Department of the Army, DoD

§ 635.35

Subpart E—Victim and Witness Assistance Procedures

§ 635.34 General.

(a) This subpart implements procedures to provide assistance to victims and witnesses of crimes that take place on Army installations and activities. The procedures in this subpart apply to—

(1) Every victim and witness.
(2) Violations of the UCMJ, including crimes assimilated under the Assimilative Crimes Act reported to or investigated by military police.
(3) Foreign nationals employed or visiting on an Army installation OCONUS.

(b) Provost Marshal/Director of Emergency Services personnel should refer to AR 27–10, Chapter 18, for additional policy guidance on the Army Victim/Witness Program.

§ 635.35 Procedures.

(a) As required by Federal law, Army personnel involved in the detection, investigation, and prosecution of crimes must ensure that victims and witnesses rights are protected. Victim’s rights include—

(1) The right to be treated with fairness, dignity, and a respect for privacy.
(2) The right to be reasonably protected from the accused offender.
(3) The right to be notified of court proceedings.
(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial, or for other good cause.
(5) The right to confer with the attorney for the Government in the case.
(6) The right to restitution, if appropriate.
(7) The right to information regarding conviction, sentencing, imprisonment, and release of the offender from custody.

(b) In keeping with the requirements listed in paragraph (a) of this section, Provost Marshals/Directors of Emergency Services must ensure that—
§ 635.36 Notification.  
(a) In addition to providing crime victims and witnesses a DD Form 2701, law enforcement personnel must ensure that individuals are notified about—  
(1) Available military and civilian emergency medical care.  
(2) Social services, when necessary.  
(3) Procedures to contact the staff judge advocate victim/witness liaison office for additional assistance.  
(b) Investigating law enforcement personnel, such as military police investigators—  
(1) Must ensure that victims and witnesses have been offered a DD Form 2701. If not, investigating personnel will give the individual a copy.  
(2) In coordination with the Provost Marshal/Director of Emergency Services victim witness coordinator, provide status on investigation of the crime to the extent that releasing such information does not jeopardize the investigation.  
(3) Will, if requested, inform all victims and witnesses of the apprehension of a suspected offender.

§ 635.37 Statistical reporting requirements.  
(a) DOD policies on victim witness assistance require reporting of statistics on the number of individuals who are notified of their rights. The DA Form 3975 provides for the collection of statistical information.  
(b) The COPS system supports automated reporting of statistics. HQDA, Office of the Provost Marshal General (DAPM–PD–LE) as the program manager may require periodic reports to meet unique requests for information.  
(c) It is possible that a victim or witness may initially decline a DD Form 2701. As the case progresses, the individual may request information. If a case is still open in the Provost Marshal Office/Directorate of Emergency Services, the Provost Marshal/Director of Emergency Services victim witness coordinator shall provide the DA Form 2701 to the individual and update the records. Once the case is referred to the staff judge advocate or law enforcement activity ceases, COPS will not be updated without prior coordination with the installation Staff Judge Advocate office.

PART 636—MOTOR VEHICLE TRAFFIC SUPERVISION (SPECIFIC INSTALLATIONS)

Sec. 636.0 Scope of this part.

Subpart A—Fort Stewart, Georgia

636.1 Responsibilities.
636.2 Program objectives.
636.3 Suspension or revocation of driving privileges.
636.4 Administrative due process for suspensions and revocations.
636.5 Army administrative actions against intoxicated drivers.
636.6 Remedial driver training program.
636.7 Extensions of suspensions and revocations.
636.8 Registration policy.
636.9 Registration requirement.
636.10 Hunter Army Airfield vehicle registration.
636.11 Installation traffic codes.
636.12 Traffic accident investigation.
636.13 Traffic accident investigation reports.
636.14 Parking.
636.15 Traffic violation reports.
636.16 Detection, apprehension, and testing of intoxicated drivers.
636.17 Compliance with State laws.
636.18 Driving records.
636.19 Point system application.
636.20 Point system procedures.