



DEPARTMENT OF THE NAVY
COMMANDER
NAVY REGION MID-ATLANTIC
1510 GILBERT STREET
NORFOLK, VA 23511-2737

IN REPLY REFER TO
CNRMAINST 5800.7C
N00L
10 Mar 2022

CNRMA INSTRUCTION 5800.7C

From: Commander, Navy Region Mid-Atlantic

Subj: **VICTIM AND WITNESS ASSISTANCE PROGRAM IMPLEMENTATION AND REQUIREMENTS**

Ref: (a) Manual for Courts-Martial, United States, 2019
(b) DODI 1030.02
(c) SECNAVINST 5800.11B
(d) OPNAVINST 5800.7A
(e) SECNAVINST 1752.3B
(f) OPNAVINST 1752.2C
(g) SECNAV M-5210.1
(h) OPNAVINST 5215.17A

Encl: (1) Definitions

1. **Purpose.** The purpose of this instruction is to carry out references (a) through (g) by setting forth guidelines for the implementation of the Victim and Witness Assistance Program (VWAP) within the Commander, Navy Region Mid-Atlantic (CNRMA) area of responsibility (AOR).
2. **Cancellation.** COMNAVREGMIDLANTINST 5800.7B.
3. **Background.** The program assists victims and witnesses who have suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime in violation of reference (a) in the Mid-Atlantic Region, while providing information and notification of rights under federal law and policy. To address the needs of victims and witnesses of a crime, the United States Congress enacted a series of laws establishing rights for such persons. References (b) through (e) adopt these laws as policy within the Department of Defense (DoD) and incorporate them throughout legal and administrative proceedings pursuant to reference (a).
4. **Applicability.** Pursuant to reference (e), this instruction applies to all shore-based Naval activities (except Marine units) within the Mid-Atlantic Region that do not report to a Type Commander (TYCOM), regardless of whether those commands otherwise report to CNRMA.
5. **Policy.** The Department of the Navy (DoN) will treat all victims and witnesses of crime with dignity and respect. This policy includes providing them with their statutory rights as victims and witnesses of crimes. Particular attention will be given to victims of serious violent crimes, including child abuse, domestic violence, and sexual misconduct. Reference (f) provides

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additional guidance and specific programs for victims and witnesses of domestic abuse and sexual assault. This instruction is not intended to, and does not create any cause of action, entitlement, or defense, in favor of any person arising out of failure to comply with the mandates of this instruction. The initial point of contact for VWAP issues is the command Victim and Witness Assistance Coordinator (VWAC).

a. Assistance to Victims and Witnesses of Crimes Committed by Navy Service Members.

Where the facts indicate to the command that the individual, regardless of whether they are affiliated with the military or federal government is a victim or witness of a crime, as defined in enclosure (1) of this instruction, victim and/or witness rights will be provided to that individual. Victims and witnesses of crimes committed by Navy Service members will be informed of their rights and be provided appropriate information, referrals, and services through final disposition of the alleged offender's case by the Navy. This includes, but is not limited to, assistance throughout any courts-martial or non-judicial punishment actions, as applicable. Victims and witnesses are also eligible for assistance in cases where the alleged offender is processed for administrative separation or when no judicial or administrative action is taken.

b. Assistance to Military Service Members and their Dependents. Service members, DoN civilians, and their dependents who are victims and/or witnesses of crimes will also be made aware of local civilian programs that provide assistance to victims and witnesses of crimes. If an alleged offender cannot be located, is acquitted of the offense, or otherwise does not face adverse judicial or administrative action, the victim or witness may still be eligible to receive assistance from such programs.

6. Responsibilities

a. Staff Judge Advocate (SJA), CNRMA

(1) Serve as the Victim and Witness Liaison Officer (VWLO) for the Mid-Atlantic Region, and will be appointed in writing, including name, title, duty address, and phone number.

(2) Serve as chairman of the Victim and Witness Assistance Council, promulgating its agenda and meeting times, and ensuring that the Council meets as often as practicable. The Council will meet at least once per calendar year. Enclosure (1) sets out the recommended composition of the Council.

(3) Establish a Regional VWAP that accomplishes the goals set forth in references (b) through (e). This responsibility includes assistance to VWAP coordinators at shore-based activities in carrying out the responsibilities set forth in references (b) through (e).

(4) Ensure shore-based activities within CNRMA's AOR receive training and appropriate guidance on VWAP through live, electronic, or otherwise available means.

