

McCHORD FIELD



VICTIM AND WITNESS ASSISTANCE HANDBOOK



OFFICE OF THE STAFF JUDGE ADVOCATE
62d Airlift Wing
(253) 982-6305

Updated 30 January 2019

DISCLAIMER

FAILURE TO PROVIDE THE INFORMATION OR SERVICES LISTED IN THIS PACKET 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.

SECTION I: STATUTORY/REGULATORY BASIS

In 1982 the Victim and Witness Protection Act (Public Law 97-291) was enacted to help ensure victims and witnesses were not "forgotten" by the criminal justice system. The Department of Defense responded by publishing DoD Directive 1030.1 (20 Aug 84), which established responsibilities for the protection and assistance of crime victims and witnesses. You, as a victim or witness, are entitled to this assistance.

AFI 51-201, Chapter 16, implements the Victim and Witness Protection Act in the Air Force and tells who is responsible for the program. Generally, all persons working within and in support of the military and criminal justice system (i.e., commanders, judge advocates, law enforcement and investigative agencies) must ensure that the victims and witnesses receive due consideration, are extended authorized assistance, are treated with dignity and courtesy, and are subjected to minimum interference with personal privacy and property rights.

Although written quite broadly, the program is meant to provide only guidance. No rights are created. Therefore, if the Air Force neglects to comply with some provisions, you do not have the right to sue the Air Force for the additional hardship incurred. Candidly, the best way of ensuring this does not occur is to make sure your needs are known. Please don't be embarrassed to say you need some assistance.

There are obvious limits to this program. The accused still has constitutional rights. For example, we cannot keep the accused in pretrial confinement merely because you want him or her locked up. However, there are things that can be done if you are in some danger. They will be discussed later.

For the purposes of this program, the following definitions apply:

VICTIM: A person who suffers direct physical, emotional or financial harm as a result of an offense. "Victim" may also include the immediate family of a minor who is a victim or the family of a homicide victim. (AFI 51-201, para 16.3)

WITNESS: A person who has information or evidence of a crime and provides that information or evidence to an Air Force official. When the witness is a minor, the term "witness" usually includes the minor's parents, or any person having legal custody of the minor. "Witness" does not include an individual allegedly involved in a crime as a conspirator, accomplice or principal. (AFI 51-201, para 16.4)

OFFENSE: A crime punishable under the Uniform Code of Military Justice (UCMJ) committed by a person subject to the UCMJ. (AFI 51-201, para 16.5)

SECTION II: GENERAL INFORMATION AND ASSISTANCE

One of the responsibilities of being a citizen or an Air Force member is to serve as a witness at a criminal trial or hearing held in connection with a criminal prosecution if you have knowledge about the commission of the crime. In the military justice system, criminal trials are called courts-martial. The military justice system cannot function without the participation of witnesses. The complete cooperation and truthful testimony of witnesses are essential to the proper determination of guilt or innocence in a criminal case.

The 62d Wing, McChord Field Legal Office has taken several steps to make the participation by victims and witnesses more effective and meaningful. One of those steps is the preparation of this handbook. Hopefully, it will provide answers to many of your questions and will give you sufficient information to understand your rights and responsibilities. Thank you for your cooperation and your service as a witness. The sacrifice of time and effort that being a witness requires is greatly appreciated. If you have any questions, please ask the trial counsel assigned to your case or the Victim-Witness Assistance Liaison.

The 62d Wing, McChord Field Legal Office prosecutes Air Force members who have committed crimes punishable under the UCMJ. If you are a victim of such a crime, or are being asked to serve as a witness for the United States in a court-martial, you should recognize that the people of the United States and the Air Force in particular, are depending on you and others who know something about the crime. Only with your help can the Air Force have a fair and effective system to bring the criminal to justice.

