

DODI 1030.2, June 4, 2004

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Central Repository. A Military Service headquarters office designated by the Secretary for each Military Department to serve as a clearing-house of information on inmate status and to collect and report data on the delivery of victim and witness assistance including notification of inmate status changes.

E2.1.2. Component Responsible Official. Person designated by the Head of each DoD Component who coordinates, implements, and manages the Victim and Witness Assistance Program established by this Instruction.

E2.1.3. Confinement Facility Victim and Witness Assistance Coordinator. A staff member at a military confinement facility who notifies victims and witnesses of changes in inmate status and annually reports the number of those notifications to the Military Service central repository.

E2.1.4. Local Responsible Official. Person designated by the Component responsible official who is responsible for identifying victims and witnesses of crime and for coordinating the delivery of services described in this Instruction through an interdisciplinary approach. The position or billet of the local responsible official shall be designated in writing in accordance with Service regulation. The local responsible official may delegate responsibilities under this Instruction as provided in subparagraph 5.2.8., above.

E2.1.5. Victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of reference (c), (or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DoD Components). Such individuals shall include, but are not limited to, the following:

E2.1.5.1. Military members and their family members.

E2.1.5.2. When stationed outside the continental United States, DoD civilian employees and contractors, and their family members. This designation makes services available to them that are not available to DoD civilian employees, contractors, and their family members in stateside locations, such as medical care in military medical facilities.

E2.1.5.3. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following (in order of precedence): a spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court or the Component responsible official, or designee.

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E2.1.5.4. For a victim that is an institutional entity, an authorized representative of the entity. Federal Departments and State and local agencies, as entities, are not eligible for services available to individual victims.

E2.1.6. Witness. A person who has information or evidence about a crime within the investigative jurisdiction of a DoD Component who provides that knowledge or evidence to a DoD Component. When the witness is a minor, that term includes a family member or legal guardian. The term witness does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.

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E3. ENCLOSURE 3

SAMPLE DD FORM 2701

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 will ease with time. They are normal reactions but you may wish to see a counselor. State compensation funds may be available to reimburse you for such counseling. The Victim/Witness Assistance Responsible Official will have further information.

Your Rights As A Victim.

As a Federal crime victim, you have the following rights:

- The right to be treated with fairness and with respect for your dignity and privacy;
- The right to be reasonably protected from the accused offender;
- The right to be notified of court proceedings;
- The right to be present at all public court proceedings related to the offense, unless the court determines that your testimony would be materially affected if you as the victim heard other testimony at trial;
- The right to confer with the attorney for the government in the case;
- The right to available restitution;
- The right to information about the conviction, sentencing, imprisonment, and release of the offender.

If You Need Additional Assistance:

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

David F. Smith
(Name)
 (999) 123-4567
(Telephone Number)

In regard to other assistance available, contact the command Victim/Witness Responsible Official, or the person identified below:

Robert Jones
(Name)
 (123) 456-7890
(Telephone Number)

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

Eric Prosecute
(Name)
 (777) 234-4321
(Telephone Number)

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

Sara Help
(Name)
 (777) 777-7777
(Telephone Number)

Please notify these offices of any changes of address or telephone number. For further information on crime issues, see the DoD Victim and Witness Assistance Council web page at: <<http://dod.mil/vwac>>

DEPARTMENT OF
 DEFENSE



INITIAL
 INFORMATION FOR
 VICTIMS AND WITNESSES
 OF CRIME

DD FORM 2701, MAY 2004

DODI 1030.2, June 4, 2004

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 as a result of your experience. The officer responsible for Victim/Witness Assistance at your installation can help.

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 really needed and appreciated.

A criminal investigation can be both complex and lengthy and may involve several agencies, some Federal and some local. If you request, you will be kept informed of the status of your case by the investigator handling your case. His or her name is on the back of this brochure.

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 Victim/Witness Responsible Official right away. It is a crime to threaten or harass a victim or witness.

If You Were Insured. 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. The telephone number for this office is on the back of this brochure.

If You Were a Victim of Spouse or Child Abuse or Sexual Assault. For your safety, you may want a restraining order, or temporary shelter. For information about these steps or about counseling services, call the Victim/Witness Responsible Official. If the offender is convicted or discharged for abusing you or your children, you may be eligible for "transitional compensation" benefits. Contact the prosecutor 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. 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.

If Property Was Stolen. 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.

If An Arrest Is Made. If you ask, you will be notified if a suspect is arrested. Since criminal defendants may be released before trial, you can ask for a restraining order to help protect you from the suspect.

Trial. Once an offense has been referred to trial, you will be contacted by the military trial counsel (prosecutor) or the Assistant U.S. Attorney assigned to handle your case, as appropriate. Each command and U.S. Attorney has a Victim/Witness Responsible Official to help answer your questions and deal with your concerns during the prosecution. You have the right to be consulted at key stages in the trial and will be informed of these rights by trial counsel.

Confinement. If the accused is sentenced to confinement (prison), you have a right to notification of changes in the confinee's status. Use a DD Form 2704, "Victim/Witness Certification and Election Concerning Inmate Status", to request that the confinement facility notify you of parole hearings, escape, release, or death of the confinee.

The 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

DD FORM 2701, MAY 2004 (BAC)

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E4. ENCLOSURE 4

SAMPLE DD FORM 2702

Sentencing.

In this phase, the judge or members (jury) decide the appropriate types and amount of punishment. The Trial Counsel may call witnesses to show aggravating factors concerning the offenses. The defense may call witnesses to show the Offense may be less serious than otherwise indicated. You may be asked to return to the witness stand and testify as to how the crime has affected you. This may include the emotional, physical and financial suffering you experienced.

