

VICTIM/WITNESS ASSISTANCE PROGRAM (VWAP)



**Office of the Staff Judge
Advocate
Eielson AFB, Alaska**

354 FW/JA
Legal Assistance & Preventive
Law
Pamphlet Series

As of April 2011

INTRODUCTION

This pamphlet is intended to provide a general overview concerning the rights, protection, assistance, and possible court process of victims and/or witnesses of a crime. Commanders, law enforcement personnel, OSI agents, and supervisors who believe a military member, dependent, or Air Force employee is a victim of or a witness to a crime should refer the individual to the 354 FW/JA, 377-4114, for an interview and briefing with the Eielson AFB Victim Liaison.

DEFINITIONS TO KNOW

VICTIM: A person that has suffered direct, or threatened, physical, emotional, or financial harm as a result of the commission of a crime.

WITNESS: A person who has information or evidence concerning a crime, and provides testimony regarding his/her knowledge to a law enforcement agency.

SERIOUS OFFENSE: A criminal offense that involves personal violence attempted or threatened personal violence or significant property loss.

PROSECUTOR/TRIAL COUNSEL: The Judge Advocate in charge of the case, who will be acting as the trial attorney during any judicial proceeding.

DEFENSE COUNSEL: The Air Force or civilian lawyer who represents the accused.

RIGHTS OF CRIME VICTIMS

1. The right to be treated with fairness and respect for the victim's dignity and privacy.
2. The right to be reasonably protected from a suspect or the accused.
3. The right to be notified of all court-martial proceedings.

4. The right to be present at all public court-martial proceedings unless the military judge determines the victim's testimony would be materially affected if the victim hears other testimony.
5. The right to confer with trial counsel in the case.
6. The right to restitution, when available.

PROTECTING A WITNESS/VICTIM

The Legal Office at Eielson AFB prosecutes Air Force members who have committed crimes punishable under the Uniform Code of Military Justice. It is a federal offense to threaten, intimidate, harass, or mislead a witness in a criminal proceeding or investigation. When appropriate, steps will be taken to protect you from intimidation or similar threats. If anyone threatens you or if you feel you're being harassed because of your contribution to the case, immediately notify the judge advocate in charge of the case in the Legal Office or the Air Force agency investigating the offense. After duty hours you may contact either the Security Forces or the Office of Special Investigation (OSI).

CRIMINAL PROCEEDINGS

You are entitled to understand what is happening in the case in which you are involved. There are many steps to a court-martial and you may be contacted by the judge advocate assigned to the case or the accused's lawyer regarding the various stages of the military justice process. Even though you may be asked for your cooperation in a case by the prosecution, witnesses do not belong to either side of a criminal case. It is proper for the defense lawyer to contact you about your testimony in this case. More specific detail concerning the court-martial

process can be provided by trial counsel or members of the legal office.

If a victim or witness of a serious offense requests, they can be notified in advance, if possible, of the apprehension of the accused, the pretrial release of the accused, and the accused's trial or entry of a guilty plea and the sentencing proceeding. Please inform the Victim Liaison at the Legal Office of a current address or telephone number and the events you would like to be notified about. Also, any requests for release of investigative reports or other documents may be processed in accordance with the Freedom of Information Act. Again, please contact the Eielson AFB Victim Liaison if you have such a request.

LOSSES RESULTING FROM CRIME COMMITTED

Crime may mean a real financial loss for the victim. Perhaps you have had cash or valuable property stolen and not recovered, had damage to your property, incurred medical expenses not covered by the Air Force, or had a loss of income because you could not work. If any of these things have happened to you and you do not have insurance which will cover the loss, then you can contact Legal Office to determine whether you may be eligible to file a claim. If not, there may be other possible ways to recover your losses – restitution, civil litigation or Transitional Compensation for Abused Dependents.

CONCLUSION

We hope this pamphlet has addressed some concerns and questions you may have had. The success of our military justice system depends

on the willingness of individuals like you to get involved.

CONTACT NUMBERS ON EIELSON AFB

354 FW/JA (Legal Office) – 377-4114
354 SFS (Law Enforcement Desk) 377-5130
Family Advocacy – 377-4041
Family Support Center – 377-2178
354 FW/HC (Chaplain) – 377-2130
After Hours: 377-1500
354 MDG (Mental Health) – 377-3191
Air Force Aid Society – 377-2178
American Red Cross – 377-1855/1500

OFF-BASE COMMUNITY RESOURCES

US Attorney's Office (VWAP) – 456-0245
District Attorney's Office (VWAP) – 451-5970
National Domestic Violence Hotline - 1-800-799-7233
Domestic Violence – 452-9254
Family & Youth services Regional Office (Child Protection Services) - 451-2650
Child Abuse/Neglect Reporting Statewide- 1-800-478-4444
Women in Crisis Counseling & Assistance – 452-2293

This pamphlet contains some basic information on the Victim/Witness Assistance Program (VWAP). Failure to provide the information or services listed in this pamphlet does not create a cause of action or defense in favor of any person. No limits are hereby placed on the lawful prerogatives of the Air Force or its officials. It is not intended to take the place of legal advice from a Judge Advocate. There may be important exceptions in some states to the information presented here. Please contact the 354 Fighter Wing Legal Office for questions and further information.



354 FW/JA
Tel: (907) 377-4114 / DSN 377-4114