



DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
2200 ARMY PENTAGON
WASHINGTON, DC 20310-2200

REPLY TO
ATTENTION OF

01 OCT 2014

DAJA-ZA

MEMORANDUM FOR Judge Advocate Legal Service Personnel

SUBJECT: Disclosure of Information to Crime Victims – **POLICY MEMORANDUM 14-09**

1. This policy addresses the disclosure of information by prosecutors to victims who report suffering direct physical, emotional, or pecuniary harm as a result of the commission of an offense under the Uniform Code of Military Justice (UCMJ).

2. Background. Military law has traditionally recognized the rights of crime victims in a variety of ways. Their previous statements may be protected by certain evidentiary privileges, and previous behavior by a victim may be inadmissible at trial. Victims of sexual assault may now receive advice and representation from Special Victim Counsel. Congress has recently amended the UCMJ to expressly provide all crime victims with the rights enumerated in Article 6b, UCMJ, which include the right to reasonable, accurate, and timely notice of certain events during the court-martial process.

3. Policy.

a. It is my intent that prosecutors will vigorously protect the rights of victims as prescribed in Article 6b, UCMJ, without compromising the commander's responsibility to promote justice and maintain good order and discipline. Staff Judge Advocates will also ensure timely and accurate notice to crime victims concerning significant proceedings and events in the military justice process in accordance with Article 6b(2), subject to available resources, operational commitments, and military exigencies.

b. The way in which we treat victims will have a significant effect on their ability to heal and recover from the offenses reportedly committed against them and their confidence in the military justice system. Without victim cooperation, it is unlikely that the military justice system will continue to function as efficiently or effectively. Accordingly, all persons working within and in support of the prosecutorial function must ensure that victims of crime are treated courteously and with respect for their privacy.

4. Implementation. To safeguard the rights of crime victims and provide notice as required by Article 6b(2), UCMJ, the prosecution will provide the victim, Special Victim Counsel, if applicable, with the information listed below without request by the victim.

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a. Upon preferral of charges:

(1) A copy of all statements and documentary evidence produced or provided by the victim;

(2) An excerpt of the charge sheet setting forth the preferred specifications pertaining to that victim; and

(3) The date, time, and location of any pretrial confinement review pursuant to Rule for Courts-Martial 305, and the preliminary hearing pursuant to Article 32, UCMJ.

b. Upon receipt or filing by the government:

(1) A summarized transcript of the victim's testimony at the preliminary hearing;

(2) An excerpt of the charge sheet setting forth the referred specifications pertaining to that victim;

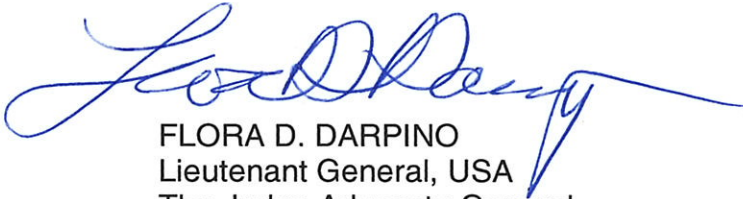
(3) Any docket requests, as well as docketing or scheduling orders, including deadlines for filing motions and the date, time, and location for any session of trial;

(4) A copy of any motion or responsive pleadings that may limit a victim's ability to participate in the court-martial, affect the victim's possessory rights in any property, concern the victim's privileged communications or private medical information, or involve the victim's right to be heard; and

(5) Any request to interview the victim received from defense counsel.

4. Requests for Information. Staff Judge Advocates will continue to ensure that requests by victims or designated counsel for investigative reports or other documents are processed **without delay** under the applicable procedures of the Freedom of Information Act or Privacy Act.

5. This policy is not intended to, and does not, create any entitlement, cause of action, or defense in favor of any person arising out of the failure to accord a victim the notice outlined in this policy.



FLORA D. DARPINO
Lieutenant General, USA
The Judge Advocate General