

**JUDICIAL PROCEEDINGS PANEL
REQUEST FOR INFORMATION SET # 1**

60. DoD and Services: Regarding State Victim Compensation Funds:

- a. Do the Services notify victims of their options for seeking compensation through a State Victim Compensation Fund? Is the notification required by DoD and/or Service policy? If yes, please provide copies of all policies.**

DoD	<p>Yes. Immediately after identification of a crime victim/witness, the local Military Service Responsible Official, law enforcement officer, or criminal investigation officer will explain and provide appropriate information about public and private programs available to provide counseling, treatment, and other support, including available compensation through federal, State, and local agencies and crime victim funds. <i>See</i> Department of Defense Instruction (DoDI) 1030.2, (June 4, 2004), “Victim and Witness Assistance Procedures,” paragraph 6.1.3. In accordance with current and anticipated DoD Victim Witness Assistance policy, specifically, DD Form 2701, “Initial Information for Victims and Witnesses of Crime,” is used by Military Department Victim Witness Assistance Program (VWAP) Responsible Officials. All VWAP Forms are available at http://www.dtic.mil/whs/directives/infomgt/forms/efoms/dd2701.pdf),</p> <p>Please note that the Department of Defense is currently in the process of revising this policy which will be published as a single issuance, DoDI 1030.02, “Victim and Witness Assistance.” The Department contemplates that the revised Instruction will include a section addressing Special Victims’ Counsel/Victims’ Legal Counsel (SVC/VLC), as well as legal assistance to crime victims, based on established policy. The Department anticipates the imminent publication of a draft of DoDI 1030.02 in the Federal Register for public comment. The Department will provide the JPP with that Federal Register notice once published.</p> <p>Furthermore, in addition to the information provided by local VWAP personnel, the Military Services provide legal counsel, known as SVC/VLC to assist victims of alleged sex-related offenses including Articles 120, 120a, 120b, and 120c, forcible sodomy under Article 125 of the UCMJ, attempts to commit such offenses under Article 80 of the UCMJ, or other crimes under the UCMJ as authorized by the Service, who are eligible for legal assistance pursuant to section 1044e of Reference (c) and as further prescribed by the Military Departments and National Guard Bureau policies. Among other vital legal services, SVC/VLC programs can help victims understand their eligibility and the requirements for, and obtaining, any available military and veteran benefits, such as transitional compensation benefits, and other State and federal victims’ compensation programs. The revision of DoDI 1030.02 will incorporate the DoD’s implementation of section 1716 of Public Law 113-66, “National Defense Authorization Act for Fiscal Year 2014,” (December 26, 2013).</p> <p>Additionally, under current DoD policy, active and retired Service members and their dependents are entitled to receive legal assistance pursuant to sections 1044 and 1565 of title 10, United States Code. Legal assistance services for crime victims will include confidential advice and assistance to address matters including, but not limited</p>
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	<p>to, rights and benefits afforded to the victim under law and DoD policy. <i>See</i> Under Secretary of Defense for Personnel and Readiness Memorandum, “Legal Assistance for Victims of Crimes,” October 17, 2011, which we expect will be incorporated in DoDI 1030.02.</p> <p>ATTACHMENTS 1.1 through 1.5:</p> <ul style="list-style-type: none"> -Attachment 1.1 – DoD Instruction 1030.2, “Victim and Witness Assistance Procedures,” [to be replaced with DoDI 1030.02, Victim and Witness Assistance,” once published] (4 Jun 2004) -Attachment 1.2 – DD Form 2701, “Initial Information for Victims and Witnesses of Crime” (Aug 2013) -Attachment 1.3 – Under Secretary of Defense for Personnel and Readiness Memorandum - Legal Assistance for Victims of Crimes (17 Oct 2011) -Attachment 1.4 – DoDI 6400.07 - Standards for Victim Assistance Services in the Military Community (25 Nov 2013) -Attachment 1.5 – DoDI 6495.02 - Sexual Assault Prevention and Response (SAPR) Program Procedures,” (28 Mar 2013, <i>Incorporating Change 1, Effective 12 Feb 2014</i>)
USA	<p>Army Victim/Witness Liaisons refer victims to state victim compensation funds in accordance with AR 27-10, paragraph 17-12b.</p>
USAF	<p>Yes. Victims are notified of their options for seeking compensation from state victim compensation funds through the Victim and Witness Assistance Program. AFI 51-201, para 7.12.4. AFI 51-201, Figure 7.2, contains a list of resources for victims which includes state crime victims funds. Some legal offices and SARCs also refer victims to local civilian non-profit victim advocacy centers or the District Attorney’s Office to facilitate victims access to state compensation programs. Notification to victims is provided utilizing DD Form 2701, <i>Initial Information for Victims and Witnesses of Crime</i>.</p> <p><u>References:</u></p> <ul style="list-style-type: none"> - AFGM2 to AFI 51-201, <i>Administration of Military Justice</i> http://static.e-publishing.af.mil/production/1/af_ja/publication/afi51-201/afi51-201.pdf - DD Form 2701, <i>Initial Information for Victims and Witnesses of Crime</i> http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2701.pdf <p>Victims have the right to receive restitution as provided in law pursuant to Article 6b, UCMJ. AFI 51-201, para. 7.11.6. DD Form 2701, <i>Initial Information for Victims and Witnesses of Crime</i>, also notifies victims of the right to available restitution.</p> <p>Restitution may be available from, or offered by, an accused as a condition in the terms of a pretrial agreement, during the sentencing process, as a part of post-trial mitigation under RCM 1105, or as a term or condition of parole or clemency. AFI 51-201, para. 7.12.4.1.</p>