Threats and Intimidation

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 you feel that you're being harassed because of your contribution to the case, immediately notify the trial counsel in charge of the case or the Air Force agency investigating the offense. Civilian protection orders may be appropriate under certain circumstances and are enforceable on and off the installation. Telephone the 62d Wing, McChord Field Legal Office VWAPs Mr. Robert Jarrett - (253) 982-6585, TSgt Anastasia S. Bohanan - (253) 982-6596, or Amn Avery L. Thompson - (253) 982-2768; Military Police Investigations (253) 966-6960; or the Office of Special Investigations (253) 982-2567.

In the military, commanders can order persons under their command to do certain things or to abstain from doing certain things. These lawful orders can have the same effect as restraining orders. Violations of lawful orders are punishable under the UCMJ. If you are threatened or intimidated, the trial counsel in charge of the case can obtain an order from that person's commander. Even if you are unsure whether or not the threat is real, talk to your Victim-Witness Assistance Liaison as soon as possible.

Witness Fees

If you are not a federal government employee, you will receive a witness fee for each day that you are required to attend a court-martial, including the time spent waiting to testify. Out-of-town witnesses receive reimbursement for certain travel expenses in addition to their daily witness fee. At the conclusion of your testimony, the paralegal assigned to the court-martial will assist you in completing an electronic travel voucher in the Defense Travel System (DTS) to make a claim for your fees. A check for all fees will be mailed to you when the case is over. If you are a federal government employee, you receive your regular salary while testifying, notwithstanding your absence from your job. You will not collect a witness fee in addition to your salary; however, you will receive travel reimbursement and per diem if you are required to travel to testify.

Victim and/or Family Input into Legal Decisions

If you are a victim or an immediate family member of a victim of a serious offense, the trial counsel in charge of the case and the Victim-Witness Assistance Liaison will wish to obtain your views about legal decisions made before, during, and after the court-martial. Any adverse impact on you and your family will be explored in detail. In this way, your situation and opinions will be given due consideration throughout the case.

Legal Assistance

In accordance with 10 U.S.C. Section 1565b you may be eligible to consult with a legal assistance attorney free of charge if you are otherwise eligible for legal assistance. The Office of the Staff Judge Advocate, legal assistance office is located in Building 100, Room 1096 and may be contacted at DSN: 382-5513 or commercial 253-982-5513. The hours of operation for the legal assistance office are from 0800 to 1630 / Monday through Friday.

Return of Property Used as Evidence

Sometimes law enforcement officers take and store property belonging to victims/witnesses as evidence in a court-martial. Examples are stolen property and property at a crime scene. If your property is being held as evidence and you feel that you would like to regain your property before the court-martial case is over, contact the trial counsel in charge of the case. Sometimes arrangements can be made for early release of your property. This will require a determination as to the value of the production of your property at the court-martial. In any case, your property held for evidence will be safeguarded and returned as expeditiously as possible. The prompt return of your property will always be sought. If a delay in the return of your property is required, the trial counsel in charge of the case will explain the reasons for retaining your property and estimate when it can be returned to you.

Recovering Losses: Restitution and Civil Litigation

Often a crime will create a real financial loss for the victim. Perhaps you have had cash or valuable property stolen and not recovered, property damaged, medical expenses not covered by

the Air Force, or a loss of income because you could not work. If any of these things have happened to you, please see if you have insurance coverage. You may contact the 62d Airlift Wing, McChord Field Legal Office at (253) 982-6305 to file a claim. There are two other possible ways to recover your losses -- restitution or civil litigation.

When an offender returns stolen property or otherwise makes good the losses caused a victim, he/she has given restitution to the victim. The Manual for Courts-Martial does not authorize restitution as a part of an accused's sentence. However, in the hope of receiving a lighter sentence, an accused may agree to, or will sometimes make, restitution voluntarily. You should cooperate fully with the trial counsel in charge of the case by giving information regarding the impact any losses had on you as the victim. If the accused offers restitution, the trial counsel will then have an accurate picture of what restitution should be involved in your case.

