Building an Effective Victim Witness Assistance Program

Presented by:
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"I suppose you’re all wondering why I’ve called you here. Oh, wait, there’s an agenda. Never mind."
10 Steps to Success

- Appointment letters
- VWAP Council
- Training
- Website
- Report
- Tracking
- Forms
- Materials
- Inspections
- Requirements
Step 1: Appointment Letter

• Required to be an Officer, SNCO, or civilian member of the commander’s staff of appropriate experience, temperament, and rank.

• Letter needs to have the following: Name, title (Legal Officer), duty address (include building), and telephone number.

• Forward a copy of the signed appointment letter and the receiving endorsement to the VWLO or RVWLO within 5 days.

• Maintain appointment letter for current year plus two years with your SOP / files.

• Remember that you can’t be a UVA!
Step 2: VWAP Council

• Hold quarterly meetings and setup your meetings for an entire year in advance.
• Conduct training with your council meeting.
• Update VWAP Council roster as needed.
  – Publish the roster on your website.
  – Ensure all members of command and serve providers have access to this roster.
  – Provide a copy with your annual training.
• Main focus of the council is on services and the manner in which they are provided.
Step 3: Training

• Annually train on the following:
  – What are victim and witnesses rights
  – State compensation program
  – Article 139 complaints
  – Personal Claims Act
  – Transitional Compensation for Abused Family Members
  – What each service provider offers

• At council meetings:
  – VWAC 101
  – Military Justice 101
  – Military Protection Order
  – Inspection
  – Service providers brief and EO brief
Step 4: Website

- Ensure you have all required documents.
  - At a minimum, a current directory of installation VWAP personnel, military and civilian programs and services providing counseling, treatment, crime victim compensation funds and other victim support services within the geographic area of the installation
- Update as needed.
- Encourage everyone to use it.
- SharePoint is another great option as well.
Step 5: Reports

• Prepare DD Form 2706 and submit within 5 days after the end of the quarter.
• Maintain tracker, report and email for current year plus two years with your SOP or files.
• R/VWLO’s – maintain your tracker, plus all reports submitted to you.
Step 6: Tracker

- Have a written process on how you are going to track who received DD Forms 2701-2703 and elect notification via DD Form 2704.

  ✓ Key for 2701: “...if one has not already been provided.”

<table>
<thead>
<tr>
<th>Week ending</th>
<th>2701</th>
<th>2702</th>
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<th>2704</th>
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<tr>
<td></td>
<td>Crime Victims</td>
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<td>Crime Victims</td>
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<td>12/29/18</td>
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</table>

Submit 4th Qtr report to VWLO by 4 Jan 2019
Step 7: FORMS

• Forms need to be completely filled out and ready to be handed out at any moment.

• Forms do not replace genuine service and support.
# Victim Witness Program

## Four Phases of Assistance

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

- **DD Form 2701**
- **DD Forms 2702/2703**
- **DD Forms 2704/2705**

Ensure that V/W have received and if not issue it!  
TC will pass out 2702-4  
Brig does the 2705
DD Form 2701 provides initial rights advisement, discusses impact of various crimes, explains basic services and notifies V/W where to get further assistance.

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

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

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

• Prosecution will provide DD Form 2702 upon first contact with victim or witness.

• DD Form 2702 explains military trial process, gives tips, and restates rights.
  – Includes rights regarding participating in trial process.
  – Also provides VWAP responsible official contact information and prosecutor contact information
Post Trial / DD Form 2703

- Prosecution provides victim or witness with DD Form 2703 upon the finding of guilty at a Special or General court-martial trial or VWAC/Summary court-martial officer for Summary court-martials.
  - Includes “Right to receive information about the conviction, sentencing, imprisonment, parole eligibility and release of the accused”
  - Provides Contact info for Service Central Repository (CMC PSL (Corrections)), Confinement Facility, Service Clemency and Parole Board and any other necessary agency/office
  - From this point on, the V/Ws POC will be the confinement facility or the Service Central Repository listed on the back of this page.
Post Trial / DD Form 2704

• At the conclusion of every court-martial wherein confinement is adjudged and approved, including SCM, the trial counsel shall complete a DD Form 2704 and provide copies to the confinement facility, victim and witnesses (if requested), and responsible VWAC.

