - Service member NJPed but not separated
  - Service member EASes before separation
- Child not residing with the service member or spouse at the time of the dependent-abuse offense
  - Child not born at time of offense
  - Service member abuses new wife while biological child from previous marriage is visiting

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Forfeiture Provisions

- Spouse co-habits with former member
- Spouse remarries
- Loses custody of children (forfeits child amount)
- Not in compliance with annual re-certification through DFAS

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Benefits

- Benefits begin:
  - 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)
    - OR
  - On the date the Marine's command accepts Separation in Lieu of Trial
    - OR
  - On the date the Marine's command notifies Marine of Board of Inquiry

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Benefits - Duration

- Determined by End of Contract date
- No less than 12 months
- No more than 36 months
- If Officer, assuming augmented, 36 months
- Cannot be extended

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Benefits

- Monthly payments
- Military ID card
- Medical
- Dental (space available status)
- Commissary and Exchange

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Benefits

- JFTR provides for safety transfers in certain situations (MILPERSMAN 1300-1200 CH-40)
- Transportation is NOT a TCAFM benefit
- Medical expenses related to the abuse can be approved by SecNav on case by case basis for coverage after expiration of TCAFM (Designee Program) – includes mental health

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Payment

- Based on the rate in effect for Dependency and Indemnity Compensation
- Monies are not reported as income
- Monies are not taxed
- 1<sup>st</sup> payment will take up to 6 weeks from approval date to receive

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Application Process

- Completion of application packet by victim with assistance from VA
  - ❖ DD Form 2698, Application for Transitional Compensation
  - ❖ Supporting legal documents
  - ❖ Direct Deposit Form
  - ❖ Cover Sheet
- Finance approval at HQMC
- HQMC notifies recipient, DFAS and DEERS

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---

---

---



### Exceptional Eligibility

Authorized under OSD DTM 14 April 2008

- SecNav's office authorized to review and approve cases where dependent-abuse offense was not documented as reason for separation
- Evidence of dependent-abuse offense must accompany the application
- Requires that SM already be separated at the time of application for waiver

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---

---

---



### Exceptional Eligibility

#### Examples of Documentation

- IDC Letter showing met criteria for physical abuse
- Non-judicial punishment documentation
- Law enforcement reports including blotters
- Court documents (ex parte, protective orders)
- FAP assessments

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---

---

---



### Important Notes

- DFAS, DEERS, HQMC not connected
- HQMC must wait for response from DFAS and DEERS
- Beneficiary maintains responsibility for follow up with DFAS/DEERS
  - VA can assist
  - HQMC can assist

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Example #1

Both SM and spouse are found to have abused their child; SM is separated for abuse against spouse

Is spouse eligible?  
Is child eligible?

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



### Example #2

Children and spouse reside away from SM; SM abuses spouse at spouse's home and is separated for that abuse

Is spouse eligible?  
Is child eligible?

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---

 **Example #3**

Dependent is 17 years, 11 months old at time of court martial for abuse against spouse leading to Bad Conduct Discharge

Is spouse eligible?  
Is child eligible?

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---

 **Example #4**

SM arrested for driving under the influence with six month old child in car; SM is separated for alcohol related issues

Is child eligible?

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---

 **Example #5**

SM sexually assaults spouse; Command notifies SM of plan for AdminSep; SM EASes before AdminSep occurs

Is spouse eligible?

---

*"Keeping Faith"*

---

---

---

---

---

---

---

---



## HQMC Point of Contact

POC: Victim Advocacy Program Manager

Current Contact:

Deborah Wagner

Clinical Program Manager

HQMC Family Advocacy Program

Commercial: (703) 784-9128 (temporary)

Fax: (703) 784-9828

Email: [deborah.wagner@usmc.mil](mailto:deborah.wagner@usmc.mil)