A victim may try to recover losses by a civil lawsuit against the accused. Such a private lawsuit is completely separate from the court-martial. A judge advocate cannot represent you in a civil lawsuit. Local attorneys are listed in the Tacoma telephone directory. If you qualify, you may even be able to get help free of charge from local legal aid services. If your total losses are small, you may be able to file in Small Claims Court and would not need a lawyer. The difficulty in trying to obtain civil damages from the accused is that whatever assets the accused once had may now be gone. To learn more about your options in this area, talk with a legal assistance attorney at the Joint Base Lewis-McChord Legal Assistance Office by calling (253) 982-5513 to set up an appointment.

Special Needs

As a victim or witness, you may have questions about transportation, the location of the Legal Office and courtroom, food service, lodging, parking, child care, availability of interpreters/translators, what to expect in court and what time to appear. The trial counsel assigned to the case and/or the Victim-Witness Assistance Liaison has information for you on these subjects or will provide assistance in obtaining services. You should feel free to ask him/her for assistance.

Interviews by Trial and Defense Counsel

Even though the prosecution is asking you for your cooperation in this case, 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 the case. Please cooperate fully with both prosecution and defense attorneys. In an interview with a representative of the government or defense, you should always do your very best to tell "the truth, the whole truth, and nothing but the truth." If you feel that an attorney from either side is harassing you, you should contact the 62d Airlift Wing, McChord Field Legal Office and ask to speak to the Staff Judge Advocate directly.

If you give a statement to an investigator or lawyer for the government or the defense, you do not have to sign the statement. Any statement that you make during an interview, even if not signed, may be used to try to challenge or discredit your testimony in court, if your court

testimony differs from your first statement -- whether oral or written. If you decide to sign the statement, make sure you read it over very carefully first and correct any mistakes.

The trial counsel in charge of the case may discuss various aspects of the case with you, both for your information and to prepare you for testifying, if necessary. Anytime you have an interview with an attorney or investigator for the defense, please let the trial counsel in charge of your case know about the interview. You may also request to have your Victim/Witness advocate present during interviews with both trial and defense counsel.

You may discuss the case with anyone you wish. However, it is not always a good idea. For example, an accused not in pretrial confinement may be under orders not to talk to you about the case as a condition of their liberty, and might be placed in pretrial confinement for violating that order. Remember, if the accused approaches you and you find this upsetting, contact the trial counsel in charge of the case immediately. Since you are a potential witness, you are encouraged not to discuss the case with members of the press because the rights of the government and the accused to a fair trial could be jeopardized by pretrial publicity. Also, after you have testified in court, you should not tell other witnesses about your testimony or ask other witnesses about their testimony until after the case is over.

Hearings and Trial

There is sometimes more than one kind of hearing in a case in which you might be asked to testify. Since hearings may require the presence of witnesses, law enforcement officers, government and defense attorneys, the judge, investigating officers or a magistrate, as well as the accused, it is sometimes difficult to schedule them at a time convenient for everyone involved. Therefore, when a time and place is set for a hearing, please be there promptly. If you know in advance that you might have difficulty in making an appearance, let the trial counsel in charge of the case know so that an attempt may be made to adjust the schedule. If you have been sent a subpoena, you should know there are serious penalties if you don't obey that formal order to appear. Despite the efforts of everyone concerned, once in a while a hearing doesn't take place on schedule. Sometimes a hearing or court-martial must be postponed. The 62d Wing, McChord Field Legal Office will notify you promptly of any scheduling changes that affect your attendance.

Victim Notification of the Accused's Status

If you are the victim of, or witness to, a serious offense and you ask, the 62d Airlift Wing, McChord Field Legal Office will notify you, in advance if possible, of the accused's apprehension, release from any pretrial confinement, trial date or entry of a guilty plea, and sentencing date. Please provide the trial counsel assigned to the case and/or the Victim-Witness Assistance Liaison with a current address or telephone number and inform him/her if you would like to be notified of any of these events.

