



## FORT SILL LEGAL ASSISTANCE



### *VICTIM/WITNESS ASSISTANCE PROGRAM*

In the Army, the military justice system is designed to ensure good order and discipline within the Army and also to protect the lives and property of members of the military community and the general public consistent with the fundamental rights of as accused. Without the cooperation of victims and witnesses, the system would cease to function effectively.

The Department of Defense Victim Witness Assistance Program (VWAP) was implemented as a result of victims' rights laws which provide for fair and just treatment of crime victims. The Department of Defense and Department of the Army are concerned about the problems that are often experienced by a victim and/or witness of a crime. As a victim or witness, the individual may feel anger, confusion, frustration, or fear as a result of the experience, and then may feel added physical, psychological, and possible financial hardships suffered by a victim and/or witness of a crime investigated by the military, the Army's Victim Witness Assistance Program is available to do all that is possible to assist a victim and/or witness while ensuring they are advised of and accorded with the following rights:

- 1) The right to be treated with fairness, dignity, and respect for privacy;**
- 2) The right to be reasonably protected from the accused offender;**
- 3) The right to be notified of court proceedings;**
- 4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial, or for other good cause;**
- 5) The right to confer with the attorney for the government (Prosecution) in the case;**
- 6) The right to restitution, if appropriate;**
- 7) The right to information regarding the conviction, sentencing, imprisonment, and release of the offender from custody.**

#### **Who is a Victim?**

The Department of the Army General Guidelines for Victim Witness Assistance defines a crime victim a "person who suffered direct physical, emotional or financial harm as the result of a commissioned of a crime in violation of the UCMJ. If a victim is under 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim, a representative of the victim's estate, or any other person so appointed by the court may exercise the victim's rights, but in no event shall the accused serve as a guardian or representative for this purpose. (18 U.S.C. § 3771(e)) A victim may be a corporation, company association, firm, partnership, society, or joint stock company. (1 U.S.C. § 1)."

#### **Who is a Witness?**

"A Person who has information or evidence of a crime, and provides that information or evidence to an Army official about an offense within current jurisdiction."

## **Victim Witness Liaison:**

A Victim Witness Liaison is available to provide victims and witnesses of crimes with additional information regarding the Victim Witness Assistance Program. This individual works in conjunction with law enforcement personnel, legal personnel, and other agencies providing assistance to victims and witnesses. The Victim Witness Liaison also ensures victims and witnesses are informed of their rights and of all significant events involved in the criminal military justice process. The Victim Witness Liaison acts as a facilitator and coordinator for the program and is available to assist you, the victim and/or witnesses.

## **Services available to victims of crimes under the VWAP:**

Upon request, a crime victim may receive information specific to the investigation, such as when charges are filed, arrest, upcoming trial date or logistics. A crime victim may request information and/or referral for services according to a specific need. This referral may include, but not be limited to, counseling, medical assistance, emergency shelter, transportation, relocation, and/or information about Transitional/State Crime Compensation.

## **Transitional/State Crime Compensation Programs**

Transitional Compensation Program is a Congressionally authorized program for abused family members of military personnel. The legislation authorizes temporary payments for families in which the active-duty soldier has been court-martialed (with a qualifying sentence) or is being administratively separated for a family member abuse offense.

## **SEE TRANSITIONAL COMPENSATION INFORMATION SHEET FOR MORE INFO**

State crime compensation programs exist in every state in the country, plus the District of Columbia, Puerto Rico, and the Virgin Islands. Crime victim compensation programs administered by state governments promote the recovery of more than 100,000 victims every year, paying out close of \$250 million annually.

Victims of most violent or personal crimes, including assault, rape, child abuse, and domestic violence, as well as family members of murder victims, are eligible. Property crime, such as theft and burglary, are generally not compensable by state compensation programs. Crime victim compensation programs pay for medical care, mental health counseling, lost wages and support, and funerals.

The Fort Sill Victim Witness Liaison is Mrs. Sheila Olsen. She is located in Building 4700 Mow-Way Rd., Suite 400, room 129 (Clients Services/Legal Assistance). She can be contacted at (580) 442-3526/6699.

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If you have questions concerning the information in this fact sheet, please call the Legal Assistance Office at (580) 442-5058 or (580) 442-5059. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Sill Legal Assistance Office is located on the 4<sup>th</sup> floor of Building 4700, Hartell Hall on Mow-Way Road.