

## Victim Witness Assistance

### Information for Victims, Witnesses, and Trial Counsels

DD FORM 2704 **SHALL** ACCOMPANY ALL ADJUDGED PRISONERS UPON CHECK-IN TO THE BRIG. THE DD FORM 2704 SHALL CERTIFY WHETHER THERE ARE VICTIMS OR WITNESSES IN THE CASE AND WILL BE UTILIZED IN THE NOTIFICATION PROCESS.

Victim & Witness Assistance Procedures

(808) 472-0020

### Introduction

Victims and witnesses have the right to be treated with fairness and respect for their dignity and privacy and to be reasonably protected from the offender. The impact of crime is devastating to innocent victims, witnesses and their families. In addition to physical injuries or financial loss, the victim and/or witness may be further scarred with the emotional loss of one's sense of dignity, security, and trust in other human beings.

### Policy

The necessary role of crime victims and witnesses in the criminal justice process should be enhanced and protected.

All victims will be treated with sensitivity and compassion, especially when a victim has been sexually assaulted or is a minor.

The identity of a crime victim or witness shall not be disclosed to the prisoner or any third party at any time.

This policy is not intended to, and does not create any entitlement, cause of action, or defense in favor of any person arising out of the failure to accord to a victim or a witness the procedure outlined in this Policy. No limitations are hereby placed on the lawful prerogatives of the Department of Defense or its officials.

Officers and employees engaged in the detection, investigation, or prosecution of crimes, and the confinement of criminals, shall ensure victims are accorded their rights. As provided for by Federal law, a crime victim **has the right to:**

- Be treated with fairness and respect for the victim's dignity and privacy
- Be reasonably protected from the accused offender
- Be notified of court proceedings
- Be present at all public court proceedings related to the offense, unless the court

determines testimony by the victim would be materially affected if the victim heard other testimony at trial.

- Confer with the attorney for the Government in the case
- Receive available restitution
- Be provided information about the conviction, sentencing, imprisonment, and release of the offender

All personnel involved in the correctional process have a continuing duty to take reasonable measures within their means to protect victims and/or witnesses from further threat, harm or intimidation, without infringing on the constitutional rights of an accused.

Clemency and parole boards shall consider making restitution to the victim a condition of clemency and parole. They may consider victim statements on the impact of crime.

### **Definitions**

**Victim.** A person who suffers direct physical, emotional, or financial harm as a result of the commission of a crime committed in violation of the Uniform Code of Military Justice (UCMJ), or in violation of the law of another jurisdiction if military authorities have been notified. When the 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, or another person designated by the Court. When stationed outside the continental United States, victims also include DoD civilian employees and contractors, and their family members.

**Witness.** A person who participates in a DoD criminal investigation or proceeding for the purpose of providing information or evidence concerning an offense. When the witness is a minor, this term includes the minor's parents or any person having legal custody of the minor. The term witness does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.