

	<p>Boston Police Department (PD), Austin PD, Phoenix PD and Philadelphia PD, to learn best practices and lessons-learned, and sharpen investigative skills via on-the-job training.</p> <p>o A cross disciplinary team of CGIS agents (e.g. training staff, headquarters staff, experienced field agents) met with the Los Angeles Police Department (LAPD) Training Staff. The purpose was to review and “learn” the California POST approved course on sexual assault investigations. LAPD subject matter experts (SME) provided an overview of their current course for CGIS including all lesson plans and training aids. CGIS is now in the process of developing a complete in-house sexual assault training plan that CGIS trainers could deliver as needed to all CGIS agents in the future.</p>
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75b. Prosecutors/trial counsel who handle non-penetrative sexual assault cases

USA	<p>Prosecutors/trial counsel who handle non-penetrative sexual assault cases: The minimum requirement for assignment to prosecute a non-penetrative sexual assault case is certification under Article 27(b) by the Judge Advocate General that a counsel is competent to perform these duties at a general court-martial after graduation from the Judge Advocate Officer Basic Course. In practice, trial counsel attend the New Prosecutors Course, the Intermediate Trial Advocacy Course, and the Essential Skills for Sexual Assault Prosecution courses prior to prosecuting a sexual assault offense. Staff Judge Advocates are entrusted with the responsibility for ensuring that any trial counsel assigned to any case, whether sexual assault or another offense, are qualified to do so. Technical supervision and oversight is provided to trial counsel through a Senior Trial Counsel, Chief of Justice, Deputy Staff Judge Advocate and reach back expertise from the Trial Counsel Assistance Program.</p>
USAF	<p>AFI 51-103, <i>Judge Advocate Professional Development</i>, discusses criteria for judge advocate designation (paras. 2 and 3) and certification to perform the duties of trial and defense counsel IAW UCMJ Art. 27 (para. 4). http://static.e-publishing.af.mil/production/1/af_ja/publication/afi51-103/afi51-103.pdf</p> <p>Judge advocates that have not been certified may be detailed as trial counsel or assistant trial counsel for special courts-martial and assistant trial counsel for general courts-martial. Judge advocates that have not been certified may not be detailed as trial counsel for general courts-martial.</p> <p>There is no rank requirement. JAGs without any prior time as officers in the military receive commissions as First Lieutenants and so long as they are designated as judge advocates are eligible to serve as trial counsel or assistant trial counsel in sexual assault cases as described above.</p>
USN	<p>Sexual assault cases are typically detailed to “core attorneys” assigned to a Region Legal Service Office (RLSO). A RLSO core attorney is a judge advocate (O-3 or above), certified to practice by the Judge Advocate General in accordance with Article 27b, UCMJ, and a member in good standing with a state bar, that have completed at least one full tour prior to assuming the duties of a prosecutor. All trial counsel are</p>

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	<p>supervised by a Senior Trial Counsel (O-4 or above judge advocate) and a Commanding Officer (O-6 judge advocate) and have access to 24/7 support from the Trial Counsel Assistance Program (TCAP). All trial counsel complete a 10-week basic lawyer course, including classes on military evidence, criminal procedure and crimes, and lengthy professional development standards (on-the-job-training standards) prior to transferring into a core trial counsel billet. After reporting for duty, trial counsel attend additional specialized courses including trial counsel orientation and basic trial advocacy.</p>
USMC	<p>In the Marine Corps, prior to being detailed as a trial counsel (TC) to any sexual assault case, judge advocates must be certified in writing as "Special Victim Qualified Trial Counsel" (SVTC). This requires achieving specific training and performance milestones: (1) being a General Court Martial Qualified TC; (2) written recommendation from the regional trial counsel (RTC) that the judge advocate possesses the requisite expertise to try a special victim's case; (3) demonstrated to the O-6 Officer-in-Charge of the Legal Services Support Section (OIC, LSSS) that the judge advocate possesses the requisite expertise, experience, education, innate ability, and disposition to competently try special victim cases; (4) tried a contested court-martial in a special victim case as an assistant trial counsel; and (5) attended an intermediate level trial advocacy training course for the prosecution of special victim cases. These requirements apply to both penetrative and non-penetrative sexual assaults. When determining whether to detail a counsel to a more complex case, the regional trial counsel selects the most appropriate SVTC qualified counsel based on that individual's experience, education, disposition, expertise, and innate ability.</p>
USCG	<p>The Coast Guard conducts relatively few general and special court-martial per year. In FY13, the Coast Guard prosecuted 11 general courts-martial and 14 special courts-martial. Out of this number, Judge Advocates prosecuted 8 cases involving sexual assault (6 general and 2 special courts-martial). Because of this relatively low number, Coast Guard Judge Advocates are not able to accumulate the experience that the larger services may be able to through handling only Coast Guard cases. However, the Coast Guard has made significant efforts to bolster its trial counsel capability.</p> <p>Most trial counsel in the Coast Guard are in the rank of Lieutenant Commander (O-4) and Lieutenant (O-3). However, for especially complex cases it is not unusual for the Coast Guard to assign an especially experienced Commander (O-5) as lead trial counsel.</p> <p>All counsel have completed the 9-week Basic Lawyer Course at the Naval Justice School. Beginning in FY 2013 Coast Guard Judge Advocates began attending, along with their CGIS Special Agent counterparts, the US Army Special Victim Investigator Unit course. To date seventeen Coast Guard Judge Advocates and forty-three CGIS agents have complete the course. Eighteen additional trial counsel are scheduled to receive training by the end of FY 2014. In addition, two Coast Guard Judge Advocates completed the Prosecuting Alcohol Facilitated Sexual Assault Cases course at the Naval Justice School in FY 2013.</p>

