



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

BUPERSINST 5800.3A
PERS-84
13 MAY 2003

BUPERS INSTRUCTION 5800.3A

From: Chief of Naval Personnel

Subj: VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP)

Ref: (a) P.L. 97-291, Victim and Witness Protection Act
of 1982
(b) P.L. 101-647, Victims' Rights and Restitution Act
of 1990
(c) DODD 1030.1 of 23 Nov 94 (NOTAL)
(d) DODI 1030.2 of 23 Dec 94 (NOTAL)
(e) SECNAVINST 5800.11A
(f) OPNAVINST 5800.7

Encl: (1) DD 2704, Victim/Witness Certification and
Election Concerning Inmate Status
(2) List of Other Services' Central Repositories
(3) DD 2705, Victim/Witness Notification of Inmate Status
(4) Acknowledgement of Request to Participate
(5) DD 2706, Annual Report on Victim and Witness
Assistance

1. Purpose. This instruction issues Navy policy on notifying victims and witnesses of the release of prisoners incarcerated in Navy confinement facilities as required by references (a) through (f). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. BUPERSINST 5800.3.

3. Discussion. Reference (a) was enacted to "enhance and protect the necessary role of victims and witnesses in the criminal justice process." Reference (b) expanded victim's interests and requires Federal agencies to make their "best effort" at ensuring that victims receive appropriate consideration. Department of Defense (DOD) issued references (c) and (d) to ensure the military services' compliance with Federal law. Department of the Navy (DON) issued references (e) and (f) to implement DOD guidance. As required by references (d) and (f), when an accused is sentenced to confinement by a court-martial, trial counsel shall inform the victims and

witnesses of their notification rights by using enclosure (1). Trial counsel is required to forward DD 2704, Victim/Witness Certification and Election Concerning Inmate Status, to the confining brig in all cases where confinement is adjudged. Victims and witnesses are responsible for notifying the brig of any subsequent change in their address or phone number.

4. Definitions

a. Central Repository. A headquarters office which serves as a clearinghouse of information on offender status and collects and reports data on the delivery of victim and witness assistance, including notification of confinee status changes. Navy Personnel Command (NAVPERSCOM) (PERS-84) manages the Corrections Management Information System (CORMIS) as the Navy's Central Repository. A list of other Central Repositories can be found in enclosure (2).

b. Release-related Activities. Any action, hearing, or review that releases or affects the scheduled release date of a prisoner.

c. 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.

d. Victim and Witness Coordinator. An individual appointed at each brig responsible for keeping victims/witnesses notified of changes in a prisoner's status (i.e., release or release-related activities, transfer, escape, or death).

e. 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.

5. Policy. Each brig shall establish a VWAP, as outlined herein, for persons entered into the program through receipt of a DD 2704, enclosure (1), or through the personal request of victims/witnesses identified on a DD 2704. To effect this program, the brig commanding officer (CO), officer in charge (OIC), or chief petty officer in charge (CPOIC) shall appoint, in writing, a Victim and Witness Coordinator (VWC). The VWC must be a mature individual who understands the importance of the program and shall be sensitive to the needs of victims and witnesses and will rigorously ensure their confidentiality. Before assuming the duties of VWC, the individual shall fully understand the responsibilities detailed in this instruction, references (c) through (f), and any other relevant instructions issued by the higher authority. Identity or location data of a victim or witness shall not be disclosed to the prisoner or any third party at any time. These procedures apply to prisoners of all military services confined in Navy brigs. Navy policy is to enhance the role of victims and witnesses in the military criminal justice system and to ensure all victims and witness are treated with sensitivity, fairness, and respect. Information in CORMIS will be used by the VWC and the Central Repository in managing the program and generating reports. The VWC will ensure information on VW screens in CORMIS is accurate and complete.

6. Procedures

a. Request for Notification. The initial requirement for notification will be sent to the brig by the trial counsel using a DD 2704. Receipt of a DD 2704 shall be documented in CORMIS by the VWC. Initial verification of the receipt of a DD 2704 is to be made at the time of confinement of an adjudged prisoner. If a DD 2704 does not accompany an adjudged prisoner at the time of confinement, the Receiving and Release Supervisor shall notify, in writing, the VWC or brig duty officer immediately (within 12 hours). Contact with trial counsel concerning a delinquent DD 2704 shall be made by the VWC no later than the next working day. Attempts to obtain a delinquent DD 2704 shall be fully documented in CORMIS. If a DD 2704 remains delinquent more than 2 working days the CO, OIC, or CPOIC shall attempt to resolve the deficiency using the chain of command. Attempts by the CO, OIC, or CPOIC to obtain a delinquent DD 2704 shall be fully document in CORMIS. NAVPERSCOM (PERS-84) will utilize reports derived from CORMIS to monitor and track non-receipt of

13 MAY 2003

a DD 2704 for adjudged prisoners and closely coordinate with major claimants to ensure expedient resolve of identified issues.

b. If a request for notification is received by a brig directly from a victim or witness by means other than a DD 2704, the VWC will determine if the individual is a bonafide victim or witness. This can be accomplished by reviewing the DD 2704 and conferring with the trial counsel for the case and the Trial Service Office (TSO). If determined to be a bonafide victim or witness, a DD 2704 should be prepared by the TSO certifying the individual as a victim or witness and indicating their election to be notified. The TSO shall provide the DD 2704 to the brig.

c. Prisoner Files. Files of prisoners included in the victim and witness program will be identified by placing a white label on the outside of the file with the letters VW written at least 1 inch high in black. A brig-specific number will be assigned to the case and placed on the white label.

d. Victim/Witness Notification Record. The VWC will maintain a separate adjunct file by individual name of victim or witness, cross-referenced to the brig-specific number. The brig-specific number will be developed using the brig unit identification code (UIC), year and month prisoner adjudged, and a sequential number of the file for that calendar year (e.g., 47968 00 12 010). All contacts with a victim or witness, including telephonic and unsuccessful contact attempts, shall be documented in CORMIS, showing date, time, type of contact, phone number/address used, staff name, and reasons/outcome.

e. Victim/Witness Log. The VWC at each brig shall keep a secure Victim/Witness Log cross-referenced to the brig-specific number of those victims and witnesses. The Victim/Witness Log and separate adjunct file serve as a backup system in the event CORMIS is not available.

f. Types of Notification and Time Frames. Reference (d) and (f) require notification of victims and witnesses by using DD 2705, Victim/Witness Notification of Inmate Status, enclosure (3). This form is used to advise victims and witnesses of all release and release-related activities, transfers, and escapes. Unless a shorter period is prescribed below, notification should be made at least 45 days prior to the specific action. All

13 MAY 2003

correspondence will be sent Certified Mail, Return Receipt Requested. The receipt shall be filed in the Victim and Witness Notification Record. If any Certified Mail is returned, the VWC shall attempt to telephone the individual.

(1) Initial Contact. An acknowledgement of request to participate in the program, enclosure (4), will be sent to victims and witnesses within 10-working days of receipt of DD 2704. A completed DD 2705 (section I; section II, block 3, 4, 5 and 6; section III 8.a and 8.b; and section V) shall be included with the initial enrollment letter.

(2) Clemency/Parole Hearing. Notify victims/witnesses at least 45 days in advance (or as soon as known) of clemency or parole hearings held by the appropriate military service Clemency and Parole Board (C&PB). Advise victims and witnesses of their right to submit statements (written or taped) to the service C&PB on the impact this crime has had on their lives. Refer requests from victims and witnesses to appear before a C&PB hearing to the appropriate service C&PB. Personal appearances before the brig disposition board are not authorized.