  – Requires election by each V/W whether or not to receive information on confinement status.
  – Provided to victims and witnesses upon request (redacted)

• These forms (2701-4’s) are never included in the ROT!

• The DD Form 2704 has personal info of victims and witnesses and should not be shared!
Incident number:
This is the blotter number, CID or NCIS case number.

Victim(s) or Witnesses certification
If CID or NCIS were involved in the case then you will need to add there address and phone number.
**Affiliation and status**

**Victim(s) or Witnesses elect to be notified.** They must put their initials in the box.

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

**VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING PRISONER STATUS**

<table>
<thead>
<tr>
<th>Affiliation and status</th>
<th>Address - Street, Apartment No., City, State, ZIP Code</th>
<th>Telephone Number (Include Area Code) (If under 18 years old, incompetent or incapacitated, also list Parent or Legal Guardian’s number if different from victim/witness)</th>
<th>Notify (initial)</th>
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</thead>
<tbody>
<tr>
<td>Adult V</td>
<td></td>
<td></td>
<td>YES</td>
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<tr>
<td>Parent W</td>
<td></td>
<td></td>
<td>NO</td>
</tr>
<tr>
<td>Adult V/W</td>
<td></td>
<td></td>
<td>TCD:</td>
</tr>
<tr>
<td>Legal Guardian V/W</td>
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<td></td>
<td>TCD:</td>
</tr>
<tr>
<td>Minor/Age</td>
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<td>TCD:</td>
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<tr>
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</tr>
<tr>
<td>Incapacitated</td>
<td></td>
<td></td>
<td>TCD:</td>
</tr>
</tbody>
</table>

**Note:**
- Victim(s) and witness(es) that have elected to receive information about changes in the status of the prisoner are required to notify the respective Military Central Repository with an accurate address and telephone number to continue receiving notifications on the prisoner’s status, if their relocation results in changes to their address and/or telephone numbers. 
- Affiliation and status: The victim(s) and witness(es) must put their initials in the box.
- Patient or legal guardian must be identified if under 18 years old, incompetent, or incapacitated.

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**United States Marine Corps Victim Witness Assistance Program**

**DD FORM 2704, MAR 2013**

Page 2 of 3 Pages
Post Trial Notifications & DD Form 2705

• Corrections personnel ensure notifications made to V or Ws listed on DD Form 2704 - **if requested**.

  – Clemency Eligibility

  – Parole Eligibility

  – Change in status – Parole/Clemency Approved, Released, Deceased, Escaped, Transferred, Work release
Reporting / DD Form 2706

- DoD has annual reporting; however, USMC requires quarterly reporting.
- Due by the 5\textsuperscript{th} day following the each quarter
Step 8: Materials

Obtain and distribute relevant information?

• Information you receive from R/VWLO

• JAGALERT: Code 20 Sidebar
  – To subscribe, email: ojagmacrequest@navy.mil

• Create your own
  – VWAP Pamphlet

• Keep your emails and attachments for inspection purposes.
Step 9: Inspections

• R/VWLO inspect your units and service providers yearly *(unofficial)*

• VWAC and service providers should request to be inspection from your VWLO *(unofficial)*

• Write processors for each and every question you are responsible for

• Maintain your inspection results for current year plus two years
Inspections

- MCO 5800.14 Functional Area Checklist for VWAP
- The Marine Corps Standard for VWAP

The “Core”

**FILE MAINTAINS**

- **Recommendation:**
  - 6 Part folder/binder:
    1. VWAP Tracker
    2. Quarterly Reports (DD Form 2706)
    3. Appointment letter
    4. Annual Training with slides and rosters, emails and any materials that you obtain and distributed.
    5. Copy of training certificates you have received
    6. Inspection results

SSIC 5000-98 Administrative Records maintained in any agency office. (VWAP)

OPEN 20190101
CLOSE 20191231

Step 10: Requirements

• Read the MCO 5800.14 and know your responsibilities.

• Know how to process an Article 139 claim and Personnel Claims Act (PCA).

• Know what your state Compensation Program offers.

• Know how (and for whom) to process a Transitional Compensation For Abused Family Members application.