



# VWAP Roles and Responsibilities

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# What This Presentation Covers

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- Focuses on the current VWAP order: MCO 5800.14
- Discusses the roles and responsibilities of all parties involved in the VWAP



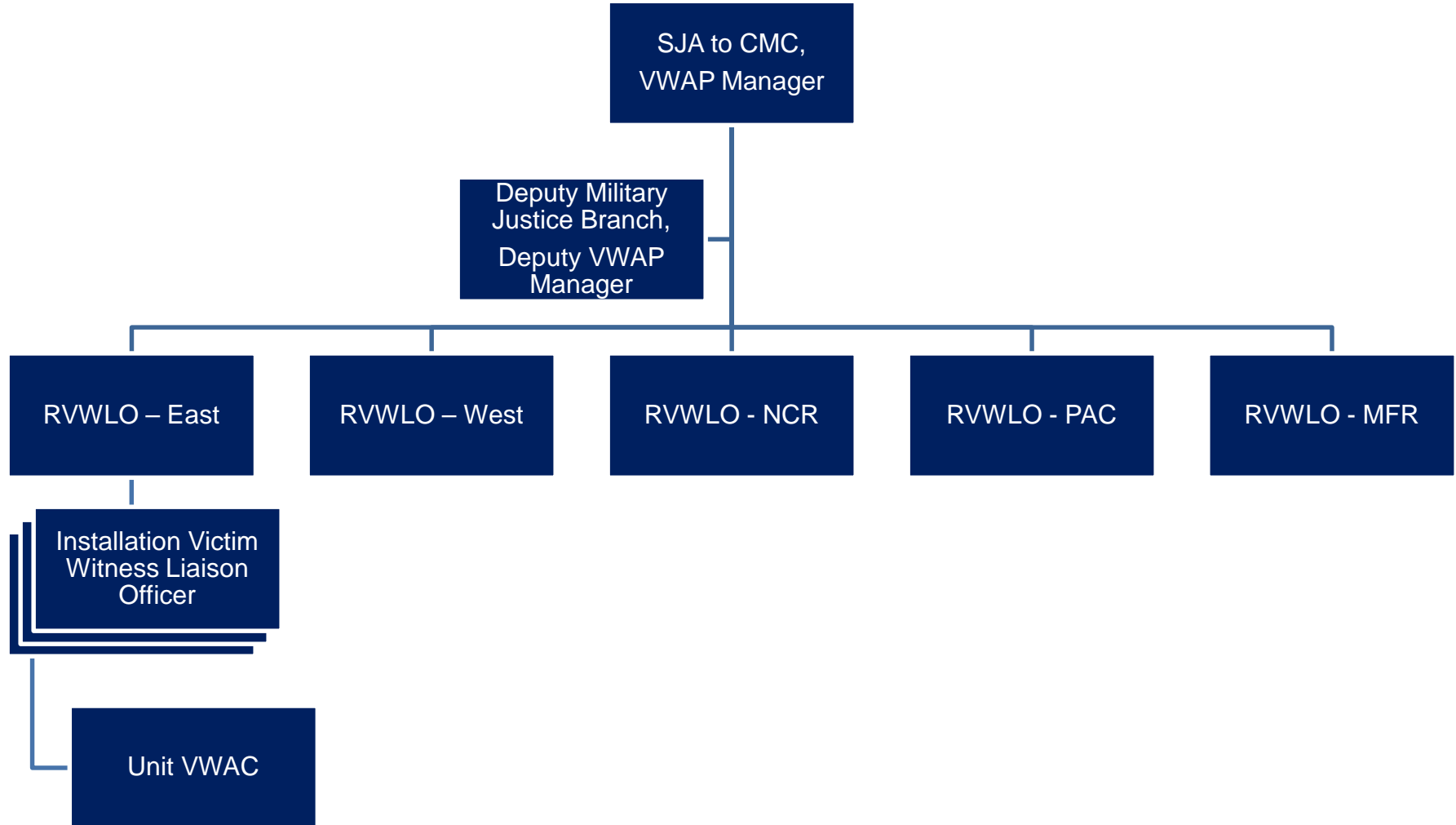
# Parties involved in the VWAP

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- Component Responsible Official (SJA to CMC)
- Local Responsible Official (Installation Commanders)
- Unit Commanders
- SJA
- Unit VWAC
- Regional VWLO
- Installation VWLO
- Law Enforcement
- Corrections
- LSSS/LSST OICs
- Trial Counsel
- Service Providers
- Victims' Legal Counsel
- Legal Assistance Attorneys



# VWAP Org chart





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# **HEADQUARTERS, U.S. MARINE CORPS**



# SJA to CMC

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- Coordinate and manage the VWAP
- Receive and complete VWAP reports and forward to SECNAV
- Designate a Functional Area Manager for FAC (092)
- Maintain current list of all RVWLOs and VWLOs.