Website: <http://www.usmc-mccs.org/transcomp/index.cfm>

*"Keeping Faith"*

---

---

---

---

---

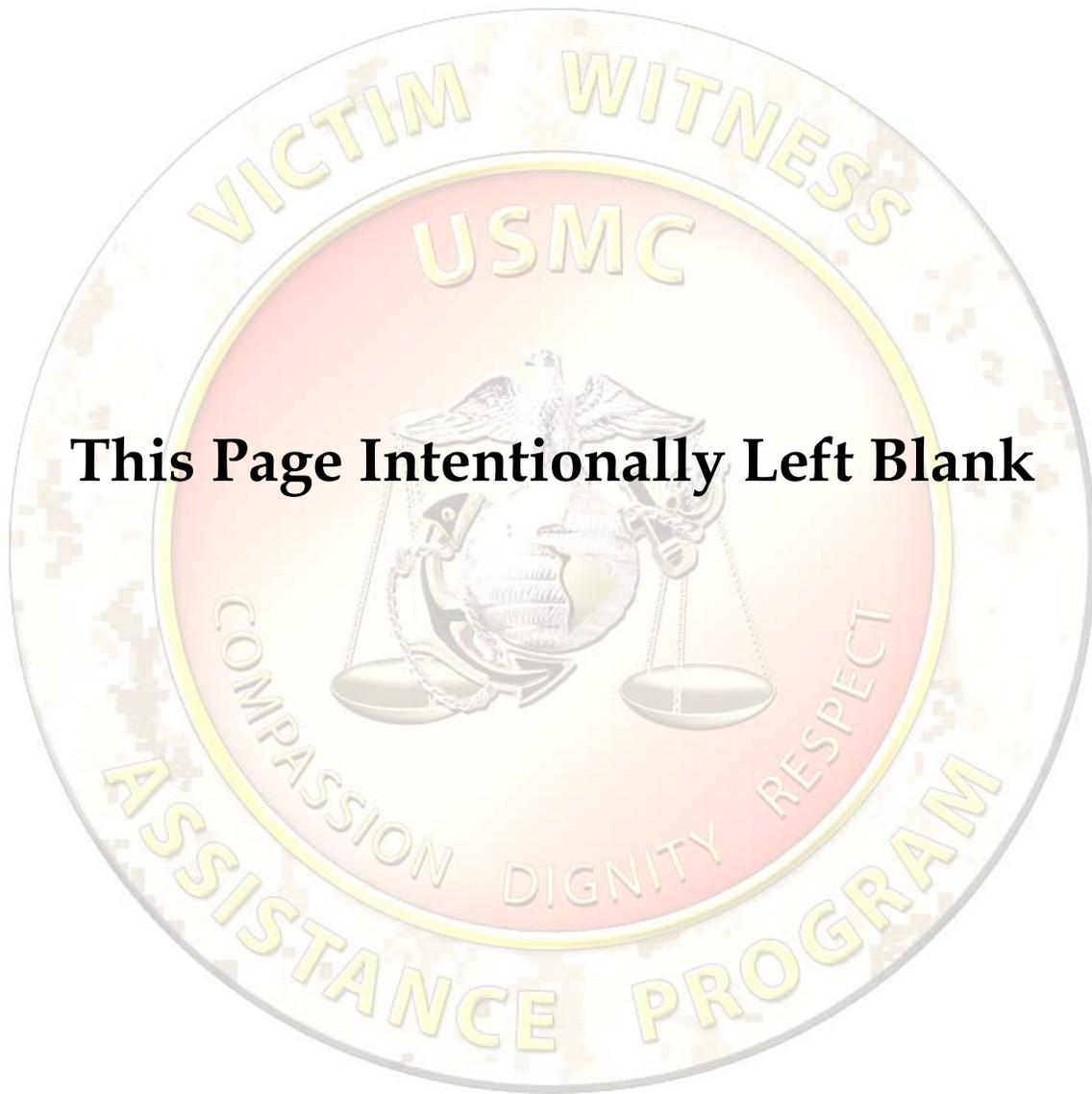
---

---

---

---

---



**This Page Intentionally Left Blank**

# ANNEX L:

## Civilian Assistance Crime Victim's Rights Act



San Diego County District Attorney's  
VICTIM ASSISTANCE PROGRAM



Lisa Watkins  
Victim Advocate

---

---

---

---

---

---

---

---

WHO IS A VICTIM?

ANYONE EMOTIONALLY,  
PHYSICALLY, OR FINANCIALLY  
AFFECTED BY THE CRIME

---

---

---

---

---

---

---

---

WHO ARE WE?

- ▶ Penal Code 13835; S.D. Advocates are DA employees
- ▶ Assist victims of all types of crimes whether or not a suspect is apprehended
- ▶ Advocates located in all courthouses, SDPD and SDSO Headquarters
- ▶ Spanish speaking Advocates available

---

---

---

---

---

---

---

---

## STATISTICS FOR 2011/2012

- ▶ New victims assisted
  - 13,719 total
    - 761 homicide
    - 6,094 domestic violence
    - 2,524 assault
- ▶ Services provided
  - 12,533 referrals to community resources
  - 2,024 Victim Compensation Program applications.

---

---

---

---

---

---

---

---

## HOW IS CONTACT ESTABLISHED WITH VICTIMS?

- ▶ Media
- ▶ Police reports
- ▶ Law enforcement
- ▶ Community agencies
- ▶ Calls from victims

---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---

### CRISIS INTERVENTION



- ▶ Needs assessment
- ▶ Problem solving
- ▶ Resource/referral
- ▶ Emergency assistance
- ▶ Interview accompaniment



---

---

---

---

---

---

---

---

### FOLLOW-UP COUNSELING

- ▶ Telephone/in-person
- ▶ Assess current and future needs
- ▶ Case status
- ▶ Orientation to CJS



---

---

---

---

---

---

---

---

### COURT SERVICES

- ▶ Provide court support to victims/families/friends
- ▶ Interpretation of judicial process
- ▶ Liaison with DDA
- ▶ Victim impact statements

---

---

---

---

---

---

---

---

### Impact statement of Kelly King



"...I miss and mourn for Chelsea more deeply than one can ever imagine except for my son and husband. The three of us, millions of others, will never let Chelsea's light go out. You no longer exist, my daughter will always exist. While your name will be quickly forgotten, hers won't. You have not defeated me. I will carry on my daughter's beautiful spirit with pride and purpose."