(3) Release. Notify victims/witnesses when a prisoner is to be released. Using DD 2705, provide the date, reason for release, and destination (city and State). In parole cases, include location, phone number, and name of the parole officer. Notification should be made as soon as release is scheduled. Telephone contact shall be made when the prisoner is unexpectedly released and DD 2705 will not be received by the victim or witness prior to the prisoner's release.

(4) Escape. Notify victims and witnesses telephonically as soon as possible after discovery of an escape. Victims and witnesses shall also be notified telephonically of the prisoner's apprehension and return to confinement. This information shall be entered in CORMIS or provided to the other service Central Repository concerned by the most expeditious means (facsimile, E-Mail, telephone etc.). See paragraph 11 for procedures if a detainee escapes. Written follow-up notification shall also be mailed.

13 MAY 2003

(5) Transfer

(a) Notify victims and witnesses of all planned transfers and include the address of the receiving brig. The victim and witness information will be hand delivered at the time of transfer or forwarded via certified mail to the commander of the receiving brig. If CORMIS is utilized by both facilities involved, data will be available to the gaining brig upon prisoner arrival.

(b) The commander of the receiving brig will notify victims and witnesses of the prisoner's new location and enrollment in the brig's victim and witness notification program within 14 days of arrival of the prisoner.

(c) If transferred to the United States Disciplinary Barracks (USDB), the victim and witness information will be delivered or forwarded via Certified Mail to the Command Judge Advocate, Attn: Victim/Witness Coordinator, USDB, Fort Leavenworth, KS 66027.

(6) Emergency Leave. Notify victims and witnesses prior to the prisoner's release on emergency leave; this will normally be by telephone.

(7) Death. Notify the victim or witness within 10 days of the death of a prisoner.

7. Canceling the Notification Request. A victim or witness may request removal from the notification program only by writing to the brig where the prisoner is currently confined. After three unsuccessful attempts to contact a victim or witness, at least once by Certified Mail, a brig may request cancellation of a victim's or witness' participation in the program from NAVPERSCOM (PERS-84). Request shall be submitted in writing, providing full justification and description of what efforts have been made to contact the victim or witness.

8. Contact or Communication with Victims or Witnesses. Prisoners will be advised that they are not to initiate contact with any victim or witness either directly or through a third party without written permission from the brig CO, OIC, or CPOIC. This prohibition includes contact via telephone, visits, writing letters, and E-Mail. Prisoners desiring to communicate

with victims or witnesses may submit a chit requesting permission from the CO, OIC, or CPOIC. The VWC will contact victims or witnesses to learn their desire. This applies whether or not the victim or witness has elected to participate in this program.

9. Training. All brig personnel will be provided information about the VWAP and staff responsibilities at least annually.

10. Repository Reports. Brigs shall ensure all VWAP information is entered in CORMIS by 5 January. Per reference (f), NAVPERSCOM (PERS-84) will compile the information and submit a consolidated report to NAVPERSCOM (PERS-06) for inclusion into the annual report submitted to the Under Secretary of Defense (Personnel and Readiness) (USD(P&R)).

11. Pretrial Detainees. Responsibility for notifying a victim or witness regarding the status of a naval detainee rests primarily with the detainee's command and trial counsel. For Air Force detainees, contact should be made with the base security police of the detainee's command. For Army detainees, the trial counsel from the detainee's command should be contacted. The VWC should be prepared to advise remote or small commands, including duty officers in the absence of the primary command contact, of the appropriate action when events dictate (e.g., escape).

12. Records Disposition

a. Brigs

(1) Transferred Prisoners. The victim/witness records shall be delivered or forwarded separately from the prisoner's record upon transfer. All victim/witness documents, to include DD 2704 and DD 2705, shall be placed in a sealed envelope marked "FOR COMMANDING OFFICER EYES ONLY" and hand delivered or mailed via Certified Mail to the gaining brig commander.

(2) Released Prisoners. All documents pertaining to victims and witnesses shall be maintained separately in a secure manner from the prisoner records for 2 years after the prisoner's full term release date. After the second year anniversary of release, all victim and witness information shall be destroyed by burning or fine shredding. Under no

circumstances shall victim and witness documents be forwarded to the archives for storage.

b. Central Repository. NAVPERSCOM (PERS-84) will retain indefinitely all victim/witness data contained in CORMIS.

13. Action. COs, OICs and CPOICs are responsible for establishing internal controls to ensure all information held on victims and witnesses is kept strictly confidential and that no unauthorized person(s) or any prisoner(s) shall ever have access to the victim and witness files. All victim and witness information shall be placed in a separate envelope stamped on both sides "EXEMPT FROM RELEASE UNDER FREEDOM OF INFORMATION ACT. ONLY NAVPERSCOM (PERS-06) CAN AUTHORIZE RELEASE OF INFORMATION." In addition, a cover sheet will be placed inside the envelope on top of the material stamped "ALL VICTIM AND WITNESS INFORMATION IS EXEMPT FROM RELEASE UNDER THE FREEDOM OF INFORMATION ACT. ONLY NAVPERSCOM (PERS-06) CAN AUTHORIZE RELEASE OF INFORMATION." The Victim and Witness Notification Program shall be included in the brig standard operating procedures. VWAP shall be included in the brig's annual inspection.

14. Forms and Report

a. DD 2704 (Mar 99), Victim/Witness Certification and Election Concerning Inmate Status; DD 2705 (Dec 94), Victim/Witness Notification of Inmate Status; and DD 2706 (DEC 94), Annual Report on Victim and Witness Assistance are available at <http://web1.whs.osd.mil/ICDHOME/NICDHOME.HTM> and in CORMIS.

b. Reference (d) requires all services to report on their Victim and Witness Assistance program annually. DD-P&R(A)1952 is assigned to the report contained in enclosure (5).



S. J. TOMASZEWSKI
Rear Admiral, U.S. Navy
Deputy Chief of Naval Personnel

Distribution:
SNDL 21A (FLEET COMMANDERS)

13 MAY 2003

Distribution: (Cont'd)

28K1 (COMSUBGRU TWO)
FA6 (NAS JACKSONVILLE FL)
FA7 (NAVSTA GUANTANAMO BAY CU)
FA10 (SUBASE NEW LONDON CT)
FA24 (COMNAVREG SE JACKSONVILLE FL)
(COMNAVREG MIDLANT NORFOLK VA)
FA26 (NAVBRIG NORFOLK VA)
FB5 (NAVMARIANASUPPACT GU)
FB10 (NAVSTA PEARL HARBOR HI)
(NAVSTA NORFOLK VA)
FB12 (NAVBRIG FORD ISLAND PEARL HARBOR HI)
(NAVBRIG/CCU PUGET SOUND WA)
FB13 (SUBASE BANGOR WA)
FB28 (COMNAVREG HAWAII PEARL HARBOR HI)
FB28 (COMNAVREG NW SEATTLE WA)
FB34 (COMFLEACT YOKOSUKA JA)
FJA3 (COMNAVPERSCOM, (PERS-06 and PERS-84, only)
FJA12 (NAVCONBRIG CHARLESTON SC)
(NAVCONBRIG MIRAMAR CA)
FT1 (NETC PENSACOLA FL)
FT6 (NAS PENSACOLA FL)
FT31 (NTC GREAT LAKES IL)
FT39 (NAVTECHTRACEN LACKLAND AFB TX)