(5) Maintain a list and appointment letters of command VWACs that report to CNRMA for VWAP purposes.

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(6) Maintain a reasonable database on military and civilian resources serving victims and witnesses of crime.

(7) No later than 15 February of the current year, prepare a DD Form 2706 for submission to the Chief of Naval Personnel (PERS-06L) covering the period 1 January through 31 December of the previous year.

(8) Liaison with VWAP counterparts at the TYCOMs, to include inviting them to Council meetings.

b. Commanding Officers (CO)

(1) Appoint a command VWAC in writing. The appointment letter will include the name, title, duty address, and phone numbers of the VWAC. The VWAC will be in paygrade E-5 or above (or civilian equivalent). The command VWAC is the command's primary point of contact to facilitate victim and witness assistance, provide training materials to their respective command, and maintain an accurate database of all DD Form 2701s distributed for the calendar year.

(2) Ensure the VWLO has the command VWAC's name, current phone number, current work address, and current official e-mail address.

(3) Carry out an effective command VWAP following references (b) through (e) and this instruction. It is specifically directed that VWAP be administered in cases where a victim or witness is clearly identified, and the case is adjudicated at non-judicial punishment, summary courts-martial, or administrative separation.

(4) Maintain a reasonable database of local military and civilian resources serving victims and witnesses of crime, and ensure the command VWAC provides resources to a victim or witness of an alleged crime.

(5) Maintain records denoting the number of DD Form 2701s issued by the command VWAC to victims and witnesses of crimes at the command. Additionally, COs will maintain records denoting the number of DD Forms 2702, 2703, and 2704 that are provided by command VWACs to victims and witnesses of crimes adjudicated at summary courts-martial.

****NOTE:** DD Forms 2702, 2703, and 2704 are provided by Region Legal Service Office (RLSO), Mid-Atlantic for all crimes adjudicated at special or general courts-martial. No later than 15 January of each calendar year, provide an annual report to CNRMA on the number of DD Forms 2701, 2702, 2703, and 2704 provided during the previous calendar year (1 January through 31 December). A DD Form 2705 will be used by confinement facilities to notify victims and witnesses of inmate status changes. All reporting data will be maintained per references (a) through (g).

(6) Ensure that the VWAP is incorporated in the command's training program, and ensure VWAP training is conducted by the VWAC at the command at least once a year.

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c. Family Advocacy Program (FAP)

(1) Ensure that Domestic Abuse Victim Advocates (DAVAs) and all FAP clinical staff apprise individuals receiving services from FAP of victim and witness rights, including the right to a DD Form 2698, Application for Transitional Compensation.

(2) Maintain information on local military and civilian resources that assist victims and witnesses of crime.

(3) Ensure all FAP staff members receive annual training from the VWAC on VWAP, to include program updates and changes.

d. Fleet and Family Support Center. Provide available services to victims and witnesses and refer to community-based services where appropriate.

e. Director, Operations and Public Safety (N3)

(1) Ensure all personnel, both military and civilian, who work under the authority of N3 in a law enforcement capacity, effectively provide rights to those individuals who, in the course of law enforcement investigations, are found to be victims and witnesses of crime by providing those persons with a DD Form 2701.

(2) Maintain an accurate list of local military and civilian resources serving victims and witnesses of crime.

(3) Maintain records denoting the number of DD Form 2701s issued to victims and witnesses of crime in the course of law enforcement investigations, and no later than 15 January of each calendar year, provide an annual report to CNRMA on the number of DD Form 2701s provided to individuals by law enforcement personnel during the preceding calendar year 1 January through 31 December. This data should be kept for a period of at least two years.

7. Resources. The following websites provide information on victim and witness assistance:

a. The DoD Victim Witness Assistance Council. <http://www.dod.mil/vwac/>.

b. Commander, Navy Personnel Command VWAP website.
<http://www.npc.navy.mil/CommandSupport/VWAP>.

c. Department of Justice, Office for Victims of Crime. <http://www.ojp.usdoj.gov/ovc/>.

8. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the Department of the Navy Assistant for Administration, Directives and Records Management Division portal page


at <https://portal.secnave.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact the local records manager or the OPNAV Records Management Program (DNS-16).

9. Review and Effective Date. Per OPNAVINST 5215.17A, CNRMA SJA will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

10. Forms and Reports. All of the forms identified throughout this instruction, and outlined below are available at: <http://www.dticmil/whs/directives/infomgt/forms/formsprogram.htm>.