---

---

---

---

---

---

---

---



**MARSY NICHOLAS**

Murdered November 30, 1983.  
The Inspiration for Marsy's Law

---

---

---

---

---

---

---

---

### Marcy's Law, California Victims Rights Act of 2008

- ▶ Protects and expands the legal rights of victims of crime
- ▶ 17 rights in the judicial process
- ▶ Marcy's Card
- ▶ District Attorney role and responsibilities

---

---

---

---

---

---

---

---

### Victims' Bill of Rights Marsy's Law

- ▶ 1. Fairness and Respect
- ▶ 2. Protection from the Defendant
- ▶ 3. Safety Considerations in Setting Bail
- ▶ 4. Prevention of the Disclosure of Confidential Information
- ▶ 5. Refusal to be Interviewed by the Defense
- ▶ 6. Conference with the Prosecution

---

---

---

---

---

---

---

---

### Marsy's Law (cont.)

- ▶ 7. Notice of Public Proceedings
- ▶ 8. Appearance at Court Proceedings and Expression of Views
- ▶ 9. Speedy Trial and Prompt Conclusion of the Case
- ▶ 10. Provision of Information to the Probation Department
- ▶ 11. Receipt of Pre-Sentence Report

---

---

---

---

---

---

---

---

### Marsy's Law (cont.)

- ▶ 7. Notice of Public Proceedings
- ▶ 8. Appearance at Court Proceedings and Expression of Views
- ▶ 9. Speedy Trial and Prompt Conclusion of the Case
- ▶ 10. Provision of Information to the Probation Department
- ▶ 11. Receipt of Pre-Sentence Report

---

---

---

---

---

---

---

---

### OTHER SERVICES

- ▶ Funeral arrangements
- ▶ Employer intervention
- ▶ Property return
- ▶ Restitution



---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---

### CA VICTIMS OF CRIME COMPENSATION PROGRAM

- ▶ Funded through fines and penalties
- ▶ Direct vs. derivative victim
- ▶ Crimes against persons
- ▶ Crime must occur in CA or victim must be CA resident if crime occurred elsewhere
- ▶ Crime must be documented



---

---

---

---

---

---

---

---

### CA VICTIMS OF CRIME COMPENSATION PROGRAM Cont.

- ▶ **Cooperation** w/law enforcement
- ▶ Legal residency status not an issue
- ▶ No illegal activity/contribution
- ▶ Not available if victim is incarcerated, on parole, or felony probation
- ▶ Not available to victims of property crimes except medical equipment

---

---

---

---

---

---

---

---

### COVERED EXPENSES

- ▶ Expenses must be related to the immediate crime
- ▶ Medical/Dental
- ▶ Counseling
- ▶ Relocation/Home Security Improvements
- ▶ Wage/Support loss
- ▶ Funeral/Burial
- ▶ Payer of last resort
- ▶ **\$63,000 maximum**



---

---

---

---

---

---

---

---

Yesterday, I was a victim, but today I choose to be a survivor. In so doing, the healing journey from victimization to empowerment moves from "Victim" to "Survivor" to "Victor".

Edith Eva Eger, Ph.D.  
Auschwitz Survivor

---

---

---

---

---

---

---

---

# ANNEX M:

## Commanding General Inspection Process and 092 Checklist



**Victim Witness Assistance  
Program Inspections**  
Functional Area 092

---

---

---

---

---

---

---

---

**Intent**

- Promote Marine Corps combat readiness, integrity, efficiency, effectiveness, and credibility through impartial and independent inspections, assessments, inquiries, investigations, teaching and training.

---

---

---

---

---

---

---

---

**Concept**

- Conduct short and no-notice inspections in order to minimize wasted preparation time and provide an accurate assessment of day-to-day readiness.
- Inspections will: Respect and uphold the commander's authority and foster a climate of trust and confidence.
- Be positive and provide productive learning experiences for those personnel inspected.
- Attempt to identify the root cause of problems, particularly those which are beyond the ability of the commander to solve.
- Include follow-ups and resolution of problems that are beyond the ability of the inspected command/unit to solve.

---

---

---

---

---

---

---

---

## Grading

- Mission Capable:

The command or unit possesses the requisite skills, equipment and understanding to accomplish its assigned mission, tasks, and functions; and uses these to accomplish its missions, tasks, and functions.

- Non-mission Capable:

The command or unit does not possess the required skills, equipment, personnel or understanding to accomplish its assigned mission, tasks, and functions; or does not use these to accomplish its assigned missions, tasks, and function.

---

---

---

---

---

---

---

---

- Problems noted in an inspection will be categorized as follows:

- Discrepancy: an error or failure to comply with guidance, direction or action as required in appropriate and applicable directives.

- Finding: a significant problem within the command that:

- Detracts from the command's readiness.
- Involves or could lead to fraud, waste, or abuse.
- Involves issues of health, more, or welfare of the unit's Marines or Sailors.

---

---

---

---

---

---

---

---

## Fully Functional Program

- Access to Restricted & Unrestricted Blotters
- Access to Case Management System (CMS)
- Updated webpage with VWAP Rights, services available, contact information, etc...
- Chair or participate in Installation Council
- System to track Victim or Witness Rights (DD Forms, Case Information, etc...)