Punishment.

The court-martial ends when the judge reads the sentence to the accused. Normally, any confinement ordered begins at the time the sentence is announced. Other parts of the sentence, such as forfeitures of pay and reduction in rank, take effect after the "convening authority", usually a senior officer, takes "action" on the case. This generally occurs within two to three months, but can take longer in more complex cases.

If the accused is sentenced to prison, you have additional rights to notification of any changes in the inmate's status. These will be explained to you by the Trial Counsel or a designated representative.

If the offender is convicted or discharged for abusing you or your children, you may be eligible for "transitional compensation" benefits. Contact the Trial Counsel for an application (DD Form 2707) and for further information.

Your Participation

You may choose to participate in the trial at several stages. You may ask to be:

- Notified of and be present at all public court proceedings;
- Consulted on pre-trial confinement of accused and release of accused from pre-trial confinement;
- Contacted about the proposed dismissal of any and all charges;
- Consulted on decision not to prosecute;
- Contacted regarding the proposed terms of any negotiated plea;
- Consulted on proposed terms of any pre-trial agreement;
- Notified of the acceptance of a guilty plea; to present to the court evidence on sentencing;
- Informed about the conviction, sentencing, and imprisonment of the accused.

Points of Contact:

Victim/Witness Responsible Official

Robert Jones
 (Name)
 (123) 456-7890
 (Telephone Number)

Trial Counsel

Eric Prosecute
 (Name)
 (777) 234-4321
 (Telephone Number)

For further information on crime issues, see the DoD Victim and Witness Assistance Council web page at: <<http://dod.mil/vwac>>

DEPARTMENT OF
 DEFENSE



COURT-MARTIAL
 INFORMATION FOR
 VICTIMS AND WITNESSES
 OF CRIME

DD FORM 2702, MAY 2004

DODI 1030.2, June 4, 2004

Court-Martial Information
For Victims and Witnesses of Crime

Introduction

The Department of Defense is concerned about the problems often experienced by victims and witnesses of crime. We know that as a victim or witness, you may feel anger, confusion, frustration, or fear as a result of your experience and then feel added frustration in the course of the trial. The information in this brochure will explain the criminal justice procedures, and your role as a witness.

In the military, a prosecutor is called the Trial Counsel. The Trial Counsel's office will make every effort to keep you informed of the times and places you may be needed. However, it is not unusual for court dates to change several times before the trial. It is very important to keep the Trial Counsel informed of your current address and telephone number.

Referral of Charges

Like a civilian criminal "complaint," the referral of charges begins the criminal trial process. Upon referral, you may participate in the case at several points as outlined below.

Pretrial Conference

You will be asked to speak with the Trial Counsel handling the case at least once before you testify. The Trial Counsel will answer any questions you may have at this time, and will tell you what will be expected of you as a witness.

Article 32 Hearing

Serious crimes are dealt with in a "General" court-martial which includes an "Article 32" hearing. Similar to a grand jury hearing, an Article 32 hearing is the preliminary investigation into the charges to determine if reasonable grounds exist to believe the accused committed the crimes charged. In the Article 32 hearing, testimony is given to an Investigating Officer (IO), rather than a judge or jury. You may have to appear at the hearing and testify under oath regarding what you know about the charges. After the Article 32 hearing, the IO recommends whether to "refer" (send) the case to trial. In less serious cases, the preliminary hearing is not required and cases are referred to a Special Court-Martial.

Court-Martial

This is the trial of the accused. It generally has two parts: findings (guilty or not guilty) and sentencing (punishment). In the findings phase the accused has the right to choose whether a Military Judge sitting alone or a panel of "members" (jury) will decide whether the accused is guilty of any offenses.

Testimony

If you testify, you will be placed under oath and asked questions by the Trial Counsel, and, in most cases, cross-examined by the Defense Counsel. Usually, counsel for both sides will have spoken to you prior to testifying so there will be very few surprises. If you have concerns about embarrassing questions that could be asked, tell the Trial Counsel before trial.

Pointers When Testifying

- Dress Appropriately. Be neat. Dress conservatively.
- Tell the Truth: Honesty is the best policy.
- Speak Clearly and Loudly: Everyone in the courtroom must be able to hear what you have to say. No gum chewing.
- Don't Guess or Speculate: If you don't know, say you don't know. Give positive, definite answers when you remember positively.
- Be Courteous: Answer politely and address the judge as "Your honor."
- Don't Lose Your Temper: Stay calm.

Closing Argument

After all evidence is received by the court, each side makes a closing argument. After argument, the judge or members will adjourn to deliberate on the issue of guilt or innocence. If there is a finding of "not guilty," the accused is released and the court-martial process ends. If there is a finding of "guilty," the trial immediately goes to the sentencing phase.

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E5. ENCLOSURE 5

SAMPLE DD FORM 2703

Your Rights As A Victim

As a victim of a crime, you have the following rights under the Victim's Rights and Restitution Act of 1990 (Public Law No. 101-547):

- To be treated with fairness and with respect for your dignity and privacy;
- To be reasonably protected from the accused;
- To be notified of court proceedings;
- To be present at all public court proceedings related to the offenses, unless the court determines that your testimony would be materially affected if you heard other testimony at trial;
- To confer with the attorney for the Government (Trial Counsel) in the case;
- To receive available restitution;
- To receive information about the conviction, sentencing, imprisonment, parole eligibility and release of the accused.

