

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

**121. Services: Do the Services coordinate or collaborate on best practices used to train prosecutors or defense counsel on sexual assault training techniques? If so:**

**a. How often are meetings held among the Services to discuss sexual assault case training for prosecutors or defense counsel?**

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| <b>USA</b>  | <p>TCAP: TCAP meets with the other services' equivalent organization regularly to discuss sexual assault training techniques and other military justice-related concerns. Additionally, other Services' trial counsel frequently attend the Army's TCAP-sponsored training including the New Prosecutor Course and Outreaches. For example, Navy trial counsel participated in Army TCAP's December New Prosecutor Course in San Diego. Also, Air Force trial counsel participated in Army TCAP's Alaska Outreach training at Joint Base Elmendorf-Richardson. Army, Navy, Marine and Air Force TCAP-equivalent representatives participate. TCAP has not modified training as a result of this coordination and collaboration.</p>  |
| <b>USAF</b> | <p>The Services coordinate on judge advocate and paralegal training. For the Air Force, the office of primary responsibility for training is the Professional Development Directorate, Office of The Judge Advocate General (AF/JAX). AF/JAX collaborates with its sister-service counterparts to ensure cross-service professional development opportunities are provided to Air Force legal personnel.</p> <p>Additionally, the Chief SVU-STC maintains regular contact with his sister-service equivalents. Informal meetings or teleconferences are held to address training and other issues. Since 1 July 2015, there have been three meetings to discuss existing inter-service training opportunities. The Services also keep each other informed of short-notice training opportunities for counsel.</p> <p>For defense counsel, the heads of the Army, Navy, Air Force, Marine Corps and Coast Guard Trial Defense Divisions meet approximately once per quarter to discuss matters of mutual concern, including training of defense counsel and defense paralegals.</p> |
| <b>USN</b>  | <p>For government counsel, Navy Trial Counsel Assistance Program (TCAP) meets with the other Services' TCAPs at least annually to discuss current training efforts and trends in prosecution. In addition, the Navy, Marines and Army have HQEs who frequently collaborate on current issues and exchange training materials and other resources. This year the Service TCAPs have traded planning schedules to offer more training opportunities to their respective counsel. For example, in FY-15 more than 50 USMC Trial Counsel attended USN's SVIP course for counsel. In turn this Fiscal Year, USN has sent Trial Counsel and paralegals to their SVIP courses on the east and west coast. USAF and USA courses were offered to USN Trial Counsel as added opportunities for qualifications.</p> <p>For defense counsel, the defense leaders of the services hold a quarterly call to discuss important and emerging issues regarding defending military justice cases. While sexual assault training is not its primary purpose, the topic is discussed by the group.</p> |
| <b>USMC</b> | <p>The services meet regularly to discuss how to improve training for defense counsel. The services do not meet regularly to discuss ways to improve training for trial counsel; however, the Marine Corps collaborates on a weekly basis with Navy TCAP on training-</p>  |

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related matters. Additionally, the Marine Corps uses several other methods to improve training for prosecutors.

The Defense Services Organization participates in internal and external meetings to discuss sexual assault case training for defense counsel. Internally, the DSO conducts regular conference calls among senior DSO leadership to remain current on trends in sexual assault and other complex litigation. The Defense Counsel Assistance Program (DCAP), in conjunction with the Chief Defense Counsel (CDC) and highly qualified experts (HQEs), works to identify available training events that address those litigation issues. The CDC also published a Training Campaign Plan which serves as a training roadmap for defense counsel as they grow from new and inexperienced to seasoned and competent attorneys.

As for trial counsel, the Services use a variety of methods to coordinate and collaborate on best practices for training trial counsel for sexual assault prosecution. This coordination is conducted through consultation and discussions between the members of each headquarters staff who are responsible for overseeing the training of prosecutors.

Further, Marines attend prosecutor training provided by the other services. After attending these courses, the trial counsel often offers feedback to the Marine Corps to incorporate best training practices into the training offered within the service. Similarly, the Marine Corps invites and welcomes members of other services to attend our training. As an example, the Fiscal Year 2016 Trial Counsel Assistance Program weeklong training course on prosecuting special victims' cases was attended by Marines, Sailors, and Coast Guard personnel.

In the formal school environment, the Marine Corps gleans best practices from both the Navy and the Army. Several Marine instructors are permanently stationed at the Naval Justice School in Newport, Rhode Island, and there are Marine instructors who teach advanced courses at The Judge Advocate General's Legal Center and School, which is the Army's ABA accredited school.

Feedback-based modifications are the norm for improving prosecutor training. Based on Congressional praise of the Sex Crimes Unit of the Manhattan District Attorney's Office, the Marine Corps invited four members of the unit, including the chief, to attend the Trial Counsel Assistance Program's annual training in Camp Pendleton, California in February and Camp Lejeune, North Carolina in March 2016. These New York prosecutors participated in panel discussions, taught class, and will be making suggestions the Marine Corps will use to improve its training practices. Additionally, based on feedback from course participants during the first session of annual TCAP training, the second TCAP course syllabus was modified to better meet the needs of course participants in the next course, which was conducted several weeks later. The overall feedback from this year's courses will be used to further improve the training which will be provided next year.

