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Rights of the Victim of an Offense (Art. 6b - UCMJ)

1. The right to be reasonably protected from the accused.
2. The right to reasonable, accurate and timely notice of any of the following:
 - A. A public hearing concerning the continuation of confinement prior to trial of the accused.
 - B. A preliminary hearing under section 832 of this title (Article 32) relating to the offense.
 - C. A court-martial relating to the offense.
 - D. A public proceeding of the service clemency and parole board relating to the offense.
 - E. The release or escape of the accused, unless such notice may endanger the safety of any person.
3. The right not to be excluded from any public hearing or proceeding describing in paragraph (2) unless the military judge or preliminary hearing officer, as applicable, after receiving clear and convincing evidence, determines that testimony by the victim of an offense under this chapter would be materially altered if the victim heard other testimony at that hearing or proceeding.
4. The right to be reasonably heard at any of the following:
 - A. A public hearing concerning the continuation of confinement prior to the trial of the accused.
 - B. A sentencing hearing relating to the offense.
 - C. A public proceeding of the service clemency and parole board relating to the offense.
5. The reasonable right to confer with the counsel representing the Government at any proceeding described in paragraph (2).
6. The right to receive restitution as provided in law.
7. The right to proceedings free from unreasonable delay.
8. The right to be treated with fairness and with respect for the dignity and privacy of the victim of an offense under this chapter.

Office of the Victims' Counsel



Resources Available to Victims of Domestic Violence and Sexual Assault

Article 6b Rights: The enumerated rights afforded to victims as prescribed by the Uniform Code of Military Justice (UCMJ).

Case Management Group (CMG): A group convened to address the cohesive emotional, physical, and spiritual care of a victim in a collaborative environment with the collective goal of facilitating the survivor's well-being and recovery.

Domestic Abuse Victim Advocate (DAVA): A trained victim advocate working with Family Advocacy to provide 24/7 non-clinical assistance and support to victims of domestic abuse and intimate partner sexual assaults.

Extraordinary Circumstances Request: A request for an exception to policy, in order for a victim who otherwise would not qualify for VC services to be provided VC representation.

High Risk Response Team (HRRT): A group formed by the CMG in the event a victim was assessed through a safety assessment and the SARC to be in a high risk of harm from the suspect, persons associated with the suspect, or self harm.

Qualifying UCMJ Offenses:

Art 117a, Wrongful Broadcast

Art 118, Murder (Attempted)

Art 119, Manslaughter (Attempted)

Art 120, Sexual Assault

Art 120b(1) - Domestic Violence - Violent Offense

Art 128(b) - Aggravated Assault

Art 128a, Maiming

Art 130, Stalking

Art 80, Attempts of any of the previously listed Articles (list is not exhaustive)

Sexual Assault Response Coordinator (SARC): The single point of contact at an installation or within a geographic area who oversees sexual assault awareness, prevention, and response training; coordinates medical treatment, including emergency care for sexual assault victims covered under AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, dtd 15 Jul 20; and tracks the services provided to a victim of sexual assault, covered under AFI 90-6001, from the initial report through final disposition and resolution.

Victims' Counsel (VC): Attorneys who assist and advise victims of sexual assault and/or domestic violence through independent representation; build and sustain victim resiliency; empower victims; and increase the level of legal assistance provided to victims.

Victim: A person who has suffered direct physical, emotional, or financial harm as the result of an offense under the UCMJ.

Dependent Relocation for Personal Safety: Certain situations involving dependent abuse offenses perpetrated by a service member against qualifying dependents may allow those victims travel and transportation allowances to relocate for their personal safety. In order for such a request to be granted, the relocation must be in the best interest of the dependent(s) and the U.S. Government and the Installation Commander must determine (1) the service member committed a dependent abuse offense against their dependent; (2) a safety plan and counseling have been provided to the dependent; (3) the dependent's safety is at risk; and (4) the dependent's relocation is advisable. Dependent abuse offenses are defined as conduct by an individual while a member of the armed forces on active duty for a period of more than 30 days, that involves abuse of a spouse or a dependent child of the service member; and that a criminal offense as specified in regulations prescribed by the Secretary of Defense (under subsection (k) of that statute. Movement of dependents under this program should be accomplished prior to a divorce. (VC)

Expedited Transfer: The Expedited Transfer (ET) process affords victims (who file an unrestricted report of sexual assault) the option of a permanent change of station (PCS) or temporary or permanent change of assignment (PCA) to a location that assists with the immediate and future welfare of the victim. Victims of sexual assault will only be eligible for one ET for each unrestricted reported sexual assault. There are exceptions to this provision in exceptional circumstances. Guidance on ETs can be found in AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. (SAPR/SJA/VC)

Financial Support for Dependents: Prior to 2018, no set formula existed for calculating the financial support obligation of an Airman was required to provide their dependents when the parties were separated. DAFI 36-2906, *Personal Financial Responsibility*, dtd 13 May 21, provides guidance on what amount of financial support is owed in the event a valid court order is not in place. (SJA)

Firearms: The possession, selling, transferring, or providing of a firearm to certain persons fitting into certain prohibited categories is illegal. These categories are defined by 18 U.S.C. § 922(g), and include persons possessing a firearm for the purpose of carrying out official military duties. Certain prohibited categories do not require a conviction and may include persons accused of domestic violence and/or sexual assault. (SJA)

Transitional Compensation: A program created to ensure dependents of service members who are the victims of abuse are provided financial support. It is the policy of the Department of Defense to provide monthly transitional compensation payments and other benefits for dependents of service members who separate for dependent abuse. Details of this policy and program may be found in AFI 36-3012, *Military Entitlements*, dtd 23 Aug 19. This program is funded from a centralized Air Force fund and not from local unit funds. A unit commander's responsibilities under this program include ensuring affected family members are informed of the program and assistances that are available, along with assisting family members with the application process and ensuring the correct form (DD Form 2698) is completed prior to referring the applicant to MPS. Always coordinate with the servicing SJA and MPS during this process. In certain situations, the Installation Commander must determine whether the spouse was an active participant (actively aided/abetted the service member) in the abuse during this process. The servicing SJA will review the DD Form 2698 for legal sufficiency and provide a written legal review to the Installation Commander. Benefit recipients are issued identification cards and are also entitled to use the commissary and exchange while receiving transitional compensation payments. (SJA/VC)

"No-Contact" and Military Protective Orders (MPOs): The two types of orders that fall under this category which may be issued by military members, to military members, are informal "no-contact" orders and formal MPOs. A "no-contact" order may be written or verbal (but should be reduced to writing as soon as possible), and may be appropriate to temporarily stop communications between two parties who are involved in a dispute that does not rise to the level of criminal misconduct. An MPO is a formal protective order designed to prevent communication and is provided to the local authorities in order to ensure additional protections are available. A copy of the MPO must be served on each of the parties involved. Commanders may also issue a "no-contact" order or MPO in conjunction with a civilian protective order. (SFS/SJA)

Victim Witness Assistance Program (VWAP): A program administered by the SJA for the purpose of mitigating the physical, psychological, and financial hardships suffered by victims and witnesses of offenses investigated by U.S. Air Force authorities; fostering cooperation between victims, witnesses, and the military justice system; and ensuring best efforts are extended to protect the rights of victims and witnesses. (SJA)