- a. DD Form 2698, Application for Transitional Compensation.
- b. DD Form 2701, Initial Information for Victims and Witnesses of Crime.
- c. DD Form 2702, Court-Martial Information for Victims and Witnesses of Crime.
- d. DD Form 2703, Post-Trial Information for Victims and Witnesses of Crime.
- e. DD Form 2704, Victim/Witness Certification and Election Concerning Inmate Status.
- f. DD Form 2705, Victim/Witness Notification of Inmate Status.
- g. DD Form 2706, Annual Report on Victim and Witness Assistance.


D.S. BENSE
Chief of Staff
Acting

Releasability and distribution: This instruction is cleared for public release and is available electronically only via CNIC G2 Portal/Organization/Mid-Atlantic Website, <https://g2.cnice.navy.mil/CNRMA/Pages/Default.aspx>

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DEFINITIONS

1. Victim. A person who has suffered direct physical, emotional, or pecuniary harm as the result of the commission of a crime in violation of the Uniform Code of Military Justice, (or the violation of laws of another jurisdiction if any portion of the investigation is conducted primarily by DoD). These individuals include, but are not limited to:

- a. Military members and their family members.
- b. Any individual who has been victimized by a Navy Service member stationed at a command who reports to CNRMA for VWAP purposes, and whose misconduct is to be adjudicated through the military justice system or administrative separation.
- 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): spouse; a legal guardian; parent; child; sibling; another family member; or another person designated by the court, or component-responsible official (as defined under reference (e)) or designee.
- d. A perpetrator or accomplice can never be a "victim" under this instruction, even if the individual is one of the representatives described above.
- e. For victims that are institutional entities (such as companies or partnerships), an authorized representative of the entity, 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 DoD Component about an offense in the investigative jurisdiction of a DoD Component.

- a. When a witness is under 18 years of age, the term includes a family member.
- b. The term witness does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.

3. Victim and Witness Liaison Officer (VWLO). CNRMA's primary advisor on victim and witness issues. This individual also serves as the regional VWAP coordinator. In this capacity, the VWLO will carry out responsibilities set forth in references (a) and (f), including serving as chairperson of the local Victim and Witness Assistance Council.

4. Victim and Witness Assistance Coordinator (VWAC). Command's point of contact for all VWAP issues. Appointed in writing, E-5 or above, or civilian equivalent. Maintains local database of resources, provides training, and reports yearly DD Forms data to the VWLO.

5. Victim and Witness Assistance Council (Council). A multi-disciplinary policy group composed of representatives from disciplines likely to have contact with victims and witnesses of crime. The purpose of this multi-disciplinary Council is to coordinate the development of

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policy recommendations and the implementation of the VWAP in the Mid-Atlantic Region. The Council will meet as often as practicable, preferably once per calendar year, as determined by the VWLO, and will provide a forum for the exchange of information in assisting and advocating for victims and witnesses of crime. It is strongly encouraged to invite representatives from the civilian community to join the Council. It is strongly recommended that the Council be composed of representatives from the following:

- a. Commander, Navy Region, Mid-Atlantic (CNRMA)
- b. Commander, Naval Medical Center (NAVMEDCEN) Portsmouth VA
- c. Commanding Officer, Naval Station (NAVSTA) Norfolk
- d. Commanding Officer, Naval Air Station (NAS) Oceana
- e. Commanding Officer, Joint Expeditionary Base (JNTEXPBASE) Little Creek-Fort Story
- f. Commanding Officer, Naval Weapons Station (WPNSTA) Yorktown
- g. Commanding Officer, Naval Support Activity (NAVSUPACT) Hampton Roads
- h. Commanding Officer, Naval Consolidated Brig (NAVCONBRIG) Chesapeake Virginia
- i. Commanding Officer, Naval Legal Service Office (NAVLEGSVCOFF) Mid-Atlantic (Legal Assistance Department)
- j. Commanding Officer, Region Legal Service Office (RLSO) Mid-Atlantic (Senior Trial Counsel)
- k. Director, Naval Criminal Investigative Service East Region (NAVCRIMINSERV EASTREG) Norfolk
- l. Director, Fleet and Family Readiness (N9), CNRMA
- m. Director, Operations and Public Safety (N3), CNRMA
- n. Region Chaplain (N00R), CNRMA
- o. Other Area TYCOMs/VWLOs