



DEPARTMENT OF THE NAVY

TRAINING SQUADRON NINE
101 FULLER ROAD SUITE 221
MERIDIAN MS 39309-5404

TRARONNINEINST 5800.7

NI

14 Mar 12

TRARON NINE INSTRUCTION 5800.7

From: Commanding Officer, Training Squadron NINE

Subj: VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP)

Ref: (a) OPNAVINST 5800.7A
(b) BUPERSINST 5800.3A
(c) DODINST 1030.2 of 4 June 2004
(d) DOD Directive 1030.1 of 23 April 2007
(e) SECNAVINST 5800.11B
(f) JAG/COMNAVLEGSVCCOMINST 5800.4

Encl: (1) TRARON NINE (VT-9) VWAP Designation Letter
(2) VWAP Point of Contact Checklist
(3) VWAP Inspection Steps Checklist

1. Purpose. To provide a systematic approach for evaluating controls and compliance with the Victim and Witness Assistance Program (VWAP). This instruction is a complete revision and should be read in its entirety.
2. Scope. Targeted Inspection Checklist for the Victim and Witness Assistance Program (VWAP).
3. Objective. The overall objectives of the review are to ensure all individuals involved in the VWAP are properly trained and designated; that all individuals involved in the Program carry out their responsibilities accurately; and that victims and witnesses are appropriately informed of their rights and of the assistance available to them.
4. Background. Victims and witnesses of crime normally suffer some adverse impact from the crime. VWAP is designed to minimize the effects of crime and to help victims and witnesses understand and participate in the military justice system. The VWAP ensures that Navy personnel are trained to provide appropriate information, referrals, and services.
5. Review Requirement. The Department of Defense (DoD) is to oversee the development of investigative policy and perform oversight reviews of the VWAP. Management of the VWAP is to be included as an item of interest during regular inspections. Per reference (d), The Naval Inspector General is to give favorable consideration, upon request, to the inclusion of the VWAP in the Naval Command Inspection Program.

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6. References. Review references, including any local instructions or policies, in their entirety prior to conducting review.



C. M. SNYDER

Distribution:
TRARONNINEINST 5216.1E
LIST I, II

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VT-9 VWAP DESIGNATION LETTER

1210
Ser N1/

From: Commanding Officer, Training Squadron NINE
To: LCDR I. A. VWAC, USN, XXX-XX-XXXX/1310

Subj: APPOINTMENT AS VICTIM AND WITNESS ASSISTANCE COORDINATOR

Ref: (a) OPNAVINST 5800.7A
(b) BUPERSINST 5800.3A
(c) DODINST 1030.2 of 4 June 2004
(d) DOD Directive 1030.1 of 23 April 2007
(e) SECNAVINST 5800.11B
(f) JAG/COMNAVLEGSVCCOMINST 5800.4

1. Per reference (a) through (f), you are appointed as the command Victim Witness Assistance Coordinator (VWAC) effective the date of this letter.
2. Ensure that you familiarize yourself with reference (a) regarding your specific duties and responsibilities.
3. As a VWAC, you may seek additional guidance, training, and assistance through the Region Victim Witness Liaison Officer, LT Will Eden, at (904) 542-3904.

C. M. SNYDER

Copy to:
CNATRA
TW-1
NAS Legal
(I. A. VWAC Officer)

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Any misuse or unauthorized disclosure of this information may result in both civil and criminal penalties.”

Enclosure (1)

VWAP POINT OF CONTACT CHECKLIST

Name:

Command:

Telephone number:

E-mail address:

Date/Time contacted:

Command VWAC is the command's primary point of contact for victim witness assistance matters. Before asking questions, confirm designation as VWAC

VWAC Questions:

When were you designated as a VWAC?

How were you designated as a VWAC?

If by letter; were you provided a copy of the designation letter?

Have you served as a VWAC previously?

If so, how long?

Have you been provided VWAC training?

If so, describe your training? (Refresher training?)

If not, are you scheduled for training?

Describe your responsibilities (as you understand them) as command VWAC (Obtain and distribute VWAP materials, provide VWAP training to members of command, coordination between command VWACs)

Have you had to exercise your VWAC responsibilities with a victim or witness involved in a military justice matter/crime?

If so, describe your actions.

