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Legal

**VICTIMS AND WITNESS ASSISTANCE
PROGRAM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AFD 51-2, Administration of Military Justice, and applies to all military and civilian personnel permanently assigned to the 36th Air Base Wing, or to any tenant unit at Andersen AFB. It's the responsibility of the commanders at all levels to ensure compliance with this instruction. This publication does not apply to US Air Force Reserve or Air National Guard units or members.

This instruction requires collecting and maintaining information protected by the Privacy Act of 1974 authorized by 42 U.S.C. 10606 and 18 U.S.C. 1512-1514. The DD Forms 2704 and 2705 mentioned in this publication, and used to collect the personal information protected by the Privacy Act, contain the applicable Privacy Act Statement. Systems Notice "FOII AFA - Locator, Registration and Postal Directory Files" applies.

1. General:

- 1.1. This instruction governs the Victim and Witness Assistance Program (VWAP) on Andersen AFB, Guam.
- 1.2. The VWAP was created by the Victim's Rights and Restitution Act of 1990, and is implemented by DoD Directives 1030 and 1030.2, *Victim and Witness Assistance*, AFD 51-2; and AFI 51-201, Chapter 7, *Victim and Witness Assistance*.
- 1.3. Nothing in this instruction is meant to limit the VWAP Program as directed by AFI 51-201, *Administration of Military Justice*, or higher headquarters directives.

2. Responsibilities:

- 2.1. The installation commander is the local responsible official and is responsible for ensuring Andersen AFB is in compliance with the Air Force VWAP. The commander may delegate to the Staff Judge Advocate in writing, the responsibility for administration of the program.

2.2. The Staff Judge Advocate is responsible for overall administration of the program. He/She will designate one member of 36 ABW/JA, in writing, to serve as the program coordinator and another to serve as alternate program coordinator. The Staff Judge Advocate ensures victims and witnesses, as identified in paragraph 3, this instruction, are offered the services listed in paragraph 4, this instruction.

2.3. The Program Coordinator will appoint a liaison for each victim, as identified in paragraph 3, this instruction, requesting assistance. The coordinator will keep a case file for each such person. The case file will document services rendered and forms distributed. The victim liaison coordinator will comply with a checklist that will be maintained in each case file (see [Attachment 1](#)). The victim liaison will distribute the following forms as appropriate: DD Forms 2701, *Initial Information for Victims and Witnesses of Crime*; 2702, *Court-Martial Information for Victims and Witnesses of Crime*; 2703, *Post-Trial information for Victims and Witnesses of Crime*; and 2704, *Victim/Witness Certification an Election Concerning Inmate Status*.

The coordinator will solicit from the installation support agencies, as defined in paragraph 2.4, this instruction, and maintain reporting information for filing the VWAP annual reports, DD Form 2706, *Annual Report on Victim and Witness Assistance*, as required by HQ USAF/JA. The coordinator will ensure installation support agencies are properly trained in their VWAP responsibilities. The program coordinator will also facilitate services through community support agencies. Installation and community support agencies are listed in paragraph 2.4.

2.4. Installation Support Agencies. Family Advocacy (36 MDG/SGOHF), AFOSI Det 602, Thirty Sixth Security Forces Squadron (36 SFS/SFS), Family Support Center (36 MSS/DPF), Chaplain (36 ABW/HC), and Mental Health (36 MDG/SGOH) are installation support agencies. In addition all commanders and first sergeants are considered in this category. Since they often make the initial contact with potential victims and witnesses, each agency will ensure their personnel are briefed on the requirements of the program. Each agency will distribute DD Form 2701 to potential victims and witnesses and ensuring that the blank lines on the distributed DD Forms 2701 are completed with functional address symbol, phone number, and name to contact. In addition, each agency will keep records of people they have referred to the program and the number of forms distributed quarterly and report that information to the program coordinator in the legal office.

2.4.1. All installation support agencies are encouraged to coordinate with community victim-oriented organizations to share information and resources and to foster goodwill between on-base agencies and off-base agencies. Any official liaison membership or activity must be according to the Joint Ethics Regulation and other applicable authorities, including but not limited to, fiscal law requirements.

2.5. Law Enforcement Agencies. AFOSI Det 602 and 36 SFS will annotate in their Reports of Investigation that they have complied with VWAP requirements.

2.6. Quarterly Meetings. Representatives of all support agencies and the program coordinator will constitute a VWAP Council and meet quarterly to coordinate on-going cases and ensure compliance with applicable regulations. The 36 ABW/CC appoints the first sergeants' representative and the squadron commander. If the wing commander chooses, the squadron commander's slot will be filled on a rotating basis to expose the greatest number of squadron commanders to VWAP. The program coordinator will chair the meetings. The alternate program coordinator will serve as recorder and will prepare memoranda of the meetings.