Points of Contact:

Service Central Repository

Mike Handler
(Name)

(202) 234-5678
(Telephone Number)

Confinement Facility

Alan Goodman
(Name)

(802) 234-5678
(Telephone Number)

Service Clemency and Parole Board

Gerald Powers
(Name)
(703) 234-5678
(Telephone Number)

Other

Sara Help, State Compensation
(Name)

(777) 777-7777
(Telephone Number)

For further information on crime issues, see the DoD Victim and Witness Assistance Council web page at: <<http://dod.mil/vwac>>

DEPARTMENT OF
DEFENSE



POST-TRIAL
INFORMATION FOR
VICTIMS AND WITNESSES
OF CRIME

DD FORM 2703, MAY 2004

DODI 1030.2, June 4, 2004

Post-Trial Information
For Victims and Witnesses of Crime

Introduction

This brochure details the post-trial process and your rights in that process. Most important is your right to be notified of changes in the confinement status of the offender in your case.

Location of Confinement Facility

The Victim and Witness Assistance Program does not end with the completion of the court-martial. If the accused is convicted of any offense, the court-martial will sentence the accused. If the sentence includes confinement, the accused, now called "inmate", is usually taken immediately to jail. If there is a confinement facility at the installation where the trial was held, the inmate will be held there temporarily.

Depending on the security level of the inmate, he/she may be assigned to various work details around the installation. If the inmate's period of confinement is minimal, and there are adequate facilities on the installation, the inmate may serve the entire sentence at the installation.

If there is no confinement facility at the installation, the facility is not adequate to house the inmate, or the sentence is in excess of what is handled at the installation, he/she will be taken to a regional confinement facility. The inmate may later be transferred to other facilities available,

DD FORM 2703 MAY 2004 (BACK)

based on length of sentence, programs and security levels. You will be notified of these changes if you fill out a form called DD Form 2704, "Victim/Witness Certification and Election Concerning Inmate Status." It is very important that you keep the confinement facility informed of your current address and telephone number.

Convening Authority Action

The other parts of the sentence (e.g., forfeitures of pay, reduction in rank) will not be effective until the "convening authority", usually a senior officer, takes "action" on it, generally within 6 to 9 months. The convening authority may disapprove the findings, disapprove or reduce any part of the sentence, or approve everything except a punitive discharge. The convening authority cannot increase any part of the sentence. You have the right to submit a statement to the convening authority on how you feel about the Inmate receiving clemency. You can ask the Trial Counsel about this right.

Clemency and Parole Consideration

Military inmates are eligible for parole consideration when they have completed 1/3 of their confinement, and every year thereafter. You may make a statement to the Clemency and Parole Board on how the crime affected you. The statement may be on audio or video tape or in writing and may be sent to the Service Clemency and Parole Board at the address on the back of this page.

A personal appearance before the Board may

also be permitted.

Notification Rights

You have the right to be notified in writing of the following changes in the Inmate's status: transfer to another facility, parole, escape, release from confinement, or death while in confinement. If the inmate is released on temporary home leave (for example, to visit a dying parent), the confinement facility will make every effort to notify you in advance.

How To Exercise Your Rights

If you want to exercise these rights, and be notified of the dates of any clemency and parole hearings, and changes in the Inmate's status, you must fill out DD Form 2704, "Victim/Witness Certification and Election Concerning Inmate Status." You MUST notify the Service Central Repository of all address and telephone number changes if you want to receive notices. This information will be kept confidential.

Points of Contact

From now on, your point of contact will be on confinement facility or the Service Central Repository listed on the back of this page. Please call if you have any questions.