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If so, describe your interactions, if any, with the: VWLO, Trial Counsel, Law Enforcement, Medical Care Provider(s), Fleet and Family Service Center, Brig, and/or other VWACS

If you have a question(s) or require any information/clarification regarding the VWAP program and/or your VWAC responsibilities, who would your turn to for advice?

If so, have _____ been responsive/helpful

Have you participated in VWAC Council Meetings?

If so, how often did the VWAC Council meet? (When was last VWAC Council meeting convened?)

Do you provide victims with information concerning military and civilian resources available to the victim, including legal assistance, counseling, treatment, and available compensation through local and Federal agencies?

If so, describe how such information is provided.

VWAP SECTION B: INSPECTION STEPS

REGIONAL COMMANDER:

6. Ensure the Region Commander has appointed in writing a Victim Witness Liaison Officer (VWLO). Written designation is to include name, title, duty address, and phone number. A copy of the appointment letter is to be forwarded to NAVPERSCOM (PERS-00J). [OPNAVINST 5800.7A, paragraph 8c(5)]

Response:

7. Determine if the Region Commander, also known as the Local Responsible Official (LRO) has appointed a Victim Witness Assistance Coordinator (VWAC). [OPNAVINST 5800.7A, paragraphs 8b(3) and 8c]

Response:

8. Confirm that the LRO ensures commands within their area of responsibility are educated and comply with the requirements of VWAP and appoints a command VWAC as required by OPNAVINST 5800.7A. [OPNAVINST 5800.7A, paragraph 8c(6)]

Response:

9. Confirm that the Region Commander has established a Victim Witness Assistance Council. [OPNAVINST 5800.7A, paragraph 8c(2)]

Response:

10. Confirm that each Commanding Officer (CO), unit commander or Officer in Charge (OIC) in the geographic area of responsibility has appointed a VWAC in writing to include name, title, duty address, and telephone number; confirm a copy of the VWAC appointing letter has been forwarded to the VWLO. COs shall educate command personnel as to the rights of crime victims and witnesses. The command VWAC is to be an E5 or above or civilian equivalent. Chaplains are not to serve as VWAC. [OPNAVINST 5800.7A, paragraphs 8b(3), 8d(2), and 9a]

Response:

11. Verify that the LRO establishes and maintains, with assistance of the local Fleet and Family Service Center, a directory of military and civilian programs, services and crime victim compensation funds available within their geographic area to which a victim or witness may be referred; and when appropriate, enter into a Memorandum Of Agreement (MOA) with civilian agencies to ensure victim and witnesses are provided needed services. [OPNAVINST 5800.7A, paragraph 8c(4)]

Response:

12. Ensure that COs, unit commanders, and OICs educate command personnel as to the rights of the crime victims and witnesses, and train their investigative and law enforcement staff (including base police, installation security, and other professionals trained to conducted criminal investigations) in VWAP policies and requirements. [OPNAVINST 5800.7A, paragraphs 8d(1), 8d(3), and 10a]

Response:

VICTIM WITNESS LIAISON OFFICER:

13. Verify the designated VWLO appointed by the Region Commander, is from the legal office and able to provide legal support to the Region Commander; verify whether the designated VWLO is a Staff Judge Advocate, civilian attorney, or paralegal who has legal training/experience with VWAP and holds a grade of GS-9 or above. [OPNAVINST 5800.7A, paragraph 9]

Response:

14. Determine if the VWLO ensures each command within their area of responsibility appoints a VWAC. A copy of their appointing letter shall be forwarded to the VWLO. [OPNAVINST 5800.7A, paragraph 9a]

Response:

15. Confirm that the VWLO maintains a list of VWACs within their area of responsibility. [OPNAVINST 5800.7A, paragraph 9b]

Response:

16. Verify that the VWLO ensures VWACs in their area of responsibility receive training materials and appropriate guidance on VWAP. [OPNAVINST 5800.7A, paragraph 9c]

Response:

17. Determine if the VWLO chairs meetings of the local VWAP council, if locally established. [OPNAVINST 5800.7A, paragraph 9f]

Response:

18. Ensure the VWLO has a directory of military and civilian programs and services within their area of responsibility that are available for counseling, treatment, and other support to victims. Ensure these directories are distributed to the Victim Witness Assistance Council within his/her area of responsibility. [OPNAVINST 5800.7A, paragraph 9d]

Response:

