

**JUDICIAL PROCEEDINGS PANEL
REQUEST FOR INFORMATION FOR 9 OCT PUBLIC MEETING**

89. How the Services Manage Military Justice Data for Sexual Assault Cases

a. How is information about the military justice processing of sexual assault cases, from initiation of adverse action (NJP or administrative separation) or preferral of charges through appeal of conviction, managed by the JAG Corps in your Service? How is individual and collective case data tracked, monitored, collected or evaluated at the command or Service level?

USA	<p>The Army collects and manages information about the military justice processing of all cases, including sexual assault, primarily through monthly Military Justice Reports (MJR) and the Army Courts-Martial Information System (ACMIS). Additionally, the military justice processing of all special victims (sexual assault and family abuse) cases is tracked through the Special Victim Prosecutors Application and the military justice processing of sexual assault cases responsive to the Annual Report to Congress is tracked in the Defense Sexual Assault Incident Database (DSAID). At the Department of the Army level, leadership from the prosecution, defense, Special Victim Counsel, trial judiciary, and The Judge Advocate General’s Legal Center and School meet regularly to discuss both data and anecdotal observations. Throughout the year, general officers of the JAG Corps conduct inspections of Staff Judge Advocate offices under Article 6, Uniform Code of Military Justice. Collectively, these systems allow the Army to identify issues, evaluate trends, assess the overall health of our system, and inform revisions to policy, practice, and the Uniform Code for Military Justice.</p> <p>At the Major Command level (Forces Command, Training and Doctrine Command), Staff Judge Advocates collect information for commanders to conduct similar assessments and report findings to superior commands as necessary.</p> <p>At the local level, each individual Staff Judge Advocate (SJA) office maintains internal tracking mechanisms which track individual cases from investigation through final disposition at the command level. SJAs are responsible, upon request, for providing information on the status of any individual case.</p> <p>A more detailed discussion of the databases other than DSAID follows:</p> <p>MJR: The MJR is a monthly report compiled through Military Justice Online (MJO). The MJR, which is not limited to sexual assault, includes the numbers of courts-martial, non-judicial punishment, administration separations, reprimands, and civil felony convictions processed by each installation. The MJO is the platform for the creation, processing, and certification of all administrative and courts-martial documents, and military justice reports.</p> <p>ACMIS: The ACMIS is a secure, web-based management tool on JAGCNET developed to give the Clerk of Court the ability to monitor, track, and document general and special courts-martial from trial termination through appellate review. The</p>
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	<p>ACMIS has data going back to 1 January 1989. After trial termination, whether after arraignment, the announcement of sentence, or some point in between, the military judge enters a Court-Martial Case Report in ACMIS. This begins the process of data collection and entry that continues after the record of trial is received by the clerk and throughout the appellate process. The ACMIS contains no data on courts-martial terminated prior to arraignment. For those cases which are tracked, ACMIS has the data to answer most questions that might arise about any court-martial.</p> <p>SVP Application: The Special Victim Prosecutors (SVP) use an internal application on the JAG Corps website JAGCNET (www.JAGCNET.army.mil) to track pending special victim investigations and adverse actions within their jurisdiction. This assists the Chief of the Trial Counsel Assistance Program (TCAP) with managing the workload of SVPs in the field, among many other uses.</p>
<p>USAF</p>	<p>The Air Force uses a database called the Automated Military Justice Administration and Management System (AMJAMS) to track the processing of all military justice cases, from investigation through action, whether resulting in NJP or court-martial. All unrestricted reports of sexual assault are entered into AMJAMS by the legal office at the installation level when the legal office is notified of the allegation by the SARC or AFOSI at the start of the investigation. The AMJAMS case is regularly reviewed by the Air Force legal offices in the chain of command and continually updated by the installation-level legal office until action is complete. An NJP is considered complete when the GCMCA legal review is finished. A court-martial is considered complete after the convening authority takes action and when the installation-level legal office is notified that the Record of Trial has been accepted as final for appellate review. AMJAMS case information includes, but is not limited to, background information on the allegations; charges preferred and referred; important dates and significant case events; and updates on case status. Appellate decisions are also annotated in AMJAMS. In addition, an AMJAMS case that involves an allegation of sexual assault is flagged as a Special Interest Report (SIR), and the SIR is sent directly to the Numbered Air Force (NAF), Major Command (MAJCOM), and Headquarters Air Force (AFLOA/JAJM) military justice offices for review and tracking. An updated SIR is sent when a significant case event occurs, such as referral of charges.</p> <p>If a sexual assault investigation ultimately results in an administrative discharge of an enlisted member, outside of an alternate disposition from a court-martial, then the discharge processing is tracked through the Web-Based Administrative Separation Program (WASP). The Air Force does not have a database to track administrative discharges of officers, outside of an alternate disposition from a court-martial.</p> <p>Staff Judge Advocates at every level of command—installation, NAF, and MAJCOM—are responsible for oversight of their military justice cases. SJA responsibilities include ensuring AMJAMS cases are managed with the entry of complete and accurate data and updated in a timely fashion to provide accurate and timely reports to the chain of command. Additionally, AFLOA/JAJM oversees AMJAMS, receives and reviews SIRs, and has access to all cases in AMJAMS. On at least a quarterly basis, closed AMJAMS cases and closed-cases reports are reviewed</p>