---

---

---

---

---

---

---

---

# PULSE Checklist

(1 Per Adult Victim or Witness)

Date Offense Disclosed

## PULSE #1 - 8 DAYS AFTER OFFENSE IS DISCLOSED

**Victim/Witness Name:** \_\_\_\_\_

**DD 2701 distributed by:** \_\_\_\_\_

on \_\_\_\_\_

**Type of Crime:** \_\_\_\_\_

**Date of Crime:** \_\_\_\_\_

**Victim/Witness Name:** \_\_\_\_\_

**VWAC Name:** \_\_\_\_\_

Victim/Witness Unit: \_\_\_\_\_

VWAC Unit: \_\_\_\_\_

Victim/Witness Phone: \_\_\_\_\_

VWAC Phone: \_\_\_\_\_

Victim/Witness Email: \_\_\_\_\_

VWAC Email: \_\_\_\_\_

**Accused Name:** \_\_\_\_\_

**Accused Unit VWAC Name:** \_\_\_\_\_

Accused Unit: \_\_\_\_\_

Accused Unit VWAC Phone: \_\_\_\_\_

Are there multiple accused (if yes, see last page)  Yes  No

Accused Unit VWAC Email: \_\_\_\_\_

**Minor, Incapacitated, or Deceased Victims/Witnesses** for which the Victim/Witness Listed Above is Responsible:

- |          |          |          |
|----------|----------|----------|
| 1. _____ | 2. _____ | 3. _____ |
| 4. _____ | 5. _____ | 6. _____ |

Has a victim/witness OR accused unit transfer occurred?  Yes  No

Is the Accused in Confinement?:  Yes  No

Is Victim/Witness aware of the Accused's current confinement status: \_\_\_\_\_

### Describe Specific Status of the Case

(i.e. - Pending Investigation, Administrative Action, RLS, Summary Court-Martial, Special Court-Martial, Art 32, General Court-Martial, Pre-Trial Agreement, etc.)

# PULSE Checklist

(1 Per Adult Victim or Witness)

## PULSE #2 - 30 DAYS AFTER OFFENSE IS DISCLOSED

**Victim/Witness Name:** \_\_\_\_\_

Has there been a Victim/Witness or Accused unit transfer?  Yes  No

Any changes in accused confinement status?  Yes  No

### Describe Specific Status of the Case

(i.e. - Pending Investigation, Administrative Action, RLS, Summary Court-Martial, Special Court-Martial, Art 32, General Court-Martial, Pre-Trial Agreement, etc.)

### Select Status of the Case

(Must select an option to reveal future PULSE Checklists)

- Pending General Court-Martial
- Pending Special Court-Martial
- Pending Administrative Action
- Case Currently Closed - No Action Pending

If the MILITARY JUSTICE OFFICE CANNOT TELL YOU WHAT THEY ARE DOING WITH THE CASE, THEN YOU MUST FOLLOW-UP EVERY 2 WEEKS UNTIL YOU CAN ANSWER ONE OF THE ABOVE OPTIONS. You must CHANGE THE CASE STATUS SELECTION ABOVE IF THE STATUS CHANGES BETWEEN PULSE #2 (30 days after discovery of the offense) AND PULSE #3 (date of RLS). This reveals the proper PULSE checklists. If the type of court-martial changes, come back to this box and select the new type of court-martial. DO NOT return to these options and select "Case Currently Closed - No Action Pending" UPON COMPLETION OF A COURT-MARTIAL.

## DETAILED INSPECTION CHECKLIST

FA SC STMT	TEXT
092	VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP) Functional Area Manager: LAO/JA-2 Point of Contact: CWO5 ROBERT HALL/MSGT DANIEL SEARS E-mail: <a href="mailto:ROBERT.M.HALL2@USMC.MIL">ROBERT.M.HALL2@USMC.MIL</a> / <a href="mailto:DANIEL.W.SEARS@USMC.MIL">DANIEL.W.SEARS@USMC.MIL</a> (DSN) 224-8661 (COML) 703 614-8661 DATE LAST REVISED: 7 October 2013
092 01	INSTALLATION COMMANDERS
092 01 001	Has the COMMCICOM, COMMARFORRES, and regional MCI CGs appointed in writing, by name, title, duty address, and telephone number, a Regional Victim Witness Liaison Officer (RVWLO)? Reference MCO 5800.14, ENCL (3), PAR 2(a)(2)
092 01 002	Did the installation commander appoint, in writing, by name, title, duty address, and telephone number, an officer or civilian member of the Installation Staff, as a Victim and Witness Liaison Officer (VWLO)? Reference MCO 5800.14, ENCL (3), PAR 2(b)(2)
092 01 003	Is the Installation Commander ensuring that VWAP representatives aboard the installation are provided the VWLO's name and phone number? Reference MCO 5800.14, ENCL (3), PAR 2(b)(3)
092 01 004	Has the Installation Commander established a local Victim and Witness Assistance Council chaired by the installation VWLO? Reference MCO 5800.14, ENCL (3), PAR 2(b)(4)

- 092 01 005      When a Marine Corps confinement facility is located aboard the installation; has the Installation Commander appointed in writing, by name, title, duty address, and telephone number, a confinement facility representative to serve as the confinement facility Victim Witness Assistance Coordinator (VWAC) and representative to the local Victim and Witness Assistance Council?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(b)(5)
- 092 01 006      With the assistance of the local Marine and Family Programs Office; has the Installation constructed and maintained a directory of military and civilian programs, services, and crime victim compensation funds available to victims and witnesses, and ensured the directory is published on the installation's public website?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(b)(6)
- 092 01 007      Does the Installation Commander have processes in place to maintain data on the number of victims and witnesses who received DD Forms 2701-2703 and elect notification via DD Form 2704? What is the process?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(b)(8)
- 092 02            REGIONAL VICTIM WITNESS LIAISON OFFICER (RVWLO)
- 092 02 001      Is the RVWLO an officer or civilian member of the commander's staff of appropriate experience, temperament, and rank?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(a)(1)
- 092 02 002      Does the RVWLO maintain a list of VWLOs from each installation under the cognizance of their commanding general and ensure copies of this list are provided to all cognizant VWLOs and CMC (JA-2)?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(a)(3)
- 092 02 003      Has the RVWLO ensured basic VWAP training is available to all new VWLOs and VWACs?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(a)(4)