19. Confirm that the VWLO obtains reporting data from the VWACs and physical security/base security staff on the number of victims and witnesses who received a DD Form 2701 during the period of 1 January through 31 December of the previous year for inclusion in the annual report via DD Form 2706 to NAVPERSCOM (PERS-00J) no later than 15 February of the current year. [OPNAVINST 5800.7A, paragraphs 8c(3) and 9e]

Response:

VICTIM WITNESS ASSISTANCE COORDINATOR:

20. Confirm that the VWAC maintains contact with other VWACs and other VWAP personnel (such as Trial Counsel) involved in the victim's case. [OPNAVINST 5800.7A, paragraph 11a(2)]

Response:

21. Confirm that the VWAC ensures the victim or witness who is a member of the VWAC's command has been advised of his/her rights by providing DD Form 2701. [OPNAVINST 5800.7A, paragraph 11a]

Response:

22. Document the process by which the VWAC provides the victim who is a member of the VWAC's command with information concerning military and civilian resources available to the victim, including legal assistance, counseling, treatment, and available compensation through Federal, State, and local agencies. [OPNAVINST 5800.7A, paragraph 11a(1)]

Response:

23. Verify that the VWAC assists victims and witnesses as appropriate and necessary in the exercise of their rights. [OPNAVINST 5800.7A, paragraph 11a(3)]

Response:

24. Confirm that, when the accused is a member of the VWAC's command, the VWAC informs the victim of the accused's pretrial confinement status, including release from pretrial confinement. [OPNAVINST 5800.7A, paragraph 11b(1)]

Response:

25. Verify the process (when the accused is not a member of the VWAC's command) by which the VWAC ensures the convening authority's VWAC is notified of the identity of the victim and the victim's election of rights. [OPNAVINST 5800.7A, paragraph 11b(2)]

Response:

26. Ensure that after charges have been preferred against the accused, the Convening Authority's VWAC identifies the victims and witnesses, determines whether they have been advised of their rights, and determine the victims' elections concerning those rights. [OPNAVINST 5800.7A, paragraph 11c]

Response:

27. Confirm that, upon request from the victim, the Convening Authority's VWAC confirms the Trial Counsel has obtained the victim's views concerning disposition of the offenses and plea negotiations and has forwarded this information to the Convening Authority. [OPNAVINST 5800.7A, paragraph 11c(1)]

Response:

28. Ensure that, upon request from the victim for notification, the Convening Authority's VWAC will advise the victim of the accused's pretrial confinement status. [OPNAVINST 5800.7A, paragraphs 6g(4) and 11c(2)]

Response:

TRIAL COUNSEL:

29. Document how Trial Counsel assigned to the case has obtained the victim's views concerning disposition of the offenses and plea negotiations and has forwarded this information to the convening authority. [OPNAVINST 5800.7A, paragraph 11c(1)]

Response:

30. Confirm the Trial Counsel has complied at the earliest possible convenience with the victim's request to be notified regarding:

- a. The pretrial confinement status of the suspected offender
 - b. The date charges are forwarded for investigation at an Article 32 hearing and/or referred to a court-martial, and the nature of the charges
 - c. Acceptance of a pretrial agreement
 - d. Scheduling of each court proceeding
 - e. Findings of the court-martial concerning guilt
 - f. The sentence adjudged
 - g. The convening authority's action on the findings and sentence of the court-martial
- OPNAVINST 5800.7A, paragraphs 6f(3), (4), (7), 11c(3), and 12c]

Response:

31. Verify that Trial Counsel has identified victims and witnesses in cases and provided them with a DD Form 2702. (OPNAVINST 5800.7A, paragraph 12a).

Response:

32. Confirm that Trial Counsel advises the witness of the acceptance of a plea; findings of the court-martial; the sentence adjudged; and the convening authority's action concerning the findings; and sentence when a witness has requested notification. (OPNAVINST 5800.7A, paragraphs 6g (2-5) and 12d).