Separate Waiting Area for Victims during Court-Martial Proceedings

At a court-martial or other proceeding, victims and witnesses will be afforded, to the extent practicable, the opportunity to wait in an area separate from the accused or other witnesses. Separate waiting rooms are normally provided. Separate waiting areas are appropriate when necessary to avoid embarrassment, coercion, or similar emotional distress. If the case includes numerous witnesses and you would like a separate waiting area, please tell the trial counsel in charge of the case.

Notifying Employers or Creditors

At the request of a victim or witness, the trial counsel in charge of the case or the Victim-Witness Assistance Liaison will take reasonable steps to inform an employer of the reasons a victim or witness must be absent from work. In appropriate cases, a victim or witness who is subject to serious financial strain as a direct result of a crime, or cooperation in the investigation or prosecution of a crime, will be assisted in explaining the situation to creditors. If you need assistance in these areas, notify the trial counsel in charge of the case.

Requests for Information

Any requests for release of investigative reports or other documents must be processed in accordance with the Freedom of Information Act, AFI 37-131. Please contact the Freedom of Information Act Office (627 CS/SCSR) at (253) 982-5169 if you have such a request.

Appeals

If the sentence, as approved, includes death, dismissal, a dishonorable discharge, a bad conduct discharge (BCD), or confinement for one year or longer, and the accused has not waived or withdrawn his/her right to appellate review, the case will automatically be appealed to the U.S. Air Force Court of Criminal Appeals. Next, a petition for review can be filed with the U.S. Court of Appeals for the Armed Forces. If the case is reviewed by the Court of Appeals for the Armed Forces, the accused can file a petition for review with the United States Supreme Court. If there is no automatic appeal, the accused can file an appeal or review request with the Judge Advocate General under Article 69, UCMJ. In the military review process, the accused will have free defense counsel provided if requested.

Non-Court Alternative to UCMJ Offenses

A case does not always go to trial by court-martial. The accused can ask to be administratively discharged or be allowed to resign instead of going to trial. Trial counsel will contact victims of the crime to determine their thoughts on this type of disposition; typically, a written statement from the victim is forwarded for consideration with the accused's request for discharge. If a discharge request is approved, the member will generally be discharged Under Other Than Honorable Conditions. This is the worst type of administrative discharge, sometimes called the "administrative equivalent of a BCD."

You will probably have more questions as a case develops. Those questions should be addressed to the trial counsel in charge of the case and/or the Victim-Witness Assistance Liaison.

SECTION III: WHAT HAPPENS IN A COURT-MARTIAL?

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 trial counsel assigned to the case or the accused's lawyer regarding various stages of the military justice process. The lawyer in charge of the prosecution of the case is called the trial counsel. The accused's lawyer is called the defense counsel.

Article 15 Punishment

When there has been a violation of a particular article of the Uniform Code of Military Justice (UCMJ), the accused's commander discusses the offense and surrounding circumstances with a judge advocate in the 62d Airlift Wing, McChord Field Legal Office to determine the appropriate action. While minor offenses may not warrant a court-martial, they may warrant nonjudicial punishment under Article 15, UCMJ. If an accused is offered an Article 15 but does not wish to resolve the matter by Article 15 proceedings, he/she can demand trial by court-martial.

Preferral: Accusing Someone of a Crime

When the offense is too serious for disposition by Article 15 action, or if the accused demands a trial by court-martial, the accused's commander signs a charge sheet accusing him/her of breaking the law by violating a particular article(s) of the UCMJ. The accused's commander then forwards the charge sheet and other papers to the special court-martial convening authority (SPCMCA). At McChord Field the SPCMCA is the 62d Airlift Wing Commander. After discussing the offense(s) and surrounding circumstances with the Staff Judge Advocate, the SPCMCA may choose to (1) send the charges back to the accused's commander with instructions to either dismiss the charges or pursue another disposition, (2) convene a special court-martial, or (3) order an investigation pursuant to Article 32, UCMJ.