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	<p>Over the last eight years, the Coast Guard has sent Judge Advocates to gain experience as prosecutors with the Marine Corps at Marine Corps Base Quantico, Camp Lejeune, and Camp Pendleton, , with the Army at the Military District of Washington, as well as assignment to Navy Regional Legal Service Offices. In this fashion, Judge Advocates gain significantly more trial experience than would be generated only handling Coast Guard cases. More importantly, the Coast Guard maintains a close working relationship with the Army and Navy Trial Counsel Assistance Programs to assist field Trial Counsel in prosecuting cases.</p> <p>Coast Guard also has boosted its trial advocacy capacity by selecting a number of Coast Guard Direct Commission Lawyers who have significant prosecutorial experience in civilian district attorney offices or in sister service JAG Corps prior to joining the Coast Guard legal program.</p> <p>In fact, one such attorney, with five years of prosecutorial experience as an assistant DA from New York City recently obtained a 10-year conviction in a contested alcohol facilitated sexual assault case.</p>
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75c. Special Victim Prosecutors/Senior Trial Counsel who handle the more complex sexual assault cases, including penetrative offenses,

USA	<p>Special Victim Prosecutors/Senior Trial Counsel who handle the more complex sexual assault cases, including penetrative offenses: Other than certification under Article 27(b), there are no minimum requirements for selection of Special Victim Prosecutors (SVP). However, SVPs are selected based on their knowledge of criminal law, their experience and skill in the courtroom, and their ability to work with not only victims, but the wide range of professionals involved in investigating and prosecuting special victim cases. Of the current 23 SVPs, two are Lieutenant Colonels, ten are Majors and eleven are senior Captains. Although both prosecution and defense experience is not required for selection, it is preferred. SVPs are selected based on recommendations from military judges, staff judge advocates, military justice senior practitioners, and peers. Within the first six months of duty, they should complete on the job training with a civilian Special Victim Unit; attend a two-week Sexual Assault Trial Advocacy Course; attend a five day New Prosecutor/Essential Strategies for Sexual Assault Prosecution course; and attend the three-day Special Victim Prosecutor course.</p>
USAF	<p>Since 1972, the Air Force has selected its best and most experienced litigators to serve as Senior Trial Counsel (STC) and try the most difficult cases, including the vast majority of the AF's sexual-assault prosecutions.</p> <p>Information on the experience and education of STCs was provided as a response to a previous RFI. While there is no rank requirement to serve as an STC, JAGs are not eligible for STC assignments as first assignments, resulting in the minimum rank being Captain.</p> <p>A subset of STCs with substantial training and experience in investigating and prosecuting particularly difficult cases (e.g. sexual assault, crimes against children, homicides) are designated as members of the Air Force SVU. These SVU-STCs have primary responsibility for early interaction with local counsel for offenses involving a</p>

