



UNITED STATES MARINE CORPS  
MARINE CORPS RECRUIT DEPOT/EASTERN RECRUITING REGION  
PO BOX 19001  
PARRIS ISLAND, SOUTH CAROLINA 29905-9001

DepO 5800.11  
SJA  
19 APR 2011

DEPOT ORDER 5800.11

From: Commanding General  
To: Distribution List

Subj: VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP)

Ref: (a) 42 U.S.C. § 1061, et. seq.  
(b) 18 U.S.C. §§ 1512-1514  
(c) DoD Directive 1030.1 of 13 Apr 04  
(d) DoD Instruction 1030.2 of 4 Jun 04  
(e) SECNAVINST 5800.11B  
(f) MCO 5800.15A  
(g) MCO 1752.5A

Encl: (1) Definitions  
(2) Sample Victim Witness Assistance Coordinator (VWAC)  
Appointing Letter

1. Situation. To establish procedures for implementation of the (VWAP) established by references (a) and (b), and to define the policies, responsibilities and procedures for Marine Corps Recruit Depot/Eastern Recruiting Region, Parris Island (MCRD/ERR, PI) in order to ensure compliance with references (c) through (g).

2. Mission. To ensure that crime victims and witnesses are afforded specific rights and services in accordance with the references.

3. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) The provisions of this order apply to all personnel within MCRD/ERR, PI including tenant commands, engaged in prosecuting, or investigating crime, and to personnel assisting crime victims and witnesses. This order pertains to

victims and witnesses of offenses committed in violation of the Uniform Code of Military Justice (UCMJ) and to victims and witnesses involved in proceedings conducted under the Manual for Courts-Martial (MCM) 2008. This order is not limited to criminal offenses prosecuted at Courts-Martial. Crime victims and witnesses do not forfeit their status when offenses are referred to non-judicial punishment (NJP) or administrative separation proceedings.

(b) All victims and witnesses shall be treated with fairness and with respect for their dignity and privacy, and afforded the specific rights as set forth in paragraph 6004 of reference (f).

(c) Victims and witnesses of crime normally suffer some adverse impact. The VWAP is designed to minimize the effects of crime, and to help victims and witnesses understand and meaningfully participate in the military justice system. The VWAP ensures that Marine Corps personnel are trained to provide appropriate information, referrals, and services.

(2) Concept of Operations.

(a) The Commanding General (CG), MCRD/ERR, is responsible for implementing and maintaining VWAP. The CG will designate, in writing, a Victim Witness Liaison Officer (VWLO) from his primary or special staff which will be responsible for implementing and maintaining VWAP on behalf of the CG.

(b) The VWLO shall sit as the chairperson for the local Victim Witness Assistance Board which shall, at minimum, consist of representatives from Provost Marshall's Office (PMO), Criminal Investigation Division (CID), Navy Criminal Investigative Services (NCIS), the Military Justice Section (MJS), chaplain, Marine and Family Services (MFS), and unit VWACs. Civilian Service Providers (CSP) may also be invited to VWAP Board meetings. The VWLO shall make liaison with local VWAP representatives and CSP, confirm that services are being provided in compliance with this order and the references, maintain data concerning the number of victims and witnesses who are provided services, and organize and provide training for the local VWAP.

(c) PMO shall appoint, in writing, by name, title, duty address, and telephone number, local law enforcement VWAC.

(d) The Staff Judge Advocate (SJA) will provide advice, instruction, guidance and assistance regarding the legal aspects of VWAP.

(e) Unit Commanders, Commanding Officers (CO), and Officers in Charge (OICs) are responsible for understanding and aggressively supporting VWAP and ensuring compliance with the references.

(f) Investigative and law enforcement personnel, to include PMO, CID and NCIS, shall understand VWAP, provide victim and witnesses the information described in reference (f), and will meet the specific responsibilities set out in reference (f).

(g) Service providers (MFS personnel, family advocacy counselors, Sexual Assault Response Coordinators (SARCs), victim advocates, health care personnel, chaplains, SJA, and legal service support personnel) are responsible for providing available services to victims and witnesses, and, when appropriate, shall provide referrals to community-based or state-based services.

b. Tasks

(1) Victim Witness Liaison Officer

(a) Establish and sit as chairperson for local Victim Witness Assistance Board to coordinate efforts to provide a comprehensive assistance program and comply with VWAP notification and reporting requirements.

(b) Ensure close coordination between local VWAP representatives from NCIS, law center, military police, CO's, medical facilities, MFS, and chaplains.

(c) Ensure data is maintained concerning the number of victims and witnesses who received DD Forms 2701-2704.

(d) Ensure victims and witnesses are receiving the information and services as required under VWAP.

(e) Ensure that each organization (battalion level and above) assigned to MCRD/ERR, PI to include each recruiting district, appoints a VWAC.

(f) Maintain an online directory of military and civilian programs and services providing counseling, treatment, and other victim support within the geographic area of the installation.

(g) Ensure compliance with specific VWLO responsibilities as set out in paragraph 6010 of reference (f).

(2) Victim and Witness Assistance Coordinator

(a) The VWAC is the command's primary point of contact for victim witness assistance matters.

(b) Obtain and distribute VWAP materials and provide VWAP training to the members of the VWAC's respective command.