- 092 02 004 Has the RVWLO collected and maintained data on the number of victims and witnesses, in the region, who received DD Forms 2701-2703 and who elected notification via DD Form 2704?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(a)(5)
- 092 02 005 Has the RVWLO compiled and maintained VWAP data and forwarded it to CMC (JA-2) on a quarterly basis?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(a)(6)
- 092 02 006 Has the RVWLO chaired and conducted a semi-annual Regional VWLO meeting to discuss VWAP- related issues? When was the last meeting held?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(a)(8)
- 092 03 INSTALLATION VICTIM WITNESS LIAISON OFFICER (VWLO)
- 092 03 001 Is the VWLO an officer or civilian member of the commander's staff of appropriate experience, temperament, rank, and not serving in a prohibited legal billet?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(b)(1)
- 092 03 002 Does the VWLO maintain a list of VWACs, service providers, and SJAs aboard the installation? Are copies of this list provided to all VWACs and service providers?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(b)(3)
- 092 03 003 Has the VWLO ensured that each organization (battalion/squadron level and above) assigned to the installation, including tenant commands, has appointed a VWAC in writing, by name, title, duty address, and telephone number?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(b)(4)
- 092 03 004 Does the VWLO chair and conduct a quarterly installation-level Victim Witness Assistance Council meeting?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(b)(5)

- 092 03 005 In conjunction with the installation Marine and Family Programs office and SAPR programs, does the VWLO maintain an installation website that includes, at a minimum, a current directory of installation VWAP personnel, military and civilian programs and services providing counseling, treatment, or other victim support services within the geographic area of the installation, and contact information for these programs?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(b)(6)
- 092 03 006 Does the VWLO obtain and distribute relevant information and provide annual training to all VWACs aboard the installation?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(b)(7)
- 092 03 007 Does the VWLO have a process in place to compile and maintain data, and forward data to the Installation Commander in accordance with reporting requirements?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(b)(10)
- 092 03 008 Does the VWLO ensure that deploying units receive appropriate VWAP training and information prior to deployment?  
Reference  
MCO 5800.14, ENCL (3), PAR 3(b)(11)
- 092 04 LEGAL COMMUNITIY, LAW ENFORCEMENT AND CORRECTIONS ROLES AND RESPONSIBILITIES
- 092 04 001 Has the Convening Authority SJA provided a copy of the Convening Authority Action (CAA) to the trial counsel in those cases where a victim or witness has elected to be informed of the CAA?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(a)(2)
- 092 04 002 Has the OIC, Legal Services Support Team (LSST) appointed a Legal Services VWAC in writing, by name, title, duty address, and telephone number?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(b)(1)
- 092 04 003 Has the OIC, LSST ensured all VWAP data is entered into the SJA to CMC's Case Management System (CMS)?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(b)(3)

- 092 04 004 Does the OIC, LSST ensure that the total number of victims and witnesses provided DD Forms 2702 and 2703, and the total number of victims and witnesses electing to be notified of prisoner status change in DD Form 2704, are reported to the installation VWLO quarterly?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(b)(4)
- 092 04 005 Does the OIC, LSST ensure that a representative is assigned to the Victim and Witness Assistance Council located on installations to which the LSST provides direct support legal services?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(b)(5)
- 092 04 006 After preferral of charges, do trial counsel provide all victims and witnesses in a case with the DD Form 2702 (Court-Martial Information for Victims and Witnesses of Crime), and determine their elections as to those rights?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(3)
- 092 04 007 When a victim or witness has requested notification, do detailed trial counsel to each case ensure, at their earliest possible opportunity, reasonable, accurate, and timely notification to the victim or witness of the required trial events and procedural milestones? How is this accomplished?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(4)
- 092 04 008 During court-martial proceedings, do detailed trial counsel ensure that victims, victim witness support personnel, and prosecution witnesses are provided, if desired, with a waiting area that is separate from, and out of the sight and hearing of, the accused and defense witnesses?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(8)
- 092 04 009 Upon request by the victim and/or witness, do trial counsel take reasonable steps to inform that person's employer of the reasons for that person's absence from work?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(10)

- 092 04 010      When trial counsel has possession of a victim's or witness's property, does trial counsel safeguard the property held as evidence and return it as soon as possible with due consideration of the possibility of appeals and other post-trial requirements?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(11)
- 092 04 011      At the conclusion of a court-martial resulting in a conviction, does the detailed trial counsel 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)?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(13)
- 092 04 012      At the conclusion of every court-martial in which confinement is adjudged, does the trial counsel complete a DD Form 2704 and provide copies to the confinement facility, victim and witnesses entitled to a copy, and responsible VWACs?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(14)
- 092 04 013      Are LSST Trial Counsel maintaining data on the number of victims and witnesses provided DD Forms 2702 and 2703, and the number of victims and witnesses, using DD form 2704, which elected to be notified of a prisoner's status change? How is this data being maintained?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(15)
- 092 04 014      Is all VWAP data entered into the Case Management System record for each victim and witness when required?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(15)
- 092 04 015      Are LSST Trial counsel determining whether victims and witnesses elect to receive further information and updates regarding appeals? If they do, has detailed trial counsel forwarded their contact information and a copy of the DD Form 2704 to U.S. Navy OJAG (Code 46)?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(16)(b)