Commanding Officer
Naval Brig/CCU
Box 64
Naval Air Station
Jacksonville, FL 32212-0064

Officer in Charge
PCF/CCU Code 000M
541 John H Tower Rd
Pensacola, FL 32508-5315

Master Chief Petty Officer in Charge
Code 1500
CFA Confinement Facility
PSC 473 Box 9
FPO AP 96349-1101

BUPERSINST 5800.3A
13 MAY 2003

Senior Chief Petty Officer in Charge
Pretrial Confinement Facility
Bldg 160 Box 42
NAVSUBASE New London
Groton, CT 06349-5042

Chief Petty Officer in Charge
Pretrial Confinement Facility
PSC 1005 Box 98
FPO AE 09593-0098

Senior Chief Petty Officer in Charge
Pretrial Confinement Facility
2601 A Paul Jones St. Bldg 914
Great Lakes, IL 60088-5000

VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING INMATE STATUS <i>(This form is exempt from Freedom of Information Act release.)</i>	
PRIVACY ACT STATEMENT AUTHORITY: 42 U.S.C. 10606 <i>et seq.</i> , Victim's Rights and Restitution Act of 1990; 18 U.S.C. 1501 <i>et seq.</i> , Victim and Witness Protection Act of 1982. PRINCIPAL PURPOSES: To inform victims and witnesses of their post-trial rights; to determine whether the victim or witness of a crime elects to be notified of changes in the confinement status of a convicted criminal offender; and to record the election by the victim or witness of their desire to be notified about subsequent changes in inmate status. ROUTINE USES: None. DISCLOSURE: Voluntary; however, failure to provide identifying information will prevent the corrections facility from notifying victim or witness of changes in a criminal offender's status.	
SECTION I - ADMINISTRATIVE INFORMATION	
Installation _____	City _____ State _____ ZIP Code _____
Incident Number _____	Organizational Identifier (ORI) _____
SECTION II - CERTIFICATION OF NO VICTIM OR WITNESS <i>(Complete this section only if there are no victims or witnesses who are entitled to notification under the Victim's Rights and Restitution Act of 1990, and DoD Instruction 1030.2.)</i>	
As representative for the Government in the court-martial case of United States v. _____ <i>(Name of accused) (Last, first, middle initial)</i>	
_____ convened by _____ <i>(Social Security Number) (Court-martial convening order number, date, and issuing command)</i>	
I certify that this case does not involve a victim or witness entitled to receive information about the confinement status of the defendant as required by the Victim's Rights and Restitution Act of 1990 (Public Law 101-647; 104 Stat. 4820).	
_____ <i>(Signature of person certifying)</i>	_____ <i>(Typed name (Last, first))</i>
_____ <i>(Date) (YYYYMMDD)</i>	_____ <i>(Grade and title)</i>
SECTION III - CERTIFICATION OF ADVICE TO VICTIM(S) AND WITNESS(ES) <i>(Complete this section when there are victims or witnesses entitled to notification.)</i>	
I certify that on this date I personally notified the victim(s) and witness(es) in the court-martial case of United States v. _____ <i>(Name of accused) (Last, first, middle initial) (Social Security Number)</i>	
convened by _____ <i>(Court-martial convening order number, date, and issuing command)</i>	
whose sentence included confinement, of their right under the Victim's Rights and Restitution Act of 1990 (Public Law 101-647, 104 Stat. 4820), to receive information about the status of the inmate, to include length of sentence, anticipated earliest release date, likely place of confinement, the possibility of transfer, and the right to receive notification of a new place of confinement. I advised of the possibility of parole or clemency with an explanation of these terms. Additionally, I advised of the right to prior notification of the inmate's parole hearings, release from confinement, escape and death. I advised that to receive notification of the inmate's transfer, parole hearings, and release from confinement, the victim or witness must provide the information required in Section IV of this form. I advised all victims and witnesses that if they elect to terminate or reinstate notifications, or if they change their address listed above, they must contact the Military Service Central Repository listed in Section V.	
_____ <i>(Signature of person providing notification)</i>	_____ <i>(Typed name (Last, first))</i>
_____ <i>(Date) (YYYYMMDD)</i>	_____ <i>(Grade and title)</i>

BUPERSINST 5800.3A
13 MAY 2003

OTHER SERVICES CENTRAL REPOSITORIES

AIR FORCE

HQ AFSFC
ATTN: Victim Witness Coordinator
1720 Patrick St.
Lackland AFB, TX 78236-5226
COMM: (410) 671-0864/0941/DSN 473

ARMY

DAMO-09DL-C
4401 Ford Ave., Suite 225
Alexandria, VA 22302-1432
COMM: (703) 681-6880/DSN 761

MARINE CORPS

CMC Code (POS-40)
2 Navy Annex
Washington, DC 20308-1775
COMM: (703) 614-2094/DSN 224

BUPERSINST 5800.3A
13 MAY 2003

VICTIM/WITNESS NOTIFICATION OF INMATE STATUS

(This form is exempt from Freedom of Information Act release.)

EXPLANATION: This form is being used to give basic information on changes in an inmate's status to victims and witnesses who elected, on the DD Form 2704, to be notified. The confinement facility holding the inmate must promptly notify victims and witnesses of initial entry into confinement and of sentence status changes in accordance with DoD Instruction 1030.2.

SECTION I - DISTRIBUTION

1. TO: (Victim or Witness)

2. FROM: Victim/Witness Assistance Coordinator at Confinement Facility

a. NAME (Last, First, Middle Initial) _____ b. NAME (Last, First, Middle Initial) _____

c. STREET ADDRESS (includes apartment no.) _____ d. STREET ADDRESS _____

e. CITY _____ f. CITY _____

g. STATE _____ h. STATE _____

i. ZIP CODE _____ j. ZIP CODE _____

k. TELEPHONE NUMBER (include area code) _____ l. TELEPHONE NUMBER (include area code) _____

SECTION II - INMATE STATUS

3. INMATE NAME (Last, First, Middle Initial) _____ 4. REGISTER NUMBER _____ 5. MARRIAGE RELEASE DATE (M/M/YY) _____

6. MARRIAGE RELEASE DATE (M/M/YY) _____

7. ADDRESS OF SERVICE CLEMENCY AND PAROLE BOARD

a. STREET _____ b. CITY _____ c. STATE _____ d. ZIP CODE _____

NOTE 1: Clemency Boards will meet annually from the date of the initial board until the inmate is released. Clemency Boards will be held in conjunction with Parole Boards when the inmate becomes eligible for parole (not serving one third of the sentence). Clemency Boards will be held in NOTE 2: You may submit documentation to Clemency and Parole Boards when the inmate is scheduled to appear. If you would like to submit a Victim Impact Statement to the Board, please send it to the address above approximately two weeks prior to the scheduled board meeting. Your statement may be submitted in the form of a letter, or audio or video cassette. A personal appearance may also be permitted.