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E6. ENCLOSURE 6

SAMPLE DD FORM 2704

VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING INMATE STATUS <small>(This form is exempt from Freedom of Information Act release.)</small>	
PRIVACY ACT STATEMENT	
<p>AUTHORITY: 42 U.S.C. 10606 <u>et sec.</u>, Victim's Rights and Restitution Act of 1990; 18 U.S.C. 1501 <u>et sec.</u>, Victim and Witness Protection Act of 1982.</p> <p>PRINCIPAL PURPOSES: To inform victims and witnesses of their post-trial rights; to determine whether the victim or witness of a crime elects to be notified of changes in the confinement status of a convicted criminal offender; and to record the election by the victim or witness of their desire to be notified about subsequent changes in inmate status.</p> <p>ROUTINE USES: None.</p> <p>DISCLOSURE: Voluntary; however, failure to provide identifying information will prevent the corrections facility from notifying victim or witness of changes in a criminal offender's status.</p>	
SECTION I - ADMINISTRATIVE INFORMATION	
Installation <u> Luke AFB </u> City <u> Anytown </u> State <u> AZ </u> ZIP Code <u> 12345-6789 </u>	
Incident Number <u> 1212121212 </u> Organizational Identifier (ORI) <u> 999999999 </u>	
SECTION II - CERTIFICATION OF NO VICTIM OR WITNESS <small>(Complete this section only if there are no victims or witnesses who are entitled to notification under the Victim's Rights and Restitution Act of 1990, and DoD Instruction 1030.2.)</small>	
<p>As representative for the Government in the court-martial case of United States v. <u> Perpetrator, John Q. </u>, <small>(Name of accused) (Last, first, middle initial)</small></p> <p><u> 123-456-7890 </u>, convened by <u> self-explanatory </u>, <small>(Social Security Number) (Court-martial convening order number, date, and issuing command)</small></p> <p>I certify that this case does not involve a victim or witness entitled to receive information about the confinement status of the defendant as required by the Victim's Rights and Restitution Act of 1990 (Public Law 101-647; 104 Stat. 4820).</p> <p><u> Case Prosecutor </u> <u> Prosecutor, Case </u> <small>(Signature of person certifying) (Typed name (Last, first))</small></p> <p><u> 20040106 </u> <u> Capt, USAF, Chief of Military Justice </u> <small>(Date) (YYYYMMDD) (Grade and title)</small></p>	
SECTION III - CERTIFICATION OF ADVICE TO VICTIM(S) AND WITNESS(ES) <small>(Complete this section when there are victims or witnesses entitled to notification.)</small>	
<p>I certify that on this date I personally notified the victim(s) and witness(es) in the court-martial case of United States v. <u> Perpetrator, John Q. </u>, <small>(Name of accused) (Last, first, middle initial)</small> <u> 123-456-7890 </u>, <small>(Social Security Number)</small></p> <p>convened by <u> self-explanatory </u>, <small>(Court-martial convening order number, date, and issuing command)</small></p> <p>whose sentence included confinement, of their right under the Victim's Rights and Restitution Act of 1990 (Public Law 101-647, 104 Stat. 4820), to receive information about the status of the inmate, to include length of sentence, anticipated earliest release date, likely place of confinement, the possibility of transfer, and the right to receive notification of a new place of confinement. I advised of the possibility of parole or clemency with an explanation of these terms. Additionally, I advised of the right to prior notification of the inmate's parole hearings, release from confinement, escape and death. I advised that to receive notification of the inmate's transfer, parole hearings, and release from confinement, the victim or witness must provide the information required in Section IV of this form. I advised all victims and witnesses that if they elect to terminate or reinstate notifications, or if they change their address listed above, they must contact the Military Service Central Repository listed in Section V.</p> <p><u> Case Prosecutor </u> <u> Prosecutor, Case </u> <small>(Signature of person providing notification) (Typed name (Last, first))</small></p> <p><u> 20040106 </u> <u> Capt, USAF, Chief of Military Justice </u> <small>(Date) (YYYYMMDD) (Grade and title)</small></p>	

DD FORM 2704, MAR 1999

PREVIOUS EDITION IS OBSOLETE.

WHS/DIOR, Mar 99

DODI 1030.2, June 4, 2004

E7. ENCLOSURE 7

SAMPLE DD FORM 2705

VICTIM/WITNESS NOTIFICATION OF INMATE STATUS <i>(This form is exempt from Freedom of Information Act release.)</i>			
<p>EXPLANATION: This form is being used to give basic information on changes in an inmate's status to victims and witnesses who elected, on the DD Form 2704, to be notified. The confinement facility holding the inmate must promptly notify victims and witnesses of initial entry into confinement and of confinee status changes in accordance with DoD Instruction 1030.2.</p>			
SECTION I - DISTRIBUTION			
1. TO: <i>(Victim or Witness)</i>		2. FROM: <i>(Victim/Witness Assistance Coordinator at Confinement Facility)</i>	
a. NAME <i>(Last, First, Middle Initial)</i> Johnson, Mary A.		a. NAME <i>(Last, First, Middle Initial)</i> Smith, Lynda D.	
b. STREET ADDRESS <i>(Include apartment no.)</i> self-explanatory		b. STREET ADDRESS self-explanatory	
c. CITY	d. STATE	e. ZIP CODE	c. CITY
f. TELEPHONE NUMBER <i>(Include area code)</i>		f. TELEPHONE NUMBER <i>(Include area code)</i>	
SECTION II - INMATE STATUS			
3. INMATE NAME <i>(Last, First, Middle Initial)</i> Perpetrator, John Q.	4. REGISTER NUMBER assigned by the facility	5. MINIMUM RELEASE DATE ON/ABOUT <i>(YYYYMMDD)</i> 19970601	6. MAXIMUM RELEASE DATE <i>(YYYYMMDD)</i> 19981215
7. ADDRESS OF SERVICE CLEMENCY AND PAROLE BOARD			
a. STREET self-explanatory	b. CITY	c. STATE	d. ZIP CODE
<p>NOTE 1: Clemency Boards will meet annually from the date of the initial board until the inmate is released. Clemency Boards will be held in conjunction with Parole Boards when the inmate becomes eligible for parole after serving one third of the sentence.</p> <p>NOTE 2: You may submit documentation to Clemency and Parole Boards when the inmate is scheduled to appear. If you would like to submit a Victim Impact Statement to the Board, please send it to the address above approximately two weeks prior to the scheduled board meeting. Your statement may be submitted in the form of a letter, or audio or video cassette. A personal appearance may also be permitted.</p>			
SECTION III - RELEASE ELIGIBILITY			
8. RESTORATION AND CLEMENCY ELIGIBILITY			
<input type="checkbox"/> a. INMATE IS INITIALLY ELIGIBLE TO BE CONSIDERED FOR RESTORATION AND CLEMENCY ON <i>(YYYYMMDD)</i> _____ . <input type="checkbox"/> b. INMATE IS SCHEDULED TO MEET A SERVICE CLEMENCY AND PAROLE BOARD FOR RESTORATION AND CLEMENCY ON <i>(YYYYMMDD)</i> _____ .			
9. PAROLE ELIGIBILITY			
<input type="checkbox"/> a. INMATE IS INITIALLY ELIGIBLE FOR RELEASE ON PAROLE ON <i>(YYYYMMDD)</i> _____ . <input type="checkbox"/> b. INMATE IS SCHEDULED TO MEET A SERVICE CLEMENCY AND PAROLE BOARD FOR PAROLE ON <i>(YYYYMMDD)</i> _____ .			
SECTION IV - CHANGE IN INMATE STATUS			
10. CLEMENCY/PAROLE APPROVAL			
<input type="checkbox"/> a. INMATE WAS APPROVED FOR <input type="checkbox"/> CLEMENCY <input type="checkbox"/> PAROLE ON <i>(YYYYMMDD)</i> AT <i>(Location)</i>		b. PAROLE OFFICER'S NAME <i>(Last, First, Middle Initial)</i>	
		TELEPHONE NUMBER <i>(Incl. area code)</i>	
<input type="checkbox"/> c. INMATE'S SENTENCE HAS BEEN CHANGED AS FOLLOWS:			
11. RELEASE			
<input type="checkbox"/> a. INMATE IS BEING RELEASED ON <i>(YYYYMMDD)</i> _____ .		c. PLANNED RELEASE DESTINATION CITY	
<input type="checkbox"/> b. INMATE'S RELEASE IS UNDER NO COMMUNITY SUPERVISION.		STATE	
12. INMATE IS DECEASED <i>(Date of death)</i>			
13. INMATE ESCAPED			
a. DATE AND TIME OF ESCAPE	b. DESTINATION <i>(if known)</i>	c. DATE, TIME, AND PLACE OF APPREHENSION <i>(if apprehended)</i>	d. PLACE OF RECONFINEMENT
14. INMATE WAS TRANSFERRED TO ANOTHER CORRECTIONS FACILITY ON <i>(YYYYMMDD)</i>			
a. STREET ADDRESS		b. CITY	c. STATE
		d. ZIP CODE	
15. OTHER		16. WE HAVE CANCELLED YOUR REQUEST TO BE NOTIFIED OF THIS INMATE'S RELEASE DUE TO:	
<input type="checkbox"/> a. WORK RELEASE PROGRAM BEGAN ON <i>(YYYYMMDD)</i> _____ . <input checked="" type="checkbox"/> b. RELEASE ON TEMPORARY HOME PAROLE FROM <i>(YYYYMMDD)</i> _____ 19950125 TO <i>(YYYYMMDD)</i> _____ 19950130 . <input type="checkbox"/> c. <i>(Specify)</i>		<input type="checkbox"/> a. YOUR REQUEST <input type="checkbox"/> b. OTHER <i>(Specify)</i>	
SECTION V - VICTIM/WITNESS ASSISTANCE COORDINATOR			
17.a. NAME <i>(Last, First, Middle Initial)</i> Smith, Lynda D.	b. RANK MSgt	c. SIGNATURE <i>Lynda D. Smith</i>	d. DATE SIGNED 19950106

