



Department of Defense INSTRUCTION

NUMBER 6400.07

November 25, 2013

Incorporating Change 2, Effective July 6, 2018

USD(P&R)

SUBJECT: Standards for Victim Assistance Services in the Military Community

References: See Enclosure 1

1. **PURPOSE.** This instruction, in accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)):

a. Establishes policy, assigns responsibilities, and sets standards for victim assistance services within the military community. These standards are consistent with the *Standards for Victim Assistance Programs and Providers* (Reference (b)) established by the National Victim Assistance Standards Consortium, but incorporate the unique needs of the military community.

b. Establishes the DoD Victim Assistance Leadership Council, referred to in this instruction as “the Council.”

2. **APPLICABILITY.** This instruction:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the “DoD Components”).

b. Does **not** apply to civilian complainants covered under Equal Employment Opportunity policy.

3. **POLICY.** It is DoD policy that:

a. The DoD Components will do all that is possible within limits of available resources to assist victims of crime and harassment in accordance with the requirements listed in DoD Instruction (DoDI) 1030.2 (Reference (c)) and DoDD 1350.2 (Reference (d)). Particular

attention will be paid to victims of serious, violent crime, including child abuse, domestic violence, and sexual misconduct.

b. A complainant under DoD Military Equal Opportunity (MEO) policy, as contained in Reference (d), and Service-specific regulations, will receive the same treatment as a person identified as a victim for the purposes of this instruction.

c. DoD victim assistance services will focus on the victim and will respond, protect, and care for the victim from initiation of a report through offense disposition or until the victim no longer requires services.

d. DoD standards for victim assistance services must meet the competency, ethical, and foundational levels described in Enclosure 2 of this instruction.

e. The DoD Victim Assistance Leadership Council will advise the Secretary of Defense on policies and practices related to the provision of victim assistance across the DoD.

4. RESPONSIBILITIES. See Enclosure 3.

5. RELEASABILITY. Cleared for public release. This instruction is available on the DoD Issuances Website at <http://www.esd.whs.mil/DD>.

6. SUMMARY OF CHANGE 2. The changes made to this issuance are administrative and update a URL and clarifying text for accuracy.

7. EFFECTIVE DATE. This instruction is effective November 25, 2013.


Jessica L. Wright
Acting Under Secretary of Defense
for Personnel and Readiness

Enclosures

1. References
2. Standards for Victim Assistance Personnel
3. Responsibilities
4. Victim Assistance Leadership Council Charter

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) DeHart, D.D. (2003) *National Victim Assistance Standards Consortium: Standards for Victim Assistance Programs and Providers*. Columbia, SC: Center for Child and Family Studies, University of South Carolina
- (c) DoD Instruction 1030.2, "Victim and Witness Assistance Procedures," June 4, 2004
- (d) DoD Directive 1350.2, "DoD Military Equal Opportunity Program," August 18, 1995, as amended
- (e) DoD Directive 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," January 23, 2012, as amended
- (f) DoD Instruction 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," September 20, 2011, as amended
- (g) DoD 5400.11, "Department of Defense Privacy Program," May 14, 2007
- (h) Chapter 47 of Title 10, United States Code, also known as the "Uniform Code of Military Justice"

ENCLOSURE 2

STANDARDS FOR VICTIM ASSISTANCE PERSONNEL

1. COMPETENCY STANDARDS

a. General. Victim assistance personnel are expected to maintain standards of competence. They provide victim assistance services in accordance with DoD and Military Service qualification requirements, such as education, training, or relevant experience. Victim assistance personnel must exercise careful judgment, apply flexibility and innovative problem-solving, and take appropriate precautions to protect victims' welfare under the guiding principle of "do no harm."

b. Communication. Victim assistance personnel communicate effectively with victims by:

(1) Recognizing and understanding the basic principles of effective communication, including verbal, nonverbal, and cultural variation.

(2) Listening attentively to the victims and using the information they provide to offer appropriate assistance and provide information and resources that the victim may elect to pursue.

(3) Using effective communication to de-escalate crisis situations, seeking support as necessary so that assessment and assistance planning may take place.

(4) Monitoring their own verbal and nonverbal reactions when communicating with the victim.

(5) Educating and explaining their roles to victims and to other agency personnel that address victims' needs.