**COMMANDER,  
STAFF JUDGE ADVOCATE,  
&  
LEGAL OFFICER**



# MCICOM, MFR, and Regional MCI

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- Ensure that the VWAP is properly implemented by installation commanders
- Appoint a Regional VWLO to ensure compliance with VWAP (may be IVWLO)
- Ensure all installations comply with the law and all orders and regulations





# Installation Commanders

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- Ensure coordination between VWAP reps from NCIS, legal service providers, MPs, COs, Marine & Family Programs, corrections facilities, and chaplains.
- Appoint VWLO; provide their info to VWAP reps on base.
- Appoint confinement facility VWAC.
- Establish a local Victim Witness Assistance Council.
- In situations where one party to an MPO resides off-base, ensure an MOA between installation PMO and local police and/or sheriff departments exists.



# Unit Commanders

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- Appoint a VWAC in writing
- Protect victims to the extent possible
- Provide annual training to their personnel on victim and witness rights
- Ensure all personnel in the unit are aware of the identity of the VWAC and the VWAC's role in enforcing victim and witness rights



# Unit Commanders

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- If a sexual assault victim expresses a preference for civilian prosecution of an offense, the convening authority shall ensure that the appropriate civilian authority is notified of this preference.



# Staff Judge Advocate (SJA)

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- Advise the Commander on the VWAP.
- Ensure commanders solicit victim input when making a disposition decision, dismissing charge, or accepting pretrial agreement.
- If a sexual assault victim expresses a preference for a civilian prosecution, ensure the appropriate civilian authority is notified.
- Ensure victims are provided an opportunity to submit matters for the CA's consideration before taking action.



# Unit VWAC

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- Officer/SNCO/Civilian Equivalent
- Ensure close coordination with VWAP personnel
- When VLC is detailed to a case, all victim notices must be made through VLC
- Ensure victims and witnesses understand rights
- Provide DD 2701, if not already done
- In pretrial confinement cases the VWA should notify the victim (VLC, if detailed) or witness of accused's pretrial confinement status, any hearings regarding that status, and any changes in the accused's confinement status
- Compile data on the number of victims and witnesses who receive DD 2701
- Report number of DD 2701s handed out to IVWLO
- Provide annual training to the command



# Unit VWAC

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- Where Victim is in VWAC's unit and no VLC is detailed:
  - Ensure victim is in touch with FAP VA, VLC, and/or SAPR VA, if appropriate
  - Assist in obtaining counseling as necessary
  - Provide info about transitional comp, Article 139, PCA, state comp, and other civilian resources
  - Assist in exercise of rights, as outlined in DD 2702/2703
    - Trial Counsel will assist the victim with this in GCM or SPCM
  - Provide info about protective orders (MPO/CPO)



# Unit VWAC

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- Where VWAC's Command is Convening Authority:
  - Identify victim(s), victim's VLC, and witnesses
    - For victims/witnesses in other units, notify their VWAC
    - For civilian victims, unit VWAC is responsible for making notifications
  - Ensure victim receives notice of ALL trial milestones and rights
  - Ensure all victims and witnesses in a command investigation receive DD 2701.
  - For Summary Courts-Martial (SCM):
    - Ensure victims and witnesses are provided appropriate notices and copies of DD 2702-2704
    - Notify the SCM officer that victim has right to be heard at SCM



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# **VICTIM WITNESS LIAISON OFFICERS (VWLO)**





# Regional VWLO Requirements

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- Ensure training is **available** to all VWLOs and VWACs
- Maintain list of all VWLOs in region
- Ensure semi-annual training for VWLOs
- Compile/report data for the region
- Available to inspect VWLOs and VWACs as part of CGIP
- Liaise with Program Manager about problems or trends in region