SECTION III - RELEASE ELIGIBILITY

8. RESTORATION AND CLEMENCY ELIGIBILITY _____

a. INMATE IS INITIALLY ELIGIBLE TO BE CONSIDERED FOR RESTORATION AND CLEMENCY ON (YYYYMMDD) _____

b. INMATE IS SCHEDULED TO MEET A SERVICE CLEMENCY AND PAROLE BOARD FOR RESTORATION AND CLEMENCY ON (YYYYMMDD) _____

9. PAROLE ELIGIBILITY _____

a. INMATE IS INITIALLY ELIGIBLE FOR RELEASE ON PAROLE ON (YYYYMMDD) _____

b. INMATE IS SCHEDULED TO MEET A SERVICE CLEMENCY AND PAROLE BOARD FOR PAROLE ON (YYYYMMDD) _____

SECTION IV - CHANGE IN INMATE STATUS

10. CLEMENCY/PAROLE APPROVAL

a. INMATE WAS APPROVED FOR CLEMENCY PAROLE ON (YYYYMMDD) _____

b. PAROLE OFFICER'S NAME (Last, First, Middle Initial) _____ TELEPHONE NUMBER (incl. area code) _____

c. INMATE'S SENTENCE HAS BEEN CHANGED AS FOLLOWS: _____

11. RELEASE _____

a. INMATE IS BEING RELEASED ON (YYYYMMDD) _____ c. PLANNED RELEASE DESTINATION CITY _____ STATE _____

b. INMATE'S RELEASE IS UNDER NO COMMUNITY SUPERVISION. _____

12. INMATE IS DECEASED (date of death) _____

13. INMATE ESCAPED a. DESTINATION (if known) _____ c. DATE, TIME AND PLACE OF APPREHENSION _____ d. PLACE OF RECONFINEMENT (if apprehended) _____

14. INMATE WAS TRANSFERRED TO ANOTHER CORRECTIONS FACILITY ON (YYYYMMDD) _____

a. STREET ADDRESS _____ b. CITY _____ c. STATE _____ d. ZIP CODE _____

15. OTHER _____

a. WORK RELEASE PROGRAM BEGAN ON (YYYYMMDD) _____ 16. WE HAVE CANCELLED YOUR REQUEST TO BE NOTIFIED OF THIS INMATE'S RELEASE DUE TO: _____

b. RELEASE ON TEMPORARY HOME PAROLE FROM (YYYYMMDD) _____ c. YOUR REQUEST _____

c. (Specify) _____ d. OTHER (Specify) _____

SECTION V - VICTIM/WITNESS ASSISTANCE COORDINATOR

17. a. NAME (Last, First, Middle Initial) _____ b. NAME _____ c. SIGNATURE _____ d. DATE SIGNED _____

DD FORM 2706, DEC 94

ACKNOWLEDGEMENT OF REQUEST TO PARTICIPATE

Dear _____:

We have received your request for enrollment into the Victim and Witness Assistance Program in the case of prisoner (insert prisoner's name). I want to take this opportunity to outline the notification process and procedures involved. Your primary point of contact here at this facility is (insert name, phone number and address of the brig Victim and Witness Coordinator).

We recognize that the impact of crime is devastating to innocent victims, witnesses and their families and we will make every effort to be responsive and sensitive to any concerns you may have. It is our intent to ensure that your status as a [victim or witness] (use one or the other as appropriate) and all information concerning your whereabouts and phone numbers are kept strictly confidential. Should you receive any threats made by or on behalf of (insert prisoner's name) or attempts to intimidate you in any manner, please inform us of the circumstances so we may take appropriate action.

We will notify you, using the attached form (DD 2705, Victim/Witness Notification of Inmate Status) of the pending release or release-related activity of the above-named individual. This includes notification of the prisoner's initial parole and clemency eligibility dates, clemency and parole hearing dates (if appropriate), transfer to another institution, temporary release (i.e., emergency leave, hospitalization, work release program, etc.), escape or death. Please recognize it is Navy policy that prisoners may earn a portion off their sentence for good behavior. This is referred to as "earned good conduct time" and, if earned, will be reflected in the release date we provide to you.

The date a prisoner is eligible for a parole hearing is mandated by Department of Defense (DOD) policy and indicates only that a hearing will be held. You will be advised prior to the prisoner's scheduled appearance before the service Clemency and Parole Board so you may personally appear or submit an impact statement to the board, if you desire. To continue to receive notification of these events, it is important that you keep us informed of any changes in your address/telephone number. After

BUPERSINST 5800.3A

13 MAY 2003

three unsuccessful attempts to locate you, we will close the case.

Again, should you have any questions or concerns, please do not hesitate to contact either the Victim and Witness Coordinator or me.

Sincerely,

(CO/OIC/CPOIC)

13 MAY 2003

ANNUAL REPORT ON VICTIM AND WITNESS ASSISTANCE		REPORT CONTROL SYMBOL												
<p>This report summarizes delivery of services to victims and witnesses as prescribed by the Victim and Witness Protection Act of 1982 (18 USC 1512) and the Victim's Rights and Restitution Act of 1990 (42 USC 10801-10807). It is submitted annually in accordance with DoD Instruction 1030.2.</p>														
1. REPORTING OFFICE		2. REPORTING PERIOD												
		<table border="1"> <tr> <td style="text-align: center;">a. FROM</td> <td style="text-align: center;">b. TO</td> </tr> <tr> <td style="text-align: center;">January 1,</td> <td style="text-align: center;">December 31,</td> </tr> </table>	a. FROM	b. TO	January 1,	December 31,								
a. FROM	b. TO													
January 1,	December 31,													
<p>3. DURING THE REPORTING PERIOD, OUR LAW ENFORCEMENT, SPECIAL INVESTIGATION, TRIAL COUNSEL, AND RELATED OFFICES ASSISTED:</p> <p>a. UPON INITIAL CONTACT: _____ crime victims and _____ witnesses were informed of their rights to assistance (DD Form 2701).</p> <p>b. UPON REFERRAL TO COURT-MARTIAL: _____ crime victims were informed of their consultation rights in courts-martial (DD Form 2702).</p> <p>c. UPON SENTENCING TO CONFINEMENT: _____ crime victims and _____ witnesses were informed of their right to be notified of changes in the confinee's status in prison (i.e., escape, parole, death) (DD Form 2703).</p> <p>d. ONCE INFORMED OF THEIR RIGHT TO BE NOTIFIED OF CHANGES IN THE CONFINEE'S STATUS: _____ crime victims and _____ witnesses, using the DD Form 2704, elected to be notified of confinee status changes.</p> <p>4. DURING THE REPORTING PERIOD: _____ confinee status changes resulted in _____ notification letters (DD Form 2705) being sent from our confinement facilities.</p> <p>5. AS OF DECEMBER 31, _____ Our confinement facilities reported the cumulative total of Service confinees for whom they must make victim or witness notifications as follows:</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 16.6%;">(1) ARMY</td> <td style="width: 16.6%;">(2) NAVY</td> <td style="width: 16.6%;">(3) AIR FORCE</td> <td style="width: 16.6%;">(4) MARINES</td> <td style="width: 16.6%;">(5) COAST GUARD</td> <td style="width: 16.6%;">(6) OTHER</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>			(1) ARMY	(2) NAVY	(3) AIR FORCE	(4) MARINES	(5) COAST GUARD	(6) OTHER						
(1) ARMY	(2) NAVY	(3) AIR FORCE	(4) MARINES	(5) COAST GUARD	(6) OTHER									
6. DOD COMPONENT RESPONSIBLE OFFICIAL														
a. NAME (Last, First, Middle Initial)		b. SIGNATURE												
		c. DATE SIGNED (YYYYMMDD)												

DD FORM 2708, DEC 94

MEMORANDUM FOR DEPUTY CHIEF OF NAVAL PERSONNEL

FROM: CAPT T. E. Broderick *Te Broderick A 24 Oct 03*
ACNPC for Personnel Progression, Performance & Security
Prepared by: Mr. William Peck, PERS-84, (901) 874-4442

SUBJECT: BUPERSINST 5800.3, Victim and Witness Assistance Program (VWAP) - ACTION MEMORANDUM

PURPOSE: To revise BUPERSINST 5800.3, Victim and Witness Assistance Program (VWAP)

DISCUSSION: Attachment 1, current instruction, was issued on 5 January 2000.

