

DoD's Victim and Witness Definitions

The DoD uses the following definitions for victim and witness, but more information may be available through your installation's Victim Witness Assistance Program, which is usually located in the installation legal office (Judge Advocate).

A **victim** is a person who has suffered direct physical, emotional, or financial harm as a result of a crime committed in violation of the Uniform Code of Military Justice. Victims of crime in other jurisdictions are also included if any portion of the investigation is conducted primarily by a DoD component. Such individuals include, but are not limited to, the following:

- Military members and their families
- DoD civilian employees, contractors, and their family members (when stationed outside the continental United States). However, in stateside locations this group is not eligible for some services, such as medical care in military medical facilities.
- Children or people needing representation. 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 legal authority.

A **witness** is a person who provides information or evidence about a criminal offense within the investigative responsibility of the DoD. When the witness is a minor, the term witness includes a minor's family member or legal guardian. The term does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.

Victim Witness Assistance Program

Once an investigation is initiated, a Victim-Witness Liaison (VWL) is available to assist sexual assault victims. A VWL assists victims with exercising their federally mandated rights and with navigating the criminal justice system. VWLs also provide information on services and resources, and interact with lawyers and commanders. VWLs help ensure the victim's situation is respected, that victims have a voice in the process, and that victims are kept informed of the status of the investigation and prosecution.

Resources

To locate your Victim-Witness Liaison, you should contact your local installation's office of the Staff Judge Advocate or base legal office.

For additional information or to find Victim-Witness Assistance Points of Contact:

DoD Victim and Witness Assistance Council
<http://www.defenselink.mil/vwac>

Office for Victims of Crime (Department of Justice)
<http://www.ojp.usdoj.gov/ovc>



Department of Defense

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Victims' Rights In Action



Department of Defense Victim and Witness Assistance Programs

The Department of Defense Victim Witness Assistance Program assists victims of crime -- including sexual assault -- by providing information and access to resources. DoD Directive 1030.01, *Victim and Witness Assistance* (April 23, 2007) and DoD Instruction 1030.2, *Victim and Witness Procedures* (June 4, 2004) implement statutory requirements for the DoD programs. These DoD policies also provide guidance for assisting victims and witnesses of crime from initial contact through investigation, prosecution, and confinement. Particular attention is paid to victims of serious and violent crime, including child abuse, domestic violence, and sexual misconduct.

Victim's Bill of Rights

The Directive includes a DoD Victims' Bill of Rights, which resembles the Federal Crime Victims' Bill of Rights. DoD law enforcement and legal personnel directly engaged in the detection, investigation, or prosecution of crimes are responsible for ensuring that victims of military-related crime are accorded the following rights:

1. Be treated with fairness and respect for the victim's dignity and privacy.
2. Be reasonably protected from the accused offender.
3. Be notified of court proceedings.
4. 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.
5. Confer with the attorney for the Government in the case.
6. Receive available restitution.
7. Be provided information about the conviction, sentencing, imprisonment, and release of the offender.

Additionally, court-martial convening authorities, as well as clemency and parole boards, shall consider making restitution to the victim a condition of pretrial agreements, sentence reduction, clemency, and parole. They may consider victim statements on the impact of crime when reviewing a case.

Victims' rights are more than the discrete rights created by specific statutes or judicial decisions. Victims' rights are about the victims' participation in the criminal justice system and about changing the culture of that system to accommodate such participation.

During the Investigation:

- Protection
- Privacy
- Information
- Respectful Treatment

During Command Decision-Making Phase:

- Protection
- Privacy
- Information
- Consultation
- Restitution
- Respectful Treatment

During Prosecution:

- Protection
- Privacy
- Information
- Notification
- Attendance
- Consultation
- Restitution
- Respectful Treatment
- Victim Impact

Post-Prosecution:

- Information
- Privacy
- Victim Impact

42 USC § 10601 et seq.

18 USC § 1512-1514

Victim-Witness Assistance Program

Department of Defense Directive 1030.1

Department of Defense Instruction 1030.2

Important DoD Information Forms for Victims

Victim and witness assistance programs throughout DoD use standard forms to advise victims and witnesses of their rights during all stages of a case. Each military service is also required to provide DoD an annual report indicating the numbers of victims and witnesses who have received assistance and services. The following chart lists the DoD forms number, the title of the form, when they are used, and their purpose.

DD Form 2701

Initial Information for Victims and Witnesses of Crime

Initial Contact

Provides notice to victims and witnesses on rights and information on the military justice system and points of contact

DD Forms 2702/2703

Court Martial Information for Victims and Witnesses of Crime and

Post-Trial Information for Victims and Witnesses of Crime
Prosecution

Provides notice to victims and witnesses on rights during court-martial proceedings and process and during the command's decision-making process

DD Forms 2704/2705

Victim/Witness Certification and Election Concerning Inmate Status and

Victim/Witness Notification of Inmate Status

Confinement

Provides information to victims and witnesses on the offender's sentence, confinement status, clemency and parole hearings and release from confinement

DD Form 2706

Annual Report

Provides statistical information to DoD on assistance rendered to victims and witnesses