# Installation VWLO Requirements

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- Ensure coordination among all offices
- Maintain list of service providers, VWACs, and SJAs aboard installation
- Chair quarterly Victim Witness Assistance Council
- Ensure victims are notified of all support, services and rights available and VWAC information
- Provide annual training to VWACs
- Compile data on DD 2701-2704



# Installation VWLO Requirements

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- Maintain an installation website that includes, at a minimum, a current directory of installation VWAP personnel, military and civilian programs and services providing counseling, treatment, or other victim support services within the geographic area of the installation, and contact information for these programs.
- Maintain access to installation blotter to ensure victims are contacted and offered applicable VWAP services by SVAC or LO



# **LEGAL SERVICES SUPPORT SECTION/TEAM (LSSS/LSST) & TRIAL COUNSEL**



# Legal Services Support Team (LSST) OIC

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- Appoint a VWAC to the Victim Witness Council
- Supervise TCs
- Ensure CMS data wrt VWAP is entered correctly and completely
- Ensure defense/government witnesses have separate waiting rooms
- If no VLC, ensure eligible victims have opportunity to submit matters for CA's consideration and receive copies of SJA Review or JA Review and the Record of Trial



# Trial Counsel

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Once assigned to a case must:

- Identify victims and witnesses
- Provide victims/witnesses DD 2702
- Ensure victims/witnesses are provided information about MJ process, including what to expect from the system, what the system expects from them, and the stages of the MJ process
- Comply with notification requirements (to V and VLC)
- Comply with consultation requirement



# TC Notification Requirements

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## ➤ Victim must advised of:

- Scheduling of a public hearing concerning the continuation of confinement prior to trial of the accused and the right to be heard at such hearing;
- Release or escape of the accused, unless such notice may endanger the safety of any person;
- Scheduling of an Article 32, UCMJ, preliminary hearing;
- Receipt of a preliminary hearing officer's recommendation when an Article 32 preliminary hearing is held;
- Consultation regarding the CA's decision to refer or not refer charges;
- Offer or acceptance of a pretrial agreement;
- Consultation regarding the dismissal of charges or specifications related to the victim;
- Scheduling of a hearing involving any M.R.E. 412, 513, or 514 motions;
- Scheduling of sentencing hearing, ADSEP proceeding, or NJP hearing;
- Scheduling of each court proceeding;
- Entry of court-martial findings;
- Awarding of a sentence.



# TC Notification Requirements

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- Victim must be advised of:
  - Right to be heard on any 412/513/514 motions
  - Findings of a court-martial
  - For Article 120, 120b, 125, or 80 – right to a redacted copy of the ROT
  - Sentence adjudged
  - Opportunity to submit matters for CA's consideration before taking action
  - SJAR & convening authority's action regarding findings and sentence
  - Right to notification of appellate proceedings
- TC must notify **all** victims who have been scheduled to attend any MJ proceedings of scheduling changes that affect their appearance
- TC must notify of right to the record of trial in a sexual assault case
- TC must liaise with MCIO upon final disposition of case to ensure return of property





# TC Notification Requirements

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- Witness must be advised of:
  - Acceptance of a plea
  - Findings of a court-martial
  - Sentence adjudged
  - Decision to dispose of the case, if other than at court-martial
- TC must notify all witnesses who have been scheduled to attend any MJ proceedings of scheduling changes that affect their appearance



# TC's Consultation Requirement

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- Victims have a designated advisory role in decisions involving prosecutorial discretion such as plea bargaining
- TC shall ensure victims are aware of the right to act in this advisory capacity
- When a victim has elected to act in advisory capacity, TC shall ensure victim's views regarding prosecution and plea negotiations are obtained and forwarded to convening authority



# TC Sentencing Responsibilities

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- Inform victims of the opportunity to present evidence to the court at sentencing, including statement concerning impact of the crime, such as financial, psychological and physical harm



# LSST VWAC

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- Assist TC in VWAP responsibilities
- Ensure CMS entries are completed
- Serve as LSST representative to VWA Council
- Coordinate all victim/witness travel for hearings/proceedings
- Inform victims/witnesses about availability of services such as transportation, parking, lodging, translators and interpreters and assist in securing needed services
- Ensure victims/witnesses are informed of:  
appointed time and place to appear for all hearings and proceedings,  
anticipated order of events, and  
the progress of the trial.