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	<p>“special victim,” including consultation with investigators and trial counsel, prior to the first legal office interview of the victim, and prior to preferring of charges.</p> <p>The Chief, Government Trial and Appellate Counsel Division, Air Force Legal Operations Agency (AFLOA/JAJG), makes the final decision on which STC will be designated as SVU-STC, taking into account the following criteria:</p> <ol style="list-style-type: none"> 1. Completion of one year as a STC or two years as a Senior Defense Counsel (SDC); 2. Attendance at two or more advanced litigation-skills-focused courses, such as the following (and their equivalents): (a) Advanced Trial Advocacy Course (AF); (b) Prosecuting Complex Crimes Course (Navy); (c) National District Attorneys Associations Sexual Assault & Related Crimes; (d) Special Victims Unit Prosecutors Course (Army); (e) Prosecuting Alcohol-Based Sex Crimes (Navy). 3. Effective presentation of issues related to prosecution of complex cases at an AF training conference (e.g. CONUS/OCONUS Trial Advocacy Courses; Trial & Defense Advocacy Courses). 4. Demonstrated ability to prosecute a variety of sexual assault and/or complex cases. NOTE: There is no minimum number/type of cases required to meet this criteria. Skills being reviewed include courtroom demeanor; mastery of the rules and law; ability to handle expert witnesses; and ability to appropriately manage victims, among others. 5. To the extent approved by TJAG as appropriate career vector, commitment to remain as SVU-STC for up three years (or up to four total years assigned to AFLOA/JAJG; two year commitment for former SDCs). <p>Chief, AFLOA/JAJG will be guided in making SVU-STC personnel decisions by these criteria, but can deviate from the same where he or she deems it appropriate.</p>
USN	Senior judge advocates (typically O-4 and above) are hand-selected by the Judge Advocate General to fill one of nine Senior Trial Counsel billets. All Senior Trial Counsel are military justice litigation qualified (MJLQ). Upon reporting, all Senior Trial Counsel complete a two week special victims investigation course and participate in additional specialized training including: intermediate trial advocacy, litigating complex cases, prosecuting alcohol facilitated sexual assaults, TCAP targeted mobile training, and monthly online special victims offense or litigation training. All Senior Trial Counsel are supervised by a Commanding Officer (O-6 judge advocate) and regularly provide information to TCAP on all pending felony investigations and prosecutions. Additionally, uniformed members of TCAP may also be detailed to cases.
USMC	See part (b).
CG	Answer completed under #75(b).

75d. Defense counsel.

USA	Established in 1980, the mission of the U.S. Army Trial Defense Service (TDS) is to provide independent, competent, and ethical defense services to Soldiers, wherever they are located. There are currently 155 defense counsel serving on active duty in the
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U.S. Army. Organized into nine geographic regions (six in CONUS and three OCONUS), each headed by an O5/LTC Regional Defense Counsel (RDC), defense counsel are assigned to one of 49 field offices led by a Senior Defense Counsel (SDC), normally an O4/MAJ or an experienced O3/CPT.

Before a judge advocate is assigned to TDS, he/she must be a graduate of the Judge Advocate Officer Basic Course (JAOBC) and certified as competent to perform duty as defense counsel under Article 27(b)(2) by The Judge Advocate General.

The vast majority of defense counsel also have prior experience as a military trial counsel or civilian experience in the criminal justice system. Once assigned to TDS, new counsel undergo the following training:

(1) DC 101: This three-day course provides instruction on the duties and expectations of defense counsel essential to the effective representation of their clients. The following areas are addressed: attorney-client relationships; discovery; expert witnesses and consultants; motions practice; trial practice; sentencing; and clemency.

(2) Intermediate Trial Advocacy Course (ITAC) at TJAGLCS (if they have not previously attending this training as a trial counsel): This two-week course presents intermediate trial skills instruction and practical exercises covering issues regarding courts-martial using a sexual assault case scenario, from case analysis through presentencing argument. The following areas are addressed: trial procedure; trial advocacy; professional responsibility; and topical aspects of current military law, with particular emphasis on the military rules of evidence.

(3) DC 201: This three-day course updates defense counsel on current trends in military justice. Attendees hone trial tactics, strategies, and advocacy skills participating in a seminar and practical exercises involving foundation and evidence issues that frequently arise in sexual assault cases.

Specific defense counsel are also selected to attend Advanced Trial Communications (32 seats in FY 14) and the Sexual Assault Trial Advocacy Course (SATAC) (16 seats in FY 14) to enhance their advocacy skills. Defense counsel may also attend non-DOD training, such as that offered by the National Association of Criminal Defense Lawyers (NACDL), on a case-by-case basis.

The above centralized training to enhance the professional qualifications of defense counsel is further supplemented by weekly training conducted by SDCs/RDCs at the field office level.

