



UNITED STATES MARINE CORPS

MARINE CORPS BASE
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BSJA

APR 27 2004

BASE ORDER 5800.1

From: Commanding General, Marine Corps Base, Camp Lejeune
To: Distribution List

Subj: CAMP LEJEUNE VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP)

Ref: (a) DoD Directive 1030.1
(b) SECNAVINST 5800.11A
(c) MCO P5800.16A, (LEGADMINMAN) Chapter 6
(d) OPNAVINST 5800.7 2
(e) DoD Instruction 1030.2
(f) MCO 1640.3F

Encl: (1) Definitions
(2) Rights of Victims and Witnesses
(3) Victim Witness Liaison Officer (VWLO)
Responsibilities
(4) Command Victim Witness Assistance Coordinator (VWAC)
Responsibilities

1. Situation. This order implements the Victim and Witness Assistance Program (VWAP) established by references (a) and (b) and to define the policies, responsibilities, and procedures for compliance with references (a) through (e).

2. Definitions. Definitions are found in enclosure (1).

3. Mission. All Marine Corps, Navy and civilian personnel assigned to Camp Lejeune, who are engaged in detecting, investigating, or prosecuting crime, and personnel assisting crime victims and witnesses as defined in enclosure (1), shall comply with the policies, responsibilities and procedures herein.

4. Execution

a. Commander's Intent and Concept of Operations

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(1) Commander's Intent

(a) Marines shall treat all victims and witnesses with respect.

(b) All applicable personnel will ensure that victims and witnesses of crime are informed of their rights. See enclosure (2) for a detailed list of victim and witness rights.

(2) Concept of Operations. The Commanding General, MCB is the Local Responsible Official pursuant to references (a), (b) and (c).

b. Subordinate Element Missions

(1) The Base SJA is the central point of contact and the principle agent responsible for implementing and maintaining VWAP on behalf of the Commanding General. The SJA shall:

(a) Ensure close coordination between local VWAP representatives from Naval Criminal Investigative Service (NCIS), Legal Services Support Section (LSSS), military police, commanding officers, medical facilities, Community Counseling Center (CCC), corrections facilities, and chaplains.

(b) Establish a Victim and Witness Assistance Council; an informal, cross command body, which will assist all tenant MCB Commanders in providing a comprehensive victim/witness assistance program.

(c) Designate a council chairperson as the Victim Witness Liaison Officer (VWLO). VWLO responsibilities are outlined in enclosure (3).

(d) Ensure that the number of victims and witnesses who receive DD Forms 2701-2704 is collected, maintained and reported according to paragraph 6 of this order.

(e) Construct and maintain, with the assistance of the CCC, a directory of programs, services, and crime victim compensation funds available within the geographic area, both military and civilian, to which a victim or witness may be referred. When appropriate, enter into Memoranda of Agreement with civilian agencies to ensure victims and witnesses are provided required services.

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(f) Ensure that victims and witnesses are receiving all the information and services as required by the references.

(g) Coordinate with appropriate inspectors' offices to ensure VWAP is included as an item of interest during regular inspections.

(2) The following shall appoint, in writing, a Victim and Witness Assistance Coordinator (VWAC) representative to the Victim and Witness Council. The appointment letter will be given to the SJA, MCB and shall include the VWAC's name, title, duty address, and duty telephone number. VWAC responsibilities are set forth in enclosure (4).

(a) Director, CCC.

(b) Provost Marshal, in Consultation with the Resident Agent-in-Charge, Naval Criminal Investigative Service.

(c) OIC, LSSS, 2nd FSSG.

(d) Commanding Officer, Brig Company.

(3) Every commander (battalion and above) shall appoint, in writing, a VWAC, and provide a copy of the letter to the SJA, MCB. VWAC responsibilities are set forth in enclosure (4).

(4) Service Providers include CCC victim advocates and family advocacy counselors, chaplains, health care providers, judge advocates, and others who assist crime victims and witnesses. Service providers shall:

(a) Understand and support VWAP and know the rights of victims and witnesses under VWAP.

(b) Inform crime victims and witnesses about VWAP when they receive counseling, treatment, or advice.

(c) Inform victims of spousal or intra-familial abuse of the benefits provided under "Transitional Compensation for Abused Family Members." The Family Advocacy Program (FAP) Victim Advocate can provide more detailed information. Victims may also seek assistance from the legal assistance office for benefits provided under "Benefits for Dependents who are Victims of Abuse by Members Losing the Right to Retired Pay" and other benefits under VWAP.

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(d) 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.

(e) Know the VWAP points of contact, specifically military police, NCIS, SJA, CCC, medical clinics or hospitals, and chaplains for victim and witness assistance issues.

