

**JUDICIAL PROCEEDINGS PANEL
REQUEST FOR INFORMATION SET # 6**

105. DoD and Services: Are there any mechanisms in place to track compliance with the withholding policy requirements?

a. If yes, describe the process and information tracked and provide documentation to the JPP to verify the Services' implementation of the withholding policy.

DoD	DoD does not track this information.
USA	Adherence to the withhold policy is monitored at the installation level by prosecutors, their supervisory chains, and the paraprofessionals working in the military justice division. Documents reflecting the disposition decision are including in the record of trial allowing appellate review authorities to ensure compliance.
USAF	Not applicable.
USN	The Navy does not track compliance with withholding policy requirements. However, judge advocates maintain close relationships with both subordinate commanders and general court-martial convening authorities which enhances their ability to educate on and monitor adherence to the withholding policy. In addition, all new Commanding Officers are required to receive training, from a judge advocate, on Sexual Assault Initial Disposition Authority (and other matters) within 30 days of reporting to a new command.
USMC	<p>Compliance with the withholding policy is tracked by individual staff judge advocates (SJAs), not by a centralized mechanism. Compliance is monitored through the sexual assault disposition reports (NAVMC 1752) provided to NCIS and Judge Advocate Division.</p> <p>Compliance with the withholding policy requirements is tracked by individual SJAs who advise commanders, inform them about applicable withholding requirements, and assist commanders in complying with those requirements. Additionally, each trial services office records the convening authority for each case it prosecutes. Both SJAs and government counsel are aware of the withholding policies and ensure compliance with them in each case. However, there is no process that specifically tracks information relating to the implementation of withholding policies.</p>
USCG	N/A

b. If the withholding authority requirement is not tracked, please explain how DoD and the Services monitor adherence to the withholding policy.

DoD	Pursuant to Article 6, UCMJ, the Judge Advocates General of the Military Departments (TJAGS) and the Staff Judge Advocate to the Commandant of the Marine Corps (SJA to the CMC) have statutory authority over the supervision of the administration of military justice. Additionally, the Joint Service Committee (JSC) on Military Justice provides a forum to discuss and make recommendations on military justice issues, including any issues related to the withholding policy. At this time, DoD has not been made aware of any issues relating to adherence of the policy by the Services.
USA	N/A
USAF	Each Air Force major command (MAJCOM) works with their subordinate commands to ensure that all DoD and Air Force regulations and policies, including the Secretary of Defense withholding and the Secretary of the Air Force notice policies, are being followed. There is no requirement that the MAJCOMs confirm compliance to Headquarters Air Force. However, each installation legal office maintains a case file

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	with initial disposition documents. The GCMCA's written report of command action is maintained in the AFOSI case file, and AFOSI case files are maintained for 50 years.
USN	The Navy does not track compliance with withholding policy requirements. However, judge advocates maintain close relationships with both subordinate commanders and general court-martial convening authorities which enhances their ability to educate on and monitor adherence to the withholding policy. In addition, all new Commanding Officers are required to receive training, from a judge advocate, on Sexual Assault Initial Disposition Authority (and other matters) within 30 days of reporting to a new command.
USMC	Commanders are required to report the disposition actions they take in each reported case of sexual assault. In the Marine Corps, this is accomplished via a Sexual Assault Disposition Report (SADR) (NAVMC 1752) which is submitted to NCIS and Judge Advocate Division (JAD). The SADR requires a narrative description of the facts of the reported sexual assault and the disposition actions taken in response. Additionally, the judge advocate advising the SA-IDA reviews the form and the SA-IDA signs the SADR to certify that it is complete and accurate. Upon receipt at JAD, each SADR is reviewed for completeness and is also screened for compliance with the withhold policies. In the unusual event where the SADR indicates possible violation of the withhold policy, JAD contacts the SJA office to clarify the situation. If the withhold policy is violated, the Military Justice Branch Head personally contacts the SJA involved to discuss the error and any available corrective actions.
USCG	The Coast Guard does not track compliance with withholding policy requirements. However, judge advocates' close relationships with both subordinate commanders and general court-martial convening authorities, the same legal office generally services the Initial Disposition Authority and subordinate level commanders, enhances ability to monitor adherence with the withholding policy.