When court-martial charges are preferred against a Soldier, the SDC reviews the charges and assigns the case to a qualified counsel. The Army does not have a case assignment policy specific to sexual assault; however, all charges are reviewed and considered prior to detailing counsel. Where appropriate, the SDC may assign a second counsel to assist on any case. In all cases, defense counsel are qualified and

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	<p>prepared to zealously represent the Soldier-client. Soldier-clients may also retain civilian defense counsel at their own expense. Military counsel will normally remain on the case as co-counsel, though are not required to be retained.</p> <p>Defense counsel may also reach-back to the Defense Counsel Assistance Program (DCAP) for advice on cases. Established in 2007 and staffed by five experienced trial practitioners, including two civilian Highly Qualified Experts (HQEs), DCAP provides expert support to defense counsel. The program's primary role is assistance to defense counsel with legal issues that may arise in their cases. This can be given by researching case law, answering specific questions, and providing sample motions, expert requests, and other trial documents that might be helpful in the defense of the case. DCAP also maintains an online library of motions, information papers, expert pages, and new developments in the law that are available 24/7 to defense counsel.</p>
USAF	<p>The same certification process described in subsection 48.b applies to defense counsel. In addition, Air Force judge advocates are not eligible to serve as defense counsel as a first assignment.</p> <p>Information on the experience level of area defense counsel and senior defense counsel was provided on 1 September 2013, in response to a previous RFI.</p>
USN	<p>Sexual assault cases are typically detailed to “core attorneys” assigned to a Defense Service Office (DSO). A DSO core attorney is a judge advocate (O-3 or above), certified to practice by the Judge Advocate General in accordance with Article 27b, U.C.M.J., and a member in good standing with a state bar, that have completed at least one full tour prior to assuming the duties of a defense counsel. Detailing of counsel is within the discretion of the DSO Commanding Officer (O-6 judge advocate), who takes into consideration such matters as competence, experience and training, existing caseload, and availability of counsel, as well as case specifics and opportunities for training of counsel. A Commanding Officer may detail one or more counsel to a particular case and will often detail both an experienced attorney and a less-experienced attorney in part to provide the opportunity for practical mentoring. Additionally, uniformed members of TCAP may also be detailed to cases.</p> <p>The Navy requires that all core attorneys assigned to DSOs receive Basic Trial Advocacy training and attend Defense Counsel Orientation, a week-long course held twice a year, prior to or shortly after arriving at a DSO to serve as a core defense counsel. Defense Counsel Orientation is aimed at introducing counsel to the duties of a defense counsel and the court-martial process. Additionally, as the budget allows, the JAG Corps funds several Defense Counsel to attend Defending Sexual Assault Cases, a weeklong course held once a year, with the intent for all Defense Counsel to attend early in their tour. Defending Sexual Assault Cases is a course designed to deal with the legal issues and complexities involved in a sexual assault case and includes practical exercises along with lectures. Defense counsel also may attend training in intermediate trial advocacy and litigating complex cases.</p> <p>Finally, the Defense Counsel Assistance Program (DCAP) sends Mobile Training Teams (MTTs) to each DSO at least twice yearly to work closely with the command and individual counsel, with a focus on practical issues in defense work and trial advocacy based on current or recent case scenarios.</p>

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	<p>Navy DSO and DCAP respectfully decline to provide actual defense training materials, as doing so would unnecessarily compromise case tactics and overall defense strategies and theories.</p>
USMC	<p>The Chief Defense Counsel (CDC) of the Marine Corps is designated as the OIC of the Defense Services Organization (DSO) and as such has detailing authority and Individual Military Counsel (IMC) approval authority for defense. The CDC has established detailing criteria and IMC approval authority. When detailing DCs to cases, supervisory DCs consider the criteria in paragraph 1 and ensure that: 1) standard detailing criteria are used; 2) the needs of the local commands are taken into consideration; 3) every accused receives zealous representation by a fully qualified counsel; and 4) every accused is detailed counsel in a timely manner.</p> <p>Formal Marine Corps Defense Services Organization (DSO) training programs have been established since the formation of the DSO in 2011, and informally before then. The training requirements are set forth in Chapter 2 of the LEGADMINMAN, and in more detail in CDC Policy Memoranda published annually.</p> <p>At a minimum, each defense counsel must attend two Continuing Legal Education (CLE) training events each year. This requirement runs in concert with the counsel's requirement to maintain currency for their state bar licenses. The DSO has an annual CLE each year that every defense counsel and enlisted support staff attends, in addition to monthly training conducted by the Senior Defense Counsel (usually a Major or experienced Captain) at the local Branch Office and quarterly training by the Regional Defense Counsel (usually a Lieutenant Colonel or experienced Major). The topics of these individual training events vary depending on identified needs within the DSO, but range from practical exercises such as mock cross-examinations and opening statements/closing arguments to more academic classes on new developments in the law or motions, for example.</p>
USCG	<p>By long standing memorandum of agreement between the Coast Guard and the Navy JAG Corps, the Navy is principally responsible for defending Coast Guard members accused of crimes under the UCMJ. The Coast Guard depends on the Navy JAG Corps to provide fully qualified defense counsel for Coast Guard cases. In return, four Coast Guard judge advocates are detailed to work at various Navy Defense Service offices on two year rotations, which provide another significant source of trial experience to Coast Guard judge advocates.</p>

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