DD FORM 2705, DEC 94

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E8. ENCLOSURE 8

SAMPLE DD FORM 2706

ANNUAL REPORT ON VICTIM AND WITNESS ASSISTANCE		REPORT CONTROL SYMBOL DD-P&R(A)1952
This report summarizes delivery of services to victims and witnesses as prescribed by the Victim and Witness Protection Act of 1982 (18 USC 1512) and the Victim's Rights and Restitution Act of 1990 (42 USC 10601-10607). It is submitted annually in accordance with DoD Instruction 1030.2.		
1. REPORTING OFFICE Component Responsible Office		2. REPORTING PERIOD a. FROM January 1, 1996 b. TO December 31, 1997
3. DURING THE REPORTING PERIOD, OUR LAW ENFORCEMENT, SPECIAL INVESTIGATION, TRIAL COUNSEL, AND RELATED OFFICES ASSISTED:		
a. UPON INITIAL CONTACT: 11600 crime victims and 12300 witnesses were informed of their rights to assistance (DD Form 2701).		
b. UPON REFERRAL TO COURT-MARTIAL: 9450 crime victims were informed of their consultation rights in courts-martial (DD Form 2702).		
c. UPON SENTENCING TO CONFINEMENT: 6342 crime victims and 8298 witnesses were informed of their right to be notified of changes in the confinee's status in prison (i.e., escape, parole, death) (DD Form 2703).		
d. ONCE INFORMED OF THEIR RIGHT TO BE NOTIFIED OF CHANGES IN THE CONFINEE'S STATUS: 4432 crime victims and 6324 witnesses, using the DD Form 2704, elected to be notified of confinee status changes.		
4. DURING THE REPORTING PERIOD: 452 confinee status changes resulted in 575 notification letters (DD Form 2705) being sent from our confinement facilities.		
5. AS OF DECEMBER 31, 1997 Our confinement facilities reported the cumulative total of Service confinees for whom they must make victim or witness notifications as follows:		
(1) ARMY 50	(2) NAVY 50	(3) AIR FORCE 50
(4) MARINES 50	(5) COAST GUARD 5	(6) OTHER 5
6. DOD COMPONENT RESPONSIBLE OFFICIAL		
a. NAME (Last, First, Middle Initial) self-explanatory	b. SIGNATURE	c. DATE SIGNED (YYYYMMDD)

DD FORM 2706, DEC 94 (EG)

Designed using Perform Pro, WHS/DIOR, Dec 94

PERSONNEL AND
READINESSOFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JUN 14 2004

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY
(MANPOWER AND RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE NAVY
(MANPOWER AND RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE AIR FORCE
(MANPOWER AND RESERVE AFFAIRS)

SUBJECT: Duration of Payment for Transitional Compensation for Abused Dependents

Reference: DoDI 1342.24, "Transitional Compensation for Abused Dependents,"
May 23, 1995

Due to legislative changes contained in the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108-136) and other policy updates, the referenced instruction is in the coordination process for revision and reissuance. Since P.L. 108-136, §572(b)(2) specifically requires policy pertaining to the duration of transitional compensation payments to be established within 6 months of the law's enactment, the following will be effective immediately: "the duration of payments of transitional compensation for abused dependents shall be a period of not less than 12 months and not more than 36 months, as established in policies prescribed by the Secretary concerned, but when the unserved portion of the member's obligated active duty service, as of the starting date of payment, is greater than 12 months and less than or equal to 36 months, the duration of payment shall be no less than the unserved portion."