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	<p>Transitional compensation, waiver of mandatory forfeitures, and possible entitlement to a portion of the active duty member’s retirement benefits may be available to victims of intra-familial abuse offenses, to include sexual assault. AFI 51-201, para. 7.12.5.</p> <p>Additionally, the Victim and Witness Assistance Program provides information to victims on possible compensation from local, state or federal crime victim funds, to include the procedures for applying for such funds.</p> <p><u>References:</u></p> <ul style="list-style-type: none"> - AFGM to AFI 51-201, <i>Administration of Military Justice</i> http://static.e-publishing.af.mil/production/1/af_ja/publication/afi51-201/afi51-201.pdf - DD Form 2701, <i>Initial Information for Victims and Witnesses of Crime</i> http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2701.pdf
USN	<p>Yes. Legal assistance attorneys are required to be generally familiar with State Victim Compensation programs per JAGINST 5800.4A located at: http://www.jag.navy.mil/library/instructions/5800_4A.pdf.</p> <p>Legal assistance attorneys are required to be able to provide advice on the processes for federal, state and local crime compensation programs. While this instruction does not specifically cover VLC, VLC are trained on matters regarding civilian compensation programs as are trial counsel and VWAP personnel. Navy VLC specifically advise victims of available local State Victims Compensation Funds.</p>
USMC	<p>Yes. MCO 5800.14 requires notification to all victims and requires that either (1) victims be provided a DD 2701 upon initial interview by NCIS, or (2) that the TC and the Victim-Witness Assistance Coordinator must confirm that victims received the initial DD 2701 and that they understand their rights. Additionally, each Marine Corps Installation includes this information on its public website.</p> <p>Below are a few sample websites:</p> <p>http://www.hqmc.marines.mil/sja/Branches/VictimWitnessAssistanceProgram/CampPendletonVWAP.aspx</p> <p>http://www.hqmc.marines.mil/sja/Branches/VictimWitnessAssistanceProgram/MCAS YumaVWAP.aspx</p> <p>http://www.hqmc.marines.mil/sja/Branches/VictimWitnessAssistanceProgram/29PalmsVWAP.aspx</p> <p>http://www.hqmc.marines.mil/sja/Branches/VictimWitnessAssistanceProgram/MC BCampLejeuneVWAP.aspx</p>
USCG	<p>Sexual Assault Response Coordinators verbally provide information to victims regarding the methods of seeking compensation from sources outside the military. This practice is not required by policy.</p>

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b. Are personnel within each Service trained regarding State Victim Compensation Funds? If so, which personnel?