(6) Understanding and describing to victims the variety of resources, advocacy, and outreach services available in the immediate vicinity (e.g., on- and off-base financial assistance resources; medical care and counseling; spiritual support services; and social welfare services, which may include child protective services or guardian *ad litem* services, as relevant to the persons served).

c. Response to Victimization. Victim assistance personnel help victims deal with their individual response to victimization by:

(1) Recognizing the range of reactions to victimization (e.g., anger, self-blame, helplessness) and responding to the victim accordingly.

(2) Recognizing the impact of trauma on victims' ability to connect to assistance services and to assist in the military justice or administrative process.

(3) Understanding the relationship dynamics and environmental stressors (e.g., previous victimization, dependence on the perpetrator) as these relate to victim response and resiliency.

(4) Recognizing the importance of victim self-care.

(5) Understanding the impact of specific types of crime or offense on the needs of victims and using specific support, as appropriate, to the type of victimization (i.e., developing and using safety planning, as relevant to the persons being served).

d. Crisis Support. Victim assistance personnel provide support when confronted with a crisis situation by:

(1) Understanding specific program policies and procedures for crisis situations and recognizing what constitutes a crisis or danger to the victim or others.

(2) Listening attentively to allow and accept the victim's retelling of the event in order to appropriately identify a crisis situation.

(3) Understanding and facilitating victim safety, as applicable, to the victim being served.

(4) Recognizing exceptions to Restricted Reporting as contained in DoD Directive 6495.01 (Reference (e)) and DoD Instruction 6400.06 (Reference (f)), applicable privileged communications, and privacy rules and limitations on disclosure of information to other parties in crisis or dangerous situations. Ensure all personally identifiable information (PII) is collected, maintained, disseminated, and used in accordance with DoD 5400.11-R (Reference (g)).

(5) Addressing foreseeable crisis situations (i.e., understanding signs leading to suicidal ideation and attempts and how to appropriately intervene) and contacting appropriate experts, if needed.

(6) Helping victims identify and prepare for potential stressors.

2. ETHICAL STANDARDS. Within the military community, victim assistance personnel are required to abide by standards for appropriate and ethical conduct when performing duties by:

a. Ensuring understanding by the victim that participation in victim assistance services is voluntary.

b. Respecting the privacy of information provided by the victims served or acquired from other sources before, during, and after the course of the professional relationship in accordance with Restricted Reporting, applicable privileged communications, and privacy rules. Ensure all PII is collected, maintained, disseminated, and used in accordance with Reference (h).

- c. Understanding their responsibilities, limitations, and the implications of their actions within the victim assistance setting and perform duties in accordance with applicable laws, regulations, policies, and rights of person(s) served.
- d. Respecting victims' rights and acting accordingly.
- e. Refraining from behaviors that communicate blame or suspicion regarding victim accounts of the crime or offense, condemnation for past behavior, or other judgmental sentiments to the victim.
- f. Avoiding conflicts of interest and disclosing any possible conflict to the appropriate program personnel and victims served.
- g. Not improperly discriminating against a victim for any reason.
- h. Respecting boundaries of the victim assistance role, including distinguishing personal feelings from professional responses, and promoting empowerment of victims rather than rescuing them.
- i. Accurately representing roles of victim assistance personnel, which may include qualifications, titles, and credentials, in relationships with the person(s) being served.
- j. Maintaining objectivity and professional conduct in relationships with victims (e.g., by avoiding impropriety and the appearance of impropriety, not engaging in a relationship that goes beyond victim assistance responsibilities, and avoiding abuse of a position).
- k. Achieving and maintaining professional competence by:
 - (1) Seeking support and increased levels of supervision when necessary to serve the best interests of a victim to include collaborating with another professional with the victim's permission.
 - (2) Not engaging in victim assistance duties while under the influence of drugs or alcohol.
 - (3) Refraining from providing services when experiencing a mental or physical condition that impairs the ability and judgment to perform duties safely.
- l. Knowing the interests of the persons served are a very important responsibility while performing victim assistance duties.

3. **FOUNDATIONAL STANDARDS FOR PROGRAMS.** These standards identify ways of documenting and administering services to ensure quality and responsiveness to victims' needs. In relation to the goals and objectives of the individual program, these foundational standards

will be incorporated, as appropriate to the persons served, into the specific victim assistance programs consistent with law and Service regulations.

a. Access to Resources and Services: Victims will be provided with information regarding available resources and services appropriate to their needs as applicable by assistance personnel.

