

## Your Rights as a Victim.

As a crime victim, you have the following rights:

- The right to be treated with fairness and respect for your dignity and privacy;
  - The right to be reasonably protected from the accused offender;
  - The right to reasonable, accurate, and timely notice of public preliminary hearings, pretrial confinement hearings, court proceedings, and clemency and parole hearings related to the offense;
  - The right to be present at all public proceedings related to the offense unless the hearing officer or military judge determines that your testimony would be materially altered if you as the victim heard other testimony;
  - The right to reasonably confer with the prosecutor/Trial Counsel in the case;
  - The right to receive available restitution;
  - The right to be reasonably heard at: 1) a public hearing concerning the continuation of any pretrial confinement of the accused; 2) a sentencing hearing related to the offense; 3) a public Military Department Clemency and Parole Board hearing related to the offense;
  - The right to submit a written statement for the consideration of the Convening Authority prior to taking action on findings and sentence;
  - The right to proceedings free from unreasonable delay;
  - The right to be provided information, if applicable, about the conviction, sentencing, imprisonment, Convening Authority's action, appellate review, and release of the offender.
- For further information on crime issues, see the DoD Victim and Witness Assistance Council web page at: <http://vwac.defense.gov/>

## If You Need Additional Assistance:

In regard to the status of the investigation, contact the investigator below:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Telephone Number)

In regard to other assistance available, contact the command Victim/Witness Liaison (VWL), or the person identified below:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Telephone Number)

In regard to the prosecution, contact the legal office below:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Telephone Number)

In regard to compensation for medical or other expenses, contact the state office for Crime Victim Compensation:

\_\_\_\_\_  
(Office/Name)

\_\_\_\_\_  
(Telephone Number)

In regard to any reprisal, retaliation, or ostracism you experienced as a result of reporting a crime, contact:

\_\_\_\_\_  
(Office/Name)

\_\_\_\_\_  
(Telephone Number)

You may be eligible for legal assistance and/or a Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC), depending on the specific offense. To determine eligibility or obtain assistance, contact these offices at:

\_\_\_\_\_  
(Legal Assistance Office)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(SVC/VLC Office Number)

\_\_\_\_\_  
(Telephone Number)

If you believe one of your rights as a victim or witness of a crime has been violated, contact the following authority responsible for receiving and investigating such complaints:

\_\_\_\_\_  
(Office/Name)

\_\_\_\_\_  
(Telephone Number)

## DEPARTMENT OF DEFENSE



## INITIAL INFORMATION FOR VICTIMS AND WITNESSES OF CRIME

## **Initial Information** **For Victims and Witnesses of Crime**

**Introduction.** We are concerned about the problems often experienced by victims and witnesses of crime. We know that as a victim or witness, you may experience anger, frustration, or fear. The Victim/Witness Liaison (VWL) can help. His or her name is listed on the back of this brochure.

We have prepared this brochure to help you deal with the problems and questions which often surface during an investigation and to provide you with a better understanding of how the military criminal justice system works. Your continued assistance is greatly needed and appreciated.

A criminal investigation can be both complex and lengthy and may involve several agencies, some Federal and some local. You can request a status report of the investigation by contacting the investigator handling the case. His or her name is listed on the back of this brochure. It is important to keep the assigned investigator and your VWL informed of any changes to your address, email, or telephone number.

**If You Are Threatened or Harassed.** If anyone threatens you or you feel that you are being harassed because of your cooperation with this investigation, contact the investigator or the VWL right away. It is a crime to threaten or harass a victim or witness.

**Safety.** For your safety, you may want a civilian restraining order, military protective order, or temporary shelter. Certain victims may request a transfer, and dependents may request a personal safety move. Your VWL, Victim Advocate, and the Family Advocacy Program (FAP) can assist you in safety planning and obtaining counseling. For further information, please call your VWL, Victim Advocate, or FAP official. If you fear for your immediate safety, call 911, or notify law enforcement.