(c) Coordinate with VWACs from other commands in cases involving victims, witnesses, or accused from different commands.

(d) Maintain data on the number of victims and witnesses who received DD Forms 2701, 2702, 2703 and 2704 each calendar year for NJPs and Summary Courts-Martial, and provide that information to the VWLO annually no later than 10 January.

(e) Ensure compliance with specific VWAC responsibilities as set out in Paragraph 6011 of reference (f).

(3) Commanding Officers and OICs. Every CO (battalion level and above) shall appoint, in writing, a VWAC. The appointment letter shall include the VWAC's name, title, duty address, duty telephone number (see enclosure (2)), and shall be forwarded to the VWLO.

(4) Staff Judge Advocate (SJA)

(a) Appoint, in writing, a representative to the local VWAC and provide a copy of the appointment letter to the VWLO.

(b) Ensure Trial Council meet their responsibilities under VWAP as required by paragraph 6006 reference (f).

(c) Assist the VWLO with the implementation and maintenance of VWAP within MCRD/ERR, PI.

c. Coordinating Instructions

(1) MCRD/ERR, PI service providers include Sexual Assault Response Coordinators (SARCs), victim advocates, family advocacy counselors, chaplains, health care personnel, SJA and legal service support personnel, and others who assist crime victims and witnesses. Service providers shall:

(a) Understand and support VWAP and know the rights of victims and witnesses under VWAP.

(b) Inform crime victims and witnesses about VWAP when they receive counseling, treatment, or advice.

(c) Inform victims of spousal or interfamilial abuse of the benefits provided under "Transitional compensation for abused family members. The purpose of this program is to help ease the transition from military to civilian life for spouses and/or dependent children of a servicemember who is separated from active duty as a result of a family abuse offense. The spouse and/or family should be referred to the Family Advocacy Program (FAP) and Victim Advocates for assistance with completion of DD Form 2698 "Application for Transitional Compensation". The FAP and Victim Advocates can provide more detailed information on Transitional Compensation and benefits provided under "Benefits for Dependents who are Victims of Abuse by Members Losing the Right to Retired Pay" and other benefits under VWAP.

(d) Inform crime victims of State crime compensation funds that may be available to reimburse victims for certain expenses incurred as a result of the crime.

(e) Know the points of contact at the installation level for victim and witness assistance issues, including base PMO, NCIS, SJA, M&FS, FAP, medical clinics or hospitals, chaplains and SARC Program Manager for victim and witness assistance issues.

(2) Concurrence. The CO of Beaufort Naval Hospital (BNH) and the Navy Dental Center (NDC) concur with this order insofar as it pertains to Navy personnel and units stationed at MCRD/ERR, PI.

5. Administration and Logistics

a. The SJA is the sponsor for this order.

b. Recommendations for changes or modifications to this order will be provided to the SJA for staffing.

c. An electronic copy of this order can be found on the Parris Island Intranet (<http://parrislandintranet.nmci.usmc.mil/G1/default.aspx>).

6. Command and Signal

a. Command. This order is applicable to all personnel assigned to MCRD/ERR, PI. The Commanding Officer of Beaufort Naval Hospital and the Navy Dental Center concur with this order insofar as it pertains to Navy personnel and units stationed at MCRD/ERR, PI.

b. Signal. This order is effective the date signed.

  
R. L. GRABONSKI  
Chief of Staff

DISTRIBUTION: A

Definitions

1. Victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a violation of the UCMJ, 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:

a. Military members and their family members.

b. When stationed outside the continental United States, DoD civilian employees and contractors, and their family members. This applies to services not available to DoD civilian employees and contractors and their family members in stateside locations, such as medical care in military medical facilities.

c. 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.

d. The term "victim" does not include an individual involved in the crime as a perpetrator or accomplice, even though the individual may be one of the representatives described above.

e. Institutional entities, such as corporations, clubs, or foundations, could be classified as a "victim." For a victim that is an institutional entity, an authorized representative of that entity will be designated for correspondence and service purposes. Federal departments and state and local agencies, as entities, are not eligible for services available to individual victims.

2. Witness. A person who has information or evidence about a crime, and provides that knowledge to a Department of Defense (DoD) component about an offense in the investigative jurisdiction of 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.

Sample Victim Witness Assistance Coordinator  
Appointment Letter

Command Letter Head

From: Commanding Officer abbreviated

To:

Subj: APPOINTMENT AS VICTIM WITNESS ASSISTANCE COORDINATOR  
(VWAC)

Ref: (a) DoD Directive 1030.1 of 13 Apr 04  
(b) DoD Instruction 1030.2 of 4 Jun 04  
(c) MCO 5800.15A, Chapter 6, LEGADMINMAN

1. Per the references, you are hereby appointed as the Unit Victim Witness Assistance Coordinator (VWAC).
2. You will familiarize yourself with the above references and all other orders and directives and comply with them in the performance of your duties as the VWAC. The references will guide you in the performance of your duties.
3. You are required to attend all periods of training scheduled by the MCRD/ERR PI Victim Witness Assistance Liaison Officer (VWLO).
4. This authority replaces all previous authorizations.

/s/  
SIGNATURE BLOCK

Copy to:  
File  
VWAC  
VWLO  
SJA