

U.S. Department of
Homeland Security

United States
Coast Guard



Judge Advocate General
United States Coast Guard

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5810

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MEMORANDUM

From:  S. D. Poulin, RADM
Judge Advocate General

To: Distribution

Subj: DISCLOSURE OF INFORMATION TO CRIME VICTIMS

Ref: (a) Military Justice Manual, COMDTINST M5810.1 (series)
(b) Article 6b, UCMJ, 10 U.S.C. §806b

1. This memorandum establishes the procedure for the disclosure of information by the government to alleged 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). 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. The procedure established in this memorandum will be incorporated into the next revision to reference (a).

2. Implementation. To safeguard the rights of crime victims and provide notice as required by reference (b), the government shall provide the victim with the information listed below, without request by the victim. If the victim is represented by a Special Victims' Counsel (SVC), the information shall be provided to the SVC.

a. Upon preferral of charges:

- 1) A copy of all statements and documentary evidence produced or provided by the victim, as well as any recordings of interviews of the victim;
- 2) An excerpt of the charge sheet setting forth the preferred specifications pertaining to that victim;
- 3) The date, time, and location of any pretrial confinement review pursuant to Rule for Courts-Martial 305;
- 4) The time, date, and location of the preliminary hearing pursuant to Article 32, UCMJ, and any information necessary to facilitate attendance by the SVC;
- 5) A copy of any military protective order issued to protect the victim or the victim's family; and
- 6) Any request to interview the victim.

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5810

b. Upon receipt or filing by the government:

- 1) A summarized transcript or copy of the recording of the victim's testimony at the Article 32 preliminary hearing;
- 2) A copy of the charge sheet setting forth the referred specifications, except that the names and personal information of any other victims listed in the referred specifications shall be redacted;
- 3) The time and date of any R.C.M. 802 conferences regarding scheduling a court-martial, docket requests, and 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, except that the names and personal information of any other victims shall be redacted; and
- 5) Any request to interview the victim received from defense counsel.

3. Requests for Information Not Released under this Policy. Any requests by victims or their designated counsel for documents or portions of the report of investigation not provided for under this policy shall be processed under the applicable procedures of the Freedom of Information Act (FOIA) or Privacy Act. Information about filing a FOIA request can be found at www.uscg.mil/foia.

4. 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.

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