Article 32 Investigation: Hearing after Preferral of Charges

An Article 32 investigation is like a grand jury proceeding in the civilian criminal justice system. The purpose of the Article 32 investigation is to determine if the allegation(s) is (are) serious enough for trial by a general court-martial. A general court-martial is the most serious kind of court-martial and is the military equivalent of a felony trial. The Article 32 investigator will examine the charge sheet and case file and may call witnesses (including you) for sworn testimony. The accused and his/her lawyer have the right to be present when evidence is reviewed or witnesses testify, to cross-examine government witnesses, and to call defense witnesses. The accused also has the right to, but can't be required to, testify. At the end of the Article 32 investigation, the investigator makes a recommendation to the convening authority.

Who Decides Whether a Case Goes to Court-Martial

The convening authority (the 62d Airlift Wing Commander for a special court-martial or the 18th Air Force Commander for a general court-martial) decides if a case will go to court. The convening authority also determines who the court members (jury) will be.

Referral: Taking the Charges to a Court-Martial

The convening authority selects the best-qualified officers (and enlisted members, when applicable) by reason of age, education, training, experience, length of service and judicial temperament. The trial counsel (prosecutor) is a judge advocate from the 62d Airlift Wing, McChord Field Legal Office. The accused is provided a judge advocate, usually the Area Defense Counsel, free of charge. The accused may also have a civilian lawyer at his/her own expense. The military judge is assigned from the USAF Trial Judiciary office at Joint Base Andrews Naval Air Facility, Washington D.C. The accused decides whether to be tried by a judge alone or by a court with members. The accused, if enlisted, has a right to demand that some members of the court be enlisted members. Once the charges have been referred to a court-martial, they are formally served on the accused. At this point, the trial counsel will request a court date from the Air Force Central Docketing Office, responsible for detailing military judges to each specific court-martial. A conference between the trial counsel, defense counsel, and military judge will take place in order to determine a court date that is compatible for all parties.

The Trial

The trial will begin when both sides have had adequate time to prepare and arrange for witnesses. The military trial has two parts: the first to decide whether the accused is guilty or not guilty, and the second, if the accused is found guilty, to decide punishment. At trial, the accused will either plead not guilty, guilty as charged, or guilty of some lesser-included offense. A guilty plea is the strongest form of proof known to the law. The accused may plead not guilty to all the charges and rely on his/her rights to have the government prove guilt beyond a reasonable doubt. After the pleas, if any issue of guilt remains, the members (jury), if any, are questioned to insure their impartiality, sworn, and instructed on their function. The trial and defense counsels may make opening statements about what they believe the evidence will show.

Next, the trial counsel calls witnesses and presents evidence to prove the guilt of the accused. The defense counsel is given a chance to cross-examine these witnesses. The trial counsel can never call the accused as a witness. After the United State's case has been presented, the defense counsel gets an opportunity to call witnesses and present evidence. The burden of proof is on the Government. The defense has no obligation to call witnesses and the accused is not required to testify. If the accused chooses not to testify, his/her silence can't be used against them; on the other hand, if the accused elects to testify, the trial counsel can cross-examine him/her just like any other witness called for the defense. After the defense finishes presenting evidence and calling witnesses, the trial counsel can present rebuttal witnesses or evidence, which is used in an attempt to discredit what the defense has presented.

After both sides have presented all the evidence, the lawyers for each side may make a closing argument. The trial counsel may make two arguments, before and after the defense counsel, because the Government has the burden of proof. If there is a jury, the judge then instructs the court members on their responsibilities and advises them of the law. The court members deliberate in private and decide by secret written ballot whether the accused is guilty or not guilty of the charges.

Deliberations on findings by the judge or court members may take only a few minutes or it may take hours. If the accused is found not guilty of all of the charges, the trial is over. If the accused is found guilty of any of the charges, whether by a guilty plea or on findings by the court, the sentencing part of the trial begins immediately. The prosecution proceeds by presenting evidence in aggravation, which should be considered in determining a proper sentence.

After matters in aggravation are submitted to the court by trial counsel, the defense counsel will submit evidence in mitigation and extenuation. The accused may testify under oath, make an unsworn statement, say nothing at all, or have the defense counsel make a statement on his/her behalf. If the accused testifies under oath, the trial counsel can cross-examine him/her.