Response:

33. Determine how Trial Counsel advises victims that they have a right to a statutorily designated advisory role in decisions involving prosecutorial discretion, such as plea-bargaining. Confirm that in cases in which a victim has elected to exercise this right, the victim's views concerning prosecution and plea negotiations are obtained and forwarded to the convening authority. [Section 502 Public Law 101-647 and OPNAVINST 5800.7A, paragraph 12e]

Response:

34. Verify that Trial Counsel informs victims of the opportunity to present evidence to the court at sentencing concerning the impact of the crime, including financial, social, psychological, and physical harm suffered by the victim. [OPNAVINST 5800.7A, paragraph 12l]

Response:

35. Confirm that Trial Counsel provides victims and witnesses the DD Form 2703 to convey basic information about the post-trial process. [OPNAVINST 5800.7A, paragraph 12m]

Response:

36. Ensure that Trial Counsel prepares a DD Form 2704 by which a victim or witness may elect to be notified of changes in the offender's status in confinement at the conclusion of every court-martial in which confinement is adjudged; determine if Trial Counsel ensures copies are provided to the appropriate Central Repository, the confinement facility, and appropriate victims and/or witnesses. [OPNAVINST 5800.7A, paragraph 12o]

Response:

37. Verify that Trial Counsel ensures victims and witnesses are provided with information concerning the availability of and, to the extent possible, assistance in obtaining services such as transportation, parking, child care, lodging, and courtroom translators or interpreters. [OPNAVINST 5800.7A, paragraph 12h]

Response:

38. Determine if Trial Counsel has submitted the DD Form 2706 to Naval Legal Service Command on an annual basis. Trial Counsel is to maintain data on the number of victims and the number of witnesses who received a DD Form 2702, DD Form 2703, and the number of victims and witnesses who elected to be notified of confinee status changes via a DD Form 2704. [OPNAVINST 5800.7A, paragraph 12p]

Response:

PROGRAM ADMINISTRATION:

39. Identify who makes a determination of applicability of provisions of OPNAVINST 5800.7A, and eligibility of victims and witnesses for the VWAP at overseas locations. [OPNAVINST 5800.7A, paragraph 5]

Response:

40. Review the process in how victims and witnesses are provided DD Form 2701, complete with contact information listed on the back of the form, by investigative and law enforcement staff. Ensure victim identifying information is maintained in the investigative file. [OPNAVINST 5800.7A, paragraph 10c]

Response:

41. Document how the person in charge of the investigation keeps the victim informed of the status of the investigation/inquiry (if requested by the victim), to the extent providing such information does not interfere with the investigation and notice of apprehension of the suspected offender. [OPNAVINST 5800.7A, paragraphs 10e and 10f]

Response:

42. Determine if close coordination is maintained between local VWAP representatives from Naval Criminal Investigative Service, base security personnel, Staff Judge Advocates, legal assistance attorneys, COs, health care providers at military treatment facilities, corrections facilities staff, Fleet and Family Service Center staff, and chaplains. [OPNAVINST 5800.7A, paragraph 8c(1)]

Response:

43. Determine role of and coordination with Sexual Assault Victim Intervention (SAVI) personnel relative to implementation of VWAP. [OPNAVINST 5800.7A, paragraph 6b]

Response:

CONFINEMENT FACILITY:

44. Ensure the CO or OIC of the confinement facility appointed a VWAC in writing to ensure compliance with VWAP. [OPNAVINST 5800.7A, paragraph 13 and BUPERSINST 5800.3A, paragraph 5]

Response:

45. Determine if the confinement facility provides a copy of DD 2705, notification of inmate status changes, as requested by victims or witnesses. [OPNAVINST 5800.7A, paragraph 13c and BUPERSINST 5800.3A, paragraph 6f(1)]

Response:

Internal Controls

46. Complete a Risk Assessment to support the Managers' Internal Control (MIC) Program with the responsible individual and forward the signed and approved copy to the MIC Coordinator, if required. [SECNAVINST 5200.35E, paragraphs 6i(4), 6i(8)(c), and Enclosure (1), paragraph 7.

Response:

SECTION C: REVIEW AND CONCLUSION

1. Prepare a list of VWAP discrepancies.
2. Organize working papers and spreadsheets in a logical manner. Ensure each activity is evaluated and verify effectiveness of:
 - a. Internal Controls
 - b. Program Administration
 - c. Victim and Witness Notification
3. Conduct exit conference or debriefing with key personnel and management on summary findings.
4. Prepare draft report in accordance with standardized report format.
5. Submit draft report to CNIC IG for review. Make any necessary changes.
6. Establish any necessary follow-up reporting or corrective actions.

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7. Issue final report.
8. Forward copy of final report to CNIC.
19. Update permanent file information.

Findings: