



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

OCT 17 2011

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Legal Assistance for Victims of Crimes

By correspondence dated May 27, 2011, I asked you to provide input regarding the implementation of the Secretary of Defense's determination that the Services could provide significant legal assistance to victims of crime, including sexual assault. I also posed a series of questions to you designed to gauge the impact that this would have upon your operations and what impediments might limit full implementation.

Thank you for your candid and comprehensive responses. Based upon your comments, I have concluded the Services can provide, and in most cases are already providing, legal assistance to victims of crimes including sexual assault, consistent with the scope of representation as set forth below and in the attachment to my May 27, 2011 memorandum. I have concluded also you can do so without significant additional training and/or expense and without statutory amendment.

The types of legal assistance contemplated include consultation addressing the topics below for those otherwise entitled to legal assistance:

(1) the Victim Witness Assistance Program (VWAP), including the rights and benefits afforded the victim;

(a) the role of the Victim/Witness Advocate or Liaison and what privileges do or do not exist between the victim and the Advocate or Liaison;

(b) the nature of the communication made to the Victim/Witness Advocate or Liaison as opposed to those made to the Legal Assistance Attorney;

(2) the differences between the two types of reporting in sexual assault cases;

(3) the military justice system, including the roles and responsibilities of the trial counsel, the defense counsel, and investigators. This may include the ability of the Government to compel cooperation and testimony;

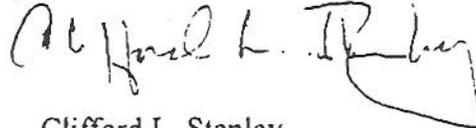
(4) services available from appropriate agencies or offices for emotional and mental health counseling and other medical services;

(5) the availability of, and any protections offered by, civilian and military restraining orders;

(6) eligibility for and benefits potentially available as part of the transitional compensation benefits found in section 1059 of Title 10, United States Code, and other state and federal victims' compensation programs; and

(7) traditional forms of legal assistance.

In view of this, I request that you provide, or continue to provide, legal assistance to victims of crime consistent with available expertise, existing organizational structures and your ability to minimize conflicts of interest in this representation. I request further that you revise, to the extent required, your legal assistance regulations to reflect same.

A handwritten signature in black ink, appearing to read "Clifford L. Stanley". The signature is written in a cursive style with a large, sweeping flourish at the end.

Clifford L. Stanley