DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
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MARINE CORPS ORDER 5800.14

From: Commandant of the Marine Corps
To: Distribution List

Subj: VICTIM-WITNESS ASSISTANCE PROGRAM

Ref: (a) DoD Directive 1030.01 "Victim and Witness Assistance," of April 13, 2004
(b) DoD Instruction 1030.2 "Victim and Witness Assistance Procedures," of June 4, 2004
(c) SECNAVINST 5800.11B
(d) MCO 1754.11
(e) SECNAVINST 1752.4A
(f) MCO 1752.5A
(g) SECNAV M-5210.1
(h) MCO 1640.3F
(i) MCO 5580.2B
(j) SECNAVINST 1640.9C

Encl: (1) Definitions
(2) Victim and Witness Rights
(3) Roles and Responsibilities
(4) VWAP Reporting

Report Required: Annual Report on Victim and Witness Assistance (Report Control Symbol DD-5800-10 (External Report Control Symbol DD-P&R(A) 1952), Enclosure (4), par. 1

1. Situation

a. The military justice system operates to ensure good order and discipline is maintained within the Marine Corps. Without the cooperation of victims and witnesses, the military justice system would cease to function. Between 1982 and 2004, the U.S. Congress enacted a series of laws designed to provide information to crime victims and witnesses regarding their rights and position in the criminal justice system. References (a) and (b) made these laws applicable to the Marine Corps. References (a) and (b) also impose certain duties upon those engaged in law enforcement, the military justice process, and

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victim support activities to ensure that crime victims' and witnesses' rights are protected and that they are provided specific services.

b. Victims and witnesses often face adverse effects from crime. In the Marine Corps, victims and witnesses shall not face the effects of crime alone. In accordance with references (a) through (c) the Marine Corps' Victim Witness Assistance Program (VWAP) ensures victims and witnesses are provided with meaningful assistance once a crime is reported. The VWAP is specifically designed to lessen the effects of crime on victims and witnesses and to help them understand and participate in the military justice process. The VWAP uses a multi-disciplinary approach to assist victims and witnesses. This approach combines the services of law enforcement, family advocacy, medical, legal, and corrections personnel. The VWAP reflects the Marine Corps' on-going commitment to ensuring that victims and witnesses are treated with respect and dignity, informed of their rights, and provided with necessary information and services to assist in their recovery.

2. Cancellation. Chapter 6, MCO P5800.16A.

3. Mission. The Marine Corps executes a professional Victim and Witness Assistance Program in order to reduce the trauma, frustration and inconvenience experienced by victims and witnesses of crime; inform victims of their statutory rights; and, assist victim and witness understanding of the military justice process.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) Marines, Sailors, and civilians serving with the Marine Corps treat all victims and witnesses of crime with dignity and respect.

(b) Commanders shall make every appropriate effort to protect victims of violence or abuse from further harm.

(c) The Marine Corps assists victims and witnesses of crime without infringing on the constitutional rights of an accused.

(2) Concept of Operations

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

(b) Responsible authorities, as defined in enclosure (1), will, in accordance with applicable law, mitigate the physical, psychological, and financial hardships suffered by crime victims and witnesses, and make all reasonable efforts to foster their cooperation in the military justice process.

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

b. Subordinate Element Missions

(1) Comply with the intent of the references and the content of this order.

(2) Convening authorities shall consider victim statements on the impact of the crime when considering pretrial agreements, clemency, or sentence reduction.

c. Coordinating Instructions

(1) The VWAP is not limited to criminal offenses prosecuted at courts-martial. Crime victims and witnesses do not forfeit their status when offenses are disposed of at nonjudicial punishment (NJP), administrative separation (ADSEP) proceedings, or via other administrative means.

(2) Particular attention shall be paid to victims of violent crimes including, but not limited to, child abuse, domestic violence, rape, and sexual assault. Consult reference (d) for special considerations to victims of domestic violence. The specialized concerns and issues surrounding sexual assaults require all personnel involved in these cases to give additional consideration to the sensitive treatment of such victims.

References (e) and (f) should be reviewed when dealing with victims of, or witnesses to, an alleged sexual assault. The Marine Corps Sexual Assault Prevention and Response Office (SAPRO) supervises and has cognizance over all programs and services provided to adult sexual assault victims as defined in reference (f).

(3) This instruction is not intended to create, and does not create, any entitlement, cause of action, or defense in favor of any person arising out of the failure to provide a victim or witness the assistance outlined in this instruction. No limitations are placed on the lawful prerogatives of the Marine Corps or its officials.

5. Administration and Logistics

a. A website with VWAP references, training materials, and links to victim-related resources is located at (http://www.hqmc.marines.mil/sja/Branches/VWAP.aspx). Additional information is contained on the DoD VWAP Council web page, http://www.defenselink.mil/vwac/, and the Department of Justice, Office for Victims of Crime web page, http://www.ojp.usdoj.gov/ovc/.

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

6. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

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

V. A. ARY
Staff Judge Advocate to the
Commandant of the Marine Corps

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LOCATOR SHEET

Subj: Victim-Witness Assistance Program

Location: _____

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

RECORD OF CHANGES

Log completed change action as indicated.

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

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Marine Corps Victim and Witness Assistance Program Definitions

1. Central Repository. A designated office that serves as a clearinghouse of information on prisoner status and to collect and report data on the delivery of victim and witness assistance, including notification of prisoner status changes. The central repository for the Marine Corps is CMC (PSL-Corr).

2. Component Responsible Official. Pursuant to reference (c) the CMC is designated as the Component Responsible Official. The Component Responsible Official has the primary responsibility for coordinating, implementing, and managing the VWAP. The CMC has designated responsibility for the oversight of the VWAP to the Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC).

3. Local Responsible Official. The person, designated by the CMC, who has primary responsibility for identifying victims and witnesses of crime and for coordinating the delivery of services through a multi-disciplinary approach. Installation commanders are the local responsible officials in the Marine Corps.

4. Investigative and Law Enforcement Personnel. Naval Criminal Investigative Service (NCIS), Criminal Investigative Division (CID), military police, installation security, and other individuals with authority to conduct a criminal investigation or inquire into a crime. For the purposes of this chapter, this term does not include individuals appointed to conduct investigations under chapter II of JAGINST 5800.7F.

5. Service Providers. Those personnel responsible for providing support services including, but not limited to: Marine Corps Family Programs (MF) and Family Advocacy personnel (such as counselors and victim advocates); chaplains; legal assistance attorneys; and health care professionals.

6. Transitional Compensation for Abused Family Members. A federal program designed to help ease the transition from military to civilian life for spouses and/or dependent children of a service member who is separated from active duty as a result of a family abuse offense.

7. Victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of the Uniform Code of Military Justice (UCMJ), or in violation of the law of another

jurisdiction if any portion of the investigation is conducted primarily by a Department of Defense (DoD) Component. The term "victim" does not include an individual involved in the crime as a perpetrator or accomplice. Victims shall include, but are not limited to, the following:

a. Military members and their family members;

b. When stationed outside the continental United States, DoD civilian employees and contractors, and their family members. This applies to services not available to DoD civilian employees and contractors and their family members in stateside locations, such as medical care in military medical facilities;

c. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term "victim" includes one of the following (in order of precedence): a spouse; legal guardian; parent; child; sibling; another family member; or another person designated by a court or a component responsible official or designee; and

d. For a victim that is an institutional entity, an authorized representative of the entity. Federal departments and State and local agencies, as entities, are not eligible for services available to individual victims.

8. Regional Victim and Witness Liaison Officer (RVWLO). The RVWLO is the regional Marine Corps Installation (MCI) Commanding General's primary representative responsible for the VWAP in the MCI region (East, West, and Pacific). In the National Capital Region, the RVWLO is the Commander, Marine Corps Installations Command's (COMMCICOM) primary representative responsible for the VWAP. In the Marine Forces Reserve, the RVWLO is the Commander, Marine Forces Reserve's (COMMARFORRES) primary representative responsible for the VWAP.

9. Victim and Witness Liaison Officer (VWLO). The VWLO is an installation commander's primary representative responsible for the VWAP aboard an installation.

10. Victim and Witness Assistance Coordinator (VWAC). A command's or local service provider's designated representative for victim and witness assistance matters.

11. Victim and Witness Assistance Council. An installation level council designed to ensure that a multi-disciplinary approach is followed by local victim and witness service

providers. This multi-disciplinary approach combines the expertise and services of law enforcement, family advocacy personnel, victim advocates, medical professionals, legal service providers, corrections personnel, etc. The Council does not discuss specific cases, victims, or witnesses, but focuses on victim and witness services and the manner in which those services are being provided locally. The Council provides the VWLO, and ultimately the installation commander, with information regarding the availability, use, and capability of victim and witness services aboard the local installation. The local council should consist of the installation VWLO, tenant unit VWACs and representatives from SAPR, NCIS, CID, Provost Marshall's Office (PMO), the installation SJA Office, legal service providers, chaplain, the brig (if there is a brig on the installation), and Marine and Family Programs.

12. Witness. A person who has information or evidence about a crime, and provides that knowledge to a DoD Component representative regarding an offense within the investigative jurisdiction of a DoD component. When the actual "witness" is a minor, the term "witness" includes an adult family member or legal guardian of the minor witness. The term witness does not include a defense witness or any individual involved in the crime as a perpetrator or accomplice.

Victim and Witness Rights

1. Victim Rights

a. To be treated with fairness and respect for the victim's dignity and privacy.

b. To be reasonably protected from the accused.

c. To be notified of any decision to dispose of an alleged offense at court-martial, NJP or ADSEP proceedings.

d. To be present at all public court-martial, NJP, and ADSEP proceedings, unless the court or legal advisor, 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. This right does not obligate the government to pay for expenses incurred by the victim to be present.

e. To be reasonably heard at any public proceeding involving release, plea, sentencing, or parole of the accused. This right does not obligate the government to pay for expenses incurred by the victim to be present.

f. To confer with the attorney for the government in the case.

g. To receive information about the conviction, sentence, confinement, and release of the accused.

h. To be notified of the apprehension of an accused, the initial appearance of an accused before a military judge, the release of the accused pending court-martial, any escape of the accused, and the time and location of any trial, NJP, or ADSEP proceedings (including entry of guilty pleas and sentencing).

i. To proceedings free from unreasonable delay.

j. To receive available restitution.

2. Witness Rights

a. To be treated with fairness and respect for the witness's dignity and privacy.

b. To be reasonably protected from the accused.

c. To be notified of any decision to dispose of an alleged offense at court-martial, NJP or ADSEP proceedings.

d. To be provided information about the resolution of the case to include ADSEP decisions, any punishment awarded to the offender, sentencing, imprisonment and release of the offender, if confined.

e. To be notified of the apprehension of an accused, the initial appearance of an accused before a military judge, the release of the accused pending court-martial, any escape of the accused, and the time and location of any trial, NJP, or ADSEP proceedings (including entry of guilty pleas and sentencing).

3. Treatment of Victims. Throughout and following the adjudication or other disposition of alleged offenses, all victims shall be treated as victims. The treatment of victims is independent of the results obtained by the military or criminal justice system or during the administrative process.

Roles and Responsibilities

1. Headquarters Marine Corps Roles and Responsibilities

a. The SJA to CMC. The SJA to CMC has responsibility for oversight and administration of the VWAP. In this role, the SJA to CMC shall:

(1) Coordinate and manage the VWAP.

(2) Ensure victim and witness assistance materials are available for law enforcement and investigative personnel, trial counsel, legal assistance attorneys, RVWLOs, VWLOs, and VWACs.

(3) Receive and compile the reports required by reference (b) and prepare the annual report (DD Form 2706) for submission to the Assistant Secretary of the Navy (Manpower and Reserve Affairs).

(4) Provide a representative to the DoD VWAP Council established by reference (b).

(5) Maintain a current list of all RVWLOs and VWLOs.

(6) Ensure legal assistance counsel are available to provide information and advice to victims and witnesses of crimes pursuant to law and regulation.

(7) Serve as the Responsible Official for the VWAP Functional Area Checklist (FAC) and designate a Functional Area Manager (FAM) responsible for providing required FAC updates.

b. Commandant of the Marine Corps Physical Security Division, Law Enforcement Branch, Corrections Section (CMC (PSL Corrections)). In accordance with reference (c), CMC (PSL Corrections) is designated as the Marine Corps central repository for the purpose of tracking notice requirements connected to Marine Corps offenders confined in military correctional facilities. CMC (PSL Corrections) shall:

(1) Ensure a Victim/Witness Certification and Election Concerning Inmate Status form (DD Form 2704) is received at the cognizant confinement facility for every prisoner, including those confined pursuant to summary courts-martial.

(2) Establish a victim and witness notification program in each Marine Corps brig and detention facility. Regardless of

a prisoner's military service, Marine Corps brigs and detention facilities will use the Victim/Witness Notification of Inmate Status form (DD Form 2705) to provide notification to victims and witnesses in the event of any change of a prisoner's status.

