

KATHY D. NELSON
VWAP Coordinator
Peterson AFB CO

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Written Statement to Judicial Proceedings Panel

I am Kathy Nelson the VWAP Coordinator at Peterson AFB CO since January of 1997. I have seen a lot of cases and situations. Having been one of the first Civilians appointed to this position, in the past few years with the rising of Sexual Assault Cases, legislation has been forthcoming. When I was given the program it was broken to say the least. So I started from scratch. Going back to my one of my first big cases, it was a sexual assault! I have done presentations at several Crime Victims Conferences in DC, Atlanta, Portland and Denver. Currently I am an Instructor at the second DE VWAP Training through Maxwell AFB AL. The first was done in September of 2014. Another will probably happen in the fall of this year. Students have seen the value of the VWAP Program and how they can assist victims. In most cases the fear was loss of income. How do we move on and start over? The Transitional Compensation has been a great help even if for a short time. I have assisted many other bases in putting together packages for the program. Have a brochure that tells other bases how to set up the VWAP Program and also a brochure that is given to victims and witnesses as to how the Military Justice Process works.

One case that stands out is where the military didn't follow up on the family of the parents who were convicted of sexual abuse to their 3 children. It was a case that we did not do, but through the channels and the ADC going to see the father,

the military member, who was an inmate at one of the local confinement facilities, we tracked down the children. The mother was also confined in a prison in Florida. The father was stationed to a base in FL. I don't recall anymore what the sentence was for either of the couple. But was a military for the father and a civilian court for the mother. VWAP wasn't followed up. The children had gone to live with an aunt and uncle in Georgia who had become guardians of the three children. Being civilians they had no idea there was some assistance they could be receiving from the military. I reached the aunt and told her who I was. The military had had no contact with them and being civilians had no idea there could be some assistance given to the children. I sent her the Application and other information and told her what I would need to get the process started. The aunt worked days and the uncle nights as these children were scared to stay alone and were both physical, mentally and emotionally distraught. The aunt and uncle had two older sons who became the big "protectors" of their cousins. I sent the paperwork to DFAS and the week before Christmas I received a call from a very tearful aunt and uncle. The checks had arrived for the children. But they both said, these will go into the children's accounts. They will need this and will help us to not have to worry so much about their future.

From the very beginning I have had a good working relationship with the District Attorney's Office here and their VWAP Program. They can offer some assistance to civilians who have been victims and cannot use the military facilities for assistance. There is a process of an application and a board meets the first of the month to review the packages. I have the paperwork and if the victim shows an interest can get them started.

A referral also is the State Compensation out of Denver. I have also worked and referred individuals to the Colorado Organization for Victims Assistance (COVA). This organization has state wide services and offers many programs. Colorado Springs is fortunate to have a great Sexual Assault and Domestic Violence Center. They can offer safe temporary housing to victims and their families and have some excellent programs to attend. Military Members can also contact Air Force Aid and the Airman and Family Readiness Center at Peterson has some excellent resources and connections for military members. Veterans Affairs can also add assistance.

Transitional Compensation for Dependents has helped many feel more at ease to know there is some income they could receive to help them through this transition. But again this is just for the military. It isn't a lot of money but in most cases the families have been grateful for the assistance. Only have had one case through the years that choose the Retirement Pay over the Transitional Compensation because it was long term over just a few months. The spouse weighed the two and after consideration, felt for her and her two children the retirement would be best.

Restitution is not a part of the Military Justice Process. However, there can be a pretrial agreement instigated by the accused, defense counsel, trial counsel, Staff Judge Advocate or Convening Authority. At that time a Disposition Board considers inmates efforts to make restitution to the victim.

I have worked a couple high-profile USAFA Cases in the onset of the Sexual Assault Cases coming to be in 2004. This was a challenge. Also did a General

Officer Case for TJAG in DC. In the latter case the victims were civilians.

All victims suffer from physical, mental and emotional issues. If not all showing in the beginning at some point in their lives they will have issues of the trauma that they went through. The VWAP Program is there to walk them through the justice process making sure their needs are met. Special Victims Counsel (SVCs) have played a big part in assisting with many of their needs and answering their questions. The military victims have many resources and avenues to work with. However, sometime they too need to go to outside resources for help. There is the financial cost. All victims need to get their self-esteem back and be treated with dignity. What happened to them wasn't their fault. But where does this leave the civilian victim who has no access to the military resources? The financial burden can be great. Will their insurance pay for what has happened to them? How do they start over? They do not qualify for any "free" assistance once the sentence is read for the accused. I have always thought perhaps something should be there for them too. Many go away with a bad picture of the military. What did they do for me? Now I am stuck with trying to start over and put all this behind me. Where do I go? Giving them all the resources that one can gives some sense of helping, but is that going to make them better after what happened to them?

If a program is to be set up for sexual assault military and civilian victims very strict criteria would need to be established. The Transitional Compensation Program has those and it has worked from the beginning of the program. To establish something for Sexual Assault Victims would have to be very strict in how

one would qualify to submit for compensation. Does it start with findings coming out of a Court Martial? Stating to the Victim “If and When the court decides on this, then you may be able to submit a claim”? Or there is some pre-trial agreement again on “If and When” the outcome is. This could up the court docket as every victim has their right to a court martial. Otherwise everyone will keep a claims division very busy. It would create a new division in the Air Force for an office just to handle this program. Creditability is very critical in these cases. Who makes the decision as to who gets restitution or not? I just see obstacles with the possible assistance program through the military but seeing what is going to be drawn up and the guidelines may help clarify that. All victims need assistance whether military or civilian. Many times I feel Civilian Victims involved with a military member are afraid to come forward because of what is in it for me?