The revised instruction will incorporate this policy.



Charles S. Abell
Principal Deputy





OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-4000

JUL 14 2004



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Clarifying Guidance Concerning the DD Form 2873, Military Protective Order

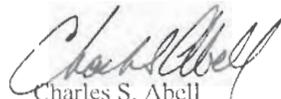
The DD Form 2873, Military Protective Order (MPO) will be revised due to concerns with its use and dissemination. Until the revised form is distributed, neither the Service member's nor the protected person's social security number, date of birth, telephone number, or current residence are to be entered on the form. Information regarding the unit and installation of the protected person may not be entered on the form when such information, if known to the Service member, could endanger the protected person.

Distribution of the form shall be limited to the Service member, the Service member's local personnel file, and if authorized or otherwise justified, to the protected person. No further distribution is authorized.

Because the MPO shall be filed in a Privacy Act system of records, disclosure of the MPO form to the protected person may only be made if authorized. It has been determined that the Army and the Navy currently have an established routine use (RU) for their respective records systems that will permit release, but that the Air Force and the Marine Corps do not. Until the Air Force and Marine Corps establish RUs, release potentially can be justified under the Freedom of Information Act exception to the Privacy Act. Or as an alternative justification, it can possibly be argued that the MPO constitutes a dual record, both about the Service member and about the protected person, whose purpose can only be realized if the protected person is made aware of the restrictions being imposed on the member. However, in the absence of an RU, it is strongly encouraged that disclosures to protected persons only be made in coordination with Service privacy officials and supporting counsel.



MPOs shall be destroyed six (6) months after the order expires. Once the form is revised, action must be taken to destroy any paper stockpiles of the current form as their use will no longer be authorized. The revised MPO should be available not later than July 30th in an electronic format on official Defense Web sites.



Charles S. Abell
Principal Deputy



PERSONNEL AND
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UNDER SECRETARY OF DEFENSE
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OCT 22 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
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DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Establishing Protocols for Law Enforcement and Command Responses to
Domestic Violence Involving Military Members on Active Duty

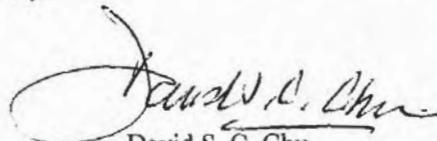
This directive-type memorandum and the attached sample protocols provide guidance for establishing law enforcement and command responses to domestic violence involving an active duty military member as either the abuser or the victim. Each Military Service shall establish Service-specific guidance based upon the protocols to help reduce the incidence and severity of domestic violence through prompt and effective law enforcement investigation and command action.

Law enforcement personnel shall be responsible for investigating reports of domestic violence and assembling evidence indicating whether or not an act, attempted act, or threatened act of non-accidental physical force has occurred, by whom and against whom, and the impact the act has had on the victim in terms of actual or potential physical injury or the fear it creates (see Attachment 1).



Commanding officers shall be responsible for ensuring that military abusers are held to account for their *criminal* conduct through appropriate disposition under the Uniform Code of Military Justice and/or administrative regulations, as appropriate (see Attachment 2).

This memorandum is effective immediately. A DoD issuance implementing this policy shall be issued within 180 days.



David S. C. Chu

Attachments:
As stated

Attachment 1

Sample Protocol for Law Enforcement Response to Domestic Violence

Purpose

To establish an effective law enforcement response to domestic violence.

Policy

Law enforcement personnel shall respond to reports of domestic violence as they would to credible reports of any other crime. Law enforcement personnel shall further ensure that alleged victims are informed of services available to victims of domestic violence.

Scope

These guidelines apply to any act of domestic violence involving a military member on active duty either as the abuser or as the victim. Acts of domestic violence constitute chargeable offenses under the United States Code, the Uniform Code of Military Justice, or state law involving the use, attempted use, or threatened use of force or violence, or a violation of a lawful order of protection against (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common residence.

Dispatcher Responsibilities

1. Upon receiving a domestic violence call, the dispatcher should attempt to elicit from the caller and any accessible law enforcement records as much of the following information as possible:

- The nature of the alleged incident.
- The address or specific location of the alleged incident.
- A telephone number where the caller can be reached.
- Whether firearms or other weapons were involved in the incident or are otherwise present in the home or location.
- Whether an ambulance is needed.
- Whether the alleged suspect is present. If not, the alleged suspect's description, direction of flight, and mode of travel.
- Who else is present at the scene, their involvement in the alleged incident, and their relationship to the parties.
- Whether there have been previous domestic violence incidents involving the parties.
- Whether there is a protective order in effect involving the parties.

2. The dispatcher should then relay the information to the responding law enforcement personnel either in person or via a secure radio network.