(1) Each victim assistance program must establish and advertise their standard hours of operation and contact information.

(2) Victim assistance personnel will:

(a) Describe to victims in clear language the capabilities and limitations of the victim assistance role.

(b) Provide a complete explanation of victim's rights and reporting options.

(c) Provide information to victims for appropriate service resources on- and off-base. Services may include, but are not limited to, health care, counseling, social welfare agencies, child protective services, military and civilian protective orders, and legal assistance.

(d) As needed, provide victims publicly available written information on the available services on- and off-base (e.g., safety planning, advocacy, compensation and restitution, physical and mental health care, social services, spiritual services, legal services) and resources and procedures for:

1. Addressing imminent danger (e.g., stalking, victim or witness intimidation)

2. Obtaining information on administrative or military justice proceedings.

(e) Respect victims' right to make their own decisions about the services received.

(f) Advocate appropriately on behalf of victims' rights and needs throughout service delivery (within the limits of ethics and program policy).

(g) Ensure that, in accordance with Service regulations, victims' basic rights are explained to them and how those rights apply to their individual situation.

(h) Engage in ongoing support and follow-up for individual victims as applicable.

(i) If an imminent danger situation is current, immediately contact law enforcement.

b. Interaction with the Military Justice System. Victims of crime will be provided information concerning the military justice and administrative processes, as applicable to the victim being served. Regardless of any professional titles, credentials, or licenses maintained by victim assistance personnel, their direct victim assistance will not involve clinical treatment or legal advice. They should not represent themselves as licensed medical, psychological,

behavioral health, or legal advisors. In situations when victims need such services, victim assistance personnel must refer victims to licensed clinicians or attorneys. Victim assistance personnel must:

(1) Explain in clear language the interaction between the program's victim assistance services and the military justice system, in particular by recognizing and explaining how other military or civilian personnel may relate to the victim throughout the military justice process (e.g., victim-witness assistance personnel, investigators, lawyers, commanders, guardians *ad litem*).

(2) Know the processes for helping victims access and participate in military justice, administrative, and service-related systems. Recognize the significant impact that military justice and administrative proceedings can have for victims, both as potential environments for victim empowerment or re-traumatization under the circumstances.

(3) Manage the expectations of military justice or administrative proceedings.

(4) Ensure that, in accordance with Service regulations, victims get help as needed in advocating for their rights in military justice or administrative settings.

(5) Ensure that, in accordance with Service regulations, victims understand basic components of proper decorum and courtroom proceedings as relevant to their needs.

(6) Ensure that, in accordance with Service regulations, victims understand the prohibitions against victim assistance personnel on providing legal advice and legal representation.

(7) Provide liaison assistance with other organizations and agencies on victim care matters relevant to the person being served.

ENCLOSURE 3

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R):

a. Develops and establishes overall policy for standards for victim assistance services and monitors compliance with this instruction.

b. Maintains the DoD Victim Assistance Leadership Council to provide a forum that promotes efficiencies, coordinates victim assistance-related policies, and assesses the implementation of victim assistance standards across the DoD's victim assistance-related programs.

2. CHAIR OF THE DoD VICTIM ASSISTANCE LEADERSHIP COUNCIL. Under the authority, direction, and control of the USD(P&R), the Council chair ensures that the Council recommends guidance for and provides oversight of DoD Component victim assistance-related programs and policies that meet the policies and standards in this instruction.

3. DoD COMPONENT HEADS. The DoD Component heads:

a. Ensure compliance with this instruction.

b. Establish policies and procedures consistent with this instruction.

c. Establish Component policies and procedures to develop and implement victim assistance programs in accordance with the standards in this instruction.

4. SECRETARIES OF THE MILITARY DEPARTMENTS. In addition to the responsibilities in section 3 of this enclosure, the Secretaries of the Military Departments will designate a general or flag officer (G/FO) or Senior Executive Service (SES) level representative to serve on the Council as described in Enclosure 4 of this instruction.

ENCLOSURE 4

DoD VICTIM ASSISTANCE LEADERSHIP COUNCIL

1. OBJECTIVES AND SCOPE OF ACTIVITIES

a. The Council will advise the Secretary of Defense, through the USD(P&R), on policies and practices related to the provision of victim assistance across the DoD.

b. Council objectives will include, but not be limited to:

(1) To promote efficiencies, coordinate victim assistance-related policies, and assess the implementation of victim assistance standards across the DoD's victim assistance-related programs.