(f) Supervisors of service providers (e.g. Commanding Officer, U.S. Naval Hospital; OIC, Legal Assistance; and Command Chaplain) may, upon request to or by the VWLO, appoint additional representatives to the installation victim and witness assistance council.

(5) All investigative and law enforcement personnel are responsible for their duties as detailed in reference (f).

(6) Provost Marshal, in consultation with the Resident Agent-in-Charge, Naval Criminal Investigative Service, shall ensure the law enforcement VWAC complies with the responsibilities detailed in enclosure (4).

(7) OIC, LSSS, 2d Force Service Support Group, shall:

(a) Ensure that judge advocates are providing victims and witness the information and services as required under the references.

(b) Submit reports as outlined in paragraph 5.

(8) Commanding Officer, Brig Company, MCB shall:

(a) Establish a victim and witness notification program. VWAP procedures apply to all prisoners confined in Marine Corps brig facilities, regardless of service.

(b) Upon receipt of a DD Form 2704 that indicates a victim or witness has requested notification; establish a prisoner adjunct file 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. The DD forms/adjunct files will be destroyed 2 years from the date the prisoner is released from confinement or parole, whichever is later.

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(c) Ensure that the Correctional Management Information System (CORMIS) accurately reflects all prisoners enrolled in the notification program.

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

(e) Review the notification program and, when appropriate, direct termination from the notification program of victims or witnesses that brig personnel are unable to contact after reasonable efforts. For prisoners of other services, forward the request to the appropriate service central repository.

(f) Inform the brig of any victim or witness requests received at Headquarters Marine Corps (POS-40) indicating a desire to be terminated from the notification program.

(g) Submit reports per paragraph 5.

5. Administration and Logistics

a. References (a), (b), and (c) require an annual report to the Under Secretary of Defense for Personnel and Readiness, via the Assistant Secretary of the Navy (M&RA), concerning the assistance provided to victims and witnesses of crime. The following data must be maintained and forwarded to the VWLO by 15 January, who will compile and send it to CMC (JAM) no later than 1 February each year (Report Control Symbol DD-5800-09 has been assigned to this report):

(1) Supervising Agent in Charge, NCIS. Numbers of victims and witnesses who received DD Form 2701 from field components.

(2) Provost Marshal. Numbers of victims and witnesses who received DD Forms 2701 - 2703, and victims and witnesses who elected via DD Form 2704 to be notified of changes in prisoner status.

(3) Commanding Officer, Brig Company, MCB. Numbers 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

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prisoners for whom the brig must provide victim or witness notifications.

(4) OIC, LSSS. Maintain data on the number of victims and witnesses who receive DD Forms 2702 - 2704.

(5) Victim and Witness Assistance Coordinator (battalion level and above). Numbers of victims and witnesses who received DD Form 2701. This data will be reported by the VWAC to the command's jurisdictional trial counsel.

b. Reference (f) requires the Commanding Officer, Brig Company, to submit a monthly report to CMC concerning the status of service members confined in the Brig.

c. Resources. The Department of Justice, Office for Victims of Crime, 633 Indiana Avenue N.W., Washington, DC 20531, (202) 514-6444, can provide information concerning training and available materials.

d. Forms. The forms referenced in this Order are available in reference (d) or may be obtained in the Marine Corps Electronic Forms System with the title and stock numbers listed in reference (f).

6. Command and Signal

a. Signal. This order is effective the date signed.

b. Command. This order has been coordinated and concurred with by the Commanding Generals, II Marine Expeditionary Force, 2d Marine Division, and 2d Force Services Support Group.


W. A. MEIER
Chief of Staff

Distribution:

Copy to: BSJA

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1. 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 UCMJ, or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by DoD Components. Such individuals 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 includes one of the following (in order of precedence): a spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court or the component responsible official, or designee.

d. The term "victim" does not include an individual involved in the crime as a perpetrator or accomplice, even though the individual may be one of the representatives described above.

e. 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.

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

Enclosure (1)

APR 27 2004RIGHTS OF VICTIMS AND WITNESSES

1. Victim. A crime victim has the following rights:

- a. To be treated with fairness and with respect for the victim's dignity and privacy.
- b. To be reasonably protected from the accused.
- c. To be notified of court-martial proceedings.
- d. To be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.
- e. To confer with trial counsel and convening authorities.
- f. To receive available restitution.
- g. To receive information about the conviction, sentence, confinement, and release of the accused.