- 092 04 016 In cases remanded for rehearing on findings and/or sentence, has the LSST VWAC coordinated with U.S. Navy OJAG (Code 46) to re-assume the role as primary point of contact for victims and witnesses associated with the case.  
Reference  
MCO 5800.14, ENCL (3), PAR 4(d)(16)(c)
- 092 04 017 Has each law enforcement agency or office aboard the installation appointed a Law Enforcement VWAC to serve on the Victim Witness Assistance Council?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(c)(1)
- 092 04 018 Are DD Form 2701s being provided to victims and witnesses, and do the forms contain accurate contact information for that specific installation?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(c)(1)(b)
- 092 04 019 Are DD Form 2701s being accurately tracked and reported to the installation VWLO?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(c)(1)(c)
- 092 04 020 Are law enforcement agencies conducting annual training on the requirements of the VWAP and applicable orders regarding the treatment of victims and witnesses?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(c)(1)(d)
- 092 04 021 Are law enforcement agencies ensuring that command VWACs are notified of criminal investigations requiring action?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(c)(10)
- 092 04 022 In situations where one party to a Military Protective Order (MPO) resides off-base, is there an MOU/MOA established with local police and sheriff departments and other municipal organizations?  
Reference  
MCO 5580.2B w/Ch 1, encl (1), par 3402
- 092 04 023 Has the brig/PCF commanding officer (CO) or OIC appointed, in writing, a Confinement Facility VWAC and an alternate VWAC?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(1)(a)

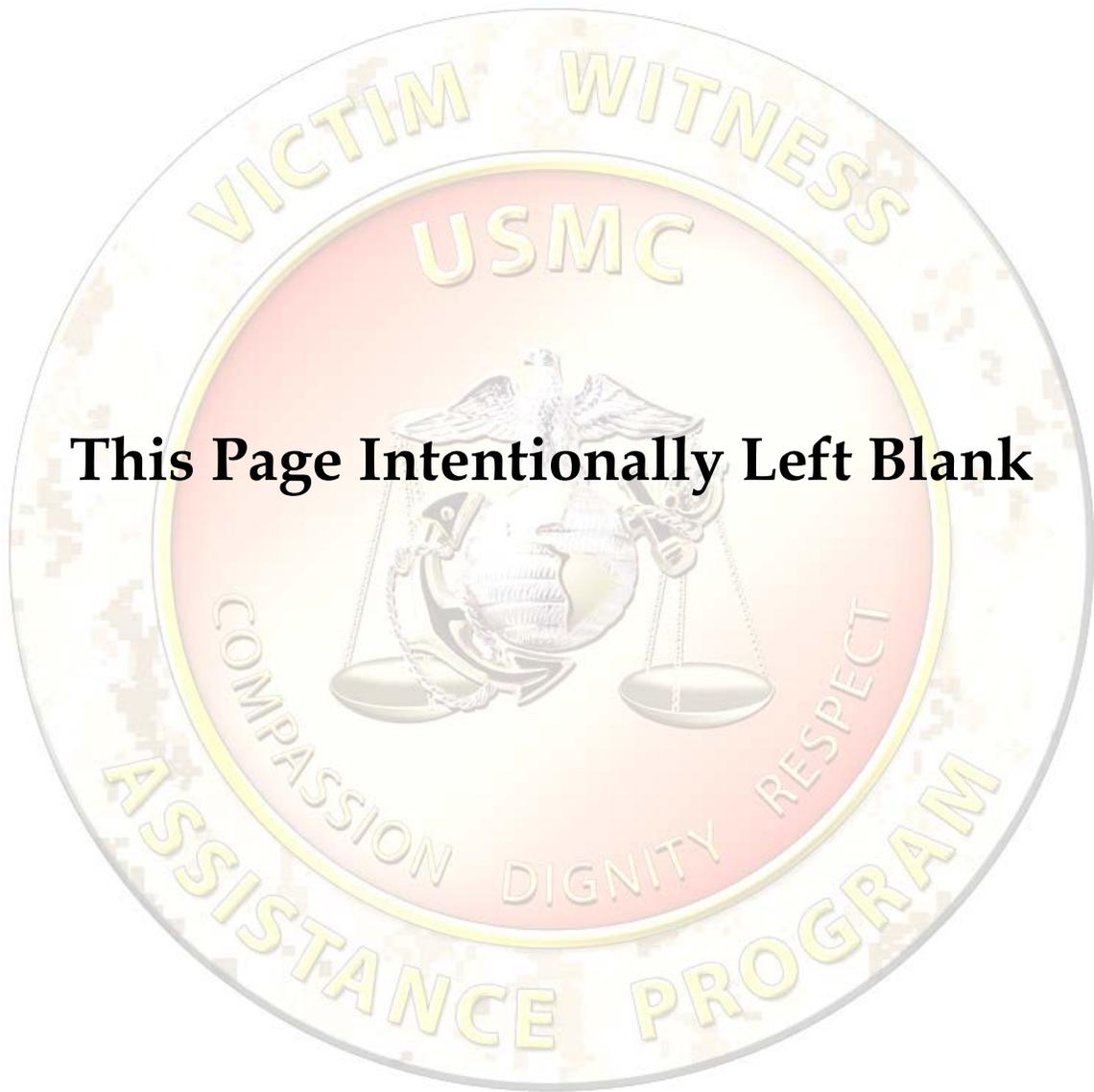
- 092 04 024 Are individual confinement records of prisoners included in the victim and witness program identified by placing a white label on the outside of the file with the letters "VW" written at least high in black?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(4)
- 092 04 025 Does the confinement facility VWAC maintain a separate adjunct file by individual name of the prisoner, cross-referenced to the brig/PCF-specific number?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(5)
- 092 04 026 Is the brig/PCF-specific number developed using the brig/PCF's CORMIS unit identification code (UIC), the year and month the prisoner's case was adjudged, and a sequential number of the file for that calendar year (e.g., 31001 10-11 001)?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(5)
- 092 04 027 Is all contact with a victim or witness, including telephonic and unsuccessful contact attempts, properly documented in CORMIS?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(5)
- 092 04 028 Is the DD Form 2705, Victim/Witness Notification of Inmate Status used to advise victims and witnesses of all release and release-related activities, transfers, and escapes? Additionally, is notification made at least 45 days prior to the relevant action utilizing certified mail, return receipt?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(6)
- 092 04 029 Does the confinement facility VWAC send an acknowledgement of request to participate in the program to victims and witnesses within ten working days of receipt of the DD Form 2704, and is a completed DD Form 2705 (section I; section II, block 3, 4, 5 and 6; section III, block 8.a and 8.b; and section V) included with the initial enrollment letter?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(6)(a)
- 092 04 030 When a prisoner is to be released does the brig/PCF VWAC notify victims and witnesses through the use of a DD Form 2705, providing the date, reason for release, and destination (city and state)?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(6)(c)