After the defense presents evidence in mitigation and extenuation, the trial counsel can present rebuttal evidence. The lawyers then make their arguments for an appropriate sentence. If there are court members, the judge instructs them on their responsibilities and the law. The court then closes to decide the proper punishment. In a special court-martial, the maximum punishment possible is a bad conduct discharge (BCD), confinement (prison) for one year, forfeiture of two-thirds pay per month for six months, and reduction in rank to the lowest enlisted grade. A general court-martial can impose any sentence authorized by law, including death in some cases. In any court-martial, it is possible that no punishment be imposed at all. After the court members or military judge decide the proper punishment, court is reconvened and the sentence is announced. Finally, the accused is advised of his/her post-trial and appellate rights by the military judge, and the court is adjourned.

If the sentence includes confinement, the accused is usually taken directly to the confinement facility. The accused can ask to have the confinement postponed or deferred to a later date for compelling reasons.

Appellate Review of Certain Sentences

The accused and the defense counsel may submit allegations of legal error and clemency matters to the convening authority. The convening authority can suspend all or part of the sentence, or approve the sentence as adjudged and designate the place of confinement. The convening authority may also make suspension of a sentence conditional upon restitution to a victim. However, the convening authority may not increase the sentence imposed.

More specific details concerning the court-martial process can be provided by trial counsel, the Victim-Witness Assistance Liaison, or other members of the 62d Wing, McChord Field Legal Office.

SECTION IV: PREPARING TO TESTIFY

You, as a witness, have a very important role, not only for the side for which you appear (prosecution or defense), but to yourself and to our system of justice. In order for a court or board to make a proper decision, they must have all the evidence put before them truthfully and accurately by witnesses. Your lack of cooperation, or failure to come forth as a witness, could possibly cause an unjust result in a case.

All the people involved in the case know how valuable your time is and that you have other things you would rather be doing than testifying in court. Every attempt will be made to require as little of your time as possible. There may be unavoidable delays in getting you on and off the witness stand, but be patient. You have not been forgotten.

Your Statements versus Court Testimony

Frequently, witnesses who have already given oral or written statements before the trial or hearing are called to testify at the court-martial itself. You may wonder why you should be inconvenienced by going to court when they could use your statement instead. The judge generally will not allow your prior statement into evidence because the law requires a witness to appear in court, tell his or her story under oath, and be subject to questioning by all parties. Therefore, you are still needed in court, even if you have already given a statement.

Sometimes people called as witnesses believe they don't know any relevant facts about the case and therefore shouldn't be called. The fact of the matter is, you may know something very important even though it may seem insignificant to you. Remember, the lawyers investigate the case thoroughly and know what testimony is necessary and relevant. If your testimony is not relevant, you will not be called.

If you are contacted by an attorney for either side for an interview prior to trial, cooperate with him or her. Failure to cooperate prior to trial could cause you embarrassment and delay at trial. As mentioned earlier, if you have any questions or concerns about an interview, you may contact the trial counsel assigned to your case or the Victim-Witness Assistance Liaison.

Helpful Hints Before you Testify in Court

The following rules will be helpful to you in court:

Prior to your appearance in court, go over the facts of the case in your mind and, if possible, review any previous written statements you provided. Before you testify, try to picture the scene, the objects there, the distances, and exactly what happened so you can recall the facts more accurately when asked.

Be neat and professional in your personal appearance. If you are a member of the Armed Forces, you will be expected to wear your service dress. You are being judged not only by what

you say, but how you look. You will first be sworn in. Get comfortable on the witness stand, sit straight and look around to familiarize yourself with the surroundings.

When testifying, the first rule is to tell the truth, the whole truth, and nothing but the truth. Your only duty is to tell it like you saw it; nothing more, nothing less.

Answer the questions clearly and loudly enough for everyone to hear. Don't talk too fast or too slow. If the case is being heard by a Judge, look at and address your remarks to him. Don't mumble or slur your words. If the case is being heard by a court panel, look at them and address your remarks to them so that they will be able to hear and understand what you have to say. They must consider the evidence, so be sure to direct your testimony towards them.

