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Law

**VICTIM AND WITNESS ASSISTANCE
PROGRAM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AFPD 51-2, *Administration of Military Justice*, and applies to all military and civilian personnel permanently assigned to the 3rd Wing, or to any tenant unit at Elmendorf 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 "F011 AFA – Locator, Registration and Postal Directory Files" applies.

1. General:

- 1.1. This instruction governs the victim and witness assistance program (VWAP) on Elmendorf AFB, AK.
- 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*; AFPD 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 Elmendorf AFB is in compliance with the Air Force VWAP. The commander may delegate the responsibility for administration of the program to the Staff Judge Advocate in writing.

2.2. The Staff Judge Advocate is responsible for overall administration of the program. He/She will designate one member of 3 WG/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*; 2704, *Victim/Witness Certification an Election Concerning Inmate Status*; 2705, *Victim/Witness Notification of Inmate Status*; and 2706, *Annual Report on Victim and Witnesses Assistance*. The coordinator will maintain reporting information for annual reports as required by HQ USAF/JA. The coordinator will ensure installation support agencies, as defined in paragraph 2.4, this instruction, 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 attachment 2, this instruction.

2.4. Installation Support Agencies. Family Advocacy (3 MDG/SGOHF), AFOSI Det 631, Third Security Forces Squadron (3 SFS/SFS) (see attachment 2), Family Support Center (3 MSS/DPF), Chaplain (3 WG/ HC), and Mental Health (3 MDG/SGOH) are installation support agencies. 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. Each agency will keep records of people they have referred to the program and the number of forms distributed annually and report that information to the program coordinator in the legal office.

2.5. Quarterly Meetings. Representatives of all support agencies and the program coordinator will meet quarterly to coordinate on-going cases and ensure compliance with applicable regulations. The program coordinator will chair the meetings. The alternate program coordinator will serve as recorder and will prepare memoranda of the meetings.

2.6. Law Enforcement Agencies. AFOSI Det 631 and 3 SFS will annotate in their Reports of Investigation that they have complied with VWAP requirements.

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:

- 4.1. To be informed of their rights to services provided by support agencies.
- 4.2. To be treated with fairness and respect for their dignity and privacy.
- 4.3. To be given reasonable protection from a suspect or accused.
- 4.4. 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.
- 4.5. To confer with trial counsel on the case and to be informed about an accused's conviction, sentencing, confinement, or release.

5. Services for Witnesses:

- 5.1. Reasonable assistance in securing their absence from employment for official purposes such as testimony or pretrial interviews.
- 5.2. Reasonable assistance securing necessary lodging, transportation, parking, and any financial reimbursement as entitled by law and applicable regulations.
- 5.3. The opportunity to wait in an area separate from the accused or other defense witnesses.
- 5.4. 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.

DOUGLAS M. FRASER, Colonel, USAF
Commander

Attachment 1

VICTIM AND WITNESS ASSISTANCE PROGRAM CHECKLIST

Name of Victim/Witness : _____

Case: _____

PRETRIAL PREPARATION

Initial and Date:

_____ 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

Review court-martial process (DD Form 2702)

Brief available EAFB 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

Attachment 2
VWAP AGENCIES

Legal Office (3 WG/JA), 552-3046

Family Advocacy (3 MDG/SGOHF), 552-5898

Mental Health (3 MOG/SGOH), 552-8354

Office of Special Investigations (AFOSI), 552-2256

Security Forces (3 SFS/SFA), 552-4943

Family Support Center (3 MSS/DPF), 552-4943

Chaplain (3 WG/HC), 552-4422

Alaska Confinement Facility, 384-2020

Red Cross, 552-4824

Rape Crisis Line, 276-7273

Abused Women's Aid in Crisis, 272-0100

Alaska Women's Resource Center, 276-0528

US Attorneys Office, 271-4802

Violent Crimes Compensation Application, 1-800-764-3040