(3) Ensure that upon receipt of a DD Form 2704 that indicates a victim or witness has requested notification, a prisoner adjunct file is established to track notification of status changes. Any DD Form 2704 indicating a victim or witness does not desire notification will be filed at the brig where the prisoner is confined. The DD forms and adjunct files will be destroyed two years from the date the prisoner is released from confinement, or parole, whichever is later.

(4) Ensure the corrections database accurately reflects all prisoners enrolled in the notification program.

(5) Verify compliance with notification requirements prior to directing any prisoner transfer or transport per reference (h).

(6) When appropriate, direct termination from the notification program of victims or witnesses who are unreachable after reasonable efforts. For prisoners of other military services, forward requests for notification to the appropriate Service central repository.

(7) Inform brigs of any victim or witness requests received by Headquarters Marine Corps indicating a desire to be removed from the notification program.

(8) Provide current and accurate information for the Department of the Navy's Corrections Management and Information System (CORMIS) and comply with any other military service mandated tracking system.

(9) Compile data and submit reports in accordance with this order.

2. Command Roles and Responsibilities

a. COMMCICOM, COMMARFORRES, and Regional MCI Commanding Generals (CGs)

(1) Regional MCI CGs are responsible for ensuring that the VWAP is properly implemented by installation VWLOs in their region. COMMCICOM is responsible for the VWAP in the National

Capital Region. COMMARFORRES is responsible for the VWAP in the Marine Reserve.

(2) COMMCICOM, COMMARFORRES, and regional MCI CGs shall appoint in writing, by name, title, duty address, and telephone number, a RVWLO.

(3) The RVWLO is responsible for ensuring that all installations under the cognizance of their respective commander or commanding general comply with the law and applicable orders and regulations.

(4) The RVWLO shall be an officer or civilian employee of appropriate grade, experience, and maturity.

(5) The RVWLO may also serve as an installation VWLO.

b. Installation Commanders. Installation commanders possessing General Court-Martial Convening Authority (GCMCA) and other installation commanders as practical are designated as the Local Responsible Officials pursuant to references (a) and (c). These Installation commanders are responsible for implementing and maintaining a VWAP on their respective installations and subordinate installations. Local Responsible Officials shall:

(1) Ensure close coordination between local VWACs and VWAP representatives from NCIS, legal service providers, military police, commanding officers, medical facilities, Marine and Family Programs, corrections facilities, and chaplains;

(2) Appoint, in writing, by name, title, duty address, and telephone number, a VWLO. The VWLO shall be an officer or civilian employee on the installation commander's staff and shall not serve as a trial counsel, senior trial counsel, regional trial counsel, Defense Counsel, Senior Defense Counsel, Regional Defense Counsel, Staff Judge Advocate, or legal assistance attorney. VWLO responsibilities are outlined in paragraph 3.b. of this enclosure.

(3) Ensure all VWAP representatives aboard the installation are provided the VWLO's name and phone number.

(4) Establish a local Victim and Witness Assistance Council, chaired by the installation VWLO, to coordinate a comprehensive assistance program and comply with VWAP notification and reporting requirements;

(5) When a Marine Corps confinement facility is located aboard the installation, appoint, in writing, by name, title, duty address, and telephone number, a confinement facility representative to serve as the confinement facility VWAC and representative to the local Victim and Witness Assistance Council.

(6) Construct and maintain, with the assistance of the local Marine and Family Programs office, a directory of military and civilian programs, services, and crime victim compensation funds available to victims and witnesses, and ensure the directory is published on the installation's public website. When appropriate, and after consultation with the cognizant Staff Judge Advocate, enter into Memoranda of Agreement (MOA) with civilian agencies to ensure victims and witnesses are provided required services.

(7) Ensure that victims and witnesses are receiving the information and services as required under the VWAP until an accused enters post-trial confinement.

(8) Ensure processes are 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.

c. Unit Commanders, Commanding Officers, and Officers-in-Charge. Unit commanders, commanding officers, and officers-in-charge are responsible for understanding and aggressively supporting the VWAP and ensuring compliance with this Order and all applicable regulations supporting the VWAP. All rights, responsibilities, and procedures associated with the VWAP apply to the total force.

(1) Every commander (battalion/squadron-level or equivalent and above) shall appoint, in writing, by name, title, duty address, and telephone number, a VWAC. The VWAC may be an Officer, Staff Non-Commissioned Officer or civilian employee on the commander's staff. The appointment order shall indicate any geographically separate detachment or subunit supported by the VWAC. A copy of this appointment letter will be provided to the installation VWLO and the detachment or subunit. The VWAC should not serve as a Uniformed Victim Advocate.

(2) Commanders shall ensure that VWACs are immediately notified when a member of the unit is a victim or witness as defined in this Order.

(3) In cases of summary courts-martial where confinement is adjudged and approved, commanders shall coordinate with a trial counsel assigned to the Legal Services Support Team (LSST) supporting their command prior to completing the DD Form 2704.

(4) Commanders shall make every appropriate effort to protect victims of violence or abuse from further harm. When necessary commanders shall request a brief on the threat assessment conducted by either law enforcement or investigative personnel in order to create a reasonable plan to ensure the safety of victims and witnesses. The cognizant VWAC(s) should attend this brief. Commanders shall ensure victims and witnesses are made aware of the resources that may be available to promote their safety, including military protective orders (MPO). In situations where one party to the MPO resides off-base, the commander shall ensure that an MOA between the installation PMO and local police and/or sheriff departments exists in accordance with reference (i).

(5) Commanders shall provide annual VWAP training to unit personnel to ensure that unit personnel know the identity of their VWAC and understand victim and witness rights.

d. Unit Victim Witness Assistance Coordinators (VWAC)

(1) The VWAC shall be an Officer, SNCO, or civilian member of the commander's staff of appropriate experience, temperament, and rank.

(2) In cases involving victims, witnesses, or accused from different commands, the VWACs for these commands may have overlapping duties and responsibilities. VWACs must ensure close coordination with VWAP personnel as set forth in this order, to include other VWACs, law enforcement, and trial counsel as appropriate.

(3) Ensure that victims and witnesses understand the rights afforded them under the law and this order and are provided with a completed Initial Information for Victims and Witnesses of Crime (DD Form 2701) if one has not already been provided.

(4) Ensure processes are in place to maintain data on the number of victims and witnesses who receive DD Forms 2701.

(5) Ensure that the total number of victims and witnesses provided DD Form 2701 is reported to the installation VWLO per Enclosure (4).

(6) When the Victim or Witness is a Member of the VWAC's Command

(a) Once the command is aware that a member of their command is a victim or a witness, the VWAC shall ensure that the victim or witness is advised of applicable rights and provided DD Form 2701, if one has not already been provided.