3. Eligible Victim and Witnesses:

3.1. An eligible victim is a person who has suffered direct physical, emotional, or financial harm as the result of an offense punishable under the Uniform Code of Military Justice (UCMJ) committed by a person subject to the UCMJ.

3.2. An eligible witness is a person who has information or evidence of a crime punishable under the UCMJ, committed by a person subject to the UCMJ, and who provides that information to Air Force officials. It does not include those persons involved in the commission of the crime as a conspirator, accomplice, or principal.

4. Services for Victims/Witnesses:

4.1. Victims. To be informed of their rights to services provided by support agencies. To be treated with fairness and respect for their dignity and privacy. To be given reasonable protection from a suspect or accused. To be notified of all court-martial proceedings, imposition of pretrial restraint, dismissal of charges, pleas, discharges in lieu of trial, trial schedules, findings and sentencing results, and post-trial confinement. To confer with trial counsel on the case and to be informed about an accused's conviction, sentencing, confinement, or release.

4.2. Witnesses. Reasonable assistance in securing their absence from employment for official purposes such as testimony or pretrial interviews. Reasonable assistance securing necessary lodging, transportation, parking, and any financial reimbursement as entitled by law and applicable regulations. The opportunity to wait in an area separate from the accused or other defense witnesses. To be promptly notified of the time and place of each trial proceeding the witness is required or entitled to attend and prompt notification of any scheduling changes.

4.3. Make every effort to coordinate directly with agencies to which the victim is referred to ensure the victim/witness knows where to go and with whom to speak. If coordination is not made directly for the victim/witness, then, at a minimum, the agency or person making the referral will give a courtesy call to the referred agency to advise the referred agency of the victim/witness's pending visit or call. The person making the referral will obtain the victim/witness's consent before placing the courtesy call. The Security Forces are specifically exempted from directly contacting service organizations on behalf of victims and witnesses. The Military Justice NCOIC will monitor the Security Forces blotter and will contact victims and witnesses directly if a need for base services may exist for particular victims and witnesses.

5. Training:

5.1. General. The VWAP Council representatives will ensure members of their respective agencies receive annual VWAP training. This training will focus on the particular VWAP requirements of the agency conducting the training. Law enforcement training must meet the minimum requirements of para. 7.16 of AFI 51-201, chapter 7. Training resources and guidance may be coordinated through the Council and completion of training requirements will be reported at Council meetings.

5.2. Commanders and First Sergeants. The VWAP Council will coordinate an annual training event for commanders and first sergeants. VWAP training through participation in outside concurrent training may suffice to meet this requirement.

5.3. The VWAP Executive Board will coordinate additional opportunities to publicize the VWAP through display of relevant victim assistance information, articles, briefings, newcomer packages, and any other means as the Board may see fit, subject to command approval.

6. Self Inspection:

6.1. The program coordinator will create a customer survey and checklist to be included in the VWAP information package and distributed by victim/witness liaisons. In addition, the program coordinator will conduct semi-annual inspections by using the PACAF SJA Unit Compliance Checklist.

JOSEPH F. MUDD, JR., Colonel, USAF
Commander, 36th Air Base Wing

Attachment 1

VICTIM AND WITNESS ASSISTANCE PROGRAM CHECKLIST

Name of Victim/Witness:

Case:

Victim Liaison:

PRETRIAL PREPARATION

____ 1. Set up initial interview with Trial Counsel to brief victim/witnesses on rights

Give each victim and witness a copy of DD Form 2701 (Initial Information)

Explain Victim and Witness Bill of Rights and provide VWAP Handbook

Review court-martial process (DD Form 2702)

Brief available AAFB and local civilian medical, legal and social services if needed

____ 2. Consult with Trial Counsel regarding information or special circumstances

____ 3. Notify victims and witnesses of key dates and their significance in court-martial process:

____ Preferral of charges

____ Article 32 hearing

____ Referral of case to trial

____ Trial date, with any delays and reasons

4. Solicit/inform victims and witnesses regarding potential Pretrial Agreements and Sentences

TRIAL PREPARATION

____ 1. Ensure prosecution and defense witnesses have separate waiting areas

____ 2. Prepare victims and witnesses to testify (include courtroom tour)

- _____ 3. Consult with victims and witnesses on findings results
- _____ 4. Consult with victims and witnesses on sentencing results

POST-TRIAL

- _____ 1. Review post-trial results and process with victims and witnesses (DD Form 2703)

If confinement was ordered as part of the sentence:

- _____ 2. Discuss post-trial notification rights (DD Form 2704) with victims and witnesses
- _____ 3. Complete DD Form 2704 within one week and send to Confinement Facility
- _____ 4. File DD Form 2704 and completed VWAP checklist