(2) To provide a forum for senior leaders to exchange information and collaborate on issues affecting victims of crime and harassment within the DoD.

c. For the purposes of the Council and this instruction, the victim assistance-related programs consist of:

(1) The Sexual Assault Prevention and Response (SAPR) Program.

(2) The Family Advocacy Program (FAP).

(3) The Victim Witness Assistance Program (VWAP).

(4) The MEO Program.

2. COUNCIL MEMBERSHIP

a. Chair

(1) The Director of the Sexual Assault Prevention and Response Office (SAPRO) will serve as the Council chair for 2 years from the Council's inaugural meeting. Thereafter, the chair position will be filled by its serving members on a rotating basis.

(2) If the Chair cannot fulfill the 2-year term, a new chair will be designated by the USD(P&R) to fulfill remaining commitment of the two-year term.

b. Members. The Council will be comprised of full-time or permanent part-time federal employees. Membership will include:

(1) A G/FO or SES level representative from each of the Military Services staffs, as well as the National Guard Bureau, who has responsibility for or can speak on behalf of:

- (a) The SAPR Program.
- (b) The FAP.
- (c) The VWAP.
- (d) The MEO Program.

(2) A representative on the G/FO or SES level from:

- (a) OSD FAP.
- (b) OSD, Office of Diversity Management and Equal Opportunity (ODMEO).
- (c) The Office of the General Counsel of the Department of Defense.
- (d) The Department of Defense Human Resources Activity.
- (e) DoD SAPRO.

(3) The Director, Office of Legal Policy, Office of the USD(P&R).

(4) Other individuals as designated by the USD(P&R).

c. In the event that designated personnel are unable to attend a particular Council meeting, a comparable alternate (O-6 or civilian equivalent, or above) should be identified.

d. Additional staff representatives below the O-6 level may be invited to accompany Council members to provide program- or field-level expertise.

e. Representatives from other DoD Components may be invited to specific Council meetings as subject matter experts to inform and resolve issues addressed by the Council.

3. COUNCIL MEETINGS. The Council will meet, at a minimum, once per year. The Council chair has the authority to schedule *ad hoc* meetings, as necessary.

4. QUORUM. The number of members required for a quorum will be determined at the inaugural meeting of the Council.

5. DURATION OF THE COUNCIL. The need for the Council is on a continuing basis. The Chair will ensure this instruction and any applicable procedural guidance for the Council are reviewed and certified current or amended, every two years, with the biennial review date determined at the inaugural meeting.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DoDD	DoD Directive
DoDI	DoD Instruction
FAP	Family Advocacy Program
G/FO	general or flag officer
MEO	Military Equal Opportunity
ODMEO	Office of Diversity Management and Equal Opportunity
PII	personally identifiable information
SAPR	Sexual Assault Prevention and Response
SAPRO	Sexual Assault Prevention and Response Office
SES	Senior Executive Service
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
VWAP	Victim Witness Assistance Program

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this instruction.

complainant. A Service member who files an allegation of harassment in accordance with DoD MEO policy and service-specific regulations.

ethical standards. The behavioral expectations for victim assistance personnel when performing victim assistance-related duties.

guardian *ad litem*. A term used in law to refer to the appointment by a court of one party to act in a court of law on behalf of another party—for instance, a child or an incapacitated adult—who is deemed incapable of representing him or herself.

Restricted Reporting. Defined in Reference (e) and Reference (d).

victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of Chapter 47 of Title 10 of the United States Code (also known as the “Uniform Code of Military Justice” (Reference (h)) or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the one or more DoD Components.

victim assistance personnel. Personnel who are available to provide support and assistance to victims of crime and harassment consistent with their assigned responsibilities and in accordance with this instruction. They include part-time, full-time, collateral duty, and other authorized individuals, and may be domestic violence or sexual assault prevention and response coordinators (to include unit and uniformed victim advocates), Sexual Assault Response Coordinators, victim-witness assistance personnel, or military equal opportunity advisors.

victim assistance-related programs. The SAPR Program; FAP; and the VWAP. A complainant under the DoD MEO Program may be referred by the MEO office to one of the victim assistance-related programs for additional assistance.