(b) Coordinate with the MF to ensure the victim or witness receives, when appropriate, information concerning the availability of resources, including information on compensation programs available to victims of intra-familial abuse offenses when the offender is a service member.

(c) Assist the victim and/or witness in obtaining necessary counseling.

(d) Maintain contact with all VWACs and VWAP personnel involved in the victim's or witness's case.

(e) Assist the victim or witness, as appropriate and necessary, in the exercise of their rights. For cases pending judicial action, the trial counsel will provide notifications, assistance, and explanation of rights (as contained in DD Forms 2702 and 2703).

(7) Where the VWAC's Command is the Convening Authority

(a) Once the command is aware that an accused is a member of the command, the VWAC shall identify the victim and, if applicable, witnesses. For victims and witnesses from another command, the VWAC will notify the appropriate command VWAC. For victims or witnesses from the accused's command, the VWAC will provide the necessary assistance as outlined above.

(b) After charges have been preferred, the VWAC shall ensure that victims and witnesses have been provided the necessary notifications under VWAP. The VWAC must coordinate with PMO, the trial counsel, and VWACs of the victims' or witnesses' command to ensure these notifications are made and understood by the victims and/or witnesses.

(c) The VWAC shall confirm that the trial counsel detailed to the case has obtained the victim's views, if any, concerning pretrial plea negotiations and has forwarded that information to the convening authority. Additionally, the VWAC shall verify that the trial counsel has notified the victim of the nature of the charges, date of preferral, and the commander's decisions concerning prosecution.

(d) Confirm that the trial counsel has complied with the victim's request to be notified of the following, when applicable:

1. The date charges are referred and the nature of the charges.

2. Acceptance of a pretrial agreement.

3. The court-martial findings concerning guilt.

4. The sentence adjudged.

5. The Convening Authority's Action (CAA) on the findings and sentence of the court-martial.

(e) In the event a case is not referred to court-martial, a VWAC may perform the above notifications and confer with victims; however, the VWAC should consult with trial counsel prior to doing so.

(8) In pretrial confinement cases where the victim or witness has requested notification, the VWAC shall notify the victim or witness of changes in the accused's pretrial confinement status.

(9) The VWAC shall obtain and distribute VWAP materials and provide VWAP training to the members of the command on an annual basis.

(10) Generally the VWAC should not serve as a victim advocate due to potentially conflicting roles, responsibilities, and duties to the victim and command.

(11) Unit VWACs have separate roles and responsibilities from VWACs assigned to support organizations (i.e. Confinement Facilities, LSSTs, PMO, MF).

(12) In those commands where all members of the command are also members of a respective Headquarters or Headquarters and Service Battalion (e.g., Headquarters, Marine Corps; Marine Corps Forces Pacific; Marine Corps Forces Command) there is no requirement for the higher headquarters to have a separate VWAC.

(13) The unit VWAC shall not serve as a trial counsel, defense counsel, or legal assistance attorney.

3. Victim Witness Liaison Officer Roles and Responsibilities

a. Regional Victim Witness Liaison Officer (RVWLO)

(1) The RVWLO shall be an officer or civilian member of the commander's staff of appropriate experience, temperament, and rank and shall not serve as a trial counsel, defense counsel, staff judge advocate, or legal assistance attorney. There is no requirement that the RVWLO be a Judge Advocate.

(2) Ensure regional compliance with this order.

(3) 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).

(4) Ensure basic VWAP training is available to all new VWLOs and VWACs.

(5) Collect and maintain data on the number of victims and witnesses, in the region, who receive DD Forms 2701-2703 and who elect notification via DD Form 2704.

(6) Compile and maintain VWAP data and forward it to CMC (JA-2) in accordance with enclosure (4).

(7) Assist various Inspectors General during the preparation and conduct of functional area inspections of units and installations, within the region, pursuant to the Commanding General's Inspection Program (CGIP).

(8) Chair and conduct a semi-annual Regional VWLO meeting to discuss VWAP-related issues.

(9) Liaise with the SJA to CMC.

b. Installation Victim Witness Liaison Officer (VWLO)

(1) The VWLO shall be an officer or civilian member of the commander's staff of appropriate experience, temperament, and rank and shall not serve as a trial counsel, defense counsel, staff judge advocate, or legal assistance attorney. There is no requirement that the VWLO be a Judge Advocate.

(2) Ensure compliance with this order by installation and tenant commands.

(3) Maintain a list of VWACs, service providers, and SJAs aboard the installation. Ensure copies of this list are provided to all VWACs and service providers.

(4) Ensure that each organization (battalion/squadron level and above) assigned to the installation, including tenant commands, appoints a VWAC in writing, by name, title, duty address, and telephone number.

(5) Chair and conduct a quarterly installation-level Victim Witness Assistance Council meeting.

(6) In conjunction with the installation Marine and Family Programs office and SAPR programs, 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.

(7) Obtain and distribute relevant information and provide annual training to all VWACs aboard the installation.

(8) In coordination with command VWACs, PMO, NCIS, trial counsel, legal assistance attorneys, SJAs, SAPR, medical, and MF, ensure victims and witnesses are notified of their rights.

(9) In coordination with PMO and NCIS, ensure victims are provided the names, titles, duties, addresses, and telephone numbers of the appropriate VWAC involved in their case.

(10) Compile and maintain data and forward data to the Installation Commander in accordance with reporting requirements set forth in Enclosure (4), Victim and Witness Assistance Program Reporting, of this order.

(11) Ensure that deploying units receive appropriate VWAP training and information prior to deployment.

(12) Ensure that CMC (JA-2) and the RVWLO are notified when a new VWLO is appointed.

(13) Assist victims in exercising their rights and obtaining support, when appropriate.

4. Legal Community, Law Enforcement and Corrections Roles and Responsibilities

a. Staff Judge Advocate (SJA)

(1) Provide advice and guidance to convening authorities and commanders with regard to VWAP.

(2) Provide a copy of the CAA to the trial counsel in those cases where a victim or a witness has elected to be informed of the CAA.

b. Legal Services Support Team (LSST) Officers-in-Charge (OIC)

(1) Appoint a Legal Services VWAC in writing, by name, title, duty address, and telephone number.

(2) Ensure trial counsel meet their responsibilities under VWAP as delineated in this enclosure.

(3) Ensure all VWAP data is entered into the SJA to CMC's Case Management System (CMS). If there are victims or witnesses in a case, ensure each victim and witnesses is entered into CMS and following data is collected: the number of victims and witnesses who receive DD Form 2702 (Court-Martial Information for Victims and Witnesses of Crime) and DD Form 2703 (Post-Trial Information for Victims and Witnesses of Crime), and the number of victims and witnesses who elected to exercise their rights via DD Form 2704.