First Responder Responsibilities

1. Responding law enforcement personnel should approach the scene of a domestic violence incident as one of high risk.
2. Upon arrival, law enforcement personnel should identify themselves, explain their presence, and request entry to investigate the call. If refused entry, be persistent. Seek appropriate legal advice if a forced entry is contemplated.
3. Once inside, law enforcement personnel should establish control by:
 - Identifying potential weapons in the surroundings.
 - Separating the alleged victim and the alleged suspect.
 - Restraining, detaining, or apprehending the alleged suspect as needed.
 - Assessing injuries, administering first aid, or notifying emergency medical services.
 - Inquiring about the alleged incident.
 - Identifying all occupants and witnesses on the premises.
 - Separating occupants and witnesses from the alleged victim and the alleged suspect and keeping them out of hearing range.
4. Once control has been established, interview the alleged victim and suspect as fully as circumstances allow.
5. Ensure the alleged victim's safety and privacy by interviewing the alleged victim in an area apart from the alleged suspect, witnesses, and occupants. Be sure to inquire about any history of abuse or existing protective orders. Fully investigate all orders violations. Encourage the alleged victim to seek a medical examination and arrange transport as needed. Inquire about injuries that are concealed by clothing or otherwise not readily apparent. Advise the alleged victim to contact law enforcement and arrange for photographs to be taken of other injuries that become apparent in the days following the incident.
6. If the alleged suspect has fled the scene, attempt to get information about potential whereabouts.
7. Interview any witnesses as fully and as soon as circumstances allow.
8. Interview children in a manner appropriate to their age.
9. Collect and preserve all physical evidence reasonably necessary to establish what took place, including photographic evidence substantiating the victim's injuries and crime scene, and evidentiary articles that substantiate the incident.
10. Follow established law enforcement procedures pertaining to apprehension (for military personnel) and detention (for civilians). Comply with training on whether advisement of rights under the 5th Amendment of the U.S. Constitution or Article 31 of the Uniform Code of Military

Justice is required. Civilian suspects should be detained and turned over to DoD or local law enforcement personnel having arrest authority for further disposition.

11. Seek appropriate legal advice if seizure of firearms not directly tied to the incident is contemplated.

12. If apprehension or detention is not authorized, explain to the alleged victim the reasons why apprehension or detention is not going to occur.

13. Whether or not apprehension or detention occurs, law enforcement personnel should not leave the scene of the incident until the situation is fully under control and the likelihood of further violence has been eliminated. Law enforcement personnel should inform the alleged victim of the availability of local shelter facilities, victim advocate and other domestic violence services, and procedures for obtaining a protective order. If the alleged victim desires to take advantage of the shelter option, law enforcement personnel are obliged to stand by as belongings are gathered for the stay at the shelter and arrange transport, as needed.

14. A detailed written report of the investigation should be promptly completed and a copy forwarded to the suspect's commanding officer or provided to local law enforcement authorities when the alleged suspect is a civilian in accordance with DoD or local law enforcement requirements and procedures.

Disclaimer

This guidance is intended only to improve the internal administration of the Department of Defense. It does not create any rights enforceable by any person, organization, or other entity in an administrative proceeding or at law or equity. Failure on the part of law enforcement personnel to comply with any aspect of these guidelines shall not create any rights or privileges in the persons referenced and shall not operate to provide a defense or other remedy in any proceeding arising under this protocol.

Attachment 2

Sample Protocol for Commanding Officer Response to Domestic Violence

Purpose

To establish an effective command response to domestic violence.

Policy

Commanding officers shall respond to reports of domestic violence as they would to credible reports of any *other crime*, and ensure that alleged victims are informed of services available to victims of domestic violence. Commanding officers at all levels, beginning with unit-level commanders closest to the accused, shall be familiar with the responsibilities delineated below. If a particular responsibility is beyond a commander's capabilities, he/she shall involve his/her next higher in the chain of command.

Scope

These guidelines apply to any act of domestic violence involving a military member on active duty as either the abuser or the victim. Acts of domestic violence constitute chargeable offenses under the United States Code, the Uniform Code of Military Justice, or state law involving the use, attempted use, or threatened use of force or violence, or a violation of a lawful order of protection against (a) a current or former spouse; (b) a person with whom the abuser shares a child in common; or (c) a current or former intimate partner with whom the abuser shares or has shared a common residence.

Commanding Officer Responsibilities

1. Upon receiving a report of domestic violence, commanders shall counsel a military suspect about his/her alleged misconduct, but only after providing the military suspect his/her Article 31 rights under the Uniform Code of Military Justice.
2. Refer any incident of domestic violence reported or discovered independent of law enforcement to law enforcement for formal investigation.
3. Secure safe housing for the alleged victim as needed.
4. Direct the alleged abuser to alternative housing as needed.
5. Consider issuing a military protection order, as necessary, and monitor compliance as needed.
6. Cooperate in making the alleged abuser available to be served with a civilian protection order as needed. Obtain a copy of the protection order and review it with the legal office.

7. If the alleged abuser is a civilian, consider requesting that the installation commander bar the individual from the installation.
8. If the alleged abuser is a civil service employee, consult with the servicing civilian personnel office as the employee may be subject to disciplinary action.
9. Provide the alleged victim with information about victim advocate services, legal services, the Victim Witness Assistance Program, and transitional compensation as needed.
10. Monitor the alleged victim's safety.
11. Review each law enforcement investigative report with the installation legal office to determine if punitive and/or administrative action is warranted, and the level of appropriate disposition in accordance with the Uniform Code of Military Justice and/or administrative regulations.
12. Consult Family Advocacy Program (FAP) staff to determine if an abuser is a suitable candidate for intervention services.
13. Consult personnel officials to determine if Temporary Duty or Permanent Change of Station (PCS) orders that interfere with the completion of any directed intervention services should be cancelled or delayed.
14. Document command actions and report such actions through installation law enforcement officials for inclusion in the Defense Incident Based Reporting System.