Attachment 2 provides a summary of major revisions.

Attachment 3 updates subject instruction and issues standardized policies and procedures for management of the Victim and Witness Assistance Program in Navy confinement facilities.

RECOMMENDATION: Sign attachment 3.

Attachments:

1. BUPERSINST 5800.3
2. Summary of Changes
3. BUPERSINST 5800.3A

CHOP	PERS-06	PERS-84	PERS-013		
DATE	Attached	<i>WPe</i>	<i>WPe 4/24/03</i>		

MEMORANDUM

DATE: 23 Apr 03

FROM: PERS-06

TO: PERS-013

SUBJ: REVIEW OF DRAFT BUPERSINST 5800.3A, VICTIM AND WITNESS
ASSISTANCE PROGRAM

1. I have no legal objections or comments. I have noted a small number of typographical errors on the text of the draft provided


W.C. HERRIGAN



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

IN REPLY REFER TO
BUPERSINST 5800.3
PERS-84
5 Jun 00

BUPERS INSTRUCTION 5800.3

From: Chief of Naval Personnel

Subj: VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP)

Ref: (a) Victim and Witness Protection Act of 1982
(P.L. 97-291)
(b) Victims' Rights and Restitution Act of 1990
(P.L. 101-647)
(c) DOD Directive 1030.1 of 23 Dec 94
(d) DOD Instruction 1030.2 of 23 Nov 94
(e) SECNAVINST 5800.11A
(f) OPNAVINST 5800.7

Encl: (1) DD 2704, Victim/Witness Certification and
Election Concerning Inmate Status
(2) List of Other Services' Central Repositories
(3) DD 2705, Victim/Witness Notification of Inmate Status
(4) Acknowledgement of Request to Participate
(5) DD 2706, Annual Report on Victim and Witness
Assistance

1. Purpose. This instruction issues Navy policy on notifying victims and witnesses of the release of prisoners incarcerated in Navy confinement facilities as required by references (a) through (f).

2. Discussion. Reference (a) was enacted to "enhance and protect the necessary role of crime victims and witnesses in the criminal justice process." Reference (b) expanded victim's interests and requires federal agencies to make their "best effort" at ensuring that victims receive appropriate consideration. The Department of Defense (DOD) issued references (c) and (d) to ensure the military services' compliance with federal law. The Department of the Navy (DON) issued references (e) and (f) to effect DOD guidance. As required by references (d) and (f), when an accused is sentenced to confinement by a court-martial, trial counsel shall inform the victims and witnesses of their notification rights by using enclosure (1). Trial counsel is required to forward DD 2704 to

5 Jun 00

the confining brig in all cases where confinement is adjudged. Crime victims and witnesses are responsible for notifying the facility of any subsequent change in their address or phone number.

3. Definitions

a. Central Repository. A headquarters office which serves as a clearinghouse of information on offender status and collects and reports data on the delivery of victim and witness assistance, including notification of confinee status changes. Navy Personnel Command (NAVPERSCOM) (PERS-84) is Navy's Central Repository. A list of other Central Repositories can be found in enclosure (2).

b. Release-related Activities. Any action, hearing, or review that releases or affects the scheduled release date of a prisoner.

c. 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.

d. Victim and Witness Coordinator. An individual appointed at each brig responsible for keeping victims and/or witnesses notified of changes in a prisoner's status, i.e., release or release-related activities, transfer, escape, or death.

e. 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.

5 Jun 00

4. Policy. Each brig shall establish a VWAP, as outlined herein, for persons entered into the program through receipt of a DD 2704, enclosure (1), or through their personal request. To effect this program, the brig commanding officer (CO), officer in charge (OIC), or chief petty officer in charge (CPOIC) shall appoint, in writing, a Victim and Witness Coordinator (VWC). The VWC must be a mature individual who understands the importance of the program and shall be sensitive to the needs of victims and witnesses and will rigorously ensure their confidentiality. Before assuming the duties of VWC, the individual shall fully understand the responsibilities detailed in this instruction, references (c) through (f), and any other relevant instructions issued by the higher authority. Identity or location data of a crime victim or witness shall not be disclosed to the prisoner or any third party at any time. These procedures apply to prisoners of all military services confined in Navy brigs. Navy policy is to enhance the role of victims and witnesses in the military criminal justice system and to ensure all victims and witness are treated with sensitivity, fairness, and respect.

5. Procedures

a. Request for Notification. The initial requirement for notification will be sent to the brig by the trial counsel using a DD 2704. If a request for notification is received by a brig directly from a crime victim or witness by means other than a DD 2704, VWC will determine if the individual is a bonafide victim or witness. This can be accomplished by reviewing the DD 2704 and conferring with the trial counsel for the case and the Trial Service Office (TSO). If determined to be a bonafide victim or witness, a DD 2704 should be prepared and the individual registered into the program.

b. Prisoner Files. Files of prisoners included in the victim and witness program will be identified by placing a white label on the outside of the file with the letters VW written at least one inch high in black. A brig-specific number will be assigned to the case and placed on the white label. Ensure accuracy of the information entered on VW screens in Corrections Management Information System (CORMIS), as this information will be used by the VWC and the Central Repository in managing the program and generating reports.

5 Jun 00

c. Victim/Witness Notification Record. The VWC will maintain a separate adjunct file by individual name of victim or witness, cross-referenced to the brig-specific number. The brig-specific number will be developed using the brig unit identification code (UIC), year and month prisoner adjudged, and a sequential number of the file for that calendar year, e.g., 47968 00 12 010. All contacts with a crime victim or witness, including telephonic and unsuccessful contact attempts, shall be documented in the Victim/Witness Notification Record, showing date, time, type of contact, phone number/address used, staff name, and reasons/outcome.

d. Victim Witness Log. The VWC at each brig will keep a secure Victim Witness Log cross-referenced to the brig-specific number of those crime victims and witnesses.

e. Types of Notification and Time Frames. References (d) and (f) require notification of victims and witnesses by using DD 2705, enclosure (3). This form is used to advise crime victims and witnesses of all release and release-related activities, transfers, and escapes. Unless a shorter period is prescribed below, notification should be made at least 45 days prior to the specific action. All correspondence will be sent certified mail, Return Receipt Requested. The receipt shall be filed in the Victim and Witness Notification Record. If any certified mail is returned, the VWC shall attempt to telephone the individual.

(1) Initial Contact. An acknowledgement of request to participate in the program, enclosure (4), will be sent to victims and witnesses within 10 working days of receipt of DD 2704 or other acceptable request for enrollment in the VWAP. A completed DD 2705 (Section I; Section II, block 3, 4, 5 and 6; Section III 8.a and 8.b; and Section V) shall be included with the initial enrollment letter.

(2) Clemency/Parole Hearing. Notify victims and/or witnesses at least 45 days in advance (or as soon as known) of clemency or parole hearings held by the appropriate military service Clemency and Parole Board (C&PB). Advise victims and witnesses of their right to submit statements (written or taped) to the service C&PB on the impact this crime has had on their lives. Refer requests from crime victims and witnesses to appear before a clemency/parole hearing to the appropriate service C&PB. Personal appearances before the facility disposition board are not authorized.