(4) 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 in accordance with enclosure (4).

(5) Provide a LSST representative to the Victim and Witness Assistance Councils located on installations to which the LSST provides direct support legal services and provide a copy of the appointment letter to the respective VWLOs. This

representative should make all reasonable efforts to be physically present at distant installations for council meetings, however in those situations where actual presence is too arduous, virtual presence is acceptable.

(6) Provide a separate waiting room for the following: victims, victim witness support personnel, and government witnesses during courts-martial and administrative hearings. The waiting area shall be separate from, and out of the sight and hearing of, the accused or respondent, and defense or respondent witnesses.

c. Installation Investigative and Law Enforcement Personnel

(1) Each law enforcement agency or office shall appoint a Law Enforcement VWAC. The Law Enforcement VWAC shall:

(a) Sit on the Victim and Witness Assistance Council.

(b) Ensure DD Form 2701s are provided to victims and witnesses and contain accurate contact information.

(c) Accurately track the number of victims and witnesses provided with DD Form 2701 and report that data to the installation VWLO.

(d) Conduct annual training of law enforcement personnel on the requirements of the VWAP and applicable orders regarding the treatment of victims and witnesses.

(2) All investigative and law enforcement personnel must understand the VWAP and provide crime victims and witnesses the information described in this order. Law enforcement personnel shall identify victims and witnesses of crime, treat them with fairness, and respect their dignity and privacy.

(3) Threat Assessment. All investigative and law enforcement personnel have a continuing duty to take reasonable measures to protect victims and witnesses from further threat, harm, and intimidation. To that end, investigative and law enforcement personnel shall immediately assess the situation and take action to minimize the threat to the victim or witness. Investigative and law enforcement personnel shall exercise care when discussing available protective measures to avoid creating unrealistic expectations concerning the level of protection measures available.

(4) The individual in charge of a criminal investigation will ensure that victims and witnesses understand their rights under the law and this chapter and receive a completed DD Form 2701. The form shall include the name and telephone number of the investigator, the VWLO, and the cognizant command VWAC, and, when appropriate, a number to contact a victim advocate. The home address and telephone number of victims and witnesses will not be included in investigative reports unless they are specifically pertinent (e.g., crime scene at the victim's home).

(5) All investigative and law enforcement personnel shall assist victims and witnesses, upon request, in contacting the persons responsible for providing the services and relief described in DD Form 2701. The VWLO is responsible for maintaining a directory of service and relief providers and unit VWACs. Investigative and law enforcement personnel shall familiarize themselves with this directory and supply victims and witnesses with appropriate phone numbers and addresses.

(6) If requested by the victim, the individual in charge of a criminal investigation will keep the victim apprised of the status of the investigation/inquiry, to the extent it will not interfere with the investigation.

(7) If requested by the victim, the individual in charge of a criminal investigation shall promptly notify victims and witnesses when a suspect is apprehended.

(8) Investigative and law enforcement personnel shall safeguard victims' and witnesses' property held as evidence and shall assist in returning it as soon as possible.

(9) Investigative and law enforcement personnel shall ensure accurate record keeping of the total number of victims and witnesses provided with DD Form 2701. Investigative and law enforcement personnel shall report the number of victims and witnesses contacted to the installation VWLO in accordance with Enclosure (4).

(10) Notification to the Command VWAC. To ensure command VWACs are notified of criminal investigations requiring action under this chapter, the following notifications shall be made, as applicable:

(a) If both the accused and victim are military members, the individual in charge of a criminal investigation will provide the identity of the victim to the VWAC of the

accused's command, the VWAC of the victim's command, and the installation VWLO.

(b) If only the accused is a military member, the individual in charge of a criminal investigation will provide the identity of the victim to the VWAC of the accused's command and the installation VWLO.

(c) If only the victim is a military member, in those instances where a DoD investigative agency is involved in the investigation, the individual in charge of the criminal investigation will provide the identity of the victim to the VWAC of the victim's command, and the installation VWLO. In those instances where the investigative agency is a non-DoD agency, the local law enforcement liaison will liaise with the non-DoD agency in an effort to obtain the identity of the victim and once identified, will provide that information to the VWAC of the victim's command, and the installation VWLO.

d. Trial Counsel

(1) Trial Counsel shall not serve as RVWLO, VWLO, or unit VWAC.

(2) Trial Counsel shall identify victims and witnesses in a case prior to preferring charges and ensure each individual receives a DD Form 2701. In most cases Trial Counsel should contact victims and witnesses prior to the preferral of charges. Victims and witnesses identified after preferral of charges shall be treated the same as those identified prior to preferral, to include issuance of DD Form 2701.

(3) After preferral of charges, provide all victims and witnesses in a case with DD Form 2702 (Court-Martial Information for Victims and Witnesses of Crime), and determine their elections as to those rights. Ensure that victims and witnesses are notified of their rights, as set forth in Enclosure (2), and provided information concerning the criminal justice process, including information regarding what to expect from the military justice system, the stages in the criminal justice process, and their respective role(s) in that process. Contact the applicable VWACs to ensure that proper support and resources are provided.

(4) Victim Notification of Case Status. When a victim has requested notification, trial counsel shall ensure, at their earliest possible opportunity, reasonable, accurate, and timely

notification to the victim of the following events and procedural milestones:

(a) The pretrial confinement status of the accused, including the release or escape of the accused.

(b) The scheduling of any initial appearance of the accused before an officer or magistrate at a pretrial confinement hearing or at an Article 32, UCMJ, pretrial investigation.

(c) The date charges were referred and the nature of the charges.

(d) The acceptance of any pretrial plea agreement.

(e) Notification of the opportunity to present a statement of the crime's impact to the court at sentencing or to the summary court-martial officer or NJP authority, in compliance with applicable law.

(f) The scheduling of each court proceeding.

(g) The findings of the court-martial.

(h) The sentence adjudged.

(i) The CAA concerning the court-martial findings and sentence; to include an explanation of any clemency granted.

(j) The disposition of a case, if other than at court-martial.

(5) Witness Notification of Case Status. When a witness has requested notification, trial counsel shall ensure, as early as possible, that the witness is advised of:

(a) The acceptance of any pretrial plea agreement.

(b) The findings of the court-martial.

(c) The sentence adjudged.

(d) The CAA concerning the court-martial findings and sentence.

(e) The disposition of a case, if other than at court-martial.