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# **LAW ENFORCEMENT & CORRECTIONS**



# Law Enforcement

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- Appoint a VWAC to the Victim Witness Assistance Council
- Provide DD 2701 forms to victims and witnesses
- Maintain data on the number of victims and witnesses provided DD 2701
- Provide annual training on VWAP to LE personnel
- Notify victim of availability of VLC before interviewing victim
- Provide a threat assessment as required
- Regularly inform victim of status of investigation
- Promptly notify victims/witnesses when suspect is arrested
- Notify Command LO when investigating cases with an accused or victim that is a member of the command



# Brig and PTC Facility CO/OIC

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- Appoint a VWAC to the Victim Witness Assistance Council
- Manage victim and witness information in the corrections database
- Provide notification with regards to prisoner status change pursuant to DD 2704 election



# VICTIM SERVICE PROVIDERS





# Service Providers

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- Determined by Service Providers Order:
  - SAPR – MCO 1752.5B
  - FAP – MCO 1754.11
  - Medical personnel – BUMEDINST
  - PMO/CID – MCO 5580.2B Law Enforcement Manual
  - NCIS – NCIS manual
  - Chaplain – SECNAVINST 1730.9
- Compile data on victims/witnesses who receive DD 2701
- Appoint representative to the local Victim and Witness Assistance Council



# Victims' Legal Counsel

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- Provide victims counseling and representation as authorized by law and regulations.
- Attend Victim and Witness Assistance Council



# Victims' Legal Counsel

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- When VLC is detailed to represent a victim, VLC assumes primary responsibility for all VWAP notifications/elections for victim:
  - Ensure victim understands rights and assist in exercising rights contained in DD 2701-2703.
  - Advise SA victims of right to express preference for civilian prosecution and ensure CA is notified.
  - When applicable, coordinate with the Domestic Abuse Victim Advocate to ensure victim/witness receives information concerning availability of resources, including information on compensation programs available to victims of intra-familial abuse offenses.
  - When applicable, coordinate with UVA to ensure the victim receives appropriate SAPR services for unrestricted reports of sexual assault.
  - Assist the victim in obtaining necessary counseling.
  - Provide information about the availability of military and civilian protective orders, as appropriate.
  - Promptly advise victim upon notice of any pretrial confinement of accused, the date of any hearing regarding the confinement, and opportunity to be heard.
  - Advise on availability of state victim compensation programs and assist in filling out required documents.
  - Advise on availability of restitution under Article 139 for property crimes and assist the victim in filing an Article 139 complaint.



# Victims' Legal Counsel

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## ➤ VLC duties continued:

- Advise on availability of restitution under the Personnel Claims Act, for evidence seized during the course of the investigation, and the Foreign Claims Act, for crimes committed in foreign countries.
- Advise on other victim assistance programs available in the local area and the services they may provide.
- Communicate to the convening authority the victim's preference on any decision to prefer charges, conduct an Article 32, refer charges, accept a pretrial agreement, or otherwise dispose of charges.
- Promptly advise the victim upon notice of any decision to prefer charges, schedule an Article 32 hearing, refer charges, accept a pretrial agreement, or otherwise dispose of charges.
- Promptly advise the victim upon notice of any motions for a continuance, motions for release from pretrial confinement of the accused, and the scheduling of a hearing involving any M.R.E. 412, 513, or 514 motions, and the victim's right to be heard on these motions.
- Promptly advise the victim upon notice of the final disposition of a case whether it is at court-martial, ADSEP processing, or NJP hearing.
- Advise eligible victims of their rights and make an appropriate election regarding whether they want to be informed of the release, escape, transfer, clemency, or parole hearing for the accused, obtain a copy of the record of trial or submit matters for the convening authority's consideration on the findings and sentence.



# Legal Assistance Attorneys

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- Provide crime victims and witnesses legal assistance support as authorized by law and regulation.
- When requested by an eligible victim or witness, or their representative, assist in civil matters related to the crime such as divorce, drafting new wills, or contacting creditor.
- Shall not serve as VWLO or VWAC.



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**QUESTIONS?**