

Crime Victim Rights, Programs, & Services

Stabilization

Communication

Investigation

Disposition

Adjudication

Resolution

References

Articles 6b, 139, UCMJ; 32 C.F.R. Part 755; SECNAVINST 1730.9A, 1752.3B, 1752.4C, 5800.11B; OPNAVINST 1752.1C, 5800.7A; JAGINST 5800.4A, 5800.7F (Chapter 4), 5810.3A; CNLSCINST 5800.1G

Introduction

Military rules and regulations provide victims of crime with a number of rights and privileges, establish programs to inform victims of available rights and privileges, and employ service providers to help victims and witnesses navigate these programs and enforce their rights/privileges. Though authorized by different rules or instructions, each program generally intends to (1) minimize the effects of crime, (2) ensure the safety and well-being of victims, and (3) encourage participation in the military justice system.

Rights for All Victims

Rights	<ul style="list-style-type: none"> • Right to be informed of each of the victim’s rights (VWAP); • Right to be reasonably protected from the accused; • Right to reasonable, accurate, and timely notice of court hearings; • Right not to be excluded from public court hearings (with some exceptions); • Right to be reasonably heard at public court hearings; • Right to confer with counsel representing the Government; • Right to receive restitution as provided by law; • Right to proceedings free from unreasonable delay; • Right to be treated with fairness and with respect for the dignity and privacy of the victim; • Right to be free from retaliatory personnel actions for reporting an offense. <ul style="list-style-type: none"> ○ Prohibits unfavorable personnel actions, or withholding or threatening to withhold favorable personnel actions, for reporting an offense.
References	Articles 6b and 132, UCMJ; SECNAVINST 5800.11B; OPNAVINST 5800.7A; JAG/CNLSC 5800.4A

Additional Resources for Specific Victims

Offense	Sexual Assault	Spouse / Child Abuse	Private Property Willfully or Wrongfully Damaged
Opportunities	<ul style="list-style-type: none"> • Apply for change of station/unit transfer (expedited transfer) • Notice of available assistance from (1) SARC; (2) SAPR VA; and (3) VLC. • Right to file a Restricted report (if the victim is a servicemember or adult dependent of a servicemember) 	<ul style="list-style-type: none"> • Apply for transitional compensation • As of 1 December 2020, receive Victims’ Legal Counsel services 	<ul style="list-style-type: none"> • Apply for restitution
Reference	SECNAVINST 1752.4C OPNAVINST 1752.1C MPM 1300-1205	OPNAVINST 1750.3A FY20 NDAA, Sec. 548	Article 139, UCMJ JAGMAN, Chapter 4
Notifications	<p>Victims must be notified of significant events throughout the court-martial process. The trial counsel is responsible for ensuring these notifications are made.</p> <p>If a case is NOT referred to a court-martial, the victim’s commander must provide monthly updates to all victims of sexual assault until the final disposition.</p>		

This aid discusses only the military rights, programs, and services available to crime victims. Depending on the locality, crime victims may also be eligible for various civilian resources.