(6) Victim's Right to Confer and Express Views Concerning Pretrial Plea Negotiations. Convening Authorities should consider victims' views, when offered, prior to acting on a pretrial agreement. Trial counsel shall ensure victims are aware of their ability to provide input to the convening authority. In cases in which a victim elects to provide such, trial counsel shall ensure the victim's views concerning prosecution and plea negotiations are obtained and forwarded to the convening authority prior to the signing of any pretrial agreement. A victim's input shall not be construed to impair commanders' discretion. Trial counsel should be available to consult with victims about major case decisions, such as pretrial negotiations and dismissals; however, trial counsel are attorneys for the government and do not represent victims. Therefore, during consultations, trial counsel should provide only non-sensitive data and public information, and consultations should comply with their obligations under applicable rules of professional conduct. Trial counsel should inform victims that neither the government's advocacy on their behalf nor any other effort the Marine Corps makes on behalf of a victim creates an attorney-client relationship between the victim and the trial counsel.

(7) Rescheduling of Military Justice Proceedings. Trial counsel shall ensure, as soon as possible, that all victims and witnesses who have been scheduled to attend military justice proceedings are notified of any schedule changes that may affect their appearances.

(8) Separate Waiting Room. During court-martial proceedings, trial counsel shall 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.

(9) General Assistance at Trial. Trial counsel shall inform victims and witnesses about the availability of services such as transportation, parking, childcare, lodging, and courtroom translators or interpreters, and shall assist in securing needed services.

(10) Notification of Employer. Upon request by the victim and/or witness, the trial counsel shall take reasonable

steps to inform that person's employer of the reasons for that person's absence from work.

(11) Victim's or Witness's Property. When trial counsel has possession of a victim's or witness's property, trial counsel shall safeguard the property held as evidence and shall return it as soon as possible with due consideration of the possibility of appeals and other post-trial requirements.

(12) Sentencing. Trial counsel shall inform victims of the opportunity to present evidence to the court at sentencing. In compliance with applicable law and regulations, the victim may submit a statement concerning the impact of the crime, including financial, social, psychological, and physical harm suffered by the victim.

(13) Post-Trial Information. At the conclusion of a court-martial resulting in a conviction, trial counsel shall inform victims and witnesses of basic information about the post-trial process and provide each with a completed DD Form 2703 (Post-Trial Information for Victims and Witnesses).

(14) Post-Trial Confinement Status of Accused. At the conclusion of every court-martial in which confinement is adjudged, including summary courts-martial, as a part of the ongoing duty to notify victims and witnesses of the rights and services available, trial counsel shall confer with each victim and witness to determine whether the respective victim or witness desires to receive information about the confinement status of the accused. Additionally, trial counsel shall complete a DD Form 2704 and shall ensure copies are provided to:

(a) The confinement facility.

(b) Victims and witnesses whose entitlement to receive information has been certified by trial counsel (victim and witness copies shall be redacted so that only that particular victim's or witness's information is visible).

(c) The responsible VWACs (VWAC copies shall be properly redacted).

(15) Data. Maintain 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. Ensure all VWAP data is

entered into the CMS record for each victim and witness in each case.

(16) Cases on Appeal

(a) When relevant (i.e., once there has been a conviction resulting in an approved sentence of death, one year or more of confinement, or a punitive discharge), trial counsel or other designee must provide victims and witnesses basic information regarding the appeals process.

(b) Trial counsel shall determine whether victims and witnesses elect to receive further information and updates regarding appeals. If they do, trial counsel shall forward their contact information and a copy of the DD Form 2704 to OJAG, Code 46. Such information shall be transmitted directly to Code 46 by separate correspondence (such as email or letter) and shall not be appended to the Record of Trial.

(c) In cases remanded for rehearings on findings and/or sentence, coordinate with Code 46 to re-assume the role as primary point of contact for victims and witnesses associated with the case.

(17) Pornography. Trial counsel shall be aware of the requirements associated with victims of child pornography. Victims in child pornography cases have the same rights as victims in other cases. Assistance is available via CMC (JAM).

e. Brig and Pre-trial Confinement Facility (PCF) Commanding Officers/Officers-in-Charge

(1) Victim and Witness Assistance Program. Establish a local VWAP for persons entered into the program through receipt of a DD Form 2704 or through the personal request of victims and witnesses identified on a DD Form 2704.

(a) The brig/PCF commanding officer (CO) or OIC shall appoint, in writing, a Confinement Facility VWAC and an alternate VWAC. Note: Reference (j) uses the term "Victim and Witness Coordinator" (VWC) instead of "Victim Witness Assistance Coordinator" (VWAC). Care should be taken to avoid confusion, as the confinement facility VWAC, as defined in this order, is the same as the VWC as defined in reference (j). The confinement facility VWAC must be a mature individual who understands the importance of the program and shall be sensitive

to the needs of victims and witnesses and ensure their confidentiality.

(b) Before assuming the duties of confinement facility VWAC, the individual shall be briefed regarding the responsibilities detailed in applicable references and any other relevant instructions issued by higher authority. Personally Identifiable Information (PII) of a victim or witness shall not be disclosed to any prisoner or any third party at any time by the confinement facility VWAC.

(c) The confinement facility VWAC will ensure information on Victim Witness screens in the Corrections Management Information System (CORMIS) is accurate, up-to-date, and complete. Information in CORMIS will be used by the confinement facility VWAC and the central repository CMC (PSL-Corr) for managing the program and generating reports.

(2) Request for Notification. The initial notification requirement will be sent to the brig/PCF by the trial counsel using a DD Form 2704. Receipt of a DD Form 2704 shall be documented in CORMIS by the confinement facility VWAC. Initial verification of the receipt of a DD Form 2704 is to be made at the time of confinement of an adjudged prisoner. A DD Form 2704 must accompany all prisoners, even if there are no witnesses or victims. If a DD Form 2704 does not accompany an adjudged prisoner at the time of confinement, the Duty Brig/PCF Supervisor shall notify, in writing, the confinement facility VWAC and Brig Senior Non-Commissioned Officer in Charge immediately (i.e., within 12 hours). Contact with trial counsel concerning a delinquent DD Form 2704 shall be made by the confinement facility VWAC no later than the next working day. All attempts to obtain a delinquent DD Form 2704 shall be fully documented in CORMIS. If a DD Form 2704 remains delinquent more than 2 working days, the CO or OIC shall attempt to resolve the deficiency using the chain of command. CMC (Physical Security and Law Enforcement (PSL) (Corrections)) will use reports derived from CORMIS to monitor and track non-receipt of a DD Form 2704 for adjudged prisoners and closely coordinate with the regional Legal Service Support Section and the cognizant Convening Authority to ensure expedient resolution of identified issues. Failure to present a completed DD Form 2704 at the time of confinement shall not be grounds for the brig/PCF to refuse a prisoner.