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	<p>by all levels of command and their legal offices—installation, NAF, and MAJCOM.</p> <p>AMJAMS can generate reports using various criteria, including charged offenses. These reports are reviewed and the data analyzed at all levels of command, including Headquarters Air Force, to assess the health of the military justice system. For sexual assault cases in particular, AMJAMS data is provided to the Air Force SAPRO for analysis and entry into DSAID.</p>
USN	<p>By instruction, accused’s commands are required to complete the Sexual Assault Disposition Report (SADR) within 2 days of disposition of a case. The SADR is a comprehensive form that allows us to link unrestricted reports of sexual assault in DSAID to investigative activity and military justice outcome information. DSAID thereby tracks the life of the case starting with information derived from the DD Form 2910, NCIS investigations from the Consolidated Law Enforcement Operations Center (CLEOC) and case disposition (which includes though final trial court action).</p> <p>Post trial court action is managed through NAMARA (Navy and Marine Corps Appellate Review Activity) which utilizes CMS- the Case Management System – which originated with Trial Counsel at the beginning of the military justice process.</p>
USMC	<p>The Military Justice Case Management System (CMS) is the primary military justice data management system for the Marine Corps. CMS covers cases in the pre-Request for Legal Services (RLS), pretrial, and trial phases, and from date of notification, receipt of an RLS, or other notification of a military justice case through the date of sentencing or alternate disposition of a case through appeal. The local Legal Service Support Team (LSST), Legal Service Support Section (LSSS) or Staff Judge Advocate’s office is responsible for accurately entering data immediately upon receipt of an RLS, notification of a special victim case from the Naval Criminal Investigative Service (NCIS), or information indicating an accused servicemember has been placed in pretrial confinement. Per DTM 14-003, the MCIO (NCIS for Navy/Marine Corps) will notify the responsible legal office and other appropriate individuals within 24 hours of determining that an allegation meets the criteria of a special victim offense. Trial counsel enter notification of these cases in the pre-RLS section of CMS and continue to enter additional data and milestones as the case progresses.</p> <p>The purpose of CMS was to establish a common operating picture for the tracking of courts-martial through the military justice system. CMS provides commanders and SJAs with the visibility and oversight necessary to meet their legal requirements for timely processing and post-trial review of courts-martial. Previously, our legal service support sections (LSSS) and law centers used a wide variety of local databases to track their cases with different reports used at each phase of the process (pretrial, court reporters, and post-trial review). The proliferation of local reports led to challenges in accurately accounting for each case from the trial teams to the appellate courts. To improve tracking and timely processing of our courts, Judge Advocate Division established CMS, which went on-line 23 December 2009, and its use became mandatory as of 17 February 2010. Per the Legal Administrative Manual (LEGADMINMAN), the Trial Counsel (TC) is responsible for ensuring that</p>