Military Programs for Crime Victims

Program	Purpose	Persons Eligible	Associated Services	Reference				
Victim & Witness Assistance Program (VWAP)	Minimize effects of crime and help victims understand and participate in the military justice system.	Any person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime in violation of the UCMJ.	<ul style="list-style-type: none"> • Inform victims of their rights • Keep victims informed of the status of a case 	SECNAVINST 5800.11B OPNAVINST 5800.7A JAG/CNLSC 5800.4A				
Sexual Assault Prevention & Response (SAPR)	Prevent sexual assault, provide support to victims, and assign responsibilities for preventing and responding to sexual assault.	Need both qualifying person and qualifying offense. <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="width: 50%;">Qualifying Person</th> <th style="width: 50%;">Qualifying Offense</th> </tr> </thead> <tbody> <tr> <td> 1. Victim is either a servicemember or adult dependent; <i>and</i> 2. Offender is NOT victim's spouse or intimate partner <i>Note: Some OCONUS DoD civilians also qualify. Consult a judge advocate.</i> </td> <td>Rape, sexual assault, aggravated/abusive sexual contact, forcible sodomy, & attempts to commit the above.</td> </tr> </tbody> </table>	Qualifying Person	Qualifying Offense	1. Victim is either a servicemember or adult dependent; <i>and</i> 2. Offender is NOT victim's spouse or intimate partner <i>Note: Some OCONUS DoD civilians also qualify. Consult a judge advocate.</i>	Rape, sexual assault, aggravated/abusive sexual contact, forcible sodomy, & attempts to commit the above.	<ul style="list-style-type: none"> • Legal advice & assistance • Medical treatment <ul style="list-style-type: none"> ◦ Forensic Exam (SAFE) • Safety assessment & planning • Military protective order (MPO) • Chaplain services • Expedited transfer 	SECNAVINST 1752.4C OPNAVINST 1752.1C
Qualifying Person	Qualifying Offense							
1. Victim is either a servicemember or adult dependent; <i>and</i> 2. Offender is NOT victim's spouse or intimate partner <i>Note: Some OCONUS DoD civilians also qualify. Consult a judge advocate.</i>	Rape, sexual assault, aggravated/abusive sexual contact, forcible sodomy, & attempts to commit the above.							
Family Advocacy Program (FAP)	Ensure safety, health, and well-being of family members by preventing and intervening in child and domestic abuse.	Victims of the following offenses: <ol style="list-style-type: none"> 1. Domestic abuse 2. Child physical abuse 3. Child sexual assault 4. Sexual assault of a servicemember or adult dependent, <i>if</i> committed by a spouse or intimate partner. 	<ul style="list-style-type: none"> • Legal advice & assistance • Medical treatment • Safety assessment & planning • Military protective order (MPO) • Chaplain services • Education on domestic/child abuse • Transitional compensation 	SECNAVINST 1752.3B				
Fleet & Family Support Center Program	Provide programs and services for Navy families to allow members to focus energy on mission.	Active duty servicemembers and their legal dependents.	<ul style="list-style-type: none"> • Clinical and non-clinical counseling 	SECNAVINST 1754.1B OPNAVINST 1754.1B				
Redress of Damage to Property	Reimburse persons for damage to private property when willfully or wrongfully damaged by a member.	Any individual, business, charity, or state or local government that lawfully owns or possesses property willfully or wrongfully damaged by a servicemember.	<ul style="list-style-type: none"> • Investigate claims of damage • Garnish member's pay to pay for damage 	Article 139, UCMJ JAGMAN, Chapter 4				

Military Service Providers for Victims

Service	Provider	Mission / Function	Privileged Communications	Reference
Legal	Legal Assistance Attorney	Provide legal assistance support to crime victims, including: general info about VWAP, programs for counseling/treatment, info regarding restraining orders, & federal/state compensation programs.	Yes M.R.E. 502	JAGMAN, Chapter 7 CNLSCINST 5800.1G
	Victims' Legal Counsel	Provide support and advocacy on behalf of victims of sexual offenses. Provide info and assistance regarding sexual offense reporting options, the military justice process, victim rights, privacy, and privileges, info on additional support providers, basic legal assistance, and collateral misconduct.	Yes M.R.E. 502	JAGINST 5810.3A
Medical	General Medical & Mental Health	Provide healthcare delivery to all beneficiaries, to include prevention of pregnancy, emergency contraception, HIV testing/prophylaxis, and STI testing; trauma response; behavioral health and counseling needs; sexual assault forensic examinations (SAFE) services.	*Only with Psychotherapists* M.R.E. 513	BUMEDINST 6310.11A
Case Management	Sexual Assault Response Coordinator	Single POC at installation or within a geographic area who oversees SAPR training, coordinates medical treatment for sexual assault victims, and tracks services provided to victims of sexual assault.	Yes M.R.E. 514	OPNAVINST 1752.1C
Non-Legal Advocacy	Victim Advocate	Provides non-clinical crisis intervention, referral, and ongoing non-clinical support to adult sexual assault victims. Support includes providing info on available options & resources, & liaison assistance with other organizations on victim care matters. Reports directly to the SARC.	Yes M.R.E. 514	OPNAVINST 1752.1C
Spiritual / Religious	Chaplain	Provide clergy services in a manner to that permits unconstrained communication of acts of religion or matters of conscience in complete privacy.	Yes M.R.E. 503	SECNAVINST 1730.9A