(3) Request Received. If a request for notification is received by a brig/PCF directly from a victim or witness by

means other than a DD Form 2704, the confinement facility VWAC will determine if the individual is a bona fide victim or witness by reviewing the initial DD Form 2704 and conferring with the trial counsel or SJA for the case. If the confinement facility VWAC determines that the person is a bona fide victim or witness, a DD Form 2704 should be prepared by the trial counsel certifying the individual as a victim or witness and indicating the victim's or witness's election to be notified. The trial counsel shall provide the DD Form 2704 to the brig/PCF.

(4) Prisoner Individual Confinement Records. Individual confinement records of prisoners included in the victim and witness program will be identified by placing a white label on the outside of the file with the letters "VW" written at least one (1) inch high in black. A brig/PCF-specific number will be assigned to the case and placed on the white label.

(5) Victim/Witness Notification Record. The confinement facility VWAC will maintain a separate adjunct file by individual name of the prisoner, cross-referenced to the brig/PCF-specific number. The brig/PCF-specific number will be 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). All contact with a victim or witness, including telephonic and unsuccessful contact attempts, shall be documented in CORMIS, showing the date, time, type of contact, phone number/address used, staff name, and reasons for the contact, and outcome of contact.

(6) Types of Notification and Time Frames. DD Form 2705, Victim/Witness Notification of Inmate Status, is used to advise victims and witnesses of all release and release-related activities, transfers, and escapes. Unless a shorter period is prescribed below, notification should be made at least 45 days prior to the relevant action. All correspondence shall be sent certified mail, return receipt requested. The receipt shall be filed in the Victim and Witness Notification Record. If any certified mail is returned, the confinement facility VWAC shall attempt contact via telephone, and document that attempt.

(a) Initial Contact. The confinement facility VWAC shall 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. 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) shall be included with the initial enrollment letter.

(b) Clemency/Parole Hearing. The confinement facility VWAC shall notify victims and witnesses at least 45 days in advance (or as soon as a date is established) of clemency or parole hearings held by the cognizant military Clemency and Parole Board (C&PB). The confinement facility VWAC shall notify victims and witnesses of their right to request a personal appearance at the parole hearing and to submit statements (written or taped) to the appropriate C&PB describing the impact of the crime on their lives. The confinement facility VWAC shall refer requests from victims and witnesses to appear in person before a C&PB hearing to the appropriate C&PB. Personal appearances before the brig/PCF disposition board are not authorized.

(c) Release. When a prisoner is to be released the confinement facility VWAC shall notify victims and witnesses through the use of a DD Form 2705, providing the date, reason for release, and destination (city and state). In parole cases, include location, phone number, and name of the parole officer. Notification should be made as soon as release is scheduled. Telephone contact shall be made when the prisoner is unexpectedly released and a DD Form 2705 would not be received by the victim or witness prior to the prisoner's release.

(d) Escape. The confinement facility VWAC shall notify victims and witnesses telephonically as soon as possible after discovery of an escape. Victims and witnesses shall also be notified telephonically of the prisoner's apprehension and return to confinement. This information shall be entered in CORMIS or provided to another service's central repository, as applicable, by the most expeditious means (facsimile, e-mail, telephone, etc.). Written follow-up notification shall also be mailed.

(e) Transfer

1. The confinement facility VWAC shall notify victims and witnesses of all planned transfers and include the address of the receiving brig/PCF. The victim and witness information will be hand delivered at the time of transfer or forwarded via certified mail to the CO or OIC of the receiving brig/PCF. If CORMIS is utilized by both facilities involved, data will be available to the gaining brig/PCF upon prisoner arrival.

2. The confinement facility VWAC of the receiving brig/PCF shall notify victims and witnesses of the prisoner's new location and enrollment in the brig/PCF's victim and witness notification program within ten days of the prisoner's arrival.

3. If transferred to the United States Disciplinary Barracks (USDB), the confinement facility VWAC shall provide the original victim and witness information to the cross country chasers (via sealed envelope), which will be hand delivered to the Victim/Witness Coordinator at the USDB, Fort Leavenworth, KS.

4. If transferred to a civilian confinement facility, the confinement facility VWAC shall deliver the original victim and witness information to the Victim/Witness Coordinator and/or in processing personnel at the receiving civilian confinement facility. Copies of all victim and witness information shall be provided to the USMC central repository.

(f) Emergency Leave. The confinement facility VWAC shall notify victims and witnesses prior to the prisoner's release on emergency leave. This will normally be done by telephone.

(g) Death. The confinement facility VWAC shall notify the victim or witness within ten days of the death of the prisoner.

(7) Notification Request Cancellation.

(a) A victim or witness may request removal from the notification program by written request only. The request must be addressed to the brig/PCF where the prisoner is currently confined. All requests for removal shall be maintained in the prisoner's file.

(b) After three unsuccessful attempts to contact a victim or witness, at least once by certified mail, a brig/PCF may request cancellation of a victim's or witness' participation in the program from CMC (PSL-Corr). Requests shall be submitted in writing, providing full justification and a description of what efforts have been made to contact the victim or witness.

(8) Contact or Communication with Victims or Witnesses. Prisoners will be instructed that contact with any victim or government witness either directly or through a third party

without written permission from the brig/PCF CO or OIC is prohibited. This prohibition includes, but is not limited to, contact via telephone, in-person visits, written letters, e-mail, social media or any other manner of personal, written or electronic means. Prisoners desiring to communicate with victims or witnesses may submit a Form DD 510, Request for Interview, requesting permission from the CO or OIC. If directed by the CO or OIC, the confinement facility VWAC will contact victims or witnesses and ascertain their desire regarding contact with the prisoner. This requirement applies whether or not the victim or witness has elected to participate in the VWAP.

(9) Training. All brig/PCF personnel will be provided information about the VWAP and staff responsibilities at least annually.

(10) Repository Reports. Confinement facility VWACs shall 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). CMC (PSL-Corr) will compile the information and submit a consolidated report for inclusion into the annual report submitted to the Under Secretary of Defense (Personnel and Readiness) (USD(P&R)).

(11) Pretrial Detainee. Responsibility for notifying a victim or witness regarding the status of a pretrial detainee rests primarily with the prisoner's command and the trial counsel. The confinement facility VWAC should be prepared to advise remote commands, including duty officers in the absence of the primary command contact, of the appropriate action when events dictate (e.g., escape, emergency leave, etc.).

(12) Records Disposition.

(a) Transferred Prisoners. Victim and witness records shall be delivered or forwarded separately from the prisoner's record upon transfer. All victim and witness documents, to include DD forms 2704 and 2705, shall be placed in a sealed envelope marked "FOR COMMANDING OFFICER EYES ONLY" and hand delivered or mailed via certified mail to the gaining brig/PCF CO or OIC.