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	<p>information in CMS is continually updated, current, and accurate for those cases the TC is detailed. Ultimately, the Regional Trial Counsel (RTC) is responsible for supervising the maintenance and updating of the case entries into CMS for all cases in the LSSS. CMS may produce reports of on-going cases by region, phase of the case, or in some instances by type of offense, such as the Sexual Assault (SA) report that tracks all SA cases – that includes both adult sexual assault cases falling under the Sexual Assault Prevention and Response Program and intimate partner and child victim cases falling under the Family Advocacy Program. Detailed information concerning CMS may be found in the links below references (c) and (d). The Defense Sexual Assault Incident Database (DSAID) tracks certain sexual assault cases for the Annual Report to Congress (discussed below).</p> <p>Pursuant to Article 6, Uniform Code of Military Justice (UCMJ), the Staff Judge Advocate to the Commandant of the Marine Corps conducts a Legal Services Inspection (LSI) throughout the year to assess the provision of legal services at SJA and LSSS offices, assess trends and provide oversight. Additionally, Staff Judge Advocates (SJAs) and leaders at the LSSSs collect and conduct similar assessments and make any necessary changes.</p>
<p>USCG</p>	<p>(Past CG Practice; Pre-DSAID/FACTS)</p> <p>For those sexual assault matters in which court-martial charges were not preferred and the matter was resolved at NJP, information concerning the matter is first collected and documented by the Servicing Personnel Office (SPO) of the member. The SPO is roughly equivalent to a battalion-level administrative support unit. Following the incident, details of the NJP are entered by the SPO into the Coast Guard’s human resources database known as Direct Access. Coast Guard Headquarters may query Direct Access to obtain service-wide NJP statistics. For those sexual assault matters in which court-martial charges were not preferred and the matter was finally resolved through an administrative separation, information concerning the matter is also documented by the separated member’s SPO and entered into the Direct Access system.</p> <p>For those sexual assault matters in which court-martial charges are preferred, Coast Guard Policy requires that the matter be entered and tracked within the Coast Guard’s Law Manager database application (a commercial database application adapted for military justice cases). The Law Manager database contains fields and functionality, which enable Coast Guard Servicing Legal Offices to enter all details of a military justice matter from investigation through trial and the appellate process. Information regarding these cases should be entered into the Law Manager database regardless of final outcome, whether there is a conviction, acquittal or alternative disposition (such as NJP or administrative separation). Coast Guard Headquarters conducts regular queries of the Law Manager database to identify and monitor these sexual assault cases. As a means to check the accuracy of the information contained in Law Manager, Coast Guard Headquarters tracks and monitors military justice matters in parallel with Law Manager through a separate database developed with Microsoft Access.</p>

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	<p>(Future Practice)</p> <p>The Coast Guard has developed a new law enforcement database (FACTS) and will be implementing DSAID. One of the goals of using these newer systems is to transition away from a charge-preferral, or outcome initiated data management system, to one that is based purely on a report of sexual assault or the initiation of an investigation. Tracking and monitoring all sexual cases in one dataset, regardless of outcome or pathway to that outcome, will greatly enhance Coast Guard information awareness and data analysis.</p>
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b. How do the Service's SAPR legal officers obtain and aggregate information about the judicial processing of sexual assault cases to input and/or validate information in DSAID in advance of any quarterly or annual reports? Are individual case documents uploaded or linked to DSAID? If not, is the military justice information that is input into DSAID obtained from court-martial documents or other case summaries?

USA	The Criminal Investigation Command (CID) provides the Criminal Law Division (CLD) of the Office of The Judge Advocate General with a spreadsheet of all subjects who made an unrestricted report of sexual assault. This spreadsheet is distributed to every SJA in the Army with a set of instructions and a template for submitting judicial processing/disposition data on every subject within their jurisdiction. Information provided by the SJAs is consolidated at CLD and entered into DSAID at the HQDA level. For quality control, all disposition data provided by the SJAs is compared to disposition data on the DA Form 4833 provided by commanders to CID and discrepancies are sent to the installation SJA office for resolution. DSAID does not have the capability to upload or link disposition documents with individual cases.
USAF	Air Force Sexual Assault Prevention and Response Office (SAPRO) legal personnel, consisting of judge advocates and a paralegal, collect on a bi-monthly basis case disposition information from installation Sexual Assault Response Coordinators (SARC) and legal offices. The information is captured on a SAPRO form that uses DSAID data fields and sent via email. SARCs are trained on this data collection and use of the form. In addition, AFLOA/JAJM provides AMJAMS case data to SAPRO legal personnel, who use the AMJAMS data as well as information drawn from the Air Force Office of Special Investigations (AFOSI) to validate the information collected from the SARC forms and ensure the accuracy of the data entered into DSAID. No actual case documents are uploaded or directly linked to DSAID, although the data entered into DSAID is obtained from case documents.
USN	The primary sources of information that DSAID Legal Officers use to obtain disposition data, including case tracking and adjudication, are Sexual Assault Disposition Reports (SADRs). After the disposition is completed for each allegation