- 092 04 031 In the event of a prisoner escape, does the confinement facility VWAC notify victims and witnesses telephonically as soon as possible?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(6)(d)
- 092 04 032 Does the confinement facility VWAC notify victims and witnesses of all planned transfers including the address of the receiving brig/PCF?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(6)(e)1
- 092 04 033 Are all brig/PCF personnel provided information about the VWAP and staff responsibilities at least annually?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(9)
- 092 04 034 Do confinement facility VWACs ensure all VWAP information is entered in CORMIS within five days of the end of each quarter (i.e., by January 5, April 5, July 5, or October 5, as applicable)?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(10)
- 092 04 035 Are all documents pertaining to victims and witnesses maintained in a secure and separate manner from the prisoner record for two years after the prisoner's full term release date. Additionally, after the second anniversary of release, is all victim and witness information destroyed in accordance with service regulations regarding PII?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(12)(b)
- 092 04 036 Have Brig/PCF COs and OICs established internal controls to ensure all information held on victims and witnesses is kept strictly confidential and that no unauthorized person(s) or any prisoner(s) shall access the information?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(13)

- 092 04 037 Is all victim and witness information placed in a separate envelope stamped on both sides "EXEMPT FROM RELEASE UNDER FREEDOM OF INFORMATION ACT ONLY CMC (ARSF) CAN AUTHORIZE RELEASE OF INFORMATION"? In addition, is a cover sheet placed inside the envelope on top of the material stamped "ALL VICTIM AND WITNESS INFORMATION IS EXEMPT FROM RELEASE UNDER THE FREEDOM OF INFORMATION ACT, ONLY CMC (ARSF) CAN AUTHORIZE RELEASE OF INFORMATION?"  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(13)
- 092 04 038 Is the Victim and Witness Notification Program included in the brig/PCF standard operating procedures?  
Reference  
MCO 5800.14, ENCL (3), PAR 4(e)(13)
- 092 05 SERVICE PROVIDERS  
INSTALLATION MARINE AND FAMILY SERVICES (MF)
- 092 05 001 What process is in place to inform crime victims and witnesses about VWAP rights, services, and assistance when they receive counseling, treatment, or advice, if such information has not already been provided?  
Reference  
MCO 5800.14, ENCL (3), PAR 5(a)(1)
- 092 05 002 Does MF ensure that victims and witnesses in a case understand the rights afforded them under the law and are provided with a completed DD Form 2701 if one has not already been provided?  
Reference  
MCO 5800.14, ENCL (3), PAR 5(a)(2)
- 092 05 003 What is the process in place to maintain data on the number of victims and witnesses who received DD Form 2701?  
Reference  
MCO 5800.14, ENCL (3), PAR 5(a)(3)
- 092 05 004 Does MF compile and report the total number of victims and witnesses provided DD Form 2701 to the installation VWLO quarterly?  
Reference  
MCO 5800.14, ENCL (3), PAR 5(a)(4)