(b) Released Prisoners. All documents pertaining to victims and witnesses shall be maintained in a secure and separate manner from the prisoner record for two years after the prisoner's full term release date. After the second anniversary

of release, all victim and witness information shall be destroyed in accordance with service regulations regarding PII. Under no circumstances shall victim and witness documents be forwarded to the archives for storage.

(c) Victim/Witness Data. CMC (PSL) will retain indefinitely all victim/witness data contained in CORMIS.

(13) Internal Controls. Brig/PCF COs and OICs are responsible for establishing 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. All victim and witness information shall be 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, a cover sheet will be 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." The Victim and Witness Notification Program shall be included in the brig/PCF standard operating procedures. In addition, VWAP shall be included in the brig/PCF's functional adequacy inspections conducted by CMC (PSL) and the Commanding General's Inspection Program.

5. Service Provider Roles and Responsibilities

a. Installation Marine and Family Programs (MF)

(1) 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.

(2) Ensure that victims and witnesses in a case understand the rights afforded them under the law and this chapter, and are provided with a completed DD Form 2701 if one has not already been provided.

(3) Ensure processes are in place to maintain data on the number of victims and witnesses who received DD Form 2701.

(4) Ensure the total number of victims and witnesses provided DD Form 2701 is reported to the installation VWLO per enclosure (4).

(5) Inform victims of spousal or intrafamilial abuse of the benefits provided under Transitional Compensation for Abused Family Members. The spouse and/or family should be referred to the local Family Advocacy Program for assistance with completion of DD Form 2698 "Application for Transitional Compensation."

(6) Encourage victims of spousal or intrafamilial abuse to contact the local legal assistance office for additional information on their rights and benefits they may be entitled to receive. All efforts should be made to execute a "warm hand-off" to legal assistance providers, by ensuring a legal assistance attorney is prepared to assist the victim.

(7) As appropriate, inform crime victims of state crime compensation funds that may be available to reimburse victims for certain expenses incurred as a result of the crime.

(8) Know the VWAP points of contact at their respective installations.

(9) Appoint, by name and in writing, a representative to the local Victim and Witness Assistance Council.

(10) Compile and maintain data as to the number of victims and witnesses who received a DD Form 2701, and forward to the local responsible official in accordance with reporting requirements set forth in this chapter.

b. Legal Assistance Attorneys

(1) Provide crime victims and witnesses legal assistance support as authorized by law and regulation.

(2) Provide crime victims and witnesses information regarding their rights under the VWAP and applicable law and regulation. Specifically:

(a) The VWAP program, including rights and benefits afforded a victim.

(b) The military justice system, including the roles and responsibilities of the trial counsel, defense counsel, investigators, and commander, and the rights afforded an accused.

(c) The ability of the government to compel cooperation and testimony.

(d) The contempt power of the court.

(e) The availability of protections offered by civilian and military restraining and protective orders.

(3) When requested by a victim or witness, the Legal Assistance Attorney shall contact the creditor of a victim or witness who is subjected to serious financial strain caused by the crime(s) or by cooperation in the investigation or prosecution of an offense.

(4) Legal assistance attorneys will not represent, nor make an appearance on behalf of, victims of crime at a related criminal proceeding, unless authorized by law.

(5) Legal assistance attorneys shall not serve as a RVWLO, VWLO, or unit VWAC.

Victim and Witness Assistance Program Reporting

1. References (b) and (c) require an annual report to the Under Secretary of Defense for Personnel and Readiness, via the Assistant Secretary of the Navy (ASN (M&RA)) concerning assistance provided under this order. Not later than 1 March of each year, CMC (JA-2) shall forward to ASN (M&RA) a completed DD Form 2706 for data covering the preceding calendar year. Report Control Symbol DD-5800-10 (External Report Control Symbol DD-P&R(A) 1952) is assigned to this reporting requirement.)

a. To comply with this reporting requirement, all personnel involved with the VWAP shall maintain data, as appropriate, on the number of victims and witnesses provided DD Forms 2701-2703, the number of victims and witnesses who elected via DD Form 2704 to be notified of changes in prisoner status, and the total number of victims and witnesses provided notice of prisoner status changes via DD Form 2705.

(1) CMC (PSL) shall report to CMC (JA-2) via DD Form 2706, by 1 February, the total number of victims and witnesses to whom Marine Corps brig personnel provided notice of prisoner status changes via DD Form 2705, and a cumulative total (as of 31 December) of each service's prisoners for whom brigs must provide victim or witness notifications.

(2) COMMCICOM, COMMARFORRES, and Regional Marine Corps Installation CGs. Collect and forward, on a quarterly basis via DD Form 2706 the total number of victims and witnesses who received DD Form 2701-2703 and the total number of victims and witnesses who elected via DD Form 2704 to be notified of changes in prisoner status. Reports are due to CMC (JA-2) on the 20th day of the month following the end of the quarter (i.e., 20 April, 20 July, 20 September, and 20 January) with the data for the previous quarter.

(a) LSST OICs. Ensure that all VWAP fields are completely filled out and VWAP data is accurately maintained in the Marine Corps Case Management System.

(b) Victim Service Providers (e.g., SAPR, MF, VWAC, etc.). Maintain data, as appropriate, and forward to the installation VWLO in a timely manner to ensure quarterly reports are submitted in accordance with this order.

(c) Law Enforcement Personnel. Maintain data as to the number of victims and witnesses provided DD 2701 and forward

to the Local Responsible Official to ensure quarterly reports are submitted in a timely manner.

b. Correction Facilities. Commanding officers of correction facilities shall submit a monthly report to CMC (PSL-Corr) concerning the status of their service members confined in Marine Corps facilities. The report shall include:

(1) Prisoner's name and social security number.

(2) Prisoner's date of confinement (indicate whether a new confinement or transfer from another facility).

(3) Date of admittance into the program and the number of victims or witnesses for each prisoner.

(4) Location of the court-martial convening authority.

(5) Number of all victims or witnesses notified (via DD Form 2705 or telephonically) and the reason for notification for each prisoner status change during the month.

(6) Information regarding unsuccessful attempts to contact a victim or witness who previously requested notification.

(7) Copies of any correspondence received from a victim or witness (including requests for termination from the notification program).

(8) Prisoner's minimum release date.

(9) Prisoner's parole eligibility date.

(10) The cumulative total of the service's prisoners for whom brigs must make victim or witness notifications, confined as of the last day of the reporting month.

2. Forms. The necessary VWAP forms are available via the DOD here http://vwac.defense.gov/VWACForms.aspx or via Judge Advocate Division, HQMC. If forms are unavailable online, contact CMC (JA-2), (703) 614-4250.