Be polite and, if you are a military member, observe military courtesies. Use "ma'am" and "sir." The judge should always be addressed as "your honor." You do not have to salute in the courtroom. Be serious at all times. The courtroom is not a place to be humorous.

Memorized testimony sounds rehearsed and untruthful. Tell your story in your own words. Many court proceedings are recorded so it is critical that all your answers are verbal. Answer "yes" or "no" rather than nodding or shaking your head.

Listen to the questions carefully. If you don't hear a question, ask that it be repeated. If you don't understand a question, ask that it be rephrased in different words.

If you do not know the answer to a question, it is acceptable to say "I don't know". Even if the attorney repeats the question, if you don't know the answer it is acceptable to continue to say "I don't know. It is not helpful to guess or make up an answer in any court proceeding.

Simply and directly answer the question asked. Don't volunteer information, don't exaggerate, and don't make broad statements that you may have to correct. Give positive, definite answers when possible.

If you make a mistake in answering a question, correct it immediately. If your answer was not clear, clarify it immediately.

If a question can't be answered truthfully with a "yes" or "no," you have a right to explain the answer. Don't give your conclusions or opinions unless you are specifically asked.

If an objection is made by one of the lawyers, or if the judge speaks, stop talking immediately. Don't try to complete your answer until told to continue.

Don't argue with the attorney asking the questions. Remember to always keep your temper under control and be courteous.

While testifying on cross-examination, don't look at the attorney who called you for help in answering the question. You are on your own and must answer the questions without help. If

the question is improper, the attorney will object and the judge will rule on it. It's important, however, that you listen to the objection so you understand why it's being made.

If you are asked whether or not you have talked to anyone about your testimony before coming to court, be sure to answer "yes" if you have. There is nothing wrong with discussing the facts with the attorneys, parties involved, military police, or investigators before the trial.

If the question is about distances, time or speed and your answer is only an estimate, be sure to state it is only an estimate. Beware of suggestions by attorneys as to estimates and do not agree with their estimates unless you independently arrive at the same estimate. Likewise, don't adopt a statement as true if you are unsure as to its accuracy. If you're not sure that an estimation or another statement would be the truth, then do not guess. If you forget information, do not guess. Most, if not all witnesses experience nervousness, so try to relax. If you have forgotten something, you may say you forgot. The attorney questioning you may be permitted to refresh your recollection if you have forgotten.

Dos and Don'ts

Be natural and be yourself. Don't try to be someone you're not. If you relax, tell the truth and remember you are talking to other people, you will be fine.

After you have testified, don't tell other witnesses what was said during testimony until after the trial is over. The judge will instruct you on this matter before you leave the courtroom. Don't ask other witnesses about their testimony.

Don't discuss the case or your testimony within hearing of the court members. The only time the court members are permitted to hear you is while you are testifying in the courtroom.

If you have any questions about testifying or problems related to the case, please contact the trial counsel assigned to the case or the Victim-Witness Assistance Liaison.

SECTION V: POINTS OF CONTACT FOR AVAILABLE SERVICES

Financial Aid:

Emergency financial aid: Air Force Aid Society: (253) 982-2695

American Red Cross: (253) 966-3889 on base; 0800 – 1630 hrs
1-877-272-7337 for 24-hour emergency assistance

McChord Service Member and Family Support: (253) 982-1552/8437

If property is stolen or vandalized on base or at an off base residence, compensation may be available. For additional information, contact the 62d Wing, McChord Field Legal Office at (253) 982-6305.

Civilian witnesses who testify in a court-martial are usually entitled to witness fees and possible travel reimbursement. For additional information, contact the McChord Legal Office at (253) 982-6305.