- 092 05 005 Does MF inform victims of spousal or interfamilial abuse of the benefits provided under Transitional Compensation for Abused Family Members?  
Reference  
MCO 5800.14, ENCL (3), PAR 5(a)(5)
- 092 05 006 Has MF appointed, by name and in writing, a representative to the local Victim and Witness Assistance Council?  
Reference  
MCO 5800.14, ENCL (3), PAR 5(a)(9)
- 092 06 UNIT COMMANDERS
- 092 06 001 Has the Unit Commander appointed in writing, by name, title, duty address, and telephone number, a VWAC?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(c)(1)
- 092 06 002 In cases of summary courts-martial where confinement is adjudged and approved, did the unit commander coordinate with a trial counsel assigned to the Legal Services Support Team (LSST) supporting their command prior to completing the DD Form 2704?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(c)(3)
- 092 06 003 Have Commanders provided annual VWAP training to ensure that unit personnel know the identity of their VWAC and understand victim and witness rights?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(c)(5)
- 092 07 VICTIM WITNESS ASSISTANCE COORDINATORS (VWAC)
- 092 07 001 Is the VWAC an Officer, SNCO, or civilian member of the commander's staff of appropriate experience, temperament, and rank?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(d)(1)
- 092 07 002 What is the process in place to maintain data on the number of victims and witnesses who receive DD Forms 2701?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(d)(4)

- 092 07 003      Are the total number of victims and witnesses provided DD Form 2701 being reported to the installation VWLO quarterly?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(d)(5)
- 092 07 004      In pretrial confinement cases where the victim or witness has requested notification, did the VWAC notify the victim or witness of changes in the accused's pretrial confinement status?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(d)(8)
- 092 07 005      Has the VWAC obtained and distributed VWAP materials and provide VWAP training to the members of the command on an annual basis?  
Reference  
MCO 5800.14, ENCL (3), PAR 2(d)(9)



**This Page Intentionally Left Blank**

# ANNEX N:

## VWAP Best Practices, Questions, & Answer Sessions



## VWAP Best Practices, Q and A, Wrap up

Maj Sameit  
HOMC, VWAP  
703 693 8955

---

---

---

---

---

---

---

---

## Objectives

- Generate Discussion to improve regional, installation, and unit practices
- Identify problem areas
- Identify Best Practices
  - Ensure the victims and witnesses receive optimal services
- End of the year reporting

---

---

---

---

---

---

---

---

## VWAP – Installation Program

- The Installation VWLO ensures that victims and witnesses are receiving the proper care
- The Installation VWLO is responsible to their commander to ensure that the Installation VWAP is in compliance with Directives, Instructions, and orders
- The Installation must reach out to the tenants on their installation

---

---

---

---

---

---

---

---

## VWAP Stated Goals

- Ensure that victims and witnesses receive appropriate responses and assistance from government actors
- Protect victims from further harm/hardship
- Ensure all victims are aware of their rights and are provided services they need
  
- Employ a multi-disciplinary approach to assisting victims and witnesses

---

---

---

---

---

---

---

---

## VWAP Access to Service

- As the VWLO ask are Services?
  - Visible? Known to the public – user friendly
  - Accessible? Physically, culturally, electronically
  - Acceptable? Friendly, knowledgeable, private, professional
  - Available? Responsive and consistent

---

---

---

---

---

---

---

---

## VWAP

- Framework for success
  - Personnel are professional, informed and dedicated
  - SOPs and Turnover Procedures in place and are followed
  - Policy is up to date and reviewed often
  - Coordination that works
  - Services are wide ranging and specific enough to provide assistance to victims and witnesses

---

---

---

---

---

---

---

---

## VWAP

- *"The measure of success and quality is ultimately the degree to which a victim's need is met in the areas of safety, healing, justice and restitution (financial recovery to pre-crime level)."*
- Vice how many DD form 2701/2/3/4's we correctly processed and reported.

---

---

---

---

---

---

---

---

## VWAP

- How can we get USMC Base VWAPs to the optimum state?
- Immediate Impact:
  - Websites: Information flows across all services and support available to the victims
  - Local training, website, posters, other media – use VWAP Council meetings
  - Local SOP/Turnover Binders for VWLOs and LOI for base VWAP reps
  - VWAP included in inspection process – CGIP, Article 6

---

---

---

---

---

---

---

---

## VWAC Meeting

- When are you meeting
- Who is coming?
- Who is giving you difficulty by not attending
- Where are you meeting?
- What is happening at these meetings?

---

---

---

---

---

---

---

---

## VWAP Problem Areas

- Assignment of VWLO
  - Collateral or full time duty?
  - Who should be the VWLO?
  - Turnover
- Assignment of VWACs
- Commands complying with the VWAP
- End of the year reporting

---

---

---

---

---

---

---

---

## VWAP Problem Areas

- Quality of services provided to victims and witnesses
- Responsiveness to victims who are not the victims of a sexual assault
- Making judgments & recording conversations

---

---

---

---

---

---

---

---

## VWAP Reporting

- Reporting requirements
  - 2701-2704s – now quarterly
  - 2705 - Annually
- Double counting of 2701s
  - Training
  - Organization

---

---

---

---

---

---

---

---

## VWAP – Way ahead

- How can we get USMC Base VWAPs to the optimum state?
- Mid-term:
  - Civilianize VWLO billets?
  - Ensure yearly funding for training (HQMC and Local)
- Long term:
  - *Post-process evaluation by victims/witnesses?*
  - *Study, evaluate and refine base programs*

---

---

---

---

---

---

---

---