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	<p>of sexual assault, the Commanding Officer of the Subject (or the Victim in the case of an unknown/foreign/civilian Subject) is required to submit a SADR. The SADR contains the case disposition data, including whether the case was preferred to court-martial, resolved at NJP or ADSEP, or disposed of in another way that did not include punitive or administrative measures. The information on the SADRs is input by Legal Officers into DSAID. NCIS is the record keeping authority for SADRs, and maintains the submissions on file. SADRs (or any other case documents) are not uploaded into DSAID by Legal Officers. Occasionally, if information is lacking on a SADR, Legal Officers will reach out to the command, NCIS, CNIC, or the specific RLSO to obtain further case information.</p> <p>This information includes the court-martial type, most serious sexual assault offense charged, most serious sexual assault offense convicted of, and a detailed breakdown of the sentence adjudged. The fields relating to military justice on the SADR are highly specific and are designed to capture information as it must be entered into DSAID. However, other DSAID fields require more nuanced and subjective information. Court-martial documents do not serve as the basis for these fields because they do not contain the requisite information. For example, the case synopsis contains information about the victim’s initial report, details of the reported sexual assault, and actions by the convening authority. This information is not part of the court-martial documents. Rather, it comes from the NCIS report of investigation and the commander’s involvement or communications with the victim, the Sexual Assault Response Coordinator, the counsel involved in the case, and the SJA.</p>
<p>USMC</p>	<p>Marine Corps Legal Officers (LO) obtain information about the processing of a sexual assault case directly from the commander who is the disposition authority for the case. This information is provided via a Sexual Assault Disposition Report (SADR). The SADR is a form with fields that correspond to the fields that the Legal Officers must complete in the DSAID. Each SADR is prepared by the office of the SJA that has cognizance over the case, is reviewed and signed by the SJA or his/her deputy, and is signed by the commanding officer or commanding general who is the disposition authority (SA-IDA). This form is submitted to the Judge Advocate Division’s Military Justice Branch (JMJ) where it is saved, reviewed, and entered into DSAID. An LO reviews each submitted SADR to verify it is complete. If the form has discrepancies or omissions, it is returned for corrective action and resubmission. Once the LO determines that a SADR is complete, the LO enters the information into the DSAID LO module. On a weekly basis, the LOs meet to review all the disposition information entered into DSAID over the previous week. During this process, to ensure accuracy, the LOs compare the disposition information entered into DSAID against the information on the SADR submitted by the command.</p> <p>Legal Officers normally do not review individual case documents before entering disposition information into DSAID. Similarly, case documents are not linked or attached to DSAID. These documents are not currently required by DSAID. Moreover, DSAID does not allow document uploads.</p>

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	<p>The military justice information that is input into DSAID is obtained from the SADR, which contains information taken directly from court-martial documents; however, this information is generally available to the LOs if needed to verify data or answer a question. The SJA offices use court-martial documents to provide specific, objective data relating to the court-martial charges and results. This information includes the court-martial type, most serious sexual assault offense charged, most serious sexual assault offense convicted of, and a detailed breakdown of the sentence adjudged. The fields relating to military justice on the SADR are highly specific and are designed to capture information as it must be entered into DSAID. However, other DSAID fields require more nuanced and subjective information. Court-martial documents do not serve as the basis for these fields because they do not contain the requisite information. For example, the case synopsis contains information about the victim's initial report, details of the reported sexual assault, and actions by the convening authority. This information is not part of the court-martial documents. Rather, it comes from the NCIS report of investigation and the commander's involvement or communications with the victim, the Sexual Assault Response Coordinator, the counsel involved in the case, and the SJA.</p>
<p>USCG</p>	<p>The Coast Guard Sexual Assault Prevention and Response Program is primarily responsible for DSAID entries. Currently they obtain that information from the servicing legal office that prosecuted a case or the Coast Guard Investigative Service. The Coast Guard is currently working with DoD SAPRO to allow the FACTS law enforcement database to interface with DSAID and allow transfer of information regarding judicial outcomes in FACTS to DSAID.</p>

c. Are case documents and/or case disposition information from sexual assault cases (whether the case is resolved via administrative separation, NJP, or court-martial) maintained electronically for tracking purposes? If not, are documents and disposition information maintained in some other way?