Washington has a Crime Victims Compensation Program and military personnel may be able to qualify for assistance: Local: (360)-902-5355 or State: 1-800-762-3716

Medical Assistance:

Ambulance Dispatch (Emergency Only): 911

McChord Same Day Appointment Clinic: 1-800-404-4506

Witness or Victim Protection:

Immediate assistance, Law Enforcement Desk: (253) 982-5624

For routine assistance, contact the agency investigating the crime:

Military Police Investigations: (253)-966-6960

Office of Special Investigations: (253) 982-5197

Assistance for victims of intimate partner domestic violence:

JBLM Victim Advocacy Program 24/7 SAFELINE: 253-966-7233(SAFE)

- Restricted and unrestricted reporting.
- Safety Planning
- Shelter transition
- Financial Assistance
- Advocacy with Command
- Assistance with military and civilian protection orders
- Relocation assistance

*There is a victim advocate on site at McChord Service Member and Family Support from 0800- 1630 daily

For civilian assistance, contact:

Pierce County Sheriff's Department: 911 (emergency); (253) 798-7530

Lakewood Police Department: 911 (emergency); (253) 830-5000 for information
(253) 798-4722 for police dispatch

Tacoma Police Department: 911 (emergency); (253) 798-4721 for information

(253) 591-5959 for Crimestoppers

Pierce County Prosecuting Attorney's Office: (253) 798-7400

Domestic Abuse/ Violence Hotline: 1-800-562-6025 (0800 – 1700) 7 days a week

Domestic Violence Victims –

Family Support Center in Olympia: 360-754-9297

Crystal Judson Family Justice Center: (253) 798-4166 (M-F: 0830 –

1630) The YWCA: (253) 383-2593

SafePlace in Olympia: 24 hour Advocate: (360) 754-6300

Good Samaritan (Puyallup): (253) 445-8120

Our Sisters House: (253) 798-4316

Crimes victims Service Center: (253) 752-4522

Counseling and Related Services:

Family advocacy/support centers:

JBLM Behavioral Health Family Advocacy: (253) 982-5121

McChord Service Member and Family Support: (253) 982-2695

Mental health and social work: McChord Mental Health Clinic - (253) 982-3684

Child Protective Services Hotline: 1-800-562-5624

Chaplains: McChord Chapel - (253) 982-5556

McChord Sexual Assault Prevention and Response - (253) 982-7272

McChord Victim and Witness Assistance (VWAP) Coordinator – (253)

982-6585 Rebuilding Hope! Sexual Assault Center for Pierce County - (253)

474-7273 or 1-800-756-7273, www.sexualassaultcenter.com

Legal Assistance: Joint Base Lewis-McChord Legal Assistance Office - (253) 982-5513

For any assistance after duty hours you may call the Military Police Desk at (253) 967-7112. They can put you in contact with personnel from these agencies.

CONCLUSION

We hope this handbook has answered many of your questions as to how the military justice system operates and your expected role as a potential witness. Please utilize this handbook and any of our victim-witness assistance informational pamphlets to get the help you need during this time in your life. Witnesses have important responsibilities in this process and their full cooperation is essential if the system is to operate fairly and effectively. The 62d Wing, McChord Field Legal Office and the Commander of the 62d Airlift Wing thank you for your help and cooperation. If you have any comments or suggestions on how to improve the Victim-Witness Assistance Program, please do not hesitate to call our office.

VICTIM AND WITNESS ASSISTANCE QUESTIONNAIRE

Please take a moment and help us improve our services by filling out this short questionnaire. Thank you for your time.

1. I was given prompt assistance: Agree Disagree
Comments: _____

2. The materials I was given were easy to understand (i.e. McChord Handbook, DD Forms, etc.).
 Agree Disagree
Comments: _____

3. The handbook I received helped me understand the Military Justice process.
 Agree Disagree N/A (I was never given a handbook.)
Comments: _____

4. I feel the assistance I received was: Helpful Somewhat helpful Not helpful
Comments: _____

5. I feel my questions were answered sufficiently.
 Agree Disagree N/A (I didn't have any questions.)
Comments: _____

6. Suggestions for improving the quality of service and other comments?