2. Witness. A witness in a court-martial has the following rights:

- a. To be treated with fairness and with respect for the witness's dignity and privacy.
- b. To be reasonably protected from the accused.
- c. To be notified of any scheduling changes which will affect their appearance at court-martial.
- d. To be notified of the apprehension of an accused, the initial appearance of an accused before a military judge, the release of the accused pending court-martial, and trial proceedings (including entry of guilty pleas).
- e. To receive information about the conviction, sentence, confinement, and release of the accused.

3. Goal. Responsible authorities must mitigate, within the means of available resources and in accordance with applicable law, the physical, psychological, and financial hardships suffered by

Enclosure (2)

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crime victims and witnesses and make all reasonable efforts to foster their cooperation in the criminal justice process.

4. Special Circumstances. Victims and witnesses of domestic abuse or sexual assault often require assistance beyond the information and referrals required under the VWAP. SECNAVINST 1752.3A and MCO P1700.24B provide additional guidance and specific programs for victims and witnesses of those crimes.

Enclosure (2)

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VICTIM WITNESS LIAISON OFFICER (VWLO) RESPONSIBILITIES

1. VWLOs are the installation commander's representatives responsible for the coordination of victim and witness assistance efforts aboard the installation. VWLOs shall:

a. Ensure that each organization (battalion/squadron level and above) assigned to the installation appoints a Victim Witness Assistance Coordinator (VWAC).

b. Coordinate with the senior tenant commander(s) to ensure that each tenant command (battalion/squadron level and above) appoints a VWAC.

c. Maintain a list of VWACs (both organic and tenant) aboard the installation.

d. Maintain a directory of military and civilian programs and services providing counseling, treatment, and other victim support within the geographic area of the installation.

e. Obtain and distribute relevant information to VWACs (both organic and tenant), including the roster of VWACs and the directory of local programs and services.

f. Ensure victims and witnesses are notified of their rights.

g. Ensure victims are notified of the names, titles, duties, addresses, and telephone numbers of the VWACs involved in their case.

h. Assist victims in exercising their rights and obtaining support.

i. Chair meetings of the local Victim and Witness Assistance Council.

j. Assist the installation commander in meeting VWAP reporting requirements.

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COMMAND VICTIM WITNESS ASSISTANCE COORDINATOR (VWAC)
RESPONSIBILITIES

1. Generally. The VWAC is the command's primary point of contact for victim witness assistance matters. The VWAC is responsible for obtaining and distributing VWAP materials and for providing VWAP training to the members of the command. In cases involving victims, witnesses, or accused from different commands, the VWACs for the respective commands may have overlapping duties and responsibilities. Coordination between VWACs aboard the installation is essential.

2. Victim or Witness is a Member of VWAC's Command. Once the command is aware that one of their members is a victim or a witness, the VWAC shall ensure that the victim or witness has been advised of applicable rights by providing DD Form 2701 (Initial Information For Victims and Witnesses of Crime), if one has not already been provided, and assist the victim or witness in making an election of rights. Additionally, the VWAC shall, upon request of the victim:

a. Provide the victim with more detailed information concerning the resources available to the victim including information on compensation programs available to victims of intra-familial abuse offenses when the offender is a service member.

b. Assist the victim in obtaining necessary counseling.

c. Maintain contact with all VWACs and other VWAP personnel (such as trial counsel) involved in the victim's case.

d. Assist victims and witnesses as appropriate and necessary in the exercise of their rights.

3. Accused is a Member of the VWAC's Command. Once the command is aware that the accused is a member of the command, the VWAC shall identify the victim, determine whether the victim has been advised of applicable rights, and determine the victim's elections concerning those rights. Additionally, the VWAC shall, upon request of the victim:

a. Advise the victim of the accused's pretrial confinement status.

Enclosure (4)

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b. Notify the victim of the commander's decisions concerning prosecution, the nature of the charges, and the date charges are preferred.

c. Solicit and discuss the victim's views regarding appropriate disposition of the charges against the accused, particularly during pretrial plea negotiations.

d. Notify all other VWACs involved in the case of the victim's identity and elections concerning rights.

4. VWAC's Command is the Convening Authority. After charges have been preferred, the VWAC shall identify the victims and witnesses, determine whether the victims have been advised of their rights, and determine the victims' elections concerning those rights. Additionally, the VWAC shall, upon request of the victim:

a. Confirm that the trial counsel assigned to the case has obtained the victim's views concerning plea negotiations and has forwarded that information to the convening authority.

b. Confirm that the trial counsel has complied with the victim's request to be notified of the following:

(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 on the findings and sentence of the court-martial.

c. If the accused is sentenced to confinement, confirm that the trial counsel prepared a DD Form 2704 per paragraph 6006.7n of this chapter.

d. When a victim has requested notification, the VWAC will advise the victim of the accused's pretrial confinement status.

Enclosure (4)