Garrison or Installation Commanding Officer Responsibilities

In addition to assisting unit-level commanders with the responsibilities above, garrison or installation commanders will:

1. Establish, oversee, and provide authority for the installation Family Advocacy Program.
2. Ensure 24 hour a day capability to report and respond to domestic violence calls.
3. Require investigation of every reported incident of domestic violence.
4. Ensure that all programs and organizations with roles in responding to domestic violence have the necessary protocols and procedures in place to execute their responsibilities.
5. Institute and participate in the installation Family Advocacy Committee.
6. Direct installation law enforcement and legal officials to seek formal memoranda of understanding with their local civilian counterparts to enhance information sharing regarding domestic violence investigations, arrests, and prosecutions involving military personnel.

Disclaimer

This guidance is intended only to improve the internal administration of the Department of Defense. It does not create any rights enforceable by any person, organization, or other entity in an administrative proceeding or at law or equity. Failure on the part of a commander to comply with any aspect of these guidelines shall not create any rights or privileges in the persons referenced and shall not operate to provide a defense or other remedy in any proceeding arising under this protocol.

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PERSONNEL AND
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UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

FEB 17 2005

MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
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ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT
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DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Domestic Abuse Victim Advocate Program

- References: (a) Section 534 of the National Defense Authorization Act for
Fiscal Year 1995, P.L. 103-337
(b) DoD Directive 5400.11, "DoD Privacy Program," December 13,
1999
(c) DoDD 1030.1, "Victim and Witness Assistance," April 13, 2004
(d) DoDI 1030.2, "Victim and Witness Assistance Procedures," June
4, 2004

This directive-type memorandum assigns responsibilities and establishes procedures for the Domestic Abuse Victim Advocate Program in the Department of Defense (DoD). Operative terms are defined in Attachment 1.

It is DoD policy that victims of domestic abuse, whether living on or off the installation, shall have access to victim advocacy services in accordance with the protocol at Attachment 2. The Military Departments shall ensure that advocacy services are available to victims twenty-four hours a day through either personal or telephonic



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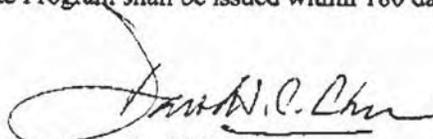
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contact, and shall include both immediate and on-going information and referral assistance, safety planning, and support services. Victims of domestic abuse who are eligible to receive military medical treatment, to include on a fee-paying basis, shall have access to both immediate and ongoing victim advocacy services. This includes treatment and services at military treatment facilities and Tricare services, as well as all services listed in Attachment 2. Victims who are not eligible to receive military medical treatment shall receive safety planning services only and shall be referred to civilian support services for all follow-on care. If safety plans are retained by victim advocates, they shall be kept by the victims' name or personal identifier in an appropriate Privacy Act system of records (reference (b)).

Providing increased protection to victims through ongoing safety planning with victim advocates (see Attachment 3) and a coordinated community response are critical to domestic abuse prevention and intervention efforts. It is also important that victims be actively involved in all aspects of the development of their safety and service plans, and that they be afforded the right to make decisions regarding their safety and welfare, including the right to refuse victim advocacy services.

This memorandum is effective immediately. A DoD issuance implementing the Domestic Abuse Victim Advocate Program shall be issued within 180 days.



David S. C. Chu

Attachments:
As stated

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ATTACHMENT I

DEFINITIONS

ADVOCACY SERVICES. Services that are offered to victims of domestic abuse with the goal of increasing victim safety and autonomy. Services shall include, but not necessarily be limited to, responding to victims' emergency and ongoing safety concerns and needs, providing information about programs and services available to victims and their children in both the civilian and military communities, and providing victims with ongoing support and referrals.

CATEGORIES OF SUPPORT AVAILABLE. Victims of domestic abuse who are eligible to receive military medical treatment, to include on a fee-paying basis, shall have access to both immediate and ongoing victim advocacy services. This support includes treatment and services at military treatment facilities and Tricare services, as well as all services listed in the Domestic Abuse Victim Advocate Protocol. Victims who are not eligible to receive military medical treatment shall receive safety planning services only and shall be referred to civilian support services for all follow-on care.

DOMESTIC ABUSE. Domestic abuse is (1) domestic violence or (2) a pattern of behavior resulting in emotional/psychological abuse, economic control, and/or interference with personal liberty when such violence or abuse is directed toward a person of the opposite sex who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common; or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

DOMESTIC VIOLENCE. An offense under the United States Code, the Uniform Code of Military Justice, or State law that involves the use, attempted use, or threatened use of force or violence against a person of the opposite sex, or the violation of a lawful order issued for the protection of a person of the opposite sex, who is: (a) A current or former spouse; (b) A person with whom the abuser shares a child in common, or (c) A current or former intimate partner with whom the abuser shares or has shared a common domicile.

SAFETY PLANNING. A process whereby a victim advocate, working with a domestic abuse victim, creates a plan, tailored to that victim's needs, concerns and situation, that will help increase the victim's safety and help the victim to prepare for, and potentially avoid, future violence.

VICTIM ADVOCATE. An employee of the Department of Defense, a civilian working under contract for the Department of Defense, or a civilian providing services via a formal memorandum of understanding between the installation and a local victim advocacy service agency, whose role is to provide safety planning services and