5 Jun 00

(3) Release. Notify victims and/or witnesses when a prisoner is to be released. Using DD 2705, provide the date, reason for release, and destination (city and state). In parole cases, include location, phone number, and name of the parole officer. Notification should be made as soon as release is scheduled. Telephone contact shall be made when the prisoner is unexpectedly released and DD 2705 will not be received by the victim or witness prior to the prisoner's release.

(4) Escape. Notify crime victims and witnesses telephonically as soon as possible after discovery of an escape. Crime victims and witnesses shall also be notified telephonically of the prisoner's apprehension and return to confinement. Provide this information to the service Central Repository by the most expeditious means (facsimile, E-Mail, or telephone). See paragraph 10 for procedures if a detainee escapes. Written follow-up notification shall also be mailed.

(5) Transfer

(a) Notify crime victims and witnesses of all planned transfers and include the address of the new facility. The crime victim and witness information will be hand delivered at the time of transfer or forwarded via certified mail to the commander of the receiving facility.

(b) The commander of the receiving facility will notify victims and witnesses of the prisoner's new location and enrollment in the facility's victim and witness notification program within 14 days of arrival of the prisoner.

(c) If transferred to the United States Disciplinary Barracks (USDB), the crime victim and witness information will be delivered or forwarded via certified mail to the Command Judge Advocate, Attn: Victim/Witness Coordinator, USDB, Fort Leavenworth, KS 66027.

(6) Emergency Leave. Notify crime victims and witnesses prior to the prisoner's release on emergency leave; this will normally be by telephone.

(7) Death. Notify the victim or witness within 10 days of the death of a prisoner.

6. Cancelling the Notification Request. A victim or witness may request removal from the notification program only by writing to the confinement facility where the prisoner is

5 Jun 00

currently confined. After three unsuccessful attempts to contact a crime victim or witness, at least once by certified mail, a brig may request cancellation of a victim's or witness' participation in the program from NAVPERSCOM (PERS-84). Request shall be submitted in writing, providing full justification and description of what efforts have been made to contact the crime victim or witness.

7. Contact or Communication with Victims. Prisoners will be advised that they are not to initiate contact with any victim or witness either directly or through a third party without written permission from the facility CO, OIC, or CPOIC. This prohibition includes contact via telephone, visits, writing letters, and E-Mail. Prisoners desiring to communicate with victims may submit a chit requesting permission from the CO, OIC, or CPOIC. The VWC will contact the victim(s) to learn their desire. This applies whether or not the victim has elected to participate in this program.

8. Training. All brig personnel will be provided information about the VWAP and staff responsibilities at least annually.

9. Repository Reports. No later than the 10th working day of January, each Navy brig will prepare DD 2706, enclosure (5), (sections 1, 2 and 3d through 6c) and submit, via E-Mail, facsimile, or regular mail to NAVPERSCOM (PERS-84). Per reference (f), NAVPERSCOM (PERS-84) will compile the information and submit a consolidated report to NAVPERSCOM (PERS-06) for inclusion into the annual report submitted to the Under Secretary of Defense (Personnel and Readiness).

10. Pretrial Detainees. Responsibility for notifying a victim or witness regarding the status of a naval detainee rests primarily with the detainee's command and trial counsel. For Air Force detainees, contact should be made with the base security police of the detainee's command. For Army detainees,

5 Jun 00

the trial counsel from the detainee's command should be contacted. The VWC should be prepared to advise remote or small commands, including duty officers in the absence of the primary command contact, of the appropriate action when events dictate (i.e., escape).

11. CORMIS Responsibility. The VWC will ensure accurate information is entered in the prisoner's CORMIS court-action screen and victim/witness screens and that it clearly identifies all prisoners who are participants in the victim and witness notification program.

12. Records Disposition

a. Brigs

(1) Transferred Prisoners. The victim and/or witness records shall be delivered or forwarded separately from the prisoner's record upon transfer. All victim and/or witness documents, to include DD 2704 and DD 2705, shall be placed in a sealed envelope marked "FOR COMMANDING OFFICER EYES ONLY" and hand delivered or mailed via certified mail to the gaining facility commander.

(2) Released Prisoners. All documents pertaining to victims and witnesses shall be maintained separately in a secure manner from the prisoner records for 2 years after the prisoner's full term release date. After the second year anniversary of release, all victim and witness information shall be destroyed by burning or fine shredding. Under no circumstances shall victim and witness documents be forwarded to the archives for storage.

b. Central Repository. NAVPERSCOM (PERS-84) will retain indefinitely all victim/witness data contained in CORMIS.

13. Action. COs, OICs and CPOICs are responsible for establishing internal controls to ensure all information held on crime victims and witnesses is kept strictly confidential and that no unauthorized person(s) or any prisoner(s) shall ever have access to the crime victim and witness files. All victim and witness information shall be placed in a separate envelope stamped on both sides "EXEMPT FROM RELEASE UNDER FREEDOM OF INFORMATION ACT. ONLY NAVPERSCOM (PERS-06) CAN AUTHORIZE RELEASE OF INFORMATION." In addition, a cover sheet will be placed inside the envelope on top of the material stamped "ALL VICTIM AND WITNESS INFORMATION IS EXEMPT FROM RELEASE UNDER THE

5 Jun 00

FREEDOM OF INFORMATION ACT. ONLY NAVPERSCOM (PERS-06) CAN AUTHORIZE RELEASE OF INFORMATION." The Victim and Witness Notification Program shall be included in the facility standard operating procedures. VWAP shall be included in the brig's annual inspection.

14. Forms and Report

a. DD 2704 (Mar 99), Victim/Witness Certification and Election Concerning Inmate Status, DD 2705 (Dec 94), Victim/Witness Notification of Inmate Status and DD 2706 (Dec 94), Annual Report on Victim and Witness Assistance are available at <http://web1.whs.osd.mil/icdhome/ddlist.htm>.

b. Reference (d) requires all services to report on their Victim and Witness Assistance program annually. DD-P&R(A)1952 is assigned to the report contained in enclosure (5).



J. B. HINKLE
Rear Admiral, U.S. Navy
Deputy Chief of Naval Personnel

Distribution:

SNDL 21A (FLEET COMMANDERS IN CHIEF)
28K1 (COMSUBGRU TWO)
C58I (NAVTECHTRACEN DET LACKLAND AFB TX)
FA6 (NAS JACKSONVILLE FL)
FA7 (NAVSTA GUANTANAMO BAY CU)
FA10 (SUBASE NEW LONDON CT)
FA24 (COMNAVREG SE JACKSONVILLE FL)
(COMNAVREG MIDLANT NORFOLK VA)
FB28 (COMNAVREG HAWAII PEARL HARBOR HI)
FA26 (NAVBRIG NORFOLK VA)
FB5 (NAVMARIANASUPPACT GU)
FT6 (NAS PENSACOLA FL)
FB10 (NAVSTA PEARL HARBOR HI)
(NAVSTA NORFOLK VA)
FB12 (NAVBRIG FORD ISLAND PEARL HARBOR HI)
(NAVBRIG/CCU PUGET SOUND WA)
FB13 (SUBASE BANGOR WA)
FB28 (COMNAVREG NW SEATTLE WA)
FB34 (COMFLEACT YOKOSUKA JA)

5 Jun 00

FJA12 (NAVCONBRIG CHARLESTON SC)
(NAVCONBRIG MIRAMAR CA)
FT1 (CNET PENSACOLA FL)
FT31 (NTC GREAT LAKES IL)