<p>USA</p>	<p>There is no single centralized repository for all case documents and disposition documents.</p> <p>For all cases which proceed to court-martial, promulgating orders and final orders are maintained electronically by the Clerk of Court beginning with those published after 1 January 1990. All general and BCD special court-martial records of trial that terminated after 1977 are stored with the National Archives and Record Administration [NARA] in Suitland, MD upon completion of appellate review. Documents related to non-judicial punishment and administrative actions are added to a Soldier's personnel records if required by regulation, and are maintained by individual SJA offices and local unit files in accordance with Army recordkeeping requirements.</p>
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USAF	<p>Air Force case documents, whether resulting in court-martial, NJP, administrative separation, or some combination thereof, are maintained in hard copy and electronically depending on the document. Official copies of both hard-copy and electronic documents are maintained in accordance with the Air Force Records Information Management System (AFRIMS) disposition schedule.</p> <p>Court-martial records are maintained in hard copy at the relevant legal offices. In addition, Records of Trial for all general and special courts-martial are kept permanently.</p> <p>NJP case files are maintained in hard copy at the installation legal office for three years after final review and at the Air Force Personnel Center (AFPC) in the member's personnel file for 30 years after final review.</p> <p>Administrative separation case files are maintained in hard copy at the installation legal office. Actions that do not result in separation are maintained for one year after retention or until reassignment of the member. Actions that result in separation are maintained for three months after the date of separation. Also, the basis for an administrative separation is indicated by a specific code on the DD Form 214, Certificate of Release or Discharge from Active Duty, which is maintained permanently by AFPC.</p> <p>Air Force case disposition information for courts-martial, NJP, and administrative separations are stored indefinitely in AMJAMS and WASP, the two electronic databases managed by the Air Force JAG Corps discussed previously.</p>
USN	<p>Court-martial records are maintained at the Region Legal Service Office (RLSO) where the court-martial was held. As required by the Manual for Courts-Martial the original records of trial are forwarded to OJAG Code 40 and are maintained for the appellate process. After completion of appellate review, Code 40 will send the original record to the National Records Center to be maintained indefinitely. Following Navy procedures, two years after completion of the appellate process the copy of the record maintained at the RLSO is destroyed. For cases that do not require appellate review the RLSO keeps records that have been reviewed Article 64, UCMJ, and section 0153 of the Manual of the Judge Advocate General (JAGMAN). These records are kept locally and then transferred to the records custodian (via OJAG Code 46) National Personnel Records Center where they are kept for 15 years. Records of non-judicial punishment, administrative separation or other administrative actions are uploaded to the appropriate Personnel Command code and are maintained at the command.</p>
USMC	<p>Prior to completion of trial, court-martial records are maintained at the Legal Service Support Section (LSSS) or Legal Service Support Team (LSST) where the court-martial is held. After the court-martial and convening authority's action, the regional LSSS supporting the court-martial maintains a copy of the record of trial and forward the original as described below:</p>

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General courts-martial convictions and acquittals: Records of all trials by general court-martial shall, immediately after completion of the convening authority's action, be forwarded to the Office of the Judge Advocate General of the Navy (OJAG) (Code 40) and will be maintained throughout the appellate process at Code 40. Two years after completion of appellate review, Code 40 will send the original record to the Washington National Records Center (WNRC) to be maintained indefinitely. At that time, copies, including those at the LSSS, will be destroyed.

Special courts-martial convictions: Records of trial by special court-martial that involve an officer accused, or that include as part of the approved sentence a suspended or unsuspended bad-conduct discharge, confinement for one year, or that have been returned for further action by the appropriate appellate authority, shall, after completion of final action, be forwarded to Code 40, and will be maintained throughout the appellate process at Code 40. Two years after completion of appellate review, Code 40 will send the original record to the WNRC to be maintained indefinitely. At that time, copies, including those at the LSSS, will be destroyed.