Finally, the Marine Corps employs civilian Highly Qualified Experts (HQEs) on the Regional Trial Counsel (RTC) staff in each of the regional Legal Services Support

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|             | <p>Sections. These HQEs are longtime civilian prosecutors who are hired for their experience and knowledge of special victims' cases. They serve a constant training function by consulting with attorneys on every special victim case, and provide classes during formal training events. In addition to informal interactions, the HQEs also have a quarterly teleconference that allows them to share lessons learned and to coordinate best practices in prosecuting special victim cases.</p> <p>As discussed above, the Marine Corps employs many different means of improving its training on sexual assault prosecution. However, there are no formal inter-service meetings specifically designed to discuss sexual assault training.</p> <p>The Marine Corps DSO meets quarterly with the defense services organizations from the other military branches. These meetings are referred to as Joint Defenders meetings. The Chief Defense Counsel of whichever branch is hosting the meeting typically leads these meetings.</p> |
| <b>USCG</b> | <p>The Coast Guard participates in the Litigation Training Coordination Committee through the Naval Justice School. This committee meets at least quarterly, if not more often. The goal of the Committee is to improve all of military justice practice and does not focus solely on sexual assault cases. The participants include the appropriate Navy and Marine Corps headquarters staff elements, the respective Trial and Defense Counsel Advisory Panels and the Coast Guard's Office of Military Justice and the Coast Guard liaison to the Naval Justice School. The results of these meetings have informed, and continue to inform the Coast Guard's analysis of training requirements.</p>  |

**b. Who leads/manages coordination efforts and who participates?**

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| <b>USA</b>  | <p>TDS: The Joint Defenders is an informal group comprised of the leadership teams of each Service's trial defense organization. The Joint Defenders meet on a quarterly basis to discuss issues of mutual concern such as best practices for training defense counsel. Responsibility to coordinate and host the quarterly Joint Defenders meeting rotates among the participants. The Air Force coordinated and hosted the last event in February 2016. Defense leadership from the Army, Navy, Air Force, Marines, Coast Guard and the military commissions routinely participate. As a result of this coordination and collaboration, the Army has made substantive changes to our training. We have also exchanged ideas for training programs offered by non-military organizations.</p>   |
| <b>USAF</b> | <p>For the Air Force, AF/JAX manages formal training opportunities for trial and defense counsel and paralegals and coordinates formal training with the other Services. For STCs, AFLOA/JAJG conducts informal coordination with the other Service equivalent organizations and enables cross-feed of new trial techniques and developments in the law, which are then incorporated into training and practice. For defense counsel, AFLOA/JAJD coordinates with the other Service equivalent organizations, including at the quarterly meeting of heads of Trial Defense offices. For the quarterly defense meeting, the location rotates among the Services and the meeting host coordinates the meeting date and agenda. The meetings are normally attended by each of the Service's most senior defense counsel and select members of their staff. The most recent meeting was held on 17 February 2016, hosted by the Air Force, and attended by 14 individuals, including the senior defense counsel from the Air Force, Navy, Army, Marine Corps, Coast Guard, and Military Commissions.</p> |

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| <b>USN</b>  | <p>For government counsel, the Service Trial Counsel Assistance Program leads/manages coordination.</p> <p>For defense counsel, the leadership responsibilities for the meeting shift between the services. Participants include:</p> <ul style="list-style-type: none"> <li>- Marines: Chief Defense Counsel of the Marine Corps and members of the Marine Defense Counsel Assistance Program Team</li> <li>- Navy: Director and Deputy Director Defense Counsel Assistance Program</li> <li>- Air Force: Chief Trial Defense Division</li> <li>- Army: Various members of the Defense Counsel Assistance Program</li> <li>- Coast Guard: Deputy Office of Member Advocacy and Legal Assistance and Chief Defense Services.</li> </ul> |
| <b>USMC</b> | <p>There are no formal inter-service meetings designed to improve sexual assault prosecution training.</p> <p>The Chief Defense Counsel participates in quarterly meetings with the sister services' Chief Defense Counsel. These quarterly meetings are led by whichever office is hosting the meeting that quarter.</p>   |
| <b>USCG</b> | See 121a.   |

**c. Have modifications been made to training needs/requirements as a result of this coordination and collaboration?**

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| <b>USA</b>  | See 121b.   |
| <b>USAF</b> | <p>AF/JAX and the other Service agencies responsible for professional development of judge advocates continually assess training needs and modify as necessary training opportunities. This includes making training slots available to other Services, particularly in specialized courses, such as ISALC and the Army's Sexual Assault Investigations and Prosecution Course. For defense counsel in particular, the Services continue to create new or expanded training opportunities. Recently, the Air Force opened ISALC to defense counsel from the other Services. At the most recent ISALC held 8-10 February 2016, two Army defense counsel joined 14 Air Force defense counsel.</p>   |
| <b>USN</b>  | No, because consultation is done prior to training being developed.   |
| <b>USMC</b> | <p>As discussed in the main answer above, the Marine Corps exercises several methods other than inter-Service meetings to address modifications and improvements to training needs/requirements. These methods produce a variety of frequent inputs and feedbacks that result in frequent adjustments to trainings. This includes both adjustments to internal training provided by supervisors and Marine Corps TCAP as well as reprioritization of external training courses to which we send prosecutors.</p> <p>For the Defense Services Organization, the meetings serve as a platform for leadership to highlight strengths and weaknesses with the performance of defense counsel. By analyzing an individual's strengths and weaknesses, the DSO leadership identifies areas of training that require more or less concentration. Modifications that have been made in those meetings include a continued focus on identifying and sending defense counsel to civilian training events and adjusting the defense counsel orientation provided to junior</p> |

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|             | defense counsel. |
| <b>USCG</b> | See 121a.        |