Commanding Officer
Naval Brig/CCU
Box 64
Naval Air Station
Jacksonville, FL 32212-0064

Officer in Charge
PCF/CCU Code 000M
541 John H Tower Rd
Pensacola, FL 32508-5315

Master Chief Petty Officer in Charge
Code 1500
CFA Confinement Facility
PSC 473 Box 9
FPO AP 96349-1101

Senior Chief Petty Officer in Charge
Pretrial Confinement Facility
Bldg 160 Box 42
NAVSUBASE New London
Groton, CT 06349-5042

Chief Petty Officer in Charge
Pretrial Confinement Facility
PSC 1005 Box 98
FPO AE 09593-0098

Senior Chief Petty Officer in Charge
Pretrial Confinement Facility
2601 A Paul Jones St. Bldg 914
Great Lakes, IL 60088-5000

VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING INMATE STATUS	
<i>(This form is exempt from Freedom of Information Act release.)</i>	
PRIVACY ACT STATEMENT	
AUTHORITY: 42 U.S.C. 10606 <i>et seq.</i> , Victim's Rights and Restitution Act of 1990; 18 U.S.C. 1501 <i>et seq.</i> , Victim and Witness Protection Act of 1982.	
PRINCIPAL PURPOSES: To inform victims and witnesses of their post-trial rights; to determine whether the victim or witness of a crime elects to be notified of changes in the confinement status of a convicted criminal offender; and to record the election by the victim or witness of their desire to be notified about subsequent changes in inmate status.	
ROUTINE USES: None.	
DISCLOSURE: Voluntary; however, failure to provide identifying information will prevent the corrections facility from notifying victim or witness of changes in a criminal offender's status.	
SECTION I - ADMINISTRATIVE INFORMATION	
Installation _____	City _____ State _____ ZIP Code _____
Incident Number _____	Organizational Identifier (ORI) _____
SECTION II - CERTIFICATION OF NO VICTIM OR WITNESS <i>(Complete this section only if there are no victims or witnesses who are entitled to notification under the Victim's Rights and Restitution Act of 1990, and DoD Instruction 1030.2.)</i>	
As representative for the Government in the court-martial case of United States v. _____, <i>(Name of accused) (Last, first, middle initial)</i>	
_____ , convened by _____ <i>(Social Security Number) (Court-martial convening order number, date, and issuing command)</i>	
I certify that this case does not involve a victim or witness entitled to receive information about the confinement status of the defendant as required by the Victim's Rights and Restitution Act of 1990 (Public Law 101-647; 104 Stat. 4820).	
_____ <i>(Signature of person certifying)</i>	_____ <i>(Typed name (Last, first))</i>
_____ <i>(Date) (YYYYMMDD)</i>	_____ <i>(Grade and title)</i>
SECTION III - CERTIFICATION OF ADVICE TO VICTIM(S) AND WITNESS(ES) <i>(Complete this section when there are victims or witnesses entitled to notification.)</i>	
I certify that on this date I personally notified the victim(s) and witness(es) in the court-martial case of United States v. _____, <i>(Name of accused) (Last, first, middle initial) (Social Security Number)</i>	
convened by _____ <i>(Court-martial convening order number, date, and issuing command)</i>	
whose sentence included confinement, of their right under the Victim's Rights and Restitution Act of 1990 (Public Law 101-647, 104 Stat. 4820), to receive information about the status of the inmate, to include length of sentence, anticipated earliest release date, likely place of confinement, the possibility of transfer, and the right to receive notification of a new place of confinement. I advised of the possibility of parole or clemency with an explanation of these terms. Additionally, I advised of the right to prior notification of the inmate's parole hearings, release from confinement, escape and death. I advised that to receive notification of the inmate's transfer, parole hearings, and release from confinement, the victim or witness must provide the information required in Section IV of this form. I advised all victims and witnesses that if they elect to terminate or reinstate notifications, or if they change their address listed above, they must contact the Military Service Central Repository listed in Section V.	
_____ <i>(Signature of person providing notification)</i>	_____ <i>(Typed name (Last, first))</i>
_____ <i>(Date) (YYYYMMDD)</i>	_____ <i>(Grade and title)</i>

BUPERSINST 5800.3
5 Jun 00

OTHER SERVICES CENTRAL REPOSITORIES

AIR FORCE:

HQ AFSFC
ATTN: Victim Witness Coordinator
1720 Patrick St.
Lackland AFB, TX 78236-5226
COMM: (410) 671-0864/0941
DSN: 473-0864/0941

ARMY:

DAMO-09DL-C
4401 Ford Ave., Suite 225
Alexandria, VA 22302-1432
COMM: (703) 681-6880
DSN: 761-6880

MARINE CORPS:

CMC Code (POS-40)
2 Navy Annex
Washington, DC 20308-1775
COMM: (703) 614-2094
DSN: 224-2095

Enclosure (2)