All other special courts-martial convictions and summary courts-martial convictions: The regional LSSS maintains all records of trial that have been reviewed locally under Article 64, UCMJ, and section 0153 of the Manual of the Judge Advocate General (JAGMAN) on behalf of commands. The original records of proceeding are retained at the LSSS for a period of three years after final action. At the termination of the three-year retention period, the LSSS must contact the OJAG (Code 64) records custodian to coordinate the transfer of the original records of proceedings to the National Personnel Records Center where they will be maintained until destroyed after 15 years.

Special and summary courts-martial acquittals: Court-martial records that end in acquittals will be retained in the same manner as special and summary courts-martial that are reviewed pursuant to Article 64, UCMJ. They are maintained by the regional LSSS on behalf of commands for a period of three years after final action. At the termination of such retention period, the LSSS must contact the OJAG (Code 64) records custodian to coordinate the transfer of the original records of proceedings to the National Personnel Records Center where they will be maintained until destroyed after 15 years. Before 2012, court-martial records were maintained in hard copy only. Since 2012, records will be maintained both electronically and in hard copy.

Certain case documents are also required to be uploaded into CMS. These include the Prosecution Merit Memorandum (PMM) – that discusses the merits and recommends disposition, SADR, preferred charge sheet, and report of result of trial.

Records of non-judicial punishment, administrative separation, or other administrative actions will be found in the Marine's official military personnel file and, if part of the case file, maintained at the local LSST or SJA's office for two years.

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USCG	<p>(Current practice)</p> <p>Maintenance of documents and case disposition information related to sexual assault allegations varies depending on the type of final disposition and whether court-martial charges were preferred in the matter. For those cases in which charges were not preferred, but which were disposed of at NJP or administrative separation, most case documentation will be held by the member’s SPO. Details related to the matter are entered by the SPO into the Direct Access system.</p> <p>For those cases in which charges were preferred, the servicing legal offices will maintain documents and case disposition information. This information is entered into the Law Manager application. If such a case results in a conviction at trial, the case documentation will be assembled into the record of trial, which is sent to Coast Guard Headquarters. Coast Guard Headquarters reviews and catalogs all records of trials before sending them for review, as appropriate, by the Coast Guard Court of Criminal Appeals.</p> <p>The Coast Guard Investigative Service (CGIS) also maintains hard-copy case information for every reported sexual assault that they investigate regardless of final disposition. CGIS case file information is also maintained within their FACTS database, which can track cases from report through disposition at trial.</p>
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d. Other than annual reports produced through DoD SAPRO via information aggregated in DSAID, what other internal or external reports are produced that summarize and/or explain the processing of sexual assault cases through the military justice system? How is information within the reports developed?

USA	<p>Internally, reports of sexual assault cases processed through the military justice system are produced using data from the ACMIS, MJO, and various military police databases to assist senior leaders in assessing trends and performance.</p> <p>The only other formal reports produced by the Army regarding military justice are (1) the Annual Historical Summary of The Judge Advocate General’s Corps, United States Army, presented by The Judge Advocate General to the American Bar Association (ABA Report), and (2) the Annual Report submitted to the Committees on Armed Services of the United States Senate and the United States House of Representatives and to the Secretary of Defense, Secretary of Homeland Security, and the Secretaries of the Army, Navy and Air Force pursuant to the Uniform Code of Military Justice (CAAF Report).</p>
USAF	<p>The Air Force does not produce internal or external reports specific to the processing of sexual assault cases through the military justice system other than the annual report produced by the SAPRO using information aggregated in DSAID.</p>