**If You Were a Victim of Spouse or Child Abuse.** For information about these steps or about counseling services, call the Family Advocacy Office or the VWL. If the offender is convicted or discharged for abusing you or your children, you may be eligible for "transitional compensation" benefits. Contact the VWL identified on the back of this brochure for further information.

**Restitution.** If an individual is arrested and prosecuted in federal court, you may be eligible for restitution. Restitution is court-ordered payment to you as a victim of crime, generally for out-of-pocket costs. It is made by the offender for any out of pocket expenses caused by the crime. Restitution cannot be ordered as a sentence in a military court-martial, but it can be used as a condition of a pre-trial agreement to plead guilty to an offense, or as a condition of clemency or parole. Under Article 139, Uniform Code of Military Justice, victims may be provided with relief if the property loss or damage resulted from wrongful taking or willful damage by a Service member due to riotous, violent, or disorderly conduct. Contact your VWL for further information on available restitution.

If your property was stolen, we hope to recover it as part of our investigation. If we do, we will notify you and return it to you as quickly as possible. Sometimes property needs to be held as evidence for trial. We will return your property once it is no longer needed as evidence.

**If You Need Assistance With Your Employer or Command.** If you have problems at work because of the crime or the investigation, we can contact your employer or Commanding Officer to discuss the importance of your role in the case.

**Pretrial Confinement.** If an accused offender is placed in pretrial confinement, there may be a 7-day review on whether to continue such confinement. Victims have the right to be reasonably heard at this review. Both victims and witnesses can seek a military or civilian protective order if safety is a concern and the accused offender is released before trial.

**Trial.** Once an offense has been referred to trial, you will be contacted by the Trial Counsel (prosecutor), district attorney, or the Assistant U.S. Attorney assigned to handle your case, as appropriate. Each command, district attorney, and U.S. Attorney has a Victim/Witness Responsible Official to help answer your questions and deal with your concerns during the prosecution. You may have the right to be consulted at key stages in the trial and will be informed of these rights by trial counsel. If you are the victim of a sexual assault, and the case goes to court-martial, you will be entitled to receive a copy of the record of the trial.

**Legal Assistance and Special Victims' Counsel/ Victims' Legal Counsel (SVC/VLC).** If you are a member of the Armed Forces or a dependent, you have the right to speak with a legal assistance attorney, at no cost. You may contact the legal assistance office listed on the back of this form. If you are the victim of sexual assault and certain related offenses, you may also be entitled to the assistance of a SVC/VLC, in addition to services provided by a Sexual Assault Response Coordinator and your Victim Advocate.

**If You Believe You Were the Victim of Reprisal, Retaliation, or Ostracism.** Federal law prohibits military members, civilian employees, and contractors from reprisal, retaliating, or ostracizing individuals who report a crime or provide information relating to a criminal investigation. Prohibited actions may include taking, or threatening to take an unfavorable personnel action; withholding, or threatening to withhold a favorable personnel action; or socially ostracizing you for making a protected communication. If you believe someone has reprisal, retaliated, or ostracized you for reporting a crime or participating in a criminal investigation, contact the corresponding official listed on the back of this form.

**If You Were Injured.** If you do not have insurance to pay the cost of your medical or counseling bills, or related expenses, the state Crime Victim Compensation office may be able to assist.

**Financial and Emotional Impact of Crime.** Many victims and witnesses are emotionally affected by the crime. Although everyone reacts differently, victims and witnesses report some common behaviors, such as increased concern for their personal safety and that of their family, trouble concentrating on the job, difficulty handling everyday problems, feeling overwhelmed, and thinking of the crime repeatedly.

Some or all of these behaviors may occur and should ease with time. They are normal reactions but you may wish to see a counselor. State resources may be available to assist you with recovery, to include possible reimbursement for costs or financial losses you may have had, such as lost wages. Your VWL will have further information.