5 Jun 00

VICTIM/WITNESS NOTIFICATION OF INMATE STATUS			
<i>(This form is exempt from Freedom of Information Act release.)</i>			
<p>EXPLANATION: This form is being used to give basic information on changes in an inmate's status to victims and witnesses who elected, on the DD Form 2704, to be notified. The confinement facility holding the inmate must promptly notify victims and witnesses of initial entry into confinement and of confinee status changes in accordance with DoD Instruction 1030.2.</p>			
SECTION I - DISTRIBUTION			
1. TO: (Victim or Witness)		2. FROM: (Victim/Witness Assistance Coordinator at Confinement Facility)	
a. NAME (Last, First, Middle Initial)		a. NAME (Last, First, Middle Initial)	
b. STREET ADDRESS (include apartment no.)		b. STREET ADDRESS	
c. CITY	d. STATE	e. ZIP CODE	c. CITY d. STATE e. ZIP CODE
f. TELEPHONE NUMBER (include area code)		f. TELEPHONE NUMBER (include area code)	
SECTION II - INMATE STATUS			
3. INMATE NAME (Last, First, Middle Initial)		4. REGISTER NUMBER	5. MINIMUM RELEASE DATE ON/ABOUT (YYYYMMDD)
			6. MAXIMUM RELEASE DATE (YYYYMMDD)
7. ADDRESS OF SERVICE CLEMENCY AND PAROLE BOARD			
a. STREET		b. CITY	c. STATE d. ZIP CODE
<p>NOTE 1: Clemency Boards will meet annually from the date of the initial board until the inmate is released. Clemency Boards will be held in conjunction with Parole Boards when the inmate becomes eligible for parole after serving one third of the sentence.</p> <p>NOTE 2: You may submit documentation to Clemency and Parole Boards when the inmate is scheduled to appear. If you would like to submit a Victim Impact Statement to the Board, please send it to the address above approximately two weeks prior to the scheduled board meeting. Your statement may be submitted in the form of a letter, or audio or video cassette. A personal appearance may also be permitted.</p>			
SECTION III - RELEASE ELIGIBILITY			
8. RESTORATION AND CLEMENCY ELIGIBILITY			
<input type="checkbox"/> a. INMATE IS INITIALLY ELIGIBLE TO BE CONSIDERED FOR RESTORATION AND CLEMENCY ON (YYYYMMDD) _____			
<input type="checkbox"/> b. INMATE IS SCHEDULED TO MEET A SERVICE CLEMENCY AND PAROLE BOARD FOR RESTORATION AND CLEMENCY ON (YYYYMMDD) _____			
9. PAROLE ELIGIBILITY			
<input type="checkbox"/> a. INMATE IS INITIALLY ELIGIBLE FOR RELEASE ON PAROLE ON (YYYYMMDD) _____			
<input type="checkbox"/> b. INMATE IS SCHEDULED TO MEET A SERVICE CLEMENCY AND PAROLE BOARD FOR PAROLE ON (YYYYMMDD) _____			
SECTION IV - CHANGE IN INMATE STATUS			
10. CLEMENCY/PAROLE APPROVAL			
<input type="checkbox"/> a. INMATE WAS APPROVED FOR <input type="checkbox"/> CLEMENCY <input type="checkbox"/> PAROLE ON (YYYYMMDD) AT (Location)		<input type="checkbox"/> b. PAROLE OFFICER'S NAME (Last, First, Middle Initial) TELEPHONE NUMBER (incl. area code)	
<input type="checkbox"/> c. INMATE'S SENTENCE HAS BEEN CHANGED AS FOLLOWS:			
11. RELEASE			
<input type="checkbox"/> a. INMATE IS BEING RELEASED ON (YYYYMMDD) _____		<input type="checkbox"/> c. PLANNED RELEASE DESTINATION CITY STATE	
<input type="checkbox"/> b. INMATE'S RELEASE IS UNDER NO COMMUNITY SUPERVISION.			
12. INMATE IS DECEASED (Date of death)			
13. INMATE ESCAPED		13. INMATE ESCAPED	
a. DATE AND TIME OF ESCAPE	b. DESTINATION (if known)	c. DATE, TIME, AND PLACE OF APPREHENSION (if apprehended)	d. PLACE OF RECONFINEMENT
14. INMATE WAS TRANSFERRED TO ANOTHER CORRECTIONS FACILITY ON (YYYYMMDD)			
a. STREET ADDRESS		b. CITY	c. STATE d. ZIP CODE
15. OTHER		16. WE HAVE CANCELLED YOUR REQUEST TO BE NOTIFIED OF THIS INMATE'S RELEASE DUE TO:	
<input type="checkbox"/> a. WORK RELEASE PROGRAM BEGAN ON (YYYYMMDD) _____		<input type="checkbox"/> a. YOUR REQUEST	
<input type="checkbox"/> b. RELEASE ON TEMPORARY HOME PAROLE FROM (YYYYMMDD) _____ TO (YYYYMMDD) _____		<input type="checkbox"/> b. OTHER (Specify)	
<input type="checkbox"/> c. (Specify)			
SECTION V - VICTIM/WITNESS ASSISTANCE COORDINATOR			
17.a. NAME (Last, First, Middle Initial)		b. RANK	c. SIGNATURE
			d. DATE SIGNED

DD FORM 2705, DEC 94

ACKNOWLEDGEMENT OF REQUEST TO PARTICIPATE

Dear _____ :

We have received your request for enrollment into the Victim and Witness Assistance Program in the case of prisoner (insert prisoner's name). I want to take this opportunity to outline the notification process and procedures involved. Your primary point of contact here at this facility is (insert name, phone number and address of the brig Victim and Witness Coordinator).

We recognize that the impact of crime is devastating to innocent victims, witnesses and their families and we will make every effort to be responsive and sensitive to any concerns you may have. It is our intent to ensure that your status as a [victim or witness] (use one or the other as appropriate) and all information concerning your whereabouts and phone numbers are kept strictly confidential. Should you receive any threats made by or on behalf of (insert prisoner's name) or attempts to intimidate you in any manner, please inform us of the circumstances so we may take appropriate action.

We will notify you, using the attached form (Victim/Witness Notification of Inmate Status-DD Form 2705) of the pending release or release-related activity of the above-named individual. This includes notification of the prisoner's initial parole and clemency eligibility dates, clemency and parole hearing dates (if appropriate), transfer to another institution, temporary release (i.e., emergency leave, hospitalization, work release program, etc.), escape or death. Please recognize it is Navy policy that prisoners may earn a portion off their sentence for good behavior. This is referred to as "earned good conduct time" and, if earned, will be reflected in the release date we provide to you.

The date a prisoner is eligible for a parole hearing is mandated by Department of Defense policy and indicates only that a hearing will be held. You will be advised prior to the prisoner's scheduled appearance before the service Clemency and Parole Board so you may personally appear or submit an impact statement to the board, if you desire. To continue to receive notification of these events, it is important that you keep us informed of any changes in your address and/or telephone number.

BUPERSINST 5800.3

5 Jun 00

After three unsuccessful attempts to locate you, we will close the case.

Again, should you have any questions or concerns, please do not hesitate to contact either the Victim and Witness Coordinator or me.

Sincerely,

(CO/OIC/CPOIC)

ANNUAL REPORT ON VICTIM AND WITNESS ASSISTANCE				REPORT CONTROL SYMBOL	
<p>This report summarizes delivery of services to victims and witnesses as prescribed by the Victim and Witness Protection Act of 1982 (18 USC 1512) and the Victim's Rights and Restitution Act of 1990 (42 USC 10601-10607). It is submitted annually in accordance with DoD Instruction 1030.2.</p>					
1. REPORTING OFFICE			2. REPORTING PERIOD		
			a. FROM	b. TO	
			January 1,	December 31,	
<p>3. DURING THE REPORTING PERIOD, OUR LAW ENFORCEMENT, SPECIAL INVESTIGATION, TRIAL COUNSEL, AND RELATED OFFICES ASSISTED:</p> <p>a. UPON INITIAL CONTACT: _____ crime victims and _____ witnesses were informed of their rights to assistance (DD Form 2701).</p> <p>b. UPON REFERRAL TO COURT-MARTIAL: _____ crime victims were informed of their consultation rights in courts-martial (DD Form 2702).</p> <p>c. UPON SENTENCING TO CONFINEMENT: _____ crime victims and _____ witnesses were informed of their right to be notified of changes in the confinee's status in prison (i.e., escape, parole, death) (DD Form 2703).</p> <p>d. ONCE INFORMED OF THEIR RIGHT TO BE NOTIFIED OF CHANGES IN THE CONFINEE'S STATUS: _____ crime victims and _____ witnesses, using the DD Form 2704, elected to be notified of confinee status changes.</p> <p>4. DURING THE REPORTING PERIOD: _____ confinee status changes resulted in _____ notification letters (DD Form 2705) being sent from our confinement facilities.</p> <p>5. AS OF DECEMBER 31, _____</p> <p>Our confinement facilities reported the <u>cumulative</u> total of Service confinees for whom they must make victim or witness notifications as follows:</p>					
(1) ARMY	(2) NAVY	(3) AIR FORCE	(4) MARINES	(5) COAST GUARD	(6) OTHER
6. DOD COMPONENT RESPONSIBLE OFFICIAL					
a. NAME (Last, First, Middle Initial)		b. SIGNATURE		c. DATE SIGNED (YYYYMMDD)	

DD FORM 2706, DEC 84

**SUMMARY OF CHANGES
BUPERSINST 5800.3A**

1. Paragraph 6.a. (Request for Notification). Guidance was added to establish a system of tracking non-receipt of DD Form 2704, Victim/Witness Certification and Election Concerning Inmate Status, and to specify procedures for obtaining delinquent DD 2704s in order to ensure receipt in a timely manner.

2. Paragraph 6.e. (Victim Witness Log). Requires the entry of dates of victim and witness notifications and their receipt to be made in CORMIS and designates CORMIS as the official Victim/Witness Log.