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USN	<p>When required military justice reports, including as necessary sexual assault cases, are processed by OJAG Code 67 using data from CMS and data as reported to the Trial Counsel Assistance Program. Additionally, commands submit the Quarterly Criminal Activity Report (QCAR) as required by JAGINST 5800.9. The QCAR contains statistics on the number of court-martials and NJPs conducted.</p> <p>Since June 2013 the Navy has published courts-martial results. And, like other services, the Navy produces various annual reports including the American Bar Association report and the CAAF Report. In addition, the Navy has produced reports for the President (POTUS Report 2014) and in response to specific queries of congress. Depending on the nature of the request or requirement the Navy will utilize information held be Code 67, TCAP, or reported in the QCAR.</p>
USMC	<p>Every quarter the SJAs for General Court-Martial Convening Authorities submit disposition information to Judge Advocate Division via the Quarterly Criminal Activity, Disciplinary Infractions, and Courts-Martial Report (QCAR) as directed by JAGINST 5800.9. The QCAR contains information on the number of court-martials and NJPs for sexual assault and other offenses. Other internal reports are produced using data from CMS as well as data reported by the local LSSSs or SJAs for tracking and oversight as directed.</p> <p>Concerning external reports each month, the Marine Corps publishes general and special courts-martial results online on the Marine Corps' homepage at: http://www.hqmc.marines.mil/Portals/61/Docs/COURTSMARTIAL081515.pdf</p> <p>External formal reports include: (1) Report of The Staff Judge Advocate to the Commandant of the Marine Corps presented to the American Bar Association (ABA report); and (2) the Report to the Court of Appeals for the Armed Forces (CAAF). Information from CMS is used to create both reports.</p>
USCG	<p>The Office of the Judge Advocate General of the Coast Guard prepares a Monthly Good Order and Discipline Report that tracks courts-martial as well aggregate NJP information and information on civilian disciplinary proceedings. In addition, the Office of the Judge Advocate General prepares a monthly court-martial report that tracks every case in which charges have been preferred through final disposition (including alternative disposition). The reports are generated from Law Manager in conjunction with the Office of Military Justice stand alone database and to a lesser degree from FACTS, Direct Access queries for NJP information, and from the Office of Civilian Human Resources for civilian discipline information.</p>

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e. Is there any additional information the Services wish to provide to the Panel regarding processing and oversight of judicial resolution of sexual assault cases?

USA	None.
USAF	The Air Force appreciates the opportunity to provide additional information and answer any further questions at the October public meeting of the Panel.
USN	Development of the Naval Justice Information System (NJIS) is in final stages. Once complete, NJIS will be a web-based application for the DoN criminal/military justice communities, including law enforcement, criminal investigations, command actions, judicial actions, and corrections (which currently uses Corrections Management Information System (CORMIS)). NJIS will be an integrated “cradle-to-grave” DON information system for reporting data ranging from an initial incident to the details of investigation, prosecution, and confinement. Additionally, NJIS will be used to document court-martial and non-judicial punishments, manage desertion activities, and track the review process of the Navy and Marine Corps appellate leave/appellate review activities (NAMALA/NAMARA). NJIS is designed to replace CLEOC, CMS, and CORMIS.
USMC	<p>The LSSS OIC is ultimately responsible for the provision of trial services within the LSSA. Individual LSSTs provide direct legal services to designated commands. The LSST OIC is directly responsible for the provision of trial services, except for cases detailed by the RTC, to commands supported by the LSST. The SJA remains responsible for updating and providing advice to the commander on the status of the case. The RTC Office provides complex trial services, as required, across the LSSA; supervision, mentorship, training, and litigation support to LSSTs; and Complex Trial Counsel (CTC) to assist in prosecuting high-profile, complex, special victim cases, and other significant cases. The RTC is responsible for the functional supervision, legal training, and mentoring of all personnel who provide trial services within the LSSA. The RTC supervises all members of the RTC Office, as well as the STC, SAUSA, and TC of the co-located LSST. The RTC and the LSST OIC supervise the STC, SAUSA, and TC at other LSSTs. Additionally all sexual assault cases are monitored from start to finish by four Prosecution Highly Qualified Experts (HQE’s) within the Marine Corps.</p> <p>The HQE/GS-15 is an experienced civilian attorney who has the primary duty of providing training, mentoring, and case-specific expertise to TC detailed to special victim and other complex cases throughout the region in order to enhance the government’s ability to meet its burden of production and proof. The HQE’s/GS-15’s primary functions are to consult and advise on the prosecution of special victim and other complex cases and to develop and implement training and standing operating procedures for the investigation and prosecution of complex cases. The HQE/GS-15 may perform other related duties, including preparation of reports and analysis of TC performance in courts-martial, as assigned. The HQE’s bring a total of approximately 84 years of legal experience and the majority of that experience occurred while prosecutors in civilian practice focusing in the areas of sexual assault, domestic</p>

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violence, and child abuse. HQE's review every case of sexual assault and provide training and guidance based on their review of actions during the pendency of cases as well as the disposition of each case. HQE's participate in all areas of trial preparation with Trial Counsel, including collaboration on PMMs, preparing charging documents, interviewing witnesses, preparing government motions and responses to defense motions, determining appropriate experts, and organizing all evidence to present the strongest case to the members. HQE's provide consistent guidance to Trial Counsel and assure continuity throughout the USMC in the disposition of sexual assault cases.