DoD	<p>DoDI 6400.07, “Standards for Victim Assistance Services in the Military Community,” sets forth standards for competency, ethical conduct, and program foundational standards for victim assistance services within the military community. These standards are consistent with the <i>Standards for Victim Assistance Programs and Providers</i> established by the National Victim Assistance Standards Consortium, and incorporate the unique needs of the military community. Victim assistance personnel are defined as those who are available to provide support and assistance to victims of crime and harassment consistent with their assigned responsibilities and in accordance with DoDI 6400.07. They include part-time, full-time, collateral duty, and other authorized individuals, and may be domestic violence or sexual assault prevention and response coordinators (to include unit and uniformed victim advocates), Sexual Assault Response Coordinators, VWAP personnel, or military equal opportunity advisors. Furthermore, DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” Enclosure 10, requires legal assistance attorneys to receive training on State and federal victims’ compensation programs. Specific training is provided by the Military Department Judge Advocates General and the SJA to the Commandant of the Marine Corps.</p>
USA	<p>Army Victim/Witness Liaisons are trained to be familiar with state victim compensation boards and provided information to assist them in that duty.</p>
USAF	<p>DoDI 6495.02, Enclosure 10, requires legal assistance attorneys to receive training on state and federal victims’ compensation programs. The AF JAG Corps has implemented annual SAPR first responder training for legal personnel in AFI 51-201, Section 7J. This training is mandatory for all active duty and Reserve judge advocates who provide military justice advice, legal assistance, or who serve as trial counsel; active duty and Reserve paralegals who provide legal assistance or directly contribute to a VWAP program; any civilian attorney whose core document or position description references, or who through assigned duties, directly contributes to military justice, legal assistance, or a VWAP program; and any other civilian personnel (including volunteers) assigned to a legal office whose core document or position description references, or who through assigned duties, contributes to a VWAP program.</p> <p>Judge advocates receive VWAP training at the Judge Advocate Staff Officer Course, which includes information regarding state victim compensation funds.</p> <p>Finally, the Air Force Judge Advocate General’s School began fielding a VWAP distance education course in September 2013.</p> <p><u>References:</u></p> <ul style="list-style-type: none"> - DoDI 6495.02, <i>Sexual Assault Prevention and Response Program Procedures</i> http://www.dtic.mil/whs/directives/corres/pdf/649502p.pdf - AFGM2 to AFI 51-201, <i>Administration of Military Justice</i> http://static.e-

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	publishing.af.mil/production/1/af_ja/publication/afi51-201/afi51-201.pdf
USN	Yes. VLC, VWAP personnel, trial counsel, legal assistance attorneys, SARCs and victim advocates are all trained on the general nature of local State Victim Compensation Funds. See enclosure (29) ENCLOSURE 29: Domestic Abuse Victim Advocate Program Resource Guide
USMC	Yes. All VWAP personnel, judge advocates, VAs, VLCs, and chaplains are notified of the availability of state victim compensation funds, and know that the number is available on the installation VWAP website.
USCG	There are no Service personnel so trained.

c. For personnel trained on State Victim Compensation Funds, please describe any training received, including courses attended and training material received through courses and other resources.

DoD	Training is provided by the Military Departments and often conducted at the local level through the legal office, Family Advocacy Program, or SARC program. Judge advocates or VWAP personnel may have the opportunity to attend more extensive training hosted by local victim advocacy organizations, U.S. Attorney's Victim Services training program, and other national victim advocacy conferences.
USA	As part of the VWL basics file that is sent to all new VWLs and as part of the continued training for all VWLs, the Office of The Judge Advocate General Criminal Law Division requires that all VWLs be familiar with their state's victim compensation program and directs them to www.nacvcb.org as a starting point. It is also discussed at the annual VWL training.
USAF	Training varies base by base but is completed IAW the requirements described under subpart b. Training is often conducted at the local level through the legal office, Family Advocacy Program, or SARC. Some judge advocates or VWAP personnel have the opportunity to attend more extensive training hosted by local victim advocacy organizations, U.S. Attorney's Victim Services training program, and other national victim advocacy conferences.
USN	Navy does not collect information or statistics about compensation received by victims, nor are there any training requirements for personnel who execute the program. Commander Navy Installations Command provides guidance to field personnel.
USMC	The Marine Corps runs annual training for all VWAP personnel and teaches about state victim compensation funds as an element of VWAP. This is also taught to all new TC through the TCO course. See enclosure (16). ENCLOSURE (16) Training Re: Victim Compensation Funds: a) VWAP Overview Training Slides b) Trial Counsel Orientation – VWAP Training Slides (28 Apr 2014)
USCG	There are no Service personnel trained on State Victim Compensation Funds.

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d. Do DoD or the Services collect information or statistics about compensation received by victims of sexual assault in the military from State Victim Compensation Funds? If so, please provide copies of recent reports and information.

DoD	No information or statistics are collected by the DoD regarding compensation victims receive from state victim compensation funds.
USA	This data is not tracked by the Army.
USAF	No information or statistics are collected by the AF regarding compensation victims receive from state victim compensation funds.
USN	At the installation level, Domestic Abuse Victim Advocates (DAVAs) assist victims with processing and completing the paperwork necessary to apply for the Transitional Compensation for Abused Dependents program. The DAVA Program Resource Guide, attached as enclosure (29), is used as a training tool and as a resource to provide core competency skills needed by DAVAs to ensure they are able to provide victim-advocacy services competently. Transitional Compensation content is included in applicable chapters throughout this Resource Guide. ENCLOSURE 29: Domestic Abuse Victim Advocate Program Resource Guide
USMC	This information is not collected.
USCG	The Service does not collect that information.