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|  | **DEPARTMENT OF THE AIR FORCE**  **[Appropriate header]** |

**Source: AFI 51-201, Figure 7.5, Sample Victim Notification of Opportunity to Express Views as to Jurisdiction**

(Date)

MEMORANDUM FOR (Rank and Name of Victim)

FROM: (JA Office and Rank and Name of Base level SJA)

SUBJECT: Preference Regarding Prosecution Jurisdiction

1. As the victim of a sex-related offense that occurred in the United States, you may provide your preference as to whether the Air Force retains primary jurisdiction over (Rank and Name of Accused) or whether civilian authorities have primary jurisdiction over the offense(s).

2. Expressing your preference as to jurisdiction is separate from your right to express your preference as to disposition of the case. You may submit a preference as to disposition, including whether you are willing to testify in person, under oath, at a court-martial, at any time.

3. (*If eligible. See AFI 51-504 for legal assistance and SVC eligibility. Note that AFI 51-504, para. 1.3.11, permits SJAs to authorize legal assistance to persons not specifically identified as eligible beneficiaries when it benefits the command. Requests for exceptions to SVC eligibility rules should be submitted to AFLOA/CLSV. If a victim is already represented by an SVC, communication with the victim should be made through the SVC.*) You may consult with a [legal assistance attorney] or [Special Victims’ Counsel] as to your preference for primary jurisdiction and potential prosecution venue in accordance with AFI 51-504, *Legal Assistance, Notary, and Preventive Law Programs*.

(NAME), (Rank), USAF

Staff Judge Advocate

1st Ind, (Rank and Name of Victim) (Date)

MEMORANDUM FOR (JA Office and Rank and Name of Base level SJA)

1. I understand that I may provide my preference as to primary jurisdiction over (Rank and Name of Accused).

\_\_ I prefer the Air Force to retain primary jurisdiction over the offense, including potential prosecution of the offense by court-martial.

\_\_ I prefer (INSERT NAME OF APPROPRIATE CIVILIAN AUTHORITY WITH JURISDICTION OVER OFFENSE) to have primary jurisdiction over the offense, including potential prosecution of the offense in a civilian court. I understand the Special Court-Martial Convening Authority will notify the above named civilian jurisdiction of this stated preference.

\_\_ I have no preference regarding whether the Air Force or civilian authorities have primary jurisdiction, including the potential for prosecution in an Air Force court-martial or civilian court.

2. I understand my above noted preference is not binding, but will ordinarily be considered by the convening authority in making the decision whether to refer any charge(s) or specification(s) to trial by court-martial.

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(Grade (if applicable) and Name of Victim)

OR

(Grade, Name of SVC)

OR

(Name of counsel representing the victim)

2nd Ind, [Special Court-Martial Convening Authority] or [General Court-Martial Convening Authority] (Date)

MEMORANDUM FOR (Rank and Name of Victim)

1. I am in receipt of your above mentioned jurisdiction preference in the matter regarding [insert grade and name of accused] and the alleged applicable offense(s). Once the investigation is complete, the convening authority should consider your preference before deciding to refer or forward a recommendation to refer the charge(s) or specification(s) for the offense to a court-martial.

2. On (date), [I], [my Victim Witness Assistance Program Coordinator] provided your stated preference to (Insert Name of Civilian Authority). (If applicable use one of these sentences: (Please note the military does not currently have jurisdiction of this offense.) (Please note the military has already been given primary jurisdiction of this offense by (Insert Name of Civilian Authority)).

3. [I] [My Victim Witness Assistance Program Coordinator] will keep you apprised in writing of any response I receive from (Insert Name of Civilian Authority) on this matter (with copy to your Special Victims’ Counsel) (with copy to your attorney).

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(NAME), (Rank), USAF

Staff Judge Advocate

cc:

Rank (if applicable) and Name of Victim

Rank and Name of SVC (if applicable)

Name of Counsel representing the Victim (if applicable)