In addition to the hiring of HQEs, the Marine Corps has instituted a number of process improvements designed to formalize and facilitate the higher standards for military justice practice. They include new detailing and qualification standards, heightened sexual assault disposition authority, an upgraded case management system, and standardization of trial forms. These improvements promote the proper detailing of counsel and the efficient handling of complex cases such as sexual assault.

New rules for the detailing of trial counsel require minimum standards of courtroom experience, successful completion of an intermediate level prosecution of sexual assault course, and experience specifically as an assistant trial counsel in a sexual assault case before a trial counsel may be detailed as the lead attorney on a sexual assault court-martial.

Naval Justice Information System:

The Marine Corps along with the Navy is currently in the final stages of development of the Naval Justice Information System (NJIS). NJIS will be a web-based application that supports the information and reporting requirements of the Department of the Navy (DON) criminal/military justice communities, to include law enforcement, criminal investigations, command actions, judicial actions, and corrections.

NJIS will be an integrated "cradle-to-grave" DON information system for reporting data ranging from an initial incident to the details of investigation, prosecution, and confinement. Additionally, NJIS will be used to document court-martial and non-judicial punishments, manage desertion activities, and track the review process of the Navy and Marine Corps appellate leave/appellate review activities (NAMALA/NAMARA). Once fully deployed, NJIS will replace the Consolidated Law Enforcement Operations Center (CLEOC), CMS, and the Corrections Management Information System (CORMIS).

REFERENCES

a. MARADMIN 062/10 - Implementation of Case Management System for Courts-Martial

<http://www.marines.mil/News/Messages/MessagesDisplay/tabid/13286/Article/112156/implementation-of-case-management-system-for-courts-martial.aspx>

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	<p>b. MCO P5800.16 – Marine Corps Manual for Legal Administration http://www.marines.mil/Portals/59/MCO%20P5800.16A%20W%20CH%201-7.pdf</p> <p>c. Case Management System Manual 2015 v.2 http://www.hqmc.marines.mil/Portals/135/Docs/JAI/Case%20Management%20System%20Manual%202015v2.pdf</p> <p>d. Case Management System Quick User Guide v.1 http://www.hqmc.marines.mil/Portals/135/Docs/JAI/CMS%20Quick%20User%20Guide%20040615.pdf</p> <p>e. ALNAV 061/14 Implementation of the Sexual Assault Disposition Report: http://www.public.navy.mil/bupersnpc/reference/messages/Documents/ALNAVS/ALN2014/ALN14061.txt</p> <p>f. CAAF FY14 Annual Report http://www.armfor.uscourts.gov/newcaaf/annual/FY14AnnualReport.pdf</p> <p>g. FY15 Practice Advisory 5-15: Special Victim Cases-SADR http://www.hqmc.marines.mil/Portals/135/Docs/Practice%20Advisories/PA%205-15%20SVCSADR%209%20Mar%20With%20Encl.pdf</p> <p>h. FY15 Practice Advisory 6-15: New LSAM Requirements for Military Justice http://www.hqmc.marines.mil/Portals/135/FY15%20Practice%20Advisory%206-15%20New%20LSAM%20Requirements%20for%20Military%20Justice.pdf</p> <p>i. SECNAV M-5210.1, Records Management Manual http://doni.daps.dla.mil/SECNAV%20Manuals1/5210.1.pdf</p> <p>j. JAGINST 5800.7F, JAGMAN http://www.jag.navy.mil/library/instructions/jagman2012.pdf</p> <p>k. Quarterly Criminal Activity, Disciplinary Infractions and Courts-Martial Report, http://www.jag.navy.mil/library/instructions/58009c.pdf</p> <p>l. ALNAV 065/14 Naval Justice Information System http://www.public.navy.mil/bupersnpc/reference/messages/Documents/ALNAVS/ALN2014/